

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
STATE OF HAWAII, DEPARTMENT OF)
EDUCATION) DOCKET NO. A11-794
To Amend the Land Use District Boundary)
of Approximately 77.2 Acres of Land from)
the Agricultural District into the Urban)
District at Kihei, Maui, Hawaii, Tax Map)
Key (2) 2-2-02: 81 and 83.)
OFFICE OF PLANNING'S STATEMENT
OF POSITION

LAND USE COMMISSION
STATE OF HAWAII
2013 MAR 22 A 10:49

OFFICE OF PLANNING'S STATEMENT OF POSITION

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

PETITION OVERVIEW

General Information

The State of Hawaii Department of Education (“Petitioner”) requests that the Land Use Commission (“Commission”) reclassify approximately 77.2 acres of land from the State Agricultural District to the State Urban District at Kihei, Maui.

The State of Hawaii Board of Land and Natural Resources is the fee owner of two separate adjoining parcels of land: Tax Map Key (“TMK”) (2) 2-2-002:081 comprising approximately 29.175 acres, and TMK (2) 2-2-002:083 with approximately 48.007 acres.

Proposed Use of the Petition Area

The Petitioner proposes to develop the Kihei High School campus on a 77.2-acre site (“Petition Area”). The proposed school will serve grades 9-12 in the south Maui region, and at full build-out accommodate an enrollment capacity of 1,650 students and approximately 206 supporting staff. Site development includes approximately 209,435 square feet of educational buildings and infrastructure, and approximately 575,660 square feet of athletic facilities.

The high school is proposed to be constructed through a design-build process with detailed project design to be determined by the Petitioner and the design-build developer. The project will be constructed in two phases. Phase One, estimated to begin construction in 2016, will consist of the development of a high school campus large enough to support 800 students, and include construction of essential classrooms and other buildings, athletic fields, and all on-site and off-site infrastructure foundations: campus driveways, fire lanes, parking, walkways, highway improvements, water and wastewater facilities, drainage, and utilities. Phase Two of the project consists of additional classrooms and other amenities to be constructed when increases in enrollment justify the expansion.

Petition Area Description and County Land Use Designations

The Petition Area is situated in Kihei and located adjacent to and east of Piilani Highway. The existing land use consists of undeveloped lands which have been used as pasture land for domestic cattle. Surrounding the Petition Area is the proposed Kaonoulu Business Park, proposed Kaonoulu Village, Maui Research and Technology Park, and Elleair Maui Golf Club.

The Petition Area is within the County of Maui’s *Kihei-Makena Community Plan*, designated as “Public/Quasi-Public” use, and is zoned by the County as “Agricultural.” The *Maui Island Plan’s Directed Growth Map* indicates the Petition Area is within the urban growth boundary.

An Environmental Impact Statement (“EIS”) was prepared pursuant to Hawaii Revised Statute (“HRS”) Chapter 343 and HAR Chapter 11-200 due to the use of State lands and funds, and the proposed amendment to the *Kihei-Makena Community Plan*. On November 9, 2012, the *Kihei High School - Final Environmental Impact Statement* was accepted by the Governor.

KEY ISSUES OF CONCERN TO THE STATE

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

Impacts on Areas of State Concern

Natural Systems and Habitats

Water resources. The Petition Area does not have an existing water source, and there are no surface water resources in the immediate vicinity. The area is bordered to the south by Waipuilani Gulch and to the north by Kulanihakoi Gulch. Both gulches are generally dry except during significant rainfall events. The project will have a potable water demand of 37,450 gallons per day, and a non-potable demand of approximately 185,000 gallons per day for landscape irrigation.

According to the EIS's - Appendix C, *Groundwater Resources and Supply*, potable water resources do not exist within a two-mile radius of the project area, and the underlying Kamaole Aquifer produces brackish water that is not suitable for drinking. The Petitioner proposes to use potable water provided by the County of Maui Department of Water Supply through its Central Maui Water System for the 37,450 gallons per day needed for the school at full build-out. A transmission main for this connection is located directly makai of the project site, across Piilani Highway. The water supply is connected to two reservoirs uphill from the area, with primary water supply originating from the Hale Kihei Reservoir. The State Commission on Water Resource Management ("CWRM") indicates that the water sources for the Central Maui Service Area supplying the project's potable requirements (Iao and Waihee Aquifers) are already near the sustainable yield.

To mitigate impacts to the island's potable water supply, the school's non-potable requirement of 185,000 gallons per day is proposed to be met by two new on-site brackish wells from the underlying Kamaole Aquifer System. According to the *Groundwater Resources and Supply* study, "the proposed project is not expected to have any adverse impacts on either the sustainable yield or quality of the underlying brackish aquifer due to the proposed development of 185,000 gpd of brackish water." CWRM indicates that the non-potable sources being proposed will require CWRM permits including well construction and pump installation permits.

Refer to the attached CWRM letter dated March 7, 2013 (Attachment A).

Flora and Fauna. In biological surveys of the Petition Area, no federal or State threatened or endangered species, or species of concern were identified during the course of the field survey. The survey indicated it is possible that small numbers of the endangered endemic Hawaiian Petrel bird and threatened Newell's Shearwater bird will fly over the project area between the months of May and November. If night time construction activity occurs during these months, the survey recommends consideration be given to lights being shielded to reduce the potential interaction with the nocturnal birds.

Archaeological, Historic, and Cultural Resources

A cultural impact assessment was conducted and concluded that no cultural practices are continuing or are currently occurring within the Petition Area.

An archaeological inventory survey ("AIS") was prepared through a pedestrian survey of the entire site, documenting the presence or absence of archaeological deposits in the surface and subsurface. The inventory found eight historic features consisting of rock mounds, and they have been documented with the State Inventory of Historic Properties No. 50-50-10-6393. The features have been given a significance assessment designated as a site that has yielded or has the potential to yield information important to prehistory. The AIS found that the features have been adequately documented and recommended that no further work is required. The Division of Land and Natural Resources, State Historic Preservation Division, accepted the AIS on February 12, 2010.

The AIS did not recommend an archaeological monitoring plan. In its February 12, 2010 acceptance letter, the State Historic Preservation Division indicated that, "we are still uncomfortable with the recommendation for no monitoring during any portion of the ground altering disturbance within the 77-acre project area. While continuous monitoring does not appear to be necessary, we believe a program of intermittent monitoring during initial phases of ground preparation and build out should be implemented."

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

Natural Resources Relevant to Hawaii's Economy

Agricultural lands. The Petition Area consists predominately of rocks, Kiawe trees, grasses, and weeds and receives a relatively low amount of rainfall. Currently, both Haleakala Ranch and Kaonoulu Ranch use the site for cattle grazing. The EIS indicates that development of the high school will remove approximately 44 acres of grazing land from Haleakala Ranch and 32 acres of grazing land from Kaonoulu Ranch. The Petitioner has consulted with the two ranches regarding location of the proposed high school, and both ranches indicate that this amount of land will not have a significant impact on their cattle operations.

The State Department of Agriculture ("DOA") indicates that the Land Study Bureau rates 100 percent of the Petition Area with the lowest quality of soil rating "E," and that the Agricultural Lands of Importance to the State of Hawaii classify 2 percent of the land as Prime, with 98 percent of the land not classified. Currently there is no irrigation infrastructure on the land, and there are no historical agricultural uses besides ranching within the Petition Area. DOA believes the project will not adversely affect the existing agricultural activities or agricultural resources of the area. Refer to the attached Department of Agriculture letter dated March 5, 2013 (Attachment B).

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

The Petitioner indicates that the proposed project will be designed to achieve a minimum of Silver Certification under the Leadership in Energy and Environmental Design (LEED) for Schools, or to a comparable program. The assessment of specific LEED sustainable design strategies will be assessed by the project design team.

OP commends the Petitioner for pursuing the high sustainability standards required to achieve LEED for Schools Silver Certification in its project planning and design.

Commitment of State Funds and Resources

Transportation. The Petition Area is proposed to be directly accessed via Kulanihako Street, which intersects with the Piilani Highway. The existing unsignalized three-way intersection will be upgraded to a signalized four-way intersection with operational

improvements to both the State Highway and County road. Also proposed are additions, modifications, and improvements to bicycle and pedestrian facilities.

The EIS indicates several opportunities for improved pedestrian and bicycle access from Kihei neighborhoods to the proposed high school. Most of the proposed improvements will exist on Kulanihakoi Street with improved bicycle lanes and sidewalks, and improvements to the Kihei Greenway. The Kihei Greenway runs north/south through the Kihei community makai of and parallel to Piilani Highway, and provides the potential to provide a safe option for bicyclists and pedestrians as a route to the school. The safe crossing of Piilani Highway for pedestrians and bicyclists also needs to be addressed.

The State Department of Transportation (“DOT”) has reviewed the Petition and has several concerns and recommendations regarding highway operations, bicycle and pedestrian amenities, intersection improvements, and safety. Relative to the Traffic Impact Assessment Report (“TIAR”), DOT expressed concerns that future committed developments be included in the traffic forecast analysis, that the TIAR assess impacts to the Kaonoulu Street and Piikea Avenue intersections to the south along Piilani Highway, and that mitigation improvements maintain the highway Level of Service to a minimum of “D.”

DOT recommendations for conditions include:

- Acceptance of the revised TIAR prior to zone change approval by the County of Maui,
- Mitigation improvements to Kulanihakoi Street at Piilani Highway acceptable to the DOT, including funding of improvements, dedication of land as required, and payment for access to the highway,
- For the safety of pedestrians and bicyclists, installation of sidewalks and paved shoulders along both sides of Piilani Highway fronting the school.
- To further remove conflicts between vehicles and pedestrians, construction of a pedestrian overpass or underpass across Piilani Highway,
- Improvements completed in accordance with the development schedule, and fair share contribution to the cost of regional improvements, and
- Mitigation of traffic noise impacts.

Refer to DOT’s Memorandum dated March 18, 2013 (Attachment C).

OP will recommend conditions to ensure that DOT concerns with the TIAR and related impacts to the State highway are addressed to ensure appropriate and timely mitigation of transportation impacts for all users.

Civil defense. This location currently does not have an outdoor warning system. State Civil Defense recommends that one omni-directional 121 db(c) solar powered siren is installed for coverage of the proposed project and will advise the developer on placement of the siren. Refer to the attached Department of Defense letter dated March 7, 2013 (Attachment D).

OP will recommend a condition to address the provision of a siren system.

Other Issues of Concern

Wastewater

The Petition Area does not have connection to the County sewer system. Petitioner proposes to connect the newly constructed high schools on-site sewer system to the County sewer system located across Piilani Highway, at the intersection of Kulanihako'i Street and Mahealani Street, which would convey wastewater to the Kihei Wastewater Reclamation Facility. Estimated projections indicate that the County system will have adequate capacity for wastewater flows generated by the high school. The Petitioner would be required to fund any mandatory off-site improvements to the collection system.

Drainage

Both an on-site and off-site drainage system is proposed for the project area that will be developed during the design phase. An on-site underground drainage system is proposed to accommodate a 50-year 1-hour storm which will be designed to divert flows to a detention basin located at the western portion of the Petition Area, near Piilani Highway, before entering an existing 72-inch culvert under Piilani Highway. An off-site drainage system is proposed at the eastern portion of the Petition Area to divert runoff generated above the high school into a ditch flowing to the Waipuilani Gulch. The design team would review this system, based on a 100-year period based on a 24-hour rainfall, to assess the effects of the proposed development on downstream gulches, bridges, and properties. The Petitioner will need to ensure that during construction and at build-out, any construction wastewater, discharges and releases, and stormwater runoff are properly managed to mitigate any potential impacts to surface or groundwater water resources.

OP recommends that the Petitioner incorporate low impact development techniques and technologies in the design and construction of the Project's drainage or stormwater management system. The Petitioner should coordinate drainage improvements with the DOT to avoid impacts to highway bridges and highway flooding.

Provision for Employment Opportunities and Economic Development.

The proposed project will provide for the creation of local construction related jobs during the two phases of construction over a period of about four years. The long-term operations of the school will attract faculty, administrators, professional staff, and operational related positions. Indirectly, the proposed school will have a positive economic impact to surrounding Kihei businesses.

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

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

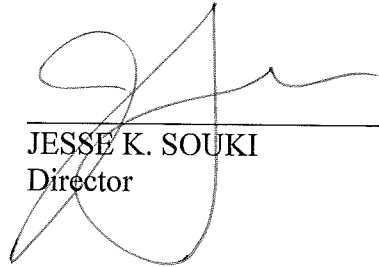
Based on our preliminary assessment of the Project with respect to the Commission's decision-making criteria, OP supports the proposed boundary amendment with conditions that will address the concerns raised herein. The proposed boundary amendment does not conflict with HRS Chapter 205 and generally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

herein and in this proceeding to the satisfaction of the relevant State agencies prior to the close of the Petitioner's case-in-chief, or by agreed-to conditions of approval.

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

DATED: Honolulu, Hawaii, this 22nd day of March, 2013.

OFFICE OF PLANNING
STATE OF HAWAII



JESSE K. SOUKI
Director

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON

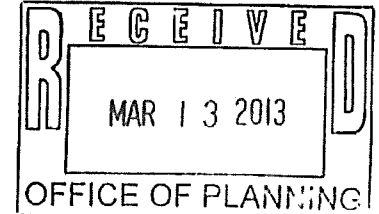
WILLIAM D. BALFOUR, JR.
SUMNER ERDMAN
LORETTA J. FUDDY, A.C.S.W., M.P.H.
NEAL S. FUJIWARA
JONATHAN STARR
TED YAMAMURA

WILLIAM M. TAM
DEPUTY DIRECTOR

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

March 7, 2013

Mr. Jessie Souki, Director
Office of Planning
235 South Beretania Street, 6th Floor
Honolulu, HI 96804



44665

ORIGINAL

Dear Mr. Souki:

SUBJECT: Kihei High School SLUDBA, Kihei, Maui

FILE NO.: P-13875

TMK NO.: (2) 2-2-002:081 & 083

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore, all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://www.hawaii.gov/dlnr/cwrn>.

Our comments related to water resources are checked off below.

1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EPA as having high water efficiency can be found at <http://www.epa.gov/watersense/pp/index.htm>.
5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://hawaii.gov/dbedt/czm/initiative/lid.php>.

6. We recommend the use of alternative water sources, wherever practicable.
7. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

Permits required by CWRM:

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

8. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
9. A Well Construction Permit(s) is (are) required before the commencement of any well construction work.
10. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
11. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
12. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
13. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
14. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
15. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
16. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.
- OTHER:

The water sources for the Central Maui Service Area (serving this project's potable requirements of up to 0.037 mgd) are already near the sustainable yields. Pending applications compete for the remainder. Non-potable requirements are proposed to be served separately by a battery of two wells. These will require CWRM permits.

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

Sincerely,



WILLIAM M. TAM
Deputy Director

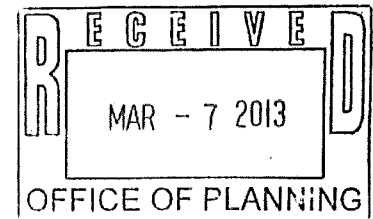
NEIL ABERCROMBIE
Governor



RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

SCOTT E. ENRIGHT
Deputy to the Chairperson

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



March 5, 2013

Jesse K. Souki, Director
Office of Planning
235 S. Beretania Street, 6th Floor
Honolulu, HI 96813

ORIGINAL

Dear Mr. Souki:

Subject: Petition for Amendment to the State Land Use District Boundaries
Agricultural to Urban (LUC Docket No. A11-794)
Department of Education
Kihei High School
TMK: 2-2-02: 81, 82
Acreage: 77.2 acres

The Hawaii Department of Agriculture (HDOA) has reviewed the subject petition and the Final Environment Impact Statement (FEIS) and does not object to the petitioner's request, as we believe the project will not adversely affect the existing agricultural activities or agricultural resources of the area. HDOA offers the following comments on the petition and FEIS for the subject lands:

- 100% of the subject lands are rated "E" by the Land Study Bureau. 98% of the land is not classified according to the Agricultural Lands Important to the State (ALISH), while 2% is rated Prime.
- There is currently no irrigation infrastructure on the land, and there were no historical agricultural uses besides ranching on the subject lands (FEIS, Appendix B, p. 6).
- All of the subject lands are zoned as Agriculture. Approximately 56% of the subject lands are designated as Public/Quasi Public uses in the Kihei-Makena Community Plan, while the remaining 44% are designated as Agriculture. Public/Quasi Public designation includes schools, libraries, fire/police stations, government buildings, public utilities, hospitals, cemeteries, and community centers.



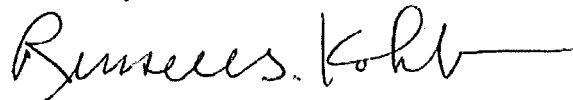
Attachment B

Mr. Jesse Souki, Director
March 5, 2013
Page 2 of 2

- The subject area is enclosed by gulches to the north and south. Seed corn and orchard operations are located about half a mile north of the school site (FEIS, Appendix B, p. 12). Given the distance, the FEIS states that the farms are not expected to cause nuisance problems for the proposed school (FEIS, Appendix B, p. 12). The lands to the east are owned by Haleakala and Kaonoulu Ranch. Discussion with the Department of Education regarding location and siting of the proposed high school has been part of the ranches' master planning efforts, and it is assumed that the ranches will appropriately plan their ranching activities so as to not be a nuisance to the school (FEIS, p. 1-2). The Westside of the subject property is adjacent to Piilani highway.

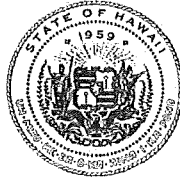
Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Russell S. Kokubun", with a long horizontal flourish extending to the right.

Russell S. Kokubun, Chairperson
Board of Agriculture

NEIL ABERCROMBIE
GOVERNOR



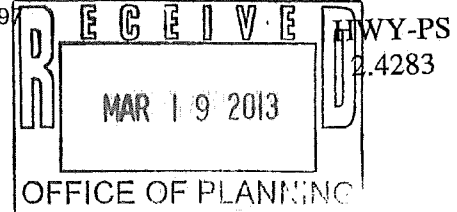
STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
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GLENN M. OKIMOTO
DIRECTOR

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

IN REPLY REFER TO:

MARCH 18, 2013



TO: THE HONORABLE RICHARD C. LIM, DIRECTOR
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

THRU: JESSE K. SOUKI
OFFICE OF PLANNING

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

SUBJECT: KIHEI HIGH SCHOOL DISTRICT BOUNDARY AMENDMENT PETITION,
LAND USE COMMISSION DOCKET A11-794, AGRICULTURE TO URBAN,
MAUI, KIHEI, TMK: (2) 2-2-002:081, 083

ORIGINAL

Thank you for the opportunity to review and comment on the subject petition to amend the State land use district boundary for 77.2 acres of land for the planned Kihei High School campus from Agriculture to Urban.

It is our understanding that when the planned Kihei High School opens in 2015, it is projected to have an enrollment of approximately 800 students, many of whom currently attend high schools in other areas as there are no high schools in the Kihei area, and the student body will increase to 1,650 students by 2025.

The Department of Transportation (DOT) has the following concerns:

1. Future committed developments in the Kihei area should be considered in the traffic forecast analysis. During the DEIS review, DOT commented that the Traffic Impact Analysis Report (TIAR) shall include analysis of future developments in the region. The Consultant responded that the 1 percent annual growth rate should account for assumed growth and that future developments in the region were not definite. DOT responded that the 1 percent annual growth was based on historical data and does not account for large future developments in the area and that it was not acceptable to not include future developments in the forecast.
2. It is DOT's policy to require a study area which extends out to intersections where a change in peak hour traffic volume due to the development is within our threshold of 3 to 5 percent. Petitioner should verify that the Kaonoulu Street intersection to the north and the Piikea Avenue intersection to the south along Piilani Highway are consistent with this threshold.

Attachment C

3. The LOS with the project with mitigation improvements in the revised TIAR should reflect the DOT's policy that the Petitioner shall mitigate all transportation impacts due to the project in order to maintain the without project operating LOS and delay level conditions for the horizon years. DOT may also require that the LOS along Piilani Highway with the project with mitigation improvements within the study area be consistent with DOT's acceptable threshold of LOS "D".

DOT recommends the following conditions:

1. The Petitioner shall revise the TIAR dated September 2011, revised April 2012 and submit a revised TIAR for DOT's review and obtain acceptance from DOT prior to approval of a change of zone from the County of Maui. The revised TIAR shall address the conditions expressed in this testimony. The TIAR shall provide and validate all recommended mitigation measures for potential project-related traffic impacts on State facilities to the satisfaction of the DOT.
2. The proposed access point to Piilani Highway is located at the existing Kulanihako'i Street T intersection by extending Kulanihako'i Street across Piilani Highway to the High School. The FEIS shows that Kulanihako'i Street will eventually be extended to currently undeveloped areas mauka of the High School. The proposed access to Piilani Highway is acceptable to DOT, subject to recommended transportation mitigation improvements in a revised TIAR that is acceptable to DOT. Petitioner shall pay to DOT the fair market value for access rights to Piilani Highway in addition to any recommended and required mitigation measures for potential project-related traffic impacts on State facilities.
3. Petitioner shall fund and provide for the planning, design and construction of all recommended transportation improvements required to mitigate local and direct project generated and/or related transportation impacts, in accordance with the revised TIAR, as approved by DOT. Petitioner shall also dedicate land to accommodate auxiliary lanes on Piilani Highway, as required.
4. To assure that the highway will operate safely and efficiently for all users, Petitioner shall install sidewalks and paved shoulders along both sides of Piilani Highway and provide accommodations for bicycles along the entire frontage of the High School property on Piilani Highway. To further remove conflicts between vehicles and pedestrians, Petitioner shall construct a pedestrian overpass or underpass across Piilani Highway.
5. The Petitioner shall provide all required transportation improvements to support the initial enrollment (Phase I) and expanded buildout enrollment (Phase II) of the school, as recommended by the revised TIAR and/or the updated revised TIAR and complete said

transportation improvements recommended for each phase prior to the issuance of a certificate of occupancy for the first building in that phase. The revised TIAR shall be updated and submitted to DOT for review and acceptance prior to the issuance of a building permit for the expanded enrollment (Phase II).

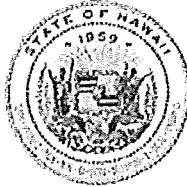
6. Petitioner shall provide its fair share contribution toward the cost of regional transportation improvements to state highways. Regional improvements may also include the reservation and contribution of land for such improvements.
7. The traffic noise levels along Piilani Highway should be addressed by the Petitioner with noise compatible planning and sound abatement measures to comply with DOT's noise policy.

Should you have any questions, please contact Ken Tatsuguchi, Engineering Program Manager, Highways Division, Planning Branch, at 587-1830.

NEIL ABERCROMBIE
GOVERNOR

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

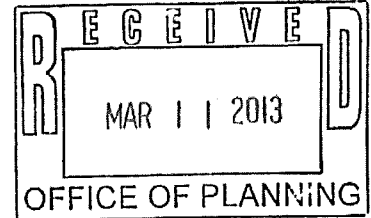
DOUG MAYNE
VICE DIRECTOR OF CIVIL DEFENSE



PHONE (808) 733-4300
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STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
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March 7, 2013



74659

ORIGINAL

Mr. Jesse K. Souki, Director
Office of Planning
State of Hawaii
P.O. Box 2359
Honolulu, Hawaii 96804

Dear Mr. Souki:

Petition for Amendment of the State Land Use District Boundaries:
Land Use Commission Docket No. A11-794, State of Hawaii, Department of Education

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

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

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

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

Sincerely,

DOUG MAYNE
Vice Director of Civil Defense

Attachment D

Docket No. A11-794

CERTIFICATE OF SERVICE

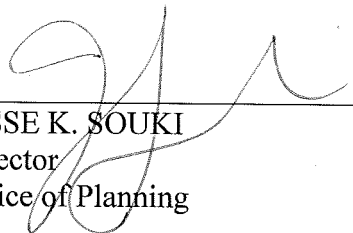
I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

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DATED: Honolulu, Hawaii, this 22nd day of March, 2013.



JESSE K. SOUKI
Director
Office of Planning