

HONUA'ULA



FINAL ENVIRONMENTAL IMPACT STATEMENT

VOLUME 2 OF 4
(APPENDIX AA COMMENTS AND RESPONSES)

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

Applicant:
Honua'ula Partners, LLC

Prepared by:



June 2012

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Appendix AA



Comments and Responses





EA / EISPN Comments and Responses



EA/EISPN COMMENTS AND RESPONSES

The EISPN was sent to the following agencies, organizations, and individuals indicated below in the table with a check mark (✓). The EISPN was also available on the OEQC website. The public comment period on the EISPN was from March 8, 2009 to April 7, 2009. Following the EISPN public comment period, further consultation was sought with an additional public comment period on an EA/EISPN. The EA/EISPN was available on the OEQC website and copies of the EA/EISPN were provided to all organizations and individuals who had requested to be a consulted party during the March 8, 2009 to April, 7, 2009 public comment period. The comment period on the EA/EISPN was from October 8, 2009 to November 7, 2009, however comments were accepted up until November 17, 2009 to allow all consulted parties ample time to provide comments. Where indicated (Comment Date), an agency, organization, or individual submitted comments.

	EISPN Sent	Comment Date	
		EISPN	EA/EISPN
State			
Department of Business, Economic Development and Tourism	✓	-	-
DBEDT – Strategic Industries Division	✓	-	-
DBEDT – Office of Planning	✓	-	-
Department of Education	✓	4-6-09	-
Department of Health	✓	4-8-09	-
DOH – Office of Environmental Quality Control	✓	-	-
Department of Land & Natural Resources	✓	4-2-09	-
DLNR – State Historic Preservation Division	✓	-	-
DLNR – Division of Forestry and Wildlife	✓	3-31-09	-
Department of Transportation	✓	4-6-09	-
Office of Hawaiian Affairs	✓	4-8-09	-
University of Hawai’i Environmental Center	✓	-	-
Federal			
US Army Corps of Engineers	✓	3-26-09	-
US Fish & Wildlife Service	✓	4-8-09	-
County of Maui			
County Councilmember Wayne Nishiki*		-	11-16-09
Department of Planning	✓	-	-
Department of Fire & Public Safety	✓	4-14-09	-
Department of Housing & Human Concerns	✓	4-7-09	-
Department of Parks & Recreation	✓	4-6-09	-
Police Department	✓	4-15-09	-
Department of Public Works	✓	3-30-09	-
Department of Environmental Management	✓	5-18-09	-
Department of Water Supply	✓	5-6-09	-

	EISPN Sent	Comment Date	
		EISPN	EA/EISPN
Libraries, Private Companies, Organizations, and Individuals			
Kīhei Public Library	√	-	-
Maui Electric Company, Ltd.	√	3-11-09	-
Hawaiian Telcom	√	-	-
Maui Cultural Lands* (Clare Apana)		-	11-16-09
Maui Meadows Community Association (Madge Shaefer)	√	4-6-09	-
Maui Tomorrow* (Irene Bowie)	√	4-6-09	11-16-09
Maui Unite!*(Elle Cochran)		4-7-09	-
Save Mākena.org* (Angie Hoffman)		4-6-09	-
Save Mākena.org (Elle Cochran)		-	11-13-09
Sierra Club Maui Group* (Lucienne de Naie)		-	11-16-09
Wailea Community Association	√	-	-
Angie Hofmann*		4-2-09	11-12-09
Claire Jordan*		4-6-09	-
Clare Apana*		4-9-09	-
Dale Deneweth*		4-7-09	-
Daniel Kanahale*		3-31-09	-
Dick Mayer		-	11-15-09
George Harker*		4-6-09	-
Gordon Cockett Maui Unite		-	11-13-09
Joe Fell-McDonald*		4-6-09	-
Johnny Be*		4-3-09	-
Joyclynn Costa*		4-9-09	11-16-09
Karrie Silva*		4-3-09	-
Katelin Halligan		4-6-09	-
Katie Romanchuk*		4-3-09	-
Keegan House*		4-4-09	-
Ken Rose*		4-4-09	-
Lee Altenberg		4-7-09	11-17-09
Lucienne de Naie*		4-9-09	-
Madeleine Migenes		4-3-09	-
Mark D'Antonio		4-3-09	-
Mark Hyde*		4-3-09	10-20-09 10-25-09
Michael Howden*		4-3-09	-
Michael & Barbara Gach*		4-3-09	-
Robert Wintner*		4-3-09 4-8-09	-
Robin Knox*		-	11-17-09
Sally Raisbeck		4-6-09	-

	EISPN Sent	Comment Date	
		EISPN	EA/EISPN
Scott Heller*		4-4-09	-
Steve Lafleur*		4-6-09	-
Teri Leonard*		-	11-16-09
Todd Wilson*		4-7-09	-
Wayne Bachman		-	11-4-09

*EIS consulted party

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STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

April 6, 2009

Mr. Tom Schnell
PBR, HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell:

Subject: Environmental Impact Statement Preparation Notice for Honua'ula
Mekawao, Maui, TJK 2-1-008,056 and 071

The Department of Education (DOE) has reviewed the environmental impact statement preparation notice (EISPN) for the Honua'ula master-planned community.

The DOE is concerned that although the project will have no more than 1,400 residences, 250 residences will be located at the Ka'ono'ulu Light Industrial Subdivision. There does not appear to be any map of the industrial subdivision or where the homes would be located within the subdivision.

Public school students who will reside in the Honua'ula project would probably attend Kamali'i Elementary School. Students who will reside in the industrial subdivision might attend Kihei Elementary School. In a discussion of impacts of the project on schools, it would be useful to make that distinction.

The DOE is in the process of implementing the state law on school impact fees. We believe school impact fees will be required for new residential units in the Kihei area; however, we do not yet know how much these fees will be. We expect to be prepared to collect impact fees from the Kihei area before the end of 2009. We acknowledge Honua'ula Partners, LLC willingness to comply with the school impact fee law.

The DOE appreciates the opportunity to offer early comments. If you have any questions, please call Heidi Meeker of the Facilities Development Branch at 377-8301.

Sincerely yours,

Duane Y. Kashiwai
Duane Y. Kashiwai
Public Works Administrator
Facilities Development Branch

DYK:jmb

c: Bruce Anderson, CAS, Baldwin/Kekaulike/Maui Complex Areas
Katherine Kenloha, Director, OEQC
Jeff Hunt, Maui County Planning Department

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER



PBR HAWAII
& ASSOCIATES, INC.

March 9, 2010

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Duane Y. Kashiwai
Facilities Development Branch
State of Hawaii
Department of Education
P.O. Box 2360
Honolulu, HI 96804

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

Dear Mr. Kashiwai:

Thank you for your letter dated April 6, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

We understand that public school students who will reside in Honua'ula would most likely attend Kamali'i Elementary School and students that reside in the Kaonoulu Light industrial subdivision might attend Kihei Elementary School. The focus of the Honua'ula Environmental Impact Statement (EIS) is on Honua'ula as it is that project that triggers the need for an EIS. At this time, there is no known trigger for an environmental assessment or EIS for the homes that will be provided in the Kaonoulu Light industrial subdivision.

In compliance with County of Maui Ordinance No. 3534 (i.e. Honua'ula's Change in Zoning Ordinance), Condition 22, to help address the need for funding of school improvements, Honua'ula Partners, LLC will pay the Department of Education (DOE) \$3,000 per dwelling unit upon issuance of each building permit to be used, to the extent possible, for schools serving the Kihei-Makena Community Plan area; provided that, should the State pass legislation imposing school impact fees that apply to Kihei-Makena Project District 9 (Honua'ula), Honua'ula Partners, LLC will from that point forward comply with the State requirements, or contribute \$3,000 per dwelling unit, whichever is greater.

We are aware that DOE is in the process of implementing the State law regarding school impact fees (HRS Section 302A-1601 et. seq). We have not been informed if it has been determined that the school impact fees to be implemented will cause Honua'ula school impact fees to be greater than \$3,000 per dwelling unit. However, Honua'ula Partners, LLC will comply with all applicable laws regarding school impact fees.

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Duane Y. Kashiwai
SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
March 9, 2010
Page 2 of 2

Honua'ula Partners, LLC will implement an agreement with DOE setting forth payment of school impact fees in accordance with HRS Section 302A-1601 et. seq and County of Maui Ordinance No. 3554, Condition 22.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EISPN DOE

LINDA LINGLE
GOVERNOR OF HAWAII



CHYONGE L. FUKUKO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
PO, Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
EPO-09-037

April 8, 2009

Mr. Tom Schnell
PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell

SUBJECT: Environmental Impact Statement Preparation Notice for Honua'ula Project
Makawao, Maui, Hawaii
TMK: (2) 2-1-008: 056 and 071

Thank you for allowing us to review and comment on the subject application. The application was routed to the various branches of the Environmental Health Administration. We have the following Wastewater Branch, Clean Water Branch, Safe Drinking Water Branch and General comments.

Wastewater Branch

The document proposes the creation of Honua'ula – a master-planned community located in the Kihet-Makena region, Island of Maui.

The project is located in the Critical Wastewater Disposal Area (CWDA) where no new cesspools will be allowed.

We have no objections to the proposal as the domestic wastewater needs of the project will be handled either by the development of an on-site treatment plant or connection to the Makena Wastewater Treatment Plant which is located approximately one mile south of Honua'ula.

We encourage the developer to work with the County to utilize recycled wastewater for irrigation and other non-potable water purposes in open space and landscaping areas.

All wastewater plans must meet Department's Rules, HAR Chapter 11-62, "Wastewater Systems." We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. If you have any questions, please contact the Planning & Design Section of the

Wastewater Branch at 586-4294.

Clean Water Branch

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

1. Any project and its potential impacts to State waters must meet the following criteria:
 - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
 - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
2. You may be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:
 - a. Storm water associated with construction activities (including excavation, grading, cleaning, demolition, uprooting of vegetation, equipment staging, storage areas, etc.) that will result in the disturbance of one (1) acre or more of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the start of the construction activities.
 - b. Hydrotesting waters or waters used to test the integrity of a tank or pipeline.
 - c. Occasional or unintentional discharges composed entirely of R-1 water, or R-1 water with any combination of storm water or potable water or water used primarily for irrigation, where the R-1 water is supplied from a treatment works and is conveyed or used by a

recycled water system. Note: The NOI for this type of discharge is submitted to the DOH, Wastewater Branch, P.O. Box 3378, Honolulu, HI 96801-3378.

- You must submit a separate NOI form for each type of discharge at least 30 calendar days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 calendar days before the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>.
3. For types of wastewater not listed in Item 2 above or wastewater discharging into Class 1 or Class AA waters, you may need an NPDES individual permit. Class 1 waters include, but is not limited to, all State waters in natural reserves, preserves, sanctuaries, and refuges established by the Department of Land and Natural Resources under chapter 195, Hawaii Revised Statutes (HRS), or similar reserves for the protection of aquatic life established under chapter 195, HRS. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.
 4. You must also submit a copy of the NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project. Please submit a copy of your request for review by SHPD or SHPD's determination letter for the project along with your NOI or NPDES permit application, as applicable.
 5. The EIS should specify all State waters (including the natural gulches on the project site) that will or may be impacted by project construction and operation.
 6. The EIS should specify all types of pollutant discharges to State waters from project construction and operation.
 7. According to the Code of Federal Regulations, Title 40 (Protection of Environment), Part 122.26(b)(14), storm water discharges associated with industrial activity from treatment works (with a design flow of 1.0 MGD or more) used to treat domestic sewage are required to be covered by an NPDES permit. If the option of utilizing the proposed private wastewater treatment facility is chosen and the design flow is 1.0 MGD or more, an NPDES permit for storm water discharges associated with industrial activity will be required.
 8. Any discharge of wastewater effluent from the proposed private wastewater treatment facility to State waters will require NPDES permit coverage.

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

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

Safe Drinking Water Branch

This project appears to create a new public water system and will therefore be subject to the following comments:

1. Public Water Systems

Federal and state regulations define a public water system as a system that serves 25 or more individuals at least 60 days per year or has at least 15 service connections. All public water system owners and operators are required to comply with Hawaii Administrative Rules, Title 11, Chapter 20, titled "Rules Relating to Potable Water Systems," which include the following major components:

- All new public water systems are required to demonstrate and meet minimum capacity requirements prior to their establishment per Hawaii Administrative Rules, Title 11, Chapter 20-29.5, titled "Capacity Demonstration and Evaluation." This requirement involves demonstration that the system will have satisfactory technical, managerial and financial capacity to enable the system to comply with safe drinking water standards and requirements.
- Projects that propose development of new sources of potable water serving or proposed to serve a public water system must comply with the terms of Section 11-20-29 of Chapter 20. This section requires that all new public water system sources be approved by the Director of Health prior to its use. Such approval is based primarily upon the submission of a satisfactory engineering report which addresses the requirements set in Section 11-20-29.
- The engineering report must identify all potential sources of contamination and evaluate alternative control measures which could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source. In addition, water quality analyses for all regulated contaminants, performed by a laboratory certified by the State Laboratories Division of the state of Hawaii, must be

submitted as part of the report to demonstrate compliance with all drinking water standards. Additional parameters may be required by the Director for this submittal or additional tests required upon his or her review of the information submitted.

- All sources of public water system sources must undergo a source water assessment which will delineate a source water protection area. This process is preliminary to the creation of a source water protection plan for that source and activities which will take place to protect the source of drinking water.
- Projects proposing to develop new public water systems or proposing substantial modifications to existing public water systems must receive construction plans approval by the Director of Health prior to construction of the proposed system or modification in accordance with Hawaii Administrative Rules, Title 11, Chapter 20-30, titled "New and Modified Public Water Systems." These projects include treatment, storage and distribution systems of public water systems.
- All public water systems must be operated by certified distribution system and water treatment plant operators as defined by Hawaii Administrative Rules, Title 11, Chapter 11-25, titled "Rules Pertaining to Certification of Public Water System Operators."
- All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing potable water system to meet irrigation or other needs must be carefully designed and operated to prevent the cross-connection of these systems and prevent the possibility of backflow of water from the non-potable system to the potable system. The two systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the potable water supply. In addition backflow devices must be tested periodically to assure their proper operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent the inadvertent consumption on non-potable water. Compliance with Hawaii Administrative Rules, Title 11, Chapter 11-21, titled "Cross-Connection and Backflow Control" is also required.
- All projects which propose the establishment of a potentially contaminating activity (as identified in the Hawai'i Source Water Assessment Plan) within the source water protection area of an existing source of water for a public water supply should address this potential and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

Mr. Schnell
April 8, 2009
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2. Underground Injection Control (UIC)

- Injection wells used for the subsurface disposal of wastewater, sewage effluent, or surface runoff are subject to environmental regulation and permitting under Hawai'i Administrative Rules, Title 11, Chapter 11-23, titled "Underground Injection Control" (UIC). The Department of Health's approval must be first obtained before any injection well construction commences. A UIC permit must be issued before any injection well operation occurs.
- Authorization to use an injection well is granted when a UIC permit is issued to the injection well facility. The UIC permit contains discharge and operation limitations, monitoring and reporting requirements, and other facility management and operational conditions. A complete UIC permit application form is needed to apply for a UIC permit.
- A UIC permit can have a valid duration of up to five years. Permit renewal is needed to keep an expiring permit valid for another term.

3. Groundwater Protection Program

- Projects that propose to develop a golf course are asked to use the Guidelines Applicable to Golf Courses in Hawai'i (Version 6) in order to address certain groundwater protection concerns, as well as other environmental concerns.

If you have any questions, please call Michael Miyahira of the Safe Drinking Water Branch at 586-4258.

General

We strongly recommend that you review all of the Standard Comments on our website: www.hawaii.gov/health/environmental/env-planning/landuse/landuse.html. Any comments specifically applicable to this project should be adhered to.

Mr. Schnell
April 8, 2009
Page 7

If there are any questions about these comments please contact Jiacaí Liu with the Environmental Planning Office at 586-4346.

Sincerely,



KELVIN H. SUNADA, MANAGER
Environmental Planning Office

c: EPO
WWB
CWB
SDWB
EH-Maui



March 9, 2010

PRINCIPALS
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Executive Vice-President

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Kelvin Sumada
SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
March 9, 2010
Page 2 of 3

2. We acknowledge that a National Pollutant Discharge Elimination System (NPDES) permit is required.
3. We acknowledge that an NPDES individual permit is required. At the appropriate time during the NPDES permit preparation process, the Clean Water Branch will be contacted and an NPDES individual permit application will be submitted at least 180 calendar days before the commencement of discharge.
4. Copies of appropriate permit applications will be submitted to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD) for review.
5. The Draft EIS will discuss State waters that may be impacted by project construction and operation.
6. The Draft EIS will discuss potential pollutant discharges to State waters from project construction and operation.
7. We acknowledge that an NPDES permit is required should the proposed private wastewater treatment facility have a design flow of 1.0 MGD or more.
8. An NPDES permit will be provided should any discharge of wastewater effluent from the proposed private wastewater treatment facility enter State waters.
9. We acknowledge that all discharges related to the project construction or operation activities must comply with the State's Water Quality Standards (Chapter 11-54, HAR) and permitting requirements (Chapter 11-55, HAR).

Safe-Drinking Water Branch

Public Water Systems

We understand that Honua'ula will be subject to regulations as a public water system owner and must comply with HAR, Title 11, Chapter 20, Rules Relating to Potable Water Systems.

Underground Injection Control (UIC)

In compliance with County of Maui Ordinance No. 3554 (i.e. Honua'ula's Change in Zoning Ordinance), Condition 17, water for Honua'ula will not be placed into injection wells.

Groundwater Protection Program

Honua'ula will adhere to the Guidelines Applicable to Golf Courses in Hawai'i (Version 6) for the development of the proposed golf course.

The Draft EIS will include Best Management Practices (BMPs) for the Honua'ula Golf Course. The BMPs will address groundwater protection concerns, as well as other environmental concerns.

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Sumada:

Thank you for your letter dated April 8, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

Wastewater Branch

We acknowledge that the Wastewater Branch has no objections to Honua'ula.

We understand that wastewater plans must meet Hawai'i Administrative Rules (HAR) Chapter 11-62, Wastewater Systems.

Clean Water Branch

We have reviewed the Clean Water Branch's standard comments and Honua'ula will comply with all requirements of Chapters 11-54 and 11-55, HAR.

1. We acknowledge that Honua'ula and its potential impacts to State Waters must meet the following criteria:
 - a. Antidegradation policy (Section 11-54-1.1, HAR)
 - b. Designated uses (Section 11-54-3, HAR), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (Sections 11-54-4 through 11-54-8, HAR)

Although Honua'ula is not located along the shoreline, nearshore water quality monitoring studies have been conducted in 2005, 2006, 2008, and 2009 specifically regarding Honua'ula to obtain pre-construction baseline data. The Draft Environmental Impact Statement (EIS) will contain the most recent assessment report and will be provided to the Department of Health (DOH). After construction commences water quality data will be submitted annually to DOH. Current and future nearshore water quality monitoring assessments will provide water quality data necessary to assess compliance with Chapters 11-54, HAR.

Kelvin Sunada
SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
March 9, 2010
Page 3 of 3

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN DOH

LINDA LUNZLE
DIRECTOR OF LAND AND
NATURAL RESOURCES



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 2, 2009

PBR Hawaii
ASB Tower Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Attention: Mr. Tom Schnell

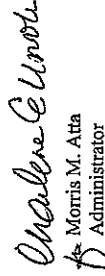
Ladies and Gentlemen:

Subject: Environmental Impact Statement Preparation Notice for Honua'ula

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR), Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Division of Aquatic Resources, Engineering Division, Division of Forestry & Wildlife, Division of State Parks, Commission on Water Resource Management, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,



Morris M. Atta
Administrator

Cc: OBQC
Maui Planning Department



STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 LAND DIVISION

POST OFFICE BOX 611
 HONOLULU, HAWAII 96809

March 11, 2009



Linda Lingz
 Governor of Hawaii

MEMORANDUM

TO: DLNR Agencies:
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commission on Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division

FROM: *Laura E. Thiesen*
 Laura M. Ata
 SUBJECT: Environmental Impact Statement Preparation Notice for Honouliuli
 LOCATION: Makawao, Maui, TMK: (2) 2-1-8-56, 71 and 2-1-8-portion 999
 APPLICANT: Honouliuli Partners, LLC

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by April 1, 2009.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

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

Signed: *Eric T. Hirano*
 Date: 3/17/09

DEPARTMENT OF LAND AND NATURAL RESOURCES
 ENGINEERING DIVISION

LM/MorrisAta
 REF: DEIS/PNHonouliuli
 Maui.452

COMMENTS

- We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone C. The National Flood Insurance Program does not have any regulations for developments within Zone C.
- Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone _____.
- Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is _____.
- Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyan-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.
- Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:
 Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
 Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emter at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.
 Mr. Francis Certo at (808) 270-7771 of the County of Maui, Department of Planning.
 Mr. Mario Antonio at (808) 241-5620 of the County of Kauai, Department of Public Works.

- The applicant should include water demands and infrastructure required to meet project needs. Please note that projects within State lands requiring water service from the Honolulu Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.
- The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

Additional Comments: _____

Other: _____

Should you have any questions, please call Ms. Suzie S. Agron of the Planning Branch at 587-0258.

Signed: *Eric T. Hirano*
 ERIC T. HIRANO, CHIEF ENGINEER

Date: 3/17/09



RECEIVED DIVISION
MAY 25 2:26

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
HONOLULU, HAWAII

March 24, 2009

REF: Honua'ula670

TO: Morris Alta, Administrator
Land Division

FROM: Ken C. Kawahara, P.E., Deputy Director
Commission on Water Resource Management

SUBJECT: Honua'ula EIS Prep Notice

FILE NO.: N/A
TMK NO.: (2) 2-1-008:056 & 071, portion :999

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

Our comments related to water resources are checked off below.

- 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- 3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
- 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EPA as having high water efficiency can be found at <http://www.epa.gov/watersense/gpd/index.htm>.
- 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at http://hawaii.gov/dbedt/cwrm/initiative/led_bbb.

Morris Alta, Administrator
Page 2
March 24, 2009

- 6. We recommend the use of alternative water sources, wherever practicable.
- 7. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

Permits required by CWARM:

Additional information and forms are available at http://hawaii.gov/dlnr/cwrm/resources_permits.htm.

- 8. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water.
- 9. A Well Construction Permit(s) is (are) required any well construction work begins.
- 10. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- 11. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- 12. Ground water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- 13. A Stream Channel Alteration Permit(s) is (are) required before any alteration(s) can be made to the bed and/or banks of a stream channel.
- 14. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is (are) constructed or altered.
- 15. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- 16. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

OTHER:

The water requirements have not been established; the water sources have not been identified (some potential sources have). This development falls in the MDWS Central Maui Service Area (CMSA), served largely from the Iao Ground Water and Na Wai Eia Surface Water Management Areas, whose resources have already been maximized, meaning that there may not be allocations available. Irrigation requirements in the CMSA are often supplied from local, private irrigation systems. The project should identify both potable and irrigation requirements, make careful provision for conservation measures in water use, and maximize alternative sources such as brackish water and reclaimed water.

If there are any questions, please contact Charley Ice at 687-0216.

LINDA LINGLE
GOVERNOR OF HAWAII



LARAH H. THURLEN
COMMISSIONER
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSIONER OF WATER RESOURCES MANAGEMENT

species present on this property, and how effective mitigation measures will be applied to protect these species from the development.

Should you have questions regarding our review of your proposed development, please call Mr. Fern Duvall, Wildlife Biologist on Maui at (808) 873-3502 or Ms. Betsy Gagne, administration staff in Honolulu at (808) 587-0063. Thank you for allowing us to review your project.

Sincerely yours,

Paul J. Comry
Paul J. Comry
Administrator

- C: John Cumming, DOFAW Maui Branch
- Fern Duvall, Maui Wildlife
- Betsy Gagne, NARS Administration
- Paula Hartzell, HCP Coordinator
- DLNR, Land Division
- Tom Schnell, PBR Hawaii
- Jeff Hunt, Maui County Planning Department



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

March 11, 2009

MEMORANDUM

TO: DLNR Agencies:
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commission on Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division -



SH

FROM: *Debbie Lane*
 FROM: Doris M. Atta
 SUBJECT: Environmental Impact Statement Preparation Notice for Honouliuli
 LOCATION: Makawao, Maui, TMK: (2) 2-1-8-56, 71 and 2-1-8-portion 999
 APPLICANT: Honouliuli Partners, LLC

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by April 1, 2009.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments


- () We have no objections.
- () We have no comments.
- (X) Comments are attached.

Signed: *[Signature]*
 Date: 30 March 2009

RECEIVED
 LAND DIVISION
 2009 APR -2 P 3: 51

Alton Mlyasaka
March 27, 2009
Page 2

DIVISION OF AQUATIC RESOURCES - MAUI
DEPARTMENT OF LAND & NATURAL RESOURCES
130 Mahalanani Street
Wailea, Hawaii 96793
March 27, 2009

To: Alton Mlyasaka, Aquatic Biologist
From:  Skippy Hau, Aquatic Biologist
Subject: EIS Preparation Notice for Honua'ula, Makawao
(DAR 2150) TMK(2) 2-1-8:56, 71 and 2-1-8: portion 999
(Comments to Morris Alta (Land) by April 1, 2008)

(P.20) Water quality monitoring should establish baseline for "groundwater" and not just nearshore water testing. Water testing can exceed established water standards during heavy rains or periods of large swells. Those results are helpful to assess conditions in nearshore water quality.

The USGS study by Charles Hunt have noted increased nutrients about 3.5 times existing groundwater levels from samples below the Kihel wastewater treatment plant.

The proposed golf courses could contribute to existing sources of nutrients in the watershed. Nutrients may also be increased from yard, vegetation, and landscaped areas. Drainage and landscaping plans should minimize sedimentation and runoff from this project, especially during construction.

I recommend that groundwater nutrient concentrations should be monitored before, during and after the proposed development. There may be a cumulative effect by this and other developments in the watershed.

(P.36) The existing water demand should be clearly identified for the Central water system. The amount of "available" water for development should be clearly identified by the Water Department as sources such as "surface-treated" water are being increased. The amount of water needed for this project should be clearly identified along with recycled, non-potable (p.19), and other waters needed to sustain this development.

Will this project have water features, ponds, etc.?

Will the golf courses or parts of this development be using recycled water?

What is the actual potable water demand for this development?

(P.38) There is an expectation of minimal flooding. What happens when "kona" storms hit on the island and more than five inches of rain falls within a 24-hour period. This development will likely increase the amount of impervious surfaces including roads and structures in the project area. Will these additional drainage amounts be addressed with the natural drainage areas? Will vegetation and landscape areas be used to help direct water for water retention and recharge into the ground? Existing drainage ways should be identified and carefully complimented in the final landscaping plans. Hopefully, the drainage plan should address more than drainage increases from development of the property.

Reference:

Ground-Water Nutrient Flux to Coastal Waters and Numerical Simulation of Wastewater Injection at Kihel, Maui, Hawaii By Charles D. Hunt, Jr. Prepared in cooperation with U.S. Department of Commerce, National Oceanic and Atmospheric Administration Scientific Investigations Report 2006-5283



March 9, 2010

PRINCIPALS
THOMAS WITTEN, ASLA
President

STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. CHUNG, ASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

IRAN T. MURAKAMI, AICP
Principal

HAIRMAN EMEHITUS
V. FRANK BRANDT, PASLA
Interim Executive Director

ASSOCIATES
YONISCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

FRANK K. NISHIKAWA, ASLA
Associate

IM HANIKAMI YUEN, LEED-AP
Associate

COTT AJIKA, MRINGO
Associate

COTT YURAKAWA, ASLA, LEED-AP
Associate

HACHENG DONG, LEED-AP
Associate

HONOLULU OFFICE
801 Bishop Street
5th Floor, Suite 650
Honolulu, Hawaii 96813-3484
Tel: (808) 523-3400
Fax: (808) 523-3400
E-mail: pbradmin@pbrhawaii.com

HILO OFFICE
611 Aupuni Street
Hilo Equestrian Center, Suite 310
Hilo, Hawaii 96720
Tel: (808) 941-3313
Fax: (808) 941-4889

PAILOLO OFFICE
789 Vaila Loop, Suite 4
Palo Alto, Hawaii 96753-1271
Tel: (808) 242-2878

52987
LAURA J. THIELER
BOARD OF LAND AND NATURAL RESOURCES
CHAIRPERSON FOR WATER RESOURCES MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

March 11, 2009

MEMORANDUM

TO: DLNR Agencies:
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commissioner of Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division -

Morris M. Atia

FROM: Morris M. Atia
SUBJECT: Environmental Impact Statement Preparation Notice for Honou'ula
LOCATION: Makawao, Maui, TMK: (2) 2-1-8.56, 71 and 2-1-8-portion 999
APPLICANT: Honou'ula Partners, LLC

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by April 1, 2009.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

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

Signed: *Morris M. Atia*
Date: 3/12/09

RECEIVED
LAND DIVISION
2009 MAR 13 A 10:31
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

RECEIVED
STATE PARKS DIV
09 MAR 12 AIO 57

DEPT OF LAND & NATURAL RESOURCES

SUBJECT: HONOU'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Atia:

Thank you for your letter dated April 2, 2009 regarding the Honou'ula Environmental Impact Statement Preparation Notice (EISP). As the planning consultant for the landowner, Honou'ula Partners, LLC, we are responding to the comments received from each Department of Land and Natural Resources division.

Engineering Division

Thank you for confirming that Honou'ula is located in Flood Insurance Rate Map Zone C. This information will be included in the Draft Environmental Impact Statement (EIS).

Commission on Water Resource Management

Honou'ula will comply with all requirements of Hawai'i Revised Statutes (HRS), Chapter 174C, State Water Code and Hawai'i Administrative Rules (HAR), Chapters 13-167 to 13-171.

1. We will coordinate with the County to incorporate Honou'ula into the County's Water Use and Development Plan
2. Water efficient fixtures will be installed and water efficient practices will be implemented throughout Honou'ula.
3. Best Management Practices (BMP) will be used for storm water management to minimize the impact on the existing area's hydrology.
4. Alternative water sources from the County of Maui's water system will be used.
5. The Draft EIS will identify water sources for Honou'ula.
6. We understand that Honou'ula falls in the Central Maui Service Area where water resources are maximized. The Draft EIS will identify alternative water sources for potable and non-potable requirements. Honou'ula Partners, LLC will develop, maintain, and operate a private water system providing both potable and non-potable water for use within Honou'ula.

Morris Alta
SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
March 9, 2010
Page 2 of 2

Division of Forestry and Wildlife

Please see the attached letter prepared by Honua'ula Partners, LLC' biological consultant, SWCA Environmental Consultants, in response to the concerns of the Division of Forestry and Wildlife.

Division of Aquatic Resources

Groundwater monitoring will be conducted to establish baseline conditions before construction and on an on-going basis after construction.

BMPs regarding drainage runoff and sedimentation will be implemented. In particular, the golf course will be constructed and operated in compliance with the Department of Health's (DOH) guidelines for new golf course development and DOH's more recent comprehensive guidance document for new golf courses, "Golf Course Best Management Practices."

While Honua'ula is within the Maui Department of Water Supply Central Maui Service area, Honua'ula will develop its own source of potable and non-potable water. Non-potable water will be used for irrigation and will include brackish water from wells and recycled water from a private wastewater treatment plant. The Draft EIS will contain further information regarding water demand and sources.

The Honua'ula golf course will have water features. These features will be lined and will serve as reservoirs for storage of irrigation water and will also function as a drainage assist when necessary.

The average daily potable water demand for Honua'ula is estimated to be 0.34 million gallons per day at build-out. This will be discussed in the Draft EIS.

The Draft EIS will include a Preliminary Engineering Report. The report will discuss a drainage plan that will be prepared to handle a 100-year storm for existing, pre-development, and post-development conditions. Natural drainage areas will be used and supplemented with detention basins. Vegetation and landscape areas will be used to help direct water retention and recharge.

Division of State Parks

We acknowledge that the Division of State Parks has no comments.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

Attachment

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC



Hawaii Office
201 Merchant Street, Suite 2310
Honolulu, HI 96813
Tel: 808.548.7922 Fax: 808.548.7923
www.swca.com

April 14, 2009

Mr. Paul J. Conry
Administrator
Division of Forestry and Wildlife (DLNR)
1151 Punchbowl St, Rm 325
Honolulu, HI 96813

Subject: Honua'ula EISPN Comments, Makawao, Maui TMK:2-1-008:056 and 071 containing 670 acres by Honua'ula Partners, LLC applicants.

Dear Paul:

At the request of Charlie Jencks, I am responding to your letter of March 31, 2009 addressed to him regarding the Honua'ula EISPN comments.

Maui Wildlife Staff

Page 22. To the best of my knowledge, the entire Honua'ula parcel boundary is currently fenced. Some cattle belonging to Ulupalakua Ranch are being grazed with the permission of Honua'ula Partners LLC on the kiawe-buffgrass lands in the northern portion of the parcel. The boundary between this area and the kiawe-willow scrubland was also recently fenced to protect native plants on the 'a'a lava flow from cattle. SWCA has recommended that Honua'ula Partners LLC upgrade the outer perimeter fence with a 7-foot high deer and ungulate exclusion fence, and then remove ungulates from within the fenced kiawe-willow scrubland where the native plant preserve will be created. This may be done in advance of project construction.

Page 25. SWCA staff biologists have maintained close coordination with DOFAW biologist Paula Hartzell, NARS Director Betsy Gagne, and US Fish and Wildlife Service botanist James Kwon during our intensive studies within the project area. We recommended that Honua'ula Partners LLC prepare a Habitat Conservation Plan (HCP) under Section 10 of the Endangered Species Act to address the issues your Maui staff raised regarding mitigation for endangered Blackburn sphinx moths. In addition, the HCP would also address the Hawaiian hoary bat, all four species of endangered Hawaiian waterbirds, the nene, the Hawaiian petrel, Newell's shearwater, the pueo, and the candidate endangered 'awikawiki plants found within the project area. SWCA biologists have also been collaborating with Paula on the HCP/EA for the Kaheawa Wind Power II project on West Maui over the past year, and have developed a good working knowledge of DOFAW expectations for these assessments.

Page 40. SWCA has recommended that all lighting will meet the current Outdoor Lighting Standards Committee recommendations, be on the lowest necessary intensity, and be shaded to prevent falout of juvenile seabirds.

Administration, Honolulu

The notice published by the Office of Environmental Quality Control was indeed an EISPN (Environmental Impact Statement Preparation Notice), and not a notice to prepare a draft EA. Although an EIS was prepared and approved in 1988 for the initial conceptual development at Wailea 670, the current owner has agreed to prepare a new draft and final EIS to address changes in the

proposed development project. All the studies conducted by SWCA and other consultants will appear as appendices to the draft EIS, and their findings and recommendations will be incorporated into the EIS.

We appreciate your comments and look forward to our continued collaboration with your staff throughout the environmental review process. Their field assistance, constructive suggestions, and cooperation have been exemplary.

Aloha and best regards,

John I. Ford
Program Director / Senior Biologist

C: Tom Schnell, PBR Hawaii
Charlie Jencks, Honua'ula Partners, LLC



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL ST., ROOM 325
HONOLULU, HAWAII 96813
TEL: (808) 587-0166 FAX: (808) 587-0160

March 31, 2009

Mr. Charlie Jencks
C/O Goodfellow Brothers, Inc.
P.O. Box 220
Kihei, Maui, Hawaii 96753

Dear Mr. Jencks:

Subject: Honua'ula EISPN Comments, Makawao, Maui TMK: 2-1-008-056
and 071 containing 670 acres by Honua'ula Partners, LLC applicants.

DLNR, Division of Forestry and Wildlife appreciates the opportunity to comment on your development located at Wailea, Kihei-Makena, Maui, Hawaii. The following are comments submitted by our wildlife staff on Maui and administration in Honolulu.

Maui wildlife staff

Page 22. Please fence and maintain the entire Native Plants Preserve perimeter with a 7-foot deer and ungulate exclusion fence; remove all ungulates and maintain ungulate free. If the Honua'ula site were fenced along its perimeter, this would be the preferred option, to exclude ungulates from the entire site, then fence the Native Plants Preserve with hog-wire. The short fencing would afford some protection against human ingress (as the entire preserve is surrounded by housing (MF) development, and allow for signage explaining the preserve and its special needs.

LAURA H. THIELLEN
CHIEF OF STAFF
DEPARTMENT OF LAND AND NATURAL RESOURCES
CONSULTANT FOR WATER RESOURCES MANAGEMENT

RUSSELL Y. TANJI
FIRST DEPUTY

KEN C. KAWAUSA
SENIOR DIRECTOR - WATER

ADULTIC RESOURCES
WATER RESOURCES MANAGEMENT
CONSULTANT FOR WATER RESOURCES MANAGEMENT

ROBERTA L. WILSON
SENIOR DIRECTOR - FORESTRY AND WILDLIFE
WILDLIFE RESOURCES MANAGEMENT
CONSULTANT FOR WATER RESOURCES MANAGEMENT

KAROLINE W. WILSON
SENIOR DIRECTOR - FORESTRY AND WILDLIFE
STATE PARKS



LINDA LINNACE
GOVERNOR HAWAII

Page 25. *Manduca blackburni* (Mb) or Blackburn's Sphinx Moth larvae were detected on visits to Honua'ula. The food plants of the moth's larvae are well dispersed in the approximately 130-acre rocky lava region. Food plants for the adult (the moth stage of life), such as the native *Capparis sandwichtiana* or *Maiapilo* were also documented. The Developers will need to document how mitigation can be assured for:

- direct harm to Mb,
- direct loss of food plants for the Mb,
- attraction of Mb to development's lighting which could cause take,
- reduction in available Mb habitat

It should be determined by the HCP coordinator (DOFAW administration staff) and ESRC, if HCP planning applies to Honua'ula - if so, it should cover Hawaiian Stilt, Hawaiian Coot, and Hawaiian Goose which will be attracted to the developed site, as well as the Hawaiian Bat and Mb which have already been documented and seen at this site.

Page 40. Lighting should meet the most current Outdoor Lighting Standards Committee recommendations. To reduce attraction to nocturnal seabirds, and Mb, all outdoor lights should be shielded from top and all sides, and be of the lowest necessary intensity. Use of motion sensors on all outside lights should be incorporated wherever possible.

Administration Honolulu:

PBR, Hawaii the consultant for Honua'ula wrongly labeled this project as an EISPN instead of notice of preparation of a draft EA. SWCA was contracted to do the biological work when this project was previously called Wailea 670. Therefore, all of the original biological work completed previously is missing in this document including the deer perimeter fence, details on the plant preserves, surveys for pueo, other birds, and *Manduca blackburni* (Mb) or Blackburn's Sphinx Moth larvae. We have expressed concerns about the projects design integrating the homes and other related infrastructures with the rare biological

species present on this property, and how effective mitigation measures will be applied to protect these species from the development.

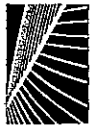
Should you have questions regarding our review of your proposed development, please call Mr. Fern Duvall, Wildlife Biologist on Maui at (808) 873-3502 or Ms. Betsy Gagne, administration staff in Honolulu at (808) 587-0063. Thank you for allowing us to review your project.

Sincerely yours,



Paul J. Conry
Administrator

C: John Cumming, DOFAW Maui Branch
Fern Duvall, Maui Wildlife
Betsy Gagne, NARS Administration
Paula Hartzell, HCP Coordinator
DLNR, Land Division
Tom Schnell, PBR Hawaii
Jeff Hunt, Maui County Planning Department



PBR HAWAII & ASSOCIATES, INC.

March 9, 2010

PRINCIPALS

HONASS WITTEN, ASLA
President

STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL CHUNG, FASIA, LEED^{AP}
Executive Vice-President

VINCENT SUGERUNI
Vice-President

FRANK BRANDT, ASIA, LEED^{AP}
Principal

FRANK BRANDT, ASIA
Chairman Emeritus

ASSOCIATES

TOM SCHINELL, AICP
Senior Associate

DANMOND T. HIGA, ASLA
Senior Associate

EVIN K. NISHIKAWA, ASLA
Associate

JIMMI KAMIYUEN, LEED^{AP}
Associate

COTT ALIKA-ARRIGO, LEED^{AP}
Associate

COTT MURAKAMI, ASIA, LEED^{AP}
Associate

MACIENG DONG, LEED^{AP}
Associate

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Paul J. Conry, Administrator

State of Hawaii

Department of Land and Natural Resources

Division of Forestry and Wildlife

1151 Punchbowl St., Room 325

Honolulu, Hawaii 96813

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Conry:

Thank you for your letter dated March 31, 2009 sent to Charlie Jencks of Honua'ula Partners, LLC regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP).

Please see the attached letter prepared by Honua'ula Partners, LLC's biological consultant SWCA Environmental Consultants in response to your concerns.

Thank you for reviewing the EISP. Your letter will be included in the Draft Environmental Impact Statement.

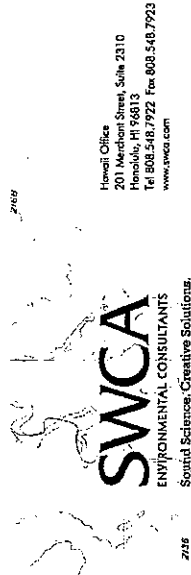
Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EISP/ILNR DOPAW



Hawaii Office
201 Merchants Street, Suite 2310
Honolulu, HI 96813
Tel: 808-548-7922 Fax: 808-548-7923
www.swca.com

2/25

April 14, 2009

Mr. Paul J. Conry
Administrator
Division of Forestry and Wildlife (DLNR)
1151 Punchbowl St, Rm 325
Honolulu, HI 96813

Subject: Honua'ula EISP Comments, Makawao, Maui TMK:2-1-008:056 and 071 containing 670 acres by Honua'ula Partners, LLC applicants.

Dear Paul:

At the request of Charlie Jencks, I am responding to your letter of March 31, 2009 addressed to him regarding the Honua'ula EISP comments.

Maui Wildlife Staff

Page 22. To the best of my knowledge, the entire Honua'ula parcel boundary is currently fenced. Some cattle belonging to Ulupalakua Ranch are being grazed with the permission of Honua'ula Partners LLC on the kiawe-wilowill scrubland in the northern portion of the parcel. The boundary between this area and the kiawe-wilowill scrubland was also recently fenced to protect native plants on the 'a'ava lava flow from cattle. SWCA has recommended that Honua'ula Partners LLC upgrade the outer perimeter fence with a 7-foot high deer and ungulate exclusion fence, and then remove ungulates from within the fenced kiawe-wilowill scrubland where the native plant preserve will be created. This may be done in advance of project construction.

Page 25. SWCA staff biologists have maintained close coordination with DOPAW biologist Paula Hartzell, NARS Director Betsy Gagne, and US Fish and Wildlife Service botanist James Kiwon during our intensive studies within the project area. We recommended that Honua'ula Partners LLC prepare a Habitat Conservation Plan (HCP) under Section 10 of the Endangered Species Act to address the issues your Maui staff raised regarding mitigation for endangered Blackburn sphinx moths. In addition, the HCP would also address the Hawaiian hoary bat, all four species of endangered Hawaiian waterbirds, the nene, the Hawaiian petrel, Newell's shearwater, the nuae, and the candidate endangered 'awikawika plants found within the project area. SWCA biologists have also been collaborating with Paula on the HCP/ESA for the Kaheawa Wind Power II project on West Maui over the past year, and have developed a good working knowledge of DOPAW expectations for these assessments.

Page 40. SWCA has recommended that all lighting will meet the current Outdoor Lighting Standards Committee recommendations, be on the lowest necessary intensity, and be shaded to prevent fallout of juvenile seabirds.

Administration Honolulu

The notice published by the Office of Environmental Quality Control was indeed an EISP (Environmental Impact Statement Preparation Notice), and not a notice to prepare a draft EA. Although an EIS was prepared and approved in 1988 for the initial conceptual development at Wailea 670, the current owner has agreed to prepare a new draft and final EIS to address changes in the

proposed development project. All the studies conducted by SWCA and other consultants will appear as appendices to the draft EIS, and their findings and recommendations will be incorporated into the EIS.

We appreciate your comments and look forward to our continued collaboration with your staff throughout the environmental review process. Their field assistance, constructive suggestions, and cooperation have been exemplary.

Aloha and best regards,



John I. Ford
Program Director / Senior Biologist

C: Tom Schnell, PBR Hawaii
Charlie Jencks, Honua'ula Partners, LLC

LINDA LINSLE
GOVERNOR



BRENNONT MORICKA
DIRECTOR

Deputy Chief of Staff
MICHAEL D. EGGREY
FRANCIS PAUL KEEHO
BRIAN H. SEKERICH
JORDA A. SUJANDA

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
889 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5087

IN REPLY REFER TO:

STP 8.3207

April 6, 2009

Mr. Tom Schnell
PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell:

Subject: Honua'ula
Environmental Impact Statement Preparation Notice (EISPN)
TMK: 2-1-008: 056 and 71

Thank you for requesting the State Department of Transportation's (DOT) review of the subject project for the Honua'ula mixed-use development project, located in the Kihel-Makena region of Maui, adjacent to the Wailea Resort.

DOT's previous comments on Honua'ula Partners' related projects, including the project to widen Pihani Highway (letter STP 8.3152, dated March 5, 2009, is attached), are also applicable to the subject project.

DOT staff and the applicant are coordinating a meeting to discuss the proposed projects in the Wailea-Makena area, and the cost-sharing agreement for highway improvements between developers of the three major projects in this area. DOT reserves the right to provide supplemental comments pending the outcome of this meeting.

In the interim, the environmental documents and associated traffic impact assessment report (TIAR) for the subject land development project should be consistent with the TIAR for the Pihani Highway widening project. The applicant should continue consultation with the DOT Highways Division Planning Branch and the Highways Division Maui District Office, and should direct all design and construction plans to these offices.

Mr. Tom Schell
Page 2
April 6, 2009

SPT 8.3207

LINDA LINGLE
GOVERNOR



BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORNEY
FRANCIS PAUL KENO
BRANTH. SENGUCHI
JIRO A. SUMIDA

DOT appreciates the opportunity to provide comments and requests four (4) copies of the project's Draft Environmental Impact Statement (DEIS). If there are any questions, please contact Mr. David Shimokawa of the DOT Statewide Transportation Planning Office at (808) 587-2356.

Very truly yours,

BRENNON T. MORIOKA, PH.D., P.E.
Director of Transportation

Attach.

c: Katherine Kealoha, Office of Environmental Quality Control
Jeffrey Hunt, Maui Planning Department

Mr. Mark Roy
Project Manager
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Roy:

March 5, 2009

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

IN REPLY REFER TO:
DIR 0199
STP 8.3152

Subject: Piilani Highway Widening to Four Lanes Between Kilohana Drive and
Waiilea Ike Drive – Early Consultation (EC)

Thank you for requesting the State Department of Transportation's (DOT) review of the subject project to widen Piilani Highway from two to four lanes between Kilohana Drive to Waiilea Ike Drive. DOT welcomes this consultation process.

DOT understands your firm is working with the DOT Highways Division Planning Branch to arrange a meeting regarding the subject project and the cost-sharing agreement for highway improvements between developers of the three major projects in the Waiilea-Makana area. Your firm should continue consultation with the DOT Highways Division Planning Branch and the Highways Division Maui District Office. All plans and designs for the construction of the project should be directed to these offices.

In response to the subject EC and in anticipation of the proposed meeting, the following comments by the DOT Highways Division are offered.

1. The environmental documents related to the proposed widening of Piilani Highway should be submitted to DOT for review and acceptance before being published.
2. The applicant must completely resurface any and all existing highway lanes damaged during the widening of the highway.
3. The design guidelines and/or the basis of design for all widening of Piilani Highway should be included in the Draft Environmental Assessment (DEA).
4. The undergrounding of the existing overhead electric transmission lines should be considered along Piilani Highway.



Mr. Mark Roy
Page 2
March 5, 2009

STP 8.3152

5. Detouring of traffic and/or a temporary closure of Piilani Highway will most likely be required as the excavation of 40 to 50-feet of the rock embankment is anticipated with this proposed widening project. The potential impacts of such detours and/or road closures on adjacent roadways should be considered and appropriately addressed.
6. A Traffic Impact Assessment Report (TIAR) should be prepared as a part of the DEA. This TIAR should be submitted for DOT's review and acceptance.
7. The DEA should address the acquisition of right-of-way (ROW) necessary to construct the proposed improvements.
8. County zoning requires the developer to extend Piilani Highway to Kauhahi Street along an alignment that includes unimproved State highway ROW. Any such proposed improvements on State highway ROW must be submitted for review and approval by DOT. If an extension is being proposed, then it should also be appropriately addressed in the DEA.

DOT appreciates the opportunity to provide comments and requests that four (4) copies of the project DEA, including the TIAR, be provided. If there are any other questions, please contact Mr. David Shimokawa of the DOT Statewide Transportation Planning Office at (808) 587-2356.

Very truly yours,

BTR

BRENNON T. MORIOKA, PH.D., P.E.
Director of Transportation

March 9, 2010

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Brennon T. Morioka, Ph.D., P.E.
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813-5097

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Morioka,

Thank you for your letter dated April 6, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

Attached please find a letter from Gwen Ohashi Hiraga of Murekiyo & Hiraga, Inc., dated August 28, 2009 which addresses the comments in the Department of Transportation's (DOT) letter dated March 5, 2009, regarding the widening of Pi'ilani Highway (letter STP 8.3152).

We acknowledge the DOT reserves the right to provide supplemental comments regarding the cost-sharing agreement for highway improvements between the developers of the three major projects in the Wailea-Makena area.

The traffic impact analysis report (TIAR) that will be included in the Honua'ula Environmental Impact Statement (EIS) will be consistent with the TIAR for the Pi'ilani Highway widening project. Honua'ula Partners, LLC will continue consultation with the DOT Highways Division Planning Branch and the Highways Division Maui District Office and will direct all design and construction plans to these offices.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS. We will provide DOT with four copies of the Draft EIS when available.

Sincerely,

PBR HAWAII

Tom Schnell

Tom Schnell, AICP
Senior Associate

Attachment

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC



MICHAEL T. MUNEKIYO
 GWEN OHASHI HIRAGA
 MITSURU "MICH" HIRANO
 KARLYNN FUKUDA
 MARK ALEXANDER ROY

August 28, 2009

Brennon Morioka, Director
 Department of Transportation
 869 Punchbowl Street
 Honolulu, Hawaii 96813-5097

SUBJECT: Early Consultation on the Draft Environmental Assessment (EA) for the Pi'ilani Highway Widening to Four (4) Lanes North of Kiohaha Drive to Wailea Ike Drive, Wailea, Maui, Hawaii

Dear Mr. Morioka:

Thank you for your letter dated March 5, 2009, in response to your comments, the following are noted:

1. We will submit the Draft Environmental Assessment (EA) to the Department of Transportation (DOT) for review and acceptance before being published.
2. During construction, any and all existing highway lanes damaged during the widening of the highway will be completely re-surfaced.
3. The engineering and traffic consultant, Austin, Tsutsumi & Associates, Inc. have been in discussion with DOT's Planning and Highway branches to ensure that the design for the highway is compliant with DOT's requirements. The basis of design for the highway is included in the Draft EA under Appendix "1-2".
4. Preliminary plans for the proposed highway widening includes relocation of existing above-ground utility poles. It does not currently include undergrounding the existing overhead electrical transmission lines. Further discussion of this matter will be held with the DOT.
5. Prior to initiation of construction consultation with the Police Department, SDOT and adjoining property owners will be conducted to develop measures to mitigate potential construction traffic impacts, especially from detours and road closures.
6. A Traffic Impact Assessment Report (TIAR) has been prepared by Austin, Tsutsumi & Associates, Inc. and is included in the Draft EA.

305 High Street, Suite 104 - Honolulu, Hawaii 96793 - Tel: (808) 744-2013 - Fax: (808) 744-8729 - planning@tsutsumi-austin.com - www.tsutsumi-austin.com 25
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Brennon Morioka, Director
 August 28, 2009
 Page 2

7. As currently designed, the majority of the work will be located within the existing highway right-of-way. Minor appurtenant improvements outside of the right-of-way are limited to the extension of an existing drain culvert and headwall north of Kiohaha Drive, sidewalks, Americans with Disabilities Act (ADA) curb ramps, installation of guard rails, underground utility lines, traffic signal installation, and lane re-striping.
 Coordination of the work outside of the right-of-way will be implemented with adjoining property owners regarding construction of the improvements and easements or land acquisition that may be necessary for improvements outside of the existing highway right-of-way.
8. We acknowledge that Honua'ula Partners, LLC is required to extend Pi'ilani Highway south of Wailea Ike Drive when fifty (50) percent of the Honua'ula project is developed. The extension of Pi'ilani Highway is not part of the scope of the work for the current Pi'ilani Highway Widening project. Prior to initiation of improvements south of Wailea Ike Drive coordination with SDOT will be initiated.
 Should you require additional clarification please call me at (808) 244-2015. A copy of the Draft EA will be forwarded to your agency for review and comment.

Very truly yours,

 Gwen Ohashi Hiraga
 Principal

GOH:yp Charles Jencks, Honua'ula Partners, LLC
 cc: Clyde Murashige, A&B Wailea LLC
 Don Fujimoto, Honua LLC
 FILED:\WP\PI\HAWAII\WIDENING\SDOT\2009\20090828

PHONE (808) 594-1888

FAX (808) 594-1885



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPOLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD09/3208D

April 8, 2009

Tom Schnell
PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

RE: Environmental Impact Statement Preparation Notice
Honua'ula Development Project
Kihei-Makana, Makawao District, Island of Maui
Tax Map Key Parcel (2)2-1-008-056 and 71; 2-1-008-999 (portion)

Aloha e Tom Schnell,

The Office of Hawaiian Affairs (OHA) is in receipt of your March 8, 2009 letter and attached Environmental Impact Statement Preparation Notice (EISP/N) prepared on the behalf of Honua'ula Partners, LLC for the proposed "Honua'ula" Development project.

OHA has no specific comments on the EISP/N at this time and we look forward to the opportunity to review the draft environmental impact statement and cultural impact assessment for this proposed project. Thank you for initiating consultation at this early stage. Should you have any questions, please contact Keola Lindsey, Lead Advocate-Culture at (808) 594-1904 or keolal@oha.org.

'O wau iho no me ka 'oia'i'o,

Clyde W/Nāmu'o
Administrator

C: OHA Maui CRC office



March 9, 2010

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Capolei, Hawaii 96707-2005
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Clyde W. Nāmu'o, Administrator
State of Hawaii
Office of Hawaiian Affairs
711 Kapi'olani Blvd., Suite 500
Honolulu, HI 96813

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

Dear Mr. Nāmu'o:

Thank you for your letter dated April 8, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your letter.

We acknowledge that the Office of Hawaiian Affairs has no comments on the EISP/N at this time. We will provide you with a copy of the Draft Environmental Impact Statement (EIS) when it is available.

Thank you for reviewing the EISP/N. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISP/N OHA



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96859-5440

March 26, 2009

REPLY TO
ATTENTION OF:

Regulatory Branch

File No. POH-2009-91

Mr. Tom Schnell, AICP
PBR Hawaii
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawaii 96813

Dear Mr. Schnell,

This letter is in response to your request, received March 10, 2009, for our review of the Environmental Impact Statement Preparation Notice (EISP/N) prepared pursuant to Chapter 343 of the Hawaii Revised Statutes for the proposed Honua'ula Kihei-Makema Community Subdivision project located on the Island of Maui, Hawai'i.

Section 10 of the Rivers and Harbors Act (RHA) of 1899 requires that a Department of Army (DA) permit be obtained for structures or work in or affecting navigable waters (e.g., Pacific Ocean) of the U.S. (33 U.S.C. 403). Section 10 waters are those subject to the ebb and flow of the tide extending shoreward to the mean high water mark. Section 404 of the Clean Water Act (CWA) of 1972 requires that a DA permit be obtained for the discharge (placement) of dredge and/or fill material into waters of the U.S., including jurisdictional wetlands. The Corps defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

The semi-arid conditions of the Kihei-Makema, Maui coast tend to limit the occurrence and extent of permanent or relatively permanent surface water resources. There are no known perennial streams or adjacent wetlands located within the proposed project area, however the Wailea Gulch appears to be a drainage feature that collects surface flows during and following heavy rainfall events. According to the environmental documents furnished to our office, surface runoff flows towards the ocean and/or towards natural drainage paths.

Based on the EISP/N, the infrastructure and utilities engineering plans are not yet complete; however, your document provides potential courses of action for the water, wastewater, drainage, solid waste, and electrical systems. It is our understanding this review will be included in the appendices of the Draft Environmental Impact Statement (DEIS). As it stands it is not possible to determine whether the infrastructure activities will extend beyond the Honua'ula Community Subdivision boundaries identified in the EISP/N. Consequently, we are unable to determine whether the proposed construction activities would involve the discharge (placement) of dredged and/or fill material into jurisdictional waters pursuant to our authorities under Section 404 of the CWA and hence require Department of the Army (DA) Authorization.

As you prepare your Environmental Impact Statement please identify all streams and wetlands on the project site and in the immediate vicinity of the proposed project, characterize the hydrology and ecology of those features, and provide a description of all ground-disturbing activities associated with the project construction occurring on the project site.

Thank you for the opportunity to comment. If you have any questions, please contact Ms. Meris Bantilan-Smith, of my Regulatory staff at 808-438-7701 (FAX: 808-438-4060) or by electronic mail at Meris.Bantilan-Smith@usace.army.mil. Please include File No. POH-2009-91 in any future correspondence regarding this project.

Sincerely,

George P. Young, P.E.
Chief, Regulatory Branch



March 9, 2010

PRINCIPALS

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Tel: (808) 535-3103

**PBR HAWAII
& ASSOCIATES, INC.**

George P. Young, P.E.
Chief, Regulatory Branch

Department of the Army
U.S. Corps of Engineers, Honolulu District
Fort Shafter, Hawaii 96858-5440

ATTN: Meris Bantlian-Smith

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Young:

Thank you for your letter (POH 2009-91) dated March 26, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The rectangular Honua'ula property lies parallel to the shore between 320 ft and 710 ft in elevation, and therefore has no waters subject to the ebb and flow of the tides. The property is crossed by numerous small ephemeral dry gulches that may be inundated infrequently and for only two to three days/year during periods of unusually heavy and prolonged rainfall. Therefore, Honua'ula Partners, LLC's biological consultant, SWCA Environmental Consultants, concludes that the gulches are not considered traditional navigable waters (TNW).

Following extensive biological surveys of the property, SWCA Environmental Consultants have not found any vegetation typically adapted for life in saturated soil conditions, or any evidence of hydric soils or wetland hydrology. There are no wetlands at Honua'ula as jointly defined by the Corps of Engineers (33 CFR 328.3) and Environmental Protection Agency (40 CFR 230.3).

The Draft EIS will discuss ephemeral dry gulches on the Honua'ula property and include discussion on ground-disturbing activities associated with construction.

Thank you for reviewing the EISPN. Your letter will be included in the Draft Environmental Impact Statement.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



In Reply Refer To:
2009-TA-0172
2009-FA-0073

PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

APR 08 2009

Subject: Request for Technical Assistance for Proposed Honua'ula Subdivision, Kihei, Maui
To Whom it May Concern:

This letter acknowledges the U.S. Fish and Wildlife Service's March 9, 2009, receipt of your request for comments on an Environmental Impact Statement Preparation Notice addressing the proposed development of approximately 670 acres in Kihei, Maui (TMKs (2) 2-1-008:056 and 071 and (2) 2-1-008:999 (port)). The proposed master-planned community would include approximately 1,150 single family homes, commercial mixed uses, and a golf course. The northern 75 percent of the property has historically been managed for livestock grazing and is currently dominated by buffel grass and non-native shrubs. The southern portion of the property is covered by aa lava which contains scattered remnants of native Hawaiian dry forest. A 22-acre native plant preservation area would be conserved. Based on the project information you provided and pertinent information in our files, the threatened Newell's shearwater (*Puffinus newelli*) and the endangered Hawaiian petrel (*Pterodroma phaeopygia sandwicensis*) (collectively referred to as seabirds) are known to traverse the project area. The endangered Blackburn's sphinx moth (*Manduca blackburni*) and the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*) may also occur within the project site.

The proposed project is located in a dry area of Maui where wildland fires interdependent with the proposed project may impact resources protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA). To assist you, we have drafted a preliminary project action area to delineate the extent of the area which may be impacted by wildland fires associated with the proposed development (Figure 1). The action area is bounded along its north side by areas which are (according to information provided by James Robello, Maui County Executive Director, U.S. Department of Agriculture (USDA) Farm Service Agency, on January 6, 2009) intensively managed for agricultural purposes. The southern perimeter of the action area follows a lava flow which may serve as a fuelbreak. We have requested additional information from USDA regarding the spatial extent of intensive agricultural management in the vicinity of the proposed project area, upon which revisions to the draft action area could be based.



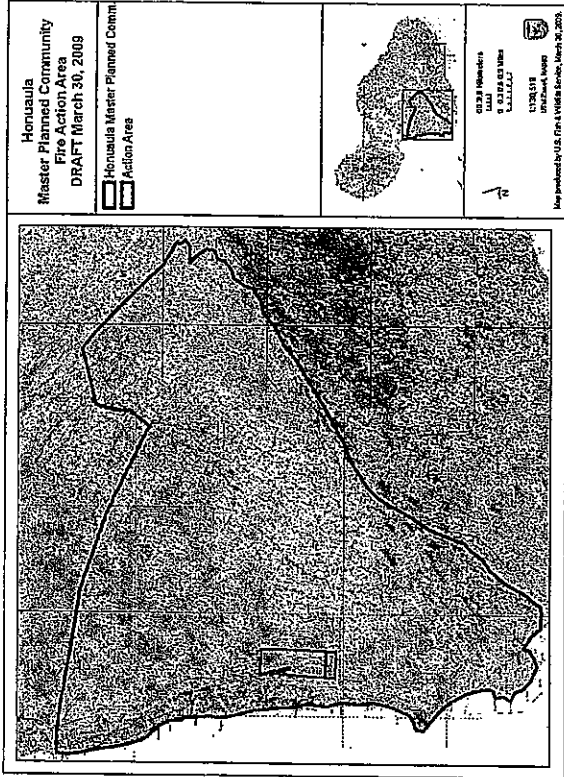


Figure 1. Honouliuli project draft action area.

The draft action area contains five listed animal species, eight listed plant species (Table 1), and designated critical habitat for one insect and five plant taxa (Table 2) occurs within the area which may be impacted by wildland fires resulting from the proposed development.

Table 1. Threatened and endangered species occurring within action area.

Scientific Name	Common Name	Status
<i>Lasturus cinereus semotus</i>	Hawaiian hoary bat	Endangered
<i>Branta sandvicensis</i>	Hawaiian goose	Endangered
<i>Fulica americana alai</i>	Hawaiian coot	Endangered
<i>Himantopus mexicanus knudseni</i>	Hawaiian stilt	Endangered

Birds

Table 1 (continued). Threatened and endangered species occurring within the draft action area.

Scientific Name	Common Name	Status
Insects		
<i>Manduca blackburni</i>	Blackburn's sphinx moth	Endangered
Plants		
<i>Abutilon menziesii</i>	koelos ula	Endangered
<i>Achyranthes splendens</i> var. <i>rotundata</i>	round-leaved chaff-flower	Endangered
<i>Bonania menziesii</i>	no common name	Endangered
<i>Diellia erecta</i>	no common name	Endangered
<i>Diplazium molokaiense</i>	no common name	Endangered
<i>Geranium arboreum</i>	Hawaiian red-flowered geranium	Endangered
<i>Hibiscus brackenridgei</i>	mao hau hele; native yellow hibiscus	Endangered
<i>Melicope knudseni</i>	alani	Endangered

Table 2. Critical habitat units occurring within the draft action area.

Critical Habitat Unit	Portion of Critical Habitat Unit Within Draft Action Area	
	Hectares (Acres)	Percent of Unit
Insect		
<i>Manduca blackburni</i> – Maui 1	1503 ha (3715 ac)	94 %
<i>Manduca blackburni</i> – Maui 2	578 ha (1429 ac)	96 %
Plants		
<i>Argyroxiphium sandwicense</i> ssp. <i>macrocephalum</i> – Unit 9	497 ha (1228 ac)	5%
<i>Bidens micrantha</i> ssp. <i>kalealaha</i> – Unit 9 b	32 ha (80 ac)	2%
<i>Clermontia lindseyana</i> – Unit 9 b	60 ha (148 ac)	100%
<i>Diellia erecta</i> – Unit 9 a	2 ha (5 ac)	100 %
<i>Geranium arboreum</i> – Unit 9 a	145 ha (358 ac)	20 %
<i>Geranium arboreum</i> – Unit 14 b	452 ha (1116 ac)	100 %
<i>Geranium arboreum</i> – Unit 15 c	251 ha (621 ac)	38 %

We recommend the following measures be incorporated into the project's Draft Environmental Impact Statement to minimize potential project impacts to listed species:

- Seabirds may traverse the project area at night during the breeding season (February 1 through December 15). Any outdoor lighting, particularly when used during each year's peak fledging period (September 15 through December 15), could result in seabird disorientation, fallout, and injury or mortality. Potential impacts to seabirds can be minimized by shielding outdoor lights associated with the project, avoiding night-time construction, and providing all project staff and residents with information regarding

seabird fallout. All project lights should be shielded so the bulb can be seen only from below.

- Blackburn's sphinx moth may occur in the project area. The adult moth feeds on nectar from native plants including beach morning glory (*Ipomoea pes-caprae*), ilice (*Plumbago zeylanica*), maiapilo (*Capparis sandwichtiana*), and the larvae feed upon non-native tree tobacco (*Nicotiana glauca*) and the native (*Nothocestrum latifolium*). All of these species may occur on the project site. We recommend you survey the site for the presence of Blackburn's sphinx moth host plants and if host plants are found, contact our office for further assistance.
- To minimize impacts to the endangered Hawaiian hoary bat, woody plants suitable for bat roosting should not be removed or trimmed during the bat birthing and pup rearing season (April to August). If this avoidance measure can not be implemented, bat surveys should be conducted and, if this species is found, our office should be contacted for additional assistance.
- Development may result in an increased fire risk. A number of recent human-caused fires have escaped containment by the available interagency initial attack fire suppression forces, resulting in significant impacts to listed species and critical habitat in the dry areas of Maui. In the project vicinity, intensive grazing may be reducing fuel load and wildland fire threat to listed resources. The Maui Wildland Fire Coordinating Group is partnering with our office to coordinate the development of fuelbreaks, water sources for firefighting, fire prevention projects, and an increased fire suppression response to minimize the impact of human-caused wildfires to listed plants, animals, and critical habitat on Maui. Agricultural practices implemented by private landowners in the project vicinity could be coordinated to minimize fuel load and fire threat. We recommend you coordinate with Maui County Department of Fire and Public Safety, Hawaii Department of Land and Natural Resources, USDA Farm Service Agency, USDA Natural Resource Conservation Service, adjacent landowners, and our office to ensure any wildland fire risk to listed resources, interdependent with the proposed development, is minimized.
- We recommend the use of native plants for landscaping purposes in order to reduce the spread of non-native invasive species. If native plants do not meet your landscaping objectives, we recommend that you choose species that are thought to have a low risk of becoming invasive. The following websites are good resources to use when choosing landscaping plants: Pacific Island Ecosystems at Risk (<http://www.hear.org/Pier/>), Hawaii-Pacific Weed Risk Assessment (http://www.botany.hawaii.edu/faculty/dashley/wra/full_table.asp) and Global Compendium of Weeds (www.hear.org/gcw/).
- To minimize erosion, sedimentation, and other adverse impacts to aquatic fish and wildlife resources and nearby coral reef ecosystems, we recommend that applicable measures identified in the enclosed list of Standard Best Management Practices (BMP) for fish and wildlife be incorporated into the project's BMP Plan.

PBR Hawaii

Implementation of these recommendations does not alleviate your responsibilities pursuant to the ESA, if a listed species may be affected by the proposed action. If the proposed project may affect a listed species and the project is funded, authorized, or carried about by a Federal agency, you should request that the Federal agency consult with us under section 7(a)(2) of the ESA. If there is no Federal nexus for the proposed action you should obtain an incidental take permit pursuant to section 10(a)(2)(B) of the ESA if incidental take of a listed species cannot be avoided. If you have questions or would like additional information, please contact Consultation and Technical Assistance Program Fish and Wildlife Biologist, Dawn Greenlee (phone: 808-792-9400; fax: 808-792-9581).

Sincerely,



Patrick Leonard
Field Supervisor



Enclosure

cc:

Office of Environmental Quality Control, State Land Use Commission, Honolulu, Hawaii
Maui Planning Department, Wailuku, Hawaii

Enclosure

U.S. Fish and Wildlife Service
Recommended Standard Best Management Practices

- The U.S. Fish and Wildlife Service recommends that the following measures be incorporated into projects to minimize the degradation of water quality and impacts to aquatic fish and wildlife resources:
- a. Turbidity and siltation from project-related work will be minimized and contained to within the vicinity of the site through the appropriate use of effective silt containment devices and the curtailment of work during adverse weather conditions;
 - b. Dredging and filling in the aquatic environment will be designed to avoid or minimize the loss special aquatic site habitat (pool/rifle areas, wetlands, etc.) and the unavoidable loss of such habitat will be compensated for;
 - c. All project-related materials and equipment (dredges, barges, backhoes, etc.) to be placed in the water will be cleaned of pollutants prior to use;
 - d. No project-related materials (fill, revetment rock, pipe, etc.) will be stockpiled in the water (stream channels, wetlands, etc.);
 - e. All debris removed from the aquatic environment will be disposed of at an approved upland or ocean dumping site;
 - f. No contamination (trash or debris disposal, alien species introductions, etc.) of adjacent aquatic environments (stream channels, wetlands, etc.) will result from project-related activities;
 - g. Fueling of project-related vehicles and equipment should take place away from the water and a contingency plan to control petroleum products accidentally spilled during the project will be developed. Absorbent pads and containment booms will be stored on-site, if appropriate, to facilitate the clean-up of accidental petroleum releases;
 - h. Any under-layer fills used in the project will be protected from erosion with (rock, core-loc units, etc.) as soon after placement as practicable; and
 - i. Any soil exposed near water as part of the project will be protected from erosion (with plastic sheeting, filter fabric, etc.) after exposure and stabilized as soon as practicable (with vegetation matting, hydroseeding, etc.).



PBR HAWAII
& ASSOCIATES, INC.

March 9, 2010

PRINCIPALS
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Executive Vice-President
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Patrick Leonard, Field Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
Pacific Islands Fish and Wildlife Office
300 Ala Moana Blvd., Room 3-122, Box 50088
Honolulu, HI 96850

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

Dear Mr. Leonard:

Thank you for your letter dated April 8, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The most recent wildlife survey of the Honua'ula property did not identify any roosting or nesting seabirds within the property; however, we acknowledge that the Newell's shearwater (*Puffinus auricularis newelli*) and the Hawaiian petrel (*Pterodroma phaeopygia*) may transit the property, primarily at night. A discussion of this potential along with appropriate mitigation measures will be included in the Draft Environmental Impact Statement (EIS). A single Hawaiian hoary bat (*Lasiurus cinereus semotus*) was observed transiting the property during the course of our recent wildlife surveys; however, no evidence of bat roosting was found within the low elevation remnant dry shrubland at Honua'ula. These species will be addressed in the Draft EIS along with measures to mitigate construction impacts upon them, including the retention of many existing native trees and shrubs as natural landscaping for potential roosting sites.

Honua'ula Partners, LLC's biological consultant, SWCA Environmental Consultants, have coordinated and conducted several joint surveys of the property together with biologists from the U.S. Fish and Wildlife Service, Bishop Museum Department of Entomology, and Hawaii Department of Land and Natural Resources. Evidence of Blackburn's sphinx moths (*Manduca blackburni*) was found within the Honua'ula property during these surveys, including frass, cut stems and leaves, and live caterpillars. In all cases, sign was limited to a single plant species: the non-native tree tobacco (*Nicotiana glauca*). No adult Blackburn's sphinx moths were observed within the property during our studies. Some, but not all, of the native food plants for the moths are also found on the property.

The presence of Blackburn's sphinx moth (*Manduca blackburni*) caterpillars will be discussed in the Draft EIS. The most recent botanical survey of the property did not identify any Federal or State listed threatened or endangered plant species on the property. However, five individual candidate endangered 'āwīkīwīki (*Canavalia pubescens*) plants were identified and mapped within the property. The most recent wildlife and botanical surveys will be included in the Draft EIS.

Patrick Leonard, Field Supervisor

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

March 9, 2010
Page 2 of 2

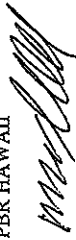
Your recommend mitigation measures to minimize potential impacts to threatened and endangered species will be included in the Draft EIS. At your recommendation, our biologists will address the potential for incidental take of listed and candidate endangered species and prepare a multi-species Habitat Conservation Plan (to include the candidate endangered 'āwīkīwiki plant) under Section 10(a)(1)(B) of the Endangered Species Act and in collaboration with the State Department of Land and Natural Resources and the U.S. Fish and Wildlife Service.

Thank you for providing the preliminary project action area to delineate the extent of the area that may be impacted by wild land fires. Actions to mitigate the risk of wildfire and respond to such fires will be addressed in the Draft EIS.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN USPWS

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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauigov.net/council

November 16, 2009

PBR Hawaii & Associates
Attn: Mr. Tom Schnell
1001 Bishop Street, Suite 650
Honolulu, Hawaii 96813-3484
Fax: 808.523.1402
E-mail: sysadmin@pbrhawaii.com

Dear Mr. Schnell,

SUBJECT: Comments on Honua'ula Project (EA/EISPN)

Thank you for the opportunity to comment on the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN). I am requesting to be a consulted party for this matter.

In summary, the EISPN: (1) lacks disclosure of all potential environmental impacts and consequences of the proposed action; and, (2) fails to provide the relevant data, necessary studies, and other information necessary "in order that the public can be fully informed and the agency can make a sound decision based upon the full range of responsible opinion on environmental effects." (See, HAR, Title 11, Chapter 200, § 11-200-16). The EISPN simply outlines the general scope of the project, while presenting unclear options without specific details or choices.

It is extremely concerning that this document fails to provide the required information and instead promises that information will be available at a later date. This is the same tactic used by the applicant when the issue was before the Maui County Council – where the applicant assured five members who voted in support of the project that more information would be provided at Phase II.

The document fails to include discussion of funding sources, impacts to ground water resources, traffic, drainage, cultural sites, cultural access and native flora and fauna. Where any hint of this information is mentioned, pertinent information is either omitted or portrayed inaccurately. The status of the required documents is also vague. It is never mentioned that the project has no approved AIS, yet the applicant writes as if all inventory level work has been completed and reviewed.

The document lacks available technical studies and instead merely informs the public that they will be included as appendices to the Draft EIS. For instance, the report submitted to the County Council during Project District Zoning and included as part of the project review under Condition 27 of Ordinance No. 3554, entitled "Remnant Wiliwili Forest Habitat at Wailea 670, should be included in those studies submitted in the DEIS.

Please note that on page 23, the condition to protect native plants and cultural sites (condition 27) is reproduced with an important phrase omitted. Condition 27 states, in relevant part, that it will "comprise the portion of the property south of latitude 20 40' 15.00 N, excluding any portions that the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers find do not merit preservation, but shall not be less than 18 acres and shall not exceed 130 acres."

The applicant's version states, in relevant part, that it will "comprise the portion of the property south of latitude 20 40' 15.00 N, excluding any portions that do not merit preservation, but shall not be less than 18 acres and shall not exceed 130 acres."

This is a significant omission.

Apparently, the applicant will use the FEIS for the project as an application also for Project District Phase II approval. Both the FEIS and the Phase II approvals are done by the Maui Planning Commission (not the Council). The Commission should be provided sufficient information relating to impact assessment and mitigation reports that must be completed, reviewed and approved by the federal, state, and county agencies prior to Phase II approval.

Numerous conditions were attached to this project by the Maui County Council (Ordinance No. 3554). These conditions, which run with the land, should be a part of all assessments. I have attached a copy of these conditions for your consideration.

Specifically, these include;

A preservation/mitigation plan pursuant to Chapter 6E, HRS that has been approved by SHPD and OHA prior to Phase II approval. (Ordinance No. 3554, Condition 26)

A Cultural Resources Preservation Plan that has received the review and recommendations of SHPD and OHA and the subsequent approval of the Maui County Cultural Resources Commission prior to Phase II approval (Ord. No. 3554, Condition 13)

A Conservation Easement, entitled Native Plant Preservation Area, shall be developed prior to Phase II approval. The report "Remnant Wiliwili Forest Habitat at Wailea 670, Maui, Hawaii by Lee Altenberg, PhD, along with the applicants preservation/mitigation plan, shall receive review and recommendations from DLNR, USFWS and the USCE prior to Phase II

approval. (Ord. 3554, Cond. 27). Please understand that in the one hundred plus acres of the southern portion of the property, there are many rare and endangered native species found nowhere else in the world. The EISPN document fails to disclose that the property holds a pristine remnant native dryland forest with ancient wiliwili trees that represents a portion of the last remaining five percent of native Hawaiian dryland forest habitat to exist.

An assessment and mitigation measures of the endangered Hawaiian Short-eared Owl and the Hawaiian Hoary Bat, in coordination with DLNR, prior to submittal of Phase II processing. (Ord. No. 3554, Condition 9)

Again, each of these assessments must be fully completed in the DEIS.

"An EIS is meaningless without the conscientious application of the EIS process as a whole, and shall not be merely a self-serving recitation of benefits and a rationalization of the proposed action. Agencies shall insure that statements are prepared at the earliest opportunity in the planning and decision making process. This shall insure an early open forum for discussion of adverse effects and available alternatives, and that the decision makers will be enlightened to any environmental consequences of the proposed action" (11-200-14 HAR General Provisions).

Thank you for consideration of my comments. Please contact my office should you have any questions.

If you have any questions please contact my office at: 270.7108.


Mahalo,

WAYNE NISHIKI
Council Member

EXHIBIT "2"

Conditions of Zoning

1. That Honua'ula Partners, LLC, its successors and permitted assigns, shall, at their own cost and expense, develop, maintain, and operate, or cause to be developed, maintained, and operated, a private water source, storage facilities, and transmission lines for the Wailea 670 project in accordance with Department of Water Supply standards and all applicable community plans. Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with all reporting requirements of the State Commission on Water Resource Management.

In addition, Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with applicable water ordinances that pertain to the supply and transmission of water from the island of Maui when such ordinances are enacted.

At the time the project water system is completed, Honua'ula Partners, LLC, its successors and permitted assigns, shall offer to the County the right to purchase the project water system at the cost of development of such system.

The water rates for the residential workforce housing units shall be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code.

2. That Honua'ula Partners, LLC, its successors and permitted assigns, shall implement the following traffic improvements:

- a. Upgrade Piliāni Highway, from Kilohana Drive to Wailea Ike Drive, to four lanes of traffic. The improvements shall be completed prior to the commencement of any construction on the site, with the exception of grading.
- b. Extend Piliāni Highway for two lanes of traffic from Wailea Ike Drive to Kaukaʻahi Street. The improvement shall be constructed at or prior to the completion of 50 percent of the project. Said improvement shall be maintained by Honua'ula Partners, LLC, its successors and permitted assigns.
- c. Signalize the Piliāni Highway/Okolani Drive/Mikioi Place intersection and provide an exclusive left-turn lane on Okolani Drive prior to occupancy of the first unit in Kiheti-Makena Project District 9.
- d. Modify the Piliāni Highway/Wailea Ike Drive intersection into a signalized intersection and provide a free right-turn lane from Piliāni Highway to Wailea Ike Drive and a second right-turn lane from

Wailea Ike Drive to northbound Piliāni Highway prior to occupancy of the first unit in Kiheti-Makena Project District 9.

- e. Modify the Wailea Alanui/Wailea Ike Drive intersection to add a signalized double right-turn movement from northbound to eastbound turning traffic and provide two left-turn lanes for southbound traffic from Wailea Ike Drive prior to occupancy of the first unit in Kiheti-Makena Project District 9.
- f. Modify the Piliāni Highway/Kilohana Drive/Mapu Place intersection to provide an exclusive left-turn lane, and the southbound Piliāni Highway approach to provide an exclusive right-turn lane into Mapu Place prior to occupancy of the first unit in Kiheti-Makena Project District 9.
- g. Signalize the Wailea Ike Drive/Kalai Waa Street intersection in coordination with Wailea Resort and Makena Resort when warranted.
- h. Signalize the Wailea Alanui/Kaukaʻahi Drive/Kaukaʻahi Street intersection in coordination with Wailea Resort and Makena Resort when warranted.

3. That, as represented, Honua'ula Partners, LLC, its successors and permitted assigns, shall make a contribution to the County for traffic improvements in an amount equal to \$5,000 per unit. The contribution shall be paid to the County prior to issuance of a building permit. Upon adoption of a traffic impact fee ordinance, Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with the ordinance in lieu of this voluntary contribution. Should a traffic impact fee ordinance be adopted prior to the collection of this contribution, the applicable amount shall be the greater of the two. Such contributions or fees shall not be a substitute for any other traffic infrastructure requirements related to the Change in Zoning.

4. That Honua'ula Partners, LLC, its successors and permitted assigns, shall be responsible for all required infrastructural improvements for the project, including water source and system improvements for potable and nonpotable use and fire protection, drainage improvements, traffic-related improvements, wastewater system improvements and utility upgrades, as determined by the appropriate governmental agencies and public utility companies. Except as otherwise provided by more specific conditions of zoning, said improvements shall be constructed and implemented concurrently with the development of each phase of Kiheti-Makena Project District 9, and shall be completed prior to issuance of any certificate of occupancy or final subdivision approval, unless improvements are bonded by Honua'ula Partners, LLC, its successors and permitted assigns. Honua'ula Partners, LLC shall execute appropriate agreements with governmental agencies regarding participation in improvements of infrastructure and public facilities as determined by the agencies.

5. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide workforce housing in accordance with Chapter 2.96, Maui County Code (the "Residential Workforce Housing Policy"); provided that, 250 of the required workforce housing units shall be located at the Kaonoulu Light Industrial Subdivision and completed prior to any market-rate unit, that 125 of those workforce housing units shall be ownership units, and that 125 of those units shall be rental units. In addition, construction of those workforce housing units shall be commenced within two years, provided all necessary permits can be obtained within that timeframe. Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a minimum two-acre park at the Kaonoulu Light Industrial Subdivision, which shall be credited toward the requirements of Section 18.16.320, Maui County Code, for that subdivision.

6. That a Drainage Master Plan and Phasing Plan of improvements shall be submitted for review and approval during Project District Phase II processing. Said plan shall include the recommended drainage improvements as represented in the Preliminary Drainage Report. The County may require periodic updates of the Drainage Master Plan and Phasing Plan.

7. That Honua'ula Partners, LLC, its successors and permitted assigns, shall prepare an animal management plan that shall be submitted during Project District Phase II processing and approved by the Department of Land and Natural Resources prior to submittal of Project District Phase III processing. Said plan shall include procedures for the management of animal intrusions including, but not limited to, construction of boundary or perimeter fencing, wildlife control permits, and rodent and feral cat control. Honua'ula Partners, LLC, its successors and permitted assigns, shall implement the approved animal management plan. The Department of Land and Natural Resources may require periodic updates of the plan.

8. That Honua'ula Partners, LLC, its successors and permitted assigns, shall inform owners within Kihei-Makana Project District 9 that the area is subject to the intrusion of mammals such as axis deer, pigs, and rodents, and the impacts and management plan associated with such intrusions.

9. That Honua'ula Partners, LLC, its successors and permitted assigns, shall prepare an assessment of the owl (Pueo or Hawaiian Short-eared Owl) and the Hawaiian Hoary Bat in coordination with the Department of Land and Natural Resources, and, if appropriate, mitigative measures shall be incorporated into Kihei-Makana Project District 9. Said assessment shall be prepared prior to submittal of Project District Phase II processing.

10. That, in lieu of the dedication of a Little League Field and related amenities as originally specified in Ordinance No. 2171 (1992), Exhibit "B", Condition No. 8, and based on current land and construction cost estimates for the Little League Field, not less than \$5,000,000 shall be paid to the County upon Project District

Phase II approval for the development of the South Maui Community Park. Said amount shall not be credited against future park assessments.

11. That Honua'ula Partners, LLC is proposing to develop 6 acres of private parks and 84 acres of open space within the development. Said private parks shall be open to the public and privately maintained. Furthermore, said private parks and open space shall not be used to satisfy the park assessment requirements under Section 18.16.320, Maui County Code, or for future credits under said subdivision ordinance. The Director of Parks and Recreation and Honua'ula Partners, LLC agree that the park assessment shall be satisfied with an in-lieu cash contribution for the entire project. The amounts and timing of payment of said in-lieu fees shall be subject to the provisions of Section 18.16.320, Maui County Code.

12. That, as represented by Honua'ula Partners, LLC, the golf course shall be subject to the following conditions:

a. Honua'ula Partners, LLC, its successors and permitted assigns, shall permit one nonprofit organization per quarter of the calendar year, other than Maui Junior Golf Association ("Maui Junior Golf"), the use of the golf course and the clubhouse for a fund-raising activity upon terms mutually agreed upon with said nonprofit organization.

b. Honua'ula Partners, LLC, its successors and permitted assigns, shall: (1) develop an organized instructional program for junior golfers at its facility from September to January each year; (2) permit Maui Junior Golf the use of the golf course in accordance with Honua'ula Partners, LLC's instructional program; and (3) sponsor one Maui Junior Golf fund-raising tournament per year. The terms of the Junior Golf Program by Honua'ula Partners, LLC shall be as follows:

The instructional program will be developed to teach youngsters ages 12 to 18 years of age the fundamentals of golf and how to play the game, while also providing quality instruction/training three days a week from September 1 through January 31, with some blackout dates. This program will support the overall efforts of Maui Junior Golf.

Private lessons will also be available at a discounted rate of 50 percent of the regular rate based on two lessons per junior golfer for a maximum of 50 lessons per month from February through August on a space-available basis.

For the annual fund-raising event for the Maui Junior Golf, the rate per player shall be 50 percent of the regular rate with the number of golfers limited to no more than 144 players per event.

- c. Honua'ula Partners, LLC, its successors and permitted assigns, shall permit the Maui Interscholastic League ("MIL") and the Hawaii High School Athletic Association ("HHSAA") to each use the golf course once per year for an official MIL golf tournament or an official HHSAA golf tournament if requested by the MIL or the HHSAA, or for regular season play-offs if requested by the MIL.
- d. Honua'ula Partners, LLC, its successors and permitted assigns, shall permit Maui residents to play at the golf course on Tuesday of each week. The charge for Maui residents for green fees, including golf cart rental fees, shall not exceed 40 percent of the average market rate for green fees and golf cart rental fees in South Maui, and shall exclude all membership fees.
13. That Honua'ula Partners, LLC, its successors and permitted assigns, shall prepare a Cultural Resources Preservation Plan ("CRPP"), in consultation with: Na Kupuna O Maui; lineal descendants of the area; other Native Hawaiian groups; the Maui County Cultural Resources Commission; the Maui/Lanai Island Burial Council; the Office of Hawaiian Affairs; the State Historic Preservation Division, Department of Land and Natural Resources; the Maui County Council; Na Ala Hele; and all other interested parties. Prior to initiating this consultation process, Honua'ula Partners, LLC, its successors and permitted assigns, shall publish a single public notice in a Maui newspaper and a State-wide newspaper that are published weekly. The CRPP shall consider access to specific sites to be preserved, the manner and method of preservation of sites, the appropriate protocol for visitation to cultural sites, and recognition of public access in accordance with the Constitution of the State of Hawaii, the Hawaii Revised Statutes, and other laws, in Kihai-Makena Project District 9.
14. Upon completion of the CRPP, Honua'ula Partners, LLC, its successors and permitted assigns, shall submit the plan to the State Historic Preservation Division, Department of Land and Natural Resources, and the Office of Hawaiian Affairs for review and recommendations prior to Project District Phase II approval. Upon receipt of the above agencies' comments and recommendations, the CRPP shall be forwarded to the Maui County Cultural Resources Commission for its review and adoption prior to Project District Phase II approval.
14. That a nonpotable water supply system shall be utilized for all irrigation purposes.
15. That, during construction, all dust control shall utilize nonpotable water or effluent, which may be obtained from the Kihai Wastewater Reclamation Facility when available.
16. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a Sewage Disposal Analysis that has been reviewed and commented on by the State Department of Health, the State Department of Land and Natural Resources,

the County Department of Environmental Management, and the County Department of Water Supply prior to Project District Phase II approval. The Sewage Disposal Analysis, along with reviews and comments, shall be submitted to the Maui County Council for review and the project shall be subject to additional conditions or amendments by the Maui County Council if warranted by the Sewage Disposal Analysis.

17. That Honua'ula Partners, LLC, its successors and permitted assigns, shall construct, maintain, and/or participate in the operation of a private wastewater treatment facility and system that accommodate the needs of the entire Kihai-Makena Project District 9. All reclaimed water from the private wastewater treatment facility shall be utilized for irrigation, dust control, or other nonpotable purposes, and none of the reclaimed water shall be placed into injection wells.
- The sewer rates for the residential workforce housing units shall be no higher than the residential sewer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code.
18. That Honua'ula Partners, LLC, its successors and permitted assigns, shall address in their Project District Phase II application the following:
- a. Condition 1 of the Department of Health's "Twelve Conditions Applicable To All New Golf Course Development" ("12 Conditions") relating to an approved sampling plan, establishment of the baseline groundwater/vadose zone water quality, and if appropriate, nearshore water quality, has been met to the satisfaction of the Director of Health;
 - b. Conditions 2 and 3 of the Department of Health's "12 Conditions" relating to groundwater monitoring have been satisfied by the Director of Health;
 - c. Condition 4 relating to the preliminary proposal of the individual treatment system meets the requirements of the Department of Health, and final design shall be approved at the time of Project District Phase III;
 - d. Condition 5 of the Department of Health's "12 Conditions" relating to use of effluent has been satisfied;
 - e. Condition 6 of the Department of Health's "12 Conditions" relating to golf carts and storage of petroleum has been addressed and incorporated in the design and layout of the buildings;
 - f. Conditions 7, 8, and 11 of the Department of Health's "12 Conditions" relating to fertilizers, biocides, and pesticides and the Integrated Golf Course Management Plan have been reviewed, and comments from the Department of Agriculture and the Department of Health have been incorporated in the design and layout of the golf courses;

assurance measures. The water quality data shall be submitted annually to HDOH for use in the State's Integrated Report of Assessed Waters prepared under Clean Water Act Sections 303(d) and 305(b). If this report lists the receiving waters as impaired and requiring a Total Maximum Daily Load ("TMDL") study, then the monitoring program shall be amended to evaluate land-based pollutants, including: (1) monitoring of surface water and groundwater quality for the pollutants identified as the source of the impairment; and (2) providing estimates of total mass discharge of those pollutants on a daily and annual basis from all sources, including infiltration, injection, and runoff. The results of the land-based pollution water quality monitoring and loading estimate shall be submitted to the HDOH Environmental Planning Office, TMDL Program.

The ecological monitoring shall include ecological assessment in accordance with the Coral Reef Assessment and Monitoring Program protocols used by the Department of Land and Natural Resources. The initial assessment shall use the full protocol. Subsequent annual assessments can use the Rapid Assessment Techniques. Results shall be reported annually to the Aquatic Resources Division, Department of Land and Natural Resources.

21. That all exterior lighting shall be shielded from adjacent residential properties and near shore waters. Lighting requirements in force at the time of building permit application shall be applied.

22. That Honua'ula Partners, LLC, its successors and permitted assigns, shall pay the Department of Education \$3,000 per dwelling unit upon issuance of each building permit to be used, to the extent possible, for schools serving the Kihei-Makana Community Plan area; provided that, should the State pass legislation imposing school impact fees that apply to Kihei-Makana Project District 9, Honua'ula Partners, LLC, its successors and permitted assigns, shall from that point forward comply with the State requirements, or contribute \$3,000 per dwelling unit, whichever is greater.

23. That Honua'ula Partners, LLC, its successors and permitted assigns, shall fund and construct adequate civil defense measures as determined by the State and County of Maui civil defense agencies.

24. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide to the County two acres of land with direct access to the Piilani Highway extension for the development of fire control facilities within the village mixed-use sub-district at the time 50 percent of the total unit/lot count has received either a certificate of occupancy or final subdivision approval. The acreage provided shall have roadway and full utility services provided to the parcel.

g. Condition 9 of the Department of Health's "12 Conditions" relating to noise from maintenance facilities has been addressed through the location and design of the maintenance activities and facilities;

h. Condition 10 of the Department of Health's "12 Conditions" and the County Department of Environmental Management's concerns and recommendations relating to solid waste disposal management activities and facilities are identified and designed;

i. Condition 12 of the Department of Health's "12 Conditions" relating to soil runoff during construction and concerns of the State Department of Transportation; the County Department of Public Works; the State Department of Health; and the Natural Resources Conservation Service of the United States Department of Agriculture relating to drainage are addressed and incorporated in the design and layout of the plans, and a preliminary erosion control and drainage report is included in the application;

j. Confirmation from Maui Electric Company, Ltd. ("MECO") that the proposal to relocate and/or landscape MECO facilities is incorporated in the application and site plan; and

k. Roadway improvements to the satisfaction of the State Department of Transportation and the County Department of Public Works and proposed agreements are incorporated in the application and site plan and finalized as part of Project District Phase II approval.

19. That Honua'ula Partners, LLC, its successors and permitted assigns, shall execute appropriate agreements with the State of Hawaii and County of Maui agencies regarding participation in improvements of infrastructure and public facilities where such improvements are reasonably related to Honua'ula Partners, LLC's project.

20. That marine monitoring programs shall be conducted which include monitoring and assessment of coastal water resources (groundwater and surface water) that receive surface water or groundwater discharges from the hydrologic unit where the project is located. Monitoring programs shall include both water quality and ecological monitoring.

Water Quality Monitoring shall provide water quality data adequate to assess compliance with applicable State water quality standards at Hawaii Administrative Rules Chapter 17-54. Assessment procedures shall be in accordance with the current Hawaii Department of Health ("HDOH") methodology for Clean Water Act Section 305(b) water quality assessment, including use of approved analytical methods and quality control/quality

That Honua'ula Partners, LLC, its successors and permitted assigns, shall contribute \$550,000 to the County for the development of a police station in South Maui, to be paid at the time a contract is entered into for the construction of that police station.

25. That no transient vacation rentals or time shares shall be allowed within Kihai-Makena Project District 9; and further, no special use permit or conditional permit for such accommodations shall be accepted by the Department of Planning.

26. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a preservation/mitigation plan pursuant to Chapter 6E, Hawaii Revised Statutes, that has been approved by the State Historic Preservation Division, Department of Land and Natural Resources, and the Office of Hawaiian Affairs prior to Project District Phase II approval.

27. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide the report "Remnant Wiliwili Forest Habitat at Wailea 670, Maui, Hawaii by Lee Altenberg, Ph.D.", along with a preservation/mitigation plan, to the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers for review and recommendations prior to Project District Phase II approval. The Maui Planning Commission shall consider adoption of the plan prior to Project District Phase II approval.

Such plan shall include a minimum preservation standard as follows: That Honua'ula Partners, LLC, its successors and permitted assigns, shall establish in perpetuity a Conservation Easement (the "Easement"), entitled "Native Plant Preservation Area", for the conservation of native Hawaiian plants and significant cultural sites in Kihai-Makena Project District 9 as shown on the attached map. The Easement shall comprise the portion of the property south of latitude 20°40'15.00"N, excluding any portions that the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers find do not merit preservation, but shall not be less than 18 acres and shall not exceed 130 acres.

The scope of the Easement shall be set forth in an agreement between Honua'ula Partners, LLC and the County that shall include:

a. A commitment from Honua'ula Partners, LLC, its successors and permitted assigns, to protect and preserve the Easement for the protection of native Hawaiian plants and significant cultural sites worthy of preservation, restoration, and interpretation for public education and enrichment consistent with a Conservation Plan for the Easement developed by Honua'ula Partners, LLC and approved by the State Department of Land and Natural Resources, the United States Geological

Survey, and the United States Fish and Wildlife Service; and with a Cultural Resource Preservation Plan, which includes the management and maintenance of the Easement, developed by Honua'ula Partners, LLC and approved by the State Department of Land and Natural Resources (collectively, the "Conservation/Preservation Plans").

b. That Honua'ula Partners, LLC, its successors and permitted assigns, shall agree to confine use of the Easement to activities consistent with the purpose and intent of the Easement.

c. That Honua'ula Partners, LLC, its successors and permitted assigns, shall be prohibited from development in the Easement other than erecting fences, enhancing trails, and constructing structures for the maintenance needed for the area, in accordance with the Conservation/Preservation Plans.

d. That title to the Easement shall be held by Honua'ula Partners, LLC, its successors and permitted assigns, or conveyed to a land trust that holds other conservation easements. Access to the Easement shall be permitted pursuant to an established schedule specified in the Conservation/Preservation Plans to organizations on Maui dedicated to the preservation of native plants, to help restore and perpetuate native species and to engage in needed research activities. These organizations may enter the Easement at reasonable times for cultural and educational purposes only.

e. Honua'ula Partners, LLC, its successors and permitted assigns, shall be allowed to receive all tax benefits allowable under tax laws applicable to the Easement at the time that said Easement is established in Kihai-Makena Project District 9, which will be evidenced by the recordation of the Easement in the Bureau of Conveyances, State of Hawaii.

28. That, prior to the commencement of any construction activity, Honua'ula Partners, LLC, its successors and permitted assigns, shall develop and submit a Transportation Management Plan ("TMP"), to be reviewed and approved by the State Department of Transportation, the County Department of Public Works, and the County Department of Transportation. The purpose of the TMP shall be to reduce traffic generated by construction activity related to the Kaomoulu Light Industrial Subdivision and Kihai-Makena Project District 9, including traffic generated by the improvements to Pihani Highway between Kijohana Drive and Wailea Ike Drive. The TMP shall provide for programs such as park and ride, shuttles, and/or restrictions on worker access to ongoing construction activity during peak hour traffic. Upon approval, project contractors shall implement the TMP during construction activities. Honua'ula Partners, LLC, its successors and permitted assigns, shall submit an annual report to the State Department of Transportation, the County Department of Public Works, the County Department

of Transportation, and the Maui County Council to document the success of the TMP in meeting its benchmarks of reducing traffic during project construction.

That as part of the Project District Phase II application, Honua'ula Partners, LLC, its successors and permitted assigns, shall submit a TMP to reduce the dependency on individual vehicular transportation modes. The TMP shall be reviewed and approved by the State Department of Transportation, the County Department of Public Works, and the County Department of Transportation prior to Project District Phase II approval.

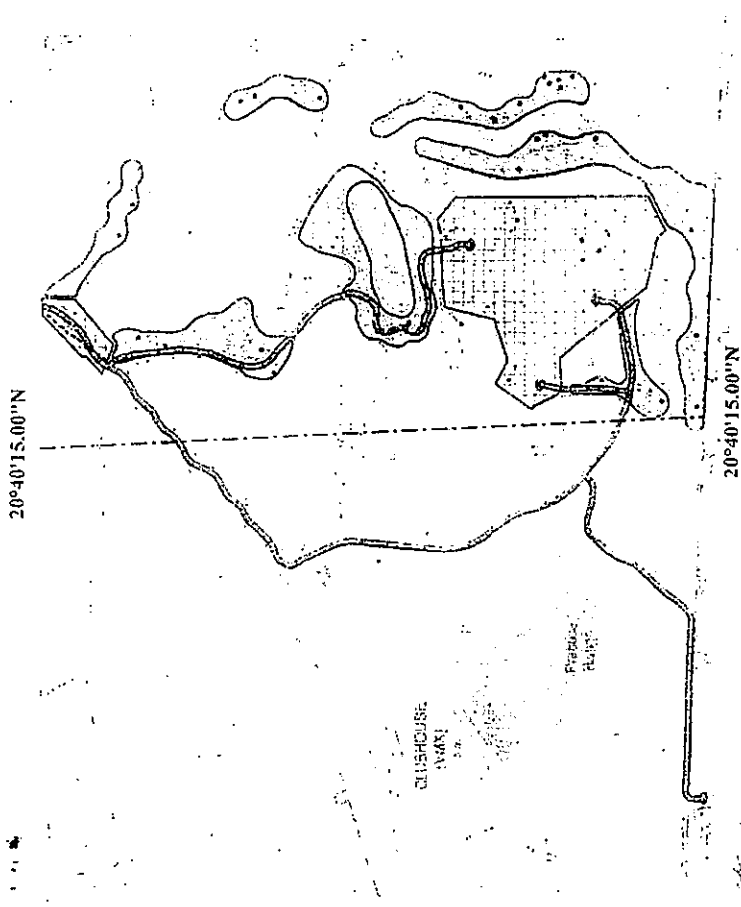
29. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide annual compliance reports to the Department of Planning and the Maui County Council on the status of the project and progress in complying with the conditions imposed, commencing within one year of the effective date of the ordinance.

30. All energy systems for all residential units shall be designed and constructed to meet all applicable ENERGY STAR requirements established by the Climate Protection Division of the United States Environmental Protection Agency in effect at the time of construction. For purposes of this condition, energy systems shall include all hot water systems, roof and attic areas, outside walls, windows, air cooling systems, and heating systems.

All residential units shall be equipped with a primary hot water system at least as energy efficient as a conventional solar panel hot water system, sized to meet at least 80 percent of the hot water demand for the respective units.

All air cooling systems and all heating systems for laundry facilities, swimming pools, and spa areas shall make maximum use of energy-efficient construction and technology.

lumisc:038&conditions(2-15-08)



Legend

- Existing Native Plants Field Survey
- Unweeded Native Plants Field Survey
- Unweeded Native Plants Field Survey
- Unweeded Native Plants Field Survey
- Unweeded Native Plants Field Survey
- Archaeological Sites (To Be Preserved)

Approx. Area (Acres)	Notes
77.18 AC	Native Plant Preservation Area
77.23 AC	Native Plant Management / Botanical Survey Area
77.24 AC	Respective Trail from Above water Channel from with interpretive signs
TOTAL: 177.45 AC	

All areas used to be field marked and surveyed to establish appropriate boundaries that relate to the existing topographic and geologic features, such as native plants, rocks, and other features, for both current and future planning purposes. Field address markers for both current and future planning purposes shall be established.





March 9, 2010

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Executive Vice-President

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Chairman Emeritus

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Fax: (808) 525-3163

ORDINANCE NO. _____
BILL NO. 22 (2008)

A BILL FOR AN ORDINANCE TO REPEAL ORDINANCE NO. 2171 (1992) AND TO ESTABLISH KIHEI-MAKENA PROJECT DISTRICT 9 (WAILEA 670) ZONING (CONDITIONAL ZONING), FOR APPROXIMATELY 670 ACRES SITUATED AT PAEAHU, PALAUEA, KEAUKOU, MAUI, HAWAII

This bill proposes to repeal Ordinance No. 2171 and to establish Kihei Project District 9 (Waila 670) zoning (conditional zoning) for property situated at Paeahu, Palauea, Keauhou, Maui, Hawaii, identified for real property tax purposes by Tax Map key Nos. (2) 2-1-008:056 and (2) 2-1-008:071, comprised of approximately 670 acres.

I, ROY T. HIRAGA, County Clerk of the County of Maui, State of Hawaii, DO HEREBY CERTIFY that the foregoing BILL NO. 22 (2008) was passed on First Reading at the February 8, 2008 meeting of the Council of the County of Maui, State of Hawaii, by the following vote:

AYES: Councilmembers Gladys C. Baisa, William J. Medeiros, Michael J. Molina, Joseph Pontanilla, Michael P. Victorino, and Vice-Chair Dennis A. Mateo.

NOES: Councilmembers Michelle Anderson, Jo Anne Johnson, and Chair G. Riki Hokama.

DATED at Waituku, Maui, Hawaii, this 29th day of February, 2008.

ROY T. HIRAGA, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Copies of the foregoing Bill, in full, are on file in the Office of the County Clerk, County of Maui, for use and examination by the public.

Wayne Nishiki, Councilmember
Maui County Council
200 S. High Street
Waituku, HI 96793

**SUBJECT: HONU'ULA ENVIRONMENTAL ASSESSMENT/
ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE**

Dear Councilmember Nishiki:

Thank you for your letter dated November 16, 2009 regarding the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to you.

The EA/EISP/N was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). The Draft EIS will be the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR, and it will contain technical studies as appendices.

The Draft EIS will address issues regarding water, traffic, drainage, cultural sites, trails and access, and native flora and fauna, among other matters.

The Draft EIS will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554. We are aware of the conditions and timing requirements for various plans and studies required under the Conditions in Zoning attached to County of Maui Ordinance No. 3554. The required plans and studies will be provided as appendices to the Draft EIS. These will include: 1) a preservation/mitigation plan pursuant to Chapter 6E, Hawaii Revised Statutes (Condition 26); 2) a Cultural Resources Preservation Plan (Condition 13); 3) a Conservation and Stewardship Plan (Condition 27); and 4) an assessment and mitigation measures for the endangered Hawaiian Owl and Hoary Bat (Condition 9). All of these plans will be prepared in conformance with the requirements of the specific conditions.

In compliance with Condition 27, the report entitled "Remnant Wiliwili Forest Habitat at Waila 670" by Dr. Lee Allenberg will be submitted to the Department of Land and Natural Resources, the U.S. Fish and Wildlife Service, and the U.S. Corps of Engineers for review prior to Project District Phase II approval.

Councilmember Wayne Nishiki
SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL
IMPACT STATEMENT PREPARATION NOTICE
March 9, 2010
Page 2 of 2

In further compliance with Condition 27, Honua'ula Partners, LLC will provide a Native Plant Preservation Area within Honua'ula. The proposed size and location of the Native Plant Preservation Area are based, in part, upon a vegetation density analysis conducted by SWCA Environmental Consultants to aid in defining areas where preservation could be most effective. The Native Plant Preservation Area encompasses a contiguous 22-acre portion of the property south of latitude 20°40'15.00"N with the highest densities of selected endemic/native plants having high conservation priority. The size and location of the Native Plant Preservation Area are also based upon scientific research that suggests even small restoration efforts can help provide habitat for native species when managed in combination with regional preserve areas. As such Honua'ula's Native Plant Preservation Area must be considered in the context of the significant conservation efforts already in existence in South Maui such as the 'Auwahi (10 acres) and Pu'u o Kali (236 acres) Forest Reserves and the Kamaio (876 acres) and 'Ahihi-Kiua'u (1,238 acres) Natural Area Reserves.

In addition to the Native Plant Preservation Area, which will be established through a conservation easement, Honua'ula Partners, LLC will provide additional areas for the protection of native plants. Altogether, 143 acres are proposed for the preservation, conservation, propagation, and management of native plant species at Honua'ula. These conservation measures, including the size of the Native Plant Preservation Area easement, will be subject to concurrence by the State Department of Land and Natural Resources, the U.S. Fish and Wildlife Service, and the United States Corps of Engineers.

Further, the Conservation and Stewardship Plan will set forth proactive stewardship actions to manage the Native Plant Preservation Area and other native plant areas.

Thank you for the clarification regarding the approving body for Project District Phase II application. The Draft Environmental Impact Statement (EIS) will indicate that the Maui Planning Commission is the approving body for Project District Phase II application.

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EA/EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

CHARMAINE TAVARES
MAYOR



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

780 ALUA STREET
WAILUKU, HAWAII 96793
(808) 244-9151
FAX (808) 244-1363

April 14, 2009

Mr. Tom Schnell, AICP
PBR Hawaii & Associates, Inc.
1001 Bishop Street, ASB Tower, Suite 650
Honolulu, Hawaii 96813-3484

Subject: Honua'ula Environmental Impact Statement Preparation Notice (EISPN)
TMK: (2)2-1-008-056 & 071

Dear Mr. Schnell,

I thank you for the opportunity to review the Honua'ula EISPN. It appears that the details includes the proposed 2 acres that will be presented to the County of Maui for future fire service facilities when the project reaches 50% completion.

We have no specific concerns at this time. In the future, our office will review the details of commercial and subdivision permits to make sure that they comply with the existing fire codes adopted by the County of Maui.

Please contact me if there are any questions or concerns regarding this issue.

Sincerely,



Valeriano F. Martin
Captain
Fire Prevention Bureau

cc: Office of Environmental Quality Control
Maui County Planning Department



PBR HAWAII
 & ASSOCIATES, INC.

March 9, 2010

DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
 COUNTY OF MAUI



CHARMAINE TAVARES
 Mayor
 LORI TSUJHAKO
 Director
 JO-ANN T. BIDAO
 Deputy Director

2000 MAIN STREET • SUITE 546 • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX (808) 270-7165
 MAILING ADDRESS: 200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • EMAIL: director.hhc@mauicounty.gov

April 7, 2009

Valeriano F. Martin, Captain
 County of Maui
 Department of Fire and Public Safety
 Fire Prevention Bureau
 780 Alua Street
 Wailuku, HI 96793

PBR HAWAII
 ASB Tower, Suite 650
 1001 Bishop Street
 Honolulu, Hawaii 96813
 Attention: Mr. Tom Schnell

Dear Mr. Schnell:

**SUBJECT: Proposed Honua'ula Project
 Draft Environmental Impact Statement**

We have reviewed the Draft Environmental Impact Statement for the proposed Honua'ula project and would like to offer the following comment:

1. Applicant has indicated that it would provide workforce affordable homes in compliance with Chapter 2.96, Maui County Code (MCC) (Residential Workforce Housing Policy).
2. We would like to note that pursuant to Section 2.96.040 of Chapter 2.96, MCC, the applicant is required to enter into a residential workforce housing agreement prior to final subdivision approval or issuance of a building permit for the subject project.

Please call Mr. Wayde Oshiro of our Housing Division at 270-7355 if you have any questions.

Sincerely,

 LORI TSUJHAKO, LSW, ACSW
 Director of Housing and Human Concerns

cc: Office of Environmental Quality Control
 Maui Planning Department
 Housing Division

TO SUPPORT AND EMPOWER OUR COMMUNITY TO REACH ITS FULLEST POTENTIAL
 FOR PERSONAL WELL-BEING AND SELF-RELIANCE.

**SUBJECT: HONU'ULA ENVIRONMENTAL IMPACT STATEMENT
 PREPARATION NOTICE**

Dear Captain Martin:

Thank you for your letter dated April 14, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

We acknowledge that you have no specific comments at this time and that in the future your office will review the details of commercial and subdivision permits to make sure that they comply with the existing fire codes adopted by the County of Maui.

Thank you for reviewing the EISP/N. Your letter will be included in the Draft Environmental Impact Statement.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
 Senior Associate

cc: Jeff Hunt, Maui Planning Department
 Charles Jencks, Honua'ula Partners, LLC

1985.08 EA BISP/N Fire Dept

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March 9, 2010

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Associate

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CHARMAINE TAVARES
Mayor



TAMARA HORCAJO
Director
ZACHARY Z. HELM
Deputy Director
(808) 270-7230
Fax (808) 270-7934

DEPARTMENT OF PARKS & RECREATION

700 Hall's Nakoa Street, Unit 2, Wailuku, Hawaii 96793

April 6, 2009

PBR HAWAII
ASB Tower, Suite 650
Attention: Tom Schnell
1001 Bishop Street
Honolulu, Hawaii 96813

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Ms. Tsubako:

Thank you for your letter dated April 7, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

Honua'ula will provide workforce housing in accordance with Chapter 2.96, Maui County Code. Honua'ula Partners, LLC will enter into a residential workforce housing agreement prior to final subdivision approval or issuance of a building permit.

Thank you for reviewing the EISP/N. Your letter will be included in the Draft Environmental Impact Statement.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISP/N HHC

SUBJECT: Environmental Impact Statement Preparation Notice (EISP/N)
Proposed Honua'ula Development
TMK (2) 3-5-008: 056 and 071
Wailuku, Maui, Hawai'i

Dear Mr. Schnell:

Based on our review of the proposed Honua'ula Development EISP/N, the Parks & Recreation Department has no objections at this time. The 6 acres of private parks and 84 acres of open space proposed to be developed outside of park assessment requirements, in addition to the agreement to satisfy the provisions of Section 18.16.320, Maui County Code, with an in-lieu cash contribution for the entire project, meets with our approval. The applicant's offer of payment of not less than \$5,000,000 to the County in lieu of the dedication of a Little League Field, upon Project District Phase II approval for the development of the South Maui Community Park is also acceptable. Finally, the applicant's agreement to support Maui Junior Golf, MIL athletic groups and provide reduced rates for kama'aina is a favorable commitment.

We are interested in reviewing more detailed plans for the Park as they are developed.

Please feel free to contact me or Mr. Patrick Matsui, Chief of Parks Planning and Development, at 270-7931 should you have any questions.

Sincerely,

TAMARA HORCAJO
Director

cc: Patrick Matsui, Chief of Parks Planning and Development
TH:PM:ca



March 9, 2010

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VINCENT SHIGEKUNI
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MAYOR

OUR REFERENCE
YOUR REFERENCE

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COUNTY OF MAUI

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CHIEF OF POLICE
GARY A. YABUTA
DEPUTY CHIEF OF POLICE

April 15, 2009

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Ms. Horcajo:

Thank you for your letter dated April 6, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

We acknowledge that the Department of Parks and Recreation has no objections at this time and that you are in agreement with the proposed parks, cash contribution, and agreement to support Maui Junior Golf.

We will provide you with a copy of the Draft Environmental Impact Statement (EIS) when it is available.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Mr. Tom Schnell
PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, HI 96813

Dear Mr. Schnell:

**SUBJECT: Environmental Impact Statement Preparation Notice – Honua'ula
TMK: (2) 2-1-008:56 and 71**

Thank you for your letter of March 8, 2009, requesting comments on the above subject.

We have reviewed the EISPN and have enclosed our comments and recommendations. Thank you for giving us the opportunity to comment on the proposed project.

Very truly yours,

Assistant Chief Wayne Ribao
for: Thomas M. Phillips
Chief of Police

Enclosure

c: Captain Lawrence Hudson, Technical Services
Jeffrey Hunt, Director, Maui County Planning Department
Office of Environmental Quality Control

1905.08 EA EISPN DPR

COPY

cc: Capt. Hays

Notes
As of 04/08/09

TO : THOMAS PHILLIPS, CHIEF OF POLICE
VIA : CHANNELS [Signature] 04/08/09
FROM : LESTER WONG, LIEUTENANT (KIHEI DISTRICT)
SUBJECT : REVIEW & COMMENT - HONUA'ULA PROJECT

This memo in response to the request by PBR Hawaii & Associates (consultants for the Honua'ula project) to review and comment upon the proposed Honua'ula project in Wailea and the attached Environmental Impact Statement Preparation Notice (EISPN).
On 04/08/09, I met with Mr. Chatlie Jencks, Owner's Representative for the Honua'ula project. He explained that this is a preliminary notice that they are preparing an Environmental Impact Statement as required by the State of Hawaii. This is the former Wailea 670 project located at the current south end of Pili'ani Highway and along the southern border of the Maui Meadows subdivision.

The project area is intended for a maximum of 1,150 residential units and a golf course. It calls for extensive improvements to Pili'ani Highway (including a southerly extension to Ulupalakua Ranch), the Wailea Iki Drive at Pili'ani Highway intersection, the Wailea Iki Drive intersection with Wailea Alanui Drive, and a new road to connect the extended Pili'ani Highway to Kaukahi Street (next to Diamond Resort).

We will be given an opportunity to review and comment on the Environmental Impact Statement (EIS) upon its release. This document will be in more detail.

In an effort to update the existing information stated in Chapter-4 (Description of the Human Environment, Potential Impacts, and Mitigation Measures); Section 4.9 (Public Services and Facilities); Sub-section 4.9.2 (Police) on page-44, the following is recommended to be included for the EIS.

The Maui Police Department is headquartered at 55 Mahalani Street in Wailuku. Twenty-four hour full time uniformed police service for south Maui (Maalaea, Kihei, Wailea, and Makana) is provided by the Kihei Patrol District which is currently located in a leased storefront within the Kihei Town Center at 1881 South Kihei Road. The Kihei District Police Station has been in this location for the past nine years. It is 3.8 miles northwest of the main entrance to the Honua'ula project.

Currently, the Kihei Police District is commanded by 1-Police Captain, who is assisted by 1-Police Lieutenant, and 1-Civilian Clerk. Staffing for the Kihei District Station includes 7-Police Sergeants who supervise 30-Police Officer positions, 3-Community Police Officer positions, 2-Visitor Oriented Police Officer positions, and 1-School Resource Officer position. There are also 6-Public Safety Aides (civilian employees).

Projected for the near future is the construction of a new Kihei District Police Station to which will be located mauka of the intersection of Pili'ani Highway and Kanani Road. The full service police station will replace the current police station. This location will be 2.8 miles north of the main entrance to the Honua'ula project.

As a point of information within the EISPN document, the County of Maui has entered into a Unilateral Agreement which is mandated by Ordinance No. 3554. It stipulates that Honua'ula Partners, LLC will contribute \$550,000 to the County for the development of a police station in South Maui which will be paid at the time a contract is entered into for the construction of the new police station. Refer to page-44 of the EISPN.

Upon approval of this information, please forward it to the following:

- Consultant: PBR HAWAII (Contact: Tom Schnell)
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813
- State of Hawaii: Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813
- County of Maui: Maui Planning Department (Contact: Jeff Hunt, Director)
250 South High Street
Wailuku, Hawaii 96793

Submitted for your information and approval.

[Signature]
Lt. Lester Wong
04/08/09



March 9, 2010

PRINCIPALS

TIM MASS WITTEN, ASLA
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R. STANFORD CANAN, ASLA
Executive Vice-President

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Executive Vice-President

VINCENT SHIGEKUNI
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Associate

RAMIKAMHI YUEN, LEED^{AP}
Associate

SCOTT ALIKA ABRIGO, LEED^{AP}
Associate

SCOTT AURAKAKAMI, ASLA, LEED^{AP}
Associate

DACHENG DONG, LEED^{AP}
Associate

HONOLULU OFFICE

101 Bishop Street, Suite 650
Honolulu, Hawaii 96813-3184
Tel: (808) 523-1402
E-mail: opsadmin@pbrhawaii.com

KAPOLI OFFICE

1001 Kamuela Boulevard
Kapoli Building, Suite 313
Kapoli, Hawaii 96707-2005
Tel: (808) 521-5631
Fax: (808) 535-3164

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. NIYAMOTO
Deputy Director

Telephone: (808) 270-7846
Fax: (808) 270-7855



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

March 30, 2009

Mr. Tom Schnell
PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell :

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE FOR HONUOLA; TMK: (2)-2-1-008:056 AND 071

We reviewed the subject application and have the following comments:

1. The applicant shall be responsible for all required improvements as required by Hawaii Revised Statutes, Maui County Code and rules and regulations.
2. Construction plans shall be designed in conformance with Hawaii Standard Specifications for Road and Bridge Construction dated 2005 and Standard Details for Public Works Construction, 1984, as amended.
3. Worksite traffic-control plans/devices shall conform to Manual on Uniform Traffic Control Devices for Streets and Highways, 2003.
4. Drainage and traffic master plans for the entire development is required. The traffic master plan must analyze regional traffic impacts as well.

SUBJECT: HONUOA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Ribao:

Thank you for your letter dated April 15, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

We appreciate the updated information regarding Maui Police Department operations and staffing and will include this information in the Draft Environmental Impact Statement (EIS).

In compliance with County of Maui Ordinance No. 3554, Condition 24, Honua'ula Partners, LLC will contribute \$550,000 to the County for the development of the new Kihnei District Police station in South Maui, to be paid at the time a contract is entered into for the construction of that police station.

We will provide the Maui Police Department with a copy of the Draft EIS when it is available.

Thank you for reviewing the EISP/N. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

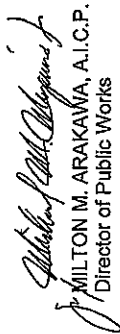
1905.08 EA EISP/N Police Dept



Mr. Tom Schmell
March 30, 2009
Page 2

Please call Michael Miyamoto at 270-7845 if you have any questions regarding this letter.

Sincerely,


MILTON M. ARAKAWA, A.I.C.P.
Director of Public Works

MMA:MMM:is

cc: Highways Division
Engineering Division
Office of Environmental Quality Control
Planning Department, County of Maui
S:\LUCACZ\HW-Honuaia_eis_21008656_071_ls.wpd

March 9, 2010

PRINCIPALS

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- LESLIE STANBURN, ASLA
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Senior Associate
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- SEVIN K. NISHIKAWA, ASLA
Associate
- KUMI MIKAMI YUEN, LEED*AP
Associate
- SCOTT ALIKA ABRIGO, LEED*AP
Associate
- SCOTT MURAKAMI, ASLA, LEED*AP
Associate
- DACHENG DONG, LEED*AP
Associate

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e-mail: sysadmin@pbrhawaii.com

CAPOLEI OFFICE
501 Kamehale Boulevard
Capolei Building, Suite 313
Capolei, Hawaii 96707-2005
tel: (808) 521-5631
fax: (808) 535-3163

Milton M. Arakawa, A.I.C.P.
Director of Public Works
County of Maui
Department of Public Works
200 South High Street, Room No. 434
Wailuku, Maui, HI 96793

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Arakawa:

Thank you for your letter dated March 30, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

1. We acknowledge that Honua'ula Partners, LLC will be responsible for all required improvements as required by Hawaii Revised Statutes, Maui County Code, and other rules and regulations.
2. Construction plans will be designed in conformance with Hawaii Standard Specifications for Road and Bridge Construction dated 2005 and Standards Details for Public Works Construction, 1984, as amended.
3. Worksite traffic-control plans/devices shall conform to the Manual on Uniform Traffic Control Devices for Streets and Highways, 2003.
4. The Draft Environmental Impact Statement (EIS) will contain a: 1) preliminary engineering report with a drainage plan; and 2) traffic impact analysis report. The drainage plan will address the entire development. The traffic impact analysis report will analyze regional traffic impacts.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schmell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC



March 9, 2010

PRINCIPALS

THOMAS WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. CHONG, ASLA, LEED AP
Executive Vice-President

VINCENT SHIGERUNI
Vice-President

GRANT T. MURAKAMI, AICP, LEED AP
Principal

W. FRANK BRANDT, ASLA
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Associate

KIMI MIKAKAMI YUEN, LEED AP
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SCOTT ALJKA ABRIGO, LEED AP
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SCOTT MURAKAMI, ASLA, LEED AP
Associate

DACHENG DONG, LEED AP
Associate

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1001 Bishop Street, Suite 65D
Honolulu, Hawaii 96813-3484
Tel: (808) 521-5631
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E-mail: spainning@pbrhawaii.com

KAPOLEI OFFICE
1001 Kamehaha Boulevard
Kapolei Building, Suite 310
Kapolei, Hawaii 96707-3005
Tel: (808) 521-5631
Fax: (808) 525-3163

TRACY TAKAMINE, P.E.
Solid Waste Division
DAVID TAYLOR, P.E.
Wastewater Reclamation
Division



COUNTY OF MAUI
DEPARTMENT OF
DEPARTMENTAL MANAGEMENT
2200 MAIN STREET, SUITE 100
WAILUKU, MAUI, HAWAII 96783

May 18, 2009

CHARMAINE TAVARES
Mayor
CHERYL K. OKUMA, Esq.
Director
GREGG KRESGE
Deputy Director

Mr. Tom Schnell
PBR Hawaii & Associates Inc.
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, HI 96813

**SUBJECT: HONUA'ULA
ENVIRONMENTAL IMPACT STATEMENT PREPARATION
TMK (2) 2-1-008: 056 AND 071**

We reviewed the subject application and have the following comments:

1. Solid Waste Division comments:
 - a. None.
2. Wastewater Reclamation Division (WWRD) comments:
 - a. Since the proposed collection and treatment process will be privately owned and maintained we have no comments at this time.

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

Sincerely,

Cheryl K. Okuma, Director

xc: Office of Environmental Quality Control

Cheryl K. Okuma, Director
County of Maui
Department of Environmental Management
2200 Main Street, Suite 100
Wailuku, Maui, Hawaii 96793

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Ms. Okuma:

Thank you for your letter dated May 18, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your concerns.

Solid Waste Division

We acknowledge that the Solid Waste Division has no comments.

Wastewater Reclamation Division (WWRD)

We acknowledge that the WWRD has no comments at this time since the proposed collection and treatment process will be privately owned and maintained.

Thank you for reviewing the EISPN. Your letter will be included in the Draft Environmental Impact Statement.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN DEB

CHARMAINE TAVARES
Mayor



JEFFREY K. ENG
Director
ERIC H. YAMASHIGE, P.E., L.S.
Deputy Director

DEPARTMENT OF WATER SUPPLY

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauiwater.org

May 6, 2009

Mr. Tom Schnell
PER HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Subject: Honua'ula
TMK: (2)2-1-008:056 and 071

Dear Mr. Schnell:

Thank you for the opportunity to comment on this Environmental Impact Statement (EIS) Preparation Notice.

Source Availability and Consumption

We understand the applicant will develop a private water system to serve potable demand for the Honua'ula development. The EISPN is extremely vague regarding the proposed system. The EIS should identify and describe what potable water system, treatment and sources will be utilized and estimated potable and non-potable demand. Based on system standards, daily potable and non-potable demand for this project would be about 1,719,000 gallons. The EISPN notes that "the right to purchase" the system will be offered to the county. Water system development is required to provide service and redundancy according to Department standards. The system should be built to standards and dedicated to the county or indefinitely operated as a private system. Should the system have capacity beyond that required to serve the project with adequate redundancy, the excess capacity may be offered for purchase. The EIS should provide assurances that the source will both be adequate in the long term and no interfere or conflict with county plans for source development in this challenged system. We also note concerns with the growing number of private sources and systems in the county. These create multiple conduits for contamination of aquifers. Some are not adequately funded for long term maintenance and can cause substandard service in the future.

"By Water All Things Find Life"

The Department of Water Supply is an Equal Opportunity provider and employer. To file a complaint of discrimination, write: USDA, Director, Office of Civil Rights, Room 326-W, Willien Building, 14th and Independence Avenue, SW, Washington DC 20250-9410. Or call (202) 726-5964 (voice and TDD)

Printed on recycled paper

Tom Schnell
Page 2

Reporting on resource use is not as frequent with private systems and makes gaging of aquifer status more difficult.

Groundwater Resources and Water Quality

The project is overlying the Kamole aquifer which has a sustainable capacity of 11 MGD. According to the State Commission on Water Resource Management well database, there is 18.86 MGD pump capacity installed in the Kamaole aquifer. The EIS should discuss concerns and mitigation measures for a potential increase in chlorides at downgradient Wailea Golf Course irrigation wells once the Wailea 670 wells 4125-01 and 4125-02 are in production. According to the 2003 "Assessment of the Sources of Irrigation Supply for the three Wailea Resort Company Golf Courses in Wailea, Maui" prepared by Tom Nance, draft from the Wailea 670 wells will intercept and probably adversely impact the water quality of the Wailea Golf Course wells, due to the mauka-to-makai natural flow of groundwater.

System Infrastructure

Two fire hydrants and five stand pipes on 4-inch, 6-inch and 8-inch waterlines in the Maui Meadow subdivision are located North of the property. A 12-inch waterline runs along the North West portion of the property and a 12-inch water line traverses West to East to the Wailea Upper Level storage tank. Despite the proximity of these lines, substantial system improvements would be required to serve the project according to standards, including construction of storage.

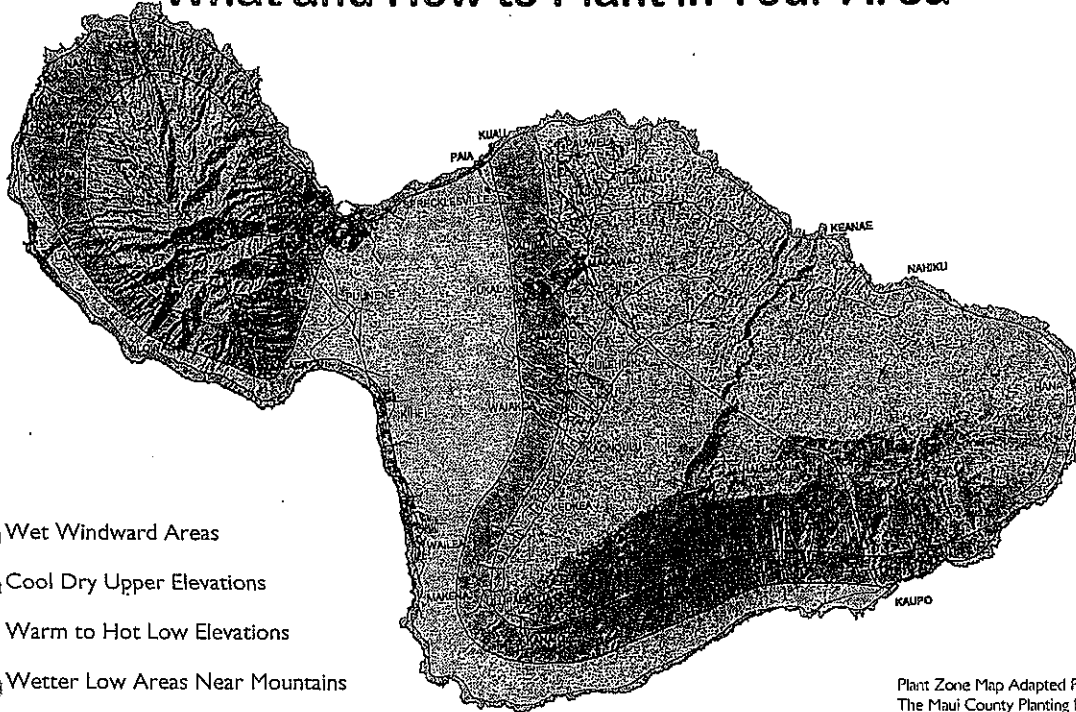
Conservation






We note that non-potable water will be used for all irrigation purposes. We recommend that wherever possible, reclaimed water rather than brackish ground water be used for non potable purposes. Conservation measures should be included in the EIS. The following conservation measures should be considered:

Use Climate-adapted Plants: The project is located in the "Maui County Planting Plan" - Plant Zone 3. Native plants adapted to the area conserve water and protect the watersited from degradation due to invasive alien species. We encourage use of native plants for all landscaping purposes. Please distribute the attached planting brochure to future homeowners.
Prevent Over-Watering By Automated Systems: Provide rain-sensors on all automated irrigation controllers in common areas. Check and reset controllers at least once a month to reflect the monthly changes in evapo-transpiration rates at the site. As an alternative, provide the more automated, soil-moisture sensors on controllers.
Eliminate Single-Pass Cooling: Single-pass, water-cooled systems should be eliminated per Maui County Code Subsection 14-21.20. Although prohibited by code, single-pass water cooling is still manufactured into some models of air conditioners, freezers, and commercial refrigerators.
Utilize Low-Flow Fixtures and Devices: Maui County Code Subsection 16.20A.680 requires the use of low-flow water fixtures and devices in faucets, showerheads, urinals, water closets, and hose bibs. Water conserving washing machines, ice-makers and other units are also available.
Maintain Fixtures to Prevent Leaks: A simple, regular program of repair and maintenance can prevent the loss of hundreds or even thousands of gallons a day.

Saving Water in The Yard

What and How to Plant in Your Area



-  Wet Windward Areas
-  Cool Dry Upper Elevations
-  Warm to Hot Low Elevations
-  Wetter Low Areas Near Mountains
-  Windward Coastal Salt Spray Zones

Plant Zone Map Adapted From
The Maui County Planting Plan

Tips From The Maui County Department of Water Supply
By Water All Things Find Life

Tom Schnell
Page 3


Pollution Prevention

The EIS should include Best Management Practices designed to minimize infiltration to ground water and runoff. The following mitigation measures should be implemented during construction:

1. Prevent cement products, oil, fuel and other toxic substances from falling or leaching into the water.
2. Properly and promptly dispose of all loosened and excavated soil and debris material from drainage structure work.
3. Retain ground cover until the last possible date.
4. Stabilize denuded areas by sodding or planting as soon as possible. Replanting should include soil amendments and temporary irrigation. Use high seeding rates to ensure rapid stand establishment.
5. Avoid fertilizers and biocides, or apply only during periods of low rainfall to minimize chemical run-off.
6. Keep run-off on site.

Should you have any questions please contact our Water Resources and Planning Division at (808) 244-8550.

Sincerely,



Jeffrey K. Eng, Director
emb

c: Office of Environmental Quality Control
Jeff Hunt, Maui County Department of Planning
engineering division

attachments: (w/original letter)
Plant Brochure: "Saving Water in the Yard"

C:\EA EIS SLUD\Honaunui EIS\PN.wpd

DO NOT PLANT THESE PLANTS !!!

Common name	Scientific name	Plant family
	<i>Jasminum fluminense</i>	Oleaceae
	<i>Aristolochia ciliatum</i>	Melastomataceae
	<i>Dioscorea rotundifolia</i>	Melastomataceae
	<i>Erigeron karwinskianus</i>	Asteraceae
	<i>Eucalyptus robusta</i>	Myrtaceae
	<i>Hedychium gardnerianum</i>	Zingiberaceae
	<i>Juncus planifolius</i>	Juncaceae
	<i>Lophosiphon confertus</i>	Myrtaceae
	<i>Medinilla cumingii</i>	Melastomataceae
	<i>Medinilla magnifica</i>	Melastomataceae
	<i>Medinilla venosa</i>	Melastomataceae
	<i>Melastoma candidum</i>	Melastomataceae
	<i>Melinis minutiflora</i>	Poaceae
	<i>Olea europaea</i>	Oleaceae
	<i>Oxyspora paniculata</i>	Melastomataceae
	<i>Panicum maximum</i>	Poaceae
	<i>Paspalum urvillei</i>	Poaceae
	<i>Passiflora edulis</i>	Passifloraceae
	<i>Phormium tenax</i>	Agavaceae
	<i>Pinus taeda</i>	Pinaceae
	<i>Prosopis pallida</i>	Fabaceae
	<i>Pterolepis glomerata</i>	Melastomataceae
	<i>Rhodomyrtus tomentosa</i>	Myrtaceae
	<i>Schefflera actinophylla</i>	Araliaceae
	<i>Syzygium jambos</i>	Myrtaceae
Australian blackwood	<i>Acacia melanoxylon</i>	Mimosaceae
Australian tree fern	<i>Cyathea cooperi</i>	Cyatheaceae
Australian tree fern	<i>Sphaeropteris cooperi</i>	Cyatheaceae
Beggar's tick, Spanish needle	<i>Bidens pilosa</i>	Asteraceae
California grass	<i>Brachiaria mutica</i>	Poaceae
Chinese banyan, Maylayan banyan	<i>Ficus microcarpa</i>	Moraceae
Chinese violet	<i>Asystasia gangetica</i>	Acanthaceae
Christmasberry, Brazilian pepper	<i>Schinus terebinthifolius</i>	Anacardiaceae
Formosan koa	<i>Acacia confusa</i>	Mimosaceae
German ivy	<i>Senecio mikanoides</i>	Asteraceae
Japanese honeysuckle	<i>Lonicera japonica</i>	Caprifoliaceae
Koster's curse	<i>Clidemia hirta</i>	Melastomataceae
Lantana	<i>Lantana camara</i>	Verbenaceae
Mauritius hemp	<i>Furcraea foetida</i>	Agavaceae
Mexican ash, tropical ash	<i>Fraxinus uhdei</i>	Oleaceae
Mexican tulip poppy	<i>Hunnemannia tumaniifolia</i>	Papaveraceae
Mules foot, Madagascar tree fern	<i>Angiopteris evecta</i>	Marattiaceae
New Zealand laurel, karakaranul	<i>Corynocarpus laevigatus</i>	Corynocarpaceae
New Zealand tea	<i>Lepidospermum scoparium</i>	Myrtaceae
Pampas grass	<i>Cortaderia jubata</i>	Poaceae
Panama rubber tree, Mexican rubber tree	<i>Castilloa elastica</i>	Moraceae
Shoebuttan ardisia	<i>Ardisia elliptica</i>	Myrsinaceae
banana poka	<i>Passiflora mollissima</i>	Passifloraceae

DO NOT PLANT THESE PLANTS !!!

Common name	Scientific name	Plant family
black wattle	<i>Acacia mearnsii</i>	Mimosaceae
blackberry	<i>Rubus argutus</i>	Rosaceae
blue gum	<i>Eucalyptus globulus</i>	Myrtaceae
bocconia	<i>Bocconia frutescens</i>	Papaveraceae
broad-leaved cordia	<i>Cordia alliodora</i>	Boraginaceae
broomsedge, yellow bluestem	<i>Andropogon virginicus</i>	Poaceae
buffelgrass	<i>Cenchrus ciliaris</i>	Poaceae
butterfly bush, smoke bush	<i>Buddleia madagascariensis</i>	Buddleiaceae
cats claw, Mysore thorn, wait-a-bit	<i>Caesalpinia decapetala</i>	Caesalpinaceae
common ironwood	<i>Casuarina equisetifolia</i>	Casuarinaceae
common velvet grass, Yorkshire fog	<i>Holcus lanatus</i>	Poaceae
fiddlewood	<i>Citharexylum spinosum</i>	Verbenaceae
fire tree, faya tree	<i>Myrica faya</i>	Myricaceae
glorybower	<i>Clerodendrum japonicum</i>	Verbenaceae
hairy cat's ear, gnsmore	<i>Hypochoeris radicata</i>	Asteraceae
haole koa	<i>Leucaena leucocephala</i>	Fabaceae
ivy gourd, scarlet-fruited gourd	<i>Coccoloba grandis</i>	Cucurbitaceae
juniper berry	<i>Citharexylum caudatum</i>	Verbenaceae
kahili flower	<i>Grevillea banksii</i>	Proteaceae
klu, popinac	<i>Acacia farnesiana</i>	Mimosaceae
logwood, bloodwood tree	<i>Haematoxylon campechiolum</i>	Caesalpinaceae
loquat	<i>Eriobotrya japonica</i>	Rosaceae
meadow ricegrass	<i>Ehrharta stipoides</i>	Poaceae
melaleuca	<i>Melaleuca quinquenervia</i>	Myrtaceae
miconia, velvet leaf	<i>Miconia calvescens</i>	Melastomataceae
narrow-leaved carpetgrass	<i>Axonopus fissifolius</i>	Poaceae
oleaster	<i>Elaeagnus umbellata</i>	Elaeagnaceae
oriental mangrove	<i>Bruquiera gymnorhiza</i>	Rhizophoraceae
padang cassia	<i>Cinnamomum burmannii</i>	Lauraceae
palmgrass	<i>Setaria palmifolia</i>	Poaceae
pearl flower	<i>Heterocentron subtriplinervium</i>	Melastomataceae
quinine tree	<i>Cinchona pubescens</i>	Rubiaceae
satin leaf, caimitillo	<i>Chrysophyllum oliviforme</i>	Sapotaceae
silkwood, Queensland maple	<i>Flindersia brayleyana</i>	Rutaceae
silky oak, silver oak	<i>Grevillea robusta</i>	Proteaceae
strawberry guava	<i>Psidium cattleianum</i>	Myrtaceae
swamp oak, saltmarsh, longleaf ironwood	<i>Casuarina glauca</i>	Casuarinaceae
sweet vernalgrass	<i>Aniroxanthum odoratum</i>	Poaceae
tree of heaven	<i>Ailanthus altissima</i>	Simarubaceae
trumpet tree, guarumo	<i>Cecropia obtusifolia</i>	Cecropiaceae
white ginger	<i>Hedychium coronarium</i>	Zingiberaceae
white moth	<i>Heliconia popayanensis</i>	Tillaceae
yellow ginger	<i>Hedychium flavescens</i>	Zingiberaceae

Selection

As a general rule, it is best to select the largest and healthiest specimens. However, be sure to note that they are not pot-bound. Smaller, younger plants may result in a low rate of plant survival.¹ When selecting native species, consider the site they are to be planted in, and the space that you have to plant. For example: Mountain species such as koa and maile will not grow well in hot coastal areas exposed to strong ocean breezes. Lowland and coastal species such as wiliwili and Kou require abundant sunshine and porous soil. They will not grow well with frequent cloud cover, high rainfall and heavy soil.

Consider too, the size that the species will grow to be. It is not wise to plant trees that will grow too large.² Overplanting tends to be a big problem in the landscape due to the underestimation of a species' height, width or spread.

A large, dense canopied tree such as the kukui is a good shade tree for a lawn. However, it's canopy size and density of shade will limit what can be planted in the surrounding area. Shade cast by a koa and ohia lehua is relatively light and will not inhibit growth beneath it.

Keep seasons in mind when you are selecting your plants. Not all plants look good year round, some plants such as ilima will look scraggly after they have flowered and formed seeds. Avoid planting large areas with only one native plant. Mixing plants which naturally grow together will ensure the garden will look good all year round.³ Looking at natural habitats helps to show how plants grow naturally in the landscape.

When planting an area with a mixed-ecosystem, keep in mind the size and ecological requirements of each plant. Start with the hardiest and most easily grown species, but allow space for fragile ones in subsequent plantings.

Acquiring natives

Plants in their wild habitat must be protected and maintained. It is best and easiest to get your plants from nurseries (see list), or friend's gardens. Obtain proper permits from landowners and make sure you follow a few common sense rules:

- ▶ collect sparingly from each plant or area.
- ▶ some plants are on the state or Federal Endangered Species list. Make sure you get permits (see app. A,B)

¹ K. Nagata, P.6

² K. Nagata, P.9

³ Nagata, P.9

Soil

Once you have selected your site and the plants you wish to establish there, you must look at the soil conditions on the site. Proper soil is necessary for the successful growth of most native plants, which perform poorly in hard pan, clay or adobe soils. If natives are to be planted in these types of soil, it would be wise to dig planting holes several times the size of the rootball and backfill with 50-75% compost.⁴ A large planting hole ensures the development of a strong root system. The plant will have a headstart before the roots penetrate the surrounding poor soil.⁵

It is recommended that native plants not be planted in ground that is more dense than potting soil. If there is no alternative, dig a hole in a mound of soil mixed with volcanic cinder which encourages maximum root development. Fill the hole with water, if the water tends to puddle or drain too slowly, dig a deeper hole until the water does not puddle longer than 1 or 2 minutes.⁶ Well-drained soil is one of the most important things when planting natives as you will see in the next section.

Irrigation

Most natives do very poorly in waterlogged conditions. Do not water if the soil is damp. Water when the soil is dry and the plants are wilting. Once established, a good soaking twice a week should suffice. Deep soaking encourages the development of stronger, and deeper root systems. This is better than frequent and shallow watering which encourage weaker, more shallow root systems.

The following is a watering schedule from Kenneth Nagata's Booklet, *How To Plant A Native Hawaiian Garden*:

WATER REQUIREMENT

Heavy
Moderate
Light

WATERING FREQUENCY

3x / week
2x / week
1x / week

Red clay soils hold more water for a longer period of time than sandy soils do. If your area is very sunny or near a beach, things will dry out faster. Even in the area of one garden, there are parts that will need more or less water. Soils can vary and amount of shade and wind differ. After plants are established (a month or two for most plants, up to a year for some trees), you can back off watering.

⁴ Nagata, p. 6.

⁵ Nagata, p. 8

⁶ Nagata, p. 8

Automatic sprinkler systems are expensive to install and must be checked and adjusted regularly. Above-ground systems allow you to monitor how much water is being put out, but you lose a lot due to malfunctioning of sprinkler heads and wind. The most efficient way to save water and make sure your plants get enough water, is to hand-water. This way you are getting our precious water to the right places in the right amounts.⁷

Fertilizer

An all-purpose fertilizer 10-10-10 is adequate for most species. They should be applied at planting time, 3 months later, and 6 months thereafter. Use half the dosage recommended for ornamentals and pay special attention to native ferns which are sensitive to strong fertilizers. Use of organic composts and aged animal manures is suggested instead of chemical fertilizers. In addition, use of cinders for providing trace minerals is strongly recommended.⁸

Natives are plants which were here hundreds of years before the polynesians inhabited the Hawaiian Islands. They were brought here by birds, or survived the harsh ocean conditions to float here. They are well-adapted to Hawaii's varying soil and environmental conditions. This is why they make prime specimens for a xeniscap garden. However, natives will not thrive on their own, especially under harsh conditions. On the other hand, like any other plant, if you over-water and over-fertilize them, they will die. Follow the instructions given to you by the nursery you buy the plant from, or from this booklet. Better yet, buy a book (suggested readings can be found in the bibliography in the back of this pamphlet), read it, and learn more about native plants. I guarantee that you will be pleased with the results.

Propagation

There are many ways to propagate and plant-out native Hawaiian species. One of the most thorough and helpful book is Heidi Bornhorst's book, *Growing Native Hawaiian Plants*. The easiest, and best-way to obtain natives for the novice gardener is to get them from a reputable nursery (see appendix c). That way all you will have to do is know how to transplant (if necessary) and plant-out when you are ready. These are the two methods I have listed here.

Transplanting

1. Use pots that are one size bigger than the potted plant is in
2. Get your potting medium ready

Good potting medium is a ¼, ½ mixture of peat moss and perlite. If the plant is from a dry or coastal area, add chunks of cinder or extra perlite. If it is a wet forest species, add more peat moss or compost. Be aware that peat moss is very acidic and certain plants react severely to acidity.

If the plant is to eventually be planted into the ground, make a mix of equal parts peat moss, perlite, and soil from the area in which the plant is to be planted. Slow-release fertilizer can be mixed into the potting medium.

3. Once pots, potting medium, fertilizer and water are ready, you can begin re-potting. Keep the plant stem at the same depth it was in the original pot. Avoid putting the plant in too large a pot, as the plant may not be able to soak up all the water in the soil and the roots may drown and rot.

Mix potting medium and add slow-release fertilizer at this time. Pre-wet the medium to keep dust down and lessen shock to the plant. Put medium in bottom of pot. Measure for the correct depth in the new pot. Make sure there is from ½ to 2 inches from the top of the pot so the plant can get adequate water. Try to stand the plant upright and center the stem in the middle of the pot.

Water the plant thoroughly after transplanting. A vitamin B-1 transplanting solution can help to lessen the transplant shock. Keep the plant in the same type of environment as it was before, sun or shade. If roots were broken, trim off some of the leaves to compensate for the loss.⁹

Planting out

1. Plant most native Hawaiian plants in a sunny location in soil that is well-drained.
2. Make the planting hole twice as wide as the root ball or present pot, and just as deep. If the soil is clay-like, and drains slowly, mix in some coarse red or bland cinder, coarse perlite or

⁷ Bornhorst, p. 19-20

⁸ Nagata, p. 6

⁹ Bornhorst, p.20-21

coarse compost. Place some slow-release fertilizer at the bottom of the hole.

3. Carefully remove the plant from the container and place it in the hole.

The top of the soil should be at the same level as the top of the hole, if it is too high or too low, adjust the soil level so that the plant is at the right depth.

4. Water thoroughly after you transplant.

Mulch

Most natives cannot compete with weeds, and therefore must be weeded around constantly in order to thrive. Mulch is a practical alternative, which discourages and prevents weeds from growing.

Hawaii's hot, humid climate leads to the breaking down of organic mulches. Thick organic mulches such as wood chips and leaves, may also be hiding places for pests.

Stone mulches are attractive, permanent and can help to improve soil quality. Red or black cedar, blue rock chips, smooth river rocks and coral chips are some natural choices.¹⁰ Macadamia nut hulls are also easy to find and can make a nice mulch.¹¹

Never pile up mulch right next to the stem or trunk of a plant, keep it a few inches away.

ZONES

The Maui County Planting Plan has compiled a system of 5 zones of plant growth for Maui County. The descriptions of zones and maps for these zones are as follows:

Zone 1: Wet areas on the windward side of the island. More than 40 inches of rain per year. Higher than 3,000 feet.

Zone 2: Cool, dry areas in higher elevations (above 1,000 feet). 20 to 40 inches of rain per year.

Zone 3: Low, drier areas, warm to hot. Less than 20 inches of rain per year. Sea level to 1,000 feet.

Zone 4: Lower elevations which are wetter due to proximity of mountains. 1,000 to 3,000 feet.

Zone 5: Salt spray zones in coastal areas on the windward side.

These zones are to be used as a general guide to planting for Maui County. In addition to looking at the maps, read the descriptions of the zones and decide which zone best fits your area. Plants can be listed in more than one zone and can be planted in a variety of conditions. For best results, take notes on the rainfall, wind, sun and salt conditions of your site. Use the zones as a general guide for selection and read about the plants to decide which best fits your needs as far as care and or function.

¹⁰ Bornhorst, p. 24

¹¹ Nagata, p. 7

PLACES TO SEE NATIVES ON MAUI.

The following places propagate native Hawaiian plants from seeds and/or cuttings. Their purpose is to protect and preserve these native plants. Please contact them before going to view the sites, they can provide valuable information and referral to other sources.

1. Hoolawa Farms
P O Box 731
Haiku HI 96708
575-5099
2. The Hawaiian Collection
1127 Manu Street
Kula HI 96790
878-1701
3. Kula Botanical Gardens
RR4, Box 228
Kula HI 96790
878-1715
4. Maui Botanical Gardens
Kanaloa Avenue, Kahului
across from stadium
249-2798
5. Kula Forest Reserve
access road at the end of Waipoli Rd
Call the Maui District Office
984-8100
6. Wailea Point, Private Condominium residence
4000 Wailea Alanui, Kihei
public access points at Four Seasons Resort or
Polo Beach
875-9557
7. Kahanu Gardens, National Tropical Botanical Garden
Alau Place, Hana HI 96713
248-8912
8. Kahului Library Courtyard
20 School Street
Kahului HI 96732
873-3097

PLACES TO BUY NATIVE PLANTS ON MAUI

1. Ho'olawa Farms
Anna Palomino
P O Box 731
Haiku HI 96708
575-5099
2. Kahanu Gardens
National Tropical Botanical
Garden
Alau Place, Hana
248-8912
3. Kihana Nursery
1708 South Kihei Road
Kihei HI 96753
879-1165
4. Kihei Garden and Landscape
Waiko Road, Wailuku
P O Box 1058
Puunene HI 96784
244-3804
5. Kula Ace Hardware and
Nursery
3600 Lower Kula Road
Kula HI 96790
876-0734
6. Kulamau Farms - Ann Carter
Kula HI 96790
878-1801
7. Maui Nui Botanical Gardens
Kanaloa Avenue
(Across from stadium)
Kahului HI 96732
249-2798
8. Native Gardenscapes
Robin McMillan
1330 Lower Kimu Drive
Kula HI 96790
870-1421
9. Native Hawaiian Tree Source
1630 Piipolo Road
Makawao HI 96768
572-6180
10. Native Nursery, LLC
Jonathan Keyser
250-3341
11. New Moon Enterprises - Pat Billy
47 Kaioea Place
Kula HI 96790
878-2441
12. Waiakea Tree Farm - Kua Rogoff
Pukalani HI 96768
Cell - 264-4166

* The largest and best collection of natives in the state. They will deliver, but worth the drive to go and see! Will propagate upon request

* grows native plants and installs landscapes including irrigation.

* many natives in stock
* get most of their plants from Ho'olawa Farms
* they take special requests



Jeffrey K. Eng, Director
 SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
 March 9, 2010
 Page 2 of 2

March 9, 2010

- PRINCIPALS**
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 SUSSELY J. CHUNG-TASLA, LEED[®] AP
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 VINCENT SHIGRANI
Vice-President
 RYAN T. MURAKAMI, AICP, LEED[®] AP
Principal
 FRANK BRANOFF, ASLA
Traffman Emeritus

Jeffrey K. Eng, Director
 County of Maui
 Department of Water Supply
 200 South High Street
 Wailuku, Maui, HI 96793-2155

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
 PREPARATION NOTICE**

Dear Mr. Eng:

Thank you for your letter dated May 6, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

Source Availability and Consumption

The Draft Environmental Impact Statement (EIS) will provide information regarding Honua'ula's water system, treatment, sources, and demands.

Regarding the statement in the EISPN about Honua'ula Partners, LLC offering the County the right to purchase the project water system, this is stated in the EA/EISPN because Condition 1 of the Change in Zoning Ordinance (County of Maui Ordinance 3554) states: "At the time the project water system is completed, Honua'ula Partners, LLC, its successors and permitted assigns, shall offer to the County the right to purchase the project water system at the cost of the development of such system." Honua'ula Partners, LLC, will comply with all conditions of the Change in Zoning Ordinance (County of Maui Ordinance 3554).

The Draft EIS will include discussion regarding the adequacy of the water source and potential interference or conflict with county plans for source development. Specifically, regulatory oversight processes will ensure adequacy of the water source and that water source development will not interfere or conflict with County plans for source development. These include: 1) the State Commission on Water Resource Management well construction and pump installation permits; 2) State Department of Health Engineering and Capacity report approvals; and (3) compliance with the County's Water Availability Policy, codified as Chapter 14.12, Maui County Code.

Groundwater Resources and Water Quality

The Draft EIS will address issues related to water quality including the impacts of Wailea 670 wells 4125-01 and 4125-02 to surrounding wells.

System Infrastructure

We acknowledge the surrounding water system infrastructure capabilities and understand that system improvements are required to serve Honua'ula according to standards.

Conservation

We acknowledge that the Department of Water Supply recommends that whenever possible reclaimed water rather than brackish ground water be used for non-potable purposes. Water conservation measures such as using climate-adapted plants, preventing over-watering by automated systems, eliminating single-pass cooling, utilizing low-flow fixtures and devices, and maintaining fixtures to prevent leaks will be included in the Draft EIS.

Pollution Prevention

The Draft EIS will include discussion of Best Management Practices to minimize infiltration to ground water and runoff.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
 Senior Associate

cc: Jeff Hunt, Maui Planning Department
 Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN.DWS

ONCALL OFFICE
 61 Bishop Street, Suite 650
 Honolulu, Hawaii 96813-3184
 t: (808) 521-5631
 f: (808) 522-1402
 email: speedyngh@pbrhawaii.com

APOLLO OFFICE
 61 Kamehaha Boulevard
 10th Building, Suite 310
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 t: (808) 521-5631
 f: (808) 525-3163

Maui Electric Company, Ltd. • 210 West Kamehameha Avenue • PO Box 398 • Kahului, Maui, HI 96733-6938 • (808) 871-8461



March 11, 2009

PBR Hawaii
Attn: Mr. Tom Schnell
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell,

Subject: Environmental Impact Statement Preparation Notice – Honua'ula Subdivision
TMK: (2) 2-1-008:056 and 071
Pi'ilani Highway/Ulupalakua Ranch
Wailea, Maui, Hawaii

Thank you for allowing us to comment on the Environmental Impact Statement Preparation Notice for the subject project.

In reviewing our records and the information received, Maui Electric Company (MECO) will be requiring access and electrical easements for our facilities to serve the subject project site. State of Hawaii permits for work within right-of-ways may also be required prior to any MECO installation.


We would like to clarify statements made regarding the existing conditions of electrical service on page 39 (4.7.5 Electrical System) of the Potential Impacts and Mitigation Measures Section. MECO's transmission and distribution lines are 69 kV (kilovolt) and 12.47 kV (kilovolt) nominal respectively versus KVA (kilovolt-ampere) units. Also the Wailea Substation is currently being fed by transmission lines from the Ma'alaea Power Plant, North-west of the property and from Kealahou Switchyard, mauka of the property.

Since the Wailea Substation is nearly filled to capacity, the addition of this project's anticipated electrical load demand will have a substantial impact to our system. Thus, we highly encourage the customer's electrical consultant to submit the electrical demand requirements, project time schedule, and schedule a meeting with us as soon as practical so that service can be provided on a timely basis.

In addition, we suggest that the developer and/or their consultant make contact with Ray Cibulskis of our Demand Side Management (DSM) group at 872-3226 to review potential energy conservation and efficiency opportunities for their project.

Should you have any questions or concerns, please call me at 871-2340.

Sincerely,


Ray Okazaki
Staff Engineer

c: Office of Environmental Quality Control
County of Maui – Planning Department – Mr. Jeff Hunt, Director





March 9, 2010

PRINCIPALS

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Honolulu, Hawaii 96813-3107
T: (808) 521-5631
F: (808) 521-5631

Ray Okazaki, Staff Engineer
Maui Electric Company, Ltd.
P.O. Box 398
Kahului, Maui, HI 96733

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Okazaki:

Thank you for your letter dated March 11, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

We acknowledge that Maui Electric Company (MECO) will require access and electrical easements for MECO facilities to serve the site. Honua'ula Partners, LLC will work with you to provide these easements at the appropriate time. We also acknowledge that State of Hawaii permits for work within right-of-ways may also be required before any MECO installation.

Thank you for the clarification regarding the existing conditions of electrical service. The Draft Environmental Impact Statement (EIS) will include this accurate information.

We acknowledge that Honua'ula's anticipated electrical load demand will have a significant impact to MECO's system. Honua'ula Partners, LLC's electrical consultant will schedule a meeting with MECO and provide electrical demand requirements and a time schedule as soon as practical so that service can be provided on a timely basis. In addition, Honua'ula's master plan includes an area for the expansion of the existing substation surrounded Honua'ula, but located on a separate parcel (TMK (2)2-1-08: 043), if expansion is necessary to service demand.

Thank you for reviewing the EISP/N. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Maui Cultural Lands
1087-A Po'okela Road
Makawao, HI 96769
Phone:

November 16, 2009

Tom Schnell, AICP
Senior Associate
PBR Hawaii & Associate, Inc.
1001 Bishop Street, Suite 650
Honolulu, HI 96813-1402
Fax: (808) 523-1420
E-mail: sysadmin@pbrhawaii.com

Re: Honua'ula EAEISP/N

Dear Mr. Schnell,

Thank you for forwarding a copy of the Honua'ula Environmental Impact Statement Preparation Notice (EAEISP/N) under cover of your letter dated October 16, 2009.

Chapter 343 of the Hawaii Revised Statutes lays out the process by which the public can weigh in and give input on the Environmental Review for the proposed Honua'ula project. The law requires that there be a full-disclosure at the earliest possible time of all the specifics of this proposed project and all of its potential environmental impacts, both primary and secondary, and how all the adverse impacts will be properly mitigated. Upholding the integrity of this process will enable all concerned parties to have access to the information needed to make informed comments throughout the environmental review process. Maui Cultural Lands is grateful for the opportunity that the law provides to express both our comments and concerns regarding the Honua'ula EAEISP/N.

QUESTION?

Is the Honua'ula EAEISP/N a Draft Environmental Assessment to be followed by a Final Draft Environmental Statement, and then followed by a Draft Environmental Impact Statement, or is it something else? We are confused by how this Environmental Review is being presented. In its present form we find the scope of the discussion in many instances too narrow to permit a sufficient assessment of the environmental impacts of this project on South Maui's cultural resources. Instead of assessing environmental impacts now in the EA it describes conditions that will be discussed later on in the draft EIS. Again, is this a Draft EA or something else? Please clarify. (Reference Section 343-5(a), HRS, & Section 11-200-9, HAR).

REQUEST

Maui Cultural Lands (MCL) participated in the Honua'ula Cultural Resources Preservation Plan (CRPP) consultation process for the 670 acre proposed development project and submitted comments. However, we were not listed among the consulted organizations found under Chapter 8 of this Honua'ula EA/ EISPN document. As a concerned party MCL request to be included as a consulted organization throughout the environmental review process for the Honua'ula project.

PREFACING STATEMENTS

The lands of Pae'ahu, Palau'ea, and Keauhou are culturally important to all of Maui's people. They contain the remains of a way of life far more ancient than the Ming dynasty of China, the age of European discovery and the Aztec civilizations, and they deserve the same respect. The cultural features of these lands are both seen and unseen. They include native plants, animals, insects, geological formations, underground water sources, cultural sites, trails & roads and views of Wahi Pana such as Haleakala, Pu'u I'o, Pu'u Ola'i, Molokini, Kaho'olawe, and of the heavens above both during the day and at night. These lands are deeply connected to all of the surrounding lands and islands and any Cultural Resource Preservation Plan and Environmental impact mitigation plan should recognize and maintain this connection and the need to have a living Hawaiian culture here that is supported by a viable culture landscape. Hawaiian culture is defined and perpetuated by its cultural resources. Land and people are interconnected. Hawaiian people belong on this land as well as the Hawaiian plants and animals.

COMMENTS

1.6 STUDIES CONTRIBUTING TO THE EIS

We would like to ask that more information be given in this document. Other Environmental Assessments we have reviewed contained specific reports on important topics like the extent of cultural and botanical features. None of this information is offered in this EA. Where are the reports listed in Section 1.6 STUDIES CONTRIBUTING TO THE EIS? Why do we have to wait for the Draft EIS to review these studies? Shouldn't they be included in the EA as part of the Project District Phase II approval process? MCL request to all parties concerned that the public be provided at the earliest possible date with all the information they need to make inform comments, rather than having to wait for it later.

SITE PHOTOS FIGURE 4

Site photos of the project area should include photos of botanical and other natural treasures found on this land. We suggest, for example, that photos of the plants of the native dry land forest, areas of the a' a flow, and cultural sites be included to give a more representative picture of what is on the land. The endemic wildlife, cultural sites, and the natural geological formations like the lava fields are among the natural gifts of this land. They should be celebrated and not hid away. Showing photos of fields of buffel grass and non-native Kiawe trees doesn't do justice to the project area nor paint an accurate picture of what one would see if they walked the land of Honua'ula.

GEOLOGY AND TOPOGRAPHY

- The EA does not address the impacts and mitigation measures for the a' a lava flows that cover much of the southern portion of the property. Pohaku or rocks were of great cultural importance to the Hawaiians. They were used to build walls, terraces, platforms, heiau, ahu, etc.. The a' a lava flow should be looked at as a natural, historical, and cultural treasure of these lands. Thousands of people drive to Ahili Kinau in Makana every week to look at the a' a lava flow there. If amazing natural lava formations like those found in Waiea 670 were located in a public park, they would be considered valuable resources. That value shouldn't be dismissed just because they are on private land. If these formations are lost to make a private golf course, we will all lose something very unique. The EA should document these natural and cultural features and discuss how they will be preserved.

GRADING

- We have deep concerns about site alteration. Retaining a sense of place and its uniqueness is a cultural resource. Over grading like too much plastic surgery can change the character of a place and face to the point of not being recognizable anymore. The EA needs to be a more thorough job of addressing impacts and mitigation measures. We hope you will follow other areas that have maintain the character of the land by incorporating the existing topography into the overall design of the development.

GROUNDWATER RESOURCES AND WATER QUALITY

FLORA AND FAUNA

"There's places like Honua'ula...that's still harbor our history. Our natural history. Our cultural history. Those places should be preserved inevitably, for the simple reason. Because these are the last Hawaiian places, Honua'ula, Kahikinui, Kaupo. ...these three moku, in my opinion, are the most culturally significant. Culturally valuable. And it's not just because of the cultural sites that exist there but the botanical treasures. And it separated us, the plants separated us and it allowed us to have a culture. The plants, it is the most vital part of our culture. It defined us, it separated."

Excerpt from Interview with Kevin Mahealani Kai'okamalie by Honua'ula cultural consultants for Honua'ula Cultural Impact Assessment (CIA).

- EIS states that "northern 75 percent of the property is characterized as of little botanical interest." Very little of the northern property has actually been surveyed.
- A population of *Hibiscus brackenridgei*, an endangered plant species, is found on lands directly adjacent to the northern property.
- Southern a habitat area described as a "scattered, remnant dry forest ecosystem." All lowland dry-forests are "remnants", since they all have been heavily disturbed and destroyed over the years, making them one of the most critically endangered/rare ecosystems found in Hawaii. Less than 3% of Hawaii's lowland dry-forests remain. What remain are "scattered, remnants." In order to prevent the complete destruction of this ecosystem, maximum protection and restoration efforts need to be afforded to those remnants of this ecosystem that survive.

- No mention of any insects species seen, yet *Manduca blackburnii*, *Plutella* spp. moth, and *Utara blackburnii* butterfly have been identified by biologists on the property.

- *Manduca blackburnii* is a federally listed endangered species. Under federal law an agreement would need to be reached with the landowners to set up a habitat for the moth if it has been documented to be found on the property.

- Good *Manduca blackburnii* habitat found in the Wailea 670, with abundance of *Nicotiana glauca* plants (important host plant for *Manduca* caterpillars) and abundance of plants such as Maiapilo (*Capparis sandwichtiana*), which is a good food plant for adult moths.

- Various *Utara* butterflies where observed visiting *Senna gaudichaudii* flowers.

- *Plutella* moth caterpillars where seen in tiny webs on the undersides of Maiapilo (*Capparis sandwichtiana*) leaves.
- No mention for potential entomological studies, such as one for native bees, which are likely found in the area.
- Wiliwili trees are described as having little value being "infested with the invasive parasitic gall wasp." This is a misleading statement since the gall wasp is rampant in all populations of Wiliwili statewide.
- The gall wasp infestation is a cyclic and seasonal phenomenon.
- During the winter months, after a good rain, many of the Wiliwili on the 670 lands appear healthy and remain untouched for a remainder of time by the gall wasp.
- The wiliwili trees are not all blighted and dying. They have flowers and seeds and are fighting back the pests. Their groves should be mapped and a preservation plan presented in the EA.
- Hundreds of native wiliwili trees and other native plants have lived on this land, probably for thousands of years. They have every right to continue being inhabitants, right where their life began. It is not respectful to describe them as "scrub vegetation".
- Preserving 22 acres of the 150 acre lowland dry forest habitat would greatly reduce its genetic resources, possibly eliminating natural recruit for certain plant species.
- The proposed 22-acre native plant preservation area shown on the project map is much too small. It would mean that hundreds of native plants like the Wiliwili tree and increasingly rare maiapilo would be left unprotected and destroyed.
- The proposed 22-acre native plant preservation area is less than 3.5% of the total land area of the project area. What percent of the project area is currently native plant habitat? If it is substantially more than 3.5% this should be looked at as a red flag.
- We don't know the minimal viable acreage needed for continuation of population recruit of various rare native plants species such as *Lipochaeta rockii*.
- Many Neihe (*Lipochaeta rockii*) are found outside the proposed 22 acre native plant preservation area.

opinion that a much larger area would be needed if the endangered species were to have enough biological diversity. She also pointed out that watering and fertilizer conditions that suited golf courses and landscaping were often very hard on native species and the landscape plants brought in different diseases and bugs to which native plants had no resistance. Dr. Kepler recommended the plants and their natural ecosystem, including even the non-native plants, needed to have a large space to themselves, not be an island in a man-made landscape. None of this important debate is included in the EA.

- "I don't care if you get one hundred endangered species. If you don't have a habitat for those endangered species to exist in, you have no plant. That plant will cease to exist, inevitably. Maybe not today, maybe not tomorrow, maybe not next week, inevitably it will die." Excerpt from interview with Kevin Mahealani Kai'okamalie by Honua'ula cultural consultants for Honua'ula Cultural Impact Assessment (CIA).
- The morphology of the *Lipochaeta rockii* population found at Wailea 670 is unique to this area.
- The Hawaiian bat is mentioned as "not restricted from using altered urbanized landscapes, therefore development of Honua'ula would not restrict them from using this area." This is a very non-conclusive statement, and contradicts the beliefs of many Hawaiian Hoary Bat researchers.
- The Honua'ula cultural consultants in their Cultural Impact Assessment of the lands of Honua'ula said "... we desire that the native plants can be kept in tact as much as possible to retain the ahupua'a's unique identity." This EA should celebrate that fact that many species of native plants, some very rare and beautiful, currently live on this land and need to be protected. Again we would like to see photos included in your EA that highlight the biodiversity and botanical beauty of this land.
- As part of the scope of the Draft Environmental Impact Statement a comprehensive biological and botanical survey/inventory of the biodiversity present on the site should be completed and made available for public review along with the comments of all the reviewing agencies listed in condition 27.
- We aware that there have been many sightings of the Hawaiian Owl or Pueo on the subject property, although none were observed during any of surveys done for the Honua'ula EA/EIS/SPN. The Draft EIS should fully disclose the scope of these surveys and assessments that are required by condition 9. How many where done? How many people involved? What time of day and year were the surveys done? Were any efforts made to contact people who live in adjacent neighborhoods to see if there had been any sightings of the Hawaiian Owl or Hawaiian Hoary Bat? What expertise do those conducting these surveys have with regards to native fauna?

• The County Council wrote a specific condition (no. 27) that required a preserve to be established. In fact, on p. 23 the language of condition 27 has been selectively edited which has the result of misinterpreting the intent of the condition. Condition 27 is correctly stated in on page 54 in Section 5.2.3. We feel that as a key element of condition 27 that it should also be included on p. 23 so that there will be no misunderstandings as to the intent of this condition. The omitted language is highlighted below:

27. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide the report "Remnant Witiwiti Forest Habitat at Wailea 670, Maui, Hawaii by Lee Altenberg, Ph.D.", along with a preservation/mitigation plan, to the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers for review and recommendations prior to Project District Phase II approval. The Maui Planning Commission shall consider adoption of the plan prior to Project District Phase II approval.

Such plan shall include a minimum preservation standard as follows: That Honua'ula Partners, LLC, its successors and permitted assigns, shall establish in perpetuity a Conservation Easement (the "Easement"), entitled "Native Plant Preservation Area", for the conservation of native Hawaiian plants and significant cultural sites in Kiheti-Makena Project District 9 as shown on the attached map. The Easement shall comprise the portion of the property south of latitude 20°40'15.00"N, excluding any portions that the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers find do not merit preservation, but shall not be less than 18 acres and shall not exceed 130 acres.

- This is a good condition and it makes it clear that state and Federal agencies should be the ones who determine if any of the 130 acres is not needed for native plant and endangered insect habitat. The EA should make this point clear. Letters should be included in the EA from the state and federal wildlife agencies with their comments on the proposed 22-acre preserve. There is no discussion assessing its size and location compared to maps of native plant and insect populations and how it meets condition 27.
- MCL feels based on all we know about the extensive native plant areas in the project area that 22 acres is much too small for the plants to survive and flourish. Instead we feel that 130 acres should be the minimum size of the native plant preserve area. There is nothing in this EA that analysis whether the 22 acre preserve is enough to sustain the botanical ecosystems of the wildlife that now exist in the subject area. Surely habitat size and contiguity, and population size of the species need to be discussed. Respected biologist Dr. Angela Kepler wrote an

ARCHAEOLOGICAL AND HISTORICAL RESOURCES

- The scope of the Draft EIS must contain a complete and updated Archaeological Survey/Inventory of the entire 670 acres that has been reviewed, accepted, and approved by SHPD and ... The preservation plan should provide for cultural landscapes that have adequate buffer zones, and retain the continuity, connection, and interrelationships of the cultural sites. The preservation plan should not fall back on past practices that relegate cultural and historical sites to isolated, disconnected, and inaccessible landscape features on golf courses or private homes.

- Honua'ula / Wailea 670 archaeological review history:

The EA/EISPN does not clearly portray the limited and inadequate level of review the culturally important lands of Pae'ahu, Paluua and Keaunohu have received during the development review process. An EA should make clear the high potential for discovery of additional cultural sites across the entire 670 acres.

The project's early Archaeological survey's are also not accurately described. They uncovered no sites because they did not even survey the southern 200 acres of the project area. As noted in Sect 4 of the EA/EISPN, seven sites were first documented in the Wailea 670 project area during a 1972 DOT survey (Walton) for the Pii'lani Hwy corridor. The first two inventory surveys never even relocated those sites, yet SHPD signed off on the report.

The inadequacy of the archaeological review prompted the state LUC to condition its approval of a boundary amendment for Wailea 670 on a new archaeological survey being done in the southern portion of the land (LUC DOCKET NO. A93-689, Sept 20, 1994 Findings of Fact, Conclusions of Law no. 65) This is a matter of public record and should be included in the narrative to guide better decision-making.

The survey required by LUC "Prior to filing of the zoning change application" was completed in 2000. The site count doubled from 10 documented sites to 24. According to SHPD correspondence, the agency did not find the survey acceptable, in part, because it referred to, but did not document, "informal structures." SHPD also requested additional survey work in the north of the property.

A brief supplemental survey was done in 2001. Four new sites and several additional features were documented. This brought the total to 28 sites with around 43 features. Only one of these was in the north.

When the Maui County Council was making a decision on the project's rezoning request, Council members asked for a completed Archaeological Inventory Survey for the project that had been reviewed and accepted by OHA and SHPD.

Many kanaka maoli testified that additional sites were present and not documented.

The two surveys from 2000 and 2001 (Sinoto/Pantaleo) were given to the Council. The applicant's archaeologists stated emphatically that this was the complete record and that no significant sites remained unrecorded. The last document the council received before making their decision was a map and data base listing 29 sites and 46 + features.

Without any further explanation, the EA/EISPN now informs us that 40 sites with 60 features, in other words, an additional 11 sites and 14 more features, have now been recorded. This has occurred in the last year or so. The nature of the sites or their relationship to previously documented sites is not discussed. This should be discussed in more detail in the EA.

There is a pattern that we see emerging here. Everytime you look for sites on the project area more sites are found. So why should we feel comfortable about the completeness and adequacy of the archaeological surveys that have been done so far. It is more likely than not that there is more stuff out there that needs to be inventoried.

- Maui Cultural Lands believes that this very culturally significant area holds hundreds of inter-related cultural features that have yet to be formally documented. We believe that a full EA, with complete AIS and CIA should be reviewed by the Maui Cultural Resources Commission and Maui Planning Commission before any new EIS is done. This will better help guide the EIS process and avoid the substandard review that has occurred before.
- The Maui Cultural Resources Commission last reviewed the project after the 2000 survey, when only 24 sites were documented. At that point, NO sites were recommended for preservation. The CRC recommended that 6 sites (which included 2 site complexes) be preserved. This then became the applicant's position. Now that additional sites have been documented, with the likelihood of more to come, the CRC should have a chance to offer it's mana'o to the Planning Commission once again, based upon the updated information.
- Maui Cultural Lands also supports a preservation plan strategy for the sites that allows them to remain in relationship to one another, within a larger cultural landscape area.
- In contrast, it appears that the applicant's plan is to preserve certain select sites as features along the edges of golf course or residential areas. We feel that it is important and culturally appropriate, to have the sites be able to connect and tell a greater story, rather than be isolated features out of their traditional context.
- We note that a over year has passed since County Council meetings on the project ended and still there is no comprehensive AIS in the EA.

- We are also disappointed to see a Cultural Impact statement quoted from that doesn't even mention all the cultural sites that are known in the ahupua'a of Palau'ea, Pae'alu and Keauihou. These are the ahupua'a where Wailea 670 lies. All these local ahupua'a have lots of cultural sites- heiau, maa, ko'a house sites, wells, shrines, burials, and agricultural complexes. Many of the sites in Palu'ea etc. may directly related to those being found in Wailea 670. This must be researched and discussed in the EA so we don't lose a big part of our history. None of this is even mentioned in the EA or the CIA. Instead there are discussions of Kaupo and Kahikinui (which, by the way, are not part of the moku of Honua'ula, but have their own moku)

CULTURAL RESOURCES

TRADITIONAL ROADS AND TRAILS

- The photos if Figure 4 provides an opportunity for more education. Some of the "dirt roads" that go through the project area have been in use for more than fifty years and are protected as historic roads. The Kanaio-Kalama Park road shown on fig 3 (the tax key map) is one such road. Its existence and history should be noted and discussed in the EA along with plans for preservation.
- The many sections of traditional stepping stone trails across the lava fields of Wailea 670 should be mapped and protected to help future generations understand the places where their kupuna walked the land. Only a few of these sections are on the archaeological survey maps yet. Our South Maui Community Plan has a Policy "number 1" that speaks to historic roads and trails like these:

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

VISUAL RESOURCES

- View plans are a cultural resource...

WATER SYSTEMS

- The current owner's commitment to native plants also appears shaky when one reads in the sustainable design features section (p.13) a statement like: "where feasible landscaping will include use of drought-tolerant/and or slow growing hardy grasses, native and indigenous plants, shrubs , etc..." This is a rather meaningless statement in terms of having any measurable goals for Environmentally Responsible building.
- Since Wailea 670/Honua'ula already has 670 acres of native and non-native drought-tolerant landscape with no outside water demand, the EA should assess what portion of that very efficient landscape will be lost to the proposed development and what portion of the project area is expected to utilize native landscape as a mitigation for that loss.
- Water is a cultural resource and according to the State Constitution, it is also a public trust. The scope of the DEIS should fully disclose water source availability, where the water will come from for the projects needs, and what environmental impacts will be and how they will be properly mitigated.



March 9, 2010

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Clare Apana
**SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ ENVIRONMENTAL
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Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices.

Request

We will include Maui Cultural Lands as a consulted party and provide you with a copy of the Draft EIS when it is available.

Prefacing Statements

We acknowledge that the lands of Paeahu, Palaua, and Keauhou are culturally important. The Draft EIS will address issues regarding native plants, animals, insects, geological formations, underground water sources, cultural sites, trails and roads, and visual resources.

Studies Contributing to the EIS

The Draft EIS will contain technical studies contributing to the EIS and in compliance with conditions and timing requirements for various plans and studies required under County of Maui Ordinance No. 3554.

Site Photos

The Draft EIS will include photographs of the property that capture the natural environment and characteristics of the land. Additional photos of botanical and other natural features found on the Property will be included in the various studies contributing to the EIS.

Geology and Topography

A principal design and planning goal is to preserve defining features of Honua'ula as much as possible. To this extent the Draft EIS will include Design Guidelines and a Landscape Master Plan that both call for the integration of lava rock as a defining element of Honua'ula. To the extent practicable, improvements will conform to the contours of the land, limiting the need for extensive grading. All ground-altering activity will be conducted in accordance with Chapter 20-08, Maui County Code (Soil Erosion and Sedimentation Control).

Flora and Fauna

The Draft EIS will contain botanical and wildlife surveys that list all plant and animal species currently found on the property.

Honua'ula Partners, LLC will comply with County of Maui Ordinance No. 3554 Condition 27 regarding providing a Native Plant Preservation Area. The proposed size and location of the Native Plant Preservation Area are based, in part, upon a vegetation density analysis conducted by SWCA Environmental Consultants to aid in defining areas where preservation could be most effective. The Native Plant Preservation Area encompasses a contiguous 22-acre portion of the property south of latitude 20°40'15.00"N with the highest densities of selected endemic/native plants having high conservation priority. The size and location of the Native Plant Preservation

**SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/
ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE**

Dear Ms. Apana:

Thank you for your letter dated November 16, 2009 regarding the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). Following the EISPN public comment period, Honua'ula Partners, LLC consulted with the Office of Environmental Quality Control (OEQC) to ensure that all applicable statutory and regulatory requirements were fulfilled.

Regarding the EISPN dated March 2009, notice of which was published in the March 8, 2009 Environmental Notice, the OEQC Director stated: "...the published document fulfills all the requirements and components [of] an environmental assessment." Pursuant to the instructions of the OEQC Director, the Maui County Planning Department subsequently submitted an Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN) to OEQC on September 18, 2009.

The EA/EISPN is a notice document and is intended to set forth the proposed scope of the Draft EIS for the purpose of seeking comment. According to the OEQC, Chapter 343 of the Hawaii Revised Statutes (HRS) and the applicable Hawaii Administrative Rules (HAR) support the functioning of the EISPN as an EA in situations where projects go directly to the more stringent full disclosure requirements of the EIS. This has been a long recognized and established practice in the State of Hawaii. The OEQC stated that in such cases, the fact that the EA/EISPN does not contain every detailed element specified within HRS Chapter 343 for an EA does not take away from the fact that the completed EIS will be a full disclosure document having to comply with the requirements of HRS Chapter 343.

The Draft EIS is the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws and rules (HRS Chapter 343, and Title 11, Chapter 200, HAR).

Clare Apana

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Area are also based upon scientific research that suggests even small restoration efforts can help provide habitat for native species when managed in combination with regional preserve areas. As such Honua'ula's Native Plant Preservation Area must be considered in the context of the significant conservation efforts already in existence in South Maui such as the 'Auwahi (10 acres) and Pu'u o Kali (236 acres) Forest Reserves and the Kanaio (876 acres) and 'Ahibi-Kina'u (1,238 acres) Natural Area Reserves.

In addition to the Native Plant Preservation Area, which will be established through a conservation easement, Honua'ula Partners, LLC will provide additional areas for the protection of native plants. Altogether, 143 acres are proposed for the preservation, conservation, propagation, and management of native plant species at Honua'ula. These conservation measures, including the size of the Native Plant Preservation Area easement, will be subject to concurrence by the State Department of Land and Natural Resources, the U.S. Fish and Wildlife Service, and the United States Corps of Engineers.

The Draft EIS will also contain a Conservation and Stewardship Plan that sets forth proactive stewardship actions to manage the Native Plant Preservation Area and other native plant areas.

Honua'ula is not expected to significantly impact any endangered species. Several wildlife surveys of the Property have been conducted since 1988, with the most recent completed in 2009. Evidence of the endangered Blackburn's sphinx moth (*Manduca blackburni*) was found within the Property in the most recent survey (although not in previous surveys). The Draft EIS will include discussion regarding the Blackburn's sphinx moth and propose appropriate mitigation measures, including a multi-species Habitat Conservation Plan (to also include the candidate endangered 'awikikiwi plant) prepared under Section 10(a)(1)(B) of the Endangered Species Act and in collaboration with DLNR and USFWS.

The *Udara blackburni* butterfly was not detected during SWCA's survey of the property; however, it may occur there. The butterfly is not on the Federal USFWS or State of Hawai'i lists of candidate, proposed, or listed endangered or threatened species. In fact, it is widespread among the islands.

Archaeological and Historical Resources

The Draft EIS will contain an Archaeological Inventory Survey, a Cultural Impact Assessment, and a Cultural Resources Preservation Plan (CRPP).

The Archaeological Inventory Survey identifies archaeological sites such as multiple stone feature complexes and trails, as well as settlement patterns.

The cultural impact assessment identifies traditional customary practices and historical accounts of the Honua'ula area and includes interviews local residents. The complete transcript for each interview will be included as an appendix.

The CRPP was prepared in consultation with interested and concerned parties, cultural advisors, Nā Kūpuna O Maui, the Maui County Cultural Resources Commission, the Maui/Lāna'i Island Burial Council, State Historic Preservation Division, Department of Land and Natural Resources

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Nā Ala Hele, Office of Hawaiian Affairs and various knowledgeable individuals. The CRPP provides specific preservation and mitigation measures based on community input and the findings of the Cultural Impact Assessment and Archaeological Inventory Survey.

Trails and Access

The Draft EIS will include discussion on: 1) steppingstone trail segments within the property; 2) the Kanaio-Kalana road; and 3) recommendations from the Cultural Impact Assessment regarding traditional native Hawaiian mauka-makai access trails (*ala i ke kai* (pathway to the ocean) and the *ala i ke kula* (pathway to the uplands).

Visual Resources

Honua'ula will not impinge upon any significant public scenic view corridors and Honua'ula will have no significant impacts on views toward the ocean or Haleakalā.

Water Systems

The Draft EIS will include information on Honua'ula's water system, including information on source, supply, and distribution. Honua'ula Partners, LLC will comply with County of Maui Ordinance No. 3554 Condition 1 by providing a private water system.

Thank you for reviewing the EA/EIS/SPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Maui Meadows Neighborhood Association
520 Mikotoi Place
Kihei, HI 96753
(808)874-9293

April 6, 2009

PPR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, HI 96813

RE: EISPN Honua'ula (Maui)

Gentlemen:

I am writing on behalf of the Board of Directors of Maui Meadows Neighborhood Association. Maui Meadows subdivision is located adjacent to the Honua'ula project and will suffer many of the impacts of this development. We appreciate the opportunity to voice our concerns once again. We have been monitoring and commenting on this proposal since 2001.

We will be reading with interest the EIS reports on the following issues:

- (1) Increased traffic both during and after construction will create serious consequences for residents and must be addressed. Traffic noise studies should take measurements along Akala Drive and random points above Akala Drive. Mitigation measures where noise exceeds healthy limits should be suggested.
- (2) Construction noise is stated as being "short term". Please define.
- (3) Construction noise on site should be sensitive to the proximities to Maui Meadows. Batch plants, construction equipment storage, employee parking should be oriented away from our perimeters.
- (4) We look for a discussion of street lighting and its light pollution affect on our night sky.
- (5) A past reference as to height limitations of buildings on the property referred to "30 feet from finished grade". That could have serious impacts on the views from homes in Maui Meadows. Is the correct definition "30 feet from natural grade"?
- (6) Fugitive dust during construction remains a great concern even though the previous environmental documents stated there was very little wind on the property. We look for a detailed plan as to how fugitive dust will be controlled.
- (7) Erosion protection, especially during the rainy season, must be well planned to keep mud and debris out of our drainage systems and the ocean. Catchment basins?
- (8) A discussion of chemicals that will be used to fertilize the golf course and their impacts to the ocean waters adjacent to that runoff is needed. How will those impacts be mitigated?
- (9) Over the years, we have urged the development of an upcountry link for the Piliani Highway thru this project. What is the status of that plan? It should be part of the traffic circulation plan.
- (10) We urge that the cultural heritage sites be sensitively preserved after careful consideration of the interests of all parties. History is an important part of our future.
- (11) Regarding the on site sewer treatment plant, an evaluation of odor control methods and how sludge or other sewage spills will be handled should be thoroughly discussed.

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(12) Water storage facilities that are above grade should be out of Maui Meadows view shed and well landscaped.

(13) Originally, lots of similar size to Maui Meadows were proposed on the perimeter of the project adjacent to Maui Meadows. A single loaded street across from the 116 foot landscaped buffer. Has that changed? Will there be a fence installed along the property line?

(14) Will blasting be necessary? If so, a geology report needs to be prepared to evaluate the impacts of blasting veins of blue rock to properties along those veins adjacent to the site. What kind of notice will be given before blasting?

(15) What are the impacts to public services (police, fire) and how will the additional services be paid for? Will the project be gated? Will there be crash gates on the Maui Meadows side?

We would appreciate receiving copies of the draft EIS when it is completed. At that stage, more issues may be introduced but at this time we believe we have addressed major concerns.

Sincerely,



Madge Schaefer, President
Maui Meadows Neighborhood Association

Cc: Board of Directors



March 9, 2010

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Madge Schaefer, President
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6. **Fugitive Dust.** All construction activities will comply with the provisions of Chapter 11-60.1-33, HAR regarding Fugitive Dust. Measures to control dust during construction may include:

- Planning phases of construction to minimize the amount of dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of least impact;
- Watering active work areas and any temporary unpaved work roads daily;
- Landscaping and rapid covering of bare areas, including slopes, starting from the initial grading phase;
- Minimizing dust from shoulders and access roads;
- Providing adequate dust control measures during weekends, after hours and before daily start-up of construction activities;
- Controlling dust from debris being hauled away;
- Using wind screens and/or limiting the area of disturbance at any given time;
- Covering dirt-hauling trucks traveling on roadways;
- Preventing trucks from tracking dirt onto paved roadway by routine road cleaning and/or tire washing;
- Establishing landscaping early in the construction schedule; and
- Monitoring dust at the Property boundary during the construction period as a means to evaluate the effectiveness of the dust control program, and adjusting the program if necessary.

7. **Erosion Control.** All construction activities will comply with all applicable federal, State, and County regulations and rules for erosion control, including Chapter 20.08 (Soil Erosion and Sedimentation Control), MCC. Measures to control erosion will include:

- Minimizing the time of construction;
- Retaining existing ground cover as long as possible;
- Constructing drainage control features early;
- Using temporary area sprinklers in non-active construction areas when ground cover is removed;
- Providing a water truck on site during the construction period to provide for immediate sprinkling, as needed;
- Using temporary berms and cut-off ditches, where needed, for control of erosion;
- Watering graded areas when construction activity for each day has ceased;
- Grassing or planting all cut and fill slopes immediately after grading work has been completed; and
- Installing silt screens, where appropriate.

8. **Golf Course Management.** The Draft EIS will include Best Management Practices (BMPs) for the Honua'ula Golf Course. The BMPs will contain discussion of chemicals used to fertilize the golf course, potential impacts to ground and ocean waters, and proposed mitigation measures.

9. **Upcounty Link/Pi'ihani Highway Extension.** The Honua'ula property, is bisected by a portion of a right-of-way previously reserved for a planned extension of Pi'ihani Highway to the Upcounty area; however, the State Department of Transportation is no longer planning to use the right-of-way for the extension of Pi'ihani Highway.

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Ms. Schaefer:

Thank you for your letter dated April 6, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The Draft Environmental Impact Statement (EIS) will provide more detailed information regarding the issues you cite in your letter. Specifically:


1. **Traffic and Noise.** The Draft EIS will include a Traffic Impact Analysis Report (TIAR), which will contain information regarding existing traffic conditions, projected future conditions, and proposed mitigation measures. The Draft EIS will also contain a Transportation Management Plan (TMP) to propose traffic management strategies during and after construction. The Draft EIS will further contain a noise study to evaluate potential noise impacts and recommend mitigation measures. The noise study will be prepared in accordance with the requirements of the U.S. Department of Housing and Urban Development, the State of Hawaii Department of Transportation, and the U.S. Federal Highways Administration.
2. **Short Term Construction Noise.** "Short term" refers to noise that may be present during various phases of construction. Increased noise due to construction will be limited to daytime hours and persist only during the construction period.
3. **Construction Noise.** All noise from construction activities will comply with State Department of Health (DOH) noise regulations (Chapter 11-46, Community Noise Control, Hawaii Administrative Rules (HAR)).
4. **Street Lighting and Light Pollution.** All exterior lighting will meet or exceed the requirements of Chapter 20.35, Maui County Code (Maui County Code) to minimize light pollution.
5. **Building Height.** The height of any structure within Honua'ula shall be measured in accordance with Section 19.04.040, MCC. Specifically, building "height" means the vertical distance measured from a point on the top of a structure to a corresponding point directly below on the natural or finish grade, whichever is lower.

Copy to: PDK Hawaii, Maui. 1011 11111111

Madge Schaefer, President
SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
March 9, 2010
Page 3 of 3

- 10. **Cultural Resources.** The Draft EIS will contain a Cultural Resources Preservation Plan (CRPP). The CRPP was prepared in consultation with Hawaiian groups and other interested parties and includes recommendations for the protection of cultural and archaeological resources on the property.
- 11. **Wastewater Treatment Plant.** The Draft EIS will include a discussion of the proposed alternatives for wastewater treatment, including an on-site treatment plant. Operation of the proposed plant will be discussed.
- 12. **Water Storage Facilities.** The Draft EIS will include discussion of Honua'ula's water demands and sources, including discussion on water storage facilities and potential locations.
- 13. **Lots Next to Maui Meadows.** A minimum 100 foot wide fire buffer area, with a minimum 50 foot wide landscape buffer area within it, will be provided between the boundary of Maui Meadows and Honua'ula. Lot sizes within Honua'ula may vary; lots for single-family homes must be a minimum of 7,500 square feet, but may be larger; lots for multifamily buildings must be a minimum of 10,000 square feet, but may be larger.
- 14. **Blasting.** It has not been determined if blasting will be necessary during construction. All noise from construction activities will comply with DOH noise regulations (Chapter 11-46, Community Noise Control, HAR. When construction noise exceeds, or is expected to exceed the DOH's allowable limits, a permit must be obtained from the DOH. All notification requirements will be met.
- 15. **Public Services and Other Concerns.** The Draft EIS will contain a discussion of impacts to public services, including police and fire protection services. Overall Honua'ula will not be a gated community; however some individual neighborhoods may be gated. Some streets within Honua'ula may allow for a connection with Maui Meadows; however these connections are proposed to be blocked so as to allow Maui Meadows residents to decide at a later date if they wish a through street.

We will provide you with a copy of the Draft EIS when it is available.
Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,
PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN Maui Meadows Association

MAUI TOMORROW FOUNDATION, INC.

Protecting Maui's Future

April 6, 2009

Mr. Charles Jencks
c/o Goodfellow Brothers, Inc.
PO Box 220
Kihei, Hawaii 96753
Fax: 808.879.2557

Re: Honua'ula Environmental Impact Statement Preparation Notice

Aloha Mr. Jencks,

Thank you for the opportunity to comment on the Wailea 670/ Honua'ula Environmental Impact Statement Preparation Notice (EISPN). Maui Tomorrow Foundation, Inc. wishes to be a consulted party in the review of the Environmental Impact Statement (EIS) process.

It is our understanding that the Final version of the EIS, described in the prep notice, is intended by the applicant to also serve as an application for Honua'ula Project District Phase II approval. Both the Final EIS and the Phase II approvals will be reviewed and accepted by the Maui Planning Commission.

The EISPN inaccurately indicates the Maui County Council as the approving agency for Phase II approval. (EISPN, page 56) Does this indicate that the applicant is intending to return to the County Council to request amendments from the Council for its Project District Ordinance?

Project District zoning for this project includes many requirements for impact assessment and mitigation reports to be completed, reviewed and approved by federal, state and county agencies prior to Phase II approval. It was stated during the rezoning hearings that these conditions would all be addressed and met during Phase II approval.

Specifically, these include:

- Mark
Shudson
President
- Bob
Patterson
Vice President
- Trp
Lynch
Treasurer
- Judith
Michals
Secretary
- Lance
Haller
- Richard
Michals
- Mauri
King
- Elle
Cocharan
- Michael
Haberstein
- Eli
Nishiki
- Tene
Jonke
Executive Director

Pg. 2 Honuaʻula EISPN comments cont'd.

A preservation/mitigation plan pursuant to Chapter 6E, HRS that has been approved by State Historic Preservation Division (SHPD) and Office of Hawaiian Affairs (OHA) prior to Phase II approval. (Ordinance No 3554, condition 28)

A Cultural Resources Preservation Plan that has received the review and recommendations of SHPD and OHA and the subsequent approval of the Maui County Cultural Resources Commission prior to Phase II approval (Ordinance No. 3554, condition 13)

A Conservation Easement, entitled Native Plant Preservation Area, shall be developed prior to Phase II approval. The report "Remnant Wiliwili Forest Habitat at Wailea 670, Maui, Hawaii by Lee Altenberg, PhD, along with the applicant's preservation/mitigation plan, shall receive review and recommendations from DLNR, USFWS and the USCE prior to Phase II approval. (Ordinance 3554, condition 27)

An assessment and mitigation measures for the endangered Hawaiian Short-eared Owl and the Hawaiian Hoary Bat, in coordination with DLNR, prior to submittal of Phase II processing. (Ordinance 3554, condition 9)

Each of these assessments involve a number of environmental impacts likely to be the direct result of the proposed project and must be fully completed in the Draft EIS (DEIS). The EISPN does not give clear indication of the depth of these required assessments.

The DEIS should include the report by Dr. Lee Altenberg entitled "Remnant Wiliwili Forest Habitat at Wailea 670", which provides a current assessment of the many rare and native species found in the 100+ acres of the southern portion of the property. The applicant does not disclose in the EISPN document that the property holds a pristine remnant native dryland forest with ancient wiliwili trees that represents a portion of the remaining five percent of native Hawaiian dryland forest habitats to exist.

The applicant should enter discussions with US Fish & Wildlife regarding the habitat preservation/mitigation plan for the Blackburn Sphinx moth, a federally listed endangered species, which habitat has been documented in various locations on the Wailea 670/Honuaʻula lands prior to the submittal of the DEIS.

Pg. 3 Honuaʻula EISPN comments cont'd.

Maui Tomorrow Foundation requests that all these requirements be fully met when the DEIS is released.

Sincerely,

Irene Bowie

Irene Bowie
Executive Director

Cc:
PBR Hawaii, 1001 Bishop Street, ASB Tower, Suite 650, Hon. HI 96813; contact: Tom Schnell, AICP, Senior Associate

County of Maui Planning Department, 250 South High Street, Wailuku, HI 96793; contact: Jeff Hunt

Office of Environmental Quality Control, 235 South Beretania Street, Suite 702, Honolulu, Hawaii 96813

MAUI TOMORROW

Protecting Maui's Future

November 16, 2009

Mr. Tom Schnell, AICP
PBR Hawaii
1001 Bishop Street, Suite 650
Honolulu, Hawaii 96813-3484
Fax: 808.523.1402
e-mail: sysadmin@pbrhawaii.com

Re: Honua'ula Project (EA/EISPN) comments

Aloha Mr. Schnell,

Thank you for providing Maui Tomorrow Foundation with a copy of the EA/EISPN for the proposed Honua'ula project. We ask to remain a consulted party and offer the following comments regarding this EA/EISPN document.

Maui Tomorrow Foundation has long had concerns that this project has not been forthcoming in revealing, discussing or mitigating some of the very likely impacts of this large project proposed for an environmentally sensitive area.

HAR 11-200-9 B, Section 4, 5, and 7, and 11-200-11.2 require that the EISPN be filed with a supporting final environmental assessment report. This document does not conform to the requirements listed in the Office of Environmental Quality Control's (OEQC) Draft and Final Environmental Assessment Checklist and the standards put forth to regulate Environmental Assessments in HAR, Sec. 11-200-10 thru 13.

The OEQC Bulletin clearly describes the process in its "Frequently Asked Questions" column on July, 8, 2008.

QUESTION: Is an environmental assessment required if an agency determines at the outset of a proposed project that it will prepare an EIS? *

OEQC staff replies:

"The answer is YES. Section 343-5(a), Hawaii Revised Statutes clearly states that "except as otherwise provided, an environmental assessment shall be prepared... for the nine instances articulated therein. The above exception refers to statutory exemptions, and the administrative exemption process set forth in Section 11-200-8, Hawaii Administrative Rules (HAR)

Section 11-200-9, HAR clearly requires the preparation of an environmental assessment when an agency determines that a proposed action may have significant impact, requiring the preparation of an environmental impact statement. The notice of determination known as an EISPN (analogous to the FONSI) is simply a conclusion premised on the environmental assessment that supports it."

This project does not qualify for any of the exemptions listed under 11-200-8, Hawaii Administrative Rules (HAR).

It does not appear that this document fulfills the requirements for content set by HAR 11-200-9, HRS 343 and the OEQC. In fact, this EA/EISPN document appears to be identical to the EISPN document which was dated March 8, 2009.

COMMENTS ON THE HONUA'ULA EA/EISPN IN RELATIONSHIP TO REQUIREMENTS LISTED ON THE OEQC DOCUMENT:

"DRAFT AND FINAL ENVIRONMENTAL ASSESSMENT CHECKLIST" found at the OEQC website:

In order to qualify as an EA, this document would need to include an agency submittal, letter and anticipated determination. No such letter is included.

An EA would need to include the project's funding source. It does not.

An EA would need to discuss impacts to cultural practices and resources, past and current, to satisfy Act 50, and proposed mitigations of any impacts. This document does not include a Cultural Impact Assessment (CIA), but merely notes that one is being prepared. Without a CIA no assessment can be made of potential impacts to cultural practices and resources and needed mitigations, yet potential impacts and preliminary recommendations for mitigations are discussed (p.30).

This document also does not make clear that a CIA was prepared by Hana Pono LLC dated August 6, 2008. The same CIA titled "Honua'ula Final Report" was presented to the Maui County Council on November 6, 2007. This CIA, which fails to discuss the well known cultural significance of the ahupua'a of Pae'ahu, Palau'ea and Keaouhou where the project is located, is referred to as "the preliminary CIA report" (p. 30).

Has the CIA document been reviewed and accepted by Office of Hawaiian Affairs and State Historic Preservation Division? This important information is not revealed or discussed. Will the future CIA make reference to the over 200 cultural sites found in Palau'ea less than a half mile seaward of the proposed project? Will it discuss Pae'ahu's significant burial complex (over 344 individuals) just downhill at the Grand Wailea and the cluster of ceremonial and burial sites found both in Palau'ea and Keaouhou? None of this information is currently discussed in either the EA/EISPN's Cultural Resources section or the existing CIA, yet it is very important to the assessment of the area's overall cultural significance.

An EA would need to include identification and summary of impacts and proposed mitigation measures.

The EA makes no mention of the presence of an endangered species of native Hawaiian moth on site or the presence of several rare species of endemic plants. In fact, just the opposite statement is made in section 7.1 (9) where it is "anticipated that the proposed Honua'ula community "Will not substantially affect a rare, threatened or endangered species or its habitat."

This conclusion cannot be drawn from the minimal amount of information provided in the document. It is disturbing that any reference to these well documented endemic species of flora and fauna is either downplayed or omitted.

release of this document and responded. Rules require both an EA and an EISPN to include those comments.

An EA would need to include discussion of Alternatives to the Project that were considered.

Since information is not provided on which to base a true assessment, the Alternatives section does not discuss many other viable options. These would include:

- A proposed action with a smaller developed footprint
- A project with the recommended 130 acre habitat preserve included
- A project with a reduced irrigated golf course area to mitigate the adequacy of water supply concerns

An EA would have a discussion of findings and reasons supporting the agency anticipated determination. The Findings and Determination listed in section 7 only refer to the state Highway ROW and private sewage plant as triggers for an EIS.

In truth, there are a number of other serious impacts that remain unresolved with this project. An EA should include a full analysis of impacts to:

- native flora and fauna
- groundwater supplies
- cultural sites and practices
- historic and traditional roads and trails
- marine environment, due to runoff/drainage impacts from major gulches
- traffic

Thank you for the opportunity to offer these comments. We hope that the Maui County Planning Department and the OEQC will request a full and complete EA for this project allowing its impacts and benefits to be accurately assessed and mitigated.

Sincerely,

Irene Bowie

Irene Bowie
Executive Director

55 N. Church Street, Suite A-5, Wailuku, Hawaii 96732 (808)244-7570 director@maui-tomorrow.org

The EA/EISPN also fails to reveal that biologists have already commented that the proposed 22-acre preserve is inadequate for habitat needs of the endangered moth and rare plant communities. There is no justification for the decision of proposing such a small preservation area (.03% of the total land) for native species which currently have the right to exist on roughly 30% of the land. There is no information given why other areas of the property rich in native species and cultural sites were not included in the preservation area.

It is also unfortunate that this document omits important language (underlined below) when describing the Maui County Council's condition number 27 (section 3.6). This language specifies that the proposed Native Plant Habitat Easement of up to 130 acres:

"...will comprise the portion of the property south of latitude 20 40' 15.00 N, excluding any portions that the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers find do not merit preservation, but shall not be less than 18 acres and shall not exceed 130 acres."

It is important that members of the public or agency staff reviewing this document have an accurate description of the review being required by this condition. The language used in the EA/EISPN would lead a reviewer to believe that the applicant will be deciding which sections of the proposed 130 acre habitat area "do not merit preservation."

The Council condition is very clear, that this responsibility falls upon state and local wildlife agencies and the Army Corps. Early consultation letters are available from those agencies. They should be included in this EA/EISPN, according to OEQC requirements.

In many instances this document refers to future studies on water, wastewater, cultural resources, botanical resources, Marine Water Quality Assessment, Traffic Impact Assessment Report, Market Assessment, etc which would provide information to help accurately assess future impacts. Instead, this document proposes mitigations without any assessment of the impacts. To be in compliance with HAR 11-200-9, an EA must actually provide enough information to make an assessment of potential impacts.

The "mitigations" proposed in this document are usually the unilateral conditions which were required by the Maui County Council during the rezoning process. Many necessary studies were unavailable to the Council before they adopted their recommended mitigations. While Council members made their recommended conditions with the best information they had, additional mitigations are likely to be warranted once more specifics are known about the project.

HRS 343 requires this information to be made available at the earliest opportunity in the environmental review process. Any mitigations proposed would be based upon an assessment of the specific proposed actions. This document does not conform to that requirement, since most specifics are missing.

Council members were repeatedly told by the applicant that the missing information on the project's specific plans would be provided during Project District Phase II Review. This is the first document of that Phase II Review. That information should be included in order to have a valid EA.

An EA would need to include written comments and responses to the comments under the early consultation under HAR 11-200-9(a)(1), 11-200-9(b)(1), or 11-200-15. It is acknowledged that a number of agencies and organizations were consulted prior to the



March 9, 2010

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Executive Vice-President

RUSSELL Y. CHUNG, PASLA, LEED® AP
Executive Vice-President

VINCENT SHIGIKUNI
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Irene Bowie
SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL IMPACT
STATEMENT PREPARATION NOTICE
March 9, 2010
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The Draft EIS also will contain:

- An executive summary that identifies and summarizes potential impacts and proposed mitigation measures, which will be more fully explained in the body of the Draft EIS;
- Written comments received on EISPN and the EA/EISPN and responses;
- Discussion of alternatives considered;
- Botanical and wildlife surveys that list all plant and animal species currently found on the property, along with discussion of potential impacts and proposed mitigation measures;
- Assessment of the potential impact on water resources, which includes discussion on: 1) Honua'ula's water use; 2) potential impacts to downgradient wells; and 3) proposed mitigation measures;
- An Archaeological Inventory Survey, Cultural Impact Assessment, and Cultural Resources Preservation Plan; along with discussion of potential impacts and proposed mitigation measures;
- Discussion on: 1) steppingstone trail segments within the property; 2) the Kanaio-Kalama road; and 3) recommendations from the Cultural Impact Assessment regarding traditional native Hawaiian mauka-makai access trails (*ala i ke kai* (pathway to the ocean) and the *ala i ke kula* (pathway to the uplands));
- A nearshore water quality assessment and a marine ecological monitoring report to assess current conditions and propose mitigation measures as appropriate; and
- A Traffic Impact Analysis Report, along with discussion of potential impacts and proposed mitigation measures

Thank you for the clarification regarding the approving agency for Project District Phase II application. The Draft Environmental Impact Statement (EIS) will indicate that the Maui Planning Commission is the approving agency for Project District Phase II application. Honua'ula Partners, LLC does not intend to return to the Maui Council to request amendments to the Project District Ordinance.

We are aware of the conditions and timing requirements for various plans and studies required under the Unilateral Agreement attached to County of Maui Ordinance No. 3554. The Draft EIS will contain a discussion of compliance with the conditions. In addition, various required plans and studies will be provided as appendices to the Draft EIS. These will include: 1) a preservation/mitigation plan pursuant to Chapter 6E, Hawaii Revised Statutes (Condition 26); 2) a Cultural Resources Preservation Plan (Condition 13); 3) a Conservation and Stewardship Plan (Condition 27); and 4) an assessment and mitigation measures for the endangered Hawaiian Owl and Hoary Bat (Condition 9). All of these plans will be prepared in conformance with the requirements of the specific conditions.

In compliance with Condition 27, the report entitled "Remnant Wiliwili Forest Habitat at Wailea 670" by Dr. Lee Altenberg will be submitted to the Department of Land and Natural Resources, the U.S. Fish and Wildlife Service (USFWS), and the U.S. Corps of Engineers for review.

In further compliance with Condition 27, Honua'ula Partners, LLC will provide a Native Plant Preservation Area. The proposed size and location of the Native Plant Preservation Area are based, in part, upon a vegetation density analysis conducted by SWCA Environmental Consultants to aid in defining areas where preservation could be most effective. The Native Plant Preservation Area encompasses a contiguous 22-acre portion of the property south of latitude 20°40'15.00"N with the highest densities of selected endemic/native plants having high conservation priority. The size and

Maui Tomorrow Foundation, Inc.
c/o Irene Bowie
P.O. Box 299
Makawao, HI 96768

SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/
ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE

Dear Ms. Bowie:

Thank you for your letter dated April 6, 2009 faxed to Charlie Jencks of Honua'ula Partners, LLC regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN) and your letter dated November 16, 2009 regarding the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). Following the EISPN public comment period, Honua'ula Partners, LLC consulted with the Office of Environmental Quality Control (OEQC) to ensure that all applicable statutory and regulatory requirements were fulfilled.

Regarding the EISPN dated March 2009, notice of which was published in the March 8, 2009 Environmental Notice, the OEQC Director stated: "...the published document fulfills all the requirements and components [of] an environmental assessment." Pursuant to the instructions of the OEQC Director, the Maui County Planning Department subsequently submitted an Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN) to OEQC on September 18, 2009.

With respect to your statements regarding alleged deficiencies of the EA/EISPN, please note that the EA/EISPN is a notice document and is intended to set forth the proposed scope of the Draft EIS for the purpose of seeking comment. According to the OEQC, Chapter 343 of the Hawaii Revised Statutes (HRS) and the applicable Hawaii Administrative Rules (HAR) support the functioning of the EISPN as an EA in situations where projects go directly to the more stringent full disclosure requirements of the EIS. This has been a long recognized and established practice in the State of Hawaii. The OEQC stated that in such cases, the fact that the EA/EISPN does not contain every detailed element specified within HRS Chapter 343 for an EA does not take away from the fact that the completed EIS will be a full disclosure document having to comply with the requirements of HRS Chapter 343.

The Draft EIS is the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws and rules (HRS Chapter 343, and Title 11, Chapter 200, HAR). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices.

Irene Bowie
SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL IMPACT
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Page 3 of 3

location of the Native Plant Preservation Area are also based upon scientific research that suggests even small restoration efforts can help provide habitat for native species when managed in combination with regional preserve areas. As such Honua'ula's Native Plant Preservation Area must be considered in the context of the significant conservation efforts already in existence in South Maui such as the 'Anwahi (10 acres) and Pu'u o Kali (236 acres) Forest Reserves and the Kanaio (876 acres) and 'Ahihi-Kina'u (1,238 acres) Natural Area Reserves.

In addition to the Native Plant Preservation Area, which will be established through a conservation easement, Honua'ula Partners, LLC will provide additional areas for the protection of native plants. Altogether, 143 acres are proposed for the preservation, conservation, propagation, and management of native plant species at Honua'ula. These conservation measures, including the size of the Native Plant Preservation Area easement, will be subject to concurrence by the State Department of Land and Natural Resources, the U.S. Fish and Wildlife Service, and the United States Corps of Engineers.

The Draft EIS will also contain a Conservation and Stewardship Plan that sets forth proactive stewardship actions to manage the Native Plant Preservation Area and other native plant areas.

Honua'ula is not expected to significantly impact any endangered species. Several wildlife surveys of the Property have been conducted since 1988, with the most recent completed in 2009. Evidence of the endangered Blackburn's sphinx moth (*Manduca blackburni*) was found within the Property in the most recent survey (although not in previous surveys). The Draft EIS will include discussion regarding the Blackburn's sphinx moth and propose appropriate mitigation measures, including a multi-species Habitat Conservation Plan (to also include the candidate endangered 'āwīkīwīki plant) prepared under Section 10(a)(1)(B) of the Endangered Species Act and in collaboration with DLNR and USFWS.

We will include Maui Tomorrow as a consulted party and provide a copy of the Draft EIS when it is available.

Thank you for reviewing the EA/EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN Maui Tomorrow

>>> Elle Cochran <ellecochran@gmail.com> 4/7/2009 9:06 PM >>>
To whom it may concern: The community group Maui Unite! would like to be a consulted party during the EIS Prep Notice process for Wailea 670/Honua'ula project.

On behalf of Maui Unite! please send any information to:
Elle Cochran
553 Office Rd.
Lahaina, HI. 96761

808-281-7709

Mahalo for this opportunity to be involved,
Elle Cochran
President
Maui Unite!



March 9, 2010

PRINCIPALS

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Executive Vice-President

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From: Save Makena.org
c/o Angie Hoffman
37 Lana Street
Paia, HI 96779

April 6, 2009

Re: Honua'ula Project (EISPN)

To: Honuaula c/o Goodfellow Brothers, Inc.
P.O. Box 220, Kihei, HI 96753.
Attention: Charlie Jencks Fax: 879-2557

Aloha Mr Jencks

Mahalo for this opportunity to comment. Save Makena.org requests to be a consulted party during the EIS process for Wailea 670/Honua'ula project.

We are requesting that a the Draft EIS address the lack of in depth, specific information that was apparent during the County Council Phase 1 project district review of this project. It was promised that this information would be supplied during Phase II review, which we would assume, includes the proposed DEIS.

Specific information that we would like to see provided are the analyses described in the county's change in zoning ordinance (Title 19 chapter 19..510 MCC)

- 1) Water source, supply and distribution analysis
- 2) Sewage disposal analysis
- 3) Traffic impact analysis
- 4) A complete Archaeological inventory Survey, reviewed and approved by OHA, SHPD, Maui-Lanal Burial council, Maui CRC and lineal descendants of these lands. The AIS should include cultural and historic sites on the proposed project and their relationship to sites on surrounding lands.
- 5) Identification of traditional beach and mountain access trails and additional trails which may be required for public access to the beaches and mountains, and if applicable, preservation/mitigation plan, and comments from the department of Land and Natural Resources and the Office of Hawaiian Affairs;
- 6) Analysis of the secondary impacts of the proposed project on surrounding uses.

We are also concerned that nearly a year has passed since Honua'ula LLC has received rezoning approvals based upon the unilateral conditions adopted by the Maui County council, but it does not appear to be following those conditions in the preparation of its DEIS. The Botanical-Cultural preserve area shown in the

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Ms. Cochran:

Thank you for your e-mail dated April 7, 2009 sent to Ann Cua of the Maui Planning Department regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to you.

We will include Maui Unite as a consulted party and provide you with a copy of the Draft Environmental Impact Statement (EIS) when it is available.

Thank you for reviewing the EISPN. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905 08 EA EISPN Elle Cochran Maui Unite



EISPN map appears to ignore condition number 27 which calls for the area of the preserve to be set in consultation with conservation agencies such as USFWS.

We look forward to reviewing the Draft EIS.

Mahalo Nui

Angie Hoffman
For Save Makena.org

Cc:
County of Maui, Planning Department, 250 South High Street, Wailuku, HI 96793. Jeff Hunt Fax: 270-7634
PBR HAWAII, 1001 Bishop Street, A5B Tower, Suite 650, Honolulu, HI 96813.
Tom Schnell 808 523-1402

State Office of Environmental Quality:
Fax. 586-4186

March 9, 2010

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Save Makena
c/o Angie Hoffman
37 Lana Street
Paia, HI 96779

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Ms. Hoffman:

Thank you for your letter dated April 6, 2009 sent to Charlie Jencks of Honua'ula Partners, LLC regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The Draft Environmental Impact Statement (EIS) will be a full disclosure document prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices.

The Draft EIS will include:

1. Information regarding Honua'ula's private water system, including information on source, supply, and distribution;
2. Information on Honua'ula's proposed wastewater system;
3. A Traffic Impact Analysis Report;
4. An Archaeological Inventory Survey, Cultural Impact Assessment, and Cultural Resources Preservation Plan;
5. Discussion on: a) steppingstone trail segments within the property; b) the Kanaloa-Kalauna road; and c) recommendations from the Cultural Impact Assessment regarding traditional native Hawaiian mauka-makai access trails (*ala i ke kai* (pathway to the ocean) and the *ala i ke kula* (pathway to the uplands));
6. An analysis on cumulative and secondary impacts.

Draft EIS will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554, including Condition 27, which requires the establishment of a Native Plant Preservation Area subject to concurrence by the State Department of Land and Natural Resources, the U.S. Fish and Wildlife Service, and, and the U.S. Corps of Engineers.

We will include Save Makena as a consulted party and provide a copy of the Draft EIS when it is available.

Angie Hoffman
SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
March 9, 2010
Page 2 of 2

Thank you for reviewing the EISP. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISP Angie Hoffmann Save Makana 4-6-09

Save Makana.org
November 13, 2009

To: PBR Hawaii & Associates
1001 Bishop St, Suite 650
Honolulu, HI 96813-3484
Attention: Tom Schnell

Re: Comments on Honua'ula Project (EA/EISP)

Aloha Honua'ula Project 'Ohana.

Save Makana, on behalf of many local residents and especially our youth, say mahalo for this chance to offer our comments on Wailea 670/ Honua'ula EA and EISP.

First we would like to ask that more information be given in this document. We have reviewed other Environmental Assessments that actually contained specific reports on important topics. Topics like: extent of cultural and natural features; traffic analysis; police or fire personnel needed; number of jobs created; school children that would need to be accommodated. None of this information is offered in this EA.

This Assessment should have the reports described in Section 1.6 (p. 3) already included in it. We sat through many hours of public hearings where we heard that all the specific studies were going to be done as part of Phase II of this project. This is Phase II, and now we are being told to wait for another document. We respectfully request the County of Maui Planning Commission and staff to insist that the public get the information they need earlier in the review process, rather than later.

We also would like this Assessment and any future environmental documents regarding Wailea 670/Honua'ula to describe the land and its existing resources more respectfully.

A few examples we would like to see changed:

Section 1, page 1 "Existing use" is described as: "Vacant, open land with scrub vegetation and lava rock."

Hundreds of native wiliwili trees and other native plants have lived on this land, probably for thousands of years. They have every right to continue being

inhabitants, right where their life began. It is not respectful to describe them as "scrub vegetation".

Yes, they are mixed with non-native species, but so are the plants at protected preserves like Pu'u o Kali, Auwahi and Pu'u Mahoe. The wiliwili trees are not all blighted and dying. They have flowers and seeds and are fighting back the pests. Their groves should be mapped and a preservation plan presented in the EA.

The proposed 22-acre native plant preservation area shown on the project map is much too small. It would mean that hundreds of native plants like the increasingly rare maiopilo would be left unprotected and destroyed.

The "lava rock" also is worthwhile of our respect and admiration. People fly thousands of miles to go see Haleakala crater for its striking lava formations. The natural shapes and colors of the lava formations in Wailea 670- in the gulches of Pae'ahu and the lands of Palauea, Keauhou are equally worthy.

Some of the pohaku are shaped like natural chairs, or have puka all the way through them, or look like "faces." Please include pictures of the real natural wonders of these lands, not just the ocean views that can be sold.

If amazing natural lava formations like those found in Wailea 670 were located in a public park, they would be considered valuable resources. That value shouldn't be dismissed just because they are on private land. If these formations are lost to make a private golf course, we will all lose something very unique. The EA should document these natural and cultural features and discuss how they will be preserved.

Site Photos need to show more sides of the land.

The Site Photographs in figure 4 should include more images and include scenes that acknowledge the many amazingly beautiful native plants that live in the area.

The area in picture number 3, labeled "buffelgrass" for example probably has native pill grass intermixed. There are a number of meadows across Wailea 670 that have abundant pill grass and this fact shouldn't be hidden or downplayed.

The Honua'ula cultural advisors said in section 4, that they want to see as many of the native plants as possible left undisturbed. This EA should celebrate that fact that 78 species of native plants, some very rare and beautiful, currently live on this land and need to be protected. We need to have pictures that show the real story so the Planning Commission can make a sound recommendation and sensible mitigations.

Picture number 4 gives another opportunity for more education. Some of the "dirt roads" that go through the project area have been in use for more than fifty years and are protected as historic roads. The Kanaio-Kalama Park road shown on fig 3 (the tax key map) is one such road. Its existence and history should be noted and discussed in the EA along with plans for preservation.

The many sections of traditional stepping stone trails across the lava fields of Wailea 670 should be mapped and protected to help future generations understand the places where their kupuna walked the land. Only a few of these sections are on the archaeological survey maps yet. Our South Maui Community Plan has a Policy "number 7" that speaks to historic roads and trails like these:

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

While the EA/EISP/N states that the project will be in compliance with the Community Plan, it never discusses the historic roads and trails, but seems to pretend that none exist. Once again, this is a topic where the cultural advisors felt that the way to the ocean and the way to the mountains should remain open.

Save Makena has many young supporters who want to be able to know the actual roads and trails handed down over time. They do not want a substitute trail created where it is convenient, while the authentic ones are destroyed and lost forever, as has happened so many places on Maui. This topic should be clarified in the EA.

Cultural sites

Save Makena has long called for better research and documentation of cultural sites in Wailea 670 and their preservation as a cultural landscape, not in isolated buffer zones on golf courses. We note that a over year has passed since County Council meetings on the project ended and still there is no comprehensive AIS in the EA.

We are also disappointed to see a Cultural Impact statement quoted from that doesn't even mention all the cultural sites that are known the ahupuaa of Palauea, Pae'ahu and Keauhou. These are the ahupua'a where Wailea 670 lies.

All these local ahupua'a have lots of cultural sites- heiau, mua, ko'a house sites, wells, shrines, burials, and agricultural complexes. Many of the sites in Palu'ea etc. may directly related to those being found in Wailea 670. This must be researched and discussed in the EA so we don't lose a big part of our history. None of this is even mentioned in the EA or the CIA. Instead there are discussions of Kaupo and Kahikinui (which are not part of the moku of Honua'ula, but have their own moku)

Native plants and creatures

In section 3.6 the native plant habitat is described, but there is no mention there, or anyone else that a beautiful and highly endangered native creature, the Blackburn Sphinx moth, is known to live and breed on the Waialea 670 lands. We have had people come to our Save Makena meetings who have seen the moth in the vicinity.

We have spoken to US Fish and Wildlife Service who explained that the moth has been documented on the land and under federal law, an agreement would need to be reached with the landowners to set up a habitat for it.

It doesn't seem entirely accurate to have the EA state on p. 22 that Honua'ula LLC "voluntarily decided to conserve portions of Honua'ula and attempt propagation of selected remnant native dryland forest plants located onsite."

The County Council wrote a specific condition (no. 27) that required a preserve to be established. In fact, on p. 23 the language of condition 27 has been selectively edited which has the result of mis-interpreting the intent of the condition. Save Makena Members sat through many years of meetings discussing Waialea 670.

We remember the public meetings and hearings back in 2002 where the plan for Waialea 670 was to move native plants into the gulches. Then later there was an 8-acre preserve proposed. That became a 16 acre preserve and then the County Council passed condition 27 that specified:

27. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide the report "Remnant Wilivili Forest Habitat at Waialea 670, Maui, Hawaii by Lee Altenberg, Ph.D.", along with a preservation/mitigation plan, to the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers for review and recommendations prior to Project District Phase II approval. The Maui Planning Commission shall consider adoption of the plan prior to Project District Phase II approval.

Such plan shall include a minimum preservation standard as follows: That Honua'ula Partners, LLC, its successors and permitted assigns, shall establish in perpetuity a Conservation Easement (the "Easement"), entitled "Native Plant Preservation Area", for the conservation of native Hawaiian plants and significant cultural sites in Kihai-Makena Project District 9 as shown on the attached map. The Easement shall comprise the portion of the property south of latitude 20°40'15.00"N, excluding any portions that the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers find do not merit preservation, but shall not be less than 18 acres and shall not exceed 130 acres.

This is a good condition and it makes it clear that state and Federal agencies should be the ones who determine if any of the 130 acres is not needed for native plant and endangered insect habitat. The EA should make this point clear. Letters should be included in the EA from the state and federal wildlife agencies with their comments on the proposed 22-acre preserve. There is no discussion assessing its size and location compared to maps of native plant and insect populations and how it meets condition 27.

Save Makena feels that based on all we know about the extensive native plant areas in Waialea 670, 22 acres is much too small for the plants to survive and flourish. Respected biologist Dr. Angela Kepler wrote an opinion that a much larger area would be needed if the endangered species were to have enough biological diversity.

She also pointed out that watering and fertilizer conditions that suited golf courses and landscaping were often very hard on native species and the landscape plants brought in different diseases and bugs to which native plants had no resistance. Dr Kepler recommended the plants and their natural ecosystem, including even the non-native plants, needed to have a large space to themselves, not be an island in a man-made landscape. None of this important debate is included in the EA.

The EA should report things honestly and reveal that a number of the rarest native plants found in Waialea 670, the 'awikiwiki plant, have already been destroyed through careless grading by previous owners.

The current owner's commitment to native plants also appears shaky when one reads in the sustainable design features section (p.13) a statement like: "where feasible landscaping will include use of drought tolerant/and or slow growing hardy grasses, native and indigenous plants, shrubs , etc..." This is a rather meaningless statement in terms of having any measurable goals for Environmentally Responsible building.

Since Waialea 670/Honua'ula already has 670 acres of native and non-native drought-tolerant landscape with no outside water demand, the EA should assess what portion of that very efficient landscape will be lost to the proposed development and what portion of the project area is expected to utilize native landscape as a mitigation for that loss.

On page 40, the discussion of mitigating increased energy demands lists "energy saving methods and technologies." These are described, but the project makes no commitment to any of them except to say that "they will be "considered." It would not appear that "considering" any of these methods etc would qualify as any kind of mitigation at all. A mitigation is an action.



On p. 44 the mitigation for increased need for police services is a contribution towards the new police station. We have heard police representatives testify that a large subdivision like Wailea 670 increases the need for more police officers, as well as more station space. The EA should discuss how many more officers are needed at what buildout levels and whether the development will generate enough revenues to meet that need.

Save Makena would ask the officials and agencies reviewing this document to have it reissued with more in depth information and honest discussion of the actual impacts to existing resources.

This would include looking at some alternative designs for the project itself. The impacts associated with the proposed offsite affordable housing in north Kihei should also be discussed in the EA.

Mahalo for a chance to comment.
 Elle Cochran
 Member Save Makena.org
 55 N. Market St. Suite # A-5
 Waialuku, HI. 96793

March 9, 2010

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**SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/
 ENVIRONMENTAL IMPACT STATEMENT PREPARATION
 NOTICE**

Dear Ms. Cochran:

Thank you for your letter dated November 13, 2009 regarding the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your concerns.

The EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). The Draft EIS will be the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

Technical studies provided in Draft EIS will include, among other studies, a:

- Botanical Survey
- Wildlife Survey
- Conservation and Stewardship Plan
- Archaeological Inventory Survey
- Cultural Impact Assessment
- Cultural Resources Preservation Plan
- Traffic Impact Analysis Report
- Economic Impact Analysis and Public Costs/Benefits Assessment.

Wording of Draft EIS. We hope you find that the Draft EIS describes the land and its resources respectfully.

Williwi Trees. Regarding your concern about native williwi trees, the Draft EIS will include discussion on these trees as well as other native and non-native plants on the property. The Botanical Survey, included as an appendix, will include more in-depth discussion.

Lava Rock. Regarding lava rock and other features, a principal design and planning goal is to preserve defining features of Honua'ula as much as possible. To this extent the Draft EIS

Elle Cochran

SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

March 9, 2010

Page 2 of 3

will include Design Guidelines and a Landscape Master Plan, that both call for the integration of lava rock as a defining element of Honua'ula.

Site Photos. The Draft EIS will include photographs of the property that capture the natural environment and characteristics of the land. Additional photos of botanical and other natural features found on the Property will be included in the various studies contributing to the EIS.

Trails and Roads. The Draft EIS will include discussion on: 1) steppingstone trail segments within the property; 2) the Kanaloa-Kalama road; and 3) recommendations from the Cultural Impact Assessment regarding traditional native Hawaiian mauka-makai access trails (*ala i ke kai* (pathway to the ocean) and the *ala i ke kula* (pathway to the uplands)).

Cultural Resources. The Draft EIS will contain an Archaeological Inventory Survey, a Cultural Impact Assessment, and a Cultural Resources Preservation Plan, which provides specific preservation and mitigation measures based on community input and the findings of the Cultural Impact Assessment and Archaeological Inventory Survey. The Cultural Impact Assessment and Cultural Resources Preservation Plan provide historical accounts of the Honua'ula moku and discussion on each of the ahupua'a that span the property. The Archaeological Inventory Survey identifies archaeological sites such as the steppingstone trail segments, multiple stone feature complexes, and historic rock walls; however no heiau, hale mua, shrines, or burials have been identified on the property.

Native Plants and Creatures. Several wildlife surveys of the property have been conducted since 1988, with the most recent completed in 2009. Although not found in previous surveys, evidence of the endangered Blackburn's sphinx moth (*Manduca blackburni*) was found within the Property in the most recent survey. The Draft EIS will include discussion regarding the Blackburn's sphinx moth and propose appropriate mitigation measures, including a multi-species Habitat Conservation Plan (to also include the candidate endangered 'āwikiwiki plant) prepared under Section 10(a)(1)(B) of the Endangered Species Act and in collaboration with DLNR and USFWS. The Draft EIS will include the most recent wildlife survey.

Honua'ula Partners, LLC will comply with County of Maui Ordinance No. 3554 Condition 27 regarding providing a Native Plant Preservation Area. The proposed size and location of the Native Plant Preservation Area are based, in part, upon a vegetation density analysis conducted by SWCA Environmental Consultants to aid in defining areas where preservation could be most effective. The Native Plant Preservation Area encompasses a contiguous 22-acre portion of the property south of latitude 20°40'15.00"N with the highest densities of selected endemic/native plants having high conservation priority. The size and location of the Native Plant Preservation Area are also based upon scientific research that suggests even small restoration efforts can help provide habitat for native species when managed in combination with regional preserve areas. As such Honua'ula's Native Plant Preservation Area must be considered in the context of the significant conservation efforts already in existence in South Maui such as the 'Auwahi (10 acres) and Pu'u o Kali (236 acres) Forest Reserves and the Kamalo (876 acres) and 'Ahihi-Kina'u (1,238 acres) Natural Area Reserves.

In addition to the Native Plant Preservation Area, which will be established through a conservation easement, Honua'ula Partners, LLC will provide additional areas for the protection of native plants. Altogether, 143 acres are proposed for the preservation, conservation, propagation, and management of native plant species at Honua'ula. These conservation measures, including the size of the Native

Elle Cochran

SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

March 9, 2010

Page 3 of 3

Plant Preservation Area easement, will be subject to concurrence by the State Department of Land and Natural Resources, the U.S. Fish and Wildlife Service, and the United States Corps of Engineers.

The Draft EIS will also contain a Conservation and Stewardship Plan that sets forth proactive stewardship actions to manage the Native Plant Preservation Area and other native plant areas.

Energy Demands. Honua'ula Partners, LLC is committed to limiting the environmental impact of Honua'ula by reducing energy consumption. As will be discussed in the Draft EIS, all energy systems for all residential units will meet all applicable ENERGY STAR requirements established by the EPA in effect at the time of construction. All homes will be equipped with a primary hot water system at least as energy efficient as a conventional solar panel hot water system and other energy-saving concepts and devices will be encouraged in the design of Honua'ula. Design standards will also specify low-impact lighting and encourage energy-efficient building design and site development practices.

Public Services. The Draft EIS will include an Economic Impact Analysis and Public Costs/Benefits Assessment. Honua'ula will contribute to increased State and County revenues in the form of increased property taxes, general excise taxes, and increased income taxes from increased employment. Should the State and County choose to allocate these additional tax revenues to fund more services to protect public health, welfare, and safety, any cost to the public that may result will be effectively minimized. Honua'ula will also contribute significantly to the provision of public services by directly providing:

- \$5,000,000 to the County for the development of the South Maui Community Park and a in-lieu cash contribution to satisfy the park assessment requirements under Section 18.16.320, MCC (currently set at \$17,240 per residential unit) in addition to providing parks within Honua'ula that are open to the public but privately maintained;
- \$3,000 per dwelling unit (totaling \$3.45 million) to the Department of Education for schools serving the Kihiet-Mākena Community Plan area;
- Two acres of land to the County of Maui for the development of a fire station; and
- \$550,000 to the County for the development of a police station in South Maui.

We will include Save Mākena as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EA/EIS/SPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Sierra Club Maui Group
PO Box 791180
Pa'ia, HI 96779

November 16, 2009

Tom Schnell, AICP
Senior Associate
PBR Hawaii & Associate, Inc.
1001 Bishop Street, Suite 650
Honolulu, HI 96813-1402
Fax: (808) 523-1420
E-mail: sysadmim@pbhawaii.com

Re: Honua'ula EA/EISP/N

Dear Mr. Schnell,

Thank you for the opportunity to review this document. We would request to continue being a consulted party in this process. We would also request that your firm and your client, Honua'ula LLC clarify to agencies and the public if this document is meant to be a Draft EA? It appears to be the same as the earlier EISP/N that was released earlier this year.

Sierra Club Maui Group is a branch of the nation's oldest environmental education and advocacy organization, founded by John Muir in 1892. The Maui Group has been established over 30 years, since 1976. In that time Maui group volunteers have read and commented on over one hundred environmental documents. We wish to offer the following comments:

ADEQUACY OF PROPOSED EA/EISP/N

Based upon our long organizational experience and in consultation with Hawaii Revised Statutes and Hawaii Administrative Rules, we would request that the applicant withdraw this document and replace it with an actual Draft EA which follows the requirements of HAR 11-200-9 B, Section 4, 5, and 7, and 11-200-11.2. These rules require that the EISP/N be filed with a supporting final environmental assessment report. The document entitled EA/EISP/N does not meet the standards required of an FEA.

The OEQC, which is responsible for administering the state's environmental review process has a list of requirements that must be met in the completion of environmental documents. This document lacks important information to meet the requirements of either an EA or an EISP/N. This information includes comment letters from agencies and community groups during early consultation process, a discussion of project funding and, in the case of a Draft EA, a specific description of anticipated actions, impacts and mitigations.

It would appear that this project may be trying to avoid any level of disclosure that would reveal the need for environmental review based upon more conditions than the two

mandated triggers listed. Construction of a private wastewater plant and use of state or county land are certainly undeniable triggers for an EIS. A factually accurate EA which disclosed the many new discoveries and changing conditions surrounding the project, would rightfully conclude that the level of investigation needed to examine the possible impacts would trigger EIS review.

An EA would need to assess the impacts of these new aspects of this 20-year old project:

- 1) A growing number of significant archaeological sites, when none were formerly acknowledged.
- 2) A change in the project's anticipated water supply from public to private, the addition of off site wells and possible need for a desal facility
- 3) New documentation indicating the land serves as habitat area for 24 native plants, some very rare, and a number of native insects, including one endangered species (Manduca, Blackburn Sphinx moth) and several candidates for federal threatened species ('awikiwiki and Maiapilo plants)
- 4) Increased information regarding impairment of nearshore marine waters down slope from the project
- 5) Presence of historic roads and trails onsite, never before acknowledged.
- 6) Change from public to private wastewater disposal
- 7) The inclusion of off site housing in a specific North Kihei Industrial site to satisfy a portion of affordable housing requirements.

Adequacy of Topics Reviewed in the EA

The EA gives inadequate and sometimes even inaccurate information in a number of areas required by the HRS Ch 343 process to be reviewed and assessed. Detailed remarks will be reserved for the actual Draft EA when it is released, as we trust it will be.

Cultural Resources

There remain many more cultural sites to be documented in the rugged landscape of Palau'ea, Keauhou and Pae'ahu also known as Wailea 670/Honua'ula. The 22 acre Palau'ea Cultural Preserve and its four heiau/shrines and more than 250 cultural features, located immediately downhill from the project area, is not even discussed in the EA. Nor is it referred to in the fragments of the project's CIA that are quoted in the EA. This is a huge gap in cultural review.

A number of cultural site clusters, with over a hundred features, were documented in Palau'ea and Keauhou in the 1990's by Gosser et al before construction of the Wailea Emerald and Gold golf courses that border the proposed project. These site clusters included agricultural and habitation complexes (one with more than 50 features), multiple burials, terraces, ceremonial sites, cave shelters, pathways and major boundary walls. Some of these sites continued mauka into Wailea 670 lands.

In the makai portion of Pae'ahu ahupua'a (Wailea) over 300 burials have been documented and numerous other features have been recorded such as the Wailea Point complex. Carbon dates show continuous use of this area from 1300 AD or earlier. The gulches that terminate at the sea along the wailea coast are the same ones which

traverse Waialea 670. Very little effort appears to have been spent surveying the gulches of the project area.

In general, no effort has been made at all by this project to "connect the dots" of the extensive archaeological research that has been done immediately down slope in the same ahupua'a of Pae'ahu, Palau'ea and Keaunohu.

In contrast, the nearby Keoneo'io coastline has been the focus of a half dozen cultural studies over the last 80 years. The 2003 National Park assessment report on the area noted:

"Altogether, about 34 individual archeological sites, containing about 1,100 known features, have been recorded within the study area. Nearly all of the recorded sites and features are comprised exclusively of rock construction and occur in complexes of at least eight and as many as 150 features.."

Professional archeologists believe that additional more intensive surveys would identify as many as twice the known number of features within the study area."

Much the same level of site density holds true for the rugged lands of neighboring Makana Resort (where 600 sites with over 1000 features have been documented) and Waialea 670. If a thorough effort can not be made to document the complexes of sites there, at least a large area should be left undisturbed to allow future researchers the opportunity to protect the region's historical legacy.

Historic Roads and Trails

Sierra Club Maui Group would urge the county Planning commission and county staff to require the applicant to map and identify the many segments of traditional stone trails present in the Waialea 670 property. Any cultural preservation plan should include a complete account of these extremely valuable cultural resources, not just the few fragments that are now recorded. Each survey has revealed more trail segments. Unfortunately, most lie in areas proposed for development, unless a more realistic native plant and cultural preserve area, such as that proposed by the County Council, is set aside.

The historic Kanaio-Kalama park road pictured in Figure 3 of the EA needs to be acknowledged as a historic road and trail. It was in public use eighty years ago or more, but later appears to have been, rightly or wrongly, subsumed into the private parcels of Waialea 670. The status of this road, should be clarified during the EA process. If it existed and was in public use during the earlier part of the century, should it be preserved, to allow traditional access, regardless of ownership claims?

The road's history was discussed by local Kupuna Uncle Edward Chang Jr. when he testified to the Public Works committee of Maui County Council July 2, 2001. He stated:

"The road from Kihei to Ulupalakua Junction was rebuilt in WWII. There was never a road, when I was a kid (1930s) from Ulupalakua Junction in Makana to Kalama Park, but there was a trail. And that trail has since been privatized and bought out."

Flora & Fauna

The EA and every document or study produced to date by the applicant have significantly down played the presence and importance of native plant habitat on the site. A description from a 2003 National Park Service study points out the biological value of a similar a'a lava flow ecosystem a few miles further south along Keoneoio bay:

"The study area contains a single site of the extremely rare 'Akoko (Chamaesyce celastroides) Coastal Dry Shrubland community. There is also a very small population of the rare herb 'ini (Portulaca villosa) and a large population of the rare mai'apilo shrub (Capparis sandwicheana). The mai'apilo is considered to be rare on the other main Hawaiian islands. Both the native mai'opilo and the native 'ili are currently candidate species for endangered status. The presence of rare native plants plus the presence of a very small population of 'Akoko may give certain portions of the study area significance in terms of native vegetation at the state level."

The southern portion of Waialea 670/ Honua'ula also has the presence of the very rare 'akoko plant and a very large population (perhaps more extensive than that further south) of the candidate species maiapilo. The report notes the presence of the rare nehe, 'anunu and uluhi and the candidate 'awikiwiki, but fails to mention the need for an extensive habitat preserve area.

The ENEISPN describes the remarkable collection of native plants present on the site as "scattered remnants." The document does not explain that native dryland forests are the most threatened of Hawaiian ecosystems and only exists as "remnants." There is no mention that maiapilo, abundant and healthy throughout the southern 200 acres of the project area, is now so rare on every other Hawaiian Island that it is proposed as a candidate for federal listing.

The northern portion of Waialea 670 also has some documented native species, such as pili grass and possibly more. What appears very clear is the need to not just list the number of past studies conducted as proof that biological resources have been well documented. In truth, these past studies left most of the resources undocumented. Instead, the EA should include a far more thorough review of the rugged area, to accord it the full biological value and protection it deserves.

As a comparison, Kaiboko/Honokohau National Historic Park, which had extensive plant studies done in the mid 1990's, has a very similar species mix of introduced aliens (69%) and native dryland forest (29%) species plants. While 24 native species have been recorded thus far at Waialea 670, mostly in the southernmost 200 acres, the more thorough National Park studies documented 42 species of indigenous and endemic plants in the 1160-acre Kaloko park.

If Waialea 670 were public land, it is likely that large areas of it would be proposed for critical habitat and native species recovery management. The fact that it is private land, should not diminish its biological value. In the light of what is currently known, a minimum of 130 acres of habitat should be preserved for native flora and fauna, including the endangered manduca. The 22 acres proposed would condemn hundreds of healthy native wilwili, maiopilo and other plants to destruction or severe habitat degradation.

Drainage

We have never reviewed an acceptable EA which gave no figures for pre and post development runoff volumes. This EA has no data on this critical topic.

The Master Drainage Plan required by conditions of rezoning should be included in the EA. Drainage plans are usually theoretical documents formulated by engineers in faraway offices who have very little contact with the land. To avoid poor choices, nearby residents who observe drainage patterns as they occur everyday should be given as much opportunity as possible to review plans and comment. The EIS process will give them one opportunity only.

The lands of Wailea 670 are steep with numerous well incised, bluerock lined gulches. There is plenty of evidence that large amounts of water are periodically carried through the gulches. In the southern portion of the land there are historic dams and diversion features made of concrete to divert gulch flows into storage areas, presumably for livestock. None of these features are discussed in cultural/historic review documents nor is their existence mentioned in relationship to drainage impacts. Vague references have been made in past presentations about the project to retention basins in existing gulches. The EA should include a geological report on the feasibility of this proposed drainage solution.

Water Supply

The EA/EISPIN does not specify how much water the 1150 unit development and golf course is expected to use. Nor does it specify where that water will originate.

The EA/EISPIN in Section 4.7.1 describes the public water system which supplies the surrounding neighborhoods, although information supplied is somewhat out of date (e.g. the Hamakuapoko wells are not being proposed for utilization in the Central Maui system.) Under Potential Impacts and Mitigations sections, the EA discusses the existing rezoning conditions it will meet in developing a private water system. No details of the system, impacts or mitigations related to this system are revealed, except to state that a private water company will be formed and will distribute potable and non-potable water.

There is no further analyses of the viability of this brand new private system to meet the needs of 1150 hookups. Will it be sold to a larger utility, managed by homeowners or held and managed by the present ownership partnership?

Comparable, well-established private water delivery systems on Maui do not serve that volume. Kapalua Water Co. serves around 850 residences (only 200 are occupied full time) and two hotels, and Hawaii Water Co., the former Ka'anapali Water Co., serves 700 hookups, including a number of major resorts.

Marine Resources Water Quality

The EA/EISPIN should provide actual data on the marine water monitoring program that it was required to undertake. The EA does not reveal the impairment status of the waters down slope of the project. This is key information to be revealed.

The main intention of rezoning condition number 20 was to help improve water quality by tying development impacts and monitoring into the Clean Water Act 303(d) water quality assessment process.

The "no-impact" conclusions regarding land-based impacts to marine water quality presented in Section 3.5.2 should have more extensive data. It defies common sense that the Wailea-Makena area has had natural groundwater with high levels of contaminants seeping into the ocean for the past hundred years or several centuries.

Does the consultant suggest that the region developed its outstanding reef habitat over the last several centuries, reefs and waters renowned for their abundant fisheries and sea life, under these conditions?

If the contaminants in groundwater are present, are they really "natural?" Where did they originate, and what can be done to minimize the intrusion of unnatural levels of nitrogen and other chemicals into the groundwater. These are topics that should be discussed in the EA.

Mahalo for the opportunity to offer these comments

Sierra Club Maui Group

Lucienne de Naie, for the Conservation Committee



March 9, 2010

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Sierra Club Maui Group
c/o Lucienne de Naie
SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ ENVIRONMENTAL
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It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in
County of Maui Ordinance No. 3554.

Archaeological and Cultural Resources

The Draft EIS will contain an Archaeological Inventory Survey, a Cultural Impact Assessment, and
a Cultural Resources Preservation Plan (CRPP).

Historic Roads and Trails

The Draft EIS will include discussion on: 1) steppingstone trail segments within the property; 2) the
Kanaio-Kalama road; and 3) recommendations from the Cultural Impact Assessment regarding
traditional native Hawaiian mauka-makai access trails (*ala i ke kai* (pathway to the ocean) and the
ala i ke kula (pathway to the uplands)).

Flora and Fauna

The Draft EIS will contain botanical and wildlife surveys that list all plant and animal species
currently found on the property.

Honua'ula Partners, LLC will comply with County of Maui Ordinance No. 3554 Condition 27
regarding providing a Native Plant Preservation Area. The proposed size and location of the Native
Plant Preservation Area are based, in part, upon a vegetation density analysis conducted by SWCA
Environmental Consultants to aid in defining areas where preservation could be most effective. The
Native Plant Preservation Area encompasses a contiguous 22-acre portion of the property south of
latitude 20°40'15.00"N with the highest densities of selected endemic/native plants having high
conservation priority. The size and location of the Native Plant Preservation Area are also based
upon scientific research that suggests even small restoration efforts can help provide habitat for
native species when managed in combination with regional preserve areas. As such Honua'ula's
Native Plant Preservation Area must be considered in the context of the significant conservation
efforts already in existence in South Maui such as the 'Auwahi (10 acres) and Pa'u o Kali (236
acres) Forest Reserves and the Kanaio (876 acres) and 'Ahihi-Kina'u (1,238 acres) Natural Area
Reserves.

In addition to the Native Plant Preservation Area, which will be established through a conservation
easement, Honua'ula Partners, LLC will provide additional areas for the protection of native plants.
Altogether, 143 acres are proposed for the preservation, conservation, propagation, and management
of native plant species at Honua'ula. These conservation measures, including the size of the Native
Plant Preservation Area easement, will be subject to concurrence by the State Department of Land
and Natural Resources, the U.S. Fish and Wildlife Service, and the United States Corps of
Engineers.

The Draft EIS will also contain a Conservation and Stewardship Plan that sets forth proactive
stewardship actions to manage the Native Plant Preservation Area and other native plant areas.

SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/
ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE

Dear Ms. de Naie:

Thank you for your letter dated November 16, 2009 regarding the Honua'ula Environmental
Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN). As the
planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your
comments.

Adequacy of EA/EISPN

The EISPN was a written evaluation to determine whether Honua'ula may have a significant
environmental effect and was intended for the purpose of seeking comment on the proposed
scope of the forthcoming Draft Environmental Impact Statement (EIS). Following the EISPN
public comment period, Honua'ula Partners, LLC consulted with the Office of
Environmental Quality Control (OEQC) to ensure that all applicable statutory and regulatory
requirements were fulfilled.

Regarding the EISPN dated March 2009, notice of which was published in the March 8,
2009 Environmental Notice, the OEQC Director stated: "...the published document fulfills
all the requirements and components [of] an environmental assessment." Pursuant to the
instructions of the OEQC Director, the Maui County Planning Department subsequently
submitted an Environmental Assessment/Environmental Impact Statement Preparation
Notice (EA/EISPN) to OEQC on September 18, 2009.

With respect to your statements regarding alleged deficiencies of the EA/EISPN, please note
that the EA/EISPN is a notice document and is intended to set forth the proposed scope of
the Draft EIS for the purpose of seeking comment. According to the OEQC, Chapter 343 of
the Hawaii Revised Statutes (HRS) and the applicable Hawaii Administrative Rules (HAR)
support the functioning of the EISPN as an EA in situations where projects go directly to the
more stringent full disclosure requirements of the EIS. This has been a long recognized and
established practice in the State of Hawaii. The OEQC stated that in such cases, the fact that
the EA/EISPN does not contain every detailed element specified within HRS Chapter 343
for an EA does not take away from the fact that the completed EIS will be a full disclosure
document having to comply with the requirements of HRS Chapter 343.

The Draft EIS is the full disclosure document and will be prepared in conformance with State
of Hawaii EIS laws and rules (HRS Chapter 343, and Title 11, Chapter 200, HAR).
Specifically the Draft EIS will be prepared according to the content requirements for a draft
EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices.

Sierra Club Maui Group
c/o Lucienne de Naie
SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ ENVIRONMENTAL
IMPACT STATEMENT PREPARATION NOTICE
March 9, 2010
Page 3 of 3

>>> Angelika Hofmann <angelichofmaui@hotmail.com> 4/2/2009 3:39 PM >>>

Drainage

The Draft EIS will include a Preliminary Engineering Report that discusses drainage pre-development conditions, expected post-development conditions, and drainage improvements for post-development runoff. All drainage improvements will be designed in accordance with the County of Maui's "Rules for the Design of Storm Drainage Facilities" so that there will be no increase in the peak rate of storm water runoff leaving the Property compared to existing conditions.

Water Supply

The Draft EIS will include discussion of Honua'ula's water demands and sources.

Marine Resources and Water Quality

The Draft EIS will include a Nearshore Water Quality Assessment and a marine ecological monitoring report in compliance with County of Maui Ordinance No. 3554 Condition 20 to assess current conditions and propose mitigation measures as appropriate. The Nearshore Water Quality Assessment will include the results of water quality monitoring studies conducted for Honua'ula in 2005, 2006, 2008, and 2009 to establish baseline water quality conditions. Honua'ula will also maintain on-going water quality monitoring in compliance with County of Maui Ordinance No. 3554 Condition 20.

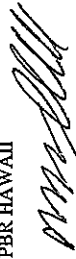
The Draft EIS also will include discussion regarding: 1) the 2006 State of Hawaii Water Quality Monitoring and Assessment Report: Integrated Report to the U.S. Environmental Protection Agency and the U.S. Congress Pursuant to Sections §303(D) and §305(B), Clean Water Act (P.L. 97-117); 2) the State Department of Health's compliance with the requirements of Clean Water Act regarding Total Maximum Daily Loads; and 3) Honua'ula's compliance with County of Maui Ordinance No. 3554 Condition 20, which pertains to these issues.

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EA/EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Aloha,
I would like to be a consulted party on the Wailea 670(Honua'ula) EIS.
Mahalo, Argie Hofmann
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808 357-3134

Tom Schell, AICP
Senior Associate
PBR Hawaii & Associates, Inc.
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Fax: (808) 523-1420
E-mail: syxsdmim@pbhawaii.com
Thursday, November 12th, 2009

Re: Comments on Honua'ula Project (EA/EISPN)

Aloha Honua'ula, LLC and Planning Commissioners,

I have testified many times during the Wailea 670 process and appreciate the opportunity to offer comments on this long awaited new environmental document.

Wailea 670 received approval for rezoning in April of 2008. It is 18 months later and the public is being offered an environmental document that is still missing most specific information about what is planned for this land with its natural and cultural treasures.

The EA seems to be the same thing that as issued in March of this year and called an EISPN. It also seems to be avoiding a lot of the same topics that were avoided during the County council rezoning review.

I was hoping that an Environmental Assessment would have revised project maps showing the boundaries of a proposed 130-acre preserve. Instead there's a map that shows a 22-acre preserve surrounded by houses and golf course.

This is not a good idea. It's like a prison area for the plants that were once free to have their seeds and pollen spread over hundreds of acres. There is no explanation about why this location or amount of acres was chosen. Even worse, the EA misquotes the Council's clear condition to have state and federal wildlife experts decide if any land of the proposed 130 acres is not needed. Instead, the landowner is saying only 22 acres is needed. The condition written by the council should be enforced. I was at the meetings. They worked hard on it.

I was hoping there would be a detailed discussion of the water sources for the future houses, businesses and golf course. How will the water be piped in from the new wells north of Maui Meadows we heard about during the council meetings?

Are these wells still the water source? They aren't mentioned. Instead there is discussion of central Maui water from sources like Hamakuaoko wells. The report doesn't mention that these wells are closed. Then there are the Kupa'a wells. According to the Mayor, these wells won't increase water supply, but will spread out the impacts of pumping water from the aquifer. Back to the question: where's the water for this very large development?
This should be explained in the EA.

If the brackish, off sites wells are used, will there be a desal plant? Where will be located? Will it be operated by the homeowners? A private utility? Where does the brine go after the water is filtered? Will there be injection wells? Will the brine affect native plants that are used to a certain natural quality of water? When will any of this information be made public?

Section 3.5.2 discusses marine water quality. There were long discussions at the council on the need to protect the ocean and reefs downlope of Wailea 670 from the increased runoff. The water quality report referred to in the EA, discussed tests done in 2005 and 2006. It's almost the end of 2009. Why doesn't the EA refer to any more recent test results?

There is an Environmental Risk Assessment and Integrated Golf Course Management Plan referred to. Why is it not included in the EA? How can residents who have lived in this area for years and know the area comment if they have no idea what is being proposed? This Plan may be good, or it may be full of holes? The proposed plan needs to be easily available. I remember how hard it was for the County Council to get real information about this project. Let's not let this keep happening.

I worked at Ahihi-Kihau NARS and have read about water quality testing. If I read the conclusions of the marine water quality researcher correctly, they're saying that the reason the ocean water at the various test sites off of Wailea-Makena coast have levels of nitrogen and other chemicals that are higher than DOH standards is because all these pollutants were just naturally in the ground water? This conclusion lacks actual data.

The consultant mentioned that "exceedances" also occurred at the test site (Ahihi-Kihau), but gave no details.

Were the exceedances at the test site at the same level as those of other sites? Could the contaminants have drifted down coast into the test site area? Were levels similar at every site? There is no basic data given to let the public know if the consultant is drawing a well-supported conclusion, or just saying what his clients want to hear.

Were the upper elevation ground waters tested to confirm his theory? Why aren't all the results included as part of the EA. Isn't it supposed to show an assessment of the possible impacts backed by facts that can be reviewed and commented on?

Huge gulches run through Wailea 670 land. Several of them have pipes big enough to walk through that carry the runoff under Piliant highway to the existing Wailea golf course. Even now, we have floods and coastal runoff that can occur during heavy rains at Wailea and Palaua beaches. The golf course just can't absorb it all.

Will the proposed detention basins help? There is no mention in this EA of any figures for pre-development and post development discharge of water. Without any information, how can drainage impacts be "assessed"?

It seems that the EA mostly is just repeating old, possibly outdated information.

I grew up in Kihui. We have heard so many promises of landowners who would build this or that if their project was approved. When I attended Kihui School in the 1980's the owners of Wailea 670 promised they would build a 13 acre Little League field on the Wailea 670 site. All they



wanted was approvals to rezone their land. Lots of kids growing up in South Kihici and Maui Meadows could have enjoyed that field. The former owners got their land use change and made a big profit selling off the land to yet another owner. The kids never got a park or a ball field.

Please, Planning Commissioners who read this EA, don't accept it until it has real facts that can be confirmed and not more vague descriptions and promises with no commitment behind them.

Angie Hofmann
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March 9, 2010

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DACHENG DONG, LEED AP
Associate

SUBJECT: HONUUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Ms. Hofmann:

Thank you for your e-mail dated April 2, 2009 sent to Ann Cua of the Maui Planning Department regarding the Honouua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honouua'ula Partners, LLC, we are responding to your e-mail.

We will include you as a consulted party and provide you with a copy of the Draft Environmental Impact Statement (EIS) when it is available.

Thank you for reviewing the EISPN. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Joncks, Honouua'ula Partners, LLC

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1905.08 EA EISPN Angie Hofmann 4-2-09



Angie Hofmann
 SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL
 IMPACT STATEMENT PREPARATION NOTICE
 March 9, 2010
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March 9, 2010

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**SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/
 ENVIRONMENTAL IMPACT STATEMENT PREPARATION
 NOTICE**

Dear Ms. Hofmann:

Thank you for your letter dated November 12, 2009 regarding the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). Following the EISPN public comment period, Honua'ula Partners, LLC consulted with the Office of Environmental Quality Control (OEQC) to ensure that all applicable statutory and regulatory requirements were fulfilled.

Regarding the EISPN dated March 2009, notice of which was published in the March 8, 2009 Environmental Notice, the OEQC Director stated: "...the published document fulfills all the requirements and components [of an environmental assessment]." Pursuant to the instructions of the OEQC Director, the Maui County Planning Department subsequently submitted an Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN) to OEQC on September 18, 2009.

With respect to your statements regarding alleged deficiencies of the EA/EISPN, please note that the EA/EISPN is a notice document and is intended to set forth the proposed scope of the Draft EIS for the purpose of seeking comment. According to the OEQC, Chapter 343 of the Hawaii Revised Statutes (HRS) and the applicable Hawaii Administrative Rules (HAR) support the functioning of the EISPN as an EA in situations where projects go directly to the more stringent full disclosure requirements of the EIS. This has been a long recognized and established practice in the State of Hawaii. The OEQC stated that in such cases, the fact that the EA/EISPN does not contain every detailed element specified within HRS Chapter 343 for an EA does not take away from the fact that the completed EIS will be a full disclosure document having to comply with the requirements of HRS Chapter 343.

The Draft EIS is the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws and rules (HRS Chapter 343, and Title 11, Chapter 200, HAR).

Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

Native Plant Preservation Area. Honua'ula Partners, LLC will comply with County of Maui Ordinance No. 3554 Condition 27 regarding providing a Native Plant Preservation Area. The proposed size and location of the Native Plant Preservation Area are based, in part, upon a vegetation density analysis conducted by SWCA Environmental Consultants to aid in defining areas where preservation could be most effective. The Native Plant Preservation Area encompasses a contiguous 22-acre portion of the property south of latitude 20°40'15.00"N with the highest densities of selected endemic/native plants having high conservation priority. The size and location of the Native Plant Preservation Area are also based upon scientific research that suggests even small restoration efforts can help provide habitat for native species when managed in combination with regional preserve areas. As such Honua'ula's Native Plant Preservation Area must be considered in the context of the significant conservation efforts already in existence in South Maui such as the 'Auwahi (10 acres) and Pu'u o Kali (236 acres) Forest Reserves and the Kanaio (876 acres) and 'Ahihi-Kina'u (1,238 acres) Natural Area Reserves.

In addition to the Native Plant Preservation Area, which will be established through a conservation easement, Honua'ula Partners, LLC will provide additional areas for the protection of native plants. Altogether, 143 acres are proposed for the preservation, conservation, propagation, and management of native plant species at Honua'ula. These conservation measures, including the size of the Native Plant Preservation Area easement, will be subject to concurrence by the State Department of Land and Natural Resources, the U.S. Fish and Wildlife Service, and the United States Corps of Engineers.

The Draft EIS will also contain a Conservation and Stewardship Plan that sets forth proactive stewardship actions to manage the Native Plant Preservation Area and other native plant areas.

Water. The Draft EIS will include information on Honua'ula's water system, including information on source, supply, and distribution. Honua'ula Partners, LLC will comply with County of Maui Ordinance No. 3554 Condition 1 by providing a private water system.

Marine Water Quality. The Draft EIS will include a marine water quality study and a marine ecological monitoring report in compliance with County of Maui Ordinance No. 3554 Condition 20 to assess current conditions and propose mitigation measures as appropriate. The marine water quality study will include the results of water quality monitoring studies conducted for Honua'ula in 2005, 2006, 2008, and 2009 to establish baseline water quality conditions. The results of the marine water quality study and evaluation of the potential changes to groundwater composition indicate that there is little or no potential for alteration of the marine environment or negative impacts to marine waters due to Honua'ula. Honua'ula will also maintain on-going water quality monitoring in compliance with County of Maui Ordinance No. 3554 Condition 20.

Golf Course. The Draft EIS will include a Best Management Practices document for the Honua'ula Golf Course which will contain discussion of chemicals used to fertilize the golf

Angie Hofmann
SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL
IMPACT STATEMENT PREPARATION NOTICE
March 9, 2010
Page 3 of 3

course, potential impacts to ground and ocean waters, grounds maintenance, and proposed mitigation measures.

Drainage. The Draft EIS will include a Preliminary Engineering Report that discusses drainage pre-development conditions, expected post-development conditions, and drainage improvements for post-development runoff. All drainage improvements will be designed in accordance with the County of Maui's "Rules for the Design of Storm Drainage Facilities" so that there will be no increase in the peak rate of storm water runoff leaving the Property compared to existing conditions.

Little League Field. In compliance with County of Maui Ordinance No. 3554 Condition 10, in lieu of the dedication of a Little League Field, Honua'ula Partners, LLC will contribute not less than \$5,000,000 to the County for the development of the South Maui Community Park.

We will include you as a consulted party and provide you with a copy of the Draft Environmental Impact Statement (EIS) when it is available.

Thank you for reviewing the EA/EISPN. Your e-mail and letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jeneks, Honua'ula Partners, LLC

>>> Claire Jordan <clairej@vahoo.com> 4/6/2009 7:42 PM >>>
Dear Sir, Please include me as a consulted party in the EIS process regarding Wailea 670. It is crucial that a meaningful study be conducted in respect to traffic, water, protection of existing historic roads and trails, native plants and cultural sites, adequate buffers from Maui Meadows, impact to beaches and compliance with Kihati- Makena community Plan policies before this precious area is destroyed.
Regards, Claire

All the worlds problems can be solved in a garden.



March 9, 2010

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To whom it may concern,

I would like to be consulted about Wailea 670 development. I am concerned about

1. The chain of ownership that was not produced for the county council.
2. Land ownership is still being questioned by Kanaka landowners.
3. Golf course is planned on cultural sites. Inadequate archeological reporting and preservation of cultural and wildlife are also part of this concern.
4. Inadequate benefit to the local population with this development.

Michelle Apana
Clare Apana

260 Halenani Dr
Wailuku, HI 96793
ph 242-4189

Project Applicant (Goodfellow Brós c/o Charlie Jencks) Charlie Jencks
Fax: 879-2557

with copies to:

County of Maui Planning Dept: Jeff Hunt, Planning Director "Jeff Hunt"
Fax: 270-7634

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Ms. Jordan:

Thank you for your e-mail dated April 6, 2009 sent to Ann Cua of the Maui Planning Department regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The Draft Environmental Impact Statement (EIS) will address issues related to traffic, water, protection of historic trails, native plants, cultural sites, adequate buffers from Maui Meadows, marine water quality, and compliance with the Kīhei-Mākena Community Plan, among other issues.

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EISPN. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell
Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN Claire Jordan



March 9, 2010

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Wailea 670 EIS
>>> "Dale" <dakindefale@aol.com> 4/7/2009 11:58 AM >>>

Project Name: Honua'ula

Location: Wailea, Kehei-Makena, Maui

To Those This May Concern,
I would like to be a consulted party concerning Honua'ula Project, aka; Wailea 670 and any future plans concerning the southwest slopes of Haleakala that include all lands in the "modern district of Makawao".

I have concerns in regards to the current proposal for the area known as the Honua'ula Project and those are as follows.

To insure the integrity of all future planning for the areas of Maui County the projects should be generated by the inhabitants of Maui and not off island investors, land speculators and profiteers who's interests continue to destroy the natural habitat, both land and sea, for profit.

As stated in the "project" proposal the water to be used to mitigate dust during the early phases of construction will be "effluent" or grey water that will contribute to algae blooms once it enters the ocean after heavy seasonal rain run off having a devastating effect on Maui's reef system.

If housing is actually warranted then affordable housing is what should be built and not the expensive and exclusive dwellings as described in the proposed project. There is no need for more golf courses that actually strain the natural environment because of the use of fertilizers, pesticides, herbicides, etc.. There is the constant use of power equipment for the maintenance of the golf course grounds and landscaped dwellings that include diesel tractors, lawn mowers, ATVs (all terrain vehicles), leaf blowers, weed trimmers and petroleum based equipment to spray pesticides and herbicides. This constant use of power equipment not only contributes to air pollution but adds to the oil dependency we are trying to avoid.

The parks and "quasi public areas" as mentioned are inside the exclusive communities and are only available to the owner/inhabitants of those gated communities. It appears the term "quasi public" areas refers to facilities such as a fire station, water pumping or electric generating facility and would not actually be open for public use.

Waste water facilities need to be built prior to any dwelling construction begins and should be adequate enough for future development and built in a fashion to avoid any overflow issues during heavy seasonal rain fall. Once constructed to strict standards and guidelines the facilities should be turned over to the County.

The existing road system to access the beaches from Puu'oli to La Perouse is perfect and would remain so without the future over crowding recommendations set forth by land speculators and developers. But if the roads are to be widened to allow for more traffic and congestion as suggested by the project plans the need for wildlife corridors or tunnels under the busy highways should be installed at the time of construction. The Island feel of Maui's beaches will be lost forever once this development expansion begins and tourism will decline.

There is not enough reef health data accumulated to do any future comparison analysis. There are no solid "baseline" studies for comparison and those should be started before any new development begins.

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Ms. Apana:

Thank you for your letter dated April 9, 2009 faxed to Charlie Jencks of Honua'ula Partners, LLC regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The Draft Environmental Impact Statement (EIS) will address issues related to, preservation of archaeological and cultural resources, wildlife, and benefits to the surrounding community, among other issues.

Regarding land ownership, the Honua'ula Project District Phase II application will include a property deed that shows that Honua'ula Partners, LLC is the legal property owner.

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EISP. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISP/SPN Claire Apana



Since there is a "paucity" of rules for preserving Hawaiian Cultural Resources the consensus is that the "project" should be stopped until specific and strict guidelines are established before the undertaking begins. Under the conditions set forth to develop a comprehensive plan for the "preservation and interpretation of cultural resources in the project area" the plan should include minimizing the number and types of homes constructed and include downsizing the size of the project area. The number and types of homes for the project area could be 500 affordable houses to facilitate the labor force needed for the existing Maikena area resorts, golf course communities and beach facilities. This would shorten the commute miles and times for the existing work force and hopefully remove some highway traffic from the outlying areas and lessen fuel consumption and dependency on imported oil.

There is an existing dormant golf course mauka from Puu Olai that is an area disturbance that may or may not have had the proper EIS completed before the golf cart paths, restrooms, sand traps and other ground disturbances had been completed. Is this the golf course mentioned in the Honua'ula Project proposal or an extension or addition to the proposed golf course?

These are just a few of my concerns as I notice the entire area has already been divided into future projects by Alhambra Corp., Halea Resort Corp., Ltd., Maui Prince and Dowling Corp. Please add my name and concerns to the public input and comments.

Thank you and sincerely,

Dale Deneweth
Box 1236
Wailuku, HI. 96793

March 9, 2010

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Dale Deneweth
Box 1236
Wailuku, HI 96793

**SUBJECT: HONU'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Deneweth:

Thank you for your e-mail dated April 7, 2009 sent to Jeff Hunt of the Maui Planning Department regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

Dust Control with Non-Potable Water. County of Maui Ordinance No. 3554 (Condition 15), requires the use of non-potable water or effluent for dust control and states that this water may be obtained from the Kihai Wastewater Reclamation Facility. Honua'ula Partners, LLC will comply with all conditions required under County of Maui Ordinance No. 3554. In addition, measures to control fugitive dust during construction will comply with the provisions of Chapter 11-60.1-33, Fugitive Dust, Hawaii Administrative Rules (HAR).

Marine Water Quality and Coral Reefs. The Draft EIS will include a marine water quality study and a marine ecological monitoring report in compliance with County of Maui Ordinance No. 3554 Condition 20 to assess current conditions and propose mitigation measures as appropriate. The marine water quality study will include the results of water quality monitoring studies conducted for Honua'ula in 2005, 2006, 2008, and 2009 to establish baseline water quality conditions. The results of the marine water quality study and evaluation of the potential changes to groundwater composition indicate that there is little or no potential for alteration of the marine environment or negative impacts to marine waters due to Honua'ula. Honua'ula will also maintain on-going water quality monitoring in compliance with County of Maui Ordinance No. 3554 Condition 20.

Affordable Housing. Honua'ula will include workforce affordable homes in compliance with Chapter 2.96, Maui County Code (MCC) (Residential Workforce Housing Policy).

Golf Course. The Draft EIS will include a Best Management Practices document for the Honua'ula Golf Course which will contain discussion of chemicals used to fertilize the golf course, potential impacts to ground and ocean waters, grounds maintenance, and proposed mitigation measures. In response to your question regarding the existing golf course mauka of Pu'u Ola'i, the Honua'ula golf course will be a new and separate course.

APR-01-2009 05:58 PM

Dale Deneweth
SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
March 9, 2010
Page 2 of 2

March 31, 2009

Parks and Public Facilities. Honua'ula will six acres of private parks and 84 acres of open space. The private parks will be open to the public and privately maintained. Overall, Honua'ula will not be a gated community, however some individual neighborhoods may be gated if the residents of the individual areas choose so.

Wastewater Facilities. The Draft EIS will include discussion on Honua'ula's wastewater system. Honua'ula Partners, LLC will either: 1) transport wastewater to the Makena Wastewater Reclamation Facility (WWRFF) for treatment; or 2) develop, maintain, and operate a private on-site WWRFF. Sufficient golf course land is available within both Honua'ula and the Makena Resort to reuse 100 percent of the recycled water for irrigation. Wastewater system design, and construction, and operation will be in accordance with State and County standards.

Traffic. The Draft EIS will include a Traffic Impact Analysis Report (TIAR), which will contain information regarding existing traffic conditions, projected future conditions, and proposed mitigation measures. One objective of Honua'ula is to provide homes near regional employment centers, thereby decreasing commuting time and increasing quality of life

Cultural Resources. The Draft EIS will contain a Cultural Resources Preservation Plan (CRPP). The CRPP was prepared in consultation with Hawaiian groups and other interested parties and includes recommendations for the protection of cultural and archaeological resources on the property.

We will include as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EISPN. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN Dale Deneweth

To: **Honua'ula, LLC**; Fax (808) 879-2557
and **PBR HAWAII**; Fax (808) 523-1402
and **The County of Maui Planning Department (808) 270-7634**

From: **Daniel K. Kanahele**
PO Box 648
Kihei, HI 96753
Phone: (808) 879-2239

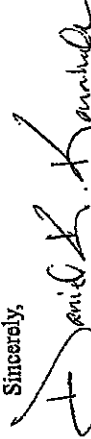
RE: Comments on Honua'ula Environmental Impact Statement date March 2009

To Whom It May Concern:

I am concerned that the Honua'ula Environment Impact Statement (EIS) dated March 2009 does not adequately address many issues affecting the South Maui District, i.e., water, native plant and cultural site preservation, community and traditional access, and etc..

As a concerned citizen living adjacent to the proposed project area, I would like to be a consulting party to the Honua'ula EIS process.

Sincerely,



Daniel K. Kanahele



March 9, 2010

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Daniel K. Kanahele
P.O. Box 648
Kihei, HI 96753

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Kanahele:

Thank you for your letter dated March 31, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). The Draft EIS will be the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

The Draft EIS will address issues related to water, native plants, cultural sites, and traditional access, among other issues.

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN Daniel Kanahele

TO: Mr. Charlie Jencks, c/o Goodfellow Brothers, Inc.
Mr. Jeff Hunt, Maui Planning Department
Mr. Tom Schnell, PBR HAWAII

From: Dick Mayer
1111 Lower Kimo Drive Kula, HI 96790
Tel 808-878-1874 email: dickmayer@earthlink.net

RE: Comments on the HONUJALA (Wailea 670) EA-EISPN:
http://seec.doh.hawaii.gov/SharePoint/20Documents/EA_and_EIS_Offline_Library/Maui/2009-10-09-MA-EA-EISPN-Honuaula.pdf

Applicant: Honuaula c/o Goodfellow Brothers, Inc., Charlie Jencks, 879-5205
Accepting Authority: County of Maui, Planning Dept, Jeff Hunt
Consultant: PBR HAWAII, Tom Schnell, 521-5631

My comments are very brief, but demand a response in the Environmental Review which must include a complete and accurate description of the location of the water sources and the water transmission lines for this whole project.

Previous information located the sources as being just north of the Maui Meadows subdivision. If this is the case, there must be a map and description of the water transmission lines from the well(s) to the Honuaula (Wailea 670) project.

The transmission lines are NOT legally allowed to pass through any part of the Upcountry (Makawao-Pukalani-Kula) Community Plan District and then back into the South (Kihei-Makena) Community Plan District. This is based on requirements contained on Page 36 of the Upcountry Plan.

- 4. Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use.

If the water transmission line was to go mauka of the Maui Meadows sub-division, it would be passing through the Upcountry District and then back into the South Maui District. The County previously attorney ruled that "illegal."

I was the Vice-Chair of the Upcountry Community Plan Advisory Committee and understand the intent and the legal interpretation that has been given to the above referenced policy.



March 9, 2010

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Dick Mayer
1111 Lower Kimo Drive
Kula, HI 96790

**SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/
ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE**

Dear Mr. Mayer:

Thank you for your e-mail dated November 15, 2009 regarding the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The Draft EIS will include information regarding Honua'ula's off-site wells, which are within an area north of Maui Meadows below the 600 foot contour and within the Kihei-Mākena Community Plan region. The Draft EIS will also include maps showing: 1) the location of Honua'ula's off-site wells; and 2) waterlines necessary to convey water to Honua'ula. Honua'ula's water system will be in accordance with Department of Water Supply standards and all applicable community plans.

Thank you for reviewing the EA/EISPN. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN Dick Mayer

>>> <DrLeisure@aol.com> 4/6/2009 6:12 AM >>>

Dear Sir: I would like to be a consulted party in the EIS process for the 670 project and have emailed to all three addresses below my contact information which also appears below:

Charlie Jencks: Charlie@GBIMAU.I.COM (mailto:Charlie@GBIMAU.I.COM)
Jeff Hunt, Planning Director: Jeff.Hunt@co.maui.hi.us_ (mailto:Jeff.Hunt@co.maui.hi.us)
Office of Environmental Quality: oeq@doh.hawaii.gov_ (mailto:oeq@doh.hawaii.gov)

George R. Harker
Dr. Leisure
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Kihei, HI 96753

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DrLeisure.com

PBR HAWAII & ASSOCIATES, INC.

March 9, 2010

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Mr. Tom Schnell, AICP 11/13/2009

Senior Associate
PBR Hawaii & Associate, Inc.
1001 Bishop Street, Suite 650
Honolulu, HI 96813-1402

Re: EIS on Wailea 670

Dear Mr. Schnell:

I submit the following as a native of the Island of Maui and Vice-President of Maui Unite:

At last we have an EIS but it is generally lacking in several respects. For one, it doesn't conform with state environmental laws. (Sec. 343-5(a) HRS, & Sec. 11-200-9, HAR).

The scope of the discussion in the EA is too narrow to permit a sufficient assessment of the environmental impacts of this project on South Maui's people and resources. Instead of assessing environmental impacts now in the EA it describes conditions that will be discussed later on in the draft EIS. It is also missing required information such as letters from consulted agencies and parties, studies required by County Rezoning Conditions, and a discussion of project funding.

Secondly, there is not enough information on key topics like water supplies, traffic, protection of marine environment from run-off, protection of cultural sites and rare and endangered species for the public or decision makers to be able to assess any impacts and comment on them. Some topics, such as the presence of an endangered native moth on site, environmental review for the 250 off-site affordable units in the Kihel industrial area and protection of historic roads and trails, are entirely left out.

The subject of water sources is not discussed except to recycle some old and outdated information about the Maui County water system. Report pretends that the two brackish wells on site will provide enough water for the proposed golf course. Consultant John Mink warned 10 years ago that this was unlikely. The off-site wells on Haleakala Ranch lands are not referred to at all.

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Harker:

Thank you for your e-mail dated April 6, 2009 sent to Charlie Jencks of Honua'ula Partners, LLC regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to you.

We will include you as a consulted party and provide you with a copy of the Draft Environmental Impact Statement (EIS) when it is available.

Thank you for reviewing the EISP. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISP George Harker

The subject of Affordable Housing concerns me. It seems like 250 units will be in the industrial area but there is no indication that all 250 units will still be shoe-horned into a 5 acre parcel. (50 units per acre is 3 times the density of Iao Parksides!) The other affordable units onsite will be tied to the workforce housing ordinance, which, as we all know, is under attack. The report's housing demand and price figures (p. 59) are based on outdated, pre-recession estimates and sources.

Native plants and animals have really been downplayed. True accounting of the number of species present is not given. Native plants are described as "remnants", wiliwili trees are said to be attacked by wasps, and native owls and bats may "fly over and forage" but is not really their habitat. Awikiwiki vines, nehe and other plants are described as "being in the South West corner" when, in truth, they are in various parts of the southern 200 acres and it is not mentioned that the plants in the SW corner have already been destroyed. Also, it is never mentioned that the native moth is an endangered species.

Maui County council conditions of rezoning had language that former councilwoman Michelle Anderson worked to get that required a 130 acre native flora and fauna preserve, unless state & federal biologists say it's not needed. This language is not included except in the appendix as part of a laundry list of conditions.

Saying that a 22 acre preserve will take care of everything means that hundreds of native wiliwili trees and other plants will not be included and will likely be destroyed.

13 of 40 cultural sites may be preserved and 19 more will have "data recovery". A review of archaeological resource inventory or preservation by OHA is downplayed. A review by Na Kupuna o Maui is emphasized. Mention is made of preserving cultural access but for who is unclear. There is no mention of preserving historic roads and trails as required in the Kihei-Makena community plan. There is also no mention of a construction traffic route.

The report admits that 15 natural drainage ways exist on the site but goes on to indicate that since it doesn't rain much it shouldn't be a problem. Everything will go into the golf course or retention basins. Has anyone witnessed a rain storm in South Maui? I think not! There is no mention of

the major drainage pipes that currently go from Wailea 670 lands under Piilani Highway in several locations and where that water ends up.

Further, the report sets a goal of minimum disturbance of land forms by grading but does not honestly portray how rugged the land really is and what a huge amount of grading would need to be done.

Thank you for allowing me to state my concerns, Mr. Schnell, for I sincerely believe everything I've tried to say here is the truth.

Sincerely,

Gordon C. Cockett
PO Box 385,
Lahaina, HI 96767
agcockett@yahoo.com



Gordon Cockett
 SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL
 March 9, 2010
 Page 2 of 4

March 9, 2010

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Gordon Cockett
 P.O. Box 385
 Lahaina, HI 96767

**SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/
 ENVIRONMENTAL IMPACT STATEMENT PREPARATION
 NOTICE**

Dear Mr. Cockett:

Thank you for your letter dated November 13, 2009 regarding the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). Following the EISPN public comment period, Honua'ula Partners, LLC consulted with the Office of Environmental Quality Control (OEQC) to ensure that all applicable statutory and regulatory requirements were fulfilled.

Regarding the EISPN dated March 2009, notice of which was published in the March 8, 2009 Environmental Notice, the OEQC Director stated: "...the published document fulfills all the requirements and components [of] an environmental assessment." Pursuant to the instructions of the OEQC Director, the Maui County Planning Department subsequently submitted an Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN) to OEQC on September 18, 2009.

With respect to your statements regarding alleged deficiencies of the EA/EISPN, please note that the EA/EISPN is a notice document and is intended to set forth the proposed scope of the Draft EIS for the purpose of seeking comment. According to the OEQC, Chapter 343 of the Hawaii Revised Statutes (HRS) and the applicable Hawaii Administrative Rules (HAR) support the functioning of the EISPN as an EA in situations where projects go directly to the more stringent full disclosure requirements of the EIS. This has been a long recognized and established practice in the State of Hawaii. The OEQC stated that in such cases, the fact that the EA/EISPN does not contain every detailed element specified within HRS Chapter 343 for an EA does not take away from the fact that the completed EIS will be a full disclosure document having to comply with the requirements of HRS Chapter 343.

The Draft EIS is the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws and rules (HRS Chapter 343, and Title 11, Chapter 200, HAR). Specifically the Draft EIS will be prepared according to the content requirements for a

draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

Water Sources. The Draft EIS will include information on Honua'ula's water system, including information on source, supply, and distribution.

Affordable Housing. Honua'ula will include workforce affordable homes in compliance with Chapter 2.96, Maui County Code (MCC) (Residential Workforce Housing Policy). This will be discussed in the Draft EIS. The Draft EIS will include information on 2009 year-end Maui housing prices and will also contain an in-depth market study that discusses housing demand.

Native Plants and Animals. The Draft EIS will contain botanical and wildlife surveys that list all plant and animal species currently found on the property. Although not found in previous wildlife surveys, evidence of the endangered Blackburn's sphinx moth (*Manduca blackburni*) was found within the property in the most recent survey. The Draft EIS will include discussion regarding the Blackburn's sphinx moth and propose appropriate mitigation measures, including a multi-species Habitat Conservation Plan (to also include the candidate endangered 'awikiwiki plant) prepared under Section 10(a)(1)(B) of the Endangered Species Act and in collaboration with DLNR and USFWS.

Honua'ula Partners, LLC will comply with County of Maui Ordinance No. 3554 Condition 27 regarding providing a Native Plant Preservation Area. The proposed size and location of the Native Plant Preservation Area are based, in part, upon a vegetation density analysis conducted by SWCA Environmental Consultants to aid in defining areas where preservation could be most effective. The Native Plant Preservation Area encompasses a contiguous 22-acre portion of the property south of latitude 20°40'15.00"N with the highest densities of selected endemic/native plants having high conservation priority. The size and location of the Native Plant Preservation Area are also based upon scientific research that suggests even small restoration efforts can help provide habitat for native species when managed in combination with regional preserve areas. As such Honua'ula's Native Plant Preservation Area must be considered in the context of the significant conservation efforts already in existence in South Maui such as the 'Auwahi (10 acres) and Pu'u o Kali (236 acres) Forest Reserves and the Kanaio (876 acres) and 'Ahihi-Kina'u (1,238 acres) Natural Area Reserves.

In addition to the Native Plant Preservation Area, which will be established through a conservation easement, Honua'ula Partners, LLC will provide additional areas for the protection of native plants. Altogether, 143 acres are proposed for the preservation, conservation, propagation, and management of native plant species at Honua'ula. These conservation measures, including the size of the Native Plant Preservation Area easement, will be subject to concurrence by the State Department of Land and Natural Resources, the U.S. Fish and Wildlife Service, and the United States Corps of Engineers.

The Draft EIS will also contain a Conservation and Stewardship Plan that sets forth proactive stewardship actions to manage the Native Plant Preservation Area and other native plant areas.

Gordon Cockett
SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL
March 9, 2010
Page 3 of 4

Cultural Sites. The Draft EIS will contain an Archaeological Inventory Survey, Cultural Impact Assessment, and Cultural Resources Preservation Plan. Based on the findings of the Archaeological Inventory Survey, the Cultural Impact Assessment, and community input, the Cultural Resources Preservation Plan sets forth (among other things) selection criteria for sites to be preserved and short- and long-term preservation measures, including buffer zones and interpretative signs, as appropriate, for each site to be preserved.

Trails and Roads. The Draft EIS will include discussion on: 1) steppingstone trail segments within the property; 2) the Kanaio-Kalama road; and 3) recommendations from the Cultural Impact Assessment regarding traditional native Hawaiian mauka-makai access trails (*ala i ke kai* (pathway to the ocean) and the *ala i ke kula* (pathway to the uplands)).

Construction Related Traffic. The Draft EIS will include Transportation Management Plans (TMPs) that propose transportation management strategies to reduce: 1) construction-related traffic; and 2) dependency on individual vehicles by Honua'ula residents, employees, and visitors after construction.

Drainage and Runoff. The Draft EIS will include a Preliminary Engineering Report that discusses drainage pre-development conditions, expected post-development conditions, and drainage improvements for post-development runoff. All drainage improvements will be designed in accordance with the County of Maui's "Rules for the Design of Storm Drainage Facilities" so that there will be no increase in the peak rate of storm water runoff leaving the Property compared to existing conditions.

All construction activities will comply with all applicable federal, State, and County regulations and rules for erosion control, including Chapter 20.08 (Soil Erosion and Sedimentation Control), MCC. Measures to control erosion will include:

- Minimizing the time of construction;
- Retaining existing ground cover as long as possible;
- Constructing drainage control features early;
- Using temporary area sprinklers in non-active construction areas when ground cover is removed;
- Providing a water truck on site during the construction period to provide for immediate sprinkling, as needed;
- Using temporary berms and cut-off ditches, where needed, for control of erosion;
- Watering graded areas when construction activity for each day has ceased;
- Grassing or planting all cut and fill slopes immediately after grading work has been completed; and
- Installing silt screens, where appropriate.

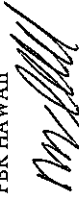
Grading. The topography is a key defining feature of Honua'ula, and one of the principal design and planning goals is to preserve and utilize this topography as much as possible. To the extent practicable, improvements will conform to the contours of the land, limiting the need for extensive grading of the property.

Gordon Cockett
SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL
March 9, 2010
Page 4 of 4

Thank you for reviewing the EA/EISPN. Your letter will be included in the Draft Environmental Impact Statement.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC



March 9, 2010

>>> Joe Fell-McDonald <lounge@tiki.net> 4/6/2009 4:24 PM >>>
please involve me in the EIS process and the EIS notice relating to the Development at
Wailea 670

thank you for your time
joe mcdonald

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Joseph Fell-McDonald
160 Keonakai Road #16-201
Kihei, HI 96753

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Fell-McDonald:

Thank you for your e-mail dated April 6, 2009 sent to Charlie Jencks of Honua'ula Partners, LLC regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to you.

We will include you as a consulted party and provide you with a copy of the Draft Environmental Impact Statement (EIS) when it is available.

Thank you for reviewing the EISPN. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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Kapolei, Hawaii 96706-2806
Tel: (808) 523-1002
Fax: (808) 523-1002

1905 08 EA EISPN Joe Fell-McDonald



>>> Johnny Be <feellovewithin@yahoo.com> 4/3/2009 9:58 AM >>>
I am asking there to be a consulted party in the EIS process, thank you.

Our concerns about traffic, water, protection of existing historic roads and trails, native plants and cultural sites, adequate buffers from Maui Meadows, impacts to beaches, and compliance with Kiheti-makena community Plan policies, are not addressed in the EISPN, which instead avoids meaningful comment on the topic. Hawaii's Administrative Rules (HAR) make it clear that an EIS needs to be developed through a thorough process. This EIS Prep notice is vague, contradictory and evasive. Not a good start.

March 9, 2010

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fax: (808) 525-3103

Johnny Be
feellovewithin@yahoo.com

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

Dear Mr. Be:

Thank you for your e-mail dated April 3, 2009 sent to Maui Planning Department Director Jeff Hunt, regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). The Draft EIS will be the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

The Draft Environmental Impact Statement (EIS) will address issues related to traffic, water, protection of historic trails, native plants, cultural sites, adequate buffers from Maui Meadows, marine water quality, and compliance with the Kiheti-Makena Community Plan, among other issues.

We will include you as a consulted party. Since you did not provide a mailing address, we will notify you by e-mail when the Draft EIS is available.

Thank you for reviewing the EISPN. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Aloha

My name is Joyclynn Costa and I would like to be consulted pertaining to the project known as Wailea 670. There seems to be unanswered questions and concerns that have yet to be addressed. I feel transparency and open communication will be key to the success of any endeavor. It is also important to never forget the host culture whom, still has interest in all the aina of Hawaii nei. I look forward to witnessing your process.

Joyclynn Costa



D.O. Box 777
Hoiiku 96708
Pt. # 264-4290

260 Halenani Dr.

Wailuku, HI 96793

ph 242-4189

Project Applicant (Goodfellow Bros c/o Charlie Jencks) Charlie Jencks
Fax: 879-2557

with copies to:

County of Maui Planning Dept: Jeff Hunt, Planning Director "Jeff Hunt"
Fax: 270-7634

PBR Hawaii, Tom Schnell
Fax: 808 523-1402

State Office of Environmental Quality
Fax: 586-4186

Aloha,

Please receive my response to the Ea/EISPN sent under your cover letter dated October 16, 2009.
November 16, 2009

Tom Schnell, AICP
Senior Associate
PBR Hawaii & Associate, Inc.
1001 Bishop Street, Suite 650
Honolulu, HI 96813-1402
Fax: (808) 523-1420

Re: Honua'ula EA/EISPN

Dear Mr. Schnell

My name is Joyclynn Costa. I would like to thank you for allowing my participation as a consultant on the Honua'ula Environmental Impact Statement Preparation Notice.

On February 20-27 of this year I participated in the torch march around the island of Maui known as the Ka'apuni. At the conclusion of the march we gathered in Kihei to view a power point and summarize what we gathered from the families we encountered in all the ahupua'a. Not surprising the families spoke to the displacement or attempt to displace them from their ancestral land. Another thing was the use of others to speak of the history of their ancestral lands and the gates that lock them out of their gathering rights. (ie. archaeologist interpretation)

2.1 Background Information
Pg 5 para. 2 "Historically the Honua'ula Property has been used for cattle grazing..."

This statement gives the idea that the beginning of this place was cattle. Yet when you turn to:

4.2 Cultural Resources pg 29
"Ranching has been blamed for many of the district's environmental problems. Cattle and goats stripped the land of its native flora while destroying ancient Hawaiian temples and graves sites. Ranching operation took over land previously owned by Hawaiian families."

This very contradiction is the very concern our native Hawaiian families spoke about. The maps provided within Honua'ula Assessment omits the possibility of Kuleana's within. At the Maui land tax office there are maps that possess un-located parcels.

4.2 Cultural Resources pg29
"Some Hawaiians left the area and were not aware of it when ranchers took their lands through the process of quiet title or adverse possession."

How does one quiet an un-located parcel? Were all the families located and notified? What is the civil case no. to the quiet title action and the final judgment?



March 9, 2010

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 Tel: (808) 925-3163

pg 30
 "In the various ahupua'a of Honua'ula, there are many heiau and little alters of stones where people prayed to Lono and to Hina for rain and ample crops since the area was primarily used for planting and farming." (NOT CATTLE)

Our February march around the island discovered families in this very area as well as surrounding area who feel a sense of loss and lack of recognition of existence.

The "CRPP" being prepared with consultation groups include "lineal descendants of the area" whom might these people be? Would Honua'ula LLC partners be open to new introduced descendants? If yes, would their possible interest be threatened and or compromised? Keep in mind:

pg 30 par. 1
 "other ceremonial sites include many fishing shrines (ho'a), a hula platform(?) and a place of refuge (pu'uhonua)."

This is a safe place. (pu'uhonua) A place for which people can go to and be safe. Makahiki also becomes important for such a use of the place. That is never mentioned. The story of the place has been grossly absent in this report and focuses primarily on the alteration of the place. Lacking is a full inventory of the delicate features spread out throughout the entire 670 acres that has survived the cattle which possess an existence well before ranchers. What is the story or reference to the hula platform? Where did that mo'olelo come from?

There is a lack of information as to the pre-contact history. There seems to be an intentional focus on ranching which could not speak of the original people of the place. Has the culture been whittled down to the representation of a cowboy? Who are the awardees of the patents to the land?

A request be both myself and the Maui County Council to the extensive title examination tracing the title all the way back to the original awardee. The representative of the project agreed to provide the information but nothing has been forthcoming.

The very concerns of the Kuleana was received as we marched around the island. Being a consultant in this process can now provide a venue of which we can ask these very questions directly to the source. The report lacks substance and due diligent in discovering the stories. Where is the native testimonies. Where are the probates? Where are the families?

Response to these concerns and questions can be arranged in a dialog with the marchers of the Ka'apuni. Several people participated in this great traditional practice including Na Kupuna O Maui and Bully.

Malama Pono
 Joyclynn Costa
 President Ka'apuni

Joyclynn Costa
 P.O. Box 777
 Haiku, HI 96708

**SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/
 ENVIRONMENTAL IMPACT STATEMENT PREPARATION
 NOTICE**

Dear Ms. Costa:

Thank you for your letter dated April 9, 2009 faxed to Charlie Jencks of Honua'ula Partners, LLC regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN) and your e-mail dated November 16, 2009 regarding the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EAE/EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). The Draft EIS will be the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

Background Information

Page 5. This statement was intended to provide a general description of the property in the post-contact context, as opposed to a more comprehensive statement about its history. No disrespect was intended regarding the property's pre-contact history. Further discussion regarding historical resources of the Property—including discussion of the Property's history dating back to post-contact times—will be included in the Draft EIS.

Cultural Resources

Page 29. The Draft EIS will discuss Kuleana lands in the vicinity of Paeahu, Palanea, and Keaouhu ahupua'a.

Joyclynn Costa
SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL
IMPACT STATEMENT PREPARATION NOTICE
March 9, 2010
Page 2 of 2

Page 30. The partial sentence that you quote was referencing archaeological sites found in the various ahupua'a of the Honua'ula moku (district) and not specifically found within the Honua'ula property. The Draft EIS will contain an Archaeological Inventory Survey, a Cultural Impact Assessment, and a Cultural Resources Preservation Plan (CRPP).

The Archaeological Inventory Survey identifies archaeological sites such as multiple stone feature complexes and trails, as well as settlement patterns.

The cultural impact assessment identifies traditional customary practices and historical accounts of the Honua'ula area and includes interviews local residents. The complete transcript for each interview will be included as an appendix.

The CRPP was prepared in consultation with interested and concerned parties, cultural advisors, Na Kūpuna O Maui, the Maui County Cultural Resources Commission, the Maui/Lāna'i Island Burial Council, State Historic Preservation Division, Department of Land and Natural Resources Na Ala Hele, Office of Hawaiian Affairs and various knowledgeable individuals. The CRPP provides specific preservation and mitigation measures based on community input and the findings of the Cultural Impact Assessment and Archaeological Inventory Survey.

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EA/EISPN. Your letter and e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN Joyclynn Costa

>>> Karie Silva <karielue@gmail.com> 4/3/2009 12:34 PM >>>
*To whom it may concern;

I am asking there to be a consulted party in the EIS process, thank you.<<http://us.mc01g.mail.yahoo.com/mc/compose?to=oeqc@doh.hawaii.gov>>

Our concerns about traffic, water, protection of existing historic roads and trails, native plants and cultural sites, adequate buffers from Maui Meadows, impacts to beaches, and compliance with Kihel-makena community Plan policies, are not addressed in the EISPN, which instead avoids meaningful comment on the topic.Hawaii's Administrative Rules (HAR) make it clear that an EIS needs to be developed through a thorough process. This EIS Prep notice is vague, contradictory and evasive. Not a good start.*



March 9, 2010

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JINCENT SHIGEKUNI
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Associate

HACHENG DONG, LEED® AP
Associate

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Karrie Silva
35A Oluolu mau Place
Haiku, HI 96708

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Ms. Silva:

Thank you for your e-mail dated April 3 2009 sent to Jeff Hunt of the Maui Planning Department regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). The Draft EIS will be the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

The Draft EIS will address issues related to traffic, water, protection of historic trails, native plants, cultural sites, adequate buffers from Maui Meadows, marine water quality, and compliance with the Kihei-Mākena Community Plan, among other issues.

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EISPN. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN Karrie Silva

>>> kate.l.in.halligan <haynay111@hotmail.com> 4/6/2009 9:37 AM >>>

Date: Fri, 3 Apr 2009 13:26:45 -0700

To whom it may concern;

I am asking there to be a consulted party in the EIS process, thank you.

Our concerns about traffic, water, protection of existing historic roads and trails, native plants and cultural sites, adequate buffers from Maui Meadows, impacts to beaches, and compliance with Kihei-makena community Plan policies, are not addressed in the EISPN, which instead avoids meaningful comment on the topic. Hawaii's Administrative Rules (HAR) make it clear that an EIS needs to be developed through a thorough process. This EIS Prep notice is vague, contradictory and evasive. Not a good start.



March 9, 2010

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KEVIN K. NISHIKAWA, ASLA
Associate

KIMMIKAMU TUEN, LEED^{AP}
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SCOTT ALIKA ARRIGO, LEED^{AP}
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DACHENG DONG, LEED^{AP}
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Kaohele Building, Suite 313
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Fax: (808) 526-3163

Katelin Halligan
Haynay111@hotmail.com

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Ms. Halligan:

Thank you for your e-mail dated April 6, 2009 sent to Charlie Jencks of Honua'ula Partners, LLC regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The EISP/N was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). The Draft EIS will be the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

The Draft EIS will address issues related to traffic, water, trails and access, native plants, cultural sites, adequate buffers from Maui Meadows, marine water quality, and compliance with the Kihei-Mākena Community Plan, among other issues.

We will include you as a consulted party. Since you did not provide a mailing address, we will notify you by e-mail when a Draft EIS is available.

Thank you for reviewing the EA/EISP/N. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISP/N Katelin Halligan

>>> Katie Romanchuk <chialani@hawaiiatt.net> 4/3/2009 12:24 PM >>>
Dear Sirs

Please keep me informed regarding the EIS for Wailea 670.

I am a Maui citizen, for 25 years. I am very concerned about the impacts of Wailea670 on the surrounding community, environment, marine-life, traffic, native plant preservation and cultural sites in this area, not to mention Maui as a whole, with the magnitude of this development. Please think long-term, for what this little island can maintain for community health and safety as well as the environment and culture we all depend on in so many different ways here.

Thank you, Katie Romanchuk

575-9540



March 9, 2010

PRINCIPALS
HOMASS. WITTEN, ASLA
resident

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executive Vice-President

USSELL Y. CHUNG, PASLA, LEED^{AP}
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Honolulu, Hawaii 96813-2665
t (808) 521-5431
c (808) 523-3163

Katie Romanchuk
1401 W. Kuiaha Rd.
Haiku, HI 96708

SUBJECT: HONU'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Ms. Romanchuk:

Thank you for your e-mail dated April 3 2009 sent to Ann Cua of the Maui Planning Department regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The Draft Environmental Impact Statement (EIS) will address issues related to the surrounding community, the environment, marine water quality, traffic, native plants, and cultural sites, among other things.

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EISP. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISP Katie Romanchuk

>>> Keegan House <keegal42@hotmail.com> 4/4/2009 11:38 AM >>>

To whom it may concern:

I am asking there to be a consulted party in the EIS process, thank you.

Our concerns about traffic, water, protection of existing historic roads and trails, native plants and cultural sites, adequate buffers from Maui Meadows, impacts to beaches, and compliance with Kihel-makena community Plan policies, are not addressed in the EISP, which instead avoids meaningful comment on the topic. Hawaii's Administrative Rules (HAR) make it clear that an EIS needs to be developed through a thorough process. This EIS Prep notice is vague, contradictory and evasive. Not a good start.



March 9, 2010

PRINCIPALS

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Chairman Emeritus

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4000 Kalia Road
Spoker Building, Suite 313
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t: (808) 521-5631
f: (808) 521-5631

Keegan House
keega142@hotmail.com

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. House:

Thank you for your e-mail dated April 4, 2009 sent to Charlie Jencks of Honua'ula Partners, LLC regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). The Draft EIS will be the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

The Draft EIS will address issues related to traffic, water, protection of historic trails, native plants, cultural sites, adequate buffers from Maui Meadows, marine water quality, and compliance with the Kūhei-Mākena Community Plan, among other issues.

We will include you as a consulted party. Since you did not provide a mailing address, we will notify you by e-mail when the Draft EIS is available.

Thank you for reviewing the EISPN. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

>>> "ken rose" <rosek108@hawaii.rr.com> 4/4/2009 10:23 AM >>>
I am concerned that the EIS will not cover a broad band of possibilities.

Blessings.....Ken Rose

1905.08 EA EISPN Keegan House



March 9, 2010

PRINCIPALS

THOMAS WITTEN, ASLA
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LESTAN DUNCAN, ASLA
Executive Vice-President

WESLEY CHUNG, FNSIA, LEED AP
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Tel: (808) 521-5631
Fax: (808) 521-5631

PBR HAWAII
& ASSOCIATES, INC.

Ken Rose
rosek108@hawaii.rr.com

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Rose:

Thank you for your e-mail dated April 4, 2009 sent to Charlie Jencks of Honua'ula Partners, LLC regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comment.

The EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). The Draft EIS will be the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

We will include you as a consulted party. Since you did not provide a mailing address, we will notify you by e-mail when the Draft EIS is available.

Thank you for reviewing the EISPN. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN Ken Rose

Comments on Honua'ula EISPN

Re: TMK: (2)-1-0856 and 71
Applicant: Honua'ula c/o Goodfellow Brothers, Inc., P.O. Box 220, Kihai, HI 96753, Charlie Jencks, 876-5205 Charlie@GBHMAUI.COM
Accepting Authority: County of Maui, Planning Department, 250 South High Street, Wailuku, HI 96793, Jeff Hunt, 270-7735 Fax: (808) 270-7634 jeff.hunt@mauicounty.gov, Maui Planning Commission Jonathan Slarr, jslarr@maui.net
Consultant: PBR HAWAII, 1001 Bishop Street, ASB Tower, Suite 650, Honolulu, HI 96813, Tom Schnell, 521-5631

Comments: EISPN pending 30-day comment. Address comments to the Applicant, with copies to the Accepting Authority, Consultant and OEQC
Office of Environmental Quality Control, 235 South Beretania Street, Suite 702, Honolulu, Hawaii 96813, Ph. 586-4185, Fax. 586-4186
Email: oeqc@doh.hawaii.gov

To: Honua'ula Partner, LLC, Applicant
Cc: Accepting Authority, Consultant, and OEQC

I am submitting my comments on *Honua'ula Environmental Impact Statement Preparation Notice*

downloadable from:

http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Maui/2009s/09-03-08-MA-EISPN-Honuaula.pdf

My comments concern the impact of the project on Hawaiian biodiversity. The EISPN accurately states that "The southern area contains scattered remnants of a native Hawaiian dry forest ecosystem." Fully 90-95% of Hawaiian dry forest ecosystems have already been destroyed, and the remaining 5-10% survives in varying degrees of degradation. In order to prevent the complete destruction of this ecosystem, maximum protection and restoration efforts need to be afforded to those remnants of this ecosystem that survive.

Therefore, any sound assessment of the impact of the project on biodiversity requires the following components:

- 1) A comprehensive inventory of the biodiversity present on the site;
 - 1a) In Hawaii, there is a tendency for endemic and indigenous species to evolve extremely localized variants. Therefore, to understand the impacts on biodiversity requires that, in addition to simple species identification, local populations be examined for any morphological or genetic variation that may be unique to the populations on the project site.
- 2) An assessment of the total remaining inventory of that type of native ecosystem within Hawaii, and what its loss within the project area would mean to that total inventory, and the role that its preservation would play in total efforts to preserve the remnants of that Hawaiian ecosystem.
 - 2a) In particular, an assessment needs to be made of whether the habitat can be of use for the recovery of endangered species even if they are not found within the property, but which are known to survive on other examples of this habitat.

3) An evaluation of how the development and its mitigation measures will allow the remnant ecosystem to be sustainable.

The botanical and faunal surveys quoted in the EISPN, augmented by transect surveys described in my report, "Remnant Wiliwili Forest Habitat at Wailea 670, Maui" (RWFHW670), accomplish much of 1).

However, recent unpublished discoveries of the listed endangered species *Manduca blackburni* show that there may yet be additional native biodiversity to be documented within the project area. Honua'ula Partners is certainly aware of the discovery of *Manduca blackburni* on the site, but the EISPN neglects to discuss it. Moreover, the summary statement in section 3.7 on Fauna, "No rare, endangered, or threatened avifauna and feral mammal species were found during the surveys," is written so as to remain silent on native invertebrates. Again in Section 3.7 p. 42 (numbered page 24), it uses language that is silent on listed endangered invertebrates by using the word 'avifauna': "Honua'ula is not expected to impact any rare, endangered, or threatened avifauna and feral mammal species as none were found within the Property (Bruner, 1988, 1993, and 2004)."

Regarding 1a), the morphological uniqueness of the populations of Rock's netle, *Lipochaeta rockii*, found on the site, as described in RWFHW670, merits further elucidation of the population's genetic and phenotypic characteristics.

Component 2) however, has not received any attention in any of the surveys or other materials released by the developers, including this EISPN and the *Honua'ula/Wailea 670 Conservation and Stewardship Plan (2006)*. The place that the habitat holds within the total remaining inventory of low elevation Hawaiian dry forest on Maui must be assessed.

Component 3) has never been given more than cursory treatment in any material released by the developer, including this EISPN. The sustainability of ecosystem remnants has been shown by numerous studies in conservation biology to be critically dependent on habitat size and contiguity, and population sizes of the species. Maximal sustainability requires preservation of the largest contiguous areas of habitat, and maximizing the populations rare species. No analysis of the effects of habitat loss, population loss, and habitat fragmentation has been included in this EISPN.

On p. 9, the EISPN states as one of the development's design achievements, the "protection of important habitat and natural features". However, no studies that support this claim are provided.

A fundamental anomaly of this EISPN is that the site plan presented bears no relation to Condition #27 of the rezoning bill, which Honua'ula Farmers unilaterally agreed to. Instead of the 130 acre conservation easement described in Condition #27, the EISPN presents a 22 acre "Native Plant Preservation Area"; this plan is similar to one that were proposed by Honua'ula Partners before the rezoning bill was passed.

In contrast, Condition #27 states: (online at <http://www.comaui.hi.us/DocumentView.asp?DID=7475>)

"The easement shall comprise the portion of the property south of latitude 20°40'15.00"N, excluding any portions that the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers find do not merit preservation, but shall not be less than 18 acres and shall not exceed 130-acres."

and

"That Honua'ula Partners, LLC, its successors and permitted assigns, shall be prohibited from development in the Easement other than erecting fences, enhancing trails, and constructing structures for the maintenance needed for the area, in accordance with the Conservation/Preservation Plans."

The failure of the site plan in the EISPN to comply with the description of the conservation easement described in Condition #27 cannot be due to inadvertent inattention to the details of Condition #27. Indeed, the EISPN goes to the trouble of adulterating the language of Condition #27 when it quotes it on p. 23. They change the actual text, which reads:

"The Easement shall comprise the portion of the property south of latitude 20°40'15.00"N, excluding any portions that the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers find do not merit reservation, but shall not be less than 18 acres and shall not exceed 130 acres."

to read:

"The Easement will comprise the portion of the property south of latitude 20°40'15.00"N, excluding any portions that do not merit preservation, but will not be less than 18 acres and will not exceed 130 acres."

Therefore, the language of the EISPN conceals the condition that three independent government agencies provide findings to remove any areas from the 130-acre conservation easement south of latitude 20°40'15.00"N.

An additional omission from the EISPN is that the map that accompanies Condition #27 in the Unilateral Agreement, which overlays the latitude 20°40'15.00"N line on the site plan. None of the maps provide in the EISPN show the latitude 20°40'15.00"N line.

In summary, the EISPN presents a site plan that is in contradiction to the Condition #27 in the unilateral agreement signed by Honua'ula Partners. It fails completely to address whether its site plan is based on sound conservation biology for the endangered Hawaiian dry forest ecosystem. And it evades discussion of endangered invertebrate fauna which have been documented on the site. All of these deficiencies must be cured in order for the public and government agencies to possess an adequate assessment of the environmental impacts of the proposed project.

Sincerely,

Dr. Lee Altenberg

Lee Altenberg, Ph.D.
2605 Lioholo Place, Kihei, Maui, Hawaii 96753-7118
Phone: (808) 875-0745, Fax: call to arrange. E-mail: altenber@hawaii.edu
Web: <http://dynamics.org/Altenberg/>

-----Original Message-----

From: Lee Altenberg [<mailto:altenber@hawaii.edu>]
Sent: Tuesday, November 17, 2009 12:38 PM
To: Charlie Jencks
Cc: Jeff hunt@mauicounty.gov; Jonathan Starr; Lee Altenberg; Tom Schnell; oeqc@doh.hawaii.gov
Subject: Re: Comments on Honua'ula EISPN

The October 2009 EISPN is identical to the March 2009 EISPN except that "Environmental Assessment" has been added. Therefore, my comments submitted April 7, 2009 are still applicable.

To these I would only add that the proposed plan will result in the death of the vast majority of the population of endemic and indigenous species remaining on the property, and the loss of the vast majority of the habitat upon which they currently survive. There is no justification in terms of conservation for inflicting these losses; these losses are contrary to any conservation goals that may be stated.

Sincerely,
Dr. Lee Altenberg

On Apr 7, 2009, at 5:43 PM, Lee Altenberg wrote:

- > Re: TMK: (2) 2-1-08:56 and 71
- > Applicant: Honua'ula c/o Goodfellow Brothers, Inc., P.O. Box 220
- > Kihei, HI 96753. Charlie Jencks, 879-5205 Charlie@GBIMAUJ.COM
- > Accepting Authority: County of Maui, Planning Department, 250 South
- > High Street, Wailuku, HI 96793. Jeff Hunt, 270-
- > 7735 Fax: (808) 270-7634 Jeff.hunt@mauicounty.gov, Maui Planning
- > Commission Jonathan Starr kalepa@maui.net
- > Consultant: PBR HAWAII, 1001 Bishop Street, ASB Tower, Suite 650,
- > Honolulu, HI 96813. Tom Schnell, 521-
- > 5631
- > Comments: EISPN pending 30-day comment. Address comments to the
- > Applicant, with copies to the Accepting Authority, Consultant and OEQC
- > Office of Environmental Quality Control, 235 South Beretania Street,
- > Suite 702, Honolulu, Hawaii 96813, Ph. 586-4185, Fax. 586-4186
- > Email: oeqc@doh.hawaii.gov
- >
- > To: Honua'ula Partner, LLC, Applicant
- > Cc: Accepting Authority, Consultant, and OEQC
- >
- >
- > I am submitting my comments on Honua'ula Environmental Impact
- > Statement Preparation Notice downloadable from:
- > [http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library](http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/y/Maui/2009/2009-03-08-MA-EISPN-Honuaula.pdf)
- > [y/Maui/2009/2009-03-08-MA-EISPN-Honuaula.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/y/Maui/2009/2009-03-08-MA-EISPN-Honuaula.pdf)
- >
- > My comments concern the impact of the project on Hawaiian
- > biodiversity. The EISPN accurately states that "The southern area
- > contains scattered remnants of a native Hawaiian dry forest
- > ecosystem." Fully 90-95% of Hawaiian dry forest ecosystems have
- > already been destroyed, and the remaining 5-10% survives in varying
- > degrees of degradation. In order to prevent the complete destruction
- > of this ecosystem, maximum protection and restoration efforts need to
- > be afforded to those remnants of this ecosystem that survive.
- >

- > Therefore, any sound assessment of the impact of the project on
- > biodiversity requires the following components:
- > 1) A comprehensive inventory of the biodiversity present on the site;
 - 1a) In Hawaii, there is a tendency for endemic and indigenous species to evolve extremely localized variants. Therefore, to understand the impacts on biodiversity requires that, in addition to simple species identification, local populations be examined for any morphological or genetic variation that may be unique to the populations on the project site.
- > 2) An assessment of the total remaining inventory of that type of native ecosystem within Hawaii, and what its loss within the project area would mean to that total inventory, and the role that its preservation would play in total efforts to preserve the remnants of that Hawaiian ecosystem.
 - 2a) In particular, an assessment needs to be made of whether the habitat can be of use for the recovery of endangered species even if they are not found within the property, but which are known to survive on other examples of this habitat.
- > 3) An evaluation of how the development and its mitigation measures will allow the remnant ecosystem to be sustainable.
- > The botanical and faunal surveys quoted in the EISPN, augmented by transect surveys described in my report, "Remnant Wiliwili Forest Habitat at Waialea 670, Maui" (RWFHW670), accomplish much of 1).
- > However, recent unpublished discoveries of the listed endangered species *Manduca blackburni* show that there may yet be additional native biodiversity to be documented within the project area.
- > Honua'ula Partners is certainly aware of the discovery of *Manduca blackburni* on the site, but the EISPN neglects to discuss it.
- > Moreover, the summary statement in section 3.7 on Fauna, "No rare, endangered, or threatened avifauna and feral mammal species were found during the surveys," is written so as to remain silent on native invertebrates. Again in Section 3.7 p. 42 (numbered page 24), it uses language that is silent on listed endangered invertebrates by using the word "avifauna": "Honua'ula is not expected to impact any rare, endangered, or threatened avifauna and feral mammal species as none were found within the Property (Bruner, 1988, 1983, and 2004)."
- > Regarding 1a), the morphological uniqueness of the populations of *Rock's nehe*, *Lipochaeta rockii*, found on the site, as described in RWFHW670, merits further elucidation of the population's genetic and phenotypic characteristics.
- > Component 2) however, has not received any attention in any of the surveys or other materials released by the developers, including this EISPN and the Honua'ua/Waialea 670 Conservation and Stewardship Plan (2006). The place that the habitat holds within the total remaining inventory of low elevation Hawaiian dry forest on Maui must be assessed.
- > Component 3) has never been given more than cursory treatment in any material released by the developer, including this EISPN. The sustainability of ecosystem remnants has been shown by numerous studies in conservation biology to be critically dependent on habitat size and contiguity, and population sizes of the species.
- > Maximal sustainability requires preservation of the largest contiguous areas of habitat, and maximizing the populations of rare species. No analysis of the effects of habitat loss, population loss, and habitat fragmentation has been included in this EISPN.
- > On p. 9, the EISPN states as one of the development's design achievements, the "protection of important habitat and natural features". However, no studies that support this claim are provided.
- > A fundamental anomaly of this EISPN is that the site plan presented bears no relation to Condition #27 of the rezoning bill, which Honua'ula Partners unilaterally agreed to. Instead of the 130 acre conservation easement described in Condition #27, the EISPN presents a 22 acre "Native Plant Preservation Area"; this plan is similar to one that was proposed by Honua'ula Partners before the rezoning bill was passed.
- > In contrast, Condition #27 states:
- > (online at <http://www.co.maui.hi.us/DocumentView.asp?DID=7475>)
- > "The easement shall comprise the portion of the property south of latitude 20°40'15.00"N, excluding any portions that the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers find do not exceed 130-acres."
- > and
- > "That Honua'ula Partners, LLC, its successors and permitted assigns, shall be prohibited from development in the Easement other than erecting fences, enhancing trails, and constructing structures for the maintenance needed for the area, in accordance with the Conservation/Preservation Plans."
- > The failure of the site plan in the EISPN to comply with the description of the conservation easement described in Condition #27 cannot be due to inadvertent inattention to the details of Condition #27. Indeed, the EISPN goes to the trouble of adulterating the language of Condition #27 when it quotes it on p. 23. They change the actual text, which reads:
- > "The Easement shall comprise the portion of the property south of latitude 20°40'15.00"N, excluding any portions that the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers find do not merit reservation, but shall not be less than 18 acres and shall not exceed 130 acres."
- > to read:



> "The Easement will comprise the portion of the property south of
 > latitude 20°40'15.00"N, excluding any portions that do not merit
 > preservation, but will not be less than 18 acres and will not exceed
 > 130 acres."

> > Therefore, the language of the EISP/N conceals the condition that three
 > independent government agencies provide findings to remove any areas
 > from the 130-acre conservation easement south of latitude
 > 20°40'15.00"N.

> > An additional omission from the EISP/N is that the map that accompanies
 > Condition #27 in the Unilateral Agreement, which overlays the latitude
 > 20°40'15.00"N line on the site plan. None of the maps provide in the
 > EISP/N show the latitude 20°40'15.00"N line.

> > In summary, the EISP/N presents a site plan that is in contradiction to
 > the Condition #27 in the unilateral agreement signed by Honua'ula
 > Partners. It fails completely to address whether its site plan is
 > based on sound conservation biology for the endangered Hawaiian dry
 > forest ecosystem. And it evades discussion of endangered invertebrate
 > fauna which have been documented on the site. All of these
 > deficiencies must be cured in order for the public and government
 > agencies to possess an adequate assessment of the environmental
 > impacts of the proposed project.

> > Sincerely,

> > Dr. Lee Altenberg

>

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Lee Altenberg, Ph.D.  
 Phone: (808) 875-0745, Cell: (808) 344-1113, E-mail: [altenber@hawaii.edu](mailto:altenber@hawaii.edu)  
 Web: <http://dynamics.org/Altenberg/>

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 ~~~~~  
 ~~~~~

March 9, 2010

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Lee Altenberg, Ph.D.
 2605 Lioholo Place
 Kihei, Maui, HI 96753-7118

**SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/
 ENVIRONMENTAL IMPACT STATEMENT PREPARATION
 NOTICE**

Dear Mr. Altenberg:

Thank you for your e-mail sent April 7, 2009 to the Maui Planning Department regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP/N) and your e-mail sent November 17, 2009 to Charlie Jencks of Honua'ula Partners, LLC regarding the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

SWCA Environmental Consultants (SWCA) has conducted an inventory of the plants and animals present on the Honua'ula property (TMK (2) 2-1-08:056 and TMK (2) 2-1-08:71). Their reports will be included as appendices to the Draft Environmental Impact Statement (EIS). The objectives of their surveys were to: 1) characterize the plants and animals of the area with special attention to native, unique, and listed threatened or endangered species; 2) identify the location(s) of rare plants and animals; 3) develop conservation and management recommendations; and 4) provide recommendations for long-term monitoring and ecological research.

SWCA has also prepared a conservation and stewardship plan (CSP) which recommends specific actions to protect rare plant species native to the Honua'ula area, propagate native dry shrubland plants from seeds gathered from the area, and landscape Honua'ula with native plant species native to the area. The CSP includes a discussion of Hawaiian dry forest ecosystems and their status, an evaluation of the remnant coastal dry shrubland community at Honua'ula, an inventory of dry forest restoration efforts underway statewide (reserves and preserves), and an evaluation of lessons learned that are applicable to the proposed preservation easement and related conservation efforts at Honua'ula. It will also address proposed ungulate management and related measures to protect the remnant native plants within the preservation easement, conservation areas, and Honua'ula at large from grazing pressure. SWCA biologists have reviewed current literature on conservation biology and consulted with acknowledged experts in Hawaiian dry forest ecology during preparation of the CSP. The CSP will be included as an appendix to the Draft EIS.

The remnant native coastal dry shrubland at Honua'ula is a fragment of the original ecosystem. If left undeveloped and without active management it will continue to be threatened by invasive species of plants and animals, wildfire, and grazing by feral ungulates. Under those circumstances, there would be no guarantee that the shrubland would be able to recover from decades of disturbance or retain its existing characteristics in perpetuity.

Lee Altenberg, Ph.D.
SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL IMPACT
STATEMENT PREPARATION NOTICE
March 9, 2010
Page 2 of 2

Honua'ula Partners, LLC will comply with County of Maui Ordinance No. 3554 Condition 27 regarding providing a Native Plant Preservation Area. The proposed size and location of the Native Plant Preservation Area are based, in part, upon a vegetation density analysis conducted by SWCA to aid in defining areas where preservation could be most effective. The Native Plant Preservation Area encompasses a contiguous 22-acre portion of the property south of latitude 20°40'15.00"N with the highest densities of selected endemic/native plants having high conservation priority. The size and location of the Native Plant Preservation Area are also based upon scientific research that suggests even small restoration efforts can help provide habitat for native species when managed in combination with regional preserve areas. As such Honua'ula's Native Plant Preservation Area must be considered in the context of the significant conservation efforts already in existence in South Maui such as the 'Auwahi (10 acres) and Pu'u o Kali (236 acres) Forest Reserves and the Kanaio (876 acres) and 'Ahihi-Kina'u (1,238 acres) Natural Area Reserves.

In addition to the Native Plant Preservation Area, which will be established through a conservation easement, Honua'ula Partners, LLC will provide additional areas for the protection of native plants. Altogether, 143 acres are proposed for the preservation, conservation, propagation, and management of native plant species at Honua'ula. These conservation measures, including the size of the Native Plant Preservation Area easement, will be subject to concurrence by the State Department of Land and Natural Resources, the U.S. Fish and Wildlife Service, and the United States Corps of Engineers.

SWCA biologists coordinated and conducted several joint surveys of the parcel together with biologists from the U.S. Fish and Wildlife Service, Bishop Museum Department of Entomology, and Hawaii Department of Land and Natural Resources. Evidence of Blackburn's sphinx moths (*Manduca blackburni*) was found within the Honua'ula property during these surveys, including frass, cut stems and leaves, and live caterpillars. In all cases, sign was limited to a single species of non-native weed: the tree tobacco (*Nicotiana glauca*). No adult Blackburn's sphinx moths were observed within the property during the SWCA studies. Some, but not all, of the native food plants for the moths are also found on the property. The presence of Blackburn's sphinx moth (*Manduca blackburni*) caterpillars will be discussed in the Draft EIS. Furthermore, a multi-species Habitat Conservation Plan (to include the candidate endangered 'awikawiki plant) will be prepared under Section 10(a)(1)(B) of the Endangered Species Act and in collaboration with the State Department of Land and Natural Resources and the U.S. Fish and Wildlife Service.

Thank you for reviewing the EISPN and the EA/EISPN. Your e-mails will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

April 9, 2009

From: Lucienne de Neale
PO Box 610 Haiku, HI 96708

To: Honua'ula c/o Goodfellow Brothers, Inc.
P.O. Box 220, Kihei, HI 96753.
Attention: Charlie Jencks

Comments on Honua'ula EISPN

Mahalo for the opportunity to comment on this preparation notice. I have tracked the plans and promises regarding this development for over a decade and wish to continue to be a consulted party. I am disappointed that, once again, a minimal effort appears to be underway to comply with the environmental review process as it applies to this project. This lack of complete information makes it far more difficult for Planning Commissioners who will receive the Draft EIS and the eventual Phase II project District Application to accurately assess and review the project and its impacts.

The document entitled "Environmental Impact Statement Notice" (EISPN) does not fulfill statutory and regulatory requirements. HAR 11-200-9 B, Section 4, 5, and 7, and 11-200-11.2 require that the EISPN be filed with a supporting final environmental assessment report. The document entitled EISPN does not meet the standards required of an FEA.

The EISPN merely outlines the broad general scope of the project. It presents vague options without specific details or choices. It does not identify enough specifics to assess potential impacts of each component of the project or to identify any mitigative measures as required in a FEA. It postpones any real disclosure of project specifics, impact assessment or proposed mitigation, although HEPA's intent is to present information as early in the process as possible.

There are many technical studies that have already been done that could have supported a FEA, but are not revealed in the EISPN. Instead, the applicant informs the public that they will be included as appendices to the Draft EIS. The report submitted to the County Council during Project District Zoning and included as part of the project review under Condition 27 of Ordinance No. 3554, entitled "Remnant Williwili Forest Habitat at Wailea 670, should also be included in those studies submitted in the DEIS.

An FEA would have revealed all of these studies, along with potential impacts and mitigation. The EISPN does not meet the requirements of an FEA and therefore does not meet the requirements for a legal notice.

To submit and accept an EISPN without the required FEA, deprives the public of early consultation and review and prevents decision makers, agencies and the public from full disclosure of potential project impacts early in the review process. A FEA would have included written comments and responses to the comments under the early consultation provisions of sections 11-200-9(b). (HAR 11-200-10-L)

"An EIS is meaningless without the conscientious application of the EIS process as a whole, and shall not be merely a self-serving recitation of benefits and a rationalization of the proposed action. Agencies shall insure that statements are prepared at the earliest opportunity in the planning and decision making process. This shall insure an



early open forum for discussion of adverse effects and available alternatives, and that the decision makers will be enlightened to any environmental consequences of the proposed action" (11-200-14 HAR General Provisions)

Internal departmental policy should not substitute for or circumvent adopted regulations for the processing of environmental impact statements.

Additionally, the EISPN states on page 3 that "creation of Honua'ula may involve or impact State and/or County lands or funds relating to infrastructure improvements for public facilities, roadways, water, sewer, utility, drainage, or other facilities. While the specific nature of each improvement is not known at this time, the EIS is intended to address all current and future instances involving the use of State and/or County land and funds relating to Honua'ula."

The specific nature of all improvements, their potential impacts and possible mitigation measures, must be addressed in full in the DEIS, including any current or foreseen triggers.

It is unfortunate that the pre-consultation process that would identify areas to address in the DEIS seems to have been limited to a select group. It would also be helpful, in the list of "previously consulted parties" to note the date(s) when the parties were actually consulted. And whether or not the parties were actually consulted directly in the process of preparing the EISPN document and had a chance to offer their feedback.

I would like to request that the OEQC closely examine the insufficiency of this EISPN and require a process that conforms with both the letter and spirit of Chapter 343 and Section 11-200-14 HAR. This would allow the discussion of specific impacts and mitigations to be viewed and discussed by the public, public agencies, and decisionmakers, which is the intent of the environmental review process.

Thanks for this opportunity to comment.

Lucienne de Naie
Concerned Citizen

March 9, 2010

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Lucienne de Naie
P.O. Box 610
Haiku, HI 96708
**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Ms. de Naie:

Thank you for your letter dated April 9, 2009 e-mailed to Charlie Jencks of Honua'ula Partners, LLC on April 8, 2009, regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). Following the EISPN public comment period, Honua'ula Partners, LLC consulted with the Office of Environmental Quality Control (OEQC) to ensure that all applicable statutory and regulatory requirements were fulfilled.

Regarding the EISPN dated March 2009, notice of which was published in the March 8, 2009 Environmental Notice, the OEQC Director stated: "...the published document fulfills all the requirements and components [of] an environmental assessment." Pursuant to the instructions of the OEQC Director, the Maui County Planning Department subsequently submitted an Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN) to OEQC on September 18, 2009. You received a copy of the EA/EISPN and provided comments to PBR Hawaii dated November 16, 2009 on behalf of the Sierra Club Maui Group. We will respond to that comment letter separately.

With respect to your statements regarding alleged deficiencies of the EA/EISPN, please note that the EA/EISPN is a notice document and is intended to set forth the proposed scope of the Draft EIS for the purpose of seeking comment. According to the OEQC, Chapter 343 of the Hawaii Revised Statutes (HRS) and the applicable Hawaii Administrative Rules (HAR) support the functioning of the EISPN as an EA in situations where projects go directly to the more stringent full disclosure requirements of the EIS. This has been a long recognized and established practice in the State of Hawaii. The OEQC stated that in such cases, the fact that the EA/EISPN does not contain every detailed element specified within HRS Chapter 343 for an EA does not take away from the fact that the completed EIS will be a full disclosure document having to comply with the requirements of HRS Chapter 343.

Lucienne de Naie
SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
March 9, 2010
Page 2 of 2

The Draft EIS is the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws and rules (HRS Chapter 343, and Title 11, Chapter 200, HAR). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

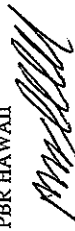
The Draft EIS will also include a list of individuals, community organizations, private groups, and government agencies consulted in the course of planning Honua'ula since 2001 and a separate list of individuals, community organizations, private groups, and government agencies consulted during the EIS process.

We will include you as a consulted party and we will provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN Lucienne de Naie

EIS does not address the most important issues for Makenadevelopment

>>> madeleine migenes <madmig@hotmail.com> 4/3/2009 9:42 PM >>>

Madeleine Migenes
2590 Alohia Road, Haiku, HI 96708
Mailing address: PO Box 791211, Paia, HI 96779
madmig@hotmail.com

Charlie Jencks
Jeff Hunt, Planning Director
Office of Environmental Quality

Dear Mr. Jencks, Mr. Hunt, and OEC;

I join other Maui citizens in outrage about the proposed Makena development.
Water is the most obvious issue that fails to be addressed in any logical way.
I agree with the following statement:

Our concerns about traffic, water, protection of existing historic roads and trails, native plants and cultural sites, adequate buffers from Maui Meadows, impacts to beaches, and compliance with Kihei-makena community Plan policies, are not addressed in the EISPN, which instead avoids meaningful comment on the topic.

Hawaii's Administrative Rules (HAR) make it clear that an EIS needs to be developed through a thorough process. This EIS Prep notice is vague, contradictory and evasive. Not a good start.

From HAR:

"An EIS is meaningless without the conscientious application of the EIS process as a whole, and shall not be merely a self-serving recitation of benefits and a rationalization of the proposed action. Agencies shall insure that statements are prepared at the earliest opportunity in the planning and decision making process. This shall insure an early open forum for discussion of adverse effects and available alternatives, and that the decision makers will be enlightened to any environmental consequences of the proposed action" (11-200-14 HAR General Provisions)

Mahalo for your concern for our fragile eco-system, and the needs of the greater public.

aloha, Madeleine Migenes



March 9, 2010

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>>> D'Antonio Mark <mark@mauiprintshop.com> 4/3/2009 12:52 PM >>>

To whom it may concern;

I am asking there to be a consulted party in the EIS process, thank you.

Our concerns about traffic, water, protection of existing historic roads and trails, native plants and cultural sites, adequate buffers from Maui Meadows, impacts to beaches, and compliance with Kihai-makena community plan policies, are not addressed in the EISP, which instead avoids meaningful comment on the topic.

Hawaii's Administrative Rules (HAR) make it clear that an EIS needs to be developed through a thorough process. This EIS Prep notice is vague, contradictory and evasive. Not a good start.

Mark D'Antonio
Maui Print Shop

p. 808.298.5692

mark@mauiprintshop.com
www.MauiPrintShop.com

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Ms. Migenes:

Thank you for your e-mail dated April 3, 2009 sent to Charlie Jencks of Honua'ula Partners, LLC regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The EISP was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). The Draft EIS will be the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

The Draft EIS will address issues related to traffic, water, protection of historic trails, native plants, cultural sites, adequate buffers from Maui Meadows, marine water quality, and compliance with the Kihai-Makena Community Plan, among other issues.

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EISP. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charlie Jencks, Honua'ula Partners, LLC

1905.08 EA EISP Madeline Migenes



March 9, 2010

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Wailea 670 EIS - Request to be Consulted

>>> "Mark Hyde" <hydem001@hawaii.rr.com> 4/3/2009 5:15 PM >>>
I would like to be consulted regarding the EIS for Wailea 670. I am a fulltime resident of Wailea (Golf Vistas) and have an interest in water sources for the project and the impact the project's proposed water plan may/will have on down gradient wells and users.

Some of my concerns:

It is my understanding that an agreement has been made between Wailea 670 and at least one Wailea golf course, if not more, providing for damages in the event the use of Kamaole aquifer water causes well water for the golf courses to become unusable due to increased salinity. What are the terms of this agreement or agreements and how might this affect Wailea and other water users? At a minimum, these agreements should be made public and discussed in the EIS document.

I do not believe adequate studies have been conducted to test the effect the project's water usage may have on other existing, successful wells in the area; this needs to be assessed and base-line data established for other local wells in terms of draw and salinity. What will these other well water users do in the event Wailea 670's draw causes their well water to become unusable - will they then try to draw upon the Iao aquifer source that is already at capacity?

Finally, I think the study should address this project's proposed water draw will have on other probable future water users (which may be of greater social and economic utility) such as a south Maui hospital, a Kihel high school, a long term care facility, etc. If Wailea 670 uses up the limited utility of the Kamaole aquifer, will the social fabric of our community be deprived of alternative, higher value installations? This needs to be discussed, weighed, considered and assessed as part of the EIS document.

Mark Hyde
4320 E. Waiala Loop
Wailea, Hawaii 96753
hydem001@hawaii.rr.com
(808) 874-3839 (home)
(808) 344-3358 (cell)

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. D'Antonio:

Thank you for your e-mail dated April 3, 2009 sent to Charlie Jencks of Honua'ula Partners, LLC regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). The Draft EIS will be the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

The Draft EIS will address issues related to traffic, water, trails and access, native plants, cultural sites, adequate buffers from Maui Meadows, marine water quality, and compliance with the Kihel-Makena Community Plan.

We will include you as a consulted party. Since you did not provide a mailing address, we will notify you by e-mail when the Draft EIS is available.

Thank you for reviewing the EISPN. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Mark G. Hyde
4320 E. Waiala Loop
Wailea, Hawaii 96753
(808) 874-3839
Hydem001@hawaii.rr.com

October 20, 2009

Tom Schnell, AICP
Senior Associate
PBR Hawaii & Associates, Inc.
1001 Bishop Street, Suite 650
Honolulu, Hawaii 96813-1402

Re: Honua'ula EIS

Dear Mr. Schnell,

Thank you for forwarding a copy of the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN) under cover of your letter dated October 16, 2009.

According to Hawaii Administrative Rules ("Rules"), the purpose of the EIS process is to "ensure that environmental concerns are given appropriate consideration in decision making. (11-200-1.) The Rules define "environmental impact" as "an effect of any kind, whether immediate or delayed, on any component of the environment." (11-200-2.) Significant environmental impacts include those that detrimentally affect water quality, etc. (11-200-12.) With these concepts in mind, the scope of discussion of water suggested in the EA/EISPN (4.7.1 Water System) is too narrow to permit a sufficient assessment of the environmental impact of this project on south Maui water resources: it appears from the EA/EISPN you intend to restrict your assessment to the conditions contained in County of Maui Ordinance No. 3554. While compliance with county requirements is relevant, confining your work to these limited criteria would defeat the broader purposes of Hawaii's environmental law. Your duty is to define all environmental impacts, primary and secondary, assess their significance and propose appropriate mitigation.

Without limitation, there are at least three specific areas of inquiry that must be included in any assessment of the Honua'ula project's impact on water resources. They are:

1. Impact of the project's water source plans on down-gradient wells in Wailea currently being used for golf course irrigation.
- I am informed that a written agreement (or agreements) exists between Honua'ula project owners and down-gradient Wailea golf courses. These were apparently executed in anticipation that Honua'ula's

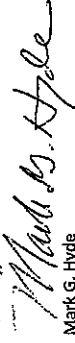
water sourcing plans might negatively impact the quality of water currently available for golf course irrigation since the golf courses rely on Kamaole aquifer well water. They apparently outline specific actions or remedies that will arise in the event negative impact on water quality is experienced by the golf courses. The mere existence of these agreements bespeaks the possibility, if not probability, of negative impact on these users. Furthermore, the remedies that will result in the event water quality is degraded need to be understood and examined to determine what impact they will have on the development and the surrounding environment should they be triggered.

2. The impact of the project's water sourcing plans on other down-gradient well users throughout Kihei. Numerous wells located in the Kihei area currently draw water from the Kamaole aquifer, presumably for landscape irrigation. These wells are largely a matter of public record and are noted on maps maintained by Maui County Department of Water Supply. To the extent water extraction by Honua'ula at locations above these wells degrades the quality of currently operating wells in the area, negative environmental impact may occur that must be understood and probable negative consequences anticipated and mitigated. To make this assessment, I believe you need to identify the number and location of these wells, measure the quantity and quality of water currently being extracted from each, calculate probable impact on them arising from Honua'ula's proposed up-gradient usage and propose mitigation strategies or remedies in the event of degradation.

3. Address/mitigate disposition of waste from the desalination process, including consequent impact on affected disposal sites.

Thank you in advance for taking the above matters into consideration.

Sincerely,



Mark G. Hyde



Mark G. Hyde
 4320 E. Waiola Loop
 Wailea, Hawaii 96753
 (808) 874-3839
Hydem001@hawaii.rr.com

October 25, 2009

Tom Schnell, AICP
 Senior Associate
 PBR Hawaii & Associates, Inc.
 1001 Bishop Street, Suite 650
 Honolulu, Hawaii 96813-1402

Re: Honua'ula EIS, Supplement # 1

Dear Mr. Schnell,

This supplements my letter to you dated October 20, 2009 regarding the above matter.

1. Conveyance of Water to Site:

It is my understanding that the well(s) intended to serve the project are located north of Honua'ula. Please identify the exact location of the well(s) and the intended route to be taken to transport water to the subject property from the well(s). Please assess the environmental impact inherent in transporting water from the well(s) to the subject property via the route selected, and if through the upcountry zone, explain whether the upcountry community plan permits water to be transported through its area of governance. If the route will not traverse the upcountry zone, what alternative route will be taken and what will the impacts be?

2. Endangered Species:

You write that there are no endangered species on the property. This is incorrect. Please be advised that Blackburn's sphinx moth, an endangered insect, has been identified within Honua'ula's boundaries and has been recently photographed *in situ*. Your report should note the presence of this endangered moth, identify its habitat and propose mitigation.

Thank you in advance for taking the above matters into consideration.

Sincerely,

 Mark G. Hyde

March 9, 2010

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Mark Hyde
 4320 E. Waiola Loop
 Wailea, Hawaii 96753

**SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/
 ENVIRONMENTAL IMPACT STATEMENT PREPARATION
 NOTICE**

Dear Mr. Hyde:

Thank you for your e-mail dated April 3, 2009 sent to Ann Cua of the Maui Planning Department regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP/N) and for your letters dated October 20 and 25, 2009 regarding the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The EISP/N was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). The Draft EIS will be the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR, and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

Potential Impact on Groundwater Resources. The Draft EIS will include an Assessment of the Potential Impact on Water Resources, which includes discussion on: 1) Honua'ula's water use; 2) the use of brine concentrate, which is a product of the desalination process necessary to produce potable water; 3) potential impacts to downgradient wells; and 4) proposed mitigation measures.

All existing Honua'ula wells are fully permitted by the State Commission on Water Resource Management (CWRM). Any new wells that may be necessary will be developed in compliance with all requirements of Chapter 174C, HRS (State Water Code) and Chapters 13-167 to 13-171, HAR as applicable, pertaining to CWRM and administration of the State Water Code.

There is no agreement between Honua'ula Partners, LLC and the owners of the downgradient Wailea Resort wells.

Mark Hyde
SUBJECT: HONUUA 'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL
IMPACT STATEMENT
March 9, 2010
Page 2 of 2

In 1990, the Commission on Water Resource Management (CWRM) set the sustainable yield of the Kama'ole Aquifer at 11 million gallons per day (MGD). The most recent data from the CWRM indicates that the existing pumpage from the Kama'ole Aquifer is 1,859 MGD. Honua'ula's water engineer estimates that current actual pumpage is approximately 4.0 MGD. At full build out, Honua'ula's total average withdraw from brackish wells is estimated to be 1.7 MGD. Therefore there will be substantial capacity from Kama'ole Aquifer for other future water users even with Honua'ula's Kama'ole Aquifer water use. The Draft Environmental Impact Statement (EIS) will include the above information regarding: 1) the Kama'ole Aquifer sustainable yield; 2) current actual aquifer pumpage; and 3) Honua'ula's total average withdraw from brackish wells.

Conveyance of Water to the Site. The Draft EIS will include information regarding Honua'ula's off-site wells, which are within an area north of Maui Meadows below the 600 foot contour and within the Kihet-Makena Community Plan region. The Draft EIS will also include maps showing: 1) the location of Honua'ula's off-site wells; and 2) waterlines necessary to convey water to Honua'ula. Honua'ula's water system will be in accordance with Department of Water Supply standards and all applicable community plans.

Endangered Species. Honua'ula is not expected to significantly impact any endangered species. Several wildlife surveys of the Property have been conducted since 1988, with the most recent completed in 2009. Evidence of the endangered Blackburn's sphinx moth (*Manduca blackburni*) was found within the Property in the most recent survey (although not in previous surveys). The Draft EIS will include discussion regarding the Blackburn's sphinx moth and propose appropriate mitigation measures.

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EA/EIS/SPN. Your e-mail and letters will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EIS/SPN Mark Hyde

Preparatory EIS on "Honua'ula"

>>> Michael Howden <pdouhy@doublecheeks@gmail.com> 4/3/2009 4:02 PM >>>

Dear Mr. Jencks, Mr. Hunt and other concerned parties: I would like to be a consulted party for the EIS for Honua'ula. I lived and farmed at Kanahena Farm & Nursery, a six-acre dryland Permaculture demonstration site, for close to 26 years, which is makai of the Kanaloa-Kalama Park RD and mauka of the proposed development. As I had permission from the Erdmann family, I would often walk to the ocean through these areas and am familiar with the immense number of cultural and historical sites, historic roads and trails, and numerous native plants. I feel it would be an extreme disservice to the cultural importance of the area, for development to proceed without thorough, much more careful inventorying of sites within these areas, and respect for what still exists here, and in general, compliance with the Kihet-Makena Community Plan with regard to impacts of this project upon the community at large.

Thank you for your consideration of these concerns, Michael S. Howden



March 9, 2010

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Michael Howden
P.O. Box 267
Kula, HI, 96790

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Howden:

Thank you for your e-mail dated April 3, 2009 sent to Ann Cua of the Maui Planning Department regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The Draft Environmental Impact Statement (EIS) will address issues related to archaeological and cultural sites, historic trails, native plants, compliance with the Kinei-Mākena Community Plan, and impacts to the community at large, among other things.

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EISP/N. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISP/N Michael Howden

>>> Michael Reed Gach <mr@gach@aatt.net> 4/3/2009 12:10 PM >>>
To the Office of Environmental Quality, Jeff, and Charlie,

We had many concerns during the hearing process and thus wish to be a consulted party in the EIS process. Specifically, we are concerned about traffic, water availability, water quality, protection of existing historic roads and trails, native plants and cultural sites, adequate buffers from Maui Meadows, the environmental impacts to beaches, and compliance with Kinei-makena community plans and policies.

MAHALO,

Barbara T. Gach
Michael Reed Gach Ph.D.
2198 Aulana Place
Kihei, HI 96753

mr@gach@aatt.net
808-874-8191



March 9, 2010

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Barbara T. Gach
 Michael Reed Gach Ph.D.
 2198 Auiina Place
 Kihui, HI 96753

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
 PREPARATION NOTICE**

Dear Mr. & Mrs. Gach:

Thank you for your e-mail dated April 3, 2009 sent to the Office of Environmental Quality Control, Jeff Hunt, and Charlie Jencks regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

The Draft Environmental Impact Statement (EIS) will address issues related to traffic, water, protection of historic trails, native plants, cultural sites, adequate buffers from Maui Meadows, environmental impacts to ocean water quality, and compliance with the Kihui-Mākena Community Plan, among other things.

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EISP. Your e-mail will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
 Senior Associate

cc: Jeff Hunt, Maui Planning Department
 Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISP Michael Reed Gach

>>> Robert Wintner <robertw@snorkelbob.com> 4/3/2009 1:47 PM >>>
 My concern are purely focused on Wailea 670. Dowling spoke of good intentions and failed. Wailea 670 speaks the same language. The hard fact here is that development changes a place forever, beginning with traffic, dust and noise. Makena should not be the place, because THAT is not appropriate.

Robert Wintner

>>> Robert Wintner <robertw@snorkelbob.com> 4/3/2009 6:47 AM >>>
 April 3, 2009

Aloha,

I am most concerned that development of Wailea 670 will end tranquility in the area for many years. The best example of the mess this will generate is Everett Dowling's partial development at Maluaka.

Now we have many acres near the reef completely exposed to runoff, and the reef at Black Sand Beach is being smothered by silt. The turtles are now gone from that reef, because their food source was killed off by the silt. Dowling's response: "That's not my runoff, and you can't prove that it is!"

Meanwhile, a very minor part of the Dowling juggernaut at Maluaka was to scalp the old golf course on Makena road and move the sod to somewhere else. This simple project alone required constant traffic of 14-yard trucks going back and forth up the road. Flaggers stopped Dowling's big trucks, as if Dowling's project should take precedence over the daily lives of residents.

Some days, with no flaggers to stop traffic, the big trucks pulled into traffic when they could. I observed them many times doing 40-45 mph or better. Riding a bicycle along Makena Road became hazardous at best and a noxious, life-threatening challenge at worst. I complained to Dowling managers who assured me they would take care of the problem. I called the Maui police. Everyone is busy with better things to do--the trucks would then slow down & the flaggers reappear for a few days, so the traffic could sit and wait.

Now Dowling is done, and so are his promises of jobs & megabillions in profit for Lehman Brothers.

Now we have Wailea 670 promising the same damn stuff, with no way on God's brown earth these things can be delivered. Wailea 670 will end peace and quiet in the area for years, so that a few people can try to make some big money.

I have seen no reasonable response to these concerns from Wailea 670, only a troublingly familiar blend of smoke and mirrors.

Robert Wintner, Makena



>>> Robert Wintner <robertw@snorkelbob.com> 4/8/2009 9:17 AM >>>
 Thank you. My intent is to continue stating for the record what is here now and what will be lost at Makena with development. I further intend to resist any project that will change Makena for the worse, forever, especially a project that will make money for a few people and cost irreplaceable wilderness.

Yes, I would like to be a consulted party. My mailing address is 6689 Makena Road, Kihel, 96753

March 9, 2010

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Robert Wintner
 6689 Makena Road
 Kihel, HI 96753

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr Wintner:

Thank you for your emails dated April 3, 2009 sent to the Jeff Hunt and Ann Cua of the Maui Planning Department and April 8, 2009 sent to Charlie Jencks of Honua'ula Partners, LLC regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

We understand you are concerned with the loss of tranquility in the area, particularly regarding traffic from construction activities. The Draft Environmental Impact Statement (EIS) will include a Transportation Management Plan (TMP) to propose traffic management strategies to reduce construction related traffic during construction of Honua'ula and related infrastructure. The plan will include transportation, parking, and construction management policies and practices geared toward consolidating and reducing peak hour vehicle trips generated by construction activity.

Regarding dust and noise, all noise from construction activities will comply with State Department of Health (DOH): 1) noise regulations (Chapter 11-46, Community Noise Control, Hawaii Administrative Rules (HAR); and 2) regulations regarding fugitive dust (Chapter 11-60.1-33, Fugitive Dust, HAR).

Regarding your concern about coral reefs and runoff, the Draft EIS will include a marine water quality study and a marine ecological monitoring report to assess current conditions and propose mitigation measures as appropriate.

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EISP/N. Your e-mails will be included in the Draft Environmental Impact Statement.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
 Senior Associate

cc: Jeff Hunt, Maui Planning Department
 Charles Jencks, Honua'ula Partners, LLC

mitigation measures will be taken to limit the mass of pollutants in stormwater to levels that will not cause or contribute to violations of water quality standards in the receiving waters? What monitoring of stormwater runoff and pollutant mass loading is planned?

728A Kupula Drive

Kihei, HI 96753

November 17, 2009

PBR Hawaii
1001 Bishop Street Suite 650
Honolulu, Hawaii 96813-8484

Dear Sir or Madam:

My name is Robin Knox. I am an environmental consultant and resident of Maui Meadows subdivision in Kihei, Hawaii. I am requesting that you add me to the list of consulted parties for Honua'ula environmental assessment (EA) and environmental impact statement (EIS). I only yesterday became aware that the public comment period for the environmental assessment is ending today. Therefore I can only provide a brief list of things I am concerned about, as I have not had time to fully elucidate my concerns.

1. Four lanes of the Pihani Highway from Kilohana to Wailea Ike – This would be a major project with considerable short term and long term impacts. If the traffic analysis report has not yet been done, how do you know that this broadening of the highway is warranted?
2. The EA mentions extensive grading and construction activity including "earthmoving activity, excavating, trenching and filling. Do the planned activities also include use of blasting? If so how what are the potential impacts and how will they be mitigated?"
3. The EA indicates that to protect cultural resources there will be a cultural resources management plan for the project. I am requesting that there also be a water quality management plan for the project to protect water resources from impacts during and post construction.
4. Stormwater Quality – What will be the quality of runoff from the project during and post construction. What will be the mass of pollutants leaving the project site in stormwater runoff? What

5. Include an analysis of potential water quality impacts from the combined pollutant loading attributable stormwater and wastewater discharges including injection, infiltration, and runoff. Provide an engineering or scientific analysis that demonstrates that there is no reasonable potential for the releases from the project site to cause or contribute to violations of state water quality standards in the ocean waters receiving the pollutant loads. If there is a reasonable potential for causing or contributing to violations of standards, then discuss what can be done to mitigate the effects, and what the mass loading of pollutants would be after such mitigation. If water reuse is part of the planned disposal or mitigation, then estimate the pollutant load available for export to the sea from the land after accounting for uptake or transformation of pollutants by plants and soils.
6. Wastewater – The environmental assessment is inadequate in that it does not quantify the wastewater flows, influent loading, level of treatment, and effluent mass loading of wastewater constituents of concern including biochemical oxygen demand, total suspended solids, total nitrogen, and nitrate nitrogen. The EA discusses phasing in of the project. Please provide influent and effluent flow and pollutant loading estimates, and treatment level proposed for each phase.
7. Provide a water balance for the site, and explain how wastewater will be managed without using injection wells for disposal (ie discuss wastewater application rates, required storage volumes etc.)
8. Demonstrate that the wastewater treatment process will produce effluent of quality suitable for reuse plan.
9. Where will sewage sludges (biosolids) from the treatment process go? How much will be produced from this project?
10. Please provide more detail about the drainage plan. The EA mentions that there are 15 natural drainage ways on the project site. Natural systems have assimilative capacity for cycling materials such as solids or nitrogen; changes to natural systems can upset ecological

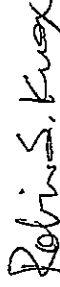
balance by adding pollutant load, accelerating rate of delivery of pollutants, and loss of natural assimilative capacity. Drainage plans should be discussed not only in terms of volumes of water, but also in terms ecological functions and pounds of pollution exported from the project site.

11. Full disclosure of water quality problems is required. The EA mentions that the existing ocean monitoring data does show water column concentrations that exceed state water quality concentration criteria. The applicant fails to mention that the Department of Health has reported to the US Congress that the coastal waters of the Kihiki coast are impaired due to exceedances of water chemistry criteria concentrations, and that the DOH and EPA are now required to establish a Total Maximum Daily Load (TMDL) for pollutants causing impairments. A TMDL looks at pollutants from a mass (lbs/day) loading perspective in addition to concentration (e.g. mg/L). The applicant states that "There is no consistent increase in concentration of nutrients in the nearshore that could result from the existing Wailea Resort golf courses". Concentration in the nearshore can change based upon a large number of variables including flows of groundwater, ocean conditions, and amount of pollutants released. Concentration in the nearshore should not be relied upon as the sole metric for assessing potential for impact. The EA speculates that natural groundwater can cause water chemistry to exceed DOH standards. Water chemistry concentrations which exceed water quality criteria due to natural background loading are not considered violations of the standards, whereas concentrations exceeding criteria that are attributable to domestic, industrial, or other controllable sources of pollutants are considered violations. Under the mass balance approaches used to manage water quality, the presence of a larger background mass load means there is less pollutant mass available to allocate to sources such as runoff and wastewater management. Higher background loads mean fewer pounds of pollutant discharges that can be allowed from controllable point and nonpoint sources and still attains the water quality standards.

In closing, I wish to be consulted by the applicant in the environmental review process. These comments may not reflect all of my concerns given the limited time I had to review the EA and develop comments. My contact information is:

Robin S. Knox
728A Kupulau Dr,
Kihiki, HI 96753
(808)281-6416

Sincerely



Robin S. Knox
President, Water Quality Consulting,
Resident Kihiki, Maui

[STREET ADDRESS] • [CITY/STATE] •
[ZIP/POSTAL CODE]



March 9, 2010

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Robin Knox
SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL
IMPACT STATEMENT PREPARATION NOTICE
March 9, 2010
Page 2 of 3

5. **Pollution Prevention.** The results of the Nearshore Water Quality Assessment and evaluation of the potential changes to groundwater composition indicate that there is little or no potential for alteration of the marine environment or negative impacts to marine waters due to Honua'ula. The Nearshore Water Quality Assessment also concludes: "there will be no adverse affect to groundwater resources in areas in the vicinity of the project." The Assessment of the Potential Impact on Water Resources includes an analysis of the use of recycled water. In compliance with County of Maui Ordinance No. 3554 (Condition 17), no recycled water will be placed into injection wells. The Draft EIS will include the Nearshore Water Quality Assessment and the Assessment of the Potential Impact on Water Resources.

6. **Wastewater.** The Draft EIS will include: 1) a Preliminary Engineering Report, which includes information on the quantity of expected wastewater flows; 2) an Assessment of the Potential Impact on Water Resources, which includes analysis of potential impacts to groundwater.

7. **Injection Wells.** The Draft EIS will include an explanation of Honua'ula's private water system, including projected potable and non-potable water use, water storage facilities, and how wastewater will be managed without using injection wells.

8. **Wastewater Treatment.** Wastewater will be treated to produce R-1 quality water and wastewater system design, and construction, and operation will be in accordance with County standards and all wastewater plans and facilities will conform to applicable provisions of Chapter 11-62, Hawaii Administrative Rules (HAR) (Wastewater Systems) and Section 11-62-27, HAR (Recycled Water Systems).

9. **Biosolids.** In compliance with County of Maui Ordinance No. 3554 (Condition 17), Honua'ula Partners, LLC will either transport wastewater to the Makena Wastewater Reclamation Facility (WWRF) for treatment or provide a WWRF on-site. The Makena WWRF uses an extended aeration activated sludge process for the processing of biosolids. If an on-site WWRF is provided within Honua'ula, a membrane bioreactor wastewater treatment system is proposed; biosolids from this system would be taken to the County landfill for composting by EKO Compost, which operates a composting facility at the landfill.

10. **Drainage Plan.** The Draft EIS will include a Preliminary Engineering Report that discusses drainage pre-development conditions, expected post-development conditions, and drainage improvements for post-development runoff. All drainage improvements will be designed in accordance with the County of Maui's "Rules for the Design of Storm Drainage Facilities" so that there will be no increase in the peak rate of storm water runoff leaving the Property compared to existing conditions. The results of the Nearshore Water Quality Assessment and evaluation of the potential changes to groundwater composition indicate that there is little or no potential for alteration of the marine environment or negative impacts to marine waters due to Honua'ula. The Draft EIS will include the Nearshore Water Quality Assessment.

11. **Water Quality Data.** The Draft EIS will include a Nearshore Water Quality Assessment, which includes the results of nearshore water quality monitoring studies conducted for Honua'ula since 2005. All ocean water samples obtained for all Honua'ula nearshore water

Dear Ms. Knox:
Thank you for your letter dated November 17, 2009, 2009 regarding the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

1. **Pihlani Highway Widening.** Widening Pihlani Highway from Kilohana Drive to Wailea Ike Drive is a requirement of Honua'ula's Change in Zoning approval, County of Maui Ordinance No. 3554 (Condition 2a). Honua'ula Partners LLC will comply with all conditions specified in County of Maui Ordinance No. 3554.

2. **Grading.** All ground-altering activity will be conducted in accordance with Chapter 20.08, Maui County Code (Soil Erosion and Sedimentation Control). It has not been determined if blasting will be necessary during construction.

3. **Water Quality Monitoring.** The Draft EIS will include: 1) an Assessment of the Potential Impact on Water Resources; and 2) a Nearshore Water Quality Assessment, which includes the results of nearshore water quality monitoring studies conducted for Honua'ula since 2005. In compliance with County of Maui Ordinance No. 3554: 1) a groundwater monitoring program will be established (Condition 18a and 18b); and 2) the current nearshore water quality monitoring program already in place will continue (Condition 20).

4. **Drainage and Runoff.** The Draft EIS will include a Preliminary Engineering Report that discusses drainage pre-development conditions, expected post-development conditions, and drainage improvements for post-development runoff. All drainage improvements will be designed in accordance with the County of Maui's "Rules for the Design of Storm Drainage Facilities" so that there will be no increase in the peak rate of storm water runoff leaving the Property compared to existing conditions. The results of the Nearshore Water Quality Assessment and evaluation of the potential changes to groundwater composition indicate that there is little or no potential for alteration of the marine environment or negative impacts to marine waters due to Honua'ula. The Draft EIS will include the Nearshore Water Quality Assessment.

Robin Knox
SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL
IMPACT STATEMENT PREPARATION NOTICE
March 9, 2010
Page 3 of 3

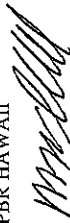
quality monitoring studies were analyzed for water quality criteria specified by DOH water quality standards for Class A open coastal waters (Section 11-54-06, HAR). The Draft EIS also will include discussion regarding: 1) the 2006 State of Hawaii Water Quality Monitoring and Assessment Report; 2) the U.S. Environmental Protection Agency and the U.S. Congress Pursuant to Sections 303(D) and 305(B), Clean Water Act (P.L. 97-117); 3) the State Department of Health's compliance with the requirements of Clean Water Act regarding Total Maximum Daily Loads; and 4) Honua'ula's compliance with County of Maui Ordinance No. 3554 (Condition 20), which pertains to these issues.

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EA/EISPN. Your letter will be included in the Draft Environmental Impact Statement.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN Robin Knox

EIS PREPARATION NOTICE FOR HONUA'ULA

>>> Sally Raisbeck <sallyraisbeck@earthlink.net> 4/16/2009 6:13 PM >>>

To: Maui Planning Department
Maui Planning Commission
Honua'ula Partners
Maui County Council
Maui News
Gary Kubota
Christie Wilson
Honolulu Weekly
cc: Lee Altenberg

From: Sally Raisbeck
427 Liholiho Street, Wailuku HI 96793
808-244-9604

Re: EIS Preparation Notice for Honua'ula

Gentlemen:

Lee Altenberg wrote in the Sunday Maui News that the EIS Preparation Notice for Honua'ula stated INCORRECTLY that the portion of Honua'ula to be preserved by a conservation easement was 22 acres.

He pointed out that Condition 27 of the Planning Commission conditions was that a MINIMUM conservation easement was to be "as shown on the attached map." "The easement shall comprise the portion of the property south of latitude 20 degrees 40 minutes 15 seconds north", minus any portions that three agencies find "do not merit preservation". The three agencies are the State DLNR, the US Fish and Wildlife Service, AND the US Corps of Engineers.
(http://osecc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Maui/2000s/2009-03-08-MA-EISPN-Honua'ula.pdf)

The portion indicated is 130 acres. The three agencies referred to have made no determination that any portion of this area "does not merit preservation".

Therefore, the Planning Commission condition, in its original form, must be substituted for the incorrect statement that the easement comprises only 22 acres. Until further notice, it is 130 acres.

Sally Raisbeck
427 Liholiho Street, Wailuku HI 96793
244-9604

n.b. The Maui News article contains an obvious misprint, saying "2040 degrees 15 minutes north latitude".
The correct latitude is "20 degrees 40 minutes 15 seconds north".



Should the regional location map (page 2) show directions and degrees?
 >>> Sally Raisbeck <sallyraisbeck@earthlink.net> 4/6/2009 8:15 PM >>>

To: Maui Planning Department
 Maui Planning Commission
 Honou'ula Partners
 Maui County Council
 Maui News
 Gary Kubota
 Christie Wilson
 Honolulu Weekly
 Lee Altenberg

From: Sally Raisbeck
 427 Liholiho Street, Wailuku HI 96793
 808-244-9604

Re: Map of location of Honou'ula does not show compass directions or latitude and longitude

Gentlemen:

The regional location map (page 2) of the Honou'ula EISPN does not clearly show the directions (north, south, east, west) nor the latitude and longitude.

This makes it impossible to show the area described in Condition 27 of the Planning Commission conditions. ("the portion of the property south of latitude 20 degrees 40 minutes 15 sec N")

From topographic maps, we see that on page 2, north is to the left and south is to the right.

Since 130 acres is approximately 20 percent of 670 acres, I assume that on the page 2 map, the area referred to by Condition 27 is the right 1/5 of the area.

If we look at Figure 1, the Conceptual Map, we see that the right 1/5 of the Honou'ula area is shown as MF, SF, and golf course holes 11, 12, 13, 14, 15, 16, and 17.

Surely this is not in accordance with Condition 27? Surely multi-family, single family, and a golf course will not preserve the endangered native plants? Condition 27 also says that "no development within the Easement shall be permitted except for fences, trails, and constructing structures necessary for the maintenance of the region".

http://oecq.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Mau/2000s/2009-03-08-MA-EISPN-Honou'ula.pdf#and

And surely the maps should show compass directions and latitude and longitude?

Sally Raisbeck
 427 Liholiho Street Wailuku HI 96793
 808-244-9604

March 9, 2010

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Sally Raisbeck
 427 Liholiho Street
 Wailuku, HI 96793

**SUBJECT: HONOU'ULA ENVIRONMENTAL IMPACT STATEMENT
 PREPARATION NOTICE**

Dear Ms. Raisbeck:

Thank you for your e-mails dated April 6, 2009 sent to the Maui Planning Department regarding the Honou'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honou'ula Partners, LLC, we are responding to your comments.

The Regional Location Map of the EISPN (Figure 2) has a north arrow at the bottom of the right side of the page. The north arrow indicates that the map is orientated so that north is to the left of the page. Correspondingly east would be to the top of the page, south would be to the right of the page, and west would be to the bottom of the page.

In the Draft EIS, Figure 1 (Conceptual Master Plan) will include the 1 20° 40' 15.00"N latitude line so that it can be seen that the Native Plant Preservation Area is to the south of the 1 20° 40' 15.00"N latitude line.

Honou'ula Partners, LLC will comply with County of Maui Ordinance No. 3554 Condition 27 regarding providing a Native Plant Preservation Area. The proposed size and location of the Native Plant Preservation Area are based, in part, upon a vegetation density analysis conducted by SWCA Environmental Consultants to aid in defining areas where preservation could be most effective. The Native Plant Preservation Area encompasses a contiguous 22-acre portion of the property south of latitude 20°40'15.00"N with the highest densities of selected endemic/native plants having high conservation priority. The size and location of the Native Plant Preservation Area are also based upon scientific research that suggests even small restoration efforts can help provide habitat for native species when managed in combination with regional preserve areas. As such Honou'ula's Native Plant Preservation Area must be considered in the context of the significant conservation efforts already in existence in South Maui such as the 'Auwahi (10 acres) and Pu'u o Kali (236 acres) Forest Reserves and the Kanaloa (876 acres) and 'Ahihi-Kina'u (1,238 acres) Natural Area Reserves.

In addition to the Native Plant Preservation Area, which will be established through a conservation easement, Honou'ula Partners, LLC will provide additional areas for the protection of native plants. Altogether, 143 acres are proposed for the preservation, conservation, propagation, and management of native plant species at Honou'ula. These conservation measures, including the size of the Native Plant Preservation Area easement, will be subject to concurrence by the State Department of Land and Natural Resources, the U.S. Fish and Wildlife Service, and the United States Corps of Engineers.

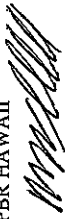
Sally Raisbeck
SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
March 9, 2010
Page 2 of 2

The Draft EIS will also contain a Conservation and Stewardship Plan that sets forth proactive stewardship actions to manage the Native Plant Preservation Area and other native plant areas.

Thank you for reviewing the EISPN. Your e-mails will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN Sally Raisbeck

Wailea 670 eis

>>> Scott Heller <scottieheller@hawaii.rr.com> 4/4/2009 7:03 AM >>>
I am a longtime Maui resident and am leary of the "usual" process of
granting projects because we need to support the construction industry.
I would like to be informed of all phases of the EIS process.

scottieheller@hawaii.rr.com
Mahalos,
Scott Heller
POB 790950
Paia, HI 96779

Wailea 670 EIS

>>> Scott Heller <scottieheller@hawaii.rr.com> 4/4/2009 7:09 AM >>>
Please keep me informed of all phases of the Wailea 670 EIS process.

scottieheller@hawaii.rr.com
Mahalos,
Scott Heller
POB 790950
Paia, HI 96779



March 9, 2010

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DACHENG DONG, LEED AP
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Tel: (808) 523-1402
Fax: (808) 525-2163

>>> steve lafeur <lafeurj@me.com> 4/6/2009 9:39 AM >>>
Subject: make me a consulted party

Scott Heller
P.O. Box 790950
Paia, HI 96779

**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Heller:

Thank you for your e-mails dated April 4, 2009 sent to Charlie Jencks of Honua'ula Partners, LLC and Ann Cua of the Maui Planning Department regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to you.

We will include you as a consulted party and provide you with a copy of the Draft Environmental Impact Statement (EIS) when it is available.

Thank you for reviewing the EISP/N. Your e-mails will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISP/N Scott Heller



March 9, 2010

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Associate

COTT MURAKAMI, ASLA, LEED® AP
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Associate

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e: (808) 535-3163

November 16, 2009

Aloha To Whom It May Concern,

My name is Teri Leonard. Although I speak for and represent myself, I am the Chair of the Reef Sustainability Committee of South Maui Sustainability, Co-Chair of the Clean Water Committee of the Maui Nui Marine Resources Council, member of the Maui Reef Fund, member of the Kihei Community Association, and the manager of Maui Dreams Dive Co. in Kihei where I have been employed for over 10 years.

I formally request to be a consulted party for the Honua'ula Project. Please find my mailing and email addresses below.

After reading the Honua'ula Environmental Impact Statement Process I have several concerns:

- The law requires full disclosure of all aspects of the project, including potential environmental impacts, and how those impacts will be mitigated. I believe this report is lacking vital information.
- What watershed is the Honua'ula Project located in and what coastal segment will it drain into? How will the reef be impacted by sedimentation and other pollutants?
- There is no inclusion of the fact that all South Maui beaches waters are considered impaired. This EIS report erroneously states "if they are listed as impaired."
- Although mass of pollutants (not concentration) into our waters matters, according to the Honua'ula Project EIS concentrations of pollutants into our waters are exceeding allowed amounts.
- Exactly which chemical compounds entering our waters exceed specified limits for geometric means (and by how much) is this report referring to?
- If, as the Honua'ula EIS project states, the natural background or other sources are contributing to, and causing, the exceeded levels of allowed amounts of nitrogen and other pollutants into our waters, according to the Clean Water Act, the Honua'ula Project must mitigate adding to the load. In detail, how will this be achieved?
- In detail, what is the plan for the ground water and near-shore water quality monitoring, assessing, reporting and action program for the Honua'ula Project, including for the duration of all phases of the construction as well as post-construction maintenance of the project?

Respectfully,

Teri Leonard
3500A Keihala Dr.
Kihei, HI 96753
teri@southmauisustainability.org

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Lafleur:

Thank you for your e-mails dated April 6, 2009 sent to Charlie Jencks of Honua'ula Partners, LLC and Jeff Hunt of the Maui Planning Department regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to you.

We will include you as a consulted party and provide you with a copy of the Draft Environmental Impact Statement (EIS) when it is available.

Thank you for reviewing the EISPN. Your e-mails will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN Steve Lafleur



March 9, 2010

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Teri Leonard
SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL
IMPACT STATEMENT PREPARATION NOTICE
March 9, 2010
Page 2 of 2

Water Quality Data - All ocean water samples obtained for all Honua'ula nearshore water quality monitoring assessments were analyzed for water quality criteria specified by DOH water quality standards for Class A open coastal waters (Section 11-54-06, HAR). The Draft EIS will include discussion regarding: 1) the 2006 State of Hawaii Water Quality Monitoring and Assessment Report; Integrated Report to the U.S. Environmental Protection Agency and the U.S. Congress Pursuant to Sections §303(D) and §305(B), Clean Water Act (P.L. 97-117); 2) the State Department of Health's compliance with the requirements of Clean Water Act regarding Total Maximum Daily Loads; and 3) Honua'ula's compliance with County of Maui Ordinance No. 3554 Condition 20, which pertains to these issues.

Water Quality Monitoring - The Draft EIS will include: 1) an Assessment of the Potential Impact on Water Resources; and 2) a Nearshore Water Quality Assessment, which includes the results of nearshore water quality monitoring studies conducted for Honua'ula since 2005. In compliance with County of Maui Ordinance No. 3554: 1) a groundwater monitoring program will be established (Condition 18a and 18b); and 2) the current nearshore water quality monitoring program already in place will continue (Condition 20).

We will include you as a consulted party and provide you with a copy of the Draft EIS when it is available.

Thank you for reviewing the EA/EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN Teri Leonard

**SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/
ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE**

Dear Ms. Leonard:

Thank you for your letter dated November 16, 2009 regarding the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your concerns.

Environmental Impact Statement (EIS) Process. The EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). The Draft EIS will be the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

Drainage and Runoff. The Draft EIS will include a Preliminary Engineering Report that discusses watersheds, drainage pre-development conditions, expected post-development conditions, and drainage improvements for post-development runoff. All drainage improvements will be designed in accordance with the County of Maui's "Rules for the Design of Storm Drainage Facilities" so that there will be no increase in the peak rate of storm water runoff leaving the Property compared to existing conditions.

Marine Water Quality and Coral Reefs. The Draft EIS will include a Nearshore Water Quality Assessment and a marine ecological monitoring report in compliance with County of Maui Ordinance No. 3554 Condition 20 to assess current conditions and propose mitigation measures as appropriate. The Nearshore Water Quality Assessment will include the results of water quality monitoring studies conducted for Honua'ula in 2005, 2006, 2008, and 2009 to establish baseline water quality conditions. The results of the Nearshore Water Quality Assessment and evaluation of the potential changes to groundwater composition indicate that there is little or no potential for alteration of the marine environment or negative impacts to marine waters due to Honua'ula. Honua'ula will also maintain on-going water quality monitoring in compliance with County of Maui Ordinance No. 3554 Condition 20.



Request
>>> Todd Wilson <twilson@seaburyhall.org> 4/7/2009 2:04 PM >>>

Hello Mr. Hunt,
Please add my name and information to the consulted party list that will be used during the EIS process for Wailea 670.

Thank you.
Todd Wilson
44 Laenui Place
Paia, HI 96779
ojazo@hotmail.com

March 9, 2010

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KEVIN K. NISHIKAWA, ASLA
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Associate
SCOTT ALIKA ABRIGO, LEED AP
Associate
SCOTT MURAKAMI, ASLA, LEED AP
Associate
DACHENG DONG, LEED AP
Associate

Todd Wilson
44 Laenui Place
Paia, HI 96779
**SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Wilson:
Thank you for your e-mail dated April 7, 2009 sent to Jeff Hunt of the Maui Planning Department regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to you.

We will include you as a consulted party and provide you with a copy of the Draft Environmental Impact Statement (EIS) when it is available.

Thank you for reviewing the EISP/N. Your e-mail will be included in the Draft EIS.

Sincerely,
PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: Jeff Hunt, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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Fax: (808) 525-3163

1905.08 EA EISP/N Todd Wilson

Mr. Wayne R. Bachman
3545 Lanhou Pt.
Khei, Maui, HI, 96753

Geos

November 4, 2009

Mr. Tom Schnell
Senior Associate
PBR Hawaii & Associates, Inc.
1001 Bishop St., Suite 650
Honolulu, HI, 96813-1402

Re.: Honua'ula proposed EIS

Dear Mr. Schnell:

Following are several comments regarding the proposed EIS for the project designated Honua'ula, on the island of Maui, Hawaii.

First, the issue of the Kamaole aquifer. The aquifer is described as a non-potable water source with a recharge rate of about 11 mgd. This rate of recharge is described as occurring along a coastal strip several miles in breadth. This arid south Maui coastal strip is heavily developed in golf courses, hotels, and condominiums. Records from the State Commission of Water Resource Management (CWRM) indicate numerous shallow wells drawing from the subject aquifer for purposes of landscape maintenance. These records also indicate that the wells are becoming increasingly saline, some to the point of being shut in. Therefore, there is reason to believe that the aquifer, near the coastal strip is being produced at a non-sustainable rate.

The Honua'ula project is on record stating the need for 2.5mgd of this water for its project. This up-gradient interception (of this volume of water) will likely have negative impacts on downgradient users – both in quality and quantity. Besides the two on-site wells, the project has drilled new wells intended to produce from the same aquifer approximately a mile from the subject site to the north at about 550-600' msf.

If the project is approved, and the Kamaole aquifer is utilized for project development, I believe coastal strip baseline studies for downgradient water quality and quantity need to be established to protect current users. Existing wells can be used for head levels and chlorides counts.

Second, drilling records (Mink) for the subject site's two wells, indicate reasonable productivity from 48 hour pump tests. The water quality was marginal at best, and long term sustainability at stable chlorides levels was not proven. Furthermore, in light of the fact that the wells are only 300' apart, no record could be found of a long-term (i.e., one week) sustainable yield test with both wells operated simultaneously in conjunction. Without such a test, the project's contention of 1mgd sustainable yield from the two wells is unfounded.

Finally, faunal studies cited are erroneous and incomplete. During the years 2007-2008, the presence of the federally listed endangered Blackburn's Sphinx Moth (*Manuca blackburni*) was established on the subject site within the unique southern a "dryland forest" habitat encompassing approximately 130 contiguous acres. Photographic evidence and subsequent site visits by members of the Honolulu branch of the U.S. Fish and Wildlife Service (USFWS) corroborate the moth's presence.

November 4, 2009
Page 2

Citing the October, 2003 "Draft Recovery Plan for the Blackburn's Sphinx Moth" issued by the USFWS, Dr. Art Medeiros – well known Maui biologist – is quoted from a personal communication. He says, "Impacts to the moth's habitat from urban and agricultural development, invasion by non-native plant species, HABITAT FRAGMENTATION AND DEGRADATION, (my emphasis) ... have significantly reduced the species' range."

At this point in time, as I read it, the EISPN for Honua'ula project is at best cursory. I have chosen to elaborate on only three of the errors or omissions I feel most qualified to discuss.

Copies of these comments will be forwarded to: USFWS, Honolulu branch; State Water Commission, Honolulu; Maui County Planning Dept.

Sincerely,



Wayne R. Bachman
M.S., geology



Wayne Bachman
 SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/ENVIRONMENTAL
 IMPACT STATEMENT PREPARATION NOTICE
 March 9, 2010
 Page 2 of 2

March 9, 2010

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Wayne Bachman
 3545 Lanikou Place
 Kīhei, HI 96753

**SUBJECT: HONUA'ULA ENVIRONMENTAL ASSESSMENT/
 ENVIRONMENTAL IMPACT STATEMENT PREPARATION
 NOTICE**

Dear Mr. Bachman:

Thank you for your letter dated November 4, 2009 regarding the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your concerns.

The EA/EISPN was a written evaluation to determine whether Honua'ula may have a significant environmental effect and was intended for the purpose of seeking comment on the proposed scope of the forthcoming Draft Environmental Impact Statement (EIS). The Draft EIS will be the full disclosure document and will be prepared in conformance with State of Hawaii EIS laws (Chapter 343, Hawaii Revised Statutes (HRS)) and rules (Chapter 200, Hawaii Administrative Rules (HAR)). Specifically the Draft EIS will be prepared according to the content requirements for a draft EIS specified in Section 11-200-17, HAR and it will contain technical studies as appendices. It will also address compliance with Honua'ula's Change in Zoning conditions, as provided in County of Maui Ordinance No. 3554.

Kama'ole Aquifer. In 1990, the Commission on Water Resource Management (CWRM) set the sustainable yield of the Kama'ole Aquifer at 11 million gallons per day (MGD). The most recent data from the CWRM indicates that the existing pumpage from the Kama'ole Aquifer is 1.859 MGD. Honua'ula's water engineer estimates that current actual pumpage is approximately 4.0 MGD. At full build out, Honua'ula's total average withdrawal from brackish wells is estimated to be 1.7 MGD. Therefore there will be substantial capacity from Kama'ole Aquifer for other future water users even with Honua'ula's Kama'ole Aquifer water use. The Draft Environmental Impact Statement (EIS) will include the above information regarding: 1) the Kama'ole Aquifer sustainable yield; 2) current actual aquifer pumpage; and 3) Honua'ula's total average withdrawal from brackish wells.

Potential Impact on Groundwater Resources. The Draft EIS will include an Assessment of the Potential Impact on Water Resources, which includes discussion on: 1) Honua'ula's water use; 2) potential impacts to downgradient wells; and 3) proposed mitigation measures.

All existing Honua'ula wells are fully permitted by the State Commission on Water Resource Management (CWRM). Any new wells that may be necessary will be developed in compliance with all requirements of Chapter 174C, HRS (State Water Code) and Chapters 13-167 to 13-171, HAR as applicable, pertaining to CWRM and administration of the State Water Code.

Native Plants and Animals. The Draft EIS will contain botanical and wildlife surveys that list all plant and animal species currently found on the property. Although not found in previous wildlife surveys, evidence of the endangered Blackburn's sphinx moth (*Manduca blackburni*) was found within the property in the most recent survey. The Draft EIS will include discussion regarding the Blackburn's sphinx moth and propose appropriate mitigation measures, including a multi-species Habitat Conservation Plan (to also include the candidate endangered 'āwīkiwīki plant) prepared under Section 10(0)(1)(B) of the Endangered Species Act and in collaboration with DLNR and USFWS.

Thank you for reviewing the EA/EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
 Senior Associate

cc: Jeff Hunt, Maui Planning Department
 Charles Jencks, Honua'ula Partners, LLC

1905 08 EA EISPN Wayne Bachman



DRAFT EIS Comments and Responses



DRAFT EIS COMMENTS AND RESPONSES

The Draft EIS was sent to the following agencies, organizations, and individuals indicated in the table below. The Draft EIS was also available on the OEQC website. The official 45-day public comment period on the Draft EIS was from April 23, 2010 to June 7, 2010. Honua'ula Partners, LLC, as a courtesy to those that requested more time to review the document, extended the comment period on the Draft EIS until June 30, 2010.

In support of a Project District Phase II application, the Draft EIS was sent to additional agencies for review and comment concurrent with the Draft EIS comment period. These agencies are indicated with an asterisk (*) in the table below.

Where indicated (comment date), an agency, organization, or individual submitted comments.

Agency/Individual	DEIS Sent	Comment Date
State		
Department of Agriculture*	4-22-10	-
Department of Accounting & General Services*	4-22-10	5-4-10
Department of Business, Economic Development and Tourism*	4-22-10	-
DBEDT – Hawaii Housing Finance & Development Corporation	4-22-10	6-10-10
DBEDT – Office of Planning	4-22-10	-
DBEDT – Energy Office	4-22-10	6-2-10
Department of Defense	4-22-10	-
Department of Education*	4-22-10	5-12-10
Department of Hawaiian Home Lands*	4-22-10	6-3-10
Department of Health – Environmental Planning Office*	4-22-10	-
DOH – Safe Drinking Water Branch	4-22-10	5-13-10
DOH – Wastewater Branch	4-22-10	5-5-10
DOH – Environmental Planning Office, Maui*	4-22-10	-
DOH – Office of Environmental Quality Control	4-22-10	-
Department of Human Services*	4-22-10	8-19-10
Department of Labor & Industrial Relations	4-22-10	4-29-10
Department of Land & Natural Resources*	4-22-10	6-7-10
DLNR – Land, Maui*	4-22-10	-
DLNR – State Historic Preservation Division*	4-22-10	-
Department of Transportation	4-22-10	6-24-10
DOT – Statewide Planning Office*	4-22-10	-
Office of Hawaiian Affairs*	4-22-10	6-29-10
University of Hawai'i Environmental Center*	4-22-10	6-30-10

Agency/Individual	DEIS Sent	Comment Date
Federal		
US Army Corps of Engineers*	4-22-10	5-11-10
US Geological Survey	4-22-10	5-7-10; 6-1-10
US Fish & Wildlife Service*	4-22-10	7-2-10
US Natural Resources Service	4-22-10	6-1-10
US Natural Resources Service, Maui*	4-22-10	-
County of Maui		
Civil Defense Agency*	4-22-10	-
Department of Environmental Management*	4-22-10	6-14-10
Department of Fire & Public Safety*	4-22-10	6-1-10
Department of Housing & Human Concerns*	4-22-10	5-5-10
Department of Parks & Recreation*	4-22-10	5-28-10
Department of Planning/Planning Commission	4-22-10	6-30-10
Department of Public Works*	4-22-10	6-10-10
Department of Transportation*	4-22-10	6-8-10; 6-23-10
Department of Water Supply*	4-22-10	6-3-10
Police Department*	4-22-10	5-10-10
Libraries		
Maui Community College Library	4-22-10	-
Nearest State Library (Kīhei)	4-22-10	-
Regional Library (Kahului)	4-22-10	-
Legislative Reference Bureau	4-22-10	-
State Main Library	4-22-10	-
Univeristy of Hawai'i Hamilton Library	4-22-10	-
Media		
Honolulu Advertiser	4-22-10	-
Honolulu Star Bulletin	4-22-10	-
Maui News	4-22-10	-
Elected Officials		
County Councilmember Wayne Nishiki	4-21-10	-
Local Utilities		
MECO*	4-22-10	4-28-10
Hawaiian Telcom*	4-22-10	-
Oceanic Cable	4-21-10	-
Citizen Groups, Individuals, and Consulted Parties		
Haleakalā Ranch (Don Young)	4-21-10	-
'Ulupalakua Ranch (Sumner Erdman)	4-21-10	-
Kīhei Community Association (Jon Miller)	4-21-10	-
Wailea Community Association (Bud Pikrone)	4-21-10	-

Agency/Individual	DEIS Sent	Comment Date
Paul Johnson Park & Niles (Pamela Bunn)	4-21-10	-
Maui Cultural Lands (Clare Apana)	4-21-10	-
Maui Cultural Lands (Daniel Kanahele)	-	6-30-10
Maui Meadows Community Association (Madge Shaefer)	4-21-10	6-29-10
Maui Tomorrow Foundation (Irene Bowie)	4-21-10	6-30-10
Maui Unite (Elle Cochran)	4-21-10	-
Maui Unite (Gordon Cockett)	4-21-10	6-30-10
Save Mākena.org (Angie Hoffman)	4-21-10	-
Save Mākena.org (Elle Cochran)	4-21-10	-
Sierra Club Maui Group (Daniel Grantham)	-	No Date
Sierra Club Maui Group (Lucienne de Naie)	4-21-10	6-30-10
Surfrider Foundation Maui Chapter	-	6-29-10
Valley Isle Building Products (Mike Williams)	-	6-22-10
Angie Hofmann	4-21-10	-
Claire Jordan	4-21-10	-
Clare Apana	4-21-10	6-30-10
Cynthia Stemmer Denny	6-29-10	-
Dale Deneweth	4-21-10	-
Daniel Kanahele	4-21-10	6-30-10
David Merchant	-	6-30-10
Dean Sandow	-	6-28-10
Dick Mayer	-	6-29-10; 6-30-10
Gene Weaver	-	6-17-10; 6-28-10
George Harker	4-21-10	6-30-10
Irene Newhouse	-	6-28-10
Joe Fell-McDonald	4-21-10	-
Johnny Be	4-23-10	-
Joyclynn Costa	4-21-10	6-30-10
Karrie Silva	4-21-10	-
Katie Romanchuk	4-21-10	-
Keeaumoku Kapu	-	6-29-10
Keegan House	4-23-10	-
Ken Rose	4-23-10	-
Lee Altenberg	-	6-30-10
Lucienne de Naie	4-21-10	-
Mark Hyde	4-21-10	No Date; 6-17-10
Michael Howden	4-21-10	-
Michael & Barbara Gach	4-21-10	-

Agency/Individual	DEIS Sent	Comment Date
Maury King	-	6-30-10
Philip Thomas	-	6-30-10
Robert Wintner	4-21-10	-
Robin Knox	4-21-10	-
Scott Heller	4-21-10	-
Steve Lafleur	4-21-10	-
Teri Leonard	4-21-10	6-30-10
Todd Wilson	4-21-10	-
Valerie Lane Simonsen	-	6-1-10

*Project District Phase II application sent



May 31, 2012

Jan S. Gouveia, Acting Comptroller
State of Hawai'i
Department of Accounting & General Services
P.O. Box 119
Honolulu, Hawai'i 96810-0119

SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Ms. Gouveia:

We have received the Department of Accounting & General Services' (DAGS) letter dated May 4, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to the comments.

We acknowledge that DAGS has no comments to offer and that Honua'ula does not impact any of DAGS' projects or existing facilities.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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RUSS K. SAITO
COMPTROLLER
SANDRA L. YAHIRO
DEPUTY COMPTROLLER

STATE OF HAWAII

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

MAY - 4 2010

Mr. Tom Schnell
PBR Hawaii
American Savings Bank Tower
1001 Bishop Street, Suite 650
Honolulu, HI 96753

Dear Mr. Schnell:

Subject: Draft Environmental Impact Statement for the Honua'ula Project at TMK (2)2-1-08-056 and (2)2-1-08-071 Makawao, Maui, HI

Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement for the Honua'ula project. This project does not impact any of the Department of Accounting and General Services' projects or existing facilities, and we have no comments to offer.

If you have any questions, please have your staff call Mr. Clarence Kubo of the Planning Branch at 586-0488.

Sincerely,

ERNEST Y.W. LAU
Public Works Administrator

CKK:inn
c: Mr. Jeff Hunt, Director, Maui Planning Department/Maui Planning Commission

LINDA LINGLE
GOVERNOR



KAREN SEDDON
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
877 QUEEN STREET, SUITE 300
Honolulu, Hawaii 96813
FAX: (808) 587-0600

IN REPLY REFER TO:
10:PEO/79

June 10, 2010

PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Attn: Tom Schnell
Dear Mr. Schnell:

Re: Honua'ula Draft Environmental Impact Statement, TMK (2)2-1-08-056 and 71

The HHFDC is supportive of the proposed Honua'ula master-planned, mixed use community. It will provide a range of single-family and multi-family housing opportunities, including workforce affordable homes in compliance with Chapter 2.96, Maui County Code. Approximately 250 of the workforce affordable homes (125 rental and 125 for-sale) will be provided off-site at the Ha'ono'ulu Light Industrial Subdivision, and 1,150 homes (of which 450 multifamily units will be affordably-priced) will be provided on-site at Honua'ula.

The proposed project, and in particular residential use, is consistent with the Kihei-Makena Community Plan. It is also consistent with the affordable housing policy set forth in the Hawaii State Plan of increasing homeownership and rental housing opportunities and choices in terms of quality, location, cost densities, style and size of housing. The targeted income groups, affordability, and resale provisions will comply with the County's requirements.

Thank you for the opportunity to comment.

Sincerely,

Karen Seddon
Executive Director

c: Department of Housing and Human Concerns



May 31, 2012

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Karen Seddon, Executive Director
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Hawaii Housing Finance and Development Corporation
677 Queen Street, Suite 300
Honolulu, HI 96813

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Ms. Seddon:

Thank you for your letter (10:PEO/79) dated June 10, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

We acknowledge that the Hawaii Housing Finance and Development Corporation (HHFDC) is supportive of the Honua'ula master-planned, mixed use community, which will include workforce affordable homes in compliance with Chapter 2.96, Maui County Code. We also acknowledge that HHFDC finds Honua'ula consistent with the Kihei-Makena Community Plan and the affordable housing policy set forth in the Hawaii State Plan.

We appreciate the support of HHFDC.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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ECONOMIC DEVELOPMENT & TOURISM**

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DEPUTY DIRECTOR

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June 2, 2010

Mr. Tom Schnell, AICP
PBR Hawai'i & Associates, Inc.
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawai'i 96813

**Re: Draft Environmental Impact Statement for the Proposed Honua'ula Master-Planned Community;
Makawao District; Wailea, Kihei-Makena, Maui; TMKs (2)2-1-08-056; (2)2-1-08-071 (Honua'ula
Partners, LLC)**

Dear Mr. Schnell:

In response to your April 20, 2010 notice, thank you for the opportunity to provide comments on the Draft Environmental Impact Statement ("DEIS") for the proposed Honua'ula master-planned residential community in the Kihei-Makena region of Maui, adjacent to Wailea Resort. This project proposes the development of up to 1,400 single and multi-family homes and village mixed-use areas that integrate supporting commercial, open space, recreational opportunities (including an 18-hole homeowner's golf course and golf course clubhouse), and related off-site infrastructure on 670 acres. Chapter 343, Hawai'i Revised Statutes ("HRS"), environmental review is required because this project proposes to: (a) extend P'i'ilani Highway from Wailea Ike Drive to Kaukahi Street, a portion of which will be on right-of-way owned by the State of Hawaii; and, (b) possibly develop an on-site wastewater reclamation facility. The project may also impact State and/or County lands or funds relating to infrastructure improvements for facilities, roadways, water, sewer, utility, drainage, or other facilities, including the installation of transmission lines and possible expansion of the Maui Electric Company ("MECO") electrical substation located within the Honua'ula property.

At this time, we would like to provide the following comments:

- 1. State energy conservation goals.** Project buildings, activities, and site grounds should be designed with energy saving considerations as set forth by Chapter 344, HRS ("State Environmental Policy"), and Chapter 226, HRS ("Hawai'i State Planning Act"). These laws encourage the efficient use of energy resources to ensure the short- and long-term provision of adequate, reasonably priced, and dependable energy services to accommodate Hawai'i's energy demand. This includes the development of cost-effective energy management programs, consumer education, and the adoption of energy-efficient practices and technologies. We appreciate Honua'ula Partner, LLC's recognition of these statutes and goals.

Chapter 269, Part V, HRS ("Renewable Portfolio Standards"), provides for the establishment of energy-efficiency portfolio standards to reduce ratepayer energy consumption by 30% by 2030 utilizing renewable displacement or off-set technologies such as solar water heating. HRS §269-92 also mandates that 40% of the net electricity consumed in Hawai'i must be generated by renewable energy resources by 2030. Proper planning and design of the proposed action will help our State meet these critical energy goals.

Mr. Tom Schnell, AICP
Draft Environmental Impact Statement for Honua'ula
Page 2

For larger projects such as Honua'ula, implementation of energy conservation measures will significantly impact Maui's energy supply and demand. We commend Honua'ula Partners, LLC's commitment towards reducing energy consumption, as demonstrated by the design and construction of all residential units to meet all applicable ENERGY STAR and County of Maui Ordinance No. 3554 requirements. We encourage regular communications with MECO to resolve the substation expansion issues.

The conservation and full utilization of Maui's vital water resources will also help reduce energy needed for water supply, irrigation, and wastewater management. We commend Honua'ula's appreciation of the local water systems and the implementation of water conservation recommendations provided by the County of Maui Department of Water Supply. We note that the selected method of wastewater treatment will significantly impact the project's electricity and/or fuel consumption.

- 2. Solar Water Heater System Required.** Please note that, effective January 1, 2010, no building permit shall be issued for a new single-family dwelling that does not include a solar water heating system that meets standards established by the Hawaii Public Utilities Commission, unless the DBEDT Director approves a variance (HRS §196-6.5).

- 3. Leadership in Energy and Environmental Design ("LEED") certification.** To complement the ENERGY STAR program, we strongly recommend Honua'ula implement the cost-saving benefits of LEED certification, which include energy savings, water efficiency, CO₂ emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts. LEED would provide a concise framework for identifying and implementing practical and measurable green building design, construction, operations, and maintenance solutions for the dwellings. Conceivably, Honua'ula Partners, LLC could build and maintain a community comprised of net zero energy homes, wherein the buildings annually produce as much energy as they use.

Our website (<http://www.Hawai'i.gov/dbedt/info/energy>) provides detailed information on guidelines, directives, and statutes, as well as studies and reports on aspects of energy efficiency and renewable energy. Please do not hesitate to contact Carlyn Shon, Energy Conservation and Efficiency Branch Manager, at (808) 587-3810, for additional information on energy efficiency, and Maria Tome, Renewable Energy Branch Manager, at (808) 587-3809, for information on renewable energy resources.

Sincerely,

Theodore A. Peck
Administrator
Hawai'i State Energy Office

TAP/cbb

c: OEQC
Ms. Kathleen Ross Aoki, Director, County of Maui, Department of Planning
C. Shon, DBEDT-SID
M. Tome, DBEDT-SID



May 31, 2012

Mark Glick, Energy Administrator
Hawaii State Energy Office
P.O. Box 2359
Honolulu, HI 96804

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KIMI MIKAMI YUEN, LEED^{AP}
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SCOTT AIKKA, AIBRG, LEED^{AP}
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Mark Glick
SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
May 31, 2012
Page 2 of 4

wastewater treatment is the most effective means of treating and disposing wastewater from an energy perspective.

2. Solar Water Heater System Required.

We are aware that, effective January 1, 2010, no building permit shall be issued for a new single-family dwelling that does not include a solar water heating system that meets standards established by the Hawaii Public Utilities Commission, unless the DBEDT Director approves a variance (HRS §196-6.5). As discussed in the Draft EIS, all Honua'ula residential units will be equipped with a primary hot water system at least as energy efficient as a conventional solar panel hot water system, sized to meet at least 80 percent of the hot water demand for the unit.

3. Leadership in Energy and Environmental Design ("LEED") certification.

We acknowledge the recommendation to implement Leadership in Energy and Environmental Design (LEED) certification to complement the ENERGY STAR Program. The Draft EIS contains many commitments to conserve resources, such as provisions for water and energy conservation, green and solid waste recycling, transportation demand management, and stewardship of resources. Restricting these commitments and other innovations that may be provided over the 13-year build out period under a single certification system that is currently in favor does not seem wise or warranted. While LEED is a popular certification system at the moment, it is not the only green building verification system. For example, the Green Globes system is gaining recognition and acceptance as a system more assessable than LEED and more advanced in the area of lifecycle assessment, which measures the environmental impact of the production and acquisition of products used for buildings. In another example, the Passive House Standard seeks to monitor the on-going energy efficiency of buildings after they are built and in operation. Other evolving systems seek to promulgate region specific standards, so that appropriate technology is encouraged in suitable regions.

The entire green building movement is a dynamic and fluid field that continues to rapidly evolve, and better standards may be created in the future. Some have even argued that mandating LEED hinders development of other standards that may prove more appropriate, as the blanket adoption of LEED as the sustainable standard may come at the expense of other emerging systems. Others reason that when a standard is mandated it sets a ceiling, as to the level of compliance, so the standard becomes the new minimum at the expense of new innovations that may not be implemented because they exceed the minimum. A dynamic process enables standards to continually improve by responding to the needs of consumers and builders, adjusting to new technology and experience, and using competition to promote a variety of approaches.

The LEED program was originally created and introduced by the U.S. Green Building Council as a voluntary program to empower individuals to assess standards and then choose when, how and whether to employ them. The idea was that incentives and competition would support market transformation of the building industry and spur architects, builders, and product manufacturers to create green products, buildings, and communities. LEED was never developed as a building or "sustainability" code. According to the U.S. Green Building Council LEED is "voluntary, consensus-based, and market-driven" and further, LEED seeks a balance between requiring the best existing practices and the voluntary incorporation of emerging concepts.

SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Glick:

We have received the letter dated June 2, 2010 from the Hawaii State Energy Office regarding the Honua'ula Draft Environmental Impact Statement (EIS) and the Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to comments.

1. State energy conservation goals.

Honua'ula Partners, LLC is aware of, and recognizes, the State's energy conservation, goals, policies, and standards. As explained in the Draft EIS, and as acknowledged by the Hawaii State Energy Office, Honua'ula Partners, LLC is committed to reducing energy consumption. Energy-saving concepts and devices will be encouraged in the design of Honua'ula and energy systems for all residential units will meet all applicable ENERGY STAR requirements established by the EPA in effect at the time of construction. In addition, design standards will specify low-impact lighting and will encourage energy-efficient building design and site development practices.

Honua'ula Partners, LLC's electrical engineer will continue to coordinate with MECO regarding the need for expanding MECO's Wailea Substation and Honua'ula Partners, LLC will continue to include an area for the expansion of the substation on Honua'ula plans.

We are not clear regarding the statement that: "...the selected method of wastewater treatment will significantly impact the project's electricity and/or fuel consumption." As explained in the Draft EIS, Honua'ula Partners, LLC will either: 1) transport wastewater approximately one mile south to the Mākema Resort Wastewater Reclamation Facility (WWRF) for treatment; or 2) develop, maintain, and operate a private on-site WWRF. After treatment, the R-1 recycled water will be used within Honua'ula for golf course irrigation.

Proper treatment and disposal of wastewater is a critical requirement of any project, and Honua'ula's zoning conditions specifically require that such treatment and disposal be done at a private wastewater treatment facility. Even if use of a public facility were an option, this would require transporting wastewater to the Kīhei WWRF, located approximately four miles northwest of Honua'ula, and then transporting the R-1 recycled water back to Honua'ula. While energy consumption for treatment at any of the treatment sites is assumed to be roughly the same, the energy required to transport sewage to the Kīhei WWRF and then convey the R-1 recycled water back to Honua'ula can be assumed to be much greater than to and from the closer Mākema Resort WWRF or an on-site WWRF. Therefore, Honua'ula Partners, LLC is confident that its selected method of

Mark Glick
**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT
DISTRICT PHASE II APPLICATION**
May 31, 2012
Page 3 of 4

LEED has unquestionably raised standards and expectations regarding sustainable design. Increasingly, developers are incorporating sustainable features into new homes as a result of heightened consumer awareness and market demand. This trend will continue as consumer consciousness of sustainability evolves. It will also accelerate as technology and market forces combine to provide improved and new green products at lower prices. Government incentives, such as tax credits for solar or photovoltaic systems, will also contribute to affordability and fuel consumer demand, thus expediting product development and technological advances. What is now seen as an "eco-luxury" for the most demanding environmentally conscious homebuyer may soon become the standard for mainstream homebuyers. Because of this continuous cycle of improvement, consumer acceptance, and market demand, it cannot be known now how standards and technology will evolve over the course of the build-out of Honua'ula.

LEED and green building are not synonymous. LEED is merely one of many emerging green building verification systems. Buildings can incorporate sustainable strategies without being LEED certified. Nature and its related ecological systems are inherently dynamic and sustainability is more complicated than can be mandated through a single green building accreditation system. The true value of sustainable design is in its application and achieved environmental results.

Given the inherently dynamic nature of the sustainable design field it is unrealistic and impractical to commit to a current standard. Honua'ula Partners, LLC supports a voluntary approach to sustainable design that will allow for the incorporation of the appropriate technology or combination of technologies for specific applications as Honua'ula is built out over time.

Honua'ula Partners, LLC is committed to limiting the environmental impact of Honua'ula and will implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design, and environmental stewardship, such as the use of solar energy and solar heating, consistent with the standards and guidelines promulgated by the Building Industry Association of Hawaii, the U.S. Green Building Council (LEED), the Hawaii Commercial Building Guidelines for Energy Star, Green Communities, or other similar programs, into the design and construction of Honua'ula. Honua'ula Partners, LLC will also: 1) encourage lot purchasers to design houses that meet at least the minimum requirements of one of the aforementioned programs; and 2) provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners.

To include the relevant above information in the Final EIS, along with addressing comments regarding LEED from others, in the Final EIS Section 2.5 (Environmentally-Responsible Planning and Design) will be revised as to include the following information:

Honua'ula Partners, LLC is committed to limiting the environmental impact of Honua'ula and will implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design, and environmental stewardship, such as the use of solar energy and solar heating, consistent with the standards and guidelines promulgated by the Building Industry Association of Hawaii, the U.S. Green Building Council (i.e. the Leadership in Energy and Environmental Design (LEED) rating systems), the Hawaii Commercial Building Guidelines for Energy Star, Green Communities, or other similar programs, into the design and construction of Honua'ula. Honua'ula Partners, LLC will also: 1) encourage lot purchasers to design houses that meet at least the minimum requirements of one of the aforementioned programs; and 2) provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners.

Mark Glick
**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT
DISTRICT PHASE II APPLICATION**
May 31, 2012
Page 4 of 4

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.
Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

May 12, 2010

Mr. Tom Schnell, Senior Associate
PBR Hawaii & Associates, Inc.
1001 Bishop Street, Suite 650
Honolulu, Hawaii 96813-3484

Dear Mr. Schnell:

Subject: Draft Environmental Impact Statement for Honua'ula
TMK (2) 2-1-08-056 and (2) 2-1-08-071, Makawao, Maui

The Department of Education (DOE) has reviewed the Draft Environmental Impact Statement (EIS) for the proposed Honua'ula project.

We anticipate that Honua'ula will be included in a future school impact fee district. However, we do not yet know how much those fees will be or the exact implementation date of that district.

The applicant has acknowledged in the EIS that, to comply with County of Maui Ordinance No. 3554, Condition 22, it will contribute \$3,000 per dwelling unit or the fees specified by a future school impact fee district that includes Honua'ula, whichever is greater, to the DOE. The applicant should contact the DOE to enter into an educational contribution agreement in accordance with these terms.

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

Sincerely yours,

Duane Y. Kashiwai
Public Works Administrator
Facilities Development Branch

DYK:jmb

c: Bruce Anderson, CAS, Baldwin/Kekaulike/Maui Complex Areas
Jeff Hunt, Director, Planning Department, County of Maui
AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER



May 31, 2012

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SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND
PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Kashiwai:

Thank you for your letter dated May 12, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

Honua'ula Partners, LLC will comply with all laws regarding school impact fees including HRS Section 302A-1601 et. seq and County of Maui Ordinance No. 3554, Condition 22.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

CHARMAINE TAVARES
Mayor
JEFFREY S. HUNT
Director
KATHLEEN ROSS AOKI
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

April 21, 2010

TRANSMITTAL

STATE AGENCIES	COUNTY AGENCIES
<input checked="" type="checkbox"/> DAGS	<input checked="" type="checkbox"/> Civil Defense
<input checked="" type="checkbox"/> DBEDT	<input checked="" type="checkbox"/> Dept of Environmental Management (2)
<input checked="" type="checkbox"/> Dept of AG, Honolulu	<input checked="" type="checkbox"/> Dept of Housing & Human Concerns
<input checked="" type="checkbox"/> Dept of Hawaiian Homelands	<input checked="" type="checkbox"/> Dept of Parks & Recreation
<input checked="" type="checkbox"/> Dept of Health, Honolulu	<input checked="" type="checkbox"/> Dept of Public Works (3 Hard Copies)
<input checked="" type="checkbox"/> Dept of Health, Maui (2)	<input checked="" type="checkbox"/> Dept of Transportation
<input checked="" type="checkbox"/> Dept of Human Services	<input checked="" type="checkbox"/> Dept of Water Supply
<input checked="" type="checkbox"/> DLNR-Land, Maui	<input checked="" type="checkbox"/> Fire & Public Safety
<input checked="" type="checkbox"/> DLNR-Planning (5)	<input checked="" type="checkbox"/> Police Department
<input checked="" type="checkbox"/> DLNR-SHPD	
<input checked="" type="checkbox"/> DOE, Admin	FEDERAL AGENCIES
<input checked="" type="checkbox"/> DOT, Statewide Planning Office (4)	<input checked="" type="checkbox"/> Fish & Wildlife
<input checked="" type="checkbox"/> Office of Hawaiian Affairs	<input checked="" type="checkbox"/> NRCS-USDA-Maui
<input checked="" type="checkbox"/> UH Environmental Center	<input checked="" type="checkbox"/> U.S. Army Corp. of Engineers (Hard Copy)
OTHER	
<input checked="" type="checkbox"/> Hawaiian Telecom (Hard Copy)	
<input checked="" type="checkbox"/> Maui Electric Company	

PROJECT: HONUA'ULA
APPLICANT: Honua'ula Partners, LLC (Charles Jencks)
PERMIT NOS.: PH2 2010/0001 (EIS 2009/0001)
TMK: "The Property": (2) 2-1-008:056 and 071
 "Off-site Improvements": (2) 2-1-008:999 (POR.), 043 (POR.), 090 (POR.), 108 (POR.), 054 (POR.), AND 001 (POR.); (2) 2-2-002:050 (POR.) AND 054 (POR.)
LOCATION: Kihei-Makana Region adjacent to Wailea Resort
DESCRIPTION: A Master Planned Community consisting of Single-Family and Multi-Family homes, village mixed use areas with supporting commercial, open space, recreation, and related off-site infrastructure.

TRANSMITTED TO YOU ARE THE FOLLOWING:
 Draft EIS in support of a Project/District Phase II application

THESE ARE TRANSMITTED AS CHECKED BELOW:
 For your Comment and Recommendation

Please provide comments and/or identify any issues or items you would like the Department of Planning to propose as conditions of project approval. Please also provide any previous comments, letters, etc. pertinent to this application. Submit your comments directly to me by **June 7, 2010**. A comment box is also provided to assist you. If no comment, please sign the "No Comment" box and fax to (808) 270-1775.

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96753
 MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634
 CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7263

AGENCY NAME	DEPARTMENT OF HAWAIIAN HOME LANDS	PHONE	620-9501
Agency Transmittal - Honua'ula (PH2 2010/0001) (EIS 2009/0001)			
April 21, 2010			
Page 2			

Thank you for your time and assistance. For additional clarification, please contact me via email at ann.cua@mauicounty.gov or by phone at (808) 270-7521.

Sincerely,

ANN T. CUA, Current Planning Supervisor

cc: Clayton I. Yoshida, AICP, Planning Program Administrator
 Ann T. Cua, Current Planning Supervisor
 Charles Jencks, Honua'ula Partners, LLC
 Tom Schnell, AICP, PBR Hawaii & Associates, Inc.
 Gwen Hiraga, Munekyo & Hiraga, Inc.
 Project File
 General File

JSH:ATC:wb
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Signed:	<i>Charles Jencks</i>	Dated:	JUNE 3, 2010
Print Name:	KAULANA H. R. PARK	Title:	CHAIRMAN

COMMENT/RECOMMENDATION BOX	
Signed:	Dated:
Print Name:	Title:



LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
PO BOX 3378
HONOLULU HAWAII 96801-3378

CHRISTOPHER L. FUKINO, M.D.
DIRECTOR OF HEALTH

through please refer to:
Electrons

May 31, 2012

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Ms. Jobie Masagatani
State of Hawai'i
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, HI 96805

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Ms. Masagatani:

We received the Department of Hawaiian Home Lands' (DHHL) letter dated June 3, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we acknowledge that DHHL has no comments.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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Ms. Ann T. Cua
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Dear Ms. Cua:

**SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) REVIEW
HONUA'ULA
KIHEI-MAKENA, MAUI, HAWAII**

We would like to acknowledge receipt of the DEIS and express our appreciation for the opportunity to comment on the proposed project.

We would like to emphasize that the DEIS should specifically address each of the review comments made by our branch. For your convenience, we present the following comments made previously by the Safe Drinking Water Branch (SDWB) in the Department of Health (DOH) letter dated April 8, 2010. These comments were made in response to the Environmental Impact Statement Preparation Notice (EISPN).

Our comments were as follows:

This project appears to create a new public water system and will therefore be subject to the following comments:

1. Public Water Systems

Federal and state regulations define a public water system as a system that serves 25 or more individuals at least 60 days per year or has at least 15 service connections. All public water system owners and operators are required to comply with Hawaii Administrative Rules, Title 11, Chapter 20, titled "Rules Relating to Potable Water Systems," which include the following major components:

- All new public water systems are required to demonstrate and meet minimum capacity requirements prior to their establishment per Hawaii Administrative Rule, Title 11, Chapter 20-29.5, titled "Capacity Demonstration and Evaluation." This requirement involves demonstration that the system will have satisfactory technical, managerial and financial capacity to enable the system to comply with safe drinking water standards and requirements.

- Projects that propose development of new sources of potable water serving or proposed to serve a public water system must comply with the terms of HAR Section 11-20-29 of Chapter 20. This section requires that all new public water system sources be approved by the Director of Health prior to its use. Such approval is based primarily upon the submission of a satisfactory engineering report which addresses the requirements set in Section 11-20-29.
- The engineering report must identify all potential sources of contamination and evaluate alternative control measures which could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source. In addition, water quality analyses for all regulated contaminants, performed by a laboratory certified by the State Laboratories Division of the State of Hawaii, must be submitted as part of the report to demonstrate compliance with all drinking water standards. Additional parameters may be required by the Director for this submittal or additional tests required upon his or her review of the information submitted.
- All public water system sources must undergo a source water assessment which will delineate a source water protection area. This process is preliminary to the creation of a source water protection plan for that source and activities which will take place to protect the source of the drinking water.
- Projects proposing to develop new public water systems or proposing substantial modifications to existing public water systems must receive approval by the Director of Health prior to construction of the proposed system or modification in accordance with Hawaii Administrative Rules, Title 11, Chapter 20-30, titled "New and Modified Public Water Systems." These projects include treatment, storage and distribution systems of public water systems.
- All public water systems must be operated by certified distribution system and water treatment plant operators as defined by Hawaii Administrative Rules, Title 11, Chapter 11-25, titled "Rules Pertaining to Certification of Public Water System Operators."
- All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing potable water system to meet irrigation or other needs must be carefully designed and operated to prevent the cross-connection of these systems, and the possibility of backflow of water from the non-potable system to the drinking water system. The two systems must be clearly

- labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the drinking water supply. In addition, backflow devices must be tested periodically to assure their proper operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent the inadvertent consumption of non-potable water. Compliance with Hawaii Administrative Rules, Title 11, Chapter 11-21, titled "Cross-Connection and Backflow Control" is also required.
- All projects which propose the establishment of a potentially contaminating activity (as identified in the Hawaii Source Water Assessment Plan) within the source water protection area of an existing source of water for a public water supply should address this potential, and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.
2. Underground Injection Control (UIC)
- Injection wells used for the subsurface disposal of wastewater, sewage effluent, or surface runoff are subject to environmental regulation and permitting under Hawaii Administrative Rules, Title 11, Chapter 11-23, titled "Underground Injection Control" (UIC). The Department of Health's approval must be first obtained before any injection well construction commences. A UIC permit must be issued before any injection well operation occurs.
 - Authorization to use an injection well is granted when a UIC permit is issued to the injection well facility. The UIC permit contains discharge and operation limitations, monitoring and reporting requirements, and other facility management and operational conditions. A complete UIC permit application form is needed to apply for a UIC permit.
 - A UIC permit can have a valid duration of up to five years. Permit renewal is needed to keep an expiring permit valid for another term.
- In addition to our comments made previously for the EISPN, we offer the following additional comments at this time:
1. The siting of a drinking water source below the UIC line may restrict new and existing injection well construction. New injection wells will be prohibited within setback areas defined in Chapter 11-23. If this drinking water source will serve a regulated public water system, the applicant will be required to inform landowners located within the setback surrounding the well of this proposed action because it will affect the injection well development potential of their properties.

Ms. Ann T. Cua
May 13, 2010
Page 4


2. The proposed reverse osmosis (RO) technology and provisions for any additional treatment will likely require pilot testing to demonstrate its effectiveness in producing water that meets safe drinking water standards. The SDWB will establish protocols for the pilot testing. The EIS should indicate that the proposed water treatment facility and other components of the water system (i.e., storage, piping, pumps, disinfection, etc.) are subject to approval by the SDWB before start up. In addition to successfully completing the pilot testing process, the proposed new public water system will be required to satisfy all of the before mentioned requirements (technical, managerial and financial capacity; new source engineering report; water quality testing and analyses; source water assessment and protection plan; approval of construction plans; operator certification; and backflow protection for dual use systems) prior to water system start up.

3. The impact of cattle ranching activities (Haleakala and Ulupalauka Ranch) upslope of the project area and well sites should be discussed in regard to source water quality and protection.

4. The graphic exhibits should clearly show the location of all water system infrastructure (wells, water treatment facility, storage tanks and water mains).

If you have any questions, please call Craig Watanabe at 586-4258.

Sincerely,


STUART YAMADA, P.E., CHIEF
Safe Drinking Water Branch
Environmental Management Division

CW: cb

c: EPO

✓ Tom Schnell
PBR Hawaii & Associates, Inc.
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, HI 96813



May 31, 2012

Stuart Yamada, P.E., Chief
State of Hawaii'i
Department of Health – Safe Drinking Water Branch
P.O. Box 3378
Honolulu, HI 96801

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SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Yamada:

Thank you for your letter dated May 13, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

We have also received the Department of Health's (DOH) comment letter on the Environmental Impact Statement Preparation Notice (EISPN) dated April 8, 2009, which contained the Safe Drinking Water Branch's (SDWB) previous comments. We responded to SDWB's previous comments in our response letter to DOH dated March 9, 2010 and the Draft EIS addresses each of the SDWB's previous review comments. Specifically:

1. Public Water Systems
In Section 4.8.1 (Water System) of the Draft EIS it states:

The RO [reverse osmosis] plant will be subject to regulation as a public water system and will meet requirements of the State DOH, including HAR Chapters 11-20 (Potable Water Systems) 11-21 (Cross-Connection & Backflow Control), and 11-25 (Operating Personnel in Water Treatment Plants).

In complying with HAR Chapter 11-20 (Potable Water Systems), Honua'ula Partners, LLC will be complying with each of the applicable subsections of HAR Chapter 11-20 noted in your comments.

2. Underground Injection Control

Section 4.8.2 (Wastewater System) of the Draft EIS states that all wastewater will be treated at either an on-site wastewater reclamation facility (WWRF) or the existing Makena WWRF then used for irrigation and that none of the recycled water will be placed into injection wells in compliance with County of Maui Ordinance No. 3554 (Condition 17).

While no wastewater or sewage effluent will be disposed of in injection wells, there may be limited times when such wells may be needed to dispose of brine generated from the reverse osmosis (RO) process used to create potable water, specifically during periods of extended wet weather when irrigation requirements are minimal. Any such injection wells will be in compliance with all provisions of HAR Title 11, Chapter 11-23 (Underground Injection Control).

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

To clarify this in the Final EIS, in the Final EIS Section 4.8.1 (Water System) will be revised as follows:

The RO process generates brine in the course of producing potable water. However, by diluting the brine water with other non-potable water (brackish and R-1), the salt content will be reduced to a degree that it can be used for irrigation ~~rather than using the use of injection wells to dispose of the brine~~. In periods of extended wet weather when irrigation requirements are minimal, it may be necessary to dispose of the RO concentrate in a disposal well with delivery in the saltwater zone below the basal lens. Such a disposal well will be in compliance with all provisions of HAR Title 11, Chapter 11-23 (Underground Injection Control).

In addition, in the Final EIS Section 4.8.3 (Drainage System) will be revised as follows:

All drainage systems and detention basins will be designed in accordance with the "Rules for the Design of Storm Drainage Facilities in the County of Maui." In addition any detention basin with vertical dimensions that exceed its horizontal dimensions will also be in compliance with all provisions of HAR Title 11, Chapter 11-23 (Underground Injection Control). In compliance with County of Maui Ordinance No. 3554 (Condition 6), the Preliminary Engineering Report (Appendix P) includes a Drainage Master Plan and Phasing Plan of improvements.

We have reviewed the SDWB's additional comments and Honua'ula Partners, LLC will comply with applicable requirements, specifically:

1. Honua'ula's on- and off-site wells are below the UIC line. Since the wells will provide the source of water for Honua'ula's potable (and non-potable) water system, Honua'ula Partners, LLC understands that setbacks will need to be established which may restrict new and existing injection well construction. Honua'ula Partners, LLC will inform landowners located within the setbacks surrounding the wells of the effect of injection well development potential of their properties.

To include this information in the Final EIS, in the Final EIS Section 4.8.1 (Water System) will be revised as follows:

In developing, maintaining, and operating the water system, Honua'ula Partners, LLC will comply with all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. As recommended by CWRM, Honua'ula Partners, LLC will coordinate with the County to incorporate Honua'ula into the County's Water Use and Development Plan. Honua'ula Partners, LLC will also comply with: 1) DOH Engineering and Capacity report requirements; and 2) the County's Water Availability Policy, codified as Chapter 14.12, MCC. The above oversight processes ensure adequacy of the water source and that water source development will not interfere or conflict with County plans for source development. In addition, as stated in Section 3.5.1 (Groundwater), the UIC line¹² as established by the State DOH, is located approximately along the 600-foot elevation contour above the majority of the Property. Therefore Honua'ula's on- and off-site wells are below the UIC

¹² Underground Injection Control Line (UIC) means the line on the DOH Underground Injection Control maps which separates exempted aquifers and underground sources of drinking water (Section 11-23-03, HAR).

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

line. Since the wells will provide the source of water for Honua'ula's potable (and non-potable) water system, setbacks will be established which may restrict new and existing injection well construction. Honua'ula Partners, LLC will inform landowners located within the setbacks surrounding the wells of the effect of such setbacks on the injection well development potential of their properties.

2. Honua'ula's potable water needs will be supplied by RO treated water. We understand that Honua'ula's RO Plant may be subject to pilot testing, as established by SDWB, prior to start up. In addition, we acknowledge that the Honua'ula RO Plant and water system are subject to approval by the SDWB before start up and that the new public water system will be required to satisfy all requirements of HAR Chapter 11-20 (Potable Water Systems).

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.8.1 (Water System) will be revised as follows:

The RO plant and other components of the water system will be subject to regulation as a public water system and will meet requirements of the State DOH, including HAR Chapters 11-20 (Potable Water Systems), 11-21 (Cross-Connection & Backflow Control), and 11-25 (Operating Personnel in Water Treatment Plants). The water treatment facility and other components of the water system (i.e., storage, piping, pumps, and disinfection) are subject to the approval of the DOH. Safe Drinking Water Branch before start up. In addition to successfully completing the start up testing process, the water system will be required to satisfy all components of HAR Chapter 11-20 (Potable Water Systems), including:

- Demonstration of capacity requirements and satisfactory technical, managerial, and financial capabilities to enable the system to comply with safe drinking water standards and requirements;
- Approval of the Director of Health prior to use, which is based upon the submission of a satisfactory engineering report meeting requirements of DOH;
- Identification (within the engineering report) of all potential sources of contamination and evaluation of alternative control measures that could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source; water quality analysis for all regulated contaminants, performed by the State Laboratories Division of the State of Hawaii, will be submitted to DOH to demonstrate compliance with all drinking water standards;
- Assessment to delineate a source water protection area and creation of a source water protection plan, including activities to protect the source of drinking water; operating the system by certified distribution and water treatment plant operators meeting the requirements of DOH;
- Design and operation of the potable system to prevent the cross-connection with the non-potable system, and the possibility of backflow of water from the non-potable system to the drinking water system—the two systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the drinking water supply and all non-potable spigots and irrigated areas must be clearly labeled with warning signs to prevent the inadvertent consumption of non-potable water
- Addressing the potential of contaminating activities (as identified in the Hawaii Source Water Assessment Plan) within the source water protection area and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source;

Stuart Yamada
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT
DISTRICT PHASE II APPLICATION
May 31, 2012
Page 4 of 4

3. Cattle ranching activities upslope of the Honua'ula Property and the off-site Honua'ula wells have very limited potential for contamination of Honua'ula's groundwater sources. The areas used for cattle ranching upslope of the Property are dry, hot, and un-irrigated; therefore cattle grazing in these areas is extensive, not intensive. The two- and 10-year zones of contribution would potentially cover the area from the 500-foot elevation (a short distance down slope from the highest point of the Property) to the 1,600-foot elevation (approximately 10,000 feet upslope of the Property). These elevations are the vertical travel distances for contaminants to reach groundwater. Substantial natural protection is provided by these distances as well as the multiple layers of successive lava flows, and therefore upslope cattle ranch activities are not expected to impact Honua'ula's groundwater sources.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 3.5.1 (Groundwater Resources) will be revised to include the following information:

Cattle Ranching

Cattle ranching activities upslope of the Property and the off-site Honua'ula wells have very limited potential for contamination of Honua'ula's groundwater sources. The areas used for cattle ranching upslope of the Property are dry, hot, and un-irrigated; therefore cattle grazing in these areas is extensive, not intensive. The two- and 10-year zones of contribution would potentially cover the area from the 500-foot elevation (a short distance down slope from the highest point of the Property) to the 1,600-foot elevation (approximately 10,000 feet upslope of the Property). These elevations are the vertical travel distances for contaminants to reach groundwater. Substantial natural protection is provided by these distances as well as the multiple layers of successive lava flows, and therefore upslope cattle ranch activities are not expected to impact Honua'ula's groundwater sources.

4. Figure 2 of the Draft EIS shows the location of the off-site wells and the proposed transmission pipeline route. Figure 3-2 in Appendix P (Preliminary Engineering Report) of the Draft EIS shows the location of the existing wells and the proposed storage tanks. Figure 3.3 in Appendix P (Preliminary Engineering Report) of the Draft EIS shows the location of the proposed reverse osmosis (RO) water treatment plant and water mains necessary to distribute water throughout Honua'ula.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII


Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3578
HONOLULU, HAWAII 96801

May 5, 2010

Mr. Charles Jenks
c/o Goodfellow Brothers, Inc.
P.O. Box 220
Kihei, Hawaii 96753

Dear Mr. Jenks:

Subject: Honua'ula – Draft Environmental Impact Statement
Master Planned Residential Community of Single & Multi Family Homes and Village
Mixed Use Areas – Open Space and Recreational Opportunities, 18 hole Golf Course
and Club House and Related Off Site Infrastructure at Wailea, Kihei, Maui 96753
The Property - TMK (2) 2-1-008: 056

Thank you for allowing us the opportunity to review the above subject project which proposes a master planned residential community of single and multi family homes and village mixed use areas, etc. We have the following comments and information on the above subject property:

The subject property is located in the critical wastewater disposal area (CWDA) as determined by the Maui Wastewater Advisory Committee. No new cesspools are allowed in the CWDA.

As stated in the Environmental Impact Statement Preparation Notice, we have no objections to the proposed project as the domestic wastewater needs of the project will be handled either by the development of an on-site wastewater treatment plant or connection to the Makena Wastewater Treatment Plant which is located approximately one mile south of Honua'ula.

We further encourage the developer to work with the County to utilize recycled wastewater for irrigation and other non-potable water purposes in open space and landscaping areas.

All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems." We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. Should you have any questions, please contact the Planning & Design Section of the Wastewater Branch at phone (808) 586-4294.

Sincerely,

SINA PRUDER, P.E., ACTING CHIEF
Wastewater Branch

cc: DOH's Environmental Planning Office (EPO 1-3154)
DOH-WWB's Maui Staff – Mr. Roland Tejano
✓ Mr. Tom Schnell, AICP, PBR Hawaii
Mr. Jeff Hunt, Director, County of Maui, Planning Department

CHYOMIE LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
EMD/ WB
Honua'ula DEIS
LUD-2 1 008 056
ID#394



Mr. Marshall Lum
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
 May 31, 2012
 Page 2 of 2

May 31, 2012

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 R. STAN DUNCAN, ASLA
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Executive Vice-President

VINCENT SHIGKUNI
Vice-President
 GRANT T. MURAKAMI, AICP, LEED® AP
Principal

W. FRANK BRANDT, FASIA
Chairman Emeritus

ASSOCIATES
 TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate
 KEVYN NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED® AP
Associate

SCOTT AIKA ABRIGO, LEED® AP
Associate
 SCOTT MURAKAMI, ASLA, LEED® AP
Associate

DACHUNG DONG, LEED® AP
Associate

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 Fax: (808) 521-1402
 E-mail: sysadmin@pbrhawaii.com

KAPOLEI OFFICE
 1001 Kapiolani Boulevard
 Suite 100
 Kapolei, Hawaii 96707-2005
 Tel: (808) 521-5631
 Fax: (808) 535-3163

Marshall Lum, P.E., Acting Chief
 State of Hawai'i
 Department of Health – Wastewater Branch
 P.O. Box 3378
 Honolulu, HI 96801

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Lum:

We received the Department of Health's Wastewater Branch (DOH-WWB) letter dated May 5, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to DOH-WWB's comments.

We acknowledge that the Honua'ula property is located in the critical wastewater disposal area (CWDA) as determined by the Maui Wastewater Advisory Committee and no new cesspools are allowed in the CWDA. Honua'ula will not contain any cesspools. To include this information in the Final EIS, in the Final EIS the following paragraphs from Section 4.8.2 (Wastewater System) will be revised as shown:

Currently, the Honua'ula Property does not contain any wastewater infrastructure and is not served by a wastewater collection system. Honua'ula is located in the critical wastewater disposal area as determined by the Maui Wastewater Advisory Committee. No new cesspools are allowed in this area.

And:

Honua'ula will not rely upon or burden any public wastewater facilities. In compliance with County of Maui Ordinance No. 3554 (Condition 17), Honua'ula Partners, LLC will either participate in the operation of a private WWRF and system that accommodates the needs of Honua'ula (Alternative 1) or provide a WWRF on-site (Alternative 2). No cesspools will be developed within Honua'ula. Connection to the Makena WWRF would be in conformance with the option of participating in the operation of a private wastewater treatment facility, and therefore is being considered for Honua'ula wastewater treatment.

We acknowledge that the Wastewater Branch has no objections to Honua'ula as Honua'ula wastewater disposal needs will be handled either by an on-site wastewater treatment plant or connection to the Makena Wastewater Reclamation Facility.

As discussed in the Draft EIS, Honua'ula will use recycled wastewater and other non-potable water for all irrigation purposes.

As discussed in the Draft EIS, Honua'ula wastewater plans and facilities will conform to applicable provisions of Chapter 11-62, Hawaii Administrative Rules (Wastewater Systems).

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
 Senior Associate

cc: William Spence, Maui Planning Department
 Charles Jencks, Honua'ula Partners, LLC

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LINDA LINGLE
GOVERNOR



LILLIAN B. KOLLER
DIRECTOR
HENRY OLIVA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
Benefit, Employment & Support Services Division
820 Millilani Street, Suite 606
Honolulu, Hawaii 96813

August 19, 2010

Refer to 10:0578

Mr. Tom Schnell
PBR HAWAII
1001 Bishop Street, Suite 650
Honolulu, Hawaii 96813

Dear Mr. Schnell:

Thank you for your letter dated July 28, 2010, that requests the Department review the Honouuaia Draft Environmental Impact Statement (EIS) and Project District Phase II Application. The Director of the Department of Human Services (DHS) has forwarded your letter to me for a response.

After a review of the Draft EIS, we do not have any comments or recommendations to approve the project. However, we foresee a potential impact on the need for additional child care services in the community for children under kindergarten-age that is similar to the Draft EIS' projected increase in the number of school-aged students and potential need for additional public schools due to new residents moving into the project.

If you have any questions or need further information, please contact Ms. Kathy Ochikubo, Child Care Program Specialist, at (808) 586-7058.

Sincerely,

Pankaj Bhanot
Division Administrator

c: Lillian B. Koller, Director, Department of Human Services
Charles Jencks, Honouuaia Partners, LLC
Kathleen Ross Aoki, Commission Director, Maui Planning Department



May 31, 2012

PRINCIPALS
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Vice-President
GRANT T. MURAKAMI, AICP, LEED® AP
Principal
W. FRANK BRANDT, ASIA
Chairman Emeritus

Dear Mr. Bhanot:

Thank you for your letter dated August regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

We acknowledge that the Department of Human Services (DHS) does not have any comments or recommendations to approve the project.

We note that you foresee a potential impact regarding the need for additional child care services in the community due to the creation of Honua'ula. Honua'ula's commercial areas provide the opportunity for child care services, such as day care facilities, to serve the community and neighboring areas. Day care facilities are a permitted use within Honua'ula's Village Mixed Use sub-district as provided under Chapter 19.90A, Maui County Code, which governs uses within Honua'ula.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.10.1 (Schools) will be revised to include the following information:

Honua'ula's commercial areas provide the opportunity for child care services for children under kindergarten-age, such as day care facilities, to be developed within Honua'ula to serve the community and neighboring areas. Under the Project District 9 Ordinance (Chapter 19.90A, MCC) governing the Property, day care facilities are a permitted use in the Village Mixed Use sub-district.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809



June 7, 2010

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

Attention: Ms. Ann T. Cua, Planning Supervisor

Ladies and Gentlemen:

Subject: Honua'ula Partners, LLC (Charles Jencks)

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR), Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Commission on Water Resource Management, Engineering Division, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Historic Preservation will be submitting comments through a separate letter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

Charlene Unoki

for Morris M. Atta
Acting Administrator

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 28, 2010

MEMORANDUM

TO:

- DLNR Agencies:
 - Div. of Aquatic Resources
 - Div. of Boating & Ocean Recreation
 - Engineering Division
 - Div. of Forestry & Wildlife
 - Div. of State Parks
 - Commission on Water Resource Management
 - Office of Conservation & Coastal Lands
 - Land Division -

Charlene

FROM: Charlene Unoki, Assistant Administrator

SUBJECT: Draft Environmental Impact Statement for Honua'ula

LOCATION: Island of Maui

APPLICANT: PBR Hawaii & Associates, Inc. on behalf of Honua'ula Partners, LLC

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by June 5, 2010.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

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

Signed:

Date: *6/10/10*

RECEIVED
LAND DIVISION
2010 JUN -7 A 8:13
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Laura H. Thelen
Commissioner
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER ON WATER RESOURCES MANAGEMENT

Laura H. Thelen
Commissioner
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER ON WATER RESOURCES MANAGEMENT

10 JUN -9 12:53
DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED



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

LD/Morris/Alia
 Ref: DEISHonuaula
 Maui.506


COMMENTS
 () We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone _____.
 Please note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone _____.
 (X) Please note that the correct Flood Zone Designation for the project site, according to the revised Flood Insurance Rate Map Panels dated September 25, 2009 (Copies attached), is located in Zone X. The National Flood Insurance Program does not regulate developments within Zone X.
 (X) Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

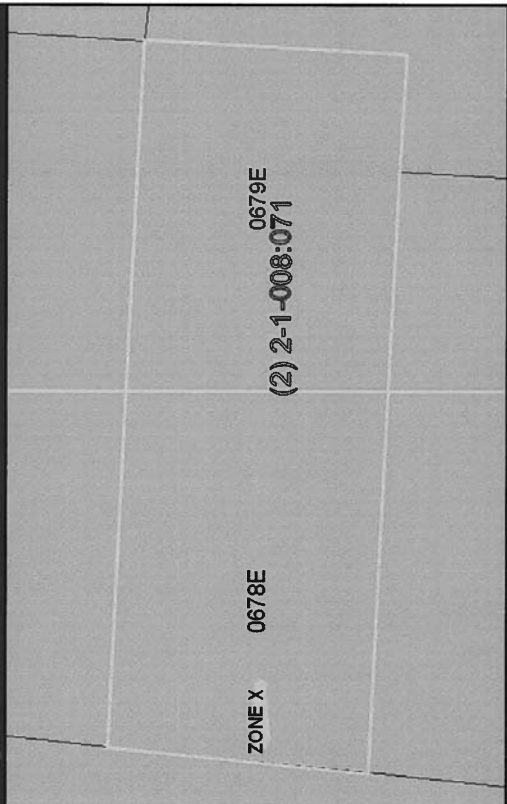
Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:
 () Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Sin Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
 () Mr. Frank DeMarco at (808) 961-8042 of the County of Hawaii, Department of Public Works.
 () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
 () Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.

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

() Additional Comments: _____
 () Other: _____

Should you have any questions, please call Ms. Suzie S. Agraan of the Planning Branch at 587-0258.

Signed: 
 CARY S. CHANG, ACTING CHIEF ENGINEER
 Date: 6/4/10



NATIONAL FLOOD INSURANCE PROGRAM	
FLOOD ZONE DEFINITIONS	PROPERTY INFORMATION
<p>SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:</p> <ul style="list-style-type: none"> Zone A: No BFE determined. Zone AE: BFE determined. Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined. Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined. Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined. Zone AEF: Floodway areas in Zone AE. The floodway is the channel or stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE. <p>NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.</p> <p>OTHER FLOOD AREAS</p> <ul style="list-style-type: none"> Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood. Zone X: Areas determined to be outside the 0.2% annual chance floodplain. Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities. 	<p>COUNTY: MAUI TMK NO: (2) 2-1-008-071 PARCEL ADDRESS: SEPTEMBER 25, 2009 FIRM INDEX DATE: NONE LETTER OF MAP CHANGE(S): NONE FEMA FIRM PANEL(S): 1500030678E-SEPTEMBER 25, 2009 1500030679E-SEPTEMBER 25, 2009</p>
<p>Zone AE: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.</p> <p>Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.</p> <p>Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.</p> <p>Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.</p> <p>Zone AEF: Floodway areas in Zone AE. The floodway is the channel or stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.</p> <p>NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.</p> <p>OTHER FLOOD AREAS</p> <ul style="list-style-type: none"> Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood. Zone X: Areas determined to be outside the 0.2% annual chance floodplain. Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities. 	<p>PARCEL DATA FROM: AUGUST 2010 IMAGERY DATA FROM: MAY 2005</p> <p>IMPORTANT PHONE NUMBERS</p> <p>County NFIP Coordinator: Francis Cerizo, CFM State NFIP Coordinator: Carol Tyau-Beam (808) 270-7771 (808) 587-0267</p>

Disclaimer: The Department of Land and Natural Resources assumes no responsibility arising from the use of the information contained in this report. The user of this report is advised that the Department of Land and Natural Resources does not warrant the accuracy of the information and does not assume any liability, which may arise from its use. Preliminary DFIRM Disclaimer: If this map has been identified as "PRELIMINARY", please note that it is being provided for commenting purposes only and is not to be used for official/legal decisions or regulatory compliance.

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. TJELEN
COMPTROLLER

WILLIAM D. BALFOUR, JR.
SUNNER ERDMAN
JAMES H. HANAUER
CHYONG L. FUKING, M.D.
DONNA FAY K. KYOSAGI, P.E.
LAWRENCE H. MIKE, M.D., J.D.
KEN C. KAWAHARA, P.E.
DEPUTY DIRECTOR



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
HONOLULU, HAWAII
May 20, 2010

TO: Morris Atta, Administrator
Land Division

FROM: Ken C. Kawahara, P.E., Deputy Director
Commission on Water Resource Management

SUBJECT: Honuaula Draft EIS, Waialea, Maui

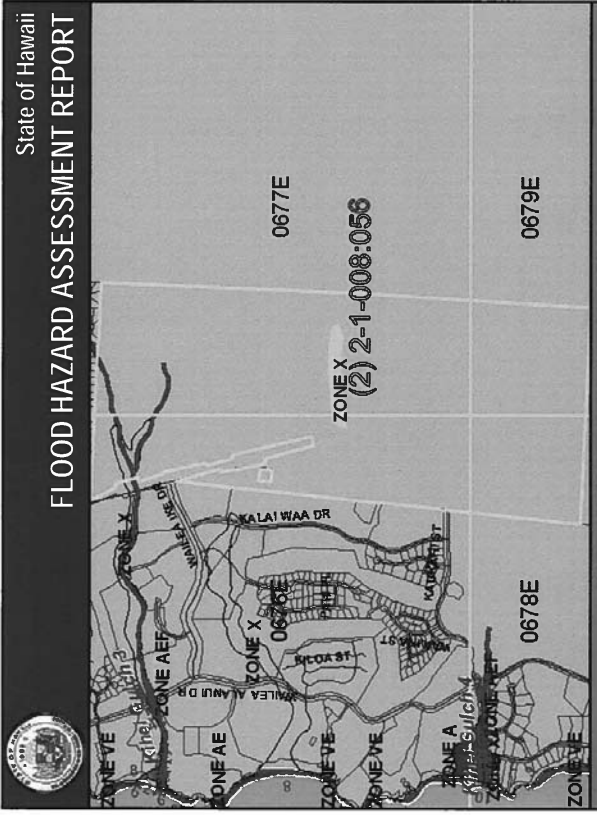
FILE NO.: N/A

TMK NO.: (2) 2-1-008: 056 & 071

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

Our comments related to water resources are checked off below.

1. We recommend coordination with the county to incorporate this project into the county's Water, Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EPA as having high water efficiency can be found at <http://www.epa.gov/watersense/pp/index.htm>.
5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMP's may earn credit toward LEED certification. More information on stormwater BMP's can be found at <http://hawaii.gov/dbedt/czrm/initiative/ldd.php>.



NATIONAL FLOOD INSURANCE PROGRAM	
<p>SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year flood) also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:</p> <ul style="list-style-type: none"> Zone A: No BFE determined. Zone AE: BFE determined. Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined. Zone AD: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined. Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined. Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE. <p>NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.</p> <ul style="list-style-type: none"> Zone X (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood. Zone X: Areas determined to be outside the 0.2% annual chance floodplain. <p>OTHER FLOOD AREAS</p> <ul style="list-style-type: none"> Zone D: Unshaded areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities. 	
<p>PROPERTY INFORMATION</p> <p>COUNTY: MAUI</p> <p>TMK NO: (2) 2-1-008:056</p> <p>PARCEL ADDRESS: PILANI HWY</p> <p>FIRM INDEX DATE: SEPTEMBER 25, 2009</p> <p>LETTER OF MAP CHANGE(S): NONE</p> <p>FEMA FIRM PANEL(S): 1500030678E-SEPTEMBER 25, 2009 1500030677E-SEPTEMBER 25, 2009 1500030679E-SEPTEMBER 25, 2009</p>	<p>PARCEL DATA FROM: AUGUST 2010</p> <p>IMAGERY DATA FROM: MAY 2005</p> <p>IMPORTANT PHONE NUMBERS</p> <p>County NEIP Coordinator County of Maui CSM State NEIP Coordinator Card Type-Bean (808) 270-7771 (808) 597-0267</p>
<p><small>Disclaimer: The Department of Land and Natural Resources assumes no responsibility arising from the use of the information contained in this report. The user of this information is advised to verify the accuracy of the information and agree to indemnify the Department of Land and Natural Resources from any liability, which may arise from its use. Preliminary D/FIRM Disclaimer: If this map has been identified as "PRELIMINARY", please note that it is being provided for commenting purposes only and is not to be used for official/legal decisions or regulatory compliance.</small></p>	



Morris Atta, Administrator
Page 2
May 20, 2010

- 6. We recommend the use of alternative water sources, wherever practicable.
 - 7. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.
- Permits required by CWRM:
- 8. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water.
 - 9. A Well Construction Permit(s) is (are) required any well construction work begins.
 - 10. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
 - 11. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be abandoned by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
 - 12. Ground water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
 - 13. A Stream Channel Alteration Permit(s) is (are) required before any alteration(s) can be made to the bed and/or banks of a stream channel.
 - 14. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is (are) constructed or altered.
 - 15. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
 - 16. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.
- OTHER:
- The document thoughtfully discusses ground water and surface water issues. While the document does not identify the water sources for this project, we are aware of several wells constructed for it, all properly permitted and constructed. We note that the water development description reflects Reverse-Osmosis treatment for potable requirements, all subject to public water system regulations of the Department of Health. We also note the project's emphasis on conservation, in both potable and non-potable uses.

If there are any questions, please contact Chatley Ice at 567-0218.

May 31, 2012

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Executive Vice-President

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Executive Vice-President

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William Aila, Jr., Chairperson
State of Hawai'i
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809

SUBJECT: HONUUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Aila:

We received the Department of Land and Natural Resources' (DLNR) letter dated June 7, 2010 addressed to Ann Cua of the Maui Planning Department regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to the comments received from each DLNR division.

We note that the State Historic Preservation Division (SHPD) has submitted comments through a separate letter.

Engineering Division

We appreciate the clarification regarding the revised Flood Insurance Rate Map (FIRM) dated September 25, 2009. We note that according to the revised FIRM, Honua'ula is located in Zone X. We also thank DLNR for the information about the Special Flood Hazard Area. No development will occur within a Special Flood Hazard Area, as there are none within the property.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 3.4.1 (Flood) will be revised as follows:

According to the revised Flood Insurance Rate Map (FIRM) dated September 25, 2009, prepared by the Federal Emergency Management Agency, National Flood Insurance Program, ~~a portion~~ of the Property is located in Zone ~~C-X~~, which is outside of the 500-year flood plain in an area of minimal flooding (Figure 11). The National Flood Insurance Program does not regulate developments within Zone X.

In addition, in the Final EIS Section 4.8.3 (Drainage System) will be revised as follows:

There are approximately 15 natural drainages in which runoff flows through the Property. Considering the relatively low rainfall at the Property, these drainage ways are generally dry throughout the year. There are no existing drainage improvements mauka of the Property. The entire property is designated on the FIRM as Zone X, which is outside of the 500-year flood plain in an area of minimal flooding (Figure 11).

William Aila
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
May 31, 2012
Page 2 of 3

Further, in the Final EIS Section 5.1.3 (Coastal Zone Management Act, Chapter 205A, Hawaii Revised Statutes) and Section 5.2.1 (Countywide Policy Plan) will be revised as follows:

The entire Property is located in Flood Zone C designated on the FIRM as Zone X (which is outside of the 500-year flood plain in an area of minimal flooding) and is not in the tsunami evacuation zone.

Finally, in the Final EIS Figure 11 (Flood Insurance Rate Map) will be revised as shown on the attachment titled "Figure 11."

Commission on Water Resource Management (CWRM)

As discussed in Section 3.5.1 (Groundwater) of the Draft EIS, Honua'ula Partners, LLC will comply with all requirements of Hawaii Revised Statutes (HRS), Chapter 174C, State Water Code and Hawaii Administrative Rules (HAR), Chapters 13-167 to 13-171 as applicable, pertaining to CWRM and administration of the State Water Code.

The following responses are numbered according to the numbering of the boxes checked in the CWRM letter.

1. As discussed in Section 3.5.1 (Groundwater) of the Draft EIS, Honua'ula Partners, LLC will coordinate with the County to incorporate Honua'ula into the County's Water Use and Development Plan.
4. As discussed in Section 4.8.1 (Water System) of the Draft EIS, water efficient fixtures will be installed and water efficient practices will be implemented throughout Honua'ula.
5. As discussed in Section 4.8.3 (Drainage System) of the Draft EIS all drainage improvements will be designed in accordance with the County of Maui's "Rules for the Design of Storm Drainage Facilities," Section 4.8.3 (Drainage System) of the Draft EIS also discusses several Best Management Practices (BMPs) that will be implemented for storm water management to minimize the impact on the existing area's hydrology.
6. Regarding water sources for Honua'ula, as discussed in Section 4.8.1 (Water System) of the Draft EIS Honua'ula will not rely upon or burden any County water system or facilities. Instead, Honua'ula Partners, LLC will develop, maintain, and operate a private water system providing both potable and non-potable water for use within Honua'ula. Non-potable water will be used for all irrigation purposes. The complete water system will include a:
 - Non-potable system supplied by brackish wells to provide water for irrigation of common areas and within individual parcels;
 - Potable system supplied by reverse osmosis (RO) treated water, using brackish groundwater as the feedwater supply, to provide drinking water and other potable water needs; and

William Aila
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
May 31, 2012
Page 3 of 3


- Golf course irrigation system supplied by recycled wastewater (R-1 quality), concentrate from the RO treatment of the potable supply, and brackish groundwater from the non-potable irrigation system.

Other:

We appreciate DLNR's acknowledgement that the Draft EIS thoughtfully discusses ground water and surface water issues. To reflect this statement in the Final EIS, along with addressing concerns expressed by others, in the Final EIS Section 3.5 (Groundwater Resources and Water Quality) will be revised as follows:

Tom Nance Water Resource Engineering (TNWRE) conducted an assessment of the potential impact on groundwater resources from the creation of Honua'ula. Information and conclusions from the assessment are summarized below. The complete assessment report is included in Appendix B. In response to a request from the Maui Planning Commission, TNWRE prepared a supplemental report which contains data for all wells in the Kamaole Aquifer available from the CWRM. Information from this supplemental report is summarized below. The complete supplemental report is also included in Appendix B. In their letter commenting on the Draft EIS dated May 20, 2010, CWRM stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues." The complete CWRM letter is included in Appendix AA.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,
PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachment: Figure 11 (Flood Insurance Rate Map)

LINDA LINGLE
GOVERNOR



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

BRENNON T. MORIOKA
DIRECTOR
Deputy Director
MICHAEL J. O'BRYEN
FRANCIS PAUL KEENO
BRANDY H. SEKIGUCHI
JIRO A. SUMADA
IN REPLY REFER TO:
STP 8.0147

June 24, 2010

Mr. Tom Schnell
PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell:

Subject: Honua'ula Project – Draft Environmental Impact Statement (DEIS)

Thank you for requesting the State Department of Transportation's (DOT) review of the subject project DEIS for the Honua'ula development. DOT has the following comments.

1. The State highway, Piilani Highway, is an Urban Minor Arterial and is envisioned to possibly extend south past the Wailea Ike intersection toward the Makena area. With this future vision in mind, the Piilani Highway extension will need to have limited access only at Wailea Ike Drive and Kauhahi Street.
2. DOT's position regarding access control is documented in its attached letter HWY-PS 2.5022 dated March 24, 2010, to Honua'ula Partners, LLC. If access is necessary, the classification of the roadway may need to be downgraded and addressed accordingly.

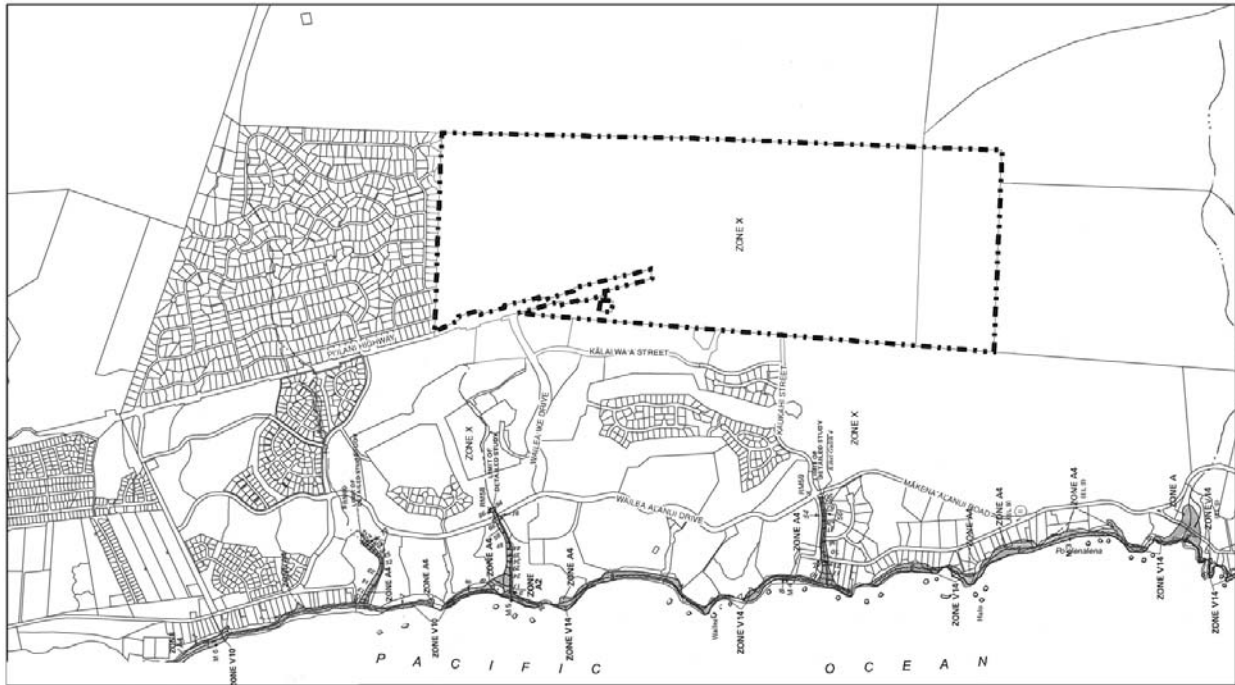
DOT appreciates the opportunity to provide comments. If there are any questions including any meeting with Highways Division staff on the matter of access to Piilani Highway, please contact Mr. David Shimokawa of the DOT Statewide Transportation Planning Office at telephone number (808) 587-2356.

Very truly yours,

BRENNON T. MORIOKA, Ph.D., P.E.
Director of Transportation

Attach: Ltr HWY-PS 2.5022, dtd March 24, 2010

c: Katherine Kealoha, Office of Environmental Quality Control
Kathleen Ross Aoki, Maui Planning Department



LEGEND

Honua'ula

Zone Designations

X Areas determined to be outside the 0.2% annual chance flood (no shading)

A1-A30 Areas of 100-year flood; base flood elevations and flood hazard factors determined

V1-V30 Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

Source: Federal Emergency Management Agency
Panel 150003 0676, 0677, 0678, 0679 FIRM Index Date September 25, 2009
Disclaimer: This map was prepared for general planning purposes only

Figure 11
Flood Insurance Rate Map
Honua'ula

Honua'ula Partners, LLC
NORTH
LINEAR SCALE (FEET)
0 1,000 2,000 4,000
ISLAND OF MAUI
PBR HAWAII & ASSOCIATES, INC.



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5087

LINDA LINGLE
GOVERNOR

BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORBARY
FRANCIS PAUL KEENO
BRIAN H. BEKUGUCHI
JIRO A. SUMIDA

IN REPLY REFER TO:
DIR 0096
HWY-PS
2.5022

Mr. Charles Jencks
Page 2

HWY-PS
2.5022

March 24, 2010

Mr. Charles Jencks
Owner Representative
Honua'ula Partners, LLC
1300 N. Holopono Street, Suite 201
Kihei, Hawaii 96753

Dear Mr. Jencks:

Subject: Honua'ula/Project District 9 Compliance with Conditions 4, 18k and 19 Relating to Agreements for Infrastructure Improvements Wailea, Maui, Hawaii

Thank you for seeking consultation regarding compliance with the zoning conditions being imposed upon the Honua'ula development. In response to your letter dated January 22, 2010, we have the following comments:

As established in the Maui County Ordinance No. 3554, the following conditions relate to transportation:

2. That Honua'ula Partners, LLC, its successors and permitted assigns, shall implement the following traffic improvements:
 - a. Upgrade Piilani Highway, from Kilohana Drive to Wailea Ike Drive, to four lanes of traffic. The improvements shall be completed prior to the commencement of any construction on the site, with the exception of grading.
 - b. Extend Piilani Highway for two lanes of traffic from Wailea Ike Drive to Kaukahi Street. The improvement shall be constructed at or prior to the completion of 50 percent of the project. Said improvement shall be maintained by Honua'ula Partners, LLC, its successors and permitted assigns.
 - c. Signalize the Piilani Highway/Okolani Drive/Mikiol Place intersection and provide an exclusive left-turn lane on Okolani Drive prior to occupancy of the first unit in Kihei-Makena Project District 9.

- d. Modify the Piilani Highway/Wailea Ike Drive intersection and provide a free right-turn lane from Piilani Highway to Wailea Ike Drive and a second right-turn lane from Wailea Ike Drive to northbound Piilani Highway prior to occupancy of the first unit in Kihei-Makena Project District 9.
- f. Modify the Piilani Highway/Kilohana Drive/Mapu Place intersection to provide an exclusive left-turn lane, and the southbound Piilani Highway approach to provide an exclusive right-turn lane into Mapu Place prior to occupancy of the first unit in Kihei-Makena Project District 9.
4. That Honua'ula Partners, LLC, its successors and permitted assigns, shall be responsible for all required infrastructural improvements for the project, including water source and system improvements for potable and nonpotable use and fire protection, drainage improvements, traffic-related improvements, wastewater system improvements and utility upgrades, as determined by the appropriate governmental agencies and public utility companies. Except as otherwise provided by more specific conditions of zoning, said improvements shall be constructed and implemented concurrently with the development of each phase of Kihet-Makena Project District 9, and shall be completed prior to issuance of any certificate of occupancy or final subdivision approval, unless improvements are bonded by Honua'ula Partners, LLC, its successors and permitted assigns. Honua'ula Partners, LLC shall execute appropriate agreements with governmental agencies regarding participation in improvements of infrastructure and public facilities as determine by the agencies.

18. That Honua'ula Partners, LLC, its successors and permitted assigns, shall address in their Project District Phase II application the following:

- k. Roadway improvements to the satisfaction of the State Department of Transportation and the County Department of Public Works and proposed agreements are incorporated in the application and site plan and finalized as part of Project District Phase II approval.

19. That Honua'ula Partners, LLC, its successors and permitted assigns, shall execute appropriate agreements with the State of Hawaii and County of Maui agencies regarding participation in improvements of infrastructure and public facilities where such improvements are reasonably related to Honua'ula Partners, LLC's project.

28. That, prior to the commencement of any construction activity, Honua'ula Partners, LLC, its successors and permitted assigns, shall develop and submit a Transportation Management Plan ("TMP"), to be reviewed and approved by the State Department of Transportation, the County Department of Public Works, and the County Department of Transportation. The purpose of the TMP shall be to reduce traffic generated by construction activity related to the Kaonoulu Light Industrial Subdivision and

Kilhei-Makena Project District 9, including traffic generate by the improvements to Piliani Highway between Kihohana Drive and Wailea Ike Drive. The TMP shall provide for programs such as park and ride, during peak hour traffic. Upon approval, project contractors shall implement the TMP during construction activities. Honua'ula Partners, LLC, its successors and permitted assigns, shall submit an annual report to the State Department of Transportation, the County Department of Public Works, the County Department of Transportation, and the Maui County Council to document the success of the TMP in meeting its benchmarks of reducing traffic during project construction.

The improvements to be performed by Honua'ula Partners LLC as stated within Condition No. 2 are consistent to the improvements identified in the Traffic Impact Analysis Report (TIAR) dated October 29, 2009. These improvements are understood to be considered the "fair share" for traffic related improvements of the affected area. The improvement of widening Piliani Highway from two to four lanes from Kihohana Drive to Wailea Ike Drive will be in accordance to the federal and state guidelines for an urban principal arterial following the attached cross-section. The cross-section design layout Alternative 1 dated January 2010, which was submitted by your consultant for the Piliani Highway widening project is acceptable in concept under state guidelines. It is our recommendation that the median be adjusted to a total of 17 feet including the left turn auxiliary lane and the bike lane should be adjusted to 6 feet. We also recommend that the median width of 17 feet be maintained as much as possible throughout the project area to preserve operational efficiency and aesthetic consistency for the roadway users. Deviations in the width of the median and layout of the lanes may cause operational inefficiencies due to potential roadway users' adjustments to changes in the traffic pattern. Any such deviations should be requested to the department for discussion and consideration and justifications for such a request should be fully documented. Final construction plans based on the aforementioned guidelines will need to be submitted for review and approval to our department. Also, for this widening effort for the intersections on Piliani Highway at Kihohana Drive/Mapu Place, Okolani Drive/Mikioi Place, and Wailea Ike Drive as identified in the ordinance and to be performed by Honua'ula Partners LLC are the minimum traffic improvements to be performed. The actual traffic improvements at these intersections, such as the signalization, turning lanes, lane widths and lengths, and pedestrian and bicycle accommodations will be reviewed and accepted by our department. The extension of Piliani Highway for two lanes of traffic from Wailea Ike Drive to Kaunakahi Street will be designed as an urban minor arterial with no access unto Piliani Highway. The actual intersection design will be submitted to our department for review and acceptance.

In regards to Condition No. 28 involving the development of a TMP for the subject project, we are satisfied with your final comments for the TMP proposal and a formal approval should be forthcoming. The approval of the TMP is based on the understanding that the specific details of the construction and traffic control plan will need to be coordinated and approved by our department.

As the accepting agency of the HRS 343 Environmental Assessment (EA) for the Piliani Highway Widening from Kihohana Drive to Wailea Ike Drive no construction work may begin until the EA is accepted by the State.

The State Department of Transportation acknowledges the continued coordination efforts by Honua'ula Partners, LLC in maintaining due diligence and in meeting the milestones necessary in complying with the zoning conditions set-forth in the aforementioned County ordinance and look forward to continuing the efforts for Honua'ula Partners, LLC to achieve full compliance.

If there are 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

bc: HWY-PS, -M

BN:th



May 31, 2012

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R. STAN DUNCAN, ASLA
Executive Vice-President
RUSSELL CHUNG, FASLA, LEED® AP
Executive Vice-President
VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, ACP, LEED® AP
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Chairman Emeritus

ASSOCIATES
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RAYMOND T. HIGA, ASLA
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Glenn Okimoto
SUBJECT: HONU'U'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
May 31, 2012
Page 2 of 3

Street; and 2) if access is necessary, the classification of the roadway may need to be downgraded and addressed accordingly. Please note that the Honua'ula conceptual master plan (see Figure 1 of the Draft EIS) requires access off of the extended Pi'ilani Highway for: 1) one access point on the mauka side of the highway to a proposed County fire station site required in compliance with County of Maui Ordinance No. 3554 (Condition 24); and 2) two access points on the makai side of the highway to parcels proposed to contain commercial uses and multifamily residential homes. Honua'ula Partners, LLC will coordinate with DOT as necessary for the required access from the extended Pi'ilani Highway. To include this information in the Final EIS, in the Final EIS Section 4.8.4 (Internal Roadways) will be revised as follows:

2. Pi'ilani Highway Extension: Honua'ula Partners, LLC will work in coordination with DOT regarding extending Pi'ilani Highway into Honua'ula and any internal access points needed; however, ~~primarily, the~~ the length of the Pi'ilani Highway extension into Honua'ula ~~will~~ is ~~planned~~ to include three configurations:
 - a. Wailela Iike Drive Intersection: The first configuration, starting at the Pi'ilani Highway/Wailela Iike Drive/Honua'ula entrance intersection (within the State ROW), will consist of a 105-foot ROW with two 12-foot thru lanes, one 12-foot right turn lane and one 11-foot left turn lane for northbound traffic. There will be a median with one 12-foot southbound lane and curbs, gutters, and a four to six-foot wide meandering sidewalk on the makai side of the street.
 - b. South of the Wailela Iike Drive Intersection: This configuration (within the State ROW) will consist of one 12-foot lane in each direction with an 11-foot middle turning lane. There will be curbs, gutters and a four to six-foot wide meandering sidewalk on the makai side of the street. The ROW width varies from 140 to 202 feet.
 - c. South of the Wailela Iike Drive Intersection: The last configuration within the Property will consist of a 54-foot ROW with an 11-foot lane with two-foot paved shoulders and an eight-foot bioswale in each direction. A six-foot landscape area and six-foot wide sidewalk will be located on one side of the road. This segment will connect with Kaikahi Street but will not extend to the mauka boundary of the Property.

Responses to Comments from March 24, 2010 DOT Letter

Regarding DOT's letter dated March 24, 2010, we thank DOT for noting that the improvements to be performed by Honua'ula Partners, LLC in compliance with County of Maui Ordinance No. 3554 Condition 2 "are understood to be considered the 'fair share' for highway related improvements of the affected area." To include this information in the Final EIS, in the Final EIS Section 4.4.4 (Projected Traffic Conditions with Honua'ula) will be revised to include the following:

In correspondence from DOT dated March 24, 2010, DOT stated:

The improvements to be performed by Honua'ula Partners LLC as stated in Condition 2 are consistent with the improvements identified in the Traffic Impact Assessment Report (TIAR) dated 29, 2009. These improvements are understood to be considered the 'fair share' for highway related improvements of the affected area.

SUBJECT: HONU'U'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Okimoto:

We have received the Department of Transportation's (DOT) letter dated June 24, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. We are also in receipt of DOT's letter dated March 24, 2010 addressed to Honua'ula Partners, LLC Owner Representative Charles Jencks, which was attached with DOT's June 24, 2010 letter. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to DOT's comments.

Responses to Comments from June 24, 2010 DOT Letter

Although DOT's June 24, 2010 letter states that Pi'ilani Highway is classified as an Urban Minor Arterial, we believe this may be an error as Honua'ula Partners, LLC's traffic consultant, Keith Niya of Austin Tsutsumi & Associates, Inc spoke with Ken Tatsuguchi of the DOT on September 9, 2010 and at that time Mr. Tatsuguchi confirmed that Pi'ilani Highway is classified as Urban Principal Arterial.

We note that DOT's June 24, 2010 states that DOT envisions Pi'ilani Highway to possibly extend south past the Wailela Iike intersection toward the Makena area. To incorporate this information in the Final EIS, in the Final EIS Section 2.1.1 (Location and Property Description) will be revised as follows:

The Honua'ula Property is located in Kihoi-Makena, Maui on the relatively gentle lower slopes of Haleakala with Wailela Resort to the west (makai), Makena Resort to the south, 'Ulupalakua Ranch to the east (mauka), and the Maui Meadows subdivision to the north (Figure 2). The 670-acre Property, identified as TMS 2-1-008: 056 and 071 (Figure 3), is bisected by a portion of the Pi'ilani Highway ROW previously reserved for a planned extension of Pi'ilani Highway to the Upcountry area. However, in their comment letter on the Draft EIS dated June 24, 2010 the State Department of Transportation (DOT) ~~is not~~ is now ~~planning to use the ROW for~~ stated that they now envision Pi'ilani Highway "to possibly extend south past the Wailela Iike intersection toward the Makena area." Approximately 370 acres of the site are mauka of the ROW and 300 acres are makai.

DOT's June 24, 2010 letter also states that: 1) with the future vision of Pi'ilani Highway extending south past the Wailela Iike intersection toward the Makena area, the Pi'ilani Highway extension will need to have limited access only at Wailela Iike Drive and Kaikahi

Glenn Okimoto
**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND
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Regarding your recommendations for the improvements associated with the widening of Pi'ilani Highway, Honua'ula Partners, LLC and their traffic engineer will work with DOT to provide plans acceptable to DOT.

Regarding Honua'ula Transportation Management Plans (TMPs) that were provided for DOT review and approval, we note that DOT is satisfied with Honua'ula Partners, LLC's responses to DOT's comments and we have received your letter dated May 4, 2010 approving the TMPs.

We thank DOT for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

O:\0819\1905.08 Honua'ula-EIS\DEIS\DEIS Comments\Responses\Agency\Final\DOT State.doc

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June 29, 2010

HRD10-3208G/H

Maui Planning Department/Maui Planning Commission
Jeff Hunt, Director
County of Maui
Planning Department
250 South High Street
Wailuku, Hawaii 'i 96793

Honua'ula Partners, LLC
Charles Jencks
c/o Goodfellow Brothers, Inc.
P. O. Box 220
Kihei, Hawaii 'i 96753

**Re: Honua'ula Draft Environmental Impact Statement (Draft EIS) and Honua'ula
Cultural Resources Preservation Plan (CRPP), Proposed Honua'ula Development
Paeahu, Palauca Keaouhu Ahupua'a, Makawao District, Maui Island, Project
TMK: (2) 2-1-08-056; (2) 2-1-08-071¹**

Aloha e Messrs. Jeff Hunt and Charles Jencks,

The Office of Hawaiian Affairs (OHA) is in receipt of the Draft EIS² and CRPP³ for the above-referenced project brought by applicant Honua'ula Partners, LLC (Applicant). The project is described as a master planned community consisting of single-family and multi-family homes (approximately 1,150 residences including market and affordable units), village mixed use areas with supporting commercial, open space, recreation, and related off-site infrastructure. Also known as "Wailea 670" (for the number of project acres), Honua'ula will feature an 18-hole golf course with successive fairways and practice ranges integrated prominently within residential and preservation precincts. In turn, some 15 of 40 documented cultural sites are projected for *in situ* preservation and buffer protections.

¹ Including off-site improvements at the following TMK's: (2) 2-1-08-999 (portion); (2) 2-1-08-043; (2) 2-1-08-090 (portion); (2) 2-1-08-108 (portion); (2) 2-02-050 (portion); (2) 2-1-08-054 (portion); (2) 2-1-08-054 (portion); (2) 2-1-08-001 (portion).
² PBR Hawaii & Associates, Inc., Honua'ula Draft Environmental Impact Statement (March 2010) [hereinafter "Draft EIS"].
³ A. Sinofo, Hana Pono LLC & Munkkiyo and Hiraga, Inc., Honua'ula Cultural Resources Preservation Plan (December 2009) [hereinafter "CRPP"].

MERIT IN THE HONUA'ULA DRAFT EIS

Review of the Honua'ula Draft EIS is mandated by the State of Hawai'i's EIS law (HRS Chapter 343) and State of Hawai'i EIS rules (HAR Title 11, Chapter 200). As an interested Native Hawaiian Organization, OHA has reviewed project components approvingly along with its various attachments and studies. Indeed, we have noticed greater effort and strides on the part of the Applicant to navigate through these requirements collaboratively with community stakeholders. For this, OHA applauds the Applicant and the many dedicated public officials for raising the bar with Hawai'i's environmental review process. We expect that kind of mutual commitment and respect to continue beyond the boundaries of this project and for many years to come. That said, however, while OHA recognizes merit in the project's Draft EIS, there are still a few questions we raise below for which recommendations are offered.

THE CRPP: HONUA'ULA PROJECT CONDITIONS 13 & 26

The Honua'ula CRPP, on the other hand, is a component not customary among most development applications and/or HRS Chapters 343 & 6E compliance reviews. Perhaps a hybrid incorporating elements of our EIS laws and measures like Memoranda of Agreement/Understanding, we have discovered the CRPP as a tool providing us with an even sharper appreciation for the review process. We note OHA's participation herein as a positive evolutionary step and a glimpse at work which lies ahead while we build our lāhui—a Hawaiian Nation. More specifically, we salute both the County of Maui and the Applicant for coming to terms in crafting conditions requiring not only consultation with OHA but its approval as well. This is uncharted compliance territory; however, this kuleana we accept with appreciation and humility. Conditions 13 and 26, in relevant part, read as follows:

Condition 13—That Honua'ula Partners, LLC, its successors and permitted assigns, shall prepare a Cultural Resources Preservation Plan ("CRPP"), in consultation with: Na Kupuna O Maui; lineal descendants of the area; other Native Hawaiian groups; the Maui County Cultural Resources Commission; the Maui/Lāna'i Island Burial Council; the Office of Hawaiian Affairs; the State Historic Preservation Division, Department of Land and Natural Resources; the Maui County Council; Na Ala Hele; and all other interested parties. Prior to initiating this consultation process, Honua'ula Partners, LLC, its successors and permitted assigns, shall publish a single public notice in a Maui newspaper and a State-wide newspaper that are published weekly. The CRPP shall consider access to specific sites to be preserved, the manner and method of preservation of sites, the appropriate protocol for visitation to cultural sites, and recognition of public access in accordance with the Constitution of the State of Hawai'i, the Hawai'i Revised Statutes, and other laws, in Kīhei-Makēna Project District 9.

Upon completion of the CRPP, *Honua'ula Partners, LLC, its successor and permitted assigns, shall submit the plan to the State Historic Preservation Division, Department of Land and Natural Resources, and the Office of*

Hawaiian Affairs for review and recommendations prior to Project District Phase II approval. Upon receipt of the above agencies' comments and recommendations, the CRPP shall be forwarded to the Maui County Cultural Resources Commission for its review and adoption prior to Project District Phase II approval. [Emphasis and italics added.]

Condition 26—That *Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a preservation/mitigation plan pursuant to Chapter 6E, Hawai'i Revised Statutes, that has been approved by the State Historic Preservation Division, Department of Land and Natural Resources, and the Office of Hawaiian Affairs prior to Project District Phase II approval.* [Emphasis and italics added.]

During the course of this CRPP review, we recall the Applicant proactively engaging OHA in consultation and site-visitation. However, barely just a week ago, our office bore witness to a nearly "deal-breaking" conflict when tensions escalated over a beneficiary group's request for safe kūpuna access onto the project area for the exercise of Summer Solstice traditional and customary Native Hawaiian practices. For the record, OHA is most thankful that the law prevailed in the recognition of *PASIF*⁴ access rights on that June 21st day. We further recall that "Access and Understanding" is the very first key principle listed in the CRPP Preface's discussion on legitimate public interpretation.

PRELIMINARY ISSUES & RECOMMENDATIONS

Water

While OHA does not profess to maintaining technical expertise in the area of water resource management supplying large-scale developments such as Honua'ula, we do know that without it nothing else can exist. Water is life as our slogan "Ka Wai Ola" chiefly suggests, and the same applies for any development project no matter how sustainably planned. With the burgeoning demands upon our finite water sources, it behooves society to judiciously make decisions based solely on the availability of this singular necessity. *Na Wai Eha*⁵ is a case in point to that pressing question: Is there water enough to sustain this community's needs without creating adverse competition and needless crises in the short- or long-run?

OHA hopes more than recommends that the project's water study is an accurate portrayal of existing circumstances rather than a guesstimate merely designed to hasten approval. As a final arbiter, Maui County must ask the hard questions concerning its future water needs since no immediate ball-out is in sight should aquifers fail.

⁴ *Sage Public Access Shoreline Hawai'i v. Hawai'i County Planning Commission*, 79 Haw. 425, 903 P.2d 1246 (1995); see also *Ka Pa'akai O Ka 'Aina v. Land Use Commission*, 94 Haw. 311, 7 P.3d 1068 (2000)

⁵ Contested case putting into dispute permissible water usage levels and highlighting legal concepts such as the Public Trust Doctrine, among others.

Revised Archaeological Inventory Survey

While OHA is allotted a greater measure of responsibility with the kuleana of approving the CRPP, it is still understood that as reviewers we stand at the mercy of archaeologists who are commissioned and afforded liberal access for field surveying work on property. We do not suggest malfeasance on the part of professionals; however, there are occasions when reviewers are left pondering if the scope of surveying work was or was not adequate. Having matriculated past finger-pointing, OHA is more interested in seeking workable results through collaboration with as many stakeholders as practicable.

At this juncture we need not recite the project's archaeological history dating back to 1972, or the inconsistent identification of sites location (even to this day), because we are still encouraged by the findings of the Applicant's current archaeologist(s). Between that archaeologist's previous survey (documenting 24 total sites) and his most current survey (documenting 40 total sites), what is important is that everyone gains a more accurate picture of the historical landscape and cultural precincts.

Among the 670 acres, the latest recorded surveying indicates that 39 sites are located in the southern one-third of the project area, while only one (1) site has been officially documented in the northern two-thirds of the project area.⁶ This finding of only a single site within the larger portion of land naturally has raised a curious brow with reviewers.

More recently, the State Historic Preservation Division (SHPD), Department of Land and Natural Resources (DLNR), and OHA were furnished with unofficial but seemingly credible data and information concerning at least 13 additional sites within the northern 480 acres of Honua'ula.⁷ It is unknown whether more sites are still to be found, and it is unclear whether any of the additional sites will ever receive preservation status. Nevertheless, what this revelation does is it precludes OHA from issuing a bona fide approval for the CRPP, among other things, since the Revised Archaeological Inventory Survey (Revised AIS) appears inaccurate. Moreover, the matter of SHPD's review of the Revised AIS is not yet finalized.⁸ Thus, it would be imprudent and premature of OHA to endorse either the Draft EIS or CRPP considering that SHPD's review of the Revised AIS is in fact still pending (and with inclusion of additional sites needing official documentation). In short, these issues are not yet ripe for approval.

Our recommendation now, and this may gain the support of SHPD, is for a consultation between the Applicant and its archaeologist(s) with those stakeholders who brought forward new data and information concerning the 13 additional sites. SHPD and other stakeholders may wish to participate or be invited in this consultation and/or added surveying. This recommendation we hope can be accomplished in the spirit of aloha and lōkahi with communities and neighbors working together.

⁶ See A. Simono, Revised Archaeological Inventory Survey for Honua'ula (July 2008; updated March 2010).

⁷ Data and information (including photos and GPS points) supplied by Māui Cultural Landmarks, Inc. (MCL).

⁸ See, e.g., email dated Monday, June 28, 2010 3:15 PM, from Nainey, A. Melehibon@hawaii.gov to Daniel Kanehele (Daniel K) re: Honua'ula Revised AIS. A discussion on feasibility of securing access on project property for purpose of addressing concerns relating to additional unrecorded archaeological/cultural sites, CRPP, consultation, working collaboratively, et cetera.

Other Issues & Concerns

Most other issues of concern to OHA relate in some ways to the Revised AIS and the additional undocumented sites. For instance, we are aware that no attempt is being made to educate golfers with your "Best Management Practices for the Honua'ula Golf Course," study regarding the significance of the archaeological/cultural sites. It is imperative to educate golfers on such cultural sites and to inform golfers not to breach buffer zones and/or use such sites to hide and relieve themselves. Such educational efforts will help prevent undue practices of desecration and potential liability for unlawful acts. We would add that the data and information of the additional 13 undocumented sites appear in the zone where golf course fairways 2, 8, 16 and 17 are proposed.

In addition, while we are satisfied with findings concerning native species flora and fauna, OHA anticipates compliance and follow-thru with Applicant's Habitat Conservation Plan (HCP) pursuant to Section 10(a)(1)(B) of the Endangered Species Act. This is to address specifically matters on 'āwīkīwī (*C. pubescens*), Hawaiian Hoary Bat (*L. cinereus semotus*) and Blackburn's sphinx moth (*M. blackburni*). OHA is equally satisfied with project plans incorporating a variety of native plant and tree species in the overall landscape, as we previously commented on wīlīwī and other paleo-botanical issues.

OHA urges all stakeholders to respect the rights and privileges of one another, as well as the duties and obligations imparted upon each of us, to act and serve as appropriate stewards to our respective kuleana. Landowners have rights and responsibilities as do Native Hawaiian practitioners exercising constitutionally protected customary and traditional rights and responsibilities. OHA strongly believes Honua'ula can serve as a model for future development if we together as community and neighbors share collaboratively in working towards a better vision for Hawai'i.

OHA'S MISSION & FIDUCIARY RESPONSIBILITIES

OHA remains steadfast in its mission to better conditions of all native Hawaiians and Hawaiians. OHA's pursuit in fulfilling its fiduciary duty is multifaceted due to a wide and diverse beneficiary base, and therefore it allocates resources to help stabilize and sustain a way of living infused with the time-honored teachings of Aloha 'Āina and Mālama 'Āina. This lifestyle we are certain secures all of Hawai'i nei—kama'āina and malihini alike—in good standing.

OHA must also ensure that other agencies, on the State and County levels, uphold their constitutionally, statutorily, and judicially mandated obligations to the native Hawaiian and Hawaiian people.

Section 10-3(4), HRS, states that a core purpose of OHA shall be:

(4) Assessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians [italics supplied].

Section 10-1(b) states that:

(b) It shall be the duty and responsibility of all state departments and instrumentalities of state government providing services and programs which affect native Hawaiians and Hawaiians to actively work toward the goals of this chapter and to cooperate with and assist wherever possible the office of Hawaiian affairs. (L. 1979, c 196, pt. of Section 2) [emphasis and italics supplied].

While this project has ignited much interest among Maui's communities, OHA has been closely weighing the beneficial and adverse impacts, and envisions great potential and progress achieved with the guidance of Maui County officials along with the Applicant's cooperation.

CONCLUSION

OHA encourages additional consultation between the Applicant and other interested Native Hawaiian groups and individuals so that we all can get to a position that we need to be. Even though we anticipate due diligence in light of the newly discovered data and information, and possibly reasonable effort in re-surveying of the northern 480 acres, it will still be possible that existing sites will fail to be identified prior to any future construction. In that event, we ask for compliance with the following: "Should historic sites such as walls, platforms, pavements and mounds, or remains such as artifacts, burials, concentration of charcoal or shells are encountered during construction work, work shall cease in the immediate vicinity of the find and the find shall be protected from further damage. The contractor shall immediately contact the [SHPD], which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary."⁹

Mahalo for the opportunity to comment. If you have any questions or concerns, please contact Jerome Yasuhara, Compliance Specialist, on phone at 594-0129 or via email at jeromey@oha.org.

'O wau iho nō, me ka hū'āha'a,



Clyde W. Nāmu'o
Chief Executive Officer

⁹ Letter dated May 18, 1993, from Don Hibbard, SHPD Administrator, to Bert Raitt, Engineer, County of Maui, Department of Public Works.

c: OHA Trustee Boyd Mossman

Dr. Pua'alaokalani D. Aiu, Administrator
Nancy McMahon, State Archaeologist
State Historic Preservation Division
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OHA Maui CRC Office



May 31, 2012

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Kamana'o Crabbe
SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
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In their letter commenting on the Draft EIS dated May 20, 2010, the Commission on Water Resource Management stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues."

Regarding your question about whether there is there enough water to sustain Honua'ula's needs without creating adverse competition and needless crisis in the short- or long term, as discussed in Section 3.5.1 (Groundwater) of the Draft EIS, Honua'ula and the wells that will supply it are located in the Kama'ole Aquifer System. In 1990, the CWRM set the sustainable yield of the Kama'ole Aquifer at 11 million gallons per day (MGD); however, more recent studies from the United States Geological Survey and others indicate that the actual sustainable yield of the aquifer may be as much as 50 percent greater than the 1990 CWRM estimate. TNWRE estimates that actual aquifer pumpage (use) of the aquifer is approximately 4.0 MGD. At full build-out, Honua'ula's total average groundwater use is projected to be approximately 1.7 MGD. Combining the current pumpage of approximately 4.0 MGD with Honua'ula's estimated pumpage of 1.7 MGD at build-out, totals 5.7 MGD, which is well within the Kama'ole Aquifer sustainable yield of 11 MGD established by CWRM in 1990.

Additional information about water resources and Honua'ula's private water system is provided in Section 3.5.1 (Groundwater) and Section 4.8.1 (Water System) of the Draft EIS.

Revised Archaeological Inventory Survey

Regarding your concerns with:

1. The archaeological inventory survey included with the Draft EIS;
2. Information provided to OHA regarding 13 additional archaeological sites in the northern portion of Honua'ula not included in the archaeological inventory survey; and
3. Your recommendation for consultation between the applicant and its archaeologist(s) with those that provided information concerning the 13 additional sites;

On August, 26, 2010 Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua participated in a site visit of the Honua'ula Property with several community members and State Historic Preservation Division (SHPD) staff. SHPD staff present were archaeologist Morgan Davis and cultural historian Himano Rodrigues. Community members present included: Lucienne De Naité, Daniel Kanahele, Janet Six, Elle Cochran, U'ilani Kapu, Ke'eaumoku Kapu, Lee Altenberg, and 'Ekolu Lindsey. Some of these community members had previously: 1) presented testimony, or were present, at the Maui Planning Commission meeting on June 22, 2010 at which the Honua'ula Draft EIS was discussed; 2) submitted information to SHPD claiming that they had found archaeological sites on the Property that had not been included in the archaeological inventory survey dated March 2010 included in the Draft EIS (Appendix I); and 3) submitted written comments on the Draft EIS expressing concerns regarding archaeological sites on the Property.

Subsequent to the site visit, SHPD issued a letter dated September 8, 2010 stating that no significant unrecorded sites were noted at that time (i.e. during the August, 26, 2010 site visit). The letter also provides SHPD's review of the archaeological inventory survey (dated March 2010).

SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Crabbe:

We received the Office of Hawaiian Affairs' (OHA) letter (HRD10-3208G/H) dated June 29, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. The organization of this letter follows the headings and subheadings of your letter.

MERIT IN THE HONU'ULA DRAFT EIS

We appreciate that the OHA has reviewed the project components approvingly and: 1) acknowledges the efforts and strides made by Honua'ula Partners, LLC to work collaboratively with stakeholders with commitment and respect; and 2) recognizes merit in the Draft EIS.

THE CRPP: HONU'ULA PROJECT CONDITIONS 13 & 26

We thank you for noting that during the course of the CRPP review, Honua'ula Partners, LLC proactively engaged OHA in consultation and site-visitation. Regarding the "nearly 'deal-breaking conflict'" to which you refer, as acknowledged, the group requesting access to the property for the exercise of Summer Solstice traditional and customary Native Hawaiian practices was permitted access to the property on June 21, 2010. We note that this was the first time landowner Honua'ula Partners, LLC had received a request to access the site for the exercise of Summer Solstice traditional and customary Native Hawaiian practices, although Honua'ula Partners, LLC has owned the property for over ten years.

PRELIMINARY ISSUES & RECOMMENDATIONS

Water

Tom Nance Water Resource Engineering (TNWRE) conducted an assessment of the potential impact on groundwater resources from the creation of Honua'ula, Section 3.5.1 (Groundwater) of the Draft EIS includes a summary of this assessment and the complete assessment is included as Appendix B of the Draft EIS. Hydrologist Tom Nance of TNWRE has over 30 years experience in the areas of groundwater and surface water development, hydraulics and water system design, flood control and drainage, and coastal engineering, and he is a widely recognized and respected expert in his field who has completed an extensive number of water assessments in Hawaii.

Kamana'o Crabbe

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and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) a large plan map of the survey area with sites and features plotted be included. In addition, the SHPD letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings." The September 8, 2010 SHPD letter is attached for your review and records.

In response to SHPD's September 8, 2010 letter commenting on the archaeological inventory survey, archaeologist Aki Sinoto has: 1) revised the archaeological inventory survey to address SHPD's concerns; and 2) submitted the revised archaeological inventory survey to SHPD in April 2011.

In July and August of 2011, Daniel Kanahale of Maui Cultural Lands submitted letters to Honua'ula Partners, LLC's representative Charlie Jencks and SHPD providing additional comments on the archaeological inventory survey (dated March 2010) that was included in the Draft EIS. Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua responded to these letters in writing. In the summer of 2011 Maui Cultural Lands members also made a presentation to SHPD regarding their inspections of the Property.

In response to the concerns Maui Cultural Lands members expressed to SHPD in the summer of 2011, on September 23, 2011 archaeologist Aki Sinoto and cultural advisor Kimokeo Kapahulehua met with SHPD archaeologist Morgan Davis and SHPD cultural historian Hinano Rodrigues at SHPD's Maui office. Subsequently, as recommended by SHPD, Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua met with members of Maui Cultural Lands and other community members at Maui Community College on November 17, 2011. Maui Cultural Lands members and other community members present at the November 17, 2011 meeting included: Daniel Kanahale, Janet Six, 'Ekolu Lindsey, Lucienne de Naie, Jocelyn Costa, and Clifford Omellas. Others present at the meeting included Stanley Solamillo, a cultural resource planner with the Maui Planning Department, and Tanya Lee Greig, the director of Cultural Surveys Hawaii's Maui office.

As a result of the November 17, 2011 meeting, the archaeological inventory survey report was further revised to: 1) recommend preservation of a section of a post-contact agricultural wall documented in the archaeological inventory survey but not previously recommended for preservation; 2) add descriptive narrative information for two post-contact agricultural walls; and 3) revise pertinent map figures in the report. Archaeologist Aki Sinoto submitted the further revised archaeological inventory survey report to SHPD in March 2012. Since the SHPD Maui archaeologist had recently resigned, copies of the revised archaeological inventory survey report were transmitted to SHPD's main office in Kapolei and to Dr. Theresa Donham, the interim SHPD chief of archaeology in Hilo. In April 2012, Dr. Donham notified archaeologist Aki Sinoto that the report was forwarded to the SHPD Maui office for review due to the hiring of replacement personnel. As of May 2012, SHPD has not completed its review of the revised (March 2012) archaeological inventory survey.

Kamana'o Crabbe

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

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In your letter it is stated that the "revelation" regarding the 13 additional archaeological sites:

...precludes OHA from issuing a bona fide approval for the CRPP, among other things, since the Revised Archaeological Inventory Survey (Revised AIS) appears inaccurate. Moreover, the matter of SHPD's review of the Revised AIS is not yet finalized. Thus, it would be imprudent and premature of OHA to endorse either the Draft EIS or CRPP considering that SHPD's review of the Revised AIS is in fact still pending (and with inclusion of additional sites needing official documentation). In short, these issues are not yet ripe for approval. (page 4)

In light of:

1. SHPD's August, 26, 2010 site visit and subsequent conclusion that no significant unrecorded sites were noted at that time (i.e. during the August, 26, 2010 site visit);
2. SHPD's review of the archaeological inventory survey and requested revisions; and
3. The fact that the archaeological inventory survey has been revised to address SHPD's concerns and has been submitted to SHPD for final approval;

We hope that OHA can now consider the CRPP "ripe" for review and approval. Honua'ula Partners, LLC's representative, archaeologist, and cultural advisor would be pleased to assist OHA with its review and approval of the CRPP by answering any questions OHA may have or providing additional information OHA may request.

Other Issues & Concerns

We note that other issues of concern to OHA relate in some ways to the revised archaeological inventory survey and the information provided to OHA regarding 13 additional archaeological sites in the northern portion of Honua'ula not included in the archaeological inventory survey. With SHPD's site visit and September 8, 2010 letter, we hope that OHA's major concerns have been resolved.

Regarding your concern about educating golfers about the significance of archaeological/cultural sites, we agree that it is imperative to educate golfers on proper protocol in this regard. The Honua'ula Golf Course Best Management Practices (BMPs), included as Appendix C in the Draft EIS to which you refer, were prepared to ensure that Honua'ula's golf course is developed and operated in an environmentally responsible manner so that potential impacts are mitigated. Although the primary goals of the BMPs are to reduce the turf chemical and water required to manage the golf course and minimize waste generation, the BMPs also include recommendations for golfer education. In particular it is recommended that the golf course superintendent produce literature to inform golfers of the specifics of the golf course and encourage responsible behavior. Information on the significance of archaeological/cultural sites could easily be incorporated into this literature. Because Honua'ula's golf course is intended to be a homeowner's course, the course will not have a significant amount of general public golfers that are unfamiliar with the course. Thus, homeowner golfers can be educated regarding the significance of archaeological/cultural sites and would hopefully retain this information and develop an awareness of the unique aspects of the golf course. With familiarity of the course it can also be expected that homeowner golfers will know where restroom facilities are in relation to golf course holes and thereby and can anticipate the need to relieve themselves in advance and can plan accordingly.

To further educate golfers (along with others), the CRPP sets forth (among other things) short- and long-term preservation measures, including buffer zones, interpretive signs, and implementation of educational programs, as appropriate for archaeological sites to be preserved including archaeological sites within or bordering the golf course. Combined with the educational component of the BMPs we are confident that archaeological/cultural sites can be protected from desecration.

We acknowledge that OHA is satisfied with the findings concerning native species of flora and fauna as well as plans incorporating native plant and tree species in the overall landscaping. As stated in Section 3.6 (Botanical Resources) and Section 3.7 (Wildlife Resources) Honua'ula Partners, LLC's biological consultant, SWCA Consulting, will prepare a Habitat Conservation Plan. The purpose of the HCP is to:

1. Offset the potential impact of Honua'ula on two Covered Species (Blackburn's sphinx moth and nēnē) with measures to protect and provide a net benefit to these species; and
2. Provide avoidance and minimization measures expected to avoid any negative impacts on five additional endangered species (koloa (Hawaiian duck), ae'o (Hawaiian stilt), 'alae ke'oke'o (Hawaiian coot), 'ua'u (Hawaiian petrel), and 'ōpe'ape'a (Hawaiian Hoary bat), one threatened species ('a'o (Newell's shearwater)), one candidate endangered species ('āwīkīwīkī), and the pueo (Hawaiian short-eared owl).

CONCLUSION

In the conclusion section of your letter you encourage consultation between the applicant and other interested Native Hawaiian groups and individuals. Honua'ula Partners, LLC's representative, archaeologist, and cultural advisor have engaged and met on-site with community members and SHPD staff to resolve issues relating to information provided to OHA regarding the 13 additional archaeological sites in the northern portion of Honua'ula not included in the archaeological inventory survey. Going forward Honua'ula Partners, LLC will continue to work collaboratively with stakeholders with commitment and respect.

We acknowledge your concern regarding possible inadvertent finds of archaeological sites and artifacts. In addition to the protections to be instituted through the CRPP, Honua'ula Partners, LLC and its contractors will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. Your letter asks that Honua'ula Partners, LLC comply with the following:

Should historic sites such as walls, platforms, pavements and mounds, or remains such as artifacts, burials, concentration of charcoal or shells are encountered during construction work, work shall cease in the immediate vicinity of the find and the find shall be protected from further damage. The contractor shall immediately contact the [SHPD], which will assess the significance of the find and recommend an appropriate mitigation measure, if necessary.¹

Section 4.1 (Archaeological and Historic Resources) of the Draft EIS contains similar language; however to more fully incorporate your request, in the Final EIS, Section 4.1 (Archaeological and Historic Resources) will be revised as follows:

In addition to the protections to be instituted through the CRPP, Honua'ula Partners, LLC and its contractors will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. Should historic sites such as walls, platforms, pavements and mounds, or remains such as artifacts, burials, concentrations of shell or charcoal be inadvertently encountered during the construction activities, work will cease immediately in the immediate vicinity of the find and the find will be protected. The contractor shall immediately contact SHPD, which will assess the significance of the find and recommend appropriate mitigation measures, if necessary.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Will Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachment: SHPD letter dated September 8, 2010

¹ Letter dated May 18, 1993, from Don Hibbard, SHPD Administrator, to Bert Ratte, Engineering, County of Maui, Department of Public Works.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

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COMMISSIONER OF WATER RESOURCES MANAGEMENT
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CELESTINE M. WATERS
DEPUTY DIRECTOR
CONSERVATION AND RESTORATION
HARRIS AND WILBUR
DEPUTY DIRECTOR
KAPOLEI WATER RESOURCES COMMISSIONER
STATE PARKS

September 8, 2010

Aki Sinoto
Aki Sinoto Consulting
2333 Kaprolani Blvd., No. 2704
Honolulu, Hawaii 96826

LOG NO: 2010.1666
DOC NO: 1009MD04
Archaeology

Dear Mr. Sinoto:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Revised Archaeological Inventory Survey Report of 700 Acres with 12 New Sites
Pacahu, Palauca & Keaouhu Ahupua'a, Makawao District, Island of Maui
TMK: (2) 2-1-008:056 and 071**

This letter reviews the aforementioned revised report (Sinoto, Pantaleo and Tichenal March 2010; *Revised Archaeological Inventory Survey: Supplemental Archaeological Procedures, Proposed Honua'ula Development Area, Pacahu, Palauca, & Keaouhu Ahupua'a, Makawao District, Maui Island, TMK 2-1-08: 56 and 71, ASC080724*), which we received on March 23, 2010. We apologize for the delay in our reply.

A site visit was conducted at the request of a number of community members concerned about this project. The visit was attended by SHPD staff archaeologist Morgan Davis and cultural historian Hinano Rodrigues on August 26, 2010. At that time no significant unrecorded sites were noted, although stated concerns from the public regarding the detail of the maps included in this AIS report were considered.

This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings. We are requesting editorial revisions to the current version of the report as detailed in the attachment to this letter.

We look forward to reviewing your revised report. If you have questions about this letter please contact Morgan Davis at (808) 243-5169 or via email to: morgan.e.davis@hawaii.gov.

Aloha,

Theresa K. Donham
Acting Archaeology Branch Chief
State Historic Preservation Division

ATTACHMENT

1. Page 7, Land Tenure During the Historic Period, first paragraph: Please correct the date(s) 1854 (the date Chiefess Miriam Kekaunohi was awarded her LCAw.) and/or 1851, the year reported as her death.
2. Figure 3, page 9; Please clearly indicate the areas of previous archaeological work either by shading the different survey areas in different colors, or by using different markings – it is unclear where the work survey areas were conducted on this map.
3. Page 10, Regional Studies, first paragraph: WWII is described as recent yet early historic extends to 1950; consider revising/clarifying.
 - a. Sixth line down, "The prehistoric occupation of site..." – which site, 2012 or 2013?
 - b. If the 'site' in (e) above is referring to 2013, please explain why it is dated earlier than the two Historic burials found in it?
4. Page 11, Previous Studies within the Project Area, fifth line from the bottom: please correct typo "Site."
5. Page 13, Current Phases of Archaeological Work... sixth line from the bottom: the text indicates that sites recommended for preservation were [re]located, all but one. Were these sites recommended for preservation in the 2000 and 2001 surveys? Which one was it that could not be relocated?
6. Page 16, Methods, first paragraph: Please document the total number of man-hours for this survey.
 - a. Figure 4: Please indicate survey area blocks by color or pattern to show the relative locations of respective surveys; the arrows do not indicate the scale of the area.
7. Page 17, first paragraph: what was the spacing of the transects for the amendment survey?
 - a. Second paragraph: please correct the scale of controlled manual excavations; they were either natural layers or arbitrary 5cm levels-but can't be both. Do you mean arbitrary levels within natural layers, which is the standard approach.
 - b. Was a plan/report created/required for the two monitoring projects that occurred for the water tank access road and firebreak clearing projects?
 - c. Third paragraph: please note that we require SIHP numbers (as opposed to temporary numbers) for all sites in the final report documentation. If you still have not received your site numbers please contact Morgan Davis at morgan.e.davis@hawaii.gov.
8. Page 18, Results of Survey: for all Site records, please change "SITE" (indicating formal SHPD-assigned site numbers) to "SIHP"; this will avoid confusion with the temporary ASC numbers which are also referred to as "SITE" numbers.
9. Page 19, Figure 5: Please indicate the location of SIHP 200, the wall, which is indicated on the Figure heading. If it is supposed to be the yellow line to the south of the map please change the

JUN-30-2010 19:50



UNIVERSITY
of HAWAII
MĀNOA

Aki Sinio
September 8, 2010
Page 3

Key to show that this is the wall.

10. Please provide a plan map of the survey area with all the sites and features clearly plotted; while the satellite view can be helpful it is too vague to fulfill the requirements of HAR §13-276.
11. Page 67, Table 2: For recommendations of those sites previously recorded, please indicate whether there was a previous recommendation/determination of significance, and if so whether the one(s) presented in this table are different. If different, that should be addressed in the text.
12. Page 75, Figure 52: please replace map, the site numbers are illegible.
13. Page 76, Bibliography: Please carefully review all citations and listings in the Bibliography and ensure they appear correctly in the text; for some the year is incorrect, or else the citations are not all appearing in the Bibliography. The Bibliography does not include all the works cited in the text.

June 30, 2010
RE: 800

Mr. Charles Jencks
Honuula Partners
c/o Goodfellow Brothers, Inc.
P.O. Box 220
Kihei, HI 96753

Dear Mr. Jencks:

Draft Environmental Impact Statement
Honuula
Makawao, Maui

Honuula, located in the Kihei-Makana region of Maui adjacent to Wailea Resort, will be a master-planned community embracing "smart growth" principles such as diverse residential opportunities, commercial and retail mixed uses, on-site recreational amenities, integrated bicycle and pedestrian networks, parks, and open space. Honuula will include up to 1,150 homes priced for a range of consumer groups, including workforce affordable homes in compliance with the Maui County Code. In addition, Honuula will feature an 18-hole homeowner's golf course and related facilities, as well as a Native Plant Preservation Area and other areas dedicated to the preservation of native plants and archaeological features. The DEIS contains an analysis of potential impacts and associated mitigation measures to ensure potential adverse impacts are minimized or mitigated.

This review was conducted with the assistance of Richard Mayer, Maui Community College (retired.) and Eileen Ellis, Sea Grant College Program.

Honuula Purpose and Need (pp. 20-21)

The last paragraph on page 21 points out the economic benefits including "over seven million dollars in annual property tax revenue to the County of Maui." It fails to mention that the project will also incur considerable cost in terms of infrastructure and services the county and state will have to provide with the tax revenue. In this case, the benefits of tax revenue may be greater than the costs of services as your consultants have deduced, but in some cases of residential development the cost of services provided is greater than the revenue collected.

June 30, 2010
Page 2

Single- and Multi-Family Residential Sub-districts (page 24)

The DEIS states that 250 of the workforce houses will be built off-site at the Kaonoulu Light Industrial Subdivision, but no mention is made of the impact of these homes. Yet, they are part of the proposed project and will add to the impacts that the project will cause. The population projections for this project, for example, do not include these houses. The DEIS should discuss the impact of the off-site work force housing or be considered inadequate. Perhaps the impacts could be discussed in a supplemented draft EIS.

Recreation and Open Space/Utility Sub-District (p. 25)

Will the golf course and driving range mentioned on page 25 be open to the public?

Design Guidelines (p. 26)

The final guideline stated on page 26 says that the developer will construct buildings that are sustainable and utilize "green" building strategies where practical. The last two words in this guideline create a loophole that may disqualify all sustainable and green strategies. The developer gets to determine what is practical and may decide that nothing is practical based on cost considerations or availability of materials. We would like to see the developer make a pledge to build sustainable, green buildings without qualification. In the long run constructing buildings that are environmentally friendly, protect the health of the eventual owner, and has a smaller carbon footprint than conventionally built homes benefits all residents of Hawaii.

Wildfire (p. 36)

We found the discussion on wildfire deficient. The discussion should have included information such as the areas susceptibility to wildfires, how frequently they occur, the ability to respond to wildfire including the adequacy of the water supply and the distance to the nearest fire station.

Golf Course Maintenance Center (p. 45)

Who will be charge of maintaining the golf course once the proposed development is completed? Is there some way to guarantee that a new management of the golf course will continue the maintenance put forth in the DEIS?

Integrated Pest Management (p. 46-48)

We laud the developer for choosing an integrated pest management (IPM) strategy over more conventional pest management. Although IPM does allow for some use of chemical pesticides in the long run far less pesticides will be used to control pests.

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Page 3

Marine Environment (pp. 52-54)

It would be helpful to use the common names for coral in your discussion of coral reef communities on the top of page 53. The *Pocillopora mearnsiana*, for example, is popularly known as the cauliflower coral (and often mistakenly called brain coral). People not that familiar with the scientific names of coral may be more apt to recognize the common names. You do that for your discussions of plants and other animals.

Marine Water Quality (pp. 54-56)

Who will be responsible for continuing the monitoring proposed in bullet point 3 on page 55, once the project is completed? Will monitoring continue after the project is completed?

Management Objective2: Fund and Hire a Natural Resource Manager (pp. 64-65)

Who will pay for the salary of the Natural Resource Manager once the proposed development is completed?

Management Objective 10: Develop and Implement a Scientific Monitoring Program (p. 67)

Will the monitoring continue after the proposed development is completed? Who will pay for the monitoring if it continues past the completion date of the proposed development?

Roadway and Traffic (pp. 94 -107)

Piilani Highway will need to be carefully evaluated as to whether it can handle, within its very constraining right-of-way, the cumulative traffic from the many already entitled projects plus the proposed Honouaia development. The DEIS has limited the traffic analysis to only the immediate vicinity of the proposed development. It has further limited its analysis by including only two nearby development, Makana resort and Wailea resort. There are an additional 3,500 units already entitled in the South Maui area beside the proposed Honouaia development. Shouldn't the traffic analysis looked at the wider area then presented in the DEIS? Won't the build out of all entitled units add a lot more traffic to an area that already has problems with traffic?

Post- Construction Operations (pp. 110-111)

The specific transportation management strategies listed on the top of page 111 are pretty standard and have been proposed elsewhere. These strategies have been proposed elsewhere and

have proven ineffective, especially in the ewa region on Oahu. What is different about this development that would make these strategies succeed here?

Visual Resources (pp. 115-116)

Figure 4 mentioned at the top of page 116 is so far back in the document that we suggest that you include the page numbers where it can be found (between pages 18 and 19).

Potential Impacts and Mitigation Measures (for Visual Impacts) (pp. 116-117)

What is the basis for making the claim that there will no visual impacts? Is there any studies of visual corridors on which to base your opinion or is it your professional judgment that there will be none? If it is your personal judgment, what is the basis for your expertise?

Electrical Systems (pp. 133-134)

We were disappointed at the developer's plans for energy conservation. They are vague in some instances and could go much farther in others instances. To begin with the developer may have vowed to use Leadership in Energy and Environmental Design (LEED) standards for all housing rather than stopping at Energy Star approval. The former includes a lot of innovated thinking and design criteria while the latter looks mainly at the efficiency of appliances. With LEED, that would at least set the bar on what they need to achieve and it would have to be verified by an independent party

Specifically on the developer's proposal:

- > Equip all residences with a primary hot water system at least as energy efficient as a conventional solar panel hot water system, sized to meet at least 80% of hot water demand for unit. State law mandates that new construction has to include solar hot water heater unless they apply for a permit to install instant-on gas hot water heater.
- > Roof and wall insulation, radiant barriers, and energy efficient windows. This is vague – what R factor insulation in walls and ceiling? Which type of energy efficient windows? There is insufficient detail to determine if this will make a big difference.
- > Solar parking lot lighting. This is good but we would add that they use only IDA approved fixtures (International Dark Sky Association) - here is a list of qualifying fixtures: <http://www.nexttrinet.com/mc/page.do?sitePageId=56423&orgId=idsa>
- > Light color roof. It makes a huge difference but saying light color is not enough. It should be tied to some standard like the California standard for roofs.

Commercial and residential products must meet the following specifications according to the ASTM standards outlined below:

	ASTM	Tiles	Multiply or Liquid
Solar Reflectivity	E903 or E1918	0.40+	0.70+
Emittance Factor	E408	0.75+	0.75+

- > Roof and gutters to divert rainwater for landscaping. This is fine but they should specify storage tanks size for this rainwater or how it was going to be retained/absorbed and not become run off (i.e. use of rain gardens or bioswales, etc).
- > Use of photovoltaics, fuel cells, and other renewable. This is vague and sounds like a dreamer's list. We would rather see the developer place a 6 kW photovoltaic system on each home.

We would also like to see the developer take these measures:

- > Right-sized AC system (not over-sized) with tight duct work that does not pass through and unconditioned space (i.e. attic) unless the duct itself is insulated. This is specified in LEED.
- > Zoned AC with programmable thermostat.
- > Install an energy feedback device for the home owner, such as a TED (The Energy Detective) which can also be wired to monitor the PV production. The occupant can monitor their energy use, see when the watts spike up and adapt their behavior if they want to reduce their power bill.

Population (pp. 136-137)

We find the projected population increase of the development to be on the low side. The estimate of only 1,833 persons for 1,150 living units works out to only 1.59 residents per unit. The figure for determining people per unit recommended by the Maui County General Plan Advisory committee is 2.8 persons per dwelling unit. This would make for a higher population prediction of 3,220 people. Even using the developers estimate of 2.5 people per household there would be an additional 2,875 people.

Does the population figure stated in the DEIS include the 250 work force houses being developed off-site. They should be counted in the total population increase due to the project.

Housing (pp. 137-138)

What can be done to insure that the dwelling units for sale are sold to resident of Maui or people from other parts of Hawaii who are moving to Maui? The demand for housing in the

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Page 6

Kihei-Makawao region by non-residents is projected to be 25-35 percent. Will mainland interest be able to outbid Hawaii residents for these units?

Coastal Zone Management Act, Chapter 205A, Hawaii Revised Statutes (p.151)

While the housing development is not along the shoreline it is still in the Coastal Zone as defined in Act 205A.

Discussion (p. 155)

In the discussion of natural hazards in this section on the CZM Act, you left out wildfires as a natural hazard (although it could be construed that this is a man-made hazard since most wildfires are started by people). You point out the potential for wildfire as a hazard on page 36 of the DEIS.

Consultation (pp. 321-325)

It might be helpful to identify the particular position of all the people listed as being consulted as you have for many of the people. For example what is Ms. Heidi Meecker's position with the Department of Education and what does Herbert Matsubayashi do for the Department of Health.

Appendix Q: Marketing Study, Economic Impact Analysis, and Public Cost/Benefit Analysis

We have some disagreement with the way benefits and costs are computed. In Appendix Q, on page 57, the income levels generated by the commercial establishments in the proposed Honouliuli resort are used as a basis for calculating how much excise and income taxes would be generated by the project. However, according to the analysis in Appendix Q, the majority (55%) of customers at these businesses will be coming from off-site. Their spending should be entirely discounted from the excise tax base because they will be merely shifting their spending from other Maui businesses to the proposed Honouliuli project. There will be no net increase in income to Maui/Hawaii, and consequently no net increase in excise taxes or income taxes as a result of their shifting their spending from other businesses to those in the proposed Honouliuli project. Subtracting this amount from the benefit calculation would reduce the overall benefit to the state from excise tax revenue by \$2.06 million a year.

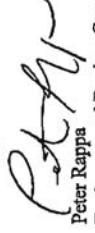
On pages 63-64, the DEIS assumes a per capita County cost of \$3,082, and a per capita State expenditure of \$5,346. The analysis should have included the 250 workforce housing units. If we use the County's calculation of 2.8 residents per household this would mean an additional 700 residents. These 700 residents will cost the County an additional \$2,157,400 (700 * \$3,082) and the State an additional \$3,742,200 (700 * \$5,346). Using the developers figure of

June 30, 2010
Page 7

2.5 persons per residential unit is would cost the County an additional \$1,926,250 (625*3,082) and the State an additional \$3,341,250 (625*5,346).

Thank you for the opportunity to review this Draft EIS.

Sincerely,



Peter Rappa
Environmental Review Coordinator

cc: OEQC
Tom Schnell, PBR Hawaii
Kathleen Ross Aoki, Director, Maui County Planning Department
Chittaranjan Ray, Interim Director, Water Resources Research Center
Dick Mayer
Eileen Ellis



May 31, 2012

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 R. STAN DUNCAN, ASLA
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 Honolulu, Hawai'i 96822

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Environmental Center:

We have received the letter from the Environmental Center letter dated June 30, 2010 addressed to Charles Jencks regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to the Environmental Center's comments. The organization of this letter follows the headings of your letter.

Honua'ula Purpose and Need

Question/Comment: *The last paragraph on page 21 points out the economic benefits including "over seven million dollars in annual property tax revenue to the County of Maui." It fails to mention that the project will incur considerable cost in terms of infrastructure and services the county and state will have to provide with the tax revenue. In this case, the benefits of tax revenue may be greater than the costs of services as your consultants had deducted, but in some cases of residential development the cost of services provided is greater than the revenue collected.*

Response: The information provided on page 21 of the Draft EIS to which you refer was an overview of the economic impact of Honua'ula. A more complete discussion of economic benefits is provided in Section 4.9.5 (Economy) of the Draft EIS and in Appendix Q, which contains the complete Market Study, Economic Impact Analysis, and Public Costs/Benefits Assessment. That assessment: 1) estimates the general and specific effects on the economy which will result from the creation of Honua'ula, including construction and business employment, wages and income, resident expenditures, regional monetary and employment effects, and taxes and fees accruing to the County of Maui and State of Hawaii; and 2) compares these economic benefits of Honua'ula with the projected costs to the State and County for providing government services as a result of Honua'ula.

As discussed in Section 4.9.5 (Economy) of the Draft EIS, in no year will the State or the County suffer a revenue shortfall due to Honua'ula. Further, as projected, the County of Maui will receive approximately \$81.1 million in real property tax revenues from Honua'ula over the 13-year build-out period, and an estimated \$7.25 million per year thereafter. The County government operating costs associated with serving the community, using a per capita basis, is estimated to total \$39.3 million during the 13-year build-out period and stabilize at approximately \$5.65 million per year after build-out. Therefore, the County will enjoy a net revenue benefit (taxes less costs) totaling approximately \$41.8 million during the 13-year construction period, and \$1.6 million each year after build-out.

It is projected that the State of Hawai'i will show a similar positive net revenue benefit from Honua'ula. The total gross tax revenues during the 13-year build-out period will reach approximately \$165 million from income and gross excise taxes, and will stabilize at approximately \$11.3 million per year after build-out. State costs associated with the community on a per capita basis are projected to be \$68.2 million during the 13-year build-out period and are projected to stabilize at approximately \$9.8 million per year after build-out. Therefore, the State will experience a net profit of approximately \$97 million in the 13-build-out and sales period and a stabilized benefit of approximately \$1.5 million per year after build-out.

In addition to State and County taxes, Honua'ula will also pay specific development fees in compliance with County of Maui Ordinance No. 3554. These fees include:

- Traffic improvement fees of \$5,000 per residential unit, payable to the County of Maui;
- Park assessment fees, currently at \$17,240 per residential unit, payable to the County of Maui; and
- School impact fee, currently at least \$3,000 per residential unit, payable to the State.

Together, these fees are at least \$25,240 per residential unit and total over \$29 million.

In addition, Honua'ula Partners, LLC will also:

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

Single- and Multi-Family Residential Sub-districts

Question/Comment: *The DEIS states that 250 of the workforce houses will be built off-site at the Kaonoulu Light Industrial Subdivision, but no mention is made of the impact of these homes. Yet, they are part of the proposed project and will add to the impacts that the project will cause. The population projections for this project, for example, do not include these houses. The DEIS should discuss the impact of the off-site work force housing or be considered inadequate.*

Response: As discussed in Section 4.9.3 (Housing) of the Draft EIS, Honua'ula Partners, LLC will provide workforce affordable homes in compliance with Chapter 2.96, MCC. As discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with County of Maui Ordinance No. 3554 (Condition 5), 250 of the required workforce affordable homes will be provided off-site at the Ka'ono'ulu Light Industrial Subdivision (TMK (2) 3-9-01: 16). The Ka'ono'ulu Light Industrial Subdivision is within the State Urban District and is within the County of Maui Light Industrial zoning district. Multifamily homes are a permitted use within the State Urban District and County Light Industrial zone.

Providing workforce affordable homes at the Ka'ono'ulu Light Industrial Subdivision does not trigger the need for an environmental assessment or environmental impact statement under

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

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Chapter 343, HRS. However, impacts related to the use of the property for urban uses and uses permitted under the property's Light Industrial zoning have previously been examined as part of the property's State Land Use District Boundary Amendment, County Change in Zoning, and County Subdivision Approvals. No rare, threatened, or endangered plant species are expected to be impacted, as none were found during a botanical inventory survey of the property. An archaeological inventory survey and a related preservation plan have been prepared to address impacts to archaeological resources and, based on their approval of these documents, the State Historic Preservation Division has determined that no historic properties will be affected. As part of the subdivision process for the Ka'ono'ulu Light Industrial Subdivision, the County of Maui Department of Public Works reviewed and approved improvements necessary for the subdivision, including provisions for water, sewage disposal, electrical and communications lines, drainage and flood control, and connection with Pi'ilani Highway, including widening and traffic signal improvements. The State Department of Transportation (DOT) has also reviewed and approved the connection with Pi'ilani Highway, including widening and traffic signal improvements. Further, the construction of the improvements required for the subdivision has been guaranteed with a bond of over \$22 million.

Regional traffic growth, including from the Ka'ono'ulu Light Industrial Subdivision, is being taken into account as part of DOT's Long Range Land Transportation Plan (LRLTP), which is currently being updated in consideration of known proposed developments in the region and will serve as a guide for the development of major surface transportation facilities and programs to be implemented in the future.

Because Chapter 2.96, MCC requires the workforce affordable homes to be offered to Maui residents, the affordable homes will result in a redistribution of the existing Maui population as opposed to an incremental increase. As a result, there will be no impacts related to increased population, such as an overall increase in the need for State and County services. In addition to the workforce affordable homes, Honua'ula Partners, LLC will also provide a minimum two-acre park within Ka'ono'ulu Light Industrial Subdivision to meet the recreational needs of the workforce affordable home residents.

Impacts to schools will be addressed by Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554, Condition 22, which requires Honua'ula Partners, LLC to pay DOE at least \$3,000 per dwelling unit upon issuance of each building permit to be used, to the extent possible, for schools serving the Kihei-Makena Community Plan area; provided that, should the State pass legislation imposing school impact fees that apply to Kihei-Makena Project District 9, Honua'ula Partners, LLC will from that point forward comply with the State requirements, or contribute \$3,000 per dwelling unit, whichever is greater.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 7.2 (Cumulative and Secondary Impacts) will be revised as to include the following information:

One of the conditions imposed by the Council as part of Honua'ula's Change in Zoning Ordinance (County of Maui Ordinance No. 3554, Condition 5) requires Honua'ula Partners, LLC to provide workforce affordable homes in compliance with Chapter 2.96, MCC, with 250 of these required workforce affordable homes to be provided off-site at the Ka'ono'ulu Light Industrial Subdivision (TMK (2) 3-9-01: 16). The Ka'ono'ulu Light Industrial Subdivision is within the State Urban District and is within the County of Maui Light Industrial zoning

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district. Multifamily homes are a permitted use within the State Urban District and County Light Industrial zone.

Providing workforce affordable homes at the Ka'ono'ulu Light Industrial Subdivision does not trigger the need for an environmental assessment or environmental impact statement under Chapter 343, HRS. However, impacts related to the use of the property for urban uses and uses permitted under the property's Light Industrial zoning have previously been examined as part of the property's State Land Use District Boundary Amendment, County Change in Zoning, and County Subdivision Approvals. No rare, threatened, or endangered plant species are expected to be impacted, as none were found during a botanical inventory survey of the property. An archaeological inventory survey and a related preservation plan have been prepared to address impacts to archaeological resources and, based on their approval of these documents, the State Historic Preservation Division has determined that no historic properties will be affected. As part of the subdivision process for the Ka'ono'ulu Light Industrial Subdivision, the County of Maui Department of Public Works reviewed and approved improvements necessary for the subdivision, including provisions for water, sewage disposal, electrical and communications lines, drainage and flood control, and connection with Pi'ilani Highway, including widening and traffic signal improvements. The State DOT has also reviewed and approved the connection with Pi'ilani Highway, including widening and traffic signal improvements. Further, the construction of the improvements required for the subdivision has been guaranteed with a bond of over \$22 million.

Regional traffic growth, including from the Ka'ono'ulu Light Industrial Subdivision, is being taken into account as part of DOT's Long Range Land Transportation Plan (LRLTP), which is currently being updated in consideration of known proposed developments in the region and will serve as a guide for the development of major surface transportation facilities and programs to be implemented in the future.

Because Chapter 2.96, MCC requires the workforce affordable homes to be offered to Maui residents, the affordable homes will result in a redistribution of the existing Maui population as opposed to an incremental increase. As a result, there will be no impacts related to increased population, such as an overall increase in the need for State and County services. In addition to the workforce affordable homes, Honua'ula Partners, LLC will also provide a minimum two-acre park within Ka'ono'ulu Light Industrial Subdivision to meet the recreational needs of the workforce affordable home residents.

Impacts to schools will be addressed by Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554, Condition 22, which requires Honua'ula Partners, LLC to pay DOE at least \$3,000 per dwelling unit upon issuance of each building permit to be used, to the extent possible, for schools serving the Kihei-Makena Community Plan area; provided that, should the State pass legislation imposing school impact fees that apply to Kihei-Makena Project District 9, Honua'ula Partners, LLC will from that point forward comply with the State requirements, or contribute \$3,000 per dwelling unit, whichever is greater.

Recreation and Open Space/Utility Sub-district

Question/Comment: Will the Golf course and driving range mentioned on page 25 be open to the public?

Response: It is stated throughout the Draft EIS that Honua'ula will include "an 18-hole homeowner's golf course." While the golf course and driving range will be for the use of

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Honua'ula homeowners, as stated in Section 4.10.5 (Recreational Facilities) of the Draft EIS, to provide the greater community the opportunity to enjoy the recreational benefits of the golf course, in compliance with County of Maui Ordinance No. 3554 Honua'ula Partners, LLC will:

- Allow one non-profit organization per quarter, other than Maui Junior Golf Association ("Maui Junior Golf"), to use the golf course and clubhouse for a fund-raising activity (Condition 12a);
- Develop an organized instructional program for junior golfers from September to January each year, allow Maui Junior Golf to use the golf course in accordance with an instructional program, and sponsor one Maui Junior Golf fund-raising tournament per year (Condition 12b);
- Allow for the Maui Interscholastic League and the Hawai'i High School Athletic Association to each use the golf course once per year for an official golf tournament or regular season playoff if requested (Condition 12c); and
- Allow for Maui residents to play at the golf course on Tuesday of each week at a discounted rate that does not exceed 40 percent of the average market rate in South Maui for green fees and golf cart rental fees (Condition 12d).

Design Guidelines

Question/Comment: *We would like to see the developer make a pledge to build sustainable, green buildings without qualification. In the long run constructing buildings that are environmentally friendly, protect the health of the eventual owner, and has a smaller carbon footprint than conventionally built homes benefits all residents of Hawaii.*

Response: The Draft EIS contains many commitments to conserve resources, such as provisions for water and energy conservation, green and solid waste recycling, transportation demand management, and stewardship of resources. Restricting these commitments and other innovations that may be provided over the 13-year build out period under a single certification system that is currently in favor does not seem wise or warranted. While Leadership in Energy and Environmental Design (LEED) is a popular certification system at the moment, it is not the only green building verification system. For example, the Green Globes system is gaining recognition and acceptance as a system more assessable than LEED and more advanced in the area of lifecycle assessment, which measures the environmental impact of the production and acquisition of products used for buildings. In another example, the Passive House Standard seeks to monitor the on-going energy efficiency of buildings after they are built and in operation. Other evolving systems seek to promulgate region specific standards, so that appropriate technology is encouraged in suitable regions.

The entire green building movement is a dynamic and fluid field that continues to rapidly evolve, and better standards may be created in the future. Some have even argued that mandating LEED hinders development of other standards that may prove more appropriate, as the blanket adoption of LEED as the sustainable standard may come at the expense of other emerging systems. Others reason that when a standard is mandated it sets a ceiling as to the level of compliance, so the standard becomes the new minimum at the expense of new innovations that may not be implemented because they exceed the minimum. A dynamic process enables standards to

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continually improve by responding to the needs of consumers and builders, adjusting to new technology and experience, and using competition to promote a variety of approaches.

The LEED program was originally created and introduced by the U.S. Green Building Council as a voluntary program to empower individuals to assess standards and then choose when, how and whether to employ them. The idea was that incentives and competition would support market transformation of the building industry and spur architects, builders, and product manufacturers to create green products, buildings, and communities. LEED was never developed as a building or "sustainability" code. According to the U.S. Green Building Council LEED is "voluntary, consensus-based, and market-driven" and further, LEED seeks a balance between requiring the best existing practices and the voluntary incorporation of emerging concepts.

LEED has unquestionably raised standards and expectations regarding sustainable design. Increasingly, developers are incorporating sustainable features into new homes as a result of heightened consumer awareness and market demand. This trend will continue as consumer consciousness of sustainability evolves. It will also accelerate as technology and market forces combine to provide improved and new green products at lower prices. Government incentives, such as tax credits for solar or photovoltaic systems, will also contribute to affordability and fuel consumer demand, thus expediting product development and technological advances. What is now seen as an "eco-luxury" for the most demanding environmentally conscious homebuyer may soon become the standard for mainstream homebuyers. Because of this continuous cycle of improvement, consumer acceptance, and market demand, it cannot be known now how standards and technology will evolve over the course of the build-out of Honua'ula.

LEED and green building are not synonymous. LEED is merely one of many emerging green building verification systems. Buildings can incorporate sustainable strategies without being LEED certified. Nature and its related ecological systems are inherently dynamic and sustainability is more complicated than can be mandated through a single green building accreditation system. The true value of sustainable design is in its application and achieved environmental results.

Given the inherently dynamic nature of the sustainable design field it is unrealistic and impractical to commit to a current standard. Honua'ula Partners, LLC supports a voluntary approach to sustainable design that will allow for the incorporation of the appropriate technology or combination of technologies for specific applications as Honua'ula is built out over time.

Honua'ula Partners, LLC is committed to limiting the environmental impact of Honua'ula and will implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design, and environmental stewardship, such as the use of solar energy and solar heating, consistent with the standards and guidelines promulgated by the Building Industry Association of Hawaii; the U.S. Green Building Council (LEED), the Hawaii Commercial Building Guidelines for Energy Star, Green Communities, or other similar programs, into the design and construction of Honua'ula. Honua'ula Partners, LLC will also: 1) encourage lot purchasers to design houses that meet at least the minimum requirements of one of the aforementioned programs; and 2) provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners.

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To include the relevant above information in the Final EIS, along with addressing comments regarding LEED from others, in the Final EIS Section 2.5 (Environmentally-Responsible Planning and Design) will be revised as to include the following information:

Honua'ula Partners, LLC is committed to limiting the environmental impact of Honua'ula and will implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design, and environmental stewardship, such as the use of solar energy and solar heating, consistent with the standards and guidelines promulgated by the Building Industry Association of Hawaii, the U.S. Green Building Council (i.e. the Leadership in Energy and Environmental Design (LEED) rating systems), the Hawaii Commercial Building Guidelines for Energy Star, Green Communities, or other similar programs, into the design and construction of Honua'ula. Honua'ula Partners, LLC will also:

- 1) encourage lot purchasers to design houses that meet at least the minimum requirements of one of the aforementioned programs; and
- 2) provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners.

Wildfire

Question/Comment: *We found the discussion on wildfire deficient. The discussion should have included information such as the areas susceptibility to wildfires, how frequently they occur, the ability to respond to wildfire including the adequacy of the water supply and the distance to the nearest fire station.*

Response: To address your comment regarding additional information on wildfires, in the Final EIS Section 3.4.5 (Wildfires) will be revised as follows:

Wildfires

Currently, vegetation on the Property includes ~~kiawe/buffel-grass~~ non-native buffel grass (*Cenchrus ciliaris*), non-native kiawe trees (*Prosopis pallida*), native wiliwili trees (*Erythrina santhiaca*), and a dense understory of native 'ilima shrubs (*Sida fallax*). Kiawe/buffel Buffel grass, which is the most common grass on the Property, can easily carry fire.

Human carelessness is the number one cause of fires in Hawaii'. In Maui County the number of wildfires has increased from 118 in 2000 to 271 in 2003. Human error combined with the spread of non-native invasive grasses, shrubs, and trees, has led to an increased susceptibility to wildfires. According to Maui Fire Department data, Kihei-Makana's susceptibility of wildfire is high. Between 2005 and 2010 there were 201 wildfires in the Kihei-Makana area. The majority of those fires were of undetermined cause, 32 were caused by operating equipment, four were from a type of arch or flame, five were caused by fireworks, and five were from smoking materials. Approximately 2,180 acres were burned during this five-year period.

POTENTIAL IMPACTS AND MITIGATION MEASURES

The occurrence of natural hazards cannot be predicted, and should one occur, it could pose a risk to life and property. Honua'ula, however, will neither exacerbate any natural hazard conditions nor increase the Property's susceptibility or exposure to any natural hazards.

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Due to its location and elevation, the probability of the Property being affected by flooding or tsunami is minimal. However, to protect against natural hazards, including earthquakes and wildfires, all structures at Honua'ula will be constructed in compliance with requirements of the Uniform Building Code (UBC), and other County, State, and Federal standards. Fire apparatus access roads and water supply for fire protection will be provided in compliance with the Uniform Fire Code.

The creation of Honua'ula will mitigate the potential for wildfires on the Property through its landscape design and plant palette. In large part, vegetative fuel for fires, such as non-native kiawe trees and buffel grass, will be replaced by buildings and landscaping of the community, thereby decreasing the Property's susceptibility to wildfires. Honua'ula Partners, LLC will implement a fire control program in coordination with the Maui County Department of Fire and Public Safety and resource agencies, which will include firebreaks to help protect native plant preservation and conservation areas (see Section 3.6, Botanical Resources) to insure the success of plant propagation and conservation efforts. Buffer areas between Honua'ula and Maui Meadows and along Pi'ilani Highway will also act as fire breaks, as will the golf course. Other fire mitigation measures include the use of lava rock and other non-flammable materials in building and landscaping, and creating a trail system, which will act as a fire break.

The USFWS recommends fire suppression resource response by fire engines and heavy equipment be within the first 45 minutes of fire ignition. The Maui Fire Department is responsible for fire suppression in the district. The fire station nearest Honua'ula is the newly built Wailea Fire Station located at the intersection of Kilo'hana Drive and Kapili Street between Pi'ilani Highway and South Kihei Road, less than five minutes away. The Wailea Station is approximately one half mile from the Property and is equipped with a 1,500 gallon per minute apparatus, a 95-foot mid-mount ladder truck and a 3,500 gallon water tanker truck. In addition, an emergency help pad and fuel dispensing station is located ma'uka of the fire station (see Section 4.10.3 (Fire) for information regarding fire control and response).

To help address the growing need for fire prevention and emergency services, in compliance with County of Maui Ordinance No. 3554 (Condition 24), Honua'ula Partners, LLC will provide the County with two acres of land that has direct access to the Pi'ilani Highway extension for the development of fire control facilities within the Honua'ula's Village Mixed-Use sub-district. This land will be donated at the time 50 percent of the total unit/lot count has received either a certificate of occupancy or final subdivision approval. The land provided will have roadway and full utility services provided to the parcel.

Impacts from natural hazards can be further mitigated by adherence to appropriate civil defense evacuation procedures. Honua'ula will coordinate with the State of Hawaii's Department of Defense, Office of Civil Defense and the County of Maui Civil Defense Agency regarding civil defense measures, such as sirens, necessary to serve Honua'ula.

Golf Course Maintenance Center

Question/Comment: *Who will be charge of maintaining the golf course once the proposed development is completed?*

Response: The golf course will be privately owned and maintained by homeowners. Golf course membership fees and dues will cover the cost of golf course maintenance.

Question/Comment: *Is there some way to guarantee that a new management of the golf course will continue the maintenance put forth in the DEIS?*

Response: The golf course best management practices (BMPs) discussed in the Draft EIS (see Section 3.5.1 (Groundwater) and Appendix C, Golf Course Best Management Practices), represent state-of-the-art golf course management practices which meet all requirements of the State of Hawaii Department of Health regarding new golf course development in Hawaii. Honua'ula Partners, LLC is committed to ensuring that Honua'ula's golf course is designed, developed, and operated in an environmentally responsible manner. As discussed in Section 3.5.1 (Groundwater) and in Appendix C of the Draft EIS, many of the practices are structural in nature and virtually irreversible once implemented. For example, as stated in Section 3.5.1 (Groundwater) and Appendix C, the most important BMP is the use of Seashore paspalum grass throughout the golf course. Seashore paspalum grass has a high tolerance to water high sodium and salt levels, the potential to substantially reduce fertilizer requirements (including a two-thirds reduction in nitrogen requirements), and a minimal need for herbicides and fungicides. Therefore once the golf course is developed using Seashore paspalum grass, the many benefits of this type of turf will continue on for the life of the golf course. In another example, the golf course maintenance center will be a modern, carefully designed, fenced and secured, state-of-the-art complex containing offices, a maintenance shop, and equipment and material storage. It will be designed to achieve objectives of operational efficiency; worker health and safety; environmental protection (i.e., containment and management of chemicals and fuels so that the surrounding environment will not be impacted); and compliance with all Federal, State, and County regulations. Once built, the functional design of the golf course maintenance center will ensure continuation of its objectives.

Integrated Pest Management

Question/Comment: *We laud the developer for choosing an Integrated Pest Management (IPM) strategy over more conventional pest management.*

Response: We acknowledge and appreciate that the UH Environmental Center is supportive of the Honua'ula IPM strategy.

Marine Environment

Question/Comment: *It would be helpful to use the common names for coral in your discussion of coral reef communities on the top of page 53.*

Response: In response to your comment, the Marine Environmental Assessment (Appendix D) will be revised to include common names for coral. In addition in the Final EIS Section 3.5.2 (Nearshore Marine Environment) will be revised as follows to include the common names of coral:

The coral reef communities that occur on the hard-bottom areas off the Wailea area consist of abundant and diverse assemblages of common Hawaiian marine life. The predominant taxon of macrobenthos (bottom-dwellers) throughout the reef zones are Scleractinian (reef-building) corals. Corals, primarily of the species *Pocillopora meandrina* (cauliflower coral)

and *Porites lobata* (lobe coral) were by far the two most abundant forms. Other common corals observed were *Montipora capitata* (tice coral), *M. flabellata* (blue rice coral), and *M. patula* (sandpaper, tice coral). *Porites compressa* (finger coral) and *Pavona varians* (corrugated coral). Of note is that the richest communities in terms of both species number and bottom cover occur on the rocky outcrops that are elevated above the sand bottom. This is likely in response to lessened stress from abrasion from sand scour during periods when wave action is sufficient to re-suspend sand off the bottom.

At Site 1, the basaltic extension the rock headland was relatively narrow and steep-sided. Coral cover was greatest on the sloping sides of the rock finger, with total coral cover in the range of 50-75 percent of bottom cover. In addition to substantial coral cover, the top of the finger was also occupied by abundant state-pencil sea urchins (*Heterocentrotus mammillatus*). Of particular note is that throughout the rocky finger reefs, there were no observations of any species of frondose macro-algae. This observation is of interest as extensive growth of several species of macro-algae in several shoreline areas of Maui have been the subject of considerable concern, particularly with respect to interactions between algal abundance and human activities.

At the seaward end of the rock-outcrop finger, coral abundance is reduced considerably, with the reef consisting primarily of a rock-rubble surface that ends at the juncture of the sand flats. While no macro-algae were observed in this zone, most of the rock/rubble bottom was covered with a thin veneer of micro-algal turf. Numerous boulders at the base of the finger outcrop were colonized by numerous small colonies of *Pocillopora meandrina* (cauliflower coral). This coral has been recognized as a "pioneering" species, in that it is often the first to colonize newly cleared substrata. In addition, it also has "determinate" growth, in that colonies grow to a certain size, or age, and then die. As a result, colonies of this species never reach a size larger than approximately one foot in diameter. Such a growth form does not occur for the other major genera found on Hawaiian reefs (*Porites*), which has an "indeterminate" growth form where colony life span is not limited by either size or age. The significance of the abundant small colonies of *Pocillopora meandrina* (cauliflower coral) at the deeper regions of Site 1 may be that it is an indication that a new year class is taking hold, or that re-colonization is beginning in an area where corals were removed by some factor. In either case, the occurrence of abundant recruiting colonies indicates that the present conditions are suitable for coral growth.

The physical structure of the reef at Site 2 is slightly different than at Site 1 in that the top of the outcrop is flatter and wider. Coral cover, consisting of the same common species as Site 1 (*Pocillopora meandrina* and *Porites lobata*), was somewhat greater on the flat reef of Site 2, with nearly complete coverage of the rocky substratum. As at Site 1, there were no observations of frondose macro-algae. The deeper seaward extension of the rocky headland at Site 2 was also different than at Site 1: while a relatively barren rock/rubble shelf occurred at the terminus of the reef at Site 1, corals, particularly mats of the branching finger coral *Porites compressa* (finger coral) extended to the sand floor at Site 2. Numerous large coral-covered boulders also extended onto the sand flats at the seaward end of the reef at Site 2.

Marine Water Quality

Question/Comment: *Who will be responsible for continuing the monitoring proposed in bullet point 3 on page 55, once the project is completed?*

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Response: In compliance with County of Maui Ordinance No. 3554 Condition 20, Honua'ula Partners, LLC will be responsible for continuing the marine monitoring programs and providing the data annually to the State Department of Health. Honua'ula nearshore water quality monitoring assessments were conducted by Marine Research Consultants, Inc. (MRC). For consistency, it would be logical for MRC to continue to conduct future nearshore water quality monitoring studies for Honua'ula.

Question/Comment: Will monitoring continue after the project is completed?

Response: As stated in Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS, Honua'ula nearshore water quality monitoring assessments will continue during construction and after Honua'ula is built. This is in compliance with County of Maui Ordinance No. 3554 Condition 20.

Management Objective 2: Fund and Hire a Natural Resources Manager

Question/Comment: Who will pay for the salary of the Natural Resource Manager once the proposed development is completed?

Response: Honua'ula Partners, LLC will initially fund the conservation and stewardship program developed for the Native Plan Preservation Area. Once the stewardship plan is established, use of non-profits to maintain the preservation area will be explored, while continued support from Honua'ula Partners, LLC and future homeowners will be used to support the program.

Management Objective 10: Develop and Implement a Scientific Monitoring Program

Question/Comment: Will the monitoring continue after the proposed development is completed?

Response: As discussed in Section 3.6 (Botanical Resources) of the Draft EIS, to ensure the long-term conservation and stewardship of native plants within Honua'ula, and in conformance with County of Maui Ordinance No. 3554 Condition 27a, Honua'ula Partners, LLC' biological consultant SWCA Environmental Consultants prepared the Honua'ula Conservation and Stewardship Plan. The plan incorporates findings, conclusions, and recommendations from previous botanical surveys, wildlife surveys, and biological assessments of the Property and recommends proactive stewardship actions to manage the Native Plant Preservation Area and other Native Plant Areas.

Question/Comment: Who will pay for the monitoring if it continues past the completion date of the proposed development?

Response: Honua'ula Partners, LLC will initially fund the conservation and stewardship program developed for the Native Plan Preservation Area. Once the stewardship plan is established, use of non-profits to maintain the preservation area will be explored, while continued support from Honua'ula Partners, LLC and future homeowners will be used to support the program.

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Roadway and Traffic

Question/Comment: Shouldn't the traffic analysis looked at the wider area then presented in the DEIS?

Response: Prior to completion of the TIAR, it was agreed with the State Department of Transportation (DOT) that Honua'ula, in collaboration with Wailea Resort and Makena Resort, would look at the required mitigation measures from the Pihlani Highway/Kilohana Drive/Mapu Place intersection south to Honua'ula.

Honua'ula Partners, LLC has engaged in extensive consultation and correspondence with DOT and County of Maui Department of Public Works regarding roadway improvements that Honua'ula Partners, LLC are required to implement in compliance with County of Maui Ordinance No. 3554 Condition 2. In correspondence from DOT dated March 24, 2010, DOT stated:

The improvements to be performed by Honua'ula Partners LLC as stated in Condition 2 are consistent with the improvements identified in the Traffic Impact Assessment Report (TIAR) dated 29, 2009. These improvements are understood to be considered the 'fair share' for highway related improvements of the affected area.

DOT is currently updating the Long Range Land Transportation Plan (LRLTP), which serves as a guide for the development of the major surface transportation facilities and programs to be implemented and takes into consideration all known proposed developments, including Honua'ula.

Question/Comment: Won't the build out of all entitled units add a lot more traffic to an area that already has problems with traffic?

Response: As discussed in Section 4.4 (Roadways and Traffic) of the Draft EIS, the Honua'ula Traffic Impact Analysis Report (TIAR) (Appendix L of the Draft EIS) takes into account cumulative regional traffic growth. To project future regional traffic growth, the Maui Travel Demand Forecasting Model (which is consistent with the 2030 Maui County General Plan) was used to determine a de facto growth rate in the vicinity. Then projected traffic from the build out of the Wailea and Makena Resorts was added to the regional traffic growth.

Section 4.4 (Roadways and Traffic) of the Draft EIS and the TIAR provide detailed analysis of projected traffic conditions at the Pihlani Highway study intersections along with other roads and intersections in the vicinity. The analysis includes: 1) both "without Honua'ula" and "with Honua'ula" scenarios; and 2) the projected level of service at each intersection for each scenario. As appropriate, mitigation measures and recommended roadway configurations are provided to ensure acceptable levels of service at each intersection in accordance with State and County standards.

Traffic on Pihlani Highway and other roads is expected to increase even if Honua'ula is not built, and Honua'ula Partners, LLC will pay for and build many regional traffic improvements that

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would be necessary even if Honua'ula were not built. Therefore, the creation of Honua'ula will address regional traffic impacts to the benefit of the entire Kihei-Mākena region.

Honua'ula will be part of the regional traffic solution by: 1) upgrading Pīlani Highway to four lanes from Kīlohana Drive to Wailea Ike Drive; 2) modifying the Wailea Alanui/Wailea Ike Drive intersection to add a signalized double right-turn movement from northbound to eastbound turning traffic and provide two left-turn lanes for southbound traffic from Wailea Ike Drive; 3) signalizing the Pīlani Highway/Okolani Drive/Mikitoi Place intersection and providing an exclusive left-turn lane on Okolani Drive; 4) modifying the Pīlani Highway/Kīlohana Drive/Mapu Place intersection to provide an exclusive left-turn lane, and the southbound Pīlani Highway approach to provide an exclusive right-turn lane into Mapu Place; and 5) providing a contribution of \$5,000 per unit (totaling \$5.75 million) to the County for traffic improvements.

It has been agreed upon with DOT that necessary improvements north of Pīlani Highway/Kīlohana Drive/Mapu Place intersection would be the responsibility of DOT. DOT is currently updating the LRLTP which serves as a guide for the development of the major surface transportation facilities and programs to be implemented and takes into consideration all known proposed developments, including Honua'ula.

Post-Construction Operations

Question/Comment: *The specific transportation management strategies listed on the top of page 111 are pretty standard and have been proposed elsewhere. These strategies have been proposed elsewhere and have proven ineffective, especially in the ewa region on Oahu. What is different about this development that would make these strategies succeed here?*

Response: The State DOT, the Maui Department of Transportation, and the Maui Department of Public Works have all approved the Honua'ula Transportation Management Plans. The transportation management strategies you refer to in the Draft EIS are elements of the Transportation Management Plans, which were included as appendices to the Draft EIS.

We respectfully disagree that the transportation management strategies proposed have been proven ineffective in other areas and we have reason to believe that they will be effective in the context of Honua'ula because, for example:

- The Maui Bus system has seen an increasing rate of ridership and there are proposals to construct nine additional shelters for additional stops. Therefore, it is likely that some employees of commercial space within Honua'ula would use the Maui Bus system or the sub-regional shuttle system. Likewise it is likely that some Honua'ula residents would use the Maui Bus system or the sub-regional shuttle system.
- Honua'ula is un-like the 'Ewa region of Oahu which has a vast amount of residential units with limited job opportunities. The Wailea-Mākena region includes number of hotels and resorts in close proximity to Honua'ula. As discussed in Section 4.4 (Roadways and Traffic) of the Draft EIS, Honua'ula's workforce affordable homes are expected to appeal to many employees working in the nearby Wailea and Mākena resorts. Providing the opportunity for workers to afford a home near their jobs is expected to decrease

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commuting to and from other parts of Maui, lessen traffic congestion, reduce stress, allow more family and recreation time, lessen pollution, and improve overall quality of life for not only Honua'ula residents, but for Maui residents in general. Providing homes near employment also allows workers more transportation options to get to work, such as walking and bicycling, and makes public transportation more feasible by clustering populations and destinations within a defined area along a practical route.

Visual Resources

Question/Comment: *Figure 4 mentioned at the top of page 116 is so far back in the document that we suggest that you include the page numbers where it can be found between pages 18 and 19).*

Response: In response to your concern, in the Final EIS, Section 4.7 (Visual Resources) will be revised as follows:

Panoramic views of shoreline, upland areas of Haleakalā, the West Maui Mountains, and the offshore islands of Molokini, Kaho'olawe, and Lāna'i are available from select areas of the Property. Views of the ocean are available from almost all areas. Figure 4 contains site photographs (see Section 2.1.1 (Location and Property Description)).

Potential Impacts and Mitigation Measures (for Visual Resources)

Question/Comment: *What is the basis for making the claim that there will be no visual impacts? Is there any studies of visual corridors on which to base your opinion or is it your professional judgment that there will be none? If it is your personal judgment, what is the basis for your expertise?*

Response: The Draft EIS does not claim that there will be no visual impacts. Rather, Section 4.7 (Visual Resources) of the Draft EIS: 1) acknowledges that the creation of Honua'ula will change the visual appearance of the Property from vacant land to a built environment and this change will be visible from Pīlani Highway; and 2) reports that Honua'ula will not impinge upon any significant public scenic view corridors and will have no significant impacts on views toward the ocean or Haleakalā. To clarify, with the creation of Honua'ula, the ocean will still be visible from public view corridors along Pīlani Highway, as Honua'ula is mauka of the current alignment of Pīlani Highway and therefore Honua'ula will not block any ocean views from the current alignment of Pīlani Highway. Similarly, Haleakalā will still be visible from public view corridors along Pīlani Highway, as Haleakalā rises over 9,000 feet above the elevation of Honua'ula and therefore views of Haleakalā will not be significantly impacted by Honua'ula.

In addition, Section 4.7 (Visual Resources) of the Draft EIS also: 1) notes that Honua'ula will be in character with surrounding uses and will complement the pattern of development as envisioned in the *Kihei-Mākena Community Plan* and by the County zoning of the Property; and 2) explains that Honua'ula will incorporate appropriate architecture, materials, colors, site design standards, and landscaping to create a community in context with the Kihei-Mākena region.

To include the relevant above information in the Final EIS, in the Final EIS Section 4.7 (Visual Resources) will be revised as follows:

The creation of Honua'ula will change the visual appearance of the Property from vacant land to a built environment. This change will be visible from Pīlani Highway looking mauka across the Property. However Honua'ula will not impinge upon any significant public scenic view corridors, and Honua'ula will have no significant impacts on views toward the ocean or Haleakalā. With the creation of Honua'ula, the ocean will still be visible from public view corridors along Pīlani Highway as Honua'ula is mauka of the current alignment of Pīlani Highway and therefore Honua'ula will not block any ocean views from the current alignment of Pīlani Highway. Similarly, Haleakalā will still be visible from public view corridors along Pīlani Highway, as Haleakalā rises over 9,000 feet above the elevation of Honua'ula and therefore views of Haleakalā will not be significantly impacted by Honua'ula.

Electrical Systems

Question/Comment: *Equip all residences with primary hot water system at least as energy efficient as a conventional solar panel hot water system, sized to meet at least 80% of hot water demand for unit. State law mandates that new construction has to include solar hot water heater unless they apply for a permit to install instant-on gas hot water heater.*

Response: We are aware that Section 196-6.5, Hawaii Revised Statutes provides that no building permit shall be issued for a new single-family dwelling that does not include a solar water heating system that meets standards established by the Hawaii Public Utilities Commission, unless the Director of the Department of Business, Economic Development, and Technology approves a variance which may allow for substituting a renewable energy technology system for use as the primary energy source for heating water. Honua'ula takes this law a step further and will equip all homes (single-family and multi-family) with a primary hot water system at least as energy efficient as a conventional solar panel hot water system, sized to meet at least 80 percent of the hot water demand for the unit. To clarify this point in the Final EIS, in the Final EIS:

- Section 1.8.2 (Summary of Potential Impacts and Proposed Mitigation Measures) will be revised as follows:

All homes (single-family and multi-family) will be equipped with a primary hot water system at least as energy efficient as a conventional solar panel hot water system and other energy-saving concepts and devices will be encouraged in the design of Honua'ula.

- Section 2.5.2 (Energy Efficiency) will be revised as follows:

Hot Water Systems

All residential units (single-family and multi-family) will be equipped with a primary hot water system at least as energy efficient as a conventional solar panel hot water system, sized to meet at least 80 percent of the hot water demand for the unit.

- Section 4.8.6 (Electrical System) will be revised as follows:

In further compliance with County of Maui Ordinance No. 3554, Honua'ula Partners, LLC will: 1) equip all residential units (single-family and multi-family) with a primary hot water system at least as energy efficient as a conventional solar panel hot water system, sized to meet at least 80 percent of the hot water demand for the unit (Condition 30); 2) ensure that all air cooling systems and all heating systems for laundry facilities, swimming pools, and spa areas will make maximum use of energy-efficient construction and technology (Condition 30) ; and 3) obtain confirmation from MECO that the proposal to relocate and/or landscape MECO facilities is incorporated in the Project District Phase II application and site plan (Condition 18).

- Section 5.2.1 (Countywide Policy Plan) will be revised as follows:

All homes (single-family and multi-family) will be equipped with a primary hot water system at least as energy efficient as a conventional solar panel hot water system and other energy-saving concepts and devices will be encouraged in the design of Honua'ula.

and

In compliance with County of Maui Ordinance No. 3554 (Condition 30), Honua'ula Partners, LLC will: 1) equip all residential units (single-family and multi-family) with a primary hot water system at least as energy efficient as a conventional solar panel hot water system, sized to meet at least 80 percent of the hot water demand for the unit; and 2) ensure that all air cooling systems and all heating systems for laundry facilities, swimming pools, and spa areas will make maximum use of energy-efficient construction and technology.

- Section 5.2.2 (Kīhei Makena Community Plan) will be revised as follows:

In further compliance with County of Maui Ordinance No. 3554 (Condition 30), Honua'ula Partners, LLC will: 1) equip all residential units (single-family and multi-family) with a primary hot water system at least as energy efficient as a conventional solar panel hot water system, sized to meet at least 80 percent of the hot water demand for the unit; and 2) ensure that all air cooling systems and all heating systems for laundry facilities, swimming pools, and spa areas will make maximum use of energy-efficient construction and technology.

- Section 5.2.3 (County of Maui Zoning) will be revised as follows:

In addition, Honua'ula Partners, LLC will: 1) equip all residential units (single-family and multi-family) with a primary hot water system at least as energy efficient as a conventional solar panel hot water system, sized to meet at least 80 percent of the hot water demand for the unit; and 2) ensure that all air cooling systems and all heating systems for laundry facilities, swimming pools, and spa areas will make maximum use of energy-efficient construction and technology.

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- Section 7.2 (Cumulative and Secondary Impacts) will be revised as follows

In mitigating cumulative impacts to human and environmental health, Honua'ula is committed to limiting energy consumption and reducing solid waste. Honua'ula Partners, LLC will design and construct energy systems for all residential units to meet all applicable ENERGY STAR requirements established by the EPA in effect at the time of construction. All homes (single-family and multi-family) will be equipped with a primary hot water system at least as energy efficient as a conventional solar panel hot water system and other energy-saving concepts and devices will be encouraged in the design of Honua'ula.

- Section 7.2 (Probable Adverse Environmental Effects that Cannot be Avoided) will be revised as follows

All homes (single-family and multi-family) will be equipped with a primary hot water system at least as energy efficient as a conventional solar panel hot water system and other energy-saving concepts and devices will be encouraged in the design of Honua'ula.

Question/Comment: *Roof and wall insulation, radiant barriers, and energy efficient windows. This is vague – what R factor insulation in walls and ceiling? Which type of energy efficient windows? There is insufficient detail to determine if this will make a big difference.*

Response: Section 4.8.6 (Electrical System) of the Draft EIS mentions that energy saving methods and technologies, such as roof and wall insulation, radiant barriers, and energy efficient windows, will be considered during the design phase of Honua'ula. At this time Honua'ula Partners, LLC has not undertaken detailed building design and thus building specifications such as installation R factors and the type of energy efficient windows that may used are not known at this preliminary point.

Question/Comment: *Solar parking lot lighting. This is good but we would add that they use only IDA approved fixtures (International Dark Sky Association)...*

Response: As explained in several sections of the Draft EIS (see Section 3.7 (Wildlife Resources), Section 5.2.1 (Countywide Policy Plan), and Section 5.2.3 (County of Maui Zoning)), all Honua'ula outdoor lighting will be in compliance with Chapter 20.35 (Outdoor Lighting), Maui County Code to ensure impacts related to light pollution will not impact sensitive surrounding land uses.

Question/Comment: *Light color roof. It makes a huge difference but saving light color is not enough. It should be tied to some standard like the California standard for roofs.*

Response: Section 4.8.6 (Electrical System) of the Draft EIS mentions that energy saving methods and technologies, such as the use of light color or "green" roofs, will be considered during the design phase of Honua'ula. At this time Honua'ula Partners, LLC has not undertaken detailed building design and thus building specifications such as standards for light color or "green" roofs that may be used are not known at this preliminary point.

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Question/Comment: *Roofs and gutters to divert rainwater for landscaping. This is fine but they should specify storage tanks size for this rainwater or how it was going to be retained/absorbed and not become run off (i.e. use of rain gardens or bioswales, etc.)*

Response: Section 4.8.6 (Electrical System) of the Draft EIS mentions that energy saving methods and technologies, such as the use of roof and gutters to divert rainwater for landscaping, will be considered during the design phase of Honua'ula. At this time Honua'ula Partners, LLC has not undertaken detailed building design and thus building specifications regarding rain gutters, rainwater storage tanks, and rain gardens, that may be used are not known at this preliminary point.

Question/Comment: *Use of photovoltaics, fuel cells, and other renewable. This is vague and sounds like a dreamer's list. We would rather see the developer place a 6 kw photovoltaic system on each home.*

Response: Section 4.8.6 (Electrical System) of the Draft EIS mentions that energy saving methods and technologies, such as the use of photovoltaics, fuel cells, and other renewable energy sources, will be considered during the design phase of Honua'ula. At this time Honua'ula Partners, LLC has not undertaken detailed building design and thus building specifications regarding photovoltaics, fuel cells, and other renewable energy sources that may be used are not known at this preliminary point. We note that photovoltaic systems and other renewable energy systems are an emerging technology. Specifying a specific system with a specific energy output at this time does not seem wise or warranted as the technology may change significantly over the build-out period for Honua'ula.

Question/Comment: *We would also like to see the developer take these measures:*

- *Right-sized AC systems (not over-sized) with tight duct work that does not pass through unconditioned space (i.e. attic) unless the duct itself is insulated. This is specified in LEED.*
- *Zoned AC with programmable thermostat.*
- *Install an energy feedback device for the home owner, such as a TED (The Energy Detective) which can also be wired to monitor the PV production. The occupant can monitor their energy use, see when the watts spike up and adapt their behavior if they want to reduce their power bill.*

Response: In response to your comment, in the Final EIS Section 4.8.6 (Electrical System) will be revised as follows:

The following additional energy saving methods and technologies will also be considered during the design phase of Honua'ula:

- Use of site shading, orientation, and naturally ventilated areas to reduce cooling load;
- Maximum use of day lighting;
- Use of high-efficiency compact fluorescent lighting;
- Exceeding Model Energy Code requirements;
- Roof and wall insulation, radiant barriers, and energy efficient windows;
- Use of solar parking lot lighting;
- Use of light color or "green" roofs;

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- Use of roof and gutters to divert rainwater for landscaping;
- Use of landscaping for dust control and to minimize heat gain to area; and
- Use of photovoltaics, fuel cells and other renewable energy sources.
- Installation of right-sized air conditioning systems with duct work that does not pass through unconditioned space (i.e., attic) unless the duct itself is insulated.
- Installation of zoned air conditioning systems with programmable thermostats.
- Installation of energy feedback devices in homes, such as a TED (The Energy Detective) so occupants can monitor energy use and adapt behavior to reduce power use.

Population

Question/Comment: *We find the population increase of the development to be on the low side. The estimate of only 1,833 persons for 1,150 living units works out to only 1.59 residents per unit. The figure for determining people per unit recommended by the Maui County General Plan Advisory committee is 2.8 persons per dwelling unit. This would make for a higher population prediction of 3,220 people. Even using the developers estimate of 2.5 people per household there would be an additional 2,875.*

Response: As stated in Section 4.9.2 (Population) and more fully explained in Appendix Q (Market Study, Economic Impact Analysis, and Public Costs/Benefits Assessment) of the Draft EIS, when fully built out, the total population of Honua'ula is projected to be 1,833 persons, of which 1,541 will be full-time residents and 292 will be periodic users comprised of non-resident owners and their guests. By definition, a non-resident housing unit is occupied less than 50 percent of the time by the owners; otherwise it would be their primary residence. Generally, such owners occupy their units far less than half the time.

To arrive at an accurate population projection for Honua'ula, the number of homes that would be occupied by full-time residents and part-time residents was first determined to be 629 full-time residences and 521 part-time residences. Then, average household size was forecasted based on full time or part time use. For full time residents it was assumed that homes would be occupied 98 percent of the time with an average household size of 2.5 people per household.

We note that the figure of 2.8 persons per household that you cite was the figure that the Maui County General Plan Advisory Committee recommended to be used in preparing the General Plan Update; however this was not the number projected by the Maui Planning Department which was actually used for the General Plan Update.

Regarding an average household size of 2.5 people, US Census data for the Kihei-Makena region¹ shows an average household size of:

- 2.62 people in 1990
- 2.57 people in 2000
- 2.45 people in 2010

¹ US Census data from the Kihei, Wailea-Makana (1990 and 2000) and the Kihei, Wailea, and Makana (2010) Census Designated Places (CDP) where combined to obtain the average household size for the Kihei-Makena region.

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In the Maui Planning Department report titled "Socio-Economic Forecast: The Economic Projections for the County of Maui General Plan 2030" (Maui Planning Department 2006) the Planning Department provides the following historical and projected average household sizes for the Kihei-Makena region:

- 2.59 people in 1990
- 2.55 people in 2000
- 2.49 people in 2010
- 2.46 people in 2020
- 2.44 people in 2030

In light of historical trends, current data, and Maui Planning Department forecasts (Maui Planning Department 2006), the use of an average size of 2.5 persons per full-time resident household at Honua'ula is moderate to conservative and is higher than the 2.44 persons projected by the Maui Planning Department for the time when Honua'ula is fully built-out. As illustrated above with the US Census and Maui Planning Department data for 1990, 2000, and 2010, the trend in declining household size has been occurring over several decades and Kihei-Makena households have gotten smaller with each passing census. The movement toward smaller households is an indisputable demographic trend, brought about by the coalescing of numerous factors (including longer life spans, higher incomes, more divorces and single parent households, and cultural evolutions). The application of an average household size of 2.8 or 2.9 at Honua'ula is not supported by US Census data or by Maui Planning Department projections.

For part-time residents (i.e. non-Maui residents) it was assumed that homes would be occupied 20 percent of the time with an average party size of 2.8 people per home. The part-time resident average party size of 2.8 people per home was calculated based on the average resident household size of 2.5 persons per household, plus 10 percent to account for guests. It is important to note that Honua'ula will not contain transient vacation rentals (TVR), and therefore homes owned by non-Maui residents will be vacant when owners are not on Maui. Numerous studies on the use of non-resident, non-TRV homes in Maui and West Hawai'i resorts indicate occupancy ranging from six to 20 percent of the time, with an average of approximately 14 percent. This is based on surveys of owners, realtors, maintenance companies, and resort personnel in Kapalua (Plantation and Pineapple Hill subdivisions), Ka'anapali (mauka), Wailea (non-TRV units), Mauna Kea, Mauna Lani, and Hualālai.

The Honua'ula population estimate of 1,833 persons at full build-out is based on projections of the number of homes that would be occupied by full-time residents and part-time residents and corresponding household size of each, combined with the fact that part-time resident households would only be occupied 20 percent of the time – on the very high end of the occupancy range for other prominent communities in Hawaii, as discussed above.

Housing

Question/Comment: *What can be done to insure that the dwelling units for sale are sold to resident of Maui or people from other parts of Hawaii who are moving to Maui? Will mainland interest be able to outbid Hawaii residents for these units?*

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Response: As stated in Section 4.9.3 (Housing) of the Draft EIS, all workforce affordable homes will be priced and subject to restrictions in accordance with the requirements of Chapter 2.96, MCC to ensure they remain both available and affordable for full-time Maui residents.

Coastal Zone Management

Question/Comment: *While the housing development is not along the shoreline it is still in the Coastal Zone as defined in Act 205A.*

Response: Section 5.1.3 (Coastal Zone Management Act, Chapter 205A, Hawai'i Revised Statutes) of the Draft EIS: 1) acknowledges that Honua'ula is within the Coastal Zone Management Area (CZM) as defined in Chapter 205A, Hawai'i Revised Statutes (HRS); and 2) includes discussion of Honua'ula's conformance with the objectives and policies of Chapter 205A, HRS.

Question/Comment: *In the discussion of natural hazards in this section on the CZM Act, you left out wildfires as a natural hazard (although it could be construed that this is a man-made hazard since most wildfires are started by people). You point out the potential for wildfire as a hazard on page 36 of the DEIS.*

Response: You are correct in stating that page 36 of the Draft EIS discusses wildfires. In addition, on page 35 of the Draft EIS, at the beginning Section 3.4 (Natural Hazards) it is stated that: "Maui is susceptible to potential natural hazards, such as flooding, tsunami, inundation, hurricanes, earthquakes, and wildfires." In response to your comment regarding the discussion of natural hazards in Section 5.1.3 (Coastal Zone Management Act, Chapter 205A, Hawai'i Revised Statutes) of the Draft EIS, in the Final EIS Section 5.1.3 (Coastal Zone Management Act, Chapter 205A, Hawai'i Revised Statutes) will be revised as follows:

As discussed in Section 3.4 (Natural Hazards), Honua'ula will neither exacerbate any natural hazard conditions nor increase the Property's susceptibility or exposure to any natural hazards, including wildfires.

Consultation

Question/Comment: *It might be helpful to identify the particular position of all the people listed as being consulted as you have for many of the people. For example what is Ms. Heidi Meeker's position with the Department of Education and what does Herbert Matsubayashi do for the Department of Health.*

Response: In response to your comment Chapter 8 (Consultation) of the Final EIS will be revised as shown on the attachment titled "Consultation."

Market Study, Economic Impact Analysis, and Public Cost/Benefit Analysis

Question/Comment: *We have some disagreement with the way benefits and costs are computed. In Appendix Q, on page 57, the income levels generated by the commercial establishments in the proposed Honuaula resort are used as a basis for calculating how much excise and income taxes would be generated by the project. However, according to the analysis in Appendix Q, the*

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majority (55%) of customers at these businesses will be coming from off-site. Their spending should be entirely discounted from the excise tax base because they will be merely shifting their spending from other Maui businesses to the proposed Honuaula project. There will be no net increase in income to Maui/Hawaii, and consequently no net increase in excise taxes or income taxes as a result of their shifting their spending from other businesses to those in the proposed Honuaula project. Subtracting this amount from the benefit calculation would reduce the overall benefit to the state from excise tax revenue by \$2.06 million a year.

Response: The economic analysis assumes that customers that do not live in Honua'ula will patronize businesses within Honua'ula; about half of the expenditures comprising the on-going Honua'ula commercial business activity will be from residents and users of other new developments in the Wailea/Makana areas, and some will be a relocation of spending by existing area residents and visitors from other businesses to Honua'ula businesses.

Existing area residents that shift their spending to Honua'ula businesses do not represent entirely new spending in the region. Some of this spending will be new expenditures associated with rising household income and consumerism in Maui Meadows, Wailea, and other nearby neighborhoods, however much will be in movement from distant businesses into the natural (and desirable) "trade area" for these homes; a primary Honua'ula planning goal.

Currently, for example, Maui Meadows residents must travel 3.2 miles from the subdivision entrance on Pi'ilani Highway to reach the nearest major grocery store (Foodland in the Kihei Town Center) or 4.2 miles to the Safeway on Pi'ikea Avenue. This is several miles and minutes of travel outside the optimum trade area for neighborhood commercial services, and represents hours in lost travel time annually, additional travel costs (several dollars for each shopping trip), unnecessary traffic and congestion, wasted energy, and increased pollution.

The Honua'ula commercial components will help establish an effective and competitive trade area for residents and visitors in Maui Meadows, Wailea, and other nearby neighborhoods.

This anticipated relocation of some spending taking place over several decades, is not expected to hamper existing business activities in central Kihei. The regional economy will continue to grow, benefitting existing businesses and creating demand for additional commercial development; and the central Kihei patronage "lost" through relocation to Honua'ula will be replaced by other new developments within those trade areas.

The goal of the Market Study, Economic Impact Analysis, and Public Cost/Benefits Analysis was specifically to ascertain the direct economic impacts associated with Honua'ula arising from its creation.

We believe that your suggestion that State gross excise tax revenues are overstated by \$2.06 million annually is incorrect, as:

- A meaningful portion of the outside patronage will be from new development in Wailea and Makana, and from other in-fill development in the nearby area, with the Honua'ula facilities being the most proximate neighborhood commercial shopping opportunity.

Environmental Center
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- Significant non-resident patronage sales will be to employees in Honua'ula, who would not have the means to make such purchases without their jobs at Honua'ula.
- Increasing household incomes over time will result in additional expenditures by the in-place trade area populace.
- Some of the outside patronage sales will be to passer-bys of the high-exposure location (particularly tourists) who might otherwise not choose to purchase goods and services.

Question/Comment: *On page 63-64, the DEIS assumes a per capita County cost of \$3,082, and a per capita State expenditure of \$5,346. The analysis should have included the 250 workforce housing units.*

Response: We believe you are referring to pages 63-64 of the Market Study, Economic Impact Analysis, and Public Costs/Benefits Assessment contained in Appendix Q of the Draft EIS. This assessment addressed the direct economic impacts of Honua'ula. The 250 workforce affordable homes will be provided off-site at the Ka'ono'ulu Light Industrial Subdivision, which is within the State Urban District and the County Light Industrial zoning district. As previously stated, impacts related to the use of the Ka'ono'ulu Light Industrial Subdivision for urban uses and uses permitted under property's Light Industrial zoning have previously been examined as part of the property's State Land Use District Boundary Amendment, County Change in Zoning, and County Subdivision approvals. Further, because Chapter 2.96, MCC requires the workforce affordable homes to be provided to Maui residents, there will be no impacts related to increased population, such as the increased need for State and County services.

We note that the residents of the proposed 250 off-site units will have jobs upon which they pay income taxes. They will create tax revenues from their expenditures in the community and will also generate real property taxes (either as renters or owners). These tax revenue amounts must be included in your calculations equations to accurately assess the overall economic impact.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachment: Consultation



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96858-5440

May 11, 2010

REPLY TO
ATTENTION OF:

Regulatory Branch

POH-2009-00091

PBR Hawaii
Tom Schnell
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Jeff Hunt
Maui Planning Department/Commission
250 South High Street
Wailuku, Hawaii 96793

Dear Msrs. Schnell and Hunt:

We have received your letter dated April 20, 2010 requesting our review and comments on the draft Environmental Impact Statement (dEIS) for the Honua'ula project proposed in the Kihnei-Makena region of the Island of Maui, Hawaii.

We have reviewed your dEIS pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404). Using in-office resources, as well as information provided in the dEIS, we have determined that there are no jurisdictional waters; therefore, a Department of Army (DA) permit is not required for any proposed or future work. This information has been sent to the applicant in a letter containing an approved jurisdictional determination.

We recommend Best Management Practices be incorporated into the project design to minimize and contain any runoff from construction on the parcel which could eventually make its way to a drainageway to, and potentially impact, the Pacific Ocean. This office does not wish to receive a copy of the final EA when it is completed.

Thank you for giving us the opportunity to review this proposal and for your cooperation with our regulatory program. Please be advised you can provide comments on your experience with the Honolulu District Regulatory Branch by accessing our web-based customer survey form at <http://per2.nwp.usace.army.mil/survey.html>.

Should you have any questions, please contact Robert Deroche of my staff at (808) 438-2039, by facsimile at (808) 438-4060, or by Email at robert.deroche@usace.army.mil. Please refer to File No. POH-2009-00091 in all future communications with this office regarding this or other projects at this location.

Sincerely,



George P. Young, P.E.
Chief, Regulatory Branch



May 31, 2012

PRINCIPALS
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President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL CHUNG, FNSA, LEED® AP
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Fort Shafter, Hawaii 96858-5440

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Young:

Thank you for your letter (POH-2009-00091) dated May 11, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, with this letter we are responding to your comments. We have also received your letter dated May 11, 2010 regarding the Honua'ula Botanical and Wildlife Survey reports and Honua'ula Conservation & Stewardship Plan and will respond to that letter separately.

We understand that the Department of the Army Regulatory Branch has determined that there are no jurisdictional waters on the Property; therefore, a Department of Army permit is not required. To include this information in the final EIS, in the final EIS Section 3.2 (Geology and Topography) will be revised as follows:

~~The Property is crossed by numerous small ephemeral dry gulches that define drainage areas and convey on-site and off-site storm water run-off during storms. Modifications to gulches are constrained by flood hazards and drainage improvements previously installed downstream within Wailea. The gulches are inundated infrequently during periods of unusually heavy and prolonged rainfall. Because of the ephemeral nature of the gulches, Honua'ula Partners, LLC's biological consultant, SWCA Environmental Consultants, concludes that the gulches are not considered traditional navigable waters. The Department of the Army, United States Corps of Engineers has determined that the Property does not contain any navigable waters or other waters of the United States; therefore a Department of Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404) is not required for any proposed or future work.~~

In addition, in the final EIS Section 4.8.3 (Drainage System) will be revised as follows:

~~There are approximately 15 natural drainageways in which runoff flows through the Property. Considering the relatively low rainfall at the Property, these drainage ways are generally dry throughout the year. There are no existing drainage improvements on the Property. The entire property is designated on the FIRM as Zone C, an area of minimal flooding (Figure 11). The Department of the Army, United States Corps of Engineers has determined that the Property does not contain any navigable waters or other waters of the United States; therefore a Department of Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404) is not required for any proposed or future work.~~

George P. Young, P.E.
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
May 31, 2012
Page 2 of 2

As discussed in Section 3.3 (Soils) of the Draft EIS, to minimize erosion and runoff from construction, Best Management Practices (BMPs) will be prepared before the issuance of a National Pollutant Discharge Elimination System permit (NPDES). Before issuance of a grading permit by the County of Maui, the final erosion control plan and BMPs required for the NPDES permit will be completed and submitted. BMPs to minimize erosion and the discharge of other pollutants may include use of silt fences, sediment traps, and diversion swales.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
FORT SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF:

May 11, 2010

Regulatory Branch

POH-2009-00091

Charles Jencks
Honua'ula Partners, LLC
1300 N. Holopono Street, Suite 201
P.O. Box 220
Kihei, Hawaii 96753

Dear Mr. Jencks:

This letter is in response to your March 22, 2010 request to review and provide recommendations on the *Honua'ula Botanical, Wildlife and Conservation & Stewardship Plan* dated February 2010, provided with your letter. You state the request is a requirement under "Condition 27" of your final Phase I approval for the project in south Maui. The U.S. Army Corps of Engineers (Corps) has authority to regulate activities pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404).

Section 10 requires that a DA permit be obtained for certain structures or work in or affecting navigable waters of the United States (U.S.), prior to conducting the work (33 U.S.C. 403). Section 404 requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including wetlands, prior to conducting the work (33 U.S.C. 1344). The parcel proposed for development does not contain any navigable waters or other waters of the U.S.; therefore a Section 10 and/or Section 404 permit is not required.

The Corps' Regulatory Program does not have the legal authority nor expertise to comment or make recommendations as to the appropriateness of areas of a parcel for preservation or for use as mitigation, for a particular project, for Maui Planning Commission use.

This letter contains an approved JD for the property in question. If you object to this determination, you may request an Administrative Appeal under Corps regulations at 33 Code of Federal Regulations (CFR) Part 331. We have enclosed a Notification of Appeal Process and Request For Appeal (NAP/RFA) form. If you request to appeal this determination you must submit a completed RFA form to the Corps' Pacific Ocean Division office at following address:

Thom Lichte, Appeals Review Officer
U.S. Army Corps of Engineers
Pacific Ocean Division, ATTN: CEPOD-PDC
Building 525
Fort Shafter, HI 96858-5440

In order for an NAP/RFA to be accepted by the Corps, the Corps must determine that the RFA is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division office within 60 days of the date of the NAP/RFA sheet. If you decide to submit an NAP/RFA form, it must be received at the above address by July 11, 2010. It is not necessary to submit an NAP/RFA form to the Division office if you do not object to the determination in this letter. You may contact Mr. Lichte at (808) 438-0397.

This jurisdiction determination is valid for a period of five (5) years from the date of this letter unless new information warrants revision of the delineation before the expiration date.

Thank you for giving us the opportunity to review this proposal and for your cooperation with our regulatory program. Please be advised you can provide comments on your experience with the Honolulu District Regulatory Branch by accessing our web-based customer survey form at <http://per2.nwp.usace.army.mil/survey.html>.

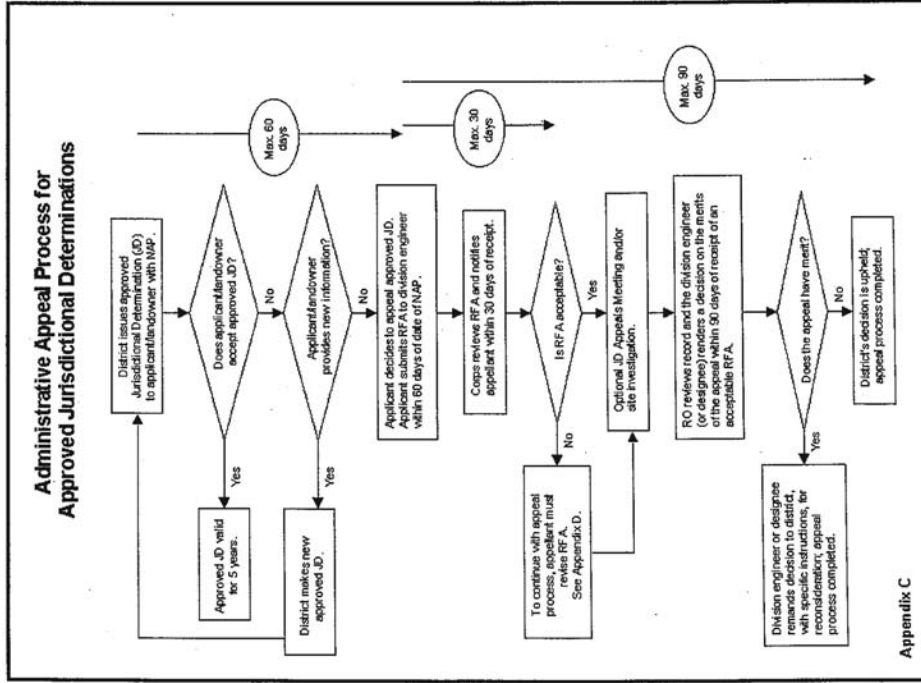
Thank you for giving us the opportunity to review this proposal. Should you have any questions, please contact Mr. Robert Deroche of this office at the above address or telephone 808-438-2039 (FAX: 808-438-4060) or by E-Mail at robert.d.deroche2@usace.army.mil. Please refer to File No. POH-2009-00091 in all future communications with this office regarding this or other projects at this location.

Sincerely,

George P. Young, P. E.
Chief, Regulatory Branch

- Enclosures
- Flowchart
- RFA Document
- Final JD Form
- Copy Furnished:

Tom Schnell, PBR Hawaii & Associates, Inc., ASB Tower, Suite 650, 1001 Bishop Street,
Honolulu, Hawaii 96813



Applicant: Honua'ula Partners, LLC		File Number: POH-2009-00091	Date: May 11, 2010
Attached is:		See Section below	
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/>	PERMIT DENIAL	C	
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

If you have questions regarding this decision and/or the appeal process you may contact:

Robert D. Deroche
U.S. Army Corps of Engineers
Honolulu District, ATTN: CEPOH-EC-R
Building 230
Fort Shafter, HI 96858-5440
Tel. (808) 438-2039

If you only have questions regarding the appeal process you may also contact:

Thom Lichte, Appeal Review Officer
Pacific Ocean Division
ATTN: CEPOD-PDC
Building 525
Fort Shafter, HI 96858-5440
Tel. (808) 438-0397

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent: _____ Date: _____ Telephone number: _____

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 7, 2010

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CEPOH-EC-R Honua ulu Development

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Wailea Gulch on the northern portion of the parcel and an unnamed gulch at the southern portion of the parcel

State: Hawaii County/parish/borough: Maui City: Wailea
Center coordinates of site (lat/long in degree decimal format): Lat. 20.6857° N Long. -156.4263° W
Name of nearest waterbody: Pacific Ocean

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Pacific Ocean

Name of watershed or Hydrologic Unit Code (HUC): 20020000

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: May 7, 2010

Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:
Non-wetland waters: linear feet: _____ width (ft) and/or _____ acres.
Wetlands: _____ acres.

c. Limits (boundaries) of jurisdiction based on:
Elevation of established OHWM (if known): _____

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1 only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapazos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody³ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used to determine whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: _____
Drainage area: _____ inches
Average annual rainfall: _____ inches
Average annual snowfall: _____ inches

(ii) Physical Characteristics:

(a) Relationship with TNW:
 Tributary flows directly into TNW.
 Tributary flows through _____ tributaries before entering TNW.

Project waters are _____ river miles from TNW.
Project waters are _____ river miles from RPW.
Project waters are _____ aerial (straight) miles from TNW.
Project waters are _____ aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW:
Tributary stream order, if known:

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

- (iv) **Biological Characteristics. Channel supports (check all that apply):**
 Riparian corridor. Characteristics (type, average width):
 Wetland fringe. Characteristics:
 Habitat for:
 Federally Listed species. Explain findings:
 Fish/spawn areas. Explain findings:
 Other environmentally-sensitive species. Explain findings:
 Aquatic/wildlife diversity. Explain findings:

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

- (f) **Physical Characteristics:**
 (a) **General Wetland Characteristics:**
 Properties:
 Wetland size: _____ acres
 Wetland type: _____ Explain:
 Wetland quality: _____ Explain:
 Project wetlands cross or serve as state boundaries. Explain:
 (b) **General Flow Relationship with Non-TNW:**
 Flow is: _____ Explain:
 Surface flow is: _____
 Characteristics:
 Subsurface flow: _____ Explain findings:
 Dye (or other) test performed:

- (c) **Wetland Adjacency Determination with Non-TNW:**
 Directly abutting
 Not directly abutting
 Discrete wetland hydrologic connection. Explain:
 Ecological connection. Explain:
 Separated by berm/barrier. Explain:

- (d) **Proximity (Relationship) to TNW:**
 Project wetlands are _____ river miles from TNW.
 Flow is from: _____ aerial (straight) miles from TNW.
 Estimate approximate location of wetland as within the _____ floodplain.

- (i) **Chemical Characteristics:**
 Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:
 Identify specific pollutants, if known:

- (iii) **Biological Characteristics. Wetland supports (check all that apply):**
 Riparian buffer. Characteristics (type, average width):
 Vegetation type/percent cover. Explain:
 Habitat for:
 Federally Listed species. Explain findings:
 Fish/spawn areas. Explain findings:
 Other environmentally-sensitive species. Explain findings:
 Aquatic/wildlife diversity. Explain findings:

3. Characteristics of all wetlands adjacent to the tributary (if any)
 All wetland(s) being considered in the cumulative analysis: _____
 Approximately (_____) acres in total are being considered in the cumulative analysis.

- (b) **General Tributary Characteristics (check all that apply):**
 Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):
 Average depth: _____ feet
 Average side slopes: _____

- Primary tributary substrate composition (check all that apply):
 Silts
 Sands
 Gravel
 Cobbles
 Bedrock
 Other: Explain:
 Concrete
 Muck

Tributary condition/stability (e.g., highly eroding, sloughing banks). Explain:
 Presence of run/riffle/pool complexes. Explain:
 Tributary geometry: _____
 Tributary gradient (approximate average slope): _____ %

- (c) **Flow:**
 Tributary provides for: _____
 Estimate average number of flow events in review area/year: _____
 Describe flow regime:
 Other information on duration and volume:

Surface flow is: _____ Characteristics:
 Subsurface flow: _____ Explain findings:
 Dye (or other) test performed:

- Tributary has (check all that apply):
 Bed and banks
 OHWM? (check all indicators that apply):
 clear, natural line impressed on the bank
 destruction of terrestrial vegetation
 the presence of wrack line
 sediment sorting
 scour
 vegetation matted down, bent, or absent
 leaf litter disturbed or washed away
 sediment deposition
 water staining
 other (list): _____
 Discontinuous OHWM? Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):
 High Tide Line indicated by: _____
 Mean High Water Mark indicated by:
 survey to available datum;
 physical markings;
 vegetation lines/changes in vegetation types.

- (iii) **Chemical Characteristics:**
 Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
 Explain:
 Identify specific pollutants, if known:

⁴A natural or man-made discontinuity in the OHWM does not necessarily ever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
⁵ibid.

For each wetland, specify the following:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapapos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D.
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D.
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D.

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:
 TNWs: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.
2. RPWs that flow directly or indirectly into TNWs.
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):
 Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters:

3. Non-RPWs that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW.
- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

- As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
 Demonstrate that impoundment was created from "waters of the U.S.," or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED INTERSTATE OR INTRA-STATE WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes,
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce,
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain:
 Other factors. Explain:

Identify water body and summarize rationale supporting determination:

⁹ See Footnote # 3.

¹⁰ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹¹ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapapos.

golf course and there is no identifiable waterway between the golf course and the ocean. Further, there is no apparent outlet of the waterway at the shoreline of the ocean. The Wailea Gulch is therefore determined not to be a water of the U.S.

The U.S.G.S. quad does not show the unnamed course on the southern portion of the parcel. A review of the Google aerial photograph shows what appears to be a waterway makai of a golf course, which is located adjacent to and makai of the Pilihi Highway, which can be traced to the ocean. Mauka of the Pilihi Highway, this structure appears to be the boundary of a more recent lava flow. Ground photographs in the dEIS show a rock wall which runs makai to makai across the southern end of the parcel. It appears that, like Wailea Gulch, this area may collect overland occasional flow and does not, in itself, constitute a water of the U.S. mauka of the southern boundary line of the parcel. The watercourse makai of Pilihi Highway likely collects runoff from Pilihi Highway, gathered from overland flow, and from the golf course and resort, funneling it to the ocean. The feature on the southern end of the parcel is therefore determined to not be a water of the U.S..

Provide estimates for jurisdictional waters in the review area (check all that apply):
 Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
 Identify type(s) of waters:
 Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

if potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
 Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
 Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
 Other: (explain, if not covered above).

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
 Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
 Lakes/ponds: acres.
 Other non-wetland waters: acres. List type of aquatic resource:
 Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
 Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
 Lakes/ponds: acres.
 Other non-wetland waters: acres. List type of aquatic resource:
 Wetlands: acres.

SECTION IV: DATA SOURCES:

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked

and requested, appropriately reference sources below):
 Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
 Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 Office concurs with data sheets/delineation report.
 Office does not concur with data sheets/delineation report.
 Data sheets prepared by the Corps:
 Corps navigable waters' study.
 U.S. Geological Survey Hydrologic Atlas:
 USGS NHD data.
 USGS 8 and 12 digit HUC maps.
 U.S. Geological Survey map(s). Cite scale & quad name: I:24K AK-SAMALGA ISLAND D-2.
 USDA Natural Resources Conservation Service Soil Survey. Citation:
 National wetlands inventory map(s). Cite name:
 State/Local wetland inventory map(s):
 FEMA/FIRM maps: (National Geodetic Vertical Datum of 1929)
 100-year Floodplain Elevation is: Google 2010. Draft EIS dated March 2010.
 Photographs: Aerial (Name & Date): Google 2010. Draft EIS dated March 2010.
 or Other (Name & Date): Google 2010. Draft EIS dated March 2010.
 Previous determination(s). File no. and date of response letter.
 Applicable/supporting case law:
 Applicable/supporting scientific literature:
 Other information (please specify): draft EIS dated March 2010.

B. ADDITIONAL COMMENTS TO SUPPORT JD: The Wailea Gulch is shown on the U.S. Fish and Wildlife Service National Wetland Inventory as a stream. The U.S.G.S. quad shows the Wailea Gulch as an intermittent stream; however ground photographs submitted with the dEIS, as well as those from Google Streetview, show no discernable waterway mauka of the Pilihi Highway, which makes up the western boundary of the parcel. There is a ravine immediately makai of Pilihi Highway, but this appears to be a collapsed lava tube as it opens to a



George P. Young
SUBJECT: HONU'ULA BOTANICAL, WILDLIFE AND CONSERVATION & STEWARDSHIP PLAN
 May 31, 2012
 Page 2 of 2

May 31, 2012

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The Property is crossed by numerous small ephemeral dry gulches that define drainage areas and convey on-site and off-site storm water run-off during storms. Modifications to gulches are constrained by flood hazards and drainage improvements previously installed downstream within Wailea. The gulches are inundated infrequently during periods of unusually heavy and prolonged rainfall. ~~Because of the ephemeral nature of the gulches, Honu'ula Partners, LLC, biological consultant SWCA Environmental Consultants concludes that the gulches are not considered traditional navigable waters. The Department of the Army, United States Corps of Engineers has determined that the Property does not contain any navigable waters or other waters of the United States; therefore a Department of Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404) is not required for any proposed or future work.~~

In addition, in the final EIS Section 4.8.3 (Drainage System) will be revised as follows:

There are approximately 15 natural drainageways in which runoff flows through the Property. Considering the relatively low rainfall at the Property, these drainage ways are generally dry throughout the year. There are no existing drainage improvements maaka of the Property. The entire property is designated on the FRM as Zone C, an area of minimal flooding (Figure 11). The Department of the Army, United States Corps of Engineers has determined that the Property does not contain any navigable waters or other waters of the United States; therefore a Department of Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404) is not required for any proposed or future work.

Thank you for reviewing the Honu'ula Botanical Survey, Wildlife Survey, and Conservation & Stewardship Plan. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
 Senior Associate

cc: William Spence, Maui Planning Department
 Charles Jencks, Honu'ula Partners, LLC

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SUBJECT: HONU'ULA BOTANICAL AND WILDLIFE SURVEY REPORTS AND THE HONU'ULA CONSERVATION & STEWARDSHIP PLAN REVIEW AND COMMENT

Dear Mr. Young:

Thank you for your letter (POH-2009-00091) addressed to Charles Jencks dated May 11, 2010 regarding the Honu'ula Botanical and Wildlife Survey reports and Honu'ula Conservation & Stewardship Plan. As the planning consultant for the landowner, Honu'ula Partners, LLC, with this letter we are responding to your comments. We have also received your letter dated May 11, 2010 regarding the Honu'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application and have responded to that letter separately.

In compliance with County of Maui Ordinance No. 3554 Condition 27, Honu'ula Partners, LLC provided the U.S. Corps of Engineers (Corps) with the Honu'ula Conservation and Stewardship Plan, along with the report titled: "Remnant *Wiliwili Forest Habitat* at Wailea 670, Maui, Hawaii by Lee Altenberg, Ph.D." for review and recommendations.

We understand that the Corps has authority to regulate activities pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. We further understand that: "The Corps' Regulatory Program does not have the legal authority or expertise to comment or make recommendations as to the appropriateness of areas of a parcel for preservation or for use as mitigation, for a particular project, for Maui Planning Commission use." To include this information in the final EIS, in the final EIS Section 3.6 (Botanical Resources) and Section 5.2.3 (County of Maui Zoning) will be revised to include the following information:

In their letter dated May 10, 2010 the United States Army Corps of Engineers stated:

The Corps Regulatory Program does not have the legal authority or expertise to comment or make recommendations as to the appropriateness of areas of a parcel for preservation or for use as mitigation, for a particular project, for Maui Planning Commission use.

We further understand that the Department of the Army, United States Corps of Engineers has determined that the Property does not contain any navigable waters or other waters of the United States; therefore a Department of Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404) is not required for any proposed or future work. To include this information in the final EIS, in the final EIS Section 3.2 (Geology and Topography) will be revised as follows:



United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Pacific Islands Water Science Center
677 Ala Moana Blvd., Suite 415
Honolulu, HI 96813
Phone: (808) 587-2400/Fax: (808) 587-2401



June 1, 2010

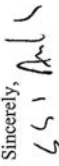
Mr. Tom Schnell
PBR Hawaii
ASB Tower, Suite 650
1000 Bishop Street
Honolulu, Hawaii 96813

Dear Mr. Schnell:

Subject: Draft Environmental Impact Statement (DEIS), Honua'ula, Makawao, Maui, Tax Map
Keys: Project: (2)2-1-08:056; (2)2-1-08:071, Off-site improvements: (2)2-1-08:999
(portion); (2)2-1-08: 043; (2)2-1-08:090 (portion); (2)2-1-08: 108 (portion); (2)2-2-02:
050 (portion); (2)2-2-02: 054 (portion); (2)2-1-08: 054 (portion); (2)2-1-08: 001.

Thank you for forwarding the subject DEIS for review and comment by the staff of the U.S.
Geological Survey Pacific Islands Water Science Center. We regret however, that due to prior
commitments and lack of available staff, we are unable to review this document.

We appreciate the opportunity to participate in the review process.

Sincerely,

Stephen S. Anthony
Center Director

cc: Jeff Hunt, Director, County of Maui, Planning Department



May 31, 2012

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677 Ala Moana Blvd., Suite 415
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**SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND
PROJECT DISTRICT PHASE II APPLIATION**

Dear Mr. Anthony:

Thank you for your letter dated June 1, 2010 regarding the Honua'ula Draft
Environmental Impact Statement (EIS) and Project District Phase II application. As the
planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to
your comments.

We acknowledge that the U.S. Geological Survey Pacific Islands Water Science Center
is unable to review or comment on the Honua'ula Draft EIS.

Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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U.S. Geological Survey, Pacific Island Ecosystems Research Center, Biological Resources
Discipline, Haleakala Field Station, P.O. Box 246, Makawao, Maui, Hawaii 96768

May 7, 2010

Mr. Charles Jencks
Honua'ula Partner, LLC
381 Huku Li'i Place, Suite 202
Kihei, HI 96753

Dear Mr. Jencks,

Thanks much for sending me the volume containing the Botanical Survey, Wildlife Survey,
Conservation & Stewardship Plan and Altenberg reports prepared for the Honua'ula project.

Beyond saying that and the fact that the U.S. Geological Survey, Pacific Island Ecosystems
Research Center, is part of a science agency and not in any way a regulatory agency I have
no comments to offer on the subject reports.

Sincerely yours,

Lloyd Loope
Research Scientist and Station Leader
Email: Lloyd_Loope@usgs.gov



May 31, 2012

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Lloyd Loope
U.S. Geological Survey
Pacific Island Ecosystems Research Center
Haleakala Field Station
P.O. Box 246
Makawao, Hawaii 96768

**SUBJECT: HONUA'ULA BOTANICAL AND WILDLIFE SURVEYS AND
HONUA'ULA CONSERVATION & STEWARDSHIP PLAN REVIEW
AND COMMENT**

Dear Mr. Loope:

Thank you for your letter addressed to Charles Jencks dated May 7, 2010 regarding the
Honua'ula Botanical and Wildlife surveys and the Honua'ula Conservation & Stewardship
Plan. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are
responding to your comments.

We acknowledge that the U.S. Geological Survey Pacific Island Ecosystems Research
Center has no comments to offer on the reports, as it is part of a science agency not a
regulatory agency.

Thank you for reviewing the Honua'ula Botanical and Wildlife Surveys and the Honua'ula
Conservation & Stewardship Plan. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



In Reply Refer To:
2010-TA-0286
2009-TA-0172
2009-FA-0073

JUL - 2 2010

Mr. Charles Jencks
Honouliuli Partners, LLC
c/o Goodfellow Brothers, Inc.
P.O. Box 220
Kihei, Hawaii 96753

Subject: Draft Environmental Impact Statement for Honouliuli (Wailealea 670), a Master-Planned Community in Wailealea, Maui

Dear Mr. Jencks:

We are in receipt of your consultant's April 20, 2010, letter requesting comments on the Draft Environmental Impact Statement (DEIS) for the Honouliuli Master-Planned Community located in the district of Makawao on the island of Maui [TMK 2-1-008:056 and 071]. The proposed project entails the development of a master-planned community of approximately 1,150 single-family and multi-family residences, a golf course and other recreational amenities, community-oriented parks, commercial and retail space, and a native plant preservation area on approximately 670 acres (271 hectares) on the leeward side of Haleakala. Off-site utility infrastructure improvements will entail the development of an additional 30 acres. The northern 75 percent of the property has historically been managed for livestock grazing and is currently dominated by buffel grass (Cenchrus ciliaris) and non-native shrubs. Approximately 130 acres (53 hectares) at the southern end of the property is covered by aa lava that contains remnants of native Hawaiian dry forest. A 22-acre (9-hectare) Native Plant Preservation Area will be conserved within the southern portion of the property.

On April 8, 2009, we provided you with project recommendations (enclosed as requested) based on information we received in your October 2008, Environmental Impact Statement Preparation Notice. In a March 9, 2010, letter to us, you indicated you would address our comments in the DEIS and in a multi-species Habitat Conservation Plan (HCP) you would prepare pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (16 USC 1531 et seq.) (ESA) and Hawaii Revised Statutes §195D. In a June 4, 2010, letter your consultant indicated the comment period had been extended to June 30, 2010.



Mr. Charles Jencks

As you address in "Wildlife Survey of Honua'ula (Wailealea 670) Kihei, Maui", prepared by SWCA Environmental Consultants (Report), which is appended to your DEIS, the Hawaiian hoary bat (Lasiurus cinereus semotus), the endangered Blackburn's sphinx moth (Manduca blackburni), the threatened Newell's shearwater (Puffinus auricularis newelli) and the endangered Hawaiian petrel (Pterodroma phaeopygia sandwichensis) (collectively referred to as seabirds) occur in the project vicinity. As your Report also discusses, water features and greens associated with the proposed golf course may attract the endangered Hawaiian goose (Branta (=Nesochen) sandvicensis) and the following three endangered waterbirds: Hawaiian coot (Fulica americana alai), Hawaiian duck (Anas wyvilliana), and Hawaiian stilt (Himantopus mexicanus knudseni). In addition, as outlined in our enclosed April 8, 2009 letter, populations of eight endangered plant species, two critical habitat units for the Blackburn's sphinx moth, and significant portions of critical habitat units for five plant species are located within the leeward Haleakala area where significant increases in wildfire threat are likely to occur as a result of human activities, such as the proposed project, within the Kihei-Wailealea-Makena area.

Based on the project information you provided in the DEIS and updated information in our files, we refined our recommendations regarding measures to minimize potential adverse impacts to listed resources. In a June 18, 2010, meeting with our staff, you agreed to incorporate our updated recommendations to minimize the potential for adverse project impacts to the Hawaiian hoary bat and listed bird species and you indicated you would adopt measures to minimize harm to Blackburn's sphinx moths. In this meeting, you and your environmental consultants also presented information regarding the project's proposed Native Plant Preservation Area and related plant conservation areas, as well as your proposed measures to minimize wildfire threat. You also reiterated your interest in coordinating with our office and the State of Hawaii Department of Land and Natural Resources Division of Forestry and Wildlife (DOFAW) to develop measures, in your HCP, to offset unavoidable impacts to listed species and their habitat. The following sections summarize our recommendations and our June 18, 2010, discussion:

Hawaiian Hoary Bat

Hawaiian hoary bats are known to roost in native and non-native trees and shrubs taller than 15 feet (4.6 meters). Between July 1 and August 15, young Hawaiian hoary bat pups, which are incapable of flight, may be harmed or killed if their roost site is disturbed.

Your DEIS indicates a qualified wildlife biologist will monitor for bats during vegetation clearing activities and that such monitoring is intended to avoid impacts to juvenile bats. However, the small size and brown coloration of Hawaiian hoary bat pups and juveniles makes it extremely difficult for even an experienced bat biologist to detect them in woody vegetation.

In our June 18, 2010, meeting, you agreed to minimize the potential for harm to Hawaiian hoary bat pups by avoiding removal and trimming of woody plants greater than 15 feet (4.6 meters) tall during the peak Hawaiian hoary bat pup rearing season (July 1 through August 15).

Listed and Migratory Seabirds

As you discuss on page 18 of your Report, outdoor lighting, such as street lights, can adversely impact listed and migratory seabird species protected under the ESA or the Migratory Bird Treaty Act of 1918 [16 U.S.C. 703 et seq.; 40 Stat. 755] as amended. Seabirds may traverse the project area at night during the breeding season (February 1 through December 15). Any outdoor lighting could result in seabird disorientation, fallout, injury and mortality. Young birds

(fledglings) traversing the project area between September 15 and December 15, in their first flights from their mountain nests to the sea, are particularly vulnerable. The seabirds are attracted to lights and after circling the lights they may collide with nearby wires, buildings, or other structures or they may land on the ground due to exhaustion. Downed seabirds are subject to high mortality caused by collision with automobiles, predation by dogs, cats, and wild animals, and starvation.

To minimize potential project impacts to seabirds, your DEIS indicates lights will be shielded pursuant to Maui County Code of Ordinances Chapter 20.35 (Outdoor Lighting), night-time construction will be avoided, and all staff will be provided with information regarding seabird fallout. Additionally, you agreed during our June 18, 2010 meeting, that all outdoor lights will be fully shielded in accordance with the enclosed "Seabird Friendly Lighting Solutions" guide we provided to you prior to our meeting. Despite modifications to your project to avoid and minimize impacts to seabirds, if you anticipate that impacts to listed seabirds may still occur, we recommend you address such impacts as part of your HCP.

Other Endangered Bird Species

As you discuss on page 17 of your Report, the endangered Hawaiian goose, Hawaiian coot, Hawaiian duck, and Hawaiian stilt may be attracted to drainage ditches, golf course water features, and mowed grass areas in the project site increasing their vulnerability to collision with vehicles, injuries due to golf operations, and exposure to domesticated animal predators. In our June 18, 2010 meeting, we recommended and you agreed, to implement measures prohibiting free movement of pets, discouraging the feeding of feral animals, and preventing increases in the populations of house mice, rats, mongoose, and feral cats (such as by installing sturdy animal-proof garbage containers). These measures should be incorporated into any community rules and regulations, such as the covenants, conditions, and restrictions instituted for the Honouaia Master-Planned Community development project and a public education program will be developed to ensure project effectiveness. You indicated the aforementioned measures, in addition to unavoidable human disturbance to these species would be addressed in your Final EIS and in your HCP.

Blackburn's Sphinx Moth

Surveys of tree tobacco (*Nicotiana glauca*) plants indicate that foraging by Blackburn's sphinx moth larvae is scattered throughout the southern and northern portions of the proposed project area. Page 70 of the DEIS indicates that during surveys conducted in 2008 and 2009, evidence of the Blackburn's sphinx moth, including the occurrence of "frass, chewed stems and leaves, and live caterpillars" on the non-native tree tobacco, was found within the project site (SWCA 2010). According to your Report, native plants on which adult moths are likely to take nectar from, such as koali awahia (*Ipomea indica*), maiapilo (*Capparis sandwichtiana*), and ilice (*Plumbago zeylanica*) are widespread throughout the Honouaia property. As addressed on page 17 of your Report, the potential loss of these food plants for adult moths exists in portions of the property. Your Report also states that removal of tree tobacco plants during construction will likely result in the loss of non-native feeding habitat for the caterpillar, or moth's larval stage. In addition, because the proposed project area lies between two Blackburn's sphinx moth critical habitat units, and as such likely enhances the connectivity between the two areas, habitat loss within the project site could adversely impact the Blackburn's sphinx moth populations within this region of Maui. Because Blackburn's sphinx moth larvae burrow into the substrate near host

plants and may remain in a state of torpor for up to a year before emerging from the soil, soil disturbance in the vicinity of host plants may harm Blackburn's sphinx moth larvae.

We recommend that a qualified biologist should conduct surveys to estimate Blackburn's sphinx moth population size within areas proposed for development. This information may be used to estimate project impacts. The biologist should consult with DLNR and Service regarding survey methods.

We also recommend that you minimize and offset anticipated direct and indirect project impacts to the moth in your HCP. Our office also offers our continued technical assistance on appropriate measures to be included eventually in your HCP. Permanent loss of Blackburn's sphinx moth habitat and potential project impacts to connectivity between Blackburn's sphinx moth critical habitat units should be included in your HCP. In our June 18, 2010 meeting, you agreed to coordinate with the U.S. Fish and Wildlife Service (Service) and State Department of Land and Natural Resources (DOFAW) staff as you draft off-site conservation measures to offset adverse project impacts to the Blackburn's sphinx moth.

Native Dry Shrubland Ecosystem/Important Plant Habitat

Maui County Ordinance Number 3554, Bill Number 22 (2008) repealing Ordinance No. 2171 (1992) and establishing Kihei-Makena Project District 9 (Wailea 670) Zoning (Conditional Zoning), for approximately 670 acres situated at Paehau, Palaua, Kcauhou, Maui, requires a "conservation easement (entitled "Native Plant Preservation Area") for the conservation of native plants and significant cultural sites in Kihei-Makena District Project District 9" within the proposed Honua'ia Master-planned Community development project. The easement "shall comprise the portion of the portion of the property south of latitude 20°40'15.00"N, excluding portions that the DLNR, the Service, and the United States Corps of Engineers find do not merit preservation, but shall not be less than 18 acres and shall not exceed 130 acres."

The DEIS proposes to conserve a 22-acre Native Plant Preservation Area along with various 'conservation' and 'naturalized' areas interspersed between golf fairways, recreational trails, and mixed residential development within the southern portion of the property. We believe the entire 130-acre (56-hectare) area at the southern end of the project merits preservation. Pages 7-9 of SWCA's Conservation & Stewardship Plan state that scattered groves of large-stature *Erythrina sandwicensis* (wiliiwili) and *Prosopis pallid* (kiawe) trees co-dominate the upper story of the kiawe-wiliiwili shrubland, and that native shrubs, such as *Sida fallax* (lilima) and *Capparis sandwichtiana* (maiapilo), and the native vine *Sicyos pachycarpus* (anunu), occur in the understory. Introduced shrubs, introduced grasses, and introduced vines and herbaceous species dominated the ground vegetation. SWCA found a total of 26 native species growing within the project site. Five individuals of *Canavalia pubescens* (awikiwiki), a candidate for listing pursuant to the ESA, currently exist within the kiawe-wiliiwili shrubland on the Honouaia property. The remnant kiawe-wiliiwili shrubland habitat is somewhat degraded as a result of historical grazing by feral deer, goats, and cattle and jeep trails occur on the property.

To minimize these adverse impacts to ecosystem integrity, we recommend that the conservation easement or Native Plant Protection Area include the roughly 130 acres (56 hectares) within the aa lava flow which supports a somewhat degraded, yet functioning native dryland forest/shrubland ecosystem. As your reports indicate, the majority of the native plant species

Mr. Charles Jencks

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observed during recent surveys occur in southern quarter of the project area. We believe that your rationale for the design of the Native Plant Preservation Area, based on the weighted density of eight "uncommon" native plant species, will result in a significant percentage loss of individual native plants, and further habitat fragmentation. Therefore, to minimize adverse impacts to ecosystem integrity, we recommend that the conservation easement or Native Plant Preservation Area include a contiguous area of roughly 130 acres (56 hectares) which would encompass the majority of the mixed remnant kiawe-wilwilt shrubland.

Pages 25 through 28 of SWCA's Conservation & Stewardship Plan, which was appended to the DEIS, and as we discussed in our June 18, 2010 meeting, has identified numerous proposed mitigation measures and an interest in cooperating with and funding off-site conservation projects to offset the loss of habitat within the proposed project footprint. Your Final EIS should also include a description of these off-site conservation projects. In order to fully address this aspect of the project in your Final EIS, we suggest that a 130-acre (56-hectare) Native Plant Preservation Area, located within the southern portion of the property, be incorporated into the preferred alternative. Alternatively, your discussion of project alternatives (Section 6.0) in your Final EIS should thoroughly address any reasons conservation of the entire southern area was not included selected as the preferred alternative.

Increased wildfire threat

A number of recent human-caused fires have escaped containment by the available interagency initial attack fire suppression forces, resulting in significant impacts to listed species and critical habitat in the dry areas of Maui. Preliminary calculations reviewed at the June 9, 2009, Maui Wildfire Coordinating Group meeting indicate that in the absence of significant fuel treatments, significant fire suppression resource response by fire engines and heavy equipment would be necessary within the first 45 minutes of fire ignition in order to contain a wildfire burning under average summer fire danger conditions in the project vicinity.

To minimize the wildfire threat posed by the development, the DEIS indicates that two acres will be set aside for Maui County's use developing a new fire station. Additionally, SWCA's Conservation and Stewardship Plan indicates that a Natural Resource Manager will be hired to develop a fire control plan in coordination with resource agencies and fire department officials. In our June 18, 2010, meeting you indicated that you are also coordinating with adjacent landowners to develop a 100-foot (30-meter) wide firebreak along portions of the upslope edge of the project area. In addition, you invited us to visit the site to see the extent to which grass fuel load is minimized in the area upslope from the project by intensive grazing. We recommend you ensure that fuel treatments, in combination with fire suppression responses, are adequate to ensure wildfires do not burn listed species and critical habitat in the leeward Haleakala area, and that these measures are presented in your Final EIS.

Mr. Charles Jencks

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We appreciate the opportunity to participate in the environmental review process for this project. Please contact Dawn Greenlee, Fish and Wildlife Biologist, Consultation and Technical Assistance Program (phone: 808-792-9469; fax: 808-792-9581), if you have any questions regarding our comments and recommendations.

Sincerely,



for Loyol Mehrhoff
Field Supervisor

Enclosures

cc:

Mr. Tom Schnell, PBR Hawaii
Mr. John Ford, SWCA Environmental Consultants
Mr. Jeff Hunt, Maui County Planning Department
Dr. Scott Fretz, Hawaii Department of Land and Natural Resources
Dr. Fern Duvall, Hawaii Department of Land and Natural Resources



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



In Reply Refer To:
2009-TA-0172
2009-FA-0073

PBR Hawaii
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

APR 08 2009

Subject: Request for Technical Assistance for Proposed Honuaula Subdivision, Kihei, Maui
To Whom it May Concern:

This letter acknowledges the U.S. Fish and Wildlife Service's March 9, 2009, receipt of your request for comments on an Environmental Impact Statement Preparation Notice addressing the proposed development of approximately 670 acres in Kihei, Maui (TMKs (2) 2-1-008:056 and 071 and (2) 2-1-008:999 (por)). The proposed master planned community would include approximately 1,150 single family homes, commercial mixed uses, and a golf course. The northern 75 percent of the property has historically been managed for livestock grazing and is currently dominated by buffel grass and non-native shrubs. The southern portion of the property is covered by aa lava which contains scattered remnants of native Hawaiian dry forest. A 22-acre native plant preservation area would be conserved. Based on the project information you provided and pertinent information in our files, the threatened Newell's shearwater (Puffinus auricularis newelli) and the endangered Hawaiian petrel (Pterodroma phaeopygia sandwicensis) (collectively referred to as seabirds) are known to traverse the project area. The endangered Blackburn's sphinx moth (Manduca blackburni) and the endangered Hawaiian hoary bat (Lasiurus cinereus semotus) may also occur within the project site.

The proposed project is located in a dry area of Maui where wildland fires interdependent with the proposed project may impact resources protected under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA). To assist you, we have drafted a preliminary project action area to delineate the extent of the area which may be impacted by wildland fires associated with the proposed development (Figure 1). The action area is bounded along its north side by areas which are (according to information provided by James Robello, Maui County Executive Director, U.S. Department of Agriculture (USDA) Farm Service Agency, on January 6, 2009) intensively managed for agricultural purposes. The southern perimeter of the action area follows a lava flow which may serve as a fuelbreak. We have requested additional information from USDA regarding the spatial extent of intensive agricultural management in the vicinity of the proposed project area, upon which revisions to the draft action area could be based.



PBR Hawaii

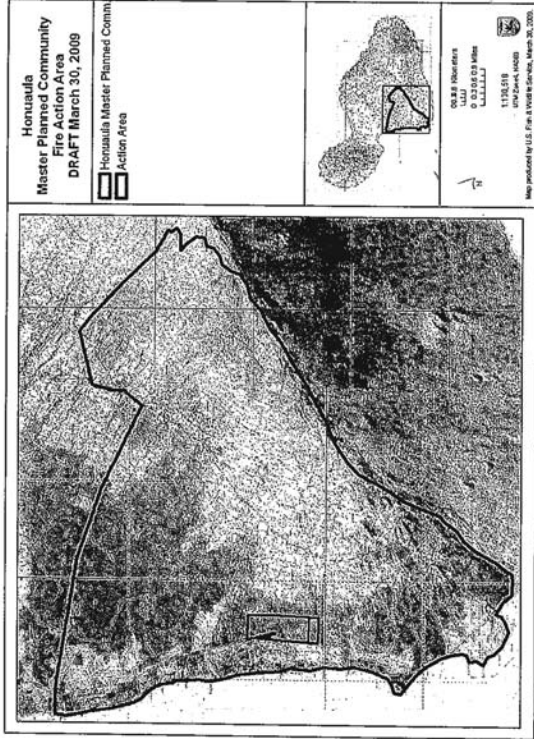


Figure 1. Honuaula project draft action area.

The draft action area contains five listed animal species (Table 1), and designated critical habitat for one insect and five plant taxa (Table 2) occurs within the area which may be impacted by wildland fires resulting from the proposed development.

Table 1. Threatened and endangered species occurring within action area.

Table with 3 columns: Scientific Name, Common Name, Status. Lists species like Lasiurus cinereus semotus, Branta sandwicensis, Fulica americana alai, and Himantopus mexicanus knudseni.

Table 1 (continued). Threatened and endangered species occurring within the draft action area.

Scientific Name	Common Name	Status
Insects		
<i>Manduca blackburni</i>	Blackburn's sphinx moth	Endangered
Plants		
<i>Abutilon menziesii</i>	kooloa ula	Endangered
<i>Achyranthes splendens</i> var. <i>rotundata</i>	round-leaved chaff-flower	Endangered
<i>Bonania menziesii</i>	no common name	Endangered
<i>Diellia erecta</i>	no common name	Endangered
<i>Diplazium molokaiense</i>	no common name	Endangered
<i>Geranium arboreum</i>	Hawaiian red-flowered geranium	Endangered
<i>Hibiscus brackenridgei</i>	mao hau hele; native yellow hibiscus	Endangered
<i>Melicope knudsenii</i>	alani	Endangered

Table 2. Critical habitat units occurring within the draft action area.

Critical Habitat Unit	Portion of Critical Habitat Unit Within Draft Action Area	
	Hectares (Acres)	Percent of Unit
Insect		
<i>Manduca blackburni</i> – Maui 1	1503 ha (3715 ac)	94 %
<i>Manduca blackburni</i> – Maui 2	578 ha (1429 ac)	96 %
Plants		
<i>Argyroxiphium sandwicense</i> ssp. <i>macrocephalum</i> – Unit 9	497 ha (1228 ac)	5%
<i>Bidens nigrantha</i> ssp. <i>kalaialaha</i> – Unit 9 b	32 ha (80 ac)	2%
<i>Clermontia lindseyana</i> – Unit 9 b	60 ha (148 ac)	100%
<i>Diellia erecta</i> – Unit 9 a	2 ha (5 ac)	100%
<i>Geranium arboretum</i> – Unit 9 a	145 ha (358 ac)	20 %
<i>Geranium arboretum</i> – Unit 14 b	452 ha (1116 ac)	100 %
<i>Geranium arboretum</i> – Unit 15 c	251 ha (621 ac)	38 %

We recommend the following measures be incorporated into the project's Draft Environmental Impact Statement to minimize potential project impacts to listed species:

- Seabirds may traverse the project area at night during the breeding season (February 1 through December 15). Any outdoor lighting, particularly when used during each year's peak fledging period (September 15 through December 15), could result in seabird disorientation, fallout, and injury or mortality. Potential impacts to seabirds can be minimized by shielding outdoor lights associated with the project, avoiding night-time construction, and providing all project staff and residents with information regarding

seabird fallout. All project lights should be shielded so the bulb can be seen only from below.

- Blackburn's sphinx moth may occur in the project area. The adult moth feeds on nectar from native plants including beach morning glory (*Ipomoea pes-caprae*), ilice (*Plumbago zeylanica*), maiapilo (*Capparis sandwicheana*), and the larvae feed upon non-native tree tobacco (*Nicotiana glauca*) and the native (*Nothocestrum latifolium*). All of these species may occur on the project site. We recommend you survey the site for the presence of Blackburn's sphinx moth host plants and if host plants are found, contact our office for further assistance.
- To minimize impacts to the endangered Hawaiian hoary bat, woody plants suitable for bat roosting should not be removed or trimmed during the bat birthing and pup rearing season (April to August). If this avoidance measure can not be implemented, bat surveys should be conducted and, if this species is found, our office should be contacted for additional assistance.
- Development may result in an increased fire risk. A number of recent human-caused fires have escaped containment by the available interagency initial attack fire suppression forces, resulting in significant impacts to listed species and critical habitat in the dry areas of Maui. In the project vicinity, intensive grazing may be reducing fuel load and wildland fire threat to listed resources. The Maui Wildland Fire Coordinating Group is partnering with our office to coordinate the development of fuelbreaks, water sources for firefighting, fire prevention projects, and an increased fire suppression response to minimize the impact of human-caused wildfires to listed plants, animals, and critical habitat on Maui. Agricultural practices implemented by private landowners in the project vicinity could be coordinated to minimize fuel load and fire threat. We recommend you coordinate with Maui County Department of Fire and Public Safety, Hawaii Department of Land and Natural Resources, USDA Farm Service Agency, USDA Natural Resource Conservation Service, adjacent landowners, and our office to ensure any wildland fire risk to listed resources, interdependent with the proposed development, is minimized.
- We recommend the use of native plants for landscaping purposes in order to reduce the spread of non-native invasive species. If native plants do not meet your landscaping objectives, we recommend that you choose species that are thought to have a low risk of becoming invasive. The following websites are good resources to use when choosing landscaping plants: Pacific Island Ecosystems at Risk (<http://www.hear.org/Pier/>), Hawaii-Pacific Weed Risk Assessment (http://www.botany.hawaii.edu/faculty/dachler/wra/full_table.asp) and Global Compendium of Weeds (www.hear.org/gcw/).
- To minimize erosion, sedimentation, and other adverse impacts to aquatic fish and wildlife resources and nearby coral reef ecosystems, we recommend that applicable measures identified in the enclosed list of Standard Best Management Practices (BMP) for fish and wildlife be incorporated into the project's BMP Plan.

PBR Hawaii

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Implementation of these recommendations does not alleviate your responsibilities pursuant to the ESA, if a listed species may be affected by the proposed action. If the proposed project may affect a listed species and the project is funded, authorized, or carried out by a Federal agency, you should request that the Federal agency consult with us under section 7(a)(2) of the ESA. If there is no Federal nexus for the proposed action you should obtain an incidental take permit pursuant to section 10(a)(2)(B) of the ESA if incidental take of a listed species cannot be avoided. If you have questions or would like additional information, please contact Consultation and Technical Assistance Program Fish and Wildlife Biologist, Dawn Greenlee (phone: 808-792-9400; fax: 808-792-9581).

Sincerely,



Patrick Leonard
Field Supervisor



Enclosure

cc:
Office of Environmental Quality Control, State Land Use Commission, Honolulu, Hawaii
Maui Planning Department, Waiuku, Hawaii

Enclosure

**U.S. Fish and Wildlife Service
Recommended Standard Best Management Practices**

The U.S. Fish and Wildlife Service recommends that the following measures be incorporated into projects to minimize the degradation of water quality and impacts to aquatic fish and wildlife resources:

- a. Turbidity and siltation from project-related work will be minimized and contained to within the vicinity of the site through the appropriate use of effective silt containment devices and the curtailment of work during adverse weather conditions;
- b. Dredging and filling in the aquatic environment will be designed to avoid or minimize the loss special aquatic site habitat (pool/riffle areas, wetlands, etc.) and the unavoidable loss of such habitat will be compensated for;
- c. All project-related materials and equipment (dredges, barges, backhoes, etc.) to be placed in the water will be cleaned of pollutants prior to use;
- d. No project-related materials (fill, revetment rock, pipe, etc.) will be stockpiled in the water (stream channels, wetlands, etc.);
- e. All debris removed from the aquatic environment will be disposed of at an approved upland or ocean dumping site;
- f. No contamination (trash or debris disposal, alien species introductions, etc.) of adjacent aquatic environments (stream channels, wetlands, etc.) will result from project-related activities;
- g. Fueling of project-related vehicles and equipment should take place away from the water and a contingency plan to control petroleum products accidentally spilled during the project will be developed. Absorbent pads and containment booms will be stored on-site, if appropriate, to facilitate the clean-up of accidental petroleum releases;
- h. Any under-layer fills used in the project will be protected from erosion with (rock, core-loc units, etc.) as soon after placement as practicable; and
- i. Any soil exposed near water as part of the project will be protected from erosion (with plastic sheeting, filter fabric, etc.) after exposure and stabilized as soon as practicable (with vegetation matting, hydroseeding, etc.).

SEABIRD FRIENDLY LIGHTING SOLUTIONS



Help eliminate seabird light attraction. Select the best fixture for your application using this guide. Avoid uplighting, always shield floodlights, and aim downlights carefully to avoid light trespass. For more information go to www.kaui-seabirdhcp.info.

Unacceptable / Discouraged

Fixtures that produce glare and light trespass

Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night

Shielded floodlight that is angled correctly

Unshielded floodlight that is angled incorrectly



May 31, 2012

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PBR HAWAII
 & ASSOCIATES, INC.

Dr. Loyal Mehrhoff
 U.S. Fish and Wildlife Service
 Pacific Islands Fish and Wildlife Office
 300 Ala Moana Boulevard, Room 3-22, Box 50088
 Honolulu, Hawaii 96850

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Dr. Mehrhoff:

Thank you for your letter dated July 2, 2010 (Reference: 2010-TA-0286) addressed to Honua'ula Partners, LLC's representative Charles Jencks regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application.

Over the course of the last two years representatives of Honua'ula Partners, LLC and their consultants SWCA, Inc., have met with the United States Fish and Wildlife Service (USFWS) and the State Department of Land and Natural Resources (DLNR) Division of Forestry and Wildlife (DOFAW) to seek solutions regarding: 1) the size of Native Plant Preservation Area required under County of Maui Ordinance No. 3554 Condition 27; and 2) endangered wildlife species (with particular attention to the Blackburn's sphinx moth) that may be impacted as a result of the development of Honua'ula.

As a result of these meetings Honua'ula Partners, LLC proposes both on- and off-site measures to protect native plants and habitat for the Blackburn's sphinx moth. In addition, Honua'ula Partners, LLC will finalize its draft Habitat Conservation Plan (HCP) to provide: 1) measures to offset the potential impact of Honua'ula on two Covered Species (Blackburn's sphinx moth and nene); and 2) avoidance and minimization measures expected to avoid any negative impacts on five additional endangered species (the Hawaiian duck, Hawaiian silt, Hawaiian cormorant, Hawaiian petrel, and Hawaiian Hoary bat), one threatened species (Newell's shearwater), one candidate endangered species ('āwīkiwiki), and the Hawaiian short-eared owl (pueo). The HCP will be in support of an Incidental Take Permit (ITP) for Blackburn's sphinx moth and nene in accordance with Section 10(a)(1)(B) of the federal Endangered Species Act (ESA) of 1973, as amended, and an Incidental Take License (ITL) in accordance with Chapter 195D, Hawai'i Revised Statutes (HRS).

As the planning consultant for the landowner, Honua'ula Partners, LLC, below we provide responses to the concerns in your July 2, 2010 letter as they will be addressed in the Final EIS. The HCP will more fully address many of the concerns but the information in the Final EIS and HCP will be consistent. The organization of this letter follows the headings of your letter.

We note that the beginning portion of your letter provides an overview of Honua'ula and consultation with the United States Fish and Wildlife Service (USFWS) since 2008. Below we respond to your specific comments.

Dr. Loyal Mehrhoff

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Hawaiian Hoary Bat

As discussed in Section 3.7 (Wildlife Resources) of the Draft EIS, a single endangered Hawaiian hoary bat was sighted flying seaward over the Property during a survey in 2009, but no evidence of roosting or foraging was observed. Although no evidence of roosting by bats has been found within the Property, Honua'ula Partners, LLC agrees to minimize the potential for harm to juvenile Hawaiian hoary bats by avoiding removal and trimming of trees greater than 15 feet tall during the peak pup rearing season, between June 1 and September 15.

To include the relevant above information in the Final EIS, along with additional information from USEFWS, in the Final EIS Section 3.7 (Wildlife Resources) will be revised as shown on the attachment titled "Wildlife Resources."

Listed and Migratory Seabirds

Section 3.7 (Wildlife Resources) of the Draft EIS discusses mitigation measures to minimize potential impacts to native birds and states that outdoor lighting will be shielded in compliance with Chapter 20.35 (Outdoor Lighting), Maui County Code.

We note that seabirds may traverse the Property at night during the breeding season (February 1 through December 15). Any outdoor lighting could result in seabird disorientation, fallout, injury, and mortality. Young birds (fledglings) traversing the Property between September 15 and December 15, in their first flights from mountain nests to the sea, are particularly vulnerable. Seabirds are attracted to lights and after circling the lights they may collide with nearby wires, buildings, or other structures or they may land on the ground due to exhaustion. Downed seabirds are subject to high mortality caused by collision with automobiles, predation by dogs, cats, and wild animals, and starvation.

To include the additional information you provided regarding seabirds, as well as your recommendations in your letter under the heading "Other Endangered Bird Species," in the Final EIS, in the Final EIS Section 3.7 (Wildlife Resources) will be revised as shown on the attachment titled "Wildlife Resources."

Other Endangered Bird Species

As recommended, Honua'ula Partners, LLC will implement measures prohibiting the free movement of pets, discouraging the feeding of feral animals, and preventing increases in the populations of house mice, rats, mongoose, and feral cats. To include this information in the Final EIS, in the Final EIS Section 3.7 (Wildlife Resources) will be revised as shown on the attachment titled "Wildlife Resources."

Blackburn's Sphinx Moth & Native Dry Shrubland Ecosystem/Important Plant Habitat

The response to your comments under these two headings in your letter is provided below, as these two subject areas are interrelated.

Dr. Loyal Mehrhoff

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Since June of 2010 Honua'ula Partners, LLC has met with DLNR and USEFWS on many occasions to reach agreement regarding satisfaction of County of Maui Ordinance No. 3554 Condition 27, which requires the establishment of a Native Plant Preservation Area that "shall not be less than 18 acres and shall not exceed 130 acres" on "the portion of the [Honua'ula] property south of latitude 20°40'15.00"N." The area of Property south of latitude 20°40'15.00"N. comprises an approximately 170-acre 'a'ā lava flow characterized as kiawe-wiliwili shrubland. Based on the presence of the non-native tree tobacco (*Nicotiana glauca*) and native host plants for the endangered Blackburn's sphinx moth, the USEFWS also expressed concern that "habitat loss within the project site could adversely impact Blackburn's sphinx moth populations within this region of Maui."

As a result of the meetings with DLNR and USEFWS, Honua'ula Partners, LLC proposes both on- and off-site measures to protect and enhance native plants and habitat for the Blackburn's sphinx moth (*Manduca blackburni*) as discussed below.

On-Site Native Plant Preservation Area and Native Plant Conservation Areas

Native Plant Preservation Area – In compliance with County of Maui Ordinance No. 3554 Condition 27, Honua'ula Partners, LLC will establish a perpetual on-site conservation easement (Native Plant Preservation Area) over an area of approximately 40 acres within the kiawe-wiliwili shrubland south of latitude 20°40'15.00"N. This 40-acre area contains the highest density of native plants within the Property, and will include all five 'āwīkīwī plants that were alive in 2009 and the majority of the nehe plants at the Property. The Native Plant Preservation Area will be actively managed in accordance with the Conservation and Stewardship Plan (included as Appendix F of the Draft EIS). Management actions will include removal and exclusion of ungulates (deer, cattle, goats, and pigs), removal and control of noxious invasive weeds and plants, and propagation of native plants from seeds collected on the Property.

The scope of the Native Plant Preservation Area will be set forth in an agreement between Honua'ula Partners, LLC and the County that shall include:

- A commitment from Honua'ula Partners, LLC for the perpetual protection and preservation of the Native Plant Preservation Area for native Hawaiian dry shrubland plants
- Containing use of the Native Plant Preservation Area to activities consistent with the purpose and intent of the Native Plant Preservation Area
- Prohibiting development in the Native Plant Preservation Area other than fences and interpretive trails. Interpretive trails will be minimal in size, and shall not consist of imported materials or hardened surfaces; care will be taken to minimize impacts to native plants during establishment of trails.

The Native Plant Preservation Area will be managed by a Natural Resources Manager in accordance with the Conservation and Stewardship Plan (included as Appendix F of the Draft EIS) which was drafted in compliance with Condition 27. The overall goal of the Conservation and Stewardship Plan is to protect native plants and animals within Honua'ula. Secondary goals are to cooperate with researchers in furthering the science of native plant propagation and provide education and outreach opportunities.

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Native Plant Conservation Areas – In addition to the Native Plant Preservation Area, Native Plant Conservation Areas will be located throughout the Property including adjacent to both the golf course and the Native Plant Preservation Area. The areas will include:

- All the existing natural gulches throughout the Property (28 acres);
- Ungraded conservation areas (eight acres) in which existing native plants will be protected and that will be managed as natural areas; and
- Areas containing naturalized landscape in which existing native vegetation will be conserved or enhanced through propagation of native species from seeds collected on the Property.

Combined these areas will add an additional conservation area of at least 36 acres in which existing native plants will be protected. Management strategies employed for these Plant Conservation Areas will be in accordance with the Conservation and Stewardship Plan.

Off-Site Mitigation Areas

For off-site mitigation, Honua'ula Partners, LLC will:

1. Acquire 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
2. Fund and implement 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.

The Kanaio and Auwahi areas have been pinpointed by USFWS, USGS, Medeiros, Loope, and Chimera (1993), VanGelder and Conant (1998), Price et al (2007), and The Nature Conservancy to be of high value for Blackburn's sphinx moth habitat and native dryland forest and shrubland species including wiliwili and a number of threatened and endangered species. While it may be debated that there are additional areas in Southeast Maui with geology, slope, rainfall, and plant species composition similar to the Honua'ula Property, such areas are either already protected or simply not available for acquisition from their owners.

Kanaio Natural Area Reserve Conservation Easement – The proposed approximately 224-acre perpetual conservation easement adjacent to the eastern boundary of the Kanaio Natural Area Reserve harbors 171 species of plants, 40 percent of which are native to the Hawaiian Islands (19 indigenous species and 49 endemic species). In comparison, Honua'ula harbors 146 species of plants, of which 27 percent were native (26 indigenous species, and 14 endemic species).

This area, which contains native dry land habitat, is considered to be particularly high quality habitat for the Blackburn's sphinx moth, due in large part to the presence of many native host plants for both adult and juvenile life stages of the Blackburn's sphinx moth.

As part of Honua'ula Partners, LLC's conservation efforts, the eight-foot ungulate fence that currently exists along the eastern and southern border of the approximately 224-acre area will be

Dr. Loyal Mehrhoff

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extended along the remaining borders of the parcel, and ungulates will be removed from the enclosure. A 10-foot wide fire break will be established along the inside perimeter of the fence to minimize the risk of fires started outside the parcel from entering the mitigation area. In addition, a cross fencing plan for adjacent ranch land is being developed in coordination with Ulupalakua Ranch. Cross fencing will be designed to facilitate cattle grazing in such a pattern to enhance fire control immediately adjacent to the protected area. The fence and fire breaks will be maintained in perpetuity.

Auwahi Forest Restoration – At the Auwahi Forest Restoration Project, Honua'ula Partners, LLC will fund and implement a 15-year restoration program covering an area of approximately 130-acres. This will include: a) fencing of, and ungulate removal from, approximately 130 acres of Blackburn's sphinx moth conservation area; and b) dry forest restoration to benefit the Blackburn's sphinx moth, and native dry shrubland plant species. Restoration activities will include removal of invasive weeds and propagation and out-planting of native species, including many native host plants for both adult and juvenile life stages of the Blackburn's sphinx moth.

While an eight foot fence already exists around the entire 184-acre Auwahi Forest Restoration Project, some cattle grazing continues in most of the area within the enclosure. As part of the program funded and implemented by Honua'ula Partners, LLC, cattle fences will be moved or installed and cattle will be removed from restoration areas.

Restoration efforts at the Auwahi Forest Restoration Project started in 1997 have been very successful, with 28 native species naturally reproducing after only 10 years of restoration efforts. The mitigation program implemented by Honua'ula Partners, LLC will build on this success, and will include mechanical and chemical removal of invasive plant species and enhancement of the native vegetation through propagation. A 10-foot wide fire break will be established along the inside perimeter of the fence, and the cross-fencing plan described above will benefit the Auwahi mitigation area as well as the Kanaio conservation easement area. Honua'ula Partners, LLC will establish an endowment to ensure that fences, firebreaks, and restored areas will be maintained in perpetuity.

Net Conservation Benefit

The proposed on- and off-site measures to protect native plants and Blackburn's sphinx moth habitat proposed by Honua'ula Partners, LLC provide a net conservation benefit (as required under Chapter 195D, HRS) through: a) the protection and propagation of additional native host plants for both larval and adult Blackburn's sphinx moth (including the native host species 'aiea (*Nolthocestrum spp.*) and halapepe (*Pleionele spp.*)); and b) creation and protection of a higher number species of native host plants than currently exists on the Property. The proposed on- and off-site mitigation areas together provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including wiliwili. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the moth, providing net benefit to this covered species, as well as a large number of additional native dryland species.

Dr. Loyal Mehrhoff

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To implement the on- and off-site mitigation measures Honua'ula Partners, LLC, will finalize its draft HCP. The on- and off-site mitigation areas will be subject to the approval of the HCP USFWS and DLNR. The purpose of the HCP is to:

1. Offset the potential impact of Honua'ula on two Covered Species (Blackburn's sphinx moth and nēnē) with measures to protect and provide a net benefit to these species; and
2. Provide avoidance and minimization measures expected to avoid any negative impacts on five additional endangered species (the Hawaiian duck, Hawaiian silt, Hawaiian coot, Hawaiian petrel, and Hawaiian Hoary bat), one threatened species (Newell's shearwater), one candidate endangered species (*ʻāwīkīwīkī*), and the Hawaiian short-eared owl (pueo).

The HCP will be in support of an Incidental Take Permit (ITP) in accordance with Section 10(a)(1)(B) of the federal Endangered Species Act (ESA) of 1973, as amended, and an Incidental Take License (ITL) in accordance with Chapter 195D, HRS. The HCP will include: specific avoidance, minimization, and mitigation measures; measures of success, and implementation specifics, including details on administration, monitoring and reporting, and funding.

Honua'ula Partners, LLC will fund the initial 15-year period covered by the HCP and the ITP/ITL. To secure funding in perpetuity for the maintenance of the on- and off-site mitigation areas after the initial 15-year period, Honua'ula Partners, LLC will establish an endowment, which will be overseen by the Honua'ula Master Home Owners' Association with financial management provided by a licensed real property management company.

To include the relevant information above in the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) and Section 3.7 (Wildlife Resources) will be revised as shown on the attachments titled "Botanical Resources" and "Wildlife Resources."

In further responding to the comments in your letter under the heading, "Native Dry Shrubland Ecosystem/Important Plant Habitat," we note that on page 5 of your letter it is stated:

...we suggest that a 130-acre (56 hectare) Native Plant Preservation Area, located within the southern portion of the property, be incorporated into the preferred alternative. Alternatively, you discuss the project alternatives (Section 6.0) in your Final EIS should thoroughly address any reasons conservation of the entire southern area was not included selected [sic] as the preferred alternative.

In response to your request to address reasons why a 130-acre Native Plant Preservation Area was not incorporated into the preferred alternative, we maintain that a Native Plant Preservation Area of 130 acres would result in significant changes to the Conceptual Master Plan, resulting in conflicts with several provisions of Chapter 19.90A, Maui County Code (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

Dr. Loyal Mehrhoff

SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

May 31, 2012

Page 7 of 9

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 provide an alternative discussing a 130-acre Native Plant Preservation Area, which includes and elaborates on, the above information in the Final EIS, in the Final EIS Chapter 6 (Alternatives) will be revised to include the information shown on the attachment labeled "Alternatives."

Increased wildfire threat

As noted in your letter, SWCA's Conservation and Stewardship Plan (included as Appendix F of the Draft EIS) indicates that a Natural Resources Manager will be hired to develop a fire control plan in coordination with resource agencies and fire department officials. The Conservation and Stewardship Plan also contains other objectives regarding fire control, which are summarized in Section 3.6 (Botanical Resources) of the Draft EIS.

We note that fire suppression resource response by fire engines and heavy equipment would be necessary within the first 45 minutes of fire ignition to contain a wildfire. As stated in Section 4.10.3 (Fire) of the Draft EIS, the nearest fire station to Honua'ula is the newly built Wailea Fire Station located approximately one half mile from the Property, less than five minutes away. In addition, there are three other fire stations within 20 minutes of the Property.

As recommended and as stated in Section 3.4.5 (Wildfires) and Section 3.6 (Botanical Resources) of the Draft EIS, Honua'ula will implement a fire control program in coordination with the Maui County Department of Fire and Public Safety and resource agencies, which will include firebreaks, to help protect native plant preservation and conservation areas. The program will include the creation of a fire break immediately outside of the perimeter of the Native Plant Preservation Area. The golf course, which will abut portions of the Native Plant Preservation Area and other Native Plant Areas, will act as a fire break to protect native plants. Other fire mitigation measures include the use of lava rock and other non-flammable materials in building and landscaping.

To include the relevant above information in the Final EIS, Section 3.4.5 (Wildfires) will be revised as follows:

Wildfires

Currently, vegetation on the Property includes ~~kiawe~~~~buffel~~~~grass~~ non-native buffel grass (*Cenchrus ciliaris*), non-native kiawe trees (*Prosopis pallida*), native wiliwili trees (*Erythrina sandwicensis*), and a dense understory of native 'ilima shrubs (*Sida fallax*). ~~Kiawe~~~~buffel~~ Buffel grass, which is the most common grass on the Property, can easily carry fire.

Human carelessness is the number one cause of fires in Hawai'i. In Maui County the number of wildfires has increased from 118 in 2000 to 271 in 2003. Human error combined with the spread of non-native invasive grasses, shrubs, and trees, has led to an increased susceptibility to wildfires. According to Maui Fire Department data, Kihel-Makana's susceptibility of wildfire is high. Between 2005 and 2010 there were 201 wildfires in the Kihel-Makana area. The majority of those fires were of undetermined cause, 32 were caused by operating equipment, four were from a type of arch or flame,

Dr. Loyal Mehrhoff
**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT
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May 31, 2012
Page 8 of 9

five were caused by fireworks, and five were from smoking materials. Approximately 2,180 acres were burned during this five-year period.

POTENTIAL IMPACTS AND MITIGATION MEASURES

The occurrence of natural hazards cannot be predicted, and should one occur, it could pose a risk to life and property. Honua'ula, however, will neither exacerbate any natural hazard conditions nor increase the Property's susceptibility or exposure to any natural hazards.

Due to its location and elevation, the probability of the Property being affected by flooding or tsunami is minimal. However, to protect against natural hazards, including earthquakes and wildfires, all structures at Honua'ula will be constructed in compliance with requirements of the Uniform Building Code (UBC), and other County, State, and Federal standards. Fire apparatus access roads and water supply for fire protection will be provided in compliance with the Uniform Fire Code.

The creation of Honua'ula will mitigate the potential for wildfires on the Property through its landscape design and plant palette. In large part, vegetative fuel for fires, such as non-native kiawe trees and buffelgrass, will be replaced by buildings and landscaping of the community, thereby decreasing the Property's susceptibility to wildfires. Honua'ula Partners, LLC will implement a fire control program in coordination with the Maui County Department of Fire and Public Safety and resource agencies, which will include firebreaks to help protect native plant preservation and conservation areas (see Section 3.6, Botanical Resources) to insure the success of plant propagation and conservation efforts. Buffer areas between Honua'ula and Maui Meadows and along Pihani Highway will also act as fire breaks, as will the golf course. Other fire mitigation measures include the use of lava rock and other non-flammable materials in building and landscaping, and creating a trail system, which will act as a fire break.

The USFWS recommends fire suppression resource response by fire engines and heavy equipment be within the first 45 minutes of fire ignition. The Maui Fire Department is responsible for fire suppression in the district. The fire station nearest Honua'ula is the newly built Wailea Fire Station located at the intersection of Kilohana Drive and Kapili Street between Pihani Highway and South Kihei Road, less than five minutes away. The Wailea Station is approximately one half mile from the Property and is equipped with a 1,500 gallon per minute apparatus, a 95-foot mid-mount ladder truck and a 3,500 gallon water tanker truck. In addition, an emergency helipad and fuel dispensing station is located mauka of the fire station (see Section 4.10.3 (Fire) for information regarding fire control and response).

To help address the growing need for fire prevention and emergency services, in compliance with County of Maui Ordinance No. 3554 (Condition 24), Honua'ula Partners, LLC will provide the County with two acres of land that has direct access to the Pihani Highway extension for the development of fire control facilities within the Honua'ula Village Mixed-Use sub-district. This land will be donated at the time 50 percent of the total unit/lot count has received either a certificate of occupancy or final subdivision approval. The land provided will have roadway and full utility services provided to the parcel.

Dr. Loyal Mehrhoff
**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT
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May 31, 2012
Page 9 of 9

Impacts from natural hazards can be further mitigated by adherence to appropriate civil defense evacuation procedures. Honua'ula will coordinate with the State of Hawai'i Department of Defense, Office of Civil Defense and the County of Maui Civil Defense Agency regarding civil defense measures, such as sirens, necessary to serve Honua'ula.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC
Paul Conry, Department of Land and Natural Resources Division of Forestry and Wildlife
Scott Fretz, Department of Land and Natural Resources Division of Forestry and Wildlife

Attachments: Wildlife Resources
Botanical Resources
Alternatives

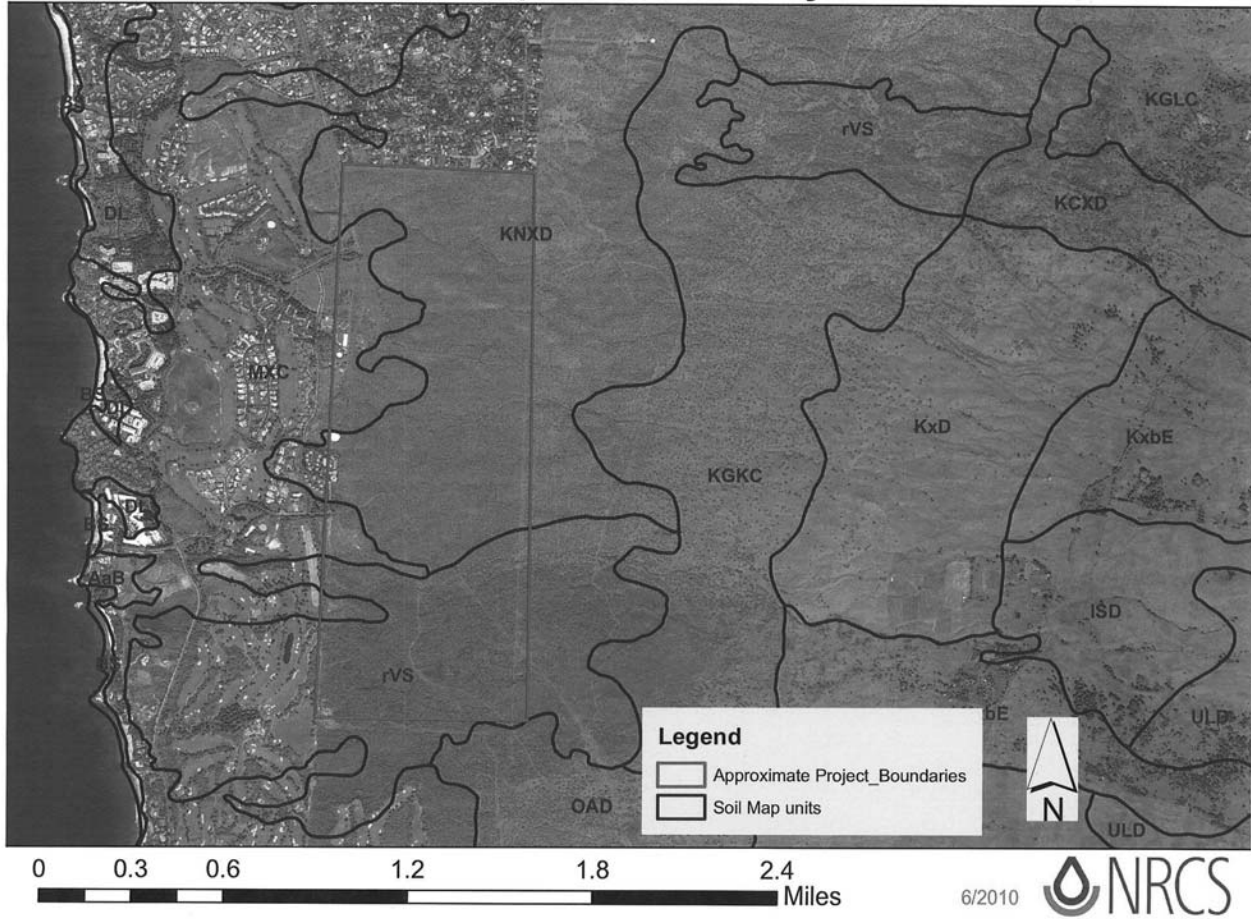
Literature Cited

Medeiros, A.C., L.L. Loope, and C. Chimera. 1993. Biological inventory and management recommendations for Kanaio Natural Area Reserve. Report to Hawaii Natural Area Reserve Commission. Haleakala National Park.

Price, J.P., S.M. Gon, J.D. Jacobi, and D. Matsuwaki. 2007. Mapping Plant Species Ranges in the Hawaiian Islands: Developing a Methodology and Associated GIS Layers. Hawai'i Cooperative Studies Unit, University of Hawai'i at Hilo, Tech. Rept. HSCU-008.

Van Gelder, E., and S. Conant. 1998. Biology and conservation of *Manduca blackburni*. Report to U.S. Fish and Wildlife Service, Honolulu, Hawai'i. 52 pp.

Soils Map Honua`ula Project



United States Department of Agriculture



Natural Resources Conservation Service
P.O. Box 50004 Rm. 4-118
Honolulu, HI 96850
808-541-2600

June 1, 2010

PBR Hawaii
Tom Schnell
ABS Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

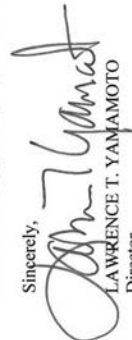
Dear Mr. Schnell,

Thank you for providing the USDA-Natural Resources Conservation Service with the opportunity to review the Draft Environmental Impact Statement for the Honua`ula Project, Kitei-Makena Maui, Hawaii. Please find enclosed the NRCS Soil Survey Map and soil reports. In review of this project site location it was found that no Prime or other Important Farmlands exist. With this acknowledged there will not be any farmland conversion impacts to this site or the necessity to complete a Farmland Conversion Impact Rating Form (AD-1006). The soil mapping does not identify any hydric soils in this project area. Hydric soils identify potential areas of wetlands. If wetlands do exist, any proposed impacts to these wetlands would need to demonstrate compliance with the "Clean Water Act", and may need an Army Corp of Engineers 404 permit.

The enclosed Soil Survey Map identifies the soil map units in the project area. The soil reports provide selected soil properties and interpretations: Dwellings without Basements, Local Roads and Streets, soil layers with USDA textures, and engineering classifications. The limitation ratings for Dwellings W/O Basements range from moderate to severe. These ratings do not preclude the intended land use, however they do identify potential limitations for the use, which may require corrective measures, increase costs, and/or require continued maintenance.

If you have any questions concerning the soils for this project please contact, Tony Rolfes, Assistant State Soil Scientist, by phone (808) 541-2600 x129 or email, Tony.Rolfes@hi.usda.gov.

Sincerely,


LAWRENCE T. YAMAMOTO
Director
Pacific Islands Area

cc: Michael Robotham, Assistant Director for Soil Science and Natural Resource Assessments,
Honolulu, HI

Enclosures:

Helping People Help the Land
An Equal Opportunity Provider and Employer

6/2010 

Engineering Properties

Island of Maui, Hawaii

Absence of an entry indicates that the data were not estimated. The asterisk "*" denotes the representative texture; other possible textures follow the dash.

Map symbol and soil name	Depth	USDA texture	Classification		Fragments		Percent passing sieve number--				Liquid limit	Plasticity index
			Unified	AASHTO	>10 Inches	3-10 Inches	4	10	40	200		
KNXD:												
Keawakapu, extremely stony	0-9	Extremely stony silty clay loam	ML-K (propose d)	A-7	5-15	25-45	90-100	85-95	80-95	70-95	40-50	10-20
	9-18	Silty clay	ML-K (propose d)	A-7	0-10	0-10	90-100	85-95	85-95	75-95	40-50	10-20
	18-28	Extremely cobbly material	GP, GP-GM	A-1	15-50	15-50	5-20	0-5	0-5	0-5	0	NP
MXC:												
Makena	0-4	Loam	ML-A (propose d)	A-4	0	0	100	100	85-95	60-75	30-40	NP-5
	4-23	Silt loam	ML-A (propose d)	A-4	0-5	0-5	95-100	95-100	90-100	70-90	30-40	NP-5
	23-44	Cobbly silt loam	ML-A (propose d)	A-2-4, A-3	0-5	15-25	95-100	90-100	80-100	0-5	30-40	NP-5
	44-60	Extremely cobbly material	GP, SP, SP-SM	A-1	5-15	60-80	0-20	0-5	0-5	0	0	NP
Stony land	0-5	Extremely stony silty clay loam	CL-K (propose d)	A-6, A-7	30-50	20-35	80-90	75-85	70-85	65-75	35-45	15-25
	5-10	Extremely stony silty clay, Extremely stony silty clay loam	CL-K (propose d)	A-6, A-7	30-50	20-35	80-90	75-85	70-85	65-75	35-45	15-25
	10-14	Bedrock	---	---	0	0	0	0	0	0	0	NP

Selected Soil Interpretations

Island of Maui, Hawaii

[The information in this table indicates the dominant soil condition but does not eliminate the need for onsite investigation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

*This soil interpretation was designed as a "limitation" as opposed to a "suitability". The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation.

Map symbol and soil name	Pct. of map unit	ENG - Dwellings W/O Basements (H) *		ENG - Local Roads and Streets		URB/REC - Lawn, Landscape, Golf Fairway (H) *	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
KNXD: Keawakapu, extremely stony	100	Moderate Slopes 8 to 15% Fragments (>3") 25 to 50%	0.85	Somewhat limited Slope Large stones content	0.96	Severe Fragments > 3" > 30% Slopes 8 to 15% AWC 2-4" to 40"	1.00
		Moderate Slopes 8 to 15%	0.74	Somewhat limited Slope	0.74	Moderate Slopes 8 to 15%	0.96
		Moderate Slopes 8 to 15%	0.43	Very limited Depth to soft bedrock Large stones content Shrink-swell Slope	0.37	Severe Fragments > 3" > 30% AWC < 2" to 40" Bedrock depth < 20" Slopes 8 to 15%	0.77
MXC: Makena	50	Moderate Slopes 8 to 15%	0.15	Somewhat limited Slope	0.04	Moderate Slopes 8 to 15%	0.04
		Severe Bedrock (soft) < 20" depth Fragments (>3") >50% Slopes 8 to 15%	1.00	Very limited Depth to soft bedrock Large stones content Shrink-swell Slope	1.00	Severe Fragments > 3" > 30% AWC < 2" to 40" Bedrock depth < 20" Slopes 8 to 15%	1.00
rVS: Very stony land	100	Severe Fragments (>3") >50% Slopes > 15%	1.00	Very limited Large stones content Slope	1.00	Not Rated	
		Severe Fragments (>3") >50% Slopes > 15%	1.00	Very limited Large stones content Slope	1.00	Not Rated	

This report shows only the major soils in each map unit. Others may exist.

Tabular Data Version: 7

USDA Natural Resources Conservation Service

Tabular Data Version Date: 12/31/2006

Page 1 of 1



May 31, 2012

Lawrence T. Yamamoto, Director
 US Department of Agriculture
 Natural Resources Conservation Service
 P.O. Box 50004 Rm. 4-118
 Honolulu, HI 96850

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SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Yamamoto:

Thank you for your letter dated June 1, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

Thank you for providing information regarding: 1) that there are no Prime or other Important Farmlands or hydric soils on the property; and 2) selected soil properties and interpretations. To include this information in the Final EIS, in the Final EIS Section 3.3.1 (USDA Soil Conservation Service Soil Survey) will be revised to include the following information:

In their comment letter on the Draft EIS dated June 1, 2010, the USDA Natural Resources Conservation Service stated:

- *In review of this project site location it was found that no Prime or other Important Farmlands exist. With this acknowledged there will not be any farmland conversion impacts to this site or the necessity to complete a Farmland Conversion Impact Rating form (AD-1006).*
- *The soil mapping does not identify any hydric soils in this project area. Hydric soils identify potential areas of wetlands.*
- *The soil reports attached with the USDA-SCS Natural Resources Conservation Service letter, see Chapter 12, provide selected soil properties and interpretations: Dwellings without Basements, Local Roads and Streets, soil layers with USDA textures, and engineering classifications. The limitation ratings for Dwellings W/O Basements range from moderate to severe. These ratings do not preclude the intended land use, however they do identify potential limitations for the use, which may require corrective measures, increased costs, and/or continued maintenance.*

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
 Senior Associate

cc: William Spence, Maui Planning Department
 Charles Jencks, Honua'ula Partners, LLC

O:\JOB\19\1905.08\Honuaula-EIS\EIS\DEIS\Comments\Responses\Agency\Final\USDA NRC\doc

Engineering Properties

Island of Maui, Hawaii

Map symbol and soil name	Depth	USDA texture	Classification		Fragments		Percent passing sieve number--				Liquid limit	Plasticity index
			Unified	AASHTO	>10 Inches	3-10 Inches	4	10	40	200		
	<i>In</i>				<i>Pct</i>	<i>Pct</i>					<i>Pct</i>	
IVS: Very stony land	0-10	Extremely stony very fine sandy loam	MH-A (propose d), SM	A-7	35-55	30-50	90-95	85-90	80-85	35-55	50-60	10-20
	10-60	Extremely cobbly material	GP, GP-GM	A-1	35-55	25-45	0-20	0-10	0-5	0-5	0-14	NP

CHARMAINE TAVARES
Mayor
CHERYL K. OKUMA, Esq.
Director
GREGG KRESGE
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
2200 MAIN STREET, SUITE 100
WAILUKU, MAUI, HAWAII 96793

June 14, 2010

MEMO TO: KATHLEEN AOKI, PLANNING DIRECTOR

FROM: CHERYL K. OKUMA, DIRECTOR OF ENVIRONMENTAL MANAGEMENT

SUBJECT: HONU'ULA
PH2 2010/0001 AND EIS 2009/0001
TMK (2) 2-1-008:056 AND 071, KIHEI

Digitally signed by Gregg
Kresge
Date: 2010.06.17 09:58:43
-1000'

We reviewed the subject application and have the following comments:

1. Solid Waste Division comments:
 - a. None. Solid waste and recycling issues are addressed.
2. Wastewater Reclamation Division (WWRD) comments:
 - a. Since the proposed collection and treatment process will be privately owned and maintained, we have no comments at this time.

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



May 31, 2012

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GRANT T. MURAKAMI, AICP, LEED® AP
Principal

Dear Mr. Ginoza:

We have received the Department of Environmental Management's (DEM) memo addressed to the Maui Planning Department dated June 14, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to DEM's comments.

Solid Waste Division

We acknowledge that the Solid Waste Division has no comments.

Wastewater Reclamation Division (WWRD)

We acknowledge that the WWRD has no comments at this time since the proposed collection and treatment process will be privately owned and maintained.

We thank DEM for reviewing the Draft EIS. The DEM letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC



>>> Paul Haake 6/1/2010 1:34 PM >>>
 Project : Honua'ula
 PH2 2010/0001 EIS 2009/0001
 TMK (2) 2-1-008:056 & 071
 Kihei-Wakana

Dear Ann,

Thank you for the allowing our office the opportunity to comment on this proposed project. At this time, our office does not have any comments specific to the this project. We do reserve the right to comment specifically during the subdivision process and the building permit process. The County is currently in the 1997 Uniform Building and Fire Code with amendments. In the near future, we will be enforcing NFPA 1 2006 edition as the County's fire code.

If there are any questions or comments, please feel free to contact me by mail or at 244-9161 ext. 23.

Sincerely,

Paul Haake
 Fire Prevention Bureau Captain
 313 Manea Place Wailuku, HI 96793
 244-9161 ext. 23
 244-1363 fax

----- County of Maui.
 IT Security measures will reject attachments larger than 12 MB, and will block or quarantine high-risk file types in attachments.

May 31, 2012

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 VINCENT SHIGEKUNI
Vice-President

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Associate

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SCOTT AIHA ABRIGO, LEED^{AP}
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Paul Haake, Captain
 County of Maui
 Fire Prevention Bureau
 313 Manea Place
 Wailuku, HI 96793

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Haake:

Thank you for your e-mail dated June 1, 2010 addressed to Ann Cua of the Maui Planning Department regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

We acknowledge that the Department of Fire and Public Safety has no comments or recommendations at this time but you reserve the right to comment specifically during the subdivision and building permit process.

We understand that the County is currently in the 1997 Uniform Building and Fire Code with amendments but in the near future the Department of Fire and Public Safety will be enforcing National Fire Protection Association (NFPA) 1 2006 edition as the County's fire code. Honua'ula Partners, LLC will comply with the fire code in effect at the time of construction.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
 Senior Associate

cc: William Spence, Maui Planning Department
 Charles Jencks, Honua'ula Partners, LLC



DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

CHARMAINE TAVARES
Mayor
LORI TSUJHAKO
Director
JO-ANN RIDAO
Deputy Director

200 SOUTH HIGH STREET - WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX 270-7165 • EMAIL director.hhc@mauicounty.gov



DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
HOUSING DIVISION
COUNTY OF MAUI

CHARMAINE TAVARES
Mayor
LORI TSUJHAKO
Director
JO-ANN T. RIDAO
Deputy Director

35 LUNALILO STREET, SUITE 102 • WAILUKU, HAWAII 96793 • PHONE (808) 270-7351 • FAX (808) 270-6284

Date: May 4, 2010
To: **Ann Cua**, Deputy Director, Department of Planning
From: Wayde Oshiro, Housing Administrator, Housing and Human Concerns
Subject: **Preliminary Planning Review**
Applicability to Residential Workforce Housing Policy
Chapter 2.96, MCC; effective 12/5/2006

Project Name: **HONU'U'LA**
Applicant: **Honua'ua Partners, LLC (Charles Jencks)**
Subject I.D.: **(PH2 2010/001) (EIS 2009/0001)**
TMK: **(2)2-1-008:056 and 071, Portions of (2)2-1-008:999, 043, 090, 108, 054, and 001; (2)2-2-002:050 por., and 054 por.**

Determination:

- Not-Applicable**
Does not meet applicability as set forth in 2.96.030(A), MCC
- Applicable**
- No Exemptions**
- Exemptions: (2.96.030)**
 - B.1. An executed affordable housing agreement, currently in effect and approved prior to the effective date of chapter.
 - B.2. A development subject to a change in zoning condition that requires affordable or residential workforce housing.
 - B.3. A subdivision granted preliminary subdivision approval prior to the effective date of this chapter. (12/5/2006)
 - B.4. A building permit application submitted prior to the effective date of this chapter.
 - B.5. A family subdivision, for immediate family members, as described in sections 18.20.280(B)(1) and (B)(2) of this code.
 - B.6. A development by a government entity, 201H, community land trust, or an affordable housing project with more than the residential workforce housing units, in-lieu fees, or in-lieu land required by section 2.96.040, as approved by the director.

Additional Comments: See comments below See Attachment(s) We have NO comment

Reviewed By: *Wayde Oshiro*
Wayde T. Oshiro
Date: *5/05/10*

MEMORANDUM

TO: Ms. Ann Cua, Deputy Director
Department of Planning

FROM: Wayde Oshiro, Housing Administrator *MO*
Housing Division

DATE: May 5, 2010

SUBJECT: **Draft Environmental Impact Statement Honua'ua (PH2 2010/0001) (EIS 2009/0001) (2)2-1-008:056 and 071, (2)2-1-008:999 por., 043 por., 090 por., 108 por., 054 por., AND 001 por.; (2)2-2-002:050 por., and 054 por.**

Thank you for the opportunity to review the above subject Draft Environmental Impact Statement. The Department would like to offer the following comments:

1. Applicant has indicated that it will comply with the requirements set forth in Chapter 2.96, Maui County Code.
2. The applicant is required to enter into a residential workforce housing agreement prior to final subdivision approval or issuance of a building permit for the subject project.

Please call Ms. Cara Bohne of the Housing Division at (808) 270-5748 if you have any questions.

xc: Director Housing and Human Concerns
PBR Hawaii



CHARMAINE TAVARES
Mayor



TAMARA HORCAJO
Director
ZACHARY Z. HELM
Deputy Director

May 31, 2012

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Jo-Ann Ridaio, Director
County of Maui
Department of Housing & Human Concerns
2200 Main Street, Suite 546
Wailuku, HI 96793

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Ms. Ridaio:

We received the Department of Housing & Human Concerns' (DHHC) letter dated May 4, 2010 and memorandum dated May 5, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to DHHC's comments.

As stated in the Draft EIS, Honua'ula will provide workforce housing in accordance with Chapter 2-96, Maui County Code. Honua'ula Partners, LLC will enter into a residential workforce housing agreement prior to final subdivision approval or issuance of a building permit.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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DEPARTMENT OF PARKS & RECREATION
700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawaii 96793
May 28, 2010

PBR HAWAII
Attention: Tom Schnell
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

**SUBJECT: Draft Environmental Impact Statement (DEIS)
Proposed Honua'ula Development
TMK (2) 2-1-008: 056 and 071
Wailea, Maui, Hawai'i**

Dear Mr. Schnell:

Thank you for the opportunity to review and comment on the proposed Honua'ula development. The Draft Environmental Impact Statement for the subject project adequately addresses the concerns of the Department of Parks & Recreation. We have no additional comments or objections to the subject project at this time.

We remain interested in reviewing more detailed plans for the parks as they are developed.

Please feel free to contact me or Mr. Patrick Matsui, Chief of Parks Planning and Development, at 270-7931 should you have any questions.

Sincerely,

TAMARA HORCAJO
Director of Parks & Recreation

TH:PTM:ca
cc: Patrick Matsui, Chief of Parks Planning and Development
Ann Cua, Deputy Director of Planning
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CHARMAINE TAVARES
Mayor
KATHLEEN ROSS AOKI
Director
ANN T. CUA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 30, 2010

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May 31, 2012

Glenn Correa
County of Maui
Department of Parks and Recreation
700 Hali'a Nakoa Street, Unit 2
Wailuku, HI 96793

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Correa:

We received the Department of Parks and Recreation's (DPR) letter dated May 28, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to DPR's comments.

We understand that the Draft EIS adequately addresses the concerns of DPR; therefore, DPR has no additional comments or objections to Honua'ula at this time. Honua'ula Partners, LLC will provide DPR with more detailed plans for parks with Honua'ula as they are developed.

We thank DPR for reviewing the Draft EIS. DPR's letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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Mr. Charles Jencks
c/o Goodfellow Brothers, Inc.
P.O. Box 220
Kihei, Hawaii 96753

Dear Mr. Jencks:

SUBJECT: MAUI PLANNING COMMISSION COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR HONUA'ULA, A MASTER PLANNED COMMUNITY CONSISTING OF SINGLE-FAMILY AND MULTI-FAMILY HOMES, VILLAGE MIXED USE AREAS WITH SUPPORTING COMMERCIAL, OPEN SPACE, RECREATION, AND RELATED OFF-SITE IMPROVEMENTS LOCATED IN WAILEA, KIHEI-MAKENA, ISLAND OF MAUI, HAWAII. (EIS 2009/0001)

THE PROPERTY: 670 ACRES -
TMK'S: (2) 2-1-008:056
(2) 2-1-008:071

OFF-SITE IMPROVEMENTS: 30 ACRES -
TMK'S: (2) 2-1-08: 999 (POR) STATE OF HAWAII
(2) 2-1-08: 043 (POR) MAUI ELECTRIC COMPANY LTD
(2) 2-1-08: 090 (POR) MAKENA GOLF LLC
(2) 2-1-08: 108 (POR) MAKENA GOLF LLC
(2) 2-1-08: 054 (POR) ULUPALAKUA RANCH
(2) 2-1-08: 001 (POR) ULUPALAKUA RANCH
(2) 2-2-02: 050 (POR) HALEAKALA RANCH CO.
(2) 2-2-02: 054 (POR) HALEAKALA RANCH CO.

At its regular meeting on June 22, 2010, the Maui Planning Commission reviewed the above referenced document and provided the following comments:

1. Include information regarding the 250 off-site affordable homes, perhaps as an appendix;
2. All references cited in the EIS text should be provided in the references section;

18. Discuss what mechanism can be put in place or what assurances there are in case the water system fails or the private operating entity is unable to operate or maintain it;
19. Discuss the average energy demand required for Honouliuli, how the demand could be off-set with renewable energy from on site, and the net demand that would be required from MECO. Meet with MECO to see what their requirements are or what their methodology is for estimating demand;
20. Provide a map showing the potential gated community areas and examine the impacts of having those areas gated;
21. Provide a description of the filtering of runoff and the effects of filtering or not filtering all runoff and surface runoff;
22. Honouliuli Draft EIS is one of the better draft documents the commission has seen in terms of completeness.

Please provide written responses to the above comments in the Final EA. Should you require further clarification, please contact Deputy Planning Director Ann Cua by email at ann.cua@mauicounty.gov or by telephone at (808) 270-7521.

Sincerely,



for KATHLEEN ROSS AOKI
Planning Director

xc: Ann T. Cua, Deputy Planning Director
Clayton I. Yoshida, AICP, Planning Program Administrator
Tom Schnell, AICP, PBR Hawaii (1001 Bishop St. Hon, HI 96813) 
Gwen Hiraga, Munekiyo & Hiraga Inc.
Project File
General File

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3. Include analysis of more alternatives, in particular there should be an alternative discussing a Native Plant Preservation Area of 130 acres instead of just 22 acres as is in the current plan;
4. Discuss accommodations for bus transportation for workers within the off-site and on-site affordable housing areas;
5. Discuss noise abatement measures to mitigate noise levels along Piliiani Highway as well as within the development;
6. Discuss energy development efforts or energy production generation in addition to energy efficiencies and conservation;
7. Discuss energy production and generation and specifically the feasibility of the MECO substation expansion to include batteries for the storage of energy;
8. Discuss access to telecommunications;
9. Examine the need for a monitor well before production wells are utilized in Kamaole Aquifer;
10. Provide well data for all known wells in Kamaole, including chlorides and water levels;
11. Examine the level of the transition zone for the aquifer;
12. Provide map of the project water infrastructure showing Community Plan boundaries and any impacts related thereto;
13. Discuss the possibility of easements for a mass transit station; there would be a terminus there to accommodate for transportation throughout the various destination points on Maui;
14. Elaborate on where the trail system would be;
15. Provide information regarding whether the project is proposed to be LEED certified;
16. Work with people that have provided comments regarding the archaeology of the site to clarify findings;
17. Provide information regarding the design and cost for the operation of the reverse osmosis system, cost analysis to consumers, and the market price housing for the water;



May 31, 2012

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William Spence
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
 May 31, 2012
 Page 2 of 24

approved the connection with Pi'ilani Highway, including widening and traffic signal improvements. Further, the construction of the improvements required for the subdivision has been guaranteed with a bond of over \$22 million.

Regional traffic growth, including from the Ka'ono'ulu Light Industrial Subdivision, is being taken into account as part of DOT's Long Range Land Transportation Plan (LRLTP), which is currently being updated in consideration of known proposed developments in the region and will serve as a guide for the development of major surface transportation facilities and programs to be implemented in the future.

Because Chapter 2.96, MCC requires the workforce affordable homes to be offered to Maui residents, the affordable homes will result in a redistribution of the existing Maui population as opposed to an incremental increase. As a result, there will be no impacts related to increased population, such as an overall increase in the need for State and County services. In addition to the workforce affordable homes, Honua'ula Partners, LLC will also provide a minimum two-acre park within Ka'ono'ulu Light Industrial Subdivision to meet the recreational needs of the workforce affordable home residents.

Impacts to schools will be addressed by Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554, Condition 22, which requires Honua'ula Partners, LLC to pay DOE at least \$3,000 per dwelling unit upon issuance of each building permit to be used, to the extent possible, for schools serving the Kihei-Mākena Community Plan area; provided that, should the State pass legislation imposing school impact fees that apply to Kihei-Mākena Project District 9, Honua'ula Partners, LLC will from that point forward comply with the State requirements, or contribute \$3,000 per dwelling unit, whichever is greater.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 7.2 (Cumulative and Secondary Impacts) will be revised as to include the following information:

One of the conditions imposed by the Council as part of Honua'ula's Change in Zoning Ordinance (County of Maui Ordinance No. 3554, Condition 5) requires Honua'ula Partners, LLC to provide workforce affordable homes in compliance with Chapter 2.96, MCC, with 250 of these required workforce affordable homes to be provided off-site at the Ka'ono'ulu Light Industrial Subdivision (TMK (2) 3-9-01: 16). The Ka'ono'ulu Light Industrial Subdivision is within the State Urban District and is within the County of Maui Light Industrial zoning district. Multifamily homes are a permitted use within the State Urban District and County Light Industrial zone.

Providing workforce affordable homes at the Ka'ono'ulu Light Industrial Subdivision does not trigger the need for an environmental assessment or environmental impact statement under Chapter 343, HRS. However, impacts related to the use of the property for urban uses and uses permitted under the property's Light Industrial zoning have previously been examined as part of the property's State Land Use District Boundary Amendment, County Change in Zoning, and County Subdivision approvals. No rare, threatened, or endangered plant species are expected to be impacted, as none were found during a botanical inventory survey of the property. An archaeological inventory survey and a related preservation plan have been prepared to address impacts to archaeological resources and, based on their approval of these documents, the State Historic Preservation Division has determined that no historic properties will be affected. As part of the subdivision process for the Ka'ono'ulu

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Spence:

We received the Department of Planning's letter dated June 30, 2010 containing comments from the Maui Planning Commission regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to the comments.

1. *Include information regarding the 250 off-site affordable homes, perhaps as an appendix;*

Response: As discussed in Section 4.9.3 (Housing) of the Draft EIS, Honua'ula Partners, LLC will provide workforce affordable homes in compliance with Chapter 2.96, MCC. As discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with County of Maui Ordinance No. 3554 (Condition 5), 250 of the required workforce affordable homes will be provided off-site at the Ka'ono'ulu Light Industrial Subdivision (TMK (2) 3-9-01: 16). The Ka'ono'ulu Light Industrial Subdivision is within the State Urban District and is within the County of Maui Light Industrial zoning district. Multifamily homes are a permitted use within the State Urban District and County Light Industrial zone.

Providing workforce affordable homes at the Ka'ono'ulu Light Industrial Subdivision does not trigger the need for an environmental assessment or environmental impact statement under Chapter 343, HRS. However, impacts related to the use of the property for urban uses and uses permitted under the property's Light Industrial zoning have previously been examined as part of the property's State Land Use District Boundary Amendment, County Change in Zoning, and County Subdivision approvals. No rare, threatened, or endangered plant species are expected to be impacted, as none were found during a botanical inventory survey of the property. An archaeological inventory survey and a related preservation plan have been prepared to address impacts to archaeological resources and, based on their approval of these documents, the State Historic Preservation Division has determined that no historic properties will be affected. As part of the subdivision process for the Ka'ono'ulu Light Industrial Subdivision, the County of Maui Department of Public Works reviewed and approved improvements necessary for the subdivision, including provisions for water, sewage disposal, electrical and communications lines, drainage and flood control, and connection with Pi'ilani Highway, including widening and traffic signal improvements. The State Department of Transportation (DOT) has also reviewed and

Light Industrial Subdivision, the County of Maui Department of Public Works reviewed and approved improvements necessary for the subdivision, including provisions for water, sewage disposal, electrical and communications lines, drainage and flood control, and connection with Pīlani Highway, including widening and traffic signal improvements. The State DOT has also reviewed approved the connection with Pīlani Highway, including widening and traffic signal improvements. Further, the construction of the improvements required for the subdivision has been guaranteed with a bond of over \$22 million.

Regional traffic growth, including from the Ka'ono'ulu Light Industrial Subdivision, is being taken into account as part of DOT's Long Range Land Transportation Plan (LRLTP), which is currently being updated in consideration of known proposed developments in the region and will serve as a guide for the development of major surface transportation facilities and programs to be implemented in the future.

Because Chapter 2.96, MCC requires the workforce affordable homes to be offered to Maui residents, the affordable homes will result in a redistribution of the existing Maui population as opposed to an incremental increase. As a result, there will be no impacts related to increased population, such as an overall increase in the need for State and County services. In addition to the workforce affordable homes, Honua'ula Partners, LLC will also provide a minimum two-acre park within Ka'ono'ulu Light Industrial Subdivision to meet the recreational needs of the workforce affordable home residents.

Impacts to schools will be addressed by Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554, Condition 22, which requires Honua'ula Partners, LLC to pay DOE at least \$3,000 per dwelling unit upon issuance of each building permit to be used to the extent possible, for schools serving the Kihel-Mākena Community Plan area, provided that, should the State pass legislation imposing school impact fees that apply to Kihel-Mākena Project District 9, Honua'ula Partners, LLC will from that point forward comply with the State requirements, or contribute \$3,000 per dwelling unit, whichever is greater.

2. All references cited in the EIS text should be provided in the references section;

Response: In response to your suggestion, in the Final EIS, Section 10 (References) will be revised to include all references cited in the text as shown in the attachment titled "References."

3. Include analysis of more alternatives, in particular there should be an alternative discussing a Native Plant Preservation Area of 130 acres instead of just 22 acres as is in the current plan;

Response: In response to this request the Final EIS will include an alternative discussing a Native Plant Preservation Area of 130 acres. Providing a Native Plant Preservation Area of 130 acres would result in significant changes to the Conceptual Master Plan, 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 provide an alternative discussing a 130-acre Native Plant Preservation Area, which includes, and elaborates on, the above information, in the Final EIS, in the Final EIS Chapter 6 (Alternatives) will be revised to include the information shown on the attachment labeled "Alternatives."

4. Discuss accommodations for bus transportation for workers within the off-site and on-site affordable housing area;

Response: Honua'ula Partners's traffic engineer prepared Transportation Management Plans (TMPs) for both Honua'ula and the off-site affordable homes within the Ka'ono'ulu Light Industrial Subdivision. The TMPs cover both construction and post-construction operations and propose transportation management strategies to reduce: 1) construction-related traffic during the construction of Honua'ula and the widening of Pīlani Highway; and 2) dependency on individual vehicles by Honua'ula and Ka'ono'ulu residents, employees, and visitors after construction.

Section 4.4.5 (Transportation Management) of the Draft EIS summarizes key provisions of the TMPs, including the possible expansion of the Maui Bus system to accommodate Honua'ula. Appendix M of the Draft EIS contains the complete TMPs. The State DOT, the Maui Department of Transportation, and the Maui Department of Public Works have all approved the Honua'ula Transportation Management Plans.

As part of preparing the TMPs, Honua'ula Partners's traffic engineer met with the Maui Department of Transportation and discussed both the current and future bus transportation system in Maui County. The Maui Bus system has seen an increasing rate of ridership and there are proposals to construct nine additional stops. Currently, the existing Maui Bus Haiku-Wailea Commuter route runs along Pīlani Highway. A bus stop within Honua'ula ideally would be located within the VMX Town Center area near the intersection of Pīlani Highway and Wailea Iki Drive. A park-and-ride facility could also be located in this area and is envisioned as an overflow parking area that could be used as a park-and-ride facility during normal working hours and either employee or customer overflow parking during weekend and nights.

To include the above information regarding the bus stop and park-and-ride facility within Honua'ula in the Final EIS, in the Final EIS Section 4.4.5 (Transportation Management) will be revised as follows:

Coordinate Expansion of the Maui Bus – For travel outside of the Kihel-Mākena region, the Transportation Coordinator will coordinate with the Maui Department of Transportation to identify opportunities for expansion of bus service to Honua'ula. A bus stop will be provided within Honua'ula; ideally this bus stop would be located within the ~~Village-Mixed Use Area~~ VMX Town Center near the intersection of Pīlani Highway and Wailea Iki Drive. A park and ride facility ~~could~~ will also be located in this area. The park and ride facility is envisioned as an overflow parking area in the VMX Town Center that could be used as a

park and ride facility during normal working hours and either employee or customer overflow parking during weekend and nights.

In addition to the bus stop and park-and-ride facility within Honua'ula, Honua'ula Partners will also design, finance, and construct a bus stop to serve the off-site affordable homes within the Ka'ono'ulu Light Industrial Subdivision.

5. *Discuss noise abatement measures to mitigate noise levels along Piilani Highway as well as within the development;*

Response: Section 4.5 (Noise) of the Draft EIS: 1) describes the existing and future noise environment in the environs of Honua'ula; and 2) provides recommendations for minimizing noise impacts. As summarized in Section 4.5 (Noise) of the Draft EIS the acoustic study (Appendix N) concludes that the widening of Pi'ilani Highway and the creation of Honua'ula will not cause increases in traffic noise levels that would exceed DOT's criteria signifying a substantial change, which is defined as an increase of 15 decibels (dB) or more over existing conditions. By the year 2022 maximum increases in traffic noise levels in the vicinity of Honua'ula should not increase more than 10 decibels (dB) along Pi'ilani Highway and 3.6 dB along Wailealea like Drive as a result of: 1) regional growth in traffic volumes; 2) the widening of Pi'ilani Highway; 3) the creation of Honua'ula; and 4) the planned extension of Pi'ilani Highway into Honua'ula to connect with Kauka'ahi Street.

Section 4.5 (Noise) of the Draft EIS further discusses noise from the widening of Pi'ilani Highway. As follows:

While a substantial change in noise levels (as defined by DOT) will not occur, by the year 2022 the number of residences along Pi'ilani Highway subject to noise levels that exceed DOT residential noise standards is projected to increase from two residences under existing conditions to:

- 13 residences due to regional increases in traffic even if Pi'ilani Highway is not widened and Honua'ula is not built;
- **14 residences if Pi'ilani Highway is widened and Honua'ula is not built [emphasis added];** and
- **16 residences if Pi'ilani Highway is widened and Honua'ula is built [emphasis added].**

...To mitigate impacts to residences along Pi'ilani Highway subject to noise levels that exceed FHWA and DOT residential noise standards, sound attenuating walls are recommended in accordance with DOT's traffic noise abatement policy.

In other words, noise levels along Pi'ilani Highway are projected to increase even if Pi'ilani Highway is not widened and Honua'ula is not built. Noise levels at two residences adjacent to Pi'ilani Highway currently exceed State DOT noise standards for residential structures. By 2022 this number will increase to 13 due to regional increases in traffic conditions even if Pi'ilani Highway is not widened and Honua'ula is not built. If Pi'ilani Highway is widened and Honua'ula is built, by 2022 noise levels at three additional residences adjacent to Pi'ilani Highway would exceed State DOT noise standards for residential structures. Thus, the direct impact of widening Pi'ilani Highway and building Honua'ula is that three additional

residences adjacent to Pi'ilani Highway would exceed State DOT noise standards for residential structures compared to projected future conditions if Pi'ilani Highway is not widened and Honua'ula is not built. Therefore the primary noise impacts to residences adjacent to Pi'ilani Highway are from regional increases in traffic that are projected to occur even if Pi'ilani Highway is not widened and Honua'ula is not built, and not the direct result of the widening of Pi'ilani Highway and the building of Honua'ula.

As stated in Section 4.5 (Noise) of the Draft EIS, "To mitigate impacts to residences along Pi'ilani Highway subject to noise levels that exceed FHWA and DOT residential noise standards, sound attenuating walls are recommended in accordance with DOT's traffic noise abatement policy." To elaborate, under DOT's noise abatement policy if the cost of the sound attenuating wall does not exceed \$35,000 per benefited residence, construction of the wall can be considered to be reasonable and feasible. Walls fronting two lots mauka of Pi'ilani Highway and one lot makai of Pi'ilani Highway have a possibility of being considered as reasonable and feasible under the DOT traffic noise abatement policy.

In summary, the Draft EIS discusses noise due to the widening of Pi'ilani Highway and the build-out of Honua'ula. The direct impact of widening Pi'ilani Highway and building Honua'ula is that three additional residences adjacent to Pi'ilani Highway would exceed State DOT noise standards for residential structures compared to projected future conditions if Pi'ilani Highway is not widened and Honua'ula is not built. Therefore the primary noise impacts to residences adjacent to Pi'ilani Highway are from regional increases in traffic that are projected to occur even if Pi'ilani Highway is not widened and Honua'ula is not built, and not the direct result of the widening Pi'ilani Highway and the building of Honua'ula. To mitigate impacts to residences along Pi'ilani Highway subject to noise in excess of State DOT noise standards for residential structures, sound attenuating walls are recommended in accordance with DOT's traffic noise abatement policy. Walls fronting two lots mauka of Pi'ilani Highway and one lot makai of Pi'ilani Highway have a possibility of being considered as reasonable and feasible under the current DOT traffic noise abatement policy.

An environmental assessment (EA) specifically addressing the impacts of widening Pi'ilani Highway (including noise impacts) has been prepared and will be included as an appendix to the Final EIS. Since the Draft EIS was completed, the State DOT has accepted the Pi'ilani Highway Widening Project Final EA and subsequently issued a Finding of No Significant Impact which was published in the OEQC's *The Environmental Notice* on May 8, 2012.

To provide additional information regarding noise and to incorporate the relevant above information into the Final EIS, in the Final EIS: 1) the Pi'ilani Highway Widening Project Final EA will be included as an appendix; and 2) Section 4.5 (Noise) will be revised as shown on the attachment titled "Noise."

6. *Discuss energy development efforts or energy production generation in addition to energy efficiencies and conservation;*

Response: We understand that Maui Electric Company (MECO) supports net energy metering as a way to encourage the use of eligible renewable energy electricity generators by residential and commercial customers. Net energy metering allows a MECO customer to: 1)

offset all or part of the electricity they would normally receive from MECO with energy produced by the customer's renewable generation system (e.g. solar photovoltaic system); and 2) export any excess electricity they produce to the MECO grid for use by MECO in meeting electrical demand elsewhere.

MECO customers that own or lease an eligible renewable energy generator may enter into an agreement with MECO to connect their generator to the utility grid, allowing it to feed surplus electricity into the grid. Net energy metering means that any kilowatt-hours the customer's renewable energy generator feeds into the grid will be subtracted from the kilowatt-hours of electricity the customer obtains from MECO to determine the net amount of kilowatt-hours. The customer is then billed only on the net kilowatt-hours.

By Public Utility Commission (PUC) order, net energy metering is available to MECO customers on a first come, first served basis until the sum of the total energy received from the renewable energy generators equals four percent of MECO's current system peak demand. This cap is in place because when MECO customers participate in net energy metering, they receive credit at the retail rate for self-produced electricity. The retail electric rate that MECO charges includes not only recovery of the cost of producing electricity, but also the cost for: 1) facilities (e.g., lines, substations, etc.) to deliver power to MECO customers; 2) maintaining and operating facilities; and 3) administrative and other operating costs, such as billing. Those MECO customers who produce their own electricity on-site only incur the cost of generating the electricity, not additional delivery and other costs. By receiving credit at the full retail rate, in essence, the MECO customer who net meters is receiving a subsidy from all other customers. By providing a cap, the subsidy can be kept to a reasonable level and still help to support small to medium renewable energy producers.

To facilitate renewable energy generation and net energy metering within Honua'ula, Honua'ula Partners, LLC will consider providing "photovoltaic ready" homes and commercial buildings to allow home and business owners the option of installing their own photovoltaic system. Features of "photovoltaic ready" homes and buildings could include: 1) roof slopes orientated for optimal photovoltaic efficiency and aesthetic appeal; and 2) specific items such as inverters, grid intertie components, and fundamental wiring to easily connect to roof top photovoltaic panels. "Photovoltaic ready" homes and buildings would make installation of photovoltaic systems more attractive for home and building owners, thereby encouraging net metering agreements with MECO and on-site power generation. Because of the cap imposed by the PUC on the amount of total energy received from renewable energy generators, it may not be possible for all homes and buildings within Honua'ula to participate in net energy metering, and therefore not all homes in Honua'ula would need to be "photovoltaic ready" in anticipation of being able to participate in net energy metering.

To incorporate the above information, as well as responses to other comments from the Planning Commission regarding energy, into the Final EIS, in the Final EIS Section 4.8.6 (Electrical System) will be revised as show on the attachment titled "Electrical System."

7. *Discuss energy production and generation and specifically the feasibility of the MECO substation expansion to include batteries for the storage of energy;*

Response: When Honua'ula Partners, LLC's electrical engineer inquired with MECO regarding the feasibility of the MECO substation expansion to include batteries for the storage of energy, a MECO representative replied that battery storage is expensive, but feasibility would not be evaluated based only on cost, but on many different considerations, such as land availability, integration design, system impact, etc. The MECO representative stated that MECO was exploring this option near the Wailea Substation as there are grant funds that may be available to offset the cost.

To incorporate the above information, as well as responses to other comments from the Planning Commission and others regarding energy, into the Final EIS, in the Final EIS Section 4.8.6 (Electrical System) will be revised as shown on the attachment titled "Electrical System."

8. *Discuss access to telecommunications;*

Response: To address this comment, Honua'ula Partners, LLC's electrical engineer contacted Hawaiian Telcom and Oceanic Time Warner Cable. Both companies provide telecommunication infrastructure to the Kihei and Wailea areas.

Hawaiian Telcom currently has fiber optic trunk cables along Pi'ilani Highway and continuing across the western boundary of Honua'ula. To provide telecommunication services to Honua'ula, Hawaiian Telcom intends to extend fiber optic cables onto the Property from their existing splice point, which is situated adjacent to the Pi'ilani Highway/Wailea Ike Drive intersection. Within the Property Hawaiian Telcom will provide fiber optic distribution hubs in various locations to provide telecommunication services to individual homes and other users.

Oceanic Time Warner Cable (Oceanic) has an agreement with Hawaiian Telcom for joint use of utility poles that run along Pi'ilani Highway and across the western boundary of Honua'ula. The poles support Oceanic fiber optic trunk cables that provide Oceanic telecommunication services to the area. To provide telecommunication services to Honua'ula, Oceanic intends to extend fiber optic cables onto the Property from their existing trunk facilities. Within the Property, Oceanic will provide power supply pedestals at various locations to facilitate providing and maintaining telecommunication services to individual homes and other users.

The telecommunication systems constructed on-site will be underground facilities with the exception of fiber distribution hubs and power supply pedestals. Honua'ula Partners, LLC will provide a network of underground ducts and handholes in accordance with Hawaiian Telcom's and Oceanic's standards and Hawaiian Telcom and Oceanic then will provide the cable systems within the ducts and make necessary arrangements for serving individual telecommunications requirements. Therefore, during the design development of Honua'ula, plans will be submitted to Hawaiian Telcom and Oceanic to verify their requirements.

To include the above information in the Final EIS, in the Final EIS Section 4.8.7 (Communication Facilities) will be revised as follows:

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4.8.7 Communication Facilities

Hawaiian Telcom provides telephone service in the Kihei-Mākena region, and Oceanic Time Warner Cable (Oceanic) provides cable service. The telephone system serving the area consists of overhead and underground facilities. Hawaiian Telcom currently has fiber optic trunk cables along Pīlani Highway and continuing across the western boundary of Honua'ula. Oceanic has an agreement with Hawaiian Telcom for joint use of utility poles that run along Pīlani Highway and across the western boundary of Honua'ula. The poles support Oceanic fiber optic trunk cables that provide Oceanic telecommunication services to the area.

POTENTIAL IMPACTS AND MITIGATION MEASURES

It is anticipated that Hawaiian Telcom will provide telephone service to Honua'ula and Oceanic Time Warner Cable will provide cable service.

To provide telecommunication services to Honua'ula, Hawaiian Telcom intends to extend fiber optic cables onto the Property from their existing splice point, which is situated adjacent to the Pīlani Highway/Waikea Ike Drive intersection. Within the Property Hawaiian Telcom will provide fiber optic distribution hubs in various locations to provide telecommunication services to individual homes and other users. Oceanic intends to extend fiber optic cables onto the Property from their existing trunk facilities. Within the Property Oceanic will provide power supply pedestals at various locations to facilitate providing and maintaining telecommunication services to individual homes and other users.

The telecommunication systems constructed on-site will be underground with the exception of fiber distribution hubs and power supply pedestals. Honua'ula Partners, LLC will provide a network of underground ducts and handholes in accordance with Hawaiian Telcom's and Oceanic's standards, and Hawaiian Telcom and Oceanic then will provide the cable systems within the ducts and make necessary arrangements for serving individual telecommunication requirements. Therefore, during the design development of Honua'ula plans will be submitted to Hawaiian Telcom and Oceanic to verify their requirements.

9. *Examine the need for a monitor well before production wells are utilized in Kamaole Aquifer;*

Response: As discussed in Section 3.5.1 (Groundwater) of the Draft EIS, Honua'ula and the wells that will supply the Property are located in the 89-square mile Kama'ole Aquifer System. Groundwater in the Kama'ole Aquifer exists as a basal lens from the shoreline as far inland as the 1,700-foot contour. The direction of groundwater flow in the basal lens is mauka-to-makai.

According to Honua'ula Partners LLC's hydrologist, Tom Nance Water Resource Engineering (TNWRE), nothing in the available data from wells across the entire Kama'ole Aquifer, and more specifically in the mauka-makai corridor that may be affected by Honua'ula's wells, suggests that a monitor well is needed. Nevertheless, Honua'ula Partners LLC will construct an upgradient golf course monitor well to a depth that will allow the well to also be used to monitor the transition zone below the basal lens. The monitor well will be installed prior to the start of use of Honua'ula's production wells. Periodic profiling of salinity and temperature

through the monitor well's water column will be performed. This data will be used to track salinity in the basal lens and the movement, if any, of the transition zone.

See the below responses to the Planning Commission's comments #10 and #11 for further discussion regarding data for existing wells in Kamaole Aquifer and the transition zone of the aquifer.

Tom Nance of TNWRE has over 30 years of experience in the areas of groundwater and surface water development, hydraulics and water system design, flood control and drainage, and coastal engineering.

To include the relevant above information in the Final EIS, in the Final EIS Section 3.5.1 (Groundwater) will be revised as shown on the attachment titled "Groundwater."

10. *Provide well data for all known wells in Kamaole, including chlorides and water levels;*

Response: In response to this comment TNWRE: 1) obtained data (including available data on pumpage and chlorides and water levels) for all wells in the Kama'ole Aquifer available from the Commission on Water Resource Management (CWRM); and 2) prepared a supplemental report containing this data, which will be included in the Final EIS.

According to CWRM records, there are a total of 134 wells within the Kama'ole Aquifer System, many of which are more than 60 years old and no longer in use. Of the 134 wells, 43 are known or presumed to be in use, 47 are no longer in use or do not draw from the basal lens, and 44 are of unknown status relative to their use.

Examination of CWRM data shows that reporting of chlorides and water levels to CWRM is minimal. Only three of the 43 wells in the aquifer that are known or presumed to still be active are presently reporting that information. For wells for which TNWRE has independent data, chloride levels have been stable for a decade of monthly sampling.

To include the relevant above information in the Final EIS, in the Final EIS Section 3.5.1 (Groundwater) will be revised as shown on the attachment titled "Groundwater." In addition the supplemental report from TNWRE will be included in Appendix B of the Final EIS.

11. *Examine the level of the transition zone for the aquifer;*

Response: According to TNWRE, no actual data exists on the Kama'ole Aquifer's "level of the transition zone." No well has been drilled to sufficient depth through the basal lens to define the depth and character of transition zone anywhere in the aquifer. However, what is known or can be reasonably surmised regarding the transition zone is that:

- Groundwater exists as a basal lens across the Kama'ole Aquifer from the shoreline inland to the 1,700-foot contour;
- Groundwater levels along the 1,700-foot contour are approximately six feet above sea level; therefore, the midpoint of the transition zone below the 1,700-foot contour would be approximately 240 feet below sea level;

- Wells along or just below the 600-foot contour have water levels from 2.6 to 3.1 feet above sea level, indicating a midpoint of the transition zone below the 600-foot contour between 100 and 125 feet below sea level; and
- The stability of the transition zone, although not directly measured, can be inferred from the stability of chlorides pumped by wells. The most accurate and complete data of chlorides for the region shows stable chloride levels for a decade.

To include the relevant above information in the Final EIS, in the Final EIS Section 3.5.1 (Groundwater) will be revised as shown on the attachment titled "Groundwater."

As discussed above in response to the Planning Commission's comment #9, Honua'ula will construct its upgradient golf course monitor well to a depth that will allow it to also be used to monitor the transition zone below the basal lens. The well will be installed prior to the start of use of Honua'ula's production wells. Periodic profiling of salinity and temperature through the monitor well's water column will be completed. This data will be used to track salinity in the basal lens and the movement, if any, of the transition zone.

12. *Provide map of the project water infrastructure showing Community Plan boundaries and any impacts related thereto;*

Response: Figure 2 (Regional Location) of the Draft EIS shows the Honua'ula water infrastructure, including the proposed water line and existing water wells. In the Final EIS, Figure 2 (Regional Location) will be revised to include the Community Plan boundaries. The attachment titled "Figure 2" shows the revised figure.

13. *Discuss the possibility of easements for a mass transit station; there would be a terminus there to accommodate for transportation throughout the various destination points on Maui;*

Response: Section 4.4.5 (Transportation Management) of the Draft EIS discusses the possible expansion of the Maui Bus system to accommodate Honua'ula. According to the Maui Department of Transportation, the Maui Bus system has seen an increasing rate of ridership and there are proposals to construct nine additional stops.

Honua'ula Partners LLC's engineer has met with the Maui Department of Transportation and discussed both the current and future transportation system in Maui County. Currently, the existing Maui Bus Haiku-Wailea Commuter route runs along Pi'ilani Highway. A bus stop within Honua'ula ideally would be located within the VMX Town Center area near the intersection of Pi'ilani Highway and Wailea Ike Drive. A park-and-ride facility could also be located in this area and is envisioned as an overflow parking area that could be used as a park-and-ride facility during normal working hours and either employee or customer overflow parking during weekend and nights.

To include the above information regarding the bus stop and park and ride facility within Honua'ula in the Final EIS, in the Final EIS Section 4.4.5 (Transportation Management) will be revised as follows:

Coordinate Expansion of the Maui Bus – For travel outside of the Kihei-Mākena region, the Transportation Coordinator will coordinate with the Maui Department of Transportation to identify opportunities for expansion of bus service to Honua'ula. A bus stop will be provided within Honua'ula; ideally this bus stop would be located within the Village Mixed Use area VMX Town Center near the intersection of Pi'ilani Highway and Wailea Ike Drive. A park and ride facility ~~would~~ will also be located in this area. The park and ride facility is envisioned as an overflow parking area in the VMX Town Center that could be used as a park and ride facility during normal working hours and either employee or customer overflow parking during weekend and nights.

14. *Elaborate on where the trail system would be;*

Response: As discussed in Section 4.3 (Trails and Access) of the Draft EIS, Honua'ula will include a system of pedestrian and bike trails along the community's roadways, gulches, and drainage ways. This secondary circulation system of linked pedestrian/bike trails will connect residential areas to the village mixed use areas, neighborhood parks, golf course clubhouse, and other areas and will provide residents a meaningful alternative to driving within the community. Figure 13 in the Draft EIS shows Honua'ula's trail network.

A connector loop trail will be suitable for walking and biking throughout the community. This trail will circle within Honua'ula from north to south boundaries and connect to the Wailea Ike Drive and Pi'ilani Highway intersection. A minor street path from Kaukahi Street will allow connection from Wailea to trail systems throughout Honua'ula. A proposed scenic trail along portions of the golf course will also link to several other trail segments and is expected to provide sweeping views, both mauka and makai.

Remnant segments of a road referred to as the Kanaio-Kalama roadway are present along a portion of an existing jeep road which was constructed atop the same alignment in the southeastern corner of the Property. The approximate route of the Kanaio-Kalama road will be incorporated into the Honua'ula trail system to further enhance mauka-makai access across the Property. This functionally equivalent route will approximate the alignment shown on the current TMK map (Figure 3 of the Draft EIS), and thus will run diagonally from Kaukahi Street, through the Native Plant Preservation Area, to the southeast corner of the Property.

The Native Plant Preservation Area contains known archaeological and cultural sites. Therefore, to protect the integrity of these sites and native plants, the Native Plant Preservation Area will remain undisturbed and development will be prohibited, with the exception of: 1) the Kanaio-Kalama trail, which will transverse through the Native Plant Preservation Area; and 2) a Nature/Cultural trail that will border the Native Plant Preservation Area.

To incorporate relevant new information from the above, as well as responses to other comments from the Planning Commission and others regarding trails and access, into the Final EIS, in the Final EIS Section 4.3 (Trails and Access) will be revised as shown on the attachment titled "Trails and Access." In addition Figure 13 (Trails Network) will be revised as shown on the attachment titled "Figure 13."

15. *Provide information regarding whether the project is proposed to be LEED certified;*

Response: The Draft EIS contains many commitments to conserve resources, such as provisions for water and energy conservation, green and solid waste recycling, transportation demand management, and stewardship of resources. Restricting these commitments and other innovations that may be provided over the 13-year build out period under a single certification system that is currently in favor does not seem wise or warranted. While Leadership in Energy and Environmental Design (LEED) is a popular certification system at the moment, it is not the only green building verification system. For example, the Green Globes system is gaining recognition and acceptance as a system more assessable than LEED and more advanced in the area of lifecycle assessment, which measures the environmental impact of the production and acquisition of products used for buildings. In another example, the Passive House Standard seeks to monitor the on-going energy efficiency of buildings after they are built and in operation. Other evolving systems seek to promulgate region specific standards, so that appropriate technology is encouraged in suitable regions.

The entire green building movement is a dynamic and fluid field that continues to rapidly evolve, and better standards may be created in the future. Some have even argued that mandating LEED hinders development of other standards that may prove more appropriate, as the blanket adoption of LEED as the sustainable standard may come at the expense of other emerging systems. Others reason that when a standard is mandated it sets a ceiling as to the level of compliance, so the standard becomes the new minimum at the expense of new innovations that may not be implemented because they exceed the minimum. A dynamic process enables standards to continually improve by responding to the needs of consumers and builders, adjusting to new technology and experience, and using competition to promote a variety of approaches.

The LEED program was originally created and introduced by the U.S. Green Building Council as a voluntary program to empower individuals to assess standards and then choose when, how and whether to employ them. The idea was that incentives and competition would support market transformation of the building industry and spur architects, builders, and product manufacturers to create green products, buildings, and communities. LEED was never developed as a building or "sustainability" code. According to the U.S. Green Building Council LEED is "voluntary, consensus-based, and market-driven" and further, LEED seeks a balance between requiring the best existing practices and the voluntary incorporation of emerging concepts.

LEED has unquestionably raised standards and expectations regarding sustainable design. Increasingly, developers are incorporating sustainable features into new homes as a result of heightened consumer awareness and market demand. This trend will continue as consumer consciousness of sustainability evolves. It will also accelerate as technology and market forces combine to provide improved and new green products at lower prices. Government incentives, such as tax credits for solar or photovoltaic systems, will also contribute to affordability and fuel consumer demand, thus expediting product development and technological advances. What is now seen as an "eco-luxury" for the most demanding environmentally conscious homebuyer may soon become the standard for mainstream homebuyers. Because of this continuous cycle of improvement, consumer acceptance, and

market demand, it cannot be known now how standards and technology will evolve over the course of the build-out of Honua'ula.

LEED and green building are not synonymous. LEED is merely one of many emerging green building verification systems. Buildings can incorporate sustainable strategies without being LEED certified. Nature and its related ecological systems are inherently dynamic and sustainability is more complicated than can be mandated through a single green building accreditation system. The true value of sustainable design is in its application and achieved environmental results.

Given the inherently dynamic nature of the sustainable design field it is unrealistic and impractical to commit to a current standard. Honua'ula Partners, LLC supports a voluntary approach to sustainable design that will allow for the incorporation of the appropriate technology or combination of technologies for specific applications as Honua'ula is built out over time.

Honua'ula Partners, LLC is committed to limiting the environmental impact of Honua'ula and will implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design, and environmental stewardship, such as the use of solar energy and solar heating, consistent with the standards and guidelines promulgated by the Building Industry Association of Hawaii, the U.S. Green Building Council (LEED), the Hawaii Commercial Building Guidelines for Energy Star, Green Communities, or other similar programs, into the design and construction of Honua'ula. Honua'ula Partners, LLC will also:

- 1) encourage lot purchasers to design houses that meet at least the minimum requirements of one of the aforementioned programs; and 2) provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners.

To include the relevant above information in the Final EIS, along with addressing comments regarding LEED from others, in the Final EIS Section 2.5 (Environmentally-Responsible Planning and Design) will be revised as to include the following information:

Honua'ula Partners, LLC is committed to limiting the environmental impact of Honua'ula and will implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design, and environmental stewardship, such as the use of solar energy and solar heating, consistent with the standards and guidelines promulgated by the Building Industry Association of Hawaii, the U.S. Green Building Council (i.e. the Leadership in Energy and Environmental Design (LEED) rating systems), the Hawaii Commercial Building Guidelines for Energy Star, Green Communities, or other similar programs, into the design and construction of Honua'ula. Honua'ula Partners, LLC will also:

- 1) encourage lot purchasers to design houses that meet at least the minimum requirements of one of the aforementioned programs; and 2) provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners.

16. *Work with people that have provided comments regarding the archaeology of the site to clarify findings;*

Response: On August, 26, 2010 Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Simoto, and consultant cultural advisor Kimokeo Kapahulehua

participated in a site visit of the Honua'ula Property with several community members and State Historic Preservation Division (SHPD) staff. SHPD staff present were archaeologist Morgan Davis and cultural historian Hinano Rodrigues. Community members present included: Lucienne de Naie, Daniel Kanahele, Janet Six, Elle Cochran, U'ilani Kapu, Ke'eaumoku Kapu, Lee Altenberg, and 'Ekolu Lindsey. Some of the community members had previously: 1) presented testimony, or were present, at the Maui Planning Commission meeting on June 22, 2010 at which the Honua'ula Draft EIS was discussed; 2) submitted information to SHPD claiming that they had found archaeological sites on the Property that had not been included in the archaeological inventory survey dated March 2010 included in the Draft EIS; and 3) submitted written comments on the Draft EIS expressing concerns regarding archaeological sites on the Property.

Subsequent to the site visit, SHPD issued a letter dated September 8, 2010 stating that no significant unrecorded sites were noted at that time (i.e. during the August, 26, 2010 site visit). The letter also provides SHPD's review of the archaeological inventory survey (dated March 2010) and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) a large plan map of the survey area with sites and features plotted be included. In addition, the SHPD letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

In response to SHPD's September 8, 2010 letter commenting on the archaeological inventory survey (dated March 2010), archaeologist Aki Sinoto: 1) revised the archaeological inventory survey report to address SHPD's concerns; and 2) submitted the revised archaeological inventory survey report to SHPD in April 2011.

In July and August of 2011, Daniel Kanahele of Maui Cultural Lands submitted letters to Honua'ula Partners, LLC's representative Charlie Jencks and SHPD providing additional comments on the archaeological inventory survey (dated March 2010) that was included in the Draft EIS. Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua responded to these letters in writing. In the summer of 2011 Maui Cultural Lands members also made a presentation to SHPD regarding their inspections of the Property.

In response to the concerns Maui Cultural Lands members expressed to SHPD in the summer of 2011, on September 23, 2011 archaeologist Aki Sinoto and cultural advisor Kimokeo Kapahulehua met with SHPD archaeologist Morgan Davis and SHPD cultural historian Hinano Rodrigues at SHPD's Maui office. Subsequently, as recommended by SHPD, Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua met with members of Maui Cultural Lands and other community members at Maui Community College on November 17, 2011. Maui Cultural Lands members and other community members present at the November 17, 2011 meeting included: Daniel Kanahele, Janet Six, 'Ekolu Lindsey, Lucienne de Naie, Jocelyn Costa, and Clifford Ornelas. Others present at the meeting included Stanley Solamillo, a cultural resource planner with the Maui Planning Department, and Tanya Lee Greig, the director of Cultural Surveys Hawaii's Maui office.

As a result of the November 17, 2011 meeting, the archaeological inventory survey report was further revised to: 1) recommend preservation of a section of a post-contact agricultural wall documented in the archaeological inventory survey but not previously recommended for preservation; 2) add descriptive narrative information for two post-contact agricultural walls; and 3) revise pertinent map figures in the report. Archaeologist Aki Sinoto submitted the further revised archaeological inventory survey report to SHPD in March 2012. Since the SHPD Maui archaeologist had recently resigned, copies of the revised archaeological inventory survey report were transmitted to SHPD's main office in Kapolei and to Dr. Theresa Donham, the interim SHPD chief of archaeology in Hilo. In April 2012, Dr. Donham notified archaeologist Aki Sinoto that the report was forwarded to the SHPD Maui office for review due to the hiring of replacement personnel. As of May 2012, SHPD has not completed its review of the revised (March 2012) archaeological inventory survey.

To include the relevant above information in the Final EIS, along with addressing comments regarding archaeological and historic resources from others, in the Final EIS Section 4.1 (Archaeological and Historic Resources) will be revised as shown on the attachment titled "Archaeological and Historic Resources."

17. Provide information regarding the design and cost for the operation of the reverse osmosis system, cost analysis to consumers, and the market price housing for the water;

Response: As discussed in Section 4.8.1 (Water System) of the Draft EIS, brackish well water will be treated by reverse osmosis (RO) to produce potable water for Honua'ula. The RO process involves initially passing the brackish water through a filter to remove particulate matter. The filtered water is then forced through a membrane under pressure. The membrane acts as a barrier to salts and other constituents. The water that passes through the membrane may be further chemically treated and disinfected, as necessary, prior to use.

To respond to your comment regarding the cost for the operation of the reverse osmosis system, cost analysis to consumers, and the market price housing for water, TNWRE prepared cost estimates based on several assumptions. The estimates are summarized below.

The estimated potable and non-potable water infrastructure cost is \$21 million. This includes costs for: construction and testing the required off-site wells, piping from the off-site wells to the on-site storage tank, booster pumps, on- and off site potable and non-potable storage tanks, and the RO plant. It does not include piping for distribution to individual Honua'ula homes and businesses.

Based on infrastructure costs and assumptions such as infrastructure efficiencies, electrical power costs, and costs for operating personnel, administration, and maintenance, the daily operating cost for both potable and non-potable systems would be \$3,000 per day. The cost of capital recovery would be \$4,950 per day. The cost to consumers, with and without capital recovery would be as follows:

Estimated Cost in Dollars per Thousand Gallons

Cost Items Included	Potable Water	Non-Potable Water
Based on Operation and Maintenance Exclusively (No Capital Recovery)	\$4.00	\$2.00
Based on Operation, Maintenance, and Full Capital Recovery	\$10.64	\$5.32

For fiscal year 2010-2011 the cost for potable water for general water consumers set by the County in its annual budget is \$1.70 per 1,000 gallons for users that use up to 10,000 gallons bi-monthly. The price increases for users that use more than 10,000 gallons bi-monthly. In compliance with County of Maui Ordinance No. 3554 (Condition 1) water rates for the residential workforce housing units will be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, MCC.

To include the relevant above information in the Final EIS, along with addressing comments regarding water from others, in the Final EIS Section 4.8.1 (Water System) will be revised as shown on the attachment titled "Water System."

18. *Discuss what mechanism can be put in place or what assurances there are in case the water system fails or the private operating entity is unable to operate or maintain it;*

Response: Currently there are at least six private water companies on the Island of Maui that provide potable water to residential customers. Several of these companies have been in operation for more than 30 years. All private potable water companies are regulated as public utilities by the State Public Utility Commission (PUC). The PUC: 1) prescribes rates, tariffs, charges and fees; 2) determines the allowable rate of earnings in establishing rates; 3) issues guidelines concerning the general management of public utility businesses; and 4) acts on requests for the acquisition, sale, disposition or other exchange of utility properties, including mergers and consolidations.

It is highly unlikely that Honua'ula's private water system will fail or the private operating entity operating it will be unable to operate or maintain it. There is extensive government oversight of all new well and water source development.

First, as discussed in Section 3.5.1 (Groundwater) of the Draft EIS, all existing on- and off-site wells are fully permitted by CWRM. All new wells will be developed in compliance with all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. The CWRM application process for well construction permits requires an extensive application process with thorough review by the State Department of Health (DOH) for compliance DOH rules and standards, including the appropriateness of the well location. Therefore, there will be extensive analysis, review, and evaluation of potential impacts of any new wells.

Second, the County's Water Availability Policy, codified as Chapter 14.12, Maui County Code (MCC), requires verification of a long-term, reliable supply of water before subdivisions are

approved. In accordance with Section 14.12.050 MCC, in reviewing and commenting on water source engineering reports the DWS Director shall consider (among other things) the following factors:

- Cumulative impacts;
- CWRM's Water Resources Protection Plan;
- The general plan and relevant community plans;
- The adverse impacts on surrounding aquifers and stream systems, including:
 - o Water levels,
 - o Water quality, including salinity levels,
 - o Surface water-groundwater interactions, and
 - o Adverse impacts on other existing, future, or planned wells;
- The adverse impacts on the water needs of residents currently being served and projected to be served by DWS;
- The adverse impacts on environmental resources that are rare or unique to the region and the project site (including natural, cultural, or human-made resources of historic, archaeological, or aesthetic significance);
- The adverse impacts on the exercise of traditional and customary Native Hawaiian rights and practices;
- United States Geological Survey studies;
- Whether the applicant is in full compliance with the State water code and County's water reporting laws;
- Whether the affected water source, including groundwater, surface water, or other source of water will exceed:
 - o 90 percent of the sustainable yield;
 - o Instream flow standards, or
 - o Interim instream flow standards;
- The adverse impacts to the water needs of residents currently on a County "wait list" for water meters;

Third, before start up, Honua'ula's private water system is subject to the approval of the DOH Safe Drinking Water Branch. Under HAR Chapter 11-20 (Potable Water Systems) as part of the DOH approval process the DOH requires that new private water companies demonstrate capacity requirements and satisfactory technical, managerial, and financial capabilities, including:

- An adequate water source to serve current and future water users;
- Adequate system technical performance;
- An infrastructure replacement plan that includes estimates of the useful life and plans for the eventual replacement of the public water system's infrastructure;
- An operational plan that includes a preventative and corrective maintenance program;
- A clear management organization and communication structure;
- An emergency response plan;
- Adequate financial capacity and dedicated sources of income, including income and cash reserves to pay annual operating expenses, unexpected significant repairs, and planned major work;

- Adequate budget controls, including performance reviews of actual expenditures and annual budgets, procedures to safeguard financial assets, and maintenance of detailed financial records that clearly identify sources of income and expenses involved in operating the public water system; and
- Demonstration of credit worthiness, including: 1) long-term dedicated revenue projections showing sufficient revenue for: a) operating and maintaining the public water system; b) performing anticipated repairs; c) replacement of major equipment; d) future expansion; and e) repayment of loans; and 2) credit reports that indicate that the public water system is financially healthy and credit worthy.

To include the relevant above information in the Final EIS, along with addressing comments regarding water issues from others, in the Final EIS Section 4.8.1 (Water System) will be revised as shown on the attachment titled "Water System."

19. *Discuss the average energy demand required for Honua'ula, how the demand could be off-set with renewable energy from on site, and the net demand that would be required from MECO. Meet with MECO to see what their requirements are or what their methodology is for estimating demand;*

Response: When fully built-out, the peak forecasted electrical demand for Honua'ula is estimated to be 11,103.3 kilowatts (kW). This peak forecasted electrical demand represents "conventional" demand without consideration of solar water heating, renewable energy systems, or other measures to reduce the energy consumption. Honua'ula Partners, LLC's electrical engineer calculated this demand in consultation with MECO based on empirical values derived from records of past electrical consumption of other similar facilities. The total forecasted demand includes estimated electrical loads for: 1) single- and multi-family homes; 2) neighborhood commercial uses; 3) golf course facilities including, the clubhouse and maintenance facility; and 4) infrastructure facilities, including well pumps, the reverse osmosis facility, the wastewater reclamation facility, and streetlights.

As discussed in Section 4.8.6 (Electrical System) of the Draft EIS, Honua'ula Partners, LLC will equip all residential units with a primary hot water system at least as energy efficient as a conventional solar panel hot water system, sized to meet at least 80 percent of the hot water demand for the unit. This is expected to reduce the energy consumption of individual Honua'ula homes by approximately 32 percent since energy consumption for hot water heating is typically about 40 percent of total residential energy use. Based on average residential energy consumption of approximately 600 kilowatt-hours (kWh) per home per month, at full build out of all homes in Honua'ula a 32 percent reduction in energy use would result in a savings of 220,800 kWh per month. In relation to total energy demand for all of Honua'ula, the residential hot water systems would reduce total electrical demand by approximately 8.5 percent.

In addition to the water heating systems provided with all homes, if a homeowner chooses to install a photovoltaic system, electrical demand could be further reduced. Assuming a homeowner installs a 2 kW PV system and assuming a very conservative four hours per day of usable sunlight, an additional reduction in energy consumption (2 kW x 4 hours/day x 30 days/month) of 240 kWh per month would be contributed by each such home with a

photovoltaic system. Assuming that 200 homeowners choose to install a PV system the total reduction in energy demand would be 48,000 kWh per month (200 homes x 240 kWh/month equals 48,000 kWh/month) and the resulting energy savings would equal approximately 1.85 percent of Honua'ula's total energy demand.

Cumulatively, a 10.4 percent reduction in energy consumption could be achieved with the energy savings from the hot water systems combined with 200 homes installing a photovoltaic system. Additional reductions in energy consumption are anticipated as a result of: 1) meeting all applicable ENERGY STAR requirements; 2) ensuring that all air cooling systems and all heating systems for laundry facilities, swimming pools, and spa areas make maximum use of energy-efficient construction; and 3) and other energy conservation measures; however the projected reduction in energy consumption from these additional measures has not been calculated.

To incorporate the above information, as well as responses to other comments from the Planning Commission and others regarding energy, into the Final EIS, in the Final EIS Section 4.8.6 (Electrical System) will be revised as shown on the attachment titled "Electrical System."

20. *Provide a map showing the potential gated community areas and examine the impacts of having those areas gated;*

Response: Overall, Honua'ula will not be a gated community; however if builders of some individual areas or if specific homeowner's associations or residents choose to gate individual areas, they should have the right to make that decision. At this stage no gated community areas have been proposed, and it has not been determined if any areas would be gated or where these areas would be located within the Property or at what phase they would be built. Therefore no map of potential gated community areas can be provided. However, any gated area would not be so restricted to prohibit anyone with a legitimate reason from accessing an area. Specifically, any gated area would not be designed to exclude access to any cultural or archaeological resources.

Typically gated communities evoke images of mini mansions in exclusive enclaves, but restricted access multi-family townhouse and other higher density developments can also be classified as "gated communities." While some upscale gated communities cater to upper income level residents, there are also many gated communities that are geared to average homebuyers. Gated communities are often criticized as elitist and homogeneous; however, data suggests that gated communities are not necessarily reserved only for the rich (Nasser 2002). The 2001 American Housing Survey conducted by the U.S. Census Bureau reported that more than seven million households live in a type of gated community. The statistics also show that residents of gated communities belong to many different demographic types, not just the wealthy. Gated communities are popular with young families with children, retirees, second-home buyers, professionals, and many others. The elderly have been attracted to gated communities since the 1970s. Other potential buyers include empty nesters who are away frequently on vacations and young double-income families in which no one is home during the day (Blakely 1999). For second-home buyers, gated communities are especially attractive for the security they provide during long periods of vacancy (Blakely 1999).

Research shows that motivations for living in a gated community reflect, to varying degrees, a range of social values (Blakely & Snyder 1997). Some people are drawn to gated communities for prestige; some are looking for privacy; some want to protect themselves from crime and traffic (Blakely & Snyder 1997). For some, gated communities provide an added measure of security, less traffic, and increased pedestrian safety, a peaceful and quiet setting, social familiarity with neighbors, a sense of community, and shared ownership of space. Gated communities are attractive for residents as they provide protection and usually offer a high level of residential amenity and recreational value. The sense of community and belonging felt by residents may afford a more valuable notion of 'security' than is provided by gates alone as residents within gated communities tend to know or recognize each other thereby being able to easily identify non-residents (Quintal & Thompson 2007). Through restrictions on design and access, gated communities may help to reduce uncertainty by enabling residents to exert greater control over their living environment (Quintal & Thompson 2007). For some, gated communities provide for both security and a self-directed, democratic community in which all members of the association are active participants in community governance (Blakely 1999). While gated communities may not appeal to all, they do offer features many find attractive for their choice of style and quality of living.

In some municipalities gated communities have been considered "cash cows" for local governments because the developer initially provides all infrastructure (roads, landscaping, parks, community centers, etc) within the community and the residents pay homeowner's fees for the on-going maintenance of these common facilities. Thus, initially the developer, and then the residents pay for services that may typically be borne by government; however the residents in gated communities still pay property taxes to government based on property values, which may be higher in gated communities (Le Coix 2004). Therefore gated communities can be particularly desirable for local governments and in some areas are seen as a public-private partnership rather than an attempt to secede from the public realm (Le Coix 2004).

While research has shown that gated communities provide a sense of community and stability for their residents (Quintal & Thompson 2007), critics of gated communities believe that when people wall themselves from others they are cutting themselves from the mixed, open society that is needed for a social and political democracy (Drew & McGuigan 2005). Rather than being involved in an open society, critics argue that gated communities tend to foster segregation where better-off citizens gradually become less encumbered by collective social burdens (Blakely 1999; Drew & McGuigan 2005). Thus people with the necessary resources can quietly secede from the large and diverse public into homogenous enclaves within which their earnings need not be redistributed to people less fortunate than themselves (Blakely 1999). Others contend that gated communities offer a false sense of security as many nonresidents may have access to the communities, such as delivery people, maintenance workers, and other visitors (Drew & McGuigan 2005). Thieves may also seek out gated communities because of the perception of more valuable goods within the gates (Nasser 2002). Alternatively, others have theorized that gated communities cause crime to be redistributed to areas outside the gated communities (Le Coix 2004).

All neighborhoods, gated and non-gated, have the same ultimate goals: safety and security, no crime, safe streets, slow traffic, and a stable quality of life. To some extent, gated communities

attain these goals and in this respect have a positive influence on the lives of those residents. Honua'ula seeks to achieve these goals through design, with key objectives of reflecting community values, emphasizing vibrant community development, and creating a sense of place.

Building on overall goals of safe and secure neighborhoods, the Maui Police Department recommends incorporating principles of Crime Prevention Through Environmental Design (CPTED) into the design of Honua'ula. The goal of CPTED is to prevent crime by designing a physical environment that positively influences human behavior. The theory is based on four principles: 1) *natural surveillance*, which refers to the placement of physical features that maximize visibility of the neighborhood so residents can observe their surroundings; 2) *access management*, which involves guiding people by using signs, well-marked entrances and exits, and landscaping so visitors can be seen entering and exiting; 3) *territoriality*, which is the clear delineation of space to create pride or ownership and a vested interest of owners in their neighborhood; and 4) *physical maintenance*, which includes repair and general upkeep to maintain a well-kept appearance and neighborhood pride.

To include the above information, as well as responses to other comments from the Planning Commission and others regarding trails and access, into the Final EIS, in the Final EIS Section 4.3 (Trails and Access) will be revised as shown on the attachment titled "Trails and Access."

21. Provide a description of the filtering of runoff and the effects of filtering or not filtering all runoff and surface runoff;

Response: Section 4.8.3 (Drainage System) of the Draft EIS discusses drainage and proposed drainage improvements. To manage drainage within Honua'ula, the drainage system will include detention basins, drainage pipes, open channels, and roadway culverts designed to not only manage flood control but also to reduce pollution associated with stormwater. In response to your comment, Low Impact Development (LID) techniques will be incorporated into the design of Honua'ula to supplement the detention system where appropriate. LID comprises a set of approaches and practices designed to reduce runoff of water and pollutants from the site at which they are generated. By means of infiltration, evapotranspiration, and rainwater reuse, LID techniques manage water and water pollutants at the source thereby reducing stormwater flows to detention basins. A goal of LID is to maintain or closely replicate predevelopment hydrology of the site with an understanding that rainwater is not merely a waste product to be disposed of, but a resource to be reused.

With LID techniques small-scale practices are employed to control stormwater runoff on-site. The practices are designed to work in concert with other stormwater best management practices, such as detention basins. While LID techniques span a wide range of design considerations, infiltration and filtration are two primary practices. Infiltration practices are engineered structures or landscape features designed to capture and infiltrate runoff. Infiltration can both reduce the volume of water discharged from the site and contribute to groundwater recharge. Examples of infiltration practices include: 1) infiltration basins and trenches which are shallow depressions designed to infiltrate stormwater through permeable soils; 2) rain gardens and other vegetated treatment systems that provide a planted depression to collect rainwater (usually from a single home) and allow absorption on-site; and 3)

disconnected down spouts, which are roof gutter downspouts that are not connected to the sewer system to allow roof water to drain to lawns and gardens (or rainwater storage barrels) and allow plants and soils to filter pollutants.

Similar to infiltration practices, filtration practices treat runoff by filtering it through media designed to capture pollutants (such as sand or vegetation). Like infiltration, filtration can both reduce the volume of water discharged from the site and contribute to groundwater recharge, but filtration practices have the added advantage of providing increased pollutant removal. Examples of filtration practices include: 1) bioswales, which are landscaped drainage courses with gently sloped sides filled with vegetation, compost and/or rocks designed to slow down water flows and trap pollutants and silt; 2) vegetated swales which are smaller, broad, shallow, channels with dense vegetation covering the side slopes and bottom to trap pollutants, promote infiltration, and reduce flow velocity; and 3) vegetated filter strips, which are bands of vegetation intended to treat sheet flow from adjacent impervious areas (such as parking lots) by slowing runoff velocities; filtering out sediment and other pollutants, and providing some infiltration into underlying soils.

LID practices can also effectively treat and manage non-point source pollution from drainage by filtering "first flush" runoff volumes. Non-point source pollution typically results from rainwater washing across impermeable surfaces such as roadways, parking lots, and sidewalks and with it picking up pollutants such as oil, detergents, pesticides, fertilizer, and pet wastes. Most surface pollutants are collected during the first one-half inch, or "first flush" of a storm event. LID practices can filter these pollutants before they reach detention basins. Traditional conveyance systems, such as drains and catch basins in parking lots and roadways can also be designed to capture this first flush with installed filtering materials.

Strategically integrated LID practices applied throughout the Property—from individual building sites to larger areas such as parking lots and roadways—can lessen stormwater flows to detention basins and increase the length of time for flows to travel to detention basins. The increased time allows for greater opportunities for groundwater recharge, filtration, and evapotranspiration. LID practices can result in enhanced environmental performance, while at the same time reducing costs compared to traditional stormwater management approaches.

To include the relevant above information, as well as responses to comments from others regarding drainage, in the Final EIS, in the Final EIS 4.8.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System."

22. *Honuaula Draft EIS is one of the better draft documents the commission has seen in terms of completeness.*

Response: We appreciate the Planning Commission's recognition with regard to the completeness of the Draft EIS. We hope that you will have the same comment regarding the Final EIS.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.
Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: References
Alternatives
Noise
Electrical System
Groundwater
Figure 2 (Regional Location)
Trails and Access
Figure 13 (Trails Network)
Archaeological and Historic Resources
Water System
Drainage System

10/15/29

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Deputy Director

MICHAEL M. MIYAMOTO
Deputy Director

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



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

June 10, 2010

10 JUN 15 P 2:07

DEPT. OF PLANNING
COUNTY OF MAUI
RECEIVED

MEMO TO: KATHLEEN ROSS AOKI, PLANNING DIRECTOR
FROM: *[Signature]* MILTON M. ARAKAWA, A.I.C.P., DIRECTOR OF PUBLIC WORKS

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II FOR HONUJULA
TMK: (2) 2-1-008:056 AND 071 (THE PROPERTY);
TMK: (2) 2-1-008:999 (POR.), 043 (POR.), 090 (POR.), 108 (POR.), 054 (POR.), AND 001 (POR.) (OFF-SITE IMPROVEMENTS);
TMK: (2) 2-2-002:050 (POR.) AND 054 (POR.) (OFF-SITE IMPROVEMENTS)

We reviewed the subject application and have the following comment:

1. Please clarify if it is the intent of the developer to dedicate the project roads (except for the State highway) to the County.

If you have any questions regarding this memorandum, please call Michael Miyamoto at 270-7845.

MMA:MMM:is
xc: Highways Division
Engineering Division
S:\UUCACZM\honojula_partners_lic_ph2_eis_21008056_071_is.wpd



May 31, 2012

PRINCIPALS
THOMAS WITTEN, ASLA
President
R. STAN DUNCAN, ASLA
Executive Vice-President
RUSSELL L. CHUNG, FASLA, LEED AP
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President
GRANT T. MURAKAMI, AICP, LEED AP
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Chairman Emeritus

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SUBJECT: HONUJULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Goode:

We received the Department of Public Works' (DPW) memo addressed to the Maui Planning Department dated June 10, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to DPW's comments.

Honua'ula Partners, LLC will build all Honua'ula internal roadways which will remain private. It is not the intent of the developer to dedicate Honua'ula's internal roadways to the County. Honua'ula Partners, LLC will also extend Pihani Highway to the south to intersect with Kauhahi Street. The portion of the extended Pihani Highway within the State right of way will be owned by the State.

We thank DPW for reviewing the Draft EIS. DPW's letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

[Signature]
Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

CHARMAINE TAVARES
MAYOR



DON A. MEDEIROS
Director
WAYNE A. BOTTELHO
Deputy Director
Telephone (808) 270-7511
Facsimile (808) 270-7505

DEPARTMENT OF TRANSPORTATION

COUNTY OF MAUI
200 South High Street
Wailuku, Hawaii, USA 96793-2155
October 6, 2010

Mr. Tom Schnell, AICP
Senior Associate
PBR Hawaii & Associates, Inc.
1001 Bishop Street, Suite 650
Honolulu, Hawaii 96813-3484

Dear Mr. Schnell:

The County Department of Transportation has reviewed the attached letter dated September 13, 2010, from Mr. Charles Jencks, Owner Representative, Honua'ula Partners, LLC. Based on our review, we grant preliminary approval of the plans below.

- Transportation Management Plan for Construction Operations of Pilliani Highway Widening Project, Kaonoulu Affordable Housing Project and Honua'ula Project District; and
- Transportation Management Plan for Post-Construction Operations of Kaonoulu Affordable Housing Project and Honua'ula Project District.

For final approval, please revise the subject plans to incorporate the conditions that were stated in your letter dated August 26, 2010, that Honua'ula Partners, LLC will:

1. Design, finance, and construct a bus stop and park and ride facility within the Honua'ula Property; the parks and ride facility is envisioned as an overflow parking area in the VMX Town Center that could be used as a park and ride facility during normal working hours and either employee or customer overflow parking during weekends and nights;
2. Design, finance, and construct a bus stop to serve the Ka'ono'ulu project; and
3. Appoint a Transportation Coordinator of designated representative to work with the County Department of Transportation to effectuate the recommendations. This is discussed in Section 4.4.5 (Transportation Management) of the [draft] EIS.

Mr. Tom Schnell, AICP
October 6, 2010
Page 2

Feel free to grammatically insert the conditions as you see fit. Please contact us at 270-7511 if we may be of any assistance or clarification.

The County Department of Transportation looks forward to working with you on this matter. Thank you for your cooperation.

Sincerely,

Handwritten signature of Don Medeiros in black ink.

DON MEDEIROS
Director of Transportation

cc: Mayor
Director of Public Works
Planning Director
Director of Transportation, State of Hawaii

Attachment
S:\WAB\LTRdngen100610

HONUA'ULA

September 13, 2010

Mr. Don Medeiros, Director
Department of Transportation,
County of Maui
200 South High Street
Wailuku, HI 96753

Subject: Transportation Management Plans

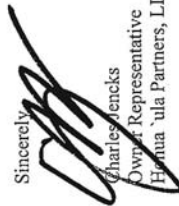
Dear Mr. Medeiros:

The attached letter from your office dated June 8, 2010 highlights conditions you wish to have addressed and incorporated into the design of Honua'ula as a result of your review of the subject transportation management plans developed for the project. In response to your letter of June 8, 2010, PBR Hawaii sent you a response dated August 26, 2010 stating that the Honua'ula project will address each of your conditions by incorporating same into the project.

In order for PBR Hawaii to complete the responses to the draft project EIS it is important to have a response from your office accepting our proposal to comply with your requests and therefore approving the subject TMP documents. I would appreciate your sending a letter to Mr. Tom Schnell at PBR addressing this request and by doing so helping Mr. Schnell complete this portion of the work on the draft EIS document.

Thank you in advance for your consideration of my request. Should you have any questions please do not hesitate to contact me in my office at 879-5205, on my cell phone at 250-3178 or via email at charlesj@pacificrimland.com.

Sincerely,


Charles Jencks
Owner/Representative
Honua'ula Partners, LLC

Attachments



August 26, 2010

PRINCIPALS
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Principal
W. FRANK BRANDY, FASLA
Chairman Emeritus

**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT
AND PROJECT DISTRICT PHASE II APPLICATION**

Dear Mr. Medeiros:

Thank you for your letter addressed to Charles Jencks dated June 8, 2010 regarding the Honua'ula Transportation Management Plans (TMPs) for Construction and Post-Construction operations. We have also received the transmittal from your Department to Ann Cua of the Maui Planning Department dated June 23, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

We have reviewed the conditions of approval for the TMPs and Honua'ula Partners, LLC will comply with your recommendations, specifically Honua'ula Partners, LLC will:

1. Design, finance, and construct a bus stop and park and ride facility within the Honua'ula Property; the park and ride facility is envisioned as an overflow parking area in the VMX Town Center that could be used as a park and ride facility during normal working hours and either employee or customer overflow parking during weekend and nights;
2. Design, finance, and construct a bus stop to serve the Ka'ono'ulu project; and
3. Appoint a Transportation Coordinator or designated representative to work with the County Department of Transportation to effectuate the recommendations. This is discussed in Section 4.4.5 (Transportation Management) of the Draft EIS.

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RECEIVED
REGISTRATION
DDI

AGENCY NAME	<i>Transportation</i>	PHONE	<i>270-5563</i>
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Agency Transmittal - Honua'ula (PH2 2010/0001) (EIS 2009/001)
 April 21, 2010
 Page 2

Don Medeiros
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
 August 26, 2010
 Page 2 of 2

To include the above information regarding the bus stop and park and ride facility within Honua'ula in the Final EIS, in the Final EIS Section 4.4.5 (Transportation Management) will be revised as follows:

Coordinate Expansion of the Maui Bus - For travel outside of the Kihei-Makena region, the Transportation Coordinator will coordinate with the Maui Department of Transportation to identify opportunities for expansion of bus service to Honua'ula. A bus stop will be provided within Honua'ula, ideally this bus stop would be located within the Village-Mixed-Use-area VMX Town Center near the intersection of Pihani Highway and Wailea Iike Drive. A park and ride facility would also be located in this area. The park and ride facility is envisioned as an overflow parking area in the VMX Town Center that could be used as a park and ride facility during normal working hours and either employee or customer overflow parking during weekend and nights.

Thank you for reviewing the TMPs and Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
 Senior Associate

cc: Kathleen Aoki, Maui Planning Department
 Charles Jencks, Honua'ula Partners, LLC

Thank you for your time and assistance. For additional clarification, please contact me via email at ann.cua@mauicounty.gov or by phone at (808) 270-7521.

Sincerely,



ANN T. CUA, Current Planning Supervisor

cc: Clayton I. Yoshida, AICP, Planning Program Administrator
 Ann T. Cua, Current Planning Supervisor
 Charles Jencks, Honua'ula Partners, LLC
 Tom Schnell, AICP, PBR Hawaii & Associates, Inc.
 Gwan Hiraga, Munekyo & Hiraga, Inc.
 Project File
 General File

JSH:ATC:rb
 KWP_DOCS\PLANNING\EIS\2009\0001_Honua'ula\Wailea670\Agency Transmittal.doc

NO COMMENT		
Signed:	Dated:	
Print Name:	Title:	

COMMENT/RECOMMENDATION BOX		
<i>See attached Ha. It serves as the formal comments OF DOT. The recommendations on page 3 are proposed conditions of project approval. Please inform of outcome.</i>		
Signed:	Dated:	
Print Name:	Title:	
		<i>Wayne A. Petillo</i>
		<i>06-23-10</i>
		<i>Dep. Director</i>

CHARMAINE JAVARES
MAYOR



DON A. MENEZES
Director
WAYNE A. BORELHO
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Telephone (808) 270-7511
Facsimile (808) 270-7505

DEPARTMENT OF TRANSPORTATION

COUNTY OF MAUI
200 South High Street
Wailuku, Hawaii, USA 96793-2155

June 8, 2010

Mr. Charles Jencks
c/o Goodfellow Brothers, Inc.
P.O. Box 220
Kihei, Hawaii 96753

Dear Mr. Jencks:

By transmittal dated October 29, 2009 (and verbal communication) you requested approval of the following:

- Transportation Management Plan for Construction Operations of Pilihi Highway Widening Project, Kaonoulu Affordable Housing Project and Honua'ula Project District; and
- Transportation Management Plan for Post-Construction Operations of Kaonoulu Affordable Housing Project and Honua'ula Project District.

Although the above-mentioned plans have not yet been approved, the County Department of Transportation (DOT) takes this opportunity to thank you for continuing to work with us on this matter.

We note that your request for approval is due to Condition No. 28, Zoning Ordinance No. 3554 (2008) relating to the establishment of the Kihei-Makana Project District 9, Wailea 670, which states:

"That, prior to the commencement of any construction activity, Honua'ula Partners, LLC, its successors and permitted assigns, shall develop a Transportation Management Plan ("TMP"), to be reviewed and approved by the State Department of Transportation, the County Department of Public Works, and the County Department of Transportation. The purpose of the TMP shall be to reduce traffic generated by construction activity related to the Kaonoulu Light Industrial Subdivision and Kihei-Makana Project District 9, including traffic generated by improvements to Pilihi Highway between Kiohaha Drive and Wailea Iki Drive. The TMP shall provide for programs such as park and ride, shuttles, and/or restrictions on worker access to ongoing construction activity during peak

Mr. Charles Jencks
June 8, 2010
Page 2

hour traffic. Upon approval, project contractors shall implement the TMP during construction activities. Honua'ula Partners, LLC, its successors and permitted assigns, shall submit an annual report to the State Department of Transportation, the County Department of Public Works, and the County Department of Transportation, and the Maui County Council to document the success of the TMP in meeting its benchmarks of reducing traffic during project construction.

That as part of the Project District Phase II application, Honua'ula Partners, LLC, its successors and permitted assigns, shall submit a TMP to reduce dependency on individual vehicle transportation modes. The TMP shall be reviewed and approved by the State Department of Transportation, the County Department of Public Works, and the County Department of Transportation prior to Project District Phase II approval."

By letter dated September 3, 2009, with follow up email dated October 19, 2009, the County DOT expressed concern with the TMPs, and made the following comments:

"The County Department of Transportation is concerned with the assumptions made on page 9 of the abovementioned plan.

There is no flexibility in the existing Maui Bus system to accommodate this project. A new route would be required to incorporate this housing project into the Maui Bus system. The cost of this new route is not in the current or foreseeable DOT budget.

The proposed Transportation management strategy, however, infers that the Maui Bus system will expand the existing system to accommodate the housing development.

We do have the same concerns with the statements made on page 20 of Project District document."

By letters dated October 9, 2009, Austin, Tsutsumi & Associates provided the following response to the County Department of Public Works, regarding mass transit serving the project sites:

"The project team has met with the Maui Department of Transportation and discussed both the current and future transportation system in Maui County. Future expansion of the existing system will be dependent upon funding and ridership. It is hoped that as both the Kaonoulu Affordable housing and Honua'ula [develop], the system will be able to accommodate the needs of future residents in those areas."

By letters dated October 20, 2009, Austin, Tsutsumi & Associates provided the following response to the County DOT, regarding mass transit serving the project sites:

CHARMAINE TAVARES
Mayor



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauilwater.org

JEFFREY K. ENG
Director

Mr. Charles Jencks
June 8, 2010
Page 3

"Currently, the existing Maui Bus Haiku-Wailea Commuter route runs along Pili'ani Highway. At the time of construction, if feasible, the developer and the County of Maui Department of Transportation could look into providing additional stops along the Haiku-Wailea Commuter route at the Kaonolulu Affordable Housing Project site and the Honua'ula Project site."

Finally, the TMPs and draft Honua'ula Environmental Impact Statement make reference to a "Transportation Coordinator," hired and provided by the developer, whose duties include:

"Coordinate with the Maui Department of Transportation to identify opportunities for expansion of bus service to Honua'ula. A bus stop within Honua'ula ideally located within the Village Mixed Use area near the intersection on Pili'ani Highway and Wailea like Drive. A park and ride facility could also be located in this area."

Therefore, as conditions of approval of the TMPs, the County DOT RECOMMENDS that:

1. the Honua'ula Partners, LLC, its successors and permitted assigns, shall design, finance, and construct a bus stop and park and ride facility within the Honua'ula project;
2. the Honua'ula Partners, LLC, its successors and permitted assigns, shall design, finance, and construct a bus stop to serve the Kaonolulu project; and
3. the Honua'ula Partners, LLC, its successors and permitted assigns, shall appoint a Transportation Coordinator or designated representative to work with the County Department of Transportation to effectuate the recommendations herein.

Thank you for your cooperation and assistance. The County Department of Transportation looks forward to working with you on this matter for the long term benefit of mass transit in your project areas.

Sincerely,

DON MEIROS
Director of Transportation

xc: Mayor
Managing Director
Director of Public Works
Director of Transportation, State of Hawaii

S:\WVABLTRdongen060810

June 3, 2010

Ann T. Cua, Deputy Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

and

Mr. Tom Schnell
PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Project: Honua'ula
Permit Nos.: PH2 2010/0001, EIS 2009/0001
TMK: (2)2-1-008:056 and 071

Dear Ms. Cua and Mr. Schnell:

Thank you for the opportunity to comment on this Draft Environmental Impact Statement (EIS) and PH2 application. Please find attached copies of our comment letters to this project dated April 7, 2010 and May 6, 2009.

Source Availability and Consumption

The demand estimate in the EIS of 1.867 MGD is within the range of Department of Water Supply system standards. However, the breakdown demand calculations for potable use should be identified in the EIS. If irrigation of single family and multi family lots is included in the potable demand, 0.34 MGD at build-out appears too low. Demand for 742 multi family units and 504 single family units would be 0.718 MGD based on system per unit standards.

Groundwater Resources and Water Quality

We note that a salinity increase in the downgradient existing wells in Kamole aquifer is

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CHARMAINE TAVARES
Mayor



JEFFREY K. ENG
Director
ERIC H. YAMASHIGE, P.E., L.S.
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauiwater.org

Ann T. Cua and Tom Schnell
Page 2

approximated at about five percent. To address the concerns of well users affected by the applicant's withdrawals, we recommend that the EIS include a commitment to distribute draft over a greater area, should the well users downgradient of the project demonstrate increased chlorides in their active wells.

We note that proposed Best Management Practices (BMPs) will adhere to the Hawaii Department of Health's "Golf Course Best Management Practices" guidelines. We recommend that capture zones/wellhead protection areas be delineated for drilled and future project wells for potable use and that potentially contaminating activities (PCAs) be kept out of the capture zone to the extent feasible. PCAs for this project include golf course, sewer lines, utility stations/maintenance areas, wastewater treatment plants, residential parcels, parks, reclaimed water irrigation, construction equipment storage, fire stations and medical clinics.

Should you have any questions please contact our Water Resources and Planning Division at (808) 244-8550.

Sincerely,

Jeffrey K. Eng, Director

c: engineering division

attachments:
DWS letter dated April 7, 2010
DWS letter dated May 6, 2009

C:\EA EIS SLUD\Honua'ula DEIS_PH2.wpd

April 7, 2010
Mr. Charles Jencks
Honua'ula Partners, LLC
POB 220
Kihei, Hawaii 96753

Subject: Honua'ula Project Waste Water Treatment System

Dear Mr. Jencks:

Thank you for the opportunity to comment on this waste water disposal analysis. We understand that wastewater from the Honua'ula development will either be treated at the existing Makana wastewater treatment facility or at a new on site plant. We commend Honua'ula Partners for planned 100% utilization of waste water from the project. We note that brackish water will be required to supplement the projected available 380,000 gpd of reclaimed water to meet irrigation needs. Irrigation of 155 acres of golf course, open space and buffer areas with an average daily demand of 8,054 gallons per acre would require 1,248,400 gpd in non potable demand, in addition to about 676,000 gpd in potable demand. We encourage Honua'ula Partners to incorporate water conservation measures to decrease golf course and landscaping irrigation demands. Limiting turf areas and avoiding water demanding non native plants can drastically reduce consumption. Please find attached a checklist of water conservation ideas for golf courses.

The combined capacity of the on site wells Wailea 670 1 (Well No. 4125-01) and Wailea 670 2 (Well No. 4125-02) is 1,440,000 gpd according to the State Commission on Water Resource Management's well database. It appears that projected reclaimed water supply and on site well capacity is not sufficient to meet total demand. Also, should both on site wells be utilized, an adequate backup source should be identified.

Should you have any questions please contact our Water Resources and Planning Division at 244-8550.

Sincerely,

Jeffrey K. Eng, Director
emb
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Printed on recycled paper

c: engineering division

attachment: A Checklist of Water Conservation Ideas For Golf Courses & Industrial Landscapes

CHARMAINE TAVARES
Mayor



JEFFREY K. ENG
Director
ERIC H. YAMASHIGE, P.E., L.S.
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauilwater.org

May 6, 2009

Mr. Tom Schnell
PBR HAWAII
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, Hawaii 96813

Subject: Honua'ula
TMK: (2)2-1-008:056 and 071

Dear Mr. Schnell:

Thank you for the opportunity to comment on this Environmental Impact Statement (EIS) Preparation Notice.

Source Availability and Consumption

We understand the applicant will develop a private water system to serve potable demand for the Honua'ula development. The EISPN is extremely vague regarding the proposed system. The EIS should identify and describe what potable water system, treatment and sources will be utilized and estimated potable and non-potable demand. Based on system standards, daily potable and non-potable demand for this project would be about 1,719,000 gallons. The EISPN notes that "the right to purchase" the system will be offered to the county. Water system development is required to provide service and redundancy according to Department standards. The system should be built to standards and dedicated to the county or indefinitely operated as a private system. Should the system have capacity beyond that required to serve the project with adequate redundancy, the excess capacity may be offered for purchase. The EIS should provide assurances that the source will both be adequate in the long term and no interfere or conflict with county plans for source development in this challenged system. We also note concerns with the growing number of private development systems in the county. These create multiple conduits for contamination of aquifers. Some are not adequately funded for long term maintenance and can cause substandard service in the future.

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Reporting on resource use is not as frequent with private systems and makes gaging of aquifer status more difficult.

Groundwater Resources and Water Quality

The project is overlying the Kamole aquifer which has a sustainable capacity of 11 MGD. According to the State Commission on Water Resource Management well database, there is 18.86 MGD pump capacity installed in the Kamalo aquifer. The EIS should discuss concerns and mitigation measures for a potential increase in chlorides at downgradient Wailea Golf Course irrigation wells once the Wailea 670 wells 4125-01 and 4125-02 are in production. According to the 2003 "Assessment of the Sources of Irrigation Supply for the three Wailea Resort Company Golf Courses in Wailea, Maui" prepared by Tom Nance, draft from the Wailea 670 wells will intercept and probably adversely impact the water quality of the Wailea Golf Course wells, due to the mauka-to-makai natural flow of groundwater

System Infrastructure

Two fire hydrants and five stand pipes on 4-inch, 6-inch and 8-inch waterlines in the Maui Meadow subdivision are located North of the property. A 12-inch waterline runs along the North West portion of the property and a 12-inch water line traverses West to East to the Wailea Upper Level storage tank. Despite the proximity of these lines, substantial system improvements would be required to serve the project according to standards, including construction of storage.

Conservation

We note that non-potable water will be used for all irrigation purposes. We recommend that wherever possible, reclaimed water rather than brackish ground water be used for non potable purposes. Conservation measures should be included in the EIS. The following conservation measures should be considered:

Use Climate-adapted Plants: The project is located in the "Maui County Planting Plan" - Plant Zone 3. Native plants adapted to the area conserve water and protect the watershed from degradation due to invasive alien species. We encourage use of native plants for all landscaping purposes. Please distribute the attached planting brochure to future homeowners.

Prevent Over-Watering By Automated Systems: Provide rain-sensors on all automated irrigation controllers in common areas. Check and reset controllers at least once a month to reflect the monthly changes in evapo-transpiration rates at the site. As an alternative, provide the more automated, soil-moisture sensors on controllers.

Eliminate Single-Pass Cooling: Single-pass, water-cooled systems should be eliminated per Maui County Code Subsection 14.21.20. Although prohibited by code, single-pass water cooling is still manufactured into some models of air conditioners, freezers, and commercial refrigerators.

Utilize Low-Flow Fixtures and Devices: Maui County Code Subsection 16.20A.680 requires the use of low-flow water fixtures and devices in faucets, showerheads, urinals, water closets, and hose bibs. Water conserving washing machines, ice-makers and other units are also available.

Maintain Fixtures to Prevent Leaks: A simple, regular program of repair and maintenance can prevent the loss of hundreds or even thousands of gallons a day.

Pollution Prevention

The EIS should include Best Management Practices designed to minimize infiltration to ground water and runoff. The following mitigation measures should be implemented during construction:

1. Prevent cement products, oil, fuel and other toxic substances from falling or leaching into the water.
2. Properly and promptly dispose of all loosened and excavated soil and debris material from drainage structure work.
3. Retain ground cover until the last possible date.
4. Stabilize denuded areas by sodding or planting as soon as possible. Replanting should include soil amendments and temporary irrigation. Use high seeding rates to ensure rapid stand establishment.
5. Avoid fertilizers and biocides, or apply only during periods of low rainfall to minimize chemical run-off.
6. Keep run-off on site.

Should you have any questions please contact our Water Resources and Planning Division at (808) 244-8550.

Sincerely,



Jeffrey K. Eng, Director
emb

c: Office of Environmental Quality Control
Jeff Hunt, Maui County Department of Planning
engineering division

attachments: (w/original letter)

Plant Brochure: "Saving Water in the Yard"

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Dave Taylor
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLIATION
 May 31, 2012
 Page 2 of 3

May 31, 2012

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 THOMAS WITTEN, ASLA
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wells were developed to provide landscape irrigation for individual condominium parcels, and the combined draft of all of these wells is relatively small (in the range of 0.12 to 0.30 MGD as a year round average). It is not known if the increase in salinity would materially impair the utility of the wells; however if the utility of the wells is materially impaired, additional wells (pumping the same combined amount of water) in the area north of Maui Meadows would distribute the draft over a greater area and would alleviate the impact downgradient. Honua'ula Partners, LLC, commits to distributing the draft over a greater area if the utility of active downgradient wells is demonstrated to be materially impaired.

Regarding your comment recommending that capture zones/wellhead protection areas be delineated for drilled and future project wells for potable use and that potential contaminating activities be kept out of the capture zone to the extent feasible, we note that the water system will be required to satisfy all components of HAR Chapter 11-20 (Potable Water Systems), including:

- Identification of all potential sources of contamination and evaluation of alternative control measures that could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source; water quality analysis for all regulated contaminants, performed by the State Laboratories Division of the State of Hawaii, will be submitted to DOH to demonstrate compliance with all drinking water standards;
- Assessment to delineate a source water protection area and creation of a source water protection plan, including activities to protect the source of drinking water;
- Addressing the potential of contaminating activities (as identified in the Hawaii Source Water Assessment Plan) within the source water protection area and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

To include the above information in the Final EIS, as well as to address the comments of others with similar comments, in the Final EIS Section 4.8.1 (Water System) will be revised as follows:

The RO plant and other components of the water system will be subject to regulation as a public water system and will meet requirements of the State DOH, including HAR Chapters 11-20 (Potable Water Systems), 11-21 (Cross-Connection & Backflow Control), and 11-25 (Operating Personnel in Water Treatment Plants). The water treatment facility and other components of the water system (i.e., storage, piping, pumps, and disinfection) are subject to the approval of the DOH Safe Drinking Water Branch before start up. In addition to successfully completing the startup testing process, the water system will be required to satisfy all components of HAR Chapter 11-20 (Potable Water Systems) including:

- Demonstration of capacity requirements and satisfactory technical, managerial, and financial capabilities to enable the system to comply with safe drinking water standards and requirements;
- Approval of the Director of Health prior to use, which is based upon the submission of a satisfactory engineering report meeting requirements of DOH;
- Identification (within the engineering report) of all potential sources of contamination and evaluation of alternative control measures that could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source; water quality analysis for all regulated contaminants, performed by the State Laboratories Division of the State of Hawaii, will be submitted to DOH to demonstrate compliance with all drinking water standards;
- Assessment to delineate a source water protection area and creation of a source water protection plan, including activities to protect the source of drinking water;
- Operation of the system by certified distribution and water treatment plant operators meeting

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLIATION

Dear Mr. Taylor:

We have received the Department of Water Supply's (DWS) June 3, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II Application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to DWS's comments.

Source Availability and Consumption

We thank DWS for confirming that the demand estimates in the Draft EIS are within the ranges of DWS's system standards. The estimated potable demand of 0.34 million gallons per day (MGD) does not include irrigation of single family and multifamily lots. Non-potable water will be used for all irrigation within Honua'ula, including single-family and multifamily lots. As stated in Section 4.8.1 (Water System) of the Draft EIS, non-potable water will be used for all irrigation purposes in compliance with County of Maui Ordinance No. 3554 (Condition 14). However, to clarify that potable water will not be used for irrigation of single-family and multifamily lots, in the Final EIS Section 4.8.1 (Water System) will be revised as follows:

The average daily potable water use for Honua'ula is estimated to be 0.34 MGD at build-out. Non-potable water will be used for all irrigation within Honua'ula, including single-family and multifamily lots. The average non-potable demand for irrigation excluding the golf course is estimated to be 0.810 MGD at build-out. The non-potable demand for golf course irrigation is estimated to be 0.717 MGD. Brackish well water will be used to supply all Honua'ula water needs. The brackish well water will supply the feedwater for the RO system, thus producing potable water. Concentrate from the RO treatment of the potable supply will also be produced. Much of the potable waste water will be recycled (R-1) then mixed with the RO concentrate and used for golf course irrigation. With this system, the total average withdraw from brackish wells is estimated to be 1.7 MGD.

Groundwater Resources and Water Quality

In response to your recommendation that the Final EIS contain a commitment to distribute the draft of the offsite wells over a greater area should well users downgradient demonstrate increased chlorides in their active wells, in the Final EIS Section 3.5.1 (Groundwater) will be revised as follows:

An estimated six active downgradient wells may be impacted by a potential increase in salinity due to reduced flowrate resulting from Honua'ula's off-site wells, which current calculations indicate may be on the order of five percent. These downgradient brackish

Dave Taylor
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT
DISTRICT PHASE II APPLIATION
May 31, 2012
Page 3 of 3

- the requirements of DOH;
- Design and operation of the potable system to prevent the cross-connection with the non-potable system and the possibility of backflow of water from the non-potable system to the drinking water system—the two systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the drinking water supply and all non-potable spigots and irrigated areas must be clearly labeled with warning signs to prevent the inadvertent consumption of non-potable water
- Addressing the potential of contaminating activities (as identified in the Hawaii Source Water Assessment Plan) within the source water protection area and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

We note that your letter dated June 3, 2010 also included copies of your: 1) April 7, 2010 letter regarding the Honua'ula Sewage Disposal Analysis; and 2) May 6, 2009 letter on the Honua'ula Environmental Impact Statement Preparation Notice (EISPN).

Regarding your April 7, 2010 letter addressed to Charles Jencks of Honua'ula Partners LLC regarding the Honua'ula Sewage Disposal Analysis (Analysis), we note that Mr. Jencks responded to your concerns in his letter dated April 15, 2010 (attached). In addition to seeking DWS's comments on the Analysis, in compliance with County of Maui Ordinance No. 3554 Condition 16 the Analysis was also submitted to the State Department of Health and the State Department of Land and Natural Resources, and the County Department of Environmental Management for review and comment. Subsequently, the Analysis, along with reviews and comments, was submitted to the Maui County Council on May 11, 2010 for review. After receiving the Analysis, the Maui County Council did not subject Honua'ula to any additional conditions or amendments as a result of the Analysis.

Regarding DWS's May 6, 2009 letter on the EISPN, we responded to the concerns in that letter in our letter dated March 9, 2010 (attached).

We thank DWS for reviewing the Draft EIS. DWS's letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

Attachments

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

HONUA'ULA

April 15, 2010

Mr. Jeffrey K. Eng,
Director, Department of Water Supply
County of Maui
200 South High Street
Wailuku, HI 96793

Subject: Honua 'ula Condition 16 Review and Response Letter

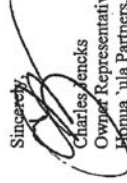
Dear Mr. Eng:

Thank you for the response letter dated April 7, 2010 (attached). We appreciate your comments and want to assure the department that all treated waste water, either from the Makana or on site facility, will be used for irrigation purposes. We also wish to assure the department that irrigated areas will be kept to a minimum and drought tolerant planting (native and ornamental) will be used throughout the project area to help keep the overall project within a reasonable water budget.

With regard to the potable water demand for the project, adequate supply will be maintained through development of a series of offsite wells, two of which have already been drilled and tested. It is our intent to develop Honua 'ula with a responsible potable and non-potable water budget and make full use of water conservation approaches and techniques in the development of the property. Once again, thank you for your comments.

With your department's comments received and responded to, the Sewage Disposal Analysis will be now be transmitted to the Maui County Council for review per the terms of Condition 16. Should you have any questions regarding this process or the analyses please do not hesitate to contact me in my office at 879-5205, on my cell phone at 250-3178 or via email at charliej@pacificrimland.com.

Sincerely,



Charles Jencks
Owner Representative
Honua 'ula Partners, LLC

Attachment



Jeffrey K. Eng, Director
 SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
 March 9, 2010
 Page 2 of 2

March 9, 2010

PRINCIPALS
 THOMAS S. WITTEN, ASLA
President
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 RUSSELL Y. CHUNG, FASLA, LEED^{AP}
Executive Vice-President
 VINCENT SHIGEKUNI
Vice-President
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Principal

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Chairman Emeritus

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 TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

DEVIN K. NISHIKAWA, ASLA
Associate

TOMI MIKAMI YUEN, LEED^{AP}
Associate

SCOTT ALIKA ABRIGO, LEED^{AP}
Associate

SCOTT MURAKAMI, ASLA, LEED^{AP}
Associate

DACHENG DONG, LEED^{AP}
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 Tel: (808) 521-5633
 Fax: (808) 525-3165

System Infrastructure
 We acknowledge the surrounding water system infrastructure capabilities and understand that system improvements are required to serve Honua'ula according to standards.

Conservation
 We acknowledge that the Department of Water Supply recommends that whenever possible reclaimed water rather than brackish ground water be used for non-potable purposes. Water conservation measures such as using climate-adapted plants, preventing over-watering by automated systems, eliminating single-pass cooling, utilizing low-flow fixtures and devices, and maintaining fixtures to prevent leaks will be included in the Draft EIS.

Pollution Prevention
 The Draft EIS will include discussion of Best Management Practices to minimize infiltration to ground water and runoff.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
 Senior Associate

cc: Jeff Hunt, Maui Planning Department
 Charles Jencks, Honua'ula Partners, LLC

1905.08 EA EISPN DWS

SUBJECT: HONUA'ULA ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Eng:
 Thank you for your letter dated May 6, 2009 regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

Source Availability and Consumption

The Draft Environmental Impact Statement (EIS) will provide information regarding Honua'ula's water system, treatment, sources, and demands.

Regarding the statement in the EISPN about Honua'ula Partners, LLC offering the County the right to purchase the project water system, this is stated in the EA/EISPN because Condition 1 of the Change in Zoning Ordinance (County of Maui Ordinance 3554) states: "At the time the project water system is completed, Honua'ula Partners, LLC, its successors and permitted assigns, shall offer to the County the right to purchase the project water system at the cost of the development of such system." Honua'ula Partners, LLC, will comply with all conditions of the Change in Zoning Ordinance (County of Maui Ordinance 3554).

The Draft EIS will include discussion regarding the adequacy of the water source and potential interference or conflict with county plans for source development. Specifically, regulatory oversight processes will ensure adequacy of the water source and that water source development will not interfere or conflict with County plans for source development. These include: 1) the State Commission on Water Resource Management well construction and pump installation permits; 2) State Department of Health Engineering and Capacity report approvals; and (3) compliance with the County's Water Availability Policy, codified as Chapter 14.12, Maui County Code.

Groundwater Resources and Water Quality

The Draft EIS will address issues related to water quality including the impacts of Wailea 670 wells 4125-01 and 4125-02 to surrounding wells.



CHARMAINE TAVARES
MAYOR

OUR REFERENCE
YOUR REFERENCE

MAY 13 4:10 PM
POLICE DEPARTMENT
DEPT OF PLANNING COUNTY OF MAUI
55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411



GARY A. YABUTA
CHIEF OF POLICE

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

May 10, 2010

MEMORANDUM

TO : ANN T. CUA, DEPUTY DIRECTOR
DEPARTMENT OF PLANNING

FROM : GARY A. YABUTA, CHIEF OF POLICE

SUBJECT : I.D. : (PH2 2010/0001) (EIS 2009/0001)
TMK : (2) 2-1-008:999 (POR.), 043 (POR.), 090
(POR.), 108 (POR.), 054 (POR.), and 001
(POR.); (2) 2-2-002:050 (POR.) and 054
(POR.)

Project Name : Honua'ula
Applicant : Honua'ula Partners, LLC (Charles Jencks)

___ No recommendation or comment to offer.
___ Refer to enclosed comments and/or recommendations.

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

Gary A. Yabuta
Assistant Chief Danny Matsuura
For: **GARY A. YABUTA**
Chief of Police

Enclosure

COPY

TO : GARY YABUTA, CHIEF OF POLICE, COUNTY OF MAUI
G.A.Y.
VIA : CHANNELS *5/10/10*
FROM : BRAD HICKLE, POLICE OFFICER III, DISTRICT VI KIHEI
SUBJECT : ENVIRONMENTAL IMPACT STATEMENT FOR HONUA'ULA PARTNERS LLC @ TMK: (2) 2-1-008:056 AND 071

APPLICANT INFORMATION:

PBR Hawaii & Associates, Inc. have prepared the Environmental Impact Statement (EIS) for the applicant, Charles JENCKS representing Honua'ula Partners, LLC. in preparation for a Master Planned Community known as Honua'ula.

The residential community will consist of 1400 Single-family and Multi-family homes, village mixed use areas with supporting commercial, open space, recreation, and related off-site infrastructure as well as an 18 hole homeowners golf course, club house with related infrastructure.

IMPACT ON POLICE:

A residential community of this size will have a measurable impact on Police services. It is unknown however what the exact impact may be. There will be a wide variety of calls for service to this community.

RECOMMENDATIONS:

It is recommended that the developer use "best practices" in Crime Prevention Through Environmental Design (CPTED) when building this community.

CPTED is a form of crime prevention that combines building design features, lighting and foliage to deter crime and criminal activities upon the property. Incorporating the CPTED principal into this community will help to minimize Police calls for service.

I further recommend this document be returned to the County Department of Planning for review and final disposition.

Respectfully Submitted,
B.H.
Officer B. HICKLE
05/03/10 14:40 hours

Handwritten notes:
A copy of the EIS is being provided to the Planning Department for review. The Planning Department will be reviewing the EIS for compliance with the County Code. The Planning Department will be reviewing the EIS for compliance with the County Code. The Planning Department will be reviewing the EIS for compliance with the County Code.



Gary A. Yabuta, Chief of Police
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
 May 31, 2012
 Page 2 of 2

May 31, 2012

Gary A. Yabuta, Chief of Police
 County of Maui
 Police Department
 55 Mahalani Street
 Wailuku, Hawaii 96793

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 RUSSELL Y. CHUNG, FASIA, LEED^{AP}
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 VINCENT SINGHUNI
Vice-President

GRANT MURAKAMI, AICP, LEED^{AP}
Principal

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RAYMOND T. HIGA, ASIA
Senior Associate

KEVIN K. NISHIKAWA, ASIA
Associate

KIMI MIKAMI YUEN, LEED^{AP}
Associate

SCOTT AIKKA AMRIGO, LEED^{AP}
Associate

SCOTT MURAKAMI, ASIA, LEED^{AP}
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DACHENG DONG, LEED^{AP}
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 Fax: (808) 505-3161

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Chief Yabuta:

Thank you for your letter addressed to Ann Cua of the Maui Planning Department dated May 10, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

We acknowledge your comments that Honua'ula will have a measurable impact on police services; however it is unknown what the exact impact may be. To include this information in the Final EIS, in the Final EIS Section 4.10.2 (Police) will be revised to include the following statements:

In their comment letter on the Draft EIS dated May 10, 2010, the Maui Police Department stated:

A residential community of this size will have a measurable impact on Police services.

It is unknown however what the exact impact may be. There will be a wide variety of calls for service to this community.

Please note, as discussed in Section 4.10.2 (Police) of the Draft EIS, to help address the need for resources to adequately fund police services, Honua'ula Partners, LLC will contribute \$550,000 to the County for the development of the new Kihei District Police station in South Maui, to be paid at the time a contract is entered into for the construction of that police station.

To supplement this information and in response to your comments, in the Final EIS, Section 4.10.2 (Police) will be revised to include the following information:

To minimize the impacts on police services and reduce the incidence of crime within Honua'ula, the Maui Police Department recommends incorporating principles of Crime Prevention Through Environmental Design (CPTED). CPTED principles combine building design features, lighting and foliage to deter crime and enhance security within the Property by allowing for clear sight lines, providing adequate lighting, promoting mixed land uses, creating a sense of ownership through maintenance and management, and providing signs and information. These guiding principles and design objectives will be encouraged in the design of Honua'ula.

Regarding review and approval, the accepting authority for the Honua'ula Draft EIS and Project District Phase II application is the Maui Planning Department/Maui Planning Commission. As such, the Maui Planning Department/Maui Planning Commission will review the Final EIS and Project District Phase III application upon completion.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
 Senior Associate

cc: William Spence, Maui Planning Department
 Charles Jencks, Honua'ula Partners, LLC



April 28, 2010

Mr. Tom Schnell
PBR Hawaii & Associates, Inc.
ASB Tower
1001 Bishop Street, Suite 650
Honolulu, Hawaii 96813

Subject: Draft Environmental Impact Statement and Project District Phase II Application –
Honua'ula Subdivision
(PH2 2010/0001 and EIS 2009/0001)
Pili'ani Highway/Ulupalakua Ranch
Wailea, Maui, Hawaii
Tax Map Key: (2) 2-1-008:056 and 071; (2) 2-1-008:999 (por.), 043 (por.),
090 (por.), 108 (por.), 054 (por.), 001 (por.); (2) 2-2-002:050
(por.) and 054 (por.),

Dear Mr. Schnell,

Thank you for allowing us to comment on the Draft Environmental Impact Statement and
Project District Phase II Application for the subject project.

In reviewing our records and the information received, Maui Electric Company has no additional
comments to the subject project at this time.

Should you have any questions or concerns, please call me at 871-2341.

Sincerely,

Kyle Tamori
Staff Engineer

c: County of Maui – Planning Department – Mr. Jeff Hunt, Director



May 31, 2012

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Kyle Tamori, Staff Engineer
Maui Electric Company, Ltd.
P.O. Box 398
Kahului, HI 96733-6898

**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND
PROJECT DISTRICT PHASE II APPLICATION**

Dear Mr. Tamori:

Thank you for your letter dated April 28, 2010 regarding the Honua'ula Draft
Environmental Impact Statement (EIS) and Project District Phase II application. As the
planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to
your comments.

We acknowledge that Maui Electric Company (MECO) has no comments at this time.

We note that Honua'ula Partners, LLC's electrical engineer, Gary Funasaki of Ronald
N.S. Ho & Associates, Electrical Engineers, has been in contact with MECO several
times regarding: 1) calculations of Honua'ula potential electrical loads; 2) MECO's
system capacity; 3) the need for expansion of the MECO substation (Wailea Substation)
located on TMK (2)2-1-08:043 near the western boundary of Honua'ula; and 4) various
other issues. We appreciate MECO's responses. Honua'ula Partners, LLC looks
forward to continued coordination with MECO as the planning of Honua'ula
progresses.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

c: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Daniel Kanahale
South Maui Committee
Maui Cultural Lands, Inc.
POB 648
Kihei, HI 96753
tookie49_2004@yahoo.com

Director, Planning Department
County of Maui
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PBR Hawaii
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Hawaii State Office of Environmental Quality
235 South Beretaina Street
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Fax: 808-586-4186
Email: oeqc@doh.hawaii.gov

Mr. Charles Jencks
Honua'ula Partners, LLC
POB 220,
Kihei, HI 96753
Fax: 808-879-6724
Email: charlie@gbimaui.com

RE: Comments on DRAFT EIS for HONU'A'ULA (WAILEA 670)

Summary: Honua'ula/Wailea 670's DEIS fails to adequately disclose the impacts of the proposed project to the cultural resources and practices of the affected area and to mitigate those impacts as provided under HRS CHAPTER 343. The DEIS fails to provide a Reasonable Range of Alternatives to the proposed action with an analyses of the impacts of each alternative. Alternatives are considered the heart of an "EIS."

Thank you for the opportunity to offer comments on the Draft EIS (DEIS) for this project. Maui Cultural Lands, Inc. (MCL) is a Maui-based grassroots land trust organization whose mission is to stabilize, protect, and restore Hawaiian cultural resources.

MCL was established as a non-profit organization in February of 2002 and is one of only a few land trust organizations on Maui targeting Hawaiian cultural lands along the coast and inland areas. We are currently a small organization operating on the basis of volunteerism.

REVISED ARCHAEOLOGICAL INVENTORY SURVEY

Revised Archaeological Inventory Survey (AIS) for proposed Honua'ula development area TMK 2-1-08: 56 & 71 updated March 2010 (Reference No. ASC080724)

Maui Cultural Lands (MCL) submits the following comments for your review and comment regarding the above referenced AIS submitted by Aki Sinoto Consulting.

The subject AIS was not submitted by the applicant to State Historic Preservation Division (SHPD) for approval prior to developing this DEIS, allowing reviewing agencies and the public the opportunity to evaluate a preservation plan and mitigation measures that respond to an acceptable AIS.

The DEIS should have an AIS already approved by SHPD to ensure that environmental impacts to all sites on the project area can adequately be assessed. The DEIS is premature because it does not contain the information needed to adequately evaluate potential environmental impacts (HAR 11-200-17(E)).

The AIS lacks historical research and scholarship. The AIS should include listings of all the kuleana claims in the three ahupua'a of Paeahu, Palau'ea, and Keauhou, which make up the project area, along with native descriptions, maps, and analyses of where the LCAs could have possibly been located in each respective ahupua'a. It should be unacceptable for an AIS to dismiss the presence of any of the dozens of unlocated LCA in the ahupua'a of the project site with no evidence or proof. If the consultant need help locating LCAs for the project area, we suggest that they enlist the services of a cultural historian, like Kepa Maaly.

The AIS should include paleo-botanical studies. The applicant has claimed that these would be useless since the area is dry. That is not a good assumption. Tremendous amounts of useful

information on habitat range, plant varieties and cultural practices were obtained from such studies conducted during the AIS process of DHHL lands in dry Kahikinui. (Dixon & Conte, et al 2000)

The AIS is inadequate. The survey has failed to document all the historic properties on the site in accordance with HAR Title 13 Chapter 276-3:

§13-276-3 Archaeological inventory survey.
generally. An archaeological inventory survey shall:
(1) Determine if archaeological historic properties are present in the project area and, if so, identify all such historic properties.
(2) Gather sufficient information to evaluate each historic property's significance in accordance with the significance criteria listed in subsection 13-275-6(b).

The fact that this AIS states that, "The Northern Section yielded only one singled-featured site, a natural overhang shelter in a seasonal gulch," in an area of approximately 480 acres of the proposed 670 acre project area should be viewed as a big red flag not only to SHPD, but also to all concerned parties.

The fact of the matter is there are still unrecorded cultural and historical sites in the Northern two-thirds of the project area. As evidence of this, MCL has submitted to SHPD a map with photos and GPS showing 13 potential historic properties that have not been documented in this AIS. All of these sites were found in the same gulch in the Northern Section of the Honua'ula project.

Because MCL believes the AIS to be incomplete we would like the following actions to be taken:

1. That the Archaeological Branch of SHPD review and comment on each of these unrecorded sites individually. This is critical in light of the fact that proposed development maps show this gulch and surrounding area will have many modifications to accommodate golf course fairways, landscaped areas, access roads and housing. Because of this, many of these unrecorded sites are likely to be destroyed without having been documented, photographed, tested or evaluated.

2. That the survey and research scope of the AIS be intensified and expanded so that all historic properties in the project area are identified and inventoried before SHPD and OHA find the AIS process complete, and any Phase II Project District approvals are given. Special attention needs to be given to carefully surveying all the gulches in the 670-acre project area and including the results in the AIS. In our opinion, the gulches are not likely to have been thoroughly surveyed, and appear under-emphasized with regards to their cultural and historical significance in the AIS.

3. Inquiries should be made to the contract archaeologist as to why sites in the Paeahu gulch were not recorded in the AIS given that they appear to be comparable to other overhang and cave sites that are recorded in the AIS for the Southern Section of the project area. Also, flagging tape was visible near several of the unrecorded sites along the Paeahu gulch, yet no mention was made in the AIS of any inventory survey being conducted in the region, or the results. Were these sites located, and then dismissed with no record of their review?

4. More specific information should be provided in the AIS regarding the spacing, number and location of systematic sweeps and survey transects completed across the terrain in both the northern and southern area by the AIS consultants. Especially important would be descriptions of what time of year and how many acres a day were covered by each person. This is necessary information for reviewers, due to the large acreage involved in this project. We would recommend that more dry season surveys be done of entire project area.

5. That the AIS provide better site maps which detail all site features. We would like to see the site maps cover an additional 50 to 100 feet beyond the immediate site, to document all potential features. A good place to do this ASAP would be site 20, which has multiple features. By extending the survey area out another 100 feet from site 20 we can assess if there are any areas of potential effect (APE) at site 20, or any other sites with a high concentration of features.

6. That a more detailed history of the cultural and historic resource review for the entire Honua'ula region surrounding the project area be included in the AIS. This history should begin with the initial surveys done in 1969-72, describing in greater detail the range of sites and site locations under other ownerships, which may relate to sites in the project area. In Hawaiian culture, the alignment of sites, mauka-makai is very significant. The present AIS does not refer to any relationships or alignments which may exist among the

sites and site complexes in the project area and the numerous documented complexes makai in Palau'ea and Keaouhu ahupua'a. Maps should be provided indicating alignment and relationship of Waialea 670 sites and with recorded sites on surrounding properties to West and South. This is required by the Kihei-Makena Community Plan "Implementing Actions" section:

Require development projects to identify all cultural resources located within or adjacent to the project area, prior to application as part of the county development review process

7. That the review letters between SHPD and the applicant on its inventory survey dated August 29, 2000, August 28, 2001, and January 17, 2002, with each letter asking for revisions, including further inventory survey of both the northern and southern portions of the property, additional testing, and specific justifications for significance evaluations and any other correspondences which constitute consultation, must be disclosed in the DEIS. The AIS also received several critical letters from the Office of Hawaiian Affairs dated August 29, 2007, addressed to Michael Molina Chair of the County Council Land Use Committee at that time, and November 7, 2007 addressed to SHPD, which must also be disclosed in the DEIS.

8. That the "consultation process" as defined and described in HAR 13-276 be followed in the preparation of the AIS and CRPP.

§13-276-2 Definitions. As used in this chapter unless the context requires otherwise:

"Consultation process" means notifying interested organizations and individuals that a project could affect historic properties of interest to them; seeking their views on the identification, significance evaluations, and mitigation treatment of these properties; and considering their views in a good faith and appropriate manner during the review process.

We feel that the "consultation process" as defined in the statute has not been followed. We acknowledged that we are already engaged in a legal process (EIS review and AIS review) that involves offering comments and input. The landowner has had opportunity and a legal requirement to consult with us and other interested parties prior to submitting an Archaeological Inventory Survey Report (HAR 13-276-5(g) and prior to submission of significance evaluations (HAR 13-284-6(c)). The applicant chose to ignore these consultation requirements and has therefore submitted an AIS without our input as well as other interested parties input. These interested parties were clearly identified during the project's Cultural Resource Preservation Plan outreach in March- April of 2009. The Honua'ula project was required to reach out to those who wished to be consulted parties by condition of

rezoning number thirteen. This condition stated:

"13. That Honua'ula Partners, LLC, its successors and permitted assigns, shall prepare a Cultural Resources Preservation Plan ("CRPP"), in consultation with:

Na Kupuna O Maui; lineal descendants of the area; other Native Hawaiian groups; the Maui County Cultural Resources Commission; the Maui/Lanai Island Burial Council; the Office of Hawaiian Affairs; the State Historic Preservation Division, Department of Land and Natural Resources; the Maui County Council, Na Ala Hele; and all other interested parties. Prior to initiating this consultation process, Honua'ula Partners, LLC, its successors and permitted assigns, shall publish a single public notice in a Maui newspaper and a State-wide newspaper that is published weekly. The CRPP shall consider access to specific sites to be preserved, the manner and method of preservation of sites, the appropriate protocol for visitation to cultural sites, and recognition of public access in accordance with the Constitution of the State of Hawaii, the Hawaii Revised Statutes, and other laws, in Kihei-Makena Project District 9.

Upon completion of the CRPP, Honua'ula Partners, LLC, its successors and permitted assigns, shall submit the plan to the State Historic Preservation Division, Department of Land and Natural Resources, and the Office of Hawaiian Affairs for review and recommendations prior to Project District Phase II approval. Upon receipt of the above agencies' comments and recommendations, the CRPP shall be forwarded to the Maui County Cultural Resources Commission for its review and adoption prior to Project District Phase II approval."

MCL expressed hope that a site visit would be scheduled for those who wished to be consulted on the CRPP when we first requested to be consulted parties on March 8, 2009. Several other organizations also asked to be informed if a site visit was scheduled. None of these organizations received any acknowledgment of any site visit, although it is possible that members of Na Kupuna o Maui, the Applicant's preferred cultural consultation group, may have been offered a visit over the last year.

Since our past efforts to be a consulted party, as specified in HAR Title 13-276 on the issues of cultural and historical preservation in the Honua'ula project area have been met with disinterest, and our observations and comments submitted during the CRPP consultation process have been dismissed, ignored, or inadequately addressed. We are now obligated to respond to the submittals within the legal parameters of the EIS review and the Chapter 6E process.

Again we feel that the limited dialogue opportunities afforded to lineal and cultural descendants, as well as interested parties such as ourselves, has not met the standards of the consultation process described in Title 13-276.

Maui Cultural Lands (MCL) participation in this consultation process can be described as follows:

MARCH 8, 2010 MCL INQUIRES ABOUT SITE VISIT FOR CONSULTED PARTIES

From: Maui Cultural Lands March 8, 2009

"Dear Mr. Jencks

Thank you for providing this opportunity for Maui Cultural Lands, Inc to be a consulted party and offer input on the Cultural Resources Preservation Plan for Honua'ula. A subcommittee of MCL that is knowledgeable about South Maui lands will provide input as the plan goes through its various stages. This subcommittee includes Daniel Kamahele and Colin McCormick, both residents of Paeeahu and historical researcher Clare Apana. Please contact us at the address above."

"We hope that there will be a site visit offered in the near future for consulted parties to view the sites proposed to be included in the preservation plan."

APRIL 2009 MCL COMPLETES CULTURAL RESOURCES PRESERVATION PLAN (CRPP) QUESTIONNAIRE FOR HONUA'ULA.

JULY 7, 2009 MCL RECEIVES A FORM LETTER FROM MR. CHARLIE JENCKS, OWNERS REPRESENTATIVE, THANKING US FOR COMPLETING THE CULTURAL QUESTIONNAIRE.

2010 HONUA'ULA COMES OUT WITH ITS EISPN FOLLOWED BY ITS DEIS. MCL COMMENTS ON THE EISPN AND PLANS TO COMMENT ON THE DEIS.

At no point in time has MCL been shown the respect to be directly contacted by Honua'ula or its consultants as a consulted and interested party to view Honua'ula's project area cultural and historic properties, nor have they sought our views on the identification, significance evaluation, and mitigation treatment of these properties during the review process, until now, after they have already submitted their AIS.

And we are not the only ones who have asked them about site visits for interested parties and heard nothing from them. The Sierra Club Maui Group, Maui Tomorrow, and knowledgeable individuals also asked about site visits and to our knowledge were also never contacted by the developer regarding their requests.

March 10, 2009

"Sierra Club Maui Group would like to be a consulted party as Honua'ula Partners LLC and its consultants prepare the Cultural Resources Preservation plan for the 670 acres of Paeeahu, Palau'ea and Keaouhou, which are proposed for future development. We would also appreciate being contacted about any future onsite visit for consulted parties to view the preservation sites."

MAY 01, 2009

"In 2008 Maui Tomorrow requested access to the project site on behalf of Maui Tomorrow board member and kupuna, Ed Lindsey; we were referred to a committee. Mr. Lindsey, who has offered regular weekly access to all residents and visitors interested in cultural education opportunities at Honokowai Valley for the past 9 years, was discouraged and never pursued the matter further."

Joylynn Costa, who is very knowledgeable about the project area, said she had asked several times for an onsite visit and said that she was also never contacted by the developer or their representatives.

The importance of the "consultation process" as part of the AIS is emphasized throughout HAR Title 13-276.

§13-276-5 Archaeological inventory survey report.
(a) An archaeological inventory survey report shall be prepared to record and synthesize the data gathered from background research, field survey and consultation process with knowledgeable individuals. The report shall include:

(g) The report shall contain information on the consultation process with individuals knowledgeable about the project area's history, if discussions with the SHPD, background research or public input indicate a need to consult with knowledgeable individuals.

- (1) Information shall include:
 - (A) Personnel conducting the consultation process, with names and qualifications;
 - (B) Methods of identifying and contacting knowledgeable persons;

- (C) Names of knowledgeable persons consulted, or, if the person wishes to remain anonymous, a characterization of the person; and
- (D) A summary as to whether additional archaeological historic properties were identified during the consultation process, and whether additional information on archaeological site function was obtained during the consultation process;

MCL feels the 2006 Cultural Impact Assessment done for Honua'ula does not adequately fulfill the requirements for the "consultation process" described in HAR 13-276.

MCL feels that it is legally required and important to follow and honor the 'consultation process' as set forth in the HAR TITLE 13-276.

We don't believe that this has happened in a good faith and reasonable manner with interested parties like ourselves, lineal descendants of the land, or other knowledgeable persons with respect to Honua'ula's revised AIS or Cultural Resource Preservation Plan, which we believe is premature anyway since the submitted AIS is, in our opinion, incomplete.

There is also language in the Kihei-Makena community Plan that your office may not be aware of that requires complete archaeological review BEFORE a project applies for entitlements and land use approvals. On Maui, the Community Plans have the force of law. (GATRI Decision)

Kihei-Makena CP Cultural Resources: "Implementing Actions" section

Require development projects to identify all cultural resources located within or adjacent to the project area, prior to application as part of the county development review process.

MCL, Maui Tomorrow, Save Makena, Maui Unite, Sierra Club and numerous lineal descendants and other individuals repeated asked Maui County Council to require the applicant to go back and document additional cultural sites on the property. The council was informed by a letter from Mr. Aki Sinoto in 2007 that the archaeological survey was complete and furthermore, that SHPD had accepted the AIS and just had a few procedural details to work out. This was not accurate information and the result was that statements made by citizens were not given due respect by policymakers and no further action was required by the Honua'ula LLC partners to identify cultural sites.

On June 21, 2010 there was a gathering of lineal descendants of the traditional moku lands of Honua'ula who came to exercise their traditional and customary rights on the Honua'ula LLC site on the day of the summer solstice. All of them expressed an interest in participating in a consultation process. Many of them have knowledge that could be invaluable to the historic review process for this property.

Maui Cultural Lands, on behalf of other interested parties, knowledgeable individuals, and lineal descendants of this land would like to request an onsite visit with the developer's representative to view the historic properties of Honua'ula and consult in a collaborative way regarding site identification, significance evaluation, further testing required and treatment mitigation for its historic properties. Rather than have everyone from these various groups come to the onsite visit, we would recommend that only a representative from each interested party participate in the onsite visit and discussion. MCL feels that this course of action would expedite the completion of the AIS for the project area as well as uphold the policies of Chapter 6E which are to "preserve, Restore, and maintain historic properties for future generations."

Again, with regards to the archaeological surveys of the project area, many kanaka 'oiwi testified that

additional sites were present but not recorded in the archaeological surveys of the contract archaeologist at meetings before the Maui County Council during the rezoning application meetings for the proposed Honua'ula development. Two surveys from 2000 and 2001 (Sinoto/Pantaleo) were given to the County Council at that time. The applicant's archaeologist stated emphatically that this was the complete record and that no significant sites remained unrecorded. The last document the council received before making their decision to approve the rezoning application was a map and database listing 29 sites and 46+ features. Without any further explanation in the EIS Prep Notice or the updated AIS for Honua'ula, we are now informed that there are now 40 sites with 60 features, in other words, an additional 11 sites and 14 more features have now been recorded.

There seems to be a pattern here. Every time you look for historic properties in the project area more sites are found. Therefore, it is more likely than not that there are still more historic/cultural properties out there that need to be identified and inventoried. Given this ongoing pattern, why should anyone feel totally comfortable about the completeness and adequacy of the current AIS?

SIGNIFICANCE CRITERIA USED IN REVISED AIS

No specific rationale is provided for assessing the significance of each site. The AIS and this DEIS must provide justification for classifying the significance of each site with supportive documentation provided. (Section 13-284-6d (1) (B) HAR). For an example, why are some caves – described as overhang shelters in the AIS- slated for preservation and others are not?

Criteria used in evaluating significance in this AIS are those adopted by the Hawaii State Register. These are not exactly the same criteria specified by 13-284-6(b) 1-5 HAR, which this AIS and DEIS must comply with. Specifically, the Criterion "E" used in this AIS omits the following underscored language;

(5). Criterion 'e' Have an important value to the Native Hawaiian people, or to another ethnic group of the state due to associations with traditional beliefs, events or oral accounts – these associations being important to the groups history and cultural identity.

The AIS must evaluate the historic properties using these specific criteria.

Site descriptions do not provide an assessment of site functions with reasonable and adequate supportive arguments or an assessment of site age as required by Section 13-276-5(d) (4) H & J HAR. The AIS must provide such assessment in order for this DEIS to have the information necessary to permit an evaluation of potential environmental impacts. (Section 11-200-17 [E] HAR).

CULTURAL RESOURCE PRESERVATION PLAN

"Don't count your chickens before they hatch."

You can't have a preservation/mitigation plan/agreement until all the historical properties in the delineated area have been identified and documented in an AIS.

Since MCL believes the revised AIS to be incomplete, we therefore believe that the submittal by Honua'ula of any preservation/mitigation plan and their CRPP to SHPD for review is premature.

The Historic Preservation Review Process supports the policies of Chapter 6E, HRS, to preserve, restore, and maintain Historic Properties for future generations. It is important to follow the Historic Preservation review process and not skip steps as outlined at SHPD website <http://hawaii.gov/dlnr/hpd/pdfs/revproc.pdf>.

CULTURAL IMPACT ASSESSMENT

MCL feels the Cultural Impact Assessment done for Honua'ula does not fulfill the requirements for the "consultation process" described in HAR 13-276.

Only one interviewee appears to have shared any specific cultural knowledge of the Honua'ula property. That interviewee with specific cultural knowledge of the area stated that "the region is culturally valuable not just because of the cultural sites that exist there but the botanical treasures...the plants separated us and it allowed us (Hawaiians) to have a culture...places like Honua'ula, Kahikinui, Kaupo, again should be taken out of the development realm. ...because it's the last Hawaiian places on the island of Maui, in my opinion." (Mr. Kevin Mahealani Kai'okamalie).

The cultural impact assessment does not follow the guidelines for assessing cultural impacts adopted by the Environmental Council.

Much of the narrative within the CIA does not provide attribution of sources. It appears the authors depended primarily on Eispeith Sterlings Sites of Maui to provide historical background of the area.

The CIA does not provide a discussion of the Kumu/honua genealogy which is associated with Honua'ula through oral accounts and traditional beliefs. This cultural connection with a famous genealogy must be disclosed in the CIA.

BIOLOGICAL RESOURCES

The DEIS dismisses the 'A'a flow and its native vegetation as "a highly degraded lowland dry scrubland" and as being "far from pristine." The DEIS thus provides for only a 22 acre Native Plant Preservation Area and states on page 61 that it is "in conformance with County of Maui Ordinance No 3554 Condition 27." This could not be further from the truth.

Condition 27 requires that the entire 130 acres of native lowland forest receive review and recommendations from Department of Land and Natural Resources, U.S. Fish and Wildlife and the U.S. Corps of Engineers before determining the scope of the preservation easement.

Without this review and determination by the reviewing agencies as to the portions of the property that do not merit preservation, the DEIS must conform to the legal requirement of Condition 27 which states "The Easement shall comprise the portion of the property south of latitude 20/40/15.00" N..."

Again, the applicant is postponing required authorizations in order to avoid full disclosure of necessary and critical information.

Dozens and dozens of people testified before the Maui County Council supporting the importance of saving this portion of the last 5% of remaining Hawaiian lowland forests. This public support is the reason the Council conditioned the "Native Plant Preservation Area" to be comprised of the entire 130 acres of the southern portion of the property, and only excluding those portions of the property that the Federal and State reviewing agencies have deemed do not merit preservation.

This should have been done prior to submitting a DEIS in order to allow for full project disclosure.

No discussion is offered regarding the report titled "Remnant Wiliwili Forest Habitat at Wailea 670, Maui, Hawaii prepared by Dr. Lee Altenberg substantiating the need to preserve the 130 native lowland forest and which the County Council directed the applicant to submit to DLNR, USFW and USACE for their review prior to submitting recommendations on what does not merit preservation.

Section 11-200-16 HAR requires the DEIS to include opposing views. "In order that the public can be fully informed and that the agency can make a sound decision based upon the full range of responsible opinion on environmental effects, a statement shall include responsible opposing views, if any, on significant environmental issues raised by the proposal."

Again, the applicant is postponing the necessary authorizations it needs in order to provide full disclosure of the projects actions within this DEIS.

DEIS should include discussion of an alternative design of the project which would include a map showing all golf course and housing development located north of the 20 degree 40'15"N latitude line and a cultural and native plant preserve area on 130 contiguous acres south of that latitude line.

Currently the DEIS does not take seriously the concept of a preserve area of 130 contiguous areas. Instead it proposes to destroy the majority of the existing 130 acre habitat range with golf course, commercial center and housing construction, and define an area of 143 acres--the majority of which is

north of the 20 degree 40'15"N latitude--as the "preserve." Only 22 acres south of the 20 degree 40'15" N latitude line would have an actual preserve easement.

The remaining "native plant enhancement areas" lands would have no specific protection for the plants and would mostly consist of out planting of native plants (species not indicated in DEIS) in various areas along golf course buffers and gulches.

It has been proven by reputable professionals that many of the species naturally found in the 130 acres do not propagate or transplant well, including the Maiapilo, a candidate for threatened species. This is never acknowledged in the DEIS.

Bottom line: 130 acres of currently successful, healthy native habitat proposed in Condition 27 for protected status is being proposed by Honua'ula to be reduced to about 17% of its existing range, severely limiting the ability of these native plants to have a viable range of natural habitat expansions. In return, Honua'ula has proposed that a selected number of native plants would be introduced in other areas of the project as landscape plantings. This in no way improves the chances for native habitat survival according to prevailing biological views by independent researchers, nor does it provide adequate habitat for the full range of ecosystem species including native insects like the endangered Blackburn moth, and other native wildlife like the Hawaiian hoary bat and pueo.

Studies are cited giving the success of small managed habitat, yet the authors of these studies have all gone on record as supporting large, contiguous habitat area as the best chance for viable survival of healthy native plant and insect populations. The information about these studies is being carefully manipulated to avoid the conclusion that the fragmented habitats currently proposed in the developers "143 acre preserve plan" would not be considered ideal by any conservation biologists.

Legal Rationale: Condition of Zoning Number 27 imposed on the Project by the Maui County Council reads:

27. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide the report "Remnant Wilivili Forest Habitat at Waialea 670, Maui, Hawaii by Lee Aitenberg, Ph.D.", along with a preservation/mitigation plan, to the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers for review and recommendations prior to Project District Phase II approval. The Maui Planning Commission shall consider adoption of the plan prior to Project District Phase II approval.

Such plan shall include a minimum preservation standard as follows: That Honua'ula Partners, LLC, its successors and permitted assigns, shall establish in perpetuity a Conservation Easement (the "Easement"), entitled "Native Plant Preservation Area", for the conservation of native Hawaiian plants and significant cultural sites in Kihiet-Makena Project District 9 as shown on the attached map. The Easement shall comprise the portion of the property south of latitude 20°40'15.00"N, excluding any portions that the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers find do not merit preservation, but shall not be less than 18 acres and shall not exceed 1.30 acres.

Condition 27 defines the area south of 20 degrees 40'15" as a native plant preserve "excepting those portions which USFWS, US Corps of Engineers, and State DLNR determine "do not merit preservation." No map is included in the DEIS that shows the project with a 130 acre preserve.

HAR§11-200-17 Content Requirements; Draft Environmental Impact Statement

Requires alternative designs to be considered and analyzed in an environmental document. The alternatives of the Honua'ula DEIS section does not provide this analyses.

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.

Alternatives related to different designs or details of the proposed actions which would present different environmental impacts;

Description of the environment in the vicinity of the action, as it exists before commencement of the action, from both a local and regional perspective. Special emphasis shall be placed on environmental resources that are rare or unique to the region and the project site (including natural or human-made resources.)

The statement shall also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects.

The draft EIS shall consider mitigation measures proposed to avoid, minimize, rectify, or reduce impact, including provision for compensation for losses of cultural, community, historical, archaeological, fish and wildlife resources, including the acquisition of land, waters, and interests therein.

Description of any mitigation measures included in the action plan to reduce significant, unavoidable, adverse impacts to insignificant levels, and the basis for considering these levels acceptable shall be included. Where a particular mitigation measure has been chosen from among several alternatives, the measures shall be discussed and reasons given for the choice made. Included, where possible and appropriate, should be specific reference to the timing of each step proposed to be taken in the mitigation process, what performance bonds, if any, may be posted, and what other provisions are proposed to assure that the mitigation measures will in fact be taken.

KANAIO-KALAIMA PARK ROAD

features in golf courses and creating a new walking path oriented to the golf course, housing and shopping areas. This is not preserving and restoring traditional, historic roads and paths, rather this is defining them out of existence.

One of the interviewees in the project's CIA, Ed Chang Jr., should be interviewed about this road. He has offered testimony stating that before the military built the road there was not a road, but a trail going from "Makena Junction to Kalama." If his recollection and those of others confirm a traditional trail through the property, preservation of that trail should be discussed in the EIS. No proof is offered that the Kanaio-Kalama road, which is over 50 years old and shown on many maps including TMK maps, is in a different alignment today. It appears from aerial photos to follow the same route shown on 1950's maps.

The DEIS currently offers no research from military archives on whether or not the military followed an existing trail when they improved the road in the 1940's. Makena resident Eddie Chang Jr. testified to a Maui county council committee in 2001 that "the road from Kihei to Ulupalakua Junction was rebuilt in WWII. There was never a road, when I was a kid, from Ulupalakua Junction in Makena to Kalama Park, but there was a trail. And that trail has since been privatized and bought out." It would be the route as being from "Ulupalakua Junction" (the area of the historic road from Makena Landing that joins the road to Ulupalakua) to Kihei and Kalama Park. This is the route of the Kanaio-Kalama Park Road found on TMK maps and the 1950's USGS Maps.

The DEIS should plot the historic route of the Kanaio-Kalama Park Rd on a map of archaeological sites found in the project area and neighboring parcels to determine if the concentration of cultural site complexes in the vicinity of the present road are likely to be connected to its earlier use as a traditional trail. Numerous undocumented sites also exist along this same historic road.

MCL COMMENTS TO THE CRPP AND EISPN

The comments MCL provide to the CRPP and EISPN as part of the consultation process were not adequately addressed in the CRPP or the DEIS. We would like to see our comments readdressed with more detail and specificity in a new DEIS.

CONCLUSIONS

The DEIS is fatally flawed. And at the very least, it is incomplete and premature. Critical components of the proposed action have not yet been decided and are therefore not discussed in sufficient detail to permit an evaluation of potential environmental impacts – the very purpose of an environmental impact statement and a requirement under Section 11-200-17(E) HAR. It does not contain the information needed to adequately evaluate potential environmental impacts to Hawaiian cultural resources. It does not provide an Archaeological Inventory Survey or a Preservation Mitigation Plan that has been approved by OHA and accepted by SHPD. It does not provide a native plant

The DEIS should include maps of different alignments of the Kanaio-Kalama Park Road, which they claim merits no preservation "because it was not on maps prior to 1892" and has only "fragments" left of the alignment of the historic road built by the military during WWII.

The DEIS also claims that the historic (over 50 years old) Kanaio- Kalama Park Rd. has been evaluated by Staff at Na Ala Hele and deemed not to be a public road subject to preservation under the Highways act of 1892 because it was not shown on any maps prior to 1892.

The DEIS also claimed that the road has no historical integrity since only sections of the present road follow the original route constructed by the military during WWII and the original road has been terminated or obliterated beyond the Project boundaries. No comparative maps were provided to offer proof of this realignment. We would ask that such maps substantiating your claim be provided in the DEIS/EIS.

We would ask that the DEIS discuss the status of the Kanaio-Kalama Park Road based upon the following considerations.

The road, regardless of its present length, should be considered an "historic property." It is shown on USGS maps from 1950's in an alignment that appears to closely follow that shown on modern day aerial maps of the Waialea 670 site. As such, it should be protected in compliance with the policies of the Kihei-Makena Community Plan.

"Historic property" means any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old." HRS CHAPTER 6E-2

By way of example, the Hana Highway is considered an "historic property" and is listed on the National Register of Historic Places. Much of the Hana Hwy has been realigned over the past 80 years and portions were realigned by the military during WWII. Beyond Hana town the road continues through both public and private property and these sections are not included on the National Register listing, yet the other portion of the road still qualifies.

The Kihei-Makena Community plan protects historic roads, and does not require them to be listed on Kingdom maps or be in exact alignment with any original course.

The Kihei-Makena plan reads:

"Encourage and protect traditional mauka and makai accesses, cultural practices and rural lifestyles."

Objective and Policy "g"

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

The DEIS claims it meets this objective by saving several sections of traditional stepping stone trails as



preservation plan that is in conformance with County of Maui Ordinance No 3554 Condition 27. How can the public be expected to make informed comments and reviewing agencies make sound decisions unless a full range of responsible opinion on environmental effects of this proposed project is discussed in the DEIS?

As a consequence, Maui Cultural Lands is deeply concerned that the proposed course of action may put Hawaiian cultural resources and traditional and customary practices of the Honua'ula/ Wailea 670 proposed project area at serious risk of being defined out of existence.

Therefore, it is our recommendation that the DEIS not be accepted. The reviewing agencies should send this DEIS back to the applicant and request that a new DEIS be issued that complies with legal requirements and includes the information needed in order for the public to make informed comments and the reviewing agencies to make sound decisions.

Sincerely Yours,

Daniel Kanahele

South Maui Committee
Maui Cultural Lands, Inc.
EIS Consulted Party

May 31, 2012

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SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Kanahele:

Thank you for your letter regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. The organization of this letter follows the headings of your letter; however, for clarity we have numbered each specific question or concern.

Revised Archaeological Inventory Survey

In general we note that this section of your letter contains: 1) lengthy discussion regarding the adequacy of the archaeological inventory survey (AIS); 2) references to: Hawai'i Administrative Rules (HAR) pertaining to environmental impact statements and archaeological inventory surveys; County of Maui Ordinance No. 3554 (Condition 13); and the Kihei-Mākena Community Plan; and 3) Maui Cultural Lands (MCL) correspondence regarding site visitation and possible additional archaeological sites on the Property that are not included in the AIS contained in the Draft EIS (Appendix I). While we appreciate your recitation of this information, our responses below address your specific comments regarding what you consider deficiencies of the Draft EIS and applicable technical studies.

1. The subject AIS was not submitted by the applicant to State Historic Preservation (SHPD) for approval prior to developing the DEIS, allowing reviewing agencies and the public the opportunity to evaluate a preservation plan and mitigation measures that respond to an acceptable AIS.

The DEIS should have an AIS already approved by SHPD to ensure that the environmental impacts to all sites on the project area can adequately be assessed. The Draft EIS is premature because it does not contain the information needed to adequately evaluate potential environmental impacts (HAR 11-200-17E).

Response: The Draft EIS was prepared in accordance with: 1) the State Environmental Impact Statement Law (Chapter 343, Hawaii Revised Statutes (HRS)); and 2) the Environmental Impact Statement Rules (Title 11, Chapter 200, HAR). The AIS was prepared in accordance with: 1) the State Historic Preservation Law (Chapter 6E, HRS); and 2) the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). Section 11-200-17(E), HAR which you reference pertains to what is required in an EIS regarding a project description. The Honua'ula

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Draft EIS meets the criteria specified under Section 11-200-17(E), HAR regarding what is required for an adequate project description along with all other subsections (A – P) of Section 11-200-17, HAR pertaining to the content requirements of a draft EIS.

Section 11-200-17(G), HAR, states in part:

The draft EIS shall include a description of the environmental setting, including a description of the environment in the vicinity of the action, as it exists before commencement of the action, from both a local and regional perspective. Special emphasis shall be placed on environmental resources that are rare or unique to the region and the project site (including natural or human-made resources of historic, archaeological, or aesthetic significance) [emphasis added]; specific reference to related projects, public and private, existent or planned in the region shall also be included for purposes of examining the possible overall cumulative impacts of such actions.

The contents of the Draft EIS meet this requirement. Specifically, regarding historic and archaeological resources, Section 4.1 (Archaeological and Historic Resources) of the Draft EIS contains a summary of an AIS prepared for the property and the complete AIS report is contained as an appendix to the Draft EIS (Appendix I). Both Section 4.1 (Archaeological and Historic Resources) of the Draft EIS and the complete AIS contained as Appendix I of the Draft EIS discuss mitigation measures related to archaeological and historic resources.

The Environmental Impact Statement Rules do not require an AIS to contain an AIS that has been reviewed and approved by the State Historic Preservation Division (SHPD), and it is not common practice for EIS documents to contain an approved AIS. Rather, including a draft AIS in a Draft EIS affords SHPD, other reviewing agencies, and the public the opportunity to review the draft AIS along with the Draft EIS.

2. *The AIS lacks historical research and scholarship. The AIS should include listings of all the kuleana claims in the three ahupua'a of Paehau, Palau'ea, and Keaouhou, which make up the project area, along with native descriptions, maps, and analyses of where the LCAs could have possibly been located in each respective ahupua'a. It should be unacceptable for an AIS to dismiss the presence of any of the dozens of unlocated LCA in the ahupua'a of the project site with no evidence or proof.*

Response: The AIS included in the Draft EIS (dated March 2010, see Appendix I) was prepared in accordance with the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). These rules require an AIS to: 1) indicate whether any Land Commission Awards (LCAs) were granted within a project area and within the greater ahupua'a; and 2) locate the awards on a map whenever possible. The AIS discusses LCAs in the three ahupua'a and notes that none of the LCAs appear to be within the boundaries of the Honua'ula Property. Location data is unavailable for the majority of the LCAs in the three ahupua'a, however the few LCAs that are located are either in the coastal areas or further inland.

The AIS was submitted to SHPD for review on March 23, 2010. In a letter dated September 8, 2010, SHPD provided their review comments on the AIS and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features

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plotted be included. In addition, the letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

3. *The AIS should include paleo-botanical studies. The applicant has claimed that these would be useless since the area is dry. That is not a good assumption. Tremendous amounts of useful information on habitat range, plant varieties and cultural practices were obtained from such studies conducted during the AIS process of DHH lands in dry Kahikini.*

Response: The AIS was prepared in accordance with the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). These rules do not require inclusion of paleo-botanical studies as part of an AIS. Previous attempts at paleo-botanical, specifically palynological analyses, in the immediately neighboring areas have had negative results. Carbonized wood identification requires the presence of such remains in cultural context and such remains were not encountered during subsurface testing within the Honua'ula Property.

In a letter dated September 8, 2010, SHPD provided their review comments on the AIS and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. In addition, the letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

4. *The survey has failed to document all the historic properties on the site in accordance with HAR Title 13 Chapter 276-3... The fact that this AIS states that, "The Northern Section yielded only one singled-out featured site, a natural overhang shelter in a seasonal gulch," in an area of approximately 480 acres of the proposed 670 acre project area should be viewed as a big red flag not only to SHPD, but also to all concerned parties.*

The fact of the matter is there are still unrecorded cultural and historical sites in the Northern two-thirds of the project area. As evidence of this, MCL has submitted to SHPD a map with photos and GPS showing 13 potential historic properties that have not been documented in this AIS. All of these sites were found in the same gulch in the Northern Section of the Honua'ula project.

Response: In response to your claim regarding additional archaeological sites in the northern portion of Honua'ula not included in the AIS, on August 26, 2010 Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua participated in a site visit of the Honua'ula Property with several community members (including you) and SHPD staff. SHPD staff present were archaeologist Morgan Davis and cultural historian Himano Rodrigues. Community members present included: you, Lucienne de Naie, Janet Six, Elle Cochran, U'ilani Kapu, Ke'eumoku Kapu, Lee Allenberg, and 'Ekolu Lindsey. Some of the community members had previously: 1) presented testimony, or were present, at the Maui Planning Commission meeting on June 22, 2010 at which the Honua'ula Draft EIS was discussed; 2) submitted information to SHPD claiming that they had found archaeological sites on the Property that had not been included in the archaeological inventory survey dated March 2010 included in the Draft EIS (Appendix

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0); and 3) submitted written comments on the Draft EIS expressing concerns regarding archaeological sites on the Property.

Subsequent to the site visit, SHPD issued its letter dated September 8, 2010 stating that no significant unrecorded sites were noted at that time (i.e. during the August, 26, 2010 site visit). The letter also provides SHPD's review of the archaeological inventory survey (dated March 2010) and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. In addition, the SHPD letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

In response to SHPD's September 8, 2010 letter commenting on the archaeological inventory survey, archaeologist Aki Sinoto: 1) revised the archaeological inventory survey report to address SHPD's concerns; and 2) submitted the revised archaeological inventory survey report to SHPD in April 2011.

In July and August of 2011, you submitted letters to Honua'ula Partners, LLC's representative Charlie Jencks and SHPD providing additional comments on the archaeological inventory survey (dated March 2010) that was included in the Draft EIS. Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua responded to these letters in writing. In the summer of 2011 Maui Cultural Lands members also made a presentation to SHPD regarding their inspections of the Property.

In response to the concerns Maui Cultural Lands members expressed to SHPD in the summer of 2011, on September 23, 2011 archaeologist Aki Sinoto and cultural advisor Kimokeo Kapahulehua met with SHPD archaeologist Morgan Davis and SHPD cultural historian Hinano Rodrigues at SHPD's Maui office. Subsequently, as recommended by SHPD, Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua met with members of Maui Cultural Lands (including you) and other community members at Maui Community College on November 17, 2011. Maui Cultural Lands members and other community members present at the November 17, 2011 meeting included: you, Janet Six, 'Ekelu Lindsey, Lucienne de Naite, Jocelyn Costa, and Clifford Ornellas. Others present at the meeting included Stanley Solamillo, a cultural resource planner with the Maui Planning Department, and Tanya Lee Greig, the director of Cultural Surveys Hawaii's Maui office.

As a result of the November 17, 2011 meeting, the archaeological inventory survey report was further revised to: 1) recommend preservation of a section of a post-contact agricultural wall documented in the archaeological inventory survey but not previously recommended for preservation; 2) add descriptive narrative information for two post-contact agricultural walls; and 3) revise pertinent map figures in the report. Archaeologist Aki Sinoto submitted the further revised archaeological inventory survey report to SHPD in March 2012. Since the SHPD Maui archaeologist had recently resigned, copies of the revised archaeological inventory survey report were transmitted to SHPD's main office in Kapolei and to Dr. Theresa Donham, the interim SHPD chief of archaeology in Hilo. In April 2012, Dr. Donham notified

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archaeologist Aki Sinoto that the report was forwarded to the SHPD Maui office for review due to the hiring of replacement personnel. As of May 2012, SHPD has not completed its review of the revised (March 2012) archaeological inventory survey.

To include the relevant above information in the Final EIS, along with addressing comments regarding archaeological and historic resources from others, in the Final EIS Section 4.1 (Archaeological and Historic Resources) will be revised as shown on the attachment titled "Archaeological and Historic Resources."

5. Because MCL believes the AIS to be incomplete we would like to request the following actions be taken:

5.1 That the Archaeological Branch of SHPD review and comment on each of these unrecorded sites individually. This is critical in light of the fact that proposed development maps show this gulch and surrounding area will have many modifications to accommodate golf course fairways, landscaped areas, access roads and housing. Because of this, many of these unrecorded sites are likely to be destroyed without having been documented, photographed, tested or evaluated.

Response: SHPD staff have reviewed and commented on the "unrecorded sites" you refer to and concluded that no significant unrecorded sites were noted during the August, 26, 2010 site visit. For more information regarding your claim to "unrecorded sites," please see our response to your comment #4 above.

5.2 That the survey and research scope of the AIS be intensified and expanded so that all historic properties in the project area are identified and inventoried before SHPD and OHA find the AIS process complete, and any Phase II Project District approvals are given. Special attention needs to be given to carefully surveying all the gulches in the 670-acre project area and including the results in the AIS. In our opinion, the gulches are not likely to have been thoroughly surveyed, and appear under-emphasized with regards to their cultural and historical significance in the AIS.

Response: The AIS included surveying the gulches on the Property. Given that SHPD staff visited the property on August 26, 2010 to view what you claim to be "unrecorded sites" and concluded no significant unrecorded sites were noted at that time (i.e. during the August, 26, 2010 site visit), there is no need for the scope of the AIS to be "intensified and expanded." For more information regarding your claim to "unrecorded sites," please see our response to your comment #4 above.

As previously discussed, the AIS was prepared in accordance with the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). In its letter dated September 8, 2010, SHPD provided their review comments on the AIS and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. In addition, the letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

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5.3 *Inquiries should be made to the contract archaeologist as to why sites in the Paeahu gulch were not recorded in the AIS given that they appear to be comparable to other overhang and cave sites that are recorded in the AIS for the Southern Section of the project area. Also, flagging tape was visible near several of the unrecorded sites along the Paeahu gulch, yet no mention was made in the AIS of any inventory survey being conducted in the region, or the results. Were these sites located, and then dismissed with no record of their review?*

Response: The August, 26, 2010 site visit included viewing what you claim to be "unrecorded sites" in Paeahu gulch. Subsequent to the site visit, SHPD issued a letter dated September 8, 2010 stating that no significant unrecorded sites were noted at that time (i.e., during the August, 26, 2010 site visit).

5.4 *More specific information should be provided in the AIS regarding the spacing, number and location of systematic sweeps and survey transects completed across the terrain in both the northern and southern area by the AIS consultants. Especially important would be descriptions of what time of year and how many acres a day were covered by each person. This is necessary information for reviewers, due to the large acreage involved in this project. We would recommend that more dry season surveys be done of entire project area.*

Response: As detailed in the AIS, field surveys of the Property were undertaken, initially in April and May 2000, again in March-May 2001, and then over a period of time between August 2003 to June 2008. Field procedures included surface inspections during the die-back of cover vegetation in dry seasons. Per comments from SHPD, the AIS has been revised to include the total number of man-hours for the survey and to specify the spacing of transects for surveys done between August 2003 to June 2008.

5.5 *The AIS provide better site maps which detail all site features. We would like to see the site maps cover an additional 50 to 100 feet beyond the immediate site, to document all potential features. A good place to do this ASAP would be site 20, which has multiple features. By extending the survey area out another 100 feet from site 20 we can assess if there are any areas of potential effect (APE) at site 20, or any other sites with a high concentration of features.*

Response: Per SHPD comments, the AIS has been revised to include a plan map of the survey area with all sites and features plotted.

5.6 *That a more detailed history of the cultural and historic resource review for the entire Honua'ula region surrounding the project area be included in the AIS. This history should begin with the initial surveys done in 1969-72, describing in greater detail the range of sites and site locations under other ownerships, which may relate to sites in the project area. In Hawaiian culture, the alignment of sites, mauka-makai is very significant. The present AIS does not refer to any relationships or alignments which may exist among the sites and site complexes in the project area and the numerous documented complexes makai in Palau'ea and Keaouhou ahupua'a. Maps should be provided indicating alignment and relationship of Waile'a 670 sites and with recorded sites on surrounding properties to West and South. This is required by the Kihei-Makena Community Plan "Implementing Actions" section:*

Require development projects to identify all cultural resources located within or adjacent to the project area, prior to application as part of the county development review process

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Response: SHPD's September 8, 2010 letter commenting on the AIS states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings." The AIS references reports undertaken for neighboring properties and the most relevant are summarized in the background section of the AIS. In addition, *Kihei-Makena Community Plan "Implementing Action"* you reference is noted in the Draft EIS (See Section 5.2.2 Kihei-Makena Community Plan) and discussion is provided noting compliance with this implementing action.

5.7 *That the review letters between SHPD and the applicant on its inventory survey dated August 29, 2000, August 28, 2001, and January 17, 2002, with each letter asking for revisions, including further inventory survey of both the northern and southern portions of the property, additional testing, and specific justifications for significance evaluations and any other correspondences which constitute consultation, must be disclosed in the DEIS. The AIS also received several critical letters from the Office of Hawaiian Affairs dated August 29, 2007, addressed to Michael Molina Chair of the County Council Land Use Committee at that time, and November 7, 2007 addressed to SHPD, which must also be disclosed in the DEIS.*

Response: As discussed in the response to item 1 above, the Draft EIS was prepared in accordance with the State Environmental Impact Statement Law (Chapter 343, HRS) and Environmental Impact Statement Rules (Title 11, Chapter 200, HAR). The Draft EIS meets the content requirements for an EIS as specified under Section 11-200-17(G), HAR, which includes requirements for content relating to historic and archaeological resources. In addition, the AIS (2010) included as an appendix to the Draft EIS incorporates the results of all archeological work completed on the Property since 2000, including revisions requested by SHPD during reviews of previous archeological surveys and fieldwork. SHPD has reviewed the AIS (2010) included as an appendix to the Draft EIS and, in their letter dated September 8, 2010, requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. SHPD's letter dated September 8, 2010 will be included in the Final EIS along with a revised AIS.

5.8 *That the "consultation process" as defined and described in HAR 13-276 be followed in the preparation of the AIS and CRPP.*

...We feel that the "consultation process" as defined in the statute has not been followed. We acknowledged that we are already engaged in a legal process (EIS review and AIS review) that involves offering comments and input. The landowner has had opportunity and a legal requirement to consult with us and other interested parties prior to submitting an Archaeological Inventory Survey Report (HAR 13-276-5(g) and prior to submission of significance evaluations (HAR 13-284-6(c)). The applicant chose to ignore these consultation requirements and has therefore submitted an AIS without our input as well as other interested parties input. These interested parties were clearly identified during the project's Cultural Resource Preservation Plan outreach in March-April 2009. The Honua'ula project was required to reach out to those who wished to be consulted parties by condition of rezoning number thirteen....

MCL expressed hope that a site visit would be scheduled for those who wished to be consulted on the CRPP when we first requested to be consulted parties on March 8, 2009. Several other

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organizations also asked to be informed if a site visit was scheduled. None of these organizations received an acknowledgment of any site visit, although it is possible that members of Na Kapuna o Maui, the Applicant's preferred cultural consultation group, may have been offered a visit over the past year.

Since our past efforts to be a consulted party, as specified in HAR Title 13-276 on the issues of cultural and historic preservation in the Honua'ula project area have been met with disinterest, our observations and comments submitted during the CRPP consultation process have been dismissed, ignored, or inadequately addressed. We are not obligated to respond to the submittals within the legal parameters of the EIS review and Chapter 6E process.

Again we feel that the limited dialogue opportunities afforded to lineal and cultural descendants, as well as interested parties such as ourselves, has not met the standards of the consultation process described in Title 13-276...

...At no point in time has MCL been shown the respect to be directly consulted by Honua'ula or its consultants as a consulted and interested party to view Honua'ula project area cultural and historic properties, nor have they sought our views on the identification, significance evaluation, and mitigation treatment of these properties during the review process, until now, after they have already submitted their AIS

Response: The AIS was prepared in accordance with the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). At the outset of the Honua'ula planning process, Honua'ula Partners, LLC voluntarily convened a cultural committee made up of Native Hawaiian cultural practitioners recognized by the community and other individuals as having expertise in this area. The committee then made recommendations regarding archaeological and cultural resources.

In addition, the Cultural Resources Preservation Plan (CRPP) (Draft EIS, Appendix J) included a public consultation process which is documented in the CRPP; however the CRPP is a separate document from the AIS which was prepared in compliance with County of Maui Ordinance No. 3554 (Condition 13) and is not subject to the same consultation process provided for in Title 13, Chapter 276, HAR.

As discussed in Section 4.2 (Cultural Resources) of the Draft EIS, during the initial planning stages of Honua'ula, several on-site tours and discussions involving archaeological and cultural components were held with various members of the community. An informational presentation was given to the Maui Cultural Resources Commission. Specific input was also sought from key individuals and the Native Hawaiian organization, Na Kūpuna O Maui, and a number of valuable recommendations resulted from discussions with an in-house cultural group¹. Public input was also sought prior to preparation of the CRPP through publication of public notices in the *Honolulu Advertiser*, the *Maui News* and OHA's Newsletter, *Ka Wai Ola*.

Regarding your assertion that the landowner must consult with you regarding significance evaluations before submitting the AIS to SHPD, the historic preservation review process

¹ The in-house cultural group included: Kimokeo Kapahulehua, Clifford Naeole, Hokulani Holt Padilla, Keli'i Tau'a, members of Nā Kūpuna O Maui, Lisa Rotunno-Hazuka, Aki Sinoto, and Charlie Jencks.

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provides for a draft report to be submitted to SHPD; SHPD then reviews the report, provides comments to the preparer, and the preparer then revises the report to address SHPD's comments. SHPD is the entity charged with reviewing the scope, performance, and appropriateness of the AIS. The intended procedure is for agencies and others that may have concerns to communicate their concerns to SHPD so that those concerns can then be included in the SHPD review letter if the concerns are deemed to be warranted in the professional opinion of the SHPD reviewer. In the case of the Honua'ula AIS (2010) included as an appendix to the Draft EIS, we understand that you expressed concerns in writing to SHPD and participated in the site visit on August 26, 2010 to express your concerns to SHPD staff present on the site visit. Subsequent to the site visit, SHPD issued its letter dated September 8, 2010 stating that no significant unrecorded sites were noted at that time (i.e. during the August, 26, 2010 site visit). The September 8, 2010 SHPD letter also provides SHPD's review of the AIS (dated March 2010) and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. The September 8, 2010 SHPD letter did not contain concerns related to the significance determinations. For more information regarding consultation for the AIS, please see our response to your comment #4.

5.8.a MCL feels the 2006 Cultural Impact Assessment done for Honua'ula does not adequately fulfill the requirements for the "consultation process" described in HAR 13-276.

Response: The cultural impact assessment (CIA) included as Appendix K of the Draft EIS was conducted in accordance with the Office of Environmental Quality Control Guidelines for Assessing Cultural Impacts and includes archival research and interviews with people knowledgeable of Honua'ula and the surrounding area. CIA reports are not the same as AIS reports and are not subject to the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). Nonetheless, consultation was conducted in the preparation of the CIA. Informant interviews with eight local residents were conducted in January 2008 by Keli'i Tau'a and Kimokeo Kapahulehua of Hana Pono LLC. Kimokeo Kapahulehua conducted an additional interview in March 2009. The complete transcript for each interview is appended to the CIA.

5.8.b MCL, Maui Tomorrow, Save Makana, Maui Unite, Sierra Club and numerous lineal descendants and other individuals repeated asked Maui County Council to require the applicant to go back and document additional cultural sites on the property. The council was informed by a letter from Mr. Aki Sinoto in 2007 that the archaeological survey was complete and furthermore, that SHPD had accepted the AIS and just had a few procedural details to work out. This was not accurate information and the result was that statements made by citizens were not given due respect by policymakers and no further action was required by the Honua'ula LLC partners to identify cultural sites.

Response: It is not within the purview of Honua'ula Partners, LLC to address your assertions that you or other citizens were not given respect by policymakers.

Archaeologist Aki Sinoto reports that by 2007 primary fieldwork for the AIS had been completed and revisions requested by SHPD during reviews of previous

archaeological surveys and fieldwork had been addressed. However, the Global Positioning System (GPS) point survey of all recorded sites was not completed until mid-2008 when the last few isolated sites were relocated and included in the GPS record. The complete AIS (2010) was submitted to SHPD for review on March 23, 2010. In a letter dated September 8, 2010, SHPD provided their review comments on the AIS and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. In addition, the letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

5.8.c Maui Cultural Lands, on behalf of other interested parties, knowledgeable individuals, and lineal descendants of this land would like to request an onsite visit with the developer's representative to view the historic properties of Honua'ula and consult in a collaborative way regarding site identification, significance evaluation, further testing required and treatment mitigation for its historic properties.

Response: On August, 26, 2010 Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua participated in a site visit of the Honua'ula Property with several community members (including you) and SHPD staff. SHPD staff present were archaeologist Morgan Davis and cultural historian Hinano Rodrigues. Community members present included: you, Lucienne de Naie, Janet Six, Elle Cochran, U'ilani Kapu, Ke'atamoku Kapu, Lee Altenberg, and 'E'kolu Lindsey. Some of the community members had previously: 1) presented testimony, or were present, at the Maui Planning Commission meeting on June 22, 2010 at which the Honua'ula Draft EIS was discussed; 2) submitted information to SHPD claiming that they had found archaeological sites on the Property that had not been included in the archaeological inventory survey dated March 2010 included in the Draft EIS (Appendix I); and 3) submitted written comments on the Draft EIS expressing concerns regarding archaeological sites on the Property.

Subsequent to the site visit, SHPD issued its letter dated September 8, 2010 stating that no significant unrecorded sites were noted at that time (i.e. during the August, 26, 2010 site visit). The letter also provides SHPD's review of the archaeological inventory survey (dated March 2010) and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. In addition, the SHPD letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

In response to SHPD's September 8, 2010 letter commenting on the AIS (dated March 2010), archaeologist Aki Sinoto: 1) revised the archaeological inventory survey report to address SHPD's concerns; and 2) submitted the revised archaeological inventory survey report to SHPD in April 2011.

In July and August of 2011, you submitted letters to Honua'ula Partners, LLC's representative Charlie Jencks and SHPD providing additional comments on the AIS (dated March 2010) that was included in the Draft EIS (Appendix I). Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua responded to these letters in writing. In the summer of 2011 Maui Cultural Lands members also made a presentation to SHPD regarding their inspections of the Property.

In response to the concerns Maui Cultural Lands members expressed to SHPD in the summer of 2011, on September 23, 2011 archaeologist Aki Sinoto and cultural advisor Kimokeo Kapahulehua met with SHPD archaeologist Morgan Davis and SHPD cultural historian Hinano Rodrigues at SHPD's Maui office. Subsequently, as recommended by SHPD, Honua'ula Partners, LLC's representative Charles Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua met with members of Maui Cultural Lands (including you) and other community members at Maui Community College on November 17, 2011. Maui Cultural Lands members and other community members present at the November 17, 2011 meeting included: you, Janet Six, 'E'kolu Lindsey, Lucienne de Naie, Jocelyn Solamillo, a cultural resource planner with the Maui Planning Department, and Tanya Lee Greig, the director of Cultural Surveys Hawaii's Maui office.

As a result of the November 17, 2011 meeting, the archaeological inventory survey report was further revised to: 1) recommend preservation of a section of a post-contact agricultural wall documented in the archaeological inventory survey but not previously recommended for preservation; 2) add descriptive narrative information for two post-contact agricultural walls; and 3) revise pertinent map figures in the report. Archaeologist Aki Sinoto submitted the further revised archaeological inventory survey report to SHPD in March 2012. Since the SHPD Maui archaeologist had recently resigned, copies of the revised archaeological inventory survey report were transmitted to SHPD's main office in Kapolei and to Dr. Theresa Donham, the interim SHPD chief of archaeology in Hilo. In April 2012, Dr. Donham notified archaeologist Aki Sinoto that the report was forwarded to the SHPD Maui office for review due to the hiring of replacement personnel. As of May 2012, SHPD has not completed its review of the revised (March 2012) archaeological inventory survey.

Significance Criteria Used in Revised AIS

1. *No specific rationale is provided for assessing the significance of each site. The AIS and this DEIS must provide justification for classifying the significance of each site with supportive documentation provided. (Section 13-284-6d (1) (B) HAR). For an example, why are some caves – described as overhang shelters in the AIS – slated for preservation and others are not?*

Response: The AIS, which includes significance assessments of each site, was submitted to SHPD for review on March 23, 2010. In a letter dated September 8, 2010, SHPD provided their review comments on the AIS (dated March 2010) and requested revisions, including: 1)

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editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. In their review comments SHPD did not disagree with significance assessments in the AIS; however several of the sites were previously recorded, and SHPD requested that the report be clarified as to whether there was a previous recommendation/determination of significance for the previously recorded sites. The final AIS will be revised to address this comment.

Permanent preservation recommendations for sites are not based solely on their significance. For instance, if multiple sites of the same type are recorded, a representative selection could be set aside for preservation and others may be specified for data recovery. Other considerations come into play such as the context of preservation; for example, other preservation sites in the area may enhance the interpretation of the selected site rather than preserving isolated sites within a vast project area. The significance evaluations are made employing the Hawai'i Register criteria.

2. *Criteria used in evaluating significance in this AIS are those adopted by the Hawai'i State Register. These are not exactly the same criteria specified by 13-284-6(b) 1-5 HAR, which this AIS and DEIS must comply with.*

Response: The AIS was prepared in accordance with: 1) the State Historic Preservation Law (Chapter 6E, HRS); and 2) the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). To clarify, the Rules Governing Procedures for Historic Preservation and Review to Comment on Section 6E-42, HRS Projects (Title 13, Chapter 284, HAR) to which you refer defines "Significant historic property" as any historic property that meets the criteria of the Hawai'i Register of Historic Places or the criteria enumerated in subsection 13-275-6(b) or 13-284-6(b). The AIS contained in the Draft EIS (Appendix I) evaluated site significance based on the Hawai'i Register of Historic Places significance evaluation criteria and is in compliance with the Rules Governing Procedures for Historic Preservation and Review to Comment on Section 6E-42, HRS Projects (Title 13, Chapter 284, HAR) and the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR).

Furthermore, the AIS, which includes significance assessments of each site employing the Hawai'i Register criteria, was submitted to SHPD for review on March 23, 2010. In their review letter dated September 8, 2010 SHPD did not disagree with significance assessments in the AIS or state that employing the Hawai'i Register criteria for significance assessments was not acceptable.

3. *Site descriptions do not provide an assessment of site functions with reasonable and adequate supportive arguments or an assessment of site age as required by Section 13-276-5(d) (4) H & I HAR. The AIS must provide such assessment in order for this DEIS to have the information necessary to permit an evaluation of potential environmental impacts. (Section 11-200-17 IE HAR).*

Response: The AIS includes functional interpretations of sites when possible and a generalized table of relative origins for the sites (Draft EIS, Table 2). However, as discussed in the AIS, the absence of chronometric data, as well as the paucity of cultural deposition, makes pinpointing

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the age of sites difficult. In their review of the AIS (letter dated September 8, 2010) SHPD did not request additional information regarding site functions.

Cultural Resource Preservation Plan

1. *You can't have a preservation/mitigation plan/agreement until all the historical properties in the delineated area have been identified and documented in an AIS.*

Since MCL believes the revised AIS to be incomplete, we therefore believe that the submittal by Honua'ula of any preservation/mitigation plan and their CRPP to SHPD for review is premature.

Response: The CRPP was prepared in compliance with County of Maui Ordinance No. 3554 Condition 13 which requires the CRPP to be submitted to SHPD and the Office of Hawaiian Affairs (OHA) for review and recommendations. The CRPP also serves as the archaeological preservation/mitigation plan and sets forth (among other things) selection criteria for sites to be preserved and short- and long-term preservation measures, including buffer zones and interpretative signs, as appropriate for each site to be preserved. It is understood that the AIS will have to be reviewed and approved by SHPD before the CRPP can be finalized; however SHPD and OHA must review the CRPP before it is finalized and therefore the CRPP has been provided to these agencies for review and recommendations. As required by County of Maui Ordinance No. 3554 Condition 13, upon receipt of comments and recommendations from SHPD and OHA, the CRPP will be provided to the Maui County Cultural Resources Commission for review and adoption.

Cultural Impact Assessment

1. *MCL feels the Cultural Impact Assessment done for Honua'ula does not fulfill the requirements for the "consultation process" described in HAR 13-276.*

Response: The CIA included as Appendix K of the Draft EIS was conducted in accordance with the OEQC Guidelines for Assessing Cultural Impacts and includes archival research and interviews with people knowledgeable of Honua'ula and the surrounding area. CIA reports are not the same as AIS reports and are not subject to the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). Nonetheless, consultation was conducted in the preparation of the CIA. Informant interviews with eight local residents were conducted in January 2008 by Kelli Taur'a and Kimokeo Kapahulehua of Hana Pono LLC. Kimokeo Kapahulehua conducted an additional interview in March 2009. The complete transcript for each interview is appended to the CIA.

2. *The cultural impact assessment does not follow the guidelines for assessing cultural impacts adopted by the Environmental Council.*

Response: The CIA contained in the Draft EIS (Appendix K) was conducted in accordance with the OEQC Guidelines for Assessing Cultural Impacts and includes archival research and interviews with people knowledgeable of Honua'ula and the surrounding area.

3. Much of the narrative within the CIA does not provide attribution of sources. It appears the authors depended primarily on Elspeth Sterling's Sites of Maui to provide historical background of the area.

Response: The work of Elspeth Sterling in *Sites of Maui*, to which you refer, is a reputable source which presents a comprehensive compilation of Maui ethnography, anthropology, archaeology, and historical information applicable to Honua'ula.

In addition to *Sites of Maui* (Sterling 1998) the CIA (Draft EIS, Appendix K) also references (among other sources) work by Mary Kawena Pukui, Samuel Kamakau, Abraham Fomander, David Malo, E.S. Craighill Handy, and Martha Beckwith throughout the report.

4. The CIA does not provide a discussion of the Kumuhonua genealogy which is associated with Honua'ula through oral accounts and traditional beliefs. This cultural connection with a famous genealogy must be disclosed in the CIA.

Response: The CIA contained in the Draft EIS (Appendix K) includes discussion of the genealogy of Honua'ula moku in story, chant and oral tradition. Section 4.2 (Cultural Resources) of the Draft EIS summarizes the findings of the CIA and other relevant information which states that one of the earliest accounts that describe the first inhabitants of Honua'ula came from genealogical chant. Between 1100 and 1400 A.D., chants recorded the long voyage of Chief Mo'ikeha from Tahiti to Hawai'i. At each landing, a family would disembark and the place would take on the family name. As such, one of the explanations for the name of the traditional moku known today as Honua'ula is that it is named after the Honua'ula family.

Biological Resources

1. No discussion is offered regarding the report titled *"Remnant Wiliwili Forest Habitat at Wailela 670, Maui, Hawaii prepared by Dr. Lee Altenberg substantiating the need to preserve the 130 native lowland forest and which the County Council directed the applicant to submit to DLNR, USEFW and USACE for their review prior to submitting recommendations on what does not merit preservation.*

Response: Section 3.6 (Botanical Resources) of the Draft EIS contains extensive discussion on the botanical resources of the Honua'ula Property. The Altenberg report is referenced in this section as one of the previous botanical surveys of the Property that have been conducted since 1988.

To obtain the best possible understanding of vegetation types and plant species present within the Honua'ula Property, SWCA Environmental Consultants conducted a thorough quantitative assessment of site vegetation. Appendix E of the Draft EIS contains this botanical assessment survey report. No Federal or State of Hawai'i listed threatened or endangered plant species were identified on the Property. However, a candidate endangered species, *'awikiwiki (Canavalia pubescens)*, was identified. To protect and conserve the area that contains the highest density of representative native plant species, a Native Plant Preservation Area will be established in perpetuity under a conservation easement. The Native Plant Preservation Area will be in conformance with County of Maui Ordinance No. 3554 Condition 27.

Section 5.2.3 (County of Maui Zoning) of the Draft EIS states that the report titled: *"Remnant Wiliwili Forest Habitat at Wailela 670, Maui, Hawaii by Lee Altenberg, Ph.D."* will be provided to DLNR, the USEFW, and the U.S. Corps of Engineers for review and recommendations before Project District Phase II approval in compliance with County of Maui Ordinance No. 3554 Condition 27. This report was provided to the DLNR, the USEFW, and the U.S. Corps of Engineers along with the SWCA Environmental Consultants report on March 22, 2010. To include this updated information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

27. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide the report *"Remnant Wiliwili Forest Habitat at Wailela 670, Maui, Hawaii by Lee Altenberg, Ph.D."* along with a preservation/mitigation plan, to the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers for review and recommendations prior to Project District Phase II approval. The Maui Planning Commission shall consider adoption of the plan prior to Project District Phase II approval.

Discussion: Honua'ula Partners, LLC will comply with this condition. Condition 27. As discussed in Section 3.6 (Botanical Resources), SWCA Environmental Consultants (SWCA) prepared the *Honua'ula Conservation and Stewardship Plan (2010b)* to ensure the long-term conservation and stewardship of native plants within Honua'ula. The plan incorporates findings, conclusions, and recommendations from previous botanical surveys, wildlife surveys, and biological assessments of the Property and recommends proactive stewardship actions to manage the Native Plant Preservation Area and the Native Plant Conservation Areas (see discussion below and in Section 3.6 (Botanical Resources)). The *Honua'ula Conservation and Stewardship Plan*, along with the report titled: *"Remnant Wiliwili Forest Habitat at Wailela 670, Maui, Hawaii by Lee Altenberg, Ph.D."* will be provided to DLNR, the USEFW, and the U.S. Corps of Engineers for review and recommendations on March 22, 2010, which is before Project District Phase II approval.

2. Section 11-200-16 HAR requires the DEIS to include opposing views. "In order that the public can be fully informed and that the agency can make a sound decision based upon the full range of responsible opinion on environmental effects, a statement shall include responsible opposing views, if any, on significant environmental issues raised by the proposal."

Response: Various Federal, State, and County agencies, as well as organizations and members within the community, were consulted with or provided comments on the Environmental Assessment/Environmental Impact Statement Preparation Notice and the Draft EIS. These comments included opposing views which were addressed and included in the Draft EIS and will also be addressed and included in the Final EIS.

3. EIS should include discussion of an alternative design of the project which would include a map showing all golf course and housing development located north of the 20 degree 40'15"N latitude line and a cultural and native plant preserve area on 130 contiguous acres south of that latitude line.

Response: To include discussion of a 130-acre Native Plant Preservation Area in the Final EIS, in the Final EIS Chapter 6 (Alternatives) will be revised to include the information shown on the attachment labeled "Alternatives."

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4. *It has been proven by reputable professionals that many of the species naturally found in the 130 acres do not propagate or transplant well, including Mataipilo, a candidate for threatened species.*

Response: To clarify, the Mataipilo plant is not a candidate threatened or endangered species. Section 3.6 (Botanical Resources) of the Draft EIS contains extensive discussion regarding the long-term conservation and stewardship of native plants within Honua'ula. The basis for this discussion is the *Honua'ula Conservation and Stewardship Plan*, which is contained in Appendix F of the Draft EIS. Among the objectives of the plan are: 1) creating a native plant propagation program; and 2) hiring a Natural Resources Manager to (among other things) support plant propagation efforts and scientific research.

5. *HAR§11-200-17 Content Requirements; Draft Environmental Impact Statement*

Requires alternative designs to be considered and analyzed in an environmental document. The alternatives of the Honua'ula Draft EIS section does not provide this analysis

Response: In compliance with the Environmental Impact Statement Rules (Title 11, Chapter 200, HAR, Section 11-200-17(F)), Chapter 6 (Alternatives) of the Draft EIS examined alternatives that could attain the project objectives, regardless of cost, in sufficient detail to explain why the specific alternative was rejected. Chapter 6 (Alternatives) of the Draft EIS also restated the objectives of Honua'ula, which were provided in Section 2.2.1 (Statement of Objectives) of the Draft EIS. The six alternatives were then analyzed in relation to the project objectives in sufficient detail to explain why they were rejected.

Kanaio-Kalama Park Road

1. *The DEIS should include maps of different alignments of the Kanaio-Kalama Park Road, which they claim merits no preservation "because it was not on maps prior to 1892" and has only "fragments" left of the alignment of the historic road built by the military during WWII.*

Response: As discussed in Section 4.3 (Trails and Access) of the Draft EIS, remnant segments of a road referred to as the Kanaio-Kalama roadway are present along a portion of an existing jeep road which was constructed atop the same alignment in the southeastern corner of the Property.

In response to your concern, the approximate route of the Kanaio-Kalama road will be incorporated into the Honua'ula trail system to further enhance mauka-makai access across the Property. This functionally equivalent route will approximate the alignment shown on the current TMK map (Figure 3 of the Draft EIS), and thus will run diagonally from Kaukahi Street, through the Native Plant Preservation Area, to the southeast corner of the Property.

To incorporate relevant new information from the above, as well as responses to others regarding trails and access, into the Final EIS, in the Final EIS Section 4.3 (Trails and Access) will be revised as follows:

In terms of the Kanaio-Kalama road, only a small modified segment still exists, with major segments of the original alignment altered by an existing jeep road. In addition, the

Daniel Kanahele

SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

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integrity of the roadway has been lost outside of the Property both at the Kalama and Kanaio segments, which are under multiple ownerships. In a letter dated July 31, 2009, Na Ala Hele of the DLNR Division of Forestry and Wildlife (DOFAW) states that no documentation of the Kanaio-Kalama roadway could be found in the royal grant patents of the Property that were awarded in 1850. Also, no record exists of the road being in existence prior to 1892, when the U.S. Highways Act was passed. Thus, the Kanaio-Kalama roadway is not considered to be a public highway. However, to further enhance mauka-makai access across the Property, the approximate route of the Kanaio-Kalama road will be incorporated into the Honua'ula trail system. This functionally equivalent road will approximate the alignment shown on the current TMK map (Figure 3), and thus will run diagonally from Kaukahi Street, through the Native Plant Preservation Area, to the southeast corner of the Property.

In addition Figure 13 (Trails Network) will be revised to show the Kanaio-Kalama Park Roadway as shown on the attachment titled "Figure 13."

MCL Comments to the CRPP and EISPN

1. *The comments MCL provide to the CRPP and EISPN as part of the consultation process were not adequately addressed in the CRPP or the DEIS. We would like to see our comments addressed with more detail and specificity in a new DEIS.*

Response: Regarding responses to comments from Maui Cultural Lands on the Honua'ula EISPN (Maui Cultural Lands letter dated November 16, 2009), in our letter dated March 9, 2010, addressed to Maui Cultural Lands (Care of Clare Apana), we provided a response to each of the concerns in the Maui Cultural Lands letter dated November 16, 2009. Many of these responses were to state that concerns would be addressed in the Draft EIS or specific studies would be provided in the Draft EIS. Subsequently, the stated concern was addressed or the specific study was provided in the Draft EIS. While you may not consider the specific information or study provided in the Draft EIS as adequately addressing your concern, without more specific information regarding what you may consider inadequate we cannot provide a more detailed response.

Conclusions

We note that this section of your letter: 1) summarizes your comments stated above; and 2) recommends "that the DEIS not be accepted."

In response to your recommendation that the Draft EIS not be accepted, please note that the Draft EIS was, and the subsequent Final EIS will be, prepared in conformance with the State of Hawai'i EIS law (Chapter 343, HRS) and EIS rules (Title 11, Chapter 200, HAR). The EIS laws and rules do not provide for a draft EIS to be accepted or not accepted." Rather, the EIS laws and rules provide for the preparation of a Draft EIS; a review process; and the preparation of a Final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments and our responses to your comments. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments.

Daniel Kanahela
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We note that in commenting on the Draft EIS the Maui Planning Commission stated that the "Honua'ula Draft EIS is one of the better draft documents the commission has seen in terms of completeness."

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: Archaeological and Historic Resources
Alternatives
Figure 13 (Trails Network)

C:\MOB19\1905.08 Honua'ula EIS\DEIS\DEIS Comments\Responses\Public\Virtual\Maui Cultural Lands Daniel Kanahela.doc



Maui Meadows Neighborhood Association Concerns relating to Wailes 670/ Honua'ula DEIS
To: PBR Hawaii & Associates, INC. and the Maui County Planning Department

PBR Hawaii & Associates, INC
Tom Schnell, Senior Associate
1001 Bishop Street, Suite 650
Honolulu, HI 96813-3484
County of Maui Planning Department
Kathleen Ross Aoki, Director
230 S. High Street - Kalama Pakoi Bldg. Ste 200
Wailea, HI 96793

June 29, 2010

1. The area designated as multi-family (MF) backing up to Maui Meadows has more than doubled in size compared to the concept and drawings originally shown to and tentatively agreed upon by the Maui Meadows Neighborhood Association (MMNA). From the beginning, MMNA was adamant that the rural nature of our existing community be protected along its border with compatible lot sizes. Years ago the developer did a presentation for MMNA showing drawings and diagrams that indicated all construction along our eastern boundary (homes and lots on Kumulani Drive) would be only single family homes. It was because of this single family designation for all homes to be built along our border that MMNA agreed to a much smaller buffer area (a minimum of 116 feet proposed by the developer) than what MMNA had originally asked for (a 200 foot landscaped buffer). MMNA would have never agreed to a smaller buffer with MF units!

The newly proposed MF homes along our border will negatively impact the current rural nature of our neighborhood resulting in Maui Meadows being subject to much greater noise, light pollution and potential restriction of our view-planes. County codes will require the common areas of these MF units be lit well into the night for their stairways, parking, pools, etc. We also believe this new MF proposal will result in lowering the values of Maui Meadows homes adjacent to these MF units.

2. Because of the impacts cited above, we ask the developer and Maui County to make it mandatory that only SF homes be built on our border as had been originally agreed upon by MMNA and the developer's representatives.

If any MF units are allowed to be built along Maui Meadows' border then we ask that they be limited to:

- Only where they are shown on new DEIS dated March 2, 2010.

Maui Meadows Neighborhood Association, P.O. Box 160, Kihati, Hawaii 96753

Email: mmna@hawaiiintel.net



Maui Meadows Neighborhood Association Concerns relating to Wailea 670/ Honouliuli DEIS - page 2

2. Continued:

- That only duplexes are built in this area with at least 50% required to be single story units and the balance limited to no more than two stories in height not exceeding 30 feet from natural grade.
- That design of such units shall be of single family type facade and any lighting shall limit light pollution.
- That the buffer area between Maui Meadows and these MF units should be increased to a minimum 200 feet landscaped buffer, which will not include adjacent street.

3. A private waste-water treatment facility could produce undesirable odors and noxious fumes for our long time existing neighborhood. MMNA believes that this new development should be required to hook into the County's existing Kihai waste water treatment plant to ensure its long term viability. If this is not possible, then the private facility should be conditioned to be held to highest standards of county, state and federal regulations for public facilities.

4. County water is still not available for this project. MMNA continues to have serious concerns about tapping into the already over used Kamaole Aquifer because this will increase the salinity of this delicate aquifer negatively impacting the existing current users of this marginal source of water.

5. MMNA continues to insist that a well thought out traffic management plan is implemented that will prevent traffic from using roadways in Maui Meadows, and specifically Akala Drive, during the widening of Pihani Highway and or the construction of Wailea 670/ Honouliuli. (No detours or construction related traffic using Maui Meadows roadways.)

Sincerely,

Board of Directors
Maui Meadows Neighborhood Association, MMNA

Maui Meadows Neighborhood Association, P.O. Box 160, Kihai, Hawaii 96753
Email: mmna@hawaii.net



May 31, 2012

David Weisfeld, President
Maui Meadows Neighborhood Association
P.O. Box 160
Kihai, Hawaii 96753

SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Weisfeld:

We have received the letter from the Maui Meadows Neighborhood Association (MMNA) dated June 29, 2010 regarding the Honua'ula Drait Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to MMNA's comments. The organization of this letter follows the numbering of MMNA's letter.

Comment 1: The area designated as multi-family (MF) backing up to Maui Meadows has more than doubled in size compared to the concept and drawings originally shown to and tentatively agreed upon by the Maui Meadows Neighborhood Association (MMNA)... Years ago the developer did a presentation for MMNA showing drawings and diagrams that indicated all construction along our eastern boundary (homes and lots on Kaulani Drive) would be only single family homes. It is because of this single family designation for all homes to be built along our border that MMNA had originally asked for (a 200 foot landscaped buffer). MMNA would have never agreed to a smaller buffer with MF units!

The newly proposed MF homes along our border will negatively impact the current rural nature of our neighborhood resulting in Maui Meadows being subject to much greater noise, light pollution and potential restriction of our view-planes. County codes will require the common areas of these MF units be lit well into the night for their stairways, parking, pools, etc. We also believe this new MF proposal will result in lowering the values of Maui Meadows homes adjacent to these MF units.

Response: Plans for Honua'ula have evolved over the course of several years in response to community concerns, the requirements of the Kihai-Makena Project District 9 Ordinance (Chapter 19.90A, MCC), and various other factors, such as infrastructure requirements and native plant preservation areas. However, these changes are still consistent with the basic goals and objectives of Honua'ula which have been consistently put forth by the owner's representative at many public meetings, including meetings with Maui Meadows residents, the Wailea Community Association, and hearings before the Maui Planning Commission and County Council.

The change in land use designations from single-family to multi-family along a portion of the Maui Meadows boundary is the result of multiple conditions imposed on Honua'ula by the Maui County Council. The most significant condition driving changes to the concept plan shown in the Draft EIS (Figure 1) is the condition requiring establishment of a native plant preservation area within the south end of Honua'ula. This condition, coupled with the required percentages of multiple and single family units, resulted in housing designation shifts in the concept plan. Given the topography of the property, combined with restrictions placed on grading and density, the placement of multi-family areas is limited to areas that do not require extensive grading. The northwest area of Honua'ula near Maui Meadows is one such area that is suitable for multi-family units.

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David Weisfeld

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

May 31, 2012

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As you are aware, Section 19.90A.030(E)(5) of the Kihei-Mākena Project District 9 Ordinance (Chapter 19.90A, Maui County Code (MCC)) specifies:

A minimum one hundred foot wide fire buffer area, with a minimum fifty-foot wide landscape buffer area within it, shall be provided between the southern boundary of the Maui Meadows subdivision and Kihei-Mākena project district 9 (Wailea 670). No structures, except rear and side boundary walls or fences, shall be permitted in the buffer.

We believe the Council exercised due care to mitigate impacts to Maui Meadows in specifying a minimum buffer width of 100 feet when enacting this section of the Kihei-Mākena Project District 9 Ordinance based on the concerns of Maui Meadows residents expressed at the Council hearings. In accordance with this requirement the concept plan shown in the Draft EIS (Figure 1) provides for a 100 foot buffer between Maui Meadows and any structure within Honua'ula.

To address your concerns about multi-family units next to Maui Meadows, Honua'ula Partners, LLC will implement the recommendation of the Urban Design Review Board (UDRB) in its review of Honua'ula. At its meeting on June 1, 2010, the UDRB recommended: "That the multi-family area closest to Maui Meadows on the northern boundary [i.e. southern boundary of Maui Meadows] of the site be limited to 30 ft. in height." This height limitation is consistent with the height limit for single family homes in Honua'ula and will result in structures not exceeding the maximum single family height originally planned for the area.

We believe that limiting the height of the multi-family units closest to Maui Meadows should address your concern about view planes. In addition, the landscape treatment for the Maui Meadows buffer will consist of a mixture of native and non-native medium canopy trees informally planted. Large native shrubs/small trees will be used as an understory and will function as a physical barrier between the two properties. This information about landscaping within the buffer area is summarized in Section 3.6 (Botanical Resources) of the Draft EIS and elaborated on in Appendix G (Landscape Master Plan) of the Draft EIS.

In addition to the 30-foot height limitation recommended by the UDRB, Honua'ula Partners, LLC will ensure that there will be no roads within the 100-foot buffer area between Maui Meadows and any multi-family units. We believe that the 100-foot buffer and the fact that there will be no roads within the 100 foot buffer area between Maui Meadows and any multi-family units, will adequately mitigate impacts from potential noise associated with the multi-family units.

In regard to your concern about light pollution, the Council specified lighting requirements in regard to adjacent residential properties as part of Honua'ula's Change in Zoning Ordinance (County of Maui Ordinance No. 3554). Specifically, Condition 21 requires that all exterior lighting be shielded from adjacent residential properties and near shore waters. Honua'ula Partners, LLC will comply with this condition as stated in Section 4.7 (Visual Resources) of the Draft EIS. As further discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, all Honua'ula outdoor lighting will be in compliance with Chapter 20.35 (Outdoor Lighting), MCC. In addition, as discussed in the Landscape Master Plan (Appendix G of the Draft EIS), the landscape lighting for Honua'ula will reinforce the overall rural ambiance by: 1) using low intensity, indirect light sources to the extent required for safety and subtle drama; and 2) using down lighting to the greatest extent possible, preserving the dark sky ambiance.

David Weisfeld

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

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Comment 2: *Because of the impacts cited above, we ask the developer and Maui County to make it mandatory that only SF homes be built on our border as had been originally agreed upon by MMNA and the developer's representatives.*

If any MF units are allowed to be built along Maui Meadows' border then we ask that they be limited to:

- Only where they are shown on new DEIS dated March 2, 2010.
- That only duplexes are built in this area with at least 50% required to be single story units and the balance limited to no more than two stories in height not exceeding 30 feet from natural grade.
- That design of such units shall be of single family type façade and any lighting shall limit light pollution.
- That the buffer area between Maui Meadows and these MF units should be increased to a minimum 200 feet landscaped buffer, which will not include adjacent street.

Response: To address your concerns, any multi-family units in the area closest to Maui Meadows will be limited to 30 feet in height and Honua'ula Partners, LLC will ensure that there will be no roads within the 100-foot buffer area between Maui Meadows and any multi-family units. Honua'ula Partners, LLC will also comply with County of Maui Ordinance No. 3554 Condition 21 regarding lighting as well as the requirements of Chapter 20.35 (Outdoor Lighting), MCC.

Comment 3: *A private waste-water treatment facility could produce undesirable odors and noxious fumes for our long time existing neighborhood. MMNA believes that this new development should be required to hook into the County's existing Kihei waste-water treatment plant to ensure its long term viability. If this is not possible, then the private facility should be conditioned to be held to highest standards of county, state and federal regulations for public facilities.*

Response: County of Maui Ordinance No. 3554 Condition 17 prohibits Honua'ula from connecting to the existing County Kihei wastewater reclamation facility (WWRF) and instead requires Honua'ula to "construct, maintain, and/or participate in the operation of a private wastewater treatment facility and system that accommodate the needs of the entire Kihei-Mākena Project District 9."

In compliance with this condition, as discussed in Section 4.8.2 (Wastewater System) of the Draft EIS, Honua'ula will either transport wastewater to the Mākena WWRF for treatment or provide a WWRF on-site. The preferred alternative is to transport wastewater to the Mākena WWRF; however, if an on-site WWRF is necessary, the facility would be located in the southwest corner of the Property as far away from Maui Meadows as possible. A membrane bioreactor wastewater treatment system is proposed for the on-site WWRF to produce R-1 quality water for non-potable use. MBR systems are widely used throughout the world and are considered an industry standard for the production of reliable R-1 recycled water. In a MBR system the first element of the wastewater treatment process is screening to remove debris. This takes place in an enclosed building to control odors. Air collected from the building is then passed through a biofilter to remove odors.

Wastewater system design, construction, and operation will be in accordance with County standards and all wastewater plans and facilities will conform to applicable provisions of Chapter 11-62, Hawai'i Administrative Rules (HAR) (Wastewater systems). Specifically, these rules require that wastewater systems shall not create or contribute to foul or noxious odors.

David Weisfeld

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

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To include the relevant above new information in the Final EIS, Section 4.8.2 (Wastewater System) will be revised to including the following:

Wastewater system design, and construction, and operation will be in accordance with County standards and all wastewater plans and facilities will conform to applicable provisions of: Chapter 11-62, HAR (Wastewater Systems); Section 11-62-27, HAR (Recycled Water Systems); and Chapter 11-21, HAR (Cross-Connection and Backflow Control), Chapter 11-62, HAR (Wastewater Systems) specifically requires that wastewater systems shall not create or contribute to foul or noxious odors.

In addition Section 4.8.2 (Wastewater System) also will be revised to including the following

In a MBR system the first element of the wastewater treatment process is screening to remove debris. This takes place in an enclosed building to control odors. Air collected from the building is then passed through a biofilter to remove odors.

Comment 4: *County water is still not available for this project. MMNA continues to have serious concerns about tapping into the already over used Kamaole Aquifer because this will increase the salinity of this delicate aquifer negatively impacting the existing current users of this marginal source of water.*

Response: Similar to County of Maui Ordinance No. 3554 Condition 17 regarding wastewater, County of Maui Ordinance No. 3554 Condition 1 prohibits Honua'ula from connecting to the County water system and instead requires Honua'ula to develop, maintain, and operate a private water system for use within Honua'ula.

Section 4.8.1 (Water System) of the Draft EIS discusses the private water system and Section 3.5.1 (Groundwater) discusses potential impacts to groundwater resources, including the Kamaole Aquifer, along with measures proposed to mitigate impacts. In their letter commenting on the Draft EIS the State Commission on Water Resource Management stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues."

Comment 5: *MMNA continues to insist that a well thought out traffic management plan is implemented that will prevent traffic from using roadways in Maui Meadows, and specifically Akala Drive, during the widening of Pi'ilani Highway and or the construction of Waikele670/Honuaula. (No detours or construction related traffic using Maui Meadows roadways.)*

Response: In compliance with County of Maui Ordinance No. 3554 Condition 28 a construction transportation management plan has been prepared to reduce construction-related traffic during the construction of Honua'ula and the widening of Pi'ilani Highway. Section 4.4.5 (Transportation Management) of the Draft EIS contains a summary of the construction transportation management plan and Appendix M of the Draft EIS contains the complete plan. The State Department of Transportation, the County Department of Public Works, and the County Department of Transportation have all reviewed and approved the construction transportation management plan.

David Weisfeld

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

May 31, 2012

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Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP

Senior Associate

cc: William Spence, Maui Planning Department
Madge Schaefer, Maui Meadows Neighborhood Association former President
Charles Jencks, Honua'ula Partners, LLC



June 30, 2010

Director, Planning Department
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Re: Honua'ula/Wailea 670's Draft Environmental Impact Statement

Maui Tomorrow Foundation, Inc appreciates the opportunity to offer comments on the Draft EIS (DEIS) for the Honua'ula/ Wailea 670 project. We request that the accepting agencies find this document premature and incomplete, and require the applicant to follow the EIS process as described in HRS Ch 343 and HAR 11-200—7, 16 and 17. Our specific comments are presented below.

SEGMENTATION OF ACTIONS:

HAR §11-200-7 Multiple or Phased Applicant or Agency Actions

A group of actions proposed by an agency or an applicant shall be treated as a single action when:

The component actions are phases or increments of a larger total undertaking;

An individual project is a necessary precedent for a larger project;

An individual project represents a commitment to a larger project;

Environmental review of the following actions proposed by the applicant and/or required as a condition of rezoning by the Maui County Council must be included in the DEIS in order for it to be complete.

Merely mentioning or describing an action in the DEIS does not constitute evaluation of its environmental impacts as specified in HAR 11-200-17(E). The law makes it clear that individual actions, which are part of a larger project, cannot be segmented from the whole.

In Section 1.6 the DEIS outlines the scope of the document.

"SCOPE OF THIS EIS"

This EIS covers potential impacts relating to Honua'ula, "the Property" (TMK (2) 2-1-08:056 and (2) 2-1-08:71) and potential off-site improvements, including:

- Extending Pi'ilani Highway from Wailea Ike Drive to Kaupahi Street. (TMK (2) 2-1-08: 999 (portion));
- Wastewater transmission line alignment for possible connection to the Mākena Resort Wastewater Reclamation Facility (WWRF), which is located approximately one mile south of Honua'ula (TMK (2) 2-1-08: 090 (portion)); (TMK (2) 2-1-08: 108 (portion));
- Off-site wells, storage tanks, and transmission lines (TMK (2) 2-2-02: 050 (portion)); (TMK (2) 2-2-02: 054 (portion)) (TMK (2) 2-1-08: 054 (portion)); (TMK (2) 2-1-08: 001 (portion)); and
- Possible expansion of the Maui Electric Company (MECO) electrical substation located within the Honua'ula property (TMK (2)2-1-08: 043).

We note below the status of required environmental review for these actions, as well as others not mentioned:

1. Use of the state right-of-way for the Pi'ilani extension through the property to connect with Kaupahi Drive.

STATUS: This project is one of the "triggers" for the current DEIS which has some evaluation of drainage, traffic and other impacts connected with the new road, but other essential information is not provided.

It does not appear from the Archaeological Inventory Survey (AIS) that the proposed corridor has had specific archaeological review, in the past five years. In fact, of the 7 cultural sites originally located along the Pi'ilani extension corridor in a 1972 survey, only

4 have been relocated by the present project. Not discussed is whether any portion of the Piilani corridor is part of the endangered Blackburn moth habitat.

The DEIS should also supply specific agreements the developers have with the state Department of Transportation for use of the right of way, to insure a transparent process. Was the state compensated for this valuable "right of way" land? Will the Piilani right of way remain public land, or be considered one of the project's "private roads"? What agreements does Honua'ula LLC have with Ujupatakua Ranch for future shared use of the majority of the right of way still under Ranch ownership? None of these topics are included in the draft EIS. The DEIS should also indicate if any federal funds were involved in acquisition of the state right of way for the Piilani extension, and if a federal EIS process would be triggered.

2. Wastewater transmission line alignment for possible connection to the Makena Resort Wastewater Reclamation Facility

STATUS: Botanical survey reportedly done of various routes. No map or report included, and no mitigations proposed. No map or report of archaeological survey of pipeline route in Makena Resort area. No discussion of impacts to drainage features, air or water quality or other natural features or resources. No discussion of secondary or cumulative impacts. No discussion of impacts to wastewater availability for present or future residences or businesses in Makena Resort or Makena village, or to irrigation requirements for Makena golf course. No discussion of social implications such as homeowners' wastewater fees.

3. Off-site wells, storage tanks, and transmission lines

STATUS: Discussion of hydrology of off-site well area and maps of well, tank and transmission line sites included in DEIS. No flora or fauna survey, archaeological survey, no discussion of impacts to drainage features, air or water quality or other natural features or resources. No discussion of secondary or cumulative impacts. No discussion of impacts increased storage and transmission capacity may have on present or future irrigation well owners in the Wailea/South Maui area. No discussion of social implications, such as homeowners' water fees.

Tanks and lines for the onsite potable/non potable system are located in the Upcountry Community Planning area. The Upcountry Community Plan has policies which permit such structures only if the water is intended for use in the Upcountry Planning area. Honua'ula is located in the Kihei-Makena plan area. This lack of compliance with the Upcountry Community Plan is NOT discussed in the DEIS.

4. Possible expansion of the Maui Electric Company (MECO) electrical substation located within the Honua'ula property

STATUS: Map and brief discussion provided in DEIS, but no analyses of impacts to drainage features, air or water quality or other natural features or resources. No discussion of hazard risks from pollutants, secondary or cumulative impacts. No discussion of impacts increased electrical transmission capacity may have on plans for future projects such as the Auwahi Windfarm transmission line or a proposed pump

storage project being discussed for the south Kihei area. No discussion of social implications, such as effect on homeowners' electric fees.

5. Construction of 250 affordable units and other improvements offsite at Kaonoulu Light industrial area to satisfy a portion of the project's affordable housing requirements.

STATUS: DEIS provides a brief description and conceptual map of the 13 acre affordable housing project site in the TMP report (Appendix M). It is not discussed whether separate environmental review has been done for the property. If this has been done, no summary is provided in the DEIS. The only analysis provided is of traffic impacts - during construction and post construction. There are no analyses of energy demand, impacts to cultural sites, flora and fauna, drainage, air or water quality or other natural features or resources. No discussion of hazard risks, demands upon public water, wastewater and solid waste disposal facilities, public safety services, secondary or cumulative impacts.

6. Use of State of Hawaii right-of-way for the widening of Pi'ilani Hwy between Kilohana and Wailea Ike Drive and Wailea Ike/Piilani Hwy intersection improvements.

STATUS: Final EA accepted January of 2010 for Wailea Ike/Piilani Intersection improvements.

Regarding the Piilani widening project, according to the DEIS: "State DOT is currently reviewing the draft EA before notice of the draft EA is published in the Office of Environmental Quality Control (OEQCS) Environmental Notice and the public comment period commences. A Special Area Management Permit application is also being processed."

Neither document is provided as an appendix to the DEIS, nor is a summary of the environmental impacts evaluated included. Only a summary of traffic impacts addressed by the project is included.

7. Onsite Wastewater Treatment Facility

STATUS: No mention is made regarding the assessment of potential impacts from an on-site wastewater reclamation facility, even though the applicant has stated that its possible development is a trigger for this DEIS.

As noted above, no detailed assessment is mentioned or offered for the Makena Resort WWRF, even though this facility will become part of the project if Honua'ula connects to it. This is the applicant's preferred option, yet no detailed analysis is offered and no analysis of potential impacts and mitigation measures is provided. Authorization from Makena Wastewater Corporation for this option has not been obtained.

It is also noted that the DEIS states under the listed "triggers" for the project's EIS;

"In addition, creation of Honua'ula may involve or impact State and/or County lands or funds relating to infrastructure improvements for public facilities, roadways, water, sewer, utility, drainage, or other facilities. **While the specific nature of each**

improvement is not known at this time, this EIS is intended to address all current and future instances involving the use of State and/or County lands and/or funds relating to Honua'ula." (Emphasis added).

Under what future circumstances might the proposed action utilize public monies? This must be disclosed and included in the assessment of potential impacts relative to its use.

If the "specific nature" of a project action that may involve State and/or County land and/or funds is not known at this time, it is premature to submit a DEIS. A DEIS must include consideration of all phases of the action and consideration of all consequences on the environment (11-200-17 (I) HAR). Again, the EIS must provide the information necessary to permit an evaluation of potential environmental impacts. (11-200-17(E) HAR].

CONCLUSION: DEIS APPLICATION IS INCOMPLETE AND PREMATURE

Accepting agencies should find that the Honua'ula DEIS application is incomplete and premature. Critical components of the proposed action have not yet been decided and are therefore not discussed in sufficient detail to permit an evaluation of potential environmental impacts – the very purpose of an environmental impact statement and a requirement under Section 11-200-17(E) HAR.

Wastewater Treatment

The applicant has not yet determined if it will build an on-site wastewater facility (as was represented to the County Council when obtaining a change in zoning) or run sewage lines to Makana Wastewater Reclamation Facility (MWRf), which may need to be expanded to accommodate Honua'ula. Neither option is sufficiently discussed to determine potential adverse impacts, or even the feasibility of successful operation. Furthermore, the applicant has not provided authorization for the use of MWRf.

Until the actual wastewater system is determined, it is premature to submit a DEIS for evaluation and review.

Roadway Agreements

The DEIS states on the bottom of page 104, "Proposed agreements regarding the roadway improvements will be incorporated in the Phase II application and will be finalized as part of Project District Phase II approval." As noted above, the applicant cannot postpone the disclosure of roadway agreements effecting the assessment of traffic impacts. Any roadway agreements must be disclosed in the DEIS.

Water Systems

The DEIS includes extensive studies and reports supporting analysis on traffic, noise, air quality, economics, and marketing but the Preliminary Engineering Report does not provide enough quantitative data on wastewater or water systems to permit any impact analysis. The DEIS provides declaratory statements about these systems without supporting technical studies to substantiate its claims. There are no hydrology reports or a wastewater system analysis for a very elaborate system, regardless of which option is utilized.

Noise Impacts

The DEIS does not address noise impacts from the widening of Pili'ani Highway. The

DEIS states on page 173, "An EA specifically addressing the impacts (including noise impacts) of the widening (of) Pili'ani Highway is being prepared and will be submitted to the State OEQC for public and State agency review."

The applicant cannot segment portions of the project into separate reviews. The widening of Pili'ani Highway is a necessary precedent to any construction of the proposed project (Change in Zoning Condition 2.a.) and must be included in this DEIS. The suggestion that noise-attenuating walls are recommended along the highway presents a serious impact that should be fully discussed in this DEIS. Section 11-200-7 HAR requires that a group of actions proposed by an applicant shall be treated as a single action when the individual project is a necessary precedent for a larger project.

Electrical Infrastructure

The DEIS does not provide discussion of the "possible" expansion of the existing electrical substation even though it states on page 133 that "the Wailea Substation is nearly filled to capacity." The DEIS states that MECO needs more information before confirming the need for expansion. The applicant should provide the necessary information to include full discussion of the project's electrical needs and the actions needed to fulfill those needs. What will the expansion of the Wailea Sub-station entail? What will be the impact to ratepayers for the expansion of the sub-station?

SUMMARY OF NEEDED ACTION:

An applicant cannot ask for Chapter 343 approval for a possible trigger that has not been adequately evaluated within the scope of the DEIS.

The applicant cannot define or limit the scope of the EIS for his own purposes. Title 11, Chapter 200, Environmental Impact Statement Rules, prescribes the scope of an EIS. The proposed project and any proposed actions associated with it, whether "possible" or factual, form the scope of the EIS and must be included.

We request that reviewing agencies compel Honua'ula LLC to follow the law. The EIS should not segment or avoid discussion, evaluation and mitigations for these complex components of the whole project.

We request that the DEIS be redone to include required environmental evaluation of the planned and proposed offsite infrastructure and housing projects that are part of its original scope of approval.

With the exception of the Environmental Assessment (EA) for Pili'ani/Wailea Ika intersection improvements, the public has had no chance to evaluate these proposed actions. Even with the EA issued for the Wailea intersection improvements, there has not been an opportunity provided to evaluate need, impacts and mitigations in light of the larger scope of the Honua'ula project. It is not enough that these topics are included in the Final EIS where all opportunity for meaningful comments by the public and reviewing agencies will be foreclosed.

Comments on Other DEIS Sections:

Flora and Fauna

The DEIS does not evaluate the relative merits of allowing hundreds of native plants to continue living in their preferred habitat, as was intended by Condition of Rezoning No. 27, against the biological viability of damaging existing habitat, and then transplanting or out planting native species in other locations in a 120 acre suburban setting. Conservation biologists do not support fragmenting existing habitat as a preferred survival strategy.

The DEIS does not disclose that the 143-acre "Native Plant Enhancement area" will have no legal protection. The 143 acres cannot, and should not, be compared to a 130 acre contiguous, well established, naturally occurring dryland forest habitat area. If the project wishes to utilize native plants for landscaping in parks, gulches, golf course rough and common areas, that is sensible. But the DEIS provides no basis to conclude that this would be a more effective way of insuring viability of native species than preserving their existing habitat. The proposed out-planting should be practiced in conjunction with in situ preservation of 130 acres, not in lieu of that preservation.

Condition 27 requires that the entire 130 acres of native lowland forest receive review and recommendations from Department of Land and Natural Resources (DLNR), U.S. Fish and Wildlife (USFW) and the U.S. Corps of Engineers (USACE) before determining the scope of the preservation easement. It appears that the responsible agencies are being brought into the decision making process after the landowners have already made their preservation decisions.

Without this review and determination by the reviewing agencies as to the portions of the property that do not merit preservation, the DEIS must conform to the legal requirement of Condition 27 which states "The Easement shall comprise the portion of the property south of latitude 20/40/15.00 N."

Again, the applicant is postponing required authorizations in order to avoid full disclosure of necessary and critical information. This should have been done prior to submitting a DEIS in order to allow for full project disclosure.

No discussion is offered regarding the report titled "Remnant Wiliwili Forest Habitat at Wailea 670, Maui, Hawaii" prepared by Dr. Lee Altenberg substantiating the need to preserve the 130 native lowland forest and which the Maui County Council directed the applicant to submit to DLNR, USFW and USACE for their review prior to submitting recommendations on what does not merit preservation.

Section 11-200-16 HAR requires the DEIS to include opposing views. "In order that the public can be fully informed and that the agency can make a sound decision based upon the full range of responsible opinion on environmental effects, a statement shall include responsible opposing views, if any, on significant environmental issues raised by the proposal."

Cultural practitioners, who are part of Maui Tomorrow Foundation, have commented for many years regarding the deep connection between the native plants and animals found on the Wailea 670 site and its importance as a traditional cultural landscape. Substantially destroying or altering the biological ecosystem alters the cultural integrity of the site and restricts the full practice of traditional and customary practices.

ACTION:

We request that the DEIS be found not acceptable until the "Alternatives" section includes a discussion and map showing the project layout if a 130 acre contiguous preserve area, located south of 20 degrees 40'15", was set aside as critical habitat for endangered fauna, native plants and cultural preservation.

Cultural Resource Review

The cultural review documents, although very bulky, are one of the most incomplete and inadequate sectors of the DEIS.

Archeological Inventory Survey

The AIS for this proposed project has been under consideration through HRS Chapter 6E Historic Preservation Review process since 2000. It has received three review letters on its inventory survey from State Historic Preservation Division (SHPD) dated August 29, 2000, August 28, 2001 and January 17, 2002, with each letter asking for revisions, including further inventory survey of both the northern and southern portions of the property, additional testing and specific justifications for significance evaluations.

These letters and any other correspondences between the applicant and State are not included in the DEIS. The Office of Hawaiian Affairs also requested additional inventory level work on the site in several letters. These are also not disclosed in the DEIS. Instead, the project's AIS creates its own version of where it stands in the State Historic Review process.

Cultural practitioners have documented many additional historic sites and site complexes that have not been recorded in the applicant's AIS and have forwarded pictures and locations to SHPD.

Cultural Resources Preservation Plan (CRPP)

Significance Evaluations of Cultural Sites

No specific rationale is provided in the AIS or CRPP assessing the significance of each site. To be in compliance with State Historic Preservation law, the AIS and this DEIS must provide justification for classifying the significance of each site with supportive documentation provided. (Section 13-284-6d (1)(B) HAR). For an example, why are some caves – described as overhang shelters in the AIS- slated for preservation while others are not?

Criteria used in evaluating significance in this AIS are those adopted by the Hawaii State Register. These are not the exact criteria specified in 13-284-6(b) 1-5 HAR, by which this AIS and DEIS must comply. Specifically, the Criterion "E" used in this AIS omits the following important language (underscored.)

(5). Criterion 'e' Have an important value to the Native Hawaiian people, or to another ethnic group of the state due to associations with cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events or oral accounts – these associations being important to the groups history and cultural identity.

The AIS must evaluate the historic properties using this specific criteria, but it fails to do so. Instead, it appears the criteria used to determine site significance is the site's

location relative to planned development areas.

Site descriptions do not provide an assessment of site functions with reasonable and adequate supportive arguments or an assessment of site age as required by Section 13-276-5(d) (4) H & J HAR. The AIS must provide such assessments in order for this DEIS to have the information necessary to permit an evaluation of potential environmental impacts. (Section 11-200-17 [E] HAR).

The lack of adequate site assessments in the AIS is in part due to extremely limited testing, inadequate mapping of site complexes and minimal background research regarding kuleana land owners in the ahupua'a of Pae'āhu, Palaua'ea and Keaehou. One example: no native or foreign testimony for the Land Commission Award (LCA) in the region is included. The excuse has been made that the rocky site terrain makes subsurface testing impractical, yet extensive testing has been done in exactly the same terrain throughout the makai sections of Palaua'ea and Keaehou ahupua'a.

Any **Cultural Resources Preservation Plan (CRPP)** for the Honua'ula project is completely premature. The DEIS should contain a complete AIS reviewed by OHA and approved by SHPD, after public comments have been addressed, in order to ensure that environmental impacts to all sites on the property can be adequately evaluated. A Cultural Resources Preservation Plan (CRPP) cannot be completed until a complete inventory of cultural sites is documented, mapped, tested and evaluated, reviewed and approved through the AIS process.

Cultural Impact Assessment

The Cultural Impact Assessment (CIA), although lengthy, is missing key information needed by SHPD, OHA, the Maui Cultural Resources Commission and Maui Planning Commission to make sound decisions regarding cultural preservation on the project site.

Protection for Historic Roads and Paths and Traditional Access

The CIA concludes that traditional mauka-makai access should be protected, but did not ask its interviewees specific questions about their knowledge of traditional trails and historic roads, such as the Kanaio-Kalama Park road. One CIA interviewee, Edward Chang Jr. has given public testimony on other occasions regarding his use of a trail from Ulupalakua junction, on Makena-Ulupalakua road, to Kalama Park in Kihei. Other kupuna have confirmed this use of a historic trail (older than 50 years) during public testimony. The CIA should advocate for preservation of the current portion of the Kanaio-Kalama Park road to comply with the Kihei-Makena Community Plan policy:

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

The argument that Kanaio-Kalama is not a "Kingdom" road on maps prior to 1892" is not of any consequence. The Community Plan does not specify protection of only Kingdom roads. The argument that the current road does not follow the path of the original military road is not proven by any research or in the maps included in the AIS or CIA, and is also inconsequential. Old Makena Road, Hana Highway and other roads regarded as "historic" have also had their paths altered by time. A portion of Hana Highway is listed on the National Register of Historic Places. The CIA should do its homework and compile existing resources to comply with the Community Plan and advocate for protection of this important cultural asset.

The CIA also failed to insist on greater research regarding the relationship of the area's cultural sites with extensive cultural complexes located seaward in the same ahupua'a.

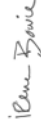
The CIA refers to the Kumuhonua genealogy which is associated with Honua'ula through oral accounts and traditional beliefs, but fails to explain the extremely sacred connotation this genealogy confers onto the Honua'ula lands. This cultural connection with a famous genealogy must be disclosed and its significance to preservation decisions adequately discussed in the CIA.

Also, the CIA has made no effort to contact, interview, consult with or act upon recommendations of the numerous individuals who are cultural descendants of this land, although those individuals have identified themselves during public hearings.

ACTION

Maui Tomorrow Foundation, Inc. requests that the Honua'ula DEIS not be found acceptable. The DEIS is premature because it does not contain a complete and approved AIS for the project area. Without a complete AIS, it is premature to consider a CRPP. With this process incomplete, the necessary information to permit an evaluation of potential environmental impacts, as required by (11-200-17(E) HAR), is not available.

Thank you for continuing to consider Maui Tomorrow Foundation a consulted party in this matter



Irene Bowie,
Executive Director



May 31, 2012

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Response: According to the Supreme Court of Hawai'i (Court) in its ruling in the 2007 Superferry case, *Sierra Club v. Department of Transportation*, 115 Haw. 299 (2007) ("*Superferry I*"), "Rules like HARS11-2007 are meant to keep applicants from escaping full environmental review by pursuing projects in a piecemeal fashion." As you are aware, the Superferry I case involved the State Department of Transportation's (DOT) determination that improvements to Kahului Harbor to accommodate the Superferry were exempt from the requirements to prepare an environmental assessment (EA). The Court ruled that DOT's determination was erroneous and that "the public was prevented from participating in an environmental review process for the Superferry project by DOT's grant of an exemption to the requirements of HRS chapter 343."

In a case previous to Superferry I, *Kahana Sunset Owners Ass'n v. County of Maui* 86 Haw. 66 (1997) ("*Kahana Sunset*"), the Court also held that an exemption to preparing an EA was improperly granted. *Kahana Sunset* concerned a situation where the County of Maui granted an exemption to preparing an EA for drainage improvements beneath a public street. The drainage improvements were necessary to facilitate the development of a condominium project (Napilihau Villages), for which there was no specific requirement to prepare an EA. In its ruling on *Kahana Sunset*, the Court held that an EA was necessary for the drainage improvements and that the EA had to include consideration of the larger project which would connect to the drainage improvements because the drainage system was a "necessary precedent" for the larger project and would have no independent utility—it would not be constructed except as part of the larger project.

The facts of the Superferry I and the *Kahana Sunset* cases are fundamentally distinct from the situation of Honua'ula. According to the Court in *Kahana Sunset* and Superferry I, segmentation is improper where it permits incremental consideration of portions of a project in an attempt to avoid environmental review. Unlike the Superferry I and *Kahana Sunset* cases, no exemptions to preparing EAs have been sought or granted for any actions associated with Honua'ula and there has been no attempt whatsoever to avoid required environmental review. The Honua'ula Draft EIS provides in-depth environmental review of the Honua'ula project, which includes discussion of the following actions and other items associated with Honua'ula that you list in your letter (items 1 to 7):

1. Extending Pī'ilani Highway from Wailea Ike Drive to Kaukahi Street; a portion of which will be on right-of-way (ROW) owned by the State of Hawaii;
2. Waste water transmission line for possible connection to the Mākena Resort Wastewater Reclamation Facility (WWRF);
3. Off-site wells, waterline, and storage tanks;
4. Possible expansion of the Maui Electric Company (MECO) electrical substation located within the Honua'ula property;
5. The 250 off-site affordable homes to be provided in the Ka'ono'ulu Light Industrial Subdivision to satisfy a portion of Honua'ula's affordable housing requirements
6. Widening Pī'ilani Highway from Kilohana Drive to Wailea Ike Drive; and
7. The on-site wastewater treatment facility.

SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Ms. Bowtie:

Thank you for your letter dated June 30, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. The organization of this letter generally follows the headings and subheadings of your letter.

OPENING COMMENTS

Comment: We request that the accepting agencies find this document premature and incomplete, and require the applicant to follow the EIS process as described in HRS Ch 343 and HAR 11-200—7, 16 and 17.

Response: The Draft EIS and the subsequent Final EIS are, and will be, prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes (HRS) and Title 11, Chapter 200, Hawai'i Administrative Rules (HAR)). The EIS laws and rules do not provide for the accepting authority to find a draft EIS "premature and incomplete." Rather, the EIS laws and rules provide for the preparation of a draft EIS, a review process, and the preparation of a final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments, and our responses. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

SEGMENTATION OF ACTIONS

Comment: HARS11-2007 Multiple or Phased or Applicant or Agency Actions
A group of actions proposed by an agency or an applicant shall be treated as a single action when: The component actions are phases or increments of a larger total undertaking; An individual project is a necessary precedent for a larger project; An individual project represents a commitment to a larger project;

Environmental review of the following actions proposed by the applicant and/or required as a condition of rezoning by the Maui County Council must be included in the DEIS in order for it to be complete.

Merely mentioning or describing an action in the DEIS does not constitute evaluation of its environmental impacts as specified in HAR 11-200-17(E). The law makes it clear that individual actions, which are part of a larger project, cannot be segmented from the whole.

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However it is important to note that, contrary to the assertions made in your letter, not all of these items are "actions" under Chapter 343, HRS. Specifically, the following four items are not "actions" under Chapter 343, HRS:

- The wastewater transmission line for possible connection to the Mākena Resort WWRF;
- The off-site wells, waterline, and storage tanks;
- The possible expansion of the MECO electrical substation located within the Honua'ula property
- The 250 off-site affordable homes to be provided in the Ka'ono'ulu Light Industrial Subdivision to satisfy a portion of Honua'ula's affordable housing requirements.

The items that are "actions" (i.e. that trigger environmental review under Chapter 343, HRS) are:

- Extending Pīlani Highway from Wailea Ike Drive to Kaukahi Street; a portion of which will be on ROW owned by the State of Hawaii
- Widening Pīlani Highway from Kiloohana Drive to Wailea Ike Drive; and
- The possible on-site wastewater treatment facility

In addition, improvements to the intersection of Wailea Alanui/Wailea Ike Drive that were discussed in the Draft EIS are also an "action" under Chapter 343, HRS.

This distinction regarding "actions" is important because in the Superferry I case the Court also ruled on the applicability of HARS 11-200-7 and determined that this rule applies to "actions" or "groups of actions" subject to Chapter 343, HRS. Regarding HARS 11-200-7, in the Superferry I decision the Court stated: "The rule discusses situations when a 'group of actions ... shall be treated as a single action.'" To this end, the Court made a distinction regarding the exemption for the harbor improvements, which the Court clearly saw as an "action" under Chapter 343, and the Superferry itself, which the Court determined was not an "action." In other words, the Superferry operations, standing alone were not an "action" under Chapter 343, HRS. Thus in the Superferry I case, the Court ruled that "HAR § 11-200-7 does not apply as there is 'no group of actions' to be treated as a single action." Thus DOT was not in violation of HAR § 11-200-7.

Similarly the Honua'ula Draft EIS is not in violation of HAR § 11-200-7. The Honua'ula Draft EIS included discussion regarding all of the "actions" that are subject to Chapter 343 and other items listed above and also noted that individual EAs had been or were being prepared for: 1) the widening of Pīlani Highway from Kiloohana Drive to Wailea Ike Drive; and 2) improvements to the Wailea Ike Drive and Wailea Alanui Drive intersection.

In your comment above you state that: "Merely mentioning or describing an action in the DEIS does not constitute evaluation of its environmental impacts as specified in HAR 11-200-17(E)." In response to this, first, Section 11-200-17(E) HAR pertains to what is required for an EIS project description. The Honua'ula Draft EIS meets the criteria specified under Section 11-200-17(E), HAR regarding what is required for an adequate project description along with all other subsections (A-P) of Section 11-200-17, HAR pertaining to the content requirements of a draft EIS. Second, regarding the level of discussion in the Draft EIS given to each of the "actions" subject to Chapter 343 and the other items listed above, we note that Section 11-200-19, HAR provides, in part, that:

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Data and analyses in a statement shall be commensurate with the importance of the impact, and less important material may be summarized, consolidated, or simply referenced...Care shall be taken to concentrate on important issues and to ensure that the statement remains an essentially self-contained document, capable of being understood by the reader without the need for undue cross-reference.

In conformance with this rule, considerable care was taken in the Honua'ula Draft EIS to concentrate on the important issues associated with the potential impacts of the greater Honua'ula project, with lesser emphasis on relatively less important material related to other items such as the off-site infrastructure, extending Pīlani Highway from Wailea Ike Drive to Kaukahi Street, the wastewater transmission line for possible connection to the Mākena Resort WWRF, and the water transmission lines and storage tank. While these items may have impacts, data and analyses of these impacts was not considered commensurate with the importance of the data and analyses necessary to address the impacts of the greater Honua'ula project. Hence in the Draft EIS not all items were addressed with the same level of detail as the greater Honua'ula project. However every "action" associated with Honua'ula and other items listed above have been disclosed as part of the required environmental review process and the public has not been prevented from participating in this environmental review process for any aspect regarding Honua'ula as evidenced by, for example, your letter.

Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process—including your comments—regarding the level of detail provided in the Draft EIS pertaining to the "actions" subject to Chapter 343, HRS and other items listed above associated with Honua'ula. To this end, in the Final EIS several sections will be revised as explained and shown in subsequent sections of this letter and the several attachments included with this letter. These changes include providing the Pīlani Highway Widening Final EA and the Wailea Ike Drive and Wailea Alanui Drive Intersection Improvements Final EA as appendices to the Final EIS and revising appropriate sections of the Draft EIS to integrate relevant information from these EAs. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

In further responding to your comments regarding "segmentation of actions," in your comment above you state:

The law makes it clear that individual actions, which are part of a larger project, cannot be segmented from the whole.

In addition, on the sixth page of your letter you provide the following comments:

The applicant cannot segment portions of the project into separate reviews. The widening of Pīlani Highway is a necessary precedent to any construction of the proposed project (Change in Zoning Condition 2.a.) and must be included in this DEIS.

Section 11-200-7 HAR requires that a group of actions proposed by an applicant shall be treated as a single action when the individual project is a necessary precedent for a larger project.

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For clarity in responding to these three similar and related comments we deviate somewhat from the standard format of this letter in addressing each of your comments in the sequence they occur in your letter. Below we address all three comments together, as the comments are related and the response is relevant in context with the overall discussion in this section of this letter.

We note that according to the Court in *Kahana Sunset and Superferry, L*, segmentation is improper where it permits incremental consideration of portions of a project in an attempt to avoid environmental review. Given that an EIS has been prepared for Honua'ula and EAs have been prepared for the widening of Pīlani Highway and the Wailea Ike Drive and Wailea Alanui Drive intersection improvements, there has been no attempt whatsoever to avoid environmental review.

Further, while widening Pīlani Highway is a condition of Honua'ula's rezoning ordinance (County of Maui Ordinance No. 3554, Condition 2a), it is important to note that the need for this improvement has been long established and significantly predates the Honua'ula rezoning ordinance. Indeed, the need to widen Pīlani Highway from two lanes to four has been called for in various plans and studies as far back as 1996. For example the:

- *Kihei Traffic Master Plan*, published in 1996 by the State DOT, DPWWM, and the Maui County Department of Planning recommended: "Widening of Pīlani Highway from two to four lanes from Mokulele Highway to south of Kīlohana Drive." (Recommended Improvement No. 2)
- *County of Maui Long-Range Land Transportation Plan, Final Report*, published in 1997 by DOT, DPWWM, and the Maui County Department of Planning recommended that Pīlani Highway from Mokulele Highway to Wailea be widened "from two to four lanes" (Improvement No. 56).
- *Kihei-Makena Community Plan*, published in 1998 as County of Maui Ordinance No. 2641, Bill No. 5 stated: "require adequate interregional highway capacity; including the widening of Pīlani and Mokulele Highways to four lanes".
- *Kihei Traffic Master Plan Study*, published in 2003 by Parsons Brinckerhoff Quade & Douglas for DPWWM recommended that the "Maximum Pīlani Highway Corridor" alternative be adopted; to achieve this Pīlani Highway in the interim would be widened from two to four lanes and ultimately Pīlani Highway would be widened to six lanes or an alternative parallel roadway would be constructed mauka of Pīlani Highway.

In addition, the current Traffic Impact Analysis Report (TIAR) prepared for Honua'ula (Appendix L of the Draft EIS) concluded that by 2016 the widening of Pīlani Highway to four lanes would be necessary even if Honua'ula is not built. Likewise, the TIAR also concluded that a signal at the Pīlani Highway/Okolani Drive/Mikioi Place intersection also would be necessary. The long-established need for the widening of Pīlani Highway, and the fact that it is not exclusive to Honua'ula, is also underscored by the fact that both Wailea and Makena Resorts are also being required to fund this improvement.

Thus the widening of Pīlani Highway to four lanes cannot be considered a necessary precedent solely for Honua'ula, as the need for widening has been long recognized, dating back to at least 1996, and even the most recent TIAR anticipates that regional traffic conditions will warrant the widening of the highway independent from Honua'ula. Therefore, unlike the *Kahana Sunset* case, where drainage improvements would not be necessary if the larger project were not built, the

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widening of Pīlani Highway would in fact be necessary even if Honua'ula were not built. This is a critical distinction in the context of Section 11-200-7 HAR.

Similar to the widening of Pīlani Highway, while the Wailea Alanui/Wailea Ike Drive intersection improvements are a condition of Honua'ula's rezoning ordinance (County of Maui Ordinance No. 3554, Condition 2i), these improvements are not needed solely because of Honua'ula, but rather are necessary due to the build-out of Wailea and Makena Resorts. Both the Wailea Resort and the Makena Resort developments are projected to place additional traffic demands on Wailea Alanui and its key intersections, as documented in:

- Traffic Impact Analysis Report, Wailea Resort, Revised Master Plan-2005 (Austin, Tsutsumi & Associates, Inc. 2005);
- Traffic Impact Analysis Report for the Proposed Makena Resort Master Plan, August 18, 1999 (The Traffic Management Consultant 1999); and
- Makena Resort Master Plan Traffic Study (Phillip Rowell and Associates 2007).

These traffic reports recommend modifications to the Wailea Alanui/Wailea Ike Drive intersection because of future traffic associated with the build-out of Wailea and Makena Resorts. Thus, the Wailea Alanui/Wailea Ike Drive intersection improvements are not exclusive to Honua'ula and cannot be considered a necessary precedent solely for Honua'ula. Similar to the widening of Pīlani Highway, the Wailea Alanui/Wailea Ike Drive intersection improvements would be necessary even if Honua'ula were not built, making this situation fundamentally distinguishable from the *Kahana Sunset* case.

The entire Kihei-Makena region benefits from the widening of Pīlani Highway, and the widening is a separate DOT project meant to address regional traffic impacts that is being implemented with private funding, with the DOT overseeing the design, permitting, and construction. The use of State lands triggers agency compliance with Chapter 343, HRS (The Environmental Impact Statement law). As such, it is proper that the EA for the widening of Pīlani Highway be processed separately from the Honua'ula Draft EIS with DOT as the accepting agency. Similarly, the Wailea Alanui/Wailea Ike Drive intersection improvements will provide regional improvements to a County roadway and therefore it is proper that the EA for the intersection improvements be processed separately from the Honua'ula Draft EIS with the County Department of Public Works as the accepting agency.

For the widening of Pīlani Highway to four lanes, along with the required intersection improvements at the Pīlani Highway/Okolani Drive/Mikioi Place intersection, the Pīlani Highway/Wailea Ike Drive intersection, and the Pīlani Highway/Kīlohana Drive/Māpu Place intersection, preliminary design of these improvements has been completed and a draft and final EA were prepared. The State DOT has accepted the final EA and issued a Finding of No Significant Impact, which was published in the Office of Environmental Quality Control's (OEQC) *The Environmental Notice* on May 8, 2012.

For the Wailea Alanui/Wailea Ike Drive intersection improvements, design has been completed, a draft and final EA were prepared, and the County Department of Public Works has accepted the final EA and issued a Finding of No Significant Impact. The Maui Planning Commission has also approved a Special Management Area (SMA) Use Permit for the intersection improvements.

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It should also be noted that the DOT and County of Maui have also been consulted and actively involved throughout the environmental review process for Honua'ula, the widening of Pīlani Highway, and the Wailea Alanui/Wailea Iike Drive intersection improvements. At no time has the DOT, the Maui County Department of Planning, or the Maui County Department of Public Works ever raised concerns regarding the separate processing of the EIS and the EAs or how the environmental review of these projects has proceeded.

In conclusion and summary, the harm from segmentation that HARS11-200-7 is intended to prevent is not relevant regarding Honua'ula, and the Honua'ula EIS is not in violation of HARS11-200-7. The Honua'ula project, the widening of Pīlani Highway, and the Wailea Alanui/Wailea Iike Drive intersection improvements do not constitute a "group of actions" to be treated as a single action. The widening of Pīlani Highway and the Wailea Alanui/Wailea Iike Drive intersection improvements are not "necessary precedents" solely for Honua'ula and therefore fall outside the scope of what Section 11-200-7 HARS seeks to redress. As has been explained above, the widening of Pīlani Highway and the Wailea Alanui/Wailea Iike Drive intersection improvements would be necessary even if Honua'ula were not built. The Honua'ula actions that can be correctly correlated to Honua'ula as a group of actions—namely the possible on-site wastewater treatment facility and extending Pīlani Highway from Wailea Iike Drive to Kauhahi Street on a portion of the ROW owned by the State of Hawaii—have been correctly identified and discussed in the Honua'ula Draft EIS, as these actions are "necessary precedents" to Honua'ula, that is, they would have no independent utility and would not be necessary if Honua'ula were not built. However, the Honua'ula Draft EIS also includes discussion on the widening of Pīlani Highway, the Wailea Alanui/Wailea Iike Drive intersection improvements, and other on- and off-site improvements. Per public comments received, elaboration regarding actions subject to Chapter 343, HRS and other on- and off-site improvements will be included in the Final EIS as explained and shown in subsequent sections of this letter and the several attachments included with this letter.

Every relevant aspect of the Honua'ula project, both "actions" under Chapter 343 and other items, has undergone required environmental review, including disclosure of the environmental impacts and complete public review and comment. As appropriate, the Final EIS will be revised to incorporate substantive comments received during the review process. As noted above, in the Superferry I case the Court opined that "Rules like HARS11-200-7 are meant to keep applicants from escaping full environmental review by pursuing projects in a piecemeal fashion." Further in Kahana Sunset and Superferry J, the Court determined that segmentation is improper where it permits incremental consideration of portions of a project in an attempt to avoid environmental review. Both the Superferry I and the Kahana Sunset involved instances where an agency or an applicant sought to avoid environmental review by seeking an exemption to preparing an EA. Unlike the Superferry I and Kahana Sunset cases: 1) no exemptions to preparing EAs have been sought or granted for any actions associated with Honua'ula; 2) there has been no attempt whatsoever to avoid required environmental review; and 3) the public has not been prevented from participating in the environmental review process for any aspect regarding Honua'ula.

In Section 1.6 the DEIS outlines the scope of the document.

Comment: "SCOPE OF THIS EIS"

This EIS covers potential impacts relating to Honua'ula, "the Property" (TMK (2) 2-1-08:056 and (2) 2-1-08:71) and potential off-site improvements, including:

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- Extending Pīlani Highway from Wailea Iike Drive to Kauhahi Street. (TMK (2) 2-1-08: 999 (portion));
- Wastewater transmission line alignment for possible connection to the Mākena Resort Wastewater Reclamation Facility (WWRF), which is located approximately one mile south of Honua'ula (TMK (2) 2-1-08: 090 (portion)); (TMK (2) 2-1-08: 108 (portion));
- Off-site wells, storage tanks, and transmission lines (TMK (2) 2-2-02: 050 (portion)); (TMK (2) 2-2-02: 054 (portion)) (TMK (2) 2-1-08: 054 (portion)); (TMK (2) 2-1-08: 001 (portion)); and
- Possible expansion of the Maui Electric Company (MECO) electrical substation located within the Honua'ula property (TMK (2) 2-1-08: 043)."

We note below the status of required environmental review for these actions, as well as others not mentioned:

Response: Our responses to each of your concerns are provided below and generally follow the numbering and headings of your letter. To clarify your use of the word "action" we reiterate our point from above that not all of the items you cite constitute "actions" that trigger environmental review under Chapter 343, HRS. However the Honua'ula Draft EIS included discussion regarding all of the items listed below (both those that are and are not "actions" under Chapter 343, HRS) in conformance with Section 11-200-19, HAR, which provides, in part, that "Data and analyses in a statement shall be commensurate with the importance of the impact, and less important material may be summarized, consolidated, or simply referenced..." Where noted below the Final EIS will include additional information to address your concerns.

1. Use of the state right-of-way for the Pīlani extension through the property to connect with Kauhahi Drive.

Comment: STATUS: This project is one of the "triggers" for the current DEIS which has some evaluation of drainage, traffic, and other impacts connected with the new road, but other essential information is not provided.

It does not appear from the Archaeological Inventory Survey (AIS) that the proposed corridor has had specific archaeological review, in the past five years. In fact, of the 7 cultural sites originally located along the Pīlani extension corridor in a 1972 survey, only 4 have been relocated by the present project.

Response: The archaeological inventory survey (AIS) included in the Draft EIS (Appendix I) covers an area of 700 acres, which includes the 670-acre Honua'ula property and the Pīlani Highway extension ROW (both the State-owned portion and the Ulupalakua Ranch-owned portion), and the area of the MECO substation, together which total an additional 30 acres. This is clearly stated on page one of the AIS.

The AIS also: 1) discusses the 1972 survey of the Pīlani Highway extension ROW that you refer to (Walton 1972); 2) details four of the seven sites recorded by Walton; and 3) notes that three of the seven sites could not be relocated by any subsequent survey. These sites were likely disturbed or destroyed by previous clearing related to the highway extension.

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Comment: Not discussed is whether any portion of the Pīlani corridor is part of the endangered Blackburn moth habitat.

Response: Both the botanical survey (Appendix E) and the wildlife survey (Appendix H) included in the Draft EIS cover the 670-acre Honua'ula property, the Pīlani Highway extension ROW (both the State-owned portion and the 'Ulupalakua Ranch-owned portion), and the area of the MECO substation. This is evidenced by the grid and transects maps included in the survey reports that SWCA Environmental Consultants (SWCA) botanists and biologists employed in surveying the entire area. SWCA has also confirmed that both surveys covered the Pīlani Highway extension ROW.

As discussed in the wildlife survey and in Section 3.7 (Wildlife Resources) of the Draft EIS, evidence of Blackburn's sphinx moths (*Manduca blackburni*) was found within the Honua'ula Property, including frass, cut stems and leaves, and live caterpillars. No adult Blackburn's sphinx moths were observed within the Property.

The primary habitat for Blackburn's sphinx moth larvae includes two host plant species in the genus *Nothocestrum* (*N. latifolium* and *N. brevifolium*), neither of which occur on the Property or would likely survive if propagated on the Property. Blackburn's sphinx moth larvae also feed on the non-native tree tobacco *Nicotiana glauca*, which was found on the Property. Other "host" plants that occur on the Property that can provide habitat for the Blackburn's sphinx moth are native nectar-supplying plants, including, morning glory (*Ipomoea* spp.), malapillo (*Capparis sandwicheana*), and 'ilī'e'e (*Plumbago zeylanica*).

Based upon extensive site surveys and analysis conducted by SWCA, it has been determined that the host plants for adult Blackburn's sphinx moth that occur on the Property are confined to the southernmost portions of the Property. Section 3.7 (Wildlife Resources) of the Draft EIS lists several measures that will be implemented to protect the Blackburn's sphinx moth, including preparing a Habitat Conservation Plan under Section 10(a)(1)(B) of the Endangered Species Act in collaboration with the State Department of Land and Natural Resources (DLNR) and the United States Fish and Wildlife Service (USFWS).

Comment: The DEIS should also supply specific agreements the developers have with the state Department of Transportation for use of the right of way, to insure a transparent process.

Response: Section 4.4 (Roadways and Traffic) of the Draft EIS states:

In compliance with County of Maui Ordinance No. 3554, Honua'ula Partners, LLC will consult with the State DOT and the County Department of Public Works to ensure that the proposed roadway improvements meet with their satisfaction (Condition 18k).⁷ Proposed agreements regarding the roadway improvements will be incorporated in the Phase II application and will be finalized as part of Project District Phase II approval. Honua'ula Partners, LLC has requested verification from the State DOT and County Department of Public Works that the proposed roadway improvements meet with their satisfaction. Honua'ula Partners, LLC will provide verification when received from State DOT and County Department of Public Works.

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To update and elaborate on the consultation regarding roadway improvements that has taken place with the State DOT and the County DPW, Honua'ula's rezoning ordinance (County of Maui Ordinance No. 3554) specifies several conditions relating to: 1) roadway improvements that Honua'ula is required to implement; and 2) the satisfaction and agreement of the DOT and DPW regarding the specific roadway improvements Honua'ula will implement. Generally DOT is responsible for State highways and DPW is responsible for County roadways.

Specific County of Maui Ordinance No. 3554 conditions relating to roadway improvements include:

2. That Honua'ula Partners, LLC, its successors and permitted assigns, shall implement the following traffic improvements:
 - a. Upgrade Pīlani Highway, from Kilohana Drive to Wailea Ike Drive, to four lanes of traffic. The improvements shall be completed prior to the commencement of any construction on the site, with the exception of grading.
 - b. Extend Pīlani Highway for two lanes of traffic from Wailea Ike Drive to Kauhahi Street. The improvement shall be constructed at or prior to the completion for 50 percent of the project. Said improvement shall be maintained by Honua'ula Partners, LLC, its successors and permitted assigns.
 - c. Signalize the Pīlani Highway/Okolani Drive/Mikioi Place intersection and provide an exclusive left-turn lane on Okolani Drive prior to occupancy of the first unit in Kīhei-Mākena Project District 9.
 - d. Modify the Pīlani Highway/Wailea Ike Drive intersection into a signalized intersection and provide a free right-turn lane from Pīlani Highway to Wailea Ike Drive and a second right-turn lane from Wailea Ike Drive to northbound Pīlani Highway prior to occupancy of the first unit in Kīhei-Mākena Project District 9.
 - e. Modify the Wailea Alanui/Wailea Ike Drive intersection to add a signalized double right-turn movement from northbound to eastbound turning traffic and provide two left-turn lanes for southbound traffic from Wailea Ike Drive prior to occupancy of the first unit in Kīhei-Mākena Project District 9.
 - f. Modify the Pīlani Highway/Kilohana Drive/Mapu Place intersection to provide an exclusive left-turn lane, and the southbound Pīlani Highway approach to provide an exclusive right-turn lane into Mapu Place prior to occupancy of the first unit in Kīhei-Mākena Project District 9.
 - g. Signalize the Wailea Ike Drive/Kālai Wa'a Street intersection in coordination with Wailea Resort and Mākena Resort when warranted.
 - h. Signalize the Wailea/Kauhahi Drive/Kauhahi Street intersection in coordination with Wailea Resort and Mākena Resort when warranted.

Specific County of Maui Ordinance No. 3554 conditions relating to the satisfaction and agreement of DOT and DPW with the roadway improvements include:

4. That Honua'ula Partners, LLC, its successors and permitted assigns, shall be responsible for all required infrastructural improvements for the project, including water source and system improvements for potable and nonpotable use and fire protection, drainage improvements, traffic-related improvements, wastewater system improvements and utility upgrades, as determined by the appropriate governmental agencies and public utility companies. Except as otherwise provided by more specific conditions of zoning, said improvements shall be constructed and implemented concurrently with the development of each phase of Kīhei-Mākena Project District 9, and shall be completed prior to issuance of any certificate of occupancy of final subdivision approval, unless improvements are bonded by Honua'ula Partners, LLC, its successors and permitted assigns.

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Honua'ula Partners, LLC shall execute appropriate agreements with governmental agencies regarding participation in improvements of infrastructure and public facilities as determined by the agencies.

18. *That Honua'ula Partners, LLC, its successors and permitted assigns, shall address in their Project District Phase II application the following:
k. Roadway improvements to the satisfaction of the State Department of Transportation and the County Department of Public Works and proposed agreements are incorporated in the application and site plan and finalized as part of Project District Phase II approval.*

19. *That Honua'ula Partners, LLC, its successors and permitted assigns, shall execute appropriate agreements with the State of Hawai'i and County of Maui agencies regarding participation in improvements of infrastructure and public facilities where such improvements are reasonably related to Honua'ula Partners, LLC's project.*

In compliance with County of Maui Ordinance No. 3554, Honua'ula Partners, LLC has engaged in extensive consultation and correspondence with the DOT and DPW regarding roadway improvements that Honua'ula Partners, LLC are required to implement. The consultation has involved ensuring that the design of the proposed improvements is to the satisfaction of: 1) DOT regarding State Highway improvements; and 2) DPW regarding County roadway improvements.

In correspondence from DOT dated March 24, 2010, DOT stated:

The improvements to be performed by Honua'ula Partners LLC as stated in Condition 2 are consistent with the improvements identified in the Traffic Impact Assessment Report (TIAR) dated 29, 2009¹. These improvements are understood to be considered the 'fair share' for highway related improvements of the affected area.

Note that Condition 2b pertains to extending Pīlani Highway on the State ROW. In their March 24, 2010 letter DOT also specifically addressed extending Pīlani Highway on the State ROW by specifying their design requirements for the extension. In so specifying it is implicit that they are in agreement with extending Pīlani Highway over the ROW.

In further correspondence from DOT dated August 23, 2010, DOT concurred with the design provided by Honua'ula Partners, LLC to widen Pīlani Highway to four lanes from Kilohana Drive to Wailea Iike Drive.

In correspondence from DPW dated February 24, 2010 DWS stated: "We confirm that Honua'ula Partners, LLC is in compliance with and has initiated implementation of Condition Nos. 2e, g and h as defined in the conditions of zoning for the Honua'ula project." Note that Condition Nos. 2e, g, and h pertain to improvements to County roadways.

The correspondence between Honua'ula Partners, LLC and DOT and DPW indicates the satisfaction of DOT and DPW with the improvements that Honua'ula Partners, LLC will provide and constitutes these agencies' agreement with the improvements as designed thus far. Further

¹ The TIAR dated October 29, 2009, pertains to the widening of Pīlani Highway from Kilohana Drive to Wailea Iike Drive, including improvements at the intersections of: 1) Pīlani Highway/Okolani Drive/Mikioi Place; and 2) Pīlani Highway/Kilohana Drive/Mapu Place. The TIAR contained in the Draft EIS is dated March 2, 2010, and identifies the same recommended improvements to these intersections.

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satisfaction and agreement with the proposed improvements is evidenced by the environment assessments (EAs) for the widening of Pīlani Highway and the Wailea Iike Drive/Wailea Alanui Drive intersection improvements. Specifically the final EA for the widening of Pīlani Highway contains design details and—as the accepting authority for the EA—DOT has reviewed the draft and final EA, accepted the final EA, and issued a Finding of No Significant Impact. Similarly, the EA for the Wailea Iike Drive/Wailea Alanui Drive intersection improvements includes design details and DPW—as the accepting authority for the EA—has reviewed the draft and final EA, accepted the final EA, and issued a Finding of No Significant Impact.

In summary, the consultation and subsequent written correspondence between Honua'ula Partners, LLC and DOT and DPW demonstrates the efforts of all involved to work cooperatively to implement the required roadway improvements. This is further evidenced by DOT's and DPW's review and acceptance of the EAs covering the respective improvements these agencies are responsible for overseeing. These agencies' review of, and satisfaction with, the improvements required of, and proposed by, Honua'ula Partners LLC constitutes their agreement with use of the State and County ROWs necessary to implement the improvements. Collectively, DOT's and DPW's satisfaction with, and agreement of, the improvements constitutes Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554 Condition 18k, which requires: "Roadway improvements to the satisfaction of the State Department of Transportation and the County Department of Public Works and proposed agreements are incorporated in the application and site plan and finalized as part of Project District Phase II approval."

To provide this update and elaboration on the consultation and agreement regarding roadway improvements to be implemented by Honua'ula Partners, LLC that has taken place with DOT and DPW in the Final EIS, in the Final EIS: 1) the correspondence between Honua'ula Partners, LLC and DOT and DPW will be provided in an appendix; and 2) Section 4.4 (Roadways and Traffic) will be revised as follows:

~~In compliance with County of Maui Ordinance No. 3554, Honua'ula Partners, LLC will consult with the State DOT and the County Department of Public Works to ensure that the proposed roadway improvements meet with their satisfaction (Condition 18k). Proposed agreements regarding the roadway improvements will be incorporated in the Phase II application and will be finalized as part of Project District Phase II approval. Honua'ula Partners, LLC has requested verification from the State DOT and County Department of Public Works that the proposed roadway improvements meet with their satisfaction. Honua'ula Partners, LLC will provide verification when received from State DOT and County Department of Public Works.~~

In compliance with County of Maui Ordinance No. 3554 (Condition 18k), Honua'ula Partners, LLC has engaged in extensive consultation and correspondence with the DOT and DPW regarding roadway improvements that Honua'ula Partners, LLC are required to implement. These include the regional traffic improvements noted above under the heading "Regional Traffic Improvements" and the Honua'ula-related traffic improvements noted above under the heading "Honua'ula-Related Traffic Improvements." These improvements are all provided in compliance with County of Maui Ordinance No. 3554 Condition 2, which includes multiple sub-conditions as noted above. The consultation involved ensuring that the design of the proposed improvements is to the satisfaction and agreement of: 1) DOT regarding State Highway improvements; and 2) DPW regarding County roadway improvements.

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In correspondence from DOT dated March 24, 2010, DOT stated:

The improvements to be performed by Honua'ula Partners, LLC, as stated in Condition 2 are consistent with the improvements identified in the Traffic Impact Assessment Report (TIAR) dated 29, 2009²². These improvements are understood to be considered the fair share for highway related improvements of the affected area.

In their March 24, 2010 letter DOT also specifically addressed extending Pili'ani Highway into Honua'ula from Wailea Ike Drive to Kauhahi Street (Condition 2b), a portion of which will be on State-owned ROW, by specifying their design requirements for the extension. In so specifying it is implicit that DOT is in agreement with extending Pili'ani Highway over the State-owned ROW. Regarding the widening of Pili'ani Highway to four lanes from Kilohana Drive to Wailea Ike Drive (Condition 2a), in further correspondence from DOT dated August 23, 2010, DOT concurred with the design of the widening provided by Honua'ula Partners, LLC.

In correspondence from DWS dated February 24, 2010 DWS stated: "We confirm that Honua'ula Partners, LLC is in compliance with and has initiated implementation of Condition Nos. 2e, g, and h as defined in the conditions of zoning for the Honua'ula project." Conditions 2e, 2g, and 2h pertain to improvements to County roadways.

The correspondence between Honua'ula Partners, LLC and DOT and DPW indicates the satisfaction of DOT and DPW with the improvements that Honua'ula Partners, LLC will provide and constitutes these agencies' agreement with the improvements as designed thus far. Further satisfaction and agreement with the proposed improvements is evidenced by the environment assessments (EAs) for the widening of Pili'ani Highway and the Wailea Ike Drive/Wailea Alanui Drive intersection improvements. Specifically the Final EA for the widening of Pili'ani Highway (Appendix R) contains design details and—as the accepting authority for the EA—DOT has reviewed the draft and final EA, accepted the final EA, and issued a Finding of No Significant Impact. Similarly, the Wailea Ike Drive and Wailea Alanui Drive Intersection Improvements Final EA (Appendix S) includes design details and DPW—as the accepting authority for the EA—has reviewed the draft and final EA, accepted the final EA, and issued a Finding of No Significant Impact.

In summary, the consultation and subsequent written correspondence between Honua'ula Partners, LLC and DOT and DPW demonstrates the efforts of all involved to work cooperatively to implement the required roadway improvements. This is further evidenced by DOT's and DPW's review and acceptance of the EAs covering the respective improvements these agencies are responsible for overseeing. These agencies' review of, and satisfaction with, the improvements required of, and proposed by, Honua'ula Partners, LLC constitutes their agreement with the improvements and the use of the State and County ROW's necessary to implement the improvements. Collectively, DOT's and DPW's satisfaction with, and agreement of, the improvements constitutes Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554 Condition 18k, which requires: "Roadway improvements to the satisfaction of the State Department of Transportation and

²² The TIAR dated October 29, 2009, pertains to the widening of Pili'ani Highway from Kilohana Drive to Wailea Ike Drive, including improvements at the intersections of: 1) Pili'ani Highway/Okolani Drive/Mikoi Place; and 2) Pili'ani Highway/Kilohana Drive/Mapu Place. The TIAR contained in the Draft FIS and this Final FIS is dated March 2, 2010, and identifies the same recommended improvements to these intersections.

the County Department of Public Works and proposed agreements are incorporated in the application and site plan and finalized as part of Project District Phase II approval."

Appendix L includes the above referenced correspondence between Honua'ula Partners, LLC and DOT and DPW. Appendix R contains the Pili'ani Highway Widening Project Final EA. Appendix S contains the Wailea Ike Drive and Wailea Alanui Drive Intersection Improvements Final EA.

In addition, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

- k. *Roadway improvements to the satisfaction of the State Department of Transportation and the County Department of Public Works and proposed agreements are incorporated in the application and site plan and finalized as part of Project District Phase II approval.*

Discussion: ~~Honua'ula Partners, LLC has requested verification from the State DOT and County Department of Public Works that the proposed roadway improvements meet with their satisfaction. Honua'ula Partners, LLC will provide verification when received from State DOT and County Department of Public Works.~~

Honua'ula Partners, LLC has engaged in extensive consultation and correspondence with the DOT and DPW regarding roadway improvements that Honua'ula Partners, LLC are required to implement. These include the regional traffic improvements noted above under the heading "Regional Traffic Improvements" and the Honua'ula-related traffic improvements noted above under the heading "Honua'ula-Related Traffic Improvements." These improvements are all provided in compliance with County of Maui Ordinance No. 3554 Condition 2, which includes multiple sub-conditions as noted above. The consultation involved ensuring that the design of the proposed improvements is to the satisfaction and agreement of: 1) DOT regarding State Highway improvements; and 2) DPW regarding County roadway improvements.

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²² The TIAR dated October 29, 2009, pertains to the widening of Pili'ani Highway from Kilohana Drive to Wailea Ike Drive, including improvements at the intersections of: 1) Pili'ani Highway/Okolani Drive/Mikoi Place; and 2) Pili'ani Highway/Kilohana Drive/Mapu Place. The TIAR contained in the Draft FIS and this Final FIS is dated March 2, 2010, and identifies the same recommended improvements to these intersections.

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In correspondence from DPW dated February 24, 2010 DPW stated: "We confirm that Honua'ula Partners, LLC is in compliance with and has initiated implementation of Condition Nos. 2e, g, and h, as defined in the conditions of zoning for the Honua'ula project." Conditions 2e, 2g, and 2h pertain to improvements to County roadways.

The correspondence between Honua'ula Partners, LLC and DOT and DPW indicates the satisfaction of DOT and DPW with the improvements that Honua'ula Partners, LLC will provide and constitutes these agencies' agreement with the improvements as designed thus far. Further satisfaction and agreement with the proposed improvements is evidenced by the environment assessments (EAs) for the widening of Pi'ilani Highway and the Wailea Ike Drive/Wailea Alanui Drive intersection improvements. Specifically the Final EA for the widening of Pi'ilani Highway (Appendix R) contains design details and—as the accepting authority for the EA—DOT has reviewed the draft and final EA, accepted the final EA, and issued a Finding of No Significant Impact. Similarly, the Wailea Ike Drive and Wailea Alanui Drive Intersection Improvements Final EA (Appendix S) includes design details and DPW—as the accepting authority for the EA—has reviewed the draft and final EA, accepted the final EA, and issued a Finding of No Significant Impact.

In summary, the consultation and subsequent written correspondence between Honua'ula Partners, LLC and DOT and DPW demonstrates the efforts of all involved to work cooperatively to implement the required roadway improvements. This is further evidenced by DOT's and DPW's review and acceptance of the EAs covering the respective improvements these agencies are responsible for overseeing. These agencies' review of, and satisfaction with, the improvements required of, and proposed by, Honua'ula Partners, LLC constitutes their agreement with the improvements and the use of the State and County ROW's necessary to implement the improvements. Collectively, DOT's and DPW's satisfaction with, and agreement of, the improvements constitutes Honua'ula Partners, LLC's compliance with Condition 18k.

Appendix L includes the above referenced correspondence between Honua'ula Partners, LLC and DOT and DPW. Appendix R contains the Pi'ilani Highway Widening Project Final EA. Appendix S contains the Wailea Ike Drive and Wailea Alanui Drive Intersection Improvements Final EA.

Comment: Was the state compensated for this valuable "right of way" land? Will the Pi'ilani right of way remain public land, or be considered one of the project's "private roads"?

Response: The State owns a portion of the Pi'ilani Highway extension ROW; 'Ulupalakua Ranch owns the other portion. At their own expense, Honua'ula Partners, LLC will extend Pi'ilani Highway over the ROW to the south to intersect with Kauhahi Street. No change in ownership will take place and no compensation is necessary. After Honua'ula Partners, LLC extends Pi'ilani Highway, the State will own the portion of the extended highway within the State ROW. The portion of the extended highway owned by the State will be public and will not be a private road; however Honua'ula Partners, LLC will maintain the extended highway and the landscaping within the ROW.

Comment: What agreements does Honua'ula LLC have with Ulupalakua Ranch for future shared use of the majority of the right of way still under Ranch ownership?

Response: Agreements between Honua'ula Partners, LLC and 'Ulupalakua Ranch are private agreements; however, Honua'ula and 'Ulupalakua Ranch have entered into a reciprocal agreement addressing the use of the 'Ulupalakua Ranch-owned portion of the ROW for the extension of Pi'ilani Highway to Kauhahi Street and for the placement of utilities.

Comment: The DEIS should also indicate if any federal funds were involved in acquisition of the state right of way for the Pi'ilani extension, and if a federal EIS process would be triggered.

Response: No Federal funds were involved when the State acquired the portion of the Pi'ilani Highway extension ROW that the State currently owns. Honua'ula Partners, LLC will extend Pi'ilani Highway over the ROW at their own expense and no Federal funds will be involved. The Pi'ilani Highway extension is not a trigger for a Federal EIS.

2. Wastewater transmission line alignment for possible connection to the Makena Resort Wastewater Reclamation Facility

Comment: Botanical survey reportedly done of various routes. No map or report included, and no mitigations proposed.

Response: Appendix E of the Draft EIS contains botanical surveys for: 1) the Honua'ula Property; and 2) areas of alternative wastewater transmission line alignments for possible connection to the Makena Resort WWRF, which is located approximately one mile south of Honua'ula. The botanical survey report of the wastewater alignments includes a map of the alternative wastewater transmission line alignments. In addition, Figure 2 (Regional Location) of the Draft EIS shows the selected wastewater transmission line alignment. Discussion of botanical resources along the alternative wastewater transmission line alignments is discussed in Section 3.6 (Botanical Resources) of the Draft EIS as follows:

SWCA also completed a botanical survey of the areas of alternative wastewater transmission line alignments for possible connection to the Makena Resort WWRF, which is located approximately one mile south of Honua'ula. The survey did not observe any Federal or State of Hawai'i listed threatened, endangered, or candidate plant species on any of the alignments; however the non-native tree tobacco (*Nicotiana glauca*) was also observed (SWCA 2009). Since the botanical survey of the areas of the wastewater transmission line alignments was conducted, a decision has been made regarding which alignment to use based upon potential construction impacts, costs, and permitting considerations. For more information see Section 4.8.2 (Wastewater System) and Figure 2. Appendix E contains the complete survey of the alternative wastewater transmission line alignments.

Since there are no Federal or State of Hawai'i listed threatened, endangered, or candidate plant species on any of the alternative wastewater transmission line alignments, including the selected alignment, it is concluded that the possible wastewater transmission line connection to the Makena Resort WWRF will not impact any Federal or State of Hawai'i listed threatened or endangered plant species. This is stated in Section 3.6 (Botanical Resources) of the Draft EIS, under the heading of "Potential Impacts and Mitigation Measures." Since no impact is anticipated, there is nothing to mitigate and hence, no mitigation measures have been proposed.

Comment: *No map or report of archaeological survey of pipeline route in Makena Resort area.*

Response: Figure 2 (Regional Location) of the Draft EIS shows the selected wastewater transmission line alignment for possible connection to the Makena Resort WWRF. To address concerns regarding archaeology, Aki Sinoto Consulting, LLC, completed an archaeological survey for the area of the selected wastewater transmission line alignment. No surface structural remains or any other features indicative of prehistoric period or traditional Hawaiian cultural activities were encountered. The AIS report recommends that in view of the negative results of the survey, no further pre-construction archaeological procedures are warranted. However, archaeological monitoring of construction-related ground disturbing activities is recommended. When wastewater system plans are finalized, archaeological monitoring plans will be prepared and submitted to the State Historic Preservation Division (SHPD) for review and approval before commencement of any construction activities. The limited width of wastewater transmission line corridors will facilitate avoidance of any inadvertent discoveries that warrant preservation. The Final EIS will contain the archaeological inventory survey report.

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS Section 4.1 (Archaeological and Historic Resources) will be revised as shown on the attachment titled "Archaeological and Historic Resources."

Comment: *No discussion of impacts to drainage features, air or water quality or other natural features or resources. No discussion of secondary or cumulative impacts.*

Response: Currently there are no drainage improvements in the area of the selected wastewater transmission line alignment for possible connection to the Makena Resort WWRF. The wastewater alignment provides for underground wastewater transmission and R-1 return lines within an unpaved easement approximately 6,400 linear feet in length and 30 feet in width. The 30-foot easement width will allow for access and maintenance parallel to the underground lines. Because the wastewater and R-1 return lines will be underground and the easement will not be paved, significant changes to current drainage patterns are not expected.

Regarding air quality, short term impacts from fugitive dust will likely occur during construction of the wastewater transmission and R-1 return lines; however after construction long-term air quality impacts are not expected to be significant as there will be very little to no vehicle emissions associated with on-going operations specific to the underground lines.

Regarding water quality, impacts to groundwater and the near shore marine environment, including potential impacts from using treated wastewater (R-1) for irrigation, are discussed in Section 3.5 (Groundwater Resources and Water Quality) of the Draft EIS. Since the wastewater transmission line and R-1 return lines would be underground, specific impacts to groundwater and near shore waters from the line, as could be distinguished as separate from overall project and wastewater system impacts, are not anticipated.

Regarding secondary and cumulative impacts, since specific impacts from the wastewater transmission and R-1 return lines are not expected to be significant, this infrastructure will not contribute to cumulative and secondary impacts.

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS:

- Section 4.8.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System;"
- Section 4.6 (Air Quality) will be revised as shown on the attachment titled "Air Quality;" and
- Section 7.2 (Cumulative and Secondary Impacts) will be revised as shown on the attachment labeled "Cumulative and Secondary Impacts."

Comment: *No discussion of impacts to wastewater availability for present or future residences or businesses in Makena Resort or Makena village, or to irrigation requirements for Makena golf course.*

Response: While we are not clear on what you mean regarding "impacts to wastewater availability," we believe you may be referring to the availability of R-1 recycled water for irrigation. As discussed in Section 4.8.2 (Wastewater System) of the Draft EIS, if wastewater from Honua'ula is transported to the Makena WWRF, there would be sufficient golf course land within both Honua'ula and the Makena Resort to reuse 100 percent of the recycled wastewater.

As also discussed in Section 4.8.2 (Wastewater System) of the Draft EIS, there is currently unused wastewater treatment capacity at the Makena WWRF. However, in the future it may be necessary to expand certain portions of the Makena WWRF to provide a small amount of additional capacity to accommodate the total projected Honua'ula wastewater flows along with the projected Makena Resort flows before each project is completely built out. As both Honua'ula and Makena Resort will be built out over a number of years, improvements can be implemented at the appropriate time, when needed.

Comment: *No discussion of social implications such as homeowners' wastewater fees.*

Response: County of Maui Ordinance No. 3554 Condition 17 requires, in part, that:

The sewer rates for the residential workforce housing units shall be no higher than the residential sewer rates set by the County of Maui in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code.

As stated in both Section 4.8.2 (Wastewater System) and Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with this condition Honua'ula Partners, LLC will ensure that sewer rates for the residential workforce housing units will be no higher than the residential sewer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, MCC.

As discussed in Section 4.8.2 (Wastewater System) of the Draft EIS, transporting wastewater to the Makena WWRF for treatment provides the benefit of consolidating wastewater services for both Honua'ula and Makena, allowing economies of scale in the treatment process and consolidated regulatory compliance.

Sewer rates for Honua'ula's market rate residential units have not yet been established; however, the Makena WWRF is regulated as a public utility by the State Public Utility Commission (PUC), as are all private wastewater companies. The PUC prescribes rates, tariffs, charges and fees, for

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public utilities. To include this information in the Final EIS, in the Final EIS Section 4.8.2 (Wastewater System) will include the following statement:

Sewer rates for Honua'ula's market rate residential units have not yet been established; however, the Mākēna WWRF is regulated as a public utility by the State Public Utility Commission (PUC), as are all private wastewater companies. If an on-site WWTF is built at Honua'ula, it will also be a private facility. The PUC prescribes rates, tariffs, charges, and fees for public utilities.

3. Off-site wells, storage tanks, and transmission lines

Comment: *Discussion of hydrology of off-site well area and maps of well, tank and transmission line sites included in DEIS. No flora or fauna survey, archaeological survey, no discussion of impacts to drainage features, air or water quality or other natural features or resources.*

Response: To address biological concerns regarding the off-site wells, waterline, and storage tank for potable and non-potable water, SWCA completed a biological survey of these areas. No Federal or State of Hawai'i candidate, proposed or listed threatened or endangered plant or animal species were observed within the area of the off-site wells, waterline, or storage tank. The majority of the species observed within these areas (82 percent of the flora and 100 percent of the fauna) were introduced to the Hawaiian Islands. Most of the native plants observed during the survey are commonly found throughout Maui and the main Hawaiian Islands. Of the native plants in the survey area, only *wilwili* has a limited distribution throughout the Hawaiian Islands, primarily because the species occurs in dry shrublands and forests. The Final EIS will contain the complete biological survey report of the areas of the off-site wells, waterline, and storage tank as an appendix.

To address concerns regarding archaeology, Aki Shinoto Consulting, LLC, completed an archaeological survey for the areas of the off-site wells, waterline, and storage tank. No surface structural remains or any other features indicative of prehistoric period or traditional Hawaiian cultural activities were encountered. The AIS report recommends that in view of the negative results of the survey, no further pre-construction archaeological procedures are warranted. However, archaeological monitoring of construction-related ground disturbing activities is recommended. When water system plans are finalized, archaeological monitoring plans will be prepared and submitted to SHPD for review and approval before commencement of any construction activities. The limited width of the water transmission line corridor will facilitate avoidance of any inadvertent discoveries that may warrant preservation. The Final EIS will contain the archaeological inventory survey report as an appendix.

Currently there are no drainage improvements in the areas of Honua'ula's off-site wells, waterline, and storage tank. The waterline alignment provides for an underground waterline within an unpaved easement approximately 12,000 linear feet in length and 30 feet in width. The 30-foot easement width allows for access and maintenance parallel to the underground transmission line. Because the waterline will be underground and the easement will not be paved, significant changes to current drainage patterns are not expected.

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Regarding water quality, discussion on the potential impact of existing and new wells, including cumulative and secondary impacts to downgradient wells, is included in Section 3.5.1 (Groundwater) and Section 7.2 (Cumulative and Secondary Impacts) of the Draft EIS.

Regarding air quality, short term impacts from fugitive dust may occur during construction of the off-site wells, waterline, and storage tank; however after construction long-term air quality impacts are not expected to be significant as there will be very little to no vehicle emissions associated with on-going operations specific to this off-site water infrastructure.

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS:

- Section 3.6 (Botanical Resources) will be revised as shown on the attachment titled "Botanical Resources;"
- Section 4.1 (Archaeological and Historic Resources) will be revised as shown on the attachment titled "Archaeological and Historic Resources;"
- Section 4.8.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System;"
- Section 4.6 (Air Quality) will be revised as shown on the attachment titled "Air Quality;" and
- Section 7.2 (Cumulative and Secondary Impacts) will be revised as shown on the attachment labeled "Cumulative and Secondary Impacts."

Comment: *No discussion of secondary or cumulative impacts. No discussion of impacts increased storage and transmission capacity may have on present or future irrigation well owners in the Wailea/South Maui area.*

Response: Section 7.2 (Cumulative and Secondary Impacts) of the Draft EIS discusses cumulative and secondary impacts of Honua'ula's wells as follows:

An assessment of the potential impacts on groundwater resources of Honua'ula concludes that the creation of Honua'ula will not impair Wailea Resort's golf course irrigation wells, with the possible exception of a salinity increase in Wailea Resort's Well 2, which is directly downgradient of Honua'ula's on-site wells. Decreased pumping of Honua'ula's on-site wells would alleviate this potential impact. With respect to Honua'ula's off-site wells, an estimated six active downgradient irrigation wells may be impacted by a potential increase in salinity due to reduced flowrate, which current calculations indicate may be on the order of five percent. It is not known if the increase in salinity would materially impair the utility of the wells; however if the utility of the wells is materially impaired, additional wells (pumping the same combined amount of water) in the area north of Maui Meadows would distribute the draft over a greater area and would alleviate the impact downgradient. All existing on- and off-site wells are fully permitted by the State CWRM. All new wells will be developed in compliance with all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code.

In addition, since the Honua'ula water system will be a private, closed system (i.e., it will not be connected to any other public or private system), there will be no impact to present or future irrigation well owners in the Wailea/South Maui area related to transmission and storage of Honua'ula's water.

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Regarding Honua'ula's off-site waterline and storage tank, since specific impacts from the off-site waterline and storage tank are not expected to be significant, this off-site infrastructure will not contribute to cumulative and secondary impacts.

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS Section 7.2 (Cumulative and Secondary Impacts) will be revised as shown on the attachment labeled "Cumulative and Secondary Impacts."

Comment: *No discussion of social implications, such as homeowners' water fees.*

Response: County of Maui Ordinance No. 3554 Condition 17 requires, in part, that:

The water rates for the residential workforce housing units shall be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code.

As discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with this condition Honua'ula Partners, LLC will ensure that water rates for the residential workforce housing units will be no higher than the general water consumer rates set by the County, for as long as the units are subject to Chapter 2.96 of the County Code. However in response to a similar concern from the Maui Planning Commission comment regarding the cost for the operation of the reverse osmosis system, cost analysis to consumers, and the market price housing for water, TNWRE prepared cost estimates based on several assumptions. The estimates are summarized below.

The estimated potable and non-potable water infrastructure cost is \$21 million. This includes costs for: construction and testing the required off-site wells, piping from the off-site wells to the on-site storage tank, booster pumps, on- and off site potable and non-potable storage tanks, and the RO plant. It does not include piping for distribution to individual Honua'ula homes and businesses.

Based on infrastructure costs and assumptions such as infrastructure efficiencies, electrical power costs, and costs for operating personnel, administration, and maintenance, the daily operating cost for both potable and non-potable systems would be \$3,000 per day. The cost of capital recovery would be \$4,950 per day. The cost to consumers, with and without capital recovery would be as follows:

Estimated Cost in Dollars per Thousand Gallons

Cost Items Included	Potable Water	Non-Potable Water
Based on Operation and Maintenance Exclusively (No Capital Recovery)	\$4.00	\$2.00
Based on Operation, Maintenance, and Full Capital Recovery	\$10.64	\$5.32

For fiscal year 2010-2011 the cost for potable water for general water consumers set by the County in its annual budget is \$1.70 per 1,000 gallons for users that use up to 10,000 gallons bi-monthly. The price increases for users that use more than 10,000 gallons bi-monthly. In compliance with

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County of Maui Ordinance No. 3554 (Condition 1) water rates for the residential workforce housing units will be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, MCC.

To include the relevant above information in the Final EIS, along with addressing comments regarding water from others, in the Final EIS Section 4.8.1 (Water System) will be revised as shown on the attachment titled "Water System."

Comment: *Tanks and lines for the offsite potable/non potable system are located in the Upcountry Community Planning area. The Upcountry Community Plan has policies which permit such structures only if the water is intended for use in the Upcountry Planning area. Honua'ula is located in the Kihei-Makana plan area. This lack of compliance with the Upcountry Community Plan is NOT discussed in the DEIS.*

Response: The Makawao-Pukalani-Kula Community Plan policy that you reference states:

"Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use."

Honua'ula's off-site wells are located in the Kihei-Makana Community Plan area in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of the water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on-site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the Makawao-Pukalani-Kula Community Plan.

Figure 2 (Regional Location) of the Draft EIS shows the location of Honua'ula's off-site water infrastructure. In the Final EIS, Figure 2 (Regional Location) will be revised to show: 1) the location of the off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation; and 2) the boundary between the Makawao-Pukalani-Kula Community Plan and the Kihei-Makana Community Plan regions. The attachment titled "Figure 2" shows the revised figure.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

1. *That Honua'ula Partners, LLC, its successors and permitted assigns, shall, at their own cost and expense, develop, maintain, and operate, or cause to be developed, maintained, and operated, a private water source, storage facilities, and transmission lines for the Wailea 670 (Honua'ula) project in accordance with Department of Water Supply standards and all applicable community plans.*

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Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with all reporting requirements of the State Commission on Water Resource Management.

In addition, Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with applicable water ordinances that pertain to the supply and transmission of water from the island of Maui when such ordinances are enacted.

At the time the project water system is completed, Honua'ula Partners, LLC, its successors and permitted assigns, shall offer to the County the right to purchase the project water system at the cost of development of such system.

The water rates for the residential workforce housing units shall be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code.

Discussion: As discussed in Section 4.8.1 (Water System), Honua'ula Partners, LLC will comply with this condition by providing a private water source, storage facilities, and transmission lines for Honua'ula in accordance with DWS standards and all applicable community plans. Further discussion is provided in Section 4.8.1 (Water System).

In comments on the Draft EIS some commenters referenced the The Makawao-Pukalani-Kula Community Plan and commented that Honua'ula's private water system was not in compliance with this plan. Specifically these comments pertained to Water Objective & Policy # 4 of the Makawao-Pukalani-Kula Community Plan, which states:

4. Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use.

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kihai-Makema Community Plan region in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of the water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on site and some will be transmitted to an off-site water storage tank located east (maatiki) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the Makawao-Pukalani-Kula Community Plan.

Figure 2 shows the location of Honua'ula's off-site water infrastructure and the boundary between the Makawao-Pukalani-Kula Community Plan and the Kihai-Makema Community Plan regions.

In further compliance with ~~the conditions~~ Condition L, Honua'ula Partners, LLC will also: 1) offer the right to purchase the completed water system to the County; and 2) ensure that water rates for the residential workforce housing units will be no higher than the general water consumer rates set by the County, for as long as the units are subject to Chapter 2.96 of the County Code.

4. Possible expansion of the Maui Electric Company (MECO) electrical substation located within the Honua'ula property

Comment: Map and brief discussion provided in DEIS, but no analyses of impacts to drainage features, air or water quality or other natural features or resources.

Response: The area for the possible expansion of the MECO electrical substation is within the Honua'ula property. The expansion area is approximately one half acre. Since the area proposed for the substation expansion is within the property, impacts in relation to drainage features and air and water quality are accounted for in the specific technical reports related to the entire property. Similar to how each individual use within Honua'ula is not specifically called out and discussed in detail in every report; the expansion area for the substation is not specifically detailed. Nonetheless, impacts relating to the development of the expansion area for the MECO substation relating to drainage, air, and water quality have been accounted for as part of the technical reports, and the overall information has been summarized in the Draft EIS, Section 4.8.3 (Drainage System) of the Draft EIS discusses drainage impacts and Appendix P contains the complete preliminary engineering report, which includes a drainage study that addresses the entire property. Section 4.6 (Air Quality) of the Draft EIS discusses air quality and Appendix O contains the Air Quality Study, which addresses Honua'ula's energy requirements and concludes that significant long-term impacts on air quality are unlikely due to indirect emissions associated with the Honua'ula's electrical power requirements. Section 3.5 (Groundwater Resources and Water Quality) of the Draft EIS discusses groundwater resources and water quality and Appendix B contains the Groundwater Resources Assessment and Appendix D contains the Marine Water Quality Assessment.

Comment: No discussion of hazard risks from pollutants, secondary or cumulative impacts.

Response: MECO strictly complies with all applicable Federal, State, and County regulations regarding public safety and the environment, and MECO designs its substations in accordance with current and applicable codes and standards. Presently, the National Electrical Code, 2008 Edition, and the Uniform Building Code, 1997 Edition, as approved by the County of Maui, along with the National Electrical Safety Code, 2002 Edition govern minimum separation and clearance requirements. In addition, MECO's substation equipment installations meet all applicable County, State, and Federal environmental regulations and guidelines and do not contain toxic substances.

Similar to the above response relating to your concerns regarding impacts to drainage features and air and water quality, secondary or cumulative impacts due to the possible expansion of the MECO electrical substation would be in context with the overall Honua'ula project, or could be related to possible air quality impacts due to the generation of electrical power necessary to meet Honua'ula's electrical requirements. Section 7.2 (Cumulative and Secondary Impacts), as well as Section 4.8.6 (Electrical System) of the Draft EIS discuss measures to mitigate cumulative impacts of Honua'ula's energy demands through energy conservation and Section 7.2 (Cumulative and

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Secondary Impacts) notes that Honua'ula is not expected to significantly contribute to cumulative and secondary air quality impacts. This is based on the results of the air quality study which concludes that significant long-term impacts on air quality are unlikely due to indirect emissions associated with the Honua'ula's electrical power requirements.

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS Section 4.8.6 (Electrical System) will be revised as shown on the attachment titled "Electrical System."

Comment: *No discussion of impacts increased electrical transmission capacity may have on plans for future projects such as the Auwahi Windfarm transmission line or a proposed pump storage project being discussed for the south Kihei area.*

Response: Honua'ula Partners, LLC is not associated in any way with the proposed Auwahi Wind Farm. The proposed Auwahi Wind Farm is a completely separate project from Honua'ula, and the Auwahi Wind Farm transmission lines will not cross the Honua'ula Property. Based on our review of the *Auwahi Wind Farm Final Environmental Impact Statement* (Tetra Tech EC, Inc. 2011), it is our understanding that the wind farm site and transmission lines are located on land owned by 'Ulupalakua Ranch, although the transmission lines cross Pi'ilani Highway within a County easement and Kula Highway, which is owned by the State of Hawaii'.

Similarly, Honua'ula Partners, LLC is not associated in any way with a proposed pump storage project being discussed for the south Kihei area and has no specific knowledge about it.

Comment: *No discussion of social implications, such as effect on homeowners' electric fees.*

Response: MECO is regulated as a public utility by the State PUC. The PUC prescribes rates, tariffs, charges and fees, for public utilities.

5. Construction of 250 affordable units and other improvements offsite at Kaonoulu Light industrial area to satisfy a portion of the project's affordable housing requirements.

Comment: *DEIS provides a brief description and conceptual map of the 13 acre affordable housing project site in the TMP report (Appendix M). It is not discussed whether separate environmental review has been done for the property. There are no analyses of energy demand, impacts to cultural sites, flora and fauna, drainage, air or water quality or other natural features or resources. No discussion of hazard risks, demands upon public water, wastewater and solid waste disposal facilities, public safety services, secondary or cumulative impacts.*

Response: As discussed in Section 4.9.3 (Housing) of the Draft EIS, Honua'ula Partners, LLC will provide workforce affordable homes in compliance with Chapter 2.96, MCC. As discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with County of Maui Ordinance No. 3554 (Condition 5), 250 of the required workforce affordable homes will be provided off-site at the Ka'ono'ulu Light Industrial Subdivision (TMK (2) 3-9-01: 16). The Ka'ono'ulu Light Industrial Subdivision is within the State Urban District and is within the County of Maui Light Industrial zoning district. Multifamily homes are a permitted use within the State Urban District and County Light Industrial zone.

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Providing workforce affordable homes at the Ka'ono'ulu Light Industrial Subdivision does not trigger the need for an environmental assessment or environmental impact statement under Chapter 343, HRS. However, impacts related to the use of the property for urban uses and uses permitted under the property's Light Industrial zoning have previously been examined as part of the property's State Land Use District Boundary Amendment, County Change in Zoning, and County Subdivision approvals. No rare, threatened, or endangered plant species are expected to be impacted, as none were found during a botanical inventory survey of the property. An archaeological inventory survey and a related preservation plan have been prepared to address impacts to archaeological resources and, based on their approval of these documents, the State Historic Preservation Division has determined that no historic properties will be affected. As part of the subdivision process for the Ka'ono'ulu Light Industrial Subdivision, the County DPW reviewed and approved improvements necessary for the subdivision, including provisions for water, sewage disposal, electrical and communications lines; drainage and flood control, and connection with Pi'ilani Highway, including widening and traffic signal improvements. The State DOT has also reviewed and approved the connection with Pi'ilani Highway, including widening and traffic signal improvements. Further, the construction of the improvements required for the subdivision has been guaranteed with a bond of over \$22 million.

Regional traffic growth, including from the Ka'ono'ulu Light Industrial Subdivision, is being taken into account as part of DOT's Long Range Land Transportation Plan (LRLTP), which is currently being updated in consideration of known proposed developments in the region and will serve as a guide for the development of major surface transportation facilities and programs to be implemented in the future.

Because Chapter 2.96, MCC requires the workforce affordable homes to be offered to Maui residents, the affordable homes will result in a redistribution of the existing Maui population as opposed to an incremental increase. As a result, there will be no impacts related to increased population, such as an overall increase in the need for State and County services. In addition to the workforce affordable homes, Honua'ula Partners, LLC will also provide a minimum two-acre park within Ka'ono'ulu Light Industrial Subdivision to meet the recreational needs of the workforce affordable home residents.

Impacts to schools will be addressed by Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554, Condition 22, which requires Honua'ula Partners, LLC to pay DOE \$3,000 per dwelling unit upon issuance of each building permit to be used, to the extent possible, for schools serving the Kihei-Mākena Community Plan area; provided that, should the State pass legislation imposing school impact fees that apply to Kihei-Mākena Project District 9, Honua'ula Partners, LLC will from that point forward comply with the State requirements, or contribute \$3,000 per dwelling unit, whichever is greater.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 7.2 (Cumulative and Secondary Impacts) will be revised as shown on the attachment labeled "Cumulative and Secondary Impacts."

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6. Use of State of Hawaii right-of-way way [sic] for the widening of Pi'ilani Hwy between Kihohana and Wailea Ike Drive and Wailea Ike/Piilani Hwy intersection improvements.

Comment: Final EA accepted January of 2010 for Wailea Ike/Piilani Intersection improvements.

Regarding the Piilani widening project, according to the DEIS: "State DOT is currently reviewing the draft EA before notice of the draft EA is published in the Office of Environmental Quality Control (OEQC's) Environmental Notice and the public comment period commences. A Special Area Management Permit application is also being processed."

Neither document is provided as an appendix to the DEIS, nor is a summary of the environmental impacts evaluated included. Only a summary of traffic impacts addressed by the project is included.

Response: Since the Draft EIS was completed, the State DOT has completed its review of the Pi'ilani Highway Widening Project draft and final EA, accepted the Pi'ilani Highway Widening Project final EA, and issued a Finding of No Significant Impact which was published in the OEQC's *The Environmental Notice* on May 8, 2012.

Regarding a SMA Permit application for the widening of Pi'ilani Highway, your quote above is not accurate and is not in context with what is stated in the Draft EIS. While the Draft EIS states on page 103 that: "A Special Management Area Permit application is also being processed," the discussion in the Draft EIS that preceded this sentence was regarding the Wailea Alanui/Wailea Ike Drive intersection improvements and stated that a draft and final EA for the intersection improvements was prepared and accepted. In context the sentences are:

For the Wailea Alanui/Wailea Ike Drive intersection improvements, design has been completed, a draft and final EA were prepared, and the County Department of Public Works has accepted the final EA. A Special Area Management Permit application is also being processed.

So to clarify, the Draft EIS refers to the fact that a SMA Permit application was being processed for the Wailea Alanui/Wailea Ike Drive intersection improvements. Since the time that the Draft EIS was published, the Maui Planning Commission subsequently approved the SMA Permit application for the intersection improvements on April 13, 2010.

Regarding Pi'ilani Highway, the boundary of the SMA is the makai boundary of the highway ROW. Improvements within the Pi'ilani Highway ROW are outside of the SMA; however incidental work relating to the widening will be within the SMA and a SMA Assessment and Determination will be necessary before construction.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.4 (Roadways and Traffic) will be revised as follows:

Planning is already underway for the widening of Pi'ilani Highway to four lanes, along with the required intersection improvements at the Pi'ilani Highway/Okolani Drive/Mikioi Place intersection, the Pi'ilani Highway/Wailea Ike Drive intersection, and the Pi'ilani Highway/Kihohana Drive/Mapu Place intersection. ~~Preliminary~~ design of these improvements has been completed and a draft and final EA is being prepared. The State DOT is currently reviewing the draft EA before notice of the draft EA is published.

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~~the OEQC's. The Environmental Notice and the public comment period commences~~ has accepted the final EA and issued a Finding of No Significant Impact, which was published in the OEQC's *The Environmental Notice* on May 8, 2012. A SMA Assessment and Determination will be sought. Appendix R contains the complete Pi'ilani Highway Widening Project Final EA.

For the Wailea Alanui/Wailea Ike Drive intersection improvements, design has been completed, a draft and final EA were prepared, and the County Department of Public Works has accepted the final EA and issued a Finding of No Significant Impact which was published in the OEQC's *Environmental Notice* on January 23, 2010. Appendix S contains the complete Wailea Ike Drive and Wailea Alanui Drive Intersection Improvements Final EA. The Maui Planning Commission has also approved a Special Area Management Area Use Permit application is also being processed for the intersection improvements on April 13, 2010.

In addition, the Pi'ilani Highway Widening Project Final EA and the Wailea Ike Drive and Wailea Alanui Drive Intersection Improvements Final EA will be included in the Final EIS as appendices.

Further, to elaborate on the widening of Pi'ilani Highway and the Wailea Alanui/Wailea Ike Drive intersection improvements in the Final EIS, in the Final EIS:

- Section 3.6 (Botanical Resources) will be revised as shown on the attachment titled "Botanical Resources;"
- Section 3.7 (Wildlife Resources) will be revised as shown on the attachment titled "Wildlife Resources;"
- Section 4.1 (Archaeological and Historic Resources) will be revised as shown on the attachment titled "Archaeological and Historic Resources;"
- Section 4.2 (Cultural Resources) will be revised as shown on the attachment titled "Cultural Resources;"
- Section 4.5 (Noise) will be revised as shown on the attachment titled "Noise;"
- Section 4.6 (Air Quality) will be revised as shown on the attachment titled "Air Quality;"
- Section 4.8.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System;" and
- Section 7.2 (Cumulative and Secondary Impacts) will be revised as shown on the attachment titled "Cumulative and Secondary Impacts."

7. Onsite Wastewater Treatment Facility

Comment: No mention is made regarding the assessment of potential impacts from an on-site wastewater reclamation facility, even though the applicant has stated that its possible development is a trigger for this DEIS.

Response: Section 4.8.2 (Wastewater System) of the Draft EIS discusses Honua'ula's wastewater system options as well as potential impacts and mitigation measures. The Preliminary Engineering Report (Appendix P of the Draft EIS) also discusses Honua'ula's wastewater system options. The level of detail presented in the EIS is typical at this preliminary stage of design. As stated in Section 4.8.2 (Wastewater System) of the Draft EIS, wastewater system design, construction, and operation will be in accordance with County standards and all wastewater plans and facilities will conform

to applicable provisions of: Chapter 11-62, HAR (Wastewater Systems); Section 11-62-27, HAR (Recycled Water Systems); and Chapter 11-21, HAR (Cross-Connection and Backflow Control).

Comment: *As noted above, no detailed assessment is mentioned or offered for the Mākēna Resort WWRF, even though this facility will become part of the project if Honua'ula connects to it. This is the applicant's preferred option, yet no detailed analysis is offered and no analysis of potential impacts and mitigation measures is provided. Authorization from Mākēna Wastewater Corporation for this option has not been obtained.*

Response: As noted above, Section 4.8.2 (Wastewater System) of the Draft EIS discusses two alternatives for Honua'ula's wastewater system: 1) transport wastewater to the Mākēna WWRF for treatment; or 2) develop, maintain, and operate a private on-site WWRF. The preferred alternative is to transport wastewater to the Mākēna WWRF for treatment and then pump recycled (R-1) water back to Honua'ula for golf course irrigation use. Section 4.8.2 (Wastewater System) of the Draft EIS also states:

- While there is currently unused capacity at the Mākēna WWRF, it may be necessary to expand certain portions of the Mākēna WWRF in the future to provide a small amount of additional capacity to accommodate the total projected Honua'ula wastewater flows along with the projected Mākēna Resort flows before each project is completely built out. As both Honua'ula and Mākēna Resort will be built out over a number of years, improvements can be implemented at the appropriate time, when needed.
- Honua'ula Partners, LLC has had substantive discussions about the alternative of transporting wastewater to the Mākēna WWRF with the Mākēna WWRF owner, Mākēna Wastewater Corporation, and they support the connection; however, formal agreements with Mākēna Wastewater Corporation have not yet been finalized.
- Wastewater system design, construction, and operation will be in accordance with County standards and all wastewater plans and facilities will conform to applicable provisions of: Chapter 11-62, HAR (Wastewater Systems); Section 11-62-27, HAR (Recycled Water Systems); and Chapter 11-21, HAR (Cross-Connection and Backflow Control).
- The use of R-1 irrigation water is not expected to have negative impacts on groundwater or nearshore waters and Section 3.5 (Groundwater Resources and Water Quality) contains the complete discussion on potential impacts to groundwater and nearshore waters.

As also discussed in Section 4.8.2 (Wastewater System) of the Draft EIS, the Mākēna WWRF was designed to handle wastewater flows of 720,000 gallons per day (gpd). There is currently unused capacity at the Mākēna WWRF, but it may be necessary to expand the Mākēna WWRF to provide a small amount of additional capacity before both Honua'ula and Mākēna Resort are built out. As both Honua'ula and Mākēna Resort will be built out over a number of years, improvements can be implemented at the appropriate time, when needed.

To elaborate on this information already provided in the Draft EIS, while the Mākēna WWRF was designed to handle wastewater flows of 720,000 gpd, it was also designed to be expandable to 1.54 million gallons per day (mgd). Currently the facility is only handling 114,440 gpd, leaving an unused capacity of 605,560 gpd based on the current capacity of 720,000 gpd. Future development within Mākēna Resort is estimated to produce flows of 276,973 gpd. Therefore the total flow from Mākēna Resort is projected to be 391,413 gpd at build-out. See Table 1 below.

At build-out of Honua'ula, the total Honua'ula wastewater flow is projected to be 380,000 gpd. Combined with the total Mākēna Resort flow, the combined flow from both Mākēna Resort and Honua'ula would be 771,413 gpd, which is 51,413 gpd more than the current capacity of 720,000 gpd of the Mākēna WWRF. See Table 1 below. Preliminary indications are that the headworks, effluent filters, and UV disinfection systems would require modifications to handle the additional capacity. Expansion of the Mākēna WWRF will not be necessary until both Honua'ula and Mākēna Resort approach 90 percent of build out, which could be 10 to 20 years from now.

Table 1 Current and Projected Mākēna WWRF Capacities

Description	GPD
Current Mākēna Resort flow	114,440
Future Mākēna Resort flow	276,973
Total Mākēna Resort flow at build-out	391,413
Honua'ula flow at build out	380,000
Total Mākēna Resort and Honua'ula flow at build-out	771,413
Current Mākēna WWRF Capacity	720,000
Additional capacity required to accommodate both Mākēna Resort and Honua'ula at build-out	51,413

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS Section 4.8.2 (Wastewater System) will be revised as shown on the attachment titled: "Wastewater System."

Discussion of the fact that Honua'ula Partners, LLC has had substantive discussions with Mākēna Wastewater Corporation and that formal agreements with Mākēna Wastewater Corporation have not yet been finalized is also included in Section 7.5 (Unresolved Issue) of the Draft EIS. Section 11-200-17(N), HAR of the EIS rules (Title 11, Chapter 200, HAR) provides that a draft EIS shall include a separate and distinct section that summarizes unresolved issues and contains either a discussion of how such issues will be resolved prior to commencement of the action, or what overriding reasons there are for proceeding without resolving the problems. In accordance with this requirement, Section 7.5 (Unresolved Issue) of the Draft EIS includes discussion regarding the two alternatives for wastewater treatment and the status of the agreements with Mākēna Wastewater Corporation regarding transporting wastewater to the Mākēna WWRF. To clarify how this issue will be resolved in the Final EIS, in the Final EIS Section 7.5 (Unresolved Issue) will be revised as follows:

7.5 UNRESOLVED ISSUE

Wastewater – As discussed in Section 4.8.2 (Wastewater System), Honua'ula Partners, LLC, will either transport wastewater to the Mākēna WWRF for treatment or provide a WWRF on-site. The preferred alternative is to transport wastewater to the Mākēna WWRF. Transporting wastewater to the Mākēna WWRF for treatment provides the benefit of consolidating wastewater services for both Honua'ula and Mākēna, allowing economies of scale in the treatment process and consolidated regulatory compliance. Additionally, sufficient golf course land is available within both developments to reuse 100 percent of the

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recycled water for irrigation. Honua'ula Partners, LLC has had substantive discussions about this alternative with the Mākēna WWRF owner, Mākēna Wastewater Corporation, and they support the connection; however, formal agreements with Mākēna Wastewater Corporation have not yet been finalized. If formal agreements with Mākēna Wastewater Corporation are not finalized, Honua'ula Partners, LLC will proceed with the other alternative for wastewater treatment discussed in Section 4.8.2 (Wastewater System), which is to construct an on-site WWRF that is capable of treating all of the Honua'ula wastewater to R-1 standards.

Comment: It is also noted that the DEIS states under the listed "triggers" for the project's EIS:

"...While the specific nature of each improvement is not known at this time, this EIS is intended to address all current and future instances involving the use of State and/or County lands and/or funds relating to Honua'ula."

Under what future circumstances might the proposed action utilize public monies? This must be disclosed and included in the assessment of potential impacts relative to its use.

If the "specific nature" of a project action that may involve State and/or County land and/or funds is not known at this time, it is premature to submit a DEIS. A DEIS must include consideration of all phases of the action and consideration of all consequences on the environment (11-200-17 (I) HAR). Again, the EIS must provide the information necessary to permit an evaluation of potential environmental impacts. (11-200-17(E) HAR).

Response: In response to your concern, in the Final EIS Section 1.5 (Compliance With State Of Hawai'i And County Of Maui Environmental Laws) will be revised as follows:

Section 343-5, HRS, establishes nine "triggers" that require the preparation of an Environmental Assessment (EA) or EIS. The triggers for Honua'ula include, without limitation, the following:

- Extending Pīlani Highway from Wailea Ike Drive to Kauhāhi Street, a portion of which will be on right-of-way (ROW) owned by the State of Hawai'i; and
- Possible development of an on-site wastewater reclamation facility.

~~In addition, creation of Honua'ula may involve or impact State and/or County lands or funds relating to infrastructure improvements for public facilities, roadways, water, sewer utility, drainage, or other facilities. While the specific nature of each improvement is not known at this time, this EIS is intended to address all current and future instances involving the use of State and/or County lands and funds relating to Honua'ula.~~

CONCLUSION: DEIS APPLICATION IS INCOMPLETE AND PREMATURE

Comment: *Accepting agencies should find that the Honua'ula DEIS application is incomplete and premature. Critical components of the proposed action have not yet been decided and are therefore not discussed in sufficient detail to permit an evaluation of potential environmental impacts – the very purpose of an environmental impact statement and a requirement under Section 11-200-17(E) HAR.*

Response: The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, HRS and Title 11, Chapter 200, HAR). The EIS laws and rules do not provide for the accepting authority to find a draft EIS "incomplete and

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premature." Rather, the EIS laws and rules provide for the preparation of a draft EIS, a review process, and the preparation of a final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments, and our responses. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

Regarding your reference to 11-200-17(E) HAR, this section of the EIS rules specifically pertains to what is required for an EIS project description. The Honua'ula Draft EIS meets the criteria specified under Section 11-200-17(E), HAR regarding what is required for an adequate project description, along with all other subsections (A – P) of Section 11-200-17, HAR pertaining to the content requirements of a draft EIS.

Wastewater Treatment

Comment: *The applicant has not yet determined if it will build an on-site wastewater facility (as was represented to the County Council when obtaining a change in zoning) or run sewage lines to Mākēna Wastewater Reclamation Facility (MWRWF), which may need to be expanded to accommodate Honua'ula. Neither option is sufficiently discussed to determine potential adverse impacts, or even the feasibility of successful operation. Furthermore, the applicant has not provided authorization for the use of MWRWF.*

Until the actual wastewater system is determined, it is premature to submit a DEIS for evaluation and review.

Response: It was not "premature" to submit the Draft EIS when it was submitted and it is not necessary to determine which wastewater alternative will be implemented to be able to proceed with the Final EIS.

As explained in the above section of this letter with the heading "Z. Onsite Wastewater Treatment Facility," Section 4.8.2 (Wastewater System) of the Draft EIS discusses two alternatives for Honua'ula's wastewater system: 1) transport wastewater to the Mākēna WWRF for treatment; or 2) provide an on-site WWRF. Information on operations and potential impacts associated with both alternatives is also included.

Section 11-200-17(N), HAR of the EIS rules (Title 11, Chapter 200, HAR) provides that a draft EIS shall include a separate and distinct section that summarizes unresolved issues and contains either a discussion of how such issues will be resolved prior to commencement of the action, or what overriding reasons there are for proceeding without resolving the problems. In accordance with this requirement Section 7.5 (Unresolved Issue) of the Draft EIS includes discussion regarding the two alternatives for wastewater treatment and the status of agreements with Mākēna Wastewater Corporation regarding transporting wastewater to the Mākēna WWRF. To clarify how this issue will be resolved in the Final EIS, in the Final EIS Section 7.5 (Unresolved Issue) will be revised as follows:

7.5 UNRESOLVED ISSUE

Wastewater – As discussed in Section 4.8.2 (Wastewater System), Honua'ula Partners, LLC, will either transport wastewater to the Mākēna WWRF for treatment or provide a WWRF

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on-site. The preferred alternative is to transport wastewater to the Mākena WWRF. Transporting wastewater to the Mākena WWRF for treatment provides the benefit of consolidating wastewater services for both Honua'ula and Mākena, allowing economies of scale in the treatment process and consolidated regulatory compliance. Additionally, sufficient golf course land is available within both developments to reuse 100 percent of the recycled water for irrigation. Honua'ula Partners, LLC has had substantive discussions about this alternative with the Mākena WWRF owner, Mākena Wastewater Corporation, and they support the connection; however, formal agreements with Mākena Wastewater Corporation have not yet been finalized. If formal agreements with Mākena Wastewater Corporation are not finalized, Honua'ula Partners, LLC will proceed with the second alternative for wastewater treatment discussed in Section 4.8.2 (Wastewater System), which is to construct an on-site WWRF that is capable of treating all of the Honua'ula wastewater to R-1 standards.

Roadway Agreements

Comment: *The DEIS states on the bottom of page 104, "Proposed agreements regarding the roadway improvements will be incorporated in the Phase II application and will be finalized as part of Project District Phase II approval." As noted above, the applicant cannot postpone the disclosure of roadway agreements affecting [sic] the assessment of traffic impacts. Any roadway agreements must be disclosed in the DEIS.*

Response: Your concern regarding roadway agreements has been addressed in the above section of this letter with the heading **"1. Use of the state right-of-way for the Pīlani extension through the property to connect with Kaūkahiki Drive."** See the response to your comment: "The DEIS should also supply specific agreements the developers have with the state Department of Transportation for use of the right of way, to insure a transparent process."

As noted above, to elaborate on the consultation and agreement regarding roadway improvements to be implemented by Honua'ula Partners, LLC that has taken place with DOT and DPW, in the Final EIS, in the Final EIS: 1) correspondence between Honua'ula Partners, LLC and DOT and DPW will be provided in an appendix; and 2) Section 4.4 (Roadways and Traffic) and Section 5.2.3 (County of Maui Zoning) will be revised as shown in the above section of this letter.

However it is relevant to note that DOT's and DPW's review of, satisfaction with, and agreement of, the improvements required of, and proposed by, Honua'ula Partners, LLC was based on roadway improvements required by County of Maui Ordinance No. 3554 Condition 2 and also in accordance with the recommendations of TIARs prepared for Honua'ula, the widening of Pīlani Highway, and the Wailea Ike Drive/Wailea Alanui Drive intersection improvements. Therefore your concern regarding "roadway agreements effecting [sic] the assessment of traffic impacts" is unwarranted as DOT and DPW have thoroughly reviewed the proposed improvements and are satisfied and agree with the improvements. We believe that this was the intent of the Maui County Council in imposing County of Maui Ordinance No. 3554 Condition 18k, which requires: "Roadway improvements to the satisfaction of the State Department of Transportation and the County Department of Public Works and proposed agreements are incorporated in the application and site plan and finalized as part of Project District Phase II approval."

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Water Systems

Comment: *The DEIS includes extensive studies, and reports supporting analysis on traffic, noise, air quality, economics, and marketing but the Preliminary Engineering Report does not provide enough quantitative data on wastewater or water systems to permit any impact analysis. The DEIS provides declaratory data about these systems without supporting technical studies to substantiate its claims. There are no hydrology reports or a wastewater system analysis for a very elaborate system, regardless of which option is utilized.*

Response: Regarding wastewater systems, Section 4.8.2 (Wastewater System) of the Draft EIS discusses Honua'ula's wastewater system options as well as potential impacts and mitigation measures. The Preliminary Engineering report (Appendix P of the Draft EIS) also discusses Honua'ula's wastewater system options. While you may not consider the information provided as adequately addressing your concerns, the level of detail presented in the EIS is typical at this preliminary stage of design, and without more specific information regarding what you may consider inadequate we cannot provide a more detailed response. However we have addressed your previous more detailed comments regarding wastewater in the above sections of this letter with the headings **"2. Wastewater transmission line alignment for possible connection to the Mākena Resort Wastewater Reclamation Facility"** and **"7. Onsite Wastewater Treatment Facility."** Where noted in those sections of this letter, the Final EIS will be revised to address your concerns regarding wastewater and wastewater systems.

Regarding water systems, Section 4.8.1 (Water System) of the Draft EIS and the Preliminary Engineering Report (Appendix P) discuss Honua'ula's private water system, including impacts, design, average daily water use (demand), and conservation measures to reduce impacts. Honua'ula Partners, LLC's hydrologist, Tom Nance Water Resource Engineering (TNWRE) provided the technical expertise regarding Honua'ula's water resources that is the basis of the discussion of potable and non-potable water in Section 4.8.1 (Water System) of the Draft EIS and the Preliminary Engineering Report. Tom Nance of TNWRE has over 30 years of experience in the areas of groundwater and surface water development, hydraulics and water system design, flood control and drainage, and coastal engineering. Estimates of water demand are based on the DWS's standards and TNWRE's extensive experience. In their comment letter on the Draft EIS dated June 3, 2010, DWS confirmed that the water demand estimates in the Draft EIS are within the range of DWS's system standards.

Section 3.5.1 (Groundwater) of the Draft EIS and the technical hydrologic assessment by TNWRE contained in Appendix B of the Draft EIS discuss the potential impact on groundwater resources from the creation of Honua'ula and its water system. Section 3.5.1 (Groundwater) and the technical hydrologic assessment provide information on the sustainable yield of the Kamā'ole Aquifer, Honua'ula's water sources and demand, total average groundwater use, and the potential changes to groundwater in the area downgradient of Honua'ula. In their letter commenting on the Draft EIS dated May 20, 2010, the Commission on Water Resource Management stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues."

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Noise Impacts

Comment: *The DEIS does not address noise impacts from the widening of Pi'ilani Highway.*

Response: The Draft EIS does address noise from the widening of Pi'ilani Highway. For example, in Section 4.5 (Noise) of the Draft EIS it is stated:

The acoustic study concludes that the creation of Honua'ula will not cause increases in traffic noise levels that would exceed DOT's criteria signifying a substantial change, which is defined as an increase of 15 decibels (dB) or more over existing conditions. By the year 2022 maximum increases in traffic noise levels in the vicinity of Honua'ula should not increase more than 10 decibels (dB) along Pi'ilani Highway and 3.6 dB along Waialea like Drive as a result of: 1) regional growth in traffic volumes; 2) **the widening of Pi'ilani Highway [emphasis added]**; 3) the creation of Honua'ula; and 4) the planned extension of Pi'ilani Highway into Honua'ula to connect with Kauhahi Street.

While a substantial change in noise levels (as defined by DOT) will not occur, by the year 2022 the number of residences along Pi'ilani Highway subject to noise levels that exceed DOT residential noise standards is projected to increase from two residences under existing conditions to:

- 13 residences due to regional increases in traffic even if Pi'ilani Highway is not widened and Honua'ula is not built;
- **14 residences if Pi'ilani Highway is widened and Honua'ula is not built [emphasis added]**; and
- **16 residences if Pi'ilani Highway is widened and Honua'ula is built [emphasis added]**.

...To mitigate impacts to residences along Pi'ilani Highway subject to noise levels that exceed FHWA and DOT residential noise standards, sound attenuating walls are recommended in accordance with DOT's traffic noise abatement policy.

So while the Draft EIS does address noise impacts from the widening of Pi'ilani Highway, to provide additional information in the Final EIS, in the Final EIS Section 4.5 (Noise) will be revised as shown on the attachment labeled "Noise."

Comment: *The DEIS states on page 173, "An EA specifically addressing the impacts (including noise impacts) of the widening (of) Pi'ilani Highway is being prepared and will be submitted to the State OEQC for public and State-agency review."*

Response: The sentence you quote is within Section 4.5 (Noise) of the Draft EIS and is on page 113, not page 173. Since the Draft EIS was completed, the State DOT has accepted the Pi'ilani Highway Widening Project Final EA and subsequently issued a Finding of No Significant Impact which was published in the OEQC's *The Environmental Notice* on May 8, 2012.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.5 (Noise) will be revised as shown on the attachment labeled "Noise."

Comment: *The applicant cannot segment portions of the project into separate reviews. The widening of Pi'ilani Highway is a necessary precedent to any construction of the proposed project (Change in Zoning Condition 2.a.) and must be included in this DEIS.*

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SEGMENTATION OF ACTIONS.

Response: This comment is addressed above in the section of this letter under the heading

Comment: *The suggestion that noise-attenuating walls are recommended along the highway presents a serious impact that should be fully discussed in this DEIS.*

Response: As stated in the Section 4.5 (Noise) of the Draft EIS:

...by the year 2022 the number of residences along Pi'ilani Highway subject to noise levels that exceed DOT residential noise standards is projected to increase from two residences under existing conditions to:

- 13 residences due to regional increases in traffic even if Pi'ilani Highway is not widened and Honua'ula is not built;
- 14 residences if Pi'ilani Highway is widened and Honua'ula is not built; and
- 16 residences if Pi'ilani Highway is widened and Honua'ula is built.

In other words, noise levels along Pi'ilani Highway are projected to increase even if Pi'ilani Highway is not widened and Honua'ula is not built. Noise levels at two residences adjacent to Pi'ilani Highway currently exceed State DOT noise standards for residential structures. By 2022 this number will increase to 13 due to regional increases in traffic conditions even if Pi'ilani Highway is not widened and Honua'ula is not built. If Pi'ilani Highway is widened and Honua'ula is built, by 2022 noise levels at three additional residences adjacent to Pi'ilani Highway would exceed State DOT noise standards for residential structures. Thus, the direct impact of widening Pi'ilani Highway and building Honua'ula is that three additional residences adjacent to Pi'ilani Highway would exceed State DOT noise standards for residential structures compared to projected future conditions if Pi'ilani Highway is not widened and Honua'ula is not built. Therefore the primary noise impacts to residences adjacent to Pi'ilani Highway are from regional increases in traffic that are projected to occur even if Pi'ilani Highway is not widened and Honua'ula is not built, and not the direct result of the widening of Pi'ilani Highway and the building of Honua'ula.

As stated in Section 4.5 (Noise) of the Draft EIS, "To mitigate impacts to residences along Pi'ilani Highway subject to noise levels that exceed FHWA and DOT residential noise standards, sound attenuating walls are recommended in accordance with DOT's traffic noise abatement policy." To elaborate, under DOT's noise abatement policy if the cost of the sound attenuating wall does not exceed \$35,000 per benefited residence, construction of the wall can be considered to be reasonable and feasible. Walls fronting two lots mauka of Pi'ilani Highway and one lot makai of Pi'ilani Highway have a possibility of being considered as reasonable and feasible under the DOT traffic noise abatement policy.

In summary, the Draft EIS discusses noise due to the widening of Pi'ilani Highway and the building of Honua'ula. The direct impact of widening Pi'ilani Highway and building Honua'ula is that three additional residences adjacent to Pi'ilani Highway would exceed State DOT noise standards for residential structures compared to projected future conditions if Pi'ilani Highway is not widened and Honua'ula is not built. Therefore the primary noise impacts to residences adjacent to Pi'ilani Highway are from regional increases in traffic that are projected to occur even if Pi'ilani Highway is not widened and Honua'ula is not built, and not the direct result of the widening of Pi'ilani Highway and the building of Honua'ula. To mitigate impacts to residences along Pi'ilani

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Highway subject to noise in excess of State DOT noise standards for residential structures, sound attenuating walls are recommended in accordance with DOT's traffic noise abatement policy. Walls fronting two lots mauka of Prilani Highway and one lot makai of Prilani Highway have a possibility of being considered as reasonable and feasible under the DOT traffic noise abatement policy.

To incorporate the relevant above information, as well as responses to your other comments and comments from others regarding noise, into the Final EIS, in the Final EIS: 1) the Prilani Highway Widening Project Final EA will be included as an appendix; and 2) Section 4.5 (Noise) will be revised as shown on the attachment titled "Noise."

Comment: Section 11-200-7 HAR requires that a group of actions proposed by an applicant shall be treated as a single action when the individual project is a necessary precedent for a larger project.

Response: This comment is addressed above in the section of this letter under the heading "SEGMENTATION OF ACTIONS."

Electrical Infrastructure

Comment: The DEIS does not provide discussion of the "possible" expansion of the existing electrical substation even though it states on page 133 that "the Wailea Substation is nearly filled to capacity." The DEIS states that MECO needs more information before confirming the need for expansion. The applicant should provide the necessary information to include full discussion of the project's electrical needs and the actions needed to fulfill those needs. What will the expansion of the Wailea Substation entail?

Response: At this time, it has not yet been determined whether expansion of the existing substation will be necessary. Honua'ula Partners, LLC's electrical engineer has provided available information regarding Honua'ula to MECO for their review and planning purposes. MECO has stated that additional review is required during the design development stage of Honua'ula to determine if expansion of the existing substation will be necessary. MECO has also stated that although the current capacity of the MECO electrical system to serve Honua'ula may be limited, with continuously evolving demands for MECO's service, along with MECO's on-going efforts to upgrade and maintain their system to serve new and existing loads, capacity may be in place and adequate to serve Honua'ula by the time Honua'ula is under construction. MECO will continue to review its electrical system and requirements as Honua'ula progresses into the design development stage so that MECO will be able to evaluate: 1) the size of actual electrical loads that MECO is required to serve; 2) the dates when these loads need to be energized by MECO; and 3) the state of the MECO electrical system at the time when these loads are expected to be connected.

In anticipation of the need, Honua'ula Partners, LLC will continue to include an area for the expansion of the existing substation on Honua'ula plans. Should MECO not require additional area, the existing substation would not be expanded. Since MECO cannot make a determination until Honua'ula is within the design development stage, details on the requirements for serving Honua'ula are not available at this time. Should the substation be expanded, however, MECO's additional equipment (i.e. transformers, switchgear, cabling, etc.) and structures currently are anticipated to be similar to what is presently constructed at the existing substation.

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We have addressed your previous, more detailed comments regarding the possible expansion of the MECO electrical substation in the above section of this letter with the heading: "4. Possible expansion of the Maui Electric Company (MECO) electrical substation located within the Honua'ula property."

To incorporate the relevant above information, as well as responses to your other comments and comments from others regarding the possible expansion of the MECO substation, into the Final EIS, in the Final EIS Section 4.8.6 (Electrical System) will be revised as shown on the attachment titled "Electrical System."

Comment: What will be the impact to ratepayers for the expansion of the sub-station?

Response: As stated in the above section of this letter under the heading: "4. Possible expansion of the Maui Electric Company (MECO) electrical substation located within the Honua'ula property." MECO is regulated as a public utility by the State PUC. The PUC prescribes rates, tariffs, charges and fees, for public utilities.

SUMMARY OF NEEDED ACTION:

Comment: An applicant cannot ask for Chapter 343 approval for a possible trigger that has not been adequately evaluated within the scope of the DEIS.

The applicant cannot define or limit the scope of the EIS for his own purposes. Title 11, Chapter 200, Environmental Impact Statement Rules, prescribes the scope of an EIS. The proposed project and any proposed actions associated with it, whether "possible" or factual, form the scope of the EIS and must be included.

Response: To clarify your use of the word "action" we reiterate our point from the above section of this letter under the heading "SEGMENTATION OF ACTIONS" that not all of the items you cite constitute "actions" that trigger environmental review under Chapter 343, HRS. However the Honua'ula Draft EIS included discussion regarding all of the items listed in points 1 to 7 of your letter (both those that are and are not "actions" under Chapter 343, HRS) in conformance with Section 11-200-19, HAR, which provides, in part, that "Data and analyses in a statement shall be commensurate with the importance of the impact, and less important material may be summarized, consolidated, or simply referenced..." Where noted in this letter, and in the attachments to this letter, the Final EIS will include additional information to address your concerns.

Honua'ula Partners, LLC has not defined or limited the scope of the Draft EIS for its own purposes. Section 1.6 (Scope of this EIS) of the Draft EIS, to which we believe you are referring, was not intended to limit the scope of the EIS, rather it was intended to inform the reader that the EIS covers potential impacts relating to Honua'ula and potential off-site improvements such as extending Prilani Highway from Wailea Ika Drive to Kauhahi Street on a portion of the ROW owned by the State of Hawaii; the wastewater transmission line alignment for possible connection to the Makena Resort WWRF; the off-site wells, waterline, and storage tank; and the possible expansion of the MECO electrical substation. In other words, Section 1.6 (Scope of this EIS) of the Draft EIS was meant to inform the reader that the EIS covers not only potential impacts relating to

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Honua'ula on the Honua'ula Property (TMK (2) 2-1-08:056 and (2) 2-1-08:71)) but also potential impacts on off-site properties.

The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, HRS and Title 11, Chapter 200, HAR), including all subsections of Section 11-200-17, HAR which pertain to the content requirements of a draft EIS. In accordance with 11-200-17(O), HAR, the Draft EIS includes a section that contains a list identifying all governmental agencies, other organizations, and private individuals consulted in preparing the Draft EIS. This consultation process was conducted as part of determining the scope of the Draft EIS and included sending out an Environmental Impact Statement Preparation Notice (EISP/N) to governmental agencies, citizen groups (including Maui Tomorrow), and concerned individuals to gather comments regarding the scope of the EIS. In fact this consultation process included two public comment periods which generated substantial comments, all of which were addressed in the Draft EIS.

To summarize the process, the Maui County Planning Department submitted the Honua'ula EISP/N to OEQC on February 23, 2009. Notice of the availability of the EISP/N was published in the March 8, 2009 edition of the OEQC's *The Environmental Notice*. The public comment period for the EISP/N began March 8, 2009 and ended April, 7, 2009.

Following the EISP/N public comment period, Honua'ula Partners, LLC consulted with OEQC to ensure that all applicable statutory and regulatory requirements were fulfilled. Regarding the EISP/N dated March 2009, the OEQC Director stated: "...the published document fulfills all the requirements and components [of an environmental assessment." Pursuant to the instructions of the OEQC Director, the Maui County Planning Department subsequently submitted an EA/EISP/N to OEQC on September 18, 2009. Notice of the availability of the EA/EISP/N was published in the October 8, 2009 edition of the OEQC's *The Environmental Notice*. The official public comment period on the EA/EISP/N was from October 8, 2009 to November 7, 2009; however Honua'ula Partners, LLC voluntarily extended the comment period until November 17, 2009 to allow all consulted parties ample time to provide comments.

Given that there were two public comment periods as part of the EISP/N process, one of which was extended by Honua'ula Partners, LLC of its own volition, and that all comments received during the public comment periods were addressed in the Draft EIS, we must respectfully disagree with your assertion that Honua'ula Partners, LLC has defined or limited the scope of the Draft EIS for its own purposes.

Going forward, the EIS laws and rules provide for the preparation of a draft EIS, a review process, and the preparation of a final EIS. Per the EIS rules, the Final EIS will incorporate substantive comments received during the review process, including your comments and our responses to your comments. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments. This would include the Maui Planning Department/Planning Commission determining whether the scope of the Final EIS was adequate.

As noted in several of the above sections of this letter, to incorporate responses to your comments, as well as the comments from others in the Final EIS, in the Final EIS several sections of the EIS will

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be revised as shown in specific sections of this letter and the several attachments to this letter. These changes include providing the Pi'ilani Highway Widening Project EA and the Wailea Ike Drive and Wailea Alanui Drive Intersection Improvements Final EA as appendices to the Final EIS and revising appropriate sections of the EIS to integrate relevant information from the EAs into the body of the Final EIS. Further, to indicate that the widening of Pi'ilani Highway from Kilohana Drive to Wailea Ike Drive and the Wailea Ike Drive and Wailea Alanui Drive intersection improvements are included within the scope of the EIS, in the Final EIS Section 1.6 (Scope of this EIS) will be revised as follows:

1.6 SCOPE OF THIS EIS

This EIS covers potential impacts relating to Honua'ula, "the Property" (TMK (2) 2-1-08:056 and (2) 2-1-08:71) and planned and potential off-site improvements, including:

- Extending Pi'ilani Highway from Wailea Ike Drive to Kauka'ahi Street. (TMK (2) 2-1-08: 999 (portion));
- Widening Pi'ilani Highway from Kilohana Drive to Wailea Ike Drive. (TMK (2) 2-1-08:999 (portion)); (TMK (2) 2-1-26:999); (TMK (2) 2-1-3:999 (portion));
- Wailea Ike Drive and Wailea Alanui Drive intersection improvements. (TMK (2) 2-1-08:999 (portion)); TMK (2) 2-1-08:131 (portion)); TMK (2) 2-1-08:118 (portion)); (TMK (2) 2-1-08:134 (portion));
- Wastewater transmission line alignment for possible connection to the Makena Resort Wastewater Reclamation Facility (WWRF), which is located approximately one mile south of Honua'ula (TMK (2) 2-1-08: 090 (portion)); (TMK (2) 2-1-08: 108 (portion));
- Off-site wells, waterline, and storage tanks (TMK (2) 2-2-02:001 (portion)); (TMK (2) 2-2-02: 050 (portion)); (TMK (2) 2-2-02: 054 (portion)) (TMK (2) 2-1-08: 054 (portion)); (TMK (2) 2-1-08: 001 (portion)); and
- Possible expansion of the Maui Electric Company (MECO) electrical substation located within the Honua'ula property (TMK (2) 2-1-08: 043).

Comment: We request that reviewing agencies compel Honua'ula LLC to follow the law. The EIS should not segment or avoid discussion, evaluation and mitigations for these complex components of the whole project.

We request that the DEIS be redone to include required environmental evaluation of the planned and proposed offsite infrastructure and housing projects that are part of its original scope of approval.

Response: As stated above, the Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, HRS and Title 11, Chapter 200, HAR).

Previous sections of this letter have addressed your specific concerns regarding: 1) the "EIS should not segment or avoid discussion, evaluation and mitigations for these complex components of the whole project;" and 2) "the DEIS be redone to include required environmental evaluation of the planned and proposed offsite infrastructure and housing projects that are part of its original scope of approval."

The EIS laws and rules do not provide for a draft EIS to be "redone." Rather the EIS laws and rules provide for the preparation of a draft EIS, a review process, and the preparation of a final EIS. Per

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the EIS rules, the Final EIS will incorporate substantive comments received during the review process, including your comments and our responses to your comments. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

Comment: *With the exception of the Environmental Assessment (EA) for Piliāni/Waileā Ike intersection improvements, the public has had no chance to evaluate these proposed actions. Even with the EA issued for the Waileā intersection improvements, there has not been an opportunity provided to evaluate need, impacts and mitigations in light of the larger scope of the Honua'ula project. It is not enough that these topics are included in the Final EIS where all opportunity for meaningful comments by the public and reviewing agencies will be foreclosed.*

Response: As noted in several of the above sections of this letter, to incorporate responses to your comments, as well as the comments from others in the Final EIS, in the Final EIS several sections of the EIS will be revised as shown in specific sections of this letter and the several attachments to this letter. These changes include providing the Piliāni Highway Widening Project Final EA and the Waileā Ike Drive and Waileā Alanui Drive Intersection Improvements Final EA as appendices to the Draft EIS and revising appropriate sections of the Draft EIS to integrate relevant information from the EAs into the body of the Draft EIS.

We strongly disagree with your statement that: "...the public has had no chance to evaluate these proposed actions." Given the EIS and EAs that have been prepared for Honua'ula, the widening of Piliāni Highway, and the Waileā Alanui/Waileā Ike Drive intersection improvements, every relevant aspect of the Honua'ula project has undergone the required environmental review, including disclosure of the environmental impacts and complete public review and comment. Further, in addition to the two public comment periods that were part of the Honua'ula EISPN process, subsequent to the EA/EISPN public comment period, notice of the availability of the Draft EIS was published in the April 23, 2010 edition of OEQC's The Environmental Notice. The official 45-day public comment period on the Draft EIS was from April 23, 2010 to June 7, 2010; however as a courtesy to those that requested more time to review the Draft EIS, Honua'ula Partners LLC—similar to the comment period for the EA/EISPN—voluntarily extended the comment period on the Draft EIS until June 30, 2010. Given that there have been three public comment periods as part of the EIS process, two of which have been extended by Honua'ula Partners, LLC of its own volition; we must respectfully disagree with your comment that "...the public has no chance to evaluate these proposed actions."

In addition, there was substantial opportunity for the consideration of public questions and concerns over an extended period of time prior to the current EIS process. During the County Council hearings for the Honua'ula Change in Zoning and Project District Phase I approval in 2008, the County Council heard extensive testimony from both the public and experts in various fields of study. In response to concerns raised at the hearings, the Council included comprehensive conditions as part of the Change in Zoning Ordinance (County of Maui Ordinance No. 3554) approval. These conditions reflect a range of concerns and ensure that any impacts of Honua'ula are mitigated and addressed in context with regional impacts and demands, including impacts related to traffic and demands related to infrastructure systems such as water and wastewater. Prior to the County Council hearings in 2008, the Council's Land Use Committee had held extensive public meetings over the course of 2006 and 2007 to consider Honua'ula, including an estimated

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10 public hearings where public testimony was heard. These Council and Committee meetings/hearings underscore the fact that the public has in no way been deprived of the opportunity to be heard during the consideration of Honua'ula.

As a result of the Council hearings, several of Honua'ula's off-site improvements, such as the widening of Piliāni Highway and the Waileā Alanui/Waileā Ike Drive intersection improvements, are conditions of Honua'ula's rezoning ordinance (County of Maui Ordinance No. 3554). As were all conditions, the conditions relating to the widening of Piliāni Highway and the Waileā Alanui/Waileā Ike Drive intersection improvements were openly discussed at the County Council hearings. Therefore we must respectfully disagree with your comment that "there has not been an opportunity provided to evaluate need, impacts and mitigations in light of the larger scope of the Honua'ula project."

In reviewing the Final EIS, the accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

Flora and Fauna

Comment: *The DEIS does not evaluate the relative merits of allowing hundreds of native plants to continue living in their preferred habitat, as was intended by Condition of Rezoning No. 27, against the biological viability of damaging existing habitat, and then transplanting or out planting native species in other locations in a 120 acre suburban setting. Conservation biologists do not support fragmenting existing habitat as a preferred survival strategy.*

Response: In response to comments on the Draft EIS requesting additional area to be set aside for native plant species, Honua'ula Partners, LLC proposes both on- and off-site measures.

For on-site measures, Honua'ula Partners, LLC will increase the area of the Native Plant Preservation Area on the Honua'ula property from 22 to 40 acres. This 40-acre area contains the highest density of native plants within the Property, and will include all five ʻāwīkīwīki plants that were alive in 2009 and the majority of the nehe plants at the Property. The Native Plant Preservation Area will be actively managed in accordance with the Conservation and Stewardship Plan (included as Appendix F of the Draft EIS). Management actions will include removal and exclusion of ungulates (deer, cattle, goats, and pigs), removal and control of noxious invasive weeds and plants, and propagation of native plants from seeds collected on the Property.

For off-site mitigation, Honua'ula Partners, LLC will:

1. Acquire 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 Kanaloa Natural Area Reserve; and
2. Fund and implement the continuation and expansion of restoration efforts within the Auwahi Forest Restoration Project area, just north of the Kanaloa Natural Area Reserve, including fencing of approximately 130 acres, ungulate removal, and plant restoration activities.

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Together the on- and off-site mitigation areas provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including wiliwili. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the Blackburn's sphinx moth, providing net benefit to this species, as well as a large number of additional native dryland species. To implement the on- and off-site mitigation measures, Honua'ula Partners, LLC, will finalize its draft Habitat Conservation Plan in collaboration with USFWS and DLNR in accordance with Section 10(a)(1)(B) of the Endangered Species Act and Chapter 195D, HRS. The on- and off-site mitigation areas are subject to the approval of the Habitat Conservation Plan by USFWS and DLNR.

To include this information in the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) will be revised as shown on the attachment labeled "Botanical Resources."

Comment: *The DEIS does not disclose that the 143-acre "Native Plant Enhancement area" will have no legal protection. The 143 acres cannot, and should not, be compared to a 130 acre contiguous, well established, naturally occurring dryland forest habitat area. If the project wishes to utilize native plants for landscaping in parks, gulches, golf course rough and common areas, that is sensible. But the DEIS provides no basis to conclude that this would be a more effective way of insuring viability of native species than preserving their existing habitat. The proposed out-planting should be practiced in conjunction with in situ preservation of 130 acres, not in lieu of that preservation.*

Response: Condition 27 requires that the Native Plant Preservation Area be established in a perpetual easement. Section 3.6 (Botanical Resources) of the Draft EIS notes that the scope of the Native Plant Preservation Area easement will be set forth in an agreement between Honua'ula Partners, LLC and the County of Maui (in conformance with County of Maui Ordinance No. 3554 Conditions 27a - 27d) that will include (among other things): 1) a commitment from Honua'ula Partners, LLC to protect and preserve the Native Plant Preservation Area for the protection of native Hawaiian plants; and 2) prohibiting development in the Native Plant Preservation Area other than erecting fences and enhancing trails. Section 5.2.3 (County of Maui Zoning) notes that Honua'ula Partners, LLC preparing a draft agreement setting forth the scope of the Easement.

To protect native plant species, Honua'ula Partners, LLC proposes both on- and off-site measures as noted above and in the Attachment labeled "Botanical Resources," which details changes to Section 3.6 (Botanical Resources) that will be included in the Final EIS.

Comment: *Condition 27 requires that the entire 130 acres of native lowland forest receive review and recommendations from Department of Land and Natural Resources (DLNR), U.S. Fish and Wildlife (USFW) and the U.S. Corps of Engineers (USACE) before determining the scope of the preservation easement. It appears that the responsible agencies are being brought into the decision making process after the landowners have already made their preservation decisions.*

Response: In compliance with Condition 27 Honua'ula Partners, LLC have consulted with the State DLNR, the USFWS, and the United States Corps of Engineers regarding the area of the Native Plant Preservation Area. As a result of this consultation Honua'ula Partners, LLC proposes both on- and off-site measures to protect and enhance native plants and habitat for the Blackburn's sphinx moth as noted above and in the Attachment labeled "Botanical Resources," which details changes to Section 3.6 (Botanical Resources) that will be included in the Final EIS.

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Comment: *No discussion is offered regarding the report titled "Remnant Wiliwili Forest Habitat at Wailea 670, Maui, Hawaii" prepared by Dr. Lee Altenberg, substantiating the need to preserve the 130 native lowland forest and which the Maui County Council directed the applicant to submit to DLNR, USFW and USACE for their review prior to submitting recommendations on what does not merit preservation.*

Response: Section 3.6 (Botanical Resources) of the Draft EIS contains extensive discussion on the botanical resources of the Honua'ula Property. The Altenberg report is referenced in this section as one of the previous botanical surveys of the Property that have been conducted since 1988.

To obtain the best possible understanding of vegetation types and plant species present within the Honua'ula Property, SWCA conducted a thorough quantitative assessment of site vegetation. Appendix E of the Draft EIS contains this botanical assessment survey report. No Federal or State of Hawai'i listed threatened or endangered plant species were identified on the Property. However, a candidate endangered species, *awikiwiki (Canavalia pubescens)*, was identified. To protect and conserve the area that contains the highest density of representative native plant species, a Native Plant Preservation Area will be established in perpetuity under a conservation easement. The Native Plant Preservation Area will be in conformance with County of Maui Ordinance No. 3554 Condition 27.

Section 5.2.3 (County of Maui Zoning) of the Draft EIS states that the report titled: "Remnant Wiliwili Forest Habitat at Wailea 670, Maui, Hawaii by Lee Altenberg, Ph.D.," will be provided to DLNR, the USFWS, and the U.S. Corps of Engineers for review and recommendations before Project District Phase II approval in compliance with Condition 27. This report was provided to the DLNR, the USFWS, and the U.S. Corps of Engineers along with the SWCA Environmental Consultants report on March 22, 2010. To include this updated information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

27. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide the report "Remnant Wiliwili Forest Habitat at Wailea 670, Maui, Hawaii by Lee Altenberg, Ph.D.," along with a preservation/mitigation plan, to the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers for review and recommendations prior to Project District Phase II approval. The Maui Planning Commission shall consider adoption of the plan prior to Project District Phase II approval.

Discussion: Honua'ula Partners, LLC will comply with ~~this condition~~ Condition 27. As discussed in Section 3.6 (Botanical Resources), SWCA Environmental Consultants (SWCA) prepared the *Honua'ula Conservation and Stewardship Plan* (2010b) to ensure the long-term conservation and stewardship of native plants within Honua'ula. The plan incorporates findings, conclusions, and recommendations from previous botanical surveys, wildlife surveys, and biological assessments of the Property and recommends proactive stewardship actions to manage the Native Plant Preservation Area and the Native Plant Conservation Areas (see discussion below and in Section 3.6 (Botanical Resources)). The *Honua'ula Conservation and Stewardship Plan*, along with the report titled: "Remnant Wiliwili Forest Habitat at Wailea 670, Maui, Hawaii by Lee Altenberg, Ph.D.," ~~will be~~ was provided to DLNR, the USFWS, and the U.S. Corps of Engineers for review and recommendations on March 22, 2010, which is before Project District Phase II approval.

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Comment: Section 11-200-16 HAR requires the DEIS to include opposing views. "In order that the public can be fully informed and that the agency can make a sound decision based upon the full range of responsible opinion on environmental effects, a statement shall include responsible opposing views, if any, on significant environmental issues raised by the proposal."

Response: Various Federal, State, and County agencies, as well as organizations and members within the community, were consulted with or provided comments on the Environmental Assessment/Environmental Impact Statement Preparation Notice and the Draft EIS. These comments, including your comments, included opposing views which were addressed and included in the Draft EIS and will also be included in the Final EIS.

Comment: Cultural practitioners, who are part of Maui Tomorrow Foundation, have commented for many years regarding the deep connection between the native plants and animals found on the Waile'a 670 site and its importance as a traditional cultural landscape. Substantially destroying or altering the biological ecosystem alters the cultural integrity of the site and restricts the full practice of traditional and customary practices.

Response: As required by County of Maui Ordinance No. 3554 Condition 13, the Honua'ula project team has developed a Cultural Resources Preservation Plan (CRPP). This plan was developed as directed by the provisions of Condition 13 and represents a preservation plan reflecting not only the physical resources but the native plant resources on the Honua'ula property as well. The Native Plant Preservation Area required as part of County of Maui Ordinance No. 3554 Condition 27 incorporates both the native plants and cultural resources into one resource area responding to your concern relative to cultural integrity for the resources within Honua'ula. Additional information regarding the CRPP processes is provided below in response to your comment under the heading "**Cultural Resource Review.**"

Comment: We request that the DEIS be found not acceptable until the "Alternatives" section includes a discussion and map showing the project layout if a 130 acre contiguous preserve area, located south of 20 degrees 40'15", was set aside as critical habitat for endangered fauna, native plants and cultural preservation.

Response: To include discussion of a 130-acre Native Plant Preservation Area in the Final EIS, in the Final EIS Chapter 6 (Alternatives) will be revised to include the information shown on the attachment labeled "Alternatives."

Cultural Resource Review

Comment: The cultural review documents, although very bulky, are one of the most incomplete and inadequate sectors of the DEIS.

Response: The Cultural Impact Assessment (CIA), included as Appendix K of the Draft EIS, was conducted in accordance with the OEQC Guidelines for Assessing Cultural Impacts and includes archival research and interviews with people knowledgeable of Honua'ula and the surrounding area. Informant interviews with eight local residents were conducted in January 2008 by Keli'i Taur'a and Kimoeko Kapahulehua of Hana Pono LLC. Kimoeko Kapahulehua conducted an additional interview in March 2009.

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The CRPP, included as Appendix J of the Draft EIS, was developed as directed by the provisions of County of Maui Ordinance No. 3554 Condition 13. As discussed in Section 4.2 (Cultural Resources) and Section 5.2.2 (County of Maui Zoning) of the Draft EIS, Aki Simoto Consulting, LLC and Hana Pono, LLC prepared the CRPP. The CRPP sets forth (among other things) selection criteria for archaeological sites to be preserved and short- and long-term preservation measures, including buffer zones and interpretative signs, as appropriate for each site and types of native flora to be used for landscaping for buffer zones. The CRPP: 1) was prepared in consultation with interested and concerned parties, cultural advisors, Nā Kūpuna O Maui, the Maui County Cultural Resources Commission, the Maui/Lāna'i Island Burial Council, the DLNR Nā Ala Hele, SHPD, OHA, and various knowledgeable individuals; 2) will be submitted to SHPD and OHA for review and recommendations; and 3) will be provided to the Maui County Cultural Resources Commission for review and adoption after receipt of comments and recommendations from SHPD and OHA. Through this collaborative process specified by the Maui County Council the CRPP will be refined to provide additional information including: 1) the nature of access to religious, ceremonial, and confirmed burial sites; 2) determination of appropriate traditional protocols and practices; 3) establishment of educational and community stewardship programs; and 4) any other issues SHPD, OHA and the Maui County Cultural Resources Commission would like clarified and addressed. Appendix J contains the CRPP.

Since the Draft EIS was completed, the CRPP has been submitted to SHPD and OHA for review and recommendations. To reflect this updated information, as well as responses to your other comments and comments from others regarding cultural resources, in the Final EIS, in the Final EIS Section 4.2 (Cultural Resources) will be revised as shown in the attachment titled "Cultural Resources."

In addition, Section 5.2.2 (County of Maui Zoning) will be revised as follows:

13. That Honua'ula Partners, LLC, its successors and permitted assigns, shall prepare a Cultural Resources Preservation Plan ("CRPP"), in consultation with: Nā Kūpuna O Maui; lineal descendants of the area; other Native Hawaiian groups; the Maui County Cultural Resources Commission; the Maui/Lāna'i Island Burial Council; the Office of Hawaiian Affairs; the State Historic Preservation Division, Department of Land and Natural Resources; the Maui County Council; Nā Ala Hele; and all other interested parties. Prior to initiating this consultation process, Honua'ula Partners, LLC, its successors and permitted assigns, shall publish a single public notice in a Maui newspaper and a State-wide newspaper that are published weekly. The CRPP shall consider access to specific sites to be preserved, the manner and method of preservation of sites, the appropriate protocol for visitation to cultural sites, and recognition of public access in accordance with the Constitution of the State of Hawai'i, the Hawai'i Revised Statutes, and other laws, in Kīhei-Mākena Project District 9.

Upon completion of the CRPP, Honua'ula Partners, LLC, its successors and permitted assigns, shall submit the plan to the State Historic Preservation Division, Department of Land and Natural Resources, and the Office of Hawaiian Affairs for review and recommendations prior to Project District Phase II approval. Upon receipt of the above agencies' comments and recommendations, the CRPP shall be forwarded to the Maui County Cultural Resources Commission for its review and adoption prior to Project District Phase II approval.

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Discussion: As discussed in Section 4.2 (Cultural Resources), Aki Sinoto Consulting, LLC and Hana Pono, LLC prepared a CRPP. The CRPP sets forth (among other things) selection criteria for archaeological sites to be preserved and short- and long-term preservation measures, including buffer zones and interpretive signs, as appropriate for each site and types of native flora to be used for landscaping for buffer zones. The CRPP: 1) was prepared in consultation with interested and concerned parties, cultural advisors, Na Kūpuna O Maui, the Maui County Cultural Resources Commission, the Maui/Launā'i Island Burial Council, the DLNR Na Ala Hele, SHPD, OHA, and various knowledgeable individuals; 2) ~~will be~~ has been submitted to SHPD and OHA on March 18, 2010 for review and recommendations; and 3) will be provided to the Maui County Cultural Resources Commission for review and adoption after receipt of comments and recommendations from SHPD and OHA. Through this collaborative process the CRPP will be refined to provide additional information including: 1) the nature of access to religious, ceremonial, and confirmed burial sites; 2) determination of appropriate traditional protocols and practices; and 3) establishment of educational and community stewardship programs. Appendix J contains the CRPP.

Archeological Inventory Survey

Comment: The AIS for this proposed project has been under consideration through HRS Chapter 6E Historic Preservation Review process since 2000. It has received three review letters on its inventory survey from State Historic Preservation Division (SHPD) dated August 29, 2000, August 28, 2001 and January 17, 2002, with each letter asking for revisions, including further inventory survey of both the northern and southern portions of the property, additional testing and specific justifications for significance evaluations. These letters and any other correspondences between the applicant and State are not included in the DEIS. The Office of Hawaiian Affairs also requested additional inventory level work on the site in several letters. These are also not disclosed in the DEIS.

Response: The Draft EIS was prepared in accordance with the State Environmental Impact Statement Law (Chapter 343, HRS) and Environmental Impact Statement Rules (Title 11, Chapter 200, HAR). The Draft EIS meets the content requirements for an EIS as specified under Section 11-200-17(G), HAR, which includes requirements for content relating to historic and archaeological resources.

The AIS (2010) included with the Draft EIS (Appendix I) incorporates the results of all archaeological work completed on the Property since 2000, including revisions requested by SHPD during reviews of previous archeological surveys and fieldwork. SHPD has reviewed the AIS (2010) included as an appendix to the Draft EIS and, in their letter dated September 8, 2010, requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. In addition, the SHPD letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings." SHPD's letter dated September 8, 2010 will be included in the Final EIS along with a revised AIS.

Comment: Cultural practitioners have documented many additional historic sites and site complexes that have not been recorded in the applicant's AIS and have forwarded pictures and locations to SHPD.

Response: On August, 26, 2010 Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua

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participated in a site visit of the Honua'ula Property with several community members and SHPD staff. SHPD staff present were archaeologist Morgan Davis and cultural historian Hinano Rodrigues. Community members present included: Lucienne de Naie, Daniel Kanahēle, Janet Six, Elle Cochran, U'i'iani Kapu, Ke'eaumoku Kapu, Lee Allenberg, and 'Ekolu Lindsey. Some of the community members had previously: 1) presented testimony, or were present, at the Maui Planning Commission meeting on June 22, 2010 at which the Honua'ula Draft EIS was discussed; 2) submitted information to SHPD claiming that they had found archaeological sites on the Property that had not been included in the archaeological inventory survey dated March 2010 included in the Draft EIS (Appendix I); and 3) submitted written comments on the Draft EIS expressing concerns regarding archaeological sites on the Property.

Subsequent to the site visit, SHPD issued a letter dated September 8, 2010 stating that no significant unrecorded sites were noted at that time (i.e. during the August, 26, 2010 site visit). The letter also provides SHPD's review of the archaeological inventory survey (dated March 2010) and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. In addition, the SHPD letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

Cultural Resources Preservation Plan (CRPP)

Comment: No specific rationale is provided in the AIS or CRPP assessing the significance of each site. To be in compliance with State Historic Preservation law, the AIS and this DEIS must provide justification for classifying the significance of each site with supportive documentation provided. (Section 13-284-6d (1)(B) HAR). For an example, why are some caves – described as overhang shelters in the AIS – slated for preservation while others are not?

Response: The AIS, which includes significance assessments of each site, was submitted to SHPD for review on March 23, 2010. In a letter dated September 8, 2010, SHPD provided their review comments on the AIS and requested dated March 2010) and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. In their review comments SHPD did not disagree with significance assessments in the AIS; however several of the sites were previously recorded, and SHPD requested that the report be clarified as to whether there was a previous recommendation/determination of significance for the previously recorded sites. The final AIS will be revised to address this comment.

Permanent preservation recommendations for sites are not based solely on their significance. For instance, if multiple sites of the same type are recorded, a representative selection could be set aside for preservation and others may be specified for data recovery. Other considerations come into play such as the context of preservation; for example, other preservation sites in the area may enhance the interpretation of the selected site rather than preserving isolated sites within a vast project area. The significance evaluations are made employing the Hawai'i Register criteria.

Comment: Criteria used in evaluating significance in this AIS are those adopted by the Hawaii State Register. These are not the exact criteria specified in 13-284-6(b) 1-5 HAR, by which this AIS and DEIS must

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comply. Specifically, the Criterion "E" used in this AIS omits the following important language (underscored):

(5). Criterion 'e' Have an important value to the Native Hawaiian people, or to another ethnic group of the state due to associations with cultural practices once carried out, or still carried out, at the property or due to associations with traditional beliefs, events or oral accounts – these associations being important to the groups history and cultural identity.

Response: The AIS was prepared in accordance with: 1) the State Historic Preservation Law (Chapter 6E, HRS); and 2) the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). To clarify, the Rules Governing Procedures for Historic Preservation and Review to Comment on Section 6E-42, HRS Projects (Title 13, Chapter 284, HAR) to which you refer defines "significant historic property" as any historic property that meets the criteria of the Hawai'i Register of Historic Places or the criteria enumerated in subsection 13-275-6(b) or 13-284-6(b). As such, the AIS contained in the Draft EIS (Appendix I) evaluated site significance based on the five Hawai'i Register of Historic Places significance evaluation criteria and is in compliance with the Rules Governing Procedures for Historic Preservation and Review to Comment on Section 6E-42, HRS Projects (Title 13, Chapter 284, HAR) and the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR).

Furthermore, the AIS, which includes significance assessments of each site employing the Hawai'i Register criteria, was submitted to SHPD for review on March 23, 2010. In their review letter dated September 8, 2010 SHPD did not disagree with significance assessments in the AIS or state that employing the Hawai'i Register criteria for significance assessments was not acceptable. Therefore, the proper procedure was indeed followed regarding the AIS.

At the outset of the Honua'ula planning process, Honua'ula Partners, LLC voluntarily convened a cultural committee made up of Native Hawaiian cultural practitioners recognized by the community and other individuals as having expertise in this area. Contemporary significance was evaluated based on the cultural impact study that was conducted which indicated no evidence or knowledge of specific practices that took place within the boundaries of the Property.

In addition, the CRPP (Draft EIS, Appendix J) included a public consultation process which is documented in the CRPP; however the CRPP is a separate document from the AIS, which was prepared in compliance with County of Maui Ordinance No. 3554 (Condition 13) and is not subject to the same consultation process provided for in Title 13, Chapter 276, HAR.

As discussed in Section 4.2 (Cultural Resources) of the Draft EIS, during the initial planning stages of Honua'ula, several on-site tours and discussions involving archaeological and cultural components were held with various members of the community. An informational presentation was given to the Maui Cultural Resources Commission. Specific input was also sought from key individuals and the Native Hawaiian organization, Nā Kūpuna O Maui, and a number of valuable recommendations resulted from discussions with an in-house cultural group². Public input was

² The in-house cultural group included: Kimokeo Kapahulehua, Clifford Naeole, Hokulani Holt Padilla, Keli'i Tau'a, members of Nā Kūpuna O Maui, Lisa Rotunno-Hazuka, Aki Sinoto, and Charlie Jencks.

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also sought prior to preparation of the CRPP through publication of public notices in the *Honolulu Advertiser*, the *Mauī News* and *OHA's Newsletter*, *Ka Wai Ola*.

Comment: *Sites descriptions do not provide an assessment of site functions with reasonable and adequate supportive arguments or an assessment of site age as required by Section 13-276-5(d) (4) H & J HAR. The AIS must provide such assessments in order for this DES to have the information necessary to permit an evaluation of potential environmental impacts. (Section 11-200-17 I) HAR.*

Response: The AIS includes functional interpretations of sites when possible and a generalized table of relative origins for the sites (Draft EIS, Table 2). However, as discussed in the AIS, the absence of chromometric data, as well as the paucity of cultural deposition, makes pinpointing the age of sites difficult. In their review of the AIS (letter dated September 8, 2010) SHPD did not request additional information regarding site functions.

Comment: *The lack of adequate site assessments in the AIS is in part due to extremely limited testing, inadequate mapping of site complexes and minimal background research regarding kuleana land owners in the ahupua'a of Pa'e'ahu, Palaua'ea and Keaouhou. One example: no native or foreign testimony for the Land Commission Award (LCA) in the region is included. The excuse has been made that the rocky site terrain makes subsurface testing impractical, yet extensive testing has been done in exactly the same terrain throughout the makai sections of Palaua'ea and Keaouhou ahupuaa.*

Response: The AIS was prepared in accordance with the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). These rules require an AIS to: 1) indicate whether any Land Commission Awards (LCAs) were granted within a project area and within the greater ahupua'a; and 2) locate the awards on a map whenever possible. The AIS discusses LCAs in the three ahupua'a and notes that none of the LCAs appear to be within the boundaries of the Honua'ula Property. Location data is unavailable for the majority of the LCAs in the three ahupua'a, however the few LCAs that are located are either in the coastal areas or further inland.

Your statement that, "...yet extensive testing has been done in exactly the same terrain throughout the makai sections of Palaua'ea and Keaouhou ahupuaa," is misleading and incorrect as the makai sections of Palaua'ea and Keaouhou ahupuaa do not contain the same terrain as Honua'ula, which is at a significantly higher elevation. According to Honua'ula archaeologist Aki Sinoto, the most relevant investigation comparable to the terrain of Honua'ula would be the investigation undertaken in Parcel IV of the Mākena Prince North Golf Course in Keaouhou, Kālihi, Waipāo, and Papa'anui ahupua'a, where soil and cultural deposition were found to be minimal.

The AIS was submitted to SHPD for review on March 23, 2010. In a letter dated September 8, 2010, SHPD provided their review comments on the AIS (dated March 2010) and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. In addition, the letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

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Cultural Impact Assessment

Comment: *The Cultural Impact [sic] Assessment (CIA), although lengthy, is missing key information needed by SHPD, OHA, the Maui Cultural Resources Commission and Maui Planning Commission to make sound decisions regarding cultural preservation on the project site.*

Response: As discussed above and in Section 4.2 (Cultural Resources) of the Draft EIS, the CIA contained in the Draft EIS (Appendix K) was conducted in accordance with the OEQC Guidelines for Assessing Cultural Impacts and includes archival research and interviews with people knowledgeable of Honua'ula and the surrounding area.

As a point of clarification, County of Maui Ordinance No. 3554 Condition 13 requires that the CRPP, not the CIA, be submitted to: 1) SHPD and OHA for review and recommendations; and 2) to the Maui County Cultural Resources Commission for review and adoption after receipt of comments and recommendations from SHPD and OHA. Through this collaborative process the CRPP will be refined to provide additional information including: 1) the nature of access to religious, ceremonial, and confirmed burial sites; 2) determination of appropriate traditional protocols and practices; and 3) establishment of educational and community stewardship programs. Appendix J contains the CRPP.

Protection for Historic Roads and Paths and Traditional Access

Comment: *The CIA should advocate for preservation of the current portion of the Kanaio-Kalama Park road to comply with the Kīhei-Mākena Community Plan policy: "Preserve and restore historical roads and paths as cultural resources, and require such resources to be available to the public."*

Response: As discussed in Section 4.3 (Trails and Access) of the Draft EIS, remnant segments of a road referred to as the Kanaio-Kalama roadway are present along a portion of an existing jeep road which was constructed atop the same alignment in the southeastern corner of the Property.

In response to your concern, the approximate route of the Kanaio-Kalama road will be incorporated into the Honua'ula trail system to further enhance mauka-makai access across the Property. This functionally equivalent route will approximate the alignment shown on the current TMK map (Figure 3 of the Draft EIS), and thus will run diagonally from Kaukahi Street, through the Native Plant Preservation Area, to the southeast corner of the Property.

To incorporate relevant new information from the above, as well as responses to others regarding trails and access, into the Final EIS, in the Final EIS Section 4.3 (Trails and Access) will be revised as follows:

In terms of the Kanaio-Kalama road, only a small modified segment still exists, with major segments of the original alignment altered by an existing jeep road. In addition, the integrity of the roadway has been lost outside of the Property both at the Kalama and Kanaio segments, which are under multiple ownerships. In a letter dated July 31, 2009, Nā Ala Hele of the D.L.N.R. Division of Forestry and Wildlife (DOFAW) states that no documentation of the Kanaio-Kalama roadway could be found in the royal grant patents of the Property that were awarded in 1850. Also, no record exists of the road being in existence prior to 1892, when the U.S. Highways Act was passed. Thus, the Kanaio-Kalama roadway is not considered to be a public highway. However, to further enhance mauka-makai access

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across the Property, the approximate route of the Kanaio-Kalama road will be incorporated into the Honua'ula trail system. This functionally equivalent route will approximate the alignment shown on the current TMK map (Figure 3), and thus will run diagonally from Kaukahi Street, through the Native Plant Preservation Area, to the southeast corner of the Property.

In addition Figure 13 (Trails Network) will be revised to show the Kanaio-Kalama Park Roadway as shown on the attachment titled "Figure 13."

Comment: *The CIA also failed to insist on greater research regarding the relationship of the area's cultural sites with extensive cultural complexes located seaward in the same ahupua'a.*

Response: As discussed above and in Section 4.2 (Cultural Resources) of the Draft EIS, the CIA contained in the Draft EIS (Appendix K) was conducted in accordance with the OEQC Guidelines for Assessing Cultural Impacts and includes archival research and interviews with people knowledgeable of Honua'ula and the surrounding area.

Comment: *The CIA refers to the Kumuhoua genealogy which is associated with Honua'ula through oral accounts and traditional beliefs, but fails to explain the extremely sacred connotation this genealogy confers onto the Honua'ula lands. This cultural connection with a famous genealogy must be disclosed and its significance to preservation decisions adequately discussed in the CIA.*

Response: The CIA contained in the Draft EIS (Appendix K) includes discussion of the genealogy of Honua'ula moku in story, chant and oral tradition. Section 4.2 (Cultural Resources) of the Draft EIS summarizes the findings of the CIA and other relevant information which states that one of the earliest accounts that describe the first inhabitants of Honua'ula came from genealogical chant. Between 1100 and 1400 A.D., chants recorded the long voyage of Chief Mo'rikeha from Tahiti to Hawai'i. At each landing, a family would disembark and the place would take on the family name. As such, one of the explanations for the name of the traditional moku known today as Honua'ula is that it is named after the Honua'ula family.

Comment: *Also, the CIA has made no effort to contact, interview, consult with or act upon recommendations of the numerous individuals who are cultural descendants of this land, although those individuals have identified themselves during public hearings.*

Response: As discussed above, the CIA included as Appendix K of the Draft EIS was conducted in accordance with the OEQC Guidelines for Assessing Cultural Impacts and includes archival research and interviews with people knowledgeable of Honua'ula and the surrounding area. Informant interviews with eight local residents were conducted in January 2008 by Keli'i Tau'a and Kimokeo Kapahulehua of Hana Pono LLC. Kimokeo Kapahulehua conducted an additional interview in March 2009. The complete transcript for each interview is appended to the CIA.

In addition, the CRPP (Draft EIS, Appendix J) included a public consultation process which is documented in the CRPP. As discussed in Section 4.2 (Cultural Resources) of the Draft EIS, during the initial planning stages of Honua'ula, several on-site tours and discussions involving archaeological and cultural components were held with various members of the community. An informational presentation was given to the Maui Cultural Resources Commission. Specific input was also sought from key individuals and the Native Hawaiian organization, Nā Kūpuna O Maui,

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and a number of valuable recommendations resulted from discussions with an in-house cultural group³. Public input was also sought prior to preparation of the CRPP through publication of public notices in the *Honolulu Advertiser*, the *Maui News* and OHA's Newsletter, *Ka Wai Ola*.

ACTION

Comment: *Maui Tomorrow Foundation, Inc. requests that the Honua'ula DEIS not be found acceptable. The DEIS is premature because it does not contain a complete and approved AIS for the project area. Without a complete AIS, it is premature to consider a CRPP. With this process incomplete, the necessary information to permit an evaluation of potential environmental impacts, as required by (11-200-17)(E) HAR, is not available.*

Response: The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with the State of Hawai'i EIS law (Chapter 343, HRS) and EIS rules (Title 11, Chapter 200, HAR). The EIS laws and rules do not provide for a draft EIS to be found "acceptable" or "not acceptable." Rather, the EIS laws and rules provide for the preparation of a draft EIS, a review process, and the preparation of a final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments and our responses to your comments. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments.

Regarding your reference to 11-200-17(E) HAR, this section of the EIS rules specifically pertains to what is required for an EIS project description. The Honua'ula Draft EIS meets the criteria specified under Section 11-200-17(E) HAR regarding what is required for an adequate project description, along with all other subsections (A – P) of Section 11-200-17, HAR pertaining to the content requirements of a draft EIS.

The Environmental Impact Statement Rules do not require an EIS to contain an AIS that has been reviewed and approved by SHPD, and it is not common practice for EIS documents to contain an approved AIS. Rather, including a draft AIS in a Draft EIS affords SHPD other reviewing agencies, and the public the opportunity to review the draft AIS along with the Draft EIS.

Furthermore the EIS laws and rules do not require a Draft EIS to contain a CRPP. However the CRPP was provided in the Draft EIS to allow agencies and the public the opportunity to comment. As required by County of Maui Ordinance No. 3554 Condition 13, the CRPP: 1) has been submitted to SHPD and OHA for review and recommendations; and 2) will be submitted to the Maui County Cultural Resources Commission for review and adoption after receipt of comments and recommendations from SHPD and OHA and prior to Project District Phase II approval. Through this collaborative process specified by the Maui County Council the CRPP will be refined to provide additional information including: 1) the nature of access to religious, ceremonial, and confirmed burial sites; 2) determination of appropriate traditional protocols and practices; 3) establishment of educational and community stewardship programs; and 4) any other issues

³ The in-house cultural group included: Kimokeo Kapahulehua, Clifford Naeole, Hokulani Holt Padilla, Keli'i Tau'a, members of Nā Kūpuna O Maui, Lisa Rotunua-Hazuka, Aki Simoto, and Charlie Jencks.

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SHPD, OHA and the Maui County Cultural Resources Commission would like clarified and addressed. Appendix J contains the CRPP.

Conclusion

Honua'ula Partners, LLC is committed to respecting the Property and its history, and we have endeavored to include all information necessary to properly evaluate Honua'ula and its components. It is our firm belief that the Draft EIS and the forthcoming Final EIS are complete, comprehensive documents that properly address all material issues related to Honua'ula. We note that in commenting on the Draft EIS the Maui Planning Commission stated that the Honua'ula Draft EIS was "one of the better draft documents the commission has seen in terms of completeness."

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

Attachments: Archaeological and Historic Resources
Drainage System
Air Quality
Cumulative and Secondary Impacts
Botanical Resources
Water System
Figure 2 (Regional Location)
Electrical System
Wildlife Resources
Cultural Resources
Noise
Wastewater
Figure 13 (Trails Network)
Alternatives

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

June 30, 2010

is.

New Water Wells, Storage Tanks and Pipelines

We see a few maps that show new wells, tanks and pipelines, all on property outside of Waialea 670. There is no discussion of any reports on the natural and cultural features on the land where they will be located. These are private systems on private land. They are an essential part of this development. They need to be analyzed for impacts. We heard professor Dick Mayer say these tanks and pipelines are in the Upcountry Community Plan area, which is not allowed. Is this true? If so it should be explained.

Piihoni Road Extension

Will this state right of way become a private road? Not very much is discussed about arrangements between the state and Waialea 670 to use the corridor. Did the state get paid for the roadway? What can be allowed on the Ulupalakua section? We know more about the landscaping than the hard facts.

Widening of Piihoni Hwy past Kilohana

This is going to have its own Environmental Assessment according to the DEIS, but we believe it should be included in the discussion of the whole project as part of this EIS. We don't know for example if there will be materials stored on the Waialea 670 lands with heavy trucks coming in and out, rock crushing, grubbing or grading? Impacts need to be disclosed as part of the whole Waialea 670 project

Alternative plans for a wider buffer for Maui Meadows

For years we have heard Maui Meadows residents ask for a wide buffer zone of 200 ft between them and Waialea 670. Instead the DEIS shows only a 50 ft landscape area that is supposed to serve as a fire break, drainage, view plane buffer, park, community garden, native planting "enhancement" area and noise buffer. The DEIS repeatedly refers to a 100 ft buffer zone. In reality, half of that 100 feet is a road with traffic, and back yard easements. Who are we kidding? A 100 ft buffer is 100 ft with nothing but open space, not a road, not a back yard. This DEIS is incomplete because it doesn't show an alternative plan map with a real 100 ft buffer.

Water

It looks like the project may not have enough water. The DEIS talks about the private water company being able to restrict non-potable water use to certain hours or days and require every property owner to conform to an irrigation water budget.

When a sensible limit on watering during cooler hours was proposed by council member Anderson a few years ago, people from Waialea opposed it loudly. Does the DEIS ever discuss how practical it is going to be to enforce such a water budget? It looks like a volunteer homeowner's board is supposed to be doing all the enforcement of very complicated design standards, planting standards, etc. This does not sound very practical or likely.

RE: DRAFT EIS for proposed HONUUA'ULA Project

Mahalo for the chance to offer comments on this very large Draft EIS for the Honua'ula/Waialea 670 project. Maui Unite represents many kama'aina families who are too busy working to weigh in on things, as much as they would like to. Some of our folks have strong ties to the traditional moku of Honua'ula, including the ahupua'a of Pae'ahu, Palau'ea and Keauhou, where the Waialea 670 project is located.

While Maui Unite appreciates the fact that an EIS has finally been prepared for this very complex project, we must point out that it is missing a lot of important information.

We hope that the Planning Commission and Planning Department will take another look, and send the EIS back to get the whole story included. We don't believe that the missing information can just be added to some final EIS. If that is done, there will be no chance for public comment on the new information. We do not believe that this is what our laws say or intend. Here's what we find to be missing.

Affordable Housing Project in Kihei

No impacts are discussed for 250 affordable houses being built in Kihei. They are a legally required part of the Waialea 670 project. Where will these units get their water and send their trash and sewage, where will the kids go to school? What's on the land now? Was it used for ag chemicals, or is it clean? Are there archaeological sites there? What will be the price ranges of the rental apartments and condos? All we saw in the DEIS about this was a few paragraphs about traffic management.

Sewage Disposal Analysis

Members of Maui Unite sat through many long hours of county council hearings. We heard the council told again and again that the complete information about lots of important topics would be presented during Phase II approvals. The council trusted the applicants and supported rezoning missing key information. Here we are at Phase II, and the information is still missing.

One of the conditions of rezoning said that Honua'ula Partners, LLC, would provide a Sewage Disposal Analysis that has been reviewed and commented on by the State Department of Health, and other agencies, "prior to Project District Phase H approval."

The DEIS doesn't have this analysis or comment letters. In fact, the DEIS has no clear statement about what will happen with the sewage, listing it as "unresolved." In another section the DEIS says the Makana Resort Wastewater plant will be used. We didn't see analysis of why one location was chosen over another or what the needs of Makana Resort future homes were. If this information isn't available, the DEIS should wait until it

What will happen to all the existing golf course wells in Waialea and condo irrigation wells in South Kihei if the project over pumps its section of the aquifer that everyone shares? The DEIS says there will be some impacts, but gives no real facts about what will be done to fix the situation. There doesn't seem to be a back up plan for water needs, except to drill more wells further north. No proof is given that this will work. We need to see discussions of a smaller project that fits the dry area.

Beaches

No mention is made that the thousands of future residents and their guests will want to use nearby beaches. What impact does this have on fishing, camping, and cultural activities? Waialea 670 is just a few minutes from Palauea and Polo beach. The DEIS should include impacts and what the project can do to help keep our beaches available to local families.

Cultural sites

Maui Unite has commented many times on the need for better archaeological work on the Waialea 670 site. We find it very unlikely that the 480 acres in the north of the property has only one cultural site. We continue to regard the project's AIS as incomplete. Any preservation plan needs to be put on hold until we really know what is there.

We asked to be a consulted party on the Honua'ula cultural plan, sent in comments, and all we got was a form letter. We do not find that the project has a real interest in making it possible for all interested native Hawaiians to practice traditional and customary gathering and spiritual ceremonies.

We have members who have knowledge of these places and have documented additional cultural sites on the property, including many more stepping stone trails. There should be a real effort made to connect all the parts of the ancient trails into one map, no matter whose property they are on.

We also know kupuna who have used the Kanaio-Kalama Park road. It is part of our heritage and should be preserved. We believe that our South Maui Community plan says to protect roads and trails and allow access. The DEIS wants to make new trails and quietly get rid of the old ones that hold our history.

There are ancient stories connected with the moku of Honua'ula, like the genealogy of Kumuhonua. It is confusing and disrespectful to assign a housing development the sacred name of an entire district. Look at what has happened to Ka'anapali. Most folks have no idea that Ka'anapali is a legendary district of Maui, not a resort and real estate brand! Will this be the fate of Honua'ula?

Bottom line- no attempt has been made to locate and listen more lineal descendants of these lands and include them in the Historic Review process. The names of the kuleana holders and maps of their lands are not even included in the pages of these big documents.

Significant Walls

Cultural practitioners are also concerned the integrity of the long East-West wall (site 200 in the 2000 AIS) is being compromised by a proposed "preservation plan." Original archaeological survey maps of Waialea 670 showed site 200 in its entirety- running from the western to eastern boundary of the property. Those maps are not in the AIS.

The Site 200/ wall was described by Theresa Donham as a possible ahupua'a boundary wall, in the Project Ka eo book. This wall continues almost all the way to the ocean through Waialea golf course and the Palauea Cultural preserve site. This is a major wall. Mauka of the Waialea 670 project area, site 200 continues all the way east to Ulupalakua.

The current Archaeological site map in the AIS (Fig 6, P. 20) chops off several hundred feet of the wall's western end. In the AIS there is an aerial view with cultural sites. (Figure 6) This view shows site 200- (now re-labeled "site 1"), ending where it joins with a north-south wall, not at the western property boundary.

Our members are concerned about this wall. When the project spokesperson was asked if the wall could be included in the preservation area, he portrayed it as "broken down." Our cultural practitioners say the wall is in good shape at the western end.

No justification is given in the AIS or CRPP for leaving a large portion of this wall out of preservation. It has simply been allowed to disappear from the AIS map. It needs to be preserved and the other walls in Waialea 670 should also be preserved until we know more about the location of kuleana land claims.

Native Plants and Animals

The DEIS seems to be trying to get around the protections the county council tried to give our kupuna lau—native plants. When you look at the 143-acre "native plant enhancement" area it's just a lot of landscape planting. Ten years from now, new rules could go into effect for the subdivision and the plants could be replaced. It's good to use native plants for landscaping the homes, to save water, but this shouldn't be trade off for destroying the natural ecosystem where these plants already live healthy lives. This destruction is not acceptable. The DEIS really is deficient in showing how the project could be adapted to a 130 acre native plant preserve area. An AIS is supposed to present alternatives. We need that alternative presented. It needs to be a map. We need to see how it can be done.

What's going to happen if the native plants are given the treated sewage/ desal brine. Will they like it? Are there studies? What about pesticides and fertilizers from golf courses?

In conclusion: send this DEIS back for more work. Many sections are very incomplete and can't be an honest guide for future decisions. We were promised all the facts in Phase II. It's time to get them.

Gordon Cockett
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May 31, 2012

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Works reviewed and approved improvements necessary for the subdivision, including provisions for water, sewage disposal, electrical and communications lines, drainage and flood control, and connection with Pi'ilani Highway, including widening and traffic signal improvements. The State Department of Transportation (DOT) has also reviewed and approved the connection with Pi'ilani Highway, including widening and traffic signal improvements. Further, the construction of the improvements required for the subdivision has been guaranteed with a bond of over \$22 million.

Regional traffic growth, including from the Ka'ono'ulu Light Industrial Subdivision, is being taken into account as part of DOT's Long Range Land Transportation Plan (LRLTP), which is currently being updated in consideration of known proposed developments in the region and will serve as a guide for the development of major surface transportation facilities and programs to be implemented in the future.

Because Chapter 2.96, MCC requires the workforce affordable homes to be offered to Maui residents, the affordable homes will result in a redistribution of the existing Maui population as opposed to an incremental increase. As a result, there will be no impacts related to increased population, such as an overall increase in the need for State and County services. In addition to the workforce affordable homes, Honua'ula Partners, LLC will also provide a minimum two-acre park within Ka'ono'ulu Light Industrial Subdivision to meet the recreational needs of the workforce affordable home residents.

Impacts to schools will be addressed by Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554, Condition 22, which requires Honua'ula Partners, LLC to pay DOE at least \$3,000 per dwelling unit upon issuance of each building permit to be used, to the extent possible, for schools serving the Kihei-Mākena Community Plan area; provided that, should the State pass legislation imposing school impact fees that apply to Kihei-Mākena Project District 9, Honua'ula Partners, LLC will from that point forward comply with the State requirements, or contribute \$3,000 per dwelling unit, whichever is greater.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 7.2 (Cumulative and Secondary Impacts) will be revised as to include the following information:

One of the conditions imposed by the Council as part of Honua'ula's Change in Zoning Ordinance (County of Maui Ordinance No. 3554, Condition 5) requires Honua'ula Partners, LLC to provide workforce affordable homes in compliance with Chapter 2.96, MCC, with 250 of these required workforce affordable homes to be provided off-site at the Ka'ono'ulu Light Industrial Subdivision (TMK (2) 3-9-01: 16). The Ka'ono'ulu Light Industrial Subdivision is within the State Urban District and is within the County of Maui Light Industrial zoning district. Multifamily homes are a permitted use within the State Urban District and County Light Industrial zone.

Providing workforce affordable homes at the Ka'ono'ulu Light Industrial Subdivision does not trigger the need for an environmental assessment or environmental impact statement under Chapter 343, HRS. However, impacts related to the use of the property for urban uses and uses permitted under the property's Light Industrial zoning have previously been examined as part of the property's State Land Use District Boundary Amendment, County Change in Zoning, and County Subdivision approvals. No rare, threatened, or endangered plant species are expected to be impacted, as none were found during a botanical inventory survey of the property. An archaeological inventory survey and a related preservation plan

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Dear Mr. Cockett:

Thank you for your letter dated June 30, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. The organization of this letter follows the headings of your letter.

Affordable Housing Project in Kihei

Comment: *No impacts are discussed for 250 affordable houses being built in Kihei. They are a legally required part of the Wailea 670 project. Where will these units get their water and send their trash and sewage, where will the kids go to school? What's on the land now? Was it used for ag chemicals, or is it clean? Are there archaeological sites there? What will be the price ranges of the rental apartments and condos? All we saw in the DEIS about this was a few paragraphs about traffic management.*

Response: As discussed in Section 4.9.3 (Housing) of the Draft EIS, Honua'ula Partners, LLC will provide workforce affordable homes in compliance with Chapter 2.96, MCC. As discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with County of Maui Ordinance No. 3554 (Condition 5), 250 of the required workforce affordable homes will be provided off-site at the Ka'ono'ulu Light Industrial Subdivision (TMK (2) 3-9-01: 16). The Ka'ono'ulu Light Industrial Subdivision is within the State Urban District and is within the County of Maui Light Industrial zoning district. Multifamily homes are a permitted use within the State Urban District and County Light Industrial zone.

Providing workforce affordable homes at the Ka'ono'ulu Light Industrial Subdivision does not trigger the need for an environmental assessment or environmental impact statement under Chapter 343, HRS. However, impacts related to the use of the property for urban uses and uses permitted under the property's Light Industrial zoning have previously been examined as part of the property's State Land Use District Boundary Amendment, County Change in Zoning, and County Subdivision approvals. No rare, threatened, or endangered plant species are expected to be impacted, as none were found during a botanical inventory survey of the property. An archaeological inventory survey and a related preservation plan have been prepared to address impacts to archaeological resources and based on their approval of these documents, the State Historic Preservation Division has determined that no historic properties will be affected. As part of the subdivision process for the Ka'ono'ulu Light Industrial Subdivision, the County of Maui Department of Public

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have been prepared to address impacts to archaeological resources and, based on their approval of these documents, the State Historic Preservation Division has determined that no historic properties will be affected. As part of the subdivision process for the Ka'ono'uli Light Industrial Subdivision, the County of Maui Department of Public Works reviewed and approved improvements necessary for the subdivision, including provisions for water, sewage disposal, electrical and communications lines, drainage and flood control, and connection with Pi'ilani Highway, including widening and traffic signal improvements. The State DOI has also reviewed and approved the connection with Pi'ilani Highway, including widening and traffic signal improvements. Further, the construction of the improvements required for the subdivision has been guaranteed with a bond of over \$22 million.

Regional traffic growth, including from the Ka'ono'uli Light Industrial Subdivision, is being taken into account as part of DOT's Long Range Land Transportation Plan (LRITP), which is currently being updated in consideration of known proposed developments in the region and will serve as a guide for the development of major surface transportation facilities and programs to be implemented in the future.

Because Chapter 2.96, MCC requires the workforce affordable homes to be offered to Maui residents, the affordable homes will result in a redistribution of the existing Maui population as opposed to an incremental increase. As a result, there will be no impacts related to increased population, such as an overall increase in the need for State and County services. In addition to the workforce affordable homes, Honua'ula Partners, LLC will also provide a minimum two-acre park within Ka'ono'uli Light Industrial Subdivision to meet the recreational needs of the workforce affordable home residents.

Impacts to schools will be addressed by Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554, Condition 22, which requires Honua'ula Partners, LLC to pay DOE at least \$3,000 per dwelling unit upon issuance of each building permit to be used to the extent possible for schools serving the Kihei-Mākena Community Plan area; provided that, should the State pass legislation imposing school impact fees that apply to Kihei-Mākena Project District 9, Honua'ula Partners, LLC will from that point forward comply with the State requirements, or contribute \$3,000 per dwelling unit, whichever is greater.

Sewage Disposal Analysis

Comment: *One of the conditions of rezoning said that Honua'ula Partners, LLC, would provide a Sewage Disposal Analysis that has been reviewed and commented on by the State Department of Health, and other agencies, prior to Project District Phase H approval.*

The DEIS doesn't have this analysis or comment letters.

Response: County of Maui Ordinance No. 3554 Condition 16, to which you refer, does not require the Sewage Disposal Analysis to be included with the Draft EIS. Rather, Condition 16 requires the Sewage Disposal Analysis to be submitted to the Maui County Council following review by certain State and County agencies:

16. *That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a Sewage Disposal Analysis that has been reviewed and commented on by the State Department of Health, the State Department of Land and Natural Resources, the County Department of Environmental Management, and the County Department of Water Supply prior to Project District Phase II approval. The Sewage Disposal Analysis, along*

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with reviews and comments, shall be submitted to the Maui County Council for review and the project shall be subject to additional conditions or amendments by the Maui County Council if warranted by the Sewage Disposal Analysis.

As discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with Condition 16:

...Honua'ula Partners, LLC has engaged Brown and Caldwell Engineers to prepare a Draft Honua'ula Sewage Disposal Analysis. In accordance with this condition, the Analysis will be submitted to the State DOH and DLNR and the County DEM and DWS for review and comment before Project District Phase II approval. The Analysis, along with reviews and comments, will then be submitted to the Maui County Council for review.

Since the time that the Draft EIS was completed, the Sewage Disposal Analysis (Analysis) has been completed and, in accordance with the requirements of Condition 16, has been provided to the State DOH, the State DLNR Commission on Water Resource Management (CWRM), the County Department of Environmental Management, and the County Department of Water Supply for review and comment. These agencies have since provided comments, and subsequently the Analysis, along with the agencies' reviews and comments, was submitted to the Maui County Council on May 11, 2010 for review. After receiving the Analysis, the Maui County Council accepted the Analysis and did not subject Honua'ula to any additional conditions or amendments. As a result, Condition 16 has been fully satisfied.

To reflect this updated information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

16. *That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a Sewage Disposal Analysis that has been reviewed and commented on by the State Department of Health, the State Department of Land and Natural Resources, the County Department of Environmental Management, and the County Department of Water Supply prior to Project District Phase II approval. The Sewage Disposal Analysis, along with reviews and comments, shall be submitted to the Maui County Council for review and the project shall be subject to additional conditions or amendments by the Maui County Council if warranted by the Sewage Disposal Analysis.*

Discussion: As discussed in Section 4.8.2 (Wastewater System) Honua'ula will not rely upon or burden any County wastewater system. Instead, Honua'ula Partners, LLC will either participate in the operation of a private WWRF and system that accommodates the needs of Honua'ula (Alternative 1) or provide a WWRF on-site (Alternative 2). The Preliminary Engineering Report prepared for Honua'ula (Appendix P) provides preliminary information regarding wastewater. For a more detailed analysis Honua'ula Partners, LLC has engaged Brown and Caldwell Engineers to prepare a Draft Honua'ula Sewage Disposal Analysis. In accordance with this condition, the Analysis will be submitted to the State DOH and DLNR and the County DEM and DWS for review and comment before Project District Phase II approval. These agencies have since provided comments and subsequently, the Analysis, along with reviews and comments, will be submitted to the Maui County Council on May 11, 2010 for review. After receiving the Analysis, the Maui County Council accepted the Analysis and did not subject Honua'ula to any additional conditions or amendments. As a result, Condition 16 has been fully satisfied.

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Please note that the Draft EIS was, and the subsequent Final EIS will be, prepared in conformance with the State of Hawai'i EIS law (Chapter 343, HRS) and EIS rules (Title 11, Chapter 200, HAR). These laws and rules do not require an EIS to include a specific sewage disposal analysis; however Section 4.8.2 (Wastewater System) of the Honua'ula Draft EIS does contain analysis regarding Honua'ula's wastewater system, as does the Preliminary Engineering report, which is included as Appendix P of the Draft EIS.

Comment: *In fact, the DES has no clear statement about what will happen with the sewage, listing it as "unresolved." In another section the DES says the Makena Resort Wastewater plant will be used. We didn't see analysis of why one location was chosen over another or what the needs of Makena Resort future homes were. If this information isn't available, the DES should wait until it is.*

Response: Section 4.8.2 (Wastewater System) of the Draft EIS discusses two alternatives for Honua'ula's wastewater system: 1) transport wastewater to the Makena WWRF for treatment; or 2) develop, maintain, and operate a private on-site WWRF. The preferred alternative is to transport wastewater to the Makena WWRF for treatment and then pump recycled (R-1) water back to Honua'ula for golf course irrigation use. Section 4.8.2 (Wastewater System) of the Draft EIS also states:

- While there is currently unused capacity at the Makena WWRF, it may be necessary to expand certain portions of the Makena WWRF in the future to provide a small amount of additional capacity to accommodate the total projected Honua'ula wastewater flows along with the projected Makena Resort flows before each project is completely built out. As both Honua'ula and Makena Resort will be built out over a number of years, improvements can be implemented at the appropriate time, when needed.
- Honua'ula Partners, LLC has had substantive discussions about the alternative of transporting wastewater to the Makena WWRF with the Makena WWRF owner, Makena Wastewater Corporation, and they support the connection; however, formal agreements with Makena Wastewater Corporation have not yet been finalized.
- Wastewater system design, construction, and operation will be in accordance with County standards and all wastewater plans and facilities will conform to applicable provisions of: Chapter 11-62, HAR (Wastewater Systems); Section 11-62-27, HAR (Recycled Water Systems); and Chapter 11-21, HAR (Cross-Connection and Backflow Control).
- The use of R-1 irrigation water is not expected to have negative impacts on groundwater or nearshore waters and Section 3.5 (Groundwater Resources and Water Quality) contains the complete discussion on potential impacts to groundwater and nearshore waters.

As further discussed in Section 4.8.2 (Wastewater System) of the Draft EIS, the Makena WWRF was designed to handle wastewater flows of 720,000 gallons per day (gpd). There is currently unused capacity at the Makena WWRF, but it may be necessary to expand the Makena WWRF to provide a small amount of additional capacity before both Honua'ula and Makena Resort are built out. As both Honua'ula and Makena Resort will be built out over a number of years, improvements can be implemented at the appropriate time, when needed.

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To elaborate on this information already provided in the Draft EIS, while the Makena WWRF was designed to handle wastewater flows of 720,000 gpd, it was also designed to be expandable to 1.54 million gallons per day (mgd). Currently the facility is only handling 114,440 gpd, leaving an unused capacity of 605,560 gpd based on the current capacity of 720,000 gpd. Future development within Makena Resort is estimated to produce flows of 276,973 gpd. Therefore the total flow from Makena Resort is projected to be 391,413 gpd at build-out. See Table 1 below.

At build-out of Honua'ula, the total Honua'ula wastewater flow is projected to be 380,000 gpd. Combined with the total Makena Resort flow, the combined flow from both Makena Resort and Honua'ula would be 771,413 gpd, which is 51,413 gpd more than the current capacity of 720,000 gpd of the Makena WWRF. See Table 1 below. Preliminary indications are that the headworks, effluent filters, and UV disinfection systems would require modifications to handle the additional capacity. Expansion of the Makena WWRF will not be necessary until both Honua'ula and Makena Resort approach 90 percent of build out, which could be 10 to 20 years from now.

Table 1 Current and Projected Makena WWRF Capacities	
Description	GPD
Current Makena Resort flow	114,440
Future Makena Resort flow	276,973
Total Makena Resort flow at build-out	391,413
Honua'ula flow at build out	380,000
Total Makena Resort and Honua'ula flow at build-out	771,413
Current Makena WWRF Capacity	720,000
Additional capacity required to accommodate both Makena Resort and Honua'ula at build-out	51,413

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS Section 4.8.2 (Wastewater System) will be revised as shown on the attachment titled: "Wastewater System."

Discussion of the fact that Honua'ula Partners, LLC has had substantive discussions with Makena Wastewater Corporation and that formal agreements with Makena Wastewater Corporation have not yet been finalized is included in Section 7.5 (Unresolved Issue) of the Draft EIS. Section 11-200-17(N), HAR of the EIS rules (Title 11, Chapter 200, HAR) provides that a draft EIS shall include a separate and distinct section that summarizes unresolved issues and contains either a discussion of how such issues will be resolved prior to commencement of the action, or what overriding reasons there are for proceeding without resolving the problems. In accordance with this requirement, Section 7.5 (Unresolved Issue) of the Draft EIS includes discussion regarding the two alternatives for wastewater treatment and the status of the agreements with Makena Wastewater Corporation regarding transporting wastewater to the Makena WWRF. To clarify how this issue will be resolved in the Final EIS, in the Final EIS Section 7.5 (Unresolved Issue) will be revised as follows:

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DISTRICT PHASE II APPLICATION**

7.5 UNRESOLVED ISSUE

Wastewater – As discussed in Section 4.8.2 (Wastewater System), Honua'ula Partners, LLC, will either transport wastewater to the Mākēna WWRF for treatment or provide a WWRF on-site. The preferred alternative is to transport wastewater to the Mākēna WWRF. Transporting wastewater to the Mākēna WWRF for treatment provides the benefit of consolidating wastewater services for both Honua'ula and Mākēna, allowing economies of scale in the treatment process and consolidated regulatory compliance. Additionally, sufficient golf course land is available within both developments to reuse 100 percent of the recycled water for irrigation. Honua'ula Partners, LLC has had substantive discussions about this alternative with the Mākēna WWRF owner, Mākēna Wastewater Corporation, and they support the connection; however, formal agreements with Mākēna Wastewater Corporation have not yet been finalized. If formal agreements with Mākēna Wastewater Corporation are not finalized, Honua'ula Partners, LLC will proceed with the other alternative for wastewater treatment discussed in Section 4.8.2 (Wastewater System), which is to construct an on-site WWRF that is capable of treating all of the Honua'ula wastewater to R-1 standards.

New Water Wells, Storage Tanks and Pipelines

Comment: We see a few maps that show new wells, tanks and pipelines, all on property outside of Wailea 670. There is no discussion of any reports on the natural and cultural features on the land where they will be located. These are private systems on private land. They are an essential part of this development. They need to be analyzed for impacts.

Response: Appendix E of the Draft EIS contains botanical surveys for: 1) the Honua'ula Property; and 2) areas of alternative wastewater transmission line alignments for possible connection to the Mākēna Resort wastewater reclamation facility (WWRF), which is located approximately one mile south of Honua'ula. The botanical survey report of the wastewater alignments includes a map of the alternative wastewater transmission line alignments. In addition, Figure 2 (Regional Location) of the Draft EIS shows the selected wastewater transmission line alignment. Discussion of botanical resources along the alternative wastewater transmission line alignments is discussed in Section 3.6 (Botanical Resources) of the Draft EIS as follows:

SWCA also completed a botanical survey of the areas of alternative wastewater transmission line alignments for possible connection to the Mākēna Resort WWRF, which is located approximately one mile south of Honua'ula. The survey did not observe any Federal or State of Hawai'i listed threatened, endangered, or candidate plant species on any of the alignments; however the non-native tree tobacco (*Nicotiana glauca*) was also observed (SWCA 2009). Since the botanical survey of the areas of the wastewater transmission line alignments was conducted, a decision has been made regarding which alignment to use based upon potential construction impacts, costs, and permitting considerations. For more information see Section 4.8.2 (Wastewater System) and Figure 2. Appendix E contains the complete survey of the alternative wastewater transmission line alignments.

To address biological concerns regarding the off-site wells, transmission lines and storage tanks for potable and non-potable water, SWCA completed a biological survey of these areas. No Federal or State of Hawai'i candidate, proposed or listed threatened or endangered plant or animal species were observed within the area of the off-site wells, water transmission lines, or storage tanks. The majority of the species observed within these areas (82 percent of the flora and 100 percent of the fauna) are introduced to the Hawaiian Islands. Most of the native plants

observed during the survey are commonly found throughout Maui and the main Hawaiian Islands. Of the native plants in the survey area, only williwili has a limited distribution throughout the Hawaiian Islands, primarily because the species occurs in dry shrublands and forests. The Final EIS will contain the complete biological survey report of the areas of the off-site wells, water transmission lines, and storage tanks as an appendix.

To address concerns regarding archaeology Aki Sinoto Consulting, LLC, completed archaeological surveys for the areas of: 1) Honua'ula's off-site wells, storage tank, and waterline; and 2) the area of the selected wastewater transmission line alignment for possible connection to the Mākēna Resort WWRF. No surface structural remains or any other features indicative of prehistoric period or traditional Hawaiian cultural activities were encountered in the areas of: 1) Honua'ula's off-site wells, storage tank, and waterline; and 2) the selected wastewater transmission line alignment for possible connection to the Mākēna Resort WWRF. The AIS reports for the off-site water and wastewater infrastructure areas recommend that in view of the negative results of the survey, no further pre-construction archaeological procedures are warranted. However, archaeological monitoring of construction-related ground disturbing activities is recommended. When water and wastewater system plans are finalized, archaeological monitoring plans will be prepared and submitted to the State Historic Preservation Division (SHPD) for review and approval before commencement of any construction activities. The limited width of the water and wastewater transmission line corridors will facilitate avoidance of any inadvertent discoveries that may warrant preservation. The Final EIS will contain the archaeological inventory survey reports as appendices.

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) will be revised as shown on the attachment titled "Botanical Resources" and Section 4.1 (Archaeological and Historic Resources) will be re revised as shown on the attachment titled "Archaeological and Historic Resources."

Comment: We heard professor Dick Mayer say these tanks and pipelines are in the Upcountry Community Plan area, which is not allowed. Is this true? If so it should be explained.

Response: The Makawao-Pukalani-Kula Community Plan contains Water Objective & Policy # 4, which states:

4. Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use.

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kīhei-Mākēna Community Plan area in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of the water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on-site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted

through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the *Makawao-Pukalani-Kula Community Plan*.

Figure 2 (Regional Location) of the Draft EIS shows the location of Honua'ula's off-site water infrastructure. In the Final EIS, Figure 2 (Regional Location) will be revised to show: 1) the location of the off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation; and 2) the boundary between the Makawao-Pukalani-Kula Community Plan and the Kihai-Makena Community Plan regions. The attachment titled "Figure 2" shows the revised figure.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

1. *That Honua'ula Partners, LLC, its successors and permitted assigns, shall, at their own cost and expense, develop, maintain, and operate, or cause to be developed, maintained, and operated, a private water source, storage facilities, and transmission lines for the Wailea 670 (Honua'ula) project in accordance with Department of Water Supply standards and all applicable community plans. Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with all reporting requirements of the State Commission on Water Resource Management.*

In addition, Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with applicable water ordinances that pertain to the supply and transmission of water from the island of Maui when such ordinances are enacted.

At the time the project water system is completed, Honua'ula Partners, LLC, its successors and permitted assigns, shall offer to the County the right to purchase the project water system at the cost of development of such system.

The water rates for the residential workforce housing units shall be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code.

Discussion: As discussed in Section 4.8.1 (Water System), Honua'ula Partners, LLC will comply with this condition by providing a private water source, storage facilities, and transmission lines for Honua'ula in accordance with DWS standards and all applicable community plans. Further discussion is provided in Section 4.8.1 (Water System).

In comments on the Draft EIS some commenters referenced the *The Makawao-Pukalani-Kula Community Plan* and commented that Honua'ula's private water system was not in compliance with this plan. Specifically these comments pertained to Water Objective & Policy # 4 of the *Makawao-Pukalani-Kula Community Plan*, which states:

4. *Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use.*

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kihai-Makena Community Plan region in an area north of Maui Meadows.

The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of the water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the *Makawao-Pukalani-Kula Community Plan*.

Figure 2 shows the location of Honua'ula's off-site water infrastructure and the boundary between the Makawao-Pukalani-Kula Community Plan and the Kihai-Makena Community Plan regions.

In further compliance with ~~the condition~~ Condition J, Honua'ula Partners, LLC will also: 1) offer the right to purchase the completed water system to the County; and 2) ensure that water rates for the residential workforce housing units will be no higher than the general water consumer rates set by the County, for as long as the units are subject to Chapter 2.96 of the County Code.

Pirilani Road Extension

Comment: *Will this state right of way become a private road? Not very much is discussed about arrangements between the state and Wailea 670 to use the corridor. Did the state get paid for the roadway? What can be allowed on the Ulupalakua section? We know more about the landscaping than the hard facts.*

Response: Honua'ula Partners, LLC will build all Honua'ula internal roadways which will remain private. It is not the intent of the developer to dedicate Honua'ula's internal roadways to the County. Honua'ula Partners, LLC will also extend Pirilani Highway to the south to intersect with Kaukahi Street. The portion of the extended Pirilani Highway within the State right of way will be owned by the State. The portion of the extended Pirilani Highway within the State right of way owned by Ulupalakua Ranch will remain private.

Widening of Pirilani Hwy past Kiloohana

Comment: *This is going to have its own Environmental Assessment according to the DEIS, but we believe it should be included in the discussion of the whole project as part of this EIS. We don't know for example if there will be materials stored on the Wailea 670 lands with heavy trucks coming in and out, rock crushing, grubbing or grading? Impacts need to be disclosed as part of the whole Wailea 670 project*

Response: A draft and final environmental assessment (EA) for the widening of Pirilani Highway were prepared. The State Department of Transportation accepted the final EA and issued a

Finding of No Significant Impact. The Pi'ilani Highway Widening Project Final EA will be included as an appendix to the Final EIS.

Section 4.4.5 (Transportation Management) of the Draft EIS notes that the Honua'ula property will be used for construction parking and as a staging area during the widening of Pi'ilani Highway. The Pi'ilani Highway Widening Project Final EA discusses that a temporary construction baseyard and staging area for the Pi'ilani Highway widening project will be located on approximately five acres of the Honua'ula property directly across the Wailea Ike Drive intersection with Pi'ilani Highway. The construction baseyard and staging area will be used for construction offices, equipment and tool storage, repair facilities, parking, material storage, and a rock processing and crushing facility.

Section 4.4.5 (Transportation Management) of the Draft EIS discusses that a transportation demand management plan (TMP) has been prepared for construction of both Honua'ula and the Pi'ilani Highway widening project. The TMP proposes transportation management strategies to reduce construction-related traffic during the construction of Honua'ula and the widening of Pi'ilani Highway. Appendix M of the Draft EIS contains the complete TMP.

During the widening of Pi'ilani Highway, there will likely be noise impacts associated with operation of heavy construction machinery, paving equipment, and material transport vehicles. Blasting may be used during the widening of Pi'ilani Highway to fragment and/or dislodge rock during construction to reduce the total construction period and the amount of time required to remove rock compared to if only mechanical (such as hoe ram) equipment were used. Potential impacts from blasting include airborne noise and ground vibrations. Controlled blasting operations using relatively small charges may be feasible without causing adverse noise and vibration impacts at nearby residences. As an alternative to blasting, the use of chemical expansion to break or dislodge rock will be considered. Chemical demolition agents are non-toxic and provide environmentally-friendly, safe, controlled demolition. Explosive powers are mixed with water and poured into pre-drilled holes on rock. The non-explosive demolition agent swells and exerts significant expansive thrust on the hole-wall. After a certain period, the pressure induced by the chemical non-explosive demolition agent fractures the wall and splits the rock across the line of the drill holes. These chemicals easily split and fracture mass rock without producing any noise or vibration.

To reflect the relevant above information in the Final EIS, Section 4.5 (Noise) will be revised as follows:

Potential impacts on the ambient quality of the site and surrounding area due to the creation of Honua'ula and the widening of Pi'ilani Highway are primarily limited to short-term construction activity and, in the long-term, increases in traffic and human activity within the community.

Short-term Impacts – During the widening of Pi'ilani Highway and construction of Honua'ula, there will likely be noise impacts associated with operation of heavy construction machinery, paving equipment, and material transport vehicles. Blasting may be used during the widening of Pi'ilani Highway to fragment and/or dislodge rock during construction to reduce the total construction period and the amount of time required to remove rock compared to if only mechanical (such as hoe ram) equipment were used. Potential impacts from blasting include airborne noise and ground vibrations. Controlled

blasting operations using relatively small charges may be feasible without causing adverse noise and vibration impacts at nearby residences. As an alternative to blasting, the use of chemical expansion to break or dislodge rock will be considered. Chemical demolition agents are non-toxic and provide environmentally-friendly, safe, controlled demolition. Explosive powers are mixed with water and poured into pre-drilled holes on rock. The non-explosive demolition agent swells and exerts significant expansive thrust on the hole-wall. After a certain period, the pressure induced by the chemical non-explosive demolition agent fractures the wall and splits the rock across the line of the drill holes. These chemicals easily split and fracture mass rock without producing any noise or vibration.

Alternative plans for a wider buffer for Maui Meadows

Comment: For years we have heard Maui Meadows residents ask for a wide buffer zone of 200 ft between them and Wailea 670. Instead the DEIS shows only a 50 ft landscape area that is supposed to serve as a fire break, drainage, view plane buffer, park, community garden, native planting 'enhancement' area and noise buffer. The DEIS repeatedly refers to a 100 ft buffer zone. In reality, half of that 100 feet is a road with traffic, and back yard easements. Who are we kidding? A 100 ft buffer is 100 ft with nothing but open space, not a road, not a back yard. This DEIS is incomplete because it doesn't show an alternative plan map with a real 100 ft buffer.

Response: The Maui County Council considered the width of the buffer area between Maui Meadows and Honua'ula during its deliberations on the Honua'ula Change in Zoning and Project District Phase I approval in 2008. After considering extensive public input on many issues related to Honua'ula, including the appropriate width of the buffer area between Maui Meadows and Honua'ula, the Maui County Council passed Ordinance No. 3553 which established Chapter 19.90A, MCC (The Kihai-Makana Project District 9 Ordinance).

Section 19.90A.030(E)(5) of the Kihai-Makana Project District 9 Ordinance (Chapter 19.90A, Maui County Code (MCC)) specifies:

A minimum one hundred foot wide fire buffer area, with a minimum fifty-foot wide landscape buffer area within it, shall be provided between the southern boundary of the Maui Meadows subdivision and Kihai-Makana project district 9 (Wailea 670). No structures, except rear and side boundary walls or fences, shall be permitted in the buffer.

We believe the Council exercised due care to mitigate impacts to Maui Meadows in specifying a minimum buffer width of 100 feet when enacting this section of the Kihai-Makana Project District 9 Ordinance based on the concerns of Maui Meadows residents expressed at the Council hearings. In accordance with this requirement the concept plan shown in the Draft EIS (Figure 1) provides for a 100-foot buffer between Maui Meadows and any structure within Honua'ula.

While the items you list are not as directly stated in the Draft EIS regarding the buffer, we note that all of the proposed uses within the buffer area that you list and that are described in the Draft EIS could be generally described as "open space." In conformance with Section 19.90A.030(E)(5), MCC noted above, no structures, except rear and side boundary walls or fences, will be included in the buffer. We believe the uses described in the Draft EIS for buffer area (landscape buffer, firebreak, view shed, open space area, native plant area, etc.) are appropriate uses and in conformance with Section 19.90A.030(E)(5), MCC.

Water

Comment: *It looks like the project may not have enough water. The DEIS talks about the private water company being able to restrict non-potable water use to certain hours or days and require every property owner to conform to a [sic] irrigation water budget.*

When a sensible limit on watering during cooler hours was proposed by council member Anderson a few years ago, people from Wailea opposed it loudly. Does the DEIS ever discuss how practical it is going to be to enforce such a water budget? It looks like a volunteer homeowner's board is supposed to be doing all the enforcement of very complicated design standards, planting standards, etc. This does not sound very practical or likely.

Response: We are unclear as to why you think that Honua'ula's private water system will restrict non-potable water use to certain hours or days and impose an irrigation water budget. This not proposed or stated in the Draft EIS. To clarify, Section 4.8.1 (Water System) of the Draft EIS states:

Honua'ula Partners, LLC is committed to aggressive water conservation strategies to reduce consumption, conserve resources, and minimize water demands. The goal is to reduce the total water requirements through a combination of water saving equipment and strategies. To conserve water within Honua'ula, Honua'ula Partners, LLC will implement water conservation recommendations of the County of Maui Department of Water Supply, including:

- Using climate-adapted plants for landscaping;
- Preventing over watering by automated systems;
- Not allowing single pass cooling pursuant to Section 14.21.20, MCC;
- Installing low-flow fixtures and devices throughout the community pursuant to Section 16.20A.680, MCC; and
- Maintaining fixtures to prevent leaks.

Comment: *What will happen to all the existing golf course wells in Wailea and condo irrigation wells in South Kihei if the project over pumps its section of the aquifer that everyone shares? The DEIS says there will be some impacts, but gives no real facts about what will be done to fix the situation. There doesn't seem to be a back up plan for water needs, except to drill more wells further north. No proof is given that this will work. We need to see discussions of a smaller project that fits the dry area.*

Response: Section 3.5.1 (Groundwater) of the Draft EIS states that five of Wailea Resort's nine golf course irrigation wells are within this downgradient and lateral zone. According to the Commission on Water Resource Management (CWRM) records, the draft of these wells is approximately 1.4 MGD as a year-round average. However, because Wailea Resort's Well 2 (No. 4126-02) is nearly directly downgradient from Honua'ula's on-site wells, it is the only well in which there may be a potential increase in salinity due to the potential decrease of groundwater flow being taken up by the Honua'ula wells. Decreased pumping of Honua'ula's on-site wells would alleviate this potential impact.

Honua'ula's well system, with on-site and off-site wells, was specifically engineered to minimize impacts to Wailea Resort's golf course irrigation wells. Honua'ula's two on-site wells are fully

permitted by CWRM and have been in place for nearly 20 years; however they cannot supply all water needed for Honua'ula. Rather than drill additional wells on-site, which could lead to potentially adverse impacts to Wailea Resort's downgradient wells, Honua'ula's off-site wells will draw from groundwater flows removed from Wailea Resort's wells, in an area north of Maui Meadows that has far less downgradient water withdrawals. The use of this off-site water within Honua'ula lessens the need for groundwater withdrawals from on-site Honua'ula wells, thus preserving more groundwater flow to the downgradient Wailea Resort wells.

Regarding the water system, currently there are at least six private water companies on the Island of Maui that provide potable water to residential customers. Several of these companies have been in operation for more than 30 years. All private potable water companies are regulated as public utilities by the State Public Utility Commission (PUC). The PUC: 1) prescribes rates, tariffs, charges and fees; 2) determines the allowable rate of earnings in establishing rates; 3) issues guidelines concerning the general management of public utility businesses; and 4) acts on requests for the acquisition, sale, disposition or other exchange of utility properties, including mergers and consolidations.

Before start up, Honua'ula's private water system is subject to the approval of the DOH Safe Drinking Water Branch. As part of the DOH approval process the DOH requires that new private water companies demonstrate capacity requirements and satisfactory technical, managerial, and financial capabilities, including:

- An adequate water source to serve current and future water users;
- Adequate system technical performance;
- An infrastructure replacement plan that includes estimates of the useful life and plans for the eventual replacement of the public water system's infrastructure;
- An operational plan that includes a preventative and corrective maintenance program;
- A clear management organization and communication structure;
- An emergency response plan;
- Adequate financial capacity and dedicated sources of income, including income and cash reserves to pay annual operating expenses, unexpected significant repairs, and planned major work;
- Adequate budget controls, including performance reviews of actual expenditures and annual budgets, procedures to safeguard financial assets, and maintenance of detailed financial records that clearly identify sources of income and expenses involved in operating the public water system; and
- Demonstration of credit worthiness, including: 1) long-term dedicated revenue projections showing sufficient revenue for: a) operating and maintaining the public water system; b) performing anticipated repairs; c) replacement of major equipment; d) future expansion; and e) repayment of loans; and 2) credit reports that indicate that the public water system is financially healthy and credit worthy.

To include the relevant above information in the Final EIS, along with addressing comments regarding water issues from others, in the Final EIS Section 4.8.1 (Water System) will be revised as shown on the attachment titled "Water System."

Beaches

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Comment: *No mention is made that the thousands of future residents and their guests will want to use nearby beaches. What impact does this have on fishing, camping, and cultural activities? Wailea 670 is just a few minutes from Palaua and Polo beach. The DEIS should include impacts and what the project can do to help keep our beaches available to local families.*

Response: As discussed in Section 4.9.2 (Population) of the Draft EIS, population projections by the Maui Planning Department (Maui Planning Department 2006) indicate that the overall Maui Island population and Kihei-Mākena population is increasing. By 2025 the Maui Island population is expected to increase by 24 percent from the 2010 population, including a projected 28 percent increase in the Kihei-Mākena population. During the same period the average visitor census for Maui is projected to increase 28 percent with approximately 47 percent of Maui's visitors staying in the Kihei-Mākena region. These increases are projected with or without Honua'ula. The additional population will use public facilities, such as beaches, and increased beach use will occur with or without Honua'ula.

Section 4.9.2 (Population) of the Draft EIS notes that when fully built-out, the total population of Honua'ula is projected to be 1,833 persons, of which 1,541 will be full-time residents and 292 will be periodic users comprised of non-resident owners and their guests (Hallstrom 2009). It is important to realize that under the requirements of Chapter 2.96, MCC Honua'ula's 450 on-site workforce affordable homes must be offered for sale to Maui residents. Therefore, based on a household size of 2.5 people per household, approximately 1,125 (73 percent) of Honua'ula's future 1,541 full-time residents will most likely be existing Maui residents already making periodic use of public facilities such as beaches. As a result, the incremental increase in use of public facilities as a result of Honua'ula will be significantly less than the overall population of Honua'ula may indicate.

We acknowledge that some Honua'ula residents will go to Maui beaches; however the number of Honua'ula residents going to a specific beach on any given day cannot be known and it cannot be assumed that Honua'ula residents will patronize only the beaches you list; rather it is likely that they could be distributed among any beach in the Kihei-Mākena region or the entire island.

Cultural sites

Comment: *Maui Unite has commented many times on the need for better archaeological work on the Wailea 670 site. We find it very unlikely that the 480 acres in the north of the property has only one cultural site. We continue to regard the project's AIS as incomplete. Any preservation plan needs to be put on hold until we really know what is there.*

We asked to be a consulted party on the Honua'ula cultural plan, sent in comments, and all we got was a form letter. We do not find that the project has a real interest in making it possible for all interested native Hawaiians to practice traditional and customary gathering and spiritual ceremonies.

We have members who have knowledge of these places and have documented additional cultural sites on the property, including many more stepping stone trails. There should be a real effort

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made to connect all the parts of the ancient trails into one map, no matter whose property they are on.

Response: On August, 26, 2010 Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua participated in a site visit of the Honua'ula Property with several community members and State Historic Preservation Division (SHPD) staff. SHPD staff present were archaeologist Morgan Davis and cultural historian Hinano Rodrigues. Community members present included: Lucienne de Naie, Daniel Kanahele, Janet Six, Elle Cochran, U'ilani Kapu, Ke'eaumoku Kapu, Lee Altenberg, and 'Ekolu Lindsey. Some of the community members had previously: 1) presented testimony, or were present, at the Maui Planning Commission meeting on June 22, 2010 at which the Honua'ula Draft EIS was discussed; 2) submitted information to SHPD claiming that they had found archaeological sites on the Property that had not been included in the archaeological inventory survey dated March 2010 included in the Draft EIS; and 3) submitted written comments on the Draft EIS expressing concerns regarding archaeological sites on the Property.

Subsequent to the site visit, SHPD issued a letter dated September 8, 2010 stating that no significant unrecorded sites were noted at that time (i.e. during the August, 26, 2010 site visit). The letter also provides SHPD's review of the archaeological inventory survey (dated March 2010) and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) a large plan map of the survey area with sites and features plotted be included. In addition, the SHPD letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

In response to SHPD's September 8, 2010 letter commenting on the archaeological inventory survey (dated March 2010), archaeologist Aki Sinoto: 1) revised the archaeological inventory survey report to address SHPD's concerns; and 2) submitted the revised archaeological inventory survey report to SHPD in April 2011.

In July and August of 2011, Daniel Kanahele of Maui Cultural Lands submitted letters to Honua'ula Partners, LLC's representative Charlie Jencks and SHPD providing additional comments on the archaeological inventory survey (dated March 2010) that was included in the Draft EIS. Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua responded to these letters in writing. In the summer of 2011 Maui Cultural Lands members also made a presentation to SHPD regarding their inspections of the Property.

In response to the concerns Maui Cultural Lands members expressed to SHPD in the summer of 2011, on September 23, 2011 archaeologist Aki Sinoto and cultural advisor Kimokeo Kapahulehua met with SHPD archaeologist Morgan Davis and SHPD cultural historian Hinano Rodrigues at SHPD's Maui office. Subsequently, as recommended by SHPD, Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua met with members of Maui Cultural Lands and other community members at Maui Community College on November 17, 2011. Maui Cultural Lands members and other community members present at the November 17, 2011 meeting included: Daniel Kanahele, Janet Six, 'Ekolu Lindsey, Lucienne de Naie, Jocelyn Costa, and Clifford Ornellas.

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Others present at the meeting included Stanley Solamillo, a cultural resource planner with the Maui Planning Department, and Tanya Lee Greig, the director of Cultural Surveys Hawaii's Maui office.

As a result of the November 17, 2011 meeting, the archaeological inventory survey report was further revised to: 1) recommend preservation of a section of a post-contact agricultural wall documented in the archaeological inventory survey but not previously recommended for preservation; 2) add descriptive narrative information for two post-contact agricultural walls; and 3) revise pertinent map figures in the report. Archaeologist Aki Sinoto submitted the further revised archaeological inventory survey report to SHPD in March 2012. Since the SHPD Maui archaeologist had recently resigned, copies of the revised archaeological inventory survey report were transmitted to SHPD's main office in Kapolei and to Dr. Theresa Donham, the interim SHPD chief of archaeology in Hilo. In April 2012, Dr. Donham notified archaeologist Aki Sinoto that the report was forwarded to the SHPD Maui office for review due to the hiring of replacement personnel. As of May 2012, SHPD has not completed its review of the revised (March 2012) archaeological inventory survey.

To include the relevant above information in the Final EIS, along with addressing comments regarding archaeological and historic resources from others, in the Final EIS Section 4.1 (Archaeological and Historic Resources) will be revised as shown on the attachment titled "Archaeological and Historic Resources."

Regarding your comments about the stepping stone trails, in the archaeological inventory survey report, two of the earlier recorded segments have been combined (Site 4951) and other smaller segments (Sites 4959 and 6797) have been recorded as isolated segments. Site 4959 also includes the intersection of a mauka-makai segment and a north-south segment. All of the recorded segments occur within preserves that will maintain the current landscape with no surface alterations, other than manual vegetation clearing in some areas. The AIS discussed trail segments leading east into 'Ulupalakua Ranch holdings as well as the segment near the coast within the same a'a flow within Palaua ahupua'a. With large segments disturbed or destroyed, the reconstruction of the original alignments linking specific trail segments is problematic. Also, with the original integrity lost through past disturbances or development of the intermediate areas between the coastal and subject areas, there exists no definitive confirmation that these segments indeed connected in the past.

Comment: *We also know kupuna who have used the Kanaio-Kalama Park road. It is part of our heritage and should be preserved. We believe that our South Maui Community plan says to protect roads and trails and allow access. The DHS wants to make new trails and quietly get rid of the old ones that hold our history.*

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Response: Regarding the Kanaio-Kalama Park roadway, remnant segments of the roadway are present along a portion of an existing jeep road which was constructed atop the same alignment in the southeastern corner of the Property. The approximate route of the Kanaio-Kalama road will be incorporated into the Honua'ula trail system to further enhance mauka-makai access across the Property. This functionally equivalent route will approximate the alignment shown on the current TMK map (Figure 3 of the Draft EIS), and thus will run diagonally from Kauka'ahi Street, through the Native Plant Preservation Area, to the southeast corner of the Property.

To include the relevant above information, as well as responses from others regarding trails and access, into the Final EIS, Section 4.3 (Trails and Access) will be revised as shown on the attachment titled "Trails and Access." In addition Figure 13 (Trails Network) will be revised as shown on the attachment titled "Figure 13."

Comment: *There are ancient stories connected with the moku of Honua'ula, like the genealogy of Kumuhonua. It is confusing and disrespectful to assign a housing development the sacred name of an entire district. Look at what has happened to Ka'anapali. Most folks have no idea that Ka'anapali is a legendary district of Maui, not a resort and real estate brand! Will this be the fate of Honua'ula?*

Response: We acknowledge your opinion regarding the naming of Honua'ula. Throughout Hawai'i, place names provide a living and intelligible history of the various districts and places. As keen observers of the climatic conditions, ecosystems and natural phenomenon, Hawaiians recorded these observations and experiences through names that vividly expressed their interpretations and feelings. Place names add expressions of affection and reverence to events and people of the past, and many of them have roots in history and legends that provide historical information of the land and its residents.

The name is significant in the Hawaiian tradition because it could determine the bearer's character, well-being and future failures or successes. A name could affect the destiny of an individual, place or object.

As discussed in Section 4.2.1 (Honua'ula Moku) of the Draft EIS, the literal meaning of the name Honua'ula is "red earth" or "red land," which may have been in reference to the distinctive red dust of Haleakalā (Handy et al. 1991). There are a number of alternative explanations for the name. In the cultural impact assessment, Tau'a and Kapahulehua (2009) state that the name connotes sacred earth based on the sacredness of the color red. Sterling (1998), in *Sites of Maui*, includes the following account by Fomander, of the chief, Mo'ikeha, who brought back companions from his voyage to Tahiti:

His canoes were equipped forthwith under the superintendence of Kamahualele, his astrologer and seer (Kihokilo), and with a goodly company of chiefs, retainers, and relatives, they set sail for Hawaii...The legends differ somewhat to the names of the followers of Mo'ikeha, but they all agree that a number of places in the Hawaiian group were named after such or such companions of Mo'ikeha, who were permitted to land here and there as the fleet coasted along the island shores, and who succeeded in establishing themselves where they landed. Thus were named the district of Honua'ula on Maui.

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This name reflects the vision for the Property, with an emphasis on building a community in harmony with nature. Honua'ula is meant to convey the meaning of its name by inspiring a strong social identity and a refreshing, well preserved island environment for the region.

Comment: *Bottom line- no attempt has been made to locate and listen more lineal descendants of these lands and include them in the Historic Review process. The names of the kuleana holders and maps of their lands are not even included in the pages of these big documents.*

The AIS included in the Draft EIS (dated March 2010, see Appendix I) was prepared in accordance with the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). These rules require an AIS to: 1) indicate whether any Land Commission Awards (LCAs) were granted within a project area and within the greater ahupua'a; and 2) locate the awards on a map whenever possible. The AIS discusses LCAs in the three ahupua'a and notes that none of the LCAs appear to be within the boundaries of the Honua'ula Property. Location data is unavailable for the majority of the LCAs in the three ahupua'a, however the few LCAs that are located are either in the coastal areas or further inland.

The AIS was submitted to SHPD for review on March 23, 2010. In a letter dated September 8, 2010, SHPD provided their review comments on the AIS and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. In addition, the letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

Significant Walls

Comment: *Cultural practitioners are also concerned the integrity of the long East-West wall (site 200 in the 2000 AIS) is being compromised by a proposed "preservation plan." Original archaeological survey maps of Waile'a 670 showed site 200 in its entirety- running from the western to eastern boundary of the property. Those maps are not in the AIS.*

The Site 200/ wall was described by Theresa Donham as a possible ahupua'a boundary wall, in the Project Ka'eo book. This wall continues almost all the way to the ocean through Waile'a golf course and the Palaua Cultural preserve site. This is a major wall. Mauka of the Waile'a 670 project area, site 200 continues all the way east to Ulupalakua.

The current Archaeological site map in the AIS (Fig 6, P. 20) chops off several hundred feet of the wall's western end. In the AIS there is a [sic] aerial view with cultural sites. (Figure 6) This view shows site 200- (now re-labeled "site 1"), ending where it joins with a north-south wall, not at the western property boundary.

Our members are concerned about this wall. When the project spokesperson was asked if the wall could be included in the preservation area, he portrayed it as "broken down." Our cultural practitioners say the wall is in good shape at the western end.

Gordon Cockett

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No justification is given in the AIS or CRPP for leaving a large portion of this wall out of preservation. It has simply been allowed to disappear from the AIS map. It needs to be preserved and the other walls in Waile'a 670 should also be preserved until we know more about the location of kuleana land claims.

Response: Regarding the "East-West wall" identified as Site 200 in Section 4.1 (Archaeological and Historic Resources) of the Draft EIS, this wall was most likely not an ahupua'a boundary wall, but an enclosure wall built to keep cattle out of the 'a'ā lands. The wall is largely being preserved with dilapidated or previously breached segments planned to be restored and limited small segments slated to be breached by roadways and other development-related requirements. The structure of the wall consists primarily of free-standing segments, but also incorporates topographical features such as small cliffs, modified outcrops, and sections of retaining walls. In the Final EIS, Figure 1 (Conceptual Master Plan) will be revised to include the whole wall as extant within the boundaries of the Property. The attachment titled "Figure 1" shows the revised figure.

As noted above the AIS has been revised to include: 1) a large plan map of the survey area with sites and features plotted; 2) a recommendation to preserve a section of a post-contact agricultural wall documented in the archaeological inventory survey but not previously recommended for preservation; 2) descriptive narrative information for two post-contact agricultural walls.

Native Plants and Animals

Comment: *The DEIS seems to be trying to get around the protections the county council tried to give our kupuna lau—native plants. When you look at the 143-acre "native plant enhancement" area it's just a lot of landscape planting. Ten years from now, new rules could go into effect for the subdivision and the plants could be replaced. It's good to use native plants for landscaping the homes, to save water, but this shouldn't be trade off for destroying the natural ecosystem where these plants already live healthy lives. This destruction is not acceptable. The DEIS really is deficient in showing how the project could be adapted to a 130 acre native plant preserve area. An EIS is supposed to present alternatives. We need that alternative presented. It needs to be a map. We need to see how it can be done.*

Response: In response to comments on the Draft EIS requesting additional area to be set aside for native plant species, Honua'ula Partners, LLC proposes both on- and off-site measures.

For on-site measures Honua'ula Partners, LLC will increase the area of the Native Plant Preservation Area on the Honua'ula property from 22 to 40 acres. This 40-acre area contains the highest density of native plants within the Property, and will include all five 'āwīkīwīki plants that were alive in 2009 and the majority of the nehe plants at the Property. The Native Plant Preservation Area will be actively managed in accordance with the Conservation and Stewardship Plan (included as Appendix F of the Draft EIS). Management actions will include removal and exclusion of ungulates (deer, cattle, goats, and pigs), removal and control of noxious invasive weeds and plants, and propagation of native plants from seeds collected on the Property.

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For off-site mitigation, Honua'ula Partners, LLC will:

1. Acquire 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
2. Fund and implement 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.

Together the on- and off-site mitigation areas provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including wiliwili. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the Blackburn's sphinx moth, providing net benefit to this species, as well as a large number of additional native dryland species. To implement the on- and off-site mitigation measures, Honua'ula Partners, LLC, will finalize its draft Habitat Conservation Plan in collaboration with the US Fish and Wildlife Service (USFWS) and State DLNR in accordance with Section 10(a)(1)(B) of the Endangered Species Act and Chapter 195D, Hawai'i Revised Statute. The on- and off-site mitigation areas are subject to the approval of the Habitat Conservation Plan by USFWS and DLNR.

To include this information in the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) will be revised as shown on the attachment labeled "Botanical Resources."

To include discussion of a 130-acre Native Plant Preservation Area in the Final EIS, in the Final EIS Chapter 6 (Alternatives) will be revised to include the information shown on the attachment labeled "Alternatives."

Comment: *What's going to happen if the native plants are given the treated sewage/ desal brine. Will they like it? Are there studies? What about pesticides and fertilizers from golf courses?*

Response: To ensure the long-term conservation and stewardship of native plants within Honua'ula, and in conformance with County of Maui Ordinance No. 3554 Condition 27a, Honua'ula Partners, LLC's biological consultant SWCA Environmental Consultants prepared the Honua'ula Conservation and Stewardship Plan. The plan incorporates findings, conclusions, and recommendations from previous botanical surveys, wildlife surveys, and biological assessments of the Property and sets forth proactive stewardship actions to manage the native plant areas. Appendix F of the Draft EIS contains the complete Honua'ula Conservation and Stewardship Plan and Section 3.6 (Botanical Resources) of the Draft includes a summary of the plan.

To ensure that Honua'ula's golf course is developed and operated in an environmentally responsible manner and potential impacts to the surrounding environment are mitigated, Environmental & Turf Services, Inc., prepared a comprehensive report of Best Management Practices (BMPs) for the golf course. The overall goal of the Honua'ula golf course BMPs is to reduce the turf chemical and water inputs required to manage the 18-hole golf course and to minimize waste generation. The golf course will be designed to minimize impact on the surrounding environment and provide enhancement of ecological functions (i.e., buffer

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zones/strips, water features, natural topography, wildlife habitat). Appendix C of the Draft EIS contains the golf course BMP report and Section 3.5.1 (Groundwater) of the Draft EIS includes a summary of the report.

Comment: *In conclusion: send this DEIS back for more work. Many sections are very incomplete and can't be an honest guide for future decisions. We were promised all the facts in Phase II. It's time to get them.*

Response: The Draft EIS was, and the subsequent Final EIS will be, prepared in conformance with the State of Hawai'i EIS law (Chapter 343, HRS) and EIS rules (Title 11, Chapter 200, HAR). The EIS laws and rules provide for the preparation of a Draft EIS, a review process, and the preparation of a Final EIS. Per the EIS rules, the Final EIS will incorporate substantive comments received during the review process, including your comments and our responses to your comments. The accepting authority, the Maui Planning Department/Planning Commission, shall determine if the Final EIS, in its completed form, represents an informational instrument which fulfills the definition of an EIS and adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments.

We note that in commenting on the Draft EIS the Maui Planning Commission stated that the "Honua'ula Draft EIS is one of the better draft documents the commission has seen in terms of completeness."

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: Wastewater System
Botanical Resources
Archaeological and Historic Resources
Figure 2 (Regional Location)
Water System
Trails and Access
Figure 13 (Trails Network)
Figure 1 (Conceptual Master Plan)
Alternatives

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Sierra Club Maui Group
PO Box 791180, Paia, HI 96779

The DEIS you are considering is lacking much essential information. In the first place, state and local authorities have set their own standards and did not require an Environmental Assessment (EA) to be completed before the preparation of the EIS. The EA would have provided more detailed information to you, the decision makers about this project's plans, along with the comments of agencies and individual citizens. It would have given everyone a chance to help shape this plan in a better direction. Instead, a brief EIS Prep notice was issued which promised that all information would be forthcoming in the Draft EIS. There were no comments from agencies to inform the public or decision makers. That was all compressed into this one phase, making a huge document with a quick turn around time to review.

Sierra Club does appreciate that the applicant honored its request to extend the comment deadline to June 30. We submitted extensive comments when the EIS preparation notice came out. Today we want to ask you to consider one important point.

The EIS process is supposed to examine alternatives to the proposed action. Not just a "no action" alternative. Not just the plan as proposed 25 years ago alternative, but real options that can mitigate expected impacts. This document does not provide you with that type of analyses. Instead you will be provided with lovely artists' renditions of future homes and roadways and bikeways, and told that everything is going to be carefully done.

Every project makes extensive promises. Here are the brochures created for Wailea when it was being developed. They promised a real community for local residents and tourists, a car free environment where trams served transportation needs, a school and affordable housing, protection of the environment and cultural resources and a population of 50,000.

We all know that this is not what happened. Instead we have a very lovely resort community and golf courses where few of Maui's residents could afford to live and gated neighborhoods make sure that few can enter. The oceans off Wailea have declined, but no one knows why. Old Makena Road and its history disappeared in the resort development. Three hundred burials had to be displaced to build one hotel. Hundreds of cultural sites were destroyed. This tropical landscape created in a desert consumes more than half the water from the lao aquifer.

Yes, Wailea is an economic engine. Yes, Wailea 670 may become an economic engine, but the question remains: is there a better way to plan these types of places? Are their alternatives to golf course design that require minimum grading and disturbance? Is there a design for Wailea 670 that could protect up to 130 acres as habitat for the endangered Blackburn moth, and the rare and threatened native plants that already flourish there? This document needs to show you and us the public those choices. It needs to have maps and analyses that describe and truthfully evaluate those choices. Please ask to have the information you need to make good decisions. Promises sound great, but who will be accountable to see that they are kept? Projects like this require thoughtful alternatives to choose from and good conditions to insure that important resources are protected.

Mahalo, Daniel Grantham, for Sierra Club Maui Group



May 31, 2012

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Daniel Grantham
Sierra Club Maui Group
P.O. Box 791180
Paia, Hawaii 96779

SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Grantham:

Thank you for your letter sent to the Maui Planning Department regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

Comment: *The DEIS you are considering is lacking essential information.*

Response: The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawaii Revised Statutes) and Title 11, Chapter 200, Hawaii Administrative Rules (HAR). The EIS laws and rules provide for the preparation of a draft EIS, a review process, and the preparation of a final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments, and our responses. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

We note that in commenting on the Draft EIS the Maui Planning Commission stated that the Honua'ula Draft EIS was "one of the better draft documents the commission has seen in terms of completeness."

Comment: *In the first place state and local authorities have set their own standards and did not require an Environmental Assessment (EA) to be completed before the preparation of the EIS. The EA would have provided more detailed information to you, the decision makers about this project's plans, along with the comments of agencies and individual citizens. It would have given everyone a chance to help shape this plan in a better direction. Instead, a brief EIS Prep notice was issued which promised that all information would be forthcoming in the Draft EIS. There were no comments from agencies to inform the public or decision makers. That was all compressed into this one phase, making a huge document with a quick turn around time to review.*

Response: Honua'ula Partners, LLC has consulted with the Office of Environmental Quality Control (OEQC) to ensure that all applicable statutory and regulatory requirements regarding the Environmental Impact Statement (EIS) process have been fulfilled. Regarding the Environmental Impact Statement Preparation Notice (EISPN) dated March 2009, notice of which was published in the March 8, 2009 Environmental Notice, the OEQC Director stated: "...the published document fulfills all the

Daniel Grantham

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requirements and components [off an environmental assessment." The public comment period (which includes agency comment also) for the EISP began March 8, 2009 and ended April, 7, 2009.

Subsequent to the publication of the EISP dated March 2009, pursuant to the instructions of the OEQC Director, the Maui County Planning Department submitted an Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISP) to OEQC on September 18, 2009. Notice of the availability of the EA/EISP was published in the October 8, 2009 edition of the OEQC's *The Environmental Notice*. The official public comment period (which includes agency comment also) on the EA/EISP was from October 8, 2009 to November 7, 2009; however Honua'ula Partners, LLC voluntarily extended the comment period until November 17, 2009 to allow all consulted parties ample time to provide comments.

After the EA/EISP public comment period, Maui County Planning Department submitted the Draft EIS to OEQC on April 13, 2010. Notice of the availability of the Draft EIS was published in the April 23, 2010 edition of OEQC's *The Environmental Notice*. The official 45-day public comment period (which includes agency comment also) on the Draft EIS was from April 23, 2010 to June 7, 2010; however as a courtesy to those that requested more time to review the Draft EIS, Honua'ula Partners, LLC voluntarily extended the comment period on the Draft EIS until June 30, 2010.

Given that there have been three public comment periods (which included agency review and comments) as part of the EIS process, two of which have been extended by Honua'ula Partners, LLC of its own volition, we must respectfully disagree with your contention that there was not ample opportunity for public and agency review and comment throughout the EIS process.

In addition to the current EIS process, there was substantial opportunity for the consideration of public and agency questions and concerns over an extended period of time prior during the County Council hearings for the Honua'ula Change in Zoning and Project District Phase I approval in 2008. At that time the County Council heard extensive testimony from the public, State and County agencies and experts in various fields of study. In response to concerns raised at the hearings, the Council included comprehensive conditions as part of the Change in Zoning Ordinance (County of Maui Ordinance No. 3554) approval. These conditions reflect a range of concerns and ensure that any impacts of Honua'ula are mitigated and addressed in context with regional impacts and demands, including impacts related to native plants, traffic, and infrastructure systems such as water and wastewater. Prior to the County Council hearings in 2008, the Council's Land Use Committee had held extensive public meetings over the course of 2006 and 2007 to consider Honua'ula, including an estimated ten public hearings where public testimony was heard. These Council and Committee hearings/meetings provided significant opportunity for the consideration of public questions and concerns.

Comment: *The EIS process is supposed to examine alternatives to the proposed action. Not just a "no action" alternative. Not just the plan as proposed 25 years ago alternative, but real options that can mitigate expected impacts. This document does not provide you with that type of analysis.*

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Response: HAR Title 11, Department of Health (DOH), Chapter 200, EIS Rules, Section 11-200-17(F), states that a Draft EIS must contain a section discussing "alternatives **which could attain the objectives of the action [emphasis added]**", regardless of cost, in sufficient detail to explain why they were rejected."

The objectives of Honua'ula are rooted in the desire of Honua'ula Partners, LLC to implement the *Kihei-Mākena Community Plan* and create an appealing master-planned community with a variety of housing opportunities, village mixed uses, and abundant recreational amenities. Honua'ula will also foster preservation of natural and cultural resources while contributing to Maui's social fabric and economic diversity.

Land uses within the Honua'ula property are governed by the requirements of Chapter 19,90A (Kihei-Makena Project District 9 (Wailea 670), Maui County Code (MCC) which clearly articulates the uses that can be implemented within the property. Therefore there is not a limitless range of alternatives to consider.

Chapter 6 (Alternatives) of the Draft EIS examined six alternatives and explained why each specific alternative was rejected. The "no action" alternative was considered because it is one of the alternatives that the EIS rules specifically cite as an example of alternatives that should be considered in a draft EIS (see Section 11-200-17(F)(1), HAR)

Previously proposed plans for the property (see Section 6.5 (Resort/Residential with Two Golf Courses and Section 6.6 Resort Residential with One Golf Course of the Draft EIS) were considered as alternatives because they have been analyzed, studied, and refined over the course of more than two decades, therefore they illustrate the historical evolution of the project from Wailea 670 to Honua'ula and highlight alternatives that have been proposed and rejected.

While the alternatives discussed in the Draft EIS were ultimately rejected because they do not meet the purpose and intent of Chapter 19,90A, MCC, they are: 1) at least within the range of reasonable alternatives that could be considered; 2) illustrate the historical evolution of the project; and 3) and are in conformance with the requirements of HAR Title 11, DOH, Chapter 200, Section 11-200-17(F).

Comment: *Wailea 670 may become an economic engine, but the question remains: is there a better way to plan these types of places?*

Response: Honua'ula implements State and County planning policies for the property that have been thought-out, studied, and advanced for over 20 years. Honua'ula realizes and supports decisions regarding the use of the Property for residential, recreational, and commercial uses made by the State Land Use Commission, the Maui Planning Commission, and the Maui County Council. Honua'ula is also within the "urban growth boundary" of the current Directed Growth Maps of: 1) the Planning Department; 2) the Maui Planning Commission; and 3) the General Plan Advisory Committee. As such, Honua'ula realizes the vision for the property that has been formulated and refined over the course of more than two decades.

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Comment: *Are their alternatives to golf course design that require minimum grading and disturbance?*

Response: As discussed in Section 2.3.5 (Golf Course and Clubhouse) of the Draft EIS, the golf course layout is carefully routed to minimize impacts to the land, incorporate existing lava formations, and preserve and provide areas for native plants. Occupying approximately 110 acres, the Honua'ula golf course is already optimized to minimize grading compared to a traditional golf course that typically occupies 180 acres or more. As discussed in Section 3.2 (Geology and Topography) of the Draft EIS, topography is a key defining feature of Honua'ula, and one of the principal design and planning goals is to preserve and utilize this topography as much as possible. To the extent practicable, improvements will conform to the contours of the land to retain the existing rolling topography and natural drainage ways.

To ensure that Honua'ula's golf course is developed and operated in an environmentally responsible manner and potential impacts to the surrounding environment are mitigated, Environmental & Turf Services, Inc., prepared a comprehensive report of Best Management Practices (BMPs) for the golf course. Appendix C of the Draft EIS contains the golf course BMP report and Section 3.5.1 (Groundwater) of the Draft EIS includes a summary of the report.

Comment: *Is there a design for Waiitea 670 that could protect up to 130 acres as habitat for the endangered Blackburn moth, and the rare and threatened native plants that already flourish there? This document needs to show you and us the public those choices. It needs to have maps and analyses that describe and truthfully evaluate those choices.*

Response: Section 3.6 (Botanical Resources) of the Draft EIS details extensive measures that will be established to protect and conserve native plant species (including williwili trees), including: 1) establishing a Native Plant Preservation Area; and 2) implementing a conservation and stewardship plan that sets forth proactive stewardship actions to manage the native plant areas. Please note that no Federal or State of Hawai'i listed threatened or endangered plant species were identified on the Honua'ula property; however, a candidate endangered species, *ʻāwīkīwīkī* (*Canavalia pubescens*), was identified on the property.

In response to comments on the Draft EIS requesting additional area to be set aside for native plant species, Honua'ula Partners, LLC proposes both on- and off-site measures.

For on-site measures, Honua'ula Partners, LLC will increase the area of the Native Plant Preservation Area on the Honua'ula property from 22 to 40 acres. This 40-acre area contains the highest density of native plants within the Property, and will include all five ʻāwīkīwīkī plants that were alive in 2009 and the majority of the *nehe* plants at the Property. The Native Plant Preservation Area will be actively managed in accordance with the Conservation and Stewardship Plan (included as Appendix F of the Draft EIS). Management actions will include removal and exclusion of ungulates (deer, cattle, goats, and pigs), removal and control of noxious invasive weeds and plants, and propagation of native plants from seeds collected on the Property.

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For off-site mitigation, Honua'ula Partners, LLC will:

1. Acquire 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
2. Fund and implement 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.

Together the on- and off-site mitigation areas provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including williwili. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the Blackburn's sphinx moth, providing net benefit to this species, as well as a large number of additional native dryland species. To implement the on- and off-site mitigation measures, Honua'ula Partners, LLC, will finalize its draft Habitat Conservation Plan in collaboration with the US Fish and Wildlife Service (USFWS) and State Department of Land and Natural Resources (DLNR) in accordance with Section 10(a)(1)(B) of the Endangered Species Act and Chapter 195D, Hawai'i Revised Statute. The on- and off-site mitigation areas are subject to the approval of the Habitat Conservation Plan by USEFWS and DLNR.

To include this information in the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) will be revised as shown on the attachment labeled "Botanical Resources."

To include discussion of a 130-acre Native Plant Preservation Area in the Final EIS, in the Final EIS Chapter 6 (Alternatives) will be revised to include the information shown on the attachment labeled "Alternatives."

Comment: *Projects like this require thoughtful alternatives to choose from and good conditions to insure that important resources are protected.*

Response: As noted above, the alternatives discussed in the Draft EIS are: 1) within the range of reasonable alternatives that could be considered; 2) illustrate the historical evolution of the project; and 3) and are in conformance with the requirements of HAR Title 11, DOH, Chapter 200, Section 11-200-17(F).

Regarding "good conditions to insure that important resources are protected" the Maui County Council included comprehensive conditions as part of Honua'ula's Change in Zoning Ordinance (County of Maui Ordinance No. 3554) approval. These conditions reflect a range of concerns and ensure that any impacts of Honua'ula are mitigated and addressed in context with regional impacts and demands, including impacts related to native plants, traffic, and infrastructure systems such as water and wastewater. Section 5.2.3 (County of Maui Zoning) of the Draft EIS discusses Honua'ula Partners, LLC's compliance with these conditions. The State Land Use Commission has also implemented several other conditions as part of the State land use district boundary amendment that changed the state land use designation of the property from the Agricultural District to the Urban District.

Daniel Grantham
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DISTRICT PHASE II APPLICATION
May 31, 2012
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Sierra Club Maui Group
Po Box 791180
Paia, HI 96779

June 30, 2001

PBR Hawaii
Attn: Tom Schnell, AICP
1001 Bishop Street, Suite 650
Honolulu, Hawaii 96813

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: Botanical Resources
Alternatives

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RE: DRAFT EIS for proposed Honua'ula/Wailea 670 Project

Mahalo for this opportunity to offer comments on the Draft EIS for this project on behalf of the six hundred members of Sierra Club Maui Group. Sierra Club has offered input to this project since its expansion to 670 acres in the late 1980's. We have long felt that the sensitive characteristics of this site and the amount of modification proposed for golf course and housing warranted an updated EIS process. We appreciate the applicant's response to our request to extend the deadline for comments.

We are disappointed that the so-called EA issued in conjunction with this project, contained so little specific information about what was planned. This lack of two levels of review for a complex project, compressed the public's opportunity to provide meaningful comments into a very short time frame. While this DEIS is lengthy, it has many sections which appear to be cut and paste from previous sections, with no additional information being offered.

We also believe that this document does not meet the requirements set forth in HAR 11-200-17(E) which requires proposed actions to provide the information necessary to permit an evaluation of potential environmental impacts in their EIS.

Segmentation of Associated Actions

There are a number of actions associated with this project which are necessary precedents for the larger project and, to be in compliance with HAR 11-200-7 (B), these must be included in the DEIS to avoid segmentation of environmental review. A famous case here on Maui involving Kahana Sunset condominiums established this as an important legal precedent.

The Supreme Court opinion stated: "the Commission is the agency receiving the request for approval of the action, and it is therefore the agency responsible for preparation of the environmental assessment." In so holding, we recognized that "[i]solating only that particular component of the development for environmental assessment would be improper segmentation of the project."

This appears to be what is happening with a number of actions connected to the Honua'ula project. Widening of Piihahi Hwy from Kiloahana to Wailea Ike St. is a required condition of rezoning, as are improvements to Wailea Ike and other intersections. Environmental review for these actions has been done separately and is not included in any meaningful way in the project's DEIS.

Off-Site Affordable Housing

document incomplete and premature and request that the DEIS be resubmitted when the missing information can be included. To not take this action is to segment the project, in direct violation of HRS 343 and its applicable rules.

Major offsite Infrastructure

Likewise there is no discussion, evaluation or mitigation of the impacts of the proposed 250 affordable units in North Kihei (except a plan to reduce traffic impacts required by conditions of rezoning). These are part of the Honua'ula project, although they are located elsewhere.

3.6 Biological Resources

The proposed 22 biological preservation area is wholly inadequate, and ultimately neither sound conservation planning nor wise resource utilization. The 143 acres of fragmented preservation areas proposed around the golf course holes in the southern portion of the site does not offer the best strategy for successful management.

MECO Power Station Expansion

Dr. Jonathan Price, an expert in Hawaiian dryland forest preservation commented on the Honua'ula plan:

“the smaller the area preserved, the more intensive the management will need to be. A site of a few acres for example, particularly if divided into scattered smaller units, will require costly, intensive management, in order to maintain even a modicum of ecosystem integrity. On the other hand, setting aside an area of more than 100 acres would require some degree of management, albeit far less intensive than the former scenario.”

While it is mentioned that the present overhead high voltage power lines that transect the property will be relocated underground, it is not mentioned if lines from the proposed Auwahi wind farm would likely be located above ground or below ground? Will specific archaeological review be done along the corridor where the high voltage lines are buried?

When will information be obtained from MECO to meet condition 18 of rezoning, since this information is part of Project District Phase II approval?

Wastewater Treatment Facility

The DEIS does not appear to have the Sewage Disposal Analysis reviewed and commented upon by state and county agencies, as required by condition of rezoning No. 16 **prior to Phase II approval**. Instead, it states that:

“For a more detailed analysis Honua'ula Partners, LLC has engaged Brown and Caldwell Engineers to prepare a Draft Honua'ula Sewage Disposal Analysis. In accordance with this condition, the Analysis will be submitted to the State DOH and DLNR and the County DEM and DWS for review and comment before Project District Phase II approval. The Analysis, along with reviews and comments, will then be submitted to the Maui County Council for review.”

Since the Planning Commission is responsible for granting the project's Phase II approval, and the Analysis must be submitted to various agencies for review before Phase II approval, this DEIS should already include the Sewage Disposal Analysis and related comments to provide adequate opportunity for meaningful review and comments by the public and the Planning Commission.

Especially important would be a discussion of comparative wastewater fees for residents. Since affordable homes are guaranteed parity with public facility rates, would Makana Resort's wastewater system be able to operate with half the customer base at lower fees? Policymakers should have access to this information as early in the process as possible.

Based upon the large volume of critically needed information lacking either any inclusion or review in this DEIS document, Sierra Club would request the accepting authorities to find the

The DEIS should analyze a Project Design layout in the Alternatives Section that includes a 130 acre botanical cultural preserve, to be in compliance with condition no 27 of rezoning.

4.1 Cultural Resources

The project's AIS is based upon methodologies that involve minimal testing (only six of 40 sites, most with one 1ft by 1ft test unit), inadequate mapping and incomplete fieldwork.

The AIS does not specify how many field sessions involving how many personnel, for how many days have taken place at the project site, nor does it elaborate on the transect areas covered. These are all standard disclosures in archaeological reviews. It is still unclear if actual transects have been completed of the northern 480 acres.

It is clear that when citizens reported during public testimony that numerous additional cultural sites were on the land, they were correct. Twelve new sites with nearly twenty features have been recorded since the last draft AIS in 2001. Citizens continue to submit pictures and locations of additional sites. It is clear that the AIS is far from being complete.

Site evaluation at Honua'ula project does not appear to actually be based upon the State Historic Preservation law process. Especially lacking is a clear assignment of significance Criterion E as specified by 13-284-6(b) 1-5 HAR, which this AIS and DEIS must comply with.

Criterion E is defined in the AIS as: “applies to sites or places perceived by the contemporary community as having traditional cultural value.”

The AIS version of criteria E omits the following underscored language;

(5) Criterion 'e' Have an important value to the Native Hawaiian people, or to another ethnic group of the state due to associations with cultural practices once carried out, or still

carried out, at the property or due to associations with traditional beliefs, events or oral accounts – these associations being important to the groups history and cultural identity.

Only the three recorded stepping stone trail sites have been evaluated as significant under criteria E'. One segment of stepping stone trail recorded earlier, placed on a crude map and not assigned a number has seemed to disappear from the inventory survey. It is not explained whether this segment was not relocated, combined with another segment and assigned the same site number or has simply been forgotten. Cultural practitioners have shown photos of several additional unrecorded segments of stepping stone trails on the project site. Some of these trails appear to lead to planting areas. Some make connect with trail segments found on the Wailea golf course or in Palaua preserve further west. No accurate maps have been provided showing relationship of the trail sections. It is unclear whether all are being preserved in their original cultural setting.

4.8.1 Water

Preliminary Engineering Report relies on declaratory statements about the adequacy of the project's water systems without supporting technical studies to substantiate its claims. There is not enough quantitative data on water systems to permit any impact analysis. There are no independent hydrology reports. The USGS study referred to that purportedly supports higher available flows for Kamaole aquifer, only mentioned the aquifer as one entry in an aquifer chart. The USGS report offered no analysis of the aquifer's potential SY. The 1988 hydrology report for the project cautioned that Wailea 670's wells could impact downlope wells in Wailea and comments from Wailea Resort management made the same statement. The DEIS must analyze the proposed use of the Kamaole aquifer for the project's demand by researching and evaluating the entire range of existing users and the relative pumpage and salinity of their wells. Water fees for residents must also be discussed to comply with rezoning conditions.

4.8.3 Drainage

Drainage plans appear to be elaborate, but there is little quantitative data to provide assurance that the assumptions they are based upon will prove to be sufficient to mitigate impacts. For example, one of the larger areas of drainage flow impact, basins 1 through 5 at the north of the project site have a high concentration of high-density urban environment proposed, the lowest percentage of golf course lands to absorb run off, and drainage basin systems not scheduled to be completed until Phase II (2018) or Phase III (2022) of the project. The existing offsite drainage impacts to this area during a 100 yr / 24 storm are huge: over 2,100 cfs (1300 mgd). Currently two 10ft or more diameter culverts are installed to carry water from this sector of the project area under Pitlani highway and eventually to the ocean. Options, such as a larger natural buffer area between, Maui Meadows and Honua'ula should be discussed as viable alternatives to mitigate overflows in this high impact area. Currently, less than 4 acres is proposed for this buffer.

To give a blanket statement, that the project's theoretical system of drainage basins, and absorption by golf courses and open space will mitigate large storm event flows, seems highly speculative. No examples of similar successful designs were included in the DEIS discussion for comparison. It also seems risky to assume that pre-existing and off site flows will not need additional containment measures in order not to overwhelm facilities designed for only post development flows. If coastal impacts result from the project, what mitigations will be available to restore the health of public trust resources?

There is no plan for all-important maintenance of the retention basins in the "Master Drainage Plan."

4.10.5 Parks

One of the project's 3 private neighborhood parks is located along the makai boundary of the property in a natural gulch area currently subject to high velocity flows during storm events. A park location on either side of the natural gulch would be more practical.

Sierra Club Maui requests that the accepting authorities find this DEIS incomplete and premature. Without including the omitted studies and evaluation information in the DEIS, the project is not in compliance with the environmental review laws of the State of Hawaii. We appreciate this opportunity to share our remarks.

Sierra Club Maui Group,

Lucienne de Naie
Conservation Committee



Lucienne de Naité
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SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Ms. de Naité:

Thank you for your letter dated June 30, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. The organization of this letter follows the headings of your letter.

Opening Comments

Comment: We are disappointed that the so-called EA issued in conjunction with this project, contained so little specific information about what is planned. This lack of two levels of review for a complex project compressed the public's opportunity to provide meaningful comments into a very short time frame.

Response: With respect to your statements regarding alleged deficiencies of the Honua'ula Environmental Assessment/Environmental Impact Statement Preparation Notice (EA/EISP/N), please note that the EA/EISP/N was preceded by the Honua'ula Environmental Impact Statement Preparation Notice (EISP/N). The Maui County Planning Department submitted the EISP/N to the State of Hawai'i Office of Environmental Quality Control (OEQC) on February 23, 2009. Notice of the availability of the EISP/N was published in the March 8, 2009 edition of the OEQC's *The Environmental Notice*. The public comment period for the EISP/N began March 8, 2009 and ended April 7, 2009.

Following the EISP/N public comment period, Honua'ula Partners, LLC consulted with the OEQC to ensure that all applicable statutory and regulatory requirements were fulfilled. Regarding the EISP/N dated March 2009, the OEQC Director stated: "...the published document fulfills all the requirements and components [of an environmental assessment." Pursuant to the instructions of the OEQC Director, the Maui County Planning Department subsequently submitted an EA/EISP/N to OEQC on September 18, 2009. Notice of the availability of the EA/EISP/N was published in the October 8, 2009 edition of the OEQC's *The Environmental Notice*. The official public comment period on the EA/EISP/N was from October 8, 2009 to November 7, 2009; however Honua'ula Partners, LLC voluntarily extended the comment period until November 17, 2009.

Subsequent to the EA/EISP/N public comment period, Maui County Planning Department submitted the Draft EIS to OEQC on April 13, 2010. Notice of the availability of the Draft EIS was published in the April 23, 2010 edition of OEQC's *The Environmental Notice*. The official 45-day public comment period on the Draft EIS was from April 23, 2010 to June 7, 2010; however as a courtesy to those that requested more time to review the Draft EIS, Honua'ula Partners, LLC voluntarily extended the comment period on the Draft EIS until June 30, 2010.

Given that there have been three public comment periods as part of the EIS process, two of which have been extended by Honua'ula Partners, LLC of its own volition; we must respectfully disagree with your comment that "the public's opportunity to provide meaningful comments" has been compressed "into a very short time frame".

In addition to the current EIS process, there was substantial opportunity for the consideration of public and agency questions and concerns over an extended period of time prior during the County Council hearings for the Honua'ula Change in Zoning and Project District Phase I approval in 2008. At that time the County Council heard extensive testimony from the public, State and County agencies, and experts in various fields of study. In response to concerns raised at the hearings, the Council included comprehensive conditions as part of the Change in Zoning Ordinance (County of Maui Ordinance No. 3554) approval. These conditions reflect a range of concerns and ensure that any impacts of Honua'ula are mitigated and addressed in context with regional impacts and demands, including impacts related to native plants, traffic, and infrastructure systems such as water and wastewater. Prior to the County Council hearings in 2008, the Council's Land Use Committee had held extensive public meetings over the course of 2006 and 2007 to consider Honua'ula, including an estimated ten public hearings where public testimony was heard. These Council and Committee hearings/meetings provided significant opportunity for the consideration of public questions and concerns.

Comment: We also believe that this document does not meet the requirements set forth in HAR 11-200-17(E) which requires proposed actions to provide the information necessary to permit an evaluation of potential environmental impacts in their EIS.

Response: The Draft EIS was, and the Final EIS will be, prepared in accordance with: 1) the State Environmental Impact Statement Law (Chapter 343, Hawai'i Revised Statutes (HRS)); and 2) the Environmental Impact Statement Rules (Title 11, Chapter 200, Hawai'i Administrative Rules (HAR)). Section 11-200-17(E), HAR, to which you refer specifically pertains to what is required in an EIS regarding a project description. The Honua'ula Draft EIS meets the criteria specified under Section 11-200-17(E), HAR along with all other subsections (A – P) of Section 11-200-17, HAR pertaining to the content requirements of a draft EIS.

Segmenting of Associated Actions

Comment: There are a number of actions associated with this project which are necessary precedents for the larger project and, to be in compliance with HAR 11-200-7 (B), these must be included in the DEIS to avoid segmentation of environmental review. A famous case here on Maui involving Kahana Sunset condominiums established this important legal precedent.

The Supreme Court opinion stated: "the Commission is the agency receiving the request for approval of the action, and it is therefore the agency responsible for the preparation of the environmental assessment." In holding so, we recognized that "[i]solating that particular component of the development for environmental assessment would be improper segmentation of the project."

This appears to be what is happening with a number of actions connected to the Honua'ula project. Widening of Pihani Hwy from Kiloahana to Wailea Iike St. is a required condition of rezoning, as are improvements to Wailea Iike and other intersections. Environmental review for these actions has been done separately and is not included in any meaningful way in the project's DEIS.

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Response: According to the Supreme Court of Hawai'i (Court) in its ruling in the 2007 Superferry case, *Sierra Club v. Department of Transportation*, 115 Haw. 299 (2007) ("Superferry I"), "Rules like HARS 11-200-7 are meant to keep applicants from escaping full environmental review by pursuing projects in a piecemeal fashion." As you are aware, the Superferry I case involved the State Department of Transportation's (DOT) determination that improvements to Kahului Harbor to accommodate the Superferry were exempt from the requirements to prepare an environmental assessment (EA). The Court ruled that DOT's determination was erroneous and that "the public was prevented from participating in an environmental review process for the Superferry project by DOT's grant of an exemption to the requirements of HRS chapter 343."

In the Kahana Sunset case (Kahana Sunset Owners Ass'n v. County of Maui 86 Haw. 66 (1997) ("Kahana Sunset") to which you refer, the Court also held that an exemption to preparing an EA was improperly granted. Kahana Sunset concerned a situation where the County of Maui granted an exemption to preparing an EA for drainage improvements beneath a public street. The drainage improvements were necessary to facilitate the development of a condominium project (Napilihau Villages), for which there was no specific requirement to prepare an EA. In its ruling on Kahana Sunset, the Court held that an EA was necessary for the drainage improvements and that the EA had to include consideration of the larger project which would connect to the drainage improvements because the drainage system was a "necessary precedent" for the larger project and would have no independent utility—it would not be constructed except as part of the larger project.

The facts of the Superferry I and the Kahana Sunset cases are fundamentally different from the situation of Honua'ula, the widening of Pīlani Highway, and the Wailea Alanui/Wailea Ike Drive intersection improvements. According to the Court in Kahana Sunset and Superferry I, segmentation is improper where it permits incremental consideration of portions of a project in an attempt to avoid environmental review. Unlike the Superferry I and Kahana Sunset cases, no exemptions to preparing EAs have been sought or granted for any actions associated with Honua'ula and there has been no attempt whatsoever to avoid required environmental review. The Honua'ula Draft EIS provides in-depth environmental review of the Honua'ula project, which includes discussion of actions associated with Honua'ula such as the widening of Pīlani Highway from Kīlohana Drive to Wailea Iki Drive (and related intersection improvements between these points). In addition, separate EAs have been prepared that provide further information about the widening of Pīlani Highway and the Wailea Alanui/Wailea Ike Drive intersection improvements. These environmental reviews have been subject to full public review and comment, in accordance with applicable law. Given that: 1) an EIS has been prepared for Honua'ula; 2) EAs have been prepared for the widening of Pīlani Highway and the Wailea Alanui/Wailea Ike Drive intersection improvements; and 3) each of these documents have undergone the requisite public comment period; there has been no attempt whatsoever to escape environmental review. Thus the harm from segmentation that the Kahana Sunset and Superferry I rulings are intended to prevent is not applicable here.

Further, while widening Pīlani Highway is a condition of Honua'ula's rezoning ordinance (County of Maui Ordinance No. 3554, Condition 2a), it is important to note that the need for this improvement has been long established and significantly predates the Honua'ula rezoning ordinance. Indeed, the need to widen Pīlani Highway from two lanes to four has been called for in various plans and studies as far back as 1996. For example the:

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- *Kihei Traffic Master Plan*, published in 1996 by the State DOT, DPWWM, and the Maui County Department of Planning recommended: "Widening of Pīlani Highway from two to four lanes from Mokulele Highway to south of Kīlohana Drive." (Recommended Improvement No. 2)
- *County of Maui Long-Range Land Transportation Plan, Final Report*, published in 1997 by DOT, DPWWM, and the Maui County Department of Planning recommended that Pīlani Highway from Mokulele Highway to Wailea be widened "from two to four lanes" (Improvement No. 56).
- *Kihei-Makana Community Plan*, published in 1998 as County of Maui Ordinance No. 2641, Bill No. 5 states: "require adequate interregional highway capacity: including the widening of Pīlani and Mokulele Highways to four lanes".
- *Kihei Traffic Master Plan Study*, published in 2003 by Parsons Brinckerhoff Quade & Douglas for DPWWM recommended that the "Maximum Pīlani Highway Corridor" alternative be adopted; to achieve this Pīlani Highway in the interim would be widened from two to four lanes and ultimately Pīlani Highway would be widened to six lanes or an alternative parallel roadway would be constructed mauka of Pīlani Highway.

In addition, the current Traffic Impact Analysis Report (TIAR) prepared for Honua'ula (Appendix L of the Draft EIS) concluded that by 2016 the widening of Pīlani Highway to four lanes would be necessary even if Honua'ula is not built. Likewise, the TIAR also concluded that a signal at the Pīlani Highway/Okolani Drive/Mikioi Place intersection also would be necessary. The long-established need for the widening of Pīlani Highway, and the fact that it is not exclusive to Honua'ula, is also underscored by the fact that both Wailea and Mākena Resorts are also being required to fund this improvement.

Thus the widening of Pīlani Highway to four lanes cannot be considered a necessary precedent solely for Honua'ula, as the need for widening has been long recognized, dating back to at least 1996, and even the most recent TIAR anticipates that regional traffic conditions will warrant the widening of the highway independent from Honua'ula. Therefore, unlike the Kahana Sunset case, where drainage improvements would not be necessary if the larger project were not built, the widening of Pīlani Highway would in fact be necessary even if Honua'ula were not built. This is a critical distinction in the context of Section 11-200-7 HAR.

Similar to the widening of Pīlani Highway, while the Wailea Alanui/Wailea Ike Drive intersection improvements are a condition of Honua'ula's rezoning ordinance (County of Maui Ordinance No. 3554, Condition 2f), these improvements are not needed solely because of Honua'ula, but rather are necessary due to the build-out of Wailea and Mākena Resorts. Both the Wailea Resort and the Mākena Resort developments are projected to place additional traffic demands on Wailea Alanui and its key intersections, as documented in:

- Traffic Impact Analysis Report, Wailea Resort, Revised Master Plan-2005 (Austin, Tsutsumi & Associates, Inc. 2005);
- Traffic Impact Analysis Report for the Proposed Mākena Resort Master Plan, August 18, 1999 (The Traffic Management Consultant 1999); and
- Mākena Resort Master Plan Traffic Study (Phillip Rowell and Associates 2007),

These traffic reports recommend modifications to the Wailea Alanui/Wailea Ike Drive intersection because of future traffic associated with the build-out of Wailea and Mākena Resorts. Thus, the

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Wailea Alanui/Wailea Ike Drive intersection improvements are not exclusive to Honua'ula and cannot be considered a necessary precedent solely for Honua'ula. Similar to the widening of Pi'ilani Highway, the Wailea Alanui/Wailea Ike Drive intersection improvements would be necessary even if Honua'ula were not built, making this situation fundamentally distinguishable from the Kahana Sunset case.

The entire Kihei-Makena region benefits from the widening of Pi'ilani Highway, and the widening is a separate DOT project meant to address regional traffic impacts that is being implemented with private funding, with the DOT overseeing the design, permitting, and construction. The use of State lands triggers agency compliance with Chapter 343, HRS (The Environmental Impact Statement law). As such, it is proper that the EA for the widening of Pi'ilani Highway be processed separately from the Honua'ula Draft EIS with DOT as the accepting agency. Similarly, the Wailea Alanui/Wailea Ike Drive intersection improvements will provide regional improvements to a County roadway and therefore it is proper that the EA for the intersection improvements be processed separately from the Honua'ula Draft EIS with the County Department of Public Works as the accepting agency.

For the widening of Pi'ilani Highway to four lanes, along with the required intersection improvements at the Pi'ilani Highway/Okolani Drive/Mikioi Place intersection, the Pi'ilani Highway/Wailea Ike Drive intersection, and the Pi'ilani Highway/Kioloana Drive/Māpu Place intersection, preliminary design of these improvements has been completed and a draft and final EA has been prepared. The State DOT issued a Finding of No Significant Impact for the final EA which was published in the May 8, 2012 edition of the Office of Environmental Quality Control's (OEQC) *The Environmental Notice*.

For the Wailea Alanui/Wailea Ike Drive intersection improvements, design has been completed, a draft and final EA were prepared, and the County Department of Public Works has accepted the final EA and issued a Finding of No Significant Impact. The Maui Planning Commission has also approved a Special Management Area (SMA) Use Permit for the intersection improvements.

It should also be noted that the DOT and County of Maui have also been consulted and actively involved throughout the environmental review process for Honua'ula, the widening of Pi'ilani Highway, and the Wailea Alanui/Wailea Ike Drive intersection improvements. At no time has the DOT, the Maui County Department of Planning, or the Maui County Department of Public Works ever raised concerns regarding the separate processing of the EIS and the EAs or how the environmental review of these projects has proceeded.

In summary, the harm from segmentation that HARS11-200-7 is intended to prevent is not relevant regarding Honua'ula, and the Honua'ula EIS is not in violation of HARS11-200-7. The widening of Pi'ilani Highway and the Wailea Alanui/Wailea Ike Drive intersection improvements are not "necessary precedents" solely for Honua'ula and therefore fall outside the scope of what Section 11-200-7 HAR seeks to redress. Further, in Kahana Sunset and Superferry I, the Court determined that segmentation is improper where it permits incremental consideration of portions of a project in an attempt to avoid environmental review. Both Superferry I and Kahana Sunset involved instances where an agency or an applicant sought to avoid environmental review by seeking an exemption to preparing an EA. Unlike the Superferry I and Kahana Sunset cases; 1) no exemptions to preparing EAs have been sought or granted for any actions associated with Honua'ula; 2) there has been no attempt whatsoever to avoid required environmental review; and

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3) the public has not been prevented from participating in the environmental review process for any aspect regarding Honua'ula.

However, to elaborate on widening of Pi'ilani Highway and the Wailea Alanui/Wailea Ike Drive intersection improvements in the Final Honua'ula EIS, in the Final EIS:

- Section 3.6 (Botanical Resources) will be revised as shown on the attachment titled "Botanical Resources;"
- Section 3.7 (Wildlife Resources) will be revised as shown on the attachment titled "Wildlife Resources;"
- Section 4.1 (Archaeological and Historic Resources) will be revised as shown on the attachment titled "Archaeological and Historic Resources;"
- Section 4.2 (Cultural Resources) will be revised as shown on the attachment titled "Cultural Resources;"
- Section 4.5 (Noise) will be revised as shown on the attachment titled "Noise;"
- Section 4.6 (Air Quality) will be revised as shown on the attachment titled "Air Quality;"
- Section 4.8.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System;" and
- Section 7.2 (Cumulative and Secondary Impacts) will be revised as shown on the attachment titled "Cumulative and Secondary Impacts."

In addition, the Pi'ilani Highway Widening Project Final EA and the Wailea Ike Drive and Wailea Alanui Drive Intersection Improvements Final EA will be included in the Final EIS as appendices.

Off-Site Affordable Housing

Comment: *Likewise there is no discussion, evaluation or mitigation of the impacts of the proposed 250 affordable units in North Kihei (except a plan to reduce traffic impacts required by conditions of rezoning). These are part of the Honua'ula project, although they are located elsewhere.*

Response: As discussed in Section 4.9.3 (Housing) of the Draft EIS, Honua'ula Partners, LLC will provide workforce affordable homes in compliance with Chapter 2.96, MCC. As discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with County of Maui Ordinance No. 3554 (Condition 5), 250 of the required workforce affordable homes will be provided off-site at the Ka'ono'ulu Light Industrial Subdivision (TMK (2) 3-9-01: 16). The Ka'ono'ulu Light Industrial Subdivision is within the State Urban District and is within the County of Maui Light Industrial zoning district. Multifamily homes are a permitted use within the State Urban District and County Light Industrial zone.

Providing workforce affordable homes at the Ka'ono'ulu Light Industrial Subdivision does not trigger the need for an environmental assessment or environmental impact statement under Chapter 343, HRS. However, impacts related to the use of the property for urban uses and uses permitted under the property's Light Industrial zoning have previously been examined as part of the property's State Land Use District Boundary Amendment, County Change in Zoning, and County Subdivision approvals. No rare, threatened, or endangered plant species are expected to be impacted, as none were found during a botanical inventory survey of the property. An archaeological inventory survey and a related preservation plan have been prepared to address impacts to archaeological resources and, based on their approval of these documents, the State

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Historic Preservation Division (SHPD) has determined that no historic properties will be affected. As part of the subdivision process for the Ka'ono'ulu Light Industrial Subdivision, the County of Maui Department of Public Works reviewed and approved improvements necessary for the subdivision, including provisions for water, sewage disposal, electrical and communications lines, drainage and flood control, and connection with Pi'ilani Highway, including widening and traffic signal improvements. The State Department of Transportation (DOT) has also reviewed and approved the connection with Pi'ilani Highway, including widening and traffic signal improvements. Further, the construction of the improvements required for the subdivision has been guaranteed with a bond of over \$22 million.

Regional traffic growth, including from the Ka'ono'ulu Light Industrial Subdivision, is being taken into account as part of DOT's Long Range Land Transportation Plan (LRLTP), which is currently being updated in consideration of known proposed developments in the region and will serve as a guide for the development of major surface transportation facilities and programs to be implemented in the future.

Because Chapter 2.96, MCC requires the workforce-affordable homes to be offered to Maui residents, the affordable homes will result in a redistribution of the existing Maui population as opposed to an incremental increase. As a result, there will be no impacts related to increased population, such as an overall increase in the need for State and County services. In addition to the workforce-affordable homes, Honua'ula Partners, LLC will also provide a minimum two-acre park within Ka'ono'ulu Light Industrial Subdivision to meet the recreational needs of the workforce-affordable home residents.

Impacts to schools will be addressed by Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554, Condition 22, which requires Honua'ula Partners, LLC to pay DOE at least \$3,000 per dwelling unit upon issuance of each building permit to be used, to the extent possible, for schools serving the Kihei-Mākena Community Plan area; provided that, should the State pass legislation imposing school impact fees that apply to Kihei-Mākena Project District 9, Honua'ula Partners, LLC will from that point forward comply with the State requirements, or contribute \$3,000 per dwelling unit, whichever is greater.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 7.2 (Cumulative and Secondary Impacts) will be revised as shown on the attachment titled "Cumulative and Secondary Impacts."

Major Offsite Infrastructure

Comment: *Offsite wells, transmission lines and storage tanks for potable and non-potable water supplies and wastewater transmission lines are located on private land and will have no environmental review if they are not evaluated in the DEIS. Only the wastewater line has any discussion of botanical review, but no report or survey maps are included.*

Response: Appendix E of the Draft EIS contains botanical surveys for: 1) the Honua'ula Property; and 2) areas of alternative wastewater transmission line alignments for possible connection to the Mākena Resort wastewater reclamation facility (WWRF), which is located approximately one mile south of Honua'ula. The botanical survey report of the wastewater alignments includes a map of the alternative wastewater transmission line alignments. In addition, Figure 2 (Regional Location) of the Draft EIS shows the selected wastewater transmission line alignment. Discussion of

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botanical resources along the alternative wastewater transmission line alignments is discussed in Section 3.6 (Botanical Resources) of the Draft EIS as follows:

SWCA also completed a botanical survey of the areas of alternative wastewater transmission line alignments for possible connection to the Mākena Resort WWRF, which is located approximately one mile south of Honua'ula. The survey did not observe any Federal or State of Hawai'i listed threatened, endangered, or candidate plant species on any of the alignments; however the non-native tree tobacco (Nicotiana glauca) was also observed (SWCA 2009). Since the botanical survey of the areas of the wastewater transmission line alignments was conducted, a decision has been made regarding which alignment to use based upon potential construction impacts, costs, and permitting considerations. For more information see Section 4.8.2 (Wastewater System) and Figure 2. Appendix E contains the complete survey of the alternative wastewater transmission line alignments.

To address biological concerns regarding the off-site wells, transmission lines and storage tanks for potable and non-potable water, SWCA completed a biological survey of these areas. No Federal or State of Hawai'i candidate, proposed or listed threatened or endangered plant or animal species were observed within the area of the off-site wells, water transmission lines, or storage tanks. The majority of the species observed within these areas (82 percent of the flora and 100 percent of the fauna) are introduced to the Hawaiian Islands. Most of the native plants observed during the survey are commonly found throughout Maui and the main Hawaiian Islands. Of the native plants in the survey area, only willow has a limited distribution throughout the Hawaiian Islands, primarily because the species occurs in dry shrublands and forests. The Final EIS will contain the complete biological survey report of the areas of the off-site wells, water transmission lines, and storage tanks as an appendix.

To address concerns regarding archaeology Aki Sinoto Consulting, LLC, completed archaeological surveys for the areas of: 1) Honua'ula's off-site wells, storage tank, and waterline; and 2) the area of the selected wastewater transmission line alignment for possible connection to the Mākena Resort WWRF. No surface structural remains or any other features indicative of prehistoric period or traditional Hawaiian cultural activities were encountered in the areas of: 1) Honua'ula's off-site wells, storage tank, and waterline; and 2) the selected wastewater transmission line alignment for possible connection to the Mākena Resort WWRF. The AIS reports for the off-site water and wastewater infrastructure areas recommend that in view of the negative results of the survey, no further pre-construction archaeological procedures are warranted. However, archaeological monitoring of construction-related ground disturbing activities is recommended. When water and wastewater system plans are finalized, archaeological monitoring plans will be prepared and submitted to SHPD for review and approval before commencement of any construction activities. The limited width of the water and wastewater transmission line corridors will facilitate avoidance of any inadvertent discoveries that may warrant preservation. The Final EIS will contain the archaeological inventory survey reports as appendices.

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) will be revised as shown on the attachment titled "Botanical Resources" and Section 4.1 (Archaeological and Historic Resources) will be revised as shown on the attachment titled "Archaeological and Historic Resources."

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MECO Power Station Expansion

Comment: *Basic information about the proposed MECO expansion should be included in the DES, since the expansion area adjoins a reservoir area to store brackish water for Wailea resort. Do transformers contain toxic substances? Is there a minimum distance recommended between electrical equipment and homes, shops or public spaces? The DES should present as much information as available, whether MECO decides to expand or not.*

Response: The reservoir to which you refer is a one million gallon covered water tank on a parcel adjacent to and to the south of the Honua'ula Property. The brackish water stored in the water tank is used for irrigation within the Wailea Resort. The existing Maui Electric Company (MECO) substation has been operating for many years near this water tank.

MECO strictly complies with all applicable Federal, State, and County regulations regarding public safety and the environment, and MECO designs its substations in accordance with current and applicable codes and standards. Presently, the National Electrical Code, 2008 Edition, and the Uniform Building Code, 1997 Edition, as approved by the County of Maui, along with the National Electrical Safety Code, 2002 Edition govern minimum separation and clearance requirements. In addition, MECO's substation equipment installations meet all applicable County, State, and Federal environmental regulations and guidelines and do not contain toxic substances.

It has not yet been determined whether expansion of the existing substation will be necessary. Honua'ula Partners, LLC's electrical engineer has provided available information regarding Honua'ula to MECO for their review and planning purposes. MECO has stated that additional review is required during the design development stage of Honua'ula to determine if expansion of the existing substation will be necessary. MECO has also stated that although the current capacity of the MECO electrical system to serve Honua'ula may be limited, with continuously evolving demands for MECO's service, along with MECO's on-going efforts to upgrade and maintain their system to serve new and existing loads, capacity may be in place and adequate to serve Honua'ula by the time Honua'ula is under construction. MECO will continue to review its electrical system and requirements as Honua'ula progresses into the design development stage so that MECO will be able to evaluate: 1) the size of actual electrical loads that MECO is required to serve; 2) the dates when these loads need to be energized by MECO; and 3) the state of the MECO electrical system at the time when these loads are expected to be connected.

In anticipation of the need, Honua'ula Partners, LLC will continue to include an area for the expansion of the existing substation on Honua'ula plans. Should MECO not require additional area, the existing substation would not be expanded. Since MECO cannot make a determination until Honua'ula is within the design development stage, details on the requirements for serving Honua'ula are not available at this time. Should the substation be expanded, however, MECO's additional equipment (i.e. transformers, switchgear, cabling, etc.) and structures currently are anticipated to be similar to what is presently constructed at the existing substation.

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS Section 4.8.6 (Electrical System) will be revised as shown on the attachment titled "Electrical System."

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Comment: *While it is mentioned that the present overhead high voltage power lines that transect the property will be relocated underground, it is not mentioned if lines from the proposed Auwahi wind farm would likely be located above ground or below ground?*

Response: Honua'ula Partners, LLC is not associated in any way with the proposed Auwahi Wind Farm. The proposed Auwahi Wind Farm is a completely separate project from Honua'ula, and the Auwahi Wind Farm transmission lines will not cross the Honua'ula Property. Based on our review of the *Auwahi Wind Farm Final Environmental Impact Statement* (Tetra Tech EC, Inc. August 2011), it is our understanding that the wind farm site and transmission lines are located on land owned by Ulupalakua Ranch, although the transmission lines cross Pīlani Highway within a County easement and Kula Highway, which is owned by the State of Hawai'i. The *Auwahi Wind Farm Final Environmental Impact Statement* states that the transmission line will be mounted on poles.

Comment: *Will specific archaeological review be done along the corridor where the high voltage lines are buried?*

Response: The archaeological inventory survey contained in the Draft EIS (Appendix I) covers the entire Honua'ula Property. No surface remains exist within the boundaries of the existing electrical substation, indicating minimal to no potential for subsurface remains at the substation. The precise route of the underground lines within the Honua'ula Property has not been determined; however, since the archaeological inventory survey covers the entire Property, additional archeological review will not be needed when the route of the underground lines is determined. In determining the route of the underground lines, identified archaeological sites will be avoided. In addition, as stated in Section 4.1 (Archaeological and Historic Resources):

Honua'ula Partners, LLC and its contractors will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. Should historic remains such as artifacts, burials, concentrations of shell or charcoal be inadvertently encountered during the construction activities, work will cease immediately in the immediate vicinity of the find and the find will be protected. The contractor shall immediately contact SHPD, which will assess the significance of the find and recommend appropriate mitigation measures, if necessary.

Comment: *When will information be obtained from MECO to meet condition 18 of rezoning, since this information is part of Project District Phase II approval?*

Response: County of Maui Ordinance No. 3554 Condition 18j, to which you refer, requires that Honua'ula Partners, LLC shall address in their Project District Phase II application:

- j. Confirmation from Maui Electric Company, Ltd. ("MECO") that the proposal to relocate and/or landscape MECO facilities is incorporated in the application and site plan;

To clarify, Honua'ula Partners, LLC is not requesting that the existing MECO substation be relocated, instead Honua'ula Partners, LLC will: 1) provide area for the expansion of the existing substation in anticipation of need; and 2) provide landscaping around the MECO substation.

As discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, the current plans for the Property include an area for the expansion of the existing substation (see Draft EIS Figure 1). MECO is aware that Honua'ula Partners, LLC will provide area for the expansion of the existing

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substation, but at this time cannot confirm that the expansion area is needed without more detailed information, including projections for electrical demand for other proposed projects in the region. MECO has stated that they continuously attempt to plan for additional substation sites to meet the electrical demand of the community. Honua'ula Partners, LLC's electrical engineer will continue to coordinate with MECO regarding the need for expanding the substation, and Honua'ula Partners, LLC will continue to include an area for the expansion of the existing substation on Honua'ula plans.

To elaborate, Honua'ula Partners, LLC's electrical engineer has provided available information regarding Honua'ula to MECO for their review and planning purposes. MECO has stated that additional review is required during the design development stage of Honua'ula to determine if expansion of the existing substation will be necessary. MECO has also stated that although the current capacity of the MECO electrical system to serve Honua'ula may be limited, with continuously evolving demands for MECO's service, along with MECO's on-going efforts to upgrade and maintain their system to serve new and existing loads, capacity may be in place and adequate to serve Honua'ula by the time Honua'ula is under construction. MECO will continue to review its electrical system and requirements as Honua'ula progresses into the design development stage so that MECO will be able to evaluate: 1) the size of actual electrical loads that MECO is required to serve; 2) the dates when these loads need to be energized by MECO; and 3) the state of the MECO electrical system at the time when these loads are expected to be connected.

In anticipation of the need, Honua'ula Partners, LLC will continue to include an area for the expansion of the existing substation on Honua'ula plans. Should MECO not require additional area, the existing substation would not be expanded. Since MECO cannot make a determination until Honua'ula is within the design development stage, details on the requirements for serving Honua'ula are not available at this time. At MECO's request, landscaping plans will be submitted to MECO during the design development stage of Honua'ula for their review and approval. MECO's concerns regarding landscaping around their facilities pertain to potential operational, maintenance, and safety issues.

Given that:

- 1) Honua'ula Partners, LLC's electrical engineer has been coordinating with MECO regarding plans for Honua'ula;
- 2) This communication was discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, which serves as the Project District Phase II Application; and
- 3) The current plans for the Property include an area for the expansion of the existing substation (see Draft EIS Figure 1);

Honua'ula Partners, LLC has satisfied the condition to address in their Project District Phase II Application "Confirmation from Maui Electric Company, Ltd. ("MECO") that the proposal to relocate and/or landscape MECO facilities is incorporated in the application and site plan." However, to provide the above clarification and elaboration in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

- j. Confirmation from Maui Electric Company, Ltd. ("MECO") that the proposal to relocate and/or landscape MECO facilities is incorporated in the application and site plan;

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Discussion: The current plans for the Property include an area for the expansion of the existing substation (Figure 1). Honua'ula Partners, LLC is not requesting that the existing MECO substation be relocated. MECO is aware that Honua'ula Partners, LLC will provide expansion area is needed without more detailed information, including projections for electrical demand for other proposed projects in the region. MECO has stated that they continuously attempt to plan for additional substation sites to meet the electrical demand of the community. Honua'ula Partners, LLC's electrical engineer will continue to coordinate with MECO regarding the need for expanding the substation and Honua'ula Partners, LLC will continue to include an area for the expansion of the existing substation on Honua'ula plans.

Honua'ula Partners, LLC's electrical engineer has provided available information regarding Honua'ula to MECO for their review and planning purposes. MECO has stated that additional review is required during the design development stage of Honua'ula to determine if expansion of the existing substation will be necessary. MECO has also stated that although the current capacity of the MECO electrical system to serve Honua'ula may be limited, with continuously evolving demands for MECO's service, along with MECO's on-going efforts to upgrade and maintain their system to serve the new and existing loads, capacity may be in place and adequate to serve Honua'ula by the time Honua'ula is under construction. MECO will continue to review its electrical system and requirements as Honua'ula progresses into the design development stage so that MECO will be able to evaluate: 1) the size of actual electrical loads that MECO is required to serve; 2) the dates when these loads need to be energized by MECO; and 3) the state of the MECO electrical system at the time when these loads are expected to be connected.

In anticipation of the need, Honua'ula Partners, LLC will continue to include an area for the expansion of the existing substation on Honua'ula plans. Should MECO not require additional area, the existing substation would not be expanded. Since MECO cannot make a determination until Honua'ula is within the design development stage, details on the requirements for serving Honua'ula are not available at this time. At MECO's request, landscaping plans will be submitted to MECO during the design development stage of Honua'ula for their review and approval. MECO's concerns regarding landscaping around their facilities pertain to potential operational, maintenance, and safety issues.

Wastewater Treatment Facility

Comment: The DEIS does not appear to have the Sewage Disposal Analysis reviewed and commented upon by state and county agencies, as required by condition of rezoning No. 16 prior to Phase II approval.

Response: County of Maui Ordinance No. 3554 Condition 16, to which you refer, does not require the Sewage Disposal Analysis to be included with the Draft EIS. Rather, Condition 16 requires the Sewage Disposal Analysis to be submitted to the Maui County Council following review by certain State and County agencies:

16. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a Sewage Disposal Analysis that has been reviewed and commented on by the State Department of Health, the State Department of Land and Natural Resources, the County Department of Environmental Management, and the County Department of Water Supply prior to Project District Phase II approval. The Sewage Disposal Analysis, along with reviews and comments, shall be submitted to the Maui County Council for review and the project shall be subject to additional conditions or amendments by the Maui County Council if warranted by the Sewage Disposal Analysis.

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As discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with Condition 16:

...Honua'ula Partners, LLC has engaged Brown and Caldwell Engineers to prepare a Draft Honua'ula Sewage Disposal Analysis. In accordance with this condition, the Analysis will be submitted to the State DOH and DLNR and the County DEM and DWS for review and comment before Project District Phase II approval. The Analysis, along with reviews and comments, will then be submitted to the Maui County Council for review.

Since the time that the Draft EIS was completed, the Sewage Disposal Analysis (Analysis) has been completed and, in accordance with the requirements of Condition 16, has been provided to the State DOH, the State DLNR Commission on Water Resource Management (CWRM), the County Department of Environmental Management, and the County Department of Water Supply for review and comment. These agencies have since provided comments, and subsequently the Analysis, along with the agencies' reviews and comments, was submitted to the Maui County Council on May 11, 2010 for review. After receiving the Analysis, the Maui County Council accepted the Analysis and did not subject Honua'ula to any additional conditions or amendments. As a result, Condition 16 has been fully satisfied.

To reflect this updated information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

16. *The Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a Sewage Disposal Analysis that has been reviewed and commented on by the State Department of Health, the State Department of Land and Natural Resources, the County Department of Environmental Management, and the County Department of Water Supply prior to Project District Phase II approval. The Sewage Disposal Analysis, along with reviews and comments, shall be submitted to the Maui County Council for review and the project shall be subject to additional conditions or amendments by the Maui County Council if warranted by the Sewage Disposal Analysis.*

Discussion: As discussed in Section 4.8.2 (Wastewater System) Honua'ula will not rely upon or burden any County wastewater system. Instead, Honua'ula Partners, LLC will either participate in the operation of a private WWRF and system that accommodates the needs of Honua'ula (Alternative 1) or provide a WWRF on-site (Alternative 2). The Preliminary Engineering Report prepared for Honua'ula (Appendix P) provides preliminary information regarding wastewater. For a more detailed analysis Honua'ula Partners, LLC has engaged Brown and Caldwell Engineers to prepare a Draft Honua'ula Sewage Disposal Analysis, in accordance with this condition, the Analysis ~~will be~~ has been submitted to the State DOH and DLNR and the County DEM and DWS for review and comment before Project District Phase II approval. These agencies have since provided comments and subsequently, ~~the~~ the Analysis, along with reviews and comments, ~~will then be~~ was submitted to the Maui County Council on May 11, 2010 for review. After receiving the Analysis, the Maui County Council ~~accepted the Analysis and did not subject Honua'ula to any additional conditions or amendments.~~ accepted the Analysis and did not subject Honua'ula to any additional conditions or amendments. As a result, Condition 16 has been fully satisfied.

Please note that the Draft EIS was, and the subsequent Final EIS will be, prepared in conformance with the State of Hawai'i ES law (Chapter 343, HRS) and EIS rules (Title 11, Chapter 200, HAR). These laws and rules do not require an EIS to include a specific sewage disposal analysis; however Section 4.8.2 (Wastewater System) of the Honua'ula Draft EIS does contain analysis

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regarding Honua'ula's wastewater system, as does the Preliminary Engineering report, which is included as Appendix P of the Draft EIS.

Comment: *Since the Planning Commission is responsible for granting the project's Phase II approval, and the Analysis must be submitted to various agencies for review before Phase II approval, this DEIS should already include the Sewage Disposal Analysis and related comments to provide adequate opportunity for meaningful review and comments by the public and the Planning Commission....*

Response: As noted above, the process set forth in Condition 16 regarding the Sewage Disposal Analysis is for: 1) review and comment by the State DOH and DLNR and the County DEM and DWS prior to Project District Phase II approval; and 2) subsequent review by the Maui County Council. Honua'ula Partners, LLC has followed this process in full compliance with Condition 16. The Sewage Disposal Analysis is not required to be part of the DEIS, and the review and comment required of multiple State and County agencies and the Maui County Council ensures more than adequate opportunity for meaningful review.

While the Planning Commission is the accepting authority for the EIS and the approving authority for the Project District Phase II Approval, it is important to note that the acceptance of the Final EIS by the Planning Commission is not the approval of the Project District Phase II application. The Planning Commission will take up the issue of whether to approve the Project District Phase II application at a separate hearing after the acceptance of the Final EIS. It is expected that the Council will take action on the Sewage Disposal Analysis before the Planning Commission takes action on the Project District Phase II Approval.

Comment: *Especially important would be a discussion of comparative wastewater fees for residents. Since affordable homes are guaranteed parity with public facility rates, would Makena Resort's wastewater system be able to operate with half the customer base at lower fees? Policymakers should have access to this information as early in the process as possible.*

Response: County of Maui Ordinance No. 3554 Condition 17 requires, in part, that:

The sewer rates for the residential workforce housing units shall be no higher than the residential sewer rates set by the County of Maui in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code

As discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with this condition "Honua'ula Partners, LLC will ensure that sewer rates for the residential workforce housing units will be no higher than the residential sewer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, MCC."

As discussed in Section 4.8.2 (Wastewater System) of the Draft EIS, Honua'ula Partners, LLC, will either transport wastewater to the Makena WWRF for treatment or provide a WWRF on-site. The preferred alternative is to transport wastewater to the Makena WWRF. Transporting wastewater to the Makena WWRF for treatment provides the benefit of consolidating wastewater services for both Honua'ula and Makena, allowing economies of scale in the treatment process and consolidated regulatory compliance.

Sewer rates for Honua'ula's market rate residential units have not yet been established; however, the Makena WWRF is regulated as a public utility by the State Public Utility Commission (PUC), as are all private wastewater companies. The PUC prescribes rates, tariffs, charges and fees, for

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public utilities. To include this information in the Final EIS, in the Final EIS Section 4.8.2 (Wastewater System) will include the following statement:

Sewer rates for Honua'ula's market rate residential units have not yet been established; however, the Mākena WWRF is regulated as a public utility by the State Public Utility Commission (PUC), as are all private wastewater companies. If an on-site WWTF is built at Honua'ula, it will also be a private facility. The PUC prescribes rates, tariffs, charges, and fees, for public utilities.

Regarding your question of whether the Mākena WWRF would be able to operate with half the customer base at lower fees, it is not clear to us what your basis is to assume that if Honua'ula were to transport wastewater to the Mākena WWRF that the Mākena WWRF would be operating with half its customer base at lower fees. First, it is not known at this time if sewer fees for the Honua'ula's market rate units would be different than residential sewer rates set by the County of Maui in its annual budget. Second, Honua'ula will contain a total of 1,150 residential units on the Property, of which 450, or approximately 40 percent of the total, will be subject to Chapter 2.96, MCC. Currently the Mākena WWRF services the Mākena Resort, including the hotel and golf course. Approximately 850 residential units could be built within the Mākena Resort based upon existing zoning. Combined with Honua'ula's 1,150 units, the Mākena WWRF could be handling approximately 2,000 units, 450 of which, or approximately 23 percent of the total, will be subject to Chapter 2.96, MCC and Honua'ula's condition for sewer rates for the residential workforce housing units to be no higher than the residential sewer rates set by the County of Maui in its annual budget. However, regardless of the amount of units subject to Chapter 2.96, MCC that will receive residential sewer rates the same as set by the County of Maui in its annual budget, Honua'ula Partners LLC will comply with County of Maui Ordinance No. 3554 Condition 17 and the PUC will prescribe rates for the balance of the units.

3.6 Biological Resources

Comment: The proposed 22 biological preservation area is wholly inadequate, and ultimately neither sound conservation planning nor wise resource utilization. The 143 acres of fragmented preservation areas proposed around the golf course holes in the southern portion of the site does not offer the best strategy for successful management.

Response: In response to comments on the Draft EIS requesting additional area to be set aside for native plant species, Honua'ula Partners, LLC proposes both on- and off-site measures.

For on-site measures Honua'ula Partners, LLC will increase the area of the Native Plant Preservation Area on the Honua'ula property from 22 to 40 acres. This 40-acre area contains the highest density of native plants within the Property, and will include all five 'āwīkīwīki plants that were alive in 2009 and the majority of the nehe plants at the Property. The Native Plant Preservation Area will be actively managed in accordance with the Conservation and Stewardship Plan (included as Appendix F of the Draft EIS). Management actions will include removal and exclusion of ungulates (deer, cattle, goats, and pigs), removal and control of noxious invasive weeds and plants, and propagation of native plants from seeds collected on the Property.

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For off-site mitigation, Honua'ula Partners, LLC will:

1. Acquire 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
2. Fund and implement 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.

Together the on- and off-site mitigation areas provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including wīwīli. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the Blackburn's sphinx moth, providing net benefit to this species, as well as a large number of additional native dryland species. To implement the on- and off-site mitigation measures, Honua'ula Partners, LLC will finalize its draft Habitat Conservation Plan in collaboration with the U.S. Fish and Wildlife Service (USFWS) and State DLNR in accordance with Section 10(a)(1)(B) of the Endangered Species Act and Chapter 195D, HRS. The on- and off-site mitigation areas are subject to the approval of the Habitat Conservation Plan by USFWS and DLNR.

To include this information in the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) will be revised as shown on the attachment labeled "Botanical Resources."

Comment: *The DEIS should analyze a Project Design layout in the Alternatives Section that includes a 130 acre botanical cultural preserve; to be in compliance with condition no 27 of rezoning.*

Response: To include discussion of a 130-acre Native Plant Preservation Area in the Final EIS, in the Final EIS Chapter 6 (Alternatives) will be revised to include the information shown on the attachment labeled "Alternatives."

4.1 Cultural Resources

Comment: *The project's AIS is based upon methodologies that involve minimal testing (only six of 40 sites; most with one 1ft by 1 ft test unit), inadequate mapping, and incomplete fieldwork.*

Response: The AIS was prepared in accordance with: 1) the State Historic Preservation Law (Chapter 6E, HRS); and 2) the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). SHPD is the reviewing entity that evaluates the adequacy of the archaeological inventory survey in regard to scope of work and implemented work. The AIS was submitted to SHPD for review on March 23, 2010. In a letter dated September 8, 2010, SHPD provided their review comments on the AIS (dated March 2010) and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. In addition, the letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings." In response to SHPD's September 8, 2010 letter commenting on the archaeological inventory survey, archaeologist Aki Sinoto: 1) revised the

archaeological inventory survey report to address SHPD's concerns; and 2) submitted the revised archaeological inventory survey report to SHPD in April 2011.

Comment: *The AIS does not specify how many field sessions involving how many personnel, for how many days, have taken place at the project site, nor does it elaborate on the transect areas covered. These are all standard disclosures in archaeological reviews. It is still unclear if actual transects have been completed at the northern 480 acres.*

Response: The AIS was prepared in accordance with: 1) the State Historic Preservation Law (Chapter 6E, HRS); and 2) the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). The northern sector of the Property underwent scrutiny on multiple occasions. The survey involved aerial photo analysis with ground checks and the surface survey included walking transects within gulches and other areas with cover vegetation. This strategy was discussed with SHPD and implemented with their approval. Aerial photos included as figures in the AIS depict the stark contrast in surface conditions between the northern and southern sectors. Per comments from SHPD in their September 8, 2010 letter commenting on the AIS, the AIS will be revised to include the total number of man-hours for the survey and to specify the spacing of transects for surveys done between August 2003 to June 2008.

Comment: *It is clear that when citizens reported during public testimony that numerous additional cultural sites were on the land, they were correct. Twelve new sites with nearly twenty features have been recorded since the last draft AIS in 2001. Citizens continue to submit pictures and locations of additional sites. It is clear that the AIS is far from being complete.*

Response: As explained in Section 4.1 (Archaeological and Historic Resources) of the Draft EIS, the AIS included in the Draft EIS (Appendix I) is a revised archaeological inventory survey of the Property. Survey work was completed in 2008 and the survey report was completed in 2010. The revised archaeological inventory survey report incorporates the results of two previous surveys together with the results of additional fieldwork. In April 2000, Sinoto & Pantaleo conducted an archaeological inventory within the 190-acre southern third of the Property (Sinoto & Pantaleo, 2000). Subsequently, in 2001, Sinoto & Pantaleo conducted an inventory survey of the northern two-thirds of the Property (Sinoto & Pantaleo, 2001). Multiple field sessions were conducted between August 2003 and June 2008 to supplement the two initial surveys. The revised archaeological inventory survey included in the Draft EIS includes the results of the previous surveys and additional field work.

In response to claims from citizens regarding additional archaeological sites in the northern portion of Honua'ula not included in the AIS, on August, 26, 2010 Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua participated in a site visit of the Honua'ula Property with several community members (including you) and SHPD staff. SHPD staff present were archaeologist Morgan Davis and cultural historian Hinano Rodrigues. Community members present included: you, Daniel Kanahale, Janet Six, Elle Cochran, U'ilani Kapu, Ke'eaumoku Kapu, Lee Altenberg, and 'E'kolu Lindsey. Some of the community members had previously: 1) presented testimony, or were present, at the Maui Planning Commission meeting on June 22, 2010 at which the Honua'ula Draft EIS was discussed; 2) submitted information to SHPD claiming that they had found archaeological sites on the Property that had not been included in the archaeological inventory survey included in the Draft EIS (Appendix I); and 3) submitted written comments on the Draft EIS expressing concerns regarding archaeological sites on the Property.

Subsequent to the site visit, SHPD issued a letter dated September 8, 2010 stating that no significant unrecorded sites were noted at that time (i.e. during the August, 26, 2010 site visit). The letter also provides SHPD's review of the archaeological inventory survey (dated March 2010) and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. In addition, the SHPD letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

In response to SHPD's September 8, 2010 letter commenting on the archaeological inventory survey, consultant archaeologist Aki Sinoto: 1) revised the archaeological inventory survey to address SHPD's concerns; and 2) submitted the revised archaeological inventory survey to SHPD in April 2011.

In July and August of 2011, Daniel Kanahale of Maui Cultural Lands submitted letters to Honua'ula Partners, LLC's representative Charlie Jencks and SHPD providing additional comments on the archaeological inventory survey (dated March 2010) that was included in the Draft EIS. Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua responded to these letters in writing. In the summer of 2011 Maui Cultural Lands members also made a presentation to SHPD regarding their inspections of the Property.

In response to the concerns Maui Cultural Lands members expressed to SHPD in the summer of 2011, on September 23, 2011 archaeologist Aki Sinoto and cultural advisor Kimokeo Kapahulehua met with SHPD archaeologist Morgan Davis and SHPD cultural historian Hinano Rodrigues at SHPD's Maui office. Subsequently, as recommended by SHPD, Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consulting cultural advisor Kimokeo Kapahulehua met with members of Maui Cultural Lands (including you) and other community members at Maui Community College on November 17, 2011. Maui Cultural Lands members and other community members present at the November 17, 2011 meeting included: you, Janet Six, 'E'kolu Lindsey, Daniel Kanahale, Jocelyn Costa, and Clifford Omellas. Others present at the meeting included Stanley Lee Solamillo, a cultural resource planner with the Maui Planning Department, and Tanya Lee Greig, the director of Cultural Surveys Hawaii's Maui office.

As a result of the November 17, 2011 meeting, the archaeological inventory survey report was further revised to: 1) recommend preservation of a section of a post-contact agricultural wall documented in the archaeological inventory survey but not previously recommended for preservation; 2) add descriptive narrative information for two post-contact agricultural walls; and 3) revise pertinent map figures in the report. Archaeologist Aki Sinoto submitted the further revised archaeological inventory survey report to SHPD in March 2012. Since the SHPD Maui archaeologist had recently resigned, copies of the revised archaeological inventory survey report were transmitted to SHPD's main office in Kapolei and to Dr. Theresa Donham, the interim SHPD chief of archaeology in Hilo. In April 2012, Dr. Donham notified archaeologist Aki Sinoto that the report was forwarded to the SHPD Maui office for review due to the hiring of replacement personnel. As of May 2012, SHPD has not completed its review of the revised (March 2012) archaeological inventory survey.

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To include the relevant above information in the Final EIS, along with addressing comments regarding archaeological and historic resources from others, in the Final EIS Section 4.1 (Archaeological and Historic Resources) will be revised as shown on the attachment titled "Archaeological and Historic Resources."

Comment: *Site evaluation at Honua'ūla project does not appear to actually be based upon the State Historic Preservation law process. Especially lacking is a clear assignment of significance Criterion E as specified by 13-284-6(b) 1-5 HAR, which this AIS and DEIS must comply with.*

Response: The AIS was prepared in accordance with: 1) the State Historic Preservation Law (Chapter 6E, HRS); and 2) the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). To clarify, the Rules Governing Procedures for Historic Preservation and Review to Comment on Section 6E-42, HRS Projects (Title 13, Chapter 284, HAR) to which you refer defines "significant historic property" as any historic property that meets the criteria of the Hawai'i Register of Historic Places or the criteria enumerated in subsection 13-275-6(b) or 13-284-6(b). The AIS contained in the Draft EIS (Appendix I) evaluated site significance based on the Hawai'i Register of Historic Places significance evaluation criteria and is in compliance with the Rules Governing Procedures for Historic Preservation and Review to Comment on Section 6E-42, HRS Projects (Title 13, Chapter 284, HAR) and the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR).

Furthermore, the AIS, which includes significance assessments of each site employing the Hawai'i Register criteria, was submitted to SHPD for review on March 23, 2010. In their review letter dated September 8, 2010 SHPD did not disagree with significance assessments in the AIS or state that employing the Hawai'i Register criteria for significance assessments was not acceptable. Therefore, the proper procedure was indeed followed regarding the AIS.

At the outset of the Honua'ūla planning process, Honua'ūla Partners, LLC voluntarily convened a cultural committee made up of Native Hawaiian cultural practitioners recognized by the community and other individuals as having expertise in this area. Contemporary significance was evaluated based on the cultural impact study that was conducted which indicated no evidence or knowledge of specific practices that took place within the boundaries of the Property.

In addition, the Cultural Resources Preservation Plan (CRPP) (Draft EIS, Appendix J) included a public consultation process which is documented in the CRPP; however the CRPP is a separate document from the AIS, which was prepared in compliance with County of Maui Ordinance No. 3554 (Condition 13) and is not subject to the same consultation process provided for in Title 13, Chapter 276, HAR.

As discussed in Section 4.2 (Cultural Resources) of the Draft EIS, during the initial planning stages of Honua'ūla, several on-site tours and discussions involving archaeological and cultural components were held with various members of the community. An informational presentation was given to the Maui Cultural Resources Commission. Specific input was also sought from key individuals and the Native Hawaiian organization, Nā Kūpuna O Maui, and a number of valuable recommendations resulted from discussions with an in-house cultural group¹. Public input was

¹ The in-house cultural group included: Kimokeo Kapahulehua, Clifford Naeole, Hokulani Holt Padilla, Kelri'ī Tau'ā, members of Nā Kūpuna O Maui, Lisa Kotummo-Hazuka, Aki Sinoto, and Charlie Jencks.

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also sought prior to preparation of the CRPP through publication of public notices in the *Honolulu Advertiser*, the *Maui News* and *OHAS' Newsletter*, *Ka Wai Ola*.

Comment: *Only the three recorded stepping stone trail sites have been evaluated as significant under criteria E¹. One segment of stepping stone trail recorded earlier, placed on a crude map and not assigned a number has seemed to disappear from the inventory survey. It is not explained whether this segment was not relocated, combined with another segment and assigned the same site number or has simply been forgotten. Cultural practitioners have shown photos of several additional unrecorded segments of stepping stone trails on the project site. Some of these trails appear to lead to planting areas. Some make connect with trail segments found on the Wailea golf course or in Palaua preserve further west. No accurate maps have been provided showing relationship of the trail sections. It is unclear whether all are being preserved in their original cultural setting.*

Response: Two of the earlier recorded segments have been combined (Site 4951) and other smaller segments (Sites 4959 and 6797) have been recorded as isolated segments. Site 4959 is associated with pits and may be the "planting area" that is referred to. This site also includes the intersection of a *mauka-makai* segment and a north-south segment. All of the recorded segments occur within areas that will maintain the current landscape with no surface alterations, other than manual vegetation clearing in some areas. The AIS discussed trail segments leading east into Ulupalakua Ranch holdings as well as the segment near the coast within the same a flow within Palaua *ahupua'a*. With large segments disturbed or destroyed, the reconstruction of the original alignments linking specific trail segments is problematic. Also, with the original integrity lost through past disturbances or development of the intermediate areas between the coastal and subject areas, there exists no definitive confirmation that these segments indeed connected in the past.

4.8.1 Water

Comment: *Preliminary Engineering Report relies on declaratory statements about the adequacy of the project's water systems without supporting technical studies to substantiate its claims. There is not enough quantitative data on water systems to permit any impact analysis. There are no independent hydrology reports.*

Response: Section 4.8.1 (Water System) of the Draft EIS and the Preliminary Engineering Report (Appendix P) discuss Honua'ūla's private water system. Honua'ūla Partners, LLC's hydrologist, Tom Nance Water Resource Engineering (TNWRE) provided the technical expertise regarding Honua'ūla's water resources that is the basis of the discussion of potable and non-potable water in the Preliminary Engineering Report. Tom Nance of TNWRE has over 30 years of experience in the areas of groundwater and surface water development, hydraulics and water system design, flood control and drainage, and coastal engineering. Estimates of water demand are based on the DWS's standards and TNWRE's extensive experience. In their comment letter on the Draft EIS dated June 3, 2010, DWS confirmed that the water demand estimates in the Draft EIS are within the range of DWS's system standards.

Section 3.5.1 (Groundwater) of the Draft EIS and the technical hydrologic assessment by TNWRE contained in Appendix B of the Draft EIS discuss the potential impact on groundwater resources from the creation of Honua'ūla. Section 3.5.1 (Groundwater) and the technical hydrologic assessment provide information on the sustainable yield of the Kama'ole Aquifer, Honua'ūla's water sources and demand, total average groundwater use, and the potential changes to groundwater in the area downgradient of Honua'ūla. In their letter commenting on the Draft EIS

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dated May 20, 2010, the CWRM stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues."

Comment: *The USGS study referred to that purportedly supports higher available flows for Kamaole aquifer, only mentioned the aquifer as one entry in an aquifer chart. The USGS report offered no analysis of the aquifer's potential SY.*

Response: Section 3.5.1 (Groundwater) of the Draft EIS and the technical hydrologic assessment by TNWRE contained in Appendix B of the Draft EIS actually cited three studies that support a higher sustainable yield of the Kama'ole Aquifer than the sustainable yield set by CWRM in 1990. These more detailed and sophisticated studies on the aquifer's recharge are:

- United States Geological Survey; Pat Shade, 1999. *Water Budget of East Maui, Hawaii; USGS Water Resources Investigations Report 98-04159;*
- Waimea Water Services, Inc. 2004. *Water Resources Review of the Kama'ole Aquifer;* and
- United States Geological Survey; John Engott and Thomas Vana. 2007. *Effects of Agricultural Land-Use Changes and Rainfall Recharge in Central and West Maui, Hawaii, 1926-2004; USGS Scientific Investigations Report 2007-5103.*

From your comment we infer that you are referring to the 2007 United States Geological Survey (USGS) study titled: "Effects of Agricultural Land-Use Changes and Rainfall Recharge in Central and West Maui, Hawaii." The study includes several figures (including on the cover) that show the extent of the study area, which encompasses all of West Maui, the entire central valley, and the western slopes of Haleakala starting from the north shore east of Paia, extending south above Makawao and Pukalani, continuing toward 'Ulupalakua, and then extending west down to the ocean at a point south of Mākena. Figure 15 of the study (titled: "Locations of aquifer systems and surficial sedimentary deposits in central and west Maui, Hawaii") shows the locations of the aquifers included in the study with the Kama'ole aquifer clearly shown as within the study area. Figure 15 of the study is attached with this letter for your reference.

We believe the "aquifer chart" that you refer to is Table 14 in the 2007 USGS study. This table compares the results of the study with 1990 CWRM estimates of aquifer recharge for all of the aquifers in the study area. You state that "The USGS report offered no analysis of the aquifer's potential SY", yet the entire study is an analysis of the recharge rate of all the aquifers in the study area, with a detailed water budget method for calculating daily groundwater recharge in the study area. As stated in the executive summary of the study: "To ensure prudent management of ground water resources and plan for sustainable growth on the island, the County of Maui Department of Water Supply entered into a cooperative agreement with the U.S. Geological Survey to increase overall understanding of the groundwater flow system and recharge processes in central and west Maui." The entire study is an investigation of the long-term sustainability of current and future ground-water-withdrawal scenarios within the study area, which includes the Kama'ole aquifer. Therefore, your statement that "The USGS report offered no analysis of the aquifer's potential SY" is clearly incorrect.

Comment: *The 1988 hydrology report for the project cautioned that Wailea 670's wells could impact downslope wells in Wailea and comments from Wailea Resort management made the same statement.*

Response: Section 3.5.1 (Groundwater) of the Draft EIS and the technical hydrologic assessment by TNWRE contained in Appendix B of the Draft EIS (Assessment of the Potential Impacts of

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Water Resources of the Honua'ula Project in Wailea, Maui, TNWRE, 2010) discuss the potential impact on groundwater resources from the creation of Honua'ula. Included are potential impacts to groundwater downgradient of: 1) Honua'ula (i.e. Wailea Resort Well No. 2); and 2) the off-site Kama'ole Wells. The TNWRE hydrologic assessment, prepared in 2010, presents the most accurate and up-to-date information regarding potential groundwater impacts based on: 1) current conditions; 2) estimated demands based on the present site plan; and 3) actually proposed water infrastructure.

Comment: *The DEIS must analyze the proposed use of the Kamaole aquifer for the project's demand by researching and evaluating the entire range of existing users and the relative pumpage and salinity of their wells. Water fees for residents must also be discussed to comply with rezoning conditions.*

Response: In response to a similar comment from the Maui Planning Commission, TNWRE: 1) obtained data (including available data on chlorides and water levels) for all wells in the Kama'ole Aquifer available from the CWRM; and 2) prepared a supplemental report containing this data, which will be included in the Final EIS.

According to CWRM records, there are a total of 134 wells within the Kama'ole Aquifer System, many of which are more than 60 years old and no longer in use. Of the 134 wells, 43 are known or presumed to be in use, 47 are no longer in use or do not draw from the basal lens, and 44 are of unknown status relative to their use.

Examination of CWRM data shows that reporting of chlorides and water levels to CWRM is minimal. Only three of the 43 wells in the aquifer that are known or presumed to still be active are presently reporting that information. For wells for which TNWRE has independent data, chloride levels have been stable for a decade of monthly sampling.

To include the relevant above information in the Final EIS, in the Final EIS Section 3.5.1 (Groundwater) will be revised as shown on the attachment titled "Groundwater." In addition the supplemental report from TNWRE will be included in Appendix B of the Final EIS.

Comment: *Water fees for residents must also be discussed to comply with rezoning conditions.*

Response: County of Maui Ordinance No. 3554 Condition 17, to which you refer, requires, in part, that:

The water rates for the residential workforce housing units shall be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code.

As discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with this condition Honua'ula Partners, LLC will ensure that water rates for the residential workforce housing units will be no higher than the general water consumer rates set by the County, for as long as the units are subject to Chapter 2.96 of the County Code. However in response to a similar concern from the Maui Planning Commission comment regarding the cost for the operation of the reverse osmosis system, cost analysis to consumers, and the market price housing for water, TNWRE prepared cost estimates based on several assumptions. The estimates are summarized below.

The estimated potable and non-potable water infrastructure cost is \$21 million. This includes costs for: construction and testing the required off-site wells, piping from the off-site wells to the on-site storage tank, booster pumps, on- and off-site potable and non-potable storage tanks, and the RO plant. It does not include piping for distribution to individual Honua'ula homes and businesses.

Based on infrastructure costs and assumptions such as infrastructure efficiencies, electrical power costs, and costs for operating personnel, administration, and maintenance, the daily operating cost for both potable and non-potable systems would be \$3,000 per day. The cost of capital recovery would be \$4,950 per day. The cost to consumers, with and without capital recovery would be as follows:

Estimated Cost in Dollars per Thousand Gallons		
Cost Items Included	Potable Water	Non-Potable Water
Based on Operation and Maintenance Exclusively (No Capital Recovery)	\$4.00	\$2.00
Based on Operation, Maintenance, and Full Capital Recovery	\$10.64	\$5.32

For fiscal year 2010-2011 the cost for potable water for general water consumers set by the County in its annual budget is \$1.70 per 1,000 gallons for users that use up to 10,000 gallons bi-monthly. The price increases for users that use more than 10,000 gallons bi-monthly. In compliance with County of Maui Ordinance No. 3554 (Condition 1) water rates for the residential workforce housing units will be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, MCC.

To include the relevant above information in the Final EIS, along with addressing comments regarding water from others, in the Final EIS Section 4.8.1 (Water System) will be revised as shown on the attachment titled "Water System."

4.8.3 Drainage

Comment: *Drainage plans appear to be elaborate, but there is little quantitative data to provide assurance that the assumptions they are based upon will prove to be sufficient to mitigate impacts. For example, one of the larger areas of drainage flow impact, basins 1 through 5 at the north of the project site have a high concentration of high-density urban environment proposed, the lowest percentage of golf course lands to absorb run off, and drainage-basin systems not scheduled to be completed until Phase II (2018) or Phase III (2022) of the project. The existing on-site drainage impacts to this area during a 100 yr / 24 storm are huge: over 2,100 cfs (1300 mgd). Currently two 10ft or more diameter culverts are installed to carry water from this sector of the project area under Pihani highway and eventually to the ocean.*

Response: As discussed in Section 4.8.3 (Drainage System) of the Draft EIS and further elaborated on in the Preliminary Engineering Report (Appendix P of the Draft EIS), all drainage systems and detention basins will be designed in accordance with the County of Maui Department of Public Works "Rules for the Design of Storm Drainage Facilities in the County of Maui." In accordance with these rules, all drainage improvements will be designed so that there will be no increase in the peak rate of stormwater runoff leaving the Property compared to existing conditions.

While Drainage Basins 1 to 5 have a high concentration of high-density urban environment proposed, each high-density development will have its own detention basin to: 1) reduce the flow rate from it after Honua'ula is built to the existing flow rate; and 2) absorb the increased volume of runoff by impervious surfaces. The detention basins for the high-density area located adjacent to the golf course will be located within the golf course. The runoff from these detention basins will flow (sheetflow) through the vegetated golf course to filter/percolate the runoff. The detention basins will be designed in accordance with "Rules for the Design of Storm Drainage Facilities in the County of Maui" and will be constructed along with the construction of each development area except for the detention basins located within the golf course land, which will be constructed along with the golf course construction.

In addition, while the existing off-site drainage impacts to this area during a 100-year/24-hour storm are significant, it is important to note that Honua'ula will not increase the off-site drainage flows over existing conditions, but rather will just allow the existing off-site runoff to flow through the Property through the natural ditches and gulches as it currently does. In other words, drainage improvements will be designed to capture the additional runoff due to the built environment of Honua'ula so that there will be no increase in the peak rate of stormwater runoff leaving the Property compared to existing conditions, in accordance with the "Rules for the Design of Storm Drainage Facilities in the County of Maui."

The drainage plans and quantitative data in the DEIS and Preliminary Engineering Report are typical and adequate at this stage of design/development. Further design will be provided at later design stages, and detailed plans and calculations will be provided and reviewed by the Department of Public Works in conformance with County rules and requirements.

Comment: *Options, such as a larger natural buffer area between, Maui Meadows and Honua'ula should be discussed as viable alternatives to mitigate overflows in this high impact area. Currently, less than 4 acres is proposed for this buffer.*

Response: In compliance with Section 19.90A.030(E)(5), Maui County Code, a minimum one hundred foot wide fire buffer area, with a minimum fifty-foot wide landscape buffer area within it, will be provided between the southern boundary of Maui Meadows and Honua'ula. This buffer area will be approximately 7.5 acres in size. No structures, except rear and side boundary walls or fences, will be permitted in the buffer. The border between Honua'ula and Maui Meadows is in a mauka to makai (i.e. downhill) direction. Stormwater along the Maui Meadows border flows downhill. Currently there are no built obstructions to alter the flow on the Honua'ula side of the border.

The purpose of this buffer is not for drainage retention capacity, and a wider buffer area will not significantly increase retention capacity in this area—it would be similar to existing conditions with water flowing downhill. A buffer wider than 100 feet would possibly have somewhat less impervious surfaces than a 100 foot wide buffer because less structures or pavement would be in the wider area, however this would not be significant in the ability of the buffer area to retain drainage as: 1) this area currently does not retain drainage and the purpose of the buffer is not to retain drainage; and 2) the current plan for detention basins takes into account impervious surfaces from structures or pavement. Increasing the buffer area would not result in: 1) significant decreases in impervious surfaces in consideration of the total project area; and 2) the need to decrease the area or size of planned retention basins.

However to address your concerns about drainage options and alternatives, in addition to the drainage improvements discussed in Section 4.8.3 (Drainage System) of the Draft EIS, Low Impact Development (LID) techniques will be incorporated into the design of Honua'ūla to supplement the detention system where appropriate. LID comprises a set of approaches and practices designed to reduce runoff of water and pollutants from the site at which they are generated. By means of infiltration, evapotranspiration, and rainwater reuse, LID techniques manage water and water pollutants at the source, thereby reducing stormwater flows to detention basins. A goal of LID is to maintain or closely replicate predevelopment hydrology of the site with an understanding that rainwater is not merely a waste product to be disposed of, but a resource to be reused.

With LID techniques small-scale practices are employed to control stormwater runoff on-site. The practices are designed to work in concert with other stormwater best management practices, such as detention basins. While LID techniques span a wide range of design considerations, infiltration and filtration are two primary practices. Infiltration practices are engineered structures or landscape features designed to capture and infiltrate runoff. Infiltration can both reduce the volume of water discharged from the site and contribute to groundwater recharge. Examples of infiltration practices include: 1) infiltration basins and trenches which are shallow depressions designed to infiltrate stormwater through permeable soils; 2) rain gardens and other vegetated treatment systems that provide a planted depression to collect rainwater (usually from a single home) and allow absorption on-site; and 3) disconnected down spouts, which are roof gutter downspouts that are not connected to the sewer system to allow roof water to drain to lawns and gardens (or rainwater storage barrels) and allow plants and soils to filter pollutants.

Similar to infiltration practices, filtration practices treat runoff by filtering it through media designed to capture pollutants (such as sand or vegetation). Like infiltration, filtration can both reduce the volume of water discharged from the site and contribute to groundwater recharge, but filtration practices have the added advantage of providing increased pollutant removal. Examples of filtration practices include: 1) bioswales, which are landscaped drainage courses with gently sloped sides filled with vegetation, compost and/or rocks designed to slow down water flows and trap pollutants and silt; 2) vegetated swales which are smaller, broad, shallow, channels with dense vegetation covering the side slopes and bottom to trap pollutants, promote infiltration, and reduce flow velocity; and 3) vegetated filter strips, which are bands of vegetation intended to treat sheet flow from adjacent impervious areas (such as parking lots) by slowing runoff velocities, filtering out sediment and other pollutants, and providing some infiltration into underlying soils.

LID practices can also effectively treat and manage non-point source pollution from drainage by filtering "first flush" runoff volumes. Non-point source pollution typically results from rainwater washing across impermeable surfaces such as roadways, parking lots, and sidewalks and with it picking up pollutants such as oil, detergents, pesticides, fertilizer, and pet wastes. Most surface pollutants are collected during the first one-half inch, or "first flush" of a storm event. LID practices can filter these pollutants before they reach detention basins. Traditional conveyance systems, such as drains and catch basins in parking lots and roadways can also be designed to capture this first flush with installed filtering materials.

Strategically integrated LID practices applied throughout the Property—from individual building sites to larger areas such as parking lots and roadways—can lessen stormwater flows to detention basins and increase the length of time for flows to travel to detention basins. The increased time allows for greater opportunities for groundwater recharge, filtration, and evapotranspiration. LID

practices can result in enhanced environmental performance, while at the same time reducing costs compared to traditional stormwater management approaches.

To include the relevant above information, along with addressing comments regarding drainage from others, in the Final EIS, in the Final EIS 4.8.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System."

Comment: *To give a blanket statement, that the project's theoretical system of drainage basins, and absorption by golf courses and open space will mitigate large storm event flows, seems highly speculative. No examples of similar successful designs were included in the DES discussion for comparison. It is also seems risky to assume that pre-existing and off site flows will not need additional containment measures in order not to overwhelm facilities designed for only post development flows. If coastal impacts result from the project, what mitigations will be available to restore the health of public trust resources?*

Response: The drainage study included in the Preliminary Engineering Report (Appendix P of the Draft EIS) was prepared using standard engineering methodologies and in accordance with the County of Maui Department of Public Works' "Rules for the Design of Storm Drainage Facilities in the County of Maui." In accordance with these rules, all drainage improvements will be designed so that there will be no increase in the peak rate of stormwater runoff leaving the Property compared to existing conditions. To calculate drainage requirements, first peak runoff rates for a 100 year – 24 hour event were calculated for: 1) existing, pre-development conditions; and 2) post-development conditions. Then, using the calculated peak runoff rates, runoff volumes for a 100 year – 24 hour event were calculated for: 1) pre-development; and 2) post-development then used to size detention basins so that the future runoff volume will not exceed the existing volume. In their comments on the Draft EIS dated June 10, 2010, the Department of Public Works did not question the methodology of the drainage study or ask for any revisions or clarification.

Regarding drainage exiting the Property, as discussed in Section 4.8.3 (Drainage System) of the Draft EIS, the detention basins will have a drainage outlet consisting, in part, of a vertical perforated pipe within a gravel mound which will act as a filter. In addition to reducing the peak runoff rate by detention storage, this configuration will also capture floatables and suspended solids in the basin, thus reducing sediments in the water released from the detention basins. With the use of detention basins, the peak rate of runoff leaving the Property will not increase over current conditions and seepage of water into the ground from the detention basins will actually increase the amount of percolation to groundwater.

To further address drainage concerns, as explained above, in addition to the drainage improvements discussed in Section 4.8.3 (Drainage System) of the Draft EIS, LID techniques will be incorporated into the design of Honua'ūla to supplement the detention system where appropriate. Please refer to the above response and the attachment titled "Drainage System" for more information on LID techniques.

Specific to your concern regarding coastal impacts, as discussed in Section 3.5.2 of the Draft EIS, the results of a nearshore water quality assessment (Appendix D of the Draft EIS) and further evaluation of the potential changes to groundwater composition indicate that there is little or no potential for alteration of the marine environment or negative impacts to marine waters due to Honua'ūla. The assessment concludes that: "the estimates of changes to groundwater and surface water would result in a decrease in nutrient and sediment loading to the ocean relative to the

existing condition. With such a scenario, it is evident that there would be no expected impacts to the nearshore marine ecosystem owing to development of Honua'ula." As further discussed in Section 3.5.2 and in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with County of Maui Ordinance No. 3554 Condition 20:

- Current and future nearshore water quality monitoring assessments provide, and will provide, water quality data necessary to assess compliance with Section 11 54-06, HAR (Open Coastal Waters of the DOH Water Quality Standards);
- Current and future Honua'ula nearshore water quality monitoring assessments were done, and will continue to be done, in accordance with the current (and as may be amended) DOH methodology for Clean Water Act Section 305(b) water quality assessment, including the use of approved analytical methods and quality control/quality assurance measures; and
- After construction commences water quality data will be submitted annually to DOH for use in future Hawai'i Water Quality Monitoring and Assessment Reports prepared under Clean Water Act Sections 303(d) and 305(b) (i.e., Integrated Reports).

Comment: *There is no plan for all-important maintenance of the retention basins in the "Master Drainage Plan."*

Response: The detention basins will be maintained so that the capacity is not impaired. As design progresses a maintenance program will be developed. In general, the detention basins will contain markers so that the depth of silt at the bottom can be measured. When the silt reaches a certain level, the silt will be removed and properly disposed of.

To include the relevant above information, along with addressing comments regarding drainage from others, in the Final EIS, in the Final EIS 4.8.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System."

4.10.5 Parks

Comment: *One of the project's 3 private neighborhood parks is located along the makai boundary of the property in a natural gulch area currently subject to high velocity flows during storm events. A park location on either side of the natural gulch would be more practical.*

Response: The park area you refer to is intended as a passive park meant to function as a drainage/retention area during high volume storms. The passive nature of the park also is meant to allow for view corridors from the adjacent multi-family and village mixed use areas due to the lower topography. Honua'ula's other two parks total more than six acres, are more centrally located to residential areas, and will serve as more active neighborhood parks. All Honua'ula parks will be open to the public, privately maintained, and will not be used to satisfy the park assessment requirements under Section 18.16.320, Maui County Code, or for future credits under the subdivision ordinance.

Closing Comments

Comment: *Sierra Club Maui requests that the accepting authorities find this DEIS incomplete and premature. Without including the omitted studies and evaluation information in the DEIS, the project is not in compliance with the environmental review laws of the State of Hawaii.*

Response: The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with the State of Hawai'i EIS law (Chapter 343, HRS) and EIS rules (Title 11, Chapter 200, HAR). The EIS laws and rules do not provide for a draft EIS to be found "incomplete and premature." Rather, the EIS laws and rules provide for the preparation of a draft EIS, a review process, and the preparation of a final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments and our responses to your comments. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments.

We note that in commenting on the Draft EIS the Maui Planning Commission stated that the Honua'ula Draft EIS was "one of the better draft documents the commission has seen in terms of completeness."

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachment: Botanical Resources
Wildlife Resources
Archaeological and Historic Resources
Cultural Resources
Noise
Air Quality
Drainage System
Cumulative and Secondary Impacts
Electrical System
Alternatives
Figure 15 (from USGS Water Study)
Groundwater
Water System

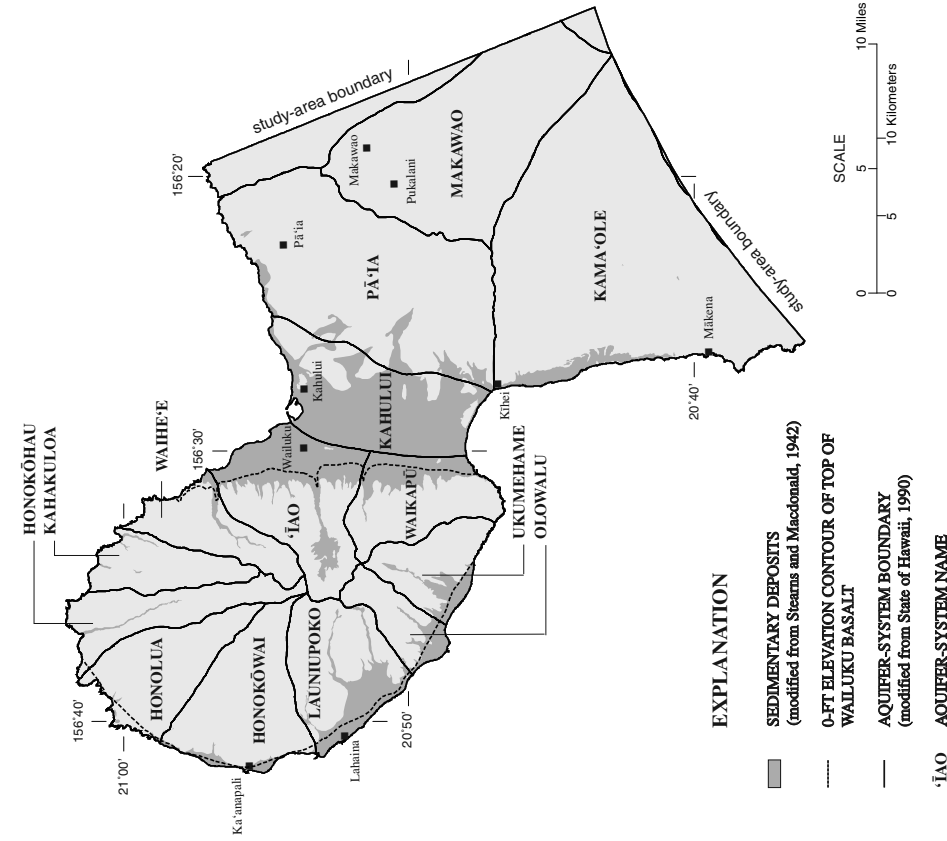


Figure 15. Locations of aquifer systems and surficial sedimentary deposits in central and west Maui, Hawaii.



Surfrider Foundation, Maui Chapter
 P.O. Box 790549
 Paia, HI 96779

June 29, 2010

PBR Hawaii
 Attn: Tom Schnell, AICP
 1001 Bishop Street, Suite 650
 Honolulu, Hawaii 96813

RE: Comments on DRAFT EIS for HONUUA'ULA (WAILEA 670)

Mahalo for this opportunity to offer comments on the Draft EIS (DEIS) for this development project. Surfrider Foundation Maui is the local branch of an international non-profit environmental organization dedicated to the protection and enhancement of our local waves, water and beaches through CARE (conservation, activism, research and education).

As an advocate for clean, healthy oceans Surfrider Foundation requests the Honua'ula DEIS provide more specific information on several topics.

Expected Project Population:

We feel the DEIS should make clear whether the demand for services, traffic, water and wastewater needs are based upon a projected population of 2.5 persons per household in the Honua'ula Project District? We note that the US Census uses a figure of 2.9 per household. The General Plan Update used a figure of 2.8 per household. Also the assumption that part time residents will be on site for only 20% of the year does not appear to have considerable supporting evidence.

If these assumptions are questionable, and Honua'ula population levels are larger than now being discussed by up to 500 residents, then the conclusions about impacts to water supplies, traffic counts, wastewater disposal, police and fire protection, recreational area access and other services are not likely to be accurate. We would request that the EIS offer several population scenarios, including the 2.9 persons/unit and give comparative figures for water, traffic, wastewater, recreational use demands based on these more supportable assumptions.

Impacts of Increased Resident Population on use of Beach Areas:

Objective A 9 of Hawaii State Recreation Functional Plan concerns the need for developments to consider the part their project would play in the "saturation of the capacity of beach parks and nearshore waters."

Honua'ula replied that this policy was "Not Applicable" to its project. This does not seem to be a logical conclusion.

Nowhere in section 5.2.2 of the EIS, where recreation is discussed, does the EIS acknowledge that the project's residents will be using local beaches. The DEIS states:

"Honua'ula is not located on a shoreline therefore policies regarding shoreline resources are not applicable."

We find it disappointing that this project, located five minutes from some of South Maui's most popular beaches, declines to discuss that future residents will, without a doubt, want to access those nearby beaches. We request that the EIS discuss potential impacts on Ulua, Wailea, Polo, Palaua, Po'olenalena, Keawakapu and Makema beach parks; and facilities like Kihai boat ramp.

The Kihai-Makema Community Plan states a goal directly related to the region where the proposed Honua'ula project is located:

"Provide adequate landscaped public access to shoreline areas with significant recreational and scenic value. Provide adequate lateral public access along the shoreline to connect significant shoreline areas and to establish continuity of the public shoreline areas. Particular attention shall be directed toward southern shoreline resources from Polo Beach southwards, and between Kama'ole Parks II and III."

This policy does not just apply to coastal development projects, but rather is a goal for the entire community to work towards. Every development generates potential beach users. Every development needs to consider how it can be part of the solution.

The EIS should include research on average numbers of trips to beach by south Maui / Wailea residents. Use those figures to project future use by Honua'ula residents. Expected increase in demands for beach parking and beach space, camping spaces, boat launch facilities, etc, based upon increased residential population, should also be discussed.

The EIS should also fully acknowledge that by national planning standards South Maui, with its resident and year round visitor population, has a shortage of beach park facilities, which leads to user conflicts. Palaua, for example is a popular fishing beach. When Honua'ula has five hundred residences built, will there be a change in the number and frequency of visitors to this now out-of-the-way-beach? Will there still be room for the weekend fisherman and his family? The EIS should provide this information and mitigation for anticipated impacts.

A project one mile from the beach, in a world famous beach resort area, should not have its EIS considered adequate, unless potential impacts of increased residential population to shoreline recreation areas are discussed.

Earlier Wailea 670 project discussions mentioned mitigation funding for increased parking spaces at Keawakapu beach. Appropriate mitigation would seem to be improved parking at Palaua beach. The County's 2005 Ocean Resources Management Plan recommended Palaua Beach for expanded access and parking improvements, and specifically cited as justification for the expanded need, plans for over 1000 new housing units proposed immediately uphill, in what was then called Wailea 670.

It is likely that future advertising for the project's homesites will included information that the location "is just minutes from beautiful beaches." This connection should be a part of the EIS discussion.

Wastewater Treatment

A number of statements are made in the DEIS regarding potential water quality impacts which the project has successfully mitigated. One of those statements is that "No reclaimed water will be placed into injection wells."

It is our understanding that the Makema Wastewater treatment plant or the proposed onsite Wastewater facility would be required by the state Department of Health to have injection wells for backup purposes. If this is the case for these facilities, that fact should be clearly explained in the EIS.

We request that the EIS also include additional information about the capacity of the onsite and offsite treated wastewater storage areas. It is mentioned that treated effluent will be stored on the project's golf course, but no mention is made of the potential storage capacity. Are there extra areas that can be used to retain peak levels of treated effluent, estimated at 2.19 mgd, in the event of heavy rainstorms? It is not discussed if that peak level included more than runoff water seeping into pipes. Does it also include rainwater filling existing open air storage basins? If so, is there a plan to contain any overflows?

The EIS should discuss the relative benefits and drawbacks of the proposed onsite membrane reactor and the existing activated sludge process at the Makema facility, including water quality factors and cost to consumers.

The wastewater section of the EIS seems to be more theoretical than specific. It states: "This section reviews the existing wastewater system and describes proposed improvements to meet the demands of the project. The proposed improvements are subject to change based on the refinement of plans and availability of more detailed information."

The EIS should discuss when that more detailed information would be available? Will it be during the Phase II project District review process as promised during the Council hearings?

Drainage Impacts to Nearshore Waters

A great deal of water already passes through this site during large storm events. Ocean water quality in Wailea and Palaua has been impacted, along with reefs and nearshore habitats during past storms. The DEIS makes a number of unsubstantiated claims regarding containment and reduction of both onsite and off site flows.

We request that the EIS include discussion of the capacity of the existing Wailea golf course to retain and absorb run-off and a comparison to the proposed Project golf course. It is our understanding that the younger, more porous volcanic soils of the southern portion of the project area behave very differently than the northern soils. Wailea G.C. has similar soils in its southern portion.

The EIS should discuss the effect of the volcanic soils on the ability of future retention basins and golf course areas to retain and filter heavy run off. The existing Wailea Gold



May 31, 2012

Surfrider Foundation, Maui Chapter
Executive Committee
c/o Tim Lara, Chair
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and Blue Golf courses have been overwhelmed by heavy rain flows during past storm events. The statement that the project's golf course will absorb more water than current conditions should be backed up by proof.

More discussion is needed on the specifics of drainage. Is the Drainage map included in the Preliminary Engineering Report the "Master Drainage Report" called for in the Reasoning Conditions? If not, when will that report be issued?

Based upon past volumes of water seen in this area, it seems unlikely that even the proposed detention basins, pipes etc will keep up with a large storm event. It also does not appear that the project's water quality monitoring project is following protocols that will reveal run-off impacts to nearshore waters. We request that the EIS include an analyses of drainage retention capacity expansion that would come from expanded buffer areas between Honua'ula and Maui Meadows and along Pillani Highway.

Will individual buildings be designed to minimize and capture run-off on site through rain gardens, etc?

Muddy, turbid waters impact our reefs and make for unhealthy conditions for ocean users. We request that the DEIS discuss the project's commitment to reduction of both existing and post development flows on site and off site, even though County rules do not request pre-development conditions to be mitigated.

Include Full Review of Offsite Infrastructure Facilities in the Honua'ula EIS

We request the EIS include information about the option of future expansion of the Makana Wastewater Plant. An analyses of that potential expansion as well as the construction of transmission lines for water and wastewater, additional well sites and offsite potable and non-potable water storage tanks should all be included in this EIS. Review should include archaeological and botanical surveys of the off site project areas, discussion of drainage and traffic impacts and other data needed by decision makers and the public to guide responsible decision making. Lack of such information creates segmentation of the project, which is not allowed under state Environmental Review statutes. Since these are private systems on private lands, this would be their only opportunity for environmental review.

Mahalo for giving us a chance to share our comments

**Executive Committee
Surfrider Foundation - Maui Chapter**

SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Chair Lara and Executive Committee Members:

Thank you for the Surfrider Foundation Maui Chapter Executive Committee (Executive Committee) letter dated June 29, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to the comments in the letter. The organization of this letter follows the headings of the Executive Committee letter.

Expected Project Population

Comment: We feel the DEIS should make clear whether the demand for services, traffic, water and wastewater needs are based upon a projected population of 2.5 persons per household in the Honua'ula Project District? We note that the US Census uses a figure of 2.9 per household. The General Plan Update used a figure of 2.8 per household.

Response: The figure of 2.9 persons per household that you provide is the 2000 US Census average household size for Maui County as a whole.

US Census data for the Kihei-Makena region¹ shows an average household size of:

- 2.62 people in 1990
- 2.57 people in 2000
- 2.45 people in 2010

In the Maui Planning Department report titled "Socio-Economic Forecast: The Economic Projections for the County of Maui General Plan 2030" (Maui Planning Department 2006) the Planning Department provides the following historical and projected average household sizes for the Kihei-Makena region:

- 2.59 people in 1990
- 2.55 people in 2000
- 2.49 people in 2010
- 2.46 people in 2020
- 2.44 people in 2030

¹ US Census data from the Kihei, Wailea-Makena (1990 and 2000) and the Kihei, Wailea, and Makena (2010) Census Designated Places (CDP) where combined to obtain the average household size for the Kihei-Makena region.

We note that the figure of 2.8 persons per household that you cite was the figure that the Maui County General Plan Advisory Committee recommended to be used in preparing the General Plan Update; however this was not the number projected by the Maui Planning Department which was actually used for the General Plan Update.

In light of historical trends, current data, and Maui Planning Department forecasts (Maui Planning Department 2006), the use of an average size of 2.5 persons per full-time resident household at Honua'ula is moderate to conservative and is higher than the 2.44 persons projected by the Maui Planning Department for the time when Honua'ula is fully built-out. As illustrated above with the US Census and Maui Planning Department data for 1990, 2000, and 2010, the trend in declining household size has been occurring over several decades and Kihei-Mākena households have gotten smaller with each passing census. The movement toward smaller households is an indisputable demographic trend, brought about by the coalescing of numerous factors (including longer life spans, higher incomes, more divorces and single parent households, and cultural evolutions). The application of an average household size of 2.8 or 2.9 at Honua'ula is not supported by US Census data or Maui Planning Department projections.

Regarding your comment that "We feel the DEIS should make clear whether the demand for services, traffic, water and wastewater needs are based upon a projected population of 2.5 persons per household," please note that calculations used in various studies included in the Draft EIS are not based simply on average household size. For example, traffic projections take into account not only Honua'ula's residential units, but other uses as well, such retail areas and recreational facilities, and are based on trip generation rates in accordance with nationally recognized standards published by the Institute of Traffic Engineers and locally developed standards accepted by the State of Hawai'i Department of Transportation. Similarly water demand rates are based on factors more complex than average household size, such as housing type (i.e. single-family or multi-family) and physical size, commercial and recreational use, and overall landscape irrigation requirements. Likewise, wastewater needs are projected based on more complex data than just average household size. To base projections for various demands simply on average household size would not yield accurate projections for Honua'ula overall and would not be in accordance with accepted traffic and civil engineering standards.

Comment: *Also the assumption that part time residents will be on site for only 20% of the year does not appear to have considerable supporting evidence.*

Response: As stated in Section 4.9.2 (Population) and more fully explained in Appendix Q (Market Study, Economic Impact Analysis, and Public Costs/Benefits Assessment) of the Draft EIS, to arrive at an accurate population projection for Honua'ula, the number of homes that would be occupied by full-time residents and part-time residents was first determined to be 629 full-time residences and 521 part-time residences. Then, average household size was forecasted based on full-time or part-time use. For full-time residents, it was assumed that homes would be occupied 98 percent of the time with an average household size of 2.5 people per household. For part-time residents (i.e. non-Maui residents), it was assumed that homes would be occupied 20 percent of the time with an average party size of 2.8 people per home. The part-time resident average party size of 2.8 people per home was calculated based on the average resident household size of 2.5 persons per household, plus 10 percent to account for guests.

It is important to note that Honua'ula will not contain transient vacation rentals (TVR), and therefore homes owned by non-Maui residents will be vacant when owners are not on Maui.

Numerous studies on the use of non-resident, non-TRV homes in Maui and West Hawai'i resorts indicate occupancy ranging from six to 20 percent of the time, with an average of approximately 14 percent. This is based on surveys of owners, realtors, maintenance companies, and resort personnel in Kapalua (Plantation and Pineapple Hill subdivisions), Ka'anapali (mauka), Wailea (non-TRV units), Mauna Kea, Mauna Lani, and Hualālai.

Comment: *We would request that the EIS offer several population scenarios, including the 2.9 persons/unit and give comparative figures for water, traffic, wastewater, recreational use demands based on these more supportable assumptions.*

Response: As explained above: 1) the application of an average household size of 2.8 or 2.9 at Honua'ula is not supported by US Census data or by Maui Planning Department projections; and 2) to base projections for various demands simply on average household size would not yield accurate projections for Honua'ula overall and would not be in accordance with accepted traffic and civil engineering standards.

Impacts of Increased Resident Population on use of Beach Areas

Comment: *Objective A 9 of Hawaii State Recreation Functional Plan concerns the need for developments to consider the part their project would play in the "saturation of the capacity of beach parks and nearshore waters."*

Honua'ula replied that this policy was "Not Applicable" to its project. This does not seem to be a logical conclusion.

Response: The 1991 Recreation State Functional Plan to which you refer is one of 14 State Functional Plans required to be formulated under the Hawai'i State Plan. The purpose of the State Functional Plans is to guide State programs, actions, and resource allocation decisions.² As stated on page 2 of the Recreation State Functional Plan: "...State Functional Plans are ... not to be interpreted as law or statutory mandates, nor do they mandate County or private sector actions."

Recreation State Functional Plan Objective I.A, to which you refer, states, "Address the problem of saturation of the capacity of beach parks and nearshore waters." Policy I-A(1), which follows Objective I.A, states: "Acquire additional beach parkland and rights-of-way to remaining undeveloped shorelines to provide increased capacity for future public recreational use." Implementing Action I-A(1)(a) which follows then sets out a list of beach areas on each island to be acquired by the State with the Department of Land and Natural Resources (DLNR) State Park Division being the lead organization to acquire the lands, subject to the availability of funds. In context with the accompanying policy, implementing action, and other relevant information regarding the purpose of the State Functional Plans, it is clear that Objective I.A is directed toward DLNR State Parks Division and thus is not applicable to Honua'ula.

Comment: *Nowhere in section 5.2.2 of the EIS, where recreation is discussed, does the EIS acknowledge that the project's residents will be using local beaches. The DEIS states: "Honua'ula is not located on a shoreline therefore policies regarding shoreline resources are not applicable."*

Response: Section 5.2.2 (Kihei-Mākena Community Plan) of the Draft EIS discusses the objectives and policies of the Kihei-Mākena Community Plan relevant to Honua'ula, including the objectives

² See State Recreation Functional Plan, page ii, Preface.

and policies regarding recreation. For a more detailed discussion on Honua'ula's potential impacts, proposed mitigation measures, and contributions regarding recreational facilities in the Kihei-Mākena region, please see Section 4.10.5 (Recreational Facilities) of the Draft EIS. In response to your comments below regarding potential impacts to beaches, in the Final EIS Section 4.10.5 (Recreational Facilities) will be revised as explained below and on the attachment titled "Recreational Facilities."

Comment: *We find it disappointing that this project, located five minutes from some of South Maui's most popular beaches, declines to discuss that future residents will, without a doubt, want to access those nearby beaches. We request that the EIS discuss potential impacts on Ulua, Wailea, Polo, Palatua, Po'olenalena, Keawakapu and Makena beach parks; and facilities like Kihei boat ramp.*

Response: As discussed in Section 4.9.2 (Population) of the Draft EIS, population projections by the Maui Planning Department (Maui Planning Department 2006) indicate that the overall Maui Island population and Kihei-Mākena population is increasing. By 2025 the Maui Island population is expected to increase by 24 percent from the 2010 population, including a projected 28 percent increase in the Kihei-Mākena population. During the same period the average visitor census for Maui is projected to increase 28 percent with approximately 47 percent of Maui's visitors staying in the Kihei-Mākena region. These increases are projected with or without Honua'ula. The additional population will use public facilities, such as beaches and boat ramps and increased beach and boat ramp use and associated impacts will occur with or without Honua'ula.

Section 4.9.2 (Population) of the Draft EIS notes that when fully built-out, the total population of Honua'ula is projected to be 1,833 persons, of which 1,541 will be full-time residents and 292 will be periodic users comprised of non-resident owners and their guests (Hallstrom 2009). It is important to realize that under the requirements of Chapter 2.96, MCC Honua'ula's 450 on-site workforce affordable homes must be offered for sale to Maui residents. Therefore, based on a household size of 2.5 people per household, approximately 1,125 (73 percent) of Honua'ula's future 1,541 full-time residents will most likely be existing Maui residents already making periodic use of public facilities such as beaches and boat ramps. As a result, the incremental increase in use of public facilities as a result of Honua'ula will be significantly less than the overall population of Honua'ula may indicate.

We acknowledge that some Honua'ula residents will go to Maui beaches; however the number of Honua'ula residents going to a specific beach on any given day cannot be known and it cannot be assumed that Honua'ula residents will patronize only the beaches you list; rather it is likely that they could be distributed among any beach in the Kihei-Mākena region or the entire island.

Regarding the Kihei Boat Ramp and boat ramp facilities on Maui in general, the report titled *Public Facilities Assessment Update County of Maui* (R.M. Towill Corporation 2007) projects the need for three additional boat ramps island wide by 2030 based on the island wide population increase (an increase of approximately 46,000 people from 2010 to 2030) projected by the Maui Planning Department. Again this population increase is projected with or without Honua'ula. It is not anticipated that Honua'ula will trigger the need for additional boat ramp facilities considering that: 1) the County projects a population increase with or without Honua'ula; 2) approximately 73 percent of Honua'ula's future residents may already be existing Maui residents; and 3) relatively few new boat ramps will be necessary by 2030 to support the projected island wide population increase.

Comment: *The Kihei-Makena Community Plan states a goal directly related to the region where the proposed Honua'ula project is located:*

"Provide adequate landscaped public access to shoreline areas with significant recreational and scenic value. Provide adequate lateral public access along the shoreline to connect significant shoreline areas and to establish continuity of the public shoreline areas. Particular attention shall be directed toward southern shoreline resources from Polo Beach southwards, and between Kama'ole Parks II and III."

This policy does not just apply to coastal development projects, but rather is a goal for the entire community to work towards. Every development generates potential beach users. Every development needs to consider how it can be part of the solution.

Response: In full, this policy from the Kihei-Makena Community Plan states:

- (f) *Improve public access to shoreline and near-shore resources through the following measures:*
 1. *Develop and implement a plan for public access to the shoreline, which includes both existing and future accesses, based on the location of significant shoreline resources. Accesses shall be consistent with the characteristics of resources to be reached.*
 2. *Provide adequate landscaped public access to shoreline areas with significant recreational and scenic value. Provide adequate lateral public access along the shoreline to connect significant shoreline areas and to establish continuity of the public shoreline areas. Particular attention shall be directed toward southern shoreline resources from Polo Beach southwards, and between Kama'ole Parks II and III.*
 3. *Require setbacks to include recreational space on lands behind the legally defined public shoreline zone wherever possible. This allows for adequate recreational activities and proper management of the shoreline.*
 4. *Provide setback areas with landscaping to enhance recreational use and scenic quality. Recreational amenities should be commensurate with the scale of the setback area, intended use, and resource characteristics.*

This policy is clearly focused on improving public access to the shoreline, and in particular item 2 that you cite is concerned with providing adequate landscaped public access to the shoreline and lateral public access along the shoreline. We respectfully disagree that this policy applies to projects that are not on the shoreline or projects that do not provide direct access to the shoreline. As your comments acknowledge, Honua'ula is one mile from the shoreline. There are several properties between Honua'ula and the shoreline. Honua'ula Partners, LLC does not own these properties and it is not possible for Honua'ula Partners, LLC to provide access to the shoreline through properties it does not own or to provide lateral public access along the shoreline in front of properties it does not own. Similarly, it is not possible for Honua'ula Partners, LLC to provide or control landscaping along public shoreline access ways that are not adjacent or even nearby its property.

Comment: *The EIS should include research on average numbers of trips to beach by south Maui / Wailea residents. Use those figures to project future use by Honua'ula residents. Expected increase in demands for beach parking and beach space, camping spaces, boat launch facilities, etc, based upon increased resident population, should also be discussed.*

Surfrider Foundation, Maui Chapter

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

May 31, 2012

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Response: According to the report titled *Public Facilities Assessment Update County of Maui* (R.M. Towill Corporation 2007), beaches are considered "Special Use Parks," that serve a regional or islandwide populace because their activities or points of interest are tied to a specific location. Maui's beaches provide ocean recreation opportunities for all Maui residents and visitors regardless of location or where people live or are staying; it cannot be assumed that people living or staying near a specific beach will frequent the beach nearest to them.

As discussed above, the Maui Island and the Kihei-Mākena population is increasing. This increase is projected with or without Honua'ula. The additional population will use public facilities, such as beaches and boat ramps and additional beach use and associated impacts will occur with or without Honua'ula. In addition, as previously noted, many future Honua'ula residents may already be existing Maui residents making periodic use of Maui beaches, including beaches and boat ramps in the Kihei-Mākena region.

As discussed in Section 4.10.5 (Recreational Facilities) of the Draft EIS, to help alleviate the shortage of park space and facilities in the Kihei-Mākena region, Honua'ula Partners, LLC will develop six acres of private parks and 84 acres of open space within Honua'ula in compliance with County of Maui Ordinance No. 3554 (Condition 1). The private parks will be open to the public and privately maintained. Furthermore, the private parks and open space will not be used to satisfy the park assessment requirements under Section 18.16.320, MCC, or for future credits under the subdivision ordinance. The Director of Parks and Recreation and Honua'ula Partners, LLC agree that Honua'ula's park assessment requirements will be satisfied with an in-lieu cash contribution for the entire project. This cash contribution will be used to upgrade Maui County parks and facilities, which may include beach parks, as determined by the Department of Parks and Recreation (DPR) in accordance with their park facility priorities. In addition, Honua'ula Partners, LLC will pay at least \$5,000,000 to the County upon Project District Phase II approval specifically for the development of the South Maui Community Park in compliance with County of Maui Ordinance No. 3554 (Condition 10).

Comment: *The EIS should also fully acknowledge that by national planning standards South Maui, with its resident and year round visitor population, has a shortage of beach park facilities, which leads to user conflicts.*

Response: According to the *Public Facilities Assessment Update County of Maui* (R.M. Towill Corporation 2007) there are currently 28.8 acres of County beach parks in the Kihei-Mākena region. This does not include Ulua, Wailea, Polo, Palaua, and Keawakapu beaches that you mention above, which are not County beach parks. It also does not include Mākena State Park, which is a State park. Using a standard of 40 square feet of beach park space per person, the *Public Facilities Assessment Update County of Maui* projects a need for an additional 37 acres of County beach park space by 2030, based on the population projections of the Maui Planning Department. Because it is a State park, the 164 acres of Mākena State Park is not included in the inventory of County beach parks provided in the *Public Facilities Assessment Update County of Maui* (R.M. Towill Corporation 2007), nor is the area of Mākena State Park considered in relation to the projected need for an additional 37 acres of County beach park space by 2030. The park planning standards used in the *Public Facilities Assessment Update County of Maui* were obtained from: 1) Department of Parks and Recreation, City and County of Honolulu (1980); 2) Department of Parks and Recreation, County of Maui, *Open Space and Outdoor Recreation Plan* (2002); and 3) the National Recreation and Parks Association (NHPA 2000).

Surfrider Foundation, Maui Chapter

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

May 31, 2012

Page 7 of 17

Comment: *Palaua, for example is a popular fishing beach. When Honua'ula has five hundred residences built, will there be a change in the number and frequency of visitors to this now out-of-the [sic] way-beach? Will there be room for the weekend fisherman and his family? The EIS should provide this information and mitigation for anticipated impacts.*

Response: As explained above, Maui Planning Department population projections indicate that the Maui and the Kihei-Mākena population is increasing. This increase is projected with or without Honua'ula. The additional population will use public facilities, such as beaches. Therefore increased beach use and associated impacts will occur with or without Honua'ula. Some Honua'ula residents will go to Maui beaches; however the number of Honua'ula residents going to a specific beach on any given day cannot be known; it is likely that they could be distributed among any beach in the Kihei-Mākena region or the entire island. In addition, as previously noted, many future Honua'ula residents may already be existing Maui residents making periodic use of Maui beaches, including beaches in the Kihei-Mākena region.

Comment: *A project one mile from the beach, in a world famous beach resort area, should not have its EIS considered adequate, unless potential impacts of increased residential population to shoreline recreation areas are discussed.*

Response: In response to your preceding comments regarding potential impacts to beaches and boating facilities, in the Final EIS Section 4.10.5 (Recreational Facilities) will be revised to incorporate the relative information discussed above, as shown on the attachment titled "Recreational Facilities."

Comment: *Earlier Wailea 670 project discussions mentioned mitigation funding for increased parking spaces at Keawakapu beach. Appropriate mitigation would seem to be improved parking at Palaua beach. The County's 2005 Ocean Resources Management Plan recommended Palaua Beach for expanded access and parking improvements, and specifically cited as justification for the expanded need, plans for over 1000 new housing units proposed immediately uphill, in what was then called Wailea 670.*

Response: When you refer to the "County's 2005 Ocean Resources Management Plan" we are not clear if you are actually referring to the State "Hawaii Ocean Resources Management Plan" (ORMP), dated December 2006. We could not find a "County Ocean Resources Management Plan;" however we did check the State ORMP but could find no mention of a recommendation for expanded access and parking improvements at Palaua Beach.

Regardless, the determination of what mitigation measures are appropriate is a function of government agencies, which have a broad view of community needs and can appropriately balance consideration of overall project benefits with potential impacts and mitigation measures.

In their comment letter on the Environmental Assessment/Environmental Impact Statement Preparation Notice, DPR stated that they have no objections to Honua'ula. DPR stated further:

The 6 acres of private parks and 84 acres of open space proposed to be developed outside of park assessment requirements, in addition to the agreement to satisfy the provisions of Section 18.16.320, Maui County Code, with an in-lieu cash contribution for the entire project, meets with our approval. The applicant's offer of payment not less than \$5,000,000 to the County in lieu of the dedication of a Little League Field, upon Project District Phase II approval for the development of the South Maui Community Park is also acceptable. Finally, the applicant's

agreement to support Maui Junior Golf, MIL athletic groups, and provide reduced rates for kama'aina is a favorable commitment.

In addition, in their comment letter on the Draft EIS DPR stated:

The Draft Environmental Impact Statement for the subject project adequately addresses the concerns of the Department of Parks and Recreation. We have no additional comments or objections to the subject project at this time.

Comment: *It is likely that future advertising for the project's home sites will include information that the location "is just minutes from beautiful beaches." This connection should be a part of the EIS discussion."*

Response: Advertising for Honua'ula has not yet been considered, however an EIS is not a sales brochure or tool. EIS documents disclose a project's potential impacts and provide information on mitigation measures. How a project is advertised is not a subject of relevance for an EIS.

Wastewater Treatment

Comment: *It is our understanding that the Makena Resort wastewater treatment plant or the proposed onsite Wastewater facility would be required by the State Department of Health to have injection wells for backup purposes. If this is the case for these facilities, that fact should be clearly explained in the EIS.*

Response: Section 4.8.2 (Wastewater System) of the Draft EIS states that all wastewater will be treated at either an on-site wastewater reclamation facility (WWRF) or the existing Makena WWRF, then used for irrigation and that none of the recycled water will be placed into injection wells in compliance with County of Maui Ordinance No. 3554 (Condition 17). Sufficient golf course land is available within both Honua'ula and the Makena Resort to reuse 100 percent of the recycled water for irrigation. Wastewater system design, construction, and operation (whether at a new on-site WWRF or at the Makena WWRF) will be in accordance with County standards and in compliance with all applicable provisions of the State Department of Health (DOH) Administrative Rules (DOH rules) regarding wastewater systems (Chapter 11-62, Hawaii Administrative Rules (HAR)).

The DOH rules regarding wastewater systems (Chapter 11-62, (HAR)) do not require injection wells for wastewater system back up purposes. Backup disposal systems or adequate storage basin(s) are required; however there are other options for back up besides injection wells. The Makena WWRF does not have injection wells, but rather includes an unlined wet weather storage/disposal basin in conformance with DOH rules. Treated water discharged into the basin either percolates or evaporates. If an on-site WWRF is built for Honua'ula, a similar wet weather storage/disposal basin will be provided. Treated water stored in the wet weather storage basin will percolate, evaporate, or be pumped back to the treatment plant for additional treatment and then used for irrigation. The basin will be designed to accommodate the peak recycled water flow rate and therefore no recycled water will be discharged. Disposal of treated wastewater in this manner is allowed under DOH rules.

Comment: *We request that the EIS also include additional information about the capacity of the onsite and offsite treated wastewater storage areas. It is mentioned that treated effluent will be stored on the project's golf course, but no mention is made of the potential storage capacity (sic). Are there extra areas that can be used to retain peak levels of treated effluent, estimated at 2.19 mgd, in the event of heavy rainstorms? It is not*

discussed if that peak level included more than runoff water seeping into pipes. Does it also include rainwater filling existing open air storage basins? If so, is there a plan to contain any overflows?

Response: As explained in Section 4.8.2 (Wastewater System) of the Draft EIS, after treatment—at either the possible on-site WWRF or the existing Makena WWRF—recycled water will be stored in lined water features located on the golf course.

As discussed above, if an on-site WWRF is built for Honua'ula, a wet weather storage/disposal basin similar to what is in use at the Makena WWRF will be provided for management of treated water during extended wet weather periods after the golf course water features are full. Water stored in the wet weather storage basin will percolate, evaporate, or be pumped back to the treatment plant for additional treatment. The basin will be designed to accommodate the peak recycled water flow rate and therefore no recycled water will be discharged.

The peak wet weather flow projection of 2.19 MGD includes storm water runoff entering the wastewater system from any source.

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS Section 4.8.2 (Wastewater System) will be revised as show on the attachment titled: "Wastewater System."

Comment: *The EIS should discuss the relative benefits and drawbacks of the proposed onsite membrane reactor and the existing activated sludge process at the Makena facility, including water quality factors and cost to consumers.*

Response: As discussed in Section 4.8.2 (Wastewater System) of the Draft EIS, if a WWRF were provided on-site, a membrane bioreactor (MBR) wastewater treatment system is proposed to produce R-1 quality water for non-potable use. The MBR process is a biological process (activated sludge process) combined with a separation process (membrane system). MBR systems are widely used throughout the world and are considered an industry standard for the production of reliable R-1 recycled water. In addition, MBR systems have the smallest footprint of the various biological treatment systems available and provide the highest quality recycled water.

The main difference between MBRs and other R-1 treatment technologies (such as the extended aeration activated sludge/coagulation/filtration process used at the Makena and County Kihei WWRFs) is the method of separating the suspended solids from the water. MBRs have thin membranes with many thousands of micro-perforations, which are too small for the passage of suspended solids and microorganisms present in the wastewater, but large enough to allow the passage of water molecules. In the extended aeration activated sludge/coagulation/filtration process, combination flocculants like ferric chloride and/or polymer are added to treated water to agglomerate small particles into larger particles that can be removed by a granular media filtration process. When coupled with a suitable disinfection system, both MBR systems and extended aeration activated sludge/coagulation/filtration systems are capable of reliably producing R-1 quality water that meets all DOH R-1 water quality standards. In addition, MBR systems require less land area to treat a given flow than extended aeration activated sludge/coagulation/filtration systems. This is because the MBR membranes perform the equivalent treatment of gravity sedimentation and filtration in one tank.

review and comment. These agencies have since provided comments, and subsequently the Analysis, along with the agencies' reviews and comments, was submitted to the Maui County Council on May 11, 2010 for review. After receiving the Analysis, the Maui County Council accepted the Analysis and did not subject Honua'ula to any additional conditions or amendments. As a result, Condition 16 has been fully satisfied.

To reflect this updated information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

16. *That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a Sewage Disposal Analysis that has been reviewed and commented on by the State Department of Health, the State Department of Land and Natural Resources, the County Department of Environmental Management, and the County Department of Water Supply prior to Project District Phase II approval. The Sewage Disposal Analysis, along with reviews and comments shall be submitted to the Maui County Council for review and the project shall be subject to additional conditions or amendments by the Maui County Council if warranted by the Sewage Disposal Analysis.*

Discussion: As discussed in Section 4.8.2 (Wastewater System) Honua'ula will not rely upon or burden any County wastewater system. Instead, Honua'ula Partners, LLC will either participate in the operation of a private WWRF and system that accommodates the needs of Honua'ula (Alternative 1) or provide a WWRF on-site (Alternative 2). The Preliminary Engineering Report prepared for Honua'ula (Appendix P) provides preliminary information regarding wastewater. For a more detailed analysis Honua'ula Partners, LLC has engaged Brown and Caldwell Engineers to prepare a Draft Honua'ula Sewage Disposal Analysis. In accordance with this condition, the Analysis ~~will be~~ has been submitted to the State DOH and DLNR and the County DEM and DWS for review and comment before Project District Phase II approval. These agencies have since provided comments and subsequently, ~~the~~ the Analysis, along with reviews and comments, ~~will then be~~ was submitted to the Maui County Council on May 11, 2010 for review. After receiving the Analysis, the Maui County Council accepted the Analysis and did not subject Honua'ula to any additional conditions or amendments. As a result, Condition 16 has been fully satisfied.

Drainage Impacts to Nearshore Waters

Comment: *We request that the EIS include discussion of the capacity of the existing Wailea golf course to retain and absorb run-off and a comparison to the proposed Project golf course. It is our understanding that the younger, more porous volcanic soils of the southern portion of the project area behave very differently than the northern soils. Wailea G.C. has similar soils in its southern portion.*

Response: As discussed in Section 3.3 (Soils) and as shown on Figure 8 (Soil Classification) of the Draft EIS, permeability of the various types of soil within the Property varies from moderate to moderately rapid as designated by the U.S. Department of Agriculture, Soil Conservation Service.

As discussed in section 4.8.3 (Drainage System) of the Draft EIS, drainage from Honua'ula is not expected to have a significant adverse effect on groundwater, downstream properties, or marine waters. In accordance with the County of Maui's "Rules for the Design of Storm Drainage Facilities," all drainage improvements will be designed so that there will be no increase in the peak rate of stormwater runoff leaving the Property compared to existing conditions. Detention

Regarding cost to consumers, as stated in Section 4.8.2 (Wastewater System) of the Draft EIS, in compliance with County of Maui Ordinance No. 3554 Condition 17, Honua'ula Partners, LLC will ensure that sewer rates for the residential workforce housing units will be no higher than the residential sewer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code.

Sewer rates for Honua'ula's market rate residential units have not yet been established; however, the Mākena WWRF is regulated as a public utility by the State Public Utility Commission (PUC), as are all private wastewater companies. If an on-site WWTF is built at Honua'ula, it will also be a private facility. The PUC prescribes rates, tariffs, charges and fees, for public utilities. As stated in Section 4.8.2 (Wastewater System) of the Draft EIS, transporting wastewater to the Mākena WWRF for treatment provides the benefit of consolidating wastewater services for both Honua'ula and Mākena, allowing economies of scale in the treatment process and consolidated regulatory compliance.

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS Section 4.8.2 (Wastewater System) will be revised as show on the attachment titled: "Wastewater System."

Comment: *The wastewater section of the EIS seems to be more theoretical than specific. It states: "This section reviews the existing wastewater system and describes proposed improvements to meet the demands of the project. The proposed improvements are subject to change based on the refinement of plans and availability of more detailed information."*

The EIS should discuss when that more detailed (proposed improvements) information would be available? Will it be during the Phase II project District review process as promised during the Council hearings?

Response: The sentences that you quote are actually from the Preliminary Engineering Report (Appendix P of the Draft EIS). The level of detail presented in the Preliminary Engineering Report and Section 4.8.2 (Wastewater System) of the Draft EIS is typical at this preliminary stage of design. With your question "Will it be during the Phase II Project District review process as promised during the Council hearings?" we infer that you are referring to County of Maui Ordinance No. 3554 Condition 16, which requires Honua'ula Partners, LLC to provide a sewage disposal analysis to the Maui County Council that has been reviewed and commented on by DOH, DLNR, the County Department of Environmental Management, and DWS before Project District Phase II approval. As discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with Condition 16:

...The Preliminary Engineering Report prepared for Honua'ula (Appendix P) provides preliminary information regarding wastewater. For a more detailed analysis Honua'ula Partners, LLC has engaged Brown and Caldwell Engineers to prepare a Draft Honua'ula Sewage Disposal Analysis. In accordance with this condition, the Analysis will be submitted to the State DOH and DLNR and the County DEM and DWS for review and comment before Project District Phase II approval. The Analysis, along with reviews and comments, will then be submitted to the Maui County Council for review.

Since the time that the Draft EIS was completed, the Sewage Disposal Analysis (Analysis) has been completed and, in accordance with the requirements of Condition 16, has been provided to the State DOH, the State DLNR Commission on Water Resource Management (CWRM), the County Department of Environmental Management, and the County Department of Water Supply for

basins within Honua'ula will be sized appropriately, based on projected runoff and soil permeability, to comply with the County drainage regulations. With the use of detention basins, the peak rate of runoff leaving the Property will not increase over current conditions and seepage of water into the ground from the detention basins will actually increase the amount of percolation to groundwater.

As the peak rate of stormwater runoff leaving the Property and thus flowing downstream to existing Wailea golf course will not change compared to existing conditions, the capacity of existing Wailea golf course to retain and absorb runoff will not have to be increased to accommodate drainage from Honua'ula.

Comment: *The EIS should discuss the effect of the volcanic soils on the ability of future retention basins and golf course areas to retain and filter heavy run off. The existing Wailea Gold and Blue Golf courses have been overwhelmed by heavy rain flows during past storm events. The statement that the project's golf course will absorb more water than current conditions should be backed up by proof.*

Response: All soils in Hawai'i are volcanic. An inherent assumption of the Drainage Master Plan prepared for the Draft EIS and included in Appendix P (Preliminary Engineering Report) of the Draft EIS was that the soils are volcanic and porous. As noted above, and also in the Drainage Master Plan, permeability of the various types of soil within the Property varies from moderate to moderately rapid as designated by the U.S. Department of Agriculture, Soil Conservation Service. All drainage improvements will be designed so that there will be no increase in the peak rate of stormwater runoff leaving the Property compared to existing conditions. Detention basins within Honua'ula will be sized appropriately, based on projected runoff and soil permeability, to comply with the County drainage regulations.

The use of detention basins within Honua'ula and the golf course will cause water that currently flows through the property with no obstruction to be detained on site. Detaining more water on site than is currently detained will allow more water to absorb into the ground compared to existing conditions.

Comment: *More discussion is needed on the specifics of drainage. Is the Drainage map included in the Preliminary Engineering Report the "Master Drainage Report" called for in the Rezoning Conditions? If not, when will that report be issued?*

Response: In compliance with County of Maui Ordinance No. 3554 (Condition 6), the Preliminary Engineering Report (Appendix P) includes a Drainage Master Plan and Phasing Plan of improvements. The Drainage Master Plan includes the map you refer to as well as the additional information on drainage contained in Section 4 (Drainage) of the Preliminary Engineering Report.

Comment: *We request that the EIS include an analysis of drainage retention capacity expansion that would come from expanded buffer areas between Honua'ula and Maui Meadows and along Piilani Highway.*

Response: Drainage basins within Honua'ula will be sized appropriately so that there will be no increase in the peak rate of stormwater runoff leaving the Property compared to existing conditions. The border between Honua'ula and Maui Meadows is in a mauka to makai (i.e. downhill) direction. Stormwater along the Maui Meadows border flows downhill. Currently there are no built obstructions to alter the flow on the Honua'ula side of the border.

In compliance with Section 19.90A.030(E)(5), Maui County Code, a minimum 100 foot wide fire buffer area, with a minimum fifty-foot wide landscape buffer area within it, will be provided between the southern boundary of Maui Meadows and Honua'ula. No structures, except rear and side boundary walls or fences, will be permitted in the buffer. The purpose of this buffer is not for drainage retention capacity, and a wider buffer area will not significantly increase retention capacity in this area—it would be similar to existing conditions with water flowing downhill. A buffer wider than 100 feet would possibly have somewhat less impervious surfaces than a 100 foot wide buffer because less structures or pavement would be in the wider area, however this would not be significant in the ability of the buffer area to retain drainage as: 1) this area currently does not retain drainage and the purpose of the buffer is not to retain drainage; and 2) the current plan for detention basins takes into account impervious surfaces from structures or pavement. Increasing the buffer area would not result in: 1) significant decreases in impervious surfaces in consideration of the total project area; and 2) the need to decrease the area or size of planned retention basins.

Comment: *Will individual buildings be designed to minimize and capture run-off on site through rain gardens, etc?*

Response: In addition to the drainage improvements discussed in Section 4.8.3 (Drainage System) of the Draft EIS, Low Impact Development (LID) techniques will be incorporated into the design of Honua'ula to supplement the detention system where appropriate. LID comprises a set of approaches and practices designed to reduce runoff of water and pollutants from the site at which they are generated. By means of infiltration, evapotranspiration, and rainwater reuse, LID techniques manage water and water pollutants at the source, thereby reducing stormwater flows to detention basins. A goal of LID is to maintain or closely replicate predevelopment hydrology of the site with an understanding that rainwater is not merely a waste product to be disposed of, but a resource to be reused.

With LID techniques small-scale practices are employed to control stormwater runoff on-site. The practices are designed to work in concert with other stormwater best management practices, such as detention basins. While LID techniques span a wide range of design considerations, infiltration and filtration are two primary practices. Infiltration practices are engineered structures or landscape features designed to capture and infiltrate runoff. Infiltration can both reduce the volume of water discharged from the site and contribute to groundwater recharge. Examples of infiltration practices include: 1) infiltration basins and trenches which are shallow depressions designed to infiltrate stormwater through permeable soils; 2) rain gardens and other vegetated treatment systems that provide a planted depression to collect rainwater (usually from a single home) and allow absorption on-site; and 3) disconnected down spouts, which are roof gutter downspouts that are not connected to the sewer system to allow roof water to drain to lawns and gardens (or rainwater storage barrels) and allow plants and soils to filter pollutants.

Similar to infiltration practices, filtration practices treat runoff by filtering it through media designed to capture pollutants (such as sand or vegetation). Like infiltration, filtration can both reduce the volume of water discharged from the site and contribute to groundwater recharge, but filtration practices have the added advantage of providing increased pollutant removal. Examples of filtration practices include: 1) bioswales, which are landscaped drainage courses with gently sloped sides filled with vegetation, compost and/or rocks designed to slow down water flows and trap pollutants and silt; 2) vegetated swales which are smaller, broad, shallow, channels with dense vegetation covering the side slopes and bottom to trap pollutants, promote infiltration, and

To elaborate on this information already provided in the Draft EIS, while the Mākena WWRF was designed to handle wastewater flows of 720,000 gpd, it was also designed to be expandable to 1.54 million gallons per day (mgd). Currently the facility is only handling 114,440 gpd, leaving an unused capacity of 605,560 gpd based on the current capacity of 720,000 gpd. Future development within Mākena Resort is estimated to produce flows of 276,973 gpd. Therefore the total flow from Mākena Resort is projected to be 391,413 gpd at build-out. See Table 1 below.

reduce flow velocity; and 3) vegetated filter strips, which are bands of vegetation intended to treat sheet flow from adjacent impervious areas (such as parking lots) by slowing runoff velocities, filtering out sediment and other pollutants, and providing some infiltration into underlying soils.

LID practices can also effectively treat and manage non-point source pollution from drainage by filtering “first flush” runoff volumes. Non-point source pollution typically results from rainwater washing across impermeable surfaces such as roadways, parking lots, and sidewalks and with it picking up pollutants such as oil, detergents, pesticides, fertilizer, and pet wastes. Most surface pollutants are collected during the first one-half inch, or “first flush” of a storm event. LID practices can filter these pollutants before they reach detention basins. Traditional conveyance systems, such as drains and catch basins in parking lots and roadways can also be designed to capture this first flush with installed filtering materials.

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Strategically integrated LID practices applied throughout the Property—from individual building sites to larger areas such as parking lots and roadways—can lessen stormwater flows to detention basins and increase the length of time for flows to travel to detention basins. The increased time allows for greater opportunities for groundwater recharge, filtration, and evapotranspiration. LID practices can result in enhanced environmental performance, while at the same time reducing costs compared to traditional stormwater management approaches.

Strategically integrated LID practices applied throughout the Property—from individual building sites to larger areas such as parking lots and roadways—can lessen stormwater flows to detention basins and increase the length of time for flows to travel to detention basins. The increased time allows for greater opportunities for groundwater recharge, filtration, and evapotranspiration. LID practices can result in enhanced environmental performance, while at the same time reducing costs compared to traditional stormwater management approaches.

To include the relevant above information, along with addressing comments regarding drainage from others, in the Final EIS, in the Final EIS 4.8.3 (Drainage System) will be revised as shown on the attachment titled “Drainage System.”

To include the relevant above information, along with addressing comments regarding drainage from others, in the Final EIS, in the Final EIS 4.8.3 (Drainage System) will be revised as shown on the attachment titled “Drainage System.”

Comment: *Muddy, turbid waters impact our reefs and make for unhealthy conditions for ocean users. We request that the DEIS discuss the project's commitment to reduction of both existing and post development flows on site and off site, even though County rules do not request pre-development conditions be mitigated.*

Comment: *Muddy, turbid waters impact our reefs and make for unhealthy conditions for ocean users. We request that the DEIS discuss the project's commitment to reduction of both existing and post development flows on site and off site, even though County rules do not request pre-development conditions be mitigated.*

Response: All drainage systems and detention basins will be designed in accordance with the “Rules for the Design of Storm Drainage Facilities in the County of Maui.” In addition, LID techniques, as discussed above, will be incorporated into the design of Honua’ula to supplement the detention system where appropriate. Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS contains discussion on potential impacts to ocean water quality. The nearshore water quality assessment (Appendix D of the Draft EIS) concludes that: “the estimates of changes to groundwater and surface water would result in a decrease in nutrient and sediment loading to the ocean relative to the existing conditions. With such a scenario, it is evident that there would be no expected impacts to the nearshore marine ecosystem owing to development of Honua’ula.”

Response: All drainage systems and detention basins will be designed in accordance with the “Rules for the Design of Storm Drainage Facilities in the County of Maui.” In addition, LID techniques, as discussed above, will be incorporated into the design of Honua’ula to supplement the detention system where appropriate. Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS contains discussion on potential impacts to ocean water quality. The nearshore water quality assessment (Appendix D of the Draft EIS) concludes that: “the estimates of changes to groundwater and surface water would result in a decrease in nutrient and sediment loading to the ocean relative to the existing conditions. With such a scenario, it is evident that there would be no expected impacts to the nearshore marine ecosystem owing to development of Honua’ula.”

Include Full Review of Offsite Infrastructure Facilities in the Honua’ula EIS

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Comment: *We request that the EIS include information about the option of future expansion of the Mākena WWRF.*

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Response: As discussed in Section 4.8.2 (Wastewater System) of the Draft EIS, the Mākena WWRF was designed to handle wastewater flows of 720,000 gallons per day (gpd). There is currently unused capacity at the Mākena WWRF, but it may be necessary to expand the Mākena WWRF to provide a small amount of additional capacity before both Honua’ula and Mākena Resort are built out. As both Honua’ula and Mākena Resort will be built out over a number of years, improvements can be implemented at the appropriate time, when needed.

Response: As discussed in Section 4.8.2 (Wastewater System) of the Draft EIS, the Mākena WWRF was designed to handle wastewater flows of 720,000 gallons per day (gpd). There is currently unused capacity at the Mākena WWRF, but it may be necessary to expand the Mākena WWRF to provide a small amount of additional capacity before both Honua’ula and Mākena Resort are built out. As both Honua’ula and Mākena Resort will be built out over a number of years, improvements can be implemented at the appropriate time, when needed.

• Section 3.6 (Botanical Resources) will be revised as shown on the attachment titled “Botanical Resources.”

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Table 1 Current and Projected Mākena WWRF Capacities

Description	GPD
Current Mākena Resort flow	114,440
Future Mākena Resort flow	276,973
Total Mākena Resort flow at build-out	391,413
Honua’ula flow at build out	380,000
Total Mākena Resort and Honua’ula flow at build-out	771,413
Current Mākena WWRF Capacity	720,000
Additional capacity required to accommodate both Mākena Resort and Honua’ula at build-out	51,413

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS Section 4.8.2 (Wastewater System) will be revised as shown on the attachment titled: “Wastewater System.”

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS Section 4.8.2 (Wastewater System) will be revised as shown on the attachment titled: “Wastewater System.”

Comment: *An analyses of that potential expansion as well as the construction of transmission lines for water and wastewater, additional well sites and offsite potable and non-potable water storage tanks should all be included in this EIS. Review should include archaeological and botanical surveys of the off-site project areas; discussion of drainage and traffic impacts and other data needed by decision makers and the public to guide responsible decision making.*

Comment: *An analyses of that potential expansion as well as the construction of transmission lines for water and wastewater, additional well sites and offsite potable and non-potable water storage tanks should all be included in this EIS. Review should include archaeological and botanical surveys of the off-site project areas; discussion of drainage and traffic impacts and other data needed by decision makers and the public to guide responsible decision making.*

Response: In response to your comment, and comments from others, the Final EIS will contain analysis of: 1) the wastewater transmission line alignment for possible connection to the Mākena Resort WWRF; and 2) the off-site well sites, water transmission lines, and storage tank. This analysis will include: 1) archaeological and botanical surveys of these areas; 2) discussion of drainage impacts; and 3) other data. To incorporate the relevant information into the Final EIS, in the Final EIS:

Response: In response to your comment, and comments from others, the Final EIS will contain analysis of: 1) the wastewater transmission line alignment for possible connection to the Mākena Resort WWRF; and 2) the off-site well sites, water transmission lines, and storage tank. This analysis will include: 1) archaeological and botanical surveys of these areas; 2) discussion of drainage impacts; and 3) other data. To incorporate the relevant information into the Final EIS, in the Final EIS:

- Section 4.1 (Archaeological and Historic Resources) will be revised as shown on the attachment titled "Archaeological and Historic Resources;"
- Section 4.2 (Cultural Resources) will be revised as shown on the attachment titled "Cultural Resources;"
- Section 4.5 (Noise) will be revised as shown on the attachment titled "Noise;"
- Section 4.6 (Air Quality) will be revised as shown on the attachment titled "Air Quality;"
- Section 4.8.1 (Water System) will be revised as shown on the attachment titled "Water System;"
- Section 4.8.3 (Drainage System) will be re revised as shown on the attachment titled "Drainage System;" and
- Section 7.2 (Cumulative and Secondary Impacts) will be revised as shown on the attachment labeled "Cumulative and Secondary Impacts."

In addition, the Final EIS will contain as appendices:

1. The archaeological assessment survey reports for: a) the wastewater transmission line alignment for possible connection to the Mākena Resort WWRF; and b) the off-site well sites, water transmission lines, and storage tank; and
2. The biological survey for the off-site well sites, water transmission lines, and storage tank.

Please note that Appendix E of the Draft EIS contained a botanical survey of the wastewater transmission line alignment for possible connection to the Mākena Resort WWRF.

Traffic impacts are not expected to be different from what was already presented in the Draft EIS regarding: 1) the wastewater transmission line alignment for possible connection to the Mākena Resort WWRF; and 2) the off-site well sites, water transmission lines, and storage tank. These facilities will be on private property with limited vehicle access, primarily limited to periodic maintenance.

Comment: *Lack of such information creates segmentation of the project, which is not allowed under the state Environmental Review statutes. Since these are private systems on private lands, this would be their only opportunity for environmental review.*

Response: The Draft EIS included discussion of the: 1) wastewater transmission line alignment for possible connection to the Mākena Resort WWRF; and 2) off-site well sites, water transmission lines, and storage tank. However these off-site infrastructure facilities are not "actions" that independently trigger environmental review under Chapter 343, HRS (The Environmental Impact Statement Law). In conformance with the EIS rules (Section 11-200-19, HAR), in the Draft EIS care was taken to concentrate on the important issues associated with the potential impacts of the greater Honua'ula project, with lesser emphasis on less important material related to other items such as the off-site infrastructure. While there may be potential impacts associated with the off-site infrastructure, data and analyses of these potential impacts were not considered commensurate with the importance of the data and analyses necessary to address the impacts of the greater Honua'ula project. Hence in the Draft EIS not all items were addressed with the same level of detail as the greater Honua'ula project. However there has been no attempt to "segment" the project to avoid environmental review. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process—including your comments—regarding the level of detail provided in the Draft EIS pertaining to the: 1) wastewater transmission line alignment for possible connection to the Mākena Resort WWRF; and 2) off-site well sites, water transmission lines, and storage tank. In this regard, to address your comments

and concerns, in the Final EIS several sections will be revised as explained above and as shown in the several attachments included with this letter.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: Recreational Facilities
Wastewater System
Drainage System
Botanical Resources
Archaeological and Historic Resources
Cultural Resources
Noise
Air Quality
Water System
Drainage System
Cumulative and Secondary Impacts



**Valley Isle Building
Products Corp.**

June 22, 2010.

Maui Planning Commission
Wailuku, HI 96793

10 JUN 22 09:04
DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

RE: Honua'ula EIS Document

Please give support and approval to the Honua'ula project at Makena, Maui. This project will help Maui in many ways:

1. Provide much needed affordable housing.
2. Provide construction and related jobs for Maui residents.
3. Increase Maui's property tax income for our island.

Sincerely,



Mike Williams, President
Valley Isle Building Products



May 31, 2012

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Mike Williams
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Wailuku, Hawaii'i 96793

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Williams:

Thank you for your letter dated June 22, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we thank you for your supportive comments.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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Mr. Charles Jencks
 Honua'ula Partners, LLC
 POB 220,
 Kihel, HI 96753
 Fax: 808-879-6724

RE: Comments on DRAFT EIS for HONUUA'ULA (WAILEA 670)

Summary: Honua'ula/Wailea 670's DEIS fails to adequately disclose the impacts of the proposed project to the cultural resources and practices of the affected area and to mitigate those impacts as provided under HRS CHAPTER 343. The DEIS fails to provide a Reasonable Range of Alternatives to the proposed action with an analyses of the impacts of each alternative.

June 30, 2010

I would like to make comments on the DEIS of the Wailea 670 project. I attended the planning commission meeting for comments on the DEIS. There were statements made to this commission that are false. I take offence at the representative of the development team who said that there are no cultural practitioners or cultural practices being done at this project area. I reported earlier during this very hearing for the planning commission that there was a cultural access and protocol that I attended on this property a day before. For the past three years, there has been a small group of people who observe solstices, eclipses, and the Makahiki as a cultural practice. Make sure you correct that in your final EIS.

You did not address the negative effect upon my/others cultural practices and access to this area. Preservation of cultural features that have to do with seasonal changes and alignments have not been considered. As an example, will having golf tees and green in areas of pohaku formations that line up with Kahoolawe and the rising sun at Winter solstice? Yes. It has been my practice to reflect upon the brilliance of the ancestors that lived in this land as I mark the passage of time in the alignments I have visited.

There is a real and eminent danger that the Developers' team is avoiding dealing with the fact that Hawaiian people lived and own this land. I want to know that the following will not happen, (From the National Park Service publication on Traditional Cultural Properties)

"In some cases a traditional cultural property can also lose its significance through alteration of its setting or environment. For example, a location used by an American Indian group for traditional spirit questing is unlikely to retain its significance for this purpose if it has come to be surrounded by housing tracts or shopping malls."

I ask again for Mr. Jenks to make good his promise to the Maui County Council that he has the full chain of title and deeds to this area of Wailea 670. The issue of lineal descendants, royal patents and LCAs has not been addressed. It must be addressed clearly and with real proof and documents not with unfulfilled promises.

Look forward to your responses.

Clare Apana
 Clare Apana Wailuku, Maui 242-4189



May 31, 2012

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Clare Apana
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
May 31, 2012
Page 2 of 4

If you have accessed the Property to observe solstices, eclipses, and the Makahiki as a cultural practice for the past three years, you have done so without Honua'ula Partners, LLC's knowledge.

2. You did not address the negative effect upon my/others cultural practices and access to this area.

Response: The Draft EIS discusses archaeological and historic resources (Section 4.1 and Appendix I), cultural resources (Section 4.2 and Appendix K), and trails and access (Section 4.3). The CIA included in the Draft EIS (Appendix K) was conducted in accordance with the Office of Environmental Quality Control's *Guidelines for Assessing Cultural Impacts* and includes archival research and interviews with people knowledgeable of Honua'ula and the surrounding area. As discussed in Section 4.3 (Trails and Access) of the Draft EIS, the creation of Honua'ula will make the Property much more accessible relative to the current limited access. Further, Honua'ula will not be designed to exclude access to any cultural or archaeological resources.

As recommended by the CIA, Honua'ula will provide traditional native Hawaiian mauka-makai access trails across the Property (*ala i ke kai* (pathway to the ocean) and the *ala i ke kula* (pathway to the uplands)).

3. Preservation of cultural features that have to do with seasonal changes and alignments have not been considered. As an example, will having golf tees and green in areas of pohaku formations that line up with Kahoolawe and the rising sun at Winter solstice? Yes. It has been my practice to reflect upon the brilliance of the ancestors that lived in this land as I mark the passage of time in the alignments I have visited.

Response: Honua'ula Partners, LLC and its contractors will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. In addition, to preserve cultural resources within Honua'ula, a Cultural Resources Preservation Plan (CRPP) has been prepared in compliance with County of Maui Ordinance No. 3554 (Condition 13). The CRPP also serves as the archaeological preservation/mitigation plan and sets forth (among other things) selection criteria for sites to be preserved and short- and long-term preservation measures, including buffer zones and interpretative signs, as appropriate for each site to be preserved. In compliance with County of Maui Ordinance No. 3554 (Condition 13) the CRPP has been submitted to the State Historic Preservation Division (SHPD) and the Office of Hawaiian Affairs (OHA) for review and recommendations. Upon receipt of comments and recommendations from SHPD and OHA, the CRPP will be provided to the Maui County Cultural Resources Commission for review and adoption.

4. There is a real and eminent danger that the Developers' team is avoiding dealing with the fact that Hawaiian people lived and own this land. I want to know that the following will not happen. (From the National Park Service publication on Traditional Cultural Properties)

"In some cases a traditional cultural property can also lose its significance through alteration of its setting or environment. For example, a location used by an American Indian group for traditional spirit questing is unlikely to retain its significance for this purpose if it has come to be surrounded by housing tracts or shopping malls."

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Ms. Apana:

Thank you for your letter dated June 30, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the Planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. For clarity, we have numbered each specific question or comment.

1. ...I attended the planning commission meeting for comments on the DEIS. There were statements made to this commission that are false. I take offense at the representative of the development team who said that there are no cultural practitioners or cultural practices being done at this project area. I reported earlier during this very hearing for the planning commission that there was a cultural access [sic] and protocol that I attended on this property a day before. For the past three years, there has been a small group of people who observe solstices [sic], eclipses, and the Makahiki as a cultural practice. Make sure you correct that in your final EIS.

Response: We are not clear on what you are referring to regarding "statements made to this commission that are false." If you are referring to statements made by Honua'ula representatives at the June 22, 2010 Planning Commission meeting on the Draft EIS regarding cultural resources, we have reviewed the transcript of that meeting and did not find any statements made by Honua'ula representatives declaring that "there are no cultural practitioners or cultural practices being done at this project area." What was said is "Regarding cultural resources, the Cultural Impact Assessment concludes that there are no known gathering practices or access concerns." This is the conclusion of the Cultural Impact Assessment (CIA) that was prepared by Hana Pono, LLC and included in the Draft EIS (Appendix K) and the statement made at the Planning Commission meeting is an accurate statement regarding what is stated in the CIA.

At the outset of the Honua'ula planning process, Honua'ula Partners, LLC voluntarily convened a cultural committee made up of Native Hawaiian cultural practitioners recognized by the community and other individuals as having expertise in this area. The committee then made recommendations regarding archaeological and cultural resources.

We acknowledge that in June 2010 a group requested access to the Property for the exercise of Summer Solstice traditional and customary Native Hawaiian practices and was permitted access to the Property on June 21, 2010 (a day before the Planning Commission meeting on the Draft EIS). We note that this was the first time landowner Honua'ula Partners, LLC had received a request to access the site for the exercise of Summer Solstice traditional and customary Native Hawaiian practices, although Honua'ula Partners, LLC has owned the Property for over ten years.

Clare Apana

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

May 31, 2012

Page 3 of 4

Response: Honua'ula Partners, LLC is not avoiding the presence of archaeological and cultural resources within Honua'ula. As discussed above, the Draft EIS discusses archaeological and historic resources (Section 4.1 and Appendix I) and cultural resources (Section 4.2 and Appendix K) found within the Honua'ula Property. Honua'ula Partners, LLC and its contractors will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. In addition, to preserve cultural resources within Honua'ula, a CRPP has been prepared in compliance with County of Maui Ordinance No. 3554 (Condition 13). The CRPP also serves as the archaeological preservation/mitigation plan and sets forth (among other things) selection criteria for sites to be preserved and short- and long-term preservation measures, including buffer zones and interpretative signs, as appropriate for each site to be preserved. In compliance with County of Maui Ordinance No. 3554 (Condition 13) the CRPP has been submitted to the SHPD and OHA for review and recommendations. Upon receipt of comments and recommendations from SHPD and OHA, the CRPP will be provided to the Maui County Cultural Resources Commission for review and adoption.

5. *I ask again for Mr. Jencks [sic] to make good his promise to the Maui County Council that he has the full chain of title and deeds to this area of Wailea 670. The issue of lineal descendants, royal patents and LCAs has not been addressed. It must be addressed clearly and with real proof and documents not with unfulfilled promises.*

Response: Honua'ula Partners, LLC has full legal title to the Honua'ula Property, identified as Tax Map Keys (2)2-1-08:056 and (2)2-1-08:071. A property deed that shows Honua'ula Partners, LLC is the legal property owner was provided in the Project District Phase II application that was submitted to the County of Maui Planning Department on March 9, 2010.

Investigations conducted for the Archaeological Inventory Survey (AIS) and CIA did not generate information regarding lineal descendants specific to the Honua'ula Property. Persons citing association to the ahupua'a or district would be considered "cultural" descendants.

Regarding Land Commission Awards (LCAs), the Honua'ula AIS (Appendix I of the Draft EIS) addresses LCAs in accordance with the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). These rules require an AIS to: 1) indicate whether any LCAs were granted within a project area and within the greater ahupua'a; and 2) locate the awards on a map whenever possible. The AIS discusses LCAs in the three ahupua'a and notes that none of the LCAs appear to be within the boundaries of the Honua'ula Property. Location data is unavailable for the majority of the LCAs in the three ahupua'a, however the few LCAs that are located are beyond the boundaries of the Honua'ula Property, either in the coastal areas or further inland.

Regarding Royal Patents, since no LCAs are known on the Honua'ula Property it is concluded that there are no Royal Patents. This is further confirmed by the fact that Honua'ula Partners, LLC has full legal title to the Honua'ula Property, identified as Tax Map Keys (2)2-1-08:056 and (2)2-1-08:071.

Clare Apana

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

May 31, 2012

Page 4 of 4

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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Mr. Charles Jencks
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Re: Honua'ula/Wailea 670's Draft Environmental Impact Statement

My name is Daniel Kanahele and I live in the Maui Meadows subdivision which is located immediately to the North of the Honua'ula/Wailea 670 project area. I am giving comments on the Honua'ula DEIS as a private citizen. Specifically, I will be addressing concerns that I have as a resident of Maui Meadows and the impacts this project will have on my neighborhood and me.

MAJOR BUFFER ZONES

2.3.3 Recreation and Open Space/Utility Sub-district

"One of the major buffer zones will be located between Maui Meadows and Honua'ula. This buffer area will be at least 100 feet wide, consisting of a 50-foot wide landscape buffer and a landscaped roadway. Other major buffer areas will include areas bordering Pi'ilani Highway."

COMMENTS:

The DEIS does not state the total acreage of the Maui Meadows or Pi'ilani Highway buffer Zones.

How many acres total will make up the buffer zone between Maui Meadows and Honua'ula?
How many acres total will be in the buffer Zone areas bordering Pi'ilani Highway?

The list of proposed uses/applications for the Maui Meadow/ Honua'ula buffer zone as described in the DEIS include:

RECREATIONAL
OPEN SPACE AREA
LANDSCAPE BUFFER
EROSION CONTROL
DRAINAGE WAY
DRAINAGE CONTROL AREA
COMMUNITY PARKS AND GARDENS
FIRE BUFFER AREA
FIRE BREAK
SCENIC VIEW CORRIDOR MAUKA AND MAKAI
VIEWSHED
PUBLIC SCENIC VIEW CORRIDOR
MAINTAIN THE UNIQUE TOPOGRAPHIC AND LANDSCAPE CHARACTER OF LAND
NATIVE PLANTING AREA
MITIGATION FOR ENVIRONMENTAL CONFLICTS AND ENHANCE SCENIC AMENITIES
BUFFER ZONE BETWEEN NEIGHBORHOODS TO MITIGATE IMPACTS OF PROPOSED PROJECT, I.E.,
NOISE, VIEW, LIGHT, BUILDING DENSITY, NATURAL HAZARDS, CONSTRUCTION, AND OTHER
ENVIRONMENTAL CONFLICTS.

Given the long list of proposed uses for this buffer zone in the DEIS, an alternative to the proposed action with a wider more adequate buffer zone needs to be presented in the EIS. Also, many Maui Meadows residents have asked that the buffer zone between Maui Meadows and Honua'ula be wider than that proposed by the applicant in order to mitigate impacts of the proposed action on Maui Meadow residents. I would like to ask that an alternative plan be provided with a wider buffer zone of at least 200 feet wide, consisting of a 100-foot wide landscape buffer zone with no road way included as part of the buffer zone. A buffer zone of this size would more adequately mitigate

impacts to Maui Meadows, allow for a cleaner transition between neighborhoods, and provide a larger area more suited for the many proposed uses for it as described in the DEIS.

"9. Maui Meadows Landscape Buffer – A mixture of medium-sized canopy trees, large native shrubs, and small trees will function as a landscape buffer. In addition, portions of the buffer could be utilized for community parks and gardens."

Comments:

Nothing planted in the buffer zone should block the view corridors currently enjoyed by Maui Meadows residents.

"Lighting:

POTENTIAL IMPACTS AND MITIGATION MEASURES

"To mitigate potential impacts to views of existing Maui Meadows properties, a minimum one hundred foot wide fire buffer area, with a minimum fifty-foot wide landscape buffer area within it, will be provided between the southern boundary of Maui Meadows and Honua'ula. No structures, except rear and side boundary walls or fences, will be permitted in the buffer."

COMMENT:

Again, a wider buffer zone alternative to mitigate impacts to Maui Meadows and the environment needs to be included in the DEIS. There should be no lighting at all in the buffer zone area as this would only add to night-time light pollution and make it more difficult for Maui Meadow residents to see and enjoy the night sky as we now do.

7.1 RELATIONSHIP BETWEEN THE SHORT-TERM USES OF ENVIRONMENTAL RESOURCES AND LONG-TERM PRODUCTIVITY

"In the short-term, construction activities will impact the area. Grading and construction will be visible from Pi'ilani Highway and adjacent areas, such as Maui Meadows and parts of Wailea Resort. Construction may impact noise levels, possibly ambient air quality, and possibly traffic conditions

As discussed previously in this EIS, all of the foregoing construction-related impacts will be mitigated."

COMMENTS:

Yes, all construction-related impacts will need to be mitigated. As of today, none of the construction related impacts have been mitigated.

The plans to mitigate construction impacts to Maui Meadow residents, i.e., noise, dust, earth movement, traffic, and etc., needs to be discussed in the greatest detail in the EIS. I recommend that the EIS include a schedule of planned meetings between the owner's representative and the Maui Meadows residents to address their ongoing concerns. This schedule should include a proposed time, place, and date for these meetings, preferably in the evenings.

HOUSING DENSITY IMPACTS ALONG MAUI MEADOWS SOUTH BORDER

COMMENTS:

Certain things that Maui Meadows residents (MMR) were told about Honua'ula/Wailea 670 in the past have changed from studying the recent DEIS. I consider these things a negative impact on the rural area of Maui Meadows. Maps shown by the developers representative from years ago to MMR show all single family homes along our southern border with the project area. The new plot map in the DEIS now shows multifamily units have replace the single family units on the old map. Also the density descriptions that were given to MMR in the EISPN and those found in the current DEIS have changed.

I would ask the EIS to include an alternative version of the plan with single family houses along the entire south side of the Maui Meadows southern border in order to better match the rural zoning of our subdivision.

Also in a recent Urban Design Review meeting it was moved by the board and agreed upon by the owner's representative of the project area to lower multi-family unit building heights along the Maui Meadows border from 50 feet to 30 feet. The minutes of that discussion should be included in the DEIS.

WIDENING OF PI'ILANI HIGHWAY AND TRAFFIC IMPACTS

COMMENTS:

The DEIS states on the bottom of page 104, "Proposed agreements regarding the roadway improvements will be incorporated in the Phase II application and will be finalized as part of Project District Phase II approval." The applicant cannot postpone the disclosure of roadway agreements effecting the assessment of traffic impacts. Any roadway agreements must be disclosed in the DEIS.

The DEIS does not address noise impacts from the widening of Pi'ilani Highway. The DEIS states on page 173, "An EA specifically addressing the impacts (including noise impacts) of the widening (of) Pi'ilani Highway is being prepared and will be submitted to the State OEQC for public and State agency review."

The applicant cannot segment portions of the project into separate reviews. The widening of Pi'ilani Hwy is a necessary precedent to any construction of the proposed project (Change in Zoning Condition 2.a.) and must be included in this DEIS. The suggestion that noise attenuating walls are recommended

along the highway presents a serious impact that should be fully discussed in this DEIS. Section 11-200-7 HAR requires that a group of actions proposed by an applicant shall be treated as a single action when the individual project is a necessary precedent for a larger project.

ELECTRICAL POWER RESOURCES IMPACTS

COMMENTS:

The DEIS does not provide discussion of the "possible" expansion of the existing electrical substation even though it states on page 133 that "the Wailea Substation is nearly filled to capacity." What will the expansion of the Wailea Substation entail? What will be the impact to ratepayers, like me, for the expansion of the substation?

The DEIS states that MECO needs more information before confirming the need for expansion. The applicant needs to provide the necessary information to include full discussion of the projects electrical needs and the actions needed to fulfill those needs.

WASTE WATER TREATMENT IMPACTS

COMMENTS:

The applicant has not yet determined if it will build an on-site wastewater facility (as it represented to the County Council when obtaining a change in zoning) or run sewage lines to the Makena Wastewater Facility, which may need to be expanded to accommodate Honua'ula. Neither option is sufficiently discussed to determine potential adverse impacts or even the feasibility of successful operation. Furthermore, the applicant has not provided authorization for the use of Makena Wastewater Facility.

The applicant's choice of options may impact options Maui Meadows residents may have for handling our wastewater.

Until the actual wastewater system is determined, it is premature to submit a DEIS for evaluation and review.

IMPACTS OF PROJECT TO SOUTH MAUI BEACHES

COMMENTS:

I use all of south Maui's beaches. What will be the impact of increased resident population as a result of this development on the use of these beach areas by current south Maui residents? This should be discussed in the DEIS.

Surfrider Foundation in their comments on the Honua'ula DEIS have express views that our equal to my own. So I have included them in my comments below.

"Objective A 9 of Hawaii State Recreation Functional Plan concerns the need for developments to consider the part their project would play in the "saturation of the capacity of beach parks and near shore waters."

Honua'ula replied that this policy was "Not Applicable" to its project. This does not seem to be a logical conclusion.

Nowhere in section 5.2.2 of the EIS, where recreation is discussed, does the EIS acknowledge that the project's residents will be using local beaches. The DEIS states: "Honua'ula is not located on a shoreline therefore policies regarding shoreline resources are not applicable."

We find it disappointing that this project, located five minutes from some of South Maui's most popular beaches, declines to discuss that future residents will, without a doubt, want to access those nearby beaches. We request that the EIS discuss potential impacts on Ulua, Wailea, Polo, Palauea, Po'olenalena, Keawakapu and Makena beach parks. Also facilities like Kihei boat ramp.

The Kihei-Makena Community Plan states a goal directly related to the region where the proposed Honua'ula project is located:

"Provide adequate landscaped public access to shoreline areas with significant recreational and scenic value. Provide adequate lateral public access along the shoreline to connect significant shoreline areas and to establish continuity of the public shoreline areas. Particular attention shall be directed toward southern shoreline resources from Polo Beach southwards, and between Kama Ole Parks II and III."

This policy does not just apply to coastal development projects, but rather is a goal for the entire community to work towards. Every development generates potential beach users. Every development needs to consider how it can be part of the solution.

The EIS should include research on average numbers of trips to beach by south Maui / Wailea residents. Use those figures to project future use by Honua'ula residents. Expected increase in demands for beach parking and beach space, camping spaces, boat launch facilities, etc, based upon increased residential population, should also be discussed.

The EIS should also fully acknowledge that by national planning standards South Maui, with its resident and year round visitor population, has a shortage of beach park facilities, which leads to user conflicts. Palauea, for example is a popular fishing beach. When Honua'ula has five hundred residences built, will there be a change in the number and frequency of visitors to this now out-of-the-way-beach? Will there still be room for the weekend fisherman and his family? The EIS should provide this information and mitigation for anticipated impacts.

A project one mile from the beach, in a world famous beach resort area, should not have its EIS considered adequate, unless potential impacts of increased residential population to shoreline recreation areas are discussed.

Earlier, Wailea 670 project discussions mentioned mitigation funding for increased parking spaces at Keawakapu beach. Appropriate mitigation would seem to be improved parking at Palauea beach. The County's 2005 Ocean Resources Management Plan recommended Palauea Beach for expanded access

and parking improvements, and specifically cited as justification for the expanded need, plans for over 1000 new housing units proposed immediately uphill, in what was then called Waialea 670.

It is likely that future advertising for the project's home sites will include information that the location "is just minutes from beautiful beaches." This connection should be a part of the EIS discussion."

Tim Lara, Chair
Maui Chapter of Surfrider Foundation

GATED COMMUNITIES

COMMENTS:

Is Honua'ula a gated or non-gated community?

Will there be any gated communities within the project area? If yes...how many?

Maui Meadows is not a gated community, but we do have one gated neighborhood within the larger subdivision. Personally I favor non-gated communities in Wailea so that we don't divide and separate ourselves from the other neighborhoods and communities around us. Open neighborhoods are, in my opinion (IMHO), more in-keeping with the spirit of aloha, hospitality, and 'ohana which are important values of the host cultural.

CHOSING THE NAME "HONUUA'ULA" INSTEAD OF WAILLEA 670 FOR THE PROPOSED PROJECT

In the DEIS there is a section that discusses the conformance of the project to the Kihei-Makena Community Plan. That discussion talks about the selection of the name "Honua'ula" for the project area.

"Provide a sense of history and define a sense of place for the Kihei-Makena region."

"RESPONSE: Honua'ula's design will incorporate many existing archaeological features to maintain the area's Hawaiian cultural landscape.

The more culturally-appropriate and site-sensitive name of "Honua'ula" will be used instead of Wailea 670."

COMMENTS:

As a kanaka I have found the choice of "Honua'ula" for the name of this project very troubling. Customarily, when a Hawaiians tell others where they live or where they come from, they will say the name of their ahupua'a and moku. For example, I live in the ahupua'a of Paeahu in the moku of Honua'ula. Not the Honua'ula of this DEIS but the moku or district of HONUUA'ULA".

This name, "Honua'ula", which really belongs to the entire traditional district of HONUUA'ULA, has and is creating confusion among local people. My concern is that the knowledge of the existence of the traditional district of HONUUA'ULA will be diminished in time by the use of the self-proclaimed name of "Honua'ula" given to this project. Place names in Hawaiian culture are very important. The moku of HONUUA'ULA was given that name for a very special reason. The reason that name is important is tied to the kumuhonua genealogy. To call a 670 acre subset of the greater moku of HONUUA'ULA by that same name is, IMHO, culturally inappropriate.

Therefore, I respectfully ask that the DEIS explain how, by who, and for what reason was "Honua'ula" picked as the current name of the project area. And how does selecting a name that is already connected culturally and historically to a larger district or moku provide a sense of authentic history or sense of place for the project area? If someone can answer that for me and other Hawaiians out there who want to know, I would be grateful.

Sincerely,

Daniel Kanahele



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Open space in the Recreation and Open Space/Utility sub-district will include landscaped buffers, drainage ways, and steep topographic features. One of the major buffer zones will be located between Maui Meadows and Honua'ula. This buffer area will be at least 100 feet wide, consisting of a 50-foot wide landscape buffer and a landscaped roadway; provided there will be no roads within the 100-foot buffer area between Maui Meadows and any multi-family units. The total area of the buffer will be at approximately 7.5 acres. Other major buffer areas will include areas bordering Pi'ilani Highway. Minimum twenty-foot wide landscape buffer areas will be provided for single-family and multi-family areas adjoining the Pi'ilani Highway extension corridor. The total area of buffers bordering the Pi'ilani Highway extension adjoining single-family and multi-family areas will be approximately 7.8 acres.

Comment: Given the long list of proposed uses for this buffer zone in the DEIS, an alternative to the proposed action with a wider more adequate buffer zone needs to be presented in the EIS...I would like to ask that an alternative plan be provided with a wider buffer zone of at least 200 feet wide, consisting of a 100-foot wide landscape buffer zone with no road way included as part of the buffer zone. A buffer zone of this size would more adequately mitigate impacts to Maui Meadows, allow for a cleaner transition between neighborhoods, and provide a larger area more suited for the many proposed uses for it as described in the DEIS.

Response: We note that all of the proposed uses within the buffer area that you list in your letter and that are described in the Draft EIS could be generally described as "open space." In conformance with Section 19.90A.030(E)(5), MCC noted above, no structures, except rear and side boundary walls or fences, will be included in the buffer. We believe the uses described in the Draft EIS for buffer area (landscape buffer, firebreak view shed, open space area, native plant area, etc.) are appropriate uses and in conformance with Section 19.90A.030(E)(5), MCC.

The Maui County Council considered the width of the buffer area between Maui Meadows and Honua'ula during its deliberations on the Honua'ula Change in Zoning and Project District Phase I approval in 2008. After considering extensive public input on many issues related to Honua'ula, including the appropriate width of the buffer area between Maui Meadows and Honua'ula, the Maui County Council passed Ordinance No. 3553 which established Chapter 19.90A, MCC (The Kihei-Mākena Project District 9 Ordinance). As noted above, the width of the buffer area between Maui Meadows and Honua'ula is specified in Section 19.90A.030(E)(5) of the Kihei-Mākena Project District 9 Ordinance (Chapter 19.90A, MCC). We believe the Council exercised due care to mitigate impacts to Maui Meadows in specifying a minimum buffer width of 100 feet when drafting this section of the Kihei-Mākena Project District 9 Ordinance based on the concerns of Maui Meadows residents expressed at the Council hearings.

Comment: "9. Maui Meadows Landscape Buffer – A mixture of medium-sized canopy trees, large native shrubs, and small trees will function as a landscape buffer. In addition, portions of the buffer could be utilized for community parks and gardens;"

Comments:
Nothing planted in the buffer zone should block the view corridors currently enjoyed by Maui Meadows residents.

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Dear Mr. Kanahele:

Thank you for your letter sent on June 30, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. The organization of this letter generally follows the headings of your letter.

Major Buffer Zones

Comment: The DEIS does not state the total acreage of the Maui Meadows or Pi'ilani Highway buffer Zones. How many acres total will make up the buffer zone between Maui Meadows and Honua'ula? How many acres total will be in the buffer Zone areas bordering Pi'ilani Highway?

Response: Section 19.90A.030(E)(5) of the Kihei-Mākena Project District 9 Ordinance (Chapter 19.90A, Maui County Code (MCC)) specifies:

A minimum one hundred foot wide fire buffer area, with a minimum fifty-foot wide landscape buffer area within it, shall be provided between the southern boundary of the Maui Meadows subdivision and Kihei-Mākena project district 9 (Wailea 670). No structures, except rear and side boundary walls or fences, shall be permitted in the buffer.

Based on these requirements the buffer area between Maui Meadows and Honua'ula will be at approximately 7.5 acres.

Section 19.90A.030(E)(6) of the Kihei-Mākena Project District 9 Ordinance (Chapter 19.90A, Maui County Code) specifies:

A minimum twenty-foot wide landscape buffer area shall be provided for single-family and multifamily development adjoining the Pi'ilani Highway extension corridor.

Based on these requirements the buffer area along the Pi'ilani Highway extension adjoining single-family and multi-family development areas will be a total of approximately 7.8 acres.

To include this information in the Final EIS, in the Final EIS Section 2.3.3 (Recreation and Open Space/Utility Sub-district) will be revised as follows:

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Response: As summarized in Section 3.6 (Botanical Resources) and elaborated on in Appendix G (Landscape Master Plan) of the Draft EIS, the landscape treatment for the Maui Meadows buffer will consist of a mixture of native and non-native medium canopy trees informally planted. Large native shrubs/small trees will be used as an understory and will function as a physical barrier between the two properties.

Comment: "Lighting;

POTENTIAL IMPACTS AND MITIGATION MEASURES

"To mitigate potential impacts to views of existing Maui Meadows properties, a minimum one hundred foot wide fire buffer area, with a minimum fifty-foot wide landscape buffer area within it, will be provided between the southern boundary of Maui Meadows and Honua'ula. No structures, except rear and side boundary walls or fences, will be permitted in the buffer."

COMMENT:

Again, a wider buffer zone alternative to mitigate impacts to Maui Meadows and the environment needs to be included in the DEIS. There should be no lighting at all in the buffer zone area as this would only add to night-time light pollution and make it more difficult for Maui Meadow residents to see and enjoy the night sky as we now do.

Response: Your quote above is from Section 19.90A.030(E)5 of the Kihei-Mākena Project District 9 Ordinance (Chapter 19.90A, MCC). We believe the Council exercised due care to mitigate impacts to Maui Meadows in specifying a minimum buffer width of 100 feet when enacting this section of the Kihei-Mākena Project District 9 Ordinance based on the concerns of Maui Meadows residents expressed at the Council hearings.

In addition to the Maui Meadows buffer width, the Council also specified lighting requirements in regard to adjacent residential properties as part of Honua'ula's Change in Zoning Ordinance (County of Maui Ordinance No. 3554). Specifically, Condition 21 requires that all exterior lighting be shielded from adjacent residential properties and near shore waters. Honua'ula Partners, LLC will comply with this condition as stated in Section 4.7 (Visual Resources) of the Draft EIS. As further discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, all Honua'ula outdoor lighting will be in compliance with Chapter 20.35 (Outdoor Lighting), MCC. In addition, as discussed in the Landscape Master Plan (Appendix G of the Draft EIS), the landscape lighting for Honua'ula will reinforce the overall rural ambiance by: 1) using low intensity, indirect light sources to the extent required for safety and subtle drama; and 2) using down lighting to the greatest extent possible, preserving the dark sky ambiance.

7.1 Relationship Between the Short-term Uses of Environmental Resources and Long-Term Productivity

Comment: "In the short-term, construction activities will impact the area. Grading and construction will be visible from Pihani Highway and adjacent areas, such as Maui Meadows and parts of Wailea Resort. Construction may impact noise levels, possibly ambient air quality, and possibly traffic conditions

As discussed previously in this EIS, all of the foregoing construction-related impacts will be mitigated."

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COMMENTS:

Yes, all construction-related impacts will need to be mitigated. As of today, none of the construction related impacts have been mitigated.

The plans to mitigate construction impacts to Maui Meadow residents, i.e., noise, dust, earth movement, traffic, and etc., needs to be discussed in the greatest detail in the EIS. I recommend that the EIS include a schedule of planned meetings between the owner's representative and the Maui Meadows residents to address their ongoing concerns. This schedule should include a proposed time, place, and date for these meetings, preferably in the evenings.

Response: As you are aware, no construction has commenced, and thus there have been no construction-related impacts, much less the need to commence mitigation of impacts.

The quote you provide above is from Section 7.1 (Relationship Between the Short-term Uses of Environmental Resources and Long-Term Productivity) of the Draft EIS. This section effectively summarizes information contained throughout the Draft EIS. For more detailed construction mitigation measures related to:

- Noise, please refer to Section 4.5 (Noise) of the Draft EIS;
- Dust, please refer to Section 4.6 (Air Quality) of the Draft EIS;
- Earth movement (i.e. grading), please refer to Section 3.3 (Soils) of the Draft EIS;
- Traffic, please refer to Section 4.4 (Roadways and Traffic), of the Draft EIS and specifically Section 4.4.5 (Transportation Management) which summarizes the construction transportation management plan, which is contained in Appendix M of the Draft EIS.

Regarding your request for the EIS to contain a schedule of planned meetings between the owner's representative and Maui Meadows residents with proposed times, places, and dates for meetings, it is not possible to provide this level of detail in the Final EIS, as there are several approvals still necessary for Honua'ula to proceed and it is not known when these approvals will be received from the Maui Planning Commission, the Planning Department, and other State and County agencies. However, Honua'ula Partners, LLC's representative will communicate with Maui Meadows residents and other community groups as planning for Honua'ula progresses.

Housing Density Impacts along Maui Meadows South Border

Comment: *Certain things that Maui Meadows residents (MMR) were told about Honua'ula/Wailea 670 in the past have changed from studying the recent DEIS. I consider these things a negative impact on the rural area of Maui Meadows. Maps shown by the developers representative from years ago to MMR show all single family homes along our southern border with the project area. The new plot map in the DEIS now shows multifamily units have replace the single family units on the old map. Also the density descriptions that were given to MMR in the EISPN and those found in the current DEIS have changed.*

Response: Plans for Honua'ula have evolved over the course of several years in response to community concerns, the requirements of the Kihei-Mākena Project District 9 Ordinance (Chapter 19.90A, MCC), and various other factors, such as infrastructure requirements and native plant preservation areas. However, these changes are still consistent with the basic goals and objectives

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of Honua'ula which have been consistently put forth by the owner's representative at many public meetings, including meetings with Maui Meadows residents, the Wailea Community Association, and hearings before the Maui Planning Commission and County Council. In addition, the conceptual master plan contained in the Draft EIS is consistent with the conceptual land use map attached to the Kihai-Mākena Project District 9 Ordinance (Chapter 19.90A, MCC), as required by Section 19.90A.020(D) of the Ordinance.

The change in land use designations from single-family to multi-family along a portion of the Maui Meadows boundary is the result of multiple conditions imposed on Honua'ula by the Maui County Council. The most significant condition driving changes to the concept plan shown in the Draft EIS (Figure 1) is the condition requiring establishment of a native plant preservation area within the south end of Honua'ula. This condition, coupled with the required percentages of multiple and single family units, resulted in housing designation shifts in the concept plan. Given the topography of the property, combined with restrictions placed on grading and density, the placement of multi-family areas is limited to areas that do not require extensive grading. The northwest area of Honua'ula near Maui Meadows is one such area that is suitable for multi-family units.

Section 19.90A.030(E)(5) of the Kihai-Mākena Project District 9 Ordinance (Chapter 19.90A, Maui County Code (MCC)) specifies:

A minimum one hundred foot wide fire buffer area, with a minimum fifty-foot wide landscape buffer area within it, shall be provided between the southern boundary of the Maui Meadows subdivision and Kihai-Mākena project district 9 (Wailea 670). No structures, except rear and side boundary walls or fences, shall be permitted in the buffer.

We believe the Council exercised due care to mitigate impacts to Maui Meadows in specifying a minimum buffer width of 100 feet when enacting this section of the Kihai-Mākena Project District 9 Ordinance based on the concerns of Maui Meadows residents expressed at the Council hearings. In accordance with this requirement the concept plan shown in the Draft EIS (Figure 1) provides for a 100 foot buffer between Maui Meadows and any structure within Honua'ula.

Comment: *I would ask the EIS to include an alternative version of the plan with single-family houses along the entire south side of the Maui Meadows southern border in order to better match the rural zoning of our subdivision.*

Response: The conceptual master plan for Honua'ula contained in the Draft EIS shows single family homes bordering Maui Meadows for approximately half of the boundary length. At its meeting on June 1, 2010, the Urban Design Review Board (UDRB) recommended: "That the multi-family area closest to Maui Meadows on the northern boundary [i.e., southern boundary of Maui Meadows] of the site be limited to 30 ft. in height." A 30 foot height limit is consistent with the height limit for single family homes in Honua'ula. Considered in context with the 100 foot buffer between Maui Meadows, the 30 foot building height limit is a reasonable response from the UDRB to address concerns regarding the transition from Maui Meadows to Honua'ula, and Honua'ula Partners, LLC will implement this recommendation.

Comment: *Also in a recent Urban Design Review Board meeting it was moved by the board and agreed upon by the owner's representative of the project area to lower multi-family unit building heights along the*

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Maui Meadows border from 50 feet to 30 feet. The minutes of that discussion should be included in the DEIS.

Response: At its meeting on June 1, 2010, the Urban Design Review Board (UDRB) recommended: "That the multi-family area closest to Maui Meadows on the northern boundary of the site be limited to 30 ft. in height." Before the UDRB made this recommendation there was discussion regarding height limits for multifamily homes nearest to Maui Meadows, however, the UDRB did not seek agreement from Honua'ula Partners, LLC's representative before making a motion on, and approving, this recommendation. However Honua'ula Partners, LLC will implement the recommendation of the UDRB to limit the multi-family area closest to Maui Meadows on the northern boundary of the site to 30 feet. in height.

The letter from the Planning Department to the Planning Commission which contains the recommendations of the UDRB are attached to this letter and will be included in the Final EIS as reproduced with this letter. The minutes of the June 1, 2010 UDRB meeting are available from the Planning Department. As the recommendations of the UDRB are clear, we do not see the need to include the minutes of the meeting in the Final EIS.

Widening of Pihani Highway and Traffic Impacts

Comment: *The DEIS states on the bottom of page 104, "Proposed agreements regarding the roadway improvements will be incorporated in the Phase II application and will be finalized as part of Project District Phase II approval." The applicant cannot postpone the disclosure of roadway agreements affecting the assessment of traffic impacts. Any roadway agreements must be disclosed in the DEIS.*

Response: Section 4.4 (Roadways and Traffic) of the Draft EIS states:

In compliance with County of Maui Ordinance No. 3554, Honua'ula Partners, LLC will consult with the State DOT and the County Department of Public Works to ensure that the proposed roadway improvements meet with their satisfaction (Condition 18k). "Proposed agreements regarding the roadway improvements will be incorporated in the Phase II application and will be finalized as part of Project District Phase II approval. Honua'ula Partners, LLC has requested verification from the State DOT and County Department of Public Works that the proposed roadway improvements meet with their satisfaction. Honua'ula Partners, LLC will provide verification when received from State DOT and County Department of Public Works.

To update and elaborate on the consultation regarding roadway improvements that has taken place with the State DOT and the County DPW, Honua'ula's rezoning ordinance (County of Maui Ordinance No. 3554) specifies several conditions relating to: 1) roadway improvements that Honua'ula is required to implement; and 2) the satisfaction and agreement of the DOT and DPW regarding the specific roadway improvements Honua'ula will implement. Generally DOT is responsible for State highways and DPW is responsible for County roadways.

Specific County of Maui Ordinance No. 3554 conditions relating to roadway improvements include:

2. That Honua'ula Partners, LLC, its successors and permitted assigns, shall implement the following traffic improvements:

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- a. Upgrade P'ilani Highway, from Kilohana Drive to Wailea Ike Drive, to four lanes of traffic. The improvements shall be completed prior to the commencement of any construction on the site, with the exception of grading.
- b. Extend P'ilani Highway for two lanes from Wailea Ike Drive to Kauhahi Street. The improvement shall be constructed at or prior to the completion for 50 percent of the project. Said improvement shall be maintained by Honua'ula Partners, LLC, its successors and permitted assigns.
- c. Signalize the P'ilani Highway/Okolani Drive/Mikioi Place intersection and provide an exclusive left-turn lane on Okolani Drive prior to occupancy of the first unit in Kihai-Makana Project District 9.
- d. Modify the P'ilani Highway/Wailea Ike Drive intersection into a signalized intersection and provide a free right-turn lane from P'ilani Highway to Wailea Ike Drive and a second right-turn lane from Wailea Ike Drive to northbound P'ilani Highway prior to occupancy of the first unit in Kihai-Makana Project District 9.
- e. Modify the Wailea Alanui/Wailea Ike Drive intersection to add a signalized double right-turn movement from northbound to eastbound turning traffic and provide two left-turn lanes for southbound traffic from Wailea Ike Drive prior to occupancy of the first unit in Kihai-Makana Project District 9.
- f. Modify the P'ilani Highway/Kilohana Drive/Mapu Place intersection to provide an exclusive left-turn lane, and the southbound P'ilani Highway approach to provide an exclusive right-turn lane into Mapu Place prior to occupancy of the first unit in Kihai-Makana Project District 9.
- g. Signalize the Wailea Ike Drive/Kālai Wa'a Street intersection in coordination with Wailea Resort and Makana Resort when warranted.
- h. Signalize the Wailea/Kauhahi Drive/Kauhahi Street intersection in coordination with Wailea Resort and Makana Resort when warranted.

Specific County of Maui Ordinance No. 3554 conditions relating to the satisfaction and agreement of DOT and DPW with the roadway improvements include:

4. That Honua'ula Partners, LLC, its successors and permitted assigns, shall be responsible for all required infrastructural improvements for the project, including water source and system improvements for potable and nonpotable use and fire protection, drainage improvements, traffic-related improvements, wastewater system improvements and utility upgrades, as determined by the appropriate governmental agencies and public utility companies. Except as otherwise provided by more specific conditions of zoning, said improvements shall be constructed and implemented concurrently with the development of each phase of Kihai-Makana Project District 9, and shall be completed prior to issuance of any certificate of occupancy of final subdivision approval, unless improvements are bonded by Honua'ula Partners, LLC, its successors and permitted assigns. Honua'ula Partners, LLC shall execute appropriate agreements with governmental agencies regarding participation in improvements of infrastructure and public facilities as determined by the agencies.
18. That Honua'ula Partners, LLC, its successors and permitted assigns, shall address in their Project District Phase II application the following:
 - k. Roadway improvements to the satisfaction of the State Department of Transportation and the County Department of Public Works and proposed agreements are incorporated in the application and site plan and finalized as part of Project District Phase II approval.
19. That Honua'ula Partners, LLC, its successors and permitted assigns, shall execute appropriate agreements with the State of Hawaii and County of Maui agencies regarding participation in improvements of infrastructure and public facilities where such improvements are reasonably related to Honua'ula Partners, LLC's project.

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In compliance with County of Maui Ordinance No. 3554, Honua'ula Partners, LLC has engaged in extensive consultation and correspondence with the DOT and DPW regarding roadway improvements that Honua'ula Partners, LLC are required to implement. The consultation has involved ensuring that the design of the proposed improvements is to the satisfaction of: 1) DOT regarding State Highway improvements; and 2) DPW regarding County roadway improvements.

In correspondence from DOT dated March 24, 2010, DOT stated:

The improvements to be performed by Honua'ula Partners LLC as stated in Condition 2 are consistent with the improvements identified in the Traffic Impact Assessment Report (TIAR) dated 29, 2009¹. These improvements are understood to be considered the 'fair share' for highway related improvements of the affected area.

Note that Condition 2b pertains to extending P'ilani Highway on the State ROW. In their March 24, 2010 letter DOT also specifically addressed extending P'ilani Highway on the State ROW by specifying their design requirements for the extension. In so specifying it is implicit that they are in agreement with extending P'ilani Highway over the ROW.

In further correspondence from DOT dated August 23, 2010, DOT concurred with the design provided by Honua'ula Partners, LLC to widen P'ilani Highway to four lanes from Kilohana Drive to Wailea Ike Drive.

In correspondence from DPW dated February 24, 2010 DWS stated: "We confirm that Honua'ula Partners, LLC is in compliance with and has initiated implementation of Condition Nos. 2e, g and h as defined in the conditions of zoning for the Honua'ula project." Note that Condition Nos. 2e, g, and h pertain to improvements to County roadways.

The correspondence between Honua'ula Partners, LLC and DOT and DPW indicates the satisfaction of DOT and DPW with the improvements that Honua'ula Partners, LLC will provide and constitutes these agencies' agreement with the improvements as designed thus far. Further satisfaction and agreement with the proposed improvements is evidenced by the environment assessments (EAs) for the widening of P'ilani Highway and the Wailea Ike Drive/Wailea Alanui Drive intersection improvements. Specifically the Final EA for the widening of P'ilani Highway contains design details and—as the accepting authority for the EA—DOT has reviewed the draft and final EA, accepted the final EA, and issued a Finding of No Significant Impact. Similarly, the EA for the Wailea Ike Drive/Wailea Alanui Drive intersection improvements includes design details and DPW—as the accepting authority for the EA—has reviewed the draft and final EA, accepted the final EA, and issued a Finding of No Significant Impact.

In summary, the consultation and subsequent written correspondence between Honua'ula Partners, LLC and DOT and DPW demonstrates the efforts of all involved to work cooperatively to

¹ The TIAR dated October 29, 2009, pertains to the widening of P'ilani Highway from Kilohana Drive to Wailea Ike Drive, including improvements at the intersections of: 1) P'ilani Highway/Okolani Drive/Mikioi Place; and 2) P'ilani Highway/Kilohana Drive/Mapu Place. The TIAR contained in the Draft EIS is dated March 2, 2010, and identifies the same recommended improvements to these intersections.

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implement the required roadway improvements. This is further evidenced by DOT's and DPW's review and acceptance of the EAs covering the respective improvements these agencies are responsible for overseeing. These agencies' review of, and satisfaction with, the improvements required of, and proposed by, Honua'ula Partners LLC constitutes their agreement with use of the State and County ROWs necessary to implement the improvements. Collectively, DOT's and DPW's satisfaction with, and agreement of, the improvements constitutes Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554 Condition 18k, which requires: "Roadway improvements to the satisfaction of the State Department of Transportation and the County Department of Public Works and proposed agreements are incorporated in the application and site plan and finalized as part of Project District Phase II approval."

To provide this update and elaboration on the consultation and agreement regarding roadway improvements to be implemented by Honua'ula Partners, LLC that has taken place with DOT and DPW in the Final EIS, in the Final EIS; 1) the correspondence between Honua'ula Partners, LLC and DOT and DPW will be provided in an appendix; and 2) Section 4.4 (Roadways and Traffic) will be revised as follows:

~~in compliance with County of Maui Ordinance No. 3554, Honua'ula Partners, LLC will consult with the State DOT and the County Department of Public Works to ensure that the proposed roadway improvements meet with their satisfaction (Condition 18k). Proposed agreements regarding the roadway improvements will be incorporated in the Phase II application and will be finalized as part of Project District Phase II approval. Honua'ula Partners, LLC has requested verification from the State DOT and County Department of Public Works that the proposed roadway improvements meet with their satisfaction. Honua'ula Partners, LLC will provide verification when received from State DOT and County Department of Public Works.~~

In compliance with County of Maui Ordinance No. 3554 (Condition 18k), Honua'ula Partners, LLC has engaged in extensive consultation and correspondence with the DOT and DPW regarding roadway improvements that Honua'ula Partners, LLC are required to implement. These include the regional traffic improvements noted above under the heading "Regional Traffic Improvements" and the Honua'ula-related traffic improvements noted above under the heading "Honua'ula-Related Traffic Improvements." These improvements are all provided in compliance with County of Maui Ordinance No. 3554 Condition 2, which includes multiple sub-conditions as noted above. The consultation involved ensuring that the design of the proposed improvements is to the satisfaction and agreement of: 1) DOT regarding State Highway improvements; and 2) DPW regarding County roadway improvements.

In correspondence from DOT dated March 24, 2010, DOT stated:

The improvements to be performed by Honua'ula Partners, LLC as stated in Condition 2 are consistent with the improvements identified in the Traffic Impact Assessment Report (TIAR) dated 29, 2009²². These improvements are understood to

²² The TIAR dated October 29, 2009, pertains to the widening of Pili'ani Highway from Kilo'hana Drive to Wailea I'ike Drive, including improvements at the intersections of: 1) Pili'ani Highway/Okolani Drive/Mikoi Place; and 2) Pili'ani Highway/Kilo'hana Drive/Mapu Place. The TIAR contained in the Draft EIS and this Final EIS is dated March 2, 2010, and identifies the same recommended improvements to these intersections.

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be considered the 'fair share' for highway related improvements of the affected area.

In their March 24, 2010 letter, DOT also specifically addressed extending Pili'ani Highway into Honua'ula from Wailea I'ike Drive to Kauhahi Street (Condition 2b), a portion of which will be on State-owned ROW, by specifying their design requirements for the extension. In so specifying it is implicit that DOT is in agreement with extending Pili'ani Highway over the State-owned ROW. Regarding the widening of Pili'ani Highway to four lanes from Kilo'hana Drive to Wailea I'ike Drive (Condition 2a), in further correspondence from DOT dated August 23, 2010, DOT concurred with the design of the widening provided by Honua'ula Partners, LLC.

In correspondence from DWS dated February 24, 2010 DWS stated: "We confirm that Honua'ula Partners, LLC is in compliance with and has initiated implementation of Condition Nos. 2e, g, and h as defined in the conditions of zoning for the Honua'ula project." Conditions 2e, 2g, and 2h pertain to improvements to County roadways.

The correspondence between Honua'ula Partners, LLC and DOT and DPW indicates the satisfaction of DOT and DPW with the improvements that Honua'ula Partners, LLC will provide and constitutes these agencies' agreement with the improvements as designed by far. Further satisfaction and agreement with the proposed improvements is evidenced by the environment assessments (EAs) for the widening of Pili'ani Highway and the Wailea I'ike Drive/Wailea Alanui Drive intersection improvements. Specifically the Final EA for the widening of Pili'ani Highway (Appendix R) contains design details and—as the accepting authority for the EA—DOT has reviewed the draft and final EA, accepted the final EA, and issued a Finding of No Significant Impact. Similarly, the Wailea I'ike Drive and Wailea Alanui Drive Intersection Improvements Final EA (Appendix S) includes design details and DPW—as the accepting authority for the EA—has reviewed the draft and final EA, accepted the final EA, and issued a Finding of No Significant Impact.

In summary, the consultation and subsequent written correspondence between Honua'ula Partners, LLC and DOT and DPW demonstrates the efforts of all involved to work cooperatively to implement the required roadway improvements. This is further evidenced by DOT's and DPW's review acceptance of with the EAs covering the respective improvements these agencies are responsible for overseeing. These agencies' review of, and satisfaction with, the improvements required of, and proposed by, Honua'ula Partners, LLC constitutes their agreement with the improvements and the use of the State and County ROWs necessary to implement the improvements. Collectively, DOT's and DPW's satisfaction with, and agreement of, the improvements constitutes Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554 Condition 18k, which requires: "Roadway improvements to the satisfaction of the State Department of Transportation and the County Department of Public Works and proposed agreements are incorporated in the application and site plan and finalized as part of Project District Phase II approval."

Appendix L includes the above referenced correspondence between Honua'ula Partners, LLC and DOT and DPW. Appendix R contains the Pili'ani Highway Widening Project Final EA. Appendix S contains the Wailea I'ike Drive and Wailea Alanui Drive Intersection Improvements Final EA.

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In addition, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

- k. *Roadway improvements to the satisfaction of the State Department of Transportation and the County Department of Public Works and proposed agreements are incorporated in the application and site plan and finalized as part of Project District Phase II approval.*

Discussion: ~~Honua'ula Partners, LLC has requested verification from the State DOT and County Department of Public Works that the proposed roadway improvements meet with their satisfaction. Honua'ula Partners, LLC will provide verification when received from State DOT and County Department of Public Works.~~

Honua'ula Partners, LLC has engaged in extensive consultation and correspondence with the DOT and DPW regarding roadway improvements that Honua'ula Partners, LLC are required to implement. These include the regional traffic improvements noted above under the heading "Regional Traffic Improvements" and the Honua'ula-related traffic improvements noted above under the heading "Honua'ula-Related Traffic Improvements." These improvements are all provided in compliance with County of Maui Ordinance No. 3554 Condition 2, which includes multiple sub-conditions as noted above. The consultation involved ensuring that the design of the proposed improvements is to the satisfaction and agreement of: 1) DOT regarding State Highway improvements; and 2) DPW regarding County roadway improvements.

In correspondence from DOT dated March 24, 2010, DOT stated:

The improvements to be performed by Honua'ula Partners, LLC as stated in Condition 2 are consistent with the improvements identified in the Traffic Impact Assessment Report (TIAR) dated 29, 2009²². These improvements are understood to be considered the "fair share" for highway-related improvements of the affected area.

In their March 24, 2010 letter DOT also specifically addressed extending Pili'ani Highway into Honua'ula from Wailea Ike Drive to Kauhahi Street (Condition 2b), a portion of which will be on State-owned ROW by specifying their design requirements for the extension. In so specifying it is implicit that DOT is in agreement with extending Pili'ani Highway over the State-owned ROW. Regarding the widening of Pili'ani Highway to four lanes from Kilo'hana Drive to Wailea Ike Drive (Condition 2a) in further correspondence from DOT dated August 23, 2010, DOT concurred with the design of the widening provided by Honua'ula Partners, LLC.

In correspondence from DPW dated February 24, 2010 DPW stated: "We confirm that Honua'ula Partners, LLC is in compliance with and has initiated implementation of Condition Nos. 2e, g and h as defined in the conditions of zoning for the Honua'ula project." Conditions 2e, 2g, and 2h pertain to improvements to County roadways.

The correspondence between Honua'ula Partners, LLC and DOT and DPW indicates the satisfaction of DOT and DPW with the improvements that Honua'ula Partners, LLC will

²² The TIAR dated October 29, 2009, pertains to the widening of Pili'ani Highway from Kilo'hana Drive to Wailea Ike Drive, including improvements at the intersections of 1) Pili'ani Highway/Okolani Drive/Mikoi Place; and 2) Pili'ani Highway/Kilo'hana Drive/Mapu Place. The TIAR contained in the Draft EIS and this Final EIS is dated March 2, 2010, and identifies the same recommended improvements to these intersections.

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provide and constitutes these agencies' agreement with the improvements as designed thus far. Further satisfaction and agreement with the proposed improvements is evidenced by the environment assessments (EAs) for the widening of Pili'ani Highway and the Wailea Ike Drive/Wailea Alanui Drive intersection improvements. Specifically the Final EA for the widening of Pili'ani Highway (Appendix R) contains design details and—as the accepting authority for the EA—DOT has reviewed the draft and final EA, accepted the final EA, and issued a Finding of No Significant Impact. Similarly, the Wailea Ike Drive and Wailea Alanui Drive Intersection Improvements Final EA (Appendix S) includes design details and DPW—as the accepting authority for the EA—has reviewed the draft and final EA, accepted the final EA, and issued a Finding of No Significant Impact.

In summary, the consultation and subsequent written correspondence between Honua'ula Partners, LLC and DOT and DPW demonstrates the efforts of all involved to work cooperatively to implement the required roadway improvements. This is further evidenced by DOT's and DPW's review and acceptance of the EAs covering the respective improvements these agencies are responsible for overseeing. These agencies review of, and satisfaction with, the improvements required of, and proposed by, Honua'ula Partners, LLC constitutes their agreement with the improvements and the use of the State and County ROWs necessary to implement the improvements. Collectively, DOT's and DPW's satisfaction with, and agreement of, the improvements constitutes Honua'ula Partners, LLC's compliance with Condition 18k.

Appendix L includes the above referenced correspondence between Honua'ula Partners, LLC and DOT and DPW. Appendix R contains the Pili'ani Highway Widening Project Final EA. Appendix S contains the Wailea Ike Drive and Wailea Alanui Drive Intersection Improvements Final EA.

Comment: *The DEIS does not address noise impacts from the widening of Pili'ani Highway.*

Response: The Draft EIS does address noise from the widening of Pili'ani Highway. For example, in Section 4.5 (Noise) of the Draft EIS it is stated:

The acoustic study concludes that the creation of Honua'ula will not cause increases in traffic noise levels that would exceed DOT's criteria signifying a substantial change, which is defined as an increase of 15 decibels (dB) or more over existing conditions. By the year 2022 maximum increases in traffic noise levels in the vicinity of Honua'ula should increase more than 10 decibels (dB) along Pili'ani Highway and 3.6 db along Wailea Ike Drive as a result of: 1) regional growth in traffic volumes; 2) **the widening of Pili'ani Highway (emphasis added)**; 3) the creation of Honua'ula; and 4) the planned extension of Pili'ani Highway into Honua'ula to connect with Kauhahi Street.

While a substantial change in noise levels (as defined by DOT) will not occur, by the year 2022 the number of residences along Pili'ani Highway subject to noise levels that exceed DOT residential noise standards is projected to increase from two residences under existing conditions to:

- 13 residences due to regional increases in traffic even if Pili'ani Highway is not widened and Honua'ula is not built;
- **14 residences if Pili'ani Highway is widened and Honua'ula is not built (emphasis added);** and
- **16 residences if Pili'ani Highway is widened and Honua'ula is built (emphasis added).**

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...To mitigate impacts to residences along Pīlani Highway subject to noise levels that exceed FHWA and DOT residential noise standards, sound attenuating walls are recommended in accordance with DOT's traffic noise abatement policy.

So while the Draft EIS does address noise impacts from the widening of Pīlani Highway, to provide additional information in the Final EIS, in the Final EIS Section 4.5 (Noise) will be revised as shown on the attachment labeled "Noise."

Comment: *The DEIS states on page 173, "An EA specifically addressing the impacts (including noise impacts) of the widening (of) Pīlani Highway is being prepared and will be submitted to the State OEQC for public and State agency review."*

Response: The sentence you quote is within Section 4.5 (Noise) of the Draft EIS and is on page 113, not page 173. Since the Draft EIS was completed, the State DOT has accepted the Pīlani Highway Widening Project Final EA and subsequently issued a Finding of No Significant Impact which was published in the OEQC's *The Environmental Notice* on May 8, 2012.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 4.5 (Noise) will be revised as shown on the attachment labeled "Noise."

Comment: *The applicant cannot segment portions of the project into separate reviews. The widening of Pīlani Hwy is a necessary precedent to any construction of the proposed project (Change in Zoning Condition 2.a.) and must be included in this DEIS.*

Response: The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes (HRS) and Title 11, Chapter 200, Hawai'i Administrative Rules (HAR)). Section 11-200-7, HAR addresses the issue of when a group of actions subject to environmental review must be treated as a single action. In two landmark rulings, the Supreme Court of Hawai'i (Court) clarified the intent of Section 11-200-7, HAR and established what constitutes a "necessary precedent" in regard environmental review.

According to the Supreme Court of Hawai'i (Court) in its ruling in the 2007 Superferry case, *Sierra Club v. Department of Transportation*, 115 Haw. 299 (2007) ("Superferry I"), "Rules like HARS 11-200-7 are meant to keep applicants from escaping full environmental review by pursuing projects in a piecemeal fashion." As you are aware, the Superferry I case involved the State Department of Transportation's (DOT) determination that improvements to Kahului Harbor to accommodate the Superferry were exempt from the requirements to prepare an environmental assessment (EA). The Court ruled that DOT's determination was erroneous and that "the public was prevented from participating in an environmental review process for the Superferry project by DOT's grant of an exemption to the requirements of HRS chapter 343."

In the Kahana Sunset case (*Kahana Sunset Owners Ass'n v. County of Maui 86 Haw. 66 (1997)*) ("Kahana Sunset") the Court also held that an exemption to preparing an EA was improperly granted. *Kahana Sunset* concerned a situation where the County of Maui granted an exemption to preparing an EA for drainage improvements beneath a public street. The drainage improvements were necessary to facilitate the development of a condominium project (Napilihaui Villages), for which there was no specific requirement to prepare an EA. In its ruling on *Kahana Sunset*, the

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Court held that an EA was necessary for the drainage improvements and that the EA had to include consideration of the larger project which would connect to the drainage improvements because the drainage system was a "necessary precedent" for the larger project and would have no independent utility—it would not be constructed except as part of the larger project.

The facts of the Superferry I and the Kahana Sunset cases are fundamentally different from the situation of Honua'ula and the widening of Pīlani Highway. According to the Court in *Kahana Sunset* and Superferry I, segmentation is improper where it permits incremental consideration of portions of a project in an attempt to avoid environmental review. Unlike the Superferry I and Kahana Sunset cases, no exemptions to preparing EAs have been sought or granted for any actions associated with Honua'ula and there has been no attempt whatsoever to avoid required environmental review. The Honua'ula Draft EIS provides in-depth environmental review of the Honua'ula project, which includes discussion of actions associated with Honua'ula such as the widening of Pīlani Highway from Kiloahana Drive to Wailea Iki Drive (and related intersection improvements between these points). These environmental reviews have been subject to full public review and comment, in accordance with applicable law. Given that: 1) an EIS has been prepared for Honua'ula; 2) an EA has been prepared for the widening of Pīlani Highway; and 3) each of these documents have undergone the requisite public comment period; there has been no attempt whatsoever to escape environmental review. Thus the harm from segmentation that the *Kahana Sunset* and Superferry I rulings are intended to prevent is not applicable here.

Further, while widening Pīlani Highway is a condition of Honua'ula's rezoning ordinance (County of Maui Ordinance No. 3554, Condition 2a), it is important to note that the need for this improvement has been long established and significantly predates the Honua'ula rezoning ordinance. Indeed, the need to widen Pīlani Highway from two lanes to four has been called for in various plans and studies as far back as 1996. For example the:

- *Kihei Traffic Master Plan*, published in 1996 by the State DOT, DPWWM, and the Maui County Department of Planning recommended: "Widening of Pīlani Highway from two to four lanes from Mokulele Highway to south of Kiloahana Drive." (Recommended Improvement No. 2)
- *County of Maui Long-Range Land Transportation Plan, Final Report*, published in 1997 by DOT, DPWWM, and the Maui County Department of Planning recommended that Pīlani Highway from Mokulele Highway to Wailea be widened "from two to four lanes" (Improvement No. 56).
- *Kihei-Makena Community Plan*, published in 1998 as County of Maui Ordinance No. 2641, Bill No. 5 states: "require adequate interregional highway capacity; including the widening of Pīlani and Mokulele Highways to four lanes".
- *Kihei Traffic Master Plan Study*, published in 2003 by Parsons Brinckerhoff Quade & Douglas for DPWWM recommended that the "Maximum Pīlani Highway Corridor" alternative be adopted; to achieve this Pīlani Highway in the interim would be widened from two to four lanes and ultimately Pīlani Highway would be widened to six lanes or an alternative parallel roadway would be constructed mauka of Pīlani Highway.

In addition, the current Traffic Impact Analysis Report (TIAR) prepared for Honua'ula (Appendix L of the Draft EIS) concluded that by 2016 the widening of Pīlani Highway to four lanes would be necessary even if Honua'ula is not built. Likewise, the TIAR also concluded that a signal at the

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Pi'ilani Highway/Okolani Drive/Mikioi Place intersection also would be necessary. The long-established need for the widening of Pi'ilani Highway, and the fact that it is not exclusive to Honua'ula, is also underscored by the fact that both Wailea and Makena Resorts are also being required to fund this improvement.

Thus the widening of Pi'ilani Highway to four lanes cannot be considered a necessary precedent solely for Honua'ula, as the need for widening has been long recognized, dating back to at least 1996, and even the most recent TIAR anticipates that regional traffic conditions will warrant the widening of the highway independent from Honua'ula. Therefore, unlike the Kahana Sunset case, where drainage improvements would not be necessary if the larger project were not built, the widening of Pi'ilani Highway would in fact be necessary even if Honua'ula were not built. This is a critical distinction in the context of Section 11-200-7 HAR.

The entire Kihei-Makena region benefits from the widening of Pi'ilani Highway, and the widening is a separate DOT project meant to address regional traffic impacts that is being implemented with private funding, with the DOT overseeing the design, permitting, and construction. The use of State lands triggers agency compliance with Chapter 343, HRS (The Environmental Impact Statement law). As such, it is proper that the EA for the widening of Pi'ilani Highway be processed separately from the Honua'ula Draft EIS with DOT as the accepting agency.

For the widening of Pi'ilani Highway to four lanes, along with the required intersection improvements at the Pi'ilani Highway/Okolani Drive/Mikioi Place intersection, the Pi'ilani Highway/Wailea Ike Drive intersection, and the Pi'ilani Highway/Kioloeha Drive/Māpu Place intersection, preliminary design of these improvements has been completed and a draft final EA has been prepared. The State DOT issued a Finding of No Significant Impact for the final EA which was published in the May 8, 2012 edition of the Office of Environmental Quality Control's (OEQC) *The Environmental Notice*.

It should also be noted that the DOT has been consulted and actively involved throughout the environmental review process for Honua'ula and the widening of Pi'ilani Highway. At no time has the DOT or the Maui County Department of Planning ever raised concerns regarding the separate processing of the EIS and the EA or how the environmental review of these projects has proceeded.

In summary, the harm from segmentation that HAR§11-200-7 is intended to prevent is not relevant regarding Honua'ula, and the Honua'ula EIS is not in violation of HAR§11-200-7. The widening of Pi'ilani Highway is not a "necessary precedent" solely for Honua'ula and therefore it falls outside the scope of what Section 11-200-7 HAR seeks to redress. Further, in Kahana Sunset and Superferry I, the Court determined that segmentation is improper where it permits incremental consideration of portions of a project in an attempt to avoid environmental review. Both Superferry I and Kahana Sunset involved instances where an agency or an applicant sought to avoid environmental review by seeking an exemption to preparing an EA. Unlike the Superferry I and Kahana Sunset cases: 1) no exemptions to preparing EAs have been sought or granted for any actions associated with Honua'ula; 2) there has been no attempt whatsoever to avoid required environmental review; and 3) the public has not been prevented from participating in the environmental review process for any aspect regarding Honua'ula.

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However, to elaborate on widening of Pi'ilani Highway in the Final Honua'ula EIS, in the Final EIS:

- Section 3.6 (Botanical Resources) will be revised as shown on the attachment titled "Botanical Resources;"
- Section 3.7 (Wildlife Resources) will be revised as shown on the attachment titled "Wildlife Resources;"
- Section 4.1 (Archaeological and Historic Resources) will be revised as shown on the attachment titled "Archaeological and Historic Resources;"
- Section 4.2 (Cultural Resources) will be revised as shown on the attachment titled "Cultural Resources;"
- Section 4.5 (Noise) will be revised as shown on the attachment titled "Noise;"
- Section 4.6 (Air Quality) will be revised as shown on the attachment titled "Air Quality;"
- Section 4.8.3 (Drainage System) will be revised as shown on the attachment titled "Drainage System;" and
- Section 7.2 (Cumulative and Secondary Impacts) will be revised as shown on the attachment titled "Cumulative and Secondary Impacts."

In addition, the Pi'ilani Highway Widening Project Final EA will be included in the Final EIS as an appendix.

Comment: *The suggestion that noise attenuating walls are recommended along the highway presents a serious impact that should be fully discussed in this DEIS.*

Response: As stated in the Section 4.5 (Noise) of the Draft EIS:

- ...by the year 2022 the number of residences along Pi'ilani Highway subject to noise levels that exceed DOT residential noise standards is projected to increase from two residences under existing conditions to:
- 13 residences due to regional increases in traffic even if Pi'ilani Highway is not widened and Honua'ula is not built;
 - 14 residences if Pi'ilani Highway is widened and Honua'ula is not built; and
 - 16 residences if Pi'ilani Highway is widened and Honua'ula is built.

In other words, noise levels along Pi'ilani Highway are projected to increase even if Pi'ilani Highway is not widened and Honua'ula is not built. Noise levels at two residences adjacent to Pi'ilani Highway currently exceed State DOT noise standards for residential structures. By 2022 this number will increase to 13 due to regional increases in traffic conditions even if Pi'ilani Highway is not widened and Honua'ula is not built. If Pi'ilani Highway is widened and Honua'ula is built, by 2022 noise levels at three additional residences adjacent to Pi'ilani Highway would exceed State DOT noise standards for residential structures. Thus, the direct impact of widening Pi'ilani Highway and building Honua'ula is that three additional residences adjacent to Pi'ilani Highway would exceed State DOT noise standards for residential structures compared to projected future conditions if Pi'ilani Highway is not widened and Honua'ula is not built. Therefore the primary noise impacts to residences adjacent to Pi'ilani Highway are from regional increases in traffic that are projected to occur even if Pi'ilani Highway is not widened and Honua'ula is not built, and not the direct result of the widening of Pi'ilani Highway and the building of Honua'ula.

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As stated in Section 4.5 (Noise) of the Draft EIS, "To mitigate impacts to residences along Pi'ilani Highway subject to noise levels that exceed FHWA and DOT residential noise standards, sound attenuating walls are recommended in accordance with DOT's traffic noise abatement policy." To elaborate, under DOT's noise abatement policy if the cost of the sound attenuating wall does not exceed \$35,000 per benefited residence, construction of the wall can be considered to be reasonable and feasible. Walls fronting two lots mauka of Pi'ilani Highway and one lot makai of Pi'ilani Highway have a possibility of being considered as reasonable and feasible under the DOT traffic noise abatement policy.

In summary, the Draft EIS discusses noise due to the widening of Pi'ilani Highway and the build-out of Honua'ula. The direct impact of widening Pi'ilani Highway and building Honua'ula is that three additional residences adjacent to Pi'ilani Highway would exceed State DOT noise standards for residential structures compared to projected future conditions if Pi'ilani Highway is not widened and Honua'ula is not built. Therefore the primary noise impacts to residences adjacent to Pi'ilani Highway are from regional increases in traffic that are projected to occur even if Pi'ilani Highway is not widened and Honua'ula is not built, and not the direct result of the widening of Pi'ilani Highway and the building of Honua'ula. To mitigate impacts to residences along Pi'ilani Highway subject to noise in excess of State DOT noise standards for residential structures, sound attenuating walls are recommended in accordance with DOT's traffic noise abatement policy. Walls fronting two lots mauka of Pi'ilani Highway and one lot makai of Pi'ilani Highway have a possibility of being considered as reasonable and feasible under the current DOT traffic noise abatement policy.

To incorporate the relevant above information, as well as responses to your other comments and comments from others regarding noise, into the Final EIS, in the Final EIS: 1) the Pi'ilani Highway Widening Project Final EA will be included as an appendix; and 2) Section 4.5 (Noise) will be revised as shown on the attachment titled "Noise."

Comment: Section 11- 200-7 HAR requires that a group of actions proposed by an applicant shall be treated as a single action when the individual project is a necessary precedent for a larger project.

Response: This comment is addressed above in response to your comment "The applicant cannot segment portions of the project into separate reviews."

Electrical Power Resources Impacts

Comment: The DEIS does not provide discussion of the "possible" expansion of the existing electrical substation even though it states on page 133 that "the Wailea Substation is nearly filled to capacity." What will the expansion of the Wailea Substation entail? What will be the impact to ratepayers, like me, for the expansion of the substation?

The DEIS states that MECO needs more information before confirming the need for expansion. The applicant needs to provide the necessary information to include full discussion of the projects electrical needs and the actions needed to fulfill those needs.

Response: It has not yet been determined whether expansion of the existing substation will be necessary. Honua'ula Partners, LLC's electrical engineer has provided available information

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regarding Honua'ula to MECO for their review and planning purposes. MECO has stated that additional review is required during the design development stage of Honua'ula to determine if expansion of the existing substation will be necessary. MECO has also stated that although the current capacity of the MECO electrical system to serve Honua'ula may be limited, with continuously evolving demands for MECO's service, along with MECO's on-going efforts to upgrade and maintain their system to serve new and existing loads, capacity may be in place and adequate to serve Honua'ula by the time Honua'ula is under construction. MECO will continue to review its electrical system and requirements as Honua'ula progresses into the design development stage so that MECO will be able to evaluate: 1) the size of actual electrical loads that MECO is required to serve; 2) the dates when these loads need to be energized by MECO; and 3) the state of the MECO electrical system at the time when these loads are expected to be connected.

In anticipation of the need, Honua'ula Partners, LLC will continue to include an area for the expansion of the existing substation on Honua'ula plans. Should MECO not require additional area, the existing substation would not be expanded. Since MECO cannot make a determination until Honua'ula is within the design development stage, details on the requirements for serving Honua'ula are not available at this time. Should the substation be expanded, however, MECO's additional equipment (i.e. transformers, switchgear, cabling, etc.) and structures currently are anticipated to be similar to what is presently constructed at the existing substation.

MECO strictly complies with all applicable Federal, State, and County regulations regarding public safety and the environment, and MECO designs its substations in accordance with current and applicable codes and standards. Presently, the National Electrical Code, 2008 Edition, and the Uniform Building Code, 1997 Edition, as approved by the County of Maui, along with the National Electrical Safety Code, 2002 Edition govern minimum separation and clearance requirements. In addition, MECO's substation equipment installations meet all applicable County, State, and Federal environmental regulations and guidelines and do not contain toxic substances.

To incorporate the relevant above information, as well as responses to your other comments and comments from others regarding the possible expansion of the MECO substation, into the Final EIS, in the Final EIS Section 4.8.6 (Electrical System) will be revised as shown on the attachment titled "Electrical System."

Regarding your comment: "What will be the impact to ratepayers, like me, for the expansion of the substation?" MECO is regulated as a public utility by the State Public Utility Commission (PUC). The PUC prescribes rates, tariffs, charges and fees, for public utilities.

Wastewater Treatment Impacts

Comment: The applicant has not yet determined if it will build an on-site wastewater facility (as it represented to the County Council when obtaining a change in zoning) or run sewage lines to the Makena Wastewater Facility, which may need to be expanded to accommodate Honua'ula. Neither option is sufficiently discussed to determine potential adverse impacts or even the feasibility of successful operation. Furthermore, the applicant has not provided authorization for the use of Makena Wastewater Facility.

Response: Section 4.8.2 (Wastewater System) of the Draft EIS discusses two alternatives for Honua'ula's wastewater system: 1) transport wastewater to the Makena WWRF for treatment; or 2) develop, maintain, and operate a private on-site WWRF. The preferred alternative is to transport

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wastewater to the Mākēna WWRF for treatment and then pump recycled (R-1) water back to Honua'ula for golf course irrigation use. Section 4.8.2 (Wastewater System) of the Draft EIS also states:

- While there is currently unused capacity at the Mākēna WWRF, it may be necessary to expand certain portions of the Mākēna WWRF in the future to provide a small amount of additional capacity to accommodate the total projected Honua'ula wastewater flows along with the projected Mākēna Resort flows before each project is completely built out. As both Honua'ula and Mākēna Resort will be built out over a number of years, improvements can be implemented at the appropriate time, when needed.
- Honua'ula Partners, LLC has had substantive discussions about the alternative of transporting wastewater to the Mākēna WWRF with the Mākēna WWRF owner, Mākēna Wastewater Corporation, and they support the connection; however, formal agreements with Mākēna Wastewater Corporation have not yet been finalized.
- Wastewater system design, construction, and operation will be in accordance with County standards and all wastewater plans and facilities will conform to applicable provisions of: Chapter 11-62, HAR (Wastewater Systems); Section 11-62-27, HAR (Recycled Water Systems); and Chapter 11-21, HAR (Cross-Connection and Backflow Control).
- The use of R-1 irrigation water is not expected to have negative impacts on groundwater or nearshore waters and Section 3.5 (Groundwater Resources and Water Quality) contains the complete discussion on potential impacts to groundwater and nearshore waters.

As further discussed in Section 4.8.2 (Wastewater System) of the Draft EIS, the Mākēna WWRF was designed to handle wastewater flows of 720,000 gallons per day (gpd). There is currently unused capacity at the Mākēna WWRF, but it may be necessary to expand the Mākēna WWRF to provide a small amount of additional capacity before both Honua'ula and Mākēna Resort are built out. As both Honua'ula and Mākēna Resort will be built out over a number of years, improvements can be implemented at the appropriate time, when needed.

To elaborate on this information already provided in the Draft EIS, while the Mākēna WWRF was designed to handle wastewater flows of 720,000 gpd, it was also designed to be expandable to 1.54 million gallons per day (mgd). Currently the facility is only handling 114,440 gpd, leaving an unused capacity of 605,560 gpd based on the current capacity of 720,000 gpd. Future development within Mākēna Resort is estimated to produce flows of 276,973 gpd. Therefore the total flow from Mākēna Resort is projected to be 391,413 gpd at build-out. See Table 1 below.

At build-out of Honua'ula, the total Honua'ula wastewater flow is projected to be 380,000 gpd. Combined with the total Mākēna Resort flow, the combined flow from both Mākēna Resort and Honua'ula would be 771,413 gpd, which is 51,413 gpd more than the current capacity of 720,000 gpd of the Mākēna WWRF. See Table 1 below. Preliminary indications are that the headworks, effluent filters, and UV disinfection systems would require modifications to handle the additional capacity. Expansion of the Mākēna WWRF will not be necessary until both Honua'ula and Mākēna Resort approach 90 percent of build out, which could be 10 to 20 years from now.

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Table 1 Current and Projected Mākēna WWRF Capacities

Description	GPD
Current Mākēna Resort flow	114,440
Future Mākēna Resort flow	276,973
Total Mākēna Resort flow at build-out	391,413
Honua'ula flow at build out	380,000
Total Mākēna Resort and Honua'ula flow at build-out	771,413
Current Mākēna WWRF Capacity	720,000
Additional capacity required to accommodate both Mākēna Resort and Honua'ula at build-out	51,413

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS Section 4.8.2 (Wastewater System) will be revised as shown on the attachment titled: "Wastewater System."

Discussion of the fact that Honua'ula Partners, LLC has had substantive discussions with Mākēna Wastewater Corporation and that formal agreements with Mākēna Wastewater Corporation have not yet been finalized is also included in Section 7.5 (Unresolved Issue) of the Draft EIS. Section 11-200-17(N), HAR of the EIS rules (Title 11, Chapter 200, HAR) provides that a draft EIS shall include a separate and distinct section that summarizes unresolved issues and contains either a discussion of how such issues will be resolved prior to commencement of the action, or what overriding reasons there are for proceeding without resolving the problems. In accordance with this requirement, Section 7.5 (Unresolved Issue) of the Draft EIS includes discussion regarding the two alternatives for wastewater treatment and the status of the agreements with Mākēna Wastewater Corporation regarding transporting wastewater to the Mākēna WWRF. To clarify how this issue will be resolved in the Final EIS, in the Final EIS Section 7.5 (Unresolved Issue) will be revised as follows:

7.5 UNRESOLVED ISSUE

Wastewater – As discussed in Section 4.8.2 (Wastewater System), Honua'ula Partners, LLC, will either transport wastewater to the Mākēna WWRF for treatment or provide a WWRF on-site. The preferred alternative is to transport wastewater to the Mākēna WWRF. Transporting wastewater to the Mākēna WWRF for treatment provides the benefit of consolidating wastewater services for both Honua'ula and Mākēna, allowing economies of scale in the treatment process and consolidated regulatory compliance. Additionally, sufficient golf course land is available within both developments to reuse 100 percent of the recycled water for irrigation. Honua'ula Partners, LLC has had substantive discussions about this alternative with the Mākēna WWRF owner, Mākēna Wastewater Corporation, and they support the connection; however, formal agreements with Mākēna Wastewater Corporation have not yet been finalized. If formal agreements with Mākēna Wastewater Corporation are not finalized, Honua'ula Partners, LLC will proceed with the other alternative for wastewater treatment discussed in Section 4.8.2 (Wastewater System), which is to construct an on-site WWRF that is capable of treating all of the Honua'ula wastewater to R-1 standards.

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Comment: *The applicant's choice of options may impact options Maui Meadows residents may have for handling our wastewater.*

Response: We fail to see how either alternative for Honua'ula's wastewater system impacts options Maui Meadows residents may have for handling wastewater. Homes in Maui Meadows are currently using either individual cesspool or septic tank systems. Honua'ula will either transport wastewater to the private Mākēna WWRF for treatment or provide its own private on-site WWRF. These alternatives will not preclude Maui Meadows from: 1) continuing to operate under its cesspool/septic tank systems; 2) connecting to the County WWRF in Kihei; or 3) connecting to any private WWRF it may be able to negotiate a deal with.

Comment: *Until the actual wastewater system is determined, it is premature to submit a DEIS for evaluation and review.*

Response: It was not "premature" to submit the Draft EIS when it was submitted and it is not necessary to determine which wastewater alternative will be implemented to be able to proceed with the Final EIS. As explained above, Section 4.8.2 (Wastewater System) of the Draft EIS discusses two alternatives for Honua'ula's wastewater system: 1) transport wastewater to the Mākēna WWRF for treatment; or 2) provide an on-site WWRF. Information on operations and potential impacts associated with both alternatives is also included.

Section 11-200-17(N), HAR of the EIS rules (Title 11, Chapter 200, HAR) provides that a draft EIS shall include a separate and distinct section that summarizes unresolved issues and contains either a discussion of how such issues will be resolved prior to commencement of the action, or what overriding reasons there are for proceeding without resolving the problems. In accordance with this requirement Section 7.5 (Unresolved Issue) of the Draft EIS includes discussion regarding the two alternatives for wastewater treatment and the status of agreements with Mākēna Wastewater Corporation regarding transporting wastewater to the Mākēna WWRF. To clarify how this issue will be resolved in the Final EIS, in the Final EIS Section 7.5 (Unresolved Issue) will be revised as follows:

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Impacts of Project to South Maui Beaches

Comment: *What will be the impact of increased resident population as a result of this development on the use of these beach areas by current south Maui residents? This should be discussed in the DEIS.*

Response: As discussed in Section 4.9.2 (Population) of the Draft EIS, population projections by the Maui Planning Department (Maui Planning Department 2006) indicate that the overall Maui Island population and Kihei-Mākēna population is increasing. By 2025 the Maui Island population is expected to increase by 24 percent from the 2010 population, including a projected 28 percent increase in the Kihei-Mākēna population. During the same period the average visitor census for Maui is projected to increase 28 percent with approximately 47 percent of Maui's visitors staying in the Kihei-Mākēna region. These increases are projected with or without Honua'ula. The additional population will use public facilities, such as beaches and boat ramps and increased beach and boat ramp use and associated impacts will occur with or without Honua'ula.

Section 4.9.2 (Population) of the Draft EIS notes that when fully built-out, the total population of Honua'ula is projected to be 1,833 persons, of which 1,541 will be full-time residents and 292 will be periodic users comprised of non-resident owners and their guests (Hallstrom 2009). It is important to realize that under the requirements of Chapter 2.96, MCC Honua'ula's 450 on-site workforce affordable homes must be offered for sale to Maui residents. Therefore, based on a household size of 2.5 people per household, approximately 1,125 (73 percent) of Honua'ula's future 1,541 full-time residents will most likely be existing Maui residents already making periodic use of public facilities such as beaches. As a result, the incremental increase in use of public beaches as a result of Honua'ula will be significantly less than the overall population of Honua'ula may indicate.

We acknowledge that some Honua'ula residents will go to Maui beaches; however the number of Honua'ula residents going to a specific beach on any given day cannot be known and it cannot be assumed that Honua'ula residents will patronize only the beaches you list; rather it is likely that they could be distributed among any beach in the Kihei-Mākēna region or the entire island.

Comment: *Objective A 9 of Hawaii State Recreation Functional Plan concerns the need for developments to consider the part their project would play in the "saturation of the capacity of beach parks and near shore waters."*

Honua'ula replied that this policy was "Not Applicable" to its project. This does not seem to be a logical conclusion.

Response: The 1991 Recreation State Functional Plan to which you refer is one of 14 State Functional Plans required to be formulated under the Hawai'i State Plan. The purpose of the State Functional Plans is to guide State programs, actions, and resource allocation decisions. As stated on page 2 of the Recreation State Functional Plan: "...State Functional Plans are ... not to be interpreted as law or statutory mandates, nor do they mandate County or private sector actions."

Recreation State Functional Plan Objective I.A, to which you refer, states, "Address the problem of saturation of the capacity of beach parks and nearshore waters." Policy I-A(1), which follows

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Objective 1.A, states: "Acquire additional beach parkland and rights-of-way to remaining undeveloped shorelines to provide increased capacity for future public recreational use." Implementing Action 1-A(1)(a) which follows then sets out a list of beach areas on each island to be acquired by the State with the Department of Land and Natural Resources (DLNR) State Park Division being the lead organization to acquire the lands, subject to the availability of funds. In context with the accompanying policy, implementing action, and other relevant information regarding the purpose of the State Functional Plans, it is clear that Objective 1.A is directed toward DLNR State Parks Division and thus is not applicable to Honua'ula.

Comment: *Nowhere in section 5.2.2 of the EIS, where recreation is discussed, does the EIS acknowledge that the project's residents will be using local beaches. The DEIS states: "Honua'ula is not located on a shoreline therefore policies regarding shoreline resources are not applicable."*

Response: Section 5.2.2 (Kihei-Mākena Community Plan) of the Draft EIS discusses the objectives and policies of the Kihei-Mākena Community Plan relevant to Honua'ula, including the objectives and policies regarding recreation. For a more detailed discussion on Honua'ula's potential impacts, proposed mitigation measures, and contributions regarding recreational facilities in the Kihei-Mākena region, please see Section 4.10.5 (Recreational Facilities) of the Draft EIS. In response to your comments below regarding potential impacts to beaches, in the Final EIS Section 4.10.5 (Recreational Facilities) will be revised as explained below and on the attachment titled "Recreational Facilities."

Comment: *We find it disappointing that this project, located five minutes from some of South Maui's most popular beaches, declines to discuss that future residents will, without a doubt, want to access those nearby beaches. We request that the EIS discuss potential impacts on Ulua, Wailua, Polo, Palaua, Po'olenalena, Keawakapu and Makena beach parks. Also facilities like Kihei boat ramp.*

Response: As discussed in Section 4.9.2 (Population) of the Draft EIS, population projections by the Maui Planning Department (Maui Planning Department 2006) indicate that the overall Maui Island population and Kihei-Mākena population is increasing. By 2025 the Maui Island population is expected to increase by 24 percent from the 2010 population, including a projected 28 percent increase in the Kihei-Mākena population. During the same period the average visitor census for Maui is projected to increase 28 percent with approximately 47 percent of Maui's visitors staying in the Kihei-Mākena region. These increases are projected with or without Honua'ula. The additional population will use public facilities, such as beaches and boat ramps and increased beach and boat ramp use and associated impacts will occur with or without Honua'ula.

Section 4.9.2 (Population) of the Draft EIS notes that when fully built-out, the total population of Honua'ula is projected to be 1,833 persons, of which 1,541 will be full-time residents and 292 will be periodic users comprised of non-resident owners and their guests (Hallstrom 2009). It is important to realize that under the requirements of Chapter 2.96, MCC Honua'ula's 450 on-site workforce affordable homes must be offered for sale to Maui residents. Therefore, based on a household size of 2.5 people per household, approximately 1,125 (73 percent) of Honua'ula's future 1,541 full-time residents will most likely be existing Maui residents already making periodic use of public facilities such as beaches and boat ramps. As a result, the incremental increase in use of public facilities as a result of Honua'ula will be significantly less than the overall population of Honua'ula may indicate.

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We acknowledge that some Honua'ula residents will go to Maui beaches; however the number of Honua'ula residents going to a specific beach on any given day cannot be known and it cannot be assumed that Honua'ula residents will patronize only the beaches you list; rather it is likely that they could be distributed among any beach in the Kihei-Mākena region or the entire island.

Regarding the Kihei Boat Ramp and boat ramp facilities on Maui in general, the report titled Public Facilities Assessment Update County of Maui (R.M. Towill Corporation 2007) projects the need for three additional boat ramps island wide by 2030 based on the island wide population increase (an increase of approximately 46,000 people from 2010 to 2030) projected by the Maui Planning Department. Again this population increase is projected with or without Honua'ula. It is not anticipated that Honua'ula will trigger the need for additional boat ramp facilities considering that: 1) the County projects a population increase with or without Honua'ula; 2) approximately 73 percent of Honua'ula's future residents may already be existing Maui residents; and 3) relatively few new boat ramps will be necessary by 2030 to support the projected island wide population increase.

Comment: *The Kihei-Mākena Community Plan states a goal directly related to the region where the proposed Honua'ula project is located:*

"Provide adequate landscaped public access to shoreline areas with significant recreational and scenic value. Provide adequate lateral public access along the shoreline to connect significant shoreline areas and to establish continuity of the public shoreline areas. Particular attention shall be directed toward southern shoreline resources from Polo Beach southwards, and between Kama'ole Parks II and III."

This policy does not just apply to coastal development projects, but rather is a goal for the entire community to work towards. Every development generates potential beach users. Every development needs to consider how it can be part of the solution.

Response: In full, this policy from the Kihei-Mākena Community Plan states:

- (i) *Improve public access to shoreline and nearshore resources through the following measures:*
 1. *Develop and implement a plan for public access to the shoreline, which includes both existing and future accesses, based on the location of significant shoreline resources. Accesses shall be consistent with the characteristics of resources to be reached.*
 2. *Provide adequate landscaped public access to shoreline areas with significant recreational and scenic value. Provide adequate lateral public access along the shoreline to connect significant shoreline areas and to establish continuity of the public shoreline areas. Particular attention shall be directed toward southern shoreline resources from Polo Beach southwards, and between Kama'ole Parks II and III.*
 3. *Require setbacks to include recreational space on lands behind the legally defined public shoreline zone wherever possible. This allows for adequate recreational activities and proper management of the shoreline.*

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4. *Provide setback areas with landscaping to enhance recreational use and scenic quality. Recreational amenities should be commensurate with the scale of the setback area, intended use, and resource characteristics.*

This policy is clearly focused on improving public access to the shoreline, and in particular item 2 that you cite is concerned with providing adequate landscaped public access to the shoreline and lateral public access along the shoreline. We respectfully disagree that this policy applies to projects that are not on the shoreline or projects that do not provide direct access to the shoreline. As your comments acknowledge, Honua'ula is one mile from the shoreline. There are several properties between Honua'ula and the shoreline. Honua'ula Partners, LLC does not own these properties and it is not possible for Honua'ula Partners, LLC to provide access to the shoreline through properties it does not own or to provide lateral public access along the shoreline in front of properties it does not own. Similarly, it is not possible for Honua'ula Partners, LLC to provide or control landscaping along public shoreline access ways that are not adjacent or even nearby its property.

Comment: *The EIS should include research on average numbers of trips to beach by south Maui / Wailea residents. Use those figures to project future use by Honua'ula residents. Expected increase in demands for beach parking and beach space, camping spaces, boat launch facilities, etc. based upon increased residential population, should also be discussed.*

Response: According to the report titled Public Facilities Assessment Update County of Maui (R.M. Towill Corporation 2007), beaches are considered "Special Use Parks" that serve a regional or islandwide populace because their activities or points of interest are tied to a specific location. Maui's beaches provide ocean recreation opportunities for all Maui residents and visitors regardless of location or where people live or are staying; it cannot be assumed that people living or staying near a specific beach will frequent the beach nearest to them.

As discussed above, the Maui Island and the Kihei-Mākena population is increasing. This increase is projected with or without Honua'ula. The additional population will use public facilities, such as beaches and boat ramps and additional beach use and associated impacts will occur with or without Honua'ula. In addition, as previously noted, many future Honua'ula residents may already be existing Maui residents making periodic use of Maui beaches, including beaches and boat ramps in the Kihei-Mākena region.

As discussed in Section 4.10.5 (Recreational Facilities) of the Draft EIS, to help alleviate the shortage of park space and facilities in the Kihei-Mākena region, Honua'ula Partners, LLC will develop six acres of private parks and 84 acres of open space within Honua'ula in compliance with County of Maui Ordinance No. 3554 (Condition 11). The private parks will be open to the public and privately maintained. Furthermore, the private parks and open space will not be used to satisfy the park assessment requirements under Section 18.16.320, MCC, or for future credits under the subdivision ordinance. The Director of Parks and Recreation and Honua'ula Partners, LLC agree that Honua'ula's park assessment requirements will be satisfied with an in-lieu cash contribution for the entire project. This cash contribution will be used to upgrade Maui County parks and facilities, which may include beach parks, as determined by the Department of Parks and Recreation (DPR) in accordance with their park facility priorities. In addition, Honua'ula Partners, LLC will pay at least \$5,000,000 to the County upon Project District Phase II approval

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specifically for the development of the South Maui Community Park in compliance with County of Maui Ordinance No. 3554 (Condition 10).

Comment: *The EIS should also fully acknowledge that by national planning standards South Maui, with its resident and year round visitor population, has a shortage of beach park facilities, which leads to user conflicts.*

Response: According to the *Public Facilities Assessment Update County of Maui* (R.M. Towill Corporation 2007) there are currently 28.8 acres of County beach parks in the Kihei-Mākena region. This does not include Ulua, Wailea, Polo, Palauaea, and Keawakapu beaches that you mention above, which are not County beach parks. It also does not include Mākena State Park, which is a State park. Using a standard of 40 square feet of beach park space per person, the *Public Facilities Assessment Update County of Maui* projects a need for an additional 37 acres of County beach park space by 2030, based on the population projections of the Maui Planning Department. Because it is a State park, the 164 acres of Mākena State Park is not included in the inventory of County beach parks provided in the *Public Facilities Assessment Update County of Maui* (R.M. Towill Corporation 2007), nor is the area of Mākena State Park considered in relation to the projected need for an additional 37 acres of County beach park space by 2030. The park planning standards used in the *Public Facilities Assessment Update County of Maui* were obtained from: 1) Department of Parks and Recreation, City and County of Honolulu (1980); 2) Department of Parks and Recreation, County of Maui, *Open Space and Outdoor Recreation Plan* (2002); and 3) the National Recreation and Parks Association (NHPA 2000).

Comment: *Palauaea, for example is a popular fishing beach. When Honua'ula has five hundred residences built, will there be a change in the number and frequency of visitors to this now out-of-the-way-beach? Will there still be room for the weekend fisherman and his family? The EIS should provide this information and mitigation for anticipated impacts.*

Response: According to the *Public Facilities Assessment Update County of Maui* (R.M. Towill Corporation 2007) there are currently 28.8 acres of County beach parks in the Kihei-Mākena region. This does not include Ulua, Wailea, Polo, Palauaea, and Keawakapu beaches that you mention above, which are not County beach parks. It also does not include Mākena State Park, which is a State park. Using a standard of 40 square feet of beach park space per person, the *Public Facilities Assessment Update County of Maui* projects a need for an additional 37 acres of County beach park space by 2030, based on the population projections of the Maui Planning Department. Because it is a State park, the 164 acres of Mākena State Park is not included in the inventory of County beach parks provided in the *Public Facilities Assessment Update County of Maui* (R.M. Towill Corporation 2007), nor is the area of Mākena State Park considered in relation to the projected need for an additional 37 acres of County beach park space by 2030. The park planning standards used in the *Public Facilities Assessment Update County of Maui* were obtained from: 1) Department of Parks and Recreation, City and County of Honolulu (1980); 2) Department of Parks and Recreation, County of Maui, *Open Space and Outdoor Recreation Plan* (2002); and 3) the National Recreation and Parks Association (NHPA 2000).

Comment: *A project one mile from the beach, in a world famous beach resort area, should not have its EIS considered adequate, unless potential impacts of increased residential population to shoreline recreation areas are discussed.*

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Response: In response to your preceding comments regarding potential impacts to beaches and boating facilities, in the Final EIS Section 4.10.5 (Recreational Facilities) will be revised to incorporate the relative information discussed above, as shown on the attachment titled "Recreational Facilities."

Comment: *Earlier Wailea 670 project discussions mentioned mitigation funding for increased parking spaces at Keawakapu beach. Appropriate mitigation would seem to be improved parking at Palaua beach. The County's 2005 Ocean Resources Management Plan recommended Palaua Beach for expanded access and parking improvements, and specifically cited as justification for the expanded need, plans for over 1000 new housing units proposed immediately uphill, in what was then called Wailea 670.*

Response: When you refer to the "County's 2005 Ocean Resources Management Plan" we are not clear if you are actually referring to the State "Hawaii Ocean Resources Management Plan" (ORMP), dated December 2006. We could not find a "County Ocean Resources Management Plan," however we did check the State ORMP but could find no mention of a recommendation for expanded access and parking improvements at Palaua Beach.

Regardless, the determination of what mitigation measures are appropriate is a function of government agencies, which have a broad view of community needs and can appropriately balance consideration of overall project benefits with potential impacts and mitigation measures.

In their comment letter on the Environmental Assessment/Environmental Impact Statement Preparation Notice, DPR stated that they have no objections to Honua'ula. DPR stated further:

The 6 acres of private parks and 84 acres of open space proposed to be developed outside of park assessment requirements, in addition to the agreement to satisfy the provisions of Section 18.16.320, Maui County Code, with an in-lieu cash contribution for the entire project, meets with our approval. The applicant's offer of payment not less than \$5,000,000 to the County in lieu of the dedication of a Little League Field, upon Project District Phase II approval for the development of the South Maui Community Park is also acceptable. Finally, the applicant's agreement to support Maui Junior Golf, MIL athletic groups, and provide reduced rates for kama'aina is a favorable commitment.

In addition, in their comment letter on the Draft EIS DPR stated:

The Draft Environmental Impact Statement for the subject project adequately addresses the concerns of the Department of Parks and Recreation. We have no additional comments or objections to the subject project at this time.

Comment: *It is likely that future advertising for the project's home sites will include information that the location "is just minutes from beautiful beaches." This connection should be a part of the EIS discussion."*

Response: Advertising for Honua'ula has not yet been considered, however an EIS is not a sales brochure or tool. EIS documents disclose a project's potential impacts and provide information on mitigation measures. How a project is advertised is not a subject of relevance for an EIS.

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Gated Communities

Comment: *Is Honua'ula a gated or non-gated community? Will there be any gated communities within the project area? If yes...how many?*

Response: Overall, Honua'ula will not be a gated community; however if builders of some individual areas or if specific homeowner's associations or residents choose to gate individual areas, they should have the right to make that decision.

To include the above information, as well as responses to others regarding gated communities, into the Final EIS, in the Final EIS Section 4.3 (Trails and Access) will be revised as shown on the attachment titled "Trails and Access."

Comment: *Maui Meadows is not a gated community, but we do have one gated neighborhood within the larger subdivision. Personally I favor non-gated communities in Wailea so that we don't divide and separate ourselves from the other neighborhoods and communities around us. Open neighborhoods are, in my opinion (IMHO), more in-keeping with the spirit of aloha, hospitality, and 'ohana which are important values of the host cultural.*

Response: We acknowledge your opinion.

Choosing the name "Honua'ula" instead of Wailea 670 for the Proposed Project

Comment: *As a Kanaka I have found the choice of "Honua'ula" for the name of this project very troubling. Customarily, when a Hawaiian tells others where they live or where they come from, they will say the name of their ahupua'a and moku. For example, I live in the ahupua'a of Paeehu in the moku of Honua'ula. Not the Honua'ula of this DEIS but the moku or district of HONU'UA'ULA."*

This name, "Honua'ula", which really belongs to the entire traditional district of HONU'UA'ULA, has and is creating confusion among local people. My concern is that the knowledge of the existence of the traditional district of HONU'UA'ULA will be diminished in time by the use of the self-proclaimed name of "Honua'ula" given to this project. Place names in Hawaiian culture are very important. The moku of HONU'UA'ULA was given that name for a very special reason. The reason that name is important is tied to the kumuhouua genealogy. To call a 670 acre subset of the greater moku of HONU'UA'ULA by that same name is, IMHO, culturally inappropriate.

Response: Section 4.1 (Archaeological and Historic Resources) and Section 4.2 (Cultural Resources) of the Draft EIS discuss the Honua'ula moku as distinguished from the Honua'ula Property. In particular Section 4.2.1 (Honua'ula Moku) of the Draft EIS explains that the Honua'ula moku was one of 12 ancient districts of Maui Island and goes on to provide extensive discussion on the Honua'ula moku.

We acknowledge that, in your opinion, the name "Honua'ula" for the project is culturally inappropriate.

Comment: *Therefore, I respectfully ask that the DEIS explain how, by who, and for what reason was "Honua'ula" picked as the current name of the project area. And how does selecting a name that is already connected culturally and historically to a larger district or moku provide a sense of authentic history or sense of place for the project area?*

Daniel Kanahele
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PROJECT DISTRICT PHASE II APPLICATION**

May 31, 2012
Page 29 of 29

Response: The project name was selected by a cultural team including the following individuals: Mr. Clifford Naeole, Ms. Hokulani Holt Padilla and Mr. Kimokeo Kapahulehua. An extensive historical data search for cultural activity within the project area was conducted including oral interviews with individuals and families known to inhabit the general area. Once the historic context was completed, names were recommended and presented to the project cultural team as well as other cultural practitioners in the Makena area including Mr. Leslie Kuloloio. The project name was deemed to be appropriate by the cultural team and practitioners and relevant to the project area and culture.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Will Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: Planning Department Letter

- Noise
- Botanical Resources
- Wildlife Resources
- Archaeological and Historic Resources
- Cultural Resources
- Air Quality
- Drainage System
- Cumulative and Secondary Impacts
- Electrical System
- Wastewater System
- Recreational Facilities
- Trails and Access

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CHARMAINE TAVARES
Mayor
KATHLEEN ROSS AOKI
Director
ANN T. CIA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 9, 2010

Mr. Jonathan Starr, Chair
and Members of the Maui Planning Commission
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Dear Chair Starr:

**SUBJECT: URBAN DESIGN REVIEW BOARD (UDRB) COMMENTS ON
PROPOSED DESIGN GUIDELINES AND THE PROJECT DISTRICT PHASE II
APPLICATION FOR HONU'A'ULA, A MASTER PLANNED COMMUNITY
CONSISTING OF SINGLE FAMILY AND MULTI-FAMILY HOMES, VILLAGE
MIXED USE AREAS WITH SUPPORTING COMMERCIAL, OPEN SPACE,
RECREATION, AND RELATED OFF-SITE IMPROVEMENTS LOCATED IN
WALIEA, KIHEI-MAKENA, MAUI, HAWAII (PHZ 2010/0001)**

THE PROPERTY: 670 ACRES -
TMK'S: (2) 2-1-008:056
(2) 2-1-008:071

OFF-SITE IMPROVEMENTS: 30 ACRES -
TMK'S: (2) 2-1-08: 999 (POR) STATE OF HAWAII
(2) 2-1-08: 043 (POR) MAUI ELECTRIC COMPANY LTD
(2) 2-1-08: 090 (POR) MAKENA GOLF LLC
(2) 2-1-08: 108 (POR) MAKENA GOLF LLC
(2) 2-1-08: 054 (POR) ULUPALAKUA RANCH
(2) 2-1-08: 001 (POR) ULUPALAKUA RANCH
(2) 2-2-02: 050 (POR) HALEAKALA RANCH CO.
(2) 2-2-02: 054 (POR) HALEAKALA RANCH CO.

At its regular meeting on June 1, 2010, the UDRB reviewed the design guidelines, landscaping, architectural plans, and related aspects of the proposed project referenced above. Based on those considerations within the UDRB's purview, it offered the following comments on the project:

1. That consideration be given to incorporating sidewalks within project culdesacs and making bike paths and sidewalks more consistent from area to area;

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

Mr. Jonathan Starr, Chair
and Members of the Maui Planning Commission
June 9, 2010
Page 2

DAVID B. MERCHANT

2145 Walls Street, Suite 303, Waialua, HI 96793
Phone: (808) 242-5700
Email: dbrm@nmaui.com

June 30, 2010

2. That existing rock walls and stepping stone trails with in the project site be incorporated in the project's design;
3. That consideration be given to incorporating recreational courts within the project; and
4. That the Multi-Family area closest to Maui Meadows on the northern boundary of the site be limited to 30 ft. in height. The Planning Department notes that the allowable height for the Multi-Family subdistrict is 4 stories or 50 ft.

Thank you for your cooperation. If additional clarification is required, please contact the undersigned or Deputy Planning Director Ann Cua at ann.cua@mauicounty.gov or 270-7521.

Sincerely,



for LINDA KAY OKAMOTO, Chair
Maui Urban Design Review Board

xc: Ann Cua, Deputy Planning Director
Clayton I. Yoshida, AICP, Planning Program Administrator
Gwen Hiraga, Munekiyo & Hiraga, Inc.
Tom Schnell, AICP, PBR Hawaii,
Project File
General File

LKO:ATC:aw

K:\WP_DOCS\PLANNING\EIS\2009\0001_Honua'ula\Wailea670\UDREComments.wpd

PBR Hawaii
Attn: Tom Schnell, AICP
1001 Bishop Street, Suite 650
Honolulu, Hawaii 96813
tschnell@pbrhawaii.com

Honua'ula Partners, LLC
Attn: Mr. Charles Jencks
381 Huku Li'i Place Suite 202
Kihei, HI. 96753
Charlie@gbimaui.com

Director, Planning Department
County of Maui Kalana Pakui Building, Suite 200
250 High Street Wailuku, Hawaii 96793
kathleen.aoki@mauicounty.gov
planning@mauicounty.gov

Hawaii State Office of Environmental Quality
235 South Beretaina Street
Honolulu, Hawaii, 96813-2419
oeqc@doh.hawaii.gov

Re: DRAFT EIS for HONUUA'ULA (WAILEA 670)

I am writing in my individual capacity to address concerns regarding the Draft Environmental Impact Statement ("Draft EIS") for the Honua'ula Project, formerly known as Wailea 670 (the "Project"). My comments will be limited to the failure to provide meaningful alternatives in the Draft EIS and the use of misleading foot traffic information.

I. Failure to Discuss Meaningful Alternatives

The requirement for providing alternatives is set forth in HAR § 11-200-17 (F), which reads in full:

- F. 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. Examples of alternatives include:

1. The alternative of no action;
2. Alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts;
3. Alternatives related to different designs or details of the proposed actions which would present different environmental impacts;
4. The alternative of postponing action pending further study; and,
5. Alternative locations for the proposed project.

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.

The Draft EIS purports to provide six different alternatives, including a "no action" alternative and a "postpone pending further study" alternative. *Draft EIS* at 296-304. The four alternatives that involve moving forward with a Project do not satisfy the requirements set forth above:

- Two of the alternatives (6.5 Resort/Residential With Two Golf Courses; and 6.6 Resort Residential With One Golf Course) are not analyzed, but merely discussed and dismissed as being contrary to Project goals or for historical reasons. These are "make-weight" alternatives which should invite further scrutiny of the remaining two alternatives. These alternatives appear to be the only two that contemplate development of less than the entire Parcel, but there is no discussion whatsoever of the impact of developing less than the full parcel.
- All viable alternatives assume development of the entire 670-acre parcel. As described and depicted, the Project will involve development of a 670-acre rectangular parcel, with straight edges between the developed areas and the surrounding fields. An alternative should be provided and analyzed that incorporates geographic and topographic features into the siting of various Project elements. Maui Meadows is already a big rectangle on the hill; there should be some analysis of whether a new straight-edged rectangle should be built.
- All viable alternatives assume uniform development across the entire parcel. Each alternative describes a development without any attempt to control sprawl or define communities. Open spaces are either golf courses or minor greenbelts

generally located in gullies. An alternative should be provided and analyzed that confines development to defined communities within the parcel. Conceptually, an alternative design should be provided that has "islands" of development within the parcel, as opposed to the current alternatives which have "islands" of open space within the fully-developed parcel.

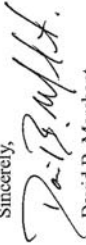
- Viable alternatives assume a Project of essentially the same size. There is no analysis of an alternative that contemplates a smaller Project in terms of unit numbers.
- There is no alternative analyzed that would have a lesser environmental impact than the proposed Project. This should be a minimum requirement, and it is not met.
- There is no discussion of alternative locations for the Project. The "no action" alternative discusses reasons for Honua'ula to be built (as opposed to not being built), but there is no discussion of alternative locations for the housing and infrastructure benefits that apparently will flow from Honua'ula.

2. Misleading Walking Times

Throughout the Draft EIS, reference is made to "smart-growth" concepts which include bike paths and walking paths. For example, on page 110, the Draft EIS states that "most residential areas will be within approximately a half-mile or less of commercial and residential facilities." In addition to being a fundamentally vague statement, a review of the maps provided with the Draft EIS shows that the measurement being referred to is an "as the crow flies" distance that has no bearing on reality. See Figure 1, "Conceptual Master Plan". Walking distances for various portions of the Project can be calculated, and the EIS should do so. Walking times can be calculated as well, which would incorporate considerations of hills. Only with this information can the Draft EIS' claims of incorporating walking and biking into its plans be realistically analyzed.

Thank you for your consideration.

Sincerely,



David B. Merchant



May 31, 2012

PRINCIPALS
THOMAS WITTEN, ASLA
President
R. STAN DUNCAN, ASLA
Executive Vice-President
RUSSELL Y. CHUNG, FASLA, LEED* AP
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President
GRANT T. MURAKAMI, AICP, LEED* AP
Principal

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES

TOM SCHINELL, AICP
Senior Associate
RAYMOND T. HIGA, ASLA
Senior Associate
KAYLA K. NISHIKAWA, ASLA
Associate
KIMI MIKAMI YUEN, LEED* AP
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David Merchant
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
May 31, 2012
Page 2 of 5

These alternatives appear to be the only two that contemplate development of less than the entire Parcel, but there is no discussion whatsoever of the impact of developing less than the full parcel.

Response: Previously proposed plans for the property (see Section 6.5 (Resort/Residential with Two Golf Courses and Section 6.6 Resort Residential with One Golf Course of the Draft EIS) were considered as alternatives to the proposed action because they have been analyzed, studied, and refined over the course of more than two decades.

As discussed in Section 6 (Alternatives), with the desire of Honua'ula Partners, LLC to implement the *Kihei-Mākena Community Plan* to create an appealing master-planned community, the current objectives of Honua'ula took shape, and the previously proposed alternatives were refined to the current Honua'ula plan. This extensive process resulted in a plan that is responsive to community concerns and reflects the approvals received (and conditions imposed) from the State Land Use Commission, the Maui Planning Commission, and the Maui County Council. As such, the previously proposed plans are no longer viable alternatives and the current plan, as elaborated on throughout the Draft EIS, is the established, preferred alternative.

Comment: *All viable alternatives assume development of the entire 670-acre parcel. As described and depicted, the Project will involve development of a 670-acre rectangular parcel, with straight edges between the developed areas and the surrounding fields. An alternative should be provided and analyzed that incorporates geographic and topographic features into the siting of various Project elements. Maui Meadows is already a big rectangle on the hill; there should be some analysis of whether a new straight-edged rectangle should be built.*

Response: As discussed in Chapter 2 (Honua'ula Description) of the Draft EIS, the Honua'ula property is comprised of two parcels totaling 670 acres designated as Project District 9 in the *Kihei-Mākena Community Plan*. Honua'ula implements Chapter 19.90A (Kihei-Mākena Project District 9 (Wailea 670), MCC, which establishes permissible land uses and appropriate standards of development for a residential community consisting of single-family and multi-family dwellings complemented with village mixed uses, all integrated with an 18-hole homeowner's golf course and other recreational amenities.

As planned, Honua'ula will be in character with surrounding uses and will complement the pattern of development in the Kihei-Mākena region in a way that is consistent with the State Land Use Urban designation of the Property and envisioned in the *Kihei-Mākena Community Plan*. As discussed in Section 3.2 (Geology and Topography) of the Draft EIS, topography is a key defining feature of Honua'ula, and one of the principal design and planning goals is to preserve and utilize this topography as much as possible. To the extent practicable, improvements will conform to the contours of the land to retain the existing rolling topography and natural drainage ways. As discussed in Section 2.3 (Honua'ula Description) and Section 4.9.1 (Community Character) of the Draft EIS, Honua'ula will integrate natural and human-made boundaries and landmarks to craft a sense of place within a defined community and feature distinctive architecture to create a unique and compelling community in context with the Kihei-Mākena region.

Regarding your suggestion that "there should be some analysis of whether a new straight-edged rectangle should be built," please note that the boundaries of the Honua'ula property are in the form of a "straight-edged rectangle." This is a typical delineation of property lines for inland properties on Maui. Honua'ula Partners, LLC does not own or control the property to the north

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Merchant:

Thank you for your letter dated June 30, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. The organization of this letter follows the headings of your letter.

1. Failure to Discuss Meaningful Alternatives

We note that this section of your letter references Hawai'i Administrative Rules (HAR) Title 11, DOH, Chapter 200, EIS Rules, Section 17(F) regarding alternatives.

We are aware of the requirements set forth under HAR Title 11, DOH, Chapter 200, EIS Rules, Section 11-200-17(F) regarding alternatives. As discussed in Chapter 6 (Alternatives) of the Draft EIS, in compliance with HAR Title 11, DOH, Chapter 200, Section 11-200-17(F), alternatives **that could attain the project objectives**, regardless of cost, have been provided in sufficient detail.

The objectives of Honua'ula are rooted in the desire of Honua'ula Partners, LLC to implement the *Kihei-Mākena Community Plan* and create an appealing master-planned community with a variety of housing opportunities, village mixed uses, and abundant recreational amenities. Honua'ula will also foster preservation of natural and cultural resources while contributing to Maui's social fabric and economic diversity.

Land uses within the Honua'ula property are governed by the requirements of Chapter 19.90A (Kihei-Mākena Project District 9 (Wailea 670), Maui County Code (MCC) which clearly articulates the uses that can be implemented within the property. Therefore there is not a limitless range of alternatives to consider and alternatives such as those you suggest are not practical considerations. While the alternatives discussed in the Draft EIS were ultimately rejected because they do not meet the purpose and intent of Chapter 19.90A, MCC, they are: 1) at least within the range of reasonable alternatives that could be considered; 2) illustrate the historical evolution of the project; and 3) and are in conformance with the requirements of HAR Title 11, DOH, Chapter 200, Section 11-200-17(F).

Comment: *Two of the alternatives (6.5 Resort/Residential With Two Golf Courses; and 6.6 Resort Residential With One Golf Course) are not analyzed, but merely discussed and dismissed as being contrary to Project goals or for historical reasons. These are "make-weight" alternatives which should invite further scrutiny of the remaining two alternatives.*

David Merchant

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

May 31, 2012

Page 3 of 5

(Maui Meadows), east (Ulupalakua Ranch), south (Makana Resort), or west (Wailea Resort). Therefore it is not possible for Honua'ula Partners, LLC to exceed the boundaries of the Honua'ula property.

Comment: *All viable alternatives assume uniform development across the entire parcel. Each alternative describes a development without any attempt to control sprawl or define communities. Open spaces are either golf courses or minor greenbelts generally located in gullies. An alternative should be provided and analyzed that confines development to defined communities within the parcel. Conceptually, an alternative design should be provided that has "islands" of development within the parcel, as opposed to the current alternatives which have "islands" of open space within the fully-developed parcel.*

Response: As discussed in Section 2.3 (Honua'ula Description) of the Draft EIS, Honua'ula will be a master-planned community embracing "smart growth" principles such as diverse residential opportunities, village mixed uses, on-site recreational amenities, and integrated bicycle and pedestrian networks. Honua'ula will integrate natural and human-made boundaries and landmarks to craft a sense of place within a defined community. This plan, as elaborated on throughout the EIS, is the established, preferred alternative.

We are somewhat confused regarding what you consider "islands of development" vs. "islands of open space." We suggest these can actually be considered the same thing, and the conceptual design of Honua'ula (see Figure 1 of the Draft EIS) contains both "islands of development" and "islands of open space."

Comment: *Viable alternatives assume a Project of essentially the same size. There is no analysis of an alternative that contemplates a smaller Project in terms of unit numbers.*

Response: Honua'ula as currently proposed includes provisions for 1,400 homes (including affordable workforce homes in conformance with the County's Residential Workforce Housing Policy (Chapter 2.96, MCC), 250 of which will be provided off-site, thus reducing the total number of homes on-site to 1,150, village mixed uses, a single homeowners golf course, and other recreational amenities. The current master plan is significantly smaller in scale than the previously accepted 1988 plan, which proposed 2,100 housing units, two 18-hole golf courses, a 480-room resort and lodge, and six acres of commercial property. The current plan, as elaborated on throughout the EIS, is the established, preferred alternative.

A smaller project in terms of unit numbers would not implement the objectives of Honua'ula and the purpose and intent of Chapter 19.90A, MCC. A smaller project would also: 1) result in significantly less economic benefits to the State and County; and 2) not be economically feasible considering the significant expenditures Honua'ula Partners, LLC will incur to provide infrastructure improvements for Honua'ula and in the surrounding community.

However several comments on the Draft EIS requested that the EIS include an alternative discussing a Native Plant Preservation Area of 130 acres. To include discussion of a 130-acre Native Plant Preservation Area in the Final EIS, in the Final EIS Chapter 6 (Alternatives) will be revised to include the information shown on the attachment labeled "Alternatives."

David Merchant

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

May 31, 2012

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Comment: *There is no alternative analyzed that would have a lesser environmental impact than the proposed Project. This should be a minimum requirement, and it is not met.*

Response: HAR Title 11, DOH, Chapter 200, EIS Rules, Section 11-200-17(F), states that a Draft EIS must contain a section discussing "alternatives **which could attain the objectives of the action [emphasis added]**, regardless of cost, in sufficient detail to explain why they were rejected." As discussed above, the objectives of Honua'ula are rooted in the desire of Honua'ula Partners, LLC to implement the Kihei-Makana Community Plan and create an appealing master-planned community with a variety of housing opportunities, village mixed uses, and abundant recreational amenities. In addition, land uses within the Honua'ula property are governed by the requirements Chapter 19.90A (Kihei-Makana Project District 9 (Wailea 670), MCC), which clearly articulates the uses that can be implemented within the property. While the alternatives discussed in the Draft EIS were ultimately rejected because they do not meet the purpose and intent of Chapter 19.90A, MCC, they are: 1) at least within the range of reasonable alternatives that could be considered; 2) illustrate the historical evolution of the project; and 3) and are in conformance with the requirements of HAR Title 11, DOH, Chapter 200, Section 11-200-17(F).

Comment: *There is no discussion of alternative locations for the Project. The "no action" alternative discusses reasons for Honua'ula to be built (as opposed to not being built) but there is no discussion of alternative locations for the housing and infrastructure benefits that apparently will flow from Honua'ula.*

Response: Honua'ula Partners, LLC does not own alternative land on Maui comparable in size to the Honua'ula property, and therefore it is not practical to consider alternative locations for Honua'ula. In addition the Honua'ula property is designated as Project District 9 in the Kihei-Makana Community Plan. The Property is also zoned Project District 9 under Chapter 19.90A, MCC. In compliance with Chapter 19.90A, MCC, Honua'ula will be located east of Wailea Resort, south of Maui Meadows, north of Seibu Mauka, in Paeahu, Palaua, Keahuhou, Honua'ula, District of Makawao, Maui, Hawai'i.

2. Misleading Walking Times

Comment: *Throughout the Draft EIS, reference is made to "smart-growth" concepts which include bike paths and walking paths. For example, on page 110, the Draft EIS states that "most residential areas will be within approximately a half-mile or less of commercial and residential facilities." In addition to being a fundamentally vague statement, a review of the maps provided with the Draft EIS shows that the measurement being referred to is an "as the crow flies" distance that has no bearing on reality. Various walking distances for various portions of the Project can be calculated, and the EIS should do so. Walking times can be calculated as well, which would incorporate considerations of hills. Only with this information can the Draft EIS' claims of incorporating walking and biking into its plans be realistically analyzed.*

Response: We acknowledge that the Figures (such as Figure 1, Conceptual Master Plan) in the Draft EIS show conceptual walking radiuses that would be "as the crow flies;" however these are: 1) provided for general information to gauge distances; and 2) are not meant to provide "on the ground" measurements based on actual roadway and path distances from point to point. Nonetheless Honua'ula is designed to provide connectivity between uses to encourage walking and biking.

David Merchant
**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT
DISTRICT PHASE II APPLICATION**
May 31, 2012
Page 5 of 5

Dean T. Sandow
32588 Dutch Canyon Road
Scappoose, Oregon 97056
503.543.3024
deansandow@comcast.net

As discussed in Section 4.3 (Trails and Access) and as shown on Figure 13 (Trail Plan) of the Draft EIS Honua'ula will include a system of pedestrian and bike trails along the community's roadways, gulches, and drainage ways. This secondary circulation system of linked pedestrian/bike trails will connect residential areas to the village mixed use areas, neighborhood parks, golf course clubhouse, and other areas and will provide residents a meaningful alternative to driving within the community. Whether Honua'ula residents choose to use this trail system will be a matter of personal choice.

We disagree that calculating walking times and providing this information in the EIS would lead to a better analysis of the overall impacts of Honua'ula already discussed in the Draft EIS. We note that the Traffic Impact Analysis Report prepared for Honua'ula (Appendix L of the Draft EIS) used standard traffic engineering methods. This was done in conformance with State DOT standards and preferences and resulted in conservative (or worst case) analyses that did not account for reductions in traffic impacts due to walking and biking. Therefore any reductions in traffic impacts due to walking and biking can be viewed as a net benefit.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachment: Alternatives

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June 28, 2010

Via Federal Express
Planning Department
County of Maui
250 High Street
Kalana Pakui Building, Suite 200
Wailuku, HI 96793

Via Federal Express
PBR Hawaii
Attn: Tom Schnell
1001 Bishop Street, Suite 650
Honolulu, HI 96813

Via Federal Express
Hawaii State Office of Environmental Quality
235 South Beretaina Street
Honolulu, HI 98613-2419

Honua'ula Partners, LLC
Charles Jencks
c/o Goodfellow Brothers, Inc.
PO Box 220
Kihei, HI 96753

Re: *Wailea 670 Draft Environmental Impact Statement*

Dear Sirs:

I am writing personally as an owner of an interest in a condominium at Maui Kamaole, 2777 S. Kihei Road G102, Kihei, Hawaii 96753 (no mail), and as a director of the Association of Apartment Owners of Maui Kamaole ("AOAO"). The AOAO represents the owners of 316 condominium units at Maui Kamaole. Please add me to the contact list for the above referenced project, using my mainland address above.

On the merits, personally and on behalf of the AOAO I adopt the excellent points and arguments set forth by Mark G. Hyde in correspondence on file in this matter, copies of which are enclosed. The material submitted by the developer states conclusively that the wells proposed by Wailea 670 will diminish flowrate at downslope wells, including the well at Maui Kamaole, by 27% while increasing the salinity rate. This result would seriously undermine the AOAO's management of its water resources and increase homeowner costs for access to water for both landscaping and domestic uses. In short, the Draft Environmental Impact Statement fails to provide support for a sustainable water source for the project. Thus, the Statement fails to meet the requirements of Hawaii environmental law and the project poses a significant environmental risk to the aquifer itself, to existing aquifer users, and to the people, economy, and well-being of Maui as a whole. I urge you to reject the statement and require the developer to demonstrate conclusively how the project can be implemented without such a negative impact.

Planning Department, County of Maui
PBR Hawaii, Attn: Tom Schnell
Hawaii State Office of Environmental Quality
Honua'ula Partners, LLC, Charles Jencks
June 28, 2010
Page 2

Finally, I enclose copies of the AOA's Annual Ground Water Use Reports for 2006 forward for your reference.

Thank you for your consideration. Please contact me if you have any questions.

Very truly yours,



Dean T. Sandow

DTS/rz

Enclosures

cc: Grant Girard (via email only w/o enclosures)
John Gilbert (via email only w/o enclosures)
Brian Noble (via email only w/o enclosures)
Mark G. Hyde (via email only w/o enclosures)

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Hydem001@hawaii.rr.com

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PBR Hawaii
Attn: Tom Schnell
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Honolulu, Hawaii 96813

Hawaii State Office of Environmental Quality
235 South Beretaina Street
Honolulu, Hawaii, 96813-2419

Re: Wailea 670's Draft Environmental Impact Statement

Summary: Wailea 670's DEIS fails to provide support for a sustainable water source for the project. The Kamaole aquifer upon which it relies for water is untested; the aquifer's estimated 11 MGD sustainable yield (which the developer erroneously assumes is fact) is characterized by state water experts and state agencies as "speculative" and "uncertain." The DEIS provides no evidence to the contrary. Accordingly,

- (1) The DEIS fails to meet the requirements of Hawaii's environmental protection laws, and
- (2) The project poses a significant environmental risk to the aquifer itself, to existing aquifer users and to the people, economy and well-being of Maui as a whole.

I.

The Kamaole Aquifer is Poorly Understood; the DEIS Fails to Provide Clarity

The Kamaole aquifer is poorly understood; its use has been slight and hydrologic data is almost nonexistent. Although a sustainable yield of 11 MGD has been assigned to it, state water experts and agencies have clearly indicated that this is no more than an educated guess.

According to the June 2008 "Hawaii Resource Protection Plan" prepared for the Hawaii Commission of Water Resource Management (CWRM), the 11 MGD sustainable yield calculation assigned to the aquifer is rated at the lowest confidence level: "3 – Least Confident – Limited to No Hydrologic Data."¹ In explanation, the Commission writes: "The CWRM recognizes the adopted Sustainable Yield as a reasonable planning Sustainable Yield until more detailed geologic and hydrologic information is available for these aquifer system areas. There is significant uncertainty associated with this Sustainable Yield due to the lack of hydrogeologic and pumpage information." (Emphasis added.)

George A. L. Yuen described the Kamaole aquifer's sustainable yield as "speculative" in "Water Resources Protection Plan ["WRPP"], Volumes I & II", 1990, p. V-21, because "no exploration [of the Kamaole aquifer] has taken place beyond a mile or so from the coast." Yuen cautions that estimates of sustainable yield "are not meant to be an exact number which could be used in final planning documents. The estimates are constrained not only by the scant data base but also by the fact that they do not consider the feasibility of developing the groundwater. The estimates should not be equated to developable groundwater." (WRPP, p. V-3; Emphasis added.) "Good estimates of sustainable yield need a reliable data base. In most of the State not enough is known about the extent and behavior of groundwater to allow more than a weak estimate of sustainable yields. Only in Southern Oahu, Lanai and West Maui, where many years of investigation have been devoted to unraveling the complexities of groundwater occurrence, can the sustainable yields be accepted with confidence." (WRPP, p. V-2; Emphasis added.)

The DEIS makes no mention of any of these all-important qualifying remarks and instead misrepresents the Kamaole aquifer's estimated sustainable yield as gospel. It is not.

In fact, where the state has investigated estimated sustainable yields in greater depth, yields have consistently been found to be less than that previously estimated, raising the inference that once studied the Kamaole aquifer's sustainable yield will be lower as well.

¹ This information should appear in the DEIS; the fact that it does not speaks volumes about the worth of the document.

In a June 2002 "Draft Supplemental Environmental Impact Statement for the East Maui Water Development Plan" written by Mink & Yuen, the authors note that "numerous exploratory wells would be required" to determine the worth of the Kamaole, Paia and Makawao aquifers. (Emphasis added.) "The likelihood that a significant supply of fresh water could be developed at acceptable cost is slim."

Undeterred, the DEIS suggests that the aquifer's sustainable yield may even be higher than 11 MGD, citing USGS Scientific Investigations Report 2007-5103 in which higher recharge assumptions are assigned for all Maui aquifers. However, the assumptions are unsupported by additional hydrogeologic and pumpage information, at least in terms of the Kamaole aquifer. Furthermore, this study (which precedes the CWRM's 2008 resource plan referenced above that retained a level 3 credibility factor for the aquifer) speaks primarily to the Iao aquifer, which has been extensively studied. Additionally, the study notes that Maui rainfall patterns have changed over time with the most recent period of study subject to drought: "Ground-water recharge is one of the most important factors controlling ground-water availability. . . . Decreasing irrigation has coincided recently with periods of below-average rainfall, creating the potential for substantially reduced ground-water recharge rates in many areas." (p. 1.)

USGS Report 2007-5103 examines a number of different scenarios in an effort to determine likely recharge based on a variety of historical rainfall patterns, estimating Maui's 2000 - 2004 aquifer recharge at 66% of that experienced during 1926 - 1979. (p. 31.) Using 1998 - 2002 rainfall data, the USGS found: "The worst-case scenario for recharge in central and west Maui (pastureland with drought) . . . was created by applying the 1998 - 2002 (drought) rainfall time series to the 'land use III' (no agriculture) scenario. The mean recharge for the entire study area was estimated to be . . . 46% less . . ." (p. 45.) None of this is revealed or discussed in the DEIS while it cites the study in support of speculation that the aquifer's recharge rate might be higher than previously assumed. The presence of bias is notable.

Clearly, a project intended to last well beyond this century, one that exists in a designated drought zone in an atmosphere of rising temperatures, declining rainfall, rising seas and dependence on an untested aquifer with an uncertain sustainable yield, cries out, at the very least, for rigorous analysis of the kind conducted by the USGS, employing various future-state assumptions predicated on actual trended rainfall data coupled with current observations (extreme and persistent drought) and accompanied by professional analysis of the kind befitting a project of this size, scope and longevity. The DEIS fails to meet this burden.

Keeping to this theme, one would expect the DEIS to at least acknowledge, if not distinguish, the existence of an exploratory well drilled by the Hawaii Department of Land and Natural

Resources in 2006 on a site located between the Project and its wells north of Maui Meadows. (See Central Maui Exploratory Well, Final Environmental Assessment, June 2004: "The purpose of the project is to develop an exploratory well which, if found to be hydrogeologically favorable, would serve as a future production well providing a potable water source for the State of Hawaii projects.") This is, after all, the kind of real hydrologic data identified by CWRM and Mink & Yuen as that needed to assess the sustainable yield of Kamaole aquifer, making its omission especially noteworthy. Unfortunately, the well was found to be insufficient, both in terms of water volume (only producing 172,800 gallons per day) and water quality (chloride levels exceeded acceptable standards).

ii.

Insufficient Data is Supplied to Enable Examination of Many DEIS Conclusions

Section 11-200-17, subsection E., paragraph 3, requires a draft EIS to contain project data sufficient to permit "evaluation and review of the environmental impact". In many instances the DEIS either fails to report critical data or uses average data that prevents understanding and analysis.

Vagary is a hallmark of this project. When the Maui County Department of Water Supply was asked to comment on the project's water strategy, Jeffrey Eng, Maui County Director of Water Supply, wrote the following in an August 2007 letter addressed to Mayor Chairmaine Tavares and Land Use Committee Chair Michael Molina: "[I] would like to offer the following comments of general concern related to the development's proposed water system. I would like to preface my comments by mentioning that in my opinion, the applicant has been somewhat vague in his presentation of the water system and wastewater system plans. Therefore, my comments may be somewhat assumptive."

The following deficiencies, without limitation, are noted:

- Comprehensive pump test data for all wells drilled by the developer are not included in the report. Robust presentation of this data is essential to enable examination of the developer's claim that the Kamaole aquifer is adequate to support the Project's water needs now and in the future.
- Table 3 of Tom Nance's February 2010 engineering report presents average data for Wailea wells. Average data spanning 1991 – 2009 is insufficient to allow detection and comprehension of trends, month to month and year to year. The public needs to know whether golf course irrigation is increasing, decreasing, or remaining the same over

time. Likewise, chloride concentration trends need visibility since they reflect the directional health of the aquifer.

Need for this information is particularly relevant given remarks made by John Mink in a study entitled "Wailea 670 Irrigation Well 1. Drilling and Testing Results," dated June 3, 1991 (p. 3):

"The future demand for lower Wailea is projected as 3 to 3.5 mgd, while for Wailea 670 the projected demand for two golf courses is 1 mgd. Total demand for the two areas will average 4.5 mgd along an equivalent shore line reach of three miles toward which a natural flux of 6 to 9 mgd moves. The demand as a fraction of flux probably corresponds to or somewhat exceeds sustainable yield. For these values of flux and demand, the lower Wailea wells are apt to suffer an increase in salinity over the long run, but the increase many not be great enough to eliminate the wells as sources of useable irrigation water. In fact, the lower Wailea wells are likely to experience quality deterioration more from the addition of new wells and increase in pumpage with the area than from the Wailea 670 wells." (Emphasis added.)

- The DEIS notes that the Project's water draw will increase in summer and decrease in winter. Monthly data is needed rather than bald statements without detail.
 - The DEIS makes broad assumptions about recharge without examination. Should average aquifer recharge be assumed throughout the year, or will anticipated summer water draw mis-align with lower seasonal rainfall? If a mismatch is likely, the lack of congruity should be analyzed to determine short and long term effect.
 - The DEIS states that current "groundwater pumpage from the aquifer is estimated to be a little more than four MGD". (Engineering Report, Tom Nance, p. 9.) No source is given and it is at odds with a February 2005 report given by the Commission on Water Source Management to the Maui County Board of Water Supply indicating existing withdrawal of 5.76 MGD from the Kamaole aquifer by nearby irrigation wells. Section 11-200-17, subsection E., 3, requires a draft EIS to include "technical characteristics". The requirement is not met here. The difference between an "estimated" 4 MGD and a measured 5.76 is material since it equates to 15% of the aquifer's speculative sustainable yield.
- Furthermore, Table 4 of Tom Nance's report entitled "Wells in the Downgradient Area Potentially Impacted by the Honua'ula Offsite Kamaole Wells" (p. 12) identifies only 20 wells that might be impacted by the Project and omits highly relevant chloride

concentration and volume data for each, whether on a one time basis or historically. By contrast, USGS Scientific Investigations Report 2006-5283 depicts 87 wells in the south Maui area, 67 makai of Pʻilani Highway and 20 mauka, most with fairly high chloride concentration levels, putting them at greater risk of adverse impact in the event the developer's water strategy results in increased chloride concentrations in the aquifer. To the extent the developer believes, based on scientific principles and study, that some of these 87 wells are not likely to be affected, they should be identified and a rationale given to exclude them from the class of wells at risk. In any event, state guidelines for preparation of engineering reports for new drinking water sources require thorough investigation of nearby wells (See, e.g., Hawaii State Department of Health, Safe Drinking Water Branch, Guidelines for Preparation of Engineering Reports for New Drinking Water Sources for Regulated Public Water Systems, Well Information: . . . 3. **Water quality data on any existing wells in the area. . . .**" (Emphasis added.) The DEIS falls far short of meeting this requirement.

- The DEIS states that the area's average rainfall is 18 inches a year (Engineering Report, Tom Nance, p. 13). No source is cited. Accurate rainfall data is essential to understanding sustainable yield. ("Two major contributors to ground-water recharge in central and west Maui are agricultural irrigation and rainfall." USGS Scientific Investigations Report 2007-5103, p. 1.) The amount stated, 18 inches a year, is at odds with documented, credible rainfall data for Kihei. For example, USGS Scientific Report 2007-5103 (p. 16) states that mean monthly rainfall for months with complete rainfall records at National Weather Service rain gage # 4489 (located in Kihei) is .92 inches, or 11 inches per year, 39% less than the amount reported by the developer and its expert. A casual Google search for Kihei rain totals produces support for the USGS number and none for the developer's.
- The DEIS omits discussion and data relative to the relationship of the Project to other land use plans in the affected area. (See HAR 11-200-17, subsection H.) A large public high school and police station are planned to be built mauka of Pʻilani Highway in the vicinity of the Project and Makena Resort is located immediately south of the Project. Where will these projects obtain potable water, and what impact, if any, will they have on the Kamaole aquifer, alone and in combination with the Project?
- The developer's consulting hydrologist should present *his* professional opinion regarding the integrity, sustainability and reliability of the Kamaole aquifer since the developer is placing total reliance on the aquifer to support the Project, now and in the future.

Instead, the developer's consultant parrots carefully edited statements by others, portraying the Project's water supply in the best light while ignoring negative information. Certification of the water strategy by the developer and its expert hydrologist is essential.

III.

Mitigation Measures are Non-existent

Because the DEIS is predicated upon an unsupported sustainable yield, discussion of mitigation measures, required by HAR 11-200-17, subsection M, cannot be undertaken. Once a credible assessment of the Kamaole aquifer's sustainable yield is secured, mitigating strategies must be considered to align the Project with the capacity of its water source. Until then, no meaningful discussion of mitigation measures can be undertaken.

IV.

Water and Climate are Not Static; the DEIS Must Consider Likely Future States

The DEIS approaches the question of water supply as a snapshot in time, turning a blind eye to climactic trends.

HAR 11-200-17, subsection J, requires a DEIS to consider both short term and long term effects: "The draft EIS shall include in a separate and distinct section a description of the relationship between local short term uses of humanity's environment and the maintenance and enhancement of long-term productivity. . . . The discussion shall include the extent to which the proposed action . . . poses long-term risks to health or safety." (Emphasis added.)

Potential ruination of the Kamaole aquifer² due to miscalculation (or here, no calculation) is a potential outcome of the Project. In the face of this possible horrendous outcome, the developer takes what appears to be British Petroleum's approach to risk management: making unjustifiable assumptions predicated on speculative sustainable yield estimates and assuming everything will work out. Humanity is frequently and painfully reminded that things don't always work out the way we hope, particularly when risk is imprudently assessed and taken. Indeed, this is why we have environmental protection laws and require environmental impact statements to be prepared.

² Water in the Kamaole aquifer is held in public trust and must be treated with due care.

Because the Project will, if constructed, exist beyond this century³, the DEIS should take into account observable climatic trends and professional projections co-existent with its life expectancy. The following is a partial list of data, observable trends and professional opinion not mentioned in the DEIS needing consideration to provide a better assessment of the Project's long term water sourcing plans:

A. Rainfall is Declining; Temperatures and Sea Levels are Rising in Hawaii and World-wide

EPA Circular 236-F-007e issued in 1988 states, "In Honolulu, Hawaii, the average temperature has increased 4.4 degrees F over the last century, and precipitation has decreased approximately 20% over the last 90 years." Temperature increases are expected to produce a rise in sea level with collateral impact on freshwater lenses in Hawaii. (See, e.g., Global Climate Change Impacts in the United States, U.S. Global Change Research Project, www.globalchange.gov/usimpacts.)

If these trends continue, how will the Kamaole aquifer be affected? Will recharge decline? Will evaporation increase? Will vegetation suffer, causing greater runoff and less absorption? And if the aquifer's salinity levels rise, will the ability to produce potable water be impaired and, if so, to what degree? Will down-gradient wells be impacted, with consequential impact on the greater south Maui community? Does the project need a back-up plan in case saline levels become unmanageable? If so, what is the plan?

B. Drought Conditions are Extreme and are Expected to Become more Prevalent and Persistent

- Experts warn that climate change will likely produce more extreme drought conditions that will last for extended periods of time compared to the past. Drought now plagues Hawaii.
- The National Weather Service recently reported that the 2009 – 2010 "wet season" in Hawaii (October to April) was the driest in 55 years.
- The U. S. Drought Monitor recently proclaimed the area from Wailea to Lahaina in extreme drought; current drought conditions in Hawaii are rated the most extreme in the nation.
- The Hawaii Drought Plan, 2005 Update, identifies the Project area as being among the most vulnerable to drought.

³ The one contingency that might cause an early end to the Project is lack of a reliable supply of water.

- A representative of Haleakala Ranch recently reported persistent drought has caused a high-level water source on the ranch to go dry, the "first time . . . in anyone's memory." (*Maui News*, April 23, 2010.) Some of the Project's wells are located on Haleakala Ranch lands.
- A representative of Ulupalakua Ranch recently stated that "We've not seen normal . . . anywhere near normal rainfall for quite some time." (*Maui News*, April 23, 2010.) Ulupalakua Ranch is located immediately above the Project.

- In Scientific Investigations Report 2007-5103, the USGS estimates that Maui's 1998-2002 drought conditions resulted in a 27% reduction in aquifer recharge.
- The U.S. government and several credible federal agencies predict that climate change will intensify drought conditions, particularly in dry areas like the Project site: "Deserts and drylands are likely to become hotter and drier, feeding a self-reinforcing cycle of invasive plants, fire and erosion." ("Global Climate Change Impacts in the United States", U.S. Global Change Research Program, www.globalchange.gov/usimpacts.)

The DEIS must acknowledge and consider the impact climate trend will have on the Project's proposed water supply. (HAR 11-200-17, subsection 1.) Hawaii's State Department of Health, Safe Drinking Water Branch, Guidelines for Preparation of Engineering Reports for New Drinking Water Sources for Regulated Public Water Systems, item 6, explicitly details what is required: "Data relating to quality and quantity of the source waters under normal conditions and during stress conditions such as drought or heavy precipitation, as determined by field and laboratory analyses and investigations of available records. If records are not available or are inadequate to determine expected quality and quantity during stress conditions, an estimate of expected quality and quantity during stress conditions should be established and related to the hydrologic budget to the aquifer or isopiestic area." None of this is provided by the developer.

Observed climate trends raise a variety of questions:

- What effect will higher average temperatures have on evaporation rates, aquifer recharge, chloride concentration levels and sustainable yield?
- What will lower average precipitation mean to aquifer recharge, chloride concentration levels, and sustainable yield?
- How will a rising sea level impact the Project's water source?

- How will extreme drought effect evaporation rates, recharge, chloride levels and down-gradient well water quality?
- What factors and assumptions should be included in development of a worst case scenario; what outcome would it produce?
- What is the back-up plan should the Kamaole aquifer fail to support the Project?
- If current aquifer users are negatively impacted by the Project and/or climate change how will their water needs be met/replaced?
- How will the County of Maui or the state respond, if at all, to a large, failed project in need of water?
- What impact will a failed project have on the island's economy and on real property values and tax revenues?

Answers to these questions are particularly relevant since the Central Maui water system is incapable of serving the Project or supporting current down-gradient users in the event of failure. ("Remaining capacity of the Central system currently cannot meet the demand of this project." March 13, 2006, letter from the director of Maui County's Department of Water Supply to the mayor of Maui County.)

V.

No Wastewater Treatment Solution is Identified/Studied; the Project is Not Ripe for Review

Obviously, an environmental impact statement must articulate what is planned. The developer concedes it does not have a wastewater treatment plan at this time. Perhaps it will rely on Makena Resort (an entity in foreclosure with an uncertain future); perhaps it will not. We are left to guess. In addition, no detail or analysis of either approach is supplied. Because wastewater treatment and disposition are key components of the Project's overall water strategy, the DEIS fails to meet the requirements of HAR 11-200-16 and -17.

VI.

The Project is Located in a Wildfire Zone

According to the Hawaii Drought Plan, 2005 Update, the Project is located in a wildfire zone. In fact, the area just north of Maui Meadows recently experienced wildfire. Obviously, water is

needed to fight fire. The source(s) and amount of water for firefighting need to be identified and means to protect wells located in the wildfire zone explained.

VII.

The Project's Water Strategy May Violate the Upcountry Community Plan

The DEIS indicates that at least some of the Project's wells will be located north of Maui Meadows. The locations of transmission lines from these wells and water storage facilities for the Project are not shown. Unless water transmission lines and associated storage tanks are exclusively located within the Kihei/Makena Community Plan District, water transmission of any kind over or through the Upcountry Community Plan District is strictly prohibited. In anticipation of conflict between the Upcountry Community Plan and the developer's water transmission and storage plan, it is critical that water transmission lines and storage facilities be identified and mapped; compliance with law must be demonstrated. (11-200-16, H: "The draft EIS shall include a statement of the relationship of the proposed action to land use plans, policies, and controls for the affected area.")

VIII.

Large Development + Unsubstantiated Water Source = High Risk

Wailea 670's size coupled with dependence on a poorly understood water source necessarily makes the project high risk. The absence of a back-up plan elevates the risk posed. If the Project fails for lack of a sustainable water source, several potential negative consequences may result:

- The Kamaole aquifer may be damaged, now and for future generations, caused by over-pumping and consequent rise in chloride concentrations;
- Nearby wells may be rendered unusable due to rising chloride levels. Because nearby wells currently draw approximately 5.7 MGD from the Kamaole aquifer, this volume would need to be replaced. However, since the Central Maui system has no additional capacity, how this would be done is not explained. Simply drilling more wells in an aquifer in distress, as the developer proposes, will not, on its face, be a solution. If the wells serving Wailea and Makena golf courses become unusable, negative economic effect will be wide-spread, with consequential damage to nearby hotels, residences and county revenue.

- Maui County's "brand" would be degraded with consequential damage to the island's economy, much of which is tied to real estate, real estate development and tourism.

High risk projects merit a commensurate level of analysis and scrutiny. The water component of the DEIS falls far short of this. In legal terminology, the DEIS fails to meet the letter and spirit of Hawaii's environmental laws specific to environmental impact statements. In general terms, it simply fails to provide evidence of sustainability upon which to construct a 1,400 unit development complete with a golf course and commercial center.

Nothing in the DEIS refutes expert and state agency opinion that the sustainable yield of the Kamaole aquifer is anything but "uncertain" and "speculative". The DEIS is devoid of hydrologic test data needed to provide a level of confidence upon which to give the Project's water strategy a green light. Assuming the developer's plan is not to "pump and dump," it is high time for the developer to commit the resources necessary, financial and professional, to prove (or disprove) the adequacy of the Project's water source.

Respectfully submitted,

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Re: Wailea 670's Draft Environmental Impact Statement
Addendum No. 1

Key Points:

- I. Under Hawaii water law, Wailea 670's [the Project] use of wells on Haleakala Ranch land relegates it to inferior water use priority and status, that of "appropriator." Appropriators' water rights are subordinate to those of overlying landowners and subject to extinguishment.
- II. Existing users of the Kamaole aquifer must be documented to benchmark the current situation against which the Project's future use can be measured.

III. Current aquifer users are entitled to unhindered use of their wells.

IV. Well monitoring is needed to guard against potential disruption of aquifer equilibrium.

V. DEIS deficiency check list.

I.

Three Kinds of Water Rights Exist Under Hawaii Common Law; the Project's Haleakala Ranch Wells Have Low Water Priority

Hawaii common law recognizes three distinct categories of water rights: "(1) *riparian rights*, which are water rights of land adjacent to a stream; (2) *appurtenant rights*, which are water rights attaching to a specific piece of property; and (3) *correlative rights*, which are water rights of land to its underlying groundwater." (Lawrence H. Milke, *Water and the Law in Hawaii*, p. 96 (c. 2004).)

Here, streams and/or surface water are absent on or near the subject parcel, leaving only correlative rights to use water beneath the Project's land. Unfortunately for the developer, the water sourcing strategy outlined in the DEIS relies not so much on wells within the Project's boundary as upon wells located offsite on Haleakala Ranch property. This relegates the Project to the status of a water "appropriator" under the law.

" . . . correlative rights, however, extend only to uses on lands overlying the water source. Parties transporting water to distant lands are deemed mere 'appropriators,' subordinate in right to overlying landowners. . . . [T]he correlative rights rule grants overlying landowners a right only to such water as necessary for reasonable use. Until overlying landowners develop an actual need to use ground water, nonoverlying parties may use any available 'surplus.'" (2000 Waiahole Ditch Contested Case, 94 Haw. 97, at p. 171.)

Milke illustrates how these rights apply, using an example that is four square with the facts here:

"Example 2: A party wants to use groundwater on other than the overlying land (i.e., an overlying landowner or another party with permission from the overlying landowner to drill a well).

a. Not in a designated water management area

2

1. Under the common law, the party can do so as long as the use is reasonable and does not interfere with the correlative uses of overlying landowners.

2. If an overlying landowner decides to exercise his correlative rights and the proposed use is reasonable but would interfere with the uses of other overlying landowners, he can take that amount of water from the appropriating party."

(*Water and the Law in Hawaii*, p. 216.)

Thus, once the exercise of correlative water rights meets or exceeds the capacity of an underlying water source, the "rights" of appropriators are extinguished. Stated another way, when other land owners overlying the Kamaole aquifer tap into the source such that the source is at capacity, the Project's right to continued withdrawals from Haleakala Ranch wells will diminish and/or end.

The developer may argue that the Kamaole aquifer is a seamless, singular body of underground water such that the taking of water anywhere within the aquifer's boundary amounts to overlying use. This argument, if advanced, fails. First, it is well established that aquifer characteristics vary from place to place. This is evident first hand from, among other things, the poor results obtained by the DLNR from its exploratory well drilled just above Maui Meadows in 2006. Second, the developer's own water strategy bespeaks aquifer variability: rather than obtaining water exclusively from wells beneath the Project's land, the developer has turned to more productive wells located off site on Haleakala Ranch land.

The fact is, water beneath the Project is inadequate to produce the kind and volume of water needed to support 1,400 homes, a golf course and commercial center and thus it has sought water elsewhere. Furthermore, to the extent the Project actually resorted to well water within and beneath its boundary, degradation of critical Wailea golf course wells may result, which is perhaps why it has chosen to appropriate water from elsewhere.

The relevance of this to the DEIS is obvious since the draft fails to address any of this. Assuming the Project proceeds with use of offsite wells and assuming south Maui property owners look increasingly to the Kamaole aquifer for irrigation water as many are now doing (see below), how will the Project secure water when its appropriative rights are diminished or extinguished?

II.

¹ Milke explains that these "rights" are not of ownership, but rights of priority: they give the holder priority over the use of the water to which the rights attach. (*Water and the Law in Hawaii*, p. 96.)

The DEIS Must Identify and Quantify Existing Aquifer Users

It is elementary that we must know the baseline parameters of seasonal well draws from existing Kamaole aquifer users. Once captured, the data will provide a springboard for discussion of probable future aquifer use in the water-starved, arid south Maui region.

A logical starting point is Hawaii's Commission on Water Resource Management (CWRM) ground water well index for the Kamaole aquifer, listing 134 installed wells with a total capacity of 19.23 mgd. (See attached list and maps.) While some of these wells are likely dormant or abandoned, it is notable that over 30 wells have been drilled into the aquifer during the past 10 years, many by large properties that may use significant volumes of water for irrigation, such as the Makena Surf condominiums in Makena; the Kea Lani Hotel in Wailea; Grand Champions Villas in Wailea; and the Maui Kamaole, Maui Vista, Ke Ali'i and Kihei Akahi condominiums in Kihei. These wells are additive to those serving the Wailea and Makena golf courses that draw substantial volumes of water from the aquifer for irrigation, particularly during hot, dry summer months. For example, Makena Land LLC's May 2007 water use report to the CWRM indicates a daily water draw of 2,770,533 gallons; Wailea Resort reported a daily draw of 2,728,709 gallons in the month of August 1998. (See attached.) Combined, the two reports show dry season water withdrawals equal to 5.5 mgd, wholly aside from draws by other area well owners.

Unfortunately, well owner compliance with CWRM well water reporting requirements is spotty, and the CWRM reports inability to compel owner compliance with reporting requirements. This, however, does not excuse the developer from gathering all available information and, in fact, heightens the need for it because without baseline data the risk posed to the environment by the Project becomes nothing more than a gamble. Gambling on water for a project of this size does not meet the purposes of the state's environmental laws, rules and regulations.

Here's what we need in the DEIS: (1) identification of all existing, operative Kamaole aquifer wells; (2) quantification of the seasonal use of each operative well in terms of volume of water withdrawn and water quality achieved; and (3) assessment of likely future well demand.

The utility of this information is obvious and elementary. First, current usage and water quality, measured over time, must be assessed to serve as a benchmark against which the Project's activity can be measured. Second, current pumpage volumes will shed light on the aquifer's sustainable yield and current surplus, if any. Third, pumpage data will provide a platform from which future water need scenarios can be modeled. This is particularly relevant given (a) lack of capacity of the Central Maui water system to meet new water needs, (b) persistent and continuing arid/drought conditions in south Maui, (c) continued local population growth and

associated development pressure and (d) the tenuous nature of the Project's proposed "appropriator" water rights.

III.

Existing Kamaole Aquifer Users Are Entitled to Unhindered Use of Their Wells

"[T]he rights of all land owners over a common basin, saturated strata, or underground reservoir, are coequal or correlative, and . . . one land owner can not extract more than his share of the water even for use on his own lands, where the rights of others are injured thereby." (Water and the Law in Hawaii, p. 105, quoting Waiahole II, p. 74.)

To the extent Wailea 670's water extraction injures other wells or the utility of the aquifer in general, other well users will be damaged, irreparably if the aquifer as a whole "salts up" and/or individual producing wells are degraded. The DEIS must calculate the risk of a negative outcome and develop alternate water sourcing plans in the event the developer's assumptions about its water use are incorrect. The use of scenario planning techniques would be helpful.

IV.

Well Monitoring is Needed to Guard Against Potential Disruption of Aquifer Equilibrium

In Water and the Law in Hawaii, Milke notes that sustainable yield is a management concept requiring periodic monitoring, particularly when withdrawals approach sustainable yield. Where the sustainable yield is speculative, as it is here, effective monitoring is particularly critical to protection of the environment.

"Monitoring includes deep monitor wells, water-level observation wells, spring chemistry data, and water use/chloride data from production wells. Deep monitor wells measure the size and stability of the freshwater lens. Such monitoring can follow the stability of the transition zone." (Water and the Law in Hawaii, p. 7.)

The DEIS makes no reference to industry-standard monitoring strategies. Given the risky approach to water development proposed here, monitoring wells present the best means to guard against potential disruption of aquifer equilibrium. Accordingly, a monitoring regimen needs to be articulated in the DEIS (and ultimately deployed).

V.

Key DEIS Deficiency Check List

The following items need to be included in the water component of the Project's DEIS:

1. Identification of all existing Kamaole aquifer users, including
 - a. pumpage/volume and water quality data,
 - b. reported seasonally, if not monthly,
 - c. covering an extended period of time, preferably not less than 5 years, and
 - d. updated not less than annually.
2. An irrevocable and continuous plan for periodic measurement and transparent reporting of the above information.
3. Articulation of an irrevocable and continuous professional well monitoring scheme designed to protect the equilibrium of the Kamaole aquifer.
4. Examination of an array of possible future states, paying particular attention to current and likely future weather and water conditions in and around the Project site. Best and worst case water availability scenarios for the Project need to be developed and possible outcomes reported, paying particular attention to the Project's tenuous hold on Haleakala Ranch well water.
5. Development and articulation of carefully calculated and operationally feasible water sourcing contingency plans in the event the Project's water strategy fails.
6. Identification/location of all water lines and storage facilities intended to support the Project. To the extent these plans violate the Upcountry Community Plan, explain how conflicts will be resolved.
7. Reassessment of average rainfall assumptions contained in the current DEIS, with citation to reliable/credible sources substantiating the data used. If reassessment results in lower average rainfall data, adjust all internal calculations, particularly those relating to expected aquifer recharge and seasonal water draws for irrigation.
8. Admit the uncertain status of the sustainable yield estimate for the Kamaole aquifer and discuss the implications of uncertainty. Describe how the Project will respond if the sustainable yield is less than the current uncertain estimate.
9. Develop and report comprehensive wastewater and desalination plans; meet all the requirements of HAR sections 11-200, *et seq.*

Sincerely,

Mark G. Hyde

Attachments:

- (1) CWRM Ground Water Well Index (7 pages)
- (2) Well Maps (2 pages)
- (3) Makana Land LLC May 2007 Well/Water Report to CWRM
- (4) Wailea Resort August 1998 Well/Water Report to CWRM

WAILAEA 670 RISK PROFILE



Large Development



Small Development

Certain Water Source Uncertain Water Source

Risk Profile - Water:

Waialea 670's risk profile is high: it is a large development reliant on an uncertain, brackish private water source using, in large part, offsite wells.

Sources of Water Risk Apparent from DEIS:

- Private water source – of necessity
- No ability to fall back on public water source
 - And no water contingency plan in DEIS if/when the Project's water source fails
- Brackish water source requiring desalination; no potable water
- No articulated plan for desalination or for treatment of wastewater
- The Kamaole aquifer's SY is described by state agencies/experts as "substantially uncertain" – Level 3 categorization
 - The DEIS omits these qualifying words and represents the SY as established fact
 - Lack of hydrologic/pumpage information obligates a level 3 categorization per CWRM Mink & Yuen: numerous exploratory wells needed to assess capacity
 - No independent assessment of SY to reduce/overcome uncertainty in DEIS
- Reliance on offsite wells:
 - No beneficial surface water flow, or riparian or appurtenant water access/rights
 - Only extinguishable "Appropriator" water rights to offsite Haleakala Ranch wells
- No consideration of possible/probable future states re Maui water: 100 + year project
 - No scenario planning
 - No stress testing under possible/probable drought conditions/diminished rainfall

- No recognition or discussion of observed climate changes, trends and projections
- Large Project with matching water needs
- Arid location; located in state-designated drought and wildfire zones
- No assessment/benchmarking of current Kamaole aquifer use
 - No measurement of existing well volumes, water quality, seasonal variation, etc.
 - 134 Kamaole aquifer wells per CWRM data
 - No additional public water capacity in south Maui = more private wells probable
 - 30 new irrigation wells drilled into the Kamaole aquifer the past 10 years, including Makena Surf, Kea Lani Hotel, Grand Champions, Maui Kamaole, Maui Vista, Kihet Akahi, etc.
- No down-gradient well water quality monitoring program (despite developer's experts' prediction that Project's wells will negatively impact lower-gradient users); no monitoring wells planned

The DEIS Does Not Accurately or Thoroughly Evaluate These Risks: Next Steps

Please ask the Applicant to include the following in the final EIS:

- Analysis and discussion of the Kamaole aquifer's SY, addressing the fact that the CWRM rates the aquifer's SY at level 3 - substantial uncertainty - due to the absence of hydrologic and pumpage data
- Discussion of a back-up/contingency plan in the event the aquifer's SY is less than anticipated or other users tap its capacity
- Provision of benchmark data for existing wells, including volumes and chloride levels
- Inclusion of ongoing well and aquifer monitoring plans
- Discussion of peak water demand and seasonality on aquifer performance and recharge, including long term effects of climate change and persistent drought conditions
- Evaluation of the range of best and worst case water availability scenarios consistent with the expected life of the development
- Discussion of alternative responses to compromised water availability, such as fewer housing units, a redesigned golf course, etc.
- Discussion of water "rights" with respect to offsite wells
- Robust discussion of the desalination process, costs and disposal of contaminants, etc.
- Analysis of pros/cons of offsite vs. onsite wastewater treatment including discussion of Makena Resort wastewater capacity and sustainability given economic vulnerabilities

For Official Use Only:

State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
ANNUAL GROUND WATER USE REPORT



Name: Resident Manager
 Company: Maui Kamaole AOA
 Address: 2777 South Kihei Rd.
 Kihei, HI 96753
 Telephone No.: 874-9381 Fax No.: 891-8432
 State Well No.: 4226-16 Well Name: Maui Kamaole AOA Irrigation Well Year: 2006

INSTRUCTIONS: Please TYPE OR PRINT CLEARLY. Complete this form to report total monthly ground water use, and, if required, other information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 621, Honolulu, HI 96809. For assistance, please call (808) 587-0265.

State Well No.	Period Begin Date (mm/dd/yy)	Period End Date (mm/dd/yy)	Quantity Pumped (gallons)	Method of Measurement*	Chloride (mg/l)	Temp (F)	Non-Pumping Water Level (ft. above msl)**
January	01/01/06	02/01/06	est. 1056810	Source meter not read	nr	nr	nr
February	2/01/06	3/02/06	est. 2368822	Source meter not read	nr	nr	nr
March	3/02/06	4/02/06	est. 1113262	Flow Meter	180	70	129.9
April	4/02/06	05/02/06	est. 2884000	Source Meter broken	165	70	129R
May	5/02/06	6/02/06	est. 1740566	Source Meter broken	150	70	128.7
June	6/02/06	7/02/06	est. 2581010	Source Meter broken	155	70	128.3
July	7/02/06	8/02/06	est. 2591980	"	160	70	128.4
August	8/02/06	9/02/06	est. 4344236	"	165	70	128
September	9/02/06	10/02/06	est. 4282936	"	160	70	128.2
October	10/02/06	11/02/06	est. 3214711	"	160	70	127.9
November	11/02/06	12/02/06	est. 3094379	"	170	70	128
December	12/02/06	1/02/07	est. 2500821	"	170	70	128.2

* Flow meter, electrical consumption, weir or flume, not metered (estimated).
 ** Measurement should be taken while pump is NOT running just prior to a pumping cycle; if measurement is taken while pump is running, please indicate so.

Other comments or additional information (e.g., date and method of chloride measurement, how pumpage amounts are estimated, etc.):
 Transition between resident managers. Readings weren't taken. Interim Manager was unaware of groundwater use report requirements of D.L.N.R.

Submitted by (print): Rob Martin Title: Resident Manager
 Signature: _____ Date: January 2, 2006

For Official Use Only:

State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
ANNUAL GROUND WATER USE REPORT



Name: Resident Manager
 Company: Maui Kamaole AOA
 Address: 2777 South Kihei Rd.
 Kihei, HI 96753
 Telephone No.: 874-9381 Fax No.: 891-8432
 State Well No.: 4226-16 Well Name: Maui Kamaole AOA Irrigation Well Year: 2006

INSTRUCTIONS: Please TYPE OR PRINT CLEARLY. Complete this form to report total monthly ground water use, and, if required, other information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 621, Honolulu, HI 96809. For assistance, please call (808) 587-0265.

State Well No.	Period Begin Date (mm/dd/yy)	Period End Date (mm/dd/yy)	Quantity Pumped (gallons)	Method of Measurement*	Chloride (mg/l)	Temp (F)	Non-Pumping Water Level (ft. above msl)**
January	1/01/06	1/31/06	1056810	Flow Meter	175	70	128' 3"
February	2/01/06	3/01/06	2368822	Flow meter	170	70	128' 1"
March	3/1/06	4/01/06	1115228	Flow Meter	180	70	128' 1/2"
April	4/01/06	5/01/06	2884000	Flow Meter	150	70	128' 1/2"
May	5/01/06	6/01/06	1740566	Flow Meter	145	70	128' 7"
June	6/01/06	7/01/06	2581010	Flow Meter	165	70	128' 4"
July	7/01/06	8/01/06	2591980	Flow Meter	165	70	128' 6"
August	8/01/06	9/01/06	4344236	Flow Meter	165	70	128' 2"
September	9/01/06	10/02/06	4282936	Flow Meter	160	70	128' 4"
October	10/02/06	10/31/06	3214711	Flow Meter	160	70	128' 1"
November	11/01/06	12/04/06	3094379	Flow Meter	170	70	127' 9"
December	12/1/06	1/1/07	Not Read	Flow Meter	nr	nr	nr

* Flow meter, electrical consumption, weir or flume, not metered (estimated).
 ** Measurement should be taken while pump is NOT running just prior to a pumping cycle; if measurement is taken while pump is running, please indicate so.

Other comments or additional information (e.g., date and method of chloride measurement, how pumpage amounts are estimated, etc.):
 Transition between resident managers. Readings weren't taken. Interim Manager was unaware of groundwater use report requirements of D.L.N.R.

Submitted by (print): Rob Martin Title: Resident Manager
 Signature: _____ Date: January 2, 2006

For Official Use Only:

State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
ANNUAL GROUND WATER USE REPORT



Name: Resident Manager
 Company: Maui Kamaole AOA
 Address: 2177 South Kihei Rd.
 Kihei, HI 96753
 Telephone No.: 874-9381 Fax No.: 891-8432
 State Well No.: 4226-16 Well Name: Maui Kamaole AOA Irrigation Well Year: 2009

INSTRUCTIONS: Please TYPE OR PRINT CLEARLY. Complete this form to report total monthly ground water use, and, if required, other information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 621, Honolulu, HI 96809. For assistance, please call (808) 587-0265.

State Well No.	Period Begin Date (mm/dd/yy)	Period End Date (mm/dd/yy)	Quantity Pumped (gallons)	Method of Measurement*	Chloride (mg/l)	Temp (°F)	Non-Pumping Water Level (ft. above sea)**
January	01/01/09	2/1/09	Est. 3,250,000	Flow meter Broken	120	70	126.7
February	2/1/09	3/1/09	Est. 3,001,453	Flow meter Broke	130	70	127.2
March	3/1/09	4/1/09	Est. 2,727,007	Flow meter Broken	140	70	127.
April	4/1/09	5/1/09	Est. 3,267,260	Flow meter Broken	130	70	127.6
May	5/1/09	6/1/09	Est. 2,462,150	*Flow meter broken	120	70	128.1
June	6/2/09	7/1/09	Est 3100160	Flow meter broken	140	70	128.3
July	7/2/09	8/1/09	Est. 3,500,700	Flow meter broken	130	70	128.5
August	8/2/09	9/1/09	3,237,650	Flow Meter	135	70	127.8
September	9/2/09	10/1/09	3,102,240	Flow meter	120	70	128
October	10/2/09	11/1/09	2,731,320	Flow meter	125	70	128.2
November	11/2/09	12/1/09	2,745,100	Flow meter	110	70	127.9
December	12/2/09	1/1/10	2,758,990	Flow meter	100	70	128.3

* Flow meter, electrical consumption, weir or flume, not metered (estimated).
 ** Measurement should be taken while pump is NOT running just prior to a pumping cycle; If measurement is taken while pump is running, please indicate so.

Other comments or additional information (e.g., date and method of chloride measurement, how pumpage amounts are estimated, etc.):

Submitted by (print): _____ Title: _____
 Signature: _____ Date: _____

For Official Use Only:

State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
Department of Land and Natural Resources
ANNUAL GROUND WATER USE REPORT



Name: Resident Manager
 Company: Maui Kamaole AOA
 Address: 2177 South Kihei Rd.
 Kihei, HI 96753
 Telephone No.: 874-9381 Fax No.: 891-8432
 State Well No.: 4226-16 Well Name: Maui Kamaole AOA Irrigation Well Year: 2008

INSTRUCTIONS: Please TYPE OR PRINT CLEARLY. Complete this form to report total monthly ground water use, and, if required, other information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 621, Honolulu, HI 96809. For assistance, please call (808) 587-0265.

State Well No.	Period Begin Date (mm/dd/yy)	Period End Date (mm/dd/yy)	Quantity Pumped (gallons)	Method of Measurement*	Chloride (mg/l)	Temp (°F)	Non-Pumping Water Level (ft. above sea)**
January	01/01/08	02/01/08	est. 1518750	Flow Meter broken	165	70	nr
February	2/01/08	3/01/08	3,001,453	Flow meter repaired	165	70	nr
March	3/01/08	4/01/08	2,727,907	Flow Meter	180	70	128.3
April	4/1/08	5/2/08	3,267,260	Flow Meter	165	70	128.9
May	5/2/08	6/4/08	2,462,150	Flow Meter	180	70	128.6
June	6/1/08	7/5/08	3,100,160	Flow Meter	170	70	128.7
July	7/5/08	8/1/08	3,547,730	Flow Meter	160	70	128.4
August	8/1/08	9/1/08	3,637,650	Flow Meter	165	70	128.5
September	9/1/08	10/3/08	3,252,460	Flow Meter	165	70	128.3
October	10/3/08	11/1/08	3,547,780	Flow Meter	165	70	128.3
November	11/1/08	12/1/08	est 3,094,379	Flow Meter Broken	160	70	128.1
December	12/1/08	1/1/08	est 2,500,821	Flow Meter Broken	160	70	128

* Flow meter, electrical consumption, weir or flume, not metered (estimated).
 ** Measurement should be taken while pump is NOT running just prior to a pumping cycle; If measurement is taken while pump is running, please indicate so.

Other comments or additional information (e.g., date and method of chloride measurement, how pumpage amounts are estimated, etc.):
 Estimates for January, November, and December based on previous years.

Submitted by (print): Brian Noble Title: Resident Manager
 Signature: _____ Date: February 9, 2009



State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
 Department of Land and Natural Resources
ANNUAL GROUND WATER USE REPORT

For Official Use Only:

Name: Maui Kaimoale AOA
 Company: 2777 South Kihei Rd
 Address: Kihei HI 96753
 Telephone No.: 874-9381 Fax No.:
 State Well No.: Well Name: Year: 2010

INSTRUCTIONS: Please TYPE OR PRINT CLEARLY. Complete this form to report total monthly ground water use, and, if required, other information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 521, Honolulu, HI 96809. For assistance, please call (808) 587-0265.

State Well No.	Period Begin Date (mm/dd/yy)	Period End Date (mm/dd/yy)	Quantity Pumped (gallons)	Method of Measurement*	Chloride (mg/l)	Temp. (F)	Non-Pumping Water Level (ft. above msl)**
	1/1/10	2/1/10	EST3,000,000	Flow meter broken	100	70	128.3
	2/1/10	3/1/10	est 3,001,453	Flow meter broken	105	70	128.2
	3/1/10	4/1/10	est 2,727,007	Flow meter broken	95	70	128.2
	4/1/10	5/1/10	est 3,267,260	Flow meter broken	100	70	128.5
	5/1/10	6/1/10	est	Flow meter broken	100	70	128.6
	6/1/10	6/25/10	est	Flow meter broken	105	70	128.5

* Flow meter, electrical consumption, weir or flume, not metered (estimated).
 ** Measurement should be taken while pump is NOT running just prior to a pumping cycle;
 If measurement is taken while pump is running, please indicate so.

Other comments or additional information (e.g., date and method of chloride measurement, how pumpage amounts are estimated, etc.):

Submitted by (print): _____ Title: _____
 Signature: _____ Date: _____

GWUR-ANN FORM (06/10/2004)



May 31, 2012

Dean T. Sandow
 32588 Dutch Canyon Road
 Scappoose, Oregon 97056

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Associate

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Associate

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 Fax: (808) 535-3163

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Sandow:

Thank you for your letter dated June 28, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. We are also in receipt of the letters from Mark G. Hyde and copies of the Association of Apartment Owners of Maui Kama'ole's (AOAO) Annual Ground Water Use Reports for 2006 to June 2010, which were attached to your letter. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

We acknowledge your concern regarding the potential impact to downgradient wells, including the well at Maui Kama'ole, Tom Nance Water Resource Engineering (TNWRE) conducted an assessment of the potential impact on groundwater resources from the creation of Honua'ula. Section 3.5.1 (Groundwater) of the Draft EIS includes a summary of this assessment and the complete assessment is included as Appendix B of the Draft EIS. Hydrologist Tom Nance of TNWRE has over 30 years experience in the areas of groundwater and surface water development, hydraulics and water system design, flood control and drainage, and coastal engineering.

As stated in Section 3.5.1 (Groundwater) of the Draft EIS, approximately six active downgradient wells may be impacted by a potential increase in salinity due to reduced flowrate resulting from Honua'ula's off-site wells. It is not known if the increase in salinity would materially impair the utility of the wells; however if the utility of the wells is materially impaired, additional wells (pumping the same combined amount of water) in the area north of Maui Meadows would distribute the draft over a greater area and would alleviate the impact downgradient. Honua'ula Partners, LLC commits to providing these additional wells if the utility of active downgradient wells is materially impaired.

All existing on- and off-site wells are fully permitted by the Commission on Water Resource Management (CWRM). All new wells will be developed in compliance with all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. The CWRM application process for well construction permits requires an extensive application process with thorough review by the State Department of Health (DOH) for compliance with DOH rules and standards, including the appropriateness of the well location.

Honua'ula Partners, LLC will also comply with: 1) DOH Engineering and Capacity report requirements; and 2) the County's Water Availability Policy, codified as Chapter 14-12, Maui County Code (MCC), which requires verification of a long-term, reliable supply of water before subdivisions are approved. In accordance with Section 14.12.050 MCC, in reviewing and commenting on water source engineering reports the DWS Director shall consider (among other things) the following factors:

Dean Sandow

SUBJECT: HONUA'ULIA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

May 31, 2012

Page 2 of 3

- Cumulative impacts;
- CWRM's Water Resources Protection Plan;
- The general plan and relevant community plans;
- The adverse impacts on surrounding aquifers and stream systems, including:
 - o Water levels;
 - o Water quality, including salinity levels;
 - o Surface water-groundwater interactions; and
 - o Adverse impacts on other existing, future, or planned wells;
- The adverse impacts on the water needs of residents currently being served and projected to be served by DWS;
- The adverse impacts on environmental resources that are rare or unique to the region and the project site (including natural, cultural, or human-made resources of historic, archaeological, or aesthetic significance);
- The adverse impacts on the exercise of traditional and customary Native Hawaiian rights and practices;
- United States Geological Survey studies;
- Whether the applicant is in full compliance with the State water code and County's water reporting laws;
- Whether the affected water source, including groundwater, surface water, or other source of water will exceed:
 - o 90 percent of the sustainable yield;
 - o Instream flow standards; or
 - o Interim instream flow standards;
- The adverse impacts to the water needs of residents currently on a County "wait list" for water meters;

In light of the comprehensive State and County laws, rules, and policies regarding new water source and well development, there will be extensive analysis, review, and evaluation of potential impacts of any new wells.

In their letter commenting on the Draft EIS dated May 20, 2010, CWRM stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues."

In response to your comment regarding a sustainable water source for Honua'ula, please note that Honua'ula and the wells that will supply it are located in the Kama'ole Aquifer System. As discussed in Section 3.5.1 (Groundwater) of the Draft EIS, in 1990, the CWRM set the sustainable yield of the Kama'ole Aquifer at 11 million gallons per day (MGD); however, more recent studies from the United States Geological Survey and others indicate that the actual sustainable yield of the aquifer may be as much as 50 percent greater than the 1990 CWRM estimate. TNWRE estimates that actual aquifer pumpage (use) of the aquifer is approximately 4.0 MGD. At full build-out, Honua'ula's total average groundwater use is projected to be approximately 1.7 MGD. Combining the current pumpage of approximately 4.0 MGD with Honua'ula's estimated pumpage of 1.7 MGD at build-out, totals 5.7 MGD, which is well within the Kama'ole Aquifer sustainable yield of 11 MGD established by CWRM in 1990.

Dean Sandow

SUBJECT: HONUA'ULIA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

May 31, 2012

Page 3 of 3

Regarding the requirements of Hawai'i EIS laws, please note that the Draft EIS has been, and the Final EIS will be, prepared in conformance with State of Hawai'i EIS laws (Chapter 343, Hawai'i Revised Statutes) and rules (Title 11, Chapter 200, Hawai'i Administrative Rules). The EIS laws and rules provide for the preparation of a Draft EIS, a review process, and the preparation of a Final EIS. Per the EIS rules, the Final EIS will incorporate substantive comments received during the comment period, including your comments and our responses to your comments. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an information instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments.

As you reference the comments of Mark Hyde in your comments, attached are our letters to Mr. Hyde in response to his concerns.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachment: Letters to Mark Hyde

O:\JOB19\1905\08_Honua'ula-EIS\DEIS\DEIS Comments\Responses\Public\Final\Dean_Sandow.doc



Mark Hyde
SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
 May 31, 2012
 Page 2 of 20

May 31, 2012

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Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP, LEED® AP
Principal

W. FRANK BRANDT, ASIA
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RAYMOND T. HIGA, ASIA
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KEYUK NISHIKAWA, ASIA
Associate

KIMI MIKAMI YUEN, LEED® AP
Associate

SCOTT AIKHA ABRIGO, LEED® AP
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SCOTT MURAKAMI, ASIA, LEED® AP
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 Fax: (808) 535-3163

process, and the preparation of a final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments, and our responses. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

2. We disagree that Honua'ula poses a significant environmental risk to: the aquifer itself; existing aquifer users; and the people, economy and well-being of Maui as a whole. As stated in Section 3.5.1 (Groundwater) of the Draft EIS, all existing on- and off-site wells are fully permitted by CWRM. All new wells will be developed in compliance with all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. The CWRM application process for well construction permits requires an extensive application process with thorough review by the State Department of Health (DOH) for compliance DOH rules and standards, including the appropriateness of the well location.

Honua'ula Partners, LLC will also comply with: 1) DOH Engineering and Capacity report requirements; and 2) the County's Water Availability Policy, codified as Chapter 14.12, Maui County Code (MCC), which requires verification of a long-term, reliable supply of water before subdivisions are approved. In accordance with Section 14.12.050 MCC, in reviewing and commenting on water source engineering reports the DWS Director shall consider (among other things) the following factors:

- Cumulative impacts;
- CWRM's Water Resources Protection Plan;
- The general plan and relevant community plans;
- The adverse impacts on surrounding aquifers and stream systems, including:
 - Water levels,
 - Water quality, including salinity levels,
 - Surface water-groundwater interactions, and
 - Adverse impacts on other existing, future, or planned wells;
- The adverse impacts on the water needs of residents currently being served and projected to be served by DWS;
- The adverse impacts on environmental resources that are rare or unique to the region and the project site (including natural, cultural, or human-made resources of historic, archaeological) or aesthetic significance);
- The adverse impacts on the exercise of traditional and customary Native Hawaiian rights and practices;
- United States Geological Survey studies;
- Whether the applicant is in full compliance with the State water code and County's water reporting laws;

SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Hyde:

Thank you for your letter, which was not dated but was received in June 2010, regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II Application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. Honua'ula Partners, LLC's hydrologist, Tom Nance, of Tom Nance Water Resources Engineering, Inc., contributed to the responses in this letter. The organization of this letter follows the general headings of your letter.

Summary

Comment: Wailea 670's DEIS fails to provide support for a sustainable water source for the project. The Kamaole aquifer upon which it relies for water is untested; the aquifer's estimated 11 MGD sustainable yield (which the developer erroneously assumes is fact) is characterized by state water experts and state agencies as "speculative" and "uncertain." The DEIS provides no evidence to the contrary. Accordingly,

- (1) The DEIS fails to meet the requirements of Hawaii's environmental protection laws, and
- (2) The project poses a significant environmental risk to the aquifer itself, to existing aquifer users and to the people, economy and well-being of Maui as a whole.

Response: In response to your general comment, the 11 MGD sustainable yield adopted by the State Commission on Water Resource Management (CWRM) for the Kama'ole Aquifer is based on computations of rainfall-recharge using average annual values of rainfall and evaporation. Subsequent and far more sophisticated recharge calculations by the USGS and others, which were done with a shorter computation time step and, for some, the inclusion of fog drip in the upper elevation areas, have all derived greater amounts of recharge to the aquifer. All suggest that the sustainable yield is actually greater than the CWRM's adopted figure. Section 3.51 (Groundwater) of the Draft EIS notes and references these more sophisticated recharge calculation studies by the USGS and others.

In their letter commenting on the Draft EIS dated May 20, 2010, CWRM stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues" and made no mention of any issue related to Honua'ula's impact on the sustainable yield of the Kama'ole Aquifer.

In response to your specific points:

1. The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes (HRS) and Title 11, Chapter 200, Hawai'i Administrative Rules (HAR)). The EIS laws and rules provide for the preparation of a draft EIS, a review

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- Whether the affected water source, including groundwater, surface water, or other source of water will exceed:
 - o 90 percent of the sustainable yield;
 - o Instream flow standards, or
 - o Interim instream flow standards;
- The adverse impacts to the water needs of residents currently on a County "wait list" for water meters;

In light of the comprehensive State and County laws, rules, and policies regarding new water source and well development, there will be extensive analysis, review, and evaluation of potential impacts of any new wells.

I. The Kamaole Aquifer is Poorly Understood; the DEIS Fails to Provide Clarity

Comment: *The Kamaole aquifer is poorly understood; its use has been slight and hydrologic data is almost nonexistent. Although a sustainable yield of 11 MGD has been assigned to it, state water experts and agencies have clearly indicated that this is no more than an educated guess.*

Response: In 1990 when the aquifer's sustainable yield was adopted by the CWRM, well development was limited to irrigation wells for the Wailea and Makana Resorts and small-capacity wells along the Kihei shoreline. Since that time, a number of wells have been drilled to the north and at higher elevations which produce potable-quality water and a number of others have been drilled at mid-elevation and produce slightly brackish water. In addition, geophysical work has been done over a significant portion of the aquifer. In other words, a substantial amount of hydrologic information has been developed since 1990, all of which indicates that the aquifer's sustainable yield is likely to be more than 11 MGD.

Comment: *According to the June 2008 "Hawaii Resource Protection Plan" prepared for the Hawaii Commission of Water Resource Management (CWRM), the 11 MGD sustainable yield calculation assigned to the aquifer is rated at the lowest confidence level: "3 - Least Confident - Limited to No Hydrologic Data." In explanation, the Commission writes: "The CWRM recognizes the adopted Sustainable Yield as a reasonable-planning Sustainable Yield until more detailed geologic and hydrologic information is available for these aquifer system areas. There is significant uncertainty associated with this Sustainable Yield due to the lack of hydrogeologic and pumpage information." (Emphasis added.)*

Response: As previously discussed in the above responses, the 11 MGD sustainable yield adopted by the CWRM for the Kama'ole Aquifer is based on computations of rainfall-recharge using average annual values of rainfall and evaporation. Subsequent and far more sophisticated recharge calculations by the USGS and others, which were done with a shorter computation time step and, for some, the inclusion of fog drip in the upper elevation areas, have all derived greater amounts of recharge to the aquifer. All suggest that the sustainable yield is actually greater than the CWRM's adopted figure. Section 3.51 (Groundwater) of the Draft EIS notes and references these more sophisticated recharge calculation studies by the USGS and others.

Comment: *George A. L. Yuen described the Kamaole aquifer's sustainable yield as "speculative" in "Water Resources Protection Plan [WRPP], Volumes I & II", 1990, p. V-21, because "no exploration [of the Kamaole aquifer] has taken place beyond a mile or so from the coast." Yuen cautions that estimates of sustainable yield "are not meant to be an exact number which could be used in final planning documents.*

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The estimates are constrained not only by the scant data base but also by the fact that they do not consider the feasibility of developing the groundwater. The estimates should not be equated to developable groundwater." (WRPP, p. V-3; Emphasis added.) "Good estimates of sustainable yield need a reliable data base. In most of the State not enough is known about the extent and behavior of groundwater to allow more than a weak estimate of sustainable yields. Only in Southern Oahu, Lanai, and West Maui, where many years of investigation have been devoted to unraveling the complexities of groundwater occurrence, can the sustainable yields be accepted with confidence." (WRPP, p. V-2; Emphasis added.)

Response: As previously discussed in the above responses, far more sophisticated recharge calculations and more hydrologic information has been developed since 1990.

Comment: *The DEIS makes no mention of any of these all-important qualifying remarks and instead misrepresents the Kamaole aquifer's estimated sustainable yield as gospel. It is not.*

In fact, where the state has investigated estimated sustainable yields in greater depth, yields have consistently been found to be less than that previously estimated, raising the inference that once studied the Kamaole aquifer's sustainable yield will be lower as well.

Response: Your statement regarding the reductions of sustainable yields due to investigations "in greater depth" is not correct. Only one aquifer statewide has been investigated "in greater depth" since 1990 and has had its sustainable yield reduced. That aquifer is Waipahu-Waiawa on O'ahu and its reduction was based on the closure of O'ahu Sugar resulting in the loss of irrigation return and less importation of water via Waihole Ditch.

Comment: *In a June 2002 "Draft Supplemental Environmental Impact Statement for the East Maui Water Development Plan" written by Mink & Yuen, the authors note that "numerous exploratory wells would be required" to determine the worth of the Kamaole, Paia and Makawao aquifers. (Emphasis added.) "The likelihood that a significant supply of fresh water could be developed at acceptable cost is slim."*

Response: As noted above a number of wells across the aquifer actually have been developed. Wells have been drilled to the north and at higher elevations which produce potable quality water and a number of others have been drilled at mid-elevation and produce slightly brackish water. In addition, geophysical work has been done over a significant portion of the aquifer. In other words, a substantial amount of hydrologic information has been developed, all of which indicates that the aquifer's sustainable yield is likely to be more than 11 MGD.

Comment: *Undeterred, the DEIS suggests that the aquifer's sustainable yield may even be higher than 11 MGD, citing USGS Scientific Investigations Report 2007-5103 in which higher recharge assumptions are assigned for all Maui aquifers. However, the assumptions are unsupported by additional hydrogeologic and pumpage information, at least in terms of the Kamaole aquifer. Furthermore, this study (which precedes the CWRM's 2008 resource plan referenced above that retained a level 3 credibility factor for the aquifer) speaks primarily to the lao aquifer, which has been extensively studied. Additionally, the study notes that Maui rainfall patterns have changed over time with the most recent period of study subject to drought: "Groundwater recharge is one of the most important factors controlling ground-water availability. . . . Decreasing irrigation has coincided recently with periods of below-average rainfall, creating the potential for substantially reduced ground-water recharge rates in many areas." (p. 1.)*

Response: The USGS study you cite used far more sophisticated methods to compute aquifer recharge than the estimates used in 1990. Your characterization that "...recharge assumptions are

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assigned for all Maui aquifer's" is not correct. All were based on detailed, aquifer specific calculations.

Comment: USGS Report 2007-5103 examines a number of different scenarios in an effort to determine likely recharge based on a variety of historical rainfall patterns, estimating Maui's 2000 - 2004 aquifer recharge at 66% of that experienced during 1926 - 1979. (p. 31.) Using 1998 - 2002 rainfall data, the USGS found: "The worst-case scenario for recharge in central and west Maui (pastureland with drought) . . . was created by applying the 1998 - 2002 (drought) rainfall time series to the 'land use III' (no agriculture) scenario. The mean recharge for the entire study area was estimated to be . . . 46% less . . ." (p. 45). None of this is revealed or discussed in the DEIS while it cites the study in support of speculation that the aquifer's recharge rate might be higher than previously assumed. The presence of bias is notable.

Response: Sustainable yields are based on long-term average data, not on short term periods such as the 1998 to 2002 period. The reason for this is that aquifer storage is far greater than pumpage at the sustainable yield rate. For example, groundwater storage in the Kama'ole aquifer is greater than pumping 11 MGD every day for more than 50 years.

Comment: Clearly, a project intended to last well beyond this century, one that exists in a designated drought zone in an atmosphere of rising temperatures, declining rainfall, rising seas and dependent on an untested aquifer with an uncertain sustainable yield, cries out, at the very least, for rigorous analysis of the kind conducted by the USGS, employing various future-state assumptions predicated on actual trended rainfall data coupled with current observations (extreme and persistent drought) and accompanied by professional analysis of the kind befitting a project of this size, scope and longevity. The DEIS fails to meet this burden.

Response: For the reasons explained in the responses above and elsewhere in this letter, we disagree with your conclusions regarding the sustainable yield of the aquifer, and the impact to the aquifer based on short-term trends pertaining to rising temperatures, declining rainfall, rising seas, etc. Therefore we do not agree with your conclusion that the DEIS should include the additional analysis as you describe. We note that in their letter commenting on the Draft EIS dated May 20, 2010, CWRM did not call for the additional information you suggest and stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues."

Comment: Keeping to this theme, one would expect the DEIS to at least acknowledge, if not distinguish, the existence of an exploratory well drilled by the Hawaii Department of Land and Natural Resources in 2006 on a site located between the Project and its wells north of Maui Meadows. (See Central Maui Exploratory Well, Final Environmental Assessment, June 2004; "The purpose of the project is to develop an exploratory well which, if found to be hydrogeologically favorable, would serve as a future production well providing a potable water source for the State of Hawaii projects.") This is, after all, the kind of real hydrologic data identified by CWRM and Mink & Yuen as that needed to assess the sustainable yield of Kamaole aquifer, making its omission especially noteworthy. Unfortunately, the well was found to be insufficient, both in terms of water volume (only producing 172,800 gallons per day) and water quality (chloride levels exceeded acceptable standards).

Response: We wish to clarify your interpretation of the results of Well 4225-01 at the DWS tank site above Maui Meadows. Localized subsurface anomalies, such as poorly permeable lava flows or intrusive structures with no surface expression, do exist. If drilled into or just downgradient of this type of soil, the same results will occur. However, this result explains the anomalously good results for the two Honua'ula wells immediately to the south. Groundwater is preferentially flowing around the low permeability feature to the benefit of wells to the north and south.

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II. Insufficient Data is Supplied to Enable Examination of Many DEIS Conclusions

Comment: Section 11-200-17, subsection E, paragraph 3, requires a draft EIS to contain project data sufficient to permit "evaluation and review of the environmental impact". In many instances the DEIS either fails to report critical data or uses average data that prevents understanding and analysis.

Response: We are somewhat confused by your reference to Section 11-200-17(E)(3), HAR as this section calls for a "General description of the action's technical, economic, social, and environmental characteristics;" Perhaps you were referring to Section 11-200-17(E) HAR, which states: "The draft EIS shall contain a project description which shall include the following information, **but need not supply extensive detail** [emphasis added] beyond that needed for evaluation and review of the environmental impact:." In either case the Draft EIS has been prepared in accordance with both Section 11-200-17(E) HAR and Section 11-200-17(E)(3), HAR and all other applicable provisions of Title 11, Chapter 200, HAR.

We disagree that the Draft EIS "fails to report critical data." Regarding use of average data, for reasons explained above in previous responses sustainable yields are based on long-term average data, and not on short term periods.

Comment: Vagary is a hallmark of this project. When the Maui County Department of Water Supply was asked to comment on the project's water strategy, Jeffrey Eng, Maui County Director of Water Supply, wrote the following in an August 2007 letter addressed to Mayor Chammaine Tavares and Land Use Committee Chair Michael Molinar: "I'll would like to offer the following comments of general concern related to the development's proposed water system. I would like to preface my comments by mentioning that in my opinion, the applicant has been somewhat vague in his presentation of the water system and wastewater system plans. Therefore, my comments may be somewhat assumptive."

Response: In August 2007, Jeff Eng's statement is a reasonably accurate characterization. Plans for Honua'ula's water and wastewater systems were not developed until the 2009 to 2010 period. Subsequently these plans have been discussed in the Draft EIS. In the Department of Water Supply's (DWS) comment letter on the Draft EIS dated June 10, 2010, DWS Director Jeff Eng did not express concerns regarding the water system and wastewater system plans being vague.

Comment: The following deficiencies, without limitation, are noted:

- Comprehensive pump test data for all wells drilled by the developer are not included in the report. Robust presentation of this data is essential to enable examination of the developer's claim that the Kamaole aquifer is adequate to support the Project's water needs now and in the future.

Response: The pump test data are a matter of public record and are available from the State CWRM. However, they are tests of each well's hydraulic performance and localized groundwater conditions. They are not tests of the 89-square mile aquifer.

- Table 3 of Tom Nance's February 2010 engineering report presents average data for Wailea wells. Average data spanning 1991 - 2009 is insufficient to allow detection and comprehension of trends, month to month and year to year. The public needs to know whether golf course irrigation is increasing, decreasing, or remaining the same over time. Likewise, chloride concentration trends need visibility since they reflect the directional health of the aquifer.

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Response: The data in the table you refer to are limited to nutrients and salinity as averages over an 18-year period. The data are proprietary and would only be released in this form.

- Need for this information is particularly relevant given remarks made by John Mink in a study entitled "Wailea 670 Irrigation Well 1, Drilling and Testing Results," dated June 3, 1991 (p. 3):

"The future demand for lower Wailea is projected as 3 to 3.5 mgd, while for Wailea 670 the projected demand for two golf courses is 1 mgd. Total demand for the two areas will average 4.5 mgd along an equivalent shore line reach of three miles toward which a natural flux of 6 to 9 mgd moves. The demand as a fraction of flux probably corresponds to or somewhat exceeds sustainable yield. For these values of flux and demand, the lower Wailea wells are apt to suffer an increase in salinity over the long run, but the increase may not be great enough to eliminate the wells as sources of usable irrigation water. In fact, the lower Wailea wells are likely to experience quality deterioration more from the addition of new wells and increase in pumpage with the area than from the Wailea 670 wells." (Emphasis added.)

Response: In general, we do not disagree with John Mink's characterizations. It is the main reason that well sites to the north of Maui Meadows will be supplying Honua'ula.

- The DEIS notes that the Project's water draw will increase in summer and decrease in winter. Monthly data is needed rather than bald statements without detail.

Response: For any land use with a significant amount of landscape irrigation, water use in dry periods is greater than in wet periods. It is a well-established fact.

- The DEIS makes broad assumptions about recharge without examination. Should average aquifer recharge be assumed throughout the year, or will anticipated summer water draw mis-align with lower seasonal rainfall? If a mismatch is likely, the lack of congruity should be analyzed to determine short and long term effect.

Response: As indicated previously, aquifer storage is very large in comparison to annual use. Because of this, within-year variations of recharge and pumpage by wells is not critical in assessing long term sustainability.

- The DEIS states that current "groundwater pumpage from the aquifer is estimated to be a little more than four MGD". (Engineering Report, Tom Nance, p. 9.) No source is given and it is at odds with a February 2005 report given by the Commission on Water Source Management to the Maui County Board of Water Supply indicating existing withdrawal of 5.76 MGD from the Kamaole aquifer by nearby irrigation wells. Section 11-200-17, subsection E., 3, requires a draft EIS to include "technical characteristics". The requirement is not met here. The difference between an "estimated" 4 MGD and a measured 5.76 is material since it equates to 15% of the aquifer's speculative sustainable yield.

Response: Estimates of groundwater pumpage from the aquifer are the professional opinion of Tom Nance, who has over 30 years of experience in the areas of groundwater and surface water development. According to CWRM records, there are a total of 134 wells within the Kamaole Aquifer System, many of which are more than 60 years old and no longer in use. Of the 134 wells, 43 are known or presumed to be in use, 47 are no longer in use or do not draw from the basal lens, and 44 are of unknown status relative to their use. We could not locate the February 2005 report given by the Commission on Water Source Management to the Maui County Board of

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Water Supply that you cite and therefore could not verify the 5.76 MGD withdrawal you reference.

Section 11-200-17(E)(3) HAR, which you cite actually requires: "General description of the action's technical, economic, social, and environmental characteristics;" The Draft EIS meets this requirement and is not deficient in this regard. We note that in their letter commenting on the Draft EIS dated May 20, 2010, CWRM did not question the estimate of groundwater pumpage from the aquifer provided by Tom Nance and stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues."

Furthermore, Table 4 of Tom Nance's report entitled "Wells in the Downgradient Area Potentially Impacted by the Honua'ula Offsite Kamaole Wells" (p. 12) identifies only 20 wells that might be impacted by the Project and omits highly relevant chloride concentration and volume data for each, whether on a one time basis or historically. By contrast, USGS Scientific Investigations Report 2006-5283 depicts 87 wells in the south Maui area, 67 makai of Pihani Highway and 20 mauka, most with fairly high chloride concentration levels, putting them at greater risk of adverse impact in the event the developer's water strategy results in increased chloride concentrations in the aquifer. To the extent the developer believes, based on scientific principles and study, that some of these 87 wells are not likely to be affected, they should be identified and a rationale given to exclude them from the class of wells at risk. In any event, state guidelines for preparation of engineering reports for new drinking water sources require thorough investigation of nearby wells (See, e.g., Hawaii State Department of Health, Safe Drinking Water Branch, Guidelines for Preparation of Engineering Reports for New Drinking Water Sources for Regulated Public Water Systems, Well Information: . . . 3. Water quality data on any existing wells in the area. . . . " (Emphasis added.) The DEIS falls far short of meeting this requirement.

Response: The wells identified in Table 4 of Tom Nance's report included in the Draft EIS that you cite are downgradient from Honua'ula's existing and potential future wells. They are the wells that may be impacted. Potential impacts are limited to the downgradient wells because groundwater flows downhill and does not easily flow laterally. In other words, wells at a higher elevation draw from downhill flows thereby potentially impacting downhill wells, but this does not extend very far laterally; however Tom Nance's report accounts for a lateral dispersion on the order of 10 degrees. Pumpage and salinity data for the wells are unfortunately not available. The owner/operators have elected not to submit the data required by their CWRM permits. Analysis of nearby wells in satisfaction of requirements pertaining to state guidelines for preparation of engineering reports for new drinking water sources will be done for the engineering report submitted to the Department of Health to certify the project's wells for drinking water use. That is the appropriate form for such analysis.

- The DEIS states that the area's average rainfall is 18 inches a year (Engineering Report, Tom Nance, p. 13). No source is cited. Accurate rainfall data is essential to understanding sustainable yield. ("Two major contributors to ground-water recharge in central and west Maui are agricultural irrigation and rainfall," USGS Scientific Investigations Report 2007-5103, p. 1.) The amount stated, 18 inches a year, is at odds with documented, credible rainfall data for Kihai. For example, USGS Scientific Report 2007-5103 (p. 16) states that mean monthly rainfall for months with complete rainfall records at National Weather Service rain gage # 4489 (located in Kihai) is .92 inches, or 11 inches per year, 39% less than the amount reported by the developer and its expert. A casual Google search for Kihai rain totals produces support for the USGS number and none for the developer's.

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Response: Actually, on page 13 of the report titled "Assessment of the Potential Impact on Water Resources of the Honua'ula Project in Wailea Maui" (Appendix B of the Draft EIS) which you cite, it is stated that rainfall on the site (as opposed to "the area" which you state) averages 18 inches a year. Section 3.1 (Climate) of the Draft EIS states that average rainfall distribution for the Kihei-Makena region varies from under 10 inches per year to more than 20 inches per year. As noted in the Draft EIS the source of this information is the 2008 Maui County Data Book. While not broken down in the Draft EIS, the 2008 Maui County Data Book records the higher end of this range (i.e., 20 inches per year) as occurring at the Makena Golf Course. Therefore, the average rainfall of 18 inches per year stated in Appendix B is within the range reported in the 2008 Maui County Data Book, and since Honua'ula is near the Makena end of the Kihei-Makena region, it is consistent with the higher rainfall averages reported for the Makena Golf Course. Regardless, rainfall on the Honua'ula site, an inconsequential part of the 89-square mile aquifer, has little to do with the aquifer's sustainable yield.

- *The DEIS omits discussion and data relative to the relationship of the Project to other land use plans in the affected area. (See HAR 11-200-17, subsection H.) A large public high school and police station are planned to be built mauka of Pi'ilani Highway in the vicinity of the Project and Makena Resort is located immediately south of the Project. Where will these projects obtain potable water, and what impact, if any, will they have on the Kamaole aquifer, alone and in combination with the Project?*

Response: Chapter 5 (Land Use Conformance) of the Draft EIS includes discussion of State of Hawai'i and Maui County land use plans, policies, and ordinances relevant to Honua'ula. Section 7.2 (Cumulative and Secondary Impacts) of the Draft EIS discusses cumulative and secondary impacts. In this section it is noted that the availability of water "is a critical factor in determining whether a project can proceed and may be a limiting factor with respect to a specific project moving forward, especially in the Kihei region with its restricted water resources." Section 7.2 (Cumulative and Secondary Impacts) of the Draft EIS also states: "The feasibility of a project proceeding is based on many factors, including the State Land Use District classification, the Community Plan and zoning designations, other necessary approvals, overall economic conditions, the demand for the proposed product, and the willingness of a landowner or developer (or in the case of the Kihei High School and the police station, the State of Hawaii and County of Maui) to risk the capital required for development." So at this point, regarding the projects that you mention, it is speculative as to whether these projects will proceed or be built as currently proposed. Furthermore, because of the multi-stage land use approval and permitting process that exists in Hawai'i, there are many approvals of a project at various levels of government and at different points in time. At each step, decision-makers involved in the process evaluate a project in the context of the existing regional conditions, including infrastructure capacity and other factors.

Specifically regarding the Kihei High School, according to the *Kihei High School Draft Environmental Impact Statement* prepared by Group 70 in December 2011: "It is anticipated that potable water will be supplied by the County's Central Maui Water System and that brackish water wells to be located at the school site would serve as the non-potable source of irrigation water." The *Kihei High School High School Draft Environmental Impact Statement* also states: "the wells are not expected to have any adverse impact on the existing water supply (fresh and brackish) and nearby wells."

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Regarding Makena Resort, it is not known at what point when or if this project will proceed and what would be built. It would speculative to assume that it is moving forward and in any case, when and if the project does move forward the developer will have to determine a source of water and what impact, if any, that source would have on the aquifer, similar to what Honua'ula is doing with their Draft EIS and subsequent required approvals.

If the source of water for the Kihei High School, the proposed police station, and the Makena Resort is the County's DWS Central Maui Water System the water will come from DWS sources in the 'Iao and Waihe'e aquifers and have no impact on the Kama'ole Aquifer. DWS has no water sources in the Kama'ole Aquifer.

- *The developer's consulting hydrologist should present his professional opinion regarding the integrity, sustainability and reliability of the Kamaole aquifer since the developer is placing total reliance on the aquifer to support the Project, now and in the future. Instead, the developer's consultant patrols carefully edited statements by others, portraying the Project's water supply in the best light while ignoring negative information. Certification of the water strategy by the developer and its expert hydrologist is essential.*

Response: Professional opinions of Honua'ula Partners, LLC's hydrologist, Tom Nance, of Tom Nance Water Resources Engineering, Inc., are incorporated in the reports he has prepared.

III. Mitigation Measures are Non-existent

Comment: *Because the DEIS is predicated upon an unsupported sustainable yield, discussion of mitigation measures, required by HAR 11-200-17, subsection M, cannot be undertaken. Once a credible assessment of the Kamaole aquifer's sustainable yield is secured, mitigating strategies must be considered to align the Project with the capacity of its water source. Until then, no meaningful discussion of mitigation measures can be undertaken.*

Response: As discussed above we disagree with your conclusions regarding the sustainable yield of the Kama'ole Aquifer. Section 4.8.1 (Water System) and Appendix B of the Draft EIS discuss potential impacts and proposed mitigation measures in regard to ground water resources. As more fully discussed in Section 4.8.1 (Water System) and Appendix B of the Draft EIS, mitigation of impacts to groundwater will be achieved by well spacing and operating modes. The option to drill additional wells further to the north, if need be, also exists.

The Draft EIS has been prepared in compliance with Section 11-200-17(M) regarding mitigation measures, not only in regard to groundwater resources, but for all other pertinent resources.

IV. Water and Climate are Not Static; the DEIS Must Consider Likely Future States

Comment: *The DEIS approaches the question of water supply as a snapshot in time, turning a blind eye to climactic trends.*

HAR 11-200-17, subsection J, requires a DEIS to consider both short term and long term effects: "The draft EIS shall include in a separate and distinct section a description of the relationship between local short term uses of humanity's environment and the maintenance and enhancement of long-term productivity. . . . The discussion shall include the extent to which the proposed action . . . poses long-term risks to health or safety." (Emphasis added.)

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Response: Section 7.1 (Relationship Between The Short-Term Uses Of Environmental Resources And Long-Term Productivity) of the Draft EIS fulfills the requirements of Section 11-200-170). We disagree with your insinuation that Honua'ula's water system "poses long-term risks to health or safety." Section 4.8.1 (Water System) and Appendix B of the Draft EIS discuss potential impacts and proposed mitigation measures in regard to ground water resources. As indicated in previous responses, aquifer storage enables the sustainable yield to be based on long-term averages.

Comment: Potential ruination of the Kamaole aquifer² due to miscalculation (or here, no calculation) is a potential outcome of the Project. In the face of this possible horrendous outcome, the developer takes what appears to be British Petroleum's approach to risk management: making unjustifiable assumptions predicated on speculative sustainable yield estimates and assuming everything will work out. Humanity is frequently and painfully reminded that things don't always work out the way we hope, particularly when risk is inprudently assessed and taken. Indeed, this is why we have environmental protection laws and require environmental impact statements to be prepared.

Because the Project will, if constructed, exist beyond this century³, the DEIS should take into account observable climatic trends and professional projections co-existent with its life expectancy...

Response: Long-term climate change, if it occurs, will be a large scale phenomenon with impacts not limited to the Kama'ole Aquifer. The impacts will be to all aquifers and sources pumping from those aquifers statewide. To date, this has not been a consideration of the CWRM in regulating groundwater use.

Please also refer to points 1 and 2 in response to your first comment at the beginning of the letter regarding: 1) satisfaction of the requirements the State of Hawai'i EIS laws and rules (Chapter 343, HRS and Title 11, Chapter 200, HAR) and 2) compliance with all requirements of the State Water Code (Chapter 174C, HRS) and rules pertaining to CWRM and administration of the State Water Code (Chapters 13-167 to 13-171, HAR as applicable).

Comment: The following is a partial list of data, observable trends and professional opinion not mentioned in the DEIS needing consideration to provide a better assessment of the Project's long term water sourcing plans:

A. Rainfall is Declining; Temperatures and Sea Levels are Rising in Hawaii and World-wide

Comment: EPA Circular 236-F-007e issued in 1988 states, "In Honolulu, Hawaii, the average temperature has increased 4.4 degrees F over the last century, and precipitation has decreased approximately 20% over the last 90 years." Temperature increases are expected to produce a rise in sea level with collateral impact on freshwater lenses in Hawaii. (See, e.g., Global Climate Change Impacts in the United States, U.S. Global Change Research Project, www.globalchange.gov/usimpacts.)

Response: A sea level rise of the magnitude possible by global temperature rise will not have "...collateral impact on freshwater lenses in Hawaii." These lenses float on saltwater beneath them. If sea level rises, the lenses will simply rise up by a similar amount with no adverse impact.

Comment: If these trends continue, how will the Kamaole aquifer be affected? Will recharge decline? Will evaporation increase? Will vegetation suffer, causing greater runoff and less absorption? And if the aquifer's salinity levels rise, will the ability to produce potable water be impaired and, if so, to what degree? Will

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down-gradient wells be impacted, with consequential impact on the greater south Maui community? Does the project need a back-up plan in case saline levels become unmanageable? If so, what is the plan?

Response: As indicated above, a sea level rise will not adversely impact basal groundwater in the Kamaole aquifer.

B. Drought Conditions are Extreme and are Expected to Become more Prevalent and Persistent

- Experts warn that climate change will likely produce more extreme drought conditions that will last for extended periods of time compared to the past. Drought now plagues Hawaii.
- The National Weather Service recently reported that the 2009 – 2010 "wet season" in Hawaii (October to April) was the driest in 55 years.
- The U. S. Drought Monitor recently proclaimed the area from Wailea to Lahaina in extreme drought; current drought conditions in Hawaii are rated the most extreme in the nation.
- The Hawaii Drought Plan, 2005 Update, identifies the Project area as being among the most vulnerable to drought.
- A representative of Haleakala Ranch recently reported persistent drought has caused a high-level water source on the ranch to go dry, the "first time . . . in anyone's memory." (Maui News, April 23, 2010.) Some of the Project's wells are located on Haleakala Ranch lands.
- A representative of Ulupalakua Ranch recently stated that "We've not seen normal . . . anywhere near normal rainfall for quite some time." (Maui News, April 23, 2010.) Ulupalakua Ranch is located immediately above the Project.
- In Scientific Investigations Report 2007-5103, the USGS estimates that Maui's 1998-2002 drought conditions resulted in a 2.7% reduction in aquifer recharge.
- The U.S. government and several credible federal agencies predict that climate change will intensify drought conditions, particularly in dry areas like the Project site: "Deserts and drylands are likely to become hotter and drier, feeding a self-reinforcing cycle of invasive plants, fire and erosion." ("Global Climate Change Impacts in the United States", U.S. Global Change Research Program, www.globalchange.gov/usimpacts.)

Response: Observations of recent drought conditions do not prove the long-term trend. Generally, wet and dry periods have been cyclical in Hawai'i for as long as records have been kept. In any event, groundwater management regulations in Hawai'i do not reflect and/or incorporate a continuous trend to dryer conditions.

Comment: The DEIS must acknowledge and consider the impact climate trend will have on the Project's proposed water supply. (HAR 11-200-17, subsection I.) Hawaii's State Department of Health, State Drinking Water Branch, Guidelines for Preparation of Engineering Reports for New Drinking Water Sources for Regulated Public Water Systems, item 6, explicitly details what is required: "Data relating to quality and quantity of the source waters under normal conditions and during stress conditions such as drought or heavy precipitation, as determined by field and laboratory analyses and investigations of available records. If records are not available or are inadequate to determine expected quality and quantity during stress

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conditions, an estimate of expected quality, and quantity during stress conditions should be established and related to the hydrologic budget to the aquifer or isotopic area." None of this is provided by the developer.

Response: Data relating to quality and quantity of source waters in satisfaction of requirements pertaining to state guidelines for preparation of engineering reports for new drinking water sources will be done for the engineering report submitted to the Department of Health to certify the Honua'ula's wells for drinking water use. That is the appropriate form for such analysis.

Comment: *Observed climate trends raise a variety of questions:*

- *What effect will higher average temperatures have on evaporation rates, aquifer recharge, chloride concentration levels and sustainable yield?*
- *What will lower average precipitation mean to aquifer recharge, chloride concentration levels, and sustainable yield?*
- *How will a rising sea level impact the Project's water source?*
- *How will extreme drought effect evaporation rates, recharge, chloride levels and down-gradient well water quality?*
- *What factors and assumptions should be included in development of a worst case scenario; what outcome would it produce?*
- *What is the back-up plan should the Kamaole aquifer fail to support the Project?*

Response: If there is, in fact, a many decades long reduction of rainfall-recharge, it will impact groundwater resources. The most notable impact will be that nearshore wells will experience salinity increases. This will not be a problem limited to the Kama'ole Aquifer. It will be a large-scale phenomenon impacting groundwater use throughout the State.

- *If current aquifer users are negatively impacted by the Project and/or climate change how will their water needs be met/replaced?*

Response: If current Kama'ole Aquifer users are adversely impacted by pumpage of Honua'ula's wells, that pumpage will be reduced and shifted to other existing or new wells. This is discussed in Section 4.8.1 (Water System) and Appendix B of the Draft EIS. If the impact is due to climate change, that is not within Honua'ula's control.

- *How will the County of Maui or the state respond, if at all, to a large, failed project in need of water?*

Response: It is highly unlikely that Honua'ula will become "a large, failed project in need of water." There is extensive government oversight of all new well development. All new wells will be developed in compliance with all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. The CWRM application process for well construction permits requires an extensive application process with thorough review by the State Department of Health (DOH) for

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compliance DOH rules and standards, including the appropriateness of the well location. Therefore, there will be analysis, review, and evaluation of potential impacts of any new wells.

Honua'ula Partners, LLC will also comply with: 1) DOH Engineering and Capacity report requirements; and 2) the County's Water Availability Policy, codified as Chapter 14.12, Maui County Code (MCC), which requires verification of a long-term, reliable supply of water before subdivisions are approved. In accordance with Section 14.12.050 MCC, in reviewing and commenting on water source engineering reports the DWS Director shall consider (among other things) the following factors:

- Cumulative impacts;
- CWRM's Water Resources Protection Plan;
- The general plan and relevant community plans;
- The adverse impacts on surrounding aquifers and stream systems, including:
 - o Water levels,
 - o Water quality, including salinity levels,
 - o Surface water-groundwater interactions, and
 - o Adverse impacts on other existing, future, or planned wells;
- The adverse impacts on the water needs of residents currently being served and projected to be served by DWS;
- The adverse impacts on environmental resources that are rare or unique to the region and the project site (including natural, cultural, or human-made resources of historic, archaeological, or aesthetic significance);
- The adverse impacts on the exercise of traditional and customary Native Hawaiian rights and practices;
- United States Geological Survey studies;
- Whether the applicant is in full compliance with the State water code and County's water reporting laws;
- Whether the affected water source, including groundwater, surface water, or other source of water will exceed:
 - o 90 percent of the sustainable yield;
 - o Instream flow standards, or
 - o Interim instream flow standards;
- The adverse impacts to the water needs of residents currently on a County "wait list" for water meters;

Finally, Honua'ula will be built out over a period of 13 years, thus allowing for: 1) incremental monitoring of any potential adverse impacts to groundwater sources and quality; 2) corrective actions, if necessary, to ensure groundwater source availability and quality as build-out proceeds.

- *What impact will a failed project have on the island's economy and on real property values and tax revenues?*

Response: For the reasons discussed above, it is highly unlikely that Honua'ula will become a "failed project" based on lack of water resources or impacts to groundwater quality.

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Comment: *Answers to these questions are particularly relevant since the Central Maui water system is incapable of serving the Project or supporting current down-gradient users in the event of failure. ("Remaining capacity of the Central system currently cannot meet the demand of this project." March 13, 2006, letter from the director of Maui County's Department of Water Supply to the mayor of Maui County.)*

Response: The ability of the County's Central Maui Water System to supply Honua'ula with water is irrelevant since County Maui Ordinance No. 3554 Condition 1 requires Honua'ula to develop, maintain, and operate a private water source.

V. No Wastewater Treatment Solution is Identified/Studied; the Project is Not Ripe for Review

Comment: *Obviously, an environmental impact statement must articulate what is planned. The developer concedes it does not have a wastewater treatment plan at this time. Perhaps it will rely on Makana Resort (an entity in foreclosure with an uncertain future); perhaps it will not. We are left to guess. In addition, no detail or analysis of either approach is supplied. Because wastewater treatment and disposition are key components of the Project's overall water strategy, the DEIS fails to meet the requirements of HAR 11-200-16 and -17.*

Response: Section 4.8.2 (Wastewater System) of the Draft EIS discusses that Honua'ula Partners, LLC will either: 1) participate in the operation of a private WWRF and system that accommodates the needs of Honua'ula (Alternative 1); or 2) provide a WWRF on-site (Alternative 2). Both of these alternatives are in compliance with County of Maui Ordinance No. 3554 Condition 17. Section 4.8.2 (Wastewater System) of the Draft EIS and the Preliminary Engineering Report contained in Appendix P of the Draft EIS, provide preliminary details and analysis of both alternatives. On May 11, 2010 Honua'ula Partners, LLC submitted a sewage disposal analysis to the Maui County Council in compliance with County of Maui Ordinance No. 3554 Condition 16. After receiving the sewage disposal analysis the Maui County Council did not subject Honua'ula to any additional conditions or amendments as a result of the sewage disposal analysis.

VI. The Project is Located in a Wildfire Zone

Comment: *According to the Hawaii Drought Plan, 2005 Update, the Project is located in a wildfire zone. In fact, the area just north of Maui Meadows recently experienced wildfire. Obviously, water is needed to fight fire. The source(s) and amount of water for firefighting need to be identified and means to protect wells located in the wildfire zone explained.*

Response: Section 3.4 (Natural Hazards) of the Draft EIS discusses potential impacts and mitigation measures related to wildfires. Water demand estimates provided in Section 4.8.1 (Waster System) and Appendix P (Preliminary Engineering Report) include the demand for water necessary for fire protection. In addition the sizes of Honua'ula's reservoirs take into account the storage capacity necessary to provide water for fire protection in accordance with DWS and Fire Department standards.

VII. The Project's Water Strategy May Violate the Upcountry Community Plan

Comment: *The DEIS indicates that at least some of the Project's wells will be located north of Maui Meadows. The locations of transmission lines from these wells and water storage facilities for the Project are*

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not shown. Unless water transmission lines and associated storage tanks are exclusively located within the Kihei/Makana Community Plan District, water transmission of any kind over or through the Upcountry Community Plan District is strictly prohibited. In anticipation of conflict between the Upcountry Community Plan and the developer's water transmission and storage plan, it is critical that water transmission lines and storage facilities be identified and mapped; compliance with law must be demonstrated. (11-200-16, H: "The draft EIS shall include a statement of the relationship of the proposed action to land use plans, policies, and controls for the affected area.")

Response: In conformance with Section 11-200-17(H) HAR, Chapter 5 (Land Use Conformance) of the Draft EIS includes discussion of State of Hawai'i and Maui County land use plans, policies, and ordinances relevant to Honua'ula.

The Makawao-Pukalani-Kula Community Plan contains Water Objective & Policy # 4, which states:

4. Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use.

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kihei-Makana Community Plan area in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of the water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on-site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the Makawao-Pukalani-Kula Community Plan.

Figure 2 (Regional Location) of the Draft EIS shows the location of Honua'ula's off-site water infrastructure. In the Final EIS, Figure 2 (Regional Location) will be revised to show: 1) the location of the off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation; and 2) the boundary between the Makawao-Pukalani-Kula Community Plan and the Kihei-Makana Community Plan regions. The attachment titled "Figure 2" shows the revised figure.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

1. That Honua'ula Partners, LLC, its successors and permitted assigns, shall, at their own cost and expense, develop, maintain, and operate, or cause to be developed, maintained, and operated, a private water source, storage facilities, and transmission lines for the Waieka 670 (Honua'ula) project in accordance with Department of Water Supply standards and all applicable community plans. Honua'ula Partners, LLC, its

successors and permitted assigns, shall comply with all reporting requirements of the State Commission on Water Resource Management.

In addition, Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with applicable water ordinances that pertain to the supply and transmission of water from the island of Maui when such ordinances are enacted.

At the time the project water system is completed, Honua'ula Partners, LLC, its successors and permitted assigns, shall offer to the County the right to purchase the project water system at the cost of development of such system.

The water rates for the residential workforce housing units shall be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code.

Discussion: As discussed in Section 4.8.1 (Water System), Honua'ula Partners, LLC will comply with this condition by providing a private water source, storage facilities, and transmission lines for Honua'ula in accordance with DWS standards and all applicable community plans. Further discussion is provided in Section 4.8.1 (Water System).

In comments on the Draft EIS some commenters referenced the The Makawao-Pukalani-Kula Community Plan and commented that Honua'ula's private water system was not in compliance with this plan. Specifically these comments pertained to Water Objective & Policy # 4 of the Makawao-Pukalani-Kula Community Plan, which states:

4. Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use.

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kihnei-Makena Community Plan region in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of the water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region, and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the Makawao-Pukalani-Kula Community Plan.

Figure 2 shows the location of Honua'ula's off-site water infrastructure and the boundary between the Makawao-Pukalani-Kula Community Plan and the Kihnei-Makena Community Plan regions.

In further compliance with ~~this condition~~ Condition J, Honua'ula Partners, LLC will also: 1) offer the right to purchase the completed water system to the County; and 2) ensure that

water rates for the residential workforce housing units will be no higher than the general water consumer rates set by the County, for as long as the units are subject to Chapter 2.96 of the County Code.

VIII. Large Development + Unsubstantiated Water Source = High Risk

Comment: Wailea 670's size coupled with dependence on a poorly understood water source necessarily makes the project high risk. The absence of a back-up plan elevates the risk posed.

Response: We disagree with your assessment of Honua'ula being "high risk." As we have discussed throughout this letter, many of your statements and assumptions regarding the Kama'ole Aquifer, its sustainable yield, and recharge rates based on short-term climatic trends are incorrect or unproven. In addition, as also explained in previous responses, there is extensive government oversight of all new well and water source development. Honua'ula Partners, LLC will comply with all State and County regulations and rules pertaining to well and water source development and new drinking water sources. Further the potable and non-potable systems will each have back up supply capacity, which is discussed in Section 4.8.1 (Water System) of the Draft EIS.

Comment: If the Project fails for lack of a sustainable water source, several potential negative consequences may result:

- The Kamaole aquifer may be damaged, now and for future generations, caused by over-pumping and consequent rise in chloride concentrations;

Response: For reasons discussed in previous responses it is highly unlikely that the Kama'ole Aquifer will be damaged as a result of Honua'ula. In addition, salinity of Honua'ula's wells will be closely monitored and pumping will be shifted to other wells, if needed. A salinity rise due to pumping is not a permanent or even long-lingering "damage" to the aquifer. After pumping is reduced appropriately, salinity typically returns to previous levels in weeks or even a shorter time.

- Nearby wells may be rendered unusable due to rising chloride levels. Because nearby wells currently draw approximately 5.7 MGD from the Kamaole aquifer, this volume would need to be replaced. However, since the Central Maui system has no additional capacity, how this would be done is not explained. Simply drilling more wells in an aquifer in distress, as the developer proposes, will not, on its face, be a solution. If the wells serving Wailea and Makana golf courses become unusable, negative economic effect will be wide-spread, with consequential damage to nearby hotels, residences and county revenue.

Response: Localized overpumping and consequent salinity rise does not impact the entire aquifer. We are not clear on your logic when you state "this volume would need to be replaced." This statement may be a result of your misunderstanding of sustainable yield and aquifer hydrology, but all of the pumpage throughout the aquifer will never need to be "replaced."

- Maui County's "brand" would be degraded with consequential damage to the island's economy, much of which is tied to real estate, real estate development and tourism.

Response: Again, as noted in previous responses to similar statements (see responses to "How will the County of Maui or the state respond, if at all, to a large, failed project in need of water?" and "What impact will a failed project have on the island's economy and on real property values and

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tax revenues?" based on lack of water resources or impacts to groundwater quality it is highly unlikely that Honua'ula will become a "failed project," thus cause damage to the island's economy.

Comment: High risk projects merit a commensurate level of analysis and scrutiny. The water component of the DEIS falls far short of this. In legal terminology, the DEIS fails to meet the letter and spirit of Hawaii's environmental laws specific to environmental impact statements. In general terms, it simply fails to provide evidence of sustainability upon which to construct a 1,400 unit development complete with a golf course and commercial center.

Response: We disagree with these statements. First, Honua'ula is not a "high risk" project in terms of water resources or impacts to groundwater quality. There is extensive government oversight of all new well and water source development. Honua'ula Partners, LLC will comply with all State and County regulations and rules pertaining to well and water source development and new drinking water sources. Further the potable and non-potable systems will each have back up supply capacity, which is discussed in Section 4.8.1 (Water System) of the Draft EIS.

Second, in their letter commenting on the Draft EIS dated May 20, 2010, CWRM stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues" and did not call for additional analysis and scrutiny.

Third, the Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, HRS) and Title 11, Chapter 200, HAR). The EIS laws and rules provide for the preparation of a draft EIS, a review process, and the preparation of a final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments, and our responses. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

Comment: Nothing in the DEIS refutes expert and state agency opinion that the sustainable yield of the Kama'ole aquifer is anything but "uncertain" and "speculative". The DEIS is devoid of hydrologic test data needed to provide a level of confidence upon which to give the Project's water strategy a green light. Assuming the developer's plan is not to "pump and dump," it is high time for the developer to commit the resources necessary, financial and professional, to prove (or disprove) the adequacy of the Project's water source.

Response: As we have discussed throughout this letter, many of your statements and assumptions regarding the Kama'ole Aquifer, its sustainable yield, and recharge rates based on short-term climatic trends are incorrect or unproven. The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, HRS) and Title 11, Chapter 200, Hawai'i HAR) and contain an appropriate level of detail pertaining to water resources at this point of time. At the appropriate time additional analysis regarding water resources will be performed in compliance with: 1) all requirements of Chapter 174C, HRS (State Water Code); 2) HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code; and 3) the requirements for engineering report submitted to the Department of Health to certify the project's wells for drinking water use.

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Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachment: Figure 2 (Regional Location)

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¹ This information should appear in the DEIS; the fact that it does not speaks volumes about the worth of the document.

² Water in the Kama'ole aquifer is held in public trust and must be treated with due care.

³ The one contingency that might cause an early end to the Project is lack of a reliable supply of water.



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"...correlative rights, however, extend only to uses on lands overlying the water source. Parties transporting water to distant lands are deemed mere 'appropriators,' subordinate in right to overlying landowners....[T]he correlative rights rule grants overlying landowners a right only to such water as necessary for reasonable use. Until overlying landowners develop an actual need to use ground water, nonoverlying parties may use any available 'surplus.'" (2000 Waialeale Ditch Contested Case, 94 Haw. 97, at p. 171.)

Milke illustrates how these rights apply, using an example that is four square with the facts here:

"Example 2: A party wants to use groundwater on other than the overlying land (i.e., an overlying landowner or another party with permission from the overlying landowner to drill a well).

- a. Not in a designated water management area
- 1. Under the common law, the party can do so as long as the use is reasonable and does not interfere with the correlative uses of overlying landowners.
- 2. If an overlying landowner decides to exercise his correlative rights and the proposed use is reasonable but would interfere with the uses of other overlying landowners, he can take that amount of water from the appropriating party."

(Water and the Law in Hawaii, p. 216.)

Thus, once the exercise of correlative water rights meets or exceeds the capacity of an underlying water source, the "right" of appropriators are extinguished. Stated another way, when other land owners overlying the Kamaole aquifer tap into the source such that the source is at capacity, the Project's right to continued withdrawals from Haleakala Ranch wells will diminish and/or end.

The developer may argue that the Kamaole aquifer is a seamless, singular body of underground water such that the taking of water anywhere within the aquifer's boundary amounts to overlying use. This argument, if advanced, fails. First, it is well established that aquifer characteristics vary from place to place. This is evident first hand from, among other things, the poor results obtained by the DINR from its exploratory well drilled just above Maui Meadows in 2006. Second, the developer's own water strategy bespeaks aquifer variability: rather than obtaining water exclusively from wells beneath the Project's land, the developer has turned to more productive wells located off site on Haleakala Ranch land.

The fact is, water beneath the Project is inadequate to produce the kind and volume of water needed to support 1,400 homes, a golf course and commercial center and thus it has sought water elsewhere. Furthermore, to the extent the Project actually resorted to well water within and beneath its boundary, degradation of critical Wailea golf course wells may result, which is perhaps why it has chosen to appropriate water from elsewhere.

The relevance of this to the DEIS is obvious since the draft fails to address any of this. Assuming the Project proceeds with use of offsite wells and assuming south Maui property owners look increasingly to the Kamaole aquifer for irrigation water as many are now doing (see below), how will the Project secure water when its appropriate rights are diminished or extinguished?

Response: There is extensive government oversight of all new well development, water source development, and drinking water systems. As discussed in Section 3.5.1 (Groundwater) of the Draft EIS, all existing on- and off-site wells are fully permitted by Commission on Water Resource Management (CWRM). All new wells will be developed in compliance with all requirements of

**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND
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Dear Mr. Hyde:

Thank you for your letter dated June 17, 2010 (second letter) regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II Application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. Honua'ula Partners, LLC's hydrologist, Tom Nance, of Tom Nance Water Resources Engineering, Inc., contributed to the responses in this letter. The organization of this letter follows the headings of your letter.

Key Points

- I. Under Hawaii water law, Wailea 670's [the Project] use of wells on Haleakala Ranch land delegates it to inferior water use priority and status; that of "appropriator." Appropriators' water rights are subordinate to those of overlying landowners and subject to extinguishment.
- II. Existing users of the Kamaole aquifer must be documented to benchmark the current situation against which the Project's future use can be measured.
- III. Current aquifer users are entitled to unhindered use of their wells.
- IV. Well monitoring is needed to guard against potential disruption of aquifer equilibrium.
- V. DEIS deficiency check list.

Response: Responses to your key points are provided below in our responses to your more detailed comments.

I. Three Kinds of Water Rights Exist Under Hawaii Common Law; the Project's Haleakala Ranch Wells Have Low Water Priority

Comment: Hawaii common law recognizes three district categories of water rights: "(1) riparian rights, which are water rights of land adjacent to a stream; (2) appurtenant rights, which are water rights attaching to a specific piece of property; and (3) correlative rights, which are water rights of land to its underlying groundwater." (Lawrence H. Milke, Water and the Law in Hawaii, p. 96 C. 2004.)

Here, streams and/or surface water are absent on or near the subject parcel, leaving only correlative rights to use water beneath the Project's land. Unfortunately for the developer, the water sourcing strategy outlined in the DEIS relies not so much on wells within the Project's boundary as upon wells located offsite on Haleakala Ranch property. This relegates the Project to the status of a water "appropriator" under the law.

Chapter 174C, Hawai'i Revised Statutes (HRS) (State Water Code) and Hawai'i Administrative Rules (HAR) Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. All new wells will be developed in compliance with all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. The CWRM application process for well construction permits requires an extensive application process with thorough review by the State Department of Health (DOH) for compliance DOH rules and standards, including the appropriateness of the well location.

Further, the County's Water Availability Policy, codified as Chapter 14.12, Maui County Code (MCC), requires verification of a long-term, reliable supply of water before subdivisions are approved. In accordance with Section 14.12.050 MCC, in reviewing and commenting on water source engineering reports the Department of Water Supply (DWS) Director shall consider (among other things) the following factors:

- Cumulative impacts;
- CWRM's Water Resources Protection Plan;
- The general plan and relevant community plans;
- The adverse impacts on surrounding aquifers and stream systems, including:
 - o Water levels;
 - o Water quality, including salinity levels;
 - o Surface water-groundwater interactions; and
 - o Adverse impacts on other existing, future, or planned wells;
- The adverse impacts on the water needs of residents currently being served and projected to be served by DWS;
- The adverse impacts on environmental resources that are rare or unique to the region and the project site (including natural, cultural, or human-made resources of historic, archaeological, or aesthetic significance);
- The adverse impacts on the exercise of traditional and customary Native Hawaiian rights and practices;
- United States Geological Survey studies;
- Whether the applicant is in full compliance with the State water code and County's water reporting laws;
- Whether the affected water source, including groundwater, surface water, or other source of water will exceed:
 - o 90 percent of the sustainable yield;
 - o Instream flow standards; or
 - o Interim instream flow standards; and
- The adverse impacts to the water needs of residents currently on a County "wait list" for water meters.

Honua'ula's private water system also is subject to the approval of the State Department of Health (DOH) Safe Drinking Water Branch, Under HAR Chapter 11-20 (Potable Water Systems) as part of the DOH approval process the DOH requires that new private water companies demonstrate capacity requirements and satisfactory technical, managerial, and financial capabilities, including:

- Demonstration of capacity requirements and satisfactory technical, managerial, and financial capabilities to enable the system to comply with safe drinking water standards and requirements, including:
 - o An adequate water source to serve current and future water users;
 - o Adequate system technical performance;
 - o An infrastructure replacement plan that includes estimates of the useful life and plans for the eventual replacement of the public water system's infrastructure;
 - o An operational plan that includes a preventative and corrective maintenance program;
 - o A clear management organization and communication structure;
 - o An emergency response plan;
 - o Adequate financial capacity and dedicated sources of income, including income and cash reserves to pay annual operating expenses, unexpected significant repairs, and planned major work;
 - o Adequate budget controls, including performance reviews of actual expenditures and annual budgets, procedures to safeguard financial assets, and maintenance of detailed financial records that clearly identify sources of income and expenses involved in operating the public water system; and
 - o Demonstration of credit worthiness, including: 1) long-term dedicated revenue projections showing sufficient revenue for: a) operating and maintaining the public water system; b) performing anticipated repairs; c) replacement of major equipment; d) future expansion; and e) repayment of loans; and 2) credit reports that indicate that the public water system is financially healthy and credit worthy.
- Approval of the Director of Health prior to use, which is based upon the submission of a satisfactory engineering report meeting requirements of DOH;
- Identification (within the engineering report) of all potential sources of contamination and evaluation of alternative control measures that could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source; water quality analysis for all regulated contaminants, performed by the State Laboratories Division of the State of Hawaii, will be submitted to DOH to demonstrate compliance with all drinking water standards;
- Assessment to delineate a source water protection area and creation of a source water protection plan, including activities to protect the source of drinking water;
- Operation of the system by certified distribution and water treatment plant operators meeting the requirements of DOH;
- Design and operation of the potable system to prevent the cross-connection with the non-potable system and the possibility of backflow of water from the non-potable system to the drinking water system—the two systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the drinking water supply and all non-potable spigots and irrigated areas must be clearly labeled with warning signs to prevent the inadvertent consumption of non-potable water; and
- Addressing the potential of contaminating activities (as identified in the Hawaii Source Water Assessment Plan) within the source water protection area and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

To include the relevant above information in the Final EIS, along with addressing comments regarding water issues from others, in the Final EIS Section 4.8.1 (Water System) will be revised as shown on the attachment titled "Water System."

II. The DEIS Must Identify and Quantify Existing Aquifer Users

Comment: It is elementary that we must know the baseline parameters of seasonal well draws from existing Kamaole aquifer users. Once captured, the data will provide a springboard for discussion of probably future aquifer use in the water-starved, arid South Maui region.

A logical starting point is Hawaii's Commission on Water Resource Management (CWRM) ground water well index for the Kamaole aquifer, listing 134 installed wells with a total capacity of 19.23 mgd. (See attached list and maps.) While some of these wells are likely dormant or abandoned, it is notable that over 30 wells have been drilled into the aquifer during the past 10 years, many by large properties that may use significant volumes of water for irrigation, such as the Makena Surf condominiums in Makena; the Kea Lani Hotel in Wailea; Grand Champions Villas in Wailea; and the Maui Kamaole, Maui Vista, Ke Alif, and Kihel Akahi condominiums in substantial volumes of water from the aquifer for irrigation, particularly during hot, dry summer months. For example, Makena Land LLC's May 2007 water use report to the CWRM indicates a daily water draw of 2,770,553 gallons; Wailea Resort reported a daily draw of 2,728,709 gallons in the month of August 1998. (See attached.) Combined, the two reports show dry season water withdrawals equal to 5.5 mgd, wholly aside from draws by other area well owners.

Unfortunately, well owner compliance with CWRM well water reporting requirements is spotty, and the CWRM reports inability to compel owner compliance with reporting requirements. This, however, does not excuse the developer from gathering all available information and, in fact, heightens the need for it because without baseline data the risk posed to the environment by the Project becomes nothing more than a gamble. Gambling on water for a project of this size does not meet the purposes of the state's environmental laws, rules and regulations.

Here's what we need in the DEIS: (1) identification of all existing, operative Kamaole aquifer wells; (2) quantification of the seasonal use of each operative well in terms of volume of water withdrawn and water quality achieved; and (3) assessment of likely future well demand.

The utility of this information is obvious and elementary. First, current usage and water quality, measured over time, must be assessed to serve as a benchmark against which the Project's activity can be measured. Second, current pumpage volumes will shed light on the aquifer's sustainable yield and current surplus, if any. Third, pumpage data will provide a platform from which future water need scenarios can be modeled. This is particularly relevant given (a) lack of capacity of the Central Maui water system to meet new water needs, (b) persistent and continuing arid/drought conditions in south Maui, (c) continued local population growth and associated development pressure and (d) the tenuous nature of the Project's proposed "appropriator" water rights.

Response: Tom Nance Water Resource Engineering (TNWRE) has prepared a supplemental report which contains data for all wells in the Kama'ole Aquifer available from the CWRM, including reported: 1) pumpage; and 2) chlorides and water levels. The Final EIS will include this supplemental report.

According to CWRM records, there are a total of 134 wells within the Kama'ole Aquifer System, many of which are more than 60 years old and no longer in use. Of the 134 wells, 43 are known

or presumed to be in use, 47 are no longer in use or do not draw from the basal lens, and 44 are of unknown status relative to their use.

Examination of CWRM data shows that reporting of chlorides and water levels to CWRM is minimal. Only three of the 43 wells in the aquifer that are known or presumed to still be active are presently reporting that information. For wells for which TNWRE has independent data, chloride levels have been stable for a decade of monthly sampling.

To include the relevant above information in the Final EIS, in the Final EIS Section 3.5.1 (Groundwater) will be revised as shown on the attachment titled "Groundwater." In addition the supplemental report from TNWRE will be included in Appendix B of the Final EIS.

Regarding your request for "assessment of likely future well demand" for operating Kama'ole Aquifer wells, any estimate of future demand would be highly speculative at this point. In Section 7.2 (Cumulative and Secondary Impacts) of the Draft EIS it is noted that the availability of water "is a critical factor in determining whether a project can proceed and may be a limiting factor with respect to a specific project moving forward, especially in the Kihai region with its restricted water resources." Section 7.2 (Cumulative and Secondary Impacts) of the Draft EIS also states: "The feasibility of a project proceeding is based on many factors, including the State Land Use District classification, the Community Plan and zoning designations, other necessary approvals, overall economic conditions, the demand for the proposed product, and the willingness of a landowner or developer for public agency as the case may be to risk the capital required for development." Furthermore, because of the multi-stage land use approval and permitting process that exists in Hawai'i, there are many approvals of a project at various levels of government and at different points in time, including for public projects such as high schools. At each step, decision-makers involved in the process evaluate a project in the context of the existing regional conditions, including infrastructure capacity and other factors. Therefore it is speculative to make assumptions about any projects moving forward. When and if a proposed project does move forward the developer will have to determine a source of water and what impact, if any, that source would have on the aquifer, similar to what Honua'ula is doing with their Draft EIS and subsequent required approvals.

III. Existing Kamaole Aquifer Users Are Entitled to Unhindered Use of Their Wells

Comment: "[T]he rights of all land owners over a common basin, saturated strata, or underground reservoir, are coequal or correlative, and...one land owner can not extract more than his share of the water even for use on his own lands, where the rights of others are injured thereby." (Water and the Law in Hawaii, p. 105, quoting Waiahole II, P. 74.)

To the extent Wailea 670's water extraction injures other wells or the utility of the aquifer in general, other well users will be damaged, irreparably if the aquifer as a whole "salls up" and/or individual producing wells are degraded. The DEIS must calculate the risk of a negative outcome and develop alternate water sourcing plans in the event the developer's assumptions about its water use are incorrect. The use of scenario planning techniques would be helpful.

Response: As noted in the response above, examination of CWRM data shows that reporting of chlorides and water levels to CWRM is minimal. Only three of the 43 wells in the aquifer that are known or presumed to still be active are presently reporting that information. For wells for which

TNWRE has independent data, chloride levels have been stable for a decade of monthly sampling.

Section 3.5.1 (Groundwater) and Appendix B of the Draft EIS discuss potential impacts and proposed mitigation measures in regard to ground water resources. As discussed in Section 3.5.1 (Groundwater):

- Because Wailea Resort's Well 2 (No. 4126-02) is nearly directly downgradient from Honua'ula's on-site wells, it is the only well in which there may be a potential increase in salinity due to the potential decrease of groundwater flow being taken up by the on-site Honua'ula wells. Decreased pumping of Honua'ula's on-site wells would alleviate this potential impact.
- An estimated six active downgradient wells may be impacted by a potential increase in salinity due to reduced flowrate resulting from Honua'ula's off-site wells, which current calculations indicate may be on the order of five percent. These downgradient brackish wells were developed to provide landscape irrigation for individual condominium parcels, and the combined draft of all of these wells is relatively small (in the range of 0.12 to 0.30 MGD as a year round average). It is not known if the increase in salinity would materially impair the utility of the wells; however if the utility of the wells is materially impaired, additional wells (pumping the same combined amount of water) in the area north of Maui Meadows would distribute the draft over a greater area and would alleviate the impact downgradient.

IV. Well Monitoring is Needed to Guard Against Potential Disruption of Aquifer Equilibrium

Comment: *In Water and the Law in Hawaii, Mitke notes that sustainable yield is a management concept requiring periodic monitoring, particularly when withdrawals approach sustainable yield. Where the sustainable yield is speculative, as it is here, effective monitoring is particularly critical to protection of the environment.*

"Monitoring includes deep monitor wells, water-level observation wells, spring chemistry data, and water use/chloride data from production wells. Deep monitor wells measure the size and stability of the freshwater lens. Such monitoring can follow the stability of the transition zone." (Water and the Law in Hawaii, p. 7.)

The DES makes no reference to industry-standard monitoring strategies. Given the risky approach to water development proposed here, monitoring wells present the best means to guard against potential disruption of aquifer equilibrium. Accordingly, a monitoring regimen needs to be articulated in the DES (and ultimately deployed).

Response: As discussed in Section 3.5.1 (Groundwater) of the Draft EIS, groundwater in the Kama'ole Aquifer exists as a basal lens from the shoreline as far inland as the 1,700-foot contour. The direction of groundwater flow in the basal lens is mauka-to-makai.

According to Honua'ula Partners LLC's hydrologist, TNWRE, nothing in the available data from wells across the entire Kama'ole Aquifer, and more specifically in the mauka-makai corridor that may be affected by Honua'ula's wells, suggests that a monitor well is needed. Nevertheless,

Honua'ula Partners LLC will construct an upgradient golf course monitor well to a depth that will allow the well to also be used to monitor the transition zone below the basal lens. The monitor well will be installed prior to the start of use of Honua'ula's production wells. Periodic profiling of salinity and temperature through the monitor well's water column will be performed. This data will be used to track salinity in the basal lens and the movement, if any, of the transition zone.

To include the relevant above information in the Final EIS, in the Final EIS Section 3.5.1 (Groundwater) will be revised as shown on the attachment titled "Groundwater."

V. Key DEIS Deficiency Check List

The following items need to be included in the water component of the Project's DEIS:

Comment: *Identification of all existing Kamaole aquifer users, including*
a. pumpage/volume and water quality data,
b. reported seasonally, if not monthly,
c. covering an extended period of time, preferably not less than 5 years, and
d. updated not less than annually.

Response: As noted above in a previous response, TNWRE has prepared a supplemental report which contains data for all wells in the Kamaole Aquifer available from the CWRM, including reported: 1) pumpage; and 2) chlorides and water levels. The Final EIS will include this supplemental report.

According to CWRM records, there are a total of 134 wells within the Kama'ole Aquifer System, many of which are more than 60 years old and no longer in use. Of the 134 wells, 43 are known or presumed to be in use, 47 are no longer in use or do not draw from the basal lens, and 44 are of unknown status relative to their use.

Examination of CWRM data shows that reporting of chlorides and water levels to CWRM is minimal. Only three of the 43 wells in the aquifer that are known or presumed to still be active are presently reporting that information. For wells for which TNWRE has independent data, chloride levels have been stable for a decade of monthly sampling.

To include the relevant above information in the Final EIS, in the Final EIS Section 3.5.1 (Groundwater) will be revised as shown on the attachment titled "Groundwater." In addition the supplemental report from TNWRE will be included in Appendix B of the Final EIS.

Comment: *An irrevocable and continuous plan for periodic measurement and transparent reporting of the above information.*

Response: As noted above in a previous response Honua'ula Partners LLC will construct an upgradient golf course monitor well to a depth that will allow the well to also be used to monitor the transition zone below the basal lens. The monitor well will be installed prior to the start of use of Honua'ula's production wells. Periodic profiling of salinity and temperature through the monitor well's water column will be performed. This data will be used to track salinity in the basal lens and the movement, if any, of the transition zone. Honua'ula Partners LLC will comply with all CWRM monitoring and reporting requirements.

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Comment: *Articulation of an irrevocable and continuous professional well monitoring scheme designed to protect the equilibrium of the Kamaole aquifer.*

Response: As noted above in a previous response, Honua'ula Partners LLC will construct an upgradient golf course monitor well to a depth that will allow the well to also be used to monitor the transition zone below the basal lens. The monitor well will be installed prior to the start of use of Honua'ula's production wells. Periodic profiling of salinity and temperature through the monitor well's water column will be performed. This data will be used to track salinity in the basal lens and the movement, if any, of the transition zone. Honua'ula Partners LLC will comply with all CWRM monitoring and reporting requirements.

Comment: *Examination of an array of possible future states, paying particular attention to current and likely future weather and water conditions in and around the Project site. Best and worst case water availability scenarios for the Project need to be developed and possible outcomes reported, paying particular attention to the Project's tenuous hold on Haleakala Ranch well water.*

Response: As noted above in a previous response, there is extensive government oversight of all new well development and drinking water systems. Honua'ula Partners, LLC will comply with all State and County regulations and rules pertaining to well and water source development and new drinking water sources, including: 1) all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code; 2) the County's Water Availability Policy, Chapter 14.12, MCC; and 3) DOH Safe Drinking Water Branch rules pertaining to potable water systems HAR Chapter 11-20 (Potable Water Systems). To the extent that these laws and rules require "examination of an array of possible future states," Honua'ula will provide the requisite information.

Comment: *Development and articulation of carefully calculated and operationally feasible water sourcing contingency plans in the event the Project's water strategy fails.*

Response: It is highly unlikely that Honua'ula's private water system will fail. As noted above in a previous response, there is extensive government oversight of all new well development and drinking water systems. Honua'ula Partners, LLC will comply with all State and County regulations and rules pertaining to well and water source development and new drinking water sources, including: 1) all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code; 2) the County's Water Availability Policy, Chapter 14.12, MCC; and 3) DOH Safe Drinking Water Branch rules pertaining to potable water systems HAR Chapter 11-20 (Potable Water Systems). To the extent that these laws and rules require "development and articulation of carefully calculated and operationally feasible water sourcing contingency plans" Honua'ula will provide the requisite information.

Comment: *Identification/location of all water lines and storage facilities intended to support the project. To the extent these plans violate the Upcountry Community Plan, explain how conflicts will be resolved.*

Response: The Makawao-Pukalani-Kula Community Plan contains Water Objective & Policy # 4, which states:

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4. *Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use.*

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kihei-Makana Community Plan area in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of this water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on-site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the Makawao-Pukalani-Kula Community Plan.

Figure 2 (Regional Location) of the Draft EIS shows the location of Honua'ula's off-site water infrastructure. In the Final EIS, Figure 2 (Regional Location) will be revised to show: 1) the location of the off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation; and 2) the boundary between the Makawao-Pukalani-Kula Community Plan and the Kihei-Makana Community Plan regions. The attachment titled "Figure 2" shows the revised figure.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

1. *That Honua'ula Partners, LLC, its successors and permitted assigns, shall, at their own cost and expense, develop, maintain, and operate, or cause to be developed, maintained, and operated, a private water source, storage facilities, and transmission lines for the Wailea 670 (Honua'ula) project in accordance with Department of Water Supply standards and all applicable community plans. Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with all reporting requirements of the State Commission on Water Resource Management.*

In addition, Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with applicable water ordinances that pertain to the supply and transmission of water from the island of Maui when such ordinances are enacted.

At the time the project water system is completed, Honua'ula Partners, LLC, its successors and permitted assigns, shall offer to the County the right to purchase the project water system at the cost of development of such system.

The water rates for the residential workforce housing units shall be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code.

Discussion: As discussed in Section 4.8.1 (Water System), Honua'ula Partners, LLC will comply with this condition by providing a private water source, storage facilities, and transmission lines for Honua'ula in accordance with DWS standards and all applicable community plans. Further discussion is provided in Section 4.8.1 (Water System).

In comments on the Draft EIS some commenters referenced the *The Makawao-Pukalani-Kula Community Plan* and commented that Honua'ula's private water system was not in compliance with this plan. Specifically these comments pertained to Water Objective & Policy # 4 of the *Makawao-Pukalani-Kula Community Plan*, which states:

4. Restrict the use of any water developed within or imported to the Upcounty region to consumption within the Upcounty region, with exception provided for agricultural use.

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kiheti-Makena Community Plan region in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of the water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the *Makawao-Pukalani-Kula Community Plan*.

Figure 2 shows the location of Honua'ula's off-site water infrastructure and the boundary between the Makawao-Pukalani-Kula Community Plan and the Kiheti-Makena Community Plan regions.

In further compliance with ~~the conditions~~ Condition 1, Honua'ula Partners, LLC will also: 1) offer the right to purchase the completed water system to the County; and 2) ensure that water rates for the residential workforce housing units will be no higher than the general water consumer rates set by the County, for as long as the units are subject to Chapter 2.96 of the County Code.

Comment: *Reassessing the average rainfall assumptions contained in the current DEIS, with citation to reliable/credible sources substantiating the data used. If reassessment results in lower average rainfall data, adjust all internal calculations, particularly those relating to expected aquifer recharge and seasonal water draws for irrigation.*

Response: Section 3.1 (Climate) of the Draft EIS states that average rainfall distribution for the Kiheti-Makena region varies from under 10 inches per year to more than 20 inches per year. As noted in the Draft EIS the source of this information is the 2008 Maui County Data Book. While not broken down in the Draft EIS, the 2008 Maui County Data Book records the higher end of this range (i.e., 20 inches per year) as occurring at the Makena Golf Course. The average rainfall of 18

inches per year stated in the report titled "Assessment of the Potential Impact on Water Resources of the Honua'ula Project in Wailea Maui" (Appendix B of the Draft EIS) is within the range reported in the 2008 Maui County Data Book, and since Honua'ula is near the Makena end of the Kiheti-Makena region, it is consistent with the higher rainfall averages reported for the Makena Golf Course. Regardless, rainfall on the Honua'ula site, an inconsequential part of the 89-square mile aquifer, has little to do with the aquifer's sustainable yield.

The addition of Honua'ula's wells and water system would still have total aquifer pumpage significantly less than the CWRM's adopted sustainable yield of 11 MGD in 1990. Subsequent well development and more sophisticated studies of rainfall-recharge suggest that 11 MGD in 1990. Subsequent well development and more sophisticated studies of rainfall-recharge suggest that 11 MGD is likely to be conservative.

Comment: *Admit the uncertain status of the sustainable yield estimate for the Kamaole aquifer and discuss the implications of uncertainty. Describe how the Project will respond if the sustainable yield is less than the current uncertain estimate.*

Response: As explained in our responses to your June 2010 letter, the 11 MGD sustainable yield adopted by the CWRM for the Kama'ole Aquifer is based on computations of rainfall-recharge using average annual values of rainfall and evaporation. Subsequent and far more sophisticated recharge calculations by the U.S. Geological Survey (USGS) and others, which were done with a shorter computation time step and, for some, the inclusion of fog drip in the upper elevation areas, have all derived greater amounts of recharge to the aquifer. All suggest that the sustainable yield is actually greater than the CWRM's adopted figure. Section 3.51 (Groundwater) of the Draft EIS notes and references these more sophisticated recharge calculation studies by the USGS and others.

In 1990 when the aquifer's sustainable yield was adopted by the CWRM, well development was limited to irrigation wells for the Wailea and Makena Resorts and small-capacity wells along the Kiheti shoreline. Since that time, a number of wells have been drilled to the north and at higher elevations which produce potable quality water and a number of others have been drilled at mid-elevation and produce slightly brackish water. In addition, geophysical work has been done over a significant portion of the aquifer. In other words, a substantial amount of hydrologic information has been developed since 1990, all of which indicates that the aquifer's sustainable yield is likely to be more than 11 MGD.

Given the hydrologic information that has been developed since 1990, the aquifer's actual sustainable yield is not a limitation on development of Honua'ula.

Comment: *Develop and report comprehensive wastewater and desalination plans; meet all the requirements of HAR sections 11-200, et seq.*

Response: The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawaii's EIS laws and rules (Chapter 343, HRS) and Title 11, Chapter 200, HAR). The EIS laws and rules provide for the preparation of a draft EIS, a review process, and the preparation of a final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments, and our responses. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final

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EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

Section 4.8.1 (Water System) and Appendix P (Preliminary Engineering Report) of the Draft EIS include information regarding Honua'ula reverse osmosis (RO) system. As stated in Section 4.8.1 (Water System) of the Draft EIS, RO plant will be subject to regulation as a public water system and will meet requirements of the State DOH, including HAR Chapters 11-20 (Potable Water Systems), 11-21 (Cross-Connection & Backflow Control), and 11-25 (Operating Personnel in Water Treatment Plants).

Section 4.8.2 (Wastewater System) and Appendix P (Preliminary Engineering Report) of the Draft EIS discuss two alternatives for Honua'ula's wastewater system: 1) transport wastewater to the Mākena Wastewater Reclamation Facility (WWRF) for treatment; or 2) provide an on-site WWRF. Preliminary details and analysis of both alternatives is also provided. Section 4.8.2 (Wastewater System) Draft EIS also states that wastewater system design, construction, and operation (whether at a new on-site WWRF or at the Mākena WWRF) will be in accordance with County standards and in compliance with all applicable provisions of the State DOH Administrative Rules (DOH rules) regarding wastewater systems (Chapter 11-62, Hawaii Administrative Rules (HAR)). To provide additional information on both alternatives, in the Final EIS Section 4.8.2 (Wastewater System) will be revised as shown on the attachment labeled "Wastewater System."

In addition, in compliance with County of Maui Ordinance No. 3554 Condition 16, on May 11, 2010 Honua'ula Partners, LLC submitted a sewage disposal analysis (Analysis) to the Maui County Council. After receiving the Analysis, the Maui County Council accepted the Analysis and did not subject Honua'ula to any additional conditions or amendments. As a result, Condition 16 has been fully satisfied.

To reflect this updated information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

16. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a Sewage Disposal Analysis that has been reviewed and commented on by the State Department of Health, the State Department of Land and Natural Resources, the County Department of Environmental Management, and the County Department of Water Supply prior to Project District Phase II approval. The Sewage Disposal Analysis, along with reviews and comments, shall be submitted to the Maui County Council for review and the project shall be subject to additional conditions or amendments by the Maui County Council if warranted by the Sewage Disposal Analysis.

Discussion: As discussed in Section 4.8.2 (Wastewater System) Honua'ula will not rely upon or burden any County wastewater system. Instead, Honua'ula Partners, LLC will either participate in the operation of a private WWRF and system that accommodates the needs of Honua'ula (Alternative 1) or provide a WWRF on-site (Alternative 2). The Preliminary Engineering Report prepared for Honua'ula (Appendix P) provides preliminary information regarding wastewater. For a more detailed analysis Honua'ula Partners, LLC has engaged Brown and Caldwell Engineers to prepare a Draft Honua'ula Sewage Disposal Analysis. In accordance with this condition, the Analysis ~~will be~~ has been submitted to the State DOH and DLNR and the County DEM and DWS for review and comment before Project District Phase II approval. These agencies have since provided comments and

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subsequently. ~~The~~ the Analysis, along with reviews and comments, ~~will then be~~ was submitted to the Maui County Council on May 11, 2010 for review. After receiving the Analysis, the Maui County Council accepted the Analysis and did not subject Honua'ula to any additional conditions or amendments. As a result, Condition 16 has been fully satisfied.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: Water System
Groundwater
Figure 2
Wastewater System

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¹ Milke explains that these "rights" are not of ownership, but rights of priority; they give the holder priority over the use of the water to which the rights attach. (Water and the Law in Hawaii, p. 96.)

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June 29, 2010

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Re: DRAFT EIS for HONUUA'ULA (WAILEA 670)

Proposed Illegal Water Transmission System

SUMMARY of WATER ISSUE: The proposed water transmission system for this project is illegal because it does not comply with Honua'ula Zoning Condition #1 and the Upcountry Community Plan. The applicant should seek a water transmission system that completely complies with County law. This compliance should be clearly discussed and mapped in the Final EIS.

Honua'ula Zoning Condition #1 explicitly states that the project **MUST** comply with " ... all applicable community plans".

Honua'ula Zoning Condition #1

That Honua'ula Partners, LLC, its successors and permitted assigns, shall, at their own cost and expense, develop, maintain, and operate, or cause to be developed, maintained, and operated, a private water source, **storage facilities, and transmission lines** for the Wailea 670 project in accordance with Department of Water Supply standards **and all applicable community plans**. Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with all reporting requirements of the State Commission on Water Resource Management.

One of Maui Island's community plans is the **Makawao-Pukalani-Kula (Upcountry Maui) Community Plan**. It is very clear on water transmitted out of the Upcountry District. The relevant requirement is contained on Page 36 of the Upcountry Plan.

" 4. **Restrict the use of any water** developed within or imported to the **Upcountry region to consumption within the Upcountry region**, with exception provided for agricultural use."

Water transmission lines are NOT legally allowed to pass through any part of the Makawao-Pukalani-Kula (Upcountry Maui) Community Plan District and then back into the Kihei-Makena (South Maui) Community Plan District.

However, the Draft EIS shows Honua'ula (Wailea 670) intends to send water into and then illegally out-of the Upcountry district utilizing water transmission lines AND two 810' elevation water tanks which are both located within the upcountry district.

According to the text of the DEIS, the proposed **potable** water transmission line will go mauka of the Maui Meadows sub-division (passing through the Upcountry District) and then up-hill to a 810' elevation water tank clearly within the Upcountry (Makawao-Pukalani-Kula) Community Plan District. The proposed water transmission route would then pass through the Upcountry District and illegally back into the South Maui District to serve the non-agricultural Honua'ula (Wailea 670) development.

Similarly, the **non-potable** water will pass from a water tank at the 810' elevation out of the Upcountry Community Plan district and illegally into the Kihei-Makena (South Maui) Community Plan district.

The County's Corporation Counsel previously advised the County Council that water being transmitted out of the Upcountry (Makawao-Pukalani-Kula) Community Plan District to this project would clearly be illegal. The applicant is very aware of this ruling and has had almost a decade (since 2001) to resolve this matter without breaking the law..

The DEIS completely fails to mention the relevant sections of the Upcountry Community Plan, nor does it indicate the actual location of the 810' elevation water tank on the relevant map.

I am very certain about the intention of item #4 above, since I was the Vice-Chairman of the Upcountry Citizens Advisory Committee (CAC) that proposed the restriction. I also have recently checked with the CAC Chair (former Maui Mayor Elmer Cravalho) on the specific intent of that water restriction and he verified what I have written here.



May 31, 2012

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Figure 2 (Regional Location) of the Draft EIS shows the location of Honua'ula's off-site water infrastructure. In the Final EIS, Figure 2 (Regional Location) will be revised to show: 1) the location of the off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation; and 2) the boundary between the Makawao-Pukalani-Kula Community Plan and the Kihai-Makena Community Plan regions. The attachment titled "Figure 2" shows the revised figure.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

1. That Honua'ula Partners, LLC, its successors and permitted assigns, shall, at their own cost and expense, develop, maintain, and operate, or cause to be developed, maintained, and operated, a private water source, storage facilities, and transmission lines for the Wailea 670 (Honua'ula) project in accordance with Department of Water Supply standards and all applicable community plans Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with all reporting requirements of the State Commission on Water Resource Management.

In addition, Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with applicable water ordinances that pertain to the supply and transmission of water from the island of Maui when such ordinances are enacted.

At the time the project water system is completed, Honua'ula Partners, LLC, its successors and permitted assigns, shall offer to the County the right to purchase the project water system at the cost of development of such system.

The water rates for the residential workforce housing units shall be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code.

Discussion: As discussed in Section 4.8.1 (Water System), Honua'ula Partners, LLC will comply with this condition by providing a private water source, storage facilities, and transmission lines for Honua'ula in accordance with DWS standards and all applicable community plans. Further discussion is provided in Section 4.8.1 (Water System).

In comments on the Draft EIS some commenters referenced the *The Makawao-Pukalani-Kula Community Plan* and commented that Honua'ula's private water system was not in compliance with this plan. Specifically these comments pertained to Water Objective & Policy # 4 of the *Makawao-Pukalani-Kula Community Plan*, which states:

4. Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use.

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kihai-Makena Community Plan region in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of the water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and

Thank you for your letter dated June 29, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments regarding Honua'ula's compliance with County of Maui Ordinance No. 3554 Condition 1 and the *Makawao-Pukalani-Kula Community Plan* (Upcountry Community Plan).

Comment: The proposed water transmission system for this project is illegal because it does not comply with Honua'ula Zoning Condition #1 and the Upcountry Community Plan. The applicant should seek a water transmission system that completely complies with County law. This compliance should be clearly discussed and mapped in the Final EIS.

Response: The Makawao-Pukalani-Kula Community Plan contains Water Objective & Policy # 4, which states:

4. Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use.

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kihai-Makena Community Plan area in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of the water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on-site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the *Makawao-Pukalani-Kula Community Plan*.

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storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the Makawao-Pukalani-Kula Community Plan.

Figure 2 shows the location of Honua'ula's off-site water infrastructure and the boundary between the Makawao-Pukalani-Kula Community Plan and the Kihei-Makana Community Plan regions.

In further compliance with ~~the condition~~ Condition J, Honua'ula Partners, LLC will also: 1) offer the right to purchase the completed water system to the County; and 2) ensure that water rates for the residential workforce housing units will be no higher than the general water consumer rates set by the County, for as long as the units are subject to Chapter 2.96 of the County Code.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachment: Figure 2 (Regional Location)

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Supplementary Comments on Draft EIS for HONUA'ULA (WAILEA 670)

This letter is a supplement to the comments contained in my June 29, 2010 letter.

The following are some of the issues that are examined in this letter:

1. Questionable Basic Assumptions and Practices
2. The Appropriate "Region"
3. Traffic Impacts along Piliame Highway (Appendix L)
4. Questionable Net Benefits to the County and State
5. Traffic Counts
6. Inconsistency In Utilizing Projected Population Growth Rates
7. Beach Club
8. Wildfires
9. Draft EIS – Deceptive Response to my Letter

#1 QUESTIONABLE BASIC ASSUMPTIONS and PRACTICES

The Draft EIS has made a number of questionable assumptions that need to be corrected in the final EIS. These questionable assumptions are very significant, and cast into doubt the validity of a number of the sections throughout the whole document.

The Draft EIS assumes that there are only 1,150 units generating impacts. Consequently, the Draft EIS has committed one of the cardinal sins that should be avoided in preparing an EIS document, i.e. segmentation, and the consequent inability to evaluate cumulative impacts/effects. The Draft EIS has only looked at a portion of the Honua'ula (Wailea 670) project. The Honua'ula (Wailea 670) project has a total of 1,400 units; unfortunately, throughout the document 250 of those units have been totally segmented and neglected, perhaps, awaiting a separate EIS. This is wrong.

units. Utilizing the higher population figure, the Final EIS should reassess and correct all of the impacts, traffic, student enrollments, water use, solid waste production, energy needs, etc.

#2 THE APPROPRIATE "REGION"

The Draft EIS has used several descriptions of the appropriate "region". When the DEIS authors wish to diminish the impacts of the Honua'ula (Waialea 670) project, the region is geographically constrained, as for example, when discussing traffic impacts the only intersections discussed are those in the immediate area around the Waialea 670 site and no further away than the entrance to Maui Meadows. On the other hand when it is useful to describe the benefits of this Honua'ula (Waialea 670) project, the geographic region is expanded to include all of South Maui (including the high-tech park, the proposed high school, etc.).

SUMMARY: A single, consistent description of a geographic region should be utilized throughout the Final EIS. Because this project is so large, and because it involves the 250 workforce housing units in North Kihei, it would be appropriate to include all of South Maui as the region impacted by the Honua'ula (Waialea 670) project.

#3 TRAFFIC IMPACTS ALONG PIILANI HIGHWAY (Appendix L)

The Director of the State DOT has publicly stated that the State will not be building a mauka alignment parallel to Piilani Highway; and the County does not have the revenue to build this mauka highway. Consequently, Piilani Highway will need to be carefully evaluated as to whether it can handle, within its very constraining right-of-way, the cumulative traffic from the many already entitled projects plus the Honua'ula (Waialea 670) project.

Unfortunately, the Draft EIS has limited its traffic analysis to intersections only in the immediate vicinity of the Honua'ula (Waialea 670) project. The analysis is further short-changed by the inclusion of only two off-site projects, Makena resort and Waialea resort.

In other chapters the Draft EIS clearly points out that there will be many other projects built in Makena, Waialea, South and North Kihei. The table on page 308 indicates that there are in the South Maui region over 3,500 units already entitled in addition to the Honua'ula (Waialea 670) project. Makena resort and Waialea resort make up only a portion of the fully entitled projects. In addition to the big projects, there are many vacant lots and ohanas to be added to the unit counts.

SUMMARY: I agree with the analysis when it discounts the probability that many of the proposed projects will never be built. However, to leave out the impacts of the several thousand other already entitled units is highly misleading. The Final EIS must present a traffic analysis of the impacts of the Honua'ula (Waialea 670) project added to all of the other already entitled projects. When this analysis is done, it will show the cumulative impacts/effects on Piilani Highway. At least two additional Piilani Highway intersections should be added to the traffic analysis. As a minimum, I would suggest: Kamalii School and Lipoa Street. Will Piilani Highway be able to handle all of the Honua'ula (Waialea 670) project's traffic in addition to that generated by all of the other entitled projects, vacant lots and ohanas?

Although they are not located within the 669 acres, the 250 workforce housing units are an integral part of this project, as can be clearly recognized in the conditions placed in the Maui County Council ordinance (County condition #5). By neglecting these 250 units, the Draft EIS has segmented this project and has not fully addressed the cumulative impacts of the Honua'ula (Waialea 670) project.

Why is this important? By neglecting to analyze the impacts of the 250 workforce housing units, the Draft EIS has not considered the impact of those units and of those residents on schools, water, traffic, wastewater, energy, parks, etc.

A related assumption relates to the MIS-calculations used throughout the Draft EIS with regard to the projected population increase resulting from the Honua'ula (Waialea 670) project. The "population increase" estimates can be found in Volume 1, page 137, and in Appendix Q, Table 19.

The Draft EIS predicts (Volume 1, page 137) an increase of only 1,833 people as a result of the development of this project. This is most certainly an underestimate and consequently it has serious implications for the many calculations which are made throughout the Draft EIS with regard to such areas as traffic, student enrollments, water use, solid waste production, energy needs, etc.

Why is the population projection of 1,833 an under-estimate?

- a) The residents of the 250 workforce housing units have not been included;
- b) The Draft EIS estimates that there will be only 2.5 residents per full-time resident household. This number is significantly lower than the estimates used by the Maui County Planning Department in preparing its projections for Maui's housing needs over the next 20 years. A figure of 2.8 is recommended by the County's General Plan Advisory Committee and would probably be more appropriate and would result in a higher overall population projection; and
- c) The Draft EIS estimates that the non-resident housing will be occupied only 20% of the time. This percentage is significantly lower than the market housing found close by in the Wailea Golf Estates which has about 50% full-time occupancy. If the 20% figure is appropriately changed to a higher number, it will result in a higher estimate of the projected population.

Finally, there is a need to differentiate between average population numbers and maximum population. The Draft EIS uses a figure of 1,833 as the projected population. However, during certain times of the year, such as Christmas and mid-summer, the population will rise because of the influx of the non-residents. These higher population numbers will result in higher impacts on specific components of the environment: energy use, water use, traffic, and perhaps others. Because the 1,833 figure assumes that only 20% of the non-resident housing is being occupied, it is quite conceivable that the population during peak periods may rise considerably. What will the population be during these peak periods? What will be the impacts of this larger population?

SUMMARY: In the Final EIS the 1,833 figure should be increased to account for: a) the 250 workforce housing units; b) a figure of 2.8 residents per household in all of the units; and c) an occupancy rate of approximately 50% in the non-resident housing

#4 QUESTIONABLE NET BENEFITS TO THE COUNTY AND STATE

Over and over again the Draft EIS over-estimates the revenue to be received by the State and County governments, and concurrently, under-estimates the costs which these governments will have to absorb in order to service the Honua'ula (Waialea) residents. Most of this analysis can be found in detail within Appendix Q, pp. 60-69. A summary of this analysis is found in volume 1, pages 142.

It is possible that this economic analysis is flawed, because the person at Hallstrom who wrote the analysis has no professional training in economics and has only a BA degree in communications/journalism. That is a fine degree to write up the report, but it does not serve as professional background for economic impact analysis. (Appendix Q, last page)

Several errors creep into the economic analysis:

a) Government Expenses: The population of the 1,400 units in the Honua'ula (Waialea 670) project is under-estimated at 1,150. Consequently, there is a severe under-estimate of the costs which both the County and State will have to spend to serve the needs of this larger population.

In Appendix Q on pages 63+64, the Draft EIS assumes a per capita County cost of \$3,082, and a per capita State expenditure of \$5,346. The Final EIS should include the 250 workforce housing units with their 2.8 residents per household for a total of 700 additional residents.

These 700 residents will cost the **County an additional 700 * \$3,082= \$2,157,400.**
These 700 residents will cost the **State an additional 700 * \$5,346= \$3,742,200.**

b) Government Revenues: The income levels generated by the commercial establishments in the Honua'ula (Waialea 670) resort are used as a basis for calculating how much excise and income taxes would be generated by the project. However, according to the analysis in Appendix Q, p. 57, the majority (55%) of customers at these businesses will be coming from off-site. Their spending should be entirely discounted from the excise tax base because they will be merely shifting their spending from other Maui businesses to the Honua'ula (Waialea 670) project. There will be no net increase in income to Maui/Hawaii, and consequently no net increase in excise taxes or income taxes as a result of their shifting their spending from other businesses to those in the Honua'ula (Waialea 670) project.

Therefore, according to the analysis in Appendix Q, p. 58, the spending by off-site consumers would be approximately \$49.7 million per year. Subtracting this amount from the excise tax base will **reduce the State's expected excise tax collections by \$2.06 million per year.**

Furthermore, the analysis assumes that the non-residents in the market-priced houses will be spending \$400 per day per person. This seems unrealistically high, given the fact that these people will be living in their own home and will not be paying for a resort-type accommodation or eating out exclusively in restaurants.

c) Net Costs instead of Net Benefits The cumulative net impact of the increased government expenditures, coupled with the reduction in State revenues, means that the public sector will be subsidizing this project. The Final EIS needs to incorporate these corrections to the analysis done in the Draft EIS. The Final EIS needs to very carefully point out that the overall net impact of the Honua'ula (Waialea 670) project will be negative as far as its impact on both the County and State governments are concerned, i.e., the Honua'ula (Waialea 670) project will produce net costs to both the State and County governments, rather than net benefits as is shown in the Draft EIS.

#5 TRAFFIC COUNTS

Appendix L contains much misleading information because the traffic counts were conducted during a period of lower traffic volume. By selecting a date at the end of June, the traffic consultants were analyzing minimum traffic flows and traffic delays. The date which were selected were during non-school days and before the impact of the summer tourist season. The Final EIS should conduct traffic counts on a typical school day, and again during the mid-summer and/or Christmas tourist seasons. Will there be serious delays at any of the intersections or along Piilani Highway?

#6 INCONSISTENCY IN UTILIZING PROJECTED POPULATION GROWTH RATES

Appendix L assumed that the population will grow at the very slow growth rate of 0.5% per year for a total of only 7.2% over the construction timeframe. On the other hand, Appendix Q, Page 22, analyzing the economic impacts, has utilized a significantly higher population growth rate of 1.5% - 2%. The 0.5% growth rate seems much too low and probably is underestimating the traffic impacts. The Final EIS should utilize a consistent growth rate throughout the document.

#7 BEACH CLUB

Appendix Q, page 49 mentions a "beach club" as part of this project. Where is the location of this facility and what are the impacts?

#8 WILDFIRES

Volume 1, Pages 36 + 37, describes the danger of wildfires, but minimizes their significance. The Draft EIS totally neglects to point out that the major threat of wildfires is from the very dry, inaccessible lands immediately mauka of the project. This serious, and very real threat needs to be discussed at length in the final EIS. What preventive measures can be taken to protect the whole project? Who will pay for these protective measures? And how will access to a mauka wildfire be accomplished?

#9 DRAFT EIS – DECEPTIVE RESPONSE TO MY LETTER

Volume 1, PDF Pages 556+557, contains two letters. One is my letter describing my concern regarding the illegal water export from the Upcountry Community Plan district. The second letter is a response by the applicant's consultant stating that "Honua'ula's water system will be in accordance with ... all applicable community plans."

Unfortunately, the draft EIS indicates that the proposed water transmission system will export water from the Upcountry Community Plan district, thus violating the Upcountry Community Plan. The final EIS should show a water transmission system that completely conforms to the Upcountry Community Plan.



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Dick Mayer
1111 Lower Kimo Drive
Kula, Hawaii 96790

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Mayer:

Thank you for your letter dated June 30, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. The organization of this letter follows the headings of your letter.

#1 Questionable Basic Assumptions and Practices

COMMENT: The Draft EIS assumes that there are only 1,150 units generating impacts. Consequently, the Draft EIS has committed one of the cardinal sins that should be avoided in preparing and EIS document, i.e. segmentation, and the consequent inability to evaluate cumulative impacts/effects. The Draft EIS has only looked at a portion of the Honua'ula (Wailea 670) project. The Honua'ula (Wailea 670) project has a total of 1,400 units; unfortunately, throughout the document 250 of those units have been totally segmented and neglected, perhaps, awaiting a separate EIS. This is wrong.

Although they are not located within the 669 acres, the 250 workforce housing units are an integral part of this project, as can be clearly recognized in the conditions placed in the Maui County Council ordinance (County condition #5). By neglecting these 250 units, the DES has segmented this project and has not fully addressed the cumulative impacts of the Honua'ula (Wailea 670) project.

Why is this important? By neglecting to analyze the impacts of the 250 workforce housing units, the Draft EIS has not considered the impact of those units and of those residents on schools, water, traffic, wastewater, energy, parks, etc.

RESPONSE: As discussed in Section 4.9.3 (Housing) of the Draft EIS, Honua'ula Partners, LLC will provide workforce affordable homes in compliance with Chapter 2.96, Maui County Code (MCC). As discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with County of Maui Ordinance No. 3554 (Condition 5), 250 of the required workforce affordable homes will be provided off-site at the Ka'ono'ulu Light Industrial Subdivision (TMK (2) 3-9-01: 16). The Ka'ono'ulu Light Industrial Subdivision is within the State Urban District and is within the County of Maui Light Industrial zoning district. Multi-family homes are a permitted use within the State Urban District and County Light Industrial zone.

Providing workforce affordable homes at the Ka'ono'ulu Light Industrial Subdivision does not trigger the need for an environmental assessment or environmental impact statement under Chapter 343, HRS. However, impacts related to the use of the property for urban uses and uses permitted under the property's Light Industrial zoning have previously been examined as part of the property's State Land Use District Boundary Amendment, County

Change in Zoning, and County Subdivision approvals. No rare, threatened, or endangered plant species are expected to be impacted, as none were found during a botanical inventory survey of the property. An archaeological inventory survey and a related preservation plan have been prepared to address impacts to archaeological resources and, based on their approval of these documents, the State Historic Preservation Division has determined that no historic properties will be affected. As part of the subdivision process for the Ka'ono'ulu Light Industrial Subdivision, the County of Maui Department of Public Works reviewed and approved improvements necessary for the subdivision, including provisions for water, sewage disposal, electrical and communications lines, drainage and flood control, and connection with Pi'ilani Highway, including widening and traffic signal improvements. The State Department of Transportation (DOT) has also reviewed approved the connection with Pi'ilani Highway, including widening and traffic signal improvements. Further, the construction of the improvements required for the subdivision has been guaranteed with a bond of over \$22 million.

Regional traffic growth, including from the Ka'ono'ulu Light Industrial Subdivision, is being taken into account as part of DOT's Long Range Land Transportation Plan (LRLTP), which is currently being updated in consideration of known proposed developments in the region and will serve as a guide for the development of major surface transportation facilities and programs to be implemented in the future.

Because Chapter 2.96, MCC requires the workforce affordable homes to be offered to Maui residents, the affordable homes will result in a redistribution of the existing Maui population as opposed to an incremental increase. As a result, there will be no impacts related to increased population, such as an overall increase in the need for State and County services. In addition to the workforce affordable homes, Honua'ula Partners, LLC will also provide a minimum two-acre park within Ka'ono'ulu Light Industrial Subdivision to meet the recreational needs of the workforce affordable home residents.

Impacts to schools will be addressed by Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554, Condition 22, which requires Honua'ula Partners, LLC to pay DOE at least \$3,000 per dwelling unit upon issuance of each building permit to be used, to the extent possible, for schools serving the Kihei-Makena Community Plan area; provided that, should the State pass legislation imposing school impact fees that apply to Kihei-Makena Project District 9, Honua'ula Partners, LLC will from that point forward comply with the State requirements, or contribute \$3,000 per dwelling unit, whichever is greater.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 7.2 (Cumulative and Secondary Impacts) will be revised as to include the following information:

One of the conditions imposed by the Council as part of Honua'ula's Change in Zoning Ordinance (County of Maui Ordinance No. 3554, Condition 5) requires Honua'ula Partners, LLC to provide workforce affordable homes in compliance with Chapter 2.96, MCC, with 250 of these required workforce affordable homes to be provided off-site at the Ka'ono'ulu Light Industrial Subdivision (TMK (2) 3-9-01: 16). The Ka'ono'ulu Light Industrial Subdivision is within the State Urban District and is within the County of Maui Light Industrial zoning district. Multifamily homes are a permitted use within the State Urban District and County Light Industrial zone.

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Providing workforce affordable homes at the Ka'ono'olu Light Industrial Subdivision does not trigger the need for an environmental assessment or environmental impact statement under Chapter 343, HRS. However, impacts related to the use of the property for urban uses and uses permitted under the property's Light Industrial zoning have previously been examined as part of the property's State Land Use District Boundary Amendment, County Change in Zoning, and County Subdivision approvals. No rare, threatened, or endangered plant species are expected to be impacted, as none were found during a botanical inventory survey of the property. An archaeological inventory survey and a related preservation plan have been prepared to address impacts to archaeological resources and, based on approval of these documents, the State Historic Preservation Division has determined that no historic properties will be affected. As part of the subdivision process for the Ka'ono'olu Light Industrial Subdivision, the County of Maui Department of Public Works reviewed and approved improvements necessary for the subdivision, including provisions for water, sewage disposal, electrical and communications lines, drainage and flood control, and connection with Pihlani Highway, including widening and traffic signal improvements. The State DOT has also reviewed and approved the connection with Pihlani Highway, including widening and traffic signal improvements. Further, the construction of the improvements required for the subdivision has been guaranteed with a bond of over \$22 million.

Regional traffic growth, including from the Ka'ono'olu Light Industrial Subdivision, is being taken into account as part of DOT's Long Range Land Transportation Plan (LRLTP), which is currently being updated in consideration of known proposed developments in the region and will serve as a guide for the development of major surface transportation facilities and programs to be implemented in the future.

Because Chapter 296, MCC requires the workforce affordable homes to be offered to Maui residents, the affordable homes will result in a redistribution of the existing Maui population as opposed to an incremental increase. As a result, there will be no impacts related to increased population, such as an overall increase in the need for State and County services. In addition to the workforce affordable homes, Honua'ula Partners, LLC will also provide a minimum two-acre park within Ka'ono'olu Light Industrial Subdivision to meet the recreational needs of the workforce affordable home residents.

Impacts to schools will be addressed by Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554, Condition 22, which requires Honua'ula Partners, LLC to pay DOE at least \$3,000 per dwelling unit upon issuance of each building permit to be used to the extent possible, for schools serving the Kihei-Mākena Community Plan area; provided that should the State pass legislation imposing school impact fees that apply to Kihei-Mākena Project District 9, Honua'ula Partners, LLC will from that point forward comply with the State requirements, or contribute \$3,000 per dwelling unit, whichever is greater.

COMMENT: A related assumption relates to the MIS calculations used throughout the Draft EIS with regard to the **projected population increase** resulting from the Honua'ula (Wailea 670) project. The "population increase" estimates can be found in Volume I, page 137, and in Appendix Q, Table 19.

The Draft EIS predicts (Volume I, page 137) an increase of only 1,833 people as a result of the development of this project, this is most certainly an underestimate and consequently it has serious implications for the many calculations which are made throughout the Draft EIS with regard to such areas as traffic, student enrollments, water use, solid waste production, energy needs, etc.

Why is the population projection of 1,833 an under-estimate?

a) The residents of the 250 workforce housing units have not been included;

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RESPONSE: Section 4.9.2 (Population) of the Draft EIS notes that when fully built-out, the total population of Honua'ula is projected to be 1,833 persons, of which 1,541 will be full-time residents and 292 will be periodic users comprised of non-resident owners and their guests (Hallstrom 2009).

The population figure stated in the Draft EIS does not include the 250 workforce houses at the Ka'ono'olu Light Industrial Subdivision because, as explained above, Chapter 296, MCC requires the workforce affordable homes to be offered to Maui residents, therefore the workforce affordable homes will result in a redistribution of the existing Maui population as opposed to an incremental increase.

Regarding your comment that the population projection used in the Draft EIS "has serious implications for the many calculations which are made throughout the Draft EIS...", please note that calculations used in various studies included in the Draft EIS are not based simply on population or average household size. For example, traffic projections take into account not only Honua'ula's residential units, but other uses as well, such as retail areas and recreational facilities, and are based on trip generation rates in accordance with nationally recognized standards published by the Institute of Traffic Engineers and locally developed standards accepted by the State of Hawai'i Department of Transportation. Similarly water demand rates are based on factors more complex than population or average household size, such as housing type (i.e. single-family or multi-family) and physical size, commercial and recreational use, and overall landscape irrigation requirements. Likewise, wastewater needs are projected based on more complex data than just population or average household size. To base projections for various demands simply on population or average household size would not yield accurate projections for Honua'ula overall and would not be in accordance with accepted traffic and civil engineering standards.

COMMENT: b) The Draft EIS estimates that there will be only 2.5 residents per full-time resident household. This number is significantly lower than the estimates used by the Maui County Planning Department in preparing its projections for Maui's housing needs over the next 20 years. A figure of 2.8 is recommended by the County's General Plan Advisory Committee and would probably be more appropriate and would result in a higher overall population projection;

RESPONSE: An estimate of 2.5 residents per full-time resident household is not lower than estimates used by the Maui County Planning Department in preparing its projections for Maui's housing needs over the next 20 years. In fact, for 2010 the Maui Planning Department estimates the average household size in Kihei-Mākena to be 2.49 persons (Maui Planning Department 2006¹). For 2030, the Maui Planning Department estimates the average household size in Kihei-Mākena to decline to 2.44 persons (Maui Planning Department 2006).

We note that the figure of 2.8 persons per household that you cite was the figure that the Maui County General Plan Advisory Committee recommended to be used in preparing the General Plan Update; however this was not the number projected by the Maui Planning Department that was actually used for the General Plan Update.

¹ Maui Planning Department, 2006, Socio-Economic Forecast: The Economic Projections for the County of Maui General Plan 2030.

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US Census data for the Kihei-Makena region² shows an average household size of:

- 2.62 people in 1990
- 2.57 people in 2000
- 2.45 people in 2010

In the Maui Planning Department report titled "Socio-Economic Forecast: The Economic Projections for the County of Maui General Plan 2030" (Maui Planning Department 2006) the Planning Department provides the following historical and projected average household sizes for the Kihei-Makena region:

- 2.59 people in 1990
- 2.55 people in 2000
- 2.49 people in 2010
- 2.46 people in 2020
- 2.44 people in 2030

In light of historical trends, current data, and Maui Planning Department forecasts (Maui Planning Department 2006), the use of an average size of 2.5 persons per full-time resident household at Honua'ula is moderate to conservative and is higher than the 2.44 persons projected by the Maui Planning Department for the time when Honua'ula is fully built-out. As illustrated above with the US Census and Maui Planning Department data for 1990, 2000, and 2010, the trend in declining household size has been occurring over several decades and Kihei-Makena households have gotten smaller with each passing census. The movement toward smaller households is an indisputable demographic trend, brought about by the coalescing of numerous factors (including longer life spans, higher incomes, more divorcees and single parent households, and cultural evolutions). The application of an average household size of 2.8 at Honua'ula is not supported by US Census data or by Maui Planning Department projections.

COMMENT: *c) the Draft EIS estimates that the non-resident housing will be occupied only 20% of the time. This percentage is significantly lower than the market housing found close by in the Wailea Golf Estates which has about 50% full-time occupancy. If the 20% figure is appropriately changed to a higher number, it will result in a higher estimate of the projected population.*

RESPONSE: As stated in Section 4.9.2 (Population) and more fully explained in Appendix Q (Market Study, Economic Impact Analysis, and Public Costs/Benefits Assessment) of the Draft EIS, when fully built out, the total population of Honua'ula is projected to be 1,833 persons, of which 1,541 will be full-time residents and 292 will be periodic users comprised of non-resident owners and their guests. By definition, a non-resident housing unit is occupied less than 50 percent of the time by the owners; otherwise it would be their primary residence. Generally, such owners occupy their units far less than half the time.

To arrive at an accurate population projection for Honua'ula, the number of homes that would be occupied by full-time residents and part-time residents was first determined to be 629 full-time

² US Census data from the Kihei, Wailea-Makena (1990 and 2000) and the Kihei, Wailea, and Makena (2010) Census Designated Places (CDP) were combined to obtain the average household size for the Kihei-Makena region.

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residences and 521 part-time residences (1,150 total units). Then, average household size was forecasted based on full-time or part time use. For full time residents it was assumed that homes would be occupied 98 percent of the time with an average household size of 2.5 people per household.

For part-time residents (i.e. non-Maui residents) it was assumed that homes would be occupied 20 percent of the time with an average party size of 2.8 people per home. The part-time resident average party size of 2.8 people per home was calculated based on the average resident household size of 2.5 persons per household, plus 10 percent to account for guests. It is important to note that Honua'ula will not contain transient vacation rentals (TVR), and therefore homes owned by non-Maui residents will be vacant when owners are not on Maui. Numerous studies on the use of non-resident, non-TRV homes in Maui and West Hawai'i resorts indicate occupancy ranging from six to 20 percent of the time, with an average of approximately 14 percent. This is based on surveys of owners, realtors, maintenance companies, and resort personnel in Kapalua (Plantation Estates and Pineapple Hill subdivisions), Ka'anapali (mauka), Wailea (non-TRV units), Mauna Kea, Mauna Lani, and Hualalāi.

The Honua'ula population estimate of 1,833 persons at full build-out is based on projections of the number of homes that would be occupied by full-time residents and part-time residents (i.e. non-Maui residents) and corresponding household size of each, combined with the fact that part-time resident households would only be occupied 20 percent of the time—on the very high end of the occupancy range for other prominent communities in Hawaii, as discussed above.

Regarding your specific comparison of Honua'ula's non-resident housing with "the market housing found close by in the Wailea Golf Estates which has about 50% full-time occupancy," it is not accurate to compare occupancy of general "market housing" with "non-resident housing." "Market housing" may include units owned and occupied by both residents and non-residents, while "non-resident housing," by definition are units occupied less than 50 percent of the time by the owners. Hence it would be expected that market housing would have a higher occupancy than "non-resident housing," as both residents and non-residents may occupy market rate housing. A critical distinction between Wailea Golf Estates and Honua'ula is that TVRs are allowed at Wailea Golf Estates, while TVRs are specifically not allowed at Honua'ula. Thus Honua'ula's market units will either be occupied by full-time residents or part-time non-resident owners, but will not be rented out to non-residents when not occupied.

COMMENT: *Finally, there is a need to differentiate between average population numbers and maximum population. The Draft EIS uses a figure of 1,833 as the projected population. However, during certain times of the year, such as Christmas and mid-summer, the population will rise because of the influx of the non-residents. These higher population numbers will result in higher impacts on specific components of the environment: energy use, water use, traffic, and perhaps others. Because the 1,833 figure assumes that only 20% of the non-resident housing is being occupied, it is quite conceivable that the population during peak periods may rise considerably. What will the population be during these peak periods? What will be the impacts of this larger population?*

RESPONSE: We acknowledge that the de facto population of Honua'ula will vary nominally month-to-month, as the number of non-residents fluctuates. According to Department of Business Economic Development and Tourism monthly visitor statistics "Island highlights" table figures, the daily visitor count on Maui in 2011 ranged from a low of 38,400 persons in May to a high of

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55,800 in February, with an average of 47,900 per month. The difference between the average and the extreme is about 16.5 percent.

As discussed above, on average, the daily non-resident "population" of Honua'ula will be 292 persons. Based on island-wide statistics noted above (a 16.5 percent variance), the maximum population of the daily non-resident "population" of Honua'ula would be approximately 340 persons at peak visitor periods, or an increase of only 48 persons. This equates to only a 2.6 percent increase above the average population of 1,833 persons at Honua'ula. We do not believe this peak variance represents a material unaccounted for impact on community wide systems or components of the environment (energy use, water use, traffic, etc).

#2. The Appropriate "Region"

COMMENT: A single consistent description of a geographic region should be utilized throughout the Final EIS. Because this project is so large, and because it involves the 250 workforce housing units in North Kihei, it would be appropriate to include all of South Maui as the region impacted by the Honua'ula (Waialea 670) project.

RESPONSE: In the Draft EIS we believe the meaning of "region" is clear as used in context with each specific section.

#3. Traffic Impacts Along Pīlani Highway (Appendix L)

COMMENT: ...Unfortunately, the Draft EIS has limited its traffic analysis to intersections only in the immediate vicinity of the Honua'ula (Waialea 670) project. The analysis is further short-changed by the inclusion on only two-off site projects, Makena resort and Waialea resort.

In other chapters the Draft EIS clearly points out that there will be many other projects built in Makena, Waialea, South and North Kihei. The table on page 308 indicates that there are in the South Maui region over 3,500 units already entitled in addition to the Honua'ula (Waialea 670) project. Makena resort and Waialea resort make up only a portion of the fully entitled projects. In addition to big projects, there are many vacant lots and ohanas to be added to the unit counts.

SUMMARY: I agree with the analysis when it discounts the probability that many of the proposed projects will never be built. However, to leave out the impacts of the several thousand other already entitled units is highly misleading. The Final EIS must present a traffic analysis of the impacts of the Honua'ula (Waialea 670) project added to all of the other already entitled projects. When the analysis is done, it will show the cumulative impacts/effects on Pīlani Highway. At least two additional Pīlani Highway intersections should be added to the traffic analysis. As a minimum, I would suggest: Kamalii School and Lipoa Street. Will Pīlani Highway be able to handle all of the Honua'ula (Waialea 670) project's traffic in addition to that generated by all of the other entitled projects, vacant lots and ohanas?

RESPONSE: As discussed in Section 4.4 (Roadways and Traffic) of the Draft EIS, the Honua'ula Traffic Impact Analysis Report (TIAR) (Appendix L of the Draft EIS) takes into account cumulative regional traffic growth in addition to projected traffic from Waialea Resort and Makena Resort. To project future regional traffic growth, the Maui Travel Demand Forecasting Model (which is consistent with the 2030 Maui County General Plan) was used to determine a de facto growth rate in the vicinity. Then projected traffic from the build out of the Waialea and Makena Resorts was added to the regional traffic growth.

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Prior to completion of the TIAR, it was agreed with the State Department of Transportation (DOT) that Honua'ula, in collaboration with Waialea Resort and Makena Resort, would look at the required mitigation measures from the Pīlani Highway/Kīlohana Drive/Mapu Place intersection south to Honua'ula.

Honua'ula Partners, LLC has engaged in extensive consultation and correspondence with DOT and County of Maui Department of Public Works regarding roadway improvements that Honua'ula Partners, LLC are required to implement in compliance with County of Maui Ordinance No. 3554 Condition 2. In correspondence from DOT dated March 24, 2010, DOT stated:

The improvements to be performed by Honua'ula Partners LLC as stated in Condition 2 are consistent with the improvements identified in the Traffic Impact Assessment Report (TIAR) dated 29, 2009. These improvements are understood to be considered the 'fair share' for highway related improvements of the affected area.

DOT is currently updating the Long Range Land Transportation Plan (LRLTP), which serves as a guide for the development of the major surface transportation facilities and programs to be implemented and takes into consideration all known proposed developments, including Honua'ula.

COMMENT: At least two additional Pīlani Highway intersections should be added to the traffic analysis. As a minimum, I would suggest: Kamalii School and Lipoa Street.

RESPONSE: Before completion of the TIAR, it was agreed with the State Department of Transportation (DOT) that Honua'ula, in collaboration with Waialea Resort and Makena Resort, would look at the required mitigation measures from the Pīlani Highway/Kīlohana Drive/Mapu Place intersection south to Honua'ula. It has been further agreed upon with DOT that necessary improvements north of Pīlani Highway/Kīlohana Drive/Mapu Place intersection would be the responsibility of DOT.

COMMENT: Will Pīlani Highway be able to handle all of the Honua'ula (Waialea 670) project's traffic in addition to that generated by all of the other entitled projects, vacant lots and ohanas?

Response: Section 4.4 (Roadways and Traffic) of the Draft EIS and the TIAR (Appendix L of the Draft EIS) provide detailed analysis of projected traffic conditions at the Pīlani Highway study intersections along with other roads and intersections in the vicinity. The analysis includes: 1) both "without Honua'ula" and "with Honua'ula" scenarios; and 2) the projected level of service at each intersection for each scenario. As appropriate, mitigation measures and recommended roadway configurations are provided to ensure acceptable levels of service at each intersection in accordance with State and County standards.

Traffic on Pīlani Highway and other roads is expected to increase even if Honua'ula is not built, and Honua'ula Partners, LLC will pay for and build many regional traffic improvements that would be necessary even if Honua'ula were not built. Therefore, the creation of Honua'ula will address regional traffic impacts to the benefit of the entire Kihei-Mākena region.

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Honua'ula will be part of the regional traffic solution by: 1) upgrading Pi'ilani Highway to four lanes from Kilohana Drive to Wailea Ike Drive; 2) modifying the Wailea Alanui/Wailea Ike Drive intersection to add a signalized double right-turn movement from northbound to eastbound turning traffic and provide two left-turn lanes for southbound traffic from Wailea Ike Drive; 3) signalizing the Pi'ilani Highway/Okolani Drive/Mikioi Place intersection and providing an exclusive left-turn lane on Okolani Drive; 4) modifying the Pi'ilani Highway/Kilohana Drive/Mapu Place intersection to provide an exclusive left-turn lane, and the southbound Pi'ilani Highway/Mapu Place intersection to provide an exclusive right-turn lane into Mapu Place; and 5) providing a contribution of \$5,000 per unit (totaling \$5.75 million) to the County for traffic improvements.

#4 Questionable Net Benefits to the County and State

COMMENT: Over and over again the Draft EIS over-estimates the revenue to be received by the State or County governments, and concurrently, underestimates the costs which these governments will have to absorb in order to service the Honua'ula (Wailea) residents. Most of this analysis can be found on detail within Appendix Q, pp. 60-69. A summary of this analysis is found in volume 1, pages 142.

RESPONSE: The revenue projections summarized in Section 4.9.5 (Economy) of the Draft EIS and provided detail in the Market Study, Economic Impact Analysis, and Public Costs/Benefits Assessment (Analysis) (Appendix Q of the Draft EIS) are not over-estimated. In fact, it is likely the County revenues are meaningfully understated. Within the analysis model, County revenues are limited to real property taxes, a straightforward calculation comprised of real property values, tax rates, and exemptions.

The Analysis uses exceptionally moderate valuation guidelines for Maui (direct costs plus 12 percent) and also takes into account the current tax rate and exemption structure. Real estate appreciation on Maui typically escalates faster than the costs of living and/or government services, and current rates are relatively low and exemptions high.

Most importantly, however, is that total revenues flowing to Maui County from Honua'ula will be much greater than the direct base levels indicated in the model.

Just as real property taxes comprise only 37 percent of County general fund revenues, with other revenues coming from various minor taxes, levies, and fees associated with daily business and personal life, the total County revenues flowing from Honua'ula's development and economic activity would not be limited to real property taxes either. It would be expected that total County receipts created by Honua'ula would be up to twice the real property tax payments estimated.

Similarly, the estimated base tax receipts flowing to the State from Honua'ula are understated relative to the total tax benefits the State will get from all sources with the actualization of Honua'ula. The State receives approximately 80 percent of its general fund revenues from income and gross excise taxes (the two State revenue-producers shown in the Analysis model), the remainder from secondary sources paid by business and persons. If these secondary taxes and fees are also included in the calculation, the State would receive up to 25 percent in additional funds beyond the Analysis model estimates.

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Further, if multipliers from the "Hawaii State Input-Output Study: 2007 Benchmark Report" (approved July 2011) are applied against Honua'ula's investment, wages and economic activity, the taxes flowing to the State increase significantly beyond Analysis base model forecasts; in addition to showing greater job creation and higher indirect/induced economic benefits to the State.

The costs to provide State and County government services to Honua'ula are based on State-wide (State of Hawaii) and island-wide (Maui County) per capita averages which assume that every person present in the jurisdiction, both resident and visitor, creates an equal demand (and associated expense) for all governmental services. This is the most fiscally conservative and socially responsible method for estimating future impacts, and typically overstates costs relative to the direct, actual, marginal expenses incurred by the government which are associated with new development.

Given the anticipated income characteristics of Honua'ula households (both market rate and workforce affordable homes), the need for governmental welfare services and subsidies will be nominal (if any). Further, with Honua'ula's private infrastructure systems (water, wastewater, roads, etc.) there will be no cost to government to provide and maintain these systems.

COMMENT: It is possible that this economic analysis is flawed, because the person at Hallstrom who wrote the analysis has no professional training in economics and has only a BA degree in communications/journalism. That is a fine degree to write up the report, but it does not serve as a professional background for economic impact analysis (Appendix Q, last page)

RESPONSE: The Hallstrom Group's market study, economic impact analysis and public fiscal assessment team has completed studies for dozens of major proposed developments in Hawaii for nearly three decades. Tom Holliday, who has undertaken an extensive post-university professional training regimen in real property economics and appraisal, has been the supervisor and senior analyst of the team for over 20 years.

The Hallstrom Group provides real estate economic consulting, valuation, arbitration, and projection/modeling services for Hawaii's leading financial institutions; land owners, government agencies, hoteliers, and others, upon which hundreds of billions of dollars in investment have been made.

We note the issues raised regarding The Hallstrom Group, Inc.'s economic and fiscal reports are over selection of the variables used in the economic models; and, with a single exception, not regarding the models themselves or the underlying methodology.

COMMENT: Several errors creep into the economic analysis.

a) *Government Expenses:* The population of the 1,400 unit in the Honua'ula (Wailea 670) project is under-estimated at 1,150. Consequently, there is a severe under-estimate of the costs which both the County and the State will have to spend to serve the needs of this larger population

In Appendix Q on pages 63-64, the Draft EIS assumes a per capita County cost of \$3,082, and a per capita State expenditure of \$5,346. The Final should include the 250 workforce housing units with their 2.8 residents per household for a total of 700 additional residents.

These 700 residents will cost the County an additional $700 * \$3,082 = \$2,157,400$.
These 700 residents will cost the State and additional $700 * \$5,346 = \$3,742,200$.

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RESPONSE: The Market Study, Economic Impact Analysis, and Public Costs/Benefits Assessment contained in Appendix Q of the Draft EIS addressed the direct economic impacts of Honua'ula. The 250 workforce affordable homes will be provided off-site at the Ka'ono'ulu Light Industrial Subdivision, which is within the State Urban District and the County Light Industrial zoning district. As previously stated, impacts related to the use of the Ka'ono'ulu Light Industrial Subdivision for urban uses and uses permitted under property's Light Industrial zoning have previously been examined as part of the property's State Land Use District Boundary Amendment, County Change in Zoning, and County Subdivision approvals. Further, because Chapter 2.96, MCC requires the workforce affordable homes to be provided to Maui residents, there will be no impacts related to increased population, such as the increased need for State and County services.

Regarding the calculations you have provided, we note that the residents of the proposed 250 off-site units will have jobs upon which they pay income taxes. They will create tax revenues from their expenditures in the community and will also generate real property taxes (either as renters or owners). These tax revenue amounts must be included in your calculations equations to accurately assess the overall economic impact.

COMMENT: b) *The income levels generated by the commercial establishments in the Honua'ula (Wailea 670) resort are used as a basis for calculating how much excise and income taxes would be generated by the project. However, according to the analysis in Appendix Q, p. 57, the majority (65%) of customers at these businesses will be coming from off-site. Their spending should be entirely discounted from the excise tax base because they will be merely shifting their spending from other Maui businesses to the Honua'ula (Wailea 670) project. There will be no net increase in income to Maui/Hawaii, and consequently no net increase in excise taxes or income taxes as a result of their shifting their spending from other businesses to those in the Honua'ula (Wailea 670) project.*

Therefore, according to the analysis in Appendix Q, p. 58, the spending by off-site consumers would be approximately \$49.7 million per year. Subtracting this amount from the excise tax base will reduce the State's expected excise tax collection by \$2.06 million a year.

RESPONSE: The economic analysis assumes that customers that do not live in Honua'ula will patronize businesses within Honua'ula; about half of the expenditures comprising the on-going Honua'ula commercial business activity will be from residents and users of other new developments in the Wailea/Makana areas, and some will be a relocation of spending by existing area residents and visitors from other businesses to Honua'ula businesses.

Existing area residents that shift their spending to Honua'ula businesses do not represent entirely new spending in the region. Some of this spending will be new expenditures associated with rising household income and consumerism in Maui Meadows, Wailea, and other nearby neighborhoods, however much will be in movement from distant businesses into the natural (and desirable) "trade area" for these homes; a primary Honua'ula planning goal.

Currently, for example, Maui Meadows residents must travel 3.2 miles from the subdivision entrance on Pi'ilani Highway to reach the nearest major grocery store (Foodland in the Kihei Town Center) or 4.2 miles to the Safeway on Pi'ikea Avenue. This is several miles and minutes of travel outside the optimum trade area for neighborhood commercial services, and represents

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hours in lost travel time annually, additional travel costs (several dollars for each shopping trip), unnecessary traffic and congestion, wasted energy, and increased pollution.

The Honua'ula commercial components will help establish an effective and competitive trade area for residents and visitors in Maui Meadows, Wailea, and other nearby neighborhoods.

This anticipated relocation of some spending taking place over several decades, is not expected to hamper existing business activities in central Kihei. The regional economy will continue to grow, benefiting existing businesses and creating demand for additional commercial development; and the central Kihei patronage "lost" through relocation to Honua'ula will be replaced by other new developments within those trade areas.

The goal of the Market Study, Economic Impact Analysis, and Public Cost/Benefits Analysis was specifically to ascertain the direct economic impacts associated with Honua'ula arising from its creation.

We believe that your suggestion that State gross excise tax revenues are overstated by \$2.06 million annually is incorrect, as:

- A meaningful portion of the outside patronage will be from new development in Wailea and Makana, and from other in-fill development in the nearby area, with the Honua'ula facilities being the most proximate neighborhood commercial shopping opportunity.
- Significant non-resident patronage sales will be to employees in Honua'ula, who would not have the means to make such purchases without their jobs at Honua'ula.
- Increasing household incomes over time will result in additional expenditures by the in-place trade area populace.
- Some of the outside patronage sales will be to passer-bys of the high-exposure location (particularly tourists) that might otherwise not choose to purchase goods and services.

COMMENT: *Furthermore, the analysis assumes that the non-residents in the market-priced houses will be spending \$400 per day per person. This seems unrealistically high, given the fact that these people will be living in their own home and will not be paying for a resort type accommodation or eating out exclusively in restaurants.*

RESPONSE: The average Maui visitor spends approximately \$125 to \$150 dollars per day apart from lodging costs. The non-residents who will purchase the single- and multi-family units in Honua'ula represent only a small, upper-most income, percent of the total Honua'ula population.

However these upper-most income Honua'ula owners will have household incomes and/or the equivalent wealth at five to ten times that of the average tourist, the equivalent of \$400,000 annually and above, and are expected to spend accordingly in a disproportionate manner than an average person. Non-resident residential/resort owners are the visitors most likely to golf, partake in costly pay activities, eat at the finer restaurants, and patronize the higher-end shops.

Expenditures of approximately two to three times that of the average visitor, which would still be less than their income/wealth ratio to the general visitor group, would moderately amount to between \$250 and \$450 per person per day while on-island.

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Additionally, the costs of initially furnishing a spacious multi-million dollar residence can easily reach several hundred thousand dollars, the large majority of which would be spent in Maui stores and galleries as both a "going-in" and "on-going" expense over time. These expenditures must also be accounted for ("recaptured" or "capitalized") within the economic projection model. A \$225,000 furnishings budget over a 10-year period for a family of three spending and average of 75 days a year in their Honua'ula second home equates to spending of \$100 per person per day.

Combining "visitor" estimated expenditures of \$250 to \$450 per day with the discretionary expenses associated with "homeownership", amortized over time at \$100 per day, the average spending forecasts of \$400 per person per day for Honua'ula second-home owners and their guests is reasonable.

COMMENT: c) Net costs instead of Net Benefits *The cumulative net impact of the increased government expenditures, coupled with the reduction in State revenues, means that the public sector will be subsidizing this project. The Final EIS needs to incorporate these corrections to the analysis done in the Draft EIS. The Final EIS needs to very carefully point out that the overall net impact of the Honua'ula (Wailea 670) project will be negative as far as its impact on both the County and State governments are concerned, i.e., the Honua'ula (Wailea 670) project will produce net costs to both the State and County governments, rather than net benefits as is shown in the Draft EIS.*

RESPONSE: We disagree with your contention that the State or the County will be subsidizing Honua'ula and that it will present a negative impact for either government. As has been explained in the above sections of this letter, we have shown that the assumptions you build this conclusion on are not accurate and cannot be cumulatively applied to conclude that there will be a net cost to State and County governments due to Honua'ula.

As previously discussed, the projections of County of Maui real property tax receipts are meaningfully understated. Projections show that the County will receive net fiscal benefits of \$1.6 million annually after build out relative to costs. And, this is excluding the more than \$29 million in development fees Honua'ula Partners LLC will pay to the County along with land donations.

Further the costs to provide State and County government services to Honua'ula are based on State-wide (State of Hawaii) and island-wide (for Maui County) per capita averages which assume that every person present in the jurisdiction, both resident and visitor, creates an equal demand (and associated expense) for all governmental services. This is the most fiscally conservative and socially responsible method for estimating future impacts, and typically overstates costs relative to the direct, actual, marginal expenses incurred by the government which are associated with new development.

Even if an adjustment is made to the gross excise tax receipts paid to omit the non-Honua'ula patronage dollars relocated to the subject facilities, it would certainly be less than the \$1.5 million in annual net benefits projected to be received by the State on a stabilized basis, and it would make only a fractional impact on the \$97million it is forecast to receive during the build-out period.

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#5 Traffic Counts

COMMENT: *The Final EIS should conduct traffic counts on a typical school day, and again during the mid-summer and/or Christmas tourist seasons.*

RESPONSE: As discussed in the TIAR (Appendix L) contained in the Draft EIS, the traffic count data was taken in June for the following reasons:

- Wailea is a resort community and caters to visitor traffic which is highest during the summer months;
- The nearest school to Wailea is located more than a mile north of the Pi'ilani Highway/Kilohana Drive/Mapu Place intersection; and
- Existing peak hour volumes entering and exiting the Maui Meadows Subdivision (Pi'ilani Highway/Kilohana Drive/Mapu Place and Pi'ilani Highway/Okolani Drive/Mikioi Place intersections) during the AM peak hour of traffic were similar to the existing volumes obtained from the TIAR for Wailea Resort 2005 Update (count data taken in October 2004). This comparison shows that for Maui Meadows, a local residential subdivision with no recent expansion, traffic volumes are similar during the summer break session than the school session. The PM peak hour of traffic occurred after school hours.

Additionally, per information from the Wailea Community Association, the summer months typically have the highest occupancy rates and therefore traffic volumes in the vicinity of the resorts would be the highest at this time.

The Christmas season is only two weeks of the year and would not represent an average day of the year.

COMMENT: *Will there be serious delays at any of the intersections or along Piilani Highway?*

RESPONSE: As explained above, Section 4.4 (Roadways and Traffic) of the Draft EIS and the TIAR (Appendix L of the Draft EIS) provide detailed analysis of projected traffic conditions at the Pi'ilani Highway study intersections along with other roads and intersections in the vicinity. The analysis includes: 1) both "without Honua'ula" and "with Honua'ula" scenarios; and 2) the projected level of service at each intersection for each scenario. As appropriate, mitigation measures and recommended roadway configurations are provided to ensure acceptable levels of service at each intersection in accordance with State and County standards.

#6 Inconsistency in Utilizing Projected Population Growth Rates

COMMENT: *Appendix L assumed that the population will grow at the very slow growth rate of 0.5% per year for a total of only 7.2% over the construction timeframe. On the other hand, Appendix Q, Pages 22, analyzing the economic impacts, has utilized a significantly higher population growth rate of 1.5% - 2%. The 0.5% growth rate seems much too low and probably is underestimating the traffic impacts. The Final EIS should utilize a consistent growth rate throughout the document.*

RESPONSE: The Traffic Impact Analysis Report (Appendix L of the Draft EIS) discusses that the Maui Travel Demand Forecasting Model (which is consistent with the 2030 Maui County General

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Plan) was used to determine a de facto growth rate in the vicinity and that the results from this model show a de facto growth rate of approximately 0.5 percent per year. To clarify, the Maui Travel Demand Forecasting Model was used to determine a de facto traffic growth rate in the vicinity and the results from this model show a de facto traffic growth rate of approximately 0.5 percent per year. Travel demand forecasting models allow traffic engineers to predict the volume of traffic that will use a given transportation facility in the future and are not the same as population projections. A 0.5 percent de facto traffic growth rate is not analogous to a 0.5 population growth rate.

The Market Study, Economic Impact Analysis, and Public Costs/Benefits Assessment (Appendix Q of the Draft EIS) relied on population projections prepared by the Maui County Planning Department in their report "Socio-Economic Forecast: The Economic Projections for the County of Maui General Plan 2030" (Maui Planning Department 2006). This report provides population projections using a "baseline" model and a "historical trend run" model. The resulting population projections using these models are equivalent to a compounded annual growth rate range of 1.5 to 2 percent.

Both the Traffic Impact Analysis Report and the Market Study, Economic Impact Analysis, and Public Costs/Benefits Assessment used the appropriate predictive models to project growth relative to the subject matter of the reports; the Traffic Impact Analysis Report used the County of Maui's Maui Travel Demand Forecasting Model to project traffic growth and the Market Study, Economic Impact Analysis, and Public Costs/Benefits Assessment used the Maui County Planning Department's methodology to project population growth. There is no inconsistency in the Draft EIS regarding "growth rates" as it is not accurate to characterize traffic and population growth rates using the same rate.

#7 Beach Club

COMMENT: Appendix Q, page 49 mentions a "beach club" as part of this project. Where is the location of this facility and what are the impacts?

RESPONSE: The inclusion of this reference was in error, as a beach club facility had previously been considered in conjunction with Honua'ula, but is not currently seen as viable. Costs estimates provided in the Market Study, Economic Impact Analysis, and Public Costs/Benefits Assessment (Appendix Q of the Draft EIS) do not include a beach club and in the Final EIS the Market Study, Economic Impact Analysis, and Public Costs/Benefits Assessment will be revised to omit this single reference to a beach club.

#8 Wildfires

COMMENT: Volume 1, Pages 36 + 37, describe the danger of wildfires, but minimize their significance. The Draft EIS totally neglects to point out that the major threat of wildfires is from the very dry, inaccessible lands immediately mauka of the project. This serious, and very real threat needs to be discussed at length in the final EIS. What preventative measures can be taken to protect the whole project? Who will pay for these protective measures? And how will access to a mauka wildfire be accomplished?

RESPONSE: To address your comment regarding additional information on wildfires, in the Final EIS Section 3.4.5 (Wildfires) will be revised as follows:

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Wildfires

Currently, vegetation on the Property includes ~~kiawe~~ non-native buffel grass (*Cenchrus ciliaris*), non-native kiawe trees (*Prosopis pallida*), native willow trees (*Erythrina sandwicensis*), and a dense understory of native 'ilima shrubs (*Sida fallax*). ~~Kiawe~~ Buffel grass, which is the most common grass on the Property, can easily carry fire.

Human carelessness is the number one cause of fires in Hawai'i. In Maui County the number of wildfires has increased from 118 in 2000 to 271 in 2003. Human error combined with the spread of non-native invasive grasses, shrubs, and trees, has led to an increased susceptibility to wildfires. According to Maui Fire Department data, Kihei-Mākena's susceptibility of wildfire is high. Between 2005 and 2010 there were 201 wildfires in the Kihei-Mākena area. The majority of those fires were of undetermined cause. 32 were caused by operating equipment, four were from a type of arch or flame, five were caused by fireworks, and five were from smoking materials. Approximately 2,180 acres were burned during this five-year period.

POTENTIAL IMPACTS AND MITIGATION MEASURES

The occurrence of natural hazards cannot be predicted, and should one occur, it could pose a risk to life and property. Honua'ula, however, will neither exacerbate any natural hazard conditions nor increase the Property's susceptibility or exposure to any natural hazards.

Due to its location and elevation, the probability of the Property being affected by flooding or tsunami is minimal. However, to protect against natural hazards, including earthquakes and wildfires, all structures at Honua'ula will be constructed in compliance with requirements of the Uniform Building Code (UBC), and other County, State, and Federal standards. Fire apparatus access roads and water supply for fire protection will be provided in compliance with the Uniform Fire Code.

The creation of Honua'ula will mitigate the potential for wildfires on the Property through its landscape design and plant palette. In large part, vegetative fuel for fires, such as non-native kiawe trees and buffel grass, will be replaced by buildings and landscaping of the community, thereby decreasing the Property's susceptibility to wildfires. Honua'ula Partners, LLC will implement a fire control program in coordination with the Maui County Department of Fire and Public Safety and resource agencies, which will include firebreaks to help protect native plant preservation and conservation areas (see Section 3.6, Botanical Resources) to insure the success of plant propagation and conservation efforts. Buffer areas between Honua'ula and Maui Meadows and along Pi'ilani Highway will also act as fire breaks, as will the golf course. Other fire mitigation measures include the use of lava rock and other non-flammable materials in building and landscaping, and creating a trail system, which will act as a fire break.

The USFWS recommends fire suppression resource response by fire engines and heavy equipment be within the first 45 minutes of fire ignition. The Maui Fire Department is responsible for fire suppression in the district. The fire station nearest Honua'ula is the newly built Wailea Fire Station located at the intersection of Kilohana Drive and Kapili Street between Pi'ilani Highway and South Kihei Road, less than five minutes away. The Wailea Station is approximately one half mile from the Property and is equipped with a 1,500 gallon per minute apparatus, a 95-foot mid-mount ladder truck and a 3,500 gallon water tanker.

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truck. In addition, an emergency help pad and fuel dispensing station is located mauka of the fire station (see Section 4.10.3 (Fire) for information regarding fire control and response).

To help address the growing need for fire prevention and emergency services, in compliance with County of Maui Ordinance No. 3554 (Condition 24), Honua'ula Partners, LLC will provide the County with two acres of land that has direct access to the Pi'ilani Highway extension for the development of fire control facilities within the Honua'ula's Village Mixed-Use sub-district. This land will be donated at the time 50 percent of the total unit/lot count has received either a certificate of occupancy or final subdivision approval. The land provided will have roadway and full utility services provided to the parcel.

Impacts from natural hazards can be further mitigated by adherence to appropriate civil defense evacuation procedures. Honua'ula will coordinate with the State of Hawai'i Department of Defense, Office of Civil Defense and the County of Maui Civil Defense Agency regarding civil defense measures, such as sirens, necessary to serve Honua'ula.

#9 Draft EIS – Deceptive Response Letter To My Letter

COMMENT: Unfortunately, the draft EIS indicates that the proposed water transmission system will export water from the Upcountry Community Plan district, thus violating the Upcountry Community Plan. The final EIS should show a water transmission system that completely conforms to the Upcountry Community Plan.

RESPONSE: The Makawao-Pukalani-Kula Community Plan contains Water Objective & Policy # 4, which states:

4. Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use.

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kihei-Makana Community Plan area in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of the water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on-site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the Makawao-Pukalani-Kula Community Plan.

Figure 2 (Regional Location) of the Draft EIS shows the location of Honua'ula's off-site water infrastructure. In the Final EIS, Figure 2 (Regional Location) will be revised to show: 1) the location of the off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation; and 2) the boundary between the Makawao-Pukalani-Kula Community Plan and the Kihei-Makana Community Plan regions. The attachment titled "Figure 2" shows the revised figure.

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To reflect the relevant above information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

1. That Honua'ula Partners, LLC, its successors and permitted assigns, shall, at their own cost and expense, develop, maintain, and operate, or cause to be developed, maintained, and operated, a private water source, storage facilities, and transmission lines for the Wailea 670 (Honua'ula) project in accordance with Department of Water Supply standards and all applicable community plans. Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with all reporting requirements of the State Commission on Water Resource Management.

In addition, Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with applicable water ordinances that pertain to the supply and transmission of water from the island of Maui when such ordinances are enacted.

At the time the project water system is completed, Honua'ula Partners, LLC, its successors and permitted assigns, shall offer to the County the right to purchase the project water system at the cost of development of such system.

The water rates for the residential workforce-housing units shall be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code.

Discussion: As discussed in Section 4.8.1 (Water System), Honua'ula Partners, LLC will comply with this condition by providing a private water source, storage facilities, and transmission lines for Honua'ula in accordance with DWS standards and all applicable community plans. Further discussion is provided in Section 4.8.1 (Water System).

In comments on the Draft EIS some commenters referenced the The Makawao-Pukalani-Kula Community Plan and commented that Honua'ula's private water system was not in compliance with this plan. Specifically these comments pertained to Water Objective & Policy # 4 of the Makawao-Pukalani-Kula Community Plan, which states:

4. Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use.

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kihei-Makana Community Plan region in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of the water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being

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transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the Makawao-Pukalani-Kula Community Plan.

Figure 2 shows the location of Honua'ula's off-site water infrastructure and the boundary between the Makawao-Pukalani-Kula Community Plan and the Kihei-Makema Community Plan regions.

In further compliance with ~~the conditions~~ Condition L, Honua'ula Partners, LLC will also: 1) offer the right to purchase the completed water system to the County; and 2) ensure that water rates for the residential workforce housing units will be no higher than the general water consumer rates set by the County, for as long as the units are subject to Chapter 2.96 of the County Code.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: Figure 2 (Regional Location)

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-----Original Message-----
From: Ann Cua [mailto:Ann.Cua@co.mauai.hi.us]
Sent: Thursday, June 17, 2010 4:28 PM
To: Gwen Hiraga; Tom Schnell
Subject: Fwd: UDRB June 1st testimony

FYI

>>> <blazeonmaui@aim.com> 6/17/2010 10:58 AM >>>

Aloha Maui County Urban County Review Board, Planning Commission, County Council Members, &/or others whom this is of concern &/or interest.

Thank you for hearing my observations, feelings, needs, & concerns; & allowing me to be part of your process.

My name is Gene Weaver & I live on the south edge of Maui Meadows, directly impacted by what happens in Wailea 670.

I feel scared & concerned, because I do not know what will really happen next to us & in front of us.

My two biggest concerns are the buffer zones between Maui Meadows & 670 & the multi family dwellings that the developer would like to locate directly next to Maui Meadows Subdivision. The residents of Maui Meadows (myself included) enjoy & appreciate as well as depend on for our sustainability, our gardens, fruit trees, and our rural setting & lifestyle.

Though the developer is mandated to create a 50' planted strip along our Maui Meadows Neighborhood, what will he do next to us, next to that 50' planted strip? IT IS SCARY FOR ME TO THINK!

The developers revealed in his power point presentation on June 1st to the URBAN COUNTY REVIEW BOARD, that they are planning to place multi-family dwellings right next to Maui Meadows Subdivision south border.

The Developers then went on to describe their plan for these multi-family dwellings to be up to 50' tall.

Buildings of this height and density do not belong along the border of Maui Meadows.

Perhaps these multi-family units would be best placed away from the neighboring subdivision of Maui Meadows Please help this situation be pono

GENE WEAVER
808 8708297



Gene Weaver
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PRINCIPALS
 THOMAS WITTEN, ASLA
Principal
 R. STAN DUNCAN, ASLA
Executive Vice-President
 RUSSELL Y. CHUNG, FASLA, LEED® AP
Executive Vice-President
 VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP, LEED® AP
Principal
 W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES
 TOM SCHNELL, AICP
Senior Associate
 RAYMOND T. HIGA, ASLA
Senior Associate

KEYSKA NISHIKAWA, ASLA
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SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Weaver:

Thank you for your e-mail dated June 17, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

Maui Meadows Buffer. *The residents of Maui Meadows (myself included) enjoy & appreciate as well as depend on for our sustainability, our gardens, fruit trees, and our rural setting & lifestyle. Though the developer is mandated to create a 50' planted strip along our Maui Meadows Neighborhood. What will he do next to us, next to that 50' planted strip?*

Response: Regarding the buffer (i.e. "planted strip") between Maui Meadows and Honua'ula, Section 19.90A.030(E)(5) of the Kiheti-Makena Project District 9 Ordinance (Chapter 19.90A, Maui County Code (MCC)) specifies:

A minimum one hundred foot wide fire buffer area, with a minimum fifty-foot wide landscape buffer area within it, shall be provided between the southern boundary of the Maui Meadows subdivision and Kiheti-Makena project district 9 (Wailea 670). No structures, except rear and side boundary walls or fences, shall be permitted in the buffer.

As required no structures, except rear and side boundary walls or fences, will be permitted in the buffer between Maui Meadows and Honua'ula. In addition, Honua'ula Partners, LLC has agreed that there will be no roads within the 100-foot buffer area between Maui Meadows and any multi-family units within Honua'ula next to the buffer.

The landscape treatment for the Maui Meadows buffer will consist of a mixture of native and non-native medium canopy trees informally planted. Large native shrubs/small trees will be used as an understory and will function as a physical barrier between the two properties. This information about landscaping within the buffer area is summarized in Section 3.6 (Botanical Resources) of the Draft EIS and elaborated on in Appendix G (Landscape Master Plan) of the Draft EIS.

Multi-Family Dwellings. *The developers revealed in his power point presentation on June 1st to the URBAN COUNTY REVIEW BOARD, That they are planning to place multi-family dwellings right next to Maui Meadows Subdivision south border. The Developers then went on to describe their plan for these multi-family dwellings to be up to 50' tall. Buildings of this height and density do not belong along the border of Maui Meadows. Perhaps these multi-family units would be best placed away from the neighboring subdivision of Maui Meadows Please help this situation be pono.*

Response: To address your concerns about multi-family units next to Maui Meadows, Honua'ula Partners, LLC will implement the recommendation of the Urban Design Review Board (UDRB) in its review of Honua'ula. At its meeting on June 1, 2010, the UDRB recommended: "That the multi-family area closest to Maui Meadows on the northern boundary [i.e. southern boundary of Maui Meadows] of the site be limited to 30 ft. in height." This height limitation is consistent with the height limit for single family homes in Honua'ula and will result in structures not exceeding the maximum single family height originally planned for the area.

As specified in Section 19.90A.030(E)(5) MCC, there will be a 100-foot buffer area between Maui Meadows and Honua'ula, so there will be no multi-family units "right next to Maui Meadows Subdivision south border" as stated in your comment.

In addition to the 30-foot height limitation recommended by the UDRB, as stated above Honua'ula Partners, LLC will ensure that there will be no roads within the 100-foot buffer area between Maui Meadows and any multi-family units.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
 Senior Associate

cc: William Spence, Maui Planning Department
 Charles Jencks, Honua'ula Partners, LLC

June 28 2010

Director, Planning Department

County of Maui
250 High Street
Kalana Pakui Building
Wailuku Hawaii 96793
Fax, 808 2707634

PBR Hawaii
Attn. Tom Schnell, AICP
1001 Bishop Street, Suite 650
Honolulu, Hawaii 96813
Fax, 808 5231402

Hawaii State Office of Environmental Quality
235 South Beretaina Street
Honolulu Hawaii 96813 - 2419
Fax, 808 5864186

Mr. Charles Jencks
Honua'ula, Partners, LLC
P.O. BOX 220
Kinei, Hawaii 96753
Fax, 808 8796724

Aloha & Mahalo , Thank you for hearing my concerns, & allowing me to be part of your process.
My name is Gene Weaver & I am a residing homeowner on the south edge of the Maui Meadows Subdivision.
My family & many other's will be directly impacted by what happens in Wailea 670.

I am asking that the EIS include an alternative version of the plan with a 100 foot landscaped buffer between w670 and Maui Meadows and single family houses along the entire south side of it.
The Maui Meadows Community has been asking for a 200' buffer zone between us through w670 's long history.
The developer is planning the minimum allowable buffer - - - 50'.
The developer says that a road may be put next to the buffer. (VEHICLES ACCELERATING UP HILL ARE VERY LOUD & IMPACTING.)
In meetings with developers in previous years the plot plan showed ONLY SINGLE FAMILY HOMES ALONG THE BORDER OF MAUI MEADOWS.
NOW the developer is planning to put his multi - family dwellings right up next to our subdivision (Maui Meadows). (because it is an easy spot to build he says)

The developer is planning for these multi - family dwellings to be 50' tall, obscuring many Maui Meadows residents view corridor . Buildings of this height & density do not belong along the border of Maui Meadows Subdivision.
A buffer of 100' or more, with NO ROADWAY IN IT would better mitigate NOISE IMPACTS.
Construction may also impact noise levels, ambient air quality, and traffic.

ON JUNE 1ST the URBAN DESIGN REVIEW BOARD COMMENTED & RECOMMENDED THAT BUILDING HEIGHTS NOT EXCEED 30 FEET NEAR MAUI MEADOWS SUBDIVISION.
I would like to see THE COMMENTS FROM THE URBAN DESIGN REVIEW BOARD CONSIDERED & PUT IN THE DEIS.

I would like to see the developer offer ALTERNATIVES TO THE PLANNED BUFFER & ALTERNATIVES TO PUTTING MULTI-FAMILY DWELLINGS NEAR THE MAUI MEADOWS SUBDIVISION.

MYSELF & MANY NEIGHBORS DO NOT AGREE THAT IMPACTS ARE MITIGATED.

THE BUFFER ZONE IS BEING USED AS, or IS REFERRED TO; AS

1. a firebreak
 2. A major drainage absorption area
 3. Part of the 143 acre native plant "enhancement area"
 4. Potential community garden area
 5. a park
 6. a mitigation to protect maui Meadows viewsheds
 7. open space
 8. Landscape buffer
 9. Mitigation for lighting impacts to maui meadows.
 10. " To mitigate environmental conflicts and enhance scenic amenities"
- I AM ASKING FOR THE ACTUAL ACREAGE OF THE BUFFER ZONE BE INCLUDED IN THE DEIS.
I AM ASKING FOR A REAL 100 FOOT BUFFER SINCE IT IS BEING USED TO SATISFY ALL OF THESE DIFFERENT REQUIREMENTS.

P. S. I AM ALSO INCLUDING A LETTER TO MR. JENCKS FROM EDWARD KENNEDY REFERENCING A 2005 MEETING WHERE JENCKS ASSURES US THAT A 150 FOOT WIDE BUFFER ZONE WOULD BE CONSTRUCTED ALONG THE PROJECT'S NORTHERN BORDER.
This letter also talks of many other concerns Maui Meadows Residents have SUCH AS OUR CONCERN THAT AKALA DRIVE, HOALA DRIVE, LAU

35 Kohala Street
Kihei, HI 96753
May 17, 2007

Mr. Charley Jenks
Owner's Representative
Wailea 670
381 Huku Lii Place, Suite 202
Kihei, HI 96753

PLACE, or LANIHAU PLACE (NOT) BE CONNECTED TO THE STREETS OF W670.
Please look this letter over carefully.
PLEASE INCLUDE THE ENCLOSED LETTER FROM EDWARD KENNEDY (President of the Maui Meadows Home Owners Association at that time) IN THE DEIS.

Aloha & Mahalo,
GENE WEAVER

Dear Mr. Jenks:

Ms. Chandrika McLaughlin was good enough to share with me the April 16 letter you sent to her regarding her concerns about Wailea 670.

In that letter you said: "On July 28, 2005, I held a meeting specifically for both the Maui Meadows Neighborhood and Homeowners Associations at the Kihei Community Center with the intent of addressing any remaining concerns. Of the people attending, I had a few calls regarding view impacts and have committed to work with the folks in your community as part of our Phase II submittal documents to address their concerns."

As President of the Maui Meadows Homeowners Association, I take great offense at the insinuation that our only concerns were view impacts. Since the inception of your project, our association and residents have objected to your plans. We have attended your meetings, written directly to you and have testified before the Land Use Committee with respect to our major concerns: Traffic, water and over-development of South Maui before the County puts needed infrastructure in place. We have also written and testified about our secondary concerns: A buffer zone between Wailea 670 and Maui Meadows, the threat of roads connecting your development and Maui Meadows, view obstruction for our residents on the south side of Maui Meadows and finally, to protest your statements that Wailea 670 would not be a gated community, but that it would be OK if individual developers gated their portions of the project.

For years you told us that contributing \$500,000 to making the Piliiani Highway four lanes from the Mokelele Highway to Mapu/Kiuhana was all you were going to do for traffic mitigation, and that we should be grateful for that. Your tune changed when the State Department of Transportation said that unless the major developers of Wailea, Makana and Wailea 670 funded widening of the Piliiani Highway from Mapu/Kiuhana to Wailea like Drive, they could not approve your plans. Now you say you are taking the lead in this widening. That is like a condemned man saying he is taking the lead to the gas chamber. You are being

forced into doing what needs to be done and it must be completed before the county gives you any further approvals.

Two years ago you assured us that you had solved your water problem by securing the right to drill wells on the Haleakala Ranch land above and north of Maui Meadows. We didn't believe that was a viable solution then, and we don't believe it now. We have insisted and will continue to insist that you must develop your water supply system, prove it meets all the state and county requirements to serve your project and then turn it over to county for operation and use as part of the public water system of Maui. Where is your proof Mr. Jenks? Take it to the County Water Department and State Water Board and get their approval before you turn one shovel full of earth on your project.

We are firmly of the opinion that your project will have a bad impact on south Maui for years to come unless we, and you, insist that the county take a "peoples" point of view with respect to infrastructure improvement conditions which must be met before you can proceed.

Our secondary concerns address protecting us from the intrusions we see coming from your project. At the July 25, 2005, meeting you referenced, you assured us that a 150 foot wide buffer zone would be constructed along your project's northern boundary. You agreed that it would be landscaped with shrubs, not trees, and that it would include part of your trails system and have walking path connections to Maui Meadows. Now we understand that you plan to put a road in the middle of that buffer strip, which will turn it into a collector road for your project. Why can't you keep your word, Mr. Jenks? A collector road is not a buffer strip. We remain concerned that you will try to extend Akala Drive, Hoala Drive, Lauu Place, or Lanihou Place to connect with your streets. This would greatly increase the probability of traffic from your development, both from construction vehicles and from Wailea 670 residents, using our small roads (which have no sidewalks) as "short cuts" to get to or from Wailea 670. This threat is especially true during the years of construction you have said your project will take. Again, we think this should be a condition upon your project: Mitigate the traffic impact on and in existing neighborhoods.

You have stated that you are addressing our concerns regarding view impact for our south side residents. This means that your project must include view protection and restoration conditions in your CC&Rs, and that they must be enforceable by both your own residents and by Maui Meadows residents. Without such conditions, view protection promises are just more arm waving.

Why are we concerned about your gating segments of your project? Because gating destroys public access. If you allow it, your trail system will be a series of short walks from walled enclaves to walled enclaves. Your claims for a mixed use villages connected by walkways will fade away, and you will be just like Wailea: only the major streets will be open for walking. In contrast, our "primitive"

development has many lots which have been made private, but all the streets are open and our residents walk them daily. It is one of the features that makes a development a neighborhood. We would welcome the opportunity to expand our walking routes, but not at the expense of our streets being the real trail system for Wailea 670.

If you want to work with us Mr. Jenks:

- Put the needs of south Maui first and wait until the island's infrastructure can support your plans.
- Keep the promises you make to your neighbors.
- Take our criticisms seriously.

Sincerely,



Edward R. Kennedy

Copy: Mayor Charmaine Tavares
 Council Member Michelle Anderson
 Council Member Michael Molina
 Jeff Hunt, Planning Director
 Maui County Planning Commission
 Edwin Tanji, Editor, Maui News



May 31, 2012

PRINCIPALS
THOMAS WITTEN, ASLA
Principal

R. STAN DUNCAN, ASLA
Executive Vice-President

RENEE L. Y. CHUNG, FASLA, LEED® AP
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, ACP, LEED® AP
Principal

W. FRANK BRANDT, FASLA
Chairman Emeritus

ASSOCIATES
TOM SCHNELL, ACP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEYSUKA NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED® AP
Associate

SCOTT AIKKA ABRIGO, LEED® AP
Associate

SCOTT MURAKAMI, ASLA, LEED® AP
Associate

DACHUNG DONG, LEED® AP
Associate

HONOLULU OFFICE
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Tel: (808) 521-5631
Fax: (808) 521-1402
E-mail: spadmin@pbrhawaii.com

KAPOLEI OFFICE
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Gene Weaver
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
May 31, 2012
Page 2 of 5

Maui Meadows residents, the Wailea Community Association, and hearings before the Maui Planning Commission and County Council.

The change in land use designations from single-family to multi-family along a portion of the Maui Meadows boundary is the result of multiple conditions imposed on Honua'ula by the Maui County Council. The most significant condition driving changes to the concept plan shown in the Draft EIS (Figure 1) is the condition requiring establishment of a native plant preservation area within the south end of Honua'ula. This condition, coupled with the required percentages of multiple and single family units, resulted in housing designation shifts in the concept plan. Given the topography of the property, combined with restrictions placed on grading and density, the placement of multifamily areas is limited to areas that do not require extensive grading. The northwest area of Honua'ula near Maui Meadows is one such area that is suitable for multifamily units.

Comment: *The developer is planning for these multi-family dwellings to be 50' tall, obscuring many Maui Meadows residents view corridor. Buildings of this height & density do not belong along the border of Maui Meadows subdivision.*

Response: To address your concerns about multi-family units next to Maui Meadows, Honua'ula Partners, LLC will implement the recommendation of the Urban Design Review Board (UDRB) in its review of Honua'ula. At its meeting on June 1, 2010, the UDRB recommended: "That the multi-family area closest to Maui Meadows on the northern boundary i.e., southern boundary of Maui Meadows) of the site be limited to 30 ft. in height." This height limitation is consistent with the height limit for single family homes in Honua'ula and will result in structures not exceeding the maximum single family height originally planned for the area.

Comment: *A buffer of 100' or more, with NO ROADWAY IN IT would better mitigate NOISE IMPACTS. Construction may also impact noise levels, ambient air quality, and traffic.*

Response: In addition to the 30-foot height limitation recommended by the UDRB, Honua'ula Partners, LLC will ensure that there will be no roads within the 100-foot buffer area between Maui Meadows and any multi-family units. We believe that the 100-foot buffer and the fact that there will be no roads within the 100 foot buffer area between Maui Meadows and any multi-family units will adequately mitigate impacts from potential noise associated with the multi-family units.

Regarding your concerns about construction impacts:

- **Noise:** Section 4.5 (Noise) of the Draft EIS discusses potential impacts pertaining to noise, including construction noise. In particular, proper mitigating measures will be employed to minimize construction-related noise and comply with all Federal and State noise control regulations. Increased noise activity due to construction will be limited to daytime hours and persist only during the construction period. Noise from construction activities will be short-term and will comply with State DOH noise regulations (HAR, Chapter 11-46, Community Noise Control). When construction noise exceeds, or is expected to exceed, the DOH's allowable limits, a permit must be obtained from the DOH.

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Weaver:

Thank you for your fax dated June 28, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. For clarity we have numbered each specific comment or concern.

Comment: *I am asking that the EIS include an alternative version of the plan with a 100 foot landscape-buffer between w670 and Maui Meadows and single family houses along the entire south side of it. The Maui Meadows Community has been asking for a 200' buffer zone between us through w670's long history. The developer is planning the minimum allowable buffer - - - 50'. The developer says that a road may be put next to the buffer. (VEHICLES ACCELERATING UP HILL ARE VERY LOUD & IMPACTING.)*

Response: Section 19.90A.030(E)(5) of the Kīhei-Mākena Project District 9 Ordinance (Chapter 19.90A, Maui County Code (MCC)) specifies:

A minimum one hundred foot wide fire buffer area, with a minimum fifty-foot wide landscape buffer area within it, shall be provided between the southern boundary of the Maui Meadows subdivision and Kīhei-Mākena project district 9 (Wailea 670). No structures, except rear and side boundary walls or fences, shall be permitted in the buffer.

We believe the Council exercised due care to mitigate impacts to Maui Meadows in specifying a minimum buffer width of 100 feet when enacting this section of the Kīhei-Mākena Project District 9 Ordinance based on the concerns of Maui Meadows residents expressed at the Council hearings. In accordance with this requirement the concept plan shown in the Draft EIS (Figure 1) provides for a 100-foot buffer between Maui Meadows and any structure within Honua'ula.

Comment: *In meetings with developers in previous years the plot plan showed ONLY SINGLE FAMILY HOMES ALONG THE BORDER OF MAUI MEADOWS; NOW the developer is planning to put his multi-family dwellings right up next to our subdivision (Maui Meadows). (because it is an easy spot to build he says)*

Response: Plans for Honua'ula have evolved over the course of several years in response to community concerns, the requirements of the Kīhei-Mākena Project District 9 Ordinance (Chapter 19.90A, MCC), and various other factors, such as infrastructure requirements and native plant preservation areas. However, these changes are still consistent with the basic goals and objectives of Honua'ula which have been consistently put forth by the owner's representative at many public meetings, including meetings with

Gene Weaver

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLIATION

May 31, 2012

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The acoustic study (see Appendix N of the Draft EIS) concludes that adverse impacts from construction noise are not expected to affect public health and welfare due to the temporary nature of the work and the administrative controls regulating noise impacts.

- **Air Quality:** Section 4.6 (Air Quality) of the Draft EIS discusses potential impacts to air quality, including those from construction. In particular, no State or Federal air quality standards are anticipated to be violated during or after the construction of Honua'ula. Short-term impacts from fugitive dust will likely occur during construction; however, mitigation measures, including the implementation of a dust control plan and frequent watering of exposed surfaces, will help to reduce and control such releases, and all construction activities will comply with the provisions of HAR, Chapter 11-60.1, Air Pollution Control, and Section 11-60.1-3.3, Fugitive Dust.
- **Traffic:** In compliance with County of Maui Ordinance No. 3554 Condition 28 a construction transportation management plan has been prepared to reduce construction-related traffic during the construction of Honua'ula and the widening of Pi'ilani Highway. Section 4.4.5 (Transportation Management) of the Draft EIS contains a summary of the construction transportation management plan and Appendix M of the Draft EIS contains the complete plan. The State Department of Transportation, the County Department of Public Works, and the County Department of Transportation have all reviewed and approved the construction transportation management plan.

Comment: ON JUNE 1st the URBAN DESIGN REVIEW BOARD COMMENTED & RECOMMENDED THAT BUILDING HEIGHTS NOT EXCEED 30 FEET NEAR MAUI MEADOWS SUBDIVISION. I would like to see THE COMMENTS FROM THE URBAN DESIGN REVIEW BOARD CONSIDERED & PUT IN THE DEIS.

Response: As discussed above, Honua'ula Partners, LLC will implement the recommendation of the Urban Design Review Board (UDRB) and will limit the height of any multi-family units in the area closest to Maui Meadows to 30 feet in height.

The letter from the Planning Department to the Planning Commission which contains the recommendations of the UDRB are attached to this letter and will be included in the Final EIS as reproduced with this letter.

Comment: I would like to see the developer offer ALTERNATIVES TO THE PLANNED BUFFER & ALTERNATIVES TO PUTTING MULTI-FAMILY DWELLINGS NEAR THE MAUI MEADOWS SUBDIVISION.

Response: To address your concerns, Honua'ula Partners, LLC will implement the restrictions discussed above. In summary any multi-family units in the area closest to Maui Meadows will be limited to 30 feet in height and Honua'ula Partners, LLC will ensure that there will be no roads within the 100-foot buffer area between Maui Meadows and any multi-family units. The height limitation of 30 feet for multi-family units in the area closest to Maui Meadows is consistent with the height limit for single family homes in Honua'ula and will result in structures not exceeding the maximum single family height originally planned for the area.

Gene Weaver

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLIATION

May 31, 2012

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Comment: MYSELF & MANY NEIGHBORS DO NOT AGREE THAT IMPACTS ARE MITIGATED.

Response: We acknowledge your opinion and hope that the clarifications in this letter (such as the correct information regarding the width of the buffer area between Maui Meadows and Honua'ula and other information you have sought regarding construction noise, air quality, and traffic impact) address your concerns.

The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes (HRS) and Title 11, Chapter 200, Hawai'i Administrative Rules (HAR)). The EIS laws and rules provide for the preparation of a draft EIS, a review process, and the preparation of a final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments, and our responses. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

Comment: THE BUFFER AREA IS BEING USED, or IS BEING REFERRED TO: AS

1. a firebreak
 2. A major drainage absorption area
 3. Part of the 143 acre native plant "enhancement area"
 4. Potential community garden area
 5. a park
 6. a mitigation to protect maui Meadows viewsheds
 7. open space
 8. Landscape buffer
 9. Mitigation for lighting impacts to maui meadows
 10. "To mitigate environmental conflicts and enhance scenic amenities"
- I AM ASKING FOR THE ACTUAL ACREAGE OF THE BUFFER ZONE BE INCLUDED IN THE DEIS.
I AM ASKING FOR A REAL 100 FOOT BUFFER SINCE IT IS BEING USED TO SATISFY ALL OF THESE DIFFERENT REQUIREMENTS.

Response: While the items you list above in your letter are not as directly stated in the Draft EIS regarding the buffer, we note that all of the proposed uses within the buffer area that you list could be generally described as "open space." In conformance with Section 19.90A.030(E)(5), MCC noted above, no structures, except rear and side boundary walls or fences, will be included in the buffer. We believe the uses described in the Draft EIS for buffer area (e.g. landscape buffer, firebreak, view shed, open space area, native plant area) are appropriate uses and in conformance with Section 19.90A.030(E)(5), MCC.

Based on the requirements for the buffer area between Maui Meadows and Honua'ula as specified in Section 19.90A.030(E)(5) MCC, the area of the buffer between Maui Meadows and Honua'ula will be approximately 7.5 acres. To include this information in the Final EIS, as well as other relevant information provided in this letter, in the Final EIS Section 2.3.3 (Recreation and Open Space/Utility Sub-district) will be revised as follows:

Open space in the Recreation and Open Space/Utility sub-district will include landscaped buffers, drainage ways, and steep topographic features. One of the major buffer zones will

CHARMAINE TAVARES
Mayor
KATHLEEN ROSS AOKI
Director
ANN T. CIA
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 9, 2010

Gene Weaver
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
May 31, 2012
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be located between Maui Meadows and Honua'ula. This buffer area will be at least 100 feet wide, consisting of a 50-foot wide landscape buffer and a landscaped roadway; provided there will be no roads within the 100-foot buffer area between Maui Meadows and any multi-family units. The total area of the buffer will be at approximately 7.5 acres.

Comment: P.S. I AM ALSO INCLUDING A LETTER TO MR. JENKS FROM EDWARD KENNEDY REFERRING A 2005 MEETING WHERE JENKS ASSURES US THAT A 150 FOOT WIDE BUFFER ZONE WOULD BE CONSTRUCTED ALONG THE PROJECT'S NORTHERN BORDER.

This letter also talks of many other concerns Maui Meadows Residents have SUCH AS OUR CONCERN THAT AKALA DRIVE, HOMALA DRIVE, LAU PLACE, or LANIHAIU PLACE (NOT) BE CONNECTED TO THE STREETS OF W6670.

Please look this letter over carefully.

PLEASE INCLUDE THE ENCLOSED LETTER FROM EDWARD KENNEDY (President of the Maui Meadows Home Owners Association at that time) IN THE DEIS.

Response: The letter dated May 7, 2007 from Edward Kennedy to "Mr Charley Jenks" will be included in the Final EIS as attached to your comment letter. We cannot include it in the Draft EIS as you request because the Draft EIS was published in April 2010.

Primary access to Honua'ula will be from Pi'ilani Highway. Kaukahi Street, a private two-lane street within Wailea, will provide a second, controlled access. Honua'ula's internal roadway system will not connect to the Maui Meadows roadway system with the exception of Akala Drive for emergency access purposes only; no through traffic from Honua'ula to Maui Meadows will be allowed.

Thank you for reviewing the Draft EIS. Your letter and the letter from Edward Kennedy will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

Attachment: Planning Department Letter

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

C:\V0819\1905.08 Honua'ula-EIS\EN\DEIS\DEIS Comments\Responses\Public\Final\Gene Weaver_2nd letter.doc

Mr. Jonathan Starr, Chair
and Members of the Maui Planning Commission
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Dear Chair Starr:

SUBJECT: URBAN DESIGN REVIEW BOARD (UDRB) COMMENTS ON PROPOSED DESIGN GUIDELINES AND THE PROJECT DISTRICT PHASE II APPLICATION FOR HONUA'ULA, A MASTER PLANNED COMMUNITY CONSISTING OF SINGLE FAMILY AND MULTI-FAMILY HOMES, VILLAGE MIXED USE AREAS WITH SUPPORTING COMMERCIAL, OPEN SPACE, RECREATION, AND RELATED OFF-SITE IMPROVEMENTS LOCATED IN WAILIEA, KIHEI-MAKENA, MAUI, HAWAII (PHZ 2010/00001)

THE PROPERTY: 670 ACRES -

TMK'S: (2) 2-1-008:056
(2) 2-1-008:071

OFF-SITE IMPROVEMENTS: 30 ACRES -

TMK'S: (2) 2-1-08: 999 (POR) STATE OF HAWAII
(2) 2-1-08: 043 (POR) MAUI ELECTRIC COMPANY LTD
(2) 2-1-08: 090 (POR) MAKENA GOLF LLC
(2) 2-1-08: 108 (POR) MAKENA GOLF LLC
(2) 2-1-08: 054 (POR) ULUPALAKUA RANCH
(2) 2-1-08: 001 (POR) ULUPALAKUA RANCH
(2) 2-2-02: 050 (POR) HALEAKALA RANCH CO.
(2) 2-2-02: 054 (POR) HALEAKALA RANCH CO.

At its regular meeting on June 1, 2010, the UDRB reviewed the design guidelines, landscaping, architectural plans, and related aspects of the proposed project referenced above. Based on those considerations within the UDRB's purview, it offered the following comments on the project:

1. That consideration be given to incorporating sidewalks within project culdesacs and making bike paths and sidewalks more consistent from area to area;

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634

CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

Mr. Jonathan Starr, Chair
and Members of the Maui Planning Commission
June 9, 2010
Page 2

Dr. George R. Harker
P.O. Box 1137
Kihei, HI 96753
808-298-5399
DrLeisure.com
DrLeisure1@Aol.com

2. That existing rock walls and stepping stone trails with in the project site be incorporated in the project's design;
3. That consideration be given to incorporating recreational courts within the project; and
4. That the Multi-Family area closest to Maui Meadows on the northern boundary of the site be limited to 30 ft. in height. The Planning Department notes that the allowable height for the Multi-Family subdistrict is 4 stories or 50 ft.

Thank you for your cooperation. If additional clarification is required, please contact the undersigned or Deputy Planning Director Ann Cua at ann.cua@mauicounty.gov or 270-7521.

Sincerely,



for LINDA KAY OKAMOTO, Chair
Maui Urban Design Review Board

xc: Ann Cua, Deputy Planning Director
Clayton I. Yoshida, AICP, Planning Program Administrator
Gwen Hiraga, Munekiyo & Hiraga, Inc.
Tom Schnell, AICP, PBR Hawaii,
Project File
General File

LKO:ATC:aw

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PBR Hawaii
Tom Schnell
ASB Tower, Suite 650
1001 Bishop Street
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Maui Planning Department/Maui Planning Commission
Jeff Hunt, Director
County of Maui
Planning Department
250 South High Street
Wailuku, Hawaii 96793
808-270-7735

June 30, 2010

Gentlemen:

My comments on the Draft Environmental Impact Statement (EIS) for Honua'ula

Some reactions to the Honua'ula Draft Environmental Impact Statement. It was most informative to see the information on this project drawn together in one series of documents. After reading the documents it was difficult to see how this project could be justified. The destruction of limited resources in an effort to produce a high end product that recent local history demonstrates is of little market value makes no sense. The most obvious examples: 1) Makena Resort taken over by creditors and 2) Maluaka scaled down from numerous condominium to a dozen or so building lots of questionable value. These examples and others suggest to me that Honua'ula will not come to pass in any form resembling what is proposed. The issue is really how much environmental damage will be done in the process of proceeding.

My analysis: 3.5 GROUNDWATER RESOURCES AND WATER QUALITY.

3.5.1 Groundwater

The report notes that the groundwater is already brackish from the start and how things will be done not to impact significantly the brackish water use of Wailea Resorts five wells. No mention is made of the fact that the brackish nature of the groundwater is indicative of a very real problem



May 31, 2012

George Harker
P.O. Box 1137
Kihei, Hawaii 96753

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SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Harker:

Thank you for your letter dated June 30, 2010, regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. The organization of this letter follows the headings of your letter.

Comment: After reading the document it is difficult to see how this project can be justified. The destruction of limited resources in an effort to produce a high end product that recent local history demonstrates is of little market value makes no sense. The most obvious examples: 1) Makena Resort taken over by creditors and 2) Malakoa scaled down from numerous condominium lots to a dozen or so building lots of questionable value. These examples and others suggest to me that Honua'ula will not come to pass in any form resembling what is proposed.

As stated in the Draft EIS, the purpose and intent of Honua'ula is to implement the Project District 9 ordinance (Chapter 19.90A, Maui County Code) governing the Property which establishes permissible land uses and appropriate standards of development for the property. As planned, Honua'ula will complement the pattern of development in the Kihei-Makena region in a way that is consistent with the Project District 9 ordinance and envisioned in the *Kihei-Makena Community Plan*. Honua'ula also will include homes priced for a wide range of consumer groups, including workforce affordable homes in compliance with Chapter 2.96, MCC (Residential Workforce Housing Policy).

Honua'ula also implements State and County planning policies for the Property that have been thought-out, studied, and advanced for over 20 years. Honua'ula realizes and supports decisions regarding the use of the property for residential, recreational, and commercial uses made by the State Land Use Commission, the Maui Planning Commission, and the Maui County Council. Honua'ula is also within the "urban growth boundary" of the current Directed Growth Maps of: 1) the Planning Department; 2) the Maui Planning Commission; and 3) the General Plan Advisory Committee. As such, Honua'ula realizes the vision for the Property that has been formulated and refined over the course of more than two decades.

Comment: The issue is really how much environmental damage will be done in the process of proceeding.

Response: The very purpose of an EIS is to identify the environmental impacts of a proposed project and propose appropriate mitigation measures. The Honua'ula Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with the State of Hawaii's EIS law (Chapter 343, Hawaii's Revised Statutes (HRS)) and EIS rules (Title 11, Chapter 200, Hawaii's Administrative Rules (HAR)). The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its

with natural ecology of the area. The solution to the problem and its negative effects is not to pump more wells but rather to stop pumping existing wells.

3.5.2 Nearshore Marine Environment

Marine Water Quality

The report notes that project is not on the shoreline and relates that coastal water studies were made to document what is there now. It is reported that State ocean water quality standards were not being met.

It is stated that "If there is an impact from Honua'ula, corrective actions will be taken." Further, "the Property is separated from the ocean by the Wailea Resort, which has been in existence for several decades. Hence, marine communities downslope from Honua'ula have been influenced by land uses of the Wailea Resort, and do not represent "pristine" conditions." (p 52)

I found no reference to Hawaiian fish ponds in the report. It is known that such ponds were able to feed an indigenous population of Hawaii larger than present today and not so very long ago.

It is also known that the fresh water flow is essential to the estuaries and the biota of these coastal areas. It would be useful to understand the extent of the fish ponds along this shoreline and what it would take to restore them as a source of food production.

The nutrient load from the golf course and the diversion of water only exacerbate the problems of the Marine environment.

Conclusions:

It appears to me that Honua'ula as it is now formulated would exponentially exacerbate problems that are already present in the area and correctly associated with other similar resort complexes. Economic conditions are deteriorating for Maui significantly with no upturn in site. Indeed the international and national scene suggest a collapse of the world financial system is underway. The pillaging of our natural resources in a quest for financial gain has had devastating effects on the Gulf Coast States. The bottom line is not more jobs, it is enough food for ones family. All the money in the world is irrelevant if one can not get access to food and water.

The things of which I speak are rather self evident and are a sufficient basis to stop this project. Thanks for an opportunity to be heard.

Sincerely,

George R. Harker

completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments.

3.5.1 Groundwater

Comment: *The report notes that the groundwater is already brackish from the start and how things will be done not to impact significantly the brackish water use of Wailea Resorts five wells. No mention is made of the fact that the brackish nature of the groundwater is indicative of a very real problem with natural ecology of the area. The solution to the problem and its negative effects is not to pump more wells but rather to stop pumping existing wells.*

Response: The fact that the existing wells are brackish is not “indicative of a very real problem with the natural ecology of the area.” The groundwater was brackish before the start of any pumping. This is a result of the contact with saline groundwater at the depth of the wells, the permeability of the ground, and the rate of rainfall recharge. In addition there has not been an increase in salinity since then due to pumping.

We would also like to note that in their letter commenting on the Draft EIS dated May 20, 2010, the State Commission on Water Resource Management stated that the Draft EIS “thoughtfully discusses groundwater and surface water issues.”

3.5.2 Nearshore Marine Environment

Comment: *I found no reference to Hawaiian fish ponds in the report. It is known that such ponds were able to feed an indigenous population of Hawaii larger than present today and not very long ago.*

It is also known that the fresh water flow is essential to the estuaries and biota of these coastal areas. It would be useful to understand the extent of the fish ponds along this shoreline and what it would take to restore them as a source of food.

Response: Section 4.2 (Cultural Resources) of the Draft EIS makes reference to Kalepolepo and Kō'ie'e fishponds. The Cultural Impact Assessment contained in the Draft EIS (Appendix K) provides further discussion on fishing, fishponds (Loko I'a), and fishing grounds. As stated on page 20 of the Cultural Impact Assessment: "...the Honua'ula shoreline has abundant marine life that served as a source of sustenance for many people. The fresh water seeping into the ocean at the shoreline produces a large array of sea life." Fishponds were used to ensure that these marine resources would be available for the community.

So while the Draft EIS contains references and information regarding fishponds in context with the cultural and historic resources of the greater Honua'ula moku (traditional district), the Honua'ula property—which is the primary subject of the Draft EIS—is more than a half mile from the shoreline with several properties between Honua'ula and the shoreline. While we can appreciate your thought that it would be useful to understand the extent of the fishponds along this shoreline and what it would take to restore them as a source of food, this is beyond the scope of the Draft EIS as: 1) the Honua'ula property is not on the shoreline; 2) Honua'ula Partners, LLC does not own the properties between Honua'ula and the shoreline; and 3) the restoration of fishponds as a source of food would not alter the analyses provided in the Draft EIS regarding the Honua'ula property.

Comment: *The nutrient load from the golf course and the diversion of water only exacerbate the problems of the Marine Environment.*

Response: As discussed in Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS, the results of the Marine Water Quality Assessment (Appendix D of the Draft EIS) and further evaluation of the potential changes to groundwater composition indicate that there is little or no potential for alteration of the marine environment or negative impacts to marine waters due to Honua'ula. The assessment concludes that: “the estimates of changes to groundwater and surface water would result in a decrease in nutrient and sediment loading to the ocean relative to the existing condition. With such a scenario, it is evident that there would be no expected impacts to the nearshore marine ecosystem owing to development of Honua'ula.”

Conclusions

Comment: *It appears to me that Honua'ula as it is now formulated would exponentially exacerbate problems that are already present in the area and correctly associated with other similar resort complexes. Economic conditions are deteriorating for Maui significantly with no upturn in site [sic]. Indeed the international and national scene suggest a collapse of the world financial system is underway. The pillaging of our natural resources in a quest for financial gain has had devastating effects on the Gulf Coast States. The bottom line is not more jobs, it is enough food for ones [sic] family. All the money in the world is irrelevant if one cannot get access to food and water.*

Response: Section 7.2 (Cumulative and Secondary Impacts) of the Draft EIS discusses the cumulative and secondary impacts of Honua'ula in context with existing and potential additional development in the Kīhei-Mākena area; however it is not contemplated that Honua'ula will along with other proposed South Maui development projects are likely to include increased population and greater demands on public infrastructure systems and services. However, the population of the Kīhei-Mākena region is projected to grow and the needs of a growing population relating to traffic, infrastructure, public services, and other issues will need to be addressed regardless if some or all of these projects are built. Of all the projects currently proposed within South Maui, Honua'ula stands out as contributing its fair share and more to address cumulative and secondary impacts. Potential environmental impacts resulting from the creation of Honua'ula have been discussed throughout the Draft EIS, along with appropriate mitigation measures. It should also be noted that Honua'ula will have a substantial positive attributes, including:

- Compliance with the Kīhei-Mākena Community Plan, which designates the Property as “Project District 9” and the Project District 9 ordinance (Chapter 19.90A, MCC) which provides for a residential community consisting of single-family and multi-family dwellings complemented with village mixed uses, all integrated with an eighteen-hole golf course and other recreational amenities;
- Native plant and endangered species habitat preservation;
- Significant long-term community benefits provided by Honua'ula in compliance with the conditions of zoning under County of Maui Ordinance No. 3554; and
- Significant economic benefits.

George Harker
SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
May 31, 2012
Page 4 of 4

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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From: Irene Newhouse [mailto:inew@hotmmail.com]

Sent: Monday, June 28, 2010 9:58 PM

To: Charlie Jencks; planning@mauicounty.gov; kathleen.aoki@co.maui.hi.us; oecq@doh.hawaii.gov

Subject: comments on Honalua native plant perservation

I believe that the whole, or nearly the whole, of the wiliwili area on the Honalua property should be preserved, whether or not it is degraded. There are only a handful of such areas left on Maui, and it would take only one or two more fires such as Maui has had recently to reduce significantly the number of extant wiliwili forest areas.

The Michigan Nature Association owns or has a conservation easement on a small remnant sand prairie. The plants unique to it are adapted for dry conditions, not because it doesn't rain, but because the sand results in rains draining away rapidly. Adjacent acreage is irrigated in summer to grow corn. This seasonal irrigation introduced enough additional water into the prairie remnant to decrease the viability of the plants there, and there were discussions about ways to raise funds to add a buffer zone to mitigate this effect. I point this out to suggest that remnant areas surrounded by golf course will probably be adversely affected by the year-round irrigation around them. Therefore, it would be far safer to set aside a monolithic section of the property.

I live in south Kihei, and am growing native plants on our property. I've noticed that a'il'i do not tolerate irrigation well, even when they are planted at the property's edge, thus at the edge of the irrigated area, so get less water than the grass. They are susceptible to being blown away by high winds because the trunks are moldy at the soil surface, and they break off there. Note that those few of my plants which have survived are 10 years old, yet have never set seed. I have tried growing canevalia three times. All three succumbed to pests, whose viability was probably enhanced by the availability of irrigation water. I was given five plants of the Honalua Lipochoeta rockii variant which were left over from outplanting and had become potbound. Although they seemed to thrive for a time, they died after setting seed, and none of the seed sprouted. I had them planted in an area set aside for dry land plants, with reduced irrigation.

I was once given a large number of cuttings of pa'uohi'iaka. They went crazy, but they all died off after about 18 months. I still have the odd volunteer coming up occasionally – there are two right now – but they've never again grown as luxuriantly as they did the first time.

Furthermore, construction dust nearby can be fatal to native plants. Our lot is 10000 sq. ft. When the lot to the northwest of us was being built on, even our plumeria trees were extremely stressed, sporting black mold on the upper leaf surfaces and large numbers of papaya mealy bug underneath. During this period, my 3 5-year-old ohai plants, which had, up to then, been quite healthy, died. The a'il'i closest to that lot has never really regained its health. About a year after construction was completed, the plumerias perked up, w/out our ever having sprayed them, and they've not had black mold on their leaves in the 3 years since then, though papaya mealy bug & whitefly continue to occur at greatly reduced levels. It's hard for me to imagine how this effect worked, as the area being built on was Kihei dry, so it couldn't have been that the pests were coming from that dry & unvegetated plot. And no, our plants were not so close to the property line that their roots were compacted during construction.

The effects of irrigation and cultivation on native plants appear to be complex, and it is far better to leave an area alone as much as possible, removing alien species carefully, than to hope to maintain a viable population in cultivated areas. Although I am not a master gardener, I did grow up on a dairy farm where we raised nearly all our own vegetables, and I have had advice from some very successful growers of native plants.

Irene Newhouse
129 Waiua Place Kihei Hawaii



May 31, 2012

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Irene Newhouse
SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
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Together the on- and off-site mitigation areas provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including willow. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the Blackburn's sphinx moth, providing net benefit to this species, as well as a large number of additional native dryland species. To implement the on- and off-site mitigation measures, Honua'ula Partners, LLC, will finalize its draft Habitat Conservation Plan in collaboration with the US Fish and Wildlife Service (USFWS) and State Department of Land and Natural Resources (DLNR) in accordance with Section 10(a)(1)(B) of the Endangered Species Act and Chapter 195D, Hawaii Revised Statute. The on- and off-site mitigation areas are subject to the approval of the Habitat Conservation Plan by USFWS and DLNR.

To include this information in the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) will be revised as shown on the attachment labeled "Botanical Resources."

To include discussion of a 130-acre Native Plant Preservation Area in the Final EIS, in the Final EIS Chapter 6 (Alternatives) will be revised to include the information shown on the attachment labeled "Alternatives."

2. *There are only a handful of such areas left on Maui, and it would take only one or two fires such as Maui has had recently to reduce significantly the number of extant willow forest areas.*

Response: As recommended and as stated in Section 3.4.5 (Wildfires) and Section 3.6 (Botanical Resources) of the Draft EIS, Honua'ula will implement a fire control program in coordination with the Maui County Department of Fire and Public Safety and resource agencies, which will include firebreaks, to help protect native plant preservation and conservation areas. The program will include the creation of a fire break immediately outside of the perimeter of the Native Plant Preservation Area. The golf course, which will abut portions of the Native Plant Preservation Area and other Native Plant Areas, will act as a fire break to protect native plants. Other fire mitigation measures include the use of lava rock and other non-flammable materials in building and landscaping.

To include the relevant above information in the Final EIS, Section 3.4.5 (Wildfires) will be revised as follows:

Wildfires

Currently, vegetation on the Property includes ~~kiawe~~~~buffel~~~~grasses~~ non-native buffel grass (*Cenchrus ciliaris*), non-native kiawe trees (*Prosopis pallida*), native willow trees (*Erythrina sandwicensis*), and a dense understory of native 'ilima shrubs (*Sida fallax*). ~~Kiawe~~~~buffel~~ Buffel grass, which is the most common grass on the Property, can easily carry fire.

Human carelessness is the number one cause of fires in Hawaii. In Maui County the number of wildfires has increased from 118 in 2000 to 271 in 2003. Human error combined with the spread of non-native invasive grasses, shrubs, and trees, has led to an increased susceptibility to wildfires. According to Maui Fire Department data, Kihei-Makena's susceptibility of wildfire is high. Between 2005 and 2010 there were 201 wildfires in the Kihei-Makena area. The majority of those fires were of undetermined cause. 32 were caused by operating equipment, four were from a type of arch or flame, five were caused by fireworks, and five were from smoking materials. Approximately 2,180 acres were burned during this five-year period.

SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Ms. Newhouse:

Thank you for your e-mail dated June 28, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. For clarity, we have numbered each specific comment or concern.

1. I believe that the whole, or nearly the whole, of the willow area on the Honua'ula property should be preserved, whether or not it is degraded.

Response: Section 3.6 (Botanical Resources) of the Draft EIS details extensive measures that will be established to protect and conserve native plant species (including willow trees), including: 1) establishing a Native Plant Preservation Area; and 2) implementing a conservation and stewardship plan that sets forth proactive stewardship actions to manage the native plant areas. Please note that no Federal or State of Hawaii listed threatened or endangered plant species were identified on the Honua'ula property; however, a candidate endangered species, *'awikiwiki* (*Canavalia pubescens*), was identified on the property.

In response to comments on the Draft EIS requesting additional area to be set aside for native plant species, Honua'ula Partners, LLC proposes both on- and off-site measures.

For on-site measures Honua'ula Partners, LLC will increase the area of the Native Plant Preservation Area on the Honua'ula property from 22 to 40 acres. This 40-acre area contains the highest density of native plants within the Property, and will include all five 'awikiwiki plants that were alive in 2009 and the majority of the nehe plants at the Property. The Native Plant Preservation Area will be actively managed in accordance with the Conservation and Stewardship Plan (included as Appendix F of the Draft EIS). Management actions will include removal and exclusion of ungulates (deer, cattle, goats, and pigs), removal and control of noxious invasive weeds and plants, and propagation of native plants from seeds collected on the Property.

For off-site mitigation, Honua'ula Partners, LLC will:

1. Acquire 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 Kanaoia Natural Area Reserve; and
2. Fund and implement the continuation and expansion of restoration efforts within the Auwahi Forest Restoration Project area, just north of the Kanaoia Natural Area Reserve, including fencing of approximately 130 acres, ungulate removal, and plant restoration activities.

POTENTIAL IMPACTS AND MITIGATION MEASURES

The occurrence of natural hazards cannot be predicted, and should one occur, it could pose a risk to life and property. Honua'ula, however, will neither exacerbate any natural hazard conditions nor increase the Property's susceptibility or exposure to any natural hazards.

Due to its location and elevation, the probability of the Property being affected by flooding or tsunami is minimal. However, to protect against natural hazards, including earthquakes and wildfires, all structures at Honua'ula will be constructed in compliance with requirements of the Uniform Building Code (UBC), and other County, State, and Federal standards. Fire apparatus access roads and water supply for fire protection will be provided in compliance with the Uniform Fire Code.

The creation of Honua'ula will mitigate the potential for wildfires on the Property through its landscape design and plant palette. In large part, vegetative fuel for fires, such as non-native kawe trees and buffel grass, will be replaced by buildings and landscaping of the community, thereby decreasing the Property's susceptibility to wildfires. Honua'ula Partners, LLC will implement a fire control program in coordination with the Maui County Department of Fire and Public Safety and resource agencies, which will include firebreaks to help protect native plant preservation and conservation areas (see Section 3.6, Botanical Resources) to insure the success of plant propagation and conservation efforts. Buffer areas between Honua'ula and Maui Meadows and along P'ilani Highway will also act as fire breaks, as will the golf course. Other fire mitigation measures include the use of lava rock and other non-flammable materials in building and landscaping, and creating a trail system, which will act as a fire break.

The USFWS recommends fire suppression resource response by fire engines and heavy equipment be within the first 45 minutes of fire ignition. The Maui Fire Department is responsible for fire suppression in the district. The fire station nearest Honua'ula is the newly built Wailea Fire Station located at the intersection of Kilohana Drive and Kapili Street between P'ilani Highway and South Kihei Road, less than five minutes away. The Wailea Station is approximately one-half mile from the Property and is equipped with a 1,500 gallon per minute apparatus, a 95-foot mid-mount ladder truck and a 3,500 gallon water tanker truck. In addition, an emergency helipad and fuel dispensing station is located mauka of the fire station (see Section 4.10.3 (Fire) for information regarding fire control and response).

To help address the growing need for fire prevention and emergency services, in compliance with County of Maui Ordinance No. 3554 (Condition 24), Honua'ula Partners, LLC will provide the County with two acres of land that has direct access to the P'ilani Highway extension for the development of fire control facilities within the Honua'ula's Village Mixed-Use sub-district. This land will be donated at the time 50 percent of the total unit/lot count has received either a certificate of occupancy or final subdivision approval. The land provided will have roadway and full utility services provided to the parcel.

Impacts from natural hazards can be further mitigated by adherence to appropriate civil defense evacuation procedures. Honua'ula will coordinate with the State of Hawai'i Department of Defense, Office of Civil Defense and the County of Maui Civil Defense Agency regarding civil defense measures, such as sirens, necessary to serve Honua'ula.

3. *...remnant areas surrounded by golf course will probably be adversely affected by the year-round irrigation around them. Therefore, it would be far safer to set aside a monolithic section of the property.*

Response: To ensure that Honua'ula's golf course is developed and operated in an environmentally responsible manner and potential impacts to the surrounding environment are mitigated, Environmental & Turf Services, Inc., prepared a comprehensive report of Best Management Practices (BMPs) for the golf course. Appendix C of the Draft EIS contains the golf course BMP report and Section 3.5.1 (Groundwater) of the Draft EIS includes a summary of the report.

The overall goal of the Honua'ula golf course BMPs is to reduce the turf chemical and water inputs required to manage the 18-hole golf course and to minimize waste generation. The golf course will be designed to minimize impact on the surrounding environment and provide enhancement of ecological functions (i.e., buffer zones/strips, water features, natural topography, wildlife habitat).

The goals of the design and management of the Honua'ula Golf Course are as follows:

1. Be leaders in environmental management and environmental monitoring.
2. Be protective of the physical and environmental resources of the site.
3. Develop pest management strategies with an emphasis on reducing the use of pesticides.
4. Provide water conservation materials and methods to maximize usage of water efficiently.
5. Hire and maintain qualified personnel sensitive to the environmental issues of the site.
6. Establish earthen berms and vegetative swales functioning as buffers to prevent surface discharge off the site.
7. Minimize the amount of waste products generated on-site as well as the exporting of materials off-site.

In response to your concern regarding irrigation, water conservation is central to the functioning of the golf course. While non-potable water will be used for all golf course irrigation, the golf course will also include a modern irrigation system designed to use non-potable water efficiently. The key component of the irrigation system will be a central computer to store information for every sprinkler, including the type of sprinkler, nozzle sizes, location, soil type, slope, infiltration, exposure, etc., so that the exact amount of water needed is applied (i.e., not just turning on sprinklers for a set duration). Cycle/soak features will prevent runoff when heavy irrigation is needed. Flow management features will ensure optimum pressure and amount to every sprinkler.

Records of irrigation procedures will be maintained for each management zone. Each management zone will be treated independently; the highest priority zones (greens, tees, fairways) will receive the highest amounts of water, while lower priority zones (secondary roughs, natural areas) will receive less water. Golf course irrigation water will be stored in lined water features located on the golf course.

See the below response to comment #5 for further discussion regarding protection and conservation of native plants within Honua'ula.

Irene Newhouse
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4. Construction dust nearby can be fatal to native plants.

Response: As discussed in Section 4-6 (Air Quality) of the Draft EIS, no State or Federal air quality standards are anticipated to be violated during or after the construction of Honua'ula. In the short term, construction of Honua'ula will likely contribute to air pollutant concentrations due to fugitive dust releases at construction areas. However, mitigation measures, including the implementation of a dust control plan and frequent watering of exposed surfaces, will help to reduce and control such releases, and all construction activities will comply with the provisions of Hawaii Administrative Rules, Chapter 11-60.1, Air Pollution Control, and Section 11-60.1-33, Fugitive Dust.

5. The effects of irrigation and cultivation on native plants appear to be complex, and it is far better to leave an area alone as much as possible, removing alien species carefully, than to hope to maintain a viable population in cultivated areas.

Response: As discussed in Section 3.6 (Botanical Resources) of the Draft EIS, a Native Plant Preservation Area will be established in perpetuity under a conservation easement to protect and ensure the long-term genetic viability and survival of native plants within Honua'ula. The Native Plant Preservation Area will remain undisturbed and development will be prohibited, with the exception of a nature/cultural trail that will border the Native Plant Preservation Area.

In addition, to ensure the long-term conservation and stewardship of native plants within Honua'ula, and in conformance with County of Maui Ordinance No. 3554 Condition 27a, Honua'ula Partners, LLC's biological consultant SWCA Environmental Consultants prepared the *Honua'ula Conservation and Stewardship Plan*. The plan incorporates findings, conclusions, and recommendations from previous botanical surveys, wildlife surveys, and biological assessments of the Property and sets forth proactive stewardship actions to manage the native plant areas. Appendix F of the Draft EIS contains the complete *Honua'ula Conservation and Stewardship Plan* and Section 3.6 (Botanical Resources) of the Draft includes a summary of the plan.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: Botanical Resources
Alternatives

June 30, 2010

Tom Schnell, AICP
Senior Associate
PBR Hawaii & Associates, Inc.
1001 Bishop Street, Suite 650
Honolulu, HI 96813-1402
Fax: (808) 523-1420

Re: Honua'ula EA/EIS/SPN / ~~Draft~~

Dear Mr. Schnell

Aloha,

I would like to resubmit my last comments, because they were never addressed. I believe the comment period is to answer any reasonable question that may arise. I also want to share that I participated in a right to access in Honua'ula. The gathering went smoothly. Mr. Jencks arranged the lock to be removed from the gate hence recognizing our rights to gather and access for cultural and traditional practices.

That evening on June 21, 2010, we as practicing people and lineal descendants created another significant area on the gravel flat on the southern end. There needs to be documented in the report testimony to the event that took place that night. As I walk up to where we all were to meet, I noticed something on the ground. It was cow droppings. I inquired, when did the cattle come in? The reply was that cattle were there for a long time about three years. I had gone up for about the last 1 1/2 - 2 yrs and I saw no trace of cattle until the last year. The lwi kupuna told us "Wai'ahuaka" that is where we practice "malama ka aina", is where we should use as a starting point to "malama". My father once asked, why we chose so far in to start, and my answer was we did not choose the spot it chose us. At that time I saw no cow droppings. In my previous comments the report read about how cattle would damage lots of the archeological sites yet cattle is roaming freely upon the area most concentrated with sites and native plants. I'd like an explanation as to this sort of practice on the part of the management upon the now planned preservation area? Besides the cattle and due to the deer population, project management allows hunting which people come in on quads to traverse the area referred in the words of Mr. Jencks, [filled with sensitive features]. One could also conclude these hunters were a way of security for the property. On occasion on my many [holo holo] I would be confronted and intimidated.

My prayer for this project is for it to be more than the usually formed report saying the necessary thing to receive entitlements that may not be had. The northern or approximately 2/3 of the project should bring up red flags in your mind about the absence of information. You should be asking yourself "how can 1/3 of the project contain a wealth of data and features and within the same ahupuaa there contains only one on the remaining 2/3s? I find this highly inconsistent with discoveries already made.

Please [makaala] the historical and current practices and [moolelo] so as not to extinguish or injure what exists. By intentionally or unintentionally omitting crucial information it will distort the truth and create a new version of the history and identity of the place. These reports were intended to preserve and respect the Hawaii we live on. These reports, I hope, are not intended to rewrite history and allow creative thinking to cloud what is fact.



I only hope best for all involved and that the truth and care prevail for ko Hawaii Pae Aina. We have not done a caring job so far with the many lwi kupuna still in boxes at SHPD. The interpretation on features located, become insignificant and makes room for destruction after data retrieval. Who is making this determination the families of the place, the native testimonies or due to the lack of discoveries assumptions?

Mahalo for this opportunity for me to bring concerns and offer myself to become the solution. I invite all of you to our closing to the protocol done on the 21st of this month. Let the spirit guide you.

Joyclynn Costa©

Cc: Honuaula Partners LLC
 Director, Planning Department
 Hawaii State Office of Environmental Quality

[Please confirm receipt of fax.]

May 31, 2012

Joyclynn Costa
 P.O. Box 777
 Ha'ikū, HI 96708

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SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Ms. Costa:

Thank you for your fax dated June 30, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. For clarity, we have numbered each specific comment or concern.

1. I would like to resubmit my last comments, because they were never addressed.

Response: Regarding your comments on the Honua'ula Environmental Impact Statement Preparation Notice (EISPN) (letter dated April 9, 2009) and EA/EISPN (e-mail dated November 16, 2009), in our letter dated March 9, 2010, we provided a response to each of your concerns. Many of these responses were to state that specific concerns would be addressed in the Draft EIS or specific studies would be provided in the Draft EIS. Subsequently, the stated concern was addressed or the specific study was provided in the Draft EIS. Therefore, we believe that we did in fact address your comments. While you may not consider the specific information or study provided in the Draft EIS as adequately addressing your concern, without more specific information regarding what you may consider inadequate we cannot provide a more detailed response.

2. That evening, on June 21, 2010, we as practicing people and lineal descendants created another significant area on the gravel flat on the southern end. There needs to be documented in the report testimony to the event that took place that night.

Response: We acknowledge that in June 2010 a group requested access to the Property for the exercise of Summer Solstice traditional and customary Native Hawaiian practices and was permitted access to the Property on June 21, 2010 (a day before the Planning Commission meeting on the Draft EIS). We note that this was the first time landowner Honua'ula Partners, LLC had received a request to access the site for the exercise of Summer Solstice traditional and customary Native Hawaiian practices, although Honua'ula Partners, LLC has owned the Property for over ten years.

In response to your claim regarding your creation of an additional "significant area," on the Honua'ula Property on June 21, 2010, both the State Historic Preservation Law (Chapter 6E, HRS) and the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR) define "historic property" as: "any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old."

Joyclynn Costa

SUBJECT: HONUUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

May 31, 2012

Page 2 of 5

Honua'ula Partners, LLC and its contractors will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. In addition, to preserve cultural resources within Honua'ula, a Cultural Resources Preservation Plan (CRPP) has been prepared in compliance with County of Maui Ordinance No. 3554 (Condition 13). The CRPP also serves as the archaeological preservation/mitigation plan and sets forth (among other things) selection criteria for sites to be preserved and short- and long-term preservation measures, including buffer zones and interpretative signs, as appropriate for each site to be preserved.

In compliance with County of Maui Ordinance No. 3554 (Condition 13) the CRPP has been submitted to the State Historic Preservation Division (SHPD) and the Office of Hawaiian Affairs (OHA) for review and recommendations. Upon receipt of comments and recommendations from SHPD and OHA, the CRPP will be provided to the Maui County Cultural Resources Commission for review and adoption.

3. *In my previous comments the report read about how cattle would damage lots of the archaeological sites yet cattle is roaming freely upon the area most concentrated with sites and native plants. I'd like an explanation as to this sort of practice on the part of the management upon the now planned preservation areas? Besides the cattle and due to the deer population, project management allows hunting which people come in on quads to traverse the areaterred in the words of Mr. Jencks, filled with sensitive features). One could also conclude these hunters were a way of security for the property. On occasion on my many [holo holo] I would be confronted and intimidated.*

Response: Historically cattle have been grazed in the Kihei-Mākena region. The "report" you are referring to regarding cattle in relation to archaeological sites is the Honua'ula EA/EISPN. In the EA/EISPN, ranching activities were cited in a historical context regarding previous environmental problems in the Honua'ula moku (district) following the overthrow of the Hawaiian monarchy.

Cattle have been grazed within the Honua'ula Property. Most recently (over a year ago) cattle were grazed in the northern two thirds of the Property as a way to suppress vegetation and prevent fires. The northern two thirds of the Property contains only one recorded archaeological site, which is in a gulch that would be difficult for cattle to enter and disturb. To keep cattle out of the southern third of the Property, which contains the highest concentration of archaeological sites and native plants, a wall was repaired and gates were put up.

Regarding your contention that you have been "confronted and intimidated" on your "many [holo holo]," it is not clear when this may have occurred. If you have been on the Honua'ula Property over the last two and a half to three years, Honua'ula Partners, LLC was not aware that you were on the Property previous to you accessing the Property in June 2010. We ask that in the future you request permission to access the Property so that the owner knows who is on the Property and for what reason. It should also be noted that while hunters have on occasion been allowed on the Property, they are neither employees of Honua'ula Partners, LLC, nor have they ever acted on our behalf. Any confrontation or intimidation felt by you or anyone else was not at the instruction or acquiescence of Honua'ula Partners, LLC.

Joyclynn Costa

SUBJECT: HONUUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

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4. *The northern or approximately 2/3 of the project should bring up red flags in your mind about the absence of information. You should be asking yourself "how can 1/3 of the project contain a wealth of data and features and within the same ahupuaa there contains only one on the remaining 2/3s? I find this highly inconsistent with discoveries already made.*

Response: In response to claims regarding additional archaeological sites in the northern portion of Honua'ula not included in the AIS, on August, 26, 2010 Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua participated in a site visit of the Honua'ula Property with several community members and SHPD staff. SHPD staff present were archaeologist Morgan Davis and cultural historian Hinano Rodrigues. Community members present included: Lucienne de Nāie, Daniel Kanahele, Janet Six, Elle Cochran, U'ilani Kapu, Ke'eaumoku Kapu, Lee Altenberg, and 'Ekolu Lindsey. Some of the community members had previously: 1) presented testimony, or were present, at the Maui Planning Commission meeting on June 22, 2010 at which the Honua'ula Draft EIS was discussed; 2) submitted information to SHPD claiming that they had found archaeological sites on the Property that had not been included in the archaeological inventory survey dated March 2010 included in the Draft EIS (Appendix D); and 3) submitted written comments on the Draft EIS expressing concerns regarding archaeological sites on the Property.

Subsequent to the site visit, SHPD issued its letter dated September 8, 2010 stating that no significant unrecorded sites were noted at that time (i.e. during the August, 26, 2010 site visit). The letter also provides SHPD's review of the archaeological inventory survey (dated March 2010) and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) that a large plan map of the survey area with sites and features plotted be included. In addition, the SHPD letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

In response to SHPD's September 8, 2010 letter commenting on the archaeological inventory survey, archaeologist Aki Sinoto: 1) revised the archaeological inventory survey report to address SHPD's concerns; and 2) submitted the revised archaeological inventory survey report to SHPD in April 2011.

In July and August of 2011, Daniel Kanahele of Maui Cultural Lands submitted letters to Honua'ula Partners, LLC's representative Charlie Jencks and SHPD providing additional comments on the archaeological inventory survey (dated March 2010) that was included in the Draft EIS. Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua responded to these letters in writing. In the summer of 2011 Maui Cultural Lands members also made a presentation to SHPD regarding their inspections of the Property.

In response to the concerns Maui Cultural Lands members expressed to SHPD in the summer of 2011, on September 23, 2011 archaeologist Aki Sinoto and cultural advisor Kimokeo Kapahulehua met with SHPD archaeologist Morgan Davis and SHPD cultural historian Hinano Rodrigues at SHPD's Maui office. Subsequently, as recommended by SHPD, Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua met with members of Maui Cultural

Joyclynn Costa

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

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Lands and other community members at Maui Community College on November 17, 2011. Maui Cultural Lands members and other community members present at the November 17, 2011 meeting included: you, Daniel Kanahale, Janet Six, 'Ekolu Lindsey, Lucienne de Nate, and Clifford Omellas. Others present at the meeting included Stanley Solamillo, a cultural resource planner with the Maui Planning Department, and Tanya Lee Greig, the director of Cultural Surveys Hawaii's Maui office.

As a result of the November 17, 2011 meeting, the archaeological inventory survey report was further revised to: 1) recommend preservation of a section of a post-contact agricultural wall documented in the archaeological inventory survey but not previously recommended for preservation; 2) add descriptive narrative information for two post-contact agricultural walls; and 3) revise pertinent map figures in the report. Archaeologist Aki Sinoto submitted the further revised archaeological inventory survey report to SHPD in March 2012. Since the SHPD Maui archaeologist had recently resigned, copies of the revised archaeological inventory survey report were transmitted to SHPD's main office in Kapolei and to Dr. Theresa Donham, the interim SHPD chief of archaeology in Hilo. In April 2012, Dr. Donham notified archaeologist Aki Sinoto that the report was forwarded to the SHPD Maui office for review due to the hiring of replacement personnel. As of May 2012, SHPD has not completed its review of the revised (March 2012) archaeological inventory survey.

To include the relevant above information in the Final EIS, along with addressing comments regarding archaeological and historic resources from others, in the Final EIS Section 4.1 (Archaeological and Historic Resources) will be revised as shown on the attachment titled "Archaeological and Historic Resources."

5. *Please [makaala] the historical and current practices and [mooolelo] so as not to extinguish or injure what exists. By intentionally or unintentionally omitting crucial information it will distort the truth and create a new version of the history and identity of the place.*

Response: Honua'ula Partners, LLC is not avoiding the presence of archaeological and cultural resources within Honua'ula. The Draft EIS discusses archaeological and historic resources (Section 4.1 and Appendix I) and cultural resources (Section 4.2 and Appendix K) found within the Honua'ula Property. Honua'ula Partners, LLC and its contractors will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. In addition, to preserve cultural resources within Honua'ula, a CRPP has been prepared in compliance with County of Maui Ordinance No. 3554 (Condition 13). The CRPP also serves as the archaeological preservation/mitigation plan and sets forth (among other things) selection criteria for sites to be preserved and short- and long-term preservation measures, including buffer zones and interpretive signs, as appropriate for each site to be preserved. In compliance with County of Maui Ordinance No. 3554 (Condition 13) the CRPP has been submitted to the SHPD and OHA for review and recommendations. Upon receipt of comments and recommendations from SHPD and OHA, the CRPP will be provided to the Maui County Cultural Resources Commission for review and adoption.

The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawai'i EIS laws (Chapter 343, HRS) and rules (Title 11, Chapter 200, HAR). The EIS laws and rules provide for the preparation of a Draft EIS, a review process, and the

Joyclynn Costa

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preparation of a Final EIS. Per the EIS rules, the Final EIS will incorporate substantive comments received during the review process, including your comments and our responses to your comments. The accepting authority is the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: Archaeological and Historic Resources

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GRIZLI777

RECEIVED

JUL 01 2010
PACIFIC RIM LAND, INC.
MAUI - MAHI

Kuleana Ku'ikahi LLC., P. O. Box 11524 Lahaina
HI 96761

Draft Environmental Impact Statement For Honua'ula

6/29/2010

To: PBR Hawaii & Associates
Attn: Mr. Tom Schnell
1001 Bishop Street, Suite 650
Honolulu, Hawaii 96813-3484

Director, Planning Department County of Maui
250 High Street Kalana Pakui Building, Suite 200
Wailuku Hawaii 96793

Hawaii State Office of Environmental Quality
235 South Beretania Street Honolulu Hawaii
96813-2419

Mr Charles Jencks *and Pacific Rim Land, Inc. PO Box 226*
Honua'ula Partners, LLC
Kihei, Hawaii 96753

Draft Environmental impact statement

6/29 2010

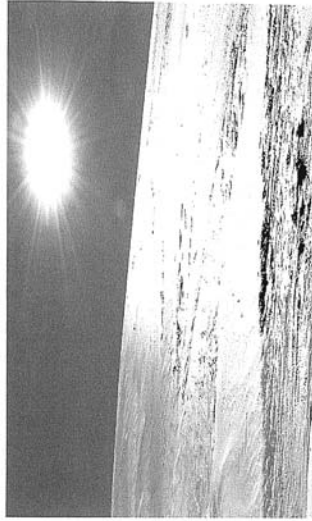
Aloha mai kakou,

O Ke'eaumoku Kapu keia, I would like to add my mana'o to the importance of this environmental impact statement and the tools that is needed to assist in the welfare and management of these properties for the benefit of all within the moku of Honua'ula and the adjoining ahupua'a of Pac'ahu, Palau'ea and Keauhou.

When resource management procedures for large land holdings can be planned and implemented warrant consideration of pertinent factors such as budgetary constraints, and serious consideration of existing regulatory compliance procedures. Historic preservation mandates articulate that significance for some sites is manifested in the data generated through the study of physical remains or by the potential for yielding data should be open to a consultation program of the (TCP) Traditional Cultural Property Model. Thus, a well-planned and executed program of historic preservation balances the avoidance and keep-in-place component with a data recovery component that will enhance the interpretive value of the Physical remains.

In an ideal world, and if we were not 'swimming against the tide' of convention, so to speak, we would simply present our study according to the methods, logic, and interpretive models we believe are most appropriate. This would be an easier and more enjoyable exercise. Under different conditions, for example, if Traditional Cultural Property (TCP) studies were more widely practiced, and if the system was fair and effective, we would not need to delve into a

critique of the status quo practice of historic preservation in Hawai'i. Ours would simply be one of many, integrated studies of traditional Hawaiian landscapes and culture, told by the people who know it best. The destruction of the current 'site model' paradigm and all its inadequacies is not a pleasant or easy task because it involves an arduous review of all previous work conducted in and around the Pae'alu, Palau'ea, and Keaouhou ahupua'a TCP, including the methods, theory, and results, much of which we strongly disagree with; as well as a general review of how historic preservation studies are conducted in Hawai'i, in order to bring into sharp contrast the shortcomings and failure of the current system. In a sense, we have to explain everything, since there is so much about our study that is new and different from the standard work of historic preservations



Kaulana no 'oe o Haleakala (Majestic stands the house of the sun)

It is also important to note that both federal and state laws, regulations, and rules of historic preservation indicate that any and all reputable and reliable information regarding the historic significance of historic properties is valid and must be taken into account. The laws and rules do 'take sides' with the largest number of people or most powerful group, although the majority opinion may 'win the day' in the political arena. In fact, politics is expressly prohibited from the laws and rules of historic preservation. One often reads in archaeological reports, for example, the Honua'ula was a dry, hot and dusty place where relatively few people lived, the implied message being that it was/is less important than more fertile and populated parts of Mau'i (e.g., the Kihei Coast). We will clear up the misconception of Honua'ula as simply a 'dry, hot, and dusty place'. What is important here is that the laws and rules do not quantify 'historic significance', which is a binary entity: something either is or is not significant based on its eligibility for historic registers. In fact, one can turn the entire argument on its head for Honua'ula and argue that its very significance stems in large part from the fact that not everyone could make a living there in traditional times. Honua'ula has always required special

management and care, and there have always been easier places to make a living on Mau'i. We recommend to the laws, rules and guidelines governing historic preservation and environmental assessments in Hawai'i in two areas: traditional cultural properties and consultation.

Traditional Cultural Properties

Depending on one's perspective, the failure of the state historic preservation laws and rules to include the term "traditional cultural property," in spite of the fact that this term is included in the state's *environmental assessment* guidelines and is defined in federal law, can be viewed in one of two ways. First, it may simply reflect an ineffective system whereby different agencies do not adequately consult each other when they should. Or second, and more troubling if true, it reflects a conscious effort on the part of state agencies to undermine the assessment of traditional cultural properties, which are potentially quite powerful types of 'historic property.' We recommend the following changes, which would bring state language in line with the federal, and ensure consistency between state environmental and historic preservation law:

Consultation

Effective consultation is a prerequisite for TCP assessment, and a cornerstone of the historic preservation review process, in general. Federal laws and regulations on consultation are relatively clear on this topic. For example, the section 106 regulations (36 CFR Part 800 -"Protection of Historic Properties," amended August 5, 2005) identify a wide variety of potential participants in the historic preservation process (§800.2), including "Indian tribes and Native Hawaiian organizations," "[c]ertain individuals and organizations with a demonstrated interest in the undertaking...due to...there concern with the undertaking's effects on historic properties," and "the public." These federal regulations also quite clearly state that this wide range of consulting parties must be included in the entire review process, before (§800.3), during (§800.4 and after (§800.5) fieldwork is conducted.

State laws and rules on consultation are more ambiguous and less useful than their federal counterparts. Several general statements are included in the state laws and rules regarding the need to gather input from public. For example, according to HAR §13-275-1(c) and HAR §13-284-1(c), "[p]articipants in the historic preservation review process" include "...those organizations and individuals that are concerned with the effect of a project on historic properties." And, according to HAR§13-275-2 and HAR§13-284-2,

"[C]onsultation process" means notifying interested organizations and individuals that a Project could affect historic properties of interest to them; seeking their views on the Identification, significance evaluations, and mitigation treatment of these properties; and Considering their views in the good faith and appropriate manner during the review process."

These general statements, however, are not supported with specific guidelines as to how these objectives are to be met. For example, as stated above (“Legal and Administrative Definitions”), a close reading of HAR§6E, HAR§13-275 and HAR§13-284 shows that there is no specific language on indigenous (native) input regarding the *identification* of historic properties. The most explicit language relevant to Native Hawaiian input is not found until “evaluation of [historic property] significance” is discussed (*i.e.*, after historic properties have been identified).

Inexplicably, according to HAR§13-276-6 (c), consultation with “ethnic groups” or individuals (*e.g.*, Native Hawaiian) is only specifically **mandated** when a ‘historic property’ is thought to be eligible under criterion “e” (*i.e.*, “[has] an important value to the native Hawaiian people or to another ethnic group of the state due to associations with traditional beliefs, events or oral accounts—these associations being important to the group’s history and cultural identity”). It should be obvious, at this point, that, if knowledgeable Hawaiians are *not* included in the process—before, during, and after fieldwork, then potentially significant sites may be missed or misinterpreted. This is especially true of TCFs, which may not be recognized as “historic properties” under the dominant ‘site model.’ The bottom line is that consultation language needs to be strengthened and made more specific, otherwise Hawaiians will continue to be left out of the most important parts of the process (*i.e.*, before and during field assessments).

Noting the term ‘consultation,’ ‘consult,’ ‘consulting’ occur in five sections of HRS§6E, none of which are directly relevant to our fundamental problem.

1. HRS §6E-3(17) governs rules for access permits to visit historic properties.
2. HRS §6E-3.5 governs the treatment of aviation artifacts.
3. HRS §6E-7 governs state title (ownership) of historic properties.
4. HRS §6E-8(b) states that the Department of Hawaiian Home Lands (DHHL) shall consult with the SHPD regarding projects on DHHL lands.
5. HRS §6E-43, 43.6 govern the treatment of burials and standards for the island burial councils, which is but a small (albeit important) subset of historic properties (*i. e.*, burial sites).

Finally, the SHPD is not currently living up to its commitment, spelled out in several places in HAR §13-275 and HAR §13-284, to inform the public, including Native Hawaiians, about proposed projects that may affect historic resources; about ongoing historic preservation work (*e.g.*, archaeological inventory surveys); and, about reports in review and / or that have been accepted. The SHPD is supposed to be making this information available to the public, who may request weekly updates by walking into SHPD office and/ or by going on-line, however this mandate is not being effectively carried out.

For example, according to HAR §13-275-3 (f),

The SHPD shall consider interested persons’ [participants in the consultation process] Comments on any submitted in writing to the SHPD *within thirty days* of the SHPD’s posting notice of “no historic properties affected” determination or posting a notice of SHPD receipt of information. The SHPD shall post notice every Friday of receipt of relevant documents and of issuance of “no historic properties affected” or receipt of information. *The notice shall be posted at the SHPD’s office and on the SHPD’s website.* (brackets added for clarity, italics added for emphasis)

A check of the SHPD’s website (<http://us/dlnr/hpd/hpgrteing.htm>). Thus, participants in the consultation process do not have access to timely information. There are several other mentions of SHPD’s mandate to provide timely information to the public in HAR §13-275, and also HAR §13-284.

We recommend the following for *consultation*:

1. In the ahupua’a of Pae’ahu, Palau’ea, and Keaouhou open discussion and dialog to all sites as to how they are related to each other for it would delineated the misconception on the relationship to adjoining sites and properties.
2. To mandate a 30 day period to all proposed undertaking sent to the SHPD for review. The agency or individual proposing the undertaking must publish a legal notice in the relevant island’s largest-circulation newspaper announcing the submittal of a historic preservation review request.
3. To mandate a thirty (30) day period of public review prior to all preservation studies conducted by agencies or individuals in support of their proposed undertaking, with the exception of burial treatment studies, which are covered under HAR § 13-300. The agency or individual conducting the historic preservation study must publish a legal notice in the relevant island’s largest-circulation newspaper announcing the planned historic preservation study.

The last two recommendations are designed to involve potential-interested parties early in the process, which is the key to successful consultation, in general, and TCP assessment, specifically.

“An EIS is meaningless without the conscientious application of the EIS process as a whole, and shall not be merely a self-serving recitation of benefits and a rationalization of the proposed action. Agencies shall insure that statements are prepared at the earliest opportunity in the planning and decision making process. This shall insure that an early open forum for discussion of adverse effects and available alternatives, and that the decision makers will be enlightened to any environmental consequences of the proposed action.” (11-200-14 HAR General Provisions).

- A preservation/mitigation plan pursuant to Chapter 6E, HRS that has been approved by SHPD, OHA and other native Hawaiian Organizations, prior to any phase approval.
- A cultural Resource Preservation plan that has received the review and recommendations of SHPD, OHA, other Native Hawaiian Organization and the subsequent approval of the Maui County Cultural Resources Commission prior to any approval.

The document lacks available technical studies and instead merely informs the public that they will be included as appendices to the draft EIS. For instance, the report submitted to the county council.

N: (1) lacks disclosures of all potential environmental impacts and consequences of the proposed action; (2) fails to provide the relevant data, necessary studies, and other information necessary “In order that the public can be fully informed and the agency can make a sound decision based upon the full range of responsible opinion on environmental effects.” (See HAR, Title 11, Chapter 200, sec. 11-200-16). The EISPN simply outlines the general scope of the project, while presenting unclear options without specific details or choices.

It is extremely concerning that this document fails to provide the required information and instead promises that information will be available at a later date. This is the same tactic used by the applicant when the issue was before the Maui County Council – where the applicant assured five members who voted in support of the project that more information would be provided and reviewed.

The document fails to include discussion of funding sources, impacts to ground water resources, traffic, drainage, cultural sites, cultural access and native flora and fauna. Where any hint of this information is mentioned, pertinent information is either omitted or portrayed inaccurately. The status of the required documents is also vague. It is never mentioned that the project has no approved AIS, yet the applicant writes as if all inventory level work has been completed and reviewed.

We are very much interested in a working relationship with all agencies to achieve a clear and acceptable Environmental impact statement for the benefit of our Past, Present as well as our Future generations tomorrow. Mahalo no kaula, if you have any questions we can be reach at 808-250-1479 or e-mail kuleanavalley@yahoo.com

Na ke akua e ho'opomaika'i 'a'e malama ia kakou
Ke'eaumoku Kapu



3/20/2016, 10:00 AM



Ke'eaumoku Kapu
SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION
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The organization of the balance of this letter follows the general headings provided in your letter or references specific page numbers of your letter.

Traditional Cultural Properties

Regarding your comments on page 4 of your letter in regard to “the failure of the state historic preservation laws and rules to include the term ‘traditional cultural property,’” we acknowledge your perspectives and your recommended changes to “bring state language in line with federal, and ensure consistency between state environmental and historic preservation law.” However, Honua’ula Partners, LLC is not in a position to advocate changes to the State EIS laws and rules or the State historic preservation law and rules, and instead must operate in accordance with existing laws and rules. Therefore the Draft EIS and studies included in the Draft EIS have been prepared in accordance with existing laws and rules as cited above.

Consultation

Regarding your recommendations about changes to the historic preservation review consultation process, again we acknowledge your recommendations; however the Draft EIS and studies included in the Draft EIS have been prepared in accordance with existing laws and rules as cited above. Regarding consultation, the AIS was prepared in accordance with the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR). At the outset of the Honua’ula planning process, Honua’ula Partners, LLC voluntarily convened a cultural committee made up of Native Hawaiian cultural practitioners recognized by the community and other individuals as having expertise in this area. The committee then made recommendations regarding archaeological and cultural resources.

In addition, the CRPP (Draft EIS, Appendix J) included a public consultation process which is documented in the CRPP; however the CRPP is a separate document from the AIS which was prepared in compliance with County of Maui Ordinance No. 3554 (Condition 13) and is not subject to the same consultation process provided for in Title 13, Chapter 276, HAR.

As discussed in Section 4.2 (Cultural Resources) of the Draft EIS, during the initial planning stages of Honua’ula, several on-site tours and discussions involving archaeological and cultural components were held with various members of the community. An informational presentation was given to the Maui Cultural Resources Commission. Specific input was also sought from key individuals and the Native Hawaiian organization, Nā Kūpuna O Maui, and a number of valuable recommendations resulted from discussions with an in-house cultural group¹. Public input was also sought prior to preparation of the CRPP through publication of public notices in the *Honolulu Advertiser*, the *Maui News* and OHA’s Newsletter, *Ka Wai Ola*.

Statements and Comments on Page 7

We note that on page 7 of your letter you: 1) quote from the Environmental Impact Statement Rules (Section 11-200-14, HAR); 2) include two bullet points regarding requirements of County of

¹ The in-house cultural group included: Kimokeo Kapahulehua, Clifford Naeole, Hokulani Holt-Padilla, Keli’i Tau’u, members of Nā Kūpuna O Maui, Lisa Rotunio-Hazuka, Aki Shinoto, and Charlie Jencks.

SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Kapu:

Thank you for your letter dated June 29, 2010 regarding the Honua’ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua’ula Partners, LLC, we are responding to your comments.

To begin, throughout your letter it is requested that a “traditional cultural property” (TCP) assessment be used to determine historic properties as opposed to the current State Historic Preservation Division (SHPD) review process. In general we note that your letter contains: 1) citations from various Federal and State laws and rules governing historic preservation; 2) discussions regarding the deficiencies of SHPD operations in several mandated activities; and 3) recommendations pertaining to traditional cultural properties and consultation. While we appreciate your thoughts regarding reforming the historic preservation review process and your recommendations regarding cultural resources, our responses below address your specific comments regarding what you consider to be deficiencies of the Draft EIS. In general, please note that:

- The Draft EIS was prepared in accordance with: 1) the State Environmental Impact Statement Law (Chapter 343, Hawaii Revised Statutes (HRS)); and 2) the Environmental Impact Statement Rules (Title 11, Chapter 200, Hawaii Administrative Rules (HAR)).
- The Archaeological Inventory Survey (AIS), included as Appendix I of the Draft EIS, was prepared in accordance with: 1) the State Historic Preservation Law (Chapter 6E, HRS); and 2) the Rules Governing Standards for Archaeological Inventory Surveys and Reports (Title 13, Chapter 276, HAR).
- The Cultural Impact Assessment (CIA) included as Appendix K of the Draft EIS, was conducted in accordance with the OEQC *Guidelines for Assessing Cultural Impacts*.
- The Cultural Resources Preservation Plan (CRPP), included as Appendix J of the Draft EIS, was prepared in compliance with County of Maui Ordinance No. 3554 Condition 13.

Honua’ula Partners, LLC and its contractors will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. In addition, the CRPP sets forth a plan to preserve cultural resources within Honua’ula, as mandated under County of Maui Ordinance No. 3554 Condition 13.

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SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

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Maui Ordinance No. 3554; and 3) provide comments regarding the Honua'ula Environmental Impact Statement Preparation Notice (EISPN).

Regarding compliance with the Environmental Impact Statement Rules (Section 11-200-14, HAR), the Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawai'i EIS laws (Chapter 343, HRS) and rules (Title 11, Chapter 200, HAR), including Section 11-200-14, HAR.

Regarding your two bullet points pertaining to the requirements of County of Maui Ordinance No. 3554:

- *A preservation/mitigation plan pursuant to Chapter 6E, HRS that has been approved by SHPD, OHA and other native Hawaiian Organizations, prior to any phase approval.*

This bullet point refers to County of Maui Ordinance No. 3554 Condition 26. The actual condition states:

That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a preservation/mitigation plan pursuant to Chapter 6E, Hawai'i Revised Statutes, that has been approved by the State Historic Preservation Division, Department of Land and Natural Resources, and the Office of Hawaiian Affairs prior to Project District Phase II approval.

As discussed in Section 4.1 (Archaeological and Historic Resources) of the Draft EIS, a CRPP has been prepared which also, serves as the archaeological preservation/mitigation plan pursuant to Chapter 6E, HRS. The CRPP sets forth (among other things) selection criteria for sites to be preserved and short- and long-term preservation measures, including buffer zones and interpretive signs, as appropriate for each site to be preserved, and the types of native plants to be used for landscaping buffer zones. The CRPP has been provided to SHPD, DLNR and OHA for approval prior to Project District Phase II approval.

- *A cultural Resource Preservation plan that has received the review and recommendations of SHPD, OHA, other Native Hawaiian Organization and the subsequent approval of the Maui County Cultural Resources Commission prior to any approval.*

This bullet point refers to County of Maui Ordinance No. 3554 Condition 26. The actual condition states:

That Honua'ula Partners, LLC, its successors and permitted assigns, shall prepare a Cultural Resources Preservation Plan ("CRPP"), in consultation with: Na Kupuna O Maui; lineal descendants of the area; other Native Hawaiian groups; the Maui County Cultural Resources Commission; the Maui/Lāna'i Island Burial Council; the Office of Hawaiian Affairs; the State Historic Preservation Division, Department of Land and Natural Resources; the Maui County Council; Na Ala Hele; and all other interested parties. Prior to initiating this consultation process, Honua'ula Partners, LLC, its successors and permitted assigns, shall publish a single public notice in a Maui newspaper and a State-wide newspaper that are published weekly. The CRPP shall consider access to specific sites to be preserved, the manner and method of preservation of sites, the appropriate protocol for visitation

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to cultural sites, and recognition of public access in accordance with the Constitution of the State of Hawai'i, the Hawai'i Revised Statutes, and other laws, in Kīhei-Mākena Project District 9.

Upon completion of the CRPP, Honua'ula Partners, LLC, its successors and permitted assigns, shall submit the plan to the State Historic Preservation Division, Department of Land and Natural Resources, and the Office of Hawaiian Affairs for review and recommendations prior to Project District Phase II approval. Upon receipt of the above-agencies' comments and recommendations, the CRPP shall be forwarded to the Maui County Cultural Resources Commission for its review and adoption prior to Project District Phase II approval.

The CRPP (Appendix I) contained in the Draft EIS was prepared in consultation with interested and concerned parties, cultural advisors, Nā Kūpuna O Maui, the Maui County Cultural Resources Commission, the Maui/Lāna'i Island Burial Council, the DLNR Nā Ala Hele, SHPD, OHA, and various knowledgeable individuals.

In compliance with County of Maui Ordinance No. 3554 (Condition 13) the CRPP has been submitted to SHPD and OHA for review and recommendations. Upon receipt of comments and recommendations from SHPD and OHA, the CRPP will be provided to the Maui County Cultural Resources Commission for review and adoption before Project District Phase II approval.

Regarding your comment "The document lacks available technical studies and instead merely informs the public that they will be included as appendices to the Draft EIS," it appears you are referring to the Honua'ula EISPN. Please note that the EISPN was a notice document intended to set forth the proposed scope of the Draft EIS for the purpose of seeking comment. It did not contain all technical studies, as these were intended to be included and are provided in the Draft EIS. The Draft EIS is the full disclosure document that: 1) discussed potential environmental impacts; and 2) included specific technical studies and other relevant data. Specific to your comments, the Draft EIS contains discussion of funding sources (statements throughout Draft EIS stating Honua'ula Partners, LLC's commitments to pay for specific improvements), impacts to groundwater resources (Section 3.5 (Groundwater Resources and Water Quality)), traffic (Section 4.4 (Roadways and Traffic)), drainage (Section 4.8.3 (Drainage System)), cultural sites (Section 4.2 (Cultural Resources)), access (Section 4.3 (Trails and Access)), and native flora and fauna (Section 3.6 (Botanical Resources) and Section 3.7 (Wildlife Resources)).

Regarding your comments on the status of the AIS, the Environmental Impact Statement Rules do not require an EIS to contain an AIS that has been reviewed and approved by the State Historic Preservation Division (SHPD) and it is not common practice for EIS documents to contain an approved AIS. Rather, including a draft AIS in a Draft EIS affords SHPD, other reviewing agencies, and the public the opportunity to review the draft AIS along with the Draft EIS.

In March 2010 the archaeological inventory survey report incorporating all previous surveys and included as an appendix to the Draft EIS (Sinoto 2010) was submitted to the State Historic Preservation Division (SHPD) for review.

On June 22, 2010 the Maui Planning Commission held a meeting to discuss the Draft EIS. At this meeting Lucienne De Naie, testifying on behalf of Maui Tomorrow, and Clare Apana, testifying on behalf of Maui Cultural Lands, stated that they thought the archaeological inventory survey report in the Draft EIS was inadequate that there are more archaeological sites on the Property

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than were recorded in the archaeological inventory survey report. Clare Apana also provided to the Commission a copy of a letter from Daniel Kanahele addressed to SHPD explaining what he considered were the inadequacies of the archeological inventory survey. In their comments on the Draft EIS the Maui Planning Commission directed Honua'ula Partners, LLC's representative Charlie Jencks to: "Work with people that have provided comments regarding the archaeology of the site to clarify findings".

In response to the Maui Planning Commission's directive, on August, 26, 2010 Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua participated in a site visit of the Honua'ula Property with several community members and SHPD staff. SHPD staff present were archaeologist Morgan Davis and cultural historian Hinano Rodrigues. Community members present included: you, Lucienne de Naie, Daniel Kanahele, Janet Six, Elle Cochran, U'ilani Kapu, Lee Altenberg, and 'Ekolu Lindsey. Some of the community members had previously: 1) presented testimony, or were present, at the Maui Planning Commission meeting on June 22, 2010 at which the Honua'ula Draft EIS was discussed; 2) submitted information to SHPD claiming that they had found archaeological sites on the Property that had not been included in the archaeological inventory survey dated March 2010 included in the Draft EIS; and 3) submitted written comments on the Draft EIS expressing concerns regarding archaeological sites on the Property.

Subsequent to the site visit, SHPD issued a letter dated September 8, 2010 stating that no significant unrecorded sites were noted at that time (i.e., during the August, 26, 2010 site visit). The letter also provides SHPD's review of the archaeological inventory survey (dated March 2010) and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) a large plan map of the survey area with sites and features plotted be included. In addition, the SHPD letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

In response to SHPD's September 8, 2010 letter commenting on the archaeological inventory survey (dated March 2010), archaeologist Aki Sinoto: 1) revised the archaeological inventory survey report to address SHPD's concerns; and 2) submitted the revised archaeological inventory survey report to SHPD in April 2011.

In July and August of 2011, Daniel Kanahele of Maui Cultural Lands submitted letters to Honua'ula Partners, LLC's representative Charlie Jencks and SHPD providing additional comments on the archaeological inventory survey (dated March 2010) that was included in the Draft EIS. Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua responded to these letters in writing. In the summer of 2011 Maui Cultural Lands members also made a presentation to SHPD regarding their inspections of the Property.

In response to the concerns Maui Cultural Lands members expressed to SHPD in the summer of 2011, on September 23, 2011 archaeologist Aki Sinoto and cultural advisor Kimokeo Kapahulehua met with SHPD archaeologist Morgan Davis and SHPD cultural historian Hinano Rodrigues at SHPD's Maui office. Subsequently, as recommended by SHPD, Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural

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advisor Kimokeo Kapahulehua met with members of Maui Cultural Lands and other community members at Maui Community College on November 17, 2011. Maui Cultural Lands members and other community members present at the November 17, 2011 meeting included: Daniel Kanahele, Janet Six, 'Ekolu Lindsey, Lucienne de Naie, Jocelyn Costa, and Clifford Omellas. Others present at the meeting included Stanley Solamillo, a cultural resource planner with the Maui Planning Department, and Tanya Lee Greig, the director of Cultural Surveys Hawaii's Maui office.

As a result of the November 17, 2011 meeting, the archaeological inventory survey report was further revised to: 1) recommend preservation of a section of a post-contact agricultural wall documented in the archaeological inventory survey but not previously recommended for preservation; 2) add descriptive narrative information for two post-contact agricultural walls; and 3) revise pertinent map figures in the report. Archaeologist Aki Sinoto submitted the further revised archaeological inventory survey report to SHPD in March 2012. Since the SHPD Maui archaeologist had recently resigned, copies of the revised archaeological inventory survey report were transmitted to SHPD's main office in Kapolei and to Dr. Theresa Donham, the interim SHPD chief of archaeology in Hilo. In April 2012, Dr. Donham notified archaeologist Aki Sinoto that the report was forwarded to the SHPD Maui office for review due to the hiring of replacement personnel. As of May 2012, SHPD has not completed its review of the revised (March 2012) archaeological inventory survey.

To include the relevant above information in the Final EIS, along with addressing comments regarding archaeological and historic resources from others, in the Final EIS Section 4.1 (Archaeological and Historic Resources) will be revised as shown on the attachment titled "Archaeological and Historic Resources."

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachment: Archaeological and Historic Resources

Comments on the Draft Environmental Impact Statement for Wailea 670,
"Honua`ula"

Lee Altenberg, Ph.D.
June 30, 2010

June 30, 2010

To all whom it may concern:

Attached are my comments on the Draft Environmental Impact Statement by
Honua`ula Partners.

Sincerely,



Dr. Lee Altenberg
2605 Liholo Place
Kihei, Maui, Hawaii 96753

Summary:

The proposed project represents the largest deliberate destruction of lowland Hawaiian dry forest ecosystem to occur on Maui in decades. Lowland Hawaiian dry forest ecosystem is among the twenty most endangered ecosystems in the United States. The DEIS compares this remnant with other remnants to denigrate its conservation value, and justify the proposed destruction of some 72% of the remnant, and severe fragmentation of another 14%. But it is silent on the importance of large, unfragmented habitat for conservation of biodiversity, and the fact that the project contains about the fourth largest of eight remaining large contiguous remnants of lowland dry forest on Maui. Moreover, the remnant is some 4 miles from Pu`u O Kali, which contains a number of listed endangered plant species, and it is likely that it could serve as critical habitat in their recovery. All of these eight remnants of this endangered ecosystem should be preserved and dedicated to restoration efforts.

Lowland Hawaiian dry forest is an endangered ecosystem. Government and private actions have allowed this ecosystem to be reduced to amounts and states of degradation that threaten its long-term existence. No more than 5% of the original habitat survives in any degree, and that 5% is heavily invaded by alien plant and animal species.

The additional *déliberate* destruction of remnant habitat of this ecosystem, which is proposed by Honua`ula Partners, should be prohibited by local, state, and federal policy; private interests that propose such destruction should face universal social approbation.

Some 160 acres of lowland dry forest survive in the Wailea 670 project area, nicely demarcated by the Historic Wall that runs mauka to makai bordering the HKEA (Bergmanis et al. 2000) `a`a flow. Any destruction of portions of this 160 acres is the opposite of what should be happening---these 160 acres should be managed for restoration.

The current proposal of the Honua`ula Partners reflects its history. It represents probably about as much conservation as one could squeeze into the site plan developed before 2003. But this level of conservation is still catastrophic to the habitat --- a reduction of c. 160 acres of remnant lowland dry forest to 22 contiguous acres under conservation easement, and 23 acres of mostly linear fragments of ungraded land bordering the golf course greens. The plan violates the two most important features of reserve design:

- A large reserve will hold more species than a small reserve because of the species-area relationships described in Chapter 8.
- A single large reserve is preferable to several small reserves of equal total area, assuming they all represent the same ecosystem type.

Conservationists prefer large reserves to small reserves for two main reasons. First, large reserves will, on average, contain a wider range of environmental conditions and thus more species than small reserves. Additionally, some species

will be absent from small reserves ... simply because they live at low densities and by chance alone are unlikely to be in a small reserve (e.g. many rare plants). ...

Second, large reserves are more secure and easier to manage (at least per unit area) than small reserves for three reasons: (1) large reserves have relatively large populations that are less likely to become extinct (recall Chapter 7); (2) large reserves have a relatively shorter edge than small reserves and thus are less susceptible to external disturbances such as invasions of exotic species and poachers...; and (3) large reserves are less vulnerable to a catastrophic event... — Hunter and Gibbs, p. 235

So, the proposal represents at least complete destruction of 72% of the habitat, and severe degradation through fragmentation of another 14%, leaving only 14% that is getting the treatment that 100% of this habitat should be receiving due to the endangered state of this ecosystem.

In case it is not obvious why remnant habitat of endangered ecosystems should not be deliberately destroyed, here are some specific reasons:

1. Habitat loss means alteration of the physical environment or destruction of the established organisms to an extent that natural reproduction of the organisms cannot reestablish their community. This is what has happened to at least 95% of lowland dry forest in Hawaii and on Maui in particular.
2. The plan of Honouliuli Partners destroys the ability of the native species to live and reproduce on 72% of the remnant habitat, and imperils their ability to sustain long term survival on the remaining 28% of the habitat by reducing its contiguous area and by reducing the total populations of all organisms.
3. A habitat consists of microsites of soil scattered among clinker lava. Dispersed seeds have to fall upon a habitable microsite before the parent plant dies. This makes it a metapopulation, which survives through extinction and recolonization dynamics. The fewer the total number of microsites, the greater the probability of local extinction, and the faster the time to extinction (Bascombe, Possingham, and Roughgarden, 2002; No amount of cultivation of native plants is a substitute for ecosystem preservation. First, cultivation is human intervention to sustain plants that would die without this intervention. Plants have survived and evolved for thousands of years without human intervention in their native habitat. No one can propose that cultivation of the native plants will be guaranteed for thousands of years into the future. Second, landscaping with native plants does not bring along all of the other species with which they form an ecosystem --- soil microbes, pollinators, the invertebrate ecosystem, and other plant species. Third, cultivation causes allele extinction and adaptation of species to the conditions of cultivation, making the resulting plants unable to resume life even in intact habitat.

The maintenance of genetic variation under cultivation is a complex management problem and one of the main difficulties of such *ex situ* plant conservation. Furthermore, *ex situ* plant conservation --- the only use of cultivation for conservation --- is premised upon the idea that cultivation is a temporary measure awaiting the time when the habitat of the plants is ready for their reintroduction (Guerrant, Havens, Maunder, 2004). This is the strategy being pursued for *Hibiscus brackenridgei* at the Maui Nui Botanical Garden, for reintroduction to their site of origin, Pu'u O Kali. *Ex situ* conservation is never designed as a way to justify the destruction of the habitat of

origin.

5. The proposed reduction of population sizes of all native through habitat destruction increases the chance that the remaining population falls below the *minimum viable population size* (Hanski, Moilanen, and Gyllenberg, 1996), where stochastic processes and genetic mutational meltdown (Higgins and Lynch, 2001) cause the eventual local extinction of the species:

Theory suggests that the risk of extinction by mutation accumulation can be comparable to that by environmental stochasticity for an isolated population smaller than a few thousand individuals. Here we show that metapopulation structure, habitat loss or fragmentation, and environmental stochasticity can be expected to greatly accelerate the accumulation of mildly deleterious mutations, lowering the genetic effective size to such a degree that even large metapopulations may be at risk of extinction. Because of mutation accumulation, viable metapopulations may need to be far larger and better connected than would be required under just stochastic demography.

It is the potential of large contiguous areas of habitat to support large metapopulations that makes the HKEA remnant lowland dry forest habitat especially valuable for conservation, and which the proposed plan destroys.

The pre-2003 site plan should be jettisoned, and a new site plan developed that protects all of the habitat south of the Historic Wall. Such a site plan would have to increase the density of the 76% of the property without native biota by 30% to include all of the currently planned units and features. If the conservation area is kept to the 130 acres mandated by the Unilateral Agreement should DLNR and USFWS find it merits preservation, the revised site plan would be able to develop 81% of the 670 acres, and could maintain all the planned items by a 24% increase in density. Such increased density is a high priority among the "Smart Growth" principles advocated by Honouliuli Partners.

SWCA Environmental Consultants (SWCA) appears to be aware of this situation, but faces the dilemma of providing a product that is satisfactory to their client, Honouliuli Partners. The resulting product reflects the limits of how true to conservation biology a hired consultant can remain within their contractual relationship.

SWCA's botanical survey of the property is unparalleled in its conception, execution, and exposition. It sets a new high bar on what should be expected from an EIS. Moreover, the data in their study provides an invaluable baseline from which to monitor the effects of habitat protection and restoration for the habitat in coming decades --- should the habitat survive intact from the current plans of its client, Honouliuli Partners.

But the attempts in SWCA's report to justify their client's development proposal are unfortunate. They resort to several rhetorical tactics:

1. Denigrating the conservation value of the habitat remnant on a flow HKEA;
2. Exaggerating the conservation value of their mitigation efforts --- namely, counting the acreage of ungraded, unprotected fragments of land, and counting the acreage of landscaping where native plants are proposed to be used;
3. Using the fact that other Hawaiian dry forest are receiving conservation efforts as justification for destruction of the habitat on HKEA.
4. Using the fact that a few other remnants of lowland dry forest have higher remaining

plant biodiversity than HKEA to justify the destruction of habitat on HKEA.

5. Using the fact that other reserves have been forced to work with small acreages as justification for destroying the large acreage of habitat on HKEA.

Comments by Section

The Botanical Survey gives an excellent review, and I have no criticisms, until p. 4, where it cites my report incorrectly:

Recently, Altenberg (2007) drew attention to the southern portion of the Property which he claimed to be among the best examples of a remnant native lowland dry forest remaining on Maui. ... Altenberg (2007) identified eight williwili (E. sandwicensis) forests in southeast Maui including Kanaio, Pu`u O Kali, Honua`ula / Wailea 670, Makena, La Perouse, Kaupo, Luailailua, and Waikapu.

Nowhere did I claim it "among the best examples"; the word "best" was used only once---to refer to the best data available on the extent of remnant williwili habitat on Maui, the maps of Jonathan Price. It is Price's map, not I, that show eight remaining large contiguous areas of williwili habitat, among which Wailea 670 can be seen to be around the fourth largest among these 8. Hence, the large contiguous williwili habitat in Wailea 670 is not "among the best examples", but among the *only* examples of large, contiguous lowland dry forest left on Maui.

The rhetorical denigration of the remnant continues on p. 5:

Hence, the southern portion of the Property may be described more accurately as a highly disturbed, remnant native coastal dry shrubland (sensu Gagne and Cuddihy 1999) in which williwili (Erythrina sandwicensis) has become a common inhabitant. Medeiros (USGS, pers. comm.) suggested that mature williwili (Erythrina sandwicensis) trees may be found throughout southeastern Maui, often in abundance and greater densities than those encountered in the Property.

...Price et al. (2007) recently developed methods using bioclimatic data to map habitat quality for and range of two widespread plant species including williwili (Erythrina sandwicensis) and two rare plant species throughout the Hawaiian Islands. The area encompassed by the Property appears on these maps as 'medium' to 'low' habitat quality for williwili (E. sandwicensis) (Price et al. 2007). However, numerous areas in southeastern Maui located between Pu`u Ola`i and Kaupo outside the Property did appear as having 'high' habitat characteristics on the maps prepared by Price et al (2007).

So, here perhaps see why SWCA misquoted me as saying HKEA was among the "best" examples, so that they could discredit me by showing "other, better examples" exist. But here is what Price and colleagues have to say about the overall situation of Hawaiian dry forest:

Hawaiian dry forests were once considered to be the most diverse forest ecosystem on the Hawaiian Islands (Rock 1913), however, today they are extremely deforested and degraded. Our results show that forty-five percent of Hawaiian dry forest taxa are at risk of endangerment and that patterns of endangerment in Hawaiian dry forests are unique compared to other Hawaiian forest types. ... There is currently no data on the number of tropical dry forest fragments remaining on the Hawaiian Islands and no species lists for these fragments. Future research should begin by identifying the remaining extent and

distribution of Hawaiian dry forest fragments because they are clearly endangered. The effects of habitat destruction, fragmentation, and the breakdown of native ecosystem functions play a large role in determining patterns of diversity that cannot be fully explained by island age and area. Examining patterns of species richness, composition, and structure among these remaining forest fragments would produce valuable information for understanding patterns of diversity in an increasingly endangered forest type. (Pau, Gillespie and Price, 2009)

Now, once the text moves into the actual botanical survey, Sections 2 and 3 (pp. 5-17), we find quite excellent work and reporting. The areas of williwili habitat shown in Price's map find confirmation in SWCA's aerial reconnaissance:

Our aerial reconnaissance confirmed input from others (A.C. Medeiros, USGS, pers. comm.; Altenberg 2007) suggesting that several additional high density williwili (E. sandwicensis) groves may be found near Pu`u Ola'i, Kanaio, Pu`u O Kali, Makena (Figure 12), La Perouse, Kaupo, and Luailailua. (p. 17, 3.5 Aerial Reconnaissance Survey)

However, in the Discussion, Section 4, the rhetoric returns.

Similarly, there have been no previous efforts by any Federal, State, local government agency, or conservation Non-governmental organizations (NGOs) to acquire and protect any portion of the Property.

Very few have the resources "to acquire and protect" property. The most recent actions putting dry forest into conservation were made by current owners, not by acquisition. The Erdmans put thousands of acres in to conservation easement, and Hawaiian Homelands put c. 250 acres of Pu`u O Kali into conservation. In contrast, Honua`ula Partners propose to put only 22 acres into conservation easement. And while not having the resources to acquire, several NGOs have put efforts into protecting the habitat at Wailea 670, including the Native Hawaiian Plant Society, Maui Tomorrow, the Sierra Club, and Maui Cultural Lands, and many others without resources to acquire have submitted testimony in favor of complete preservation.

The remnant native vegetation in the remnant mixed kiawe-wiliwili shrubland represents a highly degraded lowland dry shrubland in which williwili trees (E. sandwicensis) are a natural component. High density williwili (E. sandwicensis) stands occur in other locations throughout the region. Altenberg (2007) identified eight areas in southeast Maui, including the Property, where williwili (E. sandwicensis) groves are found. In this study, we also found dense williwili (E. sandwicensis) groves east of Pu`u Ola'i.

Far from being pristine, this dry shrubland has been degraded by human activities including unrestricted grazing by ungulates, cattle grazing, invasive plant species, road works, kiawe (P. pallida) logging, and military activities. Only 26 of the 146 species reported from the parcel are native, 14 of these are endemic, and 120 are introduced non-native species (Figure 6).

More denigrating language, and language intended to make it seem like the ecosystem represented here is common. No comparison is given between the species list at HKEA and at Pu`u O Kali. A 2004 list of species at Pu`u O Kali (Forest Starr) shows 35 native species, compared to 26 found by SWCA at HKEA. So, while describing Pu`u O Kali thus: "Pu`u O Kali Forest Reserve is a remnant williwili (E. sandwicensis) forest on the slopes of east Maui above

Khei. It is among the most diverse and intact lowland dry forests on Maui which also supports endangered flora." (p. 23) it describes HKEA as "highly degraded lowland dry shrubland" even though it as 72% of the native plant biodiversity of Pu'u O Kali.

The comparisons with the very best surviving dry forest remnants in Hawaii are clearly intended to justify the destruction and degradation of most of the HKEA remnant, and its removal from among the 8 large contiguous lowland dry forest areas that survive on Maui. But that is a fallacious line of reasoning. The fact that a particular Da Vinci painting may not be as well preserved as others does not justify its destruction. The fact that three grandparents may be healthier than one does not justify denying that one the best chance at longevity. Lowland Hawaiian dry forest is an endangered ecosystem, and all surviving remnants of that ecosystem deserve maximal preservation and restoration.

The DEIS emphasizes numerous times that no currently listed endangered plant species are found on the property. But the purpose of the Endangered Species Act is not discussed:

ENDANGERED SPECIES ACT OF 1973 [Public Law 93-205, Approved Dec. 28, 1973, 87 Stat. 884] [As Amended Through Public Law 107-136, Jan. 24, 2002]

(b) PURPOSES. The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section.

(5)(A) The term "critical habitat" for a threatened or endangered species means—

(i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and

(ii) **specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.**

Because the extirpation of species is an ongoing process in lowland dry forest on Maui (having been seen for *Hibiscus brackenridgei* in Pu'u O Kali in the 1990s, and for *Chamaecybe celastroides* var. *lorifolia* on HKEA in 2007), the absence of species from remnants that are present on nearby remnants must be considered to be the result of local extinction, most likely by ungulate grazing. It is likely that the listed endangered species at Pu'u O Kali would recolonize HKEA if reintroduced, so HKEA needs to be considered as critical habitat for their recovery.

The wildlife survey does not consider invertebrate species such as native Hawaiian bees, which are under discussion for listing as endangered species. It is completely unknown what impacts the proposed habitat destruction may have on the native bee species. A great deal is unknown about lowland Hawaiian dry forest ecology. The HKEA remnant is a potential study site to learn more, and for this reason, should also be preserved in its entirety.

While the destruction and fragmentation proposed for all but 22 of the c. 160 acres of lowland Hawaiian dry forest remaining on the site is unacceptable treatment for an endangered ecosystem, the treatment proposed for the area in the Conservation Easement is well thought out conservation management. This management should be applied to a Conservation Easement comprising the entire 160 acres south of the Historic Wall, and I trust will be mandated by lack of any findings from DLNR and USFWS that any area in the HKEA habitat does not merit preservation.

However, two points should be mentioned.

1. First, the cultivation of native plant species using cultivars derived from outside HKEA for species found in HKEA can be detrimental to their survival and scientific value. In Hawaii, extremely local adaptation and genetic differentiation are common phenomena, and hybridization of the local gene pool with exogenous genotypes brought in for landscaping would ruin the possibility of studying local genetic differentiation, and could compromise the survival by shifting the phenotypes away from adaptations to local conditions. For example, at nearby One Palaua Bay, the very popular "naio papa" is being used in landscaping. Naio papa is a prostrate variety of *Myoporum sandwicense* that evolved around South Point on Hawaii Island. It would doubtless hybridize with the *Myoporum sandwicense* remaining at HKEA and produce offspring that are not adapted to the local conditions.

I applaud the DEIS for making the point that cultivars for native plant landscaping and outplanting should be derived from populations found on the site --- a fine point often missed even by conservationists in other efforts on Maui. I think that strong measures should be made to protect the gene pools of the remnant populations at HKEA. This could be achieved through covenants for all future owners of subdivisions of the entire project property. A covenant should prohibit the use of cultivars derived from offsite populations for any of the 26 endemic and indigenous species (even indigenous species show local adaptation and variation in Hawaii) found on HKEA.

2. Second, it is not really known why native species persist on HKEA. The obvious candidates are 1) that a substrate gives a competitive advantage to native over invasive species such as buffel grass, which outcompetes native species on deep soil substrate, and that 2) a substrate is so sparse with soil microsites that the canopy is too sparse for fire to percolate through the habitat, thus sparing it from the firestorms that regularly consume portions of the leeward lands. But this is speculation, and has not been verified empirically.

So it is not really known if the presence of any of the alien species on the property might actually benefit the persistence of the native biota. Besides obvious competitive interactions, there can be subtle higher order effects (e.g. keystone species) that produce counterintuitive interactions. Therefore, an empirical approach needs to be taken with the proposed removal of alien invasive species. Clearly, Axis deer and other alien animals with proven detrimental effects on native ecosystems should be immediately removed from the property and fences installed to prevent their re-entry. It is even conceivable that eradication of rats and fencing that prevents their re-entry could be feasible for a 130 acre Conservation Easement. Similarly, alien plant species where there is a record of experience with their removal --- such as *Leucaena leucocephala* --- should be commenced immediately. Other species that are long naturalized, such as *Prosopis pallida*, should be removed on an experimental basis, with monitoring to see



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Dear Mr. Altenberg:

Thank you for your letter dated June 30, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. SWCA Environmental Consultants contributed to the responses in this letter. The organization of this letter follows the general headings of your letter.

SUMMARY

Comment: The proposed project represents the largest deliberate destruction of lowland Hawaiian dry forest ecosystem to occur on Maui in decades. Lowland Hawaiian dry forest ecosystem is among the twenty most endangered ecosystems in the United States. The DES compares this remnant with other remnants to denigrate its conservation value, and justify the proposed destruction of some 72% of the remnant, and severe fragmentation of another 14%. But it is silent on the importance of large, unfragmented habitat for conservation of biodiversity, and the fact that the project contains about the fourth largest of eight remaining large contiguous remnants of lowland dry forest on Maui. Moreover, the remnant is some 4 miles from Pu'u O'Kali, which contains a number of listed endangered plant species, and it is likely that it could serve as critical habitat in their recovery. All of these eight remnants of this endangered ecosystem should be preserved and dedicated to restoration efforts.

Response: The purpose of Honua'ula is not to deliberately destroy a lowland Hawaiian dry forest ecosystem. To protect and enhance native plants on the property Honua'ula Partners, LLC will establish a perpetual on-site conservation easement (Native Plant Preservation Area) over an area of approximately 40 acres within the Kiawe-wiwiili shrubland south of latitude 20°40'15.00"N. This preserve will contain a high density of native plants within a single, 40-acre, contiguous area. The loss of the remaining approximately 130 acres of kiawe-wiwiili shrubland, which is surrounded by a matrix of highly degraded kiawe-buffelgrass grassland and bordered on two sides by golf courses, will be offset with protection and restoration of approximately 364 acres of near-contiguous threatened dryland ecosystems at Kanato and Auwahi, in addition to the 40 acre on-site preserve. These off-site areas are immediately adjacent to additional protected areas, and together offer protection and recovery benefit to a very large area, including some of the most highly valued remnants of native dryland ecosystems. Together, the perpetual on- and off-site mitigation areas are expected to result in a net benefit for the endangered Blackburn's sphinx moth by enhancing the number and diversity of known native host plants on currently unprotected lands.

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the effects on other invasive species as well as the natives. For example, at nearby One Palaea Bay, in the cultural reserve, one observes that Capparid sandwicheana grows along the edge of the Prosopis pallida canopy; is that because Prosopis is competitively excluding Capparid from all but its edges, or because Prosopis is enhancing the microsite in some way favorable to Capparid, by shade or nitrogen from seeds? I am not aware of any studies that answer this.

Therefore, I recommend that an experimental design for removal of Prosopis be developed and the effects on vegetation be monitored to acquire empirical experience with the effects of removal.

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Comment: *Lowland Hawaiian dry forest is an endangered ecosystem. Government and private actions have allowed this ecosystem to be reduced to amounts and states of degradation that threaten its long-term existence. No more than 5% of the original habitat survives in any degree, and that 5% is heavily invaded by alien plant and animal species.*

Response: The proposed on- and off-site measures to protect native plants and Blackburn's sphinx moth habitat proposed by Honua'ula Partners, LLC provide a net conservation benefit through: a) the protection and propagation of additional native host plants for both larval and adult Blackburn's sphinx moth (including the native host species 'aiea (*Nothocestrum spp.*) and halapepe (*Pleomele spp.*)); and b) creation and protection of a higher number species of native host plants than currently exists on the Property. The proposed on- and off-site mitigation areas together provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including wiliwili. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the moth, providing net benefit to this covered species, as well as a large number of additional native dryland species.

Comment: *The additional deliberate destruction of remnant habitat of this ecosystem, which is proposed by Honua'ula Partners, should be prohibited by local, state, and federal policy; private interests that propose such destruction should face universal social approbation.*

Response: Local, state, and federal regulatory agencies have been consulted through numerous extensive legal land use processes involving public meetings and government agency reviews since the 1980's. An EIS was published in 1988 to address the first proposed development of this 670-acre property, and no significant botanical or wildlife resources were identified within the Property by consultants or government regulatory agencies at that time. State Division of Forestry and Wildlife (DOFAW) recommendations were limited to fencing and removal of ungulates. In 1992, a Community Plan Amendment was approved, establishing the 670 acre property as Project District 9 in the Kihei/Makena Community Plan. Also in 1992, Project District zoning approval was received for the entire project area, designating over 400 acres for two golf courses and accessory uses. Updated botanical and wildlife surveys at that time revealed no new findings. In 1994, the State Land Use Commission issued its Decision and Order to reclassify the entire 670-acre property from the State Agricultural District to the State Urban District. In 2004, updated botanical and wildlife surveys were conducted with no new findings. The first mention of the area as a remnant native dry shrubland ecosystem appeared in SWCA's 2006 survey reports.

Honua'ula Partners, LLC will comply with all applicable local, state, and federal laws and regulations. The incidental take of approximately 130 acres of kiawe-wiliwili shrubland habitat for endangered Blackburn's sphinx moths will be mitigated in accordance with County of Maui Ordinance No. 3554 Condition 27, Section 10(a)(1)(B) of the federal Endangered Species Act (ESA) of 1973, as amended, and Chapter 195D, Hawaii's Revised Statutes (HRS).

Comment: *Some 160 acres of lowland dry forest survive in the Wailea 670 project area, nicely demarcated by the Historic Wall that runs mauka to makai bordering the HKEA (Begmanis et al. 2000) 'a a flow. Any destruction of portions of this 160 acres is the opposite of what should be happening--these 160 acres should be managed for restoration.*

Response: The area south of the historic stone wall within the Property totals 170 acres. The maximum area south of latitude 20°40'15.00"N called for in County of Maui Ordinance No. 3554

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Condition 27 is 130 acres. Honua'ula Partners, LLC maintain that protection of this entire area is infeasible. Honua'ula Partners, LLC have therefore proposed means to avoid and minimize disturbance to the largest contiguous area possible within the overall design limitations, and to mitigate the unavoidable loss of habitat through perpetual preservation and enhancement of currently unprotected and physically similar habitats off-site. These actions will result in an increase in the number and diversity of native dry forest plants and host plants for the endangered Blackburn's sphinx moth, leading to a net benefit for the species in accordance with the requirements of Chapter 195D Hawaii Revised Statutes.

Comment: *The current proposal of the Honua'ula Partners reflects its history. It represents probably about as much conservation as one could squeeze into the site plan developed before 2003. But this level of conservation is still catastrophic to the habitat -- a reduction of c. 160 acres of remnant lowland dry forest to 22 contiguous acres under conservation easement, and 23 acres of mostly linear fragments of ungraded land bordering the golf course greens. The plan violates the two most important features of reserve design:*

- *A large reserve will hold more species than a small reserve because of the species-area relationships described in Chapter 6.*
- *A single large reserve is preferable to several small reserves of equal total area, assuming they all represent the same ecosystem type.*

Response: Since June of 2010 Honua'ula Partners, LLC has met with the State Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) and the U.S. Fish and Wildlife Service (USFWS) on many occasions to reach agreement regarding satisfaction of County of Maui Ordinance No. 3554 Condition 27, which requires the establishment of a Native Plant Preservation Area that "shall not be less than 18 acres and shall not exceed 130 acres" on "the portion of the [Honua'ula] property south of latitude 20°40'15.00"N." The area of Property south of latitude 20°40'15.00"N. comprises an approximately 170-acre 'a'a lava flow characterized as kiawe-wiliwili shrubland.

As a result of the meetings with DLNR and USFWS, Honua'ula Partners, LLC proposes both on- and off-site measures to protect and enhance native plants and habitat for the Blackburn's sphinx moth.

For on-site measures Honua'ula Partners, LLC will increase the area of the Native Plant Preservation Area on the Honua'ula property from 22 to 40 acres. This 40-acre area contains the highest density of native plants within the Property, and will include all five awikiwili plants that were alive in 2009 and the majority of the nehe plants at the Property. The Native Plant Preservation Area will be actively managed in accordance with the Conservation and Stewardship Plan (included as Appendix F of the Draft EIS). Management actions will include removal and exclusion of ungulates (deer, cattle, goats, and pigs), removal and control of noxious invasive weeds and plants, and propagation of native plants from seeds collected on the Property.

For off-site mitigation, Honua'ula Partners, LLC will:

1. Acquire 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 Kanai'o Natural Area Reserve; and

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2. Fund and implement the continuation and expansion of restoration efforts within the Auwahi Forest Restoration Project area, just north of the Kanao Natural Area Reserve, including fencing of approximately 130 acres, ungulate removal, and plant restoration activities.

The Kanao and Auwahi areas have been pinpointed by USFWS, USGS, Medeiros, Loope, and Chimeria (1993), VanGelder and Conant (1998), Price et al (2007), and The Nature Conservancy to be of high value for Blackburn's sphinx moth habitat and native dryland forest and shrubland species including williwili and a number of threatened and endangered species.

Together the on- and off-site mitigation areas provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including williwili. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the Blackburn's sphinx moth, providing net benefit to this species, as well as a large number of additional native dryland species. To implement the on- and off-site mitigation measures, Honua'ula Partners, LLC, will finalize its draft Habitat Conservation Plan (HCP) in collaboration with the USFWS and State DLNR in accordance with Section 10(a)(1)(B) of the Endangered Species Act and Chapter 195D, HRS. The on- and off-site mitigation areas are subject to the approval of the HCP by USFWS and DLNR.

To include the relevant information above in the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) and Section 3.7 (Wildlife Resources) will be revised as shown on the attachments titled "Botanical Resources" and "Wildlife Resources."

Comment: *Conservationists prefer large reserves to small reserves for two main reasons. First, large reserves will, on average, contain a wider range of environmental conditions and thus more species than small reserves. Additionally, some species will be absent from small reserves ... simply because they live at low densities and by chance alone are unlikely to be in a small reserve (e.g. many rare plants). ...*

Response: We acknowledge your comments.

Comment: *Second, large reserves are more secure and easier to manage (at least per unit area) than small reserves for three reasons: (1) large reserves have relatively large populations that are less likely to become extinct (recall Chapter 7); (2) large reserves have a relatively shorter edge than small reserves and thus are less susceptible to external disturbances such as invasions of exotic species and poachers...; and (3) large reserves are less vulnerable to a catastrophic event... — Hunter and Gibbs, p. 235*

Response: We acknowledge your comments.

Comment: *So, the proposal represents at least complete destruction of 72% of the habitat, and severe degradation through fragmentation of another 14%, leaving only 14% that is getting the treatment that 100% of this habitat should be receiving due to the endangered state of this ecosystem.*

Response: As mentioned above, Honua'ula Partners, LLC will establish a perpetual on-site conservation easement (Native Plant Preservation Area) over an area of approximately 40 acres within the kiawe-wilwili shrubland south of latitude 20°40'15.00"N, loss of the remaining approximately 130 acres of kiawe-wilwili shrubland, which USFWS considers Blackburn's sphinx moth habitat, will be mitigated in accordance with Section 10(a)(1)(B) of the federal Endangered

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Species Act (ESA) of 1973, as amended, and Chapter 195D, HRS. The status of the kiawe-wilwili shrubland ecosystem has not been evaluated, and aside from the Blackburn's sphinx moth, no threatened or endangered species will be impacted by Honua'ula.

Comment: *In case it is not obvious why remnant habitat of endangered ecosystems should not be deliberately destroyed, here are some specific reasons:*

1. *Habitat loss means alteration of the physical environment or destruction of the established organisms to an extent that natural reproduction of the organisms cannot reestablish their community. This is what has happened to at least 95% of lowland dry forest in Hawaii and on Maui in particular.*

2. *The plan of Honua'ula Partners destroys the ability of the native species to live and reproduce on 72% of the remnant habitat, and imperils their ability to sustain long-term survival on the remaining 28% of the habitat by reducing its contiguous area and by reducing the total populations of all organisms.*

3. *'A'a habitat consists of soil scattered among clinker lava. Dispersed seeds have to fall upon a habitable microsite before the parent plant dies. This makes it a metapopulation, which survives through extinction and recolonization dynamics. The fewer the total number of microsites, the greater the probability of local extinction, and the faster the time to extinction (Bascombe, Possingham, and Roughgarden, 2002).*

4. *No amount of cultivation of native plants is a substitute for ecosystem preservation. First, cultivation is human intervention to sustain plants that would die without this intervention. Plants have survived and evolved for thousands of years without human intervention in their native habitat. No one can propose that cultivation of the native plants will be guaranteed for thousands of years into the future. Second, landscaping with native plants does not bring along all of the other species with which they form an ecosystem --- soil microbes, pollinators, the invertebrate ecosystem, and other plant species. Third, cultivation causes allele extinction and adaptation of species to the conditions of cultivation, making the resulting plants unable to resume life even in intact habitat.*

The maintenance of genetic variation under cultivation is a complex management problem and one of the main difficulties of such ex situ plant conservation. Furthermore, ex situ plant conservation---the only use of cultivation for conservation---is premised upon the idea that cultivation is a temporary measure awaiting the time when the habitat of the plants is ready for their reintroduction. This is the strategy being pursued for Hibiscus brackenridgei at the Maui Nui Botanical Garden, for reintroduction to their site of origin, Pu'u O Kali. Ex situ conservation is never designed as a way to justify the destruction of the habitat of origin.

5. *The proposed reduction of population sizes of all native through habitat destruction increases the chance that the remaining population falls below the minimum viable population size (Hanski, Moilanen, and Gyllenberg, 1996), where stochastic processes and genetic mutational meltdown (Higgins and Lynch, 2001) cause the eventual local extinction of the species:*

Theory suggests that the risk of extinction by mutation accumulation can be comparable to that by environmental stochasticity for an isolated population smaller than a few thousand individuals. Here we show that metapopulation structure, habitat loss or fragmentation, and environmental stochasticity can be expected to greatly accelerate the accumulation of mildly deleterious mutations, lowering the genetic effective size to such a degree that even large metapopulations may be at risk of extinction. Because of mutation accumulation, viable metapopulations may need to be far larger and better connected than would be required under just stochastic demography.

It is the potential of large contiguous areas of habitat to support large metapopulations that makes the HKEA remnant lowland dry forest habitat especially valuable for conservation, and which the proposed plan destroys.

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Response: Most of the native plants observed during SWCA's survey of the Property are found elsewhere throughout Maui and the main Hawaiian Islands. Until recently there have been no efforts to protect and conserve the Property, and considering its land use designations (State Urban District, County of Maui Project District 9), it is unlikely that in the absence of Honua'ula, the area will be protected. Thus without Honua'ula, the value of the existing remnant ecosystem will continue to degrade. The proposed onsite Native Plant Preservation Area encompasses a contiguous 40-acre area within the *kiawe-wilivilii* shrubland to protect the portion of the remnant native lowland dry shrubland plant community with the highest densities of selected endemic/native plants having high conservation priority.

The proposed size and location of the Native Plant Preservation Area are based, in part, upon a vegetation density analysis employed by SWCA to aid in defining areas where preservation could be most effective. The size and location of the Native Plant Preservation Area are also based upon scientific research that suggests even small restoration efforts consisting of a few hectares can help provide habitat for native species and can subsequently serve as urgently-needed sources of propagules (Cabin et al. 2000b, Cabin, et al. 2002a). This is reinforced by numerous sources of information on successful propagation of native plants specifically for landscaping (e.g., TNC 1997, Tamimi 1999, Friday 2000, Wong 2003, Bornhorst and Rauch 2003, Lilleeng-Rosenberger and Chapin 2005, CTAHR 2006). The research shows that even small preserves consisting of individual trees are being deemed as appropriate and feasible by USEFS and DLNR when managed in combination with regional preserve areas, such as at La'i'opua on Hawai'i Island (Leonard Bisel Associates, LLC and Geometrician Associates 2008.). The purpose of any ex-situ native plant propagation is to enhance the native plant community on-site through outplanting, not to provide an ex-situ population.

As noted in Section 3.6 (Botanical Resources), to further protect native species on-site, Honua'ula Partners, LLC will:

- Conserve as many of the *wilivilii* trees as possible outside the Native Plant Preservation Area;
- Fence the entire perimeter of the Property, and other areas as appropriate, to exclude feral ungulates from the *kiawe-wilivilii* shrubland. A fence has already been erected, however fencing requirements will be reviewed and updated (for example, to include stronger deer fencing) as establishment of the Native Plant Preservation Area and site construction begins (this is consistent with County of Maui Ordinance No. 3554 Condition 7);
- Implement an ungulate management plan to ensure that goats, deer, pigs, and stray cattle are removed in a humane manner from the Native Plant Preservation Area and the Native Plant Conservation Areas (this is consistent with County of Maui Ordinance No. 3554 Condition 7);
- Employ a Natural Resources Manager to help develop and implement specific conservation programs to ensure the protection of native plants and animals;
- Implement a program to control and eradicate invasive grasses, weeds, and other non-native plants from the Native Plant Preservation Area with the exception of the non-native tree tobacco (*Nicotiana glauca*), which is a recognized host plant for the endangered Blackburn's sphinx moth (*Manduca blackburnii*);

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- Implement a native plant propagation program for landscaping with plants and seeds naturally occurring on the Property. All plants native to the geographic area will be considered as potential species for use in landscaping;
- Implement a seed predator control program to control rats, mice, and other seed predators;
- Implement a fire control program to help protect the Native Plant Preservation Area and other areas and ensure the success of plant propagation and conservation efforts;
- Implement an education and outreach program open to the public and sponsor service groups to assist with implementation of native-plant management programs;
- Apply for additional program support offered by the State of Hawai'i (Natural Area Partnership Program and Hawaii Forest Stewardship Program) and USEFS to promote sound management of the natural resources within Honua'ula;
- Continue long-term vegetation monitoring during wet and dry seasons to evaluate the health of native plants and to support the development of the Conservation and Stewardship Plan for the Native Plant Preservation Area and native plant restoration efforts; and
- Finalize its draft Habitat Conservation Plan (to include the candidate endangered 'āwīkīwīkī) in collaboration with USEFS and DLNR in accordance with Section 10(a)(1)(B) of the Endangered Species Act and Chapter 195D, HRS.

As noted above, Honua'ula Partners, LLC also proposes off-site measures to protect and enhance native plants and habitat for the Blackburn's sphinx moth. Together the on- and off-site mitigation areas provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including *wilivilii*.

Comment: *The pre-2003 site plan should be jettisoned, and a new site plan developed that protects all of the 'a habitat south of the Historic Wall. Such a site plan would have to increase the density of the 76% of the property without native biota by 30% to include all of the currently planned units and features. If the conservation area is kept to the 130 acres mandated by the Unilateral Agreement should DLNR and USFWS find it merits preservation, the revised site plan would be able to develop 81% of the 670 acres, and could maintain all the planned items by a 24% increase in density. Such increased density is a high priority among the "Smart Growth" principles advocated by Honua'ula Partners.*

Response: Restricting all development south of the historic wall and thus increasing density in the northern part of the property would result in significant changes to the Conceptual Master Plan, resulting in conflicts with several provisions of Chapter 19.90A, Maui County Code (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.

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To provide an alternative discussing a 130-acre Native Plant Preservation Area, which includes and elaborates on the above information in the Final EIS, in the Final EIS Chapter 6 (Alternatives) will be revised to include the information shown on the attachment labeled "Alternatives."

Comment: *SWCA Environmental Consultants (SWCA) appears to be aware of this situation, but faces the dilemma of providing a product that is satisfactory to their client, Honua'ula Partners. The resulting product reflects the limits of how true to conservation biology a hired consultant can remain within their contractual relationship.*

SWCA's botanical survey of the property is unparalleled in its conception, execution, and exposition. It sets a new high bar on what should be expected from an EIS. Moreover, the data in their study provides an invaluable baseline from which to monitor the effects of habitat protection and restoration for the habitat in coming decades --- should the habitat survive intact from the current plans of its client, Honua'ula Partners.

Response: We acknowledge that SWCA Environmental Consultants has done excellent work at Honua'ula. SWCA's role is as a professional environmental consultant. As such their function is to perform the work required within the regulatory context of the project, following both guidelines and laws established by regulatory agencies.

Comment: *But the attempts in SWCA's report to justify their client's development proposal are unfortunate. They rest on several rhetorical tactics:*

1. *Denigrating the conservation value of the habitat remnant on a flow HKEA;*
2. *Exaggerating the conservation value of their mitigation efforts --- namely, counting the acreage of ungraded, unprotected fragments of land, and counting the acreage of landscaping where native plants are proposed to be used;*
3. *Using the fact that other Hawaiian dry forest are receiving conservation efforts as justification for destruction of the habitat on HKEA.*
4. *Using the fact that a few other remnants of lowland dry forest have higher remaining plant biodiversity than HKEA to justify the destruction of habitat on HKEA.*
5. *Using the fact that other reserves have been forced to work with small acreages as justification for destroying the large acreage of habitat on HKEA.*

Response: We acknowledge your comments but respectfully disagree that SWCA Environmental Consultants has resorted to "rhetorical tactics" such as denigrating the conservation value of the kiawe-wilwilil shrubland and exaggerating the conservation value of recommended mitigation efforts.

In response to your comment regarding "counting the acreage of ungraded, unprotected fragments of land, and counting the acreage of landscaping where native plants are proposed to be used," as a result of meetings with DLNR and USFWS, original approaches to protect native plants and wildlife habitat discussed in the Draft EIS have evolved to address concerns expressed. While Honua'ula Partners, LLC is still providing significant on-site areas to protect native plants and wildlife habitat, Honua'ula Partners, LLC is now also proposing a far more ambitious plan with significant off-site measures. The proposed on- and off-site measures provide a net conservation benefit through the quality and quantity of the area that will be protected. Compared to providing only an on-site Native Plant Preservation Area of a maximum 130 acres, the on- and off-site mitigation areas provide up to 394 acres for protection for dryland forest species, including wilwilil and a greater diversity native host plants for the Blackburn's sphinx moth. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured

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for the Blackburn's sphinx moth, providing net benefit to this species, as well as a large number of additional native dryland species.

To include the relevant information above in the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) and Section 3.7 (Wildlife Resources) will be revised as shown on the attachments titled: "Botanical Resources" and "Wildlife Resources."

Comments by Section

Comment: *The Botanical Survey gives an excellent review, and I have no criticisms, until p. 4, where it cites my report incorrectly:*

Recently, Altenberg (2007) drew attention to the southern portion of the Property which he claimed to be among the best examples of a remnant native lowland dry forest remaining on Maui. ... Altenberg (2007) identified eight wilwilil (E. sandwicensis) forests in southeast Maui including Kanato, Pu'u o Kali, Honua'ula / Waialea 670, Makena, La Perouse, Kaupo, Lualailua, and Waikapu.

Nowhere did I claim it "among the best examples"; the word "best" was used only once---to refer to the best data available on the extent of remnant wilwilil habitat on Maui, the maps of Jonathan Price. It is Price's map, not I, that show eight remaining large contiguous areas of wilwilil habitat, among which Waialea 670 can be seen to be around the fourth largest among these 8. Hence, the large contiguous wilwilil habitat in Waialea 670 is not "among the best examples", but among the only examples of large, contiguous lowland dry forest left on Maui.

Response: We apologize that your report was cited incorrectly; however, with the exception of incorrectly stating that you claimed that southern portion of the Property to be among the best examples of a remnant native lowland dry forest remaining on Maui, we note that the other statements in the botanical survey report regarding your report are accurate.

It should be noted that regarding the map by John Price you reference here and in your report, John Price notes that the map shows areas of extent, rather than areas of occupancy, with the purpose of identifying areas in which people may be able to collect wilwilil seeds. The areas shown on the map are meant to depict areas where scattered individuals may exist, rather than contiguous areas of wilwilil, as you assert in your letter. Since this map does not take into consideration any parameter other than presence of wilwilil, it is a very limited tool to indicate the value of the area for the species.

Comment: *The rhetorical denigration of the remnant continues on p. 5:*

Hence, the southern portion of the Property may be described more accurately as a highly disturbed, remnant native coastal dry shrubland (sensu Gagne and Cuddihy 1999) in which wilwilil (Erythrina sandwicensis) has become a common inhabitant. Medeiros (USGS, pers. comm.) suggested that mature wilwilil (Erythrina sandwicensis) trees may be found throughout southeastern Maui, often in abundance and greater densities than those encountered in the Property.

...Price et al. (2007) recently developed methods using bioclimatic data to map habitat quality for and range of two widespread plant species including wilwilil (Erythrina sandwicensis) and two rare plant species throughout the Hawaiian Islands. The area

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encompassed by the Property appears on these maps as 'medium' to 'low' habitat quality for williwili (*E. sandwicensis*) (Price et al. 2007). However, numerous areas in southeastern Maui located between Pu'u Ola'i and Kaupō outside the Property did appear as having 'high' habitat characteristics on the maps prepared by Price et al (2007).

Response: We fail to see how citing the conclusions of previous research constitute "rhetorical denigration of the remnant."

Comment: So, here perhaps see why SWCA misquoted me as saying HKEA was among the "best" examples, so that they could discredit me by showing "other, better examples" exist. But here is what Price and colleagues have to say about the overall situation of Hawaiian dry forest:

Hawaiian dry forests were once considered to be the most diverse forest ecosystem on the Hawaiian Islands (Rock 1913); however, today they are extremely deforested and degraded. Our results show that forty-five percent of Hawaiian dry forest taxa are at risk of endangerment and that patterns of endangerment in Hawaiian dry forests are unique compared to other Hawaiian forest types. ... There is currently no data on the number of tropical dry forest fragments remaining on the Hawaiian Islands and no species lists for these fragments. Future research should begin by identifying the remaining extent and distribution of Hawaiian dry forest fragments because they are clearly endangered. The effects of habitat destruction, fragmentation, and the breakdown of native ecosystem functions play a large role in determining patterns of diversity that cannot be fully explained by island age and area. Examining patterns of species richness, composition, and structure among these remaining forest fragments would produce valuable information for understanding patterns of diversity in an increasingly endangered forest type. (Pau, Gillespie and Price, 2009)

Response: Again we apologize that your report was cited incorrectly; this was not done with the intent to discredit your work.

Comment: Now, once the text moves into the actual botanical survey, Sections 2 and 3 (pp. 5-17), we find quite excellent work and reporting. The areas of williwili habitat shown in Price's map find confirmation in SWCA's aerial reconnaissance:

Our aerial reconnaissance confirmed input from others (A.C. Medeiros, USGS, pers. comm.; Altenberg, 2007) suggesting that several additional high density williwili (*E. sandwicensis*) groves may be found near Pu'u Ola'i, Kana'io, Pu'u O Kali, Makena (Figure 12), La Perouse, Kaupō, and Lualailua. (p. 17, 3.5 Aerial Reconnaissance Survey)

Response: We appreciate your acknowledgement of SWCA's work.

Comment: However, in the Discussion, Section 4, the rhetoric returns.

Similarly, there have been no previous efforts by any Federal, State, local government agency, or conservation Non-governmental organizations (NGOs) to acquire and protect any portion of the Property.

Very few have the resources "to acquire and protect" property. The most recent actions putting dry forest into conservation were made by current owners, not by acquisition. The Erdmans put thousands of acres in to conservation easement, and Hawaiian Homelands put c. 250 acres of Pu'u O Kali into conservation. In contrast, Honua'ula Partners propose to put only 22 acres into conservation easement. And while not having the resources to acquire, several NGOs have put efforts into protecting the habitat at Wailea 670, including

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the Native Hawaiian Plant Society, Maui Tomorrow, the Sierra Club, and Maui Cultural Lands, and many others without resources to acquire have submitted testimony in favor of complete preservation.

Response: In context, the statement that you quote above from the botanical survey report is as follows:

The Property was viewed by Char and Linney (1988) and Char (1993, 2004) as having unremarkable vegetation. Until SWCA (2006) and Altenberg (2007), there had been no recognition of the remnant mixed kiawe-wilwili shrubland as an area worthy of special recognition. Similarly, there have been no previous efforts by any Federal, State, local government agency, or conservation Non-governmental organizations (NGOs) to acquire and protect any portion of the Property.

We maintain that is accurate to say that there have been no previous efforts by any Federal, State, local government agency, or conservation Non-governmental organizations (NGOs) to acquire and protect any portion of the Property. However we do recognize that since the mid-00's you and others have made efforts to bring attention to the conservation value of the kiawe-wilwili shrubland south of the historic wall.

To reflect this change in the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) will be revised as follows:

None of the surveys identified any Federal or State of Hawai'i listed threatened or endangered plant species on the Property. However, five individual plants of the candidate endangered species, 'āwīkīwī (*Canavalia pubescens*), have been documented by SWCA (2010a) within the Property. 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). ~~Here~~ Until recently there have been no efforts by any Federal, State, or local government agency, or non-governmental conservation organizations to acquire ~~and~~ or protect any portion of the Honua'ula Property.

Comment:

The remnant native vegetation in the remnant mixed kiawe-wilwili shrubland represents a highly degraded lowland dry shrubland in which wilwili trees (*E. sandwicensis*) are a natural component. High density wilwili (*E. sandwicensis*) stands occur in other locations throughout the region. Altenberg (2007) identified eight areas in southeast Maui, including the Property, where wilwili (*E. sandwicensis*) groves are found. In this study, we also found dense wilwili (*E. sandwicensis*) groves east of Pu'u Ola'i.

Far from being pristine, this dry shrubland has been degraded by human activities including unrestricted grazing by ungulates, cattle grazing, invasive plant species, road works, kiawe (*P. pallida*) logging, and military activities. Only 26 of the 146 species reported from the parcel are native, 14 of these are endemic, and 120 are introduced non-native species (Figure 6).

More denigrating language, and language intended to make it seem like the ecosystem represented here is common. No comparison is given between the species list at HKEA and at Pu'u O Kali. A 2004 list of species at Pu'u O Kali (Forest Start) shows 35 native species, compared to 26 found by SWCA at HKEA. So, while

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describing Pu'u O Kali thus: "Pu'u O Kali Forest Reserve is a remnant wilwili (*E. sandwicensis*) forest on the slopes of east Maui above Khei. It is among the most diverse and intact lowland dry forests on Maui which also supports endangered flora." (p. 23) it describes HKEA as "highly degraded lowland dry shrubland" even though it is 72% of the native plant biodiversity of Pu'u O Kali.

The comparisons with the very best surviving dry forest remnants in Hawaii are clearly intended to justify the destruction and degradation of most of the HKEA remnant, and its removal from among the 8 large contiguous lowland dry forest areas that survive on Maui. But that is a fallacious line of reasoning. The fact that a particular Da Vinci painting may not be as well preserved as others does not justify its destruction. The fact that three grandparents may be healthier than one does not justify denying that one the best chance at longevity. Lowland Hawaiian dry forest is an endangered ecosystem, and all surviving remnants of that ecosystem deserve maximal preservation and restoration.

Response: In context, the statement that you quote above from the botanical survey report is as follows:

*Pu'u O Kali Forest Reserve is a remnant wilwili (*E. sandwicensis*) forest on the slopes of east Maui above Khei. It is among the most diverse and intact lowland dry forests on Maui which also supports endangered flora. As Monson (2005) quoted A.C. Medeiros, "Pu'u-O-Kali is the only place on this whole side that looks like it did in ancient times... It's the only place where a Hawaiian from long ago would look around and say, 'Oh, I know where I am.' They wouldn't recognize the rest of South Maui."*

Whereas Pu'u O Kali has received protection, until recently there have been no efforts by any Federal, State, or local government agency, or non-governmental conservation organizations to acquire and protect any portion of the Honua'ula Property

Comment: The DEIS emphasizes numerous times that no currently listed endangered plant species are found on the property. But the purpose of the Endangered Species Act is not discussed:

ENDANGERED SPECIES ACT OF 1973 [Public Law 93-205, Approved Dec. 28, 1973, 87 Stat. 884] [As Amended Through Public Law 107-136, Jan. 24, 2002]

(b) PURPOSES. The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section.

(5)(A) The term "critical habitat" for a threatened or endangered species means:

(i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and

(ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

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Response: We acknowledge that the purpose of the Endangered Species Act (ESA) is not only to protect species that have been listed as threatened or endangered, but also to conserve the ecosystems upon which those species depend. While the primary objective of the ESA is the protection of endangered species, and the "take" of such species is considered unlawful, the ESA is not absolute. In 1982, amendments were made to the 1973 ESA which authorized the Secretary of the Interior and the Secretary of Commerce to allow the take of federally listed species (Endangered Species Act, Section 10a(1)(B)). When non-federal activities that would otherwise be legal have the potential to result in the "take" of a listed species for example, they may be allowed under an Incidental Take Permit, obtained through the USFWS. To mitigate the take of listed species, Section 10 of the ESA requires that parties wishing to obtain an Incidental Take Permit must submit a HCP, with their application.

As provided under the ESA, Honua'ula Partners, LLC has prepared a draft HCP. This HCP will be finalized to provide: 1) measures to offset the potential impact of Honua'ula on two Covered Species (Blackburn's sphinx moth and nene); and 2) avoidance and minimization measures expected to avoid any negative impacts on five additional endangered species (the Hawaiian duck, Hawaiian silt, Hawaiian coot, Hawaiian petrel, and Hawaiian Hoary bat), one threatened species (Newell's shearwater), one candidate endangered species ('āwīkīwī), and the Hawaiian short-eared owl (pueo) which is not a listed species on Maui. The HCP will be in support of an Incidental Take Permit (ITP) for Blackburn's sphinx moth and nene in accordance with Section 10(a)(1)(B) of the ESA of 1973, as amended, and an Incidental Take License (ITL) in accordance with Chapter 195D, HRS.

In accordance with its HPC Honua'ula Partners, LLC in now also proposing a far more ambitious plan with on- and off-site measures. The proposed on- and off-site measures to protect native plants and Blackburn's sphinx moth habitat proposed by Honua'ula Partners, LLC provide a net conservation benefit (as required under Chapter 195D, HRS) through: a) the protection and propagation of additional native host plants for both larval and adult Blackburn's sphinx moth (including the native host species 'aiea (*Nothocestrum* spp.) and halapepe (*Pleomele* spp.); and b) creation and protection of a higher number species of native host plants than currently exists on the Property. The proposed on- and off-site mitigation areas together provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including wilwili. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the moth, providing net benefit to this covered species, as well as a large number of additional native dryland species.

Comment: Because the extirpation of species is an ongoing process in lowland dry forest on Maui (having been seen for *Hibiscus brackenridgei* in Pu'u O Kali in the 1990s, and for *Chamaecybe celastroides* var. *lorifolia* on HKEA in 2007), the absence of species from remnants that are present on nearby remnants must be considered to be the result of local extinction, most likely by ungulate grazing. It is likely that the listed endangered species at Pu'u O Kali would recolonize HKEA if reintroduced, so HKEA needs to be considered as critical habitat for their recovery.

Response: Prolonged drought, in addition to ungulate grazing, must also be recognized as a natural threat to the survival of native dry shrubland plants, as well as wildfire, the intensity and frequency of which are exacerbated by fuel load provided by non-native, drought tolerant grasses, and climate change. It is likely that conservation and stewardship activities proposed for the on- and off-site mitigation areas will need to employ measures to help ensure the recovery of native

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plants such as 'āwikiwiki, nehe, ilima, and which have all but completely disappeared from Honua'ula in the past two years due in part to the extremely dry conditions. A fire plan will be put in place to avoid further threat from wildfire.

Considering the history and land use designations of the Property (State Urban District, County of Maui Project District 9), it is unlikely that in the absence of Honua'ula, any conservation measures would be implemented to abate the abovementioned threats, and degradation will continue.

Comment: *The wildlife survey does not consider invertebrate species such as native Hawaiian bees, which are under discussion for listing as endangered species. It is completely unknown what impacts the proposed habitat destruction may have on the native bee species. A great deal is unknown about lowland Hawaiian dry forest ecology. The HKEA remnant is a potential study site to learn more, and for this reason, should also be preserved in its entirety.*

Response: In the summer of 2011, Dr. Karl Magnacca of the University of Hawaii at Hilo conducted a study to search for native Hawaiian bees in the genus *Hylaeus* at several locations in Southeast and West Maui including Honua'ula and the proposed mitigation areas. Dr. Magnacca found no native Hawaiian bees in the genus *Hylaeus* within or adjacent to Honua'ula or the proposed off-site mitigation areas.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: Wildlife Resources
Botanical Resources
Alternatives

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Re: **Wailea 670's Draft Environmental Impact Statement**

Summary: Wailea 670's DEIS fails to provide support for a sustainable water source for the project. The Kamaole aquifer upon which it relies for water is untested; the aquifer's estimated 11 MGD sustainable yield (which the developer erroneously assumes is fact) is characterized by state water experts and state agencies as "speculative" and "uncertain." The DEIS provides no evidence to the contrary. Accordingly,

- (1) The DEIS fails to meet the requirements of Hawaii's environmental protection laws, and
- (2) The project poses a significant environmental risk to the aquifer itself, to existing aquifer users and to the people, economy and well-being of Maui as a whole.

I.

The Kamaole Aquifer is Poorly Understood; the DEIS Fails to Provide Clarity

The Kamaole aquifer is poorly understood; its use has been slight and hydrologic data is almost nonexistent. Although a sustainable yield of 11 MGD has been assigned to it, state water experts and agencies have clearly indicated that this is no more than an educated guess.

According to the June 2008 "Hawaii Resource Protection Plan" prepared for the Hawaii Commission of Water Resource Management (CWRM), the 11 MGD sustainable yield calculation assigned to the aquifer is rated at the lowest confidence level: "3 – Least Confident – Limited to No Hydrologic Data."¹ In explanation, the Commission writes: "The CWRM recognizes the adopted Sustainable Yield as a reasonable planning Sustainable Yield until more detailed geologic and hydrologic information is available for these aquifer system areas. There is **significant uncertainty** associated with this Sustainable Yield due to the lack of hydrogeologic and pumpage information." (Emphasis added.)

George A. L. Yuen described the Kamaole aquifer's sustainable yield as "speculative" in "Water Resources Protection Plan ["WRPP"], Volumes I & II", 1990, p. V-21, because "no exploration [of the Kamaole aquifer] has taken place beyond a mile or so from the coast." Yuen cautions that estimates of sustainable yield "are not meant to be an exact number which could be used in final planning documents. The estimates are constrained not only by the scant data base but also by the fact that they do not consider the feasibility of developing the groundwater. The estimates should not be equated to developable groundwater." (WRPP, p. V-3; Emphasis added.) "Good estimates of sustainable yield need a reliable data base. In most of the State not enough is known about the extent and behavior of groundwater to allow more than a weak estimate of sustainable yields. Only in Southern Oahu, Lanai and West Maui, where many years of investigation have been devoted to unraveling the complexities of groundwater occurrence, can the sustainable yields be accepted with confidence." (WRPP, p. V-2; Emphasis added.)

The DEIS makes no mention of any of these all-important qualifying remarks and instead misrepresents the Kamaole aquifer's estimated sustainable yield as gospel. It is not.

In fact, where the state has investigated estimated sustainable yields in greater depth, yields have consistently been found to be less than that previously estimated, raising the inference that once studied the Kamaole aquifer's sustainable yield will be lower as well.

¹ This information should appear in the DEIS; the fact that it does not speaks volumes about the worth of the document.

In a June 2002 "Draft Supplemental Environmental Impact Statement for the East Maui Water Development Plan" written by Mink & Yuen, the authors note that "numerous exploratory wells would be required" to determine the worth of the Kamaole, Paia and Makawao aquifers. (Emphasis added.) "The likelihood that a significant supply of fresh water could be developed at acceptable cost is slim."

Undeterred, the DEIS suggests that the aquifer's sustainable yield may even be higher than 11 MGD, citing USGS Scientific Investigations Report 2007-5103 in which higher recharge assumptions are assigned for all Maui aquifers. However, the assumptions are unsupported by additional hydrogeologic and pumpage information, at least in terms of the Kamaole aquifer. Furthermore, this study (which precedes the CWRM's 2008 resource plan referenced above that retained a level 3 credibility factor for the aquifer) speaks primarily to the lao aquifer, which has been extensively studied. Additionally, the study notes that Maui rainfall patterns have changed over time with the most recent period of study subject to drought: "Ground-water recharge is one of the most important factors controlling ground-water availability. . . . Decreasing irrigation has coincided recently with periods of below-average rainfall, creating the potential for substantially reduced ground-water recharge rates in many areas." (p. 1.)

USGS Report 2007-5103 examines a number of different scenarios in an effort to determine likely recharge based on a variety of historical rainfall patterns, estimating Maui's 2000 - 2004 aquifer recharge at 66% of that experienced during 1926 - 1979. (p. 31.) Using 1998 - 2002 rainfall data, the USGS found: "The worst-case scenario for recharge in central and west Maui [pastureland with drought] . . . was created by applying the 1998 - 2002 (drought) rainfall time series to the 'land use III' (no agriculture) scenario. The mean recharge for the entire study area was estimated to be . . . 46% less . . ." (p. 45.) None of this is revealed or discussed in the DEIS while it cites the study in support of speculation that the aquifer's recharge rate might be higher than previously assumed. The presence of bias is notable.

Clearly, a project intended to last well beyond this century, one that exists in a designated drought zone in an atmosphere of rising temperatures, declining rainfall, rising seas and dependent on an untested aquifer with an uncertain sustainable yield, cries out, at the very least, for rigorous analysis of the kind conducted by the USGS, employing various future-state assumptions predicated on actual trended rainfall data coupled with current observations (extreme and persistent drought) and accompanied by professional analysis of the kind befitting a project of this size, scope and longevity. The DEIS fails to meet this burden.

Keeping to this theme, one would expect the DEIS to at least acknowledge, if not distinguish, the existence of an exploratory well drilled by the Hawaii Department of Land and Natural

Resources in 2006 on a site located between the Project and its wells north of Maui Meadows. (See Central Maui Exploratory Well, Final Environmental Assessment, June 2004: "The purpose of the project is to develop an exploratory well which, if found to be hydrogeologically favorable, would serve as a future production well providing a potable water source for the State of Hawaii projects.") This is, after all, the kind of real hydrologic data identified by CWRM and Mink & Yuen as that needed to assess the sustainable yield of Kamaole aquifer, making its omission especially noteworthy. Unfortunately, the well was found to be insufficient, both in terms of water volume (only producing 172,800 gallons per day) and water quality (chloride levels exceeded acceptable standards).

II.

Insufficient Data is Supplied to Enable Examination of Many DEIS Conclusions

Section 11-200-17, subsection E., paragraph 3, requires a draft EIS to contain project data sufficient to permit "evaluation and review of the environmental impact". In many instances the DEIS either fails to report critical data or uses average data that prevents understanding and analysis.

Vagary is a hallmark of this project. When the Maui County Department of Water Supply was asked to comment on the project's water strategy, Jeffrey Eng, Maui County Director of Water Supply, wrote the following in an August 2007 letter addressed to Mayor Charmaine Tavares and Land Use Committee Chair Michael Molina: "[I] would like to offer the following comments of general concern related to the development's proposed water system. I would like to preface my comments by mentioning that in my opinion, the applicant has been somewhat vague in his presentation of the water system and wastewater system plans. Therefore, my comments may be somewhat assumptive."

The following deficiencies, without limitation, are noted:

- Comprehensive pump test data for all wells drilled by the developer are not included in the report. Robust presentation of this data is essential to enable examination of the developer's claim that the Kamaole aquifer is adequate to support the Project's water needs now and in the future.
- Table 3 of Tom Nance's February 2010 engineering report presents average data for Wailea wells. Average data spanning 1991 - 2009 is insufficient to allow detection and comprehension of trends, month to month and year to year. The public needs to know whether golf course irrigation is increasing, decreasing, or remaining the same over

time. Likewise, chloride concentration trends need visibility since they reflect the directional health of the aquifer.

Need for this information is particularly relevant given remarks made by John Mink in a study entitled "Wailea 670 Irrigation Well 1. Drilling and Testing Results," dated June 3, 1991 (p. 3):

"The future demand for lower Wailea is projected as 3 to 3.5 mgd, while for Wailea 670 the projected demand for two golf courses is 1 mgd. Total demand for the two areas will average 4.5 mgd along an equivalent shore line reach of three miles toward which a natural flux of 6 to 9 mgd moves. The demand as a fraction of flux probably corresponds to or somewhat exceeds sustainable yield. For these values of flux and demand, the lower Wailea wells are apt to suffer an increase in salinity over the long run, but the increase may not be great enough to eliminate the wells as sources of useable irrigation water. In fact, the lower Wailea wells are likely to experience quality deterioration more from the addition of new wells and increase in pumpage with the area than from the Wailea 670 wells." (Emphasis added.)

- The DEIS notes that the Project's water draw will increase in summer and decrease in winter. Monthly data is needed rather than bald statements without detail.
- The DEIS makes broad assumptions about recharge without examination. Should average aquifer recharge be assumed throughout the year, or will anticipated summer water draw mis-align with lower seasonal rainfall? If a mismatch is likely, the lack of congruity should be analyzed to determine short and long term effect.
- The DEIS states that current "groundwater pumpage from the aquifer is estimated to be a little more than four MGD". (Engineering Report, Tom Nance, p. 9.) No source is given and it is at odds with a February 2005 report given by the Commission on Water Source Management to the Maui County Board of Water Supply indicating existing withdrawal of 5.76 MGD from the Kamaole aquifer by nearby irrigation wells. Section 11-200-17, subsection E., 3, requires a draft EIS to include "technical characteristics". The requirement is not met here. The difference between an "estimated" 4 MGD and a measured 5.76 is material since it equates to 15% of the aquifer's speculative sustainable yield.

Furthermore, Table 4 of Tom Nance's report entitled "Wells in the Downgradient Area Potentially Impacted by the Honua'ua Offsite Kamaole Wells" (p. 12) identifies only 20 wells that might be impacted by the Project and omits highly relevant chloride

concentration and volume data for each, whether on a one time basis or historically. By contract, USGS Scientific Investigations Report 2006-5283 depicts 87 wells in the south Maui area, 67 makai of P'iliiani Highway and 20 mauka, most with fairly high chloride concentration levels, putting them at greater risk of adverse impact in the event the developer's water strategy results in increased chloride concentrations in the aquifer. To the extent the developer believes, based on scientific principles and study, that some of these 87 wells are not likely to be affected, they should be identified and a rationale given to exclude them from the class of wells at risk. In any event, state guidelines for preparation of engineering reports for new drinking water sources require thorough investigation of nearby wells (See, e.g., Hawaii State Department of Health, Safe Drinking Water Branch, Guidelines for Preparation of Engineering Reports for New Drinking Water Sources for Regulated Public Water Systems, Well Information: . . . 3. **Water quality data on any existing wells in the area. . . .**" (Emphasis added.) The DEIS falls far short of meeting this requirement.

- The DEIS states that the area's average rainfall is 18 inches a year (Engineering Report, Tom Nance, p. 13). No source is cited. Accurate rainfall data is essential to understanding sustainable yield. ("Two major contributors to ground-water recharge in central and west Maui are agricultural irrigation and rainfall." USGS Scientific Investigations Report 2007-5103, p. 1.) The amount stated, 18 inches a year, is at odds with documented, credible rainfall data for Kihei. For example, USGS Scientific Report 2007-5103 (p. 16) states that mean monthly rainfall for months with complete rainfall records at National Weather Service rain gage # 4489 (located in Kihei) is .92 inches, or 11 inches per year, 39% less than the amount reported by the developer and its expert. A casual Google search for Kihei rain totals produces support for the USGS number and none for the developer's.
- The DEIS omits discussion and data relative to the relationship of the Project to other land use plans in the affected area. (See HAR 11-200-17, subsection H.) A large public high school and police station are planned to be built mauka of P'iliiani Highway in the vicinity of the Project and Makena Resort is located immediately south of the Project. Where will these projects obtain potable water, and what impact, if any, will they have on the Kamaole aquifer, alone and in combination with the Project?
- The developer's consulting hydrologist should present his professional opinion regarding the integrity, sustainability and reliability of the Kamaole aquifer since the developer is placing total reliance on the aquifer to support the Project, now and in the future.

Instead, the developer's consultant parrots carefully edited statements by others, portraying the Project's water supply in the best light while ignoring negative information. Certification of the water strategy by the developer and its expert hydrologist is essential.

III.

Mitigation Measures are Non-existent

Because the DEIS is predicated upon an unsupported sustainable yield, discussion of mitigation measures, required by HAR 11-200-17, subsection M, cannot be undertaken. Once a credible assessment of the Kamaole aquifer's sustainable yield is secured, mitigating strategies must be considered to align the Project with the capacity of its water source. Until then, no meaningful discussion of mitigation measures can be undertaken.

IV.

Water and Climate are Not Static; the DEIS Must Consider Likely Future States

The DEIS approaches the question of water supply as a snapshot in time, turning a blind eye to climactic trends.

HAR 11-200-17, subsection J, requires a DEIS to consider both short term and long term effects: "The draft EIS shall include in a separate and distinct section a description of the relationship between local short term uses of humanity's environment and the maintenance and enhancement of long-term productivity. . . . The discussion shall include the extent to which the proposed action . . . poses long-term risks to health or safety." (Emphasis added.)

Potential ruination of the Kamaole aquifer² due to miscalculation (or here, no calculation) is a potential outcome of the Project. In the face of this possible horrendous outcome, the developer takes what appears to be British Petroleum's approach to risk management: making unjustifiable assumptions predicated on speculative sustainable yield estimates and assuming everything will work out. Humanity is frequently and painfully reminded that things don't always work out the way we hope, particularly when risk is imprudently assessed and taken. Indeed, this is why we have environmental protection laws and require environmental impact statements to be prepared.

² Water in the Kamaole aquifer is held in public trust and must be treated with due care.

Because the Project will, if constructed, exist beyond this century³, the DEIS should take into account observable climatic trends and professional projections co-existent with its life expectancy. The following is a partial list of data, observable trends and professional opinion not mentioned in the DEIS needing consideration to provide a better assessment of the Project's long term water sourcing plans:

A. Rainfall is Declining; Temperatures and Sea Levels are Rising in Hawaii and World-wide

EPA Circular 236-F-007e issued in 1988 states, "in Honolulu, Hawaii, the average temperature has increased 4.4 degrees F over the last century, and precipitation has decreased approximately 20% over the last 90 years." Temperature increases are expected to produce a rise in sea level with collateral impact on freshwater lenses in Hawaii. (See, e.g., Global Climate Change Impacts in the United States, U.S. Global Change Research Project, www.globalchange.gov/usimpacts.)

If these trends continue, how will the Kamaole aquifer be affected? Will recharge decline? Will evaporation increase? Will vegetation suffer, causing greater runoff and less absorption? And if the aquifer's salinity levels rise, will the ability to produce potable water be impaired and, if so, to what degree? Will down-gradient wells be impacted, with consequential impact on the greater south Maui community? Does the project need a back-up plan in case saline levels become unmanageable? If so, what is the plan?

B. Drought Conditions are Extreme and are Expected to Become more Prevalent and Persistent

- Experts warn that climate change will likely produce more extreme drought conditions that will last for extended periods of time compared to the past. Drought now plagues Hawaii.
- The National Weather Service recently reported that the 2009 – 2010 "wet season" in Hawaii (October to April) was the driest in 55 years.
- The U. S. Drought Monitor recently proclaimed the area from Wailea to Lahaina in extreme drought; current drought conditions in Hawaii are rated the most extreme in the nation.
- The Hawaii Drought Plan, 2005 Update, identifies the Project area as being among the most vulnerable to drought.

³ The one contingency that might cause an early end to the Project is lack of a reliable supply of water.

- A representative of Haleakala Ranch recently reported persistent drought has caused a high-level water source on the ranch to go dry, the "first time . . . in anyone's memory." (*Maui News*, April 23, 2010.) Some of the Project's wells are located on Haleakala Ranch lands.
- A representative of Ulupalakua Ranch recently stated that "We've not seen normal . . . anywhere near normal rainfall for quite some time." (*Maui News*, April 23, 2010.) Ulupalakua Ranch is located immediately above the Project.
- In Scientific Investigations Report 2007-5103, the USGS estimates that Maui's 1998-2002 drought conditions resulted in a 27% reduction in aquifer recharge.
- The U.S. government and several credible federal agencies predict that climate change will intensify drought conditions, particularly in dry areas like the Project site: "Deserts and drylands are likely to become hotter and drier, feeding a self-reinforcing cycle of invasive plants, fire and erosion." ("Global Climate Change Impacts in the United States", U.S. Global Change Research Program, www.gobalchange.gov/usimpacts.)

The DEIS must acknowledge and consider the impact climate trend will have on the Project's proposed water supply. (HAR 11-200-17, subsection 1.) Hawaii's State Department of Health, Safe Drinking Water Branch, Guidelines for Preparation of Engineering Reports for New Drinking Water Sources for Regulated Public Water Systems, item 6, explicitly details what is required: "Data relating to quality and quantity of the source waters under normal conditions and during stress conditions such as drought or heavy precipitation, as determined by field and laboratory analyses and investigations of available records. If records are not available or are inadequate to determine expected quality and quantity during stress conditions, an estimate of expected quality and quantity during stress conditions should be established and related to the hydrologic budget to the aquifer or isopiestic area." None of this is provided by the developer. Observed climate trends raise a variety of questions:

- What effect will higher average temperatures have on evaporation rates, aquifer recharge, chloride concentration levels and sustainable yield?
- What will lower average precipitation mean to aquifer recharge, chloride concentration levels, and sustainable yield?
- How will a rising sea level impact the Project's water source?

- How will extreme drought effect evaporation rates, recharge, chloride levels and down-gradient well water quality?
- What factors and assumptions should be included in development of a worst case scenario; what outcome would it produce?
- What is the back-up plan should the Kamaole aquifer fail to support the Project?
- If current aquifer users are negatively impacted by the Project and/or climate change how will their water needs be met/replaced?
- How will the County of Maui or the state respond, if at all, to a large, failed project in need of water?
- What impact will a failed project have on the island's economy and on real property values and tax revenues?

Answers to these questions are particularly relevant since the Central Maui water system is incapable of serving the Project or supporting current down-gradient users in the event of failure. ("Remaining capacity of the Central system currently cannot meet the demand of this project." March 13, 2006, letter from the director of Maui County's Department of Water Supply to the mayor of Maui County.)

V.

No Wastewater Treatment Solution is Identified/Studied; the Project is Not Ripe for Review
Obviously, an environmental impact statement must articulate what is planned. The developer concedes it does not have a wastewater treatment plan at this time. Perhaps it will rely on Makana Resort (an entity in foreclosure with an uncertain future); perhaps it will not. We are left to guess. In addition, no detail or analysis of either approach is supplied. Because wastewater treatment and disposition are key components of the Project's overall water strategy, the DEIS fails to meet the requirements of HAR 11-200-16 and -17.

VI.

The Project is Located in a Wildfire Zone

According to the Hawaii Drought Plan, 2005 Update, the Project is located in a wildfire zone. In fact, the area just north of Maui Meadows recently experienced wildfire. Obviously, water is

needed to fight fire. The source(s) and amount of water for firefighting need to be identified and means to protect wells located in the wildfire zone explained.

VII.

The Project's Water Strategy May Violate the Upcountry Community Plan

The DEIS indicates that at least some of the Project's wells will be located north of Maui Meadows. The locations of transmission lines from these wells and water storage facilities for the Project are not shown. Unless water transmission lines and associated storage tanks are exclusively located within the Kihei/Makena Community Plan District, water transmission of any kind over or through the Upcountry Community Plan District is strictly prohibited. In anticipation of conflict between the Upcountry Community Plan and the developer's water transmission and storage plan, it is critical that water transmission lines and storage facilities be identified and mapped; compliance with law must be demonstrated. (11-200-16, H: "The draft EIS shall include a statement of the relationship of the proposed action to land use plans, policies, and controls for the affected area.")

VIII.

Large Development + Unsubstantiated Water Source = High Risk

Wailea 670's size coupled with dependence on a poorly understood water source necessarily makes the project high risk. The absence of a back-up plan elevates the risk posed. If the Project fails for lack of a sustainable water source, several potential negative consequences may result:

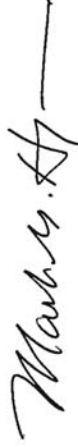
- The Kamaole aquifer may be damaged, now and for future generations, caused by over-pumping and consequent rise in chloride concentrations;
- Nearby wells may be rendered unusable due to rising chloride levels. Because nearby wells currently draw approximately 5.7 MGD from the Kamaole aquifer, this volume would need to be replaced. However, since the Central Maui system has no additional capacity, how this would be done is not explained. Simply drilling more wells in an aquifer in distress, as the developer proposes, will not, on its face, be a solution. If the wells serving Wailea and Makena golf courses become unusable, negative economic effect will be wide-spread, with consequential damage to nearby hotels, residences and county revenue.

- Maui County's "brand" would be degraded with consequential damage to the island's economy, much of which is tied to real estate, real estate development and tourism.

High risk projects merit a commensurate level of analysis and scrutiny. The water component of the DEIS falls far short of this. In legal terminology, the DEIS fails to meet the letter and spirit of Hawaii's environmental laws specific to environmental impact statements. In general terms, it simply fails to provide evidence of sustainability upon which to construct a 1,400 unit development complete with a golf course and commercial center.

Nothing in the DEIS refutes expert and state agency opinion that the sustainable yield of the Kamaole aquifer is anything but "uncertain" and "speculative". The DEIS is devoid of hydrologic test data needed to provide a level of confidence upon which to give the Project's water strategy a green light. Assuming the developer's plan is not to "pump and dump," it is high time for the developer to commit the resources necessary, financial and professional, to prove (or disprove) the adequacy of the Project's water source.

Respectfully submitted,



Mark G. Hyde



May 31, 2012

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process, and the preparation of a final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments, and our responses. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

2. We disagree that Honua'ula poses a significant environmental risk to: the aquifer itself; existing aquifer users; and the people, economy and well-being of Maui as a whole. As stated in Section 3.5.1 (Groundwater) of the Draft EIS, all existing on- and off-site wells are fully permitted by CWRM. All new wells will be developed in compliance with all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. The CWRM application process for well construction permits requires an extensive application process with thorough review by the State Department of Health (DOH) for compliance DOH rules and standards, including the appropriateness of the well location.

Honua'ula Partners, LLC will also comply with: 1) DOH Engineering and Capacity report requirements; and 2) the County's Water Availability Policy, codified as Chapter 14.12, Maui County Code (MCC), which requires verification of a long-term, reliable supply of water before subdivisions are approved. In accordance with Section 14.12.050 MCC, in reviewing and commenting on water source engineering reports the DWS Director shall consider (among other things) the following factors:

- Cumulative impacts;
- CWRM's Water Resources Protection Plan;
- The general plan and relevant community plans;
- The adverse impacts on surrounding aquifers and stream systems, including:
 - Water levels,
 - Water quality, including salinity levels,
 - Surface water-groundwater interactions, and
 - Adverse impacts on other existing, future, or planned wells;
- The adverse impacts on the water needs of residents currently being served and projected to be served by DWS;
- The adverse impacts on environmental resources that are rare or unique to the region and the project site (including natural, cultural, or human-made resources of historic, archaeological) or aesthetic significance);
- The adverse impacts on the exercise of traditional and customary Native Hawaiian rights and practices;
- United States Geological Survey studies;
- Whether the applicant is in full compliance with the State water code and County's water reporting laws;

SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Hyde:

Thank you for your letter, which was not dated but was received in June 2010, regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II Application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. Honua'ula Partners, LLC's hydrologist, Tom Nance, of Tom Nance Water Resources Engineering, Inc., contributed to the responses in this letter. The organization of this letter follows the general headings of your letter.

Summary

Comment: Waile'a 670's DEIS fails to provide support for a sustainable water source for the project. The Kama'ole aquifer upon which it relies for water is untested; the aquifer's estimated 11 MGD sustainable yield (which the developer erroneously assumes is fact) is characterized by state water experts and state agencies as "speculative" and "uncertain." The DEIS provides no evidence to the contrary. Accordingly,

- (1) The DEIS fails to meet the requirements of Hawaii's environmental protection laws, and
- (2) The project poses a significant environmental risk to the aquifer itself, to existing aquifer users and to the people, economy and well-being of Maui as a whole.

Response: In response to your general comment, the 11 MGD sustainable yield adopted by the State Commission on Water Resource Management (CWRM) for the Kama'ole Aquifer is based on computations of rainfall-recharge using average annual values of rainfall and evaporation. Subsequent and far more sophisticated recharge calculations by the USGS and others, which were done with a shorter computation time step and, for some, the inclusion of fog drip in the upper elevation areas, have all derived greater amounts of recharge to the aquifer. All suggest that the sustainable yield is actually greater than the CWRM's adopted figure. Section 3.51 (Groundwater) of the Draft EIS notes and references these more sophisticated recharge calculation studies by the USGS and others.

In their letter commenting on the Draft EIS dated May 20, 2010, CWRM stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues" and made no mention of any issue related to Honua'ula's impact on the sustainable yield of the Kama'ole Aquifer.

In response to your specific points:

1. The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, Hawai'i Revised Statutes (HRS) and Title 11, Chapter 200, Hawai'i Administrative Rules (HAR)). The EIS laws and rules provide for the preparation of a draft EIS, a review

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- Whether the affected water source, including groundwater, surface water, or other source of water will exceed:
 - o 90 percent of the sustainable yield;
 - o Instream flow standards, or
 - o Interim instream flow standards;
- The adverse impacts to the water needs of residents currently on a County "wait list" for water meters;

In light of the comprehensive State and County laws, rules, and policies regarding new water source and well development, there will be extensive analysis, review, and evaluation of potential impacts of any new wells.

I. The Kamaole Aquifer is Poorly Understood; the DEIS Fails to Provide Clarity

Comment: *The Kamaole aquifer is poorly understood; its use has been slight and hydrologic data is almost nonexistent. Although a sustainable yield of 11 MGD has been assigned to it, state water experts and agencies have clearly indicated that this is no more than an educated guess.*

Response: In 1990 when the aquifer's sustainable yield was adopted by the CWRM, well development was limited to irrigation wells for the Wailea and Makana Resorts and small-capacity wells along the Kihei shoreline. Since that time, a number of wells have been drilled to the north and at higher elevations which produce potable-quality water and a number of others have been drilled at mid-elevation and produce slightly brackish water. In addition, geophysical work has been done over a significant portion of the aquifer. In other words, a substantial amount of hydrologic information has been developed since 1990, all of which indicates that the aquifer's sustainable yield is likely to be more than 11 MGD.

Comment: *According to the June 2008 "Hawaii Resource Protection Plan" prepared for the Hawaii Commission of Water Resource Management (CWRM), the 11 MGD sustainable yield calculation assigned to the aquifer is rated at the lowest confidence level: "3 - Least Confident - Limited to No Hydrologic Data." In explanation, the Commission writes: "The CWRM recognizes the adopted Sustainable Yield as a reasonable-planning Sustainable Yield until more detailed geologic and hydrologic information is available for these aquifer system areas. There is significant uncertainty associated with this Sustainable Yield due to the lack of hydrogeologic and pumpage information." (Emphasis added.)*

Response: As previously discussed in the above responses, the 11 MGD sustainable yield adopted by the CWRM for the Kama'ole Aquifer is based on computations of rainfall-recharge using average annual values of rainfall and evaporation. Subsequent and far more sophisticated recharge calculations by the USGS and others, which were done with a shorter computation time step and, for some, the inclusion of fog drip in the upper elevation areas, have all derived greater amounts of recharge to the aquifer. All suggest that the sustainable yield is actually greater than the CWRM's adopted figure. Section 3.51 (Groundwater) of the Draft EIS notes and references these more sophisticated recharge calculation studies by the USGS and others.

Comment: *George A. L. Yuen described the Kamaole aquifer's sustainable yield as "speculative" in "Water Resources Protection Plan [WRPP], Volumes I & II", 1990, p. V-21, because "no exploration [of the Kamaole aquifer] has taken place beyond a mile or so from the coast." Yuen cautions that estimates of sustainable yield "are not meant to be an exact number which could be used in final planning documents.*

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The estimates are constrained not only by the scant data base but also by the fact that they do not consider the feasibility of developing the groundwater. The estimates should not be equated to developable groundwater." (WRPP, p. V-3; Emphasis added.) "Good estimates of sustainable yield need a reliable data base. In most of the State not enough is known about the extent and behavior of groundwater to allow more than a weak estimate of sustainable yields. Only in Southern Oahu, Lanai, and West Maui, where many years of investigation have been devoted to unraveling the complexities of groundwater occurrence, can the sustainable yields be accepted with confidence." (WRPP, p. V-2; Emphasis added.)

Response: As previously discussed in the above responses, far more sophisticated recharge calculations and more hydrologic information has been developed since 1990.

Comment: *The DEIS makes no mention of any of these all-important qualifying remarks and instead misrepresents the Kamaole aquifer's estimated sustainable yield as gospel. It is not.*

In fact, where the state has investigated estimated sustainable yields in greater depth, yields have consistently been found to be less than that previously estimated, raising the inference that once studied the Kamaole aquifer's sustainable yield will be lower as well.

Response: Your statement regarding the reductions of sustainable yields due to investigations "in greater depth" is not correct. Only one aquifer statewide has been investigated "in greater depth" since 1990 and has had its sustainable yield reduced. That aquifer is Waipahu-Waiawa on O'ahu and its reduction was based on the closure of O'ahu Sugar resulting in the loss of irrigation return and less importation of water via Waiahole Ditch.

Comment: *In a June 2002 "Draft Supplemental Environmental Impact Statement for the East Maui Water Development Plan" written by Mink & Yuen, the authors note that "numerous exploratory wells would be required" to determine the worth of the Kamaole, Paia and Makawao aquifers. (Emphasis added.) "The likelihood that a significant supply of fresh water could be developed at acceptable cost is slim."*

Response: As noted above a number of wells across the aquifer actually have been developed. Wells have been drilled to the north and at higher elevations which produce potable quality water and a number of others have been drilled at mid-elevation and produce slightly brackish water. In addition, geophysical work has been done over a significant portion of the aquifer. In other words, a substantial amount of hydrologic information has been developed, all of which indicates that the aquifer's sustainable yield is likely to be more than 11 MGD.

Comment: *Undeterred, the DEIS suggests that the aquifer's sustainable yield may even be higher than 11 MGD, citing USGS Scientific Investigations Report 2007-5103 in which higher recharge assumptions are assigned for all Maui aquifers. However, the assumptions are unsupported by additional hydrogeologic and pumpage information, at least in terms of the Kamaole aquifer. Furthermore, this study (which precedes the CWRM's 2008 resource plan referenced above that retained a level 3 credibility factor for the aquifer) speaks primarily to the lao aquifer, which has been extensively studied. Additionally, the study notes that Maui rainfall patterns have changed over time with the most recent period of study subject to drought: "Groundwater recharge is one of the most important factors controlling ground-water availability. . . . Decreasing irrigation has coincided recently with periods of below-average rainfall, creating the potential for substantially reduced ground-water recharge rates in many areas." (p. 1.)*

Response: The USGS study you cite used far more sophisticated methods to compute aquifer recharge than the estimates used in 1990. Your characterization that "...recharge assumptions are

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assigned for all Maui aquifer's" is not correct. All were based on detailed, aquifer specific calculations.

Comment: USGS Report 2007-5103 examines a number of different scenarios in an effort to determine likely recharge based on a variety of historical rainfall patterns, estimating Maui's 2000 - 2004 aquifer recharge at 66% of that experienced during 1926 - 1979. (p. 31.) Using 1998 - 2002 rainfall data, the USGS found: "The worst-case scenario for recharge in central and west Maui (pastureland with drought) . . . was created by applying the 1998 - 2002 (drought) rainfall time series to the 'land use III' (no agriculture) scenario. The mean recharge for the entire study area was estimated to be . . . 46% less . . ." (p. 45). None of this is revealed or discussed in the DEIS while it cites the study in support of speculation that the aquifer's recharge rate might be higher than previously assumed. The presence of bias is notable.

Response: Sustainable yields are based on long-term average data, not on short term periods such as the 1998 to 2002 period. The reason for this is that aquifer storage is far greater than pumpage at the sustainable yield rate. For example, groundwater storage in the Kama'ole aquifer is greater than pumping 11 MGD every day for more than 50 years.

Comment: Clearly, a project intended to last well beyond this century, one that exists in a designated drought zone in an atmosphere of rising temperatures, declining rainfall, rising seas and dependent on an untested aquifer with an uncertain sustainable yield, cries out, at the very least, for rigorous analysis of the kind conducted by the USGS, employing various future-state assumptions predicated on actual trended rainfall data coupled with current observations (extreme and persistent drought) and accompanied by professional analysis of the kind befitting a project of this size, scope and longevity. The DEIS fails to meet this burden.

Response: For the reasons explained in the responses above and elsewhere in this letter, we disagree with your conclusions regarding the sustainable yield of the aquifer, and the impact to the aquifer based on short-term trends pertaining to rising temperatures, declining rainfall, rising seas, etc. Therefore we do not agree with your conclusion that the EIS should include the additional analysis as you describe. We note that in their letter commenting on the Draft EIS dated May 20, 2010, CWRM did not call for the additional information you suggest and stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues."

Comment: Keeping to this theme, one would expect the DEIS to at least acknowledge, if not distinguish, the existence of an exploratory well drilled by the Hawaii Department of Land and Natural Resources in 2006 on a site located between the Project and its wells north of Maui Meadows. (See Central Maui Exploratory Well, Final Environmental Assessment, June 2004; "The purpose of the project is to develop an exploratory well which, if found to be hydrogeologically favorable, would serve as a future production well providing a potable water source for the State of Hawaii projects.") This is, after all, the kind of real hydrologic data identified by CWRM and Mink & Yuen as that needed to assess the sustainable yield of Kamaole aquifer, making its omission especially noteworthy. Unfortunately, the well was found to be insufficient, both in terms of water volume (only producing 172,800 gallons per day) and water quality (chloride levels exceeded acceptable standards).

Response: We wish to clarify your interpretation of the results of Well 4225-01 at the DWS tank site above Maui Meadows. Localized subsurface anomalies, such as poorly permeable lava flows or intrusive structures with no surface expression, do exist. If drilled into or just downgradient of this type of soil, the same results will occur. However, this result explains the anomalously good results for the two Honua'ula wells immediately to the south. Groundwater is preferentially flowing around the low permeability feature to the benefit of wells to the north and south.

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II. Insufficient Data is Supplied to Enable Examination of Many DEIS Conclusions

Comment: Section 11-200-17, subsection E, paragraph 3, requires a draft EIS to contain project data sufficient to permit "evaluation and review of the environmental impact". In many instances the DEIS either fails to report critical data or uses average data that prevents understanding and analysis.

Response: We are somewhat confused by your reference to Section 11-200-17(E)(3), HAR as this section calls for a "General description of the action's technical, economic, social, and environmental characteristics;" Perhaps you were referring to Section 11-200-17(E) HAR, which states: "The draft EIS shall contain a project description which shall include the following information, **but need not supply extensive detail** [emphasis added] beyond that needed for evaluation and review of the environmental impact:." In either case the Draft EIS has been prepared in accordance with both Section 11-200-17(E) HAR and Section 11-200-17(E)(3), HAR and all other applicable provisions of Title 11, Chapter 200, HAR.

We disagree that the Draft EIS "fails to report critical data." Regarding use of average data, for reasons explained above in previous responses sustainable yields are based on long-term average data, and not on short term periods.

Comment: Vagary is a hallmark of this project. When the Maui County Department of Water Supply was asked to comment on the project's water strategy, Jeffrey Eng, Maui County Director of Water Supply, wrote the following in an August 2007 letter addressed to Mayor Chamaine Tavares and Land Use Committee Chair Michael Molina: "I'll would like to offer the following comments of general concern related to the development's proposed water system. I would like to preface my comments by mentioning that in my opinion, the applicant has been somewhat vague in his presentation of the water system and wastewater system plans. Therefore, my comments may be somewhat assumptive."

Response: In August 2007, Jeff Eng's statement is a reasonably accurate characterization. Plans for Honua'ula's water and wastewater systems were not developed until the 2009 to 2010 period. Subsequently these plans have been discussed in the Draft EIS. In the Department of Water Supply's (DWS) comment letter on the Draft EIS dated June 10, 2010, DWS Director Jeff Eng did not express concerns regarding the water system and wastewater system plans being vague.

Comment: The following deficiencies, without limitation, are noted:

- Comprehensive pump test data for all wells drilled by the developer are not included in the report. Robust presentation of this data is essential to enable examination of the developer's claim that the Kamaole aquifer is adequate to support the Project's water needs now and in the future.

Response: The pump test data are a matter of public record and are available from the State CWRM. However, they are tests of each well's hydraulic performance and localized groundwater conditions. They are not tests of the 89-square mile aquifer.

- Table 3 of Tom Nance's February 2010 engineering report presents average data for Wailea wells. Average data spanning 1991 - 2009 is insufficient to allow detection and comprehension of trends, month to month and year to year. The public needs to know whether golf course irrigation is increasing, decreasing, or remaining the same over time. Likewise, chloride concentration trends need visibility since they reflect the directional health of the aquifer.

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Response: The data in the table you refer to are limited to nutrients and salinity as averages over an 18-year period. The data are proprietary and would only be released in this form.

- Need for this information is particularly relevant given remarks made by John Mink in a study entitled "Wailea 670 Irrigation Well 1, Drilling and Testing Results," dated June 3, 1991 (p. 3):

"The future demand for lower Wailea is projected as 3 to 3.5 mgd, while for Wailea 670 the projected demand for two golf courses is 1 mgd. Total demand for the two areas will average 4.5 mgd along an equivalent shore line reach of three miles toward which a natural flux of 6 to 9 mgd moves. The demand as a fraction of flux probably corresponds to or somewhat exceeds sustainable yield. For these values of flux and demand, the lower Wailea wells are apt to suffer an increase in salinity over the long run, but the increase may not be great enough to eliminate the wells as sources of usable irrigation water. In fact, the lower Wailea wells are likely to experience quality deterioration more from the addition of new wells and increase in pumpage with the area than from the Wailea 670 wells." (Emphasis added.)

Response: In general, we do not disagree with John Mink's characterizations. It is the main reason that well sites to the north of Maui Meadows will be supplying Honua'ula.

- The DEIS notes that the Project's water draw will increase in summer and decrease in winter. Monthly data is needed rather than bald statements without detail.

Response: For any land use with a significant amount of landscape irrigation, water use in dry periods is greater than in wet periods. It is a well-established fact.

- The DEIS makes broad assumptions about recharge without examination. Should average aquifer recharge be assumed throughout the year, or will anticipated summer water draw mis-align with lower seasonal rainfall? If a mismatch is likely, the lack of congruity should be analyzed to determine short and long term effect.

Response: As indicated previously, aquifer storage is very large in comparison to annual use. Because of this, within-year variations of recharge and pumpage by wells is not critical in assessing long term sustainability.

- The DEIS states that current "groundwater pumpage from the aquifer is estimated to be a little more than four MGD". (Engineering Report, Tom Nance, p. 9). No source is given and it is at odds with a February 2005 report given by the Commission on Water Source Management to the Maui County Board of Water Supply indicating existing withdrawal of 5.76 MGD from the Kamaole aquifer by nearby irrigation wells. Section 11-200-17, subsection E., 3, requires a draft EIS to include "technical characteristics". The requirement is not met here. The difference between an "estimated" 4 MGD and a measured 5.76 is material since it equates to 15% of the aquifer's speculative sustainable yield.

Response: Estimates of groundwater pumpage from the aquifer are the professional opinion of Tom Nance, who has over 30 years of experience in the areas of groundwater and surface water development. According to CWRM records, there are a total of 134 wells within the Kamaole Aquifer System, many of which are more than 60 years old and no longer in use. Of the 134 wells, 43 are known or presumed to be in use, 47 are no longer in use or do not draw from the basal lens, and 44 are of unknown status relative to their use. We could not locate the February 2005 report given by the Commission on Water Source Management to the Maui County Board of

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Water Supply that you cite and therefore could not verify the 5.76 MGD withdrawal you reference.

Section 11-200-17(E)(3) HAR, which you cite actually requires: "General description of the action's technical, economic, social, and environmental characteristics;" The Draft EIS meets this requirement and is not deficient in this regard. We note that in their letter commenting on the Draft EIS dated May 20, 2010, CWRM did not question the estimate of groundwater pumpage from the aquifer provided by Tom Nance and stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues."

Furthermore, Table 4 of Tom Nance's report entitled "Wells in the Downgradient Area Potentially Impacted by the Honua'ula Offsite Kamaole Wells" (p. 12) identifies only 20 wells that might be impacted by the Project and omits highly relevant chloride concentration and volume data for each, whether on a one time basis or historically. By contrast, USGS Scientific Investigations Report 2006-5283 depicts 87 wells in the south Maui area, 67 makai of Pihani Highway and 20 mauka, most with fairly high chloride concentration levels, putting them at greater risk of adverse impact in the event the developer's water strategy results in increased chloride concentrations in the aquifer. To the extent the developer believes, based on scientific principles and study, that some of these 87 wells are not likely to be affected, they should be identified and a rationale given to exclude them from the class of wells at risk. In any event, state guidelines for preparation of engineering reports for new drinking water sources require thorough investigation of nearby wells (See, e.g., Hawaii State Department of Health, Safe Drinking Water Branch, Guidelines for Preparation of Engineering Reports for New Drinking Water Sources for Regulated Public Water Systems, Well Information: . . . 3. Water quality data on any existing wells in the area. . . . " (Emphasis added.) The DEIS falls far short of meeting this requirement.

Response: The wells identified in Table 4 of Tom Nance's report included in the Draft EIS that you cite are downgradient from Honua'ula's existing and potential future wells. They are the wells that may be impacted. Potential impacts are limited to the downgradient wells because groundwater flows downhill and does not easily flow laterally. In other words, wells at a higher elevation draw from downhill flows thereby potentially impacting downhill wells, but this does not extend very far laterally; however Tom Nance's report accounts for a lateral dispersion on the order of 10 degrees. Pumpage and salinity data for the wells are unfortunately not available. The owner/operators have elected not to submit the data required by their CWRM permits. Analysis of nearby wells in satisfaction of requirements pertaining to state guidelines for preparation of engineering reports for new drinking water sources will be done for the engineering report submitted to the Department of Health to certify the project's wells for drinking water use. That is the appropriate form for such analysis.

- The DEIS states that the area's average rainfall is 18 inches a year (Engineering Report, Tom Nance, p. 13). No source is cited. Accurate rainfall data is essential to understanding sustainable yield. ("Two major contributors to ground-water recharge in central and west Maui are agricultural irrigation and rainfall," USGS Scientific Investigations Report 2007-5103, p. 1.) The amount stated, 18 inches a year, is at odds with documented, credible rainfall data for Kihai. For example, USGS Scientific Report 2007-5103 (p. 16) states that mean monthly rainfall for months with complete rainfall records at National Weather Service rain gage # 4489 (located in Kihai) is .92 inches, or 11 inches per year, 39% less than the amount reported by the developer and its expert. A casual Google search for Kihai rain totals produces support for the USGS number and none for the developer's.

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Response: Actually, on page 13 of the report titled "Assessment of the Potential Impact on Water Resources of the Honua'ula Project in Wailea Maui" (Appendix B of the Draft EIS) which you cite, it is stated that rainfall on the site (as opposed to "the area" which you state) averages 18 inches a year. Section 3.1 (Climate) of the Draft EIS states that average rainfall distribution for the Kihei-Makena region varies from under 10 inches per year to more than 20 inches per year. As noted in the Draft EIS the source of this information is the 2008 Maui County Data Book. While not broken down in the Draft EIS, the 2008 Maui County Data Book records the higher end of this range (i.e. 20 inches per year) as occurring at the Makena Golf Course. Therefore, the average rainfall of 18 inches per year stated in Appendix B is within the range reported in the 2008 Maui County Data Book, and since Honua'ula is near the Makena end of the Kihei-Makena region, it is consistent with the higher rainfall averages reported for the Makena Golf Course. Regardless, rainfall on the Honua'ula site, an inconsequential part of the 89-square mile aquifer, has little to do with the aquifer's sustainable yield.

- *The DEIS omits discussion and data relative to the relationship of the Project to other land use plans in the affected area. (See HAR 11-200-17, subsection H.) A large public high school and police station are planned to be built mauka of Pi'ilani Highway in the vicinity of the Project and Makena Resort is located immediately south of the Project. Where will these projects obtain potable water, and what impact, if any, will they have on the Kamaole aquifer, alone and in combination with the Project?*

Response: Chapter 5 (Land Use Conformance) of the Draft EIS includes discussion of State of Hawai'i and Maui County land use plans, policies, and ordinances relevant to Honua'ula. Section 7.2 (Cumulative and Secondary Impacts) of the Draft EIS discusses cumulative and secondary impacts. In this section it is noted that the availability of water "is a critical factor in determining whether a project can proceed and may be a limiting factor with respect to a specific project moving forward, especially in the Kihei region with its restricted water resources." Section 7.2 (Cumulative and Secondary Impacts) of the Draft EIS also states: "The feasibility of a project proceeding is based on many factors, including the State Land Use District classification, the Community Plan and zoning designations, other necessary approvals, overall economic conditions, the demand for the proposed product, and the willingness of a landowner or developer (or in the case of the Kihei High School and the police station, the State of Hawaii and County of Maui) to risk the capital required for development." So at this point, regarding the projects that you mention, it is speculative as to whether these projects will proceed or be built as currently proposed. Furthermore, because of the multi-stage land use approval and permitting process that exists in Hawai'i, there are many approvals of a project at various levels of government and at different points in time. At each step, decision-makers involved in the process evaluate a project in the context of the existing regional conditions, including infrastructure capacity and other factors.

Specifically regarding the Kihei High School, according to the *Kihei High School Draft Environmental Impact Statement* prepared by Group 70 in December 2011: "It is anticipated that potable water will be supplied by the County's Central Maui Water System and that brackish water wells to be located at the school site would serve as the non-potable source of irrigation water." The *Kihei High School Draft Environmental Impact Statement* also states: "the wells are not expected to have any adverse impact on the existing water supply (fresh and brackish) and nearby wells."

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Regarding Makena Resort, it is not known at what point when or if this project will proceed and what would be built. It would speculative to assume that it is moving forward and in any case, when and if the project does move forward the developer will have to determine a source of water and what impact, if any, that source would have on the aquifer, similar to what Honua'ula is doing with their Draft EIS and subsequent required approvals.

If the source of water for the Kihei High School, the proposed police station, and the Makena Resort is the County's DWS Central Maui Water System the water will come from DWS sources in the 'Iao and Waihe'e aquifers and have no impact on the Kama'ole Aquifer. DWS has no water sources in the Kama'ole Aquifer.

- *The developer's consulting hydrologist should present his professional opinion regarding the integrity, sustainability and reliability of the Kamaole aquifer since the developer is placing total reliance on the aquifer to support the Project, now and in the future. Instead, the developer's consultant patrols carefully edited statements by others, portraying the Project's water supply in the best light while ignoring negative information. Certification of the water strategy by the developer and its expert hydrologist is essential.*

Response: Professional opinions of Honua'ula Partners, LLC's hydrologist, Tom Nance, of Tom Nance Water Resources Engineering, Inc., are incorporated in the reports he has prepared.

III. Mitigation Measures are Non-existent

Comment: *Because the DEIS is predicated upon an unsupported sustainable yield, discussion of mitigation measures, required by HAR 11-200-17, subsection M, cannot be undertaken. Once a credible assessment of the Kamaole aquifer's sustainable yield is secured, mitigating strategies must be considered to align the Project with the capacity of its water source. Until then, no meaningful discussion of mitigation measures can be undertaken.*

Response: As discussed above we disagree with your conclusions regarding the sustainable yield of the Kama'ole Aquifer. Section 4.8.1 (Water System) and Appendix B of the Draft EIS discuss potential impacts and proposed mitigation measures in regard to ground water resources. As more fully discussed in Section 4.8.1 (Water System) and Appendix B of the Draft EIS, mitigation of impacts to groundwater will be achieved by well spacing and operating modes. The option to drill additional wells further to the north, if need be, also exists.

The Draft EIS has been prepared in compliance with Section 11-200-17(M) regarding mitigation measures, not only in regard to groundwater resources, but for all other pertinent resources.

IV. Water and Climate are Not Static; the DEIS Must Consider Likely Future States

Comment: *The DEIS approaches the question of water supply as a snapshot in time, turning a blind eye to climatic trends.*

HAR 11-200-17, subsection J, requires a DEIS to consider both short term and long term effects: "The draft EIS shall include in a separate and distinct section a description of the relationship between local short term uses of humanity's environment and the maintenance and enhancement of long-term productivity. . . . The discussion shall include the extent to which the proposed action . . . poses long-term risks to health or safety." (Emphasis added.)

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Response: Section 7.1 (Relationship Between The Short-Term Uses Of Environmental Resources And Long-Term Productivity) of the Draft EIS fulfills the requirements of Section 11-200-170). We disagree with your insinuation that Honua'ula's water system "poses long-term risks to health or safety." Section 4.8.1 (Water System) and Appendix B of the Draft EIS discuss potential impacts and proposed mitigation measures in regard to ground water resources. As indicated in previous responses, aquifer storage enables the sustainable yield to be based on long-term averages.

Comment: Potential ruination of the Kamaole aquifer² due to miscalculation (or here, no calculation) is a potential outcome of the Project. In the face of this possible horrendous outcome, the developer takes what appears to be British Petroleum's approach to risk management: making unjustifiable assumptions predicated on speculative sustainable yield estimates and assuming everything will work out. Humanity is frequently and painfully reminded that things don't always work out the way we hope, particularly when risk is imprudently assessed and taken. Indeed, this is why we have environmental protection laws and require environmental impact statements to be prepared.

Because the Project will, if constructed, exist beyond this century³, the DEIS should take into account observable climatic trends and professional projections co-existent with its life expectancy...

Response: Long-term climate change, if it occurs, will be a large scale phenomenon with impacts not limited to the Kama'ole Aquifer. The impacts will be to all aquifers and sources pumping from those aquifers statewide. To date, this has not been a consideration of the CWRM in regulating groundwater use.

Please also refer to points 1 and 2 in response to your first comment at the beginning of the letter regarding: 1) satisfaction of the requirements the State of Hawai'i EIS laws and rules (Chapter 343, HRS and Title 11, Chapter 200, HAR) and 2) compliance with all requirements of the State Water Code (Chapter 174C, HRS) and rules pertaining to CWRM and administration of the State Water Code (Chapters 13-167 to 13-171, HAR as applicable).

Comment: The following is a partial list of data, observable trends and professional opinion not mentioned in the DEIS needing consideration to provide a better assessment of the Project's long term water sourcing plans:

A. Rainfall is Declining; Temperatures and Sea Levels are Rising in Hawaii and World-wide

Comment: EPA Circular 236-F-007e issued in 1988 states, "In Honolulu, Hawaii, the average temperature has increased 4.4 degrees F over the last century, and precipitation has decreased approximately 20% over the last 90 years." Temperature increases are expected to produce a rise in sea level with collateral impact on freshwater lenses in Hawaii. (See, e.g., Global Climate Change Impacts in the United States, U.S. Global Change Research Project, www.globalchange.gov/usimpacts.)

Response: A sea level rise of the magnitude possible by global temperature rise will not have "...collateral impact on freshwater lenses in Hawaii." These lenses float on saltwater beneath them. If sea level rises, the lenses will simply rise up by a similar amount with no adverse impact.

Comment: If these trends continue, how will the Kamaole aquifer be affected? Will recharge decline? Will evaporation increase? Will vegetation suffer, causing greater runoff and less absorption? And if the aquifer's salinity levels rise, will the ability to produce potable water be impaired and, if so, to what degree? Will

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down-gradient wells be impacted, with consequential impact on the greater south Maui community? Does the project need a back-up plan in case saline levels become unmanageable? If so, what is the plan?

Response: As indicated above, a sea level rise will not adversely impact basal groundwater in the Kamaole aquifer.

B. Drought Conditions are Extreme and are Expected to Become more Prevalent and Persistent

- Experts warn that climate change will likely produce more extreme drought conditions that will last for extended periods of time compared to the past. Drought now plagues Hawaii.
- The National Weather Service recently reported that the 2009 – 2010 "wet season" in Hawaii (October to April) was the driest in 55 years.
- The U. S. Drought Monitor recently proclaimed the area from Wailea to Lahaina in extreme drought; current drought conditions in Hawaii are rated the most extreme in the nation.
- The Hawaii Drought Plan, 2005 Update, identifies the Project area as being among the most vulnerable to drought.
- A representative of Haleakala Ranch recently reported persistent drought has caused a high-level water source on the ranch to go dry, the "first time . . . in anyone's memory." (Maui News, April 23, 2010.) Some of the Project's wells are located on Haleakala Ranch lands.
- A representative of Ulupalakua Ranch recently stated that "We've not seen normal . . . anywhere near normal rainfall for quite some time." (Maui News, April 23, 2010.) Ulupalakua Ranch is located immediately above the Project.
- In Scientific Investigations Report 2007-5103, the USGS estimates that Maui's 1998-2002 drought conditions resulted in a 27% reduction in aquifer recharge.
- The U.S. government and several credible federal agencies predict that climate change will intensify drought conditions, particularly in dry areas like the Project site: "Deserts and drylands are likely to become hotter and drier, feeding a self-reinforcing cycle of invasive plants, fire and erosion." ("Global Climate Change Impacts in the United States", U.S. Global Change Research Program, www.globalchange.gov/usimpacts.)

Response: Observations of recent drought conditions do not prove the long-term trend. Generally, wet and dry periods have been cyclical in Hawai'i for as long as records have been kept. In any event, groundwater management regulations in Hawai'i do not reflect and/or incorporate a continuous trend to dryer conditions.

Comment: The DEIS must acknowledge and consider the impact climate trend will have on the Project's proposed water supply. (HAR 11-200-17, subsection 1.) Hawaii's State Department of Health, State Drinking Water Branch, Guidelines for Preparation of Engineering Reports for New Drinking Water Sources for Regulated Public Water Systems, item 6, explicitly details what is required: "Data relating to quality and quantity of the source waters under normal conditions and during stress conditions such as drought or heavy precipitation, as determined by field and laboratory analyses and investigations of available records. If records are not available or are inadequate to determine expected quality and quantity during stress

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conditions, an estimate of expected quality, and quantity during stress conditions should be established and related to the hydrologic budget to the aquifer or isotopic area." None of this is provided by the developer.

Response: Data relating to quality and quantity of source waters in satisfaction of requirements pertaining to state guidelines for preparation of engineering reports for new drinking water sources will be done for the engineering report submitted to the Department of Health to certify the Honua'ula's wells for drinking water use. That is the appropriate form for such analysis.

Comment: *Observed climate trends raise a variety of questions:*

- *What effect will higher average temperatures have on evaporation rates, aquifer recharge, chloride concentration levels and sustainable yield?*
- *What will lower average precipitation mean to aquifer recharge, chloride concentration levels, and sustainable yield?*
- *How will a rising sea level impact the Project's water source?*
- *How will extreme drought effect evaporation rates, recharge, chloride levels and down-gradient well water quality?*
- *What factors and assumptions should be included in development of a worst case scenario; what outcome would it produce?*
- *What is the back-up plan should the Kamaole aquifer fail to support the Project?*

Response: If there is, in fact, a many decades long reduction of rainfall-recharge, it will impact groundwater resources. The most notable impact will be that nearshore wells will experience salinity increases. This will not be a problem limited to the Kama'ole Aquifer. It will be a large-scale phenomenon impacting groundwater use throughout the State.

- *If current aquifer users are negatively impacted by the Project and/or climate change how will their water needs be met/replaced?*

Response: If current Kama'ole Aquifer users are adversely impacted by pumpage of Honua'ula's wells, that pumpage will be reduced and shifted to other existing or new wells. This is discussed in Section 4.8.1 (Water System) and Appendix B of the Draft EIS. If the impact is due to climate change, that is not within Honua'ula's control.

- *How will the County of Maui or the state respond, if at all, to a large, failed project in need of water?*

Response: It is highly unlikely that Honua'ula will become "a large, failed project in need of water." There is extensive government oversight of all new well development. All new wells will be developed in compliance with all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. The CWRM application process for well construction permits requires an extensive application process with thorough review by the State Department of Health (DOH) for

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compliance DOH rules and standards, including the appropriateness of the well location. Therefore, there will be analysis, review, and evaluation of potential impacts of any new wells.

Honua'ula Partners, LLC will also comply with: 1) DOH Engineering and Capacity report requirements; and 2) the County's Water Availability Policy, codified as Chapter 14.12, Maui County Code (MCC), which requires verification of a long-term, reliable supply of water before subdivisions are approved. In accordance with Section 14.12.050 MCC, in reviewing and commenting on water source engineering reports the DWS Director shall consider (among other things) the following factors:

- Cumulative impacts;
- CWRM's Water Resources Protection Plan;
- The general plan and relevant community plans;
- The adverse impacts on surrounding aquifers and stream systems, including:
 - o Water levels,
 - o Water quality, including salinity levels,
 - o Surface water-groundwater interactions, and
 - o Adverse impacts on other existing, future, or planned wells;
- The adverse impacts on the water needs of residents currently being served and projected to be served by DWS;
- The adverse impacts on environmental resources that are rare or unique to the region and the project site (including natural, cultural, or human-made resources of historic, archaeological, or aesthetic significance);
- The adverse impacts on the exercise of traditional and customary Native Hawaiian rights and practices;
- United States Geological Survey studies;
- Whether the applicant is in full compliance with the State water code and County's water reporting laws;
- Whether the affected water source, including groundwater, surface water, or other source of water will exceed:
 - o 90 percent of the sustainable yield;
 - o Instream flow standards, or
 - o Interim instream flow standards;
- The adverse impacts to the water needs of residents currently on a County "wait list" for water meters;

Finally, Honua'ula will be built out over a period of 13 years, thus allowing for: 1) incremental monitoring of any potential adverse impacts to groundwater sources and quality; 2) corrective actions, if necessary, to ensure groundwater source availability and quality as build-out proceeds.

- *What impact will a failed project have on the island's economy and on real property values and tax revenues?*

Response: For the reasons discussed above, it is highly unlikely that Honua'ula will become a "failed project" based on lack of water resources or impacts to groundwater quality.

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Comment: *Answers to these questions are particularly relevant since the Central Maui water system is incapable of serving the Project or supporting current down-gradient users in the event of failure. ("Remaining capacity of the Central system currently cannot meet the demand of this project." March 13, 2006, letter from the director of Maui County's Department of Water Supply to the mayor of Maui County.)*

Response: The ability of the County's Central Maui Water System to supply Honua'ula with water is irrelevant since County Maui Ordinance No. 3554 Condition 1 requires Honua'ula to develop, maintain, and operate a private water source.

V. No Wastewater Treatment Solution is Identified/Studied; the Project is Not Ripe for Review

Comment: *Obviously, an environmental impact statement must articulate what is planned. The developer concedes it does not have a wastewater treatment plan at this time. Perhaps it will rely on Makana Resort (an entity in foreclosure with an uncertain future); perhaps it will not. We are left to guess. In addition, no detail or analysis of either approach is supplied. Because wastewater treatment and disposition are key components of the Project's overall water strategy, the DEIS fails to meet the requirements of HAR 11-200-16 and -17.*

Response: Section 4.8.2 (Wastewater System) of the Draft EIS discusses that Honua'ula Partners, LLC will either: 1) participate in the operation of a private WWRF and system that accommodates the needs of Honua'ula (Alternative 1); or 2) provide a WWRF on-site (Alternative 2). Both of these alternatives are in compliance with County of Maui Ordinance No. 3554 Condition 17. Section 4.8.2 (Wastewater System) of the Draft EIS and the Preliminary Engineering Report contained in Appendix P of the Draft EIS, provide preliminary details and analysis of both alternatives. On May 11, 2010 Honua'ula Partners, LLC submitted a sewage disposal analysis to the Maui County Council in compliance with County of Maui Ordinance No. 3554 Condition 16. After receiving the sewage disposal analysis the Maui County Council did not subject Honua'ula to any additional conditions or amendments as a result of the sewage disposal analysis.

VI. The Project is Located in a Wildfire Zone

Comment: *According to the Hawaii Drought Plan, 2005 Update, the Project is located in a wildfire zone. In fact, the area just north of Maui Meadows recently experienced wildfire. Obviously, water is needed to fight fire. The source(s) and amount of water for firefighting need to be identified and means to protect wells located in the wildfire zone explained.*

Response: Section 3.4 (Natural Hazards) of the Draft EIS discusses potential impacts and mitigation measures related to wildfires. Water demand estimates provided in Section 4.8.1 (Waster System) and Appendix P (Preliminary Engineering Report) include the demand for water necessary for fire protection. In addition the sizes of Honua'ula's reservoirs take into account the storage capacity necessary to provide water for fire protection in accordance with DWS and Fire Department standards.

VII. The Project's Water Strategy May Violate the Upcountry Community Plan

Comment: *The DEIS indicates that at least some of the Project's wells will be located north of Maui Meadows. The locations of transmission lines from these wells and water storage facilities for the Project are*

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not shown. Unless water transmission lines and associated storage tanks are exclusively located within the Kihel/Makena Community Plan District, water transmission of any kind over or through the Upcountry Community Plan District is strictly prohibited. In anticipation of conflict between the Upcountry Community Plan and the developer's water transmission and storage plan, it is critical that water transmission lines and storage facilities be identified and mapped; compliance with law must be demonstrated. (11-200-16, H: "The draft EIS shall include a statement of the relationship of the proposed action to land use plans, policies, and controls for the affected area.")

Response: In conformance with Section 11-200-17(H) HAR, Chapter 5 (Land Use Conformance) of the Draft EIS includes discussion of State of Hawai'i and Maui County land use plans, policies, and ordinances relevant to Honua'ula.

The Makawao-Pukalani-Kula Community Plan contains Water Objective & Policy # 4, which states:

4. Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use.

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kihel-Makena Community Plan area in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of the water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on-site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the Makawao-Pukalani-Kula Community Plan.

Figure 2 (Regional Location) of the Draft EIS shows the location of Honua'ula's off-site water infrastructure. In the Final EIS, Figure 2 (Regional Location) will be revised to show: 1) the location of the off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation; and 2) the boundary between the Makawao-Pukalani-Kula Community Plan and the Kihel-Makena Community Plan regions. The attachment titled "Figure 2" shows the revised figure.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

1. That Honua'ula Partners, LLC, its successors and permitted assigns, shall, at their own cost and expense, develop, maintain, and operate, or cause to be developed, maintained, and operated, a private water source, storage facilities, and transmission lines for the Waieka 670 (Honua'ula) project in accordance with Department of Water Supply standards and all applicable community plans. Honua'ula Partners, LLC, its

successors and permitted assigns, shall comply with all reporting requirements of the State Commission on Water Resource Management.

In addition, Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with applicable water ordinances that pertain to the supply and transmission of water from the island of Maui when such ordinances are enacted.

At the time the project water system is completed, Honua'ula Partners, LLC, its successors and permitted assigns, shall offer to the County the right to purchase the project water system at the cost of development of such system.

The water rates for the residential workforce housing units shall be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code.

Discussion: As discussed in Section 4.8.1 (Water System), Honua'ula Partners, LLC will comply with this condition by providing a private water source, storage facilities, and transmission lines for Honua'ula in accordance with DWS standards and all applicable community plans. Further discussion is provided in Section 4.8.1 (Water System).

In comments on the Draft EIS some commenters referenced the The Makawao-Pukalani-Kula Community Plan and commented that Honua'ula's private water system was not in compliance with this plan. Specifically these comments pertained to Water Objective & Policy # 4 of the Makawao-Pukalani-Kula Community Plan, which states:

4. Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use.

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kihai-Makena Community Plan region in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of the water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region, and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the Makawao-Pukalani-Kula Community Plan.

Figure 2 shows the location of Honua'ula's off-site water infrastructure and the boundary between the Makawao-Pukalani-Kula Community Plan and the Kihai-Makena Community Plan regions.

In further compliance with ~~this condition~~ Condition J, Honua'ula Partners, LLC will also: 1) offer the right to purchase the completed water system to the County; and 2) ensure that

water rates for the residential workforce housing units will be no higher than the general water consumer rates set by the County, for as long as the units are subject to Chapter 2.96 of the County Code.

VIII. Large Development + Unsubstantiated Water Source = High Risk

Comment: Wailea 670's size coupled with dependence on a poorly understood water source necessarily makes the project high risk. The absence of a back-up plan elevates the risk posed.

Response: We disagree with your assessment of Honua'ula being "high risk." As we have discussed throughout this letter, many of your statements and assumptions regarding the Kama'ole Aquifer, its sustainable yield, and recharge rates based on short-term climatic trends are incorrect or unproven. In addition, as also explained in previous responses, there is extensive government oversight of all new well and water source development. Honua'ula Partners, LLC will comply with all State and County regulations and rules pertaining to well and water source development and new drinking water sources. Further the potable and non-potable systems will each have back up supply capacity, which is discussed in Section 4.8.1 (Water System) of the Draft EIS.

Comment: If the Project fails for lack of a sustainable water source, several potential negative consequences may result:

- The Kamaole aquifer may be damaged, now and for future generations, caused by over-pumping and consequent rise in chloride concentrations;

Response: For reasons discussed in previous responses it is highly unlikely that the Kama'ole Aquifer will be damaged as a result of Honua'ula. In addition, salinity of Honua'ula's wells will be closely monitored and pumping will be shifted to other wells, if needed. A salinity rise due to pumping is not a permanent or even long-lingering "damage" to the aquifer. After pumping is reduced appropriately, salinity typically returns to previous levels in weeks or even a shorter time.

- Nearby wells may be rendered unusable due to rising chloride levels. Because nearby wells currently draw approximately 5.7 MGD from the Kamaole aquifer, this volume would need to be replaced. However, since the Central Maui system has no additional capacity, how this would be done is not explained. Simply drilling more wells in an aquifer in distress, as the developer proposes, will not, on its face, be a solution. If the wells serving Wailea and Makana golf courses become unusable, negative economic effect will be wide-spread, with consequential damage to nearby hotels, residences and county revenue.

Response: Localized overpumping and consequent salinity rise does not impact the entire aquifer. We are not clear on your logic when you state "this volume would need to be replaced." This statement may be a result of your misunderstanding of sustainable yield and aquifer hydrology, but all of the pumpages throughout the aquifer will never need to be "replaced."

- Maui County's "brand" would be degraded with consequential damage to the island's economy, much of which is tied to real estate, real estate development and tourism.

Response: Again, as noted in previous responses to similar statements (see responses to "How will the County of Maui or the state respond, if at all, to a large, failed project in need of water?" and "What impact will a failed project have on the island's economy and on real property values and

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tax revenues?" based on lack of water resources or impacts to groundwater quality it is highly unlikely that Honua'ula will become a "failed project," thus cause damage to the island's economy.

Comment: High risk projects merit a commensurate level of analysis and scrutiny. The water component of the DEIS falls far short of this. In legal terminology, the DEIS fails to meet the letter and spirit of Hawaii's environmental laws specific to environmental impact statements. In general terms, it simply fails to provide evidence of sustainability upon which to construct a 1,400 unit development complete with a golf course and commercial center.

Response: We disagree with these statements. First, Honua'ula is not a "high risk" project in terms of water resources or impacts to groundwater quality. There is extensive government oversight of all new well and water source development. Honua'ula Partners, LLC will comply with all State and County regulations and rules pertaining to well and water source development and new drinking water sources. Further the potable and non-potable systems will each have back up supply capacity, which is discussed in Section 4.8.1 (Water System) of the Draft EIS.

Second, in their letter commenting on the Draft EIS dated May 20, 2010, CWRM stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues" and did not call for additional analysis and scrutiny.

Third, the Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, HRS) and Title 11, Chapter 200, HAR). The EIS laws and rules provide for the preparation of a draft EIS, a review process, and the preparation of a final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments, and our responses. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

Comment: Nothing in the DEIS refutes expert and state agency opinion that the sustainable yield of the Kamaole aquifer is anything but "uncertain" and "speculative". The DEIS is devoid of hydrologic test data needed to provide a level of confidence upon which to give the Project's water strategy a green light. Assuming the developer's plan is not to "pump and dump," it is high time for the developer to commit the resources necessary, financial and professional, to prove (or disprove) the adequacy of the Project's water source.

Response: As we have discussed throughout this letter, many of your statements and assumptions regarding the Kamaole Aquifer, its sustainable yield, and recharge rates based on short-term climatic trends are incorrect or unproven. The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, HRS) and Title 11, Chapter 200, Hawai'i HAR) and contain an appropriate level of detail pertaining to water resources at this point of time. At the appropriate time additional analysis regarding water resources will be performed in compliance with: 1) all requirements of Chapter 174C, HRS (State Water Code); 2) HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code; and 3) the requirements for engineering report submitted to the Department of Health to certify the project's wells for drinking water use.

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Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachment: Figure 2 (Regional Location)

C:\JOB19\1905.08 Honua'ula EIS\DEIS\DEIS Comments\Responses\Public\Final\Hyde_1st letter.doc

¹ This information should appear in the DEIS; the fact that it does not speaks volumes about the worth of the document.

² Water in the Kamaole aquifer is held in public trust and must be treated with due care.

³ The one contingency that might cause an early end to the Project is lack of a reliable supply of water.

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June 17, 2010

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Hawaii State Office of Environmental Quality
235 South Beretaina Street
Honolulu, Hawaii, 96813-2419

Re: **Wailea 670's Draft Environmental Impact Statement
Addendum No. 1**

Key Points:

I. Under Hawaii water law, Wailea 670's [the Project] use of wells on Haleakala Ranch land relegates it to inferior water use priority and status, that of "appropriator." Appropriators' water rights are subordinate to those of overlying landowners and subject to extinguishment.

II. Existing users of the Kamaole aquifer must be documented to benchmark the current situation against which the Project's future use can be measured.

III. Current aquifer users are entitled to unhindered use of their wells.

IV. Well monitoring is needed to guard against potential disruption of aquifer equilibrium.

V. DEIS deficiency check list.

I.

Three Kinds of Water Rights Exist Under Hawaii Common Law; the Project's Haleakala Ranch Wells Have Low Water Priority

Hawaii common law recognizes three distinct categories of water rights: "(1) riparian rights, which are water rights of land adjacent to a stream; (2) *appurtenant rights*, which are water rights attaching to a specific piece of property; and (3) *correlative rights*, which are water rights of land to its underlying groundwater." (Lawrence H. Miike, *Water and the Law in Hawaii*, p. 96 (c. 2004).)

Here, streams and/or surface water are absent on or near the subject parcel, leaving only correlative rights to use water beneath the Project's land. Unfortunately for the developer, the water sourcing strategy outlined in the DEIS relies not so much on wells within the Project's boundary as upon wells located offsite on Haleakala Ranch property. This relegates the Project to the status of a water "appropriator" under the law.

" . . . correlative rights, however, extend only to uses on lands overlying the water source. Parties transporting water to distant lands are deemed mere 'appropriators,' subordinate in right to overlying landowners. . . . [T]he correlative rights rule grants overlying landowners a right only to such water as necessary for reasonable use. Until overlying landowners develop an actual need to use ground water, nonoverlying parties may use any available 'surplus.'" (2000 *Waiahole Ditch Contested Case*, 94 Haw. 97, at p. 171.)

Miike illustrates how these rights apply, using an example that is four square with the facts here:

"*Example 2*: A party wants to use groundwater on other than the overlying land (i.e., an overlying landowner or another party with permission from the overlying landowner to drill a well).

a. Not in a designated water management area

1. Under the common law, the party can do so as long as the use is reasonable and does not interfere with the correlative uses of overlying landowners.

2. If an overlying landowner decides to exercise his correlative rights and the proposed use is reasonable but would interfere with the uses of other overlying landowners, he can take that amount of water from the appropriating party.”

(Water and the Law in Hawaii, p. 216.)

Thus, once the exercise of correlative water rights meets or exceeds the capacity of an underlying water source, the “rights” of appropriators are extinguished. Stated another way, when other land owners overlying the Kamaole aquifer tap into the source such that the source is at capacity, the Project’s right to continued withdrawals from Haleakala Ranch wells will diminish and/or end.

The developer may argue that the Kamaole aquifer is a seamless, singular body of underground water such that the taking of water anywhere within the aquifer’s boundary amounts to overlying use. This argument, if advanced, fails. First, it is well established that aquifer characteristics vary from place to place. This is evident first hand from, among other things, the poor results obtained by the DLNR from its exploratory well drilled just above Maui Meadows in 2006. Second, the developer’s own water strategy bespeaks aquifer variability: rather than obtaining water exclusively from wells beneath the Project’s land, the developer has turned to more productive wells located off site on Haleakala Ranch land.

The fact is, water beneath the Project is inadequate to produce the kind and volume of water needed to support 1,400 homes, a golf course and commercial center and thus it has sought water elsewhere. Furthermore, to the extent the Project actually resorted to well water within and beneath its boundary, degradation of critical Wailea golf course wells may result, which is perhaps why it has chosen to appropriate water from elsewhere.

The relevance of this to the DEIS is obvious since the draft fails to address any of this. Assuming the Project proceeds with use of offsite wells and assuming south Maui property owners look increasingly to the Kamaole aquifer for irrigation water as many are now doing (see below), how will the Project secure water when its appropriative rights are diminished or extinguished?

ii.

¹ Milke explains that these “rights” are not of ownership, but rights of priority; they give the holder priority over the use of the water to which the rights attach. (Water and the Law in Hawaii, p. 96.)

The DEIS Must Identify and Quantify Existing Aquifer Users

It is elementary that we must know the baseline parameters of seasonal well draws from existing Kamaole aquifer users. Once captured, the data will provide a springboard for discussion of probable future aquifer use in the water-starved, arid south Maui region.

A logical starting point is Hawaii’s Commission on Water Resource Management (CWRM) ground water well index for the Kamaole aquifer, listing 134 installed wells with a total capacity of 19.23 mgd. (See attached list and maps.) While some of these wells are likely dormant or abandoned, it is notable that over 30 wells have been drilled into the aquifer during the past 10 years, many by large properties that may use significant volumes of water for irrigation, such as the Makena Surf condominiums in Makena; the Kea Lani Hotel in Wailea; Grand Champions Villas in Wailea; and the Maui Kamaole, Maui Vista, Ke Ali’i and Kihei Akahi condominiums in Kihei. These wells are additive to those serving the Wailea and Makena golf courses that draw substantial volumes of water from the aquifer for irrigation, particularly during hot, dry summer months. For example, Makena Land LLC’s May 2007 water use report to the CWRM indicates a daily water draw of 2,770,533 gallons; Wailea Resort reported a daily draw of 2,728,709 gallons in the month of August 1998. (See attached.) Combined, the two reports show dry season water withdrawals equal to 5.5 mgd, wholly aside from draws by other area well owners.

Unfortunately, well owner compliance with CWRM well water reporting requirements is spotty, and the CWRM reports inability to compel owner compliance with reporting requirements. This, however, does not excuse the developer from gathering all available information and, in fact, heightens the need for it because without baseline data the risk posed to the environment by the Project becomes nothing more than a gamble. Gambling on water for a project of this size does not meet the purposes of the state’s environmental laws, rules and regulations.

Here’s what we need in the DEIS: (1) identification of all existing, operative Kamaole aquifer wells; (2) quantification of the seasonal use of each operative well in terms of volume of water withdrawn and water quality achieved; and (3) assessment of likely future well demand.

The utility of this information is obvious and elementary. First, current usage and water quality, measured over time, must be assessed to serve as a benchmark against which the Project’s activity can be measured. Second, current pumpage volumes will shed light on the aquifer’s sustainable yield and current surplus, if any. Third, pumpage data will provide a platform from which future water need scenarios can be modeled. This is particularly relevant given (a) lack of capacity of the Central Maui water system to meet new water needs, (b) persistent and continuing arid/drought conditions in south Maui, (c) continued local population growth and

associated development pressure and (d) the tenuous nature of the Project's proposed "appropriator" water rights.

III.

Existing Kamaole Aquifer Users Are Entitled to Unhindered Use of Their Wells

"[T]he rights of all land owners over a common basin, saturated strata, or underground reservoir, are coequal or correlative, and . . . one land owner can not extract more than his share of the water even for use on his own lands, where the rights of others are injured thereby." (Water and the Law in Hawaii, p. 105, quoting Waiahole II, p. 74.)

To the extent Wailea 670's water extraction injures other wells or the utility of the aquifer in general, other well users will be damaged, irreparably if the aquifer as a whole "salts up" and/or individual producing wells are degraded. The DEIS must calculate the risk of a negative outcome and develop alternate water sourcing plans in the event the developer's assumptions about its water use are incorrect. The use of scenario planning techniques would be helpful.

IV.

Well Monitoring is Needed to Guard Against Potential Disruption of Aquifer Equilibrium

In Water and the Law in Hawaii, Milke notes that sustainable yield is a management concept requiring periodic monitoring, particularly when withdrawals approach sustainable yield. Where the sustainable yield is speculative, as it is here, effective monitoring is particularly critical to protection of the environment.

"Monitoring includes deep monitor wells, water-level observation wells, spring chemistry data, and water use/chloride data from production wells. Deep monitor wells measure the size and stability of the freshwater lens. Such monitoring can follow the stability of the transition zone." (Water and the Law in Hawaii, p. 7.)

The DEIS makes no reference to industry-standard monitoring strategies. Given the risky approach to water development proposed here, monitoring wells present the best means to guard against potential disruption of aquifer equilibrium. Accordingly, a monitoring regimen needs to be articulated in the DEIS (and ultimately deployed).

V.

Key DEIS Deficiency Check List

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The following items need to be included in the water component of the Project's DEIS:

1. Identification of all existing Kamaole aquifer users, including
 - a. pumpage/volume and water quality data,
 - b. reported seasonally, if not monthly,
 - c. covering an extended period of time, preferably not less than 5 years, and
 - d. updated not less than annually.
2. An irrevocable and continuous plan for periodic measurement and transparent reporting of the above information.
3. Articulation of an irrevocable and continuous professional well monitoring scheme designed to protect the equilibrium of the Kamaole aquifer.
4. Examination of an array of possible future states, paying particular attention to current and likely future weather and water conditions in and around the Project site. Best and worst case water availability scenarios for the Project need to be developed and possible outcomes reported, paying particular attention to the Project's tenuous hold on Haleakala Ranch well water.
5. Development and articulation of carefully calculated and operationally feasible water sourcing contingency plans in the event the Project's water strategy fails.
6. Identification/location of all water lines and storage facilities intended to support the Project. To the extent these plans violate the Upcountry Community Plan, explain how conflicts will be resolved.
7. Reassessment of average rainfall assumptions contained in the current DEIS, with citation to reliable/credible sources substantiating the data used. If reassessment results in lower average rainfall data, adjust all internal calculations, particularly those relating to expected aquifer recharge and seasonal water draws for irrigation.
8. Admit the uncertain status of the sustainable yield estimate for the Kamaole aquifer and discuss the implications of uncertainty. Describe how the Project will respond if the sustainable yield is less than the current uncertain estimate.
9. Develop and report comprehensive wastewater and desalination plans; meet all the requirements of HAR sections 11-200, *et seq.*

6

Well No.	Well Name	Aquifer	Owner/User	Year Drilled	Coordinates		Physical Data		Elevations in feet (msl)					Initial		Pump Test Results				
					Latitude	Longitude	Type	Case Dia. in.	Total Depth ft.	Ground	Bottom Solid Casing	Bottom Perf Casing	Bottom of	Static Head	Cl- mg/l	Temp °F	Specific Capacity	Installed Capacity T	Use	
ISLAND CODE 6																				
3725-01	Moomuku 1	60304	Hawaii VIP Country Club, Inc.	2004	203748	1562552	ROT	6	280	264	4	-16	-16	2.1			1E+05	0.432	AGRCP	
3726-01	Kanahena	60304	Romachak E	1975	203719	1562626		4	31					0					IRR	
3726-03	Millar	60304	Millar C F	1985	203745	1562625		4	125	110				-15	1				IRR	
3726-04	Kanahena-Ermiss	60304	Ermiss D & E	1990	203728	1562630	DUG	48	19						4				0.014	IRR
3824-01	Berkowicz	60304		2005	203840	1562442	ROT	6	1322	1294	-8	-28	-28	5.16	77.0	24	8E+02	.065	MUNPR	
3826-01	Seibu 2	60304	Honua LLC	1978	203840	1562612	PER	12	222	200	6	-22	-22	2.21					0.576	IRRG
3826-02	Seibu 3	60304	Makena Resort Corp	1978	203841	1562612	PER	12	220	197	7	-23	-23	2.08					0.576	IRRG
3826-03	Seibu 4	60304	Makena Resort Corp	1978	203852	1562615	PER	12	228	205	7	-23	-23	1.58	1100			667	0.576	IRRG
3826-04	Seibu 7	60304	Makena Resort Corp	1985	203828	1562622	PER	12	195	173	128	45	-22	0				250	0.216	IRRG
3826-05	Seibu 12	60304	Makena Resort Corp	1989	203852	1562618	PER	12	231	203	10	-20	-28	2.57	1900			875		UNU
3925-01	Makena 68	60304	State DLNR-Engineering	1964	203912	1562559	ROT	8	382	352	9	-11	-30	0.8	465	21.4		188		OBS
3926-01	Makena	60304	Garcia S	1972	203904	1562639	ROT	4	32						1080					
3926-02	Seibu 1	60304	Seibu Haw Inc	1977	203932	1562613	PER	12	211	189	9	-21	-22	1.75					0.576	IRRG
3926-03	Wailea 8	60304	Wailea Golf LLC	1975	203947	1562613	PER	12	208	179	-1	-21	-29	1.57	666			27	0.504	IRRG
3926-04	Seibu 5	60304	Makena Resort Corp	1984	203922	1562611	PER	12	230	211	11	-19	-19	0					0.576	IRRG
3926-05	Seibu 6	60304	Makena Resort Corp	1984	203928	1562612	PER	12	224	200	6		-24	668				800	0.576	IRRG
3926-06	Seibu 8	60304	Makena Resort Corp	1985	203915	1562610	PER	12	263	244	11	-19	-19	1				300	0.576	IRRG
3926-07	Seibu 9	60304	Makena Resort Corp	1985	203945	1562607	PER	12	242	220	8	-22	-22	1				33	0.576	IRRG
3926-08	Seibu 10	60304	Makena Resort Corp	1985	203903	1562614	PER	12	290	266			-24	0.93				350		IRRG
3926-09	Seibu 11	60304	Makena Resort Corp	1985	203909	1562613	PER	12	278	258	10	-20	-20	2				357	0.288	IRRG

Sincerely,



Mark G. Hyde

Attachments:

- (1) CWRM Ground Water Well Index (7 pages)
- (2) Well Maps (2 pages)
- (3) Makena Land LLC May 2007 Well/Water Report to CWRM
- (4) Wailea Resort August 1998 Well/Water Report to CWRM

Well No.	Well Name	Aquifer	Year Drilled	Coordinates		Physical Data			Elevations in feet (msl)				Initial		Pump Test Results			
				Latitude	Longitude	Type	Case Dia. in.	Total Depth ft.	Ground	Bottom Solid Casing	Bottom Perf Casing	Bottom of	Static Head	Cl- mg/l	Temp °F	Specific Capacity	Installed Capacity T	Use
4126-05	Wailea Ika Irr	60304 Grand Champion Villas	2004	204138	1562616	ROT	6	206	189	-2	-17	-17	1.77	73.0	1E+04	0.216	IRR/LA	
4225-01	Maui Meadows	60304	2008	204227	1562516	ROT	14	802	783	-17	-39	-39	0.29	68.9	25		UNU	
4225-02	Wailea 670 No. 1	60304	2007	204251	1562529	ROT	12	581	545	7	-33	-36	2.22	69.9	26	3E+04	UNU	
4225-03	Wailea 670 No. 2	60304	2007	204302	1562522	ROT	12	604	573	9	-31	-31	3.15	67.4			UNU	
4226-01	Tmk 2-1-10-07	60304 Correl A	1946	204212	1562650			41									IRR	
4226-02	2-1-10-05	60304 Teixeira J	1946	204213	1562650			45									IRR	
4226-03	Tmk 2-1-10-04	60304 Pabst W	1946	204215	1562651			31									IRR	
4226-04	2-1-10-20	60304 Crouse J	1946	204216	1562651			30									ABNSLD	
4226-05	Tmk 2-1-10-01	60304 Carter C	1949	204217	1562653			8	22								UNU	
4226-06	Tmk 3-9-04-98	60304 Tom Tf	1949	204255	1562649			6	59								UNU	
4226-07	Tmk 3-9-04-75	60304 Kurihara H	1951	204229	1562641			8	65								UNU	
4226-08	Tmk 3-9-04-78	60304 Kiyan S	1951	204231	1562643			8	75								ABNSLD	
4226-09	Tmk 3-9-04-81	60304 Teruya F	1951	204241	1562642			8	114								UNU	
4226-10	Tmk 3-9-04-86	60304 Kurihara H	1951	204249	1562647			8	63								UNU	
4226-11	Tmk 3-9-04-125	60304 Harada L	1956	204257	1562630			10	157								IRR	
4226-12	Wailea 5	60304 Wailea Golf LLC	1972	204201	1562624	ROT	12	202	179	0	-21	-23	1.04	1050	444	0.360	IRR/GC	
4226-13	Wailea 9	60304 Wailea Golf LLC	1989	204227	1562622	PER	12	222	202	0	-20	-20	1.4		51	0.576	IRR/GC	
4226-14	Wailea 10	60304 Wailea Golf LLC	1990	204218	1562620	PER	12	248	234	6	-14	-14	600		219	1.008	IRR/GC	
4226-15	Hale Kamaole	60304 Hale Kamaole Assoc.	1989	204247	1562646	ROT	6	105	77	-8	-28	-28	3.72	21.6	400	5E+04	0.180	IRR/LA
4226-16	Maui Kamaole AOA	60304 Maui Kamaole AOA	2001	204225	1562637	ROT	6	155	129	4	-16	-26	0.23	70.5	3E+05	0.331	IRR/LA	
4226-17	Kamaole Sands	60304 Maui Vista AOA	2002	204258	1562649	ROT	6	59	52	-1	-7	-7	2.2	72.0	4E+04	0.216	IRR/LA	

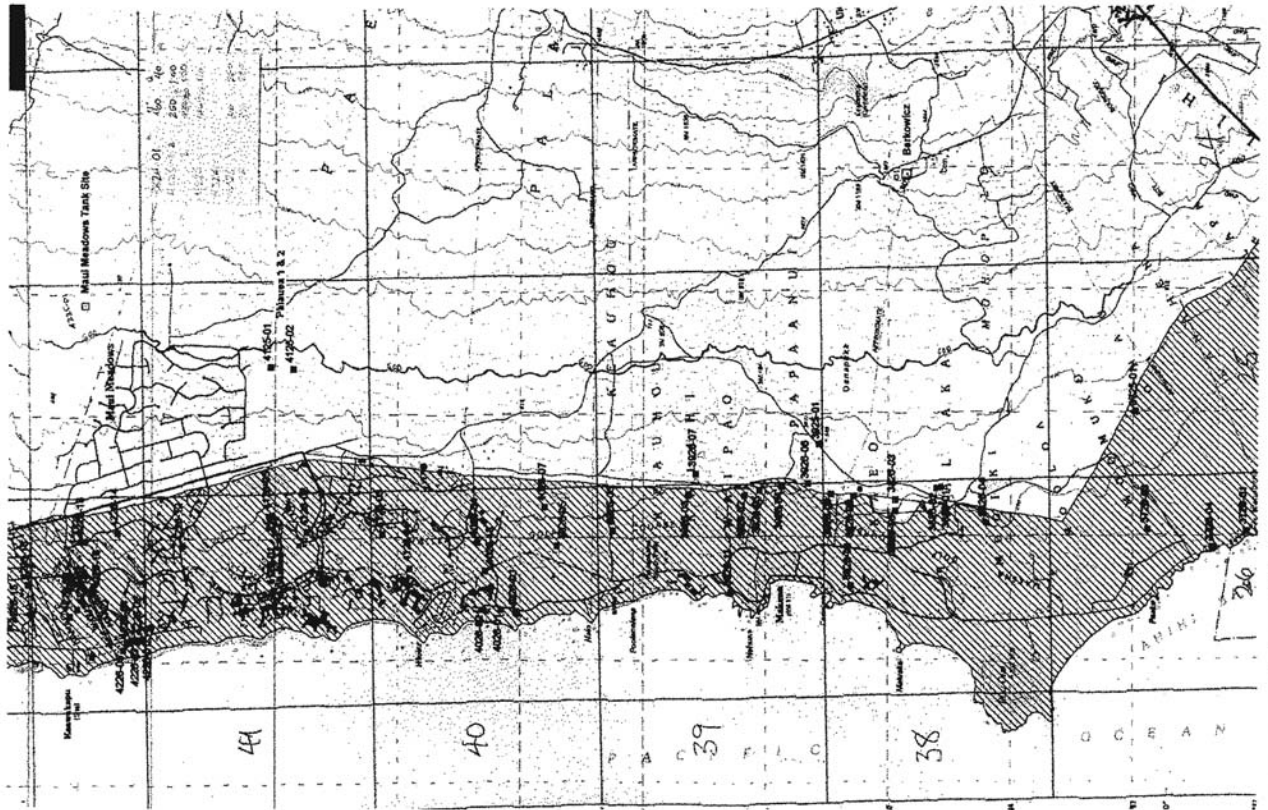
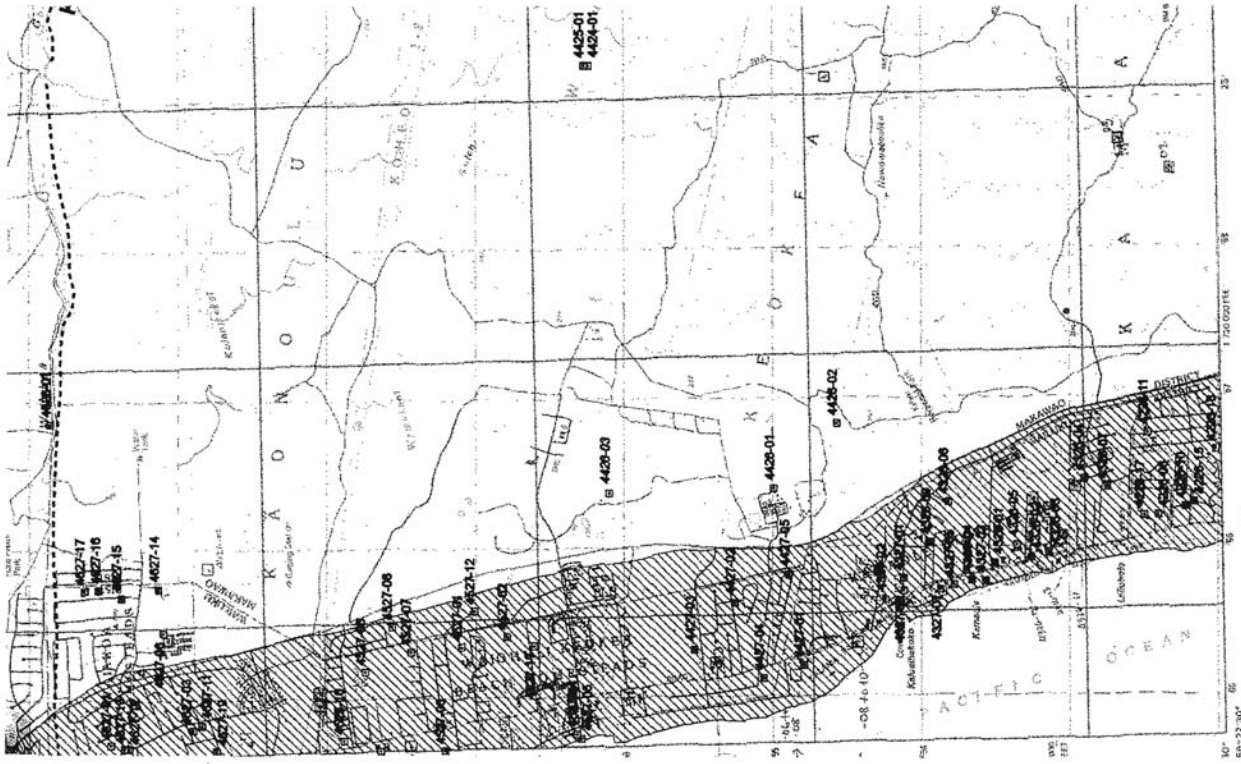
Well No.	Well Name	Aquifer	Year Drilled	Coordinates		Physical Data			Elevations in feet (msl)				Initial		Pump Test Results			
				Latitude	Longitude	Type	Case Dia. in.	Total Depth ft.	Ground	Bottom Solid Casing	Bottom Perf Casing	Bottom of	Static Head	Cl- mg/l	Temp °F	Specific Capacity	Installed Capacity T	Use
3926-11	Makena Surf	60304 Makena Surf Assoc	2002	203936	1562640	ROT	6	55	41	-4	-14	-14	0.93		5E+04	0.331	IRR/LA	
4019-01	Polipoli Tunnel	60304 Ulupalakua Rch		204049	1561958	TUN			6200									
4020-01	Waikaukane Tun	60304 Ulupalakua Rch		204022	1562031				5750									
4020-02	Cornwall Tunnel	60304 Ulupalakua Rch		204044	1562055				4850									
4020-03	Morton Tunnel	60304 Haleakala Rch		204056	1562051				4850									
4021-01	Waikaeahi Tunnel	60304 Ulupalakua Rch		204054	1562104				4600									
4026-01	TMK 2-1-11-3	60304 Churchill F	1950	204037	1562644			8	24				10.8				UNU	
4026-02	Tmk 2-1-11-1	60304 Polo Beach Club	1950	204042	1562644			8	32								IRR	
4026-03	Makena	60304 Harkins W	1951	204033	1562645			8	32								OTH	
4026-04	Wailea 4	60304 Wailea Golf LLC	1972	204043	1562625	ROT	12	210	179	0	-21	-31	1.04	363	32	1.008	IRR/GC	
4026-05	Wailea 6	60304 Wailea Res Co	1975	204022	1562626	PER	12	189	158	8	-12	-31	2	600	20	0.259	OBS	
4026-06	Wailea 7	60304 Wailea Golf LLC	1975	204007	1562622	PER	12	204	184	5	-15	-20	2	620	350	1.008	IRR/GC	
4026-07	Wailea 6A	60304 Wailea Golf LLC	1994	204025	1562615	ROT	12	272	252	0	-20	-20	0.5	460	20.6	30	IRR/GC	
4026-13	Kea Lani Irr	60304 KEA LANI MAUI	2002	204041	1562633	ROT	6	94	83	-2	-11	-11	0.9		6E+04	0.331	IRR/LA	
4122-01	Keawakapu	60304 Tavares H		204115	1562202											0.144	IRR	
4125-01	Wailea 670 1	60304 Palaua Part	1991	204137	1562534	ROT	10	559	522	-27	-37	-37	2.8		500	0.720	IRR/GC	
4125-02	Wailea 670 2	60304 Palaua Part	1991	204131	1562535	ROT	10	550	523	-6	-26	-27	3.7		210	0.720	IRR/GC	
4126-01	Wailea 1	60304 Wailea Res Co	1950	204137	1562637	PER	10	90	85	-5	-5	-5	7	590	20.0		0.036	OBS
4126-02	Wailea 2	60304 Wailea Golf LLC	1969	204128	1562621	PER	12	198	181	3	-17	-17	2	490	620	1.008	IRR/GC	
4126-03	Wailea 3	60304 Wailea Golf LLC	1969	204108	1562622	PER	12	174	153	-0	-20	-21	1	555	383	1.080	IRR/GC	
4126-04	Grand Wailea Salt	60304	1991	204101	1562632			4	80							.36	AGRAQ	

Well No.	Well Name	Aquifer	Year Drilled	Coordinates		Physical Data		Elevations in feet (msl)					Initial		Pump Test Results			
				Latitude	Longitude	Type	Case Dia. in.	Total Depth ft.	Ground	Bottom Solid Casing	Bottom Perf Casing	Bottom of	Static Head	Cl- mg/l	Temp °F	Specific Capacity	Installed Capacity T	Use
4327-09	Kalama Beach A2	60304	2009	204400	1562717	ROT	2	45										OBS
4327-10	Kalama Beach A3	60304	2009	204400	1562717	ROT	2	70										OBS
4422-01	Waiohuli	60304 U S G S	2001	204419	1562205	ROT	4	1940	1864	30	-60	-76	5.58					OBS
4424-01	Keokea Highlands 2	60304 Maui Highlands Properties, LLC	2005	204459	1562502	ROT	8	577	553	-4	-24	-24	2.6			2E+05	.432	MUNPR
4425-01	Keokea Highlands	60304 Maui Highlands LLC	2004	204459	1562502	ROT	6	570	551	1	-19	-19	2.76			3E+04	0.432	MUNPR
4426-01	Kihei Inject TH	60304 Maui Dpw	1972	204420	1562641	ROT	2	203										OBS
4426-02	Kihei Injection	60304 Maui DPW	1974	204406	1562626	PER	18	230	109	-51		-121	4			524		OTH
4426-03	Kihei-Maui R&T	60304 Maui R&T Part	1990	204456	1562641	ROT	8	157	124	-3	-33	-33	1.87	369	20.0			IRRLA
4427-01	TMK 3-9-05-52	60304 Maui County		204414	1562722													IRR
4427-02	TMK 3-9-02-8	60304 Akina F	1945	204429	1562707		8	30										UNU
4427-03	Medo	60304 Miranda H	1948	204438	1562718		10	22										UNU
4427-04	TMK 3-9-11-38	60304 Nishiji R	1949	204423	1562725		8	24										IRR
4427-05	TMK 3-9-02-02	60304 Akina F	1950	204417	1562701		8	82										UNU
4427-06	Kihei Fire B1	60304	2009	204416	1562722	ROT	2	16										OBS
4427-07	Kihei Fire B2	60304	2009	204416	1562722	ROT	2	40										OBS
4427-08	Kihei Fire B3	60304	2009	204416	1562722	ROT	2	70										OBS
4427-09	Kihei Baptist Chapel	60304 Kihei Baptist Chapel	1978	204433	1562721	DUG	20	15									.021	IRRLA
4527-01	TMK 3-9-02-36	60304 Akina R	1945	204529	1562716		6	30								125	0.170	AGRCP
4527-02	Tmk 3-9-02-32	60304 Yee W	1946	204519	1562714		8	35										IRR
4527-03	Tmk 3-9-01-02	60304 Ferreira L	1947	204533	1562740		8	20										UNU
4527-04	Tmk 3-9-08	60304 Maui County	1946	204504	1562737		7	47										UNU

Well No.	Well Name	Aquifer	Year Drilled	Coordinates		Physical Data		Elevations in feet (msl)					Initial		Pump Test Results			
				Latitude	Longitude	Type	Case Dia. in.	Total Depth ft.	Ground	Bottom Solid Casing	Bottom Perf Casing	Bottom of	Static Head	Cl- mg/l	Temp °F	Specific Capacity	Installed Capacity T	Use
4226-18	Maui Hill AOA	60304 AOA Association	2003	204242	1562634	ROT	6	147	134	-3	-13	-13	1.18	70.0		5E+05	0.216	IRRLA
4226-19	Kilohana Waena	60304	2006	204232	1562633	ROT	6	135										UNU
4326-01	Tmk 3-9-20-26	60304 Akina A	1945	204332	1562659		6	28										UNU
4326-02	Tmk 3-9-20-17	60304 Akina J	1946	204324	1562658		8	23							266			UNU
4326-03	Tmk 3-9-20-14	60304 Kuaana W	1947	204320	1562657		8	34										UNU
4326-04	Tmk 3-9-19-02	60304 Shigeta D	1948	204312	1562640		7	103										IRR
4326-05	Tmk 3-9-20-20	60304 Akina A	1951	204327	1562655		8	47										UNU
4326-06	Tmk 3-9-18-09	60304 Lindley C	1959	204342	1562645		8	110	75	-19		-35						ABNLOS
4326-07	Kamaole-Bosa	60304 Bosa Corp	1990	204306	1562642	ROT	6	84	64	0	-20	-20	2.9	60	22.2			IRR
4326-09	Kihei-Maui Vista	60304 Maui Vista AOA	2001	204346	1562654	ROT	6	95	64	-7	-27	-31	1.58			9E+04	0.288	IRRLA
4326-11		60304 Ke Aili, LLC	2004	204325	1562647	ROT	6	100	83	3	-17	-17	1.91	72.7	57	3E+03	.432	IRRLA
4326-12		60304 Ke Aili, LLC	2004	204317	1562640	ROT	6	95	80	5	-15	-15	1.92	73.1	71		.216	IRRLA
4326-13	Aloha Village	60304	2005	204318	1562646	ROT	6	80	66	4	-14	-14	1.56	72.3	67		.18	IRRLA
4327-01	TMK 3-9-16-25	60304 Dang Y O	1947	204352	1562702		8	38										UNU
4327-02	TMK 3-9-17-37	60304 Toba J	1947	204356	1562707		10	31										IRR
4327-03	TMK 3-9-05-51	60304 Flood E	1949	204334	1562703		8	26										IRR
4327-04	TMK 3-9-05-25	60304 Brown J	1949	204337	1562703		8	22										IRR
4327-05	TMK 3-9-05-22	60304 Murphy F	1949	204341	1562704		8	38										OTH
4327-06	TMK 3-9-16-03	60304 Mechida S	1967	204352	1562705		45											IRR
4327-07	Kihei-Akahi	60304 Kihei Akahi Condo Association	2000	204344	1562705	ROT	6	80	56	5		-24	1.12	73.4	727	9E+05	0.216	IRRPA
4327-08	Kalama Beach A1	60304	2009	204400	1562717	ROT	2	16										OBS

Well No.	Well Name	Aquifer	Owner/User	Coordinates		Physical Data		Elevations in feet (msl)					Initial		Pump Test Results			
				Year Drilled	Latitude	Longitude	Type	Case Dia. in.	Total Depth ft.	Ground	Bottom Solid Casing	Bottom Perf Casing	Bottom of	Static Head	Cl- mg/l	Temp °F	Specific Capacity	Installed Capacity T
4627-11	Tmk 3-9-01-99	60304	Alo S	1949	204526	1562733		8	19									IRR
4627-12	Tmk 3-9-15-12	60304	Fedalizo C	1950	204642	1562738		8	31									IRR
4627-13	Tmk 3-9-15-14	60304	Bosque J	1950	204643	1562738		8	29	20	9		-9	3.1				IRR
4627-14	Tmk 3-9-01-34	60304	Hashimoto T	1969	204635	1562701	ROT		200	130			-70					IRR
4627-15	Tmk 3-9-26-43	60304	Neubauer A	1969	204643	1562703	ROT	4	110									IRR
4627-16	Tmk 3-9-26-67	60304	Batoon A	1969	204648	1562701	ROT	4	161									IRR
4627-17	Tmk 3-9-26-66	60304	Tavares H	1969	204651	1562701	ROT	4	120									IRR
4627-19	Maui Lu	60304	Maui Lu Resort	1956	204623	1562739	DUG											IRR/LA
Total Installed Pump Capacity in Aquifer in mgd																19.23		
Total Number of Wells in Aquifer																134		

Well No.	Well Name	Aquifer	Owner/User	Coordinates		Physical Data		Elevations in feet (msl)					Initial		Pump Test Results					
				Year Drilled	Latitude	Longitude	Type	Case Dia. in.	Total Depth ft.	Ground	Bottom Solid Casing	Bottom Perf Casing	Bottom of	Static Head	Cl- mg/l	Temp °F	Specific Capacity	Installed Capacity T	Use	
4527-05	Tmk 3-9-08	60304	Maui County	1948	204503	1562738			70									UNU		
4527-06	Tmk 3-9-01-9	60304	Teruya E	1948	204550	1562721		6	28									IRR		
4527-07	Tmk 3-9-23-30	60304	Uyeno H	1949	204540	1562717		8	42									UNU		
4527-08	Kihel-Pillani	60304	Blackfield Haw	1990	204544	1562711	ROT	10	71	41	3	-17	-30	0.75	27	23.3	83	0.057	IRR	
4527-10	Kihel-Koa	60304	Koa Res Assoc	1982	204555	1562737	DUG	24	14	7	0	-5	-7		335	24.4	11	0.043	IRR/LA	
4527-12	Walohuli 1	60304	Baldwin Malama	1989	204526	1562708	DUG	80	20										ABNSLD	
4527-14	Kauhale Makai	60304	Kauhale Makai	2001	204547	1562740	ROT	6	86	9	-48		-77	1.69		74.0	17	5E+03	0.216	IRR/PA
4527-16	St. Theresa Church	60304		2007	204459	1562729	ROT	6	45							71.0			.086	IRR/LA
4527-17	Kihel	60304			204513	1562716	DUG	66	11											UNU
4527-18	Kaonoulu 6	60304		2007	204559	1562726	ROT	6	50	18	-2	-32	-32	3.14					.086	IRR/LA
4621-01	Kula 1800 No. 1	60304		2007	204830	1562116	ROT	16	1832	1760	8	-72	-72	5.19		70.3	196	2E+05		UNU
4621-02	Kula 1800 No. 2	60304		2008	204638	1562114	ROT	16	1815	1737	4	-56	-78	6.31		70.0	139	1E+06		UNU
4627-01	Tmk 3-9-01-24	60304	Uehara T		204646	1562737														OTH
4627-02	Tmk 3-9-06-08	60304	Ventura J	1946	204654	1562748		8	20									89	0.119	IRR
4627-03	Tmk 3-9-01-54	60304	Ting L	1947	204628	1562734		10	29											OTH
4627-04	Tmk 3-9-06-07	60304	Agirogi R	1947	204650	1562747		10	18											IRR
4627-05	Tmk 3-9-06-09	60304	Watson H	1947	204655	1562748		10												IRR
4627-06	Tmk 3-9-06-13	60304	Clark C	1947	204657	1562747		6	23											IRR
4627-07	Tmk 3-9-01-29	60304	Pimental A	1947	204658	1562744		10	24											UNU
4627-08	Tmk 3-9-01-33	60304	Hashimoto T	1948	204634	1562711		6	116											IRR
4627-09	Tmk 3-9-01-50	60304	Gusukuma T	1948	204653	1562741		4	35											IRR
4627-10	Tmk 3-9-06-06	60304	Fujimoto I	1948	204648	1562747		7	19											IRR



Scale: 1:200000
 80° 22' 30" W
 4° 15' 00" N
 U.S. Geological Survey



State of Hawaii
COMMISSION ON WATER RESOURCE MANAGEMENT
 Department of Land and Natural Resources
MONTHLY GROUND WATER USE REPORT

Name: Don Fujimoto
Company: Makena Land LLC
Address: 2005 Main Street
 Wailuku, Hawaii 96793
Telephone No.: 808 270 0526
Report Month: May 2007
Fax No.: 808 270 0546
Year: 2007

For Official Use Only:
 RECEIVED
 JUL 11 9:51

State of Hawaii
 COMMISSION ON WATER RESOURCE MANAGEMENT
 Department of Land Natural Resources
 Division of Water and Land Development
MONTHLY WATER USE REPORT

For the Month of: Aug-98
Owner: Wailea Resort Company, Ltd.
District: Kihei/Makena
Island: Maui

INSTRUCTIONS: Please TYPE OR PRINT CLEARLY. Complete this form to report total monthly ground water use, and, if required, other information from each of your well sources. Mail to: Commission on Water Resource Management, P.O. Box 621, Honolulu, Hawaii 96808. For Assistance, please call (808) 587-0285.

State Well No.	Well Name	Period Begin Date (mm/dd/yy)	Period End Date (mm/dd/yy)	Quantity Pumped (gallons)	Method of Measurement*	Chloride (mg/l)	Temp. (°F)	Non-Pumping Water Level (ft. above msl)**
6-3926-002	Selbu HI Well # 1	04/28/07	05/31/07	4,955,000	Flow Meter	475		
6-3926-001	Selbu HI Well # 2	04/28/07	05/31/07	10,734,500	Flow Meter	640		
6-3926-002	Selbu HI Well # 3	04/28/07	05/31/07	12,535,833	Flow Meter	715		
6-3926-003	Selbu HI Well # 4	04/28/07	05/31/07	10,586,333	Flow Meter	785		
6-3926-004	Selbu HI Well # 5	04/28/07	05/31/07	7,828,800	Flow Meter	585		
6-3926-005	Selbu HI Well # 6	04/28/07	05/31/07	7,800,800	Flow Meter	575		
6-3926-006	Selbu HI Well # 8	04/28/07	05/31/07	5,657,400	Flow Meter	925		
6-3926-008	Selbu HI Well # 10	04/28/07	05/31/07	32,613,000	Flow Meter	865		
6-3926-009	Selbu HI Well # 11	04/28/07	05/31/07	4,256,000	Flow Meter	925		

* Flow meter, electrical consumption, weir or flume, not metered (estimated)
 ** Measurement should not be taken while pump is NOT running just prior to a pumping cycle.
 If measurement is taken while pump is running, please indicate so.
 Other comments or additional information (e.g., date and method of chloride measurement, how pumpage amounts are estimated, etc.):

PID No. 1055
 SEQ No. 88516

Submitted By (print): Don Fujimoto Vice President
 Signature: [Signature]
 Date: JULY 9, 2007
 MON-GWUR FORM (08/10/2004)

96,968,666
35 = 2,770,533
2007

Well	Well Number	Water Use (in million gallons)	Chloride (ppm)		Water Level (in feet above sea level)
			Minimum	Maximum	
Wailea Well No. 1	4126-01	No meter	680		1.0 -1.5
Wailea Well No. 2	4126-02	7.951	540		1.0 -1.5
Wailea Well No. 3	4126-03	14.371	740		1.0 -1.5
Wailea Well No. 4	4026-04	21.009	740		1.0 -1.5
Wailea Well No. 5	4226-12	1.955	940		1.0 -1.5
Wailea Well No. 6A	4026-07	13.091	540		1.0 -1.5
Wailea Well No. 7	4026-06	11.653	920		1.0 -1.5
Wailea Well No. 8	3926-03	0.615	640		1.0 -1.5
Wailea Well No. 9	4226-13	Broken			1.0 -1.5
Wailea Well No. 10	4026-11	-----			1.0 -1.5

Submitted by: Melanie
 Signature: [Signature]
 Date: 84,590,000
31 = 2,728,709.6
10-9-98
 Planning Technician



May 31, 2012

PRINCIPALS
THOMAS WITTEN, ASIA
President

R STAN DUNCAN, ASIA
Executive Vice-President

RUSSELL YU CHUNG, FASIA, LEED® AP
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

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"...correlative rights, however, extend only to uses on lands overlying the water source. Parties transporting water to distant lands are deemed mere 'appropriators,' subordinate in right to overlying landowners....[T]he correlative rights rule grants overlying landowners a right only to such water as necessary for reasonable use. Until overlying landowners develop an actual need to use ground water, nonoverlying parties may use any available 'surplus.'" (2000 Waialeale Ditch Contested Case, 94 Haw. 97, at p. 171.)

Milke illustrates how these rights apply, using an example that is four square with the facts here:

"Example 2: A party wants to use groundwater on other than the overlying land (i.e., an overlying landowner or another party with permission from the overlying landowner to drill a well).

- a. Not in a designated water management area
- 1. Under the common law, the party can do so as long as the use is reasonable and does not interfere with the correlative uses of overlying landowners.
- 2. If an overlying landowner decides to exercise his correlative rights and the proposed use is reasonable but would interfere with the uses of other overlying landowners, he can take that amount of water from the appropriating party."

(Water and the Law in Hawaii, p. 216.)

Thus, once the exercise of correlative water rights meets or exceeds the capacity of an underlying water source, the "right" of appropriators are extinguished. Stated another way, when other land owners overlying the Kamaole aquifer tap into the source such that the source is at capacity, the Project's right to continued withdrawals from Haleakala Ranch wells will diminish and/or end.

The developer may argue that the Kamaole aquifer is a seamless, singular body of underground water such that the taking of water anywhere within the aquifer's boundary amounts to overlying use. This argument, if advanced, fails. First, it is well established that aquifer characteristics vary from place to place. This is evident first hand from, among other things, the poor results obtained by the DINR from its exploratory well drilled just above Maui Meadows in 2006. Second, the developer's own water strategy bespeaks aquifer variability: rather than obtaining water exclusively from wells beneath the Project's land, the developer has turned to more productive wells located off site on Haleakala Ranch land.

The fact is, water beneath the Project is inadequate to produce the kind and volume of water needed to support 1,400 homes, a golf course and commercial center and thus it has sought water elsewhere. Furthermore, to the extent the Project actually resorted to well water within and beneath its boundary, degradation of critical Wailea golf course wells may result, which is perhaps why it has chosen to appropriate water from elsewhere.

The relevance of this to the DEIS is obvious since the draft fails to address any of this. Assuming the Project proceeds with use of offsite wells and assuming south Maui property owners look increasingly to the Kamaole aquifer for irrigation water as many are now doing (see below), how will the Project secure water when its appropriate rights are diminished or extinguished?

Response: There is extensive government oversight of all new well development, water source development, and drinking water systems. As discussed in Section 3.5.1 (Groundwater) of the Draft EIS, all existing on- and off-site wells are fully permitted by Commission on Water Resource Management (CWRM). All new wells will be developed in compliance with all requirements of

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Dear Mr. Hyde:

Thank you for your letter dated June 17, 2010 (second letter) regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II Application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. Honua'ula Partners, LLC's hydrologist, Tom Nance, of Tom Nance Water Resources Engineering, Inc., contributed to the responses in this letter. The organization of this letter follows the headings of your letter.

Key Points

- I. Under Hawaii water law, Wailea 670's [the Project] use of wells on Haleakala Ranch land delegates it to inferior water use priority and status; that of "appropriator." Appropriators' water rights are subordinate to those of overlying landowners and subject to extinguishment.
- II. Existing users of the Kamaole aquifer must be documented to benchmark the current situation against which the Project's future use can be measured.
- III. Current aquifer users are entitled to unhindered use of their wells.
- IV. Well monitoring is needed to guard against potential disruption of aquifer equilibrium.
- V. DEIS deficiency check list.

Response: Responses to your key points are provided below in our responses to your more detailed comments.

I. Three Kinds of Water Rights Exist Under Hawaii Common Law; the Project's Haleakala Ranch Wells Have Low Water Priority

Comment: Hawaii common law recognizes three district categories of water rights: "(1) riparian rights, which are water rights of land adjacent to a stream; (2) appurtenant rights, which are water rights attaching to a specific piece of property; and (3) correlative rights, which are water rights of land to its underlying groundwater." (Lawrence H. Milke, Water and the Law in Hawaii, p. 96 C. 2004.)

Here, streams and/or surface water are absent on or near the subject parcel, leaving only correlative rights to use water beneath the Project's land. Unfortunately for the developer, the water sourcing strategy outlined in the DEIS relies not so much on wells within the Project's boundary as upon wells located offsite on Haleakala Ranch property. This relegates the Project to the status of a water "appropriator" under the law.

Chapter 174C, Hawai'i Revised Statutes (HRS) (State Water Code) and Hawai'i Administrative Rules (HAR) Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. All new wells will be developed in compliance with all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. The CWRM application process for well construction permits requires an extensive application process with thorough review by the State Department of Health (DOH) for compliance DOH rules and standards, including the appropriateness of the well location.

Further, the County's Water Availability Policy, codified as Chapter 14.12, Maui County Code (MCC), requires verification of a long-term, reliable supply of water before subdivisions are approved. In accordance with Section 14.12.050 MCC, in reviewing and commenting on water source engineering reports the Department of Water Supply (DWS) Director shall consider (among other things) the following factors:

- Cumulative impacts;
- CWRM's Water Resources Protection Plan;
- The general plan and relevant community plans;
- The adverse impacts on surrounding aquifers and stream systems, including:
 - Water levels;
 - Water quality, including salinity levels;
 - Surface water-groundwater interactions, and
 - Adverse impacts on other existing, future, or planned wells;
- The adverse impacts on the water needs of residents currently being served and projected to be served by DWS;
- The adverse impacts on environmental resources that are rare or unique to the region and the project site (including natural, cultural, or human-made resources of historic, archaeological, or aesthetic significance);
- The adverse impacts on the exercise of traditional and customary Native Hawaiian rights and practices;
- United States Geological Survey studies;
- Whether the applicant is in full compliance with the State water code and County's water reporting laws;
- Whether the affected water source, including groundwater, surface water, or other source of water will exceed:
 - 90 percent of the sustainable yield;
 - Instream flow standards, or
 - Interim instream flow standards; and
- The adverse impacts to the water needs of residents currently on a County "wait list" for water meters.

Honua'ula's private water system also is subject to the approval of the State Department of Health (DOH) Safe Drinking Water Branch, Under HAR Chapter 11-20 (Potable Water Systems) as part of the DOH approval process the DOH requires that new private water companies demonstrate capacity requirements and satisfactory technical, managerial, and financial capabilities, including:

- Demonstration of capacity requirements and satisfactory technical, managerial, and financial capabilities to enable the system to comply with safe drinking water standards and requirements, including:
 - An adequate water source to serve current and future water users;
 - Adequate system technical performance;
 - An infrastructure replacement plan that includes estimates of the useful life and plans for the eventual replacement of the public water system's infrastructure;
 - An operational plan that includes a preventative and corrective maintenance program;
 - A clear management organization and communication structure;
 - An emergency response plan;
 - Adequate financial capacity and dedicated sources of income, including income and cash reserves to pay annual operating expenses, unexpected significant repairs, and planned major work;
 - Adequate budget controls, including performance reviews of actual expenditures and annual budgets, procedures to safeguard financial assets, and maintenance of detailed financial records that clearly identify sources of income and expenses involved in operating the public water system; and
 - Demonstration of credit worthiness, including: 1) long-term dedicated revenue projections showing sufficient revenue for: a) operating and maintaining the public water system; b) performing anticipated repairs; c) replacement of major equipment; d) future expansion; and e) repayment of loans; and 2) credit reports that indicate that the public water system is financially healthy and credit worthy.
- Approval of the Director of Health prior to use, which is based upon the submission of a satisfactory engineering report meeting requirements of DOH;
- Identification (within the engineering report) of all potential sources of contamination and evaluation of alternative control measures that could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source; water quality analysis for all regulated contaminants, performed by the State Laboratories Division of the State of Hawaii, will be submitted to DOH to demonstrate compliance with all drinking water standards;
- Assessment to delineate a source water protection area and creation of a source water protection plan, including activities to protect the source of drinking water;
- Operation of the system by certified distribution and water treatment plant operators meeting the requirements of DOH;
- Design and operation of the potable system to prevent the cross-connection with the non-potable system and the possibility of backflow of water from the non-potable system to the drinking water system—the two systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the drinking water supply and all non-potable spigots and irrigated areas must be clearly labeled with warning signs to prevent the inadvertent consumption of non-potable water; and
- Addressing the potential of contaminating activities (as identified in the Hawaii Source Water Assessment Plan) within the source water protection area and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

To include the relevant above information in the Final EIS, along with addressing comments regarding water issues from others, in the Final EIS Section 4.8.1 (Water System) will be revised as shown on the attachment titled "Water System."

II. The DEIS Must Identify and Quantify Existing Aquifer Users

Comment: It is elementary that we must know the baseline parameters of seasonal well draws from existing Kamaole aquifer users. Once captured, the data will provide a springboard for discussion of probably future aquifer use in the water-starved, arid South Maui region.

A logical starting point is Hawaii's Commission on Water Resource Management (CWRM) ground water well index for the Kamaole aquifer, listing 134 installed wells with a total capacity of 19.23 mgd. (See attached list and maps.) While some of these wells are likely dormant or abandoned, it is notable that over 30 wells have been drilled into the aquifer during the past 10 years, many by large properties that may use significant volumes of water for irrigation, such as the Makena Surf condominiums in Makena; the Kea Lani Hotel in Wailea; Grand Champions Villas in Wailea; and the Maui Kamaole, Maui Vista, Ke Alifii, and Kihel Akahi condominiums in substantial volumes of water from the aquifer for irrigation, particularly during hot, dry summer months. For example, Makena Land LLC's May 2007 water use report to the CWRM indicates a daily water draw of 2,770,553 gallons; Wailea Resort reported a daily draw of 2,728,709 gallons in the month of August 1998. (See attached.) Combined, the two reports show dry season water withdrawals equal to 5.5 mgd, wholly aside from draws by other area well owners.

Unfortunately, well owner compliance with CWRM well water reporting requirements is spotty, and the CWRM reports inability to compel owner compliance with reporting requirements. This, however, does not excuse the developer from gathering all available information and, in fact, heightens the need for it because without baseline data the risk posed to the environment by the Project becomes nothing more than a gamble. Gambling on water for a project of this size does not meet the purposes of the state's environmental laws, rules and regulations.

Here's what we need in the DEIS: (1) identification of all existing, operative Kamaole aquifer wells; (2) quantification of the seasonal use of each operative well in terms of volume of water withdrawn and water quality achieved; and (3) assessment of likely future well demand.

The utility of this information is obvious and elementary. First, current usage and water quality, measured over time, must be assessed to serve as a benchmark against which the Project's activity can be measured. Second, current pumpage volumes will shed light on the aquifer's sustainable yield and current surplus, if any. Third, pumpage data will provide a platform from which future water need scenarios can be modeled. This is particularly relevant given (a) lack of capacity of the Central Maui water system to meet new water needs, (b) persistent and continuing arid/drought conditions in south Maui, (c) continued local population growth and associated development pressure and (d) the tenuous nature of the Project's proposed "appropriator" water rights.

Response: Tom Nance Water Resource Engineering (TNWRE) has prepared a supplemental report which contains data for all wells in the Kama'ole Aquifer available from the CWRM, including reported: 1) pumpage; and 2) chlorides and water levels. The Final EIS will include this supplemental report.

According to CWRM records, there are a total of 134 wells within the Kama'ole Aquifer System, many of which are more than 60 years old and no longer in use. Of the 134 wells, 43 are known

or presumed to be in use, 47 are no longer in use or do not draw from the basal lens, and 44 are of unknown status relative to their use.

Examination of CWRM data shows that reporting of chlorides and water levels to CWRM is minimal. Only three of the 43 wells in the aquifer that are known or presumed to still be active are presently reporting that information. For wells for which TNWRE has independent data, chloride levels have been stable for a decade of monthly sampling.

To include the relevant above information in the Final EIS, in the Final EIS Section 3.5.1 (Groundwater) will be revised as shown on the attachment titled "Groundwater." In addition the supplemental report from TNWRE will be included in Appendix B of the Final EIS.

Regarding your request for "assessment of likely future well demand" for operating Kama'ole Aquifer wells, any estimate of future demand would be highly speculative at this point. In Section 7.2 (Cumulative and Secondary Impacts) of the Draft EIS it is noted that the availability of water "is a critical factor in determining whether a project can proceed and may be a limiting factor with respect to a specific project moving forward, especially in the Kihai region with its restricted water resources." Section 7.2 (Cumulative and Secondary Impacts) of the Draft EIS also states: "The feasibility of a project proceeding is based on many factors, including the State Land Use District classification, the Community Plan and zoning designations, other necessary approvals, overall economic conditions, the demand for the proposed product, and the willingness of a landowner or developer for public agency as the case may be to risk the capital required for development." Furthermore, because of the multi-stage land use approval and permitting process that exists in Hawai'i, there are many approvals of a project at various levels of government and at different points in time, including for public projects such as high schools. At each step, decision-makers involved in the process evaluate a project in the context of the existing regional conditions, including infrastructure capacity and other factors. Therefore it is speculative to make assumptions about any projects moving forward. When and if a proposed project does move forward the developer will have to determine a source of water and what impact, if any, that source would have on the aquifer, similar to what Honua'ula is doing with their Draft EIS and subsequent required approvals.

III. Existing Kamaole Aquifer Users Are Entitled to Unhindered Use of Their Wells

Comment: "[T]he rights of all land owners over a common basin, saturated strata, or underground reservoir, are coequal or correlative, and...one land owner can not extract more than his share of the water even for use on his own lands, where the rights of others are injured thereby." (Water and the Law in Hawaii, p. 105, quoting Waiahole II, P. 74.)

To the extent Wailea 670's water extraction injures other wells or the utility of the aquifer in general, other well users will be damaged, irreparably if the aquifer as a whole "salls up" and/or individual producing wells are degraded. The DEIS must calculate the risk of a negative outcome and develop alternate water sourcing plans in the event the developer's assumptions about its water use are incorrect. The use of scenario planning techniques would be helpful.

Response: As noted in the response above, examination of CWRM data shows that reporting of chlorides and water levels to CWRM is minimal. Only three of the 43 wells in the aquifer that are known or presumed to still be active are presently reporting that information. For wells for which

TNWRE has independent data, chloride levels have been stable for a decade of monthly sampling.

Section 3.5.1 (Groundwater) and Appendix B of the Draft EIS discuss potential impacts and proposed mitigation measures in regard to ground water resources. As discussed in Section 3.5.1 (Groundwater):

- Because Wailea Resort's Well 2 (No. 4126-02) is nearly directly downgradient from Honua'ula's on-site wells, it is the only well in which there may be a potential increase in salinity due to the potential decrease of groundwater flow being taken up by the on-site Honua'ula wells. Decreased pumping of Honua'ula's on-site wells would alleviate this potential impact.
- An estimated six active downgradient wells may be impacted by a potential increase in salinity due to reduced flowrate resulting from Honua'ula's off-site wells, which current calculations indicate may be on the order of five percent. These downgradient brackish wells were developed to provide landscape irrigation for individual condominium parcels, and the combined draft of all of these wells is relatively small (in the range of 0.12 to 0.30 MGD as a year round average). It is not known if the increase in salinity would materially impair the utility of the wells; however if the utility of the wells is materially impaired, additional wells (pumping the same combined amount of water) in the area north of Maui Meadows would distribute the draft over a greater area and would alleviate the impact downgradient.

IV. Well Monitoring is Needed to Guard Against Potential Disruption of Aquifer Equilibrium

Comment: *In Water and the Law in Hawaii, Mitke notes that sustainable yield is a management concept requiring periodic monitoring, particularly when withdrawals approach sustainable yield. Where the sustainable yield is speculative, as it is here, effective monitoring is particularly critical to protection of the environment.*

"Monitoring includes deep monitor wells, water-level observation wells, spring chemistry data, and water use/chloride data from production wells. Deep monitor wells measure the size and stability of the freshwater lens. Such monitoring can follow the stability of the transition zone." (Water and the Law in Hawaii, p. 7.)

The DES makes no reference to industry-standard monitoring strategies. Given the risky approach to water development proposed here, monitoring wells present the best means to guard against potential disruption of aquifer equilibrium. Accordingly, a monitoring regimen needs to be articulated in the DES (and ultimately deployed).

Response: As discussed in Section 3.5.1 (Groundwater) of the Draft EIS, groundwater in the Kama'ole Aquifer exists as a basal lens from the shoreline as far inland as the 1,700-foot contour. The direction of groundwater flow in the basal lens is mauka-to-makai.

According to Honua'ula Partners LLC's hydrologist, TNWRE, nothing in the available data from wells across the entire Kama'ole Aquifer, and more specifically in the mauka-makai corridor that may be affected by Honua'ula's wells, suggests that a monitor well is needed. Nevertheless,

Honua'ula Partners LLC will construct an upgradient golf course monitor well to a depth that will allow the well to also be used to monitor the transition zone below the basal lens. The monitor well will be installed prior to the start of use of Honua'ula's production wells. Periodic profiling of salinity and temperature through the monitor well's water column will be performed. This data will be used to track salinity in the basal lens and the movement, if any, of the transition zone.

To include the relevant above information in the Final EIS, in the Final EIS Section 3.5.1 (Groundwater) will be revised as shown on the attachment titled "Groundwater."

V. Key DEIS Deficiency Check List

The following items need to be included in the water component of the Project's DEIS:

Comment: *Identification of all existing Kamaole aquifer users, including*

- a. pumpage/volume and water quality data,*
- b. reported seasonally, if not monthly,*
- c. covering an extended period of time, preferably not less than 5 years, and*
- d. updated not less than annually.*

Response: As noted above in a previous response, TNWRE has prepared a supplemental report which contains data for all wells in the Kamaole Aquifer available from the CWRM, including reported: 1) pumpage; and 2) chlorides and water levels. The Final EIS will include this supplemental report.

According to CWRM records, there are a total of 134 wells within the Kama'ole Aquifer System, many of which are more than 60 years old and no longer in use. Of the 134 wells, 43 are known or presumed to be in use, 47 are no longer in use or do not draw from the basal lens, and 44 are of unknown status relative to their use.

Examination of CWRM data shows that reporting of chlorides and water levels to CWRM is minimal. Only three of the 43 wells in the aquifer that are known or presumed to still be active are presently reporting that information. For wells for which TNWRE has independent data, chloride levels have been stable for a decade of monthly sampling.

To include the relevant above information in the Final EIS, in the Final EIS Section 3.5.1 (Groundwater) will be revised as shown on the attachment titled "Groundwater." In addition the supplemental report from TNWRE will be included in Appendix B of the Final EIS.

Comment: *An irrevocable and continuous plan for periodic measurement and transparent reporting of the above information.*

Response: As noted above in a previous response Honua'ula Partners LLC will construct an upgradient golf course monitor well to a depth that will allow the well to also be used to monitor the transition zone below the basal lens. The monitor well will be installed prior to the start of use of Honua'ula's production wells. Periodic profiling of salinity and temperature through the monitor well's water column will be performed. This data will be used to track salinity in the basal lens and the movement, if any, of the transition zone. Honua'ula Partners LLC will comply with all CWRM monitoring and reporting requirements.

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Comment: *Articulation of an irrevocable and continuous professional well monitoring scheme designed to protect the equilibrium of the Kamaole aquifer.*

Response: As noted above in a previous response, Honua'ula Partners LLC will construct an upgradient golf course monitor well to a depth that will allow the well to also be used to monitor the transition zone below the basal lens. The monitor well will be installed prior to the start of use of Honua'ula's production wells. Periodic profiling of salinity and temperature through the monitor well's water column will be performed. This data will be used to track salinity in the basal lens and the movement, if any, of the transition zone. Honua'ula Partners LLC will comply with all CWRM monitoring and reporting requirements.

Comment: *Examination of an array of possible future states, paying particular attention to current and likely future weather and water conditions in and around the Project site. Best and worst case water availability scenarios for the Project need to be developed and possible outcomes reported, paying particular attention to the Project's tenuous hold on Haleakala Ranch well water.*

Response: As noted above in a previous response, there is extensive government oversight of all new well development and drinking water systems. Honua'ula Partners, LLC will comply with all State and County regulations and rules pertaining to well and water source development and new drinking water sources, including: 1) all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code; 2) the County's Water Availability Policy, Chapter 14.12, MCC; and 3) DOH Safe Drinking Water Branch rules pertaining to potable water systems HAR Chapter 11-20 (Potable Water Systems). To the extent that these laws and rules require "examination of an array of possible future states," Honua'ula will provide the requisite information.

Comment: *Development and articulation of carefully calculated and operationally feasible water sourcing contingency plans in the event the Project's water strategy fails.*

Response: It is highly unlikely that Honua'ula's private water system will fail. As noted above in a previous response, there is extensive government oversight of all new well development and drinking water systems. Honua'ula Partners, LLC will comply with all State and County regulations and rules pertaining to well and water source development and new drinking water sources, including: 1) all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code; 2) the County's Water Availability Policy, Chapter 14.12, MCC; and 3) DOH Safe Drinking Water Branch rules pertaining to potable water systems HAR Chapter 11-20 (Potable Water Systems). To the extent that these laws and rules require "development and articulation of carefully calculated and operationally feasible water sourcing contingency plans" Honua'ula will provide the requisite information.

Comment: *Identification/location of all water lines and storage facilities intended to support the project. To the extent these plans violate the Upcountry Community Plan, explain how conflicts will be resolved.*

Response: The Makawao-Pukalani-Kula Community Plan contains Water Objective & Policy # 4, which states:

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4. *Restrict the use of any water developed within or imported to the Upcountry region to consumption within the Upcountry region, with exception provided for agricultural use.*

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kihei-Makana Community Plan area in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of this water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on-site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the Makawao-Pukalani-Kula Community Plan.

Figure 2 (Regional Location) of the Draft EIS shows the location of Honua'ula's off-site water infrastructure. In the Final EIS, Figure 2 (Regional Location) will be revised to show: 1) the location of the off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation; and 2) the boundary between the Makawao-Pukalani-Kula Community Plan and the Kihei-Makana Community Plan regions. The attachment titled "Figure 2" shows the revised figure.

To reflect the relevant above information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

1. *That Honua'ula Partners, LLC, its successors and permitted assigns, shall, at their own cost and expense, develop, maintain, and operate, or cause to be developed, maintained, and operated, a private water source, storage facilities, and transmission lines for the Wailea 670 (Honua'ula) project in accordance with Department of Water Supply standards and all applicable community plans. Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with all reporting requirements of the State Commission on Water Resource Management.*

In addition, Honua'ula Partners, LLC, its successors and permitted assigns, shall comply with applicable water ordinances that pertain to the supply and transmission of water from the island of Maui when such ordinances are enacted.

At the time the project water system is completed, Honua'ula Partners, LLC, its successors and permitted assigns, shall offer to the County the right to purchase the project water system at the cost of development of such system.

The water rates for the residential workforce housing units shall be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, Maui County Code.

Discussion: As discussed in Section 4.8.1 (Water System), Honua'ula Partners, LLC will comply with this condition by providing a private water source, storage facilities, and transmission lines for Honua'ula in accordance with DWS standards and all applicable community plans. Further discussion is provided in Section 4.8.1 (Water System).

In comments on the Draft EIS some commenters referenced the *The Makawao-Pukalani-Kula Community Plan* and commented that Honua'ula's private water system was not in compliance with this plan. Specifically these comments pertained to Water Objective & Policy # 4 of the *Makawao-Pukalani-Kula Community Plan*, which states:

4. Restrict the use of any water developed within or imported to the Upcounty region to consumption within the Upcounty region, with exception provided for agricultural use.

Honua'ula's private water system is not in conflict with this policy. Honua'ula's off-site wells are located in the Kiheti-Makena Community Plan region in an area north of Maui Meadows. The water from the wells will be transmitted directly to Honua'ula by an underground water line running roughly parallel to the upper boundary of Maui Meadows. Some of the water will be treated by reverse osmosis at a facility within Honua'ula. Some of this treated water will be stored on site and some will be transmitted to an off-site water storage tank located east (mauka) of Honua'ula at the 810 foot elevation. The off-site water storage tank at the 810 elevation is necessary to create water pressure. The off-site wells, transmission line, and storage tank will be used exclusively to provide water to Honua'ula. Water from Honua'ula's off-site wells will not be imported to the Makawao-Pukalani-Kula Community Plan region for consumption or use, but will be transmitted through the lower elevations of the region for use at Honua'ula. No water source is being developed within the Makawao-Pukalani-Kula Community Plan region and no water is being imported to the Makawao-Pukalani-Kula Community Plan region. Rather, water from Honua'ula's off-site wells is being transmitted through the lower elevations of the Makawao-Pukalani-Kula Community Plan region. This is not in conflict with the *Makawao-Pukalani-Kula Community Plan*.

Figure 2 shows the location of Honua'ula's off-site water infrastructure and the boundary between the Makawao-Pukalani-Kula Community Plan and the Kiheti-Makena Community Plan regions.

In further compliance with ~~the conditions~~ Condition 1, Honua'ula Partners, LLC will also: 1) offer the right to purchase the completed water system to the County; and 2) ensure that water rates for the residential workforce housing units will be no higher than the general water consumer rates set by the County, for as long as the units are subject to Chapter 2.96 of the County Code.

Comment: Reassess the average rainfall assumptions contained in the current DEIS, with citation to reliable/credible sources substantiating the data used. If reassessment results in lower average rainfall data, adjust all internal calculations, particularly those relating to expected aquifer recharge and seasonal water draws for irrigation.

Response: Section 3.1 (Climate) of the Draft EIS states that average rainfall distribution for the Kiheti-Makena region varies from under 10 inches per year to more than 20 inches per year. As noted in the Draft EIS the source of this information is the 2008 Maui County Data Book. While not broken down in the Draft EIS, the 2008 Maui County Data Book records the higher end of this range (i.e., 20 inches per year) as occurring at the Makena Golf Course. The average rainfall of 18

inches per year stated in the report titled "Assessment of the Potential Impact on Water Resources of the Honua'ula Project in Wailea Maui" (Appendix B of the Draft EIS) is within the range reported in the 2008 Maui County Data Book, and since Honua'ula is near the Makena end of the Kiheti-Makena region, it is consistent with the higher rainfall averages reported for the Makena Golf Course. Regardless, rainfall on the Honua'ula site, an inconsequential part of the 89-square mile aquifer, has little to do with the aquifer's sustainable yield.

The addition of Honua'ula's wells and water system would still have total aquifer pumpage significantly less than the CWRM's adopted sustainable yield of 11 MGD in 1990. Subsequent well development and more sophisticated studies of rainfall-recharge suggest that 11 MGD in 1990. Subsequent well development and more sophisticated studies of rainfall-recharge suggest that 11 MGD is likely to be conservative.

Comment: Admit the uncertain status of the sustainable yield estimate for the Kamaole aquifer and discuss the implications of uncertainty. Describe how the Project will respond if the sustainable yield is less than the current uncertain estimate.

Response: As explained in our responses to your June 2010 letter, the 11 MGD sustainable yield adopted by the CWRM for the Kama'ole Aquifer is based on computations of rainfall-recharge using average annual values of rainfall and evaporation. Subsequent and far more sophisticated recharge calculations by the U.S. Geological Survey (USGS) and others, which were done with a shorter computation time step and, for some, the inclusion of fog drip in the upper elevation areas, have all derived greater amounts of recharge to the aquifer. All suggest that the sustainable yield is actually greater than the CWRM's adopted figure. Section 3.51 (Groundwater) of the Draft EIS notes and references these more sophisticated recharge calculation studies by the USGS and others.

In 1990 when the aquifer's sustainable yield was adopted by the CWRM, well development was limited to irrigation wells for the Wailea and Makena Resorts and small-capacity wells along the Kiheti shoreline. Since that time, a number of wells have been drilled to the north and at higher elevations which produce potable quality water and a number of others have been drilled at mid-elevation and produce slightly brackish water. In addition, geophysical work has been done over a significant portion of the aquifer. In other words, a substantial amount of hydrologic information has been developed since 1990, all of which indicates that the aquifer's sustainable yield is likely to be more than 11 MGD.

Given the hydrologic information that has been developed since 1990, the aquifer's actual sustainable yield is not a limitation on development of Honua'ula.

Comment: Develop and report comprehensive wastewater and desalination plans; meet all the requirements of HAR sections 11-200, et seq.

Response: The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawaii's EIS laws and rules (Chapter 343, HRS) and Title 11, Chapter 200, HAR). The EIS laws and rules provide for the preparation of a draft EIS, a review process, and the preparation of a final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments, and our responses. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final

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EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

Section 4.8.1 (Water System) and Appendix P (Preliminary Engineering Report) of the Draft EIS include information regarding Honua'ula reverse osmosis (RO) system. As stated in Section 4.8.1 (Water System) of the Draft EIS, RO plant will be subject to regulation as a public water system and will meet requirements of the State DOH, including HAR Chapters 11-20 (Potable Water Systems), 11-21 (Cross-Connection & Backflow Control), and 11-25 (Operating Personnel in Water Treatment Plants).

Section 4.8.2 (Wastewater System) and Appendix P (Preliminary Engineering Report) of the Draft EIS discuss two alternatives for Honua'ula's wastewater system: 1) transport wastewater to the Mākena Wastewater Reclamation Facility (WWRF) for treatment; or 2) provide an on-site WWRF. Preliminary details and analysis of both alternatives is also provided. Section 4.8.2 (Wastewater System) Draft EIS also states that wastewater system design, construction, and operation (whether at a new on-site WWRF or at the Mākena WWRF) will be in accordance with County standards and in compliance with all applicable provisions of the State DOH Administrative Rules (DOH rules) regarding wastewater systems (Chapter 11-62, Hawaii Administrative Rules (HAR)). To provide additional information on both alternatives, in the Final EIS Section 4.8.2 (Wastewater System) will be revised as shown on the attachment labeled "Wastewater System."

In addition, in compliance with County of Maui Ordinance No. 3554 Condition 16, on May 11, 2010 Honua'ula Partners, LLC submitted a sewage disposal analysis (Analysis) to the Maui County Council. After receiving the Analysis, the Maui County Council accepted the Analysis and did not subject Honua'ula to any additional conditions or amendments. As a result, Condition 16 has been fully satisfied.

To reflect this updated information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

16. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a Sewage Disposal Analysis that has been reviewed and commented on by the State Department of Health, the State Department of Land and Natural Resources, the County Department of Environmental Management, and the County Department of Water Supply prior to Project District Phase II approval. The Sewage Disposal Analysis, along with reviews and comments, shall be submitted to the Maui County Council for review and the project shall be subject to additional conditions or amendments by the Maui County Council if warranted by the Sewage Disposal Analysis.

Discussion: As discussed in Section 4.8.2 (Wastewater System) Honua'ula will not rely upon or burden any County wastewater system. Instead, Honua'ula Partners, LLC will either participate in the operation of a private WWRF and system that accommodates the needs of Honua'ula (Alternative 1) or provide a WWRF on-site (Alternative 2). The Preliminary Engineering Report prepared for Honua'ula (Appendix P) provides preliminary information regarding wastewater. For a more detailed analysis Honua'ula Partners, LLC has engaged Brown and Caldwell Engineers to prepare a Draft Honua'ula Sewage Disposal Analysis. In accordance with this condition, the Analysis ~~will be~~ has been submitted to the State DOH and DLNR and the County DEM and DWS for review and comment before Project District Phase II approval. These agencies have since provided comments and

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subsequently. ~~The~~ the Analysis, along with reviews and comments, ~~will then be~~ was submitted to the Maui County Council on May 11, 2010 for review. After receiving the Analysis, the Maui County Council accepted the Analysis and did not subject Honua'ula to any additional conditions or amendments. As a result, Condition 16 has been fully satisfied.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: Water System
Groundwater
Figure 2
Wastewater System

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¹ Milke explains that these "rights" are not of ownership, but rights of priority; they give the holder priority over the use of the water to which the rights attach. (Water and the Law in Hawaii, p. 96.)

June 30, 2010

Comments on Honua'ula Draft Environmental Impact Statement

I am using this opportunity to tell you that I think we owe it to our environment and to those of us that are already living here, and using water and other infrastructure, to be very careful about doing an EIS that is any less than impeccable for any large scale new projects, particularly this one.

I believe this DEIS is far from impeccable.

All of Kihei is a desert and we have selfishly turned it into a resource hogging (and reef damaging) version of a tropical paradise. It isn't possible that we can keep behaving this way. Building one or more huge new developments and even another golf course is just totally irresponsible behavior in light of what we know – or don't know about our resources.

I have had a chance to visit these lands and see their beauty and plant life and the habitations that create a uniquely historical perspective of the past. This has not been thoroughly explored and that is a sad fact.

More important are questions, legal and otherwise, of the big pieces of infrastructure that are not dealt with very fully in this report.

I know others are approaching this from a very technical basis and citing rules and laws, so I'll leave that out except to say that I hope decision makers are looking at those rules and not taking lightly that they should be adhered to.

Potable water and wastewater are not sufficiently dealt with in this report. The idea of letting developers have "control" of any part of those processes can lead to disastrous results (hey, I just coined a new word!). If we look at the wastewater treatment mess at the Maalaea condos, each one a privately run operation, and the condition of the reef in that bay, the dangers become obvious. Chances are more than even that if any private plant is included it will end up getting left to the County to deal with it at some point in the future.

If the water supply cited by the developer is insufficient or even worse turns all the other south Maui water too brackish for anyone to use, then the developer will have no choice but to come to the county for water. What then?

Nothing is known about the future of Makena Resort. Nothing much is known about the wastewater treatment plans for this project.

I believe that PBR Hawaii and the Developer have shamed themselves by turning this in as acceptable work. I think they have insulted the Planning Process by presuming they could actually do a huge document with lots of big holes in it and have the powers that be buy into it. And there is no way they have acted in the best interests of South Maui's citizens and its future.

Maybe legally Developers aren't required to act in Maui's best interests, but all the people on the other side of the table in this process do have those responsibilities. Our island needs protection from deterioration and misuse caused by man.

Please go over everyone's comments with a fine tooth comb and take this process very seriously so all of Maui will be proud that whatever decisions are made, they were pono and with impeccable integrity and lots of aloha.

I would ask that we choose this moment to set a higher standard for our future. So very much depends on it.

Maury King
3500 A Kehala Dr.
Kihei, HI 96753

808-874-5955



May 31, 2012

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Section 3.6 (Botanical Resources) of the Draft EIS contains discussion on botanical resources. Appendix E of the Draft EIS contains a detailed botanical survey report on which the discussion in Section 3.6 (Botanical Resources) is based.

Section 4.1 (Archeological and Historic Resources) of the Draft EIS contains discussion on archaeological and historic resources. Appendix E of the Draft EIS contains a comprehensive archaeological inventory survey report on which the discussion in Section 4.1 (Archeological and Historic Resources) is based.

While you may not consider the detailed information or expert consultant studies provided in the Draft EIS as sufficient, without more specific information regarding what you think "has not been thoroughly explored" we cannot provide a more detailed response.

3. *Potable water and wastewater are not sufficiently dealt with in this report. The idea of letting developers have 'control' of any part of those processes can lead to disastrous results (hey, I just coined a new word)...Chances are more than even that if any private plant is included it will end up getting left to the County to deal with it at some point in the future.*

Response: The Draft EIS includes detailed information on water (both potable and non-potable), wastewater, and the nearshore marine environment, along with specific expert consultant reports on these topics.

Honua'ula's private water and wastewater systems are mandated to be private by County of Maui Ordinance No. 3554, which requires that Honua'ula Partners, LLC: 1) provide, maintain, and operate a private water system (Condition 1); and 2) provide, maintain, or participate in the operation of a private wastewater treatment facility (Condition 17).

Section 3.5.1 (Groundwater) of the Draft EIS contains discussion on the potential impact on groundwater resources from the creation of Honua'ula. Appendix B of the Draft EIS contains a technical groundwater assessment report on which the discussion in Section 3.5.1 (Groundwater) is based. In their letter commenting on the Draft EIS dated May 20, 2010, the State Commission on Water Resource Management stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues."

In addition, Section 4.8.1 (Water System) of the Draft EIS provides discussion on Honua'ula's potable and non-potable water infrastructure systems including water demand, source and treatment, storage, and distribution. Appendix P of the Draft EIS contains a preliminary engineering report on which the discussion in Section 4.8.1 (Water System) is based.

Regarding wastewater, Section 4.8.2 (Wastewater System) of the Draft EIS provides discussion on Honua'ula's wastewater system including projections of wastewater flow and alternatives to either transport wastewater to the Makena Wastewater Recycling Facility (WWRF) for treatment or to develop, maintain, and operate a private on-site (WWRF). Appendix P of the Draft EIS contains a preliminary engineering report on which the discussion in Section 4.8.2 (Wastewater System) is based. After treatment—at either the existing Makena WWRF or the possible on-site WWRF—R-1 recycled water (reclaimed water) will be used within Honua'ula for golf course irrigation and none of the reclaimed water will be placed into injection wells.

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. King:

Thank you for your letter dated June 30, 2010 sent via e-mail regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. For clarity, we have numbered each specific comment or concern.

1. *All of Kihei is a desert and we have selfishly turned it into a resource hogging (and reef damaging) version of a tropical paradise. It isn't possible that we can keep behaving this way. Building one or more huge new developments and even another golf course is just totally irresponsible behavior in light of what we know – or don't know about our resources.*

Response: Honua'ula implements State and County planning policies for the Honua'ula Property that have been thought-out, studied, and advanced for over 20 years. Honua'ula realizes and supports decisions regarding the use of the Honua'ula Property for residential, recreational, and commercial uses made by the State Land Use Commission, the Maui Planning Commission, and the Maui County Council, which were affirmed through a community-based process during the course of the most recent update of the *Kihei-Makena Community Plan*. Honua'ula is also within the "urban growth boundary" of the current Directed Growth Maps of: 1) the Planning Department; 2) the Maui Planning Commission; and 3) the General Plan Advisory Committee. As such, Honua'ula realizes the vision for the Honua'ula Property that has been formulated and refined over the course of more than two decades.

The purpose and intent of Honua'ula is to implement the Project District 9 ordinance (Chapter 19,90A, MCC) governing the Honua'ula Property, which establishes permissible land uses and appropriate standards of development for a residential community consisting of single-family and multi-family dwellings complemented with village mixed uses, all integrated with an 18-hole homeowner's golf course and other recreational amenities.

2. *I have had a chance to visit these lands and see their beauty and plant life and the habitations that create a uniquely historical perspective of the past. This has not been thoroughly explored and that is a sad fact.*

Response: The Draft EIS includes detailed information on botanical resources, and archaeological and historic resources, along with specific expert consultant reports on these topics.

Regarding the nearshore marine environment (which includes reefs), Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS contains discussion on nearshore water quality and marine environment downstream from Honua'ula. Appendix D of the Draft EIS contains the reports on which the discussions in Section 3.5.2 (Nearshore Marine Environment) are based.

4. *If the water supply cited by the developer is insufficient or even worse turns all the other south Maui water too brackish for anyone to use, then the developer will have no choice but to come to the county for water. What then?*

Response: Section 3.5.1 (Groundwater) of the Draft EIS contains discussion on the potential impact on groundwater resources from the creation of Honua'ula. Appendix B of the Draft EIS provides a technical groundwater assessment report on which the discussion in Section 3.5.1 (Groundwater) is based. Both Section 3.5.1 (Groundwater) and Appendix B of the Draft EIS discuss potential impacts to groundwater and mitigation measures.

Regarding your concern about the possible failure of Honua'ula's private water system, please note that currently there are at least six private water companies on the Island of Maui that provide potable water to residential customers. Several of these companies have been in operation for more than 30 years. All private potable water companies are regulated as public utilities by the State Public Utility Commission (PUC). The PUC: 1) prescribes rates, tariffs, charges and fees; 2) determines the allowable rate of earnings in establishing rates; 3) issues guidelines concerning the general management of public utility businesses; and 4) acts on requests for the acquisition, sale, disposition or other exchange of utility properties, including mergers and consolidations.

Before start up, Honua'ula's private water system is subject to the approval of the DOH Safe Drinking Water Branch. As part of the DOH approval process the DOH requires that new private water companies demonstrate capacity requirements and satisfactory technical, managerial, and financial capabilities, including:

- An adequate water source to serve current and future water users;
- Adequate system technical performance;
- An infrastructure replacement plan that includes estimates of the useful life and plans for the eventual replacement of the public water system's infrastructure;
- An operational plan that includes a preventative and corrective maintenance program;
- A clear management organization and communication structure;
- An emergency response plan;
- Adequate financial capacity and dedicated sources of income, including income and cash reserves to pay annual operating expenses, unexpected significant repairs, and planned major work;
- Adequate budget controls, including performance reviews of actual expenditures and annual budgets, procedures to safeguard financial assets, and maintenance of detailed financial records that clearly identify sources of income and expenses involved in operating the public water system; and
- Demonstration of credit worthiness, including: 1) long-term dedicated revenue projections showing sufficient revenue for: a) operating and maintaining the public

water system; b) performing anticipated repairs; c) replacement of major equipment; d) future expansion; and e) repayment of loans; and 2) credit reports that indicate that the public water system is financially healthy and credit worthy.

To include the relevant above information in the Final EIS, along with addressing comments regarding water issues from others, in the Final EIS Section 4.8.1 (Water System) will be revised as shown on the attachment titled "Water System."

5. *Nothing is known about the future of Makena Resort. Nothing much is known about the wastewater treatment plans for this project.*

Response: As previously discussed, Section 4.8.2 (Wastewater System) of the Draft EIS provides an analysis of Honua'ula's wastewater treatment options. Honua'ula Partners, LLC will either: 1) transport wastewater to the Makena WWRF for treatment; or 2) develop, maintain, and operate a private on-site WWRF. The first and preferred alternative is to transport wastewater to the Makena WWRF, as this provides the benefit of consolidating wastewater services for both Honua'ula and Makena and allows for economies of scale in the treatment process and consolidated regulatory compliance. After treatment—at either the existing Makena WWRF or the possible on-site WWRF—R-1 recycled water (reclaimed water) will be used within Honua'ula for golf course irrigation and none of the reclaimed water will be placed into injection wells.

As further discussed in Section 4.8.2 (Wastewater System) of the Draft EIS, Honua'ula Partners, LLC has had substantive discussions with the Makena WWRF owner, Makena Wastewater Corporation, and they support the connection of Honua'ula's wastewater system to the Makena WWRF; however, formal agreements with Makena Wastewater Corporation have not yet been finalized.

6. *I believe that PBR Hawaii and the Developer have shamed themselves by turning this in as acceptable work.*

Response: We acknowledge your opinion, but disagree. In a letter dated June 30, 2010 commenting on the Honua'ula Draft EIS, the Maui Planning Department/Planning Commission stated that the "Honua'ula Draft EIS is one of the better draft documents the commission has seen in terms of completeness."

The Draft EIS has been, and the Final EIS will be, prepared in conformance with State of Hawai'i EIS laws and rules (Chapter 343, HRS and Title 11, Chapter 200, HAR). The EIS laws and rules provide for the preparation of a Draft EIS, a review process, and the preparation of a Final EIS. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments.

Maury King
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DISTRICT PHASE II APPLICATION**

May 31, 2012
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Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: Water System

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From: Philip Thomas (www.philipt.com) [mailto:pt@philipt.com]

Sent: Wednesday, June 30, 2010 11:47 AM

To: Tom Schnell; Charlie@ehimai.com; planning@mauicounty.gov; Kathleen.Aoki@co.maui.hi.us;

osac@doh.hawaii.gov; Kuba Paracuelles; Ann Cua

Subject: serious concerns over the proposed Waitaia 670 development (Comments on Honuaula Partners DEIS)

Maui County decision-makers:

I would like to "second" all the concerns that Dr. Altenberg put forth in his well-thought-out submission to you (attached below).

It would be an inexcusable tragedy to allow deliberate destruction of such important--and endangered--habitat. "Smart Growth"--if it has any real meaning at all--does NOT mean destroying extremely rare habitat (Hawaiian dryland forest) for the sake of millionaires (both the potential residents and the developers).

Please DO NOT ALLOW the developers of this project to further fragment this valuable habitat. Please ensure that THE MOST RESPONSIBLE DESIGN is followed (if the project is allowed to proceed at all); refer to Dr. Altenberg's suggestions for keeping the largest possible section intact.

MEANINGFUL "MITIGATION" is NOT POSSIBLE in this case. Keep that at the forefront of your mind. Allowing the developers to further degrade this area in any way is ALLOWING THE DEMISE OF AN IRREPLACEABLE ECOSYSTEM.

Sorry to sound so "cautionary," but the time for "caution" is long since past: this habitat is endangered, and what may seem extraordinary measures are only fitting at this time. The loss of more than 95% of this incredibly diverse habitat has already been lost, and the remaining few areas are in trouble. That constitutes a crisis, and we (as responsible citizens of Hawaii and the world) need to respond accordingly.

Aloha,
Philip Thomas
pt@philipt.com
P.O. Box 1272
Paunene (Maui), HI 96784



May 31, 2012

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Response: Honua'ula implements State and County planning policies for the property that have been thought-out, studied, and advanced for over 20 years. Honua'ula realizes and supports decisions regarding the use of the Property for residential, recreational, and commercial uses made by the State Land Use Commission, the Maui Planning Commission, and the Maui County Council. Honua'ula is also within the "urban growth boundary" of the current Directed Growth Maps of: 1) the Planning Department; 2) the Maui Planning Commission; and 3) the General Plan Advisory Committee. As such, Honua'ula realizes the vision for the property that has been formulated and refined over the course of more than two decades.

The Maui County Council included comprehensive conditions as part of Honua'ula's Change in Zoning Ordinance (County of Maui Ordinance No. 3554) approval. These conditions reflect a range of concerns and ensure that any impacts of Honua'ula are mitigated and addressed in context with regional impacts and demands, including impacts related to native plants, traffic, and infrastructure systems such as water and wastewater. Section 5.2.3 (County of Maui Zoning) of the Draft EIS discusses Honua'ula Partners, LLC's compliance with these conditions.

Comment: MEANINGFUL "MITIGATION" is NOT POSSIBLE in this case. Keep that at the forefront of your mind. Allowing the developers to further degrade this area in any way is ALLOWING THE DEMISE OF AN IRREPLACEABLE ECOSYSTEM.

Response: As noted above, no Federal or State of Hawai'i listed threatened or endangered plant species have been identified on the Honua'ula property. Section 3.6 (Botanical Resources) of the Draft EIS details extensive measures that will be established to protect and conserve native plant species, including: 1) establishing a Native Plant Preservation Area; and 2) implementing a conservation and stewardship plan that sets forth proactive stewardship actions to manage the native plant areas.

In response to comments on the Draft EIS requesting additional area to be set aside for native plant species, Honua'ula Partners, LLC proposes both on- and off-site measures.

For on-site measures Honua'ula Partners, LLC will increase the area of the Native Plant Preservation Area on the Honua'ula property from 22 to 40 acres. This 40-acre area contains the highest density of native plants within the Property, and will include all five 'āwīkīwī plants that were alive in 2009 and the majority of the nehe plants at the Property. The Native Plant Preservation Area will be actively managed in accordance with the Conservation and Stewardship Plan (included as Appendix F of the Draft EIS). Management actions will include removal and exclusion of ungulates (deer, cattle, goats, and pigs), removal and control of noxious invasive weeds and plants, and propagation of native plants from seeds collected on the Property.

For off-site mitigation, Honua'ula Partners, LLC will:

1. Acquire 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

SUBJECT: HONU'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Thomas:
Thank you for your e-mail dated June 30, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. We are also in receipt of the letter dated June 30, 2010 from Lee Altenberg, which was attached to your e-mail. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

Comment: It would be an inexcusable tragedy to allow deliberate destruction of such important—and endangered—habitat. "Smart Growth"—if it has any real meaning at all—does NOT mean destroying extremely rare habitat (Hawaiian dryland forest) for the sake of millionaires (both the potential residents and the developers).

Response: As discussed in Section 3.6 (Botanical Resources) of the Draft EIS, several botanical surveys of the Property have been conducted since 1988. In all, 146 plant species have been identified within the property, 26 of which are native; 14 of these native species are endemic to Hawai'i. The remaining 120 species are introduced non-native species.

None of the surveys identified any Federal or State of Hawai'i listed threatened or endangered plant species on the property. However, five individual plants of the candidate endangered species, 'āwīkīwī (*Canavalia pubescens*), have been documented within the property. 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).

Regarding your comment about "millionaires (both potential residents and the developers)," as discussed in Section 4.9.3 (Housing) of the Draft EIS please note that Honua'ula will provide homes priced for a range of consumer groups, including workforce affordable homes in compliance with Chapter 2.96, Maui County Code (MCC) (Residential Workforce Housing Policy). All workforce affordable homes will be priced and subject to restrictions in accordance with the requirements of Chapter 2.96, MCC to ensure they remain both available and affordable for full-time Maui residents.

Comment: Please DO NOT ALLOW the developers of this project to further fragment this valuable habitat. Please ensure that THE MOST RESPONSIBLE DESIGN is followed (if the project is allowed to proceed at all); refer to Dr. Altenberg's suggestions for keeping the largest possible section intact.

2. Fund and implement the continuation and expansion of restoration efforts within the Auwahi Forest Restoration Project area, just north of the Kanato Natural Area Reserve, including fencing of approximately 130 acres, ungulate removal, and plant restoration activities.

Together the on- and off-site mitigation areas provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including wiliwili. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the Blackburn's sphinx moth, providing net benefit to this species, as well as a large number of additional native dryland species. To implement the on- and off-site mitigation measures, Honua'ula Partners, LLC, will finalize its draft Habitat Conservation Plan in collaboration with the US Fish and Wildlife Service (USFWS) and State Department of Land and Natural Resources (DLNR) in accordance with Section 10(a)(1)(B) of the Endangered Species Act and Chapter 195D, Hawai'i Revised Statute. The on- and off-site mitigation areas are subject to the approval of the Habitat Conservation Plan by USFWS and DLNR.

To include this information in the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) will be revised as shown on the attachment labeled "Botanical Resources."

To include discussion of a 130-acre Native Plant Preservation Area in the Final EIS, in the Final EIS Chapter 6 (Alternatives) will be revised to include the information shown on the attachment labeled "Alternatives."

Comment: *Sorry to sound so "cautionary," but the time for "caution" is long since past: this habitat is endangered, and what may see extraordinary measures are only fitting at this time. The loss of more than 95% of this incredibly diverse habitat has already been lost, and the remaining few areas are in trouble. That constitutes a crisis, and we (as responsible citizens of Hawaii and the world) need to respond accordingly.*

Response: As noted above, no Federal or State of Hawai'i listed threatened or endangered plant species have been identified on the Honua'ula property. In addition, the property is not located within or immediately adjacent to critical habitat or recovery management units designated by the USFWS. The on- and off-site mitigation areas proposed by Honua'ula Partners, LLC provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including wiliwili.

As also noted above, the Maui County Council included comprehensive conditions as part of Honua'ula's Change in Zoning Ordinance (County of Maui Ordinance No. 3554) approval, including conditions related to native plants. Honua'ula Partners, LLC will comply with these conditions.

As you reference the comments of Lee Altenberg in your comments, attached is our letter to Mr. Altenberg in response to his concerns.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.
Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: Botanical Resources
Alternatives
Letter to Lee Altenberg



May 31, 2012

Lee Altenberg
2605 Liholo Place
Kihei, Hawai'i 96753-7118

Comment: Lowland Hawaiian dry forest is an endangered ecosystem. Government and private actions have allowed this ecosystem to be reduced to amounts and states of degradation that threaten its long-term existence. No more than 5% of the original habitat survives in any degree, and that 5% is heavily invaded by alien plant and animal species.

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Mr. Altenberg:

Thank you for your letter dated June 30, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments. SWCA Environmental Consultants contributed to the responses in this letter. The organization of this letter follows the general headings of your letter.

SUMMARY

Comment: The proposed project represents the largest deliberate destruction of lowland Hawaiian dry forest ecosystem to occur on Maui in decades. Lowland Hawaiian dry forest ecosystem is among the twenty most endangered ecosystems in the United States. The DES compares this remnant with other remnants to denigrate its conservation value, and justify the proposed destruction of some 72% of the remnant, and severe fragmentation of another 14%. But it is silent on the importance of large, unfragmented habitat for conservation of biodiversity, and the fact that the project contains about the fourth largest of eight remaining large contiguous remnants of lowland dry forest on Maui. Moreover, the remnant is some 4 miles from Pu'u O Kala, which contains a number of listed endangered plant species, and it is likely that it could serve as critical habitat in their recovery. All of these eight remnants of this endangered ecosystem should be preserved and dedicated to restoration efforts.

Response: The purpose of Honua'ula is not to deliberately destroy a lowland Hawaiian dry forest ecosystem. To protect and enhance native plants on the property Honua'ula Partners, LLC will establish a perpetual on-site conservation easement (Native Plant Preservation Area) over an area of approximately 40 acres within the kiawe-wilivilii shrubland south of latitude 20°40'15.00"N. This preserve will contain a high density of native plants within a single, 40-acre, contiguous area. The loss of the remaining approximately 130 acres of kiawe-wilivilii shrubland, which is surrounded by a matrix of highly degraded kiawe-buffelgrass grassland and bordered on two sides by golf courses, will be offset with protection and restoration of approximately 364 acres of near-contiguous threatened dryland ecosystems at Kanaloa and Auwahi, in addition to the 40 acre on-site preserve. These off-site areas are immediately adjacent to additional protected areas, and together offer protection and recovery benefit to a very large area, including some of the most highly valued remnants of native dryland ecosystems. Together, the perpetual on- and off-site mitigation areas are expected to result in a net benefit for the endangered Blackburn's sphinx moth by enhancing the number and diversity of known native host plants on currently unprotected lands.

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Lee Altenberg
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Comment: Lowland Hawaiian dry forest is an endangered ecosystem. Government and private actions have allowed this ecosystem to be reduced to amounts and states of degradation that threaten its long-term existence. No more than 5% of the original habitat survives in any degree, and that 5% is heavily invaded by alien plant and animal species.

Response: The proposed on- and off-site measures to protect native plants and Blackburn's sphinx moth habitat proposed by Honua'ula Partners, LLC provide a net conservation benefit through: a) the protection and propagation of additional native host plants for both larval and adult Blackburn's sphinx moth (including the native host species 'aiea (*Nothochoestrum spp.*) and halapepe (*Pleomele spp.*)); and b) creation and protection of a higher number species of native host plants than currently exists on the Property. The proposed on- and off-site mitigation areas together provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including wilivilii. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the moth, providing net benefit to this covered species, as well as a large number of additional native dryland species.

Comment: The additional deliberate destruction of remnant habitat of this ecosystem, which is proposed by Honua'ula Partners, should be prohibited by local, state, and federal policy; private interests that propose such destruction should face universal social appropriation.

Response: Local, state, and federal regulatory agencies have been consulted through numerous extensive legal land use processes involving public meetings and government agency reviews since the 1980's. An EIS was published in 1988 to address the first proposed development of this 670-acre property, and no significant botanical or wildlife resources were identified within the Property by consultants or government regulatory agencies at that time. State Division of Forestry and Wildlife (DOFAW) recommendations were limited to fencing and removal of ungulates. In 1992, a Community Plan Amendment was approved, establishing the 670 acre property as Project District 9 in the Kihei/Makena Community Plan. Also in 1992, Project District zoning approval was received for the entire project area, designating over 400 acres for two golf courses and accessory uses. Updated botanical and wildlife surveys at that time revealed no new findings. In 1994, the State Land Use Commission issued its Decision and Order to reclassify the entire 670-acre property from the State Agricultural District to the State Urban District. In 2004, updated botanical and wildlife surveys were conducted with no new findings. The first mention of the area as a remnant native dry shrubland ecosystem appeared in SWCA's 2006 survey reports.

Honua'ula Partners, LLC will comply with all applicable local, state, and federal laws and regulations. The incidental take of approximately 130 acres of kiawe-wilivilii shrubland habitat for endangered Blackburn's sphinx moths will be mitigated in accordance with County of Maui Ordinance No. 3554 Condition 27, Section 10(a)(1)(B) of the federal Endangered Species Act (ESA) of 1973, as amended, and Chapter 195D, Hawai'i Revised Statutes (HRS).

Comment: Some 160 acres of lowland dry forest survive in the Wailea 670 project area, nicely demarcated by the Historic Wall that runs mauka to makai bordering the HKEA (Bergmanis et al. 2000) a a flow. Any destruction of portions of this 160 acres is the opposite of what should be happening---these 160 acres should be managed for restoration.

Response: The area south of the historic stone wall within the Property totals 170 acres. The maximum area south of latitude 20°40'15.00"N called for in County of Maui Ordinance No. 3554

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Condition 27 is 130 acres. Honua'ula Partners, LLC maintain that protection of this entire area is infeasible. Honua'ula Partners, LLC have therefore proposed means to avoid and minimize disturbance to the largest contiguous area possible within the overall design limitations, and to mitigate the unavoidable loss of habitat through perpetual preservation and enhancement of currently unprotected and physically similar habitats off-site. These actions will result in an increase in the number and diversity of native dry forest plants and host plants for the endangered Blackburn's sphinx moth, leading to a net benefit for the species in accordance with the requirements of Chapter 195D Hawaii Revised Statutes.

Comment: *The current proposal of the Honua'ula Partners reflects its history. It represents probably about as much conservation as one could squeeze into the site plan developed before 2003. But this level of conservation is still catastrophic to the habitat — a reduction of c. 160 acres of remnant lowland dry forest to 22 contiguous acres under conservation easement, and 23 acres of mostly linear fragments of ungraded land bordering the golf course greens. The plan violates the two most important features of reserve design:*

- *A large reserve will hold more species than a small reserve because of the species-area relationships described in Chapter 8.*
- *A single large reserve is preferable to several small reserves of equal total area, assuming they all represent the same ecosystem type.*

Response: Since June of 2010 Honua'ula Partners, LLC has met with the State Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) and the U.S. Fish and Wildlife Service (USFWS) on many occasions to reach agreement regarding satisfaction of County of Maui Ordinance No. 3554 Condition 27, which requires the establishment of a Native Plant Preservation Area that "shall not be less than 18 acres and shall not exceed 130 acres" on "the portion of the [Honua'ula] property south of latitude 20°40'15.00"N." The area of Property south of latitude 20°40'15.00"N. comprises an approximately 170-acre 'ā'ā lava flow characterized as kiawe-wilivilii shrubland.

As a result of the meetings with DLNR and USFWS, Honua'ula Partners, LLC proposes both on- and off-site measures to protect and enhance native plants and habitat for the Blackburn's sphinx moth.

For on-site measures Honua'ula Partners, LLC will increase the area of the Native Plant Preservation Area on the Honua'ula property from 22 to 40 acres. This 40-acre area contains the highest density of native plants within the Property, and will include all five 'āwikiwiki plants that were alive in 2009 and the majority of the nehe plants at the Property. The Native Plant Preservation Area will be actively managed in accordance with the Conservation and Stewardship Plan (included as Appendix F of the Draft EIS). Management actions will include removal and exclusion of ungulates (deer, cattle, goats, and pigs), removal and control of noxious invasive weeds and plants, and propagation of native plants from seeds collected on the Property.

For off-site mitigation, Honua'ula Partners, LLC will:

1. Acquire 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

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2. Fund and implement 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.

The Kanaio and Auwahi areas have been pinpointed by USFWS, USGS, Medeiros, Loope, and Chimera (1993), VanGelder and Conant (1998), Price et al (2007), and The Nature Conservancy to be of high value for Blackburn's sphinx moth habitat and native dryland forest and shrubland species including wilivilii and a number of threatened and endangered species.

Together the on- and off-site mitigation areas provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including wilivilii. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the Blackburn's sphinx moth, providing net benefit to this species, as well as a large number of additional native dryland species. To implement the on- and off-site mitigation measures, Honua'ula Partners, LLC, will finalize its draft Habitat Conservation Plan (HCP) in collaboration with the USFWS and State DLNR in accordance with Section 10(a)(1)(B) of the Endangered Species Act and Chapter 195D, HRS. The on- and off-site mitigation areas are subject to the approval of the HCP by USFWS and DLNR.

To include the relevant information above in the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) and Section 3.7 (Wildlife Resources) will be revised as shown on the attachments titled "Botanical Resources" and "Wildlife Resources."

Comment: *Conservationists prefer large reserves to small reserves for two main reasons. First, large reserves will, on average, contain a wider range of environmental conditions and thus more species than small reserves. Additionally, some species will be absent from small reserves ... simply because they live at low densities and by chance alone are unlikely to be in a small reserve (e.g. many rare plants). ...*

Response: We acknowledge your comments.

Comment: *Second, large reserves are more secure and easier to manage (at least per unit area) than small reserves for three reasons: (1) large reserves have relatively large populations that are less likely to become extinct (recall Chapter 7); (2) large reserves have a relatively shorter edge than small reserves and thus are less susceptible to external disturbances such as invasions of exotic species and poachers...; and (3) large reserves are less vulnerable to a catastrophic event... — Hunter and Gibbs, p. 235*

Response: We acknowledge your comments.

Comment: *So, the proposal represents at least complete destruction of 72% of the habitat, and severe degradation through fragmentation of another 14%, leaving only 14% that is getting the treatment that 100% of this habitat should be receiving due to the endangered state of this ecosystem.*

Response: As mentioned above, Honua'ula Partners, LLC will establish a perpetual on-site conservation easement (Native Plant Preservation Area) over an area of approximately 40 acres within the kiawe-wilivilii shrubland south of latitude 20°40'15.00"N, loss of the remaining approximately 130 acres of kiawe-wilivilii shrubland, which USFWS considers Blackburn's sphinx moth habitat, will be mitigated in accordance with Section 10(a)(1)(B) of the federal Endangered

Species Act (ESA) of 1973, as amended, and Chapter 195D, HRS. The status of the kiawe-wilwili shrubland ecosystem has not been evaluated, and aside from the Blackburn's sphinx moth, no threatened or endangered species will be impacted by Honua'ula.

Comment: In case it is not obvious why remnant habitat of endangered ecosystems should not be deliberately destroyed, here are some specific reasons:

1. Habitat loss means alteration of the physical environment or destruction of the established organisms to an extent that natural reproduction of the organisms cannot reestablish their community. This is what has happened to at least 95% of lowland dry forest in Hawaii and on Maui in particular.
2. The plan of Honua'ula Partners destroys the ability of the native species to live and reproduce on the remaining 28% of the habitat by reducing its contiguous area and by reducing the total populations of all organisms.
3. 'A'a habitat consists of microsites of soil scattered among clinker lava. Dispersed seeds have to fall upon a habitable microsite before the parent plant dies. This makes it a metapopulation, which survives through extinction and recolonization dynamics. The fewer the total number of microsites, the greater the probability of local extinction, and the faster the time to extinction (Bascombe, Possingham, and Roughgarden, 2002).
4. No amount of cultivation of native plants is a substitute for ecosystem preservation. First, cultivation is human intervention to sustain plants that would die without this intervention. Plants have survived and evolved for thousands of years without human intervention in their native habitat. No one can propose that cultivation of the native plants will be guaranteed for thousands of years into the future. Second, landscaping with native plants does not bring along all of the other species with which they form an ecosystem --- soil microbes, pollinators, the invertebrate ecosystem, and other plant species. Third, cultivation causes allele extinction and adaptation of species to the conditions of cultivation, making the resulting plants unable to resume life even in intact habitat.

The maintenance of genetic variation under cultivation is a complex management problem and one of the main difficulties of such ex situ plant conservation. Furthermore, ex situ plant conservation---the only use of cultivation for conservation---is premised upon the idea that cultivation is a temporary measure awaiting the time when the habitat of the plants is ready for their reintroduction. This is the strategy being pursued for *Hibiscus brackenridgei* at the Maui Nui Botanical Garden, for reintroduction to their site of origin, Pū'u O Kali. Ex situ conservation is never designed as a way to justify the destruction of the habitat of origin.

The proposed reduction of population sizes of all native through habitat destruction increases the chance that the remaining population falls below the minimum viable population size (Hanski, Moilanen, and Gyllenberg, 1996), where stochastic processes and genetic mutational meltdown (Higgins and Lynch, 2001) cause the eventual local extinction of the species:

Theory suggests that the risk of extinction by mutation accumulation can be comparable to that by environmental stochasticity for an isolated population smaller than a few thousand individuals. Here we show that metapopulation structure, habitat loss or fragmentation, and environmental stochasticity can be expected to greatly accelerate the accumulation of mildly deleterious mutations, lowering the genetic effective size to such a degree that even large metapopulations may be at risk of extinction. Because of mutation accumulation, viable metapopulations may need to be far larger and better connected than would be required under just stochastic demography.

It is the potential of large contiguous areas of habitat to support large metapopulations that makes the HKEA remnant lowland dry forest habitat especially valuable for conservation, and which the proposed plan destroys.

Response: Most of the native plants observed during SWCA's survey of the Property are found elsewhere throughout Maui and the main Hawaiian Islands. Until recently there have been no efforts to protect and conserve the Property, and considering its land use designations (State Urban District, County of Maui Project District 9), it is unlikely that in the absence of Honua'ula, the area will be protected. Thus without Honua'ula, the value of the existing remnant ecosystem will continue to degrade. The proposed onsite Native Plant Preservation Area encompasses a contiguous 40-acre area within the *kiawe-wilwili* shrubland to protect the portion of the remnant native lowland dry shrubland plant community with the highest densities of selected endemic/native plants having high conservation priority.

The proposed size and location of the Native Plant Preservation Area are based, in part, upon a vegetation density analysis employed by SWCA to aid in defining areas where preservation could be most effective. The size and location of the Native Plant Preservation Area are also based upon scientific research that suggests even small restoration efforts consisting of a few hectares can help provide habitat for native species and can subsequently serve as urgently-needed sources of propagules (Cabin et al. 2000b, Cabin, et al. 2002a). This is reinforced by numerous sources of information on successful propagation of native plants specifically for landscaping (e.g., TNC 1997, Tamimi 1999, Friday 2000, Wong 2003, Bornhorst and Rauch 2003, Lilleeng-Rosenberger and Chapin 2005, CTAHR 2006). The research shows that even small preserves consisting of individual trees are being deemed as appropriate and feasible by USFWS and DLNR when managed in combination with regional preserve areas, such as at La'i'opua on Hawai'i Island (Leonard Bisel Associates, LLC and Geometric Associates 2008.). The purpose of any ex-situ native plant propagation is to enhance the native plant community on-site through outplanting, not to provide an ex-situ population.

As noted in Section 3.6 (Botanical Resources), to further protect native species on-site, Honua'ula Partners, LLC will:

- Conserve as many of the *wilwili* trees as possible outside the Native Plant Preservation Area;
- Fence the entire perimeter of the Property, and other areas as appropriate, to exclude feral ungulates from the *kiawe-wilwili* shrubland. A fence has already been erected, however fencing requirements will be reviewed and updated (for example, to include stronger deer fencing) as establishment of the Native Plant Preservation Area and site construction begins (this is consistent with County of Maui Ordinance No. 3554 Condition 7);
- Implement an ungulate management plan to ensure that goats, deer, pigs, and stray cattle are removed in a humane manner from the Native Plant Preservation Area and the Native Plant Conservation Areas (this is consistent with County of Maui Ordinance No. 3554 Condition 7);
- Employ a Natural Resources Manager to help develop and implement specific conservation programs to ensure the protection of native plants and animals;
- Implement a program to control and eradicate invasive grasses, weeds, and other non-native plants from the Native Plant Preservation Area with the exception of the non-native tree tobacco (*Nicotiana glauca*), which is a recognized host plant for the endangered Blackburn's sphinx moth (*Manduca blackburni*);

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- Implement a native plant propagation program for landscaping with plants and seeds naturally occurring on the Property. All plants native to the geographic area will be considered as potential species for use in landscaping;
- Implement a seed predator control program to control rats, mice, and other seed predators;
- Implement a fire control program to help protect the Native Plant Preservation Area and other areas and ensure the success of plant propagation and conservation efforts;
- Implement an education and outreach program open to the public and sponsor service groups to assist with implementation of native plant management programs;
- Apply for additional program support offered by the State of Hawai'i (Natural Area Partnership Program and Hawaii Forest Stewardship Program) and USFWS to promote sound management of the natural resources within Honua'ula;
- Continue long-term vegetation monitoring during wet and dry seasons to evaluate the health of native plants and to support the development of the Conservation and Stewardship Plan for the Native Plant Preservation Area and native plant restoration efforts; and
- Finalize its draft Habitat Conservation Plan (to include the candidate endangered 'āwīkīwīkī) in collaboration with USFWS and DLNR in accordance with Section 10(a)(1)(B) of the Endangered Species Act and Chapter 195D, HRS.

As noted above, Honua'ula Partners, LLC also proposes off-site measures to protect and enhance native plants and habitat for the Blackburn's sphinx moth. Together the on- and off-site mitigation areas provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including wīlīwīlī.

Comment: *The pre-2003 site plan should be jettisoned, and a new site plan developed that protects all of the 'a' a habitat south of the Historic Wall. Such a site plan would have to increase the density of the 76% of the property without native biota by 30% to include all of the currently planned units and features. If the conservation area is kept to the 130 acres mandated by the Unilateral Agreement should DLNR and USFWS find it merits preservation, the revised site plan would be able to develop 81% of the 670 acres, and could maintain all the planned items by a 24% increase in density. Such increased density is a high priority among the "Smart Growth" principles advocated by Honua'ula Partners.*

Response: Restricting all development south of the historic wall and thus increasing density in the northern part of the property would result in significant changes to the Conceptual Master Plan, resulting in conflicts with several provisions of Chapter 19.90A, Maui County Code (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.

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To provide an alternative discussing a 130-acre Native Plant Preservation Area, which includes and elaborates on the above information in the Final EIS, in the Final EIS Chapter 6 (Alternatives) will be revised to include the information shown on the attachment labeled "Alternatives."

Comment: *SWCA Environmental Consultants (SWCA) appears to be aware of this situation, but faces the dilemma of providing a product that is satisfactory to their client, Honua'ula Partners. The resulting product reflects the limits of how true to conservation biology a hired consultant can remain within their contractual relationship.*

SWCA's botanical survey of the property is unparalleled in its conception, execution, and exposition. It sets a new high bar on what should be expected from an EIS. Moreover, the data in their study provides an invaluable baseline from which to monitor the effects of habitat protection and restoration for the habitat in coming decades --- should the habitat survive intact from the current plans of its client, Honua'ula Partners.

Response: We acknowledge that SWCA Environmental Consultants has done excellent work at Honua'ula. SWCA's role is as a professional environmental consultant. As such their function is to perform the work required within the regulatory context of the project, following both guidelines and laws established by regulatory agencies.

Comment: *But the attempts in SWCA's report to justify their client's development proposal are unfortunate. They resort to several rhetorical tactics:*

1. *Denigrating the conservation value of the habitat remnant on 'a flow HKEA;*
2. *Ungraded, unprotected fragments of land, and counting the acreage of ungraded, unprotected fragments of land, and counting the acreage of landscaping where native plants are proposed to be used;*
3. *Using the fact that other Hawaiian dry forest are receiving conservation efforts as justification for destruction of the habitat on HKEA;*
4. *Using the fact that a few other remnants of lowland dry forest have higher remaining plant biodiversity than HKEA to justify the destruction of habitat on HKEA;*
5. *Using the fact that other reserves have been forced to work with small acreages as justification for destroying the large acreage of habitat on HKEA.*

Response: We acknowledge your comments but respectfully disagree that SWCA Environmental Consultants has resorted to "rhetorical tactics" such as denigrating the conservation value of the kiawe-wīlīwīlī shrubland and exaggerating the conservation value of recommended mitigation efforts.

In response to your comment regarding "counting the acreage of ungraded, unprotected fragments of land, and counting the acreage of landscaping where native plants are proposed to be used," as a result of meetings with DLNR and USFWS, original approaches to protect native plants and wildlife habitat discussed in the Draft EIS have evolved to address concerns expressed. While Honua'ula Partners, LLC is still providing significant on-site areas to protect native plants and wildlife habitat, Honua'ula Partners, LLC in now also proposing a far more ambitious plan with significant off-site measures. The proposed on- and off-site measures provide a net conservation benefit through the quality and quantity of the area that will be protected. Compared to providing only an on-site Native Plant Preservation Area of a maximum 130 acres, the on- and off-site mitigation areas provide up to 394 acres for protection for dryland forest species, including wīlīwīlī and a greater diversity native host plants for the Blackburn's sphinx moth. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured

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for the Blackburn's sphinx moth, providing net benefit to this species, as well as a large number of additional native dryland species.

To include the relevant information above in the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) and Section 3.7 (Wildlife Resources) will be revised as shown on the attachments titled: "Botanical Resources" and "Wildlife Resources."

Comments by Section

Comment: *The Botanical Survey gives an excellent review, and I have no criticisms, until p. 4, where it cites my report incorrectly:*

Recently, Altenberg (2007) drew attention to the southern portion of the Property which he claimed to be among the best examples of a remnant native lowland dry forest remaining on Maui. ... Altenberg (2007) identified eight williwili (E. sandwicensis) forests in southeast Maui including Kanaloa, Pu'u o Kali, Honua'ula / Wailela 670, Makena, La Perouse, Kaupo, Lualailua, and Waikapu.

Nowhere did I claim it "among the best examples"; the word "best" was used only once---to refer to the best data available on the extent of remnant williwili habitat on Maui, the maps of Jonathan Price. It is Price's map, not I, that show eight remaining large contiguous areas of williwili habitat, among which Wailela 670 can be seen to be around the fourth largest among these 8. Hence, the large contiguous williwili habitat in Wailela 670 is not "among the best examples", but among the only examples of large, contiguous lowland dry forest left on Maui.

Response: We apologize that your report was cited incorrectly; however, with the exception of incorrectly stating that you claimed that southern portion of the Property to be among the best examples of a remnant native lowland dry forest remaining on Maui, we note that the other statements in the botanical survey report regarding your report are accurate.

It should be noted that regarding the map by John Price you reference here and in your report, John Price notes that the map shows areas of extent, rather than areas of occupancy, with the purpose of identifying areas in which people may be able to collect williwili seeds. The areas shown on the map are meant to depict areas where scattered individuals may exist, rather than contiguous areas of williwili, as you assert in your letter. Since this map does not take into consideration any parameter other than presence of williwili, it is a very limited tool to indicate the value of the area for the species.

Comment: *The rhetorical denigration of the remnant continues on p. 5:*

Hence, the southern portion of the Property may be described more accurately as a highly disturbed, remnant native coastal dry shrubland (sensu Gagne and Cuddihy 1999) in which williwili (Erythrina sandwicensis) has become a common inhabitant. Medeiros (USGS, pers. comm.) suggested that mature williwili (Erythrina sandwicensis) trees may be found throughout southeastern Maui, often in abundance and greater densities than those encountered in the Property.

...Price et al. (2007) recently developed methods using bioclimatic data to map habitat quality for and range of two widespread plant species including williwili (Erythrina sandwicensis) and two rare plant species throughout the Hawaiian Islands. The area

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encompassed by the Property appears on these maps as 'medium' to 'low' habitat quality for williwili (E. sandwicensis) (Price et al. 2007). However, numerous areas in southeastern Maui located between Pu'u Ola'i and Kaupo outside the Property did appear as having 'high' habitat characteristics on the maps prepared by Price et al (2007).

Response: We fail to see how citing the conclusions of previous research constitute "rhetorical denigration of the remnant."

Comment: *So, here perhaps see why SWCA misquoted me as saying HKEA was among the "best" examples, so that they could discredit me by showing "other, better examples" exist. But here is what Price and colleagues have to say about the overall situation of Hawaiian dry forest:*

Hawaiian dry forests were once considered to be the most diverse forest ecosystem on the Hawaiian Islands (Rock 1913), however, today they are extremely deforested and degraded. Our results show that forty-five percent of Hawaiian dry forest taxa are at risk of endangerment and that patterns of endangerment in Hawaiian dry forests are unique compared to other Hawaiian forest types. ... There is currently no data on the number of tropical dry forest fragments remaining on the Hawaiian Islands and no species lists for these fragments. Future research should begin by identifying the remaining extent and distribution of Hawaiian dry forest fragments because they are clearly endangered. The effects of habitat destruction, fragmentation, and the breakdown of native ecosystem functions play a large role in determining patterns of diversity that cannot be fully explained by island age and area. Examining patterns of species richness, composition, and structure among these remaining forest fragments would produce valuable information for understanding patterns of diversity in an increasingly endangered forest type. (Pau, Gillespie and Price, 2009)

Response: Again we apologize that your report was cited incorrectly; this was not done with the intent to discredit your work.

Comment: *Now, once the text moves into the actual botanical survey, Sections 2 and 3 (pp. 5-17), we find quite excellent work and reporting. The areas of williwili habitat shown in Price's map find confirmation in SWCA's aerial reconnaissance:*

Our aerial reconnaissance confirmed input from others (A.C. Medeiros, USGS, pers. comm.; Altenberg, 2007) suggesting that several additional high density williwili (E. sandwicensis) groves may be found near Pu'u Ola'i, Kanaloa, Pu'u O Kali, Makena (Figure 12), La Perouse, Kaupo, and Lualailua. (p. 17, 3.5 Aerial Reconnaissance Survey)

Response: We appreciate your acknowledgement of SWCA's work.

Comment: *However, in the Discussion, Section 4, the rhetoric returns.*

Similarly, there have been no previous efforts by any Federal, State, local government agency, or conservation Non-governmental organizations (NGOs) to acquire and protect any portion of the Property.

Very few have the resources "to acquire and protect" property. The most recent actions putting dry forest into conservation were made by current owners, not by acquisition. The Erdmans put thousands of acres in to conservation easement, and Hawaiian Homelands put c. 250 acres of Pu'u O Kali into conservation. In contrast, Honua'ula Partners propose to put only 22 acres into conservation easement. And while not having the resources to acquire, several NGOs have put efforts into protecting the habitat at Wailela 670, including

the Native Hawaiian Plant Society, Maui Tomorrow, the Sierra Club, and Maui Cultural Lands, and many others without resources to acquire have submitted testimony in favor of complete preservation.

Response: In context, the statement that you quote above from the botanical survey report is as follows:

The Property was viewed by Char and Linney (1988) and Char (1993, 2004) as having unremarkable vegetation. Until SWCA (2006) and Altenberg (2007), there had been no recognition of the remnant mixed kiawe-wilivilii shrubland as an area worthy of special recognition. Similarly, there have been no previous efforts by any Federal, State, local government agency, or conservation Non-governmental organizations (NGOs) to acquire and protect any portion of the Property.

We maintain that it is accurate to say that there have been no previous efforts by any Federal, State, local government agency, or conservation Non-governmental organizations (NGOs) to acquire and protect any portion of the Property. However we do recognize that since the mid-00's you and others have made efforts to bring attention to the conversation value of the kiawe-wilivilii shrubland south of the historic wall.

To reflect this change in the Final EIS, in the Final EIS Section 3.6 (Botanical Resources) will be revised as follows:

None of the surveys identified any Federal or State of Hawai'i listed threatened or endangered plant species on the Property. However, five individual plants of the candidate endangered species, 'āwīkīwī (*Canavalia pubescens*), have been documented by SWCA (2010a) within the Property. 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). ~~Here~~ Until recently there have been no efforts by any Federal, State, or local government agency, or non-governmental conservation organizations to acquire ~~and~~ or protect any portion of the Honua'ula Property.

Comment:

*The remnant native vegetation in the remnant mixed kiawe-wilivilii shrubland represents a highly degraded lowland dry shrubland in which wilivilii trees (*E. sandwicensis*) are a natural component. High density wilivilii (*E. sandwicensis*) stands occur in other locations throughout the region. Altenberg (2007) identified eight areas in southeast Maui, including the Property, where wilivilii (*E. sandwicensis*) groves are found. In this study, we also found dense wilivilii (*E. sandwicensis*) groves east of Pu'u Olai.*

*Far from being pristine, this dry shrubland has been degraded by human activities including unrestricted grazing by ungulates, cattle grazing, invasive plant species, road works, kiawe (*P. pallida*) logging, and military activities. Only 26 of the 146 species reported from the parcel are native, 14 of these are endemic, and 120 are introduced non-native species (Figure 6).*

More denigrating language, and language intended to make it seem like the ecosystem represented here is common. No comparison is given between the species list at HKEA and at Pu'u O Kali. A 2004 list of species at Pu'u O Kali (Forest Start) shows 35 native species, compared to 26 found by SWCA at HKEA. So, while

describing Pu'u O Kali thus: "Pu'u O Kali Forest Reserve is a remnant wilivilii (*E. sandwicensis*) forest on the slopes of east Maui above Khei. It is among the most diverse and intact lowland dry forests on Maui which also supports endangered flora." (p. 23) it describes HKEA as "highly degraded lowland dry shrubland" even though it as 72% of the native plant biodiversity of Pu'u O Kali.

The comparisons with the very best surviving dry forest remnants in Hawaii are clearly intended to justify the destruction and degradation of most of the HKEA remnant, and its removal from among the 8 large contiguous lowland dry forest areas that survive on Maui. But that is a fallacious line of reasoning. The fact that a particular *Da Vinci* painting may not be as well preserved as others does not justify its destruction. The fact that three grandparents may be healthier than one does not justify denying that one the best chance at longevity. Lowland Hawaiian dry forest is an endangered ecosystem, and all surviving remnants of that ecosystem deserve maximal preservation and restoration.

Response: In context, the statement that you quote above from the botanical survey report is as follows:

*Pu'u O Kali Forest Reserve is a remnant wilivilii (*E. sandwicensis*) forest on the slopes of east Maui above Khei. It is among the most diverse and intact lowland dry forests on Maui which also supports endangered flora. As Monson (2005) quoted A.C. Medeiros, "Pu'u-O-Kali is the only place on this whole side that looks like it did in ancient times... It's the only place where a Hawaiian from long ago would look around and say, 'Oh, I know where I am.' They wouldn't recognize the rest of South Maui."*

Whereas Pu'u O Kali has received protection, until recently there have been no efforts by any Federal, State, or local government agency, or non-governmental conservation organizations to acquire and protect any portion of the Honua'ula Property

Comment: The DEIS emphasizes numerous times that no currently listed endangered plant species are found on the property. But the purpose of the Endangered Species Act is not discussed:

ENDANGERED SPECIES ACT OF 1973 [Public Law 93-205, Approved Dec. 28, 1973, 87 Stat. 884] [As Amended Through Public Law 107-136, Jan. 24, 2002]

(b) PURPOSES. The purposes of this Act are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section.

(5)(A) The term "critical habitat" for a threatened or endangered species means—

(i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and

(ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

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Response: We acknowledge that the purpose of the Endangered Species Act (ESA) is not only to protect species that have been listed as threatened or endangered, but also to conserve the ecosystems upon which those species depend. While the primary objective of the ESA is the protection of endangered species, and the "take" of such species is considered unlawful, the ESA is not absolute. In 1982, amendments were made to the 1973 ESA which authorize the Secretary of the Interior and the Secretary of Commerce to allow the take of federally listed species (Endangered Species Act, Section 10a(1)(B)). When non-federal activities that would otherwise be legal have the potential to result in the "take" of a listed species for example, they may be allowed under an Incidental Take Permit, obtained through the USFWS. To mitigate the take of listed species, Section 10 of the ESA requires that parties wishing to obtain an Incidental Take Permit must submit a HCP, with their application.

As provided under the ESA, Honua'ula Partners, LLC has prepared a draft HCP. This HCP will be finalized to provide: 1) measures to offset the potential impact of Honua'ula on two Covered Species (Blackburn's sphinx moth and nēnē); and 2) avoidance and minimization measures expected to avoid any negative impacts on five additional endangered species (the Hawaiian duck, Hawaiian silt, Hawaiian coot, Hawaiian petrel, and Hawaiian Hoary bat), one threatened species (Newell's shearwater), one candidate endangered species (ʻāwīkīwī), and the Hawaiian short-eared owl (pueo) which is not a listed species on Maui. The HCP will be in support of an Incidental Take Permit (ITP) for Blackburn's sphinx moth and nēnē in accordance with Section 10(a)(1)(B) of the ESA of 1973, as amended, and an Incidental Take License (ITL) in accordance with Chapter 195D, HRS.

In accordance with its HCP Honua'ula Partners, LLC in now also proposing a far more ambitious plan with on- and off-site measures. The proposed on- and off-site measures to protect native plants and Blackburn's sphinx moth habitat proposed by Honua'ula Partners, LLC provide a net conservation benefit (as required under Chapter 195D, HRS) through: a) the protection and propagation of additional native host plants for both larval and adult Blackburn's sphinx moth (including the native host species 'aiea (*Nathoecstrum* spp.) and halapepe (*Pleomele* spp.); and b) creation and protection of a higher number species of native host plants than currently exists on the Property. The proposed on- and off-site mitigation areas together provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including wilivilī. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the moth, providing net benefit to this covered species, as well as a large number of additional native dryland species.

Comment: Because the extirpation of species is an ongoing process in lowland dry forest on Maui (having been seen for *Hibiscus brackenridgei* in Pu'u O Kali in the 1990s, and for *Chamaecybe celastroides* var. *lorifolia* on HKEA in 2007), the absence of species from remnants that are present on nearby remnants must be considered to be the result of local extinction, most likely by ungulate grazing. It is likely that the listed endangered species at Pu'u O Kali would recolonize HKEA if reintroduced, so HKEA needs to be considered as critical habitat for their recovery.

Response: Prolonged drought, in addition to ungulate grazing, must also be recognized as a natural threat to the survival of native dry shrubland plants, as well as wildfire, the intensity and frequency of which are exacerbated by fuel load provided by non-native, drought tolerant grasses, and climate change. It is likely that conservation and stewardship activities proposed for the on- and off-site mitigation areas will need to employ measures to help ensure the recovery of native

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plants such as ʻāwīkīwī, nehe, ilima, and which have all but completely disappeared from Honua'ula in the past two years due in part to the extremely dry conditions. A fire plan will be put in place to avoid further threat from wildfire.

Considering the history and land use designations of the Property (State Urban District, County of Maui Project District 9), it is unlikely that in the absence of Honua'ula, any conservation measures would be implemented to abate the abovementioned threats, and degradation will continue.

Comment: The wildlife survey does not consider invertebrate species such as native Hawaiian bees, which are under discussion for listing as endangered species. It is completely unknown what impacts the proposed habitat destruction may have on the native bee species. A great deal is unknown about lowland Hawaiian dry forest ecology. The HKEA remnant is a potential study site to learn more, and for this reason, should also be preserved in its entirety.

Response: In the summer of 2011, Dr. Karl Magnacca of the University of Hawaii at Hilo conducted a study to search for native Hawaiian bees in the genus *Hylaeus* at several locations in Southeast and West Maui including Honua'ula and the proposed mitigation areas. Dr. Magnacca found no native Hawaiian bees in the genus *Hylaeus* within or adjacent to Honua'ula or the proposed off-site mitigation areas.

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

Attachments: Wildlife Resources
Botanical Resources
Alternatives

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June 30, 2010

Comments regarding the Draft Environmental Impact Statement (DEIS) for the Honua'ula Project also known as Wailea 670 in the Kihei-Wailea area of Maui County, Hawaii.

My overall perception of the document is that it is predominantly vague and lacking the detail and concise information necessary to be a complete DEIS. The document does not meet the needs of the community.

A. Condition #6 mandates that a Master Drainage Plan and Phasing Plan of improvements shall be submitted for review and approval during Phase II processing. Although there are vague references such as in Appendix P 4.1 Detention Basins "The development of the golf course will control runoff. The detention basins will keep the post-development runoff on site so as to not adversely affect properties downstream to the west." Concise details such as would be included in a Master Drainage plan and Phasing Plan are not included in the DEIS.

B. Final Condition #14. "That a **nonpotable** water supply system shall be utilized for all irrigation purposes."

Appendix P of DEIS 3.2.2.4 Distribution

"The on-site upper level and lower level **potable** water distribution system respectively will largely follow the proposed roadway system providing water to irrigate the golf course, individual residential lots, roadway landscaping, and other common areas."

Although other areas of the DEIS present plans for use of non-potable water to irrigate, the above DEIS entry comes under the section 3.2.2 Proposed Potable Water System Improvements and is contrary to the Condition.

C. Condition #16 "...shall provide a Sewage Disposal Analysis..."

Appendix P 2.1.2 Makena Wastewater Reclamation Facility

"The current design capacity of the Makena WWRF is 720,000 gallons per day (GPD), and was designed to be expandable to **1.54 mgd**. Currently the Makena WWRF has a wastewater flow of 391,413 gpd with an excess capacity of 328,587 gpd."

After expansion and at full capacity only **1,148,587 mgd** wastewater flow would be available for the Honua'ula Project.

2.2 Design Wastewater Flows Table 2-1 Wastewater Flow Analysis indicates "Maximum Hour Dry Weather **1.37mgd**" and "Peak Wet Weather **2.19 mgd**"

Even if we assume the unlikely possibility that Makana Resort will never need to use more capacity, it appears that the Makana WWRF does not have the capacity to fulfill the needs of the Honuaʻula Project.

There is no in-depth description of an alternative private wastewater treatment facility included in the DEIS.

D. Condition #20 requirements regarding assessment of Marine Water Chemistry.

Appendix D

1. Purpose "Water Quality Monitoring shall provide water quality data adequate to assess compliance with applicable State water quality standards at Hawaii Administrative Rules Chapter 11-54..."

The DEIS addresses nutrients only. According to the May 27, 2009 HDOH Standards Chapter 1154-4 Paragraph 3 the full range of pollutants, including, but not limited to, toxic pollutants, must be addressed. These standards include narrative as well as numeric criteria. Only nutrient numeric information is included in the DEIS. The DEIS is incomplete in this area.

"Compliance with the ecological monitoring requirement of this condition will be provided in a separate report." Where is this report? As stated, it must be included in the DEIS. The DEIS is incomplete.

IV. Discussion and Conclusions

3. "R-1 effluent from the Wastewater Treatment Plant that will be used for golf course irrigation will have an N concentration of 10.85mg/L and a P concentration of 2.00mg/L." These levels are not as good as the County levels. We need a Total Maximum Daily Load to determine what these numbers should be.

4. 35% of the brackish water which goes through the reverse osmosis process will not be filtered of salts and particulates and will have a higher salinity percentage. This water will be added to reused water which will then be used as irrigation water. This will add higher levels of salinity to the already brackish aquifer. This effect on the aquifer is not discussed in the DEIS.

IV. (Roman numeral repeated in the DEIS) Summary

"Such exceedances occurred at all survey sites, including the control site (Ahihi) which is not influenced by the golf courses or other large-scale land uses."

The DEIS consistently maintains that, according to the project-hired consultants, the control site for nutrient testing (Ahihi) is not contaminated by land-use, and that none of the monitored sites are contaminated by land-use. Evidence of these broad-reaching statements has not been included. My personal experience as a SCUBA instructor here for many years, and after thousands of dives in these waters, has shown that strong currents often move south along the

Maui coastline through and beyond the Ahihi area. The DEIS statements do not cite evidence that land-use does not affect Ahihi, or the other monitored sites. This assumption by the consultants appears to be lacking evidence and naïve at best.

The DEIS looks at the overall impact on the environment and so is not limited by the rezoning conditions. Therefore I have some questions regarding a different aspect of this issue: Why doesn't Kihei use the Kamaole aquifer? If there is adequate water available nearby (11mgd according to the DEIS Appendix P 3.1 Existing Conditions), why do we pump water all the way from the Iao aquifer? Is it because either the water is not actually available or that it is not usable?

The 1993 Rezoning conditions stated that County water and sewer would be used for this project. Once the County realized that our infrastructure and water supply could not support the project, the County amended the conditions to mandate that the developers provide their own water supply and wastewater treatment facilities. The project is counting on the output of the Kamaole aquifer for all water usage now and into the forever future. The use of Kamaole aquifer needs to be high qualified and closely considered by everyone. The treatment of wastewater is not determined. These issues indicate that the DEIS is not complete and is unacceptable as is.

I am concerned that when the County determines that our infrastructure and water supply cannot support a given development that we then mandate private development of important water supply and wastewater infrastructure which could potentially put our health, welfare, and environment at risk. We are turning over the public trust of water to profit-oriented private enterprise where the County is creating a situation in which we will have difficulty assessing and controlling cumulative effects.

This policy of giving control of water resources to private enterprise has a negative impact on the community as a whole. We should reconsider that if the County cannot support the supply of water and the infrastructure to manage it, perhaps it is inadvisable to allow creation of that development until such time that the County can manage the resources necessary to support the project.

The overriding impression of the DEIS is that it is vague and lacking of mandated information, I hereby submit that the DEIS is incomplete and unacceptable.

Respectfully,

Teri Leonard
3500A Kehala Dr.
Kihei, HI 96753



May 31, 2012

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Honua'ula Partners, LLC has complied with Condition 6 and the required information is included in the Draft EIS.

Comment: B. Final Condition #14. "That a **nonpotable** water supply system shall be utilized for all irrigation purposes."

Appendix P (Preliminary Engineering Report) of DEIS 3.2.2.4 Distribution

"The on-site upper level and lower level potable water distribution system respectively will largely follow the proposed roadway system providing water to irrigate the golf course, individual residential lots, roadway landscaping, and other common areas."

Although other areas of the DEIS present plans for use of non-potable water to irrigate, the above DEIS entry comes under the section 3.2.2 Proposed Potable Water System Improvements and is contrary to the Condition.

Response: Section 3.2.2.4 of the PER which you cite is in error and will be corrected in the Final EIS. Honua'ula will use non-potable water for all irrigation purposes in compliance with County of Maui Ordinance No. 3554 Condition 14. This is clearly stated in: 1) Section 4.8.1 (Water System) of the Draft EIS; 2) Section 5.2.3 (County of Maui Zoning) of the Draft EIS; and several other sections of the Draft EIS. Thank you for pointing out this error in the PER.

Comment: C. Condition #16 "...shall provide a Sewage Disposal Analysis..."

Response: County of Maui Ordinance No. 3554 Condition 16, to which you refer, does not require the Sewage Disposal Analysis to be included with the Draft EIS. Rather, Condition 16 requires the Sewage Disposal Analysis to be submitted to the Maui County Council following review by certain State and County agencies:

16. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a Sewage Disposal Analysis that has been reviewed and commented on by the State Department of Health, the State Department of Land and Natural Resources, the County Department of Environmental Management, and the County Department of Water Supply prior to Project District Phase II approval. The Sewage Disposal Analysis, along with reviews and comments, shall be submitted to the Maui County Council for review and the project shall be subject to additional conditions or amendments by the Maui County Council if warranted by the Sewage Disposal Analysis.

As discussed in Section 5.2.3 (County of Maui Zoning) of the Draft EIS, in compliance with Condition 16:

...Honua'ula Partners, LLC has engaged Brown and Caldwell Engineers to prepare a Draft Honua'ula Sewage Disposal Analysis. In accordance with this condition, the Analysis will be submitted to the State DOH and DLNR and the County DEM and DWS for review and comment before Project District Phase II approval. The Analysis, along with reviews and comments, will then be submitted to the Maui County Council for review.

Since the time that the Draft EIS was completed, the Sewage Disposal Analysis (Analysis) has been completed and, in accordance with the requirements of Condition 16, has been provided to the State DOH, the State DLNR Commission on Water Resource Management (CWRM), the County

SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Ms. Leonard:

Thank you for your letter dated June 30, 2010 regarding the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application. As the Planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

Comment: My overall perception of the document is that it is predominantly vague and lacking the detail and concise information necessary to be a complete DEIS. The document does not meet the needs of the community.

Response: We acknowledge your comments, but respectfully disagree that the EIS is "vague and lacking the detail and concise information necessary to be a complete DEIS." We note that in commenting on the Draft EIS the Maui Planning Commission stated that the Honua'ula Draft EIS was "one of the better draft documents the commission has seen in terms of completeness."

The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with the State of Hawaii's EIS law (Chapter 343, Hawaii's Revised Statutes (HRS)) and EIS rules (Title 11, Chapter 200, Hawaii's Administrative Rules (HAR)). Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments and our responses to your comments. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments.

Comment: A. Condition #6 mandates that a Master Drainage Plan and Phasing Plan of improvements shall be submitted for review and approval during Phase II processing. Although there were vague references such as in Appendix P (Preliminary Engineering Report) 4.4.1 Detention Basins "The development of the golf course will control runoff. The detention basins will keep the post-development runoff on site so as to not adversely affect properties downstream to the west." Concise details such as would be included in a Master Drainage plan and Phasing Plan are not included in the DEIS.

Response: Appendix P that you reference is the Preliminary Engineering Report (PER), which includes a Drainage Master Plan and Phasing Plan of improvements. In the PER the entire Chapter 4, not just section 4.4.1 that you cite, concerns drainage. Figure 4-8 of the PER shows the proposed drainage system along with phasing of the improvements. In addition, Section 4.8.3 (Drainage System) of the Draft EIS provides information on drainage summarized from the PER. Further, Section 5.2.3 (County of Maui Zoning) of the Draft EIS discusses Honua'ula's compliance with County of Maui Ordinance No. 3554 Condition 6.

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Department of Environmental Management, and the County Department of Water Supply for review and comment. These agencies have since provided comments, and subsequently the Analysis, along with the agencies' reviews and comments, was submitted to the Maui County Council on May 11, 2010 for review. After receiving the Analysis, the Maui County Council accepted the Analysis and did not subject Honua'ula to any additional conditions or amendments. As a result, Condition 16 has been fully satisfied.

To reflect this updated information in the Final EIS, in the Final EIS Section 5.2.3 (County of Maui Zoning) will be revised as follows:

16. That Honua'ula Partners, LLC, its successors and permitted assigns, shall provide a Sewage Disposal Analysis that has been reviewed and commented on by the State Department of Health, the State Department of Land and Natural Resources, the County Department of Environmental Management, and the County Department of Water Supply prior to Project District Phase II approval. The Sewage Disposal Analysis, along with reviews and comments, shall be submitted to the Maui County Council for review and the project shall be subject to additional conditions or amendments by the Maui County Council if warranted by the Sewage Disposal Analysis.

Discussion: As discussed in Section 4.8.2 (Wastewater System) Honua'ula will not rely upon or burden any County wastewater system. Instead, Honua'ula Partners, LLC will either participate in the operation of a private WWRF and system that accommodates the needs of Honua'ula (Alternative 1) or provide a WWRF on-site (Alternative 2). The Preliminary Engineering Report prepared for Honua'ula (Appendix P) provides preliminary information regarding wastewater. For a more detailed analysis Honua'ula Partners, LLC has engaged Brown and Caldwell Engineers to prepare a Draft Honua'ula Sewage Disposal Analysis. In accordance with this condition, the Analysis ~~will be~~ has been submitted to the State DOH and DLNR and the County DEM and DWS for review and comment before Project District Phase II approval. These agencies have since provided comments and subsequently, ~~the~~ the Analysis, along with reviews and comments, ~~will then be~~ was submitted to the Maui County Council on May 11, 2010 for review. After receiving the Analysis, the Maui County Council accepted the Analysis and did not subject Honua'ula to any additional conditions or amendments. As a result, Condition 16 has been fully satisfied.

Comment: Appendix P (Preliminary Engineering Report) 2.1.2 Makena Wastewater Reclamation Facility

"The current design capacity of the Makena WWRF is 720,000 gallons per day (GPD), and was designed to be expandable to 1.54 mgd. Currently the Makena WWRF has a wastewater flow of 391,413 gpd with an excess capacity of 328,587 gpd."

After expansion and at full capacity only 1,148,587 mgd wastewater flow would be available for the Honua'ula Project.

2.2 Design Wastewater Flows Table 2-1 Wastewater Flow Analysis indicates "Maximum Hour Dry Weather 1.37mgd" and "Peak Wet Weather 2.19 mgd"

Even if we assume the unlikely possibility that Makena Resort will never need to use more capacity, it appears that the Makena WWRF does not have the capacity to fulfill the needs of the Honua'ula Project.

Response: As discussed in Section 4.8.2 (Wastewater System) of the Draft EIS, the Makena WWRF was designed to handle wastewater flows of 720,000 gallons per day (gpd). There is currently unused capacity at the Makena WWRF, but it may be necessary to expand the Makena WWRF to

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provide a small amount of additional capacity before both Honua'ula and Makena Resort are built out. As both Honua'ula and Makena Resort will be built out over a number of years, improvements can be implemented at the appropriate time, when needed.

To elaborate on this information already provided in the Draft EIS, while the Makena WWRF was designed to handle wastewater flows of 720,000 gpd, it was also designed to be expandable to 1.54 million gallons per day (mgd). Currently the facility is only handling 114,440 gpd, leaving an unused capacity of 605,560 gpd based on the current capacity of 720,000 gpd. Future development within Makena Resort is estimated to produce flows of 276,973 gpd. Therefore the total flow from Makena Resort is projected to be 391,413 gpd at build-out. See Table 1 below.

At build-out of Honua'ula, the total Honua'ula wastewater flow is projected to be 380,000 gpd. Combined with the total Makena Resort flow, the combined flow from both Makena Resort and Honua'ula would be 771,413 gpd, which is 51,413 gpd more than the current capacity of 720,000 gpd of the Makena WWRF. See Table 1 below. Preliminary indications are that the headworks, effluent filters, and UV disinfection systems would require modifications to handle the additional capacity. Expansion of the Makena WWRF will not be necessary until both Honua'ula and Makena Resort approach 90 percent of build out, which could be 10 to 20 years from now.

Description	GPD
Current Makena Resort flow	114,440
Future Makena Resort flow	276,973
Total Makena Resort flow at build-out	391,413
Honua'ula flow at build out	380,000
Total Makena Resort and Honua'ula flow at build-out	771,413
Current Makena WWRF Capacity	720,000
Additional capacity required to accommodate both Makena Resort and Honua'ula at build-out	51,413

To incorporate the relevant above information, as well as to address the concerns of others, into the Final EIS, in the Final EIS Section 4.8.2 (Wastewater System) will be revised as shown on the attachment titled: "Wastewater System."

Comment: There is no in-depth description of an alternative private wastewater treatment facility included in the DEIS.

Response: As discussed in Section 4.8.2 (Wastewater System) of the Draft EIS, Honua'ula Partners, LLC will either transport wastewater to the Makena WWRF for treatment or provide a WWRF on-site. The preferred alternative is to transport wastewater to the Makena WWRF, as this provides the benefit of consolidating wastewater services for both Honua'ula and Makena and allows for economies of scale in the treatment process and consolidated regulatory compliance. Additionally, sufficient golf course land is available within both Honua'ula and the Makena Resort to reuse 100 percent of the recycled water for irrigation.

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Section 4.8.2 (Wastewater System) of the Draft EIS also provides information on both wastewater alternatives. Specifically regarding the on-site WWRF alternative, a membrane bioreactor (MBR) wastewater treatment system is proposed to produce R-1 quality water for non-potable use. The MBR process is a biological process (activated sludge process) combined with a separation process (membrane system). MBR systems are widely used throughout the world and are considered an industry standard for the production of reliable R-1 recycled water. In addition, MBR systems have the smallest footprint of the various biological treatment systems available and provide the highest quality recycled water.

While, Section 4.8.2 (Wastewater System) of the Draft EIS also provides additional information regarding the proposed on-site MBR WWRF system, to provide details regarding MBR systems and other wastewater treatment technologies (such as the extended aeration activated sludge/coagulation/filtration process used at the Mākena and County Kīhei WWRF) in the Final EIS, in the Final EIS Section 4.8.2 (Wastewater System) will be revised as shown on the attachment titled: "Wastewater System."

Comment: D. Condition #20 requirements regarding assessment of Marine Water Chemistry.

Appendix D [Marine Water Quality/Marine Environmental Assessments]

1. Purpose "Water Quality Monitoring shall provide water quality data adequate to assess compliance with applicable State water quality standards at Hawaii Administrative Rules Chapter 11-54..."

The DEIS addresses nutrients only. According to the May 27, 2009 HDOH Standards Chapter 1154-4 Paragraph 3 the full range of pollutants, including, but not limited to, toxic pollutants, must be addressed. These standards include narrative as well as numeric criteria. Only nutrient numeric information is included in the DEIS. The DEIS is incomplete in this area.

Response: The sentence that you quote is in Section I (Purpose) of the Marine Water Quality Assessment (Appendix D of the Draft EIS), which includes the text of County of Maui Ordinance No. 3554 Condition 20. While the sentence that you quote is in Section I (Purpose) of the Marine Water Quality Assessment, it is actually part of County of Maui Ordinance No. 3554 Condition 20. Condition 20 concerns marine monitoring programs that are required to be conducted. The sentence was included in the Marine Water Quality Assessment to indicate that the assessment was prepared in compliance with County of Maui Ordinance No. 3554 Condition 20.

In response to your comment regarding State DOH requirements for water quality monitoring assessments to include monitoring for toxic pollutants listed in Section 11-54-4(b)(3) HAR, we contacted Steve Dollar, Ph.D., who prepared the Marine Water Quality Assessment. Dr. Dollar has over 30 years' experience in the fields of biological and chemical oceanography and water quality monitoring. To verify that the Honua'ula water quality monitoring assessment was conducted in accordance with State DOH requirements, Dr. Dollar contacted Watson Okubo, who is the DOH Clean Water Branch Monitoring and Analysis Section Chief. Mr. Okubo stated that he has never seen toxic pollutants measured as part of any monitoring program during his tenure at the Monitoring and Analysis Section, and that it is his opinion that such measurements are clearly not applicable to the monitoring for Honua'ula. According to Mr. Okubo, water quality constituents listed in Section 11-54-6(b)(3) HAR are the applicable constituents to monitor

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as part of a marine water quality monitoring program. In compliance with State DOH requirements, the constituents listed in Section 11-54-6(b)(3) HAR have been evaluated in all past monitoring surveys for Honua'ula, and will be monitored in all future monitoring.

Comment: "Compliance with the ecological monitoring requirement of this condition will be provided in a separate report." Where is this report? As stated, it must be included in the DEIS. The DEIS is incomplete.

Response: The sentence you quote is from the Marine Water Quality Assessment, which is included in Appendix D of the Draft EIS. The ecological monitoring assessment which you seek is also included in Appendix D of the Draft EIS, directly after the Marine Water Quality Assessment and is titled: "Preliminary Assessment of the Marine Community Structure, Honua'ula Project, Wāileā, Maui." Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS contains information from both the Marine Water Quality Assessment and the ecological monitoring assessment. Please note that since the Draft EIS was completed the ecological monitoring assessment has been updated. The Final EIS will include the updated assessment report.

Comment: IV. Discussion and Conclusions [Marine Water Quality Assessment]

3. "R-1 effluent from the Wastewater Treatment Plant that will be used for golf course irrigation will have an N concentration of 10.85mg/L and a P concentration of 2.00mg/L." These levels are not as good as the County levels. We need a Total Maximum Daily Load to determine what these numbers should be.

Response: The sentence that you quote is from Section IV (Discussion and Conclusions) of the Marine Water Quality Assessment included as Appendix D of the Draft EIS. It is one of several points made in discussing the results and conclusions of the Marine Water Quality Assessment and the Groundwater Resources Assessment. In context with all the points made, an overall conclusion of the Marine Water Quality Assessment is that: "the estimates of changes to groundwater and surface water would result in a decrease in nutrient and sediment loading to the ocean relative to the existing condition. With such a scenario, it is evident that there would be no expected impacts to the nearshore marine ecosystem owing to development of Honua'ula."

Regarding Total Maximum Daily Loads (TMDLs), in Section 3.5.2 (Nearshore Marine Environment) of the Draft EIS, it is noted that the Clean Water Act requires TMDLs to be established when State ocean water quality standards for specific criteria are not attained. The State of Hawaii Water Quality Monitoring and Assessment Report ("Integrated Report"), published by DOH, provides details regarding non-attainment for specific criteria at specific locations. DOH is also the State agency responsible for developing TMDLs; however they have not developed any TMDL criteria for any marine areas off the coast of Maui.

Honua'ula is not yet built, and thus is not contributing to any downstream water quality impacts. After construction of Honua'ula commences, if the Integrated Report current at that time lists the

¹ The most recent report (as of May 2012), the State of Hawaii Water Quality Monitoring and Assessment Report, is dated January 11, 2008. The complete title is: 2006 State of Hawaii Water Quality Monitoring and Assessment Report: Integrated Report to the U.S. Environmental Protection Agency and the U.S. Congress Pursuant to Sections §303(D) and §305(B), Clean Water Act (P.L. 97-117). DOH anticipated publishing an update of the 2006 report in 2010; however the updated report has not been published.

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receiving waters downstream from Honua'ula as "impaired," and if by that time, DOH has developed TMDL criteria for receiving waters downstream from Honua'ula, then the Honua'ula nearshore water quality monitoring program will be amended to evaluate land-based pollutants, including: 1) monitoring of surface water and groundwater quality for the pollutants identified as the source of impairment; and 2) providing estimates of total mass discharge of those pollutants on a daily and annual basis from all sources, including infiltration, injection, and runoff.

Comment: *35% of the brackish water which goes through the reverse osmosis process will not be filtered of salts and particulates and will have a higher salinity percentage. This water will be added to reused water which will then be used as irrigation water. This will add higher levels of salinity to the already brackish aquifer. This effect on the aquifer is not discussed in the DEIS.*

Response: To clarify, brackish well water will be treated by reverse osmosis (RO) to produce potable water for Honua'ula. It is assumed that 65 percent of the water that goes through the RO process will become useable, potable water. The remaining 35 percent will become brine concentrate that contains the salts filtered out from the 65 percent. This brine concentrate water will then be diluted by mixing it with brackish water from wells and the recycled water (R-1) from the WWRF. By diluting the brine water with other non-potable water (brackish and R-1), the salt content will be reduced to a degree that the water can be used for irrigation. This water will be of similar salinity to the underlying groundwater, so its percolate will not adversely impact the groundwater.

Comment: *IV (Roman numeral repeated in the DEIS) Summary*

"Such exceedances occurred at all survey sites, including the control site (Ahihi) which is not influenced by the golf courses or other large-scale land uses."

The DEIS consistently maintains that, according to the project-hired consultants, the control site for nutrient testing (Ahihi) is not contaminated by land-use, and that none of the monitored sites are contaminated by land-use. Evidence of these broad-reaching statements has not been included. My personal experience as a SCUBA instructor here for many years, and after thousands of dives in these waters, has shown that strong currents often move south along the Maui coastline through and beyond the Ahihi area. The DEIS statements do not cite evidence that land-use does not affect Ahihi, or the other monitored sites. This assumption by the consultants appears to be lacking evidence and naive at best.

Response: The sentence that you quote is from Section IV (Summary) of the Marine Water Quality Assessment. Thank you for pointing out that the Roman numeral of this section is the same as the preceding section in the Marine Water Quality Assessment.

Regarding your comments on the control site off shore from the northern boundary of 'Ahihi Kina'u Natural Area Reserve, Dr. Dollar maintains that this region is the most appropriate and best available control site. By definition, a control site has all of the same physical/chemical attributes as the subject site, but without the factors that are under investigation. The area landward of control site, near the northern boundary of the 'Ahihi Kina'u Natural Area Reserve, has minimal land-based development and no golf course operations or commercial uses, unlike the Wailea Resort landward of the ocean study area that includes golf courses, commercial uses, and much more dense residential development. As explained in detail in the current and previous Marine Water Quality Assessments, the 'Ahihi Kina'u Natural Area Reserve is the only plausible region that can serve as a control to Honua'ula/Wailea with a similar hydro-geological setting, but with

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the absence of upland development. While it is true that longshore currents could carry materials from Honua'ula/Wailea toward 'Ahihi-Kina'u, the majority of groundwater discharge that is an critical component of the monitoring analyses occurs within several yards from the shoreline in an area that is not affected by currents.

Comment: *Why doesn't Kihei use the Kamaole aquifer? If there is adequate water available nearby (11 mgd according to the DEIS Appendix P 3.1 Existing Conditions), why do we pump water all the way from the lao aquifer? Is it because either the water is not actually available or that it is not usable?*

Response: The Kamaole Aquifer is potable at about the 1,600-foot elevation and further inland. However, that would be in the Makawao-Pukalani-Kula community plan area. The Makawao-Pukalani-Kula Community Plan prohibits water from Upcounty wells to be exported outside of the Makawao-Pukalani-Kula community plan area. In addition, the pumping lift of wells in the lao Aquifer to deliver water to Kihei is only a fraction of the pumping lift required for wells at the 1,600-foot elevation. Thus it takes less energy to pump water from the lao Aquifer; therefore the water is cheaper to produce.

Comment: *The project is counting on the output of the Kamaole aquifer for all water usage now and into the forever future. The use of Kamaole aquifer needs to be high qualified and closely considered by everyone. The treatment of wastewater is not determined. These issues indicate that the DEIS is not complete and is unacceptable as is.*

Response: Regarding the Kama'ole aquifer, as explained in Section 3.5.1 (Groundwater) of the Draft EIS, in 1990, the CWRM set the sustainable yield of the Kama'ole Aquifer at 11 MGD. However, since 1990 several far more detailed and sophisticated studies on the aquifer's recharge have been completed (USGS 1999; Waimea Water Services Inc. 2004; USGS 2007). These studies indicate that the recharge amount on which the CWRM's sustainable yield is based is substantially underestimated; the actual sustainable yield of the aquifer may be as much as 50 percent greater than the 1990 CWRM estimate. Current pumpage of the Kama'ole aquifer is estimated to be approximately 4.0 MGD. Honua'ula's total average groundwater use at full build-out is projected to be approximately 1.7 MGD. Combined with existing use, pumpage of the aquifer would be approximately 5.7 MGD, well below the 11 MGD sustainable yield established by CWRM in 1990. In their letter commenting on the Draft EIS dated, CWRM stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues."

Regarding wastewater treatment, as explained above and in Section 4.8.2 (Wastewater System) of the Draft EIS, there are two alternatives for Honua'ula's wastewater system: 1) transport wastewater to the Makena WWRF for treatment; or 2) provide an on-site WWRF. . The preferred alternative is to transport wastewater to the Makena WWRF.

Section 11-200-17(N), HAR of the EIS rules (Title 11, Chapter 200, HAR) provides that a draft EIS shall include a separate and distinct section that summarizes unresolved issues and contains either a discussion of how such issues will be resolved prior to commencement of the action, or what overriding reasons there are for proceeding without resolving the problems. In accordance with this requirement Section 7.5 (Unresolved Issue) of the Draft EIS includes discussion regarding the two alternatives for wastewater treatment and the status of agreements with Makena Wastewater Corporation regarding transporting wastewater to the Makena WWRF. To clarify how this issue

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will be resolved in the Final EIS, in the Final EIS Section 7.5 (Unresolved Issue) will be revised as follows:

7.5 UNRESOLVED ISSUE

Wastewater – As discussed in Section 4.8.2 (Wastewater System), Honua'ula Partners, LLC, will either transport wastewater to the Mākena WWRF for treatment or provide a WWRF on-site. The preferred alternative is to transport wastewater to the Mākena WWRF. Transporting wastewater to the Mākena WWRF for treatment provides the benefit of consolidating wastewater services for both Honua'ula and Mākena, allowing economies of scale in the treatment process and consolidated regulatory compliance. Additionally, sufficient golf course land is available within both developments to reuse 100 percent of the recycled water for irrigation. Honua'ula Partners, LLC has had substantive discussions about this alternative with the Mākena WWRF owner, Mākena Wastewater Corporation, and they support the connection; however, formal agreements with Mākena Wastewater Corporation have not yet been finalized. If formal agreements with Mākena Wastewater Corporation are not finalized, Honua'ula Partners, LLC will proceed with the second alternative for wastewater treatment discussed in Section 4.8.2 (Wastewater System), which is to construct an on-site WWRF that is capable of treating all of the Honua'ula wastewater to R-1 standards.

Regarding the completeness and acceptability of the Draft EIS, the Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawaii EIS law (Chapter 343, HRS) and rules (Title 11, Chapter 200, HAR). The EIS law and rules do not provide for a draft EIS to be found "complete" or "not complete" or "acceptable" or "not acceptable." Rather, the EIS law and rules provide for the preparation of a draft EIS, a review process, and the preparation of a final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments, and our responses. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments.

Comment: *I am concerned that the [sic] when the County determines that our infrastructure and water supply cannot support a given development that we then mandate private development of important water supply and wastewater infrastructure which could potentially put our health, welfare, and environment at risk. We are turning over the public trust of water to profit-oriented private enterprise where the County is creating a situation in which we will have difficulty assessing and controlling cumulative effects.*

This policy of giving control of water resources to private enterprise has a negative impact on the community as a whole. We should reconsider that if the County cannot support the supply of water and the infrastructure to manage it, perhaps it is inadvisable to allow creation of that development until such time that the County can manage the resources necessary to support the project.

Response: Honua'ula Partners, LLC is required to comply with the requirements that have been stipulated by the County of Maui. County of Maui Ordinance No. 3554 contains conditions which require Honua'ula Partners, LLC to, among other things: 1) provide a private water system (Condition 1); 2) provide or participate in the operation of a private wastewater system (Condition 17); and 3) be responsible for "all required infrastructural improvements for the project" (Condition 4). These conditions were drafted and approved by the Maui County Council as part of the Council's approval of Honua'ula's zoning.

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Despite the fact that residents of new residential communities pay property taxes that the County can choose to allocate to provide infrastructure and other services, over the last several decades there has been a growing movement to make development "pay its own way" and thus increasingly more of the services traditionally provided government have been delegated to private developers so that the provision of infrastructure is concurrent with the pace of development. While you may not agree with this approach, the Maui County Council has required Honua'ula to provide its own infrastructure and many infrastructure improvements in the surrounding area. In approving the zoning for Honua'ula the Council considered the pros and cons of Honua'ula and decided that zoning consistent with planning policies for the Property that have been thought-out, studied, and advanced for over 20 years (such as the Community Plan designation of the property as "Project District 9" and the State Land Use Commission designation of the property as "Urban") was in the best interest of Maui, contingent on Honua'ula Partners, LLC complying with a multitude of conditions to address community concerns. Substantial positive factors of Honua'ula include:

- Compliance with the *Kīhei-Mākena Community Plan*, which designates the Property as "Project District 9," and the Project District 9 ordinance (Chapter 19.90A, MCC) which provides 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;
- Inclusion within the "urban growth boundary" of the current Directed Growth Maps of: 1) the Planning Department; 2) the Maui Planning Commission; and 3) the General Plan Advisory Committee;
- Significant long-term community benefits provided by Honua'ula in compliance with the conditions of zoning under County of Maui Ordinance No. 3554, including:
 - o Upgrading Pīlani Highway to four lanes from Kilohana Drive to Wailea Ike Drive (Condition 2a);
 - o Modifying the Wailea Alanui/Wailea Ike Drive intersection to add a signalized double right-turn movement from northbound to eastbound turning traffic and provide two left-turn lanes for southbound traffic from Wailea Ike Drive (Condition 2e);
 - o Signalizing the Pīlani Highway/Okolani Drive/Mikioi Place intersection and providing an exclusive left-turn lane on Okolani Drive;
 - o Modifying the Pīlani Highway/Kilohana Drive/Mapu Place intersection to provide an exclusive left-turn lane, and the southbound Pīlani Highway approach to provide an exclusive right-turn lane into Mapu Place;
 - o Providing a contribution of \$5,000 per unit (totaling \$5.75 million) to the County for traffic improvements (Condition 3);
 - o Providing workforce housing in accordance with Chapter 2.96, MCC (the "Residential Workforce Housing Policy") (Condition 5);
 - o Providing a contribution of \$5 million to the County for the development of the South Maui Community Park (Condition 10);
 - o Providing an in-lieu cash contribution to satisfy the park assessment requirements under Section 18.16.320, MCC (currently set at \$17,240 per residential unit) (Condition 11);

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- o Developing formal provisions regarding cultural resources, such as access to specific sites to be preserved, the manner and method of preservation of sites, and appropriate protocol for visitation to cultural sites (Condition 13);
- o Payment of \$3,000 per dwelling unit (totaling \$3.45 million) to the DOE for schools serving the Kīhei-Mākena Community Plan area (Condition 22);
- o Providing two acres of land to the County of Maui for the development of a fire station and providing a contribution of \$550,000 to the County for the development of a police station in South Maui (Condition 24); and
- o Formal protection, restoration, and propagation of native plants, including setting aside a Native Plant Preservation Area and Native Plant Conservation Areas (Condition 27).
- Significant economic benefits, including an estimated:
 - o \$1.2 billion of direct capital investment in the Maui economy during the 13-year build-out period;
 - o 9,537 "worker years"² of direct on-site employment during the 13-year build-out period;
 - o \$480 million in employee wages paid out during the 13-year build-out period;
 - o 518 jobs (382 directly related to on-site activities and 136 related to indirect off-site activities) after the build-out period;
 - o \$19 million in annual wages from the on and off-site jobs after the build-out period;
 - o \$513.9 million (nearly \$40 million annually) in discretionary expenditures into the Maui economy by Honua'ula residents and guests during the 13-year build-out period;
 - o \$77 million annually in discretionary expenditures into the Maui economy by Honua'ula residents and guests after the build-out period;
 - o \$41.8 million in net tax revenue benefit (taxes less costs) to the County of Maui during the 13 year build-out period;
 - o \$1.6 million in annual net tax revenue benefit (taxes less costs) to the County of Maui after the build-out period;
 - o \$97 million in net tax revenue benefit (taxes less costs) to the State of Hawaii during the 13 year build-out period; and
 - o \$1.5 million in annual net tax revenue benefit (taxes less costs) to the State of Hawaii after the build-out period.

Specifically regarding your concerns about "turning over the public trust of water to profit-oriented private enterprise," all existing on- and off-site Honua'ula wells are fully permitted by CWRM. All new wells will be developed in compliance with all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. The CWRM application process for well construction permits requires an extensive application process with thorough review by the State DOH for compliance with DOH rules and standards, including the appropriateness of the well location.

² A "worker year" is defined as the amount of time one full-time worker can work in one year although one worker year (2,080 working hours) may be comprised of many employees involved in specialized tasks of shorter duration.

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Honua'ula Partners, LLC will also comply with: 1) DOH Engineering and Capacity report requirements; and 2) the County's Water Availability Policy, codified as Chapter 14.12, Maui County Code (MCC), which requires verification of a long-term, reliable supply of water before subdivisions are approved. In accordance with Section 14.12.050 MCC, in reviewing and commenting on water source engineering reports the DWS Director shall consider (among other things) the following factors:

- Cumulative impacts;
- CWRM's Water Resources Protection Plan;
- The general plan and relevant community plans;
- The adverse impacts on surrounding aquifers and stream systems, including:
 - o Water levels;
 - o Water quality, including salinity levels;
 - o Surface water-groundwater interactions; and
 - o Adverse impacts on other existing, future, or planned wells;
- The adverse impacts on the water needs of residents currently being served and projected to be served by DWS;
- The adverse impacts on environmental resources that are rare or unique to the region and the project site (including natural, cultural, or human-made resources of historic, archaeological, or aesthetic significance);
- The adverse impacts on the exercise of traditional and customary Native Hawaiian rights and practices;
- United States Geological Survey studies;
- Whether the applicant is in full compliance with the State water code and County's water reporting laws;
- Whether the affected water source, including groundwater, surface water, or other source of water will exceed:
 - o 90 percent of the sustainable yield;
 - o Instream flow standards; or
 - o Interim instream flow standards;
- The adverse impacts to the water needs of residents currently on a County "wait list" for water meters;

In light of the comprehensive State and County laws, rules, and policies regarding new water source and well development, there will be extensive analysis, review, and evaluation of potential impacts of any new wells.

Comment: *The overriding impression of the DEIS is that it is vague and lacking of mandated information, I hereby submit that the DEIS is incomplete and unacceptable.*

Response: As previously discussed regarding the completeness and acceptability of the Draft EIS, the Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with State of Hawaii's EIS law (Chapter 343, HRS) and rules (Title 11, Chapter 200, HAR). The EIS law and rules do not provide for a draft EIS to be found "complete" or "not complete" or "acceptable" or "not acceptable." Rather, the EIS law and rules provide for the preparation of a draft EIS, a review process, and the preparation of a final EIS. Per the EIS rules, the Honua'ula Final EIS will incorporate substantive comments received during the review process, including your comments,

Teri Leonard
**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT
DISTRICT PHASE II APPROVAL**
May 31, 2012
Page 13 of 13

and our responses. The accepting authority, the Maui Planning Department/Planning Commission, shall evaluate whether the Final EIS, in its completed form, represents an informational instrument which adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to all review comments. We note that in commenting on the Draft EIS the Maui Planning Commission stated that the Honua'ula Draft EIS was "one of the better draft documents the commission has seen in terms of completeness."

Thank you for reviewing the Draft EIS. Your letter will be included in the Final EIS.

Sincerely,

PBR HAWAII



Tom Schnell, AICP
Senior Associate

cc: Will Spence, Maui Planning Department
Charles Jencks, Honua'ula Patners, LLC

Attachment: Wastewater System

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From: Dr Valerie Simonsen [mailto:drvaleriesimonsen@gmail.com]
Sent: Tuesday, June 01, 2010 6:30 PM
To: Dr Valerie Simonsen
Cc: info@savemakena.org
Subject: Waile'a 670

Thank you for allowing me to bear witness today. I stand here today to testify for your children, their children and all the children to come. After a time away from the island I returned to find a new housing development in the neighborhood. Great pain moved through my heart. I cried to see more of the land destroyed for the 'greater needs' of man through development.

As I drove into Ioa Valley, the Aina (Mother Earth) spoke to me firmly, scolding me for my despair. She said, "Have you forgotten who I am? I have been around for billions of years and I know how to deal with these issues that mankind is presenting me. TRUST ME!"

Days later off the shores of Makena, I sat in a canoe with two young Hawaiian men. We talked about their futures on Maui. Tears filled their eyes as they shared *their truth* that they would have to leave the island after graduation because they can not afford to buy a home here. Their children would never be able to play on their childhood beaches. They paddled.... I pondered....

It is a subtle genocide. The "way of the Aina" is being devoured by the greed of a few people. This MUST STOP! I am sure I do not need to remind you of the magic of the Makena area. She carries ancient healing properties. Medicine that is essential for the well being of all. The Aina IS the people; the stones ARE the ancestors; the waters ARE the life-line of ALL living things, which is all there is.

Let us protect and preserve her while we can. As we know; one does not want to PISS OFF PELE. SHE REMEMBERS who she is. ... trust that! Please remember ALOHA (coordination of your mind and heart) as you choose to deny further plans to develop Makena.

Maluhia Dr. Valerie Lane Simonsen, ND
808-214-4076
www.drvaleriesimonsen.com
www.drvaleriesimonsen.blogspot.com
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May 31, 2012

Valerie Lane Simonsen
divvaleriesimonsen@gmail.com

SUBJECT: HONU'U'LA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION

Dear Ms. Simonsen:

Thank you for your e-mail sent on June 1, 2010 regarding Honua'ula ("Wailea 670"). While it is unclear if you are specifically commenting on the Honua'ula Draft Environmental Impact Statement (EIS) and Project District Phase II application, since your e-mail was sent during the EIS public comment period we are considering your e-mail as part of the EIS review process. Therefore, as the planning consultant for the landowner, Honua'ula Partners, LLC, we are responding to your comments.

In general we note your concerns regarding development in the Mākena area and the greater area of Maui. However, without more specific information we cannot provide a more detailed response. Honua'ula Partners, LLC is committed to respecting the Honua'ula property and its history.

The Draft EIS has been, and the subsequent Final EIS will be, prepared in conformance with the State of Hawai'i EIS law (Chapter 343, Hawai'i Revised Statutes (HRS)) and EIS rules (Title 11, Chapter 200, Hawai'i Administrative Rules (HAR)).

Regarding your statement, "Please remember ALOHA (coordination of your mind and heart) as you choose to deny further plans to develop Makena," please note that the Maui Planning Department/Planning Commission is the accepting authority for the Honua'ula Final EIS. If the Maui Planning Department/Planning Commission accepts the Final EIS, the next step will be for the Maui Planning Commission to decide on the Project District Phase II application, approval of which is required for Honua'ula to proceed. The Maui Planning Commission's consideration of both the acceptance of the Final EIS and the Project District Phase II application are subject to public hearings.

Thank you for reviewing the Draft EIS. Your e-mail will be included in the Final EIS.

Sincerely,

PBR HAWAII

Tom Schnell, AICP
Senior Associate

cc: William Spence, Maui Planning Department
Charles Jencks, Honua'ula Partners, LLC

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Letter Attachments



4.6 AIR QUALITY

Air quality refers to the presence or absence of pollutants in the atmosphere. It is the combined result of the natural conditions (i.e., dust from wind erosion) and emissions from a variety of pollution sources (i.e., automobiles, power generating facilities). B.D. Neal & Associates prepared an air quality study to: 1) describe existing air quality in the area; 2) assess the potential short- and long-term direct and indirect air quality impacts that could result from Honua'ula; and 3) recommend measures to mitigate potential air quality impacts where possible and appropriate. Key findings and recommendations of air quality study are summarized below. Appendix O contains the full study.

B.D. Neal & Associates also prepared an air quality study specifically for the widening of Pi'ilani Highway from Kilohana Drive to Wailea Iki Drive. Appendix R contains the complete Pi'ilani Highway Widening Project Final EA. Appendix E of the Final EA contains the complete air quality study for the widening of Pi'ilani Highway.

The present air quality in the vicinity of Honua'ula, the area of the widening of Pi'ilani Highway, Wailea Ike Drive and Wailea Alanui Drive intersection, and the off-site wells, waterline, storage tank and the wastewater transmission line alignment for possible connection to the Makena Resort WWRF (off-site water and wastewater infrastructure) is believed to be relatively good, except for periodic impacts from volcanic emissions (vog) and possibly occasional localized impacts from traffic congestion and local agricultural sources.

Regional and local climate, together with the amount and type of human activity, generally dictate the air quality of a given location. The climate in the vicinity of Honua'ula, the area of the widening of Pi'ilani Highway, the Wailea Ike Drive and Wailea Alanui Drive intersection, and the areas of the off-site water and wastewater infrastructure is very much affected by its the elevation near sea level and by nearby mountains. Haleakala shelters the area from the northeast trade winds, and local winds (such as land/sea breezes and upslope/downslope winds) affect the wind flow in the area much of the time. Temperatures in the area are generally very consistent and warm with average daily temperatures ranging from about 63°F to 86°F.

Both Federal and State standards have been established to maintain ambient air quality. At the present time, seven parameters are regulated: 1) particulate matter, 2) sulfur dioxide, 3) hydrogen sulfide, 4) nitrogen dioxide, 5) carbon monoxide, 6) ozone and 7) lead. Hawaii air quality standards are comparable to the national standards except those for nitrogen dioxide and carbon monoxide, which are more stringent than the national standards.

POTENTIAL IMPACTS AND MITIGATION MEASURES

Creation of Honua'ula, the widening of Pi'ilani Highway, the Wailea Ike Drive and Wailea Alanui Drive intersection improvements, and the areas of the off-site water and

wastewater infrastructure may result in short- and long-term impacts on air quality, either directly or indirectly, as a consequence of construction and equipment use. However, it is anticipated that no State or Federal air quality standards will be violated during or after the construction. After build-out, air quality in the vicinity of Honua'ula, the widened Pi'ilani Highway, the Wailea Alanui Drive intersection, and the off-site water and wastewater infrastructure primarily will be affected by vehicular emissions associated with additional traffic.

Short-term Impacts – Short-term impacts from fugitive dust will likely occur during construction. Construction will include earthmoving activity, excavating, trenching, and filling. To a lesser extent, exhaust emissions from stationary and mobile construction equipment, from disruption of traffic, and from workers' vehicles may also affect air quality during construction.

Dust Control Plans for both Honua'ula and the widening of Pi'ilani Highway will be implemented during all construction phases. All construction activities, including construction of the Wailea Iki Drive and Wailea Alanui Drive intersection improvements and the off-site water and wastewater infrastructure will comply with the provisions of Chapter 11-60.1-33, HAR on fugitive dust. Measures to control dust during construction may include:

- Planning phases of construction to minimize the amount of dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of least impact;
- Watering active work areas and any temporary unpaved work roads daily;
- Landscaping and rapid covering of bare areas, including slopes, starting from the initial grading phase;
- Minimizing dust from shoulders and access roads;
- Providing adequate dust control measures during weekends, after hours and before daily start-up of construction activities;
- Controlling dust from debris being hauled away;
- Using wind screens and/or limiting the area of disturbance at any given time;
- Covering dirt-hauling trucks traveling on roadways;
- Preventing trucks from tracking dirt onto paved roadway by routine road cleaning and/or tire washing;
- Establishing landscaping early in the construction schedule, and
- Monitoring dust at the Property boundary during the construction period as a means to evaluate the effectiveness of the dust control program, and adjusting the program if necessary.

In accordance with County of Maui Ordinance No. 3554 (Condition 15), during construction of Honua'ula all dust control will use non-potable water or effluent, which may be obtained from the Kihai WWRF when available.

Long-term Impacts – After construction, use of Honua'ula, the widened Pi'ilani Highway, and the improved Wailea Iki Drive and Wailea Alanui Drive intersection will result in increased motor vehicles in these areas coming to and from Honua'ula will result in a long-term increase in air pollution emissions in the area. Motor vehicles with gasoline-powered engines are significant sources of carbon monoxide. They also emit nitrogen oxides and other contaminants.

To assess the impact of emissions from these vehicles, a computerized air quality modeling study was undertaken to: 1) provide estimates of air pollution emissions from traffic within the area of the widened Pi'ilani Highway from Kilohana Drive to Wailea Iki Drive; and 2) estimate current assess ambient concentrations of carbon monoxide at roadway intersections in the area of the widened Pi'ilani Highway and the vicinity of Honua'ula after build out and to predict future levels both with and without Honua'ula.

Based on the results of the analysis of the potential long-term effects of the widening of Pi'ilani Highway, the air quality study concludes that the widening of Pi'ilani Highway would likely have an overall positive impact on air quality of the area. This is due to the fact that emissions from vehicles are a function of vehicle speed, and improved traffic flow will also provide for less time queued at intersections and less idle emissions.

While the widening of Pi'ilani Highway is expected to have an overall positive impact on air quality of the area, at specific locations, such as at intersections, the widened highway will tend to concentrate more traffic, and thus may cause an increase in carbon monoxide concentrations at specific locations. Therefore, some specific locations may experience higher carbon monoxide concentrations compared to without the project, but concentrations are expected to remain well within State and Federal standards and overall emissions are expected to decrease for the region as a whole.

Based on the results of the analysis of ambient concentrations of carbon monoxide prepared specifically for Honua'ula, even during worst-case conditions, model results indicated that present one-hour and eight-hour carbon monoxide concentrations at study intersections are well within both State and Federal ambient air quality standards. In the year 2022 without Honua'ula, worst-case carbon monoxide concentrations were predicted to increase at some locations study intersections in the area, but concentrations should remain well within State and Federal standards. With Honua'ula in the year 2022, worst-case carbon monoxide concentrations at study intersections were estimated to increase by about 10 to 20 percent compared to the without-Honua'ula case, but worst-case concentrations should still remain within both State and Federal standards.

The air quality study concludes that implementing mitigation measures for traffic-related air quality impacts are unnecessary and unwarranted.

**Attachment
Air Quality**

While a specific air quality study was not prepared for the Wailea Ike Drive and Wailea Alanui Drive intersection improvements, long-term impacts are not expected to be significant as the improvements will accommodate anticipated future traffic while providing similar vehicle flow and queuing times at the intersection as compared to exiting conditions.

Long-term air quality impacts are not expected to be significant from the off-site water and wastewater infrastructure, as after these facilities are created there will be very little to no vehicle emissions associated with on-going operations.

Electrical Demand and Solid Waste Disposal – The Honua'ula air quality study concludes that significant long-term impacts on air quality are unlikely due to indirect emissions associated with the community's electrical power and solid waste disposal requirements. Nevertheless, Honua'ula will incorporate energy conservation strategies (see Section 4.8.6 (Electrical System)) and recycling programs (see Section 4.8.5 (Solid Waste)) to further reduce any associated impacts and conserve resources.

ATTACHMENT ALTERNATIVES

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.

(*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 sub-districts, 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

**Attachment
Alternatives**

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 to 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.

**Attachment
Alternatives**

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 in 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

**Attachment
Alternatives**

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.

**Attachment
Alternatives**

- Contribute \$550,000 to the County for the development of the new Kfhei 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 divedland 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 Honua'ula Property.

4.1 ARCHAEOLOGICAL AND HISTORIC RESOURCES

Aki Sinoto Consulting, LLC, completed a revised archaeological inventory survey for the Property in 2008. The resulting archaeological inventory survey report, dated March 2010, was included as an appendix to the Draft EIS (Sinoto 2010). Revisions to the archaeological inventory survey report were completed in 2012 (Sinoto 2012). Findings of the archaeological inventory survey report, as revised in 2012 (Sinoto 2012), are summarized below. Appendix I contains the complete archaeological inventory survey report dated March 2012.

The area surveyed includes the Property, the area of the Pi'ilani Highway extension ROW that traverses the Property (both the portion owned by the State and the portion owned by 'Ulupalakua Ranch), and the area of the Maui Electric substation. The revised archaeological inventory survey report incorporates the results of two previous surveys together with the results of additional fieldwork. In April 2000, Sinoto & Pantaleo conducted an archaeological inventory within the 190-acre southern third of the Property (Sinoto & Pantaleo, 2000). Subsequently, in 2001, Sinoto & Pantaleo conducted an inventory survey of the northern two-thirds of the Property (Sinoto & Pantaleo, 2001). Multiple field sessions were conducted between August 2003 and June 2008 to supplement the two initial surveys. Additional field work was conducted in February 2012. ~~Findings of the survey work are summarized below. Appendix I contains the complete archaeological inventory survey.~~

Previous to the archaeological work commencing in 2000, four other archaeological surveys were conducted within the Property; one for the proposed Pi'ilani Highway extension project (Walton, 1972); two for the previously proposed Wailea 670 development (Hammatt, 1979; Kennedy, 1988), and one for a cinder haul road paralleling the southern boundary (Sinoto & Pantaleo, 1993).

In March 2010 the archaeological inventory survey report incorporating all previous surveys and included as an appendix to the Draft EIS (Sinoto 2010) was submitted to the State Historic Preservation Division (SHPD) for review.

On June 22, 2010 the Maui Planning Commission held a meeting to discuss the Draft EIS. At this meeting Lucienne De Naie, testifying on behalf of Maui Tomorrow, and Clare Apana, testifying on behalf of Maui Cultural Lands, stated that they thought the archaeological inventory survey report in the Draft EIS was inadequate that there are more archaeological sites on the Property than were recorded in the archaeological inventory survey report. Clare Apana also provided to the Commission a copy of a letter from Daniel Kanahale addressed to SHPD explaining what he considered were the inadequacies of the archaeological inventory survey. In their comments on the Draft EIS the Maui Planning Commission directed Honua'ula Partners, LLC's representative Charlie Jencks to: "Work with people that have provided comments regarding the archaeology of the site to clarify findings".

ATTACHMENT ARCHAEOLOGICAL AND HISTORIC RESOURCES

Attachment
Archaeological and Historic Resources

Maui Cultural Lands and other community members at Maui Community College on November 17, 2011. Maui Cultural Lands members and other community members present at the November 17, 2011 meeting included: Daniel Kanahelo, Janet Six, 'Ekolu Lindsey, Lucienne De Naité, Jocelyn Costa, and Clifford Omellas. Others present at the meeting included Stanley Solamillo, a cultural resource planner with the Maui Planning Department, and Tanya Lee Greig, the director of Cultural Surveys Hawaii's Maui office.

As a result of the November 17, 2011 meeting, the archaeological inventory survey report was further revised to: 1) recommend preservation of a section of a post-contact agricultural wall documented in the archaeological inventory survey but not previously recommended for preservation; 2) add descriptive narrative information for two post-contact agricultural walls; and 3) revise pertinent map figures in the report. Archaeologist Aki Sinoto submitted the further revised archaeological inventory survey report to SHPD in March 2012. Since the SHPD Maui archaeologist had recently resigned, copies of the revised archaeological inventory survey report were transmitted to SHPD's main office in Kapolei and to Dr. Theresa Donham, the interim SHPD chief of archaeology in Hilo. In April 2012, Dr. Donham notified archaeologist Aki Sinoto that the report was forwarded to the SHPD Maui office for review due to the hiring of replacement personnel. As of May 2012, SHPD has not completed its review of the revised (March 2012) archaeological inventory survey. Appendix I contains the complete archaeological inventory survey report dated March 2012.

In addition to the revised archaeological inventory survey for the Property (Sinoto 2012), Aki Sinoto Consulting, LLC, completed archaeological surveys for the areas of: 1) the wastewater transmission line alignment for possible connection to the Makena Resort WWRF; and 2) the off-site wells, waterline, and storage tank. Figure 2 shows the locations of these utility areas. Appendix I contains the complete archaeological inventory surveys.

Regarding the Pi'ilani Highway widening area from Kilohana Drive to Wailea Iike Drive and the area of the Wailea Iike Drive and Wailea Alanui Drive intersection improvements, the State Historic Preservation Division has determined that an archaeological inventory survey of these areas is not required given that the work will be within the existing highway right-of-way or adjacent to previously disturbed land; however archaeological monitoring plans will be prepared and a qualified archaeological monitor will be present during all ground altering disturbances. For more information on the widening of Pi'ilani Highway see Section 4.4 (Roadways and Traffic) and Appendix R, which contains the complete Pi'ilani Highway Widening Project Final EA. Appendix G of the Final EA contains the SHPD letter regarding the need for archaeological monitoring plan for the Wailea Alanui Drive widening area. For more information on the Wailea Iike Drive and Pi'ilani Highway widening area, see Section 4.4 (Roadways and Traffic) and Appendix S, which contains the complete Wailea Iike Drive and Wailea Alanui Drive intersection improvements Final EA. Appendix G of the Final EA contains the SHPD letter regarding the need for archaeological monitoring plan for the Wailea Iike Drive and Wailea Alanui Drive intersection improvements.

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Archaeological and Historic Resources

In response to the Maui Planning Commission's directive, on August 26, 2010, Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua participated in a site visit of the Honua'ula Property with several community members and SHPD staff. SHPD staff present were archaeologist Morgan Davis and cultural historian Hinano Rodrigues. Community members present included: Lucienne de Naité, Daniel Kanahelo, Janet Six, Elle Cochran, U'ilani Kapu, Ke'eumoku Kapu, Lee Altenberg, and 'Ekolu Lindsey. Some of the community members had previously: 1) presented testimony, or were present, at the Maui Planning Commission meeting on June 22, 2010 at which the Honua'ula Draft EIS was discussed; 2) submitted information to SHPD claiming that they had found archaeological sites on the Property that had not been included in the archaeological inventory survey dated March 2010 included in the Draft EIS; and 3) submitted written comments on the Draft EIS expressing concerns regarding archaeological sites on the Property.

Subsequent to the site visit, SHPD issued a letter dated September 8, 2010 stating that no significant unrecorded sites were noted at that time (i.e. during the August 26, 2010 site visit). The letter also provides SHPD's review of the archaeological inventory survey (dated March 2010) and requested revisions, including: 1) editorial changes; 2) that the total number of survey man-hours and the spacing of survey transects be noted; and 3) a large plan map of the survey area with sites and features plotted be included. In addition, the SHPD letter states: "This report presents a comprehensive summary of past archaeological work in this area and nicely incorporates previous surveys in the discussion of current findings."

In response to SHPD's September 8, 2010 letter commenting on the archaeological inventory survey (dated March 2010), archaeologist Aki Sinoto: 1) revised the archaeological inventory survey report to address SHPD's concerns; and 2) submitted the revised archaeological inventory survey report to SHPD in April 2011.

In July and August of 2011, Daniel Kanahelo of Maui Cultural Lands submitted letters to Honua'ula Partners, LLC's representative Charlie Jencks and SHPD providing additional comments on the archaeological inventory survey (dated March 2010) that was included in the Draft EIS. Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua responded to these letters in writing. In the summer of 2011 Maui Cultural Lands members also made a presentation to SHPD regarding their inspections of the Property.

In response to the concerns Maui Cultural Lands members expressed to SHPD in the summer of 2011, on September 23, 2011 archaeologist Aki Sinoto and cultural advisor Kimokeo Kapahulehua met with SHPD archaeologist Morgan Davis and SHPD cultural historian Hinano Rodrigues at SHPD's Maui office. Subsequently, as recommended by SHPD, Honua'ula Partners, LLC's representative Charlie Jencks, consultant archaeologist Aki Sinoto, and consultant cultural advisor Kimokeo Kapahulehua met with members of

habitation and agriculture, although scattered permanent habitation extended as far as a half-mile inland in certain localities (Schilt 1988). The presence of earlier permanent settlements on the coast has been recently discovered as well (Donham 1986 and Fredericksen 1999).

As the archaeological knowledge base has progressively grown, traditionally held perceptions that the region was marginal and sparsely occupied until the latter phases of the prehistoric period have been changing. Similarly, the interpretation that the "intermediate" zone between the coastal areas and the forested upland zones was barren, used only during transit between the two loci, and lacked any consequential occupation, has also recently come into question. Recent studies of the intermediate zone (Cosser et al. 1993 & 1997, Sinoto & Pantaleo 2008) highlight: 1) the importance of the intermediate zone in specific areas of the region; and 2) a range of site types representing various activities in the intermediate zone.

Identified Sites

A total of 40 archaeological sites comprised of 60 component features have been recorded within the Property. No burials or human remains have been found. The recorded site types include: small enclosures, modified overhang shelters, modified outcrop platforms and terraces, steppingstone trail segments, long walls, and multiple feature complexes. The majority of the sites/features appear to primarily represent prehistoric-period semi-permanent and temporary habitation functions associated with marginal intermediate inland-zone agricultural pursuits and/or mauka-makai transits between coastal and inland permanent habitation zones. A few sites, such as a complex of meandering free-standing walls, may represent historic period activities, most likely associated with ranching.

Only one site was recorded in the northern two-thirds of the Property. Although there is evidence that the area had previously undergone extensive disturbances, the scarcity of archaeological sites is remarkable especially when compared to the southern third of the Property, which contains 97.5 percent of the recorded sites. A large wall, trending east to west, demarks a physical division between the northern two-thirds of the Property and the southern third. The southern portion of the Property consists of large areas of a'a flows with intermittent pahoe-hoe flow ridges. Due to the rough terrain, it appears that earlier historic ranching activities attempted to keep cattle out of this southern area and did not encroach south of the large wall until a later phase of ranching activities.

The presence of a steppingstone trail in the a'a flows (in the southern third of the Property) and small, isolated features support the argument that this mid-elevation zone was primarily used for temporary transit stops during travel between the coast and inland areas. Based on results of previous research in the region, the dispersed, isolated occurrence of small, crudely constructed, structural features; such as C-shapes, modified outcrops and overhang shelters; can be indicative of temporary habitation. These feature types are well-represented in the neighboring areas and have been interpreted as

Settlement Patterns

The earliest prehistoric settlement on Maui is postulated to have occurred between A.D. 300-600 along the windward regions where abundant rainfall and fertile soil supported crop cultivation and human populations (Kirch 1985, Cordy and Athens 1988, Gosser et al. 1997). Population expansion into the drier, leeward areas of Kihei, Wailea, and Mākena, likely took place by A.D. 1000-1200 (Cordy 1974, Kirch 1985) although localized areas of earlier permanent occupation appear to have been present (Gosser et al. 1997).

The Honua'ula Property is located along the southwestern slopes of Haleakala, within the *moku* (traditional district) of Honua'ula (currently subsumed into the Makawao District) and includes portions of three *ahupua'a*: Paeahu in the north, Palauea in the middle, and Keaouhu in the south.

The inhabitants of Honua'ula *moku* subsisted mainly on fish and sweet potatoes, a common diet of those who lived in the dry leeward areas of Maui (Barrere 1975). The early French navigator La Perouse noted, while anchored at Keone'o'io Bay that "This part of the coast was altogether destitute of running water. The inhabitants had no drinking water but a brackish water obtained from shallow wells" (La Perouse 1798). Due to the lack of running water, agricultural production in leeward Maui was limited to dryland taro in the upland areas in pockets of moist soil where rainfall was greater, while sweet potatoes were grown at the lower elevations (Handy 1940).

The general pattern of occupation within the Honua'ula *moku* suggested by previous archaeological research consists of seasonal settlements occurring along the coastal areas to exploit marine resources, while permanent settlements occupied the upland areas to utilize forest products and cultivate agricultural resources. Between these settlements was an arid area used for cultivating sweet potatoes and for transit on mauka-makai trails. Upland populations exchanged taro, bananas, and sweet potatoes with the coastal populations for ocean resources (Handy 1940).

Chapman and Kirch (1979) proposed that a pattern of transience existed between coastal and inland areas. Inhabitants of the upland agricultural region may have utilized the coastal shelters as temporary or seasonal bases for expanding the range of resource exploitation. Trails linked these permanent upland habitation areas to coastal areas. Temporary habitation sites, located along trails linking upland and coastal settlements were used by travelers from upland residences to the coast to gather seasonal marine resources.

The late prehistoric/early historic settlement was characterized by permanent habitation along the coast and limited agricultural expansion into harsher, more ecologically marginal regions (Kirch 1977). Sites over a quarter-mile inland were used for temporary

however, archaeological monitoring plans will be prepared and a qualified archaeologist monitor will be present during all ground altering disturbances.

POTENTIAL IMPACTS AND MITIGATION MEASURES

The archaeological inventory survey recommends placement of the recorded sites on the Property into three categories: *in situ* preservation, data recovery, and no further work. Permanent *in situ* preservation is recommended for 15 16 sites. Data recovery is recommended for 18 sites. No further work is recommended for seven six sites which correspond to those sites which were evaluated to be no longer significant (NLS). Table 3 presents a summary of the significance and treatment for all 40 sites.

Fourteen Fifteen of the 15 16 sites recommended for permanent *in situ* preservation are in the southern portion of the Property. Eleven of these are within the Native Plant Preservation Area (4) and the Native Plant Conservation Areas (7), areas that will not be graded or disturbed so that existing native vegetation can be conserved and protected dedicated in perpetuity to the conservation of native Hawaiian plants and significant cultural sites (see Section 3.6 (Botanical Resources)). The three four remaining sites recommended for permanent *in situ* preservation in the southern portion of the Property that are not in the Native Plant Preservation Area or the Native Plant Conservation Areas will be preserved as isolates in historic preservation easements. The single site in the northern two-thirds of the Property recommended for permanent preservation will be preserved *in situ* within an existing gulch, which will remain as an open area.

In addition to the 15 16 sites recommended for permanent *in situ* preservation, there are opportunities to retain additional sites designated for data recovery within the approximately 143 acres of the Native Plant Conservation Areas. There are further opportunities to retain sites within golf course areas not requiring grading. In addition, the Native Plant Conservation Areas will enhance the natural setting in which archaeological and cultural preservation is implemented.

In compliance with County of Maui Ordinance No. 3554 (Condition 26), Honua'ula Partners, LLC, will provide an archaeological preservation/mitigation plan, pursuant to Chapter 6E, HRS, to the State Historic Preservation Division (SHPD) and the Office of Hawaiian Affairs (OHA) for approval, prior to Project District Phase II approval. In accordance with SHPD requirements, Honua'ula Partners, LLC, will also provide a data recovery plan to SHPD for review and approval.

temporary habitation sites, most with intermediate to late prehistoric period origins. The frequency of platform features as well as two multiple feature complexes—composed of more substantial structural features in terms of variety, size, numbers, and construction—suggest more intensive, if not permanent, occupation in the area. Further work, especially age determinations for specific sites, is needed to clarify the nature of these sites.

Of the 40 total sites recorded, 33 34 are considered to be significant based on at least one Hawai'i Register criterion: the potential to yield information. Several of the six sites—such as the multiple feature complexes, steppingstone trail segments, and the long walls—are considered significant based on multiple criteria. Seven six sites are considered no longer significant. For resources to be significant they must possess integrity of location, design, setting, materials, workmanship, feeling, and association, and meet one or more of the following criteria:

- Criterion A** – specifies association with events or broad patterns important to the prehistory or history of a region, island, or Hawaii in general;
- Criterion B** – reflects association with persons important to the prehistory or history of a region, island, or Hawaii in general;
- Criterion C** – applies to sites that reflect architectural achievements or are excellent examples of a specific type of site;
- Criterion D** – specifies that the site has yielded or has the potential to yield information significant to the understanding of traditional culture, prehistory, history, and/or foreign influences on traditional culture and history of a region, island, or Hawaii in general; and
- Criterion E** – applies to sites or places perceived by the contemporary community as having traditional cultural value.

Off-Property Areas

No surface structural remains or any other features indicative of prehistoric period or traditional Hawaiian cultural activities were encountered in the areas of: 1) the wastewater transmission line alignment for possible connection to the Mākena Resort WWRF; and 2) the off-site wells, waterline, and storage tank.

The Pi'ilani Highway widening area from Kilohana Drive to Wailea Iike Drive is within the existing highway ROW or adjacent to previously disturbed land. The area of the Wailea Iike Drive and Wailea Alanui Drive intersection improvements is also within an area of previously disturbed land. The State Historic Preservation Division has determined that archaeological inventory surveys of the areas of the Pi'ilani Highway widening and the Wailea Iike Drive and Wailea Alanui Drive intersection improvements are not required;

Aki Sinoto Consulting, LLC and Hana Pono, LLC prepared a CRPP (see Section 4.2 Cultural Resources and Appendix J) in compliance with County of Maui Ordinance No. 3554 (Condition 13 and Condition 26). The CRPP also serves as the archaeological preservation/mitigation plan discussed above and sets forth (among other things) selection criteria for sites to be preserved and short- and long-term preservation measures, including buffer zones and interpretative signs, as appropriate for each site to be preserved. The CRPP was prepared in consultation with interested and concerned parties, cultural advisors, Nā Kūpuna O Maui, the Maui County Cultural Resources Commission, the Maui/Lānaʻi Island Burial Council, the DLNR Nā Ala Hele, SHPD, OHA, and various knowledgeable individuals. In compliance with County of Maui Ordinance No. 3554 (Condition 13) the CRPP ~~will be~~ has been submitted to SHPD and OHA on March 18, 2010 for review and recommendations. Upon receipt of comments and recommendations from SHPD and OHA, the CRPP will be provided to the Maui County Cultural Resources Commission for review and adoption before Project District Phase II approval.

The CRPP includes short-term and long-term preservation measures for each of the 15 sites slated for *in situ* preservation. While the CRPP provides specific preservation measures for each site, summaries of general short- and long-term preservation measures are provided below.

Short-Term Preservation Measures – The identification and implementation of appropriate short-term or interim site protection measures, including an SHPD approved archaeological monitoring plan, ensure that, during construction, inadvertent damage or other adverse impacts do not befall sites slated to be preserved. These include:

- Prior to construction commencement a meeting shall be held to inform all pertinent parties regarding the locations and buffer zones for all sites slated for preservation in or near areas of potential effect and the authority of the archaeological monitor to temporarily halt work in the vicinity of any inadvertent findings;
- The erection of temporary construction fencing (orange plastic) or other visible markings defining no-encroachment buffer zones around the perimeter of sensitive areas;
- The installation of protective supports or covers to better protect the integrity of fragile or delicate features, if warranted;
- Regular monitoring of preservation sites and construction activities; and
- Ensuring transition to permanent preservation measures following completion of construction.

Long-Term Preservation Measures – The identification and implementation of long-term or permanent site protection measures provide for the continued protection of archaeological and cultural resources. The two typical categories of long-term preservation are passive and active preservation, as described below:

Table 1. Archaeological Sites: Significance and Treatment

No.	*SHHP#	Type	Features	Period	Significance	Treatment
1	200	wall	1	historic?	C,D	Preservation
2	201	complex	5	traditional?	A,D	Preservation
3	204	platform	2	traditional?	D	Preservation
4	205	mod OH	1	traditional?	D	Preservation
5	3156	C-shape	1	traditional?	NLS	No further work
6	3157	wall	1	historic?	NLS	No further work
7	3158	wall	1	historic?	NLS	No further work
8	4945	U-shape	1	traditional?	D	Data Recovery
9	4946	C-shape	1	traditional?	D	Data Recovery
10	4947	mod OH	1	traditional?	D	Data Recovery
11	4948	open area	1	historic?	D	Data Recovery
12	4949	mod OH	2	traditional?	D	Data Recovery
13	4950	C-shape	1	traditional?	D	Data Recovery
14	4951	SS trail	1	traditional?	C,D,E	Preservation
15	4952	platform	1	traditional?	D	Preservation
16	4953	walls	3	historic?	NLS D	No further work Preservation
17	4954	C-shape	1	traditional?	D	Data Recovery
18	4955	mod OH	1	traditional?	D	Data Recovery
19	4956	mod OH	2	traditional?	D	Data Recovery
20	4957	complex	6	traditional?	A,D	Preservation
21	4958	enclosures	2	traditional?	D	Data Recovery
22	4959	SS trail/pits	3	traditional?	C,D,E	Preservation
23	4960	platform	1	traditional?	D	Data Recovery
24	4961	wall seg.	1	historic?	NLS	No further work
**29	**5109	OH	1	traditional	D	Preservation
25	5110	lava blister	1	traditional?	D	Data Recovery
26	5111	platform	1	traditional?	D	Preservation
27	5112	platform	1	traditional?	D	Preservation
28	6794 #A	cluster	2	traditional?	D	Data Recovery
29	6795 #A	C-shape	1	traditional?	D	Data Recovery
31	6796 #A	platform	1	traditional?	D	Data Recovery
32	6797 #A	trail	1	traditional?	D	Preservation
33	6798 #A	cluster	2	traditional?	D	Preservation
34	6799 #A	OH	1	traditional?	D	Data Recovery
35	6800 #A	platform	1	traditional?	D	Preservation
36	6801 #A	lava tube	1	traditional?	D	Preservation
37	6802 #A	wall	1	historic?	NLS	No further work
38	6803 #A	mod outcrop	1	traditional?	D	Data Recovery
39	6804 #A	OH	1	traditional?	D	Data Recovery
40	6805 #A	walls	2	historic?	NLS	No further work

*State Inventory of Historic Places Numbers (Preceded by 50-50-14)

**Only site in the northern section

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- **Passive Preservation** – Sites in this category do not undergo any interpretive development, occur in areas that can be avoided by development, and are left as is. This category is sometimes referred to as “data banking.” Most sites in this category are not intended to be permanently preserved, but are anticipated to undergo data recovery procedures in the future, presumably when improved data gathering techniques and refined analysis technologies are available or on large tracts of land where development is intended to take place in incremental phases; and
- **Active Preservation** – Sites in this category are chosen for their interpretive potential. Their selection may be based on aesthetic, academic, or cultural representation values. Different levels of interpretive development may be undertaken, including: stabilization, partial or complete restoration, and/or reconstruction. Signs may be involved, and details regarding access and protocols need to be worked out.

Off-Property Areas

The AIS reports for the off-site water and wastewater infrastructure areas recommend that in view of the negative results, no further pre-construction archaeological procedures are warranted. However, archaeological monitoring of construction-related ground disturbing activities is recommended. When water and wastewater system plans are finalized, archaeological monitoring plans will be prepared and submitted to SHPD for review and approval before commencement of any construction activities. The limited width of the water and wastewater transmission line corridors will facilitate avoidance of any inadvertent discoveries that warrant preservation.

The Pi'ilani Highway widening area from Kilohana Drive to Wailea Ike Drive is within the existing highway ROW or adjacent to previously disturbed land. The area of the Wailea Ike Drive and Wailea Alanui Drive intersection improvements is also within an area of previously disturbed land. The State Historic Preservation Division has determined that archaeological inventory surveys of the areas of the Pi'ilani Highway widening and the Wailea Ike Drive and Wailea Alanui Drive intersection improvements are not required; however archaeological monitoring plans will be prepared and a qualified archaeological monitor will be present during all ground altering disturbances. For more information on the widening of Pi'ilani Highway see Section 4.4 (Roadways and Traffic) and Appendix R, which contains the complete Pi'ilani Highway Widening Project Final EA. Appendix G of the Final EA contains the SHPD letter regarding the need for archaeological monitoring plan for the Pi'ilani Highway widening area. For more information on the Wailea Ike Drive and Wailea Alanui Drive intersection improvements see Section 4.4 (Roadways and Traffic) and Appendix S, which contains the complete Wailea Ike Drive and Wailea Alanui Drive Intersection Improvements Final EA. Appendix G of the Final EA contains the SHPD letter regarding the need for archaeological monitoring plan for the Wailea Ike Drive and Wailea Alanui Drive intersection improvements.

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Archaeological and Historic Resources

Inadvertent Finds

In addition to the protections to be instituted through the CRPP, Honua'ula Partners, LLC and its contractors will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. Should historic sites such as walls, platforms, pavements and mounds, or remains such as artifacts, burials, concentrations of shell or charcoal be inadvertently encountered during the construction activities, work will cease immediately in the immediate vicinity of the find and the find will be protected. The contractor shall immediately contact SHPD, which will assess the significance of the find and recommend appropriate mitigation measures, if necessary.

Attachment
Botanical Resources

3.6 BOTANICAL RESOURCES

Several botanical reconnaissance surveys of the Property have been conducted since 1988 (Char and Linney 1988; Char 1993, 2004; SWCA 2006; and Altenberg 2007) and SWCA conducted a comprehensive botanical survey of the Property in 2008 (SWCA 2010a). In all, 146 plant species have been identified within the Property, 26 of which are native; 14 of these native species are endemic to the Hawaiian Islands. The remaining 120 species are introduced non-native species.

None of the surveys identified any Federal or State of Hawai'i listed threatened or endangered plant species on the Property. However, five individual plants of the candidate endangered species, *awikiwiki* (*Canavalia pubescens*), have been documented by SWCA (2010a) within the Property. 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). There until recently there have been no efforts by any Federal, State, or local government agency, or non-governmental conservation organizations have been undertaken to acquire and or protect any portion of the Honua'ula Property. The a few non-native tree tobacco (*Nicotiana glauca*) has been found at various locations widely scattered throughout the Property, and this opportunistic weedy species often appears quickly following grading, mowing, or related land disturbances. While insignificant as an introduced weedy plant species, it The species is a recognized host plant for the Federally-listed endangered Blackburn's sphinx moth (*Manduca blackburni*) (for information on the Blackburn's sphinx moth see Section 3.7 (Wildlife Resources)). However, the plant is not considered as a "primary constituent element" of critical habitat by the US Fish and Wildlife Service for the moth.

SWCA completed the most recent botanical survey of the Honua'ula Property in 2008 (SWCA 2010a), which included the area of the Pihlani' Highway extension ROW that traverses the Property (both the portion owned by the State and the portion owned by Ulupalakua Ranch), and the area of the Maui Electric substation. To address concerns regarding native plants, SWCA conducted a thorough quantitative assessment of site vegetation to obtain the best possible understanding of vegetation types and plant species present within the Property. Spatially explicit information on the composition and structure of plant communities at Honua'ula was obtained to meet three key study objectives: 1) identify the location(s) of rare plants; 2) develop conservation and management recommendations; and 3) provide support for long-term monitoring and ecological research. Key findings of the SWCA survey are presented below. Appendix E contains the complete survey.

SWCA also completed a botanical surveys of the areas of: 1) the alternative wastewater transmission line alignments for possible connection to the Makena Resort WWRF, which is located approximately one mile south of Honua'ula; 2) the off-site wells, waterline, and storage tank; 3) the Pihlani' Highway widening area which extends from Kilo'hana Drive to Wailea Iike Drive; and 4) the Wailea Iike Drive and Wailea Alanui Drive intersection

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Attachment Botanical Resources

improvement area. The survey did not observe any Federal or State of Hawaii-listed threatened, endangered, or candidate plant species on any of the alignments

No Federal or State of Hawaii-listed threatened, endangered, or candidate plant species were observed during the survey of the alternative wastewater transmission line alignments; however the non-native tree tobacco (*Nicotiana glauca*) was also observed (SWCA 2009). Since the botanical survey of the areas of the wastewater transmission line alignments was conducted, a decision has been made regarding which alignment to use based upon potential construction impacts, costs, and permitting considerations. For more information on the selected wastewater alignment for possible connection to the Mākena Resort WWRF see Section 4.8.2 (Wastewater System) and Figure 2. Appendix E contains the complete botanical survey of the alternative wastewater transmission line alignments.

No Federal or State of Hawaii-listed threatened, endangered, or candidate plant species were observed during the survey of the areas of the off-site wells, waterline, and storage tank (SWCA 2010d). Eighty percent of the plant species observed during the survey are introduced to the Hawaiian Islands. Most of the native plants observed during the survey are commonly found throughout Maui and the main Hawaiian Islands. Of the native plants in the survey area, only *wiliwili* has a limited distribution throughout the Hawaiian Islands. For more information on the off-site wells, storage tank, and waterline see Section 4.8.1 (Water System) and Figure 2. Appendix E contains the complete botanical survey of the areas of the off-site wells, storage tank, and waterline.

No Federal or State of Hawaii-listed threatened, endangered, or candidate plant species were observed during the survey of the Pi'ilani Highway widening area (SWCA 2009c). In addition, no rare native plant species were found. A total of 88 plant species were recorded, of which, three species are native. Two indigenous species, *'ilima* (*Sida fallax*) and *uhaloa* (*Waltheria indica*), were common along both sides of the highway. The third indigenous species, *milo* (*Thespesia populnea*), was only found at one location adjacent to a homeowner's backyard. For more information on the widening of Pi'ilani Highway see Section 4.4 (Roadways and Traffic) and Appendix R, which contains the complete Pi'ilani Highway Widening Project Final EA. Appendix C of the Final EA contains the complete botanical survey of the Pi'ilani Highway widening area.

No Federal or State of Hawaii-listed threatened, endangered, or candidate species were observed during the survey of the Waialea Iike Drive and Waialea Alanui Drive intersection improvement area (SWCA 2009b). In addition, no rare native plant species were found. A total of 49 plant species were recorded, of which, only glossy nightshade (*Solanum americanum*) is native to, but, common in the Hawaiian Islands. For more information on the Waialea Iike Drive and Waialea Alanui Drive intersection improvements see Section 4.4 (Roadways and Traffic) and Appendix S, which contains the complete Waialea Iike Drive and Waialea Alanui Drive Intersection Improvements Final EA. Appendix B of the Final EA contains the complete botanical survey of the Waialea Iike Drive and Waialea Alanui Drive intersection improvement area.

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Vegetation Types

Within the Honua'ula Property SWCA (2010a) identified three distinct vegetation types:

Kiawe-Buffergrass Grassland – About 75 percent of the northern portion of the Property consists of kiawe-buffergrass grasslands. There is scattered evidence of kiawe logging activities in this area. In addition to buffelgrass, guinea grass (*Panicum maximum*), natal redbud (*Rhynchelytrum repens*), and sour grass (*Digitaria insularis*) are also scattered throughout the northern portion of the Property. Other plants found in this area include the invasive *koa haole* (*Leucaena leucocephala*), lantana (*Lantana camara*), partridge pea (*Chamaecrista nictitans*) and cow pea (*Macroptilium lathyroides*). The area has been disturbed throughout by numerous jeep trails and unrestricted grazing by axis deer (*Axis axis*). Some open areas that appeared to be heavily grazed were devoid of buffelgrass, but contained the native shrubs *'ilima* and hoary abutilon, and the introduced golden crown beard (*Verbesina enceloides*).

Gulch Vegetation – The vast expanse of kiawe-buffergrass in the northern three quarters of the Property is bisected from east to west by several gulches. These intermittent gulches vary in depth and are characterized by patches of exposed bedrock. The gulches are shaded by their steep walls providing relatively cool and moist conditions. Three species of ferns including maiden hair fern (*Adiantum raddianum*), sword fern (*Nephrolepis multiflora*), and the endemic *'iwa'iwa* fern (*Doryopteris decipiens*) were found in the shaded rocky outcrops and crevices within the gulches. Native piñi grass (*Heteropogon contortus*) was found in more open and sunny locations. Other species found within the gulches included tree tobacco (*Nicotiana glauca*), *wiliwili*, lantana, partridge pea, golden crownbeard, *'ilima*, hoary abutilon, *koa haole*, indigo (*Indigofera suffruticosa*), *uhaloa* (*Waltheria indica*) and lion's ear (*Leonotis nepetifolia*).

Mixed Kiawe-Wiliwili Shrubland – The mixed kiawe-wiliwili shrubland vegetation area is limited to the southern 'a'a lava flow in the southern quarter of the Property. This 'a'a lava flow comprises approximately 170-acres. Scattered groves of large-stature *wiliwili* (*Erythrina sandwicensis*) and kiawe trees co-dominated the upper story. Native shrubs, such as *'ilima* and *maiapilo*, and the native vine *'ānunu* (*Sicyos pachycarpus*), were represented in the understory. Introduced shrubs (e.g., *koa haole*, lantana, wild basil, and tree tobacco), and introduced grasses (e.g., guinea grass, natal redbud) and introduced vines and herbaceous species (e.g., bush bean, vining solanum, burbush, and golden crownbeard) dominate the ground vegetation. Lantana found throughout the mixed kiawe-wiliwili shrubland showed signs of dieback. Although abundant, the guinea grass found on the site was grazed to stubble, probably by axis deer.

Native Species

All of the native plant species reported on the Property (Char and Linney 1988; Char 1993, 2004; SWCA 2006; Altenberg 2007, and SWCA 2010a) are known to occur

biocontrol. The effort was very successful in mitigating the threat caused by the Erythrina gall wasp.

POTENTIAL IMPACTS AND MITIGATION MEASURES

Honua'ula will not impact any Federal or State of Hawaii'i listed threatened or endangered plant species, as none were identified on the Property. In addition, the possible sewer line connection to the Mākena Resort WWRF, the off-site wells, waterline, and storage tank, the widening of Pi'ilani Highway, and the Waialea Iki Drive and Waialea Alanui Drive intersection improvements will not impact any Federal or State of Hawaii'i listed threatened or endangered plant species, as none were identified on during any of the alternative transmission line alignments surveys of these areas.

County of Maui Ordinance No. 3554 Condition 27 requires the establishment of a Native Plant Preservation Area on the Property south of latitude 20°40'15.00"N that shall not be less than 18 acres and shall not exceed 130 acres, excluding any portions that the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers find do not merit preservation.

In their letter addressed to William Spence, Director of the County of Maui Planning Department dated February 15, 2012, the DLNR stated:

With regard to Condition 27, we note that the ordinance refers to "preservation". Statutory provisions for the preservation of natural resources are provided in Chapter 195, Hawaii Revised Statutes, through the establishment of the Natural Area Reserve System. At this time, the Subject Area is not designated a Natural Area Reserve. Chapter 195 provides a process by which a natural Area reserve may be established.

DLNR also stated: "Mitigation for a project as part of an HCP [Habitat Conservation Plan] may, in principle, be conducted off site if all other requirements are met and if the HCP is approved."

In their letter commenting on the Honua'ula Draft Environmental Impact Statement (EIS) dated July 2, 2010, the USFWS stated: "...we recommend that the conservation easement or Native Plant Preservation Area include a contiguous area of roughly 130 acres (56 hectares) which would encompass the majority of the mixed use remnant kiawe-wiliwili shrubland." USFWS also stated that the Conservation & Stewardship plan (see below and Appendix F):

...has identified numerous proposed mitigation measures and an interest in cooperating with funding off-site conservation projects to offset the loss of habitat within the proposed project footprint. Your Final EIS should also include a description of these off-site conservation projects. In order to fully address this aspect of the project in your Final EIS, we suggest that a 130-acre (56 hectare) Native Plant Preservation Area, located within the southern portion of the property,

elsewhere on Maui and the main Hawaiian Islands. Only the unique leaf form of Rock's *nehē* (*Lipochaeta rockii*) appears to be limited to the Property; however, it is not recognized as a separate subspecies or variety (Wagner et al. 1999; Herbst, personal communication). One native species, *āwīkīwīki* (*Canavalia pubescens*), is considered to be a candidate endangered species by USFWS. Five *āwīkīwīki* vines were found within the Property (SWCA 2010a). Currently, the species appears to be limited to five populations on the Island of Maui, which altogether total a little over 200 between 360 and 500 individuals (USFWS 2009, 2010). The USFWS has chosen not to pursue immediate issuance of a proposed listing rule for *āwīkīwīki* in lieu of higher priority listing actions, which include other candidate species with lower listing priority numbers (USFWS 2009, 2010). As of October 2011, the USFWS had not changed the status of *āwīkīwīki* from candidate endangered species (USFWS 2011). Continued status monitoring will be conducted as new information becomes available.

Other native species found on the Property include: *pua kaila* (*Argemone glauca*), *alena* (*Boerhavia repens*), *malapilo* shrubs (*Capparis sandwicheana*), *'a'ali'i* shrubs (*Dodonaea viscosa*), *'iwa'iwa* ferns (*Doryopteris decipiens*), *pili* grass (*Heteropogon contortus*), Hawaiian moon flower vines (*Ipomoea tuboides*), *wiliwili* trees (*Erythrina sandwicensis*), *naio* trees (*Myoporum sandwicense*), *kolomona* trees shrubs (*Senna gaudichaudii*), *hoary* abutilon shrubs (*Abutilon incanum*), *koali* *awahia* vines (*Ipomoea indica*), *ilima* (*Sida fallax*), *popolo* (*Solanum americanum*), *'i'ie'e* (*Plumbago zeylanica*), *'uhaloa* (*Waltheria indica*), and *'ānunu* vines (*Sicyos hispidus*, *S. pachycarpus*).

The highest concentration of native plants occurs in the southern quarter of the Property, which is the area containing the approximately 170-acre 'a'ā lava flow and the *kiawe-wiliwili* shrubland vegetation type. The remnant native vegetation in the mixed *kiawe-wiliwili* shrubland represents a highly degraded lowland dry shrubland in which *wiliwili* trees are a natural component (SWCA 2010a). Far from being pristine, this dry shrubland has been degraded by human activities including unrestricted grazing by feral ungulates, periodic cattle grazing, and invasion by invasive plant species, road cutting, *kiawe* logging, and World War II military training maneuvers (SWCA 2010a). Until surveys by SWCA (2006) and Altenberg (2007), there had been no recognition of the mixed *kiawe-wiliwili* shrubland as an area worthy of special recognition.

Wiliwili (*Erythrina sandwicensis*) was the most common native tree species in the southern 'a'ā lava flow area. SWCA (2010a) mapped 2,476 individual trees distributed throughout the *kiawe-wiliwili* shrubland in groves of various sizes. The largest groves tended to be located in the eastern portion of the *kiawe-wiliwili* shrubland. Most *wiliwili* trees showed some form of damage, primarily from the Erythrina gall wasp (*Quadrastichus erythrinae* Kim) and the seed eating bruchid beetle (*Specularius impressithorax* Pe). Although *wiliwili* is not a Federal or State of Hawaii listed endangered species, severe damage caused by the Erythrina gall wasp has led to uncertainty about the survival of these trees throughout the State. Thus agency resource managers believe it is prudent to protect remaining trees wherever they naturally occur. However, a parasitic wasp species (*Eurytoma erythrinae*) was released in 2008 by the State Department Of Agriculture as a

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be incorporated into the preferred alternative. Alternatively, your discussion of the project alternatives (Section 6.0) in your Final EIS should thoroughly address any reasons conservation of the entire southern area was not included selected [sic] as the preferred alternative.

Based on the presence of the non-native tree tobacco (*Nicotiana glauca*) and native host plants for the endangered Blackburn's sphinx moth, the USFWS also expressed concern that "habitat loss within the project site could adversely impact Blackburn's sphinx moth populations within this region of Maui."

In their letter dated May 10, 2010 the United States Army Corps of Engineers stated:

The Corps Regulatory Program does not have the legal authority or expertise to comment or make recommendations as to the appropriateness of areas of a parcel for preservation or for use as mitigation, for a particular project, for Maui Planning Commission use.

Since June of 2010 Honua'ula Partners, LLC has met with DLNR and USFWS on many occasions to reach agreement regarding satisfaction of Condition 27. As a result of these meetings, Honua'ula Partners, LLC proposes both on- and off-site measures to protect and enhance native plants and habitat for the Blackburn's sphinx moth (*Manduca blackburni*) as discussed below (also see Figure 1, Figure 12, and Figure 12a).

On-Site Native Plant Preservation Area and Native Plant Conservation Areas

Native Plant Preservation Area — To protect and conserve an area that contains the highest density of representative native plant species within Honua'ula, including the five individual 'āwīkīwī plants and numerous individual *nehe* plants found on the Property, Honua'ula Partners, LLC will dedicate in perpetuity a conservation easement titled "Native Plant Preservation Area." This in compliance with Condition 27 this area will be dedicated to the conservation of native Hawaiian plants and significant cultural sites (see Section 4.1 (Archaeological and Historical Resources) and Section 4.2 (Cultural Resources) for information on archaeological and cultural resources). The Native Plant Preservation Area will be actively managed in accordance with the Conservation and Stewardship Plan (see below and Appendix F). Management actions will include removal and exclusion of ungulates (deer, cattle, goats, and pigs), removal and control of noxious invasive weeds and plants, and propagation of native plants from seeds collected on the Property.

As shown on Figure 1 and Figure 12, the proposed Native Plant Preservation Area is within the portion of the property south of latitude 20°40'15.00"N as required by Condition 27. It encompasses a contiguous 22.40-acre area within the *kiawe-wīwīwī* shrubland to protect the portion of the remnant native lowland dry shrubland plant community with the highest densities of selected endemic/native plants having high conservation priority. The proposed size and location of the Native Plant Preservation Area are based, in part, upon a vegetation density analysis employed by SWCA (2010a) to

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aid in defining areas where preservation could be most effective. The size and location of the Native Plant Preservation Area are also based upon scientific research that suggests even small restoration efforts consisting of a few hectares can help provide habitat for native species and can subsequently serve as urgently-needed sources of propagules (Cabin et al. 2000b, Cabin, et al. 2002a). This is reinforced by numerous sources of information on successful propagation of native plants specifically for landscaping (e.g., TNC 1997, Tamimi 1999, Friday 2000, Wong 2003, Bornhorst and Rauch 2003, Lilieeng-Rosenberger and Chapin 2005, CTAHR 2006). The research shows that even small preserves consisting of individual trees are being deemed as appropriate and feasible by USFWS and DLNR when managed in combination with regional preserve areas, such as at La'i'opua on Hawai'i Island (Leonard Bisel Associates, LLC and Geometrician Associates 2008.)

In addition, the Native Plant Preservation Area must be considered in the context of the significant conservation efforts already in existence in South Maui. As previously noted, the remnant native vegetation found on the Property represents a highly degraded lowland dry shrubland, and until recently there have been no efforts by any Federal, State, or local government agency, or non-governmental conservation organizations to acquire and protect any portion of the Property (SWCA 2010b). Instead, government conservation efforts for native dry forest ecosystems on Maui have focused on better examples of relatively intact ecosystems, such as the 'Auwahi 1 restoration area (10 acres) and Pu'u o Kali (236 acres) Forest Reserves and the Kanaloa (876 acres) and 'Ahihi-Kina'u (1,238 acres) Natural Area Reserves (SWCA 2010b). In addition, in 2009 over 12,000 11,000 acres in South Maui were recently donated to the Maui Coastal Land Trust—the state's largest conservation easement—representing a significant area of dry forest habitat that will be forever protected. These existing conservation efforts protect substantial habitats that are more intact host higher diversity of known native host plants for the Blackburn's sphinx moth than those found in Honua'ula, and contain a greater diversity of native plant species than Honua'ula.

~~When considered together with the other conservation measures identified for plants and wildlife (SWCA 2010a, 2010c), including an additional 121.36 acres of lands at Honua'ula where existing native plants are to be protected, enhanced, and propagated, the 22.40-acre Native Plant Preservation Area will make an important, valuable, and appropriate contribution to the long-term viability of remnant mixed *kiawe-wīwīwī* shrubland associations in southeastern Maui. These conservation measures are subject to concurrence by the State DLNR, the USFWS, and the United States Corps of Engineers. The provision of the Native Plant Preservation Area easement is in conformance with County of Maui Ordinance No. 3554 Condition 27.~~

The scope of the Native Plant Preservation Area easement will be set forth in an agreement between Honua'ula Partners, LLC and the County of Maui (in conformance with County of Maui Ordinance No. 3554 Conditions 27a – 27d) that will include:

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Table 1. Honua'ula Native Plant Areas

Preservation & Conservation Designation	Approximate Area	Management Objective
Native Plant Preservation Area	22 acres	Easement protected in perpetuity and managed exclusively for preservation of the existing native <i>kiawe</i> shrubland association
Native Plant Conservation Areas	23 acres	Ungraded conservation areas in which existing native plants will be protected and managed as natural areas
Naturalized Landscape (Existing and Enhanced)	53 acres	Areas for conservation of existing native vegetation
Natural Gulches	28 acres	Natural drainage gulches will be left undisturbed and existing native vegetation will remain intact
Out-planting Areas for Native Plants	17 acres	Areas dedicated to the propagation of native plants
TOTAL AREA	143 acres	Native Plant Areas

Native Plant Conservation Areas – In addition to the Native Plant Preservation Area, Native Plant Conservation Areas will be located throughout the Property including adjacent to both the golf course and the Native Plant Preservation Area. The areas will include:

- All the existing natural gulches throughout the Property (28 acres);
- Ungraded conservation areas (eight acres) in which existing native plants will be protected and that will be managed as natural areas; and
- Areas containing naturalized landscape in which existing native vegetation will be conserved or enhanced through propagation of native species from seeds collected on the Property.

Combined these areas will add an additional conservation area of at least 36 acres in which existing native plants will be protected. Management strategies employed for these Plant Conservation Areas will be in accordance with the Conservation and Stewardship Plan.

Additional On-site Mitigation Measures – To further protect native species on-site, Honua'ula Partners, LLC will:

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- A commitment from Honua'ula Partners, LLC to protect for the perpetual protection and preserve preservation of the Native Plant Preservation Area for the protection of native Hawaiian dry shrubland plants and significant cultural sites worthy of preservation, restoration, and interpretation for public education and enrichment consistent with a Conservation Plan (see below) approved by the State DLNR, the United States Geological Survey, and the USFWS and with a Cultural Resource Preservation Plan (see Section 4.1 (Archaeological and Historic Resources) and Section 4.2 (Cultural Resources) for information on archaeological and cultural resources), which includes the management and maintenance of the Native Plant Preservation Area (Condition 27a);
- Confining use of the Native Plant Preservation Area to activities consistent with the purpose and intent of the Native Plant Preservation Area (Condition 27b);
- Prohibiting development in the Native Plant Preservation Area other than erecting fences, enhancing and interpretive trails, and constructing structures for the maintenance needed for the area, in accordance with the Conservation/Preservation Plans (Condition 27c). Interpretive trails will be minimal in size, and shall not consist of imported materials or hardened surfaces; care will be taken to minimize impacts to native plants during establishment of trails; and
- That title to the Native Plant Preservation Area will be held by Honua'ula Partners, LLC, its successors and permitted assigns, or conveyed to a land trust that holds other conservation easements. Access to the Native Plant Preservation Area will be permitted pursuant to an established schedule to organizations on Maui dedicated to the preservation of native plants to help restore and perpetuate native species, and to engage in needed research activities. These organizations may enter the Native Plant Preservation Area at reasonable times for cultural and education purposes only (Condition 27d).

In addition to the Native Plant Preservation Area, Honua'ula Partners, LLC will also provide additional areas for the protection of native plants (Figure 12). Altogether, 143 acres are proposed for the preservation, conservation, propagation, and management of native plant species at Honua'ula. Included in this area is the 22-acre Native Plant Preservation Area, which will contain the highest density of native and indigenous plants found at Honua'ula. The Native Plant Preservation Area and an additional 23 acres of Native Plant Conservation Areas within the *kiawe* shrubland will remain ungraded and protected. Further areas specifically designated for native plants include approximately: 1) 53 acres of existing or enhanced natural landscape which may be graded but will be replanted with native dry shrubland species; 2) 28 acres of natural gulch areas; and 3) 17 acres for planting and propagation of native plants. Table 2 identifies conservation sub-areas and the elements unique to each. Combined, these areas will: 1) provide protection for native plants; 2) ensure the long-term genetic viability and survival of the native dry shrubland species; and 3) enhance long-term population growth.

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- Conserve as many of the *wiliiwi* trees as possible outside the Native Plant Preservation Area;
- Fence the entire perimeter of the Property, and other areas as appropriate, to exclude feral ungulates from the *kiawe-wiliiwi* shrubland. A fence has already been erected, however fencing requirements will be reviewed and updated (for example, to include stronger deer fencing) as establishment of the Native Plant Preservation Area and site construction begins (this is consistent with County of Maui Ordinance No. 3554 Condition 7);
- Implement an ungulate management plan to ensure that goats, deer, pigs, and stray cattle are removed in a humane manner from the Native Plant Preservation Area and the Native Plant Conservation Areas (this is consistent with County of Maui Ordinance No. 3554 Condition 7);
- Employ a Natural Resources Manager to help develop and implement specific conservation programs to ensure the protection of native plants and animals within the Native Plant Preservation Area and other Native Plant Conservation Areas throughout the Property. The Natural Resources Manager will also be responsible for ensuring the success of the off-site mitigation program;
- Implement a program to control and eradicate invasive grasses, weeds, and other non-native plants from the Native Plant Preservation Area with the exception of the non-native tree tobacco (*Nicotiana glauca*), which is a recognized host plant for the endangered Blackburn's sphinx moth (*Manduca blackburni*) (for information on the Blackburn's sphinx moth see Section 3.7 (Wildlife Resources));
- Implement a native plant propagation program for landscaping with plants and seeds naturally occurring on the Property. All plants native to the geographic area will be considered as potential species for use in landscaping;
- Implement a seed predator control program to control rats, mice, and other seed predators;
- Implement a fire control program to help protect the Native Plant Preservation Area and the Native Plant Conservation Areas and ensure the success of plant propagation and conservation efforts;
- Implement an education and outreach program open to the public and sponsor service groups to assist with implementation of the management programs in the Native Plant Preservation Area and other Native Plant Conservation Areas;
- Apply for additional program support offered by the State of Hawai'i (Natural Area Partnership Program and Hawai'i Forest Stewardship Program) and USFWS to promote sound management of the natural resources within Honua'ula;
- Submit copies of all SWCA reports prepared for Honua'ula, along with the report titled "*Remnant Wiliiwi Forest Habitat at Wailea 670, Maui, Hawaii*" (Altenberg 2007), to DLNR, USFWS, U.S. Geological Survey, and U.S. Army Corps of Engineers for review and comment in compliance with County of Maui Ordinance No. 3554 Condition 27. These reports were submitted to the above agencies on March 22, 2010;
- Continue long-term vegetation monitoring during wet and dry seasons to evaluate the health of native plants and to support the development of the Conservation and

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- Stewardship Plan for the Native Plant Preservation Area and other Native Plant Conservation Areas (see below); and
- Prepare a multi-species Finalize its draft Habitat Conservation Plan (to include the candidate endangered *awikiwika*) under in collaboration with USFWS and DLNR in accordance with Section 10(a)(1)(B) of the Endangered Species Act and in collaboration with DLNR and USFWS Chapter 195D, HRS, Section 3.7 (Wildlife Resources) below contains additional information regarding the Habitat Conservation Plan.

Off-Site Mitigation Areas

For off-site mitigation, Honua'ula Partners, LLC will:

1. Acquire 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 Hawai'i Kanaio Natural Area Reserve; and
2. Fund and implement 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.

Figure 12a shows the proposed locations of the on- and off-site mitigation areas. The on- and off-site mitigation measures and areas are subject to the approval of the Habitat Conservation Plan by USFWS and DLNR.

The Kanaio and Auwahi areas have been pinpointed by USFWS, USGS, Medeiros, Loope, and Chimera (1993), VanGelder and Conant (1998), Price et al (2007), and The Nature Conservancy to be of high value for Blackburn's sphinx moth habitat and native dryland forest and shrubland species including wiliwili and a number of threatened and endangered species. While it may be debated that there are additional areas in Southeast Maui with geology, slope, rainfall, and plant species composition similar to the Honua'ula Property, such areas are either already protected or simply not available for acquisition from their owners.

Kanaio Natural Area Reserve Conservation Easement – The proposed approximately 224-acre perpetual conservation easement adjacent to the eastern boundary of the Kanaio Natural Area Reserve harbors 171 species of plants, 40 percent of which are native to the Hawaiian Islands (19 indigenous species and 49 endemic species). In comparison, Honua'ula harbors 146 species of plants, of which 27 percent were native (26 indigenous species, and 14 endemic species).

This area, which contains native dry land habitat, is considered to be particularly high quality habitat for the Blackburn's sphinx moth, due in large part to the presence of many native host plants for both adult and juvenile life stages of the Blackburn's sphinx moth.

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2. Creation and protection of a higher number species of native host plants than currently exists on the Property.

The on- and off-site mitigation areas together provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including wiliwili. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the moth, providing net benefit to this covered species, as well as a large number of additional native dryland species. To implement the on- and off-site mitigation measures Honua'ula Partners, LLC, will finalize its draft Habitat Conservation Plan (HCP). (See Section 3.7 (Wildlife Resources)). The on- and off-site mitigation measures and areas are subject to the approval of the Habitat Conservation Plan by USFWS and DLNR. Section 3.7 (Wildlife Resources) below contains additional information regarding the Habitat Conservation Plan.

Honua'ula Conservation and Stewardship Plan

To ensure the long-term conservation and stewardship of native plants within Honua'ula, and in conformance with County of Maui Ordinance No. 3554 Condition 27a, SWCA prepared the Honua'ula Conservation and Stewardship Plan (2010b). The plan incorporates findings, conclusions, and recommendations from previous botanical surveys, wildlife surveys, and biological assessments of the Property and recommends proactive stewardship actions to manage the Native Plant Preservation Area and other Native Plant Conservation Areas.

The Honua'ula Conservation and Stewardship Plan also includes discussion of Hawaiian dry forest ecosystems and their status, an evaluation of the remnant coastal dry shrubland community at Honua'ula, an inventory of dry forest restoration efforts underway statewide (reserves and preserves), and an evaluation of lessons learned that are applicable to the Honua'ula Native Plant Preservation Area and other Native Plant Conservation Areas.

In summary, the remnant native vegetation in the Honua'ula mixed kiawe-wiliwili shrubland represents a highly degraded lowland dry shrubland. Current conservation efforts for native dry forest ecosystems have been focused on better examples of relatively intact ecosystems such as the Pu'u o Kali, Auwahi, and Kula Forest Reserves and the Kanaio and 'Ahihi-Kina'u Natural Area Reserves. These projects and other conservation efforts in Hawai'i indicate that even small restoration efforts consisting of a few hectares, and in some cases individual trees, can help provide habitat for rare native dry forest species and can subsequently serve as urgently-needed sources of propagules.

With the lessons learned from other resource protection programs, the overall goal of the Honua'ula Conservation and Stewardship Plan is to conserve the native plant resources of protect native plants and animals within Honua'ula. The secondary goals are to cooperate with researchers in furthering the science of native plant propagation, and provide education and outreach opportunities, and enhance the natural beauty of Honua'ula. To

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As part of Honua'ula Partners, LLC's conservation efforts, the eight-foot unguulate fence that currently exists along the eastern and southern border of the approximately 224-acre area will be extended along the remaining borders of the parcel, and unguulates will be removed from the enclosure. A 10-foot wide fire break will be established along the inside perimeter of the fence to minimize the risk of fires started outside the parcel from entering the mitigation area. In addition, a cross fencing plan for adjacent ranch land is being developed in coordination with Ulupalakua Ranch. Cross fencing will be designed to facilitate cattle grazing in such a pattern to enhance fire control immediately adjacent to the protected area. The fence and fire breaks will be maintained in perpetuity.

Auwahi Forest Restoration – At the Auwahi Forest Restoration Project, Honua'ula Partners, LLC will fund and implement a 15-year restoration program covering an area of approximately 130-acres. This will include: a) fencing of, and unguulate removal from, approximately 130 acres of Blackburn's sphinx moth conservation area; and b) dry forest restoration to benefit the Blackburn's sphinx moth, and native dry shrubland plant species. Restoration activities will include removal of invasive weeds and propagation and out-planting of native species, including many native host plants for both adult and juvenile life stages of the Blackburn's sphinx moth.

While an eight foot fence already exists around the entire 184-acre Auwahi Forest Restoration Project, some cattle grazing continues in most of the area within the enclosure. As part of the program funded and implemented by Honua'ula Partners, LLC, cattle fences will be moved or installed and cattle will be removed from restoration areas.

Restoration efforts at the Auwahi Forest Restoration Project started in 1997 have been very successful, with 28 native species naturally reproducing after only 10 years of restoration efforts. The mitigation program implemented by Honua'ula Partners, LLC will build on this success, and will include mechanical and chemical removal of invasive plant species and enhancement of the native vegetation through propagation. A 10-foot wide fire break will be established along the inside perimeter of the fence, and the cross-fencing plan described above will benefit the Auwahi mitigation area as well as the Kanaio conservation easement area. Honua'ula Partners, LLC will establish an endowment to ensure that fences, firebreaks, and restored areas will be maintained in perpetuity.

Net Conservation Benefit

The proposed on- and off-site measures to protect native plants and Blackburn's sphinx moth habitat proposed by Honua'ula Partners, LLC provide a net conservation benefit (as required under Chapter 195D, HRS) through:

1. The protection and propagation of additional native host plants for both larval and adult Blackburn's sphinx moth (including the native host species 'aiea (*Nothocestrum spp.*) and halapepe (*Pleomele spp.*)); and

achieve these goals the *Honua'ula Conservation and Stewardship Plan* sets forth management objectives, which are summarized below (SWCA 2010b). Many of these management objectives mirror the recommendations contained in the botanical survey (SWCA 2010a). Appendix F contains the complete *Honua'ula Conservation and Stewardship Plan*.

- **Management Objective 2: Fund and Hire a Natural Resources Manager**
A Natural Resources Manager will implement the goals and objectives of the *Honua'ula Conservation and Stewardship Plan*, which includes the *Ungulate Management Plan*. The Natural Resources Manager will be responsible for implementing the management objectives, including conducting public outreach, supporting plant propagation efforts and scientific research, and controlling and eradicating invasive plant species. The Natural Resources Manager will also work cooperatively with government and non-governmental conservation agencies including the Maui Invasive Species Council, Leeward Haleakala Watershed Alliance, DLNR, and other organizations. The Natural Resources Manager will also be responsible for ensuring the success of the off-site mitigation program.

- **Management Objective 3: Eliminate Browsing, Grazing, and Trampling By Feral Ungulates**
The perimeter of the Property has already been fenced to exclude feral ungulates from the *kiawe-wilwil* shrubland; however, the fencing is porous. In accordance with DLNR stipulations, the existing fence will be replaced with an ungulate proof fence to exclude non-native deer, goats, and cattle from damaging native plants. The fence is expected to be made of rust resistant, galvanized steel materials and will be approximately eight feet high with a mesh size of no more than six inches. Ungulates trapped within fenced areas will be removed from the Property in a humane manner. A detailed description of the fencing is contained in the *Ungulate Management Plan* which is appended to the *Honua'ula Conservation and Stewardship Plan*;

- **Management Objective 4: Remove and Manage Noxious Invasive Plants**
Honua'ula Partners, LLC will implement a program to control and eradicate invasive grasses, weeds, and other non-native plants from the Native Plant Preservation Area with the exception of the non-native tree tobacco (*Nicotiana glauca*), which is a recognized host plant for the endangered Blackburn's sphinx moth. In addition, the Natural Resources Manager will establish a protocol for avoiding the introduction of new invasive plants or the spread of existing plants. The Natural Resources Manager will also collaborate with the landscape designers for the golf course and the residential areas to ensure that the ornamental plants being used for landscaping are not likely to become invasive within the Native Plant Preservation Area or the Native Plant Conservation Areas;

- **Management Objective 5: Protect and Augment All Native Plants Within the Native Plant Preservation Area**

In addition to building features or physical barriers (stone walls, fences, etc) to protect the Native Plant Preservation Area, Honua'ula Partners, LLC will augment existing native populations by seeding, out-planting nursery grown native plants, or transplanting native plants from un-protected areas on the Property. The Natural Resources Manager will implement a program to relocate scattered rare native plants occurring outside of the Native Plant Preservation Area (e.g. *ne/ie*) to appropriate areas within the boundaries of the Native Plant Preservation Area. The Natural Resources Manager will be responsible for improving habitat conditions, as needed, to augment the health of plants in the Native Plant Preservation Area and other Native Plant Conservation Areas;

- **Management Objective 6: Create a Plant Propagation Effort**
The Natural Resources Manager will work with native plant propagators in the community to facilitate a native plant propagation program. Selective seeds and cuttings will be collected from native plants found within Honua'ula to be stored outside the natural environment (i.e. seed banks) for use in plantings within the Property, as well as at protected areas such as Pu'u O Kali or the off-site mitigation areas. The success of this effort depends largely on the availability of fresh, viable seeds;

- **Management Objective 7: Attempt Propagation and Out-planting of Native Host Plants for the Blackburn Sphinx Moth**
Despite its importance to the endangered Blackburn's sphinx moth, the non-native tree tobacco (a Blackburn's sphinx moth host plant) is not an ideal species to maintain within the Native Plant Preservation Area because it is a high risk invasive species, due to its prolific seed production, environmental versatility, and toxicity to humans and cattle;

Because the intent of the Native Plant Preservation Area is to protect valuable native plant species, consideration is being given to propagating 'aiea (*Nothocestrum latifolium*) (a Blackburn's sphinx moth host native plant) in this area to replace the non-native tree tobacco. The ultimate outcome of this effort is unknown because the Property is at a lower elevation and drier climate than the elevation where native 'aiea usually grows. If 'aiea becomes established within the Native Plant Preservation Area and is used by the Blackburn sphinx moth, then non-native tobacco trees ~~will~~ may be removed. Removal of non-native tree tobacco will only occur in the season when Blackburn sphinx moths are underground. Precautions will be taken to ensure pupae are not harmed;

- **Management Objective 8: Protect Native Plants and Animals Against Wild Fires**
Honua'ula Partners, LLC will implement a fire control program to help protect the Native Plant Preservation Area and Native Plant Conservation Areas to insure the

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Botanical Resources

success of plant propagation and conservation efforts. This program will include the creation of a fire break immediately outside of the perimeter of the Native Plant Preservation Area. The golf course, which will abut portions of the Native Plant Preservation Area and other Native Plant Conservation Areas, will also act as a fire break to protect native plants. In addition, non-native grasses which augment fuel biomass, will be controlled from inside of the areas. The Natural Resources Manager will develop and finalize the fire control plan in coordination with resource agencies and fire department officials;

- **Management Objective 9: Remove and Manage Non-Native Seed Predators**
The Natural Resources Manager will design and implement a predator control program for rats, mice, and other predators within the Native Plant Preservation Area and the Native Plant Conservation Areas that prey on native plant seeds and seedlings. This program may include the use of bait stations, as well as traps. The program will be developed through coordination with USDA Animal Damage Control and DLNR staff. State DOH BMPs will be implemented;

- **Management Objective 10: Develop and Implement a Scientific Monitoring Program**
The Natural Resources Manager will work with the USFWS, DLNR, and others as appropriate to conduct a detailed scientific inventory and monitoring program. The purpose of the monitoring will be to: 1) establish an accurate baseline to evaluate the efficacy of management activities; 2) determine if the goals of the *Honua'ula Conservation and Stewardship Plan* are being achieved; and 3) identify impending threats to the Native Plant Preservation Area. This program will monitor annual survival rates, natural reproduction, signs of herbivory, abundance of invasive species, and accurately map native species, as appropriate;

- **Management Objective 11: Utilize Appropriate Native Plant Landscaping in Areas Outside the Native Plant Preservation Area and Native Plant Conservation Areas**
Honua'ula Partners, LLC will landscape common areas with native plant species to the maximum extent practicable. Preference will be given to xeric species (i.e. plants that require minimal irrigation and are tolerant of dry conditions); however, all plants native to the geographic area should be considered as potential species for use in landscaping. Honua'ula Partners, LLC will also conserve as many of the *wilivili* trees as possible outside of the Native Plant Preservation Area and the Native Plant Conservation Areas;

- **Management Objective 12: Manage the Native Plant Preservation Area With the Cooperation of Stakeholders**
Honua'ula Partners, LLC will attempt to involve a wide range of stakeholders in the management of the Native Plant Preservation Area. The Natural Resources Manager will work with the University of Hawai'i, Maui Invasive Species Council, Leeward Haleakala Watershed Alliance, State DLNR, and others, as appropriate, to

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conduct detailed scientific inventories and monitoring programs to develop an accurate baseline and ongoing monitoring to evaluate the efficacy of management activities and identify imminent threats to the Native Plant Preservation Area. Honua'ula Partners, LLC will make an effort to continually disseminate useful information to all stakeholders;

- **Management Objective 13: Develop a Public Education and Outreach Program**
Honua'ula Partners, LLC will implement an education and outreach program open to the local community and the general public. This program will be coordinated by the Natural Resources Manager and will involve: 1) sponsoring service trips to assist with management activities; 2) field trips for island students; and 3) developing interpretive signs to encourage public cooperation and discourage trespassing through the Native Plant Preservation Area and other Native Plant Conservation Areas; and

- **Management Objective 14: Incorporate Adaptive Management Principals**
To accommodate for uncertainty inherent in natural systems, Honua'ula Partners, LLC will adopt an active adaptive management approach. With this approach, information gathered during the monitoring program will influence and improve future management practices. According to USFWS policy, adaptive management is defined as a formal, structured approach to dealing with uncertainty in natural resources management, using the experience of management and the results of research as an on-going feedback loop for continuous improvement. Adaptive approaches to management recognize that the answers to all management questions are not known and that the information necessary to formulate answers is often unavailable. Adaptive management also includes, by definition, a commitment to change management practices when determined appropriate.

Honua'ula Landscape Master Plan

To ensure a cohesive and visually unified landscape throughout Honua'ula, PBR Hawaii and Associates, Inc. prepared the Honua'ula Landscape Master Plan. The Landscape Master Plan establishes an overall landscape concept and establishes principles to guide the design and implementation of landscape planting within Honua'ula. Key concepts and objectives of the Landscape Master Plan are summarized below. Appendix G contains the complete plan.

The design proposals contained in the Honua'ula Landscape Master Plan are driven by the *Honua'ula Conservation and Stewardship Plan* (SWCA 2010b), which recommends proactive stewardship actions to manage and propagate native plants within Honua'ula. Similarly, the Landscape Master Plan strives to create a naturalized landscape palette, using native plants, which require minimal irrigation and will, after establishment, require minimal maintenance. Consistent with the Maui County Planting Plan, the Honua'ula

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Landscape Master Plan is responsive to the botanical resources of the area and the need to limit the use of water for irrigation.

The goals of the Landscape Master Plan are to:

- Create an informal, naturalistic community-wide landscape that will allow buildings and other improvements to rest graciously upon the land; in this sense, the landscape will dominate the scene;
- Create a memorable experience at Honua'ula by designing landscapes that respect the site's natural and cultural resources, and embrace this unique Hawaiian landscape;
- Preserve, enhance, and protect native landscape and habitat areas by using native plants, whenever possible, to make seamless transitions between the natural landscape and introduced landscapes;
- Concentrate ornamental landscapes around key amenity areas of the Golf Clubhouse, mixed use village areas, and select higher density residential neighborhoods;
- Rehabilitate existing degraded landscapes and restore all disturbed areas affected by grading and construction for infrastructure and community development; and
- Use plants and irrigation techniques that are sensitive to water conservation.

The Honua'ula Landscape Master Plan draws inspiration from the geographical characteristics and native vegetation found on-site and in the area:

- **Native Plant Palette** – Honua'ula's primary plant palette will reflect the area's mixed *Kiawe-wilivili* shrubland vegetation. The vegetation will consist mainly of native drought-tolerant plants, which will be planted in a manner that will mimic how these plants would grow in their natural state. All planting areas will be irrigated using non-potable water.
- **Lava Flows** – Lava stone found on-site will be incorporated into the landscape as a thematic element. On-site rocks and boulders will be used for grade transitions and will also be incorporated as landscape features.
- **Lava Rock Walls** – Dry stack rock walls similar to the existing historic and ranch era walls found on-site will be incorporated into the landscape as both a functional and aesthetic design element. These walls will be incorporated throughout Honua'ula, becoming an important identity element of the Honua'ula landscape.
- **Gulches** – As much as possible, gulches will remain natural. Transition areas between gulches and built areas will incorporate boulders found on-site with native plantings.

The Honua'ula Landscape Master Plan identifies 13 key landscape areas or components that combine to create the framework for the overall landscape concept. Below is a listing of these areas along with the key design features of each:

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- **Entries/Gateways** – Define entries and gateways with boulders, rock walls, signs, canopy trees and/or vertical palms, specimen trees, native plants, and subtle lighting;
- **Roadways** – The landscape treatment along roadways and trails will consist primarily of informal clusters of native plants;
- **Pi'ilani Highway Extension** – With the exception of a few strategically located view corridors, most of the Pi'ilani Highway extension within Honua'ula will be planted with informal clusters of native and/or ornamental plants to create a dense buffer between the highway and adjacent uses;
- **Golf Course** – Native vegetation will be planted in informal clusters to transition from golf course landscaping to open spaces;
- **Clubhouse** – A combination of native plants, at the periphery or in low impact areas, and ornamental landscaping, close to the club buildings and in high impact areas, will create a varied yet naturalistic landscape;
- **Native Plant Preservation Area and Native Plant Conservation Areas** – Protection of existing native plants will be the primary objective for these areas;
- **'A'a Lava Flows** – Lava and rocks will surround native plant clusters propagated from the site;
- **Grass Lands** – Native shrub vegetation will be used to landscape the area;
- **Maui Meadows Landscape Buffer** – A mixture of medium-sized canopy trees, large native shrubs, and small trees will function as a landscape buffer. In addition, portions of the buffer could be utilized for community parks and gardens;
- **Utility Buffers** – Canopy trees and dense understory plantings will surround water tanks and utility features to create a dense visual screen;
- **Gulches** – Re-established native plants will provide natural landscape treatment;
- **Parks** – Landscape will include turf grass, canopy trees, and native shrubs and groundcovers; and
- **Village** – Within the higher density village mixed use areas, a more ornamental landscape is appropriate, using canopy trees and shrub massing to mitigate the visual and micro-climate impacts of buildings.

Attachment
Consultation

8.1 INDIVIDUALS AND ORGANIZATIONS CONSULTED WITH PRIOR TO THE EIS
PROCESS

In the course of planning Honua'ula, since 2001, Honua'ula representatives have met with concerned individuals, community organizations, private groups, and government agencies, which include (Note: * Title/position at time of meeting):

State of Hawai'i

- Land Use Commission
 - Anthony Ching, Executive Officer*
 - Full Commission
- Department of Education
 - Heidi Meeker, Land Use Planner
- Department of Health
 - Herbert Matsubayashi, Chief, District Environmental Health Division*
- Department of Land and Natural Resources
 - Betsy Gagne, Natural Area Reserve System
 - John Cummings, Branch Manager, Maui DOFAW
 - Fern Duvall, Wildlife Biologist, DOFAW
 - Paula Hartzell, Conservation Initiative Coordinator, DOFAW
 - Charles Ice, Staff, CWRM
 - Ane Bakutis, formerly with Plant Extinction Prevention Program (DLNR)
 - Talia Portner, Plant Extinction Prevention Program (DLNR)
- Department of Transportation
 - Brian Minai, Director*
 - Jadine Urasaki, Deputy Director*
 - Brennon Morioka, Director*
- Office of Hawaiian Affairs
 - Boyd Mossman, Trustee*
 - Kai Markell, Director of Native Rights, Land, and Culture
 - Jerome Yasuhara, Compliance Specialist
- University of Hawai'i
 - Dr. Creighton Litton, Assistant Professor of Forest Ecology
 - Dr. Jonathan Price, Assistant Professor of Geography & Environmental Studies
 - Dr. Cliff Morden, Associate Professor of Botany

ATTACHMENT
CONSULTATION

**Attachment
Consultation**

Federal

- U.S. Fish and Wildlife Service
 - James Kwon, Botanist
 - Lorena Wada, Biologist
 - Bill Standley, Fish and Wildlife Biologist
 - Mike Richardson, Entomologist
- U.S. Geological Survey
 - Dr. Art Medeiros, Research Biologist
- U.S. Army Corps of Engineers
 - George Young, Chief, Regulatory Branch
 - Robert Deroche, Project Manager, Regulatory Branch
- U.S. Army
 - Stephen Mosher, Wildlife Biologist (Contractor)

County of Maui

- Mayor Kimo Apana*
- Mayor Alan Arakawa*
- Mayor Charmaine Tavares*_
- Department of Planning
 - John Minn, Director*
 - Michael Foley, Director*
 - Jeffrey Hunt, Director*
 - Clayton Yoshida, Deputy Director*
 - Colleen Suyama, Deputy Director*
 - Ann Cua, Senior Planner*
- Department of Fire and Public Safety
 - Carl Kaupololo, Chief*
 - Jeffrey Murray, Chief
 - Neal Bai, Deputy Chief*
 - Robert Shimada, Deputy Chief
- Department of Housing and Human Concerns
 - Alice Lee, Director*
- Department of Parks and Recreation
 - Tamara Horcajo, Director*
 - Floyd Miyazono, Director*

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Consultation**

- Glenn Correa, Director±
- Pat Matsui, Deputy Director*
- Police Department
 - Tom Phillips, Chief*_
- Department of Public Works
 - Gilbert Agaran, Director*
 - Milton Arakawa, Director*_
 - Michael Miyamoto, Deputy Director*
- Department of Water Supply
 - Jeffrey Eng, Director*
 - George Tengan, Director*

Private Organizations & Individuals

- Maui Electric Company, Ltd.
 - Edward Reinhardt, President
 - Neil Shinyama, Engineering Manager
- Kihei Community Association
 - David Fraser, President
 - David Maxwell, President
 - Planning and Development Committee
 - Full membership
- Wailea Community Association
 - William Overton, Director
 - Bud Pikrone, Director
 - Phillip Johnson
 - Board of Directors
 - Full membership
- Diamond Resort
 - Kyoko Kimura, General Manager
- 'Ekolu Homeowners Association
 - Ronald Beckett
 - Board of Directors
- Makena Homeowners Association
 - Tim Farrington, President
 - Board of Directors

**Attachment
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- Full membership
- Maui Meadows Homeowners Association
 - Ron Sturtz
 - Madge Schafer
 - Board of Directors
 - Full membership
- Maui Meadows Neighborhood Association
 - Dorothy Hughes
 - Board of Directors
 - Full membership
- Maui Tomorrow
 - Ron Sturtz
 - Irene Bowie
 - Board of Directors
 - Membership
- Sierra Club
 - Rob Parsons
 - Membership
- Haleakalā Ranch
 - Buzz Stituka, President*
 - Don Young, President
 - Scott Meidell, Manager
- 'Ulupalakua Ranch
 - Pardee Erdman, President
 - Sumner Erdman, VP
 - James Gomes, Manager
- Housing for Local People
 - Mr. Stan Franco
 - Board members
- Maui Junior Golf
 - Eric Miyajima
- Nā Kūpuna O Maui,
 - Patty Nishiyama

**Attachment
Consultation**

- Maui Contractors Association
 - Jackie Haraguchi, Executive Director
 - Tom Cook, President
 - Full membership
- Hawai'i Carpenters Union
 - William Kamai
 - Steven Suyat
 - Ivan Lei
- International Longshoreman Workers
 - Willi Kennison
 - Steven West
 - Jason Medeiros
- Bernice Pauahi Bishop Museum
 - Dr. Rob Preston, Department of Entomology
 - Dr. Derral Herbst, Department of Botany (Retired)
- The Nature Conservancy
 - Dr. Sam Gon
- Maui Coastal Land Trust
 - Dale Bonar
- Contractors
 - Maya LeGrande, Botanist/owner, LeGrande Biological Surveys
 - Hina Kneubuhi, Botanist, LeGrande Biological Surveys
 - Ronald Walker, former DLNR wildlife biologist
 - Reggie David, wildlife biologist
- Community Members
 - Shannie Akau
 - John Armstrong
 - Peggy Aviles
 - Michelle Bruce
 - John Buist
 - Kolyne Cabanas
 - Laverne Carvalho
 - Donna Clayton
 - Danny Collier
 - Steve Cordova
 - Dave Cullup
 - Mike Diaz
 - Dustin Dipersia
 - Joe Evans
 - Ted Fritzen
 - Ken Gift
 - Chad Goodfellow
 - Daniel & Claudia Goodfellow
 - Steve Goodfellow
 - Lucia Gouveia
 - Tia Hanchett
 - Mike Harrell

**Attachment
Consultation**

- o Arline Harris
- o Chris Haynes
- o Fred Hollenbeck
- o Michele Hough
- o Tamio Iwado
- o Mike Jackman
- o Erik Jorgensen
- o Rob Judge
- o Kristi Kapahulehua
- o Howard S. Kihune
- o Karen Kuwashima
- o Blanca Lafolette
- o Mark La Turner
- o Corie Leal
- o Bob & Kay Lloyd
- o Craig Lohmeyer
- o Adam Lynch
- o Todd MacFarlane
- o Todd MacFarlane, Jr.
- o Dave Mackwell
- o Paul MacLaughlin
- o John Maloney
- o John Martinsen
- o Mary Lou Masako
- o Dennis McCarthy
- o Bo McKuin
- o Jerry McLain
- o Jerry McLain III
- o Melina Mindoro
- o Dayna Morreira
- o Mel Nakoa
- o Steven Newhouse
- o Kelly O'Kief
- o Steve Owendale
- o Wilson Padilla
- o Larry Paet
- o Steve Parker
- o Sheryl Paschoal
- o Steve Pawlak
- o Keoki & Twinkle Perreira
- o Doug Peterson
- o Ana Peterson
- o Greg Peterson
- o Heather Peterson
- o Scott Pingrey
- o James Respicio
- o Sam Ribao
- o Amy Sands
- o Madge Schaefer
- o Eric Schauble
- o Millie Septimo
- o Leif Sjostrand
- o Ray Skelton
- o John Spasari
- o Donna Speed
- o Joyce & Jesse Spencer
- o Chris Speten
- o Gary Swatzel
- o Danshiell Thompson
- o Travis O. Thompson
- o Greg Treese
- o Scott Trudell
- o Cory Uchima
- o John Uhrin
- o Cameron Vibbert
- o Robin Weeks
- o Dave & Karen Williams
- o Joseph Williams
- o Charmaine Yuen

8.2 INDIVIDUALS AND ORGANIZATIONS CONSULTED DURING THE EIS PROCESS

Various Federal, State, and County agencies, as well as organizations and members within the community, were consulted with or provided comments on the EA/EISPN which aided in preparation of the Draft EIS (see Chapter 11, EA/EISPN Comments and Responses). ~~THE DRAFT EIS WILL BE DISTRIBUTED TO THE FOLLOWING AGENCIES, ORGANIZATIONS, AND INDIVIDUALS. COMMENT LETTERS RECEIVED ON THIS DRAFT EIS AND RESPONSES WILL BE INCLUDED IN THE FINAL EIS.~~

**Attachment
Consultation**

- State of Hawai'i**
- Department of Business, Economic Development & Tourism (DBEDT)
 - DBEDT – Office of Planning
 - DBEDT – Strategic Industries Division
 - Department of Education
 - Department of Health
 - Office of Environmental Quality Control
 - Department of Land & Natural Resources
 - DLNR – State Historic Preservation Division
 - Department of Transportation
 - Office of Hawaiian Affairs
 - University of Hawai'i Environmental Center
- Federal**
- U.S. Army Engineer Division
 - U.S. Fish and Wildlife Service
- Maui County**
- County Council
 - Department of Planning
 - Department of Fire Control
 - Department of Housing & Human Concerns
 - Department of Parks & Recreation
 - Police Department
 - Department of Public Works
 - Department of Environmental Management
 - Department of Water Supply

Private Organizations & Individuals

- Hawaiian Telcom
- Maui Electric Company, Ltd.
- Maui News
- Maui Meadows Neighborhood Association
 - o Madge Schaefer
- Wailea Community Association
- Save Makena.org
 - o Angie Hoffman
 - o Elle Cochran

**Attachment
Consultation**

- Maui Unite!
 - Elle Cochran
 - Gordon Cockett
- Maui Cultural Lands
 - Clare Apana
- Maui Tomorrow Foundation
 - Irene Bowie
- Sierra Club Maui Group
 - Lucienne de Naie
- Community Members
 - Angie Hofmann
 - Claire Jordan
 - Clare Apana
 - Dale Deneweth
 - Daniel Kanahale
 - Dick Mayer
 - George Harker
 - Gordon Cockett
 - Joe Fell-McDonald
 - Johnny Be
 - Joycynn Costa
 - Karrie Silva
 - Katie Romanchuk
 - Keegan House
 - Ken Rose
 - Lee Altenberg
 - Lucienne de Naie
 - Madeleine Migenes
 - Mark Hyde
 - Michael Howden
 - Michael & Barbara Gach
 - Robert Wirthner
 - Robin Knox
 - Sally Raisbeck
 - Scott Heller
 - Steve Lefleur
 - Teri Leonard
 - Todd Wilson
 - Wayne Bachman

**Attachment
Consultation**

EIS Consulted Parties

Title 11, Chapter 200, HAR, §11-200-15, Consultation Prior to Filing a Draft EIS, states:
"Upon publication of a preparation notice in the periodic bulletin, agencies, groups, or individuals shall have a period of thirty days from the initial issue date in which to request to become a consulted party and to make written comments regarding the environmental effects of the proposed action."

The following organizations and individuals requested to become a consulted party:

- Maui County Council
 - Wayne Nishiki
- Maui Cultural Lands
 - Clare Apana
- Maui Unite!
 - Elle Cochran
- Maui Tomorrow Foundation
 - Irene Bowie
- Save Mākena
 - Angie Hoffman
- Sierra Club Maui Group
 - Lucienne de Naie
- Community Members
 - Angie Hofmann
 - Claire Jordan
 - Clare Apana
 - Dale Deneweth
 - Daniel Kanahale
 - George Harker
 - Joe Fell-McDonald
 - Johnny Be
 - Joycynn Costa
 - Karrie Silva
 - Katie Romanchuk
 - Keegan House
 - Ken Rose

**Attachment
Consultation**

- o Lucienne de Naie
- o Mark Hyde
- o Michael Howden
- o Michael & Barbara Gach
- o Robert Wintner
- o Robin Knox
- o Scott Heller
- o Steve Lefleur
- o Teri Leonard
- o Todd Wilson

8-3 FURTHER CONSULTATION

Following the distribution of the Draft EIS, additional consultation was sought prior to the preparation and distribution of the Final EIS. Based on input gathered at these consultation meetings, the Draft EIS was refined to the plans presented in the Final EIS.

Some key issues that have surfaced from the consultation include: archaeological sites on the Property, size of the Native Plant Preservation Area, and off-site improvements. Below is a list of consulted agencies and individuals.

State of Hawai'i

- Department of Land & Natural Resources
- DLNR – Division of Forestry and Wildlife
- DLNR – State Historic Preservation Division
- Office of Hawaiian Affairs

Federal

- U.S. Fish and Wildlife Service

Maui County

- County Council
- Planning Commission
- Planning Department
- Urban Design Review Board

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Private Organizations & Individuals

- Maui Unite!
 - o Elle Cochran
- Maui Cultural Lands
 - o Daniel Kanahele
- Sierra Club Maui Group
 - o Lucienne de Naie
- Community Members
 - o Angie Hofmann
 - o Claire Jordan
 - o Ke'eaumoku Kapu
 - o U'ilani Kapu
 - o Lee Altenberg
 - o Janet Six
 - o Ekolu Lindsey

4.2 CULTURAL RESOURCES

Hana Pono, LLC prepared a cultural impact assessment for the Honua'ula Property to identify traditional customary practices within the Property and in the vicinity of the Property. The cultural impact assessment was conducted in accordance with the OEQC Guidelines for Assessing Cultural Impacts and includes archival research and interviews with people knowledgeable of Honua'ula and the surrounding area. Findings of the cultural impact assessment and other relevant information are summarized below. Appendix K contains the complete cultural impact assessment.

Hana Pono, LLC also prepared a cultural impact assessment specifically for the widening of Pi'ilani Highway. The cultural impact assessment concluded that no current gathering practices or access concerns occur within the Pi'ilani Highway widening area. For more information on the widening of Pi'ilani Highway see Section 4.4 (Roadways and Traffic) and Appendix R, which contains the complete Pi'ilani Highway Widening Project Final EA. Appendix H of the Final EA contains the cultural impact assessment specifically for the widening of Pi'ilani Highway.

While a specific cultural impact assessment was not prepared for the Wailea Iike Drive and Wailea Alanui Drive intersection improvement area, in a letter dated March 9, 2011 Hana Pono, LLC concluded that the intersection improvements are not expected to impact any cultural resources, access concerns or current gathering practices, as none are known to exist in the area.

In addition, Hana Pono, LLC, completed a review of Honua'ula's off-site water and wastewater infrastructure areas and determined that there are no known cultural resources, access concerns, or current gathering practices occurring in these areas. Figure 2 shows the locations of these off-site water and wastewater infrastructure areas.

1.1.1 Honua'ula Moku

The Honua'ula moku was one of 12 ancient districts of Maui Island. The literal meaning of the name is "red earth" or "red land," which may have been in reference to the distinctive red dust of Haleakala (Handy et al. 1991). There are a number of alternative explanations for the name. In the cultural impact assessment, Tau'a and Kapahulehua (2009) state that the name connotes sacred earth based on the sacredness of the color red. Sterling (1998), in *Sites of Maui*, includes the following account, by Formander, of the chief, Mo'ikeha, who brought back companions from his voyage to Tahiti:

His canoes were equipped forthwith under the superintendence of Kamahualele, his astrologer and seer (Kilokilo), and with a goodly company of chiefs, retainers, and relatives, they set sail for Hawaii... The legends differ somewhat to the names of the followers of Mo'ikeha, but they all agree that a number of places in the Hawaiian group were named after such or such

ATTACHMENT CULTURAL RESOURCES

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companions of Mo'ikeha, who were permitted to land here and there as the fleet coasted along the island shores, and who succeeded in establishing themselves where they landed. Thus were named the district of Honua'ula on Maui.

Two traditional Hawaiian sayings regarding Honua'ula recorded by Mary Kawena Pūku'i (1983) in *'Ōlelo No'ēau, Hawaiian Proverbs and Poetical Sayings* speak of the wind of the region and describe the character of the inhabitants as given below:

Honua'ula, e paluku 'ia ana na kīhi po'ohiwi e na 'āle o ka Moa'e

Honua'ula whose shoulders are pummeled by the Moa'e wind

(A poetical expression for a person being buffeted by the wind. Honua'ula, Maui, is a windy place.)

Honua'ula kua la'ola'o

Callous-backed Honua'ula

(Said of the people of Honua'ula, Maui, who were hard workers. The loads they carried often caused callouses on their backs.)

There are many historical accounts that specifically mention Honua'ula moku in story, chant and oral tradition. One of the earliest accounts that describe the first inhabitants of Honua'ula came from genealogical chant. Between 1100 and 1400 A.D., chants recorded the long voyage of Chief Mo'ikeha from Tahiti to Hawai'i and describe how his travels gradually appropriated the rule over lands in Hawai'i through intermarriage, battles and ritual sacrifices. In his inaugural sail, Chief Mo'ikeha first landed on Hawai'i Island and then on to Maui, where he sailed around the Kaupō coastline until he arrived at the place known today as Honua'ula.

In the years following the Mahele in 1848, various configurations of the 12 moku (districts) were implemented and revised. In 1901 and 1932, the current district divisions were established, with Honua'ula incorporated into Makawao. Of these boundary modifications, R. D. King, in Sterling (1998), stated:

Since the advent of legislative government, or from about 1846, many modifications have been made of the ancient district boundaries and there are many instances where other names have been substituted for the old district names. Some of these changes were made for political reasons and others for convenience, but the principal changes in boundaries were caused by movements in population reflecting new uses of the land areas. These new district boundaries did not always conform to the ahupua'a boundary and there are examples today of an ahupua'a being situated in more than one district where no such condition existed in ancient times

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The traditional Honua'ula moku, located between Kula to the north and Kahikinui to the east and south, included the following 19 known ahupua'a from north to east: Paeahu, Palauaea, Keauhou, Kalihi, Waipao, Papa anui, Ka'eo, Maluaka, Mo'oiki, Mo'oloa, Mo'omuku, Onau, Kanahena, Kualapa, Kalihi, Papaka-kai, Kaunuaehane, Kalo'i, and Kanalo. The traditional Honua'ula moku crossed several environmental zones that spanned across 18.5 miles of coastline and reached the summit of Haleakalā.

Human settlement of the Honua'ula moku dates back to pre-historic times and continues today. The Honua'ula moku was a fishing and farming region from the beginning of its occupancy in early Hawai'i. Its shores were rich with an abundance of marine life, which included deep and shoreline fishing of squid, octopus, crab, and shell fish, and an abundance of various seaweeds. The sweet potato or 'uala was the important agricultural crop of the Honua'ula region and together with the marine resources comprised the staple food of its inhabitants. Handy and Handy (1972) describe the Honua'ula region thus:

On the south coast of East Maui, from Kula to 'Ulupalakua, a consistently dry and lava-strewn country, Mākena and Keone'ō'io were notable for good fishing; this brought many people to live by the shore and inland. There were some patches of upland taro, not irrigated; but this was a notable area for sweet potato, which, combined with the fishing, must have supported a sizable population although it cannot be counted as one of the chief centers.

As explained in Section 4.1 above, previous archaeological research suggests a pattern of transience existed between coastal and inland areas (Chapman and Kirch 1979). Inhabitants of the upland agricultural region may have utilized coastal areas as seasonal bases for expanding the range of resource exploitation. Temporary habitation sites, located along trails linking upland and coastal settlements were used by travelers from upland residences to the coast to gather marine resources. Upland populations exchanged taro, bananas, and sweet potatoes with the coastal populations for ocean resources (Handy 1940).

Kiha-Pi'ilani who reigned in the last half of the 15th century connected the entire island with a network of trails to aide his people in their travels and give the king quick access to all parts of his kingdom. The original trails still exist today from Keone'ō'io to Nu'u. The trails do not intersect the Honua'ula Property; however branching trails extend from the Pi'ilani trail in the Honua'ula moku.

During the time of Kamehameha the Great, large quantities of sandalwood were harvested from mauka areas (Kula, Makawao, and Haleakalā) and loaded at Mākena. Kamehameha's invasion of Maui occupied all the shores of Honua'ula to defeat the Maui king Kalanikūpule (Sterling 1998). Afterwards, the fishponds of Kalepolepo and Kō'ie'ie were rebuilt. Since Honua'ula did not possess rich waterways from mountain to ocean, sweet potato, sugar cane, and ranching were key activities of the region. The maka'aimana (common people) worked the land under the direction of the *Konohiki* and occasionally

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the *ali'i* would drop by enroute to Kaupō, where most of the activities of the chiefs took place.

In post-contact times, Mākena Landing became the second busiest port after Lahaina since cattle and agricultural products from the mauka lands were brought here to load, and the port received goods for residents throughout Central Maui. By the 1800's, traditional settlement patterns underwent major changes throughout the region and the entire island with: 1) the advent of cattle and commercial agricultural enterprises; 2) the introduction of the western concept of private ownership of land; and 3) the development of cart paths, roadways, and harbors.

Following the overthrow of the Hawaiian monarchy, Handy (1940) reported the following changes in the area due to cattle ranching:

In Honuauia, as in Kaupo and Kahikinui, the forest zone was much lower and rain more abundant before the introduction of cattle. The usual forest-zone plants were cultivated in the lower upland above the inhabited area. Despite two recent (geologically speaking) lava flows which erupted from fissures below the crater and only a few miles inland and which covered many square miles of land, the eastern and coastal portion of Honuauia was thickly populated by Hawaiian planters until recent years. A few houses are still standing at Kanaloa where the upper road (travelling eastward) ends but only two are now occupied. A number of Hawaiian families whose men are employed at Ulupalakua Ranch have homes near the ranch house. Above these native homes a little dry taro is cultivated. Formerly, there was much dry taro in the forest zone.

Ranching has been blamed for many of the district's environmental problems. Cattle and goats stripped the land of its native flora while destroying ancient Hawaiian temples and other traditional Hawaiian remains

1.1.2 Ahupua'a within the Honua'ula Property

The Honua'ula Property includes portions of three ahupua'a: Paeahu, Palauaea, and Keaouhou from north to south. Most of the northern two-thirds of the Property is within a section of Paeahu ahupua'a. Roughly half of the width of Palauaea ahupua'a is within the Honua'ula Property, with the remainder extending north. The entire width of Palauaea ahupua'a is within the Honua'ula Property, primarily within the southern third of the Property. A proportion of the width of Keaouhou ahupua'a extends from within the southern third of the Property and continues further south.

Paeahu Ahupua'a – The Paeahu ahupua'a is significant for many reasons. Literal translation of the name is a "row of heaps" (Puku'i et al. 1974), the heaps refer to *ahu* (a stone mound). Paeahu holds multiple meanings, all having to do with the concept of *ahu*.

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The area is significant for its connection to Kealaikahiki, the pathway to Tahiti and the voyaging of Hawaiian ancestors. Paeahu signifies a place of embarking on a journey or disembarking after a journey. To this day, Paeahu ahupua'a is connected with *wa'a*, the outrigger canoe, and the voyages of Hawaiian people. Traditionally, when fishing or on a sea voyage, but within sight of shore, reference points on land were used to determine the off-shore location or maintain a certain course. This worked much like lining up a set of lights to enter a harbor channel today. Natural landmarks were used, but often, *ahu* or stone mounds were constructed for this purpose. *Ahu* were used to guide travelers on land as well.

The Paeahu ahupua'a was part of the lands assigned to Moses Kekaiwa, the eldest son of Kekua'oa, a powerful governor of O'ahu. However, in 1842, it was included with other Honua'ula moku lands that were reclaimed by the government (Barrere 1975). The commutation of lands to the government, in lieu of cash tax payments, was a common practice among the chiefs.

At the time of the Mahele, nine kuleana Land Commission Awards (LCA) in Paeahu ranged in size from 0.22 to 11.68 acres and consisted of shoreline parcels, houselots, and agricultural lands. Banana, dryland taro, and sweet potato were listed as the cultivated crops (Stocker et al. 1992). One of the kuleana awards, LCA 10665 to Piopio, appears to have been located close to, but beyond the northern boundary of the current Property area, probably within the existing Maui Meadows subdivision. The locations of the other LCAs, with the exception of 5220 to Koukaina, located at the coast, are unknown. Most likely, the other parcels were located mauka of the current Property area in the inland agricultural zone. Following 1850, portions of Paeahu ahupua'a were sold to foreign businessmen and large acreages changed owners often, until in 1864 when 4,445 acres were sold to James McKee, the founder of Rose Ranch in 'Ulupalakua. Much of the lands passed through McKee to 'Ulupalakua Ranch and Alexander and Baldwin, Ltd. (Kleiger et al. 1992).

Palauaea Ahupua'a – The Palauaea ahupua'a is a large land section. Literally, the name means "lazy" (Puku'i et al. 1974). One of the oral traditions passed down about this area refers to laziness. The ahupua'a, comprising about 2,130 acres (LCA 11216) was awarded to Chiefess Miriam Kekauonohi during the Mahele of 1854, and the current Property area includes a portion of this LCA. Upon her death in 1851, the land passed to her husband, Ha'alelea. In 1862, most of the ahupua'a was sold to James McKee through public auction. A total of 14 LCAs and 11 Royal Patent Grants to commoners are listed for Palauaea ahupua'a. Four are described as Irish potato plots and three others as houselots. The remaining awards are not described as to land use. Map locations of kuleana are unavailable. However, the narrative descriptions of two of the houselots place them at the coast. The others likely consisted of agricultural lots located in the wetter uplands.

Keaouhou Ahupua'a – The Keaouhou ahupua'a is a large land division of which only a small section lies within the Property. The name literally means "the new era" or "the new

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current" (Puku'i et al. 1974). It is connected to the currents that flow around and between the islands, Nā Kai Ewalu, and the channels that carried the ancestors to and from their destinations.

In 1852, LCA 6713 (RP 8213) was awarded to Ho'omanawanui, a member of the *ali'i* class whose father, Kalelele, was a member of King's (Kamehameha III) court, which included the entire *ahupua'a* of Keaouhou 1. The award covered an area of 853 acres. In 1856, Ho'omanawanui and her husband Hikiau II sold Keaouhou 1 to James McKee for \$1,000. Eleven commoner awards are listed for all of Keaouhou (1 and 2) *ahupua'a*. Although their locations are unknown, based on the descriptions given in the award documents, most appear to be Irish and sweet potato lands or houselots. The potato lands probably were further inland (above the 1200-foot elevation) of the current Property area, while the houselots were most likely located closer to the coast.

1.1.3 Oral History Interviews

Informant interviews with eight local residents were conducted in January 2008 by Keli'i Tau'a and Kimokeo Kapahulehua of Hana Pono LLC as part of the cultural impact assessment. Kimokeo Kapahulehua conducted an additional interview in March 2009. The complete transcript for each interview is appended to the cultural impact assessment provided in Appendix K.

- Douglas "Butch" Wayne Akina was born in 1943. He is the youngest of eight siblings from the Akina family of Kihei. He currently resides on Maui and has owned and operated a variety of small businesses including school/tourist bus, fishing, airplane, roofer, cesspool extraction, and fishing net companies. He learned of traditions and practices of the families of the land, and was a fisherman in his youth;
- Marie Doreen "MD" Alborano was born in 1935 in Kihei. Raised from infancy in Kihei, she grew up working on the family's 56-acre farm near the existing Welakahao Road. She was a student of renowned hula teacher Auntie Emma Sharpe;
- Edward Quai Ying Chang, Jr. was born in 1982 at Wailuku. He moved to Mākena when he was four or five years old. His ancestors have lived in Mākena since 1883 when his great grandfather John Kukahiko bought the lands from Mākena Surf to Mākena Landing. Mr. Chang has a degree in Biological Science with a minor in Plant Pathology;
- Stanley Ahana Chock was born at Honolulu in 1933 and moved to Kula shortly after he was born. He was raised by his mother's sister, Hattie Kanoho, in Pulehu'iki at Kula and also spent most of his childhood in Kahakuloa;
- Eugene C. "Herman" Clark, Sr. is of Hawaiian ancestry and lived on Maui since 1935. He lived in the Kihei region on what is now known as Kenolio Road. He is knowledgeable of the Honua'ula area and is currently practicing the art of reflexology;

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- Jimmy Gomes was born in Pu'unene in 1948. He has been employed by the 'Uluupalakua Ranch for the last six years and is currently the Operations Manager. Aside from his employment activities, he has visited the lands owned by the Ranch for the past 50 years;
- Kevin Mahealani Kai'okamaile was born in Keokea. He was raised in the Honua'ula region where his family has resided for at least seven generations. He took an interest in botany at a young age and was able to learn from noted local botanists;
- Ramsdon Arthur Kahawenui Piltz was born at Wailuku in 1939. He was raised on Maui until moving to Dayton, Ohio where he studied Business Management. He returned to Maui in 1993 to start working for his father's business, Piltz Electric. Mr. Piltz is part of the 130-member Kukahiko family which has roots in the Mākena Landing area. He also served on the Maui Planning Commission and is currently serving on the State LUC; and
- Mildred Ann Wietecha is a lifelong resident of Kihei. Her mother was Violet Thomson of the Thomson Ranch in Kula. She is related to Douglas "Butch" Wayne Akina of Akina Bus Service.

Summary of the Oral History Interviews

Each of the individuals interviewed had something to contribute about life in the Honua'ula District and the surrounding areas. The three most knowledgeable individuals regarding the region were Edward Chang Jr., Kevin Kai'okamaile, and Ransom Piltz. These three individuals, all related to the Kukahiko family of Mākena, grew up in different time frames, lived separate lifestyles, but all three speak the same language about the land and the ocean of the Honua'ula region. Mr. Eugene Clark interestingly spoke of the relationship between the upland farmers and the coastal fishermen, a traditional pattern of life that continued over centuries in the Honua'ula region.

The concerns raised by the oral interviews were more general in nature, and no cultural concerns were raised that related specifically to the Honua'ula property. These concerns included impact on coastal fishing, the rising property taxes that make it difficult if not near impossible for Hawaiian families to maintain any coastal property in the region, shoreline access in developed areas, gated communities, the loss of traditional Hawaiian place names, the potential loss of good grazing land for cattle, the desecration of Hawaiian culture, and the desire to keep new development out of the region. None of the interviewees shared any proprietary knowledge about specific traditional cultural resources or associated practices within the boundaries of the Property.

POTENTIAL IMPACTS AND MITIGATION MEASURES

The cultural impact assessment report recommends that representative existing cultural sites be incorporated into Honua'ula and native plants be kept intact as much as possible to retain the unique identity of the area. The cultural impact assessment report also

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recommends that the *ala i ke kai* (pathway to the ocean) and the *ala i ke kula* (pathway to the uplands) be recognized as part of the law decreeing that one should respect Hawai'i's gathering rights (passage to fishing at the ocean and streams or gathering native plants in the mountain). However, based on consultation with interviewees, the cultural impact assessment report concludes that there are no known gathering practices or access concerns.

To preserve cultural resources within Honua'ula, Aki Sinoto Consulting, LLC and Hana Pono, LLC prepared a CRPP in compliance with County of Maui Ordinance No. 3554 (Condition 13). The CRPP seeks to:

- Define cultural parameters that will guide the preservation of archaeological remains and the interpretation of archaeological data;
- Document settlement patterns and timelines for the sites;
- Consult with traditional/cultural practitioners with ties to the Honua'ula region and other interested parties;
- Foster a more traditional and cultural land use perspective for the project site; and
- Ensure long-term consistency and integrity toward preservation efforts within the Property and in the Honua'ula region.

Appendix J contains the complete CRPP.

The CRPP incorporates the findings of the cultural impact assessment report and the Archaeological Inventory Survey. Recommendations of the CRPP regarding archaeological resources are summarized above in Section 4.1. Although archaeological resources comprise part of cultural resources and are more readily identified, quantified, and evaluated, other aspects of cultural resources are sometimes not as apparent and not as easily identified and evaluated. This is especially true of non-material regional resources, such as place names and specialized protocols, since the expertise is only found in persons with intimate or long-term knowledge of the subject region or particular locality.

During the initial planning stages of Honua'ula, several on-site tours and discussions involving archaeological and cultural components were held with various members of the community. An informational presentation was given to the Maui Cultural Resources Commission. Specific input was also sought from key individuals and the Native Hawaiian organization, Nā Kūpuna O Maui, and a number of valuable recommendations resulted from discussions with an in-house cultural group². Public input was also sought prior to preparation of the CRPP through publication of public notices in the *Honolulu Advertiser*, the *Maui News* and OHAs' Newsletter, *ka Wai Ola*. Nā Kūpuna O Maui, under the leadership of Mrs. Patty Nishiyama and their regional representative Mr. Kimokeo

² The in-house cultural group included: Kimokeo Kapahulehua, Clifford Naeole, Hokulani Holt Padilla, Keli'i Tau'a, members of Nā Kūpuna O Maui, Lisa Rotunno-Hazuka, Aki Sinoto, and Charlie Jencks.

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Kapahulehua, retains the primary role in consulting with the landowner and in interacting with other Hawaiian organizations regarding matters related to cultural preservation, protocols, and practices.

The elements of the CRPP for which community input, especially from Native Hawaiian groups, was sought, include:

- The mode of preservation, passive or active, recommended for specific sites;
- The nature of access to religious, ceremonial, and confirmed burial sites;
- The determination of appropriate traditional protocols and practices;
- The size and types of buffer zones and appropriate protective barriers;
- The need for any stabilization or restoration;
- Whether signs are appropriate and if so, the type, design, and content of the sign;
- The types of native flora to be used for landscaping or barriers; and
- The establishment of educational and community stewardship programs;

Based on the community input received, the CRPP:

- Includes recommendations regarding the mode of preservation—passive or active—for specific sites;
- Notes that at this time, there are no known or identified religious, ceremonial, or burial sites on the Property; however, conditional access for lineal and cultural descendants will be provided if any such sites are identified later;
- Recommends that Nā Kūpuna O Maui, in consultation with other cultural experts, address appropriate protocols and practices throughout the planning and development periods and thereafter;
- Includes recommendations regarding the size and type of buffer areas for specific archaeological sites;
- Concludes that the long rock wall that demarcates the southern third of the Property (Site 200) requires repair and stabilization where deer have caused damage and where sections have been breached;
- Provides sample text for interpretive signs; the material and method of mounting signs will be finalized during subsequent planning phases;
- Recommends that native plants found on the Property should be used for archaeological buffer areas, and suitable plants include: *'a'ali'i* (*Dodonaea viscosa*), *'āwīkīwīkī* (*Canavalia galeata*), *'ilima* (*Sida fallax*), *kolomana* (*Senna surrattensis*), *maiapilo* (*Capparis sandwicheana*), *ma'o* (*Abutilon grandifolium*), and *naio* (*Myoporum sandwicense*); and
- Notes that the nature and implementation of community stewardship and educational programs is currently under consideration by Nā Kūpuna o Maui, Honua'ula Partners, LLC, and other pertinent parties and will be finalized as additional input is received and planning progresses.

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Cultural Resources**

In addition to community input received for the specific points noted above, much information regarding traditional place names, protocols, practices, as well as glimpses of daily life were gained from oral interviews conducted in conjunction with both the CRPP and the cultural impact study. Starting from mythology and legends that include references to places in the region, there are well-known stories and folklore recounted for generations by the inhabitants. The compilation of not only this conventional folklore, but the recording of individual stories and experiences of area *kupuna* are invaluable resources that aid in interpreting the unique aspects of the region. The CRPP contains a compilation of not only texts and translations of several *mele* and *oli*, both traditional and contemporary, but also audio recordings of these on a compact disc.

In compliance with County of Maui Ordinance No. 3554 (Condition 13) the CRPP will be has been submitted to SHPD and OHA on March 18, 2010 for review and recommendations. Upon receipt of comments and recommendations from SHPD and OHA, the CRPP will be provided to the Maui County Cultural Resources Commission for review and adoption before Project District Phase II approval.

ATTACHMENT CUMULATIVE AND SECONDARY IMPACTS

**Attachment
Cumulative and Secondary Impacts**

	Planned/Committed (Continued)	
Hokulani Golf Villas	182	58
Honua'ula	560	840
Kai Ani Village	0	99
Kai Mālu Wailea Master	0	150
Kalama Heights Ph. 2	0	36
Kalama Hills	12	0
Kanani Wailea	38	0
Ke Aii'i Ocean Villas	14	144
Kenolio Leilani Affordable Homes	7	0
Kihana Nursery	1	0
Kiheti Hanalei Condominiums	0	4
Kilohana Waena	31	0
Liloa Village	65	0
Mākena Condos	0	436
Māhaka Mākena Residences	13	0
Maui Beach Place	0	3
Maui Lū Timeshare	0	388
MF-21 Subdivision	5	0
Nani Loa Condos	0	64
Nāupaka Courtyard	0	78
One Palaua Bay PD 8	15	0
Papa'anui Mākena Place	7	0
Paradise Ridge Estates	0	32
Sunset Estates	25	0
Wailea Baccharat (Renalissance)	0	193
Wailea MF-10	10	36
Wailea MF-11 Lots	12	0
Wailea MF-19 Lots	9	0
Wailea SF-11 Lots	16	0
Wailea SF-8	60	0
Wailea Villas (MF-4) (Papali)	25	0
Waiakea Village Apartments	0	18
Sub-Total	1,205	2,550
Planned/Designated		
Hale Pama Condos	0	6
ʻIwa ʻIke Mākena Lots	4	0
Kaiwahine Lots	47	0
Kalani Mākena Condos	0	4
Kaʻonoʻulu Condos	0	166
Ke Kani Kai Mākena Lots	2	0
Kenolio Makai Lots	18	0
Kiheti Kaiwahine Res. A&B	600	0
Mākena Lots	669	0
Ohukai Village	768	160
One Wailea Dev.	20	0
Sub-Total	2,128	336

**Attachment
Cumulative and Secondary Impacts**

Projects	Unit Types			Time Share and Hotel
	Single Family	Multi-Family	Completed	
Hoʻolei Wailea MF-9	0	120	0	0
Honu Ala Hele	62	0	0	0
Kai Mākeni	0	112	0	0
Kamali'i Alayna Estates	92	0	0	0
Kiheti Kauhale	23	0	0	0
Kilohana Hema	20	0	0	0
Kilohana Mauka	73	0	0	0
Landy Apartments	0	18	0	0
Meana Estates	90	0	0	0
Wailea Beach Villas	0	105	0	0
Sub-Total	360	355	0	0
Planned/Committed				
Alahele Homes	48	0	0	0
Bluffs at Wailea	12	0	0	0
Chambers Apartments	0	18	0	0
Cove Beach Villas	0	32	0	0
Garcia Mākena Residences	10	0	0	0
Grand Wailea Resort Expansion	0	0	0	310
Hale Mahaolu Ehiku	0	114	0	0
Hoʻonani Homes	28	0	0	0

7.2 CUMULATIVE AND SECONDARY IMPACTS

Cumulative and secondary impacts are impacts that may result from other reasonably foreseeable actions within the area, regardless of who initiates the action. Table 7 lists recently completed and proposed South Maui development projects, as compiled by the County of Maui Department of Planning, Long Range Planning Division. As defined by the Long Range Planning Division, projects are divided among the following categories:

- **Recently Completed Projects** include those where the subdivision process is complete, total build-out of the project has been reached or nearly reached, and real property is being actively marketed;
- **Planned/Committed Projects** have the appropriate conforming Community Plan and zoning entitlements, are approved agricultural subdivisions, are approved 201G/H, I-RS projects (i.e. affordable housing projects which may be granted certain exemptions from State and County land use regulations), or are Department of Hawaiian Home Lands (DHHL) projects (which are exempt from State and County land use regulations);
- **Planned/Designated Projects** have urban or rural Community Plan designations but not the conforming zoning entitlements to proceed; and
- **Proposed Projects** are currently lacking urban or rural Community Plan designations.

**Attachment
Cumulative and Secondary Impacts**

review and approval of State and County decision-making bodies, which will need to weigh the merits of each project at the time the approvals are requested. Therefore, proposed projects in the State Agricultural or Conservation Districts, without the appropriate community plan designation, and without property zoning, are much more speculative than projects with the appropriate underlying entitlements.

Furthermore, a multi-stage land use approval and permitting process exists in Hawai'i, such that there are many approvals of a project at various levels of government and at different points in time. At each step, decision-makers involved in the process evaluate a project in the context of the existing regional conditions, including infrastructure capacity and other factors. Because it is not possible to know which proposed projects may proceed, at what time, and in what form, it is appropriate to evaluate the impact of an individual project at each step in the decision-making process in context with all of other projects that have preceded it. This comprises the existing cumulative conditions at the time. This is a rational, logical approach that allows each project to be evaluated in sequence with others that have preceded it (i.e. in context of the existing cumulative conditions at the time). Because of the multi-stage land use approval process, along with additional environmental permit regulations, there are sufficient safeguards in place to address and mitigate for cumulative impacts when proposed projects apply for approvals.

Finally, the capacity of infrastructure systems (such as roadways and wastewater treatment facilities) are constraints to unlimited development, and large-scale projects increasingly are required to provide regional solutions to add capacity proportionate with their impacts or to build private systems (as Honua'ula will) that do not or do burden State and County facilities. The availability of water is also a critical factor in determining whether a project can proceed and may be a limiting factor with respect to a specific project moving forward, especially in the Kihei region with its restricted water resources. Thus, for all of the foregoing reasons, an overly broad approach of simply adding up the total units of all proposed projects and then concluding that the total amount of proposed development will have significant cumulative impacts, is too simplistic, unrealistic, and unreasonably alarmist.

Honua'ula will be part of the overall change and growth of the region. Cumulative and secondary impacts resulting from proposed projects are likely to include increased population and greater demands on public infrastructure systems and services. However, the population of the Kihei-Makena region is projected to grow and the needs of a growing population relating to traffic, infrastructure, public services, and other issues will need to be addressed regardless if some or all of these projects are built. The challenge is to manage growth in a predictable and acceptable manner.

In the case of Honua'ula, the "Project District 9" designation of Property on the *Kihei-Makena Community Plan* has been in place since 1992. In the mid-1990s the *Kihei-Makena Community Plan* was subject to an extensive community-based revision and update. The County Council and the Mayor adopted the plan (Ordinance No. 2641), which became effective on March 6, 1998. The updated *Kihei-Makena Community Plan*

**Attachment
Cumulative and Secondary Impacts**

Proposed			
Ka'omo'ulu Village	1,522	895	0
Kama'ole Heights	0	98	24
Kama'ole Mauka Village	364	0	0
Kama'ole Village	1,216	400	0
Kulanihokoi Residences	0	231	0
Maui Palisades	300	0	0
Ohukai Village	70	56	0
Waiala'oa Homes A&B	1,700	0	0
Waiohuli Village	616	512	0
Sub-Total	5,788	2,192	24
Total	9,121	5,078	927

Source: County of Maui Department of Planning, Long Range Planning Division (2009)
([http://co.maui.hi.us/documents/Planning/Long%20Range%20Division/GIS%20Maps/D](http://co.maui.hi.us/documents/Planning/Long%20Range%20Division/GIS%20Maps/D%20Proj200907_SouthMaui_WM.PDF)

In addition, to proceed projects listed as Planned/Committed Projects, Planned/Designated Projects, or Proposed Projects may also need: 1) a State Land Use District Boundary Amendment, to designate the property to the appropriate State Land Use District (for example a property could have the necessary County Community Plan and/or zoning designation, but still be in the State Agricultural District, and thus require a reclassification to the State Urban District); 2) compliance with Chapter 343, HRS regarding preparing an EA or EIS; and 3) one or more County approvals, such as a SMA Use Permit, Project District Phase 1, 2 or 3 approval, subdivision approval or other approval.

In considering cumulative impacts, the above designations are important distinctions regarding when and if a proposed project may proceed. It is unknown whether all proposed projects will proceed or be built as currently proposed, as desired product types change over time and project developers are constantly assessing project feasibility. For several of the listed projects there has been no movement toward development, in some cases for many years. The feasibility of a project proceeding is based on many factors, including the State Land Use District classification, the Community Plan and zoning designations, other necessary approvals, overall economic conditions, the demand for the proposed product, and the willingness of a landowner or developer to risk the capital required for development.

In addition to the category distinctions utilized for the list of projects above, however, there are other important considerations that must also be taken into account when evaluating cumulative impacts. Some listed projects may be proceeding only with their preliminary or first phases or only have some of their required approvals. Other listed projects are currently within the State Agricultural or Conservation districts, do not have the appropriate community plan designation, or proper zoning, and thus to proceed may require: 1) a State Land Use District Boundary Amendment at the State level; 2) a community plan amendment at the County level; and/or 3) a change in zoning approval at the County level. These approvals could take many years to obtain and are subject to

Attachment
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maintained the Project District 9 designation for the Property. It also reaffirmed the vision—through a community-based process—that Project District 9 should be a residential community complemented with commercial uses and integrated with golf courses and other recreational amenities. Thus, the primary uses envisioned for Honua'ula have been well thought out, considered, and anticipated for nearly 20 years.

In addition, during the County Council hearings for the Honua'ula Change in Zoning and Project District Phase I approval in 2008, the County Council heard extensive testimony from both the public and experts in various fields of study. In response to concerns raised at the hearings, the Council included comprehensive conditions as part of the Change in Zoning Ordinance (County of Maui Ordinance No. 3554) approval. These conditions reflect a range of concerns and ensure that any impacts of Honua'ula are mitigated and addressed in context with regional impacts and demands, including impacts related to traffic and demands related to infrastructure systems such as water and wastewater. Prior to the County Council hearings in 2008, the Council's Land Use Committee had held extensive public meetings over the course of 2006 and 2007 to consider Honua'ula, including an estimated ten public hearings where public testimony was heard. These meetings/hearings provided significant opportunity for the consideration of public questions and concerns prior to the Council's consideration and approval of the Project District Phase I application.

One of the conditions imposed by the Council as part of Honua'ula's Change in Zoning Ordinance (County of Maui Ordinance No. 3554, Condition 5) requires Honua'ula Partners, LLC to provide workforce affordable homes in compliance with Chapter 2.96, MCC, with 250 of these required workforce affordable homes to be provided off-site at the Ka'ono'ulu Light Industrial Subdivision (TMK (2) 3-9-01: 16). The Ka'ono'ulu Light Industrial Subdivision is within the State Urban District and is within the County of Maui Light Industrial zoning district. Multifamily homes are a permitted use within the State Urban District and County Light Industrial zone.

Providing workforce affordable homes at the Ka'ono'ulu Light Industrial Subdivision does not trigger the need for an environmental assessment or environmental impact statement under Chapter 343, HRS. However, impacts related to the use of the property for urban uses and uses permitted under the property's Light Industrial zoning have previously been examined as part of the property's State Land Use District Boundary Amendment, County Change in Zoning, and County Subdivision approvals. No rare, threatened, or endangered plant species are expected to be impacted, as none were found during a botanical inventory survey of the property. An archaeological inventory survey and a related preservation plan have been prepared to address impacts to archaeological resources and, based on their approval of these documents, the State Historic Preservation Division has determined that no historic properties will be affected. As part of the subdivision process for the Ka'ono'ulu Light Industrial Subdivision, the County of Maui Department of Public Works reviewed and approved improvements necessary for the subdivision, including provisions for water, sewage disposal, electrical and communications lines, drainage and flood control, and connection with Pi'ilani Highway, including widening and traffic signal

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improvements. The State DOT has also reviewed and approved the connection with Pi'ilani Highway, including widening and traffic signal improvements. Further, the construction of the improvements required for the subdivision has been guaranteed with a bond of over \$22 million.

Regional traffic growth, including from the Ka'ono'ulu Light Industrial Subdivision, is being taken into account as part of DOT's Long Range Land Transportation Plan (LRLTP), which is currently being updated in consideration of known proposed developments in the region and will serve as a guide for the development of major surface transportation facilities and programs to be implemented in the future.

Because Chapter 2.96, MCC, requires the workforce affordable homes to be offered to Maui residents, the affordable homes will result in a redistribution of the existing Maui population as opposed to an incremental increase. As a result, there will be no impacts related to increased population, such as an overall increase in the need for State and County services. In addition to the workforce affordable homes, Honua'ula Partners, LLC will also provide a minimum two-acre park within Ka'ono'ulu Light Industrial Subdivision to meet the recreational needs of the workforce affordable home residents.

Impacts to schools will be addressed by Honua'ula Partners, LLC's compliance with County of Maui Ordinance No. 3554, Condition 22, which requires Honua'ula Partners, LLC to pay DOE at least \$3,000 per dwelling unit upon issuance of each building permit to be used, to the extent possible, for schools serving the Kihei-Makena Community Plan area; provided that, should the State pass legislation imposing school impact fees that apply to Kihei-Makena Project District 9, Honua'ula Partners, LLC will from that point forward comply with the State requirements, or contribute \$3,000 per dwelling unit, whichever is greater.

Of all the projects currently proposed within South Maui, Honua'ula stands out as contributing its fair share and more to address cumulative and secondary impacts. For example, Honua'ula will address the regional need for:

- **Traffic Improvements, by:**
 - Upgrading Pi'ilani Highway to four lanes from Kiloohana Drive to Wailea Ike Drive;
 - Modifying the Wailea Alanui/Wailea Ike Drive intersection to add a signalized double right-turn movement from northbound to eastbound turning traffic and provide two left-turn lanes for southbound traffic from Wailea Ike Drive;
 - Signalizing the Pi'ilani Highway/Okolani Drive/Mikioi Place intersection and providing an exclusive left-turn lane on Okolani Drive;
 - Modifying the Pi'ilani Highway/Kiloohana Drive/Mapu Place intersection to provide an exclusive left-turn lane, and the southbound Pi'ilani Highway approach to provide an exclusive right-turn lane into Mapu Place; and

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- o Providing a contribution of \$5,000 per unit (totaling \$5.75 million) to the County for traffic improvements.
- **Workforce Housing**, by providing a significant amount of workforce housing in accordance with Chapter 2.96, MCC (the "Residential Workforce Housing Policy");
- **Parks**, by providing a contribution of \$5 million to the County for the development of the South Maui Community Park and an in-lieu cash contribution to satisfy the park assessment requirements under Section 18.16.320, MCC (currently set at \$17,240 per residential unit) in addition to providing parks within Honua'ula that are open to the public but privately maintained;
- **Schools**, by paying at least \$3,000 per dwelling unit (totaling over \$3.45 million) to DOE for schools serving the Kīhei-Mākena Community Plan area;
- **A Fire Station**, by providing two acres of land to the County of Maui for the development of a fire station; and
- **A Police Station**, by providing a contribution of \$550,000 to the County for the development of a police station in South Maui.

In addition, Honua'ula will not rely upon or burden any public infrastructure facilities and will instead develop, maintain, and operate its own private water and wastewater systems (or partner with other private providers, in the case of wastewater treatment facilities). All infrastructure will be constructed concurrently with development and will be completed before the issuance of any certificate of occupancy, thus ensuring that necessary facilities and services are in place before residents move in.

Further, the substantial tax revenues from Honua'ula are expected to be well in excess of the costs incurred by the State and County, thereby contributing to the overall State and County tax base (see Section 4.9.5, Economy) and, in turn, the provision of public infrastructure and facilities concurrent with growth.

Regarding cumulative impacts of traffic, the TIAR prepared for Honua'ula (see Section 4.4 and Appendix L) accounted for increased traffic due to additional projects in the Wailea and Mākena region. Traffic on Pī'ilani Highway and other roads is expected to increase even if Honua'ula is not built. As stated above Honua'ula will be part of the regional traffic solution by: 1) upgrading Pī'ilani Highway to four lanes from Kilohana Drive to Wailea Ike Drive; 2) modifying the Wailea Alanui/Wailea Ike Drive intersection to add a signalized double right-turn movement from northbound to eastbound turning traffic and provide two left-turn lanes for southbound traffic from Wailea Ike Drive; 3) signalizing the Pī'ilani Highway/Okolani Drive/Mikioi Place intersection and providing an exclusive left-turn lane on Okolani Drive; 4) modifying the Pī'ilani Highway/Kilohana Drive/Mapu Place intersection to provide an exclusive left-turn lane, and the southbound Pī'ilani Highway approach to provide an exclusive right-turn lane into Mapu Place; and 5) providing a contribution of \$5,000 per unit (totaling \$575 million) to the County for traffic improvements.

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Honua'ula is also part of the new "smart growth" planning paradigm that provides an alternative to conventional suburban sprawl, with stores and services as an integral part of the community. This design will help to minimize car trips onto Pī'ilani Highway, since many establishments providing for residents' day-to-day needs will be within walking and biking distance. Therefore, unlike in a conventional subdivision, Honua'ula is designed to be a community with services and facilities to enable residents to meet many of their daily needs without using their cars; thus minimizing trips to outside areas and reducing congestion.

In mitigating cumulative impacts to human and environmental health, Honua'ula is committed to limiting energy consumption and reducing solid waste. Honua'ula Partners, LLC will design and construct energy systems for all residential units to meet all applicable ENERGY STAR requirements established by the EPA in effect at the time of construction. All homes (single-family and multifamily) will be equipped with a primary hot water system at least as energy efficient as a conventional solar panel hot water system and other energy-saving concepts and devices will be encouraged in the design of Honua'ula. Design standards will specify low-impact lighting and encourage energy-efficient building design and site development practices. Honua'ula will also implement strategies from the County of Maui Integrated Solid Waste Management Plan (2009) for diverting solid waste from landfills by providing options for recycling, such as collection systems and bin spaces and promoting sound recycling practices among residents, guests, and construction and maintenance personnel. Green waste, particularly from the golf course, may be processed on-site and reused.

Honua'ula will make an important and valuable contribution to the long-term viability, preservation, and conservation of native plants in southeastern Maui. Honua'ula's on-site Native Plant Preservation Area, combined with other on-site Native Plant Conservation Areas within Honua'ula (see Figure 12 and Section 3.6 (Botanical Resources)), will provide a total of approximately 443 76 acres for the protection, enhancement, and propagation of native plants of the mixed *kiawe-wilivilii* shrubland associations in southeastern Maui. These areas will: 1) provide protection for native plants; 2) ensure the long-term genetic viability and survival of the native dry shrubland species; and 3) enhance long-term native plant population growth. In addition, Honua'ula Partners, LLC will implement significant off-site measures to protect native plants and Blackburn's sphinx moth habitat and provide a net conservation benefit. Combined, Honua'ula's on-site 40-acre Native Plant Preservation Area and off-site mitigation measures discussed in Section 3.6 (Botanical Resources) provide 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants.

Existing scientific research suggests even small restoration efforts consisting of a few hectares can help provide habitat for native species and can subsequently serve as urgently-needed sources of propagules (Cabin et al. 2000b, Cabin, et al. 2002a). This is reinforced by numerous sources of information on successful propagation of native plants specifically for landscaping (e.g., TNC 1997, Tamimi 1999, Friday 2000, Wong 2003, Bornhorst and Rauch 2003, Lilleeng-Rosenberger and Chapin 2005, CTAHR 2006). The

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system (i.e., it will not be connected to any other public or private system, there will be no impact to present or future irrigation well owners in the Wailea/South Maui area related to transmission and storage of Honua'ula's water.

Honua'ula, the widened Pi'ilani Highway, the Wailea Ike Drive/Wailea Alanui Drive intersection improvements, and the off-site water and wastewater infrastructure ~~is~~ are not expected to cause secondary impacts to marine water resources. As discussed in Section 3.5.2 (Nearshore Marine Environment), the results of the nearshore water quality assessment and further evaluation of the potential changes to groundwater composition indicate that there is little or no potential for alteration of the marine environment or negative impacts to marine waters due to Honua'ula. The assessment concludes that: "the estimates of changes to groundwater and surface water would result in a decrease in nutrient and sediment loading to the ocean relative to the existing condition. With such a scenario, it is evident that there would be no expected impacts to the nearshore marine ecosystem owing to development of Honua'ula."

In addition, as discussed in Section 4.5 (Noise) and Section 4.6 (Air Quality), Honua'ula, the widened Pi'ilani Highway, the Wailea Ike Drive/Wailea Alanui Drive intersection/improvements, and the off-site water and wastewater infrastructure ~~is~~ are not anticipated to significantly impact the acoustical environment or air quality and thus will not significantly contribute to cumulative and secondary impacts associated with these issues. Finally, adherence with Chapter 20.35, MCC regarding outdoor lighting ensures cumulative and secondary impacts related to light pollution will not impact sensitive surrounding land uses.

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research shows that even small preserves consisting of individual trees are being deemed as appropriate and feasible by USFWS and DLNR when managed in combination with regional preserve areas, such as at La'opua on Hawai'i Island (Leonard Bisel Associates, LLC and Geometrician Associates 2008). Protected and managed natural areas in south Maui in proximity to Honua'ula include the 'Auwahi I restoration area (10 acres) and Pu'u o Kali (236 acres) Forest Reserves and the Kanaloa (876 acres) and 'Ahihi-Kina'u (1,238 acres) Natural Area Reserves – ~~substantial~~ substantial habitats that are ~~more than~~ host higher diversity of known native plants for the Blackburn's sphinx moth than those found in Honua'ula, and contain a greater diversity of native plant species than Honua'ula.

Honua'ula will make lasting contributions to preserving the archaeological and cultural resources of the region by preserving archaeological sites *in situ* and through the preparation and implementation of the CRPP (see Section 4.1 (Archaeological and Historic Resources) and Section 4.1 (Cultural Resources)). The CRPP sets forth selection criteria for archaeological sites to be preserved and short- and long-term preservation measures, including buffer zones and interpretative signs, as appropriate for each site and types of native flora to be used for landscaping for buffer zones. The CRPP: 1) was prepared in consultation with interested and concerned parties, cultural advisors, Na Kūpuna O Maui, the Maui County Cultural Resources Commission, the Maui/Lāna'i Island Burial Council, the DLNR, Na Ala Hele, SHPD, OHA, and various knowledgeable individuals; 2) ~~will be~~ has been submitted to SHPD and OHA for review and recommendations; and 3) will be provided Maui County Cultural Resources Commission for review and adoption after receipt of comments and recommendations from SHPD and OHA. Through this collaborative process the CRPP will be refined to provide additional information including: 1) the nature of access to religious, ceremonial, and confirmed burial sites; 2) determination of appropriate traditional protocols and practices; and 3) establishment of educational and community stewardship programs.

An assessment of the potential impacts on groundwater resources of Honua'ula concludes that the creation of Honua'ula will not impair Wailea Resort's golf course irrigation wells, with the possible exception of a salinity increase in Wailea Resort's Well 2, which is directly downgradient of Honua'ula's on-site wells. Decreased pumping of Honua'ula's on-site wells would alleviate this potential impact. With respect to Honua'ula's off-site wells, an estimated six active downgradient irrigation wells may be impacted by a potential increase in salinity due to reduced flowrate, which current calculations indicate may be on the order of five percent. It is not known if the increase in salinity would materially impair the utility of the wells; however if the utility of the wells is materially impaired, additional wells (pumping the same combined amount of water) in the area north of Maui Meadows would distribute the draft over a greater area and would alleviate the impact downgradient. Honua'ula Partners, LLC commits to providing these additional wells if the utility of active downgradient wells is materially impaired. All existing on- and off-site wells are fully permitted by the State CWRM. All new wells will be developed in compliance with all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. In addition, since the Honua'ula water system will be a private, closed

**Attachment
Drainage System**

4.8.3 Drainage System

Honua'ula

Honua'ula is on the lower southwestern slope of Haleakala. Site elevations range from 320 feet to 710 feet with slopes of generally three to 17 percent. The Property and areas immediately mauka are undeveloped. The Wailea Resort, including three golf courses, is located makai of Honua'ula.

Currently, surface runoff mauka of the Property sheet flows over the Property or through natural drainage paths toward the ocean. The Property is generally semi-arid, with rainfall averaging about 15 inches per year. Drainage characteristics impacting the site are typical of the western slope of Haleakala.

There are approximately 15 natural drainageways in which runoff flows through the Property. Considering the relatively low rainfall at the Property, these drainage ways are generally dry throughout the year. There are no existing drainage improvements mauka of the Property. The entire property is designated on the FIRM as Zone C X, which is outside of the 500-year flood plain in an area of minimal flooding (Figure 1). The Department of the Army, United States Corps of Engineers has determined that the Property does not contain any navigable waters or other waters of the United States; therefore a Department of Army (DA) permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404) is not required for any proposed or future work.

Based on County drainage standards, existing (pre-development) flow (based on a 100 year 24 hour storm) from the Property is calculated to be 2,195 cubic feet per second (cfs).

Off-Property Areas

There are nine existing culvert crossings spanning the Pi'iani Highway widening area from Kilohana Drive to Wailea Ike Drive. The highway drainage system consists of concrete swales, curb/gutter, catch basins/grated drain inlets and drain pipes at along the highway. These systems drain to the existing culverts and then to the adjoining gulches. No retention systems currently exist within the highway right-of-way. Mauka offsite flows are currently intercepted by a concrete drainage ditch located along the eastern boundary of the highway and are then conveyed to the existing culverts. Existing flows within highway widening area were calculated to be approximately 65.2 cfs based on a 25-year, one-hour storm recurrence interval in accordance with DOT Design Criteria for Highway Drainage (2006).

Stormwater from the Wailea Alanui/Wailea Ike Drive intersection is collected and disposed of by the existing roadway drainage system. Runoff from the north portion of the intersection flows northward toward an existing catch basin about 300 feet away. Runoff from the south portion of the intersection flows southward to a catch basin about 400 feet

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Drainage System**

away. Existing flows from the north portion of the intersection were calculated to be approximately 1.2 cfs. Existing flows from the south portion of the intersection were calculated to be approximately 1.3 cfs. The calculations are based on a 50-year, one-hour storm recurrence interval in accordance with the County of Maui's "Rules for the Design of Storm Drainage Facilities."

The currently there are no drainage improvements in the areas of the areas of: 1) Honua'ula's off-site wells, waterline, and storage tank; and 2) the wastewater transmission line alignment for possible connection to the Mākena Resort WWRF.

POTENTIAL IMPACTS AND MITIGATION MEASURES

Honua'ula

Drainage from Honua'ula is not expected to have a significant adverse effect on groundwater, downstream properties, or marine waters. In accordance with the County of Maui's "Rules for the Design of Storm Drainage Facilities," all drainage improvements will be designed so that there will be no increase in the peak rate of stormwater runoff leaving the Property compared to existing conditions. The post-development runoff from the Property is estimated to be 3,114 cfs, an increase of 919 cfs over calculated existing conditions (pre-development). The discussion below sets forth the means by which Honua'ula will address this additional runoff in compliance with County of Maui requirements.

Runoff will be collected and managed through a drainage system. Roadways, homes, buildings, and other facilities within Honua'ula will increase impervious areas within the Property thereby increasing surface runoff flow rates and volumes. However, approximately half of the Property will be open space, including the Native Plant Preservation Area, other Native Plant Conservation Areas, natural gulches, open space buffers along Pī'ilani Highway and the border of Maui Meadows, and the golf course. The extensive open space and the golf course are expected to assist drainage control as open space areas will provide pervious areas for percolation of runoff and golf course greens, fairways, and plants will either absorb runoff or slow drainage flows. Of the 18 inches of average annual rainfall received on the Property, it is assumed that one-third of the rainfall percolates to groundwater and the remaining two-thirds evaporates to the atmosphere or becomes runoff.

To manage drainage within the Property, the drainage system will include detention basins, drainage pipes, open channels, and roadway culverts. This system will be designed to not only manage flood control but also to reduce pollution associated with stormwater. Runoff will be stored in 26-27 detention basins located on the Property in low lying areas within the golf course, or along the makai Property boundary. Each of the detention basins will have a drainage outlet consisting, in part, of a vertical perforated pipe within a gravel mound which will act as a filter. In addition to reducing the peak runoff rate by detention storage, this configuration will also capture floatables and suspended solids in the basin

**Attachment
Drainage System**

and allow for settling of fine particles and pollutants, thus reducing sediments and pollutants in the water released from the detention basins. All detention basins will be designed with the proper volume to allow adequate draw-down time for water quality treatment. In addition, the detention basins will be maintained so that the capacity is not impaired. As design progresses a maintenance program will be developed. In general, the detention basins will contain markers so that the depth of silt at the bottom can be measured. When the silt reaches a certain level, the silt will be removed and properly disposed of. With the use of detention basins, the peak rate of runoff leaving the Property will not increase over current conditions and seepage of water into the ground from the detention basins will actually increase the amount of percolation to groundwater. Residential areas will be graded so that runoff flows to drain inlet structures. From the drains, the flow will be piped through a series of drain lines in the roadways to the detention basins. The majority of the drain lines will be 18-inch diameter and the remaining will be 24-inch diameter.

To supplement the detention system Low Impact Development (LID) techniques will be incorporated into the design of Honua'ula where appropriate. LID comprises a set of approaches and practices designed to reduce runoff of water and pollutants from the site at which they are generated. By means of infiltration, evapotranspiration, and rainwater reuse, LID techniques manage water and water pollutants at the source thereby reducing stormwater flows to detention basins. A goal of LID is to maintain or closely replicate predevelopment hydrology of the site with an understanding that rainwater is not merely a waste product to be disposed of, but a resource to be reused.

With LID techniques small-scale practices are employed to control stormwater runoff on-site. The practices are designed to work in concert with other stormwater best management practices such as detention basins. While LID techniques span a wide range of design considerations, infiltration and filtration are two primary practices. Infiltration practices are engineered structures or landscape features designed to capture and infiltrate runoff. Infiltration can both reduce the volume of water discharged from the site and contribute to groundwater recharge. Examples of infiltration practices include: 1) infiltration basins and trenches which are shallow depressions designed to infiltrate stormwater through permeable soils; 2) rain gardens and other vegetated treatment systems that provide a planted depression to collect rainwater (usually from a single home) and allow absorption on-site; and 3) disconnected down spouts, which are roof gutter downspouts that are not connected to the sewer system to allow roof water to drain to lawns and gardens (or rainwater storage barrels) and permit plants and soils filter pollutants.

Similar to infiltration practices, filtration practices treat runoff by filtering it through media designed to capture pollutants (such as sand or vegetation). Like infiltration, filtration can both reduce the volume of water discharged from the site and contribute to groundwater recharge, but filtration practices have the added advantage of providing increased pollutant removal. Examples of filtration practices include: 1) bioswales, which are landscaped drainage courses with gently sloped sides filled with vegetation, compost

and/or rocks designed to slow down water flows and trap pollutants and silt; 2) vegetated swales which are smaller, broad, shallow, channels with dense vegetation covering the side slopes and bottom to trap pollutants, promote infiltration, and reduce flow velocity; and 3) vegetated filter strips, which are bands of vegetation intended to treat sheet flow from adjacent impervious areas (such as parking lots) by slowing runoff velocities, filtering out sediment and other pollutants, and providing some infiltration into underlying soils.

LID practices can also effectively treat and manage non-point source pollution from drainage by filtering "first flush" runoff volumes. Non-point source pollution typically results from rainwater washing across impermeable surfaces such as roadways, parking lots, and sidewalks and with it picking up pollutants such as oil, detergents, pesticides, fertilizer, and pet wastes. Most surface pollutants are collected during the first one-half inch, or "first flush" of a storm event. LID practices can filter these pollutants before they reach detention basins. Traditional conveyance systems, such as drains and catch basins in parking lots and roadways can also be designed to capture this first flush with installed filtering materials.

Strategically integrated LID practices applied throughout the Property—from individual building sites to larger areas such as parking lots and roadways—can lessen stormwater flows to detention basins and increase the length of time for flows to travel to detention basins. The increased time allows for greater opportunities for groundwater recharge, filtration, and evapotranspiration. LID practices can result in enhanced environmental performance, while at the same time reducing costs compared to traditional stormwater management approaches.

As an application of LID, ~~Natural~~ natural open drainage channels will be provided throughout the site to divert runoff toward the detention basins. Open channels also will be provided at the upper limits of the Property to direct mauka off-site runoff entering the Property to natural drainage ways on-site. These channels will remain natural and unlined with concrete. Roadway culverts will be provided throughout the Property to divert runoff under major streets and prevent flooding. In addition, bioswales, landscape elements designed to remove silt, ~~may~~ will be ~~an option~~ provided along roadways where appropriate.

Section 3.5.1 (Groundwater) contains discussion on potential impacts due to percolation of stormwater and irrigation water to groundwater. In general, reductions in nitrogen and phosphorus loading are expected, which would result in positive impacts regarding groundwater flowing to the ocean and ocean water quality. Section 3.5.2 (Nearshore Marine Environment) contains discussion on potential impacts to ocean water quality. The nearshore water quality assessment (MRC 2010; Appendix D) concludes that: "the estimates of changes to groundwater and surface water would result in a decrease in nutrient and sediment loading to the ocean relative to the existing conditions. With such a scenario, it is evident that there would be no expected impacts to the nearshore marine ecosystem owing to development of Honua'ula."

All drainage systems and detention basins will be designed in accordance with the "Rules for the Design of Storm Drainage Facilities in the County of Maui." In addition any detention basin with vertical dimensions that exceed its horizontal dimensions will also be in compliance with all provisions of HAR Title 11, Chapter 11-23 (Underground Injection Control). In compliance with County of Maui Ordinance No. 3554 (Condition 6), the Preliminary Engineering Report (Appendix P) includes a Drainage Master Plan and Phasing Plan of improvements.

Off-Property Areas

The widening of Pihlani Highway from Kilohana Drive to Wailea Ike Drive will increase impervious surfaces by approximately 5.8 acres. The post-development runoff from the highway widening area is estimated to be 76.8 cfs, an increase of 11.6 cfs over calculated existing conditions (pre-development). The additional runoff will be retained in accordance with DOT Design Criteria for Highway Drainage (2006) and DOT Storm Water Permanent Best Management Practices Manual (2007) so that there is no increase in the peak rate of stormwater runoff compared to existing conditions.

Drainage system improvements will include grated drain inlets, catch basins, manholes, underground drainlines, surface retention basins and subsurface retention systems, extension of existing culverts, and construction of new inlet and outlet structures. The increased runoff will be retained via the retention systems. Coordination with the Army Corp of Engineers, Department of Health and Department of Land and Natural Resources will be undertaken during the planning and design of the highway widening to address applicable permitting requirements for culvert modification work. In addition to reducing peak flow rates, the proposed stormwater system will reduce the discharge of pollutants to the maximum extent practicable in accordance with the DOT Storm Water Permanent Best Management Practices Manual (2007).

A National Pollutant Discharge Elimination System (NPDES) permit for discharge of stormwater associated with construction activities will be obtained and the requirements of the approved NPDES permit and Best Management Practices (BMPs) plan will be adhered to during construction. At a minimum silt fences, diversion berms, gravel egress, truck wash down areas and dust screens will be included in the BMP plan.

The post-development runoff from the Wailea Alanui/Wailea Ike Drive intersection improvements is estimated to be 1.0 cfs for the north portion of the intersection and 1.6 cfs from the south portion, an increase over calculated existing conditions (pre-development) of 0.1 cfs for the north portion and 0.3 cfs for the south portion. These increases are nominal and the existing drainage system has the capacity to accommodate this additional runoff. Existing drainage patterns will not be altered and the intersection improvements will have no adverse drainage impacts on the existing drainage facilities or downstream properties.

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Drainage System**

No significant changes to current drainage patterns are expected in the areas of: 1) Honua'ula's off-site wells, waterline, and storage tank; and 2) the wastewater transmission line alignment for possible connection to the Makena Resort WWRF. Figure 2 shows location of this water and wastewater infrastructure.

The waterline alignment provides for an underground waterline within in an unpaved easement approximately 12,000 linear feet in length and 30 feet in width. The wastewater alignment provides for underground wastewater transmission and R-1 return lines within an unpaved easement approximately 6,400 linear feet in length and 30 feet in width. The 30-foot easement widths allow for access and maintenance parallel to the underground lines. Because the waterline and wastewater and R-1 return lines will be underground and the easements will not be paved, significant changes to current drainage patterns are not expected.

ATTACHMENT ELECTRICAL SYSTEM

4.8.6 Electrical System

The Kīhei-Mākena region is serviced by a 69 kV (kilovolt) power line that runs from the 'Ulupalakua Ranch, mauka of Honua'ula, to the MECO substation (Wailea Substation) located on a separate parcel (TMK 212-1-08: 043) near the western boundary of the makai portion of the Property. The Wailea Substation is currently being fed by transmission lines from the Maalaea Power Plant, northwest of the Property and from Kealahou Switchyard, mauka of the Property. The substation converts the 69 kV power to 12.47 kV for distribution to the Wailea area. The converted 12.47 kV lines run within a 12-foot wide easement along the makai boundary of the Property. The Wailea Substation is nearly filled to capacity.

MECO supports net energy metering as a way to encourage the use of eligible renewable energy electricity generators by residential and commercial customers. Net energy metering allows a MECO customer to: 1) offset all or part of the electricity they would normally receive from MECO with energy produced by the customer's renewable generation system (e.g. solar photovoltaic system); and 2) export any excess electricity they produce to the MECO grid for use by MECO in meeting electrical demand elsewhere.

MECO customers that own or lease an eligible renewable energy generator may enter into an agreement with MECO to connect their generator to the utility grid, allowing it to feed surplus electricity into the grid. Net energy metering means that any kilowatt-hours the customer's renewable energy generator feeds into the grid will be subtracted from the kilowatt-hours of electricity the customer obtains from MECO to determine the net amount of kilowatt-hours. The customer is then billed only on the net kilowatt-hours.

By Public Utility Commission (PUC) order, net energy metering is available to MECO customers on a first come, first served basis until the sum of the total energy received from the renewable energy generators equals four percent of MECO's current system peak demand. This cap is in place because when MECO customers participate in net energy metering, they receive credit at the retail rate for self-produced electricity. The retail electric rate that MECO charges includes not only recovery of the cost of producing electricity, but also the cost for: 1) facilities (e.g., lines, substations, etc.) to deliver power to MECO customers; 2) maintaining and operating facilities; and 3) administrative and other operating costs, such as billing. Those MECO customers who produce their own electricity on-site only incur the cost of generating the electricity, not additional delivery and other costs. By receiving credit at the full retail rate, in essence, the MECO customer who net meters is receiving a subsidy from all other customers. By providing a cap, the subsidy can be kept to a reasonable level and still help to support small to medium renewable energy producers.

POTENTIAL IMPACTS AND MITIGATION MEASURES

When fully built-out, the peak forecasted electrical demand for Honua'ula is estimated to be 9,467.11,103.3 kilowatts (kW) per month. This peak forecasted electrical demand

represents "conventional" demand without consideration of solar water heating, renewable energy systems, or other measures to reduce the energy consumption. Honua'ula Partners, LLC's electrical engineer calculated this demand in consultation with MECO based on empirical values derived from records of past electrical consumption of other similar facilities. The total forecasted demand includes estimated electrical loads for: 1) single- and multi-family homes; 2) neighborhood commercial uses; 3) golf course facilities including the clubhouse and maintenance facility; and 4) infrastructure facilities, including well pumps, the reverse osmosis facility, the wastewater reclamation facility, and streetlights.

Honua'ula Partners, LLC's electrical engineer has been in communication with MECO to ensure service is provided. Based on the forecasted Honua'ula electrical demand and use, MECO anticipates additional transformer units or new substation development may be necessary. The current plans for the Property include an area for the expansion of the existing substation (Figure 1).

MECO is aware that Honua'ula Partners, LLC will provide area for the expansion of the existing substation but at this time cannot confirm that the expansion area is needed without more detailed information, including projections for electrical demand for other proposed projects in the region. MECO has stated that they continuously attempt to plan for additional substation sites to meet the electrical demand of the community. Honua'ula Partners, LLC's electrical engineer will continue to coordinate with MECO regarding the need for expanding the substation and Honua'ula Partners, LLC will continue to include an area for the expansion of the existing substation on Honua'ula plans.

It has not yet been determined whether expansion of the existing substation will be necessary. Honua'ula Partners, LLC's electrical engineer has provided available information regarding Honua'ula to MECO for their review and planning purposes. MECO has stated that additional review is required during the design development stage of Honua'ula to determine if expansion of the existing substation will be necessary. MECO has also stated that although the current capacity of the MECO electrical system to serve Honua'ula may be limited, with continuously evolving demands for MECO's service, along with MECO's on-going efforts to upgrade and maintain their system to serve new and existing loads, capacity may be in place and adequate to serve Honua'ula by the time Honua'ula is under construction. MECO will continue to review its electrical system and requirements as Honua'ula progresses into the design development stage so that MECO will be able to evaluate: 1) the size of actual electrical loads that MECO is required to serve; 2) the dates when these loads need to be energized by MECO; and 3) the state of the MECO electrical system at the time when these loads are expected to be connected.

In anticipation of the need, Honua'ula Partners, LLC will continue to include an area for the expansion of the existing substation on Honua'ula plans. Should MECO not require additional area, the existing substation would not be expanded. Since MECO cannot make a determination until Honua'ula is within the design development stage, details on the requirements for serving Honua'ula are not available at this time. Should the substation be

**Attachment
Electrical System**

expanded, however, MECO's additional equipment (i.e. transformers, switchgear, cabling, etc.) and structures currently are anticipated to be similar to what is presently constructed at the existing substation. In response to a question from the Maui Planning Commission on the Draft EIS regarding the feasibility of the Wailea Substation expansion to include batteries for the storage of energy, a MECO representative noted that battery storage is expensive, but feasibility would not be evaluated based only on cost, but on many different considerations, such as land availability, integration design, system impact, etc. The MECO representative stated that MECO was exploring this option near the Wailea Substation as there are grant funds that may be available to offset the cost.

Maui Electric Company (MECO) strictly complies with all applicable Federal, State, and County regulations regarding public safety and the environment. MECO designs its substations in accordance with current and applicable codes and standards. Presently, the National Electrical Code, 2008 Edition, and the Uniform Building Code, 1997 Edition, as approved by the County of Maui, along with the National Electrical Safety Code, 2002 Edition, govern minimum separation and clearance requirements. In addition, MECO's substation equipment installations meet all applicable County, State, and Federal environmental regulations and guidelines and do not contain toxic substances.

All new electrical lines within Honou'ula will be underground and Honou'ula Partners, LLC proposes to place underground the existing overhead lines that run over the Property in the mauka-makai direction and along the makai boundary.

To facilitate renewable energy generation and net energy metering within Honou'ula, Honou'ula Partners, LLC will consider providing "photovoltaic ready" homes and commercial buildings to allow home and business owners the option of installing their own photovoltaic system. Features of "photovoltaic ready" homes and buildings could include: 1) roof slopes orientated for optimal photovoltaic efficiency and aesthetic appeal; and 2) specific items such as inverters, grid intertie components, and fundamental wiring to easily connect to roof top photovoltaic panels. "Photovoltaic ready" homes and buildings would make installation of photovoltaic systems more attractive for home and building owners, thereby encouraging net metering agreements with MECO and on-site power generation. Because of the cap imposed by the PUC on the amount of total energy received from renewable energy generators, it may not be possible for all homes and buildings within Honou'ula to participate in net energy metering, and therefore not all homes in Honou'ula would need to be "photovoltaic ready" in anticipation of being able to participate in net energy metering.

Honou'ula Partners, LLC is committed to limiting the environmental impact of Honou'ula by reducing energy consumption. Energy-saving concepts and devices will be encouraged in the design of Honou'ula. In compliance with Chapter 344 (State Environmental Policy) and Chapter 226 (Hawaii State Planning Act), HRS, all Honou'ula buildings, activities, and grounds will be designed with energy-saving considerations. Design standards will specify low-impact lighting and will encourage energy-efficient building design and site development practices.

**Attachment
Electrical System**

In compliance with County of Maui Ordinance No. 3554 (Condition 30), Honou'ula Partners, LLC will design and construct energy systems for all residential units to meet all applicable ENERGY STAR requirements established by the EPA in effect at the time of construction. Energy systems will include all hot water systems, roof and attic areas, outside walls, windows, air cooling systems, and heating systems.

The ENERGY STAR program was established in 1992 for energy-efficient computers. Now a joint program under the EPA and the U.S. Department of Energy, the ENERGY STAR program has grown to encompass more than 35 energy-efficient product categories for homes and workplace.

Homes that earn the ENERGY STAR designation must meet guidelines for energy efficiency set by the EPA. ENERGY STAR qualified homes can include a variety of energy-efficient features, such as effective insulation, high performance windows, tight construction and ducts, efficient heating and cooling equipment and ENERGY STAR qualified lighting and appliances.

In further compliance with County of Maui Ordinance No. 3554, Honou'ula Partners, LLC will: 1) equip all residential units (single-family and multi-family) with a primary hot water system at least as energy efficient as a conventional solar panel hot water system, sized to meet at least 80 percent of the hot water demand for the unit (Condition 30); 2) ensure that all air cooling systems and all heating systems for laundry facilities, swimming pools, and spa areas will make maximum use of energy-efficient construction and technology (Condition 30); and 3) obtain confirmation from MECO that the proposal to relocate and/or landscape MECO facilities is incorporated in the Project District Phase II application and site plan (Condition 18).

Equipping all residential units with a primary hot water system at least as energy efficient as a conventional solar panel hot water system, sized to meet at least 80 percent of the hot water demand for the unit is expected to reduce the energy consumption of individual Honou'ula homes by approximately 32 percent since energy consumption for hot water heating is typically about 40 percent of total residential energy use. Based on average residential energy consumption of approximately 600 kilowatt-hours (kWh) per home per month, at full build out of all homes in Honou'ula a 32 percent reduction in energy use would result in a savings of 220,800 kWh per month. In relation to total energy demand for all of Honou'ula the residential hot water systems would reduce total electrical demand by approximately 8.5 percent.

In addition to the water heating systems provided with all homes, if a homeowner chooses to install a photovoltaic system, electrical demand could be further reduced. Assuming a homeowner installs a 2 kW PV system and assuming a very conservative four hours per day of usable sunlight, an additional reduction in energy consumption (2 kW x 4 hours/day x 30 days/month) of 240 kWh per month would be contributed by each such home with a photovoltaic system. Assuming that 200 homeowners choose to install a PV system the total reduction in energy demand would be 48,000 kWh per month (200

**Attachment
Electrical System**

homes x 240 kWh/month equals 48,000 kWh/month) and the resulting energy savings would equal approximately 1.85 percent of Honua'ula's total energy demand.

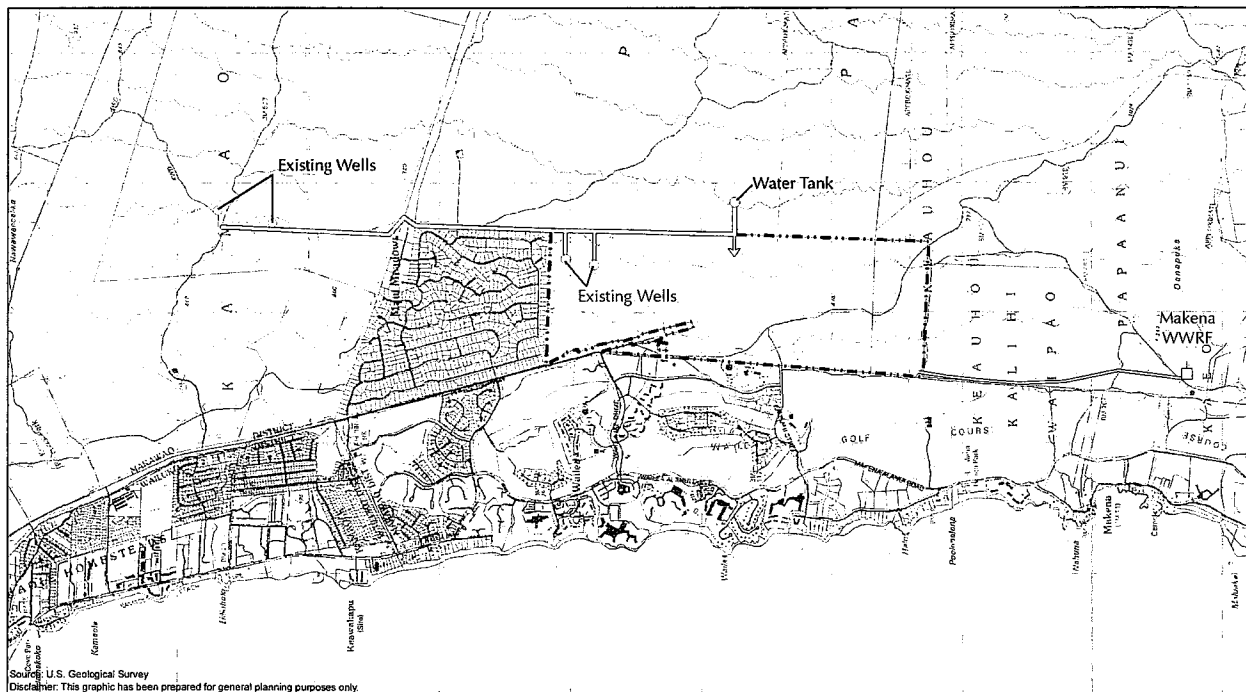
Cumulatively, a 10.4 percent reduction in energy consumption could be achieved with the energy savings from the hot water systems combined with 200 homes installing a photovoltaic system. Additional reductions in energy consumption are anticipated as a result of: 1) meeting all applicable ENERGY STAR requirements; 2) ensuring that all air cooling systems and all heating systems for laundry facilities, swimming pools, and spa areas make maximum use of energy-efficient construction; and 3) and other energy conservation measures; however the projected reduction in energy consumption from these additional measures has not been calculated.

The following additional energy saving methods and technologies will also be considered during the design phase of Honua'ula:

- Use of site shading, orientation, and naturally ventilated areas to reduce cooling load;
- Maximum use of day lighting;
- Use of high-efficiency compact fluorescent lighting;
- Exceeding Model Energy Code requirements;
- Roof and wall insulation, radiant barriers, and energy efficient windows;
- Use of solar parking lot lighting;
- Use of light color or "green" roofs;
- Use of roof and gutters to divert rainwater for landscaping;
- Use of landscaping for dust control and to minimize heat gain to area; and
- Use of photovoltaics, fuel cells and other renewable energy sources.
- Installation of right-sized air conditioning systems with duct work that does not pass through unconditioned space (i.e. attic) unless the duct itself is insulated.
- Installation of zoned air conditioning systems with programmable thermostats.
- Installation of energy feedback devices in homes, such as a TED (The Energy Detective) so occupants can monitor energy use and adapt behavior to reduce power use.

**ATTACHMENT
FIGURE 2
REGIONAL LOCATION**

ATTACHMENT FIGURE 13 TRAILS NETWORK



LEGEND

- Honua'ula
- Water Well / Tank
- Proposed Water Lines
- Wastewater Reclamation Facility
- Proposed Wastewater Line
- Makawao - Pukalani - Kula Community Plan
- Kihei - Makena Community Plan

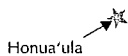
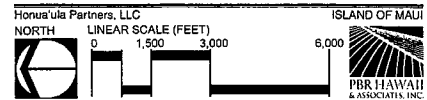
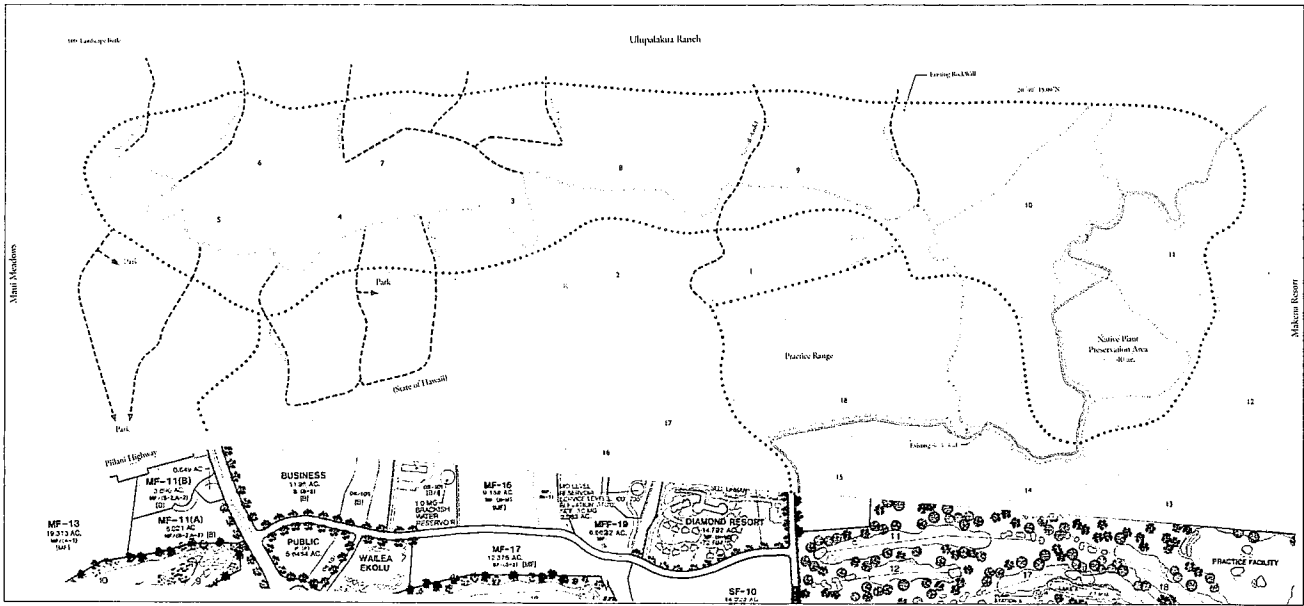


Figure 2
Regional Location

Honua'ula



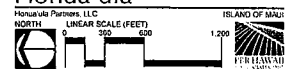
ATTACHMENT GROUNDWATER



LEGEND

- - - - - Connector Loop (6' to 8' wide)
- - - - - Minor Street Path (5' to 6' wide)
- Scenic Trail
- - - - - Cultural/Nature Trail
- · - · - Gulch Trail - Mokuo/Makai Connectors
- - - - - Kanaio - Kalama Road Trail

Figure 13
Trail Network
Honua'ula



Plan By: **VITA**

Disclaimer: This graphic has been prepared for general planning purposes only.

Attachment Groundwater

3.5.1 Groundwater

Tom Nance Water Resource Engineering (TNWRE) conducted an assessment of the potential impact on groundwater resources from the creation of Honua'ula. Information and conclusions from the assessment are summarized below. The complete assessment report is included in Appendix B. In response to a request from the Maui Planning Commission, TNWRE prepared a supplemental report which contains data for all wells in the Kama'ole Aquifer available from the CWRM. Information from this supplemental report is summarized below. The complete supplemental report is also included in Appendix B. In their letter commenting on the Draft EIS dated May 20, 2010, CWRM stated that the Draft EIS "thoughtfully discusses groundwater and surface water issues." The complete CWRM letter is included in Appendix AA.

The Property and the wells that will supply the Property are located in the Kama'ole Aquifer System. The system comprises a triangular-shaped area of approximately 89 square miles, with its apex at the top of Haleakala and its base along the 11-mile length of shoreline from Waiakoa Gulch on the north to Cape Kīna'u on the south. The Waiakoa Gulch boundary of the aquifer is coincident with the Wailuku-Makawao district boundary, but is otherwise of no known hydrologic significance. The southern boundary of the aquifer is the southwest rift zone of Haleakala, which is likely to be a barrier to groundwater flow. Groundwater in the Kama'ole Aquifer exists as a basal lens from the shoreline as far inland as the 1,700-foot contour. The direction of groundwater flow in the basal lens is mauka to makai.

The Property, located toward the western and southern end of the Kama'ole Aquifer, is generally semi-arid, with rainfall averaging about 18 inches per year. Because of the relatively dry conditions on and above the Property, there are no perennial streams on the Property or in the vicinity. Runoff occurs in the mauka-to-makai gulches which cross the Property only during, and for a short time following, intense rainfall events.

In 1990, the CWRM set the sustainable yield of the Kama'ole Aquifer at 11 million gallons per day (MGD). This was based on a computed groundwater recharge of 25 MGD and the assumption that 44 percent of the recharge could be withdrawn by wells without adversely impacting the integrity of aquifer. However, several far more detailed and sophisticated studies on the aquifer's recharge have been completed since then (USGS 1999; Waimea Water Services Inc. 2004; USGS 2007). These studies indicate that the recharge amount on which the CWRM's sustainable yield is based is substantially underestimated; the actual sustainable yield of the aquifer may be as much as 50 percent greater than the 1990 CWRM estimate. The most recent of these studies—which is considered to be the most reliable—estimates the groundwater flowrate to be 3.4 MGD per mile, which is the rate used by TNWRE in analyzing impacts to groundwater (TNWRE 2010a).

According to CWRM records, there are a total of 134 wells within the Kama'ole Aquifer System, many of which are more than 60 years old and no longer in use. Of the 134

Attachment Groundwater

wells, 43 are known or presumed to be in use, 47 are no longer in use or do not draw from the basal lens, and 44 are of unknown status relative to their use (TNWRE 2010b). Current actual aquifer pumpage is estimated to be approximately 4.0 MGD (TNWRE 2010a; TNWRE 2010b).

Examination of CWRM data shows that reporting of chlorides and water levels to CWRM is minimal. Only three of the 43 wells in the aquifer that are known or presumed to still be active are presently reporting this information. For wells for which TNWRE has independent data, chloride levels have been stable for a decade of monthly sampling.

No well has been drilled to sufficient depth through the basal lens to define the depth and character of transition zone anywhere in the aquifer. However, what is known or can be reasonably surmised regarding the transition zone is that:

- Groundwater levels along the 1,700-foot contour are approximately six feet above sea level; therefore, the midpoint of the transition zone below the 1,700-foot contour would be approximately 240 feet below sea level;
- Wells along or just below the 600-foot contour have water levels from 2.6 to 3.1 feet above sea level, indicating a midpoint of the transition zone below the 600-foot contour between 100 and 125 feet below sea level; and
- The stability of the transition zone, although not directly measured, can be inferred from the stability of chlorides pumped by wells. The most accurate and complete data of chlorides for the region shows stable chloride levels for a decade.

The Underground Injection Control Line², as established by the State DOH, is located approximately along the 600-foot elevation contour, above the majority of the Property.

Currently, Honua'ula has four brackish wells. Two of these are on the Property (Wailea 670 1 and 2). The other two are off-site (Kama'ole 1 and 2) in an area north of Maui Meadows and on land owned by Haleakalā Ranch. The total safe yield of the four wells, with one as standby, is 1.3 MGD (TNWRE 2010a). All of the wells are within the Kama'ole Aquifer System and are fully permitted by CWRM.

POTENTIAL IMPACTS AND MITIGATION MEASURES

Water Resources

Four aspects of Honua'ula have the potential to impact water resources: 1) use of groundwater for potable consumption and landscape irrigation; 2) generation, treatment, and reuse of domestic wastewater; 3) increase in surface water runoff; and 4) percolation of excess landscape irrigation to groundwater. Potential impacts to groundwater may

² Underground Injection Control Line (UIC) means the line on the DOH Underground Injection Control maps which separates exempted aquifers and underground sources of drinking water (Section 11-23-03, HAR).

Attachment Groundwater

occur in two geographically distinct areas: 1) beneath and downgradient of the Property itself; and 2) downgradient of Honua'ula's off-site wells.

Use of Groundwater – Honua'ula's potable and irrigation water supply will be provided by brackish wells. As noted above, four of these wells have already been developed: two are on the Property (Wailea 670 Wells 1 and 2); and the other two are off-site (Kama'ole Wells 1 and 2) in an area north of Maui Meadows. All of the wells are fully permitted by CWRM. Honua'ula's total average groundwater use at full build-out is projected to be approximately 1.7 MGD. To provide for summertime maximum use periods and to have standby capacity, two more wells will be needed. Depending on actual water use rates that materialize, a third new well may or may not be needed as Honua'ula approaches build-out. For more information on Honua'ula's water system, see Section 4.8.1 (Water System).

Honua'ula spans a 1.9-mile length of coastline mauka of the shoreline. Assuming a lateral dispersion on the order of 10 degrees, Honua'ula's potential impacts on groundwater may occur across a 2.3-mile section of the shoreline. The existing groundwater flowrate discharging into the marine environment in this area is estimated to be on the order of 7.8 MGD.

Five of Wailea Resort's nine golf course irrigation wells are within this downgradient and lateral zone. According to CWRM records, the draft of these wells is approximately 1.4 MGD as a year-round average. However, because Wailea Resort's Well 2 (No. 4126-02) is nearly directly downgradient from Honua'ula's on-site wells, it is the only well in which there may be a potential increase in salinity due to the potential decrease of groundwater flow being taken up by the on-site Honua'ula wells. Decreased pumping of Honua'ula's on-site wells would alleviate this potential impact.

Honua'ula's well system, with on-site and off-site wells, was specifically engineered to minimize impacts to Wailea Resort's golf course irrigation wells. Honua'ula's two on-site wells are fully permitted by CWRM and have been in place for nearly 20 years; however they cannot supply all water needed for Honua'ula. Rather than drill additional wells on-site, which could lead to potentially adverse impacts to Wailea Resort's downgradient wells, Honua'ula's off-site wells will draw from groundwater flows removed from Wailea Resort's wells, in an area north of Maui Meadows that has far less downgradient water withdrawals. The use of this off-site water within Honua'ula lessens the need for groundwater withdrawals from on-site Honua'ula wells, thus preserving more groundwater flow to the downgradient Wailea Resort wells.

Honua'ula's off-site wells, located north of Maui Meadows, and potential new wells in the same area, span an 0.8-mile long length at about the 580-foot elevation and have the potential to impact groundwater flow along an approximate 1.4-mile long shoreline segment. The existing groundwater flow rate discharging into the marine environment in this area is estimated to be on the order of 4.8 MGD. Use of Honua'ula's off-site wells is calculated to reduce this flow rate by approximately 27 percent.

Attachment Groundwater

Based on CWRM records, there are 20 wells in this downgradient and lateral zone. Most of these wells are more than 50 years old and are no longer in use. However, at least six are relatively recent (installed since the 1990s) and were developed to provide brackish landscape irrigation water for condominium parcels. The total draft of these wells is likely to be in the range of 0.12 to 0.30 MGD as a year round average. With the use of Honua'ula's off-site wells, the active downgradient irrigation wells may be impacted by a potential increase in salinity due to reduced flowrate, which current calculations indicate may be on the order of five percent. If the actual impact materially impairs the utility of the downgradient landscape irrigation wells, additional wells (pumping the same combined amount of water) in the area north of Maui Meadows to distribute the draft over a greater area would alleviate the impact so that the utility of downgradient wells is not materially impaired.

Wastewater Generation, Treatment, and Reuse – Two alternatives are being considered for treatment of Honua'ula's wastewater: 1) develop, maintain, and operate a private on-site WWRF; or 2) transport wastewater to the Makena WWRF for treatment and return the treated effluent to Honua'ula for irrigation use. With either alternative, wastewater will be treated to R-1 quality and used for golf course irrigation. Potential impacts related to use of R-1 water for irrigation are discussed in the discussions below regarding percolation to groundwater and summary of impacts. For more information on Honua'ula's wastewater system see Section 4.8.2 (Wastewater System).

Collection and Detention of Rainfall Runoff – Honua'ula will use detention basins so that there will be no increase in the peak rate of stormwater runoff leaving the Property compared to existing conditions. Of the 18 inches of average annual rainfall received on the Property, it is assumed that one-third of the rainfall percolates to groundwater and the remaining two-thirds evaporates to the atmosphere or becomes runoff.

Runoff will be stored in 26 detention basins located on the Property in low lying areas, within the golf course, or along the makai Property boundary. Each of the detention basins will have a drainage outlet consisting, in part, of a vertical perforated pipe within a gravel mound which will act as a filter. In addition to reducing the peak runoff rate by detention storage, this configuration will also capture floatables and suspended solids in the basin, thus reducing sediments in the water released from the detention basins. With the use of detention basins, the peak rate of runoff leaving the Property will not increase over current conditions and seepage of water into the ground from the detention basins will actually increase the amount of percolation to groundwater. Potential impacts regarding percolation to groundwater are discussed below. For more information on Honua'ula's drainage system see Section 4.8.3 (Drainage System).

Percolation to Groundwater – Irrigation water used within Honua'ula will be a combination of: 1) brackish water from wells; 2) R-1 quality recycled water from the either

Attachment Groundwater

the on-site WWRF or the Mākēna WWRF; and 3) concentrate from reverse osmosis (RO) treatment of the potable supply.³

To calculate potential changes to groundwater, the groundwater assessment study made the following assumptions:

- The salinity of water from the brackish well water will be 0.95 parts per thousand (ppt);
- The R-1 water from the on-site WWRF or the Mākēna WWRF will have 775 µM (micromoles)(10.85 milligrams per liter (mg/l) nitrogen and 165 µM (2.00 mg/l) phosphorus;
- Essentially all of the nitrogen and phosphorus in the brackish well water that is run through the RO treatment process will be contained in the concentrate that is used for irrigation;
- Rainwater percolating to groundwater will have an increase in nitrogen of 20 µM and an increase in phosphorus of 2.0 µM over existing conditions;
- Fertilizer applications in landscaped areas will be at three pounds per 1,000 square feet per year for nitrogen and at 0.5 pounds per 1,000 square feet per year for phosphorus; of these applications 10 percent of the applied nitrogen and two percent of the applied phosphorus will be carried in the percolate below the root zone.
- Percolation of excess applied irrigation water will occur from irrigating: 1) the golf course and driving range; 2) landscaping along roadways and in buffer areas; 3) parks and other landscaped public areas; and 4) residential parcels. It is assumed that 10 percent of the applied irrigation water on the golf course percolates to groundwater and 15 percent of applied irrigation water on other irrigated landscaped areas percolates to groundwater. At build-out, the total percolation to groundwater of excess applied irrigation is estimated to be 0.206 MGD.
- For all the irrigation water, it is assumed that the portion percolating through the root zone will have a salinity increase of 10 percent and a 50 percent reduction of nitrogen and phosphorus concentrations as a result of plant uptake and processes in the soil; and
- In the hundreds of feet of travel by the percolate through the vadose zone (the unsaturated lavas between the ground surface and groundwater) and the thousands of feet of travel for groundwater to discharge at the shoreline, natural processes will remove 80 percent of dissolved nitrogen and 95 percent of dissolved phosphorus.

³ Brackish well water will be treated by RO to produce potable water for Honua'ula. The RO process generates brine concentrate in the course of producing potable water. However, by diluting the brine water with other non-potable water (brackish and R-1), the salt content will be reduced to a degree that it can be used for irrigation, thus avoiding the use of injection wells to dispose of the brine. See Section 4.8.1 (Water System) for more details.

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The net potential change is calculated to be: a 2.9 percent reduction in flowrate; a 0.6 percent increase in salinity; a reduction in nitrogen loading of 4.3 percent; and a reduction in phosphorus of 4.8 percent.

The net decrease in nitrogen and phosphorus is due to several compounding reasons; 1) existing groundwater is already high in nitrogen and phosphorus due to naturally occurring processes upgradient of the Honua'ula wells; 2) pumping of the two on-site Honua'ula wells will thus decrease nitrogen and phosphorus in groundwater flowing to the ocean because of the reduced groundwater flow; 3) the total amount of groundwater withdrawn from the Honua'ula wells will not all percolate to groundwater, as some will be absorbed by plants, evaporate, or be captured as runoff in the detention basins; 4) for the water that does percolate to groundwater or flow from detention basins, natural processes will remove 80 percent of dissolved nitrogen and 95 percent of dissolved phosphorus in the hundreds of feet of travel by the percolate through the vadose zone (the unsaturated lavas between the ground surface and groundwater) and the thousands of feet of travel for groundwater to discharge at the shoreline.

Summary of Potential Impacts – Table 1 below presents a compilation of potential changes to groundwater in the area downgradient of Honua'ula after full build-out incorporating the assumptions noted in the previous discussions.

MGD as a year round average). It is not known if the increase in salinity would materially impair the utility of the wells; however if the utility of the wells is materially impaired, additional wells (pumping the same combined amount of water) in the area north of Maui Meadows would distribute the draft over a greater area and would alleviate the impact downgradient. Honua'ula Partners, LLC commits to distributing the draft over a greater area if the utility of active downgradient wells is demonstrated to be materially impaired.

In addition, Honua'ula Partners LLC will construct an upgradient golf course monitor well to a depth that will allow the well to also be used to monitor the transition zone below the basal lens; however, available data from wells across the entire aquifer, and more specifically in the mauka-makai corridor that may be affected by Honua'ula's wells, does not indicate a monitor well is needed. Nonetheless, the monitor well will be installed prior to the start of use of Honua'ula's production wells and periodic profiling of salinity and temperature through the monitor well's water column will be performed. This data will be used to track salinity in the basal lens and the movement, if any, of the transition zone.

All existing on- and off-site wells are fully permitted by CWRM. All new wells will be developed in compliance with all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. The CWRM application process for water-use permits entails: 1) the preparation of an extensive application that includes analysis of: a) the public interest; b) the rights of the Department of Hawaiian Home Lands; c) any interference with any existing legal uses; and d) alternatives; 2) a thorough public and agency review process; 3) public hearing(s); and 4) a formal decision from CWRM. Well construction/pump installation permits also have requires an extensive application process that includes with thorough review by the State Department of Health (DOH) for compliance with DOH rules and standards, including the appropriateness of the well location. Therefore, there will be extensive analysis, review, and evaluation of potential impacts of any new wells.

Cattle Ranching

Cattle ranching activities upslope of the Property and the off-site Honua'ula wells have very limited potential for contamination of Honua'ula's groundwater sources. The areas used for cattle ranching upslope of the Property are dry, hot, and un-irrigated; therefore cattle grazing in these areas is extensive, not intensive. The two- and 10-year zones of contribution would potentially cover the area from the 500-foot elevation (a short distance down slope from the highest point of the Property) to the 1,600-foot elevation (approximately 10,000 feet upslope of the Property). These elevations are the vertical travel distances for contaminants to reach groundwater. Substantial natural protection is provided by these distances as well as the multiple layers of successive lava flows, and therefore upslope cattle ranching activities are not expected to impact Honua'ula's groundwater sources.

Table 1. Compilation of Potential Changes to Groundwater in the Area Downgradient of Honua'ula After Full Build-Out

Component Flow	Flowrate (MGD)	Salinity (PPT)	Nitrogen (lbs/day)	Phosphorus (lbs/day)
Pre-Development Groundwater	7.8	1.00	228.3	5.217
Withdrawal by On-site Wells (No. 4125-01 and -02)	0.43	0.95	12.59	0.288
Percolation From the Project Site to Groundwater	No Change	No Change	0.14	0.0077
<ul style="list-style-type: none"> Percolating Rainfall Percolation From the Golf Course RO Concentrate WWRF Effluent Brackish Water Applied Fertilizer Dissolved in Percolate 	0.0203 0.0274 0.0240 --	2.651 0.440 1.045 --	0.170 0.248 0.070 0.788	0.0010 0.0114 0.0004 0.0066
<ul style="list-style-type: none"> Percolation From Other Landscaped Areas Brackish Water Applied Fertilizer Dissolved in Percolate 	0.1336 --	1.045 --	0.391 0.981	0.0022 0.0082
Post-Development Groundwater	7.5753	1.0062	218.498	4.9665
<ul style="list-style-type: none"> Amounts Change Compared to Pre-Development Flowrate 	-2.9%	+0.62%	-4.3%	-4.8%

As shown on Table 1 the computed changes to groundwater in the area downgradient of Honua'ula are: 1) a relatively small 2.9 percent reduction in flow rate discharging into the marine environment; 2) a relatively insignificant 0.6 percent increase in salinity; 3) a reduction in nitrogen loading of 4.3 percent (a positive impact regarding ocean water quality); and 4) a reduction in phosphorus of 4.8 percent (a positive impact regarding ocean water quality). The largest factor contributing to these results is that most of the groundwater supply (about 75 percent) will come from the off-site Kama'ole wells; the use of this off-site water will: 1) lessen the need for groundwater withdrawals from on-site Honua'ula wells, thus preserving more groundwater flow to downgradient wells; and 2) contribute to groundwater recharge flowing toward the downgradient wells.

Based on these results, the hydrologic assessment concludes that the creation of Honua'ula will not impair Wailea Resort's golf course irrigation wells, with the possible exception of a salinity increase in Wailea Resort's Well 2 (No. 4126-02), which is directly downgradient of Honua'ula's two on-site wells. Decreased pumping of Honua'ula's on-site wells would alleviate this potential impact.

An estimated six active downgradient wells may be impacted by a potential increase in salinity due to reduced flowrate resulting from Honua'ula's off-site wells, which current calculations indicate may be on the order of five percent. These downgradient brackish wells were developed to provide landscape irrigation for individual condominium parcels, and the combined draft of all of these wells is relatively small (in the range of 0.12 to 0.30

Attachment Groundwater

Golf Course

To ensure that Honua'ula's golf course is developed and operated in an environmentally responsible manner and potential impacts to water resources are mitigated, Environmental & Turf Services, Inc., prepared a comprehensive Best Management Practices (BMPs) document adhering to the DOH's "Golf Course Best Management Practices" guidelines (DOH 2005). The BMPs also satisfy all previous DOH recommendations regarding golf courses, including, "Guidelines Applicable to Golf Courses in Hawaii" (Version 6, DOH 2002) and "Twelve Conditions Applicable to all New Golf Course Development" ("12 conditions;" Version 4, DOH 1992). The BMPs further satisfy specific conditions of County of Maui Ordinance No. 3554 that require compliance with several of the DOH's "12 Conditions." Sections of the BMP document relative to groundwater protection are summarized below. Appendix C contains the complete BMP document.

The overall goal of the Honua'ula BMPs is to reduce the turf chemical and water inputs required to manage the 18-hole golf course and to minimize waste generation. The most important BMP is the use of Seashore paspalum grass throughout the golf course. Traditionally, Hawaii golf courses have used bermudagrass, which presents an excellent playing surface under typical Hawaii conditions. However, the new varieties of Seashore paspalum rival bermudagrass in turf quality and have many additional environmental attributes, including tolerance of alternative water sources and high sodium and salt levels, the potential to substantially reduce fertilizer requirements (including a two-thirds reduction in nitrogen requirements) and minimal need for herbicides and fungicides.

Groundwater Monitoring – Two monitoring wells are tentatively proposed for installation on-site. An existing irrigation well will also be sampled. Baseline sampling and semi-annual operational phase sampling will be done. Analytes will include pesticides and relevant key metabolites, standard field parameters (such as pH and temperature), nitrate, phosphorus, and inorganic substances relevant to the ongoing nearshore monitoring program (see Section 3.5.2 (Nearshore Marine Environment)). A contingency plan is proposed that would trigger pesticide use restrictions or bans if pesticides are detected at predetermined concentrations. The groundwater monitoring program and protocol will be prepared in accordance with the DOH's Golf Course BMPs (DOH 2005) and will continue until DOH certifies that no further monitoring is required based on review of the data.

In providing and executing the groundwater monitoring program, Honua'ula Partners, LLC will also be in compliance with County of Maui Ordinance No. 3554:

- Condition 18a, which requires compliance with Condition 1 of DOH's "12 Conditions," which relates to establishing baseline groundwater/vadose zone and nearshore water quality (see Section 3.5.2 (Nearshore Marine Environment)) data and reporting findings to DOH; and
- Condition 18b, which requires compliance with Condition 2 and 3 of DOH's "12 Conditions;" specifically:

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- o Condition 2 of DOH's "12 Conditions" relates to establishing a groundwater monitoring program; and
- o Condition 3 of DOH's "12 Conditions" requires immediate action if data from the monitoring system indicates increased levels of a contaminate that poses, or may pose, a threat to public health and the environment.

Water Conservation – Water conservation is central to the functioning of the golf course. While non-potable water will be used for all golf course irrigation, the golf course will also include a modern irrigation system designed to use non-potable water efficiently. The key component of the irrigation system will be a central computer to store information for every sprinkler, including the type of sprinkler, nozzle sizes, location, soil type, slope, infiltration, exposure, etc., so that the exact amount of water needed is applied (i.e., not just turning on sprinklers for a set duration). Cycle/soak features will prevent runoff when heavy irrigation is needed. Flow management features will ensure optimum pressure and amount to every sprinkler.

Records of irrigation procedures will be maintained for each management zone. Each management zone will be treated independently; the highest priority zones (greens, tees, fairways) will receive the highest amounts of water, while lower priority zones (secondary roughs, natural areas) will receive less water. These priority designations will help efficiently manage overall water use on the golf course, providing the highest level of playability and aesthetics while incorporating water conservation and environmentally sustainable management practices.

In designing and implementing a detailed and efficient irrigation system, Honua'ula Partners, LLC will also be in compliance with County of Maui Ordinance No. 3554 Condition 18d, which requires compliance with Condition 5 of DOH's "12 Conditions," which relates to use of treated wastewater for golf course irrigation (see section 4.8.2 (Wastewater System) and the need for an irrigation plan).

Golf Course Maintenance Center – The golf course maintenance center is expected to be located near the Kaunahā Street entrance. It will be a modern, carefully designed, fenced and secured, state-of-the-art complex containing offices, a maintenance shop, and equipment and material storage. It will be designed to achieve these objectives: operational efficiency; worker health and safety; environmental protection (i.e., containment and management of chemicals and fuels so that the surrounding environment will not be impacted); and compliance with all Federal, State, and County regulations. The golf maintenance center is located in an area sufficiently distanced from residential uses and will be designed to further lessen noise to surrounding uses.

The maintenance center site will be graded, and curbs will be erected, so that parking lot drainage cannot flow directly into drainage features. Catch basins will capture contaminated stormwater runoff and any spills and will be tied to a drainage system that terminates in a treatment system to remove sediments, floating debris, and petroleum contaminants. The system will be designed with consideration that runoff from the

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maintenance facility complex may include soil, sand, grass clippings; petroleum products (small amounts of oil and gasoline), fertilizers, and other typical hard surface runoff substances. There should be minimal to no presence of pesticides in runoff water due to the use of closed-loop recirculating systems and special containment pads.

The maintenance center will include a recycling wash water system for turfgrass equipment. The system will be capable of capturing grass clippings, oil and grease, and trace organics and will include a closed-loop wash/recycle wash-down water system independent of the stormwater drainage system.

Fuel storage will be within a split, above-ground fuel tank. One tank will be used for gasoline, and one for diesel. Both tanks will have double walls with vehicle barriers for accident prevention. The tanks will conform to the Uniform Fire Code and National Fire Protection Association regulations for above-ground tanks and will be designed to meet above-ground regulatory storage requirements in the State of Hawaii.

Pesticide/bioicide storage will be in a pre-fabricated building specifically designed for pesticide storage to be ventilated, fire resistant, vapor explosion resistant, vandalism protected, spill self-contained, and climate controlled. The building will be designated and posted as a pesticide storage area (as required by law) with a list of all chemicals contained in storage on file in the superintendent's office. Fertilizer and other dry bulk material typically contained in bag form will be stored in a separate building with masonry walls to prevent corrosion caused by fertilizer salts.

A self-contained concrete mixing/loading pad, enclosed on three sides, will be designed to safely contain any spill, or emergency release of materials and prevent release of any chemicals or spray mix other than proper application to the turf.

Golf course maintenance equipment and vehicles used on-site will be stored in a paved area of the maintenance center. The floor of the equipment storage area will be hard surfaced, allowing easy clean-up of oil leaks, spills, or other fluids that might come from the equipment. Proper absorbent materials throughout the storage area will allow for quick clean up of spills. No fluids will be allowed to escape this area. Floor drains will not be allowed.

In providing a state-of-the-art golf course maintenance center, Honua'ula Partners, LLC will also be in compliance with County of Maui Ordinance No. 3554:

- Condition 18e, which requires compliance with Condition 6 of DOH's "12 Conditions," which relates to storage of petroleum products for fueling golf carts, maintenance vehicles, and emergency power generators that pose potential risk to groundwater;
- Condition 18f, which requires compliance with Conditions 7, 8, and 11 of DOH's "12 Conditions," specifically:

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- o Condition 7 of DOH's "12 Conditions" relates to buildings designed to house fertilizers and biocides;
- o Condition 8 of the DOH's "12 Conditions" relates to a golf course maintenance plan and program and is discussed below;
- o Condition 11 of the DOH's "12 Conditions" relates to: 1) fugitive dust during construction, which is addressed in Section 4.6 (Air Quality) and 2) application of pesticides and chemicals, which is discussed below; and
- Condition 18g, which requires compliance with Condition 9 of DOH's "12 Conditions," which relates to minimizing noise from golf course maintenance activities.

Integrated Pest Management – Integrated Pest Management (IPM) is an interdisciplinary program that manages pest control tactics in a single system to prevent unacceptable levels of pest damage. IPM uses the least toxic control approach to address pest problems, using chemical controls only when other strategies are not effective. Appropriate control methods are generally not designed to eradicate pest populations but to manage turf grass in the most economical way with the least effect possible on people, property, and the environment.

The use of IPM avoids the conventional spray approach to pest management and is likely to reduce pesticide use by 30 percent or more. This approach ultimately develops harder turf grass and increases the population of beneficial organisms and natural enemies to pests. Control tactics are implemented based on pest populations and not by spray intervals and calendar dates.

There is no single pest control method that provides complete control of turf grass pathogens (pathogens cause disease), but the multifaceted IPM approach provides the best and most economical control of pests. Golf courses, like other agricultural commodities, are susceptible to occasional attacks from a rather complex list of pests. These pests and causal agents may be observed during various climatic conditions and life cycles. They may be controlled by a variety of methods. With the IPM approach, pest populations are monitored such that an appropriate treatment is implemented when pest pressure exceeds the action tolerance level of damage to turf. A threshold is a level of damage or potential damage such as the number of insects or weeds per square foot of turf. The treatment may be one of a variety of pest control measures (e.g., mechanical removal, biorational products, chemical treatments, etc.). The IPM approach will work on every defined management area but must be tailored for each tee, green, fairway, and rough.

Monitoring control systems will provide the basis for developing thresholds and determining any actions necessary for control. The system should be simple, accurate, and part of the daily regimen for turfgrass management. Pests may be defined as bacteria, plant pathogenic fungi, insects, nematodes, rodents, viruses, weeds, etc. The information obtained through monitoring will provide site specific educational knowledge and limit the levels of predictable loss to turf grass. Pest occupancy is very weather-dependent;

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therefore it is necessary to observe pest populations for several years to have a good idea about the range of pest problems.

A fertilizer/nutrient management plan will provide site-specific guidelines and plant requirements to maintain healthy turf grass, avoiding the over-application of nutrients resulting in transportation of dissolved nutrients off-site. Approximately half of the nitrogen fertilizer applied to turf grass is incorporated into the plant; the other half can be found stored in the soil and lost to the atmosphere. Thus there is limited fertilizer nitrogen remaining that can leach into ground water or be transported as runoff into surface water (Petrovic 1990; Cohen 1999). Golf courses can be managed so nitrogen from fertilizers does not contaminate ground water supplies (Petrovic 1990; Cohen 1999).

Biorational/organic products (fungi, bacteria, viruses, nematodes, and non-target insects) will be used whenever it is feasible, and there is a scientific basis to support their use. Biorational products can provide an effective and efficient method of eradicating disease and other pest pressures. Additional methods, such as applying composts containing microorganisms as top dressing and the use of compost teas may also suppress diseases before they harm turfed areas. EKO Compost, located in Pu'unohi, manufactures and sells compost and compost-based mixtures. When applied as top dressing, EKO compost has been shown to improve yellowing areas on tees and fairways (Burgett 2006; EKO 2006).

Chemical treatments will only be used when a pest is present at significant levels to cause damage and should only be applied when the pest is most vulnerable to the pesticide (i.e., in juvenile stages of development) and when the environment is best suited to manage the application (e.g., not when soil is saturated, or during windy or rainy weather to prevent the amount of potential drift and surface water runoff). If the pest infestation is limited in scope, spot treatments may be possible. When applying chemical controls it is important that equipment is properly calibrated and adequately maintained. Pesticide will be rotated (alternative chemicals, or alternative pest control methods and cultivation controls) to reduce the possibility of pests becoming resistant to the applied chemicals, and also to reduce the frequency of chemical applications.

In implementing an Integrated Pest Management program, Honua'ula Partners, LLC will also be in compliance with County of Maui Ordinance No. 3554 Condition 18f, which requires compliance with Conditions 7, 8, and 11 of DOH's "12 Conditions," specifically:

- Condition 7 of DOH's "12 Conditions" relates to buildings designed to house fertilizers and biocides and was discussed above;
- Condition 8 of DOH's "12 Conditions" relates to a golf course maintenance plan and program in regard to: 1) use of fertilizers and biocides which is discussed above; and 2) irrigation, which was discussed above;
- Condition 11 of DOH's "12 Conditions" relates, to 1) fugitive dust during construction which is addressed in Section 4.6 (Air Quality) and 2) application of pesticides and chemicals, which is discussed above.

ATTACHMENT NOISE

4.5 NOISE

Y. Ebisu & Associates prepared an acoustic study to: 1) study the existing and future noise environment in the environs of Honua'ula; and 2) evaluate potential noise impacts associated with Honua'ula, including the widening of P'i'ilani Highway; and 3) provide recommendations for minimizing noise impacts. Appendix N contains the complete acoustic study. Y. Ebisu & Associates also prepared a separate acoustic study specifically for the widening of P'i'ilani Highway. Appendix R contains the complete P'i'ilani Highway Widening Project Final EA. Appendix F of the Final EA contains the acoustic study specifically for the widening of P'i'ilani Highway.

Sources of noise in the vicinity of the Property stem from traffic traveling along P'i'ilani Highway and other surrounding roads, distant construction, and natural sources, such as wind, rain, and birds. Sources of noise in the vicinity of the Wailea Alanui Drive intersection include traffic noise from vehicles transverse the intersection. Sources of noise in the vicinities of the off-site wells, waterline, storage tank, and the wastewater transmission line alignment for possible connection to the Makena Resort WWRF (off site water and sewer infrastructure) include activity associated with human habitation, and natural sources, such as wind, rain, and birds.

Currently, existing traffic noise levels along P'i'ilani Highway south of Maui Meadows in the immediate vicinity of the Property do not exceed U.S. Federal Highway Administration (FHWA) or State DOT noise standards for residential structures. However, existing traffic noise levels at two residences adjacent to P'i'ilani Highway north of the P'i'ilani Highway/Okalani Drive/Mikioi Place currently exceed State DOT noise standards for residential structures.

Some existing residences makai of P'i'ilani Highway presently benefit from the noise shielding effects of walls which have been constructed along the lot boundary lines. Residences in the Maui Meadows subdivision on the mauka side of the highway benefit from the noise shielding effect of the large highway cuts. In general, if the visual lines of sight between the residences are blocked by the walls or the highway cuts, residences experience lower traffic noise levels due to the sound attenuation effects of the obstructions.

Along Wailea Ike Drive existing traffic noise levels do not exceed the FHWA or DOT noise standards for residential structures at Wailea 'Ekolu Village, which is located on the south side of Wailea Ike Drive. Existing traffic noise levels from Wailea Ike Drive also do not exceed FHWA and DOT noise standards for commercial buildings.

POTENTIAL IMPACTS AND MITIGATION MEASURES

Potential impacts on the ambient quality of the site and surrounding area due to the creation of Honua'ula, the widening of P'i'ilani Highway, the Wailea Alanui Drive intersection improvements, and the off-site water and wastewater infrastructure, are

primarily limited to short-term construction activity and, in the long-term, increases in traffic and human activity within the community.

Short-term Impacts – During construction of Honua'ula, the widening of P'i'ilani Highway, the Wailea Ike Drive and Wailea Alanui Drive intersection improvements, and the off-site water and wastewater infrastructure there will likely be noise impacts associated with operation of heavy construction machinery, paving equipment, and material transport vehicles, and possible blasting to break or dislodge rock. As an alternative to blasting, the use of chemical expansion to break or dislodge rock will be considered. Chemical demolition agents are non-toxic and provide environmentally-friendly, safe, controlled demolition. Expansive powders are mixed with water and poured into pre-drilled holes in rock. The non-explosive demolition agent swells and exerts significant expansive thrust on the hole-wall. After a certain period, the pressure induced by the chemical non-explosive demolition agent fractures the wall and splits the rock across the line of the drill holes. These chemicals easily split and fracture mass rock without producing any noise or vibration.

During construction of Honua'ula, the widening of P'i'ilani Highway, the Wailea Ike Drive and Wailea Alanui Drive intersection improvements, and the off-site water and wastewater infrastructure proper mitigating measures will be employed to minimize construction-related noise impacts and comply with all Federal and State noise control regulations. Increased noise activity due to construction will be limited to daytime hours and persist only during the construction period. Noise from construction activities will be short-term and will comply with State DOH noise regulations (HAR, Chapter 11-46, Community Noise Control). When construction noise exceeds, or is expected to exceed, the DOH's allowable limits, a permit must be obtained from the DOH. Specific permit restrictions for construction activities are:

- No permit shall allow any construction activities that emit noise in excess of the maximum permissible sound levels before 7:00 a.m. and after 6:00 p.m. of the same day, Monday through Friday;
- No permit shall allow any construction activities that emit noise in excess of the maximum permissible sound levels before 9:00 a.m. and after 6:00 p.m. on Saturday; and
- No permit shall allow any construction activities that would emit noise in excess of the maximum permissible sound levels on Sundays and holidays.

The acoustic study concludes that adverse impacts from construction noise (from the widening of P'i'ilani Highway and creation of Honua'ula) are not expected to affect public health and welfare due to the temporary nature of the work and the administrative controls regulating noise impacts. Public health and welfare are also not expected to be affected due to the construction of the Wailea Alanui Drive intersection improvements and the off-site water and wastewater infrastructure.

Attachment
Noise

Long-term Impacts – The acoustic study concludes that the widening of Pi'ilani Highway and the creation of Honua'ula will not cause increases in traffic noise levels that would exceed DOT's criteria signifying a substantial change, which is defined as an increase of 15 decibels (dB) or more over existing conditions. By the year 2022 maximum increases in traffic noise levels in the vicinity of Honua'ula should not increase more than 10 decibels (dB) along Pi'ilani Highway and 3.6 dB along Wailea Ike Drive as a result of: 1) regional growth in traffic volumes; 2) the widening of Pi'ilani Highway; 3) the creation of Honua'ula; and 4) the planned extension of Pi'ilani Highway into Honua'ula to connect with Kaunakahi Street.

While a substantial change in noise levels (as defined by DOT) will not occur, by the year 2022 the number of residences along Pi'ilani Highway subject to noise levels that exceed DOT residential noise standards is projected to increase from two residences under existing conditions to:

- 13 residences due to regional increases in traffic even if Pi'ilani Highway is not widened and Honua'ula is not built;
- 14 residences if Pi'ilani Highway is widened and Honua'ula is not built; and
- 16 residences if Pi'ilani Highway is widened and Honua'ula is built.

In other words, noise levels along Pi'ilani Highway are projected to increase even if Pi'ilani Highway is not widened and Honua'ula is not built. Noise levels at two residences adjacent to Pi'ilani Highway currently exceed State DOT noise standards for residential structures. By 2022 this number will increase to 13 due to regional increases in traffic conditions even if Pi'ilani Highway is not widened and Honua'ula is not built. If Pi'ilani Highway is widened and Honua'ula is built, by 2022 noise levels at three additional residences adjacent to Pi'ilani Highway would exceed State DOT noise standards for residential structures. Thus, the direct impact of widening Pi'ilani Highway and building Honua'ula is that three additional residences adjacent to Pi'ilani Highway would exceed State DOT noise standards for residential structures compared to projected future conditions if Pi'ilani Highway is not widened and Honua'ula is not built. Therefore the primary noise impacts to residences adjacent to Pi'ilani Highway are from regional increases in traffic that are projected to occur even if Pi'ilani Highway is not widened and Honua'ula is not built, and not the direct result of the widening of Pi'ilani Highway and the building of Honua'ula.

Under all of the above scenarios, by the year 2022 future traffic noise levels along Pi'ilani Highway fronting Honua'ula and along Wailea Ike Drive should not exceed FHWA and DOT noise standards for residential or commercial structures. Future traffic noise levels along the Pi'ilani Highway extension into Honua'ula should not exceed FHWA and DOT noise standards for residential or commercial structures, since adequate setback distances from the highway extension's centerline will be provided in accordance with Section 19.90A.030(E)(6), MCC. In addition, DOT's criteria for a substantial change in noise levels will not be exceeded for existing residences at Wailea 'Ekolu Village and Diamond Resort.

Attachment
Noise

To mitigate impacts to residences along Pi'ilani Highway subject to noise levels that exceed FHWA and DOT residential noise standards, sound attenuating walls are recommended in accordance with DOT's traffic noise abatement policy¹. Walls fronting two lots mauka of Pi'ilani Highway and one lot makai of Pi'ilani Highway have a possibility of being considered as reasonable and feasible under the current DOT traffic noise abatement policy. Landscaping should be considered on the roadway side of sound attenuating walls to mitigate potential visual impacts and the potential for graffiti.

Appendix R contains the Pi'ilani Highway Widening Project Final EA specifically addressing the impacts (including noise impacts) of the widening Pi'ilani Highway is being prepared and will be submitted to the State OEQC for public and State agency review. The DOT will be the accepting authority for the EA has accepted the final EA and issued a Finding of No Significant Impact which was published in the OEQC's *The Environmental Notice* on May 8, 2012.

While a specific acoustic study was not prepared for the Wailea Ike Drive and Wailea Alanui Drive intersection improvements, long-term impacts are not expected to be significant as the improvements will accommodate anticipated future traffic while providing similar vehicle flow and queuing times at the intersection as compared to existing conditions.

Long-term noise impacts from the off-site water and wastewater infrastructure are not expected to be significant, as after these facilities are created there will be very little to no noise generating activity associated with on-going operations.

To mitigate potential noise from golf course maintenance activities and facilities, in compliance with County of Maui Ordinance No. 3554 (Condition 18g), the golf maintenance center is located in an area sufficiently distanced from residential uses and will be designed to further lessen noise to surrounding uses. All golf course maintenance will be conducted in a manner so as not to cause a nuisance to residents.

¹ "Noise Analysis and Abatement Policy," State of Hawaii Department of Transportation, Highways Division, Materials Testing and Research Branch, June 1997. Under this policy if the cost of the sound attenuating wall does not exceed \$35,000 per benefited residence, construction of the walls can be considered to be reasonable and feasible.

ATTACHMENT RECREATIONAL FACILITIES

Attachment Recreational Facilities

4.10.5 Recreational Facilities

There are over 3.8 acres of total park land per 1,000 residents in the Kihei-Mākena area. Over 90 percent of Kihei-Mākena's parks are either directly on a beach, or separated from a beach by a road. The Kihei-Mākena public currently has access to ten tennis courts, three tot lots, six sport fields, four sport courts, and two community centers, in addition to the supplemental facilities offered by resorts in the area. The following County public parks and community centers are available in the region:

- Kama'ole Beach Park (I, II, III);
- Charlie Young Beach;
- Kalama Beach Park;
- Kama'ole Point;
- Keonekai Park;
- Cove Park;
- Kilohana Park;
- Kihei Community Center;
- Kenolio Recreation Complex; and
- Kenolio Park;
- Po'olenalena Beach Park;
- Kalepolepo Beach Park, Lot 2-A;
- Haycraft Park (Ma'alaea);
- Ma Poia 'Oe la'u Park;
- Kihei Beach Preserve;
- Hale Pii'ilani Park; and
- Kihei Aquatic Center.

The total County-owned sub-regional park space in the Kihei-Mākena region is approximately 114.2 acres, with the bulk of the community's parks categorized as special use beach parks. Special use parks serve a regional or islandwide populace because their activities or points of interest are tied to a specific location.

Kilohana Park, located on Kilohana Drive, is the County park facility nearest to Honua'ula.

Despite a relatively large ratio of park area to people in comparison to other communities, according to the *Public Facilities Assessment Update County of Maui (R.M. Towill Corporation 2007)* the Kihei-Mākena region has a deficiency of County park space and facilities, including beach parks; however there is still land area available that is more than adequate to accommodate future park development (R.M. Towill Corporation 2007). The County is in the process of developing a 44-acre park site near Kihei Elementary School, which will include six sports fields and a gym with community meeting rooms. According to the Public Facilities Assessment, the County also has a 150-acre parcel mauka of Kamali'i Elementary school which may be developed for a park, or used as an

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exchange for suitable park land in another area of the region (R.M. Towill Corporation 2007).

There are currently 28.8 acres of County beach parks the Kihei-Mākena region (R.M. Towill Corporation 2007). This does not include Ulua, Wailea, Polo, Palaua, Keawakapu, Makena, and other beaches that are not County beach parks. Using a standard of 40 square feet of beach park space per person, and based on population projections of the Maui Planning Department, the *Public Facilities Assessment Update County of Maui* (R.M. Towill Corporation 2007) projects a need for an additional 37 acres of County beach park space by 2030.

In addition to County parks, Mākena State Park is located in the Kihei-Mākena region. This 164-acre scenic wildland beach park is characterized by prominent cinder cone Pu'u Ola'i and a large white sand beach. Because it is a State park, the 164 acres of Mākena State Park is not included in the inventory of County beach parks provided in the *Public Facilities Assessment Update County of Maui* (R.M. Towill Corporation 2007), nor is the area of Mākena State Park considered in relation to the projected need for an additional 37 acres of County beach park space by 2030.

Wailea Resort contains several recreational facilities, including the three championship golf courses, an 11-court tennis center, and white sand beaches with public access, as well as amenities within the Wailea Resort. Public beaches fronting or near the Wailea Resort include: Ulua Beach, Wailea Beach, and Polo Beach. The Mākena Resort includes the Mākena North and South golf courses as well as the Mākena Tennis Club. Public beaches fronting or near the Mākena Resort include: Palaua Beach and Po'olenalena Beach.

In addition to parks and related recreation facilities, the Kihei-Mākena region also contains facilities for recreational boaters at the Kihei Ramp. The 11.5 acre Kihei Ramp facility is managed by the Department of Land and Natural Resources. Division of Boating and Ocean Recreation and contains three boat ramps (accommodated by one 35 foot-wide ramp), two loading docks, and parking for cars and trailers. The *Public Facilities Assessment Update County of Maui* (R.M. Towill Corporation 2007) projects the need for three additional boat ramps island wide by 2030 based on island-wide population increases projected by the Maui Planning Department.

POTENTIAL IMPACTS AND MITIGATION MEASURES

Honua'ula will include: 1) neighborhood parks open to the public but privately maintained; 2) over 12 miles of pedestrian and bike trails along the community's roadways, gulches, and drainage ways, including a scenic trail along portions of the golf

¹ The park planning standards used in the *Public Facilities Assessment Update County of Maui* were obtained from: 1) Department of Parks and Recreation, City and County of Honolulu (1980); 2) Department of Parks and Recreation, County of Maui, *Open Space and Outdoor Recreation Plan* (2002); and 3) National Recreation and Parks Association (INHPA 2000).

**Attachment
Recreational Facilities**

course that will link to several other trail segments and a Nature/Cultural trail that will border the Native Plant Preservation Area and traverse an adjacent Native Plant Conservation Area (Figure 12); and 3) an 18-hole homeowner's golf course and related recreational facilities.

To provide the greater community the opportunity to enjoy the recreational benefits of the golf course, in compliance with County of Maui Ordinance No. 3554 Honua'ula Partners, LLC will:

- Allow one non-profit organization per quarter, other than Maui Junior Golf Association ("Maui Junior Golf"), to use the golf course and clubhouse for a fund-raising activity (Condition 12a);
- Develop an organized instructional program for junior golfers from September to January each year, allow Maui Junior Golf to use the golf course in accordance with an instructional program, and sponsor one Maui Junior Golf fund-raising tournament per year (Condition 12b);
- Allow for the Maui Interscholastic League and the Hawai'i High School Athletic Association to each use the golf course once per year for an official golf tournament or regular season playoff if requested (Condition 12c); and
- Allow for Maui residents to play at the golf course on Tuesday of each week at a discounted rate that does not exceed 40 percent of the average market rate in South Maui for green fees and golf cart rental fees (Condition 12d).

To help alleviate the shortage of park space and facilities in the Kihei-Mākena region, in compliance with County of Maui Ordinance No. 3554 (Condition 11), Honua'ula Partners, LLC will develop six acres of private parks and 84 acres of open space within Honua'ula. The private parks will be open to the public and privately maintained. Furthermore, the private parks and open space will not be used to satisfy the park assessment requirements under Section 18.16.320, MCC, or for future credits under the subdivision ordinance. The Director of Parks and Recreation and Honua'ula Partners, LLC agree that the park assessment will be satisfied with an in-lieu cash contribution for the entire project. The amounts and timing of payment of the in-lieu fees shall be subject to the provisions of Section 18.16.320, MCC. This cash contribution will be used to upgrade Maui County parks and facilities, which may include beach parks, as determined by the Department of Parks and Recreation in accordance with their park facility priorities.

Additionally, in compliance with County of Maui Ordinance No. 3554 (Condition 10), Honua'ula agrees that in-lieu of the dedication of a Little League Field and related amenities and based on current land and construction cost estimates for the Little League Field, not less than \$5,000,000 will be paid to the County upon Project District Phase II approval for the development of the South Maui Community Park. The amount shall not be credited against future park assessments.

In their comment letter on the E/EIS/PN, the Department of Parks and Recreation (DPR) stated that they have no objections to Honua'ula. DPR stated further:

**Attachment
Recreational Facilities**

The 6 acres of private parks and 84 acres of open space proposed to be developed outside of park assessment requirements, in addition to the agreement to satisfy the provisions of Section 18.16.320, Maui County Code, with an in-lieu cash contribution for the entire project, meets with our approval. The applicant's offer of payment not less than \$5,000,000 to the County in lieu of the dedication of a Little League Field, upon Project District Phase II approval for the development of the South Maui Community Park is also acceptable. Finally, the applicant's agreement to support Maui Junior Golf, MIL athletic groups, and provide reduced rates for kama'aina is a favorable commitment.

In addition, in their comment letter on the Draft EIS DPR stated:

The Draft Environmental Impact Statement for the subject project adequately addresses the concerns of the Department of Parks and Recreation. We have no additional comments or objections to the subject project at this time.

Regarding beach use by Honua'ula residents, it is assumed that some Honua'ula residents will go to Maui beaches; however the number of Honua'ula residents going to a specific beach on any given day cannot be known and it cannot be assumed that Honua'ula residents will patronize only the beaches nearby Honua'ula, such as Ulua, Wailea, Polo, Palauea, Po'olenalena, Keawakapu, and Makena beaches; rather it is likely that they could choose to go to any beach in the Kihei-Makena region or on the entire island.

Maui Planning Department population projections indicate that the Maui and the Kihei-Makena populations are increasing. This increase is projected with or without Honua'ula. The additional population will use public facilities, such as beaches. Therefore increased beach use and associated impacts will occur with or without Honua'ula.

Furthermore, many of Honua'ula's future residents may already be existing Maui residents making periodic use of public facilities such as beaches because Honua'ula's 450 on-site workforce affordable homes must be offered for sale to Maui residents. Based on a household size of 2.5 people per household approximately 1,125 (73 percent) of Honua'ula's future 1,541 full-time residents may be existing Maui residents.

Regarding the Kihei Boat Ramp and boat ramp facilities on Maui in general, it is not anticipated that Honua'ula will trigger the need for additional boat ramp facilities considering that: 1) the County projects a population increase with or without Honua'ula; 2) approximately 73 percent of Honua'ula's future residents may already be exiting Maui residents; and 3) relatively few new boat ramps will be necessary by 2030 to support the island wide population increase projected by the County.

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Attachment
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10 REFERENCES

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ATTACHMENT TRAILS AND ACCESS

Attachment Trails and Access

4.3 TRAILS AND ACCESS

Honua'ula is accessed directly from the Kihei southern terminus of Pi'ilani Highway, which is a two-lane State highway. There are several unimproved roads on the Property that provide limited access within the Property.

Remnant segments of a road referred to as the Kanaio-Kalama roadway are present along a portion of an existing jeep road which was constructed atop the same alignment. The original alignment is not followed by the current jeep road and only a small modified segment of the Kanaio-Kalama roadway exists. Water-worn cobbles and boulders, representing objects foreign to the environment presumably used in the original construction of the Kanaio-Kalama roadway, can be seen on either side of the jeep road in certain locations. Portions of the roadway may also have been modified for use by the military.

Discontinuous segments of steppingstone trails are present within the southern portion of Honua'ula. Researchers such as Chapman and Kirch (1979) proposed that a pattern of transience existed between coastal and inland areas. Foot trails linking upland and coastal settlements were used by travelers from upland areas to gain access to the coast and marine resources.

POTENTIAL IMPACTS AND MITIGATION MEASURES

The creation of Honua'ula will make the Property much more accessible relative to the current limited access. Honua'ula will include a system of pedestrian and bike trails along the community's roadways, gulches, and drainage ways (Figure 13). This secondary circulation system of linked pedestrian/bike trails will connect residential areas to the village mixed use areas, neighborhood parks, golf course clubhouse, and other areas and will provide residents a meaningful alternative to driving within the community.

A connector loop trail that ranges in width from six to eight feet will be suitable for walking and biking throughout the community. This trail will circle the Property from its northern to southern boundary and connect to the Wailea Ike Drive and Pi'ilani Highway intersection. A minor street path from Kaukahi Street will allow connection from Wailea to trail systems throughout Honua'ula. A proposed scenic trail along portions of the golf course will also link to several other trail segments and is expected to provide sweeping views, both mauka and makai.

~~The Native Plant Preservation Area contains known archaeological and cultural sites. Therefore, to protect the integrity of these sites and native plants, the Native Plant Preservation Area will remain undisturbed and development will be prohibited, with the exception of a Nature/Cultural trail that will border the Native Plant Preservation Area and traverse the adjacent Native Plant Conservation Area.~~

Attachment Trails and Access

As recommended by the Honua'ula cultural impact assessment, Honua'ula will provide traditional native Hawaiian mauka-makai access trails across the Property (*ala i ke kai* (pathway to the ocean) and the *ala i ke kula* (pathway to the uplands)). These trails will follow the Property's natural gulches from mauka to makai.

The steppingstone trail segments within the Property, which represent discontinuous remnants of traditional trails, will be preserved *in situ*. In their current state they are truncated not only by prior disturbances, but also by private land holdings and existing developments that straddle portions of traditional land divisions. Segments beyond the boundaries of Honua'ula are beyond the jurisdiction of Honua'ula Partners, LLC.

In terms of the Kanaio-Kalama road, only a small modified segment still exists, with major segments of the original alignment altered by an existing jeep road. In addition, the integrity of the roadway has been lost outside of the Property both at the Kalama and Kanaio segments, which are under multiple ownerships. In a letter dated July 31, 2009, Nā Ala Hele of the DNR Division of Forestry and Wildlife (DOFAW) states that no documentation of the Kanaio-Kalama roadway could be found in the royal grant patents of the Property that were awarded in 1850. Also, no record exists of the road being in existence prior to 1892, when the U.S. Highways Act was passed. Thus, the Kanaio-Kalama roadway is not considered to be a public highway. However, to further enhance mauka-makai access across the Property, the approximate route of the Kanaio-Kalama road will be incorporated into the Honua'ula trail system. This functionally equivalent route will approximate the alignment shown on the current TMK map (Figure 3), and thus will run diagonally from Kaukahi Street, through the Native Plant Preservation Area, to the southeast corner of the Property.

The Native Plant Preservation Area contains known archaeological and cultural sites. Therefore, to protect the integrity of these sites and native plants, the Native Plant Preservation Area will remain undisturbed and development will be prohibited, with the exception of: 1) the Kanaio-Kalama trail, which will transverse through the Native Plant Preservation Area; and 2) a Nature/Cultural trail that will border the Native Plant Preservation Area.

In their July 31, 2009 letter, Nā Ala Hele also stated, "The proposed development of walking trails and the preservation of the stepping stone trail will provide recreational opportunities that can highlight the historical and cultural values of the area."

Overall, Honua'ula will not be a gated community; however, builders of some individual areas or specific homeowner's associations or residents may choose to gate individual areas. No gated community areas have been proposed, but it has not been determined if any areas would be gated or where these areas would be located within the Property or at what phase they would be built. However, any gated area would not be so restricted to prohibit anyone with a legitimate reason from accessing an area. Specifically, any gated area would not be designed to exclude access to any cultural or archaeological resources.

Attachment Trails and Access

Typically gated communities evoke images of mini mansions in exclusive enclaves, but restricted access multi-family townhouse and other higher density developments can also be classified as "gated communities." While some upscale gated communities cater to upper income level residents, there are also many gated communities that are geared to average homebuyers. Although gated communities are often criticized as elitist and homogeneous, data suggests that gated communities are not necessarily reserved only for the rich (Nasser 2002). The 2001 American Housing Survey conducted by the U.S. Census Bureau reported that more than seven million households live in a type of gated community. The statistics also show that residents of gated communities belong to many different demographic types, not just the wealthy. Gated communities are popular with young families with children, retirees, second-home buyers, professionals, and many others. The elderly have been attracted to gated communities since the 1970s. Other potential buyers include empty nesters who are away frequently on vacations and young double-income families in which no one is home during the day (Blakely 1999). For second-home buyers, gated communities are especially attractive for the security they provide during long periods of vacancy (Blakely 1999).

Research shows that motivations for living in a gated community reflect, to varying degrees, a range of social values (Blakely & Snyder 1997). Some people are drawn to gated communities for prestige; some are looking for privacy; some want to protect themselves from crime and traffic (Blakely & Snyder 1997). For some, gated communities provide an added measure of security, less traffic, and increased pedestrian safety, a peaceful and quiet setting, social familiarity with neighbors, a sense of community, and shared ownership of space. Gated communities are attractive for residents as they provide protection and usually offer a high level of residential amenity and recreational value. The sense of community and belonging felt by residents may afford a more valuable notion of 'security' than is provided by gates alone as residents within gated communities tend to know or recognize each other thereby being able to easily identify non-residents (Quintal & Thompson 2007). Through restrictions on design and access, gated communities may help to reduce uncertainty by enabling residents to exert greater control over their living environment (Quintal & Thompson 2007). For some, gated communities provide for both security and a self-directed, democratic community in which all members of the association are active participants in community governance (Blakely 1999). While gated communities may not appeal to all, they do offer features many find attractive for their choice of style and quality of living.

In some municipalities gated communities have been considered "cash cows" for local governments because the developer initially provides all infrastructure (roads, landscaping, parks, community centers, etc) within the community and the residents pay homeowner's fees for the on-going maintenance of these common facilities. Thus, initially the developer, and then the residents pay for services that may typically be borne by government; however the residents in gated communities still pay property taxes to government based on property values, which may be higher in gated communities (Le Coix 2004). Therefore gated communities can be particularly desirable for local

Attachment Trails and Access

governments and in some areas are seen as a public-private partnership rather than an attempt to secede from the public realm (Le Goix 2004).

While research has shown that gated communities provide a sense of community and stability for their residents (Quintal & Thompson 2007), critics of gated communities believe that when people wall themselves from others they are cutting themselves from the mixed, open society that is needed for a social and political democracy (Drew & McGuigan 2005). Rather than being involved in an open society, critics argue that gated communities tend to foster segregation where better-off citizens gradually become less encumbered by collective social burdens (Blakely 1999; Drew & McGuigan 2005). Thus people with the necessary resources can quietly secede from the large and diverse public into homogenous enclaves within which their earnings need not be redistributed to people less fortunate than themselves (Blakely 1999). Others contend that gated communities offer a false sense of security as many nonresidents may have access to the communities, such as delivery people, maintenance workers, and other visitors (Drew & McGuigan 2005). Thieves may also seek out gated communities because of the perception of more valuable goods within the gates (Nasser 2002). Alternatively, others have theorized that gated communities cause crime to be redistributed to areas outside the gated communities (Le Goix 2004).

All neighborhoods, gated and non-gated, have the same ultimate goals: safety and security, no crime, safe streets, slow traffic, and a stable quality of life. To some extent, gated communities attain these goals and in this respect have a positive influence on the lives of those residents. Honua'ula seeks to achieve these goals through design, with key objectives of reflecting community values, emphasizing vibrant community development, and creating a sense of place.

Building on overall goals of safe and secure neighborhoods, the Maui Police Department recommends incorporating principles of Crime Prevention Through Environmental Design (CPTED) into the design of Honua'ula. The goal of CPTED is to prevent crime by designing a physical environment that positively influences human behavior. The theory is based on four principles: 1) *natural surveillance*, which refers to the placement of physical features that maximize visibility of the neighborhood so residents can observe their surroundings; 2) *access management*, which involves guiding people by using signs, well-marked entrances and exits, and landscaping so visitors can be seen entering and exiting; 3) *territoriality*, which is the clear delineation of space to create pride or ownership and a vested interest of owners in their neighborhood; and 4) *physical maintenance*, which includes repair and general upkeep to maintain a well-kept appearance and neighborhood pride.

ATTACHMENT WASTEWATER SYSTEM

**Attachment
Wastewater System**

4.8.2 Wastewater System

The Wailea area is serviced by the Kihei WWRF, located approximately four miles northwest of Honou'ula. Sewage from the Wailea area is conveyed to the Kihei WWRF via the South Kihei Collection System, which consists of trunk sewer mains running along Wailea Alanui Drive and South Kihei Road. Other Kihei communities along this route are also served by this system. The Kihei WWRF currently has unused capacity; however, the collection and transmission system may not be adequate to support Honou'ula. In addition, the County desires to reserve the unused plant capacity to accommodate other development in the existing service area, rather than extend the service area to Honou'ula.

The Makena Wastewater Corporation owns and operates the Makena WWRF, which is approximately one mile south of Honou'ula. The Makena WWRF ~~was~~ is currently designed to handle wastewater flows of 720,000 gallons per day (gpd) and is also designed to be expandable to handle 1.54 million gallons per day (mgd). Currently the facility is only handling ~~397,413~~ 114,440 gpd, leaving an unused capacity of ~~328,587~~ 605,560 gpd.

Currently, the Honou'ula Property does not contain any wastewater infrastructure and is not served by a wastewater collection system. Honou'ula is located in the critical wastewater disposal area as determined by the Maui Wastewater Advisory Committee. No new cesspools are allowed in this area.

POTENTIAL IMPACTS AND MITIGATION MEASURES

Wastewater from Honou'ula will be managed to protect human health and the environment, and Honou'ula will not rely upon or burden any public facilities. Using County of Maui design standards, ~~Wailea-Okamete Corporation~~ projected the average wastewater flow from Honou'ula at full build-out is projected to be ~~0-562-MGD~~ 380,000 gpd.

Wastewater Treatment

Honou'ula will not rely upon or burden any public wastewater facilities. In compliance with County of Maui Ordinance No. 3554 (Condition 17), Honou'ula Partners, LLC will either participate in the operation of a private WWRF and system that accommodates the needs of Honou'ula (Alternative 1) or provide a WWRF on-site (Alternative 2). No cesspools will be developed within Honou'ula. Connection to the Makena WWRF would be in conformance with the option of participating in the operation of a private wastewater treatment facility, and therefore is being considered for Honou'ula wastewater treatment.

In further compliance with County of Maui Ordinance No. 3554, Honou'ula Partners, LLC ~~will~~ 1) provided a sewage disposal analysis to the Maui County Council that has been reviewed and commented on by DOH, DLNR, the County Department of Environmental

**Attachment
Wastewater System**

Management, and DWS before Project District Phase II approval (Condition 16)¹⁰; and 2) will ensure that sewer rates for the residential workforce housing units will be no higher than the residential sewer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, MCC (Condition 17). Sewer rates for Honou'ula's market rate residential units have not yet been established; however, the Makena WWRF is regulated as a public utility by the State Public Utility Commission (PUC), as are all private wastewater companies. If an on-site WWTF is built at Honou'ula, it will also be a private facility. The PUC prescribes rates, tariffs, charges and fees, for public utilities.

Wastewater system design, and construction, and operation will be in accordance with County standards and all wastewater plans and facilities will conform to applicable provisions of: Chapter 11-62, HAR (Wastewater Systems); Section 11-62-27, HAR (Recycled Water Systems); and Chapter 11-21, HAR (Cross-Connection and Backflow Control). Chapter 11-62, HAR (Wastewater Systems) specifically requires that wastewater systems shall not create or contribute to foul or noxious odors.

In complying with the DOH regulations, Honou'ula Partners, LLC will also be in compliance with County of Maui Ordinance No. 3554:

- Condition 18c, which requires compliance with Condition 4 of DOH's "12 Conditions Applicable to All New Golf Course Development" relating to connecting the golf course clubhouse and other golf course facilities to a WWRF; and
- Condition 18d, which requires compliance with Condition 5 of the DOH's "12 Conditions Applicable to All New Golf Course Development" relating to use of treated wastewater for golf course irrigation.

Alternative 1 – Makena WWRF – The first, and preferred, alternative is to transport wastewater to the Makena WWRF for treatment. Wastewater from Honou'ula would be conveyed to the Makena WWRF via a pump station and force main. R-1 recycled water would be pumped back to Honou'ula for golf course irrigation use. Figure 2 shows the proposed wastewater alignment for possible connection to the Makena Resort WWRF. The alignment provides for underground wastewater transmission and R-1 return lines approximately 12-inches in diameter within an unpaved easement approximately 6,400 linear feet in length and 30 feet in width. The 30-foot easement width allows for access and maintenance parallel to the underground transmission line.

Makena WWRF (as well as the County Kihei WWRF) uses a process called "extended aeration activated sludge/coagulation/filtration" to treat wastewater. With this process wastewater first passes through bar screens to remove large debris. The screened wastewater then enters aeration lagoons where naturally-occurring micro-organisms (called "activated sludge") consume organic material. The micro-organisms settle to the

¹⁰ Honou'ula Partners, LLC submitted the sewage disposal analysis to the Maui County Council on May 11, 2010. After receiving the analysis, the Maui County Council accepted the analysis and did not subject Honou'ula to any additional conditions or amendments. As a result, Condition 16 has been fully satisfied.

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bottom of a clarifier, and are returned to the aeration lagoon. Flocculants like ferric chloride and/or polymer are added to the clarified water to agglomerate small particles into larger particles that can be removed by a granular media filtration process. The filtered water is then disinfected using UV light prior to reuse.

Transporting wastewater to the Mākēna WWRF for treatment provides the benefit of consolidating wastewater services for both Honua'ūla and Mākēna, allowing economies of scale in the treatment process and consolidated regulatory compliance. Sufficient golf course land is available within both Honua'ūla and the Mākēna Resort to reuse 100 percent of the recycled water for irrigation.

While there is currently unused capacity at the Mākēna WWRF, it may be necessary to expand certain portions of the Mākēna WWRF in the future to provide a small amount of additional capacity to accommodate the total projected Honua'ūla wastewater flows along with the projected Mākēna Resort flows before each project is completely built out.

The Mākēna WWRF is currently designed to handle wastewater flows of 720,000 gpd and is also designed to be expandable to 1.54 million gallons per day (mgd). Currently, the facility is only handling 114,440 gpd, leaving an unused capacity of 605,560 gpd based on the current capacity of 720,000 gpd. Future development within Mākēna Resort is estimated to produce flows of 276,973 gpd. Therefore the total flow from the Mākēna Resort is projected to be 391,413 gpd at build-out. See Table 5 below.

After the build-out of Honua'ūla, the total Honua'ūla wastewater flow is projected to be 380,000 gpd. Combined with the total Mākēna Resort flow, the combined flow from both Mākēna Resort and Honua'ūla would be 771,413 gpd, which is 51,413 gpd more than the current capacity of 720,000 gpd of the Mākēna WWRF. See Table 1 below. Preliminary indications are that the headworks, effluent filters, and UV disinfection systems would require modifications to handle the additional capacity. Expansion of the Mākēna WWRF will not be necessary until both Honua'ūla and Mākēna Resort approach 90 percent of build out, which could be 10 to 20 years from now. As both Honua'ūla and Mākēna Resort will be built out over a number of years, improvements can be implemented at the appropriate time, when needed.

Table 1. Current and Projected Mākēna WWRF Capacities

Description	GPD
Current Mākēna Resort flow	114,440
Future Mākēna Resort flow	276,973
Total Mākēna Resort flow at build-out	391,413
Honua'ūla flow at build out	380,000
Total Mākēna Resort and Honua'ūla flow at build-out	771,413
Current Mākēna WWRF Capacity	720,000
Additional capacity required to accommodate both Mākēna Resort and Honua'ūla at build-out	51,413

Conveying wastewater from Honua'ūla to the Mākēna WWRF will require a pump station to receive the flows from Honua'ūla. The pump station would be located at the southwest corner of the Property at approximately the same location as an on-site WWRF. The pump station would convey the wastewater via a force main directly to the Mākēna WWRF. For recycled water to be returned to Honua'ūla, a recycled wastewater pump station located at or near the Mākēna WWRF and a force main would be required. See Figure 2 for the location of the wastewater force main route to the Mākēna WWRF.

Honua'ūla Partners, LLC has had substantive discussions about this alternative with the Mākēna WWRF owner, Mākēna Wastewater Corporation, and they support the connection; however, formal agreements with Mākēna Wastewater Corporation have not yet been finalized.

Alternative 2 – On-Site Treatment Plant – The second alternative is to construct an on-site WWRF that is capable of treating all of the Honua'ūla wastewater to R-1 standards. The on-site WWRF would be located at the southwest corner of the Property on approximately four acres of land. R-1 water would be delivered to the Honua'ūla golf course water features for storage and eventual irrigation of the golf course and other landscaped areas. RO concentrate from the on-site desalination facility (see Section 4.8.1 (Water System)) would be blended with the R-1 water.

A membrane bioreactor (MBR) wastewater treatment system is proposed for the on-site WWRF to produce R-1 quality water for non-potable use. The MBR process is a biological process (activated sludge process) combined with a separation process (membrane system). MBR systems are widely used throughout the world and are considered an industry standard for the production of reliable R-1 recycled water. In addition, MBR systems have the smallest footprint of the various biological treatment systems available and provide the highest quality recycled water.

In a MBR system the first element of the wastewater treatment process is screening to remove debris. This takes place in an enclosed building to control odors. Air collected from the building is then passed through a biofilter to remove odors. During the MBR process, wastewater is pumped into aeration basins, where a population of naturally-occurring microbes (activated sludge) treats the water by consuming organic matter. The activated sludge is separated from the water using membranes, located in the MBR basins. The activated sludge is pumped back to the head-end of the aeration basin to be used again.

Periodically, excess activated sludge must be removed (wasted) from the treatment system. The activated sludge goes through a thickening process to form dewatered solids. The dewatered solids will be taken to the County landfill for composting by EKO Compost, which operates a composting facility at the landfill. At build-out the on-site WWRF is expected to produce approximately 17 wet tons of dewatered solids per week. EKO Compost has the capacity to accept this amount of dewatered solids for composting.

The treated water will be disinfected using ultraviolet (UV) light. The treated water will flow through concrete channels containing banks of submerged UV light bulbs. The water

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will be disinfected as it passes by the bulbs and is exposed to the UV light. The UV light penetrates the cells of pathogenic organisms, rendering them unable to replicate. The disinfected water exiting the channel will meet R-1 standards and will be suitable for reuse. A pump station located adjacent to the UV channel will deliver the R-1 water to the Honua'ula golf course.

Another potential approach to treating Honua'ula wastewater in lieu of the MBR is via an extended aeration activated sludge process, followed by addition of coagulant chemicals and granular media or cloth disk filtration. The main difference between MBRs and other R-1 treatment technologies (such as the extended aeration activated sludge/coagulation/filtration process used at the Mākena and County Kihei WWRFs) is the method of separating the suspended solids from the water. MBRs have thin membranes with many thousands of micro-perforations, which are too small for the passage of suspended solids and microorganisms present in the wastewater, but large enough to allow the passage of water molecules. In the extended aeration activated sludge/coagulation/filtration process, combination flocculants like ferric chloride and/or polymer are added to treated water to agglomerate small particles into larger particles that can be removed by a granular media filtration process. When coupled with a suitable disinfection system, both MBR systems and extended aeration activated sludge/coagulation/filtration systems are capable of reliably producing R-1 quality water that meets all DOH R-1 water quality standards. In addition, MBR systems require less land area to treat a given flow than extended aeration activated sludge/coagulation/filtration systems. This is because the MBR membranes perform the equivalent treatment of gravity sedimentation and filtration in one tank. Additional land area within Honua'ula would have to be set aside for the WWRF if this approach is taken. An extended aeration activated sludge/coagulation/filtration system was used. The extended aeration activated sludge/coagulation/filtration approach is currently used at the Mākena WWRF and the Kihei WWRF.

On-Site Collection System

The on-site wastewater collection system will collect flows from the various areas and uses within Honua'ula. Sewer lines will essentially follow the proposed roadway system. A network of eight-inch gravity sewer lines will collect wastewater from homes and buildings throughout the site within four service areas. In each of these service areas, the sewer lines will follow the topography and will flow by gravity. Pump stations will be used where the topography requires flows to travel upslope.

All wastewater flows will flow to the southwest corner of Honua'ula. From there the flows will either enter the on-site WWRF for treatment or will be pumped to the Mākena WWRF for treatment.

Recycled Water Use

After treatment—at either the possible on-site WWRF or the existing Mākena WWRF—recycled water will be stored in lined water features located on the golf course. Brine water from the RO facility will be mixed with the recycled water. The mixed

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recycled/brine water will then be distributed for irrigation purposes. In compliance with County of Maui Ordinance No. 3554 (Condition 17), none of the recycled water will be placed into injection wells.

The Mākena WWRF includes an unlined wet weather storage/disposal back-up basin to handle treated peak wet weather flows in conformance with DOH rules. This basin accommodates treated water when quantities exceed the irrigation requirements, such as in time of wet weather when golf course irrigation may not be necessary or when peak flows enter the wastewater system due to storm water runoff. Treated water discharged into the basin either percolates or evaporates. If an on-site WWRF is built for Honua'ula, a similar wet weather storage/disposal basin will be provided for management of recycled water during extended wet weather periods after the golf course water features are full. Treated water stored in the wet weather storage/disposal back-up basin will percolate, evaporate, or be pumped back to the treatment plant for additional treatment. The basin will be designed to accommodate the peak recycled water flow rate and will have storage volume of approximately 4.6 million gallons, or the capacity to store approximately 12 days of average dry weather flow and therefore no recycled water will be discharged.

Recycled water (including the mixed recycled/brine water) will be distributed in piping systems that are completely separate from potable water distribution piping systems. The DOH has established requirements for piping systems used to distribute recycled water to the points of use. The DOH requirements are designed to reduce the risk of accidental cross-connection between potable and non-potable systems. Honua'ula piping systems will be in full compliance with these requirements.

The use of R-1 irrigation water is not expected to have negative impacts on groundwater or nearshore waters. See Section 3.5 (Groundwater Resources and Water Quality) for complete discussion on potential impacts to groundwater and nearshore waters.

ATTACHMENT WATER SYSTEM

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4.8.1 Water System

Potable water for the Kīhei-Wailea region is presently supplied by the 'Īao Aquifer, which also supplies the Wailuku-Kahului region. A 36-inch and an 18-inch transmission main convey water from the 'Īao Aquifer to the Kīhei-Wailea area. As of July 21, 2003, the 'Īao Aquifer was designated as a groundwater management area by the State CWRM. The sustainable yield of the 'Īao Aquifer is 20.0 MGD, and existing water use is 18.940 MGD (Wilson Okamoto/CWRM, 2008).

The Property, and the wells that will supply the Property, are located in the Kama'ole Aquifer System. The system comprises a triangular-shaped area of approximately 89 square miles, with its apex at the top of Haleakala and its base along the 11-mile length of shoreline from Waiakoa Gulch on the north to Cape Kīna'u on the south. Groundwater in the Kama'ole Aquifer exists as a basal lens from the shoreline as far inland as the 1,700-foot contour. In 1990, the CWRM set the sustainable yield of the Kama'ole Aquifer at 11 MGD. This was based on a computed groundwater recharge of 25 MGD and the assumption that 44 percent of the recharge could be withdrawn by wells without adversely impacting the integrity of aquifer. However, several far more detailed and sophisticated studies on the aquifer's recharge have been completed since then (USGS 1999; Waimea Water Services Inc. 2004; USGS 2007). These studies indicate that the recharge amount on which the CWRM's sustainable yield is based is substantially underestimated; the actual sustainable yield of the aquifer may be as much as 50 percent greater than the 1990 CWRM estimate. Current actual aquifer pumpage is estimated to be approximately 4.0 MGD (TNWRE 2010a).

The County of Maui does not have any water service lines to the Honua'ula Property. Existing water systems in the vicinity of the Property include the County Maui Meadows System to the north and the County Potable Wailea Resort System to the west. The Maui Meadows System consists of a high-level 0.5 MG tank located at the 799 foot elevation and a mid-level 1.0 MG tank located at the 563 foot elevation. The Wailea Resort System consists of a low-level 2.0 MG tank at the 210 foot elevation south of Wailea Ike Drive and a mid-level 3.0 MG tank at the 374-foot elevation. The potable Wailea 3.0 MG tank is located on the west side of the Honua'ula makai boundary and serves most of the Wailea Resort. The Wailea Resort also operates a private non-potable system for golf course irrigation. There is also an existing 1.0 MG water tank located on the Honua'ula Property above Kaukahī Street that will be dedicated to the County of Maui to provide service to properties below Honua'ula.

Honua'ula has four brackish wells. Two of these are on the Property (Wailea 670 1 and 2). The other two are off-site (Kama'ole 1 and 2) in an area north of Maui Meadows and on land owned by Haleakala Ranch. The total safe yield of the four wells, with one as standby, is 1.37 MGD (TNWRE 20092010a). All of the wells are within the Kama'ole Aquifer System and are fully permitted by CWRM.

POTENTIAL IMPACTS AND MITIGATION MEASURES

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Water System**

Honua'ula will not rely upon or burden any County water system or facilities. Instead, Honua'ula Partners, LLC will develop, maintain, and operate a private water system providing both potable and non-potable water for use within Honua'ula. The complete water system will include a:

1. Non-potable system supplied by brackish wells to provide water for irrigation of common areas and within individual parcels;
2. Potable system supplied by RO treated water, using brackish groundwater as the feedwater supply, to provide drinking water and other potable water needs; and
3. Golf course irrigation system supplied by recycled wastewater (R-1 quality), concentrate from the RO treatment of the potable supply, and brackish groundwater from the non-potable irrigation system.

The average daily potable water use for Honua'ula is estimated to be 0.34 MGD at build-out. Non-potable water will be used for all irrigation within Honua'ula, including single-family and multifamily lots. The average non-potable demand for irrigation excluding the golf course is estimated to be 0.810 MGD at build-out. The non-potable demand for golf course irrigation is estimated to be 0.717 MGD. Brackish well water will be used to supply all Honua'ula water needs. The brackish well water will supply the feedwater for the RO system, thus producing potable water. Concentrate from the RO treatment of the potable supply will also be produced. Much of the potable waste water will be recycled (R-1) then mixed with the RO concentrate and used for golf course irrigation. With this system, the total average withdrawal from brackish wells is estimated to be 1.7 MGD.

To provide for summertime maximum use periods and to have standby capacity, two more wells will be needed. Depending on actual water use rates that materialize, a third new well may or may not be needed as Honua'ula approaches build-out. New wells will be developed within the Haleakala Ranch source development area north of Maui Meadows where the existing off-site wells are located. Section 3.5.1 (Groundwater) contains the discussion on the potential impact of existing and new wells.

The existing off-site wells and any new off-site wells will be connected to Honua'ula by an approximately 12-inch diameter underground water line running roughly parallel to the upper boundary of Maui Meadows in an unpaired easement approximately 12,000 linear feet in length and 30 feet in width. The 30-foot easement width allows for access and maintenance parallel to the underground transmission line.

Honua'ula's private water system will be provided in compliance with County of Maui Ordinance No. 3554 (Condition 1). In further compliance with County of Maui Ordinance No. 3554 (Condition 1), Honua'ula Partners, LLC will: 1) comply with applicable water ordinances that pertain to the supply and transmission of water from the island of Maui when such ordinances are enacted; 2) offer to the County the right to purchase the water system when completed at the cost of development of the system; and 3) ensure that the water rates for the residential workforce housing units will be no higher than the general

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water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, MCC.

In addition, non-potable water will be used for all irrigation purposes in compliance with County of Maui Ordinance No. 3554 (Condition 14)

In developing, maintaining, and operating the water system, Honua'ula Partners, LLC will comply with all requirements of Chapter 174C, HRS (State Water Code) and HAR, Chapters 13-167 to 13-171, as applicable, pertaining to CWRM and administration of the State Water Code. As recommended by CWRM, Honua'ula Partners, LLC will coordinate with the County to incorporate Honua'ula into the County's Water Use and Development Plan. Honua'ula Partners, LLC will also comply with: 1) DOH Engineering and Capacity report requirements; and 2) the County's Water Availability Policy, codified as Chapter 14.12, MCC. The above oversight processes ensure adequacy of the water source and that water source development will not interfere or conflict with County plans for source development. In addition, as stated in Section 3.5.1 (Groundwater), the UIC line¹⁰, as established by the State DOH, is located approximately along the 600-foot elevation contour, above the majority of the Property. Therefore Honua'ula's on- and off-site wells are below the UIC line. Since the wells will provide the source of water for Honua'ula's potable (and non-potable) water system, setbacks will be established which may restrict new and existing injection well construction. Honua'ula Partners, LLC will inform landowners located within the setbacks surrounding the wells of the effect of such setbacks on the injection well development potential of their properties.

Potable System

Source and Treatment – Brackish well water will be treated by RO to produce potable water for Honua'ula. The RO process involves initially passing the brackish water through a filter to remove particulate matter. The filtered water is then forced through a membrane under pressure. The membrane acts as a barrier to salts and other constituents. The water that passes through the membrane may be further chemically treated and disinfected, as necessary, prior to use.

The RO process generates brine in the course of producing potable water. However, by diluting the brine water with other non-potable water (brackish and R-1), the salt content will be reduced to a degree that it can be used for irrigation, thus avoiding the use of injection wells to dispose of the brine. In periods of extended wet weather when irrigation requirements are minimal, it may be necessary to dispose of the RO concentrate in a disposal well with delivery in the saltwater zone below the basal lens. Such a disposal well will be in compliance with all provisions of HAR Title 11, Chapter 11-23 (Underground Injection Control).

¹⁰ Underground Injection Control Line (UIC) means the line on the DOH Underground Injection Control maps which separates exempted aquifers and underground sources of drinking water (Section 11-23-03, HAR).

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The RO plant will be located at the eastern border of the Property next to a water storage tank. A portion of the brackish water will bypass the RO plant for use as non-potable water for irrigation.

The RO plant and other components of the water system will be subject to regulation as a public water system and will meet requirements of the State DOH, including HAR Chapters 11-20 (Potable Water Systems), 11-21 (Cross-Connection & Backflow Control), and 11-25 (Operating Personnel in Water Treatment Plants). The water treatment facility and other components of the water system (i.e., storage, piping, pumps, and disinfection) are subject to the approval of the DOH Safe Drinking Water Branch before start up. In addition to successfully completing the start up testing process, the water system will be required to satisfy all components of HAR Chapter 11-20 (Potable Water Systems), including:

- Demonstration of capacity requirements and satisfactory technical, managerial, and financial capabilities to enable the system to comply with safe drinking water standards and requirements, including:
 - o An adequate water source to serve current and future water users;
 - o Adequate system technical performance;
 - o An infrastructure replacement plan that includes estimates of the useful life and plans for the eventual replacement of the public water system's infrastructure;
 - o An operational plan that includes a preventative and corrective maintenance program;
 - o A clear management organization and communication structure;
 - o An emergency response plan;
 - o Adequate financial capacity and dedicated sources of income, including income and cash reserves to pay annual operating expenses, unexpected significant repairs, and planned major work;
 - o Adequate budget controls, including performance reviews of actual expenditures and annual budgets, procedures to safeguard financial assets, and maintenance of detailed financial records that clearly identify sources of income and expenses involved in operating the public water system; and
 - o Demonstration of credit worthiness, including: 1) long-term dedicated revenue projections showing sufficient revenue for: a) operating and maintaining the public water system; b) performing anticipated repairs; c) replacement of major equipment; d) future expansion; and e) repayment of loans; and 2) credit reports that indicate that the public water system is financially healthy and credit worthy.
- Approval of the Director of Health prior to use, which is based upon the submission of a satisfactory engineering report meeting requirements of DOH;
- Identification (within the engineering report) of all potential sources of contamination and evaluation of alternative control measures that could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source; water quality analysis for all regulated contaminants;

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- performed by the State Laboratories Division of the State of Hawaii, will be submitted to DOH to demonstrate compliance with all drinking water standards;
- Assessment to delineate a source water protection area and creation of a source water protection plan, including activities to protect the source of drinking water;
 - Operation of the system by certified distribution and water treatment plant operators meeting the requirements of DOH;
 - Design and operation of the potable system to prevent the cross-connection with the non-potable system and the possibility of backflow of water from the non-potable system to the drinking water system—the two systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the drinking water supply and all non-potable spigots and irrigated areas must be clearly labeled with warning signs to prevent the inadvertent consumption of non-potable water
 - Addressing the potential of contaminating activities (as identified in the Hawaii Source Water Assessment Plan) within the source water protection area and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

Further, the County's Water Availability Policy, codified as Chapter 14.12, Maui County Code (MCC), requires verification of a long-term, reliable supply of water before subdivisions are approved. In accordance with Section 14.12.050 MCC, in reviewing and commenting on water source engineering reports the DWS Director shall consider (among other things) the following factors:

- Cumulative impacts;
- CWRM's Water Resources Protection Plan;
- The general plan and relevant community plans;
- The adverse impacts on surrounding aquifers and stream systems, including:
 - o Water levels;
 - o Water quality, including salinity levels;
 - o Surface water-groundwater interactions; and
 - o Adverse impacts on other existing, future, or planned wells;
- The adverse impacts on the water needs of residents currently being served and projected to be served by DWS;
- The adverse impacts on environmental resources that are rare or unique to the region and the project site (including natural, cultural, or human-made resources of historic, archaeological, or aesthetic significance);
- The adverse impacts on the exercise of traditional and customary Native Hawaiian rights and practices;
- United States Geological Survey studies;
- Whether the applicant is in full compliance with the State water code and County's water reporting laws;
- Whether the affected water source, including groundwater, surface water, or other source of water will exceed;

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- o 90 percent of the sustainable yield;
- o Instream flow standards; or
- o Interim instream flow standards;
- The adverse impacts to the water needs of residents currently on a County "wait list" for water meters;

In addition, Honua'ula's private water system will be regulated as a public utility by the State Public Utility Commission (PUC). The PUC: 1) prescribes rates, tariffs, charges and fees; 2) determines the allowable rate of earnings in establishing rates; 3) issues guidelines concerning the general management of public utility businesses; and 4) acts on requests for the acquisition, sale, disposition or other exchange of utility properties, including mergers and consolidations.

Pressure Zones and Storage – The elevation of the Property ranges from 320 to 710 feet. To provide service and adequate water pressure over this range of elevation, the Property was divided into two pressure zones, correlating with a high and a low water storage system approximately divided by the 530-foot elevation. Water storage will be required for each pressure zone. A lower 0.5 MG potable water tank (at an approximate 640-foot elevation) will service the lower portion of the Property (below the 530 foot elevation) and will be located on-site along the eastern border adjacent to the RO plant. A higher 0.2 MG potable water tank (at an approximate 810-foot elevation) will be located off-site and east (mauka) of the Property and will service the upper portion of the Property (above the 530 foot elevation).

Distribution – The potable water distribution system will largely follow the proposed roadway system providing potable water service to residential lots and other buildings. Pressure-reducing valves will be used to regulate excessive pressures within the pressure zones.

Non-Potable System

Source – There are three sources of non-potable water: 1) brackish well water; 2) brine water from the RO facility; and 3) R-1 recycled water returned from the WWRF (see Section 4.8.2, Wastewater System).

Pressure Zones and Storage – Comparable to the potable water system, the Property is separated into two pressure zones for non-potable water due to the elevation difference across the Property. Storage tanks will be provided for each pressure zone. A lower 1.0 MG non-potable water tank will be located on site at the 640 foot elevation adjacent the RO plant. A higher 0.5 MG non-potable water tank will be located off-site and east (mauka) of the Property at the 810 foot elevation. Golf course irrigation water, supplied primarily from the WWRF, will be stored in lined water features located on the golf course.

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Distribution – Similar to the potable system, the non-potable water distribution system will largely follow the proposed roadway system providing non-potable water to irrigate individual residential lots, roadway buffers, and other landscaped areas. A separate distribution system will be used to irrigate the golf course. Pressure reducing valves will be used to regulate excessive pressures within the pressure zones.

Estimated Water Infrastructure Cost and Consumer Rates

TNWRE prepared estimates of the cost to construct and operate Honua'ula's potable and non-potable water systems (2010c). The estimates are summarized below. Appendix B contains the complete estimate report.

The estimated potable and non-potable water infrastructure cost is \$21 million. This includes costs for: construction and testing the required off-site wells, piping from the off-site wells to the on-site storage tank, booster pumps, on- and off-site potable and non-potable storage tanks, and the RO plant. It does not include piping for distribution to individual Honua'ula homes and businesses.

Based on infrastructure costs and assumptions such as infrastructure efficiencies, electrical power costs, and costs for operating personnel, administration, and maintenance, the daily operating cost for both potable and non-potable systems would be \$3,000 per day. The cost of capital recovery would be \$4,950 per day. The cost to consumers, with and without capital recovery would be as follows:

Estimated Cost in Dollars per Thousand Gallons Cost Items Included	Potable Water	Non-Potable Water
Based on Operation and Maintenance Exclusively (No Capital Recovery)	\$4.00	\$2.00
Based on Operation, Maintenance, and Full Capital Recovery	\$10.64	\$5.32

For fiscal year 2010-2011 the cost for potable water for general water consumers set by the County in its annual budget is \$1.70 per 1,000 gallons for users that use up to 10,000 gallons bi-monthly. The price increases for users that use more than 10,000 gallons bi-monthly. In compliance with County of Maui Ordinance No. 3554 (Condition 1) water rates for the residential workforce housing units will be no higher than the general water consumer rates set by the County in its annual budget, for as long as the units are subject to Chapter 2.96, MCC.

Water Conservation

Honua'ula Partners, LLC is committed to aggressive water conservation strategies to reduce consumption, conserve resources, and minimize water demands. The goal is to reduce the total water requirements through a combination of water saving equipment and strategies. To conserve water within Honua'ula, Honua'ula Partners, LLC will implement

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water conservation recommendations of the County of Maui Department of Water Supply, including:

- Using climate-adapted plants for landscaping;
- Preventing over watering by automated systems;
- Not allowing single pass cooling pursuant to Section 14.21.20, MCC;
- Installing low-flow fixtures and devices throughout the community pursuant to Section 16.20A.680, MCC; and
- Maintaining fixtures to prevent leaks.

Water conservation is also central to the functioning of the golf course. While non-potable water will be used for all golf course irrigation, the golf course will also include a modern irrigation system designed to use non-potable water efficiently. The key component of the irrigation system will be a central computer to store information for every sprinkler, including the type of sprinkler, nozzle sizes, location, soil type, slope, infiltration, exposure, etc., so that the exact amount of water needed is applied (i.e., not just turning on sprinklers for a set duration). Cycle/Soak features will prevent runoff when heavy irrigation is needed. Flow management features will ensure optimum pressure and amount to every sprinkler.

Records of irrigation procedures will be maintained for each management zone. Each management zone will be treated independently; the highest priority zones (greens, tees, fairways) will receive the highest amounts of water, while lower priority zones (secondary roughs, natural areas) will receive less water. These priority designations will help to efficiently manage overall water use on the golf course, providing the highest level of playability and aesthetics while incorporating water conservation and environmentally sustainable management practices.

In designing and implementing a detailed and efficient irrigation system, Honua'ula Partners, LLC will also be in compliance with County of Maui Ordinance No. 3554 Condition 18d, which requires compliance with Condition 5a of DOH's "12 Conditions Applicable to All New Golf Course Development." Specifically Condition 5a of the DOH's conditions relates to providing an irrigation plan.

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3.7 WILDLIFE RESOURCES

Several wildlife surveys of the Property have been conducted since 1988 (Bruner 1988, 1993, and 2004; SWCA 2010c). SWCA completed the most recent wildlife survey of the Honua'ula Property in 2009 (SWCA 2010c), which included the area of the Pi'ilani Highway extension ROW that traverses the Property (both the portion owned by the State and the portion owned by 'Ulupalakua Ranch), and the area of the Maui Electric substation. Specific objectives of the survey included: 1) documenting the presence and relative abundance of birds and mammals with the Property; and 2) determining the presence and abundance of any protected species within the Property, including migratory shorebirds, waterbirds, Federal and State of Hawaii listed endangered or threatened species, and "species of concern." Key findings of the SWCA survey are presented below. Appendix H contains the complete survey.

SWCA also completed wildlife surveys for the areas of: 1) the alternative wastewater transmission line alignments for possible connection to the Makena Resort WWRF, which is located approximately one mile south of Honua'ula (Appendix H); 2) the off-site wells, waterline, and storage tank (Appendix E); 3) the widening of Pi'ilani Highway (Appendix D of the Pi'ilani Highway Widening Project Final EA contained in Appendix R of this EIS); and 4) the Wailea Ike Drive and Wailea Alanui Drive intersection improvements (Appendix B of the Wailea Ike Drive and Wailea Alanui Drive Intersection Improvements Final EA contained in Appendix S of this EIS).

Since the wildlife survey of the areas of the wastewater transmission line alignments was conducted, a decision has been made regarding which preferred alignment to use. For more information on the selected wastewater alignment for possible connection to the Makena Resort WWRF see Section 4.8.2 (Wastewater System) and Figure 2. Appendix H contains the complete wildlife survey of the alternative wastewater transmission line alignments.

Endangered Species

Although not detected during previous surveys (Bruner 1988, 1993, and 2004), evidence of endangered Blackburn's sphinx moths (*Manduca blackburni*) was found within the Honua'ula Property during the SWCA (2010c) survey, including frass, cut stems and leaves, and live caterpillars. Evidence was limited to a single species of non-native weed: the tree tobacco (*Nicotiana glauca*). No adult Blackburn's sphinx moths were observed within the Property. Similarly, tree tobacco (*Nicotiana glauca*) plants were found along the Pi'ilani Highway widening corridor and the selected wastewater transmission line alignment for possible connection to the Makena Resort WWRF. However, only tree tobacco (*Nicotiana glauca*) plants at one point along the selected alignment showed substantial leaf damage that could be possibly attributed to the Blackburn's sphinx moth caterpillar.

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A single endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*) was sighted flying seaward over the Property near the southern boundary. No other bats were observed during the survey. *Kiawe* trees, which are abundant on the Property, have been documented as roost trees for the Hawaiian hoary bat, thus, while not observed, it is possible that Hawaiian hoary bats roost within the Property.

No Federal or State of Hawai'i listed threatened, endangered, or candidate species were observed in the areas of: 1) the off-site wells, waterline, and storage tank; 2) the widening of Pi'ilani Highway; and 3) the Wailea Ike Drive and Wailea Alanui Drive intersection improvements.

Native Birds

The endemic *pueo* (*Asio flammeus sandwichensis*) (short-eared owl) was the only native bird species observed within the Property. Six *pueo*, 12 barn owls, and six other unidentified owls were sighted in grassland habitat, but no owl nests were found. Grasslands present on the Property are likely to provide good foraging and nesting habitat for owls; however, ground nesting increases vulnerability to predation by rats (*Rattus* spp.), cats (*Felis catus*), and the small Indian mongoose (*Herpestes auropunctatus*), all of which are present in the area.

Native Indigenous seabirds that may fly over the Honua'ula area during the day include the greater frigate bird or 'iwa (*Fregata minor palmerstoni*) and tropic birds (*Phaethon* spp.). Native Endemic seabirds that may fly over the site at night include the endangered Hawaiian petrel (*Pterodroma sandwichensis*) and the threatened Newell's shearwater (*Puffinus auricularis newelli*). While seabirds may traverse the area at night during the breeding season (February 1 through December 15), they do not nest on within the Property.

A single *pueo* (*Asio flammeus sandwichensis*) and a single 'iwa bird (*Fregata minor*) was observed during the survey of the alternative wastewater transmission line alignments. The *pueo* sighting did not occur on the selected wastewater alignment but in the vicinity. For more information on the selected wastewater alignment for possible connection to the Makena Resort WWRF see Section 4.8.2 (Wastewater System) and Figure 2.

No native birds were observed in the areas of: 1) the off-site wells, waterline, and storage tank; 2) the widening of Pi'ilani Highway; and 3) the Wailea Ike Drive and Wailea Alanui Drive intersection improvements.

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Migratory Birds

A single non-native Northern harrier (*Circus cyaneus*) was observed flying over *wiliwili* trees in the southern portion of Honou'ula (SWCA 2010c). Pacific Golden-Plover or *Kōlea* (*Pluvialis fulva*) have been observed in the vicinity (Bruner 1988 and 2004); however, they were not seen during the course of the SWCA (2010c) survey.

No migratory birds were observed in the areas of the alternative wastewater transmission line alignments.

The Pacific Golden-Plover was observed in the areas of: 1) the off-site wells, waterline, and storage tank; and 2) the Wailea Ike Drive and Wailea Alanui Drive intersection improvements. While not observed during the survey of the alternative wastewater line alignments, the Pacific Golden Plover is expected to occur in these areas during the migratory season.

Introduced Birds

SWCA biologists observed 16 species of introduced birds within the Property. The most abundant were: Japanese white-eye (*Zosterops japonicus*), nutmeg manikin (*Lonchura punctulata*), zebra dove (*Geopelia striata*) and northern cardinal (*Cardinalis cardinalis*). Also common were: African silverbills (*Lonchura cantans*) and red-crested cardinals (*Paroaria coronata*). Another survey (Bruner 2004) identified other common birds: house finch (*Carpodacus mexicanus*), black francolin (*Francolinus francolinus*), nutmeg manikin (*Lonchura punctulata*), and northern cardinal (*Cardinalis cardinalis*).

A few cattle egrets (*Bulbulcus ibis*) were observed in the areas of: 1) the widening of Pīlani Highway; and 2) the Wailea Ike Drive and Wailea Alanui Drive intersection improvements.

Various other introduced bird species were observed in the areas of: 1) the alternative wastewater transmission line alignments; 2) the off-site wells, waterline, and storage tank; 3) the widening of Pīlani Highway; and 4) the Wailea Ike Drive and Wailea Alanui Drive intersection improvements. The most abundant species common to all areas were the zebra dove (*Geopelia striata*) and common myna (*Acridotheres tristis*).

Mammals

The endangered Hawaiian Hoary Bat was the only native mammal observed during the SWCA (2010c) survey of the Property. Small herds of axis deer (*Axis axis*) were commonly seen. The small Indian mongoose (*Herpestes javanicus*) was observed, but was uncommon. Cats (*Felis catus*), rats (*Rattus spp.*) and mice (*Mus musculus*), while not observed, are expected to be present within the Property due to its proximity to the Maui Meadows subdivision and the Wailea Resort. While not present during the survey, domestic cattle (*Bos taurus*) are sometimes grazed in the northern portion of the Property.

No Federal or State of Hawai'i listed threatened, endangered, or candidate mammal species were observed in the areas of: 1) the alternative wastewater transmission line alignments; 2) the off-site wells, waterline, and storage tank; 3) the widening of Pīlani Highway; and 4) the Wailea Ike Drive and Wailea Alanui Drive intersection improvements.

POTENTIAL IMPACTS AND MITIGATION MEASURES

Honou'ula is not expected to significantly impact effect any listed or candidate endangered or threatened species insofar as extensive mitigation measures will be implemented to offset, avoid, and minimize impacts, leading to a net benefit as defined in Chapter 195D, HRS. Evidence of the endangered Blackburn's sphinx moth (*Manduca blackburni*) was found within the Honou'ula Property and a single endangered Hawaiian healy-bat (*Lasiorhynchus sinuatus*) was sighted flying seaward over the Property. No other Federal or State of Hawai'i listed threatened or endangered animal species were identified on the Property. Several mitigation measures will be implemented to protect these endangered species and other animal species.

Endangered Species

Blackburn's Sphinx Moth – While evidence of the Live caterpillars and other sign of Blackburn's sphinx moths (*Manduca blackburni*) was have been found within the Honou'ula property (frass, cut stems and leaves, and live caterpillars), no adult Blackburn's sphinx moths were observed.

Based on the presence of the non-native tree tobacco (*Nicotiana glauca*) and native host plants for the endangered Blackburn's sphinx moth, the USFWS has expressed concern that "habitat loss within the project site could adversely impact Blackburn's sphinx moth populations within this region of Maui."

As discussed above in Section 3.6 (Botanical Resources) and below in the following sections, Honou'ula Partners, LLC proposes both on- and off-site measures to protect and enhance native plants and habitat for the Blackburn's sphinx moth.

To protect Blackburn's sphinx moths on-site, Honou'ula Partners, LLC will:

- Provide Protect habitat for Blackburn's sphinx moths within the 40-acre Native Plant Preservation Area (see Section 3.6, Botanical Resources). While a preserve for native plants, the only non-native species that will be allowed to remain in this area will be the tree tobacco (*Nicotiana glauca*) so as to provide food and habitat for the moths. However, because the intent of the Native Plant Preservation Area is to protect valuable native plant species, consideration is being given to propagating 'area (*Nothocestrum latifolium*) (a native Blackburn's sphinx moth host plant) in this area to replace the non-native tree tobacco. The ultimate outcome of this effort is unknown because the Property is at a lower elevation than the elevation where

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native 'aiea usually grows. If 'aiea becomes established within the Native Plant Preservation Area and is used by the Blackburn sphinx moth, then non-native tobacco trees will be removed. Removal of non-native tree tobacco will only occur in the season when Blackburn sphinx moths are underground. Precautions will be taken to ensure pupae are not harmed;

- Remove non-native tree tobacco from the Property outside the Native Plant Preservation Area prior to construction. This will be done in consultation with biologists from DLNR and the USFWS to prevent accidental take of the Blackburn's sphinx moth caterpillar;
- Ensure against accidental take of Blackburn sphinx moths along the alternative selected wastewater transmission line alignments for possible connection to the Mākena Resort WWRF (see Section 4.8.2, Wastewater and Figure 2) by requiring a qualified wildlife biologist to screen any tree tobacco plants along the selected alignment for signs of moths (frass, cut stems or leaves, caterpillars, pupae, or adults). If any evidence of moths is found, trees will be identified and protected against disturbance, and USFWS and the Maui DLNR office will be consulted;
- Monitor construction operations to prevent accidental take of the various Blackburn's sphinx moth life stages. Should moths be found, host plants will be marked for protection and not removed until deemed appropriate by DLNR and USFWS biologists;
- Enact restrictions on landscaping and gardening within the completed Honua'ula community to prevent propagation of any plant in the Solenaceae (Night shade) family that may attract Blackburn's sphinx moths;
- Implement a translocation program in consultation with DLNR and the USFWS for Blackburn's sphinx moth caterpillars, particularly for caterpillars found in landscaped areas of Honua'ula; and
- Continue wildlife surveys from November to May during the Honua'ula construction period to look for signs of endangered Blackburn sphinx moths and protect individual moths from destruction.

For off-site mitigation, Honua'ula Partners, LLC will:

1. Acquire 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
2. Fund and implement 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, unguilate removal, and plant restoration activities.

Figure 1.2a shows the proposed locations of the on- and off-site mitigation areas. The on- and off-site mitigation measures and areas are subject to the approval of the Habitat Conservation Plan by USFWS and DLNR.

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The Kanaio and Auwahi areas have been pinpointed by USFWS, USGS, Medeiros, Loope, and Chimera (1993), VanGelder and Conant (1998), Price et al (2007), and The Nature Conservancy to be of high value for Blackburn's sphinx moth habitat and native dryland forest and shrubland species including wiliwili and a number of threatened and endangered species.

The proposed approximately 224-acre perpetual conservation easement adjacent to the eastern boundary of the Kanaio Natural Area Reserve contains native dry land habitat and is considered to be particularly high quality habitat for the Blackburn's sphinx moth, due in large part to the presence of many native host plants for both adult and juvenile life stages of the Blackburn's sphinx moth.

As part of Honua'ula Partners, LLC's conservation efforts, the eight-foot unguilate fence that currently exists along the eastern and southern border of the approximately 224-acre area will be extended along the remaining borders of the parcel, and unguilates will be removed from the enclosure. A 10-foot wide fire break will be established along the inside perimeter of the fence to minimize the risk of fires started outside the parcel from entering the mitigation area. In addition, a cross fencing plan for adjacent ranch land is being developed in coordination with Ulupalakua Ranch. Cross fencing will be designed to facilitate cattle grazing in such a pattern to enhance fire control immediately adjacent to the protected area. The fence and fire breaks will be maintained in perpetuity.

At the Auwahi Forest Restoration Project, Honua'ula Partners, LLC will fund and implement a 15-year restoration program covering an area of approximately 130-acres. This will include: a) fencing of, and unguilate removal from, approximately 130 acres of Blackburn's sphinx moth conservation area; and b) dry forest restoration to benefit the Blackburn's sphinx moth, and native dry shrubland plant species. Restoration activities will include removal of invasive weeds and propagation and out-planting of native species, including many native host plants for both adult and juvenile life stages of the Blackburn's sphinx moth.

While an eight foot fence already exists around the entire 184-acre Auwahi Forest Restoration Project, some cattle grazing continues in most of the area within the enclosure. As part of the program funded and implemented by Honua'ula Partners, LLC, cattle fences will be moved or installed and cattle will be removed from restoration areas.

Restoration efforts at the Auwahi Forest Restoration Project started in 1997 have been very successful, with 28 native species naturally reproducing after only 10 years of restoration efforts. The mitigation program implemented by Honua'ula Partners, LLC will build on this success, and will include mechanical and chemical removal of invasive plant species and enhancement of the native vegetation through propagation. A 10-foot wide fire break will be established along the inside perimeter of the fence, and the cross-fencing plan described above will benefit the Auwahi mitigation area as well as the Kanaio conservation easement area. Honua'ula Partners, LLC will establish an endowment to ensure that fences, firebreaks, and restored areas will be maintained in perpetuity.

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The proposed on- and off-site measures to protect native plants and Blackburn's sphinx moth habitat proposed by Honua'ula Partners, LLC provide a net conservation benefit (as required under Chapter 195D, HRS) through:

1. The protection and propagation of additional native host plants for both larval and adult Blackburn's sphinx moth (including the native host species *Alia* (*Nothocestrum* spp.) and halapepe (*Pleomele* spp.)); and
2. Creation and protection of a higher number species of native host plants than currently exists on the Property.

The on- and off-site mitigation areas together provide approximately 394 acres of native dry shrublands for the perpetual protection and propagation of native dryland plants, including wiliwili. Through the perpetual protection and enhancement of these areas, a stable core habitat area will be secured for the moth, providing net benefit to this covered species, as well as a large number of additional native dryland species.

To implement the on- and off-site mitigation measures Honua'ula Partners, LLC will finalize its draft Habitat Conservation Plan. The on- and off-site mitigation areas are subject to the approval of the Habitat Conservation Plan by USFWS and DLNR. The purpose of the Habitat Conservation Plan is to:

1. Offset the potential impact of Honua'ula on two Covered Species (Blackburn's sphinx moth and nēnē) with measures to protect and provide a net benefit to these species; and
2. Provide avoidance and minimization measures expected to avoid any negative impacts on five additional endangered species (the Hawaiian duck, Hawaiian silo, Hawaiian coot, Hawaiian petrel, and Hawaiian Hoary bat), one threatened species (Newell's shearwater), one candidate endangered species (ʻāwīkiwīki), and the Hawaiian short-eared owl (pueo).

The Habitat Conservation Plan will be in support of an Incidental Take Permit (ITP) in accordance with Section 10(a)(1)(B) of the federal Endangered Species Act (ESA) of 1973, as amended, and an Incidental Take License (ITL) in accordance with Chapter 195D, HRS. The Habitat Conservation Plan will include specific avoidance, minimization, and mitigation measures; measures of success, and implementation specifics, including details on administration, monitoring and reporting, and funding.

Honua'ula Partners, LLC will fund the initial 15-year period covered by the Habitat Conservation Plan and the ITP/ITL. To secure funding in perpetuity for the maintenance of the on- and off-site mitigation areas after the initial 15-year period, Honua'ula Partners, LLC will establish an endowment, which will be overseen by the Honua'ula Master Home Owners' Association with financial management provided by a licensed real property management company.

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Hawaiian Hoary Bat – A single endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*) was sighted flying seaward over the Property but no evidence of roosting or foraging was observed; however definitive conclusions about habitat use by bats cannot be made based on existing evidence.

Hawaiian hoary bats are known to roost in native and non-native trees greater than 15 feet tall. During the peak pup rearing season between June 1 and September 15, young Hawaiian hoary bat pups may be incapable of flight and harmed or killed if their roost site is disturbed. The removal of *Kiawe* trees during construction may result in the loss of roosting habitat, but many large stature trees suitable for roosting will be preserved and others will be propagated for landscaping. To minimize the potential for harm to juveniles, removal and trimming of trees greater than 15 feet tall will be avoided during the peak pup rearing season between June 1 and September 15. To further protect Hawaiian hoary bats, and in conformance with County of Maui Ordinance No. 3554 Condition 9, Honua'ula Partners, LLC will:

- Provide a qualified wildlife biologist to monitor for bats during construction. Should bats be found, assistance will be requested from the USFWS;
- Conduct additional bat point count surveys before construction to document any changes in abundance of bats and determine habitat utilization during the wet and dry seasons;
- Monitor clearing of habitat trees 15 feet in height and taller during construction to reduce the potential take of nonvolent juvenile bats; and
- Propagate native tree species for landscaping to provide suitable bat roosting habitat and mitigate for the loss of possible roosting trees during construction.

In addition to the above protection avoidance and mitigation minimization measures, a multi-species draft Habitat Conservation Plan (to include the candidate endangered ~~ʻāwīkiwīki~~) will be prepared under finalized in collaboration with USFWS and DLNR, in accordance with Section 10(a)(1)(B) of the Endangered Species Act and in collaboration with DLNR and USFWS Chapter 195D, HRS. The final Habitat Conservation Plan will provide: 1) measures to offset the potential impact of Honua'ula on two Covered Species; and 2) avoidance and minimization measures expected to avoid any negative impacts on five additional endangered species (including the Hawaiian hoary bat), one threatened species, one candidate endangered species, and the Hawaiian short-eared owl (pueo). Because avoidance and minimization measures are expected to avoid any impacts to the Hawaiian hoary bat, an ITP/ITL will not be requested for the Hawaiian hoary bat.

Nēnē – Nēnē are currently not found at or near the Property (SWCA 2010c); however creation of golf greens and lawns may conceivably attract nēnē. As discussed below, avoidance and minimization measures will be implemented in regard to native birds; however SWCA estimates that there may be direct or indirect take of nēnē as a result of golf course operations. The final Habitat Conservation Plan will include measures to offset the potential impact of Honua'ula on nēnē and provide a net benefit. In addition the

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HCP will be in support of an ITP/ITL for Blackburn's sphinx moth and nēnē in accordance with Section 10(a)(1)(B) of the federal Endangered Species Act (ESA) of 1973, as amended, and Chapter 195D, HRS.

Other Endangered Species – Avoidance and minimization measures expected to avoid any negative impacts on additional endangered species (the Hawaiian duck, Hawaiian silt, Hawaiian coot, and Hawaiian petrel) are discussed below. Similar to the nēnē these species are not currently found at the Property, but may be attracted to the Property after construction of the golf course. The final Habitat Conservation Plan will include avoidance and minimization measures to avoid any impacts to the Hawaiian duck, Hawaiian silt, Hawaiian coot, and Hawaiian petrel. Because these measures are expected to avoid any impacts to these species, an ITP/ITL for these species will not be requested.

Native Birds

The endemic *pueo* (*Asio flammeus sandwichensis*) (short-eared owl) was the only native bird species observed within the Property, although no nests were found. Construction within what is currently grassland may potentially disturb roosting and nesting *pueo*. After construction, *pueo* may be permanently displaced from the Property due to the loss of grassland habitat. To minimize potential impacts to native *pueo*, and in conformance with County of Maui Ordinance No. 3554 Condition 9, Honua'ula Partners, LLC will:

- Conduct additional *pueo* surveys before construction to document any changes in abundance of *pueo* and habitat use during the wet and dry seasons; and
- Conduct nest searches when necessary ahead of construction activities, and delay construction around any areas found to contain *pueo* nests until chicks have fledged.

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Several species of native endemic seabirds (including the endangered Hawaiian petrel (*Pterodroma sandwichensis*) and the threatened Newell's shearwater (*Puffinus auricularis newelli*)) may traverse the area but they do not nest on the Property at night during the breeding season (February 1 through December 15) however, none are known to nest within the Property. Any outdoor lighting could result in seabird disorientation, fall-out, injury, and mortality. Young birds (fledglings) traversing the Property between September 15 and December 15, in their first flights from mountain nests to the sea, are particularly vulnerable. Seabirds are attracted to lights and after circling the lights they may collide with nearby wires, buildings, or other structures or they may land on the ground due to exhaustion. Downed seabirds are subject to high mortality caused by collision with automobiles, predation by dogs, cats, and wild animals, and starvation. To minimize potential impacts to native seabirds Honua'ula Partners, LLC will:

- Shield outdoor lights in compliance with Chapter 20.35 (Outdoor Lighting), MCC, and the Seabird Friendly Lighting Solution guide provided by USFWS;
- Avoid night-time construction, and provide, and
- Provide all staff with information regarding seabird fall-out.

After construction of the golf course, water features and open fairways may attract a number of endangered bird species that currently are not present. These may include *ko'oa* (Hawaiian duck) (*Anas wyvilliana*), *ae'o* (Hawaiian silt) (*Himantopus mexicanus knudseni*), *'āiaie ke'oke'o* (Hawaiian coot) (*Fulica alai*), *'āiaie-ūhi* (*Callineta chroleopus sandwichensis*), and *nēnē* (*Branta sandwicensis*). In addition, there is the potential for lighting to attract threatened *'ā'o* (Newell's shearwater) (*Puffinus auricularis newelli*) and endangered *'ua'u* (Hawaiian petrel) (*Pterodroma sandwichensis*). The native migratory *kōlea*, which was not seen on the Property at the time of the SWCA (2010c) survey, frequently uses roads and open spaces when wintering in Hawai'i and may be displaced if construction occurs during the migratory season. However, it is anticipated that landscaped open spaces, gardens, and lawns and fairways on the Property will provide additional habitat that *kōlea* can use. To minimize potential impacts to other native birds Honua'ula Partners, LLC will:

- Shield outdoor lights in compliance with Chapter 20.35 (Outdoor Lighting), MCC, and avoid the Seabird Friendly Lighting Solution guide provided by USFWS;
- Avoid night-time construction;
- Implement measures prohibiting the free movement of pets, discouraging the feeding of feral animals, and preventing increases in the populations of house mice, rats, mongoose, and feral cats by:
 - o Incorporating these measures into community rules and regulations, such as covenants, conditions, and restrictions; and
 - o Developing a public education program to ensure effectiveness; and
- Employ a Natural Resources Manager to help develop and implement specific conservation programs to insure the protection of native plants and animals within

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Wildlife Resources**

the Native Plant Preservation Area and other Native Plant Conservation Areas throughout the Property.

In addition to the above avoidance and minimization measures, the draft Habitat Conservation Plan will be finalized in collaboration with USFWS and DLNR in accordance with Section 10(a)(1)(B) of the Endangered Species Act and Chapter 195D, HRS. The final Habitat Conservation Plan will provide: 1) measures to offset the potential impact of Honua'ula on two Covered Species (including nēnē); and 2) avoidance and minimization measures expected to avoid any negative impacts on five additional endangered species (including the Hawaiian duck, Hawaiian silt, Hawaiian coot, and Hawaiian petrel), one threatened species (Newell's shearwater), one candidate endangered species, and the Hawaiian short-eared owl (pueo).

Mammals

Non-native mammals such as axis deer (*Axis axis*), mongoose (*Herpestes javanicus*), cats (*Felis catus*), rats (*Rattus spp.*) and mice (*Mus musculus*), pose a threat to native plant and animal species within Honua'ula. For example, feral ungulates are known to graze on native plants, degrade and destroy habitat, disrupt topsoil leading to erosion, and facilitate the establishment of non-native plants (SWCA 2010a). To control potential threats from non-native mammals and in conformance with County of Maui Ordinance No. 3554 Conditions 7 and 8, Honua'ula Partners, LLC will:

- Fence the perimeter of the Property, and other areas as appropriate, to exclude feral ungulates from the *Kiawe-wiliwili* shrubland. A fence has already been erected, however fencing requirements will be reviewed and updated as the Native Plant Preservation Area and Native Plant Conservation Areas are established and site construction begins;
- Prepare and implement an Animal Management Plan, including an ungulate management plan, to ensure that goats, deer, pigs, and stray cattle are removed in a humane manner from the Native Plant Preservation Area and the Native Plant Conservation Areas. The Animal Management Plan will be prepared in cooperation with DLNR for submittal during Project District Phase II processing and approved by DLNR prior to submittal of Project District Phase III processing;
- Inform owners within Honua'ula that the area is subject to the intrusion of mammals such as axis deer, pigs, rodents, and the impacts and management plan associated with such intrusions; and
- Employ a Natural Resources Manager to help develop and implement specific conservation programs to insure the protection of native plants and animals within the Native Plant Areas and other Native Plant Conservation Areas throughout the Property.

