

OFFICE OF PLANNING

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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of)	DOCKET NO. A12-796
)	
WAIKO INDUSTRIAL INVESTMENT, LLC)	OFFICE OF PLANNING LIST OF WITNESSES; LIST OF EXHIBITS; EXHIBITS 1, 3, 4, 5 AND 8;
)	CERTIFICATE OF SERVICE
To Amend the Agricultural Land Use District Boundary into the Urban District for Approximately 31.22 Acres at Waikapu, Wailuku, Island of Maui, State of Hawai'i, Tax Map Key No: 3-8-007: 102)	
)	
)	
)	

OFFICE OF PLANNING LIST OF WITNESSES, LIST OF EXHIBITS,
EXHIBITS 1, 3, 4, 5, AND 8, CERTIFICATE OF SERVICE

LAND USE COMMISSION
STATE OF HAWAII
2012 NOV 21 P 12:29

LAND USE COMMISSION

DOCKET NO./PETITIONER: A12-796 WAIKO INDUSTRIAL, LLC
PARTY: OFFICE OF PLANNING (OP)

LIST OF WITNESSES

NAME/ORGANIZATION/POSITION	TO BE QUALIFIED AS AN EXPERT IN:	SUBJECT MATTER	WRITTEN TESTIMONY (Yes or No)	EXHIBIT NUMBER(S)	LENGTH OF DIRECT
RODNEY FUNAKOSHI or REPRESENTATIVE Planning Program Administrator Office of Planning	Land Use and Environmental Planning	State position	Yes	1-5	20 min.
GLENN M. OKIMOTO, PH.D. or REPRESENTATIVE Director State Department of Transportation	Transportation planning, policy, engineering	Transportation impacts	Yes	6	15 min.
WILLIAM TAM or REPRESENTATIVE Deputy Director, Commission on Water Resource Management Division of Land and Natural Resources	Water resource management	Groundwater impacts	Yes	7	15 min.

LAND USE COMMISSION

DOCKET NO./PETITIONER: A12-796 WAIKO INDUSTRIAL, LLC
PARTY: OFFICE OF PLANNING (OP)

LIST OF EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
1	Office of Planning (OP) Statement of Position		
2	Office of Planning (OP) Written Testimony		
3	Map, <i>Petition Location and Regional Overview</i> , OP		
4	Map, <i>Petition Area and Environs: Roads and Access</i> , OP		
5	Map, <i>Figure 0-1, Wai‘ale Conceptual Community Plan</i> , from Wai‘ale Final Environmental Impact Statement, October 2011, Docket No. A10-789, A&B Properties, Inc.		
6	State Department of Transportation (DOT) Written Testimony		
7	Commission on Water Resource Management (CWRM) Written Testimony		
8	Resume of OP Representative - Rodney Y. Funakoshi, Planning Program Administrator, Land Use Division		
9	Resume of DOT Representative		
10	Resume of CWRM Representative		

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of)	DOCKET NO. A12-796
)	
WAIKO INDUSTRIAL INVESTMENT, LLC)	OFFICE OF PLANNING'S STATEMENT OF POSITION
)	
To Amend the Land Use District Boundary of Approximately 31.22 Acres of Land from the Agricultural District into the Urban District at Waikapu, Wailuku, Island of Maui, State of Hawai'i, Tax Map Key No: 3-8-007:102)	

OFFICE OF PLANNING'S STATEMENT OF POSITION

The Office of Planning ("OP") supports the reclassification of the Petition Area from the Agricultural District into the Urban District, subject to certain conditions. Submitted pursuant to Hawai'i Administrative Rules ("HAR") §15-15-55, this Statement of Position summarizes OP's position and those of State departments impacted by the proposed boundary amendment. OP's position is based on the representations of the Petitioner and documents filed in these proceedings, coordination with the Petitioner and affected government agencies, and the statutes and regulations applicable to these proceedings. Additional information that may become available will be reflected in OP's written testimony.

PETITION OVERVIEW

General Information

The Petitioner Waiko Industrial Investments, LLC. ("Petitioner"), requests that the Land Use Commission ("Commission") reclassify approximately 31.22 acres of land from the State Agricultural District to the State Urban District at Waikapu, Wailuku, Island of Maui.

The Petitioner, a Washington limited liability company whose principal place of business is at P.O. Box 220 Kihei, Hawai'i 96753, is the fee owner of the parcel, Tax Map Key ("TMK") (2) 3-8-007:102, being proposed for reclassification under this Petition.

Proposed Use of the Petition Area

Petitioner proposes to develop a light industrial and commercial subdivision consisting of approximately forty-one (41) lots. Thirty-eight (38) lots will be for sale in fee simple and three (3) other lots will be for use by the Petitioner. The lot sizes are proposed to range from approximately 10,000 square feet to 78,000 square feet with one 8.5-acre parcel to be retained by the Petitioner. Related improvements include grading, construction of a drainage system, internal roadways, utilities, a private wastewater system, and offsite roadway improvements.

Petition Area Description and County Land Use Designations

The site is situated in Central Maui south of Wailuku-Kahului, east of the town of Waikapu, north of Waiko Road and west of Kuihelani Highway. The existing land use consists of pasture lands and approximately four (4) acres of light industrial use approved through a Maui County Conditional Permit and State Special Use Permit. The Petition Area surrounds and borders the “Consolidated Baseyard” light industrial area on the west, east and north.

The Petition Area is within the County of Maui’s *Wailuku-Kahului Community Plan* area, zoned by the County as “agriculture” and is situated within the urban growth boundary designation of the draft *Maui Island Plan*.

On June 21, 2012 the surrounding 545-acre A&B Properties, Inc., “Wai‘ale Master Planned Community,” Docket No. A10-789, was reclassified by the Commission from the State Agricultural District into the Urban District for a master-planned community including the following uses: village-mixed use, commercial, business/light industrial, multi-family and single-family residential, community center, regional and neighborhood park, greenway and open space, cultural preserves, middle school, and related infrastructure.

KEY ISSUES OF CONCERN TO THE STATE

The following summarizes key issues related to areas of State concern in HRS §§ 205-16 and 205-17. OP’s written testimony will recommend appropriate conditions, as necessary, to address any reasonably foreseeable impacts from the proposed project that have not been addressed by commitments made by Petitioner to avoid, minimize, or mitigate these impacts.

Impacts on Areas of State Concern

Natural Systems and Habitats

Groundwater resources. The proposed subdivision will be supplied with water from two existing private wells (Wells Nos. 5129-02 & 03) drawing potable water from the Kahului Aquifer System. The water system consists of two groundwater wells, a 350,000 gallon storage tank, pump building and water appurtenances. It is presently located in the adjacent “Consolidated Baseyard” industrial subdivision. The Final Environmental Assessment (FEA) documents correspondence between Waiko Industrial, LLC and the Consolidated Baseyard Association regarding the shared use of the two wells; however, a formal “joint services agreement” between the two entities confirming the shared use of the wells and responsibilities has not been documented.

The Petitioner’s civil engineer estimates water consumption for the proposed subdivision would be 142,920 gallons per day based on County water standards. According to the Petitioner’s water resources engineer, the Kahului Aquifer has been pumped for many decades at 45 million gallons per day (“mgd”) and is presently being pumped at between 25 and 30 mgd without adverse effects such as increased salinity or water level decline. The Commission on Water Resource Management (“CWRM”) has set the sustainable yield at 1.0 mgd, but this is based on rainfall recharge and does not include other important sources of recharge including underflow from Haleakala and the West Maui Mountains (Mauna Kahalawai), irrigation return flow from sugarcane fields along with other agricultural activities, and leakage from the Wai‘ale Reservoir.

CWRM commented that the potability of the wells is dependent upon the continued irrigation of sugarcane on adjacent lands and leakage from the Wai‘ale Reservoir artificially freshening the aquifer which is otherwise pumped in excess of the sustainable yield of one mgd. Reliance upon the potability of these wells and others cannot be assured in the absence of these sources of augmentation. Refer to the attached CWRM letter dated October 10, 2012 (Attachment A).

Petitioner’s water resources engineer estimates that the plantation’s closing would reduce aquifer pumpage by more than 25 mgd leaving current and projected pumpage at less than 5 mgd, but that the two wells supplying the Petition Area can continue to provide the needed quantity and quality of groundwater.

OP notes that, unlike the adjacent Iao Aquifer, the Kahului Aquifer is not a designated ground water management area subject to more intensive management and allocation of water resources by the CWRM. However, given some uncertainty regarding the future availability of sufficient potable water should plantation operations cease to provide the present irrigation recharge, additional consultation is being pursued with the CWRM regarding the need for testimony and any condition of approval.

Flora and Fauna. A flora and fauna inventory field survey was conducted in December 2010 and found there are no significant habitats or rare, endangered or threatened species of flora or fauna located in the Petition Area.

Archaeological, Historic, and Cultural Resources

A *Cultural Impact Assessment* was conducted which concluded that no cultural practices are continuing or are currently occurring within the Petition Area.

An *Archaeological Assessment Report* was prepared for the Petition Area documenting archaeological surveys and subsurface testing activities including 20 trench excavations. The trench excavations found no significant surface or subsurface remains. No historic properties were identified within the perimeters of the subject area during the archaeological field work. The State Historic Preservation Division (“SHPD”) approved the archaeological report. Refer to the attached SHPD approval letter dated May 31, 2012 (Attachment B).

The Petitioner also submitted an *Archaeological Monitoring Plan* for the Petition Area outlining the procedures that will be implemented to prevent damage to unknown sites including the identification and documentation of any newly discovered archaeological and cultural features. The *Plan* indicates all future construction or ground altering activities will be monitored by a qualified archaeologist and that a report of monitoring activities be submitted within 180 days after completion of field work. SHPD has also approved this report. Refer to the attached SHPD *Archaeological Monitoring Plan* letter dated May 31, 2012 (Attachment C).

OP will request a condition to ensure that appropriate mitigation measures are undertaken if any cultural, historic or archaeological findings occur during construction-related activities.

Natural Resources Relevant to Hawai‘i’s Economy

Agricultural lands. The Petition Area has not been used for any agricultural cultivation in recent years. Under the Agricultural Lands of Importance to the State of Hawai‘i (“ALISH”) system, the Petition Area is classified as “Other” important agricultural lands. “Other” lands are

not classified as “Prime” or “Unique” agricultural lands that are also of statewide or local importance for agricultural use. The soil within the Petition Area is classified as Pu‘uone (“PZUE”), which is loose sandy soil over subsurface lithified (cemented) sand layers. It is characterized as having a rapid permeability above the cemented layer with slow runoff and a moderate to severe wind erosion hazard. The productivity of the soil is rated as poor by the Land Study Bureau’s (“LSB”) Detailed Land Classification which lists the soil within the Petition Area as “E,” the lowest class of productivity.

Appendix K of the Final Environmental Assessment (“FEA”) indicates the location of an operational feedlot referred to as “Nobriga’s Ranch,” which is partially located within the south west portion of the Petition Area. The Department of Agriculture (“DOA”) commented that this 27-acre feedlot is the only one on Maui and has been in operation since 1968, providing feed to various ranches throughout Maui. Due to persistent drought over the last seven years and a lack of available pasture grasses, the feedlot has been especially important to ranchers on the leeward side of Maui. Refer to the attached DOA Memorandum dated November 8, 2012 (Attachment D).

OP is pursuing additional consultation with the Petitioner and DOA to seek ways in which any adverse impacts on the feedlot can be avoided or minimized.

Sustainability, energy and resource. Act 181, Session Laws of Hawai‘i, 2011 established priority guidelines for sustainability in the Hawai‘i State Plan. Furthermore, the State of Hawai‘i’s Clean Energy Initiative has adopted a goal of using efficient and renewable energy resources to meet 70 percent of Hawai‘i’s energy demand by 2030, with 30 percent from efficiency measures and 40 percent from locally-generated renewable sources.

OP recommends that the Petitioner prepare a sustainability plan which identifies and incorporates sustainability elements into the project design.

Commitment of State Funds and Resources

Transportation. The Petition Area will primarily be accessed via Waiko Road which connects with Kuihelani Highway to the east and Honoapiilani Highway to the west. The State Department of Transportation (“DOT”) has reviewed the Traffic Impact Analysis Report (“TIAR”) and noted the following concerns expressed in the attached DOT Memorandum dated October 30, 2012 (Attachment E):

1. Any access to the Nobriga Ranch property that currently exists from Kuihelani Highway shall be extinguished prior to the issuance of the first certificate of occupancy for the commercial development or when Drive A provides access to Waiko Road, whichever occurs first.
2. In addition to the project's local /direct access improvements recommended at the Waiko Road intersections with Honoapiilani Highway and Kuihelani Highway, the Petitioner shall provide fair share contribution to the cost of regional improvements to State highways. These improvements could be on Honoapiilani Highway and/or Kuihelani Highway.
3. The TIAR is not acceptable and shall be revised and resubmitted to DOT Highways Division for review and acceptance prior to boundary amendment approval.
4. Traffic generated by the subject property will have a Level of Service ("LOS"), capacity, operational and safety impacts on two State principal arterials, Honoapiilani Highway and Kuihelani Highway, especially at the signalized intersections with Waiko Road. The study intersections shall include all intersections along Honoapiilani Highway and Kuihelani Highway where project generated vehicular traffic is projected to increase by 3% or more with the project.
5. With reference to Table 11 in the TIAR, the projected changes resulting from the Waiko Road Industrial Subdivision's trip generation during the p.m. peak hour (with project) are not acceptable because they impact the major north-south traffic movement along Honoapiilani Highway and Kuihelani Highway at the signalized intersection with Waiko Road as follows:
 - a. The Honoapiilani Highway northbound shared through and right turn from LOS B to LOS D.
 - b. The Honoapiilani Highway southbound left turn from LOS C to LOS F.
 - c. The Kuihelani Highway / Waiko Road intersection Highway Capacity Manual LOS from B to D.
 - d. The Honoapiilani Highway / Waiko Road intersection Highway Capacity Manual LOS from B to D.
 - e. The 45.9 second increase of the traffic signal Actuated Cycle Length from 134 seconds to 179.9 second.

6. With reference to the traffic movement in Comment 5 above, the TIAR shall recommend transportation mitigation improvements that will result in a LOS D or better and to assure that the LOS will not drop by more than 1 level. With the project at build-out for all movements along Honoapiilani Highway and Kuihelani Highway at the signalized intersections with Waiko Road. The Petitioner shall plan, design and construct the recommended improvements to current State standards and federal guidelines at no cost to the State. If any additional land is needed to accommodate the recommended improvements, the Petitioner should coordinate with the Highways Right-of-Way Branch to provide such land at no cost to the State.
7. The LOS Worksheets shall be amended to include traffic signal splits and phasing diagrams.
8. DOT is concerned with vehicles queuing onto Kuihelani Highway, as the 580-foot distance along Waiko Road from Kuihelani Highway to Drive A is shorter than desirable. Drive A is an 80-foot wide easement planned to connect Road B in the proposed Wai‘ale project. Drive A will provide access to the 100,000 sq. ft. of retail commercial development adjacent to Waiko Road and Kuihelani Highway. The revised TIAR shall include a queue analysis for the turns from Waiko Road into Drive A and then into the commercial development to determine if vehicles will queue onto Kuihelani Highway. If required, mitigation improvements shall be recommended to prevent queuing onto Kuihelani Highway.
9. Pass by trips shall be validated with an updated TIAR six months after build-out of the retail uses. Any recommended additional mitigation measures shall be provided at no cost to the State.
10. The TIAR should identify the existing and future route(s) that vehicles heavier than 10,000 pounds will take to access the Consolidated Baseyard and the Petition Area. The revised TIAR should also state the number, percentages and size of heavy trucks that will access the project from Kuihelani Highway.
11. As a supplement to the Study Methodology in Section 1 of the TIAR, typical roadway sections for the Honoapiilani Highway, Kuihelani Highway and Waiko Road should be included in the revised TIAR along with the road right-of-way lines. Since the project generated traffic impacts to Honoapiilani Highway, a conceptual plan with contours should be included for the intersection of Waiko Road. Constraints to

widening the right-of-way or providing recommended mitigation improvements should be identified and discussed in the revised TIAR.

12. The TIAR shall be updated every 3 years until build-out. If the project is delayed beyond 2015, trips generated by A&B Properties Wai'ale project and any other committed projects, that are developed before the build-out of the subject property shall be included as background traffic in the updated TIAR.

OP will recommend a condition to ensure that DOT concerns with the TIAR and impacts to State highways are addressed to ensure appropriate and timely mitigation of traffic impacts.

Civil defense. This location currently does not have an outdoor warning system. State Civil Defense recommends a 121 dB Omni-Direct Siren located on the plant property with repair access. Refer to the attached Department of Defense letter dated October 23, 2012 (Attachment F). OP will be recommending a condition to address the provision of a siren system.

Other Issues of Concern

Wastewater. The nearest County sewer system is 3,000 feet west of the project site. Average wastewater demand is estimated by the Petitioner's engineer at 16,436 gallons per day. Wastewater collection will be provided by a private sewer system installed within the subdivision roadways with a sewer lateral provided to each lot. The master sewer system will outlet into a community leach field. Individual wastewater systems for each lot will be aerobic units which will allow installations in close proximity to existing potable wells. The master sewer system will require the review and approval from the State Department of Health and the proposed subdivision must comply with all provisions of HAR Chapter 11-62, regarding wastewater systems. According to HAR Chapter 11-62 Appendix F, Table 2 - any cesspool, seepage pit, or soil absorption system must be at a minimum distance of 1000 ft from a potable water source. OP is confirming with DOH the acceptability of proposed private wastewater system.

The Petitioner will need to ensure that during construction and at build-out, any construction or industrial wastewater, discharges and releases, the reuse of treated wastewater, and stormwater runoff are properly managed to mitigate any potential impacts on surface or groundwater water resources. OP recommends that the Petitioner incorporate Low Impact Development ("LID") techniques and technologies in the design and construction of the Project's drainage or stormwater management system. OP will also seek conditions to ensure that owners and tenants use best management practices to protect these resources.

Provision for Employment Opportunities and Economic Development.

The proposed project will provide the opportunity to encourage the creation of new local small industrial businesses and create employment opportunities for island residents.

SUMMARY OF CONFORMITY WITH APPLICABLE DISTRICT STANDARDS, STATE PLANNING STATUTES, COUNTY PLANS, AND OTHER DECISION-MAKING CRITERIA

The Petition Area is surrounded by lands classified as State Urban District, and the Petition generally meets the standards for determining State Urban District boundaries as set forth in HAR § 15-15-18. With appropriate mitigation, the proposed reclassification is generally consistent with one or more objectives, policies, and priority guidelines of HRS Chapter 226, the Hawai'i State Plan. In particular, the proposal supports a steadily growing and diversified economic base, and complements the Administration's priorities in its *New Day Comprehensive Plan* by supporting the economy, jobs and small businesses. The Petition generally conforms to the Coastal Zone Management objectives and policies set forth in HRS § 205-2. The Petition area does not meet the criteria for important agricultural lands as specified in HRS § 205-41.

On July 10, 2012 the County of Maui Planning Commission accepted Waiko Industrial Investment, LLC's FEA and issued a Finding of No Significant Impact. The Petition Area is consistent with infill development policies in the County *General Plan: Countywide Policy Plan* adopted by Ordinance No. 3732 on March 24, 2010 and lies within the urban growth boundary of the draft *Maui Island Plan* which is pending County Council approval. The *Wailuku-Kahului Community Plan* was adopted by County Ordinance No. 3061, Bill No. 29, and became effective on June 5, 2002. The Petition Area is not consistent with the *Wailuku-Kahului Community Plan's* land use designation of "Agriculture." A Community Plan Amendment to change the land use designation from "Agriculture" to "Light Industrial" has been submitted to the County, as has a "Change in Zoning" requesting a change from "Agriculture" to "Light Industrial."

CONCLUSION

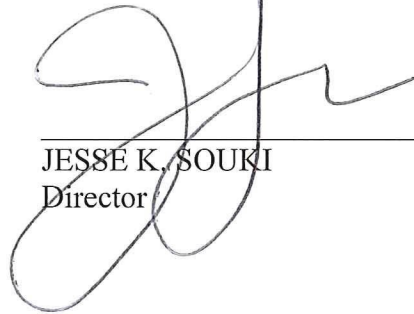
Based on our preliminary assessment of the Project with respect to the Commission's decision-making criteria, OP supports the proposed boundary amendment with conditions that will address the concerns raised herein. The proposed boundary amendment does not conflict with HRS Chapter 205 and generally meets the Commission's decision-making criteria contained in HRS Chapter 205 and HAR Chapter 15-15. OP's position is contingent on the

Petitioner's commitment to avoid, minimize, or mitigate Project impacts identified by the State herein and in this proceeding to the satisfaction of the relevant State agencies prior to the close of the Petitioner's case-in-chief, or by agreed-to conditions of approval.

OP distributed the Petition to State agencies for their review and comments; additional information or concerns may be forthcoming. Specific impacts on areas of State concern and recommendations on conditions to mitigate Project impacts will be discussed further in OP's written testimony.

DATED: Honolulu, Hawai'i, this 21st day of November, 2012.

OFFICE OF PLANNING
STATE OF HAWAII



JESSE K. SOUKI
Director

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



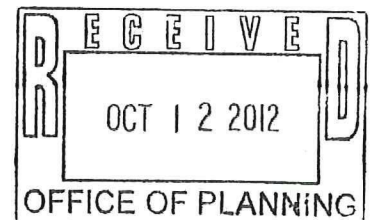
WILLIAM J. AILA, JR.
CHAIRPERSON
WILLIAM D. BALFOUR, JR.
SUMNER ERDMAN
LORETTA J. FUDDY, A.C.S.W., M.P.H.
NEAL S. FUJIWARA
JONATHAN STARR
TED YAMAMURA
WILLIAM M. TAM
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

October 10, 2012

REF: Waiko LI Subn.dr

Mr. Jesse K Souki, Director
Office of Planning
Department of Business, Economic Development,
and Tourism
235 South Beretania Street
Honolulu HI 96813



Dear Mr. Souki:

SUBJECT: Waiko Baseyard Light Industrial Subdivision SLUDBA
FILE NO.: P-13736; LUC Docket A12-796
TMK NO.: (2) 3-8-007:102

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/cwrn>.

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.

DRF-GN 03/02/2006
Attachment A

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:

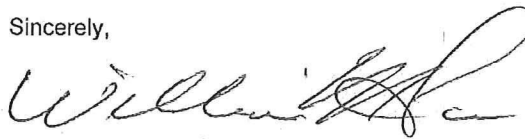
Additional information and forms are available at www.hawaii.gov/dlnr/cwrn/forms.htm.

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. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
9. A Well Construction Permit(s) is (are) required before the commencement of any well construction work.
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 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 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:

Potable use of about 140,000 gpd is projected for this project, drawing from private wells (Well Nos. 5129-02 & 03) in the Kahului Aquifer System Area. The Commission believes that potability of these wells is dependent upon the continued irrigation of sugar on adjacent lands and leakage from the Waiälé Reservoir, artificially freshening an aquifer otherwise pumped in excess of the accepted sustainable yield. Reliance upon the potability of these wells and others cannot be assured in the absence of these sources of augmentation.

If there are any questions, please contact Charley Ice at (808) 587-0218.

Sincerely,



WILLIAM M. TAM
Deputy Director

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

WILLIAM J. AILA
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKULUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 31, 2012

Erik Fredericksen, Principal Investigator
Xamanek Researches, LLC
P.O. Box 880131
Pukalani, Hawaii 96788

LOG NO: 2011.2355
DOC NO: 1205TD05
Archaeology

Dear Mr. Fredericksen:

**Subject: Chapter 6E-8 Historic Preservation Review -
Archaeological Assessment Report for a 31.222-acre Parcel Along Waiko Road
Waikapū Ahupua`a, Wailuku District, Island of Maui
TMK: (2) 3-8-007:102**

Thank you for submitting the report titled *An Archaeological Assessment Survey of a 31.222-acre Parcel Located along Waiko Road, Waikapū Ahupua`a, Wailuku District, Island of Maui, TMK: (2) 3-8-007:102 [Waiko Industrial Development, LLC]*, J. Pickett and E. Fredericksen, 23 August 2011. The submittal was received in the Kapolei office August 30, 2011; we apologize for the delay in responding.

Archaeological fieldwork was conducted during the months of May and June 2011 for this project, and included a pedestrian survey with subsurface testing in the form of backhoe trenches. Twenty trenches were excavated to a maximum depth of 4.2 meters. No evidence of historic properties, cultural deposits or subsurface features was identified during the fieldwork. The report describes considerable disturbance that has occurred in the two sections of the project area, which surrounds an existing baseyard development. All of the backhoe tests encountered Aeolian sand deposits with isolated stream channel/alluvial deposits beneath Aeolian sand layers.

We believe that an adequate attempt was made to identify historic properties within the project area. Given the project location, geology and the presence of known burials in the adjacent parcel, we concur with the recommendation that archaeological monitoring be conducted during ground disturbing activities. We are in receipt of a monitoring plan for the project.

The report contains background information on the historic context and previous archaeology in the vicinity of the project area, in addition to documentation of the existing environment and current conditions. Information as stipulated in Hawaii Administrative Rule (HAR) §13-284-5(b) and §13-276-5 (a) and (c) are included. The report is approved, pursuant to HAR §13-279. Please send one hard copy of the document, clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library. Please contact me at (808) 933-7653 or Theresa.K.Donham@hawaii.gov if you have any questions or wish to further discuss the conclusion of this letter.

Aloha,

A handwritten signature in black ink, appearing to read "Theresa K. Donham".

Theresa K. Donham
Archaeology Branch Chief

Attachment B

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAHUHIHEWA BUILDING
601 KAMOKILA BLVD, KAPOLEI HI 96707

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 31, 2012

Mr. Erik M. Fredericksen, Principal Investigator
Xamanek Researches, LLC
PO Box 880131
Pukalani HI 96788

LOG NO: 2011.2642
DOC NO: 1205JP13
Archaeology

Aloha Mr. Fredericksen:

**SUBJECT: Chapter 6E-42 Historic Preservation Review-
Archaeological Monitoring Plan for a 31.222Acre Parcel along Waiko Road
Waikapu Ahupua'a, Wailuku District, Island of Maui
TMK (2) 3-8-007:102**

Thank you for the opportunity to review the draft report titled *An Archaeological Monitoring Plan for a 31.222-acre Parcel Located along Waiko Road, Waikapu Ahupua'a, Wailuku District, Maui Island* by Erik M. Fredericksen (2 September 2011). This document was received by our staff on October 5, 2012. We apologize for the delayed review. We have recently reviewed and accepted the associated archaeological assessment report for this project area (Log 2011.2355, Doc 1205TD05).

This monitoring plan outlines the proposed objectives and procedures that will be implemented to prevent damage to unknown sites including the identification and documentation of any newly discovered archaeological and cultural features. As indicated in the plan, all future construction or ground altering activities will be monitored by a qualified archaeologist. We request that a report of the monitoring activities be submitted for review within 180 days after completion of the fieldwork.

Information on proposed monitoring procedures, as stipulated in Hawaii Administrative Rule (HAR) §13-279-4 are included; the plan is approved, pursuant to HAR §13-279. Please send one hard copy of the document, clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library. Please contact Jenny Pickett at Jenny.L.Pickett@Hawaii.gov or (808) 243-5169 if you have questions regarding this letter.

Mahalo,

A handwritten signature in black ink, appearing to read "Theresa K. Donham", with a horizontal line extending to the right.

Theresa K. Donham
Archaeology Branch Chief

cc: County of Maui, Department of Planning via fax: (808) 270-7634
County of Maui DSA via fax to: (808) 270-7972
Vince Bagoyo via email: vbago-yo-devgroup@hawaii.rr.com

Attachment C

NEIL ABERCROMBIE
Governor



RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture


SCOTT E. ENRIGHT
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

November 8, 2012

MEMORANDUM

To: Mr. Jesse K. Souki
Director
Office of Planning
Department of Business, Economic Development and Tourism

From: Russell S. Kokubun
for Chairperson, Board of Agriculture 

Subject: Land Use Commission Docket No. A12-796
Agricultural to Urban
Waiko Industrial Subdivision
Waiko Industrial Investment, LLC
Waikapu, Maui
TMK: 3-8-07: 102 (31.222 acres)

The Department of Agriculture has reviewed the subject petition and related documents and found a single mention of a cattle feedlot on the subject property under a month-to-month lease (Petition, pages 9-10). We did research on the cattle feedlot and present the following information for your use.

The Environmental Impact Statement for the proposed project contains a description of the physical infrastructure that comprises the 27-acre feedlot but not the importance of the operation. Apart from the feedlot enclosures, also identified were a composting area, catchment lagoons, machinery, animal feed, and animal trailers (Appendix K, Phase I Environmental Site Assessment Report; Malama Environmental; pages 30-32).



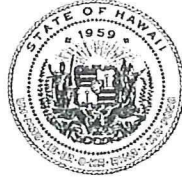
Attachment D

DOA staff contacted the operator of the cattle feedlot, Mr. Dave "Buddy" Nobriga who informed us of the following:

- The feedlot is the only one on Maui and has been in operation since 1968.
- The primary feed use at the feedlot was pineapple silage but the closure of Maui Pineapple Company in late 2009 forced the feedlot to consider other feed sources such as silage created from sugarcane tops left from the seedcutting operation of Hawaiian Commercial and Sugar Company.
- The primary users of the feedlot have been the Maui Cattle Company that includes among its members, the ranches of Kaupo, Haleakala, Ulupalakua, Hana, and Nobriga on Maui, and Olumau on Kauai.
- Up until about 2011, as many as 900 head were penned at the feedlot on a 90-day feeding schedule.

Through other inquiries, we understand that the feedlot has helped ranchers feed their cattle during the current drought that has persisted over the past 7 years over the leeward sections of Maui. This drought has impacted the availability of pasture grasses, resulting in reductions in the ranches cattle populations by as much as 60 percent. Further exacerbating the problem is Axis deer that compete with cattle for pasture grasses.

NEIL ABERCROMBIE
GOVERNOR



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

GLENN M. OKIMOTO
DIRECTOR


Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:

STP 8.1023

October 30, 2012

TO: JESSE K. SOUKI, DIRECTOR
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT
AND TOURISM
OFFICE OF PLANNING

FROM: GLENN M. OKIMOTO, PH.D. 
DIRECTOR OF TRANSPORTATION

SUBJECT: WAIKO INDUSTRIAL INVESTMENT, LLC
PETITION TO AMEND STATE LAND USE DISTRICT BOUNDARIES
LAND USE COMMISSION DOCKET NO. A12-796
TMK: (2) 3-8-007: 102

Thank you for requesting the State Department of Transportation's (DOT) review of Waiko Industrial Investment, LLC's petition to amend approximately 31.22 acres of the Agricultural Land Use District into the Urban District and Final Environmental Assessment (FEA), which includes the Traffic Impact Analysis Report (TIAR).

The petitioner is proposing a 41 lot light industrial subdivision on 31.22 acres located between two principal arterials under State DOT jurisdiction (Kuihelani and Honoapiilani Highways).

DOT's comments are as follows:

- A. Any access to the Nobriga Ranch property that currently exists from Kuihelani Highway shall be extinguished prior to the issuance of the first certificate of occupancy for the commercial development or when Drive A provides access to Waiko Road, whichever occurs first.
- B. In addition to the project's local/direct access improvements recommended at the Waiko Road intersections with Honoapiilani Highway and Kuihelani Highway, the Petitioner shall provide fair share contribution to the cost of regional improvements to State highways. These improvements could be on Honoapiilani Highway and/or on Kuihelani Highway.
- C. The TIAR is not acceptable and shall be revised and resubmitted to DOT Highways Division for review and acceptance prior to boundary amendment approval.

Attachment E

1. Traffic generated by the subject project will have Level of Service (LOS), capacity, operational and safety impacts on two State principal arterials, Honoapiilani Highway and Kuihelani Highway, especially at the signalized intersections with Waiko Road. The study intersections shall include all intersections along Honoapiilani Highway and Kuihelani Highway where project generated vehicular traffic is projected to increase traffic by 3% or more with the project.
2. With reference to Table 11 in the TIAR, the projected changes resulting from the Waiko Road Industrial Subdivision's trip generation during the p.m. peak hour (with project) are not acceptable because they impact the major north-south traffic movements along Honoapiilani Highway and Kuihelani Highway at the signalized intersection with Waiko Road as follows:
 - a. The Honoapiilani Highway northbound shared through and right turn from Level of Service (LOS) B to LOS D;
 - b. The Honoapiilani Highway southbound left turn from LOS C to LOS F;
 - c. The Kuihelani Highway northbound left turn from LOS D to LOS E;
 - d. The Honoapiilani Highway/Waiko Road intersection Highway Capacity Manual (HCM) LOS from B to D;
 - e. The 45.9-second increase of the traffic signal Actuated Cycle Length from 134 seconds to 179.9 seconds.
3. With reference to the traffic movements in Comment 2 above, the TIAR shall recommend transportation mitigation improvements that will result in a LOS "D" or better and to assure that the LOS will not drop by more than 1 level (eg. from LOS "B" to "C") with the project at buildout for all movements along Honoapiilani Highway and Kuihelani Highway at the signalized intersections with Waiko Road. The Petitioner shall plan, design and construct the recommended improvements to current State standards and federal guidelines at no cost to the State. If any additional land is needed to accommodate the recommended improvements, the Petitioner should coordinate with the Highways Right-of-Way Branch to provide such land at no cost to the State.
4. The Level of Service Worksheets shall be amended to include traffic signal splits and phasing diagrams.

5. DOT is concerned with vehicles queuing onto Kuihelani Highway, as the 580-foot distance along Waiko Road from Kuihelani Highway to Drive A is shorter than desirable. Drive A is an 80-foot wide easement planned to connect to Road B in the proposed Waiale project. Drive A will provide access to the 100,000 sq. ft. of retail commercial development adjacent to Waiko Road and Kuihelani Highway. The revised TIAR shall include a queue analysis for the turns from Waiko Road into Drive A and then into the commercial development to determine if vehicles will queue onto Kuihelani Highway. If required, mitigation improvements shall be recommended to prevent queuing onto Kuihelani Highway.
6. Pass by trips shall be validated with an updated TIAR six months after buildout of the retail uses. Any recommended additional mitigation measures shall be provided at no cost to the State.
7. With reference to the Draft Environmental Assessment (DEA), which states that vehicles weighing more than 10,000 pounds are prohibited on the segment of Waiko Road in the vicinity of Honoapiilani Highway, the revised TIAR should identify the existing and future route(s) that vehicles heavier than 10,000 pounds will take to access the Consolidated Baseyard and the project. The revised TIAR should also state the number, percentage and size of heavy trucks that will access the project from Kuihelani Highway.
8. As a supplement to the Study Methodology in Section 1 of the TIAR, typical roadway sections for Honoapiilani Highway, Kuihelani Highway and Waiko Road should be included in the revised TIAR along with the road right-of-way lines. Since the project generated traffic impacts Honoapiilani Highway, a conceptual plan with contours should be included for the intersection with Waiko Road. Constraints to widening the right-of-way or providing recommended mitigation improvements should be identified and discussed in the revised TIAR.
9. The TIAR shall be updated every three (3) years until buildout. If the project is delayed beyond 2015, trips generated by A&B's Waiale project and any other committed projects, that are developed before the buildout of the subject project shall be included as background traffic in the updated TIAR.

DOT appreciates the opportunity to provide comments. If there are any questions, including the need to meet with DOT staff, please contact Mr. Garrett Smith of the DOT Statewide Transportation Planning Office at telephone number (808) 831-7976.

NEIL ABERCROMBIE
GOVERNOR

MAJOR GENERAL DARRYLL D. M. WONG
DIRECTOR OF CIVIL DEFENSE

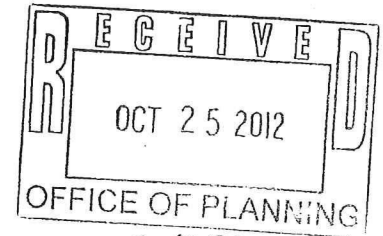
DOUG MAYNE
VICE DIRECTOR OF CIVIL DEFENSE



PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

October 23, 2012



74338

ORIGINAL

TO: Jesse K. Souki
Director, Office of Planning

FROM: Doug Mayne *DM*
Vice Director of Civil Defense








SUBJECT: LAND USE COMMISSION DOCKET NO. A12-796
WAIKO INDUSTRIAL INVESTMENT, LLC

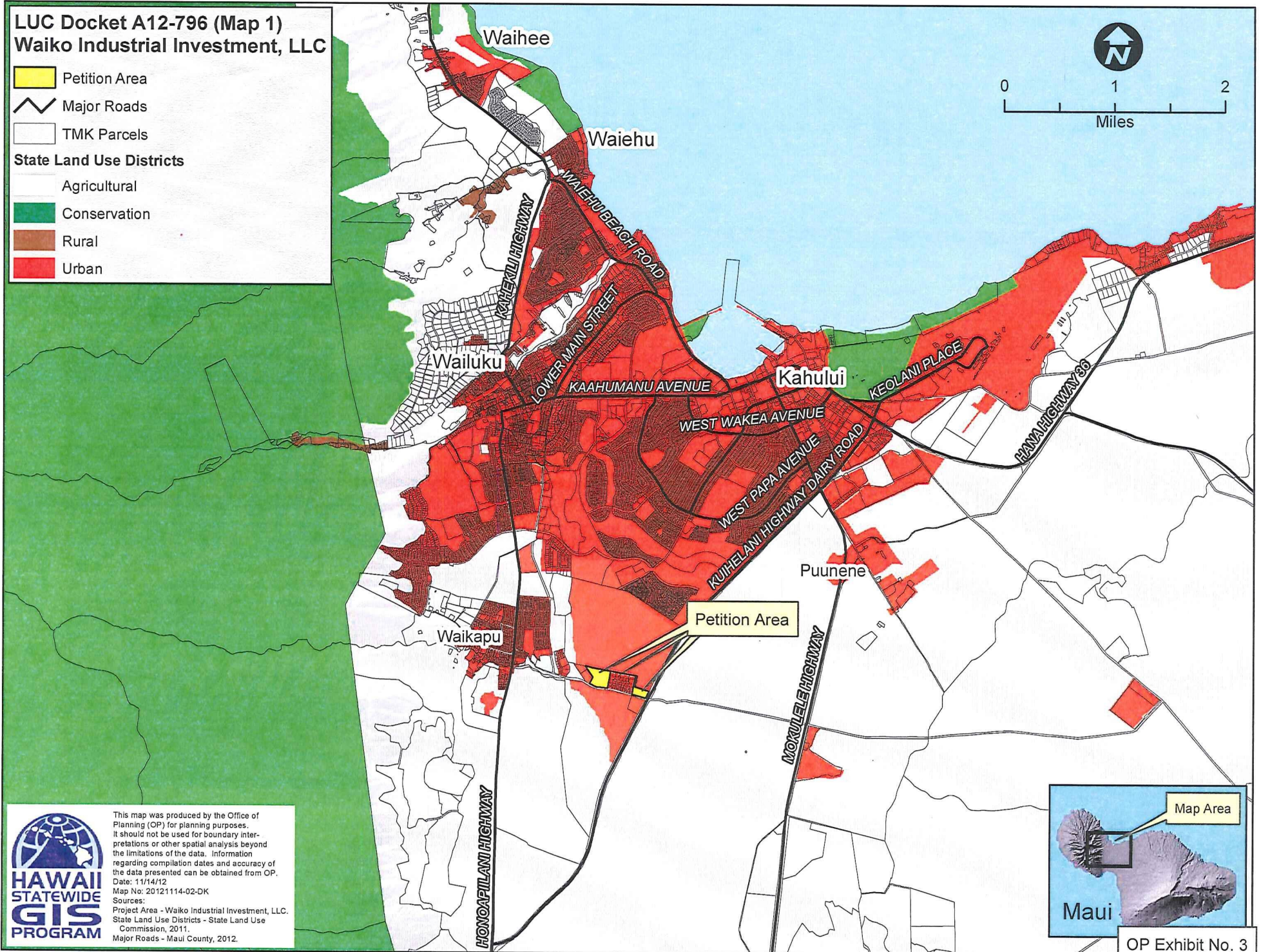
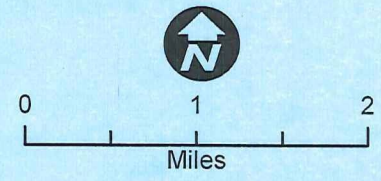
Thank you for the opportunity to comment on this proposed development. This location currently does not have an outdoor warning system. State Civil Defense (SCD) recommends a 121 dB Omni-Direct Siren located on the plant property with repair access. SCD can assist with determining a suitable location.

If you have any questions, please call Ms. Fay Alailima-Rose, SCD Assistant Telecommunications Officer, at 733-4300, ext. 531.

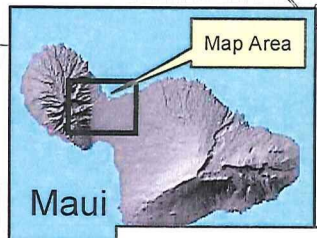
Attachment F

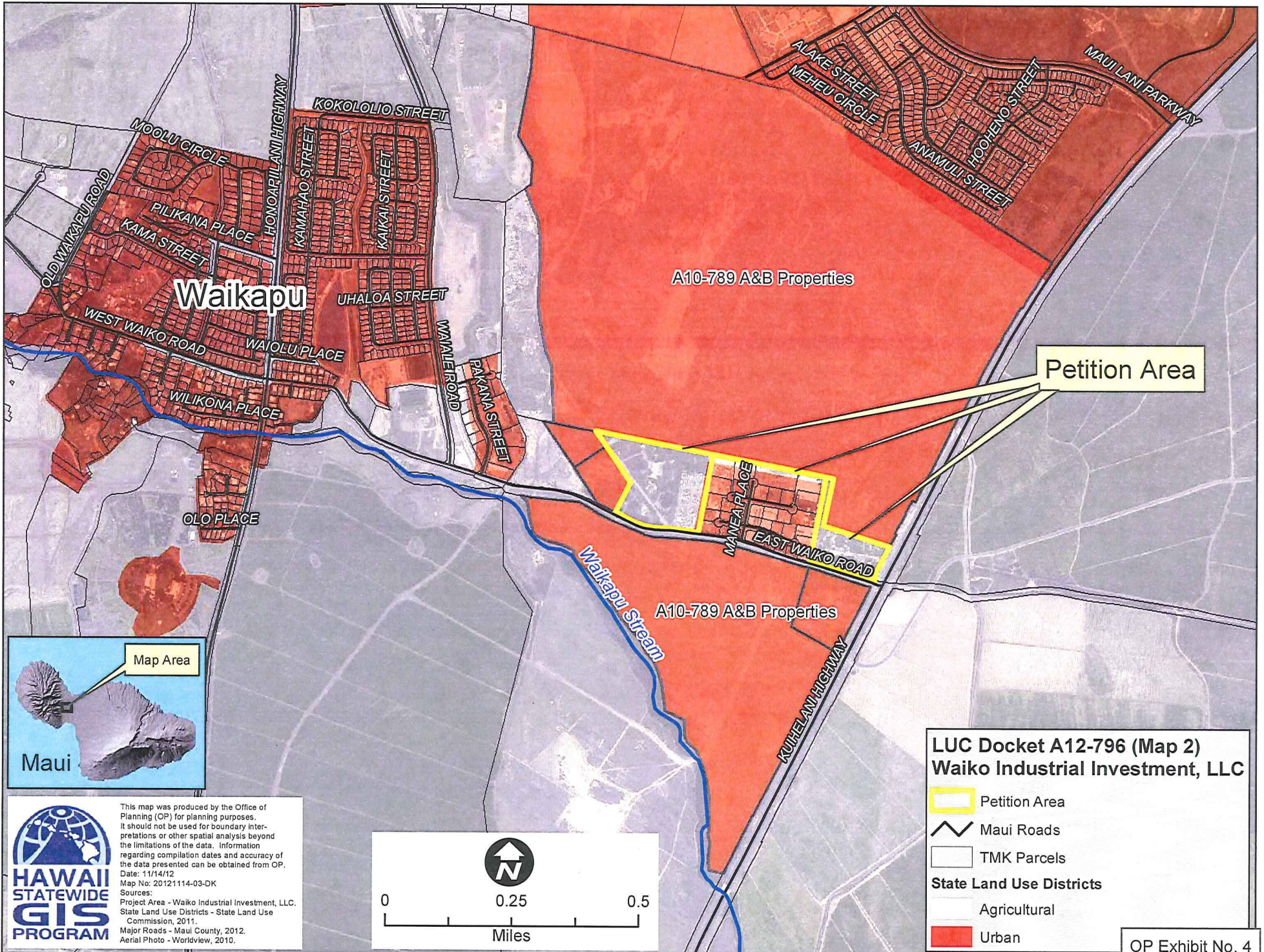
LUC Docket A12-796 (Map 1)
Waiko Industrial Investment, LLC

-  Petition Area
-  Major Roads
-  TMK Parcels
- State Land Use Districts**
-  Agricultural
-  Conservation
-  Rural
-  Urban



This map was produced by the Office of Planning (OP) for planning purposes. It should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. Information regarding compilation dates and accuracy of the data presented can be obtained from OP.
 Date: 11/14/12
 Map No: 20121114-02-DK
 Sources:
 Project Area - Waiko Industrial Investment, LLC.
 State Land Use Districts - State Land Use Commission, 2011.
 Major Roads - Maui County, 2012.





Waikapu

A10-789 A&B Properties

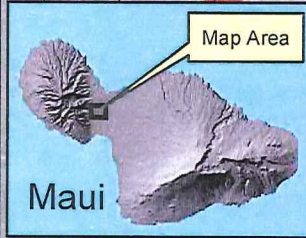
Petition Area

A10-789 A&B Properties

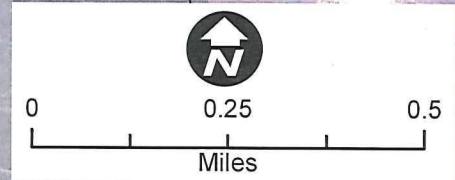
Waikapu Stream

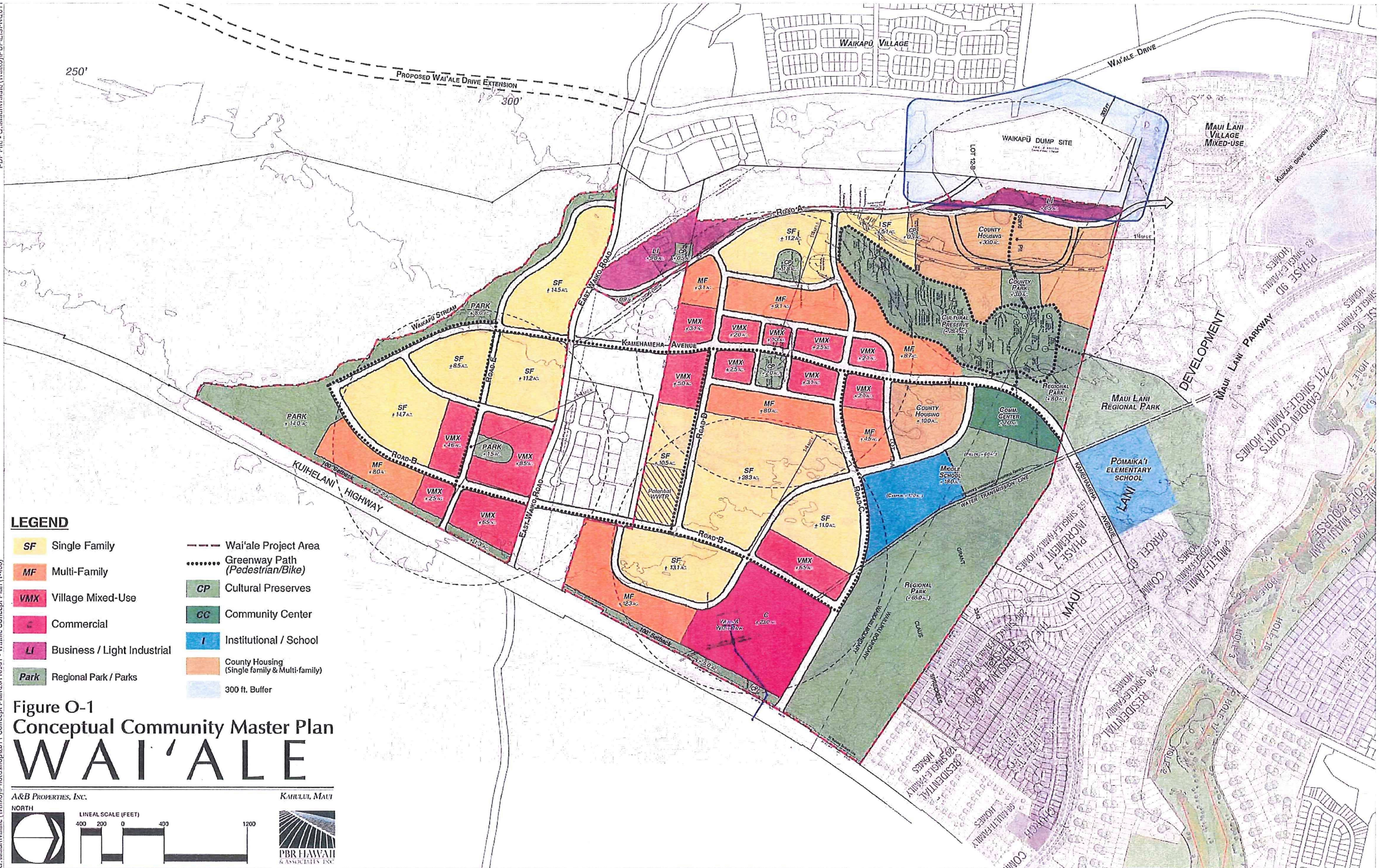
**LUC Docket A12-796 (Map 2)
Waiko Industrial Investment, LLC**

- Petition Area
- Maui Roads
- TMK Parcels
- State Land Use Districts**
- Agricultural
- Urban



This map was produced by the Office of Planning (OP) for planning purposes. It should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. Information regarding compilation dates and accuracy of the data presented can be obtained from OP.
 Date: 11/14/12
 Map No: 20121114-03-DK
 Sources:
 Project Area - Waiko Industrial Investment, LLC.
 State Land Use Districts - State Land Use Commission, 2011.
 Major Roads - Maui County, 2012.
 Aerial Photo - Worldview, 2010.





LEGEND

- SF Single Family
- MF Multi-Family
- VMX Village Mixed-Use
- Commercial
- LI Business / Light Industrial
- Park Regional Park / Parks
- Wai'ale Project Area
- Greenway Path (Pedestrian/Bike)
- CP Cultural Preserves
- CC Community Center
- I Institutional / School
- County Housing (Single family & Multi-family)
- 300 ft. Buffer

Figure O-1
Conceptual Community Master Plan
WAI'ALE

A&B PROPERTIES, INC. KAHULUI, MAUI

NORTH

LINEAL SCALE (FEET)
 400 200 0 400 1200

PBR HAWAII & ASSOCIATES, INC.

RESUME

Rodney Funakoshi, A.I.C.P

Planning Program Administrator, Land Use Division
State of Hawaii Office of Planning
Department of Business, Economic Development & Tourism

Employment:

- Planning Program Administrator, Land Use Division, Office of Planning, 2011-present
- Senior Project Manager, Planning and Development, Castle & Cooke Hawaii, 2007 - 2011
- Senior Project Manager – Planning, Wilson Okamoto Corporation, 1987 – 2007
- Planner IV-VI, State of Hawaii Department of Planning and Economic Development, 1979 – 2007

Education:

- Master of Urban and Regional Planning, University of Hawaii at Manoa
- Bachelor of Arts, Sociology, University of Hawaii at Manoa

Expertise:

- Hawaii land/water use development permits
- Community master plans
- Public awareness and involvement
- Infrastructure & erosion control plans
- Environmental assessments/EISs
- Water quality and wetlands permits
- Land use development plans
- Airport and military master plans

Experience:

Mr. Funakoshi has managed a wide range of government and private sector planning and development projects in Hawaii and the Pacific. As a consulting planner he has represented major land owners and developers including Castle & Cooke Hawaii, Alexander and Baldwin, Stanford Carr Development, Haseko, Gentry Hawaii, Ko Olina Resort, TSA International, Outrigger Resorts, Kamehameha Schools, and Kauai Lagoons. Development approvals processed include State land use boundary amendment petitions, Conservation District Use, Special Management Area permits, county zoning, variance and subdivision approvals, and Federal and State water quality permits.

Major public sector projects managed include the Aiea-Pearl City Livable Communities Plan, Hawaii State Airport Systems Plan, Kailua-Kaneohe-Kahaluu Wastewater Facilities Plan, Waipahu Town Plan, Maui Land Use Technical Study and Infrastructure Assessment, Kawainui Marsh Master Plan, Hilo International Airport Master Plan, Camp H.M. Smith Master Plan, Hawaii Water Resources Protection Plan, Oahu Water Master Plan, Five-Year Boundary Review/Affordable Housing Study, Grading/Erosion Control Ordinance Revision for Maui and Hawaii County, and Marine Education and Training Center at Sand Island.

Mr. Funakoshi has supervised the preparation of over 50 environmental assessments and environmental impacts statements under Hawaii and Federal EIS laws for airports, highways, harbors, schools, military, land use, infrastructure, resort, commercial-industrial, residential, and master planned communities. He has coordinated hundreds of environmental technical and scientific studies including engineering, archaeology, botany, ornithology, traffic, air, noise, socio-economic and water quality.

Professional Associations:

- American Planning Association, Hawaii Chapter
- American Institute of Certified Planners

Docket No. A12-796

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

B. MARTIN LUNA, ESQ.
Carlsmith Ball LLP
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Hawai'i 96793-1691

GREGORY K. SCHLAIS, ESQ.
ASB Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawai'i 96813

WILLIAM SPENCE, DIRECTOR
Department of Planning
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250 South High Street
Wailuku, Hawai'i 96813

PATRICK WONG, ESQ.
JAMES GIROUX, ESQ.
Department of the Corporation Counsel
County of Maui
200 High Street
Wailuku, Hawai'i 96793

Honolulu, Hawai'i 96813

DATED: Honolulu, Hawai'i, this 21st day of November, 2012.



JESSE K. SOUKI
Director
Office of Planning