

*Millie Shimabuku Septimo
72 Maunaleo Place
Wailuku, HI 96793*

October 6, 2014

The Department of Business, Economic Development & Tourism
Land Use Commission
P.O. Box 2359
Honolulu, HI 96804-2359

RE: Piilani Promenade
Kihei, Hawaii
TMK: (2) 3-9-001:016, 170-174

Gentlemen:

I am writing to comment on the Piilani Promenade Draft EIS.

Expanded shopping and affordable housing opportunities in Kihei is something we have needed for a long time.

However, I would like more information on how the proposed uses meet current community plans, and what infrastructure is planned to meet traffic and water needs and if these costs will be incurred by the Owner of the project.

Sincerely,



Millie Shimabuku Septimo

cc: Chris Hart & Partners Inc., 115 N. Market Street, Wailuku 96793
Piilani Promenade North LLC and Piilani Promenade South LLC, c/o Sarofim
Realty Advisors, 8115 Preston Road, Suite 400, Dallas, Texas 75225



April 17, 2017

Ms. Millie Shimabuku Septimo
72 Maunaleo Place
Wailuku, HI 96793

Dear Ms. Septimo,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the
Piilani Promenade, located in Kihei, Maui, Hawaii at
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter dated October 6, 2014. Responses to your comments are provided below.

Comment 1. I would like more information on how the proposed uses meet current community plans, and what infrastructure is planned to meet traffic and water needs and if these costs will be incurred by the Owner of the project?

Response 1.

In response to comments regarding compliance with the Kihei-Makena Community Plan, we note the discussion of compliance with the KMCP is mentioned in Section IV. E. (Kihei-Makena Community Plan) of the FEIS.

The Piilani Promenade is located within the Kihei-Makena Community Plan (KMCP) region. The KMCP was adopted by Ordinance No. 2641 on March 6, 1998. The property is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the KMCP's LI designation consistent with the M-1 Light Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. Consistent with the Maui County long-standing application of the KMCP, the proposed projects complies with the LI designation in the KMCP.

In response to comments regarding project infrastructure improvements for traffic and who is paying for them, FEIS Section III.D.1 (Roadways) has been revised to include the following language:

Recommended Project Mitigation Measures

The Applicant is responsible for providing the following improvements at the intersection of Piilani Highway and Kaonoulu Street as part of Project:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.
- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

In consultation with the State DOT Highways Division, the authoritative State agency on the design of roads and highways in Hawaii, it was determined that a frontage road along Pi'ilani Highway was unnecessary. As part of the Project, Pi'ilani Highway will be widened and a striped pedestrian crosswalk will provide a safe route across Piilani Highway. Additionally, a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.

In response to comments regarding water improvements, we note the discussion of water improvements are mentioned in Section II. D. 3 (Water) of the FEIS and has been revised to include the following language.

The Pi'ilani Promenade will be served by the water system improvements that the Applicant is required to construct in order to complete the subdivision improvements for the Kaonoulu Ranch Large-Lot Subdivision No. 2.17 (See: Figure 3-2 of Appendix L, "Preliminary Engineering Report"). These improvements will consist of:

1) Relocating a 2,500 ft. long segment of the Central Maui Water System's existing 36-inch diameter waterline from its present alignment, which currently crosses the project area, onto a new alignment along East Kaonoulu Street;

2) Constructing a new 1.0 MG capacity concrete water storage reservoir located 234 feet MSL which will be dedicated to the DWS upon completion;

- 3) Installing a 3,200 ft. long, 12-inch diameter transmission waterline from the Central Maui Water System's existing 36-inch transmission line to the new 1.0 MG storage reservoir for refilling the storage tank;
- 4) Installing a 5,500 ft. long, 16-inch diameter distribution main from the new 1.0 MG storage reservoir to and along East Kaonoulu Street which will deliver potable water for domestic use and provide fire protection for the Pi'ilani Promenade project site; and
- 5) Installing a 1,100 ft. section of a 12-inch diameter distribution main across Pi'ilani Highway to a connection point at the 18-inch diameter waterline on Kenolio Road in order to provide water circulation and link the new water system improvements to the County water distribution system serving the Kihei area.

The foregoing improvements will be installed at the expense of the Applicant.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at bdavis@chpmaui.com should you have any questions.

Sincerely,



Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owner Representative
Mr. Daniel E. Orodener, Executive Officer, LUC
Project File 13-029

October 6, 2014

The Department of Business, Economic Development & Tourism
Land Use Commission,
P.O. Box 2359, Honolulu 96804-2359.

Dear Sir:

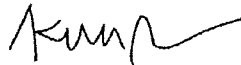
Subject: Piilani Promenade
Kihei, Hawaii
TMT: (2) 3-9-001:016, 170-174

I am writing to discuss the Piilani Promenade project.

I think we need more information regarding the following areas:

1. How will children cross Piilani Highway to get to the planned Kihei High School? Will the project help to develop a safe path to school for the students?
2. What steps is the project taking to create a system of connectivity between Kihei Mauka and Kihei Makai?
3. Will the plans to improve intersections lead to more traffic entering our neighborhoods? How will that be prevented?
4. With so many vacant retail stores on South Kihei Road how can the Piilani Promenade expect to survive?

Sincerely,



Kellie Pali Cruz
256 Humuopea Place
Kihei, Maui, Hawaii 96753

2014 OCT - 6 P 3:26



April 25, 2017

Ms. Kellie Pali Cruz
256 Humuopea Place
Kihei, HI 96753

Dear Ms. Cruz,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Piilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter dated October 6, 2014. Responses to your comments are provided below.

Comment 1. How will children cross Piilani Highway to get to the planned Kihei High School? Will the project help to develop a safe path to school for the students?

Response 1. In response to comments regarding pedestrian movement, the FEIS Section II. D. 1 (Roadways) has been revised to include the following language.

Recommended Project Mitigation Measures

The Applicant is responsible for providing the following improvements at the intersection of Piilani Highway and Kaonoulu Street as part of Project:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.

- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.
- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

In consultation with the State DOT Highways Division, the authoritative State agency on the design of roads and highways in Hawaii, it was determined that a frontage road along Pi'ilani Highway was unnecessary. As part of the Project, Pi'ilani Highway will be widened and a striped pedestrian crosswalk will provide a safe route across Piilani Highway. Additionally, a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.

Furthermore, in response to comments regarding pedestrian movement, the FEIS Section V. D. 5 (Pedestrian Connection to the Kihei High School) has been revised to include the following language.

5. Pedestrian Connection to the Kihei High School

The Kulanihakoi Gulch separates the proposed project and future Kihei High School. The Applicant is willing to discuss connectivity opportunities with the SDOT to create pedestrian access between the school and Pi'ilani Promenade. The Kihei High School is required to construct an underpass or overpass across Pi'ilani Highway to provide pedestrian access. The DOE has not made a decision on which option is the most viable. The construction schedule for the school and appropriate funding sources for the pedestrian access are uncertain at this time. The connectivity issue will be resolved as the Kihei High School plans become finalized.

At the time of publication of this FEIS the issue remains unresolved.

However, the current Project plan includes off road pedestrian and bicycle routes along both East Kaonoulu Street, as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the Project site as a preferred and safe route for south Maui residents traveling to and from the Project site. With regard to the Kulanihakoi Gulch crossing, the Applicant has offered to assist the State DOT in the design of a separate crossing facility located

within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements do more to improve the safety of the walking and bicycling public than any existing improvements located in south Maui.

Comment 2. What steps is the project taking to create a system of connectivity between Kihei Mauka and Kihei Makai?

Response 2. . In response to comments regarding pedestrian movement, the FEIS Section II. D. 1 (Roadways) has been revised to include the following language.

Recommended Project Mitigation Measures

The Applicant is responsible for providing the following improvements at the intersection of Piilani Highway and Kaonoulou Street as part of Project:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.
- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.
- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

In consultation with the State DOT Highways Division, the authoritative State agency on the design of roads and highways in Hawaii, it was determined that a frontage road along Pi'ilani Highway was unnecessary. As part of the Project, Pi'ilani Highway will be widened and a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.

Comment 3. Will the plans to improve intersections lead to more traffic entering our neighborhoods? How will that be prevented?

Response 3. The proposed project improvements were planned in coordination with the Department of Transportation to mitigate traffic and it is anticipated that most individuals will use the Pi'ilani Highway and the future Kihei Upcountry Highway as the primary means of accessing the proposed Pi'ilani Promenade, therefore it is not anticipated that the proposed project will lead to more traffic entering the neighborhoods across Pi'ilani Highway.

In response to comments regarding traffic mitigation, the FEIS Section II. D. 1 (Roadways) has been revised to include the following language.

The TIAR update provides the following mitigation recommendations to be provided by others for study area intersections. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016").

Kenolio Road and Kaonoulu Street

The unsignalized intersection of Kenolio Street and Kaonoulu Street resulted in poor LOS for the southbound left turn movement. Possible mitigation to be completed by the Maui Lu re-development project includes reconstructing as a single lane roundabout.

Pi'ilani Highway and Ohukai Road

The signalized intersection of Pi'ilani Highway at Ohukai Road will continue to operate at a poor LOS similar to Future (2032) Without Project conditions. Therefore, due to current conditions and other background growth possible mitigation includes providing additional left turn lanes for the westbound and southbound approaches.

Pi'ilani Highway and Piikea Avenue

The signalized intersection of Pi'ilani Highway at Piikea Avenue also resulted in poor LOS. Possible mitigation includes adding an additional eastbound left turn lane.

Pi'ilani Highway and Kulanihakoi Street

The signalized intersection of Pi'ilani Highway at Kulanihakoi Street resulted in poor LOS for Future (2032) With Project conditions. Possible mitigation measures include the construction of additional turning lanes for the northbound and southbound approaches.

Pi'ilani Highway and Kaiwahine Street

No project related traffic will be routed onto Kaiwahine Street. The singular access route into and out of the Project will be the first increment of the KUH. The TIAR update does not recommend mitigation measures for the intersection of Kaiwahine Street at the Piilani Highway.

Comment 4. With so many vacant retail stores on South Kihei Road how can the Piilani Promenade expect to survive.

Response 4. . In response to comments regarding vacant retail, the FEIS Section III. B. 3 (Economy) has been revised to include the following language.

The Pi'ilani Promenade is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

We anticipate some visitors will patronize the Project but will comprise only a minority of shoppers to selected retail stores and restaurants and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

As part of this FEIS, the Hallstrom Group prepared an Economic and Fiscal Impact Assessment for the Project, which includes analysis of the existing commercial properties in Kihei. An inventory of existing occupied and vacant commercial properties was developed and used as part of the economic analysis for the Project. The Economic and Fiscal Impact Assessment was revised to address comments received on the DEIS. Specifically, Table V-4 of the Economic and Fiscal Impact Assessment in the FEIS now includes the accurate County costs and State costs per year.

It is projected that the Project will address sub-regional and regional commercial demand more efficiently than the fragmented commercial space located along South Kihei Road because of its location and visibility and ease of access for residents in west, south and central Maui.

In mid-2014, The Hallstrom Group completed an inventory of the Kihei Retail market and found that about 10 percent of the total floor area in the community was vacant. However, the vacancies were either restaurant spaces (the least stable

sector of the market) or in uncompetitive projects or locations (such as along Lipoa Street). All of the quality/competitive spaces along South Kihei Road or in newer, modern centers were occupied. Over the past year numerous new leases have been signed and the vacancy rate in Kihei has dropped below seven percent (2014).

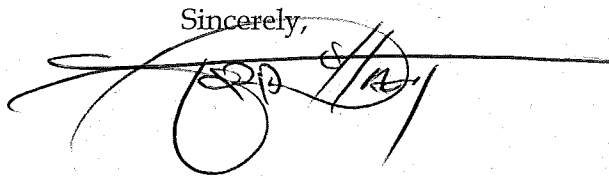
The Hallstrom Group's assessment determines that the problem is not with demand for competitive spaces in the area, but the lack of quality, modern, well-located inventory. Overall the Kihei retail market is strong, and performed better during the recession and recovery than most neighbor island sectors.

The Project is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

The Applicant anticipates that some visitors will patronize the Project, but will comprise only a minority of shoppers for selected retail stores and restaurants, and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at bdavis@chpmaui.com should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Hart', with a long horizontal line extending to the right.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owner Representative
Mr. Daniel E. Orodener, Executive Officer, LUC
Project File 13-029

COPY

October 6, 2014

The Department of Business, Economic Development & Tourism
Land Use Commission
P.O. Box 2359
Honolulu 96804-2359

Re: Piilani Promenade Kihei, Maui, Hawaii

To whom it May Concern:

I am writing regarding the Piilani Promenade project.

While the project may expand shopping and housing opportunities in Kihei and provide good jobs, there are still questions about the project that I believe need to be addressed.

I would like more information on the commercial expansion planned for residents and what types of services will be offered in the project. How will we deal with water flowing off the project and Kihei flooding?

I am also interested in how the extra traffic will be handled and what kind of research has been done regarding Hawaiian cultural and historical artifacts.

Sincerely,



Desiree Lopes
553 Waikala Street
Kahului, HI 96732

cc: Chris Hart & Partners, Inc.
Piilani Promenade North LLC and Piilani Promenade South LLC

RECEIVED

OCT - 7 2014

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

cc: Brett 10/13/14



**CHRIS
HART**
& PARTNERS, INC.

Landscape Architecture
City & Regional Planning

April 17, 2017

Ms. Desiree Lopes
553 Waikala Street
Kahului, HI 96732

Dear Ms. Lopes,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Piilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your email received on October 6, 2014. Below are the responses to your comments.

Comment 1.

"I would like more information on the commercial expansion planned for residents and what type of services will be offered in the project?"

Response 1. In response to comments regarding commercial expansion and types of services, the FEIS Section III. B. 3 (Economy) has been revised to include the following language.

The Project is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

The Applicant anticipates that some visitors will patronize the Project, but will comprise only a minority of shoppers for selected retail stores and restaurants, and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

Comment 2.

How will we deal with water flowing off the project and Kihei flooding?

Response 2. In response to comments regarding drainage and potential flooding, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language.

The post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to makai landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 -year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4 "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 "Rules for the Design of Storm Water Treatment Best Management Practices."

Comment 3.

I am also interested in how the extra traffic will be handled and what kind of research has been done regarding Hawaiian cultural and historical artifacts.

Response 3. In response to comments regarding traffic, the FEIS Section II. D. 1 (Roadways) has been revised to include the following language.

Recommended Project Mitigation Measures

The Applicant is responsible for providing the following improvements at the intersection of Piilani Highway and Kaonoulu Street as part of Project:

- Install traffic signals and striped pedestrian crosswalks across Pi'ilani Highway.

- Southbound approach will have double left turn lanes, two through lanes, and a channelized right turn lane.
- Northbound approach will have a dedicated left turn lane, two through lanes, and a channelized right turn lane.
- Eastbound approach will have a left turn lane, a through lane, and a channelized right turn lane.
- Westbound approach will have dual left turn lanes, a through lane and channelized right turn lane with an acceleration lane.
- The Project also includes the construction of a shared-use pedestrian and bike path along the mauka-side of Pi'ilani Highway, adjacent to the Project and within the Project site, in addition to bike lanes on Pi'ilani Highway.

In consultation with the State DOT Highways Division, the authoritative State agency on the design of roads and highways in Hawaii, it was determined that a frontage road along Pi'ilani Highway was unnecessary. As part of the Project, Pi'ilani Highway will be widened and a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.

In response to comments regarding research of historical and cultural artifacts, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

Xamanek Researches was contracted by a former landowner to conduct the 1994 AIS. That AIS, which identified 20 archaeological sites on the property, was accepted by the State Historic Preservation Division ("SHPD") by letter dated July 12, 1994.

In July 2011, Piilani Promenade engaged Scientific Consultant Services, Inc. to prepare an archaeological monitoring plan for the Piilani Promenade properties. That plan was accepted by the SHPD by letter dated August 10, 2011.

In March 2014, Piilani Promenade engaged Xamanek Researches LLC to update the July 1994 AIS. That updated AIS was accepted by the SHPD in January 2016. The updated survey identified 19 of the original 20 archaeological sites on the property. However, two of the originally identified sites (3734 and 3739) were determined to have been destroyed/lost by post-1994 land altering activities. The updated AIS report contained the following mitigation recommendations:

- Data recovery was recommended for twelve (12) archaeological sites: 3727, 3728, 3729, 3732, 3735, 3736, 3741, 3742, 3743, 3744, 3745, and 8622. Note: the SHPD review/acceptance letter (Doc No: 1601MD08) contains a typo - it states 13 sites for data recovery (this is a simple addition error).
- No further work was recommended for six (6) archaeological sites: 3730, 3731, 3733, 3737, 3738, and 3740.

In July 2015, Piilani Promenade organized a site visit of its property for any interested members of the community. Following that site visit, two interested community members - Daniel Kanahele and Lucienne DeNaie -- recommended to SHPD that the following seven (7)

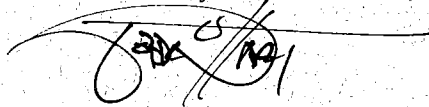
archaeological sites be preserved: 3730, 3731, 3732, 3736, 3740, 3745, and 8622. In addition, Mr. Kanahele and Ms. DeNaie also identified (i) an unmarked stone near archaeological sites 3727 and 3728, and (ii) an unmarked stone on the southwest portion of the Piilani Promenade property, and recommended to SHPD that these stones also be preserved. These seven archaeological sites and two unmarked stones are hereinafter collectively referred to as the "Community Sites".

Having reviewed the revised 2015 Xamanek Report and considering the above recommendations of Mr. Kanahele and Ms. DeNaie, the SHPD accepted the updated Xamanek Researches LLC report and issued a letter dated January 6, 2016, accepting the specific mitigation recommendations contained in Xamanek's updated AIS.

Notwithstanding the above, given the concerns expressed by interested community members, Piilani Promenade has agreed – in the spirit of cooperation – to meet with Mr. Kanahele, Ms. DeNaie and Xamanek to authenticate which sites have significance and preserve the appropriate Community Sites at reasonable locations on the Piilani Promenade property. Piilani Promenade will consult with Mr. Kanahele and Ms. DeNaie to determine a reasonable and appropriate means and location of preservation of the Community Sites.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at bdavis@chpmaui.com should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jordan E. Hart", with a long horizontal flourish extending to the right.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owner Representative
Mr. Daniel E. Orodener, Executive Officer, LUC
Project File 13-029

October 10, 2014

Cementum Momentum Boxing Kihei In

Aloha Sarofim Realty Advisors:

Your business is to build malls. But Why Kihei? 30,000 people, a small beach community. We aren't large enough to handle the magnitude of the mall and all the repercussions you are proposing.

At its reduced and present size of 530,000 sq ft, the Pi'ilani Promenade Mega Mall is 5 times the size of COSTCO in Kahului. This project in its enormity will suffocate the aina, blot out the night sky, crush the backbone of small businesses, bury local economy and Island Lifestyle.

A new shopping center behind Longs and Azeka on both sides of Pi'ikea has been on the South Maui plan for years and is slated to be built with 200,000 sq ft of retail space. Most likely retail chains. This mall is within ½ mile of your proposed Mega Mall. Together this will be almost 730,000 sq ft of retail space in an area with an existing glut of empty retail spaces.

This unbridled cementum momentum of retail chains in Kahului and elsewhere is creating an even deeper glut of empty retail spaces island wide. Small businesses can't afford to stay in business as their rents are raised, and business is channeled into retail chains whose profits go off island. The youth, the next generation of creativity and passion to be entrepreneurs are being snuffed out, forced to leave the island. They have to leave island to get jobs that are meaningful, or create businesses elsewhere. These retail chains are washing away Hawaiiana, and the diversity of styles in a tsunami of homogenized look-a-likes. We can be in any city and all look the same.

This is our home, our community, our land. You don't live here. This isn't your home, neighborhood, community. Your children don't go to school here, grow up here and want to create a life for themselves. You have no connection with the land, its value and importance in our lifestyle.

How would you feel if you woke up one day, and your lovely home with a yard, had 10-story Cement buildings surrounding it, blocking out views and light, boxing you in?

You show great disrespect by imposing this "Elephant on an Ant". Cementum is the opposite of healthy growth. Cement doesn't breathe, or provide for environmental health and growth. This mall is a greed machine that only benefits you. Urbanizing nature, and the face and lifestyle of our beach community is adding a nail to the coffin of Kihei and island life.

We don't want to look like or be like Oahu or Mainland cities.

Most of us left that urban lifestyle with its cement and crowds and lack of healthy natural space. We came to Maui to breathe, to be part of an island lifestyle, to sustain its natural beauty and partner in its growth.

Maui has all the natural resources to preserve the land, create local businesses, and manufacturing. Rather than our money going out on a one-way ticket off island to corporate headquarters, we have the capacity and energy to generate on- island economy that recycles itself here.

PLEASE STOP for a moment. Take the time to REALLY SEE the natural beauty of Maui through the eyes of creation.

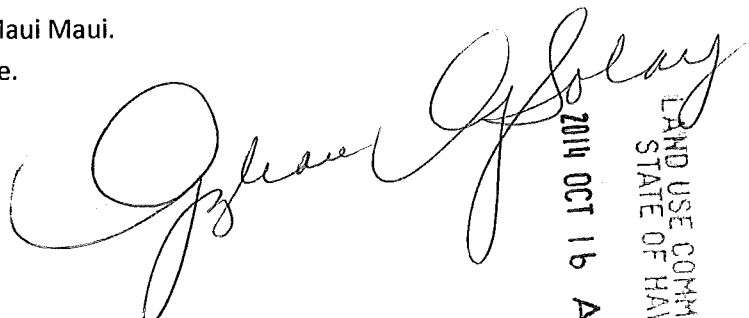
You are taking away the lure of what makes Maui Maui.

Please leave what's left of Paradise to Paradise.

I wish you well ELSEWHERE.

Gylian Solay, Kihei, Hawaii
Gyliansolay@gmail.com

Cc: The Department of Business, Economic Development & Tourism, Land Use Commission
Chris Hart & Partners Inc.


2014 OCT 16 A 7:53
LAND USE COMMISSION
STATE OF HAWAII



April 17, 2017

Ms. Gylian Solay
Gyliansolay@gmail.com
Kihei, HI 96753

Dear Ms. Solay,

RE: Comments on the Draft Environmental Impact Statement for the Pi'ilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 10, 2014. Below are the responses to your comments.

Comment 1. "Your business is to build malls. But Why Kihei? 30,000 people, a small beach community. We aren't large enough to handle the magnitude of the mall and all the repercussions you are proposing. At its reduced and present size of 530,000 sq ft, the Pi'ilani Promenade Mega Mall is 5 times the size of COSTCO in Kahului. This project in its enormity will suffocate the aina, blot out the night sky, crush the backbone of small businesses, bury local economy and Island Lifestyle."

Response 1. In response to comments regarding commercial expansion and types of services, the FEIS Section III. B. 3 (Economy) has been revised to include the following language.

The KMCP identifies four areas that have been fully developed and provide some of the commercial needs for south Maui residents, which are: 1) North Kihei, between the existing South Kihei Road, Pi'ilani Highway and Uwapo Road; 2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection; 3) in existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park; and 4) along South Kihei Road opposite the Kamaole beach parks. These limited commercial areas were intended to serve the commercial needs of the fastest growing community in the State which has clearly out grown the goods and services available in these areas. The KMCP has designated the Project site for light industrial uses with approved zoning providing for light industrial uses that include neighborhood and regional needs addressing the current and future demand.

The Project is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of

visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

The Applicant anticipates that some visitors will patronize the Project, but will comprise only a minority of shoppers for selected retail stores and restaurants, and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

Comment 2. "A new shopping center behind Longs and Azeka on both sides of Pi'ikea has been on the South Maui plan for years and is slated to be built with 200,000 sq ft of retail space. Most likely retail chains. This mall is within 1/2 mile of your proposed Mega Mall. Together this will be almost 730,000 sq ft of retail space in an area with an existing glut of empty retail spaces.

This unbridled cementum momentum of retail chains in Kahului and elsewhere is creating an even deeper glut of empty retail spaces island wide. Small businesses can't afford to stay in business as their rents are raised, and business is channeled into retail chains whose profits go off island. The youth, the next generation of creativity and passion to be entrepreneurs are being snuffed out, forced to leave the island. They have to leave island to get jobs that are meaningful, or create businesses elsewhere. These retail chains are washing away Hawaiiana, and the diversity of styles in a tsunami of homogenized look a-likes. We can be in any city and all look the same."

"This is our home, our community, our land. You don't live here. This isn't your home, neighborhood, community. Your children don't go to school here, grow up here and want to create a life for themselves. You have no connection with the land, its value and importance in our lifestyle.

How would you feel if you woke up one day, and your lovely home with a yard, had 10-story Cement buildings surrounding it, blocking out views and light, boxing you in?

You show great disrespect by imposing this "Elephant on an Ant". Cementum is the opposite of healthy growth. Cement doesn't breathe, or provide for environmental health and growth. This mall is a greed machine that only benefits you. Urbanizing nature, and the face and lifestyle of our beach community is adding a nail to the coffin of Kihei and island life.

We don't want to look like or be like Oahu or Mainland cities. Most of us left that urban lifestyle with its cement and crowds and lack of healthy natural space. We came to Maui to breathe, to be part of an island lifestyle, to sustain its natural beauty and partner in its growth.

Maui has all the natural resources to preserve the land, create local businesses, and manufacturing. Rather than our money going out on a one-way ticket off island to corporate headquarters, we have the capacity and energy to generate on-island economy that recycles itself here. PLEASE STOP for a moment. Take the time to REALLY SEE the natural beauty of Maui through the eyes of creation. You are taking away the lure of what makes Maui Maui. Please leave what's left of Paradise."

Response 2. The Applicant acknowledges your concerns about the proposed project and has the following responses:

730,000 square feet of retail space – The proposed project will address the long term retail needs for the south Maui area through the development of regional commercial and retail opportunities in contrast to the more transient oriented retail located along south Kihei Road.

Vacant Retail Space – An evaluation of the existing transient oriented retail space located along south Kihei Road, prepared by the Hallstrom Group indicates vacancies are due to poor visibility, maintenance and a redundant mix of retail services primarily targeted at the tourist economy.

Ownership Commitment to Maui – The Applicant is not a resident of Maui, but proposes to develop a successful Project with a mix of uses that complies with all applicable regulations.

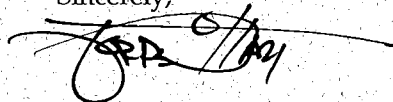
10 Story Structure – No ten story building is proposed as part of the project.

Urbanization of Maui – The Project site is community planned and zoned for Light Industrial development, which includes the uses proposed by the Project. The Project site is within the Maui Island Plan's Urban Growth Boundaries.

Financial Impact – The proposed project has been thoroughly evaluated within the Economic and financial analysis provided within the project EIS. The financial impacts of the project are projected to be positive and not a burden on either state or Maui County resources.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at bdavis@chpmaui.com should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Hart', with a stylized flourish extending from the end.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Owners Representative
Mr. Daniel E. Orodénker, Executive Officer, LUC
Project File 13-029



RECEIVED

OCT 10 2014

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

CC: DUT
13/029

October 1, 2014

State of Hawaii, Land Use Commission (Approving Agency)
Department of Business, Economic Development & Tourism
Daniel Orodener, Executive Officer
State of Hawaii
P.O. Box 2359, Honolulu, Hawaii 96804-2359

Piilani Promenade North, LLC & Piilani Promenade South, LLC, c/o Sarofim Realty Advisors (Applicant)
Robert Poyner, Vice President
8115 Preston Road, Suite 400
Dallas, TX 75225

✓ Chris Hart and Partners, Inc. (Consultant)
Jordan E. Hart, President
115 N. Market Street
Wailuku, HI 96793

KCA Response to the Proposed Piilani Promenade Draft Environmental Impact Statement dated August 2014

NOTE: The owner spells Pi'ilani incorrectly in their company name (Piilani Promenade North, LLC) and in the name of the proposed project. KCA will use the owner's spelling in this document when referring to the project.

Our response includes four sections:

1. Amending the Kihei Makena Community Plan of 1998
2. Analysis of Specific Draft Environmental Impact Statement (EIS) Sections
3. Analysis of the Draft EIS Discussion of the Kihei Makena Community Plan (KMCP)
4. Conclusion

1. Amending the Kihei Makena Community Plan of 1998

The KCA has serious concerns about the negative environmental impacts of the proposed Piilani Promenade.

There has been a discussion about whether or not the Applicant needs to amend the Kihei Makena Community Plan of 1998 (KMCP) to change the site from Light Industrial to Business on the Land Use maps that are part of the Plan. However we believe that this amendment in itself would not bring the project into compliance with the KMCP. The Piilani Promenade is in direct conflict with the principles of the KMCP.

Although the KMCP was written and passed into law before the concepts of Smart Growth and Complete Streets, the Kihei community wisely included principles such as these in our Plan. For example page 16 of the KMCP states:

A general theme of the Plan is to create more independent neighborhoods within Kihei, thus reducing unnecessary vehicular trips to South Kihei Road and Pi'ilani Highway.

Placing a destination commercial center and a residential complex mauka of Pi'ilani Highway as proposed in this draft EIS will increase vehicular trips on Pi'ilani Highway, directly contradicting the general theme of the Plan.

Page 17 of the KMCP says about commercial development specifically:

- h. Develop commercial services at the following locations to meet community needs:
 - 1. North Kihei between the existing South Kihei Road, Pi'ilani Highway and Uwapo Road.
 - 2. A central business and commercial center for Kihei clustered about the South Kihei Road/Road C (Pi'ikea Street) intersection.
 - 3. In existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park.
 - 4. Along South Kihei Road opposite the Kama'ole Beach Park.

The proposed Piilani Promenade site is not among the commercial sites approved by the KMCP. Of the approved sites, 3 and 4 have been developed, site 2 is still in the process of development, and site 1 has not been developed. This section of the KMCP would require amendment, but it is hard to justify amending the KMCP to create a fifth town center when one of the original four has not yet been developed or needed.

To bring this project into conformance with the KMCP will require not only changing the Land Use designation, but rewriting the KMCP and changing its overall theme. KCA does not recommend revising the KMCP to contradict the stated wishes of the community.

Are all these amendments that conflict with the KMCP goals justified? We do not support the amendments that would be required to bring this project into conformance.

2. Analysis of Specific Draft EIS Sections

In this section we will provide comments on specific sections of the draft EIS that KCA has determined will have a negative impact on our community's environment. Gray background indicates text from the draft EIS.

II. PROJECT DESCRIPTION

F. Alternatives

3. Alternative Site

The final alternative considered is the Alternative Site option. This option would require that the owner/applicant find and develop another entitled property of a comparable size and location.

The positive impacts of the alternative site option are that in the short term the existing project site would remain vacant and open and the impacts of development will be felt in another location on Maui.

KCA: The large scale of the proposed 530,000 sf of commercial buildings is not in the scale of a town center but of a regional mall. Plans presented to the community in November, 2013 were consistent with a regional mall, not a town center. A regional mall is not called for in the KMCP, and is contrary to town goals for development. For a regional mall to be developed, an amendment to the KMCP calling for a regional mall would need to be added, contradicting the paragraph above from page 16, so that section would require amendment as well.

Currently South Maui has a retail inventory of 747,914 sf. Of this, 10.17% is currently available. In Kihei, Azeka Mall, Kukui Mall and Ohukai Industrial Park all have long term vacancies.

We find it significant that not mentioned in the draft EIS is the fact that an additional 336,000 sf of commercial space in Kihei is currently under construction or nearly permitted at the Shops of Wailea and the Kihei Town Center (being developed by The Krausz Companies, Inc.) on Pi'ikea Street, contiguous to site 2 mentioned above in the KMCP. These two projects will provide a 45% increase in commercial space for our town. The Kihei Town Center is planned with a street grid and small footprint buildings along the street front, creating a walkable village, which is consistent with the KMCP and a marked contrast to the Piilani Promenade plans for large footprint buildings in a mall configuration.

If the Piilani Promenade commercial space of 157,588 sf on the north side and 430,000 sf on the south side were to be built, that would increase available retail space in Kihei from the current 747,914 sf to 1,671,502 sf, **an increase of 123% in commercial space**. This is well beyond what the Kihei community of 20,881 can support.

On the other hand, Kahului is an established commercial center for the island, with mainland retailers Costco, Home Depot, Lowe's, Walmart and Kmart in the Dairy Road area. Ka'ahumanu Center hosts

Macy's and Sears. The Maui Mall has Whole Foods, with TJ Maxx under construction and Ross across the street. A new Target is under construction in the new Maui Business Park. There is plenty of space in this new park for additional national retailers. An alternate site in Kahului would be much more appropriate for the proposed Piilani Promenade.

III. AFFECTED ENVIRONMENT, POTENTIAL IMPACTS AND MITIGATION MEASURES

A. Physical Environment

2. Topography and Soils

Existing Conditions

The project site has an average slope of 4 percent and includes an unnamed natural drainageway (Drainageway "A") that runs in a northeast-to-southwest direction across the site before converging with the main stem of Kulanihakoi Gulch *makai* of Piilani Highway.

KCA: The second gulch on the property is not an "unnamed" gulch. It is the Ka'ono'ulu Gulch. Its name is shown as early as 1920 on maps of the region. This historic natural feature should not be minimized by calling it "unnamed."

4. Hazardous Substances

Potential Impacts and Mitigation Measures.

The ESA found no evidence of recognized environmental conditions in connection with the property.

KCA: Because the GMO ban issue is on the ballot for the November election, the community is concerned about the impact of GMO farming and pesticides on the adjacent Monsanto land. Until an analysis of the safety of GMO farming practices is complete, it is indeterminate whether there are hazardous substances in use nearby and whether this is an appropriate location for residences.

6. Air Quality

Existing Conditions

Except for periodic impacts from volcanic emissions (vog) and possibly occasional localized impacts from traffic congestion and local agricultural sources, the present air quality of the project area is believed to be relatively good.

KCA: This site is directly downwind of controversial cane-burning, which many Kihei citizens feel is a major pollutant and detriment to their health. While the proposed project will not contribute to this, potential residents should be made aware of the potential dangers to their health.

9. Visual Resources

Potential Impacts and Mitigation Measures

As noted, the maximum building height within the Project will be 60 feet and buildings will be setback from Piilani Highway to maintain public views towards the summit of Haleakala from Piilani Highway.

KCA: With good reason, the KMCP calls for a maximum 35' building height in new commercial areas. It is not just summit views, but views of the flanks of Haleakala that are part of its majesty. Public views of as much of Haleakala as possible should be preserved, not, as stated above, just views of the summit. And views from other parts of Kihei should be considered, not, as stated above, just views from the Highway.

A 60' tall building located above the Pi'ilani Highway would be visible from many points in Kihei. It will exceed the maximum limit as stated in the KCPM. Commercial buildings in Kihei are limited to 35' height to maintain our view planes.

11. Groundwater Resources

Existing Conditions

Drinking water for the proposed project will come from the network owned and operated by the Maui Department of Water Supply (DWS). Water for the Central Maui Water System is pumped from existing groundwater wells located in upper Waiehu and North Waihee which draws groundwater from the Iao and Waihee Aquifers.

Potential Impacts and Mitigation Measures

The findings of the report indicate that the proposed project will not have any significant negative effect on water quality.

KCA: Reports show that fresh water in the existing aquifer is being depleted. While adding additional users to the system may not have immediate impact on water quality, it will increase the rate of depletion of water for all South Maui residents. This must be addressed.

B. Socio-Economic Environment

1. Population

Potential Impacts and Mitigation Measures

The projected population increase as a result of 226 apartment units is relatively small when compared to other proposed projects in South Maui such as the MRTTP (1,250 units); however the project will result in a small increased population which will use local streets, recreation facilities, and other public services such as schools, and fire and police protection services.

KCA: KCA agrees that there is a need for additional housing in the community, but it should be located in areas designated by the KMCP, which this is not. This is in an area cut off from the rest of the community by the highway, so that every need for service with the exception of shopping at the mall stores will require an automobile trip, encouraging obesity and illness. KCA supports smart growth which does not sacrifice the health and safety of residents.

3. Economy

Potential Impacts and Mitigation Measures

After “stabilization,” the Piilani Promenade is envisioned to support 1,210 permanent jobs with an annual payroll of about \$ 36.6 million. (See: Appendix K, “Economic and Fiscal Impact Assessment”). During the build out period, the project will generate approximately \$2.3 billion in economic activity. After completion and stabilization of the project, the onsite businesses will generate approximately \$348.7 million in revenues/sales per year.

KCA: Projected salaries for the 1,210 permanent jobs at \$36.6 million per year would be an average of \$30,248 per worker, barely a living wage for Maui. According to the Bureau of Statistics, the average wage for retail sales is \$20,500, so the estimate of \$30,248 per worker is high.

Analysis of existing building stock shows that the Safeway in Pi'ilani Village is the largest building in Kihei at 53,625 sf. Hilo Hatties is 19,230 sf, Longs Drugs is 20,000 sf, Ace Hardware is 16,900 sf, Foodland is 23,000 sf.

The proposed new 530,000 sf of commercial space for the Piilani Promenade would require 10 stores the size of Safeway to fill the proposed space or 26.5 stores the size of Longs Drugs. Local population will not support this much retail business, especially considering that the Krausz *Kihei Town Center* project will provide 300,000 sf of new commercial space before this project is started.

Development which would compromise the beauty of our view planes and the quality of our water and air and would increase traffic will have a major negative impact on our economy if it reduces the number of visitors who come to South Maui each year.

The report does not point out that the \$348.7 million in revenue per year will be primarily to mainland owned commercial businesses, so that the money spent here will not stay here. We would prefer to see smaller locally owned businesses located in small town centers, as defined in the KMCP, which keep the money circulating in the state.

Business Intelligence (September 16, 2014) reports

The retail industry is undergoing a dramatic shift: E-commerce is capturing a larger share of sales than ever before. ...Hundreds of retail stores are closing.

A chart shows the following US retail store closings: JC Penny: 33 stores by May 2014; Aeropostale: 175 stores to close between 2014 and 2019; Abercrombie & Fitch: 180 stores to close by 2015; Gap: 189 stores closed in 2012 and 2013; GameStop: 200 stores closed in 2013; Staples: 225 stores to close by the end of 2015; Barnes & Noble: 226 stores to close between 2011 and 2021.

A **Forbes** article(2/12/2014) headlined *Retail In Crisis* states

There is a crisis in retail. During the 2013 holiday season, U. S. retailers received approximately half the holiday foot traffic they experienced just three years ago... With consumer confidence growing in leaps and bounds, the decline in foot traffic signifies a tectonic shift in the way consumers buy and shop. ...Consumers find researching and shopping on the Web far more convenient than brick-and-mortar visits.

The draft EIS ignores this trend away from brick-and-mortar stores to online shopping when proposing to increase local retail space by 123%.

C. Public Services

2. Medical Facilities

KCA: This report addresses medical facilities but does not directly address Health. Preventing obesity is a National Public Health priority. Building residential areas where they are cut off from the transportation network which allows walking and biking will contribute to obesity and will increase the demand for medical facilities. This draft EIS fails to discuss these ramifications.

4. Schools

Table 2 DOE School Enrollment & Capacity

Schools	2013-2014 Enrollment	Capacity	2014-2015 Projected Enrollment
Kihei Elementary	947	890	851
Kamalii Elementary	585	928	584
Lokelani Intermediate	550	826	525

KCA: Actual enrollment for 2014-2015 is:

Kihei Elementary : 880 (851 projected)

Kamali'i Elementary: 554 (584)

Lokelani Intermediate: 555 (525)

While these enrollment numbers appear to be below the stated capacity, many of the school buildings are outdated modular units which were meant to serve temporarily, but are now beyond their service expectations. True capacity would show that enrollment exceeds capacity.

While existing schools might accommodate students from the proposed Piilani Promenade residences, all students would require driving to get to school. None of the elementary or intermediate schools are within a reasonable walking distance. Kihei Elementary, the closest is 1.5 miles away on the highway, while Kamli'i Elementary, is 3.5 miles away on the highway. Even the new Kihei High School, on the adjacent site, will require driving because there are no plans to bridge the intervening Kulanihako'i Gulch and the highway is dangerously un-walkable. Planning residences which will increase traffic on Pi'ilani Highway is contrary to the KMCP.

D. Infrastructure

1. Roadways

A Transportation Coordinator should be designated by the developer or property manager. The Transportation Coordinator will be responsible for establishing, coordinating and managing the TMP strategies identified in the plan. The Transportation Coordinator should also document any traffic related complaints received from the surrounding community.

KCA: We find the entire traffic analysis incomplete. For example, the proposed Kenolio Apartment project is 186 units, not the 124 units quoted in this section. To disregard the impact of Houa'ula development on Piilani should not be allowed. Honua'ula will be, like the proposed Piilani Promenade residences, a residential complex which will require residents to drive for every type trip except some shopping.

The TIAR should define the current traffic conditions without the project. It should then provide a cumulative traffic projection and its impacts from the fully developed project and all the Kihei road systems both existing and proposed from the fully developed project. The traffic analysis for the fully developed project should include the traffic from all of the approved developments to date and those that would be likely in the next 20 years.

The TIAR should at least include the following approved developments: The Makena Developments (3700+/- units), Honua'ula, Wailea Resort, Maui Research and Technical Park, Kihei Downtown Center, Kihei High School, Honua'ula Affordable Housing, Kihei Mauka, Kenolio Apartments, North Kihei Housing, Kaiwahine Village, PulehuNui Industrial Area, Entitled South Maui Infill Projects, and partly entitled South Maui infill projects.

The traffic Impact Analysis should assume the complete up country highway and include the mitigations required for the improvement of the intersections of Ka'ono'ulu Street and the Pi'ilani Highway and of Ka'on'oulu Street and South Kihei Road.

Include in the TIAR the mitigation that the design of roadways within the development as well as public roads impacted by the development will meet the Hawaii State criteria for Complete Streets (providing for pedestrian and bicycle traffic in addition to motorized vehicles), the Kihei

Road Design Standards and the Green Streets criteria. While pedestrian paths are mentioned, there is no mention of bike paths thru the various parking lots. The draft EIS does not provide site plans, so it is not possible to comment on the extent or usability of the pedestrian paths. The plan as described does not comply with the state Complete Streets policy.

Analyze roadway intersections with the intent to use roundabouts and mini roundabouts in lieu of signalized and stop sign intersections to conform to with KMCP goals and implementing actions for a pedestrian oriented, walkable community.

The size of the community will not support the proposed commercial square footage, so marketing will likely be done to the whole island. This will result in commercial traffic from other areas, which is not considered in this analysis.

We find doubtful the proposal that a Traffic Coordinator will be able to resolve the problems generated by the project.

In addition to finding the traffic analysis incomplete, the increased traffic from this project is contrary to the KMCP general goal of reducing traffic on Pi'ilani Highway, as stated before.

2. Drainage

Potential Impacts and Mitigation Measures

Offsite surface runoff conveyed in Drainageways "A" and "B" will be routed via underground drainlines to a new diversion ditch constructed along the project's eastern boundary where an underground drain line along the future East Kaonoulu Street will convey the runoff to the existing 102-inch culvert crossing at Piilani Highway.

KCA: As stated by the KMCP, enclosing natural gulches in a culvert is against our community values of preserving the natural environment. A waterway left in its natural state reduces the amount of pollution that reaches the ocean, cleans and filters water for recreation and drinking, and supports the area wildlife and fisheries. Converting a natural gulch to a concrete culvert prevents these natural processes from occurring and increases marine degradation.

Downstream from these gulches, where they cross South Kihei Road, is an area of perpetual flooding. Converting Kaonoulu Gulch to a culvert will increase flooding potential here by decreasing the amount of water that can be absorbed by the land on its downhill trip to the ocean. The two gulches on this site, Kulanihakoi and Ka'ono'ulu, are cultural and environmental resources that must be preserved, not buried.

Per the Hawaïi State Office of Planning document, "Stormwater Impact Assessments," cumulative impacts must be considered, not just conditions and impacts at the site. It states the following:

Cumulative effects on a given resource, ecosystem, or human community are rarely aligned with political or administrative boundaries. Cumulative effects on natural systems must use natural ecological boundaries. For stormwater, the natural geographic boundary is the watershed. (page 4)

Cumulative effects are caused by the aggregate of past, present, and reasonably foreseeable actions. (page 4)

Hawaii's watersheds include nearshore waters and proposed actions should account for secondary impacts to nearshore resources. (page 10)

In other words, effects of the development on the entire ahupua'a shall be considered (including nearshore waters) and these effects should include other future and concurrent development within the watershed.

3. Water

KCA: The proposed five improvements to the County Water System are improvements to infrastructure which will **not** increase the island's water sources. Reports show that fresh water in the existing aquifer is being depleted. Adding additional users to the system will increase the rate of depletion. This has not been addressed.

3. Analysis of the Draft EIS Discussion of the Kihei Makena Community Plan (KMCP)

Section 3 of the draft EIS, (Relationship to Governmental Plans, Policies and Controls), discusses point by point the relationship of the proposed Piilani Promenade to our KMCP. The draft EIS rates each item as Supportive (S), Non-supportive (N/S) or Not Applicable (N/A). The following items are ones in which we disagree with their analysis or we find significant their failure to support the Plan. The **yellow** text is from the draft EIS KMCP discussion, followed by their proposed designation.

Objectives and Policies

f. Establish a distribution of land uses which provides housing, jobs, shopping, open space, and recreation areas in close proximity to each other in order to enhance Kihei's neighborhoods and to minimize dependence on automobiles.

Supportive

KCA: As discussed previously, locating residences east of the Pi'ilani Highway will require all residents to travel by car to any destination, increasing dependence on automobiles. We dispute the Supportive designation. The correct designation should be Non-supportive.

h. Develop commercial services at the following locations to meet community needs:

- 1) North Kihei, between the existing South Kihei Road, Piilani Highway and Uwapo Road.
- 2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection.
- 3) In *existing* commercially zoned areas along South Kihei Road in the vicinity of Kalama Park.
- 4) Along South Kihei Road opposite the Kamaole beach parks.

Not Applicable

KCA: This is one of the key points of the KMCP and the project does not support it. We dispute the N/A designation. The correct designation should be Non-supportive. This is significant.

k. Provide for limited expansion of light industrial services in the area south of Ohukai and *mauka* of Piilani Highway, as well as limited marine-based industrial services in areas next to Maalaea Harbor. Provide for moderate expansion of light industrial use in the Central Maui Baseyard, along Mokulele Highway. These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use. These actions will place industrial use near existing and proposed transportation arteries for the efficient movement of goods.

Supportive

KCA: The project proposes businesses which are not accessory to or providing service to the predominate light industrial use. The correct designation should be Non-supportive.

Implementing Actions:

f. Establish and enforce building height limits and densities *mauka* of Piilani Highway which preserve significant *mauka* views and vistas.

Supportive

KCA: The project proposes 60' high buildings, which will impact Kihei's views of Haleakala. The correct designation should be Non-supportive.

The proposed project will strengthen Maui's economy by making the Piilani Promenade a more attractive location for the limited light industrial activities envisioned within the KMCP as well as much needed retail businesses. These businesses will create a diverse range of jobs for Maui residents which, in turn, will benefit the local and Statewide economy. The result will be an increase in economic activities and employment opportunities consistent with community needs and desires, which will promote increased employment and entrepreneurial opportunities for Maui's residents. Thus, while the Piilani Promenade project does not strictly support all of goals in the KMCP, it meets other important competing planning criteria within the KMCP.

KCA: The Piilani Promenade does not meet the key goals of the KMCP and, as noted before, we dispute the idea that it will strengthen Kihei's economy. An increase of 123% commercial space is not sustainable without an equal increase in population.

Cultural Resources

Goal: Identification, preservation, enhancement, and appropriate use of cultural resources, cultural practice, and historic sites that

a. Provides a sense of history and defines a sense of place for the Kihei Makena region; ...

Supportive

KCA: The Piilani Promenade proposes to divert an historic gulch which provides an important sense of place for the Ka'ono'ulu Ranch area. Historic petroglyphs have been removed from the site and in spite of requests to have them returned, there are no plans to do so. The correct designation should be Non-supportive.

Economic Activity

Goal: A diversified and stable economic base which serves resident and visitor needs while providing long-term resident employment.

Objectives and Policies:

a. Establish a sustainable rate of economic development consistent with concurrent provision of needed transportation, utilities, and public facilities improvements.

Supportive

KCA: Because of its location mauka of the highway, neither transportation, utilities nor public facilities are in place to support this project. The correct designation should be Non-supportive.

b. Expand educational opportunities and encourage research and technological activities.

Supportive

KCA: This project is purely commercial. There are no educational or research and technology components to the proposed project. The correct designation should be Non-supportive.

f. Increase the availability and variety of commercial services to provide for regional needs and strategically establish small scale commercial uses within, or in close proximity to, residential areas.

Supportive

KCA: The scale of the commercial segment of the project is far greater than the scale of the residential segment. This large mall is contrary to the goals of the KMCP. The correct designation should be Non-supportive.

Housing and Urban Design

Objectives and Policies:

d. Provide for integration of natural physical features with future development of the region. New development shall incorporate features such as gulches and wetlands into open space and pedestrian pathway and bikeway systems.

Supportive

KCA: The draft EIS proposes to eliminate the gulches, not develop them as natural resources. There is no mention of incorporating them in transportation pathways. The correct designation should be Non-supportive.

Physical and Social Infrastructure

Objectives and Policies:

Transportation

c. Strengthen the coordination of land use planning and transportation planning to promote sustainable development and to reduce dependence on automobiles. New residential communities should provide convenient pedestrian and bicycle access between residences and neighborhood commercial areas, parks and public facilities.

Supportive

KCA: This project will increase automobile use in the community. There is no evidence of connectivity between the project and surrounding developments. The correct designation should be Non-supportive.

g. Plan, design, and construct a pedestrian and bikeway network throughout the Kihei-Makena region which considers the utilization of existing stream beds, drainageways, wetlands and public rights-of-way along coastal and inland areas.

Supportive

KCA: The draft EIS proposes makes no mention of bikeways. Pedestrian ways are mentioned but not documented with any site plans, so they cannot be evaluated. The correct designation should be Non-supportive.

Drainage

Objectives and Policies:

b. Construct necessary drainage improvements in flood prone areas. Where replacement drainage are required for flood protection, these systems shall be designed, constructed, and maintained using structural controls and best management practices to preserve the functions of the natural system that are beneficial to water quality. These functions include infiltration, moderation of flow velocity, reduced erosion, uptake of nutrients and pollutants by plants, filtering, and settlement of sediment particles. The use of landscaped swales and unlined channels shall be urged.

Supportive

KCA: The draft EIS proposes to increase flooding by replacing a natural gulch with a culvert, the opposite of what this point is trying to encourage. As noted in previous comments, a project such as this needs to take a more pro-active stance in reducing downstream waters per the Hawaii State Office of Planning "Stormwater Impacts Assessment Document. The correct designation should be Non-supportive.

d. Minimize the increase in discharge of storm water runoff to coastal waters by preserving flood storage capacity in low-lying areas, and encouraging infiltration of runoff.

Supportive

KCA: The draft EIS proposes to discourage infiltration by moving the natural gulch into a concrete culvert, which will prohibit infiltration of runoff. The correct designation should be Non-supportive.

C. Planning Standards

Land Use Standards

a. All zoning applications and/or proposed land uses and developments shall be consistent with the Land Use Map and Objectives and Policies of the Kihei-Makena Community Plan.

Supportive

KCA: As stated in Section 1 of our response, the Applicant has discussed amending the KMCP Land Use Map. If amended, then this could be changed to Supportive, but as it stands, the correct designation should be Non-supportive.

e. Encourage the use of setbacks and flood protection areas as part of an open space pedestrian-way and bikeway network throughout the region.

Supportive

KCA: The draft EIS does not mention a bikeway. The correct designation should be Non-supportive.

C. Planning Standards

Land Use Standards: S N/S N/A

a. All zoning applications and/or proposed land uses and developments shall be consistent with the Land Use Map and Objectives and Policies of the Kihei-Makena Community Plan.

Supportive

KCA: The residential and business uses proposed are not consistent with the Light Industrial designation shown on the KMCP map. The correct designation should be Non-supportive.

Urban Design Standards:

a. Building Form

- 1) Establish a maximum of thirty-five (35) feet in building height for new commercial facilities.
- 2) Establish a maximum of forty-five (45) feet for multi-family development.
- 3) Limit resort development throughout the region to thirty-five (35) feet in building height for sites near the shoreline. Building height limits may gradually be increased up to seventy-five (75) feet for inland resort development provided that important *mauka/makai* vistas are maintained, and impacts to coastal resources are minimized. Resort community planning and design shall integrate recreational amenities with adequate shoreline setback and public shoreline access provisions.
- 4) Limit the height of industrial buildings to thirty-five (35) feet. Within large industrial tracts, separate industrial design guidelines should be formulated to guide development. Such guidelines shall, among

other issues, address landscaping and building design to achieve design continuity for the overall industrial development area.

Supportive

KCA: The draft EIS proposes a 60' maximum height, contrary to the KMCP maximum of 35'. The correct designation should be Non-supportive.

4. Conclusion

KCA has observed the Krausz developers using the KMCP from the very start of their project as a guideline to minimize environmental impact. The Kihei Town Center being developed by Krausz will provide for our future retail needs without degrading the environment and even by enhancing the environment.

KCA would like to make clear that the Piilani Promenade project is contrary to our KMCP in significant ways. It appears that either the applicant was not aware of the KMCP or chose to ignore it. The KMCP is a legal document created by the community to guide development in the community. By circumventing the wishes of the community, which are spelled out clearly in the legal document of the KMCP, the Piilani Promenade, as proposed, will be detrimental to our natural, cultural, and economic environment, upon which our island economy is based.

Aloha,



Mike Moran
President, KCA



**CHRIS
HART**
& PARTNERS, INC.

Landscape Architecture
City & Regional Planning

June 13, 2017

Mr. Mike Moran, President
Kihei Community Association
P.O. Box 662
Kihei, HI 96753

Dear Mr. Moran,

RE: Comments on the Draft Environmental Impact Statement for the Pi'ilani Promenade,
located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your comment letter of October 1, 2014. Below are the responses to your comments.

KCA COMMENT:

NOTE: The owner spells Pi'ilani incorrectly in their company name (Pi'ilani Promenade North, LLC) and in the name of the proposed project. KCA will use the owner's spelling in this document when referring to the project.

Response: Thank you for highlighting this spelling error. The Applicant has changed the spelling of Pi'ilani in various sections of the FEIS.

KCA COMMENT:

1. Amending the Kihei Makena Community Plan of 1998

The KCA has serious concerns about the negative environmental impacts of the proposed Pi'ilani Promenade.

There has been a discussion about whether or not the Applicant needs to amend the Kihei Makena Community Plan of 1998 (KMCP) to change the site from Light Industrial to Business on the Land Use maps that are part of the Plan. However we believe that this amendment in itself would not bring the project into compliance with the KMCP. The Pi'ilani Promenade is in direct conflict with the principles of the KMCP.

Although the KMCP was written and passed into law before the concepts of Smart Growth and Complete Streets, the Kihei community wisely included principles such as these in our Plan. For example page 16 of the KMCP states:

A general theme of the Plan is to create more independent neighborhoods within Kihei, thus reducing unnecessary vehicular trips to South Kihei Road and Pi'ilani Highway.

Placing a destination commercial center and a residential complex mauka of Pi'ilani Highway as proposed in this draft EIS will increase vehicular trips on Pi'ilani Highway, directly contradicting the general theme of the Plan.

Page 17 of the KMCP says about commercial development specifically:

- h. Develop commercial services at the following locations to meet community needs:*
- 1. North Kihei between the existing South Kihei Road, Pi'ilani Highway and Uwapo Road.*
 - 2. A central business and commercial center for Kihei clustered about the South Kihei Road/Road C (Pi'ikea Street) intersection.*
 - 3. In existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park.*
 - 4. Along South Kihei Road opposite the Kama'ole Beach Park.*

The proposed Pi'ilani Promenade site is not among the commercial sites approved by the KMCP. Of the approved sites, 3 and 4 have been developed, site 2 is still in the process of development, and site 1 has not been developed. This section of the KMCP would require amendment, but it is hard to justify amending the KMCP to create a fifth town center when one of the original four has not yet been developed or needed.

To bring this project into conformance with the KMCP will require not only changing the Land Use designation, but rewriting the KMCP and changing its overall theme. KCA does not recommend revising the KMCP to contradict the stated wishes of the community.

Are all these amendments that conflict with the KMCP goals justified? We do not support the amendments that would be required to bring this project into conformance.

Response. In response to comments regarding the Kihei-Makena community plan the FEIS section V. D. (Unresolved Issues) has been revised to include the following language:

2. Compliance with the Kihei-Makena Community Plan

The Pi'ilani Promenade is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the KMCP's LI designation consistent with the M-1 Light Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. ~~The Applicant expects the Planning Department to provide written comment on this Draft EIS and we expect any concerns to be documented in their comment letter.~~

The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). Goal k of the KMCP seeks to "[p]rovide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, These areas

should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use." The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. The KMCP specifically states that it is intended to "reflect current and anticipated conditions in the Kihei-Makena region" and is intended to guide decision making through the year 2010. See KMCP at 3. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998, and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

~~It is the Applicant's position, which it intends to advocate for on the pending Motion to Amend before the LUC, that the project falls within the Light Industrial designation of the KMCP, as that provision is implemented by the corresponding M-1 zoning designation, and that goal k of the Land Use section on page 18 of the KMCP is substantially met by the proposed project. In the event that the LUC does not agree with the Applicant's position in deciding the Motion to Amend, then, as an alternative, Applicant will seek any necessary amendment to the KMCP.~~

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

KCA COMMENT:

2. The large scale of the proposed 530,000 sf of commercial buildings is not in the scale of a town center but of a regional mall. Plans presented to the community in November, 2013 were consistent with a regional mall, not a town center. A regional mall is not called for in the KMCP, and is contrary to town goals for development. For a regional mall to be developed, an amendment to the KMCP calling for a regional mall would need to be added, contradicting the paragraph above from page 16, so that section would require amendment as well.

Currently South Maui has a retail inventory of 747,914 sf. Of this, 10.17% is currently available. In Kihei, Azeka Mall, Kukui Mall and Ohukai Industrial Park all have long term vacancies.

We find it significant that not mentioned in the draft EIS is the fact that an additional 336,000 sf of commercial space in Kihei is currently under construction or nearly permitted at the Shops of Wailea and the Kihei Town Center (being developed by The Krausz Companies, Inc.) on Pi'ikea Street, contiguous to site 2 mentioned above in the KMCP. These two projects will provide a 45% increase in commercial space for our town. The Kihei Town Center is

planned with a street grid and small footprint buildings along the street front, creating a walkable village, which is consistent with the KMCP and a marked contrast to the Pi'ilani Promenade plans for large footprint buildings in a mall configuration.

If the Pi'ilani Promenade commercial space of 157,588 sf on the north side and 430,000 sf on the south side were to be built, that would increase available retail space in Kihei from the current 747,914 sf to 1,671,502 sf, an increase of 123% in commercial space. This is well beyond what the Kihei community of 20,881 can support.

On the other hand, Kahului is an established commercial center for the island, with mainland retailers Costco, Home Depot, Lowe's, Walmart and Kmart in the Dairy Road area. Ka'ahumanu Center hosts Macy's and Sears. The Maui Mall has Whole Foods, with TJ Maxx under construction and Ross across the street. A new Target is under construction in the new Maui Business Park. There is plenty of space in this new park for additional national retailers. An alternate site in Kahului would be much more appropriate for the proposed Pi'ilani Promenade.

Response 2. The KMCP notes, in the section on Economic Activity that a Goal is A diversified and stable economic base which serves resident and visitor needs while providing long-term resident employment. In the Objectives and Policies, "f. Increase the availability and variety of commercial services to provide for regional needs and strategically establish small scale commercial uses within, or in close proximity to, residential areas."

It is the Applicant's position that the proposed Project will provide for the regional needs of Kihei, Wailea and Makena. When the Kihei Upcountry Highway is completed, the Project will be situated to serve the Upcountry community on visits to Kihei.

With regard to the Shops at Wailea; the center's location within the Resort Destination Area of Wailea, emphasis on luxury and catering directly to the visitor industry differentiate it from the proposed project.

In the context of walkability and design, the Project is currently in the process of assessing Environmental Impacts and Mitigation Measures for the amendment to the existing District Boundary Designation. Within the Final EIS, Applicant has committed to coordinating with the Planning Department and will continue to refine plans to create a well-designed Project. Following the acceptance of the FEIS and completion of the Motion to Amend process, design guidelines will be presented to the Kihei Community Association Design Review Committee and the Maui County Urban Design Review Board for review and comment prior to submittal to the Planning Department for review and approval.

With regard to mainland retailers, the Applicant is not aware of a restriction or limitation within the KMCP on the development or operation of commercial enterprises owned and operated by individuals or corporations based in the mainland United States or elsewhere.

In response to comments regarding the available commercial area in Kihei, the FEIS Section III. B. 3 (Economy) has been revised to include the following language:

The KMCP identifies four areas that have been fully developed and provide some of the commercial needs for south Maui residents, which are: 1) North Kihei, between the existing South Kihei Road, Pi'ilani Highway and Uwapo Road; 2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection; 3) in existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park; and 4) along South Kihei Road opposite the Kamaole beach parks. These limited commercial areas were intended to serve the commercial needs of the fastest growing community in the State which has clearly out grown the goods and services available in these areas. The KMCP has designated the Project site for light industrial uses with approved zoning providing for light industrial uses that include neighborhood and regional needs addressing the current and future demand.

While there will inevitably be some cross-over, the Pi'ilani Promenade and Downtown Kihei development will appeal to different customer and tenant types. Downtown Kihei does not offer the exposure, access, intercept or site characteristics that Pi'ilani Promenade does. According to Downtown Kihei market study, the primary patrons of the Project will be visitors.

The Pi'ilani Promenade is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

We anticipate some visitors will patronize the Project but will comprise only a minority of shoppers to selected retail stores and restaurants and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

As part of this FEIS, the Hallstrom Group prepared an Economic and Fiscal Impact Assessment for the Project, which includes analysis of the existing commercial properties in Kihei. An inventory of existing occupied and vacant commercial properties was developed and used as part of the economic analysis for the Project. The Economic and Fiscal Impact Assessment was revised to address comments received on the DEIS. Specifically, Table V-4 of the Economic and Fiscal Impact Assessment in the FEIS now includes the accurate County costs and State costs per year.

It is projected that the Project will address sub-regional and regional commercial demand more efficiently than the fragmented commercial space located along South Kihei Road because of its location and visibility and ease of access for residents in west, south and central Maui.

In mid-2014, The Hallstrom Group completed an inventory of the Kihei Retail market and found that about 10 percent of the total floor area in the community was vacant. However, the vacancies were either restaurant spaces (the least stable sector of the market) or in uncompetitive projects or locations (such as along Lipoa Road). All of

the quality/competitive spaces along South Kihei Road or in newer, modern centers were occupied. Over the past year numerous new leases have been signed and the vacancy rate in Kihei has dropped below seven percent (2014).

KCA COMMENT:

3. The second gulch on the property is not an "unnamed" gulch. It is the Ka'ono'ulu Gulch. Its name is shown as early as 1920 on maps of the region. This historic natural feature should not be minimized by calling it "unnamed."

Response 3. With regard to the identification of the Gulch in question, we have done our best to verify its official name. We have not received our encountered in our own research alternate information sources that provide a specific name, or contradict the location of Ka'ono'ulu Gulch as identified in the United States Geological Survey (USGS) maps. The USGS maps are the oldest and most reputable source we have identified to date. Separately, Hawaii Administrative Rules (HAR) 11-200-17(e)(1), "Content requirements; draft environmental impact statements" identifies USGS Topographic maps as a preferred map source. For these reasons CH&P will refer to the Gulch in question as Drainageway "A". We are open to reviewing any documentation KCA has on this subject.

In response to comments regarding the available commercial area in Kihei, the FEIS Section III. A. 2 (Topography and Soils) has been revised to include the following language:

The Applicant received comments on the DEIS from the Kihei Community Association stating that Drainageway "A" is the Ka'ono'ulu Gulch. The Applicant's planning consultant has provided the attached United States Geological Survey (USGS) maps that show the Ka'ono'ulu Gulch is a tributary that feeds into Kulanihakoi Gulch significantly mauka and south of the project site. (See: Figures 20& 21, "USGS MAP 1923" & "USGS MAP 1983").

KCA COMMENT:

4. Because the GMO ban issue is on the ballot for the November election, the community is concerned about the impact of GMO farming and pesticides on the adjacent Monsanto land. Until an analysis of the safety of GMO farming practices is complete, it is indeterminate whether there are hazardous substances in use nearby and whether this is an appropriate location for residences.

Response 4. Any disclosures and or information for residents and or occupants regarding Agricultural Practices which may be required at the time of occupancy will be provided. As noted, the FEIS Section III. A. 4 (Hazardous Substances), The ESA stated that there was no evidence of historic or current significant misuse of hazardous or regulated substances and or petroleum products on the subject property (See: Appendix B, "Environmental Site Assessment").

As noted, the FEIS Section III. A. 4 (Hazardous Substances) has been revised to include the following language:

Under ASTM standards, a Phase I Environmental Site Assessment may be considered out of date if not conducted within the prior 180 days. As a result the Applicant requested an update of the ESA. A site visit was conducted by MEV on January 13,

2017, and MEV determined that nothing came to their attention that would cause them to change any matter or opinion set forth in the ESA. Accordingly, MEV issued the Environmental Site Assessment update letter. (See: Appendix B-1, "Environmental Site Assessment update letter dated January 18, 2017").

KCA COMMENT:

5. KCA: This site is directly downwind of controversial cane-burning, which many Kihei citizens feel is a major pollutant and detriment to their health. While the proposed project will not contribute to this potential residents should be made aware of the potential dangers to their health.

Response 5. The practice of cane-burning ended in December 2016, prior to the publication of this FEIS.

KCA COMMENT:

6. With good reason, the KMCP calls for a maximum 35' building height in new commercial areas. It is not just summit views, but views of the flanks of Haleakala that are part of its majesty. Public views of as much of Haleakala as possible should be preserved, not, as stated above, just views of the summit. And views from other parts of Kihei should be considered, not, as stated above, just views from the Highway. A 60' tall building located above the Pi'ilani Highway would be visible from many points in Kihei. It will exceed the maximum limit as stated in the KCPM. Commercial buildings in Kihei are limited to 35' height to maintain our view planes.

Response 6. In response to comments regarding the available commercial area in Kihei, the FEIS Section III. A. 9 (Visual Resources) has been revised to include the following language:

The Project will include light industrial, business, commercial, and residential apartment structures. As shown in the approved Landscape Plan for the Project, a significant element of the landscape program is the inclusion of a 30-foot landscaping easement located adjacent to the Pi'ilani Highway. The landscaping easement will be planted with monkeypod trees, which when mature are expected to significantly buffer the transition between the Pi'ilani Highway and the Project, and to define the views from Pi'ilani Highway into the Project. (See: Figure 17A "Landscape Rendering").

A view analysis was prepared by Architects Orange and depicts 4 views from Pi'ilani Highway looking across the Project site towards Haleakala. (See: Figure 16 "View Analysis"). The view analysis used the following methodology:

1. Photographs used in the analysis are approximately 5 feet 8 inches above street level on the makai side of Pi'ilani Highway, across from the Project site.
2. The estimated future finish grade is based upon preliminary calculations made by the Project civil engineer, Warren S. Unemori Engineering, Inc.
3. The assumed 60-foot building height is based on the current County zoning code,

which permits for 60-foot maximum building heights in an M-1 Zoning district. These 60-foot buildings will be set back 500 feet from the Project site boundary along Pi'ilani Highway.

4. The estimated 30-foot building height is based upon the height of mid-sized commercial buildings that may be built through-out the Project site.

As shown in the view analysis, the maximum allowable building height does not impact the public view of Pu'u o Kali or the summit of Haleakala. The extension of Kaonoulu Road will provide views towards Pu'u o Kali and the summit of Haleakala, but is not considered a major view corridor.

The proposed apartments will be a maximum of three (3) stories tall, up to a maximum allowable height of 60 feet provided for in the M-1 zoning district. The light industrial and commercial buildings are permitted to have a maximum height of 60 feet, however, the estimated height of future buildings is unknown at this time.

The Applicant is proposing to develop the Project with the following development standards as mitigation measures to limit the impacts to visual resources.

1. Any buildings at the maximum height allowed by the then-current County zoning code will be set back at least 500 feet from the Project site boundary along Pi'ilani Highway.
2. Any building above 30 feet in height will be set back at least 100 feet from the western boundary of the Project site.
3. The cumulative linear frontage of buildings built within the 100 foot set back from the western boundary of the Project site will not exceed 35% of the total frontage of the western boundary of the Project site.

The proposed project will transform the character of the site from ~~its existing large lot-only approved design~~ vacant land to a mixed-used development consisting of retail, office, business/commercial, light industrial, multi-family (226 apartment units), and public/quasi-public (park, MECO substation) uses, ~~as well as~~ with pedestrian and bicycle networks, ~~an approximately 2-acre park and landscape plantings.~~ The project will set forth building height limits and setbacks in order to help maintain views towards the summit of Haleakala and the Pacific Ocean. In addition the open space areas incorporated into the Pi'ilani Promenade will provide view corridors in between buildings toward the Pacific Ocean and Haleakala.

With regard to design, the proposed project will positively complement the architectural character of the adjacent concrete tilt up light industrial structures to the north of the Project area. ~~complement the high quality architectural character as other developed properties in the area.~~ The Pi'ilani Promenade will be ~~is being~~ designed to control the density, architectural design, and variation of all buildings in the project without sacrificing views or the aesthetic character of the proposed project. As noted, the maximum building height within the Project will be 60 feet and buildings will be setback from Pi'ilani Highway to maintain public views towards the summit of

Haleakala from Pi'ilani Highway. Overall urban design of the project will position buildings fronting landscaped roadways to screen the massing of the buildings.

All buildings within the Pi'ilani Promenade will be designed in accordance with the applicable Maui County building code standards.

In response to comments, the Applicant has coordinated with the Planning Department and will continue to refine plans to create a well-designed Project. Following the acceptance of the FEIS and completion of the Motion to Amend process, design guidelines will be presented to the Kihei Community Association Design Review Committee and the Maui County Urban Design Review Board for review and comment prior to submittal to the Planning Department for review and approval.

KCA COMMENT:

7. Reports show that fresh water in the existing aquifer is being depleted. While adding additional users to the system may not have immediate impact on water quality, it will increase the rate of depletion of water for all South Maui residents. This must be addressed.

Response 7. In response to comments regarding the existing aquifer the FEIS Section III. A. 11. (Groundwater Resources) has been revised as follows:

The Pi'ilani Promenade will consume on average of 252,000 gpd of water at full build-out, including 171,000 gpd of drinking water for domestic uses and 81,000 gpd of nondrinking water for irrigation. (See: Appendix L, "Preliminary Engineering Report dated December 2013, revised February 2, 2017")

As mentioned, the CWRM estimates that 0.421 MGD of groundwater can be allocated within the Iao Aquifer System. The Pi'ilani Promenade drinking water demand is expected to withdraw 171,000 gpd and can be accommodated within the remaining 0.421 MGD of available groundwater. This limited amount of water is not anticipated to significantly impact the Iao Aquifer from recharging.

As mentioned, three 3-inch domestic water meters have been approved by the County DWS and are available for the project. The issuance of water meters for the project by the DWS carries the implicit approval by the DWS of Pi'ilani Promenade's use of the Iao Aquifer System for drinking water.

KCA COMMENT:

8. KCA agrees that there is a need for additional housing in the community, but it should be located in areas designated by the KMCP, which this is not. This is in an area cut off from the rest of the community by the highway, so that every need for service with the exception of

shopping at the mall stores will require an automobile trip, encouraging obesity and illness. KCA supports smart growth which does not sacrifice the health and safety of residents.

Response 8. Several residential neighborhoods exist in Kihei Mauka of the Pi'ilani Highway. Several more are likely to be developed with the Maui Island Plan's Urban Growth Boundary's mauka of the Highway. The Project proposes a 2-acre park, pedestrian and bicycle connections to the north and west and has offered to assist the State DOT in the design of a pedestrian and bicycle crossing for Kulanihakoi Gulch within the highway right of way, outside of the roadway area to the south. Additionally, a broad range of services are permitted within the M-1 Light Industrial District.

In response to comments regarding the KMCP, FEIS Section V. D. 2. (Unresolved Issues) has been revised as follows:

The Pi'ilani Promenade is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the KMCP's LI designation consistent with the M-1 Light Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. ~~The Applicant expects the Planning Department to provide written comment on this Draft EIS and we expect any concerns to be documented in their comment letter.~~

The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). Goal k of the KMCP seeks to "[p]rovide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use." The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. The KMCP specifically states that it is intended to "reflect current and anticipated conditions in the Kihei-Makena region" and is intended to guide decision making through the year 2010. See KMCP at 3. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998; and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

~~It is the Applicant's position, which it intends to advocate for on the pending Motion to Amend before the LUC, that the project falls within the Light Industrial designation~~

of the KMCP, as that provision is implemented by the corresponding M-1 zoning designation, and that goal k of the Land Use section on page 18 of the KMCP is substantially met by the proposed project. In the event that the LUC does not agree with the Applicant's position in deciding the Motion to Amend, then, as an alternative, Applicant will seek any necessary amendment to the KMCP.

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

In response to comments regarding smart growth the FEIS Section II. E. (Proposed Project Description) has been revised as follows:

The current Project plan includes off-road pedestrian and bicycle routes along both East Kaonoulu Street as well as through an access easement from Ohukai Street to East Kaonoulu Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the project property as a preferred and safe route for south Maui residents traveling to and from the project area. With regard to the Kulanihakoi Gulch crossing, the project owner has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements are intended to facilitate safe walking and bicycling and to reduce the requirement for automobile use in order to access the development.

KCA COMMENT:

9. KCA: Projected salaries for the 1,210 permanent jobs at \$36.6 million per year would be an average of \$30,248 per worker, barely a living wage for Maui. According to the Bureau of Statistics, the average wage for retail sales is \$20,500, so the estimate of \$30,248 per worker is high.

Analysis of existing building stock shows that the Safeway in Pi'ilani Village is the largest building in Kihei at 53,625 sf. Hilo Hatties is 19,230 sf, Longs Drugs is 20,000 sf, Ace Hardware is 16,900 sf, Foodland is 23,000 sf.

The proposed new 530,000 sf of commercial space for the Pi'ilani Promenade would require 10 stores the size of Safeway to fill the proposed space or 26.5 stores the size of Longs Drugs. Local population will not support this much retail business, especially considering that the Krausz Kihei Town Center project will provide 300,000 sf of new commercial space before this project is started.

Development which would compromise the beauty of our view planes and the quality of our water and air and would increase traffic will have a major negative impact on our economy if it reduces the number of visitors who come to South Maui each year.

The report does not point out that the \$348.7 million in revenue per year will be primarily to mainland owned commercial businesses, so that the money spent here will not stay here. We would prefer to see smaller locally owned businesses located in small town centers, as defined in the KMCP, which keep the money circulating in the state.

Business Intelligence (September 16, 2014) reports

The retail industry is undergoing a dramatic shift: E-commerce is capturing a larger share of sales than ever before....Hundreds of retail stores are closing.

A chart shows the following US retail store closings: JC Penny: 33 stores by May 2014; Aeropostale: 175 stores to close between 2014 and 2019; Abercrombie & Fitch: 180 stores to close by 2015; Gap: 189 stores closed in 2012 and 2013; GameStop: 200 stores closed in 2013; Staples: 225 stores to close by the end of 2015; Barnes & Noble: 226 stores to close between 2011 and 2021

A Forbes article (2/12/2014) headlined *Retail In Crisis* states

There is a crisis in retail. During the 2013 holiday season, U.S. retailers received approximately half the holiday foot traffic they experienced just three years ago... With consumer confidence growing in leaps and bounds, the decline in foot traffic signifies a tectonic shift in the way consumers buy and shop... Consumers find researching and shopping on the Web far more convenient than brick-and-mortar visits.

The draft EIS ignores this trend away from brick-and-mortar stores to online shopping when proposing to increase local retail space by 123%.

In response to comments regarding the retail impacts, the FEIS Section III. B. 3. (Economy) has been revised to include the following language:

The KMCP identifies four areas that have been fully developed and provide some of the commercial needs for south Maui residents, which are: 1) North Kihei, between the existing South Kihei Road, Pi'ilani Highway and Uwapo Road; 2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection; 3) in existing commercially zoned areas along South Kihei Road in the vicinity of Kalama Park; and 4) along South Kihei Road opposite the Kamaole beach parks. These limited commercial areas were intended to serve the commercial needs of the fastest growing community in the State which has clearly out grown the goods and services available in these areas. The KMCP has designated the Project site for light industrial uses with approved zoning providing for light industrial uses that include neighborhood and regional needs addressing the current and future demand.

While there will inevitably be some cross-over, the Pi'ilani Promenade and Downtown Kihei development will appeal to different customer and tenant types. Downtown Kihei does not offer the exposure, access, intercept or site characteristics that Pi'ilani Promenade does. According to Downtown Kihei market study, the primary patrons of the Project will be visitors.

The Pi'ilani Promenade is intended to focus on providing light industrial and commercial uses for local Maui residents as an alternative shopping destination to Kahului. It is not intended to be directly competitive with the majority of stores along South Kihei Road which

attract large numbers of visitors as their primary patrons, or otherwise comprise a significant portion of their customer base.

We anticipate some visitors will patronize the Project but will comprise only a minority of shoppers to selected retail stores and restaurants and not necessarily for the resident-oriented anchor tenant and light industrial businesses.

As part of this FEIS, the Hallstrom Group prepared an Economic and Fiscal Impact Assessment for the Project, which includes analysis of the existing commercial properties in Kihei. An inventory of existing occupied and vacant commercial properties was developed and used as part of the economic analysis for the Project. The Economic and Fiscal Impact Assessment was revised to address comments received on the DEIS. Specifically, Table V-4 of the Economic and Fiscal Impact Assessment in the FEIS now includes the accurate County costs and State costs per year.

It is projected that the Project will address sub-regional and regional commercial demand more efficiently than the fragmented commercial space located along South Kihei Road because of its location and visibility and ease of access for residents in west, south and central Maui.

In mid-2014, The Hallstrom Group completed an inventory of the Kihei Retail market and found that about 10 percent of the total floor area in the community was vacant. However, the vacancies were either restaurant spaces (the least stable sector of the market) or in uncompetitive projects or locations (such as along Lipoa Road). All of the quality/competitive spaces along South Kihei Road or in newer, modern centers were occupied. Over the past year numerous new leases have been signed and the vacancy rate in Kihei has dropped below seven percent (2014).

KCA COMMENT:

10. This report addresses medical facilities but does not directly address Health. Preventing obesity is a National Public Health priority. Building residential areas where they are cut off from the transportation network which allows walking and biking will contribute to obesity and will increase the demand for medical facilities. This draft EIS fails to discuss these ramifications.

Response 10.

The mixed-use project will include active park space, pedestrian and bicycle connectivity within the site and along the portion of the Kihei Upcountry Highway to facilitate pedestrian and bicycle access to and from existing developments to the north, and west. The Applicant has also offered to assist the State Department of Transportation in the design of non-vehicle connectivity to the south.

KCA COMMENT:

11. While these enrollment numbers appear to be below the stated capacity, many of the school buildings are outdated modular units which were meant to serve temporarily, but are now beyond their service expectations. True capacity would show that enrollment exceeds capacity.

While existing schools might accommodate students from the proposed Pi'ilani Promenade residences, all students would require driving to get to school. None of the elementary or intermediate schools are within a reasonable walking distance. Kihei Elementary, the closest is 1.5 miles away on the highway, while Kamli'i Elementary, is 3.5 miles away on the highway. Even the new Kihei High School, on the adjacent site, will require driving because there are no plans to bridge the intervening Kulanihakoi Gulch and the highway is dangerously un-walkable. Planning residences which will increase traffic on Pi'ilani Highway is contrary to the KMCP.

Response 11. The Applicant acknowledges that the project site is not located within close proximity to the existing public schools in Kihei, however it is anticipated that educational facilities in addition to the Kihei High School will be built mauka of Pi'ilani Highway, therefore this project site will become an integral piece of future developments mauka of Pi'ilani Highway. The project site will serve as a link between the existing neighborhoods surrounding Ohukai Road to the future Kihei High school. As mentioned a pedestrian easement will be provided from Ohukai Road into the project sites network of sidewalks and bike paths.

From a regional perspective, as part of the Kihei High School Project conditions of approval the DOE must provide an over or underpass across Pi'ilani Highway to provide safe pedestrian access, which will likely become a primary pedestrian route connecting developments mauka and makai of Pi'ilani Highway. Furthermore there will be an opportunity to provide lateral access along Pi'ilani Highway across Kulanihakoi and Waipuilani Gulches to the Maui Research and Technology Park.

As the KCA is aware, Kulanihakoi gulch is privately owned. The owner of approximately 12.7-acres of the *maikai* end of Kulanihakoi gulch has made public his interest in conveying the area to the County of Maui for the purposes of passive recreational open space and native habitat restoration. The land is identified as Park and Open Space in the County of Maui's Kihei Makena Community Plan, and is identified as a Secondary Off-road Connection and Gulch/Drainage in the County of Maui's South Maui Region Parks & Open Space Master Plan. Various community groups including the KCA have expressed interest in supporting this initiative.

Comment 12.

KCA: We find the entire traffic analysis incomplete. For example, the proposed Kenolio Apartment project is 186 units, not the 124 units quoted in this section. To disregard the impact of Houa'ula development on Pi'ilani should not be allowed. Honua'ula will be, like the proposed Pi'ilani Promenade residences, a residential complex which will require residents to drive for every type trip except some shopping.

The TIAR should define the current traffic conditions without the project. It should then provide a cumulative traffic projection and its impacts from the fully developed project and all the Kihei road systems both existing and proposed from the fully developed project. The traffic analysis for the fully developed project should include the traffic from all of the approved developments to date and those that would be likely in the next 20 years.

The TIAR should at least include the following approved developments: The Makena Developments (3700+/- units), Honua'ula, Wailea Resort, Maui Research and Technical Park, Kihei Downtown Center, Kihei High School, Honua'ula Affordable Housing, Kihei Mauka, Kenolio Apartments, North Kihei Housing, Kaiwahine Village, Pulehu Nui Industrial Area, Entitled South Maui Infill Projects, and partly entitled South Maui infill projects.

The traffic Impact Analysis should assume the complete up country highway and include the mitigations required for the improvement of the intersections of Ka'ono'ulu Street and the Pi'ilani Highway and of Ka'on'oulu Street and South Kihei Road.

Include in the TIAR the mitigation that the design of roadways within the development as well as public roads impacted by the development will meet the Hawaii State criteria for Complete Streets (providing for pedestrian and bicycle traffic in addition to motorized vehicles), the Kihei Road Design Standards and the Green Streets criteria. While pedestrian paths are mentioned, there is no mention of bike paths thru the various parking lots. The draft EIS does not provide site plans, so it is not possible to comment on the extent or usability of the pedestrian paths. The plan as described does not comply with the state Complete Streets policy.

Analyze roadway intersections with the intent to use roundabouts and mini roundabouts in lieu of signalized and stop sign intersections to conform to with KMCP goals and implementing actions for a pedestrian oriented, walkable community.

The size of the community will not support the proposed commercial square footage, so marketing will likely be done to the whole island. This will result in commercial traffic from other areas, which is not considered in this analysis.

We find doubtful the proposal that a Traffic Coordinator will be able to resolve the problems generated by the project.

In addition to finding the traffic analysis incomplete, the increased traffic from this project is contrary to the KMCP general goal of reducing traffic on Pi'ilani Highway, as stated before.

Response 12. The TIAR update dated December 20, 2016 was prepared by SSFM International to evaluate existing conditions, assess impacts to the surrounding area as a result of the proposed development and changes associated with anticipated surrounding area development.

Kenolio Apartments – The TIAR update show 186 units.

Honua'ula Development – The direction of this comment is not clear. If the association is referring to the Honua'ula residential units adjacent to the subject project then the TIAR update does address the impacts of trip generation from those units within the TIAR update. Alternatively, if the association is addressing the Honua'ula project proper in the Wailea area that project has not been included in the TIAR update analysis nor has Wailea or Makena Resort trip generation factors per the direction of SDOT. The TIAR update dated December 20, 2016 was prepared by SSFM International to evaluate existing conditions, assess impacts to the surrounding area as a result of the proposed development and changes

associated with anticipated surrounding area development.

Current Traffic Projection Analysis – The TIAR update does address and analyze existing without and existing with the project. In addition the analysis includes traffic from a host of other projects having a likely impact on the circulation system served by project. These projects are identified on Figure 7 within the TIAR update and are considered to be those for which traffic impacts are evaluated within the context of the subject project. These projects are those for which impacts are or will be generated within a reasonable time frame and for which impacts can be evaluated for the proposed project. Projects south of the intersection of Pi'ilani Highway and Piikea Avenue are not included in the analysis as there are outside the study area.

Complete Streets and Green Streets Compliance – All of the roadway improvements included within the current plans and for the phased development areas include vehicular, pedestrian and bicycle pathways facilitating access within and through the project incorporating where possible of street pathways, crosswalks and signalization.

Including Roundabouts in Analysis – The SDOT requires analysis of roundabouts as part of the design for the Kihei/Upcountry Highway. The design was found to not satisfy the traffic flow requirements for that highway. Smaller roundabouts are being considered for the internal circulation within the project and the internal vehicular, pedestrian and bicycle system was previously mentioned.

Offsite Traffic Generation - The TIAR update assumes that 25% of the traffic arriving at the project will come from areas outside of south Maui.

Traffic Coordinator – The function of the coordinator is not to solve traffic generation issues but to assist in addressing concerns during and after construction as well meeting with the future tenants and owners to discuss various ways to improve access into and out of the project with the goal of lessening traffic congestion.

KMCP Goal for Reducing Traffic – The current development needs for housing and commercial uses necessary to serve south Maui into the future will occur on the Mauka side of the highway. Pi'ilani Highway is the primary connection between the future development areas and the balance of the community and will need to accommodate the projected traffic generated through the anticipated growth.

Comment 13. As stated by the KMCP, enclosing natural gulches in a culvert is against our community values of preserving the natural environment. A waterway left in its natural state reduces the amount of pollution that reaches the ocean, cleans and filters water for recreation and drinking, and supports the area wildlife and fisheries. Converting a natural gulch to a concrete culvert prevents these natural processes from occurring and increases marine degradation.

Downstream from these gulches, where they cross South Kihei Road, is an area of perpetual flooding. Converting Kaonoulu Gulch to a culvert will increase flooding potential here by decreasing the amount of water that can be absorbed by the land on its downhill trip to the ocean. The two gulches on this site, Kulanihakoi and Ka'ono'ulu, are cultural and environmental resources that must be preserved, not buried.

Per the Hawaii State Office of Planning document, "Stormwater Impact Assessments." Cumulative impacts must be considered, not just conditions and impacts at the site. It states the following:

Cumulative effects on a given resource, ecosystem, or human community are rarely aligned with political or administrative boundaries. Cumulative effects on natural systems must use natural ecological boundaries. For stormwater, the natural geographic boundary is the watershed. (page 4)

Cumulative effects are caused by the aggregate of past, present, and reasonably foreseeable actions. (page 4)

Hawaii's watersheds include nearshore waters and proposed actions should account for secondary impacts to nearshore resources. (page 10)

In other words, effects of the development on the entire ahupua'a shall be considered (including nearshore waters) and these effects should include other future and concurrent development within the watershed.

Response 13. In response to comments regarding drainage, the FEIS section III. D. 2 (Drainage) has been revised to include the following language:

The Project does not propose any channeling or culvert work for Kulanihakoi Gulch. The smaller "Drainageway A" crossing the Project will be diverted to the KUH alignment with a *makai* terminus in the same location as the present. A FEA was prepared for the proposed affordable housing project located across Pi'ilani Highway, and that applicant retained environmental consultant Mr. Bob Hobdy to perform a Wetland Assessment to assess potential aquatic resources, and to determine if any wetlands or waters of the U.S. (as defined by the U.S. Army Corps of Engineers) were located on that property. The Wetland Assessment included analysis of surface vegetation and the digging of test pits to analyze soil and hydrology parameters, and identified Drainageway "A" as a tributary of the larger Kulanihakoi Gulch channel. Drainageway "A" is an ephemeral stream in a very dry part of Maui that flows for only about 1 day a year during the largest of winter storms. The Army determined that Drainageway "A" was not a wetland or a water of the U.S.

Under current conditions, no riparian zone exists in the vicinity of Drainageway "A" within the Project site.

The change in water flow due to the conversion of approximately 2,500 feet of Drainageway "A" to roughly 2,700 lineal feet of concrete-lined channel and large-diameter pipe culvert (approximately 0.3%) is captured in the on-site drainage impact analysis, which examines the effect of urbanizing the Project site, including the portion of the natural drainage channel which passes through it. Consequently, the flow rate increases resulting from the overall Project improvements due to decreased permeability are compensated for by the proposed onsite peak flow mitigation measures.

Modifications to Drainageway "A" are also necessary as part of the engineering design and solution for the KUH as the grades for the roadway are much higher than the existing grades within Drainageway "A", requiring a design solution to allow drainage flow, which is accommodated in the project plan.

The post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (*Soil Erosion and Sedimentation Control*) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

In response to comments regarding cumulative impacts the FEIS section V. C. (Cumulative and Secondary Impacts) has been revised to include the following language:

The total increase in runoff as a result of the development of projects listed in table 16 is 728.92 cfs. The total runoff amount will be retained by the individual projects in accordance with the Maui County drainage rules.

The specific mitigation measures identified for projects in Table No. 16 vary from above ground landscaped detention basins, underground basins within parking lots and roadways, vegetated swales and landscape planting to reduce the impacts associated with runoff. Water Quality will be maintained by the future drainage systems for surrounding projects including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution.

All surrounding projects will be required to implement the BMP's as required by the County and State. In addition, the Applicant understands that all other projects related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

The Applicant has reviewed the Guidance Document titled, *Stormwater Impact Assessments*, prepared by PBR Hawaii and Associates, Inc. for the Hawaii Office of

Planning in May 2013. The purpose of the Guidance Document is to provide guidance on assessing stormwater impacts in the planning phase of project development.

"The Guidance Document suggests incorporating design concepts and mitigation measures into the planning phase of development to achieve compliance with existing ordinances, rules, and regulations. No new regulations are proposed with this Guidance Document."

As noted in the FEIS section V. C. (Cumulative and Secondary Impacts) the post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (*Soil Erosion and Sedimentation Control*) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to *makai* landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 -year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4 "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 "Rules for the Design of Storm Water Treatment Best Management Practices."

Therefore the Project, together with other planned projects in the area, should not have a significant cumulative impact on coastal water quality if construction and operation

phase BMPs are strictly adhered to. It is noted that only the Kihei Residential project has begun construction of those listed in Table No. 16.

KCA COMMENT:

14. The proposed five improvements to the County Water System are improvements to infrastructure which will not increase the island's water sources. Reports show that fresh water in the existing aquifer is being depleted. Adding additional users to the system will increase the rate of depletion. This has not been addressed.

Response 14. In response to comments regarding the existing aquifer the FEIS Section III. A. 11. (Groundwater Resources), has been revised as follows:

The Pi'ilani Promenade will consume on average of 252,000 gpd of water at full build-out, including 171,000 gpd of drinking water for domestic uses and 81,000 gpd of nondrinking water for irrigation. (See: Appendix L, "Preliminary Engineering Report dated December 2013, revised February 2, 2017")

As mentioned, the CWRM estimates that 0.421 MGD of groundwater can be allocated within the Iao Aquifer System. The Pi'ilani Promenade drinking water demand is expected to withdraw 171,000 gpd and can be accommodated within the remaining 0.421 MGD of available groundwater. This limited amount of water is not anticipated to significantly impact the Iao Aquifer from recharging.

As mentioned, three 3-inch domestic water meters have been approved by the County DWS and are available for the project. The issuance of water meters for the project by the DWS carries the implicit approval by the DWS of Pi'ilani Promenade's use of the Iao Aquifer System for drinking water.

KCA COMMENT:

FINAL. KCA has observed the Krausz developers using the KMCP from the very start of their project as a guideline to minimize environmental impact. The Kihei Town Center being developed by Krausz will provide for our future retail needs without degrading the environment and even by enhancing the environment. KCA would like to make clear that the Pi'ilani Promenade project is contrary to our KMCP in significant ways. It appears that either the applicant was not aware of the KMCP or chose to ignore it. The KMCP is a legal document created by the community to guide development in the community. By circumventing the wishes of the community, which are spelled out clearly in the legal document of the KMCP, the Pi'ilani Promenade, as proposed, will be detrimental to our natural, cultural, and economic environment, upon which our island economy is based. Response FINAL. In response to comments regarding the Kihei-Makena community plan the FEIS section V. D. (Unresolved Issues) has been revised to include the following language:

2. Compliance with the Kihei-Makena Community Plan

The Pi'ilani Promenade is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the

KMCP's LI designation consistent with the M-1 Light Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. ~~The Applicant expects the Planning Department to provide written comment on this Draft EIS and we expect any concerns to be documented in their comment letter.~~

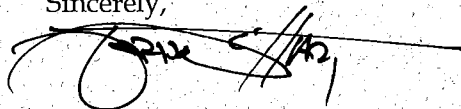
The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). Goal k of the KMCP seeks to "[p]rovide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use." The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. The KMCP specifically states that it is intended to "reflect current and anticipated conditions in the Kihei-Makena region" and is intended to guide decision making through the year 2010. See KMCP at 3. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998, and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

~~It is the Applicant's position, which it intends to advocate for on the pending Motion to Amend before the LUC, that the project falls within the Light Industrial designation of the KMCP, as that provision is implemented by the corresponding M-1 zoning designation, and that goal k of the Land Use section on page 18 of the KMCP is substantially met by the proposed project. In the event that the LUC does not agree with the Applicant's position in deciding the Motion to Amend, then, as an alternative, Applicant will seek any necessary amendment to the KMCP.~~

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at bdavis@chpmaui.com should you have any questions.

Sincerely,

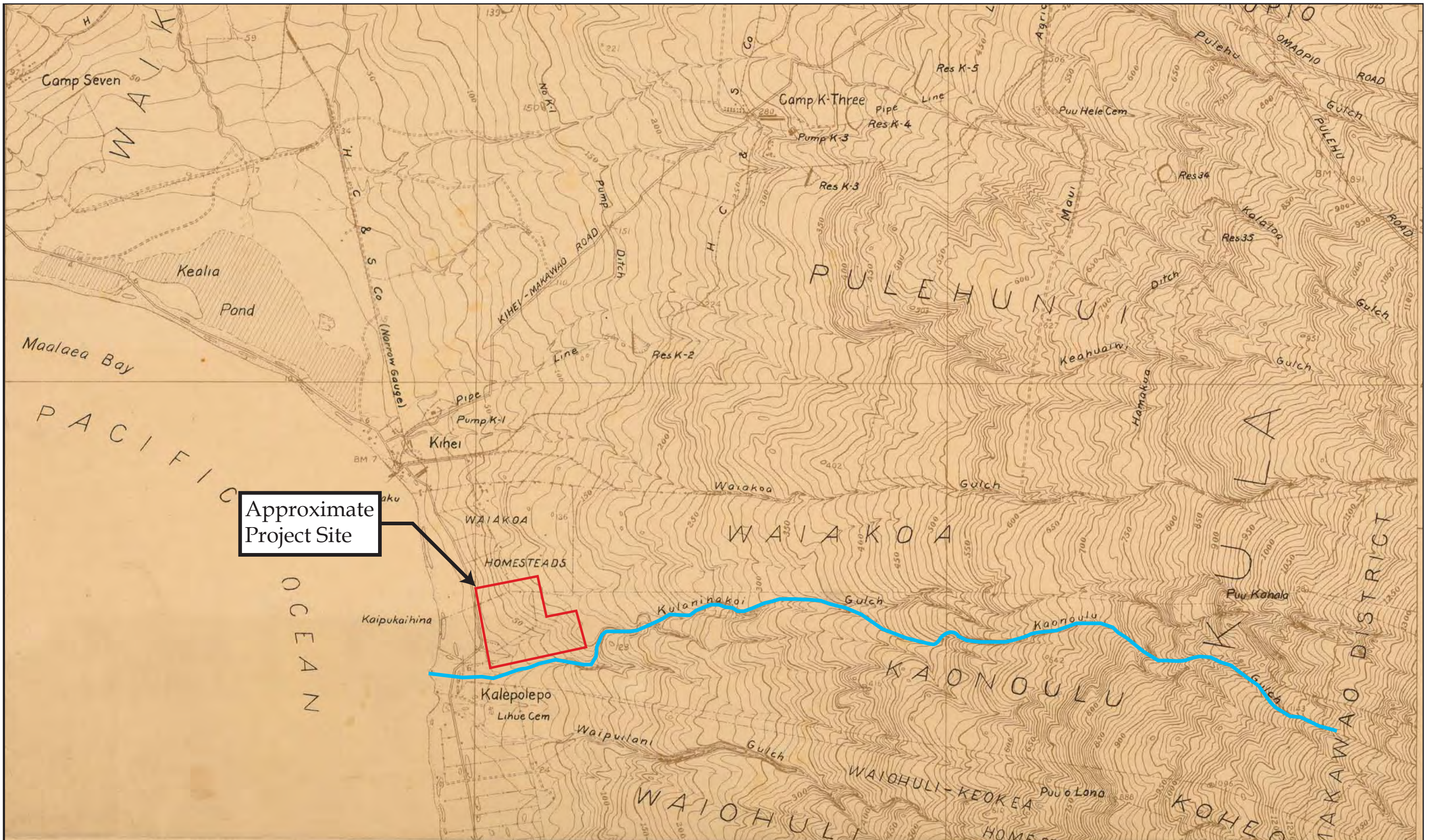


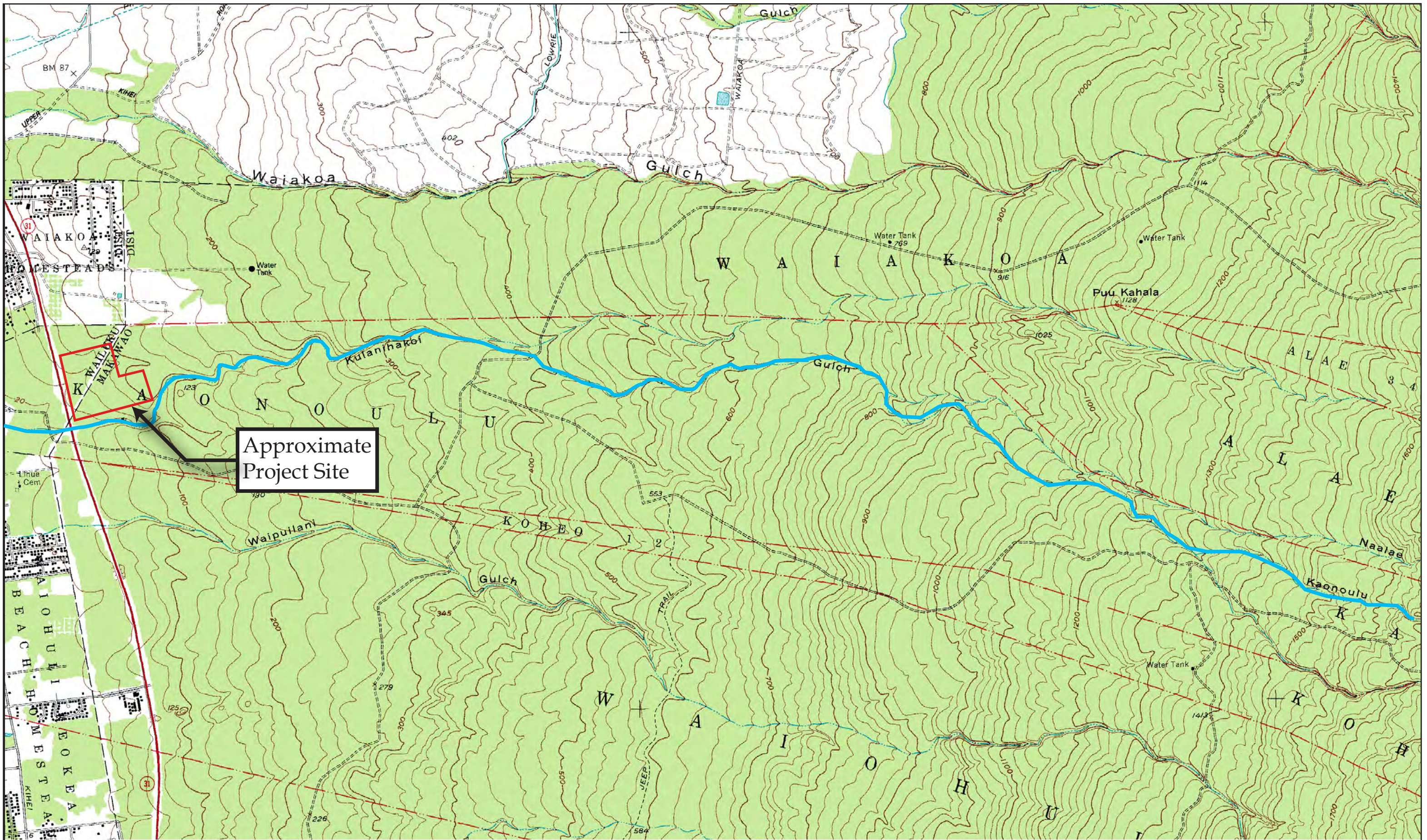
Jordan E. Hart, President

Enclosures (2)

1. Figure 20, "USGS MAP 1923"
2. Figure 21, "USGS MAP 1983"

CC: Mr. Charlie Jencks, Ownership Representative
Mr. Daniel E. Orodener, Executive Officer, LUC
Project File 13-029





Mr. Jordan E. Hart

Chris Hart & Partners, Inc.

115 N. Market St.

Wailuku, HI 96793

October 3, 2014

Dear Mr. Hart,

My name is Elden Liu. I am writing you in response to the information I received regarding the project known as Piilani Promenade North & South LLC. The land area this project is designed to be built upon is known as the Ahupua'a of Kaonoulu. This particular ahupua'a was awarded to Hapakuka Hewahewa, Royal Patent #7447, and Land Commission award #3237 in 1848. This award was one of numerous awards made during the Great Mahele by King Kamehameha III. I am a direct lineal descendant of Hapakuka Hewahewa. I have on file a UCC finance statement at the Bureau of Conveyances acknowledging my claim to this ahupua'a.

I have enclosed a copy of a deed to this parcel which I obtained from Susan Shanner of the state archives. The deed is signed by King Kalakaua in 1860. I question the validity of this deed as Kalakaua was not the reigning monarch in 1860. I would like to request a copy of the deed which allows you to legally proceed with the Piilani Promenade project. Your response would be greatly appreciated.

Respectfully submitted,



Elden K. Liu

75 Ululani St.

Kula, HI 96790

RECEIVED

OCT - 7 2014

CHRIS HART & PARTNERS, INC.
Landscape Architecture and Planning

CC: Brut 13/029

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
COMPTROLLER

BARBARA A. ANNIS
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES

ARCHIVES DIVISION
HAWAII STATE ARCHIVES
IOLANI PALACE GROUNDS
HONOLULU, HAWAII 96813

I, SUSAN SHANER, State Archivist of the Public Archives of the State of Hawai'i, do hereby certify that the attached document is a true and correct copy of Royal Patent No. 7447, to H. Hewahewa, on pages 201-202 of volume 2, from Patents Upon Confirmation of Land Commission, [Series 289], Board of Commissioners to Quiet Land Titles _____

on file in the STATE ARCHIVES, at Honolulu, State of Hawai'i.

Witness my hand and seal this 10th day of July, 2007 at Honolulu, State of Hawai'i.

A handwritten signature in cursive script, reading "Susan Shaner".

SUSAN SHANER, STATE ARCHIVIST

ROYAL PATENT.

Upon Confirmation by the Land Commission.

WHEREAS, The Board of Commissioners to quiet Land Titles have by their decision awarded unto

H. Hewahewa

L.C. Awards 3237 part 2

an estate of **Freehold** less than Allodial, in and to the Land hereafter described, and whereas proper application having been made to the Minister of the Interior by *H. Hewahewa* for a Royal Patent on the within described lands, a certificate defining the boundaries of the same being filed, and the Government's commutations thereon relinquished by an order of the Privy Council.

Kalakaunua

THE SOVEREIGN, by the Grace of God, King of the Hawaiian Islands, by this Royal Patent, makes known to all men, that he has, for himself and his successors in office, this day granted and given absolutely, in Fee Simple, unto

H. Hewahewa

all that certain piece of Land ~~situate~~ known as *Kaonohu*

Kalakaunua in the Island of *Mauia* and described as follows: -

Commencing at a cross cut on a stone amongst a lot of stones on sand beach at a place called *Kaprahinas*. From which cross the Government Survey Station *Five Holes*, bears *N. 48° 58' W* true and running.

1. *N. 66° 28' E.* true 2302 feet along *Waiakoa* to a cross cut on stone, thence
2. *S. 88° 57' E.* " 14464 " " to a pile of stones
3. *S. 86° 21' E.* " 5575 " " to a pile of stones.
4. *S. 46° 20' E.* " 4803 " *Alae 1.2* to a pile of stones.
5. *S. 69° 3' E.* " 3730 " " to a stone marked thus →

at a rocky place on edge of gulch.

6. *S. 72° 50' E.* " 4146 ft along *Alae 1.2* to a cross cut in a stone
7. *S. 72° 32' E.* " 4355 " " to a stone marked thus →

a little north of a cave and stone pile

8. Thence along *Alae 1.2* following up the bottom of the *Kaakaulua* gulch to an iron pin on edge of same, the traverse up gulch being as follows 1. *S. 73° 39' E.* true 4989 feet to an old grave on the edge of gulch
2. *S. 61° 14' E.* " 4647 " to point on edge of gulch above waterfall called *Kaprahinas*.
3. *S. 50° 25' E.* 5063 feet to iron pin, thence

9. *S. 39° 6' E.* true 3569 feet up gulch along *Alae 1.2* to point on *S. edge* of same
10. *S. 47° 57' E.* " 7153 " along *Alae 1.2* to a pile of stones at top of mountain of the same on side of mountain thence

1. S 30° 9' E hme 2. feet along Waiahoas to pile of stones on top of mountain. thence
 12. S 53° 55' W 3345 along Wapamau to a cross cut on a rock over a sort of cave at a place called Kalepaua
 13. N 50° 46' W 9571 along Waiohiki to an iron pipe on edge of gulch thence
 14. N 51° 20' W 9209 along Kohoo to an iron pipe on edge of gulch at a place called Keananais thence
 15. along Kohoo following down the bottom of the gulch to a stone marked thus → on the S Wedge of same. Traverses down the gulch being as follows:
 1. N 63° 7' W hme 5292 feet to a cross on a stone on edge of gulch.
 2. N 59° 31' W 2952 to a cross
 3. S 70° 10' W 1200 to a post on edge of gulch
 4. N 64° 40' W 1883 to a stone marked thus → thence
 16. N 71° 29' W hme 6699 along Kohoo to a pile of stones.
 17. N 82° 5' W hme 19825 stone marked → to a place called Kaulaula thence
 18. N 84° 1' W hme 2874 feet along Waiohiki
 19. S 35° 35' W 548
 20. N 85° 3' W 340 along the S rapids of an old fish pond at Kalepaua to sea thence
 4. N 2° 55' W 2325 feet following along sea shore to initial point
- area 5715 acres.

Containing an area of Five thousand seven hundred & fifteen Acres, more or less; excepting and reserving to the Hawaiian Government, all mineral or metallic mines of every description.

To Have and to Hold the above granted Land in Fee Simple, unto the said **H. H. H. H. H.** Heirs and Assigns forever, subject to the taxes to be from time to time imposed by the Legislative Council, equally upon all Landed Property held in Fee Simple.

In Witness Whereof, I have hereunto set my hand, and caused the Great Seal of the Hawaiian Islands to be affixed, this **minth** day of **April** 1860

Kalakaana B

S. C. Alden

See Page 3 of 3



**CHRIS
HART**
& PARTNERS, INC.

Landscape Architecture
City & Regional Planning

April 17, 2017

Mr. Elden K. Liu
75 Ululani Street
Kula, HI 96790

Dear Mr. Liu,

RE: Comments on the Draft Environmental Impact Statement (DEIS)
for the Piilani Promenade, located in Kihei, Maui, Hawaii at
TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 3, 2014.

Response. In response to comments regarding land ownership the FEIS section II. E.
(Proposed Project Description) has been revised to include the following language:

On September 10, 2010, Maui Industrial Partners, LLC sold the project parcels – TMK's
(2) 3-9-001:016, 170-174 - to the Applicant. The project parcels comprise approximately
75 of the 88 acres contained within the Petition Area (hereinafter "the Pi ilani Parcels").
The Applicant asserts that their deeds to the project area are valid and has included a
copy of their deeds and title insurance policies in the FEIS (See: Appendix V, Deeds and
Policies of Title Insurance).

Thank you for participating the in the environmental review process. Please feel free to
call me or Mr. Brett Davis at (808) 242-1955 or email at bdavis@chpmaui.com should you
have any questions.

Sincerely,

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Ownership Representative
Mr. Daniel E. Orodener, Executive Officer, LUC
Project File 13-029

Piilani Promenade DEIS Public Comments

October 7, 2014

Daniel Kanahele
1100 Kupulau Drive
Kihei Hawaii 96753
(808) 879-2239

Accepting Authority:

TO LAND USE COMMISSION

Mr. Daniel E. Orodener – LUC Executive Officer Email:luc@dbedt.hawaii.gov
Department of Business, Economic Development & Tourism
235 South Beretania Street, Room 406 PO Box 2359
Honolulu, Hawai'i 96804-2359

TO APPLICANTS:

Pi'ilani Promenade North, LLC and Pi'ilani Promenade South, LLC
c/o Sarofim Realty Advisors
Mr. Robert Poyner, Vice President (214.692.4227) Email:bpoyner@sraco.com
8115 Preston Road, Suite 400
Dallas, Texas 75225

TO CONSULTANT:

Chris Hart and Partners, Inc., Email: jhart@chpmaui.com
115 N. Market St., Wailuku, HI 96793.
Contact: Mr. Jordan E. Hart (808) 242-1955

TO OEQC:

Office of Environmental Quality Control
Ms. Jessica Wooley, Director (808) 586-4185 Email:oeqchawaii@doh.hawaii.gov
Hawai'i Department of Health
235 South Beretania Street Room 702
Honolulu, HI 96813

TO STATE OFFICE OF PLANNING:

Acting Director Leo R. Asuncion Jr. Email:leo.asuncion@dbedt.hawaii.gov
State of Hawaii
PO. Box 2359
Honolulu, Hawaii 96804-2359

Re: LUC Docket A94-706 Ka'ono'ulu Ranch / Pi'ilani Promenade OEIS

TO WHOM IT MAY CONCERN:

I wish to submit the following comments relative to the Draft Environmental Impact Statement (DEIS) for the Pi'ilani Promenade (PP).

COMPLIANCE WITH THE KIHAI-MAKENA COMMUNITY PLAN (KMCP).

1. The proposed action described in the DEIS does not comply with numerous provisions of the 1998 Kihei-Makena Community Plan (KMCP); the KMCP has the Force and Effect of law, reflects the stated wishes of the community for the Kihei-Makena Planning Region, and must be amended if the Proposed Action is to Proceed.

The DEIS does not adequately address the question of conformance with, and enforceability of, the KMCP. The DEIS must include a thorough discussion of the relationship of a proposed action to "applicable land use plans, policies, and controls for the affected area". The DEIS fails to do so.

If the applicant fails to pursue a community plan amendment for this proposed action, then the question must be resolved by the LUC; HRS section 205-16 mandates that all actions by the LUC must conform to the Hawaii state plan. Since community plans are part of the state plan, the LUC cannot approve the Project except by conditioning approval of the Final EIS upon amendment of the KMCP.

I request that the Final Environmental Impact Statement (FEIS) discuss the project submitting a Community Plan Amendment to the County of Maui.

2. The proposed action described in the DEIS is Inconsistent with Light Industrial Zoning; a change in zoning is required.

COUNTY ZONING

The DEIS fails to mention and discuss the meaning and significance of Maui County Code section 19.24.010 that defines M-1 light industrial zones, which states, in pertinent part, "The M-1 light industrial district is designed to contain mostly warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials." Other uses are permitted within M-1 zones, but the plain meaning of the definition is that light industrial zones are to be comprised mostly of customary light industrial uses.

Here the Piilani Promenade North is mostly retail and commercial with only a token light industrial component, or no light industrial at all for the parcel owned by Pi'ilani Promenade South since it is entirely intended for retail use and therefore should be zoned for business and commercial use.

The proposed development is inconsistent with M-1 zoning requirements. I request that the Final Environmental Impact Statement discuss the project submitting a request for a zoning change to the County of Maui.

3. The 13-acre 250 unit affordable housing project that is part of the Honua'ula Development and in the original 88 acres of state ag to urban reclassified lands shares all the previous entitlement approvals with the Piilani Promenade Project and is depended on this development for much of it's infrastructure needs and will have many similiar environmental impacts as the Pi'ilani Promenade, yet has had no environmental review.

SEGMENTATION

The DEIS fails to acknowledge and discuss unpermitted segmentation that will necessarily arise from separating the Piilani Promenade portion of the 88 acre parcel from the Honua'ula portion of the development. The EIS for Wailea 670/Honua'ula did not address or assess the workforce housing component of that development, that being 250 housing units to be constructed on 13 of the 88 acre parcel in issue here (Honua'ula's parcel). The proposed Honua'ula component of the Project is again omitted from any environmental assessment in the Piilani Promenade DEIS.

Is the DEIS sufficient without inclusion of the Honua'ula parcel?

Is this unpermitted segmentation?

I request that the Final Environmental Impact Statement discuss the impacts of the 13-acre, 250 unit affordable housing project and mitigations for the Honua'ula Affordable Housing Development.

4. The Draft Environmental Impact Statement (DEIS) does not adequately analysis the impacts of the proposed action on regional traffic, safety of students from Kihei High School and other schools walking or biking to and from the Pi'ilani Promenade, the potential this action has for increase flooding downslope and impacts to existing businesses in the region.

- The proposed traffic analysis is incomplete. For example, the proposed Kenolio Apartment Project is 186 units, and not 124 units quoted in the DEIS. A complete analysis of the impact of the Honua'ula Affordable Housing Project should be provided in the DEIS. Pi'ilani Promenade is proposed to be a regional mall attracting traffic from all over the island. This is contrary to one of the general goals of the KMCP to reduce traffic on Pi'ilani Highway.
- There is no clear plan discussed in the DEIS for safe walking and biking routes for students of the proposed Kihei High School to and from the Pi'ilani Promenade. There are no site maps provided of walkways and bikeways provided within and without the project area. Pi'ilani is a high speed highway. Crossing the Kulanihakoi bridge between the proposed PP and the Kihei High School is especially dangerous for walkers and bikers.
- The proposed action is just upstream from a flood prone area. The proposed action will

increase the chances for flooding downstream because converting a natural drainway, Ka'ono'ulu Gulch, into a culvert will increase flooding potential by decrease the amount of water that can be absorbed by the land on its way downhill to the ocean. Also, when you compare the drainage analysis of the proposed action with the older proposed Ka'ono'ulu Market Place drainage study, there is a 3-fold increase in runoff.

- The analysis of economic impacts proposed action will have is difficult to make if there are no due to lack on information provided in the DEIS regarding configuration, location and size or propose retail space. All we have a big bubbles to look at. Also, there is no discussion in the DEIS of impacts of proposed action in an environment where there currently exist a high level of vacant retail space.

5. Cultural Impacts

The DEIS states in multiple places that the proposed action will have no cultural impacts. This is not true. This project will have many cultural impacts.

A. Comments regarding Ka'ono'ulu Gulch

Ka'ono'ulu Gulch is a cultural and environmental resource that must be preserved and not buried. Uncle Les Kulolio'o has said that our gulches are the heart of Maui. Our seasonal waterways provide many important ecological and cultural functions. Left in their natural state they reduce the amount of pollution that reaches the ocean, clean and filter water for recreation and drinking and support the area wildlife and fisheries which Hawaiians have used for a millenium for traditonal gathering practices. Converting a natural gulch to a concrete culvert prevents these natural processes from occurring, increases marine degradation and impacts the customary and traditional gathering places and practices of Hawaiians. Enclosing a natural gulch in a culvert is culturally inappropriate and against our community values of preserving the natural environment as stipulated in the KMCP that give our area its uniqueness and sense of place.

At the February 25, 2014 Piilani Promenade Cultural Consultation Meeting the cultural importance of Ka'ono'ulu Gulch was discussed at length by several of the participants.

We need an EIS that shows alternate plans that include Ka'ono'ulu Gulch as part of the proposed project. It could become an open space greenway with walking paths along it that could incorporate the historic sites of the cultural landscape to retain both a "sense of place" and the integrity of this natural drainageway.

B. Comments regarding Archaeological Inventory Survery (AIS)

- There are no documented archaeological sites reccommend in the AIS for preservation. There are a few recommend for data recovery with the chance that some of those may be recommend for preservation. But, it is highly likely that the vast majority of these sites (if not all) will be destroyed and not preserved. This is unfortunate as this ahupua'a has a lot of history. The proposed action does not seem to support the integration of cultural/historic sites into the project plan. Recommendations to integrate historic

- sites into the project were made at the February 25, 2014 cultural consultation meeting.
- The AIS is inadequate because there is evidence that not all historic properties have been recorded. There are possible undocumented archaeological sites, midden scatters and artifacts.
 - At the February 25, 2014 cultural consultation meeting a request was made by consulting parties that included lineal descendants, cultural practitioners and other knowledgeable parties, to go on a site visit to the project area. We were told by Charlie Jencks, the owners representative, and Eric Fredrickson, the archaeologist, that this was doable. It would seem that the time is at hand to bring the cultural consulting parties and lineal descendants on the land for the following purposes: To help identify historic properties, consult on the cultural uses and significance of those historic/cultural properties.
 - The AIS does not comply with the Kihei-Makena Community Plan that "requires development projects to identify all cultural resources located within or adjacent to the project area, prior to application, as part of the County development review process" (Page 24 KMCP). There are archaeological sites adjacent to the project in Kulanihakoi Gulch that have not been documented in the AIS or the 2008 AIS of lands Mauka and south of the project. The need to include an additional survey of the Kulanihakoi Gulch was brought up at the February 25, 2014 cultural consultation meeting.
 - EIS should show an alternate action where cultural/historic sites are incorporated into the proposed action and not simply destroyed. To develop 75 acres and not include even one Hawaiian archaeological site in the proposed action is a sad commentary on how the developers view our Hawaiian history.

C. Comments regarding Cultural Impact Assessment (CIA).

In the DEIS the CIA results are summarize as follows:

"The CIA reports that the proposed project has no significant effects to cultural resources, beliefs, or practices. From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or gatherings currently taking place. The oral history interviews did not reveal any known gathering places on the subject property or any access concerns as a result of the proposed project. Therefore it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity."

- CIA needs to include more interviews to be acceptable. There are more than just the two people selected in the CIA for interviews who can advance our understanding of the history of this land. PP staff and consultants met cultural practitioners, lineal descendants and others at the February 25, 2014 cultural consultation meeting some of whom have a practice on the land and in the ahupua'a and did not chose to interview them for the CIA, therefore, the CIA is incomplete.
- CIA needs to recognize that their are other cultural practitioners and lineal descendants of the area and their connection to the land.
- CIA states there are no cultural practices currently occuring on the land. That is not correct.

- CIA needs to recognize the impacts this project may have on Hawaiian rights customarily and traditionally exercised for subsistence, cultural, and religious purposes on and adjacent to the project area. This would include gathering practices at the Ka'ono'ulu seashore and in the nearshore waters for limu, fishes, etc..

D.) Cultural Consultation at February 25, 2014 Meeting with cultural practitioners, lineal descendants and knowledgeable parties ignored or not taken seriously.

Many suggestion and recommendations by cultural consultants were offered at this meeting.

But most of them did not receive any consideration in the DEIS or follow up.

- A request was made for a site visit to project area. That has not happened yet.
- A request was made to survey Kulanihakoi gulch adjacent to project for archaeological sites. That has not happened yet.
- Importance of natural gulches as drainagways and native cultural resources was emphasized repeatedly as it pertained to recharging ground water and supporting limu and fisheries and the importance of protecting the natural flow of gulches and not tampering with it. Yet, this consultation has not seem to affect the proposed action to bury Ka'ono'ulu gulch.
- A request was made to include some of the participants at the meeting in the CIA. That has not happened.
- Some other recommendations from the meeting are discussed in my comments above.

Thank you for the opportunity to offer comments on the Pi'ilani Promenade DEIS.

daniel kanahele
1100 Kupulau Dr.
Kihei, Hawaii 96753



**CHRIS
HART**
& PARTNERS, INC.

Landscape Architecture
City & Regional Planning

June 13, 2017

Mr. Daniel Kanahele
1100 Kupulau Drive
Kihei, HI 96753

Dear Mr. Kanahele,

RE: Comments on the Draft Environmental Impact Statement (DEIS) for the Pi'ilani Promenade, located in Kihei, Maui, Hawaii at TMK's: (2) 3-9-001:016,170-174.

Thank you for your letter of October 7, 2014. Our responses to your comments are provided below.

Comment 1. The proposed action described in the DEIS does not comply with numerous provisions of the 1998 Kihei-Makena Community Plan (KMCP); the KMCP has the Force and Effect of law, reflects the stated wishes of the community for the Kihei-Makena Planning Region, and must be amended if the Proposed Action is to Proceed.

The DEIS does not adequately address the question of conformance with, and enforceability of, the KMCP. The DEIS must include a thorough discussion of the relationship of a proposed action to "applicable land use plans, policies, and controls for the affected area". The DEIS fails to do so.

If the applicant fails to pursue a community plan amendment for this proposed action, then the question must be resolved by the LUC; HRS section 205-16 mandates that all actions by the LUC must conform to the Hawaii state plan. Since community plans are part of the state plan, the LUC cannot approve the Project except by conditioning approval of the Final EIS upon amendment of the KMCP.

I request that the Final Environmental Impact Statement (FEIS) discuss the project submitting a Community Plan Amendment to the County of Maui.

Response 1. In response to comments regarding the Kihei-Makena community plan the FEIS section V. D. (Unresolved Issues) has been revised to include the following language:

2. Compliance with the Kihei-Makena Community Plan

The Pi'ilani Promenade is designated for (LI) Light Industrial uses by the KMCP. The KMCP defines "Light Industrial (LI)" as follows: "This is for warehousing, light assembly, service and craft-type industrial operations." The County of Maui Planning Department has consistently interpreted the KMCP's LI designation consistent with the M-1 Light Industrial zoning classification, as the KMCP specifically states that the goals, objectives and policies of the KMCP are implemented and effectuated through various processes, including zoning. ~~The Applicant expects the Planning Department to provide written comment on this Draft EIS and we expect any concerns to be documented in their comment letter.~~

The subject property is located in North Kihei, south of Ohukai Road, and mauka of Pi'ilani Highway. This area was designated in the KMCP for light industrial use in order to encourage urban expansion in the area mauka of Pi'ilani Highway (goal k). Goal k of the KMCP seeks to "[p]rovide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani Highway, These areas should limit retail business or commercial activities to the extent that they are accessory or provide service to the predominate light industrial use." The original conceptual plan of 123 light industrial lots, which fit squarely within that designation, is no longer desirable or economically viable. The KMCP specifically states that it is intended to "reflect current and anticipated conditions in the Kihei-Makena region" and is intended to guide decision making through the year 2010. See KMCP at 3. Since the KMCP was adopted in 1998, the proposed planning for that area has adjusted. Other developments south of Ohukai and mauka of Pi'ilani are predominantly retail, with only some instances of true light industrial uses. The community planning process has evolved since 1998, and the current Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern." Maui Island Plan at 8-27.

~~It is the Applicant's position, which it intends to advocate for on the pending Motion to Amend before the LUC, that the project falls within the Light Industrial designation of the KMCP, as that provision is implemented by the corresponding M-1 zoning designation, and that goal k of the Land Use section on page 18 of the KMCP is substantially met by the proposed project. In the event that the LUC does not agree with the Applicant's position in deciding the Motion to Amend, then, as an alternative, Applicant will seek any necessary amendment to the KMCP.~~

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is

necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

Comment 2. The proposed action described in the DEIS is Inconsistent with Light Industrial Zoning; a change in zoning is required.

COUNTY ZONING

The DEIS fails to mention and discuss the meaning and significance of Maui County Code section 19.24.010 that defines M-1 light industrial zones, which states, in pertinent part, "The M-1 light industrial district is designed to contain mostly warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials." Other uses are permitted within M-1 zones, but the plain meaning of the definition is that light industrial zones are to be comprised mostly of customary light industrial uses.

Here the Pi'ilani Promenade North is mostly retail and commercial with only a token light industrial component, or no light industrial at all for the parcel owned by Pi'ilani Promenade South since it is entirely intended for retail use and therefore should be zoned for business and commercial use.

The proposed development is inconsistent with M-1 zoning requirements. I request that the Final Environmental Impact Statement discuss the project submitting a request for a zoning change to the County of Maui.

Response 2. In response to comments regarding zoning the FEIS section IV. G. (County Zoning) has been revised to include the following language:

The comprehensive zoning provisions for the County of Maui are set forth in Article II of Title 19 of the Maui County Code. The purpose and intent of comprehensive zoning is to regulate the utilization of land in a manner encouraging orderly development in accordance with the land use directives of the Hawaii Revised Statutes, the charter of the County of Maui, and the general plan and community plans of the County, as well as to promote and protect the health, safety, and welfare of the people of the County. The subject property is zoned for "M-1, Light Industrial District" uses by the County of Maui, and land uses that are proposed for the Pi'ilani Promenade are allowable under "M-1, Light Industrial" zoning (See: Figure 6, "Maui County Zoning Map"). The M-1 light industrial zoning district allows, as of right, all of the commercial uses contained in the Maui County business districts, B-1, B-2 and B-3. This specifically includes the light industrial, commercial, and apartment uses proposed for the Promenade Project.

Although the County of Maui has determined that the proposed Project complies with the KMCP, the Applicant recognizes that certain parties have asserted that an amendment to the KMCP is necessary for development of the Project to proceed. This issue may be resolved by the LUC during its consideration of the Applicant's Motion to Amend.

The Planning Department believes that community plans and zoning play complimentary but different roles. Community plan land use designations are intended to depict what types of land uses are envisioned during the duration of the community plan. They are intended to guide decision-making for changes in zoning, subdivisions, budgeting and capital improvements, and developments in the special management area. They do not provide, nor are they intended to be, exclusive or complete lists of land uses allowed. They do not provide specific development standards. Zoning regulates land use; zoning provides exclusive and complete lists of land uses and specific development standards.

Comment 3. The 13-acre 250 unit affordable housing project that is part of the Honua'ula Development and in the original 88 acres of state ag to urban reclassified lands shares all the previous entitlement approvals with the Pi'ilani Promenade Project and is depended on this development for much of its infrastructure needs and will have many similar environmental impacts as the Pi'ilani Promenade, yet has had no environmental review.

Response 3. The parcel owned by Honua'ula Partners LLC. is outside of the Pi'ilani Promenade Project area, and is on a separate subdivided parcel. In response to comments regarding the Honua'ula development, the FEIS Section V. C. (Cumulative and Secondary Impacts) has been revised to include the following language.

Cumulative Impacts of Honua'ula Affordable Housing Development

The Preliminary Engineering Report (PER) was developed to address the engineering issues and impacts associated with the Promenade project in terms of utility service, drainage, access, grading and other aspects of site development. It is important to remember that the final subdivision map creating both the Promenade and Honua'ula Partners LLC (HPL) parcel was required to provide adequate utility service to each lot (water, sewer, electrical, etc.). The subdivision map and associated civil construction plans provide for all of these services for each lot including the HPL parcel. All of the drainage work done to date has been completed to address the on and off site infrastructure development needed to serve all of the parcels including HPL. The Promenade PER specifically addresses the drainage concerns associated with development of that project only while the HPL parcel, when developed, will need to comply with the County of Maui

drainage requirements as a separate project not impacting the assumptions already addressed in the subdivision and Promenade PER documents.

In addition to the above the HPL parcel is owned by a separate entity with development timing subject to both Chapter 343 compliance and processing of a Motion to Amend with the Commission. Therefore, its development timing is uncertain and there are no specific development plans yet developed to provide a basis for PER analysis other than the number of units.

AIS: the AIS includes the Honua'ula affordable housing development parcel in its Survey and no Historical Sites were identified on this project parcel outside of the Pi'ilani Promenade.

CIA: The CIA included the Honua'ula parcel in its Assessment. Drainageway "A" was noted by some interviewees as having cultural importance however the CIA concludes that:

"Given the input received through the consultation process and a review of the archaeological data gathered in the project AIS we cannot conclude the minor drainageway "A" discussed within the project documents or consultation discussions has any relevant cultural significance. As part of the data recovery process proposed for the project area further information may reveal more about this drainage way and possible significance."

In addition SCS has prepared a separate CIA for the Honua'ula Affordable Housing development parcel. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").

The cultural and historical background presented in the CIA prepared by Hana Pono, LLC and the SCIA prepared by SCS, in addition to the findings of prior archaeological studies in the project area and in the neighboring areas, support the findings of the CIA prepared for the Honua'ula offsite workforce housing project. The findings are that there are no specific valued cultural, historical, or natural resources within the project area. Nor are there any traditional and customary native Hawaiian rights being exercised within the project area. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").

PER: The PER does not identify the drainage and electrical impacts of the Honua'ula affordable housing development yet that parcel will be served by all major utility connections already established and shown in the subdivision improvement plans and all infrastructure has been sized to reflect the buildout of both Pi'ilani and Honua'ula affordable housing development. Honua'ula's affordable housing development electrical requirements will be served from the new MECO substation and any drainage by Honua'ula affordable housing development will be required to meet Maui County Standards. The Applicant calculated the estimated Drinking Water Demand for both Pi'ilani and Honua'ula affordable housing development by using Maui County Code Standards.

TIAR: The estimated Traffic generated by Honua'ula affordable housing development were analyzed as part of the TIAR update by SSFM. This traffic along with other background growth was used to understand the impacts of other projects, along with the proposed Pi'ilani project.

ECON: The Study did not measure other projects economic impacts. The Study mentions the Honua'ula Affordable housing project in 2 places related to affordable housing. The statement is made that 125 units of the 250 will be rental with the remainder owner occupied. The positive social impact of the Affordable Housing Development can be identified in the FEIS.

Waimea Water Services Report: The irrigation well is located on Honua'ula Affordable Housing project parcel and will provide the water for construction dust control and temporary irrigation for the both Pi'ilani and Honua'ula affordable housing development. The Waimea water services report has determined that during a test pumping of a well in the same area as the on property well, there was no change in the water level and quality at 3 observation wells. In addition the report noted that three irrigation wells are located downstream of the property, all of which are located at a distance of over 3000 feet from the well and it is the conclusion of the Waimea water services report that it is unlikely the proposed irrigation well will impact downstream irrigation wells.

Air Quality: The Air Quality Study included the Honua'ula affordable housing development, however the affordable project is separated from the Pi'ilani Promenade project. Additionally, the essential data used for the air quality analysis is the data finalized within the TIAR update which includes the impacts of the Honua'ula affordable housing development. As previously mentioned, based on the review of the TIAR Update dated

December 2016 it is the opinion of the air quality consultant that re-analysis of the project air quality impacts due to project traffic would not yield significantly different results and the conclusions stated in the air quality study of August 2014 remain valid. (See: Appendix D-2 "Air Quality Report Update dated February 2, 2017")

Noise Study: Based on the review of the TIAR Update dated December 20, 2016 it is the opinion of the Acoustic Study consultant that any potential adverse noise impacts at the Honua'ula affordable housing project can be compared to the potential noise impacts as follows:

There should be less exposure to noise from the Pi'ilani Promenade project's noise source since on the south side of the Honua'ula affordable housing project will face the Pi'ilani Promenade business/commercial activities;

Pi'ilani Promenade traffic on E. Kaonoulu Street fronting the Honua'ula affordable housing project should be less than Pi'ilani Promenade traffic on E. Kaonoulu Street fronting the Pi'ilani Promenade's 226 residential units. Total predicted traffic noise in 2032 at the Honua'ula affordable housing project should also be less than the 59 to 61 DNL predicted at the Pi'ilani Promenade's 226 residential units. (See: Appendix E-2 "Acoustic Study dated January 23, 2017")

Shared infrastructure Irrigation Well: The irrigation well is intended to serve both the Pi'ilani and HPL parcels and is designed to do so with the irrigation system located for future connection by all parcels. Additionally, this private system has been designed for conversion to reclaimed water when that service is available from the County of Maui consistent with the zoning conditions for the parcel.

Kihei Up-Country Highway: The Pi'ilani Promenade will construct the increment of the Kihei/Upcountry Highway from its intersection with the Pi'ilani Highway through to the eastern boundary of the property serving all four parcels with a fully improved roadway section including major utilities, drainage, off road bicycle and pedestrian paths, roadway and landscaped shoulders and median strips.

Utilities: The improvements proposed by Pi'ilani Promenade will provide full utility service to all parcels in the subdivision including the HPL parcel. Water, sewer, electrical, roadway drainage will all be provided per the subdivision construction plans.

The DEIS fails to acknowledge and discuss unpermitted segmentation that will necessarily arise from separating the Pi'ilani Promenade portion of the 88 acre parcel from the Honua'ula portion of the development. The EIS for Wailea 670/Honua'ula did not address or assess the workforce housing component of that development, that being 250 housing units to be constructed on 13 of the 88 acre parcel in issue here (Honua'ula's parcel). The proposed Honua'ula component of the Project is again omitted from any environmental assessment in the Pi'ilani Promenade DEIS.

Is the DEIS sufficient without inclusion of the Honua'ula parcel?

Is this unpermitted segmentation?

I request that the Final Environmental Impact Statement discuss the impacts of the 13-acre, 250 unit affordable housing project and mitigations for the Honua'ula Affordable Housing Development.

Response 4. The parcel owned by Honua'ula Partners LLC. is outside of the Pi'ilani Promenade Project area, and is on a separate subdivided parcel. In response to comments regarding segmentation the FEIS Section II.C. (Project Background), has been revised to include the following language:

On August 20, 2009, Maui Industrial Partners, LLC sold one parcel of the Petition Area identified by Tax Map Key No. (2)3-9-001:169, comprising approximately 13 acres and located on the northeast corner of the Petition Area, to Honua'ula Partners, LLC (the "Honua'ula Parcel"). Honua'ula Partners, LLC is the current owner of the 13-acre Honua'ula Parcel. Honua'ula Partners, LLC is not related or in any way connected to Applicant, and does not share any common ownership, members, shareholders, or control with Applicant. The 13-acre Honua'ula Parcel is not the subject matter of this Environmental Impact Statement. However, the impact of the proposed development of the Honua'ula Parcel was considered in some of the technical reports, including the TIAR update, the Cultural Impact Assessment, the Archaeological Inventory Survey, the Air Quality Study, and the Acoustical Study in included as necessary background information. The Pi'ilani Promenade and the development of the Honua'ula Parcel are not phases or increments of a larger total undertaking; neither development is a necessary precedent for the other project; neither development represents a commitment to proceed with the other development; and the two developments are not identical to each other. While the development of the Honua'ula Parcel must, by condition, provide a 2-acre park in connection with the 250 affordable housing units provided, and the Pi'ilani Promenade similarly proposes a 2-acre park in connection with the 226 apartment units, these parks are separate and distinct parks that support separate development projects.

It is the Applicant's understanding that HPL is in the process of developing documentation necessary to address the requirements of HRS Chapter 343, and is contracting with the technical consultants needed for the preparation of a full-scope of environmental and technical reports.

Comment 5. The Draft Environmental Impact Statement (DEIS) does not adequately analysis the impacts of the proposed action on regional traffic, safety of students from Kihei High School and other schools walking or biking to and from the Pi'ilani Promenade, the potential this action has for increase flooding downslope and impacts to existing businesses in the region.

The proposed traffic analysis is incomplete. For example, the proposed Kenolio Apartment Project is 186 units, and not 124 units quoted in the DEIS. A complete analysis of the impact of the Honua'ula Affordable Housing Project should be provided in the DEIS. Pi'ilani Promenade is proposed to be a regional mall attracting traffic from all over the island. This is contrary to one of the general goals of the KMCP to reduce traffic on Pi'ilani Highway.

Response 5. In response to comments regarding traffic, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

A Traffic Impact Analysis Report was prepared for the DEIS by Phillip Rowell and Associates, Inc. in June 2014 which describes the traffic characteristics of the proposed project and likely impacts to the adjacent roadway network (See: Appendix M, "Traffic Impact Analysis Report dated June 6, 2014"). The Traffic Impact Assessment Report (TIAR) was prepared by Phillip Rowell and Associates in June 2014 for the DEIS. Once the DEIS was published for comment, due to severe medical complications, Mr. Rowell was physically unable to complete his analysis and respond to the comments received on the DEIS and the Applicant elected to engage another consultant with the task of fully updating the TIAR and assisting with the responses to comments. The TIAR was updated in December 2016 by a new transportation consultant, SSFM International, which included revised estimated automobile trips generated by the project utilizing current traffic count data, input from the State DOT, and a further analysis of other proposed projects in south Maui. (See: Appendix M-1, "Traffic Impact Analysis Report Update, dated December 20, 2016").

The Project and the Honua'ula Affordable Housing Project are two separate projects proposed by two different owners. However, the two project sites are both part of the Petition Area, until the LUC approves the Motion to Amend and the 1995 Decision and Order is amended and the Petition Area is bifurcated. Further,

the timing of construction may be somewhat similar. For these reasons, explanation is offered.

This TIAR update treats Honua'ula Affordable Housing Project in the following way:

- Trip generation rates were calculated using trip generation equations for Apartment (125units) and Residential Condominium/Townhouse (125 units) from the *Trip Generation, 8th Edition* (ITE, 2008). The results in Table 10 show that during the AM peak hour, 103outbound trips are generated and 24 inbound for a total of 127 trips. The PM peak hour has slightly more traffic generated, 104 in and 54 out movements for a total of 158 trips. Saturday peak hour has 78 in movements and 71 out for a total of 149 trips.

- Access for the Honua'ula Affordable Housing project is through a new mauka leg East Kaonoulu Street and assigned to that roadway. This roadway extension will be completed as part of Pi'ilani Promenade. The traffic analysis for **With Project** includes both projects using East Kaonoulu Street. See Figures 14 to 16 in the TIAR update for project related trips associated with Pi'ilani Promenade and see Figure 17 in the TIAR update for project related trips associated with Honua'ula Affordable Housing Project. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016").

In order to isolate the effects of Pi'ilani Promenade, Honua'ula Affordable Housing Project is treated as part of background traffic in the Without Project because East Kaonoulu Street is not assumed to be completed under this condition, traffic associated with Honua'ula Affordable Housing Project is assigned to use a possible temporary driveway access off of Ohukai Road. Ohukai Road temporary access is subsequently closed when East Kaonoulu Street is constructed and opened. See Figures 18 to 20 in the TIAR update.

Kenolio Apartments

The Kenolio Apartments is located between Pi'ilani Highway and Kenolio Road in the southwest quadrant of the intersection of Kaonoulu Street at Pi'ilani Highway. The project is a 186 unit multi-family affordable housing development. It is anticipated that the project will be completed in 2017. Access to and egress from will be via two driveways along the east side of Kenolio Road. The traffic

assignments for the project were obtained from the TIAR for Kenolio Apartments, An Affordable Housing Project (PRA, 2014).

The KMCP states under the heading of *ENHANCEMENT OF NEIGHBORHOODS*:

"Kihei's linear form has been largely defined by two parallel roadways, South Kihei Road and Pi'ilani Highway. This linear pattern of development, combined with near total reliance on South Kihei Road and Pi'ilani Highway, forces residents to travel by car for their shopping, recreation and other basic needs, often resulting in traffic congestion. A general theme of the Plan is to create more independent neighborhoods within Kihei, thus reducing unnecessary vehicular trips to South Kihei Road and Pi'ilani Highway. In addition, a more efficient internal roadway circulation system is proposed. A trail/greenway/bikeway system is also being proposed to provide alternate means of transportation."

The KMCP further states in the Transportation Objectives and Policies section:

"b. Undertake transportation system improvements concurrently with planned growth of the Kihei-Makena region. Require adequate interregional highway capacity, including the widening of Pi'ilani and Mokulele Highways to four lanes, prior to the construction of major projects south of Kilohana Road or mauka of Pi'ilani Highway."

The KCMP also acknowledges:

"C. Interregional Issues

During deliberations over possible amendments to the Kihei-Makena Community Plan, several issues were considered which affect other regions. This section discusses these issues which need interregional, island-wide or County-wide comprehensive policy analyses and formulation.

...

2. Upcountry transportation connection. The need to provide a transportation link to the Upcountry area has been identified for some time. This would result in saving valuable commuter time between the primarily residential area of Upcountry and job centers within the Kihei region. Choosing the optimal route for this link will involve consideration of positive and negative impacts to both regions. The focus should be on improving transportation services for island residents; thus the route should minimize travel times for the maximum number of island residents."

At the drafting of the KMCP the Pi'ilani highway was a two-lane road. The location of the Kihie-Upcountry Highway terminus and the Kihei High School were undetermined. The location for the Kihei-Upcountry Highway has been identified as East Kaonoulu Street, and the Kihei High School is to be located approximately 450 feet south of the Project site. The mix of uses proposed by the Project are appropriately situated for the intersection of the two highways.

While the Project is not a neighborhood service center, it does propose to provide pedestrian and bicycle access surrounding areas. The Project proposes to connect to Ohukai Road in order to provide non-vehicle access to the single family neighborhoods north of Ohukai Road. The intersection of Kaonoulu Street will be improved with pedestrian crossings allowing access to

single family neighborhoods and proposed multifamily communities west of the Pi'ilani Highway. The Project has also offered to assist the State Department of Transportation in the design of a pedestrian access route within the Pi'ilani Highway right-of-way, and outside of the roadway section for pedestrian and bicycle safety described further below.

Comment 6 There is no clear plan discussed in the DEIS for safe walking and biking routes for students of the proposed Kihei High School to and from the Pi'ilani Promenade. There are no site maps provided of walkways and bikeways provided within and without the project area. Pi'ilani is a high speed highway. Crossing the Kulanihakoi bridge between the proposed PP and the Kihei High School is especially dangerous for walkers and bikers.

Response 6. . In response to comments regarding safe routes to schools the FEIS Section II.C. (Project Background) has been revised to include the following language:

The current Project plan includes off-road pedestrian and bicycle routes along both East Kaonoulou Street as well as through an access easement from Ohukai Street to East Kaonoulou Street. Additionally, the Project includes a separate pedestrian/bicycle pathway running parallel to the Pi'ilani right of way within the project property as a preferred and safe route for south Maui residents traveling to and from the project area. With regard to the Kulanihakoi Gulch crossing, the project owner has offered to assist the State DOT in the design of a separate crossing facility located within the right of way and outside the roadway section for pedestrian and bicycle safety. All of the above proposed improvements are intended to facilitate safe walking and bicycling and to reduce the requirement for automobile use in order to access the development.(See: Figures 14 A "Piilani Hwy Existing Street Section" and 14B "Piilani Hwy Proposed Street Section")

Additionally, In response to comments regarding safe routes to schools the FEIS Section III.D.1.(Roadways) has been revised to include the following language:

Without additional connectivity and access, the resulting number of users likely to travel by foot, bike, or transit is relatively small and thus no factor was applied to the resulting volumes. However, improvements are being made to accommodate pedestrian and bicycle travel adjacent to and within the Project. Recognizing that the availability of existing off street pedestrian and bike pathways is limited in south Maui, and that there is a need for projects to offer options to vehicular traffic, a description of the pedestrian and bike pathway system adjacent to and within the project area is included in a figure in Appendix G of the TIAR update and Figure 15 "Conceptual Circulation Plan" of the FEIS. (See: Appendix M-1, "Traffic Impact Analysis Report Update dated December 20, 2016"). The red bike lane shown in the figure is located within the Pi'ilani Highway

right of way. The blue system shown provides for a series of pedestrian and bike pathways with the project area and East Kaonoulu Road allowing for safe off street interconnectivity for the public using the various components of the land plan and providing for future connectivity to the areas north, south and east of the project area.

Comment 7. The proposed action is just upstream from a flood prone area. The proposed action will increase the chances for flooding downstream because converting a natural drainway, Ka'ono'ulu Gulch, into a culvert will increase flooding potential by decrease the amount of water that can be absorbed by the land on its way downhill to the ocean. Also, when you compare the drainage analysis of the proposed action with the older proposed Ka'ono'ulu Market Place drainage study, there is a 3-fold increase in runoff.

Response 7. In response to comments on the existing drainageway, the FEIS Section III.A. 2. (Topography and Soils) has been revised to include the following language:

The Applicant received comments on the DEIS from the Kihei Community Association stating that Drainageway "A" is the Ka'ono'ulu Gulch. The Applicant's planning consultant has provided the attached United States Geological Survey (USGS) maps that show the Ka'ono'ulu Gulch is a tributary that feeds into Kulanihakoi Gulch significantly mauka and south of the project site. (See: Figures 20& 21, "USGS MAP 1923" & "USGS MAP 1983").

In response to comments regarding drainage, the FEIS Section III. D. 2 (Drainage) has been revised to include the following language:

The change in water flow due to the conversion of approximately 2,500 feet of Drainageway "A" to roughly 2,700 lineal feet of concrete-lined channel and large-diameter pipe culvert (approximately 0.3%) is captured in the on-site drainage impact analysis, which examines the effect of urbanizing the Project site, including the portion of the natural drainage channel which passes through it. Consequently, the flow rate increases resulting from the overall Project improvements due to decreased permeability are compensated for by the proposed onsite peak flow mitigation measures.

The post-development peak storm flow of the Project, after mitigation measures are implemented, is the same as the pre-development storm flow, which is equal to or less than 85 cfs. The Project will retain the increase in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with the condition of the 1995 Decision and Order, which requires that the Applicant fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the Project site, including oil water separators and other filters as appropriate, and other BMPs as necessary to minimize non-point source pollution. The Applicant understands that all Project-related water discharges must comply with the State's Water Quality Standards, which are set forth in Chapter 11-54, HAR.

BMPs prepared in accordance with MCC Chapter 20.08 (Soil Erosion and Sedimentation Control) will be submitted to the DPW for review and approval prior to the issuance of grubbing and grading permits. In addition, since Project site work will exceed one acre, a NPDES will be obtained from the DOH's Clean Water Branch for the discharge of storm water associated with construction activities. The Applicant will meet all of the requirements set forth by the DOH's Clean Water Branch.

Low-impact development strategies, including a series of strategically located drainage retention basins and channels, are designed to mitigate downstream impacts to makai landowners. A Drainage Master Plan was designed to County standards, and includes measures that mitigate the increase in runoff generated from the development of impervious surfaces. On-site runoff will be collected by catch basins located at appropriate intervals along the interior roadways and landscaped area. Drain lines from the catch basins will convey the runoff to onsite detention basins or underground subsurface drainage systems.

The onsite drainage system will provide storage for the increase in stormwater runoff from a 50 - year, 1 -hour storm. The drainage system will be designed in compliance with Chapter 4 "Rules for the Design of Storm Drainage Facilities in the County of Maui" and Chapter 15-11 "Rules for the Design of Storm Water Treatment Best Management Practices."

Comment 8. The analysis of economic impacts proposed action will have is difficult to make if there are no due to lack on information provided in the DEIS regarding configuration, location and size or proposed retail space. All we have a big bubbles to look at. Also, there is no discussion in the DEIS of impacts of proposed action in an environment where there currently exist a high level of vacant retail space.

Response 8. In response to comments regarding the available commercial area in Kihei, the FEIS Section III. B. 3 (Economy) has been revised to include the following language:

As part of this FEIS, the Hallstrom Group prepared an Economic and Fiscal Impact Assessment for the Project, which includes analysis of the existing commercial properties in Kihei. An inventory of existing occupied and vacant commercial properties was developed and used as part of the economic analysis for the Project. The Economic and Fiscal Impact Assessment was revised to address comments received on the DEIS. Specifically, Table V-4 of the Economic and Fiscal Impact Assessment in the FEIS now includes the accurate County costs and State costs per year.

It is projected that the Project will address sub-regional and regional commercial demand more efficiently than the fragmented commercial space located along South Kihei Road because of its location and visibility and ease of access for residents in west, south and central Maui.

In mid-2014, The Hallstrom Group completed an inventory of the Kihei Retail market and found that about 10 percent of the total floor area in the community was vacant. However, the vacancies were either restaurant spaces (the least stable sector of the market) or in uncompetitive projects or locations (such as along Lipoa Road). All of the quality/competitive spaces along South Kihei

Road or in newer, modern centers were occupied. Over the past year numerous new leases have been signed and the vacancy rate in Kihei has dropped below seven percent (2014).

Comment 9. Cultural Impacts

The DEIS states in multiple places that the proposed action will have no cultural impacts. This is not true. This project will have many cultural impacts.

A. Comments regarding Ka'ono'ulu Gulch

Ka'ono'ulu Gulch is a cultural and environmental resource that must be preserved and not buried. Uncle Les Kulolio'o has said that our gulches are the heart of Maui. Our seasonal waterways provide many important ecological and cultural functions. Left in their natural state they reduce the amount of pollution that reaches the ocean, clean and filter water for recreation and drinking and support the area wildlife and fisheries which Hawaiians have used for a millenium for traditonal gathering practices. Converting a natural gulch to a concrete culvert prevents these natural processes from occurring, increases marine degradation and impacts the customary and traditional gathering places and practices of Hawaiians. Enclosing a natural gulch in a culvert is culturally inappropriate and against our community values of preserving the natural environment as stipulated in the KMCP that give our area its uniqueness and sense of place.

At the February 25, 2014 Pi'ilani Promenade Cultural Consultation Meeting the cultural importance of Ka'ono'ulu Gulch was discussed at length by several of the participants.

We need an EIS that shows alternate plans that include Ka'ono'ulu Gulch as part of the proposed project. It could become an open space greenway with walking paths along it that could incorporate the historic sites of the cultural landscape to retain both a "sense of place" and the integrity of this natural drainageway.

Response 9A: In response to comments regarding Drainageway "A", the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

Drainageway "A" is located in the northern half of the Project site. (See: "Appendix L, "Preliminary Engineering Report Figures 2-3 and 2-4). A portion of Drainageway "A contains one previously identified historic property - Site 50-50-10-3740. Site 3740 was first identified during the 1994 AIS, which surveyed the entire Petition Area (Fredericksen, et al., 1994). At the time, Site 3740 was interpreted as a post-contact ranch-era feature, possibly associated with erosion control. This site consists of segments of a low, discontinuous rock wall that primarily extend along portions of either side of the gully. The SHPD Maui staff

archaeologist at the time visited the Petition Area in 1994 to inspect the various sites that had been identified during the inventory survey, including Site 3740. The SHPD approved the archaeological inventory survey report, concurred with site interpretations, and indicated that no further archaeological work was needed for any of the remaining identified sites, including Site 3740. This recommendation was reaffirmed in a 2011 SHPD comment letter (SHPD DOC NO: 1103MD05).

Xamanek Researches LLC was subsequently hired to carry out an archaeological inventory survey of the Petition Area plus additional lands in 2014-2015. This subsequent survey reexamined sites previously identified in 1994, including Site 3740, in addition to one newly identified site. Pedestrian inspections of all previously identified sites, including Site 3740, were conducted during the Applicant's 2014-2015 fieldwork. The SHPD Maui staff archaeologist at the time carried out two project inspections with Xamanek Researches LLC staff in 2015. The SHPD Maui staff archaeologist was able to view all sites, including Site 3740. The archaeological inventory survey report (Fredericksen, 2015) for the overall Project site was approved in a 2016 SHPD comment letter (SHPDDOC NO: 1601MD08). The SHPD concurred with the interpreted function for Site 3740 and affirmed that no additional work was warranted for this post-contact site.

Xamanek Researches LLC staff members have subsequently revisited the gully area on three separate occasions since the inventory survey was accepted in early 2016. No additional findings have been made in Drainageway "A". However, given concerns raised, the Applicant's has voluntarily agreed to have archaeological data recovery work carried out on Site 3740. This additional and intensive work will include detailed mapping, subsurface and surface investigation of the construction style of sections of the wall segments, including a short wall section that is located within along a portion of Drainageway "A"'s slope. Results of this work will be included in the Project's forthcoming data recovery report. The SHPD will review the results of this future report. (See: Appendix H-1 "Archaeological Consultant memo dated October 28, 2016.)

B. Comments regarding Archaeological Inventory Survey (AIS)

- There are no documented archaeological sites recommended in the AIS for preservation. There are a few recommend for data recovery with the chance that some of those may be recommend for preservation. But, it is highly likely that the vast majority of these sites (if not all) will be destroyed and not preserved. This is unfortunate as this ahupua'a has a lot of history. The proposed action does not seem to support the integration of cultural/historic sites into the project plan. Recommendations to integrate historic sites into the project were made*

at the February 25, 2014 cultural consultation meeting.

- The AIS is inadequate because there is evidence that not all historic properties have been recorded. There are possible undocumented archaeological sites, midden scatters and artifacts.*
- At the February 25, 2014 cultural consultation meeting a request was made by consulting parties that included lineal descendants, cultural practitioners and other knowledgeable parties, to go on a site visit to the project area. We were told by Charlie Jencks, the owners representative, and Eric Fredrickson, the archaeologist, that this was doable. It would seem that the time is at hand to bring the cultural consulting parties and lineal descendants on the land for the following purposes: To help identify historic properties, consult on the cultural uses and significance of those historic/cultural properties.*
- The AIS does not comply with the Kihei-Makena Community Plan that "requires development projects to identify all cultural resources located within or adjacent to the project area, prior to application, as part of the County development review process" (Page 24 KMCP). There are archaeological sites adjacent to the project in Kulanihakoi Gulch that have not been documented in the AIS or the 2008 AIS of lands Mauka and south of the project. The need to include an additional survey of the Kulanihakoi Gulch was brought up at the February 25, 2014 cultural consultation meeting.*
- EIS should show an alternate action where cultural/historic sites are incorporated into the proposed action and not simply destroyed. To develop 75 acres and not include even one Hawaiian archaeological site in the proposed action is a sad commentary on how the developers view our Hawaiian history.*

Response 9B: In response to comments regarding preservation, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

Xamanek Researches was contracted by a former landowner to conduct the 1994 AIS. That AIS, which identified 20 archaeological sites on the property, was accepted by the State Historic Preservation Division ("SHPD") by letter dated July 12, 1994.

In July 2011, Piilani Promenade engaged Scientific Consultant Services, Inc. to prepare an archaeological monitoring plan for the Piilani Promenade properties. That plan was accepted by the SHPD by letter dated August 10, 2011.

In March 2014, Piilani Promenade engaged Xamanek Researches LLC to update the July 1994 AIS. That updated AIS was accepted by the SHPD in January 2016. The updated survey identified 19 of the original 20 archaeological sites on the property. However, two of the originally identified sites (3734 and 3739) were

determined to have been destroyed/lost by post-1994 land altering activities. The updated AIS report contained the following mitigation recommendations:

- Data recovery was recommended for twelve (12) archaeological sites: 3727, 3728, 3729, 3732, 3735, 3736, 3741, 3742, 3743, 3744, 3745, and 8622. Note: the SHPD review/acceptance letter (Doc No: 1601MD08) contains a typo - it states 13 sites for data recovery (this is a simple addition error).
- No further work was recommended for six (6) archaeological sites: 3730, 3731, 3733, 3737, 3738, and 3740.

In July 2015, Piilani Promenade organized a site visit of its property for any interested members of the community. Following that site visit, two interested community members – Daniel Kanahele and Lucienne DeNaie – recommended to SHPD that the following seven (7) archaeological sites be preserved: 3730, 3731, 3732, 3736, 3740, 3745, and 8622. In addition, Mr. Kanahele and Ms. DeNaie also identified (i) an unmarked stone near archaeological sites 3727 and 3728, and (ii) an unmarked stone on the southwest portion of the Piilani Promenade property, and recommended to SHPD that these stones also be preserved. These seven archaeological sites and two unmarked stones are hereinafter collectively referred to as the “Community Sites”.

Having reviewed the revised 2015 Xamanek Report and considering the above recommendations of Mr. Kanahele and Ms. DeNaie, the SHPD accepted the updated Xamanek Researches LLC report and issued a letter dated January 6, 2016, accepting the specific mitigation recommendations contained in Xamanek’s updated AIS.

Notwithstanding the above, given the concerns expressed by interested community members, Piilani Promenade has agreed – in the spirit of cooperation – to meet with Mr. Kanahele, Ms. DeNaie and Xamanek to authenticate which sites have significance and preserve the appropriate Community Sites at reasonable locations on the Piilani Promenade property. Piilani Promenade will consult with Mr. Kanahele and Ms. DeNaie to determine a reasonable and appropriate means and location of preservation of the Community Sites.

In response to comments regarding a site visit, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

As a follow up to the February 25, 2014 meeting, the Project team's Archaeologist and Cultural consultant participated in a site visit on January 22, 2016. The site visit was attended by:

- Kimokeo Kapahulehua
- Erik Frederickson
- Brett Davis
- Jordan Hart
- Daniel Kanahele
- Michael Lee
- Basil Oshiro
- Brian Naeole
- Florence K. Lani
- Lucienne DeNaie

The Applicant has submitted a data recovery plan as required and is currently under review by SHPD. The Applicant willing to continue meetings with the Aha Moku members as well as other members of the community during the site data recovery process to further understand the cultural and archaeological nature of the Project site and where possible, development of a preservation plan for those sites. In addition, the Project AIS was accepted by SHPD on January 6, 2016. (See: Appendix F-1, "SHPD acceptance letter dated January 6, 2016").

In conclusion, the updated archaeological survey of the Project site was conducted in the summer of 2015, and one new historic property was located. The previously identified sites were registered in the State Inventory of Historic Places (SIHP) as No. 50-50-10-3727 through 3746. Of the original 20 sites, 17 remain and one new site was identified for a new total of 18 sites. Seven of these sites have been impacted to some extent by post-1994 earthmoving activities on the Project site. Of the impacted sites, Site 3734 (a rock pile) and Site 3739 (parallel boulder alignment) have essentially been destroyed. In addition, the Site 3746 petroglyph was removed from the Project site in late 1994 by a previous landowner. As such, a total of 18 sites are present within the Project site. No historic properties were located on the previously disturbed off-site portions of the Project site.

The SHPD issued a letter dated January 6, 2016 that accepts the AIS as final. (See: Appendix F-1, "SHPD acceptance letter dated January 6, 2016"). Data recovery is now the recommended mitigation for twelve (12) sites, including Sites 3727-3729,

3732, 3735, 3736, 3741 through 3745, and newly identified Site 8266 (See: Table No. 2). A data recovery plan has been prepared and submitted to SHPD in June 2016 and is currently under review by SHPD staff. In addition the SHPD issued a letter dated January 6, 2016 that accepts the AIS as final. (See: Appendix F-1, "SHPD acceptance letter dated January 6, 2016").

In response to comments regarding the Kulanihakoi Gulch, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

During the environmental review consultation process questions were raised as to the presence of historical sites within Kulanihakoi Gulch (which is not located on the Project site) and the need for additional survey work to assess the presence of possible sites. In response to this request, the Applicant contacted Kaonoulou Ranch and received their approval to submit an SHPD accepted AIS (2008) done for the area south of the project boundary including the gulch area adjacent to and mauka of the project area. The 2008 AIS indicates that no resources were found in the area fronting the property on either side of the Kulanihakoi Gulch (See: Appendix G, "Archaeological Inventory Survey of Kulanihakoi Gulch AIS dated 2008").

Comment 10. C. Comments regarding Cultural Impact Assessment (CIA).

In the DEIS the CIA results are summarize as follows:

"The CIA reports that the proposed project has no significant effects to cultural resources, beliefs, or practices. From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or gatherings currently taking place. The oral history interviews did not reveal any known gathering places on the subject property or any access concerns as a result of the proposed project. Therefore it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity."

- CIA needs to include more interviews to be acceptable. There are more than just the two people selected in the CIA for interviews who can advance our understanding of the history of this land. PP staff and consultants met cultural practitioners, lineal descendants and others at the February 25, 2014 cultural consultation meeting some of whom have a practice on the land and in the ahupua'a and did not chose to interview them for the CIA, therefore, the CIA is incomplete.*
- CIA needs to recognize that their are other cultural practitioners and lineal descendants of the area and their connection to the land.*
- CIA states there are no cultural practices currently occurring on the land. That is not correct.*

- *CIA needs to recognize the impacts this project may have on Hawaiian rights customarily and traditionally exercised for subsistence, cultural, and religious purposes on and adjacent to the project area. This would include gathering practices at the Ka'ono'ulu seashore and in the nearshore waters for limu, fishes, etc..*

Response 10: Additional interviews with Michael Lee and yourself were included in the revised Cultural Impact Assessment Report (CIA) prepared by Hana Pono LLC and can be found in Appendix I of the FEIS.

In response to comments regarding cultural impacts, the FEIS Section III. B. 4 (Cultural Resources) has been revised to include the following language.

4. Cultural Resources

Existing Conditions. Hana Pono LLC. prepared a Cultural Impact Assessment (CIA) for the Pi'ilani Promenade to identify historical and current cultural uses of the project area and to assess the impact of the proposed action on the cultural resources, practices, and beliefs. The CIA included the Honua'ula Affordable Housing development parcel in its analysis. The CIA was conducted in accordance with the State of Hawaii Office of Environmental Quality Control (OEQC) guidelines for Assessing Cultural Impact Assessments. In response to consultation with the community and various government agencies, the Applicant retained Scientific Consultant Services (SCS) to prepare a supplemental CIA (the "SCIA") to include supplemental consultation and additional interviews with people who may have knowledge of the area. (See: Appendix I-1 "Supplemental Cultural Impact Assessment Report dated March 2017"). It is noted that the SCIA does not include the Honua'ula Affordable Housing development parcel however SCS has prepared a separate CIA for the Honua'ula Affordable Housing development parcel. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").

The project site is located in the Kula Moku and the ~~Waiohuli~~ and Kaonoulu ahupua'a in an area archaeologically known as the "barren zone". Based on a praxis of archaeological studies conducted on the "barren zone" in the region of the Project site, site expectation and site density is low. (See: Appendix I-1 "Supplemental Cultural Impact Assessment Report dated March 2017").

The area of Kihei that includes the project site has been severely disturbed from its original and unaltered state for many decades, by the effects of grazing cattle and

the construction of ranch roads, county roads and the construction of Pi'ilani Highway. The CIA indicates that any resources or practices occurring traditionally in the area are ~~no~~ non-existent and would have been obliterated. (See: Appendix I "Cultural Impact Assessment Report dated December 2013, revised March and August 2016").

Interviews with individuals (*kūpuna-kapuna/makua*) knowledgeable about the lands of the Kaonoulū ahupua'a were conducted in 2013 and in 2016 by ~~of~~ Hana Pono LLC, as part of the CIA, and by SCS in 2016 as part of the SCIA. As noted SCS has prepared a separate CIA for the Honua'ula Affordable Housing development parcel that includes interviews with the same individuals as the SCIA. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017"). The oral history interviews were conducted in order to collect information on possible pre-historic and historic cultural resources associated with these lands, as well as traditional cultural practices. (See: Appendix I "Cultural Impact Assessment Report dated December 2013, revised March and August 2016"; see also Appendix I-1 "Supplemental Cultural Impact Assessment Report dated March 2017" and Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").).

A public information and cultural consultation meeting for the proposed project was held on February 25, 2014. Transcripts from this meeting have been included in the DFEIS. The focus of the meeting was to review the previous 1994 AIS and discuss the findings of the current 2014 AIS. In addition to discussing the return of the petroglyph boulder (which removed from the Project site and is preserved under a SHPD-approved preservation plan) and potential impacts to Kulanihakoi Gulch (which is not located on the Project site), some of the participants suggested that the potential archaeological sites could be incorporated into the design of the project or into its landscaping and the previously removed petroglyph stone be returned to the property. The Applicant has discussed the possible return of the petroglyph stone and the former owner (Kaonoulū Ranch) rejected this request given the fact that the relocation and a preservation plan was submitted and approved by SHPD.

As a follow up to the February 25, 2014 meeting, the Project team's archaeologist and cultural consultant participated in a site visit on January 22, 2016. Following

the January 22, 2016 site visit, a request was made from the Aha Moku for a further cultural consultation meeting. The meeting was held on April 27, 2016, and a transcript of the April 27, 2016 meeting is available as Appendix A to the Supplemental Cultural Impact Assessment. (See: Appendix I-1 "Supplemental Cultural Impact Assessment dated March 2017"). As part of the SCIA, SCS reached out to 21 persons for consultation, 3 of whom responded and wanted to be interviewed.

Potential Impacts and Mitigation Measures.

In general, concerns expressed by the community in these site visits, meetings, and cultural consultations focused on the potential presence of undocumented archaeological sites within the Project site that may be impacted by development of the Project. As documented in Section III.8 of this FEIS, an Archaeological Inventory Survey undertaken and completed by Xamanek Researches in July 1994 identified a total of 20 archaeological sites within the Petition Area. The Archaeological Inventory Survey prepared for the DEIS identified an additional archaeological site on the Project. (See: Appendix F, "Archaeological Inventory Survey dated March 2014 revised August 26, 2015"). In addition, To monitor these sites, an archaeological monitoring plan was prepared and submitted to SHPD for review and approval, and was approved and referenced for all recent work on the site. The monitoring plan may be found in Appendix H and will be updated once project construction is initiated. (See: Appendix F, "Archaeological Inventory Survey dated March 2014 revised August 26, 2015").

The concerns expressed by those interviewed for the SCIA did not focus on traditional cultural practices previously or currently conducted within the Project area. However, there is the potential for traditional cultural practices conducted within the greater ahupua'a to be impacted by development of the Project (i.e., naturally occurring flooding and run-off generated by construction activities within the Project area which may negatively affect the adjacent areas, including Kalepolepo Fishpond and the Pacific Ocean). As discussed in Section III.D.2, the Applicant is proposing several measures to mitigation any potential adverse drainage impacts caused by development of the Project, which includes under- and above-ground stormwater detention basins. For more information on the proposed mitigation measures that will be implemented to provide a level of stormwater filtration and pollution control, please review Section III.D.2 of this FEIS.

The CIA reports that the proposed project will have no ~~has no~~ significant effects impact on to cultural resources, beliefs, or practices. Given the culture-historical background presented by the CIA and SCIA, in addition to the summarized results of prior archaeological studies in the project area and in the neighboring areas, the CIA and SCIA determined that there are no specific valued cultural, historical, or natural resources within the project area; nor are there any traditional and customary native Hawaiian rights being exercised within the project area. The long-term use of the project area for grazing and ranching activities also supports this conclusion.

The cultural and historical background presented in the CIA prepared by Hana Pono, LLC and the SCIA prepared by SCS, in addition to the findings of prior archaeological studies in the project area and in the neighboring areas, support the findings of the CIA prepared for the Honua'ula offsite workforce housing project. The findings are that there are no specific valued cultural, historical, or natural resources within the project area. Nor are there any traditional and customary native Hawaiian rights being exercised within the project area. (See: Appendix I-2 "Cultural Impact Assessment for the proposed Honua'ula offsite workforce housing project dated April 2017").

From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or gatherings currently taking place. The oral history interviews did not reveal any known gathering places on the subject property or any access concerns as a result of the proposed project. Therefore it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity (See: Appendix I "Cultural Impact Assessment Report dated December 2013, revised March and August 2016").

Notwithstanding the absence of valued resources, the Applicant is willing to continue meetings with the Aha Moku members as well as other members of the community during the Data Recovery effort proposed for the archaeological sites. The findings of the Archaeological Monitoring program will be conducted under the guidance and directive of the SHPD.

Because there are no valued cultural, historical, or natural resources in the Project site, and because there are no traditional and customary native Hawaiian rights

exercised within the Project site, such resources --including traditional and customary native Hawaiian rights--will not be affected or impaired by the Project. Accordingly, there are no feasible actions needed to reasonably protect native Hawaiian rights. See Ka Pa'akai O Ka' Aina v. Land Use Comm'n, State of Hawai'i, 94 Hawai'i 31, 7 P.3d 1068 (2000).

Comment 11.

D.) Cultural Consultation at February 25, 2014 Meeting with cultural practitioners, lineal descendants and knowledgeable parties ignored or not taken seriously.

Many suggestion and recommendations by cultural consultants were offered at this meeting. But most of them did not receive any consideration in the DEIS or follow up.

- A request was made for a site visit to project area. That has not happened yet.*
- A request was made to survey Kulanihakoi gulch adjacent to project for archaeological sites. That has not happened yet.*
- Importance of natural gulches as drainageways and native cultural resources was emphasized repeatedly as it pertained to recharging ground water and supporting limu and fisheries and the importance of protecting the natural flow of gulches and not tampering with it. Yet, this consultation has not seem to affect the proposed action to bury Ka'ono'ulu gulch.*
- A request was made to include some of the participants at the meeting in the CIA. That has not happened.*
- Some other recommendations from the meeting are discussed in my comments above.*

Response 11: In response to comments regarding a site visit, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

As a follow up to the February 25, 2014 meeting, the Project team's Archaeologist and Cultural consultant participated in a site visit on January 22, 2016. The site visit was attended by:

- Kimokeo Kapahulehua
- Erik Frederickson
- Brett Davis
- Jordan Hart

- Daniel Kanahele
- Michael Lee
- Basil Oshiro
- Brian Naeole
- Florence K. Lani
- Lucienne DeNaie

The Applicant has submitted a data recovery plan as required and is currently under review by SHPD. The Applicant willing to continue meetings with the Aha Moku members as well as other members of the community during the site data recovery process to further understand the cultural and archaeological nature of the Project site and where possible, development of a preservation plan for those sites. In addition, the Project AIS was accepted by SHPD on January 6, 2016. (See: Appendix F-1, "SHPD acceptance letter dated January 6, 2016").

In conclusion, the updated archaeological survey of the Project site was conducted in the summer of 2015, and one new historic property was located. The previously identified sites were registered in the State Inventory of Historic Places (SIHP) as No. 50-50-10-3727 through 3746. Of the original 20 sites, 17 remain and one new site was identified for a new total of 18 sites. Seven of these sites have been impacted to some extent by post-1994 earthmoving activities on the Project site. Of the impacted sites, Site 3734 (a rock pile) and Site 3739 (parallel boulder alignment) have essentially been destroyed. In addition, the Site 3746 petroglyph was removed from the Project site in late 1994 by a previous landowner. As such, a total of 18 sites are present within the Project site. No historic properties were located on the previously disturbed off-site portions of the Project site.

The SHPD issued a letter dated January 6, 2016 that accepts the AIS as **final**. (See: Appendix F-1, "SHPD acceptance letter dated January 6, 2016"). Data recovery is now the recommended mitigation for twelve (12) sites, including Sites 3727-3729, 3732, 3735, 3736, 3741 through 3745, and newly identified Site 8266 (See: Table No. 2). A data recovery plan has been prepared and submitted to SHPD in June 2016 and is currently under review by SHPD staff. In addition the SHPD issued a letter dated January 6, 2016 that accepts the AIS as **final**. (See: Appendix F-1, "SHPD acceptance letter dated January 6, 2016").

In response to comments regarding the Kulanihakoi Gulch, the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

During the environmental review consultation process questions were raised as to the presence of historical sites within Kulanihakoi Gulch (which is not located on the Project site) and the need for additional survey work to assess the presence of possible sites. In response to this request, the Applicant contacted Kaonoulu Ranch and received their approval to submit an SHPD accepted AIS (2008) done for the area south of the project boundary including the gulch area adjacent to and mauka of the project area. The 2008 AIS indicates that no resources were found in the area fronting the property on either side of the Kulanihakoi Gulch (See: Appendix G, "Archaeological Inventory Survey of Kulanihakoi Gulch AIS dated 2008").

In response to comments regarding Drainageway "A", the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

Drainageway "A" is located in the northern half of the Project site. (See: "Appendix L, "Preliminary Engineering Report Figures 2-3 and 2-4). A portion of Drainageway "A contains one previously identified historic property - Site 50-50-10-3740. Site 3740 was first identified during the 1994 AIS, which surveyed the entire Petition Area (Fredericksen, et al., 1994). At the time, Site 3740 was interpreted as a post-contact ranch-era feature, possibly associated with erosion control. This site consists of segments of a low, discontinuous rock wall that primarily extend along portions of either side of the gully. The SHPD Maui staff archaeologist at the time visited the Petition Area in 1994 to inspect the various sites that had been identified during the inventory survey, including Site 3740. The SHPD approved the archaeological inventory survey report, concurred with site interpretations, and indicated that no further archaeological work was needed for any of the remaining identified sites, including Site 3740. This recommendation was reaffirmed in a 2011 SHPD comment letter (SHPD DOC NO: 1103MD05).

Xamanek Researches LLC was subsequently hired to carry out an archaeological inventory survey of the Petition Area plus additional lands in 2014-2015. This subsequent survey reexamined sites previously identified in 1994, including Site 3740, in addition to one newly identified site. Pedestrian inspections of all previously identified sites, including Site 3740, were conducted during the Applicant's 2014-2015 fieldwork. The SHPD Maui staff archaeologist at the time carried out two project inspections with Xamanek Researches LLC staff in 2015. The SHPD Maui staff archaeologist was able to view all sites, including Site 3740.

The archaeological inventory survey report (Fredericksen, 2015) for the overall Project site was approved in a 2016 SHPD comment letter (SHPDDOC NO: 1601MD08). The SHPD concurred with the interpreted function for Site 3740 and affirmed that no additional work was warranted for this post-contact site.

Xamanek Researches LLC staff members have subsequently revisited the gully area on three separate occasions since the inventory survey was accepted in early 2016. No additional findings have been made in Drainageway "A". However, given concerns raised, the Applicant's has voluntarily agreed to have archaeological data recovery work carried out on Site 3740. This additional and intensive work will include detailed mapping, subsurface and surface investigation of the construction style of sections of the wall segments, including a short wall section that is located within along a portion of Drainageway "A"'s slope. Results of this work will be included in the Project's forthcoming data recovery report. The SHPD will review the results of this future report. (See: Appendix H-1 "Archaeological Consultant memo dated October 28, 2016.)

In response to comments regarding CIA interviews. Additional interviews with Michael Lee and yourself were included in the revised Cultural Impact Assessment Report (CIA) prepared by Hana Pono LLC and can be found in Appendix I of the FEIS.

Thank you for participating the in the environmental review process. Please feel free to call me or Mr. Brett Davis at (808) 242-1955 or email at bdavis@chpmaui.com should you have any questions.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. Hart", with a long horizontal line extending to the right.

Jordan E. Hart, President

CC: Mr. Charlie Jencks, Ownership Representative
Mr. Daniel E. Orodener, Executive Officer, LUC
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