

APPENDIX R
Early Consultation
Letters

LIST OF CONSULTED PARTIES

The following 34 parties were consulted during the early consultation phase for the preparation of the Draft Environmental Assessment. A typical early consultation letter, as well as comment letters and responses to substantive comments are included in the following sections.

Federal Agencies (3)

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

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

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

State Agencies and Branches (16)

Mr. Russell Kokubun, Chairperson
Office of the Chairperson
Hawai'i Department of Agriculture
1428 S. King Street
Honolulu, HI 96814

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

Mr. Alapaki Nahale-a, Chairperon
Office of the Chairperson
Hawai'i Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, HI 96809

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

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

Mr. Jeff Eckerd, Acting Chief
Indoor & Radiological Health Branch
Hawai'i Dept. of Health
591 Ala Moana Blvd.
Honolulu, HI 96813

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

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

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

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

Mr. Morris Atta, Administrator
Land Division
Hawai'i Dept. of Land & Natural Resources
1151 Punchbowl Street, Room 220
Honolulu, HI 96809

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

Mr. Clyde W. Namu'o, Administrator
Office of Hawaiian Affairs
State of Hawai'i
711 Kapi'olani Blvd., Suite 500
Honolulu, HI 96813

Ms. Pua Aiu, Administrator
State Historic Preservation Division
Hawai'i Dept. of Land & Natural Resources
Kakuhihewa Bldg, Room 555
601 Kamokila Blvd
Kapolei, HI 96707

Mr. Edwin Sniffen, Administrator
Highways Division
Hawai'i Dept. of Transportation
869 Punchbowl Street, Room 513
Honolulu, HI 96813

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

County Agencies (8)

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

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

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

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

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

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

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

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

Other Consulted Parties (7)

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

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

Mr. Rick Volner, Jr., General Manager
Hawaiian Commercial & Sugar Company
P.O. Box 266
Pu'unene, HI 96784

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

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

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

LeSea Broadcasting Corp.
61300 South Ironwood
P.O. Box 12
South Bend, IN 46624

***Typical Early
Consultation
Letter***



June 23, 2011

Mr. William Spence, Director
Department of Planning
County of Maui
200 S. High Street
Waikuku, HI 96793

SUBJECT: Early Consultation for the Preparation of a Draft Environmental Assessment (EA) for the Proposed Pu'uhene Heavy Industrial Subdivision; TMK (2) 3-8-008:019

Dear Mr. Spence,

On behalf of the land owner, CMBY 2011 Investment, LLC, Chris Hart & Partners will be preparing a Draft Environmental Assessment (EA) for a proposed heavy industrial subdivision in the vicinity of the Old Pu'uhene Airport on the island of Maui.

Project Location and Land Use

The subject parcel is located about 1.4 miles east of Makulele Highway in the vicinity of the Old Pu'uhene Airport. See Location Maps. The approximately 86-acre site is currently vacant and undeveloped. Access from Makulele Highway to the site is provided by Kama'aina Road, a paved two-lane roadway under State jurisdiction. Kama'aina Road also provides access to a Hawaiian Cement quarry and HC&S sugarcane fields in the surrounding area.

The subject property lies in the *State Agricultural District* and is designated for *Agricultural* uses by the Kihei-Makana Community Plan and Maui County zoning. The parcel also falls within the proposed Urban Growth Boundaries for the *draft* Maui Island Plan (2030).

Proposed Pu'uhene Heavy Industrial Subdivision
TMK (2) 3-8-008:019
June 23, 2011
Page 2

Surrounding Land Uses

The subject parcel is bounded by Kama'aina Road to the north, sugarcane fields on the east and south, and the Old Pu'uhene Airport to the west. Other land uses in the area include an HC&S irrigation reservoir (north), the Hawaiian Cement quarry (east), and a Hawai'i National Guard Armory (west).

The Old Pu'uhene Airport area is designated for *Project District 10* (PD 10) use by the Kihei-Makana Community Plan (1998). PD 10 was created by the County of Maui with the objective of establishing a master-planned, expansion area that would meet future recreational needs and provide space for industrial activities, including government facilities, whose locations are best suited away from urban areas. Existing land uses within PD 10 include the National Guard Armory and facilities for drag racing, dirt bike racing, go-kart racing, autocross racing, oval (dirt) track racing, and an area for flying radio-controlled model aircraft.

The lands surrounding the subject parcel lie in the *State Agricultural District* and are designated for *Agricultural* uses by the Kihei-Makana Community Plan and Maui County zoning except for the Old Pu'uhene Airport area which is designated PD 10 by the community plan. PD 10 also falls within the proposed Urban Growth Boundaries for the *draft* Maui Island Plan.

Proposed Action

The Applicant plans to subdivide the subject parcel into 28 fee-simple, heavy industrial lots ranging from approximately 0.63 acre to 13.41 acres in size. See Preliminary Site Plan.

Preliminarily, the proposed subdivision would include an internal subdivision road, a private water system (with separate potable and irrigation/fire protection systems), an enhanced individual wastewater (septic) system, an onsite drainage system, landscape plantings, and connections for electrical and telephone systems. The proposed action is a "lot only" subdivision project and does not include site work or the construction of any buildings or other improvements on the subdivided lots as these improvements will be the sole responsibility of future lot owners.

In order to legally access the subject parcel from Makulele Highway, the Applicant has submitted a Request for Grant of Easement to the State Department of Land and Natural Resources in order to use Kama'aina Road for access and utility purposes. In addition to the portion of Kama'aina Road (30 feet wide) that extends from Makulele Highway to the subject parcel, the Applicant's request includes a 26-foot wide strip of land across three adjacent State parcels on the south side of Kama'aina Road. See Easement Map.

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

Sincerely,

Glenn Tadaki
Planner

Enclosures
cc: Blanca Lafolette, PRL

Land Use and Environmental Reviews

In order to implement the proposed project, the Applicant will be seeking a District Boundary Amendment (from the *State Agricultural* to the *State Urban District*), a Community Plan Amendment (from *Agricultural* to *Heavy Industrial*), and a Change in Zoning (from *Agricultural* to M-2 or M-3, Heavy Industrial).

Since the proposed action will involve a community plan amendment and the use of State lands (Kama'aina Road and a 26-foot wide strip of land across three adjacent State parcels), an environmental assessment (EA) will be prepared in accordance with Chapter 343, Hawaii Revised Statutes and Title 11, Chapter 200, Hawaii Administrative Rules. The State Land Use Commission will be serving as the accepting authority for the EA and environmental review process.

EA Content

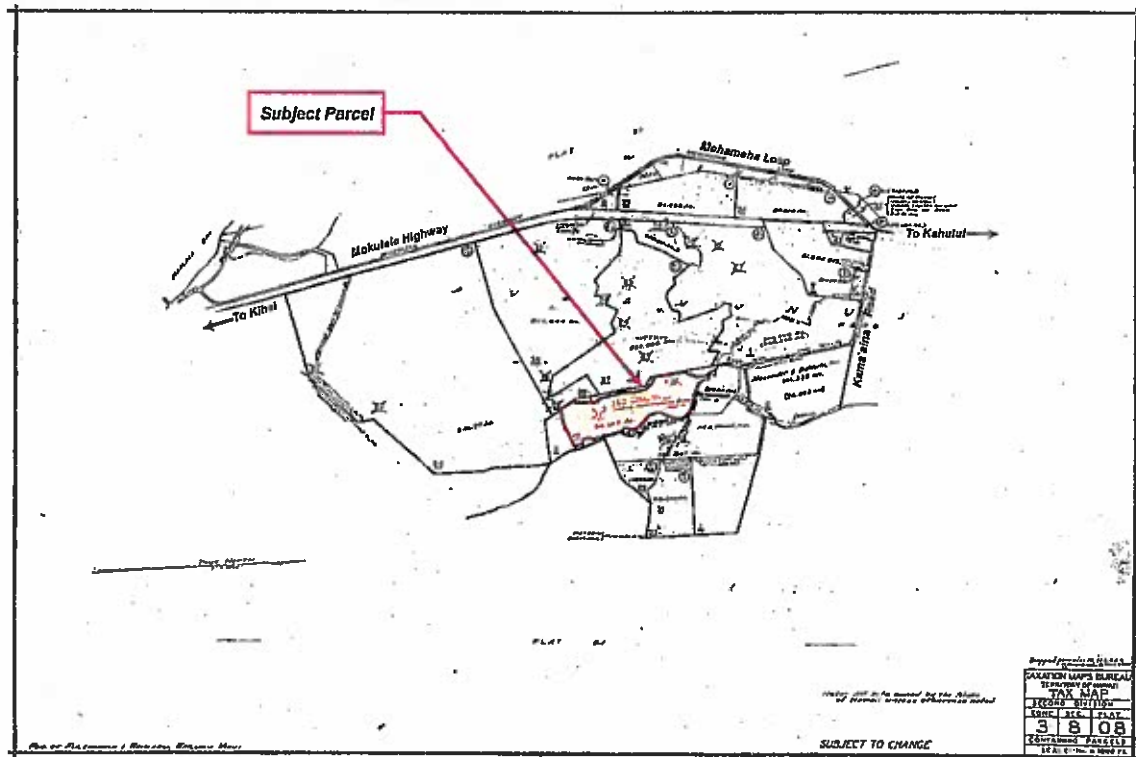
Subjects to be discussed in the Draft EA include:

- | | |
|--|--|
| Physical Environment: | Social & Economic Environment: |
| • Surrounding Land Uses | • Population & Economy |
| • Topography & Soils | Infrastructure: |
| • Air Quality | • Water |
| • Noise Characteristics | • Drainage |
| • Flora & Fauna | • Wastewater |
| • Flood Hazard Areas | • Roadways |
| • Archaeological & Cultural Resources | • Electrical and Telephone Systems |
| • Scenic/Open Space Resources | Government Laws, Plans & Controls |
| Public Services: | • State Land Use Law |
| • Solid Waste Disposal | • Maui County General Plan |
| • Police and Fire Protection | • Kihui-Makena Community Plan |
| • Educational & Recreational Resources | • Maui County Zoning |
| • Health Services | • Hawaii Coastal Zone Management Program |

Studies covering the following subjects will be prepared and included in the Draft EA:

- | | |
|------------------|-------------------------|
| • Flora | • Fauna |
| • Air Quality | • Noise |
| • Archaeology | • Cultural Resources |
| • Parcel History | • Agriculture |
| • Local Economy | • Market Conditions |
| • Drainage | • Groundwater Resources |

In conjunction with the early consultation process for the preparation of the Draft EA, we would appreciate receiving your written comments on the proposed action by July 29, 2011.

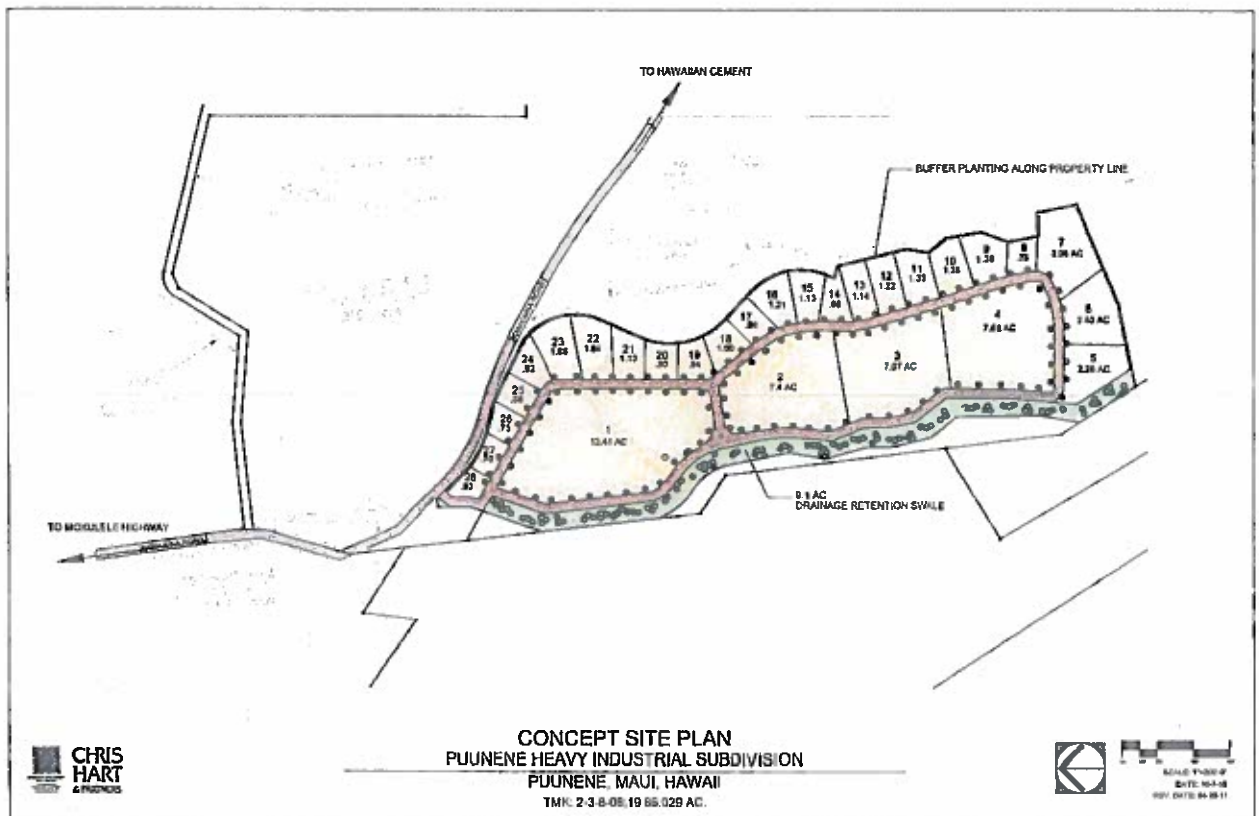


**PU'UNENE
86-ACRE PARCEL**

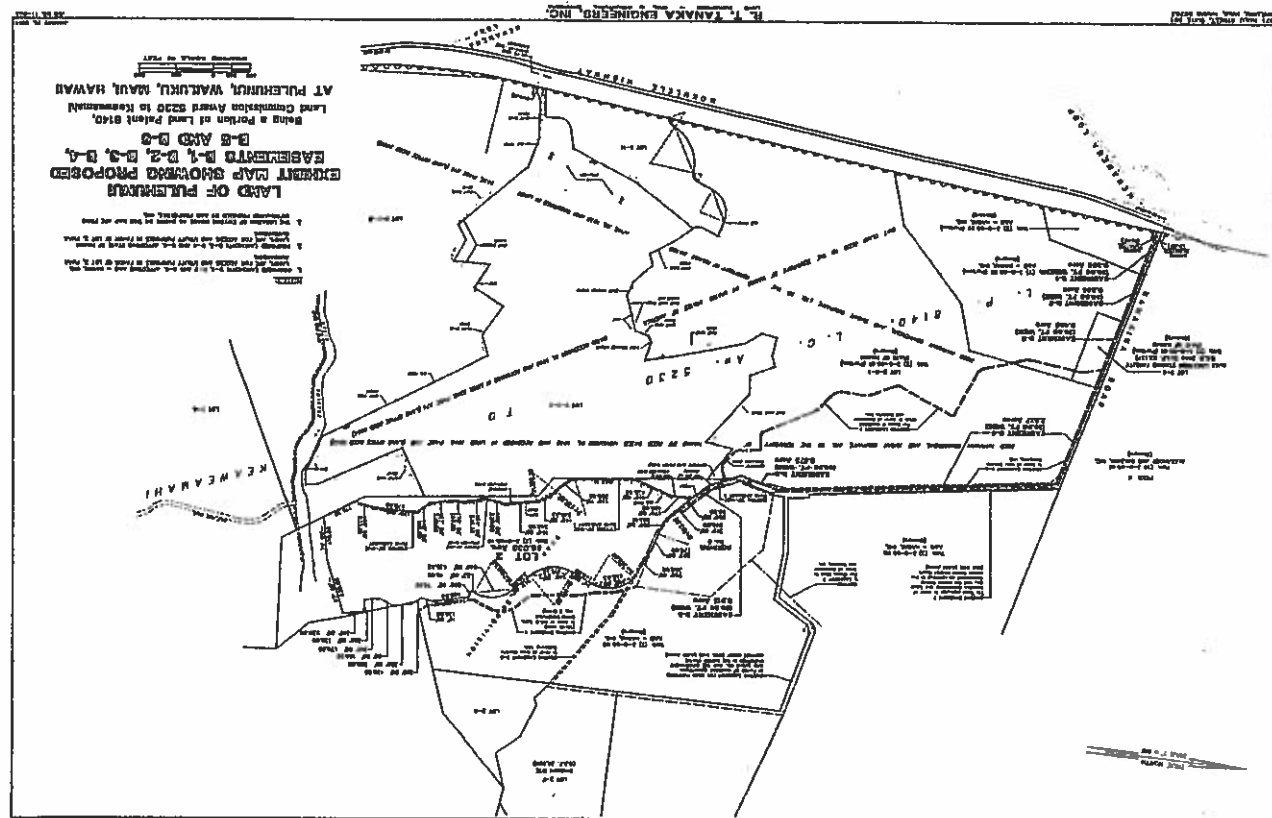
**TMK PARCEL
LOCATION MAP**

North Arrow

**CHRIS
HART
& PARTNERS, INC.**



**LAND OF PULEHUNA
EXHIBIT MAP SHOWING PROPOSED
EASEMENTS B-1, B-2, B-3, B-4,
B-5 AND B-6
Being a Portion of Land Patent 8140,
Land Commission Awaia 2230 to Keesomani
AT PULEHUNA, WAILUKU, MAUI, HAWAII**



***Comment and
Response Letters***



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HI 96804-3378

July 5, 2011

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

Dear Mr. Tadaki:

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

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

1. The description of the project does not clearly identify the source of drinking water for the project. Please clearly identify the source of drinking water.
2. This project qualifies as a public water system. Federal and state regulations define a public water system as a system that serves 25 or more individuals at least 60 days per year or has at least 15 service connections. All public water system owners and operators are required to comply with Hawaii Administrative Rules (HAR), Title 11, Chapter 20, entitled "Rules Relating to Potable Water Systems."
3. All new public water systems are required to demonstrate and meet minimum capacity requirements prior to their establishment. This requirement involves demonstration that the system will have satisfactory technical, managerial and financial capacity to enable the system to comply with safe drinking water standards and requirements in accordance with HAR Title 11, Chapter 20, Section 29.5, entitled "Capacity demonstration and evaluation."
4. Projects that propose development of new sources of drinking water serving or proposed to serve a public water system must comply with the terms of HAR Title 11, Chapter 20, Section 29, entitled "Use of new sources of raw water for public water systems." This section requires that all new public water system

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JUL - 6 2011

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

cc: Glenn
10/05/11

LORETTA J. FORD, A.C.E.M., M.P.H.
DIRECTOR OF HEALTH

cc: Glenn
SDWB

Mr. Glenn Tadaki
July 5, 2011
Page 2

sources be approved by the Director of Health prior to its use. Such approval is based primarily upon the submission of a satisfactory engineering report which addresses the requirements set in Section 11-20-29.

5. The engineering report must identify all potential sources of contamination and evaluate alternative control measures which could be implemented to reduce or eliminate the potential for contamination, including treatment of the water source. In addition, water quality analyses for all regulated contaminants, performed by a laboratory certified by the State Laboratories Division of the State of Hawaii, must be submitted as part of the report to demonstrate compliance with all drinking water standards. Additional parameters may be required by the Director for this submittal or additional tests required upon his or her review of the information submitted.
6. All sources of public water systems must undergo a source water assessment which will delineate a source water protection area. This process is preliminary to the creation of a source water protection plan for that source and activities which will take place to protect the source of drinking water.
7. Projects proposing to develop new public water systems or proposing substantial modifications to existing public water systems must receive approval by the Director of Health prior to construction of the proposed system or modification in accordance with HAR Title 11, Chapter 20, Section 30, entitled "New and modified public water systems." These projects include treatment, storage and distribution systems of public water systems. The approval authority for projects owned and operated by a County Board or Department of Water or Water Supply has been delegated to them.
8. All public water systems must be operated by certified distribution system and water treatment plant operators as defined by HAR Title 11, Chapter 11-25 entitled, "Rules Pertaining to Certification of Public Water System Operators."
9. All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing drinking water system to meet irrigation or other needs must be carefully designed and operated to prevent the cross-connection of these systems and prevent the possibility of backflow of water from the non-potable system to the drinking water system. The two systems must be clearly labeled and physically separated by

air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the drinking water supply. In addition backflow devices must be tested periodically to assure their proper operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent the inadvertent consumption on non-potable water. Compliance with HAR Title 11, Chapter 21 entitled "Cross-Connection and Backflow Control" is also required.

10. All projects which propose the establishment of a potentially contaminating activity (as identified in the Hawai'i Source Water Assessment Plan) within the source water protection area of an existing source of water for a public water supply should address this potential and activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

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

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

Sincerely,



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

JN:slm

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CHRIS HARTE
A PARTNERS, INC.

Landscape Architecture
City & Regional Planning

September 1, 2011

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

SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Pu'unene Heavy
Industrial Subdivision; TMK (2) 3-8-008:019

Dear Ms. Seto,

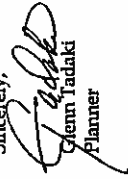
On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your letter dated July 5, 2011.

1. The Draft EA will include information about the source of drinking water for the proposed project.
2. The public water system for the proposed project will comply with Title 11, Chapter 20, HAR entitled "Rules Relating to Potable Water Systems".
3. The capacity requirements of the public water system for the proposed project will comply with Section 11-20-29.5, HAR relating to "Capacity demonstration and evaluation".
4. The public water system for the proposed project will comply with provisions of Section 11-20-29, HAR relating to "Use of new sources of raw water for public water systems". In addition, the land owner understands that the Director of Health must approve all new public water system sources prior to its use.

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

5. Pursuant to Section 11-20-29, HAR, the land owner acknowledges that an engineering report must be submitted to the Safe Drinking Water Branch (SDWB) for anyone proposing to use a new, natural water source to supply a public water system. As set forth in Subsection 11-2-29 (b) (5), all potential sources of contamination must be identified and control measures for reducing potential contamination must be evaluated. In addition, the land owner understands that a water quality analysis for all regulated contaminants must be submitted to the SDWB to evidence compliance with all drinking water standards.
 6. The land owner acknowledges that all public water system sources are subject to a source water assessment which will delineate a water source protection area.
 7. The land owner understands that any new public water system must be approved by the Director of Health before construction can commence pursuant to Section 11-20-30, HAR pertaining to "New and modified public water systems".
 8. The public water system for the proposed project will be operated in accordance with Title 11, Chapter 25, HAR entitled "Rules Pertaining to Certification of Public Water System Operators".
 9. The land owner understands that separate drinking water and non-potable systems need to be carefully designed and operated to prevent any cross-connections and potential backflow and that the dual system must be clearly labeled and physically separated to avoid drinking water contamination. The design and operation of the dual system for the proposed project shall comply with the provisions of Title 11, Chapter 21, entitled "Cross-connection and Backflow Control".
 10. The land owner acknowledges that all projects within a water source protection area that propose a potentially contaminating activity could affect an existing water source for a public water supply and that appropriate measures will need to be undertaken to prevent or reduce the potential for contamination of the drinking water source.
 11. Copies of the SDWB's letter and contact information have been provided to the land owner and the appropriate project consultants.
- Thank you for providing us with your comments and for participating in the early consultation process. A copy of the Draft EA will be provided to you for review when it becomes available.

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

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Tom Nance, TNWRE
Stacy Otomo, P.E.
Martin Luna, Esq.

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

REPLY TO
ATTENTION OF:

July 6, 2011

RECEIVED

JUL - 8 2011

CHIEF HADL & PARTNERS
Landscape Architecture

Regulatory Branch

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

POH-2011-00179

CG 10/10/11

Dear Mr. Tadaki:

We have received your request for the Department of the Army (DA) to review and comment on the proposed Pu'uene Heavy Industrial Subdivision in Kohala, Island of Maui. We have assigned the project the reference number POH-2011-00179. Please cite the reference number in any correspondence with us concerning this project. We have completed our review of the submitted document and have the following comments:

Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires that a DA permit be obtained for certain structures or work in or affecting navigable waters of the United States (U.S.), prior to conducting the work. Navigable waters of the U.S. are those waters subject to the ebb and flow of the tide shoreward to the Mean High Water Mark (MHW) and the Ordinary High Water Mark (OHWM) for non-tidal waters, and/or other waters identified as navigable by the Honolulu District. In addition, Section 10 permit is required for structures of work outside this limit if they affect the course, capacity, or condition of the water body.

Section 404 of the Clean Water Act of 1972 (Section 404) requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including wetlands, prior to conducting the work. The area of the U.S. Army Corps of Engineers (Corps) jurisdiction under Section 404 extends to the Mean Higher High Water Mark (MHHWM) for tidal waters or the Ordinary High Water Mark (OHWM) for non-tidal waters, and to the upland boundary of any adjacent wetlands. Section 404 also regulates discharges of dredged material incidental to certain activities such as grading, mechanized land-clearing, ditching or other excavation activity, survey activities, and the installation of certain pile-supported structures.

Based on the information provided, the project site appears to be absent of navigable waters subject to Corps jurisdiction. Therefore, Section 10 authorization may not be required. However, there is insufficient information provided to determine if the proposed project will involve activities under Section 404. Fill material, permanent or temporary, may include, but is not limited to: rock, dirt, sandbags, silt fences or concrete. To avoid unintentional violation to federal regulation and law, we advise you to contact our office prior to conducting any activity that may result in the discharge of dredged and/or fill material. Section 404 authorization may be required for this action.

-2-

When developing the Environmental Assessment, we recommend you conduct a thorough aquatic resource survey, describing information regarding any potential water bodies, including wetlands, drainage ditches, gulches, stream, etc., on-site, especially those that may be impacted by the proposed project. The survey should include descriptions of aquatic features proposed for impact, flow duration and the flow path of each feature into navigable waters.

We recommend you contact the Corps to determine if any of the proposed work constitutes a "discharge of fill" and submit an application with associated drawings that meet our drawing recommendations found at <http://www.poh.usace.army.mil/EC-R/EC-R.htm>. Click on "Apply for a Permit" on the right-hand side, and then click on "Fee - Sect 404 Clean Water Act Drawings." Providing photographs of the parcel would also expedite our review. As a reminder, only the Corps has authority to determine if any of these features are or are not waters of the U.S. and, potentially subject to regulations. A request for an approved JD can be submitted prior to, or concurrently with, an application for the proposed work.

Thank you for giving us the opportunity to review this proposal and for your cooperation with our regulatory program. Should you have any questions regarding our Regulatory Program or the permit application process, please contact Ms. Deserie Bala at (808) 438-9258 or via email at Deserie.M.Bala@usace.army.mil.

Sincerely,

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



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

SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Pu'unene Heavy
Industrial Subdivision; TMK (2) 3-8-008:019; Reference No. POH-2011-
00170

Dear Mr. Young,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your
letter dated July 6, 2011.

As noted in your letter, the proposed project may not require a Section 10 Permit since
the subject parcel does not contain navigable waters that are subject to Corps
jurisdiction.

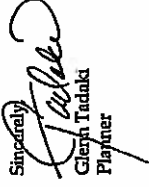
We understand that it could not be determined if the proposed project would involve
any activities that would be subject to Section 404 based on the information that was
provided. Please note, however, that a preliminary engineering report (PER) is being
prepared and will be included in the Draft EA. The PER should provide the Corps with
enough information to determine if the proposed project would be subject to Section 404
requirements.

The subject parcel does not contain any water bodies or aquatic resources.
Notwithstanding this, the Draft EA will include a discussion of any nearby water bodies
and aquatic resources that could potentially be affected by the proposed project.

Thank you for providing us with your comments and for participating in the early
consultation process. A copy of the Draft EA will be provided to you for review when it
becomes available.

Proposed Pu'unene Heavy Industrial Subdivision
TMK (2) 3-8-008:019
September 14, 2011
Page 2

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

Sincerely,

Glen Tadaaki
Playner

cc: Blanca Lafolette, PRL
Stacy Okano, P.E.
Martin Luna, Esq.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3278
HONOLULU, HI 96804-3278

July 12, 2011

07007PSW.11

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

Dear Mr. Tadaki:

SUBJECT: Early Consultation Request for the Draft Environment Assessment

Pu'uene Heavy Industrial Subdivision
Pu'uene, Maui, Hawaii
TMKG (2) 3-8-008-019

CHING HART & PARTNERS, INC.
Landscape Architecture and Planning

RECEIVED

JUL 14 2011

cc: glenn
101052

The Department of Health, Clean Water Branch (CWB), has reviewed the document, received June 30, 2011, regarding the subject project and offers these comments. Please note that our review is based solely on the document for the subject project and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at <http://hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf>

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

- Anti-degradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
 - Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
 - Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
2. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:

Mr. Glen Tadaki
July 12, 2011
Page 2

07007PSW.11

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

- Hydrotesting water,
- Construction dewatering effluent.

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

- For other types of wastewater not listed in Item No. 2 above or wastewater discharging into Class 1 or Class AA waters, an NPDES individual permit will need to be obtained. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at <http://hawaii.gov/health/environmental/water/cleanwater/forms/environmental/water/cleanwater/forms/ndiv-index.html>
- Please call the Army Corps of Engineers at (808) 438-9258 to determine which Department of the Army (DA) permit(s) shall be required for the subject project. Permits may be required for work performed in, over, and under navigable waters of the United States. Projects requiring a DA permit also require a Section 401 Water Quality Certification (WQC) from our office.
- Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.

Mr. Glen Tadaki
July 12, 2011
Page 3

07007PSW.11

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

Sincerely,


ALEC WONG, P.E. CHIEF
Clean Water Branch

SW:ml

C: Mr. Roland Asakura, CWB, Maui District Health Office (w/o encls.) [via e-mail only]

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Landscape Architecture
City & Regional Planning
September 8, 2011

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

SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Pu'unene Heavy
Industrial Subdivision, TMK (2) 3-8-008.019

Dear Mr. Wong,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your
letter dated July 12, 2011.

1. The land owner understands that the proposed project must comply with the
applicable provisions of Chapter 11-54, HAR entitled "Water Quality Standards".
2. A National Pollutant Discharge Elimination System (NPDES) permit for general
coverage will be obtained prior to the commencement of construction for
discharges (storm water runoff) related to construction activities, including
clearing, grading, and excavation that results in the disturbance of one or more
acres of total land area.
3. The proposed project will not involve the other types of discharges listed in Item
No. 2 of your letter nor will it involve discharges (storm water runoff) into Class
1 (inland) or Class AA (marine) waters.
4. An early consultation letter was sent to the U.S. Army Corps of Engineers. In
response, the Corps stated that the proposed project may not require a Section 10
Permit since the project site does not contain navigable waters that are subject to
its jurisdiction. Based on the information that was provided, the Corps could not
determine if the proposed project would involve activities that would require a

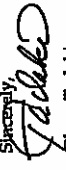
Proposed Pu'unene Heavy Industrial Subdivision
TMK (2) 3-8-008.019
September 8, 2011
Page 2

Section 404 Permit, such as the discharge (placement) of dredged or fill material
into waters of the U.S., including wetlands.

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

Thank you for providing us with your comments and for participating in the early
consultation process. A copy of the Draft EA will be provided to you for review when it
becomes available.

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

Sincerely,

Glenn Tadala
Planner

cc: Blanca Lafolette, PRL
Stacy Okomo, P.E.
Martin Luna, Esq.



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

July 11, 2011

RECEIVED

JUL 12 2011

CHRIS HART & PARTNERS, INC.
LANDSCAPE ARCHITECTURE

Mr. Glenn Tadaki
Chris Hart & Partners, Inc.
115 N. Market Street
Waikuku, HI 96793

Dear Mr. Tadaki:

This correspondence is in response to your request for comments for the Early Consultation for the Preparation of the Draft Environmental Assessment (EA) for the Proposed Pu'unene Heavy Industrial Subdivision; TMK (2) 3-8-008-019.

Project activities shall comply with the following Administrative Rules of the Department of Health:

- Chapter 11-46 Community Noise Control

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

Sincerely,

Jeffrey M. Eckerd
Acting Program Manager
Indoor and Radiological Health Branch

LORETTA J. RUDY, A.C.S.M., MPH
DIRECTOR OF HEALTH

In Reply, please refer to:
FILE

101056

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

SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Pu'unene Heavy
Industrial Subdivision; TMK (2) 3-8-008-019

Dear Mr. Eckerd,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your letter dated July 11, 2011.

Project-related activities will comply with the applicable provisions of Chapter 11-46, HAR pertaining to "Community Noise Control".

Thank you for providing us with your comments and for participating in the early consultation process. A copy of the Draft EA will be provided to you for review when it becomes available.

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

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Yoichi Ebisu, P.E.
Martin Luna, Esq.

From: Moore, Randall at HCS [moore@hcsugar.com]

Sent: Wednesday, July 13, 2011 10:26 AM

To: Glenn Tadaki

Subject: Puunene heavy Industrial Subdivision

Attachments: Puunene Heavy Industrial Subdiv_2011_map001.pdf
Glenn,

See the three maps with my comments. We will review your letter and may provide additional comments.

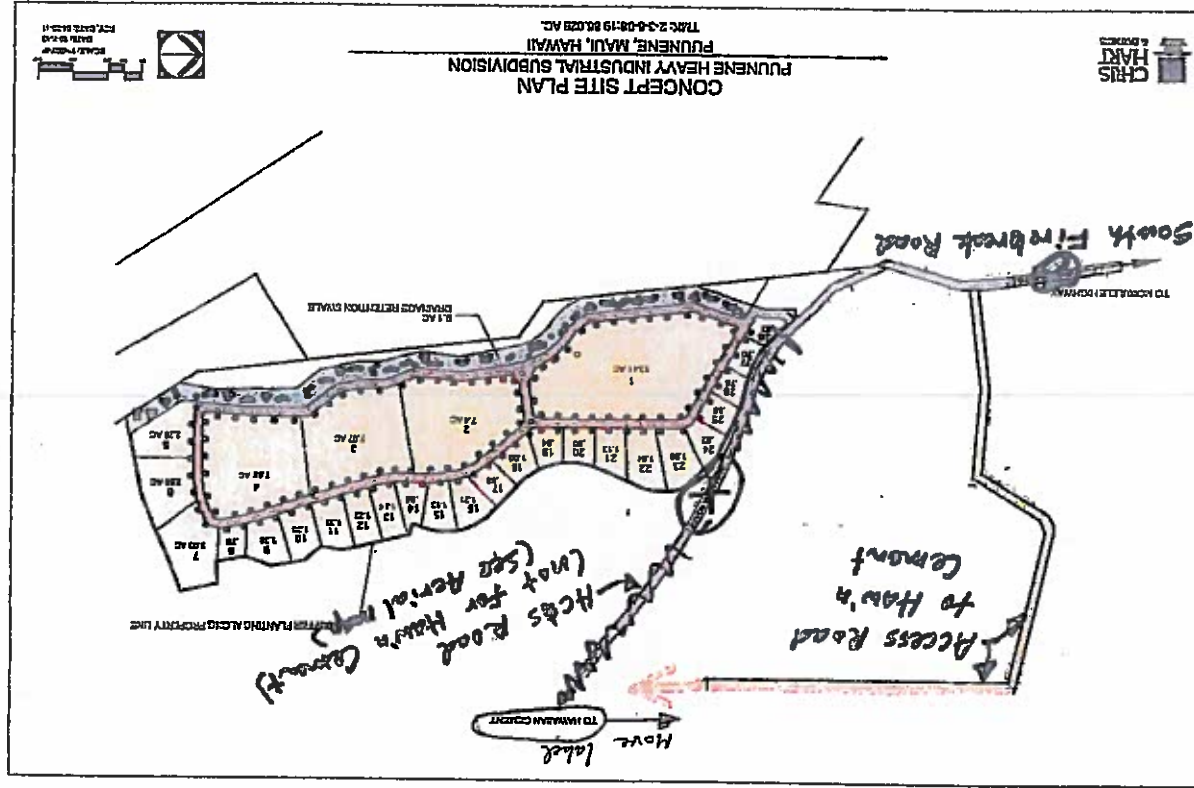
Thank you,

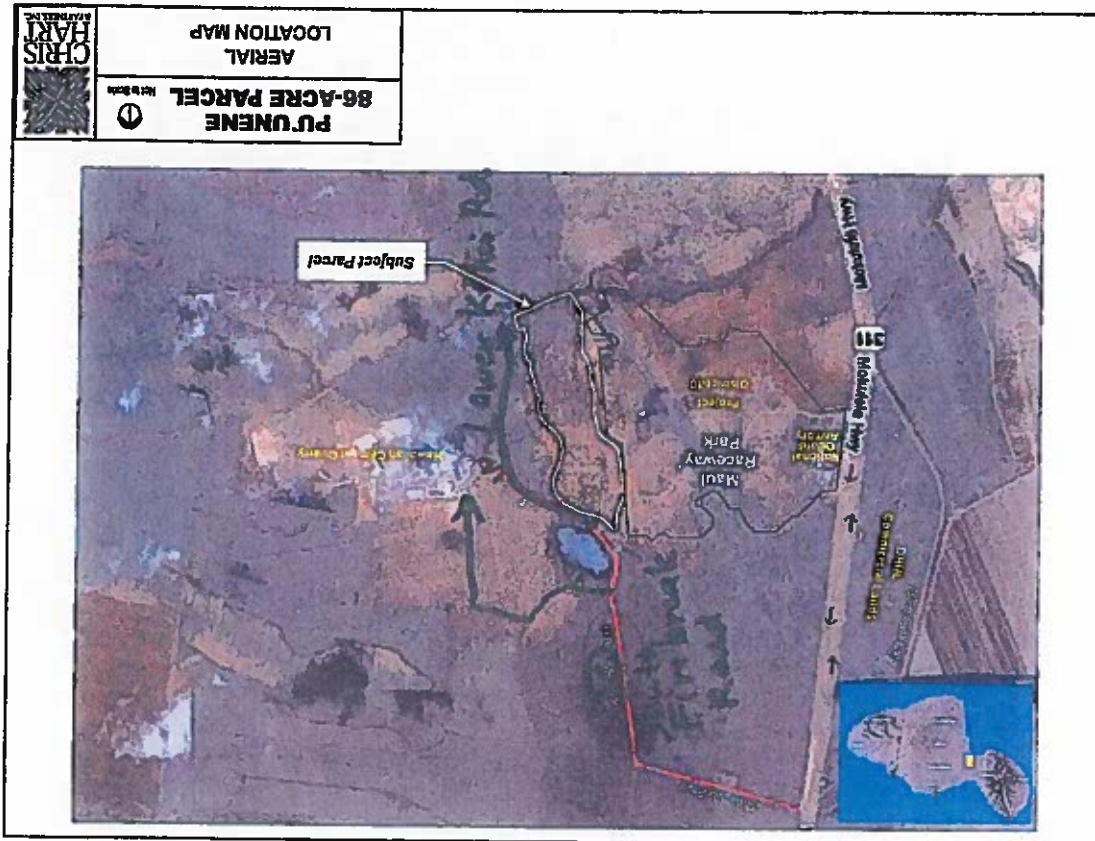
Randall Moore

HAWAIIAN COMMERCIAL & SUGAR COMPANY

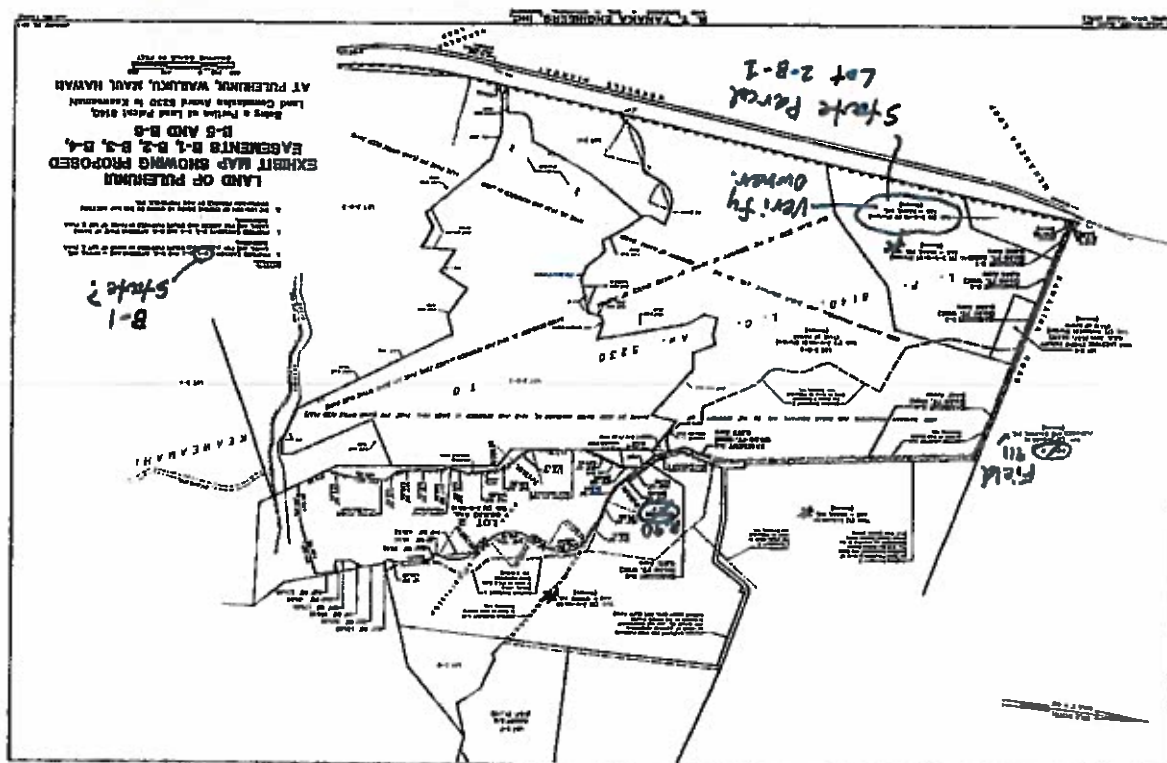
877-6968 office

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* Owner's name: Alexander & Baldwin, Inc. (not App. Hawaii, Inc.)





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

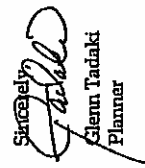
SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Pu'uene Heavy
Industrial Subdivision; TMK (2) 3-8-008:019

Dear Mr. Moore,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your e-mail dated July 13, 2011.

The information you provided to us (e.g., road names, land ownership) has been used to update our maps and plans.

Thank you for providing us with your comments and for participating in the early consultation process. A copy of the Draft EA will be provided to you for review when it becomes available. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Martin Luna, Esq.

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STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HI 96821-3378

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

Simply accessible to
File

LUD-238008-019-10721
Early Consultation
Puuuene Heavy Ind Subd

July 13, 2011

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

Dear Mr. Tadaki:

Subject: Early Consultation for the Preparation of a Draft Environmental Assessment (EA) for the Proposed Puuene Heavy Industrial Subdivision at Off Mokulele Highway, Pulehunu, Wailuku, Maui, Hawaii TMK (2) 3-8-008: 019 86 acre parcel

Thank you for allowing us the opportunity to review the above subject project which requests comments on the Early Consultation for the Preparation of a Draft Environmental Assessment (EA) for the Proposed Puuene Heavy Industrial Subdivision at off Mokulele Highway. We have the following comments and information on the above subject property:

The subject project is located in the critical wastewater disposal area as determined by the Maui Wastewater Advisory Committee. We do not have any individual wastewater system (WWS) information on file. It is also not connected to the County sewer service system.

We have no objections as long as the domestic and non-domestic wastewater generated by the project is handled by wastewater systems that comply with our chapter 11-62, Hawaii Administrative Rules.

All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems." We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. Should you have any questions, please contact the Planning & Design Section of the Wastewater Branch at (808) 586-4284 or fax to (808) 586-4300.

Sincerely,

SINA PRUDER, P.E., ACTING CHIEF
Wastewater Branch

Lticle

c: DOH-WWS's Maui Staff - Mr. Roland Tejano

RECEIVED

JUL 18 2011

CHRIS HART & PARTNERS, INC.
Landscape Architecture Division
CC: Glenn 10/05/11



CHRIS
HART
& PARTNERS, INC.

Landscape Architecture
City & Regional Planning
September 1, 2011

Ms. Sina Pruder, Acting Chief
Wastewater Branch
Hawaii Dept. of Health
919 Ala Moana Blvd., Room 309
Honolulu, HI 96814-4920

SUBJECT: Early Consultation Comments for the Preparation of a Draft Environmental Assessment (EA) for the Proposed Puuene Heavy Industrial Subdivision; TMK (2) 3-8-008:019

Dear Ms. Pruder,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your letter dated July 13, 2011.

All wastewater plans for the proposed project will comply with the applicable provisions of Chapter 11-62, HAK pertaining to "Wastewater Systems".

Thank you for providing us with your comments and for participating in the early consultation process. A copy of the Draft EA will be provided to you for review when it becomes available. Please feel free to call me at (808) 242-1955 should you have any questions.

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Tom Nance, TNWRE
Stacy Otono, P.E.
Martin Luna, Esq.

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

ALAN M. ARAKAWA
MAYOR



COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY
FIRE PREVENTION BUREAU
313 MANEA PLACE • WAILUKU, HAWAII 96793
(808) 244-9161 • FAX (808) 244-1363

JEFFREY A. MURRAY
CHIEF
ROBERT M. SHIMADA
DEPUTY CHIEF

RECEIVED

JUL 20 2011

CHRIS HART & PARTNERS, INC.
LANDSCAPE ARCHITECTURE AND PLANNING

CC: 916WA 101050

July 15, 2011

Chris Hart & Partners, Inc.
C/O Glenn Tadaki
115 North Market Street
Wailuku, HI 96793

RE : (EA) Proposed Heavy Industrial Subdivision
(2) 3-8-008: 019

Dear Glenn,

Thank you for allowing the Department of Fire & Public Safety the opportunity to comment on this proposed subdivision. Our comments are as follows:

- 1) Fire apparatus access and water supply for fire protection shall meet the following:
 - Water supply for fire protection shall have a minimum flow of 2500 gallons per minute for a two-hour duration. Fire hydrants shall be placed on the service road to all parcels with hydrant spacing a maximum of 250 feet between hydrants.
 - Service roads to proposed properties shall have a clear width of 20 feet. Any dead-end roads or cul-de-sacs shall have a clear width of 32 ft, and if greater than 150 ft in length, shall be provided with an approved fire apparatus turn-around. All turns and required turnarounds shall have an outside turning radius of 40.5 feet. The maximum grade for the service roads shall not be greater than 12%.
 - Once buildings are proposed, there shall be at least one hydrant within 300 feet of any building to be constructed.
- 2) Because this subdivision is being created within an area subject to wildland fires, a minimum 30' buffer zone should be created along the East and South boundary to minimize the effects of potential wildfires; the North and West boundaries are buffered by roads and the drainage swale. This buffer zone, as well as the drainage swale, should be maintained free of dry, overgrown brush. This responsibility must be placed upon the developer, at first, and then subsequently the members of the subdivision through a recorded agreement.

(EA) Proposed Heavy Industrial Subdivision
(2) 3-8-008: 019

Page 2

Item 1 was addressed in the submitted documents. If the proposed project is allowed, the developer will be responsible for providing approved fire apparatus access and water supply for fire protection.

The reasoning behind item 2 is simple. Developers should share in the responsibility of protecting their developments from the threat of wildfires when these developments are proposed within areas with the potential for wildland fires. Once tenants are occupying these lots, they'll be concerned about wildland fires. These buffer zones allow the creation and self-maintenance of defensible space.

If there are any questions or comments feel free to contact me at 244-9161. Thank you for your attention to fire prevention and public safety.

Sincerely,

Paul Hoeks
Captain, Fire Prevention Bureau
313 Manea Place
Wailuku, HI 96761



**CHRIS
HART**
& PARTNERS, INC.

Landscape Architecture
City & Regional Planning
September 14, 2011

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

SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Pu'uone Heavy
Industrial Subdivision; TMK (2) 3-8-008-019

Dear Mr. Haake,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your letter dated July 15, 2011.

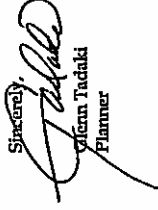
1. The land owner acknowledges that the minimum flow rate for fire protection is 2,500 gallons per minute for a two-hour period and that fire hydrants shall be placed no more than 250 feet apart along the internal subdivision (service) road. It is also understood that all turns and any required turnarounds must have an outside turning radius of 40.5 feet and that the grade of the service road shall not exceed 12 percent. Once buildings are proposed, individual lot owners will be responsible for ensuring that there is at least one hydrant within 300 feet of any building to be constructed on their property.

2. As noted in your letter, the subject property is located in an area that is vulnerable to wildfires. To guard against potential wildfire incursions, the establishment of a buffer zone along the perimeter of the site is being examined. The maintenance of such a buffer zone would initially rest with the land owner until the association of lot owners assumes this responsibility. Language to this effect would be included in the Covenants, Conditions & Restrictions (CC&Rs) for the project.

Proposed Pu'uone Heavy Industrial Subdivision
TMK (2) 3-8-008-019
September 14, 2011
Page 2

Thank you for providing us with your comments and for participating in the early consultation process. A copy of the Draft EA will be provided to you for review when it becomes available.

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

Sincerely,

Villem Tadaki
Planner

cc: Blanca Lafolette, PRL
Stacy Olorio, P.E.
Martin Luna, Esq.



RECEIVED

JUL 18 2011

CHRIS HART & PARTNERS, INC.
Landscape Architects and Planners
cc: glenn 10/05/11

July 15, 2011

Mr. Glenn Tadaki, Planner
Chris Hart & Partners, Inc.
115 North Market Street
Wailuku, Hawaii 96783

Dear Mr. Tadaki,

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

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

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

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

Sincerely,

Kyle Tamori
Staff Engineer

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Chris Hart
& Partners, Inc.
Landscape Architecture
City & Regional Planning

September 6, 2011

Mr. Kyle Tamori, Staff Engineer
Engineering Division
Maui Electric Company, Ltd.
P.O. Box 398
Kahului, HI 96733-6898

SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Pu'uene Heavy
Industrial Subdivision; TMK (2) 3-8-008:019

Dear Mr. Tamori,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your
letter dated July 15, 2011.

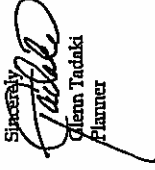
The land owner acknowledges that access and electrical easements (in favor of MECO)
may be required in order to serve the subject parcel and that electrical system upgrades
and a new substation site may be needed to accommodate the anticipated electrical load.

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

Thank you for providing us with your comments and for participating in the early
consultation process. A copy of the Draft EA will be provided to you for review when it
becomes available.

Proposed Pu'uene Heavy Industrial Subdivision
TMK (2) 3-8-008:019
September 6, 2011
Page 2

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

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafollette, PRL
Stacy Obomo, P.E.
Martin Luna, Esq.

ALAN M. ARAKAWA
Mayor



DEPARTMENT OF PARKS & RECREATION
700 Halia Nakoa Street, Unit 2, Wailuku, Hawaii 96793

GLENN T. CORREA
Director
PATRICK T. MATSUI
Deputy Director
(808) 270-7230
FAX (808) 270-7834

RECEIVED

JUL 20 2011

July 19, 2011

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

Dear Mr. Tadaki:

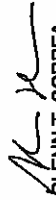
SUBJECT: Early Consultation for the Preparation of a Draft Environmental Assessment (EA) for the Proposed Pu'unene Heavy Industrial Subdivision
TMK: (2) 3-8-008:019
Pu'unene, Maui, Hawaii

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

The Department of Parks & Recreation has no comment at this time and looks forward to reviewing the Draft Environmental Assessment when it is available.

Please feel free to contact me or Robert Halvorson, Chief of Planning & Development, at (808) 270-7931, should you have any questions.

Sincerely,


GLENN T. CORREA
Director of Parks & Recreation

c: Robert Halvorson, Chief of Planning & Development
GTC:RH:ca

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

SUBJECT: Early Consultation Comments for the Preparation of a Draft Environmental Assessment (EA) for the Proposed Pu'unene Heavy Industrial Subdivision; TMK (2) 3-8-008:019

Dear Mr. Correa,

On behalf of the land owner, CMBY 2011 Investment, LLC, we acknowledge the receipt of your letter dated July 19, 2011 and understand that the Parks Department has no comments at this time.

A copy of the Draft EA will be provided to you for review when it becomes available.

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


Sincerely,
Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Martin Luna, Esq.

S:\PLANNING\GIS\County Reviews\EA & EIS Reviews\Puunene Industrial Subdiv DEA Prop.doc



CHRIS HART & PARTNERS, INC.
Landscape Architecture
City & Regional Planning
September 1, 2011

115 N. Market Street, Wailuku, Maui, Hawaii 96793-1717 • Ph 808-242-1955 • Fax 808-242-1850
www.chpmalui.com

ALAN M. ARAKAWA

Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director



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

RALPH M. NAGAMINE, L.S., P.E.
Development Services Administration
CARY YAMASHITA, P.E.
Engineering Division
BRIAN HASHIRO, P.E.
Highways Division

July 20, 2011

Mr. Glenn Tadaki, Planner
CHRIS HART & PARTNERS, INC.
115 North Market Street
Wailuku, Maui, Hawaii 96793-1717

Subject: EARLY CONSULTATION FOR THE PREPARATION
OF A DRAFT ENVIRONMENTAL ASSESSMENT FOR
THE PUUNENE HEAVY INDUSTRIAL SUBDIVISION
TMK (2) 3-8-008-019

Dear Mr. Tadaki:

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

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

Sincerely,

Rowena M. Dagdag-Andaya
David C. Goode
Director of Public Works

Is: S:\LIC\ACZ\Temp_puunene_heavy_indus_subdiv_dea_35008019_is.wpd
xc: Highways Division
Engineering Division

cc: Glenn
6/20/11
RECEIVED

JUL 25 2011

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning



CHRIS HART
& PARTNERS, INC.

Landscape Architecture
City & Regional Planning
September 1, 2011

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

SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Puunene Heavy
Industrial Subdivision, TMK (2) 3-8-008-019

Dear Mr. Goode,

On behalf of the land owner, CMBY 2011 Investment, LLC, we acknowledge the receipt of your letter dated July 20, 2011 and understand that the Public Works Department has no comments at this time.

Thank you for providing us with your comments and for participating in the early consultation process. A copy of the Draft EA will be provided to you for review when it becomes available.

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

Sincerely,

Glenn Tadaki
Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Martin Luna, Esq.

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

ALAN M. ARAKAWA
Mayor



DEPARTMENT OF WATER SUPPLY

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

July 20, 2011

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

Re: LD.: Early Consultation for the Preparation of a Draft EA
TMK: (2) 3-8-008: por. 019
Project Name: Pu'uene Heavy Industrial Subdivision

Dear Mr. Tadaki:

Thank you for the opportunity to comment on this EA early consultation.

Source Availability and Consumption

The proposed project's water system will be private. Anticipated water use is approximately 127,456 gpd, based on Department of Water Supply (DWS) system standards; however, in the event DWS water is needed, there is currently no additional source available according to system standards on the Central Maui System. Should meters be needed, the DWS may delay issuing them until new sources are on line.

System Infrastructure

The project site is not currently served by the DWS system. The nearest DWS waterline is an 8-inch line approximately 4,000 feet to the northwest, and the next closest line is a 6-inch line approximately 4,060 feet to the west. The proposed private water system will consist of separate potable and irrigation/fire protection systems. The applicant will be required to provide fire protection service according to system standards, certified by the stamp of a professional engineer or architect.

Kahului and Pala Aquifers Pollution Prevention

This project overlies Kahului and Pala aquifers. One potential type of tenant, junk/scrap/salvage yards, are considered to have high contamination potential for groundwater resources. Potential contaminants include: Barium, Benomyl, Benzene, Boric Acid, Chlorpyrifos, Chromated Copper Arsenite, Copper, Dalaapon, 1,2-Dichloroethylene, Diquat, Diazinon, Epoxy, Ethylene Glycol, Glyphosate, Isopropanol, Lead, Manganese, Nickel, Nitric Acid, Nitrosamine, Polychlorinated Biphenyls, Phosphates, Sulfate, Simazine, Trichloroethylene or TCE, 1,1,2,2-Tetrachloroethane, or Perchloroethylene (Perc), Tin, and Waste oils.

"By Water All Things Find Life"

DAVID TAYLOR, P.E.
Director

PAUL J. MEYER
Deputy Director

RECEIVED

JUL 27 2011

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

Chris Hart 10/05/10
w/ attachment

Mr. Glen Tadaki

Page 2

In order to better ensure protection of potentially affected aquifers, please refer to the following attached BMP documents including recommended measures for implementation: 1) *Summary of Best Management Practices for Trucking & Towing Baseyards*; and 2) *Auto wrecking Best Management Practices*.

We recommend implementing the following BMPs during project construction.

1. Evaluate the site for the best grading method that will create the least amount of debris and sediment loss.
2. Minimize disturbance to the smallest area possible.
3. Retain natural ground cover until the last possible date. Stabilize denuded areas by sodding or planting native species as soon as possible. Use high seeding rates to ensure rapid stand establishment.
4. Use appropriate methods to minimize soil erosion and trap sediments.
5. Avoid fertilizers and biocides, or apply only during periods of low rainfall to minimize chemical run-off.
6. Keep run-off on site.

Conservation

To alleviate demand on the Central Maui system, and for landscaping suggestions, please refer to the following attachments: 3) *A Checklist of Water Conservation Ideas for Industrial and Large Landscapes*; and 4) our draft planning brochure, "Saving Water in the Yard-What and How to Plant in your Area." We also recommend that the applicant implement the following conservation measures, where appropriate:

1. Use Brackish or Reclaimed Water for irrigation and dust control during construction/demolition where available. Reclaimed water is available at the Kahului Sewage Treatment Plant.
2. Use Climate-adapted Plants: We recommend using native climate-adapted plants for landscaping. Native plants adapted to the area conserve water and protect the watershed from degradation due to invasive alien species. The project is located in Plant Zone 3 (see attached planning brochure).
3. Prevent Over-Watering By Automated Systems: If an automated watering system will be used, provide rain-sensors on all automated irrigation controllers. Check and reset controllers at least once a month to reflect the monthly changes in evapo-transpiration rates at the site. As an alternative, provide the more automated, soil-moisture sensors on controllers.
4. Utilize Low-Flow Fixtures and Devices: Maui County Code Subsection 16.20A.680 requires the use of low-flow water fixtures and devices in faucets, showerheads, urinals, water closets, and hose bibs. Water conserving washing machines, ice-makers and other units are also available. Toilets should be high-efficiency models that use 1.28 gallons per flush or less. Urinals should be high-efficiency models that use 0.5 gallons per flush or less. Showerheads, if any, should have a flow rate of 2 gpm at 60 psi or less in all units.

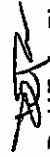
Mr. Glen Taddei
Page 3

Bathroom sink faucets with fixtures should not exceed 1 gpm at 60 psi, and more efficient models are available.

5. Maintain Fixtures to Prevent Leaks: A simple, regular program of repair and maintenance can prevent the loss of hundreds or even thousands of gallons a day. The applicant should establish a regular maintenance program.
6. Consider *submetering* or *individual metering*: research into water use efficiency indicates that one of the most effective conservation measures is metering. Although the applicant does not propose to use county water, individual meters or submeters may be a useful tool for minimizing unnecessary consumption.

Should you have any questions, please contact our Water Resources and Planning Division at 244-8550.

Sincerely,


David Taylor, Director
bah

cc: Engineering Division

Attachments:

1. Summary of Best Management Practices for Trucking & Towing Baseyards
2. Autowrecking Best Management Practices
3. A Checklist of Water Conservation Ideas for Industrial and Large Landscapes
4. Plant Brochure: "Saving Water in the Yard-What and How to Plant in your Area"

Summary of Best Management Practices for Trucking & Towing Baseyards

GOAL: Often large quantities of hazardous materials are handled on baseyards. These include transmission, power steering, hydraulic and brake fluids, as well as fuel, oil, antifreeze, refrigerants, mercury, lead, sulphuric acid and solvents. These may be indiscriminately distributed all over the recycling yards causing extensive non-point source pollution of groundwater and surface runoff water. These BMP's attempt to consolidate, contain and collect these diffuse sources into manageable point sources which can be treated.

REQUIRED BEST MANAGEMENT PRACTICES:

- Assign at least one person to be specifically responsible for pollution prevention and clean up. Provide training to staff regarding the importance of pollution prevention and dealing with pollution as it occurs.
- Do not store leaking vehicles in the receiving area; move them to the dismantling area immediately or put drip pans under them. Use pumps to transfer toxic fluids.
- Remove all fluids, batteries, mercury switches, radiators, un-deployed air-bags, refrigerants, fuel tanks, tires, lead battery cables and lead tire balancing weights before crushing. Collect and recycle used antifreeze, oil, tires and batteries. Crimp lines or use special plastic plugs to close off all cut fluid lines to prevent drips and leaks. Remove and drain oil and fuel filters. Stand used oil filters in a drip pan for at least a day to drain. Use oil adsorbent to clean up spills. Collect the drained oil in proper containers for recycling. Recycle the metal parts of the oil filter after it is drained.
- Clean up all spills and leaks anywhere on the site immediately with appropriate adsorbent and deal with the waste properly to prevent contaminating the ground or surface runoff water. When spills do occur, dry cleanup methods shall be used.
- Areas where leaks may occur or fluids are stored are to be roofed to prevent stormwater flooding of the containment area. The containment area shall be raised above ground level so that storm runoff does not spill over the berm and overwhelm the collection sumps. Provide areas where leaks may occur or fluids are stored with impervious pavement, berms, curbs or other means of spill containment; use spill control equipment and connect to spill collection sumps. Construct dikes or berms capable of holding 25% of the total stored fluids volume, or 110% of the largest container, to contain spills. Maintain all sumps, drip pans and fluid containment structures regularly and properly empty sludge and accumulated fluids.
- Use unbreakable, inert storage containers with sealed lids, and label each container to store solvents, lead, lead-acid batteries, mercury switches, oil filters, lead weights and battery cables and sodium azide air-bag propellants. Mercury must be stored in a tightly sealed container since it is volatile and highly toxic. Store batteries upright and stack them no more than 5 high.
- Provide fluid storage containers with level indicators on them. Store oily rags in a fire-proof container with a lid and in a separate location. Store fuels and other highly inflammable fluids in a separate area.
- Provide steam cleaning or pressure washing facilities with zero-discharge recycling systems equipped with oil/water separators. Provide parts cleaning areas with walls or curtains to prevent spray drift.

REFERENCE: <http://www.naims.org/bcise/bmphone.html>

AUTO WRECKING BEST MANAGEMENT PRACTICES (BMPs)

LAND USE TYPE: Commercial/Industrial

LAND USE: Auto wrecking

CONCERN: Distribution of hydraulic and brake fluids, fuel, oil, antifreeze, refrigerants, mercury, lead, sulphuric acid and solvents.

GOAL: Contain and collect diffuse pollutant sources into manageable point sources to be treated.

SUGGESTED PRACTICES: Recycling automobiles involves handling large quantities of often hazardous materials including transmission, power steering, hydraulic and brake fluids, fuel, oil, antifreeze, refrigerants, mercury, lead, sulphuric acid and solvents. These tend, at present, to be indiscriminately distributed all over the recycling yards causing extensive non-point source pollution of groundwater and surface runoff water. These BMPs attempt to consolidate, contain and collect these diffuse sources into manageable point sources which can be treated.

Concrete or asphalt pads may not be impervious surfaces since they tend to crack with age unless they are installed on a packed, built up, graveled base. For this reason a steel tray may be better in some locations, especially where it is a retrofit installation. Oil, antifreeze, tires and the plastic, lead and acid from batteries can all be recycled, reused or incorporated into new products.

Site Layout

For efficiency, and to prevent contamination of areas not specifically designed for certain activities, the recycling site should be segregated into specific areas especially equipped for vehicle receiving, holding, dismantling, cleaning, inventory flow, parts storage, core storage, fuel storage, special waste storage, crushing, sales, shipping, receiving and the office. There should be a logical relationship between these areas so that an incoming vehicle and its parts flow smoothly and as efficiently as possible from area to area and eventually out of the site as crushed hulks for scrap metal.

Vehicle Receiving

This is where incoming vehicles are stored temporarily prior to dismantling or transfer to the hulk storage area; this should be relatively short term storage to deal with vehicles arriving in batches faster than they can be dismantled. Incoming vehicles are often damaged and leaking fluids.

Vehicle Dismantling

This is where vehicles are dismantled which involves draining all the fluids some of which will spill and must be contained.

Special Wastes

There are some components of vehicles which pose special hazards and must be stored securely until disposed of. These include switches with mercury in them, air-bags with sodium azide propellants, lead-acid batteries, tires and oily rags.

Parts Cleaning

This involves manual removal of heavy grease and oil followed by solvent-based, steam-cleaning or pressure washing of parts before they are stored for sale.

Fluid Storage

Fluids include, but are not restricted to, gasoline, diesel fuel, motor oil, transmission oil, power steering fluid, brake fluid, hydraulic fluid, differential fluid, antifreeze, windshield washer fluid, refrigerants, battery acid, cleaning solvents and contaminated water. Some of these are reused, some are special waste and some are wasted.

Hulk Storage

This is where the car body is stored once all fluids have been drained, mercury switches and batteries removed, core and valuable parts have been removed and there is no more possibility of toxic contaminants reaching the ground. The hulk is stored until body and frame members are needed for sale or the hulk is crushed and sold as scrap. It must be clean and free of fluids and toxic materials at this point and therefore a gravel pad in the open is adequate.

Vehicle Crusher

All fluids must be removed before crushing but there will always be some residuals which will be released upon crushing.

Storage of the Core and Liquid containing Parts

Core parts are parts that can be remanufactured or rebuilt and thus always have intrinsic value unless seriously damaged. These parts are removed and stored prior to being sold and will usually contain fluids and lubricants.

Storage of Parts for Sale

These are parts for sale directly to customers as opposed to parts for sale to remanufacturers, and may have a lengthy shelf life. They may also have fluids in them.

Best management practices for the auto industry, specific to auto wreckers, include such actions as:
-Cleaning up all spills and leaks anywhere on the site immediately with appropriate adsorbent and dealing with the waste properly to prevent contaminating the ground or surface runoff water.

-Training provided to staff with regard to the importance of pollution prevention and how to recognize and deal with pollution as it occurs.

-Assigning at least one person at each site as specifically responsible for pollution prevention and clean up.

-Maintaining all sumps, drip pans and fluid containment structures regularly and emptying sludge and accumulated fluids.

-Providing areas where leaks may occur or fluids are stored with impervious pavement, berms, curbs or other means of spill containment, equipped with spill control equipment and connected to spill collection sumps.

-Roofing areas where leaks may occur or fluids are stored to prevent stormwater flooding of

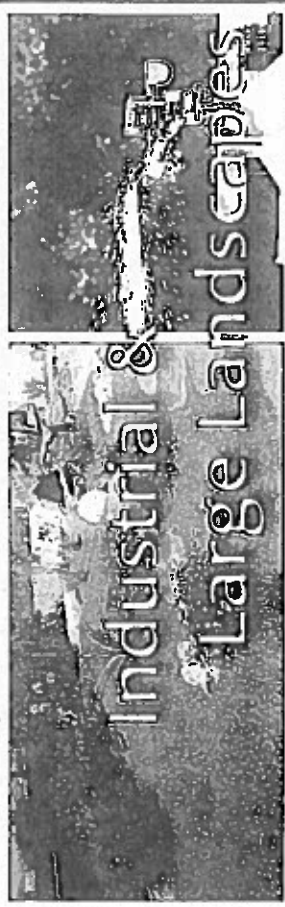
the containment area, which should be raised above ground level such that storm runoff does not spill over the berm and overwhelm the collection sumps.

- Sweeping all floors before washing them and sweeping away from gutters and catch basins.
- Using oil absorbent to clean up spills and picking up adsorbent as soon as possible before tracking the waste around.
- Keeping storage time in the receiving area to a minimum and moving vehicles to the dismantling area and draining fluids as soon as possible.
- Avoiding storage of leaking vehicles in the receiving area, moving them to the dismantling area immediately or putting drip pans under them.
- Crimping lines, or using special plastic plugs, to close off all cut fluid lines to prevent drips and leaks.
- Having refrigerants removed by licensed contractors with the proper equipment to prevent any leakage to the atmosphere.
- Removing all refrigerants with approved equipment which allows no losses and recycling all refrigerants with appropriate reclamation agencies.
- Removing and draining oil and fuel filters.
- Standing used oil filters in a drip pan for at least a day to drain; to facilitate draining puncture the dome end or the antidrill back valve to break the vacuum.
- Collecting the drained oil in proper containers for recycling.
- Recycling the metal parts of the oil filter after it is drained.
- Collecting and recycling used antifreeze.
- Using pumps to transfer fluids like gasoline rather than pouring from open trays and pans.
- Using unbreakable, inert storage containers with sealed lids and label each container to store lead-acid batteries, mercury switches, oil filters, lead weights and battery cables and sodium azide air-bag propellants; mercury, especially, must be stored in a tightly sealed container since it is volatile and highly toxic storing batteries upright and stacking them no more than 5 high.
- Collecting and recycling old batteries.
- Avoiding storage of lead in a moist atmosphere for an extended period of time.
- Storing oily rags in a fire-proof container with a lid and in a separate location where there will be no fire hazard.
- Storing small quantities of tires in a fashion and location approved by the local fire inspector.
- Collecting and recycling old tires.
- Providing parts cleaning areas with walls or curtains to prevent spray drift.
- Providing steam cleaning or pressure washing facilities with zero-discharge recycling systems equipped with oil/water separators.
- Using parts cleaning solvents as little as possible.
- Keeping solvents in closed containers.
- Considering changing to non-petroleum-based solvent cleaning methods such as terpene based solvents or alkaline detergents in ultra sonic tanks, heated dip tanks, agitating tanks or jet spray washers.
- Avoiding discharge of the waste water to municipal sewers due to the pre-treatment costs of cleaning the water before it meets discharge regulations.
- Avoiding use of underground storage tanks; these lead to very expensive clean up costs when they eventually corrode and leak causing extensive ground and water pollution.

- Using unbreakable, inert, fluid storage containers with sealed lids, labeling each container and using double-walled containers or secondary containment for large quantities of fluids.
- Constructing dikes or berms capable of holding 25% of the total stored fluids volume, or 110% of the largest container, to contain spills; generally more smaller tanks are more economical and safer than one large one.
- Storing fuels and other highly inflammable fluids in a separate area to meet local fire department regulations.
- Providing fluid storage containers with level indicators on them to prevent overfilling and spillage.
- Avoiding the stacking of waste fluid containers.
- Removing all fluids, batteries, mercury switches, radiators, un-deployed air-bags, refrigerants, fuel tanks, tires, lead battery cables and lead tire balancing weights before crushing.

REFERENCE: <http://www.naims.org/bc/iss/bmphone.html>

A Checklist of Water Conservation Ideas For



This checklist provides water conservation tips successfully implemented by industrial and commercial users. This list has been revised from the original copy first published and distributed by the Los Angeles Department of Water and Power and the Water Efficiency Manual by the North Carolina Department of Environment and Natural Resources.

→ START A WATER CONSERVATION PROGRAM

- Increase employee awareness of water conservation.
- Install signs encouraging water conservation in employee and customer restrooms.
- When cleaning with water is necessary, use budgeted amounts.
- Read water meter weekly to monitor success of water conservation efforts.
- Assign an employee to monitor water use and waste.
- Seek employee suggestions on water conservation; put suggestion boxes in prominent areas.
- Determine the quantity and purpose of water being used.
- Determine other methods of water conservation.
- Conduct contests for employees (e.g., posters, slogans, or conservation ideas).

→ PLANNING AND DESIGN

- Consider the following:
 - Physical conditions (drainage, soil type, sun/shade etc.) and the use of the site (foot traffic, recreation, viewing, etc.)

- Creating shade areas, which can be 20 degrees cooler than non-shaded areas, decreasing evaporation.
 - Grass areas only where needed; avoid small areas under 10 feet wide.
 - Permeable materials such as porous concrete or permeable paving methods.
 - Grading and directing surface run-off and rainfall gutters to landscaped areas as opposed to drainageways that exit the property.
- Incorporate high water demanding plants at the bottom of slopes, and maintain the use of existing trees, plants, and wildlife in the area during planning.
- Minimize the use of impermeable surfaces to lessen runoff and resulting stormwater pollution.
- Identify water source points.
- Develop a schematic of all water entry points (know where your faucets, time clocks, solenoids, booster pumps, sprinklers and bubblers are located).



- Identify capacity of each water-carrying unit and frequency of use.
- Determine specific use for each entry source.

→ ANALYZE AND IMPROVE SOIL CONDITIONS

- Test the soil quality, nutrients and absorptive capacity, and then select plants based on findings. Adjust the pH level if necessary.
- Use organic matter (compost, mulch or manure) to increase the soil's water holding capacity. This helps improve water distribution and lowers levels of evaporation.
- When improving the soil of a given area, remember to treat a larger area around the planting to allow ample space for root systems.
- Prevent heavy construction equipment from compacting soil in areas around trees or other sensitive habitats.

→ PLANT SELECTION

- Choose native, climate-appropriate species.
- Consider plants' water demand, pest tolerance, soil nutrient and drainage requirements.

→ INTERIOR AREAS

- Discontinue continuous flow.
- Use ponded water where available.
- Adjust flows to reduce discharge of water.



- Install water-saving devices to decrease water consumption - restrooms (toilet dams and flappers), faucets (aerators), cooling systems.

- Retrofit toilets with high efficiency models that use 1.28 gallons per flush or less.

- Retrofit urinals with high efficiency models that use 0.5 gallons per flush.
- Install showerheads with a flow rate of 1.5 gpm at 60 psi or less in all units.
- Retrofit bathroom sink faucets with fixtures that do not exceed 1 gpm at 60 psi.
- Use recycling systems for chillers and cooling towers.
- Consider installing energy-and-water-efficient air conditioning equipment.

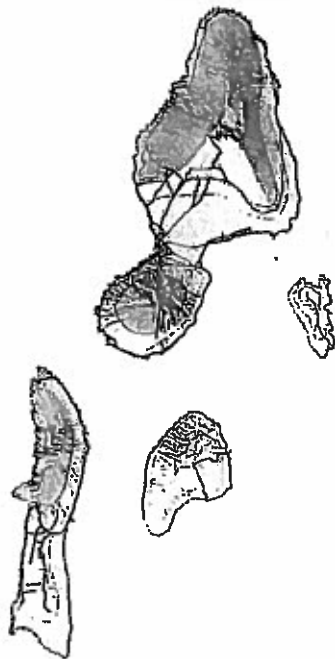
→ MAINTENANCE PROCEDURES

- Sweep materials from floor instead of washing down whenever possible.
- Instruct clean-up crews to use less water where appropriate.
- Check water supply system for leaks.
- Repair dripping faucets and continuously running or leaking toilets.

→ DESIGN CRITERIA FOR TURF AND LANDSCAPE AREAS

- Contact the Department of Water Resources or your local water supplier about possible landscape water auditor classes for managers.
- Hire a landscape architect with water conservation and xeriscape experience.
- Use turf only where actually necessary. Immediate picnic areas/outside lunch areas and gold course target areas (greens, tees, landing areas).
- Turfgrass should be cut to the maximum recommended height for its type (generally a minimum of two inches to a maximum of four inches) for most efficient water use.
- Use only low-water use plant material in non-turf areas.

Maui County's Landscape and Gardening Handbook



Water Conservation in the Landscape

Department of Water Supply
200 South High Street
Wailuku HI 96793
www.mauliwater.org

By Water All Things Find Life

Three Reasons to Xeriscape Saves Water Saves Time Saves Money



Department of Water Supply
200 South High Street
Wailuku HI 96793
www.mauliwater.org



By Water All Things Find Life

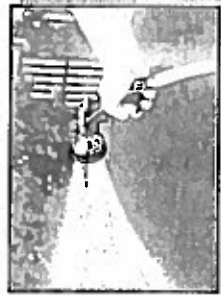
- Drip irrigation and microsprays place water at the base of the plant. This reduces evaporation and saves water by not soaking the entire ground surface. This works for trees, shrubs, and groundcovers.



- Use automatic irrigation systems monitored by moisture probes (i.e. tensiometer) and rain shut-off devices to cut power off during rain.
- Design dual watering systems with sprinklers for turf and low-volume irrigation for plants, trees, and shrubs. Operate sprinkler system before sunrise and after sunset. Amount of irrigation can be determined by the evapotranspiration rate, which DWR can help you determine.
- Use properly-treated waste water for irrigation where available.

➔ EXTERIOR AREAS

- Regular aeration of clay soils will improve water holding capabilities and prevent runoff.
- Discontinue using water to clean sidewalks, tennis courts, pool decks, driveways, and parking lots.
- Make sure irrigation water does not run onto streets or into alleys. Adjust sprinklers to water only plants and not sidewalks or roads.
- Use the same size nozzle when replacement is needed. Sprinklers should be replaced with the same brand of sprinklers. Spray heads are aligned with grade.



- Replace worn spray nozzles.
- Regulate pressure properly for system demands.

- Make sure rotors or spray heads are mounted correctly. Replace with proper unit for the job.
- Post a current controller schedule inside the door of the controller.
- Check for leaking valves.
- Adjust the operating time (run times) of the sprinklers to meet appropriate seasonal or monthly requirements.
- Check plant leaves and take soil samples to confirm proper system functioning.
- Look into alternative sources for irrigation water (i.e. the use of wells as opposed to city water, water reuse operations from air conditioning condensate, storm water retention ponds, or cisterns, non-contact cooling water).
- Use dedicated water meters to monitor landscaping water use.
- Have a catchment/distribution uniformity test performed on-site to determine how evenly water is applied when sprinklers are in use.

For more information, contact:
Maul County Department of Water Supply
Water Resources and Planning Division
 59 Kanooa Street Wailuku, HI 96793
 Telephone: (808) 244-8550
 FAX: (808) 244-6701

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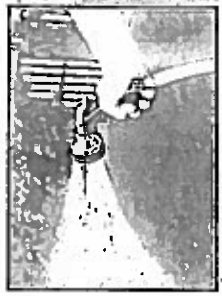
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For more information, contact:
Maul County Department of Water Supply
Water Resources and Planning Division
 59 Kanooa Street Wailuku, HI 96793
 Telephone: (808) 244-8550
 FAX: (808) 244-6701



Landscape Architecture
City & Regional Planning
September 26, 2011

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

SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Pu'uene Heavy
Industrial Subdivision; TMK (2) 3-4-008:019

Dear Mr. Taylor,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your letter dated July 20, 2011.

Source Availability and Consumption. The private water system for the proposed project will be developed in accordance with Department of Health requirements for potable water systems. Notwithstanding this, the land owner understands that no additional source is currently available if water from the County system is needed and that the issuance of water meters (if needed) may be delayed until new sources are brought on line.

System Infrastructure. Fire protection service for the proposed project will be provided in accordance with system standards and certified by a professional engineer or architect.

Pollution Prevention. To minimize infiltration and runoff from industrial operations, Best Management Practices, including those mentioned in your letter, will be considered and appropriate measures implemented.

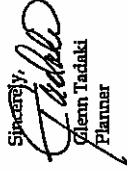
Conservation. Water conservation measures, such as those identified in your letter, will be evaluated during the project's detailed design and engineering phase and appropriate measures will be implemented.

Proposed Pu'uene Heavy Industrial Subdivision
TMK (2) 3-4-008:019
September 26, 2011
Page 2

Copies of your letter have been provided to the appropriate project consultants for their information and consideration.

Thank you for providing us with your comments and for participating in the early consultation process. A copy of the Draft EA will be provided to you for review when it becomes available.

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

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Tom Nance, TNWRB
Stacy Olorio, P.E.
Martin Lane, Esq.

ALAN M. ADYAKAWA
Mayor
WILLIAM R. SPENCE
Director
MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

July 25, 2011

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

cc: glenn
10/056

RECEIVED

JUL 26 2011

Mr. Glenn Tadaki, Planner
July 25, 2011
Page 2

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

Dear Mr. Tadaki:

SUBJECT: REQUEST FOR COMMENT ON EARLY CONSULTATION FOR THE PREPARATION OF A DRAFT ENVIRONMENTAL ASSESSMENT (EA) FOR THE PROPOSED PU'UNENE HEAVY INDUSTRIAL SUBDIVISION LOCATED IN THE VICINITY OF THE OLD PU'UNENE AIRPORT, MAUI, HAWAII; TMK: (2) 3-5-008-019 (RFC 2011/0103)

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

- The Applicant is the CMBY 2011 Investment, LLC with Chris Hart & Partners, Inc. acting as the Applicant's Consultant;
- The Applicant is proposing to subdivide an 86-acre vacant and undeveloped site adjacent to the Old Pu'unene Airport into 28 fee-simple, heavy industrial lots ranging from 0.63 acre to 13.41 acres in size;
- The proposed project is located adjacent to Project District 10 (Old Pu'unene Airport area - 561 acres) as outlined in the Kihel-Makana Community Plan dated March 6, 1998;
- The proposed project is located within the Proposed Urban Growth Boundary for the DRAFT Maui Island Plan;
- The proposed project will require the Applicant to seek a District Boundary Amendment (from the State Agricultural to the State Urban District) from the State of Hawaii Land Use Commission, a Kihel-Makana Community Plan Amendment (from Agricultural to Heavy Industrial) from the County of Maui, and a Change in Zoning (from Agricultural to M-2 or M-3, Heavy Industrial) from the County of Maui;

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

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

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

1. Clearly outline on all exhibits and charts the project area in relation to the Proposed Urban Growth Boundary for the Draft Maui Island Plan;
2. Explain in detail in a tabular form, the proposed actions and responsibilities of the Applicant to complete such actions such as an internal subdivision road, private water system, private wastewater system, on-site drainage system, landscape plantings, communications and power connections, etc. as compared to the responsibility of each individual future lot owner; provide a time-line for project development outlining each infrastructure action step and who is responsible for such action, e.g., when will project site and individual lot drainage and roadways be completed and who will be responsible, and
3. Outline road, infrastructure, landscape, and design connections of the proposed project to the overall Pu'unene Master Plan including the proposed Maui Regional Public Safety Complex, the proposed public park, the proposed public event space, the Motorcross site, etc.

Thank you for the opportunity to comment. Should you require further clarification, please contact Staff Planner Kurt Wollenhaupt of the Department's Current Division at kurt.wollenhaupt@mauicounty.gov or at (808) 270-1789 or Planning Supervisor David Yamashita of the Department's Long Range Division at david.yamashita@mauicounty.gov or at (808) 270-8290.

Sincerely,

WILLIAM SPENCE
PLANNING DIRECTOR

Mr. Glenn Tadaki, Planner
July 25, 2011
Page 3

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shimoto, PE, Planning Program Administrator (2)
John F. Summers, Planning Program Administrator
Kurt F. Wollhaupt, Staff Planner
David Yamashita, Planning Supervisor
Project File
General File

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**CHRIS
HART**
ASSOCIATES, INC.

Landscape Architecture
City & Regional Planning

September 20, 2011

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

SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Pu'unene Heavy
Industrial Subdivision; TMK (2) 3-8-008:019

Dear Mr. Spence,

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

1. The subject parcel's location within the proposed Urban Growth Boundary
for the (draft) Maui Island Plan will be shown in the Figures for the Draft EA.
2. The subdivision improvements that will be the responsibility of the land
owner will be identified in the Draft EA, as well as the future lot owners'
responsibilities for the separate development of their lots.

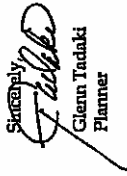
The process of obtaining all the necessary land use entitlements for the
subject parcel could take two to three years. After completing this process,
the land owner plans to subdivide the property and create the heavy
industrial subdivision. It is important to note that the actual number and size
of the subdivision's lots, and the timeframe for filing the application for
subdivision approval, will be heavily influenced by prevailing market
conditions at the time the land owner is ready to proceed. Given the extent
of the entitlement process, as well as variable market factors and uncertain
economic conditions in the future, a detailed schedule for the implementation
of the future subdivision's various infrastructure systems cannot be
discerned at this time.

Proposed Pu'unene Heavy Industrial Subdivision
TMK (2) 3-8-008:019
September 20, 2011
Page 2

3. The Draft EA will discuss any pertinent infrastructure, landscape, and design
connections between the proposed project and the Pu'unene (Airport) Master
Plan to the extent that current information about the Master Plan is readily
available to the public.

Thank you for providing us with your comments and for participating in the early
consultation process. A copy of the Draft EA will be provided to you for review when it
becomes available.

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

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Siacy Olomo, P.E.
Martin Luna, Esq.



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

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

LORENN W. PARKS, M.D., M.P.H.
DISTRICT HEALTH OFFICER

RECEIVED

JUL 27 2011

CHRIS HART & PARTNERS, INC.
LANDSCAPE ARCHITECTURE & PLANNING

cc: glenn 10/05/11

July 26, 2011

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

Dear Mr. Tudaki:

Subject: Early consultation for the Preparation of a Draft Environmental Assessment for the Proposed Pu'uene Heavy Industrial Subdivision; TMK (2) 3-8-008:019

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

1. National Pollutant Discharge Elimination System (NPDES) permit coverage may be required for this project. The Clean Water Branch should be contacted at 808 586-4309.
2. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules (HAR), Chapter 11-46, "Community Noise Control." A noise permit may be required and should be obtained before the commencement of work. The Indoor & Radiological Health Branch should be contacted at 808 586-4700.

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

Mr. Glenn Tudaki
July 26, 2011
Page 2

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

Sincerely,

Patti Kitkowski

Patti Kitkowski
District Environmental Health Program Chief

c BPO



Landscape Architecture
City & Regional Planning

September 7, 2011

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

SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Pu'uone Heavy
Industrial Subdivision; TMK (2) 3-8-008:019

Dear Ms. Kitkowski,

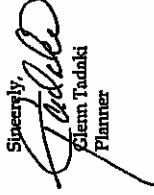
On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your letter dated July 26, 2011.

1. The proposed project will comply with applicable National Pollutant Discharge Elimination System (NPDES) permit requirements for construction activities.
2. Should noise from construction activities exceed the allowable daytime threshold (70 dBA) for industrial-zoned districts, the contractor shall obtain a Community Noise Permit from the Indoor and Radiological Health Branch pursuant to Chapter 11-46, HAR pertaining to "Community Noise Control".

Thank you for providing us with your comments and for participating in the early consultation process. A copy of the Draft EA will be provided to you for review when it becomes available.

Proposed Pu'uone Heavy Industrial Subdivision
TMK (2) 3-8-008:019
September 7, 2011
Page 2

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

Sincerely,

Glenn Tadaoki
Planner

cc: Bianca Lafolette, PRL
Stacy Olomo, P.E.
Yoichi Ebisu, P.E.
Martin Luna, Esq.

PHONE (808) 594-1883



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPOLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

FAX (808) 594-1885

RECEIVED

AUG 11 2011

CHRIS HART & PARTNERS, INC.
LANDSCAPE ARCHITECTURE AND PLANNING

Cl. Glenn

HRD11/5837

10/03/11

July 27, 2011

Glenn Tadaki, Planner
Chris Hart & Partners, Inc.
115 N. Market Street
Wailuku, Hawaii 96793-171

Re: Pre-Draft Environmental Assessment Consultation
Pe'uene Heavy Industrial Subdivision
Island of Maui

Aloha e Glenn Tadaki,

The Office of Hawaiian Affairs (OHA) is in receipt of your June 23, 2011 letter seeking comments ahead of a draft environmental assessment (DEA) which will be prepared to support the subdivision of an 86-acre tax map key (TMK) parcel into 28 fee-simple lots ranging in size from 0.63 acres to 13.41 acres in size and the development of a heavy industrial subdivision (project) in Kiheti on the Island of Maui.

Based on the information contained within your letter, the project area is situated within the State Land Use Agricultural District and is currently designated for agricultural uses by County of Maui zoning and the Kiheti-Makana Community Plan. The State Land Use Commission District Boundary Amendment (Agricultural to Urban), the subsequent County of Maui Change in Zoning (Agricultural to M-2 Heavy Industrial) and amendment to the Kiheti-Makana Community Plan (Agricultural to Heavy Industrial) and the use of lands (Kama'aina Road) under the control of the State of Hawaii which are required to facilitate this project are all "triggers" which require preparation of this DEA pursuant to Chapter 343, Hawaii's Revised Statutes.

The project area appears to be situated within a larger area which was subject to intensive sugarcane cultivation during historic and modern times and is currently surrounded by existing land uses which include the Maui Raceway Park, a Hawaiian Cement quarry, a Hawaiian Commercial & Sugar Company (HC&S) irrigation water reservoir and HC&S sugarcane fields.

Your letter indicates that the landowner of the 86-acre TMK parcel and project proponent, CMBY 2011 Investment, LLC only intends to only develop basic subdivision infrastructure and utilities with individual lot owners being responsible for their own improvements. The DEA should discuss whether uses which are allowable under M-2 Heavy

Glenn Tadaki, Planner
Chris Hart & Partners, Inc.
July 27, 2011
Page 2 of 2

Industrial County of Maui Zoning, but are declared "special uses" and require a use permit issued by the Maui County Council pursuant to §19-26.020(28), Maui County Code are anticipated within the project. Should these "special uses" be anticipated, the DEA should then comprehensively discuss how project infrastructure (wastewater and onsite drainage systems) intend to contain chemicals and materials and prevent them from entering adjacent irrigation water systems or adversely impact the overall quality of the South Maui watershed (watershed) and groundwater.

OHA notes that the Kealia Pond National Wildlife Refuge (NWR) serves as a "settling basin" for the entire watershed and is subject to intermittent flooding during the winter months. It is possible, that any chemicals or pollutants which enter the watershed end up in the NWR adversely impacting native species and near shore marine water quality.

We look forward to reviewing the DEA and providing additional comments at that time. Please provide one electronic copy and one hardcopy of the DEA to OHA via: Compliance Program when it becomes available. Should you have any questions, please contact Keola Lindsey at 594-0244 or keola@oha.org.

'O wau iho nō me ka 'ōia 'i'o,

Clyde W. Nāmu'o

Clyde W. Nāmu'o
Chief Executive Officer

C: OHA- Maui COC



Landscape Architecture
City & Regional Planning
September 14, 2011

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

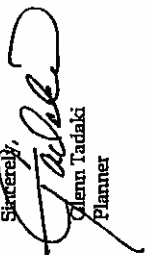
SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Pu'uene Heavy
Industrial Subdivision; TMK (2) 3-8-008-019

Dear Mr. Namu'o,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to you're
your letter dated July 27, 2011.

The Draft EA will identify land uses that are permitted under existing M-2, Heavy
Industrial zoning including those uses that are declared "special uses". While "special
uses" are not anticipated at this time, the Draft EA will examine the potential effect of
pollutants on adjacent and downstream properties and include a discussion of
appropriate mitigation measures as warranted.

Thank you for providing us with your comments and for participating in the early
consultation process. A copy of the Draft EA will be provided to you for review when it
becomes available. Please feel free to call me at (808) 242-1955 should you have any
questions.

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Stacy Okomo, P.E.
Martin Luna, Esq.

115 N. Market Street, Wahi'ou, Maui, Hawaii 96793-1717 • Ph 808-242-1855 • Fax 808-242-1856
www.chpmal.com

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ALAN M. ARAKAWA
MAYOR
OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT COUNTY OF MAUI

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



GARY A. YABUTA
CHIEF OF POLICE
CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

July 28, 2011

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

Dear Mr. Tadaki:

SUBJECT: Early Consultation for the Preparation of a DEA for the Proposed Pu'uene Heavy Industrial Subdivision; TMK (2) 3-8-008:19

This is in response to your letter dated June 23, 2011, requesting comments on the above subject.

We have reviewed the information submitted for the above mentioned project and would like to offer the enclosed comments. Thank you for allowing us to review this project.

Very truly yours,

Assistant Chief Victor K. Ramos
for:
Gary A. Yabuta
Chief of Police

Enclosures

c: William Spence, Maui County Dept. of Planning

Cl: Glenn 101056

RECEIVED

AUG 02 2011

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

COPY

TO : GARY YABUTA, CHIEF OF POLICE, COUNTY OF MAUI
VIA : CHANNELS
FROM : RONALD BENNETT, POLICE OFFICER, VISITOR ORIENTED POLICE
SUBJECT : RESPONSE TO AN EARLY CONSULTATION REQUEST FOR:
PROPOSED PU'UNE HEAVY INDUSTRIAL SUBDIVISION;
TMK (2) 3-8-008:019

This TO-FROM is submitted as a response to a request for early consultation comments by Chris Hart and Partners, Inc. Planner Glen Tadaki regarding:

SUBJECT : EARLY CONSULTATION REQUEST FOR THE PROPOSED
PU'UNE HEAVY INDUSTRIAL SUBDIVISION;
TMK # : (2)3-8-008:019

*RESPONSE DE BENNETT
ASSESSMENT AND RECOMMENDATIONS
07/29/11
DE YABUTA'S*

RESPONSE:

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

In regards to pedestrian and vehicular movement, the focus of this early consultation is based on the documents submitted regarding the proposed development. In review of the proposal and the pending request for property easements along Kamaaina road I would like to offer general safety concerns at this time and provide detailed suggestions upon the final Environmental Assessment draft.

In regards to public safety, a concern is at the entry/exit points of the property. At the entry/exit area, proper lighting and line of sight will be critical to vehicular and pedestrian safety.

Another area of concern is the portion of Kamaaina road where the access road into the proposed property would intersect. This area will also need proper lighting and line of sight distance. During a site visit it was noticed that vehicles traveling east to west on Kamaaina road (downhill) are required to stop at a posted stop sign, however the stop sign is very close to the sugar cane and will need to be further away from the cane to be more visible. This section of the roadway is also used by Hawaiian Cement trucks and HC&S vehicles. Some of these vehicles such as loaded Cement trucks and Cane hauling trucks are very large, heavy and require greater distances to stop.

These general concerns are all I have to offer for the early consultation of the Draft Environmental Assessment.

I would like to reserve further comment for the final draft.

*For Approval
SUCCEED 10/10/2011
07/27/11*

Respectfully submitted,


Ofc. Ronald L. BENNETT 12177

Visitor Oriented Police

072611 @ 1100 Hours

PERSONNEL OFF. BENNETT'S
CALLED BE TANGLED
INTO CONSIDERATION.

SA. J. W. V. L. W. L.
7-27-11 @ 0845

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Landscape Architecture
City & Regional Planning

September 27, 2011

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

SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Pu'unene Heavy
Industrial Subdivision; TMK (2) 3-8-008-019

Dear Mr. Yabuta,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your
letter dated July 28, 2011.

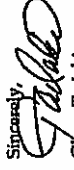
1. The land owner acknowledges that proper lighting and sight distances at the
access points for the proposed project are important for vehicle and pedestrian
safety.
2. The traffic study for the proposed project will include recommendations for
maintaining site distances and the visibility of traffic control devices.

The number of heavy vehicles (e.g., cement trucks, cane haulers) was estimated
and has been included in the analysis of the study intersections.

Thank you for providing us with your comments and for participating in the early
consultation process. A copy of the Draft EA will be provided to you for review when it
becomes available.

Proposed Pu'unene Heavy Industrial Subdivision
TMK (2) 3-8-008-019
September 27, 2011
Page 2

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

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Phillip Rowell, P.E.
Stacy Olomo, P.E.
Martin Luna, Esq.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM L. KILA, JR.
DIRECTOR OF LAND AND NATURAL RESOURCES
COMMISSIONER OF THE LAND AND NATURAL RESOURCES

RECEIVED

AUG 04 2011

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

CC: Glenn
10/05/10

August 3, 2011

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

Dear Mr. Tadaki

SUBJECT: Proposed Puuene Heavy Industrial Subdivision;
TMK: (2) 3-8-008-019

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from (a) Engineering Division and (b) Commission on Water Resource Management on the subject matter. Should you have any questions, please feel free to call Darlene Nakamura at 587-0417. Thank you.

Sincerely,

Russell Y. Tsuji
Land Administrator

Enclosures



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809



WILLIAM L. KILA, JR.
DIRECTOR OF LAND AND NATURAL RESOURCES
COMMISSIONER OF THE LAND AND NATURAL RESOURCES

July 5, 2011

MEMORANDUM

TO:

- DLNR Agencies:
- ☒ Div. of Aquatic Resources
 - ☒ Div. of Boating & Ocean Recreation
 - ☒ Engineering Division
 - ☒ Div. of Forestry & Wildlife
 - ☒ Div. of State Parks
 - ☒ Commission on Water Resource Management
 - ☒ Office of Conservation & Coastal Lands
 - ☒ Land Division - Maui District
 - ☒ Historic Preservation

FROM:

Charlene Uno, Assistant Administrator

SUBJECT: Proposed Puuene Heavy Industrial Subdivision

LOCATION: Island of Maui

APPLICANT: Chris Hart & Partners on behalf of CMDBY 2011 Investment, LLC

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by July 26, 2011.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

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

Signed:

Date: 7/6/11

NEEL ABRAHAMSON
GOVERNOR OF HAWAII



WILLIAM E. HALL, JR.
GOVERNOR OF HAWAII
COMMISSIONER OF LAND AND NATURAL RESOURCES

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/Charles Uno
RE: Early Consultation DEAP Unsub Division
Maui 546

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809



July 5, 2011

MEMORANDUM

TO:

DLNR Agendas:

- ☒ Div. of Aquatic Resources
- ☒ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☒ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☒ Office of Conservation & Coastal Lands
- ☒ Land Division - Maui District
- ☒ Historic Preservation

FROM:

Charles Uno, Assistant Administrator

SUBJECT:

Proposed Puhiene Heavy Industrial Subdivision

LOCATION:

Island of Maui

APPLICANT:

Chris Hart & Partners on behalf of CMBY 2011 Investment, LLC

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by July 26, 2011.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- ☐ We have no objections.
- ☒ We have no comments.
- ☒ Comments are attached.

Signed: _____
Date: _____

COMMENTS

- ☐ We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone _____.
- ☒ Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Flood Zone X. The Flood Insurance Program does not have any regulations for developments within Flood Zone X.
- ☐ Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is _____.
- ☐ Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Dean, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.
- ☐ Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinances may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:
 - ☐ Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Su Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
 - ☐ Mr. Carter Romero at (808) 961-8943 of the County of Hawaii, Department of Public Works.
 - ☐ Mr. Francis Carizo at (808) 270-7771 of the County of Maui, Department of Planning.
 - ☐ Ms. Wynne Ushigome at (808) 241-4890 of the County of Kauai, Department of Public Works.

- ☐ The applicant should include water demands and infrastructure required to meet project needs. Please note that projects within State lands requiring water service from the Honolulu Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.
- ☐ The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

Additional Comments: _____

Other: _____

Should you have any questions, please call Ms. Suzie S. Agraan of the Planning Branch at 587-0258.

Signed: _____

CAROL TYAU-DEAN, CHIEF ENGINEER

Date: 7/19/11

RECEIVED
LAND DIVISION
JUL 11 A 9 42
DEPT. OF LAND & NATURAL RESOURCES
STATE OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
HONOLULU, HAWAII 96825

July 8, 2011

WILLIAM J. AKA, JR.
Commissioner
WILLIAM M. TAM, JR.
Deputy Commissioner
LONETTA J. FORD, A.C.M., A.P.H.
Deputy Director
LAWRENCE T. HARRIS, JR., J.D.
Deputy Director

TO: Russell Tsuji, Administrator
Land Division

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

SUBJECT: Puemane Heavy Industrial Subdivision (2B lot) Draft EA Early Consult

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

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 (CWRM). 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/cwrmm>.

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/bp/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/dlnr/cwrmm/bmp/index.htm>.

DRF-1A 06/19/2008

Russell Tsuji, Administrator
Page 2
July 8, 2011

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

Permits required by CWRM:

Additional information and forms are available at http://hawaii.gov/dlnr/cwrmm/resources_permits.htm.

- ☐ 8. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water.
- ☐ 9. A Well Construction Permit(s) is (are) required any well construction work begins.
- ☐ 10. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- ☐ 11. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- ☐ 12. Ground water withdrawals from this project may affect streamflows, which may require an in-stream flow standard amendment.
- ☐ 13. A Stream Channel Alteration Permit(s) is (are) required before any alteration(s) can be made to the bed and/or banks of a stream channel.
- ☐ 14. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is (are) constructed or altered.
- ☐ 15. A Petition to Amend the 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:

This 88-acre development proposal is located on the Maalea-facing slope of Haleakala at the end of the Haku Ditch and along Lower Kula Road. It proposes to have a private water system. Existing well No. 4827-01 appears to be on this property; its details and any uses are unknown. The location overlaps the boundary between the Kahului and Paha Aquifer Systems; while sustainable yield for Kahului is far overestimated due to high artificial recharge, the Paha Aquifer sustainable yield of 7 mgd is not artificially augmented in this location. The site is about 2000 feet downgradient from an unused Hawaiian Cement Well successfully pump-tested at 250 gpm.

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

DRF-1A 06/19/2008



Landscape Architecture
City & Regional Planning
October 5, 2011

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

SUBJECT: Early Consultation Comments for the Preparation of a Draft Environmental Assessment (EA) for the Proposed Pu'uene Heavy Industrial Subdivision; TMK (2) 3-8-008-019

Dear Mr. Tsuji,

On behalf of the land owner, CMBY 2011 Investment LLC, we are responding to your letter dated August 3, 2011.

1. The land owner acknowledges that the subject parcel is located in Flood Zone "X", an area of minimal flood hazard.
2. Copies of the Draft EA will be furnished to the Departments of Water and Planning and information about the project can be incorporated into the County's Water Use and Development Plan.
3. The use of low-flow water fixtures (e.g., faucets, hose bibbs, showerheads, toilets) is required by Section 16.20.675 of the Maui County Code. Water conservation measures, such as those identified in your letter, will be evaluated during the project's design and engineering phase and appropriate measures will be included in the Covenants, Conditions and Restrictions for the project to ensure that future lot owners utilize water-efficient practices in their activities.
4. To minimize impacts from storm water runoff, the proposed project will comply with applicable regulatory requirements for storm water management. For example, Best Management Practices (BMPs) are required for all activities

1151 H. Markoe Street, Waikiki, Maui, Hawaii 96753-1717 • Ph 923-242-1055 • Fax 923-242-1058
WWW.CHRCMAUI.COM

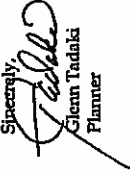
Proposed Pu'uene Heavy Industrial Subdivision
TMK (2) 3-8-008-019
October 5, 2011
Page 2

involving grading, grubbing, and stockpiling activities pursuant to Chapter 20.08 of the Maui County Code (*Soil Erosion and Sedimentation Control*). In addition, National Pollutant Discharge Elimination System permits for general coverage stipulate BMPs for all discharges (storm water runoff) associated with construction activities, including clearing, grading, and excavation that results in the disturbance of one or more acres of total land area.

5. To the extent that it is feasible and such sources are available, the use of alternative water sources will be examined during the project's detailed design and engineering phase.
6. The Draft EA will include information about the source of drinking water for the proposed project.
7. The Draft EA will include a Groundwater Resource and Water System Assessment as well as information about existing Well No. 4927-01.

Thank you for providing us with your comments and for participating in the early consultation process. A copy of the Draft EA will be provided to you for review when it becomes available.

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

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Tom Nance, TNWRE
Stacy Otono, P.E.
Martin Luna, Esq.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



AUG 03 2011
RECEIVED

Mr. Glenn Tadaki
Planner

Chris Hart and Partners, Inc.
115 North Market Street
Wailuku, Hawaii 96793-1717

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning
CC: glenn 10/25/11

Subject: Technical Assistance for Proposed Puunene Heavy Industrial Subdivision Project,
Maui

Dear Mr. Tadaki:

The U.S. Fish and Wildlife Service (Service) received your letter on July 5, 2011, requesting early coordination for the preparation of a draft Environmental Assessment (DEA) for the proposed Puunene Heavy Industrial Subdivision on Maui. The approximately 86-acre proposed project site is located about 1.4 miles east of Mokulele Highway in the vicinity of the old Puunene Airport. Access from Mokulele Highway to the site is provided by Kamaaina Road, a paved two lane road which also provides access to the nearby Hawaiian Cement quarry and surrounding agricultural fields. The proposed project includes subdivision of the parcel into 28 lots and construction of an internal road, water and wastewater system, electrical and telephone connections, and landscaping. This response is in accordance with section 7 of the Endangered Species Act (ESA) of 1973, as amended [16 U.S.C. 1531 *et seq.*].

Based on information you provided and pertinent information in our files, including data compiled by the Hawaii Biodiversity and Mapping Program, three protected species may be in the vicinity of the proposed project. Therefore, we recommend biological surveys be conducted for the following species and results of the surveys be included in the DEA.

1. The endangered Hawaiian goose (*Branta sandvicensis*, nemo) has been observed in the vicinity of Mokulele Highway and Kamaaina Road. We recommend a biologist familiar with nest behavior survey the area prior to the initiation of any work to determine if there are using this site for foraging, loafing or nesting. Furthermore, all on-site project personnel should be apprised that nene may be in the vicinity of the project any time during the year and nene should be avoided at all times.
2. The endangered Blackburn's sphinx moth (*Manduca blackburni*) may breed and feed within the proposed project area. Adult moths feed on nectar from native plants, including beach morning glory (*Ipomoea pes-caprae*), ilico (*Plumbago zeylanica*), and

Mr. Glenn Tadaki

mainpilo (*Capparis sandwicheana*); larvae feed upon non-native tree tobacco (*Nicotiana glauca*) and native aiea (*Naucleastrum latifolium*). We recommend you have a qualified biologist survey the project area for the presence of tree tobacco or other host plants during the wettest portion of the year (usually November to April). If moth host plants are found on site, please coordinate with our office for further assistance.

3. The threatened Newell's shearwater (*Puffinus auricularis newelli*) and endangered Hawaiian petrel (*Pterodroma sandwichensis*); collectively known as seabirds, may traverse the project area when flying between the ocean and mountain nesting sites during their breeding season (March through December). Artificial lighting, such as street lights and flood lights, can adversely impact seabirds by causing disorientation and collision with utility lines, buildings, fences, or vehicles. In addition, exhausted birds have been known to "fall out" and become grounded. Too weak to fly, these birds become vulnerable to depredation by feral predators such as dogs, cats, and mongoose. We recommend that all construction activities take place only during daytime hours to avoid incidence of seabird injury or fatality. It is also our recommendation that all lighting outdoor lighting be shielded with the bulb pointed directly at the ground. If feasible, motion sensor lights should be installed to further reduce ambient lighting.

We hope this information assists you in preparing a DEA. If you have any questions concerning the recommendations included in this letter, please contact Ian Bordenave, Fish and Wildlife Biologist, at (808) 792-9400 for further assistance.

Sincerely,

An Loyal Mehrhoff
Field Supervisor



Landscape Architecture
City & Regional Planning
September 14, 2011

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

SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Pu'unene Heavy
Industrial Subdivision; TMK (2) 3-8-008:019

Dear Mr. Meinhoff,

On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your letter dated August 3, 2011.

1. A biological survey has been conducted and will be included in the Draft EA. No native land birds (including the *nene*), were observed during the survey. As indicated in your letter, we understand that *nene* have been observed in the vicinity of Mokulele Highway and Kama'aina Road, and a biologist who is familiar with *nene* behavior should survey the area to determine if *nene* are using the site for foraging, loafing or nesting prior to the initiation of any work (your input regarding the exact number of days for such a survey would be appreciated). With regard to the foregoing, all onsite personnel will be informed that *nene* may be present in the area and should be avoided at all times.

2. A botanical survey was also conducted and will be included in the Draft EA. None of the plants that were observed during the survey is a rare or threatened species or a potential candidate for listing. Although a few small tree tobacco plants were observed, the survey area does not appear to be an optimum area for Blackburn Sphinx Moth host plants.

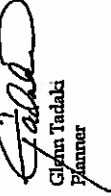
Proposed Pu'unene Heavy Industrial Subdivision
TMK (2) 3-8-008:019
September 14, 2011
Page 2

3. Exterior building, parking, and walkway lights will be appropriately shielded or directed downward to minimize impacts to seabirds (e.g., Newell shearwater, dark rumped petrel) which may become disoriented when traversing the project area.

Thank you for providing us with your comments and for participating in the early consultation process. A copy of the Draft EA will be provided to you for review when it becomes available.

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

Sincerely,


Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Phil Bruner
Maya LeGrande
Martin Luna, Esq.



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
889 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5087

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JANE T. BUTTAY
FORD N. FUCHSBERG
FRANK GRUENE
JACQUE LINDSAY

INTEGRITY SERVICES, LLC
HWY-PS
2.9145

RECEIVED

August 4, 2011

AUG 05 2011

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

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

Dear Mr. Tadaki:

Subject: Early Consultation, Draft Environmental Assessment
Proposed Puunene Heavy Industrial Subdivision, CMBY 2011 Investment, LLC
Pulehimmui, Wailuku, Maui, TMK: (2) 3-8-008: 019

cc: Glenn
101056

Thank you for the opportunity to review the proposed subdivision of an 86 acre parcel, located to the east of the Old Puunene Airport, into 28 lots of varying sizes, zoned for heavy industrial use, and to be sold in fee-simple. The project will provide an internal road, private water, private wastewater, and onsite drainage systems, landscaping, and connections for electrical and telephone service. Lot development will be the responsibility of the individual lot owners.

Access to the project will be over an easement from DLNR along Kamaaina Road, which connects to Mokulele Highway, a State facility. The intersection of Kamaaina Road and Mokulele Highway is signalized and channelized (on Mokulele Highway) with left-turn lanes.

We have the following comments:

1. A traffic assessment must be prepared for our review and approval. The assessment should determine the trips generated by the project, and any other relevant existing and future developments and trip-generators in the area, and the impact of those trips on the intersection of Kamaaina Road and Mokulele Highway and propose mitigation measures, as required. It should take into account ambient traffic from other existing uses that use Kamaaina Road.
2. Since there may be a possibility that some project traffic might use the Maui Raceway Park roadways as a shortcut to Mokulele Highway, the assessment should have a discussion of measures to be taken to minimize that possibility.

Mr. Glenn Tadaki
Page 2
August 4, 2011

HWY-PS
2.9145

If there are any questions, please contact Ken Tatsuguchi, Engineering Program Manager, Highways Division, Planning Branch at (808) 587-1830.

Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation



Chris Hart
& PARTNERS, INC.
Landscape Architecture
City & Regional Planning
September 27, 2011

Mr. Glenn M. Okimoto, Ph.D., Director
Hawai'i Dept. of Transportation
869 Punchbowl Street
Honolulu, HI 96813

SUBJECT: Early Consultation Comments for the Preparation of a Draft
Environmental Assessment (EA) for the Proposed Pu'unene Heavy
Industrial Subdivision; TMK (2) 3-8-008-019

Dear Mr. Okimoto,

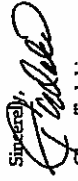
On behalf of the land owner, CMBY 2011 Investment, LLC, we are responding to your letter dated August 4, 2011.

1. A traffic impact assessment report (TIAR) will be included in the Draft EA for the proposed project. The TIAR will contain traffic projections including traffic generated by all known projects in the north Kihikihi area, as well as traffic on Kama'aina Road associated with Hawaiian Cement's quarry operations. The TIAR will also include recommendations to mitigate any project-related traffic impacts at the intersection of Mokualele Highway and Kama'aina Road.
2. The TIAR will note that the proposed project will have no right of access to Maui Raceway Park roads and that the proposed drainage retention swale along the western boundary of the subject parcel precludes any traffic connection between the subject parcel and Maui Raceway Park.

Thank you for providing us with your comments and for participating in the early consultation process. A copy of the Draft EA will be provided to you for review when it becomes available.

Proposed Pu'unene Heavy Industrial Subdivision
TMK (2) 3-8-008-019
September 27, 2011
Page 2

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

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafolette, FRL
Phillip Rowell, P.E.
Stacy Odomo, P.E.
Martin Luna, Esq.



DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM

OFFICE OF PLANNING

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

Ref. No. P-13388

Telephone: (808) 847-2546
Fax: (808) 847-2824

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SEP - 1 2011

August 31, 2011

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

Ch. Glenn 101052

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

Dear Mr. Tadaki:

Subject: Early Consultation for Preparation of a Draft Environmental Assessment
Proposed Pu'uene Heavy Industrial Subdivision
CMBY 2011 Investments, LLC
TMK (2) 3-8-008: 019
Pulehunui, Wailuku, Island of Maui

The Office of Planning (OP) appreciates the opportunity to provide comments for the preparation of an Environmental Assessment (EA) for the subject proposal, for which a petition will be filed to reclassify approximately 86 acres of land from the State Agricultural District to the State Urban District. We wish to inform you of the issues and criteria on which OP bases its review of petitions and their supporting environmental review documents.

OP represents the State as a mandatory party in district boundary amendment proceedings before the State Land Use Commission (LUC), pursuant to Chapter 205, Hawaii's Revised Statutes (HRS), and Chapter 15-15, Hawaii's Administrative Rules (HAR). In this capacity, OP consults with State and other agencies and coordinates and prepares the State's position on petitions.

In developing its position, OP evaluates whether the project meets the LUC decision-making criteria in Section 205-17, HRS, as well as its conformance with the Coastal Zone Management objectives and policies in Section 205A-2, HRS. In addition, OP reviews proposals with respect to the State Administration's priorities in implementing the goals of the Hawaii State Plan, Chapter 226, HRS. These priorities are set out in the Administration's New Day Comprehensive Plan, which is available at <http://hawaii.gov/about/a-new-day>.

We welcome early consultation with our Office to discuss how the draft EA and petition will address these issues and criteria—particularly areas of State concern in Section 205-17, HRS—and best practices that could or will be incorporated in the proposed project to address

Mr. Glenn Tadaki
Page 2
August 31, 2011

State priority guidelines for sustainability, enacted under Act 181 on July 5, 2011. A copy of Act 181 is enclosed for your convenience.

We strongly recommend that petitioners and preparers communicate with affected State agencies early in the preparation of a draft EA/EIS. In reviewing draft and final EA/EISs, OP looks for documentation of consultation with State agencies and any recommended or agreed-to mitigation related to impacted State programs and resources. It is particularly important to consult with the State Department of Transportation (DOT) regarding the preparation of any Traffic Impact Analysis Report (TIAR) that DOT will be reviewing and accepting, and the State Department of Agriculture when reclassifying agricultural lands, particularly agricultural lands with high productivity ratings.

Attachment A provides a list of issues based on LUC decision-making criteria, which OP examines in its review and are commonly raised in LUC deliberations on petitions for district boundary amendments. The draft EA should identify and discuss potential project impacts related to these issues, and provide recommendations for the avoidance, minimization, or mitigation of potential adverse impacts that may result from the project.

The following matters were noted in OP's preliminary scan of the proposed project and should be addressed in the draft and final EA.

1. Agricultural lands, uses, and infrastructure. The project lands are immediately adjacent to agricultural lands and agricultural water infrastructure (reservoir and irrigation ditches). What is the potential for stormwater runoff and/or industrial spills or releases onto adjoining agricultural land uses or into irrigation waters, and how this will be avoided or mitigated? What is the potential for conflicts or interference with agricultural activity on adjoining lands?
2. Water resources. Water resource demand from industrial users and the impact of industrial activities and potential discharges of industrial effluent on groundwater and surface water resources need to be addressed thoroughly.
3. Wastewater treatment and disposal. The project proposes to use an "enhanced individual wastewater septic system." Selection of an appropriate system for industrial users who may need to dispose of industrial effluent is critical in terms of avoiding adverse impacts to ground and surface waters. Will the system serve individual lots or the 28 industrial lots, and how will compliance with State Department of Health rules for industrial effluent treatment and disposal be ensured?
4. Stormwater management and drainage. How will runoff and potential industrial spills and releases into groundwater, surface waters, irrigation water

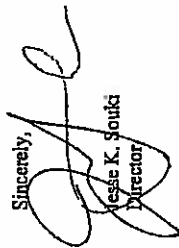
Mr. Glenn Todaki
Page 3
August 31, 2011

systems, and downstream waters be avoided, minimized, or mitigated? Will there be water quality treatment for stormwater and runoff? Who will be responsible for long-term maintenance of stormwater management systems?

5. Access easements. A timeframe for obtaining the access easements and a discussion of progress in acquiring the easements should be provided.

The Office of Planning looks forward to receiving the draft EA for the proposed project. If you have any questions or wish to schedule a meeting with our Office, please call Ruby Edwards in the Land Use Division at (808) 587-2817.

Sincerely,



Jesse K. Souki
Director

Enclosures

c.: Ms. Bianca Lafayette, OMB 2011 Investment, LLC

Attachment A
Issues of Concern in District Boundary Amendment Proceedings
Based on LUC Decision-Making Criteria

The following issues are commonly discussed and analyzed for project proposals in petitions and their supporting environmental assessments (EAs) or environmental impact statements (EISs) prepared pursuant to Chapter 343, Hawaii Revised Statutes (HRS). This list reflects the range of issues the State Land Use Commission (LUC) must take into consideration in its decision-making under Chapter 205, HRS, and Chapter 15-15, Hawaii Administrative Rules (HAR). This list is not exhaustive or complete.

1. **Water Resources.** Groundwater and surface water resource protection and water quality are critical State issues. A thorough evaluation of these resources includes identifying and discussing: (a) estimated water demand by types of land use; (b) proposed potable and non-potable water sources to be used for the project and measures to reduce water demand and promote water reuse in the project; (c) whether the proposed project is within a designated Water Management Area; (d) the impact of the project on the sustainable yield and water quality of affected aquifers and surface water sources; (e) permits or other approvals required for proposed water source use; and (f) the consistency of the project and impact of the project in terms of proposed water use and system improvements and priorities contained in the County water use and development plan, prepared pursuant to the State Water Code, Chapter 174C, HRS.
2. **Agricultural Lands.** Article XI, Section 3, of the Hawaii State Constitution provides that "[t]he State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands." Protecting agriculture is a policy objective in the Hawaii State Plan, Chapter 226, HRS, and in the State Administration's New Day Comprehensive Plan, which is available at <http://hawaii.gov/sond/enew-day>. Agricultural activity in the vicinity of the proposed project should be identified, and the impact of urban use or conversion of project lands on existing and future agricultural use and the viability of agricultural use of adjoining agricultural lands needs to be examined. Please discuss how the proposed project meets policy objectives to promote and protect agriculture, particularly in cases where the lands have high agricultural value.
3. **Affordable Housing.** Increasing the supply of affordable housing is a critical State and County issue. Every County has an affordable housing policy and both the Hawaii State Plan, Chapter 226, HRS, and the State Administration's New Day Comprehensive Plan identify affordable housing as a policy priority. Please discuss specifically how the proposed project will meet State and County affordable housing policy objectives, to include a discussion of how the project's proposed residential product types will be allocated among the market and various affordable housing target populations, and the expected price ranges for the different product types.
4. **Cultural, Archaeological, and Historic Resources.** If archaeological or historic properties or artifacts, including native Hawaiian burials, are identified in an archaeological inventory survey on the property, the EA/EIS should discuss how the petitioner has consulted with the State Historic Preservation Division (SHPD), what plans will be prepared to monitor or protect identified resources, and how the petitioner intends to comply with Chapter 6E, HRS, related to historic preservation. SHPD has information and guidance available at <http://hawaii.gov/dnr/shpd/index.htm>.

The EA/EIS document should identify any cultural resources and cultural practices associated with the property, including visual landmarks, if applicable, and discuss the impact of the proposed project on identified cultural resources and practices as well as proposed mitigation measures. While a cultural impact assessment is not a content requirement for EAs under Chapter 343, HRS, the LUC is obligated under Article XII, Section 7 of the Hawaii State Constitution to protect the reasonable exercise of customarily and traditionally exercised native Hawaiian rights. Thus, the LUC requires information as to the presence of cultural resources and cultural practices associated

<http://oecg.doh.hawaii.gov/Shared%20Documents/FForms/AllItems.aspx?RootFolder=%2FShared%20Documents%2FEnvironmental%2FSFAassessment%2FPrepKit%2FCultural%2FImpact%2FSAsse ssments&View=%7B0C0C5C89762D30665E244821V2d864FE%2D3DFB3DD77F5D54%7D>

Coastal Zone Management (CZM). The Office of Planning is the lead agency for the Hawaii CZM Program, which is a Federal-State partnership for protecting, restoring, and responsibly developing coastal communities and resources. The coastal zone is defined as all lands of the State and the area extending seaward from the shoreline to the limit of the State's police power and management authority, including the United States territorial sea (HRS § 205A-1). EASEIS should reference this definition of the coastal zone. State agency actions must be consistent with the CZM program objectives and policies under Section 20A-2, HRS. The ESEIS needs to discuss the project in terms of its consistency with the following CZM objective areas:

Coastal and Other Hazards. The EA/EIS should describe any hazard risks that are relevant to the site and describe the measures that are proposed to mitigate any hazard impacts, such as from tsunami, hurricanes, wind, storm surge, sea level rise, flood, erosion, volcanic activity, earthquakes, landslides, subsidence, and point and nonpoint source pollution. This should include a discussion of any wildfire hazard and any mitigation measures that might be required to address potential threats from wildfires.

Constant-dependent Uses and Beach Protection. If the project is located on or near the coast, the EA/EIS should discuss why the proposed development needs to be located on the coast, the economic uses that will be of benefit to the State, as well as potential impacts on

d. **Coastal Recreational Resources.** If the project is located on the coast, the EA/EIS should include a description of recreational uses and facilities on or near the project site, and discuss how the impact of increasing users on coastal and ocean recreational resources and competing uses will be mitigated and managed during project development and buildout.

e. **Scenic Resources.** The EA/EIS should discuss the impact of the proposed project on scenic views to and from the coast and along the coast and how any impacts will be avoided, minimized, or mitigated.

Special Management Area (SMA) Permitting. The SMA is defined by the Counties and includes areas in the coastal zone that are particularly sensitive so that it requires special attention. Please identify whether the proposed project is within the SMA and how SMA permitting requirements pursuant to Chapter 205A, HRS, will be satisfied.

For additional resources and information, visit <http://hawaii.gov/dbed/czm>.

Wastewater Treatment and Disposal. The EA/EIS needs to identify the anticipated volume of wastewater to be generated by type of user, as well as the proposed means of wastewater treatment and disposal. A discussion of the availability of County wastewater collection and treatment capacity and its existing service levels, design capacity, and allocated capacity is also needed. The EA/EIS should also identify whether any facility improvements would be required to accommodate additional wastewater generated within the service area, including the proposed project. If a private wastewater treatment system is identified as the preferred option, the EA/EIS should discuss the type of plant to be used, permitting requirements, plans for reuse and/or disposal of treated effluent and waste solids, and how the private system will be operated and maintained.

Energy Use and Impacts. The State Hawaii's Clean Energy Initiative has adopted a goal of using 70 percent efficiency 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 resources. The EAEIS should quantify the projected energy requirements of the project and discuss measures to be taken to reduce energy demand, promote how energy efficiency and energy demand alternative, renewable energy resources. Please discuss how energy efficiency and energy demand reduction, including reduced transportation energy use will be incorporated in the design of the project. OP encourages petitioners to consult with the State Department of Business, Economic Development, and Tourism's Strategic Industries Division staff to identify the kinds of green building and sustainable design practices that could be used to promote energy and resource conservation in the proposed project. Please also identify any generating or transmission capacity constraints that may arise as a result of the proposed project and other projects planned for the region.

Impact on State Facilities and Resources. The EAEIS should quantify the impacts of the proposed project on State-funded facilities, including schools, highways, harbors, and airports, and discuss these impacts in terms of existing and planned capacity of the impacted facilities. The EAEIS should cite the mitigation measures proposed to be used in the development of the project and describe efforts to address identified State agency concerns. Regarding transportation impacts, consider project design options that limit the need to drive, including mixed land uses, compact site design, walkable neighborhoods, and providing a variety of transportation choices (e.g., biking, public transit, etc.).

Conservation District. If the proposed project is within the State Conservation District, the EEA/EIS should provide an inventory of conservation resources, and discuss how the loss of these resources (habitat, watershed area, etc.) will impact the public.

11. **Conformance with County Plan Designations and Urban Growth or Rural Community Boundaries.** Act 26, Session Laws of Hawai'i 2008, reaffirmed the Land Use Commission's duty to consider any proposed reclassification with respect to the Counties' adopted general, community, or development plans. If the proposed project is not consistent with the County plans or lies outside a County urban growth or rural community boundary, the EA/EIS should provide an analysis and discussion of the following:

- a. **Alternative Sites Considered.** Describe and discuss alternative sites that were considered for the project, and discuss why the project could not be accommodated on lands within the urban growth or rural community boundary, if the county plan delineates such boundaries, or on land already designated by the county for similar uses.
- b. **Impact on Surrounding Lands.** Discuss what the impacts of changing the county plan designation or extending the urban growth or rural community boundary would have on the surrounding lands.
- c. **Significant Public Benefit.** Discuss what, if any, public benefits are provided by the proposed project above that already required under existing approval and permitting requirements.
- d. **Plan Amendment.** Provide a timeframe for application for and approval of any required plan amendment.

12. **Environmental Health Hazards.** The EA/EIS should discuss the potential for the project or project users to generate hazardous materials or release possible contaminants to the air, soil, or water, as well as measures to be taken to ensure that environmental and public health and safety will be protected during construction and after buildout. The EA/EIS should also identify and discuss any potential health and environmental threats that may be present due to site-specific contamination from past or current use. If contaminants of concern are identified for the project site, OP recommends that the petitioner consult with the State Department of Health's Hazard Evaluation and Emergency Response Office as to measures to be taken to address possible or actual contamination at the site.

13. **Solid Waste Management.** The EA/EIS should quantify the volume of solid waste likely to be generated by the project by types of users, and describe the impact the project will have on the County's existing and planned capacity for managing solid waste as represented in the County's solid waste management plan. The EA/EIS should discuss specific mitigation measures to be taken to reduce solid waste generation and ensure that recycling and reuse are incorporated within the project area by residential, commercial, and institutional users.

14. **Sustainability Analysis.** Sustainability and smart growth are themes that run through the Hawai'i State Plan, Chapter 226, HRS, and the State Administration's New Day Comprehensive Plan. With the enactment of Act 181 on July 5, 2011 adopting new priority guidelines for sustainability in the Hawai'i State Plan, OP will be reviewing proposed projects with respect to their adoption of sustainable building and development practices that will increase the sustainability of proposed projects and their long-term environmental, social, and economic benefits to Hawai'i's residents and communities. OP encourages petitioners to use the EA/EIS process to identify and incorporate sustainable design and development practices, including green building practices, in the design, siting, and construction of proposed projects. To this end, we recommend that petitioners consider developing a sustainability plan that would guide the development and operation of projects to minimize the long-term resource impacts of proposed projects. Recent LUC petitions have included sustainability plans in support of their request for reclassification.

There are a growing number of resources available to develop a sustainability framework for proposed projects, including locally, the Office of Environmental Quality Control's, *Guidelines*

for Sustainable Building Design in Hawai'i, and the Department of Health's, *Health Community Design: Smart Growth Checklist* (<http://hawaii.gov/health/environmental/env-planning/landusechecklist.pdf>), and nationally, the U.S. Green Building Council's (U.S. GBC) *Leadership in Energy and Environmental Design (LEED)* rating systems, which offers guidelines and checklists for this purpose. Additional resources can be found at http://hawaii.gov/dbest/land_use.htm.

15. **Development Timetable.** The LUC requires that projects seeking reclassification be substantially completed within ten years or seek incremental approvals, pursuant to Section 15-15-50, H.A.R. The EA/EIS and/or petitioner should provide a schedule of development for each phase of the total project and a map showing the location and timing of each phase or increment of development. Regarding infrastructure (e.g., highway improvements), the petitioner should discuss how improvements will be completed to ensure that mitigation coincides with the impact created by the proposed project.

A BILL FOR AN ACT

RELATING TO SUSTAINABILITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. During the 2005 Special Session, the
2 legislature adopted Act 8, Special Session Laws of Hawaii 2005
3 (Act 8), to create the Hawaii 2050 task force to review the
4 Hawaii state plan and the State's planning process. The office
5 of the auditor was required to prepare and submit to the
6 legislature the Hawaii 2050 sustainability plan. In enacting
7 Act 8, the legislature expressed its belief that government is
8 responsible for resolving daily and immediate issues and public
9 needs, while providing guidance to assure a sustainable future
10 and outlook.

11 The creation of the Hawaii 2050 sustainability plan comes
12 as the State faces a growing number of pressing issues,
13 including the steady deterioration of public infrastructure, the
14 lack of affordable housing, a continued reliance on a service-
15 based economy, the vulnerability of Hawaii in a volatile global
16 energy market, possible interruptions in travel and to critical
17 food supplies, threats to fragile island ecosystems, ever-
18 increasing numbers of residents, and an increasing number of

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1 visitors over the long term. These issues all raise questions
2 about the long-term limits of growth in the State and highlight
3 the need to begin planning and acting to assure Hawaii's future.
4 Clearly, a policy framework to establish sustainability as
5 a state priority and ensure a coordinated and coherent approach
6 to fulfilling the long-range vision for a sustainable Hawaii is
7 needed. The mission of the Hawaii 2050 task force and the
8 objectives of the Hawaii 2050 sustainability plan focus on the
9 revitalization of the State's long-term planning process to
10 better guide the future development of Hawaii. Addressing and
11 solving issues critical to Hawaii's way of life and natural
12 resources require coordinated community efforts to produce
13 comprehensive, long-range planning policies and actions.
14 In 2008, the legislature adopted Act 225, Session Laws of
15 Hawaii 2008 (Act 225), directing the University of Hawaii at
16 Manoa college of social sciences public policy center to review
17 the Hawaii 2050 sustainability plan and provide a definitive
18 framework for policy makers including defined data, data
19 sources, and benchmarks for each of the major goals.

20 The purpose of this Act is to establish sustainability as a
21 state priority by implementing the recommendation of the social
22 sciences public policy center to incorporate the Hawaii 2050

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S.D. 1
H.D. 1
C.D. 1

S.B. NO.

1 sustainability plan definitions, guiding principles, and goals,
2 into chapter 226, Hawaii Revised Statutes.

3 SECTION 2. Chapter 226, Hawaii Revised Statutes, is

4 amended by adding a new section to part III to be appropriately
5 designated and to read as follows:

6 "~~§226-~~ Sustainability. Priority guidelines and

7 principles to promote sustainability shall include:

8 (1) Encouraging balanced economic, social, community, and
9 environmental priorities.

10 (2) Encouraging planning that respects and promotes living
11 within the natural resources and limits of the State;

12 (3) Promoting a diversified and dynamic economy;

13 (4) Encouraging respect for the host culture;

14 (5) Promoting decisions based on meeting the needs of the
15 present without compromising the needs of future
16 generations;

17 (6) Considering the principles of the ahupuaa system; and

18 (7) Emphasizing that everyone, including individuals,

19 families, communities, businesses, and government, has
20 the responsibility for achieving a sustainable
21 Hawaii."

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S.D. 1
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1 SECTION 3. Section 226-2, Hawaii Revised Statutes, is

2 amended by adding three new definitions to be appropriately

3 inserted and to read as follows:

4 "Ahupuaa" means a traditional native Hawaiian resource and
5 behavioral management system that ensures respect for the air,

6 land, water, and other scarce natural resources that make life
7 sustainable from the mountains to the sea.

8 "Kanaka maoli" means native Hawaiians.

9 "Sustainability" means achieving the following:

10 (1) Respect of the culture, character, beauty, and history
11 of the State's island communities;

12 (2) Striking a balance between economic, social,
13 community, and environmental priorities; and

14 (3) Meeting the needs of the present without compromising
15 the ability of future generations to meet their own
16 needs."

17 SECTION 4. Section 226-102, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§226-102 Overall direction. The State shall strive to
20 improve the quality of life for Hawaii's present and future

21 population through the pursuit of desirable courses of action in
22 [five] six major areas of statewide concern which merit priority

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- 1 attention: economic development, population growth and land
- 2 resource management, affordable housing, crime and criminal
- 3 justice, [ased] quality education[-], and principles of
- 4 sustainability."

- 5 SECTION 5. The university of Hawaii public policy center,
- 6 in consultation with the office of planning, shall submit a
- 7 status and progress report to the legislature no later than
- 8 December 21, 2011, that identifies the progress made in
- 9 implementing the sustainability guidelines and principles set
- 10 forth in this Act and any recommendations for legislation or
- 11 other actions to facilitate the full implementation of the
- 12 sustainability guidelines and principles set forth in this Act.
- 13 SECTION 6. Statutory material to be repealed is bracketed
- 14 and stricken. New statutory material is underscored.
- 15 SECTION 7. This Act shall take effect on July 1, 2011.

Report Title:
Sustainability; State Planning

Description:
Incorporates the definitions and guiding principles of the
Hawaii 2050 sustainability plan into the Hawaii state planning
act. (CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

OFFICE OF PLANNING

235 South Beretania Street, 4th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Ref. No. P-13389

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NEIL ABERCROMBIE
DIRECTOR
RICHARD L. LUTHE
DEPUTY DIRECTOR
MARY ALICE EVANS
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JESSIE H. KAMATA
DEPUTY DIRECTOR
OFFICE OF PLANNING

August 31, 2011

Ms. Blanca Lafolette
CMBY 2011 Investment, LLC
c/o Pacific Rim Land
1300 Holoopono Street, Suite 201
Kalihi, Hawaii 96753

Dear Ms. Lafolette:

Subject: Early Consultation for the Preparation of a Draft Environmental Assessment
Proposed Pu'unene Heavy Industrial Subdivision
CMBY 2011 Investment, LLC
TMK (2) 3-8-008: 019
Pulehunui, Wailuku, Island of Maui

The Office of Planning (OP) received a request for early comments regarding the proposed project, which will require a petition to reclassify approximately 86 acres of land from the State Agricultural District to the State Urban District for a 28-lot heavy industrial subdivision. We wish to inform you of the issues and criteria that are taken into account in our evaluation of requests for reclassification, and invite you to meet with us to discuss how your proposal will address these concerns and contribute to the achievement of State goals for sustainability.

This request is made in anticipation of district boundary amendment proceedings before the State Land Use Commission (LUC), pursuant to Chapter 205, Hawai'i Revised Statutes (HRS), and Chapter 15-15, Hawai'i Administrative Rules (HAR). OP represents the State as a mandatory party in proceedings before the LUC for amendments to district boundaries involving land areas greater than fifteen acres, pursuant to Section 205-4(e), HRS.

OP is required by Section 15-15-55, HAR, to file the State's position statement 30 days after a petition for a district boundary amendment is deemed "properly filed" by the LUC. In developing its position, OP evaluates whether the project meets the LUC decision-making criteria in Section 205-17, HRS, as well as its conformance with the Coastal Zone Management objectives and policies in Section 205A-2, HRS. In addition, OP expects petitioners to review their proposals with respect to the State Administration's priorities in implementing the goals of the Hawai'i State Plan, Chapter 226, HRS. These priorities are set out in the Administration's New Day Comprehensive Plan, which is available at <http://hawaii.gov/about/a-new-day>.

Ms. Blanca Lafolette
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The LUC decision-making criteria in Section 205-17, HRS, include consideration of the following:

1. The extent to which the proposed reclassification conforms to the goals, objectives, and policies of Chapter 226, HRS, the Hawai'i State Plan, and relates to State Plan priority guidelines and State Functional Plans adopted pursuant to the State Plan. The Hawai'i State Plan is a broad policy document that guides the activities, programs, and decisions of State and local agencies.
Please note that Act 181, enacted on July 5, 2011, sets forth priority guidelines and principles in Part III of Chapter 226, HRS, to promote sustainability in the State. Petitioners will need to demonstrate how their project proposals will address the priority guidelines for sustainability. Act 181 is available at http://www.capitol.hawaii.gov/session2011/bills/GM1285_PDF.
2. The extent to which the proposed reclassification conforms to the applicable district standards in Sections 15-15-18 through 15-15-21, HAR, and Chapter 205, HRS;
3. The impact of the proposed reclassification on the following areas of State concern: (a) preservation or maintenance of important natural systems or habitats; (b) maintenance of valued cultural, historical, or natural resources; (c) maintenance of other natural resources relevant to Hawai'i's economy, including agricultural resources; (d) commitment of State funds and resources; (e) provision for employment opportunities and economic development; and (f) provision for housing opportunities for all income groups, particularly the low-, low-moderate, and gap groups;
4. The standards and criteria for the reclassification or rezoning of important agricultural lands in Section 205-50, HRS; and
5. The County general plan and all community, development, or community development plans adopted pursuant to the County general plan, as they relate to the land that is the subject of the reclassification petition.

Attachment A provides a list of issues based on LUC decision-making criteria, which OP examines in its review and are commonly raised in LUC deliberations on petitions for district boundary amendments.

We encourage and welcome early consultation with our Office to discuss how a petition will address these issues and criteria—particularly the areas of State concern in Item 3 above—and best practices that could or will be incorporated in the proposed project to address State

Ms. Blanca Lafolette
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priority guidelines for sustainability. A short list of resources related to best practices can be found at the OP website at http://hawaii.gov/dbedt/op/land_use.htm.

We also strongly recommend that petitioners consult with affected State agencies early in the project formulation process; and that they continue to do so in the preparation of any environmental compliance documents required under Chapter 343, HRS, so that potential impacts to resources, facilities, and services managed or provided by the State and appropriate mitigation measures are identified in petitions and their environmental compliance documents.

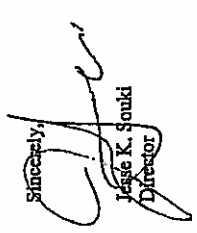
OP will be circulating your petition when it is filed along with your environmental compliance documents to affected State agencies. In its review, OP looks for petitioner documentation of consultation with State agencies and any recommended or agreed-to mitigation related to impacted State programs and resources. This is particularly important with respect to consultation with the State Department of Transportation (DOT) regarding the preparation of any Traffic Impact Analysis Report (TIAR) that DOT will be reviewing and accepting. In addition, we recommend consulting with the State Department of Agriculture when reclassifying agricultural lands, particularly agricultural lands with high productivity ratings.

Finally, we recommend consulting with the County Planning Department in the affected County regarding consistency of the proposed project with County plans. OP is not inclined to recommend approval of a petition that is inconsistent with adopted County general plans and community/development plans.

The degree to which your petition and the supporting environmental documents address these concerns will weigh heavily in OP's evaluation of the proposed request and the development of the State's position on the petition. The petitioner's responsiveness to these concerns will also strongly influence the kinds of conditions, if any, OP will recommend to the LUC to ensure conformance with Chapter 205, HRS, should the petition be approved.

The Office of Planning looks forward to receiving information about how the petition and proposed project will address potential impacts and mitigation measures related to these issues. If you have any questions or wish to schedule a meeting with our Office, please call Ruby Edwards in the Land Use Division at (808) 587-2817.

Sincerely,


Jesse K. Souki
Director

Enclosure

c.: /Mr. Glenn Todaki, Chris Hart & Partners, Inc.

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Landscape Architecture
City & Regional Planning

October 12, 2011

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

SUBJECT: Office of Planning Early Consultation Comments (Ref. Nos. P-13388 and P-13389) for the Preparation of a Draft Environmental Assessment (EA) for the Proposed Pu'uene Heavy Industrial Subdivision; TMK (2) 3-8-008:019

Dear Mr. Souki,

In response to my request for early consultation comments, Blanca Lafolette (land owner's representative) and I received separate letters from the Office of Planning (OP). The letters, which were dated August 31, 2011, informed us of the issues and criteria that OP employs when reviewing land use petitions and their supporting environmental review documents.

On behalf of the land owner, CMBY 2011 Investment, LLC, this letter responds to the letters sent to Ms. Lafolette (Ref. No. P-13389) and me (Ref. No. P-13388) as both letters were very similar in substance.

State Laws

The land owner understands that the proposed project will be evaluated in context of Section 205-17, HRS (*Land Use Commission Decision-making Criteria*), Section 205A-2, HRS (*Coastal Zone Management Program: Objectives and Policies*), and Chapter 226, HRS (*Hawai'i State Planning Act*) and that best management practices for addressing State sustainability guidelines pursuant to Act 181 (2011) will be examined as well.

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

Proposed Pu'uene Heavy Industrial Subdivision
TMK (2) 3-8-008:019
October 12, 2011
Page 2

Early Consultation

As part of the early consultation process for the preparation of the Draft EA, letters requesting comments on the proposed project were sent to various federal, state, and county agencies, including the State Department of Transportation and the State Department of Agriculture.

Potential Impacts and Mitigation

The Draft EA will identify and discuss potential project-related impacts and include recommendations to minimize harm to the environment.

Agricultural Land, Uses, and Infrastructure

The Draft EA will contain a Preliminary Engineering Report (PER) which will evaluate existing topographic, soil, and drainage conditions and include a preliminary drainage plan for managing stormwater runoff. In addition, potential impacts from surface runoff and appropriate mitigation measures will be discussed in the Draft EA.

Water Resources

The Draft EA will include a Groundwater Resource and Water System Assessment. Potential impacts to water resources and appropriate mitigation measures will also be discussed in the Draft EA.

Wastewater Treatment and Disposal

Information about the "enhanced individual wastewater (septic) system" will be included in the PER for the proposed project. The proposed project is a "lot-only" subdivision. As such, the land owner will be responsible for the subdivision's basic wastewater infrastructure (e.g., sublots, transmission lines, central leach field). Each future lot owner will be responsible for the wastewater system improvements on his own lot (e.g., septic tank, sewerlines, sublot connection). All wastewater system improvements for the project, including provisions for installation, operation, and disposal, are required to comply with Chapter 11-62, HAR (*Wastewater Systems*).

Stormwater Management and Drainage

As previously noted, the PER for the proposed project will examine existing topographic, soil, and drainage conditions and include a preliminary drainage plan for managing surface runoff. In addition, potential impacts from stormwater runoff and appropriate mitigation measures will be discussed in the Draft EA. Provisions for the maintenance of the subdivision's drainage system will be included in the Covenants, Conditions and Restrictions for the project. After completion, it is anticipated that the

lot owner's association will be responsible for the long-term maintenance of the project's drainage system.

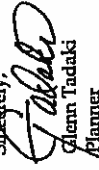
Access Easements

A Request for Use of State Lands (for the access easements) was filed with the State Department of Land and Natural Resources in February 2011. If the access easements are not granted within five (5) years, Alexander & Baldwin, Inc. will provide alternate access easements to the subject parcel.

Copies of your comment letters have been provided to the appropriate project consultants.

Thank you for providing us with your comments and for participating in the early consultation process. A copy of the Draft EA will be provided to you for review when it becomes available.

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

Sincerely,

Glenn Tadaki
Planner

cc: Blanca Lafolette, PRL
Stacy Otomo, P.E.
Tom Nance, TNWRE
Martin Luna, Esq.

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