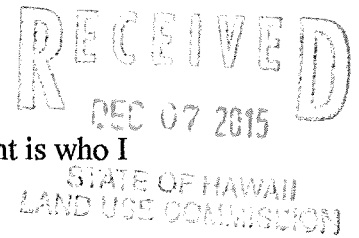


To: The Land Use Committee
Dated: December 7, 2015
Subject: Native Testimony on the Lands in Olowalu

ORIGINAL

Aloha Members and others in attendance

My name is Joyclynn Costa but that is not important. What is important is who I come from. My ohana is Kauihou.



I was called about matter with consideration for property in Olowalu. It has been brought to my attention that purchasers of this place would like a change in the utilization of purpose and use.

I would like to testify as a stake holder to this place and object to any change of use other than the intention of farming for a particular parcel that may be within your consideration. Not having examined the petitioner's title I can only refer to land used by Olowalu Sugar company.

In 2005-2006 I was doing research and found myself in the Bureau of Conveyance. Although I am possibly among non believers I pule and ask guidance in my quest for enlightenment. I was drawn to the farthest shelf against the rear wall amongst the window. I had no idea why but I was draw to a particular book and followed my instinct. There was no reason why I should be back there especially since I had no idea what these books contained. It was the first time I had ever walked into that place. On the shelf were large leather bound books. I reached out and took a book from the shelf as if I was supposed to do it. I found a near by table and placed it down. I said another pule before I opened it. It was not the style that you would start from page one and flip through pages. It was more like when you are looking for the good word in the bible and you just open to what seems to be a random page, yet it revels the answers to your prayers. I opened to about one-third of the way into this giant book and was faced with my family name Kauihou. This recordation was about a lease made on the 6th day of April 1885. It was to be executed on the 1st of April 1887. Rent was to be due at the end of the year and go to one S. Kauihou and heirs and assigns. It was a lease to Olowalu Sugar Co.. If this consideration of land use affects the portion leased by the Kauihou ohana I would like to testify in opposition as a lineal descendant. Our family has already proven to be of Kauihou by State Historic Preservation when another adjacent property was considered to be subdivided and we went in as a cultural descendant on the east end of Maui known to our family as Opikoula.

Thank you for your attention and consideration. I apologize in advance if the property I am speaking of is not in your deliberation for change of land use consideration as I would not want to take up or waste your important time.

Joyclynn (Kauihou) Costa

ORIGINAL

RECEIVED
DEC 07 2015

Comments on OT response to Commissioner's questions.

Will the existing Honoapiilani Hwy at the way through Olowalu be left in place as a secondary access road for vehicle traffic and will access to Awalua surf spot be inhibited?

Our Comments:

- Commission needs to make its decision based upon info available in the FEIS. If that info is not clear, or is missing, then the FEIS is not acceptable. We believe this is the case.
- The information concerning protection and use of the entire road by vehicular and non-motorized users is not clear in the FEIS and the response does not clarify the intentions of the project.
- FEIS has no clear map showing that the entire existing length of Honoapiilani Hwy will remain open to low speed through vehicular traffic. It's maps show the road being truncated.
- FEIS does not acknowledge clearly that today's Honoapiilani Hwy is a historic road and trail, protected under the Highways Act of 1892, since it is shown on maps from the 1860's on.
- The FEIS does not acknowledge that another alignment of the re-located Honoapiilani Hwy that does not cut off the sections of existing road could and should be discussed and analyzed as an Alternative Design in the EIS.
- **Summary: The FEIS and the response letter do not come out directly and say that only a "portion" of the existing Honoapiilani Hwy will remain, but that is what is inferred and what is likely to happen.**
- Attached are a sampling the various confusing references to the road from the FEIS.

Coastal Parks and Access to Awalua Surf Spot:

- The FEIS does not discuss or show on maps that there is a possible Alternative Honoapiilani re-location alignment from the Pali to Puamana Parkway Master Plan EA that would not cut off sections of the existing road and would leave the Awalua access as is. **(Map attached)** This alignment was the "Preferred Alternative" of that plan.
- The references to 223 acres of parks and open space in the reply letter, which we would assume means 23 acres of park /OS are makai of the existing Honoapiilani Hwy, does not mention how much of that land is already park/OS and what new would be added.
- The FEIS itself does not actually tell us how many acres of coastal parks will be created, it only speaks about "opportunities for coastal parks" and "lateral public access" in the 150 ft shoreline set back- most of which is already publicly owned.

- The West Maui Community Plan calls for a minimum of 10 acres of coastal park makai of present Honoapiilani Hwy and up to a total of 30 acres if the Olowalu land is urbanized. The FEIS response to this compliance issue is to speak of “opportunities” not compliance.
- The response letter refers to “significant park lands makai of the existing highway” with Alternative 1 design but does not indicate any acreage or how many of those acres are the state owned government beach reserve, legally mandated 150 ft shoreline set back, legally mandated coastal burial site buffer area, High hazard flood zone area or private Olowalu campground or lands designated Conservation that can’t be developed.
- What is the public really gaining or losing in terms of coastal access? The FEIS is not clear and it should be if it claims to be in compliance with the West Maui Community Plan, as is required.
- As for access to Awalua surf spot, once again, there is no clear information provided to the Commission in either the FEIS or the Applicant’s response letter about just how the public would access this popular area from the new road alignment, if the existing section of Honoapiilani Hwy is closed to vehicular traffic.
- **Summary: The response letter kicks the can down the road to the State making the decision but does not acknowledge that the Olowalu Town project will not be built in a timely manner if the relocated Honoapiilani road does not tie into the existing road at each end of the project, and that will necessitate an alternative means of accessing the sections of the existing highway that are cut off by this design, including the Awalua surf spot. This is not a “future decision.” This is a reality.**

How would overflows or accidents and odors at the proposed sewage treatment plant be addressed?

- The assurances in the response letter that the Olowalu Sewage Treatment plant will have no odors and will have no risk of ever having “accidents” is also missing important practical details.
- The FEIS and response letters tells us that elaborate systems will be installed to capture and filter odors, but don’t mention how much this will add to the cost of the facility in construction, operations and maintenance expenses.
- Will a future decision be made that those systems are just too costly to install or operate for the many working families who are the target audience of this project according to the FEIS. It is these future residents alone who will need to fund the ongoing costs of this private system.
- The FEIS gives us no information on which to evaluate the reality of odors being addressed on an ongoing basis.
- The FEIS barely acknowledges that the sewage facility is located at the base of a substantial gulch that funnels the stormwater from a drainage area that generates up to 132 acre ft of water during a 24 hr 100 year storm (Preliminary Engineering Report -hydrology section)

- The response letter refers to SCADA system that will take care of everything. It does not mention that during a storm: “Stormwater originating mauka of the wastewater treatment plant parcel will be routed around or piped under the facility to preclude flooding” (appendix Q p. 4-6) .
- Will this piping system ever be overwhelmed and impact the sewage plant? What is the effect of this concentrated point source of stormwater on the existing conditions in the ocean?
- **Summary:We urge the commission to insist that the EIS have some real answers to these very real scenarios. The purpose of an Environmental document is to guide decision making not avoid discussion of potential direct and cumulative impacts. The FEIS and the response letter avoid providing this information and the FEIS shouldnot be accepted.**

Mahalo

**What does the Olowalu Town FEIS say about the existing Honoapiilani Hwy?
An analyses by Surfrider Foundation Maui Chapter**

The DEIS (and FEIS) has maps (Fig 4 and 5) that indicate that significant portions of Honoapiilani Hwy widely used by our members are planned to be “removed.” Elsewhere in the text of the DEIS and FEIS are references to the existing highway being preserved as a through route, and also contradictory references to it being part of the project’s “circulation” network of streets.

- in the Preliminary Engineering Report (App C) it states: “The existing highway will be preserved and utilized as a low speed scenic drive.”
(No mention if that is a portion, or the whole thing- sounds like the whole thing would be a through road)

- The project’s April 2015 TIAR (appendix P-1) on p. 2 also describes the situation: “It should be noted that the existing roadway would be retained and preserved as part of the internal {sic} street system of the new town.”
(FEIS Maps show the “internal street system” does not extend the whole length of existing Honoapiilani Hwy.)

- The State Department of Transportation (HDOT) comment letter in Vol II of the FEIS (January 26, 2015) describes the project as including both roads, but does not clarify if both will be through roads: “The development includes utilization of existing Honoapiilani Highway for circulation purposes and proposes a realigned Honoapiilani Highway.”
(State appears to be echoing what is said in the FEIS

- To add to the confusion, the HDOT comment letter on the Draft EIS (April, 2012) in Vol. II of the Olowalu Town FEIS advises the project to include in its updated Traffic Impact Analyses Report (TIAR) an “analyses for the Honoapiilani Highway realignment and its relationship to the Pali to Puamana Plan as well as the DOT project to realign and widen Honoapiilani Highway from Ma’alaea to Launiupoko.”

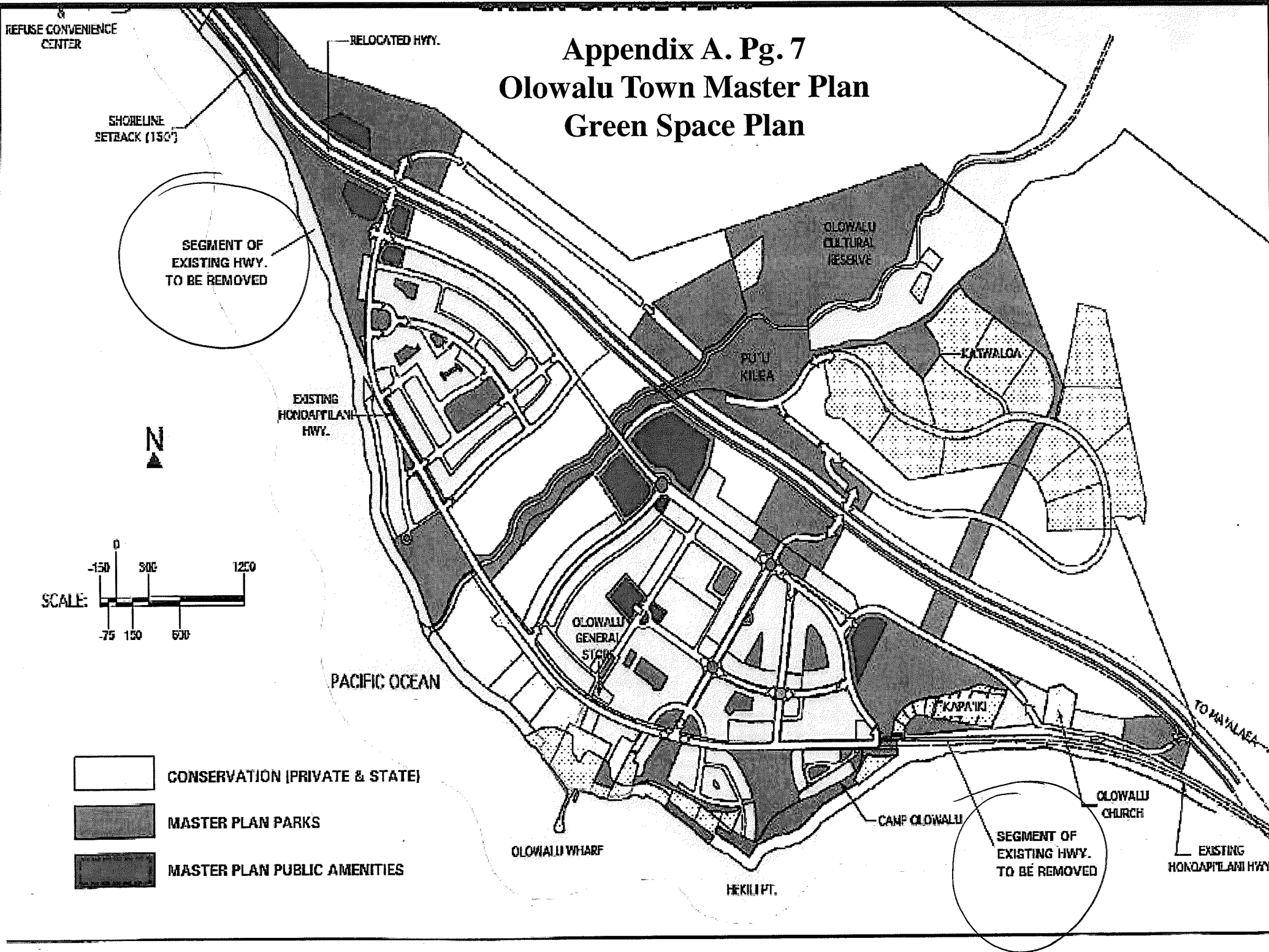
- The preferred realignment route for Honoapiilani Hwy in the Pali to Puamana Plan does not intersect with or cut off any sections of the existing Honoapiilani Hwy, but the FEIS NEVER DISCUSSED THIS ALTERNATIVE SOLUTION.

In short, the FEIS fails to inform the public and policy makers **whether all, or merely a portion of the existing Honoapiilani Highway, an historic road and an important cultural and recreational asset in the coastal zone, will be preserved and continue to be available to the public for vehicle access and costal access to the popular surfing, fishing, diving spots at Awalua (Olowalu Transfer station) and Mopua Village (14 mile marker).**

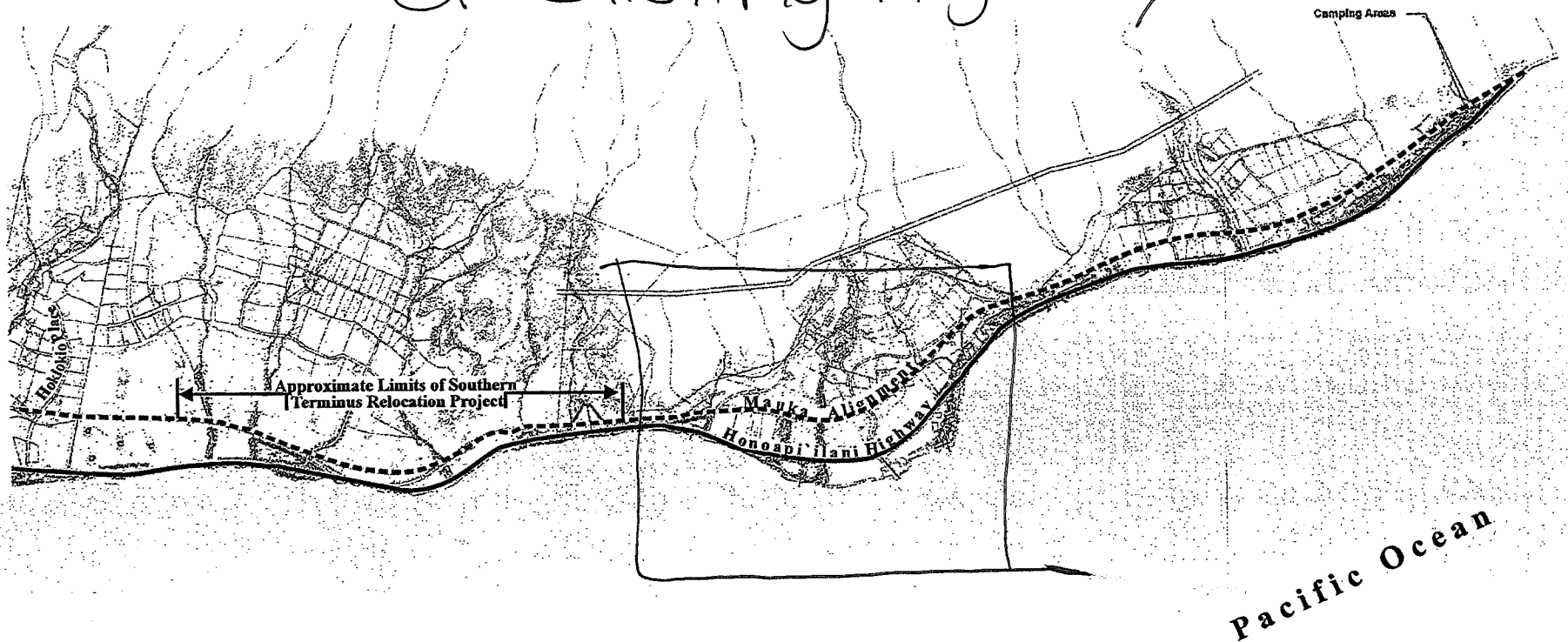
Appendix A. Pg. 7

Olowalu Town Master Plan

Green Space Plan



Alternative Option not included in FEIS
that would not remove portions
of existing highway



Source: Warren S. Unemori Engineering, Inc.

Figure 11

Proposed Lahaina Bypass Southern Terminus Relocation
Pali to Puamana Parkway Master Plan Alignment

NOT TO SCALE

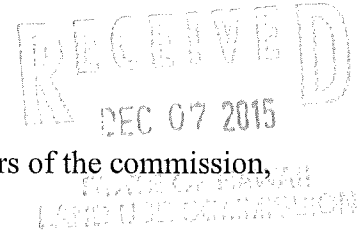


Prepared for: State of Hawai'i, Department of Transportation

MUNEKIYO & HIRAGA, INC.

\\hki\and\lhb\Bypass\Enr\Doc\REA\Alternative

Dec. 7, 2015



Good Morning Chair Aczon, Executive Officer Orodeneker and members of the commission,

Sherpas recognize that a goal can never be reached through force, but if the motivation is pure, stemming from a compassionate desire to help others, the goal will be reached eventually.

The goal is pretty darn simple: creating a nice place for people to live here in Olowalu.

The vision started back in 1987 when JMB Realty bought AMFAC, a 150-year-old sugar company, for almost \$1 billion dollars. I was 40 years old.

I came to Maui in the summer of 1971 to pick pineapples for Maui Land and Pineapple. Rent for employees was \$15 a month. I ended up driving a pineapple truck and being a hoe hana luna. At the end of the summer my girlfriend and future wife moved over. She got a job as a waitress and I a busboy at the new Maui Surf Hotel.

We both had college degrees and teaching credentials. Because my major was Math with a physics minor, I was able to get a job teaching science at Baldwin High School in January 1972, and the next year at Maui in the fall of 1972 I worked as a part-time waiter at night and a teacher for a number of years. My girlfriend became my wife and she made a good living waitressing and making puka shell necklaces.

What does this have to do with the EIS for the Olowalu Town development? Well, bear with me. In 1977, I took a leave of absence from teaching and got a real estate license. I also started building houses on my own and then with Jim Riley, my neighbor and an original partner in Olowalu Land. We mostly did the painting, cleaning, etc. cuz we are not great carpenters.

The three major investors in Olowalu Land, Jim and Jeanne Riley, Dr. Bendon and his wife Susan and myself all own homes here in Olowalu. We have all been here around 45 years. We are kinda old but still very handsome. We all have our children living here. The managers and part owners of Olowalu Town LLC, Bill Frampton and Dave Ward also have lived and here a long time and are raising their children here.

We started planning for a town here in Olowalu when we purchased the property 20 years ago. In fact, it was already zoned by Amfac for a resort and condominiums at the time we purchased. About 10 years ago we formed Olowalu Town LLC and hired Frampton and Ward as managers. We have invested over \$3.5 million to date for the EIS and in planning the town plus I don't get paid.

A lot of folks have accused us of trying to create a document that is trying to fool or deceive you. It is fascinating. I read we did a bait and switch. We hired the best firms and the best consultants. Do you actually think we are so stupid and lacking in character that we are hoping to deceive? I haven't ever ever ever heard one person say anything negative about the character of Dave Ward. He has been president of the 500-member Hawaiian Canoe Club for 10 years or so and not a peep of negativity about his character.

One other thing that is really bugging me about this EIS. I'm going to just call it politics. This is the second time. The first time was the Puunoa affordable housing project about 10 years ago. After

Peter K. Martin
305 E. Wakea Ave.; Kahului, HI 96732

spending about \$800,000 and 3 years this approximately 200 homes, 100% affordable Lahaina 201H project was turned down. Once again, we can see the fingerprints. Please take a look and investigate these last minute letters from SOP and the Maui County Planning Dept. Politics vs homes for our citizens. Homes lose again.

Big picture is this

We live here

We have homes in Olowalu

My daughter lives full time as a renter in Olowalu

We care about the environment and we don't want our legacy to be of harming this special land

I know this land and the reef pretty well

I have surfed Olowalu reefs for 45 years

I am proud of my relation to the lands of Olowalu

I am one of a few people who half hiked over from Iao to Olowalu (2 days and 30 reps) and from Olowalu to Iao 16 hours

The expert who has studied reefs for almost 40 years states unequivocally that the OT development will protect the reef more than the existing condition

We are the traffic solution

The cultural impact statement was done well

Another point of confusion

The Maui Yesterday folks keep stating there are thousands of homes planned for West Maui let's dissect this starting north:

Maui Land and Pine, Pulehewa 900 homes not feasible stalled for 10 years

Kaanapali : Puukohli Village 940 homes stalled for almost 30 years

Kaanapali 20/20 1600 homes not even close to getting started w new EIS

Villages of Leiali'i 4000 homes abandoned

Wainee Village 900 homes not even started on EIS

Standford Carr 200 homes in Lahaina 201H stalled cuz water

Olowalu Town stalled for years cuz of EIS and lawsuits lawsuits lawsuits

AUWE!!

No homes = fewer good jobs = more homeless = more discouragement and despair

I don't give a hoot about all the fricken rich haoles and Maui Yesterday folks that are against OT.

The anger and frustration from some of the local and younger folks does bother me

I believe that this beautiful land of Olowalu wants to share itself and be enjoyed by many families and laughing children. It will eventually be seen as the land that brought people together

I am going to press send then go out and put my feet in the ocean here at Olowalu and await the sunrise. I look forward to you folks sharing your mana'o

I love learning

Pete Martin

ORIGINAL

Sierra Club Maui Group
PO Box 791180
Paia, HI 96779

Dec 7, 2015

Re: Docket item A10-786 Olowalu Town FEIS

RECEIVED
DEC 07 2015

Greetings LUC Chair Aczon, Commission Members and Staff

STATE OF HAWAII
LAND USE COMMISSION

Sierra Club Maui has read and commented on planning documents for the propose Olowalu Town lands since they were purchased by Olowalu Elua partnership in the late 1990's. We are surprised to see statements made by the landowners and their supporters to the effect that only the approval of a well done development like Olowalu Town can address current environmental problems on the site like this statement:

"The continued and future agricultural uses of these lands will maintain the existing storm water systems. These systems channel storm water underneath the existing highway directly into the ocean."

In 1999 these same lands and more were the subject of a Ag subdivison and an Environmental Assessment (EA) was issued in 2000 for that project. The Olowalu EA addressed exactly these same concerns about the ag lands and their impacts on ocean waters. Only then, there were going to be no problems!

The Olowalu EA assured the accepting authorities that contrary to what some believed, there would be no impacts from the use of the lands as 2 acre to 30 acre Ag subdivision lots.

There would be "retention/recharge basins developed immediately mauka of Honoapiilani Hwy to provide capacity and environmental controls."

A 50 acre plus greenway network would be established to retain storm waters. The Olowalu Cultural Reserve lands would act as "natural overland flow corridors to maintain the natural drainage patterns."

We were also told that "the existing drainage facilities crossing Honoapiilani Hwy will be evaluated and incorporated into the project drainage plans." By the way, these are the same systems referred to in the current quote above.

The EA stated that grading in the areas makai of Honoapiilani Hwy would be limited. "Required shoreline setbacks would provide for spacious planting areas between the developments and the shoreline." Then there was the berm along the government reserve which "discourages and filters run off."

It all sounds great doesn't it? Lots of vaguely defined concepts to reassure decision makers. The only thing that was missing was some way to figure out if it was all working. Most of these potentially great solutions, however, were not implemented. In fact, when Frampton and Ward were asked by the Maui Planning Commission in 2010 if they would mitigate the flows draining under the highway onsite, they refused. No one referred to the project's previous assurances.

Who Invested in Olowalu Town?

Applicant for 2010 LUC DBA

635.8 acres/266 ac to Urban/ 168 ac Rural (1500 units)

Olowalu Town LLC (inc. 2005)

Olowalu Ekeolu Assoc. (inc. 2005)

Olowalu Town LLC: 6 Members

Dave Ward, Manager

1. Olowalu LLC (2005)
2. Olowalu Town Management LLC (2005)
2 Members: 1) Dave Ward, Manager 2) Bill Frampton
3. Peter Martin (2011)
4. Glenn Tremble (2005)
5. Alice Tremble (2005)
6. Plantation Village LLC (inc. 1999/ joined OT LLC 2005)
10 Members: James Riley, Manager

Olowalu Ekeolu Assoc. LLC: (2004) 3 Members

Dave Ward, Manager

1. Olowalu Ekeolu Assoc. LLC: 4 Members
2. Nani Kai Holdings: 6 Members (2004)
Tom Brzozowski, Manager
3. FW Investments LLC (2005)
2 Members: 1) Dave Ward 2) Bill Frampton

Applicant for 1999 Ag Subdivision

734.9 acres/ 41 AG parcels

Olowalu Ekeolu Assoc. LLC (inc. 1998)

Olowalu Ekeolu Assoc. LLC: 4 Members

Peter Martin, Manager

1. James Riley (2011)
2. Glenn Tremble (2011)
3. Olowalu LLC (1998)
4. Olowalu Land Co. (1998)
2 members 1) Peter Martin 2) James Riley

Summary

1999 Olowalu Ag subdivision is subject to SMA conditions, subdivision conditions, Historic Preservation Plans and other agreements: many unmet

All four ownership partners of the 1999 project are partners in the proposed project.

Unmet obligations and promises of 1999 subdivision are likely to continue in new project, since same people are investing.

ORIGINAL

December 7, 2015

Al Lagunero
Master Maoli Artist
Olowalu Cultural Reserve, President
Kula, HI

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DEC 07 2015

STATE OF HAWAII
LAND USE COMMISSION

Testimony to the Hawaii State Land Use Commissioners: in support of the EIS for Olowalu Town

Aloha mai kākou:

Honorable Commissioners, Maui Planning Department, West Maui Land Company,
Olowalu Town Planners, and the General Public.

Commissioners, thank you for your service. My mahalo to everyone for expressing in the freedoms we privilege ourselves to as a part of the larger picture... a kēia a kēlā "here and there." As we look here, on the mainland, in Europe, Africa, China, Japan, Italy, Alaska—all the continents and their ili...let us cherish freedom.

My name is Al Lagunero. I am Hawaiian. All of Hawai'i is my home except old and new kapu, which may prohibit me.

First with regard to the Waters, it is a global issue, life and death. With Commitment we have the opportunity to model toward the most beneficial changes. It's not always a straight line that keeps us together.

I come to share that I've seen a project here on Maui that successfully turned their brown water shoreline to the healthy, clear blue. Many have seen...before...see changing...and now question. I also report to you that I've seen their coral, turtles, and hihimanu (the ray) healthy. No cancerous growths on the turtles, and big hihimanu in five feet of water near shore. It's the Kahana Reef condominiums. All this changed when they first built a seawall, about 125 feet long, at Kahana Bay, and then repaired it in August of this year (2015). How many of you recall when Kahana Reef came up and their waters remained that 'alae red for years! There is a working model right here on West Maui, at Kahana.

Ma ka hana ka 'ike. With the work the wisdom. Pau ka waha. No (just) talk.

I am with a small working group at Olowalu Cultural Reserve (OCR) behind Pu'u Kilea on 75 acres provided through the forethought of Bob Horcajo, who organized OCR, Peter Martin, and the investors of West Maui Land Company. We hold a dollar-a-year lease for ninety-nine years. I mahalo them for their quiet ways to support the care of the land and the mission of our public reserve.

In the care of Olowalu, I'd like for all of us to discover the concept of a pu'uhonua, a sanctuary where we are only a small part of a movement to model and integrate cultures and civilizations. I understand the term, "maoli" as GENUINE--Kanaka makua are treasured beings who are mana-ful for a variety of reasons, skills, and commitment. At the reserve we are about to host a large group of caregivers from a medical

company who want to learn about our Hawaiian way of living and thinking. It is the largest group we've ever hosted, aside from streams of school children, residents and small businesses in our "adopt a lo'i" program for kanu.

I have a good and building relationship with the West Maui Land Company and the Olowalu Town Planners. Mr. Frampton's father, former Executive Director for Big Brothers helped Maui to grow in human services. I respect that 'ano. Dave Ward, Treasurer for Olowalu Cultural Reserve...well, I asked him many years ago, 2007, to kokua. 'Ohana is 'ohana, and he is married to my ohana from Kauai-- a distant connection, but it's there. Dave began to show me how he planned this little community with the ahupua'a in mind. What a better way for me to know my own ignorance of engineering, town planning and development issues, and what a great revelation it has turned out for me to meet exciting thoughts and knowledge, using new methods to preserve what is Maoli.

Each colleague on the Board is family to Olowalu by way of their Hawaiian ohana. There are four of us at present.

I like that our lease allows us to be a part of the Olowalu Town Hui to assist in planning for and presenting cultural pursuits for knowledge, use and growth. Olowalu Town will have a school for children too. Can you see a Research and Development Group operating between the Reserve and the School? Mauka to makai living classrooms. Any chance for Economic Development here? Well, of course!

What incomes can the attributes of the Olowalu Pu'uhonua bear?

I'd like to see the future relationship between the cultural reserve, school, and church grow! Put dinghies down at the beach, and help to replant limu. How about planting stations on the mauka trails, so the community can help replant the mountains. I hope our wa'a and waka from our Pacific families will be able to navigate many sanctuaries. Did those huge holding nets for fish aquaculture work out? I think it was during Cayetano's time. They cost \$80K per net, more than ten years ago.

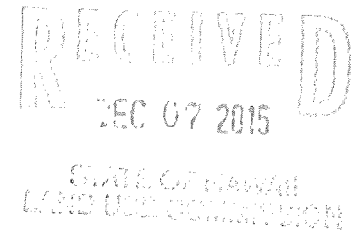
Olowalu Cultural Reserve is along the stream up towards the piggery. We have kalo, kukui, banana, koa, an endemic and a native garden for starts. We have had many kanaka and all races working with us. Some have stayed for years. The heiau is under the care of Ke'eaumoku Kapu and Nahina, the graves of Pu'u Kilea are mālama by Aunty Adeline and Hinano Rodriguez. Rose and John Duey take care the land, everything. We hope next year to be involved in teaching hula.

Did you ever visit Coconut Island and see all that the University of Hawai'i was doing with Marine Research and research labs? They extended some of that to Makapu'u on O'ahu. I'm not sure if in Kona at Kahalu'u. A conference was called many years ago by the nations of the Orient on water and biodiversity. The delta of the Yellow River was a focus. I got turned off following the thread online because UH Manoa either turned down the invitation to the conference, or was just not a participant.

Waioha (The Spreading Water)

"Put the troubles behind the bubbling springs of Waioha, and look forward to the Season ahead with Love."

ORIGINAL



Testimony before the Hawaii State Land Use Commission

December 7, 2015

Katherine Kama'ema'e Smith
500 Kapalua Drive # 20P7-8
Lahaina, HI 96761

SUBJECT: STATE LAND USE COMMISSION DOCKET NO. A10-786.
OLOWALU TOWN, LLC and OLOWALU EKOLU, LLC.
FINAL ENVIRONMENTAL IMPACT STATEMENT FOR OLOWALU TOWN MASTER PLAN.
LOCATED AT OLOWLAU, ISLAND OF MAUI, STATE OF HAWAII.
PORTIONS OF TAX MAP KEY NOS. (2) 4-8-003: 084, 098, 099, 100, 101, 102, 103, 104,
105, 106, 107, 109, 110,111, 112, 113, 114, 115, 116, 117, 118 & 124.

I strongly support the above referenced Final Environmental Impact Statement (FEIS) for the proposed Olowalu Town Master Plan. When I compare it to other EIS documents for other large projects approved already, like Wailea 670, it appears to exceed the requirements for thoroughness, detail, and supporting research.

It is the purpose of this hearing to decide if the Olowalu Town FEIS meets EIS requirements in Hawaii State Statutes. I believe it does -- not only its strong Cultural Impact Assessment but also its detailed traffic impact studies and innovative use of *Low Impact Development* measures to capture and treat stormwater runoff in order to protect the Olowalu shoreline, beach access and reef.

Just last year, CORAL organization, in cooperation with several public agencies began calling for the restoration of West Maui reefs by implementing the very same storm water runoff and wastewater strategies that Olowalu Town has been proposing at Olowalu for more than ten years.

The beauty of Olowalu is that the land already has low-lying natural wetlands behind the shore. The Olowalu Town Master Plan incorporates the use of constructed wetlands to establish safe habitat and natural retention of storm water runoff, suspended soil and silt.

From the start, Olowalu Town Master Plan has been a blueprint for responsible and 21st century "ridge to reef" coordinated management and it meets the County Plan for the development of small towns.

The Final EIS provides the Land Use Commission with sufficient information to consider the environmental impacts of the proposed Olowalu Town Master Plan. As such, please vote to accept the FEIS for the Olowalu Town Master Plan.

December 7, 2015

Aloha, my name is Cynthia Matzke and I appreciate the opportunity to testify on the Olowalu Town Marine Assessment portion of the EIS. I am a 20 year resident of Maui, and hold a Master's degree from Scripps Institution of Oceanography and University of California, San Diego. I work as for an Environmental Consulting firm doing construction bio-monitoring, so I directly look at the impacts that construction activities have to surrounding marine coastal ecosystems. Today I am testifying as an individual.

I see numerous flaws with the EIS which I will illuminate in a moment. One of my major concerns is this is a very short-sighted plan with no discussion of long term impacts of other issues such as sea level rise and climate change which will affect water depth, coastal erosion and have numerous affects on the reef which have not been accounted for. The cultural and biologic services of the reef have not been properly represented in the document. This is a unique and important seed reef, and studies show currents flow from Olowalu and help seed other reefs and other islands around Maui County. Therefore this undeveloped tract of land above the delicate reef is proportionately more important than many other reefs around the state. Conclusions are drawn without proper adherence to scientific method and are unsubstantiated.

Because decisions need to be made based on sound science which has not been provided, in my option as a marine biologist, this EIS is erroneous, inconclusive and needs to be rejected.

Thank you. I will now share key points of the written testimony of Dr. John Helly. His comments are key because he is highly qualified to comment on these issues, and has not been paid for this review so it contains no conflict of interest. Attached you will find his thorough review, but here are key points:

Regarding the EIS sections on Water Quality, Water Quality Gradients, Non-Groundwater Constituents, and Fish:

Field Samples and data were collected on only a single day, June 10, 2010. A single sample provides no information about range of variability. Any data drawn is incomplete, especially without any attempt to put these data into broader baseline context even though there are data available from federal agencies, which would have provided meaningful reference. He highlighted the inadequate sampling in numerous places on the document.

In the biota section, because insufficient information on methods to be reproduced and validated, these results would not be publishable and should not be considered authoritative here.

He states that "no information on the hydrographic mixing model, not even a name, have been provided. Consequently, it cannot be verified and validated (V&V) and therefore cannot be adequately reviewed and should not considered evidence of anything. ...this information must be regarded as naive, at best."

Please read his testimony thoroughly, and pay attention to repetitive mentions calling the results "inclusive" and filled with "anecdotal opinion." Thank you!

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STATE OF HAWAII
LAND AND NATURAL RESOURCES COMMISSION

Review of Major Conclusions of Olowalu Town Marine Assessment

This document is submitted by Dr. John Helly,¹ and is a review of the report:

Assessment Of Marine Water Chemistry And Biotic Community Structure In The Vicinity Of The Olowalu Town Master Plan Olowalu, Maui, Hawaii

Prepared For:

Olowalu Town, Llc And Olowalu Ekolu, Llc 2073 Wells St., Suite 101
Wailuku, Maui, Hawaii 96793

Prepared By:

Marine Research Consultants, Inc. 1039 Waakaua Pl. Honolulu, HI 96822
July 2011.

It is submitted by Dr. Helly acting as an individual citizen and does not represent the views or opinions of any institutions he is associated with. He has not been paid for this review and has no conflicts of interest. The major conclusions of the report from the *Executive Summary* are summarized individually and review comments follow each summarization.

This review is limited by the lack of access to the supporting data from the study. A more detailed analysis requires a digital copy of the geophysical results tabulated in the report and a copy of the imagery used in the biotic analysis. The reviewer encourages the cognizant governmental bodies to require the submission of digital data used in producing the analysis and report as part of the review process. These data should be made public.

1 Project Objectives

The concept for the Olowalu Town Master Plan centers on recognition and appreciation of the value of the natural and cultural resources, and will provide for the long-term stewardship and preservation of these resources.

1.1 Review Comments

This concept is used later to support a claim that the developer's good intentions are sufficient to accept that adequate consideration will be given to minimizing negative impacts to the environment. If such claims were sufficient evidence of a probable good outcome for an environment under development, there would be no need for environmental impact studies and reports.

2 Water Quality

Evaluation of the nearshore marine environment off the Olowalu Master Plan project site in west Maui was carried out in 2010-2011.

1. Fieldwork was conducted on June 10, 2010 by swimmers working from the shoreline and with the use of a 22-foot boat for offshore sampling.
2. Assessment of nearshore marine water chemistry was carried out by evaluating data from 60 water samples that were
3. collected at five ocean sites spaced within the project boundaries.
4. Water samples were collected on transects perpendicular to shore, extending from the shoreline to distances of approximately 500-600 meters (m) offshore.
5. Analysis of fourteen water chemistry constituents included all specific constituents in DOH water quality standards.

¹Laboratory Director for Earth and Environmental Science at the San Diego Supercomputer Center and Research Associate at the Scripps Institution of Oceanography, Division of Climate, Atmospheric Science and Physical Oceanography of the University of California, San Diego.

2.1 Review Comments

Field samples and data were collected on only a single day, June 10, 2010 (p.6). A single sample provides no information about the range of variability, components of variability or characteristic values of the parameters measured. It fundamentally limits any assessment of the scale and scope of potential impacts **including the assessment of alternatives to the proposed development**. Any conclusions that are drawn from this smallest possible temporal sample, with N=1, are specious.

Furthermore, no attempt was made to put these data in a broader baseline context even though there are data available from federal agencies and other sources to help provide a more meaningful baseline for reference.

3 Water Quality Gradients

Several dissolved nutrients (Si, NO₃⁻, PO₄³⁻, TN and TP) displayed strong horizontal gradients at multiple transect sites,

1. with highest values closest to shore and lowest values at the most seaward sampling locations.
2. Correspondingly, salinity was lowest closest to the shoreline and increased with distance from shore.
3. These gradients were most pronounced at the northern boundary of the project site and weakest in the southern region of the project area southwest of Olowalu Point.
4. These patterns are indicative of groundwater efflux at the shoreline, producing a zone of mixing where nearshore waters are a combination of ocean water and groundwater.
5. In all cases, the nearshore zone of mixing was restricted to a narrow region that extended a maximum of only tens of meters from the shoreline. Beyond this distance, water chemistry at all sites was representative of pristine open coastal waters.

3.1 Review Comments

Field samples and data were collected on only a single day, June 10, 2010 (p.6). A single sample provides no information about the range of variability, components of variability or characteristic values of the parameters measured. Any conclusions that are drawn from this smallest possible temporal sample, with N=1, are entirely specious.

Additionally, regarding gradients, it is likely that the day of sampling, and possibly those preceding, was one of mild ocean and atmospheric conditions since sampling was done from a small boat and with swimmers. Consequently, low-turbulence conditions would have pertained ensuring that the least spatially-extensive mixing and dispersal of chemical and geological constituents would have been observable. This is, again, an example of inadequate sampling.

It is perhaps informative to note that we expect to see horizontal, as well as vertical, gradients from land-to-sea and that their existence is not a 'discovery' in any sense. What is important is how those gradients are distributed in space and time and this study provides nearly the least possible information about that.

4 Non-groundwater Constituents

Water chemistry constituents that are not major components of groundwater also displayed distinct gradients with respect to either distance from the shoreline or depth in the water column.

1. Chl a and turbidity were generally elevated in nearshore samples with decreasing values moving seaward.
2. Application of a hydrographic mixing model to the water chemistry data was used to determine if increased nutrient concentrations in nearshore waters are the result of mixing of natural groundwater with oceanic water or inputs from activities on land. The model indicates that, at the time of sampling, there was a distinct subsidy of nitrate nitrogen (NO₃⁻) to the ocean at the survey site located near the northern boundary of the property (Site 1) and off the eastern side of Olowalu Point (Site 4).
3. There was no external supply of nitrate at Site 2, located directly off of Olowalu Stream. However, there was a subsidy of phosphate phosphorus (PO₄³⁻) off Olowalu Stream, which did not occur at any other location.

4. Evaluating water chemistry from the single sampling in 2010 using DOH specific criteria for Open Coastal Waters
 - (a) indicates many of the measurements in the nearshore areas (within 10 m of the shoreline) exceed standards, particularly for various forms of nitrogen.
 - (b) As these standards do not take into consideration the mixing of high-nutrient, naturally occurring groundwater with ocean water in the nearshore zone, such exceedances are expected and normally occur throughout most Hawaiian nearshore marine areas.

4.1 Review Comments

Field samples and data were collected on only a single day, June 10, 2010 (p.6). A single sample provides no information about the range of variability, components of variability or characteristic values of the parameters measured. Any conclusions that are drawn from this smallest possible temporal sample, with N=1, are entirely specious.

No information on the characteristics of the hydrographic mixing model, not even a name, have been provided. Consequently, it cannot be verified and validated (V&V) and therefore cannot be adequately reviewed and should not be considered evidence of anything. Such models require extensive V&V and any conclusions drawn without this information must be regarded as naive, at best.

The statements about the DOH standards include a phrase *...normally occur throughout most Hawaiian nearshore marine areas. ...* is unsubstantiated. If these data exist, they should be presented or cited. Additionally, there is no reason DOH standards should *consider* the mixing of naturally-occurring groundwater; begging the question of what is naturally-occurring here. The definition of contaminated water is not a relative definition. It is based on objective criteria of risks to ecosystem and human health.

5 Biota

Characterization of the marine habitat and biotic community structure was carried out using

1. a fully georeferenced WorldView-2 multispectral satellite image of the Olowalu area purchased from the Image Library at DigitalGlobe.com (image data originally acquired on February 10, 2010).
2. Ground-truth, termed calibration-validation (cal/val), data derived from georeferenced digital photographs collected in-situ at 200 representative points provided the input to create benthic habitat maps of the Olowalu reefs.
3. Spectral data within the satellite image were classified and analyzed using the aforementioned georeferenced ground-truth data, covering an area of about 1.8 million square meters, or 454 acres.
4. Overall coral cover in the mapped area was about 37% of bottom cover, while macroalgae accounted for about 8% of bottom cover; 21% of the bottom was covered with sand and 33% of the bottom consisted of mud and sediment bound in algal turf.

5.1 Review Comments

The methods used to conduct the classification and analysis are, in principle, sound if presented as remote sensing research; which they are not. There is insufficient information about the methods used to enable the results to be independently reproduced and validated. In particular, the classification error rates are high yet there are no error terms reported with the results. Consequently, these results would not be publishable and should not be considered authoritative here.

6 Reef Structuring Forces

In most open coastal areas of Hawaii physical forces from wave energy are the dominant factors responsible for reef structure and species assemblages. The reefs at Olowalu are considered somewhat unique in that sediment deposition (or lack thereof), rather than wave forces, appears to be the major determinant of physical and biotic reef structure.

1. Along the northern side of Olowalu Point, deposition of terrigenous sediment emanating from Olowalu Stream creates a habitat where coral communities are limited to species and growth forms that can withstand the sub-optimal conditions created by high rates of sediment deposition.
2. South of Olowalu Point, a shallow, wide, triangular-shaped reef flat, formed from deposition of alluvial material from Olowalu Stream, terminates in a fore-reef composed of actively accreting coral assemblages that show little or no effect of sediment stress.
3. Reefs at the southeastern end of the project site (14-Mile Marker) also showed distinct indications of sediment stress, although no major streams discharge regularly in this area.

6.1 Review Comments

Water depth and clarity are also important reef-structuring factors; not simply sediment deposition. As pointed out previously, the field sampling is inadequate to characterize and evaluate the turbidity of the water on meaningful scales in space and time. Additionally, there is no discussion of the impacts of projected sea-level rise and the consequences for the likely changes in water-level on the reef. This will affect water depth, coastal erosion, and turbidity in this area.

7 Fish

Populations of reef fish in the area were typical of Hawaii reefs, although numbers of larger fish were very low, likely as a result of fishing pressure. The most abundant families consisted of wrasses, damselfish and surgeonfish. As is generally the case, density of fish was a function of vertical complexity of the benthic surface, with the highest abundance on the outer fore-reef. Reef fish were rarest in the areas with heaviest deposition of mud. Numerous sharks were observed on the inner reef flat.

7.1 Review Comments

Field samples and data were collected on only a single day, June 10, 2010 (p.6). A single sample provides no information about the range of variability, components of variability or characteristic values of the parameters measured. Any conclusions that are drawn from this smallest possible temporal sample, with N=1, are entirely specious.

8 Limited Sediment Impacts

Overall, results of this study indicate that existing episodic discharge to the ocean of land-derived sediment is the most pervasive stress to the reefs off Olowalu. However, the geographic extent of such deposition is limited and does not impact all areas of the reef. Reef communities on the outer reef flat and fore-reef represent essentially pristine ecological settings unaffected by most activities of man (fishing being the exception).

8.1 Review Comments

The results of this study are inconclusive. The bald statement that *...existing episodic discharge to the ocean of land-derived sediment is the most pervasive stress to the reefs off Olowalu. ...* is unsubstantiated by this report. Sampling is inadequate to support it and there are no results presented regarding the nature and impacts of episodic events. It is unclear why such a conclusion should even be here.

9 Engineering Analysis

Engineering analysis indicates that, with full build-out of the planned project, groundwater flow to the ocean will be slightly reduced.

1. Groundwater nutrient fluxes to the ocean will be reduced by about 1% and increased by about 10% for phosphorus and nitrogen, respectively.

2. Combining groundwater flux with episodic surface runoff is projected to result in increases of both nitrogen (13%) and phosphorus (1%) to discharge to the nearshore ocean over present conditions.
3. Depiction of the existing marine environment indicates that, at present, groundwater is so restricted in distribution that there is essentially no effect on marine community structure.
4. Thus, the small changes in groundwater dynamics projected to result from the project do not present a mechanism for future negative effects to offshore marine communities.
5. Predicted changes in groundwater composition and flow rates have been supplied by Tom Nance Water Resource Engineering (TNWRE 2011).

9.1 Review Comments

It is unclear what constitutes an *engineering analysis* here and what it is intended to connote. There are no results presented in this report to support the conclusion although there is frequent appeal to another report, (TNWRE 2011), which is not included in the bibliography and is not part of this report. This entire section should be disregarded as anecdotal opinion.

10 Retention Basins

A planned component of the Olowalu Town Master Plan is a series of retention basins within the project boundaries for the purpose of retaining stormwater runoff prior to discharge to the ocean. While the project will increase the area of impervious surfaces, the inclusion of retention basins is predicted to result in no change to the discharge of water to the ocean compared to the present scenario. However, should the retention basins function to reduce sediment discharge to the ocean relative to present conditions, they can be viewed as a positive aspect contributing to recovery of impacted reefs.

10.1 Review Comments

There are no results presented to support this view regarding the performance of retention basins. This section should be disregarded as anecdotal opinion.

11 Avoid Any Unforeseen Impacts

Planning for the Olowalu Town Master Plan focuses on continued maintenance and stewardship of the unique natural resources of the area.

1. As a result, as long as best management practices are utilized to avoid any unforeseen impacts during the construction and operational phases of the project, and
2. engineering considerations in the design of the retention basins include maximizing sediment trapping,
3. there is no rationale to indicate a potential changes that could be considered negative impacts to the marine environment.

11.1 Review Comments

This puzzling language is logically confused. Additionally, these conclusions are unsubstantiated by this report and should be disregarded as anecdotal opinion.



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Hawai'i Wildlife Fund
December 6, 2015

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STATE OF HAWAII
LAND USE COMMISSION

Daniel Orodener
Executive Officer
State Land Use Commission
Agenda item A10-786

SUBJECT: Please reject the FEIS for Olowalu Town

Aloha Mr. Orodener and Land Use Commissioners,

My name is Hannah Bernard and I am submitting additional testimony on behalf of Hawai'i Wildlife Fund, a Hawai'i-based marine conservation organization.

I have testified previously and this time will focus comments on the developer's marine consultant's survey inadequacies.

We ask that you please not approve the FEIS for the proposed Olowalu Town as it is not only inadequate as defined by the US Environmental Protection Agency (EPA), it is woefully inadequate.

The Olowalu Town Final EIS is not adequate, does not "fully declare" the environmental and social implications of the proposed project nor discuss the "feasible consequences."

As a marine biologist, I have also testified as an expert witness in the contested case hearing against the development at North Beach (Keka'a) in west Maui in the 1990's. I have also testified as an expert witness for the plaintiffs in the Superferry's violation of the state and federal Environmental Protection Acts case.

I want to draw your attention to the significance of a sound scientific sampling design when conducting reef surveys. You have already heard from our colleagues at Scripps Institution of Oceanography, numerous locally-based marine experts and myself that the marine resources sampling design was inadequate or haphazard and in some cases biased. Therefore, this assessment is flawed.

While I'm sure you are aware that there would be serious ramifications if relying on a flawed sampling design when drawing conclusions about complex reef ecosystems, I would like to illustrate a local, relevant example. In the 1990s, west Maui experienced severe pernicious algae blooms in the nearshore environment. A significant effort was launched to determine the cause of this problem. One agent that was suspected of

contributing to this problem was the Lahaina Wastewater Treatment plant, whose injection wells receive approximately 5 million gallons of wastewater/day.

If the marine resources consultant at that time sampled in waters that were far offshore, they would not have found evidence that the injection wells in fact were releasing into the nearshore reef environment most frequented by humans, threatened and endangered sea turtles, monk seals and the coral reef itself. This is in fact, what happened. Studies with a better, more scientifically rigorous design have shown that these wastewaters are in fact streaming out of numerous seeps. In fact, six scientific studies from agencies including the UH, the EPA, the DOH, the USGS and the County of Maui, have shown this is happening and is likely contributing to algae blooms and reef degradation, in addition to violation of the Clean Water Act.

In west Maui, the consequences of a flawed scientific sampling design have already resulted in decades of reef degradation in another location.

You don't have to be a marine biologist to understand that, clearly, we simply can't afford to rely on marine surveys that are not scientifically sound.

We founded our non-profit in 1996 to assist in the conservation of Hawai'i's native wildlife with a focus on the marine environment. With programs on both Hawai'i Island and Maui, we have succeeded in working closely with our communities to initiate significant projects including the statewide Makai Watch, Maui Reef Fund, Wild Hawai'i, Hawksbill Recovery Project, Ho'okipa Honu Watch, Maui Monk Seal Watch, Kahakuloa 'Ahupua'a and Waiohinu Anchialine Pond Restoration, Marine Naturalist Training through UH Maui College and privately, and Marine Debris Recovery Projects in the Northwestern Hawaiian Islands, Maui and Hawai'i Islands (recovering more than 225 tons in 10 years). We believe it would be a tragedy to allow a development of this magnitude, this close to this significant coral reef ecosystem.

Please don't hesitate to contact me if you have any questions.
Mahalo for your kind consideration,



Executive Director
Hawai'i Wildlife Fund

Environmental Protection Agency Standard for DEIS Rating

Category 3 - Inadequate

The draft EIS does not adequately assess the potentially significant environmental impacts of the proposal, or the reviewer has identified new, reasonably available, alternatives, that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. The identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. This rating indicates EPA's belief that the draft EIS does not meet the purposes of NEPA and/or the Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS.

Olowalu Town EIS – Respectfully request this EIS be denied based on inadequate and incomplete information on the impacts to the near shore marine environment from the construction process.

Dana Reed
Kapalua Maui resident
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1. Sediment is the number one threat to near shore reef systems (Dr. Bob Richmond, Dr. Craig Downs). Dr. Richmond states that sediment is the gift that keeps on giving. Once it has been laid down it continues to degrade the reef environment every time it is re-suspended during periods of high wave activity. Sediment not only smothers the corals, but makes the reef substrate inhospitable to new coral recruits. Once sediment enters the marine ecosystem there is nothing that can be done to remove the sediment. Sediment is a major stressor to coral reef ecosystems.
2. Mahana Ridge Estates subdivision is an example of the damage that sediment does to the marine environment. This project has not even gotten to the build out stage of construction, all the damage so far has been done during the infrastructure phase. The last two years have seen problem after problem surface with little recourse except to stop project construction, levy fines at the county and state level – none of which will fix the actual problem that has been introduced. The EIS for Kapalua Mauka (of which Mahana Estates is a part) used many of the same consultants (in particular, Marine Research Consultants) and also pledged to utilize best management practices and go beyond county required BMPs. This EIS also predicted no impact to the marine environment which has sadly not been true.
3. The Olowalu EIS addresses use of LEED BMPs (rain gardens, pervious surfaces, etc.) to enhance storm water management after construction is done, but doesn't address how storm water management will be accomplished during the construction phase. Additionally, these BMPs were lifted word for word (complete with pictures and diagrams) from the Hawaii state handbook (*A Handbook for Stormwater Reclamation and Reuse – Best Management Practices in Hawaii*) which is mentioned in the report (with an incorrect link), but without the cautions and limitations of each of these types of BMPs.
4. Very little in the EIS that discusses how storm water runoff will be dealt with during the construction phase. There is mention of retention basins but no mention of maintenance of these retention basins. The Mahana Estates project has two permanent retention basins and over twenty "temporary" basins that have not been effective. Much of the erosion and storm water runoff has been generated in places where there were no retention basins, and no matter how many basins have been constructed in response to problems there are still considerable issues with this project.
5. Construction around (and on) steep slopes around dry gulches and streambeds is risky business. Too often because the gulches are dry most of the time, it is assumed that the terrain in these areas can be modified without impact to the environment. This has proven to be disastrously untrue in most cases (Mahana Estates). The Olowalu Town EIS characterizes the landscape in the proposed development area as gently sloped land with numerous un-named dry gulches and streambeds. This is very similar to the characterization in the Kapalua Mauka EIS (gently rolling hills). The Olowalu Town EIS does not adequately address the risks associated with developing near the truly unique and important reef flats just offshore in this area.

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STATE OF HAWAII
LAND USE COMMISSION

December 4, 2015

Mr. Daniel Orodener
Executive Director
State of Hawai'i Land Use Commission
Department of Business, Economic Development & Tourism
State Office Tower
Leiopapa A Kamehameha Building
235 South Beretania Street, Room 406
Honolulu, HI 96813

Re: Docket No. A10-786 Olowalu Town LLC
Olowalu Ahupua'a, Lāhainā Moku, Maui Moku
TMK: (2) 4-8-003:084, 098-118, and 124

Aloha Director Orodener and Commission Members:

The Office of Hawaiian Affairs (OHA) has reviewed the Final Environmental Impact Statement (FEIS) for the Proposed Olowalu Town Master Plan¹ and requests, in the interest of fairness and justice, that the Land Use Commission (LUC) dutifully reject acceptance of this FEIS at this time. We hereby formally transmit our comments and concerns, as outlined below, to better elucidate OHA's position.

OHA is the constitutionally established body charged with the betterment of conditions for native Hawaiians, which includes expressly assessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conducting advocacy efforts for native Hawaiians and Hawaiians.² Our concerns and comments require your agency to seriously consider the issues raised in this letter, as "[i]t shall be the duty and responsibility of all state departments and instrumentalities of state government, providing services and programs which

¹ Munekiyo Hiraga, Final Environmental Impact Statement Proposed Olowalu Town Master Plan, prepared for Olowalu Town, LLC and Olowalu Ekolu, LLC (Oct. 2015) [hereinafter Olowalu FEIS].

² Haw. Rev. Stat. § 10-3(1), (4).

affect native Hawaiians and Hawaiians, to actively work toward the goals of [Haw. Rev. Stat. ch. 10] and to cooperate with and assist wherever possible the office of Hawaiian affairs.”³

Based on the information gaps identified below, we do not believe that the Olowalu FEIS meets the criteria for acceptability, as provided by Hawai‘i Administrative Rules 11-200-23(b).

Impacts to Cultural Sites, Landscapes, and Constitutionally Protected Practices

Olowalu is extremely significant in our Hawaiian history and remains so to this very day, not only due to its unique documented status as a traditional pu‘uhonua, or place of refuge, but as a seat of rule and domicile of some of our highest ranking and most sacred chiefesses.⁴ Numerous significant historical events have occurred at Olowalu, which have been not only important to the people of Maui, but to the entire Hawaiian Lāhui, here and abroad.

The FEIS is severely lacking in any good faith and substantive discussion of historical and cultural resources, as provided in archaeological inventory surveys (AIS) and the Preliminary Preservation and Mitigation plan. There are no State Historic Preservation Division (SHPD)-approved reports—including the aforementioned AIS, Preservation Plan, or Mitigation Plan—or correspondence regarding important AIS work performed in 1998-2002 or 2011-2012 by additional archaeological firms.⁵ Past land use at the project site should not be used as the basis for determining that Native Hawaiian cultural resources will not be adversely affected, as subsurface cultural deposits, including ancestral Native Hawaiian burial sites, have been discovered below agricultural lands on Maui that have been heavily utilized and cleared of surface features.

The lack of cultural resource information and analysis prevents the LUC from assessing the identity and scope of valued cultural, historical, and natural resources in the petition area, as required by the Hawai‘i Supreme Court. In *Ka Pa‘akai O Ka ‘Āina v. Land Use Commission (Ka Pa‘akai)*, the Hawai‘i Supreme Court noted that “[a]rticle XII, section 7 of the Hawai‘i Constitution obligates the LUC to protect the reasonable exercise of customarily and traditionally exercised rights of native Hawaiians to the extent feasible when granting a petition for reclassification of district boundaries.”⁶ The Court specifically held that the LUC did not provide a sufficient basis to determine “whether [the agency] fulfilled its obligation to preserve and protect traditional and customary rights of native Hawaiians” and, therefore, the LUC “failed to satisfy its statutory and constitutional obligations.”⁷

³ Haw. Rev. Stat. § 10-1(b).

⁴ See SAMUEL MANAIĀKALANI KAMAKAU, RULING CHIEFS OF HAWAI‘I (Kamehameha School Press 1992) (1961).

⁵ This issue was raised in the November 17, 2015 letter from the State of Hawai‘i Office of Planning on the draft EIS for the Olowalu Town project. We concur with the Office of Planning’s letter.

⁶ *Ka Pa‘akai O Ka ‘Āina v. Land Use Commission*, 94 Hawai‘i 31, 46, 7 P.3d 1068, 1083 (2000).

⁷ *Id.*

In the instant case, the LUC is required to determine:

- (A) the identity and scope of “valued cultural, historical, or natural resources” in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;
- (B) the extent to which those resources—including traditional and customary native Hawaiian rights—will be affected or impaired by the proposed action; and
- (C) the feasible action, if any, to be taken by the LUC to reasonably protect native Hawaiian rights if they are found to exist.

Although the project’s Cultural Impact Assessment (CIA) (Appendix H) acknowledges that there continues to be ongoing cultural practices in the project area, it then cites the proposed 74-acre Olowalu Cultural Preserve’s 99-year lease to the 501(c)(3) non-profit, Olowalu Cultural Lands as the primary, concrete means of mitigation. While we recognize the Cultural Preserve as a positive step in planning, the establishment of a cultural preserve is not a panacea that can mitigate all adverse effects to Native Hawaiian cultural resources. Indeed, the Hawai‘i Supreme Court in *Ka Pa‘akai* found that the creation of a cultural reserve was not sufficient to mitigate the impacts of a project on the traditional and customary practices of cultural practitioners.

For the Olowalu Town project, many cultural sites and burial sites slated for preservation are not even included in the identified cultural preserve boundaries.⁸ One burial site, identified as Site 4693, which is associated with the tragic Olowalu massacre victims, is slated for “preservation” in a “park” space surrounded by residential and commercial structures. Previous commitments in a 2002 Preservation Plan to protect Site 4693, as well as the very important Ka‘iwaloa Heiau and Pu‘u Kilea, were severely lacking and neglected according to beneficiaries and descendants who approached OHA with concerns. OHA beneficiaries have also raised unresolved issues with regard to access and water at the Cultural Preserve.

Additional cultural resource impacts were unaddressed in the FEIS. The CIA states that “Ka‘iwaloa Heiau must have unimpeded access mauka makai” but the relocation of the four-lane highway will greatly impede this access. There is no discussion or mitigation of this issue. Similarly, there is no discussion of the encroachment of the highway into the buffer zones of Site 4718 (a heiau and burial site) or the Pu‘u Kilea burial sites and petroglyphs.

While the FEIS included a summary of previous archaeological studies, important work performed in 2007 and 2011-2012 by additional archaeological firms was not included. There is also a lack of SHPD-approved reports and associated correspondence in the FEIS. This is unacceptable for a final product.

An incomplete FEIS—especially with regard to identifying, protecting, and preserving the last vestiges of critically important historical and cultural resources, and the cultural practices

⁸ Olowalu FEIS, Appendix G-1, Map 10, (“Results of Fieldwork”).

that rely upon these resources—prevents the LUC from dutifully fulfilling its judicial, constitutional, and statutory mandates.⁹

Impacts to Coastal Resources and Practices

The coastal resources at Olowalu are some of the most important cultural marine resources found on Maui. The reef at Olowalu seeds limu all along Maui's western shoreline and to parts of Moloka'i and Lana'i.¹⁰

The importance of the limu resources of Olowalu are similar to that of One'ula, located in 'Ewa on O'ahu, which is known as the "House of Limu," which possesses five types of limu manuea, and which seeds limu from Nānākuli to Waikīkī. OHA has been litigating and advocating to protect the important limu resources at One'ula for the past twenty-two years with several court victories regarding pollutant run-off from urbanizing mauka lands and the adverse impacts this development has on marine life, including limu, as well as important burial sites. We are familiar with Dr. Stephen J. Dollar's work on assessing marine and coastal impacts from our advocacy at One'ula. It was OHA's litigation at One'ula that produced a 1998 Memorandum Opinion from the Hawai'i Supreme Court, which first espoused the three-tier analysis later mandated in the landmark *Ka Pa'akai* decision.

The adverse impacts from 1,500 residences, another potential 900 'ohana units, stores, schools, parks, a sewage treatment facility, and the realignment of a major highway on the sensitive marine ecosystem, especially limu, relied upon for subsistence, medicine, and religious ceremonial practices has again been under-analyzed, leaving the LUC unable to effectively fulfill its *Ka Pa'akai* mandates. Just stating that there will be "no impacts" from the project activities without substantive analysis, evidence, or continued testing and monitoring programs amounts to unsubstantiated opinion.

Summary

Olowalu is an important part of the history of Maui and these islands, and still holds an important role in the re-establishment of the Hawaiian Nation. The symbolic historic tragedy and decimation of native inhabitants of this beloved wahi pana, and its over-riding use as a sacred pu'uhonua, still serves important purposes today to help heal old and new wounds for our beloved beneficiaries, who still carry much kaumaha and 'eha from a painful history.

The ahupua'a system "model" is about conservation, respect, balance, and ongoing tribute through loving care of precious cultural resources to sustain not only the kino, the body, but also the wailua, the spirit of both kānaka and 'āina.

⁹ OHA staff reviewing this FEIS have been certified as Expert Witnesses in Native Hawaiian Burial Practices, Native Hawaiian Burial Protection, and Cultural Impacts in the 1st, 2nd, 3rd, and 5th Circuits, as well as Cultural Resource Management in the 3rd Circuit.

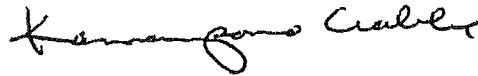
¹⁰ Native Testimonies, OHA Native Rights, Land and Culture, Walter Kamana, Henry Chang Wo, Michael Kumukauoha Lee, Paulo "Pops" Fujishiro.

Mr. Daniel Orodener
December 4, 2015
Page 5

OHA respectfully requests that the FEIS of Docket No. A10-786 Olowalu Town LLC be denied until such time that the serious concerns of not only OHA, but our beneficiaries, be addressed and resolved.

We thank you for your attention to this most important and serious matter. If you have any questions, please contact Kai Markell, Ka Pou Kākou, (Manager), Kia'i Kānāwai (Compliance Enforcement), Ka Paia Kū (Advocacy) at 808-594-0220 or at kaim@oha.org via email.

'O wau iho nō me ka 'oia 'i'o,



Kamana'opono M. Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer

KC: km

C: Hulu Lindsey, OHA Maui Trustee
Thelma Shimaoka, OHA Maui Community Outreach Coordinator

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STATE OF HAWAII
LAND USE COMMISSION

Eric S. Taniguchi, AIA
Architect
273 Hiwalani Loop
Pukalani, Maui, Hawaii 96768
(808) 276-8109

December 6, 2015

Land Use Commission
P.O. Box 2359
Honolulu, HI 96804
Fax: 808 587-3827
E-mail: luc@dbedt.hawaii.go

Reference: Testimony *In Favor* of Final Environmental Impact Statement
Olowalu Town Master Plan (DKT. No. A10-786)

Dear Land Use Commissioners,

I am writing in favor and support for the approval of the Final Environmental Impact Statement for the Olowalu Town Master Plan; DKT. No. A10-786.

I am a long time resident of Maui, my father was born in Lahaina, Maui and my grandfather was born in Puunene, Maui. My two sons were born here as well. I am an avid waterman; I surf, free dive (spearfish) and fish. I was taught by my father and uncles and it is something I have passed on to my sons. I have dived from Honolua Bay to Makena Light House on the west to south side. I know the reef system of Olowalu like the back of my hand, from 'Cut Mountain' to 'Thousand Peaks". So I am also very concerned about the ocean environment.

My family lives in Pukalani, it is a wonderful community and neighborhood. I wouldn't want to live anywhere else on the planet. Though Pukalani has an older part, there is a new part that evolved in the 70's, this is my neighborhood that I live. The newer Pukalani, brought shopping, school, parks, golf course, sewage treatment and underground utilities.

Olowalu is very similar in its design intent. To establish a new community and neighborhood that respects the older established Olowalu and provides much needed housing in a well-designed masterplan that is sensitive to the environment. Maui's population is growing and will continue to do so, there is no way to stop it. It is selfish, careless and inefficient to continue to have extremely wealthy single family residences on the large ag. lots covering the old Pioneer Mill lands. Olowalu Town Master Plan, is a comprehensive and complete design concept. It will be a wonderful community and neighborhood to live.

Sincerely,

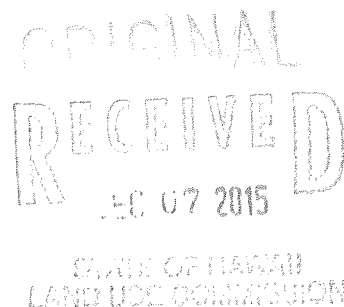
Eric S. Taniguchi

Eric S. Taniguchi, AIA

Charles A Spence
551 South Kihei Road, Kihei, HI 96753

December 7, 2015

Land Use Commission
PO Box 2359
Honolulu, HI 96804
Fax: 808 587-3827
E-mail: luc@dbedt.hawaii.gov



Re: Testimony IN FAVOR of Final Environmental Impact Statement
Olowalu Town Master Plan (DKT. NO. A10-786)

Dear Land Use Commissioners,

I am writing to provide my support for the approval of the Final Environmental Impact Statement for the Olowalu Town Master Plan; DKT. NO. A10-786 for three main reasons; 1) Maui is in dire need of more housing for its full time residents 2) Maui needs developments that are pedestrian centered 3) The Olowalu Town plan is designed to be a complete community based on a zoning model that is different than the standard zoning code used with most recent developments.

More housing needed on Maui. As a small business owner here on Maui, I can attest to the impossibility we face in finding affordable housing for employees. Sadly, the local population that was born on this island and has worked here for many years is finding itself homeless with increased housing costs. Numerous 'local' employees were displaced to the mainland because either they or their families could not afford to continue living here. I believe this is due to a dire shortage of homes across the entire social strata. The recently relaxed Bed and Breakfast Laws are exacerbating the problem at an alarming rate. The Olowalu Town Master Plan adds much needed housing in many forms that address those needs.

Pedestrian friendly communities are essential. Our roads are clogged with residents that must drive because there is a lack of services and goods in their own community and/or it is not pedestrian friendly. This will only worsen as Maui becomes more populated. We must address it now and rethink the 'suburban' type housing only developments that don't provide services to its residents. Additionally, the Olowalu Master Plan incorporates future mass transit that also addresses this problem. It is a very progressive plan that addresses both current and future needs.

Maui must integrate its communities with a plan that addresses the needs of entire populations regardless of their economic means. The majority of the housing units within Olowalu are planned to be apartments, multi-family units, and small single family units. These housing types have a smaller footprint which allows the cost of the infrastructure to be much less than standard single family homes in many of the new subdivisions. The result is lower cost housing options for entire families living on Maui. Major concentrations of populations across the US recognized that this type of development is most effective in building true communities that are more efficient. Most of the housing in Olowalu will be affordable to Maui's residents due to the type of housing to be constructed, which harkens back to my first point.

For all of the reasons above, I ask that you please approve the Olowalu Town Final Environmental Impact Statement.

Sincerely,

Charles A Spence

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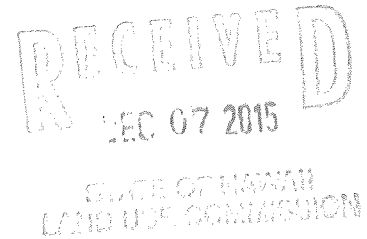
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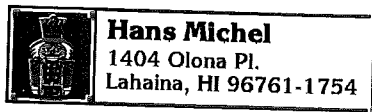
DATE: December 3, 2015

TO: State Land Use Commission

FROM: Hans Michel – Lahaina Resident 53 Years.

RE: SUPPORT FOR OLOWALU TOWN MASTER PLAN
State Land Use Commission Docket No. A10-786.
Olowalu Town, LLC and Olowalu Ekolu, LLC.
Final Environmental Impact Statement for Olowalu Town Master Plan.
Located at Olowalu, Island of Maui, State of Hawaii.
Portions of Tax Map Key: (2) 4-8-003: 084, 098, 099, 100, 101, 102, 103,
104, 105, 106, 107, 109, 110,111, 112, 113, 114, 115, 116, 117, 118 &
124.





Lahaina Dec. 3. 2015

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Aloha Land Use Commissioner,

Subject: Olowalu Town

As a resident of West Maui for over 53 years, my wife and I know what we need is housing.

STATE OF HAWAII
LAND USE COMMISSION

I have a deep interest in planning for the future, for our young people in this region. I participate as a member for the General plan advisory committee.

I 'am writing this letter to request consideration for Olowalu town proposal to be accepted and built, with 50% affordable housing.

Please don't put and road blocks on this Olowalu project, which will add a greater housing problem in West Maui.

Sincerely,

A handwritten signature in black ink, appearing to read "Hans F. Michel".

Hans F. Michel

West Maui Resident

ORIGINAL

SUBMITTED VIA EMAIL

From: vie@maui.net [mailto:vie@maui.net]
Sent: Saturday, December 5, 2015 12:04 PM
To: luc@dbedt.hawaii.gov
Subject: DKT. NO. A10-786.

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DEC 07 2015

STATE OF HAWAII
LAND USE COMMISSION

Raymond J Hutaff
53 Maukanani Rd
Kula, Maui 96790

December 5, 2015

Land Use Commission
PO Box 2359
Honolulu, HI 96804
Fax: 808 587-3827
E-mail: luc@dbedt.hawaii.gov

**Re: Testimony IN FAVOR of Final Environmental Impact Statement
Olowalu Town Master Plan (DKT. NO. A10-786)**

Dear Land Use Commissioners,

I am writing to provide my support for the approval of the Final Environmental Impact Statement for the Olowalu Town Master Plan; DKT. NO. A10-786.

When I served as Chair of the Maui County Resources Commission, this came before us. I was very impressed on how they had thought this through. Unlike the developments, before them, on Maui, this Plan addresses all the concerns that caused much distrust now as a result of past development.

It is important that this Plan be approved and acts as a model for the Future Developments that WILL occur.

For 100+ years, sugar cane was grown and harvested on the lands within Olowalu. For the last 50+ years, the sugar cane crop was burned and harvested with mechanical equipment. The crop included the majority of the Olowalu lands including the areas makai of the existing highway. The rotation of the crop was every two years so all of the fields were cycled through every other year. Each harvest

LAND USE COMMISSION
DKT. NO. A10-786.
Olowalu Town Final EIS
Raymond Hutaff
December 5, 2015
Page 2

included roughly 20 acres so the 600+ acres in Olowalu were regularly in some form of harvest.

Over time, the fields installed agricultural practices to attempt to reduce sediment loading in near shore waters. In heavy rain events, the sediment came from existing planted fields and fields recently opened from a cane harvest. Additionally, dust occurred from harvesting of fields. I have taken pictures of the culverts from that past. These are what is leading the runoff on to our reefs, we need to stop this right away. This Plan will do that, doing nothing will only continue to cause more harm to our reefs

Both construction Best Management Practices (BMPs) and Low Impact Development (LID) standards as described in the Final Environmental Impact Statement will reduce sediment on near shore waters compared to previous agricultural practices during sugar cane years.

Given the history of Olowalu with limited agricultural drainage practices, it is logical that there will be a reduction in sediment in conjunction with installing modern drainage practices. The reef is in its current form in spite of these agricultural practices; the reef will be further protected with installation of modern drainage facilities.

Sincerely,

Raymond J Hutaff

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STATE OF HAWAII
LAND USE COMMISSION

Olowalu Protest Letter

I am Nancy Phleger, and both my husband & I protest the Olowalu EIS because it is inaccurate, incomplete, inadequate, & should be rejected.

Ten years ago when this project was first discussed along with the re-alignment of the Highway mauka, there was an extensive, sloping sandy beach, a substantial rocky foreshore, and a well-established line of trees that provided expansive shade to families enjoying this broad beach.

Now - just ten years later - the sand has eroded, the trees have become skeletons collapsed upon the rocky foreshore, & the surf continues to eat the highway despite numerous attempts to forestall disaster. Global Warming predicts worse to come.

Many scientific reports warn states against allowing any building close to oceans due to rising sea levels, and insurance companies concur. Remember what Hurricane Sandy did to New York & New Jersey!

The 1997 West Maui Watershed Management Advisory Committee Report warned of Coral Reefs being damaged by any construction mauka of the ocean, and described the elevation - in 1997 - as being from sea level to 300 feet with a 3% gradient slope.

The latest Tsunami Inundation Zones mapped for the Pali to Puamana areas warn that the ocean will reach between 1,250 feet to 1,335 feet mauka of the existing highway. That's an Evacuation zone of almost 1/3 of a mile beyond the highway !

That's just one reason why building this huge development is ludicrous.

Another factor to consider is the Archeological Treasures imperiled by this Olowalu Development.

According to an article in June 13, 2013 issue of The Seattle Times, the Olowalu Petroglyph Site is one of the largest concentrations of such drawings on Maui, with about 70 petroglyphs. This site is vulnerable to vandalism & must be protected, not be subjected to a development that would encircle, demean, & threaten the very existence of Maui's Ancient History.

The Coral Reefs have always been a tourist magnet, but they are under threat of extinction.

Ask West Side Maui County Councilwoman Elle Cochran for a Report on the recent meeting of her Infrastructure & Environmental Management Committee, where our top scientists & activists discussed the coral reefs in great detail. They are warning us, informing us, & telling us what we need to do to save the reefs.

3,000 more buildings with 5,000 more cars is not advised.

Can the highway absorb more traffic ? No. It struggles with the current load. Yes, there is a plan to move the highway mauka, but there is no money to do so.

Because this misguided project endangers the fragile coral reefs, overloads a deteriorating two lane highway, endangers ancient archeological sites, and is sited in a Tsunami Inundation Flood Zone, I request you deny Olowalu's flawed EIS.

Thank you for your time,

Nansy Phleger, Artist

Dr. Charles F. Phleger, Professor of Marine Sciences, Ret.

322 Front St., Lahaina, Maui, 96761, Hawaii

To: Makila Land Co., LLC

State of Hawaii Land Use Commission, Dept. of Business, Economic Development &
Tourism

PBR & Associates, Inc.

My husband & I are writing to Protest the Makila EIS for the following reasons:

- ~ This project converts valuable agricultural land into High Density, Heavy Impact Development
- ~ Global warming has created draught conditions impacting adjacent landowners - meaning insufficient water for current usage.
- ~ Run-off from building + projected use of pesticides, insecticides, and fertilizers imperil reefs.
- ~ Sewage Treatment Plan is outdated & location inappropriate to ensure protection of fragile reefs.
- ~ Entire West Maui Coastline is now a Protected Habitat for the Endangered Monk Seal, which limits & / or negates any & all development that will encroach upon the Ocean Environment.
- ~ The existing Ho'onoapi'ilani Highway is being eroded at an accelerating pace, but no monies have been allocated by State or Federal Highway Dept. to move the highway Mauka, & as it is already unable to handle current traffic load - Makila's 1,000 more cars would create gridlock.

Please deny the Makila EIS - West Maui does not yet have a hospital, nor the infrastructure to deal with a project of this size.

Thank you,

Regards,

Nansy Phleger, Artist

Dr. Charles F. Phleger, Professor of Marine Sciences, Ret.

322 Front St. Lahaina, Maui, 96761, Hawaii

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December 7, 2015

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STATE OF HAWAII
LAND USE COMMISSION

From: Maui Tomorrow Foundation
55 N. Church St Ste A-4
Wailuku, HI 96793

To: Hawaii State Land Use Commission Members

Re: A10-786 Olowalu Town FEIS

In addition to comments submitted on November 18, 2015, the Maui Tomorrow Foundation offers the following:

1. Acceptance or rejection of the Final Environmental Impact Statement (FEIS) is a separate issue from approval or denial of the project. The standard of judgment for the LUC as the accepting authority is HAR 11-200-16:

§11-200-16 Content requirements. The environmental impact statement shall contain an explanation of the environmental consequences of the proposed action. The contents shall fully declare the environmental implications of the proposed action and shall discuss all relevant and feasible consequences of the action. In order that the public can be fully informed and that the agency can make a sound decision based upon the full range of responsible opinion on environmental effects, a statement shall include responsible opposing views, if any, on significant environmental issues raised by the proposal. [Eff 12/6/85; am and comp AUG 31 1996] (Auth: HRS §343-5, 343-6) (Imp: HRS §343-2, 343-5, 343-6)

2. A majority of individuals and organizations who submitted comments on the DEIS have testified that their comments were not adequately addressed in the FEIS.

3. The Maui County Planning Dept. and the State Office of Planning have sent comments indicating that their comments were not adequately addressed.

5. The FEIS fails to analyze alternative routes of the relocated Honoapiilani Hwy that would have less impacts on cultural sites and beach access.

6. The FEIS concludes that traffic impacts will be mitigated by a relocated 4-lane Honoapiilani Hwy, but only discusses plans and funding for a relocated 2-lane highway that intersects with an already congested two-lane highway at either end. This would not provide mitigation for 1500 plus new residences, 900 `ohana dwellings and 34 acres of commercial use. This project must coordinate with the State-Federal bypass road from Launiupoko to Ma`alaea.

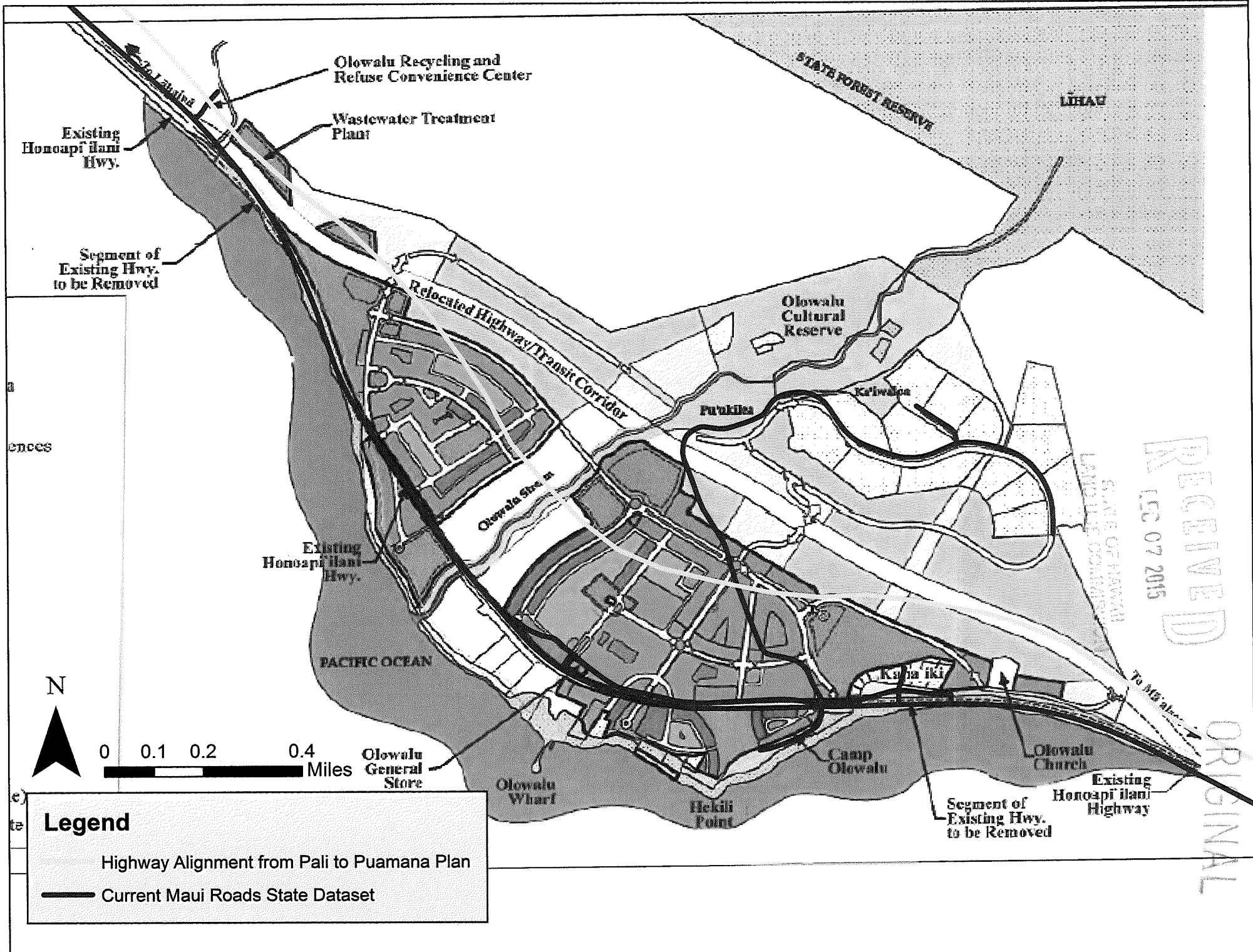
7. The FEIS concludes that there will be no direct or cumulative damage to Olowalu's reefs, but fails to offer specific ways that this will be achieved, measured and monitored.

8. The FEIS fails to fully address federal compliance issues such as consultation with USFWS to protect nene nesting habitat and mitigate for any "takes" of nene or other endangered birdlife.

9. The FEIS does not discuss, or mitigate for, impacts to native Hawaiian Cultural practices including:

- ❖ inadequate shoreline setback area (150 ft was the appropriate setback for the existing ag subdivision). The urbanization of the area would require a greater setback to protect Traditional and Customary access, but this is not discussed.
- ❖ impacts of ground water withdrawals on limu health and nearshore fisheries (FEIS claims only 6% of existing flow will be curtailed, with no actual proof this will be the case or any information on what effect flow reductions have had in other similar environments).
- ❖ Impacts of the relocated highway on cultural sites: Lineal descendants reported concerns re: the highway bringing increased noise levels to the Kilea burial area, and concerns that the new road goes between the two heiau and encroaches on the buffer zone of the smaller Kaopulupulu heiau. The text of the FEIS acts as if these impacts can be addressed by "continued dialogue" with cultural practitioners and the existence of the Olowalu Cultural Reserve that has no dedicated funding or real powers.
- ❖ d) impacts from continual diversion of the majority of the flow of Olowalu stream, and no firm commitment in the FEIS to set increased inflow stream standards. Cultural consultants interviewed for the FEIS made it clear that the mauka-makai restoration of the stream was a necessary part of Hawaiian cultural practice for both agriculture and fisheries. The FEIS has only vague references to increased flows.

10. The FEIS claims that many impacts will be avoided through reliance on LEED certification standards or LID principles. However, the project would not qualify for LEED certification due to its non-urban location and lack of public transport options. The FEIS text states that "consideration will be given" to employing LID principles, with no firm commitment.



Olowalu Recycling and Refuse Convenience Center

Wastewater Treatment Plant

STATE FOREST RESERVE

LĪHAU

Existing Honoapi'iiani Hwy.

Segment of Existing Hwy. to be Removed

Relocated Highway/Transit Corridor

Olowalu Cultural Reserve

Pu'ukila

Kelwaha

Olowalu Stream

Existing Honoapi'iiani Hwy.

PACIFIC OCEAN

Olowalu General Store

Olowalu Wharf

Hekili Point

Camp Olowalu

Olowalu Church

Segment of Existing Hwy. to be Removed

Existing Honoapi'iiani Highway

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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION

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0 0.1 0.2 0.4 Miles

Legend

Highway Alignment from Pali to Puamana Plan

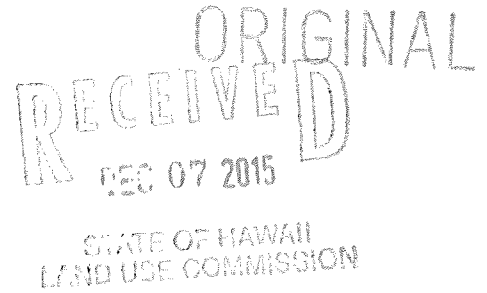
Current Maui Roads State Dataset

December 07, 2015

To: Hawaii Land Use Commission(LUC)

From: Elizabeth Ayson

For: Public Testimony
A10-786 Olowalu Town LLC and Olowalu Ekolu LLC (Maui)



My name is Elizabeth Ayson and I support the LUC's acceptance of Olowalu Town LLC and Olowalu Ekolu LLC's Final Environmental Impact Statement (EIS) for the reclassification of approximately 320 acres of land situated at Olowalu, Island of Maui, State of Hawaii, from the Agricultural District to the Rural and Urban Districts.

As a resident of Maui, raised and schooled in the villages of Puunene, and perhaps more importantly, as a retired public school administrator who attended the "Olowalu Talk Story" sessions, I have a first hand appreciation and deep yearning for the invaluable, almost forgotten, benefits of growing up in a village. My own children, four sons, heard the village stories from me and their grandparents, and today have no direct experience to recall on their own, to tell their own children and grandchildren.

In today's increasingly virtual life, as our young people become more and more comfortable to communicate via technological devices, the sheer joy of face to face conversation will soon be a lost art. Those of us who grew up talking with neighbors and friends over fences and short walls, while trading our fruits for their vegetables, can only hope that the next generation will remember the stories of village life and preserve those memories to design their new towns.

In addition to the village, my personal interest in Olowalu is described in the attached materials related to the construction of a fully accessible camp for the families of people in wheelchairs. The blessing for this site, held almost six months ago, gives promise that Olowalu will invite families around the world to have one more unique reason to visit and learn to love the island of Maui, as many who have come before.

We invite the members of the LUC to imagine what it might be like to live in this new kind of village, where the benefits of vibrant communities are passed on to our children and face to face conversations are everyone's reality, every day.

WHEELCHAIR BLESSINGS (06/16/15)

In Webster's Dictionary "wheelchair" is defined as a chair mounted on wheels, usually for the use of invalids. When Ron Heagy transcended the limitations of this definition, he transformed his own life forever. We met decades ago at a business conference in Los Angeles. The City of Angels brought us together for a purpose, with a plan. Soon after the conference, I was on a flight to Oregon to have MY life change forever at a camp for youngsters in wheelchairs. The adventures designed for every camper carried us beyond our daily activities, into a world we had not yet imagined. Very quickly, wheelchairs were no longer the focus, and came to matter less and less in our ongoing conversations.

How did this happen? Consider this. Did we imagine that we would be outfitted with vests, then belted in rafts to ride the white water rapids of a nearby river? Did we think we would be lifted skyward, over forests and farms in a colorful air balloon? Was it really this much fun to find partners to dance with to our favorite rock and roll music? And, how did singing and eating roasted marshmallows around the campfire do so much to invite good will and warm fellowship?

By the end of camp, we had grown into better human beings, more able to see adventure as a part of every life, and more open to a brighter future where every individual is encouraged to dare to dream the biggest dream imaginable.

Today we begin an exciting journey for Maui, where the sacred history of Olowalu offers us an opportunity to build a place where someday, people in wheelchairs, along with their families, friends and caregivers, will come to learn together about the blessings of acceptance, adventure and aloha.

The Vision

In our musings about a wheelchair accessible camp for Maui, we return often to the demographics of our island, and are convinced that the visual representation of our diverse population is the best idea for housing. Villages were an early community structure, where each family's plot was comprised of a house surrounded by gardens of flowers, vegetables, fruit trees, along with vines and bushes that produce food. The houses and gardens in the camp will be constructed in the style of the major ethnic groups that live on the island, with gardens that grow their unique foods and spices. Villages would be visually distinct, featuring the commonalities required for daily life, while accentuating unique qualities of each culture's history and values. By these means, the hope is to instill pride in diversity and harmony through recognition of the joys and needs which are common to all people.

Villagers in both the past and present benefit from a village center, the place to meet up with friends, exchange or buy food items or housewares, converse over food and drink, and guide children to play safely with each other, in order to learn how better to get along with differing personalities with conflicting perspectives and opinions.

Designed as a walking village, wide pathways will allow wheelchairs to roll from one site to the next. All facilities will be within easy reach, with strategic placement of areas for short pauses or zones to stop for longer conversation or personal contemplation or small group discourse. Inviting positive human connection will be the ultimate goal of camp life, with acceptance for heightened curiosity, broad and active appreciation for creativity and profound desire for adventure.



ORIGINAL

Fred Ruge

**P.O. Box 3019
Wailuku, Maui, HI USA
96793**

(808) 242-8230

im4veterans@gmail.com

December 7, 2015

To: Bill Frampton
RE: Olowalu Town
The Olowalu Town Master Plan

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STATE OF HAWAII
LAND USE COMMISSION

Thank you Bill, for inviting me to speak today on the Olowalu Town proposed project.

The real issue is lack of affordable housing and lack of affordable rental housing.

Our young families are forced to move to Las Vegas and other mainland locations so that they can buy an affordable home.

Many Veterans are homeless because of the lack of affordable rental units on Maui.

I support your efforts to address this problem by building Olowalu Town.

Sincerely,

Fred Ruge
Veterans Advocate

The real elephant in the room are the actions of a few to destroy all advancement on Maui by using the State Historic Preservation Act – that is very sad

MIS-

December 4, 2015

To: State Land Use Commission

From: Michael Foley, former Maui County Planning Director

Subject: Final EIS for Olowalu project

As I have previously testified, and submitted to the Commission in writing, the Final EIS for the Olowalu project is inaccurate, incomplete and should be rejected by the Commission.

I will offer just two examples:

(1) While I was County Planning Director, and for years afterwards, I served on the Honoapiilani Highway Realignment Task Force with numerous State, and County officials, plus West Maui citizens. I am also considered by many people to be the "father" of the Pali to Puamana Parkway Master Plan.

The Final EIS for Olowalu does not include a map showing the preferred alignment for the Honoapiilani Highway through Olowalu that was part of the County of Maui Pali to Puamana Parkway Master Plan report (2005) and the subsequent Pali to Puamana Parkway FEA (2008).

The Honoapiilani Highway re-alignment shown on all the Olowalu Town Final EIS maps would create significant negative impacts to cultural sites such as the site 4718 heiau and burial grounds, the site 4715 Kilea burial grounds, and the various Land Commission Award parcels the realignment route goes through. These potential impacts are discussed in the Olowalu Town CIA (Appendix H-1) and review of historic site preservation plan in appendix G-1. They have also been referred to by testifiers.

The Final EIS Honoapiilani re-alignment route would also reduce existing beach access at both the north and south end of the project. This is because a section of the existing Honoapiilani Highway is proposed to be "removed" due to the way the currently proposed Highway re-alignment would intersect the existing highway. The removal of the two sections of highway and the new bypass intersection as proposed would substantially impact access to a popular surf spot and a popular snorkeling area.

Public testimony has noted that all of these impacts are not mitigated in the FEIS discussion, yet a simple mitigation, an alternative highway alignment, exists and should have been pictured and discussed.

HAR 11-200-17 (f) makes it clear that project Alternatives must be described in sufficient detail, stating: "...Particular attention shall be given to alternatives that might enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks. Examples of alternatives include: (3) Alternatives related to different designs or details of the proposed actions which would present different environmental impacts;"

One of the Alternatives that should have been analyzed in the Final EIS, Section II is a project design which utilizes the preferred alternative route shown in the Pali to Puamana Parkway Master Plan. A map will be distributed at Monday's meeting. This route is slightly more makai. It avoids impacting the buffer zone of heiau site 4718. It avoids the direct noise impacts to the site 4715 cemetery and the adjoining petroglyphs. It avoids highway construction across Land Commission Award parcels that have not had archaeological testing. It does not impact the existing beach access.

(2) The Final EIS clearly states in Table 1 and successive charts and tables in the April 2015 TIAR (Appendix P) that traffic counts include a 58 room hotel planned for the Olowalu project. Developer David Ward has recently stated that no hotel is planned. If no hotel is planned the Traffic Report is inaccurate. Table 1 will be distributed at Monday's meeting.

Please do not accept this EIS. It does not provide sufficient information for your future decision-making.

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STATE OF HAWAII
LAND USE COMMISSION

Table 1 Summary of Daily Trip Generation for Olowalu Town

ITE Code	Land Use	# Units	Unit	Unit Convert	Trip Rate Per Unit	Total Trips	Directional Distr.		Trip Generation	
							In	Out	In	Out
110	Gen. Light Industrial	26.0	KSF	1000	6.97	181	0.5	0.5	91	91
210	Single Family Homes	523	DU	1	9.52	4,979	0.5	0.5	2,489	2,489
220	Apartment	260	DU	1	6.65	1,729	0.5	0.5	865	865
220	Apartment	593	DU	1	6.65	3,943	0.5	0.5	1,972	1,972
230	Condo/Townhouse	174	DU	1	5.81	1,011	0.5	0.5	505	505
310	Hotel	58	Room	1	8.17	474	0.5	0.5	237	237
417	Regional Park	77.0	Acre	1	4.57	352	0.5	0.5	176	176
520	Elem School	300	Students	1	1.29	388	0.5	0.5	194	194
590	Library	5.0	KSF	1000	56.24	281	0.5	0.5	141	141
710	General Office	60.0	KSF	1000	11.03	662	0.5	0.5	331	331
730	Govt Office Building	15.0	KSF	1000	68.93	1,034	0.5	0.5	517	517
732	US Post Office	5.0	KSF	1000	108.19	541	0.5	0.5	270	270
820	Shopping Center	114.0	KSF	1000	42.70	4,868	0.5	0.5	2,434	2,434
820	Shopping Center	125.0	KSF	1000	42.70	5,338	0.5	0.5	2,669	2,669
944	Gasoline/Service Station	20	Fuel. Pos.	1000	168.56	3,371	0.5	0.5	1,686	1,686
Totals						29,152	0.5	0.5	14,576	14,576

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The Final-EIS contents "shall fully declare the environmental implications of the proposed action and shall discuss all relevant and feasible consequences of the action."

The Olowalu Town Final-EIS is DEFECTIVE and UNACCEPTABLE at this time.

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HIGHWAY CONSIDERATIONS

Hawaii Office of Planning Acting Director Leo R. Asuncion,

STATE OF HAWAII
LAND USE COMMISSION

Letter to LUC November 17, 2015

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.

Maui County Planning Department William Spence

Letter to LUC November 24, 2015

The Applicant's response to the Planning Department's Comment No. 25 is insufficient. The Department specifically commented by letter dated April 17, 2012 that, "Impacts and mitigation for traffic impacts to Honoapi'ilani Highway, between Ma'alaea and Puamana should be evaluated," The Applicant's response, dated October 26, 2015, states "with the agreement of HDOT, the traffic study was limited to the length of the highway from roughly the Olowalu Recycling and Refuse Convenience Center to approximately mile marker 14 or so."

The area of study specified by HDOT only comprises a distance of approximately three (3) to four (4) miles in the project vicinity. While that may be adequate for HDOT's purposes, it is not adequate for the Department. The area of study specified by the Department is approximately twelve (12) miles, and comprises the length of one of the most heavily congested roads on Maui.

The County is especially concerned about a stretch of highway between Ma'alaea and Ukumehame otherwise known as the "Pall." While we note that Honoapi'ilani Highway is proposed to be realigned and widened in increments at some unspecified time in the future, no improvements are proposed for the Pall.

The TIAR assigns forty percent (40%) of the outbound trips toward Ma'alaea, but there appears to be no analysis for this stretch of road;



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

IN REPLY REFER TO:
HWY-PS 2.1168

November 6, 2015

Mr. William Frampton
Olowalu Town, LLC
2035 Main Street, Suite 1
Wailuku, Hawaii 96793

November 6, 2015 letter from Hawaii Dept. of Transportation to Olowalu Town, LLC

Dear Mr. Frampton:

Subject: Olowalu Town LLC
Olowalu Town Master Plan, Boundary Amendment Petition A10-786
Olowalu, Maui, TMK: (2) 4-8-003: 084, 098 through 118 and 124

Thank you for your letter of March 26, 2015, responding to our comments of January 26, 2015, HWY-PS 2.8904. Our January 26, 2015 letter (HWY-PS 2.8904), was to provide comments to the project Draft Environmental Impact Study and Traffic Impact Assessment Report (TIAR) on the impacts and mitigations of the proposed development to the State highway system.

The State Department of Transportation (SDOT) has agreed to three points of access and is agreeable to consideration of up to two of the accesses taking the form of the "Michigan U" (referred to in the TIAR as "Olowalu-Turns" or "O-Turns") as proposed for this development (HWY-PS 2.8904, comment 2), provided that the option to construct conventional signalized intersections (HWY-PS 2.8904, comment 4) is maintained until the validity of the O-Turns has been operationally demonstrated to the satisfaction of SDOT.

Project traffic volumes and turning movements for the accesses and highway improvements shall be based on an internal capture rate of 25% (HWY-PS 2.8904, comment 3).

The SDOT appreciates Olowalu Town's continued effort to resolve issues and address comments 1, 5-8 of HWY-PS 2.8904, regarding this development. The review of the TIAR (Dyar, April 14, 2015) is continuing.

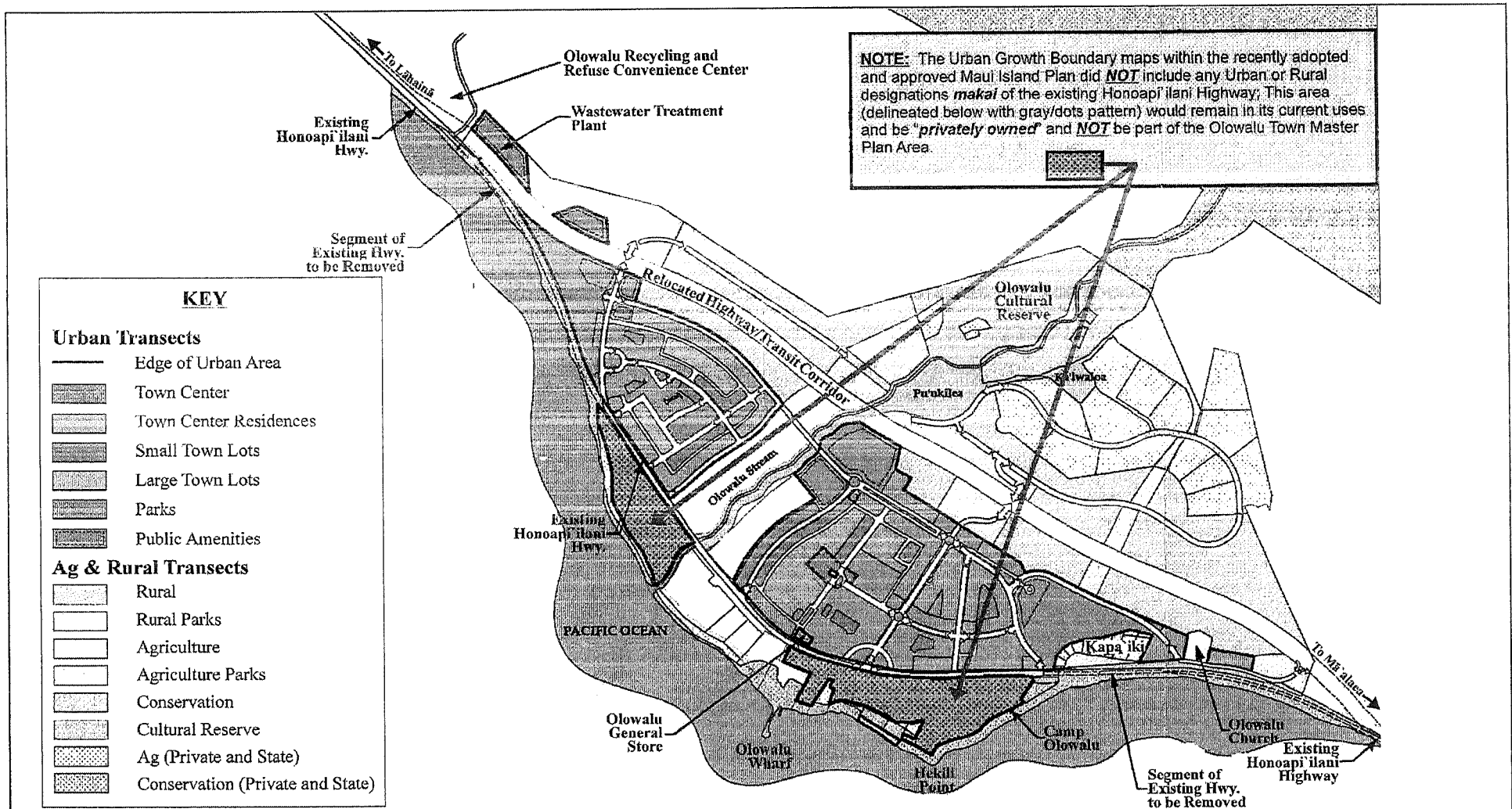
The SDOT has reviewed a draft of the traffic section of the proposed final Environmental Impact Study and request that references to the SDOT requiring or approving various actions of Olowalu Town be deleted from the text.

If there are any questions, contact Nami Wong, Systems Planning Engineer, Highways Division, Planning Branch, at (808) 587-6336. Please reference file review number PS 2014-278 in all contacts and correspondence regarding these comments.

Sincerely,

FORD N. FUCHIGAMI
Director of Transportation

c: Leo R. Asuncion, Office of Planning
William Spence, County of Maui, Department of Planning
Charlene Shibuya, Munekiyo & Hiraga



Source: Artel, Inc.

Figure 5

Proposed Olowalu Town Master Plan
 Maui Island Plan Growth Boundary Conceptual Plan (Alternative 2)

NOT TO SCALE



Prepared for: Olowalu Town, LLC and Olowalu Ekolu, LLC

MUNEKIYO HIRAGA

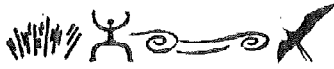
Olowalu Town Master Plan EIS-A12 Conceptual Plan

To get an Urban Growth Boundary, this is what Olowalu's developers told the County:

G. Public Infrastructure or Facilities Improvements proposed: OT is designed and planned to be a complete, independent, and sustainable community. As such, OT will provide the following services:

- 1) **Public Infrastructure:** A significant component of OT includes the design and building of innovative Infrastructure Systems at no cost to the State or County. These systems are based upon sustainable technologies that minimize the adverse impacts upon the natural environment. Efficient "green" technologies modeled after natural systems are planned at OT with an emphasis on recycling, reducing, and reusing. Our team of Natural Resource Engineers conducted an Integrated Resource Planning Assessment in order to (1) determine the most efficient use of our natural resources, (2) determine appropriate infrastructure systems compatible with the environment, (3) minimize environmental impacts, and (4) provide safe economically feasible services. OT believes strongly in responsible development and will construct and pay for the following Infrastructure Systems:
 - a) **Highways & Roadways:** Instead of just planning streets for cars, OT is designed to provide many modes of transportation for people including walking, biking, mass transit, and automobiles. These different modes of transportation address movement within neighborhoods (*circulation*), between neighborhoods (*connectivity*), and to different parts of the island (*regional transportation*). To advance those goals OT will do the following:
 - i. **Honoapi'ilani Highway:** To improve regional transportation OT will pay for the relocation of the high-volume/high-speed traffic of Honoapi'ilani Highway to a new mauka alignment. The new highway will be designed and built according to state and federal standards. The highway will be built in conjunction with the first phase of OT. The design will preserve and enhance existing access to shoreline parks, beaches and ocean activities, including surfing and fishing. The new highway corridor is designed to accommodate mass transit alternatives when they become available. The existing road would be preserved with its Monkey-pod trees and returned to its original role as a country/town roadway with bike and walking paths built along its side.
 - ii. **Internal Roadways:** To create connectivity and circulation within and among the town, OT will build a connective/grided network of pedestrian friendly roadways. A grided roadway network provides "parallel redundancy" offering numerous routes/options for both pedestrians and drivers. Olowalu street dimensions will be guided by the principle of "Context Sensitive Design" which recognizes place making and pedestrian comfort as legitimate goals for roadway design. This is implemented by designing
- 2) **Public Facilities and Services:** The design of OT includes over 330 acres (54% of project area) dedicated towards providing Public Facilities and Services to insure that residents have adequate support of daily needs and services for enhanced quality of life. These services include social services, non-profit organizations, educational facilities, police, fire, post office and medical facilities, as well as ample access to beach parks, playgrounds, hiking and biking from their homes. Specifically, the plans include the following:

towns, while also applying the principles of TND and Smart Growth. Once approved, innovative infrastructure systems (parks, roads, waste water treatment, water system, etc.) will be privately financed and maintained at no cost to the county. Olowalu will relocate mauka, design and build a portion of the existing Honoapi'ilani Highway which traverses Olowalu to State and Federal standards at no cost to the government.



SUSTAINABLE RESOURCES GROUP INTN'L, INC.

ORIGINAL

December 7, 2015

State of Hawai'i Land Use Commission
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359

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STATE OF HAWAII
LAND USE COMMISSION

Re: Review of *Impact on Water Resources of the Olowalu Town Project*, by Tom Nance Water Resources Engineering

To Whom It May Concern:

This review is submitted by Andrew Hood of Sustainable Resources Group Intn'l, Inc. It was prepared for the Sierra Club Maui Group. I reviewed the 21 page report titled: *Impact on Water Resources of the Olowalu Town Project*, which was prepared by Tom Nance Water Resources Engineering ("Report").¹

This review is limited by the lack of supporting data and complete presentations of methods and assumptions used in the Report. A more robust and detailed analysis requires copies of models, plans, and data that are referred to throughout the Report. Due to the lack of narrative describing methods and assumptions, it is my professional opinion that the Report is incomplete and the efficacy of the author's conclusions cannot be verified or validated. It is obvious the analyses to determine impacts to water resources including ground and surface water quantities and quality were cursory and not commensurate with the scope of the project and the possible impacts it may have on waters within the terrestrial and marine environments.

The Report contains four sections, which will be summarized and commented on in this review.

1. INTRODUCTION

The introduction states the Olowalu Town Master Plan Project will occupy 635 acres and contain 1,500 residential units and related commercial, public, park and open space land. It also states that the objective of the Report is to quantify and assess the project's potential impact on water resources.

Review Comments

There is no presentation in this or subsequent Report sections of the amount of impervious surfaces that will be created at full build out, or details (e.g., type and geographical location) of strategies such as best management practices that will be utilized. The project does not identify water use for agriculture even though the land use classification of a portion of the proposed area is classified as agriculture.

2. PROJECT INFRASTRUCTURES THAT WILL IMPACT WATER RESOURCES

Section 2 describes existing and proposed infrastructure related to the extraction, collection, storage, and distribution of potable and non-potable water. One well, presently in operation used for potable water, will be fitted with a larger capacity pump rated at 450 gallons per minute. Two additional potable water wells will be drilled and fitted with pumps of the same capacity.

¹ Prepared For: Frampton and Ward LLC, 2073 Wells St. - Suite 101, Wailuku, Maui, Hawaii 96793; Prepared by: Tom Nance Water Resources Engineering, 560 North Nimitz Hwy - Suite 213, Honolulu, Hawaii 96817.

Non-potable water used for irrigation is sourced to Olowalu Stream where it is diverted at an elevation of approximately 502 feet. The diversion has been in operation for 100 plus years, and dewateres approximately 100 yards of the stream and reduces flow at volume equivalent to the diverted amounts.

A new waste water treatment plant will be constructed, finishing water to R1 standards. This water will also be used for irrigation. The Drainage System is described in one short paragraph and simply states creation of impervious area will increase surface runoff peak rates and volume.

Review Comments

The presentation of the existing and proposed infrastructure expansion does not contain any analysis as to how this infrastructure affects water quantity and quality. The brevity of the section, along with lack of any details, makes it impossible to evaluate the potential impacts to water resources.

3. HYDRO-GEOLOGICAL DESCRIPTION OF THE PROJECT SITE

This section provides a brief description of the hydro-geological conditions including an overview of the watershed, Olowalu Stream and Ditch flows, and ground water occurrence.

Review Comments

The overview of the watershed is very brief and information necessary to conduct analysis as to how the project affects the water resources is not presented (e.g., soil information). The lack of information regarding the soil types, including their depths, is troubling as one would need this information to generate estimates of soil water percolation rates, among other hydrologic parameters. Average annual rainfall on the project site is reported as typically less than 20 inches. A review of the *Rainfall Atlas of Hawai'i* reveals that average rainfall is typically less than 15 inches, with values of 10 inches near the more *makai* portions of the proposed site.² Though no data and analysis used are presented in this or the subsequent impacts section of the Report, using a value of 20 inches would add error in any hydrologic calculation or estimates.

Discussion regarding discharge in Olowalu Stream and Ditch relies on a dataset collected from 1911-1967. While this period of record is relatively long, it ended at a time when rainfall rates began to decline State-wide, including the project area. The discharge records used in the Report reflect a wetter climatologic regime and are not representative of current conditions. Further, in the Report the author does not report actual discharge measurements collected in-situ, but rather refers to observational estimates to describe differences in flows along various sections of the stream. While this observational information may be sufficient to make order of magnitude approximations, it is not sufficient to conduct a robust hydrologic investigation and derive sound conclusions.

The Report states that high silica concentrations collected on July 11, 2010 (N=1) indicates that stream flow at the Olowalu diversion is primarily ground water discharged from high level dike compartments. It is not possible to verify or validate this claim as no data are presented. In the following section describing ground water occurrence, the Report states that two development tunnels constructed by Pioneer Mill circa 1900, and located at higher elevation and upstream of the diversion, produced no to modest flow. These conflicting statements regarding sources of stream flow indicate there is uncertainty regarding the hydrologic connectivity between surface and ground waters, and as such would make characterizing impacts specious.

² <http://rainfall.geography.hawaii.edu/>

The ground water occurrence discussion does not contain information regarding the aquifer classification.

4. ESTIMATES OF IMPACTS ON WATER RESOURCES

The section presents existing hydrologic conditions to establish baseline conditions for use in comparing changes due to the project.

The following conditions are presented with assumptions. Similar to other sections of the Report, there is a paucity of data, information, and discussion of methodology. This makes it difficult to render an informed decision as to whether the estimates of existing conditions are valid, and to compare them to estimated changes.

Discharge of ground water along the project shoreline, and surface runoff to the shoreline, are the two conditions upon which comparisons are made.

Projected water uses and waste generation are presented and then used to estimate changes to the amount and quality of discharges (1) along the shoreline as ground water, and (2) to Olowalu Stream as surface water.

Review Comments

This entire section presents assumptions to generate estimates pertaining to water quantity and quality of surface and ground waters. The assumptions do not contain sufficient discussion to validate or verify if their uses are accurate and representative.

Estimates of the existing ground water discharges along project shoreline rely on the Commission on Water Resources Management methodology for establishing sustainable yield. This approach is not described and cannot be verified. This approach is wrought with challenges as the sustainable yield values are a function of ground water recharge. This approach is not used to generate estimates of ground water flow paths and fluxes. At present the sustainable yield of the Olowalu aquifer is identified in the Report as 2 MGD (million gallons per day). This sustainable yield value is approximately 70 percent higher than the amount of water extracted from the aquifer at present, and under these present conditions the level of chlorides was shown to increase appreciably in two wells the author discusses. A more robust analysis of how increased extraction of ground water would impact fluxes to shoreline and stream waters, and ground water levels would be to utilize ground water flow models. Such models are routinely used to evaluate the response of ground water systems and to predict future hydrogeologic behavior. The approaches used in the Report are somewhat rudimentary and, as previously stated, based on assumptions and approaches that do not include citations and cannot be verified or validated.

The Report should contain a rigorous analysis of potential impacts, direct and cumulative, to ground water, ground water discharge points and receiving waters from termiticides and pesticides that will be used on houses, commercial buildings and, public spaces; nutrients from irrigation and fertilizer applications; and potential release of metals and other contaminants generated from the built environment.

CONCLUSION

The Report does not provide sufficient data and information to verify and validate the estimates of changes to water quantity and quality from the project under full build-out conditions. This reviewer recommends additional information and description be provided, along with citations and basis for assumptions that are contained throughout the Report. Additionally, if the protection of water resources is to be realized, then a more robust method such as a multi-dimensional ground water model that does

State of Hawai'i Land Use Commission, p. 4

not rely on sustainable yield should be utilized and run under a scenario based approach. This will produce more accurate and reliable estimates of potential impacts to the vital ground and surface waters.

More detail, both geographical and engineered basis of design describing the practices that will be used to control storm water runoff, is necessary to verify statements and conclusions drawn throughout the document.

Sincerely,

Andrew Hood
Principal

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Testimony of Lucienne de Naie

STATE OF HAWAII December 5, 2015
LAND USE COMMISSION

I would like to clarify for Commissioners some of the statements made in the Olowalu Town (OT) December 4, 2015 responses to the Commissioner's questions.

1. Maui Island Plan (MIP) "Applicant always intended to undertake development on both sides of existing Honoapiilani Hwy.."

Clarification: During the Maui island Plan process, the applicants presented a very different map (**Exhibit A attached**) with around 29 acres of makai land, (TMK (2) 4-8-003:084, proposed for the urban designation, not 45.

- About half of those 29 acres was shown as some sort of green space or park.
- I served on the General Plan Advisory Committee (GPAC). GPAC voted 13 to 4 to include several hundred acres of Olowalu in the MIP Urban and Rural growth boundary, **based on that map.**
- Applicant did not discuss with GPAC that all of Olowalu makai lands are in the tsunami impact zone and a good portion are in the high hazard ("AO") FEMA flood zone.
- A sixteen acre parcel ,TMK (2) 4-8-003:124, owned by Olowalu Ekolu, **was not proposed** for the Urban Growth Boundary. This parcel is now part of Alternative 1 in the FEIS.
- Parcel 124 was left off of the GPAC recommended growth boundary map. (**Exhibit B**)
- GPAC members were told that those lands were not part of the Olowalu Town project and had different owners.

Conclusion: It is clear that GPAC and the Maui Planning Commission did not consider the same project area now being proposed in the FEIS and DBA. The FEIS should make that clear, but it does not. It is also clear that Maui Planning Commission and Maui County Council left all makai lands out of the Urban Growth Boundary, and this Commission should follow their lead and do likewise.

2. "Makai lands were identified for Park, Open Space or retention basins in MIP..."

Clarification: Olowalu Town "Concept Maps" shown to GPAC and Planning Commission gave the impression that majority of makai lands were planned to be green spaces .(See Exh A.) These bodies based their support for the project on those lovely, but vague "concept maps," just as you are being asked to do. All the details will supposedly come later....

- The West Maui Community Plan map shows a portion of makai Olowalu lands as Park and Open Space. It also specifies that a 30-acre coastal park is desired in the area if ag activities diminish:

"b. The development of a public beach park at Olowalu near Camp Pecusa for camping and ocean-related recreational and educational activities. The final boundaries of this park shall be determined in consultation with the landowner. However, if agriculture in the area is decreased by 50 percent, 20 acres of park land shall be considered for addition to the 10 acres of park land currently designated in the Land Use Map."

Conclusion: All of the coastal lands of Olowalu are in high hazard tsunami or flood zone. The FEIS on p. 99 indicated that 30% of the Olowalu beach width has been lost to coastal erosion in the last 60 years. A commitment to open space and park use, and a deep shoreline setback area would be sensible planning. **The FEIS gives no specific commitment for these mitigations and only refers to "opportunities" for parks and keeps the same 150 ft shoreline setback required by the 2002 SMA permit for an Ag subdivision.** Commitment to

Parks and Open Space and a much wider shoreline setback are needed as mitigations for the tsunami hazard, erosion, flooding, burials and cultural sites all found in the makai lands.

3. "Will the existing Honoapiilani Hwy through Olowalu be left in place as a secondary access road and will access to Awalua surf spot be inhibited?"

Clarification: The language in the FEIS is very vague, non-committal and inconsistent on this topic. The Applicant's response says the existing road will be "retained" and "open to the public." Of course it will be open to the public- it is a state highway and an historic road.

- The FEIS and the applicant's response does not specify clearly if the **entire road will be retained** for through vehicle use as it is presently, or if only a portion will be retained and connected to the new Olowalu Town internal street system? (which the FEIS seems to imply)
- While the response indicates that the road decision is for the state to make, It really appears that this project can't proceed unless it has a new bigger road and that road needs to connect to the existing road. The FEIS does not make this clear.
- New highway alignment will cut off the current easy access to Awalua surf spot. Future access to this popular area may be much more difficult and parking may be limited. The FEIS needs to discuss these very real impacts but it did not. It owns all the land surrounding the existing highway and therefore has a great degree of freedom to seek solutions. FEIS cannot assume or pretend they will all be worked out later during coastal review. Impacts are supposed to be discussed at the earliest practicable point in the project.

Conclusion: Commissioners should be told- will the existing Honoapiilani Hwy continue to be a through road for vehicles after the relocated highway is built, or is the Olowalu Town plan intrinsically based upon the south and north ends of the road being closed to vehicles? If this is the case, there will be impacts to Awalua beach access and the FEIS is not complete if they are not discussed.

4. "Was retention of 100% of pre and post construction runoff promised to Planning Commission?"

Clarification: Yes, this statement was made to the Planning Commission. Now we understand it to be "redefined" to mean 100% of post-construction runoff (required by law of every development) and 10% of pre-construction runoff.

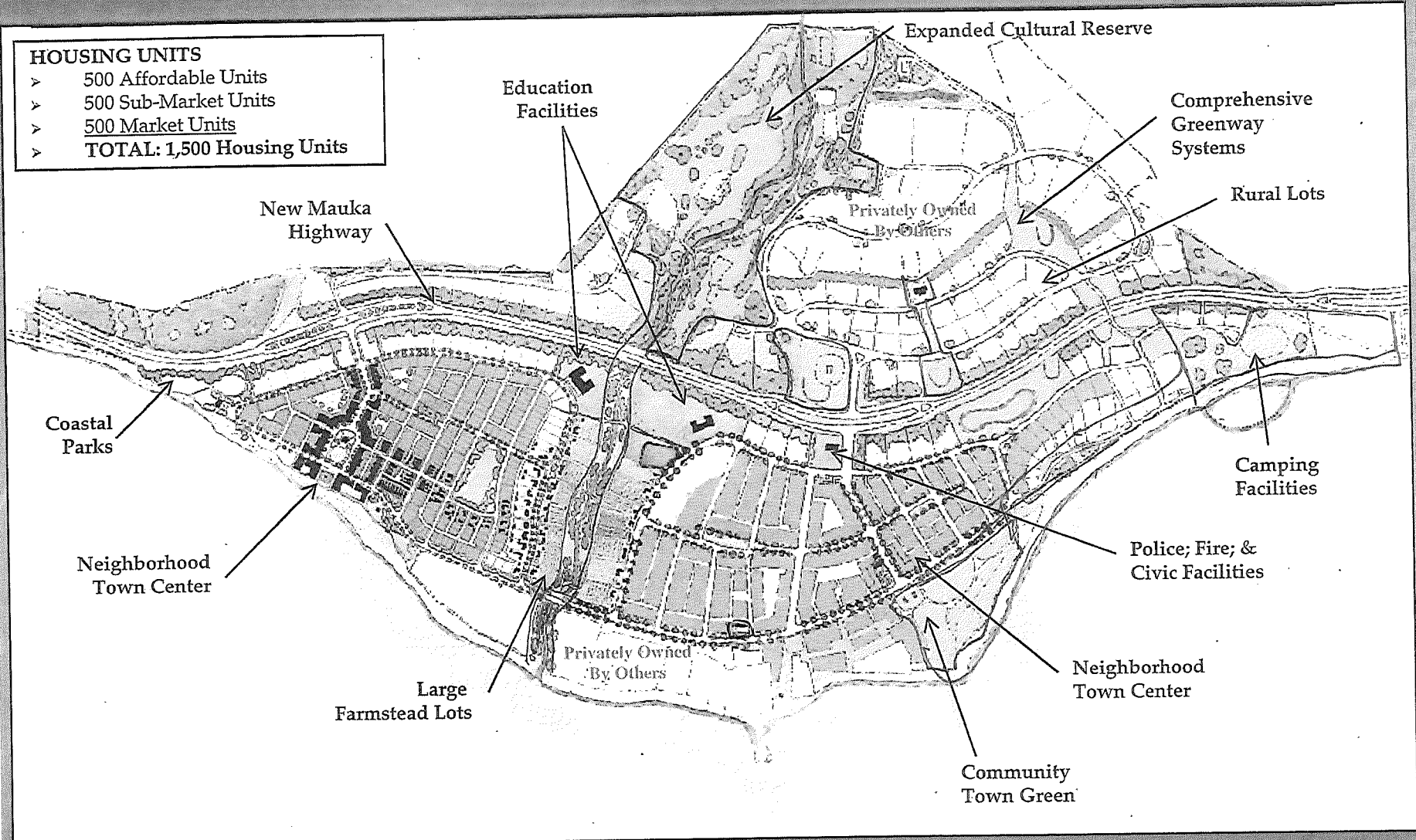
- What does this really mean? The total pre-construction stormwater flows are estimated in the Preliminary Engineering Report to be 322 acre ft from a 24hr/ 100 year storm.
- The entire stormwater retention system proposed for Olowalu has a capacity of 105 acre ft. Around 32 acre ft of that is for current runoff (10%). The rest (73 ac ft) is for post construction runoff.
- Applicant's response does not remind Commissioners that the project area is currently a 41-lot Agricultural subdivision that promised in its 2000 Environmental Assessment there would be no drainage impacts from that subdivision. Retention basins, coastal plantings, spacious greenways and minimal grading work were all promised as mitigations. These have not happened.

Conclusion: **What Olowalu Town promised the Planning Commission would have needed a retention capacity of 395 ac ft, not 105 acre feet.** The difference is very significant and the FEIS is incomplete if these impacts are not realistically addressed

2007 OLOWALU PRESENTATION GPAC

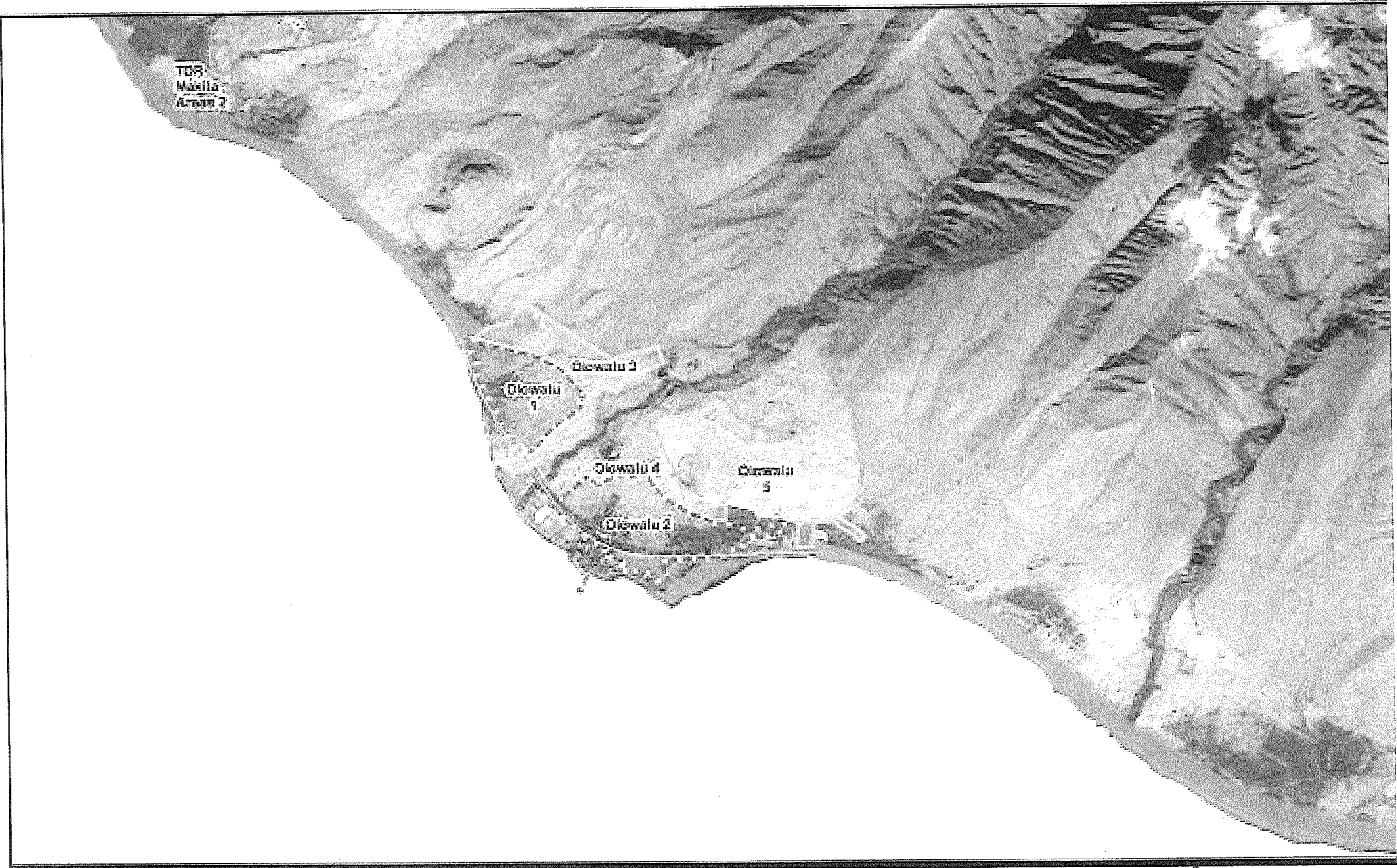
OLOWALU TOWN - A Traditional Community For Maui's Families

- HOUSING UNITS**
- › 500 Affordable Units
 - › 500 Sub-Market Units
 - › 500 Market Units
 - › **TOTAL: 1,500 Housing Units**



OLOWALU TOWN, LLC
 GPAC PRESENTATION
 September 20, 2007

EXH. A. L. DENAIE TEST. LUC 12/7/15



EXH B. GPAC VERSION MIP GROWTH BOUND.
L. DE NAIÉ TEST LUC 12/7/15

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November 16, 2015

Dear Hawaii Land Use Commissioners,

STATE OF HAWAII
LAND USE COMMISSION

We are writing this testimony to strongly urge you to reject the Final Environmental Impact Statement (FEIS) as it was not conducted with the appropriate scientific rigor to properly evaluate the potential impacts of the proposed Olowalu Town on one of Maui's most valuable coral reefs. As a group of marine biologists working at Scripps Institution of Oceanography [i] and conducting regular peer-reviewed coral reef research on Maui for over a decade, we have reviewed the current FEIS. **We find that this report has insufficiently and in some cases erroneously attempted to quantify the coral reef environment adjacent to the proposed Olowalu Town area. We therefore urge you to request that further study is needed in order to truly evaluate potential impacts of the Olowalu Town development on one of the largest stretches of coral reef on the island of Maui.** As it stands now, the study did not use stratified random sampling, which is standard procedure in reef monitoring. Rather, site selection appeared to have been haphazard or biased. Given the extensive nature of the Olowalu reef, sampling was not adequate enough for a thorough assessment. As a result, it will also not be possible to measure the impact of the proposed action given this initial assessment is flawed.

Further, the study concluded that sedimentation was the primary stressor affecting reef health at Olowalu and thus recommended that any effort to reduce sedimentation would have a positive effect on the reef. However, the assessment did not consider other potential impacts of the development on the future of the Olowalu reef (additional nutrients, pesticide, herbicides, fishing, etc). We would also like to point out that over the past year and a half the coral reefs in the Hawaiian Islands have experienced a massive coral bleaching event associated with pervasively elevated warm seawater in the region. This event has caused widespread coral mortality around the state including extensive changes to the reefs off of Olowalu. A more accurate and up-to-date assessment is needed on vast coral reefs and reef resources off of the proposed Olowalu Town to assess risk to the marine resources and the necessary mitigation measurements to the proposed actions.

Hawaii state law (HAR 11-200) specifies that an EIS "shall **fully declare the environmental implications of the proposed action and shall discuss all relevant and feasible consequences of the action.**" Given the errors in the study of marine resources, it is therefore not possible for the EIS to address all environmental implications and consequences of the proposed action. Thus, we find the current proposal FEIS to be not a final EIS.

In particular,

1. **Appendix E, Figure 22:** While in the FEIS the authors write that the 'outer reef flat' is 'essentially pristine ecological settings unaffected by most human activities, with the exception of fishing,' this contrasts the images of the reef in this figure, indicated to be from the "outer reef flat." In this image, sedimentation stress and overgrowth by turf algae are both clear. **Therefore, this is not an "essentially pristine" reef but rather a reef impacted by sediment stress.** Thus, the impact of sediment influence proposed in the EIS is underestimated and more strict mitigation measures against sediment deposition should be undertaken given the proposed action.

2. **Appendix E, Figure 30:** Sampling in the top half of the figure is clustered and clearly not done in a random stratified manner as is accepted by the scientific community. Therefore, the extrapolation from several clusters of samples to entire reef areas is not valid. Importantly, the entire middle portion of the reef is not sampled but is assigned percent cover of 50-90% in the lower map. **This is not scientifically sound.** In addition, areas on the map that indicate 90% cover would only be possible when looking down on an individual healthy coral colony and is not possible when scaled up to look across the Olowalu reef community on a reefscape scale. **We therefore find multiple errors in the approach to sampling used to make the lower map, which renders the map invalid.**

3. **Appendix E, Figure 31, 32:** As in comment 2 (above), the sampling is not scientifically sound and thus the **maps of distributions across the entire reef are not valid.**

4. **Vol 1, Part 5, Page 115, third paragraph:** The text recognizes the bleaching events that have occurred throughout the Hawaiian Islands in 2014 and 2015. While the author of this paragraph notes visiting the reef for one day in September, our research team has spent weeks underwater at this site throughout the 2014 and 2015 bleaching events and have noted considerable changes to the Olowalu reefs (unpublished but available data). **A more accurate and up-to-date assessment is needed on vast coral reefs and reef resources off of the proposed Olowalu Town to assess risk to the marine resources and the necessary mitigation measurements to the proposed actions.**

5. **Vol 1, Part 5, Page 115, last paragraph:** The text states that reefs will benefit from the proposed development with the assumption that the development will reduce sediment loads onto the reef. While the EIS indicates it will mitigate against sediments, it does not indicate specific coverage of sediment mitigation strategies and thus it will be impossible to enforce or assess if these measures are taken to the extent necessary to prevent additional sedimentation on the reef. **There is no evidence to support the suggestion of a reduction in sedimentation** from the proposed action as sediment from both land runoff adjacent to the ocean as well as from stream deposition impact the reef and there is no evidence as to the efficacy of mitigation measures in reducing both of these impacts.

6. **Vol 1, Part 5, Page 116, first paragraph:** We find this paragraph to be in error. We do not agree that sediment on the reef is limited to areas in the inner reef but rather we have data and images that indicate sediment stress throughout the Olowalu reef area in the EIS mapped areas. This is related to our comment 1 (above).

7. **Vol 1, Part 5, Page 116, second paragraph:** The EIS references the ability to “avoid unforeseen impacts during construction and operational phases of the project;” **given that these impacts are admittedly impossible to foresee, it is therefore inappropriate to call these potential impacts "zero impact."**

1. **Missing data:** Olowalu is known to have rare corals present, many of which were recommended for listing for additional legislative protection under federal law. These corals are not mentioned in the EIS and in response to 2012 comments, it was indicated they are not distinguishable from common corals. We disagree that it is not possible to distinguish these corals but also add that **the difficulty in identifying these corals in the field should not preclude the need for more strict mitigation measures as the consequence of losing these corals is both important to the reef community and the people of Hawaii.**

2. **Consideration of feasible consequences:** We have conducted research at Olowalu for the last 15 years and recognize the reef as a sediment-stressed but importantly still “healthy” reef with some of the greatest abundances of corals on the island of Maui. However, the additional sediment stress that we anticipate would occur as a result of the proposed action even with the possible suite of mitigation measures proposed that could be included **will likely cause further stress on this reef and future decline.** With global stressors like the current El Niño in which ocean temperatures are warmer and corals have bleached, this additional human-induced stress will likely result in further reef decline.

Given these errors and missing components in the FEIS, the Olowalu Town Final EIS does not “fully declare” the environmental implications of the proposed project or fully discuss the “feasible consequences.” Without an accurate view of likely impacts that will affect local residents and our lands, waters and wildlife, the FEIS does not meet the content standards for an EIS, and should not be accepted.

Thank you,

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[i] We write this letter as private citizens. Our views do not necessarily reflect the views of the Scripps Institution of Oceanography, University of California San Diego.

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ORIGINAL

EDUCATION

May 2003 Bachelor of Science in Marine Science with a concentration in Biology,
Southampton College of Long Island University, Southampton, New York, 11968
May 2006 Master of Science in Botany and Ecology, Evolution and Conservation
Biology, University of Hawai'i, Manoa, Honolulu, Hawaii, 96822

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PROFESSIONAL EXPERIENCE

2008 (June) – 2012 Principal Investigator

University of Hawai'i, Manoa, Department of Botany, Honolulu HI 96822

Supervisor Dr. Celia Smith (808) 956-6947 40+ hrs/wk

Duties: While stationed in Lahaina, Maui (mainly) or Kona, Hawaii, the following duties were performed in addition to duties under the technician position: designed and performed laboratory and field experiments to produce a useful method for determining time integrated nitrogen concentrations and $\delta^{15}\text{N}$ values at sites of interest; coordinated with the Division of Aquatic Resources to conduct algal bioassays at CRAMP sites; coordinated the use of the UH field station, vehicle and boat; presented research findings to federal, state, and county agencies and the general public; coordinated the efforts of the US Geological Survey in the assessment of submarine groundwater discharge at Kahekili, Maui; investigated of the fate and travel time of the effluent from the Lahaina Wastewater Reclamation Facility, and wrote grants and scientific manuscripts.

2006 (April) – 2008 (May) Marine Biology Technician

University of Hawai'i, Manoa, Department of Botany, Honolulu HI 96822

Supervisor Dr. Celia Smith, 40+ hrs/wk

Duties: conducted biological surveys on coral reefs, designed and conducted an island wide survey of intertidal algae for tissue $\delta^{15}\text{N}$ values, performed laboratory and field experiments involved with herbivore grazing assays, algal growth, and physiology, prepared algal and water samples for laboratory analysis, analyzed photoquadrants with PhotoGrid software, assisted with writing scientific manuscripts.

PRESENTATIONS

2010 Using nitrogen isotope signatures of deployed macroalgae to determine wastewater effluent dispersion across a coral reef on Maui, Hawai'i, USA. American Society of Limnology and Oceanography, Summer Conference, Santa Fe, New Mexico
2009 Impacts of excess anthropogenic nutrients on Maui. Hawaii Conservation Conference, Honolulu HI
2008 Impacts of excess anthropogenic nutrients on Maui's marine environment:
US Environmental Protection Agency, PICO, Honolulu HI
Maui County, Division of Environmental Management, Wailuku, HI
US Environmental Protection Agency, Region 9, Lahaina, HI
Maui Nui Marine Resource Council (MNMRC), Maalaea, HI
Maui County Council, Water Resources Subcommittee, Wailuku HI
Ecology of Harmful Algal Blooms (EcoHAB) Workshop, Honolulu, HI

RELATED EXPERIENCE

2010 Interviewed by journalist Patricia Tummons from *Environment Hawaii* for an article about wastewater on Maui, released in May 2010
2009 Presented research findings at a multi-agency meeting with the US Environmental

Protection Agency (Region 9 San Francisco and Honolulu representatives)
Department of Health, County of Maui, division of Environmental Management
Division of Aquatic Resources and the US Army Corps of Engineers
2008 Member of the A'hihi Kina'u Advisory Group workshop assembled by The Nature
Conservancy to assist in the development of the A'hihi Kina'u Natural Area
Reserve Management Plan
2007 to 2010 Member of the Maui Nui Marine Resource Council (MNMRC)
2004 NAUI Scientific SCUBA diver, Scientific Diving Program, University of Hawai'i

AWARDS, GRANTS AND CONTRACTS

2009 \$17,000 Local Action Strategy- Land-Based Pollution: Using algal $\delta^{15}\text{N}$
values and nutrient ratios to assess and monitor anthropogenic nutrient impacts within
the Herbivore Fisheries Management Area at Kahekili, West Maui
2009 \$20,000 (in collaboration with CM Smith) Federal Aid in Sport Fish Restoration
Program, through the State of Hawai'i, Division of Aquatic Resources: The
development and implementation of the algal bioassay to predict integrated nitrogen
concentrations at CRAMP sites on Maui
2010 \$230,000 Hawai'i Coral Reef Initiative: Preventing the introduction and spread of
nutrient driven invasive algal blooms and coral reef degradation in West Hawai'i
2011 \$118,000 US Army Engineer Research and Development Center: Lahaina
Groundwater Tracer Study, Lahaina, Maui, Hawai'i. Lead PI C.R. Glenn, co-PI's:
A. El-Kadi, H. Dulaiova, M. Dailer
2011 \$140,000 Department of Health, Safe Drinking Water Branch/US Environmental
Protection Agency: Lahaina Groundwater Tracer Study, Lahaina, Maui, Hawai'i:
Phase II. Lead PI C.R. Glenn, co-PI's: A. El-Kadi, H. Dulaiova, M. Dailer
2013 - 2015 \$ 58,300 Department of Health, Safe Drinking Water Branch/US
Environmental Protection Agency: West Maui Seep Monitoring

PUBLICATIONS

Dailer ML, Ramey HL, Saephan S, Smith CM. 2012. Algal $\delta^{15}\text{N}$ values detect a
wastewater effluent plume in nearshore and offshore surface waters and three-
dimensionally model the plume across a coral reef on Maui, Hawai'i, USA.
Marine Pollution Bulletin 64: 207-213
Dailer ML, Smith JE, Smith CM. 2012. Responses of bloom forming and non-bloom
forming macroalgae to nutrient enrichment in Hawai'i, USA. Harmful Algae 17:
111-125
Dailer ML, Knox RS, Smith JE, Napier M, Smith CM. 2010. Using $\delta^{15}\text{N}$ values in algal
tissue to map locations and potential sources of anthropogenic nutrient inputs on the
island of Maui, Hawai'i, USA. Marine Pollution Bulletin 60: 655-671
Vermeij, MJA, ML Dailer, CM Smith. 2009. Nutrient enrichment promotes survival
and dispersal of drifting fragments in an invasive tropical macroalga. Coral Reefs 28:
429-435

REFERENCES

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University of California, San Diego, Scripps Institution of Oceanography
Dr. Craig Glenn: (808) 956-2200, glenn@soest.hawaii.edu
University of Hawaii, Manoa, Department of Geology and Geophysics