Zone-specific Native and Polynesian plants for Maui County

Zone 4

Type	Scientific Name	Common Name	Height	Spread	Elevation	Water req
Sh	Artemisia mauiensis var. diffusa	Maui wormwood, 'ahinahina	2'	3'	1,000' to higher	Dry to Medium
Sh	Bidens hillebrandiana ssp. hillebrandiana	ko'oko'olau	1'	2'	sea to 1,000'	Dry to Wet
Sh	Bidens menziesii ssp. menziesii	ko'oko'olau	1'	3'		
Sh	Bidens micrantha ssp. micrantha	ko'oko'olau	1'	3'		
Sh	Cordyline fruticosa	ti, ki	6			
Sh	Dianella sandwicensis	'uki	2'	2'	1,000' to higher	Dry to Medium
Sh	Lipochaeta lavarum	nehe	3'	3'	sea to 3,000'	Dry to Medium
Sh	Osteomeles anthyllidifolia	ulei, eluehe	4'	6'	sea to 3,000'	Dry to Medium
Sh	Scaevola sericea	naupaka, naupaka-kahakai	6'	8'	sea to 1,000'	Dry to Medium
Sh	Solanum nelsonii	'akia, beach solanum	3'	3'	sea to 1,00'	Dry to Medium
Sh	Styphelia tameiameiae	pukiawe	6'	6'	1,000' to higher	Dry to Medium
Sh	Vitex rotundifolia	pohinahina	3'	4'	sea to 1,000'	Dry to Medium
Sh	Wikstroemia uva-ursi kauaiensis kauaiensis	'akia, Molokai osmanthus				
Sh - Tr	Broussonetia papyrifera	wauke, paper mulberry	8'	6'	sea to 1,000'	Dry to Medium
Sh - Tr	Myoporum sandwicense	naio, false sandalwood	10'	10'	sea to higher	Dry to Medium
Sh - Tr	Nototrichium sandwicense	kulu'i	8'	8'	sea to 3,000'	Dry to Medium
Sh-Tr	Dodonaea viscosa	'a'ali'i	6'	8'	sea to higher	Dry to Medium
Tr	Acacia koa	koa	50' - 100'	40' - 80'	1,500' to 4,000'	Dry to Medium
Tr	Aleurites moluccana	candlenut, kukui	50'	50'	sea to 3,000'	Medium to Wet
Tr	Calophyllum inophyllum	kamani, alexandrian laurel	60'	40'	sea to 3,000'	Medium to Wet
Tr	Canthium odoratum	Alahe'e, 'ohe'e, walahe'e	12'	8'	sea to 3,000'	Dry to Medium
Tr	Charpentiera obovata		15'			
Tr	Cordia subcordata	kou	30'	25'	sea to 1,000'	Dry to Wet
Tr	Diospyros sandwicensis	lama	12'	15'	sea to 3,000'	Dry to Medium
Tr	Hibiscus furcellatus	'akiohala, hau-hele	8'			
Tr	Metrosideros polymorpha var. macrophylla	ohi'a lehua	25'	25'	sea to 1,000'	Dry to Wet
Tr	Morinda citrifolia	indian mulberry, noni	20'	15'	sea to 1,000'	Dry to Wet

Zone-specific Native and Polynesian plants for Maui County

Zone 4

Type	Scientific Name	Common Name	Height	Spread	Elevation	Water req
Tr	Nestegis sandwicensis	olopua	15'	15'	1,000 to 3,000'	Dry to Medium
Tr	Pandanus tectorius	hala, puhala (HALELIST)	35'	25'	sea to 1,000'	Dry to Wet
Tr	Pleomele auwahiensis	halapepe	20'			
Tr	Rauvolfia sandwicensis	hao	20'	15'	sea to 3,000'	Dry to Medium
Tr	Santalum ellipticum	coastal sandalwood, 'iliahi	8'	8'	sea to 3,000'	Dry to Medium
Tr	Sophora chrysophylla	mamane	15'	15'	1,000 to 3,000'	Medium
Tr	Thespesia populnea	milo	30'	30'	sea to 3,000'	Dry to Wet
V	Alyxia oliviformis	maile	Vine		sea to 6,000'	Medium to Wet

Zone-specific Native and Polynesian plants for Maui County

Zone 5

TYPE: F Fern G Grass Gr Ground Cover Sh Shrub P Palm S Sedge Tr Tree V Vine

Type	*Scientific Name	Common Name	Height	Spread	Elevation	Water req.
G	Colubrina asiatica	'anapanapa	3'	10'	sea to 1,000'	Dry to Wet
G	Eragrostis variabilis	emo-loa	1'	2'	sea to 3,000'	Dry to Medium
G	Fimbristylis cymosa ssp. spathacea	mau'u aki'aki fimbristylis	0.5'	1'	sea to 1,000'	Dry to Medium
Gr	Boerhavia repens	alena	0.5'	4'	sea to 1,000'	Dry to Medium
Gr	Chamaesyce celastroides var. laehiensis	'akoko	2'	3'	sea to 1,000'	Dry to Medium
Gr	Cressa truxillensis	cressa	0.5'	1'	sea to 1,000'	Dry to Medium
Gr	Heliotropium anomalum var. argenteum	hinahina ku kahakai	1'	2'	sea to 1,000'	Dry to Medium
Gr	Jacquemontia ovalifolia ssp. sandwicensis	pa'u o hi'aka	0.5'	6'	sea to 1,000'	Dry to Medium
Gr	Lipochaeta integrifolia	nehe	1'	5'	sea to 1,00'	Dry to Medium
Gr	Sesuvium portulacastrum	'akulikuli, sea-purslane	0.5'	2'	sea to 1,000'	Dry to Wet
Gr	Sida fallax	'ilima	0.5'	3'	sea to 1,000'	Dry to Medium
Gr	Tephrosia purpurea var. purpurea	'auhuhu	2'	2'	sea to 1,000'	Dry to Medium
Gr - Sh	Hibiscus calyphyllus	ma'o hau hele, Rock's hibiscus	3'	2'	sea to 3,000'	Dry to Medium
Gr - Sh	Lycium sandwicense	'ohelo-kai, 'ae'ae	2'	2'	sea to 1,000'	Dry to Medium
P	Cocos nucifera	coconut, niu	100'	30'	sea to 1,000'	Dry to Wet
P	Pritchardia hillebrandii	lo'ulu, fan palm	25'	15'	sea to 1,000'	Dry to Wet
S	Mariscus javanicus	marsh cypress, 'ahu'awa	0.5'	0.5'	sea to 1,000'	Dry to Medium
Sh	Argemone glauca var. decipiens	pua kala	3'	2'	sea to 3,000'	Dry to Medium
Sh	Artemisia australis	'ahinahina	2'	3'	sea to 3,000'	Dry to Medium
Sh	Bidens hillebrandiana ssp. hillebrandiana	ko'oko'olau	1'	2'	sea to 1,000'	Dry to Wet
Sh	Bidens mauiensis	ko'oko'olau	1'	3'	sea to 1,000'	Dry to Medium
Sh	Chenopodium oahuense	'aheahea, 'aweoweo	6'		sea to higher	Dry to Medium
Sh	Dianella sandwicensis	'uki	2'	2'	1,000' to higher	Dry to Medium
Sh	Gossypium tomentosum	mao, Hawaiian cotton	5'	8'	sea to 1,000'	Dry to Medium

Zone-specific Native and Polynesian plants for Maui County

Zone 5

Type	Scientific Name	Common Name	Height	Spread	Elevation	Water req.
Sh	Hedyotis spp.	au, pilo	3'	2'	1,000' to 3,000'	Dry to Wet
Sh	Lipochaeta lavarum	nehe	3'	3'	sea to 3,000'	Dry to Medium
Sh	Osteomeles anthyllidifolia	ulei, eluehe	4'	6'	sea to 3,000'	Dry to Medium
Sh	Scaevola sericea	naupaka, naupaka kahakai	6'	8'	sea to 1,000'	Dry to Medium
Sh	Senna gaudichaudii	kolomana	5'	5'	sea to 3,000'	Dry to Medium
Sh	Solanum nelsonii	aki'e, beach solanum	3'	3'	sea to 1,00'	Dry to Medium
Sh	Vitex rotundifolia	pohinahina	3'	4'	sea to 1,000'	Dry to Medium
Sh	Wikstroemia uva-ursi kauaiensis kauaiensis	akia, Molokai osmanthus				
Sh - Tr	Myoporum sandwicense	naio, false sandalwood	10'	10'	sea to higher	Dry to Medium
Sh-Tr	Dodonaea viscosa	'a'ali'i	6'	8'	sea to higher	Dry to Medium
Tr	Aleurites moluccana	candlenut, kukui	50'	50'	sea to 3,000'	Medium to Wet
Tr	Calophyllum inophyllum	kamani, alexandrian laurel	60'	40'	sea to 3,000'	Medium to Wet
Tr	Cordia subcordata	kou	30'	25'	sea to 1,000'	Dry to Wet
Tr	Hibiscus furcellatus	'aklohala, hau hele	8'			
Tr	Morinda citrifolia	indian mulberry, noni	20'	15'	sea to 1,000'	Dry to Wet
Tr	Pandanus tectorius	hala, puhala (PALELIST)	35'	25'	sea to 1,000'	Dry to Wet
Tr	Thespesia populnea	milo	30'	30'	sea to 3,000'	Dry to Wet
V	Ipomoea pes-caprae	beach morning glory, pohuehue	1			

DO NOT PLANT THESE PLANTS !!!

Common name	Scientific name	Plant family
black wattle	Acacia mearnsii	Mimosaceae
blackberry	Rubus argutus	Rosaceae
blue gum	Eucalyptus globulus	Myrtaceae
bocconia	Bocconia frutescens	Papaveraceae
broad-leaved cordia	Cordia glabra	Boraginaceae
broomsedge, yellow bluestem	Andropogon virginicus	Poaceae
buffelgrass	Cenchrus ciliaris	Poaceae
butterfly bush, smoke bush	Buddleja madagascariensis	Buddlejaceae
cats claw, Mysore thorn, wait-a-bit	Caesalpinia decapetala	Caesalpiniaceae
common ironwood	Casuarina equisetifolia	Casuarinaceae
common velvet grass, Yorkshire fog	Holcus lanatus	Poaceae
fiddlewood	Citharexylum spinosum	Verbenaceae
fire tree, faya tree	Myrica faya	Myricaceae
glorybower	Clerodendrum laponicum	Verbenaceae
hairy cat's ear, gosmore	Hypochoeris radicata	Asteraceae
haole koa	Leucaena leucocephala	Fabaceae
ivy gourd, scarlet-fruited gourd	Coccinia grandis	Cucurbitaceae
juniper berry	Citharexylum caudatum	Verbenaceae
kahili flower	Grevillea banksii	Proteaceae
klu, popinac	Acacia farnesiana	Mimosaceae
logwood, bloodwood tree	Haematoxylon campechianum	Caesalpiniaceae
loquat	Eriobotrya japonica	Rosaceae
meadow ricegrass	Ehrharta stipoides	Poaceae
melaleuca	Melaleuca quinquenervia	Myrtaceae
miconia, velvet leaf	Miconia calvescens	Melastomataceae
narrow-leaved carpetgrass	Axonopus fissifolius	Poaceae
oleaster	Elaeagnus umbellata	Elaeagnaceae
oriental mangrove	Bruguiera gymnorrhiza	Rhizophoraceae
padang cassia	Cinnamomum burmanii	Lauraceae
palmgrass	Setaria palmifolia	Poaceae
pearl flower	Heterocentron subtriplinervium	Melastomataceae
quinine tree	Cinchona pubesens	Rubiaceae
satin leaf, caimitillo	Chrysophyllum oliviforme	Sapotaceae
silkwood, Queensland maple	Flindersia brayleyana	Rutaceae
silky oak, silver oak	Grevillea robusta	Proteaceae
strawberry guava	Psidium cattleianum	Myrtaceae
swamp oak, saltmarsh, longleaf ironwood	Casuarina glauca	Casuarinaceae
sweet vernalgrass	Anthoxanthum odoratum	Poaceae
tree of heaven	Ailanthus altissima	Simaroubaceae
trumpet tree, guarumo	Cecropia obtusifolia	Cecropiaceae
white ginger	Hedychium coronarium	Zingiberaceae
white moho	Heliocarpus popayanensis	Tiliaceae
yellow ginger	Hedychium flavescens	Zingiberaceae

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DO NOT PLANT THESE PLANTS !!!

Common name	Scientific name	Plant family
	Jasminum fluminense	Oleaceae
	Arthrostema ciliatum	Melastomataceae
	Dissotis rotundifolia	Melastomataceae
	Erigeron karvinskianus	Asteraceae
	Eucalyptus robusta	Myrtaceae
	Hedychium gardnerianum	Zingiberaceae
	Juncus planifolius	Juncaceae
	Lophostemon confertus	Myrtaceae
	Medinilla cumingii	Melastomataceae
	Medinilla magnifica	Melastomataceae
	Medinilla venosa	Melastomataceae
	Melastoma candidum	Melastomataceae
	Melinis minutiflora	Poaceae
	Olea europaea	
	Oxyspora paniculata	Melastomataceae
	Panicum maximum	Poaceae
	Paspalum urvillei	Poaceae
	Passiflora edulis	Passifloraceae
	Phormium tenax	Agavaceae
	Pinus taeda	Pinaceae
	Prosopis pallida	Fabaceae
	Pterolepis glomerata	Melastomataceae
	Rhodomyrtus tomentosa	Myrtaceae
	Schefflera actinophylla	Araliaceae
	Syzygium jambos	Myrtaceae
Australian blackwood	Acacia melanoxylon	Mimosaceae
Australian tree fern	Cyathea cooperi	Cyatheaceae
Australian tree fern	Sphaeropteris cooperi	Cyatheaceae
Beggar's tick, Spanish needle	Bidens pilosa	Asteraceae
California grass	Brachiaria mutica	Poaceae
Chinese banyon, Maylayan banyon	Ficus mirocarpa	Moraceae
Chinese violet	Asystasia gangetica	Acanthaceae
Christmasberry, Brazilian pepper	Schinus terebinthifolius	Anacardiaceae
Formosan koa	Acacia confusa	Mimosaceae
German ivy	Senecio mikanioides	Asteraceae
Japanese honeysuckle	Lonicera japonica	Caprifoliaceae
Koster's curse	Clidemia hirta	Melastomataceae
Lantana	Lantana camara	Verbenaceae
Mauritius hemp	Furcraea foetida	Agavaceae
Mexican ash, tropical ash	Fraxinus uhdei	Oleaceae
Mexican tulip poppy	Hunnemannia fumariifolia	Papaveraceae
Mules foot, Madagascar tree fern	Angiopteris evecta	Marattiaceae
New Zealand laurel, karakaranut	Corynocarpus laevigatus	Corynocarpaceae
New Zealand tea	Leptospermum scoparium	Myrtaceae
Pampas grass	Cortaderia jubata	Poaceae
Panama rubber tree, Mexican rubber tree	Castilloa elastica	Moraceae
Shoebutton ardisia	Ardisia elliptica	Myrsinaceae
banana poka	Passiflora mollissima	Passifloraceae

Selection

As a general rule, it is best to select the largest and healthiest specimens. However, be sure to note that they are not pot-bound. Smaller, younger plants may result in a low rate of plant survival.[1] When selecting native species, consider the site they are to be planted in, and the space that you have to plant. For example: Mountain species such as koa and maile will not grow well in hot coastal areas exposed to strong ocean breezes. Lowland and coastal species such as wiliwili and Kou require abundant sunshine and porus soil. They will not grow well with frequent cloud cover, high rainfall and heavy soil.

Consider too, the size that the species will grow to be. It is not wise to plant trees that will grow too large.[2] Overplanting tends to be a big problem in the landscape due to the underestimation of a species' height, width or spread.

A large, dense canopied tree such as the kukui is a good shade tree for a lawn. However, it's canopy size and density of shade will limit what can be planted in the surrounding area. Shade cast by a koa and ohia lehua is relatively light and will not inhibit growth beneath it.

Keep seasons in mind when you are selecting your plants. Not all plants look good year round, some plants such as ilima will look scraggly after they have flowered and formed seeds. Avoid planting large areas with only one native plant. Mixing plants which naturally grow together will ensure the garden will look good all year round.[3] Looking at natural habitats helps to show how plants grow naturally in the landscape.

When planting an area with a mixed-ecosystem, keep in mind the size and ecological requirements of each plant. Start with the hardiest and most easily grown species, but allow space for fragile ones in subsequent plantings.

Acquiring natives

Plants in their wild habitat must be protected and maintained. It is best and easiest to get your plants from nurseries (see list), or friend's gardens. Obtain proper permits from landowners and make sure you follow a few common sense rules:

- collect sparingly from each plant or area.
- some plants are on the state or Federal Endangered Species list. Make sure you get permits (see app. A,B)

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[1] K. Nagata, P.6

[2] K. Nagata, P.9

[3] Nagata, P.9

Soil

Once you have selected your site and the plants you wish to establish there, you must look at the soil conditions on the site. Proper soil is necessary for the successful growth of most native plants, which preform poorly in hard pan, clay or adobe soils. If natives are to be planted in these types of soil, it would be wise to dig planting holes several times the size of the rootball and backfill with 50-75% compost.[4] A large planting hole ensures the development of a strong root system. The plant will have a headstart before the roots penetrate the surrounding poor soil.[5]

It is recommended that native plants not be planted in ground that is more dense than potting soil. If there is no alternative, dig a hole in a mound of soil mixed with volcanic cinder which encourages maximum root development. Fill the hole with water, if the water tends to puddle or drain too slowly, dig a deeper hole until the water does not puddle longer than 1 or 2 minutes.[6] Well-drained soil is one of the most important things when planting natives as you will see in the next section.

Irrigation

Most natives do very poorly in waterlogged conditions. Do not water if the soil is damp. Water when the soil is dry and the plants are wilting. Once established, a good soaking twice a week should suffice. Deep soaking encourages the development of stronger, and deeper root systems. This is better than frequent and shallow watering which encourage weaker, more shallow root systems.

The following is a watering schedule from Kenneth Nagata's Booklet, *How To Plant A Native Hawaiian Garden*:

WATER REQUIREMENT	WATERING FREQUENCY
Heavy	3x / week
Moderate	2x / week
Light	1x / week

Red clay soils hold more water for a longer period of time than sandy soils do. If your area is very sunny or near a beach, things will dry out faster. Even in the area of one garden, there are parts that will need more or less water. Soils can vary and amount of shade and wind differ. After plants are established (a month or two for most plants, up to a year for some trees), you can back off watering.

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[4] Nagata, p. 6.

[5] Nagata, p. 8

[6] Nagata, p. 8

Automatic sprinkler systems are expensive to install and must be checked and adjusted regularly. Above-ground systems allow you to monitor how much water is being put out, but you lose a lot due to malfunctioning of sprinkler heads and wind. The most efficient way to save water and make sure your plants get enough water, is to hand-water. This way you are getting our precious water to the right places in the right amounts.[7]

Fertilizer

An all-purpose fertilizer 10-10-10 is adequate for most species. They should be applied at planting time, 3 months later, and 6 months thereafter. Use half the dosage recommended for ornamentals and pay special attention to native ferns which are sensitive to strong fertilizers. Use of organic composts and aged animal manures is suggested instead of chemical fertilizers. In addition, use of cinders for providing trace minerals is strongly recommended.[8]

Natives are plants which were here hundreds of years before the polynesians inhabited the Hawaiian Islands. They were brought here by birds, or survived the harsh ocean conditions to float here. They are well-adapted to Hawaii's varying soil and environmental conditions. This is why they make prime specimens for a xeriscape garden. However, natives will not thrive on their own, especially under harsh conditions. On the other hand, like any other plant, if you over-water and over-fertilize them, they will die. Follow the instructions given to you by the nursery you buy the plant from, or from this booklet. Better yet, buy a book (suggested readings can be found in the bibliography in the back of this pamphlet), read it, and learn more about native plants. I guarantee that you will be pleased with the results.

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[7] Bornhorst, p. 19-20

[8] Nagata, p. 6

Propagation

There are many ways to propagate and plant-out native Hawaiian species. One of the most thourough and helpful book is Heidi Bornhorst's book, *Growing Native Hawaiian Plants.* The easiest, and best way to obtain natives for the novice gardener is to get them from a reputable nursery (see appendix c). That way all you will have to do is know how to transplant (if necessary) and plant-out when you are ready. These are the two methods I have listed here.

Transplanting

1. Use pots that are one size bigger than the potted plant is in
2. Get your potting medium ready

Good potting medium is a ½, ½ mixture of peat moss and perlite. If the plant is from a dry or coastal area, add chunks of cinder or extra perlite. If it is a wet forest species, add more peat moss or compost. Be aware that peat moss is very acidic and certain plants react severely to acidity.

If the plant is to eventually be planted into the ground, make a mix of equal parts peat moss, perlite, and soil from the area in which the plant is to be planted. Slow-release fertilizer can be mixed into the potting medium.

3. Once pots, potting medium, fertilizer and water are ready, you can begin re-potting. Keep the plant stem at the same depth it was in the original pot. Avoid putting the plant in too large a pot, as the plant may not be able to soak up all the water in the soil and the roots may drown and rot.

Mix potting medium and add slow-release fertilizer at this time. Pre-wet the medium to keep dust down and lessen shock to the plant. Put medium in bottom of pot. Measure for the correct depth in the new pot. Make sure there is from ½ to 2 inches from the top of the pot so the plant can get adequate water. Try to stand the plant upright and center the stem in the middle of the pot.

Water the plant thoroughly after transplanting. A vitamin B-1 transplanting solution can help to lessen the transplant shock. Keep the plant in the same type of environment as it was before, sun or shade. If roots were broken, trimm off some of the leaves to compensate for the loss.[9]

Planting out

1. Plant most native Hawaiian plants in a sunny location in soil that is well-drained.
2. Make the planting hole twice as wide as the root ball or present pot, and just as deep.

If the soil is clay-like, and drains slowly, mix in some coarse red or bland cinder, coarse perlite or

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[9] Bornhorst, p.20-21

coarse compost. Place some slow-release fertilizer at the bottom of the hole.

3. Carefully remove the plant from the container and place it in the hole.

The top of the soil should be at the same level as the top of the hole, if it is too high or too low, adjust the soil level so that the plant is at the right depth.

4. Water thoroughly after you transplant.

Mulch

Most natives cannot compete with weeds, and therefore must be weeded around constantly in order to thrive. Mulch is a practical alternative, which discourages and prevents weeds from growing.

Hawaii's hot, humid climate leads to the breaking down of organic mulches. Thick organic mulches such as wood chips and leaves, may also be hiding places for pests.

Stone mulches are attractive, permanent and can help to improve soil quality. Red or black cinder, blue rock chips, smooth river rocks and coral chips are some natural choices.[10] Macadamia nut hulls are also easy to find and can make a nice mulch.[11]

Never pile up mulch right next to the stem or trunk of a plant, keep it a few inches away.

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[10] Bornhorst, p. 24

[11] Nagata, p. 7

ZONES

The Maui County Planting Plan has compiled a system of 5 zones of plant growth for Maui County. The descriptions of zones and maps for these zones are as follows:

Zone 1:
Wet areas on the windward side of the island. More than 40 inches of rain per year. Higher than 3,000 feet.

Zone 2:
Cool, dry areas in higher elevations (above 1,000 feet). 20 to 40 inches of rain per year.

Zone 3:
Low, drier areas, warm to hot. Less than 20 inches of rain per year. Sea level to 1,000 feet.

Zone 4:
Lower elevations which are wetter due to proximity of mountains. 1,000 to 3,000 feet.

Zone 5:
Salt spray zones in coastal areas on the windward side.

These zones are to be used as a general guide to planting for Maui County. In addition to looking at the maps, read the descriptions of the zones and decide which zone best fits your area. Plants can be listed in more than one zone and can be planted in a variety of conditions. For best results, take notes on the rainfall, wind, sun and salt conditions of your site. Use the zones as a general guide for selection and read about the plants to decide which best fits your needs as far as care and or function.

PLACES TO SEE NATIVES ON MAUI:

The following places propagate native Hawaiian plants from seeds and/or cuttings. Their purpose is to protect and preserve these native plants. Please contact them before going to view the sites, they can provide valuable information and referral to other sources.

1. Hoolawa Farms — 575-5099
   P O Box 731
   Haiku HI 96708

2. The Hawaiian Collection — 878-1701
   1127 Manu Street
   Kula HI 96790

3. Kula Botanical Gardens — 878-1715
   RR4, Box 228
   Kula HI 96790

4. Maui Botanical Gardens — 249-2798
   Kanaloa Avenue, Kahului
   across from stadium

5. Kula Forest Reserve
   access road at the end of Waipoli Rd
   Call the Maui District Office — 984-8100

6. Wailea Point, Private Condominium residence — 875-9557
   4000 Wailea Alanui, Kihei
   public access points at Four Seasons Resort or
   Polo Beach

7. Kahanu Gardens, National Tropical Botanical Garden — 248-8912
   Alau Place, Hana HI 96713

8. Kahului Library Courtyard — 873-3097
   20 School Street
   Kahului HI 96732

PLACES TO BUY NATIVE PLANTS ON MAUI

1. Ho'olawa Farms
   Anna Palomino
   P O Box 731
   Haiku HI 96708
   575-5099

   * The largest and best collection of natives in the state. They will deliver, but worth the drive to go and see! Will propagate upon request

2. Kahanu Gardens
   National Tropical Botanical Garden
   Alau Place, Hana
   248-8912

3. Kihana Nursery
   1708 South Kihei Road
   Kihei HI 96753
   879-1165

4. Kihei Garden and Landscape
   Waiko Road, Wailuku
   P O Box 1058
   Puunene HI 96784
   244-3804

5. Kula Ace Hardware and Nursery
   3600 Lower Kula Road
   Kula HI 96790
   876-0734
   * many natives in stock
   * get most of their plants from Ho'olawa Farms
   * they take special requests

6. Kulamanu Farms - Ann Carter
   Kula HI 96790
   878-1801

7. Maui Nui Botanical Gardens
   Kanaloa Avenue
   (Across from stadium)
   Kahului HI 96732
   249-2798

8. Native Gardenscapes
   Robin McMillan
   1330 Lower Kimo Drive
   Kula HI 96790
   870-1421

   * grows native plants and installs landscapes including irrigation.

9. Native Hawaiian Tree Source
   1630 Piiholo Road
   Makawao HI 96768
   572-6180

10. Native Nursery, LLC
    Jonathan Keyser
    250-3341

11. New Moon Enterprises - Pat Bily
    47 Kahoea Place
    Kula HI 96790
    878-2441

12. Waiakoa Tree Farm - Kua Rogoff
    Pukalani HI 96768
    Cell - 264-4166

MUNEKIYO HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

December 21, 2011

David Taylor, Director
Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Comments on the Environmental Impact Statement Preparation Notice (EISPN) for the Proposed Olowalu Town Master Plan at Olowalu, Maui, Hawaii

Dear Mr. Taylor:

Thank you for your department's letter of August 5, 2010 providing comments on the proposed Olowalu Town Master Plan. We acknowledge that as of 2008, the sustainable yield for the Olowalu aquifer established by the State Commission on Water Resource Management (CWRM) is two (2) million gallons per day (MGD). It should be noted that the water consultant in consultation with the U.S. Geological Survey has indicated that the sustainable yield of the Olowalu Aquifer System may be 7.0 MGD which is higher than what is presented in the Water Resources Protection Plan of 2008 based on another established calculation methodology. Nevertheless, the projected future groundwater use of existing users and the Olowalu Town project would fall below the 2.0 MGD sustainable yield of the Olowalu aquifer. More detailed information for the project will be included in the Preliminary Engineering Report for the project which will address infrastructure requirements, as well as anticipated demand for water. Your recommendation that the water system be built in accordance with the Statewide Water System Standards, as well as, the recommended conservation and pollution prevention measures listed in your letter have been forwarded to the applicants and their engineering consultant for consideration.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your department's letter will be included in the Draft Environmental Impact Statement (EIS). Further, a copy of the Draft EIS will be forwarded to your office for review and comment.

305 High Street, Suite 104 • Wailuku, Hawaii 96793 • ph: (808)244-2015 • fax: (808)244-8729 • planning@mhplanning.com • www.mhplanning.com

If additional information or clarification is required, please do not hesitate to contact me at 244-2015.

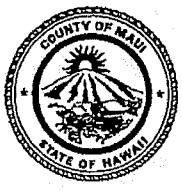
Very truly yours,

Colleen Suyama
Senior Associate

CS:tn
cc: Dan Davidson, Land Use Commission
Bill Frampton, Olowalu Town, LLC
Stacy Otomo, Otomo Engineering
Tom Nance, Tom Nance Water Resource Engineering
F:\DATA\OlowaluTown\MasterPl\EISPN\DWSresponse.ltr.doc

AUG 0 2 2010

CHARMAINE TAVARES
MAYOR



200 South High Street
Wailuku, Hawaii 96793-2155
Telephone (808) 270-7855
Fax (808) 270-7870
e-mail: mayors.office@mauicounty.gov

OFFICE OF THE MAYOR
County of Maui

July 28, 2010

Ms. Colleen Suyama, Project Manager
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE FOR PROPOSED OLOWALU TOWN PROJECT TMK (2) 4-8-003:84, 98 THROUGH 118, AND 124, OLOWALU, MAUI, HAWAII

Dear Ms. Suyama:

Thank you for the opportunity to comment on the Environmental Impact Statement Preparation notice for the proposed Olowalu Town project located in Olowalu, Maui, Hawaii. It is important that all projects constructed in Maui County comply with all State of Hawaii and County of Maui zoning ordinances, the General Plan, the Maui Island Plan and community plans. At this time my office has no other comments on this project.

Sincerely,

CHARMAINE TAVARES
Mayor, County of Maui

CT:RS/ec
c: Orlando Davidson, Executive Director, Land Use Commission

Olowalu Talk Story
A Community-Based Planning Process

December 28, 2011

Mayor Alan Arakawa
County of Maui
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Comments on the Environmental Impact Statement Preparation Notice (EISPN) for the Proposed Olowalu Town Master Plan at Olowalu, Maui, Hawaii

Dear Honorable Mayor Arakawa:

We are in receipt of a previous letter from former Mayor Charmaine Tavares dated July 28, 2010 providing comments on the proposed Olowalu Town Master Plan. See **Exhibit "A"**. Olowalu Town, LLC and Olowalu Ekolu, LLC (Applicant), continue to monitor and, as necessary, participate in the formulation of the Maui Island Plan (MIP).

We note that both the General Plan Advisory Committee and the Maui Planning Commission have voted to recommend inclusion of portions of the Olowalu Town Master Plan on the directed growth maps of the MIP.

With this in mind, we look forward to working with your office and administration in collaborative fashion to ensure that the benefits attributed to the Olowalu Town Master Plan will accrue to all of Maui's residents. As the Environmental Impact Statement (EIS) process continues, we also look forward to personally meeting with you to discuss key elements of this project.

A copy of former Mayor Tavares' letter will be included in the Draft EIS. Further, a copy of the Draft EIS will be forwarded to your office for your review and comment.

Olowalu Town LLC
2035 Main Street
Suite 1
Wailuku, HI 96793

Tel: 808 249.2930
Fax: 808 249.2333
talkstory@olowalu.net
www.olowalu.net

Photo: Olowalu Sugar Mill and Oceanside Camp, Hawaii State Archives.

Olowalu Talk Story

If additional information or clarification is required, please do not hesitate to contact me at 249-2224.

Very truly yours,

William Frampton
Olowalu Town, LLC

WF:tn
Attachment
cc: Dan Davidson, Land Use Commission (w/attachment)
Peter Martin, Olowalu Ekolu, LLC (w/attachment)
Colleen Suyama, Munekiyo & Hiraga, Inc. (w/attachment)
K:\DATA\OlowaluTown\MasterPl\Draft EIS\Mayorresponse.ltr.doc

CHARMAINE TAVARES
MAYOR

AUG 0 2 2010

200 South High Street
Wailuku, Hawaii 96793-2155
Telephone (808) 270-7855
Fax (808) 270-7870
e-mail: mayors.office@mauicounty.gov

OFFICE OF THE MAYOR
County of Maui

July 28, 2010

Ms. Colleen Suyama, Project Manager
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE FOR PROPOSED OLOWALU TOWN PROJECT TMK (2) 4-8-003:84, 98 THROUGH 118, AND 124, OLOWALU, MAUI, HAWAII

Dear Ms. Suyama:

Thank you for the opportunity to comment on the Environmental Impact Statement Preparation notice for the proposed Olowalu Town project located in Olowalu, Maui, Hawaii. It is important that all projects constructed in Maui County comply with all State of Hawaii and County of Maui zoning ordinances, the General Plan, the Maui Island Plan and community plans. At this time my office has no other comments on this project.

Sincerely,

CHARMAINE TAVARES
Mayor, County of Maui

CT:RS/ec
c: Orlando Davidson, Executive Director, Land Use Commission

EXHIBIT A

Maui Electric Company, Ltd. • 210 West Kamehameha Avenue • PO Box 398 • Kahului, Maui, HI 96733-6898 • (808) 871-8461

MAY 20 2010

May 18, 2010

Mr. Dan Davidson
State Land Use Commission
Post Office Box 2359
Honolulu, Hawaii, 96804

Subject: Environmental Assessment/Environmental Impact Statement Preparation Notice for Proposed Olowalu Town Master Plan
Tax Map Key: (2) 4-8-003:084, 98 through 118, and 124
Honoapi'ilani Highway
Olowalu, Maui, Hawaii

Dear Mr. Davidson,

Thank you for allowing us to comment on the Environmental Assessment/Environmental Impact Statement Preparation Notice for the subject project.

In reviewing our records and the information received, Maui Electric Company (MECO) will be requiring access and electrical easements for our facilities to serve the subject project site. Also, we highly encourage the customer's consultant to submit survey and civil plans to us as soon as practical to address and coordinate any possible relocations of our facilities. Since this project's anticipated electrical demand may have a substantial impact to our system, we encourage the customer's electrical consultant to submit the electrical demand requirements and project time schedule as soon as practical so that service can be provided on a timely basis. MECO may need to complete system upgrades along with securing a new substation site to accommodate the anticipated electrical load.

We also suggest that the customer or their consultant contact our Renewable Energy Department at 871-8461, for the installation of the photovoltaic and hydro-power systems.

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

Sincerely,

Kyle Tamori
Staff Engineer

c: Munekiyo & Hiraga, Inc. – Ms. Colleen Suyama

MUNEKIYO HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

December 21, 2011

Kyle Tamori, Engineer
Maui Electric Company, Ltd.
P.O. Box 398
Kahului, Hawaii 96733-6898

SUBJECT: Comments on the Environmental Impact Statement Preparation Notice (EISPN) for the Proposed Olowalu Town Master Plan at Olowalu, Maui Hawaii

Dear Mr. Tamori:

Thank you for your letter of May 18, 2010 providing comments on the Olowalu Town Master Plan. As development of the Olowalu Town Master Plan progresses, our engineering consultant will coordinate the electrical needs of the project with Maui Electric Company (MECO) to ensure timely service. As recommended, our engineering consultant will be contacting MECO's Renewable Energy Department regarding the project's proposed integration of renewable energy systems to provide electricity, including installation of photovoltaic and hydro-power systems.

Thank you again for your participation in the Chapter 343, HRS, review process. A copy of your letter will be included in the Draft Environmental Impact Statement (EIS). Further, a copy of the Draft EIS will be forwarded to your office for review and comment.

If additional information or clarification is required, please do not hesitate to contact me at 244-2015.

Very truly yours,

Colleen Suyama
Program Manager

CS:tn
cc: Dan Davidson, Land Use Commission
Bill Frampton, Olowalu Town, LLC
Stacy Otomo, Otomo Engineering, Inc.
K:\DATA\OlowaluTown\MasterPl\EISPN\MECOresponse.ltr.doc

Margaret Schlachter
Owner of:
4435 L. Honoapiilani Dr. # 240
Lahaina, HI

July 19, 2010

Mr. Dan Davidson
POBox 2359
Honolulu, HI 96804

LAND USE COMMISSION
STATE OF HAWAII
2010 JUL 22 A 7:56

Re: Olowalu Development

Dear Mr. Davidson:
I am copying this quote from a recent real estate professionals' meeting:

> *One Realtor worried about a large oversupply of housing for sale: about 3,000 listings today at the Realtors Association's Multiple Listing Service, and probably another 1,500 in various forms of foreclosure and distress that are going to be piled on top of that.*

It seems to me with so many units empty, for sale, in foreclosure, and more becoming available in the foreseeable future, why do we need to add 1500 more units at this time? All these empty units are going to put tremendous pressure on sales prices and rental rates. So many people have left the island because of job losses. Where are these 1500 families going to come from to fill the new town? Why don't we wait until such time as the now available housing has been absorbed, vacancies are becoming more scarce, people have found jobs again and are looking for housing, before slapping up more new housing. The developers are the ones to profit, and that's about it. I have a feeling that with so many people on the mainland having lost savings and equity in their homes, the demand of the "boomers" for 2nd homes in Maui has dropped signficantly. That money is not going to come back anytime soon. There will be less need for housing on Maui because of this.

Maui has enough housing for a long time to come.

Respectfully yours,

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER ROY

December 21, 2011

Ms. Margaret Schlachter
4435 Lower Honoapiilani Drive, #240
Lahaina, Hawaii 96761

SUBJECT: Comments on the Environmental Impact Statement Preparation Notice (EISPN) for the Proposed Olowalu Town Master Plan at Olowalu, Maui, Hawaii

Dear Ms. Schlachter:

Thank you for your letter dated July 19, 2010 providing comments on the subject project. On behalf of the applicants, Olowalu Town, LLC and Olowalu Ekolu, LLC, we offer the following information in response to your remarks.

While we recognize your comments in regards to current market conditions, the economy is anticipated to improve in the coming years. We note that population projections for Maui Island reflect growth in the island's population through 2030 and beyond. In light of these conditions, the build-out period of the proposed 1,500 housing units will span a timeline of approximately 10 years. The applicants view this implementation timeframe as reasonable in terms of establishing a balanced market approach to housing inventory delivery.

In this regard, a market study for the proposed Olowalu Town Master Plan is currently being prepared to evaluate housing absorption rates, together with the range of businesses and services that will be supported by the project's residential neighborhoods. The results of this market study will help to formulate the phasing of each neighborhood within the Master Plan, as well as identify the types and number of jobs that will be created over time as the community matures. It is highlighted that the Master Plan is intended to provide housing opportunities for the target market of Maui residents over both the near and long term. A copy of the market study will be included in the Draft EIS.

305 High Street, Suite 104 · Wailuku, Hawaii 96793 · ph: (808)244-2015 · fax: (808)244-8729 · planning@mhplanning.com · www.mhplanning.com

Thank you again for your participation in the Chapter 343, HRS, review process. A copy of your letter will be included in the Draft Environmental Impact Statement (EIS). Further, a copy of the Draft EIS will be forwarded to you for review and comment.

Should you have any questions, please feel free to contact me at 244-2015.

Very truly yours,

Colleen Suyama
Senior Associate

CS:tn
cc: Orlando "Dan" Davidson, State Land Use Commission
Bill Frampton, Olowalu Town, LLC
F:\DATA\OlowaluTown\MasterPl\EISPN\schlachterresponse.ltr.doc

CORRESPONDENCES ON VARIOUS MATTERS FROM/TO RANDY D. RAGON

July 20, 2010

Orlando " Dan" Davidson
State of Hawaii Land Use Commission
P. O. Box 2359
Honolulu, Hi 96804

Re: Comments for EIS Preparation Notice
Olowalu Ekolu LLC application submitted on May 13, 2010.

Dear Dan,
I am writing on behalf of the Olowalu residents who submitted a Notice of Intent to Intervene in the Petition to Amend the State Land Use Boundaries filed by Olowalu Town LLC and Olowalu Ekolu LLC .
I am submitting a package of documents that clearly show the applicant has not complied with conditions of the SMA permits issued in 2000 and that the permit expired in 2005 and was never renewed by the developer. This blatant noncompliance by the developer has damaged our entire community as well as our coastal environment and historical sites. The health, safety and welfare of our residents and natural environment continue to be at risk.
The residents see little value in the EIS process if the applicant does not comply with the permit conditions and the government enforcement agencies do not properly enforce the permit conditions. Now, ten years later the applicant is back asking for approval to build 1500 more homes in our community.
We respectfully ask that the commission considers the performance history of the applicant who has blatantly disrespected the residents of our community, the significant historical past of Olowalu, our ocean environment and our governing authorities.
Please contact me if you have any questions or concerns after reviewing the documentation. I can be reached at 808-298-1461 or by email at rr077@hotmail.com or you can write me at 713-A Front St. Lahaina, Hi. 96761

Sincerely,

Randy D. Ragon

LAND USE COMMISSION
STATE OF HAWAII
2010 JUL 22 A 7 49

138 A

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

KATHLEEN ROSS AOKI
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

February 25, 2010

Certified Receipt No. (7008 1300 0000 5090 3943)
Olowalu Elua Associates L.L.C.
Mr. Peter Martin
33 Lono Ave, Suite 450
Kahului, Hawaii 96732

Dear Mr. Martin:

SUBJECT: FIRST (1ST) REQUEST FOR CORRECTION FOR A NON-CONFORMITY WITHIN THE SPECIAL MANAGEMENT AREA (SMA)

TMK: TOTAL OF 732 .98 ACRES OF WHICH 659.963 ACRES ARE MAUKA OF HONOAPIILAI HIGHWAY AND 73.017 ACRES LIE MAKAI OF THE HIGHWAY. THE SUBJECT PROPERTY IS COMPRISED OF 49 EXISTING TAX MAP PARCELS. ON THE LANDS MAUKA OF HONOAPIILANI HIGHWAY, THERE ARE 38 EXISTING TAX MAP PARCELS. ON THE MAKAI LANDS, THERE ARE 11 TMK PARCELS, LAND IN OLOWALU FOR SUBDIVISION DEVELOPMENT. THE PROPOSED ACTION WITHIN THE COUNTY SMA INNVOLVES THE CONSOLIDATION AND RESUBDIVISION OF FOUR (4) LOTS INTO SEVEN (7) LOTS.

MAUKA LANDS: TMK: 4-8-3:10, 60-70, 73-82; 4-8-4; 11-16

MAKAI LANDS: TMK: 4-8-3: 5, 41-49 AND 84

RFS No.: 10-0000452
Description: Failure to comply with all SMA conditions for SMA Use Permit for Olowalu Subdivision Olowalu, Maui, Hawaii (SM1 990021)

Based on the evidence collected on February 2, 2010, we find that the non-compliance with SMA Conditions listed under SMA1 9990021 is in violation with §12-202-23, SMA Rules for the Maui Planning Commission, as amended. Please comply with all of the SMA conditions by **March 27, 2010**. Evidence of the aforementioned non-conformity includes: full review of the SMA Use Permit conditions and supporting documents. Condition numbers 2, 4, 8, 11, 12, 14, 19, 32 and 33 out of the 32 conditions listed in SM1 990021 have not been completed. Attached is a copy of SM1 990021 permit dated September 19, 2000.

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

Please be advised that a follow-up investigation will be performed, and if not in compliance, you will be subject to civil and criminal enforcement action. Should you have any questions concerning this notice, you may contact me at Sonny.Huh@mauicounty.gov or (808)270-7810.

Sincerely,

for

Sonny Huh
Zoning Inspector

xc: Jay Arakawa, Supervising Zoning Inspector (via e-mail)
Sonny Huh, Zoning Inspector (via e-mail)
RFS No. 10-0000452 (KIVA related document; RFS Project File)
General File

AHS:FAC:JAA:SH:ckk

S:\ZONING\RFS\2010\0452_OLOWALU_MAUIKA_SMA\NOW\NOW1.DOC (rev. 11.09)

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

KATHLEEN ROSS AOKI
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

April 26, 2010

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
#7007 2560 0001 7799 7861

Olowalu Elua Associates, LLC
33 Lono Avenue, Suite 450
Kahului, Hawaii 96732

Attention: Mr. Peter Martin

Dear Mr. Martin:

SUBJECT: REQUEST FOR SERVICE NO. 10-0000452: FAILURE TO COMPLY WITH SPECIAL MANAGEMENT AREA (SMA) USE PERMIT FOR THE OLOWALU SUBDIVISION, LOCATED AT OLOWALU, MAUI, HAWAII; TMK(S): (2) 4-8-003:005, 10 (POR.), 41, 42, 43, 50 (POR.), 63 (POR.), AND 78 (POR.); AND (2) 4-8-004:011, 12, 13, 14, 15, AND 16 (SM1 99/0021)

This is in reply to your letter dated March 15, 2010, attached as Exhibit No. 1, a response letter to our Notice of Warning issued on February 25, 2010.

The following are responses to your replies to Conditions No. 2, 4, 8, 11, 12, 14, 19, 32, and 33, attached to SM1 99/0021. The original conditions of approval for SM1 99/0021 are attached as Exhibit No. 2:

Condition No. 2 - The project was to commence no later than September 30, 2002, which it did; however, Condition No. 2 states that the project "shall be completed within five years after the date of initiation." Failure to complete this project within the five-year period coupled with no recorded and/or approved time-extension requests may indicate that this SMA Use Permit 99/0021 has been automatically terminated;

Condition No. 4 - Final construction does not appear to have been completed and current construction does not appear to be in accordance with preliminary subdivision plans received on November 9, 1999. Dirt fire roads do not appear to have been completed according to the Uniform Fire Code with the road ending in a locked gate at the Honoapiilani Highway, the preservation plan is not fully implemented, few greenways have been installed, bikeways are not evident, and highway improvements for ingress and egress off the Honoapiilani Highway have not commenced. The interior road system as originally designed on the subdivision plan does not appear to match that which was constructed. The road identified as Luawai Street at the Olowalu Mauka Subdivision sign is not in agreement with the plans filed with the County and appears to have been constructed without revisions to the subdivision map;

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

Condition No. 8 - Full compliance with government regulations has not occurred as the project is out of compliance with both the SMA conditions and the Conservation District Use Permit (CDUP) conditions as noted in this letter;

Condition No. 11 - The property has not been developed in substantial compliance with the representations made to the Maui Planning Commission (Commission). At this time it appears this failure to develop the property in accordance with the SMA may lead to the revocation of this SMA Use Permit 99/0021;

Condition No. 12 - Infrastructure improvements including roads, traffic related improvements, greenways, and possibly drainage have not been completed prior to final subdivision approval and bonds are not on file with the County per the wording of Condition No. 12;

Condition No. 14 - The roadways do not appear to have been constructed in substantial compliance with the greenway plan. The greenways do not appear to have been completed per the application plan and neither have improvements been made for a channelized intersection and means of ingress and egress from the Honoapiilani Highway as noted in the subdivision plans;

Condition No. 19 - The preservation plan has not been implemented. There is no evidence of viewing platform construction for historical sites No. 4710 and No. 4718 as outlined in the Department of Land and Natural Resources (DLNR) letter of March 7, 2002. The growth of invasive species of trees and bushes is evident especially at the important site No. 04, Kawaialoa/Kaiwaloa heiau. Little to no maintenance appears to be occurring on numerous sites. There is no interpretative signage evident at the sites. The condition of the petroglyph viewing site in the Olowalu valley is in very poor condition. There is no interpretative signage, the red railings are unsafe and deteriorated, and the platforms for viewing are nonexistent;

Condition No. 32 - No roadway improvements for ingress and egress from the Honoapiilani Highway to the Mauka Subdivision have been initiated per the Environmental Assessment (EA) and the Subdivision plans. The originally approved highway improvements consisted of Driveways A, B, C, and D as noted in the Final EA and plans submitted to the Commission for review and approval. Driveways A, B, C, and D are depicted on the original subdivision plans that were included in the traffic study and EA submitted by the developer in connection with the issuance of the SMA. The developer is now proposing a relocation of Driveway D. This revised proposal was discussed with the Maui Department of Transportation (DOT) in 2003. However, no EA has been completed to date although a Draft EA is being processed by Munekiyo & Hiraga, Inc. as of late 2009. This relocation of Driveway D may be problematic in its connection with the internal road system for the development, the increase in traffic in this area, and the plan originally approved by the Commission. The relocation of Driveway D does not connect to an approved Olowalu Mauka subdivision access road approved in the original subdivision. Failure to complete a channelized intersection according to plan with left turn lanes, acceleration lanes, bike lanes, and paved shoulders is a violation of the SMA conditions. Although there was a caveat to hold off developing the highway improvements if a phasing plan for project development was agreed to, no phasing plan is evident and at this stage of the development there should have been roadway improvements as initial phases of

the project have been completed. There is no evidence of this "phasing plan" on file with the DOT. The inability of the Developer to move forward on this critical road improvement signals non-compliance with the SMA conditions. The efficacy of a relocation of Driveway D from that originally proposed is not evidenced in any updated traffic report analysis on file. The original Olowalu Mauka roadway system connects to the original location of Driveway D, not the relocated Driveway D as proposed; and

Condition No. 33 - The roadway light within the subdivision meeting a maximum wattage of 100 w hps does not appear to have been completed.

In conclusion, the Olowalu Subdivision is in noncompliance with SM1 99/0021 according to a project site visit held on January 22, 2010, for Conditions No. 2, 4, 8, 11, 12, 14, 19, 32, and 33, as approved by the Commission on September 19, 2000.

Thank you for responding to your Notice of Warning. Please be advised that a Notice of Violation will be issued if the responsible party does not show any effort to comply with our Notice of Warning. Should you require further clarification, please contact Staff Planner Kurt Wollenhaupt at kurt.wollenhaupt@mauicounty.gov or at (808) 270-1789.

Sincerely,

Kathleen R. Aoki for

JEFFREY S. HUNT, AICP
Planning Director

Attachments
xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator (2)
Kurt F. Wollenhaupt, Staff Planner
Sonny Huh, Zoning Inspector, Zoning Administration and Enforcement Division
Project File
General File
JSH:KFW:vb
K:\WP_DOCS\PLANNING\SM1\1999\99sm121Olowalu\Review\Department Response to NOW Letter.DOC

LINDA LINGLE
GOVERNOR

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

BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO SUMADA

IN REPLY REFER TO:

HWY-PS
2.4811

March 24, 2010

Mr. Randy Ragon
President
Olowalu Mauka Homeowners Association
713-A Front Street
Lahaina, Hawaii 96761

Dear Mr. Ragon:

Subject: Olowalu Mauka Subdivision Roadway Improvements
Request for Information
Maui, Lahaina, TMK: (2) 4-8-3:10, 50-70, 73-82 and 84; 4-8-4: 11-16

We apologize for the delay in responding to your request for information regarding the highway improvements for the Olowalu Mauka Subdivision and understand your concerns with the development.

The developer had been required to complete all necessary roadway improvements prior to occupancy under the conditions set forth by the Special Management Area Permit (SMA) approval letter dated September 19, 2000 from the Maui County Department of Planning which defines under condition No. 32 that the "Construction of the improvements shall be completed prior to occupancy of the agricultural lots unless a phasing plan for the improvements is reviewed and approved by the Department of Transportation." Per our records, no such approval of a phasing plan has been granted to the developer. Do keep in mind that the State Department of Transportation is not responsible for enforcing any conditions set forth by the County. The responsibility of the conditions imposed upon the developer and established within the SMA approval lies with Maui County.

We understand that you were provided access to the files in the Highways Division, Maui District Office and were given copies of various documents that you needed. It is our understanding from the attachments in your request that you already have the SMA approval, Environmental Assessment (EA), and Traffic Impact Analysis Report (TIAR) for the subject

subdivision. The files within our Highways Division branch offices include the aforementioned documents and several departmental correspondence letters from various years. We will be glad to offer you copies of the correspondence we have for a fee of $0.25 per page as described in Part 2, Chapter 4 Government Records, Processing Requests to Inspect or Copy, of the Department's Service Manual.

Additionally, we have been consulted on the relocation of Driveway "D" for the subject subdivision. For your information, a supplemental EA is not required, as determined by the accepting agency, Department of Land and Natural Resources (DLNR). A copy of DLNR's letter dated January 21, 2010 to our Department is attached. Also, it is our understanding that the relocation of the driveway will trigger a SMA.

If you have any questions, please contact Ken Tatsuguchi, Head Planning Engineer, Highways Division, at (808) 587-1830.

Very truly yours,

BRENNON T. MORIOKA, Ph.D., P.E.
Director of Transportation

Attachment

JUK 0015

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

2010 JAN 25 A 8:39 DEPT OF TRANSPORTATION

2010 FEB -1 P 12:41

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

HIGHWAYS DIVISION

MEMORANDUM:

JAN 21 2010

TO: Brennan T. Morioka, Director
Department of Transportation

FROM: Laura H. Thielen, Chairperson
Department of land and Natural Resources

SUBJECT: Request for Determination that an Environmental Assessment is not Necessary for the Relocation of a Planned Driveway in Regards to the Development of Olowalu Lands, Olowalu, Maui

We have reviewed your request for a determination as to whether an environmental assessment (EA) is necessary for the relocation of a driveway/access way at Olowalu, Maui. We have also reviewed a November 5, 2009 letter from the Office of Environmental Quality Control (OEQC) written to Ms. Colleen Suyama (consultant) regarding the driveway relocation. We have reviewed this letter, which appears to conclude that the proposed action may not trigger the full application of Chapter 343, HRS. Our interpretation of the OEQC letter, along with our understanding of the situation, and with information provided by your office, is discussed below.

The Department of Land and Natural Resources (DLNR) accepted a final environmental assessment (FEA) and a Finding of No Significant Impact (FONSI) to the environment in June 2000 for the Olowalu lands. One aspect of the FONSI/FEA was the development of a driveway/access way from Honoapiilani Highway to the Olowalu lands. According to the information provided, the proposed driveway/access way will be relocated approximately one mile from its original location. You indicate that the relocation will result in a decrease in cumulative impacts. The Suyama letter also indicates that the change is due to constraints encountered at the original driveway location such as safety and drainage issues.

When the DLNR accepted the final environmental assessment (FEA) in June 2000, it included a fairly wide area, which includes the area targeted for the relocation of the driveway/access way. Based on the scope of the proposed action, we have determined that the project would have no additional impacts beyond those disclosed, assessed, and mitigated under the June 2000 FEA. Thus, we have determined that the proposed action is covered by the June 2000 FEA and a new EA is unnecessary. However, please consult with our Department's Historic Preservation Division to insure that all current cultural and archeological requirements are met. In addition, please consult with the County of Maui Planning Department to ensure that you are in compliance with all County of Maui requirements.

Please feel free to call Sam Lemmo at 587-0377, should you have any questions on this matter.

RECEIVED
JAN 28 2010

146

McCORRISTON MILLER MUKAI MACKINNON LLP

ATTORNEYS AT LAW

RANDALL K. SCHMITT
ATTORNEY

DIRECT DIAL:
PHONE - (808) 529-7422
FAX - (808) 535-8018

December 30, 2009

To Whom It May Concern

Re: Olowalu Mauka Subdivision

Dear Homeowner/Broker:

As you may know, this firm represents the Olowalu Mauka Subdivision homeowners with respect to certain unfulfilled conditions of the development by the project developer, Olowalu Elua Associates ("OEA"). As you may know, we have been in active discussions with OEA for over a year now in an effort to rectify these unfulfilled conditions which include the following:

1. Unbuilt highway improvements, including unbuilt turn lanes and access locations;
2. Existing access road issues, including proper location, unsafe curves, easement and liability and maintenance concerns with existing access;
3. Drainage and landscaping improvements and infrastructure problems;
4. Unfulfilled SMA Permit conditions;
5. Unfulfilled Conservation District Use Permit conditions;
6. Emergency fire road completion and liability concerns;
7. Irrigation system filtration problems;
8. Various bonds for incomplete subdivision improvements.
9. Several other miscellaneous issues such as water tower color and landscaping, subdivision lighting, entryway signage and design and landscaping.

We have not come to a resolution on any of these items at this stage and have been compelled to seek assistance from various State and County agencies to obtain completion of these items and others in order to fulfill the conditions upon which this subdivision was approved.

P.O. Box 2800 • Honolulu, Hawaii 96803-2800
Five Waterfront Plaza, 4th Floor • 500 Ala Moana Boulevard • Honolulu, Hawaii 96813
Telephone: (808) 529-7300 • FAX: (808) 524-8293

It is the individual responsibility of homeowners and their listing agents to insure that all proper disclosures are fully and timely made. This letter is not meant to be a full and complete disclosure of all of the problems with or lack of compliance by OEA just a reminder that these enumerated problems (and others) exist. It is an individual's own responsibility to insure the full nature and scope of these issues is explored, understood and disclosed as may be appropriate.

If you have any questions or concerns related to these conditions, please feel free to contact me directly.

Sincerely,

McCORRISTON MILLER MUKAI MacKINNON LLP

Randall K. Schmitt

Randall K. Schmitt

RKS:jmc

cc: Randy Ragon (via email)

MCCORRISTON MILLER MUKAI MACKINNON LLP

ATTORNEYS AT LAW

RANDALL K. SCHMITT
ATTORNEY

DIRECT #'S:
PHONE - (808) 529-7422
FAX - (808) 535-8018

April 27, 2010

VIA ELECTRONIC MAIL rr077@hotmail.com

Mr. Randy D. Ragon
Olowalu Mauka HOA
713-A Front Street
Lahaina, Hawai'i 96761

Re: Olowalu Mauka Property Situation

Dear Mr. Ragon:

As you know, this firm was retained by the Olowalu Mauka Homeowners' Association ("HOA") to assist it with certain matters relating to the promises made to its various members related to the development. These matters include working with the Developer, Olowalu Elua Associates, the State Depart of Transportation and the County of Maui to get these various breaches of contract and violations of permits rectified. This process is far from complete and currently because of the status of the various breaches by the Developer of the SMA Permit, there are serious questions about whether any construction could have been undertaken on the property and/or whether any future development can be undertaken. This would include any future construction until these problems are resolved and a potential "No Occupancy" order to landowners. This would render the properties within the Project in a complete state of limbo because there could be no construction, no use and no sales until the various and sundry permitting issues are resolved. For the time being, therefore, it is virtually impossible to determine the value of any current owner's rights or interest in their property.

This process of investigation was initially undertaken by Lorie Kruse and it was her diligence in investigating the situation, including the involvement of and representations made by various members of the Mancini & Welch firm, including but not limited to Tom Welch, which brought to light the string of permit violations and other contractual breaches by the Developer and its various agents. This process continues and we are hopeful of making progress towards correcting the situation within the next year although a major part of the process needs to be the active involvement of the Developer in actually completing its promises.

Land Entitlement Obligations
Governmental Issues Contracts

P.O. Box 2800 • Honolulu, Hawaii 96803-2800
Five Waterfront Plaza, 4th Floor • 500 Ala Moana Boulevard • Honolulu, Hawaii 96813
Telephone: (808) 529-7300 • FAX: (808) 524-8293

Sincerely,

McCORRISTON MILLER MUKAI MacKINNON LLP

Randall K. Schmitt

Randall K. Schmitt

RKS:jmc

58691/227120.1

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. FINDINGS OF FACT

A. General – The Olowalu Mauka Subdivision

1. Olowalu Elua Associates, LLC ("Developer") purchased large tracts of land in the District of Olowalu from Amfac when the plantation stopped sugar cane production in the mid-1990s.

2. In 1999, the Developer submitted applications to subdivide lands in Olowalu ("Project") under Ordinance 2372. See Letter from County of Maui Department of Public Works and Waste Management ("DPW"), to Bob Horcajo, Project Manager for Olowalu Elua Assocates, LLC, dated September 20, 1999, attached hereto as Exhibit "1A," at 1.

3. Ordinance 2372 allows for the consolidation and resubdivision of lands, provided that no greater number of lots is created. See Maui County Code § 18.04.020.C.

4. In order to obtain final subdivision approval, the Developer was required to fulfill all the requirements of the Department of Land and Natural Resources ("DLNR") Historic Preservation Division, the Maui County Planning Department, and the Department of Public Works. See Exh. "1A" at 1.

5. As a portion of the subdivided lands were within the Conservation District, a Conservation District Use Application ("CDUA") was required of the Developers. See Exh. "1A" at 2.

6. The Developer was required to obtain a Special Management Area ("SMA") Permit as a portion of the lands to be developed fell within the Special Management Area. See Exh. "1A" at 2; Letter from DPW to Horcajo, dated October 22, 1999, attached hereto as Exhibit "1B" at 1.

7. Frampton & Ward, LLC ("Frampton & Ward"), Wailuku, Maui-based real estate developers, assisted the Developer in obtaining final approval of the Project. See Olowalu Mauka Subdivision Fact Sheet, attached hereto as Exhibit "2".

8. Frampton & Ward entered into an agreement with the Developer to build a proposed master planned community "Olowalu Town" on lands owned by the Developer, for which Frampton & Ward also have an option to purchase. See Exh. "2".

9. Frampton & Ward and the Developer formed Olowalu Town, LLC to market, promote and construct their development scheme. See Exh. "2".

10. Bill Frampton and David Ward, principals of Frampton & Ward, are the managing members of Olowalu Town, LLC, and the Developer is a "silent partner." See Exh. "2".

B. General - The Environmental Assessment, SMA and CDUA Permit Conditions

11. As part of the SMA permit approval process, a Final Environmental Assessment ("EA") for the Project was performed. See Final Environmental Assessment, Subdivision of Olowalu Lands, prepared for Olowalu Associates, LLP, May 2000, available online.

12. The EA included a traffic analysis which determined that left turn bays, and acceleration and deceleration lanes were required at three of the four planned Project driveways. See Olowalu Makai and Mauka Subdivisions Traffic Impact Analysis Report, issued August 1999, attached hereto as Exhibit "3" at 21-22.

13. In September 2000, the Maui County Planning Commission granted approval of the SMA permit subject to 36 conditions. See Letter from the County of Maui Department of Planning to Horcajo, dated September 19, 2000, attached hereto as Exhibit "4".

14. Pursuant to the Planning Commission's conditions, construction of the Project was to be initiated by September 30, 2002 and completed within 5 years. See Exh. "4" at 1-2.

15. Pursuant to the Planning Commission's conditions, the Developer was to develop the property in substantial compliance with the representations made to the Planning Commission in obtaining the SMA permit, and in accordance with the preliminary subdivision plans. See Exh. "4" at 2.

16. Pursuant to the Planning Commission's conditions, all infrastructure improvements, including fire, drainage, and traffic-related improvements, were to be completed prior to final subdivision approval, or be bonded in accordance with Title 18, Maui County Code. See Exh. "4" at 3.

17. Pursuant to the Planning Commission's decisions, unless approved by the Department of Transportation ("DOT"), highway improvements had to be completed prior to occupancy of the lots. See Exh. "4" at 7.

18. In October 2001, the DLNR approved the CDUA subject to 14 conditions. See Letter from State of Hawaii, DLNR, Land Division, to Horcajo, dated October 18, 2001, attached hereto as Exhibit "5".

19. Pursuant to the DLNR approval, all construction on the Project was to be initiated within one year of approval and completed within three years, in accordance with the submitted construction plans. See Exh. "5" at 1.

20. All mitigation measures set forth in the CDUA application materials and the EA were incorporated as conditions of the CDUA permit. See Exh. "5" at 2.

C. **The Developer Violated the SMA Permit Conditions**

21. The Developer submitted a written response to the SMA permit conditions issued by the Planning Commission in its Final Compliance Report for the Project, assuring the

Planning Commission that infrastructure improvements would be constructed prior to occupancy of the lots. See Special Management Use Permit Final Compliance Report, dated March 2002, attached hereto as Exhibit "6" at 4.

22. Pursuant to the SMA permit conditions, fully channelized intersections were to be provided to the subdivisions and road improvements were to be undertaken. See Exh. "4" at 7.

23. Final approval of the Project by the Planning Commission was issued April 2002. See Letter from DPW to Horcajo, dated April 30, 2002, attached hereto as Exhibit "7" at 1.

24. The Developer violated the SMA permit conditions by failing to construct many infrastructure improvements prior to final approval and occupancy, and by failing to file a bond with Maui County.

a. As of the drafting of this document, the Developer still has not constructed highway improvements for the Project, although these planned improvements are within the SMA and subject to the conditions of the SMA permit.

b. The Developer notified the lot owners in the subdivision that it had decided not to construct the required highway intersection.

c. Despite the Developer's failure to construct the required improvements, several lots in the subdivision are occupied and/or turned into condominiums with the potential to house twice as many residents as contemplated in the Project plans.

d. Although in its Final Compliance Report, the Developer assured the Planning Commission that all improvements would be completed prior to occupancy, the Developer radically changed its plans in June 2003 by having the DOT sign off on building permits to allow lot occupancy before the highway improvements were constructed. See Letter from Maui Land Company, Inc. to DOT, dated June 26, 2003, attached hereto as Exhibit "8". Martin letter

e. In March 2005, the Developer transmitted a Warranty and Guaranty of Improvements for the Project and it was then returned by the Public Works Department. See Letter from West Maui Land Company, Inc. to DPW, dated March 17, 2005, attached hereto as Exhibit "11".

f. Representatives from the Public Works Department advised lot owners that the Warranty and Guaranty of Improvements for the Project was most likely returned to the Developer because the subdivision was processed under Ordinance 2372 as a "lot realignment" which does not customarily require a bond, unaware that the SMA permit conditions required a bond for incomplete infrastructure improvements.

25. The Developer violated the conditions of the SMA permit by failing to construct a fully channelized intersection.

a. In its original plans, the Developer consolidated three highway intersections into one intersection in a new location. See Print of Preliminary Layout of Proposed Subdivision Access on Highway, dated February 19, 2003, attached hereto as Exhibit "9".

b. Frampton & Ward met with the DOT and represented that the Developer would be constructing the new intersection with a left turn lane, acceleration lane, bike lanes and paved shoulders.

c. The DOT recommended approval for building permits only after receiving representations from Frampton & Ward that they would construct the elaborate channelized intersection. See Memorandum from DOT to Land Use & Codes Administration, dated July 14, 2003, attached hereto as Exhibit "10".

d. The Developer, represented by principal Jim Reilly, met with subdivision lot owners in 2003 and provided a schematic of the intersection that it claimed would be constructed, but ultimately did not make any improvements to the highway entrance. See Memorandum from Olowalu Elua Associates, LLC to Olowalu Community Members, dated October 7, 2003, attached hereto as Exhibit "12".

e. The lot owners eventually requested an additional meeting with the Developer a couple years after meeting with Jim Reilly to discuss the failed SMA permit conditions, including the lack of proper ingress and egress to the subdivision. Although the Developer, represented by principal Peter Martin, attended the meeting, he left shortly after announcing that the Developer would not be constructing the mandated highway intersection. In April 2009, Mr. Martin told owners that the Developer did not feel the highway improvements were important.

26. The Planning Commission is aware of the Developer's violation of SMA permit conditions, but has not taken any corrective action to enforce the terms of the SMA permit.

D. The Developer Violated the CDUA Permit Conditions

27. The Developer has violated the conditions of their CDUA permit by failing to fully implement its Historic Preservation Plan and failing to construct the channelized highway intersection.

28. Olowalu has significant archeological sites, and the Developer's Historic Preservation Plan approved by the DLNR promised, pursuant to their CDUA permit approval, that the Developer would construct viewing platforms for certain sites, as well as boundary markers and signs. See Historic Preservation Plan, attached hereto as Exhibit "13A"; Letter from DLNR to Horcajo, dated March 7, 2002, attached hereto as Exhibit "13B" at 2.

29. The CDUA permit incorporated all mitigation measures set for in the Developer's application materials and EA as conditions of the permit, including the Historic Preservation Plan and the construction of the channelized highway intersection. See Exh. "5" at 2.

30. The Developer failed to construct platforms and erect signs at archeological sites.

E. **Additional Violations by the Developer**

31. The County of Maui Department of Planning approved the Developer's landscaping plan which provided that over 200 trees would be planted in the subdivision. See Letter from the County of Maui Department of Planning to Heidi Bigelow, Olowalu Elua Associates, LLC, dated May 29, 2003, attached hereto as Exhibit "14".

a. The landscaping plan also stated that the Developer would emphasize the use of native and Polynesian plants for greenways, the cultural reserve, roadway landscaping and the beach reserve because native plants are more adaptable to the area, conserve water and further protect the watershed from degradation due to alien invasive species. See Letter from Olowalu Elua Associates, LLC to County of Maui Department of Water Supply, dated March 16, 2000, attached hereto as Exhibit "15".

b. The Developer violated the landscaping plan approved by the Department of Planning by planting only a fraction of the promised trees and plants in the subdivision.

32. To address the Department of Planning's comments on its construction plans, the Developer informed the Department of Planning that, as a condition of the SMA permit, one of the roadway lights in the subdivision would meet the maximum wattage of 100w hps as an internal road intersection. The Developer violated the SMA permit conditions by failing to implement this roadway light. See Letter from Frampton & Ward, LLC to County of Maui Department of Planning, dated April 16, 2003, attached hereto as Exhibit "16" at 3.

33. The Developer violated the terms of the sales agreements by failing to install electrical transformers and failing to build the subdivision in accordance with the plans and specifications approved by the County of Maui.

a. The sales agreements for parcels sold by the Developer state that the Developer would install electrical and telephone service in the subdivision at no expense to the buyers. See Relevant Portions of the Sales Agreement Between Olowalu Elua Associates, LLC and Lot Buyers, attached hereto as Exhibit "17" at 1.

b. The sales agreements for parcels sold by the Developer state that the Developer agreed to complete all subdivision infrastructure improvements and utility services in accordance with the plans and specifications for the subdivision approved by the County of Maui. See Exh. "17" at 2.

34. The Developer has violated its agreement with subdivision lot owners by failing to maintain the subdivision in the manner in which it represented to the lot owners. Specifically, the Developer has failed to maintain the subdivision in the following ways:

a. Water pressure within the subdivision is a major problem that the Developer has failed to address;

b. The inferior water filtration system has created water quality problems causing a large expense for the subdivision's Homeowner's Association;

c. Sprinkler heads need constant replacement and landscaping in the common area and personal landscaping has been lost due to seashells and other debris in the irrigation water;

d. Grass in the common area was installed in an inferior manner by the Developer so that maintenance is costly to the Homeowner's Association;

35. The Developer violated the law in the following manner:

a. In connection with the development of Olowalu lands, the Developer removed 12 cubic yards of coral to use as "fill" on the wharf and additional cement was added to the coral without permits or proper government authority. The coral mound measured roughly 40 feet by 50 feet and the Developer was found to be in violation of Conservation District law and State law, and fined. See Letter from DLNR to Olowalu Elua Associates, LLC, dated April 25, 2000, attached hereto as Exhibit "18A" at 1; Letter from DLNR to Olowalu Elua Associates, LCC, dated July 5, 2000, attached hereto as Exhibit "18B" at 2; Letter from DLNR to Olowalu Elua Associated, LLC, dated July 21, 2000, attached hereto as Exhibit "18C" at 2; Final Environmental Assessment After-The-Fact Approvals for Work Performed at Olowalu, Maui, Hawaii, dated June 2001, attached hereto as Exhibit "18D".

b. The Developer removed sugar cane within the State beach reserve without authorization resulting in damage to hau trees, and was found to be in violation of Conservation District law and State law, and fined. See Exh. "18A" at 1; Exh. "18B" at 1-2; Exh. "18C" at 2; Exh. "18D".

c. The Developer received a Notice of Warning regarding a zoning violation and SMA and CDUA violations pertaining to its commercial use of property in Olowalu without proper permits to protect the oceanfront environment as well as cultural and historical resources. See Notice of Warning, Department of Planning, dated October 17, 2005, attached hereto as Exhibit "19".

F. The Developer's Violations Caused Dangerous Conditions in the Subdivision

36. The Developer only installed a promised "fire road" after a dangerous fire burned through Olowalu, destroying one house and closing the highway, even though the Project's plans submitted to the County depicted a gravel road exist to the highway at the end of the subdivision

for the purpose of allowing exit in case of fire.

a. During the fire, residents could only use the one road currently available to exit the subdivision, which had flames impeding on either side.

b. The "fire road" the Developer eventually constructed was created by the Developer merely clearing land leaving a dirt path. It stops short of the main highway and ends in a field. Apparently, the State owns the land between the field and the main highway and the Developer was stopped from constructing the "fire road" further due to talks with Councilwoman JoAnne Johnson.

c. The "fire road" is not graveled and as such does not meet the requirements of the Uniform Fire Code, which the Developer represented to residents of the subdivision that it would comply with.

d. The Developer transferred maintenance of the "fire road" to the Homeowner's Association, and maintenance in this unfinished condition will be costly and will create increased liability and safety concerns. The Developer also tried to pass liability for Luawai Street to the Homeowner's Association, which is not on the original subdivision map and is being used as an easement road so owners may access their lots.

37. Numerous traffic accidents and two traffic-related deaths occurred on the highway in front of Olowalu in 2008 because the only means of ingress and egress to the subdivision is near a dangerous stretch of highway due to the Developer failing to construct a channelized intersection exiting and entering the highway.

a. A personal injury or wrongful death lawsuit caused by a traffic accident or fatality entering or exiting the subdivision would cost taxpayer dollars, as the County would most likely be named in such a lawsuit. Taxpayers would further have to finish the development

if the Developer runs out the statute. Homeowners carry this liability as well as the liability if somebody is injured on Luawai Street or in the subdivision. One house has already burned down.

b. Traffic load will only increase as more households are established in the Project area, and the community will bear the burden associated with traffic impact from the subdivision.

II. CONCLUSIONS OF LAW

1. The Developer breached its contract with the Olowalu Mauka Subdivision Lot Owners by failing to build the subdivision in accordance with the plans and specifications approved by the County of Maui. Specifically, the Developer:

a. Failed to construct a fully channelized highway intersection prior to final Project approval by the County and prior to occupancy, pursuant to SMA and CDUA permit conditions;

b. Failed to file a bond with the County of Maui in the instance that all infrastructure improvements were not completed by final Project approval, pursuant to SMA permit conditions;

c. Failed to fully implement the Developer's Historic Preservation Plan, pursuant to CDUA permit conditions;

d. Failed to properly implement the landscaping plan approved by the Department of Planning;

e. Failed to implement a roadway light meeting the maximum wattage of 100w hps, pursuant to SMA permit conditions;

f. Failed to abide by Conservation District and State law in the development of Olowalu lands.

2. The Developer breached its contract with Olowalu Mauka Subdivision Lot Owners by failing to implement the Project plans and maintain the subdivision in the manner promised in the sales agreement and/or represented to the Owners. Specifically, the Developer:

a. Failed to install electrical and telephone service in the subdivision at no expense to the buyers;

b. Failed to address the inadequate water pressure within the subdivision;

c. Failed to address the inferior water filtration system that has created water quality problems causing a large expense for the subdivision's Homeowner's Association;

d. Failed to address the inadequate irrigation system allowing seashells and other debris into the irrigation water, causing the need for constant replacement of sprinkler heads and landscaping in the common area and on personal lots;

e. Installed grass in the common area in an inferior manner so that maintenance is costly to the Homeowner's Association;

f. Failed to provide safe living conditions for Olowalu residents.

3. The Developer breached its covenant of good faith and fair dealing with the Olowalu Mauka Subdivision Lot Owners for reasons specified in Conclusions of Law ¶¶ 1-2.

JAMES "KIMO" APANA
Mayor

CHARLES JENCKS
Director

DAVID C. GOODE
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT
LAND USE AND CODES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH M. NAGAMINE, L.S., P.E.
Land Use and Codes Administration

RONALD R. RISKA, P.E.
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

ANDREW M. HIROSE
Solid Waste Division

BRIAN HASHIRO, P.E.
Highways Division

September 20, 1999

Mr. Bob Horcajo, Project Manager
OLOWALU ELUA ASSOCIATES, LLC
173 Ho Ohana Street, Suite 201
Kahului, Hawaii 96732

SUBJECT: **OLOWALU MAUKA SUBDIVISION**
TMK:(2) 4-8-003:010, 050-070, & 073-082
TMK:(2) 4-8-004:011-016
LUCA FILE NO. 4.766

Dear Mr. Horcajo:

Preliminary approval was granted to the subject subdivision on August 23, 1999. As requested, since this is a consolidation of 38 lots and resubdivision into 34 lots and 5 roadway lots, this subdivision is being processed under Ordinance 2372.

Based upon Section 18.04.020(C) of the Maui County Code (MCC), final approval shall be contingent upon compliance with the following conditions:

1. Comply with requirements/comments from the State of Hawaii, Department of Land and Natural Resources, Historic Preservation Division. For further information, please contact Ms. Cathleen Dagher at (808) 692-8023.

2. Rev 10/22/99 Comply with requirements/comments from the Department of Planning. For further information, please contact Mr. Aaron Shinmoto at 270-7253.

4/4/00 3. Rev 10/19/99 Comply with requirements/comments from the Department of Public Works and Waste Management, Engineering Division. For further information, please contact Mr. Lloyd Lee at 270-7745.

EXHIBIT 1A

4. Requirement from the Department of Finance, Real Property Tax Division:

Complete and return the enclosed tax information notice to the Land Use and Codes Administration.

5. In accordance with Section 18.12.030(E)(13.a.) of the Maui County Code (MCC), submit a certificate signed and acknowledged by all persons vested with record title in the land subdivided consenting to the preparation and recording of the plat, provided that no consent is required by any person having any non-governmental easement, lease or license affecting the land subdivided, provided further that the director shall not approve any subdivision that causes any lot to be landlocked on the land subdivided or any adjacent land.

6. In accordance with Section 18.12.040(B) MCC, submit a copy of any deed restrictions or covenants applicable to the subdivision. If there are none, please indicate this in writing.

7. In accordance with Section 18.12.040(C) MCC, submit a tax clearance certificate (issued by Department of Finance, Real Property Tax Division) to show written proof that all taxes and assessments on the tract are paid to date. An "Application for Tax Clearance" form is enclosed for your use. **NOTE:** The tax clearance certificate shall be valid at the time of final subdivision approval.

8. Since a portion of this subdivision is within the Conservation district, submit written documentation from the State of Hawaii, Department of Land and Natural, Land Division (Planning Branch, #587-0386), whether a Conservation District Use Application (CDUA) is required. If a CDUA is required, then submit a copy of the approved CDUA permit.

9. The subdivider should verify with the Department of Planning if a Special Management Area Permit (SMA) is required for the subject subdivision.

10. All existing structures shall meet the minimum setback requirements from all newly created boundaries.

Advised Bob that access not required for existing land locked parcels. If existing parcels do have access, he should show access on map. 2/8/02 LUCA

11. Access shall be provided to Honoapiilani Highway for Exclusions 1, 2, 3, 4, and 5, TMK:(2) 4-8-003:071 & 072. **NOTE:** Exclusion 4 as shown on the preliminary plat should be separated into Exclusions 4 and 5, TMK:(2) 4-8-003:024 & 012, respectively. See comments noted on the enclosed approved preliminary plat.

12. In accordance with Chapter 19.30A (Agricultural District) MCC, based upon a gross area of 640.15 acres for TMK:(2) 4-8-003:010 (as certified by the Real Property Tax Division on March 1998), the subject parcel may be subdivided into a maximum of <u>thirty-four (34) lots</u>:

- 14 - two acre minimum lots
- 11 - fifteen acre minimum lots
- 6 - twenty-five acre minimum lots
- 3 - forty acre minimum lots

13. 4/4/02 In accordance with Section 19.30A.040 MCC, the subdivider shall allocate the maximum number of lots that can be created between the original lot and any new lot created as a result of the subdivision. This allocation of lots shall be recorded with the Bureau of Conveyance. Submit this document for our review and approval prior to the recordation with the Bureau of Conveyances. Since a maximum of thirty-four lots may be created from the subject parcel and thirty-four lots are being created with this subdivision, <u>no additional lots</u> may be created in the future. A blank standard form agreement is enclosed for your use. This agreement shall reflect the fact that, pursuant to Chapter 19.30A (Agricultural District) of the Maui County Code, none of the lots being created can be resubdivided, unless otherwise allowed by Chapter 19.30A.

14. Submit fifteen (15) prints of the final plat. The final plat shall be in accordance with the provisions of Chapter 18.12 (Final Plat) MCC and shall include all revisions addressing the comments noted on the enclosed preliminary plat.

Within one (1) year from the date of preliminary approval of the subdivision, all requirements shall be completed, unless an extension of time is granted. Applications for extension of time should be made in writing to the Department of Public Works and Waste Management at least fifteen days before the expiration date.

If you have any questions regarding this letter, please call Mr. Glen Ueno of our Land Use and Codes Administration at 270-7252.

Very truly yours,

CHARLES JENCKS
Director of Public Works
And Waste Management

Enclosures: Preliminary Plat
Deferred Tax Information Notice
Application For Tax Clearance
Agreement For Allocation Of Future Subdivision Potential

GAU S:\LUCA\ALL\SUBD\LUCASUBD\R6G4\4#766-1.plg

xc: Engineering Division w/preliminary plat
Dept. of Finance, Real Property Tax Div. (unmarked preliminary plat only)
Dept. of Finance, Tax Map Div. (unmarked preliminary plat only)
Dept. of Planning

[illegible] APANA
Mayor

CHARLES JENCKS
Director

DAVID C. GOODE
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT
LAND USE AND CODES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

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LLOYD P.C.W. LEE, P.E
Engineering Division

ANDREW M. HIROSE
Solid Waste Division

BRIAN HASHIRO, P.E.
Highways Division

October 22, 1999

Mr. Bob Horcajo, Project Manager
OLOWALU ELUA ASSOCIATES, LLC
173 Ho Ohana Street, Suite 201
Kahului, Hawaii 96732

SUBJECT: OLOWALU MAUKA SUBDIVISION
TMK: (2) 4-8-003:010, 050-070, & 073-082
TMK: (2) 4-8-004:011_016
LUCA FILE NO. 4.766

Dear Mr. Horcajo:

Condition no. 2 of our September 20, 1999 preliminary approval letter has been revised with the following:

2. Requirements/comments from the Department of Planning:

   a. Project shall conform to SMA rules and regulations.

   b. Portions of the project is within Flood Zone C, however, if any work is done within the project's existing drainageways, a flood development permit may be required.

   c. Portions of the project are within Flood Zones AO (1 feet), B, A4 (BFE = 34'-73' MSL, 1929 NGVD). The portions of the project that is within Flood Zone A4 is also within the Foodway district. A no rise analysis is required for any work within the Floodway district. The construction plans and final plat shall conform to Section 19.62 of the MCC. A flood development permit may be required.

   d. The Planning Department's letter of September 23, 1999 to Mike Munekiyo (enclosed) are incorporated in its entirety as additional comments to this subdivision request.

If you have any questions regarding this letter, please call Mr. Aaron Shinmoto at 270-7263.

EXHIBIT 18

Very truly yours,

for CHARLES JENCKS
Director of Public Works
and Waste Management

Enclosure
cy S:\LUCA\ALL\SUBD\LUCASUBD\REG4\4766-3.ltr
xc: Dept. of Planning

FACT SHEET

Olowalu Talk Story: A Community Based Planning Workshop

PROPOSED UNDERTAKING: OLOWALU TALK STORY: a Community Based Planning Workshop. The purpose of the Community Based Planning Workshop is to invite the community to participate in creating a Master Plan which will be used to guide the "re-establishment" of a livable community at Olowalu.

SUBJECT PROPERTY DESCRIPTION : The subject property is located in Olowalu on the westside of Maui and is flanked by the Pacific Ocean and the West Maui Mountains. The property contains approximately 600 acres of land consisting of 22 parcels. The vast majority of this land area is designated as Agriculture, while a small portion of the land is designated Conservation, and even smaller portion designated as Residential.

OWNERSHIP/ DEVELOPERS: Olowalu Elua Associates, LLC (OEA), a Maui-based company, owns a majority of the Olowalu proper and currently possesses 600 +/- acres. The remaining 100 +/- acres is owned by approximately 50-75 individuals.

Frampton & Ward, LLC (F&W) has entered into a Development Agreement with OEA on August 2005. The agreement provides that F&W shall be the Developer for the proposed Master Planned Community of Olowalu with an option to purchase the land currently owned by OEA. F&W will be developing the Olowalu property under a Hawaii-based limited liability company, **Olowalu Town, LLC (OL)**, of which Bill Frampton and Dave Ward are the Managing Members. The Managing Members have "decision making authority"; while OEA will be "silent Partners."

COMMUNITY-BASED PLANNING PROCESS: The purpose of the Community Based Planning Workshop is to invite the community to participate in creating a Master Plan which will be used to guide the *Re-Establishment* of a livable community at Olowalu. The workshops will be a "hands-on" experience which encourages the community to state their goals, desires, and needs regarding the future of Olowalu. Two (2) to three (3) workshops take place each day, each one designed to cover specific land use components/issues which affect a Community. Our planning consultant (see below) will set up a fully equipped design studio to draw up the concepts discussed by the community during the workshops. The illustrations are continually presented back to the community for their immediate feedback and refinement. This "real time" community planning process promotes a sense of "co-authorship" amongst the participants while they are formulating the Master Plan.

EXHIBIT 2

Appendix C

Traffic Impact Analysis Report

EXHIBIT 3

ATA

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ATA

TABLE OF CONTENTS
(Cont'd.)

AUSTIN, TSUTSUMI & ASSOCIATES, INC.
CIVIL ENGINEERS • SURVEYORS
CONTINUING THE ENGINEERING PRACTICE FOUNDED BY H. A. R. AUSTIN (H. 1924)

OLOWALU MAKAI AND MAUKA SUBDIVISIONS

TRAFFIC IMPACT ANALYSIS REPORT

I. INTRODUCTION

This report documents the findings of the traffic impact analysis study conducted by Austin, Tsutsumi & Associates, Inc. to evaluate the potential traffic impact on Honoapiilani Highway by the proposed subdivision of lands at Olowalu, Maui, Hawaii.

A. Project Description

Olowalu Elua Associates, LLC proposes to subdivide lands at Olowalu, Maui, Hawaii into agricultural lots. Pursuant to Section 19.30A of the Maui County Code relating to the Agricultural District, a total of nine (9) lots will be created on lands situated makai of Honoapiilani Highway. In addition to the subdivision of lands makai of the highway, Olowalu Elua Associates, LLC proposes to subdivide the lands mauka of the highway to create 34 lots.

A Special Management Area (SMA) Use permit application will be filed for the proposed creation of seven subdivided lots on the makai side of Honoapiilani Highway. The seven lots, along with two existing makai lots not affected by the SMA permit application, yield a total of nine lots makai of the highway. Although the mauka lands do not fall within the County's SMA boundaries, and accordingly, are not subject to the County's SMA requirements, this study considers the cumulative traffic impact of the proposed subdivisions by evaluating the potential traffic generated from both makai and mauka lands. Hence, for the overall identification of potential traffic impacts, a total of 43 agricultural lots are assessed in this study.

Construction of the lots is expected to be completed in the Year 2006; however, the construction of the homes will be undertaken by the buyers. Occupancy of the homes will be dependent upon the individual schedules of the buyers, but it is estimated that

most of the buyers would construct and occupy their dwelling units within a five-year period. Hence, Year 2005 is utilized for future conditions when the project is expected to be fully occupied. The buyers are expected to be a mixture of local residents and recreational users (part-time vacation or second homes).

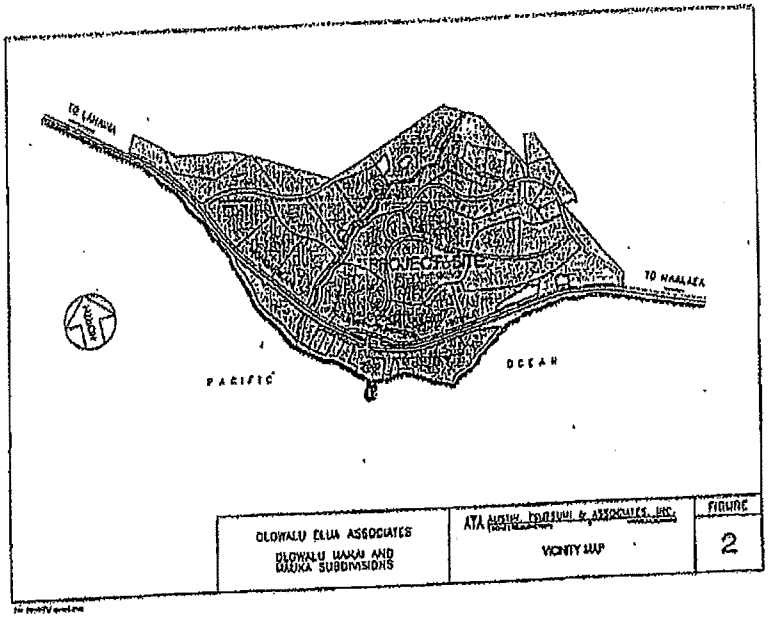
The proposed project is located at Olowalu, Maui as shown in Figure 1 and in the vicinity map provided in Figure 2. The project consists of two agricultural subdivisions, which are referred to as the Makai and Mauka Subdivisions and shown in Figure 3. There will be 9 lots in the Makai Subdivision and 34 lots in the Mauka Subdivision.

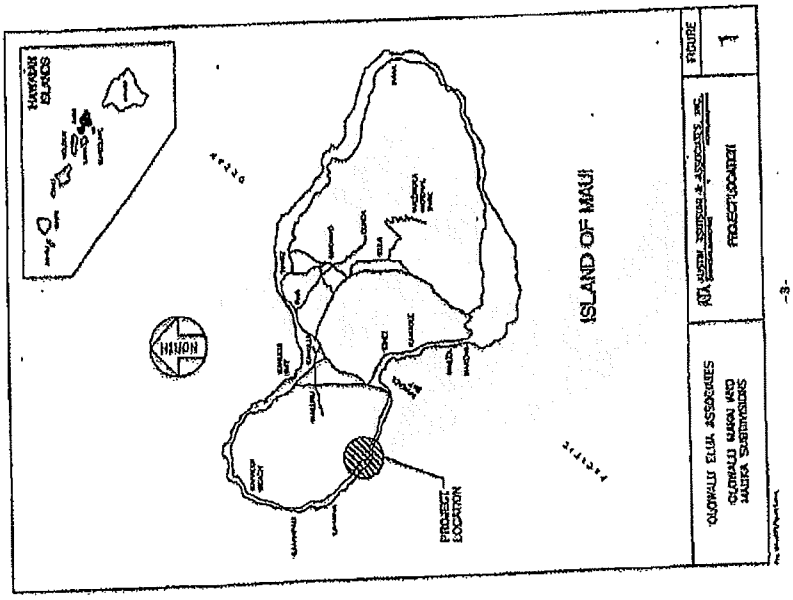
The Makai Subdivision (consisting of 7 SMA lots in TMK 4-8-02:05, 41-45 and 2 existing non-SMA lots in TMK 4-8-03:44 and 84) is located on the makai side of Honoapiilani Highway in the vicinity of the Olowalu General Store and Chez Paul restaurant. The agricultural lots in the Makai Subdivision will be served by two driveways, one on each side of the Olowalu Stream. A single lot on the north side of the Olowalu Stream will have a separate access, which is referred to as Driveway B. Access to the other lots in the Makai Subdivision will be at an existing driveway located opposite of the north driveway of the Olowalu General Store/Chez Paul restaurant parking lot, labeled as Driveway C. The Makai Subdivision also contains an existing camping facility, known as Camp Pecusa, which is accessed by a separate, one-lane driveway. The camping facilities are mainly utilized by local groups during the weekends. Presently, there are no plans to change the Camp Pecusa facilities or alter its driveway.

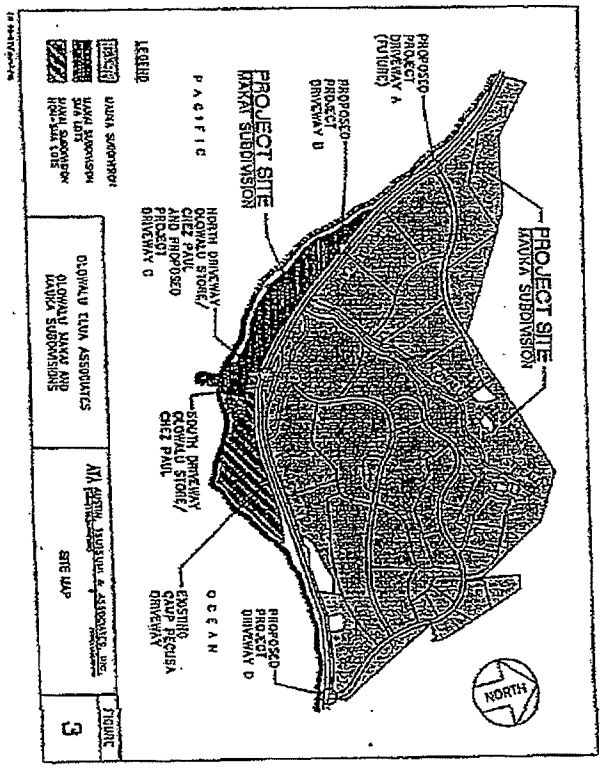
The Mauka Subdivision (TMK 4-8-03:10, 50-70, 73-82, and 4-8-4:12-16) is proposed to access Honoapiilani Highway via two new driveways, labeled as Driveway A and Driveway D. It is anticipated that access on Honoapiilani Highway for Driveway A will be requested when the mauka area is subdivided for development. An existing private road, which serves as access for Pioneer Mill properties, is located on the mauka side of Honoapiilani Highway and runs parallel to the highway. The 34 lots in the Mauka Subdivision will be able to utilize the private road to conduct lots internally within the mauka area without traveling onto Honoapiilani Highway. The proposed project driveways are shown in Figure 3, the project site map.

B. Study Methodology

The purpose of the study is to identify, quantify and mitigate the potential impacts on Honoapiilani Highway by the vehicular trips generated by the proposed subdivisions. The roadway improvements which would be required to accommodate the future regional traffic growth as well as the project-generated traffic are identified, as needed.


TO LAHAINA
PROJECT SITE
TO HANA
NORTH
PACIFIC
OCEAN
OLOWALU ELUA ASSOCIATES
OLOWALU MAKAI AND
MAUKA SUBDIVISIONS
ATA
VICINITY MAP
FIGURE
2


HAWAIIAN ISLANDS
ISLAND OF MAUI
NORTH
PACIFIC
PROJECT LOCATION
OLOWALU ELUA ASSOCIATES
OLOWALU MAKAI AND
MAUKA SUBDIVISIONS
ATA
PROJECT LOCATION
FIGURE
1



Traffic counts were taken on Honoapiilani Highway in the vicinity of the project to quantify existing traffic operations during the morning and afternoon peak periods of traffic. Field observations were also conducted during the course of the day while the traffic counts were being taken. In order to assess the traffic impacts of the Olowalu subdivisions in context with the regional traffic growth in the area, future traffic volumes were forecasted without and with the project-generated traffic. The traffic impacts of the proposed project were determined through the analytical comparison of these two future traffic assignments.

II. EXISTING CONDITIONS

A field investigation was undertaken to develop a description of existing traffic conditions and roadway infrastructure at the study intersections. Information relevant to the study includes the number of travel lanes, traffic control devices, traffic volumes and the current traffic conditions on the existing roadway system.

Twenty-four hour traffic counts were taken on Honoapiilani Highway during Tuesday-Wednesday, February 2-3, 1999. In addition, turning movements into and out of the north and south driveways of the Olowalu General Store and the Chez Paul restaurant parking lot were observed during portions of the morning and afternoon peak periods on February 3, 1999. Weather conditions were generally sunny and windy with intermittent rain.

A. Existing Roadway System

Honoapiilani Highway is a two-lane major State highway linking Wailuku with West Maui. In the vicinity of the project, Honoapiilani Highway has two 12-foot travel lanes with paved shoulders of varying widths. Channelization, including left turn bays and acceleration and deceleration lanes, exist at selected intersections. The project is located in a rural area with a speed limit of 45 miles per hour, which is reduced to 35 miles per hour in the vicinity of the Olowalu General Store.

The parking lot shared by the Olowalu General Store and Chez Paul restaurant is paved and accessed by two driveways on Honoapiilani Highway. The north driveway forms a four-legged (cross) intersection with Honoapiilani Highway and a driveway for Pioneer Mill residences on the makai side of the highway. Separate left turn lanes are provided for the southbound and southbound directions of Honoapiilani Highway at this intersection. Guardrails front large trees on both sides of the highway at the

intersection. Several of the large trees were noted to restrict sight distance for motorists exiting the parking lot on the mauka side of the highway. In order to obtain a better or longer sight distance before entering the highway, it appears that many motorists were using an open, gravelly area to enter Honoapiilani Highway; the gravelly area is contiguous to the Olowalu paved parking lot and is situated to the north of the parking lot's north driveway.

The south driveway at the Olowalu General Store/Chez Paul restaurant parking lot is an unpermitted access utilized by many large, eastbound trucks. The south driveway forms an unsignalized T-intersection with Honoapiilani Highway. The Honoapiilani Highway northbound left turn storage lane/taper for the intersection with the Pioneer Mill residences/north parking lot driveways extends past the south parking lot driveway. None of the southbound highway traffic entered at the south driveway during the period when manual traffic counts were being taken.

The Olowalu General Store serves as a convenience stop, where motorists stop for morning coffee break and/or to pick-up a bento for lunch. During the weekdays, the Olowalu General Store is open from 6:00 AM to 6:30 PM. The Chez Paul restaurant serves only dinner and is officially opened at 5:30 PM. A structure is situated on the south side of the restaurant; however, the structure appears to be vacant and none of the motorists utilizing the parking lot were observed to enter or exit the structure.

A private road is situated on the mauka side of the highway; this private road parallels the highway and serves as an access road for Pioneer Mill property/cane land. Private homes are located mauka of the store and these residents also utilize the Olowalu General Store/Chez Paul restaurant driveways to access Honoapiilani Highway.

B. Existing Traffic Operations

The speed limit on the highway is 45 miles per hour on either side of the Olowalu General Store and is reduced to 35 miles per hour in the vicinity of the store. The afternoon peak period of traffic conditions are noticeably busier than the morning peak period of traffic. Motorists entering the highway experienced varying lengths of delays; some motorists waited for a few seconds while others waited for over a minute for suitable gaps in the highway traffic.

1. Existing Traffic Volumes

Twenty-four hour machine counts were taken during February 2-3, 1999 on Honoapiilani Highway between the two driveways to the Olowalu General Store/Chez Paul restaurant parking lot. Manual counts of driveway volumes were also taken during portions of the morning and afternoon peak periods of traffic. The existing traffic volumes for the morning and afternoon peak hours of traffic are shown in Figure 4.

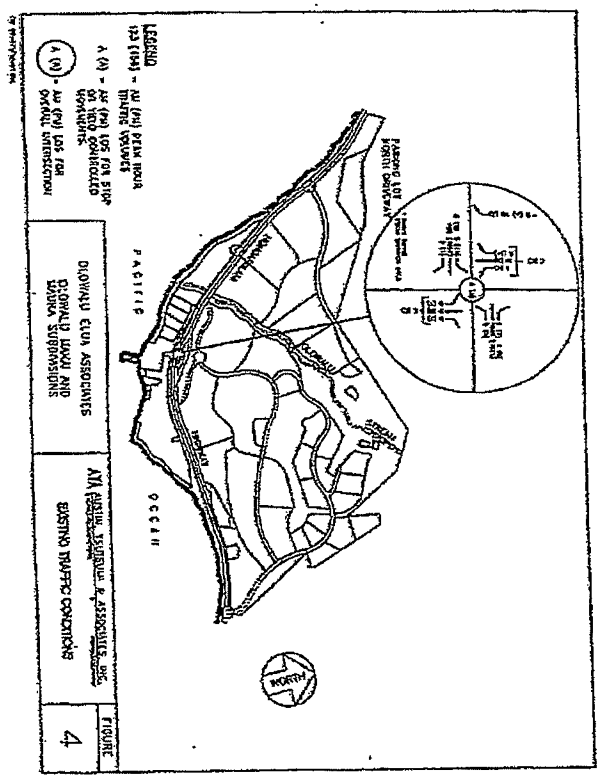
2. Technical Analysis

The existing traffic volumes were analyzed by the methodology described in the 1994 Highway Capacity Manual for two-lane highways and for unsignalized intersections. Level of service (LOS) is a qualitative measure used to describe the condition of traffic flow, ranging from free flow conditions at LOS A to congested conditions at LOS F. The volume-to-capacity (v/c) ratio serves as an indicator of the utilization of the available capacity of a roadway facility. Detailed descriptions of Levels of Service for two-lane highways and unsignalized intersections are contained in Appendix E.

The results of the two-lane highway analyses show that the existing v/c ratio for Honoapiilani Highway is presently at 0.63 during the morning peak hour of traffic and at 0.75 during the afternoon peak hour of traffic, indicating the highway operates at LOS E for both peak hours of traffic.

The overall operations at the intersection of Honoapiilani Highway and the north driveway of the Olowalu General Store/Chez Paul restaurant parking lot are currently at LOS A. The left turn movements from Honoapiilani Highway into the north parking lot driveway operate at LOS B during the morning and afternoon peak hours of traffic. The left turn movements into the mauka driveway (Pioneer Mill residences) operate at LOS A and LOS B during the morning and afternoon peak hours of traffic, respectively. The traffic exiting at the north parking lot driveway and the mauka driveway (from the Pioneer Mill residences) both experience LOS C conditions during the morning peak period of traffic. The operating conditions for mauka driveway drops to LOS E during the afternoon peak hour of traffic, but the north parking lot driveway remains at LOS C.

SL1



Field observations noted a wide range in the variation of the delays experienced by traffic entering or exiting the Olowalu General Store parking lot or the driveway to private homes on the makai side of the highway. A few motorists could enter or exit the parking lot with little or no delay (LOS A), while other motorists waited over a minute (LOS F) for a suitable gap in highway traffic to execute their turning movements.

III. FUTURE BASE YEAR 2005 CONDITIONS WITHOUT THE PROJECT

The Year 2005 was selected for future baseline traffic conditions. While completion of construction and occupancy of the homes would be undertaken by the individual buyers, estimates are that most of the buyers are expected to occupy their homes by the Year 2005.

A. Background Traffic Growth

Future traffic volumes in the vicinity of the project are expected to increase due to changes in defacto growth on Maui. A growth factor of 2.1 percent per year was derived through review of historical State DOT traffic counts on Honoapiilani Highway in the Olowalu area, and forecasts of traffic volumes in the 1997 Maui Long-Range Land Transportation Plan (MLRLTP) report. The growth factor was applied to the existing traffic volumes to estimate future base traffic volumes in Year 2005.

B. Future Base Volumes and Level of Service Analysis

The future base traffic volumes without the project are shown in Figure 5. The level of service analyses for unsignalized intersections and two-lane highways was applied to the projected volumes and are summarized below.

With the projected increases in traffic volumes, the two-lane highway analysis shows Honoapiilani Highway would have a v/c ratio of 0.73 in the morning peak hour of traffic, or LOS E. During the afternoon peak hour of traffic, the v/c ratio would be at 0.86, or operating conditions at LOS E.

For the Honoapiilani Highway intersection with the Olowalu General Store north parking lot driveway, the overall intersection operating conditions are expected to be at LOS A. The Honoapiilani Highway left turn movements into the north parking lot driveway would be at LOS B during the morning and afternoon peak hours of

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traffic. The left turn movements into the Pioneer Mill residence makai driveway would operate at LOS A during the morning peak hour of traffic and at LOS B during the afternoon peak hour of traffic. The traffic exiting from the makai driveway (Pioneer Mill residence) would be expected to experience longer delays at LOS D during the morning peak hour of traffic and at LOS F during the afternoon peak hour of traffic. Traffic exiting from the mauka driveway at the parking lot would operate at LOS C condition during the morning and afternoon peak hours of traffic. The traffic volumes at the mauka driveway of the Kamala General Store parking lot do not meet the warrants for traffic signals.

IV. PROJECT-GENERATED TRAFFIC VOLUMES

The development of the project traffic is undertaken in three sequential steps: trip generation, trip distribution and traffic assignment. Trip generation identifies the project-generated traffic volumes and trip distribution determines the direction of travel (to origin and destination) for the project traffic. Traffic assignment designates the roadways which would be utilized by the project traffic. Each of these steps is explained in further detail in the following sections.

A. Trip Generation

Trip generation quantifies the number of trips that would enter and exit the project site. The vehicular trips are directly related to project land uses. The Institute of Transportation Engineers has compiled trip generation data collected across the nation and established direct correlation between vehicle trip rates and various types of land uses. The trip generation rates for the project were based on trip rates compiled by the Institute of Transportation Engineers in a report entitled, Trip Generation, 5th Edition, and are shown in Table 1. The project traffic volumes are quantified in Table 2.

Table 1
TRIP GENERATION RATES

Land Use Parameter	Single Family Dwelling Unit	Recreational Homes Dwelling Unit
Daily	9.55	3.16
AM Peak Hour		
Enter	0.19	0.11
Exit	0.55	0.05
PM Peak Hour		
Enter	0.65	0.11
Exit	0.35	0.15

Table 2
PROJECT-GENERATED TRIPS

	Daily	AM Peak Hour Enter	AM Peak Hour Exit	PM Peak Hour Enter	PM Peak Hour Exit
Makai Subdivision					
5 Single Family Dwelling Units	26	1	3	3	2
4 Recreational Dwelling Units	12	0	0	0	0
Subtotal	50	1	3	3	2
Mauka Subdivision					
17 Single Family Dwelling Units	162	3	9	11	6
17 Recreational Dwelling Units	54	1	1	1	1
Subtotal	216	5	10	13	8
Total	276	6	13	16	11

B. Trip Distribution

Trip distribution determines the direction of travel (or origin and destinations) of the project-generated trips. The trip distribution was derived from review of existing and projected population and employment data in the MUALTP, historical traffic counts collected by the State DOT, and consideration of the travel time or proximity to nearby land uses. Although the MUALTP indicates that 75-80 percent of the population and employment would be expected to be located south of the Olowalu area, most residents would probably prefer to travel to the Lahaina area for employment or shopping since it is closer than Wailuku/Kahului or Kihei.

The traffic entering or exiting the project subdivisions would travel in two primary directions: north or south. For the project trip distribution, the project traffic was distributed equally between the two directions, or 50% northbound and 50% southbound.

C. Traffic Assignment

The traffic assignment determines the routes travelled and the driveways utilized by the project traffic. The project traffic is assigned onto Honoapiilani Highway since it is the only route which connects Olowalu to the rest of the island. The Makai Subdivision traffic will utilize Driveways B and C. Although the traffic generated by the Mauka Subdivision could utilize the Olowalu Store/Deer Park parking lot driveways, the Mauka Subdivision traffic was assigned to Driveways A and Driveways D as these driveways provide more direct connections to the highway. Also, since there are no changes planned for Camp Pecusa, none of the project traffic was assigned to its driveway. The project traffic assignment is provided in Figure 5.

V. FUTURE YEAR 2005 CONDITIONS WITH THE PROJECT

The future traffic conditions with project-generated traffic are derived by adding the project-generated traffic volumes to the Year 2005 baseline traffic volumes.

A. Future Traffic Volumes with Project-Generated Traffic

The future traffic assignment with the project-generated traffic is shown in Figure 6. The analysis results are described in the following pages.

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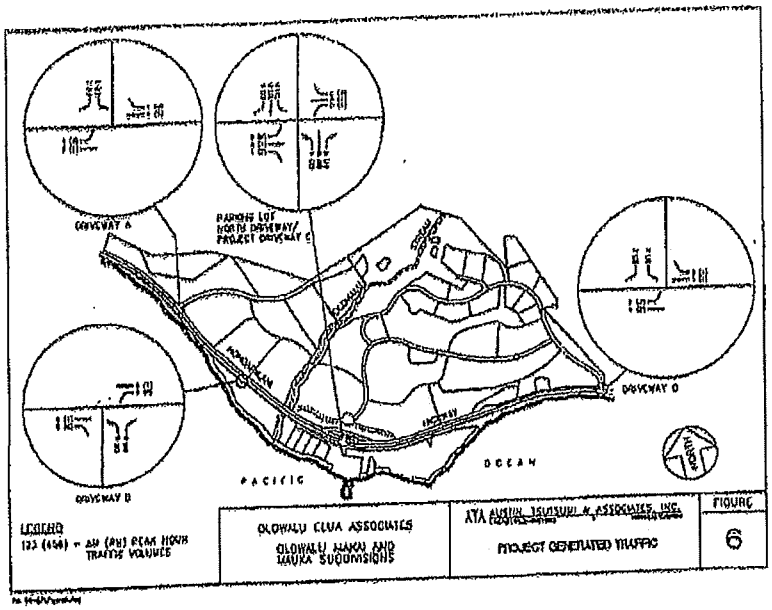
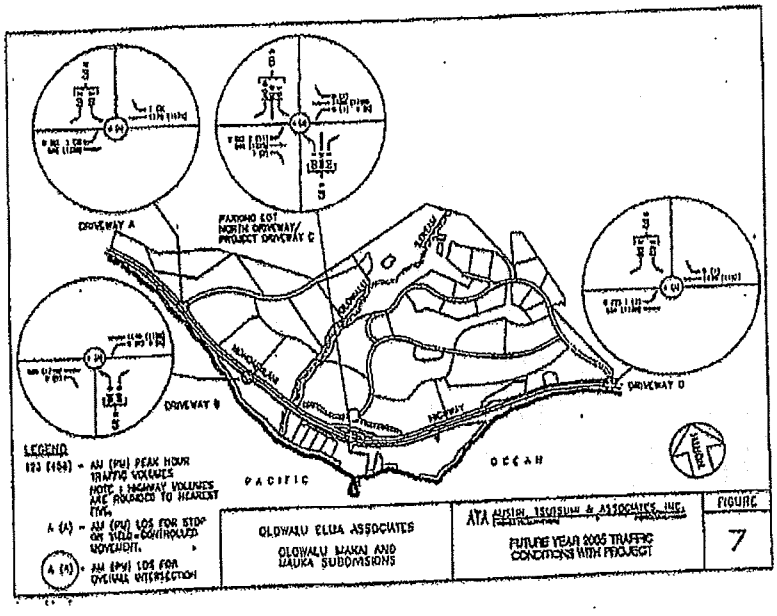

DRIVEWAY A
PARKING LOT NORTH DRIVEWAY/ PROJECT DRIVEWAY C
DRIVEWAY D
DRIVEWAY B
PACIFIC
OCEAN
NORTH
LEGEND
123 (456) = AM (PM) PEAK HOUR TRAFFIC VOLUMES
OLOWALU ELUA ASSOCIATES
OLOWALU MAKAI AND MAUKA SUBDIVISIONS
ATA AUSTIN, TSUTSUMI & ASSOCIATES, INC.
PROJECT GENERATED TRAFFIC
FIGURE
6


DRIVEWAY A
PARKING LOT NORTH DRIVEWAY/ PROJECT DRIVEWAY C
DRIVEWAY D
DRIVEWAY B
PACIFIC
OCEAN
NORTH
LEGEND
123 (456) = AM (PM) PEAK HOUR TRAFFIC VOLUMES
NOTE: 2-WAY VOLUMES ARE ROUNDED TO NEAREST FIVE
A (A) = AM (PM) LOS FOR STOP OR YIELD-CONTROLLED MOVEMENTS
A (A) = AM (PM) LOS FOR OVERALL INTERSECTION
OLOWALU ELUA ASSOCIATES
OLOWALU MAKAI AND MAUKA SUBDIVISIONS
ATA AUSTIN, TSUTSUMI & ASSOCIATES, INC.
FUTURE YEAR 2005 TRAFFIC CONDITIONS WITH PROJECT
FIGURE
7

B. Analysis Results

The future traffic volumes with the project traffic were analyzed by the 1994 HCM two-lane highway methodology and also by the unsignalized intersection methodology for the four Honoapiilani Highway intersections in this study.

During the morning peak hour of traffic, Honoapiilani Highway in the vicinity of the project would operate at a v/c ratio of 0.72 and LOS E. During the afternoon peak hour of traffic, Honoapiilani Highway, in the vicinity of the project, would operate at a v/c ratio of 0.89 and LOS E.

The intersection analyses results show that the four intersections in this study would be expected to operate with overall traffic conditions at LOS A. The left turns into parking lot and project driveways would be at LOS B during the morning and afternoon peak hours of traffic, except for the left turn movements into Project Driveway B and Project Driveway C (former Pioneer Mill residences) which would be at LOS A during the morning peak hour of traffic.

The motorists exiting from the north parking lot driveway would operate at LOS C during the morning and afternoon peak hours of traffic. The motorists exiting at Project Driveway C would be expected to experience LOS C during the morning peak hour of traffic and LOS F during the afternoon peak hour of traffic.

Traffic exiting from Project Driveway A and Project Driveway D would operate at LOS D and LOS F during the morning and afternoon peak hours of traffic, respectively. Traffic exiting at Project Driveway B would experience LOS C during the morning peak hour of traffic and at LOS F during the afternoon peak hour of traffic.

The traffic volumes at the project driveways do not meet the warrants for traffic signals. The net change in the Honoapiilani Highway v/c ratios due to the project traffic results in an increase of only 0.01 for the morning and afternoon peak hours of traffic.

C. Warrants for Left-Turn Storage Bay

Traffic volume warrants were developed by M.D. Harmelink to assess the need for separate left-turn lanes at unsignalized intersections. The future traffic volumes at each of the project driveways meet these volume warrants. Left-turn bays should be provided at each of the project driveways so left-turning movements do not hinder through traffic on Honoapiilani Highway. The left-turn bays at Driveways A, C and D should have a storage length for at least two vehicles; the left-turn bay at Driveway B should have sufficient storage length for at least one vehicle.

D. MAUITP Considerations

The MAUITP, which evaluated long-term regional traffic growth on the island of Maui, recommends the widening of Honoapiilani Highway from two to four lanes from Lahaina to the Olowalu area between the Years 2005-2020. Since the proposed Olowalu Subdivisions will be developed on both sides of Honoapiilani Highway, the planning of these subdivisions should incorporate the provision for the future widening of Honoapiilani Highway.

VI. SUMMARY OF FINDINGS AND RECOMMENDATIONS

This section summarizes the findings and recommendations of the traffic impact analysis report for the Olowalu Makai and Mauka subdivisions. The analysis results are presented in Tables 3 and 4 for two-lane highway and unsignalized intersections, respectively.

Table 3
TWO-LANE HIGHWAY
ANALYSIS RESULTS

	AM Peak Hour		PM Peak Hour	
	v/c Ratio	Level of Service	v/c Ratio	Level of Service
Existing Conditions	0.63	E	0.78	E
Future Base Conditions without Project	0.71	E	0.83	E
Future Traffic Conditions with Project	0.72	E	0.89	E

XXX

XXX

A. Findings

1. Existing Conditions

Traffic on Honeysuckle Highway operates at LOS E with v/c ratios of 0.93 and 0.78 during the morning and afternoon peak hours of traffic, respectively.

Overall, the intersection of the Goodie General Store north driveway and Honeysuckle Highway is at LOS A. The northbound left turn movements are at LOS A during the morning peak hour of traffic and at LOS B during the afternoon peak hour of traffic. The eastbound left turn movements are at LOS D during the morning and afternoon peak hours of traffic. The traffic exiting from the north parking lot driveway is at LOS C during the morning and afternoon peak hours of traffic. The traffic exiting from the middle driveway (Pioneer Hill subdivision) is at LOS C during the morning peak hour of traffic and at LOS E during the afternoon peak hour of traffic.

2. Future Base Year 2005 Traffic Conditions Without Project Traffic

Traffic on Honeysuckle Highway would operate at LOS E at a v/c ratio of 0.96 during the morning peak hour of traffic, and at LOS E at a v/c ratio of 0.80 during the afternoon peak hour of traffic.

The overall traffic conditions at the Oldwalu General Store north driveway would be at LOS A. The eastbound left turn movements into the driveways would operate at LOS B during both peak hours of traffic. The northbound left turn movement into the middle driveway (Pioneer Hill subdivision) would operate at LOS A during the morning peak hour of traffic and at LOS B during the afternoon peak hour of traffic. The traffic exiting from the north parking lot driveway would be at LOS C during the morning and afternoon peak hours of traffic. Traffic exiting at the middle driveway for the Pioneer Hill subdivision would be expected to experience longer delays at LOS D during the morning peak hour of traffic and at LOS F during the afternoon peak hour of traffic. The traffic volumes exiting the north parking lot driveway do not meet the warrants for traffic signals.

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Table 4
UNSIGNALIZED INTERSECTION
ANALYSIS RESULTS

Unsignalized Intersection/Approach	EXISTING CONDITIONS				CUMULATIVE CONDITIONS WITHOUT PROJECT				CUMULATIVE CONDITIONS WITH PROJECT			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
	Delay (Seconds)	Level of Service	Delay (Seconds)	Level of Service	Delay (Seconds)	Level of Service	Delay (Seconds)	Level of Service	Delay (Seconds)	Level of Service	Delay (Seconds)	Level of Service
Oldwalu Store / North Driveway												
Unsignalized Left Turn												
Eastbound Left Turn												
Northbound Left Turn												
Pioneer Hill Residences / Driveway C												
North Parking Lot Driveway												
Overall Intersection												
Project Driveway A												
Northbound Left Turn												
Middle Driveway A												
Overall Intersection												
Project Driveway B												
Northbound Left Turn												
Middle Driveway B												
Overall Intersection												
Project Driveway D												
Southbound Left Turn												
Middle Driveway D												
Overall Intersection												

E. Future Year 2005 Traffic Conditions with Project-Generated Traffic

The Makai Subdivision would generate 4 vehicular trips during the morning peak hour of traffic and 5 vehicular trips during the afternoon peak hour of traffic. The Mauka Subdivision would generate 15 vehicular trips and 21 vehicular trips during the morning and afternoon peak hours of traffic, respectively.

For the two-lane highway analysis, the results would be similar to future base traffic conditions without the project. The Honoapiilani Highway traffic would operate with a v/c ratio of 0.72 at LOS E during the morning peak hour of traffic and a v/c ratio of 0.69 at LOS E during the afternoon peak hour of traffic.

The results for the four intersections in this study would be similar to the future base conditions without the project at the Olowalu General Store north driveway intersection. The overall intersection operations at the four intersections are expected to remain at LOS A. The Honoapiilani Highway left turn movements into the north parking lot driveway and the project driveways would be at LOS B, except for the left turn movements into Project Driveway B and Project Driveway C (former Pioneer Mill residences) which would be at LOS A during the morning peak hour of traffic. Traffic exiting the north parking lot driveway would operate at LOS C during the morning peak hour and afternoon peak hours of traffic. Traffic exiting from the Driveway C and from Driveway B would be at LOS C during the morning peak hour of traffic and LOS F during the afternoon peak hour of traffic. The traffic exiting at Driveway A and at Driveway D would experience longer delays at LOS D and LOS F during the morning and afternoon peak hours of traffic, respectively. The traffic volumes at the Honoapiilani Highway intersections with parking lot and project driveways do not meet the warrants for traffic signals. In the MRLTP, the widening of Honoapiilani Highway is recommended for the time period between Year 2006 and Year 2020.

F. Recommendations

The following roadway improvements are recommended to accommodate the traffic generated by the proposed Olowalu Makai and Mauka Subdivisions:

- For Driveways A, C and D, left turn bays and deceleration and acceleration lanes for right turn movements into and out the project driveways should be provided at these project driveways so project traffic turning into and out of the project driveways does not delay motorists in the through lanes. The storage length of

the left turn bays should be adequate to accommodate at least two vehicles, exclusive of taper. For the Honoapiilani Highway T-intersections with Driveways A and D, a refuge lane in the median should be provided. Left turn movements from the project driveways onto Honoapiilani Highway would use the refuge lane as a shelter or to accelerate to merge with through traffic; the refuge lane would allow the left-turning movement to be executed in two steps and reduce delays for the project traffic.

- For Driveway B, a left turn bay with storage length for a single vehicle should be provided. Deceleration and acceleration lanes are not recommended for this single lot driveway.

The recommendations, described below, would allow Honoapiilani Highway to be improved to serve the future growth in regional highway traffic volumes expected beyond Year 2005:

- Adequate right-of-way should be reserved along the Honoapiilani Highway corridor to allow for the future widening of Honoapiilani Highway from Lahaina to Olowalu, as identified in the MRLTP. The widening of Honoapiilani Highway would be needed for the future conditions with or without the proposed Olowalu Makai and Mauka Subdivisions. The MRLTP indicates that the widening would be required between Year 2006 and Year 2020.

REFERENCES

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Institute of Transportation Engineers, Trip Generation, Sixth Edition, Washington, D.C., 1997.

Kaku Associates, Hawaii Long Range Land Transportation Plan, prepared for the State of Hawaii Department of Transportation, Final Report, February 1997.

Transportation Research Board, National Research Council, Highway Capacity Manual, Special Report 209, Third Edition, Washington, D.C., 1994.

U.S. Department of Transportation, Federal Highway Administration, Manual on Uniform Traffic Control Devices for Streets and Highways, Washington, D.C., 1988, as amended.

APPENDICES

JAMES "KIMO" APANA
Mayor

JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 19, 2000

Mr. Robert Horcajo
Olowalu Elua Associates, LLC
173 Ho Ohana Street, Suite 201
Kahului, Hawaii 96732

Dear Mr. Horcajo:

RE: Special Management Area (SMA) Use Permit for the Proposed Olowalu Subdivision at TMK: 4-8-003:5, 10 (Por.), 41, 42, 43, 50 (Por.), 63 (Por.), and 78 (Por.) and 4-8-004:11, 12, 13, 14, 15, and 16 at Olowalu, Maui, Hawaii (SM1 990021)

At its regular meeting on September 12, 2000, the Maui Planning Commission (Commission) conducted a public hearing on the above-referenced application. At the meeting, the Commission clarified the record as follows:

1. Commissioner Star Medeiros who was a member of the Citizens Advisory Committee (CAC) for the West Maui Community Plan clarified the park designation and language. During the CAC's discussions on the park site at Olowalu, the reduction of 50 percent of agriculture related to the reduction of sugar cane cultivation and not to other agricultural crops that could be grown on the site. As such, the 50 percent reduction of agriculture has occurred. Based on the language, the applicant is advised that a 30-acre park should be reserved on the Camp Pecusa side of the makai lands in Olowalu.

2. Commissioner Joe Bertram III requested that the applicant work with Maui Electric Company to encourage energy efficiency in the project and use of alternative energy options such as solar panels.

The Commission, after due deliberation, voted to grant approval of the Special Management Area Use Permit, subject to the following conditions:

STANDARD CONDITIONS:

1. That construction of the proposed project shall be initiated by **September 30, 2002.** Initiation of construction shall be determined as construction of offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occurs first. Failure to comply

EXHIBIT 4

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7634

within this two (2) year period will automatically terminate this Special Management Area Use Permit unless a time extension is requested no later than ninety (90) days prior to the expiration of said two (2) year period. The Planning Director shall review and approve a time-extension request but may forward said request to the Maui Planning Commission for review and approval.

2. That the construction of the project shall be completed within five (5) years after the date of its initiation. Failure to complete construction of this project will automatically terminate the subject Special Management Area Use Permit. A time extension shall be requested no later than ninety (90) days prior to the completion deadline. The Planning Director shall review and approve a time-extension request but may forward said request to the Maui Planning Commission for review and approval.

3. The permit holder or any aggrieved person may appeal to the Maui Planning Commission any action taken by the Planning Director on the subject permit no later than ten (10) days from the date the Director's action is reported to the Commission.

4. That final construction shall be in accordance with preliminary subdivision plans included in the submittal received on November 9, 1999.

5. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to soil erosion from wind and water, ambient noise levels, and traffic disruptions.

6. That the subject Special Management Area Use Permit shall not be transferred without prior written approval in accordance with Section 12-202-17(d) of the Special Management Area Rules of the Maui Planning Commission. However, in the event that a contested case hearing preceded issuance of said Special Management Area Use Permit, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

7. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Special Management Area Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Special Management Area Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County