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OUR REFERENCE NO.:
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LAND USE COMMISSION
STATE OF HAWAII

December 4, 2015

VIA HAND DELIVERY

Daniel Orodener
Executive Office
Land Use Commission
State Office Tower
Leiopapa A Kamehameha Building
235 South Beretania Street, Room 406
Honolulu, Hawai'i 96813

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

Re: Written Response to Certain Questions Raised by Commissioners on November 19, 2015 - Final Environmental Impact Statement for Proposed Olowalu Town Master Plan, LUC Docket No. A10-786

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

Due to the extensive public testimony that was given on this matter on November 18, 2015, Applicant (Olowalu Town LLC and Olowalu Ekolu LLC) was not given an opportunity to make its oral presentation to this honorable Land Use Commission of the State of Hawai'i ("**Commission**"). The Commission has continued this matter and agendized it for hearing and final action on December 7, 2015. At the Commission's meeting on November 19, 2015, members of the Commission posed certain questions to the Applicant, and indicated that responses to those questions should be provided when Applicant returns to the Commission.

Applicant fully intends to put on its case, present all of its experts and make its experts available for questioning by the Commission on December 7, 2015. Applicant provides this brief written response to answer the specific questions asked of Applicant by the Commission at the November 19, 2015 meeting. Applicant reserves all rights to supplement this response though its presentation and argument at the meeting on December 7, 2015. This response incorporates references to the EIS and we reserve the rights to allow our consultants to present

testimony and offer presentations on their studies, and to respond to questions from Carlsmith Ball, as counsel for the Applicant, and from the Commission.

The official transcript of the November 19, 2015 Commission meeting is not yet available to Applicant. As such, Applicant does not have a complete record of the questions that were raised by the Commissioners. With that limitation in mind, Applicant believes that the Commissioners' questions were as follows:

I. MAUI ISLAND PLAN

1. *A Commissioner requested clarification on whether the makai portion of the Olowalu Town Master Plan ("OTMP") was presented to the Maui Planning Commission during the Maui Island Plan ("MIP") process, and requested that Applicant review the Maui Planning Commission record from that time.*

a. **Applicant's Response.**

For the OTMP, Applicant always intended to undertake development on both sides of the existing Honoapi'ilani Highway. See, e.g., various Alternative Design Analysis at EIS App. A (Olowalu Talk Story); *Olowalu Town: By Maui, For Maui* (Vol. 2, No. 1), at App. T (Community Meetings). However, the Maui Planning Commission did not recommend including the makai lands in any growth boundaries.

As stated in the Planning Director's April 17, 2012 comment letter, and repeated in Applicant's October 26, 2015 response letter (EIS Vol. II, Chp. XI), "Although the GPAC [General Plan Advisory Committee] and [Maui Planning] Commission approved the inclusion of the Master Plan (as proposed) in a growth boundary, the [Maui Planning] Commission did not support any development makai of the existing Honoapiilani Highway."

2. *A Commissioner indicated a recollection that the makai lands were included in the Urban Growth Boundary of the MIP, but that the designation was based on an understanding that the makai lands would be designated for parks, open space and stormwater retention basins, and would be dedicated to the County.*

a. **Applicant's Response.**

The two makai parcels within OTMP (TMK Nos. (2) 4-8-003: 084, 124), are not within the MIP Urban Growth Boundaries, but the possibility of such designation is contemplated in the MIP. *See* EIS Fig. 3 (p. 4) and p. 5 for TMK parcel identification.

Approximately 613 acres within the OTMP is designated in the Urban or Rural Growth Boundaries under the MIP. *See* Maps C-12, C-13, D-12, and D-13 of the Maui Island Plan Directed Growth Boundaries (EIS Appendix R); *and see* Map W4 of the Directed Growth Maps. EIS Fig. 29 (p. 340) provides a more complete depiction of the MIP Directed Growth Boundaries for OTMP. The area makai of Honoapi'ilani Highway is not within the Urban or Rural Growth Boundaries. However, the MIP (enacted under Ordinance No. 4004) noted that, with respect to the 613 gross acres "[t]he future delineation of potential urban growth areas makai of the existing Honoapi'ilani Highway may be undertaken in conjunction with updates or amendments to the West Maui Community Plan. Such delineation may consider the need to: protect adjacent coastal and marine ecosystems (including the reefs at Olowalu), enhance public shoreline access and open space, and implement the proposed Pali to Puamana Parkway plan." *See* EIS at 358; *and see* MIP at 8-64 n.45.

Applicant also notes that TMK parcel 084, consisting of 28.894 acres, and TMK parcel 124, consisting of 16 acres, are noted as being partially within the Protected (Park) Area, and also noted as being outside of the Protected Areas, as identified under the MIP. *See* EIS App. B (Zoning & Flood Confirmation Forms); *and see* Table 4 (p. 41).

The two makai parcels are not designated under the MIP for open space or stormwater retention basins, and are not slated for dedication to the County, but portions have been identified for Park under the MIP. *See* EIS App. B (Zoning & Flood Confirmation Forms).

3. *A Commissioner indicated that during the Maui Island Plan review undertaken by the Maui Planning Commission it was represented that the existing Honoapi'ilani Highway would be retained in place and used as a secondary access road, and asked whether that understanding is consistent with the proposed OTMP. The Commissioner also asked whether the OTMP will*

inhibit access to the Awalua surf spot located off of the peninsula on the Launiupoko side of OTMP.

a. **Applicant's Response.**

The existing Honoapi'ilani Highway roadway will be retained in place, as will the monkey-pod trees, but it will be converted into a secondary coastal roadway (low speed/low volume roadway) that will remain open to the public. *See* EIS p. viii. OTMP also includes a new, mauka alignment that will operate as the higher-speed highway through the OTMP.

Relocating the Highway further mauka will change the existing Honoapi'ilani Highway from a higher speed arterial to a lower-speed secondary roadway. The lower speed secondary roadway will enhance and improve traffic safety of recreational users seeking to access the shoreline, i.e., the public trying to cross the existing higher speed Highway) and create the opportunity to expand parks with associated amenities along the shoreline. EIS at 63. OTMP proposes to enhance public recreational opportunities in Olowalu with approximately 223 acres (Alternative 1) and 200 acres (Alternative 2) of open space and park lands. *Id.* Implementation of the OTMP (Alternative 1) will result in continuous lateral shoreline access from the Lahaina side of Olowalu to the Ma'alaea side, with significant park lands makai of the existing Highway adjacent to Camp Olowalu and north of Olowalu Stream. EIS at 38.

The OTMP recognizes the vital importance of public access to and along the shoreline. As shown on Fig. 4 (p. 10), limited segments of the existing Highway on the far east and west ends of OTMP are intended to be realigned and utilized for shoreline access and/or parking, if feasible, in order to create additional public park space that is not bisected by the existing Highway. *See* Conceptual Green Space Plan, Fig. 24 (p. 173). Park and Open Space areas within OTMP are to be used for active/passive parks, accessory and support facilities, greenways, bikeways, multi-purpose ball fields, music stands, community centers, cultural uses/activities, camping and for the Olowalu Cultural Reserve. *See* Table 2 (p. 23). There will be no loss of access, or the ability to park and access, the Awalua surf spot.

However, the existing stretch of Honoapi'ilani Highway within OTMP is owned by the

State, and not by Applicant. *See* Fig. 3 (p. 4); *and see* EIS at 221. Although the existing Highway right-of-way is owned by the State, it is hoped by Applicant that the State might abandon limited portions of the right-of-way once Applicant completes the construction of the relocated highway and appropriate roadway connections are made. If so, the abandoned right of way would be integrated into the proposed cultural areas, open space and parks, as shown on Fig. 4 (p. 10). However, as indicated in the EIS, any modification to the existing Highway alignment would need to be authorized by the State. As appropriate in an informational document, the EIS discloses this possibility. The OTMP is a conceptual land use plan for planning purposes. Should all of the necessary land use permits be issued for OTMP, at each stage of project implementation greater specificity on coastal access routes and the integration of State lands and private lands for recreational purposes will be provided. *See* Applicant's October 26, 2015 letter to Surfrider Foundation Maui Chapter, EIS Vol. III, Part II.

We also note that these land areas are within the Special Management Area. Therefore, any significant changes would likely require approval from the Maui Planning Commission. *See* Fig. 10 (p. 51).

II. RUNOFF

1. *A Commissioner asked if Applicant intends to retain 100% of pre- and post- development runoff at OTMP, as may have been represented to the Maui Planning Commission.*

a. Applicant's Response.

It is expected that preventing all water flow into the ocean would have a dramatic and negative effect on the ocean. However, Applicant hereby affirms, as stated in the EIS, that it will retain all increased runoff resulting from the development of OTMP. In addition, the retention basin storage that will be provided as part of OTMP is anticipated to reduce the existing surface runoff volume by at least 10%. *See* App. C (Preliminary Engineering Report) at 8. OTMP Alternatives 1 and 2 propose approximately 223 acres and 200 acres, respectively, for parks and open space throughout the project, of which approximately 140 acres under Alternative 1 and 120 acres under Alternative 2 are available for drainage improvements. Approximately 15 to 20

percent of the 140 acres (21 to 28 acres) under Alternative 1 or 120 acres (18 to 24 acres) under Alternative 2 would be utilized for stormwater retention. EIS at 251; App. C-1 at 1 (June 2, 2015, Letter from Otomo Engineering).

Existing runoff for the entire OTMP for a 100-year, 24-hour storm is approximately 1,008 cfs and approximately 322 acre-feet of runoff volume. *See* App C-1. Post-development, under Alternative 1, those numbers change to 1,711 cfs and approximately 395 acre-feet of runoff volume. *Id.*

Applicant acknowledges a potential miscommunication before the Maui Planning Commission. In reviewing the record from 2009 (which pre-dates the filing of the EISPN in this matter), Applicant clearly stated a commitment to retain on-site pre-development and post-development stormwater runoff. However, no specific amounts were discussed. The intention of the commitment was to treat 100% of the pre-development and post-development storm water within the developed areas of OTMP. Such treatment includes methods presented as Low Impact Development ("**LID**") measures as outlined in Appendix B-1 of the Draft EIS and listed in Table 10 at page 70 of the Draft EIS. These measures have since been adopted by the Maui County Council within the Rules for the Design of Storm Water Treatment Best Management Practices. *See* EIS at 251-52; Applicant's October 26, 2015 letter to M. Foley, EIS Vol. III. These practices are in recognition that stormwater sediment is a major coral stressor. EIS at 258. OTMP includes highly effective stormwater quality enhancement measures, which will reduce the amount of sediment that is currently flowing into the ocean. *Id.*

Related specifically to retention of stormwater, Applicant will retain all increased runoff resulting from the development of OTMP for a 100 year, 24 hour storm event. In addition, at least 10% of the pre-development runoff will be retained on site. The installed retention volumes for this design storm will have more substantial impact on the more frequent smaller rainfall events in which 100 percent of the runoff will be contained resulting in less surface runoff than under the existing, undeveloped condition. *See* Applicant's October 26, 2015 letter to Maui Nui Marine Resource Council, EIS Vol. III.

III. WASTEWATER TREATMENT PLANT

1. *A Commissioner asked how any failures/overflows at the proposed wastewater treatment plant ("WWTP") would be addressed, and questioned the location of the WWTP (close to the Olowalu Recycling and Refuse Convenience Center, and just mauka of the Awalua surf spot).*

a. **Applicant's Response.**

The WWTP is planned to be constructed at the west/mauka edge of OTMP, immediately mauka of the proposed relocated highway. *See* Fig. 4 (p.10). The wastewater collected there will be treated to State of Hawai'i R-1 recycled water standards, and total nitrogen will be reduced to less than 10 mg/L. *See* App. Q (Wastewater Management Plan) at 3-1. The WWTP will be a public utility regulated by the Public Utilities Commission, and also requiring approval from the State Department of Health. *Id.* The WWTP will also provide the opportunity for existing community members who are currently served by cesspools or septic systems to connect to the new plant and eliminate their need for cesspools or septic systems. EIS at 38.

Construction of the WWTP as proposed eliminates the need for injection wells. The WWTP will include a constructed wetland and soil aquifer treatment system to treat and dispose of excess wastewater. EIS at 161.

The potential for WWTP failures have been addressed in the design of the plant. The WWTP will be built with a SCADA (supervisory control and data acquisition) system. The SCADA system monitors the WWTP 24/7 and alerts the WWTP of any conditions that warrant attention. The WWTP will include an emergency power generator that will ensure that operations continue even in the event of a power failure. Included in the WWTP is an emergency storage basin that will hold any water that has not been treated to R-1 standards until such time as any mechanical issues at the WWTP have been resolved, at which time the water will be returned to the WWTP for reprocessing. *See* App. Q (Wastewater Management Plan) at 4-4. The WWTP will be constructed outside of the tsunami inundation zone. *Id.*; and *see* EIS Fig. 15 (p. 95).

Properly designed and operated WWTP should not generate odors. Nuisance odors are most commonly associated with anaerobic (without oxygen) conditions and with residual solids processing. The two potential sources of odors are the headworks and the solids dewatering process. The WWTP has been designed to avoid odors from these components. *See* App. Q (Wastewater Management Plan) at 4-5.

Headworks are often an odorous area because incoming raw wastewater can be anaerobic and the screening and grit removal processes involve solids processing. At OTMP the headworks will be enclosed to facilitate foul odor collection. The air removed from the building will be treated in an odor control biofilter (or similar process) where the foul air will be treated as it flows through a compost media. Biofilters consist of an engineered bed of compost with distribution piping, and are capable of removing hydrogen sulfide (H₂S) and a wide variety of other odorous compounds from the air. *Id.*

The solids dewatering process is another potential source of odors. However, the WWTP at OTMP will have the dewatering equipment enclosed in a room to facilitate foul air collection. Once again, the foul air will be routed to a biofilter for treatment. *Id.*

The liquid treatment processes within the wastewater treatment plant will not be a source of nuisance odors because the process tanks will be aerated to maintain dissolved oxygen concentrations at approximately 2.0 mg/L or greater at all times. Waste solids will be pumped to an aerobic digester for stabilization. The dissolved oxygen concentration in the aerobic digester will be maintained at 2.0 mg/L or greater at all times by aeration. The WWTP will include at least one redundant blower for each aeration system to ensure that aeration air can be provided at all times. *Id.*

IV. TRADITIONAL AND CUSTOMARY RIGHTS

1. *Commissioners asked whether the EIS addressed impacts to traditional and customary fishing practices specifically, and about impacts on traditional and customary practices more generally.*

a. **Applicant's Response.**

Impacts to traditional and customary practices are addressed in the EIS. The Cultural Impact Assessment for OTMP ("CIA") is found at App. H-1. The study area is the entire ahupua'a of Olowalu, including the off-shore reef area. The CIA was prepared consistent with the Guidelines for Assessing Cultural Impacts, originally adopted by the State Office of Environmental Quality Control in 1997, and also consistent with the Consultation Plan for Assessment Potential Cultural Impacts ("**Consult Plan**"), found at App. H. The Consult Plan was the research design for the CIA and set forth how the consultant intended to research the environmental effects of the proposed OTMP on the native Hawaiian cultural practices of the community. The Consult Plan also reviewed historic information about the ahupua'a, and noted the historic properties that are located within the OTMP project area. *See* App. H, Fig. 11.

The CIA was finalized after extensive outreach. As a starting point, the consultant sent letters to 19 individuals and organizations notifying them of the pending CIA and requesting their kokua and guidance regarding knowledge of traditional and customary practices and cultural resources within the OTMP project area. App. H-1 at 10-11, 69. The Maui County Cultural Resources Commission also provided a list of individuals and organizations to contact. After this initial round of consultation, the consultant conducted three formal interviews with: (1) Al Lagunero, President of the Olowalu Cultural Reserve; (2) Stanley Okamoto, former Olowalu resident; and (3) Adeline Rodrigues, kupuna and lineal descendant to Olowalu Ahupua'a. *Id.* at 71-82. Preparation of the CIA also included informal interviews, meetings with Polanui Hiu, site visit of the OTMP area with descendants and cultural practitioners and two presentations to the Maui County Cultural Resources Commission. *Id.* at 82-97.

Olowalu was traditionally recognized as a pu'uhonua or sanctuary. Native Hawaiian traditional and customary practices identified as having been practiced within the OTMP area in the past fall into five general categories described below. There are fewer traditional and customary practices being exercised in Olowalu at that present time.

b. **Past practices:**

1. **Traditional mauka-makai ahupua'a uses**

Use of marine resources, fishing in the coastal area, crop cultivation, water and timber rights in mauka areas, and valuable bird catching privileges at higher elevations, lo'i in mauka areas and kula agricultural lands. *See* App. H-1 at 99-104.

2. **Traditional trails**

Traditional trails in Olowalu were used to connect various settlements within and between the ahupua'a. App. H-1 at 104. The Alaloa foot trail along coastline was used, but the more likely preferred mode of inter-ahupua'a travel was an upland route through valleys of the West Maui Mountains. *Id.* Coastal trails were also used mostly for intra-ahupua'a travel, usually along major streams and marked by petroglyphs. *See* App. H-1 at 104-05.

3. **Traditional Agriculture**

The consultant's research of testimony for kuleana claims in Olowalu indicates that agricultural uses in Olowalu were fairly intensive, consisting primarily of lo'i, followed by dry land agriculture. App. H-1 at 99. Over 1100 kuleana claims were made for lo'i kalo (taro patches). *Id.* 'Uala was also prominently grown as well as dry land kalo, mai'a (banana), wauke (paper mulberry) and 'ulu (breadfruit). *Id.* Kula (open field or pasture) was another use in the area. Other plants that were grown include hala/pūhala, hau, niu, kou, kukui, māmaki, ko'oko'olau, 'uhaloa and ti. *Id.* at 99-100. Most lo'i were situated on lots closest to the stream.

4. **Ocean Based**

Plant gathering along the shoreline included limu (seaweed) līpoa, limu kohu, lipe'epe'e, mane'one'o, and manaua. *See* App. H-1 at 101. Wawae'iole once grew along shoreline but is no longer present. *Id.* at 75.

The well-developed reef system in Olowalu resulted in excellent fishing. Fishing methods and practices included: paea ea (bamboosing-straight pole fishing only conducted on nights of the new moon) and kukui hele pō/lamalama (fishing by torch light and spear). *Id.* at 101

Olowalu is known for the following marine species: ū'ū (menpachi), papio, manini, akole, loli (sea cucumber), wana (sea urchin), he'e (squid), and akule (bigeye scad). It is also said to be home to tiger sharks, a nursery for the manō lālākea (black tipped reef shark), and a hihimanu (manta ray) breeding ground. *Id.* at 101-02.

Aquaculture was also present in Olowalu. Kalokoi'aokapāiki was an ali'i fishpond, which currently functions as a drainage basin between the present alignment of Honoapi'ilani highway and the access road to Kapa'iki Village. *Id.* at 102.

5. **Heiau and burials**

There are two (2) heiau within OTMP: Ka'iwaloa Heiau of the luakini or sacrificial type, and a smaller heiau complex, both noted with burial internments. EIS at 156; App. H-1 at 107

Several burials within the OTMP project area at multiple sites, documented in previous studies and the studies performed for this project. *See* EIS at 156-57; App. H-1 at 105-07.

c. **Current Resources and Practices; Extent To Which They May be Affected; Measures to Protect**

Currently there appear to be fewer traditional and customary practices being exercised within the OTMP project area. Current practices appear to be limited to worship, gathering and fishing, and limited farming within the Olowalu Cultural Reserve. Concerns about resources clustered around traditional Hawaiian sites and burials, water (ocean and stream), and trails and access were raised during consultation for the CIA.

1. **Farming**

The Olowalu Cultural Reserve ("OCR"), a non-profit organization whose purpose is to support and promote the revitalization of traditional Hawaiian culture by providing cultural and educational experiences, has a long-term lease of 74 acres along the Olowalu Stream. OCR is in the process of restoring the former irrigation systems, cultivating lo'i kalo and other traditional crops, and restoring native habitat. EIS at 7, 159. The 74-acre OCR area also serves as a preserve for the majority of the archaeological, historic and cultural resources identified in the OTMP. *See id.*; App. H at 34, Fig. 10. The OCR is the only known traditional farming currently

practiced in Olowalu. EIS at 7.

2. **Heiau and burials**

Certain individuals who are caretakers for the Ka'iwaloa heiau (Mr. Ke'eaumoku Kapu and Mr. Daniel Nahina) identified as worshiping at the heiau. *See* App. H-1 at 109. They indicated that the Season of Kū and the Season of Kane are two times in the year in which traditional Hawaiian ceremonial practices and protocols are carried out at the heiau. *Id.* The heiau is noted on EIS Fig. 4. There is a desire to close public access to Ka'iwaloa heiau, as well as Kaopulupulu heiau, during seasonal changes, potentially beginning with the rising of Makali'i. *Id.*

Several measures have been proposed to protect these resources. Al Lagunero suggests the creation of a mapele within the 13 acres of the OCR between the Stream and the pali on the Ukumehame side of the valley. *Id.* at 116. This area is within OTMP, but no land use changes will be sought (i.e., it will remain in the State Land Use Conservation District). This area could be used for prayer and na koa (warrior) practice under Mr. Kapu. *Id.* Numerous additional measures to preserve the heiau and protect access thereto are described on p. 117 of the CIA. Applicant has committed to working with Mr. Kapu and Mr. Nahina to insure implementation of the suggested recommendations. *Id.*

3. **Marine and Water Resources**

Limu gathering may still occur in Olowalu, although certain cultural participants indicated that certain limu is no longer found within Olowalu. App. H-1 at 101. Some participants attributed negative impacts to limu resources from sunscreen and other residues from recreational users and the use of the ocean for recreation instead of for subsistence. *Id.* Al Lagunero suggested that families could begin to plant limu at the little bays along the shore as a way to bring the limu back to the shoreline. *Id.* Increasing the flow from Olowalu Stream could result in more limu. *Id.* at 113. The use of R-1 recycled water for irrigation purposes at OTMP is anticipated to reduce the demand upon the Olowalu Stream. *Id.* Development of OTMP would not appear to have a direct negative effect on the availability of limu.

Traditional fishing along the shoreline in Olowalu is practiced in modern times. *See id.* at 75, 103. One cultural participant identified as using the paea ea (bambooing) technique. *Id.* at 75. Haunani Teruya expressed concerns about the ability to continue traditional fishing practices in the event OTMP was developed, and Leslie Kulolia expressed concerns about potential impacts to marine resources and the continuation of lawai'a traditions. *Id.* at 103. Rhiannon Chandler and others expressed concerns about harm to the Olowalu reef as a fish breeding ground due to development and sediment laden discharge. *Id.* at 103-04. Adeline Rodrigues expressed concerns about recreational use of the ocean happening presently, and particularly the impacts of sunblock on the marine environment. *Id.* at 101.

Some suggested that OTMP implement a shoreline restriction policy, similar to traditional kapu seasons, with an area specifically set aside for traditional cultural practices. *Id.* at 115. In addition, because residential lighting and noise could interfere with the traditional subsistence practice of night fishing, OTMP should be developed with lighting that will respect the night sky and provide for little light spillage into the shoreline. *Id.*

The reef can be protected through the implementation of Best Management Practices both during construction and after construction and Applicant's commitment to employ Storm Water Quality Enhancements. *Id.* at 114.

To address these and related concerns some participants suggested that OTMP should have a setback greater than the 100 feet required by State law, so that the setback area could act as a buffer to keep landscaping materials and other materials from getting into the ocean. *Id.* at 114. OTMP will have a 150-foot setback from the shoreline, creating a setback that will run the makai length of the OTMP. *Id.* Others suggested the formation of an Olowalu Community Marine Management Group, which could function as a shoreline monitoring check during construction and periodically thereafter. *Id.* The Applicant reaffirms its support of such a management group and proposes to continue discussions with Polanui Hiu, cultural practitioners, Olowalu residents, as well as the appropriate agencies, such as the Department of Land and Natural Resources, throughout implementation of the OTMP. EIS at 160-61.

Some participants expressed concerns about the potential for injection wells for the new proposed WWTP harming the marine environment. App. H-1 at 115. As discussed above, all wastewater will be treated to R-1 recycled water standards, and no injection wells will be used at the WWTP.

4. **Trails and access**

As discussed above, trails served to connect the various settlements within and between the ahupua'a and districts of the Hawaiian Islands in traditional times. One participant expressed concern over whether the OTMP would prevent people from accessing the Alaloa, the concern being that if the Alaloa goes away, the current traditional knowledge and memories of walking the trail would fade. *Id.* at 105. However, if Honoapi'ilani Highway is realigned further mauka, the existing alignment will be retained. EIS at 156. Public access along the Alaloa will be preserved.

V. EMERGENCY ACCESS

A Commissioner expressed concern about traffic in the event that there is a wildfire or major catastrophic issue.

a. **Applicant's Response.**

Emergency access is provided within OTMP and is anticipated to be improved from the existing conditions. Currently the only major roadway facility providing vehicular access to and from the Olowalu area is the two-lane Honoapi'ilani Highway, which runs in an east/west direction, close to the shoreline, and has a posted speed limit of 35 mph in this area. *See* EIS at 221; *and see* Fig. 3 (p. 4). There is also a former cane haul road that runs along the mauka side of the Highway within the OTMP boundaries (it diverts inland behind the Olowalu General Store). The cane haul road formerly served as an access road for the Pioneer Mill property/cane land. *Id.*

Construction of the new relocated highway within OTMP as proposed — within a 160 feet wide corridor — means that roadway capacity will be improved, and vehicles will no longer be limited to only one option (the existing Highway) when driving through OTMP. EIS at 234.

In reviewing the Draft EIS, the Maui Police Department noted that traffic could be diverted from the proposed new highway to the existing Honoapi'ilani Highway in the event of emergency.

During fatal and near-fatal traffic accidents, the Maui Police Department's policies and procedures dictate the closure of the roadway for several hours while specifically trained investigators and reconstructionist conduct a complete investigation. In addition, during natural disasters (i.e. wild fires, flooding, tsunamis, etc.) the Maui Police Department may have to close certain roadways or redirect traffic to ensure the public's safety.

It may be necessary to divert traffic onto one of the separated two-lane roadways so that traffic may continue in both directions, or to divert traffic to the secondary roadway (the existing Honoapi'ilani Highway).

See EIS Vol. II, Part 1.

Applicant also notes that the Police Department expressed concerns about increased speed along the new highway, and the potential for bottlenecks where the new highway merges back to the existing makai alignment outside of the OTMP boundaries. Applicant stands by its October 26, 2015, response to the Maui Police Department:

As public health and safety are of utmost concern to the applicants, the applicants will work with the Police Department as may be necessary to assess traffic conditions prior to and during project build out to ensure safety of those traveling through Olowalu Town. As appropriate, the applicant may consider roadway signage as the project site that would educate drivers of traffic conditions.

Understanding that the Police Department's policies and procedures dictate the closure of the roadway for several hours during fatal and near-fatal traffic accidents or natural disasters, the applicant is committed to working with the Police Department for best management of traffic as such emergency situations arise.

The transportation network planned in OTMP would allow for emergency "detour" within the OTMP for approximately two (2)

miles of the realigned Honoapi'ilani Highway, as may be necessary.

Applicant further notes that the design of the new highway will enhance public safety in several ways. For example, "smart highway" technology and accommodations will be provided for during the design phase, such technology could include video cameras and other detection devices that could be part of a State or Island-operated traffic center. *See* EIS App. P-1 (TIAR), at 64. The TIAR also suggests that consideration be given to using the proposed right-in/right-out at the Ukumehame end of the OTMP for emergency access only. *Id.* at 65.

VI. CONCLUSION

Applicant fully intends to put on its case, present all of its experts and make its experts available for questioning by the Commission, and reserves all rights to supplement this response though its presentation and argument at the meeting on December 7, 2015. Applicant reserves all rights to allow its consultants to present testimony and offer presentations on their studies, as well as to respond to questions from counsel and the Commission.

We respectfully submit this letter in response to the questions that were raised at the Commission's meeting on November 19, 2015. We hope that this facilitates your review and we appreciate the opportunity to respond.

Sincerely,



Jennifer A. Lim
Onaona P. Thoene

JAB1/jah

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