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Ref. No. P-14947

November 17, 2015

To: Daniel Orodener, Executive Officer  
State Land Use Commission

From: *Leo R. Asuncion* Leo R. Asuncion, Acting Director *Leo R. Asuncion*

Subject: Docket No.: A10-786 Olowalu Town LLC  
Olowalu, Lahaina, Maui  
Land Area: Project Area 636 Acres; Petition Area 434 Acres;  
Agricultural to Urban 266 Acres; Agricultural to Rural 168 Acres  
TMK: (2) 4-8-003: 84, 98 – 118, and 124

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LAND USE COMMISSION  
STATE OF HAWAII

The Office Planning (OP) has reviewed the Draft Final Environmental Impact Statement (Draft FEIS) for the above referenced project and has the following comments and concerns.

1. In OP's letter of April 20, 2012, Item No. 6 states: "Given the magnitude of the projected and potential impacts to the only arterial roadway serving West Maui, a complete Traffic Impact Analysis Report (TIAR) rather than a "Preliminary" TIAR should be prepared as part for the EIS for public review...." (emphasis added). Petitioner in the Draft FEIS has now provided a complete TIAR, but the public did not get a chance to review this document which is now up for final acceptance by the LUC. Given the significance of the issue and extensive revisions made following the "Preliminary" TIAR, the public should be afforded the opportunity to review this final TIAR.
2. Archaeological Resources. Our review of the Draft FEIS finds that the archaeological studies, including the inventory survey, a Preliminary Preservation and Mitigation plan, and the other numerous studies for the entire Olowalu area were not included in the Draft FEIS. A summary of these studies were included in the Draft FEIS, including letters of approval from the State Historic Preservation Division (SHPD), dated in the early 2000s. A chronology follows, with emphases added:

- a. SHPD letter dated February 25, 2000. Review of Revised Archaeological Inventory Survey Report—Olowalu Makai Development Parcel. Archeological Inventory Survey of Makai Portion (Phase I) of Olowalu Development Parcel. The letter indicated that there were three (3) conditions that should be included in approved permits, and that included a requirement that an Archaeological Monitoring and Preservation plan to be submitted to SHPD for approval.
- b. SHPD letter dated April 12, 2000. Archaeological Inventory Survey of Mauka Portion of Olowalu Development Parcel ... Xamanek ms. By Dee Fredericksen & Erick Fredericksen 2000. SHPD indicates that all sites in this area have been found. A preservation plan must be submitted, and the Maui Island Burial Council must approve the burial treatment proposals. Three (3) conditions were recommended.
- c. SHPD letter dated April 16, 2001. Review of Archaeological Mitigation and Preservation Plan the Makai Portion. SHPD recommended minor changes to the Preservation Plan.
- d. SHPD letter dated March 7, 2002. Historic Preservation Review-Site Preservation Plan, Draft 2. Mauka Portion, Olowalu Elula Associates. This letter indicates that the preservation plan is acceptable.
- e. SHPD letter dated May 7, 2002. Historic Preservation Review—Clarification to Preservation Plan. Boundary Markers for Makai Archaeological Sites, Olowalu Ahupuaa. A letter approving the signage.
- f. SHPD letter dated July 25, 2002. Chapter 6-E-42 Historic Preservation Review of an Archaeological Monitoring Plan Sites 50-50-080-4820 and 50-50-08-4821. Olowalu Ahupuaa. This plan was accepted.
- g. SHPD letter dated June 25, 2003. A Chapter 6-E-42 Historic Preservation Review-Archaeological Monitoring Report 1.3 acres of land on the Olowalu Makai Project area, for Mr. Glenn Mason, was submitted for review. This report was acceptable by SHPD and further monitoring would be required in the Olowalu makai area during construction.
- h. SHPD letter dated February 11, 2008. Chapter 6E-42 Historic Preservation Review of an Archaeological Field Inspection Report for a 10,459 square foot parcel in the Olowalu Subdivision. Olowalu Ahupuaa. The letter indicated that there would be no impacts from the proposal.
- i. SHPD letter dated December 15, 2008. Chapter 6E-8 Historic Review—Archaeological Inventory Survey for the proposed Lihau Natural Area

Reserve System Firebreak Corridor and Associated Lateral Road Improvements, Olowalu and Launiupoko Ahupuaa.

- j. Draft FEIS Appendix G-1 An Archaeological Literature Review for the Olowalu Town Monitor Plan Olowalu and Ukumehame Ahupuaa, Lahaina District, Maui Island, by Cultural Surveys Hawaii Inc. (CSH) dated February 2012. This document indicates that a field survey completed for this report found additional sites within the Petition area, which have not been reviewed and approved by the SHPD. The recommendations by the consultants include: 1) consultation with SHPD on the field survey's findings on the documentation needed for the new findings, 2) discussion with the community and 3) consultation with SHPD on these previously unrecorded findings.
- k. Volume I, Page 147, Sites CSH-2 and CSH-3. The consultant indicates that this field survey is not an Archaeological Inventory Survey, and that new sites and cultural material have been found. OP is concerned that the Draft FEIS does not include an Archaeological Inventory Survey of the newly discovered findings by CSH, and that more archaeological work is warranted prior to acceptance of the FEIS. We also note that SHPD has not reviewed and commented on the Draft EIS.

The most current major archaeological reports, such as the two (2) preservation and mitigation plans for the makai and mauka areas of the Petition area should also be included in the Draft FEIS for information and full disclosure of the impacts.

3. In OP's letter of April 20, 2012, Item No. 2 stated: "Please revise DEIS Figure 4, Conceptual Master Plan, to clearly delineate the 150-foot shoreline setback line." In reply, Petitioner's consultant added another figure, Fig. 21 which is at such a small scale such that the relationship of the setback line to the land use plan cannot be determined.
4. The FEIS would be further improved with these revisions:
  - a. Maps to scale, as almost all maps say "Not To Scale" which makes it difficult to determine distances among and between uses. The Conceptual Master Plan map in particular, should be to scale.
  - b. The digital version of the FEIS document should be pdf-bookmarked in its entirety. All chapters, subchapters, appendices and comment letters should be bookmarked for easier access.

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Based on the above, we recommend that the LUC not accept the Draft FEIS at this time and the inadequacies cited above be addressed in a revised EIS document pursuant to HAR §11-200-23 (e).

We appreciate the opportunity to provide our comments on the Draft FEIS. If you have any questions, please contact Mr. Rodney Funakoshi or Ms. Lorene Maki of our Land Use Division.