

- 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 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.
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.

In addition to our comments made previously for the EISPN, we offer the following additional comments at this time:

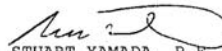
1. The siting of a drinking water source below the UIC line may restrict new and existing injection well construction. New injection wells will be prohibited within setback areas defined in Chapter 11-23. If this drinking water source will serve a regulated public water system, the applicant will be 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 Ulupalakua 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

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Stuart Yamada, P.E., Chief  
State of Hawai'i  
Department of Health – Safe Drinking Water Branch  
P.O. Box 3378  
Honolulu, HI 96801

**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 Mākena 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).

Stuart Yamada

**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION**

May 31, 2012

Page 2 of 4

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, 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).

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 line<sup>12</sup>, 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

<sup>12</sup> 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).

Stuart Yamada

**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION**

May 31, 2012

Page 3 of 4

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;
- 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.

Stuart Yamada

**SUBJECT: HONU'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 Jenks, Honua'ula Partners, LLC

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LINDA LINGLE  
GOVERNOR OF HAWAII



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

CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

In reply, please refer to:  
EMD / WB  
Honuaula DEIS  
LUD-2 2 1 008 056  
ID#394

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:

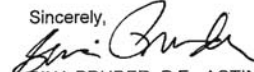
The subject property is located in the critical wastewater disposal area (CWDA) as determined by the Maui Wastewater Advisory Committee. No new cesspools are allowed in the CWDA.

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



May 31, 2012

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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-WWBs 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.

Mr. Marshall Lum  
**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION**  
May 31, 2012  
Page 2 of 2

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



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
Benefit, Employment & Support Services Division  
820 Millilani Street, Suite 606  
Honolulu, Hawaii 96813

August 19, 2010

LILLIAN B. KOLLER  
DIRECTOR  
HENRY OLIVA  
DEPUTY DIRECTOR

Refer to 10:0578



May 31, 2012

Pankaj Bhanot  
State of Hawai'i  
Department of Human Services  
820 Millilani Street, Suite 606  
Honolulu, Hawai'i 96813

**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION**

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

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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 Honuaula 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, Honuaula Partners, LLC  
Kathleen Ross Aoki, Commission Director, Maui Planning Department

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Fax: (808) 535-3163

10/1/201

LINDA LINGLE  
GOVERNOR OF HAWAII



Laura H. Thiele  
Chairperson  
Board of Land and Natural Resources  
Commission on Water Resource Management



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

June 7, 2010

10 JUN -9 12:53

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

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*  
Morris M. Atta  
Acting Administrator

LINDA LINGLE  
GOVERNOR OF HAWAII



Laura H. Thiele  
Chairperson  
Board of Land and Natural Resources  
Commission on Water Resource Management



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

April 28, 2010

RECEIVED  
LAND DIVISION  
2010 JUN -1 A 8:13  
DEPT. OF LAND &  
NATURAL RESOURCES  
STATE 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: *Charlene* 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.
- (x) Comments are attached.

Signed: *[Signature]*  
Date: *6/1/10*

DEPARTMENT OF LAND AND NATURAL RESOURCES  
ENGINEERING DIVISION

LD/MorrisAtta  
Ref.:DEISHonuaula  
Maui.506

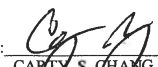
**COMMENTS**

- ( ) 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.

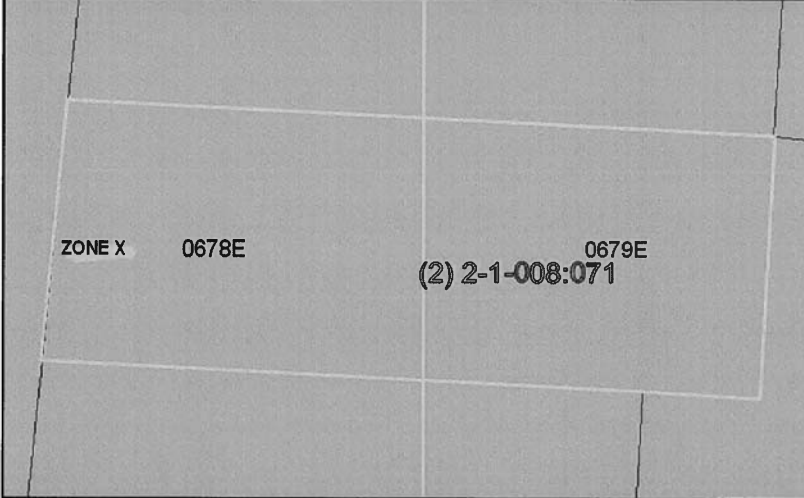
Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable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

- ( ) Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu 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: \_\_\_\_\_

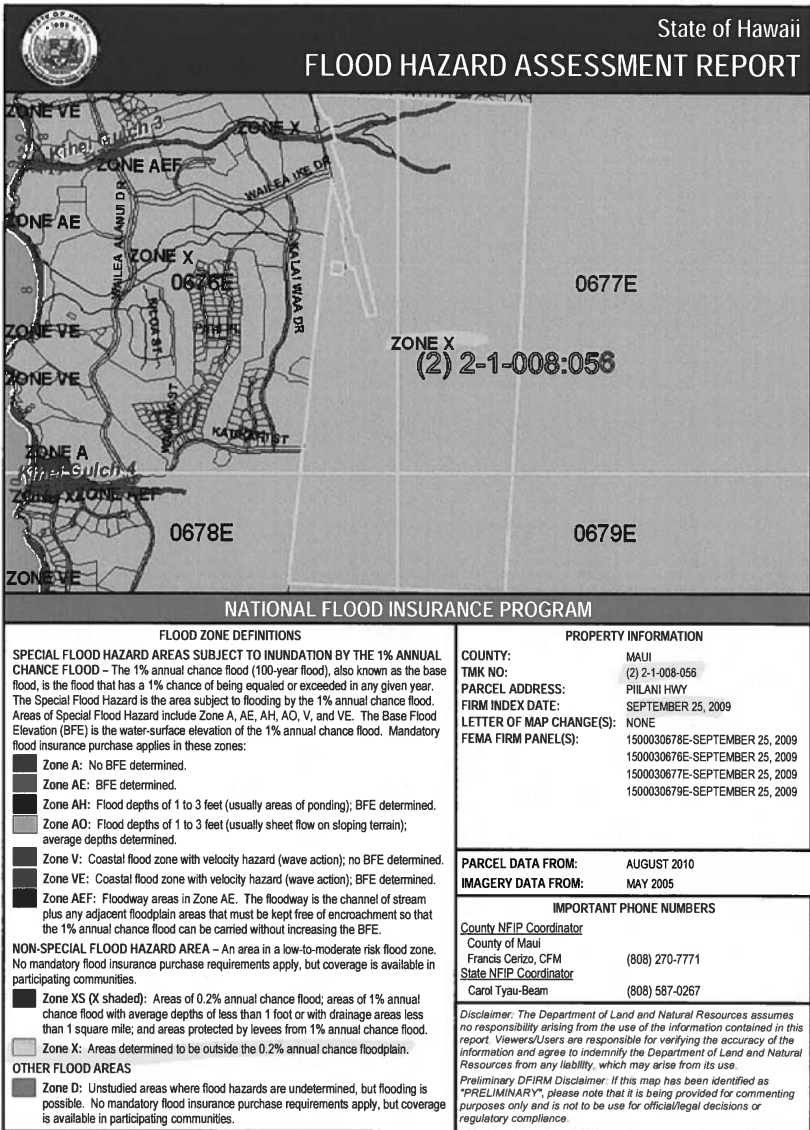
Should you have any questions, please call Ms. Suzie S. Agraan of the Planning Branch at 587-0258.

Signed:   
CARY S. CHANG, ACTING CHIEF ENGINEER

Date: 6/14/10

State of Hawaii FLOOD HAZARD ASSESSMENT REPORT	
	
NATIONAL FLOOD INSURANCE PROGRAM	
<p style="text-align: center;"><b>FLOOD ZONE DEFINITIONS</b></p> <p><b>SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD</b> - 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"> <li>■ Zone A: No BFE determined.</li> <li>■ Zone AE: BFE determined.</li> <li>■ Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.</li> <li>■ Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.</li> <li>■ Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.</li> <li>■ Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.</li> <li>■ 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.</li> </ul> <p><b>NON-SPECIAL FLOOD HAZARD AREA</b> - 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"> <li>■ 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.</li> <li>■ Zone X: Areas determined to be outside the 0.2% annual chance floodplain.</li> </ul> <p><b>OTHER FLOOD AREAS</b></p> <ul style="list-style-type: none"> <li>■ 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.</li> </ul>	<p style="text-align: center;"><b>PROPERTY INFORMATION</b></p> <p>COUNTY: MAUI            TMK NO: (2) 2-1-008-071            PARCEL ADDRESS:            FIRM INDEX DATE: SEPTEMBER 25, 2009            LETTER OF MAP CHANGE(S): NONE            FEMA FIRM PANEL(S): 1500030678E-SEPTEMBER 25, 2009                                              1500030679E-SEPTEMBER 25, 2009</p> <hr/> <p><b>PARCEL DATA FROM:</b> AUGUST 2010  <b>IMAGERY DATA FROM:</b> MAY 2005</p> <hr/> <p style="text-align: center;"><b>IMPORTANT PHONE NUMBERS</b></p> <p>County NFIP Coordinator            County of Maui            Francis Cerizo, CFM (808) 270-7771            State NFIP Coordinator            Carol Tyau-Beam (808) 587-0267</p> <p><small><i>Disclaimer: The Department of Land and Natural Resources assumes no responsibility arising from the use of the information contained in this report. Viewers/Users are responsible for verifying 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.</i></small></p> <p><small><i>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.</i></small></p>





LINDA LINGLE  
GOVERNOR OF HAWAII



RECEIVED  
DIVISION

2010 MAY 21 P 3:12

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

May 20, 2010

LAURA H. THELEN  
CHAIRPERSON

WILLIAM D. BALFOUR, JR.  
SUMNER ERDMAN  
NEAL S. FUJIWARA  
CHIYOME L. FUKINO, M.D.  
DONNA FAY K. KIYOSAKI, P.E.  
LAWRENCE H. MIKE, M.D., J.D.

KEN C. KAWAHARA, P.E.  
DEPUTY DIRECTOR

TO: Morris Atta, Administrator  
Land Division

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

SUBJECT: Honuaula Draft EIS, Wailea, 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/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/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 BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://hawaii.gov/dbedt/czm/initiative/lid.php>.

6. We recommend the use of alternative water sources, wherever practicable.
7. 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:**

Additional information and forms are available at [http://hawaii.gov/dlnr/cwrm/resources\\_permits.htm](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 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 Charley Ice at 587-0218.



May 31, 2012

**PRINCIPALS**

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

RUSSELL Y. L. CHUNG, FASLA, LEED<sup>AP</sup>  
*Executive Vice-President*

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP, LEED<sup>AP</sup>  
*Principal*

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

**ASSOCIATES**

TOM SCHINELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED<sup>AP</sup>  
*Associate*

SCOTT ALIKA ABRIGO, LEED<sup>AP</sup>  
*Associate*

SCOTT MURAKAMI, ASLA, LEED<sup>AP</sup>  
*Associate*

DACHENG DONG, LEED<sup>AP</sup>  
*Associate*

**HONOLULU OFFICE**

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**KAPOLEI OFFICE**

1001 Kamohala Boulevard  
Kapolei Building, Suite 313  
Kapolei, Hawaii 96707-2005  
Tel: (808) 521-5631  
Fax: (808) 535-3163

William Aila, Jr., Chairperson  
State of Hawai'i  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawai'i 96809

**SUBJECT: HONUA'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 majority 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 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 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, Hawai'i 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 Hawai'i Revised Statutes (HRS), Chapter 174C, 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.

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)

BRENNON T. MORIOKA  
DIRECTOR

Deputy Director  
MICHAEL D. FORMBY  
FRANCIS PAUL KEENO  
BRIAN H. SEKIGUCHI  
JIRO A. SUMADA

IN REPLY REFER TO:

STP 8.0147



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

June 24, 2010

LINDA LINGLE  
GOVERNOR

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 Makana area. With this future vision in mind, the Piilani Highway extension will need to have limited access only at Wailea Ike Drive and Kaukahi 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.

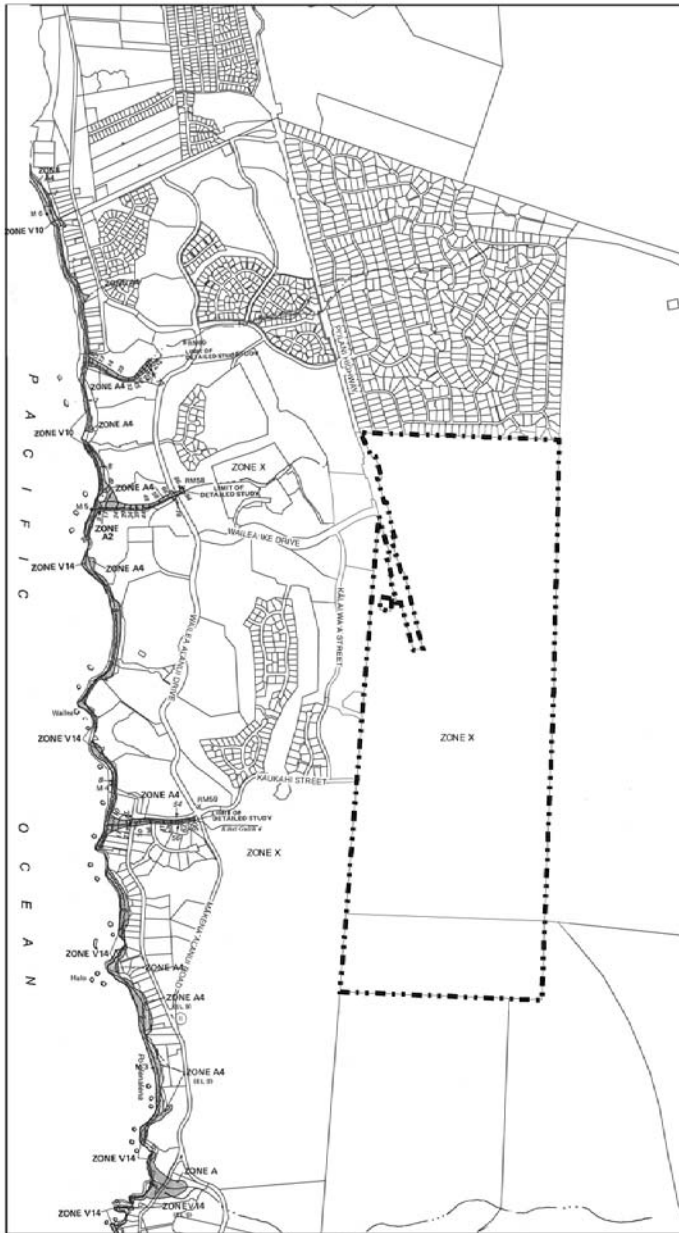
DOT appreciates the opportunity to provide comments. If there are any questions including any meeting with Highways Division staff on the matter of access to Piilani Highway, please contact Mr. David Shimokawa of the DOT Statewide Transportation Planning Office at telephone number (808) 587-2356.

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)

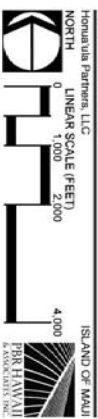
A1-A30 Areas of 100-year flood, base flood elevations and flood hazard factors determined  
V1-V30 Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

Source: Federal Emergency Management Agency  
Flood Insurance Rate Map (FIRM) under Data September 28, 2009  
Disclaimer: This map was prepared for general planning purposes only.

Figure 11

Flood Insurance Rate Map

Honua'ula





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

BRENNON T. MORIOKA  
DIRECTOR

Deputy Directors  
MICHAEL D. FORMBY  
FRANCIS PAUL KEENE  
BRIAN H. SEKIGUCHI  
JIRO A. SUMADA

IN REPLY REFER TO:  
DIR 0096  
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/Mikioi 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.

Mr. Charles Jencks  
Page 2

HWY-PS  
2.5022

- 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 Kihei-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

Kihei-Makena Project District 9, including traffic generated by the improvements to Piilani Highway between Kilohana 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 Piilani Highway from two to four lanes from Kilohana 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 Piilani 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 Piilani Highway at Kilohana 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 Piilani Highway for two lanes of traffic from Wailea Ike Drive to Kaukahi Street will be designed as an urban minor arterial with no access unto Piilani 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 Piilani Highway Widening from Kilohana 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

**PRINCIPALS**

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Executive Vice-President

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Glenn Okimoto, Director  
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Department of Transportation  
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**SUBJECT: HONUA'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 Niiya 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 Wailea Ike 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 Kihei-Makena, Maui on the relatively gentle lower slopes of Haleakala with Wailea 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 no longer planning to use the ROW for the extension of stated that they now envision Pi'ilani Highway "to possibly extend south past the Wailea Ike 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 Wailea Ike intersection toward the Makena area, the Pi'ilani Highway extension will need to have limited access only at Wailea Ike Drive and Kaukahi

Glenn Okimoto

**SUBJECT: HONUA'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 preliminarily the length of the Pi'ilani Highway extension into Honua'ula will be planned to include three configurations:
  - a. Wailea Ike Drive Intersection: The first configuration, starting at the Pi'ilani Highway/Wailea Ike 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 Wailea Ike 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 Wailea Ike 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 Kaukahi 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.

Glenn Okimoto

**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION**

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Page 3 of 3

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

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**STATE OF HAWAII'**  
**OFFICE OF HAWAIIAN AFFAIRS**  
711 KAPI'OLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813

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 Keauhou Ahupua'a, Makawao District, Maui Island, Project TMK: (2) 2-1-08:056; (2) 2-1-08:071<sup>1</sup>**

Aloha e Messrs. Jeff Hunt and Charles Jencks,

The Office of Hawaiian Affairs (OHA) is in receipt of the Draft EIS<sup>2</sup> and CRPP<sup>3</sup> 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.

<sup>1</sup> 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)2-2-02:050 (portion); (2)2-2-02:054 (portion); (2) 2-1-08:054 (portion); (2) 2-1-08:001(portion).

<sup>2</sup> PBR Hawaii 'i & Associates, Inc., Honua'ula Draft Environmental Impact Statement (March 2010) [hereinafter "Draft EIS"].

<sup>3</sup> A. Sinoto, Hana Pono LLC & Munekiyo 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 descendents 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 Kihei-Makena 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 PASH<sup>4</sup> access rights on that June 21<sup>st</sup> 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*<sup>5</sup> 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 bail-out is in sight should aquifers fail.

<sup>4</sup> See *Public Access Shoreline Hawai'i v. Hawai'i County Planning Commission*, 79 Haw. 425, 903 P.2d 1246 (1995); see also *Ka Pu'akai O Ka 'Aina v. Land Use Commission*, 94 Haw. 31, 7 P.3d 1068 (2000)

<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup> 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.<sup>8</sup> 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.

<sup>6</sup> See A. Sinoto, *Revised Archaeological Inventory Survey for Honua'ula* (July 2008; updated March 2010).

<sup>7</sup> Data and information (including photos and GPS points) supplied by Maui Cultural Lands, Inc. (MCL).

<sup>8</sup> See, e.g., email dated Monday, June 28, 2010 3:15 PM, from Nancy.A.McMahon@hawaii.gov to Daniel Kanahale [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 'āwīkīwīkī (*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 wiliwili 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].*

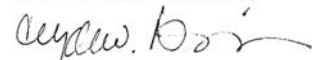
While this project has ignited much interest among Maui's communities, OHA has been closely weighing the beneficial and adverse impacts, and envisions great potential and progress achieved with the guidance of Maui County officials along with the Applicant's cooperation.

#### 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."<sup>9</sup>

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](mailto:jeromey@oha.org).

'O wau iho nō, me ka ha'aha'a,



Clyde W. Nāmu'o  
Chief Executive Officer

<sup>9</sup> Letter dated May 18, 1993, from Don Hibbard, SHPD Administrator, to Bert Ratte, 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  
Department of Land and Natural Resources  
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OHA Maui CRC Office



May 31, 2012

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**SUBJECT: HONUA'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 HONUA'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: HONUA'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

**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION**

May 31, 2012

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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 Kimoeko 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 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 1); 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)

Kamana'o Crabbe

**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION**

May 31, 2012

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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 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. 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**

May 31, 2012

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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 can anticipate the need to relieve themselves in advance and can plan accordingly.

Kamana'o Crabbe

**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION**

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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 silt), '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 ('āwīkiwīki), 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.<sup>1</sup>

<sup>1</sup> Letter dated May 18, 1993, from Don Hibbard, SHPD Administrator, to Bert Ratte, Engineering, County of Maui, Department of Public Works.

Kamana'o Crabbe

**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION**

May 31, 2012

Page 6 of 6

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

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LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707

LAURA H. THELEN  
COMMISSIONER  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCES MANAGEMENT

RUSSELL Y. TSUJI  
CHIEF DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AGRICULTURE  
RECREATION AND OUTDOOR RECREATION  
BOARD OF FORESTRY  
COMMISSION ON WATER RESOURCES MANAGEMENT  
CONSERVATION AND RESTORATION  
CONSERVATION AND RESTORATION ENFORCEMENT  
DIVISION

HISTORY AND WILDLIFE  
HISTORIC PRESERVATION  
KAOIOLANI ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

September 8, 2010

Aki Sinoto  
Aki Sinoto Consulting  
2333 Kapiolani 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  
Paeahu, Palaea & Keauhou 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 Titchenal March 2010; *Revised Archaeological Inventory Survey: Supplemental Archaeological Procedures, Proposed Honua'ula Development Area, Paeahu, Palaea, & Keauhou 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](mailto:morgan.e.davis@hawaii.gov).

Aloha,

Theresa K. Donham  
Acting Archaeology Branch Chief  
State Historic Preservation Division

Aki Sinoto  
September 8, 2010  
Page 2

ATTACHMENT

- Page 7, Land Tenure During the Historic Period, first paragraph: Please correct the date(s) 1854 (the date Chiefess Miriam Kekauonohi was awarded her LCAw.) and/or 1851, the year reported as her death.
- 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.
- Page 10, Regional Studies, first paragraph: WWII is described as recent yet early historic extends to 1950; consider revising/clarifying.
  - Sixth line down, "The prehistoric occupation of site ..." – which site, 2012 or 2013?
  - If the 'site' in (a) above is referring to 2013, please explain why it is dated earlier than the two Historic burials found in it?
- Page 11, Previous Studies within the Project Area, fifth line from the bottom: please correct typo "Site."
- 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?
  - 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.
- Page 16, Methods, first paragraph: Please document the total number of man-hours for this survey.
  - 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.
- Page 17, first paragraph: what was the spacing of the transects for the amendment survey?
  - Was a plan/report created/required for the two monitoring projects that occurred for the water tank access road and firebreak clearing projects?
  - 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](mailto:morgan.e.davis@hawaii.gov).
- 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.
- 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



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.

JUN-30-2010 19:50

P. 02/08  
Water Resources Research Center  
Environmental Center



UNIVERSITY  
of HAWAII  
MĀNOA

June 30, 2010  
RE: 800

Mr. Charles Jencks  
Honuauia Partners  
c/o Goodfellow Brothers, Inc.  
P.O. Box 220  
Kihei, HI 96753

Dear Mr. Jencks:

Draft Environmental Impact Statement  
Honuauia  
Makawao, Maui

Honuauia, located in the Kihei-Makena 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. Honuauia 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, Honuauia 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.

**Honuauia 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 meandrina*, 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 Honuaua 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, Makena resort and Wailea resort. There are an additional 3,500 units already entitled in the South Maui area beside the proposed Honuaua 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

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Page 4

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.nextrinet.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.

June 30, 2010  
Page 5

Commercial and residential products must meet the following specifications according to the ASTM standards outlined below:

	ASTM	Tiles	Multiply or Liquid
<b>Solar Reflectivity</b>	E903 or E1918	0.40+	0.70+
<b>Emitance Factor</b>	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 maker 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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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 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 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.

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

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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  
Bileen Ellis



May 31, 2012

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**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 deduced, 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.

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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 Pi'ilani 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

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-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 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.

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#### **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

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

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 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, 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.

**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 tsunamis 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 USEFWS 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 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 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.

**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* (rice coral), *M. flabellata* (blue rice coral), and *M. patula* (sandpaper rice 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 slate-pencil sea urchins (*Heterocentrotus mammilatus*). 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 Pi'ilani 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 Honuaula 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 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.

Traffic on Pi'ilani 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.

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 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 Pi'ilani Highway/Kilohana 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

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 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 Pi'ilani 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 Pi'ilani Highway, as Honua'ula is mauka of the current alignment of Pi'ilani Highway and therefore Honua'ula will not block any ocean views from the current alignment of Pi'ilani Highway. Similarly, Haleakalā will still be visible from public view corridors along Pi'ilani 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 Pi'ilani 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 Pi'ilani Highway as Honua'ula is mauka of the current alignment of Pi'ilani Highway and therefore Honua'ula will not block any ocean views from the current alignment of Pi'ilani Highway. Similarly, Haleakalā will still be visible from public view corridors along Pi'ilani 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 18j).

- 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 (Kihei 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.

- 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 be 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 saying 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.

**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 region<sup>1</sup> shows an average household size of:

- 2.62 people in 1990
- 2.57 people in 2000
- 2.45 people in 2010

<sup>1</sup> 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.

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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-Mākena 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-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 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-*TVR* 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-*TVR* 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*

**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION**

May 31, 2012

Page 22 of 23

*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/Makena 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 Makena, 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

**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION**

May 31, 2012

Page 23 of 23

- 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

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REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT  
FORT SHAFTER, HAWAII 96858-5440

May 11, 2010

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 Kihei-Makena region of the Island of Maui, Hawaii.

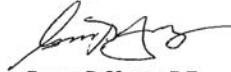
We have reviewed your dEIS pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404). Using in-office resources, as well as information provided in the dEIS, we have determined that there are no jurisdictional waters; therefore, a Department 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.d.deroche2@usace.army.mil](mailto: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



May 31, 2012

**PRINCIPALS**

THOMAS S. WITTEN, ASLA  
*President*

R. STAN DUNCAN, ASLA  
*Executive Vice-President*

RUSSELL Y. L. CHUNG, FASLA, LEED<sup>®</sup> AP  
*Executive Vice-President*

VINCENT SHIGEKUNI  
*Vice-President*

GRANT T. MURAKAMI, AICP, LEED<sup>®</sup> AP  
*Principal*

W. FRANK BRANDT, FASLA  
*Chairman Emeritus*

**ASSOCIATES**

TOM SCHNELL, AICP  
*Senior Associate*

RAYMOND T. HIGA, ASLA  
*Senior Associate*

KEVIN K. NISHIKAWA, ASLA  
*Associate*

KIMI MIKAMI YUEN, LEED<sup>®</sup> AP  
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SCOTT ALIKA ABRIGO, LEED<sup>®</sup> AP  
*Associate*

SCOTT MURAKAMI, ASLA, LEED<sup>®</sup> AP  
*Associate*

DACHENG DONG, LEED<sup>®</sup> AP  
*Associate*

**HONOLULU OFFICE**

1001 Bishop Street, Suite 650  
Honolulu, Hawaii 96813-3484  
Tel: (808) 521-5631  
Fax: (808) 523-1402  
E-mail: [sysadmin@pbrhawaii.com](mailto:sysadmin@pbrhawaii.com)

**KAPOLEI OFFICE**

1001 Kamokila Boulevard  
Kapolei Building, Suite 313  
Kapolei, Hawaii 96707-2005  
Tel: (808) 521-5631  
Fax: (808) 535-3163

George P. Young, P.E.  
Chief, Regulatory Branch  
Department of the Army  
U.S. Corps of Engineers, Honolulu District  
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 mauka of 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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REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT  
FORT SHAFTER, HAWAII 96858-5440

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](mailto: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.

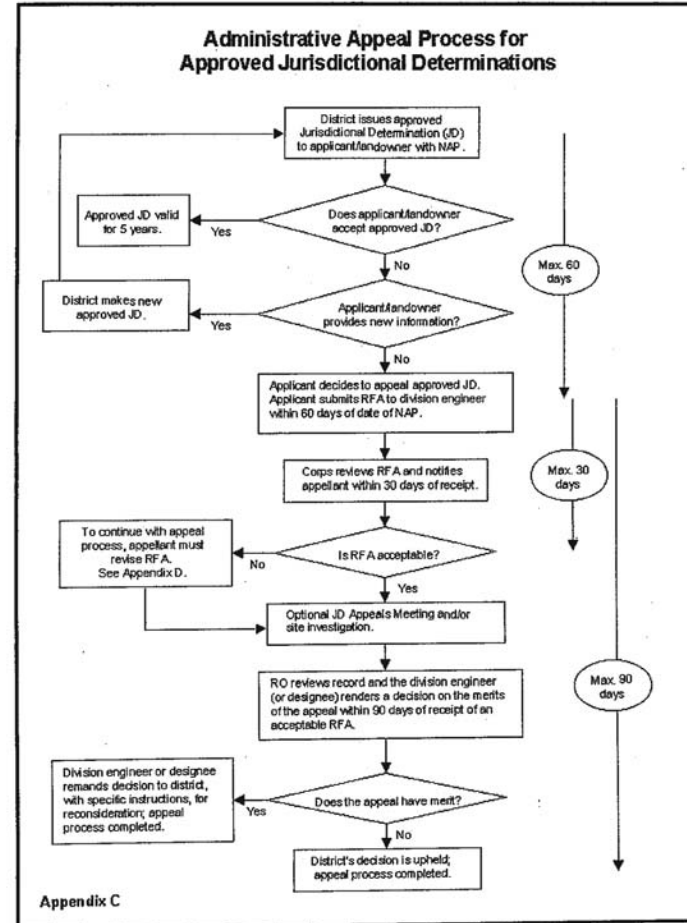
Sincerely,  
  
George P. Young, P.E.  
Chief, Regulatory Branch

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	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
XX	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION II**

**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.

<p>If you have questions regarding this decision and/or the appeal process you may contact:</p> <p>Robert D. Deroche U.S. Army Corps of Engineers Honolulu District, ATTN: CEPOH-EC-R Building 230 Fort Shafter, HI 96858-5440</p> <p>Tel. (808) 438-2039</p>	<p>If you only have questions regarding the appeal process you may also contact:</p> <p>Thom Lichte, Appeal Review Officer Pacific Ocean Division ATTN: CEPOD-PDC Building 525 Fort Shafter, HI 96858-5440</p> <p>Tel. (808) 438-0397</p>
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**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'ula 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  
Universal Transverse Mercator: 4  
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  **are** "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  **are** "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):<sup>1</sup>

- TNWs, including territorial seas  
 Wetlands adjacent to TNWs  
 Relatively permanent waters<sup>2</sup> (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):

2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain:

**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 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 *Rapanos* 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 that 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 waterbody<sup>4</sup> 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 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:   
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<sup>5</sup>:  
Tributary stream order, if known:

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> 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.

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> 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).

<sup>3</sup> Supporting documentation is presented in Section III.F.

(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 width: feet  
Average depth: feet  
Average side slopes: 1:1

**Primary tributary substrate composition (check all that apply):**

Silts  Sands  Concrete  
 Cobbles  Gravel  Muck  
 Bedrock  Vegetation. Type% cover:  
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: 1:1  
Tributary gradient (approximate average slope): %

(c) **Flow:**

Tributary provides for: 1:1

Estimate average number of flow events in review area/year: 50

Describe flow regime:

Other information on duration and volume:

Surface flow is: 1:1. Characteristics:

Subsurface flow: 1:1. Explain findings:

Dye (or other) test performed.

Tributary has (check all that apply):

Bed and banks  
 OHWM<sup>6</sup> (check all indicators that apply):  
 clear, natural line impressed on the bank  
 changes in the character of soil  
 shelving  
 vegetation matted down, bent, or absent  
 leaf litter disturbed or washed away  
 sediment deposition  
 water staining  
 other (list):  
 Discontinuous OHWM.<sup>7</sup> Explain:  
 the presence of litter and debris  
 destruction of terrestrial vegetation  
 the presence of wrack line  
 sediment sorting  
 scour  
 multiple observed or predicted flow events  
 abrupt change in plant community

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:  
 oil or scum line along shore objects  survey to available datum;  
 fine shell or debris deposits (foreshore)  physical markings;  
 physical markings/characteristics  vegetation lines/changes in vegetation types.  
 tidal gauges  
 other (list):

(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:

(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**

(i) **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: 1:1. Explain:

Surface flow is: 1:1

Characteristics:

Subsurface flow: 1:1. 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 1:1 river miles from TNW.

Project waters are 1:1 aerial (straight) miles from TNW.

Flow is from: 1:1

Estimate approximate location of wetland as within the 1:1 floodplain.

(ii) **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: 1:1

Approximately ( ) acres in total are being considered in the cumulative analysis.

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever 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.

<sup>7</sup>Ibid.

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 *Rapanos* 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<sup>8</sup> 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.<sup>9</sup>

- 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):<sup>10</sup>

- 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:

<sup>8</sup> See Footnote # 3.

<sup>9</sup> To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup> 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 *Rapanos*.

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: 1:24K 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:  
100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)  
 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 Pilani Highway, which makes up the western boundary of the parcel. There is a ravine immediately mauka of Pilani Highway, but this appears to be a collapsed lava tube as it opens to a

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 mauka of a golf course, which is located adjacent to and mauka of the Pilani Highway, which can be traced to the ocean. Mauka of the Pilani 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 mauka to mauka across the southern end of the parcel. It appears that, like Wailea Gulch, this area may collect overland erosional flow and does not, in itself, constitute a water of the U.S. mauka of the southern boundary line of the parcel. The watercourse mauka of Pilani Highway likely collects runoff from Pilani 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..





May 31, 2012

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George P. Young, P.E.  
Chief, Regulatory Branch  
Department of the Army  
U.S. Corps of Engineers, Honolulu District  
Fort Shafter, Hawaii 96858-5440

**SUBJECT: HONUA'ULA BOTANICAL AND WILDLIFE SURVEY REPORTS AND THE  
HONUA'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 Honua'ula Botanical and Wildlife Survey reports and Honua'ula Conservation & Stewardship Plan. 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 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, Honua'ula Partners, LLC provided the U.S. Corps of Engineers (Corps) with 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."* 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:

George P. Young  
**SUBJECT: HONUA'ULA BOTANICAL, WILDLIFE AND CONSERVATION & STEWARDSHIP  
PLAN**

May 31, 2012

Page 2 of 2

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 mauka of 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.

Thank you for reviewing the Honua'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, Honua'ula Partners, LLC

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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

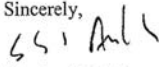
Mr. Tom Schnell  
PBR Hawaii  
ASB Tower, Suite 650  
1000 Bishop Street  
Honolulu, Hawaii 96813

Dear Mr. Schnell:

Subject: Draft Environmental Impact Statement (DEIS), Honua'ua, 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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**SUBJECT: HONUA'ULA DRAFT ENVIRONMENTAL IMPACT STATEMENT AND PROJECT DISTRICT PHASE II APPLICATION**

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

**PRINCIPALS**

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*President*

R. STAN DUNCAN, ASLA  
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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  
Honuaua Partners, LLC  
c/o Goodfellow Brothers, Inc.  
P.O. Box 220  
Kihei, Hawaii 96753

Subject: Draft Environmental Impact Statement for Honuaua (Wailea 670), a Master-Planned Community in Wailea, 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 Honuaua 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

2

As you address in "Wildlife Survey of Honua'ula (Wailea 670) Kīhei, 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-Wailea-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 Honuaula 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 sandwichiana*), and iliee (*Plumbago zeylanica*) are widespread throughout the Honuaula 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 Paeahu, Palauea, Keauhou, 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'ula Master-planned Community development project. The easement "shall comprise the proportion 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* (wiliwili) and *Prosopis pallid* (kiawe) trees co-dominate the upper story of the kiawe-wiliwili shrubland, and that native shrubs, such as *Sida fallax* (ilima) and *Capparis sandwichiana* (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 occur within the kiawe-wiliwili shrubland on the Honuaula property. The remnant kiawe-wiliwili 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

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-wiliwili 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.

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 Loyal 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

APR 08 2009

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

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 sandwichensis) (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.

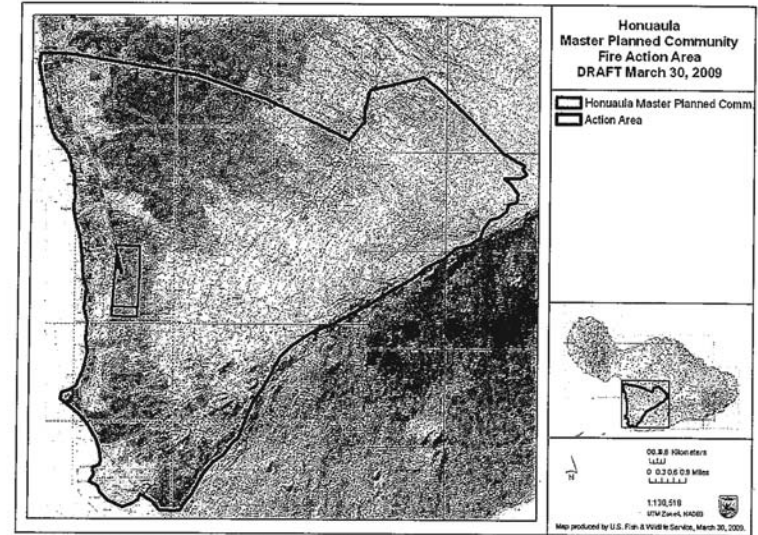


Figure 1. Honuaula project draft action area.

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.

Table with 3 columns: Scientific Name, Common Name, Status. Rows include Lasiurus cinereus semotus (Hawaiian hoary bat, Endangered), Branta sandvicensis (Hawaiian goose, Endangered), Fulica americana alai (Hawaiian coot, Endangered), and Himantopus mexicanus knudseni (Hawaiian stilt, Endangered).



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

Scientific Name	Common Name	Status
<b>Insects</b>		
<i>Manduca blackburni</i>	Blackburn's sphinx moth	Endangered
<b>Plants</b>		
<i>Abutilon menziesii</i>	kooloa ula	Endangered
<i>Achyranthes splendens</i> var. <i>rotundata</i>	round-leaved chaff-flower	Endangered
<i>Bonamia 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
<b>Insect</b>		
<i>Manduca blackburni</i> – Maui 1	1503 ha (3715 ac)	94 %
<i>Manduca blackburni</i> – Maui 2	578 ha (1429 ac)	96 %
<b>Plants</b>		
<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 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*), iliee (*Plumbago zeylanica*), maiapilo (*Capparis sandwichiana*), 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](http://www.botany.hawaii.edu/faculty/dachler/wra/full_table.asp)) and Global Compendium of Weeds ([www.hear.org/gcw](http://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.

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/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.kauai-seabirdhcp.info](http://www.kauai-seabirdhcp.info).



May 31, 2012

### PRINCIPALS

THOMAS S. WITTEN, ASLA  
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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.

### ASSOCIATES

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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 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 ('āwīkīwīkī), 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 nēnē 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.

### Unacceptable / Discouraged

Fixtures that produce glare and light trespass

Unshielded Floodlights or Poorly-shielded Floodlights

Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures

Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens

Unshielded Streetlight

Unshielded Security Light

Unshielded PAR Floodlights

Unshielded floodlight that is angled incorrectly

### Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night

Full Cutoff Fixtures

Fully Shielded Wallpack & Wall Mount Fixtures

Fully Shielded Walkway Bollards

Fully Shielded Fixtures

Full Cutoff Streetlight

Fully Shielded 'Period' Style Fixtures

Fully Shielded Security Light

Shielded / Properly-aimed PAR Floodlights

Flush Mounted Canopy Fixtures

Shielded floodlight that is angled correctly

Standard Floodlight

Waste Light, Light Trespass

Task Area

Neighbor

Shielded Floodlight

Task Area

Neighbor

Illustrations from [www.darviskyong.com](http://www.darviskyong.com) and [www.darviskyong.org](http://www.darviskyong.org)

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 USFWS, 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 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. 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."

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 (*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 '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.

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
- Confining 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.