APPENDIX S

Draft EA Comment Period

DRAFT EA REVIEW PROCESS

The notice of availability of the Draft Environmental Assessment appeared in the June 8, 2012 edition of the Environmental Notice, a bi-monthly document published by the State Office of Environmental Quality Control. An electronic copy of the Draft EA was also posted on the OEQC website. The statutory public comment period for the Draft EA expired on July 9, 2012.

On June 26, 2012, the Maui Planning Commission convened and commented on the Draft EA. The MPC is serving as the accepting authority for the environmental review process. In addition, an article about the Draft EA was published in the July 2, 2012 edition of the Maui News. Based on coordination with Maui Planning Department, copies of the Draft EA were distributed to the following government agencies, organizations, and other parties as part of the environmental review process.

***Federal Agencies* (3)**

Mr. George Young, P.E., Chief
Regulatory Branch
U.S. Army Engineer District, Honolulu
Fort Shafter, HI 96858-5440

Ms. Ranae Ganske-Cerizo, District Conservationist
Natural Resources Conservation Service
U.S. Dept. of Agriculture
77 Ho`okele Street, Suite 2020
Kahului, HI 96732

Mr. Loyal Mehrhoff, Field Supervisor
Pacific Islands Fish and Wildlife Office
U.S. Fish and Wildlife Service
300 Ala Moana Blvd., Room 3-122, Box 50088
Honolulu, HI 96850

***State Agencies and Branches* (18)**

Mr. Russell Kokubun, Chairperon
Office of the Chairperson
Hawai`i Department of Agriculture
1428 S. King Street
Attention: Mr. Earl Yamamoto
Honolulu, HI 96814

Mr. Richard C. Lim, Director
Hawai`i Dept. of Business, Economic Development & Tourism
P. O. Box 2359
Honolulu, HI 96804

Mr. Daniel Orodenker, Executive Director
Land Use Commission
Hawai`i Dept. of Business, Economic Development & Tourism
Honolulu, HI 96804-2359

Mr. Jesse K. Souki, Director
Office of Planning
Hawai`i Dept. of Business, Economic Development & Tourism
P. O. Box 2359
Honolulu, HI 96804

Mr. Alapaki Nahale-a, Chairperon
Office of the Chairperson
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, HI 96805

Mr. Wilfred Nagamine, Chief
Clean Air Branch
Hawai`i Dept. of Health
919 Ala Moana Blvd., Suite 203
Honolulu, Hawaii 96814

Mr. Alec Wong, P.E., Chief
Clean Water Branch
Hawai`i Dept. of Health
919 Ala Moana Blvd., Room 301
Honolulu, HI 96801-3378

Mr. Jeffrey M. Eckerd, Acting Program Manager
Indoor & Radiological Health Branch
Hawai`i Dept. of Health
591 Ala Moana Blvd.
Honolulu, HI 96813

Ms. Joanna L. Seto, P.E., Chief
Safe Drinking Water Branch
Hawai`i Dept. of Health
919 Ala Moana Blvd., Room 308
Honolulu, HI 96814-4920

Mr. Steven Chang, Chief
Solid & Hazardous Waste Branch
Hawai`i Dept. of Health
919 Ala Moana Blvd., Room 212
Honolulu, HI 96814

Mr. Marshall Lum, Acting Chief
Wastewater Branch
Hawai`i Dept. of Health
919 Ala Moana Blvd., Room 309
Honolulu, HI 96814-4920

Ms. Patti Kitkowski, Program Chief
Maui District Health Office
Hawai`i Dept. of Health
54 High Street
Wailuku, HI 96793

Mr. Russell S. Tsuji, Land Administrator
Land Division
Hawai`i Dept. of Land & Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, HI 96809

Mr. Daniel Ornellas, District Land Agent
Maui Land Division
Hawai`i Dept. of Land & Natural Resources
54 High Street, Room 101
Wailuku, HI 96793

Mr. Clyde W. Namu`o, Chief Executive Officer
Office of Hawaiian Affairs
State of Hawai`i
711 Kapi`olani Blvd., Suite 500
Honolulu, HI 96813

Ms. Jenny Pickett, Maui Archaeologist
Maui District Office
State Historic Preservation Division
130 Mahalani Street
Wailuku, HI 96793

Mr. Dean Nakagawa, Administrator
Statewide Transportation Planning Office
Hawai`i Dept. of Transportation
200 Rodgers Blvd.
Honolulu, HI 96819

Mr. Ferdinand Cajigal, District Engineer
Maui Highways Division
Hawai`i Dept. of Transportation
650 Papapala Drive
Kahului, HI 96732

County Agencies (8)

Mr. Kyle Ginoza, Director
Maui Dept. of Environmental Management
2200 Main Street, Suite 175
Wailuku, HI 96793

Mr. Paul Haake, Captain
Fire Prevention Bureau
Maui Dept. of Fire & Public Safety
313 Manea Place
Wailuku, HI 96793

Mr. Glenn T. Correa, Director
Maui Dept. of Parks & Recreation
700 Halia Nakoa Street
Wailuku, HI 96793

Mr. Aaron Shinmoto, Administrator
Zoning Administration
& Enforcement Division
Maui Dept. of Planning
250 S. High Street
Wailuku, HI 96793

Mr. Gary A. Yabuta, Chief
Maui Police Department
55 Mahalani Street
Wailuku, HI 96793

Mr. David C. Goode, Director
Maui Dept. of Public Works
200 S. High Street
Wailuku, HI 96793

Ms. Jo Anne Johnson, Director
Maui Dept. of Transportation
2145 Kaohu Street, Suite 102
Kahului, HI 96732

Mr. David Taylor, P.E., Director
Maui Dept. of Water Supply
200 S. High Street
Wailuku, HI 96793

Other Parties *(9)*

Mr. Gordon Yadao, Section Manager
Network Engineering & Planning
Hawaiian Telcom, Inc.
60 S. High Street
Wailuku, HI 96793

Mr. Dan Takahata, Manager
Engineering Division
Maui Electric Company, Ltd.
P.O. Box 398
Kahului, HI 96733-6898

Mr. Grant Chun, Vice President
A&B Properties, Inc.
P.O. Box 156
Kahului, HI 96732

Mr. David Gomes, General Manager
Hawaiian Cement
P.O. Box 488
Kahului, HI 96733

Mr. Randall Moore, Manager
Agricultural Engineering Services
Hawaiian Commercial & Sugar Company
P.O. Box 266
Pu`unene, HI 96784

Kihei Community Association
P.O. Box 662
Kihei, HI 96753

LeSEA Broadcasting Corporation
61300 South Ironwood
South Bend, IN 46614

Kihei Public Library
35 Waimahaihai Street
Kihei, HI 96753

Maui Planning Commission
c/o: Maui Dept. of Planning
250 S. High Street
Wailuku, HI 96793

Letters commenting on the Draft EA and letters responding to those comments are included in the following section.

Comment and Response Letters

ALAN M. ARAKAWA
MAYOR

JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

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

313 MANEA PLACE • WAILUKU, HAWAII 96793
(808) 244-9161 • FAX (808) 244-1363

RECEIVED
JUN 11 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

Cc: glenn
101056

Date : June 7, 2012

To : Chris Hart & Partners
C/O Kurt F. Wollenhaupt
115 Market Street
Wailuku, HI 96793

Subject : (EA), (CPA), (DBA), and (CIZ) for the
Pu'unene Heavy Industrial Subdivision
Near Mokulele Highway
(CPA 2012/0002) (CIZ 2012/0005) (EA 2012/0001)
TMK: (2) 3-8-008:019

Dear Kurt,

Below are our requirements for our "Heavy Industrial Subdivisions". We have no comment at this time, yet these requirements will be enforced during the subdivision and building permit processes.

Water supply for fire protection shall have a minimum flow of 2500 gallons per minute for a two hour duration. Fire hydrants shall be placed on the service road to all parcels with hydrant spacing a maximum of 250 feet between hydrants.

Service roads to proposed properties shall have a clear width of 20 feet. Any dead-end roads or cul-de-sacs shall have a clear width of 32 ft., and if greater than 150 ft. in length, shall be provided with an approved fire apparatus turn-around. All turns and required turnarounds shall have an outside turning radius of 40.5 feet. The maximum grade for the service roads shall not be greater than 12%.

Once construction of buildings are planned, there shall be at least one hydrant within 300 feet of any building to be constructed.

If you have any questions, please call 808-244-9161 ext 25 or fax 808-244-1363.

Sincerely,

Lt. K. Davis

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

June 19, 2012

Mr. K. Davis, Lieutenant
Fire Prevention Bureau
Maui Dept. of Fire & Public Safety
313 Manea Place
Wailuku, HI 96793

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Davis,

In response to your letter dated June 7, 2012, we would like to note that the proposed project will be developed in accordance with the fire protection requirements set forth in your letter.

Thank you for providing us with you comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL
Stacy Otomo, P.E.

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

Hawaiian Telcom
Network Engineering and Planning
OSP Engineering - Maui
60 South Church St.
Wailuku, HI 96793
Phone 808 242-5102
Fax 808 242-6899

June 7, 2012

RECEIVED
JUN 13 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning
CC: glenn
101056

Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, HI 96793

Attention: Glenn Tadaki, Consultant

Subject: Draft EA / CPA / DBA/ CIZ for the Puunene Heavy Industrial Subd.
TMK: (2)3-8-008:019 (CPA 2012/002) (CIZ 2012/0005) (EA 2012/0001)

Dear Glenn,

Thank you for allowing us to review and comment on the subject project. Your plans have been received and put on file.

Hawaiian Telcom, Inc. has no comment, nor do we require any additional information at this time.

Should you require further assistance, please call me at 242-5107.

Sincerely,

Tom Hutchison
OSP Engineer

cc: Kurt Wollenhaupt, Staff Planner, COM
Gerry Sagucio, Section Manager

BICS File No. 1107-033 (3030)

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City&Regional Planning

June 19, 2012

Mr. Tom Hutchison, OSP Engineer
Network Engineering and Planning
OSP Engineering - Maui
Hawaiian Telcom
60 South Church Street
Wailuku, HI 96793

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Hutchison,

Pursuant to your letter dated June 7, 2012, we understand Hawaiian Telcom has no comments nor do you require any additional information at this time.

Thank you for providing us with your comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL
Stacy Otomo, P.E.

KFW

POLICE DEPARTMENT

COUNTY OF MAUI

ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

June 18, 2012

MEMORANDUM

'12 JUN 19 A11:47
DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

TO : KURT F. WOLLENHAUPT, STAFF PLANNER
DEPARTMENT OF PLANNING

FROM : GARY A. YABUTA, CHIEF OF POLICE

SUBJECT : PERMIT NO.: CPA 2012/0002, CIZ 2012/0005, EA 2012/0001
TMK : (2) 3-8-008:019
Name : DEA for Community Plan Amendment
Applicant : Dept. of Planning

____ No recommendation or comment to offer.

_x_ Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project.

Assistant Chief Victor K. Ramos
For: GARY A. YABUTA
Chief of Police

Enclosure

TO : GARY YABUTA, CHIEF OF POLICE, COUNTY OF MAUI

VIA : CHANNELS

FROM : JHUN-LEE CASIO, POLICE OFFICER III, COMMUNITY POLICING

SUBJECT : RESPONSE TO A REQUEST FOR COMMENTS REGARDING: DRAFT ENVIRONMENTAL ASSESSMENT (EA) FOR THE COMMUNITY PLAN AMENDMENT (CPA), DISTRICT BOUNDARY AMENDMENT (DBA), AND CHANGE IN ZONING (CIZ) FOR THE PU'UNENE HEAVY INDUSTRIAL SUBDIVISION, LOCATED APPROXIMATELY ONE (1) MILE SOUTHEAST OF THE INTERSECTION OF MOKULELE HIGHWAY, MEHAMEHA LOOP, AND KAMA'AINA ROAD, MAUI, HAWAII: TMK (2) 3-8-008:019 (CPA 2012/0002) (CIZ 2012/0005) (EA 2012/0001)

This communication is submitted as a response to a request for comments by Kurt WOLLENHAUPT, County of Maui Department of Planning, Staff Planner regarding.

APPLICANT : CMBY 2011 INVESTMENT, LLC

TAX MAP KEY : (2) 3-8-008: 019

LOCATION : Approximately 1.0 mile southeast of the intersection of Mokulele Highway, Mehameha Loop, and Kama'aina Road

DESCRIPTION : The subject property encompasses 86.03 acres of vacant lot belonging to CMBY 2011 INVESTMENT, LLC proposing to change the zone from Agricultural to Heavy Industrial.

RESPONSE:

In review of the submitted documents, concerns from the police perspective are upon the safety of pedestrian and vehicular movement.

The proposed land development plan for the proposed heavy industrial subdivision currently calls for subdividing the 86 acres subject parcel to provide 28 developable lots on 66 acres of land including 10 lots ranging in size from 0.5 acre to 1 acre, five lots ranging from over 1 acre to 2 acres, and the remaining 13 lots ranging from over 2 acres to 20 acres in size.

Although the closest residential projects is located approximately 2.3 miles south of the project (North Kihei), extreme efforts should be made to minimize noise, dust, and debris so not to inhibit those whose health and well being may be affected. Adequate traffic control devices and personnel should also be utilized to minimize the impacts to pedestrian and vehicular movement by the heavy equipment and vehicles traveling in and out of the area.

It is the duty of the project manager to examine the impact of vehicular movement within the area while work is conducted on this project.

The planned project for future development is expected to increase vehicular traffic along Mokulele Highway and Kama'aina Road for traffic movement. It also increase calls for service for Police Officers. It is also important to consider proper and adequate lighting during evening, late night, and early morning hours during construction and after the project is completed. Congregation of the unlawful element, whether it is by status offense or by criminal offense tends to occur in poorly lit areas that are easily accessible and away from the general population.

This type of congregation usually leads to offenses such as Curfew Violations, Underage Drinking, Drug offenses, Littering, and Criminal Property Damage. Although this concern would fall upon police services, by providing adequate lighting and minimizing the opportunities for this type of behavior to occur would not only benefit the Police, but the Business' and the County as a whole as damages to these areas would be expected to be less than if these areas had inadequate lighting. For these reasons, it is strongly suggested that proper lighting for this new heavy industrial project be provided in order for not only the safety of vehicular movement but for crime prevention and deterrence as well.

Considerations should be taken as the future development is located between the beat boundary of District I (Wailuku) and District VI (Kihei), which would further tax the responding officers.

CONCLUSION:

There are no objections to the planned future development at this time, from the police standpoint, in regards to pedestrian and vehicular movement. However, consideration is requested for sufficient lighting to be installed for not only the safety of vehicular movement, but for crime prevention and deterrence as well.

Respectfully submitted,

Jhun-lee Casio E#12935
Police Officer III / Community Policing
06/14/12 @ 0845 hrs.

AS OFFICER CASIO NOTED, FURTHER DEVELOPMENT IN THIS AREA WILL FURTHER TAX OFFICERS AS THIS AREA IS LOCATED AT THE DISTRICT BOUNDARIES.

NOTED:
6.14.12 @ 1055

NOTED: CONCUR WITH THE ISSUES NOTED BY OFC. CASIO, RELATIVE TO PEDESTRIAN AND VEHICULAR MOVEMENT.

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

June 28, 2012

Mr. Gary A. Yabuta, Chief
Maui Police Department
55 Mahalani Street
Wailuku, HI 96793

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Yabuta,

We acknowledge the receipt of your letter dated July 18, 2012 and are responding to your comments.

During and after construction of the project, proper and adequate lighting will be utilized for crime prevention and deterrence and to ensure safe vehicular movement.

Thank you for providing us with your comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

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

RECEIVED
JUN 22 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning
cc: glenn
101056

REPLY TO
ATTENTION OF:

June 19, 2012

Regulatory Branch

File Number **POH-2011-00179**

Chris Hart & Partners, Inc.
Attn: Glenn Tadaki
115 N. Market Street
Wailuku, HI 96793

NO PERMIT REQUIRED

Dear Mr. Tadaki:

This responds to your letter dated May 1, 2012 requesting review comments for the proposed Pu'unene Heavy Industrial Subdivision in Kahului, Island of Maui. We have assigned this project the reference number **POH-2011-00179**. Please cite this reference number in any future communications with this office regarding this project.

We have completed our review of the submitted documents pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404). For your information, Section 10 requires that a Department of the Army (DA) permit be obtained from the U.S. Army Corps of Engineers (Corps) prior to undertaking any construction, dredging, or other activity occurring in, over, or under or affecting navigable waters of the U.S. For tidal waters, the shoreward limit of the Corps' jurisdiction extends to the Mean High Water Mark (MHWM). Section 404 requires that a DA permit be obtained for the discharge (placement) of dredged and/or fill material into waters of the U.S., including wetlands. For tidally influenced waters, in the absence of adjacent wetlands, the shoreward limit of the Corps' jurisdiction extends to the High Tide Line, which in Hawai'i may be approximated by reference to the Mean Higher High Water Mark (MHWWM). For non-tidal waters, the lateral limits of the Corps' jurisdiction extend to the Ordinary High Water Mark or the approved delineated boundary of any adjacent wetlands.

Based on the information you submitted, the project area does not consist of any navigable water of the U.S. subject to the Corps' regulatory jurisdiction. Additionally, this proposed land development project would not involve the placement and/or discharge of dredged and/or fill material into waters of the U.S.; including wetlands. Therefore, **a DA permit is not required**.

This determination does not relieve you of the responsibility to obtain any other permits, licenses, or approvals that may be required under County, State, or Federal law for your proposed work.

Thank you for giving us the opportunity to review this proposal and providing us with the opportunity to comment. Should you have any questions, please contact Ms. Michelle Lazaro at (808) 835-4307, or through email at *Michelle.K.Lazaro@usace.army.mil*. You are encouraged to

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*.

Sincerely,

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

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

June 28, 2012

Mr. George P. Young, P.E., Chief
Regulatory Branch
U.S. Army Engineer District, Honolulu
Fort Shafter, HI 96858-5440

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019; Reference No. POH-2011-00179

Dear Mr. Young,

Pursuant to your letter dated June 19, 2012, we understand that a Department of the Army permit is not required for the proposed project since it does not involve any navigable waters of the U.S. subject to the Corp's jurisdiction nor would it involve the placement and/or discharge of dredged and/or fill material into waters of the U.S., including wetlands.

Thank you for providing us with your comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL
Stacy Otomo, P.E.

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

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NEIL ABERCROMBIE
GOVERNOR OF HAWAII

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

LUD-2 3 8 008 019-ID1007
DEA Puunene Heavy Ind Subd
cc: glenn
101056

June 19, 2012

Mr. Glenn Tadaki, Consultant
Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Maui, Hawaii 96793-1717

Dear Mr. Tadaki:

Subject: Draft Environmental Assessment – Puunene Heavy Industrial Subdivision at the intersection of Mokulele Highway, Mehameha Loop and Kamaaina Road, Kihei, Maui, Hawaii 96753
TMK (2) 3-8-008: 019 86.03 acres

Thank you for allowing us the opportunity to comment on the Draft Environmental Assessment for the Puunene Heavy Industrial Subdivision. We have the following comments to offer.

The Wastewater Branch will not allow the use of multiple enhanced septic tanks to discharge into a central leach field. A separate soil absorption system, such as a leach field, must be provided for each proposed septic tank system. In addition, the septic tank system shall be constructed in accordance with applicable provisions of Hawaii Administrative Rules, chapter 11-62, "Wastewater Systems." If a sewer collection system is proposed for the subject project, a wastewater treatment plant shall be constructed in accordance with chapter 11-62, HAR, for the treatment and disposal of the wastewater.

All wastewater plans must conform to applicable provisions of the chapter 11-62, HAR. 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 984-8232 on Maui or to our Oahu office at (808) 586-4294 or fax to (808) 586-4300.

Sincerely,

MARSHALL LUM, P.E., ACTING CHIEF
Wastewater Branch

LM:mt

c: DOH's Environmental Planning Office – Ms. Laura McIntyre
DOH-WWB's Maui Staff – Mr. Roland Tejano
County of Maui – Department of Planning – Mr. Kurt Wollenhaupt

RECEIVED
JUN 21 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

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CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

July 3, 2012

Mr. Marshall Lum, P.E., Acting Chief
Wastewater Branch
Hawai`i Dept. of Health
919 Ala Moana Blvd., Room 309
Honolulu, HI 96814-4920

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Lum,

Thank you for providing us with your comments on the Draft EA. In response to your letter dated June 19, 2012 we would like to note the following.

We recently contacted the department's Maui Wastewater Branch and verified that wastewater from multiple septic tanks can no longer be discharged into a central leach field pursuant to current DOH policy.

In light of the foregoing, the wastewater treatment plan for the proposed subdivision will be modified to call for the installation of an aerobic treatment unit and leach field on each developable lot. Based on our discussion with Wastewater Branch staff, aerobic treatment units are permissible and can be used within 1,000 feet of a drinking water well.

The cost and installation of this individual wastewater system will be borne by individual lot owners when their lots are developed in the future. Each lot owner will also be responsible for compliance with Chapter 11-62, HAR pertaining to "Wastewater Systems".

Thank you for providing us with you comments and for participating in the environmental review process.

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL
Stacy Otomo, P.E.
Tom Nance, TNWRE

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

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

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

In reply, please refer to:
File:

June 25, 2012

Mr. Kurt F. Wollenhaupt, Staff Planner
County of Maui, Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Dear Mr. Wollenhaupt:

Thank you for your submittal requesting comments to the Draft Environmental Assessment (DEA) for the CPA, DBA and CIZ for the Pu'unene Heavy Industrial Subdivision at TMK: (2) 3-8-008:019, Maui, Hawaii.

Based on our review, we have no additional comments at this time.

Should you have any questions, please contact me at (808) 586-4701.

Sincerely,

Jeffrey M. Eckerd
Program Manager
Indoor and Radiological Health Branch

Promoting Lifelong Health & Wellness

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

June 28, 2012

Mr. Jeffrey M. Eckerd, Program Manager
Indoor & Radiological Health Branch
Hawai`i Dept. of Health
P.O. Box 3378
Honolulu, HI 96801-3378

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Eckerd,

As noted in your letter dated June 25, 2012, we understand that the Indoor and Radiological Health Branch has no additional comments at this time.

Thank you for providing us with your comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL
Yoichi Ebisu, P.E.

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
SAFE DRINKING WATER BRANCH
919 ALA MOANA BLVD., ROOM 308
HONOLULU, HI 96814-4920

In reply, please refer to:
File:
Puunene1.Doc

June 26, 2012

Mr. Glenn Tadaki
Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Hawaii 96793-1717

Dear Mr. Tadaki:

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT (EA) FOR THE PROPOSED PU`UNENE HEAVY INDUSTRIAL SUBDIVISION PU`UNENE, MAUI, HAWAI`I

The Safe Drinking Water Branch (SDWB) acknowledges receipt of the Draft Environmental Assessment (EA) dated April 2012, and expresses our appreciation for the opportunity to comment on the proposed project.

Please refer to our previous comments provided in the SDWB letter, dated July 5, 2011, submitted in response to your previous request for review and comment on the subject project.

If you have any questions, please call Craig Watanabe, of the SDWB Engineering Section, at (808) 586-4258.

Sincerely,

JOANNA L. SETO, P.E., CHIEF
Safe Drinking Water Branch
Environmental Management Division

CW:cb

c: Mr. Kurt Wollenhaupt
Staff Planner
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

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JUN 28 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning
CC: glenn
101056

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CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

July 3, 2012

Ms. Joanna L. Seto, P.E., Chief
Safe Drinking Water Branch
Hawai`i Dept. of Health
919 Ala Moana Blvd., Room 308
Honolulu, HI 96814-4920

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Ms. Seto,

Thank you for your Draft EA comment letter dated June 26, 2012 which refers to the Safe Drinking Water Branch's previous letter dated July 5, 2011 (see attached). In response to these comments we would like to reiterate the following.

1. Information about the source of drinking water for the proposed project has been included in the Draft EA. Refer to Appendix O, Groundwater Resources and Water System Assessment.

2. The public water system for the proposed project will comply with Title 11, Chapter 20, HAR entitled "Rules Relating to Potable Water Systems".

3. The capacity requirements of the public water system for the proposed project will comply with Section 11-20-29.5, HAR relating to "Capacity demonstration and evaluation".

4. The public water system for the proposed project will comply with provisions of Section 11-20-29, HAR relating to "Use of new sources of raw water for public water systems". In addition, the land owner understands that the Director of Health must approve all new public water system sources prior to its use.

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

5. Pursuant to Section 11-20-29, HAR, the land owner acknowledges that an engineering report must be submitted to the Safe Drinking Water Branch (SDWB) for anyone proposing to use a new, natural water source to supply a public water system. As set forth in Subsection 11-2-29 (b) (5), all potential sources of contamination must be identified and control measures for reducing potential contamination must be evaluated. In addition, the land owner understands that a water quality analysis for all regulated contaminants must be submitted to the SDWB to evidence compliance with all drinking water standards.

6. The land owner acknowledges that all public water system sources are subject to a source water assessment which will delineate a water source protection area.

7. The land owner understands that any new public water system must be approved by the Director of Health before construction can commence pursuant to Section 11-20-30, HAR pertaining to "New and modified public water systems".

8. The public water system for the proposed project will be operated in accordance with Title 11, Chapter 25, HAR entitled "Rules Pertaining to Certification of Public Water System Operators".

9. The land owner understands that separate drinking water and non-potable systems need to be carefully designed and operated to prevent any cross-connections and potential backflow and that the dual system must be clearly labeled and physically separated to avoid drinking water contamination. The design and operation of the dual system for the proposed project shall comply with the provisions of Title 11, Chapter 21, entitled "Cross-connection and Backflow Control".

10. The land owner acknowledges that all projects within a water source protection area that propose a potentially contaminating activity could affect an existing water source for a public water supply and that appropriate measures will need to be undertaken to prevent or reduce the potential for contamination of the drinking water source.

11. Copies of the SDWB's July 5, 2011 letter and contact information were previously provided to the land owner and the appropriate project consultants.

Thank you for providing us with you comments and for participating in the environmental review process.

Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL
Tom Nance, TNWRE
Stacy Otomo, P.E.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

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

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

In reply, please refer to:
File:
SDWB

July 5, 2011

RECEIVED
JUL - 6 2011
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

C.C. Glenn
101056

Mr. Glenn Tadaki
Chris Hart & Partners, Inc.
115 N. Market Street
Wailuku, Hawaii 96793-1717

Dear Mr. Tadaki:

SUBJECT: EARLY CONSULTATION FOR THE PREPARATION OF A DRAFT ENVIRONMENTAL ASSESSMENT (EA) FOR THE PROPOSED PU`UNENE HEAVY INDUSTRIAL SUBDIVISION
PU`UNENE, MAUI, HAWAI`I
TMK (2) 3-8-008:019

The Safe Drinking Water Branch (SDWB) has reviewed the subject document and has the following comments:

1. The description of the project does not clearly identify the source of drinking water for the project. Please clearly identify the source of drinking water.

2. This project qualifies as a public water system. Federal and state regulations define a public water system as a system that serves 25 or more individuals at least 60 days per year or has at least 15 service connections. All public water system owners and operators are required to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, entitled "Rules Relating to Potable Water Systems."

3. All new public water systems are required to demonstrate and meet minimum capacity requirements prior to their establishment. This requirement involves demonstration that the system will have satisfactory technical, managerial and financial capacity to enable the system to comply with safe drinking water standards and requirements in accordance with HAR Title 11, Chapter 20, Section 29.5, entitled "Capacity demonstration and evaluation."

4. Projects that propose development of new sources of drinking water serving or proposed to serve a public water system must comply with the terms of HAR Title 11, Chapter 20, Section 29, entitled "Use of new sources of raw water for public water systems." 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.

5. 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.

6. All sources of public water systems must undergo a source water assessment which will delineate a source water protection area. This process is preliminary to the creation of a source water protection plan for that source and activities which will take place to protect the source of drinking water.

7. 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 HAR Title 11, Chapter 20, Section 30, entitled "New and modified public water systems." These projects include treatment, storage and distribution systems of public water systems. The approval authority for projects owned and operated by a County Board or Department of Water or Water Supply has been delegated to them.

8. All public water systems must be operated by certified distribution system and water treatment plant operators as defined by HAR Title 11, Chapter 11-25 entitled, "Rules Pertaining to Certification of Public Water System Operators."

9. All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing drinking water system to meet irrigation or other needs must be carefully designed and operated to prevent the cross-connection of these systems and prevent the possibility of backflow of water from the non-potable system to the 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 on non-potable water. Compliance with HAR Title 11, Chapter 21 entitled "Cross-Connection and Backflow Control" is also required.

10. 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.

11. For further information concerning the application of capacity, new source approval, operator certification, source water assessment, backflow/cross-connection prevention or other public water system programs, please contact the Safe Drinking Water Branch at 586-4258.

If there are any questions, please call Jennifer Nikaido at (808) 586-4258.

Sincerely,

Joanna L. Seto

JOANNA L. SETO, P.E., CHIEF
Safe Drinking Water Branch
Environmental Management Division

JN:slm

NEIL ABERCROMBIE
Governor

LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai`i

DANIEL E. ORODENKER
Executive Officer

July 2, 2012

Mr. Kurt Wollenhaupt
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawai`i 96793

RECEIVED
JUL 0 5 2012
PACIFIC RIM LAND, INC
MAUI - MAIN

Dear Mr. Wollenhaupt:

Subject: Draft Environmental Assessment (DEA)
Pu`unene Heavy Industrial Subdivision
Pu`unene, Maui, Hawai`i
Tax Map Key: 3-8-08: 19

We have reviewed the DEA for the subject project and have the following comments to offer:

1) We suggest that a list of acronyms used throughout the DEA be included following the Table of Contents for ease of reference.

2) In Chapter I, Project Overview, page 3, the State Land Use Classification of the Site Area is incorrectly identified as "Urban." As stated elsewhere in the DEA, the correct State land use designation of the Site Area is "Agricultural."

3) In accordance with section 11-200-10(4), Hawai`i Administrative Rules (HAR), the DEA should include a general description of the action's technical, economic, social, and environmental characteristics. We note that Chapter II, Description of the Property and Proposed Action, Section D, Description of the Proposed Action, Paragraph 2, Proposed Action, of the DEA describes the number and size of the proposed lots as well as the remaining

235 SOUTH BERETANIA STREET • SUITE 406 • HONOLULU, HAWAI'I 96813 • TEL: (808) 587-3822 • FAX: (808) 587-3827
EMAIL: luc@dbedt.hawaii.gov
MAILING ADDRESS: P. O. BOX 2359, HONOLULU, HAWAI'I 96804

acreage devoted to drainage facilities and the internal roadway system. Figure 5 of the DEA is identified for reference. However, Figure 5 does not depict the location, size, and configuration of these individual lots relative to the subdivision footprint. Although we acknowledge that the actual number and size of the lots will be impacted by market conditions, we believe that Figure 5 should be amended to provide a more detailed representation of the land development plan to better correspond with the written description provided in the above paragraph.

4) In accordance with section 11-200-10(6), HAR, the DEA should identify and summarize the impacts and alternatives considered. We note that there is no discussion in the DEA on the existing civil defense facilities in the area and on the potential impacts on such facilities from the project. We request that the Final EA address this matter, including any plan to fund and construct adequate civil defense measures (sirens) to serve the Petition Area as may be required by the State Department of Defense, Office of Civil Defense.

We also note that no inventory and assessment of arthropods on the property was conducted. Although the location of the property may not require that a comprehensive arthropod study be conducted, we request that this matter be addressed in the interest of full environmental disclosure.

Finally, the DEA does not include an analysis of the potential impacts and possible mitigation measures for cable television systems as it does for electrical and telephone services.

With respect to the discussion on alternatives, we acknowledge that Chapter II, Description of the Property and Proposed Action, Section E, Alternatives, of the DEA addresses various alternatives; however, this discussion does not appear to be an objective evaluation in that the alternatives presented are primarily discussed in a negative context relative to the proposed development. Please also include a discussion of the potential benefits of the alternatives, including the extent to which the

alternatives could avoid some or all of the short and long-term adverse environmental effects.

5) In the DEA, there are numerous references to the term *potable water* and *non-potable water*. We request that they be replaced by the terms *drinking water and non-drinking water*, respectively. We have been advised that although potable water has generally been used to mean drinking water, the State Department of Health (DOH) uses the latter term specifically to indicate water for human consumption that is derived from surface water and/or groundwater and is regulated by the DOH pursuant to chapter 11-20, HAR.

We have no further comments to offer at this time. Thank you for the opportunity to comment on the subject DEA.

Should you have any questions, please feel free to call Bert Saruwatari of our office at 587-3822.

Sincerely,

Daniel E. Orodenker
Executive Officer

c: Glenn Tadaki

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CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

July 31, 2012

Mr. Daniel Orodenker, Executive Director
Land Use Commission
Hawai`i Dept. of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, HI 96804

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Orodenker,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your letter dated July 2, 2012.

1. A list of the acronyms that were used throughout the Draft EA has been compiled and will be inserted after the Table of Contents in the Final EA.

2. The State land use classification that was erroneously identified on page 3 of the Draft EA has been corrected.

3. The Final EA will include an additional Figure showing the location, size, and configuration of the individual lots relative to the subdivision's footprint.

4. In commenting on the Draft EA, the Land Use Commission indicated, *"We note that there is no discussion in the DEA on the existing civil defense facilities in the area and on the potential impacts on such facilities from the project. We request that the Final EA address this matter, including any plan to fund and construct adequate civil defense measures (sirens) to serve the Petition Area as may be required by the State Department of Defense, Office of Civil Defense"*. In response to your comments, we contacted Hawai`i State Civil Defense, provided them with the preceding comments, and asked that they review and comment on the Draft EA. Although comments from

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State Civil Defense are currently pending, the Final EA will address their comments as well as the foregoing comments from the Land Use Commission.

In response to your comments, the Final EA will include a report documenting the findings of an Arthropod Study. The primary objective of the study, which involved a field survey conducted by Robert W. Hobdy on July 16, 2012, was to inventory all arthropod species in the project area. A total of 15 arthropods were recorded, representing seven Orders of spiders and insects. No rare or endangered inserts were observed including the endangered Blackburn's sphinx moth *(Manduca blackburni)*. None of the moth's preferred host plants, the tree tobacco *(Nicotiana glauca)* were found, and no adult moths, eggs or larvae were seen.

A discussion of existing cable television service in the project area as well as potential impacts and mitigation measures will be included in the Final EA.

The Final EA will include a discussion of the potential benefits of the alternatives, including the extent that the alternatives could avoid short and long-term adverse impacts.

5. The terms *"potable water"* and *"non-potable water"* will be respectively replaced with the terms *"drinking water"* and *"non-drinking water"*.

Thank you for providing us with your comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

LORRIN W. PANG, M.D., M.P.H.
DISTRICT HEALTH OFFICER

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, HAWAII 96793

July 2, 2012

Mr. William R. Spence
Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Attention: Mr. Kurt F. Wollenhaupt

Dear Mr. Spence:

Subject:	**Draft Environmental Assessment for the Community Plan Amendment, District Boundary Amendment, and Change in Zoning for the Puunene Heavy Industrial Subdivision**
Applicant:	**Chris Hart & Partners, Inc.**
Permit No.:	**CPA 2012/0002, CIZ 2012/0005, EA 2012/0001**
TMK:	**(2) 3-8-008:019**
Project Location:	**One (1) mile southeast of the intersection of Mokulele Highway, Mehamcha Loop and Kamaaina Road**
Project Description:	**Change in Zoning (CIZ) for Puunene Heavy Industrial Subdivision**

Thank you for the opportunity to review this project. We have the following comments to offer:

1. National Pollutant Discharge Elimination System (NPDES) permit coverage may be required for this project. The Clean Water Branch should be contacted at 808 586-4309.

2. The proposed subdivision cannot exceed 50 lots if 10,000 square foot lots are used. Should the subdivision exceed the allowable 50 lots, a private wastewater treatment plant is required or the project must connect to the County sewer system.

cc: Glenn
101056

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Landscape Architecture and Planning

3. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules (HAR), Chapter 11-46, "Community Noise Control." A noise permit may be required and should be obtained before the commencement of work. The Indoor & Radiological Health Branch should be contacted at 808 586-4700.

It is strongly recommended that the Standard Comments found at the Department's website: http://hawaii.gov/health/environmental/env-planning/landuse/landuse.html be reviewed, and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please call me at 808 984-8230 or E-mail me at patricia.kitkowski@doh.hawaii.gov.

Sincerely,

Patti Kitkowski

Patti Kitkowski
District Environmental Health Program Chief

c Glenn Tadaki, Chris Hart & Partners, Inc.
EPO

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

July 5, 2012

Ms. Patti Kitkowski, Chief
Maui District Health Office
Hawai`i Dept. of Health
54 High Street
Wailuku, HI 96793

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Ms. Kitkowski,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your letter dated July 2, 2012.

1. The proposed project will comply with applicable National Pollutant Discharge Elimination System (NPDES) permit requirements for construction activities.

2. Preliminarily, the proposed project would create 28 developable lots ranging from 0.5-acre to 20-acres in size. It is highly unlikely that the total number of lots will exceed that amount. Based on recent discussions with your department's Wastewater Branch, the wastewater treatment plan for the proposed subdivision will be modified to call for the installation of an aerobic treatment unit and leach field on each developable lot. Based on our discussion with Wastewater Branch staff, aerobic treatment units are permissible and can be used within 1,000 feet of a drinking water well.

3. Should noise from construction activities exceed the allowable daytime threshold (70 dBA) for industrial-zoned districts, the contractor shall obtain a Community Noise Permit from the Indoor and Radiological Health Branch pursuant to Chapter 11-46, HAR pertaining to "Community Noise Control".

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www.chpmaui.com

Thank you for providing us with you comments and for participating in the environmental review process.

Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Stacy Otomo, P.E.
Yoichi Ebisu, P.E.

AGENCY TRANSMITTAL RESPONSE e-FORM
FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI
June 13, 2012

AGENCY NAME	Department of Environmental Mgmt.	PHONE	270-8230
PROJECT: APPLICANT: PERMIT NO: TMK: PROJECT DESCRIPTION:	Draft EA for Community Plan Amendment (CPA), District Boundary Amendment (DBA), and Change In Zoning (CIZ) for the Puunene Heavy Industrial Subsivision located approx. one mile southeast of Mokulele Hwy., Mehameha Loop & Kamalalna Rd. intersection, Maui, HI 2-3-8-008-019, CPA 2012/0002, CIZ 2012/0005, EA 2012/0001 See Above		

☐ COMMENTS/RECOMMENDATIONS ☒ NO COMMENTS

WASTEWATER RECLAMATION DIVISION COMMENTS

☐ COMMENTS/RECOMMENDATIONS ☒ NO COMMENTS

SOLID WASTE DIVISION COMMENTS

Signed:		
Print Name:	Michael M. Miyamoto, Deputy Director	July 3, 2012 Date

12 JUL -3 P4:18

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City&Regional Planning

July 5, 2012

Mr. Michael Miyamoto, Deputy Director
Maui Dept. of Environmental Management
2200 Main Street, Suite 175
Wailuku, HI 96793

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Miyamoto,

Pursuant to your comments dated July 3, 2012, we understand the Department of Environmental Management has no comments at this time.

Thank you for providing us with your comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL
Stacy Otomo, P.E.
Tom Nance, TNWRE

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MAUI - MAIN

CITIZENS FOR TRUTH AND JUSTICE
MAUI COUNTY

"Civil disobedience is not our problem. Our problem is civil obedience. Our problem is that numbers of people all over the world have obeyed the dictates of the leaders of their government and have gone to war, and millions have been killed because of this obedience. . . Our problem is that people are obedient all over the world in the face of poverty and starvation and stupidity, and war, and cruelty. Our problem is that people are obedient while the jails are full of petty thieves, and all the while the grand thieves are running the country. That's our problem."

POST OFFICE BOX 791071
PA'IA, MAUI, HAWAI'I, U. S. OCCUPIED TERRITORY 96779
TELEPHONE/FAX (808) 573-2350, E-MAIL FLYGAD2000@YAHOO.COM

Pete Muñoz, Director
Sam Miguel, Executive Director-Citizen Affairs

Kenneth K. Yasso, District Director
Richard J. Cherry, Media Advisor

3 July 2012

Blanca Lafolette
In C/o:
CMBY 2011 Investment LLC,
P.O. Box 220, Kihei,
HAWAIIAN ISLANDS, U. S. OCCUPIED TERRITORY 96793

Re: 86-Acre Heavy Industrial Subdivision

Greetings:

We are requesting information from you folks if you made any inquires with the Legal Kingdom of Hawai`i Government on your proposed building and construction endeavor in the Pu`unene area of Maui, as described above.

We and many folks would appreciate hearing from you in regards to this inquiry.

Sincerely,
Sam Miguel
Sam Miguel, Executive Director-Citizen Affairs

A Non-Profit Citizen Advocacy Group ®

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CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

July 16, 2012

Mr. Sam Miguel, Executive Director
Citizen Affairs
Citizens for Truth and Justice - Maui County
P.O. Box 791071
Paia, HI 96779

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019; Reference No. POH-2011-00179

Dear Mr. Miguel,

On behalf of CMBY 2011 Investment, LLC, we are responding to your letter dated July 3, 2012 and find that no inquiry had been made with the Legal Kingdom of Hawai`i Government.

It should be noted, however, that the Office of Hawaiian Affairs (OHA) and the State Department of Hawaiian Home Lands were consulted during the preparation of the draft environmental assessment, and that preparation of the Cultural Impact Assessment (CIA) involved consultation with the State Historic Preservation Division, the Maui County Cultural Resources Commission, the Maui Planning Department, the Central Maui Hawaiian Civic Club, Hale Mahaolu, and Mr. Kimokeo Kapahulehua. In addition, CIA Notices were published three times in the *Honolulu Star-Advertiser* and the *Maui News* during July 2011 and in the August 2011 edition of OHA's monthly newspaper, *Ka Wai Ola*.

Information about the proposed project can be found on the following website.

http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Maui/2010s/2012-06-08-DEA-Pu%60unene-Heavy-Industrial-Subdivision.pdf

Thank you for expressing your interest in this project and for participating in the environmental review process.

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

Please feel free to call Blanca Lafolette at (808) 270-5940 or me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL

163 Kuli Pu'u Street
Kihei, HI 96753-7164
July 4, 2012

Mr. Kurt Wollenhaupt
Maui County Planning Department
250 S. High Street
Wailuku, HI 96793

Subject: ***Draft Environmental Assessment for the Pu'unene Heavy Industrial Subdivision (TMK No. (2) 3-8-008: 019)***

Dear Mr. Wollenhaupt:

Thank you for the opportunity to review the *Draft Environmental Assessment for the Pu'unene Heavy Industrial Subdivision* (DEA). After reviewing the DEA and its traffic impact analysis report (TIAR), it is evident that the EA has not been prepared in accordance with Chapter 11-200, Hawaii Administrative Rules (HAR), since it does not address the cumulative effects and short-term effects of construction traffic. Furthermore, the Pu'unene Heavy Industrial Subdivision (Project) may have significant traffic impacts and other impacts in related issue areas (e.g. noise, air quality) not disclosed in the EA since the TIAR has not analyzed the highest trip generating use allowed in the M-2 zone under the County of Maui's current zoning policy.

General Comments to the DEA

1. HAR §11-200 -12 states, "In determining whether an action may have a significant effect on the environment, the agency shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short-term and long-term effects of the action."

The EA does not comply with HAR §11-200-12 because it fails to consider the following:

- Cumulative effects
- Short-term effects

HAR §11-200-2 defines cumulative impacts as, "an impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time."

The DEA fails to address cumulative effects of traffic and consequently other related issue areas.

In order to assess the project's potential cumulative impacts, a future scenario including all reasonably foreseeable projects must be analyzed. Such a future scenario is usually the horizon year of a travel forecast which has all reasonably foreseeable projects assumed as land use inputs in the model. However, the TIAR only provides one analysis scenario, an Opening Year (Year 2015) scenario in which the entire Project is assumed constructed. The Opening Year scenario may disclose direct traffic impacts but would not disclose cumulative traffic impacts. An additional analysis scenario farther in the future should be provided in the TIAR to analyze cumulative impacts.

In addition to not analyzing and disclosing potential cumulative traffic impacts, the DEA fails to address short term impacts caused by construction traffic for the Project. The DEA should be revised to address these potential short term impacts.

2. The Project may have significant impacts not disclosed in the DEA because the TIAR did not analyze the highest trip generating use allowed the proposed zone. Currently the County of Maui allows any use permitted in the B-1, B-2, or B-3 District in the M-2 Industrial zone ("pyramid zoning") and does not limit the amount of these business uses in the M-2 zone. The DEA's TIAR analyzed the Project as if the site were developed as an industrial park; however, an industrial park is a much lower trip generator than many uses allowed in the B-1, B-2, or B-3 Districts, such as commercial retail. In the event the Project were developed such that the site's trip generation exceeds that assumed in the TIAR, significant traffic impacts may result that were not disclosed in the DEA's TIAR. To eliminate the possibility of having undisclosed impacts, the TIAR should be revised to assume the site is comprised entirely of commercial retail.

Alternatively, if the applicant does not wish to revise the TIAR, then the Project Description in the DEA MUST be revised to state the maximum traffic that the Project would generate (average daily trips, a.m. peak hour inbound trips, a.m. peak hour outbound trips, p.m. peak hour inbound trips, p.m. peak hour outbound trips) as assumed in the TIAR. This maximum trip generation MUST be a condition of the forthcoming permit issued by the County of Maui, and the trip generation of the site MUST be monitored by the County of Maui as the site develops to ensure compliance with this permit condition. Otherwise, if the Project is not conditioned on trip generation, then "pyramid zoning" would invalidate the environmental assessment since the project could develop as a different use with higher traffic volumes. Developing with a different use and higher traffic volumes than stated in the TIAR would also violate the Hawai'i Environmental Protection Act (HEPA) because the environmental impacts of traffic may not be fully disclosed to the public and the decision maker at the time of project approval.

Specific Comments to the DEA

3. Page 13 of the DEA states subdivision construction is expected to begin in 2016 with an estimated construction period of about 30 months, and subsequent lot build-out period for the subdivision is expected to last approximately 10 years. However,

- Page 29 of the DEA states Project traffic will result in an increase of 0.3 DNL by 2015 which makes no sense if construction is not to begin until 2016.

- Page 80 of the DEA states, "there is no estimate as to when the actual development of the lots will be completed. Therefore, 2015 was used an estimated project completion date." Additionally, the TIAR assumes the entire subdivision is constructed in Year 2015.

This discrepancy should be resolved so all information presented in the DEA is consistent.

4. Page 126 of the DEA indicates that the proposed action is not expected to have an adverse effect upon the public's health and welfare. The Project as proposed may increase the potential for vehicle crashes for the following two reasons:

A) The length of the southbound left turn pocket at Mokelele Highway and Kama'aina Road may not be designed long enough to accommodate the left turn demand at this location since an average vehicle length of only 25 feet was used in the TIAR to calculate the length of this left hand turn pocket. A longer average vehicle length should be used in the calculation given the high percentage of heavy vehicles anticipated to use the Project site. According to the American Association of State Highway and Transportation Officials (AASHTO), heavy vehicles are forty, fifty, and even sixty or more feet in length (see Attachment A). In the event the left turn pocket is designed too short, vehicles may spill out into the through lanes of traffic, thereby increasing the potential for rear end collisions.

B) The Maui County Police Department had requested that the sugar cane be cut as necessary to ensure adequate corner sight distance and adequate visibility is maintained for traffic signal indications. However, the EA's TIAR simply states that areas near intersections, "...should be monitored to ensure that the sugar cane growth does not impede sight distance and that visibility of traffic control devices is maintained." Given that the Project will increase traffic to these intersections, the Project should be responsible for maintaining the height of the sugar cane so that adequate sight distance is provided; otherwise, the Project may have an adverse impact on public health and safety due to the potential increase in vehicle crashes. The DEA should be revised to state that the Project shall be responsible for maintaining adequate sight distance at intersections and safe stopping distance for traffic signal indications per AASHTO requirements. Additionally, the Project, when it receives its permit from Maui County, should be conditioned to this requirement.

5. The following comment does not address the adequacy of the DEA but should be addressed when the document is finalized: Many pages of the DEA's appendices are scanned upside down. All pages of the electronic version of the DEA should be scanned upright so that a reader of the electronic document need not have to rotate the pages, over and over, to view it.

<u>Comments to the TIAR (Appendix Q of the DEA):</u>

6. The TIAR should be signed and stamped by a Licensed Professional Engineer from the State of Hawai'i to ensure that an individual knowledgeable in the area of transportation engineering completed the work, or reviewed the document and agrees with the content of the document.

7. The study area is insufficient to determine whether the Project has any significant traffic impacts. Figure 8 of the TIAR shows in the a.m. peak hour the Project would generate 192 inbound trips from the north and 149 inbound trips from the south along Mokulele Highway at Mokulele Highway and Kama'aina Road. Per the Institute of Transportation Engineer (ITE) *Transportation Impact Analysis for Site Development*, an additional 100 vehicles per hour can change the level of service or appreciably increase the volume-to-capacity ratio of an intersection approach. (See Attachment B.) Therefore, the study area should be expanded on Mokulele Highway, north and south of the intersection of Mokulele Highway and Kama'aina Road, to ensure the project has no significant traffic impacts to other intersections along Mokulele Highway.

8. The TIAR should indicate the average daily trips (ADT) anticipated from the Project. Based on trip rates published in *Trip Generation, 8th Edition: An ITE Informational Report*, an industrial park is estimated to generate 62.11 trips per acre on an average weekday. (See Attachment C.) Using the equation 65.92 acres x 63.11 trips/acre, the proposed 65.92 net acre industrial park is estimated to generate 4,160 ADT. This data value should be included in the TIAR.

9. The Year 2015 scenario only includes other projects from the central and north Kihei area. Projects from Kahului that would be expected to add traffic to Mokulele Highway, such as A & B's *Maui Business Park*, should also be included.

10. An HCM arterial analysis should be performed for Mokulele Highway for all study scenarios (Opening Day and Horizon Year) and this analysis and its results should be provided to determine whether the project would have a significant impact on the capacity of Mokulele Highway.

11. To determine whether the proposed Project has any cumulative traffic impacts, the TIAR should provide another study scenario with a year coinciding with the Horizon Year of the most recent approved travel forecast for Maui County.

12. Page 8 of the TIAR states counts for the intersection of Mokulele Highway and Kama'aina Road were conducted on Friday, August 12, 2011. Monday and Friday counts are typically lower than mid-week counts; therefore, traffic counts should only be gathered on Tuesday, Wednesday, or Thursday. The Project may have a significant traffic impact at this intersection that is not disclosed in the DEA, since the Friday counts used may be lower than the average weekday count resulting in an inaccurate baseline.

13. Page 10 of the TIAR states, "Level-of-service D is typically considered acceptable for peak hour conditions in urban areas." The Project site is in a rural area. Clarify what level-of-service is typically considered acceptable for peak hour conditions in rural areas.

14. Page 13 of the TIAR indicates that in the assessment of future background conditions, roadway improvements that are part of the related projects are assumed. There is no guarantee that the other roadway improvements will be constructed by the time the Project is operational or occupied; only roadway improvements that are currently assured by permit and bond should be assumed in the Opening Year (Year 2015) scenario.

15. Page 31 of the TIAR states the average length of a vehicle assumed in the calculation of the length of the southbound left turn pocket on Mokulele Highway at the intersection of Mokulele Highway and Kama'aina Road is 25 feet. However, a longer length should be used in this calculation since (according to the TIAR) 25% of the vehicles using the site are anticipated to be heavy vehicles.

16. The last paragraph on Page 31 of the TIAR describes the deceleration lane calculation and states, "The storage length calculations are described above." However, what is described above is the storage lane calculations for left turn lanes, not deceleration lanes. Clarify how the lengths of deceleration lanes were calculated.

17. Page 32 of the TIAR states that it is recommended that areas adjacent to Kama'aina Road, South Firebreak Road and Lower Kihei Road should be monitored to ensure that the sugar cane growth does not impede sight distances and that visibility of traffic control devices is maintained. The Project should provide sight visibility easements for any areas on the Project site at intersections. Additonally, the Project should maintain the cane fields at a height no greater than 36" to ensure proper visibility is provided. The TIAR should be revised to state the Project shall cut down the sugar cane as necessary on the Project site or within the public right-of-way to maintain corner sight distance at intersections per requirements of AASHTO. The TIAR should also be revised indicating that the Project shall maintain the visibility of traffic control devices so that safe stopping distance for heavy vehicles is provided per requirements of AASHTO.

18. Appendix H of the TIAR: The TIAR's responses to the Maui Police Department's comments concerning public safety are unsatisfactory. The Project should take responsibility for providing adequate street lighting and should be responsible for maintaining the height of the cane fields if the cane fields lie within public right-of-way or within the Project site.

Final Remarks:

In conclusion, the DEA fails to comply with HAR §11-200 -12 because it fails to disclose cumulative traffic impacts and short-term traffic impacts. Further, the DEA may fail to disclose significant impacts because the highest trip generating use allowed in the M-2 Industrial Zone was not analyzed. Therefore, it cannot be concluded at this time that a Finding of No Significant Impact (FONSI) is the appropriate environmental determination for this project.

Thank you once again for providing me the opportunity to review and comment on the DEA. I hope you find these comments helpful in producing a legally defensible environmental document.

Sincerely,

Victoria A. Huffman, P.E.

cc: Glenn Tadaki, Chris Hart & Partners (electronic copy)
Blanca Lafolette, CMBY 2011 Investment , LLC (electronic copy)

Attachment A
1 of 2

A POLICY on GEOMETRIC DESIGN of HIGHWAYS and STREETS

2001

American Association of State
Highway and Transportation Officials
444 North Capitol Street, N.W., Suite 249
Washington, D.C. 20001
(202) 624-5800
www.transportation.org

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ISBN: 1-56051-156-7

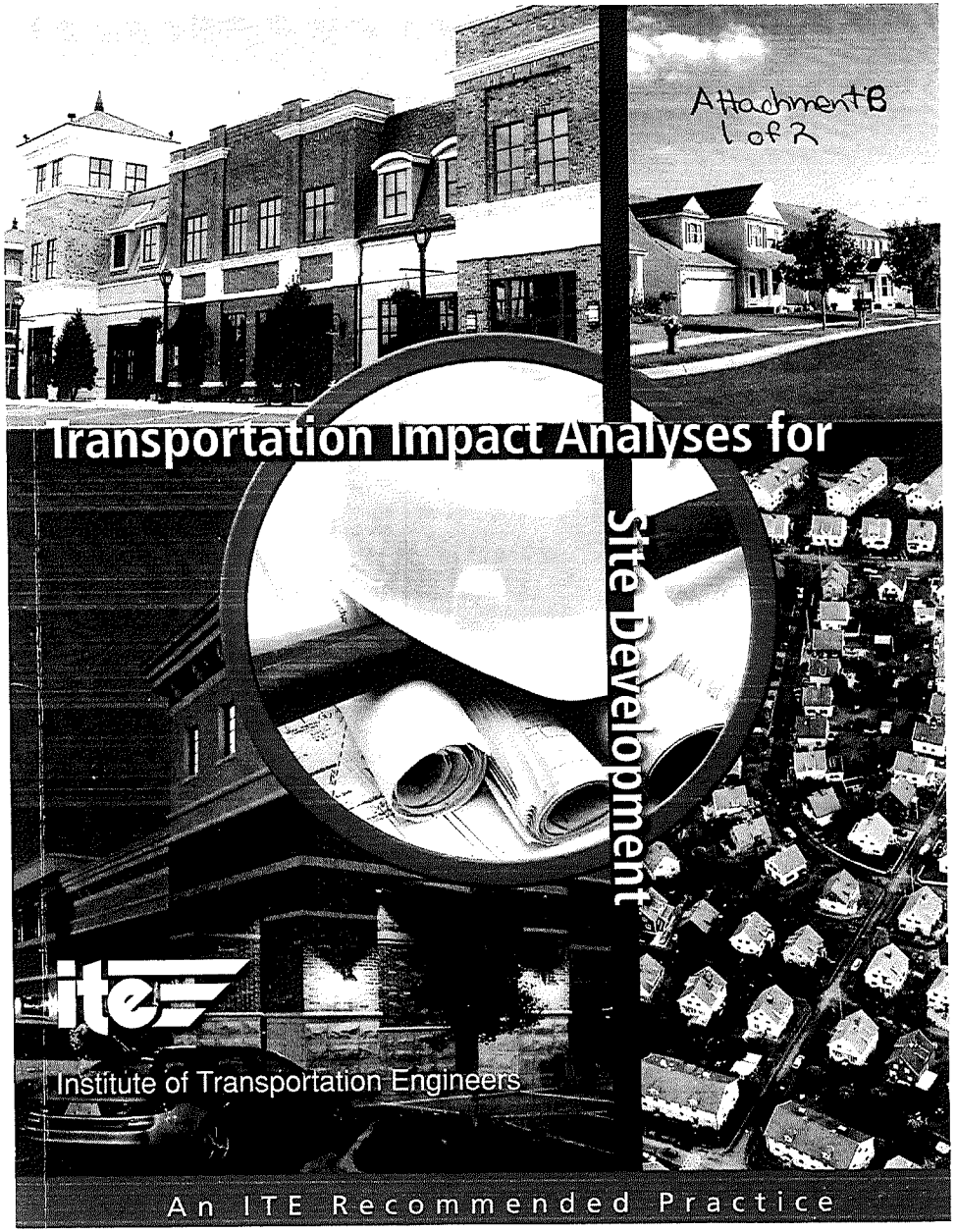
Attachment A 2 of 2

US Customary

Design Vehicle Type	Symbol	Dimensions (ft) Height	Overall Width	Overall Length	Overhang Front	Overhang Rear	WB_1	WB_2	S	T	WB_3	WB_4	Typical Kingpin to Center of Rear Axle
Passenger Car	P	4.25	7	19	3	5	11	–	–	–	–	–	–
Single Unit Truck	SU	11-13.5	8.0	30	4	6	20	–	–	–	–	–	–
Buses													
Inter-city Bus (Motor Coaches)	BUS-40	12.0	8.5	40	6	6.3[a]	24	3.7	–	–	–	–	–
	BUS-45	12.0	8.5	45	6	8.5[a]	28.5	4.0	–	–	–	–	–
City Transit Bus	CITY-BUS	10.5	8.5	40	7	8	25	–	–	–	–	–	–
Conventional School Bus (65 pass.)	S-BUS 36	10.5	8.0	35.6	2.5	12	21.3	–	–	–	–	–	–
Large School Bus (84 pass.)	S-BUS 40	10.5	8.0	40	7	13	20	–	–	–	–	–	–
Articulated Bus	A-BUS	11.0	8.5	60	8.6	110	22.0	19.4	6.2[a]	13.2[a]	–	–	–
Trucks													
Intermediate Semitrailer	WB-40	13.5	8.0	45.5	3	2.5[a]	12.5	27.5	–	–	–	–	27.5
Intermediate Semitrailer	WB-50	13.5	8.5	55	3	2.5[a]	14.6	35.4	–	–	–	–	37.5
Intermediate Semitrailer	WB-62*	13.5	8.5	68.5	4	2.5[a]	21.9	40.4	–	–	–	–	42.5
Intermediate Semitrailer	WB-65* or WB-67	13.5	8.5	73.5	4	4.5-2.5[a]	21.6	43.4-45.4	–	–	–	–	45.5-47.5
Interstate Semitrailer	WB-67D	13.5	8.6	73.3	2.33	3	11.0	23.0	3.0[a]	7.0[a]	23.0	–	23.0
Double-Bottom Semitrailer/Trailer	WB-100T	13.5	8.5	104.8	2.33	3	11.0	22.5	3.0[a]	7.0[a]	23.0	23.0	23.0
Triple-Semitrailer Trailers	WB-100D*	13.5	8.5	114	2.33	2.5[a]	14.3	39.9	2.5[a]	10.0[a]	44.5	–	42.5
Turnpike Double-Semitrailer/Trailer													
Recreational Vehicles													
Motor Home	MH	12	8	30	4	6	20	–	–	–	–	–	–
Car and Camper Trailer	P/T	10	8	48.7	3	10	11	–	5	19	–	–	–
Car and Boat Trailer	P/B	–	8	42	3	8	11	–	5	15	–	–	–
Motor Home and Boat Trailer	MH/B	12	8	53	4	8	20	–	6	15	–	–	–
Farm Tractor	TR	10	8-10	16[b]	–	–	10	9	3	6.5	–	–	–

* Design vehicle with 48 ft trailer as adopted in 1982 Surface Transportation Assistance Act (STAA).
* Design vehicle with 53 ft trailer as amplifiathered in with 1982 Surface Transportation Assistance Act (STAA).
* Combined dimension is 19.4 ft for a single articulating section is 4 ft wide.
* Combined dimension is typically 10.0 ft.
* Combined dimension is typically 10.0 ft.
* Combined dimension is typically 12.5 ft.
* This is overhang from the back axle of the tandem axle assembly.
* Dimensions are for a 150-200 hp tractor excluding any wagon length.
* To obtain the total length of tractor and one wagon, add 18.5 ft to tractor length. Wagon length is measured from front of drawbar to rear of wagon, and drawbar is 6.5 ft long.
* WB_1, WB_2, and WB_3 are the effective vehicle wheelbases, or distances between axle groups, starting at the front and working towards the back of each unit.
* S is the distance from the rear effective axle to the hitch point or point of articulation.
* T is the distance from the hitch point or point of articulation measured back to the center of the next axle or center of tandem axle assembly.

Exhibit 2-1. Design Vehicle Dimensions (Continued)



Attachment B
2 of 2

2. Initiating Transportation Impact Studies

Guidelines for Studies

In considering the transportation aspects of land development, it is important to determine early in the process if and when a transportation impact study is needed.

Transportation impact studies are currently being addressed in a variety of ways by jurisdictions throughout North America. A cross sampling of data collected by ITE shows the following situations or thresholds that commonly trigger a requirement for a transportation impact analysis:

- When development will generate a specified number of daily trips (the data collected by ITE found examples of 500, 750, 1,000, 2,000 and 3,000 vehicle trips per day, with 1,000 vehicle trips per day predominating);
- When development will generate a specified number of peak-hour trips (examples include 20, 30, 50, 75, 100, 150, 200 and 500 vehicle trips per peak hour, with peak-hour trips in the 50–100 range predominating);

> A trip is defined as a single or one-directional travel movement with either the origin or the destination of the trip inside the study site.

- When a specified amount of acreage is being rezoned (examples include a wide variety of acreage based on type of land use; see Florida Department of Transportation 1997 and Georgia Department of Community Affairs 2002 for specific examples);
- When development contains a specified number of dwelling units or amount of square footage (examples include a wide variety of units and square footages based on type of land use; see Florida Department of Transportation 1997 and Georgia Department of Community Affairs 2002 for specific examples);
- When financial assessments are required and the extent of impact must be determined;
- When the development will require a significant amount of transportation improvements;
- When a previous transportation impact analysis for a site has been deemed out of date;
- At the judgment or discretion of staff, based upon unusual circumstances; or
- When development will occur in a sensitive area.

There is little consistency in specific threshold quantities for the first four criteria. Study requirements should be related to the cause of transportation needs and impacts, such as trips generated during peak or design hours.

A quantitative threshold for requiring a site transportation impact study should be established by each agency based on local needs, issues and policies. The threshold level may vary among agencies in response to local conditions and priorities. *In lieu of other locally preferred thresholds*, it is suggested that a transportation impact study be conducted whenever a proposed development will generate 100 or more added (new) trips during the adjacent roadways' peak hour or the development's peak hour. This site trip generation threshold is appropriate for the following reasons:

- An additional 100 vehicles per hour can change the level of service or appreciably increase the volume-to-capacity ratio of an intersection approach; and
- Left- or right-turn lanes may be needed to satisfactorily accommodate site traffic without adversely affecting through (non-site) traffic.

It should be noted, however, that many jurisdictions in more densely populated areas tend to use lower thresholds for initiating a transportation impact analysis. These thresholds fall in the range of 30 to 100 peak-hour trips.

Judgment must also enter into the process. In some cases, although a development might generate fewer trips than the established threshold, a localized

Attachment C
1 of 1

Industrial Park
(130)

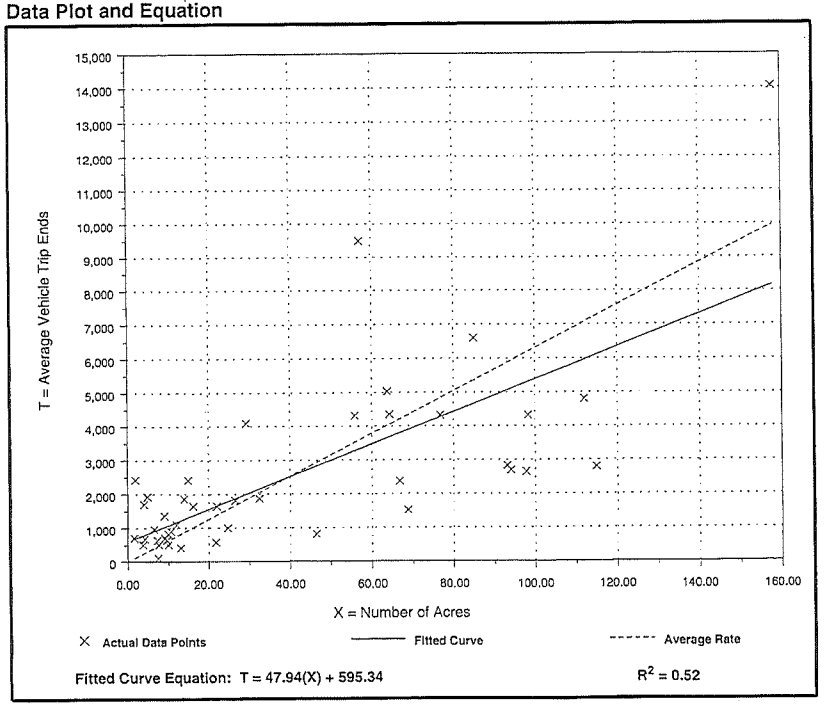
Average Vehicle Trip Ends vs: Acres
On a: Weekday

Number of Studies: 43
Average Number of Acres: 39
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Acre

Average Rate	Range of Rates	Standard Deviation
63.11	13.87 - 1272.63	62.04

Data Plot and Equation



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CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

August 9, 2012

Ms. Victoria Huffman
c/o: 163 Kuli Pu`u Street
Kihei, HI 96753-7164

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Ms. Huffman,

On behalf of the Applicant (CMBY 2011 Investment, LLC), and with input from the project's traffic engineer, we are responding to your letter dated July 4, 2012.

1. Cumulative and secondary effects are discussed in Chapter VIII of the Draft EA entitled, *Chapter 343, HRS Significance Criteria*. An expanded discussion of cumulative and secondary effects will be included in the Final EA.

   The Final EA will also include a discussion about the cumulative effect of traffic.

   Construction of the proposed project will primarily involve site work and the installation of subdivision infrastructure. After mobilization, construction equipment, materials and vehicles will be stored and secured onsite. As such, construction-related traffic impacts are expected to be minimal.

2. The trip generation analysis is not based on zoning but is predicated on the anticipated land uses for the proposed project. The Covenants, Conditions, and Restrictions for the subdivision will include language which will preclude the commercial uses that are currently allowed under existing *M-2, Heavy Industrial District* zoning. It should be noted that a proposed bill for *M-3, Restricted Industrial District* zoning, which specifically excludes general retail and office uses, is currently being reviewed by the County Council. Should the bill be

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www.chpmaui.com

adopted by the Council, the Change-in-Zoning application will be revised to reflect the change from M-2 to M-3 zoning.

3. Based on preliminary estimates in 2011, the construction of the project was anticipated to commence approximately four to five years from that time (*i.e*, 2015 at the earliest).

4 (A) The length of the left-turn storage lane was estimated using the procedure described in *A Policy on Geometric Design of Highways and Streets* published by the American Association of State Highway and Transportation Officials (AASHTO). An average vehicle length of 25 feet is the accepted vehicle length. It should also be noted that the storage length is in addition to the deceleration lane. No overlapping of storage length and deceleration length is allowed in the State of Hawai`i. In addition, the definition of a heavy vehicle includes smaller vehicles, not just large trailer trucks as implied. The vehicle classification count did not segregate the heavy vehicles into separate categories as it is not required in the level-of-service analysis.

4 (B) The sugar cane fields adjacent to the intersections are owned by Hawaiian Commercial & Sugar Company (HC&S) and are not under the control of the Applicant. Notwithstanding this, the Applicant will work with HC&S to help minimize potential impacts to sight distance. As part of the subdivision application and review process, a driveway sight distance analysis and worksheet (for the subdivision driveway) will be submitted to the Department of Public Works for review and approval to ensure that adequate sight distance is provided.

5. All appendices in the Final EA shall be uniformly scanned to optimize viewing.

6. The State of Hawai`i does not stipulate that traffic engineers must sign and stamp their reports with a seal. Hawai`i County and Kauai County have asked that traffic reports be signed and stamped albeit Maui County has not asked traffic engineers to do so.

7. The next significant intersection south of Kama`aina Road is at North Kihei Road, while the next intersection to the north is the access road for the Central Maui Baseyard. Both intersections operate at good levels-of-service based on the traffic engineer's knowledge of the area, the conclusions of other recent traffic studies, and a reconnaissance of the area as part of the project's traffic study.

8. The total daily traffic a project will generate is not applicable for the level-of-service as all the level-of-service analyses examine peak hour conditions.

9. At the time the project's traffic study was prepared, 2015 was the appropriate horizon year. Maui Business Park will not be generating any significant traffic until after 2015.

10. The intersection of Mokulele Highway at Kama`aina Road is not impacted by conditions at adjacent intersections due to its location. There is no progression with adjacent intersections because of the distances. Therefore, an arterial analysis is not warranted.

11. The horizon year was selected based on the anticipated completion of the project at the time the traffic study was prepared. It should be noted that past projects of this type on the island of Maui have been fully occupied in a very short time. The background projects were assumed to be built out and fully occupied. Therefore, extending the horizon year would only affect the background growth rate.

12. This a global statement that may be true in some areas of the mainland but not in Hawai`i. Wednesday afternoon traffic is not counted in the State of Hawai`i as public schools let out early on Wednesdays. As further information, the Hawai`i County Public Works Department requires that all traffic counts in the Kona area be performed on Fridays.

    Traffic counts performed on other weekdays can be used if they can be correlated with adjacent intersections. The PM count was performed on a Thursday afternoon and the AM count was performed the following Friday morning. Both were compared with counts at North Kihei Road, the next significant and signalized intersection south of Kama`aina Road, which were performed on a Tuesday approximately one year earlier. The counts were comparable.

13. Since there is no established standard, Level-of-Service D has been used. The project area is included in the proposed Urban Growth Boundaries for the *draft* Maui Island Plan and is not a rural area compared to rural areas on the mainland.

14. The development projects that were included in the assessment of future background conditions are reasonably foreseeable future actions and are not proximate to or in the vicinity of the proposed project.

15. See response to 4(A).

16. Acceleration and deceleration lane lengths are not calculated. The deceleration lane lengths shown in Table 13 of the traffic study are taken from the existing intersection plans as indicated by Note (1) at the bottom of the table. The storage lengths are the lengths calculated in Table 12.

17. See response to 4(B).

18. The response is consistent with previous traffic studies and will be revised as necessary if the Maui Police Department, Planning Department, and Public Works Department are unsatisfied.

Thank you for providing us with your comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Phillip Rowell, P.E.
Blanca Lafolette, PRL

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

RECEIVED
JUL 10 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning
cc: glenn 10/056

July 6, 2012

Mr. Glenn Tadaki, Planner
Chris Hart & Partners, Inc.
115 N. Market Street
Wailuku, Hawaii 96793

Dear Mr. Tadaki:

SUBJECT: MAUI PLANNING COMMISSION COMMENTS ON DRAFT ENVIRONMENTAL ASSESSMENT (EA) FOR THE COMMUNITY PLAN AMENDMENT (CPA), DISTRICT BOUNDARY AMENDMENT (DBA), AND CHANGE IN ZONING (CIZ) FOR THE PU'UNENE HEAVY INDUSTRIAL SUBDIVISION, LOCATED APPROXIMATELY ONE (1) MILE SOUTHEAST OF THE INTERSECTION OF MOKULELE HIGHWAY, MEHAMEHA LOOP, AND KAMA'AINA ROAD, KIHEI, ISLAND OF MAUI, HAWAII; TMK: (2) 3-8-008:019 (CPA 2012/0002) (CIZ 2012/0005) (EA 2012/0001)

At a regular meeting held on June 26, 2012, the Maui Planning Commission reviewed the above-referenced document and provided the following comments:

1. Review and comment on potential resource protection and security measures to be enacted during the construction of the project to prevent criminal or nuisance behavior (e.g., theft, vandalism, loitering, etc.) from occurring on the project site.

2. Review and comment on potential fiscal mechanisms (e.g., surety bond, insurance policy, etc.) that could be put into place in order to ensure that corrective action would and could be undertaken by the developer and/or Lot Owners Association should the project's private water supply experience a catastrophic failure resulting in ground water contamination. Such protective fiscal mechanisms would be used to ensure the County of Maui does not become by default the financially responsible party to provide water to the project site.

3. Review and comment on how potential landowners and business owners can be encouraged to promote energy generation and conservation on the project site.

Please provide written responses to the above comments in the Final Environmental Assessment.

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

Should you require further clarification, please contact Staff Planner Kurt Wollenhaupt at kurt.wollenhaupt@mauicounty.gov or at (808) 270-1789.

Sincerely,

CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for WILLIAM SPENCE
Planning Director

xc: Aaron H. Shinmoto, PE, Planning Program Administrator (PDF)
John F. Summers, Planning Program Administrator (PDF)
David Yamashita, Planning Supervisor (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Ms. Blanca Lafolette, Project Coordinator
Project File
General File

WRS:CIY:KFW:rm
K:\WP_DOCS\PLANNING\Cpa\2012\0002_Pu'uneneHeavyIndustrial\MPC Comment Letter on Draft EA.DOC

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

July19, 2012

The Honorable Chairman and Members of the
Maui Planning Commission
c/o: Maui Dept. of Planning
250 S. High Street
Wailuku, HI 96793

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Chairman Hiranaga and Commissioners,

Thank you for reviewing the Draft EA at your meeting on June 26, 2012 and for providing us with your comments via the Maui Planning Department's letter dated July 6, 2012. In response to the Commission's comments we would like to note the following.

1. Appropriate lighting and security measures will be utilized during and after construction of the project for crime prevention and deterrence and to ensure safe vehicular movement. Existing security measures include perimeter fencing around the property and locked entry gates at roads providing access to the site.

2. The State Department of Health (DOH) adopted comprehensive rules in 1999 following a U.S. Environmental Protection Agency mandate that requires all new private water systems to demonstrate appropriate technical, managerial, and financial capacity in order to receive DOH approval for construction and operation. This approval process, which is set forth by Section 11-20-29.5 (*Capacity Demonstration and Evaluation*) of the Hawai`i Administrative Rules for the DOH, greatly strengthened the capabilities of new small private water systems as compared to older private systems that were not subject to these rigorous standards.

   Briefly, the requirements ensure that the water system is constructed to current County and DOH standards and has access to an adequate water source(s) both as to quality and quantity. Professional operation of the system by a private

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www.chpmaui.com

water system operations company using DOH certified operators, and ownership by an association that is solely responsible for all legal, and financial aspects of the system are among the requirements. Fiscal management by a professional financial management company and maintenance of adequate reserve funds to address emergencies and replacements ensure that financial requirements can be met. A developer funded cash reserve is required and can be returned to the developer only after the water association has successfully developed its own financial reserves. Recorded covenants on each parcel serviced by the system provide the water association with the ability to levy assessments to meet operational needs so that the system remains within regulatory requirements. Ultimately, the water association has the ability to lien properties serviced by the system to provide the resources to maintain the system in compliance with all applicable regulatory requirements. Additional information on the DOH Capacity Development Program can be found at: http://hawaii.gov/health/environmental/water/sdwb/pdf/Governor%20Report.pdf

3. Lot owners will be encouraged to utilize energy generation and energy conservation measures when developing their parcels in the future. Examples of such measures include, but are not limited to: the use of windmills or photovoltaic panels to generate electricity, and the use of solar water heating systems, energy-efficient lighting and appliances, fiberglass insulation, double-glazed windows, skylights, and extended roof eaves (to minimize heat gain through windows) to conserve energy.

Thank you for providing us with you comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL
Harold Edwards, ITC
Tom Nance, TNWRE
Stacy Otomo, P.E.

NEIL ABERCROMBIE
GOVERNOR
RICHARD C. LIM
DIRECTOR
MARY ALICE EVANS
DEPUTY DIRECTOR
JESSE K. SOUKI
DIRECTOR
OFFICE OF PLANNING

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

RECEIVED
JUL 11 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning
cc: Glenn 101056

Ref. No. P-13650

July 9, 2012

Mr. William Spence, Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Attention: Mr. Kurt F. Wollenhaupt

Dear Mr. Spence:

Subject: Draft Environmental Assessment (EA) for the Community Plan Amendment (CPA), District Boundary Amendment (DBA), and Change in Zoning (CIZ) for the Pu'unene Heavy Industrial Subdivision, Located Approximately One (1) Mile Southeast of the Intersection of Mokulele Highway, Mehameha Loop, and Kama'aina Road, Maui Hawaii, TMK: (2) 3-8-008: 019 (CPA 2012/0002) (CIZ 2012/0005) (EA2012/0001)

Thank you for the opportunity to review and comment upon the Draft EA to allow the development of the Pu'unene Heavy Industrial Subdivision, located approximately one mile southeast of the intersection of Mokulele Highway, Mehameha Loop and Kama'aina Road. The developer proposes to develop the approximately 86-acre area with 28 lots, drainage areas, and internal roadways. We note that the applicant also intends to file for a Land Use District Boundary Amendment to reclassify the land from the State Agricultural District to the Urban District. According to the EA, a Finding of No Significant Impact (FONSI) is warranted. OP notes that the following comments and concerns regarding the EA do not preclude OP from other concerns that may be brought out during subsequent Land Use Commission proceedings.

1. **Compatibility with Surrounding Land Uses.** The proposed area is surrounded on three sides with land owned by the State Department of Land and Natural Resources and the Department of Hawaiian Home Lands. These departments are working together with the Department of Public Safety and the Department of Accounting and General Services to master plan this area of over 1,000 acres. The proposed area is also adjacent to land that has an Executive Order to the County of Maui. The uses within all of these areas should be compatible with each other. We understand the applicant's interest in developing a heavy industrial subdivision, however, we have

strong concerns that the proposed uses should also be compatible with the other current and future uses within the region.

2. **Waterbirds.** The proposed heavy industrial subdivision will be situated adjacent to a reservoir located north, in which waterbird species have been observed. We also note that the project area is about 1.75 miles away from the Kealia Pond National Wildlife Refuge. According to the EA, stormwater runoff will be directed to the west side of the property within a series of retention basins. Also, according to the fauna study, no endangered waterbirds were found on the project site, however, its proximity to the Kealia Pond Refuge and the adjacent reservoir suggests that water birds might fly over and/or otherwise utilize this area while traveling within and among the water bodies within the entire region. This should be noted in the EA.

3. **Nene Goose.** The EA also notes that the endangered Nene Goose has been seen around the Mokulele Highway area. According to the EA, a survey has not yet been completed to determine whether the Nene is utilizing the project site, but a survey may be done at a later time. Such a survey should be included as part of this EA.

4. **Hawaiian Bat.** The EA also notes that while a survey has been done for the Hawaiian Bat, the consultant's recommendation that the trees in the project area not be cut down or disturbed between the months of April and August should be cited as a mitigation measure.

Thank you for the opportunity to review this document. If you have any questions, please contact Lorene Maki of our Land Use Division at (808) 587-2888.

Sincerely,

Jesse K. Souki
Director

c: ✓Chris Hart & Partners, Inc.
Attention: Mr. Glenn Tadaki, Consultant

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

July 30, 2012

Mr. Jesse K. Souki, Director
Office of Planning
Hawai`i Dept. of Business, Economic Development & Tourism
P. O. Box 2359
Honolulu, HI 96804

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Souki,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your letter dated July 9, 2012.

1. In response to your comments, we contacted the Department of Hawaiian Home Lands (DHHL) to ascertain the status of master planning the State lands in the vicinity of the Old Pu`unene Airport. As you are aware, the DHHL is one of the key State agencies involved in this master planning effort.

   The DHHL owns a 646-acre parcel to the south of the proposed Pu`unene Heavy Industrial Subdivision. This land has been zoned for *General Agricultural* use by the DHHL which allows it to be used for Agricultural homesteads (*i.e.*, farm lots). As noted by the DHHL, this parcel is neither conducive for residential use or farm dwellings because of prevailing dust and wind conditions. Although its location has not yet been determined, the DHHL has plans to set aside a 100-acre portion of the site for the future development of a private wastewater treatment plant (WWTP). The DHHL has held a series of meetings with lessees to gather their input for the future development of the parcel. Although preliminary, the time frame for the development of the DHHL parcel is projected to be at least five to seven years from now.

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   The Department of Public Safety's plans for the future Maui Prison have been delayed due to the lack of government funding and the absence of infrastructure (*i.e.*, water, sewer) to support this project. More recently, the County of Maui has recommended that the future Prison be moved from its proposed location near Mokulele Highway to a new site (on State lands) approximately one mile east of the highway.

   Existing heavy industrial uses in the area include the Hawaiian Cement quarry, 0.2 mile to east, and the Central Maui Baseyard, 1.3 miles to the north. The Subject Parcel is situated east of, and adjacent to Project District 10 (PD 10). As indicated by the Kihei-Makena Community Plan (1998), "*The objective of this project district is to establish a master planned recreational and industrial* (emphasis added) *expansion area to meet future recreational needs and to provide areas for industrial* (emphasis added) *activities, including government facilities, whose locations are better suited away from urban areas.* In its description of PD 10, the Community Plan also states that "*Approximately 125 acres, including and adjacent to the Hawaiian Cement site, should be utilized for heavy industrial use.*" In addition, the Subject Parcel is located within the proposed Urban Growth Boundaries for the *draft* Maui Island Plan which indicates that the Subject Parcel "*represents a logical expansion of industrial land use in the area*" and that "*The area's location, midway between Kihei and Kahului, make it an ideal site to serve the island's long term heavy industrial land use needs.*"

   The Subject Parcel is ideally situated for heavy industrial activities given existing and future land uses in the area, its separation and distance from residential and commercial development, its convenient and centralized location for customers and suppliers, and its proximity to transportation facilities at Kahului Harbor and the Kahului Airport. In addition, the use of the Subject Parcel for heavy industrial purposes is consistent with existing heavy industrial uses in the area and is compatible with land uses for the site that are set forth by the *draft* MIP and the Community Plan.

2. As a follow-up to your comments, the Final EA shall note that water birds might fly over the Subject Parcel or utilize the proposed drainage basins along the west site of the site as they travel between various water bodies within the region including the adjacent irrigation reservoir and the Kealia Pond National Wildlife Refuge.

3. In response to your comments, the Final EA will include a report documenting the findings of a survey for the *nene* (Hawaiian Goose). The survey, which was conducted by Robert W. Hobdy on July 16, 2012, notes that the Subject Parcel is not irrigated and is located in one of the driest regions on Maui. This area experiences long, hot and dry summers during which the grasses and

herbaceous plants become seared and withered. Even in a substantial wet season, the vegetation is tough and the greenery is fleeting. The report finds that nothing in this environment would equate to preferred habitat for *nene* or attract them to feed or breed here. The fact that no *nene* were observed during the survey was an expected outcome, consistent with the existing environmental resources.

4. Pursuant to your comments, the Final EA will include the recommendation that trees in the project area not be cut down or disturbed between the months of April and August to mitigate potential impacts to the Hawaiian Hoary Bat.

Thank you for providing us with your comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL

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NEIL ABERCROMBIE
GOVERNOR OF HAWAII

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

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

In reply, please refer to:
DOH/CWB

07006PMT.12

July 9, 2012

RECEIVED
JUL 12 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

cc: glenn 101056

Mr. Glenn Tadaki
Consultant
Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Hawaii 96793

Dear Mr. Tadaki:

SUBJECT: Draft Environmental Assessment
For the Community Plan Amendment, District Boundary Amendment, and Change in Zoning for the Pu`unene Heavy Industrial Subdivision
TMK: (2) 3-8-008:019
Pu`unene, Island of Maui, Hawaii

The Department of Health (DOH), Clean Water Branch (CWB), has reviewed the subject document transmitted by letter, dated May 1, 2012, and offers these comments on your project. Please note that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf.

1. Any project and its potential impacts to State waters must meet the following criteria:

   a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.

   b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.

   c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).

2. The Ma`alaea Beach, Pacific Ocean waters is identified as a Category 5 waters in the Clean Water Act, Section 303(d) list of impaired water bodies in Chapter IV of the *2006 State of Hawaii Water Quality Monitoring and Assessment Report*. Priority 5 waters are described as surface waters where available data and/or information indicate that at least one (1) of the designated use is not being supported or is threatened. The Ma`alaea Beach, Pacific Ocean waters is presently identified as not attaining the applicable water quality criteria for turbidity and chlorophyll a. Accordingly, the subject project should include considerations toward ensuring the protection and improvement of the Ma`alaea Beach, Pacific Ocean waters.

3. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:

   a. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. This includes area used for a construction base yard and the storage of any construction related equipment, material, and waste products. An NPDES permit is required before the start of the construction activities.

   b. Construction dewatering effluent.

   c. Hydrotesting water effluent.

   d. Storm associated with industrial activity.

   You must submit a separate NOI form for each type of discharge at least 30 calendar days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 calendar days before to the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html.

4. For types of wastewater not listed in Item 3 above or wastewater discharging into Class 1 or Class AA waters, you may need an NPDES individual permit. The NPDES application forms may be picked up at our office or downloaded from our website at http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html.

5. Please call the Army Corps of Engineers at (808) 438-9258 to determine if the subject project will require a Department of the Army (DA) permit(s). Permits may be required for work performed in, over, and under navigable waters of the United States. Projects requiring a DA permit also require a Section 401 Water Quality Certification (WQC) from our office.

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

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

Sincerely,

ALEC WONG, P.E., CHIEF
Clean Water Branch

MTjst

c: Mr. Kurt Wollenhaupt, County of Maui, Department of Planning
Mr. Roland Asakura, CWB-Maui, Kauai District Health Office [via email only]

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CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

July 19, 2012

Mr. Alec Wong, P.E., Chief
Clean Water Branch
Hawai`i Dept. of Health
919 Ala Moana Blvd., Room 301
Honolulu, HI 96801-3378

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Wong,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your letter dated July 9, 2012.

1. The proposed project will comply with the applicable provisions of Chapter 11-54, HAR entitled *"Water Quality Standards"* and Chapter 11-55, HAR titled *"Water Pollution Control"*.

   The proposed project will also be developed in accordance with the standards set forth by:

   a. Section 11-54-1.1, HAR (*General Policy of Water Quality Anti-degradation*).

   b. Section 11-54-3, HAR (*Classification of Water Uses*).

   c. The water quality criteria set forth in Sections 11-54-4 through 11-54-8, HAR.

2. Regardless of the magnitude of a storm event, no surface water (runoff), is expected to reach Ma`alaea Beach. Studies have indicated that the mud caprock along the southern two-thirds of Ma`alaea Bay prevents groundwater discharge

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along the shoreline, forcing it further offshore where it is thoroughly mixed to background ocean water levels. As a result, any impact to groundwater flowing beneath the project site and flowing south toward Ma`alaea Bay will not adversely impact the beach's water quality, including its turbidity and chlorophyll *a* levels.

3. The land owner acknowledges that a National Pollutant Discharge Elimination System (NPDES) is required for discharges into Class A or Class 2 State waters.

   a. Prior to the commencement of construction, an application for an NPDES permit for storm water associated with construction activities will be submitted to the Clean Water Branch (CWB) for review and approval.

   b. No dewatering activities are anticipated at this time. However, if such work is required, an application for a NPDES permit for dewatering activities will be submitted to the CWB for review and approval.

   c. If necessary, an application for an NPDES permit for hydro-testing water effluent will be submitted to the CWB for review and approval.

   d. An application for an NPDES permit for storm water associated with industrial activity will be submitted to the CWB for review and approval as required.

4. The proposed project will not involve discharges into Class 1 or Class AA State waters

5. The U.S. Army Corps of Engineers (USACE) was consulted during the preparation of the Draft EA. A copy of the Draft EA was subsequently furnished to the Corps of Engineers for their review and comment. In a letter dated June 19, 2012 (see attached), the Corps indicated that a Department of the Army permit is not required for the proposed project since it does not involve any navigable waters of the U.S. subject to USACE jurisdiction nor would it involve the placement and/or discharge of dredged and/or fill material into waters of the U.S., including wetlands.

6. Notwithstanding other permit requirements, the land owner understands that all project-related discharges must comply with the State's Water Quality Standards as set forth in Chapter 11-54, HAR.

Thank you for providing us with your comments and for participating in the environmental review process.

Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL
Tom Nance, TNWRE
Stacy Otomo, P.E.

RECEIVED
JUN 22 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning
cc: Glenn
101056

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

REPLY TO ATTENTION OF:

June 19, 2012

Regulatory Branch

File Number **POH-2011-00179**

Chris Hart & Partners, Inc.
Attn: Glenn Tadaki
115 N. Market Street
Wailuku, HI 96793

NO PERMIT REQUIRED

Dear Mr. Tadaki:

This responds to your letter dated May 1, 2012 requesting review comments for the proposed Pu'unene Heavy Industrial Subdivision in Kahului, Island of Maui. We have assigned this project the reference number **POH-2011-00179**. Please cite this reference number in any future communications with this office regarding this project.

We have completed our review of the submitted documents pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404). For your information, Section 10 requires that a Department of the Army (DA) permit be obtained from the U.S. Army Corps of Engineers (Corps) prior to undertaking any construction, dredging, or other activity occurring in, over, or under or affecting navigable waters of the U.S. For tidal waters, the shoreward limit of the Corps' jurisdiction extends to the Mean High Water Mark (MHWM). Section 404 requires that a DA permit be obtained for the discharge (placement) of dredged and/or fill material into waters of the U.S., including wetlands. For tidally influenced waters, in the absence of adjacent wetlands, the shoreward limit of the Corps' jurisdiction extends to the High Tide Line, which in Hawai'i may be approximated by reference to the Mean Higher High Water Mark (MHWWM). For non-tidal waters, the lateral limits of the Corps' jurisdiction extend to the Ordinary High Water Mark or the approved delineated boundary of any adjacent wetlands.

Based on the information you submitted, the project area does not consist of any navigable water of the U.S. subject to the Corps' regulatory jurisdiction. Additionally, this proposed land development project would not involve the placement and/or discharge of dredged and/or fill material into waters of the U.S.; including wetlands. Therefore, **a DA permit is not required.**

This determination does not relieve you of the responsibility to obtain any other permits, licenses, or approvals that may be required under County, State, or Federal law for your proposed work.

Thank you for giving us the opportunity to review this proposal and providing us with the opportunity to comment. Should you have any questions, please contact Ms. Michelle Lazaro at (808) 835-4307, or through email at *Michelle.K.Lazaro@usace.army.mil*. You are encouraged to

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*.

Sincerely,

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

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NEIL ABERCROMBIE
GOVERNOR OF HAWAII

WILLIAM J. AILA, JR.
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

July 9, 2012

Chris Hart & Partners, Inc.
Attention: Mr. Glenn Tadaki
115 N. Market Street
Wailuku, HI 96793-1717

Department of Planning
County of Maui
Attention: Mr. Kurt Wollenhaupt, Staff Planner
250 South High Street
Wailuku, Hawaii 96793

Dear Mr. Tadaki and Mr. Wollenhaupt:

SUBJECT: Draft Environment Assessment (EA) for the Community Plan Amendment (CPA), District Boundary Amendment (DBA) and Change in Zoning (CIZ) for the Pu'unene Heavy Industrial Subdivision

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 comments.

At this time, enclosed are comments from the Commission of Water Resource Management on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

Russell Y. Tsuji
Land Administrator

cc: Central Files

CC: Glenn 10/056

RECEIVED
JUL 19 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

6/21/12

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

WILLIAM J. AILA, JR.
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, 2012

MEMORANDUM

TO: **DLNR Agencies:**
__Div. of Aquatic Resources
__Div. of Boating & Ocean Recreation
X Engineering Division
__Div. of Forestry & Wildlife
__Div. of State Parks
X Commission on Water Resource Management
__Office of Conservation & Coastal Lands
X Land Division – Maui District
X Historic Preservation

2012 JUN -8 AM 11:22

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Draft Environment Assessment (EA) for the Community Plan Amendment (CPA), District Boundary Amendment (DBA) and Change in Zoning (CIZ) for the Pu'unene Heavy Industrial Subdivision
LOCATION: Pulehunui & Waikapu, Island of Maui; TMK: (2) 3-8-008:019
APPLICANT: County of Maui, Department of Planning

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by July 5, 2012.

Only one (1) copy of the CD is available for your review in Land Division office, Room 220.

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 Lydia Morikawa at 587-0410. Thank you.

Attachment

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

Signed: _____
Date: _____

cc: Central Files

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
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

July 2, 2012

TO: Russell Tsuji, Administrator
Land Division

FROM: William M. Tam, Deputy Director
Commission on Water Resource Management

SUBJECT: CMBY 2011 Puunene Heavy Industrial Subdivision DEA: CPA, SLUD
Pulehunui and Waikapu, Maui

FILE NO.: N/A
TMK NO.: (2) 3-8-008:019

RECEIVED
LAND DIVISION
2012 JUL -6 P 2:18
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII

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.

☐ 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 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 estimated water requirements for this project are 0.119 mgd potable and 0.305 mgd non-potable (total = 0.424 mgd). Existing County sources serving this area are already at maximum capacity. Estimated natural sustainable yield of the underlying Kahului Aquifer System Area is 1.0 mgd, which is augmented by return irrigation flow from extensive sugar cultivation. This is the last remaining sugar plantation in the State. It is not clear how long it will last. The sustainable yield of this aquifer is estimated with moderate confidence, due to uncertainty concerning upgradient aquifer system areas. The document makes a higher estimate. This may be too optimistic. Imported surface water from East Maui and Na Wai Eha areas have an immediate impact and artificially increase the sustainable yield above the natural estimate of 1.0 mgd. The project proposes to drill three wells to meet the estimated demand, and install reverse osmosis treatment facilities for the potable fraction.

There are too many unanswered questions at this point to fully analyze the situation

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

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

July 30, 2012

Mr. Russell Y. Tsuji, Administrator
Land Division
Hawai`i Dept. of Land & Natural Resources
P.O. Box 621
Honolulu, HI 96809

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Tsuji,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your letter dated July 9, 2012 which transmitted the Commission on Water Resource Management's (CWRM) comments on the Draft EA.

- Copies of the Draft EA have been furnished to the Maui Planning Department and Maui Department of Water Supply so that information about the proposed project can be incorporated into the County's Water Use and Development Plan.

- A copy of the Draft EA has also been provided to the Hawai`i Department of Agriculture and will help the department incorporate the reclassification of agricultural lands and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan.

- Best Management Practices prepared in accordance with Maui County Code, Chapter 20.08 (*Soil Erosion and Sedimentation Control*) will be submitted to the Maui Department of Public Works for review and approval prior to the issuance of grubbing and grading permits. In addition, since site work for the project will exceed one acre, a National Pollutant Discharge Elimination System Permit will be obtained from the Hawai`i Department of Health's Clean Water Branch for the discharge of storm water associated with construction activities.

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- Alternative water sources will be considered for use to the extent that they are available and practicable.

- The proposed project shall comply with the State's Water Quality Standards as set forth in Chapter 11-54, HAR.

- In their *Letter of Assurance* dated July 2, 2012, the CWRM informed the land owner that the Well Construction and Pump Installation Permits for Well Nos. 4927-02 and 4927-03 are ready to be issued.

- The CWRM's 1.0 million gallons per day (MGD) sustainable yield is based exclusively on rainfall-recharge on less than half of the Kahului Aquifer's total area. Other sources of the aquifer's recharge (natural and man-made) are substantially larger: underflow from Haleakala, surface runoff from Haleakala, underflow from the West Maui Mountains, surface runoff from the West Maui Mountains, leakage from the East Maui and Waihe`e Ditch systems, and irrigation return from HC&S sugar cane fields. Historically, these sources of recharge have supported pumpage from the aquifer of 45 MGD for many decades. Present pumpage is still in excess of 25 MGD, most of it by HC&S.

  The total estimated groundwater use for the proposed project is about 0.5 MGD. The location of this draft is miles from the nearest wells and will have no impact on these wells. If HC&S no longer cultivates sugar cane, a substantial amount of that aquifer's recharge would be reduced or eliminated altogether. However, it would also mean that about 25 MGD of pumpage from the aquifer would also cease. The wells for the proposed project are well positioned, with respect to the aquifer's natural sources of recharge, to continue to be viable.

Thank you for providing us with you comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL
Tom Nance, TNWRE
Stacy Otomo, P.E.

ALAN M. ARAKAWA
Mayor

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

DAVID TAYLOR, P.E.
Director

PAUL J. MEYER
Deputy Director

RECEIVED
JUL 12 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning
CC: glenn 10/056

July 9, 2012

Mr. Glen Tadaki
Chris Hart and Partners
115 N. Market Street
Wailuku, Hawaii 96793

Re: I.D.: Draft Environmental Assessment (EA)
TMK: (2) 3-8-008: por. 019
Project Name: Pu`unene Heavy Industrial Subdivision

Dear Mr. Tadaki:

Thank you for the opportunity to comment on this Draft Environmental Assessment.

Although we previously submitted comments for the Early Consultation for the Preparation of a Draft EA on July 20, 2011, we have a few additional comments on this next phase in the EIS process: the Draft EA.

Water Use and Development Plan (WUDP) Final Candidate Strategy Report
The WUDP has recommended consideration be given to implementing a general hierarchy of water use priorities. The plan provides an example derived from existing law and practical considerations (page 103), in which "Industrial" use ranks priority 10 of 12. How will the EIS address the potential for the proposed project to impact higher priority present and proposed future water user/uses in the area by pumping an estimated 127,456 gpd from Kahului Aquifer and/or Paia Aquifer?

Brackish water desalinization is recommended as a final candidate strategy in the WUDP. How might the implementation of the proposed project impact the potential for brackish water desalinization in the area, for: 1) present users; 2) future users; 3) public uses; and 4) private uses?

Over-pumping of Kahului Aquifer
Although we note the proposed water system will be private, the aquifer over which part of the project lies--the Kahului Aquifer--is currently being over-pumped by over 2500% according to the Commission on Water Resources Management (CWRM) 2008 Water

Resources Protection Plan (page 6-14). Pumpage in the Paia Aquifer System Area also exceeds permitted allocations by over 200%; however, a substantial quantity of return irrigation recharge in the Central Aquifer Sector Area has not been factored into the established sustainable yields of these two aquifers. How will the EA address the issues of irrigation recharge and the uncertain amount of surface water imported into Kahului Aquifer from outside the Aquifer, in order to address concerns that further significant withdrawals will not result in a detrimental effect to other users and potential future uses?

Should you have any questions, please contact Alex Buttaro at our Water Resources and Planning Division at 463-3103.

Sincerely,

David Taylor, Director
bab

cc: Engineering Division

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

July 23, 2012

Mr. David Taylor, P.E., Director
Maui Dept. of Water Supply
200 S. High Street
Wailuku, HI 96793

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Taylor,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your Draft EA comment letter dated July 9, 2012.

1. The proposed project plans to use the underlying brackish groundwater and will not be utilizing a potable water supply. In addition, there are no existing or proposed *other* higher priority water uses of groundwater in this part of the Kahului Aquifer. For these reasons, we feel that the proposed use is in conformance with the Water Use and Development Plan. This use is further supported by the approval of well construction and pump installation permits for the proposed project by the State Commission of Water Resource Management (CWRM). Refer to the attached *Letter of Assurance* from CWRM for CMBY Well Nos. 4927-02 and 4927-03.

2. The CWRM's 1.0 million gallons per day (MGD) sustainable yield is based exclusively on rainfall-recharge on less than half of the aquifer's total area. Other sources of the aquifer's recharge (natural and man-made) are substantially larger: underflow from Haleakala, surface runoff from Haleakala, underflow from the West Maui Mountains, surface runoff from the West Maui Mountains, leakage from the East Maui and Waihe`e Ditch systems, and irrigation return

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from HC&S sugar cane fields. Historically, these sources of recharge have supported pumpage from the aquifer of 45 MGD for many decades. Present pumpage is still in excess of 25 MGD, most of it by HC&S.

The total estimated groundwater use for the proposed project is about 0.5 MGD. The location of this draft is miles from the nearest wells and will have no impact on these wells. If HC&S no longer cultivates sugar cane, a substantial amount of that aquifer's recharge would be reduced or eliminated altogether. However, it would also mean that about 25 MGD of pumpage from the aquifer would also cease. The wells for the proposed project are well positioned, with respect to the aquifer's natural sources of recharge, to continue to be viable.

Thank you for providing us with you comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL
Tom Nance, TNWRE
Stacy Otomo, P.E.

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
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

July 2, 2012

RECEIVED
JUL 0 9 2012
PACIFIC RIM LAND, IN.
MAUI - MAIN

4927-2&3.loa

Ms. Blanca Lafolette
CMBY 2011 Investment, LLC
P.O. Box 220
Kihei, HI 96753

Dear Ms. Lafolette:

Letter of Assurance for Well No. 4927-02 & 03

We have completed the review process for your well Construction/Pump Installation Permit application(s) and the permit(s) are ready to be issued. However, in accordance with the State Water Code, §174C-84(a), the permit can only be issued to a licensed contractor and, to date, one has not been identified for your well(s).

Once you have selected a licensed contractor, please have the contractor sign and return to the Commission a copy of the original application, upon which a permit will be immediately issued provided that the following conditions are met:

1. The contractor has no outstanding issues with the Commission.
2. There are no significant changes to the application.
3. There have been no significant changes to applicable laws, rules or regulations since the application date.
4. There have been no significant changes to hydrogeologic conditions since the application date.

Also, attached for your information are copies of comments from reviewing agencies.

If you have any questions, please contact Charley Ice of the Commission staff at 587-0218 or toll-free at 984-2400 (Maui), extension 70218.

Sincerely,

WILLIAM M. TAM
Deputy Director

CI:ss
Enclosure

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FAX TRANSMITTAL SHEET

RECEIVED
JUL 10 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

ENVIRONMENTAL CENTER
University of Hawaii
2500 Dole Street, Krauss Annex 19, Honolulu, HI 96822
Telephone: (808) 956-7361 Fax: (808) 956-3980

cc: glenn 19050

DATE: 07/09/2012

FROM: David Penn
956-3974

TO: Maui Planning Commission (Kurt Wollenhaupt)
(808) 270-7634

Chris Hart & Partners (Glenn Tadaki)
(808) 242-1956

State of Hawaii Office of Environmental Quality Control (OEQC)
586-4186

SUBJECT: **Draft Environmental Assessment**
Puunene Heavy Industrial Subdivision, Maui

No. of Pages: including cover sheet: 6

Water Resources Research Center
Environmental Center

UNIVERSITY of HAWAI'I
MĀNOA

July 09, 2012
EA: 00330

Maui County Planning Commission
c/o Maui County Planning Department
250 S. High Street
Wailuku, HI 96793
VIA FAX TO: (808) 270-7634

Dear Commissioners,

Draft Environmental Assessment
Puunene Heavy Industrial Subdivision
Puunene, Maui

CMBY 2011 Investment, LLC proposes to transform 86 acres of unused agricultural land into a 28 lot heavy industrial subdivision by constructing overhead and underground electrical transmission lines; eleven acres of internal roadways; a master drainage system, including a nine acre retention basin; a master wastewater system, including a common leach field; and a water system drawing 423,650 gallons per day of nonpotable groundwater and treating over ¼ of it for potable use. Potential activities within the proposed subdivision would include industrial uses that are permitted under M-2 zoning, as well as 1) energy systems, power plants, substations, and major utility facilities; 2) heavy equipment storage, servicing, and sales; 3) land fill, solid waste processing, and disposal; 4) biofuel product manufacturing and wholesale storage of biofuels; and 5) recycling process facilities.

This review of the Puunene Heavy Industrial Subdivision Draft Environmental Assessment (DEA) is a service activity of the University of Hawaii's Environmental Center to help determine and maintain the optimum quality of the environment. It is not intended to represent the official views of the University of Hawaii. The objectives of our review process are to enhance environmental consciousness, encourage cooperation and coordination, and facilitate public participation. These comments were drafted with the assistance of Karl Kim, UHM Urban and Regional Planning, and Sara Bolduc, Environmental Center.

General Comments

On its face, at full build-out, the proposed action would involve land cover change and industrial activity that could have a significant effect on on-site and off-site environmental quality. Therefore, it may be useful for the DEA to provide greater detail about the specific types of industrial activities that could occur, such as quantifying the likely effects of each type of activity with regard to toxic releases, waste disposal, pollutant loading, and utility demands. Such detail would provide a technical basis for identifying the sum effect of alternative patterns

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of industrial activity, assessing the range of potential for environmental degradation (including spills, emergencies, and natural disasters), and comparing degradation potential across a broader set of alternatives (e.g. no action and full build-out under existing agricultural zoning). We are particularly concerned about (1) the treatment and disposal of stormwater and wastewater associated with the above-listed industrial activities, including brine produced by water supply desalination; (2) the quality of downstream receiving waters, including sensitive Class 1 inland waters and Class AA marine waters and marine sanctuary; (3) regional aquifer dynamics, particularly in conjunction with anticipated effects of additional pumping and sea level rise; and (4) island-wide electrical power demand and supply.

Without more rigorous analysis of planned activities, potential effect, mitigative effect, and secondary and cumulative impacts, there may be considerable uncertainty about the appropriateness of Maui County Planning Department's anticipated finding of no significant effect. The overarching rationale for this finding appears to be the applicant's assertions that adherence to zoning ordinances and permit conditions, along with the implementation of best management practices, will prevent significant environmental degradation. If this supposition were true, then existing environmental quality, statewide, would be higher than its current state. Although these kinds of environmental management tools can help to control and reduce environmental impacts, they are not designed to provide absolute protection against significant, secondary, and cumulative effects.

Specific Comments

1. Supporting Information and Rationale for Conclusions

Many of the facts and conclusions presented in the main text of the DEA refer to a particular appendix for supporting information. These references would be more useful for reviewers if they included specific page numbers indicating exactly where to find the supporting information in a technical appendix. Otherwise, the large size of the document and the lack of tools for navigating the electronic version increases the difficulty of reviewing the proposed action in a thorough and timely manner.

2. Description of the Proposed Action, Existing Environment, Potential Impacts, and Mitigation Measures

The description of the proposed action provides limited information about the types, density, and intensity of industrial activities that would occur. Much of the potential impact depends not just on the land use, but the nature of the industrial activities proposed on the site.

a. **Climate, topography, and soils:** How can the applicant be certain that site work for the proposed project would involve minimal grubbing and grading (p. 20) when the development of an individual lot would be the responsibility of the lot owner? Would grading restrictions be included in the subdivision covenants and enforced by the association of lot owners?

b. **Water bodies:** Although there may be no wetlands, streams, ponds or other water bodies on the subject parcel, there are some sensitive areas in proximity - notably the HC&S reservoir/dam, Kealia Pond National Wildlife Refuge, and the Hawaiian Humpback Whale National Marine Sanctuary. It is important for the DEA to characterize watershed context and waterbody status in the area surrounding the proposed action and to show how pre- and post-construction drainage patterns interact with downstream receiving waters. The Environmental Planning Office of the State Department of Health previously developed a set of standard comments that address these assessment issues (available from the Environmental Center on request). Also, the proposed nine acre retention basin would be a significant addition to the local water environment that would require ongoing maintenance. For example, how would the potential use of the detention basin by endangered waterbirds be managed, what would be the composition of the sediment that accumulates in the basin, and where would the accumulated material be deposited after it is dredged/removed for maintenance purposes?

c. **Noise, air quality:** How can noise and air quality impacts be measured when uses have not been identified? The DEA maintains that "there is insufficient information regarding any of the uses or activities that may be located within the proposed heavy industrial subdivision to perform any quantitative impact assessments" (p. 33). In such a case, it may be useful for the applicant to provide quantitative information about the known noise and emission outputs for a range of industrial uses and activities that could occupy the site, which should be readily available in the professional, scientific, and gray literature (such as project planning documents and environmental impact analyses and audits for similar subdivisions).

d. **Solid and hazardous waste:** What materials would be used in the production processes that would be permitted within the proposed subdivision, including hazardous materials? What types of management activities would be necessary to reduce the risk of environmental harm stemming from exposure to these materials?

e. **Water:** It would be useful for the main text of the DEA to describe the relationship of proposed water use with the state water resources protection plan and the county water use and development plan, including projections for overall use and fragility of the source aquifer over the life cycle of the proposed project. How would the proposed changes in land cover and human activity affect aquifer recharge?

f. **Wastewater:** Under existing regulations, the statement that "lot owners must submit their IWS plans to the DOH for review and approval" (page 76) implies that each lot would contribute no more than 1,000 gallons of domestic wastewater per day to the community disposal system (leach field). The fact that the proposed development involves buildings other than dwellings means that the disposal system would handle no more than 15,000 gallons of domestic wastewater per day. How much non-domestic wastewater would be generated within the proposed heavy industrial subdivision on a daily basis, and how would it be collected, treated, and disposed?

Does "aerobic-type IWS" (page 76) mean the same thing as "household aerobic unit" (DOH regulations)? Who would be responsible for compliance with DOH regulations concerning the operation and maintenance of each aerobic unit, the individual lot owner or the

association of lot owners? Would this affect the probability of significant impacts from malfunctioning treatment units?

Drainage: It is important to realize that county drainage standards are designed to protect against flood damage, and do not guarantee attainment of state water quality standards. In this regard, it may be useful for the DEA to explore the relationship between proposed drainage plans and the proposals and recommendations of a recent study sponsored by the State Department of Business, Economic Development, and Tourism, *Final Report Stormwater Impact Assessment Project*, available at http://www.state.hi.us/dbedt/czm/resource/Stormwater_Impact_Assessment_Project.pdf. The report includes a Proposed Methodology for Stormwater Cumulative Impact Assessment and a Recommended EIS Stormwater Cumulative Impact Methodology. For watershed context assistance, *see* Appendix C: Sensitive Watersheds, Watershed Sensitivity Reference.

g. **Energy consumption and carbon footprint:** The maximum potential energy demand includes both lot and industry specific uses and subdivision uses (e.g. common area lighting, water and wastewater pumping, water treatment). It would be useful for the DEA to specify the potential magnitude of this demand and explain what sources of electrical power would be tapped to fill this demand. What would be the relationships between energy demand and generation within the proposed subdivision and state and county energy plans?

3. Alternatives Analysis

The alternatives analysis identifies several options for land use and human activity and explains why each would not be feasible or desirable by virtue of private business reasons and opinions about public needs. However, it would be useful for the analysis to also address the potential variation in environmental effects among these alternatives.

Housekeeping

4. Accepting Authority and Determining Agency

The DEA states that "the Maui Planning Commission will serve as the accepting authority for the environmental review process" (page 2). We suggest revising this section of the DEA to conform more precisely with the governing regulatory language. ""Accepting authority" means the final official or agency that determines the acceptability of the EIS document," and does not pertain to the DEA and the environmental review process in general. Haw. Admin. R. § 11-200-2. As indicated on page 8 of the DEA, it appears that Maui County cannot issue an approval for the proposed action until after the State Land Use Commission (LUC) approves the proposed district boundary amendment. Therefore, why isn't the LUC "the agency initially receiving and agreeing to process the request for an approval?" § 11-200-4.

5. Length of Document

The length of the DEA, nearly 800 pages, and the technical complexity of much of its content (e.g. the Environmental Site Assessment and Supplemental Data), increases the difficulty

of thoroughly reviewing the document within the thirty day regulatory window. Although we advocate a comprehensive approach to environmental impact analysis, much of the information presented within the DEA is marginally substantive and overly repetitive. The Final Report on Hawaii's Environmental Review System (Kim et al. 2010), available at http://oeqc.doh.hawaii.gov/Shared%20Documents/Misc_Documents/Final-Report-on-Hawaii-Environmental-Review-System-2010.pdf, noted that "EAs increasingly resemble EISs as the distinction between EAs and EISs is becoming blurred" (page 50). This document is a prime example of this "blur," and may by its sheer size alone indicate that an EIS may be required for the proposed action.

6. Reviewer Assistance

The Final Report on Hawaii's Environmental Review System (Kim et al., 2010) noted that "the use of more technologically sophisticated systems could . . . improve the quality of participation" in the system (page 75), and recommended integrating new communication technology into the system (page 81). In order to assist reviewers and facilitate public participation, we suggest that the digital version of an environmental review document incorporate several user-friendly features for content access and readability, including:

(a) comprehensive bookmarks for navigating the file, which correspond directly with the sections, tables, figures, appendices, etc. shown in the document's table of contents;
(b) vertical page orientation throughout the document, such that a reader need not rotate a page before reading it on-screen; and
(c) searchable text, as specifically suggested in Kim at al. (2010), *see* page 81.

Thank you for considering our review of the Draft Environmental Assessment for Puunene Industrial Subdivision. Please contact me at 956-3974 to discuss our comments, and send us one hard copy of the Final Environmental Assessment when published.

Sincerely,

David Penn

David Penn
Assistant Specialist

copy: Chris Hart & Partners (Glenn Tadaki)
State of Hawaii Office of Environmental Quality Control (OEQC)
Chittaranjan Ray, Interim Director
Karl Kim
Sara Bolduc

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City&Regional Planning

August 16, 2012

Mr. Chittaranjan Ray, Interim Director
Environmental Center
University of Hawai`i
2500 Dole Street, Krauss Annex 19
Honolulu, HI 96822

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Ray,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to the Center's July 9, 2012 comment letter written by David Penn.

Response to General Comments

Because heavy industrial uses on each lot will be determined by future lot owners, the effects of each type of industrial activity cannot be quantified at this time as the specific types of activities that would occur within the subdivision are unknown. Notwithstanding this, since heavy industrial uses have the potential to affect the environment, the Covenants, Conditions, and Restrictions (CC&Rs) for the proposed subdivision will require that all lot owners prepare and implement Best Management Practices (BMPs) and emergency response plans that are specific to the heavy industrial use on their lots. The CC&Rs will also stipulate that lot owners must comply with all Federal, State, or County laws, including, but not limited to, regulations governing health, safety, and the environment. An association of subdivision lot owners shall be formed and, among its duties, will be responsible for reviewing the development plans of each lot owner and for ensuring compliance with the CC&Rs.

In Hawai`i, a use or activity including a potential pollution source is subject to the regulatory review and approval process in which detailed information about the use or activity is evaluated, potential impacts are identified, and appropriate mitigation measures

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www.chpmaui.com

are prescribed. If a regulatory permit is granted, specific terms of compliance are set forth to ensure that the permitted use will not adversely affect the environment. Failure to comply with the terms of the permit could result in enforcement action including penalties or revocation of the permit.

Response to Specific Comments

1. Supporting Information and Rationale for Conclusions

   Key information from documents contained in the Appendix was brought forward and summarized in the main body of the EA for the reader's convenience. Readers are encouraged to peruse any documents in the Appendix that are of specific interest to them.

2. Description of the Proposed Action, Existing Environment, Potential Impacts, and Mitigation Measures

   Refer to the *Response to General Comments*

   a. *Climate, topography, and soils*: Site work for the subdivision's basic infrastructure (e.g. water, drainage, roadways) is expected to be minimal and will be the responsibility of the land owner. As lots within the subdivision are developed, each lot owner will be responsible for the site work on their lot. Provisions for the development of subdivision lots, including conformance with all applicable government requirements, shall be set forth in the CC&Rs and maintained by the association of subdivision lot owners.

   b. *Water bodies*: Regardless of the magnitude of a storm event, no surface water (runoff), is expected to reach Ma`alaea Beach. Studies have indicated that the mud caprock along the southern two-thirds of Ma`alaea Bay prevents groundwater discharge along the shoreline, forcing it further offshore where it is thoroughly mixed to background ocean water levels. As a result, any impact to groundwater flowing beneath the project site and flowing south toward Ma`alaea Bay will not adversely impact the beach's water quality, including its turbidity and chlorophyll *a* levels. Provisions for the maintenance of the drainage retention area will be included in the CC&Rs and responsibility for its upkeep shall rest with the association of subdivision lot owners.

   c. *Noise, air quality*: With regard to noise, worst case noise emissions from the proposed 28 subdivision lots, each continuously emitting 70 dBA (the maximum allowed under existing State noise regulations), were assumed in order to predict the resulting noise levels from the heavy industrial subdivision at the closest residential receptors. The results of the noise modeling indicated that worst case noise levels from the industrial subdivision could be between 3 and 29 dBA, and

well below 45 dBA at the closest residential receptors. Based on these noise modeling efforts, adverse noise impacts from onsite noise sources were not anticipated.

With regard to air quality, because future heavy industrial land uses on lots within the subdivision are unknown, the effects of each type of industrial activity cannot be quantified at this time. Some of the uses allowed by heavy industrial zoning could cause air pollution which could result in direct impacts on air quality. Given specific information about these land uses, potential air quality impacts from industrial sources can be estimated using computerized atmospheric dispersion models. It should be noted that before any facility with an air pollution source can be built anywhere in the State of Hawai`i, an application must be submitted to the State Department of Health, Clean Air Branch for a permit to construct the facility. Detailed information about any air pollution emissions must be included in the application. Depending on the expected emission rates, a detailed air quality impact assessment may be required prior to construction and must demonstrate that the facility will comply with all applicable air quality standards. As such, although an air quality impact assessment of project-related industrial emissions is not feasible at this time, an assessment may be required in the future depending on the specific nature of heavy industrial activity within the subdivision.

d. *Solid and hazardous waste*: Refer to the *Response to General Comments*

e. *Water*: Copies of the Draft EA were furnished to the Maui Planning Department and Maui Department of Water Supply so that information about the proposed project can be incorporated into the County's Water Use and Development Plan. A copy of the Draft EA was also provided to the Hawai`i Department of Agriculture and will help the department incorporate the reclassification of agricultural lands and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan. The proposed subdivision plans to use the underlying brackish groundwater and will not be utilizing a potable water supply. In addition, there are no existing or proposed *other* higher priority water uses of groundwater in this part of the Kahului Aquifer. For these reasons, we feel that the proposed use is in conformance with the County's Water Use and Development Plan. This use is further supported by the July 2, 2012 approval of well construction and pump installation permits for the subdivision by the State Commission of Water Resource Management (CWRM) for Well Nos. 4927-02 and 4927-03. The CWRM's 1.0 million gallons per day (MGD) sustainable yield is based exclusively on rainfall-recharge on less than half of the aquifer's total area. Other sources of the aquifer's recharge (natural and man-made) are substantially larger: underflow from Haleakala, surface runoff from Haleakala, underflow from the West Maui Mountains, surface runoff from the West Maui Mountains, leakage from the East Maui and Waihe`e Ditch systems,

and irrigation return from HC&S sugar cane fields. Historically, these sources of recharge have supported pumpage from the aquifer of 45 MGD for many decades. Present pumpage is still in excess of 25 MGD, most of it by HC&S. The total estimated groundwater use for the proposed project is about 0.5 MGD. The location of this draft is miles from the nearest wells and will have no impact on these wells. If HC&S no longer cultivates sugar cane, a substantial amount of that aquifer's recharge would be reduced or eliminated altogether. However, it would also mean that about 25 MGD of pumpage from the aquifer would also cease. The wells for the proposed project are well positioned, with respect to the aquifer's natural sources of recharge, to continue to be viable.

f. *Wastewater*: Refer to the *Response to General Comments*. Also, in commenting on the Draft EA, the State Department of Health (DOH), Wastewater Branch indicated that wastewater from multiple septic tanks can no longer be discharged into a central leach field pursuant to current DOH policy. As such, the wastewater treatment plan for the proposed subdivision will be modified to call for the installation of an aerobic treatment unit and leach field on each developable lot which is permitted by the DOH and can be used within 1,000 feet of a drinking water well. The cost and installation of this individual wastewater system will be borne by individual lot owners when their lots are developed in the future. Each lot owner will also be responsible for compliance with Chapter 11-62, HAR pertaining to "Wastewater Systems". Provisions for the development of subdivision lots, including compliance with all applicable regulatory standards, shall be included in the CC&Rs and enforced by the association of subdivision lot owners.

Drainage: The proposed project will comply with all applicable provisions of Chapter 11-54, HAR entitled *"Water Quality Standards"* and Chapter 11-55, HAR titled *"Water Pollution Control"*. The land owner acknowledges that a National Pollutant Discharge Elimination System (NPDES) is required for discharges into Class A or Class 2 State waters. Prior to the start of construction, an application for an NPDES permit for storm water associated with construction activities will be submitted to the DOH, Clean Water Branch (CWB) for review and approval. No construction dewatering effluent or hydro-testing water effluent is anticipated at this time. However, if such work is required, NPDES permits for these activities will be obtained from the CWB. In addition, an application for an NPDES permit for storm water associated with industrial activity will be submitted to the CWB for review and approval if necessary. The proposed project will not involve discharges into Class 1 or Class AA State waters.

g. *Energy consumption and carbon footprint*: Electrical demand requirements will be submitted (by the project's electrical consultant) at such time in the future that an application for subdivision approval is filed with the County of Maui. In addition to sustainable practices, subdivision lot owners will be encouraged to

implement and utilize energy generation and energy conservation measures during lot development and onsite operations.

3. Alternatives Analysis

The Final EA will examine the potential environmental effects of the various alternatives.

Housekeeping

4. Accepting Authority and Determining Agency

To conform more precisely to HAR 11-200-2, the Final EA will indicate that the Maui Planning Commission is the Approving Agency for the environmental review process. The State Land Use Commission (SLUC) initially agreed to serve as the Approving Agency. However, since the Executive Director's position was going to be vacated at the time (due to retirement) and because the timeframe for the selection of a successor was indeterminate, the Maui Planning Commission, with the concurrence of the SLUC, agreed to serve as the Approving Agency.

5. Length of Document

Thank you; your comments have been duly noted.

6. Reviewer Assistance.

Thank you; your comments have been duly noted.

Thank you for providing us with your comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL

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NEIL ABERCROMBIE
GOVERNOR OF HAWAII

WILLIAM J. AILA, JR.
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

RECEIVED
JUL 11 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning
CC: Glenn
101056

July 10, 2012

Chris Hart & Partners, Inc.
Attention: Mr. Glenn Tadaki
115 N. Market Street
Wailuku, HI 96793-1717

Department of Planning
County of Maui
Attention: Mr. Kurt Wollenhaupt, Staff Planner
250 South High Street
Wailuku, Hawaii 96793

Dear Mr. Tadaki and Mr. Wollenhaupt:

SUBJECT: Draft Environment Assessment (EA) for the Community Plan Amendment (CPA), District Boundary Amendment (DBA) and Change in Zoning (CIZ) for the Pu'unene Heavy Industrial Subdivision

Thank you for the opportunity to review and comment on the subject matter. In addition to the comments previously sent you on July 9, 2012, enclosed are comments from the Engineering Division on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

Russell Y. Tsuji
Land Administrator

Enclosure(s)
cc: Central Files

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

WILLIAM J. AILA, JR.
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, 2012

RECEIVED
LAND DIVISION
2012 JUL -9 A 9:34
DEPT. OF LAND & NATURAL RESOURCES STATE OF HAWAII

MEMORANDUM

TO: **DLNR Agencies:**
__Div. of Aquatic Resources
__Div. of Boating & Ocean Recreation
X Engineering Division
__Div. of Forestry & Wildlife
__Div. of State Parks
X Commission on Water Resource Management
__Office of Conservation & Coastal Lands
X Land Division – Maui District
X Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Draft Environment Assessment (EA) for the Community Plan Amendment (CPA), District Boundary Amendment (DBA) and Change in Zoning (CIZ) for the Pu'unene Heavy Industrial Subdivision
LOCATION: Pulehunui & Waikapu, Island of Maui; TMK: (2) 3-8-008:019
APPLICANT: County of Maui, Department of Planning

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by July 5, 2012.

Only one (1) copy of the CD is available for your review in Land Division office, Room 220.

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 Lydia Morikawa at 587-0410. Thank you.

Attachment

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

Signed:
Date: 7/12/12

cc: Central Files

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/LydiaMorikawa
REF.:DEADistrictBndryAmendmentPuunene
Maui.576

COMMENTS

(X) **We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone X. The National Flood Insurance Program does not have any regulations for developments within Zone X.**

( ) Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone____.

( ) Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ___.

( ) Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol 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. Mario Siu Li at (808) 768-8098 or Ms. Ardis Shaw-Kim at (808) 768-8296 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.

( ) Ms. Wynne Ushigome at (808) 241-4890 of the County of Kauai, Department of Public Works.

( ) The applicant should include water demands and infrastructure required to meet project needs. Please note that projects within State lands requiring water service from the Honolulu Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.

( ) he 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: _____
CARTY S. CHANG, CHIEF ENGINEER

Date: 6/22/12

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

July 18, 2012

Mr. Russell Y. Tsuji, Administrator
Land Division
Hawai`i Dept. of Land & Natural Resources
P.O. Box 621
Honolulu, HI 96809

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Tsuji,

Thank you for your letter dated July 10, 2012 which transmitted the Engineering Division's comments on the Draft EA. Pursuant to their comments, we acknowledge that the subject parcel is located in Flood Zone X, an area of minimal flood hazard, and that the National Flood Insurance Program does not have regulations for developments within Zone X.

Thank you for providing us with you comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Stacy Otomo, P.E.

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

ALAN M. ARAKAWA
Mayor

GLENN T. CORREA
Director

PATRICK T. MATSUI
Deputy Director

(808) 270-7230
FAX (808) 270-7934

DEPARTMENT OF PARKS & RECREATION
700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawaii 96793

July 10, 2012

Kurt Wollenhaput, Staff Planner
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Dear Mr. Wollenhaput:

SUBJECT: PUUNENE HEAVY INDUSTRIAL SUBDIVISON
TMK (2) 3-8-008:019
CPA 2012/0002, CIZ 2012/0005, EA 2012/0001

Thank you for the opportunity to review the Draft Environmental Assessment for the subject project. Our Department is interested in discussing with the applicant a water source for the Maui Raceway Park's potable water needs.

Please feel free to contact me or Karla Peters, CIP Coordinator, at 270-7981, should you have any questions.

Sincerely,

GLENN T. CORREA
Director of Parks and Recreation

c: Glenn Tadaki, Christ Hart & Partners, Inc.
Robert Halvorson, Chief of Planning and Development

GTC:RH:kp

cc: Glenn 10/05

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JUL 16 2012
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Landscape Architecture and Planning

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CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

August 8, 2012

Mr. Glenn T. Correa, Director
Maui Dept. of Parks and Recreation
700 Hali`a Nakoa Street, Unit 2
Wailuku, HI 96793

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Correa,

On behalf of the land owner, CMBY 2011 Investment, LLC, we acknowledge the receipt of your July 10, 2012 letter commenting on the Draft EA. Since the receipt of your letter, the land owner met with Patrick Matsui, Robert Halvorson, and Karla Peters on August 6 to discuss the department's interest in a water source for the Maui Raceway Park (MRP).

As discussed during the meeting, an existing ¾-inch meter provides water for the MRP. The Parks Department would like a larger 1-1/2 inch meter but were informed by the Water Department that the larger meter is unavailable. As such, the Parks Department has been interested in pursuing other potential water sources for the MRP.

In addition to the MRP, the private water system for the proposed project was also discussed. The land owner offered to enter into further discussions with the Parks Department to help develop a water system (on a fair share basis) that would serve the MRP. However, since no County funds are available for the pro-rata development of such a system, the Parks Department will likely refocus its efforts to obtain the larger water meter.

Thank you for providing us with your comments and for participating in the environmental review process.

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL
Stacy Otomo, P.E.

Maui Electric Company, Ltd. • 210 West Kamehameha Avenue • PO Box 398 • Kahului, Maui, HI 96733-6898 • (808) 871-8461

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JUL 13 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

July 10, 2012

Mr. Kurt Wollenhaupt, Staff Planner
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Subject: Draft Environmental Assessment (EA) for the Community Plan Amendment (CPA), District Boundary Admendment (DBA), and Change in Zoning for the Pu'unene Heavy Industrial Subdivision
Tax Map Key: (2) 3-8-008:019
Kihei, Maui, Hawaii

Dear Mr. Wollenhaupt,

Thank you for allowing us to comment on the Environmental Assessment for the subject project.

In reviewing our records and the information received, Maui Electric Company (MECO) would like to highly encourage the customer's electrical consultant to submit electrical drawings to us as soon as practical to address and coordinate any possible relocations of our facilities. Please also refer to our MECO letter addressed to Mr. Glenn Tadaki of Chris Hart & Partners, Inc. and July 15, 2011, in response to a prior request for this project.

Should you have any questions or concerns, please call Kelcie Kawamura at 872-3246.

Sincerely,

Ray Okazaki
Supervisor, Engineering

c: Mr. Glenn Tadaki, Consultant, Christ Hart & Partners, Inc.

Maui Electric Company, Ltd. • 210 West Kamehameha Avenue • PO Box 398 • Kahului, Maui, HI 96733-6898 • (808) 871-8461

RECEIVED
JUL 18 2011
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning
cc: Glenn 10/05

July 15, 2011

Mr. Glenn Tadaki, Planner
Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Hawaii 96793

Dear Mr. Tadaki,

Subject: Early Consultation for the Proposed Puunene Heavy Industrial Subdivision
Off Mokulele Highway
Kahului, Maui, Hawaii
Tax Map Key: (2) 3-8-008: 019

Thank you for allowing us to comment on the Early Consultation for the subject project.

In reviewing our records and the information received, Maui Electric Company (MECO) may be requiring access and electrical easements for our facilities to serve the subject project site. The existing area is currently served from our Maalaea Substation. Since the project's anticipated electrical demand may have a substantial impact to our system, we highly encourage the customer's electrical consultant to submit the electrical demand requirements and project time schedule as soon as practical so that service can be provided on a timely basis. MECO may need to complete system upgrades along with securing a new substation site to accommodate the anticipated electrical load.

Should you have any questions or concerns, please call me at 871-2341.

Sincerely,

Kyle Tamori
Staff Engineer

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

July 16, 2012

Mr. Ray Okazaki, Supervisor
Engineering Division
Maui Electric Company, Ltd.
P.O. Box 398
Kahului, HI 96733-6898

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Okazaki,

Thank you for your Draft EA comment letter dated July 10, 2012 which also refers to a previous MECO letter dated July 15, 2011 (see attached).

In response to your letter of July 10, 2012, we would like to note that the land use approval process could take at least two years. Accordingly, electrical drawings for the project will be submitted after the entitlements have been granted and in conjunction with the filing of an application for subdivision approval. Coordination for any possible relocation of MECO facilities would also be undertaken during the same time frame.

With regard to your letter dated July 15, 2011, we would like to reiterate that access and electrical easements (in favor of MECO) may be required in order to serve the subject parcel and that electrical system upgrades and a new substation site may be needed to accommodate the anticipated electrical load.

Electrical demand requirements and a project time schedule will be submitted (by the project's electrical consultant) at such time in the future that an application for subdivision approval is filed with the County of Maui.

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

Thank you for providing us with your comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Stacy Otomo, P.E.

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

RALPH M. NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

July 25, 2012

Mr. Glenn Tadaki, Consultant
CHRIS HART & PARTNERS, INC.
115 North Market Street
Wailuku, Maui, Hawaii 96793

Subject: DRAFT ENVIRONMENTAL ASSESSMENT FOR THE COMMUNITY PLAN AMENDMENT, DISTRICT BOUNDARY AMENDMENT AND CHANGE IN ZONING FOR THE PUUNENE HEAVY INDUSTRIAL SUBDIVISION
TMK: (2) 3-8-008:019 CPA 2012/0002, CIZ 2012/0005, EA 2012/0001

Dear Mr. Tadaki:

We reviewed the subject application and have no comments at this time.

Please call Rowena M. Dagdag-Andaya at 270-7845 if you have any questions regarding this letter.

Sincerely,

for David C. Goode
Director of Public Works

ls S:\LUCA\CZM\prop_heavy_industrial_subdiv_cpa_ciz_ea_38008019_ls.wpd
xc: Highways Division
Engineering Division

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JUL 27 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

July 30, 2012

Mr. David C. Goode, Director
Maui Dept. of Public Works
200 S. High Street
Wailuku, HI 96793

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Goode,

As a follow-up to your letter dated July 25, 2012, we understand that the Department of Public Works has no comments at this time.

Thank you for providing us with your comments and for participating in the environmental review process.

Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
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ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

K-7/31/12

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JUL 3 1 2012

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

Cc: Glenn
101056

COUNTY OF MAUI

DEPARTMENT OF PLANNING

July 25, 2012

Mr. Glenn Tadaki, Planner
Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Hawaii 96793

Dear Mr. Tadaki:

SUBJECT: REQUEST FOR COMMENT ON DRAFT ENVIRONMENTAL ASSESSMENT (EA) FOR THE COMMUNITY PLAN AMENDMENT (CPA), DISTRICT BOUNDARY AMENDMENT (DBA), AND CHANGE IN ZONING (CIZ) FOR THE PU'UNENE HEAVY INDUSTRIAL SUBDIVISION, LOCATED APPROXIMATELY ONE (1) MILE SOUTHEAST OF THE INTERSECTION OF MOKULELE HIGHWAY, MEHAMEHA LOOP, AND KAMA'AINA ROAD, ISLAND OF MAUI, HAWAII; TMK: (2) 3-8-008:019 (CPA 2012/0002) (CIZ 2012/0005) (EA 2012/0001)

The Department of Planning (Department) is in receipt of the above-referenced document for the proposed Pu'unene Heavy Industrial Subdivision. The Department understands the proposed action includes the following:

- The Applicant is the CMBY 2011 Investment, LLC with Chris Hart & Partners, Inc. acting as the Applicant's Consultant;
- The Applicant is proposing to subdivide an 86-acre vacant and undeveloped site adjacent to the Old Pu'unene Airport into approximately 28 fee-simple, heavy industrial lots;
- The proposed project is located adjacent to Project District 10 (Old Pu'unene Airport area – 561 acres) as outlined in the Kihei-Makena Community Plan dated March 6, 1998;
- The proposed project is located within the *Proposed* Urban Growth Boundary for the draft Maui Island Plan;
- The proposed project will require the Applicant to seek a District Boundary Amendment (from the *State Agricultural* to the *State Urban District*) from the State of Hawaii Land Use Commission, a Kihei-Makena Community Plan Amendment (from *Agriculture* to *Heavy Industrial*) from the County of Maui, and a Change in Zoning (from *Agricultural* to *M-2, Heavy Industrial*) from the County of Maui;

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

- As the proposed project will involve a County of Maui Community Plan Amendment and the use of State of Hawaii lands (Kama'aina Road and a 26-foot wide strip of land across three adjacent State parcels), an EA must be prepared in accordance with Chapter 343, Hawaii Revised Statutes (HRS) and Title 11, Chapter 200, Hawaii Administrative Rules (HAR); and
- The Accepting Authority of the EA will be the Maui Planning Commission.

Based on the foregoing, the Department provides the following comments with regards to the scope of work for the proposed Pu'unene Heavy Industrial Subdivision and related District Boundary Amendment, Community Plan Amendment, and Change in Zoning:

1. The Department recommends that the Applicant process the District Boundary Amendment with the State Land Use Commission PRIOR to a review of the Community Plan Amendment and Change in Zoning applications by the Maui Planning Commission.

2. The Department understands the Applicant desires to pursue a rezoning to the PROPOSED *M3 - Industrial District* designation and that legislation to enact an *M-3 District* is currently being reviewed by the County Council. Should the Council adopt this new district in a timely manner, the Applicant will revise their application to reflect a Change of Zoning application from *Agricultural to M-3, Industrial District*. The Maui Planning Commission will then consider the proposed request for *M-3, Industrial District* zoning.

3. The proposed *M-3, Industrial District* allows a range of heavy industrial uses without the need for additional review by the Planning Commission and County Council under the County Special Use Permit application procedure. Consequently, should the *M-3, Industrial District* zoning be approved prior to review of the CPA and CIZ by the Maui Planning Commission, the Department requests the Applicant review mitigation measures to reduce potential impacts of heavy industrial uses to surrounding lands and resources, including a review of procedures to address industrial emergencies.

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

August 8, 2012

Mr. William Spence, Director
Maui Dept. of Planning
250 South High Street
Wailuku, HI 96793

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Spence,

On behalf of the Applicant, CMBY 2011 Investment, LLC, we are responding to your letter dated July 25, 2012.

1. The Applicant shall process the District Boundary Amendment with the State Land Use Commission prior the Maui Planning Commission's review of the Community Plan Amendment and Change in Zoning.

2. The proposed bill for *M-3, Restricted Industrial District* zoning is currently being reviewed by the Council's Planning Committee. Should the bill be adopted by the Council in a timely manner, the Change in Zoning application will be revised to reflect the change to *M*-3 zoning.

3. Because heavy industrial uses will be determined by future lot owners, specific activities that would occur within the subdivision are presently unknown. Notwithstanding this, since heavy industrial uses have the potential to affect the environment, the Covenants, Conditions, and Restrictions (CC&Rs) for the proposed subdivision will require that all lot owners prepare and implement Best Management Practices (BMPs) and emergency response plans that are specific to the heavy industrial use on their lots. The CC&Rs will also stipulate that lot owners must comply with all Federal, State, or County laws, including, but not limited to, regulations governing health, safety, and the environment. An

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

association of subdivision lot owners shall be formed and, among its duties, will be responsible for reviewing the development plans of each lot owner and for ensuring compliance with the CC&Rs.

In Hawai`i, a use or activity including a potential pollution source is subject to the regulatory review and approval process in which detailed information about the use or activity is evaluated, potential impacts are identified, and appropriate mitigation measures are prescribed. If a regulatory permit or approval is granted, specific terms of compliance are set forth depending on the nature of the potential impacts.

Thank you for providing us with your comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL

NEIL ABERCROMBIE
GOVERNOR

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

DOUG MAYNE
VICE DIRECTOR OF CIVIL DEFENSE

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

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

RECEIVED
AUG - 3 2012
CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning
cc: glenn 10/05

August 2, 2012

Mr. Glenn Tadaki
Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Hawaii 96793

Dear Mr. Tadaki:

Pu`unene Heavy Industrial Subdivision
Draft Environmental Assessment (DEA), TMK: 9-1-016:142

Thank you for the opportunity to comment on the subject project.

We strongly recommend one (1) omni-directional 121 db(c) siren be installed for coverage of the proposed development. State Civil Defense will work with the developer on placement of these additional sirens.

We defer to the appropriate State and federal agencies as to the protection of any cultural, historical, and archeological elements of the property.

If you have any questions, please call Ms. Havinne Okamura, Hazard Mitigation Planner, at (808)733-4300, extension 556.

Sincerely,

DOUG MAYNE
Vice Director of Civil Defense

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

August 7, 2012

Mr. Douglas Mayne, Vice Director
Hawai`i State Civil Defense
3949 Diamond Head Road
Honolulu, HI 96816-4495

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Mayne,

On behalf of the developer, CMBY 2011 Investment, LLC, we would like to thank you for your August 2, 2012 letter commenting on the Draft EA.

In response to your comments, the developer will work with State Civil Defense to install one (1) omni-directional 121 db(c) siren to provide coverage for the project area.

Thank you for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Bert Saruwatari, SLUC
Blanca Lafolette, PRL

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

TRANSMITTAL (Agency Reminder) August 6, 2012

	STATE AGENCIES
x	DBEDT
x	Dept of AG, Honolulu
x	Dept of Hawaiian Homelands
x	Dept of Health, Honolulu, CWB
x	Dept of Health, Honolulu, SHWB
x	DLNR-Land, Maui
x	DLNR-SHPD
x	DOT, Maui
x	DOT, Statewide Planning Office (4)
x	Office of Hawaiian Affairs
	OTHER
x	A&B Properties, Inc.
x	Hawaiian Cement
x	Kihei Community Association
x	LeSEA Broadcasting Corporation

	COUNTY AGENCIES
x	Dept of Transportation
x	ZAED, Zoning & Enforcement Division
	FEDERAL AGENCIES
x	USDA, NRCS
x	Fish & Wildlife

PROJECT NAME:	PU'UNENE HEAVY INDUSTRIAL SUBDIVISION
APPLICANT:	CMBY 2011 Investment, LLC
STREET ADDRESS:	Approximately One-Mile Southeast of the Intersection of Mokulele Highway, Mehameha Loop, and Kama'aina Road, Pu'unene, Maui, Hawaii.
PROJECT DESCRIPTION:	Proposed Heavy Industrial Subdivision on an 86-Acre Parcel
TMK:	(2) 3-8-098:019
PERMIT NO.:	CPA 2012/0002, CIZ 2012/0005, EA 2012/0001

TRANSMITTED TO YOU ARE THE FOLLOWING:

—	Application(s) (Previously Transmitted)

THESE ARE TRANSMITTED AS CHECKED BELOW:

x	For your Comment and Recommendation

On May 1, 2012, a request for comment and recommendation was sent to your office regarding the above-referenced application(s). The deadline for response was on July 9, 2012; however, as of this date, the Department of Planning (Department) has not received a response from your agency. If comments have been transmitted, please disregard this reminder. If you have not responded, please address your comments and recommendations directly to me by August 22, 2012 or to Mr. Glenn Tadaki, Chris Hart & Partners, 115 N. Market Street, Wailuku, HI 96793. Please identify any comments you would like the Department to propose as conditions

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

AGENCY NAME	Transportation	PHONE	

Agency Reminder – PU'UNENE HEAVY INDUSTRIAL SUBDIVISION (CPA 2012/0002) (CIZ 2012/0005) (EA 2012/0001)
August 6, 2012
Page 2

of project approval. Also, please provide any previous documentation pertinent to this application. A comment box is provided below to assist you. If no comment, please sign the "No Comment" box and fax to (808) 270-1775. Thank you for your time and assistance. For additional clarification, please contact Staff Planner Kurt Wollenhaupt at kurt.wollenhaupt@mauicounty.gov or at (808) 270-1789.

Sincerely,

Kurt Wollenhaupt

Kurt Wollenhaupt, Staff Planner

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Glenn Tadaki, Chris Hart & Partners
Project File
General File

KFW:lm
K:\WP_DOCS\PLANNING\Cpa\2012\0002_PuUneneHeavyIndustrial\Agency Reminder.doc

NO COMMENT			
Signed:		Dated:	8-14-12
Print Name:	Jim Osten	Title:	Engineer

COMMENT/RECOMMENDATION BOX

08-14-12;09:59AM;

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

August 15, 2012

Ms. Jo Anne Johnson, Director
Maui Dept. of Transportation
2145 Kaohu Street, Suite 102
Wailuku, HI 96793

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Ms. Johnson,

Pursuant to your department's comments dated August 14, 2012, we acknowledge that the Maui Department of Transportation has no comments at this time.

Thank you for providing us with your comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

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Glenn Tadaki

From: Gomes, David [David.Gomes@HAWAIIANCEMENT.com]
Sent: Tuesday, August 14, 2012 9:15 AM
To: Kurt Wollenhaupt (Kurt.Wollenhaupt@co.maui.hi.us)
Subject: Puunene Heavy Industrial Subdivision comments

Hi Kurt, I am in receipt of your letter asking if Hawaiian Cement has any comments or concerns we would like to submit. I understand our deadline is 8-22-12. I would like to respond by stating Hawaiian Cement has no comments or concerns about this project. Thank you for asking.

Dave Gomes
General Manager
Hawaiian Cement, MC&A Division
808-871-7004
808-877-7414 (fax)
808-870-2949 (cell)
dave.gomes@hawaiiancement.com

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

August 15, 2012

Mr. David Gomes, General Manager
Maui Concrete & Aggregate Division
Hawaiian Cement
P.O. Box 488
Kahului, HI 96732

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Gomes,

As a follow-up to your August 14, 2012 e-mail to Kurt Wollenhaupt, we understand that Hawaiian Cement has no comments at this time.

Thank you for providing us with your comments and for participating in the environmental review process.

Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1956
www.chpmaui.com

Glenn Tadaki

From: Ian_Bordenave@fws.gov
Sent: Tuesday, August 21, 2012 2:40 PM
To: Glenn Tadaki
Cc: Patrice_Ashfield@fws.gov; Kurt.Wollenhaupt@co.maui.hi.us; blancal@pacificrimland.com
Subject: Re: Fw: Pu`unene Heavy Industrial Subdivision - Draft EA
Attachments: Draft EA excerpts for P. Ashfield.pdf; FINAL_FLORA SURVEY_Aug 2011.pdf; FINAL_Faunal Survey_20110808.pdf; Pertinent Draft EA comments & response letters for P. Ashfield .pdf

Aloha Glenn,

This is Ian Bordenave, I was the consulting biologist for the Technical Assistance letter that your office received from the Service (2011-TA-0384). I believe you and I spoke over the phone about a year ago regarding this project, too. Anyhow, I've gone through the biological surveys and the Flora and Fauna section of the Draft EA that you provided, and everything looks good except one small detail... Regarding the Hawaiian hoary bat (*Lasiurus cinereus semotus*), the latest guidance from the Service is to avoid cutting or trimming of trees and woody shrubs over 15 feet in height from June 1 through September 15. This recommendation was formulated by the Service using data from Tomich and Bonaccorso involving studies on lactation (Tomich) and fledging (Bonaccorso) corresponding to the vulnerable, non-volant period in the Hawaiian hoary bat's life history. Although no bats were observed during this latest round of surveys at the Puunene site, the range and foraging behavior attributed to the species raises the possibility that they may be present (albeit intermittently) during the spring, summer, and fall months in vegetation exceeding 15 feet in height. Though I understand that the comment period for the Draft EA is closed, incorporation of these recommendations into the Final EA and project Master Plan is nonetheless suggested.

Mahalo!

Ian Bordenave
Biologist
U.S. Fish and Wildlife Service
Pacific Islands Field Office
Ecological Services, Consultations & HCP
300 Ala Moana Blvd., Suite 3-122
Honolulu, HI. 96850
Phone: (808) 792-9453
E-Mail: ian_bordenave@fws.gov

Patrice Ashfield/PIE/R1/FWS/DOI
08/21/2012 11:44 AM

To Ian Bordenave/R1/FWS/DOI@FWS
cc
Subject Fw: Pu`unene Heavy Industrial Subdivision - Draft EA

~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

Patrice Ashfield
Habitat Conservation and Section 7 Program Leader
Pacific Islands Fish and Wildlife Office

8/21/2012

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

August 22, 2012

Mr. Loyal Mehrhoff, Field Supervisor
Pacific Islands Fish and Wildlife Office
U.S. Fish and Wildlife Service
Attention: Ian Bordenave
300 Ala Moana Blvd., Room 3-122, Box 50088
Honolulu, HI 96850

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019; Reference No. POH-2011-00179

Dear Mr. Mehrhoff,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to the U.S. Fish and Wildlife Service's e-mailed comments dated August 21, 2012,

In accordance with the recommendations provided by the Fish and Wildlife Service, the cutting or trimming of trees and woody shrubs over 15 feet in height shall be avoided from June 1 through September 15 to mitigate potential impacts to the Hawaiian Hoary Bat.

Thank you for providing us with your comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director

COUNTY OF MAUI

DEPARTMENT OF PLANNING

TRANSMITTAL
August 23, 2012

MEMO TO: Clayton Yoshida; Planning Program Administrator (PDF via email)
Current Planning Division

ATTN: Kurt Wollenhaupt, Staff Planner

FROM: for Aaron Shinmoto, Planning Program Administrator
Zoning Administration and Enforcement Division

SUBJECT: CIZ, CPA, & EA FOR THE PUUNENE HEAVY INDUSTRIAL SUBDIVISION
PUUNENE, HAWAII
TMK: (2) 3-8-008:019
CPA 2012/0002 & CIZ 2012/0005 & EA 2012/0001

TRANSMITTED TO YOU AS INDICATED:
(X) For Your Information (X) For Necessary Action

Our comments are noted below. These comments are not intended to be specific conditions of project approval. But, if you feel that any of them warrant a condition you may incorporate them into your recommended conditions of project approval.

1. The above parcel contains the following designations:
   A. State Land Use Agriculture.
   B. Community Plan Agriculture.
   C. County Zoning Agriculture.
   D. Special Management Area = No.
   E. Flood Zone X.

2. We will provide specific subdivision comments when we receive a preliminary subdivision map from the applicant or Development Services Administration (DSA). Please note that we would want a map equal in quality and size to a preliminary subdivision plat that is submitted to DSA.

3. The Proposed Land Use Development Plan as shown on Figure 5 shows that the subdivision will be accessed by a single connection on the northern side of the subdivision and a drainage retention swale along the western side of the development.

   A. Although a single connection to this subdivision may be fine for some time into the future, the neighboring parcels will eventually be developed, so this subdivision should be designed to allow for at least one additional connection to neighboring parcels (south, east, and/or west). As neighboring land is developed, this will help ensure better connectivity and linkages between neighboring land uses, provide an addition entry/exit for emergency purposes, and shorten commute times.

   B. An option to ensure that an additional connection is reserved for this purpose would be to designate a future connection point as a "reserve strip". Section 18.016.100 of the Maui County Code states, "*Reserve strips shall be required when the director determines such*

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strips to be necessary for the orderly future development of the community according to either the general plan or projected future development in the area surrounding the subdivision. The land composing such strips shall be reserved for future use and development under conditions approved by the director".

   C. The edge of the drainage retention swale is an ideal location to incorporate a greenway that includes a pedestrian/bicycle pathway that is separate from any roadway. This would initially be used by workers and customers of the businesses within the subdivision and provide connectivity points to neighboring lots as they are developed along this drainageway.

   D. The integration of a pedestrian/bikeway network (separate from roadways) within this proposed industrial subdivision including potential connections to neighboring parcels should be considered in this report. The submitted report does not seem to consider this in accordance with the County Wide Policy Plan or the Kihei-Makena Community Plan.

   E. Conditions placed into the approved Change In Zoning addressing the above would help ensure that they are incorporated into the project.

4. The following items are copied from the County Wide Policy Plan (CWPP) and the Kihei-Makena Community Plan (KMCP) in support the above comment.

   A. CWPP, Promote Sustainable Land Use and Growth Management, Objective 3, Policy h: *Ensure better connectivity and linkages between land uses.*

   B. CWPP, Promote Sustainable Land Use and Growth Management, Objective 4, Policy d: "*Promote creative subdivision designs that implement best practices in land development, sustainable management of natural and physical resources, increased pedestrian and bicycle functionality and safety, and the principles of livable communities*".

   C. KMKP, Physical & Social Infrastructure, Transportation, Objectives and Policies: "*Plan, design, and construct a pedestrian and bikeway network throughout the Kihei-Makena region which considers the utilization of existing stream beds, drainageways, wetlands and public rights-of-way along coastal and inland areas.*"

   D. KMKP, Land Use, Objectives and Policies:"*Establish a system of parks, utility easements, shoreline areas, drainageways and wetlands as an open space framework for the urban areas of the region, i.e. where structures exist or are planned to exist, and provide an integrated system of pedestrian and bicycle paths.*"

If you have any questions regarding this letter, please feel free to contact Paul Critchlow at paul.critchlow@mauicounty.gov or at 270-5795.

xc: Paul Critchlow, Staff Planner (PDF via email)
Kurt Wollenhoupt, Staff Planner (PDF via email)
CPA 2012/0002, CIZ 2012/0005 & EA 2012/0001 (KIVA Related Documents & Project File)
General File
WRS:AHS:FAC:PBC:ckk
K:\WP_DOCS\PLANNING\LTR\2012\Comments_CIZ_CPA_EA_PuuneneHeavyIndustrial\TransmittalComments1.doc

CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning

August 30, 2012

Mr. Aaron Shinmoto, Planning Program Administrator
Zoning Administration and Enforcement Division
Maui Planning Department
250 S. High Street
Wailuku, HI 96793

SUBJECT: Comments on the Pu`unene Heavy Industrial Subdivision
EA 2012/0001, CPA 2012/0002, CIZ 2012/0005
TMK (2) 3-8-008:019

Dear Mr. Shinmoto,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your comment letter dated August 23, 2012.

1. The land owner concurs with the existing land use and flood zone information cited in your letter.

2. As noted in the Draft EA, the land development plan for the proposed heavy industrial subdivision is preliminary in nature and subject to change. The number, size, and layout of the lots within the subdivision will be largely influenced by economic conditions at the time the land owner is ready to file an application for preliminary subdivision approval and proceed with actual development of the project. Notwithstanding this, the preliminary plat map for the subdivision shall comply with the standards set forth by Chapter 18.08 of the Maui County Code regarding the preparation of preliminary plat maps.

3A. The land owner is willing to work with the County of Maui to identify an additional (access) connection to a neighboring parcel (*e.g.*, Project District 10) to provide for future connectivity between land uses and to facilitate transportation and emergency access.

3B. Thank you; your comments regarding an optional "reserve strip" have been duly noted.

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3C. The size, shape, and layout of the lots, roadways, and drainage swale could change in response to market conditions at the time the application for preliminary subdivision approval is submitted. Notwithstanding this, the land owner will examine the feasibility of including a pedestrian and bicycle pathway along the edge of the grassed drainage swale during the preparation of the preliminary plat map.

3D. A separate, shared pedestrian and bicycle path on the east side of Mokulele Highway currently links Kahului with Kihei. Kama`aina Road, South Firebreak Road, and Lower Kihei Road are privately-owned roadways that fall under the control of the State of Hawai`i and A&B Hawai`i. In addition to the subject parcel, these roadways provide access to the Hawaiian Cement quarry and sugar cane fields in the area. Heavy trucks and machinery used for sugar cane cultivation/transport and concrete manufacture/delivery characterize traffic along these roadways. Integrating a pedestrian and bicycle network along or in proximity to roadways that are actively used for agricultural and heavy industrial purposes is contrary to the best interests of public safety and well being.

There are no "hard and fast" rules for determining the most appropriate type of bicycle facility for a particular location since roadway speeds, traffic volume, right-of-way width, presence of parking, adjacent land uses, and anticipated bicycle use must all be considered. Unless a change is warranted by future conditions, the streets within the subdivision will function as a "shared roadway" facility in order to accommodate bicycle traffic.

The time frame for the future development of neighboring lands is highly indeterminate and subject to the availability of funding, the establishment of infrastructure, and contingent upon securing the necessary land use approvals. As part of a comprehensive master-planning process, the State of Hawai`i is evaluating infrastructure needs for the future development of State and County lands in the vicinity of the Old Pu`unene Airport. The State Department of Hawaiian Home Lands (DHHL) owns a 646-acre parcel to the south of the subject parcel which it has zoned for Agricultural homesteads (*i.e.*, farm lots) as dust and wind conditions make it unsuitable for residential or commercial use. The DHHL also has plans to develop a private wastewater treatment plant on a portion of their site. The Department of Public Safety's plans for the Maui Prison have been delayed due to the lack of government funding and the absence of infrastructure (*i.e.*, water, sewer) to support this project. The County of Maui recently recommended that the Prison be moved from its proposed location in Project District 10 (Old Pu`unene Airport area) to State-owned land approximately one mile east of Mokulele Highway. The County's plans for PD 10 are pending the completion of an updated master plan, obtaining the necessary land use approvals for the project, and the availability of funding and

infrastructure. It is estimated that it could take at least 10 years or more before any ground-breaking construction commences on the State and County lands.

Notwithstanding this, the land owner is willing to meet with neighboring property owners to discuss potential connections should the establishment of a pedestrian and bicycle network in the area be warranted in the future.

3E. Thank you; your comments have been duly noted.

4A. A major guiding principle for the development of any pedestrian and bicycle network is that it should connect to places that people want to go such as homes, schools, work, public services, shopping, and recreational areas.

The lands within and in the vicinity of the subject parcel do not possess any of the basic elements that would justify the cost and development of a separate pedestrian and bicycle network on land that will be specifically utilized for purely heavy industrial activities and is geographically separate and spatially distant from other urban areas such as Kahului or Kihei which would benefit from such a network.

The subject parcel is located on the Central Maui plain in the vicinity of the Old Pu`unene Airport. As identified on Page 13 of the KMCP, the four communities that comprise this region are: 1) Ma`alaea, 2) Kihei, 3) Wailea, and 4) Makena. The KMCP describes Ma`alaea as "a quiet, residential community," Kihei as "the residential and commercial center of the region," Wailea as "a master-planned resort community," and Makena as containing "resort facilities, significant open spaces, and cultural landscapes while retaining rural village characteristics."

The north-south, linear development pattern in Kihei is directly tied to Pi`ilani Highway and South Kihei Road and the community's near total dependence on the automobile for travel within the region. To address this dependency and reduce traffic congestion, the KMCP encourages the establishment of a pedestrian and bicycle network since it would provide an alternate mode of transportation and improve travel in Kihei by connecting to places that people want to go.

While a pedestrian and bicycle network would provide connectivity within Kihei, it would not be as appropriate for a distant urban land use such as the proposed project whose location is better suited away from other urban areas.

Project District 10 (Old Pu`unene Airport area) lies to the west of the subject parcel and is the only land use in the area that has been included in the KMCP. Although the subject parcel and PD 10 were included in the KMCP region, it can

be argued that this area should have been included in the Wailuku-Kahului Community Plan region given its geographic location and proximity to Kahului, and its association with historic land use and development in Central Maui.

4B. The proposed project will comply with the applicable provisions of Title 18 of the Maui County Code (Subdivisions). Best Management Practices will be utilized in the design and development of the project.

4C. The subject parcel does not include any existing stream beds, drainageways, wetlands, and public rights-of-way along coastal and inland areas that would contribute to the development of a pedestrian and bicycle network for the Kihei-Makena region.

4D. While the proposed drainage swale along the west side of the subject parcel constitutes an area of open space, there are no parks, utility easements, shoreline areas, and wetlands on the property which would contribute to the establishment of an open space framework for the area.

Thank you for providing us with your comments and for participating in the environmental review process. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Kurt Wollenhaupt, Maui Planning Department
Blanca Lafolette, PRL