



LAND USE COMMISSION  
STATE OF HAWAII

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STATE OF HAWAII  
DEPARTMENT OF EDUCATION

P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF FACILITIES AND OPERATIONS

April 27, 2021

TO: Mr. Daniel E. Orodener  
Executive Officer, Land Use Commission  
Department of Business, Economic Development and Tourism

FROM: Randall M. Tanaka   
Assistant Superintendent

SUBJECT: **Petitioner Motion to Amend LUC Findings of Fact, Conclusions of Law and Decision and Order for LUC Docket No. A11-794  
State of Hawaii, Department of Education  
Kihei, Maui, Hawaii, Maui Tax Map Key No.: 2-2-02:81**

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The Hawaii State Department of Education (HIDOE) requests to be placed on the agenda of an upcoming State Land Use Commission (LUC) meeting to consider Petitioner's Motion to Amend the LUC's Findings of Fact, Conclusions of Law and Decision and Order Filed July 29, 2013 (FOF/COL).

Since its last appearance before the LUC and pursuant to the LUC's request that HIDOE communicate with the Kihei community, the HIDOE conducted an online meeting with the Kihei community that included residents, area school representatives, local and state agency representatives, Kihei Community Association members, and others in the community. The HIDOE responded to voiced and chat questions and noted comments and concerns during the meeting. The HIDOE has posted a website that provides project updates as construction progresses.

The HIDOE has also corresponded with the Maui County Planning Department (MPD) and is continuing efforts to provide project information and interact with the MPD.

On February 2, 2021 the HIDOE provided a response letter to the LUC's questions from November 10, 2020.

In coordination with, and based on the strong recommendations of, the Hawaii Department of Transportation (HDOT), the HIDOE is proceeding with finalizing the design of a roundabout with at-grade pedestrian crossing for it to be in place before the school can open. This is possible because the roundabout replaces the signalized traffic intersection that was part of the construction bid and will be processed as a project change order. HIDOE is not legally obligated to substitute the roundabout for a signalized intersection, but it is deemed safer by HDOT and all available studies, and is not precluded by the terms of the FOF/COL.

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The Grade Separated Pedestrian Crossing (GSPC), which the HODOE seeks to eliminate by way of Amendment to the FOF/COL, is not warranted by any traffic study. Furthermore, at this time HDOT does not support the underpass at Waipuilani Gulch or any other GSPC. HDOT, through its Deputy Director Edwin Sniffen, has repeatedly expressed concern that Waipuilani Gulch is a waterway and it is unsafe to use as a GSPC. This is a potential hazard and liability, and HDOT's position must be taken most seriously.

Nevertheless, as set forth elsewhere in the FOF/COL, HODOE remains obligated and committed to submit an updated Traffic Impact Analysis Reports (TIAR) for the Project: one full year after opening of Phase I of the Project; another upon HDOT approval prior to the issuance of any certificate of occupancy for Phase II of the Project; and yet another with DOT approval one full year after full build out of Phase II of the Project. Also, should there be delays over three years between preparation of the updated TIAR one full year after opening of Phase I and the scheduled issuance of the certificate of occupancy for Phase II or any potential later Phasing, Petitioner is required to submit an additional updated TIAR at HDOT's request. HODOE is required to mitigate all project generated traffic shall be mitigated at its expense.

Accordingly, in spite of their best efforts, the parties have not reached a stipulation or agreement and the HODOE respectfully requests that the Commission place this matter on its Calendar and/or otherwise render a decision in this matter.

Should you have any questions, please call Brenda Lowrey, Facilities Planner of the Facilities Development Branch, at (808) 784-5091 or contact via email at [brenda.lowrey@k12.hi.us](mailto:brenda.lowrey@k12.hi.us).

RMT:bl

c: Stuart N. Fujioka, Deputy Attorney General, Education Division  
Ryan W. Roylo, Deputy Attorney General, Education Division  
Facilities Development Branch