ANNUAL REPORT



WAIKAPU COUNTRY TOWN DOCKET NO. A15-798







Prepared for: Waikapu Properties, LLC 1670 Honoapiilani Highway Waikapu, Maui, Hawaii

Prepared by:
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December 23, 2019

Land Use Planning ● Sustainability Services ● Community Planning ● Development Permits

December 23, 2019

Mr. Daniel E. Orodenker
Executive Director
State of Hawai`i Land Use Commission
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawai`i 96804-2359

Dear Mr. Orodenker:

Re: ANNUAL REPORT for the WAIKAPŪ COUNTRY TOWN (WCT) at 1670 Honoapi'ilani Highway Waikapū, Hawai'i on property identified as Tax Map Key Nos. (2) 3-6-004:003 (por); (2) 3-6-002:003 (por), (2) 3-6-004:006 and (2) 3-6-004:007 (por) (Docket No. A15-798)

On behalf of Waikapu Properties, LLC; MTP Land Partners, LLC; William F. Filios, Trustee of the William S. Filios Separate Property Trust dated April 3, 2000; and Waiale 905 Partners, LLC, the owners of the above-referenced properties, we are pleased to file the Annual Report in support of the Waikapū Country Town. On February 26, 2018, the State Land Use Commission issued its Findings of Fact, Conclusions of Law, and Decision and Order, and Certificate of Service. The Decision and Order reclassified the Petition Area from the State Land Use Agricultural District to the State Land Use Rural District. The Decision and Order was subject to thirty-two conditions. Condition No. 28 below, requires that an Annual Report be filed with the State Land Use Commission, the State Office of Planning, and the Maui Planning Department in accordance with the following:

Petitioner shall timely provide, without any prior notice, annual reports to the Commission, the State Office of Planning, and the County of Maui Planning Department, and their respective successors, in connection with the status of the development of the Petition Area and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the executive officer of the Commission. The annual report shall consist of one original, one paper copy and one electronic copy and shall be due prior to or on the anniversary date of the approval of the Petition.

The Owners acknowledge that this Annual Report should have been filed *prior to or on the anniversary date of the approval of the Petition*. Future Annual Report's will be filed in a timely manner. This Annual Report is being filed in accordance with the above-referenced condition.

Status of the Development of the Petition Area

The following summarizes the status of the project since the Commission issued its Findings of Fact, Conclusions of Law, and Decision and Order on February 28, 2018:

- On September 20, 2019 the County of Maui adopted Ordinance No. 4996, which amended the Wailuku-Kahului Community Plan map from Project District 5, Single-Family, and Agriculture to the Waikapū Country Town (WCT) for the lands that comprise the Waikapū Country Town project (See Exhibit 1).
- 2. On September 20, 2019 the County of Maui adopted Ordinance No. 4997, which amended Title 19, Maui County Code, to create Chapter 19.96, Waikapū Country Town District (See Exhibit 2).
- 3. On September 20, 2019 the County of Maui adopted Ordinance No. 4998, which changed zoning from Wailuku-Kahului Project District 5 and Agricultural District to Waikapū Country Town District, subject to conditions (See Exhibit 3).

Since the County of Maui's adoption of the above-referenced ordinances, the Owners are initiating the following tasks to move the project towards development:

- 1. On December 16, 2019, Waikapu Properties, LLC filed a State Land Use Commission Special Permit application with the County of Maui's Department of Planning for the twelve-acre wastewater reclamation facility, which is proposed within the State Agricultural District.
- 2. Compliance with the conditions of the Commission's Decision and Order;
- 3. Compliance with the conditions of zoning;
- 4. Preparation of engineering plans and supporting documentation for approval of the backbone infrastructure, including: water source and transmission systems, wastewater treatment and transmission systems; off-site roadway improvements; and utilities;
- 5. Preparation of Neighborhood Plans for County Neighborhood Plan Approval; and
- 6. Preparation of Preliminary Subdivision applications.

Status of Compliance with Conditions Imposed by the Decision and Order

The following documents the Owners compliance with the remaining thirty-two conditions.

DOCKET NO. A15-798 CONDITIONS

Condition No. 1	Education Contribution Agreement. Petitioner shall contribute to the development,
	funding, and/or construction of school facilities in compliance with the Educational
	Contribution Agreement for Waikapū Country Town undated but executed as of
	January 31, 2017 entered into by Petitioner and the DOE. Petitioner shall ensure

that prospective buyers, purchasers, and subsequent owner builders of lots are given notice of the requirement to pay the Central Maui District Impact Fee in accordance with the Educational Contribution Agreement. Such notice shall be recorded and shall run with the land.

Petitioner Response: The Petitioner and the DOE entered into an Educational Contribution Agreement for Waiakpū Country Town on January 31, 2017 (**See Exhibit 4**). Petitioner understands that prospective buyers, purchasers, and subsequent owner builders of lots shall be given notice of the requirement to pay the Central Maui District Impact Fee in accordance with the Educational Contribution Agreement. Such notice will be recorded and will run with the land.

Condition No. 2

Storm Water Management and Drainage. Petitioner shall maintain existing drainage patterns and shall implement applicable Best Management Practices a) to minimize infiltration and runoff from construction and vehicle operations, b) to reduce or eliminate the potential for soil erosion and ground water pollution, and c) to formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health guidelines and County of Maui ordinances and rules. The Best Management Practices shall include a program for the maintenance of drainage swales within the Project Area.

Petitioner Response: The Petitioner's Storm Water Management and Drainage Plan will address infiltration and runoff, soil erosion and runoff, and dust in accordance with the requirements of Condition No. 2, the Department of Health's guidelines, and the County of Maui's ordinances and rules. The Petitioner's Best Management Practices (BMP's) will include a program for the maintenance of the drainage swales within the project area.

Condition No. 3

<u>Residential Workforce Housing</u>. Petitioner shall design and construct the Project, and provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements.

Petitioner Response: The Petitioner acknowledges that it shall design and construct the project, and provide residential workforce housing opportunities, in accordance with the County of Maui's residential workforce housing requirements.

Condition No. 4

<u>Wastewater</u>. Petitioner shall participate in the funding and/or construction of adequate private or public wastewater source, storage, and transmission facilities to accommodate the proposed uses for each portion of the Petition Area. The private wastewater source, storage, and transmission facilities shall be in accordance with the applicable standards and requirements of the Department of Health and/or the County of Maui. If applicable, the public wastewater source, storage, and transmission facilities shall be controlled or operated by the County of Maui. If the private wastewater source, storage, and transmission facilities are located outside the Petition Area and within the

State and County agricultural districts, Petitioner shall apply for a State Special Permit in accordance with the provisions of HRS Chapter 205. If Petitioner participates in a regional wastewater system which is controlled or operated by the County of Maui, Petitioner may request to be released from this condition applicable to private wastewater source, storage and transmission facilities.

Petitioner Response: The Petitioner understands the scope of the above-referenced condition. The Petitioner intends to develop private wastewater source, storage, and transmission facilities in accordance with the applicable State and County requirements. In accordance with the condition, the Petitioner filed a HRS Chapter 205 State Special Permit for the proposed wastewater reclamation facility (WWRF) on December 16, 2019, to operate the WWRF within the State Agricultural District.

The Petitioner acknowledges that should it choose to participate in a regional wastewater system which is controlled or operated by the County of Maui, Petitioner may request to be released from this condition applicable to private wastewater source, storage, and transmission facilities.

Condition No. 5	Air Quality. Petitioner shall participate in an air quality monitoring
	program if so required by the Department of Health.

Petitioner Response: The Petitioner understands that it shall participate in an air quality monitoring program if so required by the Department of Health.

Condition No. 6	Energy Conservation Measures. Petitioner shall implement, to the extent
	feasible and practicable, measures to promote energy conservation, sustainable
	design and environmental stewardship, such as the use of solar water heating
	and photovoltaic systems, into the design and construction of the Project and
	development of the Petition Area. Petitioner also shall provide information to
	home purchasers regarding energy conservation measures that may be
	undertaken by individual homeowners within the Project.

Petitioner Response: The Petitioner intends to incorporate energy conservation measures into the design, construction, and development of the Waikapū Country Town. Information will be provided to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners within the project.

Condition No. 7	Notification of Proximity to Kahului Airport. Petitioner, and all subsequent owners, shall notify and disclose to all prospective developers, purchasers, and/or lessees within any portion of the Project, as part of any conveyance document (deed, lease, or agreement of sale, etc.) required for the sale or
	transfer of real property or any interest in real property, of the potential adverse impacts of aircraft activity at and from the Kahului Airport, such as noise, right of flight, emissions, vibrations and other incidences of aircraft operations.

Petitioner Response: The Petitioner is aware of the above-referenced disclosure requirements of the potential adverse impacts of aircraft activity at and from the Kahului Airport. The disclosure requirements will be made part of any conveyance document required for the sale or transfer of real property or any interest in real property within any portion of the project.

Condition No. 8 <u>Transportation - Highways.</u> a. Petitioner shall submit to the State Department of Transportation and the County of Maui for review and approval a supplemental analysis to evaluate the "No Waiale Bypass" with Petitioner's Project in 2022 (Phase I), due to the current memorandum/addendum limited only to build-out year 2026 (Phase II). Petitioner shall also submit copies to OP, Maui County Planning Department, and the Commission. b. Petitioner shall mitigate all Project-generated traffic impacts as recommended and/or required by the State Department of Transportation and the County of Maui. Petitioner shall initiate, coordinate, and meet with State Department of Transportation Highways and the County of Maui to agree upon the regional pro-rata share and to develop a Memorandum of Agreement with the State Department of Transportation, Highways Division, and another Memorandum of Agreement with the County of Maui. The Memoranda of Agreement shall be executed prior to submittal of a subdivision application to the County of Maui.

Petitioner Response: The Petitioner partially fulfilled Condition No. 8a on July 10, 2018 by transmitting a supplemental analysis to evaluate the "No Waiale Bypass" scenario with Petitioner's Project in 2022 (Phase 1). As shown in Exhibit 5, the supplemental analysis was transmitted to the State Department of Transportation, the County's Department of Public Works, and the County's Department of Planning (See Exhibit 5 and Exhibit 6).

The Petitioner will transmit under a separate enclosure the No Waiale Bypass 2022 Analysis to the Office of Planning and the State Land Use Commission to satisfy Condition No. 8a. The Petitioner will consult with the State DOT and the County Planning Department to confirm the acceptance of the subject analysis.

Petitioner acknowledges that it shall initiate, coordinate, and meet with State Department of Transportation Highways and the County of Maui to agree upon the regional pro-rata share and to develop a Memorandum of Agreement with the State Department of Transportation, Highways Division, and another Memorandum of Agreement with the County of Maui. The Petitioner understands that a Memoranda of Agreement will be executed prior to submittal of a subdivision application to the County of Maui.

Condition No. 9	<u>Transportation- Regional Planning</u> . Petitioner shall continue to work with the
	County of Maui to develop a timetable for the construction of the Waiale Bypass

and shall work with appropriate County of Maui and State of Hawai'i agencies, including the Metropolitan Planning Organization of the County of Maui, to develop a comprehensive traffic review of the Central Maui region.

Petitioner Response: The Petitioner acknowledges that it will work with the County of Maui regarding the timing and construction of the Waiale Bypass in accordance with its pro-rata share requirements. In addition, the Petitioner will work with the applicable State and County agencies and the Metropolitan Planning Organization to develop a comprehensive review of the Central Maui region.

Condition No. 10

Transportation-Airports. Petitioner shall work with the State Department of Transportation to minimize hazards to aircraft operations from Kahului Airport, including but not limited to impacts from wildlife attractants, photovoltaic glint and glare, electromagnetic radiation, avigation easements, notices of proposed construction or alteration, and prospective purchaser/owner liability and covenants. As deemed necessary by the State Department of Transportation to minimize the hazards to aircraft operations from Kahului Airport, Petitioner shall fund and implement a program to control any birds nesting or occupancy and any insect, pest or wildlife infestation, in any hazardous wildlife attractants (open swales, storm drains, retention and detention basins, wastewater treatment facilities or associated settling ponds) serving the Project. Petitioner shall enter into a Memorandum of Agreement with State Department of Transportation before final subdivision approval of the initial phase of on-site development by Petitioner outlining measures to be taken by Petitioner to address impacts.

Petitioner Response: The Petitioner understands the scope of the above-referenced condition, and will enter into a Memorandum of Agreement with the State Department of Transportation before final subdivision approval of the initial phase of on-site development by Petitioner outlining measures to be taken by Petitioner to address impacts to Kahului Airport aircraft operations from the project.

Condition No. 11

<u>Water Conservation Measures</u>. Petitioner shall implement water conservation measures and best management practices such as the use of indigenous plants to the extent practicable and as required by the County of Maui.

Petitioner Response: The Petitioner acknowledges that it will implement water conservation measures and best management practices such as the use of indigenous plants to the extent practicable and as required by the County of Maui.

Condition No. 12

<u>Water System.</u> Petitioner shall participate in the funding and/or construction of adequate private or public water source, storage, and transmission facilities to accommodate the proposed uses for each phase of the Project. The private water source, storage, and transmission facilities shall be in accordance with the applicable standards and requirements of the Department of Health and/or the County of Maui, with plans submitted for approval by the appropriate agency.

In the event that Petitioner participates in a regional water system which is controlled or operated by the County of Maui, Petitioner may request the release of this condition applicable to a private water system.

Additionally, Petitioner shall work with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapū aquifer.

Further, Petitioner shall submit such information as may be requested by the County of Maui to reflect changes in water demand forecasts and to supply the proposed uses for the County of Maui's Water Use and Development Plan.

Petitioner Response: The Petitioner understands the scope of the above-referenced condition. The Petitioner intends to develop private water source, storage, and transmission facilities in accordance with the applicable State and County requirements. The Petitioner acknowledges that should it participate in a regional water system which is controlled or operated by the County of Maui, Petitioner may request to be released from this condition applicable to private water source, storage and transmission facilities.

In addition, the Petitioner acknowledges that it shall work with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapū aquifer. Further, the Petitioner understands that it shall submit such information as may be requested by the County of Maui to reflect changes in water demand forecasts and to supply the proposed uses for the County of Maui's Water Use and Development Plan.

Condition No. 13	Street Lights. Petitioner shall use fully-shielded street lights within the
	Petition Area to avoid impacts to avifauna and other populations and to
	prevent light diffusion upward into the night sky.

Petitioner Response: The Petitioner understands that fully-shielded street lights within the project area shall be installed to avoid impacts to avifauna and other populations and to prevent light diffusion upward into the night sky.

Condition No. 14	Sirens. Petitioner shall fund and install three (3) civil defense warning
	sirens as specified by and in the locations identified by the State
	Department of Defense.

Petitioner Response: The Petitioner is aware that it must fund and install three civil defense warning sirens as specified by and in the locations identified by the State Department of Defense.

PROJECT SPECIFIC CONDITIONS

Condition No. 15	Parks. Petitioner shall comply with the park dedication requirements of the
	County of Maui.

Applicant Response: The Petitioner is in the process of working with the County of Maui to formalize a Parks Dedication Agreement.

Condition No. 16	Established Gathering and Access Rights Protected. Pursuant to Article XII,
	Section 7 of the Hawai'i State Constitution, Petitioner shall preserve and
	protect any established gathering and access rights of Native Hawai'ians who
	have customarily and traditionally used the Petition Area to exercise
	subsistence, cultural, gathering, and religious practices or for access to other
	areas for such purposes.

Petitioner Response. The Applicant is aware that pursuant to Article XII, Section 7 of the Hawai'i State Constitution, Petitioner shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Petition Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purposes.

Condition No. 17

Agriculture Easement. Petitioner shall submit an executed copy of the conservation easement or relevant instrument for at least 800 acres of adjacent agricultural lands to the Commission. No dwelling or structure shall or may be used for a residence or residential use, including farm dwellings or farm worker housing, on the adjacent agricultural lands which are subject to the agricultural easement or conservation easement, and such easement shall include this restriction.

If any development is proposed in the area made subject to the conservation easement or relevant instrument, SHPD shall be notified and shall make a determination on whether an archaeological inventory survey is to be provided by Petitioner for such area. The Commission shall also be notified of any proposed development within the conservation easement lands and any determination made by SHPD.

Petitioner Response: The Petitioner has prepared an Agricultural Conservation Easement with the Hawaiian Islands Land Trust (HILT). The agreement is in the process of being reviewed and finalized by HILT and the Petitioner.

Condition No. 18	Notification of Agricultural Use. Petitioner, and all subsequent owners, shall
	notify and disclose to developers, purchasers, and/or lessees of the provisions
	of HRS Chapter 165, the Hawai'i Right to Farm Act. The notice and disclosure

shall be a part of any conveyance document such as a deed, lease or agreement of sale.

The notice and disclosure shall contain at least the following information: a) that the developers, purchasers and/or lessees shall not take any action that would interfere with or restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the State Land Use Agricultural District; and b) that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands.

For the purpose of this condition, the term "farming operations" shall have the same meaning as provided in HRS § 165-2.

Petitioner Response: The Petitioner acknowledges and understands the scope of its responsibilities to notify and disclose to developers, purchasers, and/or lessees of the provisions of HRS Chapter 165, the Hawai'i Right to Farm Act.

Condition No. 19

Previously Unidentified Burials and Archaeological/Historic Sites. In the event that historic or archaeological resources, including human skeletal remains, are found and/or identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the State Historic Preservation Division shall be contacted immediately as required by HRS Chapter 6E and its applicable rules. Without limitation to any condition found herein, if any burials or archaeological or historic sites or artifacts not previously identified in studies referenced to in these Findings of Fact and Conclusions of Law are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the State Historic Preservation Division that mitigation measures have been implemented to its satisfaction.

Petitioner Response: The Petitioner acknowledges and understands the scope of the above-referenced condition related to previously unidentified burials, archaeological, and historic sites.

Condition No. 20

Archeological/Historic Sites. Petitioner shall provide the following prior to any ground disturbance, as agreed upon with SHPD's acceptance of the Petitioner's Archaeological Inventory Survey:

a. Archaeological monitoring, which shall include data recovery of archaeological and historic sites;

- b. If site 50-50-04-5197 is impacted by the Project, it will be further documented in consultation with SHPD;
- Archaeological monitoring shall be conducted for all ground disturbing activities, including the Na Wai 'Eha sand dune system area. An archaeological monitoring plan shall be developed and submitted for SHPD's review and acceptance prior to commencing Project work;
- d. If any development is proposed for the area to be dedicated to agriculture, SHPD shall be notified and SHPD will make a determination on whether an archaeological inventory survey is to be provided by Petitioner;
- e. Petitioner shall submit a preservation plan to SHPD for two (2) sites: the irrigation features (Site 50-50-04-7884) and the WWII bunker (Site 50-50=04-7883). The preservation plan shall be submitted to the SHPD for review and acceptance prior to the initiation of the Project. Petitioner shall comply with all interim and/or permanent mitigation and preservations measures recommended and approved by the SHPD. Petitioner shall confirm in writing to the Commission that the SHPD has found Petitioner's preservation mitigation commitments to be acceptable and has determined that any required historic preservation measures have been successfully implemented. The SHPD shall be notified at the initiation of the Project.

Petitioner Response: The Petitioner acknowledges and understands the scope of the above-referenced condition related to archaeological monitoring and preservation of applicable lands within the project area. In addition, the Petitioner understands that if any development is proposed for the area to be dedicated to agriculture, SHPD shall be notified and SHPD will make a determination on whether an archaeological inventory survey is to be provided by Petitioner. In accordance with this condition, the Petitioner filed an HRS 6e submittal form to the State Historic Preservation Division for the WWRF. The Log in Number is 2019.02347.

Condition No. 21

Archaeological/Archaeological Monitoring. Petitioner shall employ archaeological monitors to ensure that all ground disturbances associated with mass grading of the Petition Area, and the trenching and excavation related to the installation of utilities, do not impact any subsurface cultural remains within the Petition Area. Petitioner shall submit an archaeological monitoring plan for ground disturbing activities within the Petition Area to the State Historic Preservation Division for its review and acceptance or approval. Acceptance or approval of the archaeological monitoring plan shall be a condition to performing any ground disturbing activities. Data obtained from the archaeological monitoring plan shall be provided to the State Historical Preservation Division upon the completion of the monitoring of the Project.

In the event that Site 50-50-04-5197 is impacted by any ground disturbances, Petitioners shall document the site in accordance with the directions of the State Historic Preservation Division.

Petitioner Response: The Petitioner acknowledges and understands the scope of the above-referenced condition related to archaeological monitoring prior to mass grading of the project area.

Condition No. 22

<u>Cultural</u>. Petitioner shall consult with those persons known as Waikapū Stream south kuleana lo'i kalo farmers and Hui o Na Wai 'Eha to minimize the impacts on their traditional customary rights and practices from any development in the Petition Area.

Additionally, Petitioner shall grant access easements over the appropriate portions of the Petition Area in favor of the owners of the Mahi-Puleloa parcels, identified as LCA 2944:3 to Ehunui (TMK (2) 3-6-005:010) and as Grant 1513 to Ehunui (TMK (2) 3-6-005:009) and in favor of the owners of the Kauihou parcels, identified as LCA 3340:1 (por.) to Nahau (TMK (2) 3-6-005:067), as LCA 3103 to Kalawaia (TMK (2) 3-6-005:014) and as LCA 3110:3.2 to Kuolaia (TMK (2) 3-6-005:066). Such easements will run with the land.

Petitioner Response: The Petitioner acknowledges and understands the scope of the above-referenced condition related to consultation with the Waikapū Stream south kuleana lo'i kalo farmers and Hui o Na Wai 'Eha to minimize impacts to traditional customary rights and practices. The Petitioner is also aware of and understands the scope of the access easements in favor of the owners of the Mahi-Puleloa parcels.

Condition No. 23

Endangered Species. Petitioner shall implement the following procedures to avoid potential impacts to endangered species. Petitioner shall not clear dense vegetation, including woody plants greater than 15 feet, along the periphery of the Petition Area during the period from June 1 to September 15 of each year which is the time that the Hawai'ian hoary bat may be carrying young and thus could be at risk from the clearing activities. Petitioner shall consult with the United States Fish & Wildlife Service to determine measures needed with regard to the endangered Blackburn's Sphinx Moth and shall implement such measures in connection with the development of the Petition Area.

Additionally, for any nighttime work required during any construction within the Petition Area and Project Area, and for long term operation of any private wastewater treatment facility servicing the Project, exterior lighting shall be shielded so as to reduce the potential for interactions of nocturnally flying Hawai'ian Petrels and Newell's Shearwaters with external lights and man-made structures.

Petitioner Response: The Petitioner acknowledges and understands the scope of the above-referenced condition related to procedures to avoid potential impacts to endangered species. Petitioner shall consult with the United States Fish & Wildlife Service to determine measures needed with regard to the endangered Blackburn's Sphinx Moth and will implement exterior lighting that is shielded to mitigate impacts to Hawaiian Petrels and Newell's Shearwaters.

Condition No. 24

<u>Development in Compliance with Maui Island Plan</u>. Petitioner shall develop the Project in substantial compliance with the Planned Growth Area Rationale and goals, objectives, policies and implementing actions described in the Maui Island Plan for the Project identified as the "Waikapū Tropical Plantation Town."

Petitioner Response: The Petitioner understands that it will implement the Project in substantial compliance with the Planned Growth Area Rationale and goals, objectives, policies, and implementing actions described in the Maui Island Plan for the Project identified as the "Waikapū Tropical Plantation Town."

Condition No. 25

<u>Infrastructure Deadline</u>. Petitioner shall complete construction of the proposed backbone infrastructure, which consists of primary roadways and access points, internal roadways, on- and off-site water, sewer, and electrical system improvements, and storm water/drainage and other utility system improvements, within ten years from the date of the Decision and Order approving the Petition.

Petitioner Response: The Petitioner understands that the Project's backbone infrastructure shall be completed within ten years from the date of the Decision and Order approving the Petition.

Condition No. 26

Order to Show Cause. If Petitioner fails to complete the construction of the proposed backbone infrastructure within ten (10) years from the date of the Decision and Order approving reclassification of the Petition Area, the Commission may issue and serve upon Petitioner an Order to Show Cause and Petitioner shall appear before the Commission to explain why the Petition Area should not revert to its previous State Land Use District Agricultural Classification or be changed to a more appropriate classification.

Petitioner Response: The Petitioner acknowledges that the Commission may issue and serve upon Petitioner an Order to Show Cause to appear before the Commission if the construction of the proposed backbone infrastructure is not completed within ten years from the date of the Decision and Order approving reclassification of the Petition Area.

Condition No. 27

<u>Compliance With Representations to the Commission</u>. Petitioner shall develop the Petition Area in substantial compliance with the representations made to the Commission as reflected in these Findings of Fact, Conclusions of Law, and

Decision and Order.

Failure to so develop the Petition Area in accordance with such representations may result in reversion of the Petition Area to its former classification or a change to a more appropriate classification.

Petition Response: The Petitioner acknowledges that the Project Area shall be developed within substantial compliance with the representations made to the Commission and that failure to do so may result in the reversion of the Petition Area to its former classification or a change to a more appropriate classification.

Condition No. 28

Annual Reports. Petitioner shall timely provide, without any prior notice, annual reports to the Commission, the State Office of Planning, and the County of Maui Planning Department, and their respective successors, in connection with the status of the development of the Petition Area and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the executive officer of the Commission. The annual report shall consist of one original, one paper copy and one electronic copy and shall be due prior to or on the anniversary date of the approval of the Petition.

Petitioner Response: The Petitioner understands that annual reports to the Commission, State Office of Planning, and the County of Maui Planning Department shall be filed to document the status of the development of the Petition Area and Petitioner's progress in complying with the conditions of the approval.

This annual compliance report is being filed in fulfillment of this condition for February 2019.

Condition No. 29	Release of Conditions. The Commission may fully or partially release conditions
	provided herein as to all or any part of the Petition Area upon timely motion and
	upon the provision of adequate assurances of satisfaction of these conditions by
	Petitioner or their permitted successors and/or assigns.

Petitioner Response: The Petitioner understands that the Commission may fully or partially release conditions provided herein upon timely motion and upon the provision of adequate assurances of satisfaction of these conditions by Petitioner or their permitted successors and/or assigns.

Condition No. 30	Notice of Change of Ownership. Petitioner shall provide notice to the
	Commission of any intent to sell, lease, assign, place in trust, or otherwise
	voluntarily alter the ownership interests in the Petition Area.

Petition Response: The Petitioner understands that it shall provide notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Petition Area.

Condition No. 31 Notice of Imposition of Conditions. Petitioner shall (a) within seven (7) days of issuance of the Commission's Decision and Order reclassifying the Petition Area, record with the Bureau of Conveyances of the State of Hawai'i and/or the Office of the Assistant Registrar of the Land Court, a statement that the Petition Area is subject to the conditions imposed in this Decision and Order by the Commission and (b) promptly thereafter file a copy of such recorded statement with the Commission.

Petitioner Response: Exhibit 7 is the Notice of Imposition of Conditions. Exhibits 8 and 9 are the Declaration of Conditions and the recorded document numbers for the Notice of Imposition and Recordation of Conditions (See Exhibits 7, 8, and 9).

Condition No. 32	Recordation of Conditions. Petitioner shall record the conditions imposed
	herein by the Commission with the Bureau of Conveyances of the State of
	Hawai'i, and/or the Office of the Assistant Registrar of the Land Court, pursuant
	to HAR Section 15-15-92.
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Petitioner Response: The Imposition and Declaration of Conditions were recorded with the Bureau of Conveyances of the State of Hawai'i on December 20, 2019. The recorded document numbers are A-72930472 and A72930473 (**See Exhibit 8 and Exhibit 9**).

Thank you for your prompt review of this Annual Report. Should you have any questions, please contact me at (808) 269-6220 or e-mail at msummers@planningconsultantsHawaii.com.

Midael J. Samera

Michael J. Summers

President

Attachment

c: Mr. Michael Atherton Mr. Albert Boyce

Exhibit 1

Ordinance 4996, Community Plan Amendment

ORDINANCE	NO	4996	
BILL NO.	43	(2019)	

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE 3061 (2002), WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP, FROM PROJECT DISTRICT 5, SINGLE-FAMILY, AND AGRICULTURAL TO WAIKAPU COUNTRY TOWN (WCT) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Wailuku-Kahului Community Plan and Land Use Map is amended for certain parcels of land situated at Wailuku, Maui, Hawaii, from Project District 5, Single-Family, and Agricultural to Waikapu Country Town (WCT), as identified in Table 1, comprising 495.905 acres, and more particularly described in Exhibit "A," which is attached hereto and made a part hereof, and in Community Plan Maps CP-426, CP-427, CP-428, CP-429, CP-430, and CP-431, which are attached hereto as Exhibit "B" and made a part hereof.

Table 1

COMMUNITY PLAN AMENDMENT						
TMK	FROM	TO	ACRES			
(2) 3-6-004:por. of 003	AG	Waikapu	87.832			
(2) 3-6-004:por. of 003	AG	Country Town	48.807			
(2) 3-6-004:006	PD-5	(WCT)	53.630			
(2) 3-6-006:036	SF	37.5	0.721			
(2) 3-6-004:por. of 003	SF		2.089			
(2) 3-6-005:007	PD-5		59.054			
(2) 3-6-002:por. of 003	AG		243.772			
Total			495.905			

SECTION 2. Part V.A. of the Wailuku-Kahului Community Plan, adopted by Ordinance 3061 (2002), relating to Land Use Map, Land Use Categories and Definitions, is amended by inserting the following entry to be placed at the end of the list of Land Use Categories and Definitions, to read as follows:

"Waikapu Country Town (WCT) 495.905 acres

Waikapu Country Town is intended to provide the urban character of a traditional small town, with a diverse mix of single-family, multi-family, and rural residences; park land; open space; commercial and employment uses; and an elementary or intermediate school to create a "complete community." Pedestrian and bicycling infrastructure that includes sidewalks, separated multi-use pedestrian paths and trails, traffic calming along neighborhood and collector roadways, and interconnected networks of parks and open spaces shall be integrated into the community design to create a walkable and bikeable community.

The town includes prime agricultural lands south and west of the growth boundaries. The agricultural lands to the south of the growth boundary, encompassing 877.5 acres, are to be preserved in perpetuity through an agricultural or conservation easement. The remaining agricultural lands, encompassing approximately 280 acres, are located mostly to the west (mauka) of the growth boundaries and may be subdivided into a total of five agricultural lots.

The rural lots mauka of Honoapiilani Highway are to be developed using a Conservation Subdivision Design. The design shall provide uninterrupted walking and bicycling trails, preserve mauka and makai views, and protect environmentally sensitive lands along the Waikapu Stream and mauka of the rural subdivision."

Planning Standards:

Dwelling Unit and	Up to 1,433 residential units, plus up to 146 accessory
Rural Lot Count	dwelling units. Up to 80 rural lots, on which there may
	be 1 residential unit and 1 accessory dwelling unit.
Residential	25 percent to 50 percent of the residential units shall be
Product Mix	multi-family units.
Parks and Open	A diversity of park types and open space elements shall
Space	be provided in a manner that is consistent with the
	project's zoning and design guidelines."

SECTION 3. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel County of Maui

pslu:misc:030abill01d:jgk/jsr

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION PORTION OF LOT 6

Being a portion of 1 of 6 of Waikapu Hema Large Lot Subdivision, being also a portion of Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeast corner of this parcel on the Westerly side of Honoapillani Highway (Federal Aid Project No 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

١.	4"	29.	30" 1,826.72	feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);
2.	Thence	: along	same on a curve to the	e left with a radius of 17,223.80 feet, the radial azimuth from the radius point to the end of the curve being: 92° 29° 05.5° the chord azimuth and distance being: 3° 29° 17.75° 603.24 feet:
3.	104~	00.	470.00	feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
4.	148	(10.	190.00	feet along same;
5.	76°	00.	290.67	feet along same;
5.	106°	27	59.40	feet along same;
6.	1780	00.	380.00	feet along same;
7.	206°	00.	475.00	feet along same:
8.	171	00.	100.00	feet along same;
9.	1025	00	760.00) feet along same;

10.	72°	00.	60.00	feet a	long sam	e;
11.	102"	00-	339.87	feet a	long sam	e;
12	1950	(10)*	287.57	feet a	long sam	e;
13	Thene	e along	same on a curve to the		istance b	lius of 1,500.00 feet, the chord azimuth eing: 1,075.10 feet;

- 14. 153° 00° 107.13 feet along same;
- 15. 243° 00° 567.00 feet along same:
- 16. Thence along 1 of 2 of the Hawaii Tropical Plantation Subdivision, being also remainder of Grant 3152 to Henry Cornwell on a curve to the left with a radius of 400.00 feet, the chord azimuth and distance being:

 309° 52' 30" 314.19 feet;
- 17. 286- 45' 1.430.00 feet along same to the point of beginning and containing an area of 87.832 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

1721 Wili Pa Loop, Suite 203 Wallaku, Hawaii 96793 March 5, 2018

Michael E. Silva

Licensed Professional Land Surveyor

Certificate Number 12960 License Expires: 4/30/18

W POI

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION PORTION OF LOT 6

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also all of Royal Patent 4948. Land Commission Award 2577, Apana 3 to Hakiki and being also portions of Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, Royal Patent 3138, Land Commission Award 2394, Apana 1 to Kacha. Grant 1844 to J. Sylva, and Grant 1844. Apana 1 to J. Sylva situated in Waikapu, Wailuku. Island and County of Maui. State of Hawaii.

Beginning at the Southeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

11.159.99 feet South

4,938.21 feet West

and running by azimuths measured clockwise from True South:

1.	101,	00.		feet along the remainder of Lot 6 of the Waikapu Hema I arge Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva. Royal Patent 3131, Land Commission Award 1048. Apana 2-3 to Napailoi, and Grant 1844 to J. Sylva;
2	1003	00,	215.00	leet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, and Grant 1844 to J. Sylva;
3.	[20*	00,	450.00	feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844 to J. Sylva;
₁.	45"	00.	480.00	feet along same;
5.	148°	00-	409.00	feet along same;
ń.	159	00.	400.00	feet along same:
7.	175°	00,	220.00	feet along same;
8.	179°	00,	750,00	feet along same:
9.	271°	00,	1,235.00	feet along same;

10	12-	00.	367.00	feet along same;
11.	268°	00,	257.80	feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844 to J. Sylva and Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kacha;
12.	9°	30°	550.00	feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kacha and Grant 1844, Apana 1 to J. Sylva;
13	2754	10.	415.84	feet along remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva:
14.	20-	33`	322.87	feet along 1.ot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 1844, Apana 1 to 3. Sylva:
15.	3574	07.	420,08	feet along same to the point of heginning and containing an area of 48.807 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

1721 Willi Pa Loop, Suite 203 Wailuku, Hawaii 96793 September 20, 2018

Michael E. Silva

Licensed Professional Land Surveyor Certificate Number 12960 License Expires: 4/30/20

WPI

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION 1.012

Being all of 1 ot 2 of Hawaii Tropical Plantation Subdivision, being also all of a Polima. Royal Patent 3131. Land Commission Award 10,481, Apana 1, Mahele 1 to Napailoi, Royal Patent 3142. Land Commission Award 11.022. Apana 6 to Wahhineealii, Royal Patent 3148. Land Commission Award 10,160, Apana 1 to Mahoc, Royal Patent 3156, Land Commission Award 3527. Apana 1 to Kamohai, Royal Patent 6374, Land Commission Award 9324. Apana 2 to Keakini and being also portions of Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp. Royal Patent 3130, Land Commission Award 8874. Apana 1 to Kaneae. Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaii, Royal Patent 4115, Land Commission Award 3221. Apana 3 to Opunui, Grant 1844. Apana 1 to J. Sylva, Grant 1844, Apana 2 to J. Sylva, Grant 2069 to Kaai, Grant 2069 to Kaai, Grant 3043 to J. Boardman, and Grant 3152 to Henry Cornwell situated in Waikapu. Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Westerly side of Honoapiilani Highway (Lederal Aid Project No. 13-G), the coordinates of said point of beginning referred to Covernment Survey Triangulation Station "LUKI:" being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1.	106°	45'	1,430.00	Subdi		ot 6 of the Waikapu Hema Large-Lot being also the remainder of Grant 3152 rawell;
2	Thene	e along same	on a curve to the		with a r	radius of 400,00 feet, the chord azimuth being:
				1410	56'	460.96 feet;
3.	177"	07`	1,460.00	Subd 3152	ivision, to Heur	ot 6 of the Waikapu Hema Large-Lot, being also the remainders of Grant ry Cornwell, Grant 1844, Apana 2 to J. Grant 1844, Apana 1 to J. Sylva;
4,	200"	33°	596.14	Subd	livision,	ot 6 of the Waikapu Hema Large-Lot, being also the remainder of Grant 1844, I. Sylva;

5.	291°	45'	30"	58.59	feet along Lot 6 of the Waikapu Herna Large-Lot Subdivision, being also the remainder Grant 1844, Apana I to J. Sylva;
6.	3053	13*		264.12	feet along Lot 6 of the Waikapu Hema 1 arge-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva and Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
7.	227-	10*		111.95	feet along Lot 6 of the Waikapu Hema Large-I ot Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774. Apana 2 to Knai;
8.	226°	10.		17.92	feet along the remainder of Royal Patent 4014. I and Commission Award 5774, Apana 2 to Kaai;
ч.	222°	30,		81.90	feet along same:
10.	133*	20.		40.00	feet along same:
11.	1541	32.		79.57	feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui:
12.	2410	51	*	99.68	feet along Grant 2069, Apana 2 to Kaai;
13.	2437	45°		84.50	feet along Royal Patent 6223, Land Commission Award 3526, Apana 1 to Kekoaheewale;
14.	2354	39.		68.00	feet along the Grant 1713 to John Ross:
15.	307 ·	30.		10.00	feet along the remainder of Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui,
16.	225"	00.		19.78	leet along Royal Patent 4115, Land Commission Award 3224. Apana 3 to Opmour:
17.	225°	31*	08.,	318.56	feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui and Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;
18.	223°	33,		58.58	feet along Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;

19.	321°	27'	53.55	feet along Lot 4 of Hawaii Tropical Plantation Plantation Subdivision, being also along Royal Patent 4014, Land Commission Award 5774. Apana 2 to Kaai;
20.	2873	40°	152.19	feet along same;
21.	2834	30.	120.00	feet along same;
22.	324	10.	88.31	feet along Lot 3 of the Hawaii Tropical Plantation Subdivision, being also along the remainder of Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp:
23.	16.	50*	209.00	feet along same;
24.	25°	30.	195.00	feet along same:
25.	Thenc	e alon	g same on a curve to the	e right with a radius of 230.00 feet, the chord azimuth and distance being: 55° 12' 30" 229.13 feet;
26.	854	05*	125.00	feet along same;
27	Thenc	e alon	g Royal Patent 6374, L	and Commission Award 9324, Apana 2 to Keakini, along the remainders of Royal Patent 4014. Land Commission Award 5774, Apana 2 to Kaai and Royal Patent 3130. Land Commission Award 8874. Apana 1 to Kaneae on a curve to the left with a radius of 151.00 feet, the chord azimuth and distance being: 49° 17' 30" 176.62 feet;
28.	130	30"	243.00	feet along the remainder of Grant 2069 to Kaai:
29.	26.	15	539.50	feet along same;
30.	2955	55"	142.26	feet along same;
31.	5'	10.	285,00	feet along remainder of Grant 2069 to Kaai and Grant 2960 to Boardman;
32.	75.	00,	91,00	feet along the remainder of Grant 2960 to Boardman;
33.	346"	40'	40.00	feet along same;

34.	354°	00.		302.03	feet along same;
35	286°	45'		1,319.23	feet along remainders of Grant 2960 to J. Boardman, Grant 3152 to Henry Cornwell, and Grant 3043 to J. Boardman;
36.	4	29'	30"	651.86	feet along the Westerly side of Honoapiilani Highway (F.A.P. No. 13-G) to the point of beginning and containing an area of 53.630 Acres.

This work was prepared by me or under my supervision.



LUKUMOTO ENGINEERING, INC.

Michael E. Silva

Licensed Professional Land Surveyor

Certificate Number 12960 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203 Wailuku, Hawaii 96793 March 5, 2018

W Pro

DESCRIPTION

PORTION OF LOT 6 OF WAIKAPU HEMA LARGE-LOT SUBDIVISION AND TAX MAP KEY (2) 3-6-006:036

Being a portion of Lot 6 of Waikapu Hema Large-Lot Subdivision, being also all of Land Commission Award 3337. Apana 4 to Naanaa and being also portions of Royal Patent 3124. I and Commission Award 2609. Apana 1 and 5 to Poepoe, Royal Patent 3150. Land Commission Award 5551. Apana 2 to Kekua, Royal Patent 4014, Land Commission Award 5774. Apana 2 to Kaai and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Mani, State of Hawaii.

Beginning at the North corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

9,791.73 feet South

4.611.04 feet West

and running by azimuths measured clockwise from True South:

1.	312	57.		197.60	feet along Royal Patent 3156, Land Commission Award 3527, Apana 3 to Kaalaea;
2.	25°	42		38.90	feet along Grant 1712, Apana 2 to Ihu;
3.	2880	2.71		35.60	feet along same;
4.	195	27`		41.60	feet along Rayal Patent 3141, Land Commission Award 3523, Apana 3 to Kalahouka and Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui;
5.	3431	541		177.06	feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui,
6.	340°	56	30"	28.40	feet along same;
7.	. 286"	30.		21.10	feet along same;
8.	. 221°	50°		75.90	feet along same;
g). 313°	20.		40.00	feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;

Waikapu Hema Large-Lot Subdivision, Por. of Lot 6 and Tax Map Key (2) 3-6-006:036

10.	42'	30°		81.90	feet along same;
11.	461	10.		47.921	feet along same;
12.	47	10.		111.95	feet along same;
12.	125	13*		264.12	feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Grant 1844, Apana 1 to J. Sylva;
13.	111°	45'	30"	58.59	feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder Grant 1844, Apana I to J. Sylva;
11.	1922	26	23"	143.95	feet along the remainder Lot 6 of the Waikapu Hema Large-I of Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;
15,	186°	52"	53"	79.99	feet along same;
16.	210°	00*		196.90	feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, and Grant 1704 to Opunui to the point of beginning and containing an area of 2.810 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

1721 Wili Pa I oop, Suite 203 Wailuku, Hawaii 96793 March 5, 2018

Michael I. Silva

Licensed Professional Land Surveyor

Certificate Number 12960 License Expires: 4/30/18

Waikapu Hema Large-Lot Subdivision, Por. of Lot 6 and Tax Map Key (2) 3-6-006:036

Page 2 of 2 Pages

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION LOT 3

Being all of 1 of 3 of Hawaii Tropical Plantation Subdivision, being also all of Grant 1674 to F.W. Gleason; Grant 2342 to E. Bal; Royal Patent 324, Land Commission Award 455, Apana 2 to Han; Royal Patent 4014, Land Commission Award 5774, Apana 4 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 3 to Kaneae: Land Commission Award 462. Apana 2 to Mahuka: Royal Patent 6374, Land Commission Award 5324, Apana 2 to Keakini; Royal Patent 3130. Land Commission Award 8874, Apana 2 to Kaneae; Royal Patent 3139, Land Commission Award 491, Apana 2 to Hoowahine: Grant 2747, Apana 2 to E. Bal; Royal Patent 3139, Land Commission Award 491, Apana 1 to Hoowahine: Land Commission Award 462, Apana 1 to Mahuka: Royal Patent 3156, Land Cummission Award 3527, Apana 1 to Kamohai; Royal Patent 3139, Land Commission Award 491, Apana 3 to Hoowahine; Grant 1146 to Antonio Sylva; Royal Patent 41, Land Commission Award 416, Apana 1 to John Crowder; Royal Patent 41. Land Commission Award 416, Apana 2 to John Crowder; and being also portions of Grant 2904 to John Crowder; Grant 3152 to Henry Cornwell; Grant 3043 to J. Boardman; Grant 2960 to J. Boardman; Grant 2069 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae; Royal Patent 4014, Land Commission Award 5774. Apana 2 to Kaal; Royal Patent 498. I and Commission Award 236-1, Apana I to Charles Copp situated in Waikapu. Wailuku. Island and County of Maui, State of Hawaii.

Beginning at the Northeasterly corner of this parcel on the Westerly side of Honoapillani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

10,850.15 feet South

2.816.41 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Westerly side of Honoapiilani Highway (l'ederal Aid Project No. 13-G) on a curve to the right with a radius of 12,242,70 feet, the radial azimuth from the radius point to the beginning of the curve being: 284° 35° 07"; the radial azimuth from radius point to the end of the curve being: 287° 13' 13"; and the chord azimuth and distance being: 15° 54' 18.5" 563.99 feet:

2 17° 13' 30" 296.94 feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G):

3.	Thence along same on a curve to the left with a radius of 2,899.93 feet, the chord azimuth and distance being:						
		¥1		10° 51' 30" 643.15 feet:			
4.	4^	29.	30" 16.00	feet along same:			
5.	11)6°	45'	1,319.23	feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 3043 to J. Boardman, Grant 2960 to J. Boardman, and Grant 3152 to Henry Cornwell:			
6.	174°	00,	302.03	feet along Lot 2 of Hawaii 1 ropical Plantation Subdivision, being also the remainder of Grant 2960 to J. Boardman;			
7	1660	40'	40.00	feet along same;			
8.	255*	00.	91.00	feet along same;			
9.	1855	10,	285.00	feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2960 to J. Boardman;			
10.	115°	55'	142.26	feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2009 to Kaai;			
11.	206°	15'	539.50	feet along same;			
12.	1935	30°	243.00	feet along same;			
13.	Thenc	ee along I	.ot 2 of Hawaii Tro	pical Plantation Subdivision, being also the remainders of Grant 2069 to Kaai. Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, and Land Commission Award 5774, Apana 2 to Kaai on a curve to the right with a radius of 151.00 feet, the chord azimuth and distance being: 229° 17' 30" 176.62 feet;			
14.	265°	05	125.00	Feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp;			

15.	I hence along same on a curve to the left with a radius of 230.00 feet, the chord azimuth and distance being:						
				235° 12' 30" 229.13 feet;			
16.	205°	20'	195.00	feet along same;			
17.	1960	50.	209.00	feet along same:			
18.	212°	10'	88.31	feet along same;			
19.	283°	30*	208.78	feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774. Apana I to Kani;			
20.	301.	30'	195.00	feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 3152 to Henry Cornwell:			
21.	276ª	46'	57.80	feet along Grunt 3152 to Henry Cornwell:			
22.	4`	14`	160.90	feet along Royal Patent 102, Land Commission Award 432 to Anthony Sylva;			
23.	357	05.	61.60	feet along same:			
24.	354"	18.	33.54	feet along same;			
25.	86.	01'	63.90	feet along Lot 12 of the Waikapu Tract, being also the remainder of Royal Patent 102, Land Commission Award 432 to Anthony Sylva:			
26.	351,	55`	40.00	feet along same;			
27.	359°	06.	455.70	feet along Lot 12, Lot 14, Lot 15, Lot 8, and Ololi Place of Waikapu Tract, being also along Royal Patent 102, Land Commission Award 432 to Anthony Sylva;			
28.	349:	25'	172.20	feet along Lot 8, Olo Place, and Lot 7 of Walkapu Tract, being also along Grant 1515 to Antonio Sylva			
29.	274'	06,	222,20	feet along Lot 7, Lot 6, Lot 5, Lot 4, Lot 3 of Waikapu Tract, being also along Grant 1515 to Antonio Sylva;			

138.02 feet along Lot 2 of the Waikapu Tract, being also along the remainder of Grant 2904 to John Crowder to the point of beginning and containing an area of 59.054 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

Michael F. Silva

Licensed Professional Land Surveyor

Certificate Number 12960 License Expires: 4/30/18

11111

March 5, 2018

1721 Wili Pa Loop, Suite 203 Wailuku, Hawaii 96793

DESCRIPTION

WAIALE PARK (LARGE-LOT) SUBDIVISION PORTION OF LOT 2

Being a portion of I of 2 of Waiale Park (Large-Lot) Subdivision, being also portions of Royal Patent 324, Land Commission Award 455 to Haa, Land Commission Award 411 to Poonui, Grant 2747 to Eugene Bal, and Grant 3152 to Henry Cornwell situated in Waikapu, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

15.360.51 feet South

3,339.81 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the hasterly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 17,153.80 feet, the radial azimuth from the radius point to the beginning of the curve being:

92° 37' 04.2";
and the chord azimuth and distance being:
183° 33' 17.1" 560.98 feet;

- 2. 184° 29' 30" 2,494.86 feet along same;
- Thence along same on a curve to the right with a radius of 2,829.93 feet, the chord azimuth and distance being:
 190° 51° 30° 627.63 feet;
- 4. 197° 13° 30° 296.94 feet along same;
- 5 Thence along same on a curve to the left with a radius of 12.312.70 feet, the radial azimuth from the radius point to the end of the curve being: 280° 59' 15"; and the chord azimuth and distance being: 194° 06' 22.5" 1.339.76 feet;
- 6. 280° 48° 30° 88.20 feet along the remainder of Land Commission Award 411 to Poonui;
- 7. 192" 04° 89.20 feet along same;

8	191.,	47.		171.33	feet along the remainders of I and Commission Award 411 to Poonui and Grant 2747 to Eugene Bal;		
1).	266°	52`		137.19	feet along the bank of a meandering stream, being also the remainder of Grant 2747 to Eugene Bal;		
10.	280°	281		58.32	feet along same;		
11.	272 ·	38*	30"	99.27	feet along same;		
12.	266°	20°	40"	96.78	feet along same;		
13.	257-	52.	09"	130.37	fect along same;		
14,	253-	47`	10"	106.23	feet along same;		
15.	253	18.	20"	71.30	feet along same;		
16.	Thence along same on a curve to the right with a radius of 61.00 feet, chord azimuth and distance being: 286° 39° 10° 67.06 feet:						
17.	320%	00.		123.33	feet along same:		
18. Thence along same on a curve to the left with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being: 357° (07' 20"; and the chord azimuth and distance being: 293° 33'' 40" 153.16 feet;							
19. Thence along the bank of a meandering stream, being also the remainders of Gram 2747 to Eugene Bal and Grant 3152 to Henry Comwell on a curve to the right with a radius of 159.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 177° 07° 20"; and the chord azimuth and distance being: 281° 27° 35" 78.75 feet:							
20.	295"	47'	50"	135.81	feet along the bank of a meandering stream, being also the remainder of Grant 3152 to Henry Cornwell;		
21.	Thence along same on a curve to the right with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being: 237° 54° 40°; and the chord azimuth and distance being: 311° 51° 15° 95.15 feet:						

22. Thence along same on a curve to the left with a radius of 458.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 57° 54′ 40″; the radial azimuth from the radius point to the end of the curve being: 35° 24′: and the chord azimuth and distance being: 316° 39′ 20″ 178.79 feet:

23. Thence along same on a curve to the left with a radius of 308.00 feet, the radial azimuth from the radius point to the beginning of the curve heing; 35° 24°; the radial azimuth from the radius point to the end of the curve being; 7° 26' 10"; and the chord azimuth and distance being; 291° 25' 05" 148.84 feet;

24. Thence along same on a curve to the left with a radius of 610,00 feet, the radial azimuth from the radius point to the beginning of the curve being: 7° 26' 10";

the radial azimuth from the radius point to the end of the curve being: 351° 33' 30";

and the chord azimuth and distance being: 269° 29' 50" 168.50 feet:

Thence along same on a curve to the right with a radius of 198.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 171° 33′ 30″:

the radial azimuth from the radius point to the end of the curve being: 197° 21′:

and the chord azimuth and distance being: 274° 27′ 15″ 88.38 feet;

- 26. 287° 21° 73.41 feet along same:
- 27. Thence along the remainder of Lot 2 and along Lot 1 of the Waiale Park (Large-Lot)
 Subdivision, being also the remainder Grant 3152 to
 Henry Cornwell on a curve to the left with a radius
 of 3,960.00 feet, the radial azimuth from the radial
 point to the beginning of the curve being:
 106° 12' 21"
 and the chord azimuth and distance being:
 10° 53' 40.5"
 733.12 feet;

28.	5° 35'	1,498.28	feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 3152 to Henry Cornwell and Grant 2747 to Eugene Bal;
29.	Thence along Lot	1 of the Waiale Pr	ark (Large-Lot) Subdivision, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 5,040.00 feet, the chord azimuth and distance being: 13° 16' 1,347.68 feet;
30.	20° 57'	521.33	feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
31.	Thence along sam	ne on a curve to the	e right with a radius of 1,800.00 feet, the chord azimuth and distance being: 28° 37' 57" 481.26 feet;
32.	126° 18' 54"	80.00	feet along the remainder of Lot 2 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
33.	Thence along san	ne on a curve to th	e right with a radius of 1,720.00 feet, the chord azimuth and distance being: 64° 19' 57" 1,615.91 feet;
34.	92° 21'	163.44	feet along same;
35.	Thence along san	ne on a curve to th	e right with a radius of 40.00 feet, the radial azimuth from the radius point to the end of the curve being: 92° 37' 04.2"; and the chord azimuth and distance being: 137° 29' 02.1" 56.70 feet to the point of beginning and containing an area of 243.772 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

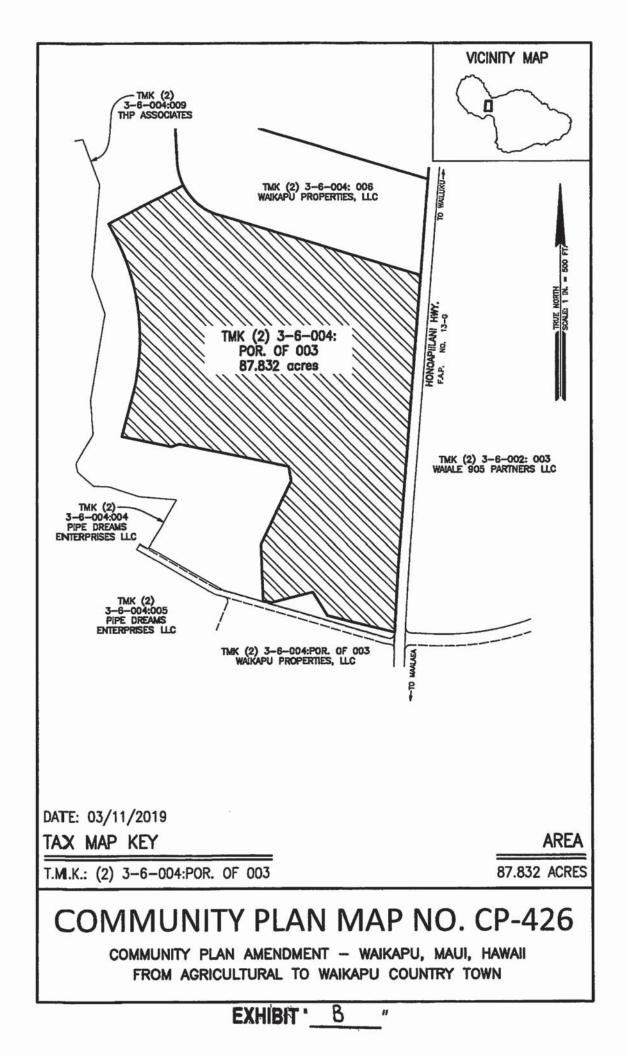
1721 Wili Pa I oop, Suite 203 Wailuku, Hawaii 96793 March 5, 2018

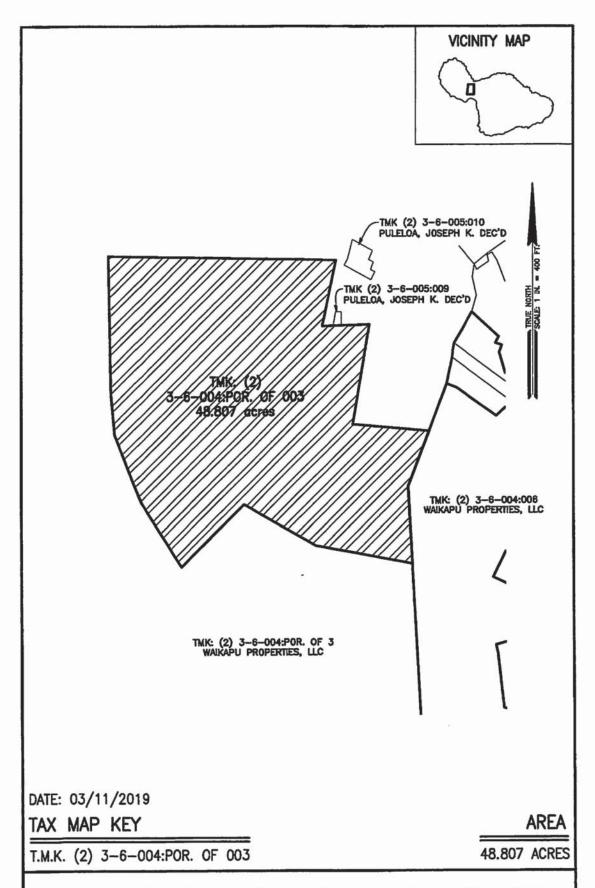
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Michael L. Silva Licensed Profess

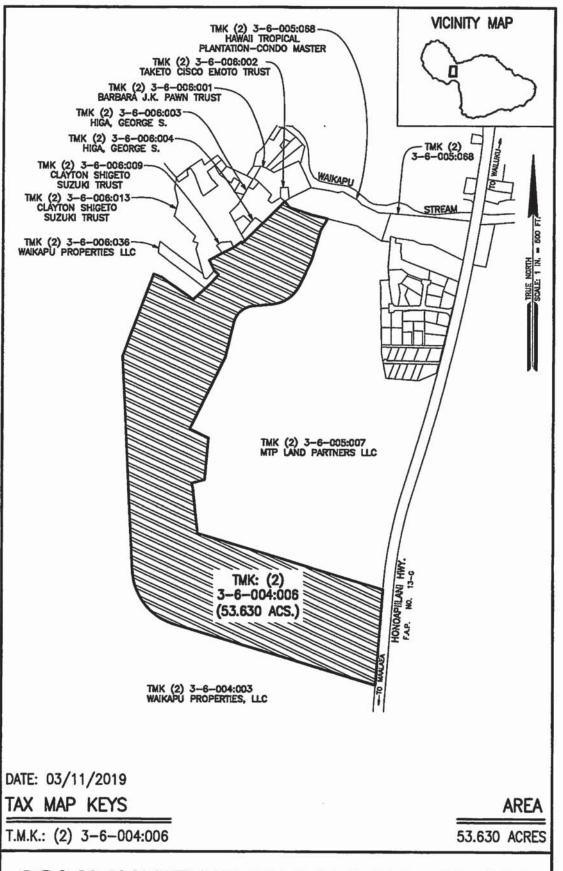
Licensed Professional Land Surveyor Certificate Number 12960

License Expires 4/30/18

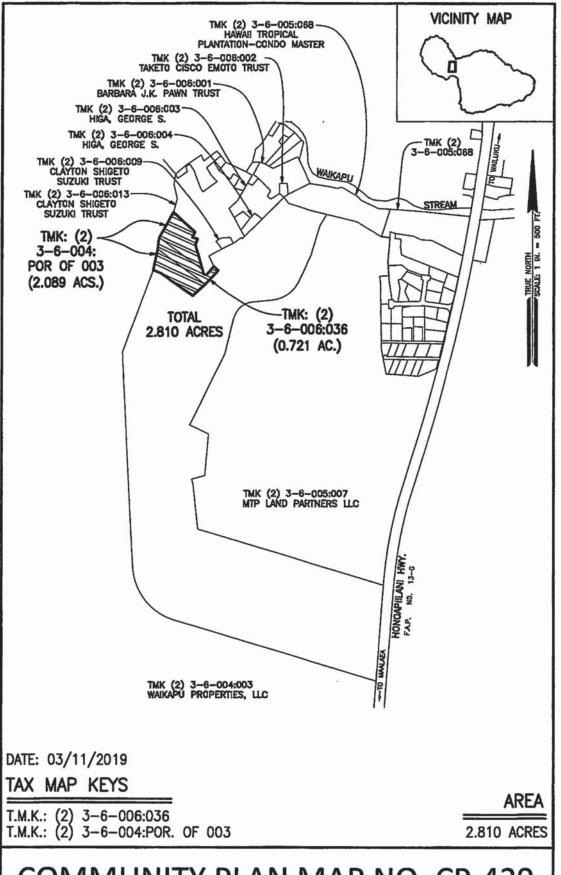




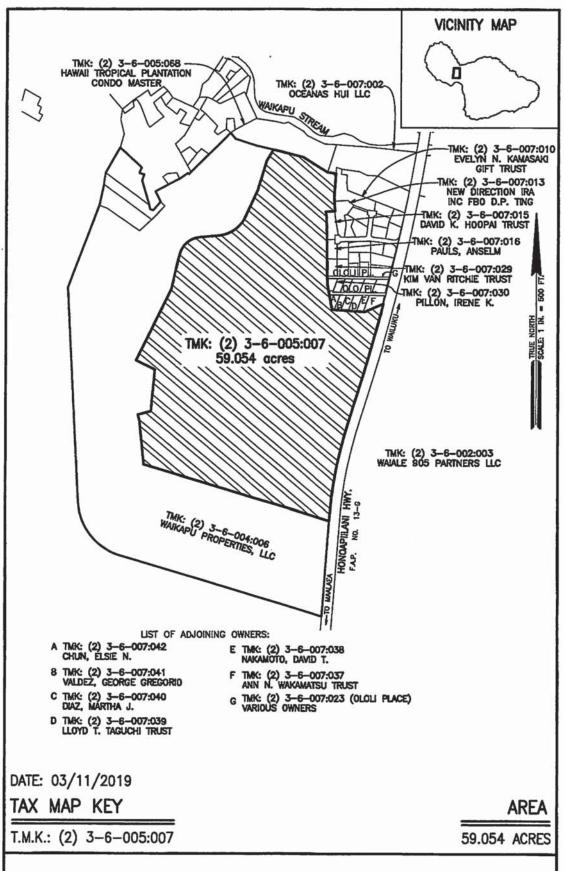
COMMUNITY PLAN AMENDMENT - WAIKAPU, MAUI, HAWAII FROM AGRICULTURAL TO WAIKAPU COUNTRY TOWN



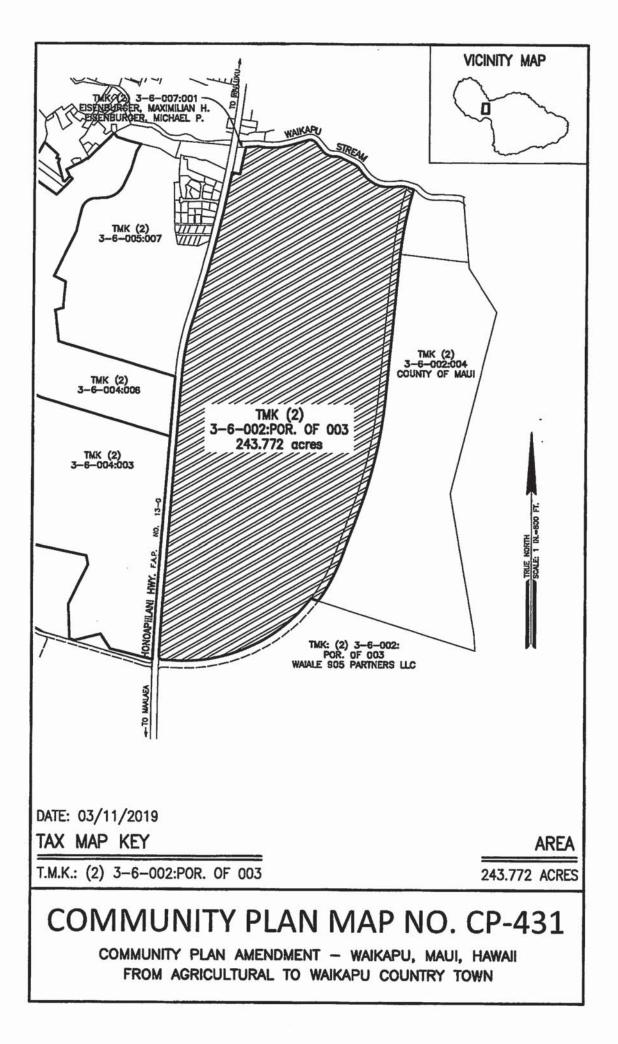
COMMUNITY PLAN AMENDMENT - WAIKAPU, MAUI, HAWAII FROM PROJECT DISTRICT 5 TO WAIKAPU COUNTRY TOWN



COMMUNITY PLAN AMENDMENT - WAIKAPU, MAUI, HAWAII FROM SINGLE-FAMILY TO WAIKAPU COUNTRY TOWN



COMMUNITY PLAN AMENDMENT - WAIKAPU, MAUI, HAWAII FROM PROJECT DISTRICT 5 TO WAIKAPU COUNTRY TOWN



1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 20th day of September, 2019, by the following vote:

Kelly T KING Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Alice L. LEE	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 20th day of September, 2019.

DATED AT WAILUKU, MAUI, HAWAII, this 20th day of September, 2019.

MIN SEP 20 PM 4: 10
OFFICE OF THE MAYOR

KELLY T. KING, CHAIR Council of the County of Maui

MARGARET CCLARK, DEPUTY COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS

20th DAY OF

September, 2019.

MICHAEL P. VICTORINO, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 4996 of the County of Maui, State of Hawaii.

MARGARETC. CLARK, DEPUTY COUNTY CLERK
County of Maui

Passed First Reading on August 9, 2019. Effective date of Ordinance September 20, 2019

RECEIVED MIS 44 SEPTING OFFICE OF THE COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 4996 , the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

Exhibit 2

Ordinance 4997, Waikapu Country Town District Zoning

ORDINANCE	NO	4997
BILL NO	44	(2019)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE, RELATING TO WAIKAPU COUNTRY TOWN DISTRICT SITUATED IN WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Title 19, Maui County Code, is amended by adding a new chapter to be designated and to read as follows:

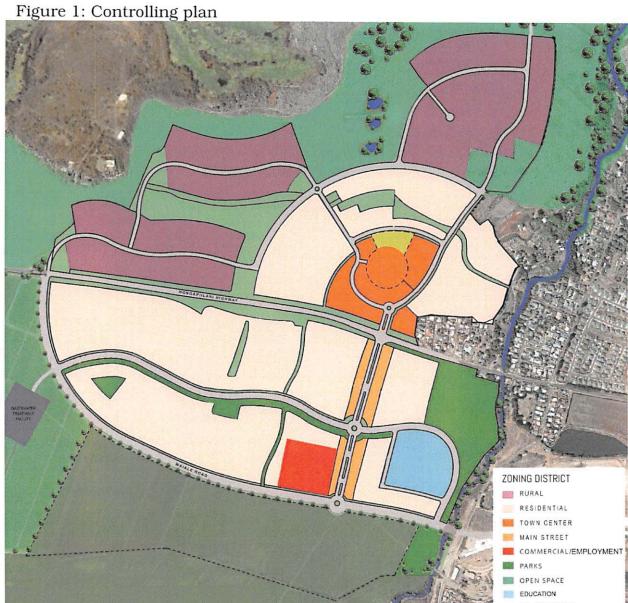
"Chapter 19.96

WAIKAPU COUNTRY TOWN DISTRICT

Sections:

19.96.010	Purpose and intent.
19.96.020	Form-based code.
19.96.030	Controlling plan.
19.96.040	Gross acreage allocations
19.96.050	Minimum and maximum number of
	residential units and commercial space.
19.96.060	Zoning districts.
19.96.070	Definitions, general and administrative.
19.96.080	Definitions, uses.
19.96.090	Types of uses and interpretation of terms and
	uses.
19.96.100	Principal, accessory, and special uses.
19.96.1.10	Permitted lot types.
19.96.120	Lot types.
19.96.130	Lot types in zoning districts.
19.96.140	Lot type development standards.
19.96.150	Parking standards.
19.96.160	Additional standards for all districts.
19.96.170	Subdivision review.
19.96.180	Administrative rules.

- 19.96.010 Purpose and intent. The council has established this zoning district to implement the Maui island plan's directed growth strategy and the Wailuku-Kahului community plan by creating a mixed-use residential community that addresses Maui's future housing demand and provides for the diverse needs of the community's residents. Key objectives of the Waikapu country town include:
 - 1. Provide for a range of housing options to address projected housing demand.
 - 2. Develop a "complete community" with a mix of housing, retail, and civic uses to support the community's residents.
 - 3. Create employment within the Waikapu country town to reduce vehicle commutes.
 - 4. Create the opportunity for more active and healthy lifestyles through the creation of pedestrian-oriented streets, greenways, separated pedestrian paths and bikeways, a diversity of park spaces, and community supported agricultural development.
- 19.96.020 Form-based code. The Waikapu country town zoning code establishes new types of zoning districts, including mixed use districts, and the approximate acreages in each district. It also regulates and provides flexibility in the form and configuration of development, by establishing lot types. In Waikapu country town, each lot type has its own development standards, and each zoning district allows multiple lot types. Development on each lot type is regulated by traditional standards, including setbacks, building heights, and lot sizes and widths, and by new standards, including building orientation, driveway ingress and egress, street frontage, and floor area ratios. In addition, the Waikapu country town zoning code lists all uses alphabetically in tables that identify all zoning districts in which a use is allowed and all lot types on which it may occur.
- 19.96.030 Controlling plan. The controlling plan establishes eight zoning districts that together establish a mix of land uses that achieve the purpose and intent of this ordinance. Figure 1 is the controlling plan.



19.96.040 Gross acreage allocations. A. Table 1 identifies the approximate gross acreage allocations to each zoning

district.

- B. Minor adjustments to acreage allocations may occur as the result of plotting of the final roadway alignments and for acquisition of right-of-way and other land for public purposes such as for parks, schools, and open space.
- C. In order to facilitate site planning flexibility, the gross acreage of the following districts: town center, main street, commercial/employment, residential, rural, and education may be further adjusted, exclusive of adjustments made pursuant to

section 19.96.040(B), by up to 5 percent of the gross acreage allocation so long as the total gross acreage from all districts does not exceed the total acres in the Waikapu country town.

Table 1: Approximate gross acreage allocations

District	≈Gross acreage allocation		
A. Town center	24.80		
B. Main street	14.75		
C. Commercial/employment	9.56		
D. Residential	222.60		
E. Rural	114.70		
F. Education	12.00		
G. Parks	32.50		
H. Open space	65.00		
Total acres	495.905		

19.96.050 Minimum and maximum number of residential units and commercial space. A. At buildout, the minimum number of dwelling units within the Waikapu country town shall be 1,326, unless the owner demonstrates that it is not feasible to build the minimum number of units. The maximum number of dwelling units is 1,433, plus up to an additional 146 accessory dwellings.

- B. The maximum number of accessory dwellings is 146.
- C. The maximum number of rural lots is 80.
- D. Multi-family residential units. The minimum number of multi-family residential units within the Waikapu country town shall not be less than 25 percent or more than 50 percent of the total number of permitted non-accessory dwellings.
- E. The maximum amount of commercial, retail, and employment space within the Waikapu country town shall not exceed 200,000 square feet of floor area.

19.96.060 Zoning districts. A. Town center. The purpose of the town center district is to create a commercial and social core for Waikapu within a portion of the original grounds of the Maui Tropical Plantation. The unique character and ambiance of the Maui Tropical Plantation grounds will create a village green, which will be the defining feature of the town center. The village green will give the community a distinct sense of place that invites residents to gather and relax and enjoy the tropical grounds and scenic views of the West Maui mountains. Here it is intended for

residents to have convenient access to goods and services such as restaurants, cafes, or a farmer's market. Designed around the village green may be live-work residences, multi-family residences, and a mix of retail, business, entertainment, and personal service uses.

- B. Main street. The purpose of the main street district is to create a second walkable town core to service Waikapu country town residents living east (makai) of Honoapiilani Highway. The district comprises a mix of retail, business, and personal service uses organized around a main street design typology that invites walking and bicycling. Development within the district may also include multi-family residences and live-work residences. The adopted main street design typology intends that buildings will front onto wide sidewalks with parking placed within the street right-of-way, within public parking lots, and on-site at the rear of buildings. It is intended that pedestrian-oriented street design and landscape planting provide natural cooling and shading of the streets and sidewalks within the district.
- C. Commercial/employment. The purpose of the commercial/employment district is to establish an area for uses that deliver goods and services or create employment in the professional services, light manufacturing, warehousing, repair services, sales, and distribution sectors. The district may also accommodate neighborhood grocery stores or general merchandise stores that serve the Waikapu country town and the developing Waikapu trade area. The district is characterized by small blocks, buildings built on front property lines, and ample pedestrian amenities.
- D. Residential. The purpose of the residential district is to provide a mix of dwelling units in a variety of urban design formats to accommodate a diversity of household sizes, income ranges, and market demands. Building types include single-family residential, duplex, triplex, fourplex, sixplex, or larger buildings. Lots within the district may be sized to accommodate a single structure or multiple structures on a single lot. Dwelling unit types within the district include single-family small lot units, single-family large lot units, single-family cottage complexes, multi-plex units, multi-family complexes. units. The district is intended to townhouses, and live-work units. accommodate residences that front onto aesthetically pleasing and The district may accommodate a pedestrian-oriented streets. variety of block types to accommodate a range of lot sizes. The district includes areas of common open space to provide for passive recreation and visual relief. The urban design of public landscape planting program spaces emphasizes a streetscapes.

- E. Rural. The purpose of the rural district is to provide large residential lots at the boundary of the urban development to serve as a rural transition to the agricultural lands. It is intended that the rural lots include areas for personal or commercial flower and vegetable gardening, orchards, and the raising of chickens, horses, goats, and other types of livestock. It is intended that the clustering, arrangement, and layout of the rural lots is to preserve areas of common open space.
- F. Education. The purpose of the education district is to provide a site for private or public education facilities to service the Waikapu country town population and neighboring communities.
- G. Parks. The purpose of the parks district is to provide a variety of active and passive park spaces for use by Waikapu country town residents and the broader Waikapu community. It is intended that the design of Waikapu country town's parks will address community needs at the neighborhood and community-wide scale and will include mini-parks, neighborhood parks, and community parks that offer a variety of facilities to support active and passive recreation uses. The parks district also allows for civic spaces, which may include uses such as a community green, square, plaza, passive park area, community garden, farm plot, natural area, or historic area worthy of preservation.
- H. Open space. The purpose of the open space district is to preserve lands from development for the protection of environmental resources, cultural resources, public health and safety, and community livability and wellbeing. Lands within the open space district may include limited passive and active recreational activities, such as bikeways, trails, community gardens, areas for viewing natural and scenic resources, and areas set aside for picnicking and other passive recreation. The open space district also allows for civic spaces, which may include uses such as a community green, square, plaza, passive park area, community garden, farm plot, natural area, or historic area worthy of preservation.

19.96.070 Definitions, general and administrative.

Term	Definition
Complete community	A community that provides a diversity of housing types to serve a broad spectrum of income and age demographics and that provides a mix of residential, commercial, and civic uses in an environmentally sustainable manner to address resident needs.
Controlling plan	The land use plan that establishes the Waikapu country town's zoning districts.

Term	Definition
Gross acres	The total acres of an area including land dedicated to the use, roadways, parks and open space, and undevelopable areas.
Net residential acres	The gross acres of a site intended for residential development minus the area of wetlands and waterbodies, parks and open space, roads and right-ofway, and other undevelopable land within the site.
Net residential density	The total number of dwelling units to be developed at a specific site divided by the net residential acres.

19.96.080 Definitions, uses.

Term	Definition	
Agricultural tourism	Commercial tours and activities that are based upon existing and historic Hawaii agricultural uses and themes and that may include such activities as farm tours, agricultural based learning and instruction, petting zoos, and farmers markets.	
Civic space	Public uses that serve a unique community purpose such as a community green, square, plaza, park area, recreation facility, open space, playground, pedestrian path, bikeway, trail, roadway, community garden, farm plot, or natural or historic area worthy of preservation.	
Common open space	Facilities and yard areas identified for the use and enjoyment of residents and maintained and operated by an organization of property holders. This does not include surface parking areas.	
Cottage house	A single-family dwelling unit that is not less than 250 square feet in floor area but not greater than 950 square feet in floor area and that serves as the principal dwelling unit permitted on a Single-Family Cottage Complex Lot. Unenclosed decks and porches are not counted towards the floor area of the house. A cottage house is not an accessory dwelling.	
Cultural tourism	Commercial tours and activities that are based upon Hawaiian and other local Hawaii cultures and that may include activities centered around traditional music, arts, crafts, foods, architecture, language, history, and recreation.	
Food, beverage, and merchandise kiosk	A small structure no larger than 6 feet wide by 10 feet long that is open at one or more sides, and used for the sale of merchandise such as arts and crafts, snack food items, clothing, newspapers, magazines, and jewelry, which is a self-contained portable structure located on	

Term	Definition
	private property, and does not constrain or block safe pedestrian or automobile traffic.
Food processing	Facilities for the preparation of food products for regional distribution to retail, wholesale, and eating establishments. Examples include bakeries, refrigerated storage, canning, bottling, packaging plants, and large-scale food manufacturing and processing for off-site distribution and sales.
Funeral home	A building used for the preparation of the deceased for burial, and the display of the deceased, and rituals connected therewith before burial or cremation.
Outside open-air dining	A restaurant or food service establishment with tables, dining facilities, and activities that are open on at least three sides on a private property or on a private property sidewalk when the open-air dining is used in conjunction with a business located within the building, structure, or vehicle located along and adjacent to the open-air dining facility.
Outside open-air sidewalk sales	An outdoor area set aside for the display and sale of products and located on the private property provided the open-air sidewalk sales is used in conjunction with a business located within the building or structure located along and adjacent to the sidewalk sales.
Radio and television broadcasting station	An establishment engaged in transmitting oral and visual programs to the public, and that consists of facilities such as a studio, transmitter, and antennas.
Repair, minor	Repair activities that have relatively little impact on surrounding land uses, and that can be compatibly located with other businesses. Examples include upholstery repair and repainting of automobiles and motorized bicycles within enclosed buildings; non-motorized bicycle repair; production and repair of eye glasses, hearing aids, and prosthetic devices; garment repair; household appliance repair, except those with gasoline and diesel engines; shoe repair; and watch, clock, and jewelry repair; and other similar activities as may be approved.
Telecommunication and broadcasting tower or antenna	A self-supporting lattice, guyed, or monopole structure that is designed or intended to support wireless telecommunication antenna and related facilities, including wireless antenna towers constructed for the location of transmission or related equipment to be used in the provision of commercial mobile radio services.

- 19.96.090 Types of uses and interpretation of terms and uses. A. Types of uses. For the purposes of this chapter, there are three types of uses: principal use, accessory use, and special use as set forth in this Title. Except as provided in the subsection below, no use shall be permitted in a zoning district unless it is included within the definition of the terms listed, and is identified as a principal use or accessory use; meets all criteria identified for the use; and if it is identified as a use that requires a special use permit, said permit is obtained, and all conditions are complied with.
- B. Interpretation of terms. If a definition or term exists in this zoning ordinance, but is defined in a different way in section 19.04.040 of this title, the definition or term found in this zoning ordinance shall have precedence. If a term or word is not defined or described in this zoning ordinance, then the definition set forth in section 19.04.040 of this title, shall apply.
- C. Interpretation of uses. If a proposed use does not appear in the list of terms, or within the definitions of those terms, or is not defined elsewhere in this title, the director will conduct an administrative review of the proposed use, and based upon the characteristics of the use, determine if a listed or defined use is similar to that proposed; provided further that such use shall be consistent with the purpose and intent of the applicable zoning district, land use designation, and objectives and policies of the general plan.
- D. Other similar uses not specifically enumerated in tables 2A, 2B, or 2C may be permitted as a principal use, accessory use, or special use by the director. In making a determination, the director must determine that the proposed use meets all of the following:
 - 1. It is substantially similar in character and use to one or more of the uses enumerated within the relevant zoning district.
 - 2. It is compatible with the purpose and intent of that zoning district.
 - 3. It is compatible with the purpose and intent of this ordinance.
 - 4. It creates no unusual impacts to neighboring land users that cannot potentially be mitigated through the issuance of a special use permit.
- 19.96.100 Principal, accessory, and special uses. A. Within the town center, main street, and commercial/employment districts, the land uses identified in table 2A shall either be principal uses (P), accessory to a principal use (AU), or a special

use (SU). A special use requires a special use permit.

Table 2A: Commercial mixed-use table

Land use type	Zoning Districts			
	Town center	Main street	Commercial employment	
Commercial / retail / services				
Agricultural products processing 1/	Р	Р	Р	
Agricultural tourism	Р	Р	Р	
Animal boarding facility1/	Р	Р	Р	
Animal hospital 1/	Р	Р	Р	
Automobile services 1/	Р		Р	
Cultural tourism	Р	Р		
Day care facility	Р	Р	Р	
Eating and drinking establishments	Р	Р	Р	
Education, specialized	Р	Р	Р	
Entertainment establishment	P	Р	Р	
Food and beverage retail 2/; 3/	Р	Р	Р	
Food and beverage truck	Р	Р	Р	
Food, beverage and merchandise kiosk	Р	Р	Р	
Funeral home			Р	
General merchandising 2/; 3/	Р	Р	Р	
General office	Р	Р	Р	
Nursery school	Р	Р	Р	
Outside open-air dining	Р	Р	Р	
Outside open-air markets	Р	Р	Р	
Outside open-air sidewalk sales	Р	Р	Р	
Parking, public	Р	Р	Р	
Personal and business services	Р	Р	Р	
Personal services establishment	P	Р	Р	
Recreation, indoor	Р	Р	Р	
SBR service establishment	P	Р		
Self-storage			Р	
Shopping center 3/			Р	
Swap meet or open-air market	Р	Р	Р	
Employment	1			
Food processing	Р	Р	Р	
Light manufacturing and processing 1/	Р	Р	Р	
Medical center, minor		Р	Р	
Production facility, multimedia	7	Р	Р	
Repair, minor		Р	Р	
Storage, wholesale and distribution			Р	
Residential				
Boardinghouse 1/	Р	Р		
Live/work mixed use	Р	Р		
Dwelling unit, duplex	Р	Р		
Dwelling unit, fourplex	Р	Р	La la	

Land use type	Zoning Districts			
	Town center	Main street	Commercial/ employment	
Dwelling unit, multi-family (includes townhouses)	Р	Р		
Dwelling unit, townhouse	Р	Р		
Dwelling unit, triplex	Р	Р		
Cultural and entertainment		and the second second		
Assembly area	P	Р	Р	
Entertainment	P	Р	Р	
Civic	150000000000000000000000000000000000000			
Open space	Р	Р	Р	
Park	P	Р	Р	
Civic space	P	Р	Р	
Public facilities and public quasi-public				
Fire station			SU	
Library	Р	Р	Р	
Police		Р	Р	
Post office 1/	P P	Р	Р	
Radio and television broadcasting station	7	Р	Р	
Recycling collection center	-		Р	
Redemption center			Р	
Telecommunication and broadcasting tower or antenna		Р	Р	
Utility facilities, major	SU	SU	SU	
Utility facilities, minor	Р	Р	Р	
Accessory	Cat District			
Drainage facilities	AU	AU	AU	
Energy systems, small scale	AU	AU	AU	
Home business 4/	AU	AU	AU	
Accessory building or structure	AU	AU	AU	

^{1/} Shall not be permitted within or adjacent to the town center's village green

B. Within the residential and rural districts, the land uses identified in table 2B shall either be principal uses (P), accessory to a permitted use (AU), or a special use (SU). A special use shall require the issuance of a special use permit.

Table 2B: Residential use table

^{2/} Within the town center and main street districts gross floor area shall be limited to a maximum of 5,000 square feet on the subject lot.

^{3/} Within the commercial/employment district gross floor area shall be limited to a maximum of 12,000 square feet on the subject lot. Shopping centers featuring multiple uses within multiple buildings on a single lot shall be limited to 24,000 square feet of combined floor area. Exceeding these standards shall require a special use permit.

^{4/} Shall be subject to chapter 19.67.

Land use type	Zoning Districts		
	Residential	Rural	
Assembly area 1/	P	TIATE A VESA	
Agriculture		Р	
Animal and livestock raising		Р	
Apartment	Р		
Boardinghouse 2/	Р	Р	
Civic space	Р	Р	
Day care facility 3/	SU	SU	
Cottage house	Р		
Dwelling unit, duplex	Р	311 1400 1400 1400 1400 1400 1400 1400 1	
Dwelling unit, fourplex	Р		
Dwelling unit, multi-family (includes townhouse)	Р		
Dwelling unit, single-family	P	Р	
Dwelling unit, townhouse	Р		
Dwelling unit, triplex	Р		
Lodging house	Р		
Riding academy		SU	
Recreation, open land 4/		P	
Park	Р	P	
Parking area, public	Р		
Accessory			
Drainage facilities	AU	AU	
Energy systems, small scale	AU	AU	
Gardens	AU	AU	
Garage sales	AU	AU	
Home business 5/	AU	AU	
Accessory dwelling 6/	AU	AU	
Open space	AU	AU	
Accessory building or structure	AU	AU	
Public facilities and public quasi-public			
Utility facilities, major	SU	SU	
Utility facilities, minor	Р	Р	

^{1/} Uses shall be limited to community centers, neighborhood associations, and other similar neighborhood type uses.

C. Within the education, parks, and open space districts the land uses identified in table 2C shall either be principal uses (P), accessory to a permitted use (AU), or a special use (SU). A

^{2/} Shall not have more than 5 bedrooms and not more than 5 boarders.

^{3/} For facilities serving more than 6 persons.

^{4/} As defined in section 19.04.040.

^{5/}Shall be subject to chapter 19.67.

^{6/} Shall comply with the provisions of Maui County code chapter 19.35. The total number of accessory dwellings permitted within the Waikapu country town shall not exceed 146.

special use shall require the issuance of a special use permit.

Table 2C: Civic use table

Land use type	Zoning Districts						
	Education	Parks	Open space				
Civic							
Civic space	P	Р	Р				
Education, general	Р						
Education, specialized	Р						
Park	Р	Р	1				
Recreation, passive	Р	Р	Р				
Public facilities and public quasi-public							
Utility facilities, major	SU	SU	SU				
Utility facilities, minor	P	Р	Р				
Accessory							
Drainage facilities	AU	AU	AU				
Accessory building or structure	or structure AU AU						

- D. Commercial water bottling is not allowed in Waikapu country town.
- 19.96.110 Permitted lot types. A. Land uses permitted within each zoning district shall be located on lots that are compatible with the purpose and intent of the zoning district as well as the desired urban design standards for each lot type.
- B. An owner proposing development of an area within Waikapu country town shall submit for director approval a proposed neighborhood plan that is consistent with the controlling plan, delineates the lots to be subdivided, and designates the lot type for each lot. The proposed plan shall be submitted to the director prior to or concurrent with an application for subdivision.

19.96.120 Lot types.

Lot Type	Description
Civic building	A lot located and designed to accommodate public or quasi-public uses such as educational, religious, recreational, charitable, governmental, and philanthropic institutions.
Civic space	A lot located and designed to accommodate a civic space, which may include uses such as a community green, square, plaza, park area, recreation facility, open space, playground, pedestrian path, bikeway, trail, roadway, community garden, farm plot, or natural or historic area worthy of preservation.
Commercial/retail/	A lot located and designed for a building that

Lot Type	Description
employment	accommodates a single or a mix of commercial, retail, and employment uses.
Commercial and	A lot designed to accommodate an attached or detached
residential	building with both residential and commercial uses,
residential]
Dunley	which may occupy any story of the building.
Duplex	A lot designed to accommodate a detached building that accommodates two dwelling units.
Light industrial	A lot located and designed for light manufacturing and
0	processing uses.
Multi-plex	A lot located and designed to accommodate a detached
,	building that contains from three to six dwelling units.
Multi-family	A lot located and designed to accommodate multiple
complex lot	multi-family buildings arranged in a manner that creates
complete for	a garden-like setting with common open space elements
	and buildings significantly set back from the street to
	create ample space for canopy shade trees and a visually
	attractive streetscape.
Multi-family	A lot located and designed to accommodate multi-family
courtyard lot	buildings and multi-plexes arranged around and
courty ara rot	fronting on a central garden or courtyard that may be
	partially or wholly open to the street.
Parking	A lot designed to provide off-street parking.
Rural	A rural residential lot that is intended to provide
	opportunities for a rural lifestyle that may also entail
	small-scale agriculture and animal husbandry,
	gardening, or passive open space qualities.
Single-family	A lot located and designed to accommodate multiple
cottage	cottage houses with the houses arranged in a manner
complex lot	that creates a garden-like setting with shared parking
complex for	areas, common open space elements, pedestrian paths,
	and other community facilities.
Single-family green	A lot located and designed to accommodate multiple
court	cottage houses, single-family, and duplex houses
	arranged around and fronting onto a central garden or
	courtyard that may be partially or wholly open to the
	street.
Single-family large	A single-family lot designed to accommodate a single-
lot	family dwelling with larger front, side, and rear yard
	setbacks and additional land area for yards, pools, and
	other permitted accessory uses.
Single-family small	A single-family lot designed to accommodate a single-
lot	family dwelling, but not providing additional land area
	for larger front and rear yards, pools, and other

Lot Type	Description
Townhouse	A lot designed to accommodate a row of dwelling units that share a common sidewall with another single-family dwelling unit on an adjacent lot.

- **19.96.130.** Lot types in zoning districts. A. Table 3 identifies the lot types permitted within each of the established zoning districts.
- B. For land uses permitted through special or conditional permit processes, the director may choose the most suitable lot type to accommodate the permitted use.

Table 3: Lot Types Permitted in Zoning Districts

ZONING DISTRICTS

	\Box	97-9-9	IING DIS		V	П	T	0
	TOWN CENTER	MAIN STREET	COMMERCIAL /	RESIDENTIAL	RURAL	EDUCATION	PARKS	OPEN SPACE
LOT TYPE								
Civic building	•	•	•			•	•	
Civic space	•	•	•	•	•	•	•	٠
Commercial/retail/ employment	•	•	•					
Commercial and residential	•	•						
Duplex	•	•		•				
Light industrial	•	•	•					
Multi-plex	•	•		•				
Multi-family complex	•	•		•				
Multi-family courtyard	•	•		•				
Parking	•	•	•	•				
Rural					•			
Single-family cottage complex				•				
Single-family green court				•				
Single-family large lot				•				
Single-family small lot				•				
Townhouse	•	•		•				

19.96.140 Lot type development standards. Development standards that regulate lot sizes and lot widths; building setbacks; building height; building orientation; and driveway ingress and egress for each of the permitted lot types are hereby established in table 4. Figure 2, A through P¹ illustrates the lot type development standards.

Table 4: Lot type development standards

	Lot Area (Min/Max	Lot Width (Min/Max (N	FAR (Net Min /	Building Height	Parking Access	Setbacks In ft.			Street Frontage
	In SF)	In ft.)	Max in %)	(Max in ft.)		Front (Min/Max)	Rear (Min)	Side (Min)	(Min in %) ²
Civic space	no min / no max	no min / no max	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Civic building	6,000 / no max	60 / no max	N/A	45	N/A	15/ no max	15	10	N/A
Commercial/ retail/ employment	3000 / no max	30 / no max	200	45	Alley, Side Drive or Secondary Street	0/10	5	0	70
Commercial and residential	2,000 / no max	20 / 80	N/A	48	Alley, Side Drive or Secondary Street	0/10	5	0	60
Duplex	4,800 / 10,800	35 / 90	N/A	35	Alley, Side Drive or Secondary Street	5 / 15	5	6	70
Light industrial	6,000 / no max	60 / no max	NA	35	N/A	10/ no max	6	6	60
Multi-plex	4,800 / 18,000	45/ no max	N/A	40	Alley, Side Drive or Secondary Street	5 / 15	5	6	70
Multi-family complex	10,000 / no max	60 / no max	90	40	N/A	15 / no max	10	10	N/A
Multi-family courtyard	20,000 / no max	150 / 300	70	40	Alley, Side Drive or Secondary Street	5 / 15	5	10	50
Parking	no min. / no max.	45 / 150	N/A	N/A	N/A	12 / no max	4	4	N/A
Rural	21,780 / no max	100 / no max	N/A	30	N/A	25 / no max	15	15	N/A
Single-family cottage complex	10,000 / no max	60 / no max	N/A	30	Alley, Side Drive or Secondary Street	10 / no max	10	10	N/A
Single-family green court	1,650 / no max	N/A	N/A	30	Alley	5 / 15³	5	6	60
Single-family large lot	6,500 / no max	45 / no max	N/A	30	Alley, Side Drive, Front Entry Drive or Secondary Street	5 / 20	6	6	40

¹ Architectural imagery is intended for illustrative purposes only.

² Calculated as building length at front setback divided by length of front lot line.

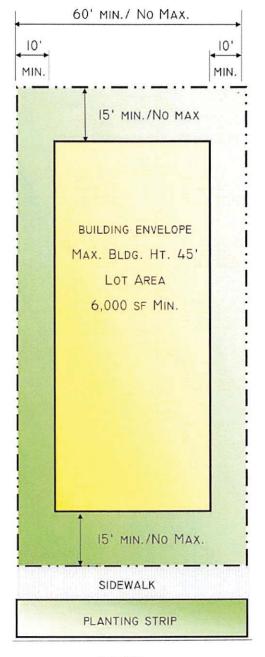
³ Setback applicable to portion of the building fronting upon the street.

	Lot Area (Min/Max	Lot Width (Min/Max	FAR (Net Min /	Building Height	Parking Access	Setbacks In ft.			Street Frontage
	In SF)	In ft.)	Max in %)	(Max in ft.)		Front (Min/Max)	Rear (Min)	Side (Min)	(Min in %) ²
Single-family small lot	2,800 - 6,499	24 / no max	N/A	30	Alley ⁴ , Side Drive, Front Entry Drive or Secondary Street	5 / 15	5	0	60
Townhouse lot	1,100 / no max	16 / 40	N/A	40	Alley, or Secondary Street	5 / 15	5	0	70

⁴ Parking access is required by alley for blocks where the lot sizes are less than 4,500 square feet.

Figure 2, A: Civic Building

Civic Building



Neighborhood Block & Lot Example







STREET

Figure 2, B: Civic Space

Civic Space Lot

A Civic Space lot is located and designed to accommodate a civic space, which may include uses such as a community green, square, plaza, passive park area, playground, community garden, farm plot, or natural or historic area worthy of preservation.

There are are no minimum lot size requirements, setbacks, lot width, building height or other development standards required of Civic Space lots.

Neighborhood Block & Lot Example





Figure 2, C: Commercial / Retail / Employment

Commercial / Retail / Employment



STREET

- 1. Maximum FAR is 200%
- Parking access is by alley, side drive or secondary street
 Minimum street frontage is 70%

Neighborhood Block & Lot Example



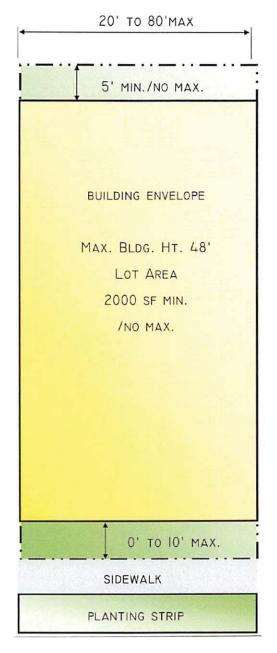






Figure 2, D: Commercial & Residential

Commercial & Residential



STREET

- Parking access is by alley, side drive or secondary street
 Minimum street frontage is 60%

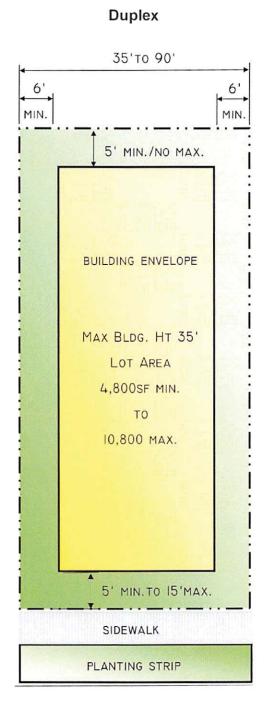
Neighborhood Block & Lot Example







Figure 2, E: Duplex



STREET

- 1. Parking access is permitted by alley, side drive or secondary street 2. Minimum street frontage is 70%

Neighborhood Block & Lot Example



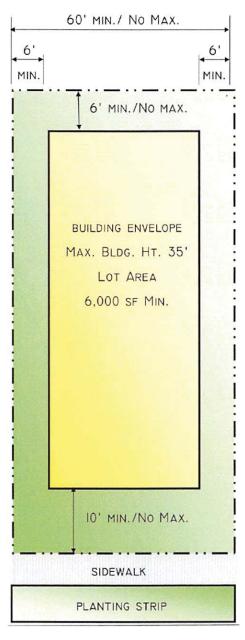


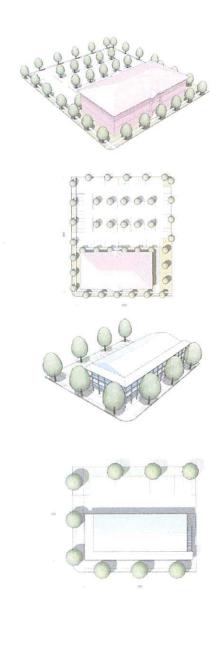




Figure 2, F: Light Industrial

Light Industrial

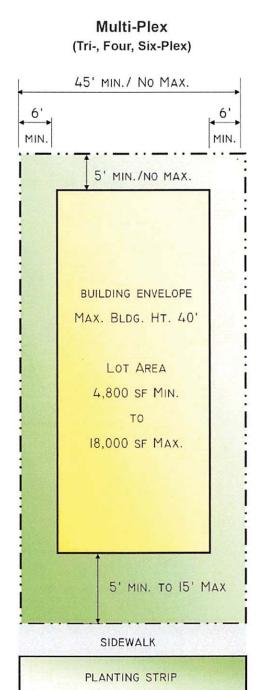




STREET

1. Minimum street frontage is 60%

Figure 2, G: Multi-Plex



STREET

- 1. Parking access is by alley, side drive or secondary street
- 2. Minimum street frontage is 70%

Neighborhood Block & Lot Example

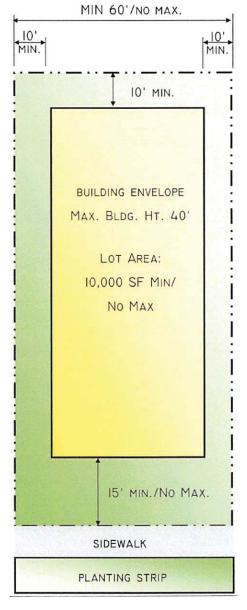






Figure 2, H, a: Multi-Family Complex

Multi-Family Complex



STREET

1. Maximum FAR is 90%

Neighborhood Block & Lot Examples







Figure 2 H, b: Multi-Family Complex

Multi-Family Complex











The purpose of the multi-family complex lot is to allow for design flexibility for multi-family developments. Multi-family complex lots may be developed like townhomes with buildings oriented towards the street and the parking interior to the lot (1) and (2) or with the parking located within the interior of the lot and the buildings oriented towards a common open space and the primary street (3) and (4). All multi-family complex lots are required to locate surface parking within the interior of the lot and it is to be screened from the adjoining roadways by landscape planting. Setback areas along primary and secondary streets are to provide professionally designed and maintained landscape planting to create a garden like setting.

Neighborhood Block & Lot Examples



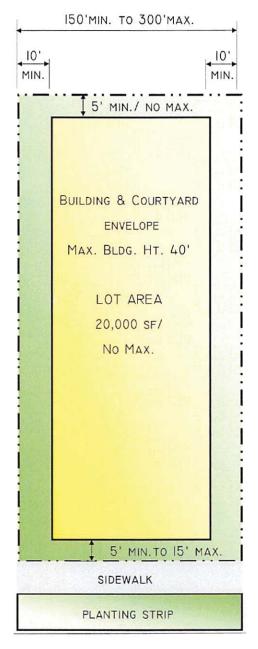






Figure 2, I: Multi-Family Courtyard

Multi-Family Courtyard



STREET

- 1. Parking access is by alley, side drive, or secondary street 2. Maximum FAR is 70%
- 3. Minimum street frontage is 50%

Neighborhood Block & Lot Examples





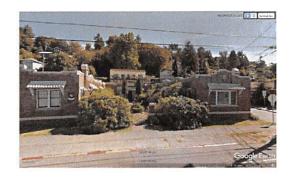
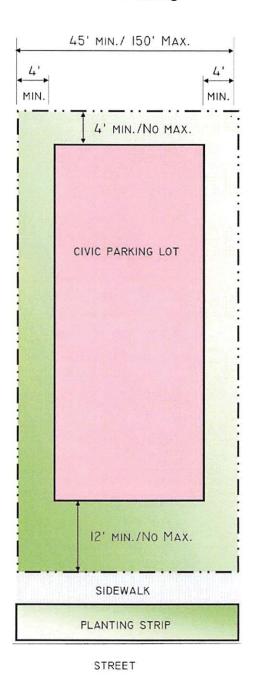
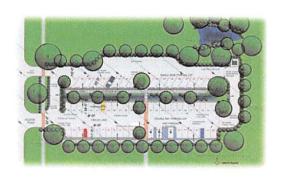


Figure 2, J: Parking

Parking





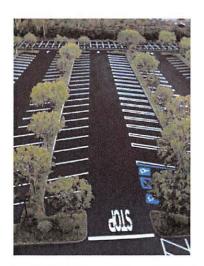
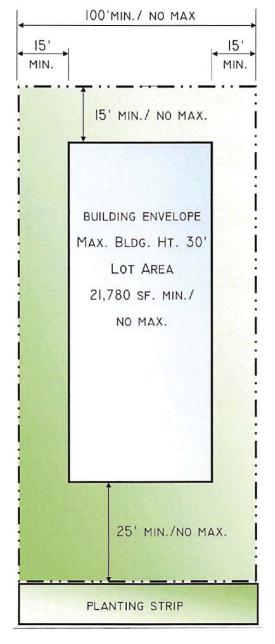




Figure 2, K: Rural

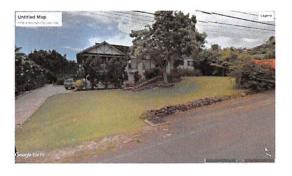
Rural



Neighborhood Block & Lot Example



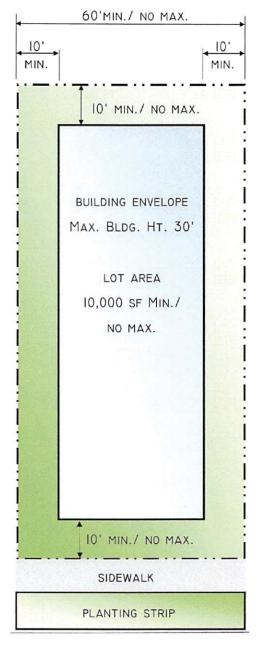




STREET

Figure 2, L: Single-Family Cottage Complex

Single-Family Cottage Complex



STREET

1. Parking access is by alley, side drive or secondary street

Neighborhood Block & Lot Example







Figure 2, M: Single-Family Green Court

Single-Family Green Court

NO MIN. 6' MIN. MIN. 5' MIN. / NO MAX BUILDING ENVELOPE MAX. BLDG. HT. 30' LOT AREA 1,650 SF MIN./ NO MAX. 5'TO 15' MAX. SIDEWALK COMMON OPEN SPACE

Example

Neighborhood Block & Lot



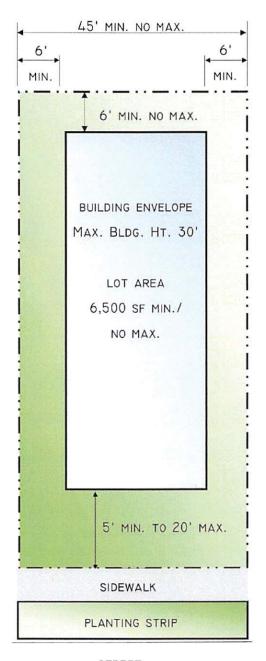




- 1. Parking access is by alley
- 2. Front setback applicable to portion of building fronting upon the street
- 3. Minimum street frontage is 60%

Figure 2, N: Single-Family Large Lot

Single-Family Large Lot



Neighborhood Block & Lot Example







STREET

- 1. Parking access is permitted by alley, side drive, front entry drive, or secondary street
- 2. Minimum street frontage is 40%

Figure 2, O: Single-Family Small Lot

Single-Family Small Lot

24' MIN. / NO MAX. 5' MIN. / NO MAX. BUILDING ENVELOPE MAX. BLDG. HT. 30' LOT AREA 2,800 SF. MIN. TO 6,499 SF. MAX 5' TO 15' MAX. SIDEWALK PLANTING STRIP

Neighborhood Block & Lot Example







STREET

- Parking access is permitted by alley, side drive, front entry drive, or secondary street
 Parking access is required by alley for blocks where the lot sizes are less than 4,500 square feet
- 3. Minimum street frontage is 60%

Figure 2, P: Townhouse Lot

Townhouse Lot

16' TO 40' 5' MIN. NO MAX. BUILDING ENVELOPE MAX. BLDG. HT. 40' LOT AREA 1,100 SF MIN. / NO MAX 5' MIN. TO 15' MAX. SIDEWALK PLANTING STRIP

STREET

- Parking access is permitted by alley or secondary street
 Minimum street frontage is 70%

Neighborhood Block & Lot Examples







19.96.150 Parking standards. Chapter 19.36B does not apply to the Waikapu country town.

19.96.160 Additional standards for all districts. A. Any tract of land or project site within the Waikapu country town for which development is sought shall be subject to any applicable statute, ordinance, rule, or regulation.

B. A dwelling or dwelling unit shall not be used for fractional ownership or as a transient vacation rental, time-share unit, short-term rental home, or bed and breakfast home.

19.96.170 Subdivision review. Before issuance of a final subdivision approval, the director shall review the subdivision to ensure the cohesive implementation of the following elements of the Waikapu country town: illustrative parks and open space plan; non-motorized pedestrian and bicycle network; and traffic calming elements within the Waikapu country town's roadways. These elements shall be generally consistent with the Waikapu country town design guidelines on file with the department at the time this ordinance is adopted.

19.96.180 Administrative rules. The director may adopt rules to implement the provisions of this chapter."

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel County of Maui

pslu:misc:030abill02d:jgk/jsr

1. Passed FINAL READING at the meeting of the Council of the Council of the Council of Mani, State of Hawaii, held on the 20th day of September, 2019, by the following vote:

							1-1 1 1 1 1 1 1 1	
Kelly T KING Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Alice L. LEE	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 20th day of September, 2019.
 DATED AT WAILUKU, MAUI, HAWAII, this 20th day of September, 2019.

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/ KELLY T. KING, CHAIR Council of the County of Maui

MARGARET C. CLARK, DEPUTY COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS

Zoth DAY OF

September, 2019.

MICHAEL P. VICTORINO, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 4997 of the County of Maui, State of Hawaii.

MARGARETIC. CLARK, DEPUTY COUNTY CLERK County of Maui

Passed First Reading on August 9, 2019. Effective date of Ordinance September 20, 2019

MR SP 23 MR 8 43

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 4997 , the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

Ordinance 4998, Change in Zoning

ORDINANCE NO.	4998

BILL NO. <u>45</u> (2019)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
WAILUKU-KAHULUI PROJECT DISTRICT 5 (MAUI TROPICAL PLANTATION)
AND AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN (WCT)
DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT
WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.96 and 19.510, Maui County Code, zoning designations are amended (Conditional Zoning) for certain parcels of land situated at Wailuku, Maui, Hawaii, from Wailuku-Kahului Project District 5 (Maui Tropical Plantation) and Agricultural District to Waikapu Country Town (WCT) District, as identified in Table 1, comprising 495.905 acres, and more particularly described in Exhibit "A," which is attached hereto and made a part hereof, and in Land Zoning Maps L-2705, L-2706, L-2707, L-2708, and L-2709, which are attached hereto as Exhibit "B" and made a part hereof.

Table 1

CHANGE IN ZONING					
TMK	FROM	TO	ACRES		
(2) 3-6-004:por. of 003	AG	Waikapu	87.832		
(2) 3-6-004:por. of 003	AG	Country Town	48.807		
(2) 3-6-004:006	AG	(WCT)	53.630		
(2) 3-6-006:036	AG		0.721		
(2) 3-6-004:por. of 003	AG		2.089		
(2) 3-6-005:007	PD-WK/5		59.054		
(2) 3-6-002:por. of 003	AG		243.772		
Total			495.905		

SECTION 2. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions set forth in Exhibit "C," attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto and made a part hereof as Exhibit "D."

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel County of Maui

paf:jgk:19-284b

WAIKAPU HEMA LARGE LOT SUBDIVISION PORTION OF LOT 6

Being a portion of I at 6 of Waikapu Hema Large Lot Subdivision, being also a portion of Grant 3152 to Henry Cornwell situated in Waikapu, Wailaku, Island and County of Maui, State of Hawaii.

Beginning at the Northeast corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

12,973.62 Feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1.	4º	39.	30" 1,826.72	feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);
2.	Hence	ด ท _{ี่} เบนล	same on a curve to th	azimuth from the radius point to the end of the curve being: 92° 29° 05.5° the chord azimuth and distance being: 3° 29° 17.75° 603.24 feet:
3.	1044	00.	47().00	feet along the remainder of Lot 6 of the Waikapu Homa Large I of Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
4.	148	00.	190.00	feet along some;
5.	76°	00.	290.67	feet along same;
5.	1069	27	59.40	leet along same;
6.	1784	00,	380.00	feet along same;
7.	206°	00'	475.00) feet along same:
8.	1715	(1 0 ,	100.00) feet along same;
9.	102°	00,	760.0	D feet along same;

10.	72°	00'	60.00	feet along same;
11.	102"	00-	339.87	feet along same:
12.	195°	00.	287.57	feet along same:
13.	I henc	e along same on a co	arve to th	e left with a radius of 1,500,00 feet, the chord azimuth and distance being: 174° 00° 1,075,10 feet;
14.	153"	00,	107.13	feet along same;
15	243"	(1():	567.00	feet along same;
16.	Thene	e along 1 ot 2 of the	Hawaii T	ropical Plantation Subdivision, being also remainder of Grant 3152 to Heavy Cornwell on a curve to the left with a radius of 400.00 feet, the chord azimuth and distance being; 309° 52° 30° 314.19 feet;

1.43ti.00 feet along same to the point of beginning and containing an area of 87.832 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

1721 Wili Pa Loop, Suite 203 Wailuku, Hawaii 96793 March 5, 2018

2864 451

17.

Michael F. Silva

Licensed Professional Land Surveyor

Certificate Number 12960 License Expires: 4/30/18

1021.82

WAIKAPU HEMA LARGE LOT SUBDIVISION PORTION OF LOT 6

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also all of Royal Patent 4948. Land Commission Award 2577, Apana 3 to Hakiki and being also portions of Royal Patent 3131. Land Commission Award 1048, Apana 2-3 to Napailoi, Royal Patent 3138, Land Commission Award 2394, Apana 1 to Kacha, Grant 1844 to J. Sylva, and Grant 1844. Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Reginning at the Southeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKF" being:

11.159.99 feet South

4.938.21 feet West

and running by azimuths measured clockwise from True South:

1	101°	00,	320.00	feet along the remainder of i.ut 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3131, Land Commission Award 1048. Apana 2-3 to Napailoi, and Grant 1844 to J. Sylva;
2	100-	00.	215.00	feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana J to J. Sylva, and Grant 1844 to J. Sylva;
3.	120"	00,	450.00	feet along the remainder of Lot 6 of the Waikapu Hema Lurge Lot Subdivision, being also the remainder of Cirant 1844 to J. Sylva;
4.	450	00.	480.00	feet along same:
5.	(48°	00.	409.00	feet along same;
b.	159	(h1 ·	400.00	feet along same:
7.	175°	on.	220.00	feet along same;
8.	179"	00.	750.00	feet along same:
Ŋ	271°	00.	1,235.00	feet along same;

10	12.	00.	367.00	feet along same;
11.	2687	00,	257.80	feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844 to J. Sylva and Royal Potent 3138 Land Commission Award 2394, Apana 1 to Kacha;
12.	9:	30*	550.00	feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kacha and Grant 1844, Apana 1 to J. Sylva:
13	275*	10-	415,84	feet along remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva:
14	2012	33.	322.87	feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva:
15.	357°	07*	420.08	feet along same to the point of beginning and containing an area of 48.807 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

1721 Wili Pa Loop. Suite 203 Wailuku, Hawnii 96793 September 20, 2018

Michael E. Silva

Licensed Professional Land Surveyor C'ertificate Number 12960 License Expires: 4/30/20

11111

HAWAH TROPICAL PLANTATION SUBDIVISION Lot 2

Being all of Lot 2 of Hawaii Tropical Plantation Subdivision, being also all of a Polima, Royal Patent 3131. Land Commission Award 10,481, Apana I, Mahele Lto Napailoi, Royal Patent 3142, Land Commission Award 11,022, Apana 6 to Wahhineealii, Royal Patent 3148, Land Commission Award 10,160, Apana 1 to Mahoe, Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai, Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini and being also portions of Royal Patent 498, Land Commission Award 2364, Apana 1 to Charles Copp. Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaii, Royal Patent 4115, Land Commission Award 3221, Apana 3 to Opunui, Grant 1844, Apana 1 to J. Sylva, Grant 1844, Apana 2 to J. Sylva, Grant 2069 to Kaoi, Grant 2069 to Kaoi, Grant 3043 to J. Boardman, and Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui. State of Hawaii.

Beginning at the Southerly corner of this purcel on the Westerly side of Honoapiilani Highway (Lederal Aid Project No. 13-G), the coordinates of said point of beginning referred to Coverament Survey Triangulation Station "LUKE" being:

12,973.62 feet South

3,232,36 feet West

and running by azimuths measured clockwise from True South:

1.	106*	45'	1,430.00	Suhdi		of the Waikapu Herrin Large-Lot ing also the remainder of Grant 3152 rell;
3	Thene	e along so	ne on a curve to th		with a rad	lius of 400,00 feet, the chord azimuthing:
				1410	56'	460.96 feet;
3.	177'	07*	1,460.00	Subdi 3152	ivision, be to Henry (of the Waikapu Herna Lurge-Lot ing also the remainders of Grant Cornwell, Grant 1844, Apana 2 to J. at 1844, Apana 1 to J. Sylva;
4.	2(H)	33.	596.14	Subd		of the Waikapu Hema Large-Lot ing also the remainder of Grant 1844. ylva;

5.	3915	451	30"	58.59	feet along Lot 6 of the Waikapu Hema Large-1 of Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva;
6.	30,5*	13.		264.12	feet along Lot 6 of the Waikapu Hema 1 arge-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva and Royal Potent 4014, Land Commission Award 5774, Apana 2 to Kaai;
7.	227.	10.		111.95	feet along 1.01 6 of the Walkapu Hema Large-Lot Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
8.	2264	10-		17.92	feet along the remainder of Royal Patent 4014. I and Commission Award 5774, Apana 2 to Kaai;
IJ.	2.224	30°		81.90	feet along same:
10.	133	20		40.00	feet along same:
11.	154°	32		79.57	feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunul:
12.	341s	511		99,68	feet along Grant 2069, Apana 2 to Kaai;
13.	243.	4,5"		84,50	feet along Royal Patent 6223, Land Commission Award 3526, Apana 1 to Kekonheewate:
14.	235°	30.		00.80	feet along the Grant 1713 to John Ross:
15.	307.	20.		10.00	feet along the remainder of Royal Patent 4115, Land Cummission Award 3224, Apana 3 to Opunui;
16.	2250	00.		19.78	feet along Royal Patent 4115, Land Commission Award 3224. Apana 3 to Opunui:
17.	215"	31.	08	318.56	feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui and Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi:
18.	2230	33.		58.58	teet along Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi:

10.	321"	27	53.55	feet along Lot 4 of Hawaii Tropical Plantation Plantation Subdivision, being also along Royal Patent 4014, Land Commission Award 5774, Apuna 2 to Kaai;
20.	2874	40°	152.19	feet along same:
21	283	30'	120,00	feet along same;
22.	32°	10.	\$8.3 _†	feet along Lot 3 of the Hawaii Tropical Plantation Subdivision, being also along the remainder of Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp;
23.	16.	50"	209.00	feet along same;
24.	250	20'	195.00	feet along same:
25.	Thene	e along	g same on a curve to the	e right with a radius of 230,00 feet, the chord azimuth and distance being: 55° 12' 30" 229,13 feet;
26,	K5~	05"	125.00	fuet along same:
27	Thenc	ce alon	g Royal Patent 6374, L	and Commission Award 9324, Apana 2 to Keakini, along the remainders of Royal Patent 4014. Land Commission Award 5774, Apana 2 to Kaai and Royal Patent 3130. Land Commission Award 8874. Apana 1 to Kaneae on a curve to the left with a radius of 151.00 feet, the chord azimuth and distance being: 49° 17' 30' 176.62 feet:
28.	135	301	243.00	feet along the remainder of Grant 2069 to Kaai:
29.	26.	15	539,50	feet along same;
30,	395°	55"	142.26	feet along same;
31.	52	10.	285.00	feet along remainder of Grant 2069 to Kaai and Grant 2960 to Boardman;
32.	753	00.	91.00	feet along the remainder of Grant 2960 to Boardman;
33.	346	40°	40.00	feet along same;

34.	354°	00,		302.03	feet along same;
15	286°	45"		1,319.23	feet along remainders of Grant 2960 to J. Boardman, Grant 3152 to Henry Cornwell, and Grant 3043 to J. Boardman;
36.	4.	29.	30"	651.86	feet along the Westerly side of Honoapillani Highway (F.A.P. No. 13-G) to the point of beginning and containing an area of 53.630 Acres.

This work was prepared by me or under my supervision.



LUKUMOTO ENGINEERING, INC.

1721 Wili Pa Loop, Suite 203 Wailuku, Hawaii 96793 March 5, 2018 Michael L. Silva

Licensed Professional Land Surveyor

Certificate Number 12960 License Expires: 4/30/18

wp:

PORTION OF LOT 6 OF WAIKAPU HEMA LARGE-LOT SUBDIVISION AND TAX MAP KEY (2) 3-6-006:036

Being a portion of Lot 6 of Waikapu Hema Large-Lot Subdivision, being also all of Land Commission Award 3337. Apana 4 to Naanaa and being also portions of Royal Patent 3124. Land Commission Award 2609. Apana 1 and 5 to Poepoe. Royal Patent 3150, Land Commission Award 5551. Apana 2 to Kekta. Royal Patent 4014, Land Commission Award 5774. Apana 2 to Kani and Cirant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailaku, Island and County of Mani, State of Hawaii.

Beginning at the North corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

9.791.73 feet South

4,611,04 feet West

and running by azimuths measured clockwise from True South:

1,	3125	57*	19	7.60	feet along Royal Patent 3156, I and Commission Award 3527, Apana 3 to Kaalaen;
2.	25"	42'	3	8.90	feet along Grant 1712, Apana 2 to Iliu:
3.	288°	27.	3	15.60	feet along same;
4.	102	27'	4	11.60	feet along Royal Patent 3141, Land Commission Award 3523, Apana 3 to Kulahouka and Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunni:
5.	343°	54.	17	77.()6	feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui:
6.	3464	561	30" 2	28.40	feet along same;
7.	286	30.		21.10	feet along same;
8.	221'	50'		75.90	feet along same;
υ.	313'	20*	•	40.00	feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kani;

Waikapu Hema Large-Lot Subdivision, Por. of Lot 6 and Tax Map Key (2) 3-6-006:036

10.	42"	30*		81.90	feet along same;
H.	46	10		47.921	feet along same:
12	47	10.		111,95	feet along same;
12.	125	13.		264,12	feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainders of Royal Patent 4014, Land Commission Award 5774. Apana 2 to Kaal and Grant 1811, Apana 1 to J. Sylva:
13.	{}}°	45	30"	\$8,59	feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva;
13.	192	26.	23"	143,95	feet along the remainder Lot 6 of the Waikapu Hema Large-I of Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;
15.	1800	521	53"	79.99	feet along same;
16.	310,	(10)*		196.90	feet along the remainder I of 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana I to J. Sylva. Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekea, and Grant 1704 to Opanui to the point of beginning and containing an area of 2 810 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

1721 Wili Pa Loop, Suite 203 Waituku, Hawaii 96793 March 5, 2018 Michael In Silva

Licensed Professional Land Surveyor

Certificate Number 12960 License Expires: 4/30/18

Waikapu Hema Large-Lot Subdivision, Por. of Lot 6 and Tax Map Key (2) 3-6-006:036

HAWAH TROPICAL PLANTATION SUBDIVISION LOT 3

Being all of Lot 3 of Hawaii Tropical Plantation Subdivision, being also all of Grant 1674 to F.W. Gleason: Grant 2342 to E. Bal: Royal Patent 324, Land Commission Award 455, Apana 2 to Hag: Royal Patent 4014, Land Commission Award 5774, Apana 4 to Kani; Royal Patent 3130, Land Commission Award 8874, Apana 3 to Kaneae: Land Commission Award 462, Apana 2 to Muhuka: Royal Patent 6374, Land Commission Award 5324, Apana 2 to Keakini; Royal Patent 3130, Land Commission Award 8874, Apana 2 to Kancae; Royal Patent 3139, Land Commission Award 491, Apana 2 to Hoowahine: Grant 2747, Apana 2 to E. Bal: Royal Patent 3139, Land Commission Award 491, Apana Lu Hoowshipe: Land Commission Award 462, Apana Lto Mahuka: Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamuhai; Royal Patent 3139, Lund Commission Award 491, Apana 3 to Hoowahine: Grant 1146 to Amonio Sylva: Royal Patent 41, Land Commission Award 416, Apana 1 to John Crowder; Royal Patent 41. Land Commission Award 416, Apana 2 to John Crowder; and being also portions of Grant 2904 to John Crowder: Grant 3152 to Benry Cornwell; Grant 3043 to J. Boardman; Grant 2960 to J. Boardman: Grant 2069 to Kani: Royal Patent 3130, Lond Commission Asvard 8874, Apana 1 to Kuneae: Royal Patent 4014, Land Commission Award 5774. Apana 2 to Knai: Royal Patent 498. 1 and Commission Award 236-1, Apana 1 to Charles Copp situated in Waikapu, Wailuku, Island and County of Mani, State of Hawnil.

Beginning at the Northeasterly corner of this parcel on the Westerly side of Honoapillani Highway (Federal Aid Project No. 13-G), the coordinates of said point of heghning referred to Government Survey Triangulation Station "LUKLY" being:

10,850.15 feet South

2,816.41 feel West

and running by azimuths measured clockwise from True South:

1. Thence along the Westerly side of Honoapitlani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 12,242,70 feet, the radial azimuth from the radius point to the beginning of the curve being: 284° 35° 07"; the radial azimuth from radius point to the end of the curve being: 287° 13' 13"; and the chord azimuth and distance being: 15" 54" 18.5" 563.99 feet:

2 17' 13' 30" 296.94 feet along the Westerly side of Honoapillani Highway (Federal Aid Project No. 13-G):

feet along Lat 2 of Hawali Tropical Plantation Subdivision, being also the remainder Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp:	125.00	.50	-59Z	۲I
Cinnyinission Award 8874, Apana 1 to Kancae, and Land Commission Award 5774. Apana 2 to Kaai on a curve to the right with a radius of 151,00 feet, the chord aximuth and distance being: 229* 17: 30" 176.62 feet:				
of Grant 2069 to Kaai. Royal Patent 3130, Land				
cal Plantation Subdivision, being also the remuinders	inmT linwall to S 10.1 9	nuls :	જ્ઞાસ્યું],	13.
;ວເມຮະ ສີພວງສ	243,00	30.	,861	17.
feet along same:	02.4£2	.51	~90Z	П
to Kaal;				
Subdivision, being also the remainder to Cirant 2069				
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Subdivision, being also the remainder to Crant 2960				
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Subdivision, being also the remainder of Citant 2960				
noinstrial [lasiqual liawaH lo S to.1 grada 195	302.03	.00	1740	*()
and Grant 3152 to Henry Counsell:	1			
1013 to J. Bourdman, Grant 2960 to J. Boardman.				
Subdivision, being also the remainders of Cirant				
natistical Indignif Tinyall In 2 to 1 grota tou		.St	2901	۶.
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តែយុខ និងពុទ្ធ គេតុ	30 10.00 (.62	ot	ŀ
10° 51°30" 643.15 feet:				
lest with a radius of 2,899.93 seet, the chord azinuth		guojis	Thence	٠٤.
	ALCOHOL STATE OF THE STATE OF T		175/75	

15.	Thene	e along same on a ci	urve to the	e left with a radius of 230,00 feet, the chord azimuth and distance being:
				235° 12' 30" 229.13 feet;
16.	2050	30,	195.00	feet along same:
17.	1960	50"	209.00	feet along same;
18.	2120	10.	88.31	feet along same:
10,	2831	30.	208,78	feet along 1 of 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 1 to Kaai;
20.	3012	30°	195.00	feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
21.	276°	46"	57.80	feet along Grant 3152 to Henry Cornwell:
22.	1,	14"	160.90	feet along Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
23.	3571	051	61.60	feet along same:
24.	354	18"	33.54	feet along same;
25.	86	01'	63 90	feet along Lot 12 of the Wuikapu Tract, being also the remainder of Royal Patent 102, Land Commission Award 432 to Anthony Sylva:
26.	351	55'	40.00	feet along same;
27.	359°	06'	455.70	feet along Lot 12, Lot 14, Lot 15, Lot 8, and Ololl Place of Waikapu Fract, being also along Royal Patent 102, Land Commission Award 432 to Anthony Sylva:
28.	349,	25*	172.20	Feet along Lot 8, Olo Place, and I ot 7 of Waikupu Tract, being also along Grant 1515 to Antonio Sylva;
29.	274'	06,	222,20	feet along Lot 7, Lot 6, Lot 5, Lot 4, Lot 3 of Waikapu Fract, being also along Grant 1515 to Antonio Sylva;

138.02 feet along Lot 2 of the Waikapu Tract, being also along the remainder of Grant 2904 to John Crowder to the point of beginning and containing an area of 59.054 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

1721 Wili Pa Loop, Suite 203 Wailuku, Hawaii 96793 March 5, 2018 Michael F., Silva

Licensed Professional Land Surveyor Certificate Number 12960

License Expires: 4/30/18

1171

WAIALE PARK (LARGE-LOT) SUBDIVISION PORTION OF LOT 2

Being a portion of I of 2 of Waiale Park (Large-Lot) Subdivision, being also portions of Royal Patent 324. Land Commission Award 455 to Haa, Land Commission Award 411 to Poonui, Grant 2747 to Fugene Bal, and Grant 3152 to Henry Cornwell situated in Waikapu, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

15,360,54 feet South

3,339.81 feet West

and running by azimuths measured clockwise from True South:

1	l hence	akın <u>y</u>	the l'aster	ly side of H	on a curve to the right with a radius of 17,153.80 feet, the radiul azimuth from the radius point to the beginning of the curve being: 92° 37' 04.2"; and the chord azimuth and distance being: 183° 33' 17.1" 560.98 feet:
?	184°	29.	30''	2.494 86	feet along same;
3.	Thence	e along	same on a	curve to the	e right with a radius of 2,829.93 feet, the chord azimuth and distance being: 190° 51' 30" 627,63 feet;
4.	1970	13*	30"	296,94	feet along same;
5	Thene	e alung	sume on i	a curve to th	e left with a radius of 12,312.70 feet, the radial azimuth from the radius point to the end of the curve being: 280° 59° 15"; and the chord azimuth and distance being: 194° 06° 22.5" 1.339.76 feet;
6.	280°	48*	30"	88.20	feet along the remainder of Land Commission Award 411 to Poonui;
7.	192°	04.		89,20	feet along same;

8.	191° 47′ 171.33	feet along the remainders of I and Commission Award 411 to Poonul and Grant 2747 to Eugene Bal;
9.	266° 52' 137.19	feet along the bank of a meandering stream, being also the remainder of Grant 2747 to Fugene Bal;
10.	280° 28° 58.32	feet along same;
11.	272: 38' 30" 99.27	feet along same:
12.	266" 20" 40" 96.78	feet along same;
13.	2575 52' 09" 130.37	feet along same;
14.	253- 47' 10" 106.23	feet along same;
15.	253" 18' 20" 71.30	feet along some.
16.	Thence along same on a curve to the	distance being: 286° 39° 10" 67.06 feet:
17.	320' 00' 123.33	feet along same:
18.	Thence along same on a curve to the	from the radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being: 357' 07' 20"; and the chord azimuth and distance being: 293' 33'' 40" 153.16 feet;
۱۷.	Thence along the bank of a mound	ering stream, being also the remainders of Grant 2747 to Hugene Bal and Grant 3152 to Henry Comwell on a curve to the right with a radius of 159.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 177° 07' 20"; and the chord azimuth and distance being: 281° 27' 35" 78.75 feet:
20.	295" 47" 50" 135.81	feet along the bank of a meandering stream, being also the remainder of Grant 3152 to Henry Cornwell;
21,	Thence along same on a curve to the	ne right with a radius of 172,00 feet, the radial azimuth from the radius point to the end of the curve being: 237° 54° 40°; and the chord azimuth and distance being: 311° 51° 15° 95.15 feet:

32. Thence along same on a curve to the left with a radius of 458,00 feet, the radial azimuth from the radius point to the beginning of the curve being: 57° 54° 40°; the radial azimuth from the radius point to the end of the curve being: 35° 24°; and the chord azimuth and distance being: 316° 39° 20° 178.79 feet;

23. Thence along same on a curve to the left with a radius of 308.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 35° 24';
the radial azimuth from the radius point to the end of the curve being: 7° 26' 10":
and the chord azimuth and distance being:
291° 25° 05" 148.84 feet;

24. Thence along same on a curve to the left with a radius of 610.00 feet, the radial azimuth from the radius point to the heginning of the curve being: 7° 26' 10"; the radial azimuth from the radius point to the end of the curve being: 351° 33' 30"; and the chord azimuth and distance being: 269° 29' 50" 168,50 feet:

- I hence along same on a curve to the right with a radius of 198.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 171° 33° 30°; the radial azimuth from the radius point to the end of the curve being: 197° 21°; and the chord azimuth and distance being: 274° 27° 15° 88.38 feet:
- 26. 287° 21° 73.41 feet along same:
- 27. Thence along the remainder of Lot 2 and along Lot 1 of the Wainle Park (Large-Lot)
 Subdivision, being also the remainder Grant 3152 to
 1 lenry Cornwell on a curve to the left with a radius
 of 3.960.00 feet, the radial azimuth from the radial
 point to the beginning of the curve being:
 106° 12° 21"
 and the chord azimuth and distance being:
 10′ 53° 40.5"
 733 12 feet;

1,498.28 feet along Lot I of the Waiale Park (Large-Lot) 28. 5° 35' Subdivision, being also the remainders of Grant 3152 to Henry Cornwell and Grant 2747 to Eugene Bal; Thence along Lot I of the Waiale Park (Large-Lot) Subdivision, being also the 29. remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 5.040.00 feet, the chord azimuth and distance being: 13° 16' 1,347.68 feet; 521.33 feet along Lot I of the Waiale Park (Large-Lot) 30. 20° 57' Subdivision, being also the remainder of Grant 3152 to Henry Cornwell; Thence along same on a curve to the right with a radius of 1,800.00 feet, the chord 31. azimuth and distance being: 28° 37' 57" 481.26 feet; 32. 126° 18' 54" 80.00 feet along the remainder of Lot 2 of the Walale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell; 33. Thence along same on a curve to the right with a radius of 1,720.00 feet, the chord azimuth and distance being: 640 19' 57" 1.615.91 fect: 34. 920 21' 163.44 feet along same; 35. Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the end of the curve being: 92° 37' 04.2"; and the chord azimuth and distance being: 137° 29' 02.1" 56.70 feet to the point of beginning and containing an area of 243.772 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

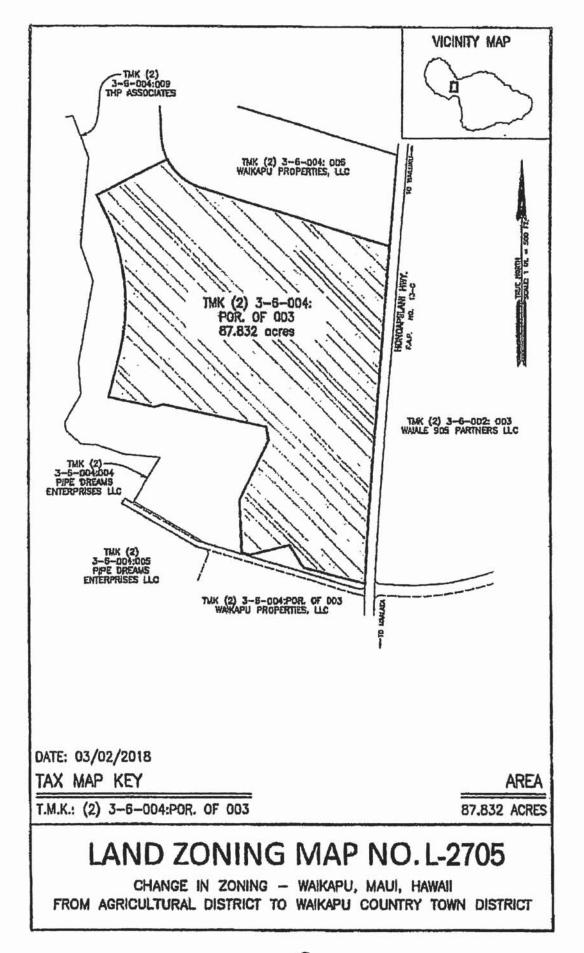
1721 Wili Pu Loop, Suite 203 Wailuku, Hawaii 96793 March 5, 2018

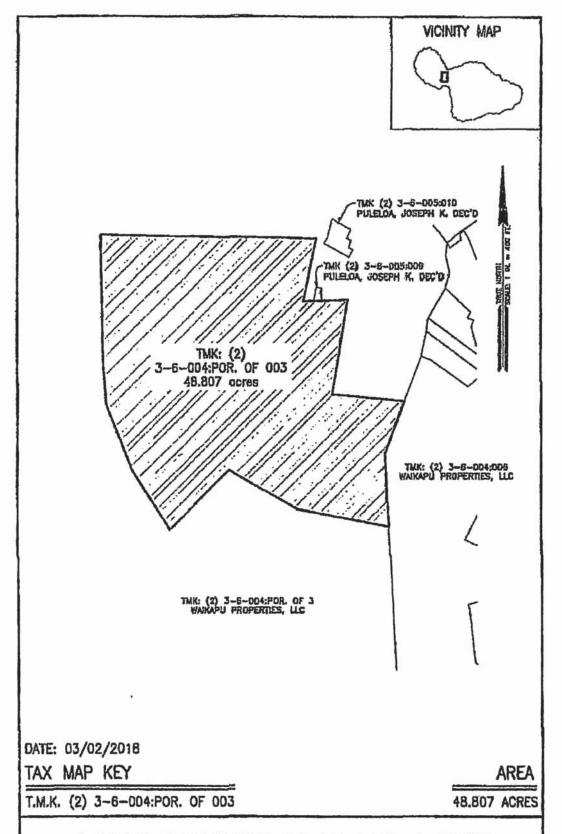
Michael L. Silva

Licensed Professional Land Surveyor

Certificate Number 12960 License Expires: 4/30/18

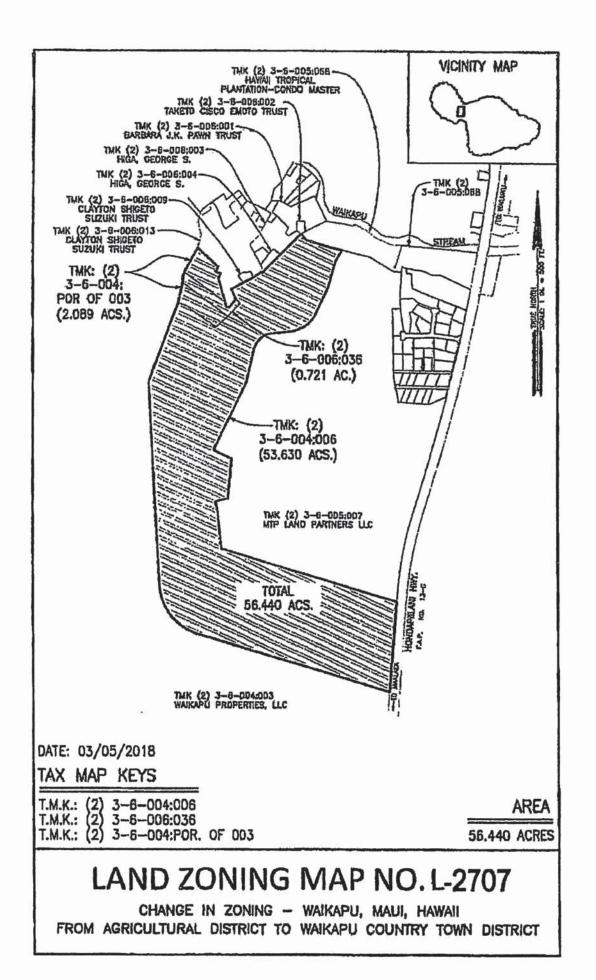
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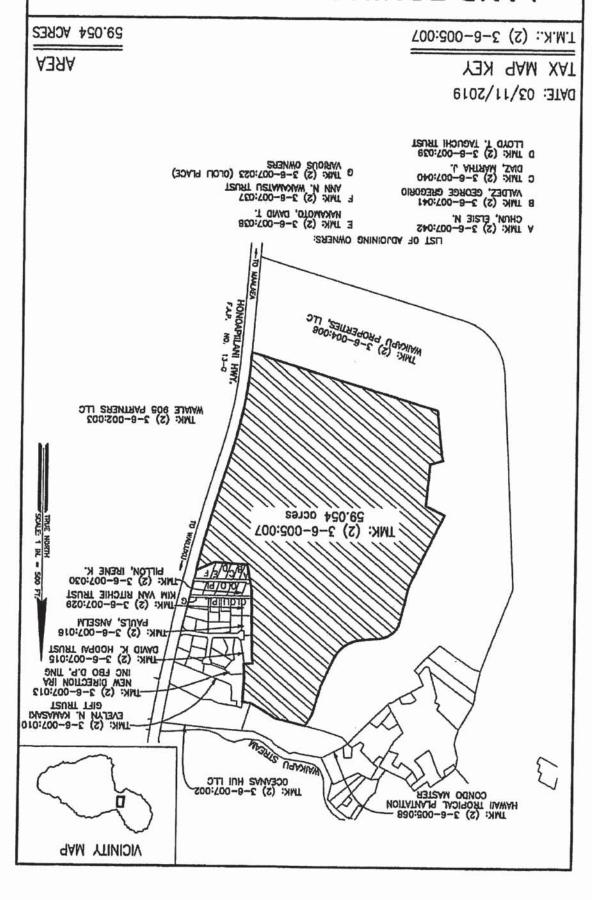




LAND ZONING MAP NO. L-2706

CHANGE IN ZONING - WAIKAPU, MAUI, HAWAII FROM AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT





LAND ZONING MAP NO. L-2708

CHANGE IN ZONING - WAIKAPU, MAUI, HAWAII PROJECT DISTRICT 5 (MAUI TROPICAL PLANTATION) (PD-WK/5) TO WAIKAPU COUNTRY TOWN DISTRICT

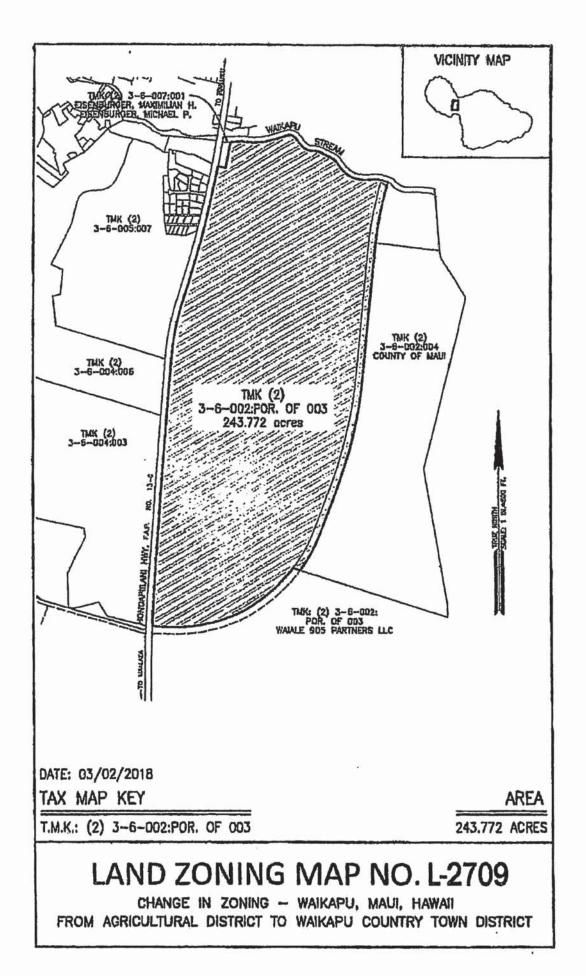


EXHIBIT "C"

CONDITIONS OF ZONING

As it relates to the following conditions, "Landowners" means Waikapu Properties, LLC; MTP Land Partners, LLC; the William S. Filios Separate Property Trust dated April 3, 2000; Waiale 905 Partners, LLC; and any future owner or lessee.

- 1. Transportation State Department of Transportation, Highways Division (SDOT-H).
 - a. Landowners shall mitigate all Project-generated traffic impacts as required by the SDOT-H. Landowners shall enter into an agreement regarding the scope and timing of required traffic improvements to mitigate the traffic related impacts of the project on SDOT-H facilities as generally indicated in the project's Pro Rata Share Calculations for Waikapu Country Town Project dated June 29, 2018, as approved by SDOT-H. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.
 - b. Landowners shall fully fund project intersections with Honoapiilani Highway only at the Main Street Intersection (also referred to as Study Intersection #9 in the TIAR/EIS) and at the Waiale Road Extension Intersection (also referred to as Study Intersection #13 in the TIAR/EIS.) Landowners are solely responsible for funding the Main Street and Waiale Road Extension intersection improvements.
 - c. Landowners shall conduct an analysis of the suitability of a roundabout at the required Honoapiilani Highway and Main Street Intersection. Landowners shall transmit its analysis with findings to the SDOT-H; County of Maui, Department of Planning (Department); and the County of Maui, Department of Public Works (DPW). The SDOT-H shall determine if such a roundabout or traffic signal must be funded by Landowners.
 - d. Landowners shall provide pedestrian crossings on Honoapiilani Highway at the intersections of Main Street and Waiale Road Extension, and ensure that the development layout provides pedestrian routes to these pedestrian crossings.

SDOT-H will confirm compliance with this condition.

 Transportation - State Department of Transportation, Airports Division (SDOT-A). Landowners shall work with SDOT-A to confirm compliance with the Federal Aviation Administration or other relevant government agency's guidelines and regulations regarding aircraft passage or airport operations at the Kahului Airport.

3. Transportation – DPW.

- a. Landowners shall conduct a pro rata traffic share study for the Waiale Road Extension and transmit it to DPW for review and approval prior to the County's approval of the first subdivision application for the project. The pro rata share study shall evaluate the project's percentage of future vehicle trips on the Waiale Road Extension from Waiko Road to Honoapiilani Highway.
- Landowners shall enter into an agreement with DPW regarding the b. project's pro rata share contribution to the Waiale Road Extension from Waiko Road to Honoapiilani Highway. The agreement shall determine the project's pro rata share of the total anticipated costs for design and construction of the future Waiale Road Extension and the methods and timing by which the payments or similar contributions are made. The agreement will also consider the project's actual traffic generated insomuch as any reductions or increases in traffic than originally estimated may reduce or increase the pro rata share in the future. Further, Landowners shall deed the Waiale Road Extension right-of-way to DPW, upon demand, the value of which shall not be considered towards the pro rata share used in the agreement. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project. DPW shall confirm compliance with this condition.
- 4. Stormwater Management and Drainage. Landowners shall maintain existing drainage patterns to the maximum extent feasible and shall implement Best Management Practices (BMPs) to: a) minimize infiltration and runoff from construction and vehicle operations, b) reduce or eliminate the potential for soil erosion and ground water pollution, and c) formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health (DOH) and County of Maui guidelines, ordinances and rules. The BMPs shall include a program for the maintenance of drainage swales within the Project Area. The design of drainage improvements and maintenance approved by the DPW shall not increase runoff from the Project Area as a result of an increase in impervious surfaces. The DPW shall confirm compliance with this condition.
- 5. Residential Workforce Housing. Landowners shall provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements. The required number of residential workforce housing units as determined by the County of Maui shall be completed according to a timetable associated with the issuance of building permits for market-rate dwelling units as required by the Maui

County Code and as agreed to by the Department of Housing and Human Concerns. Landowners will not seek project approvals authorized by Chapter 201H, Hawaii Revised Statues, or similar project approvals for this project.

- 6. Wastewater. Landowners shall participate in the funding and construction of adequate private or public wastewater facilities for the Project Area. The wastewater facilities shall be in accordance with the applicable standards and requirements of the DOH and the County of Maui as applicable. If Landowners' proposed wastewater facilities are to be located within the State agricultural districts, Landowners shall apply for a State Special Permit in accordance with the provisions of Chapter 205, Hawaii Revised Statutes (HRS). If Landowners desire to request an initial or interim connection to County wastewater facilities for any dwellings, an agreement must be made to the satisfaction of the Department of Environmental Management and other applicable agencies prior to the issuance of any building permit. County or private operable wastewater facilities must be available to serve any use or structure prior to the issuance of the building permit for such use or structure.
- 7. Air Quality. Landowners shall participate in an air quality monitoring program as required by the DOH.
- 8. Education Contribution Agreement. Landowners shall contribute to the development, funding, and construction of school facilities in compliance with the Educational Contribution Agreement for Waikapu Country Town, undated but executed as of January 31, 2017, entered into by Landowners and the Department of Education. Landowners shall ensure that prospective buyers, purchasers, and subsequent owner-builders of lots are given notice of the requirement to pay the Central Maui District Impact Fee in accordance with the Educational Contribution Agreement. Such notice shall be recorded and run with the land.
- 9. Energy Conservation Measures. Landowners shall implement measures to promote energy conservation, sustainable design and environmental stewardship including the use of solar water heating and photovoltaic systems for on-site infrastructure systems, residential, commercial, and civic uses. Solar water heating systems shall be required for new single-family residential construction per Section 196-6.5, Hawaii Revised Statutes. Landowners shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners in the Project Area. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.
- 10. Water Conservation Measures. Landowners shall implement water conservation measures and BMPs such as the use of indigenous plants and as required by the County of Maui. Verification of compliance with this

- condition shall be provided to the Department prior to submitting any building permit application.
- 11. Water System. Landowners shall participate in the funding and construction of adequate private or public water source, storage, and transmission facilities to accommodate the proposed uses for each subdivision in the Project Area in accordance with the applicable standards and requirements of the DOH and the County of Maui, with plans submitted for approval by the appropriate agency. Landowners shall coordinate with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapu aquifer. Further, Landowners shall submit such information to the Department of Water Supply as may be requested to reflect changes in water demand forecasts and supply for the proposed uses in accordance with the County of Maui's Water Use and Development Plan. Compliance with this condition shall be confirmed by the Department of Water Supply.
- 12. Street Lights. Landowners shall use fully shielded street lights within the Project Area to avoid impacts to avifauna and other wildlife populations and to prevent light diffusion into the night sky.
- 13. Sirens. Landowners shall fund and install three (3) civil defense warning sirens as specified by and in the locations identified by the State Department of Defense according to a timetable agreed upon by the State Department of Defense.
- 14. Parks. Landowners shall comply with the park dedication requirements of the County of Maui. Landowners shall provide a park construction and phasing plan approved by the Department of Parks and Recreation, DPW, and Department of Planning, which shall be in accordance with the Maui County Code. Landowners shall develop parks and recreational areas that may be used by all ages and are not used primarily as water retention basins.
- 15. Established Gathering and Access Rights Protected. Pursuant to Article XII, Section 7 of the Hawaii State Constitution, Landowners shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Project Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purpose.
- 16. Agricultural Easement. Landowners shall submit to the Department an executed copy of the conservation easement or relevant instrument for 877.50 acres of adjacent agricultural lands as represented to the State of Hawaii Land Use Commission and to the County of Maui and depicted in Exhibit "1" prior to the first final subdivision approval. No dwelling or structure shall be constructed or used for residential or dwelling purposes,

including farm dwellings, farm labor dwellings and farm worker housing, on the agricultural lands that are subject to the agricultural easement or conservation easement, and such easement shall include this restriction. On the lands that are subject to the conservation easement, there shall be no animal hospitals and animal board facilities; riding academies; open land recreation uses, except that farm tours are allowed; parks for public use; and family child care homes. The following non-commercial open land recreation uses are allowed along the fifty-foot perimeter of the preserve: hiking, equestrian activities, greenways, mountain biking, and accessory restroom facilities. Landowners shall not seek county special use permits for open land recreation activities in the area subject to the conservation easement. There shall be no commercial agricultural structures, except farmer's markets and agricultural product stands in the area subject to the conservation easement. If any development is proposed in the area subject to the conservation easement or relevant instrument, Department of Land and Natural Resources State Historic Preservation Division (DLNR-SHPD) shall first determine whether an archaeological inventory survey shall be provided by Landowners for such area. Landowners shall notify the Department of any proposed development within the conservation easement lands and any determination made by DLNR-SHPD. Landowners shall supply adequate water for agricultural use in the areas subject to the conservation easement, to the maximum extent feasible. There shall be no removal of sand classified as Qdo in the USGS Mineral Resources Spatial Data as older dune deposits (Holocene and Pleistocene), from property identified for real property tax purposes as tax map keys (2) 3-6-002:003 and (2) 3-6-002:001.

- 17. Notification of Agricultural Use. Landowners, and all subsequent owners, shall disclose to developers, purchasers, and lessees of the provisions of Chapter 165, Hawaii Revised Statutes, the Hawaii Right to Farm Act. The notice and disclosure shall be a part of any conveyance document such as a deed, lease, or agreement of sale. The notice and disclosure shall contain at least the following information: a) that the developers, purchasers, and lessees shall not take any action that would interfere with or restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent lands in the State Land Use Agricultural District; and b) that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands. For the purpose of this condition, the term "farming operations" shall have the same meaning as provided in Section 165-2, Hawaii Revised Statutes.
- 18. Archaeological and Historic Sites. Landowners shall provide the following prior to any ground disturbance, including the issuance of grading or grubbing permits, as agreed upon with DLNR-SHPD's acceptance of Landowners' Archaeological Inventory Survey: a) Archaeological monitoring for all ground disturbing activities pursuant to a DLNR-SHPD approved monitoring plan, which shall include data recovery of archaeological and

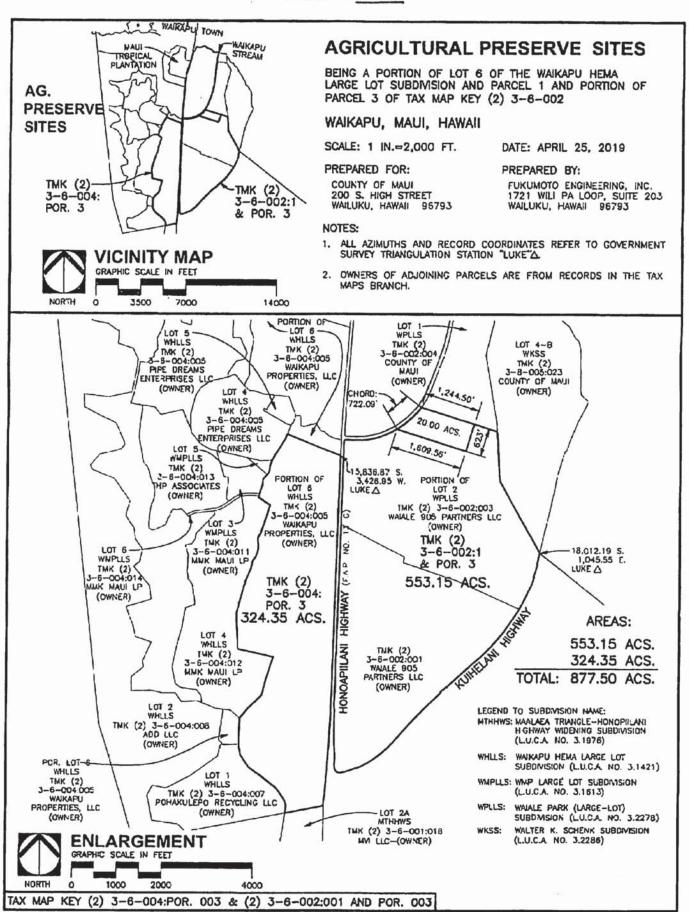
historic sites; b) If site 50-50-04-5197 (Waihee Ditch) is impacted by the Project, it will be further documented in consultation with DLNR-SHPD; c) If any development is proposed for the area to be dedicated to agriculture, DLNR-SHPD shall be notified and will make a determination on whether an archaeological inventory survey is to be provided by Landowners; d) Landowners shall submit a preservation plan to DLNR-SHPD for two (2) sites: the irrigation features (Site 50-50-04-7884) and the WWII bunker (Site 50-50-04-7883); and e) If there is an inadvertent discovery of single or multiple human skeletal remains, Landowners shall provide written consent to DLNR-SHPD extending for at least 30 days the statutory timeline outlined in Section 13-300-40, Hawaii Administrative Rules. The preservation plan shall be submitted to the DLNR-SHPD for review and acceptance prior to any ground disturbance in the vicinity of the two (2) sites. Landowners shall comply with all interim and permanent mitigation and preservation measures required by DLNR-SHPD. Landowners shall provide verification to the Department that DLNR-SHPD has determined that all required historic preservation measures have been implemented. Landowners shall notify DLNR-SHPD prior to the first ground disturbance activity.

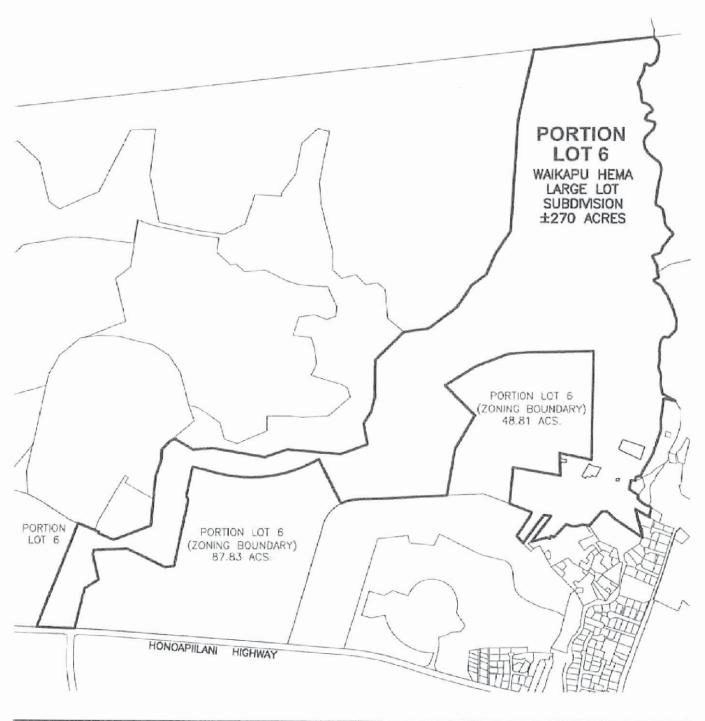
- 19. Cultural. Landowners shall consult with those persons known as Waikapu Stream South Kuleana Loʻi Kalo Farmers and Hui o Na Wai ʻEha to minimize the impacts on their traditional customary rights and practices from any development in the Project Area. Additionally, Landowners shall grant access easements over the appropriate portions of the Project Area in favor of the owners of the Mahi-Puleloa parcels, identified as LCA 2944:3 to Ehunui (TMK: (2) 3-6-005:010) and as Grant 1513 to Ehunui (TMK: (2) 3-6-005:009) and in favor of the owners of the Kauihou parcels, identified as LCA 3340:1 (por.) to Nahau (TMK: (2) 3-6-005:067), as LCA 3103 to Kalawaia (TMK: (2) 3-6-005:014) and as LCA 3110:3.2 to Kuolaia (TMK: (2) 3-6-005:066). The easements shall be recorded and run with the land.
- 20. Endangered Species. Landowners shall implement the following procedures to avoid potential impacts to endangered species: a) Landowners shall not clear dense vegetation, including woody plants greater than fifteen feet (15 ft.) in height, along the periphery of the Project Area during the period from June 1 to September 15 of each year, which is the time that the Hawaiian hoary bat may be carrying young and thus could be at risk from the clearing activities; b) landowners shall consult with the United States Fish and Wildlife Service to determine measures needed with regard to the endangered Blackburn's Sphinx Moth and shall implement such measures in connection with the development of the Project Area; and c) for any nighttime work required during any construction within the Project Area and for long term features, exterior lighting shall be shielded so as to reduce the potential for interactions of or disturbance to Hawaiian Petrels and Newell's Shearwaters.
- 21. Development in Compliance with Maui Island Plan. Landowners shall develop the Project in substantial compliance with the Planned Growth Area

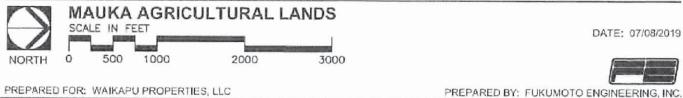
- Rationale and goals, objectives, policies, and implementing actions described in the Maui Island Plan for the Project identified as "Waikapu Tropical Plantation Town."
- 22. Infrastructure Deadline. Landowners shall complete construction of the backbone infrastructure, which consists of primary roadways and access points; internal roadways; on-site and off-site water, sewer, and electrical system improvements; and stormwater and drainage and other utility improvements within ten (10) years from the date of the first final subdivision approval.
- 23. Compliance with Representations to the Maui County Council. Landowners shall develop the Project Area in substantial compliance with the representations made to the Maui County Council in its approval of the subject change in zoning. Failure to develop the Project Area in accordance with such representations may result in enforcement, including reversion of the Project Area to its former zoning and community plan classifications.
- 24. Annual Reports. Landowners shall provide the Department an annual report on the status of the development of the Project Area and Landowners' progress in complying with the conditions imposed herein. The first annual report shall be submitted within one (1) year of the effective date of the CIZ ordinance, and subsequent reports shall be submitted annually on or near the same date.
- The Project Area's Agricultural Master Plan, as set forth in Chapter III, 25. Section 5 of the project's Final EIS identifies an agricultural preserve that is subject to an agricultural conservation easement, and a balance of approximately 270 acres that is mauka of Honoapiilani Highway, for which the zoning remains agriculture. The approximately 270-acre area is depicted in Exhibit "2" as being a portion of Lot 6 and identified as the Mauka Agricultural Lands. The use of the 270-acre area is restricted to the permitted principal uses in the County's Agricultural District and to only the following accessory uses: two farm dwellings per lot, one of which shall not exceed 1,000 square feet of developable area; storage, wholesale, and distribution facilities associated with agriculture in the County; processing of agricultural products; small-scale energy systems; small-scale animalkeeping; non-commercial open land recreation uses; and other uses that primarily support a permitted principal use, provided that such uses shall be approved by the appropriate planning commission as conforming to the intent of the County's Agricultural District. Landowners shall not seek county special use permits; state special permits; or approvals under Chapter 201H, Hawaii Revised Statutes. If subdivided, the 270-acre area shall consist of no more than five lots. Landowners shall record with the bureau of conveyances, or land court, as appropriate, this condition on property identified for real property tax purposes as tax map key (2) 3-6-004:003, as pertaining to the 270-acre area and provide proof of recordation to the Maui County Council prior to the first final subdivision approval, and

such condition shall run with the land and bind all future owners or lessees of the area.

- 26. Landowners shall, prior to the first final subdivision approval, implement as described the following priority projects in the Integrated Natural-Cultural Resource Preservation & Management Plan, dated June 2019, and attached as Exhibit "3":
 - A. Waikapū Watershed Management
 - 1. Priority Project #1 prepare and initiate implementation of the 5-year Integrated Waikapū Watershed Management Plan.
 - 2. Priority Project #2 establish the Mauna Kahalawai Watershed Partnership Perpetual Fund when a homeowners' association is established and generating revenue from residents and businesses within the Project Area.
 - B. Waikapū Stream
 - 1. Priority Project #1 comply with instream flow standards and State water use permits.
 - 2. Priority Project #2 support the kuleana 'auwai restoration in South Waikapū to the extent practicable.
 - C. Land and Cultural Resources
 - Priority Project #1 develop and initiate implementation of a plan to ensure access to the Waikapū Valley for Native Hawaiian traditional and customary practices and gathering while controlling access to the general public to protect natural and cultural resources.
 - Priority Project #2 Establish access easements for the two Mahi kuleana parcels
 - 3. Priority Project #3 Establish the Waikapū Cultural Preserve, Cultural Corridor and Riparian Buffer and fund its management.
 - 4. Priority Project #4 Integrate Waikapū ethnohistorical resources throughout the Project Area.
- 27. Landowners shall submit all street names in the Project Area for review and approval to the Public Works Commission. Streets in the Project Area shall be named in consideration of traditional land divisions, trade winds, and other natural and cultural factors relevant to the Project Area.







Integrated Natural-Cultural Resource Preservation & Management Plan

A Framework for Protecting, Enhancing and Stewarding the Natural & Cultural Resources of Waikapū set forth by the Waikapū Country Town Development



Prepared for
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In Partnership with
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EXHIBIT "3"

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1.1 HŌʻULU'ULU MANAʻO KOʻIKOʻI - EXECUTIVE SUMMARY

As the largest land owner of agricultural, conservation, rural and urban zoned land in the ahupua'a of Waikapū, Waikapū Properties, LLC & Wai'ale 905 Partners, LLC are committed to responsible land stewardship and the protection of cultural and natural resources. It was consistently recognized throughout the Waikapū Country Town (WCT) 2016 Environmental Impact Statement (EIS) along with the 2014 Cultural Impact Assessment (CIA) and 2016 Ka Pa'akai Analysis, that the ahupua'a of Waikapū has an extensive pre and post-western contact cultural history in addition to vast natural and cultural resources. Waikapū Properties, LLC & Wai'ale 905 Partners, LLC acknowledge their obligation to preserving and managing these cultural assets as well as the need to formalize collaborations with key stakeholders such as Native Hawaiian lineal and cultural descendants of Waikapū, Waikapū community members, environmental-based stewardship organizations and educational institutions.

Waikapū Properties, LLC & Wai'ale 905 Partners, LLC play a critical role in the caring for and protection of natural resources and cultural landscapes within their land asset portfolio, both within and adjacent to the WCT development project. These lands are an important part of the overall cultural identity and future well-being of the ahupua'a of Waikapū. Therefore, developers requested that an Integrated Natural-Cultural Preservation and Management Plan for the Waikapū Country Town Project be completed and to be used as a framework for protecting, enhancing and stewarding the natural and cultural resources in Waikapū.

The Cultural Impact Assessment and Ka Pa'akai Analysis were comprehensive documents that identified all of the historical, natural and cultural resources of Waikapū within the greater context of the moku of Wailuku, also known as Pū'ali Komohana and Nā Wai 'Ehā. This plan developed an expanded approach in addressing key conditions set forth by the LUC (Land Use Commission) as well as concerns that were brought forth throughout the planning, entitlement and community outreach process. Engagement with key stakeholders greatly assisted in providing clear strategies and implementation measures that align with sustainable stewardship practices throughout the Waikapū ahupua'a, while putting forth priority projects that enhance the natural and cultural resources of Waikapū and mitigate any adverse impacts.

The Integrated Natural-Cultural Resource Preservation and Management Plan is strongly tied to and in alignment with the 'ölelo no'eau or Hawaiian proverb; 'O ku'u 'āina ku'u kulāiwi – My land is my homeland. I have a responsibility to love and care for the land and those who came before to serve this place and its people. This innovative plan will be a leading example and model of sustainability, in addition to how communities both new and old, can collaboratively work together to protect and steward the natural and cultural resources within their ahupua'a. Lastly, this plan will be a living document that is incorporated throughout all phases of the Waikapū Country Town Development as a way to increase community engagement and 'āina-based stewardship.

Three guiding principles have been established as a means to demonstrate a strong pilina (relationship) with each other and the ability to will (intertwine) throughout the Integrated Natural-Cultural Resource Preservation and management plan. The guiding principles are defined below.

- Ho'okuluma: to be accustomed to or with; to develop an intimate relationship or understanding to 'āina.
- Ho'oulu: to protect; to preserve; to restore life back into; to increase productivity; to make thrive.
- III. Ho'okuleana: to bring under the care and protection of; to steward; to be responsible; to sustain.

1.2 PROJECT BACKGROUND

Waikapū Country Town is a new mixed-use housing development being proposed by Waikapū Properties, LLC & Wai'ale 905 Partners, LLC. It will be situated on lands within and surrounding the Maui Tropical Plantation (MTP) and adjacent to the existing historic town of Waikapū. The development project will encompass approximately 500 acres of land and include rural lots, single family lots, cottage town houses, country town mix use, commercial, parks, open space, school and other permitted uses. 1,021 acres will remain in agriculture of which 877 acres will be protected in perpetuity under an agricultural conservation. easement with the Hawaiian Islands Land Trust. In addition to protecting important agricultural lands, is the establishment of a 50 acre cultural preserve which will protect highly sensitive pre-western contact kuleana parcels and the Waikapū Stream. There were over 50 Kuleana Land Commission Awards (LCA) and Government Grants awarded to Native Hawaiians during the Great Māhele (1848), prior to any plantation and commercial uses of the proposed project area. Around 36 of these kuleana parcels were compromised during the plantation era, however, many are still intact as they were prior to western contact. Thus, it was imperative to protect these culturally sensitive lands in perpetuity by placing them in a cultural preserve to be managed in the future by a Waikapū-based community organization with a robust management and stewardship plan. Majority of the Waikapū watershed, located in both the Hana'ula and Kapilau Mountain Range, is owned by Hana'ula Ranch, LLC, which is co-owned by a partner of Waikapū Properties, LLC. Although the Waikapū Country Town development is not within the 3,425 conservation parcel, the nearest subdivision is % of a mile away from the conservation boundary. Due to the sensitive nature and rarity of Waikapū's native flora and fauna, as well as invasive species control, it is important to include protective measures and management strategies to have in place for Hana'ula Ranch, LLC as part of the Integrated Natural-Cultural Resource Preservation & Management Plan.



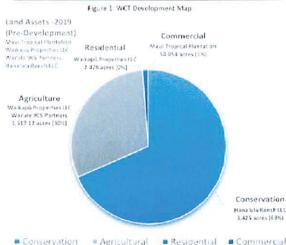


Figure 3 Land Asset Model (Current State)





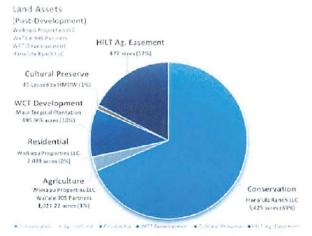


Figure 4 Land Asset Model (Post-Development)

1.3 WAIKAPŪ I KA MAKANI KOKOLOLIO - A BRIEF HISTORICAL OVERVIEW OF WAIKAPŪ

Waikapū is the first ahupua'a (land division) in the greater moku (district) of Wailuku or Pū'ali Komohana, poetically known as Nā Wai 'Ehā. Hana'ula and Kapilau are the mountain ranges in Waikapū, both of which are part of the overall West Maui Mountains, or today known as Mauna Kahālāwai. The traditional palena 'āina (boundaries) of Waikapū encompass 15,684 acres from mauka to makai (mountain to the sea). Commencing north of Waikapū Stream along the ridges of Kapilau, the boundary line descends at Kalapaoka'ilio Ridge to Põhāko'i, a known hoana (grinding stone) near the intersection of Ku'ikahi and Honoapi'ilani. It subsequently moves east to Ka'opala, located adjacent to the Central Maui Base Yard. From there, it follows south along Mokulele Highway to a point called Kiheipūko'a close to the Sugar Beach Condominiums. The boundary follows a westward



Figure 5: Walkapiù Cultural Landscape Map - Hőküab Pellegrino (2015)

approach along the coast of Mā'alaea Bay and loko wai (wetlands) of Keālia to Kapoli, a spring once existing next to Buzz's Wharf Restaurant and in the 'ili (subdivision) of Mā'alaea. From Kapoli, the line veers northwards along Honoapi'ilani Highway to once prominent cinder cone and transit point, called Pu'uhele. The Waikapū boundary points culminate westward from Pu'uhele along a line of four additional storied cinder cones in the Hana'ula mountain range named Pu'uhona, Pu'ulū'au, Pu'umoe and Pu'uanu.

Waikapū is known as the "waters of the conch", a legendary and storied ahupua'a deeply connected to both its natural resources and cultural landscapes. The meaning and significance of its name derives from the mo'olelo (story) about Puapualenalena, a mischievous and magical dog who stole a pū (conch shell) from a guarded cave in the valley of Waikapū.

The landscape of Waikapū i ka makani Kokololio (Waikapū of the gusty wind) is highly diverse and includes extensive natural, cultural and water resources. The coastal region and nearshore fisheries at Mā'alaea Bay was once an expansive resource that greatly assisted in sustaining Hawaiians living throughout the Waikapū ahupua'a. The wetlands and ancient inland fishpond of Kēalia provided a habitat for native aquatic species, also another important food source. However, Keālia was truly known for their mo'o



Figure 6: Kapilau & Hana'u a Mountain Ranges, Waikapū - Hōkūao Pellegrino (2017)

paka'ai or salt ponds in which Hawaiians produced some of the highest grades of pa'akai (salt) on Maui. Included in Waikapū, was a large portion of Kama'oma'o or the central isthmus and plains. There, existed a diverse native shrub land along with a portion of the Nā Wai 'Ehā pu'u one or sand dune system. Interred in the sand dunes were iwi kūpuna (bones of ancestors) of former residents of Waikapū, the greater Nā Wai 'Ehā and possibly those who had fallen in the many infamous battles that took place there, both of ali'i and maka'āinana class. Mauka or inland of the dunes were deep interior valleys, gulches and alluvial planes, which were of great importance to mahi'ai or farmers who cultivated both wetland and dryland

Integrated Natural-Cultural Resource Preservation & Management Plan Waikapū Properties LLC & Partners – Waikapū Country Town Development

Polynesian introduced food crops (i.e. kalo - taro, 'uala – sweet potato, mai'a - banana, 'ulu - breadfruit, kō - sugarcane, niu - coconut, wauke – paper mulberry, pū hala – pandanus).

The Waikapū Stream was and continues to be one of the most important features and an invaluable cultural resources of the Waikapū ahupua'a. A kupuna (elder) of Waikapū, the late Mr. Solomon Viela, shared stories about a valley and tributary called Kalena which feeds into the main Waikapū Stream. This valley and water source can be found on documents and maps dating back as early as 1888. Mr. Viela talked about his childhood days in the 1930s and 40s and how he spent time in the area known as Kalena, a storied place very dear to him. Thousands of years ago and prior to the arrival of Polynesians in Hawai'i, Waikapū Stream veered north and flowed into Kahului Bay. This flow created a narrow break in the coral reef, allowing modern day ships to naturally and safely enter into the



Figure 7: Waikapú Stream - Hô cũao Pe Tegrino (2016)

bay. For at least the last two thousand years, Waikapū Stream flows south through Kama'oma'o and into the loko wai of Keālia. This mauka to makai flow enabled Keālia to become the largest wetland on Maui. Being that it was a perennial stream, native aquatic species such as 'o'opu, 'opae and possibly hīhīwai were once commonly found. When Keālia becomes full of water, the estuary of Palalau will naturally open and water from the pond exits into Mā'alaea Bay.

The watershed of Waikapū sustained a biodiverse dryland, mesic and wet forest. The abundance of endemic and indigenous plants allowed for rain to be captured and maintained within the Waikapū Stream. Forests included an abundance of native birds, insects, snails and mammal species. Hawaiians utilized native plants for a multitude of traditional purposes. Some examples of plants used were; olonā, a wet forest plant used for making cordage; ko'oko'olau and māmaki, used for lā'au lapa'au (herbal medicine) and wiliwili, used for recreational activities such as surfing.

Located along the Hana'ula mountain range and immediately below the dry gulches of 'Oawakilikā, Pale'a'ahu and Ka'onohua, a prominent Hawaiian settlement and agricultural complex was found during the development of the King Kamehameha and Kahili Golf Courses in the early 1990s. Archaeologists who studied the area documented over 100 sites that included burials, temporary and permanent shelters, heiau and stone wall enclosures and features related to a once extensive dryland agricultural field system. No other dryland agricultural sites of this magnitude have been discovered in any other ahupua'a in Nā Wai 'Ehā. Carbon dates conclude that this area was settled and utilized by Hawaiians around the 12th century or 1100 AD and probably predate any development of intensive wetland agricultural systems commonly found throughout the Waikapū Valley.



Figure 8: Koʻokoʻolau in Walkapü Valley - Höküsü Pellegrino

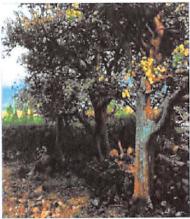


Figure 9: Kamehameha Golf Course - Hőkúsao Pellegrino

Integrated Natural-Cultural Resource Preservation & Management Plan Waikapū Properties LLC & Partners – Waikapū Country Town Development

The Great Māhele of 1848 was a process that paved the way for lands in Hawai'i to be divided, claimed and privately owned by both Hawaiians and foreigners for the first time ever. Lands that were being cultivated by hoa'aina or Hawaiian tenants were called kuleana lands. There were over 100 kuleana lands in Waikapū, located around the coastal region of Mā'alaea and Keālia as well as the current Waikapū historic town, stream and valley. Those large tracts of lands unclaimed lands were retained by the Hawaiian Kingdom under the Board of Education. Waikapū consisted of over 30 'ili (traditional subdivisions). Awarded kuleana lands included claims for traditional lo'i kalo and māla (wetland and dryland systems), 'auwai (irrigation ditches), heiau (religious structures), hale (house lots), pūnāwai (springs), ko'a (fishing shrines), mo'o pa'akai (salt ponds), loko wai (inland fish ponds), alanui (trails), ana (caves), pu'e one (sand dunes), and lua kupapa'u (burial sites), holoholona (pens for raising animals), lawai'a (fisheries), lua kupapa'u (burial sites / graves). Something quite unique to Waikapū were the numerous claims of lo'i pa'ahao (prison taro patches), lo'i Po'alima (Friday taro patches) and lo'i aupuni (government taro patches). Mähele maps and documents specify that over 1,400 lo'i kalo on around 1,000 acres were awarded. The method of wetland kalo cultivation contributed to the greater agricultural system of Nā Wai 'Ehā, making it the largest contiguous kalo growing region Hawai'i.



Figure 10: Part of 1894 Map of Walkapu - Hökügö Pellegrine



Figure 11: Walkapu loʻl kalo - Höküdo Pellegrino

Waikapū along with the other three ahupua'a in Nā Wai 'Ehā, were colonized very early on by westerners. Foreign interests in the land tenure and the water resources of Waikapū grew rapidly, especially knowing that traditional ditch systems were able to convey the water needed for early development of an industry that would forever change the landscape of Hawai'i. Though highly debated, it was thought that Waikapū was home to one of the earliest sugar plantations and processing mills in the islands, established by an Italian named Antone Catalina, around the year 1823 who made molasses. Catalina was also known as the first person to bring in cattle to Waikapū. Soon to follow, was the formation of the Waikapū Sugar

Plantation Co. in 1862 by James Louzada and brother-in-law Henry Cornwell. A large processing mill was built on the 'ili of Wahineomā'ili as seen in the picure above. In 1890, Waikapū Sugar Co. was consolidated under Wailuku Sugar Co. There were four main plantation camps in Waikapū associated with Wailuku Sugar Co.; Kimura, Pu'uhele, Hayashi and Waikapū Camp. Vast acres of sugar cane fields along with a mill, camps ad plantation infrastructure dominated a former cultural landscape once filled with verdant lo'i kalo, native forests, Hawaiian thatched hale and a beautiful stream flowing through it all.

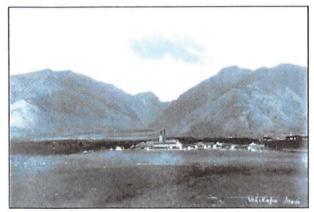


Figure 12: Walkapü Sugar Plantation, circa 1884 - Maui Historical Society

Waikapū drastically changed during the plantation era, becoming a diverse and bustling little town both under the rule of the Hawaiian Kingdom and Territory of the Unites States. At the top of West Waiko Road was the former Cornwell Estate who were associated with the Waikapū Sugar Co. Both King David Kalākaua would frequent the estate to rest and gamble at times during his visits to Maui. His sister, Queen Lydia Lili'uokalani also spent time at the Cornwell Estate during her circuit around the island. Many foreigner visited the estate, such as Mark Twain (Samuel Clemens) who wrote about his love for the quaint village lifestyle and Maui. Lined up along the main road (now Honoapi'ilani Highway) and on West Waikō Road were drygood, grocery and liquor stores, Sakamoto and Ah Fat Store being one of the most well-known of them all. Throughout the town, there were three different congregational churches; Waikapū Protestant Church (Old Government Road), Waikapū Mormon Church (West Waikō Road) and St. Joseph Catholic Church (Honoapi'ilani Highway). For recreation, there was an open air theatre that played mainly Japanese films and a famous horse race track where the current Waikapū Gardens subdivision is located. Adjacent to the Waikapū Protestant Church was Waikapū Elementary School, later to be consolidated with Wailuku Elementary School. In the coastal region of Waikapū near the fishing village of Mā'alaea, the very

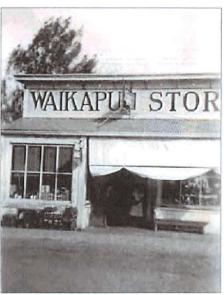


Figure 13: Waikapû Store, circa 1930 - Maui Historical Society



Figure 14: Ah Fat Store Sign - Hôkūao Pellegrino (2019)

first commercial airport on Maui was built in 1929, named Mā'alaea Airport. Amelia Earhart landed there in the early 1930s prior to the airport being closed in 1938 due to high winds, close proximity to the West Maui Mountains and inadequate runway space for larger planes. During World War II, there was a major training facility in the Keālia-Mā'alaea region, as well as military facilities that included an infirmary and barracks in the main part of town. Beginning in the early 1900s, the Rogers family raised cattle, pigs, chickens and established a butchery while the Vida family who are descendants of the Shaw and Cockett genealogy, were known for their perpetuation of a very important cultural practice of raising pigs and preparation of kālua pig.

A once dominant native landscape and sustainable Hawaiian community in Waikapū almost seems nonexistent. Many important cultural sites are long gone while those remaining are challenged to survive by the influx of both environmental and human impacts. A few examples of sites that have been and continue to be impacted over the course of the last 200 years are provided below.

- Kapoli Spring in Mā'alaea has dried up and was built over by harbor development and infrastructure.
- Pu'uhele has been completely excavated and used as a dump for commercial construction waste.
- 75% of all lo'i kalo ag systems on kuleana lands have been plowed under for sugar cane cultivation and now built on with housing subdivisions.
- Pu'e one sand, both of which were geologically and culturally valued have since been flattened, developed on and hundreds of iwi kupuna (burials) have been disturbed.
- · Keālia wetlands are being encroached upon by an eroding shoreline and disturbed by a major highway.
- Waikapū Stream, although connecting to Keālia and the ocean, still has over 25% of its stream flow diverted away from the watershed for off-stream usage.
- Native dryland, mesic and wet forest plants, mammal, bird and insect species in Waikapū have either gone extinct or are a rarity due to the spread of invasive species and feral ungulates.

Although drastic changes and impacts in the ahupua'a of Waikapū have occurred, consorted efforts are being made to connect both new and old residents to the remaining cultural and natural history and resources, while restoring a strong sense of place and identity amongst them. Remnant kuleana lands and 'auwai are now considered cultural kīpuka (oasis) in the midst of residential neighborhoods. Many are being restored to their original state allowing for traditional food crops such as kalo and 'ulu to flourish once again and become the staples that they once were. Watershed protection and stewardship is a major priority being facilitated by multiple Maui-based



Feure 15, Walkanii 'Auwai Restorat on Höküan Pellegring (2004)

environmental organizations who work to ensure that native habitats are protected and can thrive again. Waikapū Stream which truly is the center piece of Waikapū, has a lot of positive attention. A lot of effort is being made by the community and community organizations to protect its health, mauka to makai connectivity, native habitat and traditional and customary access and use. Waikapū is growing into a more diverse and active community faster than it ever has, yet the people of this place are making every attempt to bridge the richness of the Hawaiian and plantation history and lifestyle together for future generations who will call this ahupua'a home. One thing remains strong and everlasting, the makani kokololio (gusty wind) which has seen the changes throughout the times. It is a fine example of the resiliency that is currently demonstrated by those who are kupa o ka 'āina — natives of this land.

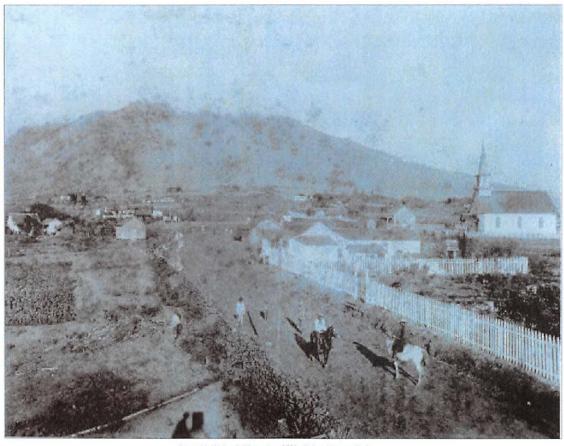


Figure 16: Waikapú Village, circa 1884 - Bishop Museum Archives

2.1 'ĀINA KUMU WAI O WAIKAPŪ - WAIKAPŪ WATERSHED

The upper Waikapū watershed falls within the mountain range of Hana'ula (4,616 ft.) and Kapilau (4,426 ft.). It is 1 of 10 watersheds and is approximately 7,900 acres or 16% of the overall Mauna Kahālāwai Watershed, totaling 50,000 acres. The annual rainfall ranges between 10" along the southern flank of Hana'ula to around 75" at the intersection of Hana'ula and Kapilau in the Waikapū Valley. Rain accounts for providing 3-4 MGD (million gallons per day) into the Waikapū Stream, a perennial stream that culminates at the Keālia wetlands. The sustainable yield for ground water in the Waikapū aquifer is 3 MGD. There are five dry gulches along the Hana'ula Mountain Range (Kapiliiki, 'Oawakilikā, Pale'a'ahu, Ka'onohua, Pōhākea) and one in the center of Kapilau



Figure 17: Waikapū Watershed - Hōkûao Pellegrino (2018)

(Kalapaoka'īlio), all of which flow intermittently during heavy rainfall events. The watershed has a mixture of montane and lowland wet forest, mesic forest, dry forest and shrubland which includes an abundance of endemic and indigenous flora and fauna. Many of the plant, bird, insect and mammal species are either endangered, locally rare, species of concern or candidate for protection. The wet and mesic forests still have an abundance of 'ōhi'a lehua (*Metrosideros polymorpha*), hala pepe (*Pleomele* auwahiensis), maile (*Alyxia oliviformis*) and olonā (*Touchardia* latifolia). The dryland forest still have outliers of koai'a (*Acacia koaia*), wiliwili (*Erythrina sandwicensis*), ko'oko'olau (*Bidens spp.*) and 'ākia (*Wikstroemia oahuensis*). Many of these plant species mentioned in addition to others, were utilized for various cultural purposes by Hawaiians living in the Waikapū ahupua'a. The biological value of the Waikapū watershed continues to be important to Hawaiians. Rare and endangered aviary species such as koa'e kea (*Phaethon lepturus dorotheae*) and nēnē (*Branta sandvicensis*) along with the 'ōpe'ape'a (*Lasiurus cinereus semotus*) an endangered hoary bat species can also be found amongst the watershed. Invasive species such as pigs and especially deer are real and actively threatening the lower Hana'ula and Kapilau forest zones.









Figure 18: Waikapů 'Öhi'a Lehua (2014)

Figure 19: Waikapû Koal'a (2015

Figure 20: Willwill (2017)

Figure 21 Koʻckoʻotau (2015)

The current land owners within the upper Waikapū Watershed are Wailuku Water Co., Hana'ula Ranch LLC, Donna and Allen Trust and the State of Hawai'i. Management of these lands is conducted by the Mauna Kahālāwai Watershed Partnership (MKWP) which oversees the entire West Maui Mountain Watersheds. MKWP conducts regular aerial and ground surveys of both native and invasive species, build and maintain strategic fences lines within critical sections of the watershed and eradicate invasive species. Currently, less than 50% of the entire Waikapū watershed is fenced for controlling feral ungulates. In addition to MKWP, is Hui Mālama o Waikapū, a community-based organization that has extensive knowledge of the entire upper and lower Waikapū watershed region. They currently lease and manage 5 acres from Waikapū Properties that is adjacent to the conservation district. The area includes rare dryland forest species that include koai'a and wiliwili. Since their establishment in 2011, they have created a dryland forest restoration, stewardship and cultural resource management program that engages with the Waikapū community and educational groups from across Maui.

2.2 MAUNA KAHĀLĀWAI WATERSHED FOREST ZONE AND SPECIES STATUS MAP

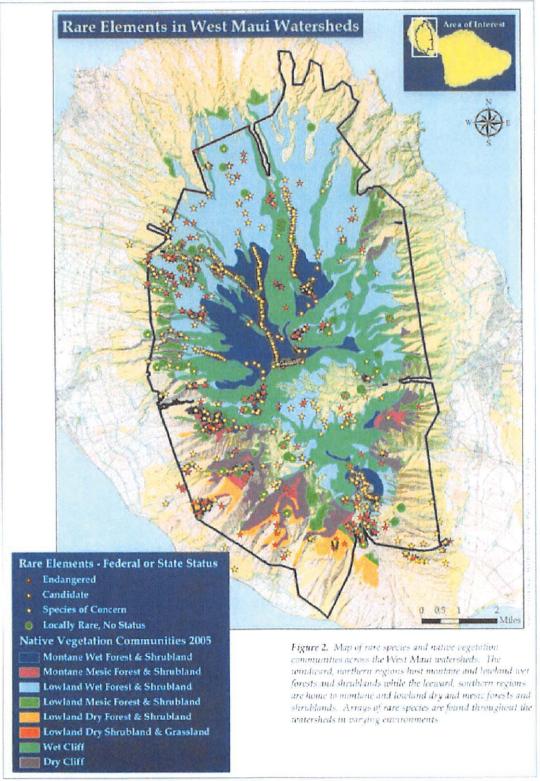


Figure 22: West Maui Mountains Watershed Forest Zone Map - Maur a Kahālāwai Watershed Partnership Management Plan (2013)

2.3 MAUNA KAHĀLĀWAI WATERSHED WATER SUPPLY DATA



Figure 23: West Mau: Mountain Water Source and Distribution Map - Mauna Kahālāwai Watershed Partnership Management Plan (2013)

2.4 WAIKAPŪ WATERSHED MANAGEMENT PRIORITY PROJECT #1

Project Purpose Due to the proximity of the WCT Development to the Waikapū Watershed (-¼ mi.) a management plan shall be developed to mitigate any risks and or impacts to that area. A watershed management plan specific to the Hana'ula Ranch, LLC (TMK 2-3-6-003-001) portion of the Waikapū watershed, which encompasses 3,425 acres will be developed. The integrated plan shall be supplementary to that of the overall Mauna Kahālāwai Watershed Partnership Management Plan and further hone in on particular management and stewardship strategies for the Waikapū watershed. The integrated management plan will be developed and include but not limited to the following: (A) Comprehensive analysis and forest profiles of the Waikapū Watershed. (B) Overview of current MKWP management projects and initiatives. (C) Integrated management and community-based stewardship approaches. (D) Invasive species control and eradication. (E) Educational outreach initiatives and community engagement. (F) Analysis of short and long term forest investments, internal and external revenue generating income, budget overview. Due to the expertise required and keen knowledge of the area and expertise required to develop such as robust plan, it is being proposed that Keahi Bustamente of Hui Mālama o Waikapū will develop this plan. Keahi will work closely with Mauna Kahālāwai Watershed Partnership to ensure that both plans integrate and complement one another. Waikapū Watershed Boundary Map - 7,900 acres total - 4 land owners Waikapū Watershed Boundary Map - 7,900 acres total - 4 land owners Waikapū Watershed Partnership to ensure that both plans integrate and complement one another. Kalaepotalu.	Priority	5 Year Integrated Waikapū Watershed Management Plan	
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Figure 24. Overview of Waikapů Watershed Land Owners – Hôkůao Pellegrino (2019)		Figure 24: Overview of Waikapů Watershed Land Owners – Hôkůao Pellegrino (2019)	

Integrated Natural-Cultural Resource Preservation & Management Plan Waikapū Properties LLC & Partners – Waikapū Country Town Development

Key Stakeholders	Hui Mālama o Waikapū, Mauna Kahālāwai Watershed Partnership, Hana'ula Ranch, LLC, Waikapū Properties, LLC, Wai'ale 905 Partners, LLC
Project Owner	Waikapū Properties, LLC
Project Manager	Waikapū Properties, LLC, Hana'ula Ranch, LLC in partnership with Hui Mālama o Waikapū & Mauna Kahālāwai Watershed Partnership
Timeline	Project planning, stakeholder engagement, plan development and will commence in 2020 and be completed by the end of 2021. Implementation of the 5 year plan will be initiated in 2022 and conclude in 2027. The timeline may be modified to coincide with the creation of the new Mauna Kahālāwai Watershed Management plan. In 2027, all stakeholders will produce a Final Plan Summary and recommendations for any and all future plans.
Management	Mauna Kahālāwai Watershed Partnership and Hui Mālama o Waikapū will work in collaboration on the implementation and management of the plan in concert with land owners Waikapū Properties LLC and Hana'ula Ranch, LLC.
Outcomes	The development and implementation of a comprehensive management plan will ensure the sustainability of both ground and surface water sources in Waikapū via invasive species eradication-control and the protection, restoration and stewardship of the Waikapū Watershed.
Cost Analysis & Budget Overview	\$12,500 is being proposed to be allocated for the development of the Integrated Waikapū Watershed Management Plan.

2.5 WAIKAPŪ WATERSHED MANAGEMENT PRIORITY PROJECT #2

Priority	Mauna Kahālāwai Watershed Partnership Perpetual Fund
Project	
Purpose	To establish a perpetual revenue stream for the Mauna Kahālāwai Watershed Partnership by earmarked for specific Waikapū watershed projects and initiatives in alignment with the Integrated Waikapū Watershed Management Plan.
Overview	The Waikapū Country Town Development along with agricultural sites are located in close proximity to the Waikapū watershed. In addition to location, the mix-use development will draw heavily on ground water resources from the Waikapū aquifer. The use of this resource whether it be from ground or surface water sources is solely based on the proper management of the Waikapū and overall Mauna Kahālāwai watershed. Therefore, it is vital to support key watershed management stakeholders in the work that they do. It is being proposed Waikapū Country Town Development require a certain percentage of the monthly homeowner's association fees within the Waikapū Country Town development project go towards supporting the Mauna Kahālāwai Watershed Partnership www.westmauiwatershed.org Funds allocated will be earmarked for stewardship projects in the Waikapū Watershed focused on native flora and fauna species protection, invasive species plant, disease and feral ungulate eradication and control, boundary fences and other key components laid out in the future Waikapū Watershed Management Plan. Community education outreach, engagement and stewardship opportunities will be initiated through collaborative efforts between Mauna Kahālāwai Watershed Partnership and Hui Mālama o Waikapū.
Site Map	Hana'ula Ranch, LLC portion of the Waikapū Watershed (See Figure 24 on Page 13)
Stakeholders	Mauna Kahālāwai Watershed Partnership, Waikapū Country Town Development, Hui Mālama o Waikapū, Hana'ula Ranch, LLC, Waikapū Properties, LLC, Wai'ale 905 Partners, LLC
Project Owner	Waikapū Country Town Development: Waikapū Properties, LLC & Wai'ale 905 Partners, LLC
Project Manager	Waikapū Country Town Homeowners Association (or other future named entity associated with WCT development).
Timeline	Implementation of the perpetual fund will commence when a homeowners association is established and generating revenue from WCT residents and businesses.
Management	Mauna Kahālāwai Watershed Partnership will work in collaboration with the future homeowners association
Outcomes	Waikapū Country Town homeowners and business will develop a strong sense of place and connection to the water resources and Waikapū watershed which they draw upon and utilize daily. They will have an important role and responsibility as being good stewards of water resources by investing in the management of the Waikapū watershed in perpetuity. Waikapū Properties, LLC and Partners would be paving a new pathway and holistic approach to ahupua'a sustainability.
Cost Analysis & Budget Overview	The percentage of monthly and annual revenue for the perpetual fund will be determined at a later time amongst stakeholders.

3.1 WAIKAPŪ STREAM OVERVIEW

Waikapū Stream is one of the longest perennial streams in the Mauna Kahālāwai or West Maui Mountains watersheds, spanning over 9 miles. The main course of the stream commences in the interior valley of Waikapū at the intersection of the Kapilau and Hana'ula Mountain Range. The stream flows outwards through the current town and central plains of Kama'oma'o and culminates into Keālia, Maui's largest wetland and ancient inland fishpond. When Keālia becomes saturated, a mixture of fresh and brackish water will exit into Mā'alaea Bay via the Palalau estuary. At the 1,060 ft. elevation, there is a tributary called Kalena which



Figure 25: Kalena Tributary - Hôkūão Pellegrino (2015)

has an average flow between 0.5 - 1 MGD. It directly feeds into the main part of the Waikapū Stream. The median stream flow or Q90 of the Waikapū Stream which includes all tributaries is 3-4 MGD. The Waikapū Stream is the first of the four great streams known as Nā Wai 'Ehā and provides habitat to an array of native aquatic species such as 'o'opu, 'opae and hīhīwai. Native Hawaiians residents of Waikapū prior to the arrival of westerners, predominantly utilized the Waikapū Stream as a source of drinking water, bathing and for irrigating 1,000 surveyed acres of lo'i kalo cultivated on kuleana lands. Four known and well documented ancient 'auwai systems were developed by Hawaiians iin Waikapū; 3 on the north side

of the stream (Pālolo and 2 unnamed 'auwai) and 1 unnamed on the south side. During the sugar plantation era in Waikapū (1862-2016), the Waikapū Sugar Co. (1862-1890) whom was eventually acquired by Wailuku Sugar Co. (1862-1988), diverted most if not all of the Waikapū Stream via 4 major diversions (South Waikapū Intake, Everett Ditch Intake, Waihe'e Ditch Intake and Reservoir 6 Intake). On October 13, 2014, the State Commission on Water Resource Management set instream flow standards for Waikapū Stream and Wailuku River. Wailuku Water Co. which evolved from Wailuku Sugar Co. and Wailuku Agribusiness Co., was ordered to restore 2.9 MGD into the Waikapū Stream. Since the partial restoration of stream flow in 2014, native aquatic species such as 'o'opu nākea (awaous guamensis), 'opae kala 'ole (Atyoida bisculcata) and hīhīwai (Eneritina granosa) have been observed and documented in the upper reaches of the stream and āholehole (Kuhlia sandvicensis) in the wetlands and estuary at Keālia.



Figure 26: Keália Wetlands Hákūša Pellegrina (2017)



gure 27. N. Kuleana 'Aurwai (2019)







Figure 29: 'O'opu - Waikapii Stream (2018) Figure 30: Pala au Estuary, Keälia (2016)

3.2 WAIKAPŪ SURFACE & GROUND WATER DISTRIBUTION SCHEMATIC DIAGRAM - HŌKŪAO PELLEGRINO (2019)

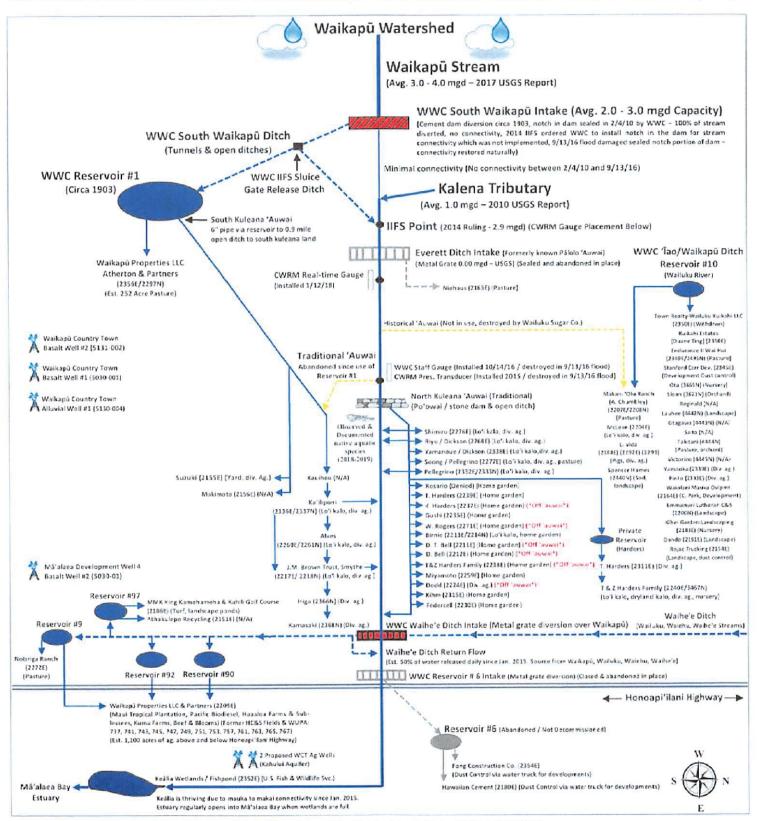


Figure 31: Waikapú Surface & Ground Water Distribution Schematic Diagram - Hó cúado pellegrino (2019)

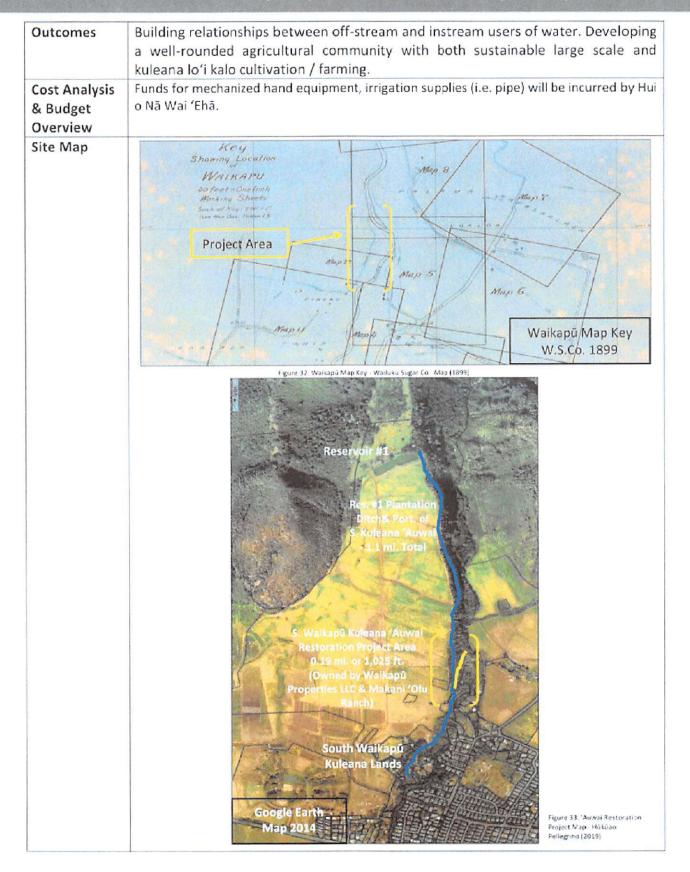
3.3 WAIKAPŪ STREAM PRIORITY PROJECT #1

Priority	Interim Instream Flow Standards & State Water Use Permit Compliance
Project	
Purpose	To ensure that Waikapū Stream flow connects mauka to makai, native aquatic species and habit thrive, and that appurtenant rights will be protected for traditional and customary practices of Native Hawaiian kuleana lo'i kalo farmers.
Overview	The current IIFS of the Waikapū Stream is 2.9 MGD. Wailuku Water Co. manages the plantation era diversions and water distribution system on lands owned by Waikapū Properties LLC and Hana'ula Ranch LLC via an easement agreement. Although Waikapū Properties LLC and Hana'ula Ranch LLC do not actively manage the system, they have a responsibility as land owners and stewards of Waikapū to ensure the IIFS is in compliance. The current IIFS agreement recognizes the following compliance requirements: (A) Notch in the South Waikapū Dam Intake Diversion (1,160 ft.) to ensure stream connectivity for successful native aquatic habitat upstream migration. (B) To return enough flow via South Waikapū Ditch sluice gate (1,070 ft.) into Waikapū Stream needed to meet the 2.9 MGD IIFS immediately below (915 ft.). (C) Consistent monitoring by all involved parties in conjunction with CWRM who has installed a real-time gauge at the IIFS point (915 ft.) to measure stream flow in the Waikapū Stream. http://tol.mccrometer.net/secure/seplere co?panel-\$400186/063864501602bbc113025b Waikapū Properties has submitted the following SWUPA's in 2009; 2206, 2356, 2297N and 3472N. In 2016, a proposed agreement was made between Hui o Nā Wai 'Ehā and Waikapū Properties LLC to greatly minimize the use of Waikapū Stream water via the South Waikapū Diversion Intake, Ditch and Reservoir #1. At that time, 100,169 GPD was being used by all 4 users (Kumu Farms, Hoaaloha Farms, Makani 'Olu Ranch and Beef and Blooms. The proposed agreement stated that by 2018-2019, Kumu Farms and Hoaaloha Farms would move their farming operations below the Waihe'e Ditch system which would allow them to use the Waihe'e Ditch for ag irrigation. Both Kumu Farms and Hoaaloha Farms have relocated and the remaining agricultural lands are being solely used for cattle grazing by Makani 'Olu Ranch and Beef & Blooms on a total of 252 acres. The approved water allocation for cattle is 250 GPD/Acre which equates to around 63,000 GPD as their current use. Key stakeholders such as Hui o
Site Map	Waikapū Ahupua'a Water Distribution Schematic Diagram (See Figure 31 on Page 17)
Stakeholders	Hui o Nā Wai 'Ehā, Waikapū Properties, LLC and Hana'ula Ranch, LLC, Wailuku Water Co., State Commission on Water Resource Management
Owner	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC and Hana'ula Ranch, LLC
Manager	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC and Hana'ula Ranch, LLC
Timeline	On-going via monitoring and compliance checks.
Outcomes	The Waikapū Stream, Native Hawaiian kuleana land owners, community and key stakeholders benefit by having natural and healthy stream flowing through the ahupua'a. Other benefits include Hui o Nā Wai 'Ehā's six in-stream core values. www.huionawaieha.org
Cost Analysis & Budget Overview	N/A

3.4 WAIKAPŪ STREAM PRIORITY PROJECT #2

Priority	South Waikapū Kuleana 'Auwai Restoration
Project	
Purpose	To support south kuleana land owners and lo'i kalo farmers in becoming independent of plantation era water distribution systems and allowing access to restore and manage the traditional south Waikapū kuleana 'auwai irrigation system that historically fed those particular kuleana lands. Eliminating plantation ditch system dependence by the south kuleana lo'i kalo farmers is critical to the health and success of their crops, especially that of lo'i kalo. The current South Waikapū Diversion Intake that feeds Reservoir #1 as well as the ditch that flows 0.9 miles to the first set of kuleana lands, has extremely detrimental impacts. Impacts include continuous leaks, soil erosion and plantation era byproducts that enter into the Waikapū Stream during blockages and large rain events. Due to the length of time that water sits in Reservoir #1 as well as the heating up of water along the 0.9 mile plantation ditch course, crops especially that of lo'i kalo succumb to rot and diseases. The spread of invasive species such as razor clams and plants has also been a major problem and lastly the inability to self-manage and control the system is extremely challenging. South kuleana lo'i kalo farmers want to restore the traditional access for their kuleana water directly from the Waikapū Stream, similar to that of the north Waikapū kuleana 'auwai. If successful, Waikapū would be the first ahupua'a in Nā Wai 'Ehā in over 150 years to have access to and usage of traditional 'auwai irrigation systems that are completely independent from former Wailuku Sugar Co. / Wailuku Water Co. plantation irrigation systems for lo'i kalo cultivation.
Overview	Hui o Nā Wai 'Ehā in partnership with key south Waikapū kuleana kalo farmers and families, would work in conjunction with landowners who have ownership of the portion of 'auwai that will be restored; Waikapū Properties, LLC and Makani 'Olu Ranch. This would include meetings with key stakeholders, scheduled site visits and the development of long term strategies for safe and secure access and regular maintenance. Hui o Nā Wai 'Ehā will work directly with the State Water Commission staff on any required permits needed in restoring the actual po'o wai or traditional dam. When proper planning, access agreements and documents and the development of a comprehensive plan of action by land owners has been agreed upon, managed restoration work will commence. Restoration efforts will take place by key stakeholder groups and experts in this field of work. Hand tools such as shovels, picks, and chainsaws will be the only form of equipment used. Due to the complexity of the area and sensitivity of the landscape, no heavy equipment will be allowed. The restoration project area is about 0.19 miles or 1,025 ft. long. Upon completion, key stakeholders will work with Waikapū Properties LLC and Wailuku Water Co. to minimize or eliminate flow from Reservoir #1 into plantation ditch/'auwai.
Stakeholders	Hui o Nā Wai 'Ehā, South Waikapū Kuleana Land Owners & Lo'i Kalo Farmers, Makani 'Olu Ranch and Waikapū Properties, LLC, Wai'ale 905 Partners, LLC
Project Owner	Waikapū Properties, LLC, Wailuku Water Co.
Project	Waikapū Properties, LLC, Wailuku Water Co., Hui o Nā Wai 'Ehā
Manager	Trainage Frenches, each trainaine French Solf file of the French
Timeline	Project planning, access agreements and documentation, land entitlements to commence in 2020. Implementation and completion by the end of 2021.
Management	South Waikapū kuleana land owners and kalo Farmers via right of entry agreements

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3.5 WAIKAPŪ STREAM PRIORITY PROJECT #3

Priority	Waihe'e Ditch Diversion Intake at Waikapū Stream Closure
Project	Walle C Dicer Diversion when a strain party and a s
Purpose	To support mauka to makai connectivity throughout the entire Waikapū Stream course. To
Overview	enhance the biological and cultural value and integrity of the Waikapū Stream. The Waihe'e Ditch Diversion Intake (500 ft.) is a 15 ft. metal grate diversion. It was built by Wailuku Sugar Co. over the Waikapū Stream and diverts a portion of the natural streamflow into the Waihe'e Ditch to be blended with Waihe'e, Waiehu and Wailuku stream water for commercial and agricultural use, south of the ditch (i.e. Maui Tropical Plantation and agricultural users, Kahili and King Kamehameha Golf Course). Since the IIFS was implemented in 2016 for both Waikapū and Wailuku along with the closure of HC&S, diverted water into the intake from Waikapū Stream along with 50% of the ditch flow is being returned into Waikapū Stream 150 feet below via a throw-off ditch. Strong evidence has demonstrated over the last 3 years that the diverted stream flow from Waikapū Stream into the Waihe'e Figure 34 Waikapū Properties LLC to work in concert with Wailuku Water Co. to formally close and relinquish its use of the diversion over Waikapū Stream. The current and projected demand for Waihe'e Ditch water south of Waikapū Stream is being met from water sourced directly from the Waihe'e ditch and without the need for Waikapū Stream water to be diverted. Hui o Nā Wai 'Ehā would like to work collaboratively with both parties and especially Waikapū Properties LLC as a leading example of what a good steward of the Waikapū Stream look like. Waikapū Properties LLC is the land owner of this parcel of land and Wailuku Water Co. has an easement for the Waihe'e Ditch Diversion and Ditch System. If permits are required from CWRM, Hui o Nā Wai 'Ehā can work with both parties to ensure that all laws and regulations are being adhered to.
Site Map	Waikapū Ahupua'a Water Distribution Schematic Diagram on (See Figure 31 on Page 17
Stakeholders	Hui o Nā Wai 'Ehā, Waikapū Properties, LLC, Wai'ale 905 Partners, LLC, Wailuku Water Co., State Commission on Water Resource Management.
Owner	Waikapū Properties LLC and Wailuku Water Co.
Management	Following the closure of the Waihe'e Ditch Diversion on Waikapū Stream, there will no longer be any need for further maintenance or management of the diversion other than that of the actual ditch system south of Waikapū Stream via the Waihe'e Ditch.
Timeline	Hui o Nā Wai 'Ehā has requested for this project to be planned and implemented by the end of 2021.
Outcomes	Enhancing the bio-cultural values and integrity of the Waikapū Stream. 90% of Waikapū Stream will be flowing mauka to makai. Ground water aquifer throughout the entire stretch of the Waikapū Stream, watershed. Native Ecosystem rehabilitation.
Cost Analysis & Budget Overview	To be determined in planning and implementation stage.

4.1 LAND AND CULTURAL RESOURCES OVERVIEW

The land tenure during the time of the Māhele of 1848 indicated that Waikapū was a thriving ahupua'a in which Hawaiians dominated the cultural landscape by cultivating an extensive system of lo'i kalo (wetland taro patches) in and around Waikapū Valley and Stream. The coastal region of Waikapū was utilized for fishing grounds and salt production from Keālia wetlands/fishpond to Mā'alaea Bay. Maps from the late 1800s, conclude that some 120+ Māhele claims and Government Grants were successfully awarded to Native Hawaiians and a few foreigners in Waikapū. The land mass of 'ili (subdivisions) in which lo'i kalo was cultivated, is estimated to be around 900 acres. Over 1,300 lo'i kalo were recorded in Land

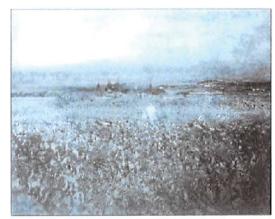


Figure 35: Warkapů to'i Kalo - Bishop Museum (1890)

Commission Award claims and dispersed throughout the 900 acres. In addition to lo'i kalo claims, were requests for kula (dryland cultivation), mo'o pa'akai (salt pans/grounds), wauke (paper mulberry used for making kapa), hala (pandanus used for making mats), potatoes, and hale (house lots for living).

The 503 acre footprint of the proposed Waikapū Country Town Development will be located in an area that was once a culturally rich landscape dominated by over 250 acres of fertile lands cultivated in lo'i kalo. These farmed kuleana lands were well documented during the time of the Great Māhele. 52 Land Commission Awards (LCA) and Government Grants comprised of 74 'āpana (parcels) were claimed between 1852 and 1855. The proposed development project is situated on more than half of these awarded lands. Of the 52 awards, 36 were compromised during the Waikapū/Wailuku Sugar Co. tenure. The remaining cultural properties are adjacent to the project and within the interior part of the Waikapū Valley, on lands owned by Waikapū Property LLC and Hana'ula Ranch LLC. A pedestrian survey with cultural, lineal descendants of Waikapū and members of Hui Mālama o Waikapū over the last 3 years have identified the remaining parcels and conclude that many if not all of them are in-tact and still possess

extensive cultural and archaeological sites. The cultural corridor of kuleana parcels are situated on about 50 acres and predominantly along the Waikapū Stream. The close proximity that these kuleana parcels are in relationship to the Waikapū Stream, clearly demonstrate that both 'āina (land) and wai (water) were valuable cultural resources for Hawaiians who once lived there. To understand the functionality of these parcels and the collaborative relationship native tenants had with each other can see in similar kuleana parcels actively being cultivated in lo'i kalo just below these abandoned but intact areas.



Figure 35. Waikapū Archaeolog cal 5 tes in Cultural Preserve - Hókůac Pellegrino (2018)

Article XII, section 7 of Hawai'i Constitution obligates the State of Hawai'i and its agencies, such as the LUC, "to protect the reasonable exercise of customarily and traditionally exercised rights of Native Hawaiians to the extent feasible when granting permission for reclassification of district boundaries." (Ka

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Pa'akai o Ka 'Āina v Land Use Commission, 94 Hawai'i 31, 7 P.3d 1068 [2000]. Under Article XII, section 7, the State shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of Native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights. In the context of land use permitting, these issues are commonly addressed when the LUC is asked to approve a petition for the reclassification of district boundaries, as such an action most often initiates activities that precede initial intensive development. In the September 11, 2000 Hawai'i Supreme Court landmark decision ((Ka Pa'akai o Ka 'Āina v Land Use Commission), an analytical framework for addressing the preservation and protection of customary and traditional native practices specific to Hawaiian communities was created, The court decision established a three-part process relative to evaluating such potential impacts: first, to identify whether any valued cultural, historical, or natural resources are present; and identify the extent to which any traditional and customary Native Hawaiian rights are exercised; second, to identify the extent to which those resources and rights will be affected or impaired by the proposed action; and third, to specify the feasible action, if any, to be taken by the regulatory body to reasonably protect Native Hawaiian rights if they are found to exist.

In an effort to identify whether any valued cultural, historical, or natural resources are present within the proposed project area, and identify the extent to which any traditional and customary Native Hawaiian rights are, or have been, exercised (the first part of the analytical process); historical archival information was investigated, and prior and current cultural studies that included consultation and oral-historical interviews were reviewed. A summary of the S2 kuleana awarded parcels have been analyzed in detail on page 26.

An archaeological inventory survey (AIS) was conducted for the proposed Waikapū Country Town development by Archaeological Services Hawai'i LLC. The project area extends all the way to the southern edge of the Waikapū Stream, however the development will remain at least 100 ft. from the stream, such that the former cane access road which parallels the stream, as well as the steep to moderate slopes down to the stream's edge will not be encroached upon by development. This 100 ft. buffer zone was mandated in 1992 by the State Land Use District Boundary Review for Maui, Molokai, Lanai, Honolulu where a 100-ft corridor on both sides of Waikapū Stream was placed into a Conservation District (Office of State Planning: 31). Developing a cultural reserve or corridor is one such mitigation measure that has been proposed in the latter part of this study as a way to ensure protection of these cultural sites in perpetuity.

The AIS scope of work consisted of dividing the project area into five zones based primarily on the current TMK's (ASH 2013). From mauka to makai the zones are as follows: Parcel 3 Mauka, constitutes the mauka section of TMK 3-6-004:003; Parcel 3 Waena is the middle and remaining section of TMK 3-6-004:003: Parcel 6 is TMK 3-6-004:006; Parcel 7 is the current Maui Tropical Plantation landholdings 3-6-004:007 and Parcel 3 Makai is within TMK 3-6-002:003. The investigation was conducted to determine presence/absence, extent, and significance of historic properties within the proposed development area and to formulate future mitigation measures for these remains and the project area.

The Waikapū Stream has and continues to be a very important cultural resource for Native Hawaiian cultural practitioners and practices such as lo'i kalo cultivation. The proposed project area includes a plantation era irrigation and traditional 'auwai system that provides water for South Waikapū kuleana lo'i kalo farmers. An ancient 'auwai historically provided water for South Waikapū kuleana lo'i kalo farmers which commenced on Government Grant 1844 to Joseph Sylva, now currently part of the proposed project area. The use of the po'owai or intake portion of this 'auwai was discontinued when Wailuku Sugar Co. built the south Waikapū dam intake within the Waikapū Valley around the turn of the 20th century.

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Currently, the south Waikapū dam and intake is owned by Wailuku Water Co. whom divert Waikapū Stream water about 2 miles into the Waikapū Valley, delivers water through their ditch system and into Reservoir #1 which is on the developer's proposed projects land. From Reservoir #1, a portion of water is released via a pvc pipe into a smaller open ditch and connects with the remaining portion of the ancient 'auwai that delivers water to the south kuleana lo'i kalo farmers. As of December 2018, 6 south kuleana land owners have been identified as utilizing this ditch commonly called south Waikapū kuleana 'auwai for kalo cultivation: (TMK 3-6-005:019, TMK 3-6-006:027, TMK 3-6-006:025, TMK 3-6-006:029, TMK 3-6-006:003, TMK 3-6-006:003

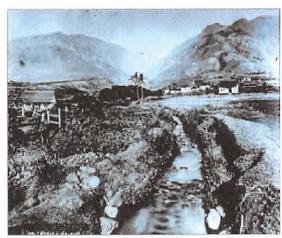


Figure 37: N. Wa kapú Kuleana 'Auwai - Maui Historical Society (1900)

6-006:013). There are numerous other south kuleana lands that are privately owned and consist of former lo'i kalo terraces, however are not in use. Lineal descendants of these lands through the State Water Use Permit process have expressed interest in utilizing or returning to their ancestral lands to restore and farm lo'i kalo. These lands are identified as (TMK 3-6-005:014, TMK 3-6-005:067, TMK 3-6-005:001, TMK 3-6-006:017, TMK 3-6-006:032, TMK 3-6-006:033, TMK 3-6-006:001, TMK 3-6-005068, TMK 3-6-007:010).

To ensure that current and future Native Hawaiian practices associated with access to kuleana water for lo'i kalo cultivation are protected, the following information has been provided by existing south kuleana lo'i kalo farmers. They expressed that the irrigation system which provides water to their lands via the plantation ditch found within the proposed project area, is inefficient and causes limitations. The limitations include lack of and consistent water for lo'i kalo cultivation as well as warm water that comes from Reservoir #1 rather than straight from the stream as it historically did. They have shared that the water entering the ditch comes from a reservoir which causes some warming of the water rather than fresh stream water directly from the Waikapū Stream. Although the amount of water released via a pvc pipe may be sufficient, the estimated 1 mile long open ditch has numerous leaks and along with absorption into the ground along the ironwood trees. When the water finally enters the ancient 'auwai system near the kuleana lands, it has been said that the amount is minimal and does not provide sufficient amount of water for the current and growing needs of existing kuleana lo'i kalo farmers.

The proposed project area has identified the plantation era irrigation and 'auwai system be located within a greenway. Although the development will not adversely Hawaiian cultural practices related to lo'i kalo cultivation on neighboring properties that access water via the developer's land, a proposed improvement of the infrastructure and overall system should be implemented to mitigate their concerns.

Traditional and customary rights in relationship to Waikapū water and lo'i kalo cultivation are also occurring extensively on the north side of Waikapū Stream on kuleana lands directly across from the proposed project area. (TMK An intact traditional 'auwai known as the north kuleana 'auwai accesses Waikapū Stream water directly from the Waikapū Stream. (TMK 3-5-012:031, TMK 3-5-012:028, TMK 3-5-012:041, TMK 3-5-012:027, TMK 3-5-012:026, TMK 3-5-012:049, TMK 3-5-012:048, TMK 3-5-012:047, TMK 3-5-012:023, TMK 3-5-012:021, TMK 3-5-012:020, TMK 3-5-004:028, TMK 3-5-004:32, TMK 3-5-012:016, TMK 3-5-012:016, TMK 3-5-012:015, TMK 3-5-012:10, TMK 3-5-012:012, TMK 3-5-012:013, TMK 3-5-012:009, TMK 3-5-012:008, TMK 3-5-012:007, TMK 3-5-012:006, TMK 3-5-012:005, TMK 3-5-012:003, TMK 3-5-012:001) The State Commission on Water Resource Management set the Interim Instream Flow Standards (IIFS) for Waikapū Stream as 2.9 mgd in 2014 through a settlement agreement between the

following parties; Hui o Nā Wai 'Ehā, Wailuku Water Company, Hawaiian Commercial Sugar Company, Maui Tomorrow, County of Maui, and Office of Hawaiian Affairs. The amount of water that has been released into Waikapū Stream does not account for traditional and customary rights for kuleana lo'i kalo farmers which is a protected right under State Law. The interior valley of Waikapū watershed includes a diverse native forest with an array of endemic plants, insects, snails and mammals. Traditional access and trails into the Waikapū Valley are along the Waikapū Stream which is partially owned by the developer of the proposed project. In addition to the river, are two plantation era access points adjacent to Reservoir #1. There are a number of Hawaiian cultural practices identified in relationship to accessing the Waikapū Valley for gathering and stewarding highly sensitive cultural and natural resources.

There are endemic medicinal plants such as koʻokoʻolau (bidens sp.) and māmaki (pipturus albidus) that have been identified by lineal descendants of Waikapū for gathering and use in lāʻau lapaʻau (Hawaiian herbal medicine). These native plants and others grow in very specific regions within the valley and ridges. A Hawaiian family shared about a specific koʻokoʻolau plant that they would gather fresh leaves from which was located along a ridge and dry gulch in the valley named Kapiliiki. The leaves were used to treat a family member who has high blood pressure. The proposed project does not adversely impact the area in which traditional cultural practice of gathering herbs exist. The proposed project will continue to allow access to the Waikapū Valley for traditional and customary practices through a greenway or potential cultural preserve adjacent to the Waikapū Stream and near the opening of the valley on a trail below Reservoir #1. Controlled access will be an important part of this project in order to protect both the watershed and cultural resources.

Lineal descendants of Waikapū have also been identified as having scattered the ashes of their ancestors within the valley. The cultural practices conducted by lineal descendants are reliant on access through the proposed development in order to honor their kūpuna. The proposed project will continue to allow access to the Waikapū Valley for traditional and customary practices through a greenway or potential cultural reserve adjacent to the Waikapū Stream and near the opening of the valley on a trail below Reservoir #1.

Hui Mālama o Waikapū, a non-profit organization affiliated with Tri-Isle RC&D was stablished in 2009 and currently has a 15 year lease with the developer for a 5 acre parcel of land adjacent to the proposed project. The mission of the organization is "E mālama a ho'okā'oi i ka mo'omeheu, kaiameaola kūlohelohe a me ka wai o kō Waikapu ahupua'a" or "To preserve and enhance the cultural, biological, and water resources of the Waikapū ahupua'a". Hui Mālama o Waikapū is comprised of four Waikapū residents who have genealogical ties to the ahupua'a, and have committed themselves to protecting the culturally and

environmentally rich landscape through cultural practices. The members of Hui Mālama o Waikapū (HMOK) who are also lineal descendants conduct cultural practices on the leased parcel of land in addition to lands in and around the project area. These practices include gathering of seeds and cuttings of endemic plant cultivars for propagation and restoration of the leased native dryland forest owned by the developer. They also gather native plants and material for traditional implements used during activities on the leased land such as lo'i kalo, Hawaiian food crop cultivation and lā'au



Figure 38: Hui Mālama o Waikapū Work Day (2013)

lapa'au. In addition, the group has sought and received funding to initiate a natural and cultural resource management and education program in the leased area. Access and protection to this highly sensitive cultural sight is critical for both cultural practices and educational program implementation. Hui Mālama has brought over 1,000 students since their inception and continue to grow their educational programs to include formal partnerships with educational institutions on Maui. Currently the land owner provides access via an old plantation road leading up to the reservoir and access point to HMOW leased lands. The proposed project will continue to allow access to their lease lands for traditional and customary Hawaiian practices through a greenway or potential cultural reserve adjacent to the Waikapū Stream and near the opening of the valley on a trail below Reservoir #1. The founders and members of Hui Mālama o Waikapū and who are from the Waikapū ahupua'a, have extensive knowledge of the cultural sites and practices within and adjacent to the proposed development project. HMOK has recommended that a cultural preserve be established to ensure that all cultural sites, existing and future cultural practices within the developers land base be protected in perpetuity. These sites include kuleana lands with lo'i kalo terraces, 'auwai systems, house sites, other cultural and archaeological features, and native plant species. Hui Mālama o Waikapū proposes to work alongside developer to ensure that there is a plan to mitigate any potential adverse impacts on these highly sensitive cultural lands.

In the development of the CIA, two privately owned kuleana parcels of land were identified. They are called the "Mahi parcels". Both parcels are located directly in the middle of where the proposed urban lots were to be developed in the mauka section. These parcels are currently vacant and in the middle of a pasture used by the developer and neighboring land owner for grazing cattle. Lineal descendants of the Mahi family who now live on O'ahu, were contacted through this process and expressed a deep interest in returning to their ancestral land someday along with a permanent access easement to their property. The developer for the project has been made aware of this and has since moved the urban lots and road away from the Mahi kuleana parcels. A permanent easement for the Mahi family will also be recommended below as a priority project.

KULEANA PARCELS IDENTIFIED WITHIN THE LAND ASSETS OF WAIKAPŪ PROPERTIES LLC

Awardee	'lli (Subdivision)	Land Commission Award	Royal Patent	'Āpana (Parcel)	Grant	Acres	Description of Cultural & Natural Resources via Native and Foreign Testimony and Survey Notes	Surveyor
Kupalii	Keana	3546	3151	2		1.2	- Kula - Kalo pauků - Kukui & wiliwili - Borders Waikapů Stream	E. Bailey 5-5-1852
Charles Copp	Papala	236-1	498	2		1.0 (est.)	- Loʻi kalo (unspecified amount) - Borders Waikapū Stream	loane (John) Richardson
Napailoi	Kaloaloa / Loaloa	10481	3131	4		0.66	- Lo'i kalo (unspecified amount) - Borders Waikapů Stream	E. Bailey 4-23-1852
Opunui	Loaloa	3224	4115	6		0.27	- Lo'i kalo (unspecified amount) - Borders Waikapū Stream	E. Bailey 6-25-1852
Keaka (W)	Olohe	3549	3122	3		1.0	- 3 loʻi kalo	N/A

						(est.)	- Borders Waikapū Stream	
Keaka (W)	Olohe				1511	0.2 (est.)	- Lo'i kalo (unspecified amount) - Borders Waikapū Stream	N/A
Kupalii	Mokahelahela / Makaelelu	3546	3151	3		1.0	- 1 house lot	E. Bailey 5-5-1852
Kamakaipoaa / Kamakaipuaa	Kamauhalii	6385	None	2		1.94	- Lo'i (unspecified amount) - Borders Waikapů Stream	E. Bailey 4-15-1852
Nahau	Olohe	3340	3115	2		0.8	- Moʻo kula - 1 house lot - 'Auwai watercourse	E. Bailey 4-11-1852
Joseph Sylva	Waihalulu			3	1844	487.0	- 'Auwai watercourse - Pens - Stone walls - Native claims retained - Gulch	E. Bailey 4-10-1855
Joseph Sylva	Waihalulu			2	1844	9.52	- Stone walls - Multiple house lot	E. Bailey 4-10-1855
Joseph Sylva	Waihalulu & Paalae			1	1844	22.35	- Native claims retained	E. Bailey 4-10-1855
Napailoi	Waihalulu	10481	3131	2&3		1.3	- 8 loʻi kalo - Kula - 1 house lot	E Bailey 4-23-1852
Napailoi	Paalae	10481	3131	1:1		0.54	- Kalo paukū - Kula - 'Auwai watercourse	E. Bailey 4-23-1852
Napailoi	Paalae	10481	3131	1:2		0.19	- Kalo paukū - Kula	E. Bailey 4-23-1857
Napailoi	Paalae	10481	3131	1:3		0.1	- Kalo paukū - Kula	E. Bailey 4-23-1852
Hakiki	Waihalulu	2577	4948	4		0.2	- 4 loʻi kalo - 'Auwai watercourse	E. Bailey 8-14-1852
Kaeha	Olahe	2394	3138	1		1.36	- Kalo paukū - Pūhala - 2 house lots - 'Auwai watercourse	E. Bailey 6-21-1852
Nalei	Olohe	10460	None	2		0.07	- 2 loʻi kalo - 'Auwai watercourse	E. Bailey 4-16-185
Ehunui Mahi Parcel	Olohe			1513		0.07 (est.)	- Unknown	N/A
Ehunui Mahi Parcel	Olohe	2499	4070	1		0.8	- Kalo paukū - Poʻalima - 'Auwai watercourse	E. Bailey 6-25-185
Ehunui Mahi Parcel	Pikoku	2499	4070	3		1.3	- 7 loʻi kalo - 'Auwai watercourse	6-25-185
Kamaipuaa / Kamakaipoaa / Kamakaipuaa	Pikoku	6385	None	1		0.17	- Kalo paukū	E. Bailey 4-15-185
Коа	Pikoku	3528	3155	1		3.90	- 2 house lots - Kalo paukū - Kula - 'Auwai watercourse	E. Bailey 8-27-185

Koa	Pikoku				1708	0.1 (est.)	- 1 lo'i kalo - 'Auwai watercourse - 2 burial plots (Maxwell)	E. Bailey 9-9-1854
Hakiki	Olohe	2577	4948	2		0.25	- 7 loʻi kalo	E. Bailey 8-14-1852
Mohomoho	Kamauhalii			1	1711	0.08	- 1 loʻi kalo	E. Bailey 9-8-1854
Mohomoho	Kamauhalii			2	1711	0.04	- 1 loʻi kalo	E. Bailey 9-8-1854
lhu	Kamauhalii			1	1712	0.09	- 1 loʻi kalo	E. Bailey 9-15-1854
Opunui	Kamauhalii				1704	1.94	- Unkown	E. Bailey 9-9-1854
Mataio	Kamauhalii	3020	3140	2		2.65	- Kalo paukū - Kula - House lot	E. Bailey 4-15-1852
Keawe (W)	Punia	3520	3135			2.54	- 2 kalo paukū	E. Bailey
Makuakane	Punia	2522	3125			1.83	- Kula - Kalo paukū	4-15-1852 Unknow
Kekua	Kamauhalii	5551	3150	1		0.42	- Kalo paukū	n E. Bailey 6-25-1852
Kekua	Kaalaea	5551	3150	2		0.1	- 2 lo'i kalo	E. Bailey 6-25-1852
Kekua	Kamauhalii				1518	0.15 (est.)	- Unknown	N/A
Kamohai	Kaalaea	3527	3156	3		0.2	- Kalo paukū - Kula mo'o	E. Bailey 8-18-1852
Naanaa	Punia	3337	3136	1,2,3		1.1	- Kalo paukū - Loʻi kalo - House lot	E. Bailey 4-14-1852
Ihu	Kaalaea			2	1712	0.07	- 1 loʻi kalo	E. Bailey 9-15-1854
Kaai	Kaalaea			2	2069	0.18	- Unknown	N/A
Opunui	Kaalaea	3224	4115	5		0.32	- Kula	E. Bailey 6-25-13
Naanaa	Kaalaea	3337	3136	4		0.45	- Kalo paukū	E. Bailey 4-14-1852
Poepoe	Kaalaea	2609	3124	1,5		0.98	- Kalo paukū - 'Uala kula - House lot	E. Bailey 8-27-1852
Kaai	Kaalaea	5774	4014	2		2.76	- 6 loʻi kalo - Auwai watercourse	E. Bailey 3-?-1852
Kaai	Kaalaea			1	2069	10.46	- Unknown	N/A
Wahinealii	Kaalaea	11022	3142	8		0.6	- House lot	E. Bailey 4-15-1852
Mahoe	Ahuakolea	10160	3148	1		1.99	- Kalo paukū	E. Bailey 4-16-1852
Kamohai	Kaalaea	3527	3156	2		0.2	- Kalo paukū	E. Bailey 8-18-1852
Keakini	Kaalaea	5324	6374	3		0.56	- 1 loʻi kalo	E. Bailey 4-24-1852
Kaneae	Kaloapelu	8874	3130	1		0.29	- Lo'i kalo	E. Bailey 8-26-1852

Figure 39: Great Máhele Kuleana Land Awards - Hócúao Pellegrino (2019)

4.2 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #1

Priority	Waikapū Valley Access for Native Hawaiian Traditional and Customary Practices
Project	and Gathering
Purpose	To allow access for Native Hawaiian traditional and customary practices and gathering in the Waikapū Valley through a managed process. To ensure that cultural resources in the Waikapū Valley are not being adversely impacted due to uncontrolled access.
Overview	The proximity of the Waikapū Country Town Development to the access point into the Waikapū Valley is extremely close. While access for Native Hawaiian traditional and customary practices and gathering is strongly supported by the developers, the possibility of increased entry into the valley via hikers, tourists, non-members of the community, community members and others because of the Waikapū Country Town Development needs to be addressed and managed properly. Signage, fence lines with a controlled access gate for lineal and cultural descendants of Waikapū along with invasive species sanitation stations will be developed and installed. Hui Mālama o Waikapū will work closely with Waikapū Properties LLC to determine the plan of action.
Site Map	To be determined by stakeholder groups
Stakeholders	Hui Mālama o Waikapū, Hui o Nā Wai 'Ehā, Waikapū Properties, LLC.
Owner	Waikapū Properties, LLC
Management	Waikapū Properties, LLC, Waikapū Community Members and Hui Mālama o Waikapū
Timeline	A plan will be set in place by the end of 2020
Outcomes	Managed access will preserve and protect both natural and cultural resources as well as protecting gathering rights of Waikapū lineal descendants. Measures will also be put to limit and close off the general public from entering valley especially because of the high probability of spreading invasive species (i.e. Rapid 'Ōhi'a Death).
Cost Analysis & Budget Overview	To be determined in the planning process.

4.3 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #2

Priority Project	Mahi Kuleana Parcel Access				
Purpose	To protect and allow easements for 2 Mahi kuleana parcels				
Overview	Through the development of the CIA, two privately owned kuleana parcels of land were identified. They are called the "Mahi parcels". Both parcels are located directly in the middle of where the proposed urban lots were to be developed in the mauka section. These parcels are currently vacant and in the middle of a pasture used by Waikapū Properties LLC and Makani 'Olu Ranch for grazing cattle. Lineal descendants of the Mahi family who now live on O'ahu, were contacted through this process and expressed a deep interest in returning to their ancestral land someday along with a permanent access easement to their property. The developer for the project has been made aware of this and has since moved the urban lots and road away from the Mahi kuleana parcels. Since there is no formal easements and lot lines, the Mahi family has requested Waikapū Properties LLC to assist in surveying their 2 kuleana parcels along with an easement. The Mahi's have made it clear they don't want to sell their ancestral lands but rather want to be a good steward of them in the near future. In exchange of support, the Mahi family would be open to setting some conditions to ensure that their property is managed properly due to its extremely close proximity to the urban lots for Waikapū Country Town.				
Site Map	Mahl Kulkania Parcels (2) Figure 40: Mahi Kuleana Parcel Map - Hôkůao Pellegrino (2019)				
Stakeholders	Mahi Family, Waikapū Properties, LLC, Wai'ale 905 Partners, LLC, and Hui Mālama o Waikapū				
Owner	Mahi Family, Waikapū Properties, LLC, and Wai'ale 905 Partners, LLC				
Management	Mahi Family, Waikapū Properties, LLC				
Timeline	To be completed in 2021				
Outcomes	Incorporating a strong sense of place within the Waikapū Country Town Development by fostering strong relationships with the Mahi Family who is one of the last remaining lineal descendants of Waikapū with kuleana land.				
Cost Analysis & Budget Overview	To be determined at a later time following the estimate from survey vendor.				

4.4 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #3

Priority	Waikapü Cultural Preserve, Cultural Corridor and Riparian Buffer
Project	
Purpose	To establish a cultural preserve to ensure the integrity of natural and cultural resources found within a 50 acre corridor of kuleana lands is protected and stewarded in perpetuity. The remaining intact kuleana parcels adjacent to and mauka of the Waikapū Country Town Development are on 50 acres of land. Many of these kuleana parcels as specified in detail on page 32 show that they are along the Waikapū Stream.
Overview	20 culturally sensitive kuleana parcels are in need of protection beyond the LUC condition of a 100 foot buffer between Waikapū Country Town Development and Waikapū Stream. It is being proposed that a 50 acre buffer along the Waikapū Stream and ridge leading down to the stream be created. The establishment of a cultural preserve would ensure these lands and designated buffer zones will never be developed or impacted. The proposed cultural preserve will be within 3 of 5 large agricultural lots that can be developed however not subdivided as part of a condition in the WCT project. The close proximity of these lots have the potential for compromising the kuleana lands, therefore, it is further proposed that specific language, design guidelines, plot plan exhibits and deed restrictions be set in place for the 3 large agricultural lots. Hui Mālama o Waikapū currently manages 5 acres on lands they lease from Waikapū Properties, LLC, within the 50 acre cultural preserve. Hui Mālama o Waikapū in conjunction with Hui o Nā Wai 'Ehā would like to work as the entity formally managing the 50 acre cultural preserve for both protection, 'āina-based stewardship and community engagement.
Site Map	See Figure 41 on Page 31
Stakeholders	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC, Hui Mālama o Waikapū, Hui o Nā Wai 'Ehā.
Owner	Waikapū Properties. LLC
Management	Management will be in conjunction with Hui Mālama o Waikapū and Hui o Nā Wai 'Ehā.
Timeline	Establish formal cultural preserve designation and management oversight by end of 2020.
Outcomes	Protection and stewardship of some of the last remaining pre-western contact Hawaiian kuleana parcels in the Waikapū ahupua'a. Allowing current and future lineal and cultural descendants to reconnect place. Increasing stewardship and educational opportunities while building community engagement trust and empowerment. Adaptive management strategies. Restoration of traditional agricultural sties and native dryland forests as a historical agroforestry model. Increase traditional access for cultural practices. Restore and interpret cultural landscapes.
Cost Analysis & Budget Overview	A proposed annual fund of \$5,000 is being requested to the managing entity for the protection and stewardship of the Waikapū Cultural Preserve.

WAIKAPŪ CULTURAL PRESERVE MAP - Hōkūao Pellegrino (2019)

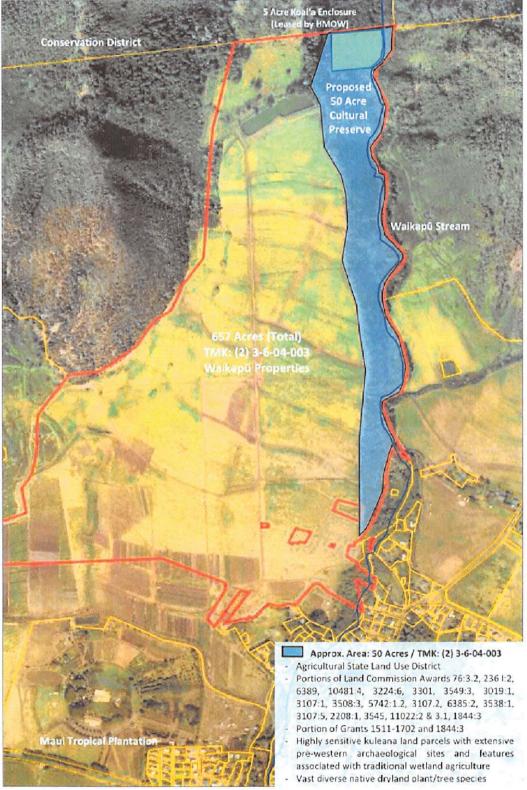


Figure 41: Walkapů Cultural Preserve Map - Hčků ad Pellegrino (2019

Indices of Māhele Land Commission Awards and Land Grants Located within the 50 Acre Cultural Preserve

Awardee	'Ili	Land	Royal	Grant	Acres	Description of Cultural & Natural	Survey
	(Subdivision)	Commission	Patent			Resources via Native and Foreign	
		Award				Testimony, Native Register and Survey Notes	
William Shaw	Loaloa	76:3.2	7694		3.42	- Palolo 'Auwai / Everett Ditch	J. Metcalf
	The Control of Control					- Ha'anui mountain	1-25-1847
						- Both sides of Waikapū Stream	
Charles Copp	Papala	236-1:2	498		1.0	- Lo'i kalo (unspecified amount)	Ioane (John)
44					(est.)	- Both sides of Waikapū Stream	Richardson
Kahaleole	Loaloa	6389	6192		3.48	- Palolo 'Auwai / Everett Ditch	E. Bailey
						- Borders Waikapū Stream	3-15-1854
Napailoi	Kaloaloa /	10481:4	3131		0.66	- Loʻi kalo (unspecified amount)	E. Bailey
	Loaloa					- Adjacent to Waikapū Stream	4-23-1852
Opunui	Loaloa	3224:6	4115		0.27	- Lo'i kalo (unspecified amount)	E. Bailey
		4		-		- Adjacent to Waikapū Stream	6-25-1852
Mahoe /	'Ōlohe	3301	3137		9.7	Wiliwili tree reference Palolo 'Auwai / Everette Ditch	E. Bailey 6-25-1852
Kamakea						- Adjacent to Waikapū Stream	0-52-1025
Keaka	'Õlohe	3549:3	3122		0.52	- 3 lo'i kalo	Unknown
кеака	Olone	3349.3	3122		(est.)	- Both sides of Waikapû Stream	OTRIOWIT
Mehac	'Õhi'a	3019:1	5333		0.58	-5 loʻi kalo	E. Bailey
IVICIIdo	O i i a	3013.1	3333		0.50	- Adjacent to Waikapū Stream	9-27-1852
Keaka	'Ŏlohe			1511/	0.17	- Located within LCA 3549:3	E. Bailey
110				1702			4-19-1855
Kailí	'Õhi'a	3107:1	2348		0.8	- Adjacent to Waikapū Stream	E. Bailey
· · · · · · · · · · · · · · · · · · ·			302000			- 'Auwai	6-25-1852
Kuheleloa	'Ōhi'a	3508:3	3123		0.65	- Mo'o kalo	E. Bailey
	1					- Adjacent to Waikapū Stream	4-19-1853
						- 'Auwai	
Kaluahinui	'Óhi'a	5742:1.2	4125		0.36	- Adjacent to Waikapū Stream	E. Bailey
						- 16 lo'i kalo & upland kalo	6-25-1852
Kaili	'Ōhi'a	3107:2			1.27	- Paukū kalo, Poʻalima, Loʻi Aupuni,	E. Bailey
						Lo'i Pa'ahao	4-30-1852
						- Adjacent to Waikapū Stream - 'Auwai	
Variable and I	Kama'ūhāli'i	6385:2	N/A	1	1.94	- Lo'i (unspecified amount)	E. Bailey
Kamakaipoaa / Kamakaipuaa	Kama una i i	0303:2	IN/A		1.54	- Adjacent to Waikapū Stream	4-15-1852
Keakua	Pālama	3538:1	2351	-	1.64	- 21 Loʻi kalo	E. Bailey
Reakua	Palama	3330.1	2331		1.04	- House lot	6-25-1852
						- Kula	0 23 1032
						- Adjacent to Waikapů Stream	
Kaili	Pālama	3107:5	2348		0.90	- Lo'i kalo (unspecified amount)	E. Bailey
(Academic Control of C						- Adjacent to Waikapū Stream	4-30-1852
Manu	Pālama	2208:1	2208		0.72	- 36 la'i kalo / moʻo kalo	E. Bailey
						- Adjacent to Waikapū Stream	1-27-1854
Keaweamahi	Pālama	3545	5262		2.08	- Moʻo kalo	E. Bailey
						- Kula	4-16-1852
						- Adjacent to Waikapū Stream	
Wahinealii	Pālama	11022:2 3 1	3142		1.70	- Moʻo kalo	E. Bailey
	1,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	-		1		- Adjacent to Waikapū Stream	4-16-1852
Joseph Sylva /	Moka'elelü			1844:3	487.0	- 'Auwai / watercourse	E. Bailey
Silva						- Stone walls, pens - Native claims retained	4-10-1355
						- Native claims retained - Kaiwaloa Ridge & Kapiliiki Gulch	
	L	1		in the table	The remain	- Kalwalda Ridge & Kapiliki Gulch	1

NOTE: The Cultural Preserve includes a portion of each kuleana identified in the table. The remaining portions are owned by other land owners not associated with the ownership of Waikapū Properties.

4.5 LAND & CULTURAL RESOURCES PRIORITY PROJECT #4

Priority Project	Integration of Waikapū Ethnohistorical Resources throughout WCT Development
Purpose	To integrate and perpetuate the cultural identity of Waikapū throughout the entire Waikapū Country Town Development.
Overview	The Waikapū Country Development is proposing to have a park, school, businesses and streets. The purpose of this project is to utilize the in-depth cultural research conducted via the CIA and this plan in all aspects of the development. Areas may include but are not limited to the naming of the school, park, buildings, and streets as well as creating interpretive signage throughout the development sharing the history of Waikapū and profound natural and cultural resources that exist. In addition to this is building a strong sense of place by providing opportunities to experience hands-on stewardship opportunities within designated spaces such as the Waikapū Cultural Preserve. A community advisory committee to assist in these two areas would be set up to execute on this project.
Site Map	Waikapū Country Town See Figure 1 on Page 4
Stakeholders	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC, Waikapū Community Association, Future Waikapū Country Town Community Advisory Committee
Owner	Waikapū Community in conjunction with Waikapū Country Town
Management	Future Waikapū Country Town Community Advisory Committee and key stakeholders.
Timeline	Pre and post development phases
Outcomes	Strong integration of Waikapū cultural and natural resources throughout the Waikapū Country Town development by building bridges and relationships between old and new residents.
Cost Analysis & Budget Overview	N/A

5.1 HO'ULU'ULU MANA'O HOPE - FINAL SUMMARY

The In-depth research and analysis included in the Cultural Impact Assessment and Ka Pa'akai Analysis has shown that the Waikapū Country Town development is within a naturally and culturally vibrant ahupua'a. It has shown that throughout the last 10 years, Waikapū Properties, LLC, and Wai'ale 905 Partners, LLC have been openly communicating with the Waikapū Community at large, those kuleana land owners whose lands may be impacted adjacent to the subject property and key stakeholders groups. Because of the concerns about neighboring cultural properties and resources, it is recommended that the developer continue to have genuine discussions throughout the planning process with the Waikapū Community and stakeholders, while providing current information and/or changes regarding the development plan. Overarching sentiments provided by the community is that they want to trust the planning and development process, to ensure the developer is continually open to their concerns and working directly with them on addressing any issues. Lastly, they want the commitment of the developers to execute and complete all priority projects that were identified in this plan.

The Integrated Natural-Cultural Resource Preservation Management Plan is a guiding document that provides strategic guidance and actions for the management and stewardship of resources via priority projects and current initiatives. Waikapū Properties, LLC and Wai'ale 905 Partners, LLC are committed to seeing this plan through to completion in partnership with all major key stakeholders that were identified. Responsible stewardship of cultural and natural resources is critical to maintaining the unique character of the current Waikapū Historic Town and ahupua'a. Furthermore, it enhances the way of life of current and future Waikapū residents while supporting thoughtful growth and sustainability.



Figure 42: Lo'i Kalo Wall Restoration at Noho'ana Farm, Walkapū - Höküao Pellegrino (2005)

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THE ORIGINAL OF THE DOCUMENT RECORDED AS FOLLOWS: STATE OF HAWA!!

BUREAU OF CONVEYANCES

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Affects Tax Map Keys (2) 3-6-004:003 (portions), (2) 3-6-004:0(6, (2) 3-6-006:036, (2) 3-6-005:0)7, and (2) 3-6-002:003 (portion)

UNILATERAL AGRÉEMEN T AND DECLARATION FOR CONDITIC NAL ZONING

THIS INDENTURE, made this day of Ago of Ago

WITNESSETH:

WHEREAS, the Council of the County of Maui, State of Hawai'i, hereinafter referred to as "Council", is considering changing the zoning of the Property, comprised of approximately 495.905 acres, which is more particularly described in Exhibit "1", which is attached hereto and made a part hereof, and which is more particularly identified in Land Zoning Nap Nos. L-2705, L-2706, L-2707, L-2708, and L-2709, which are attached hereto and made a part hereof as Exhibit "2"; and

WHEREAS, the Council recommends through its Land Use Committee, Committee Report No. ________, that said change of zoning be approved for passage on first reading subject to certain conditions, pursuant to Section 19.510.050, Maui County Code; and

WHEREAS, the Declarant has agreed to execute this instrument pursuant to the conditional zoning provisions of Section 19.510.050, Maui County Code;

NOW, THEREFORE, the Declarant makes the following Declaration:

- 1. That this Declaration is made pursuant to the provisions of Section 19.510.050, Maui County Code, relating to conditional zoning;
- That until written release by the County of Maui, the Property, and all parts thereof, is and shall be held subject to the covenants, conditions and restrictions which shall be effective as to and shall run with the land as to the Property, from and after the recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawai'i, without the execution, delivery or recordation of any further deed, instrument, document, agreement, declaration, covenant or the like with respect thereto by the Declarant, the County of Maui, or any heir, devisee, executor, administrator, personal representative, successor, and assign; that the acquisition of any right, title or interest in or with respect to the Property by any person or persons, entity or entities, whomsoever, shall be deemed to constitute the acceptance of all of the covenants, conditions and restrictions of this Declaration by such person or persons, entity or entities; and that upon any transfer of any right, title or interest in or with respect to the Property the same shall be subject to, and the transferee shall assume and be bound and obligated to observe and perform all of the covenants, conditions and restrictions of this Declaration;

- 3. That this Declaration and all of the covenants, conditions and restrictions contained herein shall continue to be effective as to and run with the land in perpetuity, or until the Declarant notifies the appropriate Courty Department that any of said covenants, conditions and restrictions are satisfied by the Declarant, and the appropriate County Department verifies the satisfaction and provides a written release of the covenant, condition or restriction;
- 4. That the term "Declarant" and any pronoun in reference thereto, wherever used herein, shall be construed to mean the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, and shall include any corporation, and shall be held to mean and include the "Isclarant", the Declarant's heirs, devisees, executors, administrators, personal representatives, successors, and assigns;
- 5. That the Declaration shall become fully effective on the effective date of the zoning ordinance approving the establishment of Waikapu Country Town District zoning and this Declaration shall be recorded in the Bureau of Conveyances or Land Court of the State of Hawai`i;
- 5. That the Declarant agrees to develop said Property in conformance with the conditions set forth in Exhibit "3", which is attached hereto and made a part hereof and which shall be made a part of the zoning ordinance;
- . That the conditions imposed are reasonable and rationally relate to the objective of preserving the public health, safety and general welfare and such conditions fulfill the need for the public service demands created by the proposed use;

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that until released in writing by the County, the conditions imposed in this Declaration shall run with the land identified hereinabove and shall bind and constitute notice to all subsequent owners, lessees, grantees, assignees, mortgagees, lienors and any other persons who claim an interest in said land, and the County of Maui shall have the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may at any time file a petition for the removal of the conditions and terminate this Unilateral Agreement, such petition to be processed in the same manner as petitions for change in zoning.

This Declaration may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Declaration.

Each person signing this Unilateral Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Unilateral Agreement. Each party represents and warrants to the other that the execution and delivery of this Unilateral Agreement and the performance of such party's obligations hereunder have been duly authorized and that this Unilateral Agreement is a valid and legal agreement binding on such party and enforceable in accordance with its terms.

[REMAINDER OF PAGE LEFT INTE: TIONALLY BLANK]

[SIGNATURE PAGES F(LLOW]

IN WITNESS WHEREOF, the undersigned has executed this Declaration the day and year first above written.

DECLARANT:

- WAIKAPU PROPERTIES, LLC a Hawaii limited liability company
 - a. By: Lodi Development, Inc.

By: Larr, W. Anderson Its: President

b. By: Michael W. Atherton Development Inc.

> By: Michael W Atherton Its: President

c. By Filios Family Holdings, LLC

By: William Fillos Its: Manager

d. By: Boyce Holdings, Inc.

By: Albest G. Boyce V⁴
Its: President

e. By: Boyce Resource Development Company

By: Albert G. Boyce, fr.

Its: President

IN WITNESS WHEREOF, the undersigned has executed this $\mbox{Declaration}$ the day and year first above written.

DECLARANT:

- WAIKAPU PROPERTIES, LLC a Hawaii limited liability company
 - a. By: Lodi Development, Inc.

By: Larry W. Anderson Its: President

b. By: Michael W. Atherton Development Inc.

By: Michael W. Atherton Its: President

c. By Filios Family Holdings, LLC

By: William Filios Its: Manager

d. By: Boyce Holdings, Inc.

By: Albert G. Boyce V Its: President

e. By: Boyce Resource Development Company

By: Albert G. Boyce, Jr. Its: President

2. MTP LAND PARTNERS, LLC a Hawaii Limited Liability Company

> a. By: Michael W. Atherton Development Inc.

> > By: Michael W. Atherton

Its: President

b. By: Boyc : Holdings, Inc.

By: Albert G. Boyce V Its: President

3. WILLIAM S. FIL:OS SEPARATE
PROPERTY TRUST DATED APRIL 3, 2000

By: William S. Filios

Its: Trustee

- 4. WAIALE 905 PAR NERS, LLC a Hawaii limited liability company
 - a. By: Lodi Development, Inc.

By: Larry W. Anderson

Its: President

- MTP LAND PARTNERS, LLC a Hawaii Limited Liability Company
 - a. By: Michael W. Atherton Development Inc.

By: Michael W. Atherton Its: President

b. By: Boyce Holdings, Inc.

By: Albert G. Boyce V
Its: President

3. WILLIAM S. FILIOS SEPARATE PROPERTY TRUST DATED APRIL 3, 2000

By: William S. Filios
Its: Trustee

- 4. WAIALE 905 PARTNERS, LLC a Hawaii limited liability company
 - a. By: Lodi Development, Inc.

By: Larry W. Anderson Its: President b. By: Larry W. Anderson and Georgeann M. Anderson Revocable Family Trust Dated Augus: 9, 2004

By: Larry W. Anderson Its: Co-Trustee

By: Georgeann M. Anderson Its: Cc-Trustee

c. By: Boyc > Holdings, Inc.

By: Albert G. Boyce (Its: President

d. By: Boyce Resource Development Company

By: Albert G. Boyce, Jr.
Its: President

e. By: Trust B Created under the Last Will and Testament of Albert G. Boyce, Sr., dated November 2, 1978

By: Albert G. Boyce, Jr.

Its: Trustee

f. By: Filips Family Holdings, LLC

By: Will:am Filios Its: Manager b. By: Larry W. Anderson and Georgeann M. Anderson Revocable Family Trust Dated August 9, 2004

By: Larry W. Anderson Its: Co-Trustee

By: Georgeann M. Anderson

Its: Co-Trustee

c. By: Boyce Holdings, Inc.

By: Albert G. Boyce V Its: President

d. By: Boyce Resource Development Company

By: Albert G. Boyce, Jr. Its: President

e. By: Trust B Created under the Last Will and Testament of Albert G. Boyce, Sr., dated November 2, 1978

By: Albert G. Boyce, Jr. Its: Trustee

f. By: Filios Family Holdings, LLC

By: William Filios Its: Manager APPROVED AS TO FORM AND LEGALITY:

MICHAEL HOPPER

Deputy Corporation Counsel County of Maui

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

County of San	denito)
on Aug. 22.	2019 before me, Regina M. Waldron, Notary Public (the officer)
personally appeared _	Larry W. Anderson, President
who proved to me on t	the basis of satisfactory evidence to be the person(s) whose name(s) is/are

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

State of California

REGINA M. WALDRON
Notary Public - California
San Benito County
Commission # 2233814
My Comm. Expires Apr 7, 2022

Signature Benium. Waldum (Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

County of	Moaquin)
on August	23, 7019 before me, HEATHER CHRISTOPHERSON
personally appeared	(insert name and title of the officer) Michael W. Atherton, President
who proved to me on	the basis of satisfactory evidence to be the person(s) whose name(s) is/are in instrument and acknowledged to me that he/she/they executed the same in

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

State of California

(Sea!)

HEATHER CHRISTOPHERSON Commission # 2125411

Notary Public - California San Joaquin County My Comm. Expires Aug 30, 2019

A notary public or other officer completing this

certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.	
State of California San Joaquin	
On AUG 2 6 2019 before me, HEATHI'R	CHRISTOPHERSON
(inse t n	ame and title of the officer)
personally appearedWilliam Filios, Manager who proved to me on the basis of satisfactory evidence to be subscribed to the within instrument and acknowledged to me his/her/their authorized capacity(ies), and that by his/her/ he person(s), or the entity upon behalf of which the person(s) and	e that he/she/they executed the same in ir signature(s) on the instrument the
I certify under PENALTY OF PERJURY under the laws of the paragraph is true and correct.	e State of California that the foregoing
WITI IESS my hand and official seal. Signature (Sea.)	HEATHER CHRISTOPHERSON Commission # 2125411 Notary Public - California San Joaquin County My Comm. Expires Aug 30, 2019

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California San Joaquiv	2)
On August 26,2019 before m	ne, HEATHER CHRISTOPHERSON
	(inse t name and title of the officer)
personally appearedAlbert G. Boyce V,	President
who proved to me on the basis of satisfactor subscribed to the within instrument and ackn his/her/their authorized capacity(ies), and the	y evidence to be the person(s) whose name(s) is/are nowledged to me that he/she/they executed the same in at by his/her/:heir signature(s) on the instrument the the person(s) acted, executed the instrument.
I cert fy under PENALTY OF PERJURY under paragraph is true and correct.	er the laws c the State of California that the foregoing
	HEATHER CHRISTOPHERSON

Signature

(Sea)

Commission # 2125411
Notary Public - California
San Joaquin County
My Comm. Expires Aug 30, 2019

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Total of the control	
State of California San Joaquin)
On August 23, 2019 before me,	HEATHER CHRISTOPHERSON (inse t name and title of the officer)
personally appeared Albert G. Boyce, Jr., P	
who proved to me on the basis of satisfactory e subscribed to the within instrument and acknow	evidence to be the person(s) whose name(s) is/are viedged to me that he/she/they executed the same in by his/ner/ heir signature(s) on the instrument the
I cerify under PENALTY OF PERJURY under to paragraph is true and correct.	the laws of the State of California that the foregoing
WITN ESS my hand and official seal.	HEATHER CHRISTOPHERSON Commission # 2125411 Notary Public - California San Joaquin County

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

validity of that document.
State of California San (Saguin)
On AUG 2 6 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)
personally appearedWilliam S. Filios, Trustee, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I cert fy under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITN ESS my hand and official seal. HEATHER CHRISTOPHERSON Commission # 2125411 Notary Public - California San Joaquin County My Comm. Expires Aug 30, 2019

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

County of San Bon		
on Aug. 22, 2019	before me, Regina M. Waldron, Notan Rubl (insert name and title of the officer)	

personally appeared Larry W. Anderson, Co-Trustee
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

State of California

REGINA M. WALDRON
Notary Public – California
San Benito County
Commission # 2233814
My Comm. Expires Apr 7, 2022

Signature Ropiu M. Waldun (Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of San Bonito
On Aug 22, 2019 before me, Regina M. Waldron, Notary Rublic (insert name and title of the officer)
personally appeared Georgeann M. Anderson, Co-Trustee who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing

WITNESS my hand and official seal.

Signature Sepina M. Walden (Sea

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

validity of that document.					
State of California San Joaquin					
On August 23, 2019 before me, HEATHER'CL	HRISTOPHERSON				
(inset na	me and title of the officer)				
personally appeared Albert G. Boyce, Jr., Trustee					
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(!) acted, executed the instrument.					
I certify under PENALTY OF PERJURY under the laws of the paragraph is true and correct.	State of California that the foregoing				
WITNESS my hand and official seal.	HEATHER CHRISTOPHERSON Commission # 2125411 Notary Public - California San Joaquin County				
Signature MITOSETT (Sea)	My Comm. Expires Aug 30, 2019				

EXHIBIT "1"

Description of Properties

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION PORTION OF LOT 6

Being a portion of 1 of 6 of Waikapu Hema Large Lot Subdivision, being also a portion of Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeast corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

L	4°	29.	30"	1,826.72	feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);
2.	Thence	e along	same on a	curve to the	e left with a radius of 17,223.80 feet, the radial azimuth from the radius point to the end of the curve being: 92° 29° (5.5° the chord azimuth and distance being: 3° 29° 17.75° 603.24 feet:
3.	104~	00.		470.00	feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
4.	148.`	00.		190.00	feet along same
5.	76°	00.		290.67	feet along same
5.	106°	27		59.40	feet along same

760.00 feet along same.

6.	178°	00,	380.00	feet along same
7.	206°	00.	475.00	feet along same.
8.	171	00.	100.00	feet along same:

Waikapu Hema Large Lot Subdivision, Portion of Lot 6

Page 1 of 2 Pages

1025 00

9.

10.	72°	00.	60.00	feet along same
11.	102"	00.	339.87	feet along same
12	195°	00.	287.57	feet along same
13	Thene	e along same on a cu	irve to the	e left with a radius of 1,500.00 feet, the chord azimuth and distance being: 174° 00° 1,075.10 feet;
14.	153°	00.	107.13	feet along same
15.	243°	00.	567.00	feet along same
16.	Thenc	re along I ot 2 of the	Hawaii T	ropical Plantatio i Subdivision, being also remainder of Grant 3152 to Henry Cornwell on a curve to the left with a radius of 400.00 feet, the chord azimuth and distance being: 309° 52' 30' 314.19 feet;
17.	286~	45*	1.430.00	feet along same to the point of beginning and containing an area of 87.832 Acres.

This work was prepared by me or under my sujervision.



FUKUMOTO ENGINEERING, INC.

1721 Wili Pa Loop, Suite 203 Wailuku, Hawaii 96793 March 5, 2018 Michael E. Silva

Licensed Professional Land Surveyor

Certificate Number 12960 License Expires: 4/30/18

WEST

Waikapu Hema Lurge Lot Subdivision. Portion of Lot 6

Page 2 of 2 Pages

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION PORTION OF LOT 6

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also all of Royal Patent 4948. Land Commission Award 2577, Apana 3 to Hakiki and being also portions of Royal Patent 3131. Land Commission Award 1048, Apana 2-3 to Napailoi, Royal Patent 3138, Land Commission Award 2394, Apana 1 to Kacha, Grant 1844 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

11.159.99 feet South

4.938.21 feet West

and running by azimuths measured clockwise from True South:

1.	101,	00,		feet along the remainder of Lot 6 of the Waikapu Hema I arge Lot Jubdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva. Royal Patent 313, Land Commission Award 1048. Apana 2-3 to Napailoi, and Grant 1844 to J. Sylva:
2	100°	00,		feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Jubdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, , and Grant 1844 to J. Sylva;;
,3,	120*	00,		feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844 to J. Sylva;
·1.	45"	00.	480.00 (eet along same;
5.	148°	00.	409.00	feet along same;
6.	159	00.	400.00	feet along same;
7.	175°	00,	220.00	feet along same;
8.	179°	001	750.00	feet along same:
9.	271°	00,	1,235.00	feet along same;

Waikapu Hema Large Lot Subdivision, Portion of Lot 6

Page 1 of 2 Pages

10	12-	00.	367.00	feet along same;
11.	268°	00,	257.80	feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844 to J. Sylva and Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kacha;
12.	9°	30"	550.00	feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Ro al Patent 3138 Land Commission Award 2394, Apana 1 to Kacha and Grant 1844, Apana 1 to J. Sylva;
13	275	10.	415.84	feet along remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844, Apara 1 to J. Sylva:
14.	202	33.	322.87	feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 1844. Apana 1 to J. Sylva:
15.	3574	07	420.08	feet along same to the point of beginning and containing an area of 48.807 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ET GINEERING, INC.

1721 Wili Pa Loop, Suite 203 Waiiuku, Hawaii 96793 September 20, 2018 Michael E. Silva Licensed Professional Land Surveyor

Certificate Number 12960 License Expires: 4/30/20

42

Waikapu Hema Large Lot Subdivision, Portion of Lot 6

Page 2 of 2 Pages

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION Lot 2

Being all of Lot 2 of Hawaii Tropical Plantation Subdivision, being also all of a Polima, Royal Patent 3131, Land Commission Award 10,481, Apana 1, Mahele L to Napailoi, Royal Patent 3142, Land Commission Award 11,022, Apana 6 to Wahhincealii, Royal Patent 3148, Land Commission Award 10,160, Apana 1 to Mahoe, Royal Patent 3156, Land Commission Award 3527 Apana 1 to Kamohai, Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini and being also portions of Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charlee Copp. Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kali, Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui, Grant 1844, Apana 1 to J. Sylva, Grant 1844, Apana 2 to J. Sylva, Grant 2069 to Kaai, Grant 2069 to Kaai Grant 3043 to J. Boardman, and Grant 3152 to Henry Cornwell situated in Waikapu, Wailukt, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the West; rly side of Honoapiilani Highway (led ral Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKI;" being:

12,973.62 feet South

3.232.36 feet West

and ranning by azimuths measured clockwise from True Sorth:

- 1 106° 45'
 1,430.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;

 Thence along same on a curve to the right with a rad us of 400.00 feet, the chord azimuth and distance being:

 141° 56'
 460.96 feet;
- 3. 177' 07' 1,460.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 3152 to Henry Cornwell, Grant 1844, Apana 2 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva;
- 4. 200° 33° 596.14 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;

Hawaii Tropical Plantation Subdivision, Lot 2

Page 1 of 4 Pages

5.	291°	45'	30"	58.59	feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder Grant 1844, Apana 1 to J. Syiva;
6.	305°	13*		264.12	feet along Lot 6 of the Waikapu Hema I arge-Lot Subdivision, being also the remainders of Grant 1844, Apana I to J. Sylva and Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
7.	227-	10,		111.95	feet along Lot 6 of the Waikapu Hema Large-I ot Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774. Apana 2 to Knai;
8.	226°	10.		47.92	feet along the re-nainder of Royal Patent 4014. I and Commission Avard 5774, Apana 2 to Kaai;
9 .	2224	30°		81.90	feet along same
10.	133-	201		40.00	feet along same
11.	154'	32		79.57	feet along Roya: Patent 4115, Land Commission Award 3224, Apana 5 to Opunui:
12.	2412	51"		99.68	feet along Gran' 2069, Apana 2 to Kaai;
13.	2437	45°		84.50	feet along Roya: Patent 6223, Land Commission Award 3526, Abana 1 to Kekoaheewale;
14.	235°	29		68.00	feet along the Ceant 1713 to John Ross:
15.	307	20.		10.00	feet along the remainder of Royal Patent 4115, Land Commission Avard 3224, Apana 3 to Opunui,
lo.	225"	00,		19.78	feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui;
17.	225°	31*	08	318.56	feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui and Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;
18.	223°	33,		58.58	feet along Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;

Hawaii Tropical Plantation Subdivision, Lot 2

19.	321°	27'	53.55	feet along Lot 4 of Hawaii Tropical Plantation Plantation Subdivision, being also along Royal Patent 4014, Lar d Commission Award 5774. Apana 2 to Kaai;
20.	287°	40'	152.19	feet along same;
21.	2834	30	120.00	feet along same;
22.	324	10.	88.31	feet along Lot 3 of the Hawaii Tropical Plantation Subdivision, being also along the remainder of Royal Patent 498, Land Commission Award 236-1, Apana I to Charles Copp:
23.	16.	50°	209.00	feet along same;
24.	25°	20'	195.00	feet along same:
25.	1 henc	e along same on a cu	ave to th	e right with a radius of 230.00 feet, the chord azimuth and distance being: 55° 12° 30° 229.13 feet;
26.	85°	05'	125.00	feet along same;
27	Thenc	e along Royal Patent	1 6374, L	and Commission Award 9324, Apana 2 to Keakini, along the remainders of Royal Patent 4014. Land Commission Av ard 5774, Apana 2 to Kaai and Royal Patent 3170. Land Commission Award 8874. Apana 1 to Kancae on a curve to the left with a radius of 151.00 feet, the chord azimuth and distance being: 49° 17' 30" 176.62 feet;
28.	130	30*	243.00	feet along the re nainder of Grant 2069 to Kaai:
29.	26.	15.	539.50	feet along same:
30.	295°	55.	142.26	feet along same,
31.	5'	10.	285,00	feet along remainder of Grant 2069 to Kaai and Grant 2960 to Boardman;
32.	0.00000			
.,	75'-	00,	91.00	feet along the remainder of Grant 2960 to Boardman;

Hawaii Tropical Plantation Subdivision, Lot 2

Page 3 of 4 Pages

34.	354°	UO,		302.03	feet along same;
35	286°	45'		1,319.23	feet along remainders of Grant 2960 to J. Boardman, Grant 3152 to Henry Cornwell, and Grant 3043 to J. Boardman;
36.	4"	29.	30"	651.86	feet along the Westerly side of Honoapiilani Highway (f.A.P. No. 13-G) to the point of beginning and containing an area of 53.630 Acres.

This work was p epared by me or under my supervision.



LUKUMOTO E IGINEERING, INC.

1721 Wili Pa Loop, Suite 203 Wai-uku, Hawaii 96793 March 5, 2018 Michael E. Silva

Licensed Profes ional Land Surveyor Certificate Number 12960

License Expires 4/30/18

Ŋ P.,

DESCRIPTION

PORTION OF LOT 6 OF WAIKAPU HEMA LARGE-LOT SUBDIVISION AND TAX MAP KEY (2) 3-6-006:036

Being a portion of Lot 6 of Waikapu Hema Large-Lot Subdivision, being also all of Land Commission Award 3337, Apana 4 to Naanaa and being also portions of Royal Patent 3124, I and Commission Award 2609, Apana 1 and 5 to Poepoe, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Grant 1844, Apana 1 to J. Sylva situated in Waikaj u, Wailuku, Island and County of Maul, State of Hawaii.

Beginning at the North corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being.

9,791.73 feet South

4.611.04 feet West

and running by azimuths measured clockwise from True South:

1.	3125	57.	197.60	feet along Roya Patent 3156, Land Commission Award 3527, Apana 3 to Kaalaea;
2.	25°	42'	38.90	feet along Grant 1712, Apana 2 to Ihu;
3.	288°	27`	35.60	feet along same
4.	195	27'	41.60	feet along Royal Patent 3141, Land Commission Award 3523, Apana 3 to Kalahouka and Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui:
5.	3431	541	177.06	feet along Roya Patent 4115, Land Commission Award 3224, Apana 5 to Opunui,
6.	346*	56"	30" 28.40	feet along same
7.	286"	30°	21.10	feet along same;
8.	221°	50°	75.90	feet along same
9.	313°	20.	40.00	feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;

Waikapu Hema Large-Lot Subdivision, Por. of Lot 6 and Tax Map Key (2) 3-6-006:036

Page 1 of 2 Pages

10.	42'	30,		81.90	feet along same;
П.	461	10*		47.921	feet along same;
12.	47.	10.		111.95	feet along same;
12.	125°	13*		264.12	feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Grant 1844, Apana 1 to J. Sylva;
13.	111°	4.5°	30"	58.59	feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder Grant 1844, Apana I to J. Sy va;
11.	1925	26`	23"	143.95	feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;
15.	186°	521	53"	79.99	feet along same:
16.	210°	00'		196.90	feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Aprina 1 to J. Sylva, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, and Grant 1704 to Opunui to the point of beginning and containing an area of 2.810 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO L'NGINEERING, INC.

1721 Wili Pa I oop, Suite 203 Wailuku, Hawaii 96793 March 5, 2018 Michael E. Silva Licensed Professional Land Surveyor

Certificate Nuniber 12960 License Expires: 4/30/18

Waikapu Hema Large-Lot Subdivision, Por. of Lot 6 and Tax Map Key (2) 3-6-006:036

Page 2 of 2 Pages

DESCRIPTION .

HAWAH TROPICAL PLANTATION SUBDIVISION LOT 3

Being all of 1 of 3 of Hawaii Tropical Plantation Subdivision, being also all of Grant 1674 to F.W. Gleason: Grant 2342 to E. Bal; Royal Patent 324, Land Commission Award 455, Apana 2 to Haa; Royal Patent 4014, Land Commission Award 5774, Apana 4 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 3 to Kaneae: Land Commission Award 462, Apana 2 to Mahuka; Royal Patent 6374, Land Commission Award 5324, Apana 2 to Keakini; Royal Patent 313C. Land Commission Award 8874, Apana 2 to Kaneae; Foyal Patent 3139, Land Commission Award 491, Apana 2 to Hoowahine: Grant 2747, Apana 2 to E. Bal: Royal Patent 3139, Land Commission Award 491, Apana 1 to Hoowahine: Land Commission Award 462, Apana 1 to Mahaka; Royal Patent 3156, Land Commission Award 3527 Apana 1 to Kamohai; Royal Patent 3139, Land Commission Award 491, Apana 3 to Hoowahine; Grant 1146 to Antonio Sylva; Royal Patent 41, Land Commission Award 416, Apana 1 to John Crowder; Royal Patent 41. Land Commission Award 416, Apana 2 to John Crowder; and being also portions of Grant 2904 to John Crowder; Grant 3152 to Henry Cornwell; Grant 3043 to J. Boardman; Grant 2960 to J. Boardman; Grant 2069 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kangae: Royal Patent 4014, Land Commission Award 5774 Apana 2 to Kaai; Royal Patent 498. I and Commission Award 236-I, Apana I to Charles Copp's mated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeasterly corner of this parcel on the Vesterly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

10.850.15 feet South

2.816.41 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 12,242.70 feet, the radial azimuth from the radius point to the beginning of the curve being: 284° 35° 07"; the radial azimuth from radius point to the end of the curve being: 287° 13° 13"; and the chord azimuth and distance being: 15" 54° 18.5" 563.99 feet:

2 17° 13° 30° 296.94 feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);

Hawaii Tropical Plantation Subdivision, Lot 3

Page 1 of 4 Pages

3.	Thenc	e along	same on a c	urve to the	e left with a radius of 2,899.93 feet, the chord azimuth and distance being:
					10° 51' 30" 643.15 feet:
4.	4.	29°	30"	16.00	feet along same:
5.	106°	45		1.319.23	feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 3043 to J. Boardman, Grant 2960 to J. Boardman, and Grant 3152 to Henry Cornwell:
6.	174°	00,		302.03	feet along Lot 2 of Hawaii Tropical Plantation Subdivision, bei: g also the remainder of Grant 2960 to J. Boardman;
7	1660	401		40.00	feet along same;
8.	255*	00.		91.00	feet along same;
9.	1855	10		285.00	feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2960 to J. Boardman;
10.	115°	55`		142.26	feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2069 to Kaai;
11.	206°	15'		539.50	feet along same;
12.	1935	30		243.00	feet along same:
13.	Thenc	ce along	Lot 2 of Ha	iwaii Trop	of Grant 2069 to Kaai, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, and Land Commission Award 5774. Apana 2 to Kaai on a curve to the right with a radius of 151.00 feet, the chord azimuth and distance being: 176.62 feet;
14.	265°	05`		125.00	feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp;

Hawaii Tropical Plantation Subdivision, Lot 3

Page 2 of 4 Pages

15.	Thenc	e along same on a cu	irve to the	e left with a radius of 230.00 feet, the chord azimuth and distance being: 235° 12' 30" 229.13 feet;
16.	205°	20'	195.00	feet along same;
17.	196°	50.	209.00	feet along same:
18.	2120	10'	88.31	feet along same:
19.	283°	30'	208.78	feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 1 to Kaai:
20.	3015	30*	195.00	feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
21.	276°	46`	57.80	feet along Grant 3152 to Henry Cornwell;
22.	4`	14`	160.90	feet along Roya-Patent 102, Land Commission Award 432 to Anthony Sylva;
23.	357	05*	61.60	feet along same
24.	354°	18.	33.54	feet along same
25.	86.	01.	63.90	feet along Lot 12 of the Waikapu Tract, being also the remainder of Royal Patent 102, Land Commission Award 432 to Anthony Sylva:
26.	351'	55'	40.00	feet along same.
27.	359°	06'	455.70	feet along Lot 12, Lot 14, Lot 15, Lot 8, and Ololi Place of Waikapu Tract, being also along Royal Patent 102, Land Commission Award 432 to Anthony Sylva:
28.	349;	25'	172.20	feet along Lot 8, Olo Place, and Lot 7 of Waikapu Tract, being also along Grant 1515 to Antonio Sylva;
29.	274'	06,	222.20	feet along Lot 7, Lot 6, Lot 5, Lot 4, Lot 3 of Waikapu Tract, being also along Grant 1515 to Antonio Sylva;

Hawaii Tropical Plantation Subdivision, Lot 3

138.02 feet along Lot 2 of the Waikapu Tract, being also along the remainder of Grant 2904 to John Crowder to the point of beginning and containing an area of 59.054 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

1721 Wili Pa Loop, Suite 203 Wail iku, Hawaii 96793 March 5, 2018

Michael F. Silva

Licensed Profestional Land Surveyor

Certificate Number 12960 License Expires 4/30/18

WPI

DESCRIPTION

WAIALE PARK (LARGE-LOT) SUBDIVISION PORTION OF LOT 2

Being a portion of I of 2 of Waiale Park (Large-Lot) Subdivision, being also portions of Royal Patent 324, Land Commission Award 455 to Haa, Land Commission Award 411 to Poonui, Grant 2747 to Eugene Bal, and Grant 3152 to Henry Cornwell situated in Waikapu, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Easte ly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

15,360.51 feet South

3,339.81 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Easterly side of Honoapiilani High vay (Federal Aid Project No. 13-G) on a curve to the right with a radius of 17,153.80 feet, the radial a limith from the radius point to the beginning of the curve being:

92° 37' 04.2";
and the chord az imuth and distance being:
183° 33' 17.1" 560.98 feet;

- 184° 29° 30° 2,494.86 feet along same:
- 3. Thence along same on a curve to the right with a radius of 2,829.93 feet, the chord azimuth and distance being:

 190° 51′ 30″ 627.63 feet:
- 4. 197° 13° 30° 296.94 feet along same
- 5 Thence along same on a curve to the left with a radic s of 12,312.70 feet, the radial azimuth from the radius point to the end of the curve being: 280° 59 15"; and the chord a imuth and distance being: 194° 06' 22.5" 1,339.76 feet;
- 6. 280° 48° 30° 88.20 feet along the remainder of Land Commission Award 411 to Poonui;
- 7. 192" 04" 89.20 feet along same:

Wai de Park (Large-Lot) Subdivision, Portion of Lot 2

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8	191"	47.		171.33	feet along the re nainders of 1 and Commission Award 411 to P onui and Grant 2747 to Eugene Bal;
9.	266°	52'		137.19	feet along the bank of a meandering stream, being also the remainder of Grant 2747 to Eugene Bal;
10.	280°	28'		58.32	feet along same
11.	272 ·	38.	30"	99.27	feet along same
12.	266°	20'	4()**	96.78	feet along same
13.	257-	52.	09"	130.37	feet along same
14.	253-	47`	10"	106.23	feet along same.
15.	253	18.	20"	71.30	feet along same
16.	Thene	e along	same on a cu	rve to th	e right with a radius of 61.00 feet, chord azimuth and distance being: 286° 39° 10° 67.06 feet:
!7.	3201	00,		123.33	feet along same.
18.	Thenc	e along	same on a cu	rve to th	e left with a radi is of 172.00 feet, the radial azimuth from the radius point to the end of the curve being: 357° 07° 20°; and the chord a timuth and distance being: 293° 33° 40° 153.16 feet;
19.	Thene	e along	the bank of a	i meande	tring stream, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 159.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 177° 07' 20"; and the chord azimuth and distance being: 281° 27' 35" 78.75 feet:
20.	2954	47°	50"	135.81	feet along the bank of a meandering stream, being also the remain fer of Grant 3152 to Henry Cornwell;
21.	Then	ce along	same on a cu	irve to th	right with a racius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being: 237° 54° 40°′′ and the chord azimuth and distance being: 311° 51° 15° 95.15 feet:

Waiale Park (Large-Lot) Subdivision, Portion of Lot 2

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22. Thence along same on a curve to the left with a radius of 458.00 feet, the radial azimuth from the radius point to the beginning of the curve

being: 57° 54' 40";

the radial azimuth from the radius point to the end of the curve being: 35° 24':.

and the chord azimuth and distance being:

316° 39' 20"

178.79 feet:

23. Thence along same on a curve to the left with a radius of 308.00 feet, the radial azimuth from the radius point to the beginning of the curve

heing: 35° 24';

the radial azimut's from the radius point to the end of

the curve being: 7° 26' 10";

and the chord az muth and distance being:

291° 25' 05"

148.84 feet;

24. Thence along same on a curve to the left with a radius of 610.00 feet, the radial azimuth from the radius point to the beginning of the curve

being: 7° 26' 10";

the radial azimu: a from the radius point to the end of

the curve being: 351° 33' 30";

and the chord az muth and distance being:

269" 29" 50"

168.50 feet:

25 Thence along same on a curve to the right with a radius of 198.00 feet, the radial azimuth

from the radius point to the beginning of the curve

being: 171° 33' 30";

the radial azimu h from the radius point to the end of

the curve being: 197° 21':

and the chord azimuth and distance being:

274° 27' 15"

88.38 feet;

- 26. 287- 21
- 73.41 feet along same:
- 27. Thence along the remainder of Lot 2 and along Lot 1 of the Waiale Park (Large-Lot)

Subdivision, being also the remainder Grant 3152 to Henry Cornwell on a curve to the left with a radius of 3,960.00 feet the radial azimuth from the radial point to the beginning of the curve being:

106° 12' 21"

and the chord as imuth and distance being:

10° 53' 40.5"

733.12 feet:

28. 5° 35' 1,498.28 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 3152 to Henry Cornwell and Grant 2747 to Eugene Bal: 29. Thence along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 5,040.00 feet, the chord azimuth and distance being: 13° 16' 1,347.68 feet; 30. 20° 57' 521.33 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell; 31. Thence along same on a curve to the right with a radius of 1,800.00 feet, the chord azimuth and distance being: 28° 37' 57" 481.26 feet; 32. 126° 18' 54" 80.00 feet along the re nainder of Lot 2 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell; 33. Thence along same on a curve to the right with a rad us of 1,720.00 feet, the chord azimuth and dis ance being: 64° 19' 57" 1,615.91 feet; 34. 92° 21' 163.44 feet along same, 35. Thence along same on a curve to the right with a racius of 40.00 feet, the radial azimuth

92° 37' 04.2":

137° 29' 02.1"

56.70 feet to the point of

from the radius point to the end of the curve being:

beginning and containing an area of 243.772 Acres.

and the chord arimuth and distance being:

This work was prepared by me or under my supervision.



FUKUMOTO ELGINEERING, INC.

1721 Wili Pa Loop, Suite 203 Wailoku, Hawaii 96793 March 5, 2018

Michael L. Silva

Licensed Professional Land Surveyor Certificate Number 12960 License Expires 4/30/18

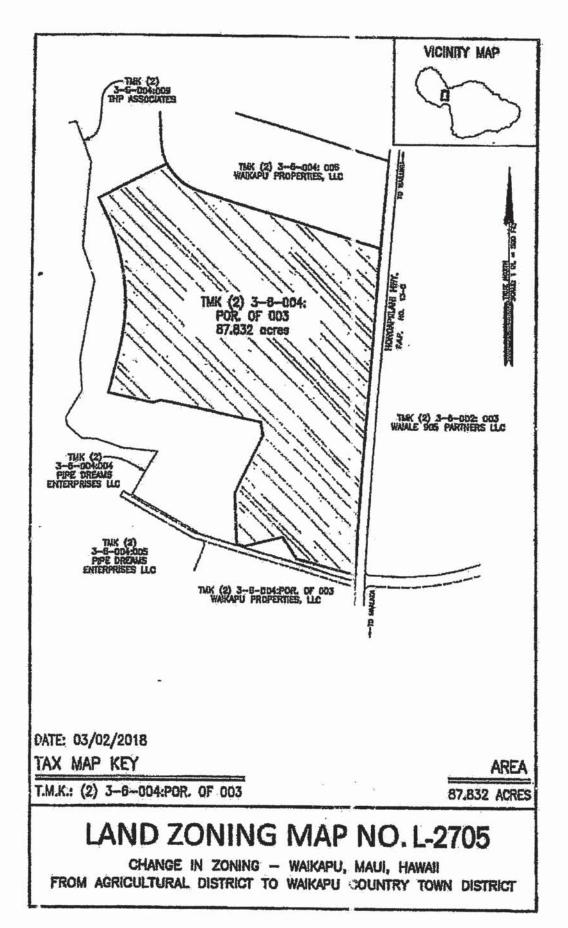
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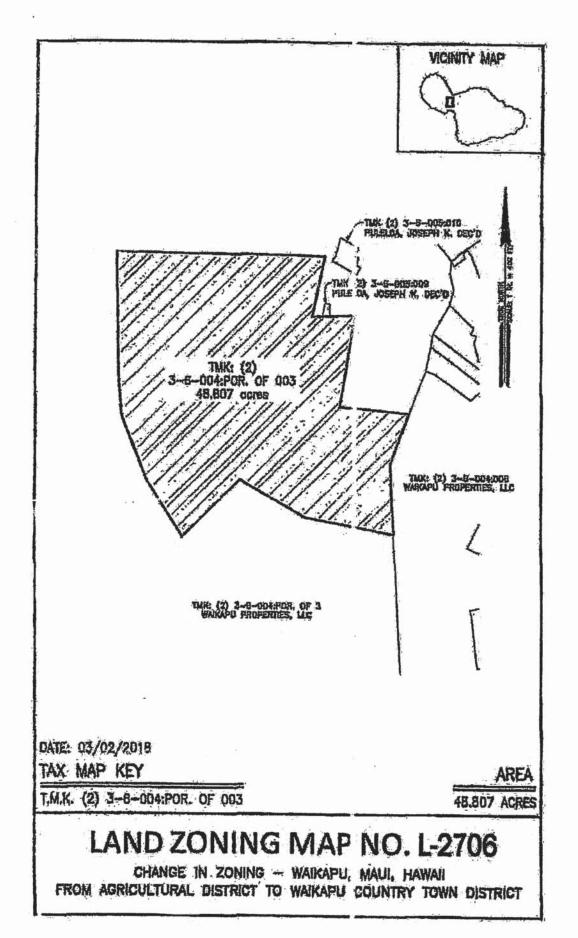
Waiale Park (Large-Lot) Subdivision, Portion of Lot 2

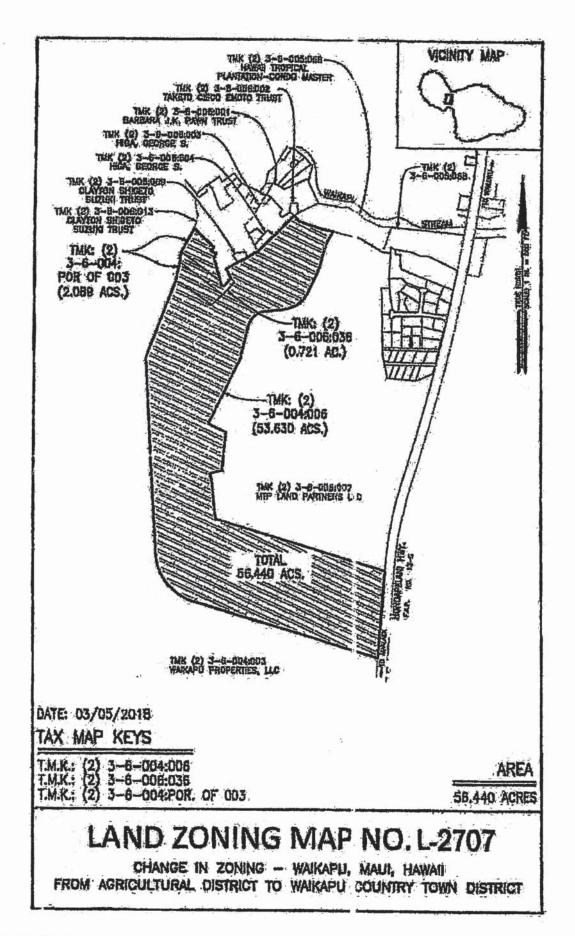
Page 5 of 5 Pages

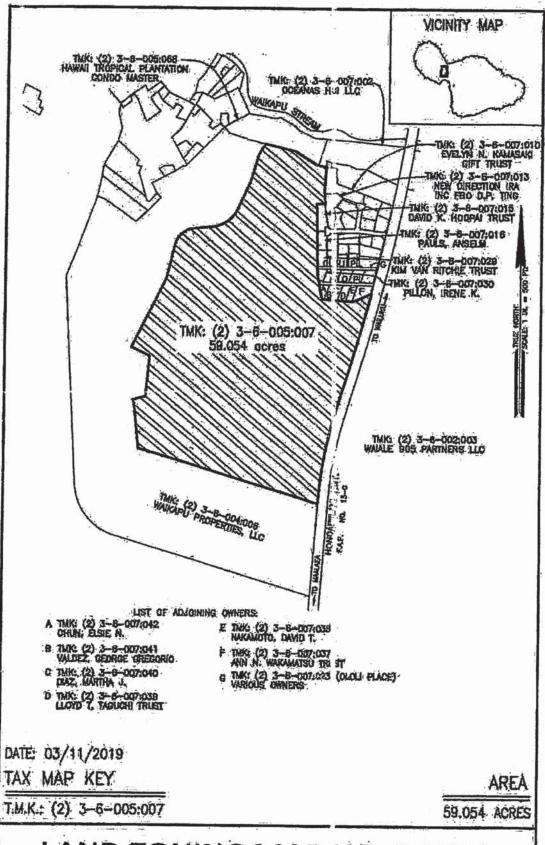
EXHIBIT "2"

Land Zoning Map









LAND ZONING MAP NO. L-2708

CHANGE IN ZONING — WAIKAPU MAUI, HAWAII
FROM WAILUKU—KAHULUI PROJECT DISTRICT 5 (MAUI TROPICAL
EXHIBIT PLANTATION (PD-WK/5) TO WAIKAPU GUUNTRY TOWN DISTRICT

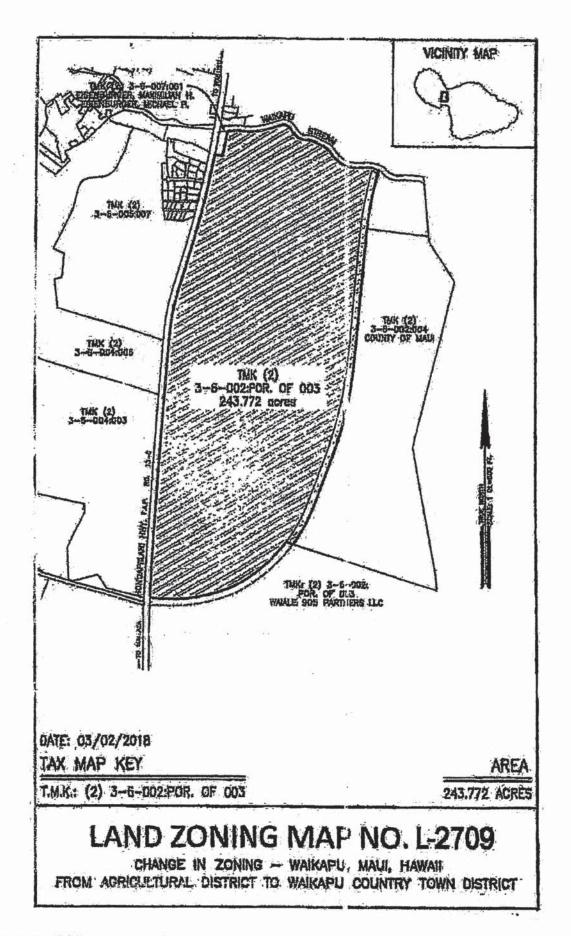


EXHIBIT "3"

..... Conditions of Zoning

EXHIBIT "3"

CONDITIONS OF ZONING

As it relates to the following conditions, "Landowners" means Waikapu Properties, LLC; MTP Land Partners, LLC; the William S. Filips Separate Property Trust dated April 3, 2000; Waiale 905 Partners, LLC; and any future owner or lessee.

- 1. Transportation State Department of Transportation, Highways Division (SDOT-H).
 - E. Landowners shall mitigate all Project-generated traffic impacts as required by the SDOT-H. Landowners shall enter into an agreement regarding the scope and timing of equired traffic improvements to mitigate the traffic related impacts of the project on SDOT-H facilities as generally indicated in the project's Pro Rata Share Calculations for Waikapu Country Town Project dated June 29, 2018, as approved by SDOT-H. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.
 - Landowners shall fully fund project intersections with Honoapiilani Highway only at the Main Street Intersection (also referred to as Study Intersection #9 in the TIAR/EIS) and at the Waiale Road Extension Intersection (also referred to as Study Intersection #13 in the TIAR/EIS.) Landowners are solely responsible for funding the Main Street and Waiale Road Extension intersection improvements.
 - c. Landowners shall conduct an aralysis of the suitability of a roundabout at the required Honoapillani Highway and Main Street Intersection. Landowners shall transmit its analysis with findings to the SDOT-H; County of Maui, Department of Planning (Department); and the County of Maui, Department of Public Works (DPW). The SDOT-H shall determine if such a roundabout or traffic signal must be funded by Landowners.
 - d. Landowners shall provide pedestrian crossings on Honoapiilani Highway at the intersections of Main Street and Waiale Road Extension, and ensure that the development layout provides pedestrian routes to these pedestrian crossings.

SDOT-H will confirm compliance with this condition.

2. Transportation - State Department of Transportation, Airports Division (SDOT-A). Landowners shall work with SDOT-A to confirm compliance with the Federal Aviation Administration or other relevant government agency's

guidelines and regulations regarding aircraft passage or airport operations at the Kahului Airport.

Transportation – DPW.

- a. Landowners shall conduct a pro rata traffic share study for the Waiale Road Extension and transmit it to DPW for review and approval prior to the County's approval of the first subdivision application for the project. The pro rata share study shall evaluate the project's percentage of future vehicle trips on the Waiale Road Extension from Waiko Road to Honoapiilani Highway.
- Landowners shall enter into an agreement with DPW regarding the ь. project's pro rata share contribution to the Waiale Road Extension from Waiko Road to Honoapiilani Highway. The agreement shall determine the project's pro rata share of the total anticipated costs for design and construction of the future Waiale Road Extension and the methods and timing by which the payments or similar contributions are made. The agreement will also consider the project's actual traffic generated insomuch as any reductions or increases in traffic than originally estimated may reduce or increase the pro rata share in the future. Further, Landowners shall deed the Waiale Road Extension right-ofway to DPW, upon demand, the value of which shall not be considered towards the pro rata share used in the agreement. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project. D'W shall confirm compliance with this condition.
- 4. Stormwater Management and Drainage. Landowners shall maintain existing drainage patterns to the maximum extent feasible and shall implement Best Management Practices (BMPs) to: a) minimize infiltration and runoff from construction and vehicle operations, b) reduce or eliminate the potential for soil erosion and ground water pollution, and c) formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health (DOH) and County of Maui guidelines, ordinances and rules. The BMPs shall include a program for the maintenance of drainage swales within the Project Trea. The design of drainage improvements and maintenance approved by the DPW shall not increase runoff from the Project Area as a result of an increase in impervious surfaces. The DPW shall confirm compliance with this condition.
- 5. Residential Workforce Housing. Landowners shall provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements. The required number of residential workforce housing units as determined by the County of Maui shall be completed according to a timetable associated with the issuance of building permits for market-rate dwelling units as required by the Maui County Code and as agreed to by the Department of Housing and Human

- Concerns. Landowners will not seek project approvals authorized by Chapter 201H, Hawaii Revised Statues, or similar project approvals for this project.
- 6. Wastewater. Landowners shall participate in the funding and construction of adequate private or public wastewater facilities for the Project Area. The wastewater facilities shall be in accordance with the applicable standards and requirements of the DOH and the County of Maui as applicable. If Landowners' proposed wastewater facilities are to be located within the State agricultural districts, Landowners shall apply for a State Special Permit in accordance with the provisions of Chapter 205, Hawaii Revised Statutes (HRS). If Landowners desire to request ar initial or interim connection to County wastewater facilities for any dwellings, an agreement must be made to the satisfaction of the Department of Environmental Management and other applicable agencies prior to the issuance of any building permit. County or private operable wastewater facilities must be available to serve any use or structure prior to the issuance of the building permit for such use or structure.
- 7. Air Quality. Landowners shall participate in an air quality monitoring program as required by the DOH.
- 8. Iducation Contribution Agreement. Lancowners shall contribute to the development, funding, and construction of school facilities in compliance with the Educational Contribution Agreement for Waikapu Country Town, undated but executed as of January 31, 2017, entered into by Landowners and the Department of Education. Landowners shall ensure that prospective buyers, purchasers, and subsequent owner-builders of lots are given notice of the requirement to pay the Central Maui District Impact Fee in accordance with the Educational Contribution Agreement. Such notice shall be recorded and run with the land.
- 9. Energy Conservation Measures. Landowners shall implement measures to promote energy conservation, sustainable design and environmental stewardship including the use of solar water heating and photovoltaic systems for on-site infrastructure systems, residential, commercial, and civic uses. Solar water heating systems shall be required for new single-family residential construction per Section 196-6.5, Hawaii Revised Statutes. Landowners shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners in the Project Area. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.
- 10. Water Conservation Measures. Landowners shall implement water conservation measures and BMPs such as the use of indigenous plants and as required by the County of Maui. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.

- 11. Water System. Landowners shall participat: in the funding and construction of adequate private or public water source, storage, and transmission facilities to accommodate the proposed uses for each subdivision in the Project Area in accordance with the applicable standards and requirements of the DOH and the County of Maui, with plans submitted for approval by the appropriate agency. Landowners shall coordinate with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapu aquifer. Further, Landowners shall submit such information to the Department of Water Supply as may be requested to reflect changes in water demand forecasts and supply for the proposed uses in accordance with the County of Maui's Water Use and Development Plan. Compliance with this condition shall be confirmed by the Department of Water Supply.
- 12. Street Lights. Landowners shall use fully shielded street lights within the Project Area to avoid impacts to avifauna and other wildlife populations and to prevent light diffusion into the night sky.
- 13. Sirens. Landowners shall fund and install three (3) civil defense warning sirens as specified by and in the locations identified by the State Department of Defense according to a timetable agreed upon by the State Department of Defense.
- 14. I arks. Landowners shall comply with the park dedication requirements of the County of Maui. Landowners shall rrovide a park construction and phasing plan approved by the Department of Parks and Recreation, DPW, and Department of Planning, which shall be in ε ccordance with the Maui County Code. Landowners shall develop parks and recreational areas that may be used by all ages and are not used primarily as water retention basins.
- 15. Established Gathering and Access Rights Protected. Pursuant to Article XII, Section 7 of the Hawaii State Constitution. Landowners shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Project Area to exercise subsistence, cultural, gathering, and religious practices or for access to other creas for such purpose.
- 16. Agricultural Easement. Landowners shall submit to the Department an executed copy of the conservation easement or relevant instrument for 877.50 acres of adjacent agricultural lands as represented to the State of Hawaii Land Use Commission and to the County of Maui and depicted in Exhibit "1" prior to the first final subdivision approval. No dwelling or structure shall be constructed or used for residential or dwelling purposes, including farm dwellings, farm labor dwellings and farm worker housing, on the agricultural lands that are subject to the agricultural easement or conservation easement, and such easement shall include this restriction. On the lands that are subject to the conservation easement, there shall be no animal hospitals and animal board facilities; riding academies; open land recreation uses, except that farm tours are allowed; parks for public use; and family child care homes.

The following non-commercial open land recreation uses are allowed along the fifty-foot perimeter of the preserve: hiking, equestrian activities, greenways, mountain biking, and accessory restroom facilities. Landowners shall not seek county special use permits for open land recreation activities in the area subject to the conservation easement. There shall be no commercial agricultural structures, except farmer's markets and agricultural product stands in the area subject to the conservation easement. If any development is proposed in the area subject to the conservation easement or relevant instrument, Department of Land and Natural Resources State Historic Preservation Division (DLNR-SHPD) shall first determine whether an archaeological inventory survey shall be provided by Landowners for such area. Landowners shall notify the Department of any proposed development within the conservation easement lands and any determination made by DLNR-SHPD. Landowners shall supply adequate water for agricultural use in the areas subject to the conservation easement, to the maximum extent feasible. There shall be no removal of sand classified as Qdo in the USGS Mineral Resources Spatial Data as older dune deposits (Holocene and Pleistocene), from property identified for real property tax purposes as tax map keys (2) 3-6-002:003 and (2) 3-6-002:001.

- 17. Notification of Agricultural Use. Landowners, and all subsequent owners, shall disclose to developers, purchasers, and lessees of the provisions of Chapter 165, Hawaii Revised Statutes, the Hawaii Right to Farm Act. The notice and disclosure shall be a part of any conveyance document such as a deed, lease, or agreement of sale. The notice and disclosure shall contain at least the following information: a) that the developers, purchasers, and lessees shall not take any action that would interfere with or restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent lands in the State Land Use Agricultural District; and b) that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands. For the purpose of this condition, the term "farming operations" shall have the same meaning as provided in Section 165-2, Hawaii Revised Statutes.
- 18. Archaeological and Historic Sites. Landov ners shall provide the following prior to any ground disturbance, including the issuance of grading or grubbing permits, as agreed upon with DLNR-SHPD's acceptance of Landowners' Archaeological Inventory Survey: a) Archaeological monitoring for all ground disturbing activities pursuant to a DLNR-SHPD approved monitoring plan, which shall include data recovery of archaeological and historic sites; b) If site 50-50-04-5197 (Waihee Ditch) is impacted by the Project, it will be further documented in consultation with DLNR-SHPD; c) If any development is proposed for the area to be dedicated to agriculture, DLNR-SHPD shall be notified and will make a determination on whether an archaeological inventory survey is to be provided by Landowners; d) Landowners shall submit a preservation plan to DLNR-SHPD for two (2) sites: the irrigation features (Site 50-50-04-7884) and the WWII bunker (Site 50-50-

04-7883); and e) If there is an inadvertent discovery of single or multiple human skeletal remains, Landowners shall provide written consent to DLNR-SHPD extending for at least 30 days the statutory timeline outlined in Section 13-300-40, Hawaii Administrative Rules. The preservation plan shall be submitted to the DLNR-SHPD for review and acceptance prior to any ground disturbance in the vicinity of the two (2) sites. Landowners shall comply with all interim and permanent mitigation and preservation measures required by DLNR-SHPD. Landowners shall provide verification to the Department that DLNR-SHPD has determined that all required historic preservation measures have been implemented. Landowners shall notify DLNR-SHPD prior to the first ground disturbance activity.

- 19. Cultural. Landowners shall consult with those persons known as Waikapu Stream South Kuleana Loʻi Kalo Farmers and Hui o Na Wai Eha to minimize the impacts on their traditional customary rights and practices from any development in the Project Area. Additionally, Landowners shall grant access easements over the appropriate portions of the Project Area in favor of the owners of the Mahi-Puleloa parcels, identified as LCA 2944:3 to Ehunui (TMK: (2) 3-6-005:010) and as Grant 1513 to Ehunui (TMK: (2) 3-6-005:009) and in favor of the owners of the Kauihou parcels, identified as LCA 3340:1 (por.) to Nahau (TMK: (2) 3-6-005:067), as LCA 3103 to Kalawaia (TMK: (2) 3-6-005:014) and as LCA 3110:3.2 to Kuolaia (TMK: (2) 3-6-005:066). The easements shall be recorded and run with the land.
- 20. Endangered Species. Landowners shall implement the following procedures to avoid potential impacts to endangered species: a) Landowners shall not clear dense vegetation, including woody plants greater than fifteen feet (15 ft.) in height, along the periphery of the Project Area during the period from June to September 15 of each year, which is the time that the Hawaiian hoary hat may be carrying young and thus could be at risk from the clearing activities; b) landowners shall consult with the United States Fish and Wildlife Service to determine measures needed with regard to the endangered Blackburn's Sphinx Moth and shall implement such measures in connection with the development of the Project Area; and c) for any nighttime work required during any construction within the Project Area and for long term features, exterior lighting shall be shielded so as to reduce the potential for interactions of or disturbance to Hawaiian Letrels and Newell's Shearwaters.
- 21. Development in Compliance with Maui Island Plan. Landowners shall develop the Project in substantial compliance with the Planned Growth Area Rationale and goals, objectives, policies, and implementing actions described in the Maui Island Plan for the Project identified as "Waikapu Tropical Plantation Town."
- 22. Infrastructure Deadline. Landowners shall complete construction of the backbone infrastructure, which consists of primary roadways and access points; internal roadways; on-site and off-site water, sewer, and electrical system improvements; and stormwater and drainage and other utility

- improvements within ten (10) years from the date of the first final subdivision approval.
- 23. Compliance with Representations to the Maui County Council. Landowners shall develop the Project Area in substantial compliance with the representations made to the Maui County Council in its approval of the subject change in zoning. Failure to develop the Project Area in accordance with such representations may result in enforcement, including reversion of the Project Area to its former zoning and community plan classifications.
- 24. Annual Reports. Landowners shall provide the Department an annual report on the status of the development of the Project Area and Landowners' progress in complying with the conditions imposed herein. The first annual report shall be submitted within one (1) year of the effective date of the CIZ ordinance, and subsequent reports shall be submitted annually on or near the same date.
- 25. The Project Area's Agricultural Master Plan, as set forth in Chapter III, Section 5 of the project's Final EIS identifies an agricultural preserve that is subject to an agricultural conservation easement, and a balance of approximately 270 acres that is mauka of Honoapiilani Highway, for which the zoning remains griculture. The approximately 270-acre area is depicted in Exhibit "2" as being a portion of Lot 6 and identified as the Mauka Agricultural Lands. The use of the 270-acre area is restricted to the permitted principal uses in the County's Agricultural District and to only the following accessory uses: two farm ewellings per lot, one of which shall not exceed 1,000 square feet of cevelopable area; storage, wholesale, and distribution facilities associated with agriculture in the County; processing of agricultural products; smallcale energy systems; small-scale animal-keeping; non-commercial open land recreation uses; and other uses that primarily support a permitted principal use, provided that such uses shall be approved by the appropriate planning commission as conforming to the intent of the County's Agricultural District. Landowners shall not seek county special use permits; state special permits; or approvals under Chapter 201H, Hawaii Revised Statutes. If subdivided, the 270-acre area shall consist of no more than five lots. Landowners shall record with the bureau of conveyances, or land court, as appropriate, this condition on property identified for real property tax purposes as tax map key (2) 3-6-004:003, as pertaining to the 270-acre area and provide proof of recordation to the Maui County Council prior to the first final subdivision approval, and such condition shall run with the land and bind all future owners or lessees of the area.
- 26. Landowners shall, prior to the first final sundivision approval, implement as described the following priority projects in the Integrated Natural-Cultural Resource Preservation & Management Plan dated June 2019, and attached as Exhibit "3":
 - A. Waikapū Watershed Management

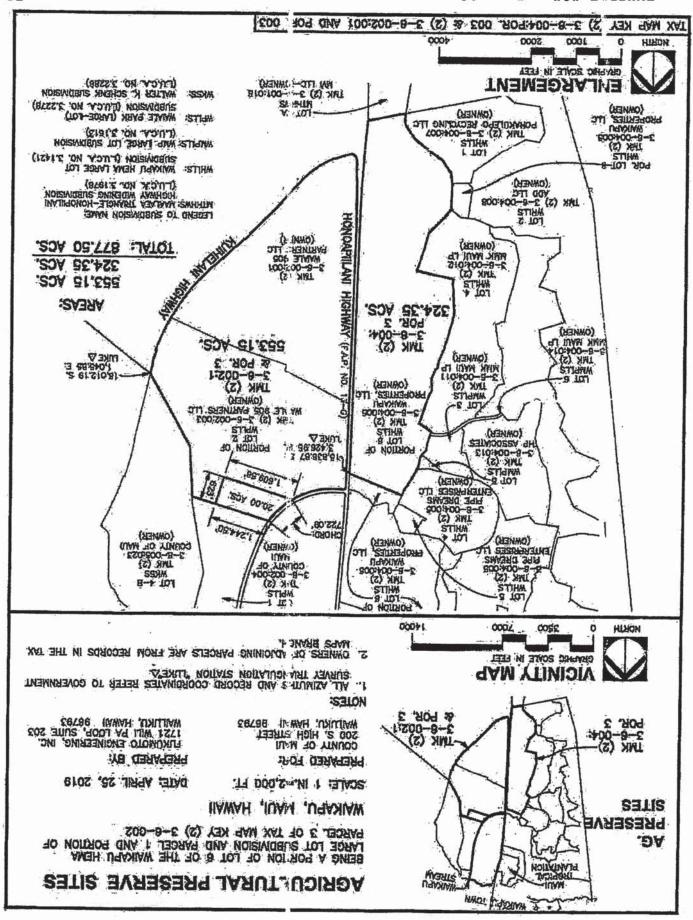
- 1. Priority Project #1 prepare and initiate implementation of the 5-year Integrated Waikapū Watershed Management Plan.
- 2. Priority Project #2 establish the Mauna Kahalawai Watershed Partnership Perpetual Fund when a homeowners' association is established and generating revenue from residents and businesses within the Project Area.

B. Waikapū Stream

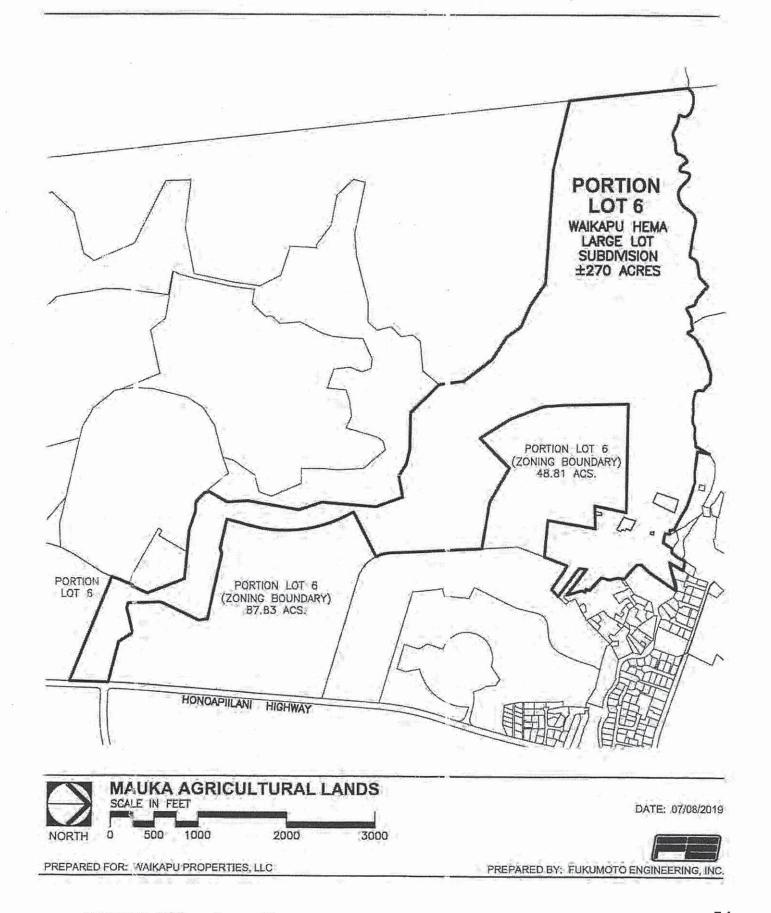
- 1. Priority Project #1 comply with instream flow standards and State water use permits.
- 2. Priority Project #2 support the kuleana 'auwai restoration in South Waikapū to the extent practicable.

C. Land and Cultural Resources

- 1. Priority Project #1 develop and nitiate implementation of a plan to ensure access to the Waikapū Valley for Native Hawaiian traditional and customary practices and gathering while controlling access to the general public to protect natural and cultural resources.
- Priority Project #2 Establish access easements for the two Mahi kuleana parcels
- 3. Priority Project #3 Establish the Waikapū Cultural Preserve, Cultural Corridor and Riparian Buffer and fund its management.
- 4. Priority Project #4 Integrate Waikapū ethnohistorical resources throughout the Project Area.
- 27. Landowners shall submit all street names in the Project Area for review and approval to the Public Works Commission. Streets in the Project Area shall be named in consideration of traditional land divisions, trade winds, and other natural and cultural factors relevant to the Project Area.

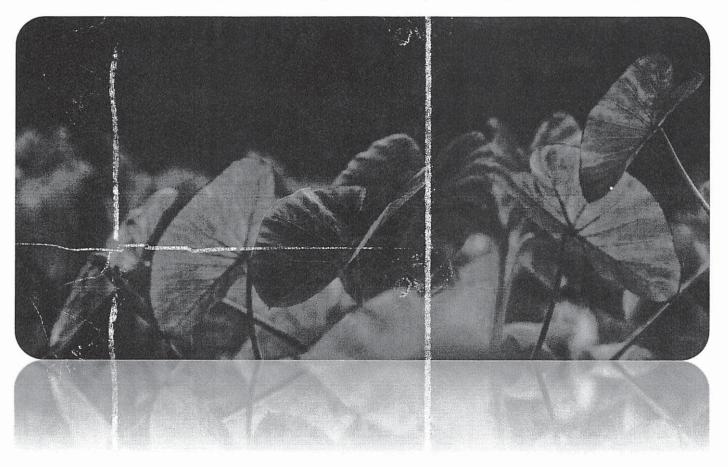


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Integrated Natural-Cultural Resource Preservation & Management Plan

A Framework for Protecting, Enhancing and Stewarding the Natural & Cultural Resources of Waikapū set forth by the Waikapū Country Town Development



Prepared for
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1.1 HO'ULU'ULU MANA'O KO'IKO'I - EXECUTIVE SUMMARY

As the largest land owner of agricultural, conservation, rural and urban zoned land in the ahupua'a of Waikapū, Waikapū Properties, LLC & Wai'ale 905 Partners, LLC are committed to responsible land stewardship and the protection of cultural and natural resources. It was consistently recognized throughout the Waikapū Country Town (WCT) 2016 Environmental Impact Statement (EIS) along with the 2014 Cultural Impact Assessment (CIA) and 2016 Ka Pa'akai Analysis, that the ahupua'a of Waikapū has an extensive pre and post-western contact cultural history in addition to vast natural and cultural resources. Waikapū Properties, LLC & Wai'ale 905 Partners, LLC acknowledge their obligation to preserving and managing these cultural assets as well as the need to formalize collaborations with key stakeholders such as Native Hawaiian lineal and cultural descendants of Waikapū, Waikapū community members, environmental-based stewardship organizations and educational institutions.

Waikapū Properties, LLC & Wai'ale 905 Partners, LLC play a critical role in the caring for and protection of natural resources and cultural landscapes within their land asset portfolio, both within and adjacent to the WCT development project. These lands are an important part of the overall cultural identity and future well-being of the ahupua'a of Waikapū. Therefore, developers requested that an Integrated Natural-Cultural Preservation and Management Plan for the Waikapū Country Town Project be completed and to be used as a framework for protecting, enhancing and stewarding the natural and cultural resources in Waikapū.

The Cúltural Impact Assessment and Ka Pa'akai Analysis were comprehensive documents that identified all of the historical, natural and cultural resources of Waikapū within the greater context of the moku of Wailuku, also known as Pū'ali Komohana and Nā Wai 'Ehā. This plan developed an expanded approach in addressing key conditions set forth by the LUC (Land Use Commission) as well as concerns that were brought forth throughout the planning, entitlement and community outreach process. Engagement with key stakeholders greatly assisted in providing clear strategies and implementation measures that align with sus ainable stewardship practices throughout the Waikapū ahupua'a, while putting forth priority projects that enhance the natural and cultural resources of Wa kapū and mitigate any adverse impacts.

The Integrated Natural-Cultural Resource Preservation and Management Plan is strongly tied to and in alignment with the 'ōlelo no'eau or Hawaiian proverb; 'O ku'u 'āṇa ku'u kulāiwi – My land is my homeland. I have a responsibility to love and care for the land and those who came before to serve this place and its people. This innovative plan will be a leading example and model of sustainability, in addition to how communities both new and old, can collaboratively work together to protect and steward the natural and cultural resources within their ahupua'a. Lastly, this plan will be a living document that is incorporated throughout all phases of the Waikapū Country Town Development as a way to increase community engagement and 'āina-based stewardship.

Three guiding principles have been established as a means to demonstrate a strong pilina (relationship) with each other and the ability to wili (intertwine) throughout the Integrated Natural-Cultural Resource Preservation and management plan. The guiding principles are defined below.

- I. Ho'okuluma: to be accustomed to or with; to develop an intimate relationship or understanding to 'āina.
- II. Ho'oulu: to protect; to preserve; to restore life back into; to increase productivity; to make thrive.
- III. Ho'okuleana: to bring under the care and protection of to steward; to be responsible; to sustain.

1.2 PROJECT BACKGROUND

Waikapū Country Town is a new mixed-use housing development being proposed by Waikapū Properties. LLC & Wai'ale 905 Partners, LLC. It will be situated on lands within and surrounding the Maui Tropical Plantation (MTP) and adjacent to the existing historic town of Waikapū. The development project will encompass approximately 500 acres of land and include rural lots, single family lots, cottage town houses, country town mix use, commercial, parks, open space, school and other permitted uses. 1,021 acres will remain in agriculture of which 877 acres will be protected in perpetuity under an agricultural conservation easement with the Hawaiian Islands Land Trust. In addition to protecting important agricultural lands, is the establishment of a 50 acre cultural preserve which will protect highly sensitive pre-western contact kuleana parcels and the Waikapū Stream. There were over 50 Kuleana Land Commission Awards (LCA) and Government Grants awarded to Native Hawaiians during the Great Māhele (1848), prior to any plantation and commercial uses of the proposed project area. Around 36 of these kuleana parcels were compromised during the plantation era, however, many are still intact as they were prior to western contact. Thus, it was imperative to protect these culturally sensitive lands in perpetuity by placing them in a cultural preserve to be managed in the future by a Waikapū-based community organization with a robust management and stewardship plan. Majority of the Waikapū watershed, located in both the Hana'ula and Kapilau Mountain Range, is owned by Hana'ula Ranch, LLC, which is co-owned by a partner of Waikapū Properties, LLC. Although the Waikapū Country Town development is not within the 3,425 conservation parcel, the nearest subdivision is \% of a mile away from the conservation boundary. Due to the sensitive nature and rarity of Waikapū's native flora and fauna, as well as invasive species control, it is important to include protective measures and management strategies to have in place for Hana'ula Ranch, LLC as part of the Integrated Natural-Cultural Resource Preservation & Management Plan.

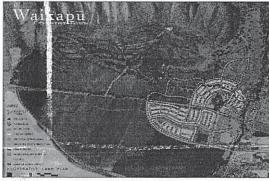


Figure 1: WCT Development Map Land Assets -2019 (Pre-Development) Commercial Maui Tropical Plantation Maui Tropical Plantation 50.054 acres (1%) Residential Waikapū Properties LLC Wai'ale 905 Partners Waikapū Properties LLC Hana'ula Ranch LLC 2.078 acres (0%) Agriculture Waikapū Properties LLC Wai'ale 905 Partners 1,517.12 acres (30%) Conservation ana'ula Ranch LLC 3,425 acres (59%) ■ Agricultural ■ Residential **■** Commercial

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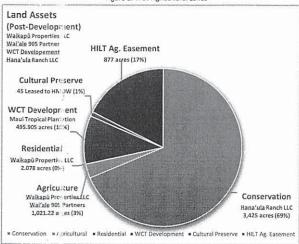


Figure 4: Land Asset Model (Post-Development)

Figure 3: Land Asset Model (Current State)

1.3 WAIKAPŪ I KA MAKANI KOKOLOLIO - A BRIEF HISTORICAL OVERVIEW OF WAIKAPŪ

Waikapū is the first ahupua'a (land division) in the greater moku (district) of Wailuku or Pū'ali Komohana, poetically known as Nā Wai 'Ehā. Hana'ula and Kapilau are the mountain ranges in Waikapū, both of which are part of the overall West Maui Mountains, or today known as Mauna Kahālāwai. The traditional palena 'āina (boundaries) of Waikapū encompass 15,684 acres from mauka to makai (mountain to the sea). Commencing north of Waikapū Stream along the ridges of Kapilau, the boundary line descends at Kalapaoka'īlio Ridge to Pōhāko'i, a known hoana (grinding stone) near the intersection of Ku'ikahi and Honoapi'ilani. It subsequently moves east to Ka'opala, located adjacent to the Central Maui Base Yard. From there, it follows south along Mokulele Highway to a point called Kīheipūko'a close to the Sugar Beach Condominiums. The boundary follows a westward

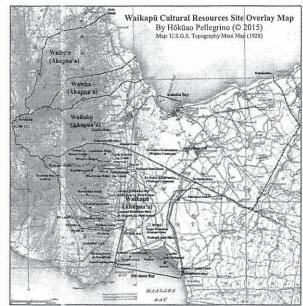


Figure 5: Waikapū Cultural Landscape Map - Hōkūao Pellegrino (2015)

approach along the coast of Mā'alaea Bay and loko wai (wetlands) of Keālia to Kapoli, a spring once existing next to Buzz's Wharf Restaurant and in the 'ili (subdivision) of Mā'alaea. From Kapoli, the line veers northwards along Honoapi'ilani Highway to once prominent cinder cone and transit point, called Pu'uhele. The Waikapū boundary points culminate westward from Pu'uhele along a line of four additional storied cinder cones in the Hana'ula mountain range named Pu'uhona, Pu'ulū'au, Pu'umoe and Pu'uanu.

Waikapū is known as the "waters of the conch", a legendary and storied ahupua'a deeply connected to both its natural resources and cultural landscapes. The meaning and significance of its name derives from the mo'olelo (story) about Puapualenalena, a mischievous and magical dog who stole a pū (conch shell) from a guarded cave in the valley of Waikapū.

The landscape of Waikapū i ka makani Kokololio (Waikapū of the gusty wind) is highly diverse and includes extensive natural, cultural and water resources. The coastal region and nearshore fisheries at Mā'alaea Bay was once an expansive resource that greatly assisted in sustaining Hawaiians living throughout the Waikapū ahupua'a. The wetlands and ancient inland fishpond of Kēalia provided a habitat for native aquatic species, also another important food source. However, Keālia was truly known for their mo'o

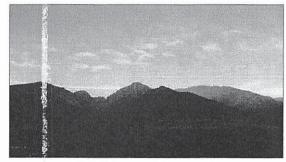


Figure 6: Kapilau & Hana'ula Mountain Ranges, Waikapū - Hōkūao Pellegrino (2017)

paka'ai or salt ponds in which Hawaiians produced some of the highest grades of pa'akai (salt) on Maui. Included in Waikapū, was a large portion of Kama'oma'o or the central isthmus and plains. There, existed a diverse native shrub land along with a portion of the Nā Wai 'Ehā pu'u one or sand dune system. Interred in the sand dunes were iwi kūpuna (bones of ancestors) of former residents of Waikapū, the greater Nā Wai 'Ehā and possibly those who had fallen in the many infamous battles that took place there, both of ali'i and maka'āinana class. Mauka or inland of the dunes were deep interior valleys, gulches and alluvial planes, which were of great importance to mahi'ai or farmers who cultivated both wetland and dryland

Polynesian introduced food crops (i.e. kalo - taro, 'uala – sweet potato, mai'a - banana, 'ulu - breadfruit, kō - sugarcane, niu - coconut, wauke – paper mulberry, pū hala – pandanus).

The Waikapū Stream was and continues to be one of the most important features and an invaluable cultural resources of the Waikapū ahupua'a. A kupuna (elder) of Waikapū, the late Mr. Solomon Viela, shared stories about a valley and tributary called Kalena which feeds into the main Waikapū Stream. This valley and water source can be found on documents and maps dating back as early as 1888. Mr. Viela talked about his childhood days in the 1930s and 40s and how he spent time in the area known as Kalena, a storied place very dear to him. Thousands of years ago and prior to the arrival of Polynesians in Hawai'i, Waikapū Stream veered north and flowed into Kahului Bay. This flow created a narrow break in the coral reef, allowing modern day ships to naturally and safely enter into the



Figure 7: Walkapū Stream - Hōkūao Pellegrino (2016)

bay. For at least the last two thousand years, Waikapū Stream flows south through Kama'oma'o and into the loko wai of Keālia. This mauka to makai flow enabled Keālia to become the largest wetland on Maui. Being that it was a perennial stream, native aquatic species such as 'o'opu, 'ōpae and possibly hīhīwai were once commonly found. When Keālia becomes full of water, the estuary of Palalau will naturally open and water from the pond exits into Mā'alaea Bay.

The watershed of Waikapū sustained a biodiverse dryland, mesic and wet forest. The abundance of endemic and indigenous plants allowed for rain to be captured and maintained within the Waikapū Stream. Forests included an abundance of native birds, insects, snails and mammal species. Hawaiians utilized native plants for a multitude of traditional purposes. Some examples of plants used were; olonā, a wet forest plant used for making cordage; koʻokoʻolau and māmaki, used for lā'au lapa'au (herbal medicine) and wiliwili, used for recreational activities such as surfing.

Located along the Hana'ula mountain range and immediately below the dry gulches of 'Oawakilikā, Pale'a'ahu and Ka'onohua, a prominent Hawaiian settlement and agricultural complex was found during the development of the King Kamehameha and Kahili Golf Courses in the early 1990s. Archaeologists who studied the area documented over 100 sites that included burials, temporary and permanent shelters, heiau and stone wall enclosures and features related to a once extensive dryland agricultural field system. No other dryland agricultural sites of this magnitude have been discovered in any other ahupua'a in Nā Wai 'Ehā. Carbon dates conclude that this area was settled and utilized by Hawaiians around the 12th century or 13.00 AD and probably predate any development of intensive wetland agricultural systems commonly found throughout the Waikapū Valley.



Figure 8: Koʻokoʻolau in Waikapū Valley - Hōkūao Pellegrino



Figure 9: Kamehameha Golf Course - Hōkūaao Pellegrino

The Great Māhele of 1848 was a process that paved the way for lands in Hawai'i to be divided, claimed and privately owned by both Hawaiians and foreigners for the first time ever. Lands that were being cultivated by hoa'aina or Hawaiian tenants were called kuleana lands. There were over 100 kuleana lands in Waikapū, located around the coastal region of Mā'alaea and Keālia as well as the current Waikapū historic town, stream and valley. Those large tracts of lands unclaimed lands were retained by the Hawaiian Kingdom under the Board of Education. Waikapū consisted of over 30 'ili (traditional subdivisions). Awarded kuleana lands included claims for traditional lo'i kale and māla (wetland and dryland systems), 'auwai (irrigation) ditches), heiau (religious structures), hale (house lots), pūnāwai (springs), koʻa (fishing shrines), moʻo paʻakai (salt ponds), loko wai (inland fish ponds), alanui (trails), ana (caves), pu'e one (sand dunes), and lua kupapa'u (burial sites), holoholona (penfor raising animals), lawai'a (fisheries), lua kupapa'u (burial sites / graves). Something quite unique to Waikapū were the numerous claims of lo'i pa'ahao (prison taro patches), lo'i Po'alima (Friday taro patches) and lo'i aupuni (government taro patches). Māhele maps and documents specify that over 1,400 lo'i kalo on around 1,000 acres were awarded. The method of wetland kalo cultivation contributed to the greater agricultural system of Nā Wai 'Ehā, making it the largest contiguous kalo growing region Hawai'i.



Figure 10: Part of 1894 Map of Waikapū - Hōkūao Pellegrino



Figure 11: Waikapū lo'i kalo - Hōkūao Pellegrino

Waikapū along with the other three ahupua'a in Nā Wai 'Ehā, were colonized very early on by westerners. Foreign interests in the land tenure and the water resources of Waikapū grew rapidly, especially knowing that traditional ditch systems were able to convey the water needed for early development of an industry that would forever change the landscape of Hawai'i. Though highly debated, it was thought that Waikapū was home to one of the earliest sugar plantations and processing mills in the islands, established by an Italian named Antone Catalina, around the year 1823 who made molasses. Catalina was also known as the first person to bring in cattle to Waikapū. Soon to follow, was the formation of the Waikapū Sugar

Plantation Co. in 1862 by James Louzada and brother-in-law Henry Cornwell. A large processing mill was built on the 'ili of Wahineomā'ili as seen in the picure above. In 1890, Waikapū Sugar Co. was consolidated under Wailuku Sugar Co. There were four main plantation camps in Waikapū associated with Wailuku Sugar Co.; Kimura, Pu'uhele, Hayashi and Waikapū Camp. Vast acres of sugar cane fields along with a mill, camps ad plantation infrastructure dominated a former cultural landscape once filled with verdant lo'i kalo, native forests, Hawaiian thatched hale and a beautiful stream flowing through it all.

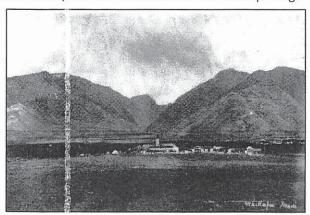


Figure 17: Waikapū Sugar Plantation, circa 1884 - Maui Historical Society

Waikapū drastically changed during the plantation era becoming a diverse and bustling little town both under the rule of the Hawaiian Kingdom and Territory of the Unites States. At the top of West Waikō Road was the former Cornwell Estate who were associated with the Waikapū Sugar Co. Both King David Kalākaua would frequent the estate to rest and gamble at times during his visits to Maui. His sister, Queen Lydia Lili'uokalani also spent time at the Cornwell Estate during her circuit around the island. Many foreigner visited the estate, such as Mark Twain (Samuel Clemens) who wrote about his love for the quaint village lifestyle and Maui. Lined up along the main road (now Honoapi'ilani Highway) and on West Waikō Road were drygood, grocery and liquor stores, Sakamoto and Ah Fatt Store being one of the most well-known of them all. Throughou the towr, there were three different congregational churches: Waikapū Protestant Church (Old Government Road), Waikapū Mormon Church (West Waikō Road) and St. Joseph Catholic Church (Honoapi'ilani Highway). For recreation, there was an open air theatre that played mainly Japanese films and a famous horse race track where the current Waikapū Gardens subdivision is located. Adjacent to the Waikapū Protestant Church was Waikapū Elementary School, later to be consolidated with Wailuku Elementary School. In the coasta region of Waikapū near the fishing village of Mā'alaea, the very

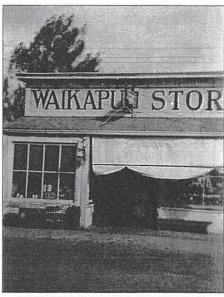


Figure 13: Waikapū Store, circa 1930 - Maui Historical Society



Figure 14: Ah Fat Store Sign - Hōkūao Pellegrino (2019)

first commercial airport on Maui was built in 1929, named Mā'alaea Airport. Amelia Earhart landed there in the early 1930s prior to the airport being closed in 1938 due to high winds, close proximity to the West Maui Mountains and inadequate runway space for larger planes. During World War II, there was a major training facility in the Keālia-Mā'alaea region, as well as military facilities that included an infirmary and barracks in the main part of town. Beginning in the early 1900s, the Rogers family raised cattle, pigs, chickens and established a butchery while the Vida family who are descendants of the Shaw and Cockett genealogy, were known for their perpetuation of a very important cultural practice of raising pigs and preparation of kālua pig.

A once dominant native landscape and sustainable Hawaiian community in Waikapū almost seems nonexistent. Many important cultural sites are long gone while those remaining are challenged to survive by the influx of both environmental and human impacts. A few examples of sites that have been and continue to be impacted over the course of the last 200 years are provided below.

- Kapoli Spring in Mā'alaea has dried up and was built over by harbor development and infrastructure.
- Pu'uhele has been completely excavated and used as a dump for commercial construction waste.
- 75% of all lo'i kalo ag systems on kuleana lands have been plowed under for sugar cane cultivation and now built on with housing subdivisions.
- Pu'e one sand, both of which were geologically and culturally valued have since been flattened, developed on and hundreds of iwi kupuna (burials) have been disturbed.
- Keālia wetlands are being encroached upon by an eroding shoreline and disturbed by a major highway.
- Waikapū Stream, although connecting to Keālia and the ocean, still has over 25% of its stream flow diverted away from the watershed for off-stream usage.
- Native dryland, mesic and wet forest plants, mammal, bird and insect species in Waikapū have either gone extinct or are a rarity due to the spread of invasive species and feral ungulates.

Although drastic changes and impacts in the ahupua'a of Waikapū have occurred, consorted efforts are being made to connect both new and old residents to the remaining cultural and natural history and resources, while restoring a strong sense of place and identity amongst them. Remnant kuleana lands and 'auwai are now considered cultural kīpuka (oasis) in the midst of residential neighborhoods. Many are being restored to their original state allowing for traditional food crops such as kalo and 'ulu to flourish once again and become the staples that they once were. Watershed protection and stewardship is a major priority being facilitated by multiple Maui-based



Figure 15: Waikapū 'Auwai Restoration - Hōkūao Pellegrino (2004)

environmental organizations who work to ensure that native he bitats are protected and can thrive again. Waikapū Stream which truly is the center piece of Waikapū, has a lot of positive attention. A lot of effort is being made by the community and community organizations to protect its health, mauka to makai connectivity, native habitat and traditional and customary access and use. Waikapū is growing into a more diverse and active community faster than it ever has, yet the people of this place are making every attempt to bridge the richness of the Hawaiian and plantation history and lifestyle together for future generations who will call this ahupua'a home. One thing remains strong and everlasting, the makani kokololio (gusty wind) which has seen the changes throughout the times. It is a fine example of the resiliency that is currently demonstrated by those who are kupa o ka 'āina — nat ves of this land.

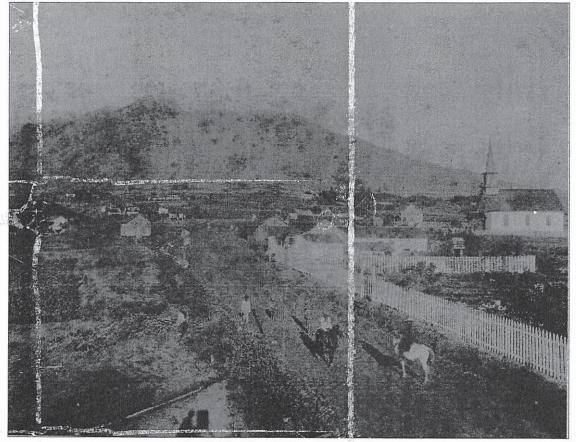


Figure 16: Waikapū Village, circa 1884 - Bishop Museum Archives

2.1 'ĀINA KUMU WAI O WAIKAPŪ - WAIKAPŪ WATERSHED

The upper Waikapu watershed falls within the mountain range of Hana'ula (4,616 ft.) and Kapilau (4,426 ft.). It is 1 of 10 watersheds and as approximately 7,900 acres or 16% of the overall Ivauna Kahālāwai Watershed, totaling 50,000 acres. The annual rainfall ranges between 10" along the southern flank of Hana'ula to around 75" at the intersection of Hana'ula and Kapilau in the Waikapū Valley. Rain accounts for providing 3-4 MGD (million gallons per day) into the Waikapū Stream, a perennial stream that culminates at the Keālia wetlands. The sustainable yield for ground water in the Waikapū aquifer is 3 MGD. There are five dry gulches along the Hana'ula Mountain Range (Kapiliiki, 'Oawakilikā, Pale'a ahu, Ka'onohea, Pōhākea) and one in the center of Kapilau



Figure 17: Waikapū Watershed - Hōkūao Pellegrino (2018)

(Kalapaoka Tlio), all of which flow intermittently during heavy rainfall events. The watershed has a mixture of montane and lowland wet forest, mesic forest, dry forest and shrubland which includes an abundance of endemic and indigenous flora and fauna. Many of the plant, bird, insect and mammal species are either endangered, locally rare, species of concern or candidate for protection. The wet and mesic forests still have an abundance of 'ōhi'a lehua (Metrosideros polymorpha), hala pepe (Pleomele auwahiensis), maile (Alyxia oliviformis) and olona (Touchardia latifolia). The dryland forest still have outliers of koai'a (Acacia koaia), wiliwili (Erythrina sandwicensis), koʻokoʻolau (Bidens app.) and 'ākia (Wikstroemia oahuensis). Many of these plant species mentioned in addition to others, were utilized for various cultural purposes by Hawaiians living in the Waikapū ahupua'a. The biological value of the Waikapū watershed continues to be important to Hawaiians. Rare and endangered aviary species such as koa'e kea (Phaethon lepturus dorothece) and nene (Branta sandvicensis) along with the 'epe'ape'a (Lasiurus cinereus semotus) an endange ed hoary bat species can also be found amongst the watershed. Invasive species such as pigs and especially deer are real and actively threatening the lower Hana'ula and Kapilau forest zones.



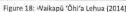






Figure 20: Wiliwili (2017)



Figure 21: Ko'oko'olau (2015)

The current land owners within the upper Waikapū Watershed are Wailuku Water Co., Hana'ula Ranch LLC, Donna and Allen Trust and the State of Hawai'i. Management of these lands is conducted by the Mauna Kahālāwai Watershed Partnership (MKWP) which oversees the entire West Maui Mountain Watersheds. MKWP conducts regular aerial and ground surveys of both native and invasive species, build and maintain strategic fences lines within critical sections of the watershed and eradicate invasive species. Currently, less than 50% of the entire Waikapū watershed is fenced for controlling feral ungulates. In addition to MKWP, is Hui Mālama o Waikapū, a community-based organization that has extensive knowledge of the entire upper and lower Waikapū watershed region. They currently lease and manage 5 acres from Waikapū Properties that is adjacent to the conservation district. The area includes rare dryland forest species that include koai'a and wiliwili. Since their establishment in 2011, they have created a dryland forest restoration, stewardship and cultural resource management program that engages with the Waikapū community and educational groups from across Maui.

2.2 MAUNA KAHĀLĀWAI WATERSHED FOREST ZONE AND SPECIES STATUS MAP

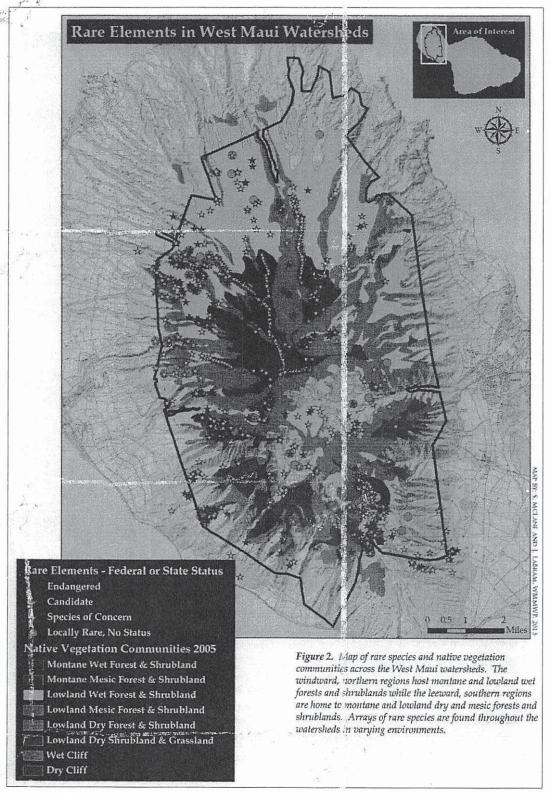


Figure 22: West Maui Mountains Watershed Forest Zone Map - Mauna Kahālāwai Watershed Partnership Management Plan (2013)

2.3 MAUNA KAHĀLĀWAI WATERSHED WATER SUPPLY DATA

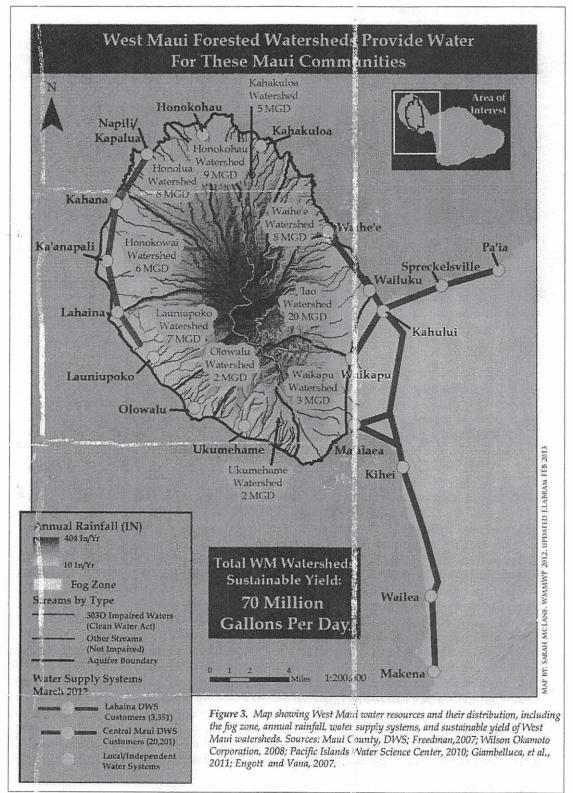


Figure 23: West Maui Mountain Water Source and Distribution Map - Mauna Kahālāwai Vatershed Partnership Management Plan (2013)

2.4 WAIKAPŪ WATERSHED MANAGEMENT PRIORITY PROJECT #1

Priority	5 Year Integrated Waikapū Watershed Maragement Plan
Purpose Purpose	Due to the proximity of the WCT Development to the Waikapū Watershed (-¾ mi.) a management plan shall be developed to mitigate any risks and or impacts to that area. A watershed management plan specific to the Hana'ula Ranch, LLC (TMK 2-3-6-003-001) portion of the Waikapū watershed, which encompasses 3,425 acres will be developed. The integrated plan shall be supplementary to that of the overall Mauna Kahālāwai Watershed Partnership Management Plan and further hone in on particular management and stewardship strategies for the Waikapū watershed.
Overview	The integrated management plan will be developed and include but not limited to the following: (A) Comprehensive analysis and forest profiles of the Waikapū Watershed. (B) Overview of current MKWP management projects and initiatives. (C) Integrated management and community-based stewardship approaches. (D) Invasive species control and eradication. (E) Educational outreach initiatives and community engagement. (F) Analysis of short and long term forest investments, internal and external revenue generating income, budget overview. Due to the expertise required and keen knowledge of the area and expertise required to develop such as robust plan, it is being proposed that Keahi Bustamente of Hui Mālama o Waikapū will develop this plan. Keahi will work closely with Mauna Kahālāwai Watershed Partnership to ensure that both plans integrate and complement one another.
Site Map	
	Waikapū Watershed Boundary Map - 7,900 acres total - 4 land owners Wailuku Water Co. Port. (2) 3-5-003-001 687 acres Waikapu Hana'ula Ranch LLC Port. (2) 3-6-003-001
, 30	3,425 acres Ting Family Trust Port. (2) 3-6-001-015 375 acres
	State of Hawai'i Port. (2) 3-6-001-014 3,413 acres Glaalaea © 2018 Googlie Kalaepohakui Data USGS
	Figure 24: Overview of Waikapū Watershed Lano Owners - Hōkūao Pellegrino (2019)

Key	Hui Mālama o Waikapū, Mauna Kahālāwai Watershed Partnership, Hana'ula Ranch, LLC,
Stakeholders	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC
Project	Waikapū Properties, LLC
Owner	
Project	Waikapū Properties, LLC, Hana'ula Ranch, LLC in partnership with Hui Mālama o Waikapū &
Manager	Mauna Kahālāwai Watershed Partnership
Timeline	Project planning, stakeholder engagement, plan development and will commence in 2020 and be completed by the end of 2021. Implementation of the 5 year plan will be initiated in 2022 and conclude in 2027. The timeline may be modified to coincide with the creation of the new Mauna Kahālāwai Watershed Management plan. In 2027, all stakeholders will produce a Final Plan Summary and recommendations for any and all future plans.
Managen ent	Mauna Kahālāwai Watershed Partnership ar.d Hui Mālama o Waikapū will work in collaboration on the implementation and mar agement of the plan in concert with land owners Waikapū Properties LLC and Hana'ula Ranch, LLC.
Outcomes	The development and implementation of a comprehensive management plan will ensure the sustainability of both ground and surface water sources in Waikapū via invasive species eradication-control and the protection, restoration and stewardship of the Waikapū Watershed.
Cost Analysis & Budget Overview	\$12,500 is being proposed to be allocated for the development of the Integrated Waikapū Watershed Management Plan.

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2.5 WAIKAPŪ WATERSHED MANAGEMENT PRIORITY PROJECT #2

Priority Project	Mauna Kahālāwai Watershed Partnership Perpetual Fund
Purpose	To establish a perpetual revenue stream for the Mauna Kahālāwai Watershed Partnership by earmarked for specific Waikapū watershed projects and initiatives in alignment with the Integrated Waikapū Watershed Management Plan.
Overview	The Waikapū Country Town Development along with agricultural sites are located in close proximity to the Waikapū watershed. In addition to location, the mix-use development will draw heavily on ground water resources from the Waikapū aquifer. The use of this resource whether it be from ground or surface water sources is solely based on the proper management of the Waikapū and overall Maur a Kahālāwai watershed. Therefore, it is vital to support key watershed management stakerolders in the work that they do. It is being proposed Waikapū Country Town Development require a certain percentage of the monthly homeowner's association fees within the Waikapū Country Town development project go towards supporting the Mauna Kahālāwai Watershed Partnership www.westmauiwatershed.org Funds allocated will be earmarked for stewardship projects in the Waikapū Watershed focused on native flora and fauna species protection, invasive species plant, disease and feral ungulate eradication and control, boundary fences and other key components laid out in the future Waikapū Watershed Management Plan. Community education outreach, engagement and stewardship opportunities will be initiated through collaborative efforts between Mauna Kahālāwai Watershed Partnership and Hui Mālama o Waikapū.
Site Map	Hana'ula Ranch, LLC portion of the Waikapū Watershed (See Figure 24 on Page 13)
Stakeholders	Mauna Kahālāwai Watershed Partnership, Waikapū Country Town Development, Hui Mālama o Waikapū, Hana'ula Ranch, LLC, Waikapū Properties, LLC, Wai'ale 905 Partners, LLC
Project Owner	Waikapū Country Town Development: Waikapū Properties, LLC & Wai'ale 905 Partners, LLC
Project Manager	Waikapū Country Town Homeowners Association (or other future named entity associated with WCT development).
Timeline	Implementation of the perpetual fund will commence when a homeowners association is established and generating revenue from WCT residents and businesses.
Management	Mauna Kahālāwai Watershed Partnership will work in collaboration with the future homeowners association
Outcomes	Waikapū Country Town homeowners and business will develop a strong sense of place and connection to the water resources and Waikapū watershed which they draw upon and utilize daily. They will have an important role and responsibility as being good stewards of water resources by investing in the management of the Waikapū watershed in perpetuity. Waikapū Properties, LLC and Partners would be paving a new pathway and holistic approach to ahupua'a sustainability.
Cost Analysis & Budget Overview	The percentage of monthly and annual revenue for the perpetual fund will be determined at a later time amongst stakeholders.

3.1 WAIKAPŪ STREAM OVERVIEW

Waikapū Stream is one of the longest perennial streams in the Mauna Kahālāwai or West Maui Mountains watersheds, spanning over 9 miles. The main course of the stream commences in the interior valley of Waikapū at the intersection of the Kapilau and Hana'ula Mountain Range. The stream flows outwards through the current town and central plains of Kama'oma'o and culminates into Keālia, Maui's largest wetland and ancient inland fishpond. When Keālia becomes saturated, a mixture of fresh and brackish water will exit into Mā'alaea Bay via the Palalau estuary. At the 1,060 ft. elevation, there is a tributary called Kalena which



has an average flow between 0.5 - 1 MGD. It directly feeds into the main part of the Waikapū Stream. The median scream flow or Q90 of the Waikapū Stream which includes all tributaries is 3-4 MGD. The Waikapū Stream is the first of the four great streams known as Nā Wa- Ehā and provides habitat to an array of native aquatic species such as 'o'opu, 'opae and hīhīwai. Native Hawaiians residents of Waikapū prior to the arrival of westerners, predominantly utilized the Waikapu Stream as a source of drinking water, bathing and for irrigating 1,000 surveyed acres of lo'i kalo cultivated on kuleana lands. Four known and well documented ancient 'auwai systems were developed by Hawaiians iin Waikapū; 3 on the north side

of the stream (Pālolo and 2 unnamed 'auwai) and 1 unnamed on the south side. During the sugar plantation era in Waikapū (1862-2016), the Waikapū Sugar Co. (1862-1890) whom was eventually acquired by Wailuku Sugar Co. (1862-1988), diverted most if not all of the Waikapū Stream via 4 major diversions (South Waikapū Intake, Everett Ditch Intake, 'Vaihe'e Ditch Intake and Reservoir 6 Intake). On October 13, 2014, the State Commission on Water Resource Management set instream flow standards for Waikapū Stream and Wailuku River. Wailuku Water Co. which evolved from Wailuku Sugar Co. and Wailuku Agribusii ess Co., was ordered to restore 2.9 MGD into the Waikapū Stream. Since the partial restoration of stream flow in 2014, native aquatic species such as 'o'opu nākea (awaous guamensis), 'ōpae kala 'ole (Atyoida bisculcata) and hīhīwai (Eneritina granosa) have been observed and documented in the upper reaches of the stream and āholehole (Kuhlia sandvicensis) in the wetlands and estuary at !eālia.



Figure 26: Keālia Wetlands - Hōkūāo Pellegrino (2017)



Figure 27: N. Kuleana 'Auwai (2019)



Figure 28: S. Waikapū Dam Intake Diversion (2012)





Figure 29: 'O'opu - Waikapū Stream (2018) Figure 30: Palalau Estuary, Keālia (2016)

3.2 WAIKAPŪ SURFACE & GROUND WATER DISTRIBUTION SCHEWATIC DIAGRAM - HŌKŪAO PELLEGRINO (2019)

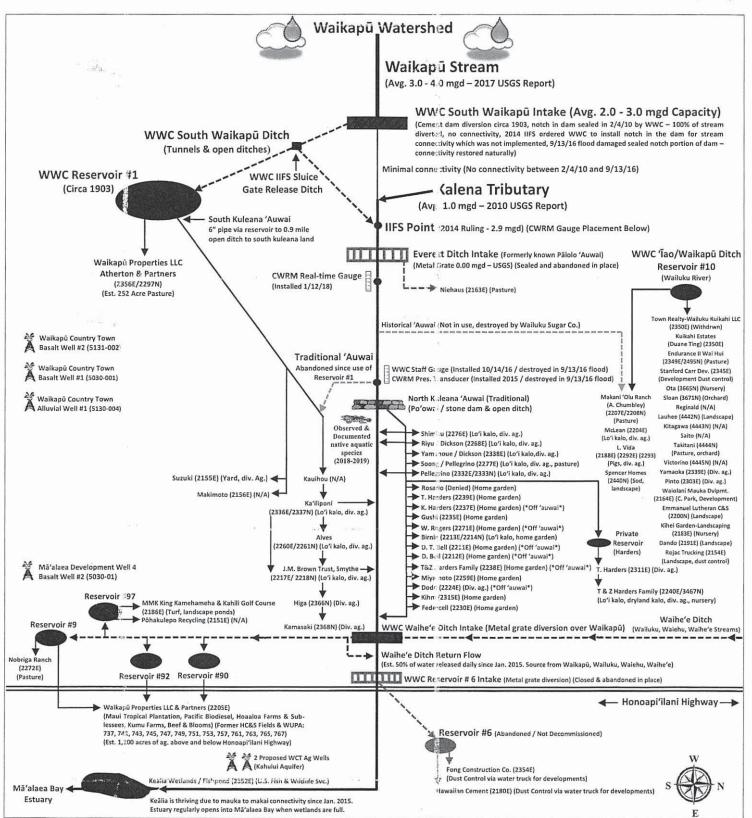


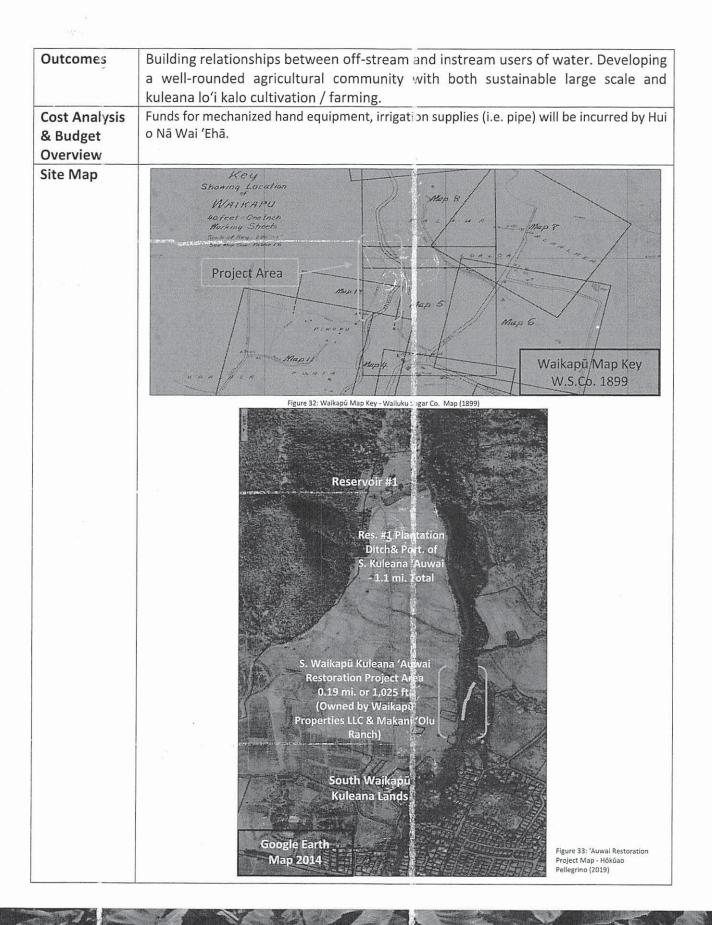
Figure 31: Waikapū Surface & Ground Water Distribution Schematic Diagram - Hōkūaoo pellegrino (2019)

3.3 WAIKAPŪ STREAM PRIORITY PROJECT #1

Priority	Interim Instream Flow Standards & State Water Use Permit Compliance
Project	
Purpose	To ensure that Waikapū Stream flow connects mauka to makai, native aquatic species and habit thrive, and that appurtenant rights will be protected for traditional and customary practices of Native Hawaiian kuleana lo'i kalo farmers.
Overview	The current IIFS of the Waikapū Stream is 2.9 MGD. Wailuku Water Co. manages the plantation era diversions and water distribution system on lands owned by Waikapū Properties LLC and Hana'ula Ranch LLC via an easement agreement. Although Waikapū Properties LLC and Hana'ula Ranch LLC do not actively manage the system, they have a responsibility as land owners and stewards of Waikapū to ensure the IIFS is in compliance. The current IIFS agreement recognizes the following compliance requirements: (A) Notch in the South Waikapū Dam Intake Diversion (1.160 ft.) to ensure stream connectivity for successful native aquatic habitat upstream mit ration. (B) To return enough flow via South Waikapū Ditch sluice gate (1,070 ft.) into Waikapū Stream needed to meet the 2.9 MGD IIFS immediately below (915 ft.). (C) Consistent monitoring by all involved parties in conjunction with CWRM who has installed a real-time gauge at the IIFS point (915 ft.) to measure stream flow in the Waikapū Stream. http://fcol.mccrometer.net/secure/explorer.do?panel=8a0018di60a38d450160c2bb0113025b. Waikapū Properties has submitted the following SWUPA's in 2009; 2206, 2356, 2297N and 3472N. In 2016, a proposed agreement was made between Hui o Nā Wai 'Ehā and Waikapū Properties LLC to greatly minimize the use of Waikapū Stream water via the South Waikapū Diversion Intake, Ditch and Reservoir #1. At the time, 100,169 GPD was being used by all 4 users (Kumu Farms, Hoaaloha Farms, Makani 'Olu Ranch and Beef and Blooms. The proposed agreement stated that by 2018-2013, Kumu Farms and Hoaaloha Farms have relocated and the remaining agricultural lands are being solely used for cattle grazing by Makani 'Olu Ranch and Beef & Blooms on a total of 252 acres. The approved water allocation for cattle is 250 GPD/Acre which equates to around 63,000 GPD as their current use. Key stakeholders such as Hui o Nā Wai 'Ehā and Waikapū kuleana land owners approve of and support Waikapū Properties current allocation of water from Waikapū Stream as was
	agreed upon in the proposed settlement between the two parties in the Nā Wai 'Ehā Contested Case (CCH-MA 15-01).
Site Map	Waikapū Ahupua'a Water Distribution Schematic Diagram (See Figure 31 on Page 17)
Stakeholders	Hui o Nā Wai 'Ehā, Waikapū Properties, LLC and Hana'ula Ranch, LLC, Wailuku Water Co., State Commission on Water Resource Management
Owner	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC and Hana'ula Ranch, LLC
Manager	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC and Hana'ula Ranch, LLC
Timeline	On-going via monitoring and compliance checks.
Outcomes	The Waikapū Stream, Native Hawaiian kuleana land owners, community and key stakeholders benefit by having natural and healthy stream flowing through the ahupua'a. Other benefits include Hui o Nā Wai 'Ehā's six in-stream core values. www.huionawaieha.org
Cost Analysis & Budget Overview	N/A
Overview	

3.4 WAIKAPŪ STREAM PRIORITY PROJECT #2

Priority	South Waikapū Kuleana 'Auwai Restoration
Purpose	To support south kuleana land owners and lo'i kalo farmers in becoming independent of plantation era water distribution systems and allowing access to restore and manage the traditional south Waikapū kuleana 'auwai irrigation system that historically fed those particular kuleana lands. Eliminating plantation ditch system dependence by the south kuleana lo'i kalo farmers is critical to the health and success of their crops, especially that of lo'i kalo. The current South Waikapū Diversion Intake that feeds Reservoir #1 as well as the ditch that flows 0.9 miles to the first set of kuleana lands, has extremely detrimental impacts. Impacts include continuous leaks, soil erosion and plantation era byproducts that enter into the Waikapū Stream during blockages and large rain events. Due to the length of time that water sits in Reservoir #1 as well as the heating up of water along the 0.9 mile plantation ditch course, crops especially that of lo'i kalo succumb to rot and diseases. The spread of invasive species such as razor clams and plants has also been a major problem and lastly the inability to self-manage and control the system is extremely challenging. South kuleana lo'i kalo farmers want to restore the traditional access for their kuleana water directly from the Waikapū Stream, similar to that of the north Waikapū kuleana 'auwai. If successful, Waikapū would be the first ahupua'a in Nā Wai 'Ehā in over 150 years to have access to and usage of traditional 'auwai irrigation systems that are completely independent from former Wailuku Sugar Co. / Wailuku Water Co. plantation irrigation systems for lo'i kalo cultivation.
Overview	Hui o Nā Wai 'Ehā in partnership with key south. Waikapū kuleana kalo farmers and families, would work in conjunction with landowners who have ownership of the portion of 'auwai that will be restored; Waikapū Properties, LLC and Makani 'Olu Ranch. This would include meetings with key stakeholders, scheduled sive visits and the development of long term strategies for safe and secure access and regular maintenance. Hui o Nā Wai 'Ehā will work directly with the State Water Commission staff on any required permits needed in restoring the actual po'o wai or traditional dam. When proper planning, access agreements and documents and the development of a comprehensive plan of action by land owners has been agreed upon, managed restoration work will commence. Restoration efforts will take place by key stakeholder groups and experts in this field of work. Hand tools such as shovels, picks, and chainsaws will be the only form of equipment used. Due to the complexity of the area and sensitivity of the landscape, no heavy equipment will be allowed. The restoration project area is about 0.19 miles or 1,025 ft. long. Upon completion, key stakeholders will work with Waikapū Properties LLC and Wailuku Water Co. to minimize or eliminate flow from Reservoir #1 into plantation ditch/'auwai.
Stakeholders	Hui o Nā Wai 'Ehā, South Waikapū Kuleana Land Owners & Lo'i Kalo Farmers, Makani 'Olu Ranch and Waikapū Properties, LLC, Wai'ale 905 Partners, LLC
Project Owner	Waikapū Properties, LLC, Wailuku Water Co.
Project Manager	Waikapū Properties, LLC, Wailuku Water Co., Fiui o Nā Wai 'Ehā
Timeline	Project planning, access agreements and documentation, land entitlements to commence in 2020. Implementation and completion by the end of 2021.
Management	South Waikapū kuleana land owners and kalo Farmers via right of entry agreements



3.5 WAIKAPŪ STREAM PRIORITY PROJECT #3

Priority	Waihe'e Ditch Diversion Intake at Waikapa Stream Closure
Project Purpose	To support mauka to makai connectivity throughout the entire Waikapū Stream course. To enhance the biological and cultural value and integrity of the Waikapū Stream.
Overview	The Waihe'e Ditch Diversion Intake (500 ft.) is a 15 ft. metal grate diversion. It was built by Wailuku Sugar Co. over the Waikapū Stream and diverts a portion of the natural streamflow into the Waihe'e Ditch to be blended with Waihe'e, Waiehu and Wailuku stream water for commercial and agricultural use, south of the litch (i.e. Maui Tropical Plantation and agricultural users, Kahili and King Kamehameha Golf Course). Since the IIFS was implemented in 2016 for both Waikapū and Wailuku along with the closure of HC&S, diverted water into the intake from Waikapū Stream along with 50% of the ditch flow is being returned into Waikapū Stream 150 feet below via a throw-off ditch. Strong evidence has demonstrated over the last 3 years that the diverted stream flow from Waikapū Stream into the Waihe'e Ditch is not needed. Therefore the proposed project request s for Waikapū Properties LLC to work in concert with Wailuku Water Co. to formally close and relinquish its use of the diversion over Waikapū Stream. The current and projected demand for Waihe'e Ditch water south of Waikapū Stream is being met from water sourced directly from the Waihe'e ditch and without the need for Waikapū Stream water to be diverted. Hui o Nā Wai 'Ehā would like to work collaboratively with both parties and especially Waikapū Properties LLC as a leading example of what a good steward of the Waikapū Stream look like. Waikapū Properties LLC is the land owner of this parcel of land and Wailuku Water Co. has an easement for the Waihe'e Ditch Diversion and Ditch System. If permits are required from CWRM, Hui o Nā Wai 'Ehā can work with both parties to ensure that all laws and regulations are being adhered to.
Site Map	Waikapū Ahupua'a Water Distribution Schematic Diagram on (See Figure 31 on Page 17
Stakeholders	Hui o Nā Wai 'Ehā, Waikapū Properties, LLC, Wai'ale 905 Partners, LLC, Wailuku Water Co., State Commission on Water Resource Management.
Owner	Waikapū Properties LLC and Wailuku Water Co
Management	Following the closure of the Waihe'e Ditch Diversion on Waikapū Stream, there will no longer be any need for further maintenance or management of the diversion other than that of the actual ditch system south of Waikapū Stream via the Waihe'e Ditch.
Timeline	Hui o Nā Wai 'Ehā has requested for this project to be planned and implemented by the end of 2021.
Outcomes	Enhancing the bio-cultural values and integrity of the Waikapū Stream. 90% of Waikapū Stream will be flowing mauka to makai. Ground water aquifer throughout the entire stretch of the Waikapū Stream, watershed. Native Ecosystem rehabilitation.
Cost Analysis & Budget Overview	To be determined in planning and implementation stage.

EXHIB T "3" - Page 32 75

4.1 LAND AND CULTURAL RESOURCES OVERVIEW

The land tenure during the time of the Māhele of 1848 indicated that Waikapū was a thriving ahupua'a in which Hawaiians dominated the cultural landscape by cultivating an extensive system of lo'i kalo (wetland taro patches) in and around Waikapū Valley and Stream. The coastal region of Waikapū was utilized for fishing grounds and salt production from Keālia wetlands/fishpond to Mā'alaea Bay. Maps from the late 1800s, conclude that some 120+ Māhele claims and Government Grants were successfully awarded to Native Hawaiians and a few foreigners in Waikapū. The land mass of 'ili (subdivisions) in which lo'i kalo was cultivated, is estimated to be around 900 acres. Over 1,300 lo'i kalo were recorded in Land

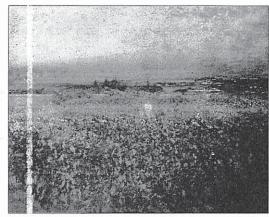


Figure 35: Waikapū Lo'i Kalo - Bishop Museum (1890)

Commission Award claims and dispersed throughout the 900 acres. In addition to lo'i kalo claims, were requests for kula (dryland cultivation), mo'o pa'akai (salt pans/grounds), wauke (paper mulberry used for making kapa), hala (pandanus used for making mats), potatoes, and hale (house lots for living).

The 503 acre footprint of the proposed Waikapū Country Town Development will be located in an area that was once a culturally rich landscape dominated by over 250 acres of fertile lands cultivated in lo'i kalo. These farmed kuleana lands were well documented during the time of the Great Māhele. 52 Land Commission Awards (LCA) and Government Grants comprised of 74 'āpana (parcels) were claimed between 1852 and 1855. The proposed development project is situated on more than half of these awarded lands. Of the 52 awards, 36 were compromised during the Waikapū/Wailuku Sugar Co. tenure. The remaining cultural properties are adjacent to the project and within the interior part of the Waikapū Valley, on lands owned by Waikapū Property LLC and Hana'ula Ranch LLC. A pedestrian survey with cultural, lineal descendants of Waikapū and members of Hui Mājama o Waikapū over the last 3 years have identifie I the remaining parcels and conclude that many if not all of them are in-tact and still possess

extensive cultural and archaeological sites. The cultural corridor of kuleana parcels are 50 situated on about acres and predominantly along the Waikapū Stream. The close proximity that these kuleana parcels are in relationship to the Waikapū Stream, clearly demonstrate that both 'āina (land) and wai (water) were valuable cultural resources for Hawaiians who once lived there. To understand the functionality of these parcels and the collaborative relationship native tenants had with each other can see in similar kuleana parcels actively being cultivated in lo'i kalo just below these abandoned but intact areas.

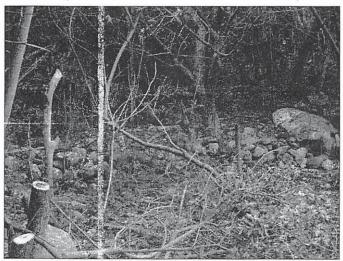


Figure 36: Waikapū Archaeological Sites in Cultural Preserve - Hōkūao Pellegrino (2018)

Article XII, section 7 of Hawai'i Constitution obligates the State of Hawai'i and its agencies, such as the LUC, "to protect the reasonable exercise of customarily and traditionally exercised rights of Native Hawaiians to the extent feasible when granting permission for reclassification of district boundaries." (Ka

Pa'akai o Ka 'Āina v Land Use Commission, 94 Hawai'i 31, 7 P.3d 1068 [2000]. Under Article XII, section 7, the State shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of Native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights. In the context of land use permitting, these issues are commonly addressed when the LUC is asked to approve a petition for the reclassification of district boundaries, as such an action most often initiates activities that precede initial intensive development. In the September 11, 2000 Hawai'i Supreme Court landmark decision ((Ka Pa'akai o Ka 'Āina v Land Use Commission), an analytical framework for addressing the preservation and protection of customary and traditional native practices specific to Hawaiian communities was created, The court decision established a three-part process relative to evaluating such potential impacts: first, to identify whether any valued cultural, historical, or natural resources are present; and identify the extent to which any traditional and customary Native Hawaiian rights are exercised; second, to identify the extent to which those resources and rights will be affected or impaired by the proposed action; and third, to specify the feasible action if any, to be taken by the regulatory body to reasonably protect Native Hawaiian rights if they are found to exist.

In an effort to identify whether any valued cultural, historical, or natural resources are present within the proposed project area, and identify the extent to which any traditional and customary Native Hawaiian rights are, or have been, exercised (the first part of the analytical process); historical archival information was investigated, and prior and current cultural studies that included consultation and oral-historical interviews were reviewed. A summary of the 52 kuleana awarded parcels have been analyzed in detail on page 26.

An archaeological inventory survey (AIS) was conducted for the proposed Waikapū Country Town development by Archaeological Services Hawai'i LLC. The project area extends all the way to the southern edge of the Waikapū Stream, however the development will remain at least 100 ft. from the stream, such that the former cane access road which parallels the stream, as well as the steep to moderate slopes down to the stream's edge will not be encroached upon by development. This 100 ft. buffer zone was mandated in 1992 by the State Land Use District Boundary Review for Maui, Molokai, Lanai, Honolulu where a 100-ft corridor on both sides of Waikapū Stream was placed into a Conservation District (Office of State Planning: 31). Developing a cultural reserve or corridor is one such mitigation measure that has been proposed in the latter part of this study as a way to ensure protection of these cultural sites in perpetuity.

The AIS scope of work consisted of dividing the project area into five zones based primarily on the current TMK's (ASH 2013). From mauka to makai the zones are as follows: Parcel 3 Mauka, constitutes the mauka section of TMK 3-6-004:003; Parcel 3 Waena is the middle and remaining section of TMK 3-6-004:003: Parcel 6 is TMK 3-6-004:006; Parcel 7 is the current Maui Tropical Plantation landholdings 3-6-004:007 and Parcel 3 Makai is within TMK 3-6-002:003. The investigation was conducted to determine presence/absence, extent, and significance of historic properties within the proposed development area and to formulate future mitigation measures for these remains and the project area.

The Waikapū Stream has and continues to be a very important cultural resource for Native Hawaiian cultural practitioners and practices such as lo'i kalo cultivation. The proposed project area includes a plantation era irrigation and traditional 'auwai system that provides water for South Waikapū kuleana lo'i kalo farmers. An ancient 'auwai historically provided water for South Waikapū kuleana lo'i kalo farmers which commenced on Government Grant 1844 to Joseph Sylva, now currently part of the proposed project area. The use of the po'owai or intake portion of this 'au vai was discontinued when Wailuku Sugar Co. built the south Waikapū dam intake within the Waikapū Valley around the turn of the 20th century.

Currently, the south Waikapū dam and intake is owned by Wailuku Water Co. whom divert Waikapū Stream water about 2 miles into the Waikapū Valley, delivers water through their ditch system and into Reservoir #1 which is on the developer's proposed projects land. From Reservoir #1, a portion of water is released via a pvc pipe into a smaller open ditch and connects with the remaining portion of the ancient 'auwai that delivers water to the south kuleana lo'i kalo farmers. As of December 2018, 6 south kuleana land owners have been identified as utilizing this ditch commonly called south Waikapū kuleana 'auwai for kalo cultivation: (TMK 3 6-005:019, TMK 3-6-006:027, TMK 3-6-006:025, TMK 3-6-006:029, TMK 3-6-006:003, TMK 3-6-006:003



Figu: 137: N. Waikapū Kuleana 'Auwai - Maui Historical Society (1900)

6-006:013). There are numerous other south kuleana lands that are privately owned and consist of former lo'i kalo terraces, however are not in use. Lineal descendants of these lands through the State Water Use Permit process have expressed interest in utilizing or returning to their ancestral lands to restore and farm lo'i kalo. These lands are identified as (TMK 3-6-005:014, TMK 3-6-005:067, TMK 3-6-005:001, TMK 3-6-006:032, TMK 3-6-006:033, TMK 3-6-006:001, TMK 3-6-005068, TMK 3-6-007:010).

To ensure that current and future Native Hawaiian practices associated with access to kuleana water for lo'i kalo cultivation are protected, the following information has been provided by existing south kuleana lo'i kalo farmers. They expressed that the irrigation system which provides water to their lands via the plantation ditch found within the proposed project area, is inefficient and causes limitations. The limitations include lack of and consistent water for lo'i kalo cultivation as well as warm water that comes from Reservoir #1 rather than straight from the stream as it historically did. They have shared that the water er tering the ditch comes from a reservoir which causes some warming of the water rather than fresh stream water directly from the Waikapū Stream. Although the amount of water released via a pvc pipe mar be sufficient, the estimated 1 mile long open ditch has numerous leaks and along with absorption into the ground along the ironwood trees. When the water finally enters the ancient 'auwai system near the kuleana lands, it has been said that the amount is minimal and does not provide sufficient amount of water for the current and growing needs of existing kuleana lo'i kalo farmers.

The proposed project area has identified the plantation era irrigation and 'auwai system be located within a greenway. Although the development will not adversely Hawaiian cultural practices related to lo'i kalo cultivation on neighboring properties that access water via the developer's land, a proposed improvement of the infrastructure and overall system should be implemented to mitigate their concerns.

Traditional and customary rights in relationship to Waikapū water and lo'i kalo cultivation are also occurring extensively on the north side of Waikapū Stream on kuleana lands directly across from the proposed project area. (TMK An intact traditional 'auwai known as the north kuleana 'auwai accesses Waikapū Stream water directly from the Waikapū Stream. (TMK 3-5-012:031, TMK 3-5-012:028, TMK 3-5-012:041, TMK 3-5-012:027, TMK 3-5-012:026, TMK 3-5-012:049, TMK 3-5-012:048, TMK 3-5-012:047, TMK 3-5-012:023, TMK 3-5-012:021, TMK 3-5-012:020, TMK 3-5-004:028, TMK 3-5-004:32, TMK 3-5-012:016, TMK 3-5-012:016, TMK 3-5-012:015, TMK 3-5-012:10, TMK 3-5-012:012, TMK 3-5-012:013, TMK 3-5-012:009, TMK 3-5-012:008, TMK 3-5-012:007, TMK 3-5-012:006, TMK 3-5-012:005, TMK 3-5-012:003, TMK 3-5-012:001) The State Commission on Water Resource Management set the Interim Instream Flow Standards (IIFS) for Waikapū Stream as 2.9 mgd in 2014 through a settlement agreement between the

following parties; Hui o Nā Wai 'Ehā, Wailuku Water Company, Hawaiian Commercial Sugar Company, Maui Tomorrow, County of Maui, and Office of Hawaiian Affairs. The amount of water that has been released into Waikapū Stream does not account for traditional and customary rights for kuleana lo'i kalo farmers which is a protected right under State Law. The interior valley of Waikapū watershed includes a diverse native forest with an array of endemic plants, insects, smails and mammals. Traditional access and trails into the Waikapū Valley are along the Waikapū Stream which is partially owned by the developer of the proposed project. In addition to the river, are two plantation era access points adjacent to Reservoir #1. There are a number of Hawaiian cultural practices identified in relationship to accessing the Waikapū Valley for gathering and stewarding highly sensitive cultural and natural resources.

There are endemic medicinal plants such as koʻokoʻolau (bidens sp.) and māmaki (pipturus albidus) that have been identified by lineal descendants of Waikapū for gathering and use in lā'au lapa'au (Hawaiian herbal medicine). These native plants and others grow in very specific regions within the valley and ridges. A Hawaiian family shared about a specific koʻokoʻolau plant that they would gather fresh leaves from which was located along a ridge and dry gulch in the valley named Kapiliiki. The leaves were used to treat a family member who has high blood pressure. The proposed project does not adversely impact the area in which traditional cultural practice of gathering herbs exist. The proposed project will continue to allow access to the Waikapū Valley for traditional and customary practices through a greenway or potential cultural preserve adjacent to the Waikapū Stream and near the opening of the valley on a trail below Reservoir #1. Controlled access will be an important part of this project in order to protect both the watershed and cultural resources.

Lineal descendants of Waikapū have also been identified as having scattered the ashes of their ancestors within the valley. The cultural practices conducted by lineal descendants are reliant on access through the proposed development in order to honor their kūpuna. The proposed project will continue to allow access to the Waikapū Valley for traditional and customary practices through a greenway or potential cultural reserve a djacent to the Waikapū Stream and near the opening of the valley on a trail below Reservoir #1.

Hui Māla na o Waikapū, a non-profit organization affiliated with Tri-Isle RC&D was stablished in 2009 and currently has a 15 year lease with the developer for a 5 acre parcel of land adjacent to the proposed project. The mission of the organization is "E malama a ho'okā'ai i ka mo'omeheu, kaiameaola kūlohelohe a me ka wai o kō Waikapu ahupua'a" or "To preserve and enhance the cultural, biological, and water resources of the Waikapū ahupua'a". Hui Mālama o Waikapū is comprised of four Waikapū residents who have genealogical ties to the ahupua'a, and have committed themselves to protecting the culturally and

environmentally rich landscape through cultural practices. The members of Hui Mälama o Waikapū (HMOK) who are also lineal descendants conduct cultural practices on the leased parcel of land in addition to lands in and around the project area. These practices include gathering of seeds and cuttings of endemic plant cultivars for propagation and restoration of the leased native dryland forest owned by the developer. They also gather native plants and material for traditional implements used during activities on the leased land such as lo'i kalo, Hawaiian food crop cultivation and lā'au

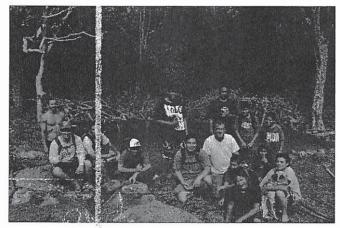


Figure 38: Hui Mālama o Waikapū Work Day (2013)

lapa'au. In addition, the group has sought and received funding to initiate a natural and cultural resource management and education program in the leased area. Access and protection to this highly sensitive cultural sight is critical for both cultural practices and educational program implementation. Hui Mālama has brought over 1,000 students since their inception and continue to grow their educational programs to include formal partnerships with educational institutions on Maui. Currently the land owner provides access via an old plantation road leading up to the reservoir and access point to HMOW leased lands. The proposed project will continue to allow access to their lease lands for traditional and customary Hawaiian practices through a greenway or potential cultural reserve adjacent to the Waikapū Stream and near the opening of the valley on a trail below Reservoir #1. The founders and members of Hui Mālama o Waikapū and who are from the Waikapū ahupua'a, have extensive knowledge of the cultural sites and practices within and adjacent to the proposed development project. HMOK has recommended that a cultural preserve be established to ensure that all cultural sites, existing and future cultural practices within the developers land base be protected in perpetuity. These sites in lude kuleana lands with lo'i kalo terraces, 'auwai systems, house sites, other cultural and archaeological features, and native plant species. Hui Mālama o Waikapū proposes to work alongside developer to ensure that there is a plan to mitigate any potential adverse impacts on these highly sensitive cultural lands.

In the development of the CIA, two privately owned kuleana parcels of land were identified. They are called the "Mahi parcels". Both parcels are located directly in the middle of where the proposed urban lots were to be developed in the mauka section. These parcels are currently vacant and in the middle of a pasture used by the developer and neighboring land owner for grazing cattle. Lineal descendants of the Mahi far illy who now live on O'ahu, were contacted through this process and expressed a deep interest in returning to their ancestral land someday along with a permanent access easement to their property. The developer for the project has been made aware of this and has since moved the urban lots and road away from the Mahi kuleana parcels. A permanent easement for the Mahi family will also be recommended below as a priority project.

KULEANA PARCELS IDENTIFIED WITHIN THE LAND ASSETS OF WAIKAPU PROPERTIES LLC

Awardee	(Subdivision)	Land Commission Award	Royal Patent	'Āpana (Parcel)	Grant	Acres	Description of Cultural & Natural Resources via Native and Foreign Testimony and Survey Notes	Surveyor
Kupalii	Keana	3546	3151	2		1.2	- Kula - Kalo paukū - Kukui & wiliwili - Borders Waikapū Stream	E. Bailey 5-5-1852
Charles Copp	Papala	236-1	498	2		1.0 (est.)	- Loʻi kalo (unspecified amount) - Borders Waikapū Stream	(John) Richardson
Napailoi	Kaloaloa / Loaloa	10481	3131	4	-	0.66	- Loʻi kalo (unspecified amount) - Borders Waikapū Stream	E. Bailey 4-23-1852
Opunui	Loaloa	3224	4115	6	3 4	0.27	- Loʻi kalo (unspecified amount) - Borders Waikapū Stream	E. Bailey 6-25-1852
Keaka (W)	Olohe	3549	3122	3		1.0	- 3 loʻi kalo	N/A

						(est.)	- Borders Waikapū	
Keaka (W)	Olohe				1511	0.2 (est.)	Stream - Lo'i kalo (unspecified amount) - Borders Waikapū Stream	N/A
Kupalii	Mokahelahela / Makaelelu	3546	3151	3		1.0	- 1 house lot	E. Bailey 5-5-1852
Kamakaipoaa / Kamakaipuaa	Kamauhalii	6385	None	2		1.94	- Loʻi (unspecified amount) - Borders Waikapū Stream	E. Bailey 4-15-185
Nahau	Olohe	3340	3115	2		0.8	- Mo'o kula - 1 house lot - 'Auwai watercourse	E. Bailey 4-11-185
Joseph Sylva	Waihalulu			3	1844	487.0	- 'Auwai watercourse - Pens - Stone walls - Native claims retained - Gulch	E. Bailey 4-10-1855
Joseph Sylva	Waihalulu		,	2	1844	9.52	- Stone walls - Multiple house lot	E. Bailey 4-10-1855
Joseph Sylva	Waihalulu & Paalae			1	1844	22.36	- Native claims retained	E. Bailey 4-10-1855
Napailoi	Waihalulu	10481	3131	2&3		1.3	- 8 loʻi kalo - Kula - 1 house lot	E. Bailey 4-23-185
Napailoi	Paalae	10481	3131	1:1		0.54	- Kalo paukū - Kula - 'Auwai watercourse	E. Bailey 4-23-185
Napailoi	Paaiae	10481	3131	1:2		0.19	- Kalo paukū - Kula	E. Bailey 4-23-1852
Napailoi	Paalae	10481	3131	1:3		0.1	- Kalo paukū - Kula	E. Bailey 4-23-1852
Hakiki	Waihalulu	2577	4948	4		0.2	- 4 loʻi kalo - 'Auwai watercourse	E. Bailey 8-14-1853
Kaeha	Olohe	2394	3138	1	560	1.36	- Kalo paukū - Pūhala - 2 house lots - 'Auwai watercourse	E. Bailey 6-21-185
Nalei	Olohe	10460	None	2		0.07	- 2 loʻi kalo - 'Auwai watercourse	E. Bailey 4-16-185
Ehunui Mahi Parcel	Olohe			1513		0.07 (est.)	- Unknown	N/A
Ehunui Mahi Parcel	Olohe	2499	4070	1		0.8	- Kalo paukū - Po'alima - 'Auwai watercourse	E. Bailey 6-25-1852
Ehunui Mahi Parcel	Pikoku	2499	4070	3		1.3	- 7 loʻi kalo - 'Auwai watercourse	E. Bailey 6-25-1852
Kamaipuaa / Kamakaipoaa / Kamakaipuaa	Pikoku	6385	None	1		0.17	- Kalo paukū	E. Bailey 4-15-1852
Koa	Pikoku	3528	3155	1		3.90	- 2 house lots - Kalo paukū - Kula - 'Auwai watercourse	E. Bailey 8-27-1852

Коа	Pikoku				1708	0.1	- 1 loʻi kalo	E. Bailey
				-		(est.)	- 'Auwai watercourse - 2 burial plots (Maxwell)	9-9-1854
Hakiki	Olohe	2577	4948	2		0.25	- 7 loʻi kalo	E. Bailey 8-14-1852
Mohomoho	Kamauhalii			1	1711	0.08	- 1 loʻi kalo	E. Bailey 9-8-1854
Mohomoho	Kamauhalii			2	1711	0.04	- 1 loʻi kalo	E. Bailey 9-8-1854
Ihu	Kamauhalii			1	1712	0.09	- 1 loʻi kalo	E. Bailey 9-15-1854
Opunui	Kamauhalii				1704	1.94	- Unkown	E. Bailey 9-9-1854
Mataio	Kamauhalii	3020	3140	2		2.65	- Kalo paukū - Kula - House lot	E. Bailey 4-15-1852
Keawe (W)	Punia	3520	3135			2.54	- 2 kalo paukū - Kula	E. Bailey 4-15-1852
Makuakane	Punia	2522	3125			1.83	- Kalo paukū	Unknow
Kekua	Kamauhalii	5551	3150	1		0.42	- Kalo paukū	E. Bailey 6-25-1852
Kekua	Kaalaea	5551	3150	2		0.1	- 2 loʻi kalo	E. Bailey 6-25-1852
Kekua	Kamauhalii				1518	0.15 (est.)	- Unknown	N/A
Kamohai	Kaalaea	3527	3156	3		0.2	- Kalo paukū - Kula moʻo	E. Bailey 8-18-1852
Naanaa	Punia	3337	3136	1,2,3		1.1	- Kalo paukū - Loʻi kalo - House lot	E. Bailey 4-14-1852
lhu ""	Kaalaea			2	1712	0.07	- 1 loʻi kalo	E. Bailey 9-15-1854
Kaai	Kaalaea			2	2069	0.18	- Unknown	N/A
Opunui	Kaalaea	3224	4115	5		0.32	- Kula	E. Bailey 6-25-13
Naanaa	Kaalaea	3337	3136	4		0.45	- Kalo paukū	E. Bailey 4-14-1852
Poepoe	Kaalaea	2609	3124	1,5		0.98	- Kalo paukū - 'Uala kula - House lot	E. Bailey 8-27-1852
Kaai	Kaalaea	5774	4014	2		2.76	- 6 loʻi kalo -'Auwai watercourse	E. Bailey 3-?-1852
Kaai	Kaalaea			1	2069	10.46	- Unknown	N/A
Wahinealii	Kaalaea	11022	3142	8		0.6	- House lot	E. Bailey 4-15-1852
Mahoe	Ahuakolea	10160	3148	Ï		1.99	- Kalo paukū	E. Bailey 4-16-1852
Kamohai	Kaalaea	3527	3156	2		0.2	- Kalo paukū	E. Bailey 8-18-1852
Keakini	Kaalaea	5324	6374	3		0.56	- 1 loʻi kalo	E. Bailey 4-24-1852
Kaneae	Kaloapelu	8874	3130	1		0.29	- Loʻi kalo	E. Bailey 8-26-1852

Figure 39: Great Māhele Kuleana Land Awards - Hōkūao Pell $\epsilon_{\vec{\omega}}$ rino (2019)

4.2 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #1

Priority Project	Waikapū Valley Access for Native Hawaiian Traditional and Customary Practices and Gathering
Purpose	To allow access for Native Hawaiian traditional and customary practices and gathering in the Waikapū Valley through a managed process. To ensure that cultural resources in the Waikapū Valley are not being adversely impacted due to uncontrolled access.
Overview	The proximity of the Waikapū Country Town Development to the access point into the Waikapū Valley is extremely close. While access for Native Hawaiian traditional and customary practices and gathering is strongly supported by the developers, the possibility of increased entry into the valley via hikers, tourists, non-members of the community, community members and others because of the Waikapū Country Town Development needs to be addressed and managed properly. Signage, fence lines with a controlled access gate for lineal and cultural descendants of Waikapū along with invasive species sanitation stations will be developed and installed. Hui Mālama o Waikapū will work closely with Waikapū Properties LLC to determine the plan of action.
Site Map	To be determined by stakeholder groups
Stakeholders	Hui Mālama o Waikapū, Hui o Nā Wai 'Ehā, Waikapū Properties, LLC.
Owner	Waikapū Properties, LLC
Management	Waikapū Properties, LLC, Waikapū Community Members and Hui Mālama o Waikapū
Timeline	A plan will be set in place by the end of 2020
Outcomes	Managed access will preserve and protect both natural and cultural resources as well as protecting gathering rights of Waikapū lineal descendants. Measures will also be put to limit and close off the general public from entering valley especially because of the high probability of spreading invasive species (i.e. Rapid 'Ōhi'a Death).
Cost Analysis & Budget Overview	To be determined in the planning process.

4.3 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #2

Priority	Mahi Kuleana Parcel Access
Project	
Purpose	To protect and allow easements for 2 Mahi kuleana parcels
Overview	Through the development of the CIA, two privately owned kuleana parcels of land were identified. They are called the "Mahi parcels". Both parcels are located directly in the middle of where the proposed urban lots were to be developed in the mauka section. These parcels are currently vacant and in the middle of a pasture used by Waikapū Properties LLC and Makani 'Olu Ranch for grazing cattle. Lineal descendants of the Mahi family who now live on O'ahu, were contacted through this process and expressed a deep interest in returning to their ancestral land someday along with a permanent access easement to their property. The developer for the project has been made aware of this and has since moved the urban lots and road away from the Mahi kuleana parcels. Since there is no formal easements and lot lines, the Mahi family has requested Waikapū Properties LLC to assist in surveying their 2 kuleana parcels along with an easement. The Mahi's have made it clear they don't want to sell their ancestral lands but rather want to be a good steward of them in the near future. In exchange of support, the Mahi family would be open to setting some conditions to ensure that their property is managed properly due to its extremely close proximity to the urban
	lots for Waikapū Country Town.
Site Map	Mahi Kuleana Parcels (P) Figure 40: Mahi Kuleana Parcel Map - Hökûao Pellegrino (2019)
Stakeholders	Mahi Family, Waikapū Properties, LLC, Waiʻale 905 Partners, LLC, and Hui Mālama o Waikapū
Owner	Mahi Family, Waikapū Properties, LLC, and Wai ale 905 Partners, LLC
Management	Mahi Family, Waikapū Properties, LLC
Timeline	To be completed in 2021
Outcomes	Incorporating a strong sense of place within the Waikapū Country Town Development by fostering strong relationships with the Mahi Family who is one of the last remaining lineal descendants of Waikapū with kuleana land.
Cost Analysis	To be determined at a later time following the estimate from survey vendor.
& Budget Overview	

4.4 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #3

Priority	Waikapū Cultural Preserve, Cultural Corricor and Riparian Buffer
Project	
Purpose	To establish a cultural preserve to ensure the integrity of natural and cultural resources
	found within a 50 acre corridor of kuleana lands is protected and stewarded in perpetuity.
į.	The remaining intact kuleana parcels adjacent to and mauka of the Waikapū Country Town
8.4	Development are on 50 acres of land. Many of these kuleana parcels as specified in detail
* **	on page 32 show that they are along the Waikapū Stream.
Overview	20 culturally sensitive kuleana parcels are in need of protection beyond the LUC condition
	of a 100 foot buffer between Waikapū Country Town Development and Waikapū Stream. It
	is being proposed that a 50 acre buffer along the Waikapū Stream and ridge leading down
d)	to the stream be created. The establishment of a cultural preserve would ensure these lands
	and designated buffer zones will never be developed or impacted. The proposed cultural
	preserve will be within 3 of 5 large agricultural lots that can be developed however not
	subdivided as part of a condition in the WCT project. The close proximity of these lots have
	the potential for compromising the kuleana lands, therefore, it is further proposed that
	specific language, design guidelines, plot plan exhibits and deed restrictions be set in place
	for the 3 large agricultural lots. Hui Mālama o Waikapū currently manages 5 acres on lands
	they lease from Waikapū Properties, LLC, within the 50 acre cultural preserve. Hui Mālama waikapū in conjunction with Hui o Nā Wai 'Enā would like to work as the entity formally
	managing the 50 acre cultural preserve for both protection, 'aina-based stewardship and
	community engagement.
Site Map	See Figure 41 on Page 31
Stakeholders	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC, Hui Mālama o Waikapū, Hui o Nā Wai
Stakenor iers	'Ehā.
Owner	Waikapū Properties. LLC
Managen ent	Management will be in conjunction with Hui Mālama o Waikapū and Hui o Nā Wai 'Ehā.
Timeline	Establish formal cultural preserve designation and management oversight by end of 2020.
Outcomes	Protection and stewardship of some of the last remaining pre-western contact Hawaiian
4 50	kuleana parcels in the Waikapū ahupua'a. Allowing current and future lineal and cultural
	descendants to reconnect place. Increasing stewardship and educational opportunities
	while building community engagement trust and empowerment. Adaptive management
	strategies. Restoration of traditional agricultural sties and native dryland forests as a
B =	historical agroforestry model. Increase traditional access for cultural practices. Restore and
	interpret cultural landscapes.
Cost Analysis	A proposed annual fund of \$5,000 is being requested to the managing entity for the
& Budget	protection and stewardship of the Waikapū Cultural Preserve.
Overview	

WAIKAPŪ CULTURAL PRESERVE MAP - Hōkūao Pellegring (2019)

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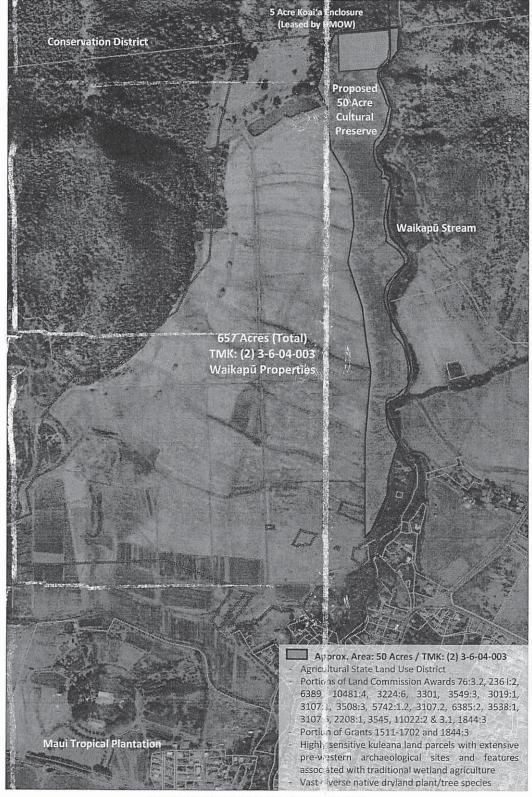


Figure 41: Waikapû Cultural Preserve Map - Hōkûao Pellegrino (2019

Indices of Māhele Land Commission Awards and Land Grants Located within the 50 Acre Cultural Preserve

Awardee	fli (Subdivision)	Land Commission Award	Royal Patent	Grant	Acres	Description of Cultural & Natural Resources via Native and Foreign Testimony, Native Register and Survey Notes	Survey
William Shaw	Loaloa	76:3.2	7694		3.42	- Palolo 'Auwai / Everett Ditch - Ha'anui mountain - Both sides of Waikapū Stream	J. Metcalf 1-25-1847
Charles Copp	Papala	236-1:2	498		1.0 (est.)	- Loʻi kalo (unspecified amount) - Both sides of Waikapū Stream	Ioane (John) Richardson
Kahaleole	Loaloa	6389	6192		3.48	- Palolo 'Auwai / Everett Ditch - Borders Waikapū Stream	E. Bailey 3-15-1854
Napailoi	Kaloaloa / Loaloa	10481:4	3131		0.66	- Loʻi kalo (unspecified amount) - Adjacent to Waikapū Stream	E. Bailey 4-23-1852
Opunui .	Loaloa	3224:6	4115		0.27	- Loʻi kalo (unspecified amount) - Adjacent to Waikapū Stream	E. Bailey 6-25-1852
Mahoe / Kamakea	′Ōlohe	3301	3137		9.7	- Wiliwili tree reference - Palolo 'Auwai / Everette Ditch - Adjacent to Waikapū Stream	E. Bailey 6-25-1852
Keaka	′Ōlohe	3549:3	3122		0.52 (est.)	- 3 loʻi kalo - Both sides of Waikapū Stream	Unknown
Mehao	'Ōhi'a	3019:1	5333		0.58	- 5 lo'i kalo - Adjacent to Waikapū Stream	E. Bailey 9-27-1852
Keaka	'Ōlohe			1511 / 1702	0.17	- Located within LCA 3549:3	E. Bailey 4-19-1855
Kaili	'Ōhi'a	3107:1	2348		0.8	- Adjacent to Waikapū Stream - 'Auwai	E. Bailey 6-25-1852
Kuheleloa	'Ōhi'a	3508:3	3123		0.65	- Moʻo kalo - Adjacent to Waikapū Stream - 'Auwai	E. Bailey 4-19-1853
Kaluahinui	ʻŌhiʻa	5742:1.2	4125		0.36	- Adjacent to Waikapū Stream - 16 loʻi kalo & upland kalo	E. Bailey 6-25-1852
Kaili	ʻŌhiʻa	3107:2			1.27	- Paukū kalo, Poʻalima, Loʻi Aupuni, Loʻi Paʻahao - Adjacent to Waikapū Stream - 'Auwai	E. Bailey 4-30-1852
Kamakaipoaa / Kamakaipuaa	Kama'ūhāli'i	6385:2	N/A		1.94	- Lo'i (unspecified amount) - Adjacent to Waikapū Stream	E. Bailey 4-15-1852
Keakua	Pālama	3538:1	2351		1.64	- 21 Loʻi kalo E. Bailey - House lot 6-25-185 - Kula - Adjacent to Waikapū Stream	
Kaili	Pālama	3107:5	2348		0.90	- Lo'i kalo (unspecified amount) - Adjacent to Waikapū Stream	E. Bailey 4-30-1852
Manu	Pālama	2208:1	2208		0,72	- 36 loʻi kalo / moʻo kalo - Adjacent to Waikapū Stream	E. Bailey 1-27-1854
Keaweamahi	Pālama	3545	5262		2.08 .	- Moʻo kalo - Kula - Adjacent to Waikapū Stream	E. Bailey 4-16-1852
Wahinealii	Pālama	11022:2 3:1	3142		1.70	- Moʻo kalo - Adjacent to Waikapū Stream	E. Bailey 4-16-1852
Joseph Sylva / Silva	Moka'elelū			1844:3	487.0	- 'Auwai / watercourse - Stone walls, pens - Native claims retained - Kaiwaloa Ridge & Kapiliiki Gulch	E. Bailey 4-10-1855

NOTE: The Cultural Preserve includes a portion of each kuleana identified in the table. The remaining portions are owned by other land owners not associated with the ownership of Waikapū Properties.

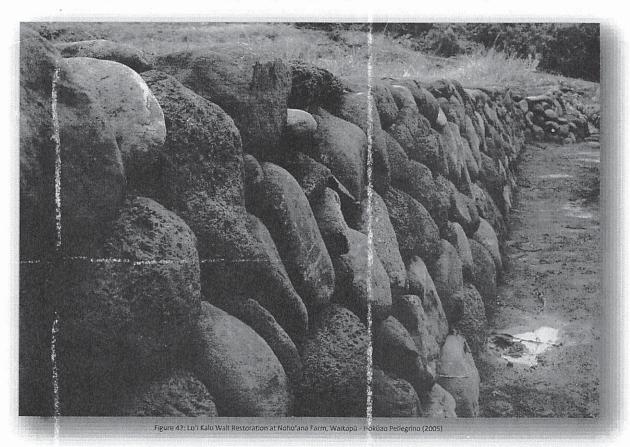
4.5 LAND & CULTURAL RESOURCES PRIORITY PROJECT #4

Priority	Integration of Waikapū Ethnohistorical Resources throughout WCT Development				
Project					
Purpose	To integrate and perpetuate the cultural identity of Waikapū throughout the entire Waikapū				
	Country Town Development.				
Overview	The Waikapū Country Development is proposing to have a park, school, businesses and				
	streets. The purpose of this project is to utilize the in-depth cultural research conducted v				
	the CIA and this plan in all aspects of the development. Areas may include but are not				
	limited to the naming of the school, park, buildings, and streets as well as creating				
	interpretive signage throughout the development sharing the history of Waikapū and				
inje	profound natural and cultural resources that exist. In addition to this is building a strong				
37)	sense of place by providing opportunities to experience hands-on stewardship				
	opportunities within designated spaces such as the Waikapū Cultural Preserve. A				
	community advisory committee to assist in these two areas would be set up to execute on this project.				
Site Map	Waikapū Country Town See Figure 1 on Page 4				
Stakeholders	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC, Waikapū Community Association, Future Waikapū Country Town Community Advisory Committee				
Owner	Waikapū Community in conjunction with Waikapū Country Town				
Management	Future Waikapū Country Town Community Advisory Committee and key stakeholders.				
Timeline	Pre and post development phases				
Outcomes	Strong integration of Waikapū cultural and natural resources throughout the Waikapū				
Outcomes	Country Town development by building bridges and relationships between old and new				
81	residents.				
Cost Analysis	N/A				
& Budget					
Overview					
3.0,000	1				

5.1 HŌ'ULU'ULU MANA'O HOPE - FINAL SUMMARY

The In-depth research and analysis included in the Cultural Impact Assessment and Ka Pa'akai Analysis has shown that the Waikapū Country Town development is within a naturally and culturally vibrant ahupua'a. It has shown that throughout the last 10 years, Waikapū Properties, LLC, and Wai'ale 905 Partners, LLC have been openly communicating with the Waikapū Community at large, those kuleana land owners whose lands may be impacted adjacent to the subject property and key stakeholders groups. Because of the concerns about neighboring cultural properties and resources, it is recommended that the developer continue to have genuine discussions throughout the planning process with the Waikapū Community and stakeholders, while providing current information and/or changes regarding the development plan. Overarching sentiments provided by the community is that they want to trust the planning and development process, to ensure the developer is continually open to their concerns and working directly with them on addressing any issues. Lastly, they want the commitment of the developers to execute and complete all priority projects that were identified in this plan.

The Integrated Natural-Cultural Resource Preservation Management Plan is a guiding document that provides strategic guidance and actions for the management and stewardship of resources via priority projects and current initiatives. Waikapū Properties, LLC and Wai'ale 905 Partners, LLC are committed to seeing this plan through to completion in partnership with all major key stakeholders that were identified. Responsible stewardship of cultural and natural resources is critical to maintaining the unique character of the current Waikapū Historic Town and ahupua'a. Furthermore, it enhances the way of life of current and future Waikapū residents while supporting thoughtful growth and sustainability.



6.1 PAPA KUHIKUHI - BIBLIOGRPAHY

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RECEIVED

1. Passed FINAL READING at the meeting of the Council of the Council of the Council of Mauristate of Hawaii, held on the 20th day of September, 2019, by the following vote:

Kelly T KING Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Alice L. LEE	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 20th day of September, 2019.

DATED AT WAILUKU, MAUI, HAWAII, this 20th day of September, 2019.

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KELLY T. KING, CHAIR
Council of the County of Maui

MARGARET C. CLARK, DEPUTY COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS

20Th DAY OF

September

. 2019.

MICHAEL P. VICTORINO, MAYOR County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 4998 of the County of Maui, State of Hawaii.

MARGARET C CLARK, DEPUTY COUNTY CLERK County of Maui

Passed First Reading on August 9, 2019.

Effective date of Ordinance September 20, 2019

MISSEP 23 AN 8: 41
CFFICE OF THE

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 4998 , the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

Exhibit 4

Department of Education,
Educational Contribution Agreement

Educational Contribution Agreement for WAIKAPU COUNTRY TOWN

THIS INDENTURE, made this _____ day of ______, 2016, by and between WAIALE 905 PARTNERS, LLC, WAIKAPU PROPERTIES, LLC, MTP LAND PARTNERS, LLC and the WILLIAM FILIOS SEPARATE PROPERTY TRUST (collectively "WCT") whose principal place of business and mailing address is PO Box 1870, Manteca, CA 95336 and the State of Hawai'i DEPARTMENT OF EDUCATION ("DOE") whose mailing address is Department of Education, Facilities Development Branch, 3633 Waialae Avenue, Honolulu, Hawai'i 96816.

Each entity comprising WCT and executing this Agreement on behalf of WCT shall be jointly and severally liable for all of the obligations contained herein. In addition, each entity comprising WCT hereby acknowledges and agrees that all of the representations, warranties, covenants, obligations, conditions, agreements and other terms contained in this Agreement shall be applicable to and shall be binding upon each entity comprising WCT, and shall be binding upon all such entities.

WHEREAS WCT is the developer and recorded fee simple owner of those certain parcels of land comprised of 1,576.17 acres and identified as Tax Map Key parcels 3-6-002:003, 3-6-002:001, 3-6-005:007, 3-6-004:003, 3-6-006:036 and 3-6-004:006, also known as "WAIKAPU COUNTRY TOWN";

WHEREAS the WAIKAPU COUNTRY TOWN is anticipated to contain a total of 1,433 residential units in the entire project;

WHEREAS, pursuant to Hawai'i Revised Statutes ("HRS") Chapter 302A-1601 to 1612, DOE is authorized to collect school impact fees from all new residential development in designated areas or enter into education contribution agreements to satisfy its requirements;

WHEREAS, pursuant to HRS chapter 302A-1601, said impact fee obligation is comprised of two components, land and construction cost;

WHEREAS, for the land component, pursuant to Hawai'i Revised Statutes Chapter 302A-1606 (c), DOE has exclusive authority to determine whether the obligation shall be satisfied by actual acreage or fees in lieu thereof;

WHEREAS, the amount for the construction cost component shall be determined pursuant to HRS Chapter 302A-1607;

WHEREAS WCT and DOE have mutually agreed that the educational contribution set forth in this Agreement will satisfy all DOE requirements for WAIKAPU COUNTRY TOWN, based on a maximum of 1,433 net residential units, less any units that prohibit school age children;

NOW THEREFORE, WCT and DOE agree as follows:

WCT's Cash Contribution. WCT shall contribute a total of Two Million Six Hundred Ten Thousand Three Hundred Twenty Nine Dollars (\$2,610,329) to DOE.

- a. The Cash Contribution shall be paid out of Escrow and made payable to the "State of Hawai'i, Department of Education" in accordance with the following schedule:
 - (1) Two Thousand One Hundred Fifty Three Dollars (\$2,153.00) payable upon the closing and recordation of each single family unit within the project.
 - (2) Nine Hundred Thirteen Dollars (\$913.00) payable upon the closing and recordation of each multi-family unit within the project.
- b. The amount of the cash contribution shall be adjusted from the effective date of this Agreement to the date it is paid, so that it is always equal to the Central Maui District Impact Fee that is in effect at the time of payment.
- 2. WCT's Land Contribution. WCT shall dedicate twelve (12) net usable acres on parcel 3-6-002:003 ("school site") to the State of Hawai`i. Usable is generally defined as land free of conditions determined to be restrictive by DOE. Characteristics of a usable site include, but are not limited to, slope of five percent or less, no ravines or stream beds, a distance from potential hazards such as chemical emissions, and setbacks of 100 to 350 feet from high voltage power lines (distance depending on voltage). DOE will make the final determination as to whether land is usable based on an evaluation of the specific property taken in the context of the development as a whole.

The presence of all public schools within WAIKAPU COUNTRY TOWN will be acknowledged and included in all plans and studies for the development, including environmental impact studies and zoning applications.

The location of the school site shall be as shown on the map attached hereto and incorporated herein as Exhibit "A". Additional school site characteristics shall include:

- Use of the school site shall be limited to public school and ancillary school uses.
- WCT shall grant all utility easements over lands owned by WCT that are required to provide utility service to the school site without charge to the State of Hawai'i.
- c. The school site shall have a minimum of two vehicular access points, along two different boundaries of the parcel, in locations approved in writing by DOE.
- d. WCT may be required to clear encumbrances or liens from title as required by DOE or the Department of Land and Natural Resources ("DLNR"), prior to conveyance and at no cost to the State of Hawai`i. In the event WCT cannot provide acceptable title to the State of Hawai`i, or

it is not economically feasible to do so, WCT shall propose a mutually agreeable alternative site(s). The parties agree that time is of the essence and shall exercise good faith in selecting a mutually agreeable alternative site(s).

- e. WCT shall provide a topographic map of the school site at 2-foot elevation prior to the signing of this agreement.
- f. WCT shall be responsible for rezoning the school site to a residential land use designation prior to conveyance to the State of Hawai'i.
- g. WCT shall conduct property appraisals at no cost to the State of Hawai'i and at times specified by DOE.
- h. WCT shall grant a right-of-entry to the State of Hawai'i and its consultants for preliminary data gathering (archaeological, soil testing, topographic surveys, etc.) and construction on the school site prior to conveyance to the State of Hawai'i and within 60 days of a written request by the DOE.
- WCT shall provide a soils report within ninety (90) days of the signing of this agreement and within ninety (90) days following the addition of any subsequent fill.

In the event the soils report and documentation indicate conditions unacceptable to DOE; WCT shall propose mutually agreeable alternative site(s) or remove the objectionable material and replace it with soil acceptable for construction, as determined by DOE. The parties agree that time is of the essence and shall exercise good faith in selecting a mutually agreeable alternative site(s).

In addition, a copy of any grading report that includes the school site shall be provided to DOE.

j. WCT shall conduct a Phase I Environmental Site Assessment ("Phase I ESA") for the school site, at no cost to the State of Hawai`i. The State of Hawai`i shall be listed as an intended user of the Phase I ESA. The study shall satisfy the requirements of the State Department of Health ("DOH") and DLNR. Two copies of the report shall be provided to DOE within 60 days of a DOE request.

If necessary, the Phase I ESA or sections thereof may require updating, if some sections of the report are more than six (6) months old, prior to closing.

If the Phase I ESA identifies the potential for hazardous material release, the presence of naturally occurring hazardous materials, or if required by DOH or DLNR, WCT shall also conduct a Phase II Environmental Site Assessment and any and all abatement and disposal as may be warranted and as satisfactory to the standards required by the Federal

Environmental Protection Agency and/or the DOH, all at no cost to the State of Hawai`i.

In the event WCT cannot conduct any and all abatement and disposal to the standards described above, or it is not economically feasible to do so, WCT shall propose a mutually agreeable alternative site(s). The parties agree that time is of the essence and shall exercise good faith in selecting a mutually agreeable alternative site(s).

k. The school site shall not contain any known historical or archaeological sites. WCT shall be responsible for verifying such state with DLNR's State Historic Preservation Division (hereinafter referred to as "SHPD") and/or provide appropriate mitigation measures that are acceptable to SHPD and DOE. If requested by DOE, the WCT shall update the archaeological survey for the school site if there are unintentional/inadvertent discoveries of human remains within WAIKAPU COUNTRY TOWN.

In the event WCT cannot provide sufficient mitigation, or it is not economically feasible to do so, WCT shall propose a mutually agreeable alternative site. The parties agree that time is of the essence and shall exercise good faith in selecting a mutually agreeable alternative site(s).

- WCT shall be responsible for the subdivision of the school site at no cost to the State of Hawai'i, including Land Court recordation, if applicable.
- m. Upon formal subdivision approval of the school site, WCT shall provide a survey of the site stamped by a duly licensed surveyor. Said survey shall include metes and bounds description and map of the school site in accordance with the subdivision process. All survey maps and descriptions for the subject property must be in accordance with the State's Department of Accounting and General Services standards and at WCT's own cost.

If available, WCT shall also provide the latest ALTA survey prior to subdivision of the school.

- n. WCT shall commit to the completion of the following subdivision infrastructure systems, at no cost to DOE and up to the property line of the school site, twelve (12) months prior to the start of construction of the school:
 - Potable water distribution systems for irrigation, domestic, and fire flow needs;
 - Non-potable water distribution system, if required, for irrigation;
 - (3) Sewage collector, treatment and disposal systems;
 - (4) Drainage collector and disposal systems;

- (5) Access roadway systems sufficient for bus and vehicular traffic (minimum 60-foot right-of-way);
- (6) Electrical, telephone, CATV and any other telecommunication distribution systems.
- o. WCT shall provide at no cost to the State of Hawai'i, adequate allocations for the above services prior to the start of construction of the school, such as:
 - (1) Subdivision water system allocations based on up to 60 gallons per 850 person per day for domestic use plus 4,000 gallons per day per acre for irrigation purposes at no cost to the State of Hawai`i.
 - (2) Subdivision water system capacity of 2,000 gallons per minute for a 2-hour duration (with residual critical pressure of 20 psi at the fire hydrants), as required for fire flow requirements, with related reservoir storage capacity.
 - (3) Average sewage flow allocations based on 25 gallons per person, per day, at approximately 850 people, plus 1,250 gallons per acre per day for wet weather infiltration/inflow or plus 2,750 gallons per acre per day for wet weather if the sewer line is laid below the normal ground water table.
 - (4) Actual allocations and size of utility lines at street for potable and non-potable water, sewer, drainage, power, telephone, CATV and any other telecommunication systems shall be reported with the conveyance documents.
- p. The school site shall be exempt from WAIKAPU COUNTRY TOWN community Declaration of Covenants, Conditions and Restrictions ("CC&R"), WAIKAPU COUNTRY TOWN association rules, WAIKAPU COUNTRY TOWN design committee rules, and subdivision design guidelines.
- q. The school site shall be conveyed to the State of Hawai'i at least ninety (90) days prior to the start of on-site construction.
- r. WCT shall conduct an initial title search of the school site at no cost to the State of Hawai`i at the time of the execution of this agreement. Updates to the title report (with hyperlinks) may be required by DOE during its due diligence process and following substantial changes to the property title.
- WCT shall be responsible for payment of all property taxes up to the effective date of the Warranty Deed.

- WCT shall provide title insurance for the school site when DOE's due diligence process is completed and conveyance is eminent.
- Conveyance of the school site shall be via Warranty Deed in a form approved by the Department of the Attorney General, Land/Transportation Division and DLNR. The standard boilerplate Warranty Deed form, as may be amended from time to time, has been provided to WCT
- WCT recognizes that the State of Hawaii's acquisition and disposition of private property is subject to approval by the Board of Land and Natural Resources.
- This Agreement shall be binding upon WCT, or its successor in interest.
- 4. The validity of this Agreement and any of its terms or provisions, as well as the rights and duties of the parties to this Agreement, shall be governed by the laws of the State of Hawaii. Any action at law or in equity to enforce or interpret the provisions of this Agreement shall be brought in a state court of competent jurisdiction in Honolulu, Hawaii.
- 5. This Agreement may be executed in counterparts. Each counterpart shall be executed by one or more of the parties to this instrument and the several counterparts shall constitute one instrument to the same effect as though the signature of all the parties were upon the same instrument. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one instrument.

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement the day and year first above written.

-----THE REMAINDER OF THIS PAGE IS INTENTIALLY BEING LEFT BLANK-----

OWNER OF TMK'S 3-6-002:001 AND 3-6-002:003

WAIALE 905 PARTNERS, LLC

Larry W. Anderson, as Co-Trustee of the Larry W. Anderson and Georgeann M. Anderson Revocable Family Trust Dated August 9, 2004
Georgeann M. Anderson, as Co-Trustee of the Larry W. Anderson and Georgeann M. Anderson Revocable Family Trust Dated August 9, 2004
Lodi Development, Inc.
By:
By: Albert G. Boyce V Its: President
Boyce Resource Development Company
By: Albert G. Boyce Jr. Its: President
Albert G. Boyce, Jr., as Trustee of Trust B Created under the Last Will and Testament of Albert G. Boyce Sr., dated November 2, 1978
William S. Filios as Trustee of The William S. Filios Separate Property Trust dated April 3, 2000

OWNER OF TMK'S 3-6-002:001 AND 3-6-002:003

WAIALE 905 PARTNERS, LLC

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Lodi Development, Inc.
Ву:
Its:
Boyce Holdings, Inc.
By: Albert G. Boyce V
Its: President
Boyce Resource Development Company (1) Aut (1) Or (1)
By: Albert G. Boyce Jr.
Its: President
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Albert G. Boyce, Jr., as Trustee of Trust B
Created under the Last Will and Testament of
Albert G. Boyce Sr., dated November 2, 1978
ull for
William S. Filios as Trustee of The
William S. Filios Separate Property Trust
dated April 3, 2000

OWNER OF TMK'S 3-6-002:001 AND 3-6-002:003

WAIALE 905 PARTNERS, LLC
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Larry W. Anderson and Georgeann M. Anderson
Revocable Family Trust
Dated August 9, 2004
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Larry W. Anderson and Georgeann M. Anderson
Revocable Family Trust
Dated August 9, 2004
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By: Larry W Anderson
Its: Pi-e.s
Boyce Holdings, Inc.
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By: Albert G. Boyce V
Its: President
Boyce Resource Development Company
By: Albert G. Boyce Jr.
Its: President
no. 1 resident
Albert G. Boyce, Jr., as Trustee of Trust B
Created under the Last Will and Testament of
Albert G. Boyce Sr., dated November 2, 1978
William S. Filios as Trustee of The

William S. Filios Separate Property Trust

dated April 3, 2000

OWNER OF TMK'S 3-6-004:003, 3-6-004:006 AND 3-6-006:036

WAIKAPU PROPERTIES, LLC

Lodi Development, Inc.
By: Larry W. Anderson Its: President
Michael W. Atherton Development, Inc. By: Michael W. Atherton Its: President
William S. Filios as Trustee of The William S. Filios Separate Property Trust dated April 3, 2000
Boyce Holdings, Inc.
By: Albert G. Boyce V Its: President
Boyce Resource Development Company
By: Albert G. Boyce Jr.

OWNER OF TMK'S 3-6-004:003, 3-6-004:006 AND 3-6-006:036

WAIKAPU PROPERTIES, LLC

Ву:	Larry W. Anderson
Its:	President
Mic	hael W. Atherton Development, Inc.

By: Michael W. Atherton Its: President

William S. Filios as Trustee of The

William S. Filios Separate Property Trust

dated April 3, 2000

Boyce Holdings, Inc.

By: Albert G. Boyce V

Its: President

Boyce Resource Development Company

By: Albert G. Boyce Jr.

Its: President

OWNER OF TMK'S 3-6-004:003, 3-6-004:006 AND 3-6-006:036

WAIKAPU PROPERTIES, LLC

Lodi Development, Inc.
By: Larry W. Anderson Its: President
Michael W. Atherton Development, Inc.
By: Michael W. Atherton Its: President
William S. Filios as Trustee of The William S. Filios Separate Property Trust dated April 3, 2000
Boyce Holdings, Inc.
By: Albert G. Boyce V Its: President
Boyce Resource Development Company
By: Albert G. Boyce Jr. Its: President

OWNERS OF TMK 3-6-005:007

MTP LAND PARTNERS, LLC

Michael W. Atherton Development, Inc.

By: Michael W. Atherton

Its: President

Boyce Holdings, Inc. 7

By: Albert G. Boyce V

Its: President

WILLIAM S. FILIOS

William S. Filios as Trustee of The William S. Filios Separate Property Trust dated April 3, 2000

OWNERS OF TMK 3-6-005:007

MTP LAND PARTNERS, LLC

Michael W. Atherton Development, Inc.

By: Michael W. Atherton

Its: President

Boyce Holdings, Inc.

By: Albert G. Boyce V

Its: President

WILLIAM S. FILIOS

William S. Filios as Trustee of The

William S. Filios Separate Property Trust

dated April 3, 2000

DEPARTMENT OF EDUCATION
By JAN 3 1 2017 Kathryn S. Matayoshi Superintendent
Approved as to form: By Attorney General State of Hawai'i
Date: /-(1-17
STATE OF HAWAI'I) ss.
CITY AND COUNTY OF HONOLULU)
The attached document: Educational Contribution Agreement for Waikapu Country Town, dated
[Notary Signature]
FUBLIC 1
Printed Name: Gail A. Muncokn No. 85-505
My commission expires: May 10, 2019

NOTARY PUBLIC Comm No 12-280	Notary Signature Printed Name: Patricia C. Okuda My Commission Expires: 8/26/2
Doc. Date:# Pag Notary Name:Patricia C. Okuda Doc. DescriptionEducation al Contra Agreement . Waikapu Country Tour Ochius (C. Oku De . 1/13	Second Circuit
Signature NOTARY CERTIFICATION	Date Comm. No 12-280

)) SS.

Michael On this Ahapton, to me known to be the person described in and who

executed the foregoing instrument and acknowledged that he executed the same as

Patricia e Okul

8/26/20

STATE OF HAWAII

COUNTY OF MAUI

his free act and deed.

Witness my hand and seal.

MILLIAN,

STATE OF HAWAII)	
)	SS.
COUNTY OF MAUI)	
On this day of Alloerr G. Boyce executed the foregoing instruhis free act and deed.	January, 2017, before me personally appeared to me known to be the person described in and who ment and acknowledged that he executed the same as
Witness my hand and	seal.
NOTARY NOTARY	Notary Signature Printed Name: Patricia C. Okuda

My Commission Expires: 8/26/20

Doc. Date:	_# Pages:	16
Notary Name:Patricia C. Okuda		
Agreement Waikuph Countrick C. OKNOCE Signature NOTARY CERTIFICATION	CONTIGUTI 1711 TOWN 1/13/1. Date	NOTARY PUBLIC Comm No. 12-280

Other:

Signer Is Representing: _

 $\chi_{12}\chi_{12}\chi_{23}\chi_{2$ A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. State of California County of San Jacquin Date

Here Insert Name and Title of the Officer

Hally appeared

A best G. Bayce Jr. Dresident

Name(s) of Signer(s)

OF Bayce Lescurce Development Company personally appeared who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s). or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. HEATHER CHRISTOPHERSON WITNESS my hand and official seal. Commission # 2125411 Notary Public - California San Joaquin County My Comm. Expires Aug 30, 2019 Signature ignature of Notary Public Place Notary Seal Above OPTIONAL -Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document. **Description of Attached Document** Title or Type of Document: Felwatinal (Entrabution Agreemen Document Date: Number of Pages: ______ Signer(s) Other Than Named Above: _ Capacity(ies) Claimed by Signer(s) Signer's Name: Signer's Name: Corporate Officer - Title(s): ___ Corporate Officer - Title(s): __ Partner - Limited General Partner - Limited General Individual Attorney in Fact Individual Attorney in Fact Trustee Guardian or Conservator Trustee Guardian or Conservator

Other:

Signer Is Representing: _

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. State of California County of SUN JOUGUIN On January 13 2017 before me, Here Insert Name and Title of the Officer personally appeared Albert 6. Exyce, Jr. Trustee of Name(s) of Signer(s) Trust B Created uncler last will and testament of Albert & Bayce Swho proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. HEATHER CHRISTOPHERSON WITNESS my hand and official seal. Commission # 2125411 Notary Public - California San Joaquin County My Comm. Expires Aug 30, 2019 Signature Signature of Notary Public Place Notary Seal Above OPTIONAL -Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document. **Description of Attached Document** Title or Type of Document: Educational Communition Agricul Document Date: Number of Pages: 10 Signer(s) Other Than Named Above: Capacity(ies) Claimed by Signer(s) Signer's Name: Signer's Name: Corporate Officer - Title(s): ___ Corporate Officer — Title(s): Partner - Limited Partner - Limited General General Individual Attorney in Fact Individual Attorney in Fact Trustee Guardian or Conservator Guardian or Conservator Trustee Other: Other: Signer Is Representing: __ Signer Is Representing:

Individual

Signer Is Representing: _

Trustee

Other:

Attorney in Fact

Guardian or Conservator

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. State of California County of SAM personally appeared who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. HEATHER CHRISTOPHERSON WITNESS my hand and official seal. Commission # 2125411 Notary Public - California San Joaquin County Signature My Comm. Expires Aug 30, 2019 Place Notary Seal Above OPTIONAL -Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document. **Description of Attached Document** Title or Type of Document: _____ _ Document Date: _____ Number of Pages: _____ Signer(s) Other Than Named Above: __ Capacity(ies) Claimed by Signer(s) Signer's Name: Signer's Name: ... Corporate Officer — Title(s): Corporate Officer — Title(s): ___ Partner - Limited Partner - Limited General General

Individual

Trustee

Other:

Signer Is Representing: __

Attorney in Fact

Guardian or Conservator

COUNTY OF MAUI)	
On this lo day of January 20 to me known to b executed the foregoing instrument and acknow his free act and deed.	017, before me personally appeared e the person described in and who ledged that he executed the same as
Witness my hand and seal.	
	Philonex C. OKuCe
TRICIA C. OKU	Notary Signature
THE BEAT OF THE	Printed Name: Patricia C. Okuda
NOTARY PUBLIC Comm No 12-280	My Commission Expires: 8/26/20

STATE OF HAWAII

Doc. Date:	_# Pages:	iO	
Notary Name:Patricia C. Okuda	5.000	_ Second Circuit	
Doc. Description <u>Education National</u> Agreement Waikapu Cour Panac C-O Kua Signature NOTARY CERTIFICATION		NOTARY PUBLIC Comm. No.	Anna a a a a a a a a a a a a a a a a a a

STATE OF HAWAII)	
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COUNTY OF MAUI)	

Witness my hand and seal.



Politica Colored Notary Signature

Printed Name: Patricia C. Okuda

My Commission Expires: 8/26/20

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Exhibit 5

Transmittal of Supplemental Traffic Analysis

From: Netai Basu

To: <u>David Goode</u>; <u>Clayton Yoshida</u>; <u>jenny.s.lee@hawaii.gov</u>

Cc: Kurt Wollenhaupt (Kurt.Wollenhaupt@co.maui.hi.us); joseph.k.krueger@hawaii.gov;

robin.k.shishido@hawaii.gov; russell.iwasa@hawaii.gov; msummers@planningconsultantshawaii.com; Sohrab

Rashid (S.Rashid@fehrandpeers.com)

Bcc: Southern California Front Desk

Subject: RE: Supplemental Traffic Analysis and Pro-Rata Share Calculations for the Waikapu Country Town Project (ref.

SD13-0085.02)

Date: Tuesday, July 10, 2018 12:15:00 PM

Attachments: WCT NoWaialeBypass Memo 2022 final.pdf

image002.png image003.png

All -

It's come to my attention that the memo with the supplemental traffic analysis that was recently circulated had two typos where "2026" was shown, instead of "2022." The attached version corrects that. Please rely on this version in the future. Thank you.

-Netai Basu, AICP CTP

FEHR PEERS

600 Wilshire Blvd, Suite 1050 Los Angeles, CA 90017 Direct (213) 261-3073

Office (213) 261-3050 or (808) 541-9916

<u>asap.fehrandpeers.com</u> n.basu@fehrandpeers.com

From: Netai Basu

Sent: Saturday, July 7, 2018 4:46 PM

To: 'David Goode' <David.Goode@co.maui.hi.us>; Clayton Yoshida

<Clayton.Yoshida@co.maui.hi.us>; jenny.s.lee@hawaii.gov

Cc: Kurt Wollenhaupt (Kurt.Wollenhaupt@co.maui.hi.us) < Kurt.Wollenhaupt@co.maui.hi.us>; joseph.k.krueger@hawaii.gov; robin.k.shishido@hawaii.gov; russell.iwasa@hawaii.gov; msummers@planningconsultantshawaii.com; Sohrab Rashid (S.Rashid@fehrandpeers.com) < S.Rashid@fehrandpeers.com>

Subject: Supplemental Traffic Analysis and Pro-Rata Share Calculations for the Waikapu Country Town Project (ref. SD13-0085.02)

Good afternoon Ms. Lee, Mr. Goode and Mr. Yoshida –

This message follows up on our previous correspondence regarding the Waikapu Country Town project.

Attached are two technical memoranda completed in fulfillment of certain conditions of the State Land Use Commission. One presents the methodology and results of the supplemental traffic analysis of the project. The other is the calculation of the project's pro-rata share for traffic

mitigation measures, which is an initial step in developing Memoranda of Agreement with both the County of Maui and the State DOT. Please review, and contact us or Mike Summers with comments or questions.

Continuing this coordination, we suggest that the next step should be to find a time to meet to discuss these and previous studies. Would you all be open to a joint meeting?

-Netai Basu, AICP CTP

FEHR ↑ PEERS

600 Wilshire Blvd, Suite 1050 Los Angeles, CA 90017 Direct (213) 261-3073 Office (213) 261-3050 or (808) 541-9916 asap.fehrandpeers.com n.basu@fehrandpeers.com

From: David Goode < <u>David.Goode@co.maui.hi.us</u>>

Sent: Sunday, July 1, 2018 5:37 PM

To: Clayton Yoshida <<u>Clayton.Yoshida@co.maui.hi.us</u>>; Netai Basu <<u>N.Basu@fehrandpeers.com</u>>; ienny.s.lee@hawaii.gov

Cc: Sohrab Rashid <<u>S.Rashid@fehrandpeers.com</u>>; <u>joseph.k.krueger@hawaii.gov</u>; <u>robin.k.shishido@hawaii.gov</u>; <u>russell.iwasa@hawaii.gov</u>; msummers@planningconsultantshawaii.com

Subject: Re: Follow Up on - FOR YOUR REVIEW/COMMENT - Approach to Supplemental Traffic Analysis and Pro-Rata Share Calculations for the Waikapu Country Town Project (ref. SD13-0085.02)

Hi Netai, no comments from me. thx, DG

>>> Netai Basu <<u>N.Basu@fehrandpeers.com</u>> 5/11/2018 12:15 PM >>> Good afternoon Ms. Lee, Mr. Goode and Mr. Yoshida —

Thank you for contacting me earlier this week, Ms. Lee.

This message follows up on my prior communication, below, regarding the supplemental analysis of the Waikapu Country Town project. As a reminder, next week we're planning to proceed with that analysis as I'd indicated. If you have any comments or suggestions to offer, we welcome them now. Once this analysis is complete we'll submit the results to you and your agencies for review before we meet to discuss the results and the next steps toward developing Memoranda of Understanding.

-Netai

From: Netai Basu

Sent: Wednesday, May 02, 2018 4:32 PM

To: robin.k.shishido@hawaii.gov; 'David Goode' < David.Goode@co.maui.hi.us >; Clayton Yoshida

<<u>Clayton.Yoshida@co.maui.hi.us</u>>

Cc: 'Krueger, Joseph K' < <u>ioseph.k.krueger@hawaii.gov</u>>;

'msummers@planningconsultantshawaii.com' <<u>msummers@planningconsultantshawaii.com</u>>; Sohrab Rashid (<u>S.Rashid@fehrandpeers.com</u>) <<u>S.Rashid@fehrandpeers.com</u>>

Subject: FOR YOUR REVIEW/COMMENT - Approach to Supplemental Traffic Analysis and Pro-Rata Share Calculations for the Waikapu Country Town Project (ref. SD13-0085.02)

Mr. Shishido, Mr. Goode, Mr. Yoshida –

Attached for your review and comment is a brief memorandum that presents the approach Fehr & Peers will use in preparing supplemental traffic impact analysis and pro-rata share calculations for the Waikapu Country Town project. This is undertaken to fulfill certain conditions of the State Land Use Commission. As with previous studies for this project we're coming to you input early in the process. If you have any questions or comments please provide them by May 15, when we plan to proceed with these tasks in the manner described. Once they are completed the project team will contact you to meet and discuss the next steps. Thank you.

Netai Basu, AICP CTP

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Exhibit 6

Supplemental Analysis of 2022 Conditions without Waiale Bypass



MEMORANDUM

Date: June 29, 2018

To: Mike Summers, Planning Consultants Hawaii, LLC

From: Netai Basu & Ryan Liu, Fehr & Peers

Subject: Waikapu Country Town Project - Analysis of 2022 Conditions without the

Waiale Bypass

SD13-0085.02

In December 2016 the Hawaii Land Use Commission conducted a hearing on the Waikapu Country Town (WCT) project. Following certification of the EIS at the hearing, a series of conditions were set forth as part of the "Findings of Fact, Conclusions of Law, and Decision and Order and Certificate of Service," dated February 27, 2018. Condition 8a requires the "preparation of "a supplemental analysis to evaluate the "No Waiale Bypass" with Petitioner's Project in 2022 (Phase 1), due to the current memorandum/addendum limited to only build-out year (2026)". This memorandum is intended to fulfill this condition.

Considerable coordination between the County of Maui (County), Hawaii Department of Transportation (HDOT) and the project team early in the preparation of the Transportation Impact Analysis Report (TIAR) for the Waikapu Country Town Project (WCT, project) led to the decision to assume the completion of the planned Waiale Bypass in the study's future analysis scenarios. The Waiale Bypass is a planned extension of Waiale Road approximately one mile between its existing terminus at Waiale Road & Waiko Road to a new intersection with Honoapiilani Highway, and is the subject of a completed Environmental Assessment.¹ The roadway extension would provide supplemental access to the makai area of the WCT project site via a proposed roundabout with Main Street and a three-legged intersection with the major North-South Residential Street. The

¹ Final Environmental Assessment for the Proposed Waiale Road Extension and East Waiko Road Improvements (prepared for County of Maui by Munekiyo & Hiraga, Inc., 2014)

Mike Summers June 29, 2018 Page 2 of 12



bypass received \$18,000,000 in funding in the County's FY2019 CIP² for years from 2020 to 2024, but the precise schedule for construction of this roadway is uncertain.

Fehr & Peers has developed and analyzed forecast traffic volumes in 2022 without the Waiale Bypass in place, both before and after the addition of project traffic. These traffic volumes were then used to conduct a full quantitative (LOS) analysis of these two future no-bypass scenarios. The results of the analysis are summarized in this memorandum.

FUTURE TRAFFIC PROJECTIONS

Estimates of the future traffic conditions made as part of the draft and final EIS that employed the Maui Travel Demand Forecasting Model. Traffic volumes forecasts for 2026 throughout the study and across key screen lines, without and with the Waiale Bypass in place, were compared to identify the magnitude and location of traffic shifts without the planned roadway in place. That information was used to inform manual adjustments that modified the year 2022 forecasts to reflect the exclusion of the Waiale Bypass. The resulting cumulative base traffic volumes and the anticipated lane configurations, representing future conditions without the project and the bypass for year 2022 is presented in **Figure 1**.

2022 NO PROJECT VOLUME COMPARISON

A comparison of the 2022 No Project peak hour volumes with and without the Waiale Bypass showed that the traffic that was projected to use the roadway extension would shift to use Honoapiilani Highway and Kuihelani Highway between Waiko Road and the intersection of Honoapiilani Highway and Kuihelani Highway. Details of the shift in traffic volumes under the 2022 No Project, No Bypass Condition are summarized below:

 During the AM peak hour, approximately 200 additional northbound trips and approximately 65 additional southbound trips would traverse along Honoapiilani Highway.

² Adopted May 29, 2018, this project is listed on see page 15 of Appendix B of the *Fiscal Year 2019 Capital Program*. https://mauicounty.legistar.com/View.ashx?M=F&ID=6265935&GUID=D27EADA0-E1D5-4531-9B7B-83237CA166C5, accessed June 20, 2018.



- Along Kuihelani Highway it is projected that there would be approximately 100 additional northbound trips and approximately 120 additional southbound trips traversing through this portion of the study area under in the AM peak hour.
- During the PM peak hour, approximately 60 additional northbound trips and approximately 200 additional southbound trips would traverse along Honoapiilani Highway.
- Along Kuihelani Highway it is projected that there would be approximately 120 additional northbound trips and approximately 80 additional southbound trips traversing through this portion of the study area under in the PM peak hour.

PROJECT TRAFFIC PROJECTIONS

Using the same trip generation and trip distribution pattern presented in the TIAR, the project trips were assigned to the 2022 roadway network without the Waiale Bypass. The trip assignment differs from the TIAR as trips to/from land uses on the makai side that were originally expected to travel on Waiale Road were shifted to travel over the site's internal roadways (i.e. Main Street, E-W Residential Road, and N-S Residential Road) to reach Honoapiilani Highway. **Figure 2** illustrates the net new 2022 project generated traffic volumes under full buildout for the AM and PM peak hours at each study intersection.

The project generated traffic volumes (Figure 2) were then added to the 2022 base traffic projection (Figure 1) to develop 2022 plus Project traffic forecasts for the no-bypass scenario shown in **Figure 3**.

KEY STREET SYSTEM CHANGES

In addition to using the revised traffic projections in the 2022 intersection operations analysis, there have been changes to the baseline street system assumptions since the completion of the draft EIS, as well as changes to the project street system assumptions due to the removal of the Waiale Bypass that have been applied to the analysis presented in this memorandum. Described below are the key changes in study intersection configuration used in this analysis:



- Intersection 1: Honoapiilani Highway & Kuikahi Drive: Based on field observations, the eastbound and westbound approaches have been re-striped from one shared through/left-turn lane and one right-turn lane to one left-turn lane, one through lane, and one right-turn lane. Additionally, the eastbound and westbound left-turn phasing have been modified to protected/permitted. These modifications were used in the revised 2022 intersection operations analysis with and without the project in place.
- <u>Intersection 3: S. Kamehameha Avenue & Maui Lani Parkway:</u> A roundabout is planned to replace the all-way stop control intersection. This intersection control modification was used in the revised 2022 intersection operations analysis with and without the project.
- <u>Intersection 6: Waiko Road & Waiale Road:</u> Signalization and construction of the fourth (south) leg of this intersection are part of the Waiale Bypass improvement. Since this analysis evaluates no-bypass scenarios, the existing control and configuration were assumed to remain in place in the 2022 operations analysis.
- Intersection 9: Honoapiilani Highway & Main Street: This future intersection will be constructed as part of the project. Due to the increase in volumes at this location without the Waiale Bypass in place, the intersection configuration has been revised from what was assumed in the TIAR in order to yield desirable operating conditions (i.e. minimum LOS D or better). Thus, this analysis assumes that the intersection is configured with one left-turn lane, one through lane, and one right-turn lane across all approaches. Signal phasing is assumed to be protected/permitted across all approaches and there would be an overlap phase for the westbound right-turn.
- <u>Intersection 10: Waiale Road & Main Street</u> This intersection will not exist if the Waiale Bypass is not constructed.
- <u>Intersection 11: Honoapiilani Highway & East-West Residential Street</u> This intersection would not be constructed in Phase 1 of the WCT project.
- <u>Intersection 12: North-South Residential Street & Waiale Road</u> This intersection would not be constructed in Phase 1 of the WCT project.
- <u>Intersection 13: Honoapiilani Highway & Waiale Road</u> This intersection will not exist if the Waiale Bypass is not constructed.

INTERSECTION ANALYSIS

The intersection operations analysis compares the projected levels of service at each study intersection under cumulative conditions for 2022 with and without the proposed project and the Waiale Bypass. Results of this analysis are presented in **Table 1**.



2022 NO PROJECT TRAFFIC CONDITIONS

The results of the LOS calculations indicate that all of the future study intersections operate at an overall desirable LOS (LOS D or better) under 2022 No Project Conditions, with the exception of the following locations:

- Intersection 1: Honoapi'ilani Highway & Kuikahi Drive (LOS F AM peak hour and LOS E PM peak hour)
- <u>Intersection 3: S. Kamehameha Avenue & Maui Lani Parkway</u> (LOS F AM and PM peak hours)
- Intersection 4: Kuihelani Highway & Maui Lani Parkway (LOS F AM peak hour and LOS E PM peak hour)
- Intersection 6: Waiale Road & Waiko Road (LOS F AM peak hour)
- <u>Intersection 7: S. Kamehameha Avenue & Waiko Road</u> (LOS F AM peak hour)
- <u>Intersection 8: Kuihelani Highway & Waiko Road</u> (LOS E AM peak hour)

When compared to the 2022 No Project results presented in the TIAR, Intersection 2: Wialae Road & Kuikahi Drive would operate at LOS D in the AM peak hour, rather than at LOS E. Intersection 6: Waiale Road & Waiko Road and Intersection 8: Kuihelani Highway & Waiko Road are new locations that would operate at undesirable LOS if the Waiale Bypass is not in place.

2022 WITH PROJECT TRAFFIC CONDITIONS

The proposed project would contribute to cumulative impacts (where LOS E or LOS F is forecast under pre-project conditions) during one or both of the peak hours at the six study intersection listed in the previous section. In addition, project-specific impacts have been identified at two intersections where the addition of project-generated traffic would cause their overall intersection operations to fall below LOS D in one or both peak hours:

- Intersection 2: Waiale Road & Kuikahi Drive
- Intersection 5: Honoapi'ilani Highway & Waiko Road

The results of this no-bypass analysis show that the impacts at Intersections 5, 6 and 8 would be new impacts in 2022, as they were not identified as impacted in the TIAR under 2022 with Project conditions.



POTENTIAL TRAFFIC IMPROVEMENTS

This section describes physical roadway improvements (mitigations) that would be necessary to achieve LOS D or better following completion of Phase 1 of the WCT project in 2022 if the Waiale Bypass were not yet constructed. Mitigation measures described in the draft and final EIS were first applied to the impacted locations and others were investigated as necessary. The emphasis was to identify physical and/or operational improvements that could be implemented within the existing or planned roadway rights-of-way when possible. **Table 1** summarizes the projected LOS in 2022 at the impacted locations with these proposed measures in place.

The full range of improvements that address both project-related and/or cumulative traffic impacts are discussed in detail below.

Intersection 1: Honoapi`ilani Highway & Kuikahi Drive – The addition of a second southbound left-turn lane would fully mitigate the impact under 2022 under the no-bypass scenario. The southbound approach would be widened from the a left-turn lane, a through lane, and a right-turn lane to two left-turn lanes, a through lane, and a right-turn lane. To complement the addition of a second southbound left-turn lane, the east legs of the intersection would need to be widened to provide a second departure lane. Signal modifications at this intersection would include protected phasing on the southbound approach and right-turn overlap phasing on the westbound and northbound approaches. Additional right-of-way may be needed on Honoapiilani Highway and on Kuikahi Drive to fully implement this improvement.

<u>Intersection 2: Waiale Road & Kuikahi Drive</u> – The impact at this intersection could be mitigated under the no-bypass scenario by widening the eastbound and westbound approaches to provide a left-turn lane, two through lanes, and a right-turn lane. To complement the widening of the eastbound and westbound approaches, both the eastbound and westbound departures would also need to be widened to each provide a second receiving lane.

<u>Intersection 3: S. Kamehameha Avenue & Maui Lani Parkway</u> – The impact at this intersection could be improved to pre-project LOS under the no-bypass scenario by installing a traffic signal and widening the eastbound and westbound approaches on Maui Lani Parkway from a single lane to provide one left-turn lane and one shared through/right-turn lane. To fully mitigate to LOS D or better, it would also be necessary to widen the southbound approach on Kamehameha Avenue

Mike Summers June 29, 2018 Page 7 of 12



from one left-turn lane and one shared through/right-turn lane to provide one left-turn lane, one through lane and one right-turn lane.

<u>Intersection 4: Kuihelani Highway & Maui Lani Parkway</u> – The impact at this intersection could be mitigated (LOS D or better) under the no-bypass scenario by widening the eastbound approach to provide a left-turn lane and a shared left-turn/through/right-turn lane.

Intersection 5: Honoapi`ilani Highway & Waiko Road – This intersection is a new impact not previously identified in the Draft and Final EIS. The impact at this intersection could be fully mitigated under the no-bypass scenario by widening the northbound approach from a left-turn lane and a shared through/right-turn lane to provide a left-turn lane, a through lane, and a shared through/right-turn lane, and widening the eastbound and westbound approaches to provide a left-turn lane and a shared through/right-turn lane. The northbound departure of the highway would require widening for a minimum of approximately 250 feet to provide a second receiving lane, which would transition back into the existing single northbound lane. Additional right-of-way may be needed on both Honoapiilani Drive and Waiko Road to fully implement this improvement, which would result in LOS D or better operations at an overall intersection level.

<u>Intersection 6: Waiale Road & Waiko Road</u> – The impact at this intersection is a new impact not previously identified in the Draft and Final EIS. Under the no-bypass scenario, it could be fully mitigated with the installation of a traffic signal, which was assumed to be in place in the Cumulative, pre-project condition in the TIAR due to its key location on the planned Waiale Bypass.

<u>Intersection 7: S. Kamehameha Avenue & Waiko Road</u> – The impact at this intersection could be fully mitigated by using the improvement presented in the TIAR, which is installing a traffic signal with permitted phasing at all approaches.

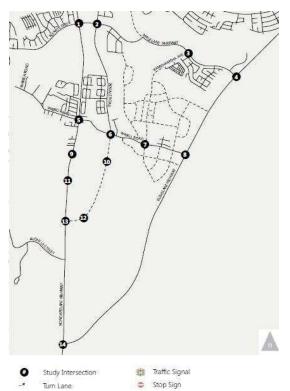
<u>Intersection 8: Kuihelani Highway & Waiko Road</u> – The impact at this intersection could be mitigated using the improvement presented in the Draft and Final EIS, which is widening and restriping the eastbound approach to provide a left-turn lane and a right-turn lane.

Mike Summers June 29, 2018 Page 8 of 12

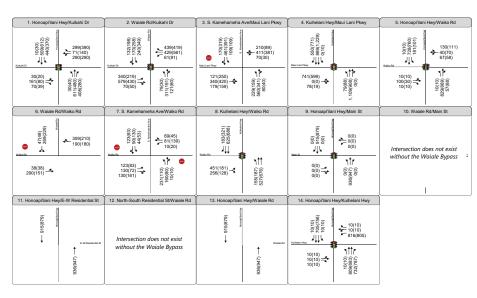


CONCLUSION

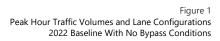
This memorandum documents analysis conducted to assess project-related and cumulative impacts following completion of Phase 1 the proposed Waikapu Country Town project if the planned Waiale Bypass were not constructed by 2022. While three more study intersections would be significantly impacted under this scenario than in the "with Bypass" scenario analyzed in the TIAR as part of the Draft EIS, the desired intersection level of service standard (LOS D) can be achieved at the all analyzed locations with an expanded program of roadway improvements to which the project would contribute its fair share as mitigation.

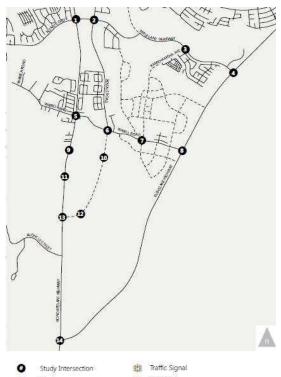


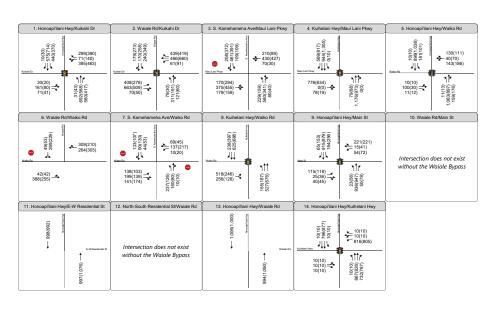
--- Proposed Roadway





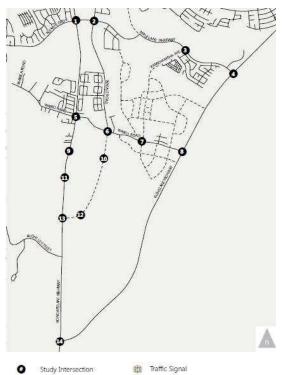












Honoapi'ilani Hwy/Kuikahi Dr	2. Waiale Rd/Kuikahi Dr	3. S. Kamehameha Ave/Maui Lani Pkwy	Kuihelani Hwy/Maui Lani Pkwy	5. Honoapi'ilani Hwy/Waiko Rd	
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6. Waiale Rd/Waiko Rd	7. S. Kamehameha Ave/Waiko Rd	8. Kuihelani Hwy/Waiko Rd	9. Honoapi'ilani Hwy/Main St	10. Waiale Rd/Main St	
© 0 0(0) N 0 74(123) BB0 104) →	15(20) 11(13) 2 (2) (2) (2) (2) (2) (2) (2) (2) (2)	(0,00) (1	115(118) 25(36) 40(45)	Intersection does not exist without the Waiale Bypass	
11. Honoapi'ilani Hwy/E-W Residential St	12. North-South Residential St/Waiale Rd	13. Honoapi'ilani Hwy/Waiale Rd	14. Honoapi'ilani Hwy/Kuihelani Hwy		
((1)) ((1))	Intersection does not exist without the Waiale Bypass	((22)) 6 ->	(C) (O) (O) (O) (O) (O) (O) (O) (O) (O) (O		





Intersection	Traffic Control	Peak Hour	Year 2022 N Conditio Waiale I	ns w/o	Year 202 Project Bypa	w/o	Delay Change	Mitigation Required?	Impacted in the DEIS?	Pre-Project		d to: LOS D or Better Conditions
			Del/Veh ¹	LOS ^{2,3}	Del/Veh ¹	LOS ^{2,3}				Del/Veh ¹	LOS ^{2,3}	Del/Veh ¹ LOS ^{2,3}
Honoapi'ilani Highway / Kuikahi Drive	Signal	AM PM	87 30.8	F C	108.8 55.2	F E	21.8 24.4	YES YES	YES YES	52.1 38.6	D D	Same as Pre-Project Mitigation
2. Waiale Road / Kuikahi Drive	Signal	AM PM	51.6 43.4	D D	67.3 63.2	F E	15.7 19.8	YES YES	YES YES	42.6 38.6	D D	Same as Pre-Project Mitigation
3. S. Kamehameha Avenue / Maui Lani Parkway	Roundabout	AM PM	> 180 148.8	F F	> 180 > 180	F F	**	YES YES	YES YES	54.7 18.7	D B	75.9 E 43.3 D
4. Kuihelani Highway / Maui Lani Parkway	Signal	AM PM	84.2 68.1	F E	98.3 77.3	F E	14.1 9.2	YES YES	YES YES	26.9 28.8	C	Same as Pre-Project Mitigation
5. Honoapi'ilani Highway / Waiko Road	Signal	AM PM	36.7 21.1	D C	116.3 74.2	F E	79.6 53.1	YES YES	NO NO	21.6 24.7	C C	Same as Pre-Project Mitigation
6. Waiale Road / Waiko Road	SSSC	AM PM	137.1 28.2	F D	>180 98.6	F F	** 70.4	YES YES	NO NO	13.7 9.9	B A	Same as Pre-Project Mitigation
7. S. Kamehameha Avenue / Waiko Road	SSSC	AM PM	136.2 31.7	F D	>180 146.6	F F	** 114.9	YES YES	YES YES	16.2 8.8	B A	Same as Pre-Project Mitigation
8. Kuihelani Highway / Waiko Road	Signal	AM PM	64.7 20.9	E C	84.7 24.4	F C	20.0 3.5	YES NO	YES NO	26 18.1	C B	Same as Pre-Project Mitigation
9. Honoapi'ilani Highway / Main Street	Signal	AM AM	Only built w	ith project	26.3 30.0	C C	26.3 30.0	NO NO	NO NO	N	o Mitigation	Required
10. Waiale Road / Main Street	N/A	AM PM						Does not exist w Waiale Bypa				
11. Honoapi'ilani Highway / East-West Residential Street	Signal	AM PM					Only	built with Phase	2 of project			
12. North-South Residential Street / Waiale Road	SSSC	AM PM					Only	built with Phase	2 of project			
13. Honoapi'ilani Highway / Waiale Road	N/A	AM PM						Does not exist w Waiale Bypa				
14. Honoapi'ilani Highway / Kuihelani Highway	Signal	AM PM	20.9 20.5	C	22.0 22.8	C	1.1 2.3	NO NO	NO NO	N	o Mitigation	Required

Source: Fehr & Peers, 2018 Notes:

Notes:

Indicated oversaturated conditions. Delay cannot be calculated. SSSC = Side-street stop-controlled intersection.

Whole intersection weighted average stopped delay expressed in seconds per vehicle for signalized and all-way stop control intersections. The vehicular delay for the worst movement is reported for side street stop-controlled intersections.

LOS calculations performed using the 2000 Highway Capacity Manual (HCM) method.

Unacceptable LOS highlighted in bold.

Exhibit 7

Notice of Imposition of Conditions by the Land Use Commission

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail (X) Pickup () To:

Waikapu Properties, LLC P. O. Box 1870 Manteca, CA 95336

TITLE OF DOCUMENT:

NOTICE OF IMPOSITION OF CONDITIONS BY THE LAND USE COMMISSION

TMK No. (II) 3-6-004:003 (por.)

(II) 3-6-004:006

(II) 3-6-005:007

(II) 3-6-002:003 (por.)

Total Number of Pages: ____

NOTICE OF IMPOSITION OF CONDITIONS BY THE LAND USE COMMISSION KNOW ALL PERSONS BY THESE PRESENTS:

Please take notice that WAIKAPU PROPERTIES, LLC, MTP LAND

PARTNERS, LLC, WILLIAM S. FILIOS, Trustee of the William S. Filios Separate Property

Trust dated April 3, 2000, and WAIALE 905 PARTNERS, LLC (collectively "Petitioner"), was
the Petitioner in the State Land Use Commission ("Commission") Docket No. A15-798 for the
reclassification of approximately 496.868 acres of land situated in Waikapu, Island and County
of Maui, State of Hawaii, more particularly identified as Maui Tax Map Key No. (2) 3-6-004:003

(por.), (2) 3-6-004:006, (2) 3-6-005:007 and (2) 3-6-002:003 (por.) ("Petition Area"), and does hereby state and declare that the Commission, by its Decision and Order dated February 26, 2108, reclassified the approximately 145.286 acres of the Petition Area under Docket No. A15-798 from the State Land Use Agricultural District to the State Land Use Rural District and reclassified approximately 351.582 acres of the Petition Area under Docket A15-798 from the State Land Use Agricultural District to the State Land Use Urban District (hereinafter "Property"), subject to a number of conditions imposed on the reclassified Property. Said conditions shall run with the land and shall be set forth in the Declaration of Conditions to be subsequently recorded at the Bureau of Conveyances of the State of Hawaii pursuant to Commission Rule Section 15-15-92.

This Notice of Imposition of Conditions by the Commission shall be superseded upon the recordation at the Bureau of Conveyances of the said Declaration of Conditions setting forth the conditions imposed by the Commission in Docket No. A15-798.

[Remainder of page intentionally left blank]

Dated:	Tuesday, December 10, 2019.
	WAIKAPU PROPERTIES, LLC
	By: Boyce Holdings, Inc. Its Manager
	Albert G. Boyce V Its President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Signature

State of California County ofSAN JOAQUIN	_)
On December 10,2019 before m	ne, HEATHER CHRISTOPHERSON
personally appeared Albert	G. Boyce, V. Dresident
who proved to me on the basis of satisfactory subscribed to the within instrument and ackn- his/her/their authorized capacity(ies), and that	y evidence to be the person(s) whose name(s) is/are nowledged to me that he/she/they executed the same in at by his/her/their signature(s) on the instrument the the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under paragraph is true and correct.	er the laws of the State of California that the foregoing
WITNESS my hand and official seal.	HEATHER CHRISTOPHERSON Notary Public - California San Joaquin County
0h 0 0 1	Commission # 2300003

(Seal)

My Comm. Expires Aug 30, 2023

MTP LAND PARTNERS, LLC

By: Boyce Holdings, Inc.
Its Manager

Albert G. Boyce V Its President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

validity of that document.
State of California County ofSAN JOAQUIN)
On December 10,2019 before me, HEATHER CHRISTOPHERSON (insert name and title of the officer)
personally appeared Albert G. Boyce, V. Dresident who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal. HEATHER CHRISTOPHERSON Notary Public - California San Joaquin County Commission # 2300003 My Comm. Expires Aug 30, 2023

WILLIAM S. FILIOS, Trustee of the William S. Filios Separate Property Trust dated April 3, 2000

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of
On December 10, 2019 before me, HEATHER CHRISTOPHERSON (insert name and title of the officer)
personally appeared WILIAM S. FILOS, Trustee who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.

WAIALE 905 PARTNERS, LLC

By: Boyce Holdings, Inc.

By: _ Albert G. Boyce V Its: President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

validity of that document.
State of California County of
On December 10,2019 before me, HEATHER CHRISTOPHERSON (insert name and title of the officer)
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal. HEATHER CHRISTOPHERSON Notary Public - California San Joaquin County Commission # 2300003 My Comm. Expires Aug 30, 2023

Declaration of Conditions

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail (X) Pickup () To:

Waikapu Properties, LLC P. O. Box 1870 Manteca, CA 95336

TITLE OF DOCUMENT:

DECLARATION OF CONDITIONS

Tax Map Key No. (II) 3-6-004:003 (por.)

Total Number of

Pages:

(II) 3-6-004:006

(II) 3-6-005:007

(II) 3-6-002:003 (por.)

DECLARATION OF CONDITIONS

WAIKAPU PROPERTIES, LLC, a Hawaii limited liability company, WILLIAM S. FILIOS, Trustee of the William S. Filios Separate Property Trust dated April 3, 2000, and WAIALE 905

PARTNERS, LLC, a Hawaii limited liability company, the address of all of which is P. O. Box 1870, Manteca, California 95336 (collectively "Declarant"), as Petitioner of that certain Petition for District Boundary Amendment in Docket No. A15-798 of the Land Use Commission of the State of Hawaii, affecting those certain lands, approximately 496.868 acres, situate in Waikapu,

Island and County of Maui, State of Hawaii, Tax Map Key Nos. (II) 3-6-004:003(por.), 3-6-004:006, 3-6-005:007 and 3-6-002:003, as shown on the map marked Exhibit "A" attached hereto and incorporated herein by reference (hereinafter referred to as the "Property" or as the "Petition Area"), does hereby certify pursuant to Section 15-15-92, Hawaii Administrative Rules, as follows:

THAT by Findings of Fact, Conclusions of Law, Decision and Order, entered February 26, 2018, in Docket No. A15-798, the Land Use Commission reclassified approximately 145.286 acres of land in the State Land Use Agricultural District at Waikapu, Island and County of Maui, Hawaii, identified as Tax Map Key No. (II) 3-6-004:003(por.) to the State Land Use Rural District and reclassified approximately 351.582 acres of land in the State Land Use Agricultural District at Waikapu, Island and County of Maui, Hawaii, identified as Tax Map Key No. (II) 3-6-004:006, (II) 3-6-005:007 and (II) 3-6-002:003 (por.), to the State Land Use Urban District;

AND THAT by Findings of Fact, Conclusions of Law, Decision and Order, entered February 26, 2018, it was further ordered that the reclassification from Agricultural District to the Urban District and to the Rural District shall be subject to the following conditions:

development, funding, and/or construction of school facilities in compliance with the Educational Contribution Agreement for WAIKAPU COUNTRY TOWN, undated but executed as of January 31, 2017, entered into by Declarant and the DOE. Declarant shall ensure that prospective buyers, purchasers, and subsequent owner builders of lots are given notice of the requirement to pay the Central Maui School Impact Fee in accordance with the Educational

Contribution Agreement. Such notice shall be recorded and shall run with the land.

- 2. Storm Water Management and Drainage. Declarant shall maintain existing drainage patterns and shall implement applicable Best Management Practices a) to minimize infiltration and runoff from construction and vehicle operations, b) to reduce or eliminate the potential for soil erosion and ground water pollution, and c) to formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health guidelines and County of Maui ordinances and rules. The Best Management Practices shall include a program for the maintenance of drainage swales within the Project Area.
- Residential Workforce Housing. Declarant shall design and construct the Project, and provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements.
- 4. Wastewater. Declarant shall participate in the funding and/or construction of adequate private or public wastewater source, storage, and transmission facilities to accommodate the proposed uses for each portion of the Petition Area. The private wastewater source, storage, and transmission facilities shall be in accordance with the applicable standards and requirements of the Department of Health and/or the County of Maui. If applicable, the public wastewater source, storage, and transmission facilities are located outside the Petition Area and within the state and County agricultural districts, Declarant shall apply for a State Special Permit in accordance with the provisions of HRS Chapter 205. If Declarant participates in a regional wastewater system which is controlled or operated by the County of Maui, Declarant may request to be released from this condition applicable to private wastewater source, storage and transmission facilities.

- Air Quality. Declarant shall participate in an air quality monitoring program if so required by the Department of Health.
- 6. Energy Conservation Measures. Declarant shall implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design and environmental stewardship, such as the use of solar water heating and photovoltaic systems, into the design and construction of the Project and development of the Petition Area. Declarant shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners within the Project.
- 7. Notification of Proximity to Kahului Airport. Declarant, and all subsequent owners, shall notify and disclose to all prospective developers, purchasers, and/or lessees within any portion of the Project, as part of any conveyance document (deed, lease, or agreement of sale, etc.) required for the sale or transfer of real property or any interest in real property, of the potential adverse impacts of aircraft activity at and from the Kahului Airport, such as noise, right of flight, emissions, vibrations and other incidences of aircraft operations.
 - Transportation Highways.
- a. Declarant shall submit to the State Department of Transportation and the County of Maui for review and approval a supplemental analysis to evaluate the "No Waiale Bypass" with Declarant's Project in 2022 (Phase I), due to the current memorandum/addendum limited only to build-out year 2026 (Phase II). Declarant shall also submit copies to the State of Hawaii Office of Planning, the County of Maui Planning Department and the State of Hawaii Land Use Commission.
- b. Declarant shall mitigate all Project-generated traffic impacts as recommended and/or required by the State Department of Transportation and the County of

Maui. Declarant shall initiate, coordinate, and meet with State Department of Transportation
Highways and the County of Maui to agree upon the regional pro-rata share and to develop a
Memorandum of Agreement with the State Department of Transportation, Highways Division,
and another Memorandum of Agreement with the County of Maui. The Memorandum of
Agreement shall be executed prior to submittal of a subdivision application to the County of
Maui.

- 9. <u>Transportation Regional Planning</u>. Declarant shall continue to work with the County of Maui to develop a timetable for the construction of the Waiale Bypass and shall work with appropriate County of Maui and State of Hawaii agencies, including the Metropolitan Planning Organization of the County of Maui, to develop a comprehensive traffic review of the Central Maui region.
- Department of Transportation Airports. Declarant shall work with the State

 Department of Transportation to minimize hazards to aircraft operations from Kahului Airport, including but not limited to impacts from wildlife attractants, photovoltaic glint and glare, electromagnetic radiation, aviation easements, notices of proposed construction or alteration, and prospective purchaser/owner liability and covenants. As deemed necessary by the State

 Department of Transportation to minimize the hazards to aircraft operations from Kahului Airport, Declarant shall fund and implement a program to control any birds nesting or occupancy and any insect, pest or wildlife infestation, in any hazardous wildlife attractants (open swales, storm drains, retention and detention basins, wastewater treatment facilities or associated settling ponds) serving the Project. Declarant shall enter into a Memorandum of Agreement with State Department of Transportation before final subdivision approval of the initial phase of on-site development by Declarant outlining measures to be taken by Declarant to address impacts.

- 11. <u>Water Conservation Measures</u>. Declarant shall implement water conservation measures and best management practices such as the use of indigenous plants to the extent practicable and as required by the County of Maui
- 12. <u>Water System.</u> Declarant shall participate in the funding and/or construction of adequate private or public water source, storage and transmission facilities to accommodate the proposed uses for each phase of the Project. The private water source, storage and transmission facilities shall be in accordance with the applicable standards and requirements of the Department of Health and/or the County of Maui, with plans submitted for approval by the appropriate agency. In the event that Declarant participates in a regional water system which is controlled or operated by the County of Maui, Declarant may request the release of this condition applicable to a private water system.

Additionally, Declarant shall work with the Commission on Water Resources

Management regarding the overall impact of water pumpage on the Waikapu aquifer.

Further, Declarant shall submit such information as may be requested by the County of Maui to reflect changes in water demand forecasts and to supply the proposed uses for the County of Maui's Water Use and Development Plan.

- 13. <u>Street Lights</u>. Declarant shall use fully-shielded street lights within the Petition Area to avoid impacts to avifauna and other populations and to prevent light diffusion upward into the night sky.
- 14. <u>Sirens</u>. Declarant shall fund and install three (3) civil defense warning sirens as specified by and in the locations identified by the State Department of Defense.
- 15. Parks. Declarant shall comply with the park dedication requirements of the County of Maui.

- Article XII, Section 7 of the Hawaii State Constitution, Declarant shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Petition Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purposes.
- 17. Agriculture Easement. Declarant shall submit an executed copy of the conservation easement or relevant instrument for at least 800 acres of adjacent agricultural lands to the Land Use Commission. No dwelling or structure shall or may be used for a residence or residential use, including farm dwellings or farm worker housing, on the adjacent agricultural lands which are subject to the agricultural easement or conservation easement, and such easement shall include this restriction.

If any development is proposed in the area made subject to the conservation casement or relevant instrument, the State Historic Preservation Division of the Department of Land and Natural Resources shall be notified and shall make a determination on whether an archaeological inventory survey is to be provided by Developer for such area. The Land Use Commission shall also be notified of any proposed development within the conservation easement lands and any determination made by the State Historic Preservation Division.

18. Notification of Agricultural Use. Declarant, and all subsequent owners, shall notify and disclose to developers, purchasers, and/or lessees of the provisions of HRS Chapter 165, the Hawaii Right to Farm Act. The notice and disclosure shall be a part of any conveyance document such as a deed, lease or agreement of sale.

The notice and disclosure shall contain at least the following information: a) that the developers, purchasers and/or lessees shall not take any action that would interfere with or

restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the State Land Use Agricultural District; and b) that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands.

To the purpose of this condition, the term "farming operations" shall have the same meaning as provided in HRS Section 165-2.

- the event that historic or archaeological resources, including human skeletal remains, are found and/or identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the State Historic Preservation Division shall be contacted immediately as required by HRS Chapter 6E and its applicable rules. Without limitation to any condition found herein, if any burials or archaeological or historic sites or artifacts not previously identified in studies referred to in the Findings of Fact, Conclusions of Law and Decision and Order dated February 26, 2018 in Docket Number A15-798 are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the State Historic Preservation Division that mitigation measures have been implemented to its satisfaction.
- 20. <u>Archaeological / Historic Sites</u>. Declarant shall provide the following prior to any ground disturbance, as agreed upon with the State Historic Preservation Division's acceptance of Declarant's Archaeological Inventory Survey:
- Archaeological monitoring, which shall include data recovery of archaeological and historic sites;

- b. If site 50-50-04-5197 is impacted by the Project, it will be further documented in consultation with the State Historic Preservation Division;
- c. Archaeological monitoring shall be conducted for all ground disturbing activities, including the Na Wai Eha sand dune system area. An archaeological monitoring plan shall be developed and submitted for the State Historic Preservation Division's review and acceptance prior to commencing Project work;
- d. If any development is proposed for the area to be dedicated to agriculture, the State Historic Preservation Division shall be notified and the State Historic Preservation Division will make a determination on whether an archaeological inventory survey is to be provided by Declarant;
- Preservation Division for two (2) sites: the irrigation features (Site 50-50-04-7884) and the WWII bunker (Site 50-50-04-7883). The preservation plan shall be submitted to the State Historic Preservation Division for review and acceptance prior to the initiation of the Project. Declarant shall comply with all interim and/or permanent mitigation and preservation measures recommended and approved by the State Historic Preservation Division. Declarant shall confirm in writing to the Land Use Commission that the State Historic Preservation Division has found Declarant's preservation mitigation commitments to be acceptable and has determined that any required historic preservation measures have been successfully implemented. The State Historic Preservation Division shall be notified at the initiation of the Project.
- 21. <u>Archaeological / Archaeological Monitoring</u>. Declarant shall employ archaeological monitors to ensure that all ground disturbances associated with mass grading of the Petition Area, and the trenching and excavation related to the installation of utilities, do not

impact any subsurface cultural remains within the Petition Area. Declarant shall submit an archaeological monitoring plan for ground disturbing activities within the Petition Area to the State Historic Preservation Division for its review and acceptance or approval. Acceptance or approval of the archaeological monitoring plan shall be a condition to performing any ground disturbing activities. Data obtained from the archaeological monitoring plan shall be provided to the State Historic Preservation Division upon the completion of the monitoring of the Project.

In the event that Site 50-50-04-5197 is impacted by any ground disturbances,

Declarant shall document the site in accordance with the directions of the State Historic

Preservation Division.

22. <u>Cultural</u>. Declarant shall consult with those persons known as Waikapu Stream south kuleana loi kalo farmers and Hui o Na Wai Eha to minimize the impacts on their traditional customary rights and practices from any development in the Petition Area.

Additionally, Declarant shall grant access easements over the appropriate portions of the Petition Area in favor of the owners of the Mahi-Puleloa parcels, identified as Land Commission Award 2944:3 to Ehunui (TMK No. (2) 3-6-005:010) and as Grant 1513 to Ehunui (TMK No. (2) 3-6-005:009) and in favor of the owners of the Kauihou parcels, identified as Land Commission Award 3340:1(por.) to Nahau (TMK No. (2) 3-6-005:067), as Land Commission Award 3103 to Kalawaia (TMK No. (2) 3-6-005:014) and as Land Commission Award 310:3.2 to Kuolaia (TMK No. (2) 3-6-005:066). Such easements will run with the land.

23. Endangered Species. Declarant shall implement the following procedures to avoid potential impacts to endangered species. Declarant shall not clear dense vegetation, including woody plants greater than 15 feet, along the periphery of the Petition Area during the period from June 1 to September 15 of each year which is the time that the Hawaiian

hoary bat may be carrying young and thus could be at risk from the clearing activities. Declarant shall consult with the United States Fish & Wildlife Service to determine measures needed with regard to the endangered Blackburn's Sphinx Moth and shall implement such measures in connection with the development of the Petition Area.

Additionally, for any nighttime work required during any construction within the Petition Area and Project Area, and for long term operation of any private wastewater treatment facility servicing the Project, exterior lighting shall be shielded so as to reduce the potential for interactions of the nocturnally flying Hawaiian Petrels and Newell's Shearwaters with external lights and man-made structures.

- 24. <u>Development in Compliance with Maui Island Plan</u>. Declarant shall develop the Project in substantial compliance with the Planned Growth Area Rationale and goals, objectives, policies and implementing actions described in the Maui Island Plan for the Project identified as the "Waikapu Tropical Plantation Town."
- 25. <u>Infrastructure Deadline</u>. Declarant shall complete construction of the proposed backbone infrastructure, which consists of primary roadways and access points, internal roadways, on- and off-site water, sewer, and electrical system improvements, and storm water/drainage and other utility system improvements, within ten years from the date of the Findings of Fact, Conclusions of Law and Decision and Order dated February 26, 2018 in Docket Number A15-798.
- 26. Order to Show Cause. If Declarant fails to complete the construction of the proposed backbone infrastructure within ten (10) years from the date of the Findings of Fact, Conclusions of Law and Decision and Order dated February 26, 2018 in Docket Number A15-798, the Land Use Commission may issue and serve upon the Declarant an Order to Show Cause

and Declarant shall appear before the Land Use Commission to explain why the Petition Area should not revert to its previous State Land Use District Classification or be changed to a more appropriate classification.

- 27. Compliance With Representations to the Land Use Commission.

 Declarant shall develop the Petition Area in substantial compliance with the representations made to the Land Use Commission as reflected in the Findings of Fact, Conclusions of Law and Decision and Order dated February 26, 2018 in Docket Number A15-798. Failure to so develop the Petition Area in accordance with such representations may result in reversion of the Petition Area to its former classification or a change to a more appropriate classification.
- 28. Annual Reports. Declarant shall timely provide, without any prior notice, annual reports to the Land Use Commission, the State Office of Planning, and the County of Maui Planning Department, and their respective successors, in connection with the status of the development of the Petition Area and Declarant's progress in complying with the conditions imposed by the Land Use Commission. The annual report shall consist of one original, one paper copy and one electronic copy and shall be due prior to or on the anniversary date of the issuance of the Findings of Fact, Conclusions of Law and Decision and Order dated February 26, 2018 in Docket Number A15-798.
- 29. Release of Conditions. The Land Use Commission may fully or partially release conditions as to all or any part of the Petition Area upon timely motion and upon the provision of adequate assurances of satisfaction of the conditions by the Declarant or their permitted successors and/or assigns.
- 30. Notice of Change of Ownership. Declarant shall provide notice to the Land Use Commission of any intent to sell, lease, assign, place in trust or otherwise voluntarily

Land Use Commission of any intent to sell, lease, assign, place in trust or otherwise voluntarily alter the ownership interests in the Petition Area.

- 31. Notice of Imposition of Conditions. Declarant shall (a) within seven (7) days of issuance of the Findings of Fact, Conclusions of Law and Decision and Order dated February 26, 2018 in Docket Number A15-798 reclassifying the Petition Area, record with the Bureau of Conveyances of the State of Hawaii and/or the Office of the Assistant Registrar of the Land Court, a statement that the Petition Area is subject to the conditions imposed in the Findings of Fact, Conclusions of Law and Decision and Order dated February 26, 2018 in Docket Number A15-798 and (b) promptly thereafter file a copy of such recorded statement with the Land Use Commission.
- 32. Recordation of Conditions. Declarant shall record the conditions imposed herein by the Commission with the Bureau of Conveyances of the State of Hawaii, and/or the Office of the Assistant Registrar of the Land Court, pursuant to HAR Section 15-15-92.

Dated: Tuesday, December 10, 2019.

WAIKAPU PROPERTIES, LLC

By: Boyce Holdings, Inc.
Its Manager

Ву_____

Albert G. Boyce V Its President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

validity of that document.	ess, accuracy, or				
State of California County ofSAN JOAQUIN	N)				
on December 10,2019	1 before me, HE	ATHER CH	RISTOPHE	RSON	
personally appeared	Albert 6	7. BON	ice V.	President	-
personally appeared who proved to me on the basis of subscribed to the within instrume his/her/their authorized capacity(i person(s), or the entity upon behavior	nt and acknowledgies), and that by hi	jed to me th s/her/their s	nat he/she/t signature(s)	hey executed the son the instrument	same in
I certify under PENALTY OF PER paragraph is true and correct.	RJURY under the la	aws of the S	State of Cal	ifornia that the fore	going
WITNESS my hand and official se	eal.			HEATHER CHRISTOPHERSO Notary Public - California	
Signature (1)	11	(Seal)		San Joaquin County Commission # 2300003 My Comm. Expires Aug 30, 2	023

MTP LAND PARTNERS, LLC

By: Boyce Holdings, Inc. Its Manager

Albert G. Boyce V Its President

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validity of that document.
State of California County of
On December 10,2019 before me, HEATHER CHRISTOPHERSON (insert name and title of the officer)
personally appeared Albert G. Boyce, V. President who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal. HEATHER CHRISTOPHERSON Notary Public - California San Joaquin County
Signature (Seal)

WILLIAM S. FILIOS, Trustee of the William S. Filios Separate Property Trust dated April 3, 2000

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

attached, and not the truthfulness, accuracy, validity of that document.	or
State of California County ofSAN JOAQUIN)
On December 10,2019 before me,	HEATHER CHRISTOPHERSON (insert name and title of the officer)
	5. Filios, Trustee
who proved to me on the basis of satisfactory e subscribed to the within instrument and acknow	evidence to be the person(s) whose name(s) is/are wledged to me that he/she/they executed the same in by his/her/their signature(s) on the instrument the
I certify under PENALTY OF PERJURY under paragraph is true and correct.	the laws of the State of California that the foregoing
WITNESS my hand and official seal.	HEATHER CHRISTOPHERSON Notary Public - California San Joaquin County
Signature Olt	Commission # 2300003 My Comm. Expires Aug 30, 2023 (Seal)

WAIALE 905 PARTNERS, LLC

By: Boyce Holdings, Inc.

Albert G. Boyce V Its: President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California County of SAN JOAQUIN
On December 10,2019 before me, HEATHER CHRISTOPHERSON (insert name and title of the officer)
personally appeared ALDEVE G. BOVCE, V President who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal. HEATHER CHRISTOPHERSON Notary Public - California San Joaquin County Commission # 2300003 My Comm. Expires Aug 30, 2023

(Seal)

EXHIBIT "A"

Map of Petition Area

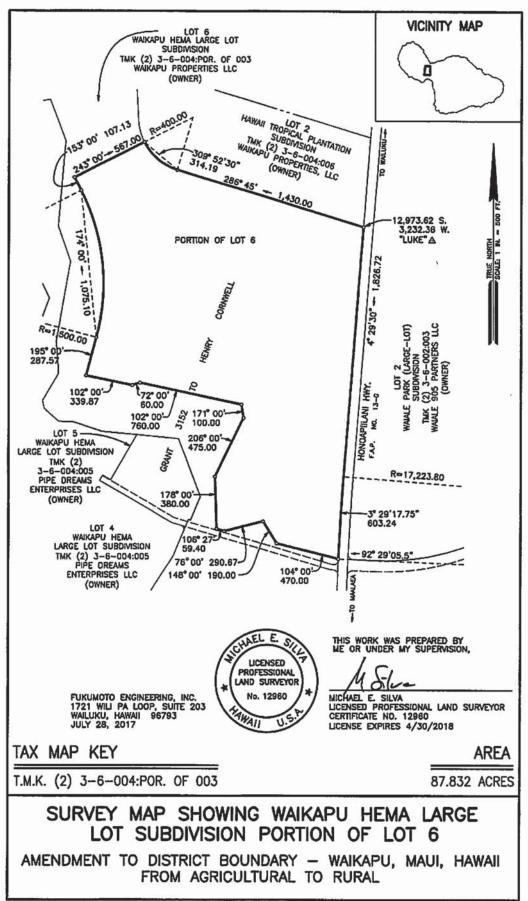
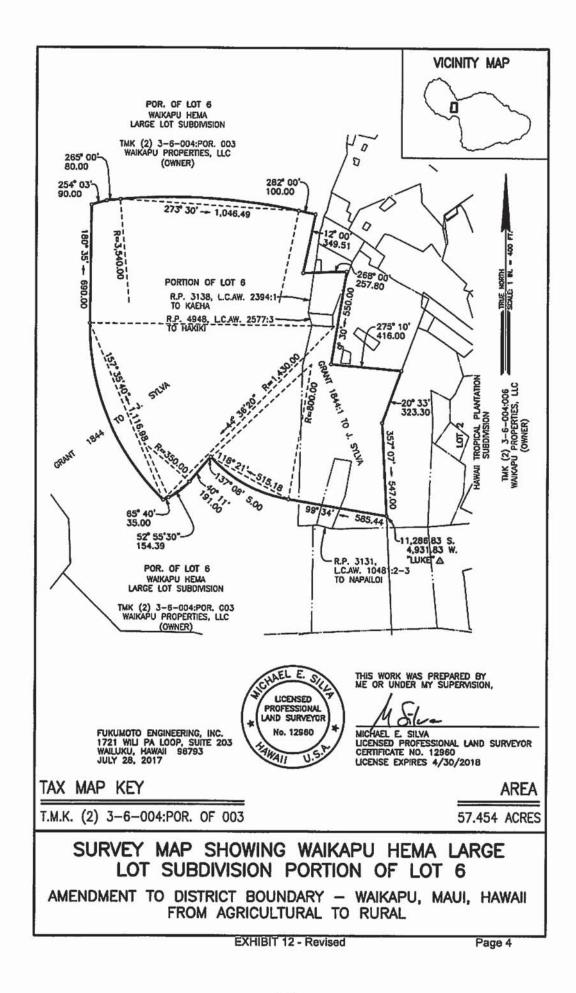
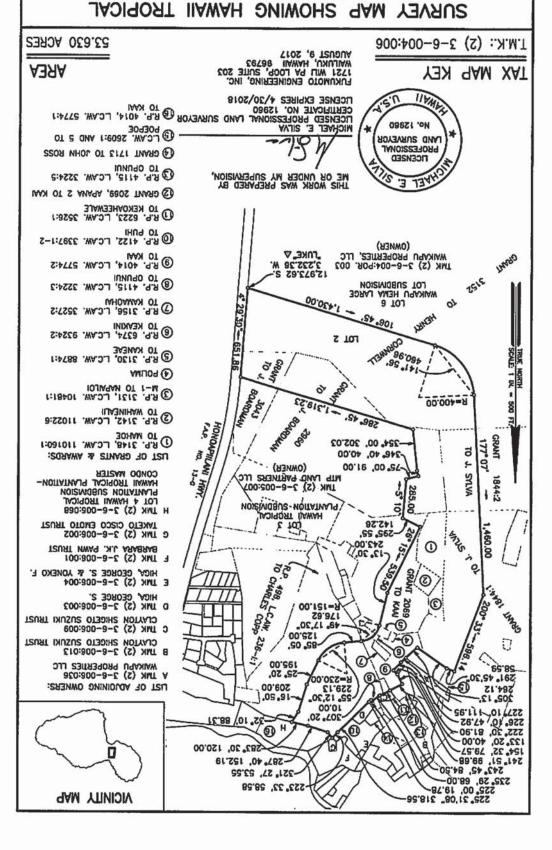


EXHIBIT 12 - Revised

Page 1

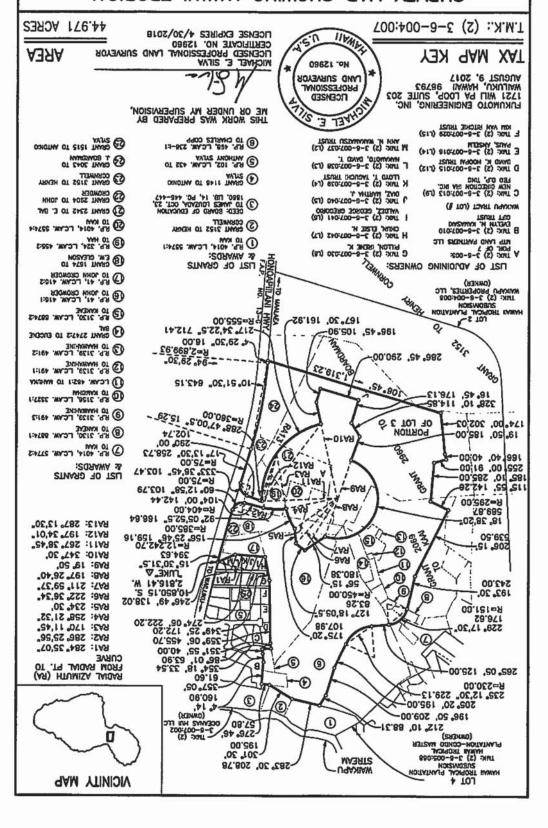




S TOJ — NOITATNAJ9

AMENDMENT TO DISTRICT BOUNDARY — WAIKAPU, MAUI, HAWAII FROM AGRICULTURAL TO URBAN

Page 1



SURVEY MAP SHOWING HAWAII TROPICAL PLANTATION PORTION OF LOT 3

AMENDMENT TO DISTRICT BOUNDARY — WAIKAPU, MAUI, HAWAII FROM AGRICULTURAL TO URBAN

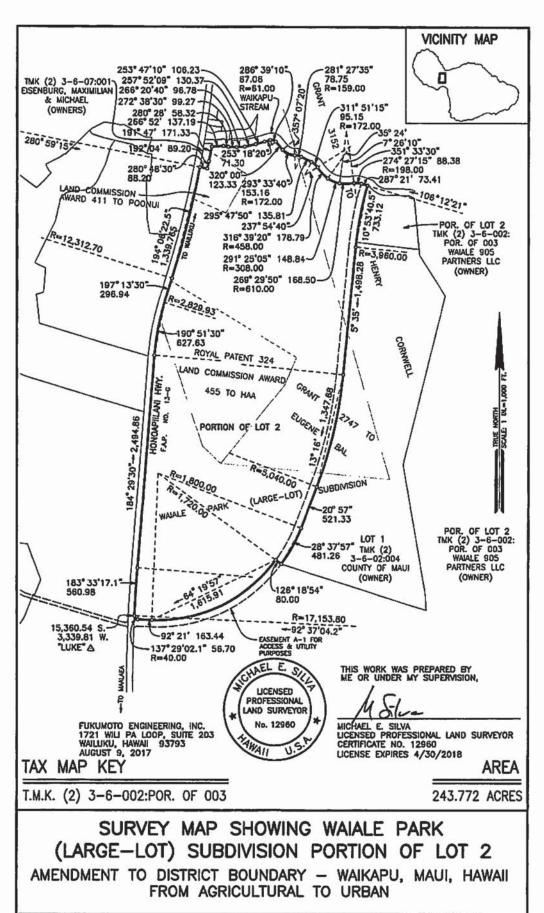


Exhibit 13 - Revised

Page 14

Exhibit 9

Recordation of Imposition and Declaration of Conditions

12/20/2019 Workspace Webmail :: Print

Print | Close Window

Subject: Fwd: Recording Clearance 12/20
From: Albert Boyce <albertboyce@gmail.com>

Date: Fri, Dec 20, 2019 3:23 pm

To: Mike Atherton <athertonisland@gmail.com>, Mike Summers <msummers@planningconsultantshawaii.com>

Attach: image001.png image002.png image003.png image004.png image005.png

recorded.....

----- Forwarded message -----

From: Wilcox, Michael < MWilcox@tghawaii.com >

Date: Fri, Dec 20, 2019 at 2:22 PM

Subject: Recording Clearance 12/20

To: albertboyce@gmail.com <albertboyce@gmail.com>

This message was sent securely using Zix®

Good morning Albert,

The Imposition and Declaration for Waikapu Properties, LLC recorded this morning, 12/20. The recorded document numbers are A-72930472 and A-72930473. Copies of the recorded documents will be emailed as soon as they are available.

Thank you,

Michael E. Wilcox

Recording Specialist, RTS Recording

Office (808) 539-7788 | Fax (808) 521-0288

235 Queen Street, Honolulu, HI 96813



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