



October 6, 2014

Applicant:
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Pi'ilani Promenade South, LLC
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Accepting Authority:
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Re: DEIS for Pi'ilani Promenade TKM: (2) 3-9-001: 016,170-174

Maui Tomorrow Foundation appreciates the opportunity to review the proposed plans for the Kaonoulu Industrial Park site. We offered comments on the project's EISPN and find that much of the information we asked to be included in the DEIS is still missing.

It does not include adequate discussion in a number of key areas and the project site map (Fig 3) is inadequate for understanding the project and its impacts.

We ask the Land Use Commission (LUC) to require compliance with 11-200-16 which describes content requirements for an environmental document. It states: "*The environmental impact statement shall contain an explanation of the environmental consequences of the proposed action. The contents shall fully declare the environmental implications of the proposed action and shall discuss all relevant and feasible consequences of the action.*"

C. PROJECT BACKGROUND

We commented on lack of environmental review for the proposed 13-acre Honua'ula affordable housing project which is dependent on the proposed 75-acre Piilani Promenade (PP)

Commercial/Residential project for basic infrastructure needs. We asked that both parcels be included in the DEIS.

The DEIS notes that: *"...the impact of the proposed development of the Honua'ula [Honua'ula Partners LLC (HPLLC)] Parcel is included as necessary background information."*

This is a violation of HAR 11-200-7, in that the impacts of any proposed project on the 13 acres should be examined in the DEIS as a matter of law regardless of ownership of the parcel. Honua'ula Partners LLC (HPLLC), owners of the 13 acre parcel, has common ownership with Maui Industrial Partners, the former owners (until 2009) of the entire 88 acre Piilani Promenade project parcel.

HAR 11-200-7 states in part: *"[a] group of actions proposed by an agency or an applicant shall be treated as a single action when:*

- A. The component actions are phases or increments of a larger total undertaking*
- B. An individual project is a necessary precedent for a larger project*

The PP project relies on parcels owned by others for its water tank and water tank access road. They are included for impact analyses in the DEIS.

The PP project's irrigation well is located on the 13 acre HPLLC parcel.

The housing proposed for the 13 acres HPLLC parcel cannot be built unless PP project Phase I creates an access road, relocates the Central Maui water pipe, and completes other related infrastructure projects. PP project must take place or the HPLLC project cannot. The two cannot be segmented.

The HPLLC Parcel (TMK (2) 3-9-01:169 - 13 acres) and its prospective use should be fully included and examined in every section of the DEIS but it is not.

The DEIS does not discuss whether the HPLLC project could be built without the 75 acre PP project providing its basic infrastructure - roads, water lines and storage, sewer lines, power lines and other utilities. Will the two multi-family housing projects share the referenced "park?" Unless it is made clear that the two projects do not depend upon actions taken by the other, they should both be covered in the DEIS.

II. D. Project Description

DEIS: *"A network of vehicular roadways, bicycle and pedestrian pathways will establish connectivity throughout the project and will provide opportunities for connection with adjoining properties along Piilani Highway."*

Comment: Will the roadways, bicycle, and pedestrian paths actually connect with any adjoining properties, or merely give "future opportunities." How will the 1995 Land Use Commission (LUC) condition requiring a frontage road connecting to neighboring properties be fulfilled if the project is not successful in amending its LUC Decision to delete this condition? We ask the FEIS to address this.

DEIS: *"In addition the proposed project will include the construction of a portion of the future Kaonoulu Street Extension and two (2) Piilani Highway road-widening lots."*

Comment: This roadway is described as serving as a four-lane divided highway but pedestrian access across the four lanes, both to the project site and the new Kihei High School, is not discussed in the DEIS. Instead, the school access is listed as an “unresolved issue.” It should be considered an impact requiring mitigation.

F. ALTERNATIVES

MTF asked that the DEIS include alternative project designs that could avoid elimination of Kaonoulu gulch and cultural sites; include management of increased traffic volume; and comply with the LUC condition for a frontage road. None of the proposed alternative designs include any of these items, and seem to be based on unsupported assumptions rather than reliable data.

DEIS: *“The proposed development plan will also foster a small residential community with connectivity to adjacent existing and future neighborhoods while contributing to Maui’s economic diversity and social fabric”*

Comment: It is unclear how this residential community will be connected to adjacent existing or future neighborhoods since there is no commitment to create a greenway or pedestrian connection. The neighborhood will be surrounded by urban-level highways and auto-centric commercial uses.

The TIAR assumes that Level of Service will be acceptable and existing roads and neighborhoods will not be impacted as long as new traffic signals and turn lanes are installed as mitigations. In reality the project will face challenges in managing increased traffic volume.

The TIAR assumes a new upper north-south road will connect Ohukai and Lipoa roads above the project area. What is the basis of this assumption?

The TIAR does not meet the standards set by 11-200-16 HAR and the FEIS should include alternative designs that would minimize traffic impacts.

The DEIS does not refer to consideration of any project design that could avoid elimination of Kaonoulu gulch, a natural and cultural feature that is part of Maui’s history and “sense of place” for the region. Since the EISPN acknowledges the region’s soil type is subject to “severe erosion hazard” a more natural project design would seem prudent. Alternative project designs that address this option should have been included in the DEIS.

The project parcel has a variety of traditional habitation sites, several with ceremonial use, yet the site’s natural and cultural resources are given no value in the discussion of alternative designs. One of the primary goals of the Kihei-Makena Community Plan (KMCP) is to protect cultural sites that foster a “sense of place” as the area develops.

The three alternatives presented are insufficient to meet the standards of HAR Title 11, DOH, Chapter 200, EIS Rules, Section 11-200-17 which specifically requires projects to discuss “alternative project designs” especially those which would minimize impacts to natural, cultural and environmental features. There is no discussion of any modifications in site design that might combine desirable features from one alternative with those of another, while minimizing impacts.

1. No Action Alternative (examines the Industrial Park design approved by the LUC):

DEIS: *“The owner/developer has determined that, based on current market conditions, the development of a 123-lot commercial and light industrial subdivision would not be economically feasible, and therefore, there exists a significant chance that the land would remain undeveloped under this alternative.”*

No reliable figures are offered to support this conclusion.

No alternatives that combine the original project with some updated features are discussed.

Assumption: “Mixed-use neighborhood centers are needed to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern. Under this alternative (“No-Action”), the project would not satisfy the Maui Island Plan.”

Comments: The “No Action Alternative” which provides for a light industrial area does comply with both KMCP and the Maui Island Plan (MIP).

The KMCP makes it clear that more light industrial facilities are needed as Kihei grows.

The KMCP directs future commercial growth to makai (ocean-side) of Piilani Highway because more commercial operations mauka of the already stressed Piilani Highway would generate more traffic.

The KMCP has language specific to this particular parcel asking to limit commercial use in this location.

The Preliminary Engineering report (Appendix L) shows that the original industrial park design (“Kaonoulu Marketplace” from 2006), which included some commercial space, had approximately one-third of the drainage impacts (106 cfs) of the currently proposed PP commercial center (291 cfs). An alternative design analysis addressing this should be provided in the FEIS.

The “mixed use developments” discussed in the MIP are usually larger residential projects with a moderate percentage of their land providing neighborhood-level commercial uses. The PP project appears to be over 80% commercial use and around 17% housing.

As currently planned there is no way children living in the proposed housing could safely walk or bike to the proposed high school or other existing schools. The DEIS projects only 60 to 70 school age children living in the 226 housing units although it is promoted as “near to schools.”

There is no analysis provided for how many individuals renting the apartments are likely to walk to work nearby. If the Workforce Housing Ordinance is amended, as proposed, only 56 affordable units will be created in this project. The DEIS does not discuss who will be able to afford these units.

This section should describe a mixed-use industrial park design including work-live units with dwellings on upper stories and adjoining multifamily rentals (possibly built by housing non-profit). This alternative could provide reasonably priced space for new businesses and more housing at needed price ranges rather than the 56 units likely to be the result of the currently proposed alternative. This compact design could allow flexibility to preserve more of the natural and cultural features of the land, create an east-west greenway, minimize drainage impacts, and create a sense of place, much desired in the Kihei area.

The FEIS should include additional "low impact" compact designs that allow storm water flows to be absorbed by the natural "drainage-way" through the project area, preserving cultural sites as advocated by cultural practitioners. These options are not discussed but are required by HAR 11-200-17.

III Affected Environment

DEIS: *"The development of the site is not expected to have a significant impact on the existing land uses makai of the site."*

Comments:

Traffic: The development will greatly increase the amount of vehicles to the site each day and will impact residents immediately makai through increased traffic congestion.

The DEIS should have acknowledged these impacts and discussed mitigations. Instead, the TIAR claims traffic counts will be manageable with general road improvements in the area.

The traffic figures produced in the project's TIAR should have included traffic from other projects that will also use Piilani Highway for their main access. The cumulative effects of numerous projects will worsen traffic impacts and affect residents' quality of life.

Noise:

The DEIS states on p-. 34 that the *"largest total increase (1.7 to 2.6 DNL) in traffic noise level is anticipated to occur along Kaonoulu Street."* Although this level does not exceed federal standards existing neighborhoods will be impacted by increase noise pollution.

Drainage:

The development will eliminate the natural gulch's ability to absorb drainage flows. This is not discussed as an "impact" since the flows during storms will be "intercepted" offsite and transported to Kulanihakoi gulch.

The DEIS assumes this a preferred outcome and provides no analyses of how much storm water the natural site now absorbs, making calculation of environmental impacts difficult.

DEIS: *"The proposed development will not impact or discharge storm water runoff into the Kulanihakoi Gulch and would provide additional housing in close proximity to the planned Kihei High School."*

Comments: The housing described as "in close proximity" to the proposed high school is separated from that site by a wide gulch (which the DEIS should note.) Unless the project provides an overpass across the gulch, as the community requested, the only safe access will be by vehicle (not supporting the County of Maui "walkable, bikeable" goals).

Storm water discharge from the project will be discharged into and impact Kulanihakoi gulch. The DEIS only refers to "new flows generated by the project" remaining onsite and "out of the Kulanihakoi gulch."

The DEIS states that 85 cfs (1 cfs= 500 gallons) of "pre- development flows" will still be sent into Kulanihakoi gulch, as currently happens, with the same intense flooding and water quality impacts left unaddressed.

No mechanism is offered to monitor drainage impacts. Will only 85 cfs flow through the PP site during storms or will the flow, increased under certain conditions, overwhelm the planned underground storage basins? The proposed “mitigation” does not comply with 11-200-17 HAR asking the EIS to include “Provisions proposed to assure that the mitigation measures will be taken.”

Flows from ranch lands above the PP project site, once partly absorbed by this undeveloped land, will now be diverted to Kulanihakoi gulch by a “drainage improvements” pipe system, with no opportunity to be absorbed by pervious surface. No mitigation is being offered to lessen or slow the velocity of intense storm flow volumes (498 cfs), which periodically overwhelm the coastal areas makai of the project site. The DEIS fails to discuss this lost capacity to absorb storm flow. Transporting the majority of storm water offsite is the mitigation offered, even though Kulanihakoi gulch, below the project site, is a major flood zone during rainstorms.

The DEIS does not acknowledge that the lands makai of the project site have been developed with inadequate provisions for natural storm water absorption capacity. This project will compound that lack of capacity and the extreme flooding events that result, by continuing to send the same amount of storm water offsite. Instead, the DEIS concludes that there is adequate capacity makai of the project site to absorb flows that will pass through the PP project. Numerous photographs exist of floods in this area disputing this assumption.

The natural wetlands that once allowed the massive flows of Kulanihakaoi to be absorbed are now confined to a narrow channel. To mitigate this situation this project and those surrounding it should secure an open space easement around the existing wetland channel and work with local agencies to restore the wetland area and its capacity to absorb storm flows. This long term mitigation should be discussed in the FEIS and we request that it be included.

2. Topography and Soils

DEIS: *“The project site is mauka of Piilani Highway and lies in an area of Kihei that is currently undeveloped and is characterized by pasture land with minimal vegetation.”*

Comments:

The above statement should be revised to be consistent with the biological information provided and indicate that the area has seasonal vegetation.

The area has abundant vegetation when rains come. The updated archeological report included in the DEIS mentioned the high vegetation that obscured the work of the archaeologists and included pictures of lush foliage.

The parcel had many kiawe trees along Kaonoulu gulch (‘unnamed Drainageway A’) before they were bulldozed in 2012. The Botanical Survey report summarized on p. 29 of the DEIS states: *“The Kiawe trees create an open woodland area cross the entire property with denser growth along the rocky gully.” (i.e. “Drainageway A”/ Kaonoulu gulch)*

The 1994 archaeological report mentions the proliferation of native pili grass, a culturally important plant and one interviewee in the Cultural Impact Assessment (CIA) described a mango grove in the project site area.

DEIS: *“includes an unnamed natural drainage way (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. “*

Comments: A glance at older maps of the region (example: USGS maps from 1920s) show that this gulch is one of the numerous tributaries of the Kulanihakoi gulch, indicating the importance of Kulanihakoi and all its tributaries as the major watercourse for the region. The topography of the parcel slopes towards this gulch from both the north and south sides and is a major feature of the landscape.

The “unnamed drainageway A” should not be eliminated as it passes through the project site as proposed. The DEIS doesn’t discuss this impact to a major feature of the parcel.

The archeological report shows a number of former habitation areas, indicated by “midden scatters” (prehistoric debris, such as shells and stone tools) that lie along this gulch, indicating the area’s historic and cultural importance.

The DEIS soil report describes the project as having poor quality soil for agriculture but doesn’t appear to have done soil testing or analyses of the area. Many core tests were done throughout the property as part of engineering studies and could offer soil profiles for an accurate view of the soil characteristics.

This is a high impact area for potential dust, erosion and degradation of down-slope water quality. Potential mitigation measures to prevent soil erosion are prefaced by the word “may” rather than “shall” and are not reassuring. The FEIS should summarize the soil erosion/dust mitigation measures that the project will commit to and also discuss alternative plans should these measures prove insufficient.

Will the onsite well be available to irrigate plantings in disturbed areas as proposed? There is currently no electrical hookup. Please state the source of irrigation water to stabilize new plantings.

3. Natural Hazards

Comments: Flood Maps (referred to in DEIS as “fig. 9”) are actually Fig 10. Fig. 9 is a Soils map.

Fig 10 Flood map shows the area immediately makai of the project as a significant flood zone.

Flood impacts occur from activities upslope. The DEIS should indicate that the project site lies immediately mauka of areas identified as high flood risk zones and discuss appropriate mitigations, such as improved down-stream flood water capacity.

The DEIS states that the project site is outside of any flood zone. This statement is not compliant with content requirements for EIS documents which require nearby wetlands, flood zones, and hazard areas to also be included in the discussion of potential impacts.

The PP engineering report (Appendix L) states that all storm water generated by the project modifications will be directed to onsite underground or above-ground basins but there is no discussion of what happens when the capacity of those basins is exceeded.

The DEIS can not assume that the basins will always function as desired, especially when so little information is provided on the project's soils or the depth of the water table. In many areas of Kihei the water table is 8ft below the surface; will the basins reach that depth? Has soil testing been done as part of well drilling? This information should be provided in the FEIS.

6. Air Quality

Comments: The year 2018 analyses of air quality impacts from vehicle emissions should include cumulative impacts from more than just the proposed project and the proposed Honua'ula housing development as the proposed Makena Resort expansion, Wailea Resort projects, expansion of the nearby High Tech Park, Kihei High School and proposed Kihei Town Center will all increase vehicular trips and emissions along Piilani Highway.

The FEIS should base its emissions evaluations on the number of cumulative trips for all projects that rely on Piilani Highway as a primary access route.

The 2018 figure may not be an accurate benchmark to use; a range of 2018 to 2022 may be more accurate in determining impacts and mitigations, given that the PP project will be built in two phases and the high school may not be built until 2020.

7. Noise

DEIS: *"The existing traffic noise levels in the project environs along Piilani Highway are in the "Significant Exposure, Normally Unacceptable" category, and at or greater than 65 DNL (Day-Night Average Sound Level) at the first row of existing homes on the makai side of the highway."*

Comment: The DEIS does not address how increased noise levels from Piilani Highway or the future Kihei-Upcountry Highway (KUH) will affect the new Kihei High School.

DEIS: *"The Applicant will inform future residents of the potential for high noise levels due to existing light industrial activities to the north of the project site."*

Comments: Will the project mitigate noise levels other than "informing residents?" Will there be landscape berms, sound attenuation walls or other design strategies employed; will the housing units nearest the noise impacts be the most "affordable?" The FEIS should discuss these issues.

8. Historical and Archaeological Resources

MTF asked that the DEIS discuss how the extent of supplemental archaeological review will comply with KMCP "Cultural Resources Implementing Action b?"

"Require 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."

Comments: The discussion of historic and archaeological resources in the DEIS notes a separate archaeological study (Shefcheck, 2008)) for adjoining parcels owned by Kaonoulu Ranch included in the DEIS as an Appendix.

No summary of the findings of this study was included in the DEIS except for the statement that: *"The 2008 AIS indicates that no resources were found in the area fronting the property on either side of the Kulanihakoi Gulch."* In fact, the study shows one site along the gulch at the project parcel.

Cultural practitioners have stated that this study did not record a number of visible cultural sites of some substance found between PP's eastern fence-line and the slopes of Kulanihakoi gulch. We ask that the project comply with the KMCP and identify and discuss all cultural resources located within, or adjacent to, the project area.

Other Comments:

DEIS: *"The majority of the sites were associated with ranching and World War II military activities, while the petroglyph and surface scatter remains were interpreted as possible pre-contact sites."*

The PP project's AIS (1994) indicates that only four of the 20 recorded sites were believed to be associated with WWII military activities and one with ranching.

Six sites, the five midden scatters, and the petroglyph were determined to be pre-contact, while 10 of the 20 sites (including the six pre-contact sites) all had evidence of pre-contact tool making, artifacts, or midden nearby, or as part of the site. The FEIS should reflect this.

Potential Impacts and Mitigation Measures.

Cultural practitioners believe that there are a number of unrecorded archaeological sites, artifacts and midden scatters on the PP property (which they have documented) and are asking State Historic Preservation Dept. (SHPD) for further field surveys of the site.

Cultural practitioners indicate that a number of pre-contact sites on the property have specific cultural uses and importance, including ceremonial sites which serve as observation markers for celestial events. This information was not included in the summary of the February 25, 2014 public consultation meeting and should be added to the FEIS.

Cultural practitioners are working with SHPD to get these sites recorded/protected in a revised site plan and ask the FEIS to include a conceptual project site design where important cultural sites are protected.

Cultural practitioners have stated in consultation meetings that natural features such as the Kaonoulou ("Drainageway A") gulch and view planes of the area be considered cultural resources with impacts mitigated.

Cultural practitioners ask that the highly significant petroglyph marker, illegally removed from the site in the 1990's and then the subject of an after-the-fact permit, be returned to the site in a place of honor when the property is developed. The petroglyph was mentioned in the DEIS, but not the cultural status of the gulch. Please correct this omission in FEIS.

An AIS study of an adjacent parcel owned by Kaonoulou Ranch (Shefcheck, 2008) was included in the DEIS in an attempt to satisfy SHPD requirements that impacts to sites found in Kulanihakoi gulch be evaluated. This study fails to document sites visible in Kulanihakoi gulch and its slopes and needs to be supplemented.

These undocumented sites near the PP parcel should be fully recorded as part of the FEIS as they are in an area where heavy equipment may be operating. Cultural practitioners have asked the landowners to arrange a site visit with project archaeologists to allow practitioners to identify sites of concern. The FEIS should note that this request and respond.

As noted in the “Unresolved Issues” section of DEIS, the PP revised AIS (2014) and its recommendations of additional data recovery has not yet been accepted by SHPD.

9. Visual Resources

MTF asked that the DEIS include proposed mitigation strategies for loss of mauka view planes. While the DEIS mentions mitigations, not a single map, exhibit or diagram is provided to illustrate proposed building heights in relationship to view planes; proposed view corridors, or any other mitigation.

The KMCP states (under “Opportunities: Natural Resources” section) that such views are an important feature of the region and must be considered. The Community Plan states: *“The mauka view from Pi’ilani Highway represents a major view plane. Significant views of the mountains and surrounding agriculture should be preserved to the greatest extent practicable.”*

Alternative project designs should be included in the DEIS which address impacts to view planes. Preservation of Ka’ono’ulu gulch and creation of an adjacent view plane corridor could be one such strategy. No alternative plans mention view planes.

Other Comments: The FEIS should include illustrations of the location of open space view corridors, trails and buffers, and proposed building heights in relationship to existing building heights in the project vicinity, as well as other visual resource mitigations proposed.

The site plan provided (Fig 3) in the DEIS is inadequate. Will the extension of Kaonoulu Road be considered a “view corridor?”

Cultural practitioners are concerned about view planes associating the site with the sacred land form of Pu’u o Kali (commonly called “Red Hill”) known as the physical embodiment of the legendary mo’o goddess. They believe the site has archaeological features having to do with traditional observation of the horizon and connected with traditional fishing practices.

Please address the view planes to Pu’u o Kali in the FEIS and provide clear maps and images of mitigations planned for this and other view planes.

10. Agricultural Resources

Comments: The DEIS refers to agricultural fields immediately upslope of the project area: *“Monsanto Seed Farm is located northeast of the proposed utility and waterline easements.”* yet it claims the project site is worthless as farm land. Maps show Monsanto fields begin at the NE corner of parcel 169, once part of the original 88 acre Kaonoulu Industrial Parcel. The soil map. (Fig 9) shows the soil types as identical.

Historic maps show a large nursery operation adjacent to the project site (Hashimoto Farm.)

Section 7.1.2 of the Environmental Site Assessment states: *“Aerial photos indicate that agricultural activities occurred north of the subject property from the early 1960s up until the mid-2000s. Presently, limited diversified agricultural activities continue on the residential property located immediately west of the proposed utility/roadway easement off of Ohukai Road.”*[Monsanto fields]

The FEIS needs to address whether the soils in this area are unsuitable for farming, or need irrigation. The fact that the land was urbanized has little to do with its agricultural potential. The FEIS should accurately describe the agricultural history of the area.

11. Groundwater Resources

MTF asked the DEIS to discuss where the project's water will come from and what quantity will be used for potable consumption and landscaping. What water conservation strategies are planned, including R-1 water? The DEIS estimates water use but does not reveal a source for potable water nor discuss impacts to Kamaole aquifer from the non-potable irrigation well.

DEIS: *"Piilani Promenade will consume an average of 252,000 gallons of water per day (gpd) at build-out, including 171,000 gpd of potable water for domestic uses and 81,000 gpd (121 mgd maximum) of non-potable water for irrigation. (Appendix L)*

Comments: The DEIS does not state the source of the quarter million gallons a day (256,430 gpd) of potable water needed at peak demand. It fails to note the peak demand, rather than average demand, for potable and non-potable water (the figures are in Appendix L engineering report). 11-200-19 HAR requires that the EIS be "an essentially self-contained document, capable of being understood by the reader without the need for undue cross-reference." This information should be included in the FEIS.

The DEIS does not state whether the County of Maui Dept. of Water Supply (DWS) system currently has that amount of unallocated source water. The FEIS must define the project's water sources since no impacts/mitigations to groundwater resources can be determined without this information.

DEIS: on non-potable onsite well-*"The well has proven to be capable of producing 216,000 gallons of non-drinking water per day and a permanent pump (150 gpm) has since been installed." The engineering report notes 81,000 to 121,000 gal a day will be needed.*

Comments: No information or analyses about possible impacts to thirteen irrigation wells located down-slope of the project's well are included in the DEIS. A list of the surrounding wells and a map are in the appendices (Appendix B.)

No well drilling report is included in the Preliminary Engineering Report and should be included in the FEIS regarding impacts of this new non-potable groundwater source.

Impacts to the Kamaole aquifer, where the well is situated, should be addressed as well as impacts to other nearby wells.

The DEIS should provide more information on near shore impacts of groundwater pumping beyond Appendix J where the "baseline chemistry" of the Kihei coastline is discussed.

Traditional fisheries, including vana and limu gathering practices, could be impacted. Kaonoulu and Waiohuli are well-known for these marine resources. The Cultural Impact Assessment does not mention these resources. The FEIS is incomplete without this information.

The "marine baseline" study by Dr. Steve Dollar is inadequate, based upon a single day of data gathering, with no reference to other available long term studies of the area.

From: Baseline Assessment Marine Water Chemistry and Marine Biotic Communities Report: Appendix J

DEIS, Ap. J: *“As a result, potential effects to the marine environment from the project are limited only to alteration of basal groundwater flowing beneath the site with subsequent discharge to the ocean.”*

Comments: Information in the Baseline Assessment report is based upon a one day research sampling with no mention of plans to conduct future monitoring. Sampling was limited to near shore (30 m) waters; it is unclear whether areas further offshore were sampled for temperature changes indicating groundwater discharge. Information to address the impacts to near shore freshwater inputs from pumping the project's non-potable well should be included.

The Appendix J report stated: *“If the existing groundwater input is of a minor extent, it can be assumed that there is not sufficient input for any subsidies from the project site to affect water quality to a detectable degree.”*

The report only analyzed “subsidies” or increased discharge of groundwater into the marine environment from onsite drainage inputs; it never considered the impacts of pumping over 100,000 gpd of groundwater (at peak demand) on marine zone groundwater discharges.

If current groundwater discharges are present (which the report confirmed) but not in robust amounts, the proposed brackish well pumping could eliminate the freshwater discharge entirely. The effect of this scenario must be included in the FEIS.

B. SOCIO-ECONOMIC ENVIRONMENT

1. Population

DEIS: *“When fully built out, the total resident population of the multi-family developments is projected to be 607 persons.”*

Comments: If the 250 units are built on the adjoining HPLLC parcel (parcel 169) it would have around 670 additional residents (using same density rates as the 226 apartments.) The effects of increased residents should not be segmented out of population discussions in the DEIS.

Both housing projects will share the same potable water system, non-potable water system, primary sewer lines, roadways, etc. and they cannot be segmented. The HPLLC project cannot be constructed unless the Kaonoulu Road extension is built.

2. Housing

Potential Impacts and Mitigation Measures

DEIS: *“The proposed project includes the construction of 226 rental housing units, of which a required percentage will be rented at an affordable rate determined by the Maui County Department of Housing and Human Concerns.”*

Comments: The FEIS should discuss the range of that required percentage as the PP project promotes providing affordable housing.

If the current Workforce Housing ordinance is amended to require only 25% affordable units, as is under discussion at the Maui County Council, this project will result in 56 affordable apartments rather than 112. This should be made clear in the FEIS since the owners' representative is among those asking for the change from 50% to 25%.

The FEIS should clearly define “affordable” as it applies to this project in order to be complete. The DEIS omits any reference to speculation and marketing to off shore demand as significant factors in the cost of Maui’s housing although experts acknowledge both trends present a formidable challenge to providing sufficient affordable housing.

3. Economy

Comments: The DEIS is missing key information relating to project “need.” It does not indicate how much commercial space in South Maui is currently available; vacancy rates over the last five years; or the vacancy rates compared to rental costs per square foot. If Kihei area has an “average of 63.4 square feet {of commercial space} per resident” as the DEIS contends, and has a vacancy rate comparable to or higher than the national or state average, it may only have the consumer base to support that 63.4 sq ft/ resident rate and not the higher rate the DEIS promotes.

DEIS: *“The Economic and Fiscal Impact Assessment estimates the projected demand for new residential units in Kihei-Makena is 7,250 – 11,500 units through 2035.”*

Comments: The MIP and its economic forecasts estimate the projected demand for housing in Kihei-Makena as 5,500 already entitled units (including 250 units in the original Kaonoulu project and 1,500 additional units needed for a total of 7,000 units). The FEIS should indicate how many of those projected units will meet offshore second home demand vs. full time residents.

DEIS: *“Piilani Promenade is envisioned to support 1,210 permanent jobs with an annual payroll of about \$ 36.6 million.”*

Comment: The DEIS does not provide detailed information to substantiate claims of the project’s economic importance.

4. Cultural Resources

DEIS: *“The project site is located in the Kula Moku and the Waiohuli and Kaonoulu ahupua’a.”*

Comment: The project is located entirely in the Kaonoulu ahupua’a. The project’s AIS (1994 and 2014) clearly states this and fig 7 map in the AIS (2014: p. 20) shows the project area entirely within the Kaonoulu boundary. Please correct this in the FEIS.

DEIS: *“The CIA indicates that any resources or practices occurring traditionally in the area are now non-existent and would have been obliterated.”*

Comments: The PP CIA draws this conclusion because consultants submitted their CIA report in December 2013 without input from cultural practitioners as offered at a February 25, 2014 gathering with the landowners’ representative and archaeologist (referenced in the DEIS). Attaching meeting transcripts is not the same as including practitioners comments in the CIA.

Oral history interviews in the CIA revealed no cultural impacts because those who have a cultural practice on the land were not included in the interview process.

DEIS: *“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.”

Comments: Several individuals have cultural practices associated with this land including Sally Oshiro and Kumu Michael Lee, while others have gathering and other cultural practices along the Kaonoulu shoreline and in Kulanihakoi gulch. .

Development of the site, as proposed, with no mitigations to protect a number of important cultural features will impact cultural practices on the land.

Cultural practitioners believed their comments would be incorporated into the CIA after the Feb 25, 2014 meeting and asked for a site visit which has not yet been arranged. The CIA should be updated to include comments from these individuals and other cultural practitioners and lineal descendants of the area who would like to participate in order for the CIA to be accurate and the FEIS deemed complete.

3. Police and Fire Protection Services

MTF asked that the DEIS discuss whether additional fire and police staff will be needed to service the 450 new units? If so, how many, and at what cost and phasing? The DEIS concluded that 607 more residents would not affect policing needs.

Comments: The DEIS does not address the combined increase in population of the PP and HP residential areas which would be over 1200 new residents. It also did not discuss any increase in police and fire service that may be needed by the project's commercial properties and should be included in the FEIS.

4. Schools

Comments: The DEIS assumes that only one out of three households in the proposed PP project would have one school age child yet the project mentions the positive contribution it will make by allowing families to live where their children can walk to school.

The DEIS gives no basis to calculate the low numbers of potential students from the 226 units. Is it based on the number of 2 bedroom units; will a portion of the 226 units be for senior housing?

The fact that Kihei needs another elementary and intermediate school is not emphasized in the DEIS and the conclusion, in table 2, that Kihei School enrollment (currently over capacity) will drop next year, needs a source. No students from the 250 HP units are included in any calculations. The FEIS should address this and segmentation of the connected sites.

5. Solid Waste

MTF asked the DEIS to discuss how much waste will be generated by each use category? Will commercial facilities have programs to reduce packaging materials associated with imported goods shipped to Maui?

Comments: The DEIS does not address this or whether property owners will provide any recycling opportunities for the large amount of packaging, pallets and other solid waste generated by commercial and industrial businesses. The FEIS should discuss this mitigation.

D. INFRASTRUCTURE

1. Roadways

MTF asked that the DEIS improve its TIAR since the past TIAR for the Kaonoulu/PP project downplayed the amount of traffic trips generated; it did not include traffic impacts from the adjoining 13-acre Honua'ula affordable housing project.

DEIS: *"Piilani Highway is a four-lane, undivided highway with a north- south orientation connecting Mokulele Highway to the north with Wailea Resort to the south."*

Comment: Piilani Highway was designed as a two lane undivided highway that was "re-stripped" to accommodate four lanes. Each lane is less than standard width; the highway is considered "substandard" by federal standards and its accident rate is high under existing circumstances. The DEIS should have discussed this in detail as it affects the community's health and safety.

DEIS: *"However, if completed, Honua'ula Affordable Housing Project traffic would impact traffic along East Kaonoulu Road."*

Comments: The residents of the proposed 250 Honua'ula units would need to access Kaonoulu Road from Piilani Highway which will impact traffic counts there as well. To not include this in the Piilani traffic count analyses is to segment the impacts of the HPLLC project. The TIAR (Appendix M) figures show trips to the Honua'ula homes along both Piilani Highway and Kaonoulu Street. The FEIS should adequately address this.

DEIS: *"The level-of-service analysis confirmed that the following improvements should be implemented to satisfy 2025 traffic impacts: The mauka roadway should be completed between Ohukai Street and Lipoa Street."*

Comments: The PP project's TIAR in Appendix M anticipates that between 1300 and 1500 daily trips will be made along this upper road not currently built. Do TIAR calculations assume vehicles will use this nonexistent route instead of Piilani Highway? If so, the FEIS should provide Level of Service for Piilani Highway after the PP/HPLLC build-out, with and without this improvement. Projects often take decades to complete and the FEIS will be incomplete without this key information.

2. Drainage

MTF asked the DEIS to clearly describe where onsite and offsite storm water drainage will end up on the PP and HPLLC project sites and what impacts the projects could have on the flood prone area immediately makai. Will pervious parking surfaces be installed? Will rain gardens be built into the residential landscaping? Information was incomplete in the DEIS.

DEIS: *"This minor drainage is not recognized as a regulated drainage way, there is no documented evidence of a name for the drainage yet individuals have referred to the minor drainage as a Kaonoulu Gulch."*

Comment: This gulch is labeled "Kaonoulu" on some older maps. The same name is given to another much higher elevation tributary of Kulanihakoi gulch on other maps. It is common for gulches and other features to have a variety of names on different maps. Cultural advisors agree that the Kaonoulu/ "Drainageway A" gulch and all the tributaries of Kulanihakoi stream are cultural features and should not be eliminated. This "minor drainage" ascends quite a ways

mauka and is over several meters deep in some portions of the property. We ask that this feature be correctly referred to as a tributary of Kulanihakoi gulch.

DEIS: *“Storm runoff from approximately 471 acres of undeveloped land east (mauka) of Piilani Promenade is conveyed by Drainageway “A”, to the eastern boundary of the project area. Once across the eastern boundary, Drainageway “A” continues across the project area in an east-west direction to an existing 102-inch twin barrel culvert crossing at Piilani Highway. Once across Piilani Highway, Drainageway “A” converges with the main stem of much larger Kulanihakoi Gulch before reaching the Pacific Ocean.”*

Comments: The DEIS describes current storm water flows from 471 acres above the PP site and the drainage outlet from Ohukai Road converging into “Drainageway A” and carried to the twin culverts or directly into Kulanihakoi gulch.

The majority of existing onsite flows are going either directly or indirectly into Kulanihakoi gulch. Under current natural conditions some of this flow is absorbed along the route but the quantity absorbed by the land is not discussed in the DEIS. This information should be provided to better understand the impacts of urbanizing the 75 to 88 acres.

In the Preliminary Engineering Report offsite runoff volume is noted as 498 cfs (321.8 mgd) when measured as a 100-year, 24-hour peak runoff conveyed in Drainageway “A.” This should be quantified in the FEIS. It is now only noted in Appendix L. Engineering Report.

This massive amount of water will be concentrated in underground drainage lines and moved “away” to another massive culvert. In storm water management there is no “away.” The impacts always go somewhere and need to be addressed.

The Environmental Site Assessment (Appendix B) notes the *“potential for contaminants to migrate off-site and into nearby storm water drains.”* The study recommends: *“In order to minimize the regulatory profiling of the survey area as a potential responsible party for any newly discovered groundwater or surface water contamination, property managers should consider implementing conservative, proactive environmental policies for the current and future tenants.”*

This recommendation from Appendix B is not included in the DEIS discussion of Hazardous Substances and the DEIS informs us that many areas of potential contamination, such as roadways and utility service areas, will be exempt from Maui County’s new water quality standards for stormwater runoff, and therefore will have no filtration systems. The FEIS should acknowledge and address these impacts and their mitigations.

The DEIS mentions that the water will be conveyed from “Drainageway A”/ Kaonoulu Gulch but it is not clear how many underground drainage lines will be involved.

DEIS: *“Offsite surface runoff conveyed in Drainageways “A” and “B” will be routed via underground drain lines 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. (See: Appendix L, “Preliminary Engineering Report)”*

The Preliminary Engineering Report has a slightly different version that omits the first set of “underground drain lines.” App. L: *“Offsite surface runoff conveyed in Drainageways “A” and “B”*

will be routed to a new diversion ditch constructed along the project's eastern boundary, then down along East Kaonoulu Street in a large underground drain line which will convey the runoff to the existing 102-inch culvert crossing at Piilani Highway ..."

Which version is correct? Neither portion of the DEIS clearly discusses that "Drainageway A" /AKA Kaonoulu gulch will be filled in on the PP property and cease to exist.

Given the massive storm water flooding impacts in the areas immediately makai of this project the DEIS should examine alternative project designs that will have less impact on the environment. These should include plans to preserve and enhance "Drainageway A" as a riparian habitat that can absorb larger volumes of storm water and provide an aesthetic natural component to the project.

Since several cultural sites lie along the gulch they could be incorporated into the buffer area to maintain a sense of place and local history and add value to the project. A walking path with interpretive signage on the theme "traditional life in Kaonoulu ahupua'a" could connect the sites along the gulch.

DEIS: *"In compliance with Maui County's Drainage Rules, underground detention chambers within Promenade South and an open detention pond within Promenade North, will provide a combined storage capacity of 7.6 acre-feet and will limit downstream storm water discharges to a peak flow rate that does not exceed pre-development levels."*

Comments: What monitoring plan will be in place to ensure the project complies with this claim? How will excess flow be handled if intensifying storm cycles produce greater than peak flows?

The Engineering report notes that the Kaonoulu Road extension, Piilani Road improvements, and the other offsite improvements, and conditions of the original Kaonoulu Ranch large lot subdivision are exempt from the storm water quality requirements passed in 2012. The FEIS should state this and discuss pollutant types and levels likely to be found in those runoff areas and where potentially polluted storm water flows (23.4 cfs) will be transported.

DEIS: *"Once the storm water detention facilities are in place, the hydrologic impact on downstream properties resulting from the proposed development of Piilani Promenade will be negligible because the pre-development peak flow is the same as the post-development peak flow after mitigation."*

Comment: The project does not propose to retain all of its onsite storm water flows, as proposed for a number of projects, only those generated above the existing flow levels.

Current pre-development levels of onsite and offsite flows are already problematic in this area and at the mouth of Kulanihakoi gulch.

The DEIS does not provide enough information to evaluate whether there will continue to be impacts or not.

The current proposed PP drainage plan makes no real contribution to improving existing ocean water quality, merely promising "not to make it worst."

Policy makers should require alternative project designs that absorb the maximum amount of water onsite to reduce both offsite and onsite flow levels.

3. Water

Comments: it is unclear how the proposed improvements will mitigate the fact that there is no confirmed water allocation for this project.

If the project demands 250,000 gpd from the Central Maui well system will there be impacts to the Iao/Waihee aquifer? Will other projects waiting for water be unable to hook up to the system due to capacity restraints and will stream flows be impacted?

Water demand may be higher as the HPLLC project demands are not included in the DEIS. The PP system has the capacity to deliver nearly 1mgd of potable water; how would that affect existing aquifers?

Impacts of 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 are not mentioned. How deep will the water line need to be buried? Will blasting be involved? Will water service to local residents be interrupted?

The DEIS provides no discussion of these likely impacts. Impacts of pumping up to 121,000 gpd from the proposed non-potable well and other water demands from the HPLLC project site are not stated and should be included in the FEIS.

4. Wastewater

MTF asked the DEIS to discuss why this project would have sewage capacity while other South Maui projects have been told there is no sewage capacity for their proposals at the Kihei Wastewater Treatment Plant? What volume of wastewater will the two housing areas (PP and HPLLC) and the commercial use generate? Is there a commitment for service at the Kihei facility? These topics are not discussed in the DEIS.

Comments: PP is expected to generate 114,000 gallons of wastewater per day. No figures are given for HPLLC residential wastewater demand. Maui County's Dept. of Public Works noted in their comments (DEIS, App. A) that no capacity could be confirmed at the Kihei facility until the time of project build out. The FEIS should include wastewater demand figures for both PP and HPLLC projects.

5. Electrical

MTF asked the DEIS to discuss what the anticipated energy usage of the proposed project would be? Are offset installations of renewable energy planned on site? What efficiency designs are being incorporated into buildings and systems? The DEIS provides some of this information but lacks a robust discussion of energy efficiency and renewable energy options and plans.

DEIS: *"the existing 12 kVA system does not have sufficient spare capacity to accommodate the estimated 6,250 kVA of load required by the current Piilani Promenade development plan."*

Comment: This is a tremendous amount of power (6.25 MW), enough to power almost 1000 houses. The FEIS should discuss in greater detail project plans to produce renewable energy on site and energy conservation measures incorporated into site design. Only solar hot water systems are mentioned in the DEIS. What are the impacts of generating this amount of energy?

DEIS: "The new [MECO] substation will be located in the northwest corner of the Piilani Promenade development"

Comment: On fig 3 site plan the MECO substation is shown in the NE corner of the project? Which is correct?

IV Relationship to Government Plans and Policies

B. STATE LAND USE

Comment: The DEIS notes that it has submitted support for a Motion to Amend the project's existing Findings of Fact, Conclusions of Law, and Decision and Order which the State Land Use Commission (LUC) issued on February 10, 1995. The DEIS does not sufficiently discuss why it is asking that various conditions be amended.

County Wide Policy Plan (CWPP):

Objective 2: Improve the quality of environmentally sensitive, locally valued natural resources and native ecology of each island.

c) Improve the connection between urban environments and the natural landscape, and incorporate natural features of the land into urban design.

e) Mitigate the negative effects of upland uses on coastal wetlands, marine life, and coral reefs.

Comment:

Objective 2.c. The project as currently designed does not incorporate natural features of the land, such as the Kaonoulu gulch, a tributary of Kulanihakoi gulch, into the project's design. It is inaccurate to claim that it supports this objective of the CWPP under the current project design.

Objective 2. e. By working with natural features of the land, such as the gulch, to increase the capacity to absorb storm flows the project has an opportunity to address a persistent cause of flooding and pollution to the near shore waters and marine life of South Maui.

In order to support this CWPP policy the project needs to limit storm water discharges created by the project itself and mitigate the existing levels of storm water discharge originating on the land (85 cfs) and passing through the land (498cfs).

The project has not offered any alternative designs to mitigate these existing drainage impacts and instead acts to concentrate flows, remove any chance they currently have to be absorbed by the earth, and then dump them into the already overburdened Kulanihakoi gulch. This should be explored in the DEIS but is not.

B. Preserve Local Cultures and Traditions

Objective (1) Perpetuate the Hawaiian culture as a vital force in the lives of residents.

(f) Recognize and preserve the unique natural and cultural characteristics of each ahupua'a or district.

Comment: Object 1.f. CWPP. The PP project spans an entire section of the Kaonoulu ahupua'a. Presently, not one natural or cultural feature in the project site will remain to represent the heritage of the ahupua'a.

To remedy this, the project is being asked to preserve several culturally significant sites on the land and work to return a significant cultural feature that was removed. In order to meet this objective of the CWPP the EIS should incorporate design alternatives that reflect the information given during the brief cultural consultation process. These would include:

- preservation of the natural gulch ("Drainageway A") and associated cultural habitation sites - a major feature of the ahupua'a
- preservation of other culturally significant sites identified on the property
- return the petroglyph stone to the site since it is an important feature of the ahupua'a
- acknowledge that there is cultural use of the land and amend the CIA by interviewing cultural practitioners
- provide for cultural access and cultural use of the land for traditional seasonal celebrations
-

E. Kihei-Makena Community Plan

Land Use

Objectives and Policies:

(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.

Comment: KMCP Land Use policy (k) addresses the subject property and its uses, as it is the only Light Industrial designated property in the KMCP that is "*south of Ohukai and mauka of Piilani Highway.*" It specifically requires that retail business or commercial activities in this parcel be "limited" to "accessory or provide service to the predominate light industrial use."

Community Plans have the force of law. The argument that County zoning "implements" the Community Plans does not stand where the two conflict. The Community Plan has always held "*more weight.*"

The provision for five acres of a 75 acre site to be utilized as Light Industrial does not comply with the directive for "*predominate light industrial use.*"

The FEIS should clearly indicate that a Community Plan Amendment is needed for the project to proceed as proposed.

As required in HAR 11-200-17, more alternative project designs should be fully discussed and the EIS should give a "*rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions,*" with supporting data, especially those that would avoid destruction of natural and cultural resources.

V. Contextual Issues

A. RELATIONSHIP BETWEEN SHORT-TERM USES AND MAINTENANCE OF LONG-TERM PRODUCTIVITY

DEIS: "Economic diversification and the creation of "living wage jobs" are key objectives of the Maui Island Plan and County-wide Policy Plan."

Comment: Much of Maui's economy is already based upon visitor facilities, visitor activities and visitor-friendly commercial retail service centers such the proposed PP project; the project provides no real "*diversification*."

The DEIS claims the project diversifies the economy and creates living wage jobs without specifying how many non-service sector, high-wage employment opportunities are planned for the commercial spaces. The industrial park concept is likely to provide more opportunity for small business startups to diversify the economy, due to lower rents.

DEIS: "*this project utilizes the principles of New Urbanism and Smart Growth to transform the current, single-use large lot light industrial subdivision into a mixed-use project with employment opportunities in close proximity.*"

Comment: The project has little to do with "new urbanism" design principles which are based upon small streets, minimum parking lots, integration of natural systems and features into project design, housing integrated into upper levels of commercial buildings, and respect for the history of a place.

PP is bisected by a high traffic, four lane roadway destined to become a major east-west thoroughfare; it features large paved parking areas which increase heat and run-off; and elimination of natural and cultural features.

The FEIS should present an alternative project design that actually incorporates the principles of new urbanism.

B. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Comment: The loss of natural and cultural resources such as Kaonoulu gulch, all evidence of pre-contact habitation sites, ceremonial markers and the cultural practices associated with them, should also be included in these remarks.

The loss of potential groundwater input into near shore waters from the project's irrigation well pumping, the continued degradation of down-slope waters and reefs due to the project not addressing current storm water drainage impacts (instead concentrating flows and sending them offsite) will result in irreversible commitments and harm of public trust resources.

HEPA instructs agencies: "*Agencies shall avoid construing the term 'resources' to mean only the labor and materials devoted to an action. 'Resources' also means the natural and cultural resources committed to loss or destruction by the action.*" The FEIS should reflect these losses.

C. CUMULATIVE AND SECONDARY IMPACTS

Impacts to Natural and Environmental Resources

Comment: Impacts to natural and environmental resources such as groundwater, coastal water quality, public view planes, natural and cultural resources and cultural practices, are likely to occur regardless of Best Management Practices and mitigation measures due to the data these mitigations are based on being incomplete or inaccurate. How will proposed mitigations be monitored for effectiveness? This lack of information fails to meet HEPA EIS review standards (11-200-17, HAR).

Coastal Water Quality.

DEIS: "Development of the Piilani Promenade, together with other area projects, could have significant cumulative impacts to coastal water quality if BMP's are not strictly adhered to."

Comment:

The FEIS should acknowledge the cumulative impacts associated with the onsite runoff when transported off property as it combines with storm water from the surrounding properties with solutions or mitigations proposed.

Agricultural Lands.

Comment: The cumulative impact of the conversion of hundreds of acres of grazing lands to urban use should be discussed in the FEIS, especially in terms of drainage, traffic, drinking water and groundwater demands, and impacts to near shore waters.

Drinking Water Resources.

Comments: The cumulative and secondary effect of installing the 1 mgd water storage tank means that already stressed 'Iao and Waihee aquifers (both nearing their sustainable yield) must supply water to this proposed urban development. The impacts of the HPLLC and its water use are not considered in the DEIS. The FEIS should acknowledge and discuss mitigations for future impacts to these aquifers.

Impacts to the Socio-Cultural Environment

DEIS: "In the coming years, pursuant to the land-use policies contained in the Maui Island Plan and Kihei-Makena Community Plan, Kihei will evolve to become a more unified and cohesive urban settlement. Urban development will likely become more compact, mixed-use and interconnected. Networks of open-space, parks, bikeways, trails and pedestrian-oriented streets will link districts and neighborhoods together."

Comments: The DEIS does not propose a compact, mixed use, interconnected development for PP, declining to build a frontage road and/or bike paths linking it with existing industrial/retail areas to the north; it features no mauka-makai greenways to link with any future growth to the east.

Infrastructure and Public Facilities

Comment: Construction of the KUH will have numerous secondary and cumulative impacts to growth areas beyond what is now proposed in the MIP. The DEIS assumes future growth will be confined to the MIP Urban Growth Boundary areas yet major roadways trigger urban conversion of adjoining lands. While the MIP proposes a limited area along the future KUH for potential growth it also proposes the establishment of mitigating features such as greenways and open spaces.

Unresolved Issues

MTF asked the DEIS to acknowledge the need for a Community Plan Amendment since the project is now proposed as mostly commercial with a small amount of Light Industrial and some housing, opposite of what is specified in the community plan. The 226 to 476 housing units that proposed for the entire 88 acres were not envisioned or approved in the community plan. The DEIS notes the issue as "unresolved."

All parcels involved in the original 1995 LUC DBA, the 13-acre Honua'ula housing project and 75-acre commercial/light industrial /housing project should be the subject of a Community Plan Amendment.

Thank you for this opportunity to comment

A handwritten signature in black ink that reads "Irene Bowie". The signature is written in a cursive style with a large, stylized "B".

Irene Bowie, Executive Director

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**CHRIS
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& PARTNERS, INC.

Landscape Architecture
City & Regional Planning

June 13, 2017

Mr. Albert Perez, Executive Director
Maui Tomorrow Foundation
55 N. Church Street Ste. 4A
Wailuku, HI 96793

Dear Mr. Perez,

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 6, 2014. Below are the responses to your numerated comments.

MTF COMMENT:

Maui Tomorrow Foundation appreciates the opportunity to review the proposed plans for the Kaonoulu Industrial Park site. We offered comments on the project's EISP and find that much of the information we asked to be included in the DEIS is still missing.

It does not include adequate discussion in a number of key areas and the project site map (Fig 3) is inadequate for understanding the project and its impacts.

We ask the Land Use Commission (LUC) to require compliance with 11-200-16 which describes content requirements for an environmental document. It states: "The environmental impact statement shall contain an explanation of the environmental consequences of the proposed action. The contents shall fully declare the environmental implications of the proposed action and shall discuss all relevant and feasible consequences of the action."

C. PROJECT BACKGROUND

We commented on lack of environmental review for the proposed 13-acre Honua'ula affordable housing project which is dependent on the proposed 75-acre Pi'ilani Promenade (PP) housing project which is dependent on the proposed 75-acre Pi'ilani Promenade (PP) Commercial/Residential project for basic infrastructure needs. We asked that both parcels be included in the DEIS.

The DEIS notes that: "...the impact of the proposed development of the Honua'ula [Honua'ula Partners LLC (HPLLC)] Parcel is included as necessary background information."

This is a violation of HAR 11-200-7, in that the impacts of any proposed project on the 13 acres should be examined in the DEIS as a matter of law regardless of ownership of the parcel. Honua'ula Partners LLC (HPLLC), owners of the 13 acre parcel, has common ownership with Maui Industrial Partners, the former owners (until 2009) of the entire 88 acre Pi'ilani Promenade project parcel.

HAR 11-200-7 states in part: (a) group of actions proposed by an agency or an applicant shall be treated as a single action when:

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A. The component actions are phases or increments of a larger total undertaking B. An individual project is a necessary precedent for a larger project

The PP project relies on parcels owned by others for its water tank and water tank access road. They are included for impact analyses in the DEIS.

The PP project's irrigation well is located on the 13 acre HPLLC parcel.

The housing proposed for the 13 acres HPLLC parcel cannot be built unless PP project Phase I creates an access road, relocates the Central Maui water pipe, and completes other related infrastructure projects. PP project must take place or the HPLLC project cannot. The two cannot be segmented.

The HPLLC Parcel (TMK (2) 3-9-01:169 - 13 acres) and its prospective use should be fully included and examined in every section of the DEIS but it is not.

The DEIS does not discuss whether the HPLLC project could be built without the 75 acre PP project providing its basic infrastructure - roads, water lines and storage, sewer lines, power lines and other utilities. Will the two multi-family housing projects share the referenced "park?" Unless it is made clear that the two projects do not depend upon actions taken by the other, they should both be covered in the DEIS.

Response: In response to comments regarding the Honua'ula development, 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.

MTF COMMENT:

II. D. Project Description

DEIS: "A network of vehicular roadways, bicycle and pedestrian pathways will establish connectivity throughout the project and will provide opportunities for connection with adjoining properties along Pi'ilani Highway."

Comment: Will the roadways, bicycle, and pedestrian paths actually connect with any adjoining properties, or merely give "future opportunities." How will the 1995 Land Use Commission (LUC) condition requiring a frontage road connecting to neighboring properties be fulfilled if the project is not successful in amending its LUC Decision to delete this condition? We ask the FEIS to address this.

Response: In response to comments regarding impacts to pedestrian and bicycle paths, the FEIS Section II. E. (Project Description) has been revised to include the following language:

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. (See: Figures 14 A "Piilani Hwy Existing Street Section" and 14B "Piilani Hwy Proposed Street Section")

In response to comments regarding impacts to pedestrian and bicycle paths, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

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.

MTF COMMENT:

DEIS: "In addition the proposed project will include the construction of a portion of the future Kaonoulu Street Extension and two (2) Pi'ilani Highway road-widening lots."

Comment: This roadway is described as serving as a four-lane divided highway but pedestrian access across the four lanes, both to the project site and the new Kihei High School, is not discussed in the DEIS. Instead, the school access is listed as an "unresolved issue." It should be considered an impact requiring mitigation.

Response: In response to comments regarding the pedestrian access to the Kihei High School, the FEIS Section V. D. (Unresolved Issues) 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 are intended to facilitate safe walking and bicycling and to reduce the requirement for automobile use in order to access the development.

MTF COMMENT:

F. ALTERNATIVES

MTF asked that the DEIS include alternative project designs that could avoid elimination of Kaonoulu gulch and cultural sites; include management of increased traffic volume; and comply with the LUC condition for a frontage road. None of the proposed alternative designs include any of these items, and seem to be based on unsupported assumptions rather than reliable data.

Response: As noted in Section II.F. (Alternatives) of the FEIS, three (3) alternatives 1) no action, 2) no residential uses, and 3) alternate site were considered.

Under HAR Title 11, DOH, Chapter 200, EIS Rules, ~~Section 11-200-17(F)~~, a Draft Final EIS must contain a section discussing alternatives that could attain the project objectives, regardless of cost, in sufficient detail to explain why the specific alternative was rejected. Alternatives to the preferred Pi'ilani Promenade plan, along with reasons why each alternative was rejected, are described below.

Pi'ilani Promenade Objectives – Objectives of the Pi'ilani Promenade project are rooted in the desire to create a vibrant regional and sub-regional shopping experience for local residents and visitors, contribute to the Maui and State economies and by create employment opportunities. The proposed development plan will also foster a small residential community with connectivity to adjacent existing and future neighborhoods while contributing to Maui's economic diversity and social fabric.

The objectives of the project are to:

- Provide much needed residential rental housing in south Maui,
- Provide greater diversity and flexibility of business/commercial space to attract both very small and large-scale employers;
- Provide light industrial space for south Maui business,
- Provide restaurants, shops and other retail services to the local residents and visitors;
- Create jobs;
- Increase tax revenue to State and County;
- Provide housing within walking distance of employment; and
- Reduce the project's energy demand through conservation and energy efficient design.

Three (3) alternatives to the Preferred Alternative (Proposed Plan) were considered. These alternatives are discussed below.

No Action Alternative

Under the no action alternative, existing entitlements would remain and the property could be developed as a 123-lot commercial and light industrial subdivision within the Petition Area. Additionally, according to the Maui Island Plan, residential and commercial land uses are predominately segregated within the Kihei-Makena Community plan region. Mixed-use neighborhoods centers are needed to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern.¹ Under this alternative, the project would not satisfy the Maui Island Plan. The Applicant has determined that, based on current market conditions, the development of a 123-lot commercial and light industrial subdivision would not be economically feasible, and therefore, there exists a significant chance that the land would remain undeveloped under this alternative.

Under the no action alternative, there would be no rental ~~workforce~~ housing, including affordable units, infrastructure improvements, on-site recreational amenities, or opportunity to provide additional commercial and office space in advance of demand for south Maui as follows:

- *Rental housing opportunities.* The project will bring 226 multi-family rental units. Pricing for rental units is expected to be largely affordable for Maui Island residents in a market that is limited in supply of rental units.
- *Opportunity to live within walking/biking distance of jobs, parks, shopping and schools.* At build-out the Project will be located in close proximity to the future Kihei High School. The proposed residential units will be within a short 5-minute walk from on-site commercial uses and employment. The commercial uses will be easily accessible and the site will be designed to incorporate walking and bicycling connection to the existing residential neighborhood surrounding Ohukai Street. The proposed non-vehicular circulation at the proposed project site is in accordance with the goals and objectives of the Maui Island Plan.
- *Parks and open space.* The site plan proposes a 2-acre park and open space will be provided throughout the site between buildings including bicycle and pedestrian pathways. These areas will be accessible to the public in a manner that is not possible in the currently undeveloped condition.
- *Infrastructure Improvements.* Phase 1 of the proposed project will include constructing a portion of the KUH through the project area. The portion provided by the Applicant will

¹ Maui County General Plan 2030, Maui Island Plan, Directed Growth Plan, 8-27.

included pedestrian and bicycle pathways separated from the roadway. In addition the project proposes constructing a 1.0 MG public water tank and providing land for a future MECO substation that will provide services to provide electricity for the project and future surrounding planned development. The access easement allows for utilities, vehicular and future bicycle and pedestrian connectivity from Ohukai Road to a point located to the north of the project site. In addition the project is providing an easement for future vehicular access to Ohukai Road to increase connectivity mauka of Pi'ilani Highway.

- The Hallstrom Group completed an Economic Study with inventory of the Kihei Retail market and found that about ten 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 S. 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. The economic report found that there is a 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 Maui Island Plan calls for the development of thousands of residential dwelling units in Kihei planned growth areas to address future demand for housing. Associated with that growth will be the need for light industrial space for future small businesses, commercial and office space to address this future growth.

The no action alternative would also deprive the State, County and general public of the significant economic benefits associated with the Pi'ilani Promenade, including an estimated:

- \$212 million in direct capital investment in the Maui economy during the build-out period;
- 878 "worker years" of direct on-site employment and \$66.5 million in total wages over a 12-15 year absorption period;
- 1,210 permanent jobs after build-out with an annual payroll of about \$36.6 million.
- \$2.3 billion base economic impact during build-out and \$348.7 million annually upon stabilization.
- \$210.7 million in net tax revenue (profit) during development and \$26 million per year to the State of Hawaii on an annualized basis thereafter.
- \$25.9 million in net tax revenue (profit) during the build-out period and \$2.2 million in annual net tax revenue (profit) to the County of Maui after the build-out period.
- Financing and Construction of a portion of the Kihei Upcountry Highway
- Financing and Construction of a 1.0 MG water tank

Potential benefits of the no action alternative would include: 1) no short-term construction-related impacts (such as construction noise, construction equipment exhaust emissions and fugitive dust); 2) avoidance of additional infrastructure demands (water, wastewater flows, and solid waste disposal); 3) no less increased Pi'ilani Highway traffic impacts as a result of the project and associated infrastructure costs; and 4) less demand upon the region's coastal and inland parks and recreation facilities. The no action alternative would not add to regional population increases, or require any public services, such as parks and schools, to accommodate an increased population in the area.

For the following reasons, the no action alternative was rejected:

- Does not meet the objectives of the Maui Island Plan
- Would not address the current and future demand for residential, commercial, office and light industrial space needed for the future planned growth of south Maui;
- Would not provide local south Maui jobs, (temporary construction and permanent employees.)
- Would not provide south Maui residents with the opportunity for affordable rental housing.
- The 1.0 MG water tank and park would not be provided.
- Would not provide the first segment of the Kihei Upcountry Highway (KUH) and improvements to the intersection of Pi'ilani Highway and Kaonoulu Street.
- Would deny the entire region of many substantive benefits that would be implemented under the plan; and
- Would not provide the State, County and general public the significant economic benefits (tax revenue) associated with the implementation of the Pi'ilani Promenade.
- Does not meet the objectives of the Pi'ilani Promenade ownership;

In summary, the benefits associated with the no action alternative are far outweighed by the benefits to the community that the Proposed Project (Preferred Alternative) would bring.

No Residential Uses Alternative

An alternative to the proposed project (Preferred Alternative) could be to not allow rental residential uses in the Pi'ilani Promenade. However, this alternative would allow for the development of additional light industrial and business/commercial uses but eliminate and foreclose on the opportunity to develop a true mixed use project providing for housing and employment within close proximity. Under this alternative, business, retail and commercial uses, and support services, would be permitted.

Research of successful employment centers in other locations has shown that businesses and industries are attracted to locations offering a mix of uses, including commercial and residential and workforce housing opportunities. Rental residential development is an important component of the mixed use, complete community concept, and the Pi'ilani Promenade may not be as attractive to future users or investors without the rental units housing options proposed. Under this alternative, no affordable housing will be provided to address a critical demand for rental product on Maui or within walking and biking distance of employment, thus not utilizing "smart growth" and "neo-traditional" planning principles. With no residential component, there would be no proposed park space and there will be less construction phase employment associated with the development of the project Pi'ilani Promenade, providing fewer economic benefits to the region and Maui at large. Additionally, there could be less long-term employment should the project Pi'ilani Promenade be less successful than it would otherwise be with the residential component.

Potential benefits of the no residential alternative would include: 1) avoidance reduction of additional infrastructure demands (water, wastewater flows, and solid waste disposal); 2) less minimal demand upon the region's coastal and inland parks and recreation facilities. The no residential alternative would not add to regional population increases, or require public services, such as parks and schools, to accommodate an increased the small increase to population in the area.

For the following reasons, the no residential uses alternative was rejected:

- Would not provide a mixed-use type project.

- Would deny the entire region of many substantive infrastructure benefits including a park that would be implemented under the preferred alternative; and
- Would not provide Maui residents with the opportunity for affordable rental housing.
- Does not meet the objectives of the ownership Pi'ilani Promenade and Maui Island Plan;

In summary, the benefits associated with the no residential component alternative are far outweighed by the benefits to the community that the Proposed Project (Preferred Alternative) would bring.

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.

Potential benefits of the alternative site outside of Kihei including Wailea and Makena would include: 1) avoidance of additional infrastructure demands (water, wastewater flows, and solid waste disposal in Kihei); 2) slight reduction of future Kihei Upcountry Highway traffic impacts; and 3) less demand upon ~~the region's~~ Kihei's coastal and inland parks and recreation facilities. Depending upon location outside of south Maui, the alternative site option would not add to ~~regional~~ Kihei population increases, or require public services, such as parks and schools.

In the last few decades Kihei has become a significant urban center on the island of Maui; however a majority of businesses and retail services are located approximately 8 miles away in Kahului. Growth is planned for the Kihei area including a new high school and substantial residential development that will create need for jobs, services and retail/dining options for local residents and visitors, which the Pi'ilani Promenade could provide. The proposed project is located centrally within Kihei to provide jobs, services and housing to the existing and future residents and visitors of Kihei. If the project was relocated the residents of Kihei would not benefit from the opportunity to stay within Kihei rather than driving to Kahului.

For the following reasons, the alternative site option was rejected:

- Demand for police, fire, electrical and water services and roadway infrastructure would not change.
- Would not provide local south Maui jobs, (temporary construction and permanent employees.)
- Would not provide south Maui residents with the opportunity for affordable rental housing or local commercial and dining options.
- The 1.0 MG water tank, park and MECO substation would not be provided.
- Would not provide the first segment of the Kihei Upcountry Highway (KUH) and improvements to the intersection of Pi'ilani Highway and Kaonoulu Street.
- Does not meet the objectives of the ownership Pi'ilani Promenade and Maui Island Plan;

In summary, the benefits associated with the alternative site option are far outweighed by the benefits to the community that the Proposed Project (Preferred Alternative) would bring.

Alternative Preservation of Drainageway "A": The Applicant has received various comments

identifying the small gulch traversing the Project site as Ka'ono'ulu Gulch. To date we have not received documentation or citable information contradicting the location of Ka'ono'ulu gulch that is identified on United States Geological Survey maps. It should be noted that United States Geological Survey topographic maps are identified as a preferred map source in Hawaii Administrative Rules Section 11-200-17. Preservation of the gulch was explored but determined to be infeasible due to highway design requirements.

In response to comments regarding the comments regarding the drainage way being referred to as Ka'ono'ulu Gulch, 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 Kulanihakai Gulch significantly mauka and south of the project site. (See: Figures 20& 21, "USGS MAP 1923" & "USGS MAP 1983").

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 Kulanihakai 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.

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.

Alternatives, Historical Sites:

In response to comments regarding preservation, 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.)

Alternatives, Frontage Road:

The incorporation of the frontage road on the west end of the property, parallel to the Pi'ilani Highway was explored but was replaced with a pedestrian & bicycle right-of-way. The frontage road was not determined to have significant value for vehicular use, while significant comment was received from the community to improve pedestrian & bicycle connectivity and safety along the Pi'ilani Highway. In the context of the frontage road, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

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 Pi'ilani Highway. Additionally a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.

MTF COMMENT:

DEIS: "The proposed development plan will also foster a small residential community with connectivity to adjacent existing and future neighborhoods while contributing to Maui's economic diversity and social fabric"

Comment: It is unclear how this residential community will be connected to adjacent existing or future neighborhoods since there is no commitment to create a greenway or pedestrian connection. The neighborhood will be surrounded by urban-level highways and auto-centric commercial uses.

Response: In response to comments regarding impacts to pedestrian and bicycle paths, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

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.

MTF COMMENT:

The TIAR assumes that Level of Service will be acceptable and existing roads and neighborhoods will not be impacted as long as new traffic signals and turn lanes are installed as mitigations. In reality the project will face challenges in managing increased traffic volume.

The TIAR assumes a new upper north-south road will connect Ohukai and Lipoa roads above the project area. What is the basis of this assumption?

The TIAR does not meet the standards set by 11-200-16 HAR and the FEIS should include alternative designs that would minimize traffic impacts.

Response: The FEIS contains an explanation of the environmental consequences of the proposed action, and fully declares the environmental implications of the proposed action. All relevant and feasible consequences have been discussed. All opposing views raised have been acknowledged and responded to. In response to comments regarding traffic, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

The TIAR update was prepared by SSFM International Inc. 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. The TIAR update includes a LOS analysis and recommends mitigation measures.

The TIAR prepared for the DEIS by Phillip Rowell and Associates recommended a connection between Ohukai and East Kaonoulu Street to satisfy 2025 traffic impacts. This was a recommendation based on another TIAR prepared for the MRTP in which a mauka roadway from Mokulele Highway to some point south of the MRTP is referenced. That TIAR also recommended that a future mauka roadway be constructed within the park to connect Lipoa Street in the Maui Research and Technology Park to the Kihei High School. Therefore it was recommended in the DEIS TIAR that the portion between Ohukai and East Kaonoulu Street be included in the DEIS. The TIAR update done for the FEIS does not recommend this connection be made.

The long range plan for construction of a mauka collector road between Mokulele highway and a point somewhere south of the MRTP intersecting with Pi'ilani Highway will be critical to north-south mobility in Kihei as it would provide additional capacity and divert regional trips away from Pi'ilani Highway. Because these issues are long range and of a regional nature, they must be addressed collectively by the State, the County, land owners, and other stakeholders as part of the long range highway planning process.

MTF COMMENT:

The DEIS does not refer to consideration of any project design that could avoid elimination of Kaonoulu gulch, a natural and cultural feature that is part of Maui's history and "sense of place" for the region. Since the EISPN acknowledges the region's soil type is subject to "severe erosion hazard" a more natural project design would seem prudent. Alternative project designs that address this option should have been included in the DEIS.

The project parcel has a variety of traditional habitation sites, several with ceremonial use, yet the site's natural and cultural resources are given no value in the discussion of alternative designs. One of the primary goals of the Kihei-Makena Community Plan (KMCP) is to protect cultural sites that foster a "sense of place" as the area develops.

Response: As noted above, in response to comments regarding the Ka'ono'ulu Gulch, 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").

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.

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.

In response to comments regarding cultural artifacts, 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 (SHPD DOC 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.)

MTF COMMENT:

The three alternatives presented are insufficient to meet the standards of HAR Title 11, DOH, Chapter 200, EIS Rules, Section 11-200-17 which specifically requires projects to discuss "alternative project designs" especially those which would minimize impacts to natural, cultural and environmental features. There is no discussion of any modifications in site design that might combine desirable features from one alternative with those of another, while minimizing impacts.

1. No Action Alternative (examines the Industrial Park design approved by the LUC):

DEIS: "The owner/developer has determined that, based on current market conditions, the development of a 123-lot commercial and light industrial subdivision would not be economically feasible, and therefore, there exists a significant chance that the land would remain undeveloped under this alternative."

No reliable figures are offered to support this conclusion. No alternatives that combine the original project with some updated features are discussed. Assumption: "Mixed-use neighborhood centers are needed to provide services and jobs within close proximity to where people live and provide a more efficient land use pattern. Under this alternative ("No-Action"), the project would not satisfy the Maui Island Plan."

Response: The project plan description does not include detailed designs providing for the proposed juxtaposition for structures, circulation and definitive design of the built environment. The proposed plan calls for general uses such as residential, light industrial and business/commercial uses including maximum unit counts and square footages used to analyze the project and address possible on and off site impacts. Significant on and off site infrastructure improvement requirements for the project area are necessary regardless of the final detailed design of the project and to a large extent drive the overall layout of the project.

The Final EIS provides analysis for the No Action, No Residential Use and Alternative Site options. The No Action alternative assumes the project plan would revert to the original 123 lot Light Industrial/Commercial project originally proposed and require substantially the same on and off site civil improvements as the current project including grading, drainage, roadway and utility infrastructure to achieve the level of service needed and a feasible buildable area. The No Residential Use alternative would also require the same improvements. The Alternative Site option would leave the project area undisturbed while not addressing the need for housing, retail and light industrial uses in South Maui.

With respect to the approved plan for the light industrial and commercial complex and the need to justify the current design in relation to the original small lot subdivision, the Applicant has noted that the original plan does not achieve the Project's objectives. The Applicant's economic consultant has also noted that the original plan does not respond to current market needs or design requirements for a successful project in today's economy.

MTF COMMENT:

Comments: The "No Action Alternative" which provides for a light industrial area does comply with both KMCP and the Maui Island Plan (MIP).

The KMCP makes it clear that more light industrial facilities are needed as Kihei grows.

The KMCP directs future commercial growth to makai (ocean-side) of Pi'ilani Highway because more commercial operations mauka of the already stressed Pi'ilani Highway would generate more traffic.

The KMCP has language specific to this particular parcel asking to limit commercial use in this location.

The Preliminary Engineering report (Appendix L) shows that the original industrial park design ("Kaonoulu Marketplace" from 2006), which included some commercial space, had approximately one-third of the drainage

impacts (106 cfs) of the currently proposed PP commercial center (291 cfs). An alternative design analysis addressing this should be provided in the FEIS.

Response:

Stressing Capacity on the Pi'ilani Highway - At the time the KMCP was approved the Pi'ilani Highway was a two lane undivided highway providing access to south Maui and Makena. Expansion of the highway to a four lane divided facility has changed the capacity limitations which are addressed in the TIAR for the project.

Limits on Commercial Uses - The KMCP does propose limitations on the creation of commercial uses in the area south of Ohukai and Mauka of the Pi'ilani Highway. However, zoning for the property was approved by the Maui County Council in 1998 with no limitations on uses and after full discussion on the KMCP goals, objectives and policies.

Drainage Concerns - The post-development peak storm flow of both Kaonoulu Marketplace and Pi'ilani Promenade after mitigation are the both the same: equal to or less than the 85 cfs pre-development storm flow.

If not for the use of onsite detention to control post-development runoff, the post-development peak runoff from Pi'ilani Promenade would be 292 cfs -- or about 3 times as much. However, since this increase in peak flow is fully dealt with by the time the runoff exits the developed Pi'ilani Promenade lots, no effects of development will be felt downstream.

MTF COMMENT:

The "mixed use developments" discussed in the MIP are usually larger residential projects with a moderate percentage of their land providing neighborhood-level commercial uses. The PP project appears to be over 80% commercial use and around 17% housing.

As currently planned there is no way children living in the proposed housing could safely walk or bike to the proposed high school or other existing schools. The DEIS projects only 60 to 70 school age children living in the 226 housing units although it is promoted as "near to schools."

There is no analysis provided for how many individuals renting the apartments are likely to walk to work nearby. If the Workforce Housing Ordinance is amended, as proposed, only 56 affordable units will be created in this project. The DEIS does not discuss who will be able to afford these units.

This section should describe a mixed-use industrial park design including work-live units with dwellings on upper stories and adjoining multifamily rentals (possibly built by housing non-profit). This alternative could provide reasonably priced space for new businesses and more housing at needed price ranges rather than the 56 units likely to be the result of the currently proposed alternative. This compact design could allow flexibility to preserve more of the natural and cultural features of the land, create an east-west greenway, minimize drainage impacts, and create a sense of place, much desired in the Kihei area.

Response: The proposed project has been designated for urban development since 1995 and is located within the Maui Island Plan Urban Growth Boundary, an area determined to be the location of desired future urban development for south Maui. This mixed-use project will include light industrial, business/commercial and residential uses, active park space, pedestrian and bicycle connectivity within the site and along the frontage portions of the Kihei Upcountry Highway and Pi'ilani Highway in order

to facilitate access to the development for pedestrians and bicycles. In addition the project will provide an easement for pedestrian and bicycle connectivity from Ohukai Road to the mauka portion of the project site and the Applicant has offered to assist the State Department of Transportation in the design of a connection along Pi'ilani Highway with the Kihei High School. The onsite pedestrian oriented improvements will reduce the need for the automobile and create a healthier lifestyle for those who live there and the offsite easement will expand the regional non-vehicular transportation network. The residential component of the project proposes to provide 226 rental units in south Maui of which 25% (57 units) will be compliant with the county Work Force Housing ordinance (MCC 2.96).

With regard to mixed use light industrial/residential structures, during this phase of entitlement the Project's Urban Land Use Designation is being addressed, and specific structure design and configuration are not proposed. However, 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.

In response to comments regarding housing, the FEIS Section III. B. 2 (Housing) has been revised to include the following language.

The proposed includes the construction of 226 rental housing units, of which a required twenty-five percent (25%) or 57 units will be rented at an affordable rate determined by the Maui County Department of Housing and Human Concerns.

In response to comments from the Hawaii Housing Finance and Development Corporation the apartment units will be a mix of one and two bedroom units and are targeted at the full spectrum of workers in the development. The units will be rented for a range of consumer groups, including workforce affordable units.

Chapter 2.96 MCC (Residential Workforce Housing Policy) requires that one third (1/3) of the affordable units be provided to 1) "very low income" residents and "low income" residents, 2) "below moderate income" residents, and 3) "moderate income" residents. Based on the 2016 Affordable Sales Pricing Guidelines 1) "very low income" residents and "low income" residents range from 50-80% of the median income for County, 2) "Below moderate income" residents, range from 81%- 100% and 3) "moderate income" residents earn 101%-120% of median income.

The exact rental prices for the units and allocation of units by income is unknown at this time and will be determined after the environmental review process and when the project is ready for construction. The project will comply with the affordability requirements of Chapter 2.96 MCC (Residential Workforce Housing Policy).

MTF COMMENT:

The FEIS should include additional "low impact" compact designs that allow storm water flows to be absorbed by the natural "drainage-way" through the project area, preserving cultural sites as advocated by cultural practitioners. These options are not discussed but are required by HAR 11-200-17.

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

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."

MTF COMMENT:

III Affected Environment

DEIS: "The development of the site is not expected to have a significant impact on the existing land uses makai of the site."

Comments:

Traffic: The development will greatly increase the amount of vehicles to the site each day and will impact residents immediately makai through increased traffic congestion. The DEIS should have acknowledged these impacts and discussed mitigations. Instead, the TIAR claims traffic counts will be manageable with general road improvements in the area.

The traffic figures produced in the project's TIAR should have included traffic from other projects that will also use Pi'ilani Highway for their main access. The cumulative effects of numerous projects will worsen traffic impacts and affect residents' quality of life.

Response: In response to comments regarding traffic mitigation measures, 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.

Recommended Project Mitigation Measures

The Applicant is responsible for providing the following improvements at the intersection of Pi'ilani 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 Pi'ilani Highway. Additionally a separated bicycle and pedestrian pathway will be provided along the property frontage to encourage pedestrian connectivity in Kihei.

In addition, Appendix N of the FEIS provides a list of the existing conditions in the 1995 Decision and Order and the amendments proposed by the Applicant.

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 Pi'ilani Highway.

Based on consultation and comments received from the State Department of Transportation and the County of Maui Department of Public works on the Project's TIAR, it is anticipated that implementation of proposed mitigation measures will result in an acceptable level of impact to existing traffic conditions.

MTF COMMENT:

Noise:

The DEIS states on p-. 34 that the "largest total increase (1.7 to 2.6 DNL) in traffic noise level is anticipated to occur along Kaonoulu Street." Although this level does not exceed federal standards existing neighborhoods will be impacted by increase noise pollution.

Drainage:

The development will eliminate the natural gulch's ability to absorb drainage flows. This is not discussed as an "impact" since the flows during storms will be "intercepted" offsite and transported to Kulanihakoi gulch. The DEIS assumes this a preferred outcome and provides no analyses of how much storm water the natural site now absorbs, making calculation of environmental impacts difficult.

DEIS: "The proposed development will not impact or discharge storm water runoff into the Kulanihakoi Gulch and would provide additional housing in close proximity to the planned Kihei High School."

Response: In response to comments regarding noise, the FEIS Section III. A. 7 (Noise Quality) has been revised to include the following language.

The largest total increase (1.7 2.9 to 2.6-3.6 DNL) in Project related traffic noise level is anticipated to occur along Kaonoulu Street between Pi'ilani Highway and South Kihei Road. Non-Project traffic is expected to add 2.9 to 5.1 DNL of traffic noise to this section of Kaonoulu Street. Adverse traffic noise impacts along Kaonoulu Street are possible towards the west end of Kaonoulu Street where relatively small setback distances could result in future traffic noise levels exceeding the United States Department of Housing & Urban Development ("HUD") standard of 65 DNL by 1 DNL unit at full build out. not expected to occur since existing traffic noise levels are very low, and the addition of both project plus non-project traffic is not expected to cause traffic noise to exceed 65 DNL at existing residences along Kaonoulu Street, therefore The remaining majority of noise sensitive residential buildings along Kaonoulu Street have adequate setback distances such that predicted traffic noise levels at full build out should remain in the "Moderate Exposure, Normally Acceptable" category at these buildings. For these reasons, traffic noise mitigation measures is should not be required for the existing residences.

The addition of the proposed extension of Kaonoulu Street mauka of Pi'ilani Highway will increase the existing background ambient noise levels along the center portion of the Project site. Through Project build-out, noise levels at the Project's planned residential buildings fronting Kaonoulu Street should not exceed the 65 DNL HUD standard or the State DOT 66 Leq (equivalent continuous sound level) noise abatement criteria as long as the residential buildings are located at least 51 feet from the centerline of Kaonoulu Street. Based on the best available traffic forecasts available for future conditions following completion of the KUH, a setback distance of 70 feet from the centerline of Kaonoulu Street is required

for 65 DNL and 66 Leq to not be exceeded at these residential buildings. Noise mitigation measures in the form of a sound attenuating wall or closure and air conditioning would be required if adequate setback distances are not available. The future traffic noise levels at all planned residential buildings will not exceed the State DOT's "15 dB increase" noise abatement criteria.

The project site will be designed such that rental residential uses within the project are situated located at adequate setback distances from the future Kihei Upcountry Highway to eliminate the need for traffic noise mitigation measures. The Applicant will inform future residents of the potential for high noise levels due to existing light industrial activities adjacent to the northern corner of the project site.

In response to comments regarding drainage, 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.

The post-development peak storm flow of both Kaonoulu Marketplace and Pi'ilani Promenade after mitigation are the both the same: equal to or less than the 85 cfs pre-development storm flow. If not for the use of onsite detention to control post-development runoff, the post-development peak runoff from Pi'ilani Promenade would be 292 cfs -- or about 3 times as much. However, since this increase in peak flow is fully dealt with by the time the runoff exits the developed Pi'ilani Promenade lots, no effects of development are felt downstream.

MTF COMMENT:

Comments: The housing described as "in close proximity" to the proposed high school is separated from that site by a wide gulch (which the DEIS should note.) Unless the project provides an overpass across the gulch, as the community requested, the only safe access will be by vehicle (not supporting the County of Maui "walkable, bikeable" goals).

Response: In response to comments regarding the pedestrian access to the Kihei High School, the FEIS Section V. D. (Unresolved Issues) 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.

MTF COMMENT:

Storm water discharge from the project will be discharged into and impact Kulanihakoi gulch. The DEIS only refers to "new flows generated by the project" remaining onsite and "out of the Kulanihakoi gulch."

The DEIS states that 85 cfs (1 cfs= 500 gallons) of "pre- development flows" will still be sent into Kulanihakoi gulch, as currently happens, with the same intense flooding and water quality impacts left unaddressed.

No mechanism is offered to monitor drainage impacts. Will only 85 cfs flow through the PP site during storms or will the flow, increased under certain conditions, overwhelm the planned underground storage basins? The proposed "mitigation" does not comply with 11-200-17 HAR asking the EIS to include "Provisions proposed to assure that the mitigation measures will be taken."

Flows from ranch lands above the PP project site, once partly absorbed by this undeveloped land, will now be diverted to Kulanihakoi gulch by a "drainage improvements" pipe system, with no opportunity to be absorbed by pervious surface. No mitigation is being offered to lessen or slow the velocity of intense storm flow volumes (498 cfs), which periodically overwhelm the coastal areas makai of the project site. The DEIS fails to discuss this lost capacity to absorb storm flow. Transporting the majority of storm water offsite is the mitigation offered, even though Kulanihakoi gulch, below the project site, is a major flood zone during rainstorms.

The DEIS does not acknowledge that the lands makai of the project site have been developed with inadequate provisions for natural storm water absorption capacity. This project will compound that lack of capacity and the extreme flooding events that result, by continuing to send the same amount of storm water offsite. Instead,

the DEIS concludes that there is adequate capacity makai of the project site to absorb flows that will pass through the PP project. Numerous photographs exist of floods in this area disputing this assumption.

The natural wetlands that once allowed the massive flows of Kulanihakoi to be absorbed are now confined to a narrow channel. To mitigate this situation this project and those surrounding it should secure an open space easement around the existing wetland channel and work with local agencies to restore the wetland area and its capacity to absorb storm flows. This long term mitigation should be discussed in the FEIS and we request that it be included.

Response: 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."

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. Because 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, the appropriate owner and maintainer of Kulanihakoi gulch is the County

of Maui.

MTF COMMENT:

2. Topography and Soils

DEIS: *"The project site is mauka of Pi'ilani Highway and lies in an area of Kihei that is currently undeveloped and is characterized by pasture land with minimal vegetation."*

Comments:

The above statement should be revised to be consistent with the biological information provided and indicate that the area has seasonal vegetation.

The area has abundant vegetation when rains come. The updated archeological report included in the DEIS mentioned the high vegetation that obscured the work of the archaeologists and included pictures of lush foliage.

The parcel had many kiawe trees along Kaonoulu gulch ("unnamed Drainageway A") before they were bulldozed in 2012. The Botanical Survey report summarized on p. 29 of the DEIS states: "The Kiawe trees create an open woodland area cross the entire property with denser growth along the rocky gully." (i.e. "Drainageway A"/Kaonoulu gulch)

The 1994 archaeological report mentions the proliferation of native pili grass, a culturally important plant and one interviewee in the Cultural Impact Assessment (CIA) described a mango grove in the project site area.

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

The project site is *mauka* of Pi'ilani Highway and lies in an area of Kihei that is currently undeveloped and is characterized by pasture land with minimal seasonal vegetation.

MTF COMMENT:

DEIS: *"includes an unnamed natural drainage way (Drainageway "A") that runs in a northeast- to-southwest direction across the site before converging with the main stem of Kulanihakoi Gulch makai of Pi'ilani Highway. "*

Comments: A glance at older maps of the region (example: USGS maps from 1920s) show that this gulch is one of the numerous tributaries of the Kulanihakoi gulch, indicating the importance of Kulanihakoi and all its tributaries as the major watercourse for the region. The topography of the parcel slopes towards this gulch from both the north and south sides and is a major feature of the landscape. The "unnamed drainageway A" should not be eliminated as it passes through the project site as proposed. The DEIS doesn't discuss this impact to a major feature of the parcel.

Response: In response to comments regarding Drainageway "A", 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 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.

MTF COMMENT:

Comment: The archeological report shows a number of former habitation areas, indicated by "midden scatters" (prehistoric debris, such as shells and stone tools) that lie along this gulch, indicating the area's historic and cultural importance.

Response: 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.

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.)

MTF COMMENT:

The DEIS soil report describes the project as having poor quality soil for agriculture but doesn't appear to have done soil testing or analyses of the area. Many core tests were done throughout the property as part of engineering studies and could offer soil profiles for an accurate view of the soil characteristics.

This is a high impact area for potential dust, erosion and degradation of down-slope water quality. Potential mitigation measures to prevent soil erosion are prefaced by the word "may" rather than "shall" and are not reassuring. The FEIS should summarize the soil erosion/dust mitigation measures that the project will commit to and also discuss alternative plans should these measures prove insufficient.

Will the onsite well be available to irrigate plantings in disturbed areas as proposed? There is currently no electrical hookup. Please state the source of irrigation water to stabilize new plantings.

Response: In response to comments regarding soil quality, the FEIS Section III. A. 2 (Topography and Soils) has been revised to include the following language.

During site preparation, storm runoff from the site will be controlled in accordance with the County's "Soil Erosion and Sediment Control Standards". Typical mitigation measures include appropriately stockpiling materials on the site to prevent runoff, and commencing building construction and/or establishing landscaping as early as possible in order to minimize the length of exposure of disturbed soils.

Potential impacts to the land form include the soil erosion and the generation of dust during construction. Clearing and grubbing activities will temporarily disturb the soil retention values of the existing vegetation and expose soils to erosion forces. Some wind erosion of soils could occur without a proper watering and re-vegetation program.

Measures taken to control erosion during the site development period may include, but are not limited to:

- Minimizing the time of construction;
- Retaining existing ground cover as long as possible;
- Constructing drainage control features early, such as silt screens, temporary berms and cut-off ditches;
- Using temporary area sprinklers in non-active construction areas when ground cover is removed;
- Providing a water truck on-site during the construction period to provide for immediate sprinkling as needed;
- Using temporary berms and cut-off ditches, where needed, for control of erosion;
- Watering graded areas when construction activity for each day has ceased;

- Grassing or planting all cut and fill slopes immediately after grading work has been completed; and
- Installing silt screens where appropriate.

Construction activities on the property will comply with all applicable Federal, State, and County regulations and rules for erosion and sediment control. Prior to the issuance of a grading permit, a final erosion control plan and best management practices will be submitted to the County of Maui for review and approval. All construction activities will comply with the provisions of Chapter 11-60.1, Hawaii Administrative Rules (HAR), Section 11-60.1-33, pertaining to Fugitive Dust.

After construction, the establishment of a permanent stormwater system and landscaping will provide additional long-term erosion control.

After construction, the establishment of a permanent storm water system and landscaping will provide additional long-term erosion control. The existing irrigation water well will provide irrigation water for landscaping. In the future the project site will have access to the Maui County reclaimed water line to provide landscape irrigation.

MTF COMMENT:

3. Natural Hazards

Comments: Flood Maps (referred to in DEIS as "fig. 9") are actually Fig 10. Fig. 9 is a Soils map. Fig 10 Flood map shows the area immediately makai of the project as a significant flood zone. Flood impacts occur from activities upslope. The DEIS should indicate that the project site lies immediately mauka of areas identified as high flood risk zones and discuss appropriate mitigations, such as improved down-stream flood water capacity.

The DEIS states that the project site is outside of any flood zone. This statement is not compliant with content requirements for EIS documents which require nearby wetlands, flood zones, and hazard areas to also be included in the discussion of potential impacts.

Response: The Preliminary Engineering Report identifies as the natural drainage way as Drainage way "A". The proposed drainage system would intercept storm water runoff into a diversion ditch then into a pipeline under East Kaonoulu Street. As storm water flows Makai of the site it enters into the existing drainage system at Pi'ilani Highway, which includes a concrete culvert on adjacent property and into Kulanihakoi Gulch Makai of the property and Pi'ilani Highway.

The post-development peak storm flow of both Kaonoulu Marketplace and Pi'ilani Promenade after mitigation are the both the same: equal to or less than the 85 cfs pre-development storm flow.

If not for the use of onsite detention to control post-development runoff, the post-development peak runoff from Pi'ilani Promenade would be 292 cfs -- or about 3 times as much. However, since this increase in peak flow is fully dealt with by the time the runoff exits the developed Pi'ilani Promenade lots, no effects of development are actually felt downstream.

As noted in in the Infrastructure section of the DEIS, Maui County now requires the implementation of water quality control measures to reduce water pollution from stormwater runoff. Both "flow through" and "detention based" treatments will be employed by Pi'ilani Promenade to mitigate stormwater-related water pollution associated with the Promenade North and South development sites. "Flow

through" treatment will be achieved by outfitting parking lot drain inlets with filters capable of removing up to 80 percent of Total Suspended Solids. "Detention based" treatment will be provided by providing additional storage volume in the subsurface detention chambers and surface detention pond to facilitate sediment removal in addition to peak flow mitigation. The proposed stormwater detention improvements will accommodate and mitigate the increase in peak flow attributable to development while simultaneously providing water pollution control.

In addition and with respect to water quality issues and drainage runoff, the proposed project is subject to conditions related to drainage and water quality as part of the Decision and Order issued February 10, 1995 for Docket No. A94-706. Specifically condition 8 states that the "Petitioner shall fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the property, including oil water separators and other filters as appropriate, and other best management practices as necessary to minimize non-point source pollution into Kulanihakoi Gulch, in coordination with appropriate State and County agencies."

Condition 11 states that the "Petitioner shall contribute its pro-rata share to a nearshore water quality monitoring program as determined by the State Department of Health and the State Division of Aquatic Resources, Department of Land and Natural Resources."

Additionally, Condition 12 states that "Petitioner shall implement effective soil erosion and dust control methods during construction in compliance with the rules and regulations of the State Department of Health and the County of Maui."

As noted the project site is located entirely within Zone X, an area of no flooding. There are no wetlands located on the project site or downstream in the vicinity of Kulanihakoi Gulch. The project site is adjacent to Kulanihakoi Gulch identified as Zone AE and is a regional drainageway that carries water from Upcountry to the ocean after significant storm events. Flood Zone AE is designated as a special flood hazard area subject to inundation by the 1% annual flood (100-year flood), also known as the base flood, which is the flood that has a 1% chance of being equaled or exceeded in any given year.

The developed neighborhoods Makai of the Pi'ilani Highway on both sides of Kulanihakoi Gulch are also located in Zones XS and AE.

Flood Zone XS is designated as areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths less than one (1) foot or with drainage area is less than one square mile; and areas protected by levees from 1% annual chance flood. Flood Zone X is designated as areas outside the 0.2% annual chance flood plain.

The proposed project's drainage system will retain the increase in runoff as a result of the proposed development and therefore not send additional runoff downstream into Kulanihakoi Gulch.

MTF COMMENT:

The PP engineering report (Appendix L) states that all storm water generated by the project modifications will be directed to onsite underground or above-ground basins but there is no discussion of what happens when the capacity of those basins is exceeded.

The DEIS can not assume that the basins will always function as desired, especially when so little information is provided on the project's soils or the depth of the water table. In many areas of Kihei the water table is 8ft below the surface; will the basins reach that depth? Has soil testing been done as part of well drilling? This information should be provided in the FEIS.

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

Surface runoff generated by Pi'ilani Promenade's buildings and pavement will be directed to drain inlets located throughout the development and then conveyed to stormwater detention facilities (by underground drainlines) in order to provide peak flow mitigation (See: Figure 2-4 of the Preliminary Engineering Report). In compliance with Maui County's Drainage Rules, underground detention chambers on the southern portion of the Project site within Promenade South and an open detention pond on the northern portion of the Project site within Promenade North, will provide a combined storage capacity of 7.6 acre-feet and will limit downstream stormwater discharges to a peak flow rate that does not exceed pre-development levels.

Both under- and above-ground stormwater detention basins will have sufficient capacity to accommodate the standard 50 year design storm required of new developments by the DPW. Should a larger storm event occur, stormwater in excess of the available basin capacity will overflow into the storm drainage systems located within East Kaonoulou Street and Pi'ilani Highway.

A subsurface investigation conducted in 2011 by a reputable geotechnical engineering firm performed 27 soil borings across the Pi'ilani Promenade North (Lot 2A) and South (Lots 2C and 2D) development sites to depths ranging from 10 to 40 feet below the ground surface. No groundwater was encountered at any of the boring locations.

MTF COMMENT:

6. Air Quality

Comments: The year 2018 analyses of air quality impacts from vehicle emissions should include cumulative impacts from more than just the proposed project and the proposed Honua'ula housing development as the proposed Makena Resort expansion, Wailea Resort projects, expansion of the nearby High Tech Park, Kihei High School and proposed Kihei Town Center will all increase vehicular trips and emissions along Pi'ilani Highway.

The FEIS should base its emissions evaluations on the number of cumulative trips for all projects that rely on Pi'ilani Highway as a primary access route.

The 2018 figure may not be an accurate benchmark to use; a range of 2018 to 2022 may be more accurate in determining impacts and mitigations, given that the PP project will be built in two phases and the high school may not be built until 2020.

Response: In response to comments regarding Air quality, the FEIS Section III. A. 6 (Air Quality) has been revised to include the following language.

As part of the preparation of the FEIS, the Applicant retained B. D. Neal & Associates to analyze the years 2025 and 2032 to estimate long range air quality impacts, and to prepare updates to the Air Quality Survey prepared for the DEIS. Air quality studies were conducted on March 11, 2016 and again on February 2, 2017. Based on these studies, and based further on the review of the TIAR update dated

December 20, 2016, B. D. Neal & Associates determined that re-analysis of the Project air quality impacts was not necessary, as the conclusions stated in the 2014 Air Quality Survey remain valid. (See: Appendix D-2 "Air Quality Report Update dated February 2, 2017")

MTF COMMENT:

7. Noise

DEIS: *"The existing traffic noise levels in the project environs along Pi'ilani Highway are in the "Significant Exposure, Normally Unacceptable" category, and at or greater than 65 DNL (Day- Night Average Sound Level) at the first row of existing homes on the makai side of the highway."*

Comment: The DEIS does not address how increased noise levels from Pi'ilani Highway or the future Kihei-Upcountry Highway (KUH) will affect the new Kihei High School.

Response: In response to comments regarding Noise, the FEIS Section III. A. 7 (Noise Quality) has been revised to include the following language.

Figures 18 (Noise Impact Map 5A) and 19 (Noise Impact Map 6A) were prepared by Y. Ebisu & Associates and show the predicted traffic noise levels at 3 locations on the proposed high school site. Both existing and future (2032) traffic noise levels from Pi'ilani Highway should be less than 55 DNL at the proposed Kihei High School facilities due to adequate setback distances provided from Pi'ilani Highway. Adverse traffic noise impacts at the proposed high school are not anticipated for this reason.

MTF COMMENT:

DEIS: *"The Applicant will inform future residents of the potential for high noise levels due to existing light industrial activities to the north of the project site."*

Comments: Will the project mitigate noise levels other than "informing residents?" Will there be landscape berms, sound attenuation walls or other design strategies employed; will the housing units nearest the noise impacts be the most "affordable?" The FEIS should discuss these issues.

Response: In response to comments regarding Noise, the FEIS Section III. A. 7 (Noise Quality) has been revised to include the following language.

The project site will be designed such that rental residential uses within the project are situated located at adequate setback distances from the future Kihei Upcountry Highway to eliminate the need for traffic noise mitigation measures. The Applicant will inform future residents of the potential for high noise levels due to existing light industrial activities adjacent to the northern corner of the project site.

MTF COMMENT:

8. Historical and Archaeological Resources

MTF asked that the DEIS discuss how the extent of supplemental archaeological review will comply with KMCP "Cultural Resources Implementing Action b?"

"Require 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."

Comments: The discussion of historic and archaeological resources in the DEIS notes a separate archaeological study (Shefcheck, 2008) for adjoining parcels owned by Kaonoulu Ranch included in the DEIS as an Appendix. No summary of the findings of this study was included in the DEIS except for the statement that: "The 2008 AIS indicates that no resources were found in the area fronting the property on either side of the Kulanihakoi Gulch." In fact, the study shows one site along the gulch at the project parcel.

Cultural practitioners have stated that this study did not record a number of visible cultural sites of some substance found between PP's eastern fence-line and the slopes of Kulanihakoi gulch. We ask that the project comply with the KMCP and identify and discuss all cultural resources located within, or adjacent to, the project area.

Response: The project is in complete compliance with KMCP Cultural Resources Implementing Action b through completion of the AIS, inclusion of cultural interests in the process and evaluating the project and adjacent areas consistent with the requirements of SHPD.

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").

MTF COMMENT:

Other Comments:

DEIS: "The majority of the sites were associated with ranching and World War II military activities, while the petroglyph and surface scatter remains were interpreted as possible pre- contact sites."

The PP project's AIS (1994) indicates that only four of the 20 recorded sites were believed to be associated with WWII military activities and one with ranching.

Six sites, the five midden scatters, and the petroglyph were determined to be pre-contact, while 10 of the 20 sites (including the six pre-contact sites) all had evidence of pre-contact tool making, artifacts, or midden nearby, or as part of the site. The FEIS should reflect this.

Potential Impacts and Mitigation Measures.

Cultural practitioners believe that there are a number of unrecorded archaeological sites, artifacts and midden scatters on the PP property (which they have documented) and are asking State Historic Preservation Dept. (SHPD) for further field surveys of the site. Cultural practitioners indicate that a number of pre-contact sites

on the property have specific cultural uses and importance, including ceremonial sites which serve as observation markers for celestial events. This information was not included in the summary of the February 25, 2014 public consultation meeting and should be added to the FEIS.

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

Xamanek Researches LLC staff members have subsequently revisited this portion of the Project site on two separate occasions since the inventory survey was accepted in early 2016. No additional archaeological findings have been made, which suggest the possible function of this boulder. However, given the concern raised, the Applicant has voluntarily agreed to preserve this natural boulder (eclipse rock feature) on the Project site. Concerned individuals will be consulted regarding the final location of this boulder (eclipse rock feature). (See: Appendix H-2 "Archaeological Consultant memo dated November 15, 2016.)

With regard to incorporating into the Project landscape plan elements of the cultural and archaeological history of the area the results of data recovery work on the various sites within the Project site may provide material that may be incorporated into the plan. A decision on what and where will be addressed once the data recovery work is complete and through cultural consultation.

MTF COMMENT:

Cultural practitioners are working with SHPD to get these sites recorded/protected in a revised site plan and ask the FEIS to include a conceptual project site design where important cultural sites are protected.

Cultural practitioners have stated in consultation meetings that natural features such as the Kaonoulu ("Drainageway A") gulch and view planes of the area be considered cultural resources with impacts mitigated.

Cultural practitioners ask that the highly significant petroglyph marker, illegally removed from the site in the 1990's and then the subject of an after-the-fact permit, be returned to the site in a place of honor when the property is developed. The petroglyph was mentioned in the DEIS, but not the cultural status of the gulch. Please correct this omission in FEIS.

Response: The Project AIS was accepted by SHPD on January 6, 2016. The Applicant will conduct a data recovery plan as required and is 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 site and where possible, development of a preservation plan for those sites.

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 the petroglyph the FEIS Section III. A. 8 (Historical and Archaeological Resources) has been revised to include the following language.

As previously noted, the Site 3746 petroglyph was removed from the Project site in late 1994 by a former landowner. An after-the-fact Preservation Plan for the treatment of this petroglyph was submitted in October 1994 (Munekiyo & Hiraga, Inc.).

~~With respect to the Petroglyph rock, the rock was removed by the original landowner, transported to private property in the same Ahupuaa and a relocation study and report was submitted to SHPD for review and approval. This report was accepted and approved.~~

MTF COMMENT:

An AIS study of an adjacent parcel owned by Kaonoulou Ranch (Shefcheck, 2008) was included in the DEIS in an attempt to satisfy SHPD requirements that impacts to sites found in Kulanihakoi gulch be evaluated. This study fails to document sites visible in Kulanihakoi gulch and its slopes and needs to be supplemented.

These undocumented sites near the PP parcel should be fully recorded as part of the FEIS as they are in an area where heavy equipment may be operating. Cultural practitioners have asked the landowners to arrange a site visit with project archaeologists to allow practitioners to identify sites of concern. The FEIS should note that this request and respond. As noted in the "Unresolved Issues" section of DEIS, the PP revised AIS (2014) and its recommendations of additional data recovery has not yet been accepted by SHPD.

Response: 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").

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").

MTF COMMENT:

9. Visual Resources

MTF asked that the DEIS include proposed mitigation strategies for loss of mauka view planes. While the DEIS mentions mitigations, not a single map, exhibit or diagram is provided to illustrate proposed building heights in relationship to view planes; proposed view corridors, or any other mitigation.

The KMCP states (under "Opportunities: Natural Resources" section) that such views are an important feature of the region and must be considered. The Community Plan states: "The mauka view from Pi'ilani Highway represents a major view plane. Significant views of the mountains and surrounding agriculture should be preserved to the greatest extent practicable."

Alternative project designs should be included in the DEIS which address impacts to view planes. Preservation of Ka'ono'ulu gulch and creation of an adjacent view plane corridor could be one such strategy. No alternative plans mention view planes.

Other Comments: The FEIS should include illustrations of the location of open space view corridors, trails and buffers, and proposed building heights in relationship to existing building heights in the project vicinity, as well as other visual resource mitigations proposed.

The site plan provided (Fig 3) in the DEIS is inadequate. Will the extension of Kaonoulu Road be considered a "view corridor?"

Cultural practitioners are concerned about view planes associating the site with the sacred land form of Pu'u o Kali (commonly called "Red Hill") known as the physical embodiment of the legendary mo'o goddess. They believe the site has archaeological features having to do with traditional observation of the horizon and connected with traditional fishing practices.

Please address the view planes to Pu'u o Kali in the FEIS and provide clear maps and images of mitigations planned for this and other view planes.

Response: In response to comments regarding view impacts, 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 Kaonoulou 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.

MTF COMMENT:

10. Agricultural Resources

Comments: The DEIS refers to agricultural fields immediately upslope of the project area:

"Monsanto Seed Farm is located northeast of the proposed utility and waterline easements." yet it claims the project site is worthless as farm land. Maps show Monsanto fields begin at the NE corner of parcel 169, once part of the original 88 acre Kaonoulu Industrial Parcel. The soil map. (Fig 9) shows the soil types as identical. Historic maps show a large nursery operation adjacent to the project site (Hashimoto Farm.) Section 7.1.2 of the Environmental Site Assessment states: "Aerial photos indicate that agricultural activities occurred north of the subject property from the early 1960s up until the mid-2000s. Presently, limited diversified agricultural activities continue on the residential property located immediately west of the proposed utility/roadway easement off of Ohukai Road." [Monsanto fields]

The FEIS needs to address whether the soils in this area are unsuitable for farming, or need irrigation. The fact that the land was urbanized has little to do with its agricultural potential. The FEIS should accurately describe the agricultural history of the area.

Response: In response to comments regarding agriculture, the FEIS Section III. A. 10 (Agricultural Resources) has been revised to include the following language.

The Monsanto farming fields were not part of the Petition Area, and are not part of the Project. The LSB and ALISH classification systems indicate that the lands underlying the Project site possess poor soil and low soil ratings for productive agricultural uses. The lands underlying the project site are classified as "E", or very poorly suited for agricultural production. As such, the utilization of these poorly-rated agricultural lands for urban use and development is deemed appropriate.

Formerly, the Project site was a dry, seasonal pasture situated on gently sloping lands above the coastal plain in north Kihei. For the past 150 years, the area has been grazed by livestock which has resulted in a gradual loss of native plant species and the subsequent growth of hardy pasture grasses and weeds. During the past 40 years, introduced axis deer (*Axis axis*) have eliminated native plants and fires have swept through the area as evidenced by charred stumps throughout the Project site.

MTF COMMENT:

11. Groundwater Resources

MTF asked the DEIS to discuss where the project's water will come from and what quantity will be used for potable consumption and landscaping. What water conservation strategies are planned, including R-1 water? The DEIS estimates water use but does not reveal a source for potable water nor discuss impacts to Kamaole aquifer from the non-potable irrigation well.

DEIS: "Pi'ilani Promenade will consume an average of 252,000 gallons of water per day (gpd) at build-out, including 171,000 gpd of potable water for domestic uses and 81,000 gpd (121 mgd maximum) of non-potable water for irrigation. (Appendix L)

Comments: The DEIS does not state the source of the quarter million gallons a day (256,430 gpd) of potable water needed at peak demand. It fails to note the peak demand, rather than average demand, for potable and non-potable water (the figures are in Appendix L engineering report). 11-200-19 HAR requires that the EIS be "an essentially self-contained document, capable of being understood by the reader without the need for undue cross-reference." This information should be included in the FEIS.

The DEIS does not state whether the County of Maui Dept. of Water Supply (DWS) system currently has that amount of unallocated source water. The FEIS must define the project's water sources since no impacts/mitigations to groundwater resources can be determined without this information.

Response: In response to comments regarding groundwater, the FEIS Section III. A. 11 (Groundwater Resources) has been revised to include the following language.

Drinking water for the proposed project will come from the network owned and operated by the Maui Department of Water Supply (DWS). Three 3-inch domestic water meters have been approved by the 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 the Project's use of the DWS system for drinking water.

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. The most reliable estimate of the Iao Aquifer and the Waihee Aquifer's rate of recharge and resulting groundwater flow rate is in the CWRM Water Resource Protection Plan 2008. This plan has estimated the groundwater recharge from rainfall in the Iao Aquifer system to be 20 MGD and the Waihee Aquifer system to be 8 MGD. The Water Resource Protection Plan 2008 is currently being updated and a draft plan is expected in late 2017.

In consultation with Mr. Charley Ice (CWRM Water Resource Planner) on February 9, 2017, the CWRM has allocated 19.579 MGD to existing users and estimates that 0.421 MGD of groundwater can be allocated from the Iao Aquifer System.

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.

MTF COMMENT:

DEIS: on non-potable onsite well-"The well has proven to be capable of producing 216,000 gallons of non-drinking water per day and a permanent pump (150 gpm) has since been installed." The engineering report notes 81,000 to 121,000 gal a day will be needed.

Comments: No information or analyses about possible impacts to thirteen irrigation wells located down-slope of the project's well are included in the DEIS. A list of the surrounding wells and a map are in the appendices (Appendix B.)

No well drilling report is included in the Preliminary Engineering Report and should be included in the FEIS regarding impacts of this new non-potable groundwater source.

Response: In response to comments regarding groundwater, the FEIS Section III. A. 11 (Groundwater Resources) has been revised to include the following language.

In regards to the non-drinking water, which will be drawn from the irrigation well, Waimea Water Services prepared an assessment of potential impacts from the pumping of the approved irrigation well. (See: Appendix R, "Waimea Water Services Report") (Note: Waimea Water Services applied for and supervised the well drilling for the approved irrigation well described above). The assessment found that no probable impact to the aquifer will occur from using the well for irrigation purposes.

Due to the proposed pumping rate of the newly constructed irrigation well, known as the Kaonoulū Irrigation Well, a 24-hour long term pump test was required by the State. The test results suggest that the water quality and quantity were stable at the 175gpm pumping rate and prolonged pumping at this rate would not be likely to adversely affect the aquifer at this location. The present estimate is that the sustained pumping rate of the well should not exceed 175 gpm, but it must be noted that this is only a best estimate based on available data.

Waimea Water Services recently performed a pump test and monitoring program in the Kihei area, and the results are pertinent to this discussion due to the proximity to the Kaonoulū Irrigation Well and because of the similar hydro-geological setting. In summary, no recorded influences from the 96-hour pump test were observed in the surrounding monitoring wells. Tidal influences were expected and documented in all three surrounding monitoring wells in the form of water level changes related to the local tide. The data collected from the three monitoring wells also suggests that there are no subsurface geological barriers that would potentially impede water flow.

In an effort to further understand the hydrogeology of the area surrounding the Kaonoulu Irrigation Well, Waimea Water Services performed an investigation into the available CWRM well data of the Kihei area. Twelve irrigation wells are located within 6,300 feet of the Kaonoulu Irrigation Well, three of which are located downstream of the subject well. All three of these wells are located greater than 3,000 feet away from the subject well and it is the opinion of Waimea Water Services, based upon its field experience in this location, that adverse impacts would be highly unlikely to be detected in these wells as long as the Kaonoulu Irrigation Well does not exceed the proposed 175 gpm or 100,000 gpd.

The data gathered thus far occurs over a very limited time span. Data over the long term operation of the wells in the Kihei area is needed for a true determination of the long term performance or impacts of the Kaonoulu Irrigation Well. It is absolutely essential that the water levels and the total chlorides in these wells be monitored on a regular basis to provide a real indication of what this aquifer can reliably produce on a sustainable basis. (See: Appendix R, "Waimea Water Services Report")

A condition imposed during the County re-zoning process for the Project site was the requirement that the landowner provide a future connection to the County reclaimed water system. In the future, connecting the Project to the reclaimed water system will eliminate the need for the brackish irrigation well.

In response to comments regarding non-potable water wells, the FEIS Section III. A. 11 (Groundwater Resources) has been revised to include the following language.

A subsurface investigation conducted in 2011 by a reputable geotechnical engineering firm performed 27 soil borings across portions of the Project site to depths ranging from 10 to 40 feet below the ground surface. No groundwater was encountered at any of the boring locations. (See: Appendix Q "Soil Investigation Reports")

MTF COMMENT:

Impacts to the Kamaole aquifer, where the well is situated, should be addressed as well as impacts to other nearby wells.

The DEIS should provide more information on near shore impacts of groundwater pumping beyond Appendix J where the "baseline chemistry" of the Kihei coastline is discussed.

Traditional fisheries, including vana and limu gathering practices, could be impacted. Kaonoulu and Waiohuli are well-known for these marine resources. The Cultural Impact Assessment does not mention these resources. The FEIS is incomplete without this information. The discussion has been included in the CIA within a transcript for the meeting.

The "marine baseline" study by Dr. Steve Dollar is inadequate, based upon a single day of data gathering, with no reference to other available long term studies of the area.

From: Baseline Assessment Marine Water Chemistry and Marine Biotic Communities Report: Appendix J

DEIS, Ap. J: "As a result, potential effects to the marine environment from the project are limited only to alteration of basal groundwater flowing beneath the site with subsequent discharge to the ocean."

Comments: Information in the Baseline Assessment report is based upon a one day research sampling with no mention of plans to conduct future monitoring. Sampling was limited to near shore (30 m) waters; it is unclear whether areas further offshore were sampled for temperature changes indicating groundwater discharge. Information to address the impacts to near shore freshwater inputs from pumping the project's non-potable well should be included.

The Appendix J report stated: "If the existing groundwater input is of a minor extent, it can be assumed that there is not sufficient input for any subsidies from the project site to affect water quality to a detectable degree."

The report only analyzed "subsidies" or increased discharge of groundwater into the marine environment from onsite drainage inputs; it never considered the impacts of pumping over 100,000 gpd of groundwater (at peak demand) on marine zone groundwater discharges.

If current groundwater discharges are present (which the report confirmed) but not in robust amounts, the proposed brackish well pumping could eliminate the freshwater discharge entirely. The effect of this scenario must be included in the FEIS.

Response: In response to comments regarding non-potable water wells, the FEIS Section III. A. 11 (Groundwater Resources) has been revised to include the following language.

Groundwater beneath the Project site occurs as a brackish basal lens overlying saline groundwater at depth and in hydraulic contact with seawater shore. This groundwater body has been named as the Kamaole Aquifer by the CWRM. The most reliable estimate of the Kamaole Aquifer's rate of recharge and resulting groundwater flow rate is in the CWRM Water Resource Protection Plan 2008. This plan has estimated the groundwater recharge from rainfall in the Kamaole Aquifer system to be 25 MGD. Of the estimated 25 MGD of groundwater recharge, the CWRM estimates that 11 MGD of groundwater can be developed within the Kamaole Aquifer System on a sustainable basis. (Water Resource Protection Plan, 2008). The Water Resource Protection Plan is currently being updated and a draft plan is expected in late 2017.

Existing water use within the Kamaole Aquifer System amounted to 1.859 MGD (Water Resource Protection Plan, 2008). This water use is primarily for golf course and landscape irrigation purposes from existing brackish wells.

A subsurface investigation conducted in 2011 by a reputable geotechnical engineering firm performed 27 soil borings across portions of the Project site to depths ranging from 10 to 40 feet below the ground surface. No groundwater was encountered at any of the boring locations. (See: Appendix Q "Soil Investigation Reports")

The State Commission on Water Resource Management approved an irrigation well permit for a well built in 2011 at a wellhead elevation of 118 feet. The well has proven to be capable of producing 216,000 gallons of non-drinking water per day and a permanent pump (150 gpm) has since been installed but is not in use. The well water will be used during future construction for dust control and Construction of the distribution infrastructure for the irrigation system is currently pending when permanent electrical power is available, the well will be used for landscape irrigation. In addition, a connection point for utilizing reclaimed water from the County's R-1 system in the future will be provided (See: Appendix L, "Preliminary Engineering Report dated December 2013, revised February 2, 2017").

The Applicant retained Marine Research Consultants, Inc. to prepare a Baseline Assessment of Marine Water Chemistry and Marine Biotic Communities. The purpose of the report was to assess potential impacts to groundwater and the marine environment as a result of the proposed project. In connection with this work, water quality testing was conducted and the underwater biotic composition along the Kihei coastline was analyzed.

The findings of the report indicate that the proposed project will not have any significant negative effect on water quality. (See: Appendix J, "Baseline Assessment of Marine Water Chemistry and Marine Biotic Communities Report")

In regards to the non-drinking water, which will be drawn from the irrigation well, Waimea Water Services prepared an assessment of potential impacts from the pumping of the approved irrigation well. (See: Appendix R, "Waimea Water Services Report") (Note: Waimea Water Services applied for and supervised the well drilling for the approved irrigation well described above). The assessment found that no probable impact to the aquifer will occur from using the well for irrigation purposes.

Due to the proposed pumping rate of the newly constructed irrigation well, known as the Kaonoulu Irrigation Well, a 24-hour long term pump test was required by the State. The test results suggest that the water quality and quantity were stable at the 175gpm pumping rate and prolonged pumping at this rate would not be likely to adversely affect the aquifer at this location. The present estimate is that the sustained pumping rate of the well should not exceed 175 gpm, but it must be noted that this is only a best estimate based on available data.

Waimea Water Services recently performed a pump test and monitoring program in the Kihei area, and the results are pertinent to this discussion due to the proximity to the Kaonoulu Irrigation Well and because of the similar hydro-geological setting. In summary, no recorded influences from the 96-hour pump test were observed in the surrounding monitoring wells. Tidal influences were expected and documented in all three surrounding monitoring wells in the form of water level changes related to the local tide. The data collected from the three monitoring wells also suggests that there are no subsurface geological barriers that would potentially impede water flow.

In an effort to further understand the hydrogeology of the area surrounding the Kaonoulu Irrigation Well, Waimea Water Services performed an investigation into the available CWRM well data of the Kihei area. Twelve irrigation wells are located within 6,300 feet of the Kaonoulu Irrigation Well, three of which are located downstream of the subject well. All three of these wells are located greater than 3,000 feet away from the subject well and it is the opinion of Waimea Water Services, based upon its field experience in this location, that adverse impacts would be highly unlikely to be detected in these wells as long as the Kaonoulu Irrigation Well does not exceed the proposed 175 gpm or 100,000 gpd.

The data gathered thus far occurs over a very limited time span. Data over the long term operation of the wells in the Kihei area is needed for a true determination of the long term performance or impacts of the Kaonoulu Irrigation Well. It is absolutely essential that the water levels and the total chlorides in these wells be monitored on a regular basis to provide a real indication of what this aquifer can reliably produce on a sustainable basis. (See: Appendix R, "Waimea Water Services Report")

A condition imposed during the County re-zoning process for the Project site was the requirement that the landowner provide a future connection to the County reclaimed water system. In the future,

connecting the Project to the reclaimed water system will eliminate the need for the brackish irrigation well.

MTF COMMENT:

B. SOCIO-ECONOMIC ENVIRONMENT

1. Population

DEIS: "When fully built out, the total resident population of the multi-family developments is projected to be 607 persons."

Comments: If the 250 units are built on the adjoining HPLLC parcel (parcel 169) it would have around 670 additional residents (using same density rates as the 226 apartments.) The effects of increased residents should not be segmented out of population discussions in the DEIS.

Both housing projects will share the same potable water system, non-potable water system, primary sewer lines, roadways, etc. and they cannot be segmented. The HPLLC project cannot be constructed unless the Kaonoulu Road extension is built.

Response: 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.

MTF COMMENT:

2. Housing

Potential Impacts and Mitigation Measures

DEIS: "The proposed project includes the construction of 226 rental housing units, of which a required percentage will be rented at an affordable rate determined by the Maui County Department of Housing and Human Concerns."

Comments: The FEIS should discuss the range of that required percentage as the PP project promotes providing affordable housing.

If the current Workforce Housing ordinance is amended to require only 25% affordable units, as is under discussion at the Maui County Council, this project will result in 56 affordable apartments rather than 112. This should be made clear in the FEIS since the owners' representative is among those asking for the change from 50% to 25%.

The FEIS should clearly define "affordable" as it applies to this project in order to be complete. The DEIS omits any reference to speculation and marketing to off shore demand as significant factors in the cost of Maui's housing although experts acknowledge both trends present a formidable challenge to providing sufficient affordable housing.

Response: In response to comments regarding affordable housing, the FEIS Section III. B. 2 (Housing) has been revised to include the following language:

In response to comments on the DEIS from the State Office of Planning, the proposed 226 rental apartment units are for the Project and none of the rental units will be used or credited by another project. The Project will satisfy the County's affordable housing requirements by providing the required rental units on-site at an affordable rate to be determined by the DHHC. Currently the County requirement is for 25% of the units to be rented at affordable rates.

The proposed includes the construction of 226 rental housing units, of which a required twenty-five percent (25%) or 57 units will be rented at an affordable rate determined by the Maui County Department of Housing and Human Concerns.

In response to comments from the Hawaii Housing Finance and Development Corporation the apartment units will be a mix of one and two bedroom units and are targeted at the full spectrum of workers in the development. The units will be available for all age groups, including seniors and rented for a range of consumer groups, including workforce affordable units and will not be available for sale.

Chapter 2.96 MCC (Residential Workforce Housing Policy) requires that one third (1/3) of the affordable units be provided to 1) "very low income" residents and "low income" residents, 2) "below moderate income" residents, and 3) "moderate income" residents. Based on the 2016 Affordable Sales Pricing Guidelines 1) "very low income" residents and "low income" residents range from 50-80% of the median income for County, 2) "Below moderate income" residents, range from 81%- 100% and 3) "moderate income" residents earn 101%-120% of median income.

MTF COMMENT:

3. Economy

Comments: The DEIS is missing key information relating to project "need." It does not indicate how much commercial space in South Maui is currently available; vacancy rates over the last five years; or the vacancy rates compared to rental costs per square foot. If Kihei area has an "average of 63.4 square feet {of commercial space} per resident" as the DEIS contends, and has a vacancy rate comparable to or higher than the

national or state average, it may only have the consumer base to support that 63.4 sq ft/ resident rate and not the higher rate the DEIS promotes.

DEIS: "The Economic and Fiscal Impact Assessment estimates the projected demand for new residential units in Kihei-Makena is 7,250 – 11,500 units through 2035."

Comments: The MIP and its economic forecasts estimate the projected demand for housing in Kihei-Makena as 5,500 already entitled units (including 250 units in the original Kaonoulu project and 1,500 additional units needed for a total of 7,000 units). The FEIS should indicate how many of those projected units will meet offshore second home demand vs. full time residents.

Response: In response to comments regarding housing units, the FEIS Section III. B. 2. (Housing) has been revised to include the following language:

The proposed includes the construction of 226 rental housing units, of which a required twenty-five percent (25%) or 57 units will be rented at an affordable rate determined by the Maui County Department of Housing and Human Concerns.

In response to comments from the Hawaii Housing Finance and Development Corporation the apartment units will be a mix of one and two bedroom units and are targeted at the full spectrum of workers in the development. The units will be available for all age groups, including seniors and rented for a range of consumer groups, including workforce affordable units and will not be available for sale.

In response to comments regarding housing units, the FEIS Section V. C. (Cumulative Impacts) has been revised to include the following language:

According to the Maui Island Plan, there will be a demand for an additional 34,637 housing units on Maui through 2030. The County of Maui's Land Use Forecast (November 2006) forecasted that there will be a demand for an additional 9,735 units in Kihei-Makena through 2030. The 226 units proposed at the project are approximately 2% of the forecasted Kihei-Makena demand. The proposed project together with other planned projects in Kihei, are a necessary source of housing to accommodate the forecasted population growth.

Table No. 16d Other Potential Projects: Housing

<u>Development</u>	<u>Land Use</u>	<u>Number of Units/ Development Area</u>
<u>Kaiwahine Village</u>	<u>Multi-Family Residential</u>	<u>120 affordable units</u>
<u>Maui Lu Resort</u>	<u>Hotel</u>	<u>788 hotel rooms & 154 affordable units</u>
	<u>Existing Hotel (Demolished)</u>	<u>174 rooms</u>
<u>Kihei High School</u>	<u>School</u>	<u>215,000 Square Feet</u>
<u>Kenolio Apartments</u>	<u>Multi-Family Residential</u>	<u>186 units</u>
<u>Kihei Residential</u>	<u>Single Family Residential</u>	<u>400 units</u>
	<u>Multi-Family Residential</u>	<u>200 units</u>
	<u>Commercial</u>	<u>7,000 Square Feet</u>
<u>Downtown Kihei</u>	<u>Commercial</u>	<u>258,000 Square Feet</u>
	<u>Hotel</u>	<u>150 rooms</u>

<u>Maui Research and Technology Park</u>	<u>Multi-Family Residential</u>	<u>500 units</u>
	<u>Single Family Residential</u>	<u>750 units</u>
	<u>Knowledge Industry/Commercial /Business</u>	<u>2 million Square Feet</u>
	<u>Hotel</u>	<u>500 rooms</u>
<u>Honua'ula Affordable Housing Development</u>	<u>Multi-Family Residential</u>	<u>250 units</u>
<u>Total</u>	<u>Single Family</u>	<u>1,150 SF units</u>
	<u>Multi Family</u>	<u>1,410 MF units</u>
		<u>2,560 total units</u>

The projects listed in Table No. 16d estimate construction of 2,560 multi-family and single-family units combined and represent approximately 26% of the forecasted demand for an additional 9,735 units in Kihei-Makena. The completion of the projects listed in Table No. 16d will support the goal of providing additional housing in the Kihei-Makena region to meet the demand of the growing community.

MTF COMMENT:

DEIS: "Pi'ilani Promenade is envisioned to support 1,210 permanent jobs with an annual payroll of about \$36.6 million."

Comment: The DEIS does not provide detailed information to substantiate claims of the project's economic importance.

Response: As mentioned in the FEIS Section III. B. 3. (Economy)

The construction of the Pi'ilani Promenade is expected to inject approximately \$212 million of new capital investment into the local economy and provide an estimated 878 "worker years" of employment as well as \$66.5 million in total wages over a 12 to 15 year period. The effect of these expenditures will have positive direct, indirect, and induced beneficial impacts on the economy of the County of Maui. During its operations phase, the Pi'ilani Promenade will increase the level of capital investment in the region which will create employment opportunities and economic stimulus for the region. The proposed project will provide direct employment opportunities for Maui residents and contribute to economic diversification and growth for both Maui and the State. After "stabilization," the Pi'ilani Promenade is envisioned to support 1,210 permanent jobs with an annual payroll of about \$ 36.6 million.

MTF COMMENT:

4. Cultural Resources

DEIS: "The project site is located in the Kula Moku and the Waiohuli and Kaonoulu ahupua'a."

Comment: The project is located entirely in the Kaonoulu ahupua'a. The project's AIS (1994 and 2014) clearly states this and fig 7 map in the AIS (2014: p. 20) shows the project area entirely within the Kaonoulu boundary. Please correct this in the FEIS.

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

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").

MTF COMMENT:

DEIS: *"The CIA indicates that any resources or practices occurring traditionally in the area are now non-existent and would have been obliterated."*

Comments: The PP CIA draws this conclusion because consultants submitted their CIA report in December 2013 without input from cultural practitioners as offered at a February 25, 2014 gathering with the landowners' representative and archaeologist (referenced in the DEIS). Attaching meeting transcripts is not the same as including practitioners comments in the CIA.

Oral history interviews in the CIA revealed no cultural impacts because those who have a cultural practice on the land were not included in the interview process.

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

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 Kaonoulu 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 DEIS. 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 (Kaonoulu 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).

MTF COMMENT:

DEIS: "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."

Comments: Several individuals have cultural practices associated with this land including Sally Oshiro and Kumiu Michael Lee, while others have gathering and other cultural practices along the Kaonoulu shoreline and in Kulanihakai gulch.

Development of the site, as proposed, with no mitigations to protect a number of important cultural features will impact cultural practices on the land.

Cultural practitioners believed their comments would be incorporated into the CIA after the Feb 25, 2014 meeting and asked for a site visit which has not yet been arranged. The CIA should be updated to include comments from these individuals and other cultural practitioners and lineal descendants of the area who would like to participate in order for the CIA to be accurate and the FEIS deemed complete.

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

Interviews with individuals (*kūpuna-kapuna/makua*) knowledgeable about the lands of the Kaonoulu 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.

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 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.

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

MTF COMMENT:

3. Police and Fire Protection Services

MTF asked that the DEIS discuss whether additional fire and police staff will be needed to service the 450 new units? If so, how many, and at what cost and phasing? The DEIS concluded that 607 more residents would not affect policing needs.

Comments: The DEIS does not address the combined increase in population of the PP and HP residential areas which would be over 1200 new residents. It also did not discuss any increase in police and fire service that may be needed by the project's commercial properties and should be included in the FEIS.

Response: No comments were received from the Maui County Fire and Police departments. As stated in the DEIS, Section III. C. 3 (Police and Fire Protection Services)

The Project will produce a minimal increase in the population of the immediate area. The increase in population will produce a marginal increase in demand for police and fire protection services, including personnel, vehicles, and facilities. According to the *Maui County Public Facilities Assessment Update* (R.M. Towill Corporation, 2007) the Maui Police Department's generation rate for officers per 1,000 population is 1.96, and the generation rate for total employees per 1,000 population is 2.56. Assuming the project increases population by 607 people and using the provided generation rates the proposed project is estimated to generate the need for 1.19 additional officers and 1.55 additional total employees.

Increased tax revenues generated by the project will provide additional funds to the County for police and fire capital facility improvements and service upgrades. Additionally, the Project will comply with any impact fee ordinances for police and fire that may be adopted.

MTF COMMENT:

4. Schools

Comments: The DEIS assumes that only one out of three households in the proposed PP project would have one school age child yet the project mentions the positive contribution it will make by allowing families to live where their children can walk to school.

The DEIS gives no basis to calculate the low numbers of potential students from the 226 units. Is it based on the number of 2 bedroom units; will a portion of the 226 units be for senior housing?

The fact that Kihei needs another elementary and intermediate school is not emphasized in the DEIS and the conclusion, in table 2, that Kihei School enrollment (currently over capacity) will drop next year, needs a source. No students from the 250 HP units are included in any calculations. The FEIS should address this and segmentation of the connected sites.

Response: In response to comments regarding schools, the FEIS Section III. C. 4 (Schools) has been revised to include the following language:

The Economic and Fiscal Impact Assessment projected that the Project would generate 60-70 students. This projection is based on population/age modeling, and assumes that the children in an affordable

apartment project would attend public school. The Economic and Fiscal Impact Assessment based the student generation rate on census data that between 10% and 11.5% of the population is of school age, which equals about 60 to 70 students based on the projected resident population of 607.

The DOE forecasts public school children for Kihei (which is considered part of Central Maui) at the rate of .22 public school children per multifamily unit and at .49 per single family home.

So, applying the DOE formula the total number of anticipated public school attendees from the 226-proposed subject apartment units would be 49.72, rounded to 50 students (.22 X 226).

In response to comments regarding housing units, the FEIS Section III. B. 2. (Housing) has been revised to include the following language:

In response to comments from the Hawaii Housing Finance and Development Corporation the apartment units will be a mix of one and two bedroom units and are targeted at the full spectrum of workers in the development. The units will be available for all age groups, including seniors and rented for a range of consumer groups, including workforce affordable units and will not be available for sale.

In response to comments regarding schools, the FEIS Section III. C. 4 (Schools) has been revised to include the following language:

Current and projected enrollment and capacities for area schools are given in Table No. 24, "DOE School Enrollment & Capacity" below.

Table No. 24 DOE School Enrollment & Capacity

Schools	2013-2014 Enrollment	Capacity	2014-2015 Projected Enrollment	2014-2015 Enrollment	2015-2016 Enrollment	2016-2017 Projected Enrollment	2016 Enrollment	2017-2018 Projected Enrollment
Kihei Elementary	947	890	851	864	801	883	786	791
Kamalii Elementary	585	928	584	530	481	542	452	447
Lokelani Intermediate	550	836	525	553	594	593	584	574
Maui High	1908	2035	1967	1931	1906	1861	1941	1977

Source: DOE 2016

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.

MTF COMMENT:

5. Solid Waste

MTF asked the DEIS to discuss how much waste will be generated by each use category? Will commercial facilities have programs to reduce packaging materials associated with imported goods shipped to Maui?

Comments: The DEIS does not address this or whether property owners will provide any recycling opportunities for the large amount of packaging, pallets and other solid waste generated by commercial and industrial businesses. The FEIS should discuss this mitigation.

Response: In response to comments regarding the available commercial area in Kihei, the FEIS Section III. C. 5 (Solid Waste) has been revised to include the following language:

The proposed project will consist of industrial, commercial and multi-family uses therefore the owners are required to contract a private refuse company to handle solid waste generated at the project site. The County's DEM, Solid Waste Division estimates that residential households on Maui generate approximately 2.3 tons of solid waste per household per year. Commercial units on Maui generate approximately 1.58 tons of solid waste per employee per year.² Solid waste generation includes all the waste produced in a residence or business, including that which is reused or recycled as well as that which is disposed of in landfills.

Using the above rates, after full build-out and occupancy of all 226 residential apartment units and commercial units employing an estimated 1,210 people at the Project site, total waste generated is estimated to be approximately (2,431.60) 2,432 tons per year. $(2.3 \times 226 = 519.80 \text{ tons per year})$ $(1.58 \times 1,210 = 1,911.80 \text{ tons per year})$ $(519.8 + 1,911.8 = 2,431.6 \text{ rounded to } 2,432 \text{ tons per year})$

Using the County's waste diversion rate of 30 percent, total waste from the Project site is estimated to be approximately 1,702 tons per year. Achieving the County's waste diversion rate of 50 percent by 2030 would reduce the Project's waste to 1,216 tons per year.

² Gershman, Brickner & Bratton, Inc. February 2009. Integrated Solid Waste Management Plan. Prepared for County of Maui Department of Environmental Management Solid Waste Division.

In 2009 the Integrated Solid Waste Management Plan (ISWMP) for Maui County was updated and projected that the Central Maui Landfill will have adequate capacity to accommodate Residential and Commercial waste through the year 2026. This estimate does not take into account future increases in source reduction and waste diversion. Increases in waste diversion achieved through education, recycling, composting, and reuse programs are expected to decrease demand for landfill space and extend the life of the Central Maui Landfill beyond the currently projected closure year. The County's Department of Environmental Management, Solid Waste Division, anticipates that additional phases of the Central Maui Landfill will be developed as needed to accommodate future waste.

Waste generated by site preparation will primarily consist of rocks, and debris from clearing, grubbing, and grading. Very little demolition material is expected, as the site is vacant.

During the short term, construction activities will require the disposal of the existing onsite waste, as well as cleared vegetation and construction-related solid waste. A solid waste management plan will be coordinated with the County's Solid Waste Division for the disposal of onsite and construction-related waste material. The applicants will work with the contractor to minimize the amount of solid waste generated during the construction of the project.

In addition the project will provide on-site recycling opportunities ~~for residents~~ in an effort to reduce solid waste entering the landfill.

MTF COMMENT:

D. INFRASTRUCTURE

1. Roadways

MTF asked that the DEIS improve its TIAR since the past TIAR for the Kaonoulu/PP project downplayed the amount of traffic trips generated; it did not included traffic impacts from the adjoining 13-acre Honua'ula affordable housing project.

DEIS: "Pi'ilani Highway is a four-lane, undivided highway with a north- south orientation connecting Mokulele Highway to the north with Wailea Resort to the south."

Comment: Pi'ilani Highway was designed as a two lane undivided highway that was "re-striped" to accommodate four lanes. Each lane is less than standard width; the highway is considered "substandard" by federal standards and its accident rate is high under existing circumstances. The DEIS should have discussed this in detail as it affects the community's health and safety.

Response: In response to comments regarding the Honua'ula Affordable Housing Project, 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 (125 units) 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, 103 outbound 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.

The Honua'ula Affordable Housing Project is not part of the Pi'ilani Promenade Project, nor is it considered a related background project, because it cannot be constructed until after East Kaonoulu Road is completed, which will be done as part of the Pi'ilani Promenade project. Until this roadway is completed, there is no roadway to assign Honua'ula trips. However, if completed, Honua'ula Affordable Housing Project traffic would impact traffic along East Kaonoulu Road. Based on the LOS analysis, and the TIAR update does not recommend concludes that no additional mitigation is required to accommodate traffic generated by the Honua'ula Affordable Housing project.

MTF COMMENT:

DEIS: "However, if completed, Honua'ula Affordable Housing Project traffic would impact traffic along East Kaonoulu Road."

Comments: The residents of the proposed 250 Honua'ula units would need to access Kaonoulu Road from Pi'ilani Highway which will impact traffic counts there as well. To not include this in the Pi'ilani traffic count analyses is to segment the impacts of the HPLLC project. The TIAR (Appendix M) figures show trips to the Honua'ula homes along both Pi'ilani Highway and Kaonoulu Street. The FEIS should adequately address this.

Response: In response to comments regarding the Honua'ula Affordable Housing Project, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

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.

The Honua'ula Affordable Housing Project is not part of the Pi'ilani Promenade Project, nor is it considered a related background project, because it cannot be constructed until after East Kaonoulu Road is completed, which will be done as part of the Pi'ilani Promenade project. Until this roadway is completed, there is no roadway to assign Honua'ula trips. However, if completed, Honua'ula Affordable Housing Project traffic would impact traffic along East Kaonoulu Road. Based on the LOS analysis, and the TIAR update does not recommend concludes that no additional mitigation is required to accommodate traffic generated by the Honua'ula Affordable Housing project.

MTF COMMENT:

DEIS: "The level-of-service analysis confirmed that the following improvements should be implemented to satisfy 2025 traffic impacts: The mauka roadway should be completed between Ohukai Street and Lipoa Street."

Comments: The PP project's TIAR in Appendix M anticipates that between 1300 and 1500 daily trips will be made along this upper road not currently built. Do TIAR calculations assume vehicles will use this nonexistent route instead of Pi'ilani Highway? If so, the FEIS should provide Level of Service for Pi'ilani Highway after the PP/HPLLC build-out, with and without this improvement. Projects often take decades to complete and the FEIS will be incomplete without this key information.

Response: In response to comments regarding the Honua'ula Affordable Housing Project, the FEIS Section III. D. 1. (Roadways) has been revised to include the following language:

The TIAR update was prepared by SSFM International Inc. 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. The TIAR update includes a LOS analysis and recommends mitigation measures.

The TIAR prepared for the DEIS by Phillip Rowell and Associates recommended a connection between Ohukai and East Kaonoulu Street to satisfy 2025 traffic impacts. This was a recommendation based on another TIAR prepared for the MRTP in which a mauka roadway from Mokulele Highway to some point south of the MRTP is referenced. That TIAR also recommended that a future mauka roadway be constructed within the park to connect Lipoa Street in the Maui Research and Technology Park to the Kihei High School. Therefore it was recommended in the DEIS TIAR that the portion between Ohukai and East Kaonoulu Street be included in the DEIS. The TIAR update done for the FEIS does **not** recommend this connection be made.

The long range plan for construction of a mauka collector road between Mokulele highway and a point somewhere south of the MRTP intersecting with Pi'ilani Highway will be critical to north-south mobility in Kihei as it would provide additional capacity and divert regional trips away from Pi'ilani Highway. Because these issues are long range and of a regional nature, they must be addressed collectively by the State, the County, land owners, and other stakeholders as part of the long range highway planning process.

MTF COMMENT:

2. Drainage

MTF asked the DEIS to clearly describe where onsite and offsite storm water drainage will end up on the PP and HPLLC project sites and what impacts the projects could have on the flood prone area immediately makai. Will pervious parking surfaces be installed? Will rain gardens be built into the residential landscaping? Information was incomplete in the DEIS.

DEIS: "This minor drainage is not recognized as a regulated drainage way, there is no documented evidence of a name for the drainage yet individuals have referred to the minor drainage as a Kaonoulu Gulch."

Comment: This gulch is labeled "Kaonoulu" on some older maps. The same name is given to another much higher elevation tributary of Kulanihakoi gulch on other maps. It is common for gulches and other features to have a variety of names on different maps. Cultural advisors agree that the Kaonoulu/"Drainageway A" gulch and all the tributaries of Kulanihakoi stream are cultural features and should not be eliminated. This "minor drainage" ascends quite a ways mauka and is over several meters deep in

some portions of the property. We ask that this feature be correctly referred to as a tributary of Kulanihakoi gulch.

Response: The Applicant has received various comments identifying the small gulch traversing Project site as Ka'ono'ulu Gulch. To date we have not received documentation or citable information contradicting the location of Ka'ono'ulu gulch that is identified on United States Geological Survey maps. It should be noted that United States Geological Survey topographic maps are identified as a preferred map source in Hawaii Administrative Rules Section 11-200-17.

In response to comments regarding drainage, the FEIS Section III. A. 2 (Topography and Soils) has been revised to include the following language.

After construction, the establishment of a permanent stormwater system and landscaping will provide additional long-term erosion control. The existing irrigation water well will provide irrigation water for landscaping. In the future the project site will have access to the Maui County reclaimed water line to provide landscape irrigation.

Analysis: In addition to the foregoing management measure, the County also requires the implementation of water quality control measures to reduce water pollution from stormwater runoff. In satisfaction of the Guidance management measures and the County requirements, the Project design incorporates both "flow through" and "detention based" treatments to mitigate stormwater-related water pollution associated with the Project site. "Flow through" treatment will be achieved by outfitting parking lot drain inlets with filters capable of removing up to 80 percent of Total Suspended Solids. "Detention based" treatment will be provided by providing additional storage volume in the subsurface detention chambers and surface detention pond to facilitate sediment removal in addition to peak flow mitigation.

Analysis: Warren S. Unemori Engineering, Inc. has prepared a drainage plan to mitigate surface runoff caused by seasonal storm events, and which will ensure that, to the extent practicable, the post development peak runoff rate and average storm flow volume generated at the Project site, after mitigation measures are implemented, will be maintained at levels that are similar to predevelopment levels, which are equal to or less than 85 cfs. The Project site will be designed retain any increase, if any, in post development runoff generated by development, consistent with County of Maui regulations.

The Project will comply with 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, an 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."

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

The Applicant received comments on the DEIS incorrectly stating that Drainageway "A" is named the "Ka'ono'ulu Gulch". While there is a Ka'ono'ulu Gulch on the Island of Maui, it is located significantly mauka and south of the Project site. (See: Figures 20 & 21, "USGS MAP 1923" & "USGS MAP 1983").

MTF COMMENT:

DEIS: "Storm runoff from approximately 471 acres of undeveloped land east (mauka) of Pi'ilani Promenade is conveyed by Drainageway "A", to the eastern boundary of the project area. Once across the eastern boundary, Drainageway "A" continues across the project area in an east- west direction to an existing 102-inch twin barrel culvert crossing at Pi'ilani Highway. Once across Pi'ilani Highway, Drainageway "A" converges with the main stem of much larger Kulanihakoi Gulch before reaching the Pacific Ocean."

Comments: The DEIS describes current storm water flows from 471 acres above the PP site and the drainage outlet from Ohukai Road converging into "Drainageway A" and carried to the twin culverts or directly into Kulanihakoi gulch.

The majority of existing onsite flows are going either directly or indirectly into Kulanihakoi gulch. Under current natural conditions some of this flow is absorbed along the route but the quantity absorbed by the land is not discussed in the DEIS. This information should be provided to better understand the impacts of urbanizing the 75 to 88 acres.

In the Preliminary Engineering Report offsite runoff volume is noted as 498 cfs (321.8 mgd) when measured as a 100-year, 24-hour peak runoff conveyed in Drainageway "A." This should be quantified in the FEIS. It is now only noted in Appendix L. Engineering Report.

This massive amount of water will be concentrated in underground drainage lines and moved "away" to another massive culvert. In storm water management there is no "away." The impacts always go somewhere and need to be addressed.

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

Offsite Storm Flows Storm runoff from approximately 471 acres of undeveloped land east (*mauka*) of Pi'ilani Promenade is conveyed by Drainageway "A", to the eastern boundary of the project area. The 100-year, 24-hour peak runoff conveyed in Drainageway "A" is 498 cfs.

In response to comments regarding drainage impacts, 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."

MTF COMMENT:

The Environmental Site Assessment (Appendix B) notes the "potential for contaminants to migrate off-site and into nearby storm water drains." The study recommends: "In order to minimize the regulatory profiling of the survey area as a potential responsible party for any newly discovered groundwater or surface water contamination, property managers should consider implementing conservative, proactive environmental policies for the current and future tenants."

This recommendation from Appendix B is not included in the DEIS discussion of Hazardous Substances and the DEIS informs us that many areas of potential contamination, such as roadways and utility service areas,

will be exempt from Maui County's new water quality standards for stormwater runoff, and therefore will have no filtration systems. The FEIS should acknowledge and address these impacts and their mitigations.

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

Water Quality Measures

Maui County now requires the implementation of water quality control measures to reduce water pollution from stormwater runoff. Both "flow through" and "detention based" treatments will be employed by Pi'ilani Promenade to mitigate stormwater-related water pollution associated with the Promenade North and South development sites. "Flow through" treatment will be achieved by outfitting parking lot drain inlets with filters capable of removing up to 80 percent of Total Suspended Solids. "Detention based" treatment will be provided by providing additional storage volume in the subsurface detention chambers and surface detention pond to facilitate sediment removal in addition to peak flow mitigation.

The proposed stormwater detention improvements will accommodate and mitigate the increase in peak flow attributable to development while simultaneously providing water pollution control. Table 13 14 summarizes the storage capacity within the stormwater detention system needed to achieve both of these objectives.

TABLE 13 14 Drainage Detention System Capacity for Pi'ilani Promenade

Storage Capacity Required to Meet Water Quality Criteria	Additional Storage Capacity Required to Mitigate Peak Flow	Total Storage Capacity to be Provided
2.5 ac. -ft.	5.1 ac. -ft.	7.6 ac. -ft.

Once the stormwater detention facilities are in place, the hydrologic impact on downstream properties resulting from the proposed development of Pi'ilani Promenade will be negligible because the pre-development peak flow is the same as the post-development peak flow after mitigation as summarized in Table 14 15 below.

TABLE 14 15 Result of Peak Runoff by Pi'ilani Promenade					
Drainage Area	Acreage	Pre-Development Peak Flow	Post-Development Peak Flow Before Mitigation	Post-Development Peak Flow After Mitigation	Net Change in Peak Runoff
North	30.1	31.2 cfs	107.7 cfs	9.6 cfs	-21.6 cfs
South	38.1	41.0 cfs	148.2 cfs	39.2 cfs	-1.8 cfs
Roads, Water Tank, Diversion Ditch	9.4	12.5 cfs	35.9 cfs	35.9 cfs	+23.4 cfs
TOTAL	77.6	84.7 cfs	291.8 cfs	84.7 cfs	0.0 cfs

MTF COMMENT:

The DEIS mentions that the water will be conveyed from "Drainageway A"/ Kaonoulu Gulch but it is not clear how many underground drainage lines will be involved. DEIS: "Offsite surface runoff conveyed in Drainageways "A" and "B" will be routed via underground drain lines 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 Pi'ilani Highway. (See: Appendix L, "Preliminary Engineering Report")"

The Preliminary Engineering Report has a slightly different version that omits the first set of "underground drain lines." App. L: "Offsite surface runoff conveyed in Drainageways "A" and "B" will be routed to a new diversion ditch constructed along the project's eastern boundary, then down along East Kaonoulu Street in a large underground drain line which will convey the runoff to the existing 102-inch culvert crossing at Pi'ilani Highway ..."

Which version is correct? Neither portion of the DEIS clearly discusses that "Drainageway A" /AKA Kaonoulu gulch will be filled in on the PP property and cease to exist.

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

Offsite runoff will be allowed to pass through the project area and will not be affected by the development of the Pi'ilani Promenade. 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 Pi'ilani Highway (See: Appendix L, "Preliminary Engineering Report")

MTF COMMENT:

Given the massive storm water flooding impacts in the areas immediately makai of this project the DEIS should examine alternative project designs that will have less impact on the environment. These should include plans to preserve and enhance "Drainageway A" as a riparian habitat that can absorb larger volumes of storm water and provide an aesthetic natural component to the project.

Since several cultural sites lie along the gulch they could be incorporated into the buffer area to maintain a sense of place and local history and add value to the project. A walking path with interpretive signage on the theme "traditional life in Kaonoulu ahupua'a" could connect the sites along the gulch.

Response: In response to comments regarding drainage impacts, 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.

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.)

MTF COMMENT:

DEIS: "In compliance with Maui County's Drainage Rules, underground detention chambers within Promenade South and an open detention pond within Promenade North, will provide a combined storage capacity of 7.6 acre-feet and will limit downstream storm water discharges to a peak flow rate that does not exceed pre-development levels."

Comments: What monitoring plan will be in place to ensure the project complies with this claim? How will excess flow be handled if intensifying storm cycles produce greater than peak flows?

The Engineering report notes that the Kaonoulu Road extension, Pi'ilani Road improvements, and the other offsite improvements, and conditions of the original Kaonoulu Ranch large lot subdivision are exempt from the storm water quality requirements passed in 2012. The FEIS should state this and discuss pollutant types and levels likely to be found in those runoff areas and where potentially polluted storm water flows (23.4 cfs) will be transported.

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

Surface runoff generated by Pi'ilani Promenade's buildings and pavement will be directed to drain inlets located throughout the development and then conveyed to stormwater detention facilities (by underground drainlines) in order to provide peak flow mitigation (See: Figure 2-4 of the Preliminary Engineering Report). In compliance with Maui County's Drainage Rules, underground detention chambers on the southern portion of the Project site within Promenade South and an open detention pond on the northern portion of the Project site within Promenade North, will provide a combined storage capacity of 7.6 acre-feet and will limit downstream stormwater discharges to a peak flow rate that does not exceed pre-development levels.

Both under- and above-ground stormwater detention basins will have sufficient capacity to accommodate the standard 50 year design storm required of new developments by the DPW. Should a larger storm event occur, stormwater in excess of the available basin capacity will overflow into the storm drainage systems located within East Kaonoulu Street and Pi'ilani Highway.

A subsurface investigation conducted in 2011 by a reputable geotechnical engineering firm performed 27 soil borings across portions of the Project site to depths ranging from 10 to 40 feet below the ground surface. No groundwater was encountered at any of the boring locations. (See: Appendix Q, "Soil Investigation Reports")

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.

MTF COMMENT:

DEIS: "Once the storm water detention facilities are in place, the hydrologic impact on downstream properties resulting from the proposed development of Pi'ilani Promenade will be negligible because the pre-development peak flow is the same as the post-development peak flow after mitigation."

Comment: The project does not propose to retain all of its onsite storm water flows, as proposed for a number of projects, only those generated above the existing flow levels.

Current pre-development levels of onsite and offsite flows are already problematic in this area and at the mouth of Kulanihakoi gulch.

The DEIS does not provide enough information to evaluate whether there will continue to be impacts or not.

The current proposed PP drainage plan makes no real contribution to improving existing ocean water quality, merely promising "not to make it worst."

Policy makers should require alternative project designs that absorb the maximum amount of water onsite to reduce both offsite and onsite flow levels.

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

Surface runoff generated by Pi'ilani Promenade's buildings and pavement will be directed to drain inlets located throughout the development and then conveyed to stormwater detention facilities (by underground drainlines) in order to provide peak flow mitigation (See: Figure 2-4 of the Preliminary Engineering Report). In compliance with Maui County's Drainage Rules, underground detention chambers on the southern portion of the Project site within Promenade South and an open detention pond on the northern portion of the Project site within Promenade North, will provide a combined storage capacity of 7.6 acre-feet and will limit downstream stormwater discharges to a peak flow rate that does not exceed pre-development levels.

MTF COMMENT:

3. Water

Comments: it is unclear how the proposed improvements will mitigate the fact that there is no confirmed water allocation for this project.

If the project demands 250,000 gpd from the Central Maui well system will there be impacts to the Iao/Waihee aquifer? Will other projects waiting for water be unable to hook up to the system due to capacity restraints and will stream flows be impacted? Water demand may be higher as the HPLLC project demands are not included in the DEIS. The PP system has the capacity to deliver nearly 1mgd of potable water; how would that affect existing aquifers?

Impacts of 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 are not mentioned. How deep will the water line need to be buried? Will blasting be involved? Will water service to local residents be interrupted?

The DEIS provides no discussion of these likely impacts. Impacts of pumping up to 121,000 gpd from the proposed non-potable well and other water demands from the HPLLC project site are not stated and should be included in the FEIS.

Response: In response to comments regarding drainage, the FEIS Section III. D. 3 (Water) has been revised to include the following language.

Drinking water for the south Maui area currently comes from existing wells located in upper Waiehu and North Waihee which draws groundwater from the Iao and Waihee Aquifers. Drinking water from these wells is pumped into to an existing 1.0 million gallon (MG) capacity concrete water storage tank

located in upper Waiehu, then conveyed across the isthmus by the Central Maui Water System's 36-inch diameter transmission main to consumers in South Maui. The existing DWS drinking water distribution system does not currently extend into the project area.

The Central Maui Water Transmission Line currently bisects the Honua'ula Parcel and the Project site diagonally and is proposed to be re-routed within an easement at the eastern (mauka) edge and continue underneath East Kaonoulu Street. The proposed transmission line realignment will create new bends in the pipe at the eastern (mauka) edge of East Kaonoulu Street and at the intersection of East Kaonoulu Street and Pi'ilani Highway as shown in figure 3-1 of the Preliminary Engineering Report prepared by Warren S. Unemori Engineering, Inc. The relocated waterline will be designed and engineered with proper materials to maintain the existing water flow to south Maui customers. In addition, the new 1.0 MG water tank to be constructed as part of the Project will create additional water storage capacity in south Maui. The County DWS, which has sole jurisdiction for the management of the Central Maui Water Transmission System, has already reviewed the specific construction details associated with the transmission line realignment and approved it for construction.

The drinking water for the Project will come from the Central Maui Water System which is supplied by fresh water from the Iao and Waihee Aquifers. At the request of the DWS, the Applicant agreed to construct a 1.0 MG water storage tank to serve the future needs of the Project and South Maui. Three 3-inch domestic water meters have been approved and are available for the Project. The combined flow capacity of these meters is 1,050 gpm, which exceeds the approximately 600 gpm of required flow capacity for the Project. Therefore, there will be adequate flow capacity to build out the Project. Consequently, no additional drinking water sources beyond the County-issued water meters are anticipated in order to construct and operate the Pi'ilani Promenade.

The Honua'ula Affordable Housing Development is estimated to need a storage allowance of 210,000 gpd of water. 250 dwelling units x 560 gpd average daily consumption x 1.5 peaking factor = 210,000 gallons per day. This number was estimated by the project civil engineer using the formula provided by the County.

MTF COMMENT:

4. Wastewater

MTF asked the DEIS to discuss why this project would have sewage capacity while other South Maui projects have been told there is no sewage capacity for their proposals at the Kihei Wastewater Treatment Plant? What volume of wastewater will the two housing areas (PP and HPLLC) and the commercial use generate? Is there a commitment for service at the Kihei facility? These topics are not discussed in the DEIS.

Comments: PP is expected to generate 114,000 gallons of wastewater per day. No figures are given for HPLLC residential wastewater demand. Maui County's Dept. of Public Works noted in their comments (DEIS, App. A) that no capacity could be confirmed at the Kihei facility until the time of project build out. The FEIS should include wastewater demand figures for both PP and HPLLC projects.

Response: In response to comments regarding drainage, the FEIS Section III. D. 4 (Wastewater) has been revised to include the following language.

The Wastewater Reclamation Division of the Maui Department of Environmental Management reports that available capacity at the KWWRF is approximately 4.6 million-gallons-per-day (mgd) of out of 8.0 mgd total treatment capacity based on measured average daily flows. As such, there should be ample

treatment capacity available to accommodate the 114,000 gallon (0.1 mgd) daily wastewater flow which the Pi'ilani Promenade project is expected to generate. Additionally the proposed Honua'ula Affordable Housing Development wastewater generation of 63,750 gpd can also be accommodated at this time. In response to comments regarding drainage, the FEIS Section III. D. 4 (Wastewater) has been revised to include the following language.

The Pi'ilani Promenade is expected to generate 114,000 gallons of wastewater per day. The Apartment uses will generate 57,630 gpd, the Light Industrial uses will generate 2,879 gpd and the business commercial uses will generate 53,071 gpd.

In response to comments regarding drainage, the FEIS Section III. D. 4 (Wastewater) has been revised to include the following language.

The Honua'ula Affordable Housing Development is estimated to generate 63,750 gallons per unit per day of wastewater. 250 dwelling units x 255 gpd average daily generation = 63,750 gallons per day. This number was estimated using the formula provided by the County.

MTF COMMENT:

5. Electrical

MTF asked the DEIS to discuss what the anticipated energy usage of the proposed project would be? Are offset installations of renewable energy planned on site? What efficiency designs are being incorporated into buildings and systems? The DEIS provides some of this information but lacks a robust discussion of energy efficiency and renewable energy options and plans.

DEIS: "the existing 12 kVA system does not have sufficient spare capacity to accommodate the estimated 6,250 kVA of load required by the current Pi'ilani Promenade development plan."

Comment: This is a tremendous amount of power (6.25 MW), enough to power almost 1000 houses. The FEIS should discuss in greater detail project plans to produce renewable energy on site and energy conservation measures incorporated into site design. Only solar hot water systems are mentioned in the DEIS. What are the impacts of generating this amount of energy?

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

MECO will provide temporary power to serve the project during construction. MECO is planning a new substation to provide the additional capacity needed to accommodate further growth in the ~~north~~ Kihei mauka area. However,

MECO has advised that the existing 12 kV system, based on current electrical use growth projections, does not have sufficient spare capacity to accommodate the estimated 6,250 kilo-volt-ampere (kVA) of load required by the current Pi'ilani Promenade development plan. MECO has agreed to provide temporary power to the project until the substation is complete.

The new substation will be located in the ~~northwest~~ northeast corner of the Pi'ilani Promenade development, and will be fed by an overhead 69 kV line extension across Pi'ilani Highway, which will be tapped into MECO's transmission loop pole line below the highway. (See Figure 6-1 of Appendix L,

"Preliminary Engineering Report"). The new MECO substation is a permitted use in the Light Industrial (LI) zoning district and subject to review and approval by the State Public Utilities Commission. The substation will contain two (2) MECO transformers to step down the voltage from 69 kV to 12 kV for local distribution. A new 12 kV concrete-encased underground ductline and manholes will be provided to extend power from the substation to a major ductline along the Kaonoulu Street extension. Stubouts for 12 kV distribution line will be provided at each bulk-lot for future onsite distribution. All power distribution serving uses within the project will be underground, including the wiring along East Kaonoulu Street for MECO's street lighting system. As of August 1, 2016 the MECO substation eventually will be subdivided out of the project parcel once the offsite improvements are completed. MECO will apply for building and electrical permits as needed. MECO anticipates beginning construction in March 2017 and estimates completion by September 2017.

The Applicant recognizes the importance of sustainability in planning, and in response to comments on the DEIS, the Project incorporates sustainability design elements such as solar photovoltaic panels for common areas and the vegetated detention basins located on site to intercept stormwater runoff closer to the source. The Applicant is exploring other renewable energy technologies and conservation measures to promote sustainability. Solar hot water heaters will be utilized throughout the residential portion of the Project. Occupants of the Pi'ilani Promenade will be encouraged to install photovoltaic energy systems where appropriate and feasible.

The Project will include a water and energy efficient landscaping irrigation system designed to conserve water

MTF COMMENT:

DEIS: "The new [MECO] substation will be located in the northwest corner of the Pi'ilani Promenade development"

Comment: On fig 3 site plan the MECO substation is shown in the NE corner of the project? Which is correct?

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

The new substation will be located in the ~~northwest~~ northeast corner of the Pi'ilani Promenade development, and will be fed by an overhead 69 kV line extension across Pi'ilani Highway, which will be tapped into MECO's transmission loop pole line below the highway. (See Figure 6-1 of Appendix L, "Preliminary Engineering Report").

MTF COMMENT:

IV Relationship to Government Plans and Policies
B. STATE LAND USE

Comment: The DEIS notes that it has submitted support for a Motion to Amend the project's existing Findings of Fact, Conclusions of Law, and Decision and Order which the State Land Use Commission (LUC) issued on February 10, 1995. The DEIS does not sufficiently discuss why it is asking that various conditions be amended.

Response: In response to comments regarding LUC conditions, the FEIS Section IV. B. (State Land Use) has been revised as follows:

In the Motion to Amend, Applicant requests that the LUC issue a new docket sheet for that portion of the property subject to the LUC's 1995 Decision and Order that is owned by Applicant, that the Applicant be released from the conditions of the 1995 Decision and Order, and that the LUC issue new Findings of Fact, Conclusions of Law, and a Decision and Order specific to the planned Pi'ilani Promenade project that is the subject of this FEIS. Attached hereto as Appendix N is a review and analysis of the currently existing conditions in the 1995 Decision and Order that would be included in the new Findings of Fact, Conclusions of Law and Decision and Order and would apply only to the Pi'ilani Parcels, as sought by Applicant in the Motion to Amend (See: Appendix N, "Conditions of the Motion to Amend with Proposed Changes").

MTF COMMENT:

County Wide Policy Plan (CWPP):

Objective 2: Improve the quality of environmentally sensitive, locally valued natural resources and native ecology of each island.

c) Improve the connection between urban environments and the natural landscape, and incorporate natural features of the land into urban design.

e) Mitigate the negative effects of upland uses on coastal wetlands, marine life, and coral reefs.

Comment:

Objective 2.c. The project as currently designed does not incorporate natural features of the land, such as the Kaonoulū gulch, a tributary of Kulanihakoī gulch, into the project's design. It is inaccurate to claim that it supports this objective of the CWPP under the current project design.

Objective 2. e. By working with natural features of the land, such as the gulch, to increase the capacity to absorb storm flows the project has an opportunity to address a persistent cause of flooding and pollution to the near shore waters and marine life of South Maui.

In order to support this CWPP policy the project needs to limit storm water discharges created by the project itself and mitigate the existing levels of storm water discharge originating on the land (85 cfs) and passing through the land (498cfs).

The project has not offered any alternative designs to mitigate these existing drainage impacts and instead acts to concentrate flows, remove any chance they currently have to be absorbed by the earth, and then dump them into the already overburdened Kulanihakoī gulch. This should be explored in the DEIS but is not.

Response: In response to comments regarding natural resources, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised as follows:

The Applicant has changed items a-i to "N/A" as the Project site is located in an area designated for urban growth and will be developed consistent with all applicable State and County regulations. The Project site is not located on environmentally sensitive land. The Pi'ilani Promenade is not located within the State's Special Management Area and is not expected to impact the shoreline or reef environments. During build-out and during the operation phase best management practices will be implemented to mitigate non-point source pollution to Maui's coastal resources. In addition, through the EIS and

~~entitlement application processes mitigation measures will be identified to help address any environmental impacts that may arise from the project.~~ The site itself is not located within an area of critical habitat and surveys have confirmed that no threatened or endangered species of flora or fauna are on the property.

The Project supports policy items a, b, e and f. 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. (pg. 162 FEIS)

The Applicant has changed items c, d, g, i to "N/A" as the Project is not proposing to incorporate natural features of the land into urban design, does not utilize land conservation tools, and does not regulate the use and maintenance of stormwater treatment systems. The Project site is located in an area designated for urban growth and will be developed consistent with all applicable State and County regulations. The Project site is not located on environmentally sensitive land. The Pi'ilani Promenade is not located within the State's Special Management Area and is not expected to impact the shoreline or reef environments. During build-out and during the operation phase best management practices will be implemented to mitigate non-point source pollution to Maui's coastal resources. In addition, through the EIS and
~~entitlement application processes mitigation measures will be identified to help address any environmental impacts that may arise from the project.~~ The site itself is not located within an area of critical habitat and surveys have confirmed that no threatened or endangered species of flora or fauna are on the property.

MTF COMMENT:

B. Preserve Local Cultures and Traditions

Objective (1) Perpetuate the Hawaiian culture as a vital force in the lives of residents.

(f) Recognize and preserve the unique natural and cultural characteristics of each ahupua'a or district.

Comment: Object 1.f. CWPP. The PP project spans an entire section of the Kaonoulu ahupua'a. Presently, not one natural or cultural feature in the project site will remain to represent the heritage of the ahupua'a.

To remedy this, the project is being asked to preserve several culturally significant sites on the land and work to return a significant cultural feature that was removed. In order to meet this objective of the CWPP the EIS should incorporate design alternatives that reflect the information given during the brief cultural consultation process. These would include:

- preservation of the natural gulch ("Drainageway A") and associated cultural habitation sites - a major feature of the ahupua'a*
- preservation of other culturally significant sites identified on the property*

- *return the petroglyph stone to the site since it is an important feature of the ahupua'a*
- *acknowledge that there is cultural use of the land and amend the CIA by interviewing cultural practitioners*
- *provide for cultural access and cultural use of the land for traditional seasonal celebrations*

Response: In response to comments regarding Hawaii culture, lifestyle and art, the FEIS Section IV. E.1 (County-wide Policy Plan) has been revised to include the following language:

Analysis: The Applicant has changed all items to "N/A". As discussed in Section III.A. 8 (Historical and Archaeological Resources) The proposed project will not impact Kulanihakoi Gulch and is not anticipated to significantly impact the physical environment. The project promotes the preservation of historic resources and the Applicant's will work with the State Historic Preservation Division to prepare a data recovery plan. The Project archaeologist submitted a data recovery plan to the SHPD on June 17, 2016, and it is currently under review.

The archaeological survey of the offsite water storage tank area was conducted on January 8 and 13, 2014. No significant materials or cultural remains were located on this previously disturbed land during the 2014 archaeological survey. (See: Appendix F, "Archaeological Inventory Survey").

A public information meeting for the proposed project was held on February 25, 2014. Transcripts from this meeting have been included in the DEIS. 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 potential impacts to Kulanihakoi Gulch and the return of the petroglyph boulder that was previously removed from the project site by a former land owner, some of the participants suggested that the archaeological sites could be incorporated into the design of the project or into its landscaping and that the petroglyph boulder be returned to the property. The Applicant has discussed the possible return of the petroglyph boulder with the former land owner; however, the former owner rejected this request since the relocation plan was approved by State Historic Preservation Division (SHPD). In addition, the archaeological monitoring plan that was submitted to the SHPD for review has been approved and is referenced for all recent work on the site. The monitoring plan may be found in Appendix H and may be updated once project construction is initiated.

As discussed in Section III.B.4 (Cultural Resources) the cultural impact statement (CIA) and the SCIA which was were prepared for the proposed project reported that there were no visible cultural resources, (i.e. medicinal plants, shoreline resources, religious sites, or archeological resources) observed on the property. From a cultural practices and beliefs perspective, the subject property bears no apparent signs of cultural practices or any gatherings currently taking place on the site. The oral history interviews did not reveal any known gathering places on the subject property nor did any access concerns surface as a result of the proposed Project. In light of the foregoing, it can be concluded that development of the site will not impact cultural resources on the property or within its immediate vicinity.

MTF COMMENT:

E. Kihei-Makena Community Plan

Land Use

Objectives and Policies:

(k) Provide for limited expansion of light industrial services in the area south of Ohukai and mauka of Pi'ilani 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.

Comment: KMCP Land Use policy (k) addresses the subject property and its uses, as it is the only Light Industrial designated property in the KMCP that is "south of Ohukai and mauka of Pi'ilani Highway." It specifically requires that retail business or commercial activities in this parcel be "limited" to "accessory or provide service to the predominate light industrial use."

Community Plans have the force of law. The argument that County zoning "implements" the Community Plans does not stand where the two conflict. The Community Plan has always held "more weight."

The provision for five acres of a 75 acre site to be utilized as Light Industrial does not comply with the directive for "predominate light industrial use."

The FEIS should clearly indicate that a Community Plan Amendment is needed for the project to proceed as proposed.

As required in HAR 11-200-17, more alternative project designs should be fully discussed and the EIS should give a "rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions," with supporting data, especially those that would avoid destruction of natural and cultural resources.

Response: The first page of substantive text in the 1998 Kihei Makena Community Plan it is stated:
"A. Purpose of the Kihei-Makena Community Plan

The Kihei-Makena Community Plan, one of nine (9) community plans for Maui County, reflects current and anticipated conditions in the Kihei-Makena region and advances planning goals, objectives, policies, and implementation considerations to guide decision-making in the region through the year 2010. The Kihei-Makena Community Plan provides specific recommendations to address the goals, objectives, and policies contained in the General Plan, while recognizing the values and unique attributes of the Kihei-Makena area in order to enhance the region's overall living environment.

... Implementation of the goals, objectives and policies contained in the Community Plan is defined through specific implementing actions, also set forth in each community plan. **Implementing actions as well as broader policy recommendations are effectuated through various processes, including zoning, the capital improvements program, and the County budgeting process.**" (emphasis added)

Following the adoption of the KMCP in 1998, the Maui County Council Zoned the Project site Light Industrial without restriction of the uses permitted by Maui County Code Chapter 19.24 M-1 Light Industrial District in 1999.

In response to comments regarding the KMCP, 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.

MTF COMMENT:

V. Contextual Issues

A. RELATIONSHIP BETWEEN SHORT-TERM USES AND MAINTENANCE OF LONG-TERM PRODUCTIVITY

DEIS: "Economic diversification and the creation of "living wage jobs" are key objectives of the Maui Island Plan and County-wide Policy Plan."

Comment: Much of Maui's economy is already based upon visitor facilities, visitor activities and visitor-friendly commercial retail service centers such the proposed PP project; the project provides no real "diversification."

The DEIS claims the project diversifies the economy and creates living wage jobs without specifying how many non-service sector, high-wage employment opportunities are planned for the commercial spaces. The industrial park concept is likely to provide more opportunity for small business startups to diversify the economy, due to lower rents.

Response: As noted in the FEIS Section V. A. (Relationship between Short-term Uses and Maintenance of Long-term Productivity)

In the long-term, the infrastructure and building construction associated with the Pi'ilani Promenade would facilitate the diversification of Maui's economy. Economic diversification and the creation of "living wage jobs" are key objectives of the Maui Island Plan and County-wide Policy Plan.

MTF COMMENT:

DEIS: "this project utilizes the principles of New Urbanism and Smart Growth to transform the current, single-use large lot light industrial subdivision into a mixed-use project with employment opportunities in close proximity."

Comment: The project has little to do with "new urbanism" design principles which are based upon small streets, minimum parking lots, integration of natural systems and features into project design, housing integrated into upper levels of commercial buildings, and respect for the history of a place.

PP is bisected by a high traffic, four lane roadway destined to become a major east-west thoroughfare; it features large paved parking areas which increase heat and run-off; and elimination of natural and cultural features.

The FEIS should present an alternative project design that actually incorporates the principles of new urbanism.

Response: The issue being addressed during this process is the Parcel's State Land Use Designation. 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.

The Project Site is located at the future intersection of the Pi'ilani and Kihei to Upcountry Highways. The Project will engage these major roadways as much as possible to the benefit of the future occupants of the development and the Highway users. The Project will also engage the abutting neighborhoods through enhanced pedestrian and bicycle access described above.

As noted in the FEIS Section V. A. (Relationship between Short-term Uses and Maintenance of Long-term Productivity)

With regard to long-term productivity, this project utilizes the principles of New Urbanism and Smart Growth to transform the current, single-use large lot light industrial subdivision into a mixed-use project

with employment opportunities in close proximity. Implementation of this vision will require a broadening of the development standards to allow a variety of lots sizes for the use of smaller firms and, professional services, restaurants, neighborhood serving retail, and housing.

Response: In response to comments regarding new urbanism, the FEIS Section V. A. (Relationship between Short-term Uses and Maintenance of Long-term Productivity) has been revised to include the following language.

With regard to the concern relative to sprawl, the proposed project is located immediately adjacent to an extensive and larger light industrial complex which is adjacent to a significant residential area in north Kihei. Immediately to the south of the proposed project is the proposed Kihei High School for which the State of Hawaii has acquired the land and is now in the process of design. The amount of residential or apartment zoned land in south Maui available for residential and especially apartment development is limited. The project site is County zoned Light Industrial and Apartments are a permitted use. The proposed project has been designated for urban development since 1995 and is located within the Maui Island Plan Urban Growth Boundary, an area determined to be the location of desired future urban development for south Maui. This mixed-use project will include light industrial, business /commercial and residential uses, active park space, pedestrian and bicycle connectivity within the site and along the frontage portions of the Kihei Upcountry Highway and Pi'ilani Highway to promote smart growth and less dependence on the automobile. In addition the project will provide an easement for pedestrian and bicycle connectivity from Ohukai Road to the mauka portion of the project site and the Applicant anticipates that there will be opportunities for future connection along Pi'ilani Highway with the Kihei High School. The onsite pedestrian oriented improvements will reduce the need for the automobile and create a healthier lifestyle for those who live there and the offsite easement will expand the regional non-vehicular transportation network.

MTF COMMENT:

B. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Comment: The loss of natural and cultural resources such as Kaonoulu gulch, all evidence of pre-contact habitation sites, ceremonial markers and the cultural practices associated with them, should also be included in these remarks.

The loss of potential groundwater input into near shore waters from the project's irrigation well pumping, the continued degradation of down-slope waters and reefs due to the project not addressing current storm water drainage impacts (instead concentrating flows and sending them offsite) will result in irreversible commitments and harm of public trust resources.

HEPA instructs agencies: "Agencies shall avoid construing the term 'resources' to mean only the labor and materials devoted to an action. 'Resources' also means the natural and cultural resources committed to loss or destruction by the action." The FEIS should reflect these losses.

Response: In response to comments regarding commitment of resources, the FEIS Section V. B. (irreversible and irretrievable commitment of resources) has been revised to include the following language.

In response to comments from the LUC, the commitment of resources will be provided by the Applicant. The Applicant will finance the construction of the project with private funds. The following responses quantifies the Applicant's commitment of resources as a result of the proposed project.

Land: the project site development parcels and roadway widening lots total 74.871 acres of land that will be irretrievable.

Labor: Construction is estimated to provide 878 "worker years" of direct on-site employment and \$66.5 million in total wages over a 12-15 year absorption period.

Construction materials: The cost of the project is estimated in Table No. 1a of the FEIS and the infrastructure for the project is estimated to cost approximately \$22 million dollars, the estimated vertical construction cost for Phase 2 is \$74,000,000.00 and Phase 3 is estimated at \$118,250,000.00.

Energy: The project is estimated to utilize 6,250 kVA of electricity. MECO will supply electricity to the project site and has been provided a lot within the proposed development to construct a new MECO substation to provide stable power to the project site and future development in the area.

There will be a permanent commitment of funds and resources from the developer to design, construct and operate the project.

MTF COMMENT:

C. CUMULATIVE AND SECONDARY IMPACTS

Impacts to Natural and Environmental Resources

Comment: Impacts to natural and environmental resources such as groundwater, coastal water quality, public view planes, natural and cultural resources and cultural practices, are likely to occur regardless of Best Management Practices and mitigation measures due to the data these mitigations are based on being incomplete or inaccurate. How will proposed mitigations be monitored for effectiveness? This lack of information fails to meet HEPA EIS review standards (11-200-17, HAR).

Response: In response to comments regarding the cumulative and secondary impacts, the FEIS Section V. C. (cumulative and secondary impacts) has been revised to include the following language.

The Applicant will be required to comply with mitigation measures as mandated by County and State law.

As documented in Section III.D of the DFEIS, the Pi'ilani Promenade will mitigate its impact on infrastructure and public facility systems through a variety of on- and off-site infrastructure and public facility counter-measures. One such counter measure, as documented in Section III.D.3 of the DFEIS, is the development of a 1.0 MG drinking water storage tank to provide drinking water storage to accommodate the cumulative impact of projected population growth. Property taxes generated by the development, together with other planned projects in the area, will help fund County operations and capital improvement projects.

The mitigation of other projects potential adverse cumulative impacts resulting from infrastructure use will be provided during the course of development by providing additional facilities on-site and offsite

such as park facilities, stormwater management, and water. Mitigation measures will also include required contribution of impacts fees such as school, traffic and wastewater.

The projects listed in Table No. 16 represent future potential developments identified, however the timeframe for these projects are dependent upon individual entitlement processes and market conditions which are not linked to the proposed Pi'ilani Promenade project. It is in this context that Maui County has processes and mechanisms to ensure that mitigation measures attributable to cumulative impacts are provided.

MTF COMMENT:

Coastal Water Quality.

DEIS: "Development of the Pi'ilani Promenade, together with other area projects, could have significant cumulative impacts to coastal water quality if BMP's are not strictly adhered to."

Comment:

The FEIS should acknowledge the cumulative impacts associated with the onsite runoff when transported off property as it combines with storm water from the surrounding properties with solutions or mitigations proposed.

Response: In response to comments regarding coastal water quality, the FEIS Section V. C. (cumulative and secondary impacts) has been revised to include the following language.

Development of the Pi'ilani Promenade, together with other area projects, could have significant cumulative impacts to coastal water quality if BMPs are not strictly adhered to. During the construction phase, BMPs must be implemented to mitigate runoff of bare soils and other construction contaminants into drainageways and culverts. If not properly mitigated, the cumulative impact of these contaminants could impact coastal water quality.

During the Project's operation phase, any increase in runoff will be maintained on site as required by the County's drainage rules (See: Section III.D.2) Maintaining runoff on-site, together with filtration of contaminants from runoff, will mitigate the Project's impact to coastal waters. Likewise, future developments in the area will be required to implement similar mitigation measures as part of their operation phase BMPs.

The projects listed in Table No. 16a have the following increase in estimated peak runoff identified in their respective applications. Note: Honua'ula affordable housing development application has not been prepared at the time of this FEIS.

Table No. 16a Other Potential Projects: Drainage

<u>Development</u>	<u>Increase in Runoff from proposed projects (cubic feet per second, cfs)</u>
<u>Kaiwahine Village</u>	<u>11.15 cfs</u>
<u>Maui Lu Resort</u>	<u>10.6 cfs</u>
<u>Kihei High School</u>	<u>60 cfs</u>
<u>Kenolio Apartments</u>	<u>15.57 cfs</u>
<u>Kihei Residential</u>	<u>96 cfs</u>
<u>Downtown Kihei</u>	<u>10.6 cfs</u>
<u>Maui Research and Technology Park</u>	<u>525 cfs</u>
<u>Honua'ula Affordable Housing Development</u>	<u>unknown</u>
<u>Total</u>	<u>728.92 cfs</u>

The total increase in runoff as a result of the development of projects listed in Table No. 16a 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. 16a 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.

MTF COMMENT:

Agricultural Lands.

Comment: The cumulative impact of the conversion of hundreds of acres of grazing lands to urban use should be discussed in the FEIS, especially in terms of drainage, traffic, drinking water and groundwater demands, and impacts to near shore waters.

Response: In response to comments regarding agricultural lands, the FEIS Section V. C. (cumulative and secondary impacts) has been revised to include the following language.

As documented in Section III.A.10 of the DEIS, the Pi'ilani Promenade is located on State designated Urban land, therefore, the Project is not expected to have a significant cumulative impact upon the long-term viability or growth of agriculture on Maui.

In regards to secondary impacts, urban development can impact agricultural land uses in two ways. First, in certain circumstances, urbanization of agricultural lands can cause agricultural lands prices to go higher making it more cost prohibitive for farmers to buy or lease land to farm. Second, urban

development can create use conflicts between farmers and urban residents. In regards to the first issue, the establishment of Urban Growth Boundaries in the Maui Island Plan create more predictable development patterns and this will create more certainty in the urban and agricultural land markets; thereby, mitigating the escalation of agricultural land values. In regards to the second issue, HRS, Chapter 165 "Hawaii Right to Farm Act" protects farmers from lawsuits filed by residents living within close proximity of agricultural operations. Future residents of the Pi'ilani Promenade will continue to be notified prior to the purchase of property that ranching activities will occur on abutting agricultural lands. In addition, the Pi'ilani Promenade will establish landscape planting around the perimeter of the property with a buffer to mitigate potential agricultural use conflicts.

Of the projects listed in Table No. 16, the Kihei High School (76 acres), Kihei Residential (94.3 acres), MRTTP (102 acres) required a State Land Use District Boundary Amendment from Agricultural to Urban. The total designation of Agricultural land to urban for surrounding developments is 272.3 acres. The 272.3 acres represents 0.098 percent of the approximately 246,000 acres of State Agricultural district lands on the island of Maui. Based on this minimal impact to agricultural lands the Project with other potential projects is not anticipated to have a significant impact on Agricultural resources.

The remaining projects on Table No. 16 are located on land that is Urban and therefore no impacts to Agricultural resources are anticipated.

MTF COMMENT:

Drinking Water Resources.

Comments: The cumulative and secondary effect of installing the 1 mgd water storage tank means that already stressed 'Iao and Waihee aquifers (both nearing their sustainable yield) must supply water to this proposed urban development. The impacts of the HPLLC and its water use are not considered in the DEIS. The FEIS should acknowledge and discuss mitigations for future impacts to these aquifers.

Response: In response to comments regarding the drinking water resources, the FEIS Section V. C. (cumulative and secondary impacts) has been revised to include the following language.

Drinking Water Resources. The development of the Pi'ilani Promenade, together with other area projects, will increase the demand for drinking water. The Applicant is constructing a 1.0 million gallon water tank and supporting infrastructure to provide water for the project and future south Maui water customers. The development of the 1.0 MG water tank will help support the drinking water needs for the future planned growth of South Maui. With these measures in place, significant cumulative and/or secondary impacts are not anticipated to threaten the long-term sustainability of the County's water resources. This 1.0 MG water tank will provide substantially more drinking water source storage than would be required both for the Pi'ilani Promenade Project, and for the Honua'ula affordable housing project, if that project is developed. Other proposed projects will be required to meet the requirements of the Department of Water Supply including but not limited to project specific improvements to the water transmission and storage systems.

Table No. 16b Other Potential Projects: Water

<u>Development</u>	<u>Drinking water Demand (gallons per day)</u>
<u>Kaiwahine Village</u>	<u>67,200</u>
<u>Maui Lu Resort</u>	<u>148,800</u>
<u>Kihei High School</u>	<u>185,000</u>
<u>Kenolio Apartments</u>	<u>104,160</u>
<u>Kihei Residential</u>	<u>790,000</u>
<u>Downtown Kihei</u>	<u>48,500</u>
<u>Maui Research and Technology Park</u>	<u>798,065</u>
<u>Honua'ula Affordable Housing Development</u>	<u>210,000</u>
<u>Total</u>	<u>2,351,725 gallons per day</u>

It is estimated that the total drinking water demand for the projects listed in Table No. 16b is 2,351,725 gallons per day. As noted in the FEIS the estimates that 0.421 MGD of groundwater can be allocated from the Iao Aquifer System, therefore all proposed projects in Table No. 16b will not be able to utilize drinking water from the Iao Aquifer System. It is noted that only the Kihei Residential project has begun construction of those listed in Table No. 16b and as development occurs each individual project will need to provide a viable water source. Alternatives considered by the projects in Table No. 16b include but are not limited to drilling wells within the Kamaole Aquifer as a new water source.

MTF COMMENT:

Impacts to the Socio-Cultural Environment

DEIS: "In the coming years, pursuant to the land-use policies contained in the Maui Island Plan and Kihei-Makena Community Plan, Kihei will evolve to become a more unified and cohesive urban settlement. Urban development will likely become more compact, mixed-use and interconnected. Networks of open-space, parks, bikeways, trails and pedestrian-oriented streets will link districts and neighborhoods together."

Comments: The DEIS does not propose a compact, mixed use, interconnected development for PP, declining to build a frontage road and/or bike paths linking it with existing industrial/retail areas to the north; it features no mauka-makai greenways to link with any future growth to the east.

Response: The Project is proposing to develop pedestrian and bicycle connections from East Kaonoulu Street to Ohukai Road, as well as a pedestrian and bicycle path along the Project's western frontage, separated from the highway; rather than the previously proposed vehicle frontage road. The Applicant has also offered to assist SDOT with the design of a pedestrian and bicycle crossing for Kulanihakoi Gulch, within the highway right of way bout outside of the roadway area.

The mauka to makai greenway that is proposed in the vicinity, and identified in the KMCP and South Maui Region Parks & Open Space Maser Plan is located within Kulanihakoi gulch and is supported by the Applicant.

In response to comments regarding the socio-cultural environment, the FEIS Section V. C. (cumulative and secondary impacts) has been revised to include the following language.

The development of the Pi'ilani Promenade, together with other developments in Kihei, will increase population, create jobs, and generate tax revenues. Together, these projects will also increase the demand for housing and place increasing demands on infrastructure and public facility systems both locally and island-wide.

Of the projects listed in table No. 16, the Kihei High School, Downtown Kihei projects are not proposing residential development. The activities of the School and the Downtown projects will require a population of students and teachers and employee and customers, however these facilities will serve people who already live in Kihei and are not expected to be population generations. The Maui Lu project and Honua'ula Affordable housing development are required to provide a total of 404 affordable units in the Kihei Makena plan region. It is unknown at this time what the unit size is for these two projects.

Table No. 16c Other Potential Projects: Population

Development	Estimated population
<u>Kaiwahine Village</u>	360
<u>Maui Lu Resort</u>	154 affordable units, population not estimated in report
<u>Kihei High School</u>	0
<u>Kenolio Apartments</u>	498
<u>Kihei Residential</u>	1,800
<u>Downtown Kihei</u>	0
<u>Maui Research and Technology Park</u>	2,756
<u>Honua'ula Affordable Housing Development</u>	250 affordable units, population not estimated
Total	5,414 people

Of the projects listed in Table No. 16c that provided population estimates, the following projects are estimated to generate 5,414 more people living in Kihei.

According to the Maui Island Plan, there will be a demand for an additional 34,637 housing units on Maui through 2030. The County of Maui's Land Use Forecast (November 2006) forecasted that there will be a demand for an additional 9,735 units in Kihei-Makena through 2030. The 226 units proposed at the project are approximately 2% of the forecasted Kihei-Makena demand. The proposed project together with other planned projects in Kihei, are a necessary source of housing to accommodate the forecasted population growth.

Table No. 16d Other Potential Projects: Housing

Development	Land Use	Number of Units/
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		Development Area
<u>Kaiwahine Village</u>	<u>Multi-Family Residential</u>	<u>120 affordable units</u>
<u>Maui Lu Resort</u>	<u>Hotel</u>	<u>788 hotel rooms</u> <u>& 154 affordable units</u>
	<u>Existing Hotel</u> <u>(Demolished)</u>	<u>174 rooms</u>
<u>Kihei High School</u>	<u>School</u>	<u>215,000 Square Feet</u>
<u>Kenolio Apartments</u>	<u>Multi-Family Residential</u>	<u>186 units</u>
<u>Kihei Residential</u>	<u>Single Family Residential</u>	<u>400 units</u>
	<u>Multi-Family Residential</u>	<u>200 units</u>
	<u>Commercial</u>	<u>7,000 Square Feet</u>
<u>Downtown Kihei</u>	<u>Commercial</u>	<u>258,000 Square Feet</u>
	<u>Hotel</u>	<u>150 rooms</u>
<u>Maui Research and</u> <u>Technology Park</u>	<u>Multi-Family Residential</u>	<u>500 units</u>
	<u>Single Family Residential</u>	<u>750 units</u>
	<u>Knowledge Industry/</u> <u>Commercial /Business</u>	<u>2 million Square Feet</u>
	<u>Hotel</u>	<u>500 rooms</u>
<u>Honua'ula Affordable</u> <u>Housing Development</u>	<u>Multi-Family Residential</u>	<u>250 units</u>
<u>Total</u>	<u>Single Family</u>	<u>1,150 SF units</u>
	<u>Multi Family</u>	<u>1,410 MF units</u>
		<u>2,560 total units</u>

The projects listed in Table No. 16d estimate construction of 2,560 multi-family and single-family units combined and represent approximately 26% of the forecasted demand for an additional 9,735 units in Kihei-Makena. The completion of the projects listed in Table No. 16d will support the goal of providing additional housing in the Kihei-Makena region to meet the demand of the growing community.

The continued build-out of Kihei will also change the area's urban design character and sense of place. Today, Kihei is a developing community with a number of undeveloped infill parcels intermixed with lower and medium-density residential, strip commercial, industrial, resort and public facility uses. In the coming years, pursuant to the land-use policies contained in the Maui Island Plan and Kihei-Makena Community Plan, Kihei will evolve to become a more unified and cohesive urban settlement. Urban development will likely become more compact, mixed-use and interconnected. Networks of open-space, parks, bikeways, trails and pedestrian-oriented streets will link districts and neighborhoods together. An increase in population, including population created by the Pi'ilani Promenade, may increase demand for coastal and inland active and passive recreation lands. The County's Infrastructure and Public Facilities Issue Paper (September 2007) recommends a pro-active public-sector strategy to acquire additional shoreline and inland park lands to accommodate the increasing demand for recreation and shoreline-based cultural activities. MCC Title 18.16.320 requires a park land dedication, or cash-in-lieu fee, to mitigate the impact of growth on park and recreation facilities.

Of the projects listed in Table No. 16e the Kihei Residential, the MRTTP, and the Honua'ula Affordable Housing Development are subject to MCC Title 18.16.320 which requires a park land dedication, or cash-in-lieu fee, to mitigate the impact of growth on park and recreation facilities.

Table No. 16e Other Potential Projects: Recreation Facilities

<u>Development</u>	<u>Parks Contribution</u>
<u>Kaiwahine Village</u>	<u>0</u>
<u>Maui Lu Resort</u>	<u>0</u>
<u>Kihei High School</u>	<u>0</u>
<u>Kenolio Apartments</u>	<u>0</u>
<u>Kihei Residential</u>	<u>On site park with restrooms and parking will be provided</u>
<u>Downtown Kihei</u>	<u>0</u>
<u>Maui Research and Technology Park</u>	<u>On site parks and open space will be provided</u>
<u>Honua'ula Affordable Housing Development</u>	<u>Cash-in-lieu fee to be paid to Maui County</u>

The Kihei Residential, the MRTTP, and the Honua'ula Affordable Housing Development are subject to MCC Title 18.16.320 and will therefore mitigate potential recreational impacts by providing park space in Kihei-Makena region.

With regard to the concern relative to sprawl, the proposed project is located immediately adjacent to an extensive and larger light industrial complex which is adjacent to a significant residential area in north Kihei. Immediately to the south of the proposed project is the proposed Kihei High School for which the State of Hawaii has acquired the land and is now in the process of design. The amount of residential or apartment zoned land in south Maui available for residential and especially apartment development is limited. The project site is County zoned Light Industrial and Apartments are a permitted use. The proposed project has been designated for urban development since 1995 and is located within the Maui Island Plan Urban Growth Boundary, an area determined to be the location of desired future urban development for south Maui. This mixed-use project will include light industrial, business / commercial and residential uses, active park space, pedestrian and bicycle connectivity within the site and along the frontage portions of the Kihei Upcountry Highway and Pi'ilani Highway to promote smart growth and less dependence on the automobile. In addition the project will provide an easement for pedestrian and bicycle connectivity from Ohukai Road to the mauka portion of the project site and the Applicant anticipates that there will be opportunities for future connection along Pi'ilani Highway with the Kihei High School. The onsite pedestrian oriented improvements will reduce the need for the automobile and create a healthier lifestyle for those who live there and the offsite easement will expand the regional non-vehicular transportation network.

MTF COMMENT:

Infrastructure and Public Facilities

Comment: Construction of the KUH will have numerous secondary and cumulative impacts to growth areas beyond what is now proposed in the MIP. The DEIS assumes future growth will be confined to the MIP Urban Growth Boundary areas yet major roadways trigger urban conversion of adjoining lands. While the MIP proposes a limited area along the future KUH for potential growth it also proposes the establishment of mitigating features such as greenways and open spaces.

Response: In response to comments regarding infrastructure and public facilities, the FEIS Section V. C. (cumulative and secondary impacts) has been revised to include the following language.

Infrastructure and Public Facilities

The build-out of the Pi'ilani Promenade, together with other developments in Kihei, will increase population; thereby, increasing the demand for infrastructure and public facility systems, including water, wastewater, and roadways; solid waste, schools, and parks; and medical facilities, public transit and government offices. The County's Infrastructure and Public Facilities Issue Paper (September 2007) documents the impact of projected population growth on the County's infrastructure and public facility systems by region and identifies associated capital improvement projects to support this growth.

The TIAR update prepared for the project has examined and evaluated traffic impacts of the project, as well as the other potential projects identified on Table No. 16f. The projected trip generation impact of these projects is presented in table 10 in the TIAR update. As noted in the TIAR, these projects have been included in the traffic analysis, however some projects are in the planning and entitlement phase and for various reasons may not be constructed within the estimated completion date of this project.

Table No. 16f Other Potential Projects: Traffic

Development	Trip Generation AM	Trip Generation PM
<u>Kaiwahine Village</u>	<u>66</u>	<u>80</u>
<u>Maui Lu Resort</u>	<u>316</u>	<u>363</u>
<u>Kihei High School</u>	<u>693</u>	<u>215</u>
<u>Kenolio Apartments</u>	<u>103</u>	<u>127</u>
<u>Kihei Residential</u>	<u>616</u>	<u>737</u>
<u>Downtown Kihei</u>	<u>230</u>	<u>393</u>
<u>Maui Research and Technology Park</u>	<u>2120</u>	<u>1713</u>
<u>Honua'ula Affordable Housing Development</u>	<u>127</u>	<u>158</u>
<u>Total</u>	<u>4271</u>	<u>3786</u>

Of the projects listed in Table No. 16f the estimated traffic generation is 4,271 trips in the morning and 3,786 trips in the afternoon. The proposed traffic mitigation measures for the other potential developments are provided in Section D. 1 (Roadways) of the FEIS.

Table No. 16g Other Potential Projects: Wastewater

<u>Development</u>	<u>Wastewater (gallons per day)</u>
<u>Kaiwahine Village</u>	<u>76,500</u>
<u>Maui Lu Resort</u>	<u>116,500</u>
<u>Kihei High School</u>	<u>210,000</u>
<u>Kenolio Apartments</u>	<u>47,430</u>
<u>Kihei Residential</u>	<u>935,000</u>
<u>Downtown Kihei</u>	<u>177,800</u>
<u>Maui Research and Technology Park</u>	<u>1,850,000</u>
<u>Honua'ula Affordable Housing Development</u>	<u>63,750</u>
<u>Total</u>	<u>3,476,980</u>

Of the projects listed in Table No. 16g the estimated wastewater generation is 3,476,980 gallons per day and the available capacity at the KWWRF is approximately 4.6 million gallons per day, therefore the total of other developments listed can be accommodated.

Other developments will be required to pay assessment fees also and mitigate impacts to the County sewer and maintain system service.

Sewage generated by the Project will be treated at the KWWRF. As indicated by the County DEM, wastewater capacity is available for the project. The Applicant will be required to make system improvements at the time of service and applicable assessment fees will be required.

As documented in Section III.D of the DFEIS, the Pi'ilani Promenade will mitigate its impact on infrastructure and public facility systems through a variety of on- and off-site infrastructure and public facility counter-measures. One such counter measure, as documented in Section III.D.3 of the DFEIS, is the development of a 1.0 MG drinking water storage tank to provide drinking water storage to accommodate the cumulative impact of projected population growth. Property taxes generated by the development, together with other planned projects in the area, will help fund County operations and capital improvement projects.

The mitigation of other projects potential adverse cumulative impacts resulting from infrastructure use will be provided during the course of development by providing additional facilities on-site and offsite such as park facilities, stormwater management, and water. Mitigation measures will also include required contribution of impacts fees such as school, traffic and wastewater.

The projects listed in Table No. 16 represent future potential developments identified, however the timeframe for these projects are dependent upon individual entitlement processes and market conditions which are not linked to the proposed Pi'ilani Promenade project. It is in this context that Maui County has processes and mechanisms to ensure that mitigation measures attributable to cumulative impacts are provided.

Secondary impacts could also result from investments into infrastructure and public facility improvements to support the Project. For example, development of the KUH could induce further growth mauka of Pi'ilani Highway. As documented in Section III.D.1 of the DEIS, development mauka of Pi'ilani Highway is supported by the Maui Island Plan. The future growth of the KUH outside of the project area is unknown at this time.

While the project is anticipated to add to the resident population, the proportion of in-migrants is expected to be modest given the demand for apartment rental housing in Kihei. As previously noted, the project will result in construction-term expenditures, wages and taxes. Real property taxes will contribute to the County's revenue tax base to support the increase in public services. The project is not anticipated to have a significant adverse impact on the physical environment.

MTF COMMENTS:

Unresolved Issues

MTF asked the DEIS to acknowledge the need for a Community Plan Amendment since the project is now proposed as mostly commercial with a small amount of Light Industrial and some housing, opposite of what is specified in the community plan. The 226 to 476 housing units that proposed for the entire 88 acres were not envisioned or approved in the community plan. The DEIS notes the issue as "unresolved."

All parcels involved in the original 1995 LUC DBA, the 13-acre Honua'ula housing project and 75-acre commercial/light industrial/housing project should be the subject of a Community Plan Amendment.

Response: In response to comments regarding the KMCP, 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

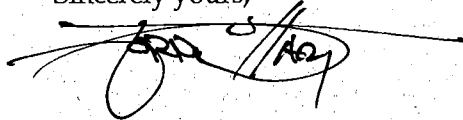
Maui Island Plan indicates that the Pi'ilani Promenade is located within the Urban Growth Boundary, and is surrounded by areas currently not zoned for urbanization, but designated as "planned growth areas." The Maui Island Plan specifically cites the need for mixed-use neighborhood centers "to provide 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 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.

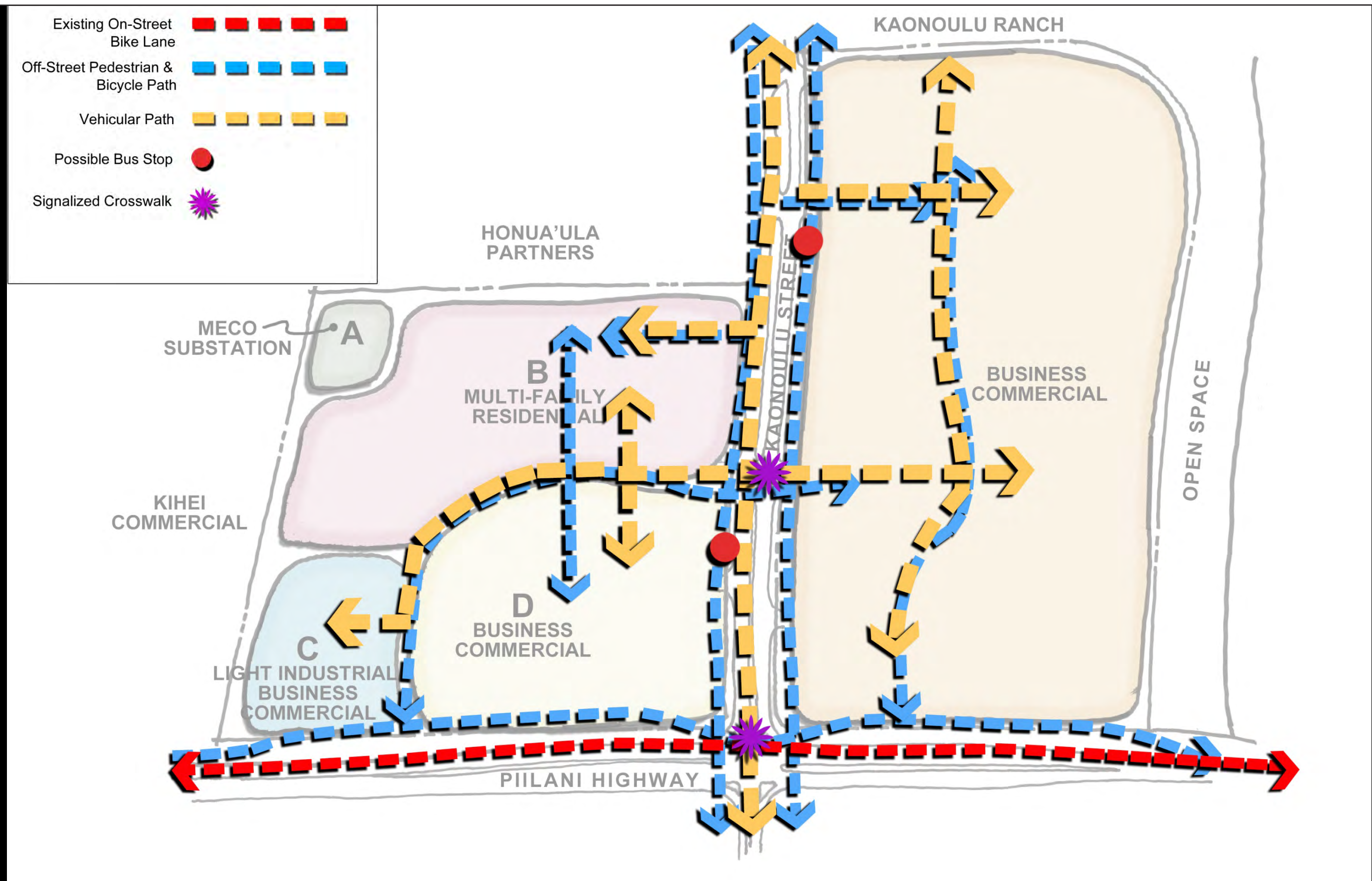
Sincerely yours,

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

Jordan E. Hart, President

Enclosures (5)
Figure 15 Conceptual Circulation Plan
Figure 18 Noise Impact Map 5A
Figure 19 Noise Impact Map 6A
Figure 20 "USGS MAP 1923"
Figure 21 "USGS MAP 1983"

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

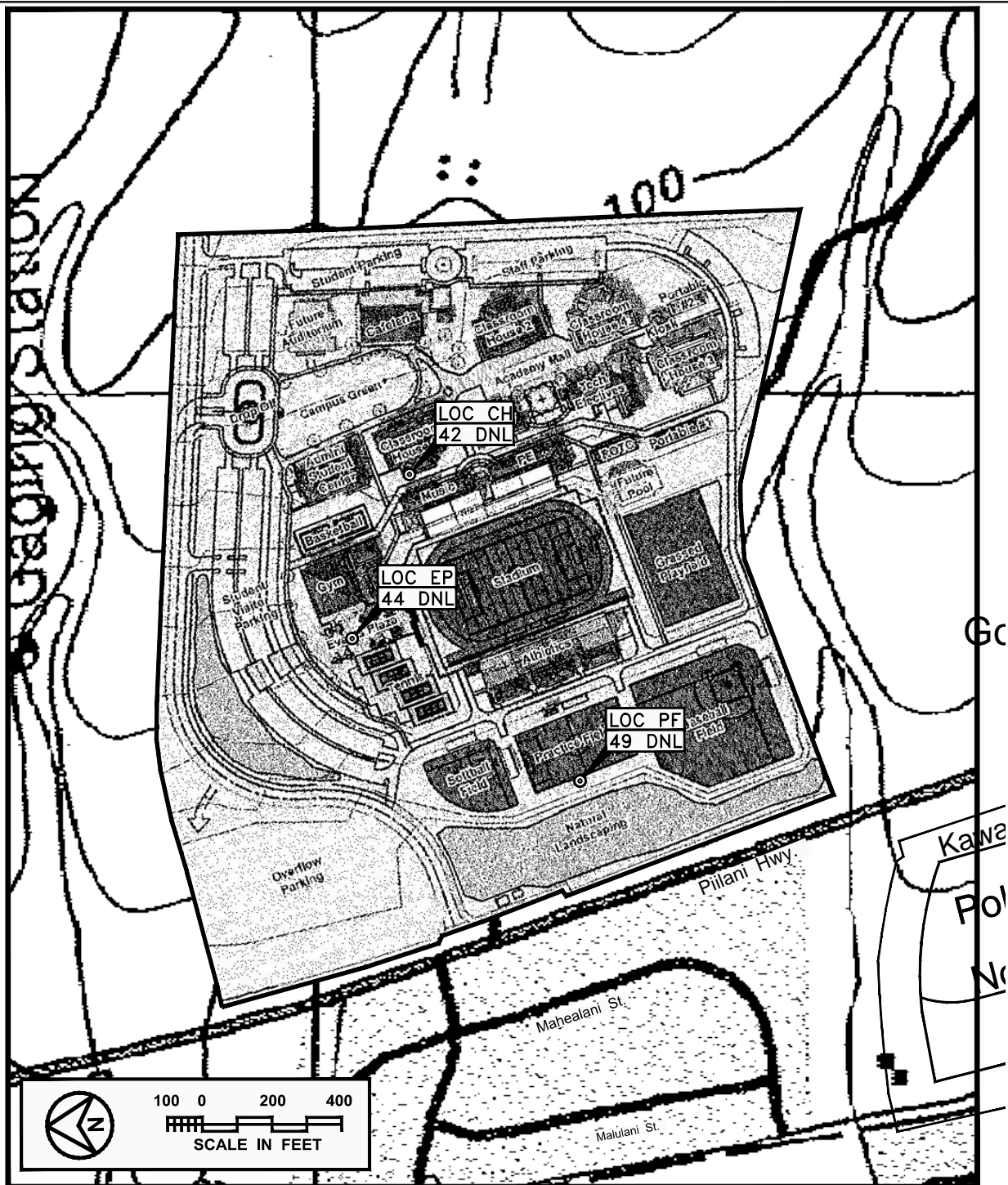


Piilani Promenade

Maui, Hawaii

FIGURE 15
Conceptual Circulation Plan
Piilani Promenade
Source: Architects Orange





KIHEI HS SITE MAP AND EXISTING TRAFFIC NOISE LEVELS

**FIGURE
5A**

FIGURE 18
Noise Impact Map 5A

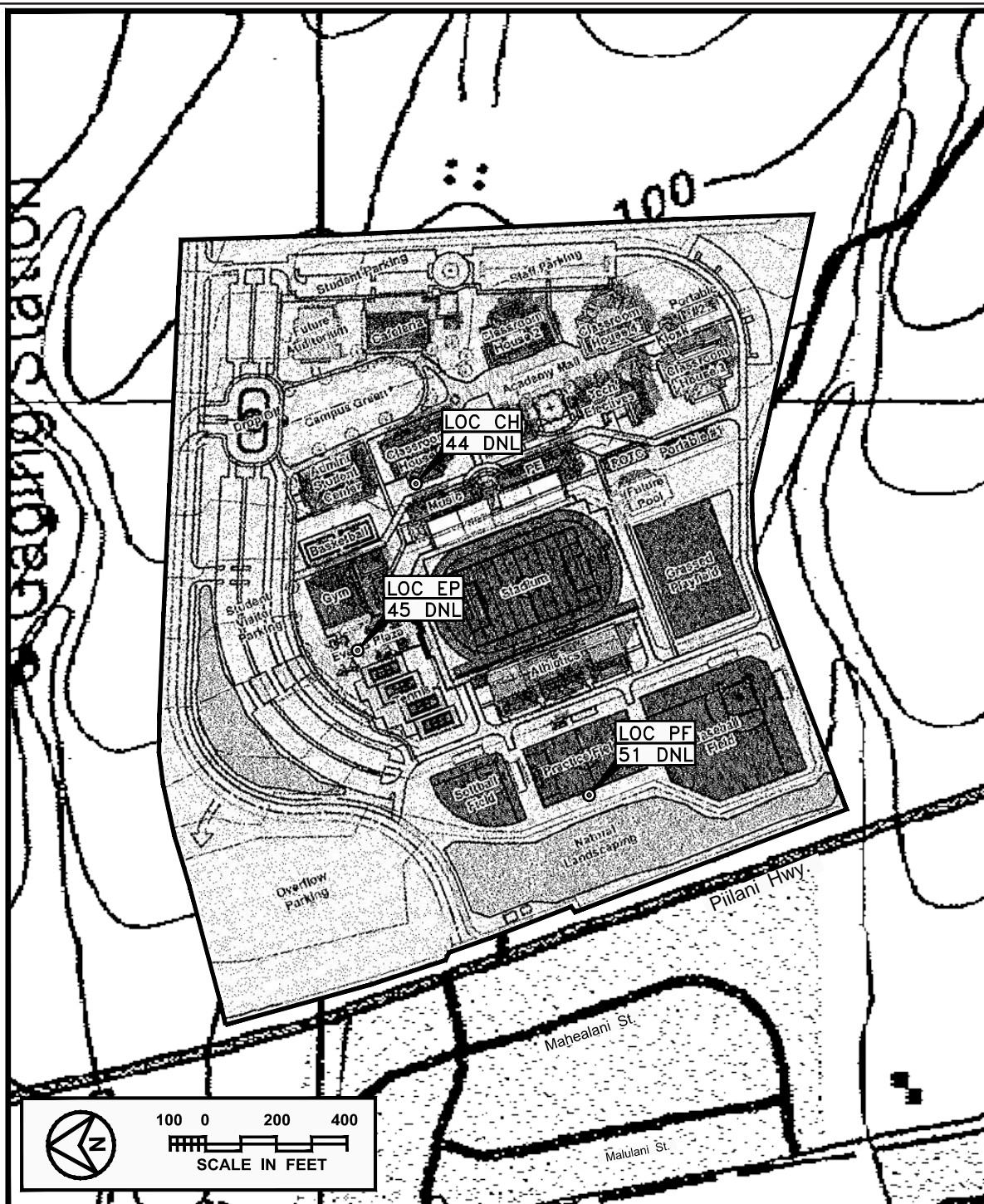
Piilani Promenade
Source: Y. Ebisu & Associates



Not to Scale



**CHRIS
HART**
& PARTNERS, INC.



KIHEI HS SITE MAP AND FUTURE (CY 2032) TRAFFIC NOISE LEVELS

**FIGURE
6A**

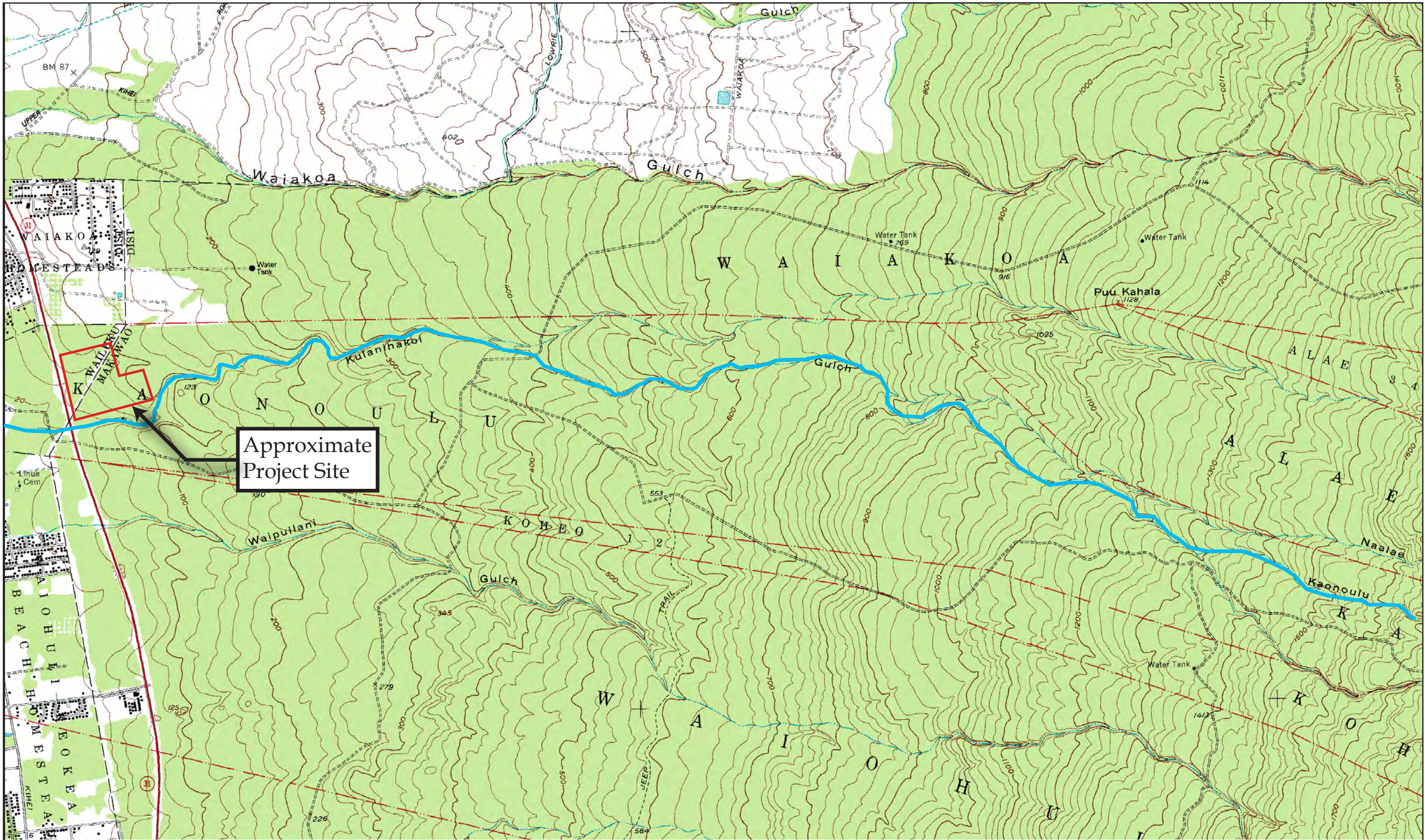
FIGURE 19
Noise Impact Map 6A

Piilani Promenade
Source: Y. Ebisu & Associates



Not to Scale







Pi'ilani Promenade 2nd attempt

Clare Apana

to:

Riley K Hakoda

10/24/2013 12:29 PM

Hide Details

From: Clare Apana <kouwahine@gmail.com>

To: Riley K Hakoda <Riley.K.Hakoda@dbedt.hawaii.gov>,

History: This message has been replied to.

1 Attachment



whale sanctuary, Makila 2-Mobile.m4v

Clare H. Apana

Ao Makole

260 Halenani Dr.

Wailuku, Hi 96793

LAND USE COMMISSION
STATE OF HAWAII
2013 OCT 24 P 3:10

To: Hawaii State Land Use Commission

PO Box 2359

Honolulu, Hawai'i 96804-2359

Attention: Daniel Orodener

RE: Comments on Pi'ilani Promenade EIS Prep Notice TMK (2) 3-9-001: 016; 170-174

Mr Orodener, LUC staff and LUC Members,

I wish to offer these comments to the LUC staff and members regarding the proposed Pi'ilani Promenade project EISPN from my perspective.

My name is Clare Apana I am a resident of Wailuku, Maui. I am the president of Ao Makole a native Hawaiian Organization. Some of the activities that Ao Makole sponsors and promotes are limu and ocean resources and Hawaiian Star Classes taught by Kumu Michael K. Lee on the island of Maui since 2011. One of our gathering and class sites is the area of the Whale Sanctuary and Kalepolepo lokoi'a. Please see video footage of 11/2/2012.

As a child, I was in Kihei in this area for summer vacation with my family. We often came drove all the way to kihei to go to the beach with my older brother, James. The smells of limu were quite characteristic of these years. My mother gathered and prepared great mountains of limu for food consumption. Limu, pipipis, crabs, fish and sometimes lobsters were gathered for our family to eat. My mother still cleaned and prepared lipoa from Kihei in 2002 when she died.

I saved that last bag of limu making it last as long as I could. At the time I had no idea that the limus and their pungent smells would not be a part of the Kihei beach experience. Development of many residential and commercial projects have greatly changed the ocean resources.

In my studies with Kumu Lee I have learned to identify and pick limu for medicinal as well as food consumption purposes. I have been able to augment my healing practices of Hawaii state certified Physical therapist with the medicinal uses of limu and ocean resources. We have gone specifically to gather certain types of limu at the whale sanctuary/fishpond area. Some of the limu that grow where fresh water flows into the ocean are found here.

I do not see that there is a discussion or plan to show how changing the gulches and the increased drainage with potential toxic components of this large commercial/residential project will be evaluated, reported or mitigated. I request that this be done in the DEIS.

There is surface water and below surface water as there are springs feeding the area. Please see video 2. I suggest that remote sensing equipment that can detect water in rock be used to map the flow of water from the project to the ocean. I suggest mapping of fresh water flow above and below ground in caves, karst, and springs. A baseline measure and ongoing measurements of the quality and flow of water will allow the protection of the flow of fresh water to the ocean with the limu and ocean resources depend upon. Stream flow is protected by article 11-7 of the Hawaii Constitution. My right to gather at the ocean is protected by article 12-7. The transmission of the Hawaiian cultural knowledge of the ocean and especially limu can only be done if these resources are protected.

I ask that the DES identify ocean resources such as limu beds and animals and fresh water flow that will be affected by this project. A baseline and long term plan to measure the effect of increased toxic runoff and change in flow of fresh water is a mitigation that should be considered. The types of businesses that are allowed in a light industrial area can have changing levels of toxic substances introduced into the ground and air.

We are an island with limited resources that dwindle with the increase of population, number of visitors and the incursion of modern western business. A mega mall and light industrial businesses as well as dense residential units must be scrutinized and measured for all the effects that it will have on my cultural practice at the ocean, my right to gather and use limu for medicine as well the ocean classroom that Ao Makole classes presently utilize. A preceding setting decision can be used to assist this project's EIS and mitigation solutions: Na Pa'akai vs LUC.

Thank you for allowing me to comment on the EIS prep notice for Pi'ilani Promenade.

Video of class and cultural practice Whale sanctuary Nov 2, 2012

Clare H. Apana

260 Halenani Dr

Wailuku, HI 96793



Re: Pi'ilani Promenade 2nd attempt
Clare Apana to: Riley K Hakoda

10/25/2013 10:28 PM

Thank you Riley. I will redo the movie clips for the file record-I don't know why they are not able to be heard clearly. Clear Apana

On Thu, Oct 24, 2013 at 3:01 PM, Riley K Hakoda <Riley.K.Hakoda@dbedt.hawaii.gov> wrote:

aloha e clare,

thank you for your email.....as i mentioned previously, we need your video file in a manner that can be stored (dvd/cd) for the record. you may want to examine the contents of the files that you emailed yesterday and today since the audio is very poor and unintelligible on both of them.

Riley K. Hakoda

Land Use Commission

ph: (808) 587-3824

fax: (808) 587-3827

From: Clare Apana <kouwahine@gmail.com>
To: Riley K Hakoda <Riley.K.Hakoda@dbedt.hawaii.gov>,
Date: 10/24/2013 12:29 PM
Subject: Pi'ilani Promenade 2nd attempt

Clare H. Apana

Ao Makole

260 Halenani Dr.

Wailuku, Hi 96793

To: Hawaii State Land Use Commission

LAND USE COMMISSION
STATE OF HAWAII
2013 OCT 28 A 8:21

PO Box 2359

Honolulu, Hawai'i 96804-2359

Attention: Daniel Orodenker

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170-174

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I do not see that there is a discussion or plan to show how changing the gulches and the increased drainage with potential toxic components of this large commercial/residential project will be evaluated, reported or mitigated. I request that this be done in the DEIS.

There is surface water and below surface water as there are springs feeding the area. Please see video 2. I suggest that remote sensing equipment that can detect water in rock be used to map the flow of water from the project to the ocean. I suggest mapping of fresh water flow above and below ground in caves, karst, and springs. A baseline measure and ongoing measurements of the quality and flow of water will allow the protection of the flow of fresh water to the ocean which the limu and ocean resources depend upon. Stream flow is protected by article 11-7 of the Hawaii Constitution. My right to gather at the ocean is protected by article 12-7. The transmission of the Hawaiian cultural knowledge of the ocean and especially limu can only be done if these resources are protected.

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Video of class and cultural practice Whale sanctuary Nov 2, 2012

Clare H. Apana

260 Halenani Dr

Wailuku, HI 96793



**CHRIS
HART**
& PARTNERS, INC.

Landscape Architecture
City & Regional Planning

June 13, 2017

Ms. Clare H. Apana
260 Halenani Dr.
Wailuku, HI 96793

Dear Ms. Apana,

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

Thank you for your email of October 24, 2013. Your comment letter was not received by the planning consultant during the preparation of the DEIS and will be included in the FEIS. We are pleased to provide the following responses to your comments.

Comment. My name is Clare Apana I am a resident of Wailuku, Maui. I am the president of Ao Makole a native Hawaiian Organization. Some of the activities that Ao Makole sponsors and promotes are limu and ocean resources and Hawaiian Star Classes taught by Kumu Michael K. Lee on the island of Maui since 2011. One of our gathering and class sites is the area of the Whale Sanctuary and Kalepolepo lokoi'a. Please see video footage of 11/2/2012.

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specifically to gather certain types of limu at the whale sanctuary/fishpond area. Some of the limu that grow where fresh water flows into the ocean are found here.

I do not see that there is a discussion or plan to show how changing the gulches and the increased drainage with potential toxic components of this large commercial/residential project will be evaluated, reported or mitigated. I request that this be done in the DEIS.

Response: 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.”

There is surface water and below surface water as there are springs feeding the area. Please see video 2. I suggest that remote sensing equipment that can detect water in rock be used to map the flow of water from the project to the ocean. I suggest mapping of fresh water flow above and below ground in caves, karst, and springs. A baseline measure and ongoing measurements of the quality and flow of water will allow the protection of the flow of fresh water to the ocean which the limu and ocean resources depend upon. Stream flow is protected by article 11-7 of the Hawaii Constitution. My right to gather at the ocean is protected by article 12-7. The transmission of the Hawaiian cultural knowledge of the ocean and especially limu can only be done if these resources are protected.

Ask that the DES identify ocean resources such as limu beds and animals and fresh water flow that will be affected by this project. A baseline and long term plan to measure the effect of increased toxic runoff and change in flow of fresh water is a mitigation that should be considered. The types of businesses that are allowed in a light industrial area can have changing levels of toxic substances introduced into the ground and air.

Response: The drainage master plan was designed to County standards which will mitigate the increase in runoff generated from the development of impervious surfaces. Onsite 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.

As mentioned in the FEIS Section III. A. 11 (Groundwater Resources) the Applicant retained Marine Research Consultants, Inc. to prepare a Baseline Assessment of Marine Water Chemistry and Marine Biotic Communities. The purpose of the report was to assess potential impacts to groundwater and the marine environment as a result of the proposed project. In connection with this work, water quality testing was conducted and the underwater biotic composition along the Kihei coastline was analyzed.

The findings of the report indicate that the proposed project will not have any significant negative effect on water quality. (See: Appendix J, “Baseline Assessment of Marine Water Chemistry and Marine Biotic Communities Report”)

In response to comments regarding toxic substances in the ground, the FEIS Section III. A. 4 (Hazardous Substances) has been revised to include the following language.

A Phase I Environmental Site Assessment (ESA) of the Pi'ilani Promenade site was prepared by Malama Environmental, LLC. (MEV) in December 2013 (See: Appendix B, "Environmental Site Assessment"). The investigation and report format follows the guidelines of the American Society of Testing and Materials (ASTM) Publication E1527-05, which is recognized by 40 CFR Part 312 as an acceptable guidance document for satisfying the EPA's final "All Appropriate Inquiries" rule.

The ESA found no evidence of recognized environmental conditions in connection with the property. Additionally MEV does not believe the two (2) potential risk sites would have environmentally and adversely affected the subject property due to their distance from the Pi'ilani Promenade site and the down gradient proximity. However, the Shell Station, which was constructed in 2007 and is located immediately adjacent to the northwestern corner of the project site, is not listed as a UST site. Due to the close proximity and slightly higher elevation of the gas station with respect to the survey area, this facility may pose a negative impact to the environmental condition of the subject property if a leak in the underground storage tanks should occur in the future.

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").

The Applicant's planning consultant spoke with the Hazard Evaluation and Emergency Response Office and there we no records of hazardous substances or soil contamination on the Project site. The ESA determined that the Project will not impact soil quality at Project site.

The ~~remaining~~ other potential concerns identified by the ESA such as illegal solid waste dumping are limited in scope and will be mitigated prior to or during project development. No impacts from hazardous substances are anticipated at the site based on the conclusions of the Phase I ESA (See: Appendix B, "Environmental Site Assessment"). There has been no activity on the project site

or change in the land that would impact the ESA since the July 2013 environmental assessment.

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").

In response to comments regarding toxic substances in the air, the FEIS Section III. A. 6 (Air Quality) has been revised to include the following language.

In the year 2018 with the assumption that the pProject and the adjacent with Honua'ula affordable residential project both are fully developed, the highest worst-case 1-hour concentration was predicted to occur during the weekday morning peak traffic hour at the intersection of Pi'ilani Highway and Kulanihakoi Road and at the intersection of Pi'ilani Highway and Ohukai Street with a value of 1.8 ppm. Compared to the without project scenario, concentrations increased slightly, however all projected worst-case concentrations for this scenario remained well within state and national standards.

For the Year 2018 with the full development of the pProject and the adjacent with Honua'ula affordable residential project, the estimated worst-case 8-hour concentrations were predicted to remain about the same or increase slightly compared to the without project scenario. All predicted concentrations for this scenario remained within the National and State standards.

During worst-case conditions, model results indicated that present 1-hour and 8-hour carbon monoxide concentrations are well within both the state and the national ~~Ambient Air Quality Standards (AAQS)~~.

As part of the preparation of the FEIS, the Applicant retained B. D. Neal & Associates to analyze the years 2025 and 2032 to estimate long range air quality impacts, and to prepare updates to the Air Quality Survey prepared for the DEIS. Air quality studies were conducted on March 11, 2016 and again on February 2,

2017. Based on these studies, and based further on the review of the TIAR update dated December 20, 2016, B. D. Neal & Associates determined that re-analysis of the Project air quality impacts was not necessary, as the conclusions stated in the 2014 Air Quality Survey remain valid. (See: Appendix D-2 "Air Quality Report Update dated February 2, 2017")

We are an island with limited resources that dwindle with the increase of population, number of visitors and the incursion of modern western business. A mega mall and light industrial businesses as well as dense residential units must be scrutinized and measured for all the effects that it will have on my cultural practice at the ocean, my right to gather and use limu for medicine as well the ocean classroom that Ao Makole classes presently utilize. A preceding setting decision can be used to assist this project's EIS and mitigation solutions: Na Pa'akai vs LUC.

Response: The proposed project is subject to conditions related to drainage and water quality as part of the Decision and Order for Docket No. A94-706. Specifically condition 8 states that the "Petitioner shall fund the design and construction of its pro-rata share of drainage improvements required as a result of the development of the property, including oil water separators and other filters as appropriate, and other best management practices as necessary to minimize non-point source pollution into Kulanihakoi Gulch, in coordination with appropriate State and County agencies."

Condition 11 states that the "Petitioner shall contribute its pro-rata share to a nearshore water quality monitoring program as determined by the State Department of Health and the State Division of Aquatic Resources, Department of Land and Natural Resources."

Additionally, Condition 12 states that "Petitioner shall implement effective soil erosion and dust control methods during construction in compliance with the rules and regulations of the State Department of Health and the County of Maui."

In response to comments regarding cultural resources, 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 Kaonoulu 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 (Kaonoulu 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").

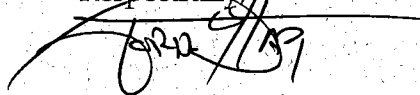
Notwithstanding the absence of valued resources, the Applicant is willing to continue meetings with the Aha Moku members as well as other members of the community during the Data Recovery effort proposed for the archaeological sites. The findings of the Archaeological Monitoring program will be conducted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

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

I sincerely apologize for not providing this reply at the time of the DEIS publication. It was not intentional and was beyond our control.

Respectfully,

A handwritten signature in black ink, appearing to read "Jordan E. Hart", with a large, sweeping flourish extending from the end of the signature.

Jordan E. Hart, President

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