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LAND USE COMMISSION
STATE OF HAWAII

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OUR REFERENCE NO.:
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November 9, 2015

VIA HAND DELIVERY

Daniel Orodener
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Edmund Aczon, Chair
and Members of the Commission
Land Use Commission
State Office Tower
Leiopapa A Kamehameha Building
235 South Beretania Street, Room 406
Honolulu, Hawai'i 96813

Re: Analysis of Final Environmental Impact Statement for
Proposed Olowalu Town Master Plan, LUC Docket No. A10-786

Dear Chair Aczon, Executive Officer Orodener and Members of the Commission:

We represent Olowalu Town LLC, a Hawai'i limited liability company, and Olowalu Ekolu LLC, a Hawai'i limited liability company (collectively "**Petitioner**"). We are submitting this analysis to assist this honorable Land Use Commission of the State of Hawai'i ("**Commission**") in its review of the Final Environmental Impact Statement for the Proposed Olowalu Town Master Plan ("**FEIS**"), prepared by Munekiyo Hiraga, and signed by Michael Munekiyo, AICP, President of Munekiyo Hiraga. We respectfully assert that the FEIS that was submitted to the Commission on October 26, 2015, complies with the requirements of Hawai'i Revised Statutes ("**HRS**") Chapter 343, and the applicable provisions of Hawai'i Administrative Rules ("**HAR**"), Title 11, Chapter 200 ("**EIS Rules**"), and therefore request that the Commission take action and accept the FEIS.

I. BACKGROUND FACTS

On May 13, 2010, Petitioner filed a Petition for District Boundary Amendment in this Docket A10-786 ("**Initial Petition**"), requesting the Commission to amend the district

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boundaries of approximately 175 acres situated at Olowalu, Maui, from the State Land Use Agricultural District to the State Land Use Urban District, and approximately 145 acres of land at Olowalu from the State Land Use Agricultural District to the State Land Use Rural District, for the development of the new mixed-use community to be known as the Olowalu Town Master Plan (the "OTMP"). Exhibit 8 to the Initial Petition was an Environmental Assessment/Environmental Impact Statement Preparation Notice for the Proposed Olowalu Town Master Plan ("EISPN"). The Initial Petition was filed in order to initiate the Commission's environmental review of the OTMP.

Petitioner received a letter from the Commission dated May 24, 2010 acknowledging receipt of the Initial Petition and confirming that the Initial Petition was not deemed a proper filing and would not be accepted for processing until Petitioner completed, and the Commission accepted, an environmental impact statement for the proposed OTMP, and Petitioner filed an amended Petition that fully addressed the content requirements under the Commission's administrative rules, HAR § 15-15-50.

On June 4, 2010, the Commission convened and passed a motion agreeing to be the accepting authority for the OTMP FEIS, and determined that the proposed OTMP could have a significant effect on the environment and therefore warranted the preparation of an environmental impact statement. On June 22, 2010, the Commission issued its written Order Determining (1) That the Land Use Commission Agrees to be the Accepting Authority Pursuant to Chapter 343, Hawaii Revised Statutes; and (2) That the Proposed Action May Have a Significant Effect Upon the Environment to Warrant the Preparation of An Environmental Impact Statement.

On July 8, 2010, notice of the EISPN was published in *The Environmental Notice* by the Office of Environmental Quality Control ("OEQC"). Publication commenced the 30-day public comment period. The EISPN was sent to federal, state and county agencies, and other consulted parties, as described in **Appendix A**, attached hereto.

A. **Olowalu Town Master Plan**

Petitioner is not seeking approval of the proposed OTMP, or seeking reclassification of the lands within the OTMP, at this time. Instead, Petitioner is requesting that the Commission review the FEIS and make a determination that it meets all requirements for an acceptable FEIS under Chapter 343, HRS and the related administrative rules. Petitioner is not asking this Commission to deliberate on the merits of the OTMP. The acceptance of the FEIS in no way authorizes Petitioner to implement the development described in the FEIS. The only matter before the Commission at this time is a determination of the acceptability of the FEIS, which was "prepared at the earliest opportunity in the planning and decision-making process" as required under HAR § 11-200-14. The following abbreviated description of the OTMP is compiled from the FEIS and provided here for context.

OTMP is a proposed new community to be located in the once thriving Olowalu plantation town on the west side of the island of Maui. It is located along Honoapiʻilani Highway, approximately four (4) miles south of Lāhainā Town. The OTMP area is comprised of approximately 23 parcels of land and approximately 636 acres of land, almost all of which are currently designated within the State Land Use Agricultural District. Within the OTMP area, approximately 434 acres will be proposed for reclassification pursuant to an amended Petition for District Boundary Amendment.¹

OTMP will be a mixed-use, pedestrian-friendly, community designed so that residents can live within walking distance of stores, schools, parks, employment opportunities, community centers, beaches, and social and civic resources. OTMP, at final build-out, will contain up to 1,500 residential dwelling units (including single-family and multi-family dwellings, including

¹ Please note that the Petition Area described in the Initial Petition was approximately 320 acres (175 acres from State Land Use Agricultural to State Land Use Urban District, and 145 acres from State Land Use Agricultural to State Land Use Rural District). Through the EIS process Petitioner has greatly refined its understanding of the land areas proposed for reclassification. The exact acreages, including metes and bounds description if required, will be provided when Petitioner files its First Amended Petition. However, Petitioner anticipates, consistent with what has been described in the FEIS, that the proposed reclassification will be approximately 266 acres from the Agricultural District to the Urban District and 168 acres from the Agricultural District to the Rural District.

houses, apartments, town houses, live-work units, cottages, rural homes and farmsteads), comprised of a mix of rentals and fee simple ownership. Many of the homes are planned for much-needed affordable housing and senior living.

OTMP, as assessed in the FEIS, also proposes approximately 300,000 to 375,000 sq. ft. of commercial space, which includes live/work spaces, and civic uses, such as community centers, libraries, post offices, cultural centers, churches and fire stations. The commercial space is also anticipated to support a variety of dining outlets and retail space for uses such as a general store, health/organic foods, pharmacy, general merchandise stores, banks, boutiques, and galleries. Non-retail uses within the mixed-use town centers could include medical professional, financial and other professional offices.

The FEIS also analyzes the construction of all appropriate infrastructure for OTMP, including roadways. A major infrastructure improvement is the relocation of the existing high speed/high volume Honoapi'ilani Highway away from coastal resources and recreational corridor to a new mauka alignment consistent with alternatives under consideration in the Honoapi'ilani Highway Realignment/Widening project (Ma'alaea to Launiupoko) by the State of Hawai'i, Department of Transportation ("SDOT"). OTMP also includes an internal roadway network, as well as an assortment of interconnected greenways, bikeways and bus stops throughout the community.

Other infrastructure system improvements assessed under the FEIS include an expansion of the existing private water system, which will include the construction of two (2), 400-GPM wells (one of which will be a back-up well), and additional reservoir/storage tank and related distribution lines. Improvements to the existing privately-owned and regulated irrigation system include proper maintenance, such as cleaning of sediment and debris and leak repairs of the existing Olowalu Ditch. As described in the FEIS, an additional and significant source of irrigation water will come from the membrane bioreactor wastewater treatment plant that will be installed within OTMP and will treat wastewater to R-1 (tertiary) quality.

As assessed under the FEIS, OTMP includes approximately 140 acres of green space (parks, open space, landscape medians and grassed swales, and large lawns at public and civic spaces), which could be used as part of the OTMP drainage system. The drainage master plan is designed to utilize retention and detention systems and Low Impact Development ("LID") measures to accommodate the incremental increases in stormwater runoff. As assessed under the FEIS, OTMP will be developed to capture 100% of the post-development stormwater and a portion of pre-development stormwater, within the OTMP's drainage system.

II. **TRIGGERS FOR ENVIRONMENTAL REVIEW UNDER CHAPTER 343, HRS**

The proposed reclassification of lands currently classified in the State Land Use Agricultural District into the State Land Use Urban District and Rural District triggers the requirement for environmental review under HRS Chapter 343 and HAR Chapter 11-200 because environmental review must be "prepared at the earliest opportunity in the planning and decision-making process." *See* HAR § 11-200-14. Before OTMP can be developed as proposed, Petitioner will be required to obtain an amendment to the West Maui Community Plan, which is a trigger for environmental review under HRS § 343-5(a)(6).

OTMP proposes a new wastewater treatment facility that will serve more than fifty single-family dwellings, which is a trigger under HRS § 343-5(a)(9)(A). Development of OTMP, particularly the utility systems and roadways, is anticipated to involve the use of State lands, which is a trigger under HRS § 343-5(a)(1). Although OTMP includes State Land Use Conservation District lands, no Conservation District lands will be proposed for reclassification. Therefore, the triggers related to the use or reclassification of Conservation District lands are not applicable for OTMP. *See* HRS § 343-5(a)(2), (7).

A. **Draft EIS**

The EISPN was sent to 83 Federal, State and County agencies, elected officials and members of the public. *See* Appendix A. Twenty-seven (27) substantive comment letters were sent in response to the EISPN. Copies of those letters, and the responses to those letters, can be

found in Chapter X of the FEIS. Upon receipt of the public and agency comments in response to the EISPN, as noted on Appendix A, Petitioner prepared a Draft EIS. On December 30, 2011, a preliminary Draft EIS (Volumes I and II) was submitted to Commission staff for review. On February 23, 2012, the Commission staff submitted the Draft EIS and proposed distribution list to OEQC for confirmation and publication, and on February 27, 2012, OEQC confirmed receipt of the Draft EIS and verified the accuracy of the distribution list.

On March 8, 2012, OEQC published notice of Draft EIS in *The Environmental Notice*. On April 8, 2013 a correction to the public comment period was published by OEQC.² Publication commenced the 45-day public comment period, which closed on April 23, 2012. The Draft EIS was sent to federal, state and county agencies, and other consulted parties, as listed in **Appendix B**, attached hereto.

The Draft EIS was sent to 69 Federal, State and County agencies, elected officials and members of the public. Thirty-five (35) substantive comment letters were sent in response to the Draft EIS. Copies of those letters, and the responses to those letters, can be found in Chapter XI of the FEIS.

B. **Final EIS**

In July 2015, representatives of Munekiyo Hiraga consulted with LUC staff on a preliminary version of the FEIS. On October 12, 2015, courtesy, advance copies of the FEIS were provided to the Office of Planning and the Maui County Planning Department in anticipation of the Commission's November 18, 2015 meeting on this matter. On October 26, 2015, Munekiyo Hiraga submitted two hard copies and one CD copy of the FEIS to the Commission.³

² The Environmental Notice provided: "Olowalu Town Master Plan Draft EIS – In the March 8, 2012 issue of The Environmental Notice, page 4, OEQC incorrectly listed the 45-day comments due date for the Olowalu Town Master Plan Draft EIS as Saturday, April 21, 2012. The correct comment deadline date for this project is Monday, April 23, 2012."

³ Submission to the Commission initiated the 30-day acceptance period under HRS § 343-5, and the FEIS shall be deemed accepted if the Commission fails to take action within said thirty days.

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Also on the October 26, 2015, CD copies of the FEIS were sent to the following: Office of Planning and counsel for Office of Planning; County Planning Department and counsel for Planning Department; English Mountain Estates; John and Erin Crinion; Randy Ragon; Henry Vandervelde; Derek and Amy Driver; Bruce Curtis; and Gabija McLauchlin.⁴ Response letters were mailed on October 26, 2015, to those agencies and individuals who had sent substantive comment letters on the Draft EIS. *See* Appendix B, noting the date of the Draft EIS comment letter and the date of the response letter.

In addition, on October 26, 2015, Munekiyo Hiraga submitted one hard copy and one CD copy of the FEIS to OEQC, along with a proposed FEIS distribution list to OEQC for review and comment. Per OEQC's request, the distribution list was revised to include all those who submitted comment letters to the Draft EIS. That revised list was sent to OEQC on October 28, 2015. OEQC, by letter dated October 29, 2015, verified the accuracy of the FEIS distribution list.

III. PURPOSE OF AN ENVIRONMENTAL IMPACT STATEMENT

Article XI, section 1 of the Hawai'i State Constitution mandates environmental protection, and provides as follows:

For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty and all natural resources, including land, water, air, minerals and energy sources, and shall promote the development and utilization of these resources in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State.

All public natural resources are held in trust by the State for the benefit of the people.

⁴ These individuals submitted to the Commission a Notice of Intent to Intervene in the District Boundary Amendment proceeding on June 3, 2010. Although they have not been admitted as parties to this matter, and the Commission has not accepted the Petition for District Boundary Amendment that was filed by Petitioner in 2010, in the interest of encouraging public participation and transparency, Petitioner elected to provide copies of the FEIS to these individuals.

The environmental review process set forth under Chapter 343, HRS, assists State and County agencies in fulfilling this constitutional mandate. *See Unite Here! Local 5 v. City and Cnty. of Honolulu*, 123 Hawai'i 150, 175, 231 P.3d 423, 448 (2010).

The public purpose served by Chapter 343 is to "ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical considerations." *Kahana Sunset Owners Ass'n v. Cnty. of Maui*, 86 Hawai'i 66, 70, 947 P.2d 378, 382 (1997). HRS Chapter 343 also enhances environmental consciousness and encourages cooperation and coordination, and "public participation during the review process benefits all parties involved and society as a whole." *See* HRS § 343-1. The FEIS, consisting of four Volumes and including technical data along with summaries and diagrams of such data, and having been prepared over the course of several years, with extensive public participation and opportunity for review, provides the Commission with sufficient information to consider the environmental impacts of the proposed OTMP.

A. **Standard of Review For Acceptance of a Final Environmental Impact Statement**

The sufficiency of a FEIS is a question of law. *Price v. Obayashi Hawaii Corp.*, 81 Hawai'i 171, 182, 914 P.2d 1364, 1375 (1996). The only question is whether the FEIS complies with the applicable statutory mandates, such as Chapter 343, HRS and the EIS Rules. Acceptance of a FEIS is not an "approval" of a project. *Id.* at 181, 914 P.2d at 1374. "Approval or disapproval of a project occurs after the EIS process is completed and [the] necessary agency permits are issued or denied." *Id.* (citing and quoting authority).

As far back as 1978 the Hawai'i Supreme Court enunciated the standard of review that governs a court's determination as to whether a FEIS satisfies the statutory requirements:

In making such a determination the court is guided by the "rule of reason," under which **an EIS need not be exhaustive to the point of discussing all possible details bearing on the proposed action** but will be upheld as adequate if it has been compiled in good faith

and sets forth sufficient information to enable the decision-maker to consider fully the environmental factors involved and to make a reasoned decision after balancing the risks of harm to the environment against the benefits to be derived from the proposed action, as well as to make a reasoned choice between alternatives.

Life of the Land v. Ariyoshi, 59 Haw. 156, 164, 577 P.2d 1116, 1121 (1978) (emphasis added).

While the Hawai'i Supreme Court has issued several decisions in recent years overturning project approvals due to failure to prepare an environmental assessment or impact statement (see *Sierra Club v. Office of State Planning*, 109 Hawai'i 411, 126 P.3d 1098 (2006)); or for failure to properly comply with exemptions from environmental review provided under Chapter 343 (see *Sierra Club v Dep't of Transp.*, 115 Hawai'i 299, 167 P.3d 292 (2007)); and for reliance upon an environmental impact statement that the Court determined had grown stale (see *Unite Here! Local 5 v. City and Cnty. of Honolulu*, 123 Hawai'i 150, 231 P.3d 423 (2010)), the Hawai'i Supreme Court has never wavered from its adherence to the "rule of reason" in determining the legal sufficiency of a FEIS. As recently as 2012, the Court once again cited to *Price v. Obayashi Hawaii Corp.*, and reaffirmed that the correct standard for review is the "'rule of reason' to determine whether an EIS is legally sufficient in adequately disclosing facts to enable a decision-making body to render an informed decision." See *Kaleikini v. Yoshioka*, 128 Hawai'i 53, 67, 283 P.3d 60, 74 (2012).

Perfect agreement among experts is not required in order for a FEIS to be acceptable. Experts and laypeople may disagree with some of the findings in the numerous studies that were prepared for the FEIS for OTMP. Such disagreement is of no legal significance. "Conflicting expert opinions did not create a material issue of fact because the EIS [is] not intended to resolve such issues but rather was intended to provide information to the deciding agency." *Price*, 81 Hawai'i at 181, 914 P.2d at 1374 (citing *Anson v. Eastburn*, 582 F.Supp. 18 (S.D. Ind. 1983)). In fact, differing opinions, particularly for large projects, are expected and do not pose a challenge to the legal sufficiency of an EIS.

It is difficult to imagine a situation where construction of a major

project is the central issue, where there would not be disagreements as to the need for the project or as to the scope and content of the investigation which preceded the granting of the permits for the project. But whether or not the parties disagree, or even whether there is authority which conflicts with the agency's decision is not the yardstick by which the sufficiency of an EIS is to be measured.

Price, 81 Hawai'i at 181-82, 914 P.2d at 1374-75 (quoting *Anson*, 582 F.Supp. at 24). Under these well settled standards, the FEIS is sufficient as a matter of law.

IV. ACCEPTABILITY

The FEIS should be accepted by the Commission because it meets the content and procedural requirements of HAR § 11-200-23. As defined under HRS § 343-2:

Acceptance means a formal determination that the document required to be filed pursuant to section 343-5 fulfills the definition of an environmental impact statement, adequately describes identifiable environmental impacts, and satisfactorily responds to comments received during the review of the statement.

The statutory definition of "Environmental impact statement" or "statement" is:

. . . an informational document prepared in compliance with the rules adopted under section 343-6 and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic welfare, social welfare, and cultural practices of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

The initial statement filed for public review shall be referred to as the draft statement and shall be distinguished from the final statement which is the document that has incorporated the public's comments and the responses to those comments. The final statement is the document that shall be evaluated for acceptability by the respective accepting authority.

HRS § 343-2.

Under HAR § 11-200-23, the Commission shall deem the FEIS to be an acceptable document if the following criteria are satisfied:

- (1) The procedures for assessment, consultation process, review, and the preparation and submission of the statement, have all been completed satisfactorily as specified in this chapter [HAR Chapter 11-200];
- (2) The content requirements described in this chapter [HAR §§ 11-200-16, 11-200-17, 11-200-18] have been satisfied; and
- (3) Comments submitted during the review process have received responses satisfactory to the accepting authority, or approving agency, and have been incorporated in the statement.

These criteria can be summed up as proper consultation, proper content and proper responses to comment letters. The FEIS that was submitted to the Commission on October 26, 2015, satisfies all of these criteria.

A. **Consultation**

Consultation for this FEIS started long before the EISPN was prepared and unquestionably satisfies the intent of Chapter 343, HRS, for environmental review being "at the earliest practicable time." Petitioner started actively engaging the community in the planning process for Olowalu in 2005. In November 2005, Petitioner mailed out copies of a newspaper titled Olowalu Talk Story, Vol. 1, No. 1., to every mailbox on the island of Maui (65,000 copies were mailed). Thus, kicking off the effort to engage the community in a week-long community-based design charrette for Olowalu. The charrette did not begin with a pre-determined master plan for Olowalu. The goal was to work with the community to create a plan for Olowalu that reflected both Maui's small town values and innovative design concepts including "New Urbanism." Up to 1,350 residents, public agencies, non-profits, local architects and engineers participated in the charrette.

Petitioner also hosted a weekly radio call-in show called "Small Town Maui" between

May 2007 through March 2009.⁵ This radio program had different guests every week, including many long time Maui residents and kupuna. Guests were asked to share the memories and values of small towns and listeners were invited to call in to help explore how to learn from Maui's past to create a better future.

The FEIS was prepared in compliance with all consultation requirements under Chapter 343, HRS.

B. EIS Content Requirements; HAR § 11-200-16

The general content requirements for an acceptable EIS are found in HAR § 11-200-16, which provides as follows:

The environmental impact statement shall contain an explanation of the environmental consequences of the proposed action. The contents shall fully declare the environmental implications of the proposed action and shall discuss all relevant and feasible consequences of the action. In order that the public can be fully informed and that the agency can make a sound decision based upon the full range of responsible opinion on environmental effects, a statement shall include responsible opposing views, if any, on significant environmental issues raised by the proposal.

The environmental consequences of the proposed OTMP were fully assessed in the FEIS. **Appendix C** attached hereto provides a list of the expert studies that were prepared for the Draft EIS, and additional studies, and updates to existing studies, that were prepared for the FEIS. Studies that were prepared and included in the FEIS include Stormwater Quality Enhancements, Wastewater Management Plan, Preliminary Engineering Report, Impact on Water Resources Study, Assessment of Marine Water Chemistry and Biotic Community Structure, Aquatic Resource Survey, Flora and Fauna Survey, Pu‘uhonua: The Legacy of Olowalu, Archaeological Literature Review, Consultation Plan for Assessing Potential Cultural Impacts, and a Cultural Impact Assessment for the Proposed Olowalu Town Mater Plan, Air Quality Study, Preliminary Acoustic Study, Market Study, Assessment of Economic and Fiscal Impacts, Agricultural

⁵ See <http://www.smalltownmaui.org/> and <http://www.smalltownmaui.org/shows.html> (last visited Nov. 2, 2015).

Interviews and Impacts on Agriculture, a Preliminary Traffic Impact Analysis Report and a further refined and more detailed Traffic Impact Analysis Report. These studies provide an assessment of the environmental consequences and implications of the proposed action, and satisfy the disclosure requirements for an acceptable FEIS.

C. **EIS Content Requirements; HAR § 11-200-17**

In addition to the expert studies that were prepared for the FEIS, the FEIS provides the content requirements set forth under HAR § 11-200-17 for a Draft EIS.

In accordance with HAR § 11-200-17(b), the FEIS contains an Executive Summary that includes (1) a brief description of the action; (2) significant beneficial and adverse impacts (including cumulative impacts and secondary impacts); (3) proposed mitigation measures; (4) alternatives considered; (5) unresolved issues; and (6) compatibility with land use plans and policies, and listing of permits or approvals. A more detailed overview of OTMP is found in Chapter I of the FEIS.

In accordance with HAR § 11-200-17(c), the FEIS contains a table of contents. *See* FEIS at pages i – ix.

In accordance with HAR § 11-200-17(d), the FEIS describes the purpose and need for the OTMP. *See* "Project Purpose and Need", FEIS at 31.

In accordance with HAR § 11-200-17(e), a Draft EIS shall contain a project description, including specific information set forth under subsection (e), "but need not supply extensive detail beyond that needed for evaluation and review of the environmental impact[.]"

In accordance with HAR § 11-200-17(e)(1) the FEIS contains the Flood Insurance Rate Map for OTMP and regional map. *See* FEIS Fig. 15; FEIS Fig. 1.

In accordance with HAR § 11-200-17(e)(2) the FEIS contains a statement of objectives. *See* "Proposed Action", FEIS at 9 ("To establish a new community in the once thriving Olowalu

plantation town.").

In accordance with HAR § 11-200-17(e)(3), FEIS Chapter III (Description of Existing Conditions, Potential Impacts and Proposed Mitigation Measures), contains several sections discussing potential and mitigation measures as to existing conditions, climate, topography, agricultural activities, pesticides, fertilizer use and hazardous substances, natural hazards, flora, fauna and aquatic resources, marine resources, streams and reservoirs, nearshore waters, historic resources, cultural resources, air quality, noise, scenic and open space resources, shoreline access, socio-economic environment, housing, public services, and infrastructure (roadways, groundwater and surface water, wastewater, drainage, electrical, telephone and CATV).

In accordance with HAR § 11-200-17(e)(4), the FEIS does not contemplate the use of any current public lands. No specific public funds are planned for OTMP. However, Petitioner's total financial contribution for area roadway improvements, particularly costs involved in the relocation of the Honoapi'ilani Highway, is noted as an unresolved issue. However, Petitioner and SDOT continue to work together to resolve such issues as SDOT continues to review the Traffic Impact Analysis Report that Petitioner completed for OTMP. *See **Appendix D***.

In accordance with HAR § 11-200-17(e)(5), the phasing and timing of the development of OTMP is: (a) 2015 - 2018 to acquire entitlements; (b) 2018 - 2026 infrastructure design and build; and (c) 2020 - 2026 build OTMP and residents move into OTMP. *See* FEIS at 52.

In accordance with HAR § 11-200-17(e)(6), summary technical data, diagrams and other information is within the FEIS. The FEIS contains 29 Figures, 49 Tables, and summarizes the technical data provided in the expert consultant reports, which are appended to the FEIS, as listed on Appendix C.

In accordance with HAR § 11-200-17(e)(7), the historic context of the OTMP area is described within Chapter III. *See* FEIS at 123-37.

In accordance with HAR § 11-200-17(f)(1) - (5), the FEIS includes a separate and

distinct section describing alternatives to the proposed OTMP. FEIS Chapter II, pages 54-70, provides the Alternatives Analysis. Alternative 1 is the preferred action, i.e., the development of the OTMP. Alternative 2 (Mauka Lands Only) (*see* FEIS at 57-58), does not have significantly different impacts, except that it would continue the current situation of limited access to the shoreline. Alternative 2 does not include the stormwater quality enhancements under Alternative 1 on lands makai of Honoapi‘ilani Highway, and therefore Alternative 2 would continue the current stormwater conditions, which allows stormwater runoff to run through existing culverts and directly into the ocean. The "no action" alternative is Alternative 3, described at pages 58-59. The option of deferring action is noted as Alternative 4. *See* FEIS at 59. Alternative 5 contemplates an action of a significantly different nature. Alternative 5 (Resort and Resort Residential Use), would be very different in terms of layout and density. It would provide resort residential homes, but would not address the need for housing for local residents. *See* FEIS at 60-61. No alternative locations exist for the OTMP that would allow the project to be built consistent with the ideals of ahupua‘a land management. *See* FEIS at 61-62.

In accordance with HAR § 11-200-17(g), the environmental setting is described in Chapter III (Description of the Existing Conditions, Potential Impacts and Proposed Mitigation Measures). Population and growth characteristics are described at page 175, which explains population growth between the years 2000 and 2010 and projections through 2030. The sources of data used in preparing the FEIS are documented in Chapter XII (References).

In accordance with HAR § 11-200-17(h), FEIS Chapter IV (Relationship to Governmental Plans, Policies and Controls), provides a detailed discussion of the OTMP's consistency with State and County land use plans. Alternative 1 of the OTMP has the potential to conflict with the directed growth maps under the Maui Island Plan. OTMP is noted as a "new town" under the Maui Island Plan and is largely within the Urban Growth Boundary. However, because OTMP includes lands makai of the Honoapi‘ilani Highway, it could be seen as inconsistent with the Maui Island Plan. However, as noted in the FEIS, with respect to the makai portions of OTMP, the Maui Island Plan provides "[t]he future delineation of potential urban

growth areas makai of the existing Honoapi‘ilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan. Such delineation may consider the need to: protect adjacent coastal and marine ecosystems (including the reefs at Olowalu), enhance public shoreline access and open space, and implement the proposed Pali to Puamana Parkway plan." *See* FEIS at 339.

FEIS Chapter IX (List of Permits and Approvals), contains a list of the Federal, State and County permits and approvals needed to implement the OTMP.

In accordance with HAR § 11-200-17(i), a description of the probable impacts of OTMP, including direct and cumulative impacts, and including impacts on natural and human environments, is found in Chapter III (Description of the Existing Conditions, Potential Impacts and Proposed Mitigation Measures).

In accordance with HAR § 11-200-17(j), FEIS Chapter VI (Relationship Between the Short-Term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity), describes key short-term and long-term attributes of OTMP in terms of environmentally significant consequences.

In accordance with HAR § 11-200-17(k), Chapter V is a Summary of Unavoidable Impacts and Commitments of Resources. No environmental accidents are anticipated as a result of the OTMP. Short-term construction related impacts are described. Long-term impacts include proposed development of lands that were previously used for sugarcane cultivation.

In accordance with HAR § 11-200-17(l), a thorough analysis of all probable adverse environmental effects which cannot be avoided is provided in the FEIS. That analysis is based upon the expert studies that were undertaken during the preparation of the EIS, and which are appended to the FEIS, as listed on Appendix C.

In accordance with HAR § 11-200-17(m), consideration of mitigation measures to avoid, minimize, rectify, or reduce impacts is found throughout the FEIS. In addition, such measures

are described in detail in the expert studies. *See* Appendix C.

In accordance with HAR § 11-200-17(n), a discussion of unresolved issues is provided in Chapter VII, which includes a discussion on the details and status of such unresolved issues. It is anticipated that most, if not all, of these issues will be resolved prior to construction. For those matters that are not fully resolved prior to construction, it is anticipated that they will be fully addressed throughout the development and construction process in coordination with the appropriate agencies, e.g., SDOT.

In accordance with HAR § 11-200-17(o), a list of the numerous parties, including governmental agencies, other organizations and private individuals, consulted during the preparation of the Draft EIS is found in Chapter X (Parties Consulted During the Review of the Draft Environmental Impact Statement; Letters Received and Responses to Substantive Comment Letters). A list of document authors are cited at page i of the FEIS.

In accordance with HAR § 11-200-17(p), a satisfactory Draft EIS must include comments submitted during the review process, and responses satisfactory to the accepting authority. These comment letters and responses are found in Chapter X (Parties Consulted During the Preparation of the Draft Environmental Impact Statement; Letters Received and Responses to Substantive Comments).

The Draft EIS and the FEIS satisfy the extensive content requirements provided under HAR § 11-200-17.

D. **EIS Content Requirements; HAR § 11-200-18**

As explained above, an acceptable FEIS must meet the content requirements under HAR § 11-200-18 (content requirements, final environmental impact statement). That section of the law provides as follows:

The final EIS shall consist of:

- (1) The draft EIS revised to incorporate substantive comments received during the consultation and review processes;
- (2) Reproductions of all letters received containing substantive questions, comments, or recommendations and, as applicable, summaries of any scoping meetings held;
- (3) A list of persons, organizations, and public agencies commenting on the draft EIS;
- (4) The responses of the applicant or proposing agency to each substantive question, comment, or recommendation received in the review and consultation processes.
- (5) The text of the final EIS which shall be written in a format which allows the reader to easily distinguish changes made to the text of the draft EIS.

HAR § 11-200-18.

The FEIS satisfies these requirements. The statutory 45-day comment period for the Draft EIS ran from March 8, 2012, to April 23, 2012. The Draft EIS was sent to 69 Federal, State and County agencies, elected officials and members of the public. *See* Appendix B. Thirty-five substantive comment letters were sent in response to the Draft EIS. Copies of those letters, and the responses to those letters, can be found in Chapter XI of the FEIS (Parties Consulted During the Review of the Draft Environmental Impact Statement, Letters Received and Responses to Substantive Comment Letters).

Revisions to the Draft EIS are evidenced in the FEIS by shaded text (i.e. shaded text), and strike out text (~~strike-out text~~) where appropriate. In addition, although not required under the EIS laws, copies of all sections of the Draft EIS that were revised in response to comment letters were sent to the drafter of the particular comment letter. In addition, in compliance with HAR § 11-200-21, all commenters were given the option of requesting a copy of the FEIS or portions thereof.

Edmund Aczon, Chair
Members of the Commission
Executive Officer Orodener
November 9, 2015
Page 19

V. CONCLUSION

We respectfully conclude that the FEIS meets all legal requirements for an acceptable FEIS. The public review, comment and response periods were strictly adhered to in the preparation of the FEIS. Consultation and community outreach started in 2005, when the Petitioner initiated a week-long community planning charrette for Olowalu. Seeking guidance and feedback from over 1,300 participants on whether the Olowalu lands should be developed, and if developed, what manner of development would be most appropriate. Consultation continued throughout the preparation of the FEIS, resulting in the comprehensive four volume FEIS that is before this Commission.

Neither HRS Chapter 343, nor the EIS Rules "indicate the level of detail or specificity that should be included [in an EIS] on any given subject. The statute and rules were designed to give latitude to the accepting agency as to the content of each EIS." *Price v. Obayashi Hawaii Corp.*, 81 Hawai'i 171, 183, 914 P.2d 1364, 1376 (1996). The FEIS that was submitted to this Commission on October 26, 2015 was compiled in good faith, over the course of several years, and provides sufficient information to enable this Commission to consider the range of possible environmental factors involved in the development of the Olowalu Town Master Plan. Petitioners have met the content and acceptability requirements for a Final Environmental Impact Statement. Petitioners therefore respectfully request that this Commission accept the FEIS for the OTMP.

Sincerely,



Jennifer A. Lim
Onaona P. Thoene

JAB1/jah

cc: Leo R. Asuncion, Jr., Office of Planning
Bryan C. Yee, Esq., Deputy Attorney General
William Spence, Director, Maui County Planning Department
Patrick Wong, Esq./Michael Hopper, Esq., Department of Corporation Counsel, Maui County
Appendices A-D

PARTIES CONSULTED DURING ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Consulted Party	Date of Comment Letter	Date of Response Letter
Federal Agencies		
U.S. Coast Guard		
Natural Resources Conservation Service, U.S. Department of Agriculture - Maui		
U.S. Army Support Command Hawaii		
US Department of Army Regulatory Branch	7/9/10	12/21/11
US Geological Survey	7/15/10	12/21/11
U.S. Department of Housing and Urban Development		
U.S. Environmental Protection Agency		
U.S. Fish and Wildlife – Honolulu		
U.S. National Marine Fisheries Service		
State Agencies		
Department of Accounting and General Services	7/26/10 and 8/3/10 (no comments)	12/21/11
Department of Agriculture		
Hawaii Housing Finance and Development Corporation	7/21/10	12/21/11
Department of Business Economic Development and Tourism (DBEDT)		
Department of Education	7/26/10	12/21/11
Department of Education – Office of Business Services		
Department of Health – Director		
Department of Health (DOH), Clean Water Branch	8/11/10	12/21/11
DOH, Maui	8/5/10	12/21/11
DOH, Environmental Planning Office		

Consulted Party	Date of Comment Letter	Date of Response Letter
Department of Human Services	8/2/10 (no comments)	12/21/11
Department of Labor and Industrial Relations	8/4/10 (no comments)	12/21/11
Department of Land and Natural Resources (DLNR) - Land Division	6/5/10	12/21/11
DLNR – DOBAR	7/20/10	12/21/11
DLNR – OCCL	8/2/10	12/21/11
DLNR – CWRM	7/20/10	12/21/11
DLNR – Historic Preservation Division	9/23/10	12/21/11
DLNR – SHPD Maui		
Department of Transportation	9/20/10	12/21/11
Hawaii State Civil Defense	8/4/10	12/21/11
Hawaiian Home Lands Commission		
Office of Hawaiian Affairs		
Office of Planning	9/21/10	12/21/11
State Land Use Commission		
Office of Information Management and Technology		
UH – Environmental Center		
Hawaii State Senator Rosalyn Baker		
House Representative Angus L.K. McKelvey		
County Agencies		
Mayor	7/28/10 (no comments)	12/28/11
Office of Economic Development		
Maui Civil Defense Agency		
Department of Environmental Management	8/12/10 (no comments)	12/21/11
Department of Fire and Public Safety	9/10/10	12/21/11
Department of Housing and Human Concerns	7/30/10	12/21/11
Department of Parks and Recreation	7/20/10	12/21/11
Department of Planning	6/7/10 and 8/6/10	12/21/11

Consulted Party	Date of Comment Letter	Date of Response Letter
Maui Planning Commission		
Police Department		
Department of Public Works	7/20/10	12/21/11
Department of Transportation	7/12/10	12/21/11
Department of Water Supply	8/5/10	12/21/11
Elected Officials		
Council Chair Danny Mateo		
Council Vice-Chair Mike Molina		
Councilmember Gladys Baisa		
Councilmember JoAnne Johnson		
Councilmember Sol Kahooalahala		
Councilmember Bill Medeiros		
Councilmember Wayne Nishiki		
Councilmember Joseph Pontanilla		
Councilmember Michael Victorino		
Utility Companies		
Maui Electric Company	5/18/10	12/21/11
Hawaiian Telcom		
Citizen Groups, Individuals, and Consulted Parties		
Lahaina Restoration Foundation		
Lahaina Town Action Committee		
West Maui Improvement Foundation		
West Maui Taxpayers Association		
University of Hawaii, Maui College Library		
Maui Memorial Medical Center		
Newport Hospital Corporation		
Olowalu Makai-Komohana Homeowners Association		
Lahaina Bypass Now		
Lahaina Public Library		

Consulted Party	Date of Comment Letter	Date of Response Letter
Star Advertiser		
Maui News		
English Mountain Estates		
John and Erin Crinion		
Henry Vandervelde		
Derek and Amy Driver		
Bruce Curtis		
Gabija McLauchlin		
Fujii Family	8/4/10	12/28/11
Maui Tomorrow	8/1/10	12/28/11
Randy Ragon	7/20/10	12/28/11
Margaret Schlachter	7/19/10	12/21/11

PARTIES CONSULTED DURING THE REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT, LETTERS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENT LETTERS

The following agencies, organizations and individuals were consulted during review of the Draft Environmental Impact Statement (EIS); agencies, organizations and individuals comments and responses to substantive comments are included hereto:

Consulted Party	Date of Comment Letter	Date of Response Letter
Federal Agencies		
US Army Engineer Division	---	---
US Geological Survey	---	---
US Fish and Wildlife Service	---	---
National Oceanic and Atmospheric Administration, National Marine Fisheries Service	3/27/12	10/26/15
State Agencies		
Department of Agriculture	---	---
Department of Accounting and General Services	3/21/12	10/26/15
Department of Business Economic Development and Tourism (DBEDT)	---	---
DBEDT – Energy Division	---	---
DBEDT - Land Use Commission	4/16/12	10/26/15
DBEDT – Office of Planning	4/20/12	10/26/15
Department of Defense	4/10/12	10/26/15
Department of Education	4/27/12	10/26/15
Department of Hawaiian Home Lands	---	---
Department of Health (DOH), Clean Water Branch	5/31/12	10/26/15
DOH, Environmental Planning Office	3/8/12	10/26/15

Consulted Party	Date of Comment Letter	Date of Response Letter
DOH, Indoor and Radiological Health Branch	3/13/12	10/26/15
DOH, Wastewater Branch	3/14/12	10/26/15
Department of Human Services	3/27/12	10/26/15
Department of Labor and Industrial Relations	3/15/12	10/26/15
Department of Land and Natural Resources (DLNR) - Land Division	4/20/12	10/26/15
DLNR – Historic Preservation Division	---	---
DLNR - Office of Conservation and Coastal Lands	4/23/12	10/26/15
Department of Transportation	4/26/12	10/26/15
Hawaii Housing Finance and Development Corp.	---	---
Office of Hawaiian Affairs	---	---
UH Environmental Center	---	---
County Agencies		
Department of Environmental Management	4/25/12	10/26/15
Department of Fire and Public Safety	4/25/12	10/26/15
Department of Housing and Human Concerns	4/16/12	10/26/15
Department of Parks and Recreation	---	---
Department of Planning	4/17/12	10/26/15
Police Department	4/5/12	10/26/15
Department of Public Works	---	---
Department of Transportation	---	---
Department of Water Supply	4/9/12	10/26/15
Mayor	---	---
Elected Officials		
Council Chair Danny Mateo	---	---
Council Vice-Chair Joe Pontanilla	---	---
Councilmember Gladys Baisa	---	---
Councilmember Robert Carroll	---	---

Consulted Party	Date of Comment Letter	Date of Response Letter
Councilmember Elle Cochran	---	---
Councilmember Don Couch	---	---
Councilmember G. Riki Hokama	---	---
Councilmember Michael Victorino	---	---
Councilmember Michael White	---	---
Libraries		
Kahului Library	---	---
Lāhainā Library	---	---
Legislative Reference Bureau	---	---
Maui Community College Library	---	---
State Main Library	---	---
UH Hamilton	---	---
News Media		
Honolulu Star Advertiser	---	---
Maui News	---	---
Utility Companies		
Maui Electric Company	4/25/12	10/26/15
Hawaiian Telcom	---	---
Citizen Groups, Individuals, and Consulted Parties		
Margaret Schlachter	---	---
Anna C. Potts and Jason A. Potts 4606 Fowler Avenue, Apt. 9 Everett, WA 98203	4/10/12	10/26/15
Jan Ehrenkrook 49935 Gallatin Road Gallatin Gateway, MT 59730	4/13/12	10/26/15
Victoria and Walton Huffman 9909 Lemon Avenue La Mesa, CA 91941	4/15/12	10/26/15
Wallace H. Fujii Fujii Family Limited Partnership P.O. Box 511 Kahului, Hawai'i 96733	4/18/12	10/26/15

Consulted Party	Date of Comment Letter	Date of Response Letter
Michael W. Foley 3625 Pi'ikea Place Makawao, Hawai'i 96768	4/19/12	10/26/15
Randy Ragon 713 Front Street A Lāhainā, Hawai'i 96761	1/24/12 and 4/19/12	10/26/15
Dick Mayer 1111 Lower Kimo Drive Kula, Hawai'i 96790	4/21/12	10/26/15
Pauline Feine P.O. Box 627 Kīhei, Hawai'i 96753	4/21/12	10/26/15
Robin Newbold, Chair Maui Nui Marine Resource Council P.O. Box 532533 Kīhei, Hawai'i 96753 mailto:hodges@mnmrc.org	4/22/12	10/26/15
Maui Tomorrow 55 N. Church Street, Suite A5 Wailuku, Hawai'i 96793	4/23/12	10/26/15
West Maui Taxpayers Association P.O. Box 10338 Lāhainā, Hawai'i 96761	4/24/12	10/26/15
Surfrider Foundation Maui Chapter P.O. Box 790549 Pāi'a, Hawai'i 96779	5/7/12	10/26/15
Citizens for Truth and Justice Maui County P.O. Box 791071 Pāi'a, Hawai'i 96779	10/15/12	10/26/15

STUDIES CONDUCTED FOR AND PUBLISHED WITH DRAFT EIS,
AND SUPPLEMENTED/UPDATED FOR FINAL EIS

Draft EIS App	Draft EIS Study	Author	Final EIS App	Final EIS Study
N/A	N/A	N/A	A	Olowalu Talk Story Alternative Designs
A	Conceptual Master Plan	N/A	A-1	
A-1	LEED 2009 For Neighborhood Development	Congress for the New Urbanism, Natural Resources Defense Council and U. S. Green Building Council	A-2	LEED 2009 For Neighborhood Development
A-2.	Smart Code	The Town Paper	A-3	Smart Code
N/A	N/A	N/A	B	Zoning and Flood Confirmation Forms
B	Stormwater Quality Enhancements, Oct. 2011	Craig C. Lekven, P.E. Brown and Caldwell	C-2	Stormwater Quality Enhancements, Oct. 2011
N/A	N/A	Craig C. Lekven, P.E. Brown and Caldwell	C-3	August 25, 2015 Letter from Brown and Caldwell (Lekven, P.E.)
B-1	Preliminary Engineering Report, Oct. 2011	Otomo Engineering, Inc	C	Preliminary Engineering Report, Oct. 2011
N/A	N/A	Otomo Engineering, Inc	C-1	June 2, 2015 Letter from Otomo Engineering, Inc.
C	Impact on Water Resources Study, Sept. 2011	Tom Nance Water Resources Engineering	D	Impact on Water Resources Study, Sept. 2011
N/A	N/A	Tom Nance Water Resources Engineering	D-1	August 26, 2015 Letter from Tom Nance Water Resource Engineering
D.	Assessment of Marine Water Chemistry and Biotic Community Structure in the Vicinity of the Olowalu Town Master Plan, July 2011	Steve Dollar, Ph.D. Marine Research Consultants, Inc.	E	Assessment of Marine Water Chemistry and Biotic Community Structure in the Vicinity of the Olowalu Town Master Plan, July 2011

Appendix C

Appendix C

N/A	N/A	Steve Dollar, Ph.D. Marine Research Consultants, Inc.	E-1	September 28, 2015 Letter from Marine Research Consultants, Inc.
E	Flora and Fauna Survey, May 2010	Robert W. Hobdy Environmental Consultant	F	Flora and Fauna Survey, May 2010
E-1	Aquatic Resource Survey, May 2011	Robert W. Hobdy Environmental Consultant	F-1	Aquatic Resource Survey, May 2011
N/A	N/A	Robert W. Hobdy Environmental Consultant	F-2	September 3, 2015 Letter from Robert W. Hobdy, Environmental Consultant
F	Pu'uhonua: The Legacy of Olowalu	Katherine Kama'ema'e Smith	G	Pu'uhonua: The Legacy of Olowalu
F-1	Archaeological Literature Review, Feb. 2012	Tanya I. Lee- Greig, M.A. Hallett H. Hammatt, Ph.D. Cultural Surveys Hawai'i, Inc.	G-1	Archaeological Literature Review, Feb. 2012
G	Consultation Plan for Assessing Potential Cultural Impacts, Feb. 2012	Tanya I. Lee- Greig, M.A. Hallett H. Hammatt, Ph.D. Cultural Surveys Hawai' i, Inc.	H	Consultation Plan for Assessing Potential Cultural Impacts, Feb. 2012
N/A	N/A	N/A	H-1	A Cultural Impact Assessment for the Proposed Olowalu Town Master Plan in Olowalu Ahupua'a, Lahaina District, Island of Maui, March 2015
H	Air Quality Study, Oct. 2011	Barry D. Neal B.D. Neal & Associates	I	Air Quality Study, Oct. 2011
N/A	N/A	Barry D. Neal	I-1	April 19, 2015 Letter from B.D. Neal & Associates
N/A	N/A	B.D. Neal	I-2	June 4, 2015 Letter from B.D. Neal & Associates

Appendix C

I	Preliminary Acoustic Study, Oct. 2011	Yoichi Ebisu Y. Ebisu & Associates	J	Preliminary Acoustic Study, Oct. 2011
N/A	N/A		J-1	Sept. 16, 2015 Letter from Y.Ebisu
J	View Analysis		K	View Analysis
K	Market Study, May 1, 2011	Glenn K. Kuniyama, MAI, CRE Dominic J. Suguitan ACM Consultants, Inc.	L	Market Study, May 1, 2011
N/A	N/A	Glenn K. Kuniyama, MAI, CRE Dominic J. Suguitan ACM Consultants, Inc.	L-1	August 28, 2015 Letter from ACM Consultants, Inc.
L	Assessment of Economic and Fiscal Impact	Glenn K. Kuniyama, MAI, CRE Dominic J. Suguitan ACM Consultants, Inc.	N/A	N/A
N/A	N/A	Glenn K. Kuniyama, MAI, CRE Dominic J. Suguitan ACM Consultants, Inc.	M	Assessment of Economic and Fiscal Impact, Aug. 21, 2015
L-1	Agricultural Interviews, October 2011	Munekiyo & Hiraga, Inc.	N	Agricultural Interviews, October 2011
N/A	N/A	Plasch Econ Pacific LLC	N-1	Proposed Olowalu Town Master Plan: Impacts on Agriculture, April 2015
N/A	N/A	Plasch Econ Pacific LLC	N-2	June 1, 2015 Letter from Plasch Econ Pacific LLC

Appendix C

M	Preliminary Traffic Impact Analysis Report, Sept. 16, 2011	Roger D. Dyar, P.E., P.A. Consulting Transportation Engineer	P	Preliminary Traffic Impact Analysis Report, Sept. 16, 2011
N/A	N/A	Roger D. Dyar, P.E., P.A. Consulting Transportation Engineer	P-1	TIAR, April 14, 2015
N/A	N/A	Roger D. Dyar, P.E., P.A. Consulting Transportation Engineer	P-2	June 2, 2015 Letter from Roger D. Dyar, Consulting Traffic Engineer
N	Wastewater Management Plan, Aug. 2011	Craig C. Lekven, P.E., Brown and Caldwell	Q	Wastewater Management Plan, Aug. 2011
N/A	N/A	Craig C. Lekven, P.E., Brown and Caldwell	Q-1	August 25, 2015 Letter from Brown and Caldwell
O	Maui Island Plan Directed Growth Maps	Maui Island Plan	R	Maui Island Plan Directed Growth Maps
P	Special Management Area Permit No. SM1 990021, Sept. 19, 2000	Dept of Planning	S	Special Management Area Permit No. SM1 990021, Sept. 19, 2000
Q	Community Meetings, Nov. 2005 -	N/A	T	Community Meetings, Nov. 2005 -

DAVID Y. IGE
GOVERNOR



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

FORD N. FUCHIGAMI
DIRECTOR

DEPUTY DIRECTORS
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:
HWY-PS 2.1168

November 6, 2015

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

Dear Mr. Frampton:

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

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

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

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

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

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

Mr. William Frampton
November 6, 2015
Page 2

HWY-PS 2.1168

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

Sincerely,

A handwritten signature in black ink, appearing to read 'FORD N. FUCHIGAMI', with a long horizontal stroke extending to the right.

FORD N. FUCHIGAMI
Director of Transportation

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