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LAND USE COMMISSION  
STATE OF HAWAII

2017 NOV -3 A 11: 35

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of

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DOCKET NO. A15-798

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WAIKAPU PROPERTIES, LLC; MTP  
LAND PARTNERS, LLC; WILLIAM S.  
FILOS, TRUSTEE OF THE WILLIAM  
FILOS SEPARATE PROPERTY TRUST  
DATED APRIL 3, 2000; AND WAIALE  
905 PARTNERS, LLC

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To Amend the Agricultural Land Use District  
Boundaries into the Rural Land Use District  
for certain lands situate at Waikapu, District  
of Wailuku, Island and County of Maui, State  
of Hawaii, consisting of 92.394 acres and  
57.454 acres, bearing Tax Map Key No. (2)  
3-6-004:003 (por) and to Amend the  
Agricultural Land Use District Boundaries  
into the Urban Land Use District for certain  
lands situate at Waikapu, District of Wailuku,  
Island and County of Maui, State of Hawaii,  
consisting of 236.326 acres, 53.775 acres, and  
45.054 acres, bearing Tax Map Key No. (2) 3-  
6-002:003 (por), (2) 3-6-004:006 and (2) 3-6-  
005:007 (por)

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OFFICE OF PLANNING'S TESTIMONY  
IN SUPPORT WITH CONDITIONS; OP  
EXHIBITS 3, 4, 5, 6, 7, 8, 9, 10 AND 11;  
CERTIFICATE OF SERVICE

## **OFFICE OF PLANNING'S TESTIMONY IN SUPPORT WITH CONDITIONS**

The Office of Planning ("OP") recommends approval of Waikapu Properties, LLC, MTP Land Partners, LLC, William S. Filios, Trustee of the William S. Filios Separate Property Trust dated April 3, 2000, and Waiale 905 Partners, LLC ("Petitioners") to reclassify approximately 149.848 acres of land from the State Agricultural District to the State Rural District, and 335.155 acres of land from the State Agricultural District to the State Urban District at Waikapu, Wailuku, Island of Maui, subject to conditions. OP's recommendation is based on the representations of the Petitioners and documents filed to date in these proceedings, consultation with affected government agencies, and the statutes and regulations applicable to these proceedings.

### **PETITION OVERVIEW**

#### **General Information**

The Petitioners are fee simple owners of the Petition Area. Petitioner requests that the Land Use Commission ("Commission or LUC") reclassify approximately 149.848 acres of land from the State Agricultural District to the State Rural District, and 335.155 acres of land from the State Agricultural District to the State Urban District at Waikapu, Wailuku, Island of Maui.

The Petitioners are the fee owners of the parcels, Tax Map Key Nos.: 3-6-004: 003 por.; 3-6-002: 003 por.; 3-6-004: 006, and 3-6-005007 por. being proposed for reclassification under this Petition.

#### **Proposed Use of the Petition Area**

Petitioners propose to develop the Waikapu Country Town Project, as a complete master-planned community. The Project will include affordable and market priced housing in a variety of types including multi- and single-family residential, live-work, and rural residential uses. The Project will also include commercial, civic and other types of development. According to the Petition, a major objective of the Project will be to facilitate walking and biking between different land uses. The Project will include a pedestrian-oriented Main Street, and about eight miles of greenways, walking and hiking trails, and mountain biking trails. Travel time within the Project may be approximately five to ten minutes if walking or biking to schools, shopping, park and transit stops.

Petitioners are proposing to develop approximately 1,433 residential units. The Petition Area also adjoins Agricultural-designated lands owned by the Petitioners, some of which will be preserved in perpetuity for agricultural use. Design practices will also be used to preserve additional rural land for farming, open space and open land recreation.

The Petition Area surrounds the existing Maui Tropical Plantation, a visitor destination currently within the State Urban District. The Project will incorporate existing buildings and grounds into a village center, which would provide for various commercial and agricultural uses. The portion of the Petition Area that is located mauka of Honoapiilani Highway and the village center is proposed to be single-family residential neighborhoods, which will be convenient to the village center area. Beyond the single-family neighborhoods will be rural lands. The Petitioners

propose rural lots between one-half and one and one-half acres in size. Beyond the rural lands will be the State Agricultural District lands that Petitioners will dedicate for agricultural uses in perpetuity.

Petitioners propose to develop the lands makai of Honoapiilani Highway as a pedestrian-oriented community with nearby school and parks, where walking and biking are preferred modes of transportation.

Petitioners propose to develop the Project in two 5-year phases. According to the Petition, the development will be as follows, as the market allows.

PHASE I	PHASE II	TOTAL
Approximately 323 Single-family dwellings	Approximately 647 Single-family dwellings	970 Single-family dwelling on 131 acres
Approximately 16 Rural units	Approximately 64 Rural units	80 Rural units on about 125 acres
Approximately 86 Multi-family units	Approximately 170 Multi-family units	256 Multi-family units on about 21 acres
127 Country town/mixed use units	0	127 Country town/mixed use units
58,000 square-foot commercial space	0	58,000 square-foot commercial space

According to the Petition, the sales of the units are set in the marketing plan, however, if any of the units are developed as workforce housing, the sales prices will be set in accordance with the County provisions.

#### **Petition Area Description and County Land Use Designations**

The Petition Area is shown in Petitioners' Exhibit 18 (Original Petition), and the Final Environmental Impact Statement for the Waikapu Country Town, dated December 2016. The Petition Area is bordered by Waikapu Town on the north side, and the King Kamehameha Golf Club on the west side. The Petition Area is generally located at and surrounds the Maui Tropical Plantation.

A portion of the Petition Area is generally consistent with the County of Maui Community Plans. The Petition Area identified by Tax Map Key's 3-6-004: 006 and 3-6-005: 007 are designated in the Community Plans as Project District, and the portion of Tax Map key 3-6-004: 003 proposed to be reclassified to Rural is designated as Agriculture in the County's Community Plan.

#### **KEY ISSUES OF CONCERN TO THE STATE**

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

## **Impacts on Areas of State Concern, HRS § 205-17(3)**

### **Natural Systems and Habitats**

Flora and Fauna. According to the Final Environmental Impact Assessment (FEIS), three native plants were found in the Petition Area, and are commonly found in the State and worldwide. There were no endangered Hawaiian bats found in the Petition Area. No endangered, threatened or candidate species of birds were found on the Petition Area. Similarly for insects, except that tree tobacco plants were found, which are the hosts for the endangered Blackburn's Sphinx Moth. Two mature eggs of the Moth were found on one of the plants. According to the FEIS, the U.S. Fish and Wildlife Service should be consulted on the mitigation measures for this species. Other mitigation measures will include shielding of outdoor night lighting to protect seabirds.

*Mitigation.* The U.S. Fish and Wildlife Service ("USFWS") should be consulted on whether mitigation measures for the endangered Blackburn's Sphinx Moth are needed.

Drainage and Stormwater Management. The State Department of Health's ("DOH") comments were submitted as part of the Chapter 343, HRS, process for the Draft Environmental Impact Statement for the project. There were several DOH letters dated during June 2015, and incorporated into the FEIS. Comments were obtained by the DOH, Environmental Planning Office (EPO), Safe Water Drinking Branch, and the Clean Water Branch.

The DOH comments indicated that requirements and strategies are "to support sustainable and healthy design [could be found] at: <http://health.hawaii.gov/epo/landuse-planning-review-program>. Projects are required to adhere to all applicable standard comments. [DOH] has recently updated the environmental Geographic Information System (GIS) website page. It now compiles various maps and viewers from our environmental health programs. The eGIS website page will be continually updated so please visit it regularly at: <http://health.hawaii.gov/epo/egis>."

DOH indicated that the National Pollutant Discharge Elimination System (NPDES) permit may be required.

DOH also indicated that the project is bisected by the Underground Injection Control (UIC) line. The UIC program regulates the construction and operation of wastewater disposal wells to prevent contamination of potable aquifer systems. The FEIS indicates that stormwater will be retained within the Petition Area through retention basins, and that the Private Wastewater Treatment Plant will be implemented in accordance with State and County requirements. See OP Exhibit 3

*Mitigation:* Petitioner indicates that they are aware of DOH rules and regulations relating to the National Pollutant Discharge Elimination System (NPDES), Private Wastewater Treatment Plants, and the UIC requirements, and plan to meet them. OP is recommending several conditions regarding DOH's concerns.

Groundwater and Surface Water Resources. The FEIS indicates that the primary water source will be through a private water system with potable and non-potable water lines. The Petitioner is proposing to construct the water system in compliance with the County of Maui's rules and standards in order to dedicate the system to the County at a later date.

The Waihee Irrigation Ditch and Waikapu stream runs through the Petition Area, and will be incorporated into the Petition's agricultural, recreation and pedestrian proposals. The Petitioner's FEIS contains several letters from the State Department of Health (DOH) dated June 2015, Safe Drinking Water Branch, and the Clean Water Branch indicating that the Petitioner must follow relevant rules and regulations relating to the construction, and operation of the Petition Area.

The State Department of Land and Natural Resources, ("DLNR") Division on Aquatic Resources, has commented that, "Aquatic resources could be impacted by drainage plans and Waikapu Stream changes. The water delivered by existing irrigation ditch systems should be evaluated. We support restoration of continuous flow and the increase in Kalo farming which eventually returns water to the stream flowing to Kealia wetlands and ocean."

DLNR's Commission on Water Resource Management ("CWRM"), had several comments relating to coordination with the County to incorporate this project into their Water Use and Development plan, and also with the Department of Agriculture to incorporate the project into the State's Agricultural Water Use and Development Plan. Other comments related to water efficient practices and LEED certification, Best Management practices for stormwater management, Hawaii Green Business Program, and irrigation conservation practices for the agricultural uses. A stream management permit may be required for stream alterations. Lastly, CWRM commented that the Waikapu surface water hydrologic unit is a surface water management area and any new or expanded use of surface water will require a water use permit.

*Mitigation.* OP requests that the LUC impose conditions to mitigate impacts to ground and surface water resources. See OP Exhibit 4.

Air Quality. The Petitioner's FEIS states that some short- and long-term impacts on air quality will occur through direct and indirect release or emissions during the Project's construction phase, such as dust, which can be controlled by dust control measures. According to the FEIS, the Private Wastewater Treatment Plant will be designed to keep odors at the boundary of the plant, and below the odor threshold.

According to the DOH, Private Wastewater Treatment Plants must follow relevant State and County requirements. See OP Exhibit 3.

*Mitigation.* OP recommends a condition to mitigate impacts to DOT concerns regarding Best Management Practices and the private wastewater treatment plant.

Noise and Dust Control. The FEIS indicates that there will be ambient noise from vehicular traffic along Honoapilani Highway. Short-term noise impacts may result from proposed construction activities.

*Mitigation.* OP will rely on Petitioner's representations that they will obtain relevant approvals and permits for the mitigation of short-term construction activities.

### **Valued Cultural, Historical or Natural Resources**

Archaeological, Historic, and Cultural Resources. The State Department of Land and Natural Resources, State Historic Preservation Division ("SHPD") submitted a letter dated September 22, 2017 regarding the archaeological resources on the site. SHPD reviewed and approved the Archaeological Inventory Survey ("AIS") for the Petition Area, with agreed upon mitigation commitments. The mitigation measures and SHPD's concerns with the Petition Area and its surrounding uses, are detailed below.

1. Only 503 acres of the total 1,576 acres of land holdings in the proposed project, were surveyed and included in the AIS. The remaining 1,073 acres are situated within Tax Map Key's 3-6-002: 003 and 3-6-004: 003 are currently within small-scale agricultural production and will remain in agricultural use, and thus are not covered within this AIS.
2. Of the remaining 1,073 acres, 800 acres of this area will be preserved in perpetuity for small-scale agricultural use. Should any development be proposed that would require an entitlement change or Special Use Permit or change with the scope of work for the lands included within the AIS or for of the areas now used for agriculture or within the agricultural lands within the 800 acre area preserved for agriculture, SHPD shall have the opportunity to determine whether a supplemental AIS is warranted.
3. The AIS identified 4 sites, comprised of 19 component features, mostly related to sugarcane cultivation. One of the sites is the Waihee Ditch. Other features are culverts, concrete lined ditches, deposits of historic materials, and a World War II-era bunker. SHPD has determined that a preservation plan is warranted for 2 sites; (Site 50-50-04-7884) irrigation features and the (Site 50-50-04-7883) WWII bunker.
4. SHPD notes that burials have been found on portions of the Petition Area.
5. Agreed upon mitigation measures.
  - a. Data recovery in the form of archaeological monitoring.
  - b. Preservation of the irrigation site and the WWII bunker.
  - c. If site 50-50-04-5197 is impacted by the proposal, it will be further documented in consultation with SHPD.
  - d. Further, archaeological monitoring shall be conducted for all ground disturbing activities. An archaeological monitoring plan shall be developed for SHPD review and acceptance prior to project work commencing.

*Mitigation.* As discussed in the SHPD letter dated September 22, 2017, several mitigation measures have been agreed to by the Petitioner, including archaeological monitoring for the project, and data recovery and preservation of historic sites. Also, if any development is ever proposed for the agriculture reserve area, SHPD will determine whether an archaeological inventory survey is needed. OP requests that the Commission imposes its standard conditions related to archaeological and historic preservation, discovery, and protection of established access rights. See OP Exhibit 5.

Cultural Impacts. The FEIS indicates that there are kuleana sites, and cultural and traditional practices related to the Petition Area and the Waikapu Stream within the Petition Area. The cultural and traditional practices that were identified are related to the kuleana's on-site, irrigation practices and stream alteration. Some of the concerns relate to the possibility of burials in the Petition Area, gathering, and the restoration of native Hawaiian habitats along the stream areas. The FEIS indicates that the Community wishes to continue discussions on these issues of importance.

*Mitigation.* OP will rely upon the Petitioners' representations.

### **Natural Resources Relevant to Hawaii's Economy**

Agricultural Resources. The Petition Area is designated by the Land Study Bureau with soil productivity ratings A and B. Within the Agricultural Lands of Importance within the State of Hawaii, the Petition Area is "Prime" Agricultural lands, with some areas as "Other" Lands of Agricultural Importance. See Figures 41 and 42 in the Petitioner's FEIS. The FEIS also includes an Agricultural Impact Assessment. Petitioner will dedicate approximately 800 acres of land adjacent to the Petition Area to remain within agricultural use in perpetuity.

Sustainability. The FEIS indicates that the proposed project will minimize its overall environmental impact by its "emphasis on active transportation modes, incorporation of renewable energy development, recycling and water and energy conservation."

### **Commitment of State Funds and Resources**

#### **Transportation**

Airports. The State Department of Transportation (DOT) submitted a letter dated September 12, 2017 indicating that the Petition Area is approximately 4.3 miles away from Kahului Airport. The DOT has a number of concerns relating to the Petition Area because of the proximity to airport operations.

1. Petitioners should be aware that this project must conform with the requirements of the Technical Assistance Memorandum relating to wildlife attractants around airports, and other land uses, available at [http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports\\_08-01-2016.pdf](http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports_08-01-2016.pdf). Any activity that can potentially attract wildlife within 5 miles from the airport must meet the requirements of FAA Advisory Circular 150/5200-33B Hazardous Wildlife Attractants on or Near Airports.
2. If photovoltaic (PV) systems are proposed, the Petitioners should be aware that PV systems, if located in or near the approach path of an aircraft into Kahului Airport, can create a hazardous condition for a pilot due to possible glint and glare from the PV array. If a PV system is proposed a Federal Aviation Administration ("FAA") form may be required. Also, Petitioners should insure that PV system not create interference or disrupt radio frequency air-to-ground communications.

*Mitigation.* OP recommends a condition based on DOT's concerns. See OP Exhibit 6.

Traffic. The EIS includes a Traffic Impact Study. Access will be provided by Honoapiilani Highway that bisects the Petition Area, and Kuihilani Highway on the eastern boundary of the Petition Area. The Traffic study recommended various measures to mitigate

traffic impacts. The DOT provided comments in a letter dated August 15, 2017, on the proposal indicating that the proposed project will have a significant impact of these highways. The DOT indicates that the Waiale Bypass will not be completed by the year 2026. Thus, they concur with the findings of the “No Waiale Bypass” scenario with project buildout in 2026, that the project will result in a Level of Service “F” at the Honoapililani Highway intersections at Kuikahi Drive and Waiko Road. DOT recommends that all transportation improvements, including the acquisition of additional right-of-ways stated in the 2016 TIAR or, as amended by the “No Waiale Bypass Alternative” Memorandum.

*Mitigation.* DOT recommends that two conditions be imposed to mitigate traffic impacts on State highways and facilities. See OP Exhibit 7.

Wastewater. Petitioners are proposing a private Wastewater Treatment plant adjacent to the Petition Area. The DOH has also submitted letters to the Petitioners during the FEIS process (dated June 2015) indicating that private wastewater treatment plants are required to meet DOH rules and standards.

*Mitigation.* DOH comments related to the proposed Private Wastewater Treatment Plant indicated that DOH has specific rules relating to the development of Private Wastewater Treatment Plants. We note that the FEIS comments indicate that the Petitioner plans to follow all of the DOH’s recommendations. See OP Exhibit 3

Schools. The State Department of Education submitted a letter dated July 26, 2017 indicating that they have a fully executed Educational Contribution Agreement with the Petitioners dated January 31, 2017. See OP Exhibit 8.

Housing. The State Hawaii Housing Finance and Development Corporation submitted a letter dated July 24, 2017, indicating that the proposed development would conform to the State Housing Functional Plan, because the Petitioners intend to comply with the County of Maui’s Residential Work Force Housing Policy by selling or renting residential units within the project, and will enter into a Residential Workforce Housing Agreement with the County prior to final subdivision approval. See OP Exhibit 9.

Hawaii Emergency Management Agency Sirens. The State Department of Defense submitted a letter dated July 18, 2017 indicating that they recommend that three (3) Omni-directional 121-dbc solar-powered sirens mounted on 45-foot H2 composite poles should be provided within the project area.

*Mitigation.* OP requests that the Commission impose a condition regarding the installation of sirens within the project area. See OP Exhibit 10.

## **SUMMARY DISCUSSION OF CONFORMITY WITH DECISION-MAKING CRITERIA FOR BOUNDARY AMENDMENTS**

The following summarizes OP’s assessment of the Petition’s conformity with applicable district standards, planning statutes, plans, and other criteria the Commission must consider in decision-making for a district boundary amendment petition.



### **Applicable District Standards**

The Petition Area is currently located in the State Agricultural District. The Petitioner states that the property meets the standards set forth in HAR § 15-15-18, for determining State Urban District boundaries, in that the Project site is adjacent to existing urban development. Basic services are adequate in the general area. The Project site is not within the Special Management Area.

### **Hawaii State Plan, Priority Guidelines, and State Functional Plans**

With appropriate mitigation, the proposed reclassification is generally consistent with the goals, objectives, and policies of the Hawaii State Plan. The Petition Area is within the Planned Growth Area within the Maui Island Plan. The Wailuku-Kahului Community plan currently designates the Petition Area as Agriculture.

### **Coastal Zone Management Objectives and Policies, HRS § 205A-2**

The Petition Area lies within the State's Coastal Zone Management (CZM) Area, which includes all lands of the State and the area extending seaward from the shoreline to the territorial limit. The Petition Area is not within the Special Management Area. With appropriate mitigation with respect to stormwater management, appropriate protection of endangered, threatened and candidate wildlife, archaeological, historic, and cultural resources, the Petition generally conforms to the State CZM objectives and policies.

### **Areas of State Concern**

The Project contributes favorably to the creation of job and educational opportunities. With appropriate mitigation measures as discussed earlier, the Petitioner can minimize the impacts to State concerns.

### **Removal of High Capacity Agricultural Lands, Lands in Agricultural Use, or Lands Designated as Important Agricultural Lands**

According to the Petition document (page 23), the Petitioner is dedicating the "bulk" of the remainder of the land area in the project for agriculture in perpetuity. We note that the FEIS indicates that approximately 800 acres of land in an agricultural easement or similar mechanism, will facilitate diversified agriculture. (FEIS page III-6). The Petitioner is proposing to reclassify approximately 485 acres from the State Agricultural to the Urban and Rural Land Use Districts.

### **County Plans**

The Petition is consistent with the County of Maui's Maui Island Plan, and approximately 112 acres is within a Project District in the Wailuku-Kahului Community Plan District. The County of Maui supports the Petition with conditions.

### **Public Trust Resources**

HRS § 205-4 and § 225M-2(b)(5) authorizes OP to develop and present the position of the State in all boundary change petitions and proceedings before the Commission. We note that the Hawaii Intermediate Court of Appeals recently decided *Kauai Springs v. Planning Commission of the County of Kauai*, dated April 30, 2013, which required that decision-makers

specifically consider the applicant's use of public trust resources pursuant to Article XI, section 1 of the Hawaii Constitution. OP has made "appropriate assessments" and "require(d) reasonable measures" to protect public trust resources. This public trust evaluation has been integrated into the analysis and recommendations provided herein.

## **RECOMMENDATION**

Based on the foregoing information and analysis, OP recommends the approval of the Petition subject to the Petitioners' commitments to avoid, minimize, or mitigate Project impacts as represented herein and in this proceeding, and the imposition of conditions in addition to the standard conditions of the Commission.

1. **Stormwater Management and Drainage Improvements.** The Petitioners shall maintain existing drainage patterns. Petitioners shall implement applicable BMPs to minimize infiltration and runoff from construction and vehicle operations, reduce or eliminate the potential for soil erosion and ground water pollution, and formulate dust control measures to be implemented during and after the development process in accordance with DOH guidelines and County ordinances and rules. BMPs shall include maintaining swales during the life of the project.
2. **Affordable Housing.** Petitioners shall provide affordable housing opportunities in accordance with the County of Maui's affordable workforce housing requirements.
3. **Wastewater.** Petitioners shall participate in the funding and construction of adequate wastewater source, storage, and transmission facilities and improvements to accommodate the proposed uses for each phase of the Project. Wastewater transmission facilities shall be coordinated and approved by the appropriate State and County of Maui requirements.
4. **Air Quality Monitoring.** Petitioners shall participate in an air quality monitoring program as required by the State Department of Health.
5. **Energy Conservation Measures.** Petitioners shall implement to the extent feasible and practicable measures to promote energy conservation, sustainable design and environmental stewardship, such as the use of solar water heating and photovoltaic systems, into the design and construction of the Project. Petitioners shall also provide information to home purchasers regarding energy conservation measures that may be undertaken by the individual homeowners.
  - a. **Kahului Airport. Notification of Proximity to Kahului Airport.** Petitioner and all subsequent owners shall notify and disclose to all prospective developers, purchasers, and/or lessees within the Project, as part of any conveyance document (deed, leases, etc.) required for the sale or transfer of real property or any interest in real property, of the potential adverse impacts of aircraft activity at and from

the Kahului Airport such as noise, right of flight, emissions, vibrations, and other incidences of aircraft operations.

- b. Airport. Petitioner shall work with DOT to minimize hazards to aircraft operations from Kahului Airport, including but not limited to impacts from wildlife attractants, PV glint and glare, electromagnetic radiation, aviation easements, notices of proposed construction or alteration. Petitioner shall enter into an MOA with DOT prior to final subdivision approval of the initial phase of on-site development by Petitioner outlining measures to be taken by Petitioner to address impacts. As deemed necessary by the DOT to minimize the hazards to aircraft operations from Kahului Airport, Petitioner shall fund and implement a program to control any birds nesting or occupation and any insect, pest or wildlife infestation, in any hazardous wildlife attractants (open swales, storm drains, retention and detention basins, wastewater treatment facilities or associated settling ponds) serving the Project.

6. Highways.

- a. Petitioners shall submit to DOT for review a supplemental analysis to evaluate the “No Waiale Bypass” with Petitioner’s project in 2022 (Phase I), due to the current memorandum/addendum is limited only to build-out year 2026 (Phase II).
- b. Petitioners shall mitigate all project-generated traffic impacts as recommended and/or required by the HDOT. Petitioners shall initiate, coordinate, and meet with DOT Highways, to agree upon the regional pro-rata share and to develop a Memorandum of Agreement, which is required to be executed prior to the submittal of a Subdivision application to the County of Maui.

7. Water. Petitioners shall participate in the funding and construction of adequate water source, storage, and transmission facilities and improvements to accommodate the proposed uses for each phase of the Project. Water transmission facilities shall be coordinated and approved by the appropriate State and County agencies. The County’s water use and development plan shall be amended to reflect changes in water demand forecasts and to supply the proposed uses.

8. Established Gathering and Access Rights Protected. Pursuant to Article XII, Section 7, of the Hawaii State Constitution, Petitioners shall preserve any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Petition Area to exercise subsistence, cultural and religious practice, or for access to other areas.


9. Sirens. Petitioners shall fund and install three (3) civil defense warning sirens as specified by and in locations identified by the State Department of Defense.

10. **Agriculture.** Petitioners shall submit an executed copy of the conservation easement or relevant instrument for the 800 acres of adjacent agricultural lands to the LUC.
11. **Right to Farm.** For all land in the Petition Area or any portion thereof that is adjacent to land in the State Agricultural District, Petitioners shall comply with HRS Section 205-3.5 as follows:
  - a. Petitioners and its successors and assigns shall not take any action that would interfere with or restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the State Land Use Agricultural District. For the purpose of these conditions, "farming operations" shall have the same meaning as provided in HRS § 165-2; and
  - b. Petitioners shall notify all prospective developers or purchasers of land or interests in land in the Petition Area, and provide or require subsequent notice to lessees or tenants or the land, that farming operations and practices on adjacent or contiguous land in the State Land Use Agricultural District are protected under HRS Chapter 165, the Hawaii Right to Farm Act. The notice shall disclose to all prospective buyers, tenants, or lessees of the Petition Area that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands. The notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.
12. **Previously Unidentified Burials and Archaeological/Historic Sites.** In the event that historic resources, including human skeletal remains, are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and SHPD shall be contacted immediately. Without any limitation to any other condition found herein, if any burials or archaeological or historic sites are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigation measures have been implemented to its satisfaction.
13. **Archaeological/Historic Sites.** Petitioners shall submit a preservation plan for two (2) sites; (Site 50-50-04-7884) irrigation features and the (Site 50-50-04-7883) WWII bunker to SHPD prior to any ground disturbing activities occur on the Petition Area. The preservation plan shall be submitted to the SHPD for review and acceptance prior to the initiation of the project. Petitioners shall comply with all interim and/or permanent mitigation and preservation measures recommended and approved by the SHPD. Petitioners shall confirm in writing to the Commission that the SHPD has found Petitioners' preservation mitigation commitments to be acceptable and has determined that any required historic preservation measures have been successfully implemented. The SHPD shall be notified at the initiation of the Project.

14. **Archaeological/Historic Sites.** Petitioners shall provide the following prior to any ground disturbance, as agreed upon with SHPD's conditional acceptance of the AIS.
- e. Data recovery in the form of archaeological monitoring.
  - f. Preservation of the irrigation site and the WWII bunker.
  - g. If site 50-50-04-5197 is impacted by the proposal, it will be further documented in consultation with SHPD.
  - h. Archaeological monitoring shall be conducted for all ground disturbing activities. An archaeological monitoring plan shall be developed and submitted for SHPD's review and acceptance prior to project work commencing.
  - i. If any development is proposed for the area to be dedicated to agriculture, SHPD shall be notified and SHPD will make a determination on whether an archaeological inventory survey is to be provided by the Petitioners.
15. **Endangered Species.** Petitioners shall undertake the following:
- a. For any nighttime work required during construction, and for long term operation of the proposed facility, all exterior lighting shall be shielded so as to reduce the potential for interactions of nocturnally flying Hawaiian Petrels and Newell's Shearwaters with external lights and man-made structures.
  - b. To avoid potential impacts to the Hawaiian hoary bat, the clearing of dense vegetation, including woody plants greater than 15 feet, along the periphery of the Petition Area shall not occur between June 1 to September 15 when bats may be carrying young and potentially could be at risk by such clearing activities.
  - c. The USFWS shall be consulted with regard to the measures that may be needed in regard to the endangered Blackburn's Sphinx Moth.
16. **Compliance with Representations.** Petitioners shall develop the Petition Area in substantial compliance with the representations made to the Commission as reflected in the Findings of Fact, Conclusions of Law, and Decision and Order. Failure to so develop the Petition Area may result in reversion of the Petition Area to its former classification, or change to a more appropriate classification.
17. **Infrastructure Deadline.** Petitioners shall complete construction of the proposed backbone infrastructure, which consists of the primary roadways and access points, internal roadways, on- and offsite water and electrical system improvements, and stormwater/drainage and other utility system improvements, within ten (10) years from the date of the Decision and Order approving the Petition.

DATED: Honolulu, Hawaii, November 3, 2017

OFFICE OF PLANNING  
STATE OF HAWAII



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LEO R. ASUNCION  
Director

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into the Urban Land Use District for certain	)	
lands situate at Waikapu, District of Wailuku,	)	
Island and County of Maui, State of Hawaii,	)	
consisting of 236.326 acres, 53.775 acres, and	)	
45.054 acres, bearing Tax Map Key No. (2) 3-	)	
6-002:003 (por), (2) 3-6-004:006 and (2) 3-6-	)	
005:007 (por)	)	

**CERTIFICATE OF SERVICE**

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

PAUL R. MANCINI  
JAMES W. GEIGER  
Mancini, Welch & Geiger, LLP  
305 East Wakea Avenue, Suite 200  
Kahului, Hawaii 96732

MICHAEL ATHERTON  
Waikapu Properties, LLC  
1670 Honoapili Highway  
Wailuku, Hawaii 96793

WILLIAM SPENCE, DIRECTOR  
Department of Planning  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96813

PATRICK WONG, ESQ.  
Department of the Corporation Counsel  
County of Maui  
200 High Street  
Wailuku, Hawaii 96793

DATED: Honolulu, Hawaii, November 3, 2017.

OFFICE OF PLANNING  
STATE OF HAWAII

  
\_\_\_\_\_  
LEO R. ASUNCION  
Director



DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

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

In reply, please refer to:  
File:

EPO 15-117

June 19, 2015

Mr. Michael Summers  
President  
Planning Consultants Hawaii, LLC  
2331 W. Main Street  
Walluku, Hawaii 96793

Dear Mr. Summers:

**SUBJECT: Comments on the Environmental Impact Statement Preparation Notice (EISP) for the Proposed Walkapu Country Town Project, Walkapu, Island of Maui, Hawaii**

The Department of Health (DOH), Environmental Planning Office (EPO), appreciates your letter that we received on May 19, 2015. EPO emailed the electronic link of the EISP:

[http://oeqs.doh.hawaii.gov/Shared%20Documents/EA and EIS Online Library/Maui/2010s/2015-05-23-MA-5E-Act-172-12-EISP-Walkapu-Country-Town.pdf](http://oeqs.doh.hawaii.gov/Shared%20Documents/EA%20and%20EIS%20Online%20Library/Maui/2010s/2015-05-23-MA-5E-Act-172-12-EISP-Walkapu-Country-Town.pdf)

to various branches and offices. EPO recognizes that the State of Hawaii, Department of Health, Safe Drinking Water Branch provided you with three pages of comments on June 1<sup>st</sup>, 2015 and that the Clean Water Branch provided you with three pages of comments on June 9<sup>th</sup>, 2015. EPO agrees with all of their comments and would like to provide additional information.

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 and relevant information should be reviewed at:
  - a. <http://health.hawaii.gov/cwb>
  - b. <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/standard-npdes-permit-conditions>
  - c. <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/forms>
2. Should a subdivision exceed 50 lots, a Private Wastewater Treatment Plant is required or the project must connect to the County sewer system. The Wastewater Branch should be contacted at (808) 586-4294 and relevant information should be reviewed at: <http://health.hawaii.gov/wastewater>
3. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules, Chapter 11-46, "Community Noise Control". A noise permit may be required and should be obtained before the commencement of work. Please call the Indoor and Radiological Health Branch at (808) 586-4700 and review relevant information online at:
  - a. <http://health.hawaii.gov/rhb>
  - b. <http://health.hawaii.gov/rhb/noise>

EPO further recommends that the Hazard Evaluation and Emergency Response (HEER) Office's Site Discovery and Response (SDAR) Section be contacted. The SDAR section protects human health and the environment by identifying, investigating, and remediating sites contaminated with hazardous substances (non-emergency site investigations and cleanup). The HEER Office's SDAR Section can be contacted at: (808) 586-4249 and relevant information can be reviewed at: <http://eha-web.doh.hawaii.gov/eha-cme/Leaders/HEER/site-assessment-and-cleanup-programs>

EPO also recommends that if a large amount of dust may be created during the construction phase of the project then the Clean Air Branch should be consulted at: Clean Air Branch Hawaii Department of Health 919 Ala Moana Blvd., Suite 203 Honolulu, Hawaii 96814 or via e-mail: [cab@doh.hawaii.gov](mailto:cab@doh.hawaii.gov) or via Phone: (808) 586-4200 between 7:45 a.m. and 4:15 p.m. or via Fax: (808) 586-4359. You may also wish to call toll-free from the neighbor islands. From Maui call 984-2400, then enter "64200".

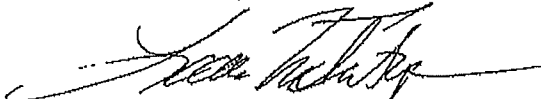
EPO strongly recommends that you review the standard comments and available strategies to support sustainable and healthy design provided at: <http://health.hawaii.gov/epo/home/landuse-planning-review-program/>. Projects are required to adhere to all applicable standard comments.

EPO encourages you to examine and utilize the Hawaii Environmental Health Portal. The portal provides links to our e-Permitting Portal, Environmental Health Warehouse, Groundwater Contamination Viewer, Hawaii Emergency Response Exchange, Hawaii State and Local Emission Inventory System, Water Pollution Control Viewer, Water Quality Data, Warnings, Advisories and Postings. The Portal is continually updated. Please visit it regularly at: <https://eha-cloud.doh.hawaii.gov>

You may also wish to review the revised Water Quality Standards Maps that have been updated for all islands. The Water Quality Standards Maps can be found at: <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/water-quality-standards/>.

We request that you utilize all of this information on your proposed project to increase sustainable, innovative, inspirational, transparent and healthy design.

Mahalo nui loa,



Laura Lelaloha Phillips McInyre, AICP  
Program Manager, Environmental Planning Office

Attachments:

SDWB letter June 1, 2015

CWB letter June 9, 2015

- c: Mr. Michael Summers via hard and soft copy (via email to [msummers@planningconsultantshawaii.com](mailto:msummers@planningconsultantshawaii.com))  
Mr. Daniel Orodener, Executive Officer, Land Use Commission -- DBEDT (via email [daniel.e.oredener@dbedt.hawaii.gov](mailto:daniel.e.oredener@dbedt.hawaii.gov) only)  
Mr. Daniel Orodener, Executive Officer, Land Use Commission -- DBEDT, P.O. Box 2359, Honolulu, HI 96804-2359  
Mr. Michael Atherton, Member, Waikapu Properties, LLC, 1670 Honoapiʻilani Hwy., Waiuku, HI 96793  
SDWB, CWB (08018PCTM.15), WWB, CAB, SHWB, IRHB, DHO Maui (via email only)

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

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

In reply, please refer to:  
File: SDWB  
WaikapuCountryTown1.docx

June 1, 2015

Mr. Michael Summers  
Planning Consultants Hawai'i LLC  
2331 W. Main Street  
Walluku, Hawaii 96793

Dear Mr. Summers:

SUBJECT: WAIKAPU COUNTRY TOWN  
5(E) ACT 172-12 EISPN  
WAIKAPU, MAUI, HAWAII  
TMK: (2) 3-6-002:001, (2) 3-6-002:003, (2) 3-6-004:003, (2) 3-6-004:006,  
(2) 3-6-005:007 AND (2) 3-6-006:036

The Safe Drinking Water Branch (SDWB) Engineering Section 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 may qualify 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), Chapter 11-20, "Rules Relating to Public 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 Section 11-20-29.5, "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 Section 11-20-29, "Use of new sources of raw water for public water systems." This section requires that all new public water system sources be approved by the Director of Health (Director) prior to its use. Such approval is based primarily upon the submission of a satisfactory engineering report which addresses the requirements set in HAR 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 prior to construction of the proposed system or modification in accordance with HAR Section 11-20-30, "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 Hawaii Administrative Rules, Chapter 11-25, "Rules Relating 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 Hawaii Administrative Rules, Chapter 11-21, "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 (808) 586-4258 or call from Maui the direct toll free number 984-2400, ext. 64258.

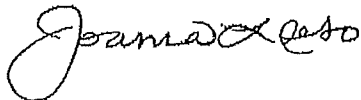
Mr. Michael Summers  
June 1, 2015  
Page 3

The SDWB Underground Injection Control (UIC) program provides the following comments:

1. The project is bisected by the UIC line. There are no known drinking water wells located within ¼ mile of the project site. Land areas above the UIC line are considered to overlie underground sources of drinking water; and
2. The UIC program regulates the construction and operation of wastewater disposal injection wells to prevent the contamination of our drinking water aquifers. If injection wells are being considered for stormwater management or wastewater disposal, the Draft Environmental Impact Statement should include a discussion of the proposed injection well use. The regulations for the construction and operation of an injection well are found in Hawaii Administrative Rules, Title 11, Chapter 23, Underground Injection Control. More UIC information can be found at the following website:  
<http://health.hawaii.gov/sdwb/underground-injection-control-program/>
3. If you have any questions or comments on our project review or the UIC program, please contact Mr. Norris Uehara, Supervisor of the SDWB UIC Program at (808) 586-4258 or call from Maui the direct toll free number 984-2400, ext. 64258.

If there are any questions, please call Ms. Jennifer Nikaido of the Engineering Section at (808) 586-4258 or call from Maui the direct toll free number 984-2400, ext. 64258.

Sincerely,



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

JN:cb

c: Waikapu Properties, LLC  
1670 Honoapi'ilani Highway  
Walluku, Hawaii 96793

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

EPO (EPO 117)

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

**COPY**  
VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

In reply, please refer to:  
File:

15-366A CAB

June 3, 2015

Mr. Michael Summers  
President  
Planning Consultants Hawaii, LLC  
2331 W. Main Street  
Wailuku, Hawaii 96793

Dear Mr. Summers:

**SUBJECT: Environmental Impact Statement Preparation Notice  
Proposed Waikapu Country Town Project  
Waikapu, Wailuku, Maui**

A significant potential for fugitive dust emissions exists during all phases of construction. The activities must comply with the provisions of Hawaii Administrative Rules, §11-60.1-33 on Fugitive Dust.

We encourage the contractor to implement a dust control plan, which does not require approval by the Department of Health, to comply with the fugitive dust regulations. The dust control measures listed in your document should be implemented where appropriate; additional measures may include, but are not limited to, the following:

- a) Planning the different phases of construction, focusing on minimizing the amount of dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;
- b) Providing an adequate water source at the site prior to start-up of construction activities;
- c) Landscaping and providing rapid covering of bare areas, including slopes, starting from the initial grading phase;
- d) Minimizing dust from shoulders and access roads;
- e) Providing adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
- f) Controlling dust from debris being hauled away from the project site. Also, controlling dust from daily operations of material being processed, stockpiled, and hauled to and from the facility.

If you have any questions, please contact Mr. Barry Ching of the Clean Air Branch at (808) 586-4200.

Sincerely,

NOLAN S. HIRAI, P.E.  
Manager, Clean Air Branch

BC:rg

c: / Daniel Orodener, Executive Officer, State Land Use Commission, DBED&T  
Michael Atherton, Waikapu Properties, LLC

2015 JUN 12 A 8:53  
LAND USE COMMISSION  
STATE OF HAWAII

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

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

In reply, please refer to:  
File:

06018PCTM.15

June 09, 2015

Mr. Michael Summers  
President  
Planning Consultants Hawaii, LLC  
2331 W. Main Street  
Wailuku, Hawaii 96793

Dear Mr. Summers:

**SUBJECT: Comments on the Environmental Impact Statement Preparation  
Notice (EISPN) for Proposed Waikapu Country Town Project  
Waikapu, Island of Maui, Hawaii**

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of your letter, dated May 11, 2015, requesting comments on your project. The DOH-CWB has reviewed the subject document and offers these comments. Please note that our review is based solely on the information provided in the subject document and its compliance with the 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://health.hawaii.gov/epo/files/2013/05/Clean-Water-Branch-Std-Comments.pdf>

1. Any project and its potential impacts to State waters must meet the following criteria:
  - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
  - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
  - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
2. You may be required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55).

For NPDES general permit coverage, a Notice of Intent (NOI) form must be submitted at least 30 calendar days before the commencement of the discharge. An application for a NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. To request NPDES permit coverage, you must submit the applicable form ("CWB Individual NPDES Form" or "CWB NOI Form") through the e-Permitting Portal and the hard copy certification statement with the respective filing fee (\$1,000 for an individual NPDES permit or \$500 for a Notice of General Permit Coverage). Please open the e-Permitting Portal website located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. You will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool and locate the appropriate form. Follow the instructions to complete and submit the form.

3. If your project involves work in, over, or under waters of the United States, it is highly recommended that you contact the Army Corp of Engineers, Regulatory Branch (Tel: 835-4303) regarding their permitting requirements.

Pursuant to Federal Water Pollution Control Act [commonly known as the "Clean Water Act" (CWA)], Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may **result** in any discharge into the navigable waters..." (emphasis added). The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40 of the Code of Federal Regulations, Section 122.2; and Hawaii Administrative Rules (HAR), Chapter 11-54.

4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 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.
5. It is the State's position that all projects must reduce, reuse, and recycle to protect, restore, and sustain water quality and beneficial uses of State waters. Project planning should:
  - a. Treat storm water as a resource to be protected by integrating it into project planning and permitting. Storm water has long been recognized as a source of irrigation that will not deplete potable water resources. What is often overlooked is that storm water recharges ground water supplies and feeds streams and estuaries; to ensure that these water cycles are not disrupted, storm water cannot be relegated as a waste product of impervious surfaces. Any project planning must recognize storm water as an asset that sustains and protects natural ecosystems and traditional beneficial uses of State waters, like community beautification, beach going, swimming, and fishing. The approaches necessary to do so, including low impact development methods or ecological



bio-engineering of drainage ways must be identified in the planning stages to allow designers opportunity to include those approaches up front, prior to seeking zoning, construction, or building permits.

- b. Clearly articulate the State's position on water quality and the beneficial uses of State waters. The plan should include statements regarding the implementation of methods to conserve natural resources (e.g. minimizing potable water for irrigation, gray water re-use options, energy conservation through smart design) and improve water quality.
- c. Consider storm water Best Management Practice (BMP) approaches that minimize the use of potable water for irrigation through storm water storage and reuse; percolate storm water to recharge groundwater to revitalize natural hydrology, and treat storm water which is to be discharged.
- d. Consider the use of green building practices, such as pervious pavement and landscaping with native vegetation, to improve water quality by reducing excessive runoff and the need for excessive fertilization, respectively.
- e. Identify opportunities for retrofitting or bio-engineering existing storm water infrastructure to restore ecological function while maintaining, or even enhancing, hydraulic capacity. Particular consideration should be given to areas prone to flooding, or where the infrastructure is aged and will need to be rehabilitated.

If you have any questions, please visit our website at: <http://health.hawaii.gov/cwb/>, or contact the Engineering Section, CWB, at (808) 586-4309.

Sincerely,



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

CTM:ay

C: Mr. Daniel Orodener, Land Use Commission – DBEDT  
[via e-mail [daniel.e.oredener@dbedt.hawaii.gov](mailto:daniel.e.oredener@dbedt.hawaii.gov) only]  
DOH-EPO #15-117 (via e-mail only)

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

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

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
MAUI DISTRICT HEALTH OFFICE  
64 HIGH STREET  
WAILUKU, HAWAII 96793-3378

June 23, 2015

Mr. Michael Summers  
President  
Planning Consultants Hawaii, LLC  
2331 West Main Street  
Wailuku, Hawai'i 96793

Dear Mr. Summers:

Subject: EISPN for the Proposed Waikapu Country Town Project, Maui, Hawaii  
TMK: (2) 3-6-002:001, 3-6-002:003, 3-6-004:003, 3-6-004:006,  
3-6-005:007 and 3-6-006:036

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

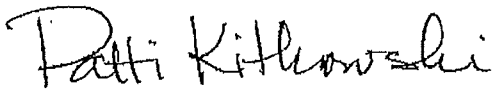
1. National Pollutant Discharge Elimination System (NPDES) permit coverage maybe required for this project. The Clean Water Branch should be contacted at 808 586-4309.
2. The Wastewater Branch cannot make comments as the wastewater disposal method for the proposed project was not addressed on the EISPN. Please provide us with the wastewater disposal method for our review and comments under Chapter 11-62, "Wastewater Systems" if applicable. If you have any questions, please call Roland Tejano, Environmental Engineer, at 808 984-8232.
3. Project land was formerly used in sugar cane production. Please consult with the Hazard Evaluation and Emergency Response (HEER) Office of the Department of Health. Please contact them at 808 586-4249.

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

Mr. Michael Summers  
June 23, 2015  
Page 2

Should you have any questions, please contact me at [patricia.kitkowski@doh.hawaii.gov](mailto:patricia.kitkowski@doh.hawaii.gov) or 808 984-8230.

Sincerely,

A handwritten signature in cursive script that reads "Patti Kitkowski".

Patti Kitkowski  
District Environmental Health Program Chief

c EPO  
Daniel Orodener, DBEDT  
Michael Atherton, Waikapu Properties LLC

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

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

In reply, please refer to:  
File:

LUD - 2 3 6 002 001 EISPN  
Waikapu Country Town-ID2260

June 9, 2015

Mr. Michael Summers, President  
Planning Consultants Hawaii, LLC  
2331 West Main Street  
Wailuku, Maui, Hawaii 96793  
Dear Mr. Summers:

Subject: EISPN for the proposed Waikapu Country Town Project  
TMK (2) 3-6-002: 001, 3-6-004: 003, 3-6-005: 007 and 3-6-006: 036

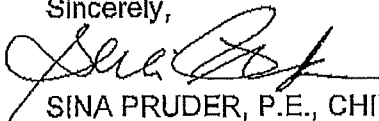
Thank you for allowing us the opportunity to provide comments on the above subject project.  
We have the following information to offer.

The subject project is located in the critical wastewater disposal area as determined by the Maui County Wastewater Advisory Committee. However, we are unable to offer approval or any further comments on the proposed project at this time as domestic wastewater collection, treatment, and disposal have not been addressed in the subject document. Information pertaining to the wastewater collection, treatment, and disposal system should be provided in order that we may be able to evaluate and make any determinations related to the wastewater plans for the subject project.

Please be informed that the proposed wastewater systems for the subdivision/development may have to include design considerations to address any effects associated with the construction of and/or discharges from the wastewater systems to any public trust, Native Hawaiian resources or the exercise of traditional cultural practices. In addition, all wastewater plans must conform to applicable provisions of the Hawaii Administrative Rules, Chapter 11-62, "Wastewater Systems."

Should you have any questions, please contact Mr. Mark Tomomitsu of my staff at (808) 586-4294.

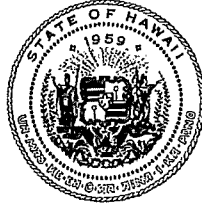
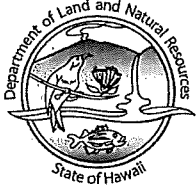
Sincerely,

  
SINA PRUDER, P.E., CHIEF  
Wastewater Branch

LM/MST:lmj

cc: State of Hawaii, Land Use Commission  
Mr. Michael Atherton, Waikapu Properties, LLC  
Ms. Laura McIntyre, DOH-Environmental Planning Office (15-117)  
Ms. Patricia Kikowski, DOH-DEHP Maui Chief  
Mr. Roland Tejano, OOH-WWB's Maui Staff  
Mr. Kurt Wollenhaupt, County of Maui, Department of Planning

DAVID Y. IGE  
GOVERNOR OF HAWAII



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 28, 2017

State of Hawaii  
DBEDT - Office of Planning  
Attention: Mr. Leo R. Asuncion, Director  
235 South Beretania Street, 6th Floor  
Honolulu, Hawaii 96813

Facsimile: (808) 587-2824

Dear Mr. Asuncion:

SUBJECT: Petition for Amendment of State Land Use District Boundaries: Land Use Commission Docket No. A15-798 Waikapu Properties, LLC, located at Waikapu, Island of Maui; TMK Nos.: (2) 3-6-005:Por.003 (Rural); 3-6-002:Por. 003; 3-6-004:006 and 3-6-005:Por. 007 (Urban)

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 Petition, etc., pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from the (a) Division of Aquatic Resources, (b) Engineering Division, and (c) 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,

A handwritten signature in black ink, appearing to read "Russell Y. Tsuji".

Russell Y. Tsuji  
Land Administrator

Enclosures

cc: Ms. Lorene Maki (via email: [Lorene.k.maki@hawaii.gov](mailto:Lorene.k.maki@hawaii.gov))  
Central Files

DAVID Y. IGE  
GOVERNOR OF HAWAII



RECEIVED

JUL -6 2017

Division of Aquatic Resources

DAR 5571

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 5, 2017

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: Russell Y. Tsuji, Land Administrator

SUBJECT: Petition for Amendment of State Land Use District Boundaries: Land Use Commission  
Docket No. A15-798 Waikapu Properties, LLC

LOCATION: Waikapu, Island of Maui; TMK Nos.: (2) 3-6-004:Por. 003 (Rural); 3-6-002: Por. 003;  
3-6-004:006; and 3-6-005:Por 007 (Urban)

APPLICANT: State Office of Planning

Transmitted for your review and comment is information on the above-referenced project. We would appreciate your comments on this project which can be found at:

1. <https://hawaiioint.sharepoint.com/sites/dlnr-ld> (using the Chrome browser)
2. Username: your Hawaii.gov email address
3. Password: outlook password (if you do not know it, please contact IT by email to reset and get a password)
4. Click on: Request for Comments, then click on the subject link -Waikapu (3 files).
5. The FEIS can be found on the OEQC site - Publication date: January 8, 2017.

Please submit any comments by **July 25, 2017**. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

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

Signed:

Bruce S. Anderson, Ph.D., DAR Administrator  
Print Name:

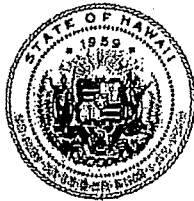
Date:

7/14/17

cc: Central Files

RECEIVED  
LAND DIVISION  
2017 JUL 17 AM 11:36  
DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 13, 2017

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
INTEGRATED AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAIKOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

MEMORANDUM

TO: Ryan L.Y. Okano, Aquatic Biologist

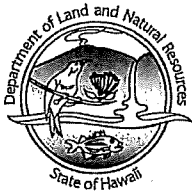
FROM: *Sh*  
Skippy Hau, Aquatic Biologist

SUBJECT: Petition for Amendment of State Land Use District Boundaries:  
Land Use Commission Docket No. A15-798 Waikapu Properties, LLC  
(DAR 5571) Due: July 25, 2017

I reviewed the Waikapu Petition, Waikapu Amended Petition and Exhibit 12 & 13 Replacements. We have no comments on the proposed changes in land use.

Aquatic resources could be impacted by drainage plans and Waikapu Stream changes. The water delivered by existing irrigation ditch systems should be evaluated. We support restoration of continuous flow and the increase in kalo farming which eventually returns water to the stream flowing to Kealia wetlands and ocean.

DAVID Y. IGE  
GOVERNOR OF HAWAII



17 JUL 05 09:44 ENGINEERING



SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 5, 2017

MEMORANDUM

TO:

**DLNR Agencies:**

- ☒ Div. of Aquatic Resources  
☐ Div. of Boating & Ocean Recreation  
*From:* ☒ 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:

SUBJECT:

LOCATION:

APPLICANT:

*to:* Russell Y. Tsuji, Land Administrator

Petition for Amendment of State Land Use District Boundaries: Land Use Commission  
Docket No. A15-798 Waikapu Properties, LLC

Waikapu, Island of Maui; TMK Nos.: (2) 3-6-004:Por. 003 (Rural); 3-6-002: Por. 003;  
3-6-004:006; and 3-6-005:Por 007 (Urban)

State Office of Planning

Transmitted for your review and comment is information on the above-referenced project. We would appreciate your comments on this project which can be found at:

1. <https://hawaiioint.sharepoint.com/sites/dlnr-ld> (using the Chrome browser)
2. Username: your Hawaii.gov email address
3. Password: outlook password (if you do not know it, please contact IT by email to reset and get a password)
4. Click on: Request for Comments, then click on the subject link -Waikapu (3 files).
5. The FEIS can be found on the OEQC site - Publication date: January 8, 2017.

Please submit any comments by **July 25, 2017**. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

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

Signed:

Print Name:

Date:

*[Signature]*  
Cary S. Chang, Chief Engineer

cc: Central Files

RECEIVED  
LAND DIVISION  
2017 JUL 17 AM 10:55  
DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII



DEPARTMENT OF LAND AND NATURAL RESOURCES  
ENGINEERING DIVISION

LD/Russell Y. Tsuji

Ref: Petition for Amendment of State Land Use District Boundaries: Land Use  
Commission Docket No. A15-798 Waikapu Properties, LLC,  
TMK Nos.: (2) 3-6-004:Por. 003 (Rural); 3-6-002: Por. 003; 3-6-004-006; and  
3-6-005:Por 007 (Urban)

**COMMENTS**

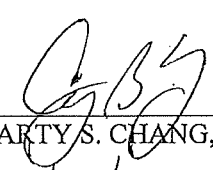
The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within an area of special Flood Hazard.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zone designations can be found using the Flood Insurance Rate Map (FIRM), which can be accessed through the Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaiiinfip.org/FHAT>).

Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may take precedence over the NFIP standards as local designations prove to be more restrictive. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai County of Maui, Department of Planning (808) 270-7253.
- Kauai: County of Kauai, Department of Public Works (808) 241-4896.

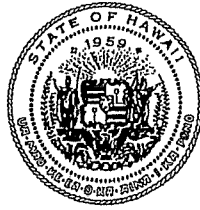
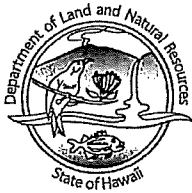
Signed: \_\_\_\_\_

  
CARTY S. CHANG, CHIEF ENGINEER

Date: \_\_\_\_\_

7/14/17

DAVID Y. IGE  
GOVERNOR OF HAWAII



RECEIVED  
LAND DIVISION

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

2017 JUL 21 AM 7:50

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 5, 2017

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: Russell Y. Tsuji, Land Administrator

SUBJECT: Petition for Amendment of State Land Use District Boundaries: Land Use Commission  
Docket No. A15-798 Waikapu Properties, LLC

LOCATION: Waikapu, Island of Maui; TMK Nos.: (2) 3-6-004:Por. 003 (Rural); 3-6-002: Por. 003;  
3-6-004:006; and 3-6-005:Por 007 (Urban)

APPLICANT: State Office of Planning

RECEIVED  
COMMISSION ON WATER  
RESOURCE MANAGEMENT  
2017 JUL -6 PM 2:49

Transmitted for your review and comment is information on the above-referenced project. We would appreciate your comments on this project which can be found at:

1. <https://hawaiioint.sharepoint.com/sites/dlnr-ld> (using the Chrome browser)
2. Username: your Hawaii.gov email address
3. Password: outlook password (if you do not know it, please contact IT by email to reset and get a password)
4. Click on: Request for Comments, then click on the subject link -Waikapu (3 files).
5. The FEIS can be found on the OEQC site - Publication date: January 8, 2017.

Please submit any comments by **July 25, 2017**. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

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

Signed: /s/ Jeffrey T. Pearson, P.E.

Print Name: Deputy Director

Date: July 20, 2017

cc: Central Files

RFD. 4629.6/162161

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

SUZANNE D. CASE  
CHAIRPERSON

WILLIAM D. BALFOUR, JR.  
KAMANA BEAMER, PH.D.  
MICHAEL G. BUCK  
NEIL J. HANNAHS  
PAUL J. MEYER  
VIRGINIA PRESSLER, M.D.

JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR

July 20, 2017

REF: RFD.4629.6

TO: Mr. Russell Tsuji, Administrator  
Land Division

FROM: Jeffrey T. Pearson, P.E., Deputy Director *J.T.P.*  
Commission on Water Resource Management

SUBJECT: Petition for Amendment of State Land Use District Boundaries: Land Use Commission Docket No. A15-798 Waikapu Properties, LLC

FILE NO.: RFD.4629.6  
TMK NO.: (2) 3-6-004:Por. 003 (Rural); 3-6-002:Por. 003; 3-6-004:006; and 3-6-005:Por 007 (Urban)

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

Our comments related to water resources are checked off below.

- ☒ 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- ☐ 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- ☒ 3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
- ☒ 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EAP as having high water efficiency can be found at <http://www.epa.gov/watersense>.
- ☒ 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://planning.hawaii.gov/czm/initiatives/low-impact-development/>
- ☒ 6. We recommend the use of alternative water sources, wherever practicable.
- ☒ 7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/green-business-program>.
- ☒ 8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at

[http://www.hawailscape.com/wp-content/uploads/2013/04/LICH\\_Irrigation\\_Conservation\\_BMPs.pdf](http://www.hawailscape.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf).

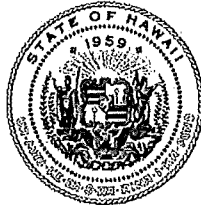
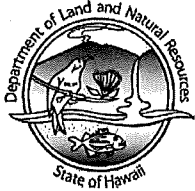
- ☐ 9. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.
- ☐ 10. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
- ☐ 11. A Well Construction Permit(s) is (are) are required before the commencement of any well construction work.
- ☐ 12. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- ☐ 13. 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.
- ☐ 14. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- ☒ 15. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- ☒ 16. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- ☒ 17. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- ☐ 18. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

- ☒ OTHER: The Waikapu surface water hydrologic unit is a surface water management area and any new or expanded uses of surface water will require a surface water use permit.

The report should discuss water requirements for the project, both potable and non-potable, the calculations for the demand projections, and the proposed water supply source(s). In general, the Commission encourages the use of alternative water sources for non-potable needs. The report should disclose the water conservation and efficiency measures to be implemented and any low impact design elements to be incorporated. The report should also discuss ground and surface water resources of the project area and how those may be impacted by the proposed development.

If you have any questions, please contact Lenore Ohye of the Commission staff at 587-0216.

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD, STE 555  
KAPOLEI, HAWAII 96707

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING

FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

September 22, 2017

Michael Atherton  
Waikapū Partners LLC  
1670 Honoa'api'ilani Highway  
Wailuku, HI 96793  
Email: [athertonisland@gmail.com](mailto:athertonisland@gmail.com)

IN REPLY REFER TO:  
Log No. 2017.02060  
Doc No. 1709MBF15  
Archaeology

Dear Mr. Atherton,

SUBJECT: Chapter 6E-42 Historic Preservation Review –  
Archaeological Inventory Survey Report for Several Parcels of Land  
Situating within Waikapū Ahupua'a; Wailuku District Pū'ali Komohana Moku  
Waikapū Ahupua'a, Wailuku District, Island of Maui  
TMK: (2) 3-6-002:003; (2) 3-6-004:003, 006, 007

Thank you for the opportunity to review the subject submittal titled, *Draft Archaeological Inventory Survey Report for Several Parcels of Land Situating within Waikapū Ahupua'a; Wailuku District Pū'ali Komohana Moku; TMK: (2) 3-6-002:003; (2) 3-6-004:003, (2) 3-6-004:006; and (2) 3-6-005:007* (Guerriero et al., September 2017). Revisions to the archaeological inventory survey (AIS) report were requested by the State Historic Preservation Division (SHPD) on August 10, 2017 (Log No. 2013.5793, Doc No. 1708MBF04). The revised report was received by the SHPD on September 15, 2017.

Under contract to Waikapū Partners, LLC, Archaeological Services Hawai'i, LLC (ASH) conducted an archaeological inventory survey (AIS) of approximately 503 acres. The original AIS was initiated by the developer in advance of the project, and the draft AIS report was attached to a draft environmental impact statement (DEIS) submitted to the SHPD on October 3, 2013; no record was found that SHPD reviewed the DEIS.

Waikapū Partners, LLC has landholdings for the subject project totaling 1,576 acres. As stated above, only 503 of the 1,576 acres are covered by the AIS. The remaining 1,073 acres within a portion of TMK: (2) 3-6-002:003 and (2) 3-6-004:003 are currently in small-scale agricultural production, and will remain as such, within the State Land Use Agricultural District. The 1,073 agricultural acres are not covered under this AIS report.

Furthermore, 800 of the 1,073 acres of the current small-scale agricultural land will be preserved in perpetuity for small-scale agricultural use. SHPD stipulates that the applicant shall address any impacts to historic properties related to the 1,576 subject project and that SHPD shall have the opportunity to comment should (1) future development be proposed within the agricultural lands outside the preservation easement, requiring an entitlement change or Special Use Permit (SUP); or (2) there is a change in the scope of work for the 503 acres or if any projects are proposed within the remaining 1,073 acres that were not surveyed, allowing SHPD the opportunity to determine whether a supplemental AIS is warranted to identify the presence or absence of historic properties, including burials, and to ascertain the extent, significance, and potential adverse effects that future development may impose.

The testing strategy of the original AIS consisted of a partial-extent pedestrian survey, and subsurface exploration with 150 randomly-placed, mechanically-excavated test trenches. Four historic properties were identified and

Mr. Atherton  
September 22, 2017  
Page 2

designated with State Inventory of Historic Places (SIHP) site numbers: Sites 50-50-04-7881, 50-50-04-7882, 50-50-04-7883, and 50-50-04-7884. These four sites are comprised of nineteen component features, most of which are related to sugarcane cultivation. One previously identified historic property, known as the Waihe'e Ditch (Site 50-50-04-5197), is extant in the survey area. Features 1-18 of Site 50-50-04-7881 consist of concrete-lined ditches, sluice gates, and dirt culverts with concrete-lined headwalls. Site 50-50-04-7882 is a moderately deteriorated "L-shaped" retaining wall. Site 50-50-04-7883 is a World War II-era bunker, and Site 50-50-04-7884, Features 1-3 are described as secondary deposits of historic materials recorded at three separate localities within the survey area. The subsurface testing strategy did not identify any buried historic properties. A preservation plan (PP) will be developed for Sites 50-50-04-7881 (irrigation features) and 50-50-04-7883 (bunker).

Pursuant to Hawaii Administrative Rules (HAR) §13-284-6, intended for the evaluation of significance of documented historic properties, Sites 50-50-04-7881, 50-50-04-7882, and 50-50-04-7884 are assessed as significant under Criterion d, as they have yielded, or have the potential to yield, significant information pertaining to the history of the area. Site 50-50-04-7883, the World War II bunker, is considered significant under three criteria: Criterion a, association with an important historical event; Criterion c, distinctive characteristics of construction; and Criterion d, possessing significant information pertaining to the history of the area. The WWII bunker, is quite unique in that it is one of the last remaining examples of this type of architecture in relatively good condition, on the island of Maui. The draft AIS report indicates that the proposed project will affect the historic scatters associated with Site 50-50-04-7884, and likely also Site 50-50-04-5197 (Waihe'e Ditch). In addition, it is noted that portions of the project area are located within an area which may contain human burials; burials have been documented in the area.

The draft AIS report indicates one or more historic properties will be affected by the subject project, the project effect recommendation is "Effect, with agreed upon mitigation commitments". The agreed upon mitigation commitments are (1) data recovery in the form of archaeological monitoring, (2) preservation of Sites 50-50-04-7881 and 50-50-04-7883, and (3) if Site 50-50-04-5197 is impacted, it will be further documented through architectural documentation; the nature of the architectural documentation will be determined in consultation with the SHPD.

The SHPD concurs with the site significance assessments and a project effect determination of "Effect, with agreed upon mitigation commitments". SHPD also concurs with archaeological monitoring, stipulating that archaeological monitoring shall be conducted for all ground disturbing activities.

The revised draft AIS addresses the issues and concerns raised in our earlier corresponds and now meets the minimum requirements specified in HAR §13-276-5. **It is accepted.** Please send two hardcopies of the document, clearly marked FINAL, along with a text-searchable PDF version, to the Kapolei SHPD office, attention SHPD Library.

As stipulated in HAR §13-284-7, when SHPD comments that a project will result in "effect with agreed upon mitigation commitments," then detailed mitigation plans shall be developed for SHPD review and acceptance prior to project work commencing. **SHPD looks forward to receiving an archaeological monitoring plan (AMP) meeting the requirements of HAR §13-279-4 and a preservation plan meeting the requirements of HAR §13-277.**

You may contact Dr. Matthew Barker Fariss at [matthew.b.fariss@hawaii.gov](mailto:matthew.b.fariss@hawaii.gov), or at (808) 243-4626, for any questions regarding this letter.

Aloha,



Alan S. Downer, PhD  
Administrator, State Historic Preservation Division  
Deputy State Historic Preservation Officer

Mr. Atherton  
September 22, 2017  
Page 3

cc: County of Maui Planning  
[Planning@co.maui.hi.us](mailto:Planning@co.maui.hi.us)

Michael Summers  
[msummers@planningconsultantshawaii.com](mailto:msummers@planningconsultantshawaii.com)

County of Maui Cultural Resources Commission  
[Annalise.Kehler@co.maui.hi.us](mailto:Annalise.Kehler@co.maui.hi.us)

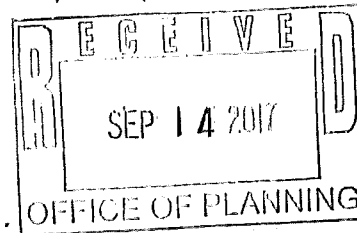
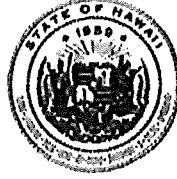
Lisa Rotunno-Hazuka  
[lisa@ashmaui.com](mailto:lisa@ashmaui.com)

County of Maui Public Works  
[public.works@mauicounty.gov](mailto:public.works@mauicounty.gov)

DLNR Land Division  
[Russell.Y.Tsuji@hawaii.gov](mailto:Russell.Y.Tsuji@hawaii.gov)

Lorene Maki  
[Lorene.K.Maki@hawaii.gov](mailto:Lorene.K.Maki@hawaii.gov)

DAVID Y. IGE  
GOVERNOR



REF 71653

77703

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

September 12, 2017

FORD N. FUCHIGAMI  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

IN REPLY REFER TO:  
DIR 0833  
STP 8.2218

TO: LEO R. ASUNCION, DIRECTOR  
OFFICE OF PLANNING  
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT  
AND TOURISM

FROM: FORD N. FUCHIGAMI *XS*  
DIRECTOR OF TRANSPORTATION

SUBJECT: PETITION FOR AMENDMENT OF STATE LAND USE DISTRICT  
BOUNDARIES, WAIKAPU COUNTRY TOWN PROJECT  
LAND USE COMMISSION DOCKET NO. A15-798  
WAIKAPU, MAUI, HAWAII  
TMK: (2) 3-6-004:003 (POR.) AND 006; (2) 3-6-005:007 (POR.);  
(2) 3-6-002:003 (POR.)

Our Department of Transportation (DOT) previously commented on the subject project in HWY-PS 2.5435 (dated August 15, 2017). The following additional comments are provided:

Airports Division (DOT-AIR)

1. The nearest portion of the proposed project area from the planned extension of Runway 2 at the Kahului Airport (OGG) is approximately 4.3 miles. All projects within a five-mile radius from airports must conform with the requirements of the State of Hawaii, Office of Planning, Technical Assistance Memorandum (TAM), to avoid incompatible airport land uses that may pose safety hazards to airport operations. The TAM is available at: [http://files.hawaii.gov/dbedt/op/docs/TAM1-FAA-DOT-Airports\\_08-01-2016.pdf](http://files.hawaii.gov/dbedt/op/docs/TAM1-FAA-DOT-Airports_08-01-2016.pdf).
2. If the proposed project includes a photovoltaic (PV) system, then the developer must be aware that PV systems, located in or near the approach path of the aircraft into OGG, can create a hazardous condition for a pilot due to possible glint and glare reflected from the PV array. If a PV system will be installed, then the following website may assist you with preparation of a glint and glare analysis: [www.sandia.gov/glare](http://www.sandia.gov/glare).

The submittal of a Federal Aviation Administration (FAA) Form 7460-1 for the PV installation may be required. Note that you will need Latitude, Longitude, ground elevation and the above ground elevation data for the installation site in order to fully complete this form. You will also need to attach a copy of your glint and glare analysis with your submittal of FAA Form 7460-1.



It is recommended that the highest rated non-glare materials be used in the PV systems to mitigate potential hazard to the greatest degree possible. If glint or glare from the PV array creates a hazardous condition for pilots, the owner of the photovoltaic system must be prepared to immediately mitigate the hazard upon notification by the DOT-AIR or the FAA.

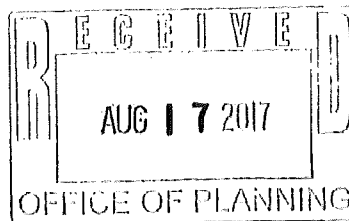
In addition, PV installations have been known to emit signals that create radio frequency interference and disrupt air-to-ground communications. The developer must insure that the PV system installation does not create radio frequency interference.

3. Any activity that can potentially attract wildlife within five miles of the airport is discouraged. The proposed project shall meet the requirements of FAA Advisory Circular 150/5200-33B Hazardous Wildlife Attractants on or Near Airports.
4. Based on the water features, park areas, and detention basins planned as part of the proposed development, the DOT-AIR recommends that the Land Use Commission require the following condition.

The landowner shall grant an avigation easement to the DOT-AIR. The avigation easement will provide for free and unobstructed flight and passage and guide development with respect to noise and other emissions from operations of all types of aircraft in the airspace above the property.

If there are any questions, please contact Mr. Norren Kato at the DOT Statewide Transportation Planning Office at telephone number (808) 831-7986.

DAVID Y. IGE  
GOVERNOR



FORD N. FUCHIGAMI  
DIRECTOR

Deputy Director  
JADE T. BUTAY  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

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

77653

IN REPLY REFER TO:  
DIR 0833  
HWY-PS 2.5435

August 15, 2017

TO: LEO R. ASUNCION, DIRECTOR  
OFFICE OF PLANNING  
DEPARTMENT OF BUSINESS ECONOMIC DEVELOPMENT  
AND TOURISM

FROM: FORD N. FUCHIGAMI *XF*  
DIRECTOR OF TRANSPORTATION

SUBJECT: PETITION FOR AMENDMENT OF STATE LAND USE DISTRICT  
BOUNDARIES, WAIKAPU COUNTRY TOWN MASTER PLAN  
LAND USE COMMISSION DOCKET NO. A15-798  
WAIKAPU, MAUI, HAWAII  
TMK: (2) 3-6-004: 003 (POR) AND 006; (2) 3-6-005: 007 (POR);  
(2) 3-6-002: 003 (POR)

Thank you for the opportunity to comment on the Final Environmental Impact Statement related to the 2016 Boundary Amendment petition with the Land Use Commission (LUC). The Petitioner's request under Docket No. A15-798 will involve a 149.84-acre portion of a 335,155 acres of land. The request is for the reclassification of the subject site from Agricultural District into Urban for the development of 1,433 residential units, commercial, school, and open space, which will also be addressed at the upcoming LUC hearing. The project will comprise of two phases with Phase I to be completed by the year 2022 and Phase II by 2026. The proposed site borders the Mauka and Makai side of the State Honoapiilani Highway and is also east of the State Kuihelani Highway.

The Hawaii Department of Transportation (HDOT) would like to respond to your letter dated June 27, 2017, to address the issues of statewide concerns shown below:

1. **Programs, facilities, or resources under the jurisdiction of your agency that will be affected by the project proposal, for example, impacts to natural resources regulated by your agency or infrastructure maintained and under the jurisdiction of your agency.**

**OUR RESPONSE:**

The primary access for the master plan development will be solely from the State Honoapiilani Highway and the proximity of the nearby State Kuihelani Highway. These two principal arterials are part of the important National Highway System that connects

the island's population and economic centers between the western and central region of the island. The HDOT is responsible for the State-owned facility and has determined that the project will have significant traffic impacts to our highway system.

We understand that the development of the County's planned Waiale Bypass is not anticipated to be completed by the year 2026 timeframe. Therefore, the HDOT concurs with the findings of the Fehr and Peers Memorandum dated October 17, 2016, the "No Waiale Bypass" scenario with project build-out in 2026, that the project will cause the overall operations at unacceptable Level of Services (LOS) "F" at the Honoapiilani Highway intersections No. 1 (Kuikahi Drive) and No. 5 (Waiko Road). We also acknowledged that based on the Traffic Impact Analysis Report (TIAR) dated December 2016, it is recommended that these two intersections will need to be improved to mitigate the traffic impacts back to LOS "D". However, we contend that the recommended improvements for these specific intersections requiring difficult acquisition of right-of-ways may not be highly feasible, therefore the mentioned intersections will not achieve LOS D.

2. **Recommended mitigation measures to address the above issues if the petition were to be approved (please cite your agency or program's legislative and regulatory authority for your recommendations).**

**OUR RESPONSE:**

The HDOT affirms that the County's planned Waiale Bypass will be one of the most effective form of mitigation for both the cumulative and project-generated traffic caused by the Waikapu Town Master Plan. This bypass, if constructed, may mitigate serious deterioration to the operations and integrity of the two aforementioned State highways.

The HDOT recommends all the transportation improvements, including the acquisition of additional right-of-ways stated in the 2016 TIAR or, as amended by the "No Waiale Bypass Alternative" memorandum, should the Waiale Bypass remains undeveloped at build-out.

The HDOT further recommends that the Developer should consider set-aside land for additional right-of-way along State Honoapiilani Highway. This will allow for future improvements such as, but not limited to sidewalks, medians, multi-use bike/pedestrian paths as discussed in the 2016 TIAR for when this corridor becomes urbanized. Prior to the submittal of the County Rezoning application, the Petitioner is required to the following:

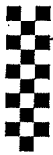
MR. LEO R. ASUNCION  
August 15, 2017  
Page 3

HWY-PS 2.5435

1. Submit to the HDOT for review of a supplemental analysis to evaluate the "No Waiale Bypass with project in 2022 (Phase I)", due to the current memorandum/addendum is limited only to build-out year 2026 (Phase II).
2. An advance meeting should be initiated by the Petitioner to meet with the HDOT Highways staff to solidify the regional pro-rata share and to develop a Memorandum of Agreement required to be executed prior to a Subdivision application.

If you have any questions, please contact Ken Tatsuguchi, Engineering Program Manager, Highways Division, Planning Branch at (808) 587-1830. Please reference file review number PS 2016-0028 in all contacts and correspondence regarding these comments.

c: William Spence, County of Maui, Planning Department

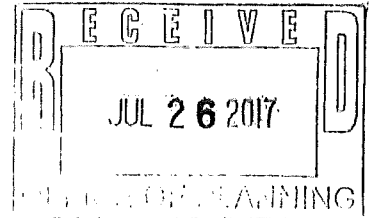


DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

KEITH T. HAYASHI  
INTERIM SUPERINTENDENT



OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

VIA FACSIMILE AND STATE COURIER SERVICE

July 26, 2017

TO: Leo R. Asuncion  
Director, Office of Planning  
Department of Business, Economic Development and Tourism

FROM: Kenneth G. Masden II  
Public Works Manager, Planning Section, Facilities Development Branch

SUBJECT: **Amended Petition for Amendment of the State Land Use District Boundaries  
for, Waikapu Country Town, Land Use Commission Docket No. A15-798**

Thank you for your memorandum dated June 27, 2017 and for the opportunity to comment on the Amended Petition for Amendment of the State Land Use District Boundaries for, Waikapu Country Town, Land Use Commission Docket No. A15-798.

The Department of Education has a fully executed Educational Contribution Agreement with the Petitioners for its Waikapu Country Town Project dated January 31, 2017 which covers 1,576.17 acres identified as Tax Map Key parcels 3-6-002:003, 3-6-002:001, 3-6-005:007, 3-6-004:003, 3-6-006:036 and 3-6-004:006. This agreement is based on approved entitlements for 1,433 residential units (less any units that prohibit school-aged children). Any action which might increase the number of residential units will require an amendment of said agreement.

Should you have any questions, please do not hesitate to call Roy Ikeda of the Planning Section, Facilities Development Branch, at 784-5094.

KGM:jmb

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
EXECUTIVE DIRECTOR

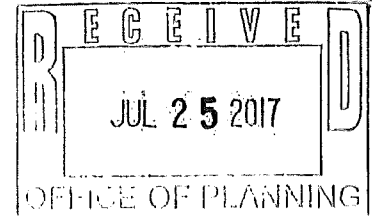
**STATE OF HAWAII**

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM  
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION  
677 QUEEN STREET, SUITE 300  
Honolulu, Hawaii 96813  
FAX: (808) 587-0600

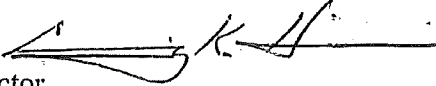
IN REPLY REFER TO:

17:PEO/43

July 24, 2017



To: Leo R. Asuncion, Director  
Office of Planning

From: Craig K. Hirai   
Executive Director

Subject: Petition for Amendment of the State Land Use District Boundaries, Docket No. A15-798 Waikapu Properties, LLC; William S. Filios; Trustee of the William S. Filios, Trustee of the William S. Filios Separate Property Trust dated April 3, 2000; and Waiale 905 Partners, LLC, Waikapu, Wailuku, Island of Maui, TMK Nos: (2) 3-6-004: Por. 003 (Rural) and 3-6-002: Por. 003; 3-6-004: 006; and 3-6-005: Por. 007 (Urban)

We have reviewed the subject Petition for the proposed Waikapu Country Town Project and believe the Project would conform to the applicable objectives and policies of the revised State Housing Function Plan, dated February 2017.

The State Housing Functional Plan includes four objectives:

- A. Increase and sustain the supply of permanent rental housing that is affordable and accessible to Hawaii residents, particularly those with incomes at or below 80% AMI.
- B. Increase the homeownership rate.
- C. Address barriers to residential development.
- D. Maintain a statewide housing data system for use by public and private agencies engaged in the provision of housing.

Policies A(3) and B(3) of the Plan seeks to ensure that (1) housing projects and (2) projects which impact housing provide a fair share/adequate amount of affordable housing opportunities, including rental housing opportunities and for-sale housing opportunities. Pursuant to the Final EIS, the Applicant intends to comply with the County of Maui's Residential Work Force Housing Policy by selling or renting residential units within the Project. The Applicant will enter into a Residential Workforce Housing Agreement with the County prior to final subdivision approval.

Thank you for the opportunity to comment.

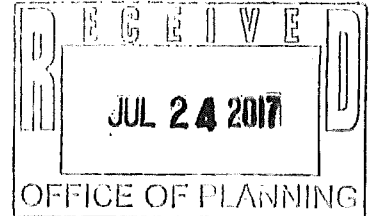
DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF DEFENSE**  
OFFICE OF THE ADJUTANT GENERAL  
3949 DIAMOND HEAD ROAD  
HONOLULU, HAWAII 96816-4495

ARTHUR J. LOGAN  
MAJOR GENERAL  
ADJUTANT GENERAL

KENNETH S. HARA  
BRIGADIER GENERAL  
DEPUTY ADJUTANT GENERAL



July 18, 2017

Mr. Leo R. Asuncion, Director  
Office of Planning, State of Hawaii  
235 South Beretania Street, 6<sup>th</sup> floor  
Honolulu, Hawaii 96813

Dear Mr. Asuncion:

Subject: Petition for Amendment of the State Land Use District Boundaries: Land Use  
Commission Docket No. A15-798 Waikapu Properties, LLC

Thank you for the opportunity to comment on the above subject Petition.

Please note that in response to the requests from the Planning Consultants, LLC (PCL), the State of Hawaii Department of Defense had previously provided comments regarding the proposed development via letters dated June 25, 2015 and March 24, 2016. A copy of each letter and response from PCL are attached.

The State of Hawaii Department of Defense has no further comments to offer relative to the proposed development.

Should you have any questions or concerns, please have your staff contact Ms. Shao Yu Lee, our Land Manager on Oahu, at (808) 733-4222.

Sincerely,

A handwritten signature in dark ink, appearing to read "Neal S. Mitsuyoshi".

*JS* NEAL S. MITSUYOSHI, P.E.  
Colonel, Hawaii National Guard  
Chief Engineering Officer

c: Mr. David Kennard, Hawaii Emergency Management Agency (HI-EMA)  
Ms. Havinne Okamura, HI-EMA  
Mr. Albert Chong, HI-EMA

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF DEFENSE**  
OFFICE OF THE ADJUTANT GENERAL  
3849 DIAMOND HEAD ROAD  
HONOLULU, HAWAII 96816-4495

June 25, 2015

ARTHUR J. LOGAN  
BRIGADIER GENERAL  
ADJUTANT GENERAL

KENNETH S. HARA  
COLONEL  
DEPUTY ADJUTANT GENERAL

Mr. Michael Summers, President  
Planning Consultants Hawaii, LLC  
2331 West Main Street  
Wailuku, Hawaii 96793

Attn: Mr. Summers

Subject: Environmental Impact Statement Preparation Notice for Waikapu County Town,  
Wailuku, Maui, Hawaii, TMK: (2) 3-6-002:001, (2) 3-6-002:003, (2) 3-6-  
004:003, (2) 3-6-004:006, (2) 3-6-005:007, and (2) 3-6-006:036


Dear Mr. Summers,

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

The State of Hawaii Department of Defense recommends the provision of three (e) Omni-directional 121-db(c) solar-powered sirens mounted on 45-foot H2 rated composite poles. The Hawaii Emergency Management Agency will work with Waikapu Properties, LLC on the location of these sirens.

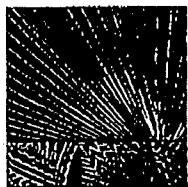
If you have any questions or concerns, please have your staff contact Mr. Lloyd Maki, Assistant Chief Engineering Officer at (808) 733-4250.

Sincerely,

  
ARTHUR J. LOGAN  
Brigadier General  
Hawaii National Guard  
Adjutant General

c: Ms. Havinne Okamura, Hawaii Emergency Management Agency





**PLANNING  
CONSULTANTS  
HAWAII, LLC**

**URBAN & REGIONAL PLANNING**

*Land Use Planning • Sustainability Services • Community Planning • Development Permits*

December 12, 2016

Mr. Arthur J. Logan  
Major General, State of Hawaii  
Department of Defense  
Office of the Adjutant General  
3949 Diamond Head Road  
Honolulu, Hawaii 96816-4495

Dear Mr. Logan:

Re: Draft Environmental Impact Statement Prepared for the Proposed Waikapu Country Town Project in Waikapu, Maui, Hawaii; TMK Nos: (2) 3-6-002:001, (2) 3-6-002:003, (2) 3-6-4:003, (2) 3-6-004:006, (2) 3-6-005:007 and (2) 3-6-006:036.

Thank you for your letter dated March 24, 2016, which states that you do not have any additional comments at this time regarding the above-referenced project.

The WCT's Final Environmental Impact Statement (FEIS) can be downloaded from the State Office of Environmental Quality Control's (OEQC's) website and the State Land Use Commission's website. The document may also be downloaded from [www.waikapu.com](http://www.waikapu.com). Thank you very much for your interest in this important Central Maui project. Should you have any questions, please contact me at (808) 269-6220 or by e-mail at [msummers@planningconsultantshawaii.com](mailto:msummers@planningconsultantshawaii.com).

Sincerely yours,

Michael J. Summers  
President

Attachment

c: Mr. Michael Atherton  
Mr. Albert Boyce

DAVID Y. IGE  
GOVERNOR



ARTHUR J. LOGAN  
MAJOR GENERAL  
ADJUTANT GENERAL

KENNETH S. HARA  
BRIGADIER GENERAL  
DEPUTY ADJUTANT GENERAL

STATE OF HAWAII  
**DEPARTMENT OF DEFENSE**  
OFFICE OF THE ADJUTANT GENERAL  
3949 DIAMOND HEAD ROAD  
HONOLULU, HAWAII 96816-4495

March 24, 2016

Planning Consultants Hawaii, LLC  
2331 West Main Street  
Wailuku, Hawaii 'i 96793

Attn.: Mr. Michael Summers, President

Subject: Draft Environmental Impact Statement for Waikapu County Town, Wailuku,  
Maui, Hawaii, TMK: (2) 3-6-002:001, (2) 3-6-002:003, (2) 3-6-004:003, (2) 3-6-  
004:006, (2) 3-6-005:007, and (2) 3-6-006:036

Dear Mr. Summers:

Thank you for the opportunity to comment on the above project. The State of Hawaii  
Department of Defense has no additional comments to offer relative to the project.

Should you have any questions, please contact Mr. Lloyd Maki, Assistant Chief Engineering  
Officer at (808) 733-4250.

Sincerely,

*for*   
ARTHUR J. LOGAN

Major General  
Hawaii National Guard  
Adjutant General

c: Ms. Havinne Okamura, Hawaii Emergency Management Agency

## RESUME

### Rodney Funakoshi

Planning Program Administrator, Land Use Division  
State of Hawaii Office of Planning

#### Employment:

- Planning Program Administrator, Land Use Division, Office of Planning, 2011-present
- Senior Project Manager, Planning and Development, Castle & Cooke Hawaii, 2007 - 2011
- Senior Project Manager – Planning, Wilson Okamoto Corporation, 1987 – 2007
- Planner IV-VI, State of Hawaii Department of Planning and Economic Development, 1979 – 1987

#### Education:

- Master of Urban and Regional Planning, University of Hawaii at Manoa
- Bachelor of Arts, Sociology, University of Hawaii at Manoa

#### Expertise:

- |   |                                      |
|---|--------------------------------------|
| • Hawaii land/water use development permits | • Environmental assessments/EISs     |
| • Community master plans                    | • Water quality and wetlands permits |
| • Public awareness and involvement          | • Land use development plans         |
| • Infrastructure & erosion control plans    | • Airport and military master plans  |

#### Experience:

Mr. Funakoshi has managed a wide range of government and private sector planning and development projects in Hawaii and the Pacific. As a consulting planner he has represented major land owners and developers including Castle & Cooke Hawaii, Alexander and Baldwin, Stanford Carr Development, Haseko, Gentry Hawaii, Ko Olina Resort, TSA International, Outrigger Resorts, Kamehameha Schools, and Kauai Lagoons. Development approvals processed include State land use boundary amendment petitions, Conservation District Use, Special Management Area permits, county zoning, variance and subdivision approvals, and Federal and State water quality permits.

Major public sector projects managed include the Aiea-Pearl City Livable Communities Plan, Hawaii State Airport Systems Plan, Kailua-Kaneohe-Kahaluu Wastewater Facilities Plan, Waipahu Town Plan, Maui Land Use Technical Study and Infrastructure Assessment, Kawainui Marsh Master Plan, Hilo International Airport Master Plan, Camp H.M. Smith Master Plan, Hawaii Water Resources Protection Plan, Oahu Water Master Plan, Five-Year Boundary Review/Affordable Housing Study, Grading/Erosion Control Ordinance Revision for Maui and Hawaii County, and Marine Education and Training Center at Sand Island.

Mr. Funakoshi has supervised the preparation of over 50 environmental assessments and environmental impacts statements under Hawaii and Federal EIS laws for airports, highways, harbors, schools, military, land use, infrastructure, resort, commercial-industrial, residential, and master planned communities. He has coordinated hundreds of environmental technical and scientific studies including engineering, archaeology, botany, ornithology, traffic, air, noise, socio-economic and water quality.

#### Professional Associations:

- American Planning Association, Hawaii Chapter