

Piilani Promenade DEIS Public Comments

October 7, 2014

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Accepting Authority:

TO LAND USE COMMISSION

Mr. Daniel E. Orodener – LUC Executive Officer                      Email:luc@dbedt.hawaii.gov  
Department of Business, Economic Development & Tourism  
235 South Beretania Street, Room 406      PO Box 2359  
Honolulu, Hawai'i      96804-2359

TO APPLICANTS:

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TO CONSULTANT:

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TO OEQC:

Office of Environmental Quality Control  
Ms. Jessica Wooley, Director      (808) 586-4185      Email:oeqchawaii@doh.hawaii.gov  
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235 South Beretania Street    Room 702  
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TO STATE OFFICE OF PLANNING:

Acting Director Leo R. Asuncion Jr.                                      Email:leo.asuncion@dbedt.hawaii.gov  
State of Hawaii  
PO. Box 2359  
Honolulu, Hawaii 96804-2359

Re: LUC Docket A94-706 Ka'ono'ulu Ranch / Pi'ilani Promenade OEIS

TO WHOM IT MAY CONCERN:

I wish to submit the following comments relative to the Draft Environmental Impact Statement (DEIS) for the Pi'ilani Promenade (PP).

COMPLIANCE WITH THE KIHEI-MAKENA COMMUNITY PLAN (KMCP).

1. The proposed action described in the DEIS does not comply with numerous provisions of the 1998 Kihei-Makena Community Plan (KMCP); the KMCP has the Force and Effect of law, reflects the stated wishes of the community for the Kihei-Makena Planning Region, and must be amended if the Proposed Action is to Proceed.

The DEIS does not adequately address the question of conformance with, and enforceability of, the KMCP. The DEIS must include a thorough discussion of the relationship of a proposed action to "applicable land use plans, policies, and controls for the affected area". The DEIS fails to do so.

If the applicant fails to pursue a community plan amendment for this proposed action, then the question must be resolved by the LUC; HRS section 205-16 mandates that all actions by the LUC must conform to the Hawaii state plan. Since community plans are part of the state plan, the LUC cannot approve the Project except by conditioning approval of the Final EIS upon amendment of the KMCP.

I request that the Final Environmental Impact Statement (FEIS) discuss the project submitting a Community Plan Amendment to the County of Maui.

2. The proposed action described in the DEIS is Inconsistent with Light Industrial Zoning; a change in zoning is required.

COUNTY ZONING

The DEIS fails to mention and discuss the meaning and significance of Maui County Code section 19.24.010 that defines M-1 light industrial zones, which states, in pertinent part, "The M-1 light industrial district is designed to contain mostly warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials." Other uses are permitted within M-1 zones, but the plain meaning of the definition is that light industrial zones are to be comprised mostly of customary light industrial uses.

Here the Piilani Promenade North is mostly retail and commercial with only a token light industrial component, or no light industrial at all for the parcel owned by Pi'ilani Promenade South since it is entirely intended for retail use and therefore should be zoned for business and commercial use.

The proposed development is inconsistent with M-1 zoning requirements. I request that the Final Environmental Impact Statement discuss the project submitting a request for a zoning change to the County of Maui.

3. The 13-acre 250 unit affordable housing project that is part of the Honua'ula Development and in the original 88 acres of state ag to urban reclassified lands shares all the previous entitlement approvals with the Piilani Promenade Project and is depended on this development for much of it's infrastructure needs and will have many similiar environmental impacts as the Pi'lani Promenade, yet has had no environmental review.

#### SEGMENTATION

The DEIS fails to acknowledge and discuss unpermitted segmentation that will necessarily arise from separating the Piilani Promenade portion of the 88 acre parcel from the Honua'ula portion of the development. The EIS for Wailea 670/Honua'ula did not address or assess the workforce housing component of that development, that being 250 housing units to be constructed on 13 of the 88 acre parcel in issue here (Honua'ula's parcel). The proposed Honua'ula component of the Project is again omitted from any environmental assessment in the Piilani Promenade DEIS.

Is the DEIS sufficient without inclusion of the Honua'ula parcel?

Is this unpermitted segmentation?

I request that the Final Environmental Impact Statement discuss the impacts of the 13-acre, 250 unit affordable housing project and mitigations for the Honua'ula Affordable Housing Development.

4. The Draft Environmental Impact Statement (DEIS) does not adequately analysis the impacts of the proposed action on regional traffic, safety of students from Kihei High School and other schools walking or biking to and from the Pi'ilani Promenade, the potential this action has for increase flooding downslope and impacts to existing businesses in the region.

- The proposed traffic analysis is incomplete. For example, the proposed Kenolio Apartment Project is 186 units, and not 124 units quoted in the DEIS. A complete analysis of the impact of the Honua'ula Affordable Housing Project should be provided in the DEIS. Pi'ilani Promenade is proposed to be a regional mall attracting traffic from all over the island. This is contrary to one of the general goals of the KMCP to reduce traffic on Pi'ilani Highway.
- There is no clear plan discussed in the DEIS for safe walking and biking routes for students of the proposed Kihei High School to and from the Pi'ilani Promenade. There are no site maps provided of walkways and bikeways provided within and without the project area. Pi'ilani is a high speed highway. Crossing the Kulanihakoi bridge between the proposed PP and the Kihei High School is especially dangerous for walkers and bikers.
- The proposed action is just upstream from a flood prone area. The proposed action will

increase the chances for flooding downstream because converting a natural drainway, Ka'ono'ulu Gulch, into a culvert will increase flooding potential by decrease the amount of water that can be absorbed by the land on its way downhill to the ocean. Also, when you compare the drainage analysis of the proposed action with the older proposed Ka'ono'ulu Market Place drainage study, there is a 3-fold increase in runoff.

- The analysis of economic impacts proposed action will have is difficult to make if there are no due to lack on information provided in the DEIS regarding configuration, location and size or propose retail space. All we have a big bubbles to look at. Also, there is no discussion in the DEIS of impacts of proposed action in an environment where there currently exist a high level of vacant retail space.

## 5. Cultural Impacts

The DEIS states in multiple places that the proposed action will have no cultural impacts. This is not true. This project will have many cultural impacts.

### A. Comments regarding Ka'ono'ulu Gulch

Ka'ono'ulu Gulch is a cultural and environmental resource that must be preserved and not buried. Uncle Les Kulolio'o has said that our gulches are the heart of Maui. Our seasonal waterways provide many important ecological and cultural functions. Left in their natural state they reduce the amount of pollution that reaches the ocean, clean and filter water for recreation and drinking and support the area wildlife and fisheries which Hawaiians have used for a millenium for traditonal gathering practices. Converting a natural gulch to a concrete culvert prevents these natural processes from occurring, increases marine degradation and impacts the customary and traditional gathering places and practices of Hawaiians. Enclosing a natural gulch in a culvert is culturally inappropriate and against our community values of preserving the natural environment as stipulated in the KMCP that give our area its uniqueness and sense of place.

At the February 25, 2014 Piilani Promenade Cultural Consultion Meeting the cultural importance of Ka'ono'ulu Gulch was discussed at length by several of the participants.

We need an EIS that shows alternate plans that include Ka'ono'ulu Gulch as part of the proposed project. It could become an open space greenway with walking paths along it that could incorporate the historic sites of the cultural landscape to retain both a "sense of place" and the integrity of this natural drainageway.

### B. Comments regarding Archaeological Inventory Survery (AIS)

- There are no documented archaeological sites reccommend in the AIS for preservation. There are a few recommend for data recovery with the chance that some of those may be recommend for preservation. But, it is highly likely that the vast majority of these sites (if not all) will be destroyed and not preserved. This is unfortunate as this ahupua'a has a lot of history. The proposed action does not seem to support the integration of cultural/historic sites into the project plan. Recommendations to integrate historic

- sites into the project were made at the February 25, 2014 cultural consultation meeting.
- The AIS is inadequate because there is evidence that not all historic properties have been recorded. There are possible undocumented archaeological sites, midden scatters and artifacts.
  - At the February 25, 2014 cultural consultation meeting a request was made by consulting parties that included lineal descendants, cultural practitioners and other knowledgeable parties, to go on a site visit to the project area. We were told by Charlie Jencks, the owners representative, and Eric Fredrickson, the archaeologist, that this was doable. It would seem that the time is at hand to bring the cultural consulting parties and lineal descendants on the land for the following purposes: To help identify historic properties, consult on the cultural uses and significance of those historic/cultural properties.
  - The AIS does not comply with the Kihei-Makena Community Plan that "requires development projects to identify all cultural resources located within or adjacent to the project area, prior to application, as part of the County development review process" (Page 24 KMCP). There are archaeological sites adjacent to the project in Kulanihako'i Gulch that have not been documented in the AIS or the 2008 AIS of lands Mauka and south of the project. The need to include an additional survey of the Kulanihako'i Gulch was brought up at the February 25, 2014 cultural consultation meeting.
  - EIS should show an alternate action where cultural/historic sites are incorporated into the proposed action and not simply destroyed. To develop 75 acres and not include even one Hawaiian archaeological site in the proposed action is a sad commentary on how the developers view our Hawaiian history.

#### C. Comments regarding Cultural Impact Assessment (CIA).

In the DEIS the CIA results are summarize as follows:

"The CIA reports that the proposed project has no significant effects to cultural resources, beliefs, or practices. From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or gatherings currently taking place. The oral history interviews did not reveal any known gathering places on the subject property or any access concerns as a result of the proposed project. Therefore it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity."

- CIA needs to include more interviews to be acceptable. There are more than just the two people selected in the CIA for interviews who can advance our understanding of the history of this land. PP staff and consultants met cultural practitioners, lineal descendants and others at the February 25, 2014 cultural consultation meeting some of whom have a practice on the land and in the ahupua'a and did not chose to interview them for the CIA, therefore, the CIA is incomplete.
- CIA needs to recognize that their are other cultural practitioners and lineal descendants of the area and their connection to the land.
- CIA states there are no cultural practices currently occuring on the land. That is not correct.

- CIA needs to recognize the impacts this project may have on Hawaiian rights customarily and traditionally exercised for subsistence, cultural, and religious purposes on and adjacent to the project area. This would include gathering practices at the Ka'ono'ulu seashore and in the nearshore waters for limu, fishes, etc..

D.) Cultural Consultation at February 25, 2014 Meeting with cultural practitioners, lineal descendants and knowledgeable parties ignored or not taken seriously.

Many suggestion and recommendations by cultural consultants were offered at this meeting.

But most of them did not receive any consideration in the DEIS or follow up.

- A request was made for a site visit to project area. That has not happened yet.
- A request was made to survey Kulanihakoi gulch adjacent to project for archaeological sites. That has not happened yet.
- Importance of natural gulches as drainageways and native cultural resources was emphasized repeatedly as it pertained to recharging ground water and supporting limu and fisheries and the importance of protecting the natural flow of gulches and not tampering with it. Yet, this consultation has not seem to affect the proposed action to bury Ka'ono'ulu gulch.
- A request was made to include some of the participants at the meeting in the CIA. That has not happened.
- Some other recommendations from the meeting are discussed in my comments above.

Thank you for the opportunity to offer comments on the Pi'ilani Promenade DEIS.

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