

Maki, Lorene K

LAND USE COMMISSION
STATE OF HAWAII

From: Heidi_Meeker/FacilDev/HIDOE@notes.k12.hi.us
Sent: Thursday, June 21, 2018 7:45 AM
To: Maki, Lorene K
Subject: Re: A05-755 Hale Mua Properties, LLC DOE condition question
Attachments: Hale Mua correspondence.PDF

2018 JUL 24 A 10:45

Lorene, I answered your questions below, but you didn't mention what format you required. Do you need a letter? and what's the deadline for the letter?

Heidi Meeker - heidi_meeker@notes.k12.hi.us
Phone: 808-784-5095
Facilities Development Branch
3633 Waiialae Avenue, Room C209
HNL, 96816

From: "Maki, Lorene K" <lorene.k.maki@hawaii.gov>
To: Heidi_Meeker/FacilDev/HIDOE <Heidi_Meeker/FacilDev/HIDOE@notes.k12.hi.us>, "heidi_meeker@notes.k12.hi.us" <heidi_meeker@notes.k12.hi.us>, <briana.l.bernardino@hawaii.gov>
Cc: "Apuna, Dawn T" <dawn.t.apuna@hawaii.gov>, "Funakoshi, Rodney Y" <rodney.y.funakoshi@hawaii.gov>, "Bernardino-Mun, Briana"
Date: 06/19/2018 03:10 PM
Subject: A05-755 Hale Mua Properties, LLC DOE condition question

Hi Heidi,

The Land Use Commission (LUC) approved this Petition, dated Feb. 12, 2007, to reclassify approximately 116.177 acres from the Agricultural Land Use Districts into the Urban District in order to construct 238 lots as affordable house-lot packages (51% of the proposal), and 209 market priced residential lots.

I have attached the original Decision and Order for your use. Please note that Hale Mua Properties was the original Petitioner, and the Successor Petitioner is now Southwest 7, LLC and the Estate of Robert Cooper.

On May 9, 2018, the LUC conducted a status report on this docket, and voted on an Order to Show Cause (OSC) why the Petition area should not revert to its former land use classification or be changed to a more appropriate classification. The LUC has called for a hearing on July 25, 2018 to consider this issue.

Accordingly, OP is contacting relevant State Departments for information regarding the status of the conditions that relate to the matters of State concern.

We note that Condition 3 of the 2007 Findings of Fact, Conclusions of Law and Decision and Order relates to Public School facilities.

Specific questions:

Has the Petitioner or the Successor Petitioner fulfilled Condition 3?

There was no Educational Contribution Agreement signed. There had been discussion about the

contents of such an agreement, but nothing was finalized.

Has the Petitioner or the Successor Petitioner contacted the DOE regarding this condition?

There were several phone conversations and one meeting between Sterling Kim and DOE staff. Last contact was a phone conversation on July 28, 2009.

Has the Petitioner or the Successor Petitioner and DOE reached an agreement in writing for the fair-share contribution for school facilities as specified by the condition?

No Education Contribution Agreement was executed. The DOE was last negotiating an agreement in 2006. Agreement included the payment of a 12-acre school site.

Copy of subsequent correspondence is attached.

We would greatly appreciate a response by July 10th in order to prepare OP's response to the LUC or let us know if any delays in responding by then.

Thank you.

Lorene
808 587-2888

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*****[attachment "A05-755-Hale-Mua-FINAL-DO-2-12-07.pdf" deleted by Heidi Meeker/FacilDev/HIDOE]

Maki, Lorene K

From: Tatsuguchi, Ken
Sent: Tuesday, July 10, 2018 2:00 PM
To: Maki, Lorene K
Cc: Lee, Jenny S; Iwasa, Russell
Subject: RE: A05-755 Hale Mua Properties

Hi Lorene, Response to your questions-

Has the Petitioner or the Successor Petitioner fulfilled Condition 5?

Revised TIAR has been submitted, dtd 2007.
Conceptual design for Waiehu Beach Rd and Kahekili Hwy has been provided.
Traffic mitigation measures have not been implemented.

Has the Petitioner or the Successor Petitioner contacted the DOT regarding this condition?

No recent contact has occurred with the Petitioner or Successor Petitioner.

Has the Petitioner or the Successor Petitioner and DOT submitted the revised TIAR to the DOT for its review and approval?

No revised TIAR has been submitted.

Other comments

HDOT recommends a revised TIAR be submitted to evaluate current and buildout traffic conditions since the last revised is over 10 years old, which traffic conditions have likely changed.
HDOT recommends the TIAR evaluate the proposed intersection improvement and other traffic improvements due to the development's traffic impacts.

From: Maki, Lorene K
Sent: Monday, July 09, 2018 3:08 PM
To: Tatsuguchi, Ken <ken.tatsuguchi@hawaii.gov>
Subject: RE: A05-755 Hale Mua Properties

Hi Ken,

I was wondering if you have been able to review our questions concerning this docket. Thank you. Lorene

From: Maki, Lorene K
Sent: Wednesday, June 20, 2018 7:17 AM
To: Tatsuguchi, Ken <ken.tatsuguchi@hawaii.gov>
Cc: Apuna, Dawn.T <dawn.t.apuna@hawaii.gov>; Funakoshi, Rodney Y <rodney.y.funakoshi@hawaii.gov>; Bernardino-Mun, Briana <briana.l.bernardino@hawaii.gov>
Subject: RE: A05-755 Hale Mua Properties

Thank you Ken. We appreciate it. lorene

From: Tatsuguchi, Ken
Sent: Tuesday, June 19, 2018 4:56 PM

To: Maki, Lorene K <lorene.k.maki@hawaii.gov>
Cc: Apuna, Dawn T <dawn.t.apuna@hawaii.gov>; Funakoshi, Rodney Y <rodney.y.funakoshi@hawaii.gov>; Bernardino-Mun, Briana <briana.l.bernardino@hawaii.gov>
Subject: RE: A05-755 Hale Mua Properties

Hi Lorene,

Will get back to you w a response.

Thank you,
Ken

From: Maki, Lorene K
Sent: Tuesday, June 19, 2018 3:11 PM
To: Tatsuguchi, Ken <ken.tatsuguchi@hawaii.gov>
Cc: Apuna, Dawn T <dawn.t.apuna@hawaii.gov>; Funakoshi, Rodney Y <rodney.y.funakoshi@hawaii.gov>; Bernardino-Mun, Briana <briana.l.bernardino@hawaii.gov>
Subject: A05-755 Hale Mua Properties

Hi Ken,

The Land Use Commission (LUC) approved this Petition, dated Feb. 12, 2007, to reclassify approximately 116.177 acres from the Agricultural Land Use Districts into the Urban District in order to construct 238 lots as affordable house-lot packages (51% of the proposal), and 209 market priced residential lots.

I have attached the original Decision and Order for your use. Please note that Hale Mua Properties was the original Petitioner, and the Successor Petitioner is now Southwest 7, LLC and the Estate of Robert Cooper.

On May 9, 2018, the LUC conducted a status report on this docket, and voted on an Order to Show Cause (OSC) why the Petition area should not revert to its former land use classification or be changed to a more appropriate classification. The LUC has called for a hearing on July 25, 2018 to consider this issue.

Accordingly, OP is contacting relevant State Departments for information regarding the status of the conditions that relate to the matters of State concern.

We note that Condition 5 of the 2007 Findings of Fact, Conclusions of Law and Decision and Order relates to Transportation and highways.

Specific questions:

Has the Petitioner or the Successor Petitioner fulfilled Condition 5?

Has the Petitioner or the Successor Petitioner contacted the DOT regarding this condition?

Has the Petitioner or the Successor Petitioner and DOT submitted the revised TIAR to the DOT for its review and approval?

We would greatly appreciate a response by July 10th in order to prepare OP's response to the LUC or let us know if any delays in responding by then.

Thank you.

Lorene
808 587-2888

Maki, Lorene K

From: Ishii, Wade T
Sent: Friday, June 22, 2018 8:42 AM
To: Maki, Lorene K
Cc: Lee, Shaoyu L; Travis, Thomas L
Subject: RE: A05-755 Hale Mua Properties, LLC question regarding Condition 6 relating to the Civil Defense condition
Attachments: A05-755-Hale-Mua-FINAL-DO-2-12-07.pdf; Scanned from a Xerox Multifunction Printer.pdf

Hi Lorene,

The developer has not fulfilled condition 6. **Civil Defense**. Petitioner shall provide its fair share of the cost of adequate civil defense measures serving the Reclassified Area as determined by the State of Hawai'i Department of Defense, Office of Civil Defense, and County of Maui Civil Defense Agency.

There is no record of the Developer contacting HI-EMA (formerly State Civil Defense) DOD regarding this condition.

Thanks,
Wade

Wade T. Ishii, P.E. | Acting Assistant Chief Engineering Officer | Engineering Office (HIENG) | Department of Defense | State of Hawaii
3949 Diamond Head Road | Room 228 | Honolulu, Hawaii, 96816-4495 | 808-733-8441 (w) | 808-733-4235 (f)

From: Maki, Lorene K
Sent: Tuesday, June 19, 2018 3:18 PM
To: Ishii, Wade T <wade.t.ishii@hawaii.gov>
Cc: Funakoshi, Rodney Y <rodney.y.funakoshi@hawaii.gov>; Apuna, Dawn T <dawn.t.apuna@hawaii.gov>; Bernardino-Mun, Briana <briana.l.bernardino@hawaii.gov>
Subject: A05-755 Hale Mua Properties, LLC question regarding Condition 6 relating to the Civil Defense condition

Aloha Wade,

The Land Use Commission (LUC) approved this Petition, dated Feb. 12, 2007, to reclassify approximately 116.177 acres from the Agricultural Land Use Districts into the Urban District in order to construct 238 lots as affordable house-lot packages (51% of the proposal), and 209 market priced residential lots.

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On May 9, 2018, the LUC conducted a status report on this docket, and voted on an Order to Show Cause (OSC) why the Petition area should not revert to its former land use classification or be changed to a more appropriate classification. The LUC has called for a hearing on July 25, 2018 to consider this issue.

Accordingly, the Office of Planning (OP) is contacting relevant State Departments for information regarding the status of the conditions that relate to the matters of State concern.

We note that Condition 6 of the 2007 Findings of Fact, Conclusions of Law and Decision and Order relates to Civil Defense sirens.

Specific questions:

Has the Petitioner or the Successor Petitioner fulfilled Condition 6?

Has the Petitioner or the Successor Petitioner contacted the DOD or the Hawaii Emergency Management Agency regarding this condition?

We would greatly appreciate a response by July 10th in order to prepare OP's response to the LUC or let us know if any delays in responding by then.

Thank you.

Lorene
808 587-2888

PHONE (808) 594-1888



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HWY., SUITE 200
HONOLULU, HAWAII 96817

FAX (808) 594-1865



HRD 18-8605

June 28, 2018

Lorene Maki, Planner
Office of Planning
State of Hawai'i
P.O. Box 2359
Honolulu, HI 96804-2359

Re: Request for Information regarding Petitioner's and/or Successor Petitioner's compliance with Condition 7 of the Land Use Commission's Findings of Fact, Conclusions of Law and Decision and Order for a State Land Use District Boundary Amendment (Docket No. A05-755)

Aloha e Ms. Maki:

Mahalo for contacting the Office of Hawaiian Affairs (OHA), via email on June 20, 2018, to determine whether Petitioner, Hale Mua Properties, LLC, or Successor Petitioner, Southwest 7, LLC, and the Estate of Robert Cooper, consulted with OHA regarding archaeological monitoring in accordance with Condition 7 of the Land Use Commission's (LUC) Findings of Fact, Conclusions of Law and Decision and Order for a State Land Use District Boundary Amendment for Petitioner Hale Mua Properties, LLC (Docket No. A05-755, filed February 12, 2007). You also requested information regarding whether the petitioner or successor petitioner fulfilled Condition 7.

Condition 7 of the LUC's Decision and Order reads,

Petitioner shall employ the services of the appropriate number of archaeological monitors to ensure that all ground disturbing disturbances associated with the mass grading of the Reclassified Area and trenching and excavation related to the installation of utilities do not impact any subsurface cultural remains within the Petition Area in a 100-meter wide strip along Kahekili Highway. The Petitioner shall consult with the State of Hawai'i Office of Hawaiian Affairs and coordinate with SHPD to determine where any additional full-time monitoring may be warranted.

EXHIBIT D

Lorene Maki, Planner
June 28, 2018
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OHA has no records of consultation regarding archaeological monitoring with either the original petitioner or successor petitioner.

We are unable to answer whether the petitioner or successor petitioner complied with Condition 7. Based on our research, it appears as if there have been no ground disturbing activities on this parcel, thus no archaeological monitoring for the original petitioner or successor petitioner to consult on. Please let us know if our assessment is incorrect.

Mahalo for the opportunity to comment. We look forward to continuing consultation. Should you have any questions, please contact Teresa Kaneakua, OHA Lead Compliance Specialist, at (808) 594-0231 or teresak@oha.org.

‘O wau iho nō me ka ‘oia ‘i‘o,

A handwritten signature in black ink, appearing to read 'M. Crabbe', followed by a horizontal line and the letters 'SCV'.

Kamana‘opono M. Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer

KC:tk