Upcountry Town Center

Pukalani, Maui, Hawai'i

Revised Final Environmental Impact Statement

VOLUME I.

Accepting Authority:

State of Hawaii Land Use Commission

October 2003

MAUI LAND & PINEAPPLE COMPANY, INC.

Upcountry Town Center

Pukalani, Island of Maui, Hawai'i
TMK 2-3-07:08

Revised Final Environmental Impact Statement

Applicant:

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This environmental document and all ancillary materials were prepared under the direction of the undersigned pursuant to Chapter 200 of Title 11, Administrative Rules, Department of Health, "Environmental Impact Statement Rules."

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10/10/03
Date

October 2003

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To facilitate the readers' ability to distinguish the revisions made from the Revised Draft EIS to the Revised Final Draft EIS, substantive changes and additions are underlined. Text that has been deleted is indicated by a ~~strikethrough~~. New, revised and deleted figures and tables are noted.

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B. Traffic Impact Assessment Study: Upcountry Town Center (Parsons, Brinckerhoff, Quade and Douglas, December 2001) and TIAR Update (PBQD, July 2003)

C. Botanical Resources of the Pukalani Triangle Site, Maui (Char & Associates, March 2001)

D. An Archaeological Inventory Survey of the Upcountry Town Center, Makaeha, Ahupua'a, Makawao, Maui (Aki Sinoto and Jeff Pantaleo, September 2001)

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F. A Survey of Avian and Mammalian Species, Pukalani Triangle Site, Upcountry Maui, (Rana Productions, Ltd., June 2001)

G. Upcountry Town Center: Impact on Agriculture (Decision Analysts Hawaii, June 2001)

H. Assessment of Potential Impacts of a 40-acre Development Site on Groundwater Resources, Upcountry East Maui, Makawao-Pukalani Region (Mink & Yuen, July 2003)

   Assessment of the Hydrologic Impact of Maui Land & Pineapple Company's Proposed Well at 1800-foot elevation along Piiholo Road in the Makawao Aquifer System (Tom Nance Water Resource Engineering, July 2003)

I. Preliminary Engineering Report for Upcountry Town Center, Pukalani, Maui (R. T. Tanaka Engineering, Inc., June 2001)

J. MLP Upcountry Maui Project Electrical Assessment (Morikawa & Associates, LLC, July 2001)

K. Meeting Notes from Community/Organization/Individual Meetings

L. Limited Phase II Surface Investigation & Draft Risk Evaluation, Worker Inhalation - Former Corn Mill Camp, Pukalani, Maui, Hawaii (Clayton Group Services June 2001)

M. Corn Mill Camp Warehouse Buildings – Structural Engineering Review (Walter Vorfeld & Associates, December 2002)

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Section 1.0

Summary

1.0 SUMMARY

Section 1.0 provides a summary for the proposed project, including its purpose, location and existing land use. The purpose and contents of this Environmental Impact Statement (EIS) are discussed along with a review of the public consultation process. Project impacts, mitigative measures, alternatives and policy and plan compatibility are also summarized.

1.1 PROJECT INFORMATION SUMMARY

Applicant:	Maui Land & Pineapple Company, Inc. P.O. Box 187 Kahului, Hawai'i 96733-6687 Contact: Randall Endo Tel: 808-877-3874
Accepting Authority:	Hawaii State Land Use Commission P.O. Box 2359 Honolulu, Hawai'i 96804-2359 Contact: Anthony Ching Tel: 808-587-3822
Name of Action:	Upcountry Town Center
Planning/Environmental Consultant:	Group 70 International, Inc. 925 Bethel Street, 5th Floor Honolulu, Hawaii 96813 Contact: Jeffrey Overton Tel: 808-523-5866
Project Location:	Intersection of Pukalani Bypass Hwy., Haleakala Hwy. and Makawao Ave. - Pukalani, Maui Well site: Piiholo Road – Makawao, Maui (Figure 1-1)
Tax Map Key:	2-3-07:08 & Well site: 2-4-12:06 (Figure 1-2)
Land Area:	40.6 Acres (approximate)
Landowner:	Maui Land & Pineapple Company, Inc.
Request:	New town center for Upcountry including relocated Pukalani Superette and other commercial, office, civic, cottage industries, senior/multi-family residential and open space uses, along with a new potable water well.
State Land Use District:	Agricultural
Makawao-Pukalani-Kula Community Plan:	Agricultural (AG) – Approximately 95% of site Open Space (OS) – Approximately 5% of site
Zoning:	Agricultural District (A) and Interim
Existing Land Uses:	Previously pineapple cultivation– Approximately 76% of the site Open space, existing agricultural structures, stables – Approximately 24% of the site

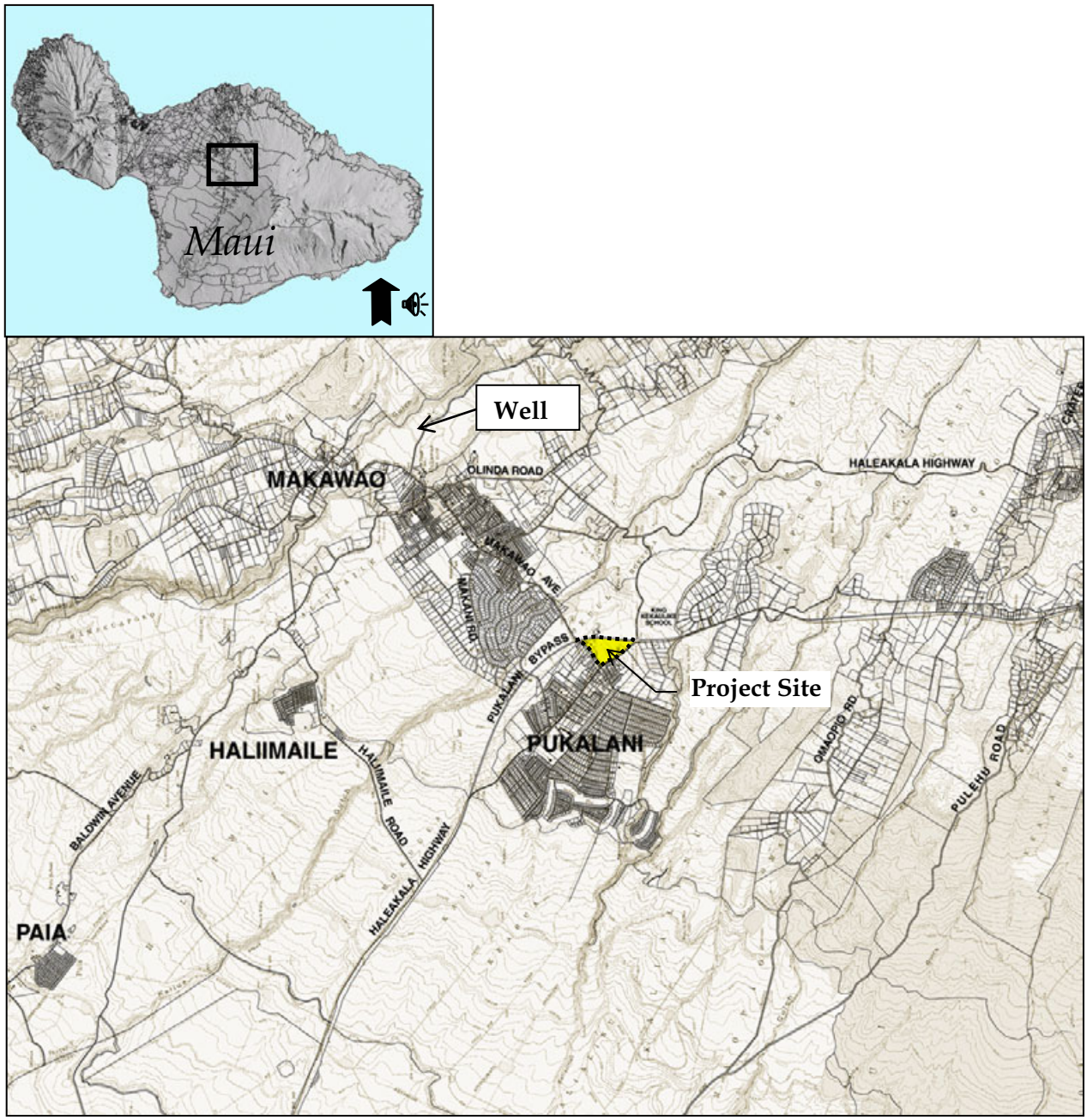
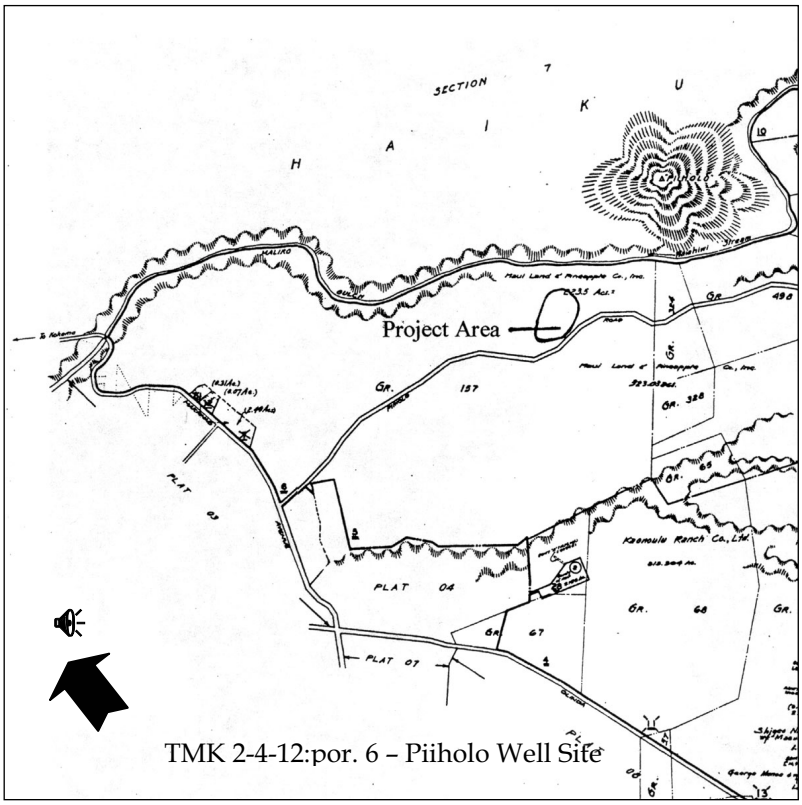


FIGURE 1-1 LOCATION MAP



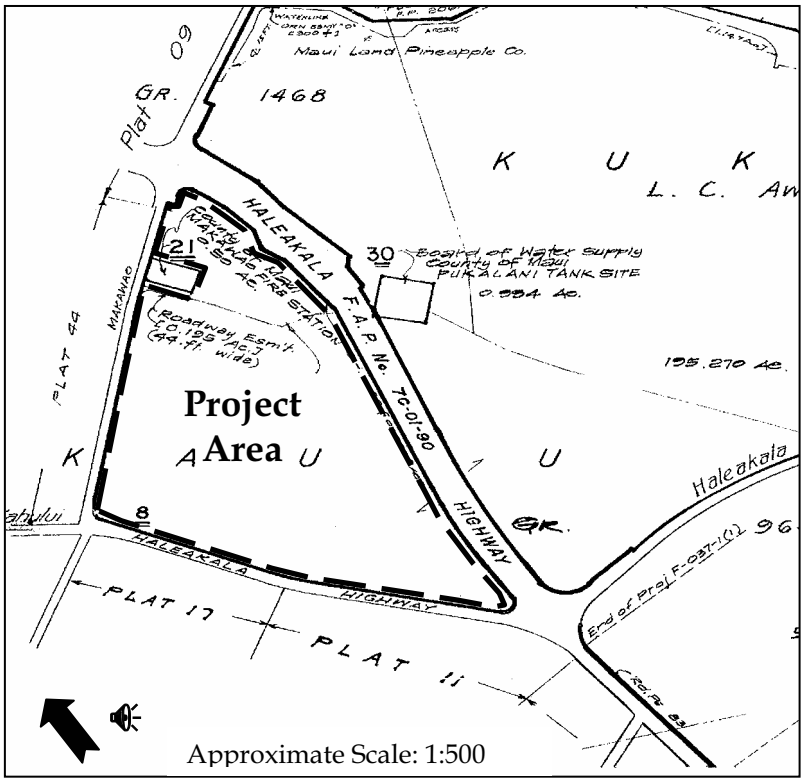


FIGURE 1-2 TMK MAP: PROJECT AREA & WELL SITE

1.2 PROPOSED ACTION

Maui Land & Pineapple Company, Inc. is proposing to improve approximately 40.6 acres of agricultural land into a rural country town center development. The construction of Pukalani Bypass Highway divided this land from a larger contiguous pineapple field. Proposed land uses include commercial, office and civic space, cottage industrial lots and a senior/multi-family residential component. Associated parking and improved road circulation are also proposed within the master development plan.

The Upcountry Town Center Master Plan includes approximately 10-acres of open space designed as a buffer between Pukalani Bypass Highway and the uses of the Center. This area will be landscaped consistent with the surrounding Upcountry environment and plans include recreational features such as pedestrian, bicycling and equestrian trails. The entire development is intended to provide a centralized local gathering place providing a venue for community services, activities and outdoor markets.

To satisfy the water supply requirements for the Upcountry Town Center, Maui Land & Pineapple Company, Inc. will develop a potable water well at Piiholo Road in Makawao. This new well will be dedicated to the County of Maui Department of Water.

The more detailed project description is provided in Section 3.0.

1.3 REASONS FOR PREPARING THIS ENVIRONMENTAL IMPACT STATEMENT

This Final Environmental Impact Statement (EIS) is being filed with the State of Hawaii's Office of Environmental Quality Control (OEQC). The Draft EIS and Final EIS evaluate the potential impacts of the proposed Upcountry Town Center on the natural and human environment.

This document is presented in eleven sections. Section 1.0 contains an introductory summary including an overview of the project's purpose. Section 2.0 describes purpose and need for the proposed project. Section 3.0 discusses the project in detail. Section 4.0 discusses potential impacts. Section 5.0 identifies alternative actions to the proposed project. Section 6.0 reviews the determination and findings of this report. Section 7.0 identifies parties consulted during preparation of this report. The Environmental Impact Statement is being processed pursuant to Hawaii Revised Statutes, Chapter 343 and Chapter 200 of Title 11 Administrative Rules, Department of Health, "Environmental Impact Statement Rules."

The proposed action that is reviewed in this EIS involves an amendment to the Makawao-Pukalani-Kula Community Plan, an implementation measure of the Maui County General Plan, which triggers the application of Chapter 343, Hawaii Revised Statutes (HRS), and the Environmental Impact Statement Rules, Title 11, Chapter 200 of the Hawaii Administrative Rules (HAR). This EIS has been filed with OEQC for publication in the *Environmental Notice*, and copies have been distributed to interested parties as required under the EIS rules.

The Final EIS (August 2002) was accepted by the County of Maui Planning Department in September 2002. This acceptance was challenged, and overturned by the Second Circuit Court by Order for Summary Judgment (16 April 2003). It was determined by the Court that the proper accepting authority is the State Land Use Commission. In accordance with the directive, Maui Land & Pineapple Company, Inc. prepared this Revised EIS to be filed with the State

Land Use Commission. This Revised EIS further addresses comments about project description, market, agricultural impacts, visual/open space/rural resources, historic/cultural/agricultural resources, engineering, traffic, water supply, alternatives, and unavoidable impacts. The added analysis is presented in the subsequent chapters.

This Revised Final Environmental Impact Statement for the Upcountry Town Center is being submitted for processing to the State Land Use Commission concurrently with the Petition for State Land Use Boundary Amendment pursuant to the April 16, 2003 Second Circuit Court Orders on Motion for Summary Judgment filed by Defendant Maui Land & Pineapple Company Inc. in Malama Maui v. Planning Department, County of Maui, et al., Civil No. 02-1-0500(1), Circuit Court of the Second Circuit. The April 16, 2003 Orders held that the original Final Environmental Impact Statement accepted by the Maui Planning Director was null and void because neither the Planning Director nor the Planning Department of the County of Maui was the proper accepting authority pursuant to the requirements of Hawaii Revised Statutes Chapter 343. The Court ordered that the "final EIS must be accepted by the agency with authority to ultimately approve the permit sought by the Applicant", and that "[t]he only governmental executive agency that can approve an application for this project appears to be the State Land Use Commission". The Court also held that the applications by Maui Land & Pineapple Company, Inc. for a Community Plan Amendment, Change in Zoning and Project District Development could be concurrently processed pursuant to the requirements of the Maui County Code. The Court further ordered that "no applications for permits or approvals regarding the Upcountry Town Center shall be further processed unless and until there has been an acceptance of the Final EIS for the Upcountry Town Center by the appropriate accepting authority which, as the Court earlier ruled, is the State Land Use Commission." This Revised Final Environmental Impact Statement is being processed with the Land Use Commission in compliance with the requirements of the April 16, 2003 Orders.

1.4 SIGNIFICANT BENEFICIAL AND ADVERSE IMPACTS

1.4.1 Beneficial Impacts

The planned improvements are considered to be beneficial uses of the environment. They utilize areas that have been previously used for intensive pineapple cultivation.

The planned improvements will increase and enhance, rather than narrow, the range of beneficial uses of the environment by:

- Increasing bio-diversity on the proposed site through the addition of a 10-acre open space using a wide variety of flora including native plantings;
- Increasing the opportunity for people to experience and enjoy Hawaii's special natural environment through the addition of walking trails within the ten-acre open space; and
- Preserving some of the existing agricultural structures that will preserve important elements of upcountry Maui's cultural landscape.
- Improving access between King Kekaulike High School and surrounding neighborhoods

- Creating a town center for the community capable of being accessed by walking or bicycling
- Providing needed services in Upcountry Maui in a central location, at the crossroads of several major transportation routes

Long-term risks to health and safety will be reduced by:

- Reducing the amount of agricultural substances used in the area;
- Remediation of the pesticide contamination at the Corn Mill Camp buildings;
- Reducing dust, noise and odors related to intensive agricultural uses;
- Reducing commutes to Central Maui for basic goods and services;
- Creating pedestrian friendly environment for residents and others that use the civic and commercial areas of the development; and
- Reducing agricultural cross-hauling vehicles on Pukalani Bypass Highway.
- Foreclosure of future options is limited to the likelihood that a majority of the land could not be returned to natural or agricultural use.
- This option foreclosure also constitutes the most significant "trade-off" involved in implementing the planned improvements. However the short-term and long-term gains outweigh any short-term or long-term losses.
- In summary, the planned improvements are expected to help maintain and enhance the long-term productivity of the environment, rather than adversely affect it, for the following reasons:
- Services will be provided at a centralized Upcountry Maui location thereby reducing the necessity for local residents to travel to Central Maui for such services.
- The proposed development will add bio-diversity in place of agricultural monoculture in 10 acres of open space.
- Retention of existing agricultural structures will help preserve Maui's agricultural past.
- Elimination of agricultural use of project area will reduce agricultural substances, emissions, and odors. The noise and dust from agricultural machinery will also be eliminated.

1.4.2 Adverse Impacts

The proposed project will remove 31 acres from productive, intensive agricultural use. It will also reduce the amount of open space on the site with the addition of residential, commercial and civic buildings. Other adverse impacts include:

Short-Term:

- Soils will be temporarily disturbed by grading, excavation and mounding activities at the project sites during construction.

- Despite onsite mitigation measures, temporary increases in soil erosion will also result from construction operations, and minor amounts of soil may be carried beyond the construction site in surface runoff water.
- Previously planted crops, some mature trees, and the exotic scrub vegetation will be removed to allow construction of the planned improvements.
- Wildlife utilizing the project sites and immediate adjacent areas will be displaced, most likely into nearby undeveloped lands, by construction activities. Such operations will also temporarily discourage wildlife from feeding at or migrating through the project sites.
- Operation of construction equipment, trucks and worker vehicles may temporarily impede traffic in the areas during the construction period.
- Negligible releases of air contaminants will occur from construction equipment emissions. Small amounts of dust may be generated during dry periods as a result of construction operations.
- Minor increases in noise levels may result from construction activities.

Long-Term:

- Minor modifications to the current topography will be made to accommodate the planned improvements and facilities.
- Utilization of potable groundwater, including new well source development.
- Subsurface disposal of treated wastewater.
- Added emissions, from an increase in vehicles associated with the new facilities, will have a negligible effect on air quality in the area.
- Traffic will increase along Makawao Avenue, Old Haleakala Highway and to a lesser extent, Pukalani Bypass Highway.
- There will be some slight increase in demand for police and fire protection as well as other County services as a result of the project.
- New structures and lighting will create visual impacts for surrounding residents, users of the adjacent roadways and those looking down from upslope areas.

1.5 PROPOSED MITIGATIVE MEASURES

Mitigative measures, more completely described in Section 6 of this document, include the following:

Short-Term:

- The management of surface water and drainage control measures during the Center's construction and operation will meet County of Maui standards
- Temporary ground cover vegetation will be installed following grading of the project site. The project includes over 10 acres which will become open space passive park areas, which will be landscaped.

- The landscaping and plantings of the proposed development will use native plants when possible to reintroduce native species to the property and encourage traditional activities such as gathering plants for lei-making and medicinal purposes.
- Based on the recommendations of the Maui County Cultural Resources Commission resulting from a site visit to the Corn Mill Camp structures in May 2002, a structural survey of the Corn Mill Camp structures and an architectural history of the site was completed. These, along with the archaeological and cultural surveys in the EIS for Upcountry Town Center, provide complete documentation of these structures' historical significance.
- The existing structures will be documented by photography to create a comprehensive record of the warehouse buildings prior to demolition. One, or possibly, two are planned for reuse as part of the Upcountry Town Center, based on their structural integrity and practicality of adaptive reuse.
- The existing water tank will be retained; however, its relocation may be necessary to better fit within the overall project.
- The impact of construction activities on air quality will be mitigated by conforming to strict dust control measures, particularly those specified in the State Department of Health's (DOH) Water Quality Standards, Chapter 37-A, Public Health Regulations, 1968; and the U.S. Soil Conservation Service's Erosion and Sediment Control Guide for Hawaii, 1968.
- Short-term increases in vehicular emissions due to disruption of traffic by construction equipment mobilization will be alleviated by moving equipment and personnel to the site during off-peak traffic hours.
- Construction-period noise will be mitigated in accordance with Title 11, Administrative Rules, Chapter 46, Community Noise Control of the State Department of Health.
- During construction, equipment will generally be contained in storage areas which are set back from roadways and nearby residences. To minimize a variety of impacts including visual effects, work on the most visible areas along existing roadways will be completed in the shortest possible time period.
- Contractors will be responsible for providing necessary traffic controls and precautions to maintain traffic safety on roadways bordering the construction site.

Long-Term:

- Cut material from grading will mostly be retained on the project site. The amounts of cut and fill will be balanced in the grading plan to minimize the need to import fill or to export excavated material.
- Implementation of landscaping will generally re-establish the soil retention value of removed crops and vegetation. Upcountry Town Center will have extensive plantings throughout its grounds, and establish control over existing erosion areas on slopes.
- Proposed on-site retention basins will be sized to contain the projected runoff volume increase expected to be generated by the development, thus attaining a zero runoff increase to adjacent and downstream properties.
- Water usage will be minimized through use of low use water fixtures in new housing and other restrooms will reduce the quantity of water required for the proposed project. A new

well will be developed which is expected to produce 1 to 1.5 mgd, substantially higher than water requirements for the site.

- A well-qualified grounds manager will be responsible for managing the landscaped and open space areas of the Upcountry Town Center.
- To minimize nighttime light pollution and to reduce the potential for interactions between nocturnally flying Dark-rumped Petrels and external lights and other man-made structures, external lighting within the proposed development will be shielded so as to prevent upward radiation.
- Plans to integrate at least one of the existing agricultural warehouse buildings into the project will preserve significant reminders of the project area's agricultural past.
- Interpretive photography exhibits highlighting the old agricultural times are planned to be included at the Maui Fresh facility and elsewhere in the town center.
- Landscaping areas will be well-maintained with regular irrigation and ground cover vegetation to prevent excessive dust generation within the Upcountry Town Center.
- Traffic patterns at the Town Center will be designed to minimize traffic congestion, which will reduce vehicle delays and exhaust emission effects.
- Business selection criteria and design & management guidelines will be enforced in the development and operation of businesses at the cottage industry portion of the project.
- Design of Upcountry Town Center facilities will include noise mitigation measures in the planning and location and orientation of air conditioning equipment, exhaust fans, pumps and other equipment, such that local noise regulations will be satisfied.
- Shielded/down lighting will be used to minimize nighttime light pollution and reduce illumination impacts to surrounding residents and landscape.
- The proposed buildings will include low-rise structures with aesthetically-pleasing architectural design and landscaping quality to maintain the country-town feeling of upcountry Maui.
- Driveways into the proposed development will be channelized on their approaches with separate left and right turn lanes.
- Maui Land & Pineapple Company, Inc. is also planning on developing an off-site potable water well.
- The wastewater management facilities at the new development will be in compliance with applicable State of Hawaii Department of Health regulations for an individual wastewater treatment works, and approved subsurface disposal facilities unless a suitable offsite treatment facility is available prior to development.
- The onsite utility services will be installed in accordance with the requirements of the respective utility companies including the Maui Electric Company.
- The project will respect the agricultural heritage of the area by integrating historical themes and elements in the project design and landscaping. Wai Ulu Farms, an existing feed and tack outlet and horse boarding and training facility, plans to relocate and expand on the project site. Maui Fresh agricultural product venues and farmer's market and cottage

industries in the project area will support agricultural industries and help farmers in the upcountry area.

1.6 UNRESOLVED ISSUES

Unresolved issues are more thoroughly described in Section 6 of this document. The following issues are discussed:

- Determination of building either senior housing or multi-family housing;
- Specific elements for retention and adaptive reuse of Corn Mill Camp structures;
- Access to Upcountry Town Center from Pukalani Bypass Highway
- Potable water well development at Piiholo Road.
- If senior housing is not built, the "fair share" conditions of the State DOE will be met as applicable to a new multi-family housing development.
- The SHPD will a formal review of the archaeological and cultural study for the Piiholo well site, awaiting filing of the application for new well permit.

1.7 ALTERNATIVES

1.7.1 No Action Alternative

The no-action alternative would involve no changes to the existing project area for the foreseeable future. The site would remain out of agricultural production and the Wai Ulu Farms stables and agricultural supply business would remain in operation at its present location. Existing structures on-site would also remain. Refer to Section 4, Environmental Setting for additional information on existing site conditions.

The lack of a development on the project site would not create additional employment, personal income and tax revenue. It would also not provide improved access to retail goods, professional services and other office, civic, and community gathering space. A high-quality employment environment, a proposed component of the Upcountry Town Center, would not be provided at the site and the opportunity to reduce commuting times for many local residents would be lost. Opportunities for employees to commute by walking or bicycling to a major local employment center would not be supplied. Needed housing and cottage industries space would also not be provided for the Upcountry Maui community.

1.7.2 Postponing Action Pending Further Study

This alternative would involve deferring completion of the planned project until additional studies concerning potential impacts are completed. Doing so would result in the near term loss of immediate benefits to the community in terms of open space, retail and commercial goods and services, added employment and tax revenue. Market conditions for the proposed development are projected to be favorable for start up over the next four years. Due to the events of September 11, 2001 and resulting layoffs and business disruptions, the economic benefits that will be generated by the project are sorely needed. A delay may result in the loss of a market window that would be favorable to the start-up phase of such a development and seriously jeopardize the long-term viability of the project.

1.7.3 Alternative Locations for Proposed Project

The current proposed site takes advantage of an isolated agricultural site created by the construction of the Pukalani Bypass Highway in 1994. The proposed site is currently cut-off from surrounding agricultural parcels and is therefore a prime candidate for development. The site is immediately adjacent to urban developed neighborhoods and the Makawao Avenue Commercial Corridor and presents a perfect location for a town center for the community. The centralized, well-suited location of the site is a primary motivating factor in proposing the Upcountry Town Center.

Alternative locations for a project of this size include Maui Land & Pineapple Company, Inc. property at two different locations along the Pukalani Bypass Highway, as discussed in Section 7.0. Alternative Maui Land & Pineapple Company, Inc. land holdings may be physically appropriate for this type of development but it would potentially ruin a larger more economically and agriculturally sufficient parcel. The proposed project site, a 40-acre parcel, is not an economical size for agricultural operations and supporting infrastructure. Alternative sites would narrow future agricultural options on other lands. Other sites would also be situated away from existing residential and commercial development.

1.7.4 More Intensive Development

Increasing the proposed mixed-use development by roughly 50 percent would mean the loss of all open space other than the open space buffer required along Pukalani Bypass Highway by County of Maui regulations. Such an increase would increase the amount of space dedicated to buildings and other impervious services such as parking areas that would substantially increase storm water runoff on the site. The loss of open space would also have an adverse impact on the rural/agricultural character of Pukalani and Upcountry in general, creating a large, sprawled development devoid of any rural character prominently located along two of Upcountry's busiest highways.

1.7.5 Less Intensive Development

A development of smaller scale would not be adequate to provide a reasonable rate of return to offset the costs of a quality development. A smaller project would also be more difficult to market and would be less likely to draw both tenants and customers further decreasing potential financial returns. The proposed quantity of goods and services to be provided at Upcountry Town Center is specific and intended to foster a viable and attractive community

Center. A significant reduction in the potential rate of return on the site would discourage any kind of development on the site. Similarly, an under-performing site or a vacant site would have a significant impact on county tax revenue.

1.8 COMPATABILITY WITH LAND USE POLICIES AND PLANS

Several amendments and changes to State and local plans and designations are necessary to develop the Upcountry Town Center. These include a State Land Use District Boundary Amendment, a Makawao-Pukalani-Kula Community Plan Amendment and a County of Maui Project District Approval. This Final EIS is prepared pursuant to Chapter 343, HRS and therefore requires the State Land Use Commission acceptance prior to the approval of additional entitlements.

Summary of Required Approvals

Permit or Approval	Authority	Action	Status
Land Use District Boundary Amendment	State of Hawaii, Land Use Commission	Agricultural District to Urban District	July 2003
Makawao-Pukalani-Kula Community Plan Amendment	County of Maui	Agriculture / Open Space Designations to Project District	Filed in June 2002 ~~Re-file in 2004~~
Project District Zoning	County of Maui	Approval	Filed in June 2002 ~~Re-file in 2004~~
Environmental Impact Statement	HRS Chapter 343, State Land Use Commission	Acceptance	Revised EIS July 2003

1.9 SUMMARY OF COMMUNITY INPUT

Community participation and input is an important part of the environmental review and design processes. Meeting notes from various meeting are provided in Appendix K. The following list summarizes formal community involvement to-date:

February 27, 2001	Pukalani Community Assoc. - Planning, Zoning & Traffic Cmte. Pukalani Elementary School Cafeteria
March 15, 2001	Pukalani Community Association - General Membership Mtg. Pukalani Elementary School Cafeteria
April 19, 2001	Pukalani Community Assoc. - Planning, Zoning & Traffic Cmte. Pukalani Elementary School Cafeteria
May 3, 2001	Pukalani Community Association - General Membership Meeting Pukalani Elementary School Cafeteria
May 23, 2001	Makawao Main Street Assoc. - General Membership Mtg. aka "Town Meeting" - Makawao School Cafeteria
May 21, 2001 & June 5, 2001	Meetings with County Councilmembers Patrick Kawano, Dain Kane, Charmaine Tavares, Mike Molina Joanne Johnson, Alan Arakawa, Robert Carroll, Riki Hokama
July 5, 2001	Kula Community Association - Board Meeting Kula Elementary School
August 23, 2001	Kula/MAUCA Community Assoc. – Gen. Membership Joint Mtg. Kula Community Center
November 19, 2002	King Kekaulike High School PTSA (Parent Teacher Student Assoc.) - General Membership Mtg. King Kekaulike High School Cafeteria
May 15, 2003	Kula Community Association - General Membership Meeting Kula Community Center
June 4, 2003	Pukalani Community Association - General Membership Meeting Pukalani Elementary School Cafeteria

1.10 PREPARERS OF THE EIS

The following parties were involved in the preparation of the EIS:

Applicant:
Maui Land & Pineapple Company, Inc

Consultant:
Group 70 International, Inc.

Subconsultants:

The Hallstrom Group, Inc – Market Study, Economic Impact Analysis and Public Cost/Benefit Assessment

Parsons, Brinckerhoff, Quade & Douglas, Inc – Traffic Impact Assessment

Char & Associates – Botanical Survey

Aki Sinoto & Archaeological Services Hawaii, LLC – Archaeological Inventory Survey

Aki Sinoto Consulting – Cultural Impact Assessment

Rana Productions, Ltd. – Survey of Avian and Mammalian Species

Decision Analysts Hawaii – Impact on Agriculture

Mink & Yuen, Inc.; Tom Nance Water Resource Engineering – Groundwater Impact Analysis

Tanaka Engineers, Inc. – Preliminary Engineering Study

Neiss & Duensing – Architectural History of Corn Mill Camp

Walter Vorfeld – Structural Analysis of Corn Mill Camp Structures

Morikawa & Associates, LLC – Electrical Assessment

Jeffrey Panteleo – Archaeological Reconnaissance & Cultural Assessment, Piiholo Well Site

Section 2.0

Purpose and Need for the Proposed Action

2.0 PURPOSE AND NEED FOR THE PROPOSED ACTION

2.1 SITE HISTORY

The Upcountry Town Center project site, owned and operated by Maui Land & Pineapple, Inc., has been cultivated in pineapple since the early 1900's. The site also contains several structures including agricultural warehouses and Wai Ulu Farms and corrals. Upon construction of the Pukalani Bypass Highway in 1994, the 40.6-acre site was cut-off and isolated from surrounding agricultural fields. While the site continues to hold State and County agricultural land use designations, the land has been removed from agricultural production because it is no longer economically feasible to farm the isolated and relatively small parcel.

2.2 SITE AND PROJECT ATTRIBUTES

The project site's location, at the crossroads of three of the area's major roadways and at the mauka edge of the Pukalani community, makes it a principal candidate for the creation of a service, business and public town center. The site is uniquely suited for a variety of land uses capitalizing on and contributing to the sense of place, scenic views and rural nature of the Upcountry Maui area.

The proposed Upcountry Town Center will serve local residents, businesses and visitors through a variety of uses. Quality retail, governmental, residential and office space are in demand in the area because of a growing local population. This project intends to meet needs identified by members of the community while maintaining the distinctive Upcountry Maui character and creating a sense of place in a central area for the region. Open space is also an important component of the project. A new green corridor will provide an open space buffer between the Pukalani Bypass Highway and the Upcountry Town Center.

While the project will result in the loss of 31 acres of agriculturally-designated land, this loss to agriculture will be offset by the following benefits:

- Needed commercial space, office and civic facilities and cottage industries space to serve the needs of Upcountry Maui residents provided in a central location, served by 5 existing arterial and collector roadways
- Several hundred jobs ranging from unskilled to highly skilled, and including retail workers, restaurant workers, government employees, doctors, nurses, dentists, dental hygienists, attorneys, accountants, receptionists, craftsmen, etc. Companies that supply goods and services to these on-site businesses and their employees will provide additional jobs.
- The creation of high-quality jobs at a location that is able to be reached by walking or bicycling for many surrounding residents
- Total payroll estimated to exceed $10 million per year for on-site workers
- Estimated property taxes ranging from $20,533 in year 1 of development, to a stabilized level of $907,324 at build-out in year 8 of development and beyond.
- Senior/multi-family residential (approximately 120 or 96 units respectively)

- A venue for community services, activities, festivals and farmer's markets
- A public trail provided in a landscaped buffer zone

These benefits compare with pineapple operations on 31 acres that support about 1.7 workers having a payroll of about $35,300 per year and site property taxes of approximately $85.

2.3 MARKET ANALYSIS

A market analysis was completed by the Hallstrom Group, Inc. (2001) and is included in Appendix A.

Currently, a substantial portion of the economic activity of Makawao and Pukalani, including daily shoppers, workers, capital and business leaders, flows downhill into Kahului/Wailuku, furthering congestion and commuting stress, and lessening local benefits that rightly belong in the Upcountry towns. The Upcountry Town Center will offer the diversity of land use types and infrastructure necessary to capture regional benefits within the Upcountry community.

The market analysis reached the following conclusions regarding the market standing of the proposed Upcountry Town Center development:

- The subject property enjoys an excellent location within an expanding community having limited supporting urban land use opportunities. It has superior mixed-use development potentials given its physical and market characteristics, and is the most appropriate site in the region for such uses, with the size, visibility, traffic patterns and prominence to meet Upcountry demands for competitive "neighborhood/community" development.

- Based on market analysis, discussion with local residents and basic observation, the Pukalani/Makawao region demonstrates significant demand for additional neighborhood commercial (retail, service, and office) and secondary tourist-oriented uses. The available space in Upcountry is near full occupancy, parking and traffic flow are major community problems, and quality development sites are scarce. This has resulted in limited patronage opportunities for area consumers and increased traffic into Kahului.

- There is also a near total lack of light/cottage industrial lands in the study area relative to the size of the community, its emerging importance in the island-wide economy, and the level of evident entrepreneurship. At present, the minimal "industrial" space in the region is generally in non-conforming or grandfathered locations and is insufficient to meet the demands of the expanding Upcountry resident and economic base.

- The resident housing market on Maui has been under stress for many years. The populations on the island and Upcountry are expanding, and persons are living longer. This combination has created a shortage in both senior citizen and multi-family housing Upcountry.

The majority of uses at the Upcountry Town Center will be intended to recapture some of the neighborhood consumer demand that has migrated to Kahului in recent years with development of large retail outlets such as Costco, Wall-Mart, K-Mart, Border Books, and similar retailers. In many respects, as throughout the state (and mainland) these major retailers

have already "damaged" smaller local businesses and those that remain have and will continue to succeed by appealing to and meeting the specific needs of nearby residents.

In fact, many of the businesses in proximity to the UTC will benefit from the cumulative attraction the subject will help create. Consumers prefer to shop in areas with an extensive selection of stores, goods and services. Much local trade is lost when the consumer leaves the local market area to go elsewhere as they will patronize the stores in the vicinity of their primary shopping areas. Maui Land and Pineapple Company, Inc. will be offering commercial/retail lease rates at prevailing market rates which are anticipated to be comparable to lease rates elsewhere in Upcountry Maui. The company will remain amendable to providing special lease rates to particular non-profit entities on an ad-hoc basis.

On a fundamental level, it is not the new stores that negatively impact existing businesses; it is the choices being made by individuals on where to shop. Consumers are attracted to low prices, a large selection of goods, and quality service. They make the choice on where to spend their dollars. By asserting that consumers be denied these choices in favor of existing businesses is a form of economic discrimination within the Upcountry community, as these services are readily available to residents of other towns on the island. Further, they are an attempt to force consumers to support ("subsidize") less efficient operations, with the result being lost time and additional traffic congestion as Upcountry patrons are forced to travel elsewhere to shop at the stores they prefer.

The Kulamalu Town Center project has moved forward significantly since the initial Market study (July 2001.) The development has been well-received by the market, the type of proposed uses and timing has more clearly defined, and its probable relationship with the proposed Upcountry Town Center can now be reasonably assessed.

Market Acceptance. According to realtors handling sales, virtually all of the lots made available by the developer have been reserved; with only the topographically-challenged parcel at the entry to the project still listed for sale. The absorption speed and pricing bespeak of the general market strength on Maui and specific upcountry demand for business/commercial-oriented building lots. Demand was particularly high for the smaller parcels among the 19 lots, which have an overall size range of one-half to 2.5 acres, with rapid sell-out and remaining interest in the product type. Selling prices have ranged from $515,000 to $1,600,000.

Completion of the subdivision infrastructure and initial lot closings are anticipated for early 2004. Numerous purchasers have announced site development plans, and anticipate beginning construction shortly thereafter. At least one purchaser/builder is already offering space in a proposed multi-tenant office building. Among the currently envisioned uses are: Institute for Astronomy, Medical (Physician Offices), Fitness Club, Office Building(s), and a Skilled Nursing Facility.

An entertainment complex and several business-oriented uses are also being considered for the project. At present, there is no retail being proposed outside of a possible small market (near mini-mart size at only 10,000 square feet), and there are no restaurants as yet, and no automotive-oriented uses will be permitted. Given the market response and proposed development to date, it is likely Kulamalu will achieve its anticipated absorption and build-out timeframe, with substantial levels of completed floor space by 2005-06.

With Kulamalu moving forward as anticipated, its relationship with the proposed subject project can be better assessed.

First, the timing of Kulamalu Town Center fits in well-with the timing of the Upcountry Town Center. Kulamalu is helping meet some currently unmet community demands, but will be effectively built-out by the time the subject product comes on-line in three to four years.

Second, the currently envisioned uses at Kulamalu will not address all sectors of commercial land use demands in Upcountry. The project will have no meaningful retail or light (cottage) industrial uses; for which there is acute demand in the community. By 2005, the unmet demand for retail/service floor space in the study area will total (mid-point) some 76,000 square feet, for light industrial space the demand will be some 146,000 square feet. While Kulamalu will help meet regional needs for business/office and some other use types, it will not fully satiate demand in any single category apart (perhaps) from the entertainment/recreation sector. There will still remain unmet demand for senior housing and services, medical and clinic space, and office/business uses.

Third, the two projects will not be in direct competition for major use types. The driving components of the Upcountry Town Center are the retail and cottage industrial uses, which are not represented at Kulamalu. Conversely, business/office and entertainment uses which are expected to comprise much of the Kulamalu development are not significant components of Upcountry Town Center.

Fourth, the competitive location and attributes of the Upcountry Town Center site continue to be superior to Kulamalu for most uses. There are many retail/commercial users which would not consider the Kulamalu frontage, access, lay-out and lot size to be amenable to their business, and would not go to Upcountry at that location. The subject will provide the characteristics necessary to support these uses. Further, Kulamalu is not in a position to exploit tourist traffic to Haleakala summit, thus the potential positive impacts on the Upcountry economy from this massive flow of potential consumers is lost.

Fifth, the "Maui Fresh" concept, featuring made-in-Maui products and goods, which is proposed by ML&P for a portion of the Upcountry site, is not a feasible option for Kulamalu due to location, access, size and price issues. Without the Upcountry Town Center, this opportunity for local farmers and artisans to have a place to sell goods and access the visitor stream will not be actualized.

2.4 ECONOMIC IMPACT ANALYSIS

An economic impact analysis was completed by the Hallstrom Group, Inc. (2001) and is included in Appendix A.

Short-Term:

The Upcountry Town Center project will represent a meaningful boost to the Maui construction and supplier industries over a seven-year period, particularly for Upcountry trade persons in the commercial/industrial sectors in which demand has been muted due to a scarcity of development sites. The planning process, currently underway, is anticipated to require about two years; on-site backbone and first phase infrastructure some 24 months and other construction about five years. While the Maui construction industry is moving into a growth

cycle, the market was significantly strained during the 1990s. The overall scale of investment is equivalent to the construction efforts of a major hotel development.

Maui weathered the 1990s recession better than most locales statewide, and employment in the depleted construction trades has risen meaningfully over the past four years, but still remains ten-plus percent below the levels achieved in the late 1980s and early 1990s. Employment is currently at about 2,800 in the Maui construction trade, up one-third since the mid to late 1990s job count of 2,000 to 2,200, but still 300 positions below the 3,100 worker level of 1989-1991.

Despite short-term gains, long-term recovery and stabilization efforts in the construction industry have been hampered by the 1997-98 Asian monetary crisis; the reduced asset values and earnings of major instate companies; and the limited flow of investment capital and developer interest in undertaking major new projects. Apart from upscale residential, there are limited favorable mid-term opportunities for full recovery in construction employment. Many skilled tradesmen have left the island or moved into other occupations over the past ten years, failing to pass their knowledge and experience onto the next generation of workers, damaging the long-term health of the foundational construction industry.

The employment opportunities created in construction of the subject development will not primarily be "new" jobs requiring new Maui residents, but will be additional opportunities for resident construction workers and related local businesses.

Long-Term:

Employment in the retail, office/medical and cottage industrial operation proposed in the Upcountry Town Center will be a combination of new positions, relocation of existing jobs and expansion of area businesses. These jobs will run from entry level to upper-end business owners and professionals, and will help absorb the more than 1,600 resident young adults who enter the Maui workforce each year. The most probable employee pool is comprised of Upcountry residents who are new to the workforce or seeking a job closer to their residence.

It is assumed the off-site/indirect work created will be steered towards existing Maui supply, equipment providers and other service companies, which despite the up-tick in the Maui economy over the past several years remain in a "lean" period relative to the massive development activity of the late 1980's.

The on-site employment created during the subject development period represents about a .76 percent increase in total jobs available on Maui County (477 additional jobs per year to a current job count of about 63,000), and could potentially lower unemployment in the construction industry by up to three points.

Additional employment will be created by the expenditure of the employees, business owners and residents of the development. These monies spent into the Maui economy are forecast to reach $26.6 million per year on a stabilized basis. An additional 313 to 380 secondary jobs will emerge on the island due to the wages of Upcountry Town Center employees being spent in the community.

Section 3.0

Project Description

3.0 PROJECT DESCRIPTION

3.1 OVERVIEW

Maui Land & Pineapple Company, Inc. intends to develop the subject property to provide commercial, office and civic space, cottage industry lots, a senior/multi-family residential component and open space in the Upcountry Maui area. The development is intended to provide these uses in a centralized rural country town center while maintaining consistency with the character and sense of place of the surrounding area.

The Upcountry Town Center is proposed as a rural country town center serving local residents, businesses and visitors. Preliminary designs for the project have focused on creating a central sense of place for the region with structure types and scale reflecting the surrounding areas consistent with the Country Town Guidelines of Maui County.

The proposed improvements involve:

- Commercial uses (local retail and country-town businesses) along the existing Makawao Avenue community commercial corridor
- Civic and office space located adjacent to Old Haleakala Highway
- Cottage industry spaces located near the core of the site
- A senior/multi-family residential component located on the upper portion of the site towards Old Haleakala Highway
- Retention of one or two of the existing structures in keeping with the rural sense of place of the area if possible
- An open space corridor serving as a buffer zone along Pukalani Bypass Highway, remaining consistent with current land use designations
- Venue for community services, activities and farmers' market, with a "village green"
- Improved safety for King Kekaulike High School students due to improved bicycling and walking trails and access to and from school

The project (Figure 3-1) consists of several components including commercial (Pukalani Superette, a second anchor tenant, and additional retail and dining establishments), potential civic facilities (library, post office, satellite city hall), professional/service office facilities (medical, dental and other professional services), cottage industries, senior/multi-family residential and open space. Each of the proposed uses would be drawn together by common streetscape and landscaping features consistent with the thematic goal for the development and the Country Town Guidelines of Maui County.

The design of Upcountry Town Center is intended to supplement existing uses surrounding the project while providing residents with a town center along an established commercial corridor within walking distance for many in Pukalani. Storefronts and building facades will be differentiated from each other to significantly improve the visual interest of the Makawao Avenue streetscape. The Country Town Guidelines for Makawao-Pukalani-Kula, developed by Upcountry Maui residents, will be used as a resource to remain consistent to the unique rural setting of Upcountry Maui.

FIGURE 3-1 CONCEPTUAL SITE PLAN

3.2 PROJECT COMPONENTS

3.2.1 Commercial

The commercial element of the Upcountry Town Center will include approximately 112,000 square-feet of various retail and service-related components including Pukalani Superette, a second retail anchor tenant, a financial institution and additional retail and dining establishments. Shops and restaurants within Upcountry Town Center are intended to provide modern choices and conveniences while capturing traditional values and characteristics of Upcountry Maui. Proposed commercial uses will be situated along the established community commercial corridor of Makawao Avenue within walking distance for many Pukalani residents.

Several retail establishments will be located along the existing Makawao Avenue commercial corridor. The two-story structures of approximately 5,000-10,000 square-feet will front the street and proposed sidewalk directly served by traditionally situated diagonal parking along Makawao Avenue. These establishments are intended to house local service and small retail businesses with convenient direct access along Makawao Avenue. These storefronts are important elements of the rural main street theme promoted by this project and are intended to complement existing business located across Makawao Avenue.

Off Makawao Avenue several larger retail establishments are proposed to provide needed goods and services for Upcountry Maui residents. These businesses include Pukalani Superette, an existing local business currently located across Makawao Avenue, a second retail anchor tenant and several smaller retail, dining or service-related businesses totaling approximately 91,000 square-feet. A central parking area will serve these establishments with pedestrian links to surrounding portions of the Upcountry Town Center provided. Space for a family-type restaurant is also provided near the existing County fire station. This location will provide visibility from Pukalani Bypass Highway and allow pedestrian connection from other sections of the Town Center. A separate parking area will serve the restaurant.

In addition to these retail and service-related businesses, two establishments are proposed to highlight the local setting and provide distinctly "Upcountry" services. Wai Ulu Farms, a local livery and feed store plans to relocate to a larger building within the group of agricultural warehouse buildings located on the site. Maui Fresh (currently located in Hailimaile) will be located along Pukalani Bypass Highway and is intended to showcase local Maui agriculture products through retail sales and displays such as pineapple gardens and a farmers' market.

3.2.2 Office and Civic Space

Approximately 80,000 square-feet of office and civic space is included as part of the Upcountry Town Center to provide needed professional and governmental services for the area. Potential professional services include medical, dental, legal, real estate or financial offices. Civic offices may include a satellite county hall, post office or library. These facilities are intended to address the lack of professional and civic office space in the Upcountry Maui area. These facilities will provide services to surrounding Pukalani residents as well as the residents of the proposed senior/multi-family housing within Upcountry Town Center.

Maui Land and Pineapple Company, Inc. has held preliminary discussions with officials at County of Maui including the Economic Development Coordinator, as well as the Department of Education. Potential civic uses include a satellite city hall facility, community meeting rooms,

and an alternative learning program in connection with King Kekaulike High School. (That program currently operates on-campus, but King Kekaulike has been looking for an off-campus location for some time without success. UTC is located in an ideal location for such a classroom, as it is off-campus, yet is close enough to King Kekaulike High School to allow for easy transfer of lunches, etc.).

3.2.3 Cottage Industries

Space for cottage industries, small, artisan and light manufacturing operations, is proposed in the center of the subject property. Approximately nine cottage industrial lots of 15,000 square feet are proposed to house small, independent operations. A separate internal roadway will serve these lots. Strict building controls will be in place to limit allowable uses, storage and signage to maintain the rural town center development theme. Potential occupants include artisans, wood workers, furniture makers and veterinarians. Proposed cottage industries structures may include small residential units integrated with the operating portions of the structures. These units are intended to reflect the independent operation of the cottage industries and localized nature of Upcountry Town Center. Residential occupants are anticipated to be the owners or employees of the cottage industrial businesses.

3.2.4 Senior/Multi-Family Residential

Recent "smart growth" guidelines put forth a goal of planning new housing in proximity to employment and/or social centers. Housing proposed within the Upcountry Town Center adheres to this goal and provides needed Upcountry housing for seniors or families within the proposed community-based commercial and social center. The housing component of the Center could logically be built as either a senior or multi-family residential project. The project is intended to include assisted senior living housing if this use can be supported by market factors. Multi-family housing serves an economically viable alternative to senior housing.

The proposed six to eight-acre residential enclave along Old Haleakala Highway will be composed of multi-family density units. It is intended as a multi-family or independent senior-living project serving local elderly, residents or family members. Location of the residential component of the Town Center will capitalize upon the aesthetically-pleasing location and its proximity to new retail, professional, medical and dining services. Approximately 120 two-story units along with facilities, gardens and recreational facilities for the senior living or approximately 96 units of multi-family housing are proposed.

It is anticipated that the senior housing facility will be either independent-living, or a mixture of independent and assisted living. Senior housing is the first priority for the housing component. The Applicant will only resort to multi-family if it is unable, after a good faith and diligent effort, to find a senior housing partner to develop the senior housing. The Applicant has already had discussions for senior housing with two potential partners and anticipates contacting up to five more senior housing developers. In the event that senior housing is deemed unfeasible, the Applicant would more than likely develop multi-family housing for fee simple sales.

3.2.5 Open Space

An extensive open space network of approximately 10 acres, including pastures and passive space, is a main component of the proposed Upcountry Town Center. Much of the open space will serve as a buffer between the Town Center and Pukalani Bypass Highway. The existing

Wai Ulu Farms livery stables and operations plan to relocate and will continue to serve as grazing lands. The approximately 10 acres of open space will include two drainage basins of 28,000 and 36,000 SF respectively, and a wastewater treatment plant of approximately 6,000 SF.

A passive open space corridor will stretch along Pukalani Bypass Highway and may include walking, biking or equestrian trails linking to regional open space connections. Open space areas will serve as important links between components of the Upcountry Town Center, keeping with the rural town center theme that defines this project. An effort will be made to retain mature trees in areas designated as open space with landscaping utilizing the plant material listed in the Makawao-Pukalani-Kula Country Town Design Guidelines.

A Village Green will provide open space amongst the commercial and office structures of the Upcountry Town Center. This area will provide space for community gatherings and passive recreation. Pedestrian walkways will be provided throughout this area and the entire Town Center.

3.3 ROADWAYS, PARKING AND CIRCULATION

3.3.1 Entrance Roadways

Five access points will be developed to the Upcountry Town Center to access the project from each of the three surrounding roadways. Along Makawao Avenue, three entries to the Upcountry Town Center are proposed. These entries will primarily service the retail components of the Town Center. The new entrances will be configured as unsignalized intersections with STOP-sign control on the driveway approaches. One of these access points is an existing driveway roadway to Wai Ulu Farms and the agricultural warehouse buildings. A second entrance is proposed to serve this side of the project along Makawao Avenue. A new entry will be located near the intersection of Old Haleakala Highway and Makawao Avenue. Left-turn pocket lanes will be created for all three primary entrances along Makawao Avenue.

Along Old Haleakala Highway, an entrance is planned at the intersection of the existing Lino Place. This entry will also have a left-turn acceleration/deceleration lane. The new entrance to Upcountry Town Center will be configured as unsignalized intersections with STOP-sign control on the driveway approaches.

An entry to Upcountry Town Center is planned off the southbound lane of Pukalani Bypass Highway to provide access from this arterial roadway. The entry will be limited to right-hand turns only (in and out). Deceleration and acceleration lanes will be built along the project's frontage. Appropriate signage will be provided marking the entrance to the Town Center. The entry will connect to the major interior roadway of the Town Center. This entrance will need approval from the State of Hawaii Department of Transportation.

<u>The proposed parking and traffic circulation plans will improve existing parking and roadway conditions. Compliance with specific requirements will be met at the subsequent review process such as the Project District zoning process at the County.</u>

3.3.2 Interior Roadways and Parking

Roadways within the Upcountry Town Center will reflect the rural country town theme with non-standard curbs, gutters and sidewalks. Typical streets will be 24-feet wide A.C. pavement and lined with street trees. Diagonal or parallel parking will be provided along some of the internal streets of the Town Center. All utilities will be located underground in streets or within appropriate adjacent easements.

A central parking area to serve the retail component of the Upcountry Town Center is proposed between retail stores fronting Makawao Avenue and the larger anchor retail establishments. Smaller parking areas will be developed at each of the proposed professional and civic office sites, around the village green and at Maui Fresh. The senior/multi-family residential component will have its own parking area.

Diagonal street parking is also proposed along a portion of Makawao Avenue, in front of the proposed retail shopping area. This parking will have sufficient depth to allow for reverse movements of vehicles in the shoulder area, without conflict to through-traffic.

3.3.3 Pedestrian/Bicycling Access

Wider recessed sidewalks along Old Haleakala Highway and Makawao Avenue will enhance pedestrian and bicycling access to the project site. The recessed sidewalks will provide safer access to and from the site and through access to surrounding destinations such as King Kekaulike High School.

Pedestrian safety concerns, especially for school-aged children, are addressed in the inclusion of new walkways and connections with new crosswalks. The applicant will work with the appropriate County and State agencies during the Project District (Phase II) review process to address specific design details regarding parking, traffic circulation, walkways, signage and crosswalks.

Southern view along Pukalani Bypass Highway

Eastern view along Makawao Avenue

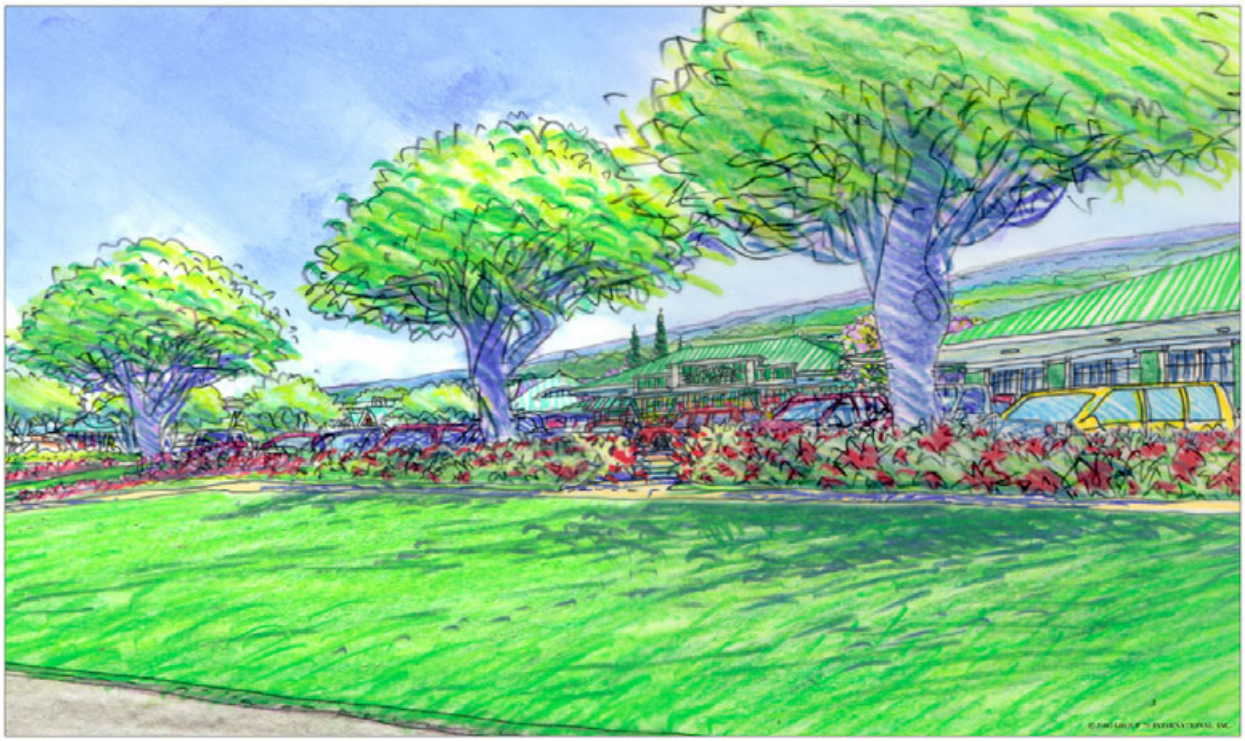
Upcountry Town Center Village Green

FIGURE 3-2a SITE PERSPECTIVES

Maui Fresh and pasture land

Cottage Industrial structures

FIGURE 3-2b SITE PERSPECTIVES



Pukalani Superette from Makawao Avenue

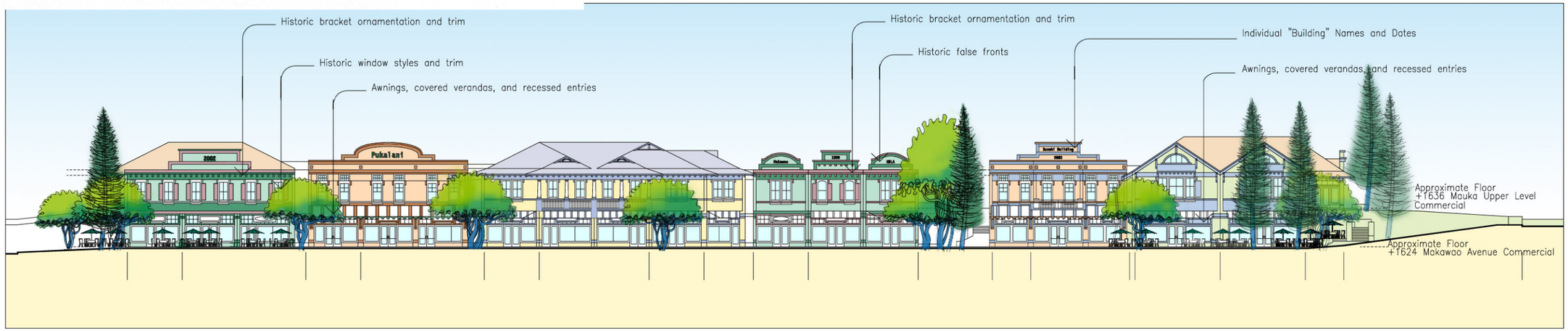
Upcountry Town Center commercial activities along Makawao Avenue

FIGURE 3-2c SITE PERSPECTIVES

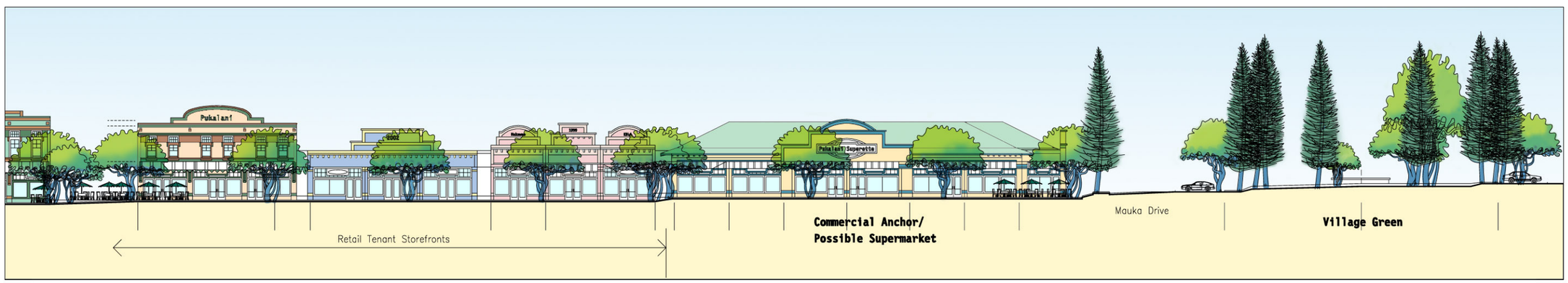
Pukalani Superette looking from the Village Green

Office and civic structures looking from the Village Green

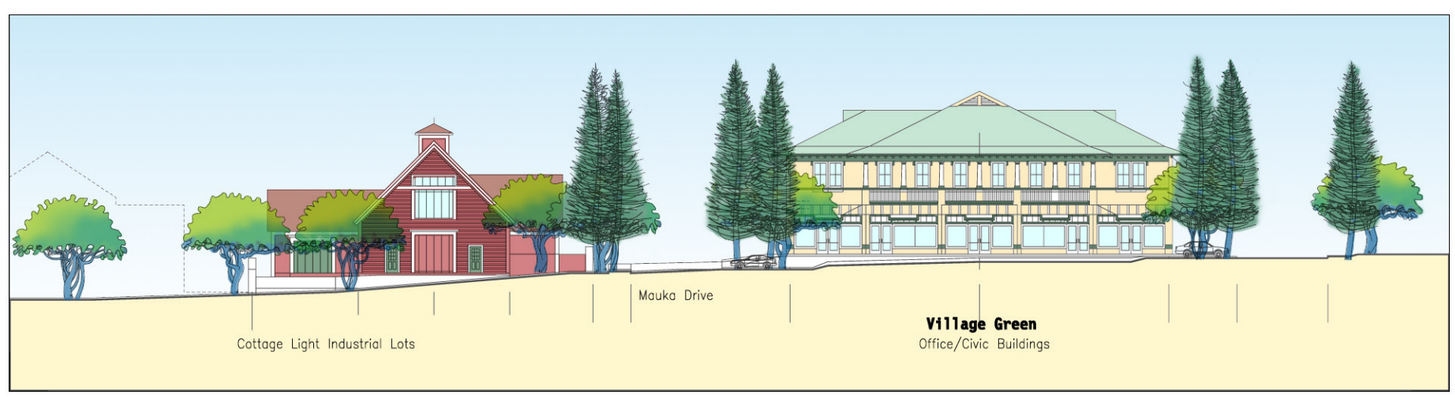
FIGURE 3-2d SITE PERSPECTIVES



Makawao Avenue Elevation Concept



Retail Village Elevation Concept



Village Green Mauka Elevation Concept

"These elevations are provided for planning purposes to demonstrate how a mixture of different architecture will be utilized to satisfy the thematic goals of the project.

0 40' 80'

FIGURE 3-3 ELEVATION VIEWS

3.3.4 Water Supply Well

Maui Land & Pineapple Company, Inc. plans to develop a new potable water well at the land on Piiholo Road in Makawao. This well will be built to County standards for eventual dedication to the Maui County Department of Water Supply. Development of the new well is intended to provide credits to the applicant, thereby satisfying the County's water supply requirements relating to the new Upcountry Town Center.

Transmission of the water from this new well to the County's Pookela storage facilities along existing roadways will require installation of a new water transmission line in the public roadway right-of-way. An alternative for water transmission could be an overland water line route to Pookela, which would cross agricultural lands and an intervening gulch. The selection of a transmission route will be determined in conjunction with the County DWS in the subsequent planning and design process.

The new source is being developed by a private Applicant. The anticipated agreement with the County Department of Water Supply would provide significant benefits to the DWS and residents of Upcountry Maui. In essence, the Applicant will develop a new well that will become part of the DWS system, and in return it will receive a portion of that new well's capacity in the form of water reservations.

The anticipated agreement would call for the Applicant to develop the well at its sole cost. The DWS would not be required to fund any of the cost of developing the well or to purchase the well site. The well site would be dedicated in fee or by easement to the DWS and the well would become part of the DWS system. The Applicant would then be allocated a certain amount of water source reservation.

3.4 CONSTRUCTION ACTIVITIES

Construction activities for the various uses within Upcountry Town Center will involve demolition of some existing structures, vegetation clearing, grading, grubbing, possible rock removal, general construction, and landscaping. A brief description of these elements is provided below. The planned improvements will impact the entire site totaling approximately 40 acres. The entire site is currently in use or had been cultivated as an agricultural parcel in the past.

3.4.1 Demolition, Vegetation Clearing, Grading and Grubbing

The construction period will involve clearing and grubbing of vegetation of the site and some grading during development. On-site drainage detention basins and swales will control runoff within the project site and the rate of discharge to off-site areas.

3.4.2 Excavations (Cut and Fill)

The topography of the project site will be modified, as needed to accommodate the construction of structures and parking areas. Earthwork on-site will include grading the land to allow for buildings and the parking areas to be built. Fill will be placed in areas with uneven grades, as required. Earth layers will be cut where appropriate to keep new buildings low and minimize the need for major fill. Mass grading is not anticipated to be required.

Excavations for the new buildings and utility trenches will be required to complete the project. Materials excavated for trenches and foundations are expected to be re-used on-site.

3.4.3 Rock Removal

Very little rock removal is anticipated as there are no ledges or outcrops evident on the site. However, in the course of construction, some areas of rock material may be encountered. Rock drilling or blasting may be required for rock removal. However, the requirements will be not fully known until geotechnical exploration of the sites is completed as part of the facility design process. Given the site's surface conditions, geology of the region and its history as an agricultural parcel, minimal rock removal is anticipated.

3.4.4 General Construction Activities

General construction activities include the construction of the infrastructure, structures and related improvements of the Upcountry Town Center. Construction includes the digging and trenching associated with the installation of the sewage system and drainage improvements, paving of roadways and pouring of sidewalks and building pads. Building foundations are expected to be concrete over compacted base course. No pile driving for foundational support is anticipated. The project's buildings will be completed in phases over 1-3 years.

Sustainable building techniques will be utilized where possible to conserve natural resources, promote efficient use of water and energy and encourage recycling of waste products due to construction and operation of the Upcountry Town Center. During the construction and implementation phase of the project, efforts to recycle, conserve, and re-use materials and resources will be incorporated where appropriate and feasible, as adapted from the State OEQC *Guidelines for Sustainable Building Design in Hawaii, Solid Waste Management, Recycling and Diversion Plan*.

3.5 LANDSCAPING

3.5.1 Landscape Planting Concept

Preliminary landscape plans for the Upcountry Town Center include canopied streetscapes and pedestrian paths, open pastures and trees. The existing landscaping consists primarily of pineapple crops, Haole koa, Kiawe trees and a few mature trees along Makawao Avenue. Due to anticipated grading requirements, all existing vegetation will be affected.

The landscape design concept for the Town Center's entry roads is to provide an entry statement and attractive parking lot while using large canopy shade trees and plant materials listed in the plant matrix in the Makawao-Pukalani-Kula Country Town Design Guidelines. Native plant materials that are drought, salt and wind tolerant, as well as have low maintenance requirements, will be used as practicable. The conceptual landscape plan is shown in Figure 3-3.

Trees such as Jacaranda, Chinese Banyan, Oleander, Kukui Nut Tree and True Kamani will be planted throughout the site. Landscape plantings such as 'Akia, 'Ilima papa, Native Gardenia, and Pohinahina will be used to provide accent and color. Native Hawaiian landscaping will be utilized where appropriate. Root control barriers will be used to reduce uplifting of the adjacent pavement.

Lawn areas will be seeded with Common Bermuda or Kikuya Grasses. These types of grass require less water than most other turf species. They also tolerate herbicides and recovers quickly from damage. Natural rock retaining walls and boulders will be incorporated into the hardscape and landscape design to support the varying grades and complement the natural landscape. Open lawn areas will provide opportunities for community activities, picnicking and free play.

3.5.2 Landscape Irrigation Concept

The landscape irrigation concept is to promote the healthy growth of the plant material while conserving water. All of the plant materials specified require low watering levels. The irrigation system will be designed according to the limitations on the availability of water for irrigation. A combination of spray and drip irrigation may be used. The automatic irrigation system will be separated according to grass and groundcover areas. This will ensure that plants requiring larger amounts of water can be sufficiently irrigated without over-watering those that require less water.

The sprinkler heads will be selected so their precipitation rates do not exceed the infiltration rate of the soil; this will conserve water by eliminating run-off. It will also prevent the leaching of nutrients, pesticides and fertilizers into the soil past the root zone. The layout of the sprinkler heads will be designed to provide a uniform distribution pattern. Attention will be given to avoid over-spraying walkways and roads. The irrigation run time will be scheduled to occur during the less-windy evening or early morning hours.

Conceptual Landscape Plan
Upcountry Town Center
Maui Land and Pineapple Company

GROUP 70

CHRIS HART & PARTNERS

FIGURE 3-4 LANDSCAPE PLAN

3.6 UTILITIES

3.6.1 Drainage

An onsite drainage system concept was completed by R.T. Tanaka Engineers (2001) and is included in Appendix I and shown in Figure 3-5.

Onsite runoff will be collected by catch basins or grated drop inlets and then conveyed to the proposed retention ponds by underground culverts. Referring to Figure 3.5 of Appendix I, runoff from Drainage area 1 will be conveyed to Drainage Basin 1; runoff from Drainage Area 2 will be discharged to Drainage Basin 2; and runoff from Drainage Areas 3 and 4 will flow onto Makawao Avenue to be collected by the proposed roadway drainage system and eventually disposed of across the road by the existing culvert crossings.

The post-developed storm volumes from the project area are estimated to total 226,120 cubic feet (refer to Figure 3.5 of Appendix I). These preliminary storm runoff volumes are subject to change and adjustments due to final design considerations, but the conceptual nature of the proposed improvements will remain the same.

3.6.2 Water Supply

An onsite water system concept was completed by R.T. Tanaka Engineers (2001) and is included in Appendix I. According to Department of Water Supply (DWS) standards, the estimated average daily demand for the proposed development is 159,300 gallons per day (gpd). Applying a demand factor of 1.5, the maximum daily demand will be about 238,950 gpd. The fire flow requirement, based on commercial usage is 2,000 gallons per minute (gpm).

The Upcountry Town Center will be serviced by a network of 8-inch and 12-inch pipes. The new system will be connected to the existing 12-inch water line at the junction of Haleakala and Kula Highways, to the existing 6-inch waterlines on Makawao Avenue and to the existing 4" waterline on Old Haleakala Highway. Fire hydrants will be provided along the proposed roadways with spacings at no more than 250-feet.

Appendix H of the EIS, completed by Mink and Yuen (2001) and TNWRE (2003), identifies potential wells and water supply conditions in the area. To satisfy the water demand for the project, Maui Land & Pineapple Company, Inc. will utilize public water supply along with the development of a new off-site potable water source at a location near Makawao.

The location for this well is TMK 2-4-12:06 on Piiholo Road, as shown in Figure 1-2. The new water source will be developed in a location which will avoid conflict with existing and proposed public drinking water sources (TNWRE, 2003). Water will be transmitted to storage facilities at Pookela. Water from this well will provide ample additional source for the Upcountry Town Center project, with additional supply allocated for public use.

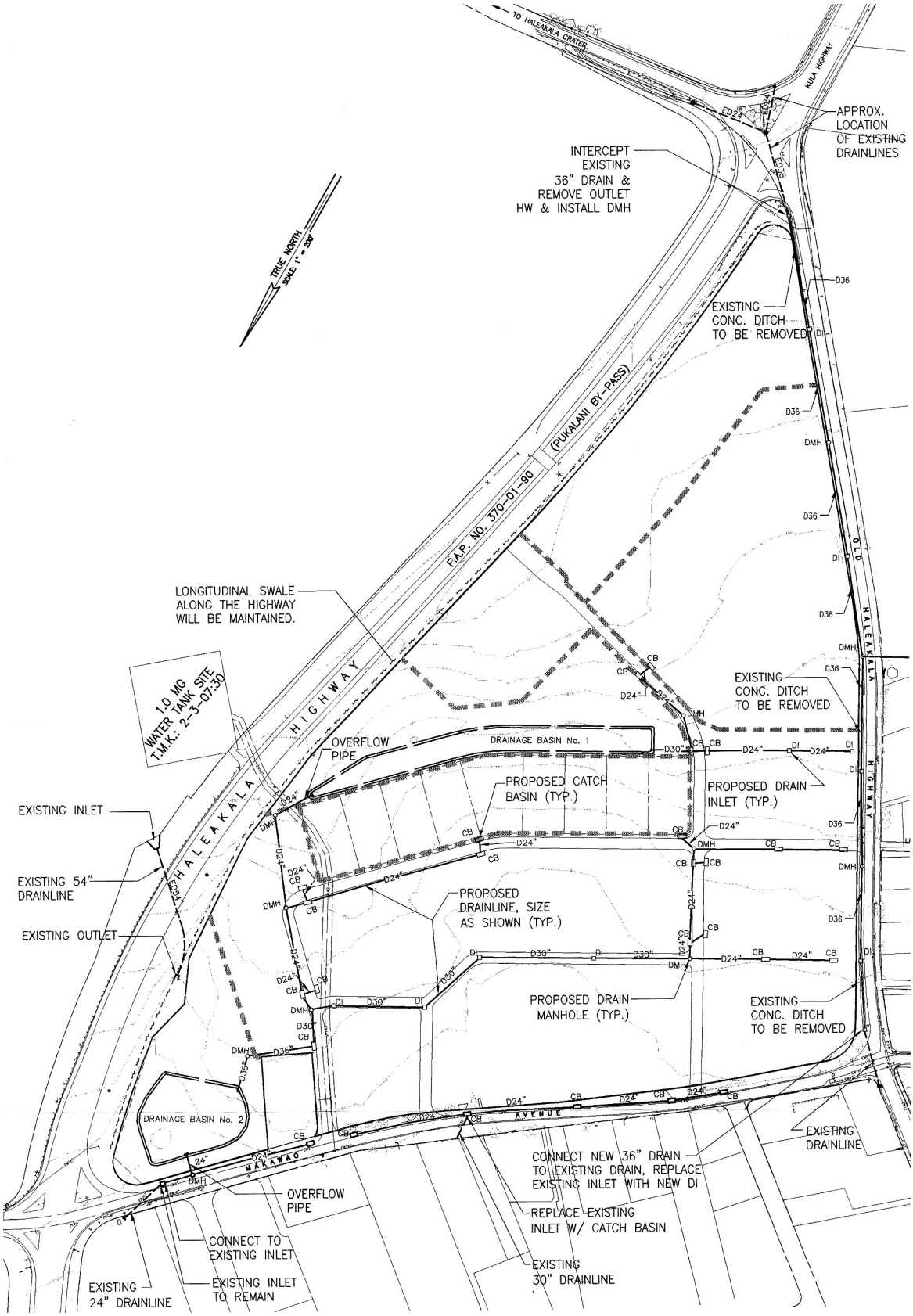


FIGURE 3-5 CONCEPTUAL DRAINAGE SYSTEM

3.6.3 Wastewater Collection, Treatment and Disposal

An onsite wastewater system concept was completed by R.T. Tanaka Engineers (2001) and is included in Appendix I. Should a regional wastewater treatment system be developed prior to completion of the development, it is anticipated that Upcountry Town Center would connect to such a system.

The estimated average wastewater flow generated by the proposed development is 50,125 gpd based on the Maui County Wastewater Reclamation Division's guidelines.

The conceptual sewer system, consisting mainly of 8" and 12" PVC sewer pipes, will collect wastewater flows generated by future users and then transport them to a proposed onsite treatment facility. The treated wastewater will then be pumped to the proposed leaching fields.

Preliminarily, the leaching fields will need to have a total gross area of approximately 3.8 acres or larger due to the topography of the disposal area. The leach fields will consist of absorption trenches with perforated PVC distribution pipes enveloped in filter rock.

The possibility of re-using treated effluent generated by the Upcountry Town Center wastewater facility is being considered by Maui Land & Pineapple Co. While technically feasible as a solution to effluent disposal it potentially adds great cost to the overall system. The applicant continues to research whether a recycling solution that can be employed to reuse the anticipated 50,000 gpd of effluent in landscape and pasture irrigation.

3.6.4 Power and Communications

Electrical, telephone and communications services to the project will be installed in accordance with the requirements of the respective utility companies including Maui Electric Company. The preliminary estimated demand for electricity for the completed project is 3,721 KVA. An Electrical Assessment of the proposed project (Morikawa & Associates LLC, July 2001) was completed and is included as Appendix J. Additionally, the design of the Upcountry Town Center will take into consideration opportunities for minimizing energy consumption. The design and construction of both the residential and commercial facilities will look at energy-saving measures, with consideration of the Hawaii Model Energy Code. A review of demand-side management strategies will also be examined to consider and evaluate energy-efficient alternatives and options.

3.7 PROJECT SCHEDULE

Environmental processing and project permitting for the Upcountry Town Center is expected to continue through 2004. Project construction will initiate in 2004 with site clearing, mass grading, drainage and infrastructure development. The various project buildings will be completed in phases, with initial emphasis on the commercial center. In 2005, construction of the commercial center will advance, with the major tenant spaces, stand-alone sites and intervening smaller tenant spaces developed. The cottage industrial lots will likely be sold in 2004/2005, with individual facility development depending upon each lot owner. The individual office and civic buildings will follow in 2006. Senior housing or multi-family housing construction will likely be initiated in 2006. Substantial project completion of the Town Center is planned by late 2006.

3.8 PROJECT COSTS

The following table outlines estimated project construction costs for each component of the Upcountry Town Center (refer to Appendix A for a complete discussion of project cost estimates):

Table 3-1 Estimated Construction Costs

Project Component	Estimated Cost
Infrastructure	$9.7 million
Retail	$22.3 million
Office/Civic	$16.0 million
Cottage Industrial	$7.7 million
Senior/Multi-Family Housing	$16.35 million
TOTAL	**$72.05 million**

Section 4.0

Environmental Setting

4.0 ENVIRONMENTAL SETTING

4.1 REGIONAL OVERVIEW

The proposed Upcountry Town Center project site is located in the Pukalani area of Upcountry Maui on the windward slopes of Haleakala approximately 15 miles southeast of Wailuku and Kahului (Figure 4-1). The site is located at the intersection of Pukalani Bypass Highway, Old Haleakala Highway and Makawao Avenue. The communities of Pukalani, Makawao, Haliimaile, Olinda and Kula that surround the site are predominantly residential and agricultural with a small amount of commercial uses serving local residents.

The approximately 40.6-acre project parcel currently contains remnants of approximately 31-acres of pineapple fields, a lowland drainage area along Pukalani Bypass Highway, several old agricultural structures along Pukalani Bypass Highway, Wai Ulu Farms Feed Store and Stables and corrals for boarding.

The construction of Pukalani Bypass Highway in 1994 divided the project site from a much larger contiguous pineapple field.

4.2 HISTORICAL PERSPECTIVE

Archaeological and cultural backgrounds are detailed in two studies completed by Aki Sinoto and Jeff Pantaleo (2001) and are provided in Appendices D and E respectively.

4.2.1 Early History

Legendary and mythological references are scarce and little is known regarding the pre-contact occupation and use of land in the region surrounding the project area. Gathering and harvesting of hardwoods like *koa*, other plants, and animals most likely took place in the region on a seasonal basis. The *kula* areas east and south of the project area were used for extensive dry-land agriculture but the project area itself was most likely peripheral to prehistoric agricultural productivity. While permanent prehistoric settlements have not been indicated in the current project area, Handy and Handy describe the Kula region to the southeast of the site in *Native Planters of Old Hawaii* as having had a relatively large, permanent, pre-contact population that was "widely famous for its sweet-potato plantations" (1972:511).

Around 1800, agriculture in the Kula region moved from subsistence farming to commercial ventures generated in part by the arrival of whalers to the area and the associated demand for fresh produce. By the mid 1830s Irish potatoes were being cultivated in addition to the more traditional sweet-potato crops. An increase in the number of whaling ships after 1840 further increased demand, making the area around Kula known as the "potato district". (Kuykendall 1965:313). The potato blight in Ireland and the gold rush in California created an important, but relatively short-lived, potato boom for the region between 1847 and 1854.

The project site area is part of two large parcels that were awarded by royal grant in 1852 to two separate owners Kekaha (grant 964) and Lono (grant 1215) for two dollars an acre.

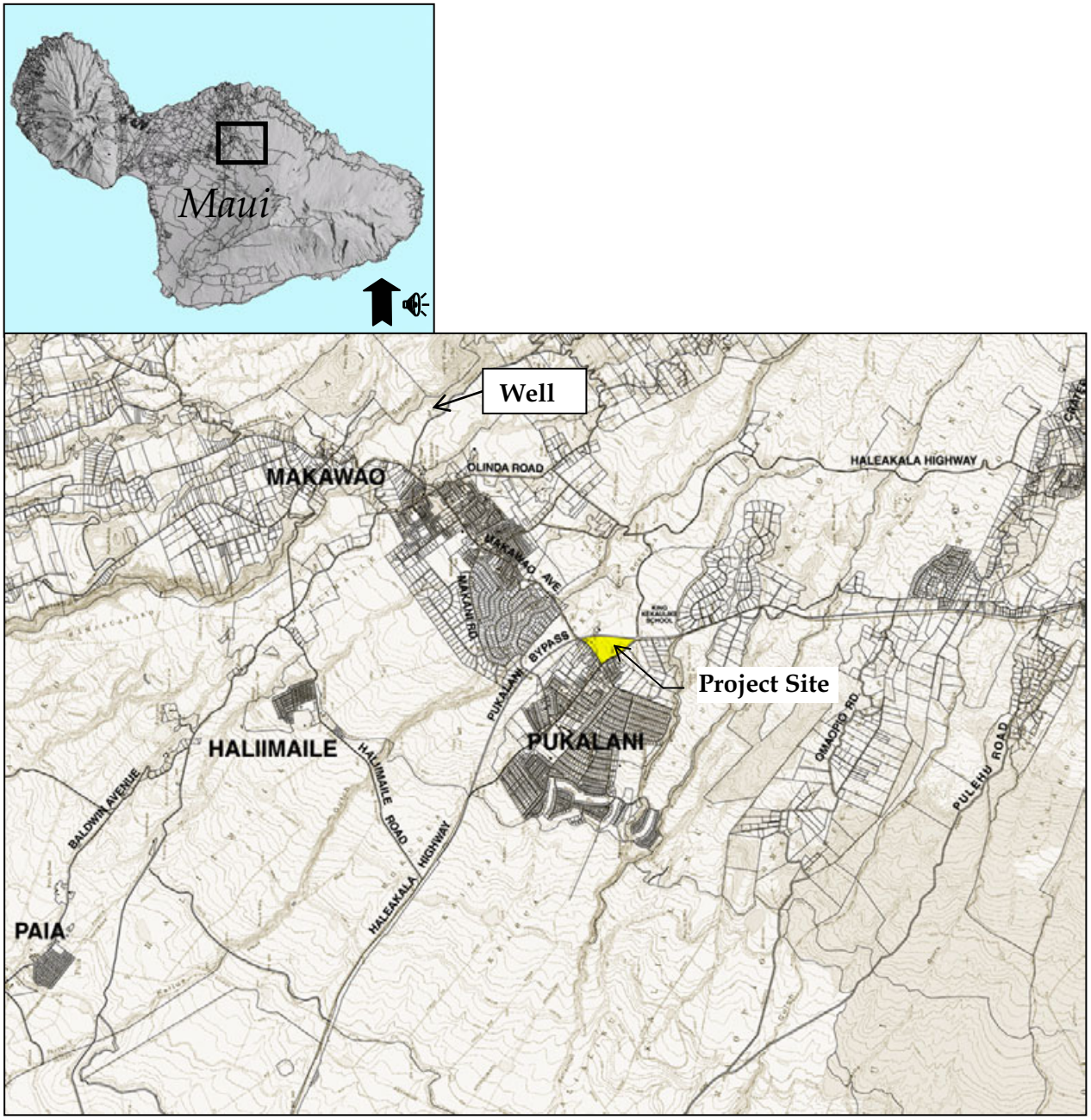


FIGURE 4-1 REGIONAL LOCATION MAP

4.2.2 Land Use History

According to a 91-year old local resident, part of the project area was developed around 1929 as an agricultural camp for immigrant laborers that worked in neighboring cornfields. Known as Corn Mill Camp, the area consisted of 30 houses and associated common buildings. It was located in the project area as well as extending across what is now Pukalani Bypass Highway and including the site of the current Maui County water tank. At least 365 acres surrounding the project site were used for corn cultivation according to Aki Sinoto and Jeff Pantaleo (2001).

Corn Mill Camp remained in use until the end of World War II when all of the structures were either demolished or relocated offsite. After the 1945 abandonment of the site, Haleakala Land Company took over the area for pineapple cultivation. In turn, Maui Land and Pineapple Company acquired the land in the 1960s and has used it for pineapple cultivation to the present day. The structures extant today in the northern part of the project area date from the period of the Corn Mill Camp's operations.

4.2.3 Cultural, Historic and Archaeological Resources

Cultural Resources

A cultural impact assessment was conducted for the project area by Aki Sinoto (December 2001) and Archaeological Services Hawaii (July 2003.) The cultural impact assessment was conducted pursuant to Section 15-15-50 (c) (20), HAR, and addresses the issue of Hawaiian customary and traditional rights. These reports are included as Appendix E.

No traditional resources or any on-going cultural practices within the project parcel were identified as part of the cultural assessment. Inferred traditional use of the area may have been for dry land agricultural pursuits, such as the cultivation of sweet potato and yam, and as a zone of access occurring immediately makai of the inland zone where exploitation of forest resources took place.

Pineapple has been continuously cultivated in the project area for over 80 years, through a succession of companies and mergers, with the Maui Land and Pineapple Company, Inc. as the current owner. The warehouses and buildings present in the northern portion of the project site, associated with Corn Mill Camp, have occupied the area for roughly 80 years. The advent of commercial agricultural development with immigrant labor and large plantations is the period best represented by the extant structures in the project parcel. The remaining six structural features associated with Corn Mill Camp have been assigned State Site Number 50-50-06-5169.

Expanded studies of the Corn Mill Camp structures were completed recently, including Architectural History Analysis by Neiss & Duensing (January 2003) , and a Structural Analysis by Vorfeld (December 2002). The studies found the structures to have historical significance, and recommended for adaptive reuse/preservation of buildings, as practical, in the new development.

A cultural assessment of the area of the new well site at Piiholo Road was conducted by Archaeological Services Hawaii (July 2003.) The cultural impact assessment was conducted pursuant to Section 15-15-50 (c) (20), HAR, and addresses the issue of Hawaiian customary and traditional rights.

Archaeological Resources

An archaeological inventory survey was conducted as part of this EIS by Aki Sinoto and Jeff Pantaleo in September 2001, and addendum report in July 2003 (Appendix D). No previous archaeological studies of the specific project area have been undertaken. However, several studies in the general vicinity were conducted during the past few years.

Archaeological Studies of Surrounding Areas - An archaeological inventory survey of five potential school sites in Haliimaile, Hokuula, Kailua, and Makaeha *ahupua'a*, Makawao District was conducted by Paul H. Rosendahl, Inc. in 1990. Each of the five sites surveyed were approximately 35 acres and were used for pineapple cultivation. No archaeological sites were identified during the survey. Lithic artifacts, including a basalt flake, an *ulu maika* fragment, a complete basalt adz, and adz fragment, and a ceramic sherd were collected at one site north of the project site, across Makawao Avenue.

A reconnaissance survey was completed for the Makawao subdivision located northeast of the project area between Apana Road and Kailua Gulch (Environmental Impact Statement Corporation, 1980. No surface archaeological sites were identified and no further work was recommended.

An inventory survey of a 1.78-acre parcel to the northeast of the project site in the Hokuula ahupua'a (Xamanek Researchers, 1995). During the inventory, a rock aggregation was recorded, however manual and backhoe excavations revealed no subsurface cultural remains and no further archaeological work was recommended. Another archaeological inventory survey was completed by the same group for the Kulamalu watertank in the Hokuula *ahupua'a*. Five sites recorded during the study included two historic retaining walls, a cave shelter, a rock shelter, and a probable historic grave. Because of the nature of the project no further work was recommended.

Thirty-two petroglyphs in the Kula 200 subdivision in Makaehu, Makawao District have been reported to the State Historic Preservation Division and recorded as State Site 50-50-11-2920. They are located along a 20-meter section of vertical rock face along the northern bank of a gulch and include glyphs of canoes and paddlers, human figures and possible lizard figures.

Archaeological Study of Project Area - By the mid-1800s, much of the upland forests had been cleared for agriculture. The project area is devoid of forest trees and has exotic species typical of landscaped areas and secondary growth following large-scale clearing. It is most likely that cultural remains in the study area would be associated with large-scale agricultural pursuits in general and the Corn Mill Camp specifically. Post World War II uses are evident in extant warehouses and buildings associated with the Corn Mill Camp tenure.

Initial surface surveys of the project area revealed no significant cultural artifacts with the exception of the Corn Mill Camp buildings. Eleven backhoe trenches were dug in roadways between fields, main access and peripheral roads and other non-cultivated areas. Because field configurations change from season to season, smaller roads between planting rows were tested to determine extent of till zones. Peripheral roadways and main access roadways were tested to avoid areas with repeated disturbances due to tilling. Other uncultivated areas were also tested to determine subsurface integrity in those areas.

No surface cultural remains other than the existing buildings were encountered during the initial surface assessment encompassing the total project area. No significant cultural remains, either prehistoric or historic, were encountered in any of the trenches. These surveys indicate that either the area was not used for habitation or agricultural activities during the prehistoric and early historic periods or subsequent large-scale agricultural practices impacted or destroyed any remains that may have existed. There are no burials on the project site.

Archaeological reconnaissance of the Piiholo Well site indicate no surface cultural remains and little potential for the presence of subsurface cultural deposits (Panteleo, July 2003).

4.3 CLIMATE

The project site is located on the windward slopes of Haleakala and slopes from mauka to makai from an elevation of 1725 feet to approximately 1610 feet above sea level. Northeasterly tradewinds are consistent with an average strength of 10-20 miles per hour for most of the year with slightly stronger winds occurring in the spring and summer months. Upcountry Maui is generally cooler than down-slope sea-level locations. Temperatures range from evening lows in the 50's in winter months to daytime highs in the 80's during the summer. The area averages between 50 to 85 inches of rain annually. Winter months generally experience the greatest quantities of rainfall in the area.

4.4 TERRESTRIAL CONDITIONS

4.4.1 Topography

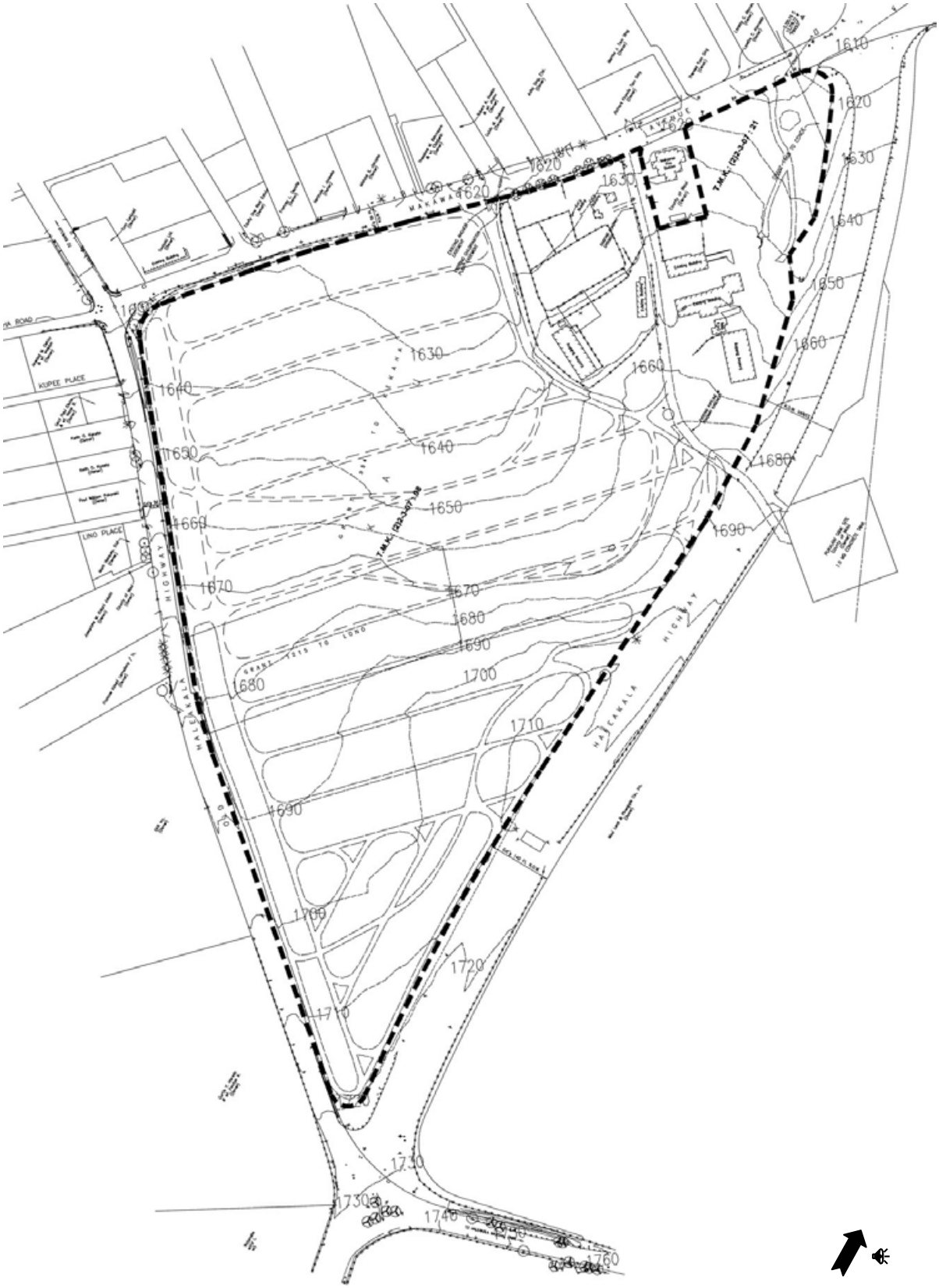
The project site is located on the windward slopes of Haleakala and slopes from south to north from an elevation of 1725 feet to approximately 1610 feet above sea level (Figure 4-2). The terrain of the site was built by volcanic eruptions and erosional forces and varies in slope. About 19 acres of the site have gentle slopes of 3 to 7% and about 22 acres of the site have moderate slopes of 7 to 15%. The site's even grade reflects its history as an agricultural parcel, with some irrigation erosion trenches occurring throughout the site.

The Piiholo well site is located at an elevation of approximately 1800 feet.

4.4.2 Views

The project site is currently actively cultivated agricultural land and contains several agriculture-related structures. A project site photograph key map identifies the location and direction of photographs taken to show various views of the project site. These images are included in Figures 4-3 A, B and C.

The location of the project site provides upslope views to Haleakala and wide panoramic makai views. The site has views of central Maui and the north coastline from Wailuku to Kahului Harbor and out to Paia. The site provides an expansive upslope view of Haleakala and a panoramic view the West Maui mountains. Adjacent residential and commercial structures and signs are visible from throughout the site.



Approximate Scale: 1″ = 300′

FIGURE 4-2 SITE TOPOGRAPHY

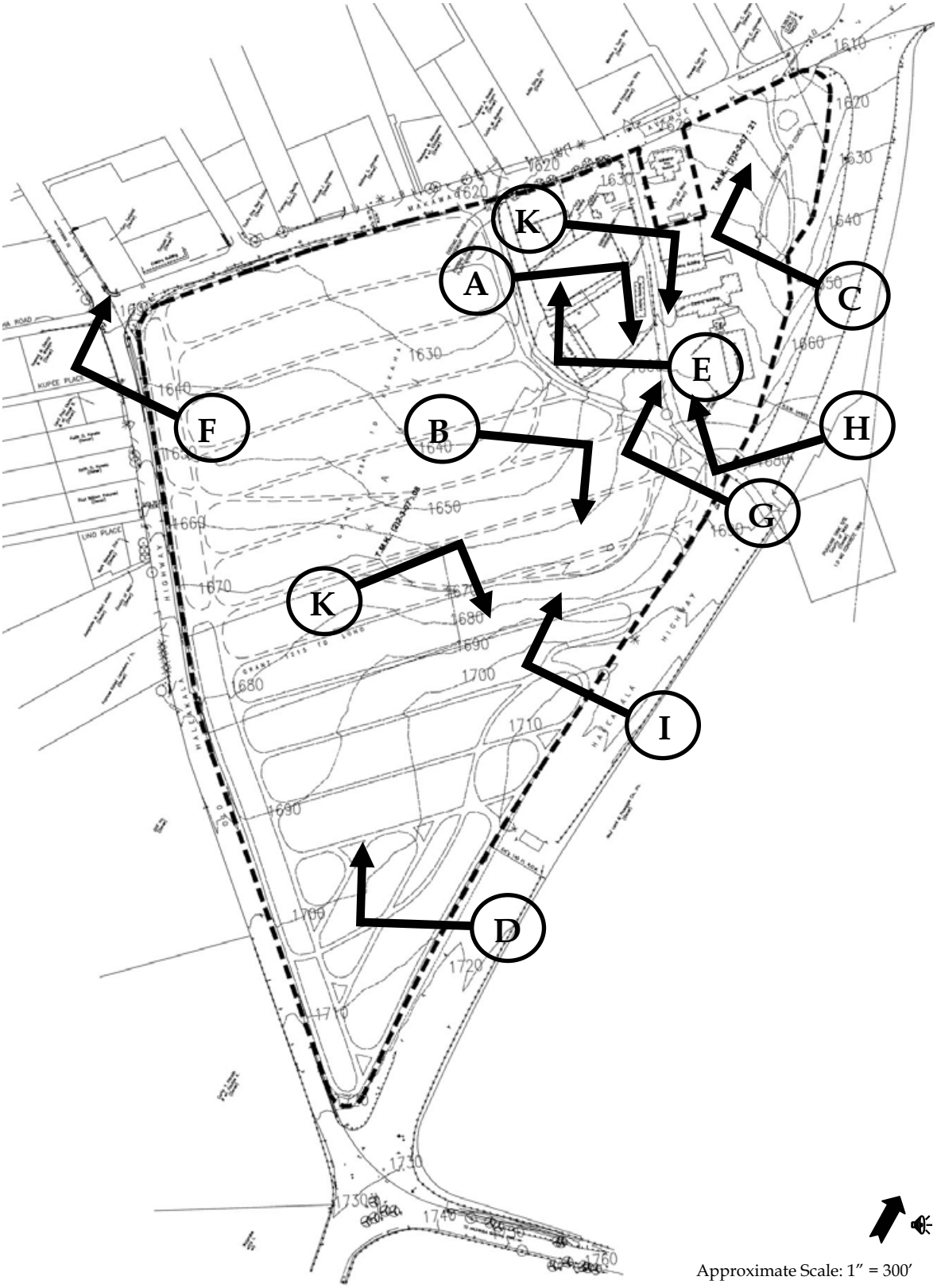


FIGURE 4-3 SITE PHOTOS KEYMAP

A. Wai Ulu Farms stables and parking area.

B. Mauka view across pineapple field.

C. Looking towards Makawao Town

FIGURE 4-3a SITE PHOTOS

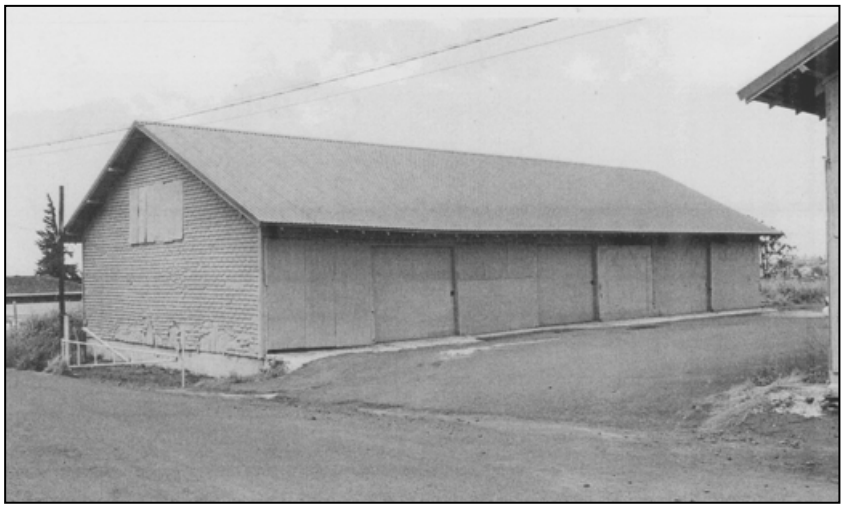
D. View makai across pineapple fields

E. Wai Ulu Farms corral area.

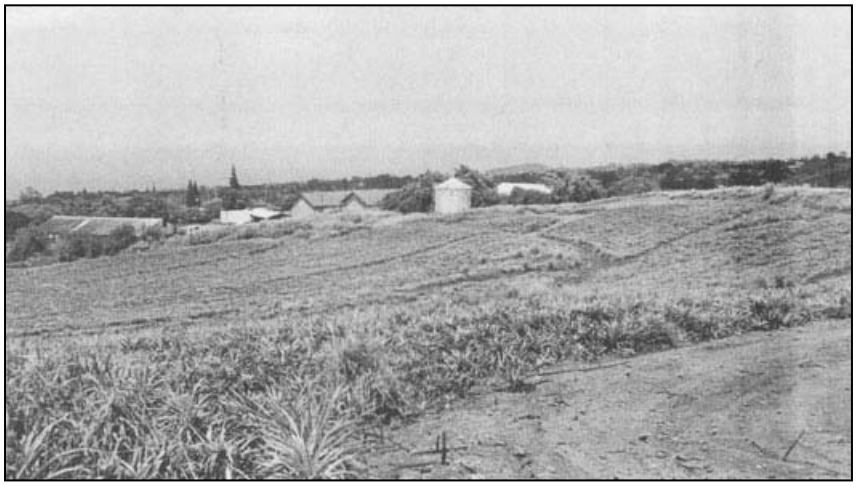
F. Intersection of Makawao Avenue and Old Haleakala Highway

FIGURE 4-3b SITE PHOTOS

G. Agricultural warehouse structures and former Corn Mill Camp location



H. Agricultural warehouse



I. Agricultural warehouses and the water tower in the distance

FIGURE 4-3c SITE PHOTOS

J. Looking mauka towards King Kekaulike School

K. Wai Ulu Farms

L. Piiholo Road Well Site

FIGURE 4-3d SITE PHOTOS

Intermittent views of the project site's remnant pineapple fields, vegetation and structures are presently available from adjacent residential properties, upslope areas, Pukalani Bypass Highway, Makawao Avenue and Old Haleakala Highway. The entire site is visible from the downslope view available at the intersection of Pukalani Bypass Highway and Old Haleakala Highway.

Within the project site, views consist of pineapple fields and various clusters of dense vegetation. Several structures are present on the eastern portion of the site including warehouses, a wooden water tank and Wai Ulu Farms stables and store. Some of these structures contribute to the sense of place of the project site.

4.4.3 Geology and Soils

Soil classifications and agricultural concerns are documented in a report by Decision Analysts Hawaii, May 2001 (Appendix G).

There are three studies or documents that classify soil type and designate agricultural viability. Soil types or classifications for the project area are based on soil surveys by the USDA Soil Conservation Service (SCS, 1972), shown in Figure 4-4. The University of Hawaii Land Study Bureau (LSB) classifications, and the Agricultural Lands of Importance to the State of Hawaii (ALISH) designations are used to show agricultural viability of the land considering its soils.

The project area contains just two soil types:

HgB – Haliimaile silty clay loam, 3 to 7% slopes (19 acres, 46% of the site)

HgC – Haliimaile silty clay loam, 7 to 15% slopes (22 acres, 54% of the site)

The 1972 Land Capability Grouping by the SCS rates soils according to eight levels, ranging from the highest classification level, I, to the lowest level, VIII.

The HgB soils (approximately 46% of the site) are rated IIe, indicating that they have moderate limitations that reduce the choice of plants or require moderate conservation practices. The HgC soils (approximately 54% of the site) are rated IIIe, indicating that they have severe limitations that reduce the choice of plants, require special conservation practices, or both. The subclassification "e" indicates that the soils are subject to erosion.

The ALISH system classifies land into three categories: (a) Prime agricultural land which is best suited for the production of crops because of its ability to sustain high yields with relatively little input and with the least damage to the environment; (b) Unique agricultural land which is non-Prime agricultural land currently being used for the production of specific high-value crops; and (c) Other agricultural land which is non-Prime and non-Unique agricultural land that is of importance to the production of crops. All or nearly all of the soils in the project site are rated Prime.

The LSB Overall Productivity Rating classifies soils according to five levels, with "A" representing the class of highest productivity and "E" the lowest. All of the soils in the project site are rated "C" on the LSB map, but the rating reflects the fact that the land was not irrigated when it was evaluated in 1972. With irrigation, which is now the case, all of the land would be rated "A".

These three soil-rating systems indicate that all or nearly the entire project site has soils that are good for cultivating crops (III or better under the SCS rating, Prime under the ALISH rating and "A" under the LSB rating off irrigated). This assessment is based on conditions prior to construction of the existing structures on the site and the Pukalani Bypass Highway. Construction of the structures covered some of the soils and, because of grading and fill, some of the lands now bordering the highway may have different soil ratings.

Consistent with the site's soil ratings, the agricultural lands exhibit a number of favorable characteristics: they are well-suited for tillability, slopes are gentle to moderate (see below), and the soils are fine in texture, not stony, and well-drained. Also, the soils are strongly acid in the surface layer and medium acid in the subsoil.

The soil type present at the Piiholo well site is MfB Makawao silty clay (3-7% slope). Permeability of these soils is moderately rapid, runoff is slow and the erosion hazard is slight. ALISH classification of the land is Prime, and LSB rating is C.

4.4.4 Hazardous Materials

The existing structures located on the property were related to support operations for the area's pineapple cultivation. As part of the ~~current~~ evaluation of the property for the Upcountry Town Center project during 2001, Maui Land & Pineapple commissioned ~~a~~ two surveys of the property to investigate for potential hazardous material concerns. The focus area was the old Corn Mill Camp buildings, and it's surrounding land, vegetation and soils. ~~This~~ The initial survey and a risk evaluation study of worker inhalation is included in the Revised Final EIS as Appendix L. The supplemental survey is included as Appendix P.

The results of the initial survey in June 2001 identified some limited areas of pesticides contamination of soils between the Corn Mill Camp and Haleakala Highway (Pukalani By-Pass). The pesticides present in these soils are 4,4-DDE and 4,4-DDT (organochlorine pesticides), which were commonly used in pineapple cultivation during the 1940's, 1950's and 1960's. Arsenic was also found in a smaller number of soil samples. ~~These residues are known to bind with soil particles, and are unlikely to migrate far. There are no significant health risks associates with the residues, and there is currently no danger to people in the area.~~ The testing also included testing for DBCP (1,2-Dibromo-3-chloropropane). No DBCP was detected. The State Department of Health's (DOH) Hazard Evaluation & Response Office was immediately notified of the results. The initial survey concluded that the horizontal and vertical extent of pesticide contamination could not be delineated and recommended additional testing.

Later in 2001, a supplemental investigation and analysis of 50 soils samples delineated the vertical and lateral extent of contamination to the DOH's Tier 1 Soil Action Levels (SALs) and the Environmental Protection Agency's Preliminary Remediation Goals. Pesticide contamination was shown not to exceed a depth of five feed below grade surface and the lateral extent of contamination was generally shown not to extend beyond the area immediately around Corn Mill Camp.

The pesticides residue was found in several samples, some of which were at concentrations above the ~~State DOH Tier 1 Soil Action Levels~~ SALs. In general, the contaminants of concern have the potential to pose an exposure risk to humans when in surface soils or close to drinking water sources. However, due to the topography of the area, the existing buildings and the

localized source of the residues, the contaminants are limited to the location. The closest well is an irrigation well located about one mile west of the property.

Of note, June 2001 was the first time the company had learned about the presence of these contaminants. The property and the buildings were under the operation of the Haleakala Pineapple Company during the 1940-1960 period. The known activities at Corn Mill Camp since that time would not have generated these contaminants.

Given the information obtained in the investigation, Maui Land & Pineapple has taken action to properly analyze the extent of potential contamination, in consultation with the Department of Health's Voluntary Response Program. Out of an abundance of caution, the area around the contaminated soils was enclosed by a fence, and the people who use the Corn Mill Camp buildings have been asked to stay out of the affected area. A plan for remedial actions is being prepared in accordance with the DOH guidelines, and the extent of the action will be limited to the area near one of the Corn Mill Camp buildings.

4.4.5 Natural Hazards

Natural hazards are events such as tsunami, earthquakes, floods and volcanic hazards.

The entire project area lies outside the 100-year boundary for floods attributable to either storms or tsunami. According to the Flood Insurance Rate Map (FEMA, 1987) the entire project site falls within flood zone "C" (Figure 4-5). Zone C is considered an area of minimal flooding. Flooding is not known to be a problem at lower elevation areas and drainage routes located on the project site. The Piiholo well site is also located in Zone C (minimal flooding).

The property is outside of any special or volcanic hazard areas as defined for other areas of the State. Although all of Hawaii occasionally experiences small earthquakes, the site is not considered a seismic hazard area.

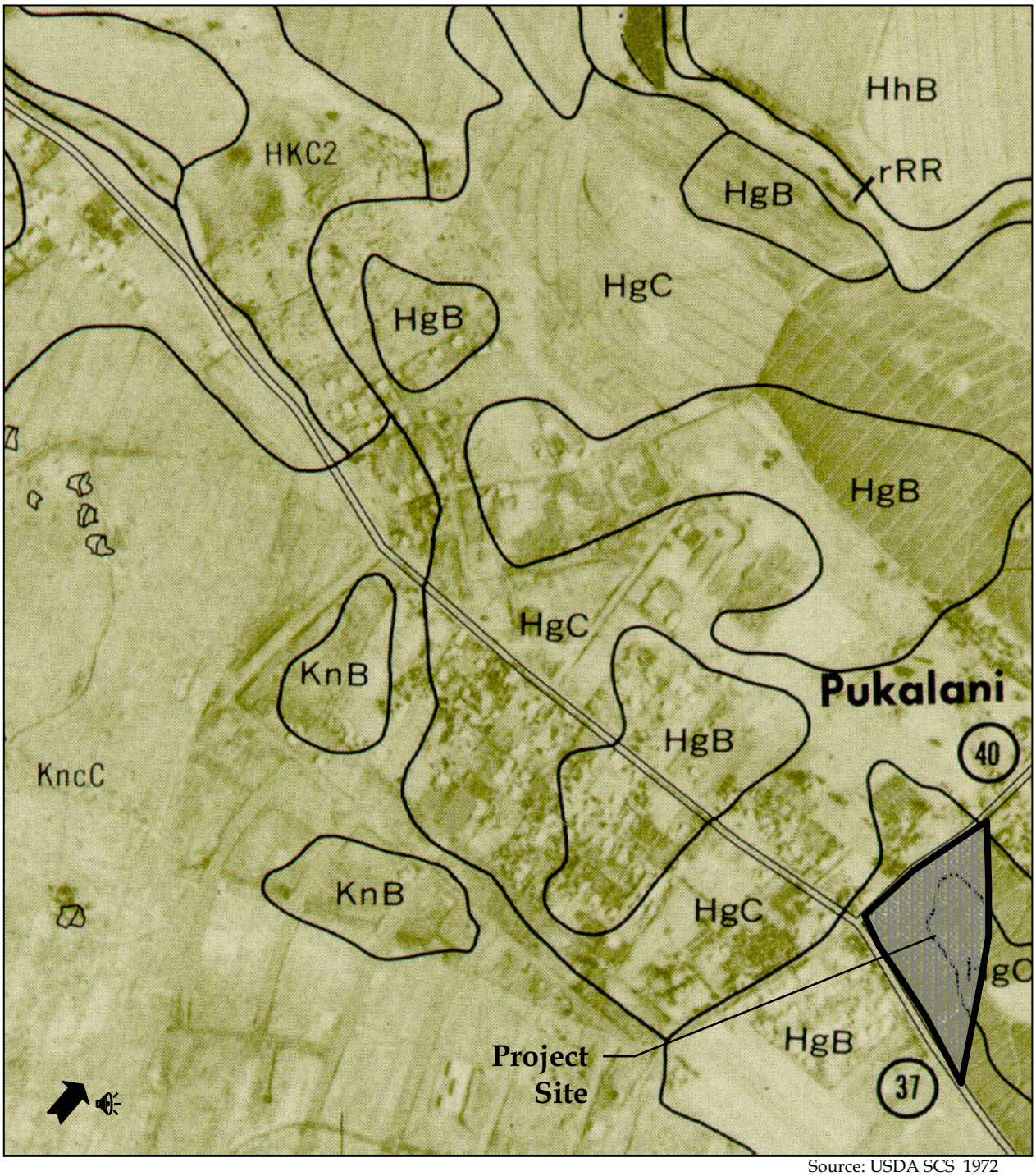
4.4.6 Hydrology

Existing hydrology for the proposed project site are detailed by Mink and Yuen, Inc. (December 2001) and Tom Nance Water Resource Engineering (July 2003) (Appendix H).

The project site consists of one to two feet of soil and subsoil overlying tens of feet of weathered Kula formation. The basaltic andesites that make up the Kula formation contain local unconformities composed of volcanic ash, erosion sediment and soil beds that formed during long periods of volcanic inactivity. The Honomanu formation found beneath the Kula formation is made up of thin layers of primitive basalt from continuous volcanic activity and does not, as a rule, contain unconformities.

Unconformities in the Kula formation may contain pockets of perched groundwater but are discontinuous and are not exploitable as large-scale aquifers. In a few areas the perched water may provide adequate supply to serve individual households. There is a zone of saturation in the Kula formation just above the Honomanu basalt. The Honomanu basalt is highly permeable and remains unsaturated with groundwater easily percolating to the underlying basal water table a few feet above sea level. The basal aquifer head (water table elevation above sea level) beneath the project site area is approximately five feet.

The principal aquifer for East Maui is contained in the Honomanu formation in an area west of Maliko Gulch. The project site area is in the Makawao aquifer system. It is up-gradient of the Paia aquifer system and is hydraulically continuous with the Paia system. The water in most of the system is too brackish for domestic consumption. Of four wells drilled near the site, only one at Haliimaile to the north of the development produces potable water. A well at the Pukalani golf course about one mile to the west of the development yields brackish water containing 400 to 500 mg/l chloride, well over the Maui County Department of Water Supply standard of less than 160 mg/l chloride. Two other wells at Omaopio, three miles to the southwest tested at rates too low to determine potability.



Source: USDA SCS 1972

FIGURE 4-4 SCS SOILS MAP (1972)

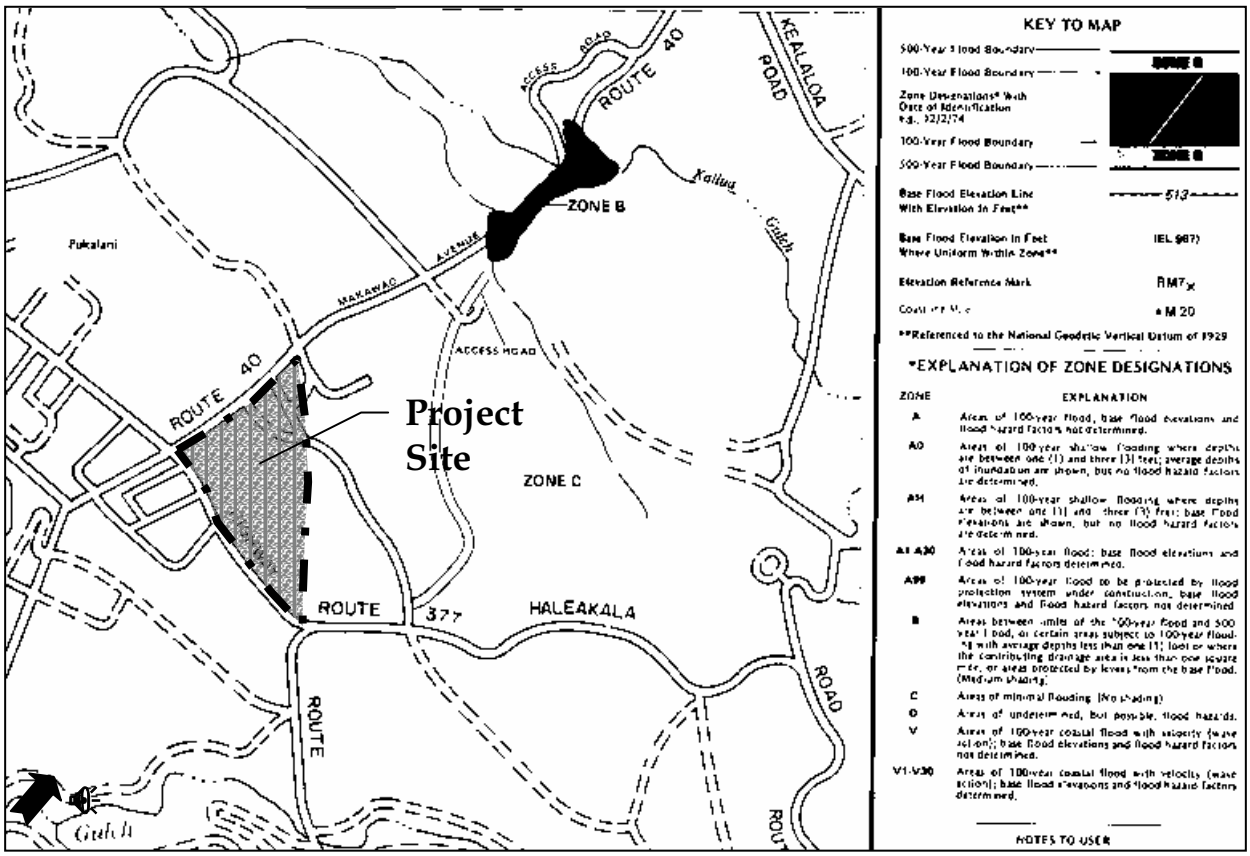


FIGURE 4-5 FEMA FLOOD INSURANCE RATE MAP (1987)

4.4.7 Vegetation and Wildlife

Vegetation

A field study to assess the botanical resources on the project site was conducted on January 25, 2001. Details of the field study can be found in Char & Associates (February 2001) (Appendix C). The report concluded that there are no known endangered vegetation species within the site area.

The majority of the site is in pineapple cultivation with pineapple plants forming a dense cover up to three feet high. Ruderal or weedy vegetation is found in overgrown areas around existing buildings, along roadways and at the perimeter of the site. A few remnant plantings of ornamental landscape plants, and fruit trees including Chinese banyan, mango, oleander and macadamia nut, can also be found on the site. Of the 80 species inventoried on the site, 78 are alien species, one is considered a Polynesian introduction (yellow wood sorrel) and one is native (*Koali'awa*, a vine belonging to the morning glory family).

There are several mature trees on-site around the area of Wai Ulu Farms and the warehouse structures. These include Monkeypod and Chinese Banyan trees that may be of some historical significance to the area. Two Italian cypress trees planted by former Corn Mill camp residents are found just off-site on the grounds of the adjoining Fire Station (Neiss and Duensing, 2003).

The Piiholo well site is an undeveloped wooded site next to an existing residence with gentle slope conditions. Weedy scrub vegetation is found in the vicinity of the well site, including guava, sugarcane and California grass.

Wildlife

A two-day ornithological and mammalian survey of the site area was conducted on April 2-3, 2001 (Rana Productions, Ltd., April 2001) (Appendix F). The study detected relatively low vertebrate species diversity and density on the site, which is consistent with the habitat currently present. The Study found no endangered wildlife species on the project site. There is no habitat present on-site suitable for endangered or threatened wildlife species.

There are no known endangered mammalian species within the site area. With the exception of the Hawaiian hoary bat, all other terrestrial mammals found on the Island of Maui are alien species. Two stationary remote bat census stations were used to determine the presence of the Hawaiian hoary bat. Although none were detected during the study period, it is possible that the Hawaiian hoary bat may also use resources in the site area on a seasonal basis.

Using visual and auditory detection as well as observation of scat, tracks and other animal signs, other mammalian species detected within the site area were limited to horses, dogs, and cats. Although not detected during the study period, it is likely that Axis deer, small Indian mongoose, rats and mice use resources in the site area.

None of the birds found in the area are endangered or threatened. Of the 17 species of birds detected in the area only one is indigenous to the Hawaiian Islands (Pacific Golden-Plover). Other species detected are Cattle Egret, Gray Francolin, Black Francolin, Ring-Necked Pheasant, Rock Dove, Spotted Dove, Zebra Dove, Japanese White-Eye, Common Myna, House Finch,

Northern Cardinal, House Sparrow, Common Waxbill, African Silverbill, Nutmeg Mannikin, and Chestnut Munia. The most common species, Nutmeg Mannikin, House Sparrow and Zebra Dove made up 60% of the birds detected during the study period.

The Piiholo well site has bird species common to Upcountry Maui, as listed above. The more vegetation conditions at the Piiholo site and adjacent areas offer habitat for birds. Mongoose, mice and rats are likely to use this site for habitat, with possibility of an occasional Axis deer transit of the site.

4.5 EXISTING USES AND ACTIVITIES

The majority of the project site is covered with uncultivated pineapple. ~~remains actively cultivated for pineapple as it has for nearly 40 years.~~ Maui Land & Pineapple, Inc. has ~~plans to~~ discontinued the use of the project site for pineapple cultivation due to the inefficient agricultural production of the property. The property is separated from other active agricultural fields by the Pukalani Bypass Highway, limiting access and agricultural feasibility.

Located on the eastern portion of the site are several warehouses from the agricultural operations era. These structures house various storage and light industrial operations including yard space for Covic Construction Company. Wai Ulu Farms, a feed and livery supply store, and associated stables are located on the site adjacent to the existing Maui County Fire Station.

Adjacent to the property, the Pukalani Superette, existing residential lots and commercial establishments are located along Makawao Avenue, residential lots are located along Old Haleakala Highway and open land occupies the eastern side of Pukalani Bypass Road. The County of Maui's Makawao Fire Station is located on a parcel fronting Makawao Avenue near the northern corner of the project area. Adjacent existing uses are shown in Figure 4-6.

Existing use of the Piiholo well site is currently vacant wooded land. There is a single family residence on the adjoining lot to the west. Steep land of Maliko Gulch lies to the north, with fallow agricultural land found to the east and south.

4.6 EXISTING ROADWAYS AND TRAFFIC

Traffic conditions were evaluated by Parsons Brinckerhoff (July 2003.) The project site is bordered by Pukalani Bypass Highway (Haleakala Highway) along the northeastern edge, Old Haleakala Highway to the west and Makawao Avenue to the north. Currently, the 31-acre portion of the site planted in pineapple is accessed by a plantation road off of Old Haleakala Highway. Farm vehicles cross the Pukalani Bypass Highway from other mauka pineapple fields. Wai Ulu Farms has access onto Makawao Avenue via a small access road owned by Maui Land & Pineapple Company, Inc.

Pukalani Bypass Highway is a three-lane arterial roadway providing regional access to upcountry Maui. The highway reduces to two lanes approximately halfway along the frontage of the site. The road intersects both Makawao Avenue and Old Haleakala Highway at signalized intersections and has a speed limit of 45 mph.

Old Haleakala Highway is a two-lane roadway with separate left turn lanes at selected intersections. It is the main east-west roadway within the town of Pukalani and intersects Makawao Avenue and Pukalani Bypass Highway at signalized intersections.

Makawao Avenue is a two-lane, two-way collector road providing access to Makawao and Pukalani from Pukalani Bypass Highway. This street services businesses and homes along the makai side across from the project site.

These three bordering roadways form three intersections adjacent to the project site. The three intersections were evaluated to determine existing traffic volumes and level of service. Peak hour traffic volume and turning movement counts are shown in Figure 4-7. The intersections were analyzed using the methodologies for signalized ~~unsignalized~~ intersections outlined in the *2000 Highway Capacity Manual*. Operating conditions at an intersection are expressed as a qualitative measure known as level of service (LOS). Letter designations ranging from 'A' to 'F' are used with LOS 'A' representing very low delay conditions and LOS 'F' representing the longest delay conditions and over-saturation. Overall the intersections operate well with two intersections at LOS 'C' and one intersection at LOS 'B'. The levels of service for A.M. and P.M. peak hours for each intersection are summarized in Table 4-1.

The results of the study of existing traffic volumes indicate that Haleakala/Kula/ Old Haleakala and Old Haleakala/Makawao intersections operate very well, at LOS B for both AM and PM peak hour time periods. The Haleakala/Makawao intersection operates in an acceptable LOS C or better, with estimated average delays of less than 30 seconds per vehicle on most approaches. During the morning peak hour, southbound traffic from Makawao turning onto Kahului-bound Haleakala Highway experiences queuing for part of the peak hour, but are able to be processed through the intersection without excessive delay.

Table 4-1. Existing Level of Service Summary

Intersection	A.M. Peak Hour		P.M. Peak Hour	
	LOS	Delay (sec/vehicle)	LOS	Delay (sec/vehicle)
Pukalani Bypass/Makawao Avenue	C	28.6	C	29.1
Pukalani Bypass/Old Haleakala Highway	B	18.6	B	17.2
Old Haleakala Highway/Makawao Avenue	B	13.3	B	12.7

The Piiholo well site is accessed from Piiholo Road. Traffic conditions along Piiholo Road are generally very light.

The updated analysis of existing traffic conditions in the Upcountry Town Center development area accounted for traffic generated from a variety sources (Appendix B). Uses from within the community of Pukalani, the nearby King Kekaulike High School, the Kamehameha School campuses, and the Kulamalu development at its projected level of construction.

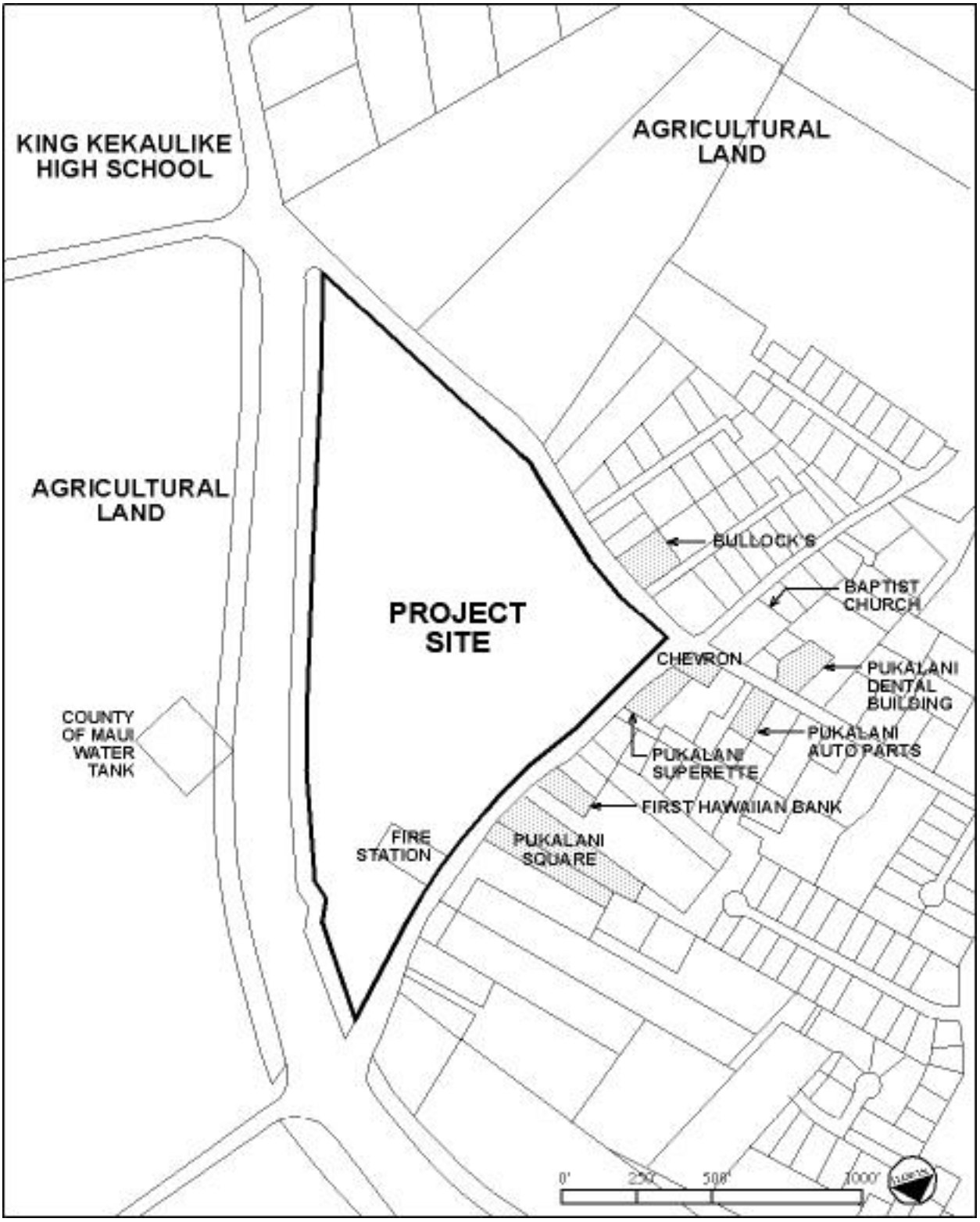


FIGURE 4-6 EXISTING SURROUNDING USES

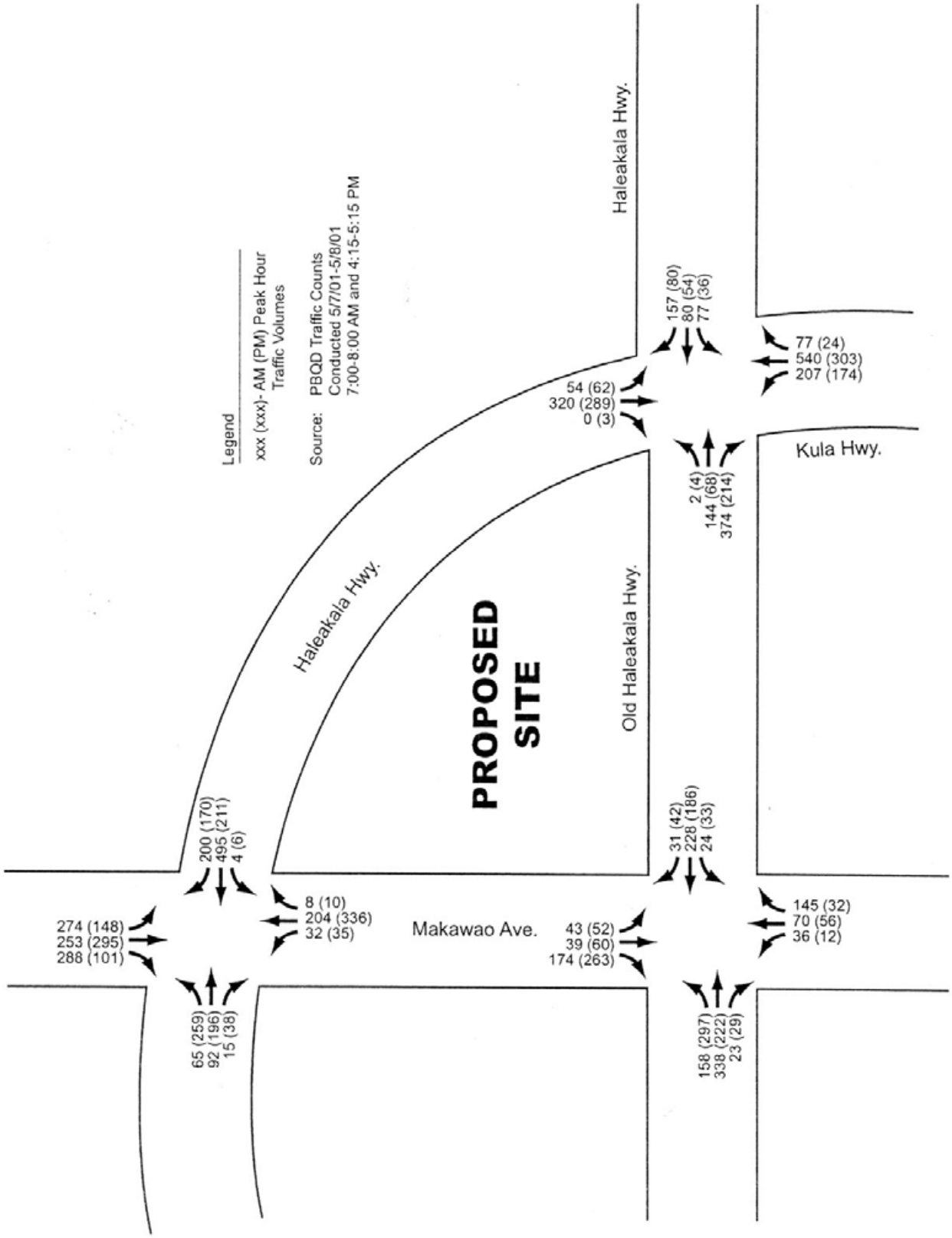


FIGURE 4-7 EXISTING TRAFFIC LEVELS

4.7 DRAINAGE

The 40.6-acre project site lies within a larger drainage Kailua Gulch watershed area of approximately 19,000 acres. The present onsite drainage condition is characterized by surface waters sheet flowing across the project site in a northerly direction onto Makawao Avenue and flows into existing drainage inlets. The storm water is then carried across the road by the existing 30-inch and 14-inch drain lines under Makawao Avenue.

The expected runoff to be generated by the project site at the existing conditions is about 42 cfs and 53 cfs for 10-year and 50-year storms, respectively. The present 50-year 1-hour runoff volume from the site is approximately 132,640 cubic feet.

There currently exists a 54-inch drainage culvert crossing Pukalani Bypass Highway above the northeast quadrant of the project site. Storm water discharge from this culvert flows along the highway right-of-way line down to the northeast corner of the project site and is collected by an existing drain inlet. The runoff is then conveyed across Makawao Avenue by the existing 24-inch drainpipe. Any overflow will ford Makawao Avenue into the downstream properties.

The existing storm volume from the project area is 132,640 cubic feet (refer to Figure 3.5 of Appendix I: R.T. Tanaka Engineering, June 2001).

4.8 WATER SUPPLY

The primary source of potable water in the project area is supplied by the Maui County Department of Water Supply from its Piiholo Water Treatment facility, with some contribution from Kamole Water Treatment Facility when the Department of Water Supply decides to pump water up from the Kamaole facility. Both treatment facilities utilize surface runoff as the source of raw water.

Water for the area of the project site is currently provided by the 6-inch waterline along the mauka side of Makawao Avenue. The site is presently served by an existing 2-inch water meter. Wai Ulu Farms, which is located on the project site, has a 5/8-inch water meter.

A water distribution line extends along Piiholo Road in the vicinity of the new well site.

Refer to Section 4.4.5 AND Appendix H for additional information on regional water supply.

4.9 WASTEWATER COLLECTION, TREATMENT AND DISPOSAL

There is no municipal wastewater collection, treatment or disposal system currently serving the Pukalani area. Surrounding residences and businesses dispose of their wastewater by means of cesspools or individual wastewater systems that include septic tank and leaching field. An individual wastewater system serves the parcel adjoining the Piiholo well site.

4.10 POWER AND COMMUNICATIONS

Electrical, telephone and cable television services to the project site are currently available via overhead utility lines on Makawao Avenue and Old Haleakala Highway. The closest Maui Electric Company electrical substation is located on Kula Highway across from King Kekaulike School, approximately 0.5 miles from the project site.

Electrical power and communication lines extend along Piiholo Road at the proposed well site.

4.11 SOCIO-ECONOMIC AND DEMOGRAPHIC CONDITIONS

The Hallstrom Group completed a study of existing socio-economic conditions for the project area (2001) (Appendix A).

Currently, a substantial portion of the economic activity generated by residents of Makawao, Pukalani and Kula including daily shoppers, workers, capital and business leaders, flows downhill into Kahului/Wailuku. This pattern furthers congestion and commuting stress, and lessons local benefits, a portion of which rightly belong in these towns of Upcountry Maui.

Maui weathered the 1990's recession better than most locales statewide, and employment in the depleted construction trades has risen meaningfully over the past four years, but still remains ten-plus percent below the levels achieved in the late 1980s and early 1990s. Employment is currently at about 2,800 in the Maui construction trade, up one-third since the mid to late 1990s job count of 2,000 to 2,200, but still 300 positions below the 3,100 worker level of 1989-1991.

According to the State of Hawaii Financial Services Database, the State expects to spend a total of $7.278 billion on services, salaries, infrastructure and financing in 2002. The total de facto population in the State on an average daily basis at year-end 2000 was about 1,380,000 persons, including residents, tourists and military personnel.

The per capita expenditure by the State will thus be about $5,275 for 2001, an increase of over eight percent from 2000. From 1979 through 1999, costs increased at a rate of just over five percent annually compounded.

4.12 AGRICULTURE

An agriculture study for the project site was completed by Decision Analysts Hawaii (2001) (Appendix G).

Thirty-one acres of the 40-acre project site were recently in pineapple cultivation by Maui Pineapple Company, Ltd., a wholly-owned subsidiary of Maui Land & Pineapple Company, Inc. The 31 acres represented about 0.3% of Maui Pineapple's 10,240 acres in pineapple cultivation.

The 1994 construction of the Pukalani Bypass Highway cut off the project site from larger, contiguous pineapple fields. Because of the added expense of cultivating this small parcel and an overall downsizing business strategy, Maui Pineapple removed the land from production at the end of the last crop cycle. Removal of the land from production resulted in a reduction of 1.7 workers with an approximate payroll value of $35,000.

Wai Ulu Farms is an agricultural supply store occupying land and buildings within the project area. The farm caters both to local residents as well as customers from all over Maui. Business growth for Wai Ulu Farms has been limited in part due to physical constraints of the current site and lack of onsite storage as well as a year-to-year lease that is not conducive to expansion that requires the commitment of capital resources.

The site is in the State Agricultural District, it is zoned for agricultural use and it is designated as agricultural land (95%) and open space (5%) in the Makawao-Pukalani-Kula Community Plan.

All or nearly all of the soils in the project area are rated as prime agricultural land according to the Agricultural Lands of Importance to the State of Hawai'i (ALISH). The Overall Productivity Rating (OPR) developed by the University of Hawai'i Land Study Bureau evaluates land on an "A to E" scale with "A" lands having the highest rating and "E" lands having the lowest. All of the soils in the project area are rated "C" without irrigation and "A" with irrigation. The United States Department of Agriculture Soil Conservation Service (SCS) rates 46% of the land on the site as having moderate limitations with the remaining 54% having severe limitations.

Upcountry Maui has a mild semi-tropical climate with moderate sunshine and temperatures. The area receives approximately 34 inches of rain per year, with a winter rainy season and receives infrequent storms mainly during the winter months during Kona weather.

Section 5.0

Relationship to State and County of Maui Land Use Plans, Policies and Controls

5.0 RELATIONSHIP TO FEDERAL, STATE, AND COUNTY OF MAUI LAND USE PLANS, POLICIES AND CONTROLS

5.1 OVERVIEW

An important consideration in evaluating the potential impacts of a proposed action on the environment is how it may conform or conflict with approved or proposed land use plans, policies and controls for the affected area. In addition to State of Hawaii policies and controls, this EIS looks specifically at the County of Maui General Plan from 1990, the Makawao-Pukalani-Kula Community Plan of 1996, County of Maui Zoning Code (Title 19 of the County of Maui's code), and the Maui County Country Town Guidelines.

5.2 STATE OF HAWAII PLANS AND CONTROLS

This section includes an assessment of the conformity of the reclassification of the Upcountry Town Center project site from Agricultural to Urban State Land Use District (Figure 8-1) pursuant to Chapter 205, Hawaii Revised Statutes (HRS), to the applicable goals, objectives and policies of Hawaii State Plan, Chapter 226, HRS (1996) and functional plan policies. Additionally, this section discusses how the proposed project is not contrary to the Coastal Zone Management policies and objectives, Chapter 205A, HRS.

5.2.1 State Land Use Districts, Chapter 205, HRS

Under HRS, Chapter 205, all lands of the State are to be classified in one of four categories: urban, rural, agricultural, and conservation lands. The State Land Use Commission (LUC), an agency of the Department of Business, Economic Development, and Tourism, is responsible to set the standards for determining the boundaries of each district (HRS, Chapter 205-2(a)). The LUC is also responsible to administer all requests for district reclassifications and/or amendments to district boundaries, pursuant to HRS Chapter 205-4 and the Hawaii Administrative Rules, Title 15, Chapter 15 as amended.

Discussion: The proposed Upcountry Town Center project lands are currently classified as Agricultural. This EIS was filed in conjunction with Maui Land &Pineapple Co.'s application for a State Land Use District Boundary Amendment to reclassify the subject lands as Urban State Land Use District. Further enumeration of the conformity of the reclassification of the Upcountry Town Center project site from Agricultural to Urban State Land Use District is found in the following discussion of the Hawaii State Plan and functional plan policies.

Additionally, Chapter 205 of the Hawaii Revised Statutes contains the Land Use Commission Rules. Under Subchapter 2, Section 15-15-18 (HAR) are the "Standards for determining "U" urban district boundaries." A discussion of the consistency of the proposed Upcountry Town Center is included for each of the standards.

Standard 1. It shall include lands characterized by "city-like" concentrations of people, structures, streets, urban level of services and other related land uses;

Discussion: The Upcountry Town Center development will be adjacent to the existing Pukalani Urban area. At the central crossroads of Upcountry Maui, it is clearly bounded by several major transportation routes, including Pukalani Bypass Highway, Old Haleakala Highway and Makawao Avenue. The site is adjacent to Pukalani's urban area, with numerous commercial businesses and shopping functions, many single-family residences and a condominium development, and government and institutional functions. The new development includes plans for general retail development, services, cottage industrial and senior or multi-family housing. The surrounding neighborhoods will be able to access goods and services by walking or bicycling once the development is in place.

Standard 2. It shall take into consideration the following specific factors:

a. *Proximity to the centers of trading and employment except where the development would generate new centers of trading and employment;*
b. *Availability of basic services such as schools, parks, wastewater systems, solid waste disposal, drainage, water transportation systems, public utilities, and police and fire protection; and*
c. *Sufficient reserve areas for foreseeable urban growth;*

Discussion: As discussed in Section 4.5, the adjacent land uses along Makawao Avenue and Old Haleakala Highway are urban residential and commercial/retail, including Pukalani Superette and Pukalani Square shopping area, numerous single-family homes, a multi-family condominium complex, a bank, post office, church, fire station and nearby gas station. Upcountry Town Center will generate a new center of trading and employment, with improved access to retail goods and professional services for Upcountry Maui residents. The project will also provide other office, civic, and community gathering space, along with needed senior or multi-family housing, a high quality employment environment, and cottage industry space.

Basic infrastructure services are available to serve the proposed Upcountry Town Center, including nearby schools, parks, water lines, roadways, utilities, and police and fire protection services serving the Upcountry region. A new potable water well will be developed at Piiholo. On-site wastewater treatment and disposal facilities will be installed. Approximately 10 acres of open space will be established with biking and pedestrian trails. There is sufficient reserve area for urban growth in Upcountry area, requiring land use reclassification as desired by the local communities. Upcountry Town Center is consistent with the concept of consolidating urban development to appropriate locations adjacent to existing Urban-designated areas, thereby implementing a sensitive growth pattern and avoiding urban sprawl in Upcountry Maui.

Standard 3. It shall include lands with satisfactory topography, drainage, and reasonably free from the danger of any flood, tsunami, unstable soil condition, and other adverse environmental effects;

Discussion: The project site's grade and slope is appropriate for urban development. As presented in Section 4.4.1, nearly half the site is gently sloped at 3-7% while the remainder has a

moderate slope of 7-15%. The project's drainage conditions will be managed, and will not generate adverse drainage effects on adjacent or downstream properties. There are no known unstable soil conditions on the site. The project area lies outside of the 100-year boundary for floods attributable to either storms or tsunami. Additionally, the project area does not lie within any special or volcanic hazard area.

Standard 4. Land contiguous with existing urban areas shall be give more consideration than non-contiguous land, and particularly when indicated for future urban use on state or county general plans;

Discussion: The Upcountry Town Center is being developed on a site that is contiguous to the urban community of Pukalani, which exists along Old Haleakala Highway, the Pukalani Bypass Highway, and Makawao Avenue. As discussed in Section 4.5, the adjacent land uses along Makawao Avenue and Old Haleakala Highway are urban residential and commercial/retail, including Pukalani Superette and Pukalani Square shopping area, numerous single-family homes, a multi-family condominium complex, a bank, post office, church, fire station and nearby gas station. Upcountry Town Center is consistent with the concept of consolidating urban development to appropriate locations adjacent to existing Urban-designated areas, thereby implementing a sensitive growth pattern and avoiding urban sprawl in Upcountry Maui.

Standard 5. It shall include land in appropriate locations for new urban concentrations and shall give consideration to areas of urban growth as shown on the state and county general plans;

Discussion: The construction of Pukalani Bypass Highway clearly defined the limits of the project site. The project site is the next logical extension to the existing urban development in the Pukalani community. Urban and commercial uses exist along the site's neighboring lands along Makawao Avenue and Old Haleakala Highway. The well-defined triangular parcel lends itself to urban development, as a well-contained extension of the adjacent urban development on two of three boundaries.

Standard 6. It may include lands which do not conform to the standards in paragraphs 1 to 5:

d. When surrounded by or adjacent to existing urban development; and

e. Only when those lands represent a minor portion of this district;

Discussion: The Upcountry Town Center development generally conforms to the standards listed in paragraphs 1 through 5. As stated previously, the project site is adjacent to existing urban development. The size of the development is proportionate to the community's needs for urban growth. Urban uses such as retail/commercial, single-family and multi-family housing, and institutional and governmental functions are located on lands surrounding the parcel on two of three sides.

Standard 7. It shall not include lands, the urbanization of which will contribute toward scattered, spot urban development, necessitating unreasonable investment in public infrastructure or support services; and

Discussion: This proposed development will create a new town center for Pukalani Town and the Upcountry Maui region. Upcountry Town Center will serve to keep the urban uses centralized and avoid the spread of development randomly throughout Upcountry areas.

Standard 8. It may include lands with a general slope of twenty percent or more if the commission finds that those lands are desirable and suitable for urban purposed and that the design and construction controls, as adopted by any federal, state, or county agency, are adequate to protect the public health, welfare, safety, and the public's interests in the aesthetic quality of the landscape.

Discussion: The development area of Upcountry Town Center will not involve steep slopes. Nearly half the site is gently sloped at 3-7% while the remainder has a moderate slope of 7-15%. The location of the project site provides upslope views toward Haleakala and wide, panoramic mauka and makai views.

5.2.2 Hawaii State Plan

Section 226-5: Objective and Policies for Population

(b) To achieve the population objective, it shall be the policy of this State to:

(2) Encourage an increase in economic activities and employment opportunities on the neighbor islands consistent with community needs and desires.

(3) Promote increased opportunities for Hawaii's people to pursue their socio-economic aspirations throughout the islands.

Section 226-6: Objectives and Policies for the Economy – In General

(a) Planning for the State's economy in general shall be directed toward achievement of the following objectives:

(1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawaii's people.

(2) A steadily growing and diversified economic base that is not overly dependent on a few industries, and includes the development and expansion of industries on the neighbor islands.

Discussion: The Upcountry Town Center will provide a variety of economic activities for the Upcountry Maui area including retail, cottage industries, dining and professional service-related opportunities and is expected to increase employment in the area by approximately 500-1000 jobs. Approximately 46,760 square-feet of space designed for artisans and other small entrepreneurial businesses will be provided by the Town Center along with approximately 80,000 square-feet of professional office/civic space contributing to the economic base of the area. The development is intended to reflect the needs and desires of the Upcountry Maui community through the creation of a rural-country town center appropriate in scale and theme for the area.

Section 226-7: Objectives and Policies for the Economy – Agriculture

(a) Planning for the State's economy in general shall be directed toward achievement of the following objectives:

(1) Viability of Hawaii's sugar and pineapple industries.

(2) Growth and development of diversified agriculture throughout the State

(3) An agriculture industry that continues to constitute a dynamic and essential component of Hawaii's strategic, economic, and social well-being.

(b) To achieve the agriculture objectives, it shall be the policy of the State to:

(4) Establish strong relationships between the agricultural and visitor industries for mutual marketing benefits.

(5) Foster increased public awareness and understanding of the contributions and benefits of agriculture as a major sector of Hawaii's economy.

(11) Increase the attractiveness and opportunities for an agricultural education and livelihood.

Discussion: The proposed project will reclassify the approximately 40-acre parcel from Agricultural to Urban State Land Use District. While the parcel has a history of agricultural cultivation, construction of the Pukalani Bypass Highway and the resulting isolation of the parcel have significantly limited the feasibility of its continued cultivation.

As part of the Upcountry Town Center, the Maui Fresh component will serve as a venue for agricultural promotion, marketing and education for the region. Maui Fresh will provide retail sales of local pineapple products, demonstration gardens, a farmer's market and historical displays reflecting Upcountry Maui's rural agricultural tradition. The venue is intended to educate tourists and local residents on the dynamic and evolving nature of agriculture on Maui.

The new private water well at Piiholo will provide additional source for irrigation water in the Upcountry Maui region.

Section 226-8: Objectives and Policies for the Economy – Visitor Industries

(b) To achieve the visitor industries objectives, it shall be the policy of the State to:

(4) Encourage cooperation and coordination between the government and private sectors in developing and maintaining well-designed, adequately serviced visitor industry and related developments which are sensitive to neighboring communities and activities.

Discussion: While the Upcountry Town Center is designed as primarily a local destination for goods and services, visitors are expected to be attracted to its rural country design and unique Upcountry Maui setting. The Town Center is expected to serve visitors traveling to Haleakala, Makawao and other regional attractions while remaining sensitive to the local rural flavor. According to the Haleakala National Park Visitor's Guide, over 1 million people visit the summit each year. The Town Center is expected to provide needed commercial resources to these visitors while maintaining the distinct Upcountry Maui environment.

Section 226-11: Objectives and Policies for the Physical Environment – Land-Based, Shoreline, and Marine Resources

(b) To achieve the land-based, shoreline and marine resources objectives, it shall be the policy of the State to:

(3) Take into account the physical attributes of areas when planning and designing activities and facilities.

(4) Manage natural resources and environs to encourage their beneficial and multiple use without generating costly or irreparable environmental damage.

(6) Encourage the protection of rare or endangered plant and animal species and habitats native to Hawaii

(8) Pursue compatible relationships among activities, facilities, and natural resources

Section 226-12: Objectives and Policies for the Physical Environment – Scenic, Natural Beauty, and Historic Resources

(a) Planning for the State's physical environment shall be directed towards achievement of the objective of enhancement of Hawaii's scenic assets, natural beauty, and multi-cultural/historical resources.

(b) To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:

(3) Promote the preservation of view sand vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes, and other natural features.

(4) Protect those special areas, structures, and elements that are an integral and functional part of Hawaii's ethnic and cultural heritage.

(5) Encourage the design of developments and activities that complement the natural beauty of the islands.

Discussion: The planning and design of the Upcountry Town Center reflects the history, location, topography and setting of the site. Prominent view corridors and major topographical features will be maintained and highlighted in the Center's design along with approximately 10 acres of open space. The Town Center is intended as a local, pedestrian- oriented destination of compatible activities and facilities representative of Upcountry Maui's rural sense of place and unique setting. The historical setting of the region will be reflected in the Center's traditionally-based planning, architecture, site amenities and operation.

Developing the project parcel keeps with the intent of this objective as the Upcountry Town Center site is adjacent to an existing community and commercial development. The project is intended to keep development clustered in this developed area, preserving open space and viewplanes looking towards Haleakala and the ocean.

No rare or endangered plant and animal species or habitats are present on-site. Native habitats do not exist on the site given its history as an agricultural parcel and the introduction of non-native species over time.

Section 226-13: Objectives and Policies for the Physical Environment – Land, Air, and Water Quality

(b) To achieve the land, air, and water quality objective, it shall be the policy of this State to:

(6) Encourage design and construction practices that enhance the physical qualities of Hawaii's communities.

(7) Encourage urban developments in close proximity to existing services and facilities.

Discussion: The Upcountry Town Center will provide a rural country town center serving as a gathering place at a pedestrian scale for residents of the Pukalani and Upcountry Maui areas. The Center will provide a venue for community events and gatherings within its approximately 10 acres of open space. It is planned as a destination of compatible activities and facilities representative of Upcountry Maui's rural sense of place and unique setting.

The Upcountry Town Center is proposed along the existing Makawao Avenue commercial corridor, consistent with the Makawao-Pukalani-Kula Community Plan.

Section 226-19: Objectives and Policies for Socio-Cultural Advancement - Housing

(b) To achieve the housing objective, it shall be the policy of this State to:

(1) Effectively accommodate the housing needs of Hawaii's people.

(5) Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas.

Discussion: Approximately 120 units of senior or 96 units of multi-family housing are proposed as a major component of the Upcountry Town Center. The potential senior housing is proposed to address a shortage of assisted senior living housing in the Upcountry Maui area. The project is intended to include assisted senior living housing if this use can be supported by market factors. Multi-family housing serves an economically viable alternative to senior housing.

The units will be situated adjacent to the Town Center's new services, facilities and open space, along the existing Makawao commercial corridor, within the unique Upcountry Maui setting and at a pedestrian scale.

Section 226-23: Objectives and Policies for Socio-Cultural Advancement - Leisure

(a) Planning for the State's socio-cultural advancement with regard to leisure shall be directed towards the achievement of the objective of the adequate provision of resources to accommodate diverse cultural, artistic, and recreational needs for present and future generations.

(b) To achieve the leisure objective, it shall be the policy of this State to:

(1) *Foster and preserve Hawaii's multi-cultural heritage through supportive cultural, artistic, recreational, and humanities-oriented programs and facilities.*
(4) *Promote the recreational and educational potential of natural resources having scenic, open space, cultural, historical, geological, or biological values while ensuring that their inherent values are preserved.*
(5) *Ensure opportunities for everyone to use and enjoy Hawaii's recreational resources.*

Discussion: The provision of approximately 10 acres of open space within the Upcountry Town Center will promote community gatherings and use of land that is currently closed to the public. Public gathering spots will be present throughout the Center with the design and theme of the Center reflecting the cultural and scenic attributes of the Upcountry Maui area. The planning and design of the Upcountry Town Center reflects the history, location, topography and setting of the site. Prominent view corridors and major topographical features will be maintained and highlighted in the Center's construction.

5.2.3 Hawaii State Functional Plans

State Agricultural Functional Plan

The proposed project will reclassify an approximately 40-acre parcel from an Agricultural to Urban State Land Use District. While the parcel has a history of agricultural cultivation, construction of the Pukalani Bypass Highway and the resulting isolation of the parcel have significantly limited the feasibility of its continued cultivation. As a result of the proposed Upcountry Town Center, approximately 40 acres of agricultural land will be reclassified from "Agricultural" to "Urban" State Land Use designation.

However, promotion of the State's agriculture industry, consistent with the objectives, policies and actions of the Functional Plan, will occur under the proposed Upcountry Town Center. The site will be the new location for MLP's Maui Fresh, a venue for agricultural promotion, marketing and education for the region. This establishment will provide retail sales of local pineapple products, demonstration gardens, a farmers' market and historical photographic displays reflecting Upcountry Maui's rural agricultural tradition. The venue is intended to educate tourists and local residents on the dynamic and evolving nature of agriculture on Maui.

State Employment Functional Plan

Upcountry Town Center is intended to reflect the needs and desires of the Upcountry Maui community through the creation of a rural-country town center. The project will be appropriate in scale and theme that will provide additional employment opportunities for area residents.

As proposed, the Upcountry Town Center will consist of approximately 107,000 square-feet of commercial space, 79,900 square-feet of office/civic space and 46,760 square-feet of cottage industrial space. These uses, along with the senior residential component of the Town Center, are anticipated to generate approximately 500 to 1,000 jobs and substantially increase employment in the Upcountry Maui area. Increased employment opportunities in the area are expected to reduce the need to commute to Central Maui for Upcountry residents.

State Historic Preservation Functional Plan

Upcountry Town Center is intended as a local, pedestrian-oriented destination of compatible activities and facilities representative of Upcountry Maui's rural sense of place and unique setting. The historical setting of the region will be reflected in the Center's traditionally-based planning, architecture, site amenities and operation.

Within the Upcountry Town Center, one or two of the existing agricultural structures will be reused to maintain the historic character of this portion of the project site. Current plans include relocating Wai Ulu Farms, a livery and feed store and stable operation, to one of these warehouses.

State Housing Functional Plan

Approximately 120 units of senior or 96 units of multi-family housing are proposed as a major component of the Upcountry Town Center. Market studies indicate a current shortage of this type of housing in the Upcountry Maui area with demand increasing.

The units will be situated adjacent to the Town Center's new services, facilities and open space, along the existing Makawao commercial corridor, within the unique Upcountry Maui setting and at a pedestrian scale.

State Recreation Functional Plan

The provision of approximately 10 acres of open space within the Upcountry Town Center will promote community gatherings and use of land that is currently closed to the public. Public gathering spots will be present throughout the Center with the design and theme of the Center reflecting the cultural and scenic attributes of the Upcountry Maui area.

The open space area will include pedestrian, bicycle and equestrian trails as well as other passive recreational elements. New trails are intended to link with existing and/or planned regional trail systems to further connect the Town Center with its surroundings.

State Transportation Functional Plan

The Upcountry Town Center is intended as a pedestrian-oriented development, providing needed goods and services for local residents at convenient walking, bicycling and driving distances. As a result of these services being available in the Upcountry area at a centralized location, vehicle trips to the Kahului-Wailuku area for goods and services will decline. This will serve to reduce regional traffic to and from Upcountry Maui.

5.2.4 Coastal Zone Management, Chapter 205A, HRS

The Coastal Management Program (CMP) is a comprehensive state plan that establishes and enforces standards and policies to guide the development of public and private lands within the coastal areas. In the State of Hawaii, the CMP is articulated in the State Coastal Zone Management (CZM) Law (Hawaii Revised Statutes, Chapter 205A). The project's consistency with the applicable State Coastal Zone objectives and policies is addressed in this section.

Discussion: Pursuant to Hawaii Revised Statutes, Chapter 205A-2, the Upcountry Town Center project area is situated within the State's Coastal Zone Management Area (CZMA). There are no recreational resources, historic resources, scenic and open space preserves, coastal ecosystems, coastal hazards and marine resources, managed development, or other natural and environmental resources on the Project or within the surrounding areas that would adversely

affect the objectives and polices of the CZMA. The Project is also not part of any ongoing County or State CZM programs for this particular area. Therefore, the proposed Project is consistent with the objectives and policies of Hawaii Revised Statutes, Chapter 205A-2. Please find further enumeration below.

(2) Historic resources;

Objective: Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Policies:

(A) Identify and analyze significant archaeological resources;

(B) Maximize information retention through preservation of remains and artifacts or salvage operations; and

(C) Support state goals for protection, restoration, interpretation, and display of historic resources.

Discussion: As discussed in Section 4.2, an inventory-level archaeological survey was conducted for the Upcountry Town Center EIS by Archaeological Services Hawaii (September 2001). The findings did not identify significant prehistoric resources. No surface cultural remains other than the existing buildings were encountered during the initial surface assessment encompassing the total project area. No significant cultural remains, either prehistoric or historic, were encountered in any of the trenches. These surveys indicate that either the area was not used for habitation or agricultural activities during the prehistoric and early historic periods or subsequent large-scale agricultural practices impacted or destroyed any remains that may have existed. There are no burials on the project site. Archaeological reconnaissance of the Piiholo Well site indicate no surface cultural remains and little potential for the presence of subsurface cultural deposits (Panteleo, July 2003).

Several agricultural warehouse structures at Corn Mill Camp are considered to be historic, and adaptive reuse is being proposed, as practical. Expanded studies of the Corn Mill Camp structures were completed recently, including Architectural History Analysis by Neiss & Duensing (January 2003), and a Structural Analysis by Vorfeld (December 2002). The studies found the structures to have historical significance, and recommended for adaptive reuse/preservation of buildings, as practical, in the new development. A cultural assessment of the area of the new well site at Piiholo Road was conducted by Archaeological Services Hawaii (July 2003.) The cultural impact assessment was conducted pursuant to Section 15-15-50 (c) (20), HAR, and addresses the issue of Hawaiian customary and traditional rights. The project will be consistent with the objectives and policies, by undertaking restoration, adaptive reuse, and display of historic information and materials within the project.

(3) Scenic and open space resources;

Objective: Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.

Policies:

(A) Identify valued scenic resources in the coastal zone management area;

(B) Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;

(C) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and

(D) Encourage those developments that are not coastal dependent to locate in inland areas.

Discussion: Upcountry Town Center buildings and landscape will be a beautiful project with aesthetically pleasing views from the surrounding properties and roadways. Scenic view planes will be preserved, with over 10 acres of open space. The project is not coastal dependent and is located in Upcountry Maui.

Short-term visual effects are discussed in Section 6.1.8, construction activities will create some adverse effects on the views of the project site. Potential effects are expected to be visible from Makawao Avenue, Old Haleakala Highway, Pukalani Bypass Road and upslope areas. Vegetation clearing and grading involved with construction will be visible, as well as the construction of buildings and the installation of utilities. Construction of office and civic space and the housing component are expected to be visible from Old Haleakala Highway and existing residences along the roadway. Cleared vegetation, bare soils in graded areas and stored construction equipment will be evident on-site until construction is completed. Construction of the new Piiholo well will also have short-term visual effects, including construction equipment, and limited vegetation clearing for the access road and well site. During construction, equipment will generally be contained in storage areas which are set back from roadways and nearby residences. To minimize a variety of impacts including visual effects, work on the most visible areas along existing roadways will be completed in the shortest possible time period. Construction dust control measures will be implemented to avoid dust generation and off-site impacts. Re-vegetation and new landscape planting will be accomplished as soon as possible to protect bare soils.

Long term visual and scenic view effects are discussed in Section 6.2.10. The proposed project will be beautiful, replacing an abandoned commercial agricultural property with low-rise buildings, landscaping and green open areas. Long-term visual impacts will result from the construction of the proposed structures and the addition of new landscaping of the Upcountry Town Center. New housing and office and civic structures will be visible from Old Haleakala Highway and adjacent residences. Along Makawao Avenue, rural-country commercial structures fronting the street will be visible and may impact existing intermittent upslope views from the street. All new structures will generally be visible from upslope areas. The range of views from the project site is expected to be enhanced through the creation of an open space and trail system open to the public. The lighting of Upcountry Town Center will affect both up-slope and down-slope views. Street and building lighting may be visible to some upslope

residents. Residents adjacent to and down-slope of the project site will have intermittent views of project lighting. The most noticeable lighting will occur at the new entrance to the site along Makawao Avenue.

In terms of mitigation, the proposed buildings will low-rise structures with aesthetically-pleasing architectural design and landscaping quality to maintain the country-town feeling of upcountry Maui. To preserve existing views, vegetation clearing and the removal of existing mature trees will be limited to only those areas that are necessary. Important mauka and makai view corridors will be reflected in the siting of structures and their design. Locating structures and facilities to fit the landscape and grading of the site, and limiting their prominence, will minimize adverse visual impacts. Building heights, locations, materials, colors and surrounding landscaping will be restricted through design standards reflecting the rural-country project theme. Lighting of the Upcountry Town Center will be limited to necessary areas including entrances, structures, parking and interior streets. Lighting will be subdued to avoid adverse glare and other lighting effects on nearby properties and nighttime visibility in the general area.

(5) Economic uses;

Objective: Provide public or private facilities and improvements important to the State's economy in suitable locations.

Policies:

(A) Concentrate coastal dependent development in appropriate areas;

(B) Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor industry facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and

(C) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:

(i) Use of presently designated locations is not feasible;

(ii) Adverse environmental effects are minimized; and

(iii) The development is important to the State's economy.

Discussion: Upcountry Town Center is not a coastal-dependent development, and is intended to serve the Upcountry communities of Pukalani, Makawao and Kula. The project will be a positive economic use, as presented in Section 6.2.11. The proposed development will provide one of the largest concentrations of jobs and business activities in the Upcountry Maui region. In addition to increased employment opportunities, local consumer spending will remain in the local community. The general island economy will also benefit from the development from the development that will produce a multiplier effect increasing the amount of capital flowing through the island. The Maui economy will be meaningfully stimulated by the capital

investment, on-going business operations, employee wages and expenditures by residents, guests and users within the subject development. A cost/benefit assessment indicates that in no single year do public coffers suffer a net loss. It is expected that employment opportunities will be filled by existing upcountry residents entering the job market for the first time and existing residents wishing to work closer to home. With the exception of the senior housing, little, if any, in-migration is expected due to increased employment opportunities. The anticipated positive economic impacts will not require mitigative measures. Net State revenues generated by the project will offset the project's potential affect on local school facilities.

(6) Coastal hazards;

Objectives: Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.

Policies:

(A) Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and point and nonpoint source pollution hazards;

(B) Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards;

(C) Ensure that developments comply with requirements of the Federal Flood Insurance Program; and

(D) Prevent coastal flooding from inland projects.

Discussion: Coastal hazard policies are not directly relevant to the proposed project. In the areas of flood hazard and erosion, the development will not create point source pollution, and potential non-point source pollution will be managed during the construction and long-term operations. As discussed in Section 6.2.4, the proposed development will increase storm water runoff due to the increase in impervious surface from new paved roads, parking areas and buildings. The project plans include substantial drainage improvements, with storm water collection basins and detention features that will control storm water runoff from the property.

Cut material from grading will mostly be retained on the project site. The amounts of cut and fill will be balanced in the grading plan to minimize the need to import fill or to export excavated material. Implementation of landscaping will generally re-establish the soil retention value of removed crops and vegetation. Upcountry Town Center will have extensive plantings throughout its grounds, and establish control over existing erosion areas on slopes. This continuous, long-term management of the property will significantly reduce erosion from existing conditions.

The future rate of runoff (unmitigated) on the project site will increase by 54 cubic feet per second (cfs) in a 10-year storm and by 63 cfs in a 50-year storm. This runoff increase is limited to on-site runoff conditions, prior to storm water discharge from the completed development. The detention features of the on-site drainage system will reduce the rate of runoff from the property to levels that are the same or less than the existing runoff discharge rates.

Long-term impacts of the project on drainage conditions are expected to be insignificant and will not result in any additional adverse drainage effect on adjacent or downstream properties. The project site is outside the 100-year flood hazard area. There will be no increase in runoff to adjacent and downstream properties. Improvements to the project site will be designed to minimize any increase in peak storm runoff flows. While the land slopes downward in the makai direction, there may be the possibility of ponding due to prior contouring related to the pineapple irrigation system. Mitigation may require additional fill to ensure that the character or pattern of surface runoff will not impact adjacent properties. It is anticipated that an improved site drainage condition will result in a reduction in water and silt runoff from the site.

Proposed on-site retention basins will be sized to contain the projected runoff volume increase expected to be generated by the development, thus attaining a zero runoff increase to adjacent and downstream properties. In order to augment the capacities or minimize the size of the proposed retention basins, subsurface retention basins under future parking areas will be considered during the development period.

(7) Managing development;

Objectives: Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

Policies:

(A) Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;

(B) Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and

(C) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process.

Discussion: The objective and policies herein are promulgated with the intent of agency guidance and implementation. Regarding public review, communication and participation, refer to the following response.

(8) Public participation;

Objective: Stimulate public awareness, education, and participation in coastal management.

Policies:

(A) Promote public involvement in coastal zone management processes;

(B) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and

(C) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.

Discussion: There has been significant public participation in the planning process for Upcountry Town Center during the period of early 2001 to the present. As discussed in Section 1.9, more than 10 different public presentations have been made by representatives of the project during the past two years. The project has been presented at numerous meetings of the Pukalani Community Association, the Kula Community Association, and the Makawao Community Association. Letters from the Pukalani Community Association and the King Kekaulike High School supporting the proposed project is included in the R-FEIS. This comprehensive effort has been conducted to gain insight on community concerns and to reflect community desires in the development planning for Upcountry Town Center. In addition, a wide range of State and County government officials have been briefed on the project, to address technical and procedural requirements.

5.3 COUNTY OF MAUI PLANS AND CONTROLS

This section includes an assessment of the conformity of the proposed community plan amendment for Upcountry Town Center to County of Maui plans and controls for purposes of changing the project site's designation from Agricultural to Project District.

5.3.1 Maui County General Plan (1990)

Section 8-8.5 of the Maui County Charter requires that the general plan shall recognize and state the major problems and opportunities concerning the needs and the development of the county and the social, economic and environmental effects of such development and shall set forth the desired sequence, patterns and characteristics of future development.

I. POPULATION, LAND USE, THE ENVIRONMENT AND CULTURAL RESOURCES

B. Land Use

Objective:

1. To preserve for present and future generations existing geographic cultural and traditional community lifestyles by limiting and managing growth through environmentally sensitive and effective use of land in accordance with the individual character of the various communities and regions of the County.

Policies:

a. *Through a community needs assessment analysis, define urban and rural limits in each community plan.*

Discussion: The project site is immediately adjacent to existing urban uses and provides limited urban expansion for needed senior/multi-family housing, civic and commercial areas as well as space for cottage industries. The project site is bound on all sides by roadways clearly demarcating the project site within the Pukalani community.

b. *Provide and maintain a range of land use districts sufficient to meet the social, physical, environmental and economic needs of the community.*

Discussion: The Town Center consists of several components designed to meet the social, physical, environmental and economic needs of the community. Community gathering places form the backbone of the project, with public spaces designed to accommodate gatherings and festivals. Needed physical improvements will strengthen the commercial base of the area and provide added economic opportunities. The Town Center will be designed in accordance with the unique Upcountry Maui environment and character.

There is a growing need for appropriate locations for light industrial uses in Upcountry Maui. The proposed development would allow for business and light industrial uses in a location that is easily accessible from all parts of Upcountry without placing businesses along roadways which produces significant local opposition.

c. *Identify and preserve significant historic and cultural sites.*

Discussion: Historically, the project site has been the site of large-scale agricultural cultivation common for much of Maui's history. The proposed development will include the retention of some of the post-World War II structures currently existing on the site. If feasible through further research and design, the project will also include references to the Corn Mill Camp structures.

d. *Formulate a directed land use growth strategy which will encourage the redevelopment and infill of existing communities allowing for mixed land uses, where appropriate.*

Discussion: The proposed development discourages sprawl and "leap-frog" development by using a site that is contiguous to existing urban development and has clearly demarcated boundaries. Additionally, the development will be pedestrian-friendly and reduce the need for local residents to drive out of the community for goods and services. The proposed project will provide an opportunity for existing businesses to upgrade as well as providing a variety of uses, including retail, business, professional services, light industrial, open space and other public uses. Significant employment opportunities will increase as a result of the Town Center in the short and long-terms.

e. *The County will explore ways to develop a Maui County Open Space Program, which will preserve important scenic, cultural, recreational, environmental and open space resources.*

Discussion: This proposed plan is in compliance with the County requirements for Upcountry. The site of the proposed development is in a valued scenic view plane. The proposed layout of the development will preserve the views of Haleakala and provide 10 acres of open space that

will also be a part of recreational trails.. The development will also provide an opportunity to preserve the cultural history of the site's agricultural past. Information on the Corn Mill Camp and other significant historical uses will be provided through photos, place names and design details. Civic, commercial and residential development on the site will reduce the need for longer distance trips for local residents. The need for more public/civic uses Upcountry will be addressed by the proposed project which will provide additional public facilities and places for people to gather.

Objective:

2. *To use the land within the County for the social and economic benefit of all the County's residents.*

Policies:

a. *Mitigate environmental conflicts and enhance scenic amenities, without having a negative impact on natural resources.*

Discussion: The project site has been used for large-scale agricultural production for over 100 years and has been planted with pineapple since World War II. The planned development will not have a negative impact on natural resources and is designed to protect the scenic amenities of the site.

b. *Encourage land use patterns that foster a pedestrian oriented environment to include such amenities as bike paths, linear parks, landscaped buffer areas, and mini-parks.*

Discussion: The proposed development plan includes approximately 10 acres of open green space (over 25% of the project site) encompassing both the existing pasture and new park space designed for the site. This proposed project fosters pedestrian uses, within the site itself as well as connecting with adjacent neighborhoods. Amenities in the proposed plan also include bike, pedestrian or equestrian trails and a gathering place in the town center.

c. *Encourage land use methods that will provide a continuous balanced inventory of housing types in all price ranges.*

Discussion: The proposed development adds needed housing to the inventory of housing types in Upcountry.

d. *Support the Department of Hawaiian Home Lands' development of homestead lands.*

Discussion: The Upcountry Town Center will provide amenities within three miles of homestead lands thereby reducing travel demands from the Upcountry area and increasing the feeling of community Upcountry.

Objective:

3. *To preserve lands that are well suited for agricultural pursuits.*

Policies:

a. *Protect prime agricultural lands from competing nonagricultural land uses.*

Discussion: The proposed project will reclassify an approximately 40-acres parcel from Agricultural to Urban State Land Use District. While the parcel has a history of agricultural

cultivation, construction of the Pukalani Bypass Highway in 1994 severed this field from other, formerly contiguous fields thereby restricting movement within the plantation and requiring workers to cross the highway with their farm equipment in order to work this small remnant field (31 acres of farmable land with infrastructure requirements.) The resulting isolation of the parcel made it significantly less efficient to cultivate. ~~has significantly limited the feasibility of its continued cultivation. It is no longer economically feasible to farm the 40 acre site because of the land's small size and relative isolation.~~ The subject field was withdrawn from production at the end of the 2001 crop cycle.

As a result of the proposed Upcountry Town Center, approximately 40 acres of agricultural land will be reclassified as a Project District County Land Use designation.

b. Promote the use of agricultural lands for diversified agricultural pursuits by providing public incentives and encouraging private initiative.

Discussion: The project site has not been used for diversified for at least a century. The proposed development includes opportunities for the expansion of Wai Ulu Farms that supports smaller more diversified agricultural projects Upcountry. It is likely that some of the light industrial uses will also benefit local agricultural uses in ways not presently provided Upcountry.

c. Support the right to farm consistent with the identification of productive agricultural lands

Discussion: The project site represents only 0.3% of the current owner's land in agricultural use and will not have an adverse impact on the owner's right to farm. The isolated nature of the site due to surrounding highways makes the site difficult to farm.

C. Environment

Objective:

1. To preserve and protect the County's unique and fragile environmental resources.

Policies:

a. *Preserve for present and future generations the opportunity to experience the natural beauty of the islands.*

Discussion: This proposed development will create a town center for Pukalani Town and the Upcountry Maui region, keep the urban uses centralized and avoid the spread of development randomly throughout Upcountry areas. This project will also preserve the views makai and the view plane mauka to Haleakala.

b. Preserve scenic vistas and natural features

Discussion: The proposed development is designed to maintain the view plane toward Haleakala and makai while enhancing views along Makawao Avenue.

c. Discourage the introduction of noxious foreign species into Maui County's unique island ecosystems.

Discussion: Landscaping for this proposed project will be consistent with the vegetation and trees familiar to Upcountry Maui and listed on the recommended plant matrix in the Makawao-Pukalani-Kula Country Town Design Guidelines.

D. Cultural Resources

Objective:

1. To preserve for present and future generations the opportunity to know and experience the arts, culture and history of Maui County.

Policies:

d. Encourage the rehabilitation and adaptive use and reuse of historic districts, sites and buildings in order to perpetuate traditional community character and values.

Discussion: This proposed development will bring alive the memory of Corn Mill Camp, a former plantation camp located on the site, through design details, place names and photographs. One or two of the agricultural structures on the site will be adapted to the new project to maintain the traditional agricultural character of the region.

II. ECONOMIC ACTIVITY

A. General

Objective:

1. To provide an economic climate which will encourage controlled expansion and diversification of the County's economic base.

Discussion: The proposed project will use 31 acres currently used for large-scale monoculture and replace it with a multi-use development that will encourage economic diversification by providing space for cottage industries and professional services. The planned expansion of Wai Ulu Farms, which provides goods for diversified agricultural ventures in the Upcountry area is an example of this type of diversification.

Objective:

3. Utilize an equitable growth management program which will guide the economic well-being of the community

Policies:

a. Encourage a sustainable rate of economic development which is linked to the carrying capacity of the infrastructure systems and the fiscal ability of the County to maintain those systems

Discussion: This proposed project is planned in an existing urban area with sufficient infrastructure systems in place to handle any increase that will be created by the proposed project. This project is planned to serve the area residents and should reduce the need for trips to central Maui by providing amenities in the community.

b. Encourage consensus building wherein growth conflicts are addressed in advance of critical infrastructural shortfalls.

Discussion: This proposed development would not create infrastructure shortages.

c. Encourage managed growth by concurrency wherein the administration and council regulate, tax and spend revenue in order to guide economic development by concurrently balancing growth demand with infrastructure supply and capability.

Discussion: This proposed project will be a natural expansion of the existing Pukalani urban area. The necessary infrastructure to support the project (roads, water lines, electrical power, communications, etc.) is available or will be upgraded to support Upcountry Town Center.

C. Agriculture

Objective:

1. To foster growth and diversification of agriculture and aquaculture throughout Maui County.

Policies:

e. Encourage marketing methods which will help make local products competitive with mainland products on local markets.

Discussion: Maui Fresh, a venue for agricultural retail sales and promotion, marketing and education for the region is included as a component of the Upcountry Town Center. This establishment will provide retail sales of local pineapple products, demonstration gardens, a farmers' market and historical photographic displays reflecting Upcountry Maui's rural agricultural tradition. The venue is intended to educate tourists and local residents on the dynamic and evolving nature of agriculture on Maui.

III. HOUSING AND URBAN DESIGN

A. Housing

Objective:

2. Provide affordable housing to be fulfilled by a broad cross-section of housing types.

Discussion: New housing is planned for this site. The units will be situated adjacent to the Town Center's new services, facilities and open space, along the existing Makawao commercial corridor, within the unique Upcountry Maui setting and at a pedestrian scale.

B. Urban Design

Objective:

1. To see that all developments are well designed and are in harmony with their surrounds.

Policies:

a. Require that appropriate principles of urban design be observed in the planning of all new developments.

Discussion: The proposed project will be well-designed preserving the beautiful view plane from the Pukalani Bypass Highway up to Haleakala while creating a town square for Pukalani residents. The Country Town Guidelines will be integrated in the project design.

Objective:

2. To encourage developments which reflect the character and the culture of Maui County's people.

Policies:

a. Establish urban design guidelines and standards which will reflect the unique traditional architectural values of each community plan area.

Discussion: The planning and design of the Upcountry Town Center reflects the history, location, topography and setting of the site. The Town Center is intended as a local, pedestrian oriented destination of compatible activities and facilities representative of Upcountry Maui's

rural sense of place and unique setting. The historical setting of the region will be reflected in the Center's traditionally based planning, architecture, site amenities and guidelines for operation.

b. Encourage community design which establishes a cohesive identity.

Discussion: This proposed project will be designed to represent the Upcountry area and diverse cultures found there. Existing agricultural structures are planned to be adapted and included in this project and trees and landscaping typical of the Upcountry region will be used to keep the rural Upcountry character.

c. Encourage the establishment of continuous green areas, bike-paths, active and passive recreation areas and mini-parks in new subdivision development.

Discussion: This proposed project includes a large pasture area, bike, pedestrian or equestrian trails and a passive recreation area and mini-park in the Town Center.

IV. TRANSPORTATION

A. Transportation

Objective:

1. To support an advanced and environmentally sensitive transportation system which will enable people and goods to move safely, efficiently and economically.

Policies:

f. Support the development of a county-wide network of bikeways and pedestrian paths.

Discussion: Bikeways and pedestrian paths are located within the project. The project will be pedestrian friendly giving nearby residents the opportunity to neighborhood amenities. Pedestrian and equestrian crossings are planned to allow access across the highway.

Objective:

2. To develop a program for anticipating and enlarging the local street and highway systems in a timely response to planned growth.

Policies:

d. Support Maui County's street tree plan and encourage landscape planting, irrigation and maintenance programs along all public highways and rights-of-way.

Discussion: All public highways and rights-of-way, including significant buffers along Pukalani Bypass Highway, will be landscaped with street and canopy trees. Landscaping in accordance with Maui County's Street Tree Plan is planned for this proposed project. Trees that are typical of the Upcountry area will be planted at the site.

Objective:

3. To develop a Maui County transportation system linked to land use planning that is less dependent on the automobile as its primary mode of moving people.

Policies:

c. *Direct economic development toward existing communities in order to minimize employee commuting and foster a healthy job/housing balance.*

Discussion: This proposed project will provide employment opportunities and needed amenities to the Upcountry area and thus reduces the need to drive to the central Maui area of Kahului and Wailuku.

B. *Water*

Objective:

1. *To provide an adequate supply of potable and irrigation water to meet the needs of Maui County's residents.*

Policies:

d. *Monitor growth activities throughout Maui County in order that development of new water sources is concurrent with approval of new developments.*

Discussion: This proposed project will receive its water from an existing 12-inch water line located at the property boundary. Appendix H of the EIS completed by Mink & Yuen (2001) and Tom Nance Water Resources Engineering (July 2003) identify a new well source to provide water for this project and other users in the Upcountry area.

The planned potable water source for the upcountry Town Center will be from a new well to be developed at Piiholo near Makawao. This water source will be developed in a location which will avoid conflict with existing and proposed public drinking water sources.

C. *Liquid and Solid Waste*

Objective:

1. *To provide efficient, safe and environmentally sound systems for the disposal and reuse of liquid and solid wastes.*

Discussion: A private wastewater treatment plant will be built to handle Upcountry Town Center's liquid and solid waste requirements. As an alternative, should a regional wastewater facility become available prior to project completion, it is anticipated that Upcountry Town Center would connect to such a facility. The applicant will explore wastewater recycling options as the proposed development moves towards design of the wastewater system in the Project District (Phase II) approval phase.

During the construction and implementation phase of the project, efforts to recycle, conserve, and re-use materials and resources will be incorporated where appropriate and feasible using the Guidelines for Sustainable Building Design in Hawaii, Solid Waste Management, Recycling and Diversion Plan check list. The applicant will also explore the potential to locate a recycling center within the Upcountry Town Center. Once the project is complete and operating as a Town Center, commercial businesses will be encouraged to separate and recycle waste

providing dedicated waste separation receptacles for patrons. The new housing development will be encouraged to develop its own recycling program.

E. Public Utilities and Facilities

Objective:

2. To improve the quality and availability of public facilities throughout Maui County.

Policies:

a. Encourage the design of multi-purpose public facilities accessible to all age groups and the handicapped.

Discussion: This proposed project includes space for public and civic facilities needed in the area. It also has provisions for medical offices as well as the open town square which will be ideal for public programs. All areas will be handicapped accessible.

b. Continue the development of community centers throughout the County.

Discussion: This proposed project will include an open town square which will provide needed space for public programs, meetings and gatherings.

d. Encourage the development of public facilities which will be architecturally and ecologically compatible with their surroundings and foster community development.

Discussion: Architectural designs for the proposed project will be sympathetic to the history of the area and will be compatible with its Upcountry setting. The public facilities included in the project will have an Upcountry theme and the plan for the site is to create a long-needed community-gathering place for the Pukalani residents and all of Upcountry. The proposed project will include ecologically sensitive design, with the partial restoration of biodiversity in the 10-acre open green space. The pedestrian orientation of the project may also discourage automobiles for short trips.

V. SOCIAL INFRASTRUCTURE

A. Access to Human Services

Objective:

1. To coordinate through the Maui County Department of Human Concerns the establishment of quick and reliable access to human services.

Policies:

a. Coordinate the services of government and private non-profit agencies, in order to insure the quickest and most reliable access to needed services.

Discussion: This proposed project will bring needed human services closer to the Upcountry population by providing additional medical facilities and public/civic facilities.

B. Recreation and Open Space

Objective:

1. To provide high-quality recreational facilities to meet the present and future needs of our residents of all ages and physical ability.

d. Develop facilities that will meet the different recreational needs of the various communities.

Discussion: This proposed project is planned as a community-gathering place. The town square will provide needed space for community programs. The close proximity to residential areas will allow for more pedestrian and bicycle access to the site. An open space buffer is proposed along Pukalani Bypass Highway that will include pedestrian and bike trails.

C. Health and Family

Objective:

1. To meet the health needs of all residents and visitors.

Policies:

a. Encourage the expansion and improvement of our hospitals and our public and private medical facilities.

Discussion: This proposed project might include a medical office and pharmacy to offer additional medical facilities closer to Upcountry residents.

Objective:

2. To focus on the quality of family life including the young, the elderly, and the handicapped as the basic building block of community well-being.

Discussion: This proposed project is designed to create a community feeling by bringing back the old town square concept to provide a place for community gatherings. Similarly, the pedestrian friendly development will allow for interaction between neighbors walking to commercial and recreational destinations in the neighborhood rather than driving to other communities. Housing is proposed as part of the project and is intended to meet the needs of local residents of the Upcountry Maui area.

E. Public Safety

Objective:

1. To create an atmosphere which will convey a sense of security for all residents and visitors and aid in the protection of life and property.

Policies:

k. Restore and encourage the sense of neighborhood and community caring throughout Maui County.

Discussion: This proposed project is designed to create a town center for Upcountry that will renew the sense of neighborhood and allow for community gatherings for all of the diverse cultures on Maui.

F. Government

Objective:

1. Improve the delivery of services by government agencies to all community plan areas.

Policies:

f. Bring services out to the community by establishing mobile/satellite government facilities.

Discussion: This proposed project has designated civic areas to provide for satellite government facilities, if needed, in the area.

5.3.2 Makawao-Pukalani-Kula Community Plan

The Makawao-Pukalani-Kula Community Plan (1996) is an implementation measure of the objectives and policies of the County of Maui General Plan. Designated land uses under this Plan are shown in Figure 8-2. Elements of the proposed Upcountry Town Center are reviewed here for consistency with the goals, objectives, policies, implementing actions and planning standards of the plan.

B. Goals, Objectives, Policies and Implementing Actions

ECONOMIC ACTIVITY

Goal:

A stable and diverse economic environment which supports a level of community prosperity in order to provide social services and environmental amenities and which respects the region's rural and agricultural lifestyle, open space and natural resources.

Objectives and Policies:

1. *Provide for the preservation and enhancement of agricultural lands and operations, emphasizing the importance of promoting diversified agriculture to the region's economic base and lifestyle.*

Discussion: Since agricultural production in the project area is used for monoculture, the project will not have an adverse impact on diversified agriculture in the region. Similarly the loss of prime agricultural land for diversified crops will have minimal impact given the vast amount of agricultural land available for diversified crops and large-scale pineapple crops. Expansion opportunities for Wai Ulu Farms will provide Upcountry farmers with better goods and services within the community.

3. *Protect existing agricultural operations from urban encroachment.*

Discussion: Although the land itself is somewhat suited for agricultural uses, the project site is cut-off by busy highways making it difficult to farm efficiently. The proposed development makes use of an isolated parcel immediately adjacent to existing urban uses. This infill project has clear boundaries and will not encroach on other agricultural lands.

4. *Support bona fide "family subdivisions" that employ rural planned unit or cluster concepts and thereby encourage existing farms to remain in production.*

Discussion: The proposed development makes use of cluster concepts for commercial, light industrial and housing areas. Doing so frees up 10 acres for open green space and pasture lands. The loss of agricultural lands will have no discernable impact on existing family farms in the community and Maui County in general. To the contrary, the proposed Maui Fresh facility will help to promote continued diversified farming in the area.

5. *Recognize the rural, open space character of the Upcountry region as an economic asset of the island.*

Discussion: The economic impact due to the loss of agricultural cultivation on this site will be minimal and will be offset by increased employment and tax revenue from a variety of uses including those that support other agricultural operations in the community. The project will enhance the rural, open space character of the area as an economic asset by creating a rural country town center within a traditionally rural setting.

6. *Preserve agriculture by actively promoting locally grown agricultural products.*

Discussion: The Maui Fresh component of the Upcountry Town Center, featuring local agricultural methods and products, is planned for the site. Cottage industry sites are also included in the plan to support locally grown agricultural products.

7. *Discourage large-scale visitor industry facilities which result in high concentrations of visitors in the Makawao-Pukalani-Kula region (e.g., Maui Tropical Plantation).*

Discussion: This proposed project is designed with Upcountry residents in mind and includes features, amenities and services needed by residents of the area. While the Town Center will be an attraction, it is not intended as a large-scale tourist destination. The Maui Fresh operation will be small-scale operation of approximately 6,000 square-feet and will not encourage a high concentration of visitors.

8. *Support existing and new service and retain industry endeavors such as medical, law, accounting and architectural/engineering offices which will diversify the region's economic base without compromising its rural and agricultural integrity, and which will preserve the traditional scale and style of businesses in the Upcountry area.*

Discussion: This proposed plan includes space for professional offices (law, CPA'S, architectural, engineering) a medical office and civic and public/quasi-public use. The cottage industry space will support existing and new businesses.

9. *Encourage the continuation of sugar, pineapple, cattle ranching, and diversified agriculture as major agricultural activities in the region and at the same time encourage the pursuit of alternative agricultural industries.*

Discussion: Pineapple operations will continue on suitable parcels. The project site was cut off by the Pukalani Bypass Highway, making it difficult and inefficient for continued agriculture. The cottage industries locations planned for the site will support Upcountry agricultural-related businesses. The Maui Fresh and Wai Ulu Farm operations will help to promote pineapple and other diversified agriculture.

11. *Develop a stable and balanced employment base which will provide opportunities for increasing the standard of living for all of the region's residents.*

Discussion: The proposed development will contribute to the employment base of the community in several ways. It will include space for businesses providing professional and business employment, light industrial employment and retail and service sector jobs. It will allow for the expansion of Wai Ulu Farms that provides agricultural related employment. The

addition of housing to the area will increase the customer base that will support both businesses in the project area and those in adjacent communities.

12. *Support the perpetuation of traditional independent grocery stores to preserve the Upcountry character.*

Discussion: Pukalani Superette is planning to relocate to the Upcountry Town Center and this independent grocery store will be a prominent feature of the Center.

LAND USE

Goal:

The maintenance and enhancement of Upcountry's unique and diverse rural land use character with sensitivity to existing land use patterns, natural resource values, and economic and social needs of the region's residents.

Objectives and Policies:

1. *Recognize the value of open space, including agricultural lands and view planes to preserve the region's rural character.*

The proposed development is designed with approximately 10 acres of open space, including an existing pasture use, a park and a trail. The valued view planes from the site will be preserved.

2. *Establish land use patterns which recognize the "Right to Farm," in order to minimize conflicts between existing agricultural operations and urban-related activities.*

The proposed action will not create any conflict between existing agricultural operations and urban-related activities. The owner of the agricultural parcel has taken the land out of production and will therefore not have its right-to-farm impeded in any way. Since the project site is cut off from other agricultural uses by busy highways, taking the land out of agricultural production will actually cut down on conflict between existing agricultural uses and urban-related activities. Also, Wai Ulu Farms, which serves the needs of local agricultural producers, plans to remain on the site and have the opportunity for future expansion.

4. *Encourage land use patterns which will:*
   - *Support the long-term viability of agriculture*
   - *Discourage "urban sprawl"*
   - *Discourage heavy industrial activities*
   - *Discourage large scale hotels*
   - *Preserve and respect the Haleakala National Park and protect the region's open space character*
   - *Maintain a separation of character between the Upcountry and the Kihei-Makena regions.*

Discussion: Upcountry Town Center will:

- Support agriculture through the continued operation and possible expansion of Wai Ulu Farms, cottage industry space that may support agricultural activities and the inclusion of the Maui Fresh Store and Wai Ulu Farms.
- Discourage urban sprawl by developing on land that is adjacent to existing urban uses and clearly separated from surrounding agricultural areas by major roadways.
- Discourage heavy industrial activities, as there are no heavy industrial uses are planned for the site.
- Discourage large-scale hotels, as there are no hotels are included in this plan.
- Preserve and respect the Haleakala National Park and protect the region's open space character by clustering urban development next to existing urban uses, providing 10 acres of open space and preserving view planes to Haleakala Park.
- Maintain a separation of character between the Upcountry and the Kihei-Makena regions by establishing a town center in the hub of Upcountry that will help to define the character of the area.

5. *Encourage and support the development of land use performance and subdivision standards such as cluster development which will encourage viable farm operations and discourage estate subdivisions on agricultural lands such as Kula 200 or Kula Glen.*

Discussion: The proposed development will support the highest standards of land use performance and subdivision regulation by taking land that is no longer viable for agricultural operations and putting it to uses that will support agricultural activities as well as maintaining the agricultural characteristics of the area. The development is designed to cluster non-agricultural uses to reduce the amount of land necessary for development at well as to maintain the open character of the area.

6. *Encourage new residential developments in areas which are contiguous extensions of, or infills within the established residential pattern, and which do not adversely affect agricultural uses.*

Discussion: The proposed development takes advantage of an infill site immediately adjacent to existing residential/urban development. The size and location of the development will not adversely impact agricultural uses.

7. *Ensure that adequate lands are set aside for recreational and open space purposes.*

Discussion: This proposed site plan includes continuation of the existing pasture for open space and includes trails, a park and community gathering places.

8. *Preserve and enhance the "country" atmosphere in all communities by maintaining the small-scale, unique and independent character of each of the three sub-regions. "Country" atmosphere is defined by building style, a low-density mix of residences, ranches, open spaces, greenways, plantings and cultivated lands.*

Discussion: This proposed design will maintain the Upcountry character through its compliance with the Country Town Design Guidelines, maintenance of open space, provisions for a trail and a mix of uses including business, civic, public/quasi-public, open space, greenway, cottage industries, and housing.

10. *Support the development of a regulatory review process which encourages and facilitates public participation in all major land development activities.*

Discussion: The Upcountry Town Center planning and construction processes will follow all regulatory review processes and will include public participation and comment. Each of the major Upcountry Maui community associations (Makawao, Pukalani and Kula) have been presented with the project plans and input has been sought from the communities throughout the planning process. Four meetings have been held with the Pukalani Community Association and they approved the project concept in May 2001.

14. *Discourage additional development of large-scale retail outlets and encourage uses which support neighborhood retail stores.*

Discussion: Generally, retail outlets in the proposed development will be small in scale and will include local small businesses including Pukalani Superette and Wai Ulu Farms.

15. *Discourage heavy industrial uses in the Makawao-Pukalani-Kula region.*

Discussion: No heavy industrial uses are planned for the site. The project description calls for "cottage industry" uses which are light industrial uses, such as woodworking, feed and tack supply and storage.

16. *Recognize the four (4) semi-urban centers of Makawao Town, Pukalani, Hali'imaile and Waiakoa Village. Within them support the following land use and circulation patterns:*

    Within Pukalani:
    - *Diverse business uses in centralized, consolidated locations.*
    - *Limited multi-family use located adjacent to open space resources and consistent in scale and character with surrounding single family uses.*
    - *Single-family expansion contiguous with existing residential uses.*
    - *Parks and open spaces within and surrounding commercial and residential areas.*

Discussion: This proposed plan will keep commercial activities within the existing Makawao Avenue commercial corridor and provide a centralized town center for Upcountry Maui. There is a park and open space designed within the site surrounding the commercial and residential portions of the development. Senior/multi-family housing is planned for a portion of the site, which will be of an appropriate scale and design adjacent to the existing Pukalani residential area.

17. *Support the centralization of business activities and avoid the expansion of strip commercial development.*

Discussion: This proposed development places business activities within an existing commercial corridor and creates a town center hub for Upcountry. Both the physical design and the mixed-use nature of the development will avoid any similarity to strip developments. The project will be consistent with the Country Town Design Guidelines.

19. *Encourage the development of land use performance and subdivision standards which are compatible with the agricultural Upcountry character.*

Discussion: The proposed plan preserves Upcountry Maui character through its compliance with Country Town Design Guidelines, the provision of cottage industries to support agriculture and including existing pasture use, a loop trail and community gathering places in the plan.

21. *Ensure an adequate supply of lands designated for residential use to address the affordable and elderly housing needs of the region's residents.*

Discussion: Approximately six acres of this site is designated for approximately 120 units of senior or 96 units of multi-family housing.

22. *Maintain the open space area along the Makawao-side of Haleakala Highway Bypass to allow a distinct separation between Pukalani and Makawao.*

Discussion: Upcountry Town Center is located on the Pukalani side of the Haleakala Highway Bypass. Open space is provided (approximately 25% of the site) in the plan to preserve the Upcountry character and view planes.

23. *Recognize Pukalani as the geographic, public service and commercial hub of the region.*

Discussion: The project will create a needed town center for the Upcountry Maui area by providing space for businesses and public/quasi-public use in the heart of Upcountry at the crossroads of three major traffic routes.

24. *Establish water resource availability as a major criteria in establishing land uses.*

Discussion: This proposed project will receive its water from an existing 12-inch water line located at the property boundary. Appendix H of the EIS completed by Mink & Yuen (2001) and Tom Nance Water Resources Engineering (July 2003) identify a new well source to provide water for this project and other users in the Upcountry area.

The planned potable water source for the upcountry Town Center will be from a new well to be developed at Piiholo near Makawao. This water source will be developed in a location which will avoid conflict with existing and proposed public drinking water sources.

26. *Support land use spatial patterns which enhance the functional viability of pedestrian-oriented town and village centers.*

Discussion: Upcountry Town Center is designed with pedestrian access in mind. It is located in the existing Pukalani community within walking distance for many residents. This site plan actually is a village plan complete with housing, business, cottage industry, town center, medical facilities, public/quasi-public uses and a "Mom and Pop" grocery store. A pedestrian/equestrian trail is included in the site plan.

27. *Ensure and encourage the long-term viability of "Mom and Pop" stores through establishment and availability of appropriate land use designations.*

Discussion: Pukalani Superette's new location within the Upcountry Town Center will allow for expansion and upgrading of their long-established store.

29. *Explore the development of an additional Ag park.*

Discussion: The cottage industrial lots included in this site plan will provide locations for regional agricultural support operations to be established.

31. *Support the establishment of religious institutions and other community-oriented centers near growing population centers.*

Discussion: This proposed site plan includes community-gathering places that are needed in the Upcountry Maui area.

Implementing Actions:

9. *For areas along the Pukalani Bypass Highway and along Kula Highway, provide for a minimum 50-foot open space buffer (i.e., no structures) on each side of the highway pavement. Vehicular access onto the Pukalani Bypass Highway should be prohibited. Access should be from Makani Road, Makawao Avenue or Haleakala Highway.*

Discussion: The proposed site plan provides a 50-foot open space buffer along the Pukalani Bypass Highway. Vehicular access is planned from Makawao Avenue, Old Haleakala Highway and Pukalani Bypass Highway. Access from Pukalani Bypass Highway is provided for convenient access to this large 40.6-acre site and to reduce traffic along Makawao Avenue and Old Haleakala Highway. Right turn only lanes will be provided for access to and from the Kula-bound lane of Pukalani Bypass Highway.

22. *New commercial development along Haleakala Highway in Pukalani should be discouraged out of concern over the impacts on traffic flow and the residential neighborhood. New commercial development along Makawao Avenue in Pukalani should be limited to professional services with minimal traffic and noise impacts.*

Discussion: The Upcountry Town Center will create new commercial development primarily along Makawao Avenue. Historically, Makawao Avenue has been a commercial corridor in Pukalani, and the new Town Center will be consistent with this growth pattern for the area. Since the establishment of the Community Plan, Pukalani has continued to grow with a greater demand for goods and services that has outpaced local business capacity. For that reason, the project includes the full range of services and community shopping establishments. The design concept has included mitigating measures to allow for parking along Makawao Avenue and easy access from three streets with ample parking within the project. Traffic mitigation measures include two-lane driveway exits and left-turn pockets at the primary entrances. Pedestrian and equestrian access will be included within the Center.

ENVIRONMENT

Goal:

Protection of Upcountry's natural resources and environment as a means of preserving and enhancing the region's unique beauty, serenity, ecology, and productivity, in order that future generations may enjoy and appreciate an environment of equal or higher quality.

Objectives and Policies:

1. *Preserve environmental resources by maintaining important agricultural lands as an integral part of the open space setting in each community.*

Discussion: The large open space component of the Upcountry Town Center (over 25% of the site) will maintain the environmental quality and rural character of the parcel. This new public open space area will provide public gathering spots and passive recreational opportunities on land that has previously been inaccessible pineapple fields.

2. *Recognize agricultural lands as an essential ingredient to the Upcountry atmosphere. Criteria for determining such lands may include:*
   - *Land Study Bureau productivity ratings for agricultural lands*
   - *Lands presently in cultivation*
   - *Agricultural Lands of Importance to the State of Hawaii (ALISH)*

Discussion: The proposed development maintains the open space setting while utilizing an isolated parcel of land that is now much less viable for agricultural production due to the construction of Pukalani Bypass Highway. The Land Study Bureau rating for this site is "C" land. The land, designated "A" while irrigated, will no longer be cultivated for pineapple. The ALISH rating lists most of the soils on the project site as Prime Agricultural Soils.

3. *Recognize and protect rare, endangered and unique biological resources in the region.*

Discussion: There are no known endangered, threatened or unique species in the project area.

5. *Support efforts for a comprehensive watershed management program which shall incorporate, as key components, soil conservation, forest management and reforestation/replanting which:*
   a. *Utilizes endemic and indigenous plant species*
   b. *Protects the environment from exotic plants and animals; and*
   c. *Prevents the introduction and establishment of non-native species within this native forest region that may ultimately threaten water supply and native ecosystems.*

Discussion: Water runoff from the site is not tributary to any existing or proposed potable wells and is not expected to have adverse impacts on the watershed. Familiar Upcountry trees and plants will be used for this site such as Jacaranda trees.

6. *Preserve the existing visual, noise, odor and air quality characteristics found in agricultural/rural neighborhoods of the Makawao-Pukalani-Kula region.*

Discussion: This proposed site plan preserves the existing view planes from this site. There will be no impact on noise, odor or air quality from the planned usage that would be out of the ordinary for the Upcountry Maui area. Project improvements will reduce noise and provide better air quality for residents downwind of the existing pineapple fields.

7. *Preserve the health and welfare of the region's residents by encouraging a balanced approach in utilizing man-made pesticides, herbicides and fertilizers.*

Discussion: Fertilizers and biocides will be carefully controlled in amounts applied to landscaped areas. It is anticipated that the maintenance group will institute an Integrated Pest Management (IPM) program. No applications will occur during high precipitation periods, and applications will be managed by trained personnel. Drainage controls will minimize the introduction of these potential contaminants.

9. *Promote landscaping which utilizes endemic and indigenous plant species.*

Discussion: Indigenous plant species will be utilized in the landscaping of the Upcountry Town Center as practical.

CULTURAL RESOURCES

Goal:

The identification, preservation and where appropriate, restoration and promotion of cultural resources and practices which reflect the rich and diverse heritage found in the Upcountry region.

Objectives and Policies:

1. *Recognize the importance of historically and archaeologically sensitive sites, both known and undiscovered, and encourage their preservation.*

Discussion: This proposed site plan recognizes the history of a portion of this site as the former Corn Mill Camp. There are plans to incorporate this history into the development through the use of photos of the plantation camp, place names and design details reflecting the site history.

2. *Support public and private efforts to inventory, evaluate, classify, register, and protect, as appropriate, cultural resources to increase public knowledge of the region's rich and diverse cultural character.*

Discussion: An archaeological inventory survey and cultural impact assessment were conducted for the project site and Piiholo well site and are included in this document as Appendix D and E respectively. One or two of the existing agricultural structures will be retained to help preserve the cultural character of the site.

3. *Promote community awareness of the Makawao-Pukalani-Kula region's cultural and historic backgrounds through the establishment of museums, cultural centers and educational programs.*

Discussion: This proposed plan includes community gathering places appropriate for cultural programs that will promote and preserve the history of agricultural camp life in the area. Interpretive photographic displays are planned as part of the project to highlight the site's historical agricultural background.

4. *Recognize and respect the Upcountry region's multi-cultural heritage.*

Discussion: This proposed plan includes community gathering places appropriate for cultural programs from all of the various cultural groups located Upcountry.

7. *Promote distinct cultural resources as an identifying characteristic of the region.*

Discussion: This project will promote the history of the agricultural heritage and aspects of camp life Upcountry Maui.

8. *Protect the visual integrity of Upcountry cultural landscapes.*

Discussion: This proposed project preserves the view planes, retains a large buffer along Pukalani Bypass Highway and expands the existing grazing pasture use. One or two of the agricultural warehouses on the site will be retained for the relocated feed and tack supply.

9. *Legitimize indigenous architecture as viable spaces for living, work and recreation.*

Discussion: In addition to preserving some of the existing vernacular agricultural buildings on the site, building design will reflect kamaʻaina themes indigenous to the area.

URBAN DESIGN

Goal:

Recognition and preservation of the unique design characteristics of the Makawao, Pukalani and Kula communities in order to enhance Upcountry's man-made environment.

Objectives and Policies:

1. *Encourage urban design concepts which promote and produce pedestrian orientation, town centers, mixed land uses and energy conservation principles to enhance the identity and livability of new and existing communities.*

Discussion: This proposed development is designed with pedestrian use in mind and incorporates pedestrian accessibility to the site and within the site. The proposed plan includes a much needed town center for the Upcountry Maui area and mixed uses including pastures, public/quasi-public, civic, business, housing, medical, community gathering places and a trail. Section 3 includes the plans and perspectives for various planned uses at the project, which portrays the low-key Upcountry character of the new Center.

2. *Support the revision of subdivision and roadway design criteria and standards to be more compatible with the rural character of the Upcountry region.*

Discussion: The proposed plan incorporates a design that allows for street parking along the Makawao Avenue side of the site and incorporates a rural roadway and trail. Roadways will be rural in character, while meeting the required safety standards. Sidewalks will be setback from roadways.

3. *Utilize design standards for multi-family residential uses which respect Upcountry's rural residential lifestyle.*

Discussion: The proposed site plan incorporates the Country Town Design Guidelines into Upcountry Town Center Components. Building design for the residential component will draw on styles indigenous to Upcountry and will respect the rural residential nature of the community.

4. *Encourage commercial building scales which are compatible with the low-scale character of existing commercial structures.*

Discussion: The commercial portion of this site plan will incorporate the Country Town Design Guidelines to be compatible with existing commercial structures and the Upcountry rural characteristics.

5. *Preserve the unique characteristics of all of the Upcountry towns by recognizing and respecting architectural styles as described in the Country Town Design Guidelines.*

Discussion: The proposed development will incorporate the Country Town Design Guidelines. Images presented in Section 3 of this report reflect the general character of the development.

6. *Support the development of pedestrian, equestrian, and bikeway connections which provide safe and convenient linkages within and between Upcountry communities.*

Discussion: Pedestrian, bikeway and equestrian access points to the site are included in this proposed plan.

7. *Encourage the use of appropriate landscaping, with greenways where possible, along major roadways, parking areas and land use transition areas to establish and maintain landscape themes which are consistent with the character of each Upcountry community.*

Discussion: This proposed site plan incorporates a landscape buffer along the Pukalani Bypass Highway, continued pasture use on the site, a trail, open space and familiar Upcountry trees and plants throughout the site.

8. *Enforce a two-story or 35-foot height limitation throughout the region, except for public/quasi-public uses such as auditoriums, gymnasiums, and fire stations.*

Discussion: Height limits for Upcountry Town Center will be established under a Project District Ordinance, and development of the Center will be compatible with Upcountry Maui character and Country Town Design Guidelines.

Implementing Actions:

4. *Areas designated for multi-family use should adhere to the following design guidelines:*
   a. *Building heights should combine one and two story structures limited to 35 feet which are compatible with surrounding single-family residences;*
   b. *Exterior materials should emphasize natural materials such as wood, with earth-tone colors;*
   c. *Private open spaces should be provided and maintained for each unit;*
   d. *Generously landscaped common areas should be provided.*

Discussion: Design guidelines will be followed in the development of the proposed senior/multi-family housing component of Upcountry Town Center.

5. *Develop and implement alternate rural standards for public facilities and privately sponsored building improvements, roadways and subdivisions.*

Discussion: The proposed plan is based on rural concepts such as maintaining the existing width along Makawao Avenue; including street parking along Makawao Avenue; and narrow streets within the site. The Country Town Design Guidelines will be followed and the developer will work with the County to ensure proper design standards are following with every effort to create a project that embodies Maui's Upcountry rural character.

PHYSICAL INFRASTRUCTURE

Goal:

The timely and environmentally sensitive development and maintenance of infrastructure systems which protect and enhance the safety and health of Upcountry's residents and visitors, including the provision of domestic water, utility and waste disposal services, and effective transportation systems which meet the needs of residents and visitors while maintaining the region's rural character.

TRANSPORTATION

Objectives and Policies:

1. *Ensure the safe and convenient movement of people and goods by providing maintained roadways having adequate carrying capacities.*

Discussion: The planned roadways within the site will follow current roadway design standards and will be maintained.

3. *Support the planning of new roadways provided that there would be minimal impact to the Upcountry lifestyle and character.*

Discussion: The planned site roadway will follow current design guidelines for roadways and will not have an adverse impact on the Upcountry Maui lifestyle and character.

~~5. *Provide adequate off street parking and a loading zone to serve the business center in Makawao Town.*~~

~~*Discussion:* Adequate off-street parking and loading zones are planned for the Upcountry Town Center.~~

7. *Encourage and support alternative transportation programs, that could include various methods of land use planning and urban design, which reduce reliance on the automobile as the primary mode of travel.*

Discussion: The proposed project brings needed services, amenities, work opportunities and community gathering places within walking distance of Pukalani neighborhoods thus reducing the need to travel to other Maui locations for these services and amenities.

9. *Establish safe pathways connecting schools, recreation facilities, and commercial and residential centers for use by walkers, joggers, equestrians and bicyclists.*

Discussion: This Upcountry Town Center will provide easy pedestrian/equestrian/biking access to this site that is located within walking/riding distance of Upcountry area homes. The development of the trail for pedestrian, equestrian or biking use will complete another portion of the Upcountry greenway connecting communities.

10. *Provide transportation improvements in accordance with the Americans With Disabilities Act, including sidewalks, bikeways and other traffic safety improvements, at existing and proposed school areas to ensure student safety.*

Discussion: Site access improvements, including sidewalks, parking and building entries, will comply with the Americans With Disabilities Act.

11. *Promote traffic safety through provision of roadway safety and maintenance improvements, and traffic control improvements throughout the region.*

Discussion: Required roadway/traffic improvements under County of Maui regulations will be completed as part of the design and construction of the Upcountry Town Center.

Implementing Actions:

13. *Prohibit vehicular access onto the Pukalani Bypass Highway. Access should be from Makani Road, Makawao Avenue or Haleakala Highway.*

Discussion: This project is proposing a right turn only into the project from the Pukalani Bypass Highway and a right turn only exit from the project onto Pukalani Bypass Highway. There will be barriers installed to deny left turns into or out of this access point.

14. *New commercial development along Haleakala Highway in Pukalani should be discouraged out of concern over the impacts on traffic flow and the residential neighborhood. New commercial development along Makawao Avenue in Pukalani should be limited to professional services with minimal traffic and noise impacts.*

Discussion: The Upcountry Town Center will provide commercial development in an appropriate location along the existing Makawao Avenue commercial corridor. Noise mitigation will be addressed, however, there are few homes that may be affected by the construction noise of this project. Traffic flow mitigation is addressed through designing entrances along three sides of the project, allowing for site access at convenient locations depending on the traffic pattern at that time of day.

WATER

Objectives and Policies:

1. *Prioritize the allocation of water as new resources and system improvements become available as follows: (a) for maintenance and expansion of diversified agricultural pursuits and for the Department of Hawaiian Homes projects; and then (b) for other uses including development of new housing, commercial and public/quasi-public uses.*

Discussion: This proposed project will receive its water from an existing 12-inch water line located at the property boundary. Appendix H of the EIS completed by Mink & Yuen (2001) and Tom Nance Water Resources Engineering (July 2003) identify a new well source to provide water for this project and other users in the Upcountry area.

The planned potable water source for the upcountry Town Center will be from a new well to be developed at Piiholo near Makawao. This water source will be developed in a location which will avoid conflict with existing and proposed public drinking water sources.

9. *Encourage the construction of additional storage capacity by the Department of Water Supply, commercial developers, and individual farmers to help alleviate the inadequate water supply.*

Discussion: Maui Land & Pineapple Company, Inc., the property owners, have panned ahead to provide water for future development of this site through the development of a new off-site potable water well.

12. *Encourage cooperative efforts among Federal, State, and County agencies, and developers to ensure that water storage and delivery needs of the region are met in a timely and orderly manner.*

Discussion: Maui Land & Pineapple Company, Inc. will work with the County of Maui to identify an appropriate water source. Current plans include a new well site to be developed at Piiholo.

LIQUID AND SOLID WASTE DISPOSAL

Objectives and Policies:

1. *Support wastewater reclamation and grey water alternatives as a means of reducing demands upon limited water resources in the Upcountry region.*

Discussion Current plans are for subsurface disposal of wastewater generated at the project. Effluent reuse for irrigation of landscaping, including pastures and lawn areas, ~~may~~ will be ~~considered at a future point~~ evaluated for potential application at the project.

Implementing Actions:

3. *Utilize treated effluent for irrigation of farms, golf courses, parks and highway landscaping.*

Discussion: Effluent reuse for irrigation of landscaping, including pastures and lawn areas, may be pursued once the basic infrastructure is in place.

DRAINAGE

Objectives and Policies:

1. *Respect and preserve natural drainageways as part of good land development practices and recognize their value as open-space corridors.*

Discussion: The proposed plan will utilize existing drainage ways and an existing catchment area in the proposed drainage plan. The catchment area is part of proposed open space on site.

ENERGY

Objectives and Policies:

3. *Encourage urban design concepts which promote pedestrian orientation and mixed land uses in order to reduce automobile travel and promote energy conservation.*

Discussion: This proposed site plan is based on the Country Town Design Guidelines and is specifically oriented to pedestrian/bicycle/equestrian access. This site will provide services and amenities in the Upcountry area, thus reducing the need to travel to other locations on Maui.

5. *Encourage the development and location of public facilities within or in close proximity to the Makawao, Pukalani and Kula Communities, thereby reducing energy expenditures.*

Discussion: This proposed site is located at the hub of Upcountry and the proposed plan includes sites for public/quasi-public, civic and public gathering places as well as park space.

6. *Achieve the energy efficient movement of people and goods through improvements to the transportation systems serving the planning area.*

Discussion: This project site is accessible from three roadways, the Pukalani Bypass Highway, Makawao Avenue and Haleakala Highway. Roadway improvements are planned as the concept includes maintaining Makawao Avenue as a small town road, as presented in Appendix C (Parsons, Brinckerhoff, Quade and Douglas, December 2001).

HOUSING

Goal:

Housing opportunities for the residents of Makawao-Pukalani-Kula, to include all income and age groups, which are affordable, safe, and environmentally and culturally compatible.

Objectives and Policies:

1. *Encourage the use of tools such as low-rise planned unit development or rural cluster housing approaches which will allow housing projects to be more compatible with the natural setting and preserve open space.*

Discussion: The Upcountry Town Center will include cluster senior/multi-family housing. The housing will be located at the mauka portion of the site to fit the natural topography of the site. This location also affords scenic views both mauka and makai.

3. *Provide a mixture of housing types, smaller lot sizes, and coordinated assistance programs aimed at lowering housing costs and expanding housing opportunities.*

Discussion: This proposed project will expand housing opportunities in Upcountry Maui through the provision of senior/multi-family housing types in a cluster-housing pattern.

5. *To establish an efficient settlement pattern, discourage a dispersed pattern of development, thereby reducing public service, infrastructure and maintenance costs.*

Discussion: The proposed project will take advantage of an "infill site" immediately adjacent to developed areas with public infrastructure access.

6. *Provide independent living and assisted living elderly housing with support facilities and services to meet the needs of the region's elderly residents.*

Discussion: This proposed site plan places new housing in a new town center for Upcountry that includes medical facilities, shopping, grocery store, public/quasi-public, civic gathering places, park and entertainment opportunities on site. Pedestrian access is planned throughout the site.

SOCIAL INFRASTRUCTURE

Goal:

An efficient and responsive system of people-oriented public services which enable residents to live a safe, healthy and enjoyable lifestyle, and offer the youth and adults of the region opportunities and choices for self and community improvement

RECREATION

Objectives and Policies:

1. *Develop a system of parks serving dispersed residential areas, including a regional park of at least 50 acres in the Upcountry region.*

Discussion: The plans for Upcountry Town Center include park area, open space, and a trail.

4. *Pursue the development of equestrian trails, pathways, greenways and related facilities which will meet the recreational needs of runners, joggers, walkers, horseback riders and cyclists.*

Discussion: The plans for Upcountry Town Center include an equestrian trail, a park, and community gathering spaces. The open space area totals approximately 10 acres or more than 25% of the total site. Its close proximity to neighboring communities will encourage pedestrian/bicycle assess to the services and amenities on the site.

HEALTH AND PUBLIC SAFETY

Objectives and Policies:

1. *Establish a centrally located comprehensive health center with full emergency services to all communities.*

Discussion: This Upcountry Town Center, located in the hub of Upcountry, will include professional office space for medical offices.

2. *Improve street lighting and security around schools, parks and other public facilities.*

Discussion: Appropriate lighting will be provided to the site for safety and security purposes.

3. *Improve police protection services by providing a police sub-station in the Upcountry region.*

Discussion: This proposed plan includes space for civic and public/quasi-public use. At present, there is a police sub-station in the nearby Pukalani Terrace shopping area.

Implementing Actions:

1. *Develop an Upcountry public safety center centrally located in Pukalani which will provide facilities for comprehensive health and emergency services, and a police sub-station.*

Discussion: This proposed project will include space for civic and public/quasi-public use.

C. Planning Standards

The following planning standards are specific guidelines or measures for development and design. These standards are essential in clarifying the intent of the land use and urban design objectives and policies and the Land Use Map.

1. Land Use

a. Light industrial uses in the Makawao-Pukalani-Kula area should primarily be established to support agricultural activities, as well as other uses, which would diversify the region's economic base. These uses should not compromise the region's rural and agricultural integrity but instead be supportive and preserve the traditional scale and style of businesses in the Upcountry area. Use restrictions are to be incorporated in conditions of zoning for light industrial activities.

Discussion: The proposed project includes needed cottage industry use to support Upcountry agricultural activities designed with the Country Town Design Guidelines in mind.

b. New residential subdivisions shall be reviewed for possible encroachment or other impacts to existing agricultural operations. Appropriate mitigative measures such as the provision of buffers and/or open spaces; larger building setbacks; significantly larger lot sizes; the incorporation of cluster housing to maintain overall allowable densities; or the use of other appropriate means to mitigate possible impacts shall be used. Possible uses for buffer spaces could be utilized for such uses such as bike paths, equestrian trails and jogging.

Discussion: Upcountry Town Center will include a housing component that is buffered from the cottage industry and commercial uses by park and open space areas. A trail for pedestrian/equestrian/bicycling use is also included in the plan.

c. Individual project district developments shall be considered on a case-by-case basis, as is the intent of project district zoning. The addition or expansion of a project district shall in no way be considered a precedent for the addition or expansion of another project district in the Upcountry region.

Discussion: Project district zoning is requested for the Upcountry Town Center to allow maximum natural flexibility in the site plan to accommodate the various proposed mixed uses, including a large buffer area along the highway and open space.

3. Design

a. Limit building height throughout the region to two stories, not to exceed thirty-five feet above grade. Exceptions to this standard may be considered for public and quasi-public facilities such as gymnasiums, medical facilities and fire stations.

Discussion: The proposed site plan utilizes many of the recommendations of the Country Town Design Guidelines. Building heights will be established under a Project District Ordinance, and will be complimentary to the Upcountry Maui character. It is anticipated that some building heights within the Upcountry Town Center will exceed the thirty-five foot limit and that the proposed Project District Ordinance for the site will set a forty-five foot maximum building height standard for the entire site. This deviation is consistent with other historic town settings and will be required to house the unique mix of uses proposed within the Upcountry Town Center.

b. All commercial buildings, government and private infrastructure improvements shall be designed in accordance with design guidelines developed for the region.

Discussion: The proposed site plan utilizes many of the recommendations of the Country Town Design Guidelines for the Upcountry Maui region.

4. Transportation

b. Provide a 50-ft. open space buffer (i.e., no building structures permitted) on each side of the Pukalani Bypass Highway and along Kula Highway.

Discussion: An open space buffer (50-ft. or greater) is provided for along the Pukalani Bypass Highway in the proposed site plan.

5. Landscape Planting

a. Native plant species which are found in the region should be utilized for new public and quasi-public facilities. The use of native plants in landscaping should be encouraged in all new developments.

Discussion: The proposed development will be landscaped with familiar Upcountry foliage, including native plants.

b. Require the use of low water consuming trees, plants and ground covers in future landscape planting.

Discussion: The proposed landscape plan will take an overall approach to create an Upcountry landscape that will include low water consuming trees, plants and ground covers.

6. Subdivisions

Socio-Economic Considerations:

The direct and cumulative impacts on agriculture and the socio-economic impacts on the community shall be assessed and considered.

Discussion: This site was cut off from a larger agricultural parcel by the construction of the Pukalani Bypass Highway making this site difficult and inefficient to farm. The Upcountry Town Center will create a town center at the hub of Upcountry Maui. Included in the plan are needed cottage industry, civic, medical and public/quasi-public uses as well as open space, community gathering places and recreational uses. The commercial use will bring services and amenities to the Upcountry area making it less necessary to travel to other Maui locations for these services and amenities. New housing is also planned for the site.

Agricultural Impact Considerations:

Larger building setbacks, significantly larger lot sizes, or other appropriate means shall be used to mitigate the impacts of residential encroachment upon existing agricultural operations.

Discussion: Site and building design will maintain the historical and rural characters of the site. The site was cut off from larger agricultural areas by the construction of the Pukalani Bypass Highway and the site adjacent to existing residential areas.

Improvements:

County urban subdivision standards shall not apply to rural and agricultural lands of the Upcountry Region. The following rural standards shall be considered:

- *Curbs and gutters shall not be required. Grassed shoulders and swales shall be allowed without curbs.*
- *Sidewalks shall be provided on one side of the street for County roads within a ¾-mile radius of developed or proposed school sites.*
- *Street lighting shall not be required.*
- *Roadway pavement width shall provide for a minimum 4-ft. bike lane in each direction of travel.*
- *Highways and major roadways shall have a minimum pavement width of 20 feet (10 foot travel lanes), and shoulder width of 4 feet to provide for the safe passage of two-way traffic, except in areas where natural landforms, historic structures and other environmental constraints preclude widening beyond existing roadway widths.*

Discussion: The Upcountry Town Center will be designed in accordance with the Country Town Design Guidelines. Because housing is a part of the proposed project, appropriate lighting and sidewalks will be provided throughout the Center for safety. This site plan proposes to maintain the existing width of Makawao Avenue, if possible, to retain the Upcountry character of the area. The Pukalani Bypass Highway has an existing bike lane in each direction.

7. Standards for Commercial Activities in the Rural and Agricultural Districts

a. Proposed uses must be supportive of and without adverse effects upon the agricultural activities of the area. In addition proposed uses must either:

- *Be essential to the region's economic well-being;*
- *Provide essential services for the residents of the Upcountry region; or*
- *Provide for the essential domestic needs of other communities.*

Discussion: The Town Center will be essential to the region's economic growth and provide essential goods and services for the Upcountry region. A town center will be created in the hub of Upcountry bringing needed services and amenities to the area and reducing the need to travel to other Maui locations for services and amenities. There is also a provision in this site plan for professional medical use, civic, public/quasi-public, community gathering places, park, open space and a trail for equestrian/pedestrian/bicycling recreation. New housing is also a component. The cottage industries space will meet the strong need for light industrial Upcountry and help to support the future economic well-being of the area.

5.3.3 County of Maui Project District Development

19.45.010 Purpose and intent

B. The intent of a project district development is to provide for a flexible and creative planning approach rather than specific land use designations, for quality developments. The planning approach would establish a continuity in land uses and designs while providing for a comprehensive network of infrastructural facilities and systems. A variety of uses as well as open

space, parks, and other project uses are intended in accord with each individual project district objective. (Ord. 1578 §2 (part), 1986)

The proposed Upcountry Town Center is consistent with the regulations of the project district development land use designation. Because of the variety of unique land uses proposed in the plan, a flexible land use ordinance will result in a feasible and high quality development for the Upcountry area. A project district ordinance that reflects the input of Upcountry residents, the goals and objectives of the Makawao-Pukalani-Community Plan and the Country Town Design Guidelines will be proposed for the Center.

Section 6.0

Probable Impacts and Mitigative Measures

6.0 PROBABLE IMPACTS AND MITIGATIVE MEASURES

Two types of probable impacts on the environment are discussed in this section: short-term or construction-related impacts, and long-term or operational-related impacts. Also described are mitigative measures that are proposed for implementation, where appropriate and feasible, to minimize any adverse impacts. Areas where there potentially could be adverse impacts, but where none are actually anticipated are also discussed.

Short-term impacts relate to the process of site work or construction. These are different or distinct from the potential long-term impacts that result from the existence of new facilities or improvements to the land. Where there could be significant differences between short-term and long-term impacts, separate discussions of both types of impacts are provided. Where little or no difference is anticipated, or is not considered to be significant, they are discussed as potential long-term impacts.

6.1 POTENTIAL SHORT-TERM IMPACTS

6.1.1 Topography, Soils and Drainage and Water Quality

Probable Impacts
The short-term impact of the proposed action on soils is limited to the small potential for erosion during construction at the Upcountry Town Center site. All grading operations will be conducted in compliance with dust and erosion control requirements of the County of Maui. A Grading Permit must be obtained from the County of Maui in order to begin construction. During Grading Permit review and approval the grading plans for the site are reviewed by the Department of Public Works and specific conditions may be attached.

Development of the new well site at Piiholo is not anticipated to require grading activities. The extension of a water pipeline to the County storage facilities may cause some soil disturbance.

Mitigative Measures
The management of surface water and drainage control measures during the Center's construction and operation will meet County of Maui standards. Site design will minimize runoff and collection through on-site dispersal and filtering methods. Increased surface runoff from newly paved parking and pedestrian areas will be minimized through these methods. The impact of construction activities on soils will be mitigated by practicing strict erosion control and dust control measures, particularly those specified in the following:

- County of Maui Grading Ordinance
- State of Hawaii, Department of Health, Water Quality Standards, Chapter 37-A, Public Health Requirements (1968)
- USDA Soil Conservation Service, Erosion and Sediment Control Guide for Hawaii (1968)

Primary fugitive dust control methods that will be implemented include regular watering of exposed soil areas, good housekeeping on the job site, and prompt landscaping, covering or paving of bare soils in areas where construction is completed.

6.1.2 Hazardous Materials

The construction period for the Upcountry Town Center will affect portions of the site in the area of the existing Corn Mill Camp~~. Most of the structures will be removed or demolished.~~ The area of the known pesticide soil contamination will not be affected until after the approved remediation plan has been implemented, under DOH review and approval. The short-term construction phase of the project is not expected to disturb or spread contaminated soils on the site. There is no potential for human health risk anticipated with the construction activities.

6.1.3 Hydrology

Probable Impacts
There will be no anticipated short-term impact to groundwater as a result of construction activities. No mitigation is expected to be required.

6.1.4 Vegetation and Wildlife

Probable Impacts
It is expected that during construction, birds that frequent the landscaped edge of a construction area will move to nearby undisturbed areas and will return when disturbances cease. Stray domestic animals and other pest mammals will pass through the site during and after construction. No adverse impacts are anticipated, and no mitigative measures are proposed.

Mitigative Measures
Temporary ground cover vegetation will be installed following grading of the project construction areas. The project includes over 10 acres which will become open space passive park areas, which will be landscaped. Some of the displaced wildlife, primarily non-native birds, will utilize the temporary vegetation cover as transient habitat during construction periods.

6.1.5 Cultural Historic and Archaeological Resources

Probable Impacts
No continuing cultural practices are currently occurring within the project parcel based upon the findings of archaeological investigations conducted for the subject area and its immediate surrounding environs, as well as the oral testimony obtained from the various individuals interviewed as part of the Cultural Impact Assessment (Appendix E, Aki Sinoto, December 2001). The lack of native plants in the area was also identified as part of the Assessment.

No surface remains were encountered during the initial surface assessment encompassing the total project area. No significant cultural remains, either prehistoric or historic, were encountered in any of the test trenches on the site. The existing structures in the project area are significant reminders of commercial agricultural activities in the area from the mid-twentieth century. One, or possibly two structures, are planned for adaptive reuse as part of the Upcountry Town Center.

The proposed well site at Piiholo Road is not anticipated to affect archaeological or cultural resources (Panteleo, July 2003).

Mitigative Measures
The landscaping and plantings of the proposed development will use native plants when possible to reintroduce native species to the property and encourage traditional activities such as gathering plants for lei-making and medicinal purposes.

No further archaeological investigation appears to be warranted in the cultivated portion of the project area. Archaeological monitoring during construction is also not warranted based on site testing results. Should any discoveries be made during construction, work in the immediate area will be halted and the State Historic Preservation Division and the Maui Island Burial Council will be contacted. Additionally, a qualified archaeologist will be brought in to determine appropriate procedures.

The existing structures will be documented by photography to create a comprehensive record of the warehouse buildings prior to demolition. One, or possibly, two are planned for reuse as part of the Upcountry Town Center, as discussed further under the long-term impact section. The existing water tank will be retained; however, its relocation may be necessary to better fit within the overall project.

6.1.6 Air Quality

Probable Impacts
Construction activities are expected to generate short-term impacts to air quality primarily, from fugitive dust emissions. Site preparation will create particulate emissions, as will on-site building construction.

Primary fugitive dust control measures include wetting down loose soil areas, good housekeeping on the job site and the prompt paving or landscaping of bare soil areas. In addition, State of Hawaii Air Pollution Control Regulations require that fugitive dust emissions be controlled to such an extent that no visible emissions of fugitive dust from construction activity should occur beyond the property line.

There is the potential for air pollution from construction equipment and vehicles, and from vehicular emissions due to traffic disruptions from construction equipment. On-site mobile and stationary construction equipment will also emit some air pollutants in the form of engine exhausts. The larger types of equipment are usually diesel-powered. Nitrogen oxide emissions from diesel engines can be relatively high compared to gasoline-powered equipment, but the standard for nitrogen dioxide is set on an annual basis and is not likely to be violated by short-term construction equipment emissions. Carbon monoxide emissions from diesel engines, on the other hand, are very low and should be relatively insignificant compared to normal vehicular emissions.

Mitigative Measures
The impact of construction activities on air quality will be mitigated by conforming to strict dust control measures, particularly those specified in the State Department of Health's (DOH) Water Quality Standards, Chapter 37-A, Public Health Regulations, 1968; and the U.S. Soil Conservation Service's Erosion and Sediment Control Guide for Hawaii, 1968. These measures include soil wetting during grading activities and use of dust fences adjacent to existing homes and businesses as appropriate.

Short-term increases in vehicular emissions, due to disruption of traffic by construction equipment mobilization, will be alleviated by moving equipment and personnel to the construction site during off-peak traffic hours. Increased traffic volumes in the long term may increase vehicular emissions, however, the region is generally rural and undeveloped. Air quality conditions in the region are not anticipated to decline and no mitigative measures are required. Contractors will also be encouraged to properly maintain construction equipment to minimize exhaust emissions.

6.1.7 Noise

Probable Impacts
Development of the project site will involve construction activities, such as grading and paving which will generate significant noise levels during working hours. Earth moving equipment, such as bulldozers and diesel trucks will probably be the loudest equipment used during construction, generating noise levels as high as 95 dB. However, such exposures are only a short-term condition, occurring during normal working hours.

Mitigative Measures
Construction-period noise will be mitigated in accordance with Title 11, Administrative Rules, Chapter 46, Community Noise Control of the State Department of Health. All construction equipment and on-site vehicles will be equipped with mufflers as required in Section 11-46-(b)(1)(A). Required permit conditions for construction activities include:

"No permit shall allow construction activities creating excessive noise… before 7:00 a.m. and after 6:00 p.m. of the same day"

"No permit shall allow construction activities which emit noise in excess of ninety-five dB(A)… except between 9:00 a.m. and 5:30 p.m. of the same day".

"No permit shall allow construction activities which exceed the allowable noise levels on Sunday and on… (certain) holidays. Activities exceeding ninety-five dB(A) shall (also) be prohibited on Saturdays."

Construction noise prevention measures are not expected to exceed allowable levels. Noise emanating from operational equipment such as air conditioning systems will be limited through facility design consistent with the Department of Health's Administrative Rules, Chapter 11-46, "Community Noise Control".

6.1.8 Visual Resources

Probable Impacts
Construction activities will create some adverse effects on the views of the project site. Potential effects are expected to be visible from Makawao Avenue, Old Haleakala Highway, Pukalani Bypass Road and upslope areas. Vegetation clearing and grading involved with construction will be visible, as well as the construction of buildings and the installation of utilities. Construction of office and civic space and the housing component are expected to be visible from Old Haleakala Highway and existing residences along the roadway. Cleared vegetation, bare soils in graded areas and stored construction equipment will be evident on-site until construction is completed. Construction of the new Piiholo well will also have short-term

visual effects, including construction equipment, and limited vegetation clearing for the access road and well site.

Mitigative Measures
During construction, equipment will generally be contained in storage areas which are set back from roadways and nearby residences. To minimize a variety of impacts including visual effects, work on the most visible areas along existing roadways will be completed in the shortest possible time period.

Construction dust control measures will be implemented to avoid dust generation and off-site impacts. Re-vegetation and new landscape planting will be accomplished as soon as possible to protect bare soils.

6.1.9 Employment

Probable Impacts
The project will create short-term benefits as a result of design and construction employment. Total construction costs for the project will be approximately $72 million (refer to Section 3). The project will create up to 500 jobs for local construction personnel. This employment will have a multiplier effect on local material suppliers and retail businesses that can expected to benefit from the proposed project.

Mitigative Measures
No mitigative measures are necessary in response to increased short-term employment.

6.1.10 Roadways and Traffic

Probable Impacts
There will be short-term impacts from trucks, heavy equipment and other vehicles that will use existing roads for access to the project site, especially for the purpose of delivering construction materials. While construction vehicles are relatively slow and difficult to maneuver, it is anticipated that they will only marginally affect overall traffic flow. With the absence of previously used agricultural vehicles, the operation of heavy machinery traffic should have a minimal impact on local traffic.

Commuting construction workers will increase traffic levels slightly but their impact is anticipated to be minor. Space will be provided within the project site area for parking all construction workers' cars and for other construction-related vehicles.

Mitigative Measures
Construction activities will be appropriately scheduled to avoid unnecessary impacts on traffic. Contractors will be responsible for providing necessary traffic controls and precautions to maintain traffic safety on roadways bordering the construction site.

6.1.11 Agricultural

Probable Impacts and Mitigative Measures
The project will result in the immediate loss of approximately 41 acres of State and County designated agricultural land. Approximately 31 acres of land, historically used for pineapple cultivation, will no longer be available for such agriculture. Maui Land & Pineapple Company, Inc. has taken this site out of production due to the lack of economic viability in farming the site.

6.2 POTENTIAL LONG-TERM IMPACTS

6.2.1 Climate

Design of the proposed project will be typical for a tropical climate with extensive use of outdoor facilities and amenities. The proposed project will not affect climatic conditions and no mitigative measures are required.

6.2.2 Topography and Soils

Probable Impacts
To the extent practicable, the Upcountry Town Center will be designed to minimize changes to topography. The development of commercial, residential and cottage industries areas will require disturbance of the natural grades in some areas to create level building surfaces for the structures. Fill areas will primarily be the portions of the site near Makawao Avenue.

Preparation of the land for construction will involve grading and clearing operations. There will be a beneficial impact resulting from the project's landscaping and erosion control program.

Mitigative Measures
Cut material from grading will mostly be retained on the project site. The amounts of cut and fill will be balanced in the grading plan to minimize the need to import fill or to export excavated material.

Implementation of landscaping will generally re-establish the soil retention value of removed crops and vegetation. Upcountry Town Center will have extensive plantings throughout its grounds, and establish control over existing erosion areas on slopes. This continuous, long-term management of the property will significantly reduce erosion from existing conditions.

6.2.3 Hazardous Materials

The identified pesticides contamination area near one of the Corn Mill Camp buildings will be remediated in the course of development of the project, following plans approved by the DOH. There are no long-term impacts anticipated to result due to the pesticides found at this area of the site, and future activities on the property will not be affected.

6.2.4 Drainage

Storm water runoff at the project site was evaluated in a preliminary engineering report prepared by R.T. Tanaka Engineers (July 2001)(Appendix I).

Probable Impacts
The proposed development will increase storm water runoff due to the increase in impervious surface from new paved roads, parking areas and buildings. The project plans include substantial drainage improvements, with storm water collection basins and detention features that will control storm water runoff from the property.

The future rate of runoff (unmitigated) on the project site will increase by 54 cubic feet per second (cfs) in a 10-year storm and by 63 cfs in a 50-year storm. This runoff increase is limited to on-site runoff conditions, prior to storm water discharge from the completed development. The detention features of the on-site drainage system will reduce the rate of runoff from the property to levels that are the same or less than the existing runoff discharge rates.

Long-term impacts of the project on drainage conditions are expected to be insignificant and will not result in any additional adverse drainage effect on adjacent or downstream properties. There will be no increase in runoff to adjacent and downstream properties is expected. Improvements to the project site will be designed to minimize any increase in peak storm runoff flows. While the land slopes downward in the makai direction, there may be the possibility of ponding due to prior contouring related to the pineapple irrigation system. Mitigation may require additional fill to ensure that the character or pattern of surface runoff will not impact adjacent properties. It is anticipated that an improved site drainage condition will result in a reduction in water and silt runoff from the site.

Mitigative Measures
Proposed on-site retention basins will be sized to contain the projected runoff volume increase expected to be generated by the development, thus attaining a zero runoff increase to adjacent and downstream properties. In order to augment the capacities or minimize the size of the proposed retention basins, subsurface retention basins under future parking areas will be considered during the development period.

6.2.5 Natural Hazards

No long-term impacts influencing the risk of natural hazards are expected as a result of the Upcountry Town Center and no mitigative measures are required.

6.2.5 Hydrology

Probable Impacts
Projected demand for potable water for the proposed development will be approximately 0.247 million gallons a day (mgd). Ground water runoff from the site is not tributary to any existing or proposed potable wells. Existing non-agricultural uses within the Makawao aquifer system are not known to have had an impact on the quality or quantity of groundwater. The proposed project's irrigation requirement is on a much smaller scale than existing agricultural irrigation and is not expected to contribute to detectable contamination. As the project site area is taken out of agricultural production, the reduction in use of agricultural chemicals may improve

groundwater quality. Fertilizer and chemical applications in landscaped areas will be controlled and in conformance to local guidelines and regulations.

Leaching fields are proposed to dispose of on-site treated wastewater by employing absorption trenches with perforated PVC distribution pipes enveloped in filter rock. The absorption trenches will be 18-inches to 36-inches deep. The area of the subsurface disposal fields will be dependent upon the percolation rate of the existing ground. The quality of effluent for this type of disposal system is DOH Class R-3 effluent. The disposal of treated wastewater is not anticipated to cause an adverse effect to groundwater quality.

The applicant is planning to develop a new potable well at Piiholo Road near Makawao. This well is projected to produce approximately 1 to 1.5 mgd. The water will be transmitted to the County's storage facilities at Pookela, and made available to Upcountry Maui water users. As presented in TNWRE (July 2003) the well is not anticipated to cause an adverse effect on groundwater resources in the area, nor will it diminish stream flow.

Mitigative Measures
Water usage will be minimized through use of low-flow water fixtures in new housing and other restrooms will reduce the quantity of water required for the proposed project. A new well will be developed which is expected to produce 1 to 1.5 mgd, substantially higher than water requirements for the site. Water quality will be maintained through the use of onsite secondary wastewater treatment and subsurface disposal. Landscaped area irrigation management is critical to minimizing fertilizer and pesticide impacts on surface and ground waters. If excessive irrigation water is applied, the likelihood of nitrate movement in surface waters or movement to ground water is increased. Slow-release nitrogen fertilizers will be applied in most cases, and especially during the rainy season; these fertilizers release nitrogen at a rate comparable to the rate which is used by plants.

A well-qualified grounds manager will be responsible for managing the landscaped and open space areas of the Upcountry Town Center. Mitigative measures proposed above are also based on sound management practices that will be followed with regard to fertilizer and pesticide application and irrigation.

6.2.6 Vegetation and Wildlife

Probable Impacts
The proposed Upcountry Town Center and the new well at Piiholo should not have a significant negative impact on botanical resources. There are no botanical reasons to impose any restrictions, conditions or impediments to the development of these sites. The development may however result in the loss of several mature trees along Makawao Avenue. The Piiholo well site has grasses and some guava trees that will be affected in well development and access construction.

There are no known endangered mammalian species within the project area. It is unlikely that the development of the project site will result in any deleterious impacts on mammalian species. The endangered Hawaiian hoary bat was not detected onsite. It is unlikely that the development of the Upcountry Town Center site will result in any deleterious impacts to this species. It is likely that following the development of the site and the installation of outdoor

lighting that the lights will attract moths and other volent insects which may in turn attract bats. See Appendix C (Char & Associates, March 2001) and Appendix F (Rana Productions Ltd., June 2001) for discussions of botanical and wildlife impacts. Development of the Piiholo well site is not expected to have a significant effect on birds or mammals.

Mitigative Measures
No known endangered or threatened avian or mammalian species were detected within the project area and substantial mitigation measures are not required. To reduce the potential for interactions between nocturnally flying Dark-rumped Petrels and external lights and other man-made structures, external lighting within the proposed development will be shielded so as to prevent upward radiation. Cleared areas will be covered or landscaped expediently to prevent excessive dust generation.

6.2.7 Cultural, Historic and Archaeological Resources

Probable Impacts
No traditional resources or any-on-going cultural practices within the project parcel were identified by the Cultural Impact Assessment (Appendix E, Aki Sinoto, December 2001). With the exception of the extant buildings in the project area, no significant cultural remains, either prehistoric or historic were encountered in the project area. There are no burials or other significant archaeological features found on the site. The development is not expected to have an adverse effect on archaeological, historic or cultural resources.

The new town center development will eliminate most of the existing structures on the property, including most of the existing warehouse structures. These buildings have an historical context that dates back to the 1930's, with more recent renovation and expansion work completed since that time. The historical linkage to the past plantation camp, called Corn Mill Camp, will be re-invigorated through the development of the new Upcountry Town Center. The renovation and integration of at least one of the former buildings will preserve the past history of the plantation camp life. Interpretive photographic exhibits highlighting the old agricultural times are planned to be included at the Maui Fresh facility and elsewhere in the town center.

The assessment of archaeological and cultural resources at Piiholo conducted by Panteleo (July 2003) indicates that no significant impacts are anticipated as a result of the well development.

Mitigative Measures
Plans to integrate at least one of the existing agricultural warehouse buildings into the project will preserve significant reminders of the project area's agricultural past. Interpretive photographic exhibits highlighting the old agricultural times are planned to be included at the Maui Fresh facility and elsewhere in the town center.

Based on the recommendations of the Maui County Cultural Resources Commission resulting from a site visit to the Corn Mill Camp structures in May 2002, a structural survey of the Corn Mill Camp structures was completed by Vorfeld (2003). Concurrently, an architectural history of the site was completed by Neiss & Duensing (2003). These studies, along with the archaeological and cultural surveys contained in the EIS for Upcountry Town Center, provide complete documentation of these structures' historical significance.

6.2.8 Air Quality

Probable Impacts
Air quality conditions in the region are not anticipated to decline as a result of operations relating to the new Town Center. Potential air quality impacts may result from the traffic activity at the center, as well as some cottage industry uses and Wai Ulu Farms.

Increased traffic volumes in the long term may increase vehicular emissions, however, the region is generally rural and undeveloped. Traffic flow at the project entrances intersections will cause vehicle delays, with the potential for idling vehicles to create a concentration area for vehicle emissions. Due to air circulation at the Pukalani area, vehicle emissions are not anticipated to cause an adverse effect to air quality for neighboring residents or businesses.

Operations of businesses at the cottage industry part of the project will also have activities which could cause minor air quality impacts. Companies such as furniture or cabinetry company could locate at the Town Center, which may produce some minor odors associated with wood turning, furniture surfacing treatments, etc. No heavy industrial uses will be allowed at this development, particularly those that could produce significant smoke, fumes, odors or dust.

Wai Ulu Farms has horse boarding stables and training corrals that are an existing use on the property. At their new location on the property, and their expanded facilities, there is the potential for minor air quality effects such as animal waste odors and dust typical of a stable and corral facility.

Mitigative Measures
Landscaping areas will be well-maintained with regular irrigation and ground cover vegetation to prevent excessive dust generation within the Upcountry Town Center.

Traffic patterns at the Town Center will be designed to minimize traffic congestion, which will reduce vehicle delays and exhaust emission effects.

Business selection criteria and design & management guidelines will be enforced in the development and operation of businesses at the cottage industry portion of the project. This will prohibit the establishment of business which may generate noxious odors, smoke or dust.

6.2.9 Noise

Probable Impacts
Long-term traffic noise levels at adjacent residences and the residential component of the project should not be excessive. Assuming that traffic volumes will be the highest at the project's intersections, the closest residences in the project area are estimated to be exposed to sound levels similar to existing levels and well below acceptable standards. Additional traffic noise from the Upcountry Town Center will not contribute significantly to the overall acoustical environment at adjacent residences.

Noise associated with grounds maintenance equipment such as gas-powered chainsaws, lawnmowers, line trimmers and leaf blowers could occasionally be noticeable at nearby residences along Old Haleakala Highway.

Outdoor events at the proposed Village Green or community gathering areas could include meetings cultural events, community parties, some of which may utilize amplified sound systems. Noise generated from such systems may cause annoyance to adjacent residences and the proposed housing component.

Noise from air conditioning equipment, exhaust fans, trash compactors and other stationary equipment may be audible to adjacent residences and the proposed housing and office areas.

Mitigative Measures
Design of Upcountry Town Center facilities will include noise mitigation measures in the planning and location and orientation of air conditioning equipment, exhaust fans, pumps and other equipment, such that local noise regulations will be satisfied. The site planning for facilities shall incorporate adequate setback distances, respecting existing residential areas. Proper sound insulation measures shall be incorporated into the building design.

Ground maintenance equipment will be powered by internal combustion engines with exhaust mufflers. Schedules for maintenance will be arranged so noisier operations do not occur near residences (on and off the project area) before 7:00 a.m. or after 5:00 p.m.

Outdoor events will be arranged at reasonable and convenient hours so as to limit the disruption of residential areas in and around the project site.

6.2.10 Visual Resources

Probable Impacts
The proposed project will be beautiful, replacing an abandoned commercial agricultural property with low-rise buildings, landscaping and green open areas. Long-term visual impacts will result from the construction of the proposed structures and the addition of new landscaping of the Upcountry Town Center. New housing and office and civic structures will be visible from Old Haleakala Highway and adjacent residences. Along Makawao Avenue, rural-country commercial structures fronting the street will be visible and may impact existing intermittent upslope views from the street. All new structures will generally be visible from upslope areas. The range of views from the project site is expected to be enhanced through the creation of an open space and trail system open to the public.

The lighting of Upcountry Town Center will impact both up-slope and down-slope views. Street and building lighting may be visible to some upslope residents. Residents adjacent to and down-slope of the project site will have intermittent views of project lighting. The most noticeable lighting will occur at the new entrance to the site along Makawao Avenue. ~~Pukalani Bypass Road~~.

Mitigative Measures
The proposed buildings will low-rise structures with aesthetically-pleasing architectural design and landscaping quality to maintain the country-town feeling of upcountry Maui. To preserve existing views, vegetation clearing and the removal of existing mature trees will be limited to only those areas that are necessary. Important mauka and makai view corridors will be reflected in the siting of structures and their design. Locating structures and facilities to fit the landscape and grading of the site, and limiting their prominence, will minimize adverse visual

impacts. Building heights, locations, materials, colors and surrounding landscaping will be restricted through design standards reflecting the rural-country project theme.

Lighting of the Upcountry Town Center will be limited to necessary areas including entrances, structures, parking and interior streets. Lighting will be subdued to avoid adverse glare and other lighting effects on nearby properties and nighttime visibility in the general area. Sensitive lighting design will be applied to minimize potential off-site lighting impacts.

6.2.11 Population, Employment and Schools

Probable Impacts
The proposed development will provide one of the largest concentrations of jobs and business activities in the Upcountry Maui region. In addition to increased employment opportunities, local consumer spending will remain in the local community. The general island economy will also benefit from the development from the development that will produce a multiplier effect increasing the amount of capital flowing through the island. The Maui economy will be meaningfully stimulated by the capital investment, on-going business operations, employee wages and expenditures by residents, guests and users within the subject development. A cost/benefit assessment indicates that in no single year do public coffers suffer a net loss.

Population increases will be limited, with up to 120 units of new senior/multi-family housing proposed. A senior housing project would not include housing for school-age children and occupancy of each unit is likely to be limited to two persons per unit. A multi-family component would include some school-age children and average approximately three persons per unit. It is expected that employment opportunities will be filled by existing upcountry residents entering the job market for the first time and existing residents wishing to work closer to home. With the exception of the senior housing, little, if any, in-migration is expected due to increased employment opportunities.

Mitigative Measures
The anticipated positive economic impacts will not require mitigative measures. Net State revenues generated by the project will offset the project's potential affect on local school facilities. The housing portion of the project will be subject to the Department of Education's fair-share requirements of $1,011 per unit unless the units are restricted to elderly persons only.

The local population of the Upcountry Maui region will benefit from the development of new housing at this site. The location of the housing in close proximity to the goods and services offered at the Upcountry Town Center will make it appealing to many who cannot find similar housing options in the area.

6.2.12 Roadways and Traffic

Probable Impacts
Traffic conditions were evaluated by Parsons Brinckerhoff (July 2003.) At the soonest, the proposed development is projected to be complete in 2006. Traffic operations were evaluated for 2006 without the proposed development and with the proposed development to determine the impacts of the development on traffic conditions. Table 6-1 outlines the projected trip generation summary for the project in 2006.

Table 6-1 Trip Generation Summary, 2006

		AM Peak Hour		PM Peak Hour	
Land Use	Intensity	In	Out	In	Out
Retail:	101,000 SF	98	63	303	329
Office/Civil Program:	79,900 SF	137	19	29	140
Cottage Industrial Lots:	141,700 SF	65	13	9	31
Multi-Family Housing Units	120 DU	12	66	67	33
Maui Fresh Venue:	6,000 SF	7	3	36	40
Total		**320**	**163**	**444**	**573**

Traffic volume for 2006 was calculated using the 3.5 percent annual growth rate as determined by the Hawaii State Department of Transportation Highways Division's Traffic Survey Data: Islands of Maui and Molokai 1997.

The proposed project is projected to generate between 400 and 500 vehicles per hour (vph) per direction during the P.M. peak hour. The A.M. peak hour is expected to generate about 365 vph in the peak direction inbound.

In the no development scenario, the analysis indicates that operations in 2006 will be slightly higher at all intersections but only the Old Haleakala/Makawao intersection will see a level of service drop in the P.M. peak hour from LOS 'B' to LOS 'C'. However all intersections remain at LOS 'C' or better. Table 6-2 shows the results of level of service calculations for the no-action and development scenarios.

Two other traffic movements are projected to operate at LOS D: the Kula-bound Haleakala to Makawao Avenue left turn and the Makawao-bound Makawao Avenue to Haleakala left turn.

Table 6-2 Projected Level of Service, 2006

Intersection	Without Development				With Development			
	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)
Haleakala Hwy./ Makawao Ave.	C	30.6	C	27.5	C	29.9	C	33.7
Haleakala Hwy./ Old Haleak. Hy./ Kula Hy.	C	22.0	B	17.9	C	23.5	B	19.2
Old Haleakala Hwy./ Makawao Ave.	B	13.5	B	15.9	B	15.3	B	15.9
Access 1/Haleakala Hwy.	-	-	-	-	B	11.4	B	11.6
Access 2/Makawao Ave.	-	-	-	-	B	10.2	C	16.3
Access 3/Makawao Ave.	-	-	-	-	B	12.0	C	20.3
Access 4/Makawao Ave.	-	-	-	-	B	12.1	C	17.0
Access 5/ Old Haleak. Hy.	-	-	-	-	C	16.9	B	14.1

** Note: New access points shown in Figure 6-1*

Mitigative Measures

Driveways into the proposed development will be channelized on their approaches with separate left and right turn lanes. The two driveways on Makawao Avenue and the driveway on Old Haleakala Highway should be configured as unsignalized intersections with STOP-sign control on the driveway approaches. To ease accessibility to Pukalani Bypass Highway from northbound Makawao Avenue, it is recommended to create a separate right-turn lane into the current right-turn channelization.

The availability of the goods and services that will offered at the Town Center will reduce the requirement for many residents of Kula, Pukalani and Makawao to travel to Kahului and other down-slope areas to shop. Further, there will be many new jobs located at the center which will allow some local residents to work Upcountry, rather than commuting to Kahului or elsewhere. These facts will serve to reduce the traffic to and from upcountry.

The new Town Center will be close to the Pukalani residential area, such that pedestrian and bicycle travel to the center will be practical for many nearby residents.

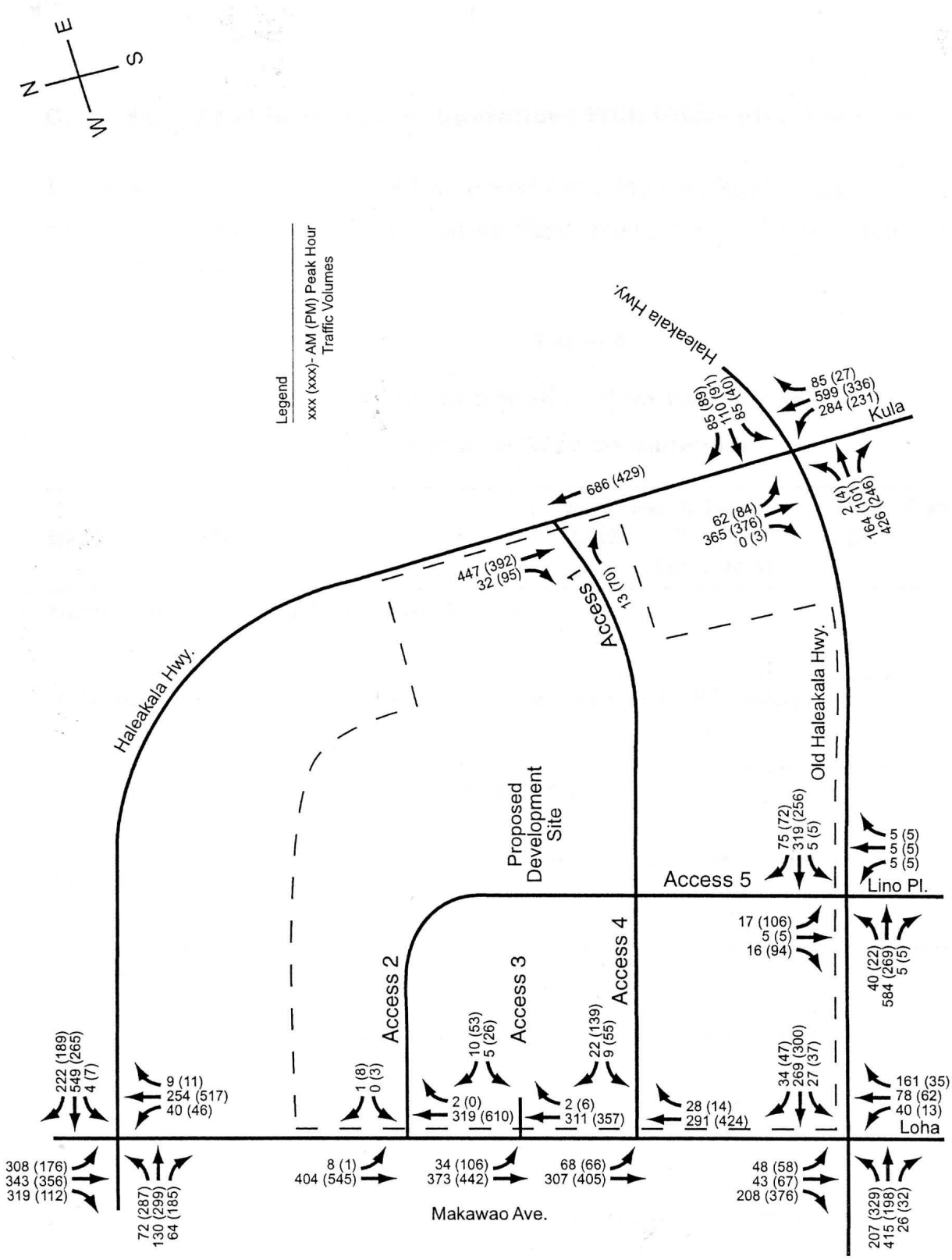


FIGURE 6-1 YEAR 2006 PROJECTED TRAFFIC CONDITIONS

6.2.13 Utilities and Waste Management

Water Supply

Probable Impacts
The estimated average daily demand for the proposed development is 159,300 gallons per day (gpd). Using a demand factor of 1.5, the maximum daily demand will be about 238,950 gpd. Fire flow requirement for the project site based on commercial usage is 2,000 gallons per minute (gpm). The aquifer can accommodate this added demand, as can the existing public transmission system.

Mitigative Measures
Water needs for the site will be provided by a network pipes that will connect to the existing waterlines at the junction of Haleakala and Kula Highways, the waterlines on Makawao Avenue, and to the existing waterline on Old Haleakala Highway. Connections will be made via pressure reducing stations if required. Fire hydrants will be place along roadways at intervals of no more than 250 feet.

Maui Land & Pineapple Company, Inc. is also planning on developing an off-site potable water well at Piiholo Road in Makawao, with distribution to County storage facilities at Pookela. The additional potable water will ~~would~~ be added to the County of Maui Department of Water Supply municipal water supply system for the Upcountry Maui area.

The new source is being developed by a private Applicant. The anticipated agreement with the County Department of Water Supply would provide significant benefits to the DWS and residents of Upcountry Maui. In essence, the Applicant will develop a new well that will become part of the DWS system, and in return it will receive a portion of that new well's capacity in the form of water reservations.

The anticipated agreement would call for the Applicant to develop the well at its sole cost. The DWS would not be required to fund any of the cost of developing the well or to purchase the well site. The well site would be dedicated in fee or by easement to the DWS and the well would become part of the DWS system. The Applicant would then be allocated a certain amount of water source reservation.

Wastewater Disposal

Probable Impacts
The estimated average wastewater flow generated by the proposed development is 50,125 gallons per day (gpd). Wastewater will be treated and disposed of on-site unless a suitable off-site treatment facility is available prior to project development.

Mitigative Measures
The wastewater management facilities at the new development will be in compliance with applicable State of Hawaii Department of Health regulations for an individual wastewater treatment works, and approved subsurface disposal facilities.

The onsite wastewater collection system will be designed and installed in accordance with State and County standards and will produce Class-R effluent according to the Department of Health classifications. The possibility of re-using treated effluent generated by the Upcountry Town Center wastewater facility is being considered by Maui Land & Pineapple Co. While technically feasible as a solution to effluent disposal it potentially adds great cost to the overall system. The applicant continues to research whether a recycling solution that can be employed to reuse the anticipated 50,000 gpd of effluent in landscape and pasture irrigation.

Power and Communications

Probable Impacts
Electrical, telephone and communications services to the project will be tapped-off from existing service lines on Makawao Avenue and Old Haleakala Highway. The on-site utility services will be installed in accordance with the requirements of the respective utility companies including Maui Electric Company.

The estimated demand for electricity for the completed project is 3721 KVA. Based on preliminary conversations with Maui Electric Company (MECO) this demand can be served with the present supply system. It is likely that legislation will be passed within the next five years requiring Hawaiian Utility Companies to generate power by using renewable energy sources (solar, wind, hydroelectric, geothermal, and ocean thermal energy.) In the meantime, some modest improvements may be required to upgrade the power distribution infrastructure directly serving the site (Morikawa & Associates, July 2001). An existing electrical substation serving the Pukalani area is located on Kula Highway across from the King Kekaulike High School.

Telecommunications and cable services will be addressed in the design phase of the project.

Mitigative Measures
The onsite utility services will be installed in accordance with the requirements of the respective utility companies including the Maui Electric Company (MECO). The requirements for off-site improvements will be negotiated with MECO. Energy-saving measures will be incorporated into the design and construction of both the residential and commercial units, with consideration of the Hawaii Model Energy Code. A review of demand-side management strategies will be examined to consider and evaluate energy-efficient alternatives and options. Additionally, the applicant will be preparing informational packets for prospective commercial tenants detailing basic options for energy conservation. Information will be included about solar water heating, designing for solar, photovoltaic opportunities, as well as passive and active energy conservation strategies. The applicant will include in this packet the contact information of various government agencies, non-profit associations, and private sector groups that could provide assistance and further information for the tenants who want to contribute to the energy efficiency of Maui.

Solid Waste

~~*Probable Impacts*~~
~~The average commercial retail center generates between 1,500 to 5,000 lbs. of waste per day – a large part of which is cardboard. The simple act of providing separate containers for cardboard disposal for retailers at the commercial center could reduce their impact to the landfill by as much as 600 pounds per day (source: EPA Region IX).~~

~~Multi-family dwellings are estimated to generate 3 to 9 lbs of waste per unit each day. Based on this estimation the Upcountry Town Center proposed residential development could create anywhere between approximately 300-900 lbs of solid waster per day.~~

~~*Mitigative Measures*~~
~~It is the applicant's intention to reduce the impact the development may have on the County landfill by promoting a recycling program among commercial retailers. The Upcountry Town Center will encourage tenants of the commercial center to utilize separate containers for cardboard disposal and other recyclable waste. This will reduce the commercial element's potential contribution to the landfill by between 15 to 40%. Additionally, the new senior housing or multi-family development will be encouraged to develop its own recycling program providing dedicated waste separation receptacles for residents.~~

Probable Impacts and Mitigative Measures

The Upcountry Town Center residential component will generate approximately 90-275 cy of waste per year. Several facts about local Maui recycling efforts are relevant in the planning for waste stream reduction:

- Drop off bins reduce residential waste impact only about 1%
- Green Waste recycling reduces impact on average 20%
- Thereby reducing the amount of waste to approximately 72-220 cy per year

The Upcountry Town Center retail/commercial component is anticipated to generate approximately 460-1500 cy of waste each year. The recycling of cardboard is the key to reducing the impact on Maui's landfill. Cardboard recycling will reduce impact up to 40%. It is anticipated that implementing cardboard recycling will reduce the amount of waste to approximately 275-900 cy per year from the retail/commercial center.

According to the County, the Central Maui Sanitary Landfill is reaching capacity in the Phase I landfill area. Phase I has only one year of life remaining or 25,000,000 cubic yards (cy). Phase II will adds 5 to 10 years of solid waste storage capacity at projected waste stream flows, or 125,000,000 to 250,000,000 cy .

It is the applicant's intention to reduce the impact the development may have on the County landfill by promoting a recycling program among commercial retailers. The Upcountry Town Center will encourage tenants of the commercial center to utilize separate containers for cardboard disposal and other recyclable waste. This will reduce the commercial element's potential contribution to the landfill by between 15 to 40%. Additionally, the new senior housing or multi-family development will be encouraged to develop its own recycling program providing dedicated waste separation receptacles for residents.

A successfully implemented recycling program will significantly reduce the commercial center's impact on the landfill. Maui Land and Pineapple Co. will encourage recycling amongst commercial tenants, work to educate tenants on the benefit of recycling, and will provide separate waste receptacles for recyclable products.

The developer of the project's residential component will provide separate waste receptacles for the residential development. However, more importantly they will ensure that the grounds/gardening maintenance crew separate out green waste for appropriate disposal to one of the following composting companies on Maui (e.g. Campaign Recycle Maui, Maui Earth Compost).

With recycling implemented, the annual composite effect of the project's retail commercial and residential waste stream will represent no more than of the 5 parts in 100,000 of the capacity at the Central Maui Landfill. Details by source are shown below:

Annual impact on landfill capacity with recycling:
Commercial Center=.00002 to approximately.00004 of the landfill capacity
Residential Area= .000003 to approximately .000009 of the landfill capacity

6.2.14 Agricultural

Probable Impacts

The proposed development has minimal impact on the preservation of plantation agriculture and diversified agriculture as expressed in the Hawaii State Constitution, the Hawaii State Plan, the State Agriculture Functional Plan, the 1990 County of Maui General Plan, and the Makawao-Pukalani-Kula Community Plan. Since agricultural production in the project area is used for monoculture, the project will not have an adverse impact on diversified agriculture in the region. Similarly the loss of prime agricultural land for diversified crops will have minimal impact given vast amount of agricultural land is available for such uses on Maui and other islands in the state.

Recent and planned reductions in pineapple acreage island-wide amount to between 2,100 and 2,600 acres. Those reductions include the 31 acres on the project site, between 1,500 and 2,100 reduction by Maui Pineapple for business reasons and projects by two other developers that would remove 400 acres in Haiku and 165.5 acres in Kapalua. With the exception of the 31 acres in the current proposal, the 1,500 to 2,000 acres being withdrawn by Maui Pineapple are not being planned for development and could thus return to agricultural use in the future. Taking the site out of pineapple production will reduce nuisance factors for adjacent and down-wind businesses and residential areas. Persons visiting or living in the proposed project area are not likely to be affected by surrounding agricultural nuisances because the development will be separated from agricultural activities by Pukalani Bypass Highway and a 10-acre buffer zone within the project. Potential residents will be made aware of adjacent agricultural activities before they purchase or lease dwelling units. State right-to-farm policies defer to the rights of existing farm activities to continue as long as they pose no threat to public health or safety.

The proposed project will allow expansion opportunities for Wai Ulu Farms that will allow Wai Ulu the opportunity to provide a wider selection of goods for the local agricultural community, which in turn will keep local dollars in the community.

Maui Land and Pineapple Company is committed to agriculture on Maui. The new CEO David Cole has a history of agriculture with his own farms that he operates in Virginia and his experience with diversified agriculture and organic agriculture. His operation also has conducted a very successful program in cross-breeding Kobe beef with Black Angus.

The company is looking at various potential diversified crops for our lands in West Maui. The West Maui pineapple operations are not as cost-effective as the operations in central and Upcountry Maui, due to the trucking expense and related risks. The company is also looking at the possibility of cattle operations on West Maui.

In the Upcountry region, Maui Land and Pineapple Company, Inc. is very committed to pineapple. The company just recently completed a brand new fresh pine packing plant in Hali'imaile. New areas are also being sought to expand pineapple cultivation. The company intends to make this a profitable operation as it moves from the champaka variety of pineapple into the hybrid, the very sweet, very marketable and higher margin pineapple crop. Maui Land and Pineapple Company, Inc. is very committed to agriculture on Maui and hopes to be in that business forever.

The withdrawal of 31 acres from pineapple cultivation will not have an adverse impact upon Maui Land & Pineapple Company, Inc.'s (ML&P) agricultural operations. ML&P, through its subsidiary, Maui Pineapple Company, remains committed to continuing agricultural activities on Maui. In fact, the development of the Upcountry Town Center will enhance the long-term viability of agricultural operations by adding to the profitability of ML&P, enabling it to support Maui Pineapple Company's agricultural operations during lean years.

ML&P owns approximately 28,000 acres of land on Maui, including approximately 16,000 acres within the State Agriculture District, 11,000 acres within the Conservation District, 40 acres within the Urban District, and approximately 950 acres within the Kapalua Resort (which includes 3 golf courses) with various designations. Over the past 35 years, ML&P has developed roughly 1650 acres of land (this amount includes about 830 acres of golf courses). Maui Pineapple Company currently farms about 10,240 gross acres of land on Maui (which includes leased lands).

ML&P has demonstrated a significant on-going commitment to agricultural production, with its 10,240 acres in agriculture.

Furthermore, in order to increase the viability of its pineapple operations, an emphasis is being placed on fresh whole pineapple and related products (which carry higher margins) as opposed to canned pineapple. The total number of acres under pineapple cultivation is being decreased in light of the reduced canned output. Therefore, the loss of 31 acres of pineapple fields will have no impact on agricultural operations.

Moreover, the 31 acres were released from cultivation because of its particular circumstances which made it costly to cultivate. As a relatively small remnant field cut off by the creation of the Pukalani Bypass Highway, significant additional costs rendered the field undesirable—it has difficult access by farm equipment and higher

risk of accidents and liability (mud on highway, etc.). In addition, its close proximity to existing residential and commercial properties create more risks of liability for nuisance type claims from adjacent neighbors and the public. The other field cutoff by the creation Pukalani Bypass has similarly been removed from cultivation.

The company has made a commitment to continue agriculture in one form or another. It has explored diversified agriculture, including new crops such as asparagus, papaya, lychee, rambutan, longan, mandarin orange, organic pineapple and kawa. In addition, the company is looking into leasing out portions of its lands to third parties for various agricultural activities.

Given the long-term commitment to agriculture, it is still appropriate and essential that ML&P be diversified in other non-agricultural operations. Many other agricultural companies in Hawaii that failed to diversify were unable to continue in the increasingly competitive agricultural products market. Foreign competitors with lower labor and transportation costs have made it extremely difficult for Hawaii farmers to survive. The development of Upcountry Town Center will not diminish ML&P's long-term commitment toward agricultural enterprise. Rather, profits from development projects such as the Upcountry Town Center will help to keep one of Hawaii's last remaining pineapple operations viable.

Mitigative Measures
The project will respect the agricultural heritage of the area by integrating historical themes and elements in the project design and landscaping. Wai Ulu Farms is an existing feed and tack outlet and horse boarding and training facility that plans to relocate and expand on the project site. Maui Fresh agricultural product venues and farmer's market and cottage industries in the project area will support agricultural industries and help farmers in the Upcountry area.

6.2.15 Housing

Probable Impacts
The Upcountry Town Center will provide needed housing for Upcountry Maui. Users of the housing are expected to come from surrounding areas with local family ties. The creation of up to 120 housing units is not expected to have a significant impact on local services, transportation networks or public facilities and no mitigative measures are recommended. This will be a beneficial impact for senior/multi-family housing in the upcountry region.

6.3 SUMMARY OF PROBABLE IMPACTS

6.3.1 Interrelationships and Cumulative Environmental Impacts

Cumulative and interrelated impacts are those associated with existing, approved and foreseeable future projects that may produce related or additive impacts. Projects that have some approvals or are under construction could generate cumulative effects on the environment in the direct vicinity of the project.

The Kulamalu project, a proposed commercial development in proximity to Upcountry Town Center, has evolved significantly since inception, and the information contained in Appendix A (The Hallstrom Group, July 2001) was timely and accurate as of the study date. ~~The focus of the development is a commercial/business park with appropriate infrastructure creating~~

~~subdivided lots ranging in size from 0.56 to 2.6 acres. As noted in Appendix A, some of the lots have retail potential, such as those fronting the highway and in prominent interior locations; however, the majority of lots will not be competitive for intensive consumer-oriented retail/restaurant uses. Their most probable use is in business, supplier, service or secondary commercial uses. Estimates of floor space are allocated based on these market-driven conclusions.~~

~~Some of the Kulamalu lots could be used for the smaller, free-standing retail/restaurant uses that are envisioned for "pads" within the Upcountry Town Center, and the interior lots will be generally competitive with the "cottage industry" lots of the subject. But, the Upcountry Town Center location is vastly superior in regards to exposure, proximity to consumers, and access, and will offer the retail synergy most businesses strongly desire.~~

~~Although Kulamalu may have the gross areas needed to support extensive commercial development, the subdivided lots in their current configuration cannot logistically support the scale and types of uses for which our study demonstrates a need in the Upcountry region.~~

The Kulumalu Town Center project has moved forward significantly since the initial Market study (July 2001.) The development has been well-received by the market, the type of proposed uses and timing has more clearly defined, and its probable relationship with the proposed Upcountry Town Center can now be reasonably assessed.

Market Acceptance. According to realtors handling sales, virtually all of the lots made available by the developer have been reserved; with only the topographically-challenged parcel at the entry to the project still listed for sale. The absorption speed and pricing bespeak of the general market strength on Maui and specific upcountry demand for business/commercial-oriented building lots. Demand was particularly high for the smaller parcels among the 19 lots, which have an overall size range of one-half to 2.5 acres, with rapid sell-out and remaining interest in the product type. Selling prices have ranged from $515,000 to $1,600,000.

Probable Uses and Development Timing. Completion of the subdivision infrastructure and initial lot closings are anticipated for early 2004. Numerous purchasers have announced site development plans, and anticipate beginning construction shortly thereafter. At least one purchaser/builder is already offering space in a proposed multi-tenant office building. Among the currently envisioned uses are: Institute for Astronomy, Medical (Physician Offices), Fitness Club, Office Building(s), and a Skilled Nursing Facility.

An entertainment complex and several business-oriented uses are also being considered for the project. At present, there is no retail being proposed outside of a possible small market (near mini-mart size at only 10,000 square feet), and there are no restaurants as yet, and no automotive-oriented uses will be permitted. Given the market response and proposed development to date, it is likely Kulamalu will achieve its anticipated absorption and build-out timeframe, with substantial levels of completed floor space by 2005-06.

Relationship to the Upcountry Town Center. With Kulamalu moving forward as anticipated, its relationship with the proposed subject project can be better assessed.

First, the timing of Kulamalu Town Center fits in well-with the timing of the Upcountry Town Center. Kulamalu is helping meet some currently unmet community demands, but will be effectively built-out by the time the subject product comes on-line in three to four years.

Second, the currently envisioned uses at Kulamalu will not address all sectors of commercial land use demands in Upcountry. The project will have no meaningful retail or light (cottage) industrial uses; for which there is acute demand in the community. By 2005, the unmet demand for retail/service floor space in the study area will total (mid-point) some 76,000 square feet, for light industrial space the demand will be some 146,000 square feet. While Kulamalu will help meet regional needs for business/office and some other use types, it will not fully satiate demand in any single category apart (perhaps) from the entertainment/recreation sector. There will still remain unmet demand for senior housing and services, medical and clinic space, and office/business uses.

Third, the two projects will not be in direct competition for major use types. The driving components of the Upcountry Town Center are the retail and cottage industrial uses, which are not represented at Kulamalu. Conversely, business/office and entertainment uses which are expected to comprise much of the Kulamalu development are not significant components of Upcountry Town Center.

Fourth, the competitive location and attributes of the Upcountry Town Center site continue to be superior to Kulamalu for most uses. There are many retail/commercial users which would not consider the Kulamalu frontage, access, lay-out and lot size to be amenable to their business, and would not go to Upcountry at that location. The subject will provide the characteristics necessary to support these uses. Further, Kulamalu is not in a position to exploit tourist traffic to Haleakala summit, thus the potential positive impacts on the Upcountry economy from this massive flow of potential consumers is lost.

Fifth, the "Maui Fresh" concept, featuring made-in-Maui products and goods, which is proposed by ML&P for a portion of the Upcountry site, is not a feasible option for Kulamalu due to location, access, size and price issues. Without the Upcountry Town Center, this opportunity for local farmers and artisans to have a place to sell goods and access the visitor stream will not be actualized.

The market study provided as Appendix A of the EIS (The Hallstrom Group, July 2001) included an analysis of surrounding commercial locations and their existing and potential commercial opportunities, but they were judged to be insignificant within the regional demand and supply context. Hailiimaile has a small "destination" restaurant in an older building and some minor agricultural supply uses, but Maui Land & Pineapple Company, Inc has no current plans to expand the commercial base in that location. The analysis of the sites in 2000 demonstrated the area cannot in the near to mid-term support any major neighborhood-type retail uses (it is too outlying and the surrounding community too small), and it is a non-competitive location relative to either the proposed Upcountry Town Center or Kulamalu.

Pukalani Country Club contains an approximately 135-seat restaurant and a 300 square foot pro shop. Both were designed to be secondary/support uses for the club, not as free-standing uses competitive in the regional market. While the restaurant does attract non-golf business, the commercial spaces are clearly intended (and competitively limited) to service the patrons of the

course. The lack of exposure and interior location of the site limits any ability to provide a competitive location for further commercial expansion.

The majority of uses at the Upcountry Town Center will be intended to recapture some of the neighborhood consumer demand that has migrated to Kahului in recent years with development of large retail outlets such as Costco, Wall-Mart, K-Mart, Border Books, and similar retailers. In many respects, as throughout the state (and mainland) these major retailers have already "damaged" smaller local businesses and those that remain have and will continue to succeed by appealing to and meeting the specific needs of nearby residents.

In fact, many of the businesses in proximity to the UTC will benefit from the cumulative attraction the subject will help create. Consumers prefer to shop in areas with an extensive selection of stores, goods and services. Much local trade is lost when the consumer leaves the local market area to go elsewhere as they will patronize the stores in the vicinity of their primary shopping areas.

On a fundamental level, it is not the new stores that negatively impact existing businesses; it is the choices being made by individuals on where to shop. Consumers are attracted to low prices, a large selection of goods, and quality service. They make the choice on where to spend their dollars. By asserting that consumers be denied these choices in favor of existing businesses is a form of economic discrimination within the Upcountry community, as these services are readily available to residents of other towns on the island. Further, they are an attempt to force consumers to support ("subsidize") less efficient operations, with the result being lost time and additional traffic congestion as Upcountry patrons are forced to travel elsewhere to shop at the stores they prefer.

The traffic impact assessment provided in Appendix B of the EIS (PBQ&D, March 2002; update July 2003) includes cumulative impacts of surrounding uses. Many of the shopping centers surveyed as part of the data collection effort in building the trip generation equations include out parcels located on the perimeter of Upcountry Town Center. These parcels are typically drive-in banks, retail stores, fast food restaurants or gas stations. The average shopping center trip generation equations, therefore, include the effects of these parcels as part of the overall commercial area.

The traffic impact assessment also includes cumulative traffic counts from surrounding uses such as King Kekaulike High School, a portion of the new Kamehameha School campus and projected levels for the Kulamulu development based on the traffic study conducted for that project. As Kulamalu implements other phases of its development, it is expected that more regional traffic improvements, such as the widening of Haleakala Highway and Pukalani Bypass Highway, will be triggered. Within the year 2006 time frame for the traffic impact analysis, it is expected that Kulamalu will increase private school attendance and construct the office component of its development. These two components are well within the amount of background traffic growth forecasted as part of the Upcountry Town Center traffic impact analysis.

Recent and planned reductions in pineapple acreage island-wide amount to between 2,100 and 2,600 acres. Those reductions include the 31 acres on the project site, between 1,500 and 2,100 reduction by Maui Pineapple for business reasons and projects by two other developers that

would remove 400 acres in Haiku and 165.5 acres in Kapalua. With the exception of the 31 acres in the current proposal, the 1,500 to 2,000 acres being withdrawn by Maui Pineapple are not being planned for development and could thus return to agricultural use in the future.

6.3.2 Potential Secondary Effects

Examples of these types of effects include the stimulation of additional development in an area, or of higher density development, as a result of the construction of public facilities such as a new highway or sewerage system. It is possible that the proposed development will stimulate spin-off employment outside of the project area as well as increased demand for housing outside the project area but close to the employment centers within the proposed development. The housing component may also stimulate the need for additional County services to residents in the proposed development.

6.3.3 Relationship Between Local Short-term Uses of the Environment and the Maintenance and Enhancement of Long-term Productivity

These relationships are described below in the context of the following four specific areas of potential concern:

- Narrowing of the range of beneficial uses of the environment;
- Long-term risks to health and safety;
- Foreclosure of future options; and
- Trade-offs among short-term and long-term gains and losses.

The planned improvements are considered to be beneficial uses of the environment. They utilize areas that have been previously used for intensive pineapple cultivation.

The planned improvements will increase and enhance, rather than narrow, the range of beneficial uses of the environment by:

- Increasing bio-diversity on the proposed site through the addition of a 10-acre open space using a wide variety of flora including native plantings;
- Increasing the opportunity for people to experience and enjoy Hawaii's special natural environment through the addition of walking trails within the ten-acre open space; and
- Preserving some of the existing agricultural buildings that will preserve important elements of upcountry Maui's cultural landscape.

Long-term risks to health and safety will be reduced by:

- Reducing the amount of agricultural chemicals used in the area;
- Reducing noise and odors related to intensive agricultural uses;
- Reducing commutes to Kahului for basic goods and services;
- Creating pedestrian friendly environment for residents and others that use the civic and commercial areas of the development; and
- Reducing agricultural cross-hauling vehicles on Pukalani Bypass Highway.

Foreclosure of future options is limited to the likelihood that a majority of the land could not be returned to natural or agricultural use.

This option foreclosure also constitutes the most significant "trade-off" involved in implementing the planned improvements. However the short-term and long-term gains outweigh any short-term or long-term losses.

In summary, the planned improvements are expected to help maintain and enhance the long-term productivity of the environment, rather than adversely affect it, for the following reasons:

- Proposed development will add bio-diversity in place of agricultural monoculture in the 10-acre open space and retention of existing agricultural buildings will help preserve Maui's agricultural past.
- Elimination of agricultural use of project area will reduce agricultural chemicals, emissions, and odors.

6.3.4 Irreversible and Irretrievable Commitments of Resources

Resources that will be expended by implementing the proposed project are addressed in this section. The construction and operation of the planned new facilities and open space will involve the irretrievable commitment of certain natural and fiscal resources.

The proposed project will remove 31 acres from productive, intensive agricultural use. It will also reduce the amount of open space on the site with the addition of residential, commercial and civic buildings.

There will be a permanent commitment of funds and resources to plan, design, construct and operate the new facilities planned in this project. Planning design and construction of the planned improvements over the 2-3 year planning period will require the expenditure of approximately $72 million. Construction will also involve the use of labor and materials, most of which is non-renewable and irretrievable.

Operations are anticipated to increase the consumption of gasoline and diesel fuels, primarily for the support vehicle transportation, and coal and oil-powered electricity for facility operations. Both represent an irretrievable commitment of resources.

6.3.5 Adverse Environmental Effects That Cannot be Avoided

Adverse impacts can be divided into short- and long-term effects. Short-term effects are generally associated with construction, and prevail only for the duration of the construction period. Long-term effects generally follow completion of the improvements, relate either simply to their existence or to the operation of the new facilities, and are permanent. Effects that can be considered both adverse and unavoidable are discussed below.

Unavoidable Adverse Short-Term Effects

- Soils will be temporarily disturbed by grading, excavation and mounding activities at the project sites during construction.

- Despite onsite mitigation measures, temporary increases in soil erosion will also result from construction operations, and minor amounts of soil may be carried beyond the construction site in surface runoff water.
- Previously planted crops, some mature trees, and the exotic scrub vegetation will be removed to allow construction of the planned improvements.
- Wildlife utilizing the project sites and immediate adjacent areas will be displaced, most likely into nearby undeveloped lands, by construction activities. Such operations will also temporarily discourage wildlife from feeding at or migrating through the project sites.
- Operation of construction equipment, trucks and worker vehicles may temporarily impede traffic in the areas during the construction period.
- Negligible releases of air contaminants will occur from construction equipment emissions. Small amounts of dust may be generated during dry periods as a result of construction operations.
- Minor increases in noise levels may result from construction activities.

Unavoidable Adverse Long-Term Effects

- Minor modifications to the current topography will be made to accommodate the planned improvements and facilities.
- Utilization of potable groundwater
- Subsurface disposal of treated wastewater.
- The added emissions from an increase in vehicles associated with the new facilities will have a negligible effect on air quality in the area.
- Traffic will increase along Makawao Avenue, Old Haleakala Highway and to a lesser extent, Pukalani Bypass Highway.
- There will be some slight increase in demand for police and fire protection as well as other County services as a result of the project.
- New structures and lighting will create visual impacts for surrounding residents, users of the adjacent roadways and those looking down from upslope areas.

Extent to which the proposed action involves trade-offs among short-term and long-term gains and losses, including the extent to which the proposed action forecloses future options, narrows the range of beneficial uses of the environment, or poses long-term risks to health or safety.

As currently planned, the proposed Upcountry Town Center is essential to the transition of Upcountry Maui. Recent development and growth in the Makawao-Pukalani-Kula region have resulted in a growing need for goods and services for residents of the region. Controlling the manner of growth and the character of development are the keys toward a sustainable future for the region. The essential question is whether this loss of agricultural lands at the Pukalani triangle site – representing both a short-term and long-term loss – can be justified by selecting this site as the correct path for controlled or "smart growth" Upcountry. By foreclosing the

future of this site for agriculture, Upcountry Town Center creates a principal focal point for commerce and community gathering, with an environment of landscaped open space, aesthetically-pleasing country-scale structures, and an outdoor commons for the enjoyment of all. The project will largely reduce or eliminate vehicular trips "down the hill" to outlets for goods and services in Kahului and Wailuku, taking pressure off Haleakala Highway and thereby aiding traffic congestion and safety.

6.4 UNRESOLVED ISSUES

- Maui Land & Pineapple Company, Inc. intends to include either senior or multi-family housing at Upcountry Town Center. A determination of the type of housing to be included will be made upon further market analysis and as part of the ongoing County of Maui Project District Development approval process.

- The number of Corn Mill Camp structures to be retained as part of the Upcountry Town Center has not been decided. A structural survey of the Corn Mill Camp structures was completed by Vorfeld (2003), along with an analysis of architectural history of these structures by Neiss & Duensing (2003). These documents, and the archaeological and cultural impact studies contained in this EIS, will be used in developing next-stage site plans for the project. One or two of the existing structures will be reused in the project.

- Access to Upcountry Town Center from Pukalani Bypass Highway is proposed in the conceptual plan for the project. Several comments were received based on the description of this traffic feature in the Draft EIS noting inconsistencies with State and local policies and objectives for the Highway. Further discussion and plan review with the State Department of Transportation and the Maui County Department of Public Works and Waste Management will occur regarding this issue. In their letter dated October 1, 2002 the State Department of Transportation stated no objection to the access/egress on Pukalani Bypass Highway.

- The planned potable water source for the Upcountry Town Center will be from a new well to be developed at Piiholo Road, pending approval from the Department of Water Supply and State Water Commission. This water source will be developed in a location which will avoid conflict with existing and proposed public drinking water sources in coordination with Maui County.

- Maui Land and Pineapple Company, Inc. has stated it's intention to pursue develop of senior housing at the Upcountry Town Center. In the event that should the intended senior housing not be developed at the project, the applicant will satisfy the State DOE "fair share" condition as it applies to new multi-family housing units.

- The State Historic Preservation Division has not issued a formal review of the archaeological and cultural study for the Piiholo well site, awaiting filing of the application for new well permit to the State Commission on Water Resource Management.

Section 7.0

Alternatives to the Proposed Action

7.0 ALTERNATIVES TO THE PROPOSED ACTIONS

Five alternatives to the proposed development have been considered in light of the potential environmental impacts detailed in Section 6. Alternatives considered include:

(1) No-action alternative, which would leave the project site as an agricultural parcel as it is presently being used,

(2) Postponing the action pending further study,

(3) Alternative locations for the proposed project,

(4) Development of a more intensive project, and

(5) Development of a less intensive project.

Each of the alternatives are extended to consider the proposed new water Piiholo well site that will serve as a new water supply source for Upcountry Town Center.

7.1 NO ACTION ALTERNATIVE

The no-action alternative would involve no changes to the existing project area for the foreseeable future. The site would remain out of agricultural production and the Wai Ulu Farms stables and agricultural supply business would remain in operation at its present location. Existing structures on-site would also remain. Refer to Section 4, Environmental Setting for additional information on existing site conditions.

With respect to the environmental characteristics of the project site, its topography, soils, surface water, ground water, runoff, vegetation and wildlife would not change. Other factors that would not be affected under the no-action alternative would include: cultural resources, traffic, noise, air quality, population, employment, government expenditures, infrastructure and public services.

The lack of a development on the project site would not create additional employment, personal income and tax revenue. It would also not provide improved access to retail goods, professional services and other office, civic, and community gathering space. Needed housing and cottage industries space would also not be provided for the Upcountry Maui community. The following project benefits would not be achieved:

- Needed commercial space, office and civic facilities and cottage industries space to serve the needs of Upcountry Maui would not be provided in a centralized area for the region.
- Several hundred jobs ranging from unskilled to highly skilled, and including retail workers, restaurant workers, grocers, government employees, doctors, nurses, dentists, dental hygienists, attorneys, accountants, receptionists, craftsmen, etc. Companies that supply goods and services to these on-site businesses and their employees will provide additional jobs.
- Total payroll for on-site workers estimated to exceed $10 million per year.
- Approximately 120 housing units for local residents.

- A venue for community services, activities, festivals and farmers' markets.
- A public trail/walking path provided in a 10-acre landscaped buffer zone.
- Significant expenditures that will favorably impact the Maui economy on both a direct and indirect basis will not occur. These expenditures would increase the amount of capital investment and capital flow on the Island, creating employment and widening the tax base.

Continued use of the site for intensive pineapple cultivation would maintain the practice of cross-hauling agricultural vehicles across Pukalani Bypass Highway. The nuisance of agricultural operations would also continue.

Although the no-action alternative would retain the land's agricultural use designation, the current economic reality would alter the use of the land nonetheless. Maui Land & Pineapple Company, Inc. has ceased pineapple cultivation on this site. Similarly, the no-action alternative would leave Wai Ulu Farms no opportunity to relocate to improved on-site facilities, which could eventually lead to the relocation of the business from its current site within the project area.

The development of Upcountry Town Center will include the adaptive reuse of one or more of the existing Corn Mill Camp agricultural warehouse buildings, preservation of an old water tank, as well as the creation of significant historical exhibits of the Upcountry Maui's agricultural. If no action is taken to proceed with the project, there will be no future historical and cultural resource benefits of Corn Mill Camp preservation efforts, and the historical exhibits will not be created at this location.

No-action with respect to the new water well proposed at Piiholo Road parcel would result in a deficiency of public water supply for the Upcountry Town Center. Water supply for the project would most likely not be available from existing public supply system. Aside from serving the proposed project, if there is no new well established at this location, there would be no corresponding new allocation of well water for public purposes. Notably, the new well offers an opportunity to solve part of the public water shortfall in the Upcountry region. It is less likely that the other pending public water demands will be met in the foreseeable future without this or some other major new private source being developed for Upcountry.

7.2 POSTPONING ACTION PENDING FURTHER STUDY

This alternative would involve deferring completion of the planned project until additional studies concerning potential impacts are completed. In essence, a deferral of one year has actually been forced upon the applicant with the extension of the EIS process due to court mandate. During this period, additional studies have been completed for the cultural, historical architecture and structural aspects of Corn Mill Camp. Additional hydrologic studies were also completed for the new Piiholo well site.

Further postponement of the proposed action would result in the near term loss of immediate benefits to the community in terms of open space, retail and commercial goods and services, added employment and tax revenue. Market conditions for the proposed development are projected to be favorable for start up over the next four years. A delay may result in the loss of

a market window that would be favorable to the start-up phase of such a development and seriously jeopardize the long-term viability of the project.

Potential areas of further study include:

- Market conditions and impacts
- Site engineering, including alternative grading scenarios
- Local and regional traffic impacts
- Water supply requirements
- Impacts due to cessation of agriculture on-site
- On-site archaeological and cultural resources

With respect to the environmental characteristics of the project site, its topography, soils, surface water, ground water, runoff, vegetation and wildlife would not change with the postpone action alternative. Other factors that would not be affected under the postpone action alternative would include: cultural resources, traffic, noise, air quality, population, employment, government expenditures, infrastructure and public services.

Because of the removal of the subject parcel from agricultural production, the property would remain vacant until the completion of further studies and eventual site construction. As a result, site drainage, run-off/erosion and air quality/dust generation could result. In addition, there may be significant visual and aesthetic impacts to the surrounding community if the parcel is to remain vacant over time.

Over the past few years, changes in the plan character and marketing of the Kulamalu project to a light industrial and commercial subdivision no longer place it in the same competitive marketplace as Upcountry Town Center, except for the cottage industrial lots. Therefore, Upcountry Town Center represents the only "Country town center" being developed in Upcountry, and there is no pending competitive project which would warrant postponing the planned completion schedule. The sales of parcels within the Kulamalu project indicate only a portion of the Upcountry market has been tapped in select categories. Major category retail and light industrial uses have not been attracted to this other project, indicating a strong demand for the uses proposed at Upcountry Town Center.

Postponement of the new water well at Piiholo Road parcel would cause a further delay in the project at Upcountry Town Center. Further, a delay in well development would also delay the significant public water allocation from a new well at this location. The new well offers an opportunity to solve part of the public water shortfall in the Upcountry region. It is less likely that the other pending public water demands will be met in the foreseeable future without this or some other major new private source being developed for Upcountry.

7.3 ALTERNATIVE LOCATIONS FOR PROPOSED PROJECT

The current proposed site takes advantage of an isolated agricultural site created by the construction of the Pukalani Bypass Highway in 1994. The proposed site is currently cut-off from surrounding agricultural parcels and is therefore a prime candidate for development. The site is immediately adjacent to urban developed neighborhoods and the Makawao Avenue Commercial Corridor and presents a perfect location for a town center for the community. The centralized, well-suited location of the site is a primary motivating factor in proposing the Upcountry Town Center.

Alternative locations for a project of this size include Maui Land & Pineapple Company, Inc. property on the mauka side of the Pukalani Bypass Highway. Alternative Maui Land & Pineapple Company, Inc. land holdings may be physically appropriate for this type of development but it would potentially ruin a larger more economically and agriculturally sufficient parcel. The proposed project site, a 40-acre parcel, is not an economical size for agricultural operations and supporting infrastructure. Alternative sites would narrow future agricultural options on other lands. Other sites would also be situated away from existing residential and commercial development.

Of the lands in the proximity to Pukalani, there are two potential alternative sites which could be considered for commercial, cottage industry and residential mixed use development. These two sites are identified in Figure 7-1. These sites are currently in agricultural production, however, they offer some property frontage along Haleakala Highway, which is an essential factor in the success of this planned project. The potential impacts of these parcels would be comparable to the proposed project in terms of loss of agricultural land and infrastructure concerns. Traffic from either of these sites would undoubtedly be worse than that resulting from the proposed project because they are not centered at the Pukalani Triangle location, which benefits from three existing signalized intersections and ease of access from three sides. People would access the alternative projects sites solely from Haleakala Highway entry points. From a traffic perspective, the regulatory agencies and community recognize the beneficial aspects of locating this center at the confluence of the three major roadways.

Alternative sites located on land not owned by Maui Land & Pineapple Company, Inc. would not be appropriate given the need to purchase additional land even though the company already owns significant acreage in the region. Faced with this option, Maui Land & Pineapple, Inc. would be disinclined to proceed with such a project. Recent re-zoning applications submitted to the County of Maui have not been very well received by the community and are not anticipated to be a feasible course of action in relocating the proposed project.

With respect to the environmental characteristics, topography, soils, surface water, ground water, runoff, vegetation and wildlife would all be slightly different depending upon the alternative location. Other factors that could be affected under the alternative location would include: cultural resources, traffic, noise, air quality, population, employment, government expenditures, infrastructure and public services.

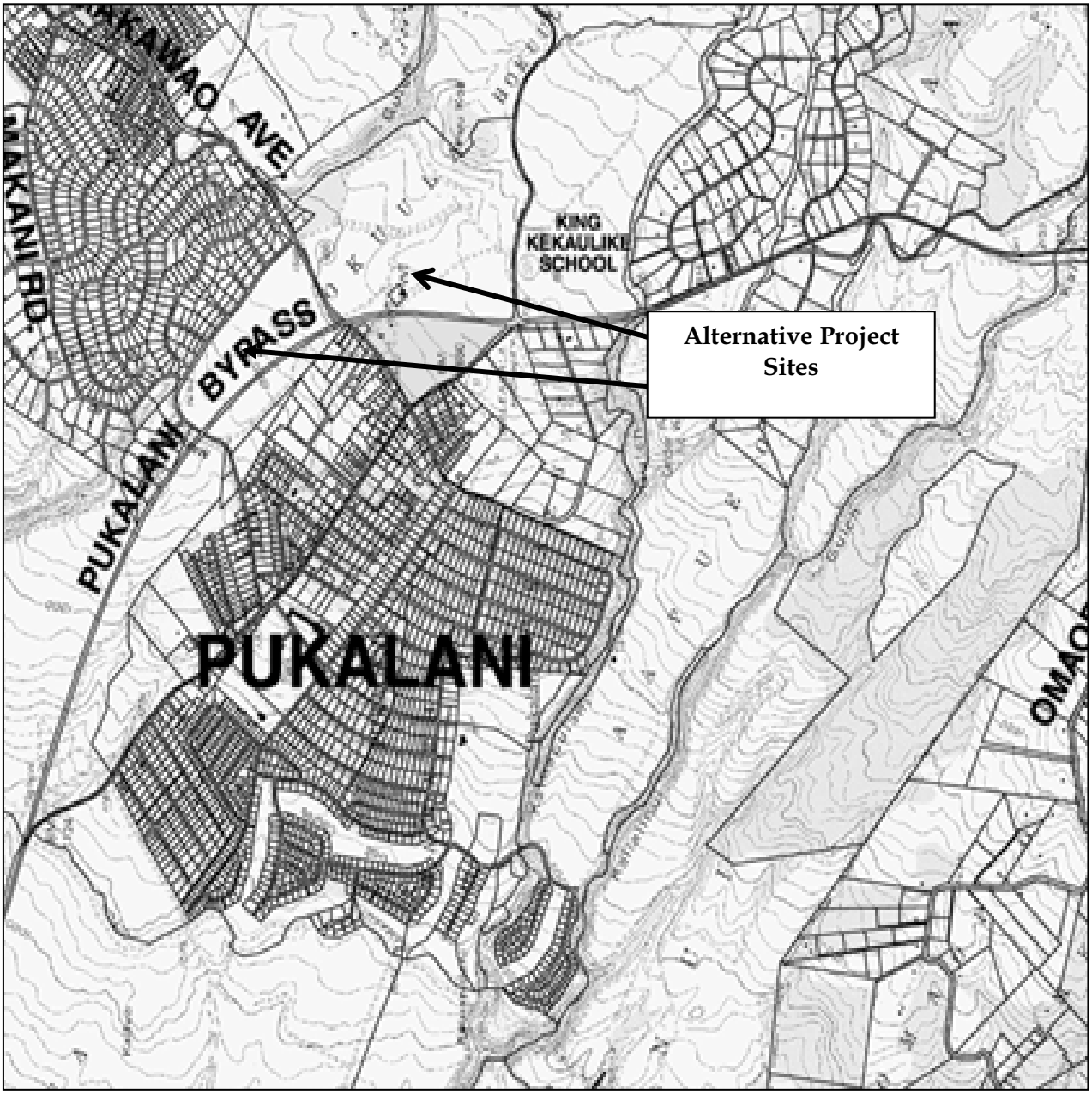


FIGURE 7-1 ALTERNATIVE PROJECT SITES

Ultimately, the potential success of alternative locations for the Upcountry Town Center is comparatively poor, and these other sites make little sense in the long-range perspective for both the Pukalani community and the applicant.

Alternative water well sites to serve the proposed Upcountry Town Center have been considered. The original plan for the project was to develop a new well at a Pookela site, located mauka of Makawao. This site was anticipated to be a very productive well location, and following well permit issuance, the County of Maui Board of Water Supply decided to utilize the site for a new production well. The use of the Pookela site has led the applicant to pursue approvals for the new proposed site at Piiholo Road. There are other alternative locations where a new well could be located, however, most alternative sites would have lower projected yield potential.

7.4 MORE INTENSIVE DEVELOPMENT

This alternative considers the potential for more intensive development on the project site both in terms of the proposed mixed-use development as well as more intensive agricultural use. Relative to the proposed action, the potential Town Center development would have roughly 50% more development. The project would have increased retail to 168,000 square feet, office and civic space to 120,000 square feet, cottage industrial lots totaling 210,000 square feet and 225 units of senior/multi-family housing.

Increasing the proposed mixed-use development by roughly 50 percent would mean the loss of all open space other than the open space buffer required along Pukalani Bypass Highway by County of Maui regulations. Such an increase would increase the amount of space dedicated to buildings and other impervious services such as parking areas that would substantially increase storm water runoff on the site. The loss of open space would also have an adverse impact on the rural/agricultural character of Pukalani and Upcountry in general, creating a large, sprawled development devoid of any rural character prominently located along two of Upcountry's busiest highways.

With respect to the environmental characteristics of the project site, its topography, soils, surface water, ground water, runoff, vegetation and wildlife would change with the more intense development alternative. Other factors that would be affected under the more intense alternative would include: cultural resources, traffic, noise, air quality, population, employment, government expenditures, infrastructure and public services.

This alternative would create more construction-related impacts (dust, noise truck traffic) as well as greater long-term effects. The project would use more water, generate more wastewater, and have more people on-site – both residential and commercial. There would be a greater impact upon the aesthetic beauty and visual setting of the community due to the increased scale of development on-site, and the reduction of open space. Wildlife use of the site, and landscape plantings would be less with this option.

Pursuing a more intensive development would also have a significant impact on traffic near the project site. This alternative would require significant increases in parking areas and increases

in vehicular entrances/exits from the project site that would in turn substantially increase traffic volume on all roadways bordering the site.

Increases in the supply of commercial rental space (for all uses) would be financially unfeasible both due to increased construction and start-up costs in the short term as well as long term challenges trying to find and keep tenants in the expanded spaces. An increase over the proposed size of the project by nearly 170,000 square feet for retail, office/civic space and cottage industrial space would likely be difficult to absorb in the Upcountry real estate market.

More intensive agricultural uses on the site face different challenges but are just as untenable as a more intensive mixed-use development. Given the small size of the parcel and its isolation from larger fields more intensive cultivation of the soil is unlikely to be profitable. Other intensive agricultural development might entail using the land for hog farming. However, in addition to a significant increase in nuisance factors for nearby residents, Maui Pineapple would be at a competitive and operational disadvantage going into an area of agriculture it is not currently in. The site is also too small for cattle grazing.

The development of a larger commercial, cottage industrial and residential project at Upcountry Town Center may also necessitate the development of a correspondingly larger water supply source. There is potential for more extensive water well development in Upcountry Maui, however, the creation of a single new private well source as proposed will be adequate to serve both the proposed project and a significant future public allocation.

7.5 LESS INTENSIVE DEVELOPMENT

This alternative considers developing the project site with a less intensive mixed-use project. This alternative considers a project with less than 50% of the proposed development plan. Reducing the intensity of the project by approximately 50 percent would limit retail to 56,000 square feet, office/civic space to 40,000 square feet, cottage industrial to 70,000 square feet and senior/multi-family housing to 75 units.

A development of this scale would not be adequate to provide a reasonable rate of return to offset the costs of development. A smaller project would also be more difficult to market and would be less likely to draw both tenants and customers further decreasing potential financial returns. A significant reduction in the potential rate of return on the site would discourage any kind of development on the site. Similarly, an under-performing site or a vacant site would have a significant impact on county tax revenue.

With respect to the environmental characteristics of the project site, its topography, soils, surface water, ground water, runoff, vegetation and wildlife would change little with the less intense alternative. Other factors that could be affected differently under the postpone action alternative would include: cultural resources, traffic, noise, air quality, population, employment, government expenditures, infrastructure and public services.

Although a smaller project would reduce some of the potential environmental impacts (water use, traffic, on-site population), it would have much less potential to have a positive impact on larger environmental issues. Water use from this project would be roughly half of the amount

required by the proposed project, with a corresponding reduction in wastewater generation. There would be less site disturbance and more open space with this alternative, and less people residing on the property. The smaller project would create fewer employment opportunities and add less new population to the area. The State and County would also receive less benefit from tax revenues for property tax, income and general excise tax. The smaller Town Center project might also provide greater incentive for some of the existing Residential-zoned properties in Pukalani along Old Haleakala Highway to apply for Commercial zoning to satisfy the unmet demand with new strip commercial business uses.

The proposed development will provide goods and services that will help reduce automobile trips to other parts of the island. A smaller development would be unlikely to attract the kinds of businesses and critical consumer mass needed to have a significant impact on reducing the number of long distance automobile trips.

The new potable water well planned for Piiholo Road parcel is being developed to satisfy water demand requirements from Upcountry Town Center. A new supply well will, at minimum, need to provide an average daily demand of 159,000 gpd water supply, which equates to the project's demand from the Department of Water Supply. In creating a new production well, the Department typically requires at least an equal share of well yield for the public allocation. As a result the new well must be of sufficient capacity to serve both the project and public allocation.

Table 7-1 Summary of Alternatives: Comparison with Proposed Action by Impact Category

Alternative	Benefits of Jobs & Tax	Traffic	Water & Utilities	Agriculture	Corn Mill Camp	Summary Comparison
No Action	None	None	None	No effect	No Action to preserve or reuse	No action No new impacts
Postponing Action	Future, Defer Same as UTC	Future Same as UTC	Future Same as UTC	No effect	Future Preserve Adaptive reuse	Same as UTC (MLP deferred)
Alternative Location(s) • Two sites in vicinity • Agricultural lands	Same as proposed	Same traffic, more impact with fewer roads	Same, New well at Piiholo	Greater effect on contiguous fields	No Preservation or Adaptive reuse	No comparative environmental benefits
More Intensive Project • +46,000 sf Retail (+40%) • +40,000 sf Office (+50%) • +75,000 sf Lt. Ind. (+55%) • +75 multi-family (+50%)	Greater benefits	30-40% More traffic	More Demand, New well at Piiholo	No effect	Preservation & Adaptive reuse	Greater Comparative Environmental Effects
Less Intensive Project • -56,000 sf Retail (-50%) • -40,000 sf Office (-50%) • -75,000 sf Lt. Ind (-55%) • -75 multi-family (-50%)	Less benefits	30-40% Less traffic	Less Demand, New well at Piiholo	No effect	Preservation & Adaptive reuse	Less Comparative Environmental Effects

Section 8.0

Required Approvals

8.0 REQUIRED APPROVALS

This section includes a description of the required approvals and permits to implement the proposed Upcountry Town Center project. The entitlements, as shown in Table 8-1, include a State Land Use District Boundary Amendment, a Makawao-Pukalani-Kula Community Plan Amendment and a County of Maui Project District Approval. This Revised Final EIS is prepared pursuant to Chapter 343, HRS and therefore requires the State Land Use Commission acceptance prior to the approval of additional entitlements (Refer to Section 1.3, p. 1-5).

Table 8-1 Summary of Required Approvals

Permit or Approval	Authority	Action	Status
Land Use District Boundary Amendment	State of Hawaii, Land Use Commission	Agricultural District to Urban District	Anticipated Filing July 2003
Makawao-Pukalani-Kula Community Plan Amendment	County of Maui	Agriculture / Open Space Designations to Project District	Filed in June 2002 ~~Re-file in early 2004~~
Project District Zoning	County of Maui	Approval	Filed in June 2002 ~~Re-file in early 2004~~
Environmental Impact Statement	HRS Chapter 343, State Land Use Commission	Acceptance	Revised DEIS filed in July 2003

8.1 STATE OF HAWAII

8.1 State Land Use Classification

Current Land Use District Designation. (Figure 8-1) The entire project site currently lies within the State Agricultural District. In 1972, the Land Study Bureau (LSB) of the University of Hawaii classified lands on Maui according to productivity and suitability for agriculture. Overall ratings of crop productivity range from Class A to E, with A being the most productive. Within the project site all of the soils are rated C, but the rating reflects the fact that the land was not irrigated when it was evaluated in 1972. With irrigation, which is now the case, all of the land would be rated A.

Proposed Reclassification. There are several land uses proposed within the Upcountry Town Center which will require reclassification from the State Agricultural District to State Urban District including commercial, residential, cottage industries and open space. The entire site of approximately 40.6 acres will be proposed for the State Urban Designation.

Responsible Agency. A petition for reclassification will be submitted to the State Land Use Commission under the Department of Business, Economic Development and Tourism (DBEDT).

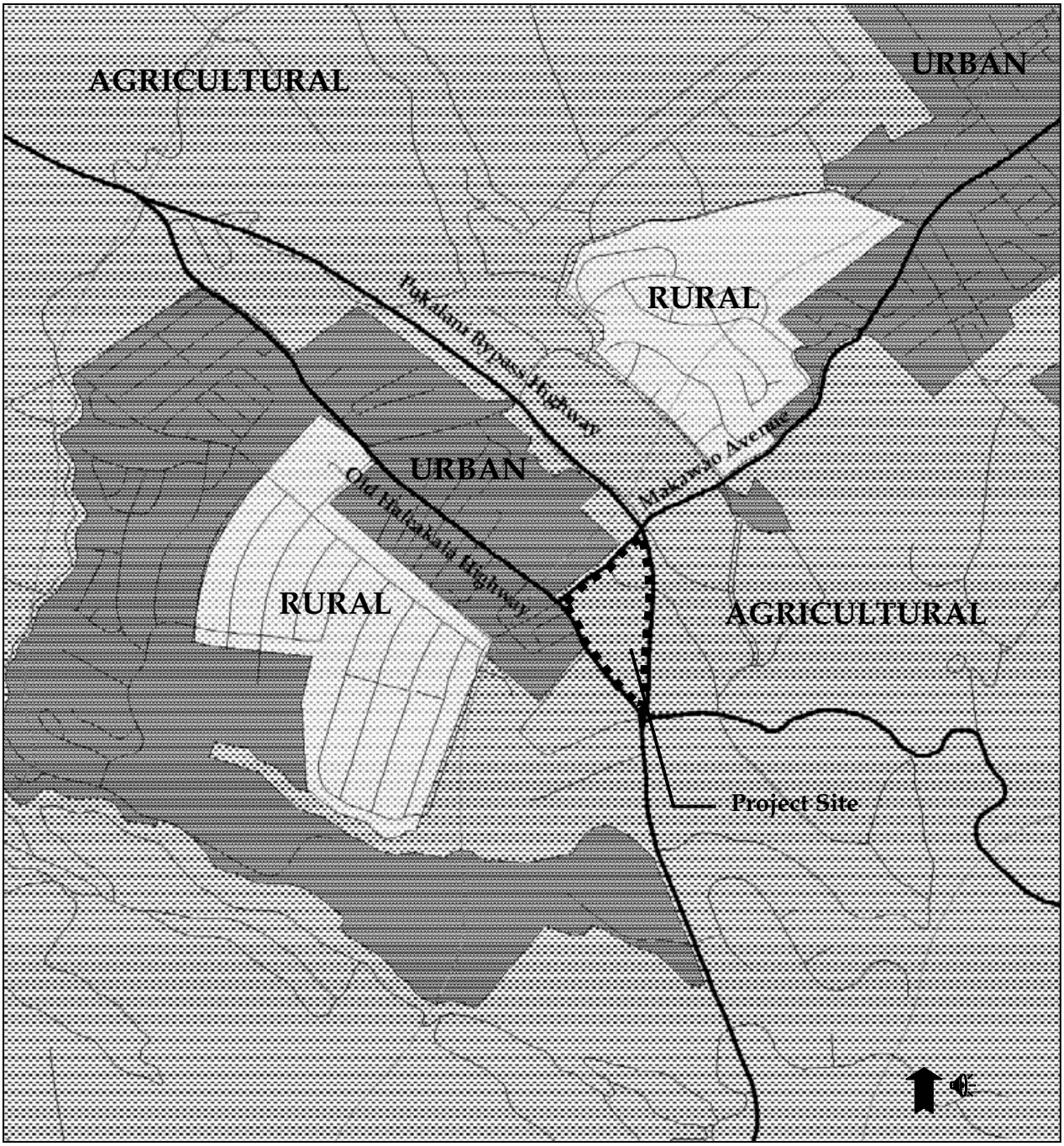
8.2 COUNTY OF MAUI

8.2.1 Makawao-Pukalani-Kula Community Plan Amendment and Project District Zoning Approval

Current Land Use District Designation. (Figure 8-2) The project site is designated Agricultural (95%) and Open Space (5%). The Open Space portion of the site serves as an open space buffer along Pukalani Bypass Highway separating agricultural uses from the Bypass Highway.

Proposed Reclassification. The unique variety of land uses proposed for the Upcountry Town Center requires that the existing land uses of the property under the Makawao-Pukalani-Kula Community Plan, an implementation measure of the County of Maui General Plan, be converted to a Project District designation. The Project District designation is intended to allow "a flexible and creative planning approach rather than specific land use designations for quality developments." Proposed land uses under the Project District designation include specialty commercial, senior/multi-family residential, cottage industries and open space. All of the project's approximately 40.6 acres will be classified as part of the new Project District designation.

Responsible Agency. Applications for a Community Plan Amendment, Change of Zone and Project District Development were submitted in August 2002, and put on hold. These applications will be re-submitted to the County of Maui in 2004.



Note: State Land Use Commission 1:24,000 mylar maps. State Land Use District Boundaries were compiled by the State Land Use Commission using the State of Hawaii's Geographic Information System (GIS). The State Land Use Districts depicted in these files are not official and are merely representations for presentation purposes only.

FIGURE 8-1 STATE LAND USE DISTRICTS

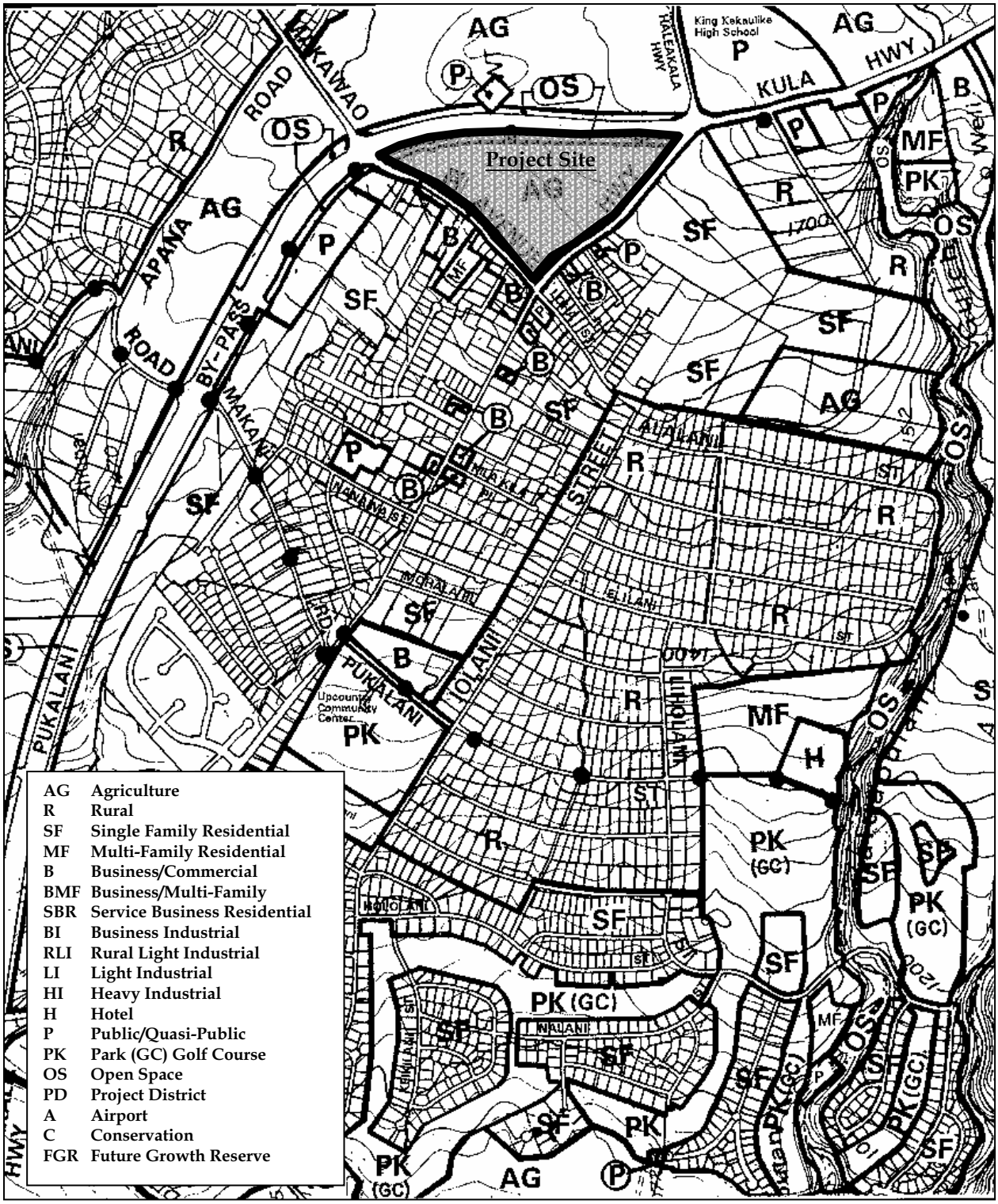


FIGURE 8-2 MAKAWAO-PUKALANI-KULA COMMUNITY PLAN

Section 9.0

References

9.0 REFERENCES

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University of Hawaii, Department of Geography. Atlas of Hawaii, Second Edition. 1983.

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Section 10.0

Parties Contacted (Revised)

10.0 PARTIES CONTACTED

10.1 AGENCIES AND PARTIES RECEIVING THE EISPN, DEIS, FEIS & REVISED DEIS

This section lists the agencies, organizations, and individuals that were sent the Environmental Impact Notice of Preparation (EISPN), Draft Environmental Impact Statement (DEIS), the Final EIS, Revised DEIS (R-DEIS) and the Revised Final EIS (R-FEIS.) A (✓) indicates that copies were delivered to the party. A (**C**) indicates those individuals and organizations which provided EISPN, DEIS or R-DEIS comment letters. These comments and response letters are included in this Section.

Respondents and Distribution	**EISPN**	**DEIS**	**FEIS**	**R-DEIS**	**R-FEIS**
A. Federal Agencies					
U.S. Department of the Interior, Fish & Wildlife Services	✓	✓		✓	
U.S. Army Corps of Engineers, Pacific Division	✓	✓,C		✓	
U.S. Department of Agriculture, Natural Resource Conservation Division		✓,C		✓	
U.S. Department of Defense		✓		✓	
B. State Agencies					
Office of Environmental Quality Control	✓,C	✓(5),C	✓(5)	✓(5),C	✓ (5)
Department of Agriculture		✓,C	✓	✓	
Dept. of Accounting and General Services		✓,C		✓, C	✓
Department of Defense		✓		✓	
Department of Education		✓,C		✓, C	✓
Department of Transportation	✓	✓(3),C	✓	✓(3), C	✓ (3)
Department of Hawaiian Homelands		✓		✓	
Department of Health		✓(3),C	✓	✓(3)	✓
Department of Business, Economic Development & Tourism (DBEDT),	✓	✓		✓	
DBEDT, Land Use Commission		✓,C	✓	✓, C	✓
DBEDT Energy Resources & Technology Div.		✓,C	✓	✓	
DBEDT Office of Planning		✓,C	✓	✓	✓ (28)
DBEDT, Research & Economic Analysis Div.		✓		✓,C	✓
Dept. of Land and Natural Resources (DLNR),	✓	✓(3)		✓(3)	✓
DLNR, Land Division	✓	✓,C	✓	✓	
DLNR, Aquatic Resources Division		C			
DLNR, Forestry and Wildlife Division		C			
DLNR, State Parks Division		C			
DLNR, Historic Preservation Division	✓	✓,C	✓	✓, C	✓
DLNR, Maui District Land Office		C			
DLNR, Comm. on Water Resource Mgmt.		C			
Office of Hawaiian Affairs	✓	✓,C	✓	✓,C	✓

Respondents and Distribution	EISPN	DEIS	FEIS	R-DEIS	R-FEIS
University of Hawaii Environmental Center		✓(4),C	✓(2)	✓(4)	✓(2)
UH Water Resources Research Center		✓		✓	
UH Institute for Astronomy				C	✓
C. County of Maui					
Office of the Mayor	✓	✓	✓	✓	✓
Department of Parks & Recreation		✓,C	✓	✓,C	✓
Department of Planning	✓	✓(2),C	✓	✓(2),C	✓ (2)
Dept. of Public Works and Environmental Mgmt.	✓,C	✓(5),C	✓	✓(5), C	✓
Department of Water Supply	✓	✓,C	✓	✓	
Fire Department	✓	✓		✓	
Police Department	✓	✓,C		✓, C	✓
Department of Housing and Human Concerns	✓	✓,C	✓	✓, C	✓
County Council	✓	✓	✓	✓	✓
County Commission on Cultural Resources		✓(9),C	✓	✓(9)	✓
D. Local Utilities					
Maui Electric Company		✓		✓, C	✓
E. Community Organizations and Non-Profits					
Concerned Citizens	C	✓		✓	
Kula Community Association	C	✓,C	✓	✓, C	✓
Malama Maui (see Isaac Davis Hall)				✓	
Makawao Community Association				✓	
Maui Upcountry Community Association (MAUCA)		✓		✓	
Pukalani Community Association	✓	✓(2),C	✓	✓(2), C	✓ (2)
Maui Historical Society		✓		✓	
Maui Tomorrow		✓		✓	
Sierra Club		✓		✓	
Na Kupuna O Maui		✓		✓	
Hui Alanui O Makena		✓		✓	
Tri-Isle Main Street Association		✓		✓	
F. Individual Parties					
Councilmember Jo Anne Johnson		C	✓		
Barbara Long	✓	✓,C(2)	✓	✓, C	✓
Isaac Davis Hall		C		✓, C	✓
Colleen Doyle		✓		✓	
Richard B.C. Tom		C		✓	
Lee Altenberg, Ph.D.		C		✓	
Hari Ajmani				C	✓
Sally Raisbeck					✓
G. News Media					
Maui News	✓	✓	✓	✓	✓
Honolulu Advertiser		✓	✓	✓	✓

Respondents and Distribution	EISPN	DEIS	FEIS	R-DEIS	R-FEIS
Honolulu Star Bulletin		✓	✓	✓	✓
H. Schools, Libraries and Depositories					
King Kekaulike High School		✓	✓	✓	✓
Wailuku Public Library	✓	✓	✓	✓	✓
Makawao Public Library	✓	✓	✓	✓	✓
Hawaii State Library		✓	✓	✓	✓
Maui Community College Library		✓	✓	✓	✓
DBEDT Library		✓	✓	✓	✓
University of Hawaii Hamilton Library		✓	✓	✓	✓
Legislative Reference Bureau		✓	✓	✓	✓
Kahului Regional Library		✓	✓	✓	✓
Hawaii Kai Regional Library		✓	✓	✓	✓
Hilo Regional Library		✓	✓	✓	✓
Kaimuki Regional Library		✓	✓	✓	✓
Kaneohe Regional Library		✓	✓	✓	✓
Lihue Regional Library		✓	✓	✓	✓
Pearl City Regional Library		✓	✓	✓	✓

10.2 EIS COMMENT LETTERS AND RESPONSES

The following comment letters were received during the EISPN, DEIS, and R-DEIS comment periods. Responses to each party follow each comment letter

Upcountry Town Center

EIS Notice of Preparation Comment and Response Letters

BENJAMIN J. CAYETANO
GOVERNOR

GENEVIEVE SA
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186

May 25, 2001

John Min
Maui Planning Department
250 South High Street
Wailuku, HI 96793

Attn: Colleen Suyama

Dear Mr. Min:

Subject: Environmental Impact Statement (EIS) preparation notice, Upcountry Town Center

We have the following comments to offer:

Cultural impacts assessment:
Act 50 was passed by the Legislature in April of 2000. This mandates an assessment of impacts to local cultural practices by the proposed project. In the final EA include such an assessment.

If the subject area is in a developed urban setting, cultural impacts must still be assessed. Many incorrectly assume that the presence of urban infrastructure effectively precludes consideration of current cultural factors. For example, persons are known to gather kauna'oa, 'ilima, 'uhaloa, noni or ki on the grassy slopes and ramps of the H-1 freeway and some state highways on the neighbor islands. Certain landmarks and physical features are used by Hawaiian navigators for sailing, and the lines of sight from landmarks to the coast by fisherman to determine certain fishing spots. Blocking these features by the construction of buildings or tanks may constitute an adverse cultural impact.

For assistance in the preparation refer to our *Guidelines for Assessing Cultural Impacts*. Contact us for a paper copy or go to our homepage at *http://www.state.hi.us/health/oeqc/index.html*. You will also find the text of Act 50 linked to this section of our homepage.

Paving; landscaping: HRS 103D-407 requires the use of recycled glass in paving materials whenever possible, and HRS 103D-408 requires the use of native Hawaiian flora whenever and wherever possible. For the text of these sections of HRS contact our office for a paper copy or go to our homepage at *http://www.state.hi.us/health/oeqc/index.html*.

Sustainable building techniques: Please consider applying sustainable building techniques presented in the "Guidelines for Sustainable Building Design in Hawaii." In the draft EIS include a description

of any of the techniques you will implement. For a paper copy contact our office or go to our homepage at *http://www.state.hi.us/health/oeqc/guidance/sustainable.htm*.

Time frame: What are the anticipated start and end dates of this project?

Consultations, correspondence:
Community consultation is an essential element of the EIS review process. We encourage you to give public presentations in the affected community.

Per section 3.3. of the EISPN, archeological and historic resources will be examined in detail in the draft EIS. In addition to a technical study, documentation from the Historic Preservation Office of DLNR showing concurrence with the results of the study and proposed mitigation measures must appear in the draft EIS.

The Office of Hawaiian Affairs should be consulted on this project.

Be sure to include copies of all correspondence from agencies, community groups and individuals from the pre-consultation (scoping) phase as well as the public review period.

Maps and figures:
Figure 3-1 of the EISPN (Community Plan) includes letter symbols which are not defined. For all maps and figures in the draft EIS be sure to include a legend that explains any symbols appearing on them.

In the draft EIS enclose a Land Use Commission map showing the existing boundaries and the requested boundary changes.

Visual impacts: Include drawings or diagrams of the site, the proposed buildings and any proposed landscaping that show the final appearance of the project. Identify public viewpoints of the project site from which visual impacts may occur, especially of mauka and makai viewplanes. Show these impacts by superimposing a rendering of the proposed facility onto photographs taken from public vantage points.

Two-sided pages: In order to reduce bulk and save on paper, please consider printing on both sides of the pages in the forthcoming documents.

If you have any questions, please call Nancy Heinrich at 586-4185.

Sincerely,

GENEVIEVE SALMONSON
Director

c: Warren Suzuki, Maui Land & Pineapple
Jeff Overton, Group 70

GROUP 70
INTERNATIONAL

Francis S. Oda, Arch. D., AIA, AICP
Norman G.Y. Hong, AIA
Sheryl B. Seaman, AIA, ASID
Hitoshi Hida, AIA
Roy H. Nihei, AIA, CSI
James I. Nishimoto, AIA
Ralph E. Portmore, AICP
Stephen H. Yuen, AIA
Linda C. Miki, AIA

George I. Atta, AICP
Paul P. Chorney, AIA
Wendy Lee Cook, AIA, CDT
Philip T. Cuccia
Sutobin Halim
Jeremy C. Hsu, AIA
Roy A. Inouye, AIA, CSI
Stuart M. Jow, AIA
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Dean H. Kitamura
Frank B. McCue
Kyle K. Nakamoto
Kathryn A. Nam
Jeffrey H. Overton, AICP
Christine M. Ruotola, AICP
Norma J. Scott
Scott Tangonan
Sharon Ching Williams, AIA

April 11, 2002

Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control
State of Hawaii
235 South Beretania Street, Suite 702
Honolulu, HI 96813

Dear Ms. Salmonson:

Subject: Upcountry Town Center
EIS Preparation Notice

Thank you for your May 25, 2001 letter regarding the Environmental Impact Statement Notice of Preparation (EISPN) for the proposed Upcountry Town Center in Pukalani, Maui.

We have prepared the following responses to you comments regarding issues for consideration in the Draft EIS

Cultural Impacts Assessment

In accordance with Act 50 of 2000 and Guidelines for Assessing Cultural Impacts, a cultural impacts assessment was prepared for the Upcountry Town Center as part of the Draft EIS. Please refer to Appendix E of the Draft EIS document where the full assessment is available (Cultural Impact Assessment: The Proposed Phased Development of the Pukalani Triangle Makaeha, Ahupua'a, Makawao, Maui; Aki Sinoto, December 2001). In addition, a summary of existing conditions and potential cultural impacts are discussed in Sections 4.0 and 6.0 respectively of the Draft EIS.

Paving; Landscaping

Specific paving and landscaping materials will be determined when site design progresses from the conceptual stage. The Upcountry Town Center will be design in accordance with Hawaii Revised Statutes that guide specific design functions and features. Landscaping and paving improvements for the Town Center will reflect HRS requirements and Country Town Guidelines for the Makawao-Pukalani-Kula area of Upcountry Maui.

Sustainable Building Techniques

While site and structure designs for the Upcountry Town Center are still conceptual, as designs progress sustainable building techniques will be incorporated where possible. This fact is noted in Section 3.4.4 of the Draft EIS.

Time Frame

The anticipated project construction dates are 2003-2004 with the project's buildings completed in phases over 1-3 years. Project completion and opening of the Town Center is estimated for 2004-2005. The project's time frame is addressed in Section 3.7 of the Draft EIS.

Consultations, Correspondence

Section 1.8 "Summary of Community Input", Section 10.0 "Parties Contacted" and Appendix L "Meeting Notes from Community/Organization/Individual Meetings" of the Draft EIS outline the extensive public and agency participation to date in the Upcountry Town Center planning process. Public input will continue, and is considered vital, as the planning and design of the project progresses.

The existing cultural, historic and archaeological resources of the project area are addressed in Section 4.2.3 of the Draft EIS with Section 6.1.5 addressing probable impacts and mitigative measures. Both reports, An Archaeological Inventory Survey of the Upcountry Town Center, Makaeha, Ahupua'a, Makawao, Maui (Aki Sinoto and Jeff Pantaleo, September 2001) and Cutural Impact Assessment: The Proposed Phased Development of the Pukalani Triangle Makaeha, Ahupua'a, Makawao, Maui (Aki Sinoto, December 2001), have been forwarded to the Historic Preservation office of DLNR for their concurrence.. A 1989 letter from DLNR regarding the subject property is attached to the Archaeology Inventory Survey (Appendix D of the Draft EIS). DLNR previously reviewed a 1989 archaeological survey of the subject property, and stated there would be no effect to archaeological resources due to development of the site

The Office of Hawaiian Affairs will be provided a copy of the Draft EIS as noted in Section 10 "Parties Contacted" of the document.

All EIS Preparation Notice letters and responses will be included in the Draft Environmental Impact Statement (EIS).

Maps and Figures

All maps and figures in the Draft EIS will provide explanatory legends as applicable. The Land Use Commission map for the parcel is included in the Draft EIS as Figure 8-1.

Visual Impacts

Conceptual perspective rendering of the site are included in Section 3 of the Draft EIS. Site photos of existing prominent view planes are provided in Section 4 of the document to highlight views important views to be retained in the development of the Upcountry Town Center.

Two-Sided Pages

The Draft EIS is printed double-sided throughout the document.

We look forward to your review and comments on the Draft EIS in the coming month.

Sincerely,
GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

cc: John Min, Maui Planning Department

JAMES KIMO APANA
Mayor

DAVID C. GOODE
Director

MILTON M. ARAKAWA, A.I.C.P.
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
Land Use and Codes Administration

ROY R. PISKA, P.E.
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

Solid Waste Division

June 21, 2001

Mr. Jeffrey Overton
Group 70 International, Inc.
925 Bethel Street, Fifth Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
UPCOUNTRY TOWN CENTER
TMK: (2) 2-3-007:POR. OF 008

We have reviewed the subject EIS preparation notice and have the following comments:

1. A plan for construction and demolition waste disposal and recycling should be submitted.

2. The open ditch along Old Haleakala Highway should be replaced with an underground drainage culvert.

3. Road widening lots shall be provided for the adjoining halves of Makawao Avenue and Old Haleakala Highway to provide for future 60-70 foot wide right-of-ways and improved to County standards, to include, but not be limited to, pavement widening, construction of curb, gutter and sidewalk street lights and relocation of utilities underground. Said lots shall be dedicated to the County upon completion of the improvements.

4. All structures, such as walls, trees, etc., shall be removed or relocated from the road widening strip. The rear boundaries of the road widening strip shall be clearly marked to determine if said structures have been properly removed and relocated.

5. A 30' radius shall be provided at all intersections of proposed development road/driveways and the adjoining County roads.

6. A detailed and final drainage report and a Best management Practices Plan (BMP) shall be submitted with the grading plans for review and approval prior to issuance of grading permits. The drainage report shall include hydrologic and hydraulic calculations and the schemes for disposal of runoff waters. It must comply with the provisions of the "Rules and Design of Storm Drainage Facilities in the County of Maui" and must provide verification that the grading and runoff water generated by the project will not have an adverse effect on adjacent and downstream properties. The BMP plan shall show the location and details of structural and non-structural measures to control erosion and sedimentation to the maximum extent practicable.

7. A site plan and a sight distance report to determine required sight distance and available sight distance at existing and proposed street intersections shall be provided for our review and approval.

If you have any questions regarding this memorandum, please call Milton Arakawa at 270-7845.

Sincerely,

Milton Arakawa
for DAVID GOODE
Director of Public Works
and Waste Management

MA:jso
S:\LUCA\CZM\Upcountry Town Center.wpd

GROUP 70
INTERNATIONAL

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Scott Tangonan
Sharon Ching Williams, AIA

April 11, 2002

Mr. David Goode, Director
Department of Public Works and Waste Management
County of Maui
200 South High Street
Wailuku, HI 96793

Dear Mr. Goode:

Subject: Upcountry Town Center
EIS Preparation Notice

Thank you for your June 21, 2001 letter regarding the Environmental Impact Statement Notice of Preparation (EISPN) for the proposed Upcountry Town Center in Pukalani, Maui.

We have prepared the following responses to you comments regarding issues for consideration in the Draft EIS

1. Construction and Demolition Waste Disposal

Section 3.4, Construction Activities, of the Draft EIS addresses general construction and demolition practices for the project. More specific construction and demolition actions will be developed as more specific development plans progress. Sustainable building techniques will be utilized where possible to conserve natural resources, promote efficient use of water and energy and encourage recycling of waste products due to construction and operation of the Upcountry Town Center.

2. Open Ditch Along Old Haleakala Highway

Conceptual project plans include the replacement of the open drainage ditch along Old Haleakala Highway with a new drainage line. The conceptual drainage plan for the project is included as Figure 3-3 of the Draft EIS.

3. & 4. Road Widening Dedications

The conceptual plans for Upcountry Town Center propose street-side improvements along Makawao Avenue and Old Haleakala Highway. Diagonal street parking is proposed along a portion of Makawao Avenue, in front of the proposed retail shopping area and certain street frontage improvements are anticipated along these two roadways. Specific right-of-way issues, easement dedication options and streetscape improvements will be addressed with the Public Works Department as project progresses.

5. & 7. 30' Traffic Standards and Improvements

A conceptual traffic plan provided in Section 3.3 of the Draft EIS. More detailed traffic improvement designs, including features such as intersections' radii and required sight distances, will be developed with the Department of Public Works during the design approval process. It is anticipated that construction-level traffic designs and improvements will begin sometime in 2003.

6. Final Drainage Plan and Best Management Practices Plan (BMP)

The Preliminary Engineering Report for Upcountry Town Center (R.T. Tanaka, June 2001) is included in the Draft EIS in Appendix I. This report contains a conceptual drainage plan based on the "Rules and

Design of Storm Drainage Facilities in the County of Maui", and is intended as a precursor to more detailed drainage and grading plans. Such plans, including a Best Management Practices Plan (BMP), will be developed and submitted to the Department of Public Works prior to issuance of grading permits. The estimated timeframe for this process is sometime in 2003.

Your letter and this response will be included in the Draft Environmental Impact Statement (EIS).

Sincerely,
GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

cc: John Min, Maui Planning Department

RECEIVED
JUN - 6 2001
GROUP 70

P. O. Box 523
Kula, HI 96790
June 4, 2001

Mr. Jeff Overton
Group 70 International Inc.
925 Bethel Street
5th floor
Honolulu, HI 96813-4307

RE: Maui Land & Pine Pukalani "Country Town Center" proposal

Dear Mr. Overton:

As a former Maui planning commissioner, and up-country resident, I have several concerns regarding the impact of the proposed development, the need for additional retail space in this area, and the possible loss of historic buildings and sites.

The Makawao-Pukalani-Kula Community Plan not only designates this 40-acre site as "Agriculture" but also repeatedly states the importance of maintaining up-country's viable agricultural economic base and traditional rural viewplanes. Any attempt to urbanize this keystone parcel must be done only with great care and concern, if at all.

Outside of the traffic, density and visual impacts that development will bring, I question the need, in the already over-malled region, for still more retail square footage. Please address in your study the present and build-out capacity for rental business area and your projections for population growth that would justify it.

The Community Plan is specific in requiring low-density development, with pedestrian-oriented village centers. In our rural and agricultural districts, commercial activities (page 47) must be "supportive of and without adverse effects upon the...area...and must "provide essential services for the residents of up-country..."

Wooing the approval of the community with conceptual plans that include senior housing, government services and a "town square" will be regarded with skepticism by many who have seen similar development promises ignored in the reality of build-out. We will need to be convinced not only of the need for all the components of this development but of the possibility of the developer to deliver as promised.

The Maui Pine Corn Mill Camp in this present agricultural triangle was home and workplace for many Maui residents in the last century, and evidence remains of this significant site in the water tank, wooden structures (including the pay-station window) and mature trees. An archaeological survey would most likely turn up household artifacts, perhaps more.

Oral histories and interpretation of the site, perhaps with a small museum, would help link this important agricultural site to its future, and to the community.

Please keep me advised of any public hearings and feasibility studies as this proposed development progresses; I would also appreciate receiving a copy of any TIAR and draft EA, when completed.

Finally, I hope that you will address the economic and social impacts of the mall-by-mall erosion of up-country's rural character, the loss of agricultural landscapes, and the actual need for yet another business-commercial-light industrial development in such close proximity to Pukalani Terrace Center, Kulamalu business center, and already-zoned businesses and offices along Makawao Avenue and Pukalani bypass.

Thank you for your consideration.

Sincerely,

Barbara Long

Barbara Long

cc: Clayton Yoshida, Maui Deputy Planning Director
Charmaine Tavares, Maui Council Member

GROUP 70

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Sharon Ching Williams, AIA

April 11, 2002

Ms. Barbara Long
P.O. Box 523
Kula, HI 96790

Dear Ms. Long:

Subject: Upcountry Town Center
EIS Preparation Notice

Thank you for your June 4, 2001 letter regarding the Environmental Impact Statement Notice of Preparation (EISPN) for the proposed Upcountry Town Center in Pukalani, Maui. The following letter responds to your comments regarding issues for consideration in the Draft EIS.

The Upcountry Town Center is proposed as a rural country town center serving Maui Upcountry local residents, businesses and visitors. Preliminary designs for the project have focused on creating a central sense of place for the region with structure types and scale reflecting the surrounding areas with a design consistent with the Country Town Guidelines of Maui County. The proposed site plan preserves important existing view planes throughout the site. Please refer to Section 5 "Relationship to Federal, State, and County of Maui Land Use Plans, Policies and Controls" of the Draft EIS for a complete discussion of the project's consistency with the Makawao-Pukalani-Kula Community Plan.

Although the land itself is somewhat suited for agricultural uses, the project site is cut-off by busy highways making it difficult to farm efficiently. The proposed development makes use of an isolated parcel immediately adjacent to existing urban uses. This infill project has clear boundaries and will not encroach on other agricultural lands. The project site has already been taken out of agricultural production by Maui Land & Pineapple Company, Inc. due to these issues.

The economic impact due to the loss of agricultural cultivation on this site will be minimal and will be offset by increased employment and tax revenue from a variety of uses including those that support other agricultural operations in the community. The project is intended to enhance the rural, open space character of the area as an economic asset by creating a rural country town center within a traditionally rural setting. A complete market analysis for the project and region (Hallstrom Appraisal Group, January 2002) has been completed and is included as Appendix A of the Draft EIS.

The planning of the Upcountry Town Center has prioritized maintaining the parcel's historical and agricultural traditions. This may include retention of one or two of the existing structures in keeping with the rural sense of place of the area and/or providing historical exhibits and references.

Your letter and this response will be included in the Draft Environmental Impact Statement (EIS).

Sincerely,
GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton

Jeffrey H. Overton, AICP
Chief Environmental Planner

cc: John Min, Maui Planning Department

P.O. BOX 67
Makawao, Hawaii
May 31, 2001

Jeff,

There is a current issue facing the residents of Pukalani and the community. A proposed plan being presented as a new 'concept' aimed to enrich, improve, and make better the 'Upcountry' region. A couple of weeks ago on the front page of Maui News a remark stating zone specifications seemed rather odd -- that the combining of residential, agricultural and commercial zoned codes merge and thus create a progressive, productive advancement for the community there. Afterall, our 'Upcountry' districts now are already qualified under that exact development and mergence. The target, a parcel of land from the Maui Pineapple Company, mauka, facing Pukalani Square. The goal with intentions to erect another business expansion -- part industrial, part commercial for merchandising and profit-making -- a 'concept' that appears to be the gains of corporate money, apparently a far measure, not in favor of the people. These motives will therefore only create further disappointment and disparity to disrupt the lifestyle and livelihood that we all know and love as 'Upcountry' Maui. Our taxes will increase, traffic more burdensome, competition for the small independent businesses -- which in truth is so uncalled for and very unnecessary. Who will benefit? Who does gain?

Pukalani has been and still is an easy going, uncomplicated, and casual settlement that makes the area and the people quite special. Is there really a need to revise, enrich or improve it? As the saying goes, "Leave well enough alone." And there are so many of us who share this sentiment. In taking this stand, will the residents and people from 'Upcountry' be acknowledged and given the chance to say and make a difference? Will they have a fair stake and be allowed to voice their personal opinions that concerns their community and way of life? Or will they be discouraged, eluded, ignored?

There are countless, other obvious choices, other gainful methods to enhance and enrich the local 'Upcountry' area. There are numerous projects and other possibilities to promote productive and creative advantages to reward the people -- both residents and visitors alike, but above all -- for the people! Not the dollar sign! Nor for the rich and richer! Keep 'Upcountry' peaceful!

One speculation with high potential to serve and benefit everybody, both young and old, would be in the way of a public park/grounds area. Designed in various segments that would designate an array of interests; this scope could manifest and render a great range of liveliness. For example, a park/grounds vicinity similar to Keokea Park in Upper Kula. A peaceful, safe, and appealing place to stop and rest and find leisure...perhaps enjoy a lunch break or gather for a family picnic or a potluck. A couple of covered, rustic, not too elaborate pavillions, a few concrete picnic-type table-and-bench setups and it becomes comfortable, suitable. Equipped with water spigots, portable toilets, and trash bins to maintain a clean and healthy public park; everyone will oblige and appreciate the grounds area. Official, state signs posted accordingly would further generate and guarantee public compliance. Envision a small section placed aside as a mini playground for the keikis to play, giving them vital fun out of doors -- maybe a pretend mini-golf game section -- the options and ideas are endless. Anticipate a safe jogger's path for the athletic at heart, a volleyball net, fixed, for all around fun, in reality there is no project of this kind, and wouldn't it be a dynamic first for Pukalani and its community?! Still another consideration, would be to integrate a health/spa fashioned on a small scale -- just several basic machines with feasible sauna bath and cold plunge facilities (most moderate), of course having membership status and dues. By all means, this would make quite an impression as there is a large number of folks dedicated to health, excercise and fitness. Still another perspective, a portion to arrange and organize a farmers market delegated to the local residents from 'Upcountry' to promote the incentive to barter, bargain or exchange homemade and custom crafts, arts, produce, plants, ETC. Yes, the possibilities are surely endless! Just because there is a flip side of the coin!

And in closing, there is still a need to keep in mind that our Pukalani must maintain its character and composure, as its reputation always has. The insinuation of 'concept' and commercial changes should not be allowed or imposed upon our 'Upcountry' lifestyle. If a concern for progress and growth is an issue or a concept, then pursue it with liable and worthy interests in favor of the people -- and in the effort to fulfill and fortify their community -- that is the ultimate priority, and most genuine.

Sincerely,
Concerned,
Citizens...

'Upcountry' folks...

GROUP 70

Francis S. Oda, Arch. D., AIA, AICP
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Sharon Ching Williams, AIA

April 11, 2002

Concerned Citizens
P.O. Box 67
Makawao, HI 96768

Dear Concerned Citizens:

Subject: Upcountry Town Center
EIS Preparation Notice

Thank you for your May 31, 2001 letter regarding the Environmental Impact Statement Notice of Preparation (EISPN) for the proposed Upcountry Town Center in Pukalani, Maui. The following letter responds to your comments regarding issues for consideration in the Draft EIS.

The Upcountry Town Center is proposed as a rural country town center serving Maui Upcountry local residents, businesses and visitors. Preliminary designs for the project have focused on creating a central sense of place for the region with structure types and scale reflecting the surrounding areas with a design consistent with the intentions of the Makawao-Pukalani-Kula Community Plan and Country Town Guidelines of Maui County. Inconsistencies between the property's current State and County Land Use designations and County zoning will be addressed through applications for land use amendments and a unique Project District ordinance respectively.

Although the project site is designated for agricultural uses, it is cut-off by busy highways making it difficult to farm efficiently. The proposed development makes use of an isolated parcel immediately adjacent to existing urban uses. The site has already been taken out of agricultural production by Maui Land & Pineapple Company, Inc. due to these issues.

The project will create a needed town center for the Upcountry Maui area by providing space for businesses, public/quasi-public uses and public venues for community services, activities, festivals and farmers' markets, including a "village green" in the heart of Upcountry, at the crossroads of three major traffic routes. It is intended to enhance the rural, open space character of the area by creating a rural country town center within a traditionally rural setting. The planning of the Upcountry Town Center has prioritized maintaining the parcel's historical and agricultural traditions.

Your letter and this response will be included in the Draft Environmental Impact Statement (EIS).

Sincerely,
GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

cc: John Min, Maui Planning Department

KULA COMMUNITY ASSOCIATION
P.O. Box 417 - Kula, HI 96790
http://kulamaui.com

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JUN - 8 2001
GROUP 70

The vision of the Kula Community Association is to preserve open space, support agriculture, maintain a rural residential atmosphere, and to work together as a community.
The specific purpose of this association is to improve the quality of life for the residents of Kula, to promote civic welfare and generally to benefit the community of Kula.

June 6, 2001

Jeff Overton
Group 70 International Inc.
925 Bethel Street, 5th Floor
Honolulu, HI 96813-4307

Dear Mr. Overton:

Subject: Maui Land and Pineapple Pukalani Project

Members of the Kula Community Association (KCA) Board of Directors attended the presentation on the Maui Land and Pineapple (ML&P) plan for development of the Pukalani triangle site at the recent Pukalani Community Association meeting. The current plan emphasizing small town atmosphere with mixed use, low density, and open space is a significant improvement over the previous plan.

However, the KCA Planning Committee finds the ML&P project to be inconsistent with the goals and land use designations of the Makawao-Pukalani-Kula Community Plan. The Upcountry Plan's goals emphasize the balance of future growth with the agricultural nature of the region and the Community Plan map designates the triangle parcel as agricultural. The KCA objects to the construction of another development within close proximity of existing centers, the Haleakala Highway commercial strip, and the Kulamalu development.

Sincerely,

Elliott Krash, President

cc: Clayton Yoshida, Deputy Director, Maui County Planning Department

cc: NH
SK
D. Clayton

GROUP 70

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April 11, 2002

Ms. Elliot Krash, President
Kula Community Association
P.O. Box 417
Kula, HI 96790

Dear Ms. Krash:

Subject: Upcountry Town Center
EIS Preparation Notice

Thank you for your May 31, 2001 letter regarding the Environmental Impact Statement Notice of Preparation (EISPN) for the proposed Upcountry Town Center in Pukalani, Maui. We also appreciated the opportunity to present the project to the KCA last August. The following letter responds to your comments regarding the project and issues for consideration in the Draft EIS.

The Upcountry Town Center is proposed as a rural country town center serving Upcountry local residents, businesses and visitors. Preliminary designs for the project focus on creating a central sense of place for the region with structure types and scale reflecting the surrounding areas with a design consistent with the Country Town Guidelines of Maui County. Please refer to Section 5 "Relationship to Federal, State, and County of Maui Land Use Plans, Policies and Controls" of the Draft EIS for a complete discussion of the project's consistency with the Makawao-Pukalani-Kula Community Plan.

The project will result in increased employment and tax revenue from a variety of uses including those that support agricultural operations in the community. It is intended to enhance the rural, open space character of the area as an economic asset by creating a rural country town center within a traditionally rural setting. A complete market analysis for the project and region (Hallstrom Appraisal Group, January 2002) has been completed and is included as Appendix A of the Draft EIS.

Although the land itself is somewhat suited for agricultural uses, the project site is cut-off by busy highways making it difficult to farm efficiently. The proposed development makes use of an isolated parcel immediately adjacent to existing urban uses. The project site has already been taken out of agricultural production by Maui Land & Pineapple Company, Inc. due to these issues.

Your letter and this response will be included in the Draft Environmental Impact Statement (EIS). We appreciate your comments, and please contact us if you have further questions regarding the proposed project.

Sincerely,
GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

cc: John Min, Maui Planning Department

Upcountry Town Center

Draft EIS
Comment and Response Letters

United States Department of Agriculture

USDA

NRCS Natural Resources Conservation Service

Our People...Our Islands...In Harmony
210 Imi Kala Street, Suite #209, Wailuku, HI 96793-2100

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MAY 13 2002
GROUP 70

May 9, 2002

Mr. Jeffrey H. Overton, Chief Environmental Planner
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton,

SUBJECT: Upcountry Town Center, Draft Environmental Impact Statement

We have no comment to offer at this time.

Thank you for the opportunity to comment on this document.

Sincerely,

Neal S. Fujiwara
District Conservationist

GROUP 70 INTERNATIONAL

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August 7, 2002

Mr. Neal S. Fujiwara, District Conservationist
U.S. Department of Agriculture
Natural Resources Conservation Service
210 Imi Kala Street, Suite 209
Wailuku, HI 96793-2100

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Fujiwara:

Thank you for your letter of May 9, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. We acknowledge your statement that you do not have any comment on the project at this time.

Your letter and this response will be included in the Final EIS.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FT. SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF

May 9, 2002

Civil Works Technical Branch

RECEIVED
MAY 13 2002
GROUP 70

Mr. Jeff Overton
Group 70 International
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813

Dear Mr. Overton:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS) for the Upcountry Town Center, Maui. The following comments are provided in accordance with Corps of Engineers authorities to provide flood hazard information and to issue Department of the Army (DA) permits.

a. Based on the information provided, a DA permit will not be required for this project.

b. The flood hazard information provided on page 4-13 of the DEIS is correct.

Should you require additional information, please contact Ms. Jessie Dobinchick of my staff at (808) 438-8876.

Sincerely,

James Pennaz

James Pennaz, P.E.
Chief, Civil Works
Technical Branch

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Scott Tangonan
Wesley N. Ujimori, AIA
Sharon Ching Williams, AIA

August 7, 2002

Mr. James Pennaz, P.E., Chief
Department of the Army, Engineer District, Honolulu
Civil Works Technical Branch
Ft. Shafter, HI 96858-5440

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Pennaz:

Thank you for your letter of May 9, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. We acknowledge your confirmation that the flood hazard information contained in the DEIS is correct and the project will not require a Department of the Army permit.

Your letter and this response will be included in the Final EIS.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

HRD#02-590

June 7, 2002

Mr. Jeff Overton
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, HI 96813-4307

SUBJECT: UPCOUNTRY TOWN CENTER - DEA

Dear Mr. Overton:

Thank you for the opportunity to comment on the above referenced project which would develop the Upcountry Town Center consisting of the relocated Pukalani Superette and other commercial, office, civic, cottage industries, senior/multi-family residential and open space land uses. The Office of Hawaiian Affairs (OHA) has the following comments:

We strongly recommend that archaeological monitoring be undertaken, especially around the Corn Mill Camp area and that a historian be hired to record the history of the Corn Mill Camp facility.

OHA is also concerned with the project's ability to meet the fire flow requirement of 2,000 gpm, since this rate of flow equals 2.88 mgd which exceeds the capacity of the existing system.

An alternative waste disposal treatment must be proposed. Disposing of waste (even treated) over a fresh water aquifer has potential for contaminating the aquifer since most waste treatment is not adequate to kill all known viruses.

If you have any questions, please contact Jerry B. Norris at 594-1847 or email him at jnorris@oha.org.

Sincerely,

Jalna S. Keala
Acting Director, Hawaiian Rights Division

cc: OHA Board of Trustees
Clyde W. Namu'o, OHA Administrator
Thelma Shimaoka, Maui CAC
Department of Planning, Maui County (Attn: Clayton Yoshida)

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Sharon Ching Williams, AIA

August 7, 2002

Ms. Jalna S. Keala, Acting Director
State of Hawaii, Office of Hawaiian Affairs
Hawaiian Rights Division
711 Kapiolani Boulevard, Suite 500
Honolulu, HI 96813

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Ms. Keala:

Thank you for your letter of June 7, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your comments.

1. Archaeological Monitoring - The applicant will conduct archaeological monitoring as recommended by the State Historic Preservation Division. The proposed mitigation plan includes monitoring during subsurface alteration within the vicinity of the Corn Mill Camp. Historical aspects of the architecture existing at Corn Mill Camp are being addressed in a current study by a Maui architect and an architectural historian. The findings of this study will be applied to the future mitigation planning and final development plan.

2. Fire Flow - Water supply to the project, including satisfaction of the requirements for fire protection for the project, is being coordinated directly with the County of Maui Department of Water.

3. Wastewater Treatment and Disposal - The project will be served by an approved Individual Wastewater System (IWS) that will comply with the regulations and guidelines specified by State Department of Health and Maui County Department of Public Works and Waste Management. Current technology allows for very effective waste treatment that eliminates the potential for adverse effects to the underlying groundwater and public health.

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

BENJAMIN J. CAYETANO
GOVERNOR

ANTHONY J.H. CHING
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

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MAY 15 2002
GROUP 70

May 14, 2002

Mr. Jeff Overton
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

Subject: Upcountry Town Center Draft Environmental Impact Statement (DEIS)

We have reviewed the subject DEIS transmitted by your letter dated April 11, 2002, and have the following comments:

1) We confirm that the project site, as generally represented on Figure 8-1, is designated within the State Land Use Agricultural District. We acknowledge that a boundary amendment petition will need to be filed with the Land Use Commission for the subject project in the future.

2) On page 1-11, section 1.7 entitled "Compatability [sic] With Land Use Policies and Plans," the Department of Land and Natural Resources is erroneously identified as the authority for the project's required land use district boundary amendment from the Agricultural District to the Urban District. As is correctly stated on page 8-1, section 8.0 entitled "Required Approvals," the Land Use Commission is the authority for district boundary amendments.

3) Clarification should be provided as to why the DEIS does not include a section regarding unresolved issues related to the project.

Mr. Jeff Overton
May 14, 2002
Page 2

We have no further comments to offer at this time. Thank you for the opportunity to comment on the subject DEIS.

Please feel free to contact Bert Saruwatari of my office at 587-3822, should you require clarification or any further assistance.

Sincerely,

ANTHONY J. H. CHING
Executive Officer

c: OEQC
County of Maui Planning Department
Attn: Colleen Suyama

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Sharon Ching Williams, AIA

August 7, 2002

Mr. Anthony J.H. Ching, Executive Officer
State of Hawaii, Land Use Commission
P.O. Box 2359
Honolulu, HI 96804-2359

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Ching:

Thank you for your letter of May 14, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your department's numbered comments:

1. **Agricultural District designation -**.We acknowledge your confirmation of that the project is in the State Land Use Agricultural District. A boundary amendment petition will be filed with the Land Use Commission.

2. **Land Use District Boundary Amendment –** Page 1-11, Section 1.7 of the Final EIS was modified to reflect the correct identification of the State Land Use Commission for the land use district boundary amendment that will be filed for the project.

3. **Section on Unresolved Issues –** A section addressing unresolved issues was added as Section 6.4 of the Final EIS. The section discusses the issues, how they will be resolved and possible mitigation measures.

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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BENJAMIN J. CAYETANO
GOVERNOR

PATRICIA HAMAMOTO
SUPERINTENDENT

STATE OF HAWAI'I
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAI'I 96804

OFFICE OF THE SUPERINTENDENT

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MAY 10 2002
GROUP 70

May 13, 2002

Mr. Jeff H. Overton
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawai`i 96813-4307

Dear Mr. Overton:

Subject: Upcountry Town Center Draft EIS

The Department of Education (DOE) notes that the project will be subject to DOE's fair-share requirements unless the proposed multi-family units are designed for and restricted to elderly persons only.

DOE's *current* fair-share requirement is $1,011 per unit. This amount is tied to the actual sales of units and need not be an upfront cost to the developer.

Thank you for the opportunity to respond. If you have any questions, please call Mr. Sanford Beppu of the Facilities and Support Services Branch at 733-4862.

Very truly yours,

Patricia Hamamoto
Superintendent

PH:hy

cc: A. Suga, OBS
C. Suyama, Maui County Planning Dept.

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Scott Tangonan
Wesley N. Ujimori, AIA
Sharon Ching Williams, AIA

August 7, 2002

Ms. Patricia Hamamoto, Superintendent
State of Hawaii, Department of Education
P.O. Box 2360
Honolulu, HI 96804

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Ms. Hamamoto:

Thank you for your letter of May 13, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. We acknowledge your statement that the housing portion of the project will be subject to the Department of Education's fair-share requirements of $1,011 per unit unless the units are restricted to elderly persons only. This is reflected in Section 6.2.11 of the Final EIS.

Your letter and this response will be included in the Final EIS.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES MANAGEMENT

DEPUTIES
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LINNEL NISHIOKA

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

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CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND
STATE PARKS

June 14, 2002

Aki Sinoto
Aki Sinoto Consulting
2333 Kapiolani Blvd. No. 2704
Honolulu, Hawai'i 96826

LOG NO: 30086
DOC NO: 0206MK01

Dear Mr. Sinoto,

SUBJECT: Historic Preservation Review - 6E-42 - Archaeological Inventory Survey Upcountry Town Center
Makaeha Ahupua'a, Makawao District, Maui
TMK (2) 2-3-07:08

Thank you for the opportunity to review this report which our staff received sometime between April and May 2002 (Sinoto and Pantaleo 2001, *An Archaeological Inventory Survey of the Upcountry Town Center, Makaeha Ahupua'a, Makawao, Maui, TMK 2-3-07:08*....Aki Sinoto Consulting ms.).

The background section needs some minor revisions. Please see the attachment. Several sites in proximity to the project area (2497, 2498, and 2499) are not discussed in the background.

The survey has adequately covered the project area, but some revisions are needed within the methods section. Please see the attachment. One historic property (the Corn Mill Camp), including six discrete features (Site 50-50-06-5169) was documented. We believe that some minor additions and clarifications are needed to this site's description (see attachment).

We agree with the significance assessments that Site 5169 is significant under multiple criteria. In addition, we believe the buildings would qualify under Criterion C, as intact examples of a building type. If the buildings are to be retained, this is adequate documentation. We would like to work with the consultants to see if any or all of the buildings can be re-used or if greater documentation will be needed to mitigate the adverse affect of demolition.

We agree with the mitigation commitment that monitoring is warranted during subsurface alteration within the vicinity of the remaining structures of Corn Mill Camp. It is likely that historic/cultural materials reflecting plantation era activities remain.

Again, the report needs some minor revisions. We will await these revisions. As always, if you disagree with our comments or have questions, please contact Dr. Melissa Kirkendall (Maui/Lana'i SHPD 243-5169) or Tonia Moy (Architectural Historian, SHPD 808 692-8030) as soon as possible to resolve these concerns.

Aloha,

Don Hibbard, Administrator
State Historic Preservation Division

MK:jen

Attachment

c: John Min, Director, Department of Planning, County of Maui, FAX 270-7634
Bert Ratte, County of Maui, Land Use and Codes, FAX 270-7972
Glen Ueno, County of Maui, Land Use and Codes, FAX 270-7972

Attachment 1

Needed Revisions to
An Archaeological Inventory Survey of the Upcountry Town Center, Makaeha Ahupua'a, Makawao, Maui, TMK 2-3-07:08

General Comments

1. **page 13, last paragraph.** "Makaehu" should read Makaeha.
2. **page 39, references.** "Hokulua ahupua'a" should read "Hoku'ula ahupua'a"

Background

3. **Page 10, paragraph 5.** Please summarize the information contained in Wong-Smith 1990, rather than just refer the reader to the volume.
4. **Maps.** Please include a map indicating locations of previous archaeological work in the area as well as the vicinity of other sites discussed.
5. Several sites in proximity to the project area (2497, 2498, and 2499) are not discussed in the background. Please discuss these sites briefly.

Methods

6. **Page 15, paragraph 3.** "When remains are encountered, interpretation would also be facilitated by the availability of appropriate" should read "....interpretation was facilitated.
7. **Page 16, , paragraph 2.** When discussing oral history and informant testimony methods, please include the following: 1) whether they were formal or informal interview, 2) transcripts of relevant portions of the formal taped interviews (appendicized), 3) biographical sketch of interviewee including but not limited to age, home, family or other connection (expertise), 4) evidence that consent was given (informal) or consent forms signed (formal), 5) a synopsis of the interview in the report, 6) evidence that informant was given opportunity to review the document prior to submission, and 7) document dates of interviews and where they took place. Item 5 should be in the text; the remainder can be in the appendix.
8. **Page 16, paragraphs 3 and 4.** Please provide specific information in the methods section regarding how the initial walk-through surface survey was conducted (Transects? Distance apart?). Also, we understand the rationale for testing in the roadways but question if perhaps more representative trenching areas closer to Corn Mill Camp might have been identified and sampled.

Inventory – Site Descriptions, Interpretations and Chronology

9. **Page 17, paragraph 4, and page 20, Table 2.** The stratigraphy for the trenches appears relatively uniform as you indicate in the text. However, in the text you indicate that Layer III, which appears only in T-1 was attributed to the "sorting action of water". Layer II also appears anomalous in this trench, in terms of composition (red silty loam). We assume this also results from the drainage, but this is not explicit. Please clarify.
10. **Page 33, Site 50-50-06-5169.** The text describes the structures remaining from Corn Mill Camp, and indicates current uses. Perhaps the informants interviewed and archival information can flesh out more information regarding past uses. At a minimum, information collected in Appendix A regarding original intended use (functional interpretation) should be summarized here.
11. **Page 36, Discussion.** The authors indicate that no subsurface cultural materials were recovered. However, only T-2 and T-3 were located near the remaining structures. Is it possible that historic remains are present in the area surrounding the remaining structures?

References

12. **Page38.** Please correct inconsistencies in bibliographic references. Not all of the references presented are cited in the text, and some of the textual citations either do not appear in the references, or are inconsistent by author and/or date.

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August 7, 2002

Dr. Don Hibbard, Administrator
State of Hawaii, Department of Land and Natural Resources
State Historic Preservation Division
801 Kamokila Boulevard
Kakuhihewa Building, Room 585
Honolulu, HI 96823-2159

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Dr. Hibbard:

Thank you for your letter to Mr. Aki Sinoto of June 14, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your comments.

We appreciate you detailed review and proposed revisions to the archaeological inventory study. These comments will be addressed directly by Archaeological Services Hawaii and the revisions will be provided in the Final EIS.

The buildings on the site at the former Corn Mill Camp are recognized as potential candidates for re-utilization. Each structure is currently being evaluated for their structural integrity and the overall architectural history is being documented. At least one building will be retained for use by Wai Ulu Farms for horse stable and feed operations. The potential re-use of other buildings is pending the results of the studies. We will present the findings to the State Historic Preservation Division and the Maui County Cultural Resources Commission once the studies are completed.

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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BENJAMIN J. CAYETANO
GOVERNOR

GLENN M. OKIMOTO
COMPTROLLER

MARY ALICE EVANS
DEPUTY COMPTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810

LETTER NO. PWD02-P269

MAY 9 2002

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MAY 13 2002
GROUP 70

Mr. Jeff Overton
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

Subject: Upcountry Town Center
Draft Environmental Impact Statement

Thank you for the opportunity to review the Draft Environmental Impact Statement for the subject project.

This project does not impact any Department of Accounting and General Services projects or existing facilities. Therefore, we have no comments to offer.

Should you have any questions, please have your staff call Mr. Allen Yamanoha of the Public Works Division at 586-0488.

Very truly yours,

GLENN M. OKIMOTO
State Comptroller

c: Ms. Colleen Suyama, County of Maui, Department of Planning
Office of Environmental Quality Control

GROUP 70
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Sharon Ching Williams, AIA

August 7, 2002

Mr. Glenn M. Okimoto, State Comptroller
State of Hawaii, Department of Accounting and General Service
P.O. Box 119
Honolulu, HI 96810

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Okimoto:

Thank you for your letter of May 9, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. We acknowledge your statement that the project does not impact any Department of Accounting and General Service's projects or facilities and you do not have any comment on the project at this time.

Your letter and this response will be included in the Final EIS.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

BENJAMIN J. CAYETANO
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SEIJI F. NAYA, Ph.D.
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DEPUTY DIRECTOR
DAVID W. BLANE
DIRECTOR, OFFICE OF PLANNING

OFFICE OF PLANNING
235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
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RECEIVED
MAY 14 2002
GROUP 70

Ref. No. P-9669

May 9, 2002

Mr. Jeffrey H. Overton
Chief Environmental Planner
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813

Dear Mr. Overton:

Subject: Upcountry Town Center, Pukalani, Island of Maui, Tax Map Key 2-3-07:08

The Office of Planning (OP) of the Department of Business, Economic Development & Tourism (DBEDT) has reviewed the Draft Environmental Impact Statement (DEIS) for Maui Land and Pineapple Company's proposed Upcountry Town Center, a mixture of retail, office, residential, cottage industrial, and recreational open space. The site is a 40.6-acre triangular shaped parcel formed by the intersections of the Pukalani Bypass Highway, Haleakala Highway, and Makawao Avenue.

The Town Center parcel was used for pineapple cultivation, but was separated from adjoining pineapple fields by the construction of the Pukalani Bypass. The land is in the State Agricultural Land Use District and is zoned by Maui County for Agriculture and Open Space. Maui Land and Pineapple Company, Inc. is asking Maui County to amend the Makawao-Pukalani-Kula Community Plan to designate the parcel as a Project District and to give the area Project District zoning. Following the County's acceptance of the project, a request will be made for a State Land Use District Boundary Amendment to reclassify the property to the State Urban Land Use District.

Roughly one quarter of the project site is planned to be open space for a variety of uses. Land along the Pukalani Bypass will remain open, serving as a buffer and a network of paths for walking, biking or horseback riding. A livery stable and feed store would be included in the open space. A village green is proposed between commercial and civic structures for community gatherings. Pedestrian traffic would be accommodated throughout the site.

There are 112,000 square feet of commercial space of various designs across the project. A local produce/farmers' market is proposed midway along the Pukalani Bypass side of the triangle. Along the Makawao Avenue side of the property, there would be commercial and

office space built along the street. A much larger shopping center complex would be set back in the mauka direction, closer to the center of the site.

Approximately 80,000 square feet of office and civic space is proposed for several buildings at mid-elevation along the Old Haleakala Highway, on the western side of the property. Government offices, a post office, a library and other professional services are the planned uses.

The Town Center also proposes a "cottage" industrial area of approximately 15,000 square feet divided into nine lots. These lots would provide space for artisans and manufacturers to work, sell their products, and reside. Furniture makers, artists and veterinarians are the type of users envisioned. The uses and appearance of these cottage industries would be strictly controlled.

At the mauka tip of the project area's triangle, where the Bypass Road and the Old Haleakala Highway grow closer together, a residential area of six to eight acres is proposed. The housing would be multi-family units and could include assisted living facilities for the elderly. The number of units could range from 120 units for senior citizens to 96 units for others.

The Upcountry Town Center, as described in the DEIS, is an interesting use of a geographically valuable parcel of land. The variety of proposed uses for the site raises the potential that the 'sum of all its parts' could generate a far greater 'whole'. If a fully developed Town Center can achieve the purposes it was designed for, it could provide a sense of cohesiveness to a rapidly growing, rural area. Pukalani has already been identified as the "hub" of the Upcountry region and the Town Center site is the logical hub of major intersecting roads.

The Office of Planning does have some concerns after reviewing the DEIS. The main concern is whether the Town Center would actually become more of a regional service center, rather than the center of a small town that the DEIS describes.

OP notes that the Makawao-Pukalani-Kula Community Plan proposes to prohibit vehicular access to the Pukalani Bypass. The plans for the Town Center call for a mid-level entrance from the Bypass into the Center via a right turn only lane and a right turn only exit from the Center on to the Bypass. The traffic impact study (Parsons 2002) only estimates traffic to 2004 when the Town Center would complete construction. Longer-term estimates for the traffic volume on the Bypass should have been calculated. The estimated number of cars entering the Town Center from the Bypass (Access 1) during the p.m. peak hour in 2004 seems slight compared to estimates for the other four access points. Also, any eventual widening of the Bypass would also have to be taken into account.

There is a secondary concern that relates to the Town Center's frontage on the Bypass. The DEIS states that there will be a buffer of open space along the Bypass boundary which could include pastureland and horseback trails. The proximity of horses and fast moving cars would have to require some controls.

The Town Center has located one strip of commercial space on the mauka side of Makawao Avenue. In front of this commercial development are an unspecified number of diagonally spaced parking stalls. It seems the reason for the street side development is the "rural main street theme" that the structures would provide, being placed across Makawao Avenue from existing businesses.

To accommodate the parking and commercial space, Makawao Avenue must be widened and its speed reduced from 30 mph to 20 mph. The Parsons traffic study indicates that the modifications to Makawao Avenue will add "additional traffic friction" to the street, but not at the intersections of Makawao and the Bypass or Makawao and Haleakala Highway. Estimates of the increase in peak hour traffic generated by the Town Center seems too modest. There needs to be further discussion of the cumulative impact of increased traffic and the traffic slowing modifications being proposed for Makawao Avenue. It would be helpful to know if the proposal for building commercial space fronting the street was motivated by area residents and business owners.

The DEIS has very little information on the 80,000 square feet of office and civic buildings. The marketing study/economic impact analysis study done for the DEIS (Hallstrom 2001) refers to the area as "office/medical" space and uses a medical office multiplier to estimate the number of jobs located in the area, since medical offices are expected to be a major tenant. The DEIS mentions the possibility of locating a library, post office or satellite County offices at the Town Center, but no mention was made of State Department of Education plans for library facilities or the County's plans for satellite offices. There should be some acknowledgement of existing plans for the expansion of government facilities and the likelihood of such plans including rental or purchase of a site in the Town Center.

The civic functions to be served by the Town Center should be discussed in more detail. There are many references in the DEIS of the Town Center providing needed space for public programs, meetings and gatherings, but it is not clear where these gatherings would take place, other than the Village Green, which might be suitable for programs, but not public meetings. Further discussion is needed about the civic component to the Town Center, and the impact of private management on areas put to public use. The proximity of a public high school so close to the proposed development also merits more discussion than just the fact that students are within walking distance.

The proposed plan for the Upcountry Town Center is an innovative mixture of uses designed for a site that seems ideally suited for development. OP recommends that the plans take into account the expected population growth of the region and its impact on traffic patterns and the proposed project. We also question whether a private development can satisfactorily fulfill civic requirements and functions.

Finally, Section 1.7 on page 1-11 of the DEIS incorrectly lists the State Department of Land and Natural Resources as the Authority for Land Use District Boundary Amendments (LUDBAs). The State Land Use Commission is responsible for all LUDBAs greater than 15 acres as shown on page 8-1.

Thank you for the opportunity to comment. Should you have any questions, please call Heidi Meeker at 587-2802.

Sincerely,

David W. Blane, AICP
Director
Office of Planning

c: Anthony Ching, Land Use Commission

GROUP 70
INTERNATIONAL

Francis S. Oda, Arch. D., AIA, AICP
Norman G.Y. Hong, AIA
Sheryl B. Seaman, AIA, ASID
Hitoshi Hida, AIA
Roy H. Nihei, AIA, CSI
James I. Nishimoto, AIA
Ralph E. Portmore, AICP
Stephen H. Yuen, AIA
Linda C. Miki, AIA

George I. Atta, AICP
Paul P. Chorney, AIA
Wendy Lee Cook, AIA, CDT
Philip T. Cuccia
Sutobin Halim
Jeremy C. Hsu, AIA
Roy A. Inouye, AIA, CSI
Stuart M. Jow, AIA
Charles Y. Kaneshiro, AIA
Dean H. Kitamura
Katherine M. MacNeil, AIA
Frank B. McCue
Kyle K. Nakamoto
Kathryn A. Nam
Jeffrey H. Overton, AICP
Christine M. Ruotola, AICP
James L. Stone, AIA
Scott Tangonan
Wesley N. Ujimori, AIA
Sharon Ching Williams, AIA

August 7, 2002

Mr. David W. Blaine, AICP, Director
State of Hawaii, Department of Business, Economic Development & Tourism
Office of Planning
P.O. Box 2359
Honolulu, HI 96804

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Blaine:

Thank you for your letter of May 9, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your department's comments:

1. **Characteristics of the Center** – The Upcountry Town Center is intended to provide a centralized local gathering place providing a venue for community services, activities and outdoor markets. Given the size of the development, the uses proposed and the amount of open space planned, the Center's plan is not consistent with that of a regional-level service center.

The Hallstrom Group, Inc., the market consultant for the Center, comments that the size, scale and location of the Upcountry Town Center are not appropriate for, or will be desirable to, "regional" uses. The design is highly typical of a neighborhood retail center (less than 150,000 square feet with numerous anchor tenants and small bays) intended to service the daily needs of the surrounding community. The businesses which have expressed interest in the project are neighborhood-oriented.

Regional uses require a large proximate community (certainly more than the approximately 18,000 persons in Pukalani/Makawao/Lower Kula), a centralized location within a heavily traveled area, other similar uses in the vicinity, and a large site. There is absolutely no incentive for regionally-oriented uses to locate in the Upcountry region at the present time (perhaps in three of four decades). Virtually all of the regional buisinesses on Maui locate along main thoroughfares in Wailuku/Kahului or Piilani Highway in Kihei.

While the end result of the all of the uses combined on the site may create a regional hub of activity, it would not be a "regional center" in the classic use of the term.

2. **Traffic** – Maui Land & Pineapple Company, Inc. proposes to add a right-turn entry and right-turn exit at its frontage on Pukalani By-Pass Highway. The applicant recognizes the purpose and function of the roadway; therefore, this access point will include the appropriate deceleration and acceleration lanes on

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925 Bethel Street, 5th Floor • Honolulu, Hawaii 96813-4307 • Ph (808) 523-5866 • Fax (808) 523-5874 • www.group70int.com • mail@group70int.com

private property. The access will also include a divider at the entrance to prohibit left-turn movements either into or out of the project. Of note, the operation of this new access point will serve to lessen future traffic congestion at the nearby signalized intersections of Pukalani By-Pass Highway with Old Haleakala Highway and Makawao Avenue. Specific traffic improvements will be coordinated with the State Department of Transportation.

Traffic projections were developed for the projected year of completion for the proposed development as is customary for traffic impact assessment studies. Per customary requirements for traffic impact assessment studies of this scope, existing traffic was linearly extrapolated for the year of completion of the proposed development using historical traffic growth in the area. This type of extrapolation estimates growth in non-project traffic and accounts for typical increases in population and employment in the areas affecting the roadways around the proposed development.

Makawao Avenue will be widened to accommodate proposed left-turn lanes and parking. Page 19 of the Upcountry Town Center Traffic Impact Assessment Study (Appendix B of the DEIS) states that the posted speed limit should be reduced from 30 mph to 20 mph.

3. **Civic/Office Component** – The office and/or civic space that will be provided within the Upcountry Town Center is proposed under the Civic and Country Town Business designation of the proposed Project District Ordinance submitted to Maui County for the project. A specific list of allowable uses is provided as a part of the Ordinance. The space that will be constructed and offered for tenants will be flexible, and not limited to civic uses. Depending on market factors and whether civic space is demanded in the area, civic space users may choose to locate at Center.

4. **Permits** – Page 1-11, Section 1.7 of the Final EIS was modified to reflect the correct identification of the State Land Use Commission for the land use district boundary amendment that will be filed for the project.

We also acknowledge and concur with your comments that the plan for the Upcountry Town Center "is an interesting use of a geographically valuable piece of land" and "an innovative mixture of uses designed for a site that seems ideally suited for development."

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

AQUATIC RESOURCES
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May 30, 2002

RECEIVED
JUN 05 2002

LD-NAV
L-2583/2838/2907//2876/3057/3069

Ref.: UPCOUNTRYC.RCM

Group 70 International, Inc.
Jeffery H. Overton
Chief Environmental Planner
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

Subject: Draft Environmental Impact Statement (April 2002)
Project: Upcountry Town Center
Location: Makawao-Pukalani, Island of Maui, Hawaii
Applicant: Maui Land & Pineapple, Inc.
Consultant: Group 70 International Inc.
Authority: County of Maui Department of Planning
TMK: 2nd/ 2-3-007: 008

Thank you for the opportunity to review and comment on the subject Draft Environmental Impact Statement (DEIS).

The Land Division distributed a copy of the DEIS to the following Department of Land and Natural Resources' Divisions for their review and comment:

- Division of Aquatic Resources
- Division of Forestry and Wildlife
- Division of State Parks
- Historic Preservation Division
- Commission on Water Resource Management
- Land Division Engineering Branch
- Maui District Land Office

Attached herewith is a copy of the Commission on Water Resource Management and Land Division Engineering Branch comment.

The Department of Land and Natural Resources has no other comment to offer on the subject matter based on the attached responses. Should the Land Division receive additional comments, they will be forwarded to your office at that time.

Should you have any questions, please feel free to contact Nicholas A. Vaccaro of the Land Division Support Services Branch at 1-808-587-0438.

Very truly yours,

for DIERDRE S. MAMIYA
Administrator

C: Maui District Land Office

DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Engineering Branch

COMMENTS

We confirm that the project site is located in Zone C (No Shading). This is an area of minimal flooding.

Signed: Andrew M. Monden
ANDREW M. MONDEN, CHIEF ENGINEER

Date: 5/14/02

N:\WLD\MAKAI\SUZIE\MAUI\UpctyTownCenterMaui103.DOC

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LAND DIVISION
P.O. BOX 621
HONOLULU, HAWAII 96809

April 26, 2002

DIVISION OF AQUATIC RESOURCES
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AQ REC/ENV
AQ RECH N
STAFF SVCS
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STATISTICS
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EDUCATION
SECRETARY
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Suspense Date: 5/23/02
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Remarks:
02-365
L-2405

LD-NAV
Ref.: UPCOUNTRYTC.COM

MEMORANDUM:

TO: ✓ XXX Division of Aquatic Resources **(Distributed Doc)**
* Division of Forestry & Wildlife
* Division of State Parks
XXX Historic Preservation **(Distributed Doc)**
Natural Area Reserve System
* Commission on Water Resource Management
Land Division Branches of:
* Planning and Technical Services
* Engineering Branch
XXX Maui District Land Office **(Distributed Doc)**

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2002 MAY -1 P 3:16
LAND DIVISION

FROM: for Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Draft Environmental Impact Statement (April 2002)
Authority: County of Maui Department of Planning
Consultant: Group 70 International (Jeffrey Overton)
Project: Upcountry Town Center
Applicant: Maui Land & Pineapple, Inc.
Location: Makawao-Pukalani, Island of Maui, Hawaii
TMK: 2nd/ 2-3-007 008

Please review the subject document covering the proposed project and submit your comment (if any) on Division letterhead signed and dated by the suspense date. Should you need more time to review the subject matter, please contact Nicholas A. Vaccaro at ext.: 7-0438.

***Note: One (1) copy of the document is available for your review in the Land Division Office, room 220**

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

(X) We have no comments. ( ) Comments attached.

Signed:

Date: 4-30-02

APR 23 7 28 AM '02

ASST ADMIN
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PLAN BR
RES MGT BR
CLERICAL
ADMIN ASST
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LAND DIVISION
STATE PARKS
WATER RESOURCE MANAGEMENT

April 26, 2002

LD-NAV
Ref.: UPCOUNTRYTC.COM

L-2405
Suspense Date: 5/23/02

MEMORANDUM:

TO:
XXX Division of Aquatic Resources **(Distributed Doc)**
* Division of Forestry & Wildlife
* Division of State Parks
XXX Historic Preservation **(Distributed Doc)**
Natural Area Reserve System
* Commission on Water Resource Management
Land Division Branches of:
* Planning and Technical Services
* Engineering Branch
XXX Maui District Land Office **(Distributed Doc)**

RECEIVED LAND DIVISION 2002 MAY -2 P 3:04

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Draft Environmental Impact Statement (April 2002)
Authority: County of Maui Department of Planning
Consultant: Group 70 International (Jeffrey Overton)
Project: Upcountry Town Center
Applicant: Maui Land & Pineapple, Inc.
Location: Makawao-Pukalani, Island of Maui, Hawaii
TMK: 2nd/ 2-3-007 008

Please review the subject document covering the proposed project and submit your comment (if any) on Division letterhead signed and dated by the suspense date. Should you need more time to review the subject matter, please contact Nicholas A. Vaccaro at ext.: 7-0438.

***Note: One (1) copy of the document is available for your review in the Land Division Office, room 220**

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

(✓) We have no comments. ( ) Comments attached.

Signed:

Date: 4/30/02

RECEIVED LAND DIVISION 2002 MAY 10 A 9:20

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DEPARTMENT OF LAND AND NATURAL RESOURCES
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April 26, 2002

LD-NAV
Ref.: UPCOUNTRYTC.COM

L-2405
Suspense Date: 5/23/02

MEMORANDUM:

TO:
✓XXX Division of Aquatic Resources **(Distributed Doc)**
* Division of Forestry & Wildlife
* Division of State Parks
XXX Historic Preservation **(Distributed Doc)**
Natural Area Reserve System
* Commission on Water Resource Management
Land Division Branches of:
* Planning and Technical Services
* Engineering Branch
XXX Maui District Land Office **(Distributed Doc)**

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Draft Environmental Impact Statement (April 2002)
Authority: County of Maui Department of Planning
Consultant: Group 70 International (Jeffrey Overton)
Project: Upcountry Town Center
Applicant: Maui Land & Pineapple, Inc.
Location: Makawao-Pukalani, Island of Maui, Hawaii
TMK: 2nd/ 2-3-007 008

Please review the subject document covering the proposed project and submit your comment (if any) on Division letterhead signed and dated by the suspense date. Should you need more time to review the subject matter, please contact Nicholas A. Vaccaro at ext.: 7-0438.

***Note: One (1) copy of the document is available for your review in the Land Division Office, room 220**

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

(X) We have no comments. ( ) Comments attached.

Signed:

Date: DOFAW Administrator

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2002 MAY 13 A 11: 21

DEPARTMENT OF LAND & NATURAL RESOURCES
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2002 APR 29 PM 12: 04

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April 26, 2002

LD-NAV
Ref.: UPCOUNTRYTC.COM

L-2405
Suspense Date: 5/23/02

MEMORANDUM:

TO: XXX Division of Aquatic Resources **(Distributed Doc)**
* Division of Forestry & Wildlife
* Division of State Parks
XXX Historic Preservation **(Distributed Doc)**
Natural Area Reserve System
* Commission on Water Resource Management
Land Division Branches of:
* Planning and Technical Services
* Engineering Branch
✓ XXX Maui District Land Office **(Distributed Doc)**

FROM: Dierdre S. Mamiya, Administrator
for Land Division

SUBJECT: Draft Environmental Impact Statement (April 2002)
Authority: County of Maui Department of Planning
Consultant: Group 70 International (Jeffrey Overton)
Project: Upcountry Town Center
Applicant: Maui Land & Pineapple, Inc.
Location: Makawao-Pukalani, Island of Maui, Hawaii
TMK: 2nd/ 2-3-007 008

Please review the subject document covering the proposed project and submit your comment (if any) on Division letterhead signed and dated by the suspense date. Should you need more time to review the subject matter, please contact Nicholas A. Vaccaro at ext.: 7-0438.

***Note: One (1) copy of the document is available for your review in the Land Division Office, room 220**

If this office does not receive your comments on or before the suspense date, we will assume there are no comments.

(✓) We have no comments. ( ) Comments attached.

Signed: James K. Fyg

Date: 5-10-02

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII

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LAND DIVISION

2002 MAY 22 A 11: 04

DEPARTMENT OF LAND & NATURAL RESOURCES
STATE OF HAWAII

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LINNEL T. NISHIOKA
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

May 20, 2002

TO: Ms. Dede Mamiya, Administrator
Land Division

FROM: Linnel T. Nishioka, Deputy Director
Commission on Water Resource Management (CWRM)

SUBJECT: Upcountry (Maui) Town Center

FILE NO.: UPCOUNTRYTC.COM

Thank you for the opportunity to review the subject document. Our comments related to water resources are marked below.

In general, the CWRM strongly promotes the efficient use of our water resources through conservation measures and use of alternative non-potable water resources whenever available, feasible, and there are no harmful effects to the ecosystem. Also, the CWRM encourages the protection of water recharge areas, which are important for the maintenance of streams and the replenishment of aquifers.

[X] We recommend coordination with the county government to incorporate this project into the county's Water Use and Development Plan.

[ ] We recommend coordination with the Land Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.

[ ] We are concerned about the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

[ ] A Well Construction Permit and/or a Pump Installation Permit from the Commission would be required before ground water is developed as a source of supply for the project.

[ ] The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit from the Commission would be required prior to use of this source.

[ ] Groundwater withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.

[ ] We are concerned about the potential for degradation of instream uses from development on highly erodible slopes adjacent to streams within or near the project. We recommend that approvals for this project be conditioned upon a review by the corresponding county's Building Department and the developer's acceptance of any resulting requirements related to erosion control.

[ ] If the proposed project includes construction of a stream diversion, the project may require a stream diversion works permit and amend the instream flow standard for the affected stream(s).

[ ] If the proposed project alters the bed and banks of a stream channel, the project may require a stream channel alteration permit.

[X] OTHER:

The EIS does not reflect commitments for the water source, which is in short supply for this development area.

If there are any questions, please contact Charley Ice at 587-0251.

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WATER RESOURCE MANAGEMENT

June 14, 2002

LD-NAV
Ref.: UPCOUNTRYC.RCM2
L-3376

Group 70 International, Inc.
Jeffery H. Overton
Chief Environmental Planner
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

Subject: Draft Environmental Impact Statement (April 2002)
Project: Upcountry Town Center
Location: Makawao-Pukalani, Island of Maui, Hawaii
Applicant: Maui Land & Pineapple, Inc.
Consultant: Group 70 International Inc.
Authority: County of Maui Department of Planning
TMK: 2nd/ 2-3-007: 008

This is a follow-up to our letter (Ref.: UPCOUNTRYC.RCM) to you dated May 30, 2002, pertaining to the subject matter.

Attached herewith is a copy of the Historic Preservation Division comment.

The Department of Land and Natural Resources has no other comment to offer on the subject matter at this time.

Should you have any questions, please feel free to contact Nicholas A. Vaccaro of the Land Division Support Services Branch at 1-808-587-0438.

Very truly yours,

for DIERDRE S. MAMIYA
Administrator

C: Maui District Land Office

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII

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2002 JUN -7 A 11:20
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HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

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LAND
STATE PARKS

June 4, 2002

MEMORANDUM

LOG NO: 29962
DOC NO: 0205CD34

TO: Dierdre S. Mamiya, Administrator
Land Division

FROM: Don Hibbard, Administrator
State Historic Preservation Division

SUBJECT: Chapter 6E-42 Historic Preservation Review Pertaining to the Draft Environmental Impact Statement for the Proposed Upcountry Town Center Maka`eha Ahupua`a, Makawao District, Island of Maui TMK: (2) 2-3-007:008

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS) for the proposed Upcountry Town Center, which was received by our staff April 29, 2002.

Based on the DEIS, we understand the proposed undertaking consists of developing approximately 40 acres of land into a rural country town center in Pukalani.

An archaeological inventory survey report (Sinoto and Pantaleo 2001) was recently received by this office and is currently under review. Therefore, we cannot provide comments at this time pertaining to the proposed undertaking, but we will as soon as the review is completed. However, we would like it noted that the Draft EIS does not assess the significance of the structures or the project's impact on these structures.

If you have any questions, please call Cathleen Dagher at (808) 692-8023.

CD:jen

GROUP 70
INTERNATIONAL

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Sharon Ching Williams, AIA

August 7, 2002

Ms. Dierdre S. Mamiya, Administrator
State of Hawaii, Department of Land and Natural Resources
Land Division
P.O. Box 2359
Honolulu, HI 96804-2359

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Ms. Mamiya:

Thank you for your letter of May 30, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. Your letter grouped several divisions' comments. The respective responses follow:

- **Division of Aquatic Resources:**
  We acknowledge that this division did not have comments.
- **Division of Forestry and Wildlife:**
  We acknowledge that this division did not have comments.
- **Division of State Parks:**
  We acknowledge that this division did not have comments.
- **Historic Preservation Division:**
  A response to this division's comment letter of June 14, 2002 was sent directly to the division.
- **Commission on Water Resource Management:**
  We acknowledge the recommendation to coordinate with Maui County to integrate the project into the County's Water Use and Development Plan.

  Appendix H of the EIS completed by Mink and Yuen (2001), identifies potential wells in the area. In addition, Maui Land & Pineapple Company, Inc. is proposing development of a new off-site potable water source in the Upcountry area.

  The planned potable water source for the Upcountry Town Center will be a new well to be developed in the Upcountry region utilizing an existing well permit. The specific location for this well has not yet been finalized. This water source will be developed in a location which will avoid conflict with existing and proposed public drinking water sources.
- **Land Division Engineering Branch:**
  We acknowledge the confirmation that the project site is in Flood Zone C.
- **Maui District Land Office:**
  We acknowledge that this division did not have comments.

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

Group 70 International, Inc. • Architecture • Planning • Interior Design • Building Diagnostics • Assets Management • Environmental Services
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BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII

BRUCE S. ANDERSON, Ph.D., M.P.H.
DIRECTOR OF HEALTH

RECEIVED
JUN 03 2002
GROUP 70

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
File:
02-113/epo

May 29, 2002

Mr. Jeffrey H. Overton, Chief Environmental Planner
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

Subject: Draft Environmental Impact Statement (DEIS)
Upcountry Town Center, Pukalani, Maui, Hawaii
Tax Map Key: 2-3-007:008

Thank you for the opportunity to review and comment on the subject proposal. The DEIS was routed to the various branches of the Environmental Health Administration. We have the following comments.

Clean Water Branch (CWB)

1. The applicant should contact the Army Corps of Engineers to identify whether a federal permit (including a Department of Army permit) is required for this project. A Section 401 Water Quality Certification is required for "Any applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters...", pursuant to Section 401(a)(1) of the Federal Water Pollution Act (commonly known as the "Clean Water Act");

2. A National Pollutant Discharge Elimination System (NPDES) general permit coverage is required for the following discharges to waters of the State:

   a. Discharge of storm water runoff associated with industrial activities, as define in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi);

   b. Discharge of storm water runoff associated with construction activities that involve the disturbance of five (5) acres or greater, including clearing, grading, and excavation;

   c. Discharge of treated effluent from leaking underground storage tank remedial activities;

   d. Discharge of once through cooling water less than one million gallons per day;

   e. Discharge of hydro-testing water;

   f. Discharge of construction dewatering effluent;

   g. Discharge of treated effluent from petroleum bulk stations and terminals; and

   h. Discharge of treated effluent from well drilling activities.

   Any person requesting to be covered by a NPDES general permit for any of the above activities should file a Notice of Intent with the Department of Health, Clean Water Branch (CWB) at least thirty (30) days prior to commencement of any discharges to State waters;

3. If construction activities involve the disturbance of one acre or greater, including clearing, grading, and excavation, and will take place or extend after March 10, 2003, an NPDES general permit coverage is required for discharges of storm water runoff into State waters; and

4. The applicant may be required to apply for an individual NPDES permit if there is any type of activity in which wastewater is discharged from the project into State waters.

If you have any questions, please contact the Clean Water Branch at (808) 586-4309.

Safe Drinking Water Branch (SDWB)

The proposed project is located above the Underground Injection Control (UIC) line. There are no known drinking water wells located within quarter-mile of the project.

If you have any questions, please contact Norris Uehara of SDWB, at (808) 586-4258.

Wastewater Branch (WWB)

All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems". We reserve the right to review the detailed wastewater plans for conformance to applicable rules.

If you have any questions, please contact the Wastewater Branch at (808) 586-4294.

Clean Air Branch (CAB)

Control of Fugitive Dust

There is a significant potential for fugitive dust emissions during the construction activities. Implementation of adequate dust control measures during all phases of development and construction activities is warranted.

Construction activities must comply with provisions of Hawaii Administrative Rules, Chapter 11-60.1, "Air Pollution Control," Section 11-60.1-33, Fugitive Dust. The contractor should provide adequate measures to control dust from the road areas and during the various phases of construction. These measures include, but are not limited to:

a. Planning the different phases of construction, focusing on minimizing the amount of dust generating materials and activities, centralizing on-site vehicular traffic routes, and locating potentially dusty equipment in areas of the least impact;

b. Providing an adequate water source at the site prior to start up of construction activities;

c. Landscaping and rapid covering of bare areas, including slopes, starting from the initial grading phase;

d. Controlling of dust from shoulders and access roads;
e. Providing adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
f. Controlling of dust from debris being hauled away from project site.

If you have any questions regarding these issues on fugitive dust, please contact the Clean Air Branch at (808) 586-4200.

Solid and Hazardous Waste Branch (SHWB)

The Office of Solid Waste Management recommends the development of a solid waste management plan that encompasses all project phases including demolition, construction, and occupation of the buildings.

Specific examples of elements that the plan should address include:

- Recycling of green-waste during clear and grub activities;
- Recycling construction and demolition wastes, as appropriate;
- Use of locally produced compost in landscaping;
- Use of recycled content building materials; and
- The provision of recycling facilities in the design of the project.

The developer should also consider providing space in the development for recycling activities. The provision of space for recycling bins for paper, aluminum, glass, plastic, and food/wet waste would help encourage the recycling of solid wastes generated by building occupants. The developer shall ensure that all solid waste generated during construction is directed to a permitted solid waste facility.

If you have any questions, please contact the Solid and Hazardous Waste Branch at (808) 586-4240.

Noise, Radiation and Indoor Air Quality (NRIAQ) Branch

All project activities shall comply with the Administrative Rules of the Department of Health, Chapter 11-39, on "Air Conditioning and Ventilating".

If you have any questions, please contact the NRIAQ at (808) 586-4701.

Environmental Planning Office (EPO)

The Total Maximum Daily Load program reviews projects involving water bodies currently listed as "impaired" under section 303(d) of the Clean Water Act. The impaired status of these waters requires that the Department of Health establish Total Maximum Daily Loads (TMDLs) suggesting how much the existing pollutant loads should be reduced in order to attain water quality standards.

Although the proposed project in the Kailua Gulch watershed does not appear to involve impaired waters, we are concerned that the DEIS does not address potential post-project changes in storm runoff water quality. According to page 9 of Appendix I, "to assure that offsite flooding conditions do not result from the new development, the post development runoff from the property will not increase above the existing (non-developed) conditions. However, even if "a zero runoff increase (volume and rate)" is attained, this does not guarantee attainment of water quality standards in the receiving waters. We therefore suggest that the EIS include a discussion of how pollutant loads and receiving water quality may change and would be managed under the proposed drainage scheme.

If you have any questions about the Total Maximum Daily Load program, please contact David Penn, Environmental Planning Office, at (808) 586-4337.

Vector Control Branch (VCB)

The property may be harboring rodents, which will be dispersed to the surrounding areas when any buildings are demolished or the site is cleared. The applicant is required by Hawaii Administrative Rules, Chapter 11-26, "Vector Control", to eradicate any rodents prior to demolition or site clearing activities and to notify the Department of Health by submitting Form VC-12 to the local Vector Control Branch when such action is taken.

Rodent traps and/or rodenticides should be set out on the project site for at least a week or until the rodent activity ceases.

If you have any questions, please contact the Vector Control Branch at (808) 831-6767.

Sincerely,

GARY GILL
Deputy Director
Environmental Health Administration

c: CWB
SDWB
WWB
CAB
SHWB
NRIAQ
EPO
VCB

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August 7, 2002

Mr. Gary Gill, Deputy Director
State of Hawaii, Department of Health
Environmental Health Administration
P.O. Box 3378
Honolulu, HI 96801

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Gill:

Thank you for your letter of May 29, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your division's comments.

1. **Clean Water Branch –**

- Army Corps of Engineers – Review of the Draft EIS was completed by the Army Corps, and they indicate there will be no Department of the Army permit required in their letter of May 9, 2002.
- NPDES General Permit – We acknowledge that the project will be required to obtain NPDES General Permit coverage for construction activities. The applicant will file a Notice of Intent with DOH at the appropriate point in the development process.
- Disturbance Greater than One Acre – The project will involve grading of more than one acre, and the work could take place after March 10, 2003, therefore, the NPDES general permit coverage will be obtained.
- Individual Permit – There will be no discharge of wastewater to State waters.

2. **Safe Drinking Water Branch –** We acknowledge the comments regarding the location of the project in reference to UIC line and drinking water wells in the area.

3. **Wastewater Branch –** Plans for the wastewater system will conform to applicable DOH Administrative Rules. These plans will be submitted to the Wastewater Branch for review at the appropriate point in the development process.

4. **Clean Air Branch –** Various mitigation measures for dust control have been proposed for implementation during construction of the Upcountry Town Center project. The construction activity will comply with applicable DOH Administrative Rules, including phasing of work, staging away from receptors,

providing adequate water source, rapid landscaping/soil coverage, and controlling dust associated with vehicles operating off-site.

5. **Solid and Hazardous Waste Branch** – A solid waste management plan will be developed to address each project phase, including demolition, construction and occupation of the project. As practical, the project will follow examples specified to recycle green waste and construction wastes. A recycling program will be established at the Upcountry Town Center for both businesses and residents.

6. **Noise, Radiation and Indoor Air Quality Branch** – The project activities will be in compliance with DOH Administrative Rules for air conditioning and ventilating.

7. **Environmental Planning Office** – Pollutant loads and receiving waters may be affected by the proposed drainage plans for the Upcountry Town Center. The current runoff from the project site contains substantial erosion and silt runoff from the fallow agricultural fields. The new project will have significantly less erosion due to the new landscaping, and less suspended soil particles in runoff. There will be minimal contributions of hydrocarbons in storm water runoff from the paved parking areas. Drainage and runoff are addressed in the Final EIS, including a drainage study by RT Tanaka Engineers (Appendix I).

8. **Vector Control Branch** – Rodent controls will be utilized on the project site prior to construction and, as required, during and following construction.

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

BENJAMIN J. CAYETANO
GOVERNOR

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

BRIAN K. MINAAI
DIRECTOR

DEPUTY DIRECTORS
JEAN L. OSHITA
JADINE Y. URASAKI

IN REPLY REFER TO:

HWY-PS
2.6872

JUN 1 4 2002

Mr. Jeff Overton
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

Subject: Draft Environmental Impact Statement, Upcountry Town Center, Pukalani, Maui, TMK: 2-3-07: 08

Thank you for requesting our review of the proposed Pukalani Upcountry Town Center.

We have the following comments:

1. The proposal to have a right-turn entry and exit access (designated Access 1) to the Pukalani Bypass is unacceptable and will not be approved. We want to preserve the nature and purpose of the bypass.
2. Parking along Makawao Avenue should be kept at least 250 feet from any signalized intersections to preserve capacity.
3. Construction plans must be prepared and submitted to us for our review and approval.
4. Required roadway improvements must be implemented by the applicant at his expense.

If there are any questions, please contact Ronald Tsuzuki, Head Planning Engineer, Highways Division, at 587-1830 or by e-mail at ronald_tsuzuki@exec.state.hi.us. Please refer to file 02-102 when inquiring about these comments.

Very truly yours,

BRIAN K. MINAAI
Director of Transportation

c: Ms. Colleen Suyama, Maui County Department of Planning

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Sharon Ching Williams, AIA

August 7, 2002

Mr. Brian K. Minaai, Director
State of Hawaii, Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813-5097

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Minaai:

Thank you for your letter of June 14, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your comments.

1. Pukalani By-Pass Highway – Maui Land & Pineapple Company, Inc. proposes to add a right-turn entry and right-turn exit at its frontage on Pukalani By-Pass Highway. The applicant recognizes the purpose and function of the roadway; therefore, this access point will include the appropriate deceleration and acceleration lanes on private property. The access will also include a divider at the entrance to prohibit left-turn movements either into or out of the project. Of note, the operation of this new access point will serve to lessen future traffic congestion at the nearby signalized intersections of Pukalani By-Pass Highway with Old Haleakala Highway and Makawao Avenue. Specific traffic improvements will be coordinated with the State Department of Transportation.

As proposed, Projected Year 2004 level of service for the right-turn exit is good, LOS B for both AM and PM peak hours. The proposed right-in/right-out access would also reduce the amount of traffic at the Pukalani Bypass/Makawao and Pukalani Bypass/Old Haleakala intersections. It would be especially beneficial in reducing the right-turns from Pukalani Bypass Highway into southbound Makawao Avenue.

2. Makawao Aveune Parking – The parking areas created along Makawao Avenue will be no closer than 250 feet from signalized intersections at Old Haleakala Highway and the Pukalani By-Pass Highway. Entrances to the project along Makawao Avenue are not anticipated to warrant signalization, but parking will be kept at least 250 feet from signalized intersections.

3. Construction Plans – Construction plans for the roadways and access points will be submitted to the State DOT for review and approval at the appropriate point in the development process.

4. Improvements – The new off-site roadway improvements that are directly related to the development of the Upcountry Town Center will be implemented

at the applicant's expense contingent on the approval of these improvements by the appropriate agencies.

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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BENJAMIN J. CAYETANO
GOVERNOR

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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
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OCT 1 2002

BRIAN K. MINAAI
DIRECTOR

DEPUTY DIRECTORS
JADINE Y. URASAKI
GLENN M. OKIMOTO

IN REPLY REFER TO:

HWY-PS
2.8129

Mr. John E. Min
Director
County of Maui
Planning Department
250 South High Street
Wailuku, Hawaii 96793

Attn: Ms. Colleen Suyama

Dear Mr. Min:

Subject: Upcountry Town Center, Pukalani, Maui, TMK: 2-3-07: 07

We wish to amend our attached draft EIS comments, HWY-PS 2.6872, dated June 14, 2002, (file review: 02-102) on the proposed project.

Comment #1 is withdrawn and is to be replaced with the following:

We will allow the proposed right-turn in and out access (designated Access 1) to the Pukalani Bypass. The access should be designed to meet current standards including acceleration/deceleration lanes.

If there are any questions regarding our comments, please contact Ronald Tsuzuki, Head Planning Engineer, Highways Division, at 587-1830 or via email at ronald_tsuzuki@exec.state.hi.us. Please refer to file review number: 02-102A.

Very truly yours,

BRIAN K. MINAAI
Director of Transportation

Enclosure

c: Mr. Jeffery Overton

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

BENJAMIN J. CAYETANO
Governor
SEIJI F. NAYA
Director
SHARON S. NARIMATSU
Deputy Director
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Director, Office of Planning

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Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804-2359
Web site: www.hawaii.gov/dbedt/ert

Telephone: (808) 587-3807
FAX: (808) 587-3820

May 6, 2002

Group 70 International, Inc.
925 Bethel St., 5th Flr.
Honolulu, HI 96813-4307

Attn: Mr. Jeff Overton

Subject: Draft Environmental Impact Statement (DEIS)
Upcountry Town Center-Maui
Tax Map Key: 2-3-07:08

Thank you for the opportunity to comment on the DEIS for the Upcountry Town Center project which relocated Pukalani Superette and other commercial, office, civic, cottage industries, senior/multi-family residential and open space land uses. Our comments are addressed to: (l) State energy conservation goals, (2) energy saving design practices and technologies, (3) recycling and recycled-content products; and (4) access.

(l) Energy conservation goals. Project buildings, activities, and site grounds should be designed with energy saving considerations. The mandate for such consideration is found in Chapter 344, HRS ("State Environmental Policy") and Chapter 226 ("Hawaii State Planning Act"). In particular, we would like to call to your attention HRS 226 18(c)(4) which includes a State objective of promoting all cost-effective energy conservation through adoption of energy-efficient practices and technologies.

We suggest that you contact Maui Electric, which may offer demand-side management rebates for energy efficient technologies. We would also refer you to the Model Energy Code for minimum requirements.

(2) Energy saving design practices and technologies. In this project, we recommend that you specifically address energy efficient design practices and technologies similar to those used in the "Built Green" energy efficient home in Waianae on Oahu.

Methods and technologies that could be considered during the design phase of the project include:

a. Use of site shading, orientation, and use of naturally ventilated areas to reduce cooling load;
b. Maximum use of day lighting;

c. Use of high efficiency compact fluorescent lighting;
d. Exceed Model Energy Code requirements;
e. Technologies such as solar water heating systems, roof insulation, radiant barriers, and energy efficient windows
f. Use of light color or "green" roofs;
g. Use of landscaping for dust control and to minimize heat gain to area; and
h. Use of photovoltaics or other renewable energy sources should they prove cost effective.

(3) Recycling and recycled-content products.
a. Develop a job-site recycling plan for the construction phase of the project and recycle as much construction and demolition waste as possible;
b. Incorporate provisions for recycling into the built project – a collection system and space for bins for recyclables;
c. Specify and use products with recycled-content such as: steel, concrete, aggregate fill, drywall, carpet, and glass tile; and
d. Specify and use locally produced products such as plastic lumber, hydromulch, soil amendment and glass tile.

(4) Access
a. A cursory review of the Conceptual Site Plan on page 3-2 would seem to indicate that the senior/multi-family complex residents would have to cross a road to access the center or drive. Perhaps some accommodation can be made to accommodate pedestrians from this complex that would ensure their safety.
b. We note that the DEIS proposes to have diagonal parking in front of the local service and small retail businesses along Makawao Avenue. In several green planning conferences our staff has participated in where "smart growth" was discussed, it was brought up that location of parking in front of buildings along a main artery might create a "strip mall" effect. Also they note that the diagonal parking would block views of store and service business window displays and that parallel parking may be a better option.

Please refer to the attached *Guidelines for Sustainable Building Design In Hawaii: A planner's checklist* and *A Contractor's Waste Management Guide"* for additional information.

Sincerely,

Maurice H. Kaya
Energy, Resources, and Technology
Program Administrator

Attachments

c: Department of Planning, County of Maui
OEQC

GROUP 70
INTERNATIONAL

Francis S. Oda, Arch. D., AIA, AICP
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August 7, 2002

Mr. Maurice H. Kaya, Program Administrator
State of Hawaii, Department of Business, Economic Development & Tourism
Energy, Resources and Technology Division
P.O. Box 2359
Honolulu, HI 96804-2359

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Kaya:

Thank you for your letter of May 6, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your division's numbered comments:

1. Energy conservation goals – Design of all structures within the Upcountry Town Center will be subject to design guidelines that will be consistent with the objectives and policies dealing with energy of the Makawao-Pukalani-Kula Community Plan. These goals and objectives are consistent with State objectives of promoting cost-effective energy conservation through adoption of energy efficient practices and techniques. In addition, power and telecommunications services will be developed in accordance with Maui Electric Company requirements.

2. Energy saving design practices and technologies – The design guidelines of the Upcountry Town Center will promote energy saving construction and operation. These guidelines will be developed during the Center's design process. Specific energy-saving designs, including many of those outlined by your letter, will be incorporated into the plans for the Center's structures at that stage of the design process.

3. Recycling and recycled-content products – A job-site recycling plan for the construction of Upcountry Town Center's structures will be adopted for the building of Center structures. This inclusion is noted in the Final EIS Section 3.4.4. The applicant will also coordinate with recycling requirements of the County Department of Public Works and Waste Management (DPWWM).

Specific recycling provisions for the operating Center will be guided by design guidelines. Construction materials will be specified during the design processes of Center structures in accordance with applicable energy-efficient and sustainable building guidelines.

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4. **Pedestrians/Diagonal Parking –**

a. Specific measures will be implemented to address the safety of pedestrians crossing from the senior/multi-family housing portion of the development to the commercial establishments. These will be addressed as specific roadway and site infrastructure designs are developed, but may include raised pedestrian crosswalks or stop and pedestrian crossing signs.

b. The diagonal parking fronting the retail business along Makawao Avenue is intended to enhance the "Country Town" character of the Center. The parking will be below the grade of the stores, thereby reducing view impacts from Makawao Avenue to the stores. This access will reduce the amount of traffic passing through Pukalani and up Makawao Avenue, lessening traffic on Makawao Avenue. Makawao Avenue would be transformed into a commercial collector roadway, providing access to existing and proposed "Town Center" development.

One of the actions proposed to develop this "Town Center" feel involves slowing traffic on Makawao Avenue and providing on-street parking along this corridor. The traffic study included in the DEIS (Appendix B) discusses diagonal parking along Makawao Avenue in Chapter V - Summary, Recommendations and Conclusion. In that discussion, it is shown that the traffic volume projected for Makawao Avenue at the completion of the Upcountry Town Center would be within the guidelines recommended in an article in the ITE Journal (February 2002) entitled Changing On-Street Parallel Parking to Angle Parking. The discussion in Chapter V also includes recommendations to reduce the posted speed limit on Makawao Avenue from 30 mph to 20 mph as well as parking stall configuration and access treatments.

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

BENJAMIN J. CAYETANO
Governor

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

JAMES J. NAKATANI
Chairperson, Board of Agriculture

LETITIA N. UYEHARA
Deputy to the Chairperson

Mailing Address:
P.O. Box 22159
Honolulu, Hawaii 96823-2159

Fax: (808) 973-9613

June 21, 2002

FACSIMILE TRANSMITTAL (3 pages) 523-5874

To: Group 70 International, Inc.
925 Bethel, 5th floor
Honolulu, Hawaii 96813-4307
Attention: Jeff Overton

From: James J. Nakatani, Chairperon
Board of Agriculture

Subject: Draft Environmental Impact Statement
Amendment to Makawao-Pukalani-Kula Community Plan
Uptown Country Center
Commercial, Office, Residential, Open Space Uses
Maui Land and Pineapple Company, Inc.
TMK: 2-3-07: 8 Pukalani, Maui
Area: 40.6 acres

The Department of Agriculture has reviewed the subject document and offers the following comments.

Agricultural Impact

The subject property was created by the construction of the Pukalani Bypass in 1994. About 31 acres of the property is cultivated in pineapple by the applicant's subsidiary, Maui Pineapple (MP). MP has scheduled to terminate pineapple cultivation on this property after harvest because of the costs and difficulty

brought in field operations created by the Bypass and is part of an overall downsizing of Maui Pine operations.

The loss of 31 acres of production on lands that MP considers good for pineapple cultivation will be $290,000 in revenues and about 4 jobs receiving an annual payroll of about $107,000. MP is said to retain sufficient land to meet its lowered production targets anticipated because of the downsizing.

An animal supply store (Wai Ulu Farms, Inc.) that occupies existing buildings on the property will relocate to a different building on the site.

The property is completely bordered by roadways. Urban uses are found to the north and west or about 40% of the perimeter of the triangular-shaped property. Agricultural lands, including the adjacent pineapple field is found to the east and southwest or about 60% of the perimeter of the property.

The document states that the proposed development could benefit MP and contribute to its long-term survival because the project will contribute to the profitability of the applicant (parent company), and **a portion of these profits could be used, if necessary, by the applicant to help support MP during lean years** (Appendix G, page vi).

Comments

The information contained in the document describing the agricultural activities and resources and the impact the project will have on them appear to be complete. The effect that highway construction has on the apparent utility of agricultural

lands that are "orphaned" from the larger parcel has been seen elsewhere on Maui, such as along Honoapiilani Highway, north of Lahaina.

The idea of a proposed development possibly supporting a related agricultural operation during lean years (Appendix G, page vi) has been brought up a few other times for projects proposed elsewhere in the State – Amfac's Waikele project and the benefit to Oahu Sugar Company comes to mind. We do not recall seeing this idea mentioned anywhere else in the document other than Appendix G. We would like to see this concept developed further in the document.

Thank you for the opportunity to comment. Any questions should be referred to Earl Yamamoto at 973-9466, fax: 973-9467, or email <Earl J Yamamoto@exec.state.hi.us>.

c: Maui County Planning Department
Attention: Ms. Colleen Suyama

pukalani.e02

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August 7, 2002

Mr. James J. Nakatani, Chairperson
State of Hawaii, Department of Agriculture
P.O. Box 22159
Honolulu, HI 96823-2159

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Nakatani:

Thank you for your letter of June 21, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following letter is offered in response to your comments.

We acknowledge your comments that the information contained in the document describing the agricultural activities and resources and the impact the project will have on them to appear to be complete. Also, we concur with your comment that you recognize the effect that highway construction has on the apparent utility of agricultural lands "orphaned" from larger parcels given other examples present on Maui.

Maui Land & Pineapple Company, Inc. (MLP) has terminated pineapple cultivation on the subject parcel. The site is divided from other contiguous cultivated lands making it less efficient to farm, because of added equipment mobilization. Slope conditions on the site are less conducive to ongoing operations, in comparison to other contiguous and more level lands currently in cultivation. Appendix G of the EIS notes that taking this site out of cultivation will not have an adverse effect on Maui's diversified agriculture future.

The project could aid the applicant's long-term survival because it will contribute to the profitability of the parent company, and a portion of these profits could be used, if necessary, by ML&P to help provide support during lean years. Such support already occurs during those years when Maui Pine records substantial deficits because of low pineapple prices and other factors. These deficits are financed by the parent company with profits derived from other operations, including development and commercial leases.

For the future, Maui Land & Pineapple Company, Inc. is interested in providing support for its overall operations with the new commercial elements of Upcountry Town Center. The planned Maui Fresh outlet, Farmer's market, Wai Ulu Farms and some uses of the cottage industry lots will continue to be agriculture-related operations. The modest-scaled retail center and office spaces will provide further economic support for the company, which is currently not profitable in its overall agricultural enterprise.

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

Group 70 International, Inc. • Architecture • Planning • Interior Design • Building Diagnostics • Assets Management • Environmental Services
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BENJAMIN J. CAYETANO
GOVERNOR

GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENT QUALITY CONTROL
235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4185

June 6, 2002

John Min
Maui Planning Department
250 South High Street
Wailuku, HI 96793

Attn: Colleen Suyama

Dear Mr. Min:

Subject: Draft environmental Impact Statement (EIS) for **Upcountry Town Center**

We have the following comments to offer:

Water supply: Section 6.2.13 (*Utilities*) mentions the development of a off-site potable water well. Given Maui's long-standing water shortage consultation with the Commission on Water Resources Management (CWRM) of DLNR regarding availability of water for this project is essential. In the final EIS be sure to document your correspondence with CWRM.

Unresolved issues: These need to be listed in a separate section of the final EIS, along with a discussion of how they will be resolved, or an explanation for proceeding with the project if they are not resolved. Also include a synopsis of this discussion in the summary section.

If mitigation measures for an issue are not yet ready to be selected, you may list all possible mitigation measures and indicate that measures will be chosen from that list at the appropriate time.

If there are no unresolved issues, please indicate this.

Permits: In the list of permits in Section 8, indicate the status of each. If you have not yet filed permit applications, note the likely date of filing.

Cumulative impacts; secondary impacts: The environmental impact statement law requires full disclosure, discussion and analysis of cumulative impacts on all geographically-related projects. In section 6.3 (*Summary of Probable Impacts*) only reductions in pineapple acreage are noted. Other projects in the region need to be included in your analysis. Our files show the *Haleakala Highway Widening* (a 2000 final EA/FONSI) and *Kihei Upcountry Highway* (a final EIS accepted in May 2002). Consult with the Land Use Commission, State Office of Planning and the Maui Planning

Department to find out about other possible projects that are pending. Impacts from all projects in the region need to be considered. Factors should include traffic, noise, air quality, drainage, water resources, and flora and fauna. This analysis may also affect your discussion of *Secondary Effects*, section 6.3.2.

EIS Preparers: In the final EIS include a section which lists all persons and organizations involved in the preparation of the EIS.

Comment letters: Section 10.1, *Agencies and Parties Consulted*, lists Maui Historical Society, Louie Cambra, Mitsuga Jio and Alan Tengan as commenters, but these comment letters and their responses are not reproduced in this section. Include them in the final EIS.

Title page signature: In addition to signing, the applicant (or applicant's agent) is required to indicate that it and all ancillary documents were prepared under the signatory's direction. This is required by § 11-200-20d of Hawaii Administrative Rules. Submit the FEIS copy with the original signature to the accepting authority, the Maui Planning Department.

If you have any questions, call Nancy Heinrich at 586-4185.

Sincerely,

for GENEVIEVE SALMONSON
Director

c: Donna Clayton, Maui Land & Pineapple
Jeff Overton, Group 70

GROUP 70
INTERNATIONAL

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Sharon Ching Williams, AIA

August 7, 2002

Ms. Genevieve Salmonson, Director
State of Hawaii, Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Ms. Salmonson:

Thank you for your letter of June 6, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your department's comments:

1. Water supply –.A copy of the DEIS was provided to the Commission on Water Resources Management (CWRM) of DLNR. In their comment letter dated May 20, 2002 the following two comments were provided:

- "We recommend coordination with the county government to incorporate this project into the county's Water Use and Development Plan.
- "The EIS does not reflect commitments for the water source, which is in short supply for the development area."

A response, dated August 7, 2002, was provided to CWRM and is included in Section 10.0 of the Final EIS

Appendix H of the EIS completed by Mink and Yuen (2001), identifies potential wells in the area. In addition, Maui Land & Pineapple Company, Inc. is proposing development of a new off-site potable water source utilizing an existing well permit.

The planned potable water source for the Upcountry Town Center will be a new well to be developed in the Upcountry region. The specific location for this well has not yet been finalized. This water source will be developed in a location which will avoid conflict with existing and proposed public drinking water sources.

2. Unresolved Issues – A section addressing unresolved issues was added as Section 6.4 of the Final EIS along with a summary of these issues in Section 1.0. The section discusses the issues, how they will be resolved and possible mitigation measures. Please refer to page 6-19 of the Final EIS for the complete text.

3. Permits – The status of each of the permits required for the Upcountry Town Center project listed in the DEIS is provided in the Final EIS in Sections 1.7 and 9.0.

4. Cumulative Impacts; secondary impacts – Section 6.3 of the Final EIS was amended to discuss additional cumulative and secondary impacts that the project will generate. Please refer to page 6-16 of the Final EIS for the new language.

5. EIS Preparers – A list of the preparers of the EIS, including sub consultants, is included in the Final EIS as Section 1.9. Please refer to the Final EIS for the listing.

6. Comment letters – The listing of Louie Cambra, Mitsuga Jio, Alan Tengan and the Maui Historical Society as providing comments for the EISNP in Section 10.1 of the DEIS was misprinted. These individuals provided input in the cultural assessment conducted for the project, but did not offer comments on the EISNP. The correction is made in Section 10.0 of the Final EIS.

7. Title page signature – The title page of the Final EIS has been amended to include the following: *"This environmental document and all ancillary materials were prepared under the direction of the undersigned pursuant to…"* A Final EIS with an original signature will be submitted to the Maui County Planning Department.

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

UNIVERSITY OF HAWAI'I
ENVIRONMENTAL CENTER

June 7, 2002
RE: 727

Ms. Donna Clayton
Assistant Land Manager
Maui Land & Pineapple Company, Inc.
P.O. Box 187
Kahului, Hawai'i 96733

Dear Ms. Clayton:

Upcountry Town Center
Draft Environmental Impact Statement
Pukalani, Maui, Hawai'I

The Maui Land & Pineapple Company, Inc. proposes to develop the Upcountry Town Center on approximately 87,781 sq. ft. of land area located in Kihei on the island of Maui. The project involves construction of approximately 24,000 sq. ft. of retail and office space, an 88-space parking, roadway improvements, utility connections and landscaping. This 40-acre triangular parcel is bounded by Pukalani Bypass, Makawao Avenue and Haleakala Highway, and also is accessible from a driveway off South Kihei Road and two driveways off Nohokai Street.

The Town Center would include cottage industries, commercial and retail businesses, office and civic space and seniors or multi-family residences. A green corridor between the Center and Pukalani Bypass and may include equestrian and pedestrian trails. The site is currently fallow agricultural land.

The applicant is requesting from the State Land Use Commission a zone change from agricultural to urban, as well as an amendment to the Makawao-Pukalani-Kula Community Plan to designate the site as a project district from the original designation of agricultural and open space. The project also is located within the Special Management Area (SMA) of the island of Maui, and the applicant is requesting an SMA permit to construct the proposed development.

Dr. Jon Matsuoka of the School of Social Work and Kevin Polloi of the Environmental Center assisted in the review of this document.

KRAUSS ANNEX 19 · 2500 DOLE STREET · HONOLULU, HAWAII 96822 · (808) 956-7361 · FAX (808) 956-3980
AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION INSTITUTION

General Comments

Our review has identified several general concerns. First, we note that Maui County has experienced problematic water shortages, and there have been controversies regarding water transfer agreements, particularly among regions on the eastern half of the island. The document states that the proposed project will have a maximum daily water demand of 238, 950 gallons per day, but the source of that water is unclear, and there is thus no evaluation of current and projected aquifer yield status related to supply for this project. Appendix H, which assesses potential impacts to groundwater resources due to the development, is substantively inadequate as a supporting document, particularly in that it lacks a bibliography of references citing sources of information for the assertions made in the document. Additionally, the two maps included were not discussed or even referred to in the text, and the last map had no title and was missing a legend.

Furthermore, in the cultural impact analysis (Appendix E), who were the key informants for this study and how were they selected? If they chose to remain anonymous, that is their prerogative, but at a minimum, their qualifications should have been provided.

The document states that native plants once were abundant in the area. Does the landscaping plan include the reintroduction of native flora back into the area?

Finally, it is apparent that the corn mill camp is significant to some residents. What efforts can be made to restore and integrate these historic structures into the proposed development?

Thank you for the opportunity to review this draft Environmental Impact Assessment.

Sincerely,

John T. Harrison, Ph.D.
Environmental Coordinator

Cc: OEQC
Jeff Overton, Group 70 International, Inc.
Colleen Suyama, Dep't. of Planning, County of Maui
James Moncur
Kevin Polloi

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Sharon Ching Williams, AIA

August 7, 2002

Dr. John T. Harrison, Environmental Coordinator
University of Hawaii, Environmental Center
Krauss Annex, 2500 Dole Street
Honolulu, HI 96822

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Dr. Harrison:

Thank you for your letter of June 7, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your comments.

1. **Water Source/Aquifer Yield/Groundwater Impact Study -** Appendix H of the EIS completed by Mink and Yuen (2001) identifies potential wells in the area. In addition, Maui Land & Pineapple Company, Inc. is proposing development of a new off-site potable water source in the Upcountry area utilizing an existing well permit.

The planned potable water source for the Upcountry Town Center will be a new well to be developed in the Upcountry region. The specific location for this well has not yet been finalized. This water source will be developed in a location which will avoid conflict with existing and proposed public drinking water sources.

Transmission of potable water supply, both the applicant's portion and the public allocation, will be completed through fair share participation with the County. Consumption for the project is estimated at approximately 160,000 gpd, with an estimated maximum daily demand of nearly 238,000 gpd. The current and projected yield (7 mgd) of the Makawao Aquifer System serving the project is adequate to support the proposed uses with no adverse effect to public supply.

With respect to Appendix H of the DEIS, the groundwater impact study, the principal reference for the well data is the State Commission on Water Resources Management, which is listed in Appendix H of the Final EIS for each described well. The basic reference for geological and hydrological conclusions is H.T. Stearns and G.A. MacDonald, 1942, Geology and Ground-Water Resources of the Island of Maui, Hawaii: Territory of Hawaii Division of Hydrography Bulletin 7. This is a comprehensive and well-known report that is often not directly referenced due to its universal use in groundwater studies on Maui. Reference to the two maps accompanying the report is given on page 1 where it is stated, "The accompanying maps place the site in the context of groundwater occurrence." On page 3, a reference is made to the regional Makawao-Paia Aquifer Systems map included in the report. The map on the final page of the

report is titled "Location of the Proposed Development in Relation to Groundwater Occurrence in the Basel Aquifer" in the Final EIS.

2. **Cultural Analysis -** The key informants for the study included individuals recommended to Aki Sinoto by Pukalani residents Mr. and Mrs. Charles Maxwell. Descriptions of the informants and their backgrounds are contained throughout the body of the cultural impact assessment. Informants include include Mr. Louie Cambra, Mr. Mitsuga Jio and Mr. Alan Tengan.

3. **Native Plants -** Landscaping for the project will utilize appropriate native and non-invasive species to conserve water and protect from invasive alien species. The applicant will consult the County of Maui Department of Water list provided for appropriate landscape plants and invasive plants to avoid.

4. **Corn Mill Camp -** The buildings on the site at the former Corn Mill Camp are recognized as potential candidates for re-utilization. Each structure is currently being evaluated for their structural integrity and the overall architectural history is being documented. At least one building will be retained for use by Wai Ulu Farms for horse stable and feed operations. The potential re-use of other buildings is pending the results of the studies. We will present the findings to SHPD once the studies are completed.

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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JAMES "KIMO" APANA
Mayor

JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 12, 2002

Jeffrey H. Overton, AICP
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

RE: Upcountry Town Center Draft Environmental Impact Statement (EIS), TMK: 2-3-007:008, Pukalani, Maui

Although the comment deadline was on June 7, 2002, we feel that the comments from the following agencies are important and should be included in the draft of the Final EIS for our review:

1. The State Department of Transportation
2. The Department of Land and Natural Resources (DLNR)
3. The DLNR, Historic Preservation Division
4. Department of Health
5. Department of Public Works and Waste Management
6. Department of Agriculture, Natural Resources Conservation Service
7. Fish and Wildlife Service

Please follow up with the above agencies as to whether comments will be forthcoming. The draft Final EIS shall include responses to the comments received from the agencies and public, including the aforementioned requested agencies.

Thank you for your cooperation. If additional clarification is required, please contact Ms. Colleen Suyama, Staff Planner, of this office at 270-7735.

Very truly yours,

JOHN E. MIN
Planning Director

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7634

JEM:CMS:smb
c: Clayton Yoshida, AICP, Deputy Planning Director
Colleen Suyama, Staff Planner
Project File
General File (K:\WP_DOCS\PLANNING\EIS\2001\01EIS01UpcountryTownCenter\CommentLetters.wpd)

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Sharon Ching Williams, AIA

August 7, 2002

Mr. John E. Min, Planning Director
County of Maui Planning Department
55 Mahalani Street
Wailuku, HI 96793

Subject: **Upcountry Town Center, Pukalani, Maui**
Letter of June 12, 2002 Requesting Additional Draft EIS Comments

Dear Mr. Min:

We received your letter of June 12, 2002 requesting follow-ups with several agencies for Draft EIS comments. The following outlines the status of comments:

1. **The State Department of Transportation**
   Letter received dated 6/14/02.
2. **The Department of Land and Natural Resources (DLNR)**
   Letter received dated 5/30/02.
3. **DLNR, Historic Preservation Division**
   Letter received dated 6/4/02 stating additional time is needed to review the archaeological inventory survey for the project and comments are pending the completion of this review; Subsequent letter received by Aki Sinoto regarding revisions to Archaeological Inventory Survey Upcountry Town Center (Appendix D of the DEIS) dated June 14, 2002.
4. **Department of Health**
   Letter received dated 5/29/02.
5. **Department of Public Works and Waste Management**
   Letter received dated 6/6/02.
6. **Department of Agriculture**
   Letter received dated 6/21/02.
7. **U.S. Dept. of Agriculture - Natural Resource Conservation Division**
   Letter received dated 5/9/02.
8. **U.S. Fish and Wildlife Service**
   Request for comments faxed from Group 70 on 6/20/02 – No comment received.

Your letter and this response will be included in the Final EIS.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

POLICE DEPARTMENT
COUNTY OF MAUI

JAMES "KIMO" APANA
MAYOR

OUR REFERENCE
YOUR REFERENCE

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

THOMAS M. PHILLIPS
CHIEF OF POLICE

KEKUHAUPIO R. AKANA
DEPUTY CHIEF OF POLICE

May 10, 2002

RECEIVED
MAY 15 2002
GROUP 70

Mr. Jeffrey H. Overton
Chief Environmental Planner
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, HI 96813-4307

Dear Mr. Overton:

SUBJECT: Upcountry Town Center
Draft Environmental Impact Statement

Thank you for your letter of April 11, 2002, requesting comments on the above subject.

We have reviewed the proposed summary and have no comments or recommendations at this time. Thank you for giving us the opportunity to comment on the proposed project. We are enclosing the Draft Environmental Impact Statement which was submitted for our review.

Very truly yours,

Assistant Chief Robert Tam Ho
for: Thomas M. Phillips
Chief of Police

Enclosure

c: Colleen Suyama c/o
John E. Min, Planning Department

GROUP 70
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Francis S. Oda, Arch. D., AIA, AICP
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Paul P. Chorney, AIA
Wendy Lee Cook, AIA, CDT
Philip T. Cuccia
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Scott Tangonan
Wesley N. Ujimori, AIA
Sharon Ching Williams, AIA

August 7, 2002

Assistant Chief Robert Tam Ho
County of Maui Police Department
55 Mahalani Street
Wailuku, HI 96793

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Assistant Chief Ho:

Thank you for your letter of May 10, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. We acknowledge your statement that you have no comment or recommendations on the project at this time. Thank you for returning the DEIS document upon the completion of your review.

Your letter and this response will be included in the Final EIS.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

Group 70 International, Inc. • Architecture • Planning • Interior Design • Building Diagnostics • Assets Management • Environmental Services
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JAMES "KIMO" APANA
Mayor

FLOYD S. MIYAZONO
Director

GLENN T. CORREA
Deputy Director

(808) 270-7230
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DEPARTMENT OF PARKS & RECREATION

1580-C Kaahumanu Avenue, Wailuku, Hawaii 96793

June 5, 2002

Mr. Jeffrey Overton
Chief Environmental Planner
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

Subject: Upcountry Town Center
TMK 2-3-07:08, Pukalani, Maui

Our Department has reviewed the Draft Environmental Impact Statement for the subject project, as requested.

The document needs to address how the applicant intends to comply with the Parks Dedication Ordinance.

Should you have any questions or concerns, please feel free to contact Dyan Ariyoshi, CIP Coordinator, at phone 270-7981.

Sincerely,

FLOYD MIYAZONO
Director

c: Patrick Matsui, Chief of Parks Planning & Development
Willard Asato, East District Supervisor of Parks Recreation & Support Services
Department of Planning, County of Maui

Quality Seamless Service – Now and for the Future

GROUP 70
INTERNATIONAL

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August 7, 2002

Mr. Floyd S. Miyazono, Director
Maui County, Department of Parks and Recreation
1580-C Kaahumanu Avenue
Wailuku, Maui, HI 96793

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Miyazono:

Thank you for your letter of June 5, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your comments.

Maui Land & Pineapple Company, Inc. will comply with the Parks Dedication Ordinance as it applies to the new multi-family or senior housing component of the project. Approximately 10 acres or 25% of the project site will be open space lands that will be landscaped green space. The project includes a village green (0.5-acre) and large open space buffer along Pukalani Bypass Highway which adjoins the mauka side of the new housing area. The applicant anticipates using the village green and the buffer area to satisfy 100% of the park dedication requirement.

Additional details on the park design will be addressed in the subsequent Project District approval review and process. The applicant will coordinate with your Department to ensure compliance with the park dedication requirement.

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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JAMES "KIMO" APANA
Mayor

JOHN E. MIN
Director

CLAYTON I. YOSHIDA
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

RECEIVED
MAY - 7 2002
GROUP 70

May 3, 2002

Mr. Jeff Overton
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

RE: Draft Environmental Impact Statement (EIS) for the Proposed Upcountry Town Center at TMK: 2-3-007:008, Pukalani, Maui, Hawaii (EIS 2001/0001)

The Maui County Cultural Resources Commission (MCCRC) at its May 2, 2002 meeting reviewed the above-referenced project and had the following comments:

1. That the applicant conduct a structural evaluation of the existing buildings and then determine if it could be integrated into the project plans. A visual survey of the building during the site inspection seems to indicate that the structures are relatively sound and could be appropriate for adaptive reuse.

2. That the applicant prepare a report on the architectural history of Corn Mill Camp with an architectural analysis of the structures. It is recommended that an architectural historian be retained.

3. Retain the wood water tank within the project site with proper maintenance. Of concern is whether the tank can be relocated without compromising the integrity of the structure. Also, it was noted that the wood needs to remain wet to reduce deterioration of the boards.

4. Archaeological monitoring recommended especially around the Corn Mill Camp area.

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7634

5. The Cultural Impact Assessment should include the information received through the oral history interviews and names of the participants unless they specifically indicated that they did not want to be identified.

6. Conduct a survey of the significant trees on the site and as much as possible to retain the existing trees within the open space areas of the project. Of particular concern was the two cypress trees planted by Mr. Jio in the 1920's near the entrance to the former camp meeting building.

7. In accordance with the Makawao-Pukalani-Kula Community Plan and as recommended by Aki Sinoto, consideration should be given to establishing a paniolo museum on the site. Also, consideration should be given to development of an interpretive book to commemorate the site.

8. That MCCRC be given the opportunity to review and comment on the applicant's response to the foregoing comments and any substantiating documents prepared for the project prior to acceptance of the final EIS.

Thank you for the opportunity to comment. If additional clarification is required, please contact Ms. Colleen Suyama, Staff Planner, of this office at 270-7735.

Very truly yours,

for JAMES "KIMO" FAULKNER, Chair
Maui County Cultural Resources Commission

JKF:CMS:cmb
c: Maui County Cultural Resources Commission
Clayton Yoshida, AICP, Deputy Planning Director
Colleen Suyama, Staff Planner
Tremaine Balberdi, Commission Support Clerk
Don Hibbard, DLNR-SHPD
Donna Clayton, Maui Land and Pineapple Company
Barbara Long
OEQC
Project File
General File (K:\WP_DOCS\PLANNING\EIS\2001\01EIS01UpcountryTownCenter\MCCRCComments.wpd)

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July 19, 2002

Mr. James "Kimo" Faulkner, Chair
Maui County Cultural Resources Commission
c/o John Min, Planning Division
250 South High Street
Wailuku, HI 96793

Subject: Upcountry Town Center
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Faulkner:

Thank you for your letter of May 3, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. We appreciate the opportunity to tour the site with members of the Commission earlier this year. The following are offered in response to the Maui County Cultural Resources Commission's (MCCRC) comments:

1. **Structural evaluation of existing buildings on the site -** A structural survey of the Corn Mill Camp structures is currently underway. The DEIS and conceptual plans for Upcountry Town Center reflect the intention of reusing one or two of the structures. Additional plans for reuse are pending completion of the structural survey and may be developed at a later stage of the design process.

2. **Architectural history of the Corn Mill Camp –** An architectural history of the site is being prepared by Maui architect Jim Niess concurrently with the structural study of the buildings.

3. **Wood water tank -** Maui Land & Pineapple Company, Inc. intends to retain the existing water tank. If relocation to a more appropriate location is necessary, steps will be taken to preserve its integrity. The following text is included in the Final EIS Section 6.1.5: *"The existing water tank will be retained; however, its relocation may be necessary to better fit within the overall project."*

4. **Archaeological monitoring –** Consistent with Section 6.1.5 of the DEIS, archaeological monitoring is not warranted for the entire site; however, there will be monitoring of excavation in the Corn Mill Camp area. Should any discoveries be made during construction, work in the immediate area will be halted and a qualified archaeologist will be brought in to determine appropriate procedures. The State Department of Land and Natural Resources, Historic Preservation Division concurs with the proposed mitigation plans.

5. **Names of Cultural Impact Assessment participants –** The names of several informants are noted throughout the text of the Cultural Impact Assessment, Appendix E of the DEIS. These include: Mr. Frank Gouveia, a carpenter at Corn

Mill Camp; Mr. Mitsugu Jio, a former resident of the Camp; Mr. Alan Tengan a former resident of the Camp; Mr. Louie Cambra, a former resident of the Camp; and Mrs. Nina Maxwell, a resident of Pukalani and kumu hula for over 38 years.

6. **Significant tree survey and retention of existing trees –** Currently, plans for the Upcountry Town Center include removal of most trees on-site and replacement of mature trees consistent with the Landscaping Planting Concept as described in Section 3.5.1 of the DEIS. That Section provides that *"Trees such as Jacaranda, Chinese Banyon, Oleander, Kukui Nut Tree and True Kamani will be planted throughout the site."* A complete landscape plan will be developed in accordance with the Makawao-Pukalani-Kula Country Town Design Guidelines. The two cypress trees planted by Mr. Jio in the 1920's are believed to be located off-site on the Fire Station property, and therefore will be retained.

7. **Paniolo Museum and interpretive book –** As we understand, there are plans for a paniolo museum to be established (by others) in Makawao. At this location, there will be appropriate historical interpretive elements created at Upcountry Town Center, and possibly a space created for a historical center.

8. **MCCRC review and comment of this response –** This response letter will be provided to the Maui County Department of Planning for review by MCCRC prior to publication of the Final EIS. With respect to the requested structural and architectural history documentation, there are two studies currently underway. Mr. Jim Niess of Maui Architectural Group is completing the architectural history of the Corn Mill Camp. Walter Vorfeld is completing a structural analysis of the buildings at this location. These studies will be submitted as part of the Community Plan Amendment process, and will be made available for MCCRC review at that time.

Your letter and this response will be included in the Final EIS. We will forward the Commission a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

JAMES "KIMO" APANA
Mayor
ALICE L. LEE
Director
PRISCILLA P. MIKELL
Deputy Director

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April 30, 2002

RECEIVED
MAY - 6 2002
GROUP 70

Mr. Jeff Overton
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

SUBJECT: UPCOUNTRY TOWN CENTER

We have reviewed the draft Environmental Impact Statement for the subject project and would like to offer the following comments:

1. Please specify (as a percentage of the County's 2002 median annual income of $58,300) the target market for the senior/multi-family residential units.

2. We will be recommending to the Director of Planning that approval of the project's Change in Zoning application be subject to the Maui County Housing Policy (copy attached).

Thank you for the opportunity to comment.

Very truly yours,

ALICE L. LEE
Director

ETO:hs

Attachment

c: Housing Administrator w/attachment
Colleen Suyama w/attachment

GROUP 70
INTERNATIONAL

Francis S. Oda, Arch. D., AIA, AICP
Norman G.Y. Hong, AIA
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Sharon Ching Williams, AIA

August 7, 2002

Ms. Alice L. Lee, Director
Department of Housing and Human Concerns
County of Maui
200 South High Street
Wailuku, HI 96793

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Ms. Lee:

Thank you for your letter of April 30, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your department's comments:

1. Senior/multi-family residential units – The Hallstrom Group, Inc. comments that the residential units are to be "market-priced" according to Maui Land & Pineapple Company, Inc, or having rents and/or sales prices commensurate with comparable inventory in the region. Our market analysis was completed under this assumption; therefore it was not necessary to make the calculation.

Under current conventional financing guidelines, the median household income on Maui could support a unit with a price of $269,000 (with 28 percent of monthly income going to debt service, at a rate of 6.5% interest annually over 30 years, with a 20 percent down payment). The rents affordable by the average income household would be at about $1,458 per month (30 percent of income). Government-based qualifying criteria would result in even higher indicated affordable prices and rents.

It is highly likely that most or the entire proposed subject inventory would therefore be affordable to the "moderate" (up to 120 percent of median income) or "gap group" (120 to 140 percent of median income) categories.

2. Maui County Housing Policy – The proposed housing at Upcountry Town Center is intended to be consistent with the Maui County Housing Policy. Specific housing characteristics are still to be developed and will be provided during the Change of Zone/Project District approval processes.

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August 7, 2002
Ms. Alice L. Lee, Director
Department of Housing and Human Concerns
Page 2

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

JAMES "KIMO" APANA
Mayor

DAVID C. GOODE
Director

MILTON M. ARAKAWA, A.I.C.P.
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
Land Use and Codes Administration

TRACY TAKAMINE, P.E.
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

JOHN D. HARDER
Solid Waste Division

June 6, 2002

RECEIVED
JUN 19 2002
GROUP 70

Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

ATTENTION: Mr. Jeff Overton, Chief Environmental Planner

Gentlemen:

SUBJECT: UPCOUNTRY TOWN CENTER
DRAFT ENVIRONMENTAL IMPACT STATEMENT
TMK: (2) 2-3-007:008

We have reviewed the subject application and have the following comments:

1. Construction and demolition waste, if not recycled, goes to C & D Landfill.

2. Developer is not required to pay wastewater assessment fees for this area at the current time.

3. Recommend that plans should show the installation of an advance riser at each lot.

4. All wastewater facilities constructed within this development shall remain privately owned and maintained. There is not any County of Maui owned or maintained treatment facilities in this upcountry area.

5. Recommend that all wastewater lines and appurtenances shall conform to Standard Details for Public Works Construction, dated September 1984, of the Department of Public Works, County of Maui, and follow the design standards of the Wastewater Reclamation Division, City and County of Honolulu, Volumes 1 & 2, dated July 1993 and July 1984 respectively.

6. All facilities within this development shall conform to County of Maui Wastewater Reclamation Division (WWRD) pretreatment requirements and each business shall process plans with WWRD for approval prior to building permit approval.

7. For roadways within the development, we would recommend against the use of non-standard curbs as these curbs tend to encourage parking on the curb/shoulders where we would like to discourage such parking from occurring.

8. Standard catch basins shall be provided along County roads to capture surface water flow. Grated drainage catch basins should not be utilized on County roads as these tend to clog with debris during storm flows and are a high maintenance problem.

9. We would discourage the use of diagonal street parking as this creates traffic conflicts with reversing vehicles and on-street vehicles. Also, reversing automobiles could pose problems with bicyclists who use the same shoulder area.

10. Convert the open ditch drainage system along Old Haleakala Highway to an underground drainage system.

11. Using sidewalks for bicyclists could pose potential conflicts between cyclists and pedestrians. Conflicts could also be posed between cyclists and with persons with disabilities.

12. It should be noted that our experiences with root-control barriers are that they are not a fail safe method of preventing uplifting of pavements, curbs, gutters and sidewalks. We have had some recent subdivisions with trees that are causing problems.

13. Disposal of on-site drainage into the existing off-site drainage systems shall be reviewed. Of concern is the increased flow that could potentially impact property owners makai of the development.

For instance, the drainage system along Old Haleakala Highway meanders from within the highway to within private property.

14. The proposed on-site roadways may be dedicated to the County if the roads conform to County standards.

15. Roadway and drainage improvements on Old Haleakala Highway and Makawao Avenue shall be constructed to urban collector standards and as approved by the Engineering Division.

16. Based on Smart Growth and Walkable Community concepts, ADA accessible sidewalks shall be constructed on-site linking the commercial complexes and housing developments.

17. Off-street parking, loading spaces and landscaping shall be provided per Maui County Code, Chapter 19.36.

18. Public Law 101-336, Americans with Disabilities Act – Title III, requires all places of public accommodation and commercial facilities be accessible to people with disabilities.

19. The proposed subdivision shall comply with the provisions of the subdivision ordinance. Construction of improvements shall comply with the provisions of the grading ordinance and the drainage rules. Best management practices shall be implemented to provide erosion-, sedimentation-, and dust-control measures during construction.

If you have any questions regarding this memorandum, please call Milton Arakawa at 270-7845.

Sincerely,

for DAVID GOODE
Director

DG:MA:ddp
xc: Colleen Suyama, County of Maui, Department of Planning
S:\LUCA\ALL\PERMITS\ddp\CZM\Cmmnts\Upcountry Town Center.wpd

GROUP 70
INTERNATIONAL

Francis S. Oda, Arch. D., AIA, AICP
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Sharon Ching Williams, AIA

August 7, 2002

Mr. David C. Goode, Director
County of Maui
Department of Public Works and Waste Management
200 South High Street
Wailuku, Maui, HI 96793

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Goode:

Thank you for your letter of June 6, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your comments.

1. **Construction and Demolition Waste** – The material waste from demolition and construction activities that cannot be recycled will be directed to C & D Landfill, as directed.

2. **Wastewater Fees** – We acknowledge your notification that the project is not required to pay wastewater assessment fees at the current time.

3. **Advance Riser** – The civil engineering plans for the project will identify the installation of an advance riser at each lot.

4. **Wastewater Facilities** – Facilities for wastewater treatment and disposal will be privately owned and maintained.

5. **Wastewater Design** – The design of wastewater lines and appurtenances will be in conformance with applicable State Department of Health, and County requirements.

6. **Wastewater Pretreatment** – The applicant will coordinate with the Department to address the requirements for wastewater facilities to be in conformance with County pretreatment requirements, and for individual businesses to process plans through the Maui Wastewater Reclamation Division.

7. **Roadway Curbs** – The style and character of this project is intended to be consistent with the rural Upcountry setting. We recognize that non-standard curbs may encourage parking on curbs and shoulder areas. The need to include standard curbs in the project will be discussed with the Department.

8. **Catch Basins** – The project will include standard catch basins along the County roads to capture surface water runoff.

9. **Diagonal Parking** – Upcountry Design Guidelines created by the community and the County in the 1990's include elements such as diagonal parking to retain

the small town feel and character. We recognize the potential for problems with reversing vehicles into on-coming traffic and bicycles, and we will evaluate this parking method along with other options.

10. **Covered Ditch** – The plans call for converting the open ditch along Old Haleakala Highway to an underground drainage system.

11. **Bicycles** – We will address the potential conflicts between bicycles and pedestrians on sidewalks, and will consider other options such as bike lanes, as appropriate.

12. **Root Barriers** – The installation of major trees in the project landscaping will take into consideration requirements for root-control barriers according to the specified tree species and location near pavements, curbs, gutters and sidewalks.

13. **Root Barriers** – On-site drainage waters will be managed through an approved drainage plan which is reviewed by the County engineers. Specific drainage issues, including the location of the system along Old Haleakala Highway, will be addressed as required.

14. **Roadway Dedication** – Roadways within the project will be designed to County standards to allow for future dedication.

15. **Roadway and Drainage Standards** – The urban collector roadway standards are substantially different that that seen in the existing character of Upcountry Maui. The applicant would like to closely coordinate with the County to address the necessary and appropriate roadway and drainage improvements to Old Haleakala Highway and Makawao Avenue, while attempting to retain the rural Upcountry character of the existing community.

16. **Sidewalks** – Sidewalks will be developed to connect uses within the project and will comply with ADA accessibility requirements.

17. **Off-Street Parking** – Loading and Landscaping - Requirements for off-street parking, loading and landscaping will be provided per the County code.

18. **ADA Accessible** – The project will be built such that places of public accommodation and commercial facilities will be accessible to people with disabilities.

19. **Subdivision Ordinance** – The project will comply with the provisions of the subdivision ordinance. Construction will comply with the grading ordinance and drainage rules, and best management practices will be implemented to control erosion and dust during construction.

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
P.O. BOX 1109
WAILUKU, MAUI, HAWAII 96793-7109
Telephone (808) 243-7816 • Fax (808) 243-7833

June 5, 2001

RECEIVED
JUN 10 2002
GROUP 70

Group 70
925 Bethel Street, 5th. Floor
Honolulu, Hi. 96813-4307
Attn: Jeff Overton

Re: ID: Draft Environmental Impact Statement
TMK: 2-3-07:008
Project: Upcountry Town Center

Dear Mr. Jeff Overton:

Thank you for the opportunity to review this Draft Environmental Impact Statement. The following comments are made in reference to information contained in the Draft Environmental Assessment for Upcountry Town Center: TMK: 2-3-07:008.

The applicant estimates an average consumption of 159,300 gpd (max. day 238,950 gallons). The Final EIS should identify source, transmission and anticipated consumption for current and cumulative phases of the project.

The applicant will be required to comply with Water Department Rules and Regulations as well as provide for adequate fire protection, domestic source and backflow prevention in accordance to system standards. We recommend the applicant coordinate with our engineering division regarding system improvements. To determine actual domestic, commercial and irrigation demand, calculations need to be made and stamped by a certified engineer. The approved fire flow calculation methods for the applicant's use include "Fire Flow" - Hawaii Insurance Bureau, 1991 and Guide for Determination of Required Fire Flow" - Insurance Services Office, 1974. The applicant is encouraged to contact our engineering division at 270-7835 to discuss the matter further.

The project is located within a Wellhead Protection Area (WHPA), as delineated by preliminary modeling efforts for a wellhead protection program. This indicates that water from the project site could effect a drinking water supply well within a 10 year time of travel. To help protect this critical resource, we have attached a list of abbreviated Best Management Practices (BMP) that delineate potential groundwater contamination sources and suggestions for preventive measures. This list is meant to serve as a preliminary notification of what BMPs we have so that you may order based on the specific needs of the project and plan accordingly to further protect our valuable and limited ground water resource.

DWS encourages the applicant to utilize Best Management Practices (BMP's) designed to minimize infiltration and runoff from all construction and vehicle operations. We have also attached sample BMP's for principle operations for reference. Additional information is available from the State Department of Health.

The project is located in the Maui County Planting Plan - Plant Zone 2 and 4. In the event of any future landscape renovations, we encourage the applicant to utilize appropriate native and non invasive species and avoid the use of potentially invasive plants. Native plants adapted to the area, conserve water and further protect the watershed from degradation due to invasive alien species. Attached is a list of appropriate plants for the zones as well as potentially invasive plants to avoid.

We ask the applicant to consider conservation measures in and around the property. Some of these measures are listed for your use.

Utilize Low-Flow Fixtures and Devices: Maui County Code Subsection16.20A.680 requires the use of low-flow water fixtures and devices in faucets, Showerheads, Urinals, water closets and hose bibs. Water conserving washing machines, icemakers, and other units are also available.

Maintain Fixtures to Prevent Leaks: A simple, regular program of repair and maintenance can prevent the loss of hundreds or even thousands of gallons a day. Refer to the attached handout, "The Costly Drip." The applicant should establish a regular maintenance program.

Please feel free to contact our Water Resources and Planning Division at 270-7199, should you have any other questions.

Sincerely,

David Craddick

Director

Mni

CC: Planning Department

Engineering Division

Applicant, w/ attachments

1. "The Costly Drip"
2. Ordinance 2108 – "An ordinance amending Chapter 16.20 of the Maui County Code, pertaining to the Plumbing Code"
3. Zone - Specific Native and Polynesian Plants : Zone 2 and 4
4. Best Management Practices - EPA's Guidance Specifying Management Measures for Sources of Non-point Pollution in Coastal Waters - Construction Activities
5. BMPs for Commercial and Residential Projects - request list
6. "A Checklist for Water Conservation Ideas for Commercial Buildings"

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August 7, 2002

Mr. David Craddick, Director
County of Maui
Department of Water Supply
P.O. Box 1009
Wailuku, Maui, HI 96793-7109

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Craddick:

Thank you for your letter of June 5, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your comments.

1. Source, Transmission and Consumption – Appendix H of the EIS completed by Mink and Yuen (2001), identifies potential wells in the area. In addition, Maui Land & Pineapple Company, Inc. is proposing development of a new off-site potable water source.

The planned potable water source for the Upcountry Town Center will be a new well to be developed in the Upcountry region, according to Department of Water Supply standards and subject to their approval. The specific location for this well has not yet been finalized. This water source will be developed in a location which will avoid conflict with existing and proposed public drinking water sources.

Transmission of potable water supply will be completed according to Department of Water Supply standards and subject to their approval. Consumption for the project is estimated at approximately 160,000 gpd, with an estimated maximum daily demand of nearly 238,000 gpd.

2. Fire Protection, Domestic Source and Backflow Prevention – The applicant and civil engineers for Upcountry Town Center will coordinate with the Water Department to comply with Rules and Regulations for system improvements.

3. Wellhead Protection – Land use and management practices at Upcountry Town Center will follow Best Management Practices (BMP) to prevent adverse effects to groundwater resources in the area. These measures will minimize infiltration and runoff from construction and vehicle operations. Appropriate DWS and DOH recommendations will be included in the BMP program for Upcountry Town Center. The groundwater impact study (Appendix H of the EIS) concludes that runoff from the project site will not affect drinking water supplies.

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August 7, 2002
Mr. David Craddick, Director
Department of Water Supply
Page 2 of 2

4. Landscaping – Landscaping for the project will utilize appropriate native and non-invasive species to conserve water and protect from invasive alien species. The applicant will consult the list provided for appropriate landscape plants and invasive plants to avoid.

5. Conservation Measures – The applicant will consider implementing conservation measures in and around the property, including low-flow fixtures and devices. Regular repair and maintenance of the new water systems will also help conserve water.

Your letter and this response will be included in the Final EIS. We will forward your office a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

PUKALANI
COMMUNITY
ASSOCIATION P.O. Box 880189, Pukalani, Maui, Hawaii 96788/Ph. (808) 572-1674, FX (808) 573-5312
"GOOD NEIGHBORS, GREAT COMMUNITY"

July 2, 2002

Mr. Jeff Overton
Group 70 International, Inc.
925 Bethel St., 5th Floor
Honolulu, HI 96813-4307

Dear Mr. Overton:

Subject: Draft Environmental Impact Statement
Upcountry Town Center

The Pukalani Community Association Voted to approve the concept of Maui Land & Pineapple Company's Upcountry Town Center development at our May 3, 2001 general membership meeting. Since that time, Maui Land & Pineapple Company has updated our organization on the project and the plan has changed very little. Many in our community appreciate the location of the Upcountry Town Center site next to our existing businesses, as it would provide commercial space in our community that is not along the Old Haleakala Hwy. There is also strong support for Pukalani Superette and Wai Ulu Farms that are proposed to be located in the project.

Pukalani Community Association plans to work with Maui Land & Pineapple Company as they finalize their plans for Upcountry Town Center.

Thank you for the opportunity to comment on this project.

Mahalo,

Aric Nakashima
President
Pukalani Community Association

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August 7, 2002

Mr. Aric Nakashima, President
Pukalani Community Association
P.O. Box 880189
Pukalani, HI 96788

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Nakashima:

Thank you for your letter of July 2, 2002 regarding your review of the DEIS for the Upcountry Town Center project. We acknowledge your notice that the Pukalani Community Association voted to approve the Upcountry Town Center on May 3, 2002. We also concur with the community in recognition of the appropriate location of the Center next to existing businesses along Makawao Avenue. The community's strong support for local businesses is also recognized with Pukalani Superette and Wai Ulu Farms planning to locate at the project.

We appreciate your interest in the project. Your letter and this response will be included in the Final EIS. We will forward you a copy of the Final EIS upon its completion

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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GROUP 70

P. O. Box 523
Kula, HI 96790
June 7, 2002

Mr. Jeffrey Overton, AICP
Group 70 International
925 Bethel Street
Fifth Floor
Honolulu, HI 96813

via Certified Mail

RE: Response to DEIS for Maui Land & Pineapple's Proposed Upcountry Town Center, Pukalani, Maui, Hawaii

Dear Mr. Overton:

The following comments and questions relative to the draft EIS for ML&P's proposed Upcountry Town Center (UTC) are being sent to you for response, as required, in the final EIS.

1. The DEIS contains a letter dated May 25, 2001, from the OEQC director to John Min, director of planning, Maui. In a paragraph titled Visual Impacts it states: "Show impacts to public viewpoints by superimposing a rendering of the proposed facility onto photographs taken from public vantage points." Since the DEIS lists, among Adverse Long-Term Effects of the UTC the visual impacts for surrounding residents and those looking down from upslope areas, it is extremely important for the EIS to comply with the OEQC's requirement.

2. The DEIS, in Parties Contacted, lists the Maui Historical Society (Page 10-2) Please describe the type of contact and comments received.

3. Market Study Table 5 shows total Existing Retail and Service Space in the Primary Study Area to be 211,588 sq. ft. It appears this figure does not include either commercial properties in Hailiimaile or the Pukalani Country Club complex.

4. Market Study Table 10 shows just 54,000 sq. ft. of "competitive space" for the BCT/commercial segment at Kulamalu, just one-half mile away from the proposed UTC. At present, this complex is projected to contain several times that number of square footage, and this should be reflected in the Market Study.

5. During the Citizens Advisory Committee (CAC) phase of revisions to the Makawao-Pukalani-Kula Community Plan, the CAC considered two developers' requests to re-designate two large-scale commercial projects in the Upcountry Region.-- the Kulamalu project and ML&P's proposal to develop its Pukalani Triangle. The CAC's decision in favor of the Kulamalu development was based on a number of community concerns, including: retaining the rural atmosphere of the region through phased, appropriate development of competitive retail centers; concern to retain a buffer between King Kekaulike High School and urban-type commercial projects; increases in traffic at several major intersections and safety issues on adjacent roadways, and finally, and loss of prime agricultural land and loss

of Upcountry's agricultural base. The CAC reflected the community's views that any further commercial development should be considered only after build-out of the re-designated Kulamalu complex, and analysis of its impacts and the needs of the community justified another commercial center. ML&P withdrew its request, and the CAC's decision was supported throughout the Community Plan process.
Please address the above concerns and specify what conditions have changed since adoption of the Community Plan in 1996 to justify this new attempt to proceed with a large commercial development that was - only a few years ago - considered inappropriate by the community.

6. If the UTC is built, there will inevitably be detrimental economic impacts to many of the small upcountry merchants in town centers such as Makawao, Pukalani, Keokea, Pulehu and Waiakoa. Data should be provided to indicate the impact of 110,000 sq. ft. of retail, major anchor stores, and 80,000 sq. ft. of new office space will affect the "bottom line" of businesses in the Upcountry Region.

7. Please explain how a "Supplemental Tourist Demand" of 65,000 to 110,000 sq. ft. was determined (Table 5, Market Study). This would seem to equate to some 3000 visitors or more in the region.

8. The Makawao-Pukalani-Kula Community Plan policy states "Vehicular access onto the Pukalani Bypass should be prohibited." When I served on the Maui Planning Commission during the re-zoning of the Jesus is Alive Church, there was considerable opposition to their receiving approval for access - right-turn-in, right-turn-out - in contradiction to the Plan, because of great concerns for safety. The proposed Bypass access for UTC would be much more unsafe, as many more vehicles and visitors unfamiliar with the roads would be added to the mix. This proposed access, besides being dangerous, would be a blatant disregard for the community's wishes as expressed in the Community Plan.

9. In order to better describe the proposed UTC "Open Space/Park Network" of "approximately 10 acres", please delineate and show boundaries on the project plan, with dimensions, of the following: retention basins, waste treatment plant and leach fields, trail area, active and passive park spaces, agricultural demonstration fields, and horse pasture/paddock area. Indicate what percentage these comprise of the total 10 acres.

10. According to National Register, State of Hawaii criteria, the remaining Corn Mill Camp structures, and the surrounding cultural landscape comprised of mature trees and plants remaining from the Camp's existence, are a significant historic resource. The project's archaeologist assigned State Site Number 50-50-06-5169 to the structures, and states "buildings associated with Corn Mill Camp [are] considered significant under multiple criteria of the Hawaii Register of Historic Places." Listing this site on the Register would confirm the applicant's intent to recognize and maintain this important part of Maui's agricultural and cultural history, and adaptive re-use of the structures would enhance any commercial project eventually developed in this site. Additionally, recognizing the importance of the landscape, a botanical site map would be effective in retaining a number of the mature trees in eventual development pLans.

11. The TIAR compilation of LOS and Traffic Volumes omits review of the impact/volume of after-school peak hour of 2-3 PM, and this needs to be carefully considered, both from safety and congestion perspectives. Traffic from King Kekaulike High School and from Kemehameha Schools will continue to increase; Kamehameha School enrollment is projected to reach more than 2000 by the year 2010. This Peak Hour needs to be documented and considered in the TIAR.

12. How were "linked trips" calculated in the TIAR? What model for the UTC shopping center was used? Did it include fast food outlet (with or without drive through? Gas/Service Station? Convenience Store? The figures for projected UTC Trip Generation need to be clarified.

Thank you for considering these questions and concerns.

Sincerely yours,

Barbara Long

cc: Maui Land & Pine - Donna Clayton, Assistant Land Manager
Maui Planning Department- John Min, Director
Hawaii Office of Environmental Quality Control - Genevieve Salmonson, Director
Maui Councilmember Charmaine Tavares

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August 7, 2002

Ms. Barbara Long
P.O. Box 523
Kula, HI 96790

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Ms. Long:

Thank you for your letter of June 7, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your numbered comments:

1. Visual Impacts – A recommendation was made by the Director of the Office of Environmental Quality Control (OEQC) in the letter EIS Notice of Preparation comment letter dated May 25, 2001 to provide a superimposed rendering of the development onto existing site photographs to show visual impacts. This exhibit was deemed unnecessary by the County of Maui Department of Planning for the purpose of this EIS.

2. Input received from the Maui Historical Society – The listing of Louie Cambra, Mitsuga Jio, Alan Tengan and the Maui Historical Society as providing comments for the EIS Notice of Preparation (NP) in Section 10.1 of the DEIS was misprinted. These individuals provided input in the cultural assessment, but did not offer comments on the EISNP. The correction is made in the Final EIS.

Maui Land & Pineapple Company, Inc. researched the availability of photographs of the Corn Mill Camp structures at the Maui Historical Society prior to submittal of the DEIS. There are no meeting notes or other materials recording the visit.

3. Commercial uses in Hailiimaile and Pukalani Country Club – The Hallstrom Group, Inc., market consultants for the project, conducted an investigation which included an analysis of these locations and their existing and potential commercial opportunities. These opportunities were judged to be insignificant within the regional demand and supply context. Hailiimaile has a small "destination" restaurant in an older building and some minor agricultural supply uses, but Maui Land & Pineapple Company, Inc. has no current plans to expand the commercial base in that location. The Hallstrom Group's analysis of the sites in 2000 for Maui Land & Pineapple Company, Inc. demonstrate the area cannot in the near to mid-term support any major neighborhood-type retail uses. These areas are too out-of-the-way and the surrounding community is too small. Further, it is a non-competitive location relative to either the proposed Upcountry Town Center or Kulamalu.

Pukalani Country Club contains an approximately 135-seat restaurant and a 300 square foot pro shop. Both were designed to be secondary/support uses for the club, not as free-standing uses competitive in the regional market. While the restaurant does attract non-golf business, the commercial spaces are clearly intended (and competitively limited) to service the patrons of the course. The lack of exposure and interior location of the site limits any ability to provide a competitive location for further commercial expansion.

4. Kulamalu market data – The Hallstrom Group, Inc. comments that the Kulamalu project has evolved significantly since inception, and the information contained in the market study was timely and accurate as of the study date. The focus of the development is a commercial/business park with appropriate infrastructure creating subdivided lots ranging in size from .56 to 2.6 acres. As noted in the report (Appendix A of the DEIS), some of the lots have retail potentials, such as those fronting the highway and in prominent interior locations; however, the majority of lots will not be competitive for intensive consumer-oriented retail/restaurant uses. Kulamalu's most probable use is in business, supplier, service or secondary commercial uses. The Hallstrom Group, Inc. estimates of floor space are allocated based on these market-driven conclusions.

5. Community Plan update request to redesignate the parcel – The previous request made by Maui Land & Pineapple Company, Inc. to classify the property "Business/Commercial" was withdrawn at the time of the Community Plan update because agreements with the appropriate tenants had yet to be secured. The parcel has always been considered appropriate for commercial development as proposed in the DEIS. Since 1995, the landowner has always maintained that Pukalani is the regional hub for the Upcountry area and that the project site is a logical site for commercial and other development. In addition, since the Community Plan update, tenant including Pukalani Superette and Maui Fresh have been identified and agricultural operation on the site has ceased.

6. Impact to existing business in the Upcountry Maui region – The Hallstrom Group, Inc. comments that the majority of uses will be intended to recapture some of the neighborhood consumer demand that has migrated to Kahului in recent years with development of large retail outlets such as Costco, Wall-Mart, K-Mart, Border Books, and similar retailers. In many respects, as throughout the state (and mainland), these major retailers have already "damaged" smaller local businesses, and those that remain have and will continue to succeed by appealing to and meeting the specific needs of nearby residents.

In fact, many of the businesses in proximity to the Upcountry Town Center will benefit from the cumulative attraction the subject will help create. Consumers prefer to shop in areas with an extensive selection of stores, goods and services. Much local trade is lost when the consumer leaves the local market area to go elsewhere as they will patronize the stores in the vicinity of their primary shopping areas.

On a fundamental level, it is not the new stores that negatively impact existing businesses; it is the choices being made by individuals from Upcountry Communities on where to shop. Consumers are attracted to low prices, a large selection of goods, and quality service. They make the choice on where to spend their dollars. By asserting that consumers be denied these choices in favor of existing businesses is a form of economic discrimination within the Upcountry community, as these services are readily available to residents of other towns on the island. Further, they are an attempt to force consumers to support ("subsidize") less efficient operations, with the result being lost time and additional traffic congestion as Upcountry patrons are forced to travel elsewhere to shop at the stores they may prefer.

7. Supplemental Tourist Demand - The Hallstrom Group, Inc. concluded that visitors create a demand for a minimum of 1.2 million square of commercial space throughout the island (33,500 average daily visitor census times a nominal per capita demand of about 35 feet per person). This demand is spread throughout the island in accordance with the levels of visitation and tourist traffic. Most of this demand is directed to West and South Maui destination areas (comprising some 85 percent), with secondary markets such as Wailuku-Kahului (under 10 percent), Upcountry and Hana capturing lesser amounts.

There is already a significant display of tourist demand in Upcountry, primarily directed to Makawao. Much of the some 60,000 square feet of retail/restaurant space in town is fully or significantly dependant upon the visitor trade. More than a million tourists pass through the region each year on the way to Haleakala. Given this large existing demand, a potential current capture of 60,000 square feet for tourists in the study area (or about five percent of the minimum total island-wide visitor demand) is an exceptionally conservative allocation; particularly if the proposed Maui Fresh component of the UTC is appropriately implemented.

Even if the spatial demands created by tourists were to remain at current levels and that no passer-by visitor traffic was captured (both unrealistically conservative assumptions), the demand conclusions supporting the subject development would be substantially unchanged.

8. Pukalani Bypass Highway access - Maui Land & Pineapple Company, Inc. proposes to add a right-turn entry and right-turn exit at its frontage on Pukalani By-Pass Highway. The applicant recognizes the purpose and function of the roadway; therefore, this access point will include the appropriate deceleration and acceleration lanes on private property. The access will also include a divider at the entrance to prohibit left-turn movements either into or out of the project. Of note, the operation of this new access point will serve to lessen future traffic congestion at the nearby signalized intersections of Pukalani By-Pass Highway with Old Haleakala Highway and Makawao Avenue. Specific traffic improvements will be coordinated with the State Department of Transportation.

Vehicular access to the site from Pukalani Bypass Highway is currently under review by the State Department of Transportation (DOT). All plans for traffic

improvements surrounding the site are subject to State DOT or Maui County Department of Public Works and Waste Management review.

9. Open space/utility area delineation – The approximately 10 acres of open space will include two drainage basins approximately 28,000 and 36,000 SF respectively. Also included in this area is a wastewater treatment plant of approximately 6,000 SF. This estimate of open space utilized for utility areas is included in Section 3.2.5 of the Final EIS. The trail system shown on the conceptual plan is for preliminary planning purposes only and a complete trail system plan will be designed at the appropriate stage of the development process.

10. Corn Mill Camp structures and a botanical site map – The DEIS provides both a cultural impact assessment (Appendix E) and an archaeological impact assessment (Appendix D). Both studies address the Corn Mill Camp area and potential impacts. In addition, the recommendations of the Maui County Cultural Resources Commission, resulting from a site visit to the Corn Mill Camp area, are being implemented. A structural survey of the structures is underway concurrently with an architectural history of the site. These, along with the archaeological and cultural surveys, will provide thorough documentation of these structures' historical and cultural significance.

The DEIS states that "Plans to integrate at least one of the existing agricultural warehouse buildings into the project will preserve significant reminders of the project area's agricultural past" (Section 6.2.7 of the DEIS). This Section also provides additional discussion of the plans for the structures in concept.

The restoration of one or more of the remaining wood-framed warehouse structures will require very costly structural improvements to meet County building code standards and allow for future retail use such as a family restaurant.

11. Peak hour traffic conditions – The AM and PM peak hours of commuter traffic were selected for analysis in the traffic report (Appendix B of the DEIS). These time periods are selected, because traffic on roadways tend to be highest during these time periods and, therefore, yield the worst-case scenario of traffic operations. Future growth in non-project traffic was estimated through a growth factoring process typical for studies of this scope. The AM peak hour of school traffic in the Upcountry area coincide with the AM peak hour of commuter traffic and was analyzed along with other traffic. The PM peak hour of school traffic usually occurs during mid-afternoon. Traffic on Kula Highway and Pukalani Bypass are not at their peak level at this time and an analysis of this time period would not yield the worst-case scenario for traffic operations.

12. Linked trips in TIAR – Approximately 30% of the retail trips occurring during the PM peak hour were considered linked trips. No linked trips were assumed during the AM peak hour. These are trips that are already on the roads that will access the Upcountry Town Center. An example is stopping at a supermarket on the way home from work instead of going home, then making a separate trip to the super market. The retail linked trips do not disappear. They

are shown as turning movements at the Upcountry Town Center accesses. The linked trips are subtracted from the probable through-traffic movements to avoid double counting the vehicles.

We appreciate your interest in the project. Your letter and this response will be included in the Final EIS. We will forward you a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

P. O. Box 523
Kula, HI 96790
April 29, 2002

Kimo Falconer, Chairman, and Commissioners
Maui Cultural Resources Commission
c/o Maui Planning Department
Wailuku, Maui, HI 96793

RE: Draft EIS for Proposed Maui Pine Project at Corn Mill Camp

Dear Chair Falconer and Commissioners:

Thank you for your consideration of my request for review of Maui Land & Pineapple's proposed 40-acre Upcountry Town Center, at the junction of Makawao Avenue and the Haleakala Highway Bypass, in Pukalani. As you know, my concerns have been to preserve the structural remainders of Maui's agricultural historic heritage, and to avoid - as we have sadly seen happening to many historic sites - the destruction of these 1920's vernacular warehouse structures, and other historic components.

Despite a letter dated May 28, 1999, from State Historic Preservation Officer Don Hibberd, which states "the project will have no effect on significant historic sites", I believe that these 80-year old structures (three warehouses, pay office, and water tank) represent a very significant historic site, and should be preserved, and that the history of the Corn Mill Camp should not be minimized.

According to criteria for evaluating and documenting rural historic landscapes (National Register Bulletin #30, U. S. Dept. of the Interior), the quality of significance is present in sites, structures and objects that "possess integrity of location, design, setting, materials...and association" and which are "associated with events which have made a significant contribution to the broad patterns of our history."

Corn Mill Camp, from its inception in the 1920's until its close in the 1960's, is the last remaining site illustrating Maui's commercial agricultural development, from non-mechanized to - in the post-WW II era - the mechanization of the pineapple industry. The Corn Mill Camp site also reflects a significant cultural landscape, despite the loss of some 50 camp houses, in the variety and number of mature landscape plants, trees such as mango, peach, Kona orange, mulberry, cypress, jacaranda and ornamental and food plants dating from camp times, which still flourish on this site. (Note DEIS Botanical Survey).

Archeologist Aki Sinoto's Archaeological Inventory Survey of the site for the DEIS assiges the "remnant structures" State Site Number 50-50-06-5169. The Survey states (page 36) "The existing features 1-6 associated with the former Corn Mill Camp are significant reminders of past commercial agricultural activities..." The Survey continues: "Based on the resullts of the current investigation, site 50-50-06-5169, buildings associated with Corn Mill Camp, is considered significant under multiple criteria of the Hawaii Register of Historic Places..."

Because of the indisputable historic significance of the remaining Corn Mill Camp structures, and the remaining evidences of landscape components, as well as the site's history as being the first pineapple fields to use terracing for erosion control (Henry Baldwin oral history), your careful consideration of the site, and the development proposed for it, is crucial to ensure that Corn Mill Camp is appropriately documented, interpreted, and preserved.

At a minimum, please consider the following recommendations for action:

1. Request the State Historic Preservation Office review the Draft EIS, including Archaeological Survey and Botanical Survey, to reconsider its earlier determination.

2. Request from the Developer a site map of significant trees and other plants which remain as evidences of the homes at Corn MIll Camp... especially the two large 80-year-old cypress trees which once stood alongside the stairs to the Social Hall.

3. Inform the Depeloper of the Federal Tax Credits available for restoration and reuse of historic structures, and encourage the preservation of all structures in State Site No. 50-50-06-5169.

4. Encourage the Developer to attempt further research relative to the source of the Corn Mill name - when and where was the mill. According to published accounts (Kuykendall, MAUI NEWS) there were many hundreds of acres in Kula devoted to corn in the early 1900's, and, during World War I, corn meal was manufactured on Maui "and was just then coming on the market in considerable quantity."

5. Encourage Developer to specify the type of interpretation, and include video, personal histories, agricultural memorabilia, machinery and additional appropriate means to prserve and interpret this important part of Maui's agricultural and cultural heritage.

6. Ensure that the CRC reviews the complete, final EIS, and - most essential - reviews with public hearing, the Developer's final conceptual plans for development of the Upcountry Town Center at Corn Mill Camp, prior to its submission to the Maui Planning Commission for land use review. Your review, and subsequent recommendations and conditions to the Maui Planning Commission, are essential to the Historic Preservation process.

This may be Maui's last opportunity to recognize, preserve and interpret a significant historic agricultural site. The structures, in context, with appropriate re-use, and a tangible recognition of the contributions of the men and women who lived and worked at Corn Mill Camp for forty years and helped build an industry, should not suffer the fate of other historic sites on Maui.

Thank you for your understanding, expertise and participation.

Barbara Long

Barbara Long

cc: Councilmember Charmaine Tavares
Donna Clayton, Maui Land & Pine
Aki Sinoto Consulting
Jeff Overton, Group 70 International, Inc.

Ralph Fuyfrm 4/11

ne latter being based on a fair margin of profit. Begin
November 1, 1918, grocers were required to display a sign
ess than 3 by 5 feet in size, giving a list of the pric
taple foods.

Until the spring of 1918 the Territorial Food Comm
made no use of the price fixing power conferred on it
There was some doubt as to the constitutionality of that
of the act, and on the first occasion on which the Comm
attempted to exercise the power it was taken into the cou
held to be unconstitutional. The Commission, however,
investigation and otherwise, prevented a raise of one cen
in the price of milk. Local producers of beef also
prices down in response to the suggestion of the Com
This meant a saving of many thousands of dollars to
of the territory.

"HOOVERIZING"

In the campaign for food conservation particular
laid on the necessity for saving wheat, meat, and
ways of "Hooverizing" which produced the greatest
which, incidentally, stand out most strongly in our
of war days, were the wheatless and meatless mea
and the use of substitutes for white wheat flour
bakery products. In Hawaii, as we have seen
Committee of the Territorial Food Commission too
urging the people to "Hooverize" and in showing
do it, although it is true that many families had
tice conservation before the Women's Committee

The earliest official suggestion for wheatless
meals seems to have been contained in circulars
Territorial Food Commission in July, 1917, to
monthly bills by the Honolulu Gas Company and
Electric Company. This asked the people to obser
day and one wheatless meal each week. So
records show, the first public eating place
have a wheatless day was the Y. W. C. A.
regard the Y. W. C. A. was a real leader

day was Thursday, August 9, 1917. Beginning in December,
after Wednesdays had been officially designated as wheatless
days, the Y. W. C. A. not only observed Wednesdays, but added
Mondays and had two wheatless days every week. In February,
1918, it abandoned wheat flour altogether, and from then until
the fall of 1918 bought no wheat flour whatever. In September,
1917, the Elks Club included in its conservation pledge one
wheatless and one meatless meal each day.

Toward the end of October, the Territorial Food Commission
decided to request the observance of Wednesday as a general
wheatless day, beginning November 14, 1917. The Commission
suggested that on Wednesday the public should eat corn meal
bread, graham, whole wheat, and rye breads instead of white.
The object of this request was to increase the consumption of
corn meal, which was being manufactured on Maui and was just
then coming on the market in considerable quantity. It was part
of the general plan to promote the use of local products in order
to cut down the importation of wheat into the islands. The
Territorial Hotel Company, operating the Alexander Young,
Seaside, and Moana Hotels, announced that it would observe
wheatless Wednesday and also meatless Friday. The University
club adopted Monday as meatless day in addition to wheatless
Wednesday. The other social clubs also joined the movement.
Hotels, restaurants, and clubs were asked to sign the pledge and
some members of the United States Food Administration, and
people were urged to patronize only those places which dis-
the membership card.

During the winter of 1917-1918 the food situation in the
countries became so acute that Mr. Hoover found it
to call on the American people to make a great reduc-
the use of wheat, beef, pork, and sugar. At the begin-
January the Food Administration asked the public to
rigidly a minimum of one wheatless day (Wednesday)
wheatless meal each day, one meatless day (Tuesday)
meatless meal each day, one porkless day (Saturday),
the consumption of sugar to not more than three
person per month. On January 28 an additional

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August 7, 2002

Ms. Barbara Long
P.O. Box 523
Kula, HI 96790

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS)/Maui County Cultural Commission Comment Letter

Dear Ms. Long:

Thank you for your letter of April 29, 2002 addressed to the Maui Cultural Resources Commission (MCCRC) regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project.

Based on the recommendations of the MCCRC resulting from a site visit to the Corn Mill Camp structures, a structural survey of the Corn Mill Camp structures is underway. Concurrently, an architectural history of the site is being conducted. These studies, along with the archaeological and cultural surveys contained in the DEIS for Upcountry Town Center, will provide complete documentation of these structures' historical significance.

In addition the following are offered in response to your specific comments:

1. **State Historic Preservation Office review** – In a letter dated June 14, 2002 to Aki Sinoto Consulting, the State Historic Preservation Division provided comments and suggested revisions to the Archaeological Inventory Survey provided in Appendix D of the DEIS. These comments are being integrated into the Survey and will be reflected in the Final EIS. A copy of the letter is attached for your reference.

2. **Site Map of significant trees and other plants** – The Botanical Survey for the Upcountry Town Center (DEIS Appendix C) site is intended as a comprehensive survey of plant life on the property. The two cypress trees planted by Mr. Jio in the 1920's that you mention in your letter are noted. The cypress trees are located off-site on the adjoining Fire Department property, and this project will not affect these trees.

3. **Federal historic structure tax credits** - Maui Land & Pineapple Company, Inc. is aware of the availability of federal tax credits for preserving historic structures. The Corn Mill Camp structures are not Federally-registered historic structures and therefore do not qualify for many of these incentives.

4. **Corn Mill Camp name research** – Research on the history of the Corn Mill Camp name will be conducted as part of the architectural history currently in progress.

5. **Interpretive facilities** – Along with the historical, cultural and archaeological studies conducted for the property, interpretive exhibits highlighting Maui's agricultural past and products will be provided at the proposed Maui Fresh location.

6. **MCCRC review of the Final EIS and plans** – The letter written in response to the MCCRC DEIS comment letter of May 3, 2002 will be provided to the Maui County Department of Planning for review by MCCRC prior to publication of the Final EIS. In addition, the requests for a Change in Zone, Community Plan Amendment and Project District approval will all go before the County and involve public hearings.

We appreciate your interest in the project and share your desire to preserve and integrate some of the authentic historical elements of Corn Mill Camp. We will provide you with a copy of the architectural history and structural analysis reports when they are completed. Your letter and this response will be included in the Final EIS. We will forward you a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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JUN 10 2002
GROUP 70

June 6, 2002

Group 70 International, Inc.
925 Bethel Street, 5th Floor
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Attn: Jeff Overton

Draft E.I.S. for Upcountry Town Center

Dear Mr. Overton-

I have reviewed the above subject Town Center E.I.S. and attended the community meeting in Kula. Based on the comments made by the residents who live in the area as well as other comments from concerned citizens I have the following general concerns:

1) The drainage, sewer and site plans are conceptual and are not necessarily what will appear in the final plan. Similar criticism was made of another development similar to the Town Center when the final plans made a departure from the conceptual drawings.

2) Water is a concern to area residents and especially when water restrictions are already in effect in the upcountry area. Many Hawaiian families and local residents believe that they should be given water prior to anyone else being served first.

3) Light pollution is a concern with the petrels and the hoary bats. Our model ordinance for light standards is presently being drafted and when it is completed this should give better guidelines on how to proceed. Ground lighting should be used to preserve the beauty and tranquility of the rural night sky.

4) With 17 different species of birds there should be greater attention paid to conservation of critical habitat and also the problems posed by removing certain plants and bushes on which these species rely.

5) The community plan calls for only two commercial centers in the area and this plan would not be consistent with that requirement. Also, the expansion of this area may create an excess of retail space and could have an overall negative impact on the economic picture for upcountry.

6) The assumption in Appendix C-2 and C-3 that states "the limiting factor to the growth of diversified agriculture is not the land supply, but rather the size of the market for those crops which can be grown profitably in Hawaii" is in my opinion a false premise. Land availability is directly related to the overall price of agricultural land in general. In West Maui alone the costs for agricultural land increased by 48% in one year. The fact that ag land prices are escalating at an alarming rate is based on the urbanization of ag land which drives up the value and also the reduction in the actual amount of acreage available. This drives up the cost of the land because it is not being used for farming, but for residential, commercial and resort development. This, coupled with the fact that the agribusinesses have not aggressively pursued markets in an innovative manner, has created a difficult situation for farmers. How can a farmer even compete with escalating land costs due to urbanization and conversion of farmlands?

These comments are offered as a summary of the concerns expressed by many of the local farmers, area residents and concerned citizens.

My suggestion would be to hold this development in abeyance until the market can absorb further development and until the community requests that the community plan be amended to reflect their changing needs.

Sincerely,

Councilmember Jo Anne Johnson
200 S. High Street – Room #813
Wailuku, Hi. 96793

Cc: County of Maui County Council Dept. of Planning
Kalana Pakui Bldg.
250 S. High Street
Wailuku, Hi. 96793

Attn: Colleen Suyama

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August 7, 2002

Councilmember Jo Anne Johnson
County of Maui Council
200 South High Street, Room#813
Wailuku, HI 96793

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Councilmember Johnson:

Thank you for your letter of June 6, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your numbered comments offered as a summary of the concerns expressed by many of the local farmers, area residents and concerned citizens:

1. **Conceptual site, drainage and sewer plans –** Though conceptual in nature, the plans presented in the DEIS for Upcountry Town Center provide the intended design for the center. Future stages of the Center's design, including its structures, infrastructure and landscape, will closely reflect the concepts and intent for the development presented in the DEIS.

2. **Water priority –** Appendix H of the EIS completed by Mink and Yuen (2001) identifies potential wells in the area. In addition, Maui Land & Pineapple Company, Inc. is proposing development of a new off-site potable water source in the Upcountry area.

The planned potable water source for the Upcountry Town Center will be a new well to be developed in the Upcountry region utilizing an existing well permit. The specific location for this well has not yet been finalized. This water source will be developed in a location which will avoid conflict with existing and proposed public drinking water sources.

We feel that Upcountry Town Center will provide benefits to all residents of the surrounding area by offering services that are currently available only to residents willing and able to travel to Central Maui.

3. **Ground lighting –** Lighting, as related to its impacts to wildlife, is discussed in Section 6.2.6 of the DEIS: "To reduce the potential for interactions between nocturnally flying Dark-rumpled Petrals and external lights and other man-made structures, external lighting within the proposed development will be shielded so as to prevent upward radiation." The Hawaiian Hoary Bat was not detected on-site as noted in Appendix F of the DEIS.

Lighting is also addressed in the DEIS in Section 6.2.10 of the DEIS. The mitigation portion of this Section states: "Lighting of the Upcountry Town Center

will be limited to necessary areas including entrances, structures, parking and interior streets. Lighting will be subdued to avoid adverse glare and other lighting effects on nearby properties and nighttime visibility in the general area. Sensitive lighting design will be applied to minimize potential off-site lighting impacts."

4. **Conservation of critical habitat –** The avian and mammalian species survey conducted as part of the DEIS (Appendix F) noted that "pineapple fields do not normally support a diverse array of avian species or numbers. Predictably, we recorded the most avian diversity and density within the brushy and ornamentally planted in-holding in the north-northeastern corner of the site." Much of this portion of the site will be maintained as open space as shown in the conceptual plan for the Center. The ornamentally planted habitat that exists in this area will either be left intact as open space or replanted as open pasture and trees including native Hawaiian species where appropriate.

5. **Number of commercial centers in the area –** A consistency analysis of the project and the objectives and policies of the Makawao-Pukalani-Kula Community Plan, was completed as Section 5.0 of the DEIS. The project will require a Community Plan Amendment as the proposed use for the site is inconsistent with its current Plan designation. Such an amendment is permissible under County guidelines.

The comments of the Hallstrom Group, Inc, the market consultants for the DEIS, indicate there is sufficient demand for the proposed subject project, and that it will not create excess supply in the region. This conclusion is further bolstered by the strong interest that numerous retailers have expressed in locating at UTC.

Regardless, it is difficult to assert, from a market or economic perspective, how there would be a negative impact on the community if some of the subject space remains vacant for a period of time. It would just be empty space passively sitting there, a vacuum having no outward effects. The region will still benefit from the construction employment and jobs created in the businesses that do locate there, and the real property taxes and gross excise taxes would still be paid (even if the latter were reduced).

6. **Agriculture –** The following response to your comment was provided by Decision Analysts Hawaii:

On page 13 of the report "Upcountry Town Center: Impact on Agriculture" (Appendix G of the DEIS), it is concluded that: "… the limiting factor to the growth of diversified agriculture is *not* the *land supply*, but rather the *size of the market* for crops that can be grown *profitably* in Hawai'i." This conclusion is based on the following (page 12): "A vast amount of land has been released from plantation agriculture (over 217,900 acres since 1968), and this release of land has far outpaced the demand for land for diversified crops (an increase of about 38,500 acres over this same period). While some of the released land has been converted or is scheduled to be converted to non-agricultural uses, most of it remains available for diversified crops. Thus, ample land is available on Maui … and other islands to accommodate the growth of diversified agriculture."

Agricultural land that is in the path of urbanization can carry a high and increasing price; the high price reflects the long-term development potential of the land, not its current agricultural value. At the same time, agricultural rent on this same land can be low so as to reflect what farmers can afford to pay. Also, the agricultural rent may even decrease over time in response to the increased availability of farm land. On O'ahu - which has some of the best agricultural lands in terms of agronomic conditions and the short trucking distance to the large Honolulu market and, for export, to Honolulu Harbor and Honolulu Airport - one major landowner reports a drop in land rents for good agricultural land from about $1,000 per acre in the mid-1990s to about $100 per acre in 2001 (personal communication, Dole Food Company Hawai'i, October 16, 2001). The drop in rents is in response to the increased availability of good farm land due to the closure of sugar plantations.

The development of new crops for Hawai'i has been pursued in Hawai'i for over 150 years, including efforts by the major sugar companies. Over the past 20 years, these efforts have increased substantially due largely to the release of land from plantation agriculture. These efforts are partially summarized on pages 19-1 to 19-5 of the report *Hawai'i's Sugar Industry and Sugarcane Lands: Outlook, Issues, and Options*, by Decision Analysts Hawai'i, Inc., April 1989.

While there have been some notable successes in developing markets for diversified crops (e.g., macadamia nuts, papaya, watermelons, coffee, etc.), success has been limited for the reasons given on page C-2 of the Decision Analysts Hawaii report:

- Hawai'i's subtropical climate is not well-suited to the commercial production of major crops that grow better in the temperate mainland climates.
- For certain crops, special hybrids adapted to Hawai'i's subtropical climate are yet to be developed.
- Crop pests are more prevalent and more expensive to control in Hawai'i than they are on the mainland where the cold winters kill many pests.
- Fruit-fly infestations prevent exports of many crops, or require expensive treatment.
- Most soils in Hawai'i have low nutrient levels and therefore require high expenditures for fertilizer.
- Hawai'i suffers from high farm-labor costs, largely because the agriculture industry must compete against the visitor industry and related industries for its labor.
- High overseas transportation costs increase the cost of importing agricultural supplies and equipment and, for export crops, shipping produce to market.
- For a number of crops, consumption volumes in Hawai'i are too small to support large, efficient farms.

Hawai'i farmers must compete against highly efficient mainland and foreign farms which, in a number of cases, can deliver produce to Hawai'i more cheaply than can be done locally because these farms incur lower costs for land, labor, supplies, fertilizer, pest control, equipment, etc. Furthermore, many of them benefit from large volumes and economies of scale.

Summary – While you propose delaying this project until an adequate determination of the impacts resulting from other proposed projects that may vary from their proposed plans, we feel the Upcountry Town Center presents a unique opportunity for the surrounding community, and its progress should not be tied to ancillary developments of uncertain timing. The Center's plan has always been driven by its unique location attracting first-rate local businesses to a quality "town center "place.

In addition, while a Community Plan Amendment is required, we feel delaying the project until the community initiates the amendment process is not feasible. While this Amendment addresses the direct use of the land, we believe the intent of the Community Plan will be adhered to in the development of the "country-town center" as described in the DEIS. Appropriately, this issue will be addressed further in the Community Plan Amendment process.

We appreciate your interest in the project. Your letter and this response will be included in the Final EIS. We will forward you a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

57 Kainana Place
Kula, HI 96790

May 25, 2002

RECEIVED
MAY 29 2002
GROUP 70

Maui Planning Dept.
250 S. High St.
Wailuku, HI 96793

Gentlemen,
Subject: ML&P Upcountry Town Center

At a Kula Community Association meeting on 16 May 2002, an updated presentation was given on the above subject.

This letter is to formally submit for your consideration the possibility of adding some sort of stage, gazebo or covered platform wired for electricity on the "Village Green". This would serve as a focal point for providing a place for music or community presentations. For example, musical entertainment could be held with picnicking on the green. This would enhance the "small town" atmosphere and attract more patrons to the small businesses in the center.

Yours truly,

Richard B.C. Tom

cc: Group 70 International
925 Bethel St.
Honolulu, HI 96813-4307

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August 7, 2002

Mr. Richard B.C. Tom
57 Kainana Place
Kula, HI 96790

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Tom:

Thank you for your letter of May 25, 2002 regarding your review of the Draft Environmental Impact Statement and participation at the Kula Community Association meeting on May 16, 2002 for the Upcountry Town Center project.

Currently, the Upcountry Town Center is in the conceptual design phase. Your recommendation for the provision of a stage, gazebo or covered platform wired for electricity will be considered in the development of specific site element and landscape plans. We agree with your motivation of enhancing the "small town" atmosphere of the project through specific site design measures.

Your letter and this response will be included in the Final EIS.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

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-----Original Message-----
From: altenber@hawaii.edu [mailto:altenber@hawaii.edu]
Sent: Thursday, May 02, 2002 12:26 AM
To: planning@co.maui.hi.us
Cc: pc.committee@co.maui.hi.us
Subject: Upcountry Town Center Environmental Impact Statement

May 1, 2002
Attention: Colleen Suyama.
Maui County Planning Department,
Kalana Pakui Building,
250 South High St.,
Wailuku, Maui, HI 96793.
E-mail: planning@co.maui.hi.us
Phone: (808) 270-7735

Re: Upcountry Town Center Environmental Impact Statement
Recommendation: Reject and resubmit

Dear People:

The design for the proposed Upcountry Town Center, as published in the April 29 Maui News, shows it to be nothing more than "sprawl writ small". This project simply takes the designs from single-use zoning developments---for residential "communities", office "parks", strip malls, and light industry, and shoves them together into a small space. This is in no way to be confused with Smart Growth design.

While it may be possible that I have mistakenly interpreted the schematic, it appears that the proposal envisions the typical components of sprawl: buildings connected to parking lots connected to roads. Also, it shows no integration with the surrounding developments, nor a plan on how such integration may occur in the future. This will guarantee that most access to the development and within the development will be by automobile. Traffic will not be abated.

The optimal diameter for a village that people will be willing to traverse by foot has been found in the New Urbanist research to be 1/2 mile across. The project area is approximately 0.35 miles across (since 41 acres takes up half of the triangular region, 2 * 41 acres/640 acres per square mile = 0.35 miles squared). Thus, the current parcel and the area bordering it should be considered to be part of a single village development. Therefore, there needs to be integration with the surrounding parcels through a grid of roads and pedestrian access. None of this is evident in the plan.

The segregation of senior multi-housing, shopping, cottage industries, offices, and civic space into separate parcels is antithetical to smart growth design. It is sprawl design. The proposal needs to be totally revamped along the following guidelines:

1) The parcel needs to be organized into a grid of streets that create blocks. Blocks are typically 1/20 of a mile wide, which would mean the parcel should be around 7 blocks wide. They need not be linear, but may curve to accomodate the boundaries of the parcel. European villages have made very interesting use of non-square parcels yet maintain an essentially grid design.

2) The civic space should comprise a town square at the center of the development.

3) The buildings surrounding the square should be at least three stories high. Any denisty lower than this will prevent people from having the proximity to the rich combination of economic activities needed to make it a functioning pedestrian village, and will force the entire development to be organized around automobile access.

i. On the bottom floors should be all the storefronts that, in the current proposal, would be stand-alone buildings surrounded by parking lots. These storefronts should have awnings that allow pedestrians to move through the entire village even during the rain.

ii. On the second and higher floors should be:
   a) the offices that the current proposal places in stand-alone buildings surrounded by parking lots, and
   b) apartments, flats, hotels, etc., so that a substantial population will be living in the development, a population not segregated by age, income, or other factors.

4) Parking for the development should be placed in the interior of blocks behind buildings so as not to create a street environment alienating to pedestrians.

5) The blocks that are further out from the town square should contain the proposed "cottage industry" buildings, as well as the proposed senior multi-family housing, but not as stand-alone buildings surrounded by parking lots. Instead, they should be integrated into the grid of blocks so that no single-purpose building is more than a block away from the other diversity of functions---shopping, office, retail, dining, housing.

6) Additional single and multifamily homes should form the outer circle of blocks farthest from the town square. The residences should not be set back behind driveways and garages, but should come out to the street, with garages placed in the rear of the properties, and alley ways provided to allow for trash pickups, and other utilities.

7) All streets should have sidewalks, on-street parallel parking, strips for trees between the sidewalks and road, and bike lanes.

8) Power lines should be undergrounded.

9) All outdoor lighting should be fully shielded.

If the current plan were to be approved, it would fail as a "smart growth" development, because it does not have the density nor pedestrian functionality, nor aesthetics, to create a place where most access will be by proximity. It will not function to create community because it isolates its different functions into different areas, as is the case with all sprawl design.

Therefore, I urge that the design be rejected, and that new urbanist architects be recruited to draft an alternative design. With appropriate design, this Upcountry Town Center could create a truly marvelous addition to Maui, a real village, that would actually reduce traffic by providing for peoples' needs where they live and work.

Sincerely,

Lee Altenberg, Ph.D.
Associate Professor, Information and Computer Sciences
University of Hawai`i at Manoa
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August 7, 2002

Lee Altenberg, Ph.D., Associate Professor
University of Hawaii
2605 Lioholo Place
Kihei, HI 96753-7118

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Dr. Altenberg:

Thank you for your letter of May 1, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. We appreciate your comments regarding the design for the project, and the following are offered in response.

1. Street Blocks - The site design for Upcountry Town Center is based upon the small town theme that is consistent with Upcountry Maui. The center consists of 1-2 story buildings clustered around a main axis of a central roadway, organized by land use types. The commercial element is clustered along Makawao Avenue to be consistent with the commercial corridor presently existing along Makawao Avenue. The project would change dramatically if divided into blocks, creating an urban context which would not be appropriate at this location.

2. Town Square at the Center – The site plan for the Town Center includes a village green at the center of the project, surrounded by office, civic and commercial retail uses. The village green will be linked to the other elements of the project through a system of walkways, to encourage pedestrian and bicycle use.

3. Buildings and Access – The current plan is for structures that are only two-story, possibly include one or two buildings that may be three stories (maximum height 45 ft.) at the office building sites. The scale of the project is intended to be complementary to upcountry Maui and not excessive in mass and character.

The current mode of transportation for Upcountry Maui is primarily vehicular, with no significant public transportation system in place. People also walk and bike ride within their communities, however, topography and distance are limiting factors. At Upcountry Town Center, there will be sidewalks, walking and bicycle trails to allow people to comfortably travel throughout the project. These trails will connect to the adjoining Pukalani community to encourage walking and biking. People use cars as their primary transportation mode, therefore the project will need to provide the appropriate roadways and parking lots.

4. Parking – Parking for vehicles is located behind the retail commercial buildings along Makawao Avenue, to minimize the visual impact and create a more pedestrian-friendly environment.

5. Cottage Industry Sites – We share your interest in maintaining the integrity of the overall concept. The location of the cottage industry sites is directly adjacent to the core of the Town Center. This location serves to integrate the uses with the overall complex, while isolating those individual functions that require more operational space. Design for the parking lots at the individual cottage industry parcels will be addressed in the design guidelines for the overall project.

6. Housing – The project is not intended to provide significant new housing for the Pukalani and broader Upcountry area. The inclusion of a modest amount of multi-family or senior housing in the project is a logical component that complements the Town Center.

7. Streetscape – Plans for the interior streets will include sidewalks, plantings, and bike lanes. There will also be some sections with on-street parking.

8. Utilities – In the 1990's, the community and Maui County created Country Town Design Guidelines to guide the form and character of town centers in this region. Upcountry Town Center will generally be consistent with these guidelines, which includes retaining above-ground utilities. Based on comments offered at recent public meetings, the Upcountry community has expressed an interest in having this project install electrical utilities underground.

9. Lighting – Efficient lighting design will be utilized to minimize glare effects at off-site locations.

10. Traffic – Residents of Pukalani, Kula and Makawao will have shorter drives to obtain some essential goods and services that are not readily available Upcountry at present. We most definitely agree that the new outlets for goods and services at Upcountry Town Center will reduce the number and frequency of trips that Upcountry residents will make to Kahului and other Maui centers. Upcountry Town Center will also allow some Upcountry residents to shop and work closer their homes, and some may chose to walk or bike to the project instead of driving.

Your letter and this response will be included in the Final EIS.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

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June 7, 2002

Via Hand Delivery

Ms. Colleen Suyama, Staff Planner
Planning Department, County of Maui
250 South High Street
Wailuku, Maui, HI 96793

Re: Comments of Malama Maui on Draft Environmental Impact Statement for Upcountry Town Center Proposed by the Maui Land & Pineapple Company, Inc., TMK No. (II) 2-3-007:008, Pukalani, Maui, Hawaii

Dear Colleen Suyama:

These comments are submitted on behalf of Malama Maui on the Draft Environmental Impact Statement ("DEIS") for the Upcountry Town Center proposed by Maui Land & Pineapple Company, Inc. ("ML&P") on 40.6 acres in Pukalani, Maui, Hawaii, designated as TMK No. (II) 2-3-007:008. Malama Maui is an unincorporated association of Maui residents vitally concerned with protecting and preserving the agricultural, rural and open space characteristics of the upcountry region as well as the integrity of the Makawao-Pukalani-Kula Community Plan.

Malama Maui's comments are addressed to the person and entity identified as the approving agency/accepting authority for this project in "The Environmental Notice" dated April 23, 2002, with copies to the applicant, in accordance with Hawaii's "Environmental Impact Statement Rules," HAR §11-200-22(b). This submittal is without prejudice to our comment in §II.B. below that the approving agency/accepting authority has not been properly identified.

I. INTRODUCTION/THE DEIS IS INADEQUATE

The DEIS for the Upcountry Town Center ("proposed project") is inadequate and unacceptable for multiple, important reasons. The DEIS does not satisfy basic, minimal requirements of Hawaii's law on Environmental Impact Statements, Chapter 343, ("HEPA"). It fails "to convey the required information succinctly in a form easily understood, by both members of the public and the public decision-makers." HAR §11-200-19. Contrary to HAR §11-200-14, the DEIS is "a self-serving recitation of benefits and a rationalization of the proposed action." The preparers of the DEIS have not taken a "hard look" at the environmental consequences of the proposed project as a whole.

II. THE PROCEDURES FOR THE PREPARATION OF A DEIS HAVE NOT BEEN COMPLETED SATISFACTORILY AS REQUIRED BY LAW

A. The DEIS Has Been Submitted Prematurely for an Applicant Action Before Any Requests for Approval Have Been Filed With Any Agencies, Thus Subverting the Purpose of Chapter 343

By Chapter 343, actions are either applicant actions or agency actions. See HRS §343-5(b) and (c). This project is alleged to be an "applicant" action triggered by the applicant, ML&P, having proposed an action requiring the approval of an agency. HRS §343-5(c). The agency receiving the request for an approval has the duty to prepare an Environmental Assessment and to determine whether an EIS is necessary. HRS §343-5(c) further states:

> **The authority to accept a final statement shall rest with the agency receiving the request for approval.** (Emphasis added.)

In §8.0 of the DEIS, "Required Approvals" are discussed. It is acknowledged that a district boundary amendment reclassifying property from Agriculture to Urban is required from the State Land Use Commission and that a petition/application for reclassification will be submitted "in the later stages of the community plan amendment process." A telephone call to the State Land Use Commission on June 5, 2002 confirmed that no application for an approval from the State Land Use Commission has been filed by ML&P for this project.

It is further acknowledged that Community Plan amendment, Change in Zoning and Project District approvals are all required from the Maui County Council. The DEIS states, in §8.2.1, that applications for these approvals "are being submitted to the County of Maui concurrently with the DEIS." Telephone calls on June 6, 2002 to the Maui County Planning Department, the entity with which these applications would be filed, confirmed that no applications had been filed for a Community Plan amendment, a Change in Zoning or a Project District Development.

Thus, there has been no "triggering" event for the preparation of this DEIS, as a matter of law. The underlying documents which set the Chapter 343 process in motion have not been filed. This DEIS has been prepared without the benefit of the detailed information which the applications for a District Boundary Amendment, a Community Plan amendment, a Change in Zoning and a Project District Development would have provided.

Each of these permit and approval processes has detailed application requirements. The content requirements for a Boundary Amendment Petition are set out in State Land Use Commission Rules in HAR §15-15-50(a)-(c). See

Exhibit "1" attached hereto. This information would have provided specificity to the study of environmental impacts in the DEIS. Without this detailed information, the DEIS does not and can not study the actual anticipated impacts of this project.

HAR §15-15-50 requires a definite description of the project; however, the DEIS is conceptual in nature, stating, for example, that there might be senior citizens housing or multi-family housing. The impacts of these two alternatives are vastly different. The DEIS states in §3.2.4 that there will be senior housing only "if this use can be supported by market factors."

HAR §15-15-50(15) requires an assessment of the need for reclassification based upon the relationship between the proposed development and other projects existing or proposed in the area. This assessment has not occurred. The market study in the DEIS summarily concludes that the Kulamalu commercial development is not viable or competitive.

The application requirements for a Community Plan amendment are contained in the Maui County Code in §2.80A.060.D.1.-9. The application requirements for a Change in Zoning are detailed in the Maui County Code in §19.510.010.D.1.-25. See Exhibit "2" attached hereto. The application requirements for a Project District are set out in the Maui County Code, §19.45.040A.-C. All of these County applications require detailed, specific information about the project.

As an example, the application requirements for a Change in Zoning require a traffic impact analysis and, if applicable, a Traffic Master Plan. See Maui County Code §19.510.010.B.11. See the analysis of these impacts in Section VIII below. Change in Zoning applications require an analysis of the water source, supply and distribution, including methods of irrigation, the location and use of groundwater and non-potable water sources and, if applicable, a Water Master Plan. The DEIS contains only scant and insufficient information. See Appendix H of the DEIS.

The intent and purpose of Chapter 343 has been subverted by allowing ML&P to prepare a DEIS on a project before the applications for approvals have been submitted to any approving agencies. The substantial rights of Malama Maui, preserved by Chapter 343, have been prejudiced.

If ML&P does not wish to prepare another DEIS on the applications which it actually submits for the above-referenced permits or approvals, it must withdraw this DEIS. Once the various applications for permits and approvals, meeting the content requirements, have been prepared and filed, the DEIS can be prepared based upon the specific and detailed information provided in these applications. Withdrawal would be required even if the DEIS were a component of a complete application and was prepared and submitted concurrently with the application.

B. The Approving Agency/Accepting Authority Cannot Yet Be Identified

As stated earlier, the "authority to accept a final statement' in applicant actions "shall rest with the agency receiving the request for approval." See HRS 343-5(a). In addition, HAR §11-200-4, entitled "Identification of Accepting Authority," in subsection (b), states the following with respect to applicant actions:

> Whenever an applicant proposes an action, the authority for requiring statements and for accepting any required statements that have been prepared shall rest with the agency initially receiving and agreeing to process the request for an approval.

In this instance, since no agency has received a request or application for a permit or approval, there is no basis for identifying any accepting authority. According to Chapter 343 and the EIS Rules, there is no entity which at this point in time has any power or authority to accept this EIS.

Furthermore, the Maui Planning Department would not be the accepting authority under any circumstances. The Maui County applications are submitted for final approval by the Maui County Council. The applications are submitted to the Planning Department; however, the Planning Department does not approve the applications. Under similar circumstances, as exist here, the Hawaii Supreme Court ruled that the Maui Planning Commission was the agency receiving the request for the approval of an SMA application and, therefore, was the agency responsible for the preparation of environmental documents. KSOA v. County of Maui, 86 Haw. 66, 947 P2d 378 (1997). Malama Maui's position is that acceptance of this EIS by the Maui Planning Department would be null and void as a matter of law.

These comments are submitted to the State Land Use Commission and to the Maui County Council because one or the other of these agencies will be the approving agency/accepting authority pursuant to Chapter 343 and the EIS Rules, once it is determined which of these agencies first receives an application submitted by ML&P based upon HAR §11-200-4(a) or (b). Malama Maui will want to be notified when and if these applications are filed, and when and if it is determined which of these agencies is the approving agency/ accepting authority.

III. THE LOSS OF RESOURCES OF STATEWIDE IMPORTANCE CONSTITUTES SIGNIFICANT ADVERSE IMPACTS

A. The Reclassification or Rezoning of These Class A, Prime, Agricultural Lands Would Violate the Hawaii State Constitution and, in the Alternative, Constitute a Significant Adverse Impact

These lands have been utilized since the 1900's by ML&P for the cultivation of pineapple. The Land Study Bureau ("LSB") classifies lands

according to their productivity and suitability for agriculture. All lands on Maui have been classified within a range between A and E, with A being the most productive. The land encompassed by the project area is irrigated. With irrigation, all of the project area is rated A, indicating that it is classified among the best agricultural land in the State of Hawaii.

There is an additional system of classifying agricultural land called Agricultural Lands of Importance in the State of Hawaii ("ALISH"). According to the ALISH system, "prime" agricultural lands should be protected for long term agricultural use. The land in the project area is classified "prime" agricultural land by the ALISH system.

There is a constitutional, public trust obligation to protect and preserve prime agricultural lands in the State of Hawaii. Article XI, Section 3 of the Hawaii State Constitution is entitled "Agricultural Lands" and states, in pertinent part, as follows:

> The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands. The Legislature shall provide standards and criteria to accomplish the foregoing. (Emphasis added.)

Section 3 further states:

> Lands identified by the State as important agricultural lands needed to fulfill the purposes above shall not be reclassified by the State or rezoned by its political subdivisions without meeting the standards and criteria established by the Legislature and approved by a two-thirds vote of the body responsible for the reclassification or rezoning action. (Emphasis added.)

There is a constitutional, public trust mandate to the people of Hawaii to protect these particular class A, prime agricultural lands and to assure their availability for agricultural uses in the future.

The DEIS includes Appendix G which purports to analyze the impacts on agriculture, and argues that there will be ample agricultural lands available even if the project area land is reclassified from agriculture to urban. This study is fatally flawed because it does not analyze (a) the number of acres of agricultural lands which are classified both class A and prime agricultural lands on Maui, (b) how many acres of land bearing these classifications have been lost over the last twenty years to non-agricultural uses, and (c) the cumulative or long-term impact resulting from these losses, including the specific loss of these particular lands in view of the constitutional obligation to protect and preserve these lands.

Furthermore, no credible proof is presented that the construction of the Pukalani Bypass through agricultural properties owned by ML&P makes it

more difficult to use the project area's 40.6 acres for agricultural purposes. The "topographic survey map" attached as Figure 1.4 to Appendix I to the DEIS indicates how the pineapple fields have been laid out within this 40.6 acre parcel. Figure 1.4 also shows how access in and out of this parcel has been obtained for agricultural purposes. It is doubtful that there are any real impediments to utilizing these 40.6 acres for the agricultural purposes for which they are well suited. In fact, there has been little attempt to identify and analyze appropriate agricultural uses, including growing specialty pineapple crops on the parcel perhaps in conjunction with the Maui Fresh facility.

These lands are agricultural resources of statewide importance that must be conserved and protected. Their loss would constitute a significant adverse impact but, more importantly, their diversion to other uses cannot be justified based upon the above-cited provision of the Hawaii State Constitution.

B. Loss of Visual/Open Space/Rural Resources

The project site is the beginning of an open space/agriculture region at the "mauka" end of the urban portion of Pukalani. See Figure 4.6, on p. 4-9, of the DEIS. The project site and the surrounding agricultural lands define the entry to upcountry Kula and Haleakala, and provide a open space buffer for King Kekaulike High School.

An examination of the Community Plan map for the region demonstrates that the project site is an important part of the agriculturally designated lands which characterize the surrounding region. See Exhibit "3" attached hereto. It is a land use objective and policy of the Makawao-Pukalani-Kula Community Plan to:

> recognize the value of open space, including agricultural lands and view plans to preserve the region's rural character.

The proposed project will have significant adverse impacts and violate the Community Plan, including the loss of valuable agricultural land, open space and view planes that are important to the region's rural character.

C. Loss of Historic/Cultural/Architectural Resources

Buildings from the Corn Mill Camp are significant historic, architectural and cultural resources. The DEIS does not contain an adequate Cultural Impact Assessment and does not adequately analyze these significant resources. There is no demonstration in the DEIS of how these buildings, if they are to be preserved *in situ*, will be integrated into the project plans.

IV. THE DESCRIPTION OF THE PROJECT IS TOO VAGUE TO ALLOW A STUDY AND ANALYSIS OF ENVIRONMENTAL IMPACTS

A. A Major Commercial Shopping Center is Proposed

The DEIS reveals that a major commercial shopping center is proposed for the 40.6 acre site. Its components are as follows:

* A shopping center on ten acres with 107,000 square feet for retail operations and restaurants

  The commercial element may include the Pukalani Superette, a second retail anchor tenant, a financial institution and additional retail and dining establishments. It will also include two story structures along Makawao Avenue to house local service and small retail businesses. Wai Ulu Farms and Maui Fresh, ML&P's pineapple business, will also be included.

* A 282,000 square foot paved parking lot for the shopping center

* 3.25 acres for nine lots, covering 46,761 square feet, for cottage industries

  Potential occupants include artisans, woodworkers, furniture makers and veterinarians.

* A three acre office and civic space with approximately 105,600 square feet

  Potential professional services include, medical, dental, legal, real estate or financial offices. Civic offices may include a satellite county hall, post office or library.

* Six to eight acres for multi-family condominiums or senior housing (120 two-story units if it is for senior housing and 96 units if it is multi-family condominiums).

  There is no commitment to construct senior housing. It will only be built "if this use can be supported by market factors." See DEIS §3.2.4. Otherwise, this area is for multi-family condominiums.

* Roadways, parks, open space

B. The DEIS Contains Only Vague Descriptions of the Project

The DEIS does not contain any detailed descriptions of the shopping center, the cottage industry lots, the office buildings, the multi-family condominiums or any other components of the project. The only descriptions of the buildings are contained in "Site Perspectives" contained in Figures 3-2a through 3-2d on pp. 3-6 through 3-9 of the DEIS. Even these "Site Perspectives" are vague drawings of what will be constructed. It is difficult if not impossible to understand that is actually being proposed.

The DEIS does not include (a) existing and proposed building elevations, sections, floor plans and site sections, (b) the location, size, spacing, setbacks and dimensions of all existing and proposed buildings, structures, improvements and uses, (c) all existing and proposed landscaping which depicts open spaces, plantings and trees, and (d) all existing and proposed roadways and access to the project and a parking layout with dimensions. This information is required for a Change in Zoning application. See Maui County Code §19.510.010.D.21.

The studies attached to the DEIS are based upon a vague description of the project. For example, see the Engineering Report, attached as Exhibit I, to the DEIS which is based on areas being designated for potential general uses rather than actual proposed buildings of definite sizes and shapes.

This vague project description makes impossible to study and analyze potential adverse impacts. The impacts of a project can only be studied and analyzed once a project is described with sufficient detail. The preparers of this DEIS have subverted the purpose of Chapter 343 by failing to describe the project in sufficient detail to allow its impacts to be studied in the DEIS. When and if this project is described in detail, a supplemental EIS will be required as a matter of law.

V. THREAT TO THE INTEGRITY OF THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN

The Makawao-Pukalani-Kula Community Plan was adopted by Ordinance No. 2510, which became effective on July 23, 1996. The property proposed for development by ML&P is designated Agriculture in the Community Plan. This category indicates areas to be used for agricultural activities. The 1996 Plan is an update of the earlier 1987 Community Plan.

The General Plan for Maui County includes the local community plans. Adherence to the General Plan and Community Plans is mandatory. Maui County Code §2.80A.010B. states, in pertinent part, as follows:

> All agencies of the county shall comply with the provisions of the General Plan. All community plans, zoning ordinances, subdivision ordinances and administration actions by county agencies shall conform to the provisions of the General Plan.

Preparation of county budgets and capital improvement programs shall also conform to the provisions of the General Plan.

The Makawao-Pukalani-Kula Community Plan, including its Map Plan and its objectives and policies, is to remain effective in the region through the year 2010.

A thirteen-member Citizens Advisory Committee ("CAC") was established as the first and major step in updating the Makawao-Pukalani-Kula Community Plan. The CAC met a total of 18 times during a 225-day deliberation process to formulate and recommend revisions to the Community Plan.

During this deliberative process it was determined by the CAC that there only one additional commercial center in the Makawao-Pukalani-Kula Community Plan region would be necessary to meet the potential needs of the Community Plan region during the period of time covered by the 1996 Community Plan. "Business/Commercial" is defined in the Plan as including "retail stores, offices, entertainment enterprises and related accessory uses."

ML&P submitted a request that the 40.6 acre area be designated Business/Commercial in the Community Plan; however, the CAC determined that another site within the Kulamalu project would be a more appropriate location for Business/Commercial. ML&P withdrew its request based on the CAC's preference for the Kulamalu site after analyzing the ML&P and Kulamalu proposals.

The result is that the Map Plan designation for the ML&P proposed project area remained Agriculture. This designation remained in the Plan throughout the Community Plan update process, including the Planning Director's revisions, approval by the Maui Planning Commission and the Maui County Council and enactment of Ordinance No. 2510, effective July 23, 1996.

The Makawao-Pukalani-Kula Community Plan includes a land use objective and policy which states, on p. 19:

> Discourage additional development of large scale retail outlets and encourage uses which support neighborhood retail stores.

This land use objective was included in this Community Plan to discourage any further large scale commercial centers from being developed in the region. This objective and policy is binding and enforceable and must be honored. See Maui County Code §2.80A.010.B.

VI. THERE IS NO DEMONSTRATED NEED FOR THE PROJECT/THE MARKET STUDY/SOCIO-ECONOMIC IMPACTS

To analyze the need for this project, a market study has been prepared and attached as Appendix A to the DEIS. This market study is flawed in

numerous ways. The business/commercial center which is part of the Kulamalu project is under construction now. The market study only discusses the viability of the Kulamalu commercial development in three short paragraphs. It concludes that the "commercial outlook for the lots are limited", that "the zoning is somewhat restrictive", and that "the subdivision is outside the regional traffic flow of most residents and tourists". Based upon these assertions, the market study gives no further consideration to the Kulamalu commercial development.

The market study does not analyze the socio-economic and environmental impacts of the construction of two new shopping centers, in relatively close proximately to each other in the upcountry region. If anything, the applications for the Upcountry Town Center should be deferred or denied until construction of the Kulamalu commercial development is completed and it can be ascertained whether there is a need for additional commercial development in the planning region.

VII. INFRASTRUCTURAL AND ENGINEERING IMPACTS

A. The Existence of Hazardous Wastes

The study and analysis of hazardous wastes on this project site is inadequate. See §§ 4.4.4 and 6.1.2 of the DEIS. In those sections, it is acknowledged that ML&P grew pineapple on the property and applied pesticides during the 1940's through the 1960's. DDE, DDT and arsenic were found in soil samples.

It is also widely known that ML&P applied DBCP, which can cause cancer, in cultivating pineapple and may have done so on this property. Testing of the soils in the project area should be conducted. Groundwater surrounding this property also should be tested to determine whether or not DBCP is present. This information must be disclosed in this DEIS.

B. No Source of Water Has Been Identified

There is no detailed description of the water budget or water demand created by this project. Likewise, there is no description of how this water will be supplied. Appendix H, attached to the DEIS, is intended to address some of these issues; however, it is too vague to be of much help in analyzing impacts. It suggests, on p. 4, that a well planned by the Department of Water Supply near the Pookela Tank in Makawao, or another well close by it, may be the source of water supply for the proposed development. Nothing further is said about this matter. No dates are given for when the County plans to drill any well in Pookela or have any well on line in Pookela. No dates are given for when any other well "close by it" might be drilled, or the costs for such a well or who would drill it. No detailed information is provided and no analysis of the impacts of these wells is provided. Similarly, there is no study or analysis of any distribution system between these wells and the project site.

C. Wastewater/Sewage Impacts

There is no adequate description of the wastewater system which will be constructed for a large scale urban project of this nature. As such, there is no proper analysis of the environmental impacts of wastewater and sewage.

D. Drainage Impacts

There is no adequate description of the drainage system which will be constructed for a large scale urban project of this nature. As such, there is no proper analysis of the environmental impacts of this drainage. In addition, portions of the project area are subjected to periodic flooding; however, there is no discussion of these existing conditions.

VIII. ADVERSE TRAFFIC IMPACTS

There can be little doubt that this project will cause significant adverse traffic impacts potentially jeopardizing the health and safety of upcountry residents and visitors. These traffic impacts have been understated in the DEIS. The DEIS has not taken into consideration the increased traffic generated by the Kulamalu project, the Kamehameha Schools complex, King Kekaulike High School and the Hawaiian Homes project.

In addition, the Makawao-Pukalani-Kula Community Plan includes as transportation objectives and policies, on p. 34:

> New commercial development along Haleakala Highway in Pukalani should be discouraged out of concern over the impacts on traffic flow and the residential neighborhood.
>
> Prohibit vehicular access onto the Pukalani Bypass Highway. Access should be from Makani Road, Makawao Avenue or Haleakala Highway.

This project violates both of these Community Plan objectives.

IX. THIS PROJECT IS NOT CONSISTENT WITH THE OBJECTIVES AND POLICIES OF PERTINENT STATE AND COUNTY PLANS

The DEIS includes a section concerning the State Plan, the State Functional Plans, the County General Plan and the local Community Plan. This section of the DEIS is a self-serving rationalization in favor of the project. There has been no serious effort in this section to deal with the objectives and policies with which this project is directly inconsistent. Many of these inconsistencies have been addressed in this comment letter in other sections and will not be repeated here. It should be sufficient to note that based upon the Map Plan designation and many significant objectives and policies in the local Community Plan it cannot be concluded that this project is consistent with this local Community Plan.

X. THE STUDY OF ALTERNATIVES IS INADEQUATE

The study of alternatives in the DEIS is inadequate. HAR §11-20-17(f) requires a description of all alternatives which could attain the objectives of the action, regardless of cost, in sufficient detail to explain why they were rejected. It further states:

> The section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions. Particular attention shall be given to alternatives that might enhance environmental quality or avoid, reduce or minimize some or all of the adverse environmental effects, costs, and risks.

Examples of alternatives include (1) the no action alternative, (2) alternatives requiring actions of a different nature with similar benefits but different impacts, (3) alternatives related to different designs or details of the proposed action which would present different impacts, (4) the alternative of postponing action pending further study, and (5) alternative locations for the proposed project. This provision states:

> In each case, the analysis shall be sufficiently detailed to allow the comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative.

The study of alternatives in the DEIS is four pages long. None of the alternatives are studied in detail as required by the EIS Rules. The alternative of postponing action, which has been recommended by the Kula Community Association, is discussed in half a page and is rejected because there is an alleged economic window of opportunity and because of dust which would be generated if the site is left unused. This reasoning is insufficient for Chapter 343 purposes.

XI. THE ANALYSIS OF ENVIRONMENTAL EFFECTS WHICH CAN NOT BE AVOIDED IS INADEQUATE

HAR §11-200-17(j) requires that the DEIS include a section analyzing the extent to which the proposed action involves trade-offs among short-term and long-term gains and losses, including the extent to which the proposed action forecloses future options, narrows the range of beneficial uses of the environment, or poses long-term risks to health or safety.

In a similar vein, the DEIS must include a separate section describing all irreversible and irretrievable commitments of resources and unavoidable impacts resulting from any phase of the action. See HAR §§11-200-17(l) and (l). To the extent that there are adverse and unavoidable impacts, the DEIS must include the rationale for proceeding with a proposed action, notwithstanding unavoidable effects. The DEIS must indicate what other interests and considerations of governmental policies are thought to offset the

adverse environmental effects of the proposed action. HAR §11-200-17(l) concludes:

> The statement shall also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed actions that would avoid some or all of the adverse environmental effects.

The DEIS includes sections which purport to address these EIS Rules on pp. 6-16 through 6–19; however, none of the analyses required in the provisions cited above is included. These sections do not comply with these provisions of the Rules and are inadequate.

XII. THE NECESSITY FOR ASSEMBLING DATA AND CONDUCTING STUDIES AND TESTS AS PART OF THE DEIS PROCESS

The DEIS process involves at a minimum obtaining various relevant data and conducting necessary studies. See H.A.R. §11-200-14. It is essential in preparing an adequate DEIS that ML&P assemble necessary data to conduct appropriate studies as described above.

ML&P is reminded of its obligation to analyze and address in the DEIS "the full range of responsible opinion" and "responsible opposing views on significant environmental issues" raised by the Upcountry Town Center project. See HAR §11-200-16. These views and issues should not be "swept under the rug."

XIII. INCORPORATION BY REFERENCE OF OTHER COMMENTS

Malama Maui hereby incorporates by reference all other comments submitted by all others who commented on this DEIS, in particular the comments of the Kula Community Association.

XIV. THE DEIS DOES NOT MEET THE TESTS FOR ACCEPTANCE OR ADEQUACY

An EIS is inadequate and cannot be accepted unless it satisfies the tests for "acceptability" set out in HAR §11-200-23. The EIS, in its completed form, must represent an informational instrument which fulfills the definition of an EIS and adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments. See HAR §11-200-23(a).

An EIS may only be accepted by the accepting authority or approving agency if all of the following criteria are satisfied, according to HAR §11-200-23:

(1) The procedures for assessment, consultation process, review, and the preparation and submission of the statement, have all been completed satisfactorily as specified in this chapter;

(2) The content requirements described in this chapter have been satisfied; and

(3) Comments submitted during the review process have received responses satisfactory to the accepting authority, or approving agency, and have been incorporated in the statement.

It would be premature to assess whether the third test has been satisfied; however, it is already apparent that the first two tests have not been satisfied, based upon the foregoing.

XV. CONCLUSION/DEIS SHOULD BE WITHDRAWN

It will be insufficient to simply respond to the comments received on the DEIS. The inadequacies of the DEIS are so severe that the document must be withdrawn, rewritten, republished as a DEIS, and public review recommenced.

We trust that you will take seriously your responsibility to enforce the environmental laws of our State, and refuse to accept or approve this document until it has been adequately prepared to serve its intended purpose.

Thank you for the opportunity to comment on this DEIS.

Sincerely yours,

Isaac Hall

IH/sn

Enclosures

cc: State Land Use Commission
Maui County Council, County of Maui
Mr. Jeff Overton, Consultant, Group 70 International, Inc.
Office of Environmental Quality Control
Malama Maui

misc/malamasuyama

HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT, AND TOURISM

SUBTITLE 3 STATE LAND USE COMMISSION

CHAPTER 15

LAND USE COMMISSION RULES

Subchapter 1 General Provisions

§15-15-01 Purpose
§15-15-02 Repealed
§15-15-03 Definitions
§15-15-04 Grammatical usage
§15-15-05 Office and office hours
§15-15-06 Chairperson and vice-chairperson
§15-15-06.1 Hearings officer
§15-15-07 Executive officer
§15-15-08 Chief clerk
§15-15-09 Public records
§15-15-10 Meetings; generally
§15-15-11 Executive meetings
§15-15-12 Emergency meetings
§15-15-13 Quorum and number of votes necessary for a decision
§15-15-14 Removal of persons from meetings
§15-15-15 Minutes of meetings
§15-15-16 Computation of time

Subchapter 2 Establishment of State Land Use Districts

§15-15-17 Districts; district maps
§15-15-18 Standards for determining "U" urban district boundaries
§15-15-19 Standards for determining "A" agricultural district boundaries

EXHIBIT "1"

per page, sheet, or fraction thereof. Such reproduction cost shall include, but shall not be limited to, labor cost for search and actual time for reproducing, material cost, including electricity cost, equipment cost, including rental cost, cost for certification, and other related costs.

(c) The petitioner shall reimburse the commission for any expenses related to the publication of the hearing notice.

(d) After notice and opportunity to be heard, the commission may also assess any party to any proceeding before the commission a reasonable fee or require reimbursements for court reporter expenses, and any other reimbursements for hearing expenses as determined by the commission.

(e) The commission may assess a reasonable fee or require reimbursements to be made for inexcusable absence of a party from a boundary amendment proceeding. The assessment may include, but not be limited to, such costs for airfare, room rental fees, and publication fees. [Eff 10/27/86; am and comp 8/16/97; am and comp MAY 08 2000] (Auth: HRS §§205-1, 205-4.1, 205-7) (Imp: HRS §§91-2, 92-21, 205-4.1)

§15-15-50 Form and contents of petition. (a) The form of the petition for boundary amendment shall conform to the requirements of subchapters 5 and 6. All petitions shall:

(1) State clearly and concisely the authorization or relief sought; and

(2) Cite by appropriate reference the statutory provision or other authority under which commission authorization or relief is sought.

(b) For petitions to reclassify properties from the conservation district to any other district, the petition shall not be deemed submitted unless an environmental impact statement or negative declaration is approved or accepted by the commission for the proposed reclassification request. Such approved or accepted environmental impact statement or negative declaration shall be filed with and be part of the petition for boundary amendment. Notwithstanding any

rule to the contrary, subsections (e) and (f) shall not commence until this subsection is satisfied.

(c) The following information shall also be provided:

(1) The exact legal name of each petitioner and the location of the principal place of business and if an applicant is a corporation, trust, or association, or other organized group, the state in which the petitioner was organized or incorporated;

(2) The name, title, and address of the person to whom correspondence or communications in regard to the application are to be addressed;

(3) Description of the subject property, acreage, and tax map key number, with maps, including the tax map, that identify the area under petition. If the subject property is a portion of one or more lots, or the petition proposes incremental development of the subject property on both increments of development, the petitioner shall include a map and description of the subject property and increments in metes and bounds prepared by a registered professional surveyor;

(4) The reclassification sought and present use of property, including an assessment of conformity of the reclassification to the standards for determining the requested district boundary amendment;

(5) The petitioner's property interest in the subject property. The petitioner shall attach as exhibits to the petition the following:

(A) A true copy of the deed, lease, option agreement, development agreement, or other document conveying to the petitioner a property interest in the subject property;

(B) If the petitioner is not the owner in fee simple of the subject property, written authorization of the fee owner to file the petition; and

(C) An affidavit of the petitioner or its agent attesting to its compliance with

section 15-15-48;

(6) Type of use or development being proposed, including without limitation, a description of any planned development, residential, golf course, open space, resort, commercial, or industrial use;

(7) A statement of projected number of lots, lot size, number of units, densities, selling price, intended market, and development timetables;

(8) A statement describing the financial condition together with a current balance sheet and income statement, and a clear description of the manner in which the petitioner proposes to finance the proposed use or development. A petitioner, which is a state or county department or agency, shall be waived from this requirement;

(9) Description of the subject property and surrounding areas including the use of the property over the past two years, the present use, the soil classification, the agricultural lands of importance to the State of Hawaii classification (ALISH), the productivity rating, the flood and drainage conditions, and the topography of the subject property;

(10) An assessment of the impacts of the proposed use or development upon the environment, agriculture, recreational, cultural, historic, scenic, flora and fauna, groundwater, or other resources of the area;

(11) Availability or adequacy of public services and facilities such as schools, parks, wastewater systems, solid waste disposal, drainage, water, transportation systems, public utilities, and police and fire protection, and to what extent any public agency would be impacted by the proposed development or reclassification;

(12) Location of the proposed use or development in relation to adjacent land use districts and any centers of trading and employment;

(13) Economic impacts of the proposed reclassification, use, or development

including, without limitation, the provision of any impact on employment opportunities, and the potential impact to agricultural production in the vicinity of the subject property, and in the county and State;

(14) If a residential development is proposed, a description of the manner in which the petitioner addresses the housing needs of low income, low-moderate income, and gap groups;

(15) An assessment of need for the reclassification based upon the relationship between the use or development proposed and other projects existing or proposed for the area and consideration of other similarly designated land in the area;

(16) An assessment of conformity of the reclassification to applicable goals, objectives, and policies of the Hawaii state plan, chapter 226, HRS, and applicable priority guidelines and functional plan policies;

(17) An assessment of the conformity of the reclassification to objectives and policies of the coastal zone management program, chapter 205A, HRS;

(18) An assessment of conformity of the reclassification to the applicable county general plans, development or community plans, zoning designations and policies, and proposed amendments required;

(19) Petitioners submitting applications for reclassification to the urban district shall also represent that development of the subject property in accordance with the demonstrated need therefore will be accomplished before ten years after the date of commission approval. In the event full urban development cannot substantially be completed within such period, the petitioner shall also submit a schedule for development of the total of such project in increments together with a map identifying the location of each increment, each such increment to be completed within no more than a ten-year period;

(20) A statement addressing Hawaiian customary and traditional rights under Article XII, section 7 of the Hawaii State Constitution;

(21) Any written comments received by the petitioner from governmental, non-governmental agencies, organizations, or individuals in regards to the proposed reclassification; and

(22) A copy of the notification of petition filing pursuant to subsection (d).

(d) The petitioner shall send a notification of petition filing to persons included on a mailing list provided by the chief clerk. The notification of petition filing shall be in a form as prescribed by the executive officer, and shall include, but not be limited to, the following information:

(1) Petitioner's name and mailing address;

(2) Landowner's name;

(3) Tax map key identification of the property requested for reclassification;

(4) Location of the property;

(5) Requested reclassification and approximate acreage;

(6) Proposed use of the property;

(7) A statement that detailed information on the petition may be obtained by reviewing the petition and maps on file at the office of the commission or the respective county planning department;

(8) A statement that informs potential intervenors on the mailing list provided by the commission that they may file a notice of intent to intervene with the commission within thirty days of the date of the notification of petition filing pursuant to section 15-15-52(b);

(9) A statement that informs the general public to contact the office of the commission for information on participating in the hearing; and

(10) A location map depicting the petition area.

The notification of petition filing shall be sent to all persons on the mailing list on the same day that the petition is submitted to the commission. The

petitioner shall submit to the commission an affidavit that the petitioner has sent the notification of petition filing pursuant to this subsection.

(e) The executive officer shall receive and complete a review of the petition for completeness within thirty days of submission of the petition. The provisions herein, however, are subject to the requirements of subsection (b) on petitions for reclassification of conservation district lands.

(f) Upon completion of the review pursuant to subsection (e), the executive officer shall determine whether the petition is properly filed and is accepted for processing. The petition shall be deemed a proper filing if the items required in subsections (a), (b), (c), and (d) have been submitted. The petition may be deemed defective by the executive officer if any of the items required in subsections (a), (b), (c), or (d) have not been submitted. If the petition is deemed defective, the executive officer shall notify the petitioner of the determination and the reasons for the determination. The petition may be deemed as a proper filing upon review of the additional information submitted and upon determination by the executive officer. The provisions herein, however, are subject to the requirements of section 15-15-50(b) on petitions for reclassification of conservation district lands. [Eff 10/27/86; am 3/24/94; am and comp 8/16/97; am and comp MAY 08 2000] (Auth: HRS §§205-1, 205-7; SLH 1995, Act 235, §2) (Imp: HRS §§91-2, 205-4)

SUBCHAPTER 7

AGENCY HEARING AND POST HEARING PROCEDURES

§15-15-51 Notice of hearing for boundary amendment petitions. (a) Upon proper filing of a petition for boundary amendment, the commission, not less than sixty days and not more than one hundred eighty days, shall conduct a hearing on the island in which the subject property is situated.

(b) The notice of hearing shall be served on the office of planning, the planning commission and the planning department of the county in which the subject

Chapter 19.510

APPLICATION AND PROCEDURES

Sections:

19.510.010	General application procedures.
19.510.020	Applications which require a public hearing.
19.510.030	Applications which do not require a public hearing.
19.510.040	Change of zoning.
19.510.050	Conditional zoning.
19.510.060	Amendments.
19.510.070	Special use permits.
19.510.080	Project master plan.
19.510.090	Development plan.

19.510.010 General application procedures.

A. Generally.

1. General Purpose. The general purpose of this chapter is to prescribe the manner by which permits and approvals are processed and approved and to ensure that all developments in the county are in compliance with the provisions of this title. Except as otherwise provided, all permits and development approvals required by this title shall comply with the procedures specified in this chapter. Any department or agency of the state or county or any person having a legal or equitable interest in property or a person acting as the authorized representative of the person having a legal or equitable interest in the land for which a change in zoning is sought may file an application with the appropriate planning commission of the county by filing the application with the county planning department.

2. Consolidated Applications and Public Hearing. A consolidated application may be filed and a single public hearing held for all of the permits or approvals required by a project. The consolidated application shall address all of the issues which pertain to the criteria and requirements of each permit or approval sought. The decisions rendered on the permits or approval sought shall analyze each permit and approval separately with regard to the criteria and requirements which pertain to each permit or approval.

B. Fees. Except for applications filed by county agencies, application fees shall be required in the amounts specified in the annual budget of the county. All checks issued to pay for application fees shall be made payable to the director of finance of the county.

C. Central Coordinating Agency.

1. Review of Applications by the Director of Planning. All applications required by this title shall be submitted to the director of planning. Not more than five business days from the date upon which an application was submitted to the director of planning, the director of planning shall submit the application to the director of public works.

2. Review of Applications by the Director of Public Works and the Administrator of the Land Use and Codes Division. Not more than fifteen business days from the date upon which an application is received by the director of public works, the administrator of the land use and codes division of the department of public works shall review the application to determine if the application is complete or incomplete and transmit the application, if complete, to the director of planning for further processing or to the applicant, if incomplete, with a written statement which identifies the portions of the application determined to be incomplete.

D. Content of Application. All applications shall provide the following information:

1. Documents which identify the owner of the subject parcel of land and the signature or written authorization for the application by the owner; provided, however, that this requirement shall not apply to revisions or amendments proposed by the planning director or the county council;

2. Owner's name, address and telephone numbers;

3. Agent's name, address and telephone numbers, if applicable;

4. Tax map key number of the parcel and its street address, if available;

5. Locational map identifying the site, adjacent roadways, and identifying landmarks;

6. List of owners and lessees of record located within a five-hundred-foot distance from the parcel. This list shall be derived from the most current list available at the real property tax division of the department of finance of the county at the time of the filing of the application with the director of planning. This list shall include the names and addresses of all of the owners and lessees of record located within a five-hundred-foot distance from the parcel, as well as the tax map key numbers of these owners' and lessees' lands identified per this section. A map, drawn to scale, which clearly identifies the five-hundred-foot boundary surrounding the subject parcel and the parcels within the boundary.

7. Policies and objectives of the general plan, the provisions of the community plan applicable to the application, the provisions of the applicable district and an analysis of the extent to which the application, if granted, conforms to these policies, objectives and provisions;

8. Detailed land use history of the parcel which includes, but which is not limited to, former and existing state and county land use designations, violations and uses;

9. Preliminary archaeological and historical data and comments from the department of land and natural resources

EXHIBIT "ล"

and office of Hawaiian affairs of the State, and if applicable, a preservation/mitigation plan which has been reviewed and approved by the department of land and natural resources and office of Hawaiian affairs of the State;

10. Analysis of the secondary impacts of the proposed use on surrounding uses which includes, but which is not limited to, increases in property value, populations, housing, community services and facility needs, secondary jobs and employment generated, and compatibility with surrounding uses, and if applicable, the affordable housing program and comments from the department of human concerns of the county, and other mitigation plans and comments from the respective governmental and community services agencies;

11. Traffic impact analysis and, if applicable, a traffic master plan, which includes, but which is not limited to, comments from the department of transportation of the State and department of public works of the county;

12. If applicable, an assessment of the impact which the proposed use may have on agricultural use of the parcel which includes, but which is not limited to, a feasibility analysis of potential agricultural uses suited to the site and written comments from the department of agriculture of the State and the Soil Conservation Service of the government of the United States;

13. Water source, supply and distribution analysis which includes, but which is not limited to, methods of irrigation existing on the parcel and proposed for the application, location and use of groundwater and nonpotable water sources, and, if applicable, a water master plan, which includes, but which is not limited to, comments from the department of land and natural resources of the State and the departments of water supply and public works of the county;

14. Sewage disposal analysis, a description of a proposed method of sewage disposal, and comments, if applicable, from the departments of health and land and natural resources of the State and the departments of public works and water supply of the county;

15. Solid waste disposal analysis, a description of a proposed method of solid waste disposal and comments, if applicable, from the departments of health and land and natural resources of the State and the departments of public works and water supply of the county;

16. Identification of environmentally sensitive areas, habitat and botanical features which include, but which are not limited to, wetlands, streams, rock outcroppings, endangered plants and animals, and exceptional trees, if applicable, a baseline study and preservation/mitigation plan, and comments, if applicable, from the department of land and natural resources of the State, the United States Fish and Wildlife Service, and the United States Corps of Engineers;

17. Identification of the topographical and drainage patterns existing on the subject parcel and any proposed alterations to these patterns;

18. Identification of all meetings held between the applicant and any community or residential group which may be impacted by the applicant's request, the issues raised by these meetings, and any measures proposed by the applicant to deal with or to mitigate these issues;

19. Photographs of the subject site or structure which are dated;

20. Development schedule;

21. Schematic site development plans, if applicable, drawn to scale, which identify the following:

a. Property lines and easements with their dimensions and area calculations,

b. Location, size, spacing, setbacks and dimensions of all existing and proposed buildings, structures, improvements and uses,

c. Existing and proposed building elevations, sections, floor plans and site sections which clearly define the character of the development,

d. Topographic information showing existing features and conditions and proposed grading,

e. Existing and proposed landscaping which depicts open spaces, plantings and trees,

f. Existing and proposed roadways and accesses to the project and parking layout with dimensions, and

g. Shoreline, shoreline setback lines, stream and other setback lines;

22. Operations and management of the proposed use which includes, but is not limited to, number of employees, proposed employee housing plan, hours of operation, fees charged to residents and visitors, provisions for off-site parking;

23. Identification of traditional beach and mountain access trails and additional trails which may be required for public access to the beaches and mountains, and if applicable, preservation/mitigation plan, and comments from the department of land and natural resources and the office of Hawaiian affairs;

24. Identification and assessment of chemicals and fertilizers used, including but not limited to, detailing effects upon surface, underground and marine water resources and neighboring properties and surrounding flora and fauna, and if applicable, a mitigation plan and maintenance program and schedule, and comments from the departments of health and of land and natural resources of the State, the United State Fish and Wildlife Service, and the United States Environmental Protection Agency; and

25. Any other information to assess the application.

E. At the time of the filing of the application, the applicant shall file a notice of application, which is in a form prescribed by the director of planning, and an affidavit certifying that the notice of application was mailed to all owners and lessees of record located within a five-hundred-foot distance from the subject parcel. The notice of application shall include the following information:

1. The name, address and telephone number(s) of the owner and the owner's authorized agent, if applicable;

2. A brief description of the existing uses and uses proposed by the application; and

3. A location map and a description of the location of the proposed development which includes, but which is not limited to, the tax map key number and street address, if available, of the subject parcel. (Ord. 2032 § 5 (part), 1991)

19.510.020 Applications which require a public hearing.

A. With the exception of section 19.510.020(B) and the specific requirements of each application, the general processing requirement for all applications which require a public hearing by a planning commission shall be as follows:

1. The planning director shall set the application for public hearing on the agenda of the planning commission;

2. The planning director shall notify the applicant and the appropriate state and county agencies of the date of the public hearing not less than forty-five calendar days prior to the date of the public hearing;

3. The planning director shall publish the notice of the date, time, place, and subject matter of the public hearing once in a newspaper printed and issued at least twice weekly in the county and which is generally circulated throughout the county at least thirty calendar days prior to the date of the public hearing;

4. The applicant shall provide notice of the public hearing date on the application to the owners and lessees of record located within a five-hundred-foot distance from the parcel identified in the application by complying with the following procedures:

a. The applicant shall:

i. Mail a notice of the date of the public hearing of the application in a form prescribed by the director of planning by certified mail, return receipt requested, to each of the owners and lessees not less than thirty calendar days prior to the date of the public hearing,

ii. Submit each of the return receipts for the certified mail to the planning director not less than ten business days prior to the date of the public hearing, and

iii. Publish the subject matter, in a form prescribed by the planning director, once a week for three consecutive weeks prior to the date of the public hearing in a newspaper which is printed and issued at least twice weekly in the county and which is generally circulated throughout the county,

b. For purposes of this section, notice shall be considered validly given if the applicant has made a good faith effort to comply with subsection (A)(4)(a) of this section;

5. The planning director shall transmit a report on the application to the planning commission, the applicant, the appropriate state and county agencies, and all interested persons not less than six business days prior to the date of the public hearing;

6. Except as provided in section 19.510.020A.7, after holding a public hearing, the planning commission:

a. For applications which require final action by the county council, shall transmit its findings, conclusions, and recommendations to the county council, the applicant, public agencies, and all interested parties, and

b. For applications which require final action by the planning commission, shall notify the applicant, public agencies, and interested parties of the action taken by the planning commission.

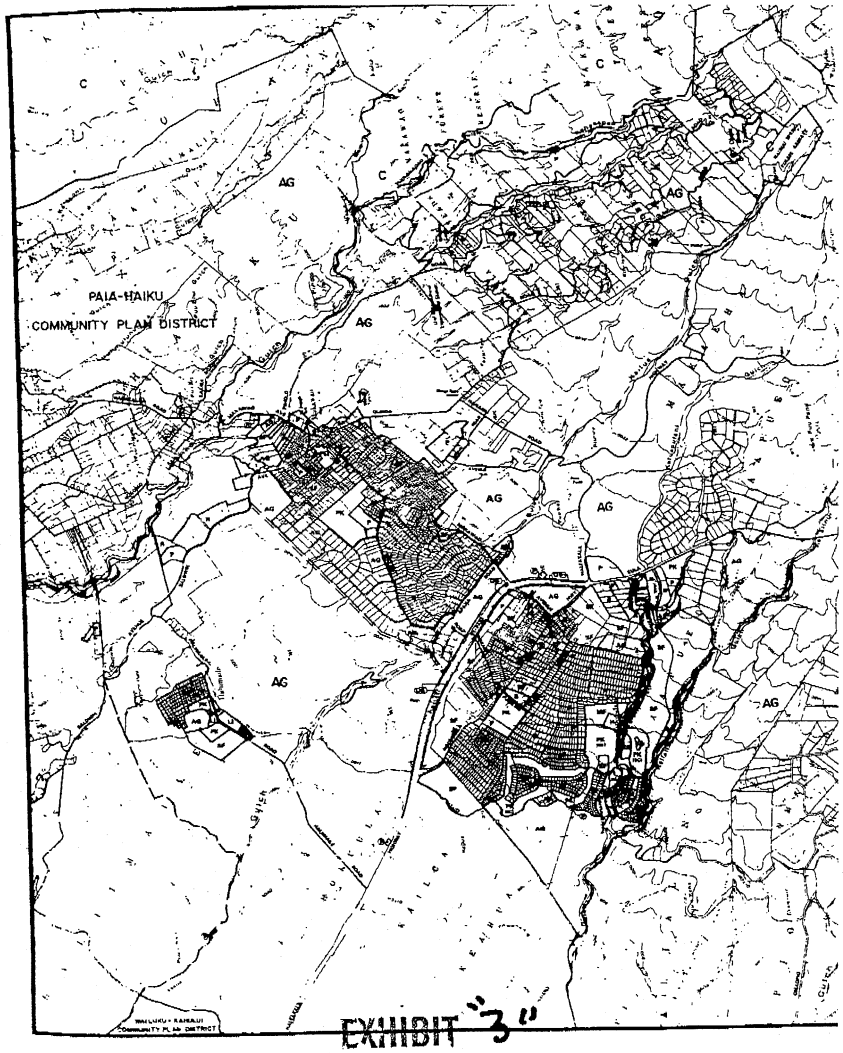
7. The commission shall transmit tot be county council findings, conclusions, and recommendations for all changes in zoning and conditional use permits within ninety days, and within one hundred twenty days for all other applications requiring council approvals, after the application is deemed complete by the planning department. However, if a consolidated application for a community plan amendment and change in zoning is submitted, the findings, conclusions, and recommendations shall be transmitted within one hundred twenty days.

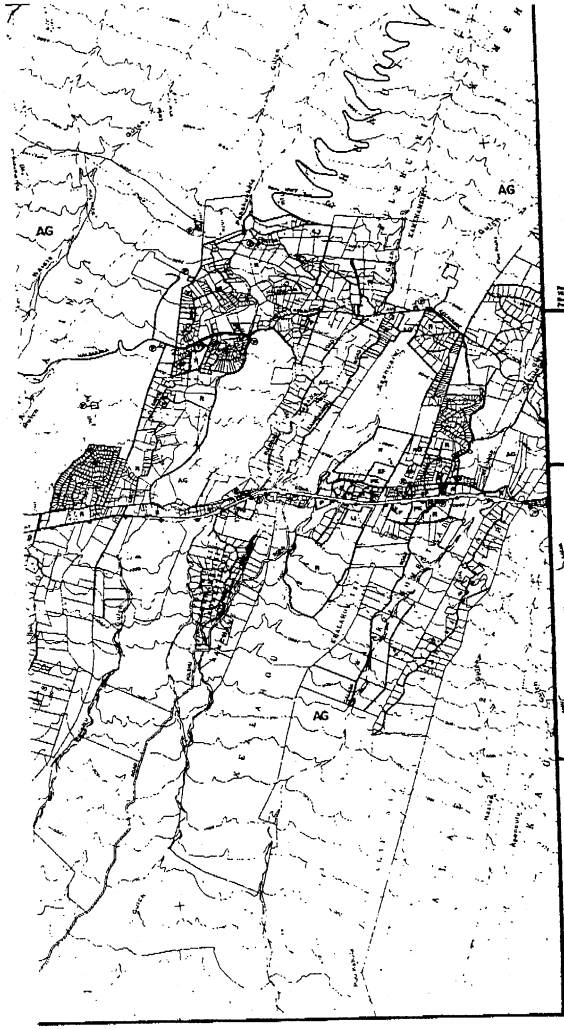
B. All amendments to this title, including proposed zoning ordinances, land use ordinances, zoning maps, and regulations and any amendments or modifications thereto, may be proposed by the planning director, the county council or a planning commission and shall be processed as follows:

1. The planning director shall set the proposed amendment for public hearing on the agenda of the planning commission;

2. If a resolution of the county council initiated pursuant to the charter of the county is transmitted to the planning commission, the director shall set a public hearing date not later than sixty calendar days from the date of the receipt of the resolution of the county council and within one hundred twenty calendar days upon receipt of the resolution, the planning commission shall transmit its findings and recommendations to the county council.

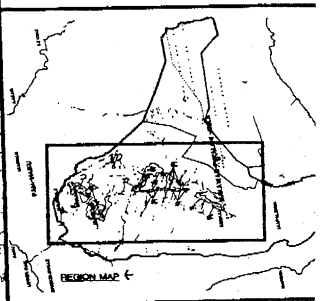
3. The planning director shall notify the county council, and the appropriate state and county agencies, and those persons who requested notification of meetings pursuant





LEGEND

- AG Agriculture
- R Rural
- SF Single Family Residential
- MF Multi-Family Residential
- B Business/Commercial
- BMF Business/Multi-Family
- SBR Service Business Residential
- BI Business/Industrial
- RU Rural Light Industrial
- LI Light Industrial
- HI Heavy Industrial
- H Hotel
- P Public/Quasi-Public
- PK Park (GC) Golf Course
- OS Open Space
- PD Project District
- A Airport
- C Conservation
- FGR Future Growth Reserve
- BICYCLE ROUTE



MAKAWAO-PUKALANI-KULA

COMMUNITY PLAN
COUNTY OF MAUI

MAP 1of 2

APPROVED : _____ DATE

APPROVED : _____ PLANNING DIRECTOR DATE

PUBLIC HEARING :

ADOPTED :

ORDINANCE :

DATE :

REVISED :

GROUP 70
INTERNATIONAL

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August 7, 2002

Mr. Issac Hall
Attorney at Law
2087 Wells Street
Wailuku, HI 96793

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Hall:

This letter is in response to your letter of June 4, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to Malama Maui's numbered comments contained in the letter:

I. DEIS Adequacy – The adequacy of the DEIS is addressed in your responses to your comments provided herein. The State and County agencies responsible for the determination of EIS adequacy have reviewed the subject document. Their comments will be included in the Final EIS.

II. Procedures for preparation of DEIS –

A. The Upcountry Town Center DEIS was submitted prior to the formal filing of County applications for a Community Plan Amendment, Change in Zoning and Project District Development to the County of Maui and Land Use District Boundary Amendment to the State Land Use Commission, but was prepared and submitted as an integral part of the application process. This is in accordance with the letter and spirit of the applicable state and county laws and regulations.

Throughout the planning process for the Upcountry Town Center, beginning first with conceptual planning of the project and progressing to more detailed conceptual plans and studies, an emphasis was placed on community and County involvement. Given the scope of the plans, the fact that a community plan amendment was involved, and the potential benefits and impacts to the County, it was understood that a DEIS would be necessary for approvals to go forward at the County and State levels. *See* Section 343-5(a), H.R.S. This determination was made with County Planning Department input in accordance with Hawaii Administrative Rules Section 11-200-9(b)(1) which requires an applicant to "*at the earliest practicable time*, seek the advice an input of the lead county agency responsible for implementing the county's general plan." (emphasis added.)

Procedurally, the State Land Use Commission requires that any necessary Community Plan Amendment be commenced before a State Land Use District Boundary Amendment may proceed. The County of Maui, in turn, requires that

all applications for a Community Plan Amendment, Change in Zoning, or Project District Approval include a Draft EIA (or Draft EA). This fact is noted in the County Community Plan Amendment Required Submittals Checklist, the requirements for impact assessments listed in the County Change in Zoning Application Informational Sheet and the Phase I Project District Development Required Submittals.

In light of these County filing requirements and the input received from the County Planning Department, the Draft EIS for this project was issued approximately three months before the County applications were formally filed with the Planning Department. This both complies with the County application requirements and directions, and also comports with the spirit of the EIS rules, which mandate that "[a]gencies shall ensure that statements are prepared at the *earliest* opportunity in the planning and decision making process." H.A.R. Section 11-200-14.

Further, the Draft EIS was prepared in connection with and as an integral part of the process of completing and submitting the County applications, which have all at this point been submitted. The Draft EIS thus has in fact benefited from the detailed information required in the applications. Note, for example, that the items you mention are provided in the DEIS, including a traffic analysis (Appendix B) and a groundwater impact analysis (Appendix H).

Finally, there will be an application for a State Land Use District Boundary Amendment made in the future. The current plans for the Upcountry Town Center reflect project elements in a manner appropriate to adequately judge the impact of the project. These plans are specific enough to proceed with the proposed Project District Ordinance that was submitted for County consideration in July 2002, prior to issuance of the Final EIS. This Ordinance lays the framework for the project and governs the types and ratios of uses across the site. Therefore, the intent and purpose of Chapter 343 has been achieved by undertaking the required analyses and including them for review as a part of the various jurisdictional applications.

B. The Maui County Planning Department is the accepting authority for the EIS. This determination was made based on discussions with County Planning Department officials prior to submittal of the DEIS. As the accepting authority, the Planning Department reviewed the DEIS for accuracy prior to its submittal to OEQC and the project's publication in *The Environmental Notice* on April 23, 2002. This process followed a sequence similar to that of past projects on Maui whereby the Planning Department requires the preparation of an EA/EIS due to an anticipated amendment to a Maui County Community Plan, an element of the Maui County General Plan.

Further, the identification of the County Planning Department as the accepting authority is clearly supported by applicable law. Hawaii Revised Statutes Section 343-5(c) provides that, in the case of an applicant action, the "authority to accept a final statement shall rest with the agency *receiving* the request for approval." (emphasis added) The regulations implementing Chapter 343 further

provide that, in the case of an applicant, action, the authority "for accepting any requirements that have been prepared shall rest with the agency initially *receiving and agreeing to process* the request for an approval. (H.A.R. Section 11-200-4(b)). Here the applicable request is the Community Plan Amendment application that, under Maui County Code Section 2.80A.060.D, must be filed with the County Planning Department, which is thus the "agency receiving the request for approval." Note also that Code Section 2.80A.060.E further provides that any such application cannot be referred to the Planning Commission or County Council until "completion of the requirements of chapter 343, Hawaii Revised Statutes, and chapter 200, title 11, state department of health administrative rules," which by necessity means that EIS acceptance must occur at the Planning Department level. And finally, please note that the County Council cannot, as suggested, be the accepting authority because such authority must an "agency", and Hawaii Revised Statues Section 343-2's definition of "agency" is specifically limited to elements of the executive branch of government.

III. Resources of Statewide importance –

A. The State Land Use District reclassification of lands from Agricultural to Urban that this project requires is consistent with other projects considered for such amendments by the State Land Use Commission.

In reference to the land's agricultural classification, this parcel is no longer in agricultural production. Due to the construction of Pukalani Bypass Highway, Maui Land & Pineapple Company, Inc. has deemed the land unfeasible for further agricultural use by its operations in the area. In its Upcountry Town Center DEIS comment letter dated June 21, 2002, the State Department of Agriculture (DOA) recognizes that "the effect that highway construction has on the apparent utility of agricultural lands that are 'orphaned' from the larger parcel has been seen elsewhere on Maui, such as along Honoapiilani Highway, north of Lahaina." Maui Land & Pineapple Company, Inc. has determined that continuing pineapple cultivation on the site was not feasible because of the cost and requirement that workers and equipment cross the Highway to work this small remnant field.

The Plasch study (Appendix G of the DEIS) presents a comprehensive analysis of the impacts the project will have on the site and region's agriculture. The section "Consistency with State and County Plans (pages 14-16 of Appendix G) provides a complete discussion of the proposed reclassification of these agricultural lands including: "In summary, the Project will not conflict with the major thrust of the plantation-agriculture portions or the diversified agriculture portions of State Plans…". The completeness of the information contained in Appendix G is verified by the DEIS comment letter from the State DOA dated June 21, 2002: "The information contained in the document describing the agricultural activities and resources and the impact the project will have on them appear to be complete."

With regard to your comments concerning the analysis of agricultural lands on Maui and cumulative long-term impacts, pages 12 and 13 of Appendix G address these issues. In summary, these pages state: "With regard to the Project, it will involve the loss of far too little good agricultural (about 31 acres) land to adversely affect the availability of land to farmers on Maui or in other parts of the State, or to adversely affect the growth of diversified agriculture in Hawai'i."

B. A consistency analysis of the project and the objectives and policies of State and County plans, including the Makawao-Pukalani-Kula Community Plan, was completed as Section 5.0 of the DEIS. This analysis addressed view impacts as related to objectives and policies including the one you quote in your letter (page 5-17 of the DEIS). In response to your concerns over loss of visual quality, the Upcountry Town Center is designed to minimize the effects of the project on visual resources through maintaining views through open space buffers and providing design guidelines to direct the design and construction of unobtrusive structures. Over 10 acres of open space will be provided to enhance the visual setting of the project and retain the Upcountry Maui character.

C. The DEIS provides both a cultural impact assessment (Appendix E) and an archaeological impact assessment (Appendix D). Both of these studies address the Corn Mill Camp area of the project site and potential impacts. In addition, the recommendations of the Maui County Cultural Resources Commission (resulting from a site visit to the Corn Mill Camp structures), will be implemented to the extent feasible. A structural survey of the Corn Mill Camp structures is underway concurrently with an architectural history of the site. These, along with the archaeological and cultural surveys will provide documentation of these structures' historical and cultural significance.

The DEIS states that "Plans to integrate at least one of the existing agricultural warehouse buildings into the project will preserve significant reminders of the project area's agricultural past" (Section 6.2.7 of the DEIS). This Section also provides additional discussion of the plans for the structures in concept.

IV. Study and analysis of environmental impacts –

A. Your listing of project features is generally consistent with the project description of the DEIS. No determination has been made towards the type of multi-family/senior housing that will be constructed.

B. The project description, accompanying plans and perspectives contained in the DEIS (Section 3.0) are sufficiently detailed to process the environmental review and its trigger, the Community Plan Amendment. They provide adequate information for analyzing potential impacts as required by the Amendment process. This determination was made by Maui County Planning Department, the accepting authority for the document, through preliminary discussions of the project and a pre-draft review for completeness of the DEIS. The DEIS also provides sufficient detailed information to process Phase I of the Project District approval and Change in Zoning requested of the County. Subsequent Phase II and III stages will require a greater level of site planning and design detail. Individual building plans and elevations will be reviewed at

the appropriate stage of the County design review processes prior to their construction.

V. Makawao-Pukalani-Kula Community Plan – The Makawao-Pukalani-Kula Community Plan was developed approximately 10 years ago, and substantial population growth has occurred in the Upcountry Maui area since its approval. This trend is anticipated to continue for coming years (See Appendix A of the DEIS, pages 46-50).

The Upcountry Town Center will require a Community Plan Amendment. Such an amendment is permissible under County guidelines. While this Amendment addresses the direct use of the land, we believe the intent of the Community Plan will be adhered to in the development of the "country-town center" as described in the DEIS.

The previous request made by Maui Land & Pineapple Company, Inc. to classify the property "Business/Commercial" was withdrawn at the time of the Community Plan update because agreements with the appropriate tenants had yet to be secured. The parcel has always been considered appropriate for commercial development as proposed in the DEIS. Since 1995, the landowner has always maintained that Pukalani is the regional hub for the Upcountry area and that the project site is a logical site for commercial and other development that serves the growing needs of Upcountry residents. In addition, since the Community Plan update, tenants including Pukalani Superette and Maui Fresh have been identified and agricultural operation on the site has ceased.

VI. Market study/socio-economic effects study – The proposed Kulamalu commercial development provides one external source of competition with Upcountry Town Center. Consistent with the market study (Appendix A of the DEIS), the market for these two proposed projects is strong and the data indicate that Upcountry Town Center will be a very successful center.

The Hallstrom Group, Inc. comments that the Kulamalu project has evolved significantly since inception, and the information contained in the market study was timely and accurate as of the study date. The focus of the development is a commercial/business park with appropriate infrastructure creating subdivided lots ranging in size from .56 to 2.6 acres. As noted in the market report, some of the lots have retail potentials, such as those fronting the highway and in prominent interior locations; however, the majority of lots will not be competitive for intensive consumer-oriented retail/restaurant uses. Their most probable use is in business, supplier, service or secondary commercial uses. The estimates of floor space are allocated based on these market-driven conclusions.

VII. Infrastructure and engineering –

A. The testing of the soils at the project site that is discussed in Section 4.4.4 of the Draft EIS included testing for DBCP (1,2-Dibromo-3-chloropropane). No DBCP was detected. This fact will be noted in the Final EIS.

No well is planned at the project site and, as discussed in the groundwater impacts assessment attached as Appendix H to the Draft EIS, the well nearest to the project site is about one mile distant and yields only non-potable, brackish water. Other wells in the region are three or more miles away from the project site.

The groundwater impact assessment also reports that it cannot "be expected that the proposed development, which is on a much smaller scale than existing developments, will contribute to detectable [groundwater] contamination", and also that "[p]ercolate water from the site is not tributary to any existing or proposed potable wells." In light of these points, development of the proposed project does not warrant testing of the groundwater at the project site for DBCP.

B. As discussed in Appendix H to the Draft EIS, the planned potable water source for the Upcountry Town Center will be a new well to be developed in the Upcountry region utilizing an existing well permit. The specific location for this well has not yet been finalized. This water source will be developed in a location which will avoid conflict with existing and proposed public drinking water sources and where water that it produces can be channeled directly into the County department of water supply's Upcountry water system. It is currently anticipated that the well will be dedicated to the County department of water supply in exchange for water source credits that will allow the project to connect to the County water system. Such a dedication agreement with the water department still needs to be prepared and executed.

C. DEIS Appendix I includes a discussion of wastewater supply, demand, treatment and impacts. This includes conceptual sewer system plans (Figure 3.4 and 3.5) and a summary of storm volumes and runoff rates. Appendix H provides a discussion of the proposed wastewater supply and treatment process in relation to groundwater impacts. These findings are summarized in the body of the DEIS in Sections 3.6.3, 4.9, 6.1.1, 6.1.3, 6.2.5 and 6.2.15.

D. DEIS Appendix I provides a discussion of drainage supply, demand and impacts. This includes a description of the existing infrastructure (Section III-D), proposed infrastructural improvements (Section IV-E) and an onsite drainage system concept (Figure 3.4). This information is summarized in the body of the DEIS in Sections 3.6, 4.7 and 6.2.4.

VIII. Traffic – The *Traffic Impact Assessment Study, Upcountry Town Center, Pukalani, Maui, Hawaii* (Appendix B of the DEIS) estimated project-related traffic and background traffic growth in a manner consistent with traffic studies of similar scope conducted in Maui County. Project-generated traffic utilized rates and equations documented in the Institute of transportation Engineers publication, Trip Generation, 6th Edition, which is an accepted reference in Maui County and the State of Hawaii. Background traffic growth was estimated through a factoring process based on historical trends for roadways in the area, which is an accepted method for traffic studies of this scope. The AM and PM commuter peak hours were used as the analysis time periods so that the worst-case operational conditions were evaluated.

The proposed access on the Pukalani Bypass Highway will be a right-in/right-out only access, which will minimize its impacts to traffic flow. A deceleration lane is proposed for the right-turn entry to further minimize impacts to traffic on Pukalani Bypass Highway. Projected Year 2004 level of service for the right-turn exit is good, LOS B for both AM and PM peak hours. The proposed right-in/right-out access would also reduce the amount of traffic at the Pukalani Bypass/Makawao Avenue and the Pukalani Bypass Highway/Old Haleakala Highway intersections. It would be especially beneficial in reducing the right turns from Pukalani Bypass Highway into southbound Makawao Avenue.

The plans for traffic improvements surrounding the site are subject to State DOT or Maui County Department of Public Works and Waste Management review.

IX. Objectives and policies of State and County plans – The amendment process for the relevant Plans takes into account inconsistencies in a broader context, weighing them against potential benefits. Each Amendment, the Change in Zone and the Project District approval will have its own review and determination of the appropriateness of the project.

Section 5.0 of the DEIS provides a very thorough and objective analysis of the consistency between the project and applicable State and County objectives and policies in the context required by the environmental review process under HRS Chapter 343.

X. Alternatives – The discussion of alternatives provided as Section 7.0 of the DEIS examines deviations to the proposed project given its unique location of this parcel, the timing of the development, agricultural feasibility and market drivers. This section of the DEIS meets the requirements for preparation of an alternatives analysis with no comments to the contrary from either Maui County or State review authorities.

XI. Environmental effects which can not be avoided – Section 6.3 of the DEIS provides a summation of probable impacts identified throughout Section 6.0, potential secondary impacts and interrelationships that may result from the project.

XII. Assembling data and conducting studies and tests – The Upcountry Town Center DEIS is a compilation of 10 individual studies (see Appendices) representing a broad range of environmental study. These, along with community involvement during each stage of the planning process, have provided the project with a varied and "responsible" set of studies and tests as required for preparation of a DEIS.

Your letter and this response will be included in the Final EIS.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

Kula Community Association
P.O. Box 417 - Kula, HI 96790
http://kulamaui.com

The vision of the Kula Community Association is to preserve open space, support agriculture, maintain a rural residential atmosphere, and to work together as a community.
The specific purpose of this association is to improve the quality of life for the residents of Kula, to promote civic welfare and generally to benefit the community of Kula.

RECEIVED
JUN 10 2002
GROUP 70

June 6, 2002

Jeffrey H. Overton, Chief Environmental Planner
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, HI 96813-4307

Dear Mr. Overton:

Subject: Upcountry Town Center (UTC) Draft Environmental Impact Statement (DEIS)

The Kula Community Association (KCA) Board of Directors met on June 6, 2002 to discuss the Upcountry Town Center DEIS. The KCA Board wishes to place on the official DEIS record the following general comments, specific comments, and recommendations. We expect that the Final EIS will address both our concerns and questions. Furthermore, we ask that the Office of Environmental Quality Control and the Maui County Planning Department and Planning Commission seriously consider the issues which we raise.

General Comments

I. **We request that the Final EIS reflect and respect the thought that went into developing the Makawao-Pukalani-Kula Community Plan revision adopted as an ordinance in July, 1996.**

The triangular shaped parcel where the 40 acre UTC is being proposed was thoroughly reviewed and discussed during the initial stages of the Makawao-Pukalani-Kula Community Plan 1990's update. At that time the members of the Citizen Advisory Committee (CAC) recognized a need for additional Upcountry commercial space, senior housing, a cultural site/museum, park/open space, and light-industrial. However, the CAC members recommended an alternative Kulamalu site as being a superior location for most of those activities and an area near the Kula Post Office as a designated light-industrial site.

Among the reasons for selecting the other sites were: the desire to avoid having commercial activities so close to the new King Kekaulike High School - in other words, to provide a large open-space buffer; the determination that the three roads which surround the proposed UTC would be negatively impacted by bringing so much traffic to the area; and the concern that the proposed commercial area would have anchor stores that would negatively impact the old-time, mom-and-pop stores and the Upcountry lifestyle which they reflect. When the thoughts and concerns of the CAC were made clear, Maui Land and Pine (ML&P) graciously withdrew their proposal.

The CAC, Maui Planning Department and Planning Commission, and the County Council all confirmed the community's wish to leave this area in agriculture. Now, only six years since the Community Plan was adopted, (ML&P) is again proposing to re-designate their 40-acre parcel at the Pukalani Triangle. The Final EIS should explain what is different now from when the Community Plan was adopted.

II. **The DEIS fails to include a realistic discussion of the existence and effects of the large Kulamalu commercial, senior housing, and park development. Water source development and a transmission system were completed several years ago; zoning was applied for and approved; and site development has been on-going for over a year. If the DEIS had accurately described the scale of the Kulamalu project, we believe that a very different and more accurate DEIS would have been produced.**

For example, the main portion of the DEIS neglects to fairly consider the Kulamalu commercial, senior housing, and park designations; the map on page 8-4 even cuts most of it out and does not label it; and, finally, the Market Study minimizes its impact. The KCA Board of Directors asks that the Final EIS correct the omission and discuss the proposed UTC in light of the ongoing Kulamalu development as well as the designated light-industrial area in Kula.

The DEIS, in Table 10 of the Market Study, indicates Competitive Floor Space for the nearby Kulamalu commercial development at only 54,000 square feet. Our discussions with the developer, Everett Dowling, indicate plans for considerably more floor space. Please confirm the DEIS estimate with the Kulamalu developer and, if necessary, provide a recalculation and reanalysis within the Market Study.

Specific Concerns and Questions

1. We suggest more analysis in the DEIS of the effect on existing Upcountry businesses if the UTC is built. What will be the impact of the addition of the proposed business/retail/commercial space on Makawao Town business district, Pukalani Shopping Center, Pukalani Square, the many stores along the Old Haleakala Highway and nearby Makawao Avenue, and in Pulehu, Waiakoa, and Keokea? Please address the potential loss of business and the siphoning of tenants from present locations.

2. What will be the effect that chain stores and urban-type businesses and visitor-oriented retail shops and restaurants will have on the rural character of the region?

3. What will be the effect of ML&P drilling for water in close proximity to sites where the County of Maui Department of Water Supply plans to drill?

4. The proposed UTC is on the highest quality agricultural lands. (Please see the DEIS Page 4-12, last three paragraphs.) We are concerned, just as the State Land Use Commission should be concerned, that this valuable resource will be lost forever from the State's inventory of prime agricultural lands. (Please see the Makawao-Pukalani-Kula Community Plan Page 25, #2.).

5. The DEIS has totally ignored the impact of the UTC on its major neighboring land owner, King Kekaulike High School. Similarly, there is no analysis of the impact of the large high school on the UTC project. This omission is particularly glaring when the list of consulted

parties indicates, not only no contact with the King Kekaulike High School and its parent/teacher association, but no contact at all with the Department of Education. (Please see DEIS Page 10.1).

6. Traffic flows and impacts are a major concern. We are concerned about all three of the neighboring roadways, the intersections, and several specific traffic patterns:

a) School Traffic: There is a need to estimate the traffic flows to the new, nearby Kamehameha School which will soon have an enrollment of 1200 to 2000 students. Kamehameha is now building the middle school and the high school campus, and most of the students and staff will pass by the UTC site during the morning peak and at 2pm-3pm. There also will be increasing traffic to and from the Kamehameha pre-school.
b) Tourist Traffic: The DEIS Market Study indicates 3,000 visitors (65,000 square feet of supplemental tourist demand) accessing the project. What is the source of this data? This raises two traffic issues. Many tourists will be coming down from Haleakala after watching the sunrise, during the peak morning commuter rush and at the time when the students will be driving to school. Exactly what route will they use to get to the UTC? What will be the impact of tourists trying to make a U-turn into the Maui Fresh site on the Pukalani Bypass? We are concerned that many inexperienced student drivers will be coming around the turn and up the hill where these U-turns are being made by tourists unfamiliar with the risks.
c) Makawao Avenue: (Please see the Makawao-Pukalani-Kula Community Plan Page 34, #14.) The DEIS describes a business corridor in Pukalani along Makawao Avenue. We would point out that there is no corridor at present, but there is already considerable congestion and a dangerous traffic pattern. If new stores (in the proposed UTC project) are constructed opposite the present Pukalani Superette, a corridor will be created and the traffic situation may be made much worse. We point out this potential effect on Makawao Avenue because of our observation of the terrible congestion on narrow Makawao Avenue in the town of Makawao. We also would like to understand the effects of the many large tourist buses on Makawao Avenue as they enter and leave the UTC site.

7. We believe that under no circumstances should this project have any access to the Pukalani Bypass Highway. (Please see the Makawao-Pukalani-Kula Community Plan Page 34, #13 and Page 23, #9.) The church site below the proposed UTC project was based on a State Department of Transportation decision which ignored the Community Plan. That decision should, in no way, be relied upon as a precedent for putting the access to the Maui Fresh business on the Pukalani Bypass. The proposed UTC is very different from the church below where traffic is limited and does not involve tourists, tour buses, or a large volume of cars.

8. Have the projected traffic counts considered the types of businesses that may be built, such as gas stations and fast food restaurants that generate heavy traffic?

9. The DEIS proposes a relocation of Pukalani Superette to the UTC site. What are the potential uses for the present Pukalani Superette site? What if Pukalani Superette chooses to remain at its present location? These decisions will impact the UTC project and traffic, especially if the old Pukalani Superette site contains a gas station, and/or fast food restaurant(s), with or without drive-through windows.

10. The State Department of Health should survey the entire parcel for pesticide/herbicide contamination with the results included in the Final EIS and prior to any land-use change application.

11. There is a proposed walking trail indicated for the periphery of the UTC project. (Please see the light blue line on Page 3-2 of the DEIS). We question the wisdom of putting that recreational walking trail right along the highway. The fumes and the steady, passing traffic would certainly diminish its pleasure. Furthermore, the trail does not connect to other upcountry trails.

12. We recognize both the enormous need for senior housing in the upcountry region and the need to reduce heavy traffic in that location. Consequently, we request that the Final EIS consider eliminating the multi-family option and expanding the senior housing complex to include more residential units and assisted-living capabilities.

Recommendations

Until the effects of the Kulamalu build-out are accurately ascertained, the KCA Board of Directors requests the UTC project be delayed. While the KCA Board of Directors is sensitive to the economic position faced by ML&P, we believe that circumstances and facts do not warrant proceeding at this time with the proposed project.

As indicated above, the community planning process involved the CAC, the Maui Planning Department and Planning Commission, and the County Council. All confirmed the community's wish to leave this area in agriculture and to allow the Kulamalu project to be the Upcountry district's next commercial, senior citizen, and park complex. It is unfair to the Kulamalu developers for ML&P to undercut their efforts by permitting an unexpected competitor just as they are signing tenants. In fact the mere announcement of the proposed UTC project has already influenced potential tenants.

The EIS should not try to justify the UTC project on the premise that this agricultural site is a mere remnant of ML&P's pineapple operations and is therefore unsuitable for agricultural use. When the Pukalani Bypass was built, the State of Hawaii (we taxpayers) paid Maui Land and Pine a significant amount (reported to be approximately $4,000,000) because of ML&P's reduced ability to farm the proposed UTC site. That amount, if accurate, is greater than the potential value of the land for agricultural production.

If and when the time is appropriate for development of additional commercial space as proposed for this parcel, the KCA respectfully suggests that the land owner, consultants, and State and County agencies also consider the following:

1. Ensure all structures are built according to principles of energy conservation. Include an accessible recycling center for community needs.
2. Incorporate senior housing in the initial phase. Include affordable senior housing with an assisted living component.
3. Work with the County to develop a transit system that will use the UTC as one of the bases to provide commuter parking.

4. Help develop a system of connected pedestrian and bike trails, safe enough for children and with safety assured at intersection crossings. The UTC trail should connect to trails above and below in a manner safe for all.
5. Incorporate a museum/community center into one of the historic Corn Mill Camp structures. Adapt, repair, and reuse all historic buildings on the site. (The Community Plan suggests a Rural History Center to record and promote the rich agricultural and cultural histories which were important to the development of the Upcountry area.)
6. Ensure facilities for child day-care, for a preschool center, and for senior day-care. Perhaps the County would establish a senior center similar to the Spreckelsville senior center.

Thank you for your attention to our comments, questions, and suggestions. The KCA represents Upcountry residents who cherish the rural atmosphere of the Upcountry region. These wishes are clearly expressed in the Makawao-Pukalani-Kula Community Plan, as well as in Kula Community Association's vision and purpose statements (in the masthead on this letter). We look forward to your response.

Sincerely,

Elliott Krash, President
Kula Community Association

Cc: Maui Land and Pineapple Company
Genevieve Salmonson, Director, Office of Environmental Quality Control
John Min, Director, Maui County Planning Department
Senator Avery Chumbley
Senator J. Kalani English
Representative Kika Bukoski
Representative Chris Halford
Mayor Kimo Apana
Councilmember Charmaine Tavares
Pukalani Community Association
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GROUP 70
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August 7, 2002

Mr. Elliot Krash, President
Kula Community Association
P.O. Box 417
Kula, HI 96790

Subject: Upcountry Town Center, Pukalani, Maui
Response to Draft EIS (DEIS) Comment Letter

Dear Mr. Krash:

Thank you for your letter of June 6, 2002 regarding your review of the Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to Kula Community Association's (KCA) numbered comments contained in the letter:

Responses to General Comments

I. The Makawao-Pukalani-Kula Community Plan – The previous request made by Maui Land & Pineapple Company, Inc. to classify the property "Business/Commercial" was withdrawn at the time of the Community Plan update because the timing of development of the parcel was not suitable and appropriate tenants had not been identified. From 1995, the landowner has always maintained that Pukalani is the regional hub for the Upcountry area and that the project site is a logical site for commercial and other development. Since the Community Plan update, tenants including Pukalani Superette and Maui Fresh have been identified and agricultural operation on the site has ceased.

A consistency analysis of the project and the objectives and policies of the Makawao-Pukalani-Kula Community Plan, was completed as Section 5.0 of the DEIS. The project will require a Community Plan Amendment as the proposed use for the site is inconsistent with its current Plan designation. Such an amendment is permissible under County guidelines. While this Amendment addresses the direct use of the land, we believe the intent of the Community Plan will be adhered to in the development of the "country-town center" as described in the DEIS. Appropriately, this issue will be addressed further in the Community Plan Amendment process.

II. The Kulamalu project. – The proposed Kulamalu commercial development provides one external source of competition with Upcountry Town Center. Consistent with the market study (Appendix A of the DEIS), the market for these two proposed projects is strong and the data indicate that Upcountry Town Center will be a very successful center. The following was added to the Final EIS in assessing potential traffic and market impacts of Upcountry Town Center in relation to Kulamalu:

Section 6.3.1 – Interrelationships and Cumulative Environmental Impacts

Kulumalu Development Traffic Issues:

- Within the year 2004 timeframe used for the Upcountry Town Center traffic impact analysis, it is expected that Kulamalu will increase the private school attendance and construct the office component of its development. These two components are well within the amount of background traffic growth forecastested as part of the Upcountry Town Center traffic impact analsysis.
- As Kulamalu implements other phases of its development, it is expected that the more regional traffic improvements, such as the widening of Haleakala Highway and Pukalani Bypass, will be triggered. One of the triggering components is the proposed commercial retail phase of Kulamalu.

Kulumalu Development Market Issues:

The Hallstrom Group, Inc. comments that the Kulamalu project has evolved significantly since inception, and the information contained in the market study was timely and accurate as of the study date. The focus of the development is a commercial/business park with appropriate infrastructure creating subdivided lots ranging in size from .56 to 2.6 acres. As noted in the market report, some of the lots have retail potentials, such as those fronting the highway and in prominent interior locations; however, the majority of lots will not be competitive for intensive consumer-oriented retail/restaurant uses. Their most probable use is in business, supplier, service or secondary commercial uses. Our estimates of floor space are allocated based on these market-driven conclusions.

Responses to Specific Concerns and Questions

1. **Existing Upcountry businesses** – The Hallstrom Group, Inc. comments that the majority of uses at the subject will be intended to recapture some of the neighborhood consumer demand that has migrated to Kahului in recent years with development of large retail outlets such as Costco, Wall-Mart, K-Mart, Border Books, and similar retailers. In many respects, as throughout the state (and mainland) these major retailers have already "damaged" smaller local businesses and those that remain have and will continue to succeed by appealing to and meeting the specific needs of nearby residents.

In fact, many of the businesses in proximity to the UTC will benefit from the cumulative attraction the subject will help create. Consumers prefer to shop in areas with an extensive selection of stores, goods and services. Much local trade is lost when the consumer leaves the local market area to go elsewhere as they will patronize the stores in the vicinity of their primary shopping areas.

On a fundamental level, it is not the new stores that negatively impact existing businesses; it is the choices being made by individuals on where to shop. Consumers are attracted to low prices, a large selection of goods, and quality service. They make the choice on where to spend their dollars. By asserting that consumers be denied these choices in favor of existing businesses is a form of economic discrimination within the Upcountry community, as these services are

readily available to residents of other towns on the island. Further, they are an attempt to force consumers to support ("subsidize") less efficient operations, with the result being lost time and additional traffic congestion as Upcountry patrons are forced to travel elsewhere to shop at the stores they prefer.

2. **Urban-type businesses** – The primary intent of Upcountry Town Center is to provide local residents with their preferred shopping and service conveniences in a setting consistent to the Upcountry area and promoting a "town center" feel. Businesses including restaurants and visitor-orientated establishments will reflect the character of the region in their selection and design.

3. **Water supply** – Appendix H of the EIS completed by Mink and Yuen (2001), identifies potential wells in the area. In addition, Maui Land & Pineapple Company, Inc. is proposing development of a new off-site potable water source in the Upcountry area.

The planned potable water source for the Upcountry Town Center will be a new well to be developed in the Upcountry region utilizing an existing well permit. The specific location for this well has not yet been finalized. This water source will be developed in a location which will avoid conflict with existing and proposed public drinking water sources.

4. **Prime agricultural lands** – This project will require an amendment to the Community Plan land use designation from Agriculture to Project District. This approval and the State Land Use District reclassification of lands from Agricultural to Urban that this project requires are consistent with other projects considered for such amendments by the State Land Use Commission. The *Upcountry Town Center: Impact on Agriculture* (Appendix G of the DEIS) was completed to determine the impact the loss of the 40-acre site would have on the regional agriculture landscape. The State Department of Agriculture (DOA) in their comment letter of June 21, 2002 verifies that this report is substantial in the statement "The information contained in the document describing the agricultural activities and resources and the impact the project will have on them appear to be complete."

The subject parcel is no longer in agricultural production and therefore not irrigated. Due to the construction of Pukalani Bypass Hwy., Maui Land & Pineapple Company, Inc. has deemed the land infeasible for further agricultural use by its operations in the area. In its Upcountry Town Center DEIS comment letter dated June 21, 2002, the State Department of Agriculture (DOA) recognizes that "the effect that highway construction has on the apparent utility of agricultural lands that are 'orphaned' from the larger parcel has been seen elsewhere on Maui, such as along Honoapiilani Highway, north of Lahaina."

In addition, as noted on pages 12 and 13 of Appendix G, "a vast amount of land has been released from plantation agriculture (over 217,900 acres since 1968]), and this release of land has far outpaced the demand for land for diversified crops (an increase of about 38,500 acres over this same period). While some of the released land has been converted or is scheduled to be converted to non-agricultural uses, most of it remains available for diversified crops. Thus, ample

land is available on Maui ... and other islands to accommodate the growth of diversified agriculture." It should also be noted that historically the best agricultural land in Hawai'i was used for plantation agriculture. This is the land now available for diversified crops.

5. King Kekaulike High School – Potential effect to surrounding uses and businesses were addressed throughout the DEIS including, but not limited to, market, traffic, visual and employment impacts resulting from the Center. In addition, King Keakaulike HS and the State Department of Education (DOE) were each provided copies of the DEIS for comment. No comments were received from the School while DOE commented only that the development will be subject to State fair-share requirements if multi-family housing is included.

6. Traffic flows and impacts – The AM and PM peak hours of commuter traffic were selected for analysis in the traffic report (Appendix B of the DEIS). These time periods are selected, because traffic on roadways tend to be highest during these time periods and, therefore, yield the worst-case scenario of traffic operations. Future growth in non-project traffic was estimated through a growth factoring process typical for studies of this scope. The AM peak hour of school traffic in the Upcountry area coincide with the AM peak hour of commuter traffic and was analyzed along with other traffic. The PM peak hour of school traffic usually occurs during mid-afternoon. Traffic on Kula Highway and Pukalani Bypass are not at their peak level at this time and an analysis of this time period would not yield the worst-case scenario for traffic operations.

The proposed entry near the Maui Fresh store would be restricted to right-in/right-out movements. Vehicles returning after viewing the sunrise at Haleakala would probably turn left at Makawao Avenue and then turn into Upcountry Town Center using Access 4. With proper signing, vehicles also could be directed to use Old Haleakala Highway to Access 5. A greater number of vehicles would visit the Maui Fresh store later in the day. They could access the store on the way up to Haleakala via the right-in/right-out access proposed on Pukalani Bypass Highway. The traffic generation is not only confined to the Maui Fresh venue and would likely be attracted by other retail uses. As such, the tourist generation is implicit in the overall trip generation of the proposed Upcountry Town Center.

The Upcountry Town Center concept is to provide a country activity node near the junction of major roadways, thereby reducing the amount of traffic that flows through Pukalani. This activity junction can be accessed more directly from Pukalani Bypass Highway, reducing the through traffic on Makawao Avenue and allowing it to ~~function~~ more like a business collector roadway. The proposed diagonal street parking is designed to slow down traffic on Makawao Avenue and give it a "Main Street" feel. To implement this concept, the road would be widened to accommodate necessary turn lanes and parking. The posted speed limit is recommended to be reduced from 30 to 20 mph. Tour buses would not be traveling through the area on Makawao Avenue, but would use it to access the site. The proposed right-in/right-out access on Pukalani Bypass Highway and the proposed access on Old Haleakala Highway would

also provide tour buses with more direct access to the Maui Fresh store without using Makawao Avenue.

7. Pukalani Bypass Highway access – The conceptual plan for Upcountry Town Center proposes an access limited to right turn only ingress and egress from Pukalani Bypass Highway. The proposed access on the Pukalani Bypass Highway will be a right-in/right-out only access, which will minimize its impacts to traffic flow. A deceleration lane is proposed for the right-turn entry to further minimize impacts to traffic on Pukalani Bypass Highway. Projected Year 2004 level of service for the right-turn exit is good, LOS B for both AM and PM peak hours. The proposed right-in/right-out access would also reduce the amount of traffic at the Pukalani Bypass Highway/Makawao Avenue and the Pukalani BypassHighway/Old Haleakala Highway intersections. It would be especially beneficial in reducing the right turns from Pukalani Bypass Highway into southbound Makawao Avenue.

8. Traffic counts – The traffic assessment (Appendix B) included an analysis of future traffic conditions based on the uses proposed for the Center.

9. Pukalani Superette site – The existing site of Pukalani Superette will most likely retain a use consistent with its present zoning thereby have a minimal impact on traffic counts for the area. The site's landowner will determine what if any use occupies the site and a projection of its future use was not included in the DEIS.

10. State Department of Health – The investigation and discussion of hazardous wastes as a part of the DEIS centered on an area thought to have been used for pesticide transfer and loading during the site's early years as part of an intensive agricultural area. This investigation of materials at the site was submitted to the State Department of Health's through the Voluntary Response Program. The study determined that "due to the topography of the area, the existing buildings and the localized source of the residues, the contaminants are limited to the location" (Section 4.4.4 of the DEIS).

11. Trail/walking paths – The location of the proposed trail/walking path is intended to utilize the open space corridor that will run along Pukalani Bypass Highway. This corridor is sufficiently wide (ranging from approximately 50-300 feet) and will be appropriately landscaped to minimize the effect of the Highway such as fumes, noise and unsightliness. The trail will connect to walkways within the Upcountry Town Center.

12. Multi-family housing – Development of multi-family housing as a component of Upcountry Town Center will need to remain an option due to an evolving demographic and economic scenario for Upcountry Maui. Housing options are continually reviewed and will be determined as development of the site approaches.

Responses to Recommendations

Development timing – While all involved would like an adequate determination of the impacts resulting from a completed Kulamalu project that may vary from its proposed plan, we feel the Upcountry Town Center presents a unique opportunity for the surrounding community. The Center's plan has always been driven by its unique location attracting first-rate local businesses to a quality "town center "place.

In 1992, the State Department of Transportation condemned Maui Land & Pineapple Company, Inc. land for the Pukalani Bypass Highway. The costs to Maui Land & Pineapple Company, Inc. included crop damage, severance, destruction of use of property. There was a resulting settlement. The conditions of this settlement did not restrict against future use of this remnant Pukalani Triangle parcel.

In addition the following are offered in response to your numbered recommendations:

1. Design of all structures within the Upcountry Town Center will be subject to design guidelines that will be consistent with the objectives and policies dealing with energy of the Makawao-Pukalani-Kula Community Plan. These goals and objectives are consistent with State objectives of promoting cost-effective energy conservation through adoption of energy efficient practices and techniques. In addition, all power and telecommunications services will be developed in accordance with Maui Electric Company requirements.

2. Senior/multi-family housing is intended to be incorporated in the fist phase of the development, as market conditions allow.

3. Maui Land & Pineapple, Inc. will discuss with the County future plans for a transit system with Upcountry Town Center serving as a potential hub.

4. The planned system of trails within the Center could connect to a future trail system if adopted by the County.

5. The DEIS and conceptual plans for Upcountry Town Center reflect the intention of reusing one or two of the structures. Additional plans for reuse are pending completion of the structural survey. The study will be included in the Final EIS in Section ___.

6. All the types of care facilities mentioned may be provided at the Center depending on the type of housing provided. Specific plans will be developed upon identification of a developer for the housing and these types of services, yet provide needed services and housing in an appropriate location.

Thank you again for your comments. We too cherish the rural atmosphere and setting of Upcountry Maui and feel the Upcountry Town Center will appropriately reflect the setting.

Your letter and this response will be included in the Final EIS. We will forward you a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

Upcountry Town Center
Revised Draft EIS
Comment and Response Letters

10/17/03

LINDA LINGLE
GOVERNOR OF HAWAII

GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186
E-mail: oeqc@health.state.hi.us

October 15, 2003

Mr. Steve Lim
Carlsmith Ball
121 Waianuenue Avenue
P. O. Box 686
Hilo, HI 96721-0686

Dear Mr. Lim,

Subject: Revised Draft EIS for the Upcountry Town Center

Below are OEQC's responses to the two questions you posed to our office.

Question 1: Is it appropriate for the Land Use Commission to accept the EIS for the Revised EIS for the Upcountry Town Center?

Yes, it is appropriate for the Land Use Commission to accept the EIS.

Question 2: Did the Revised EIS for the Upcountry Town Center consider OEQC's guidelines for assessing well development projects?

Yes, the revised draft EIS considered OEQC's guidelines for assessing well development projects.

Should you have any questions, please call Jeyan Thirugnanam at 586-4185.

Sincerely,

Genevieve Salmonson

Genevieve Salmonson
Director

LINDA LINGLE
GOVERNOR OF HAWAII

GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETANIA STREET
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FAXMEMO
two pages total

October 22, 2003

TO: Anthony Ching, Executive Director
Land Use Commission
Attn: Russell Kumabe (fax: 587-3827)

Jeff Overton, Group 70 (fax: 523-5874)

FROM: Nancy Heinrich, OEQC (ph: 586-4185) Nancy Heinrich

SUBJECT: **Upcountry Town Center**
Revised Final Environmental Impact Statement (RFEIS);
Acceptability review

I have reviewed this revised final EIS on five of the seven points of administrative acceptability and found the document in compliance. The five points are as follows:

1. The draft EIS has been revised to incorporate substantive comments received during the consultation and review processes;
2. All letters received containing substantive comments and, as applicable, summaries of any scoping meetings have been reproduced;
3. A list of persons, organizations, and public agencies commenting on the draft EIS appears in the revised final EIS;
4. The reader can easily distinguish changes made to the draft EIS;
5. The applicant has signed the final EIS and has indicated that documents were prepared under the signatory's direction.

I have not reviewed all comment letters and their responses. It is the responsibility of the Land Use Commission as accepting authority to review all comments and ensure that complete and appropriate responses to these comments appear in the RFEIS. The criteria for appropriateness constitute the two final points of administrative acceptability:

6. The applicant has responded to each substantive comment;

7. The responses include:

   a) a point-by-point discussion of the validity, significance, and relevance of comments;

   b) a discussion as to how each comment was evaluated and considered in planning the proposed action.

   c) and reasons why specific comments were not accepted, and factors of overriding importance warranting an override.

The LUC must also verify that response letters reproduced in the final EIS indicate verbatim changes that have been made to the draft EIS. If the commenter is to receive a copy of the RFEIS then the requirement for inclusion of verbatim changes in the response letter may be omitted.

You may contact me if you require further clarification.

BENJAMIN J. CAYETANO
GOVERNOR

PATRICIA HAMAMOTO
SUPERINTENDENT

STATE OF HAWAII
DEPARTMENT OF HAWAII
KING KEKAULIKE HIGH SCHOOL
121 KULA HIGHWAY
PUKALANI, HAWAII 96768
FAX: (808) 573-2231 OFFICE: (808) 573-4710

'02 NOV -7 P2:23

November 2, 2002

Ms. Colleen Suyama
Department of Planning
County of Maui
200 So. High Street
Wailuku, Hawaii 96973

Subject: Project Name: Upcountry Town Center
I.D.: CPA 2002/0007, CIZ 2002/0009, PH1 2002/0002
TMK: 2-3-007:008
Applicant: Maui Land and Pineapple Company, Inc.

Dear Ms. Suyama:

Thank you for providing King Kekaulike High School with a copy of the Final Environmental Impact Statement for the above project.

This project has several positive impacts to King Kekaulike High School. The EIS states that the existing open ditch on the project site that runs along Old Haleakala Highway will be covered up. This will allow our students to safely walk from the high school to Pukalani. In addition, a new sidewalk will be added in a set back location from the Old Haleakala Highway. This also makes pedestrian travel safe for our students.

The creation of the walking trails in the open space area along the Pukalani Bypass Highway will also provide a safe pedestrian pathway for our students who travel in that direction.

Finally, this project may provide a unique opportunity for King Kekaulike High School to have an off-campus classroom for our alternative learning program. This program currently operates on our school campus, but we have been looking for an off-campus site for some time without success. This project is in an ideal location for our alternative learning classroom, as it is off-campus, yet, is close enough to King Kekaulike High School to allow for easy transfer of lunches, equipment, supplies, etc. While Maui Land & Pineapple has not guaranteed us space at this point, they have been very receptive to the idea and will be working with us to provide such classroom space at no cost to the

school. This partnership supporting our alienated youth clearly demonstrates Maui Land and Pineapple's long-term commitment to improving our community.

Thank you for giving me the opportunity to comment on this project. If you have any questions, please do not hesitate to call me at 573-8710.

Sincerely,

Susan Scofield
Principal

LINDA LINGLE
GOVERNOR OF HAWAII

GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETANIA STREET
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E-mail: oeqc@health.state.hi.us

FAXMEMO
one page total

July 31, 2003

TO: Anthony Ching, Executive Director
Land Use Commission
Attn: Russell Kumabe (fax: 587-3827)

Tanya Iden, Group 70 (fax: 523-5874)

FROM: Nancy Heinrich, OEQC (fax: 586-4186) Nancy Heinrich

SUBJECT: **Upcountry Town Center**
Draft Environmental Impact Statement (DEIS);
DEIS Distribution List

Signature on title page: The draft EIS needs to be signed by a principal of the applicant organization. An agent's signature is not acceptable. Below is the applicable section of HI Administrative Rules regarding this:

" §§11-200-20 Filing of an environmental impact statement.

...

(d) The proposing agency or applicant shall sign and date the original copy of the draft or final EIS and shall indicate that the statement and all ancillary documents were prepared under the signatory's direction or supervision and that the information submitted, to the best of the signatory's knowledge fully addresses document content requirements as set forth in sections 11-200-17 and 11-200-18, as appropriate. "

Distribution list addition: Add Maui Community College to your distribution list, and then resubmit the amended page to me by fax. Only the amended page need be resubmitted. When the correction is made I will give the okay to distribute.

LINDA LINGLE
GOVERNOR OF HAWAII

GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
235 SOUTH BERETANIA STREET
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HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186
E-mail: oeqc@health.state.hi.us

August 22, 2003

Anthony Ching
State Land Use Commission
PO Box 2359
Honolulu, HI 96804

Attn: Russell Kumabe

Dear Mr. Ching:

Subject: Revised draft environmental impact statement (EIS) for **Upcountry Town Center**

We have the following comments to offer:

Unresolved issues: Include a synopsis of this discussion in the summary section of the final EIS.

Title page signature: The applicant rather than the applicant's agent should sign the final EIS, noting that all ancillary documents were under his/her direction. Submit the FEIS copy with the original signature to the accepting authority, the State Land Use Commission.

If you have any questions, call Nancy Heinrich at 586-4185.

Sincerely,

Genevieve Salmonson

GENEVIEVE SALMONSON
Director

c: Robert McNatt, Maui Land & Pineapple
Jeff Overton, Group 70

Francis S. Oda,
Arch. D., AIA, AICP
Norman G.Y. Hong, AIA
Sheryl B. Seaman, AIA, ASID
Hitoshi Hida, AIA
Roy H. Nihei, AIA, CSI
James I. Nishimoto, AIA
Ralph E. Portmore, AICP
Stephen H. Yuen, AIA
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George I. Atta, AICP
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Roy A. Inouye, AIA, CSI
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Charles Y. Kaneshiro, AIA
Dean H. Kitamura
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Frank B. McCue
Kyle K. Nakamoto
Kathryn A. Nam
Jeffrey H. Overton, AICP
Christine M. Ruotola, AICP
James L. Stone, AIA
Scott Tangonan
Wesley N. Ujimori, AIA
Sharon Ching Williams, AIA

October 10, 2003

Ms. Genevieve Salmonson, Director
State of Hawaii
Office of Environmental Quality Control
235 S. Beretania St., Suite 702
Honolulu, HI 96813

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Ms. Salmonson,

We are in receipt of your letters to Anthony Ching dated July 31, 2003 and August 22, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. We intend to make the changes which you require to the title page and summary section. The Revised Final EIS will include the applicant's signature on the title page.

Thank you for your assistance. Your letter and this response will be included in the Revised Final EIS. Additionally, we will forward your office a copy of the Revised Final EIS upon completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

Group 70 International, Inc. • Architecture • Planning • Interior Design • Building Diagnostics • Assets Management • Environmental Services
925 Bethel Street, 5th Floor • Honolulu, Hawaii 96813-4307 • Ph (808) 523-5866 • Fax (808) 523-5874 • www.group70int.com • mail@group70int.com

LINDA LINGLE
GOVERNOR

RUSS K. SAITO
COMPTROLLER

KATHERINE H. THOMASON
DEPUTY COMPTROLLER

RECEIVED
AUG 20 2003
GROUP 70 INT'L

STATE OF HAWAII

DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810

(P)1264.3

AUG 19 2003

Mr. Jeff Overton
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

Subject: Upcountry Town Center
Revised Draft Environmental Impact Statement

Thank you for the opportunity to review the Revised Draft Environmental Impact Statement for the subject project. This project does not impact any Department of Accounting and General Services' projects or existing facilities. Therefore, we have no comments to offer.

Should you have any questions, please have your staff call Mr. Allen Yamanoha of the Planning Branch at 586-0488.

Sincerely,

TADASHI YOSHIZAWA
Acting Public Works Administrator

AY:jo
c: Mr. Anthony Ching, Executive Director, Hawaii State Land Use Commission
Ms. Genevieve Salmonson, Director, OEQC

Francis S. Oda,
Arch. D., AIA, AICP
Norman G.Y. Hong, AIA
Sheryl B. Seaman, AIA, ASID
Hitoshi Hida, AIA
Roy H. Nihei, AIA, CSI
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Christine M. Ruotola, AICP
James L. Stone, AIA
Scott Tangonan
Wesley N. Ujimori, AIA
Sharon Ching Williams, AIA

October 10, 2003

Tadashi Yoshizawa, Acting Public Works Administrator
State of Hawaii, Public Works Division
Dept. of Accounting & General Services
P.O. Box 119
Honolulu, HI 96810

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Yoshizawa,

Thank you for your letter of August 19, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. We acknowledge your statement that this project does not impact the Department of Accounting and General Services projects or existing facilities. We appreciate your informing us that you do not have any comment on the project.

Your letter and this response will be included in the Revised Final EIS. Additionally, we will forward your office a copy of the Revised Final EIS upon completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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LINDA LINGLE
GOVERNOR

PATRICIA HAMAMOTO
SUPERINTENDENT

RECEIVED
GROUP 70 INT'L

STATE OF HAWAI'I
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAI'I 96804

September 22, 2003

OFFICE OF BUSINESS SERVICES

Mr. Jeffrey H. Overton
Chief Environmental Planner
Group 70 International, Inc.
925 Bethel Street, 5th floor
Honolulu, Hawai`i 96813-4307

Dear Mr. Overton:

Subject: Upcountry Town Center
Revised Draft Environmental Impact Statement (DEIS)
Pukalani, Maui, TMK: 2-3-07:08

The Department of Education (DOE) has reviewed the revised DEIS for the Maui Land and Pineapple Company, Inc. proposed commercial and residential center in Pukalani, Maui.

The DOE notes there are several references in the DEIS indicating that the Upcountry Town Center (Center) will improve safety and pedestrian access for the students of King Kekaulike High School. The DEIS mentions that pedestrian, bike and equestrian access points, and highway crossings were included in the Center's plans.

The DEIS text specifically mentions that recessed sidewalks along Old Haleakala Highway are planned for high school students; but other than an indication on the DEIS drainage maps, there is no other reference to the existing ditch on the project site that runs the entire length of the highway. Is the plan to create a recessed sidewalk on the ditch bed?

Although pedestrian routes within the project are indicated in project maps, the DEIS does not indicate exactly how "pedestrian and equestrian crossings are planned to allow access across the highway" as stated on page 5-12 of the DEIS. It is not clear how or where students walking through the project would cross the intersection of Haleakala Highway/Old Haleakala Highway/Kula Highway.

There was no discussion of whether there is currently adequate time for pedestrians to cross the intersection to enter or leave the Center and how that pedestrian crossing might change with increased traffic and the development of the Center.

Because the Center will include between 129 and 105 new residential units, the DOE requests that the State Land Use Commission include a condition with the standard school fair-share contribution language used in decisions on land use boundary amendments. The proposed wording is:

> The Applicant shall contribute to the development, funding, and/or construction of school facilities, on a fair-share basis, as determined by and to the satisfaction of the Department of Education. Terms of the contribution shall be agreed upon in writing by the Applicant and the Department of Education prior to obtaining county rezoning or building permits if rezoning is not required.

Thank you for the opportunity to comment on the revised DEIS.

Should you have any questions, please call me at 586-3444 or Mr. Raynor M. Minami, Director of the Facilities and Support Services Branch, at 733-4860.

Sincerely yours,

Rae M. Loui
Assistant Superintendent

RML:hy

cc: Raynor M. Minami, FSSB
Anthony Ching, SLUC
Genevieve Salmonson, OEQC

Francis S. Oda, Arch. D., AIA, AICP
Norman G.Y. Hong, AIA
Sheryl B. Seaman, AIA, ASID
Hitoshi Hida, AIA
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Scott Tangonan
Wesley N. Ujimori, AIA
Sharon Ching Williams, AIA

October 10, 2003

Ms. Rae M. Loui, Assistant Superintendent
State of Hawaii
Department of Education
P.O. Box 2360
Honolulu, HI 96804

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Ms. Loui,

Thank you for your letter of September 22, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. We acknowledge your concerns and offer the following responses.

Pedestrian Safety and Access for students of King Kekaulike High School- The applicant intends to build a pedestrian and bicycle path in the project area along Old Haleakala Highway. The existing drainage ditch will be enclosed in a drainage culvert system. The drainage map you refer to in your letter indicates that the existing ditch along Old Haleakala Highway will be removed thus enabling construction of a sidewalk to enhance pedestrian access and safety.

A new crosswalk will be established to enable students from King Kekaulike High School to cross the intersection of Haleakala Highway and Old Haleakala Highway/Kula Highway. The intersection crosswalks will be designed to County and State standards, as determined in the Project District Phase II design review. The State DOT and County DPW will be involved in the review, and the applicant welcomes participation by the High School and DOE administrators.

Fair-share contribution. If multi-family housing is built instead of senior housing, the applicant will coordinate with the Dept. of Education at the time of County re-zoning to determine the applicant's fair-share contribution to the DOE. The applicant is aware that the project will be subject to the Department of Education's fair-share requirements, as these apply to multi-family housing.

Your letter and this response will be included in the Revised Final EIS. We will forward you a copy of the Revised Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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LINDA LINGLE
~~BENJAMIN J. GAYETANO~~
GOVERNOR

ANTHONY J.H. CHING
EXECUTIVE OFFICER

STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, HI 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

RECEIVED
SEP - 5

September 3, 2003

Mr. Jeffrey Overton, AICP
Group 70 International
925 Bethel Street, 5th Floor
Honolulu, Hawai`i 96813

Dear Mr. Overton:

Subject: Upcountry Town Center
Daft Environmental Impact Statement ("DEIS")
Applicant: Maui Land & Pineapple Company, Inc.
TMK: 2 – 3 – 07: 008
Pukalani, Makawao, Maui, Hawai`i

This is to acknowledge receipt of the subject DEIS as transmitted by your letter received on July 23, 2003.

Based upon our review of the subject DEIS we have the following comments:

1. Section 3.2.4, Senior/Multi-Family Residential - It is unclear if the residential component will combine or have exclusive senior or multi-family uses. It appears that this component may comprise of 120 units for senior living or 96 units for general multi-family use. The Applicant should clarify which market target is being proposed as either may require certain design standards, facility needs and generate impacts upon public services.

2. Section 3.7, Project Schedule - We recommend that the Applicant provide more detail of the timing of the project's phases and development timeframes of the respective project components.

3. Section 4.2.3., Cultural, Historic and Archaeological Resources - The Corn Mill Camp structures were assigned State Site Number 50-50-06-5169 by the State

Historic Preservation Division ("SHPD"), Department of Land and Natural Resources, had stated, in its letter dated June 14, 2002, that additional clarification of this site was needed. The Applicant should also clarify what steps it has taken to respond to comments previously issued by SHPD for this project.

4. Section 5, Relationship to Federal, State, and County of Maui Land Use Plans, Policies, and Controls - The Applicant should include discussion of how the proposed project is not contrary to the State Land Use Laws, Chapter 205, Hawai`i Revised Statutes ("HRS") and not contrary to the Coastal Zone Management policies and objectives, Chapter 205A, HRS. This discussion is necessary as the DEIS was filed with the Commission in conjunction with the Applicant's Petition for State Land Use District Boundary Amendment for the subject project.

5. Section 6.1.10 Roadways and Traffic - We recommend that the Applicant clarify if the State Department of Transportation ("DOT") has provided comments or confirmation of the July 2003 Traffic Impact Assessment Study, subject of Appendix B of the DEIS, and that any revisions be included in the Final Environmental Impact Statement ("FEIS").

6. Section 6.4, Unresolved Issues - The Applicant should clarify the status of coordination with the DOT on the proposed access to the Pukalani Bypass Highway. The DOT, in its letter dated June 14, 2002, stated that the proposed access for the project was unacceptable and would not be approved.

We have no further comments on the subject DEIS, but we reserve the right to provide additional comments during the Commission's action on the FEIS.

Should you require clarification or further assistance in this matter, please contact Russell Kumabe of my staff at 587-3822.

Sincerely,

ANTHONY J.H. CHING
Executive Officer

October 10, 2003

Francis S. Oda,
Arch. D., AIA, AICP
Norman G.Y. Hong, AIA
Sheryl B. Seaman, AIA, ASID
Hitoshi Hida, AIA
Roy H. Nihei, AIA, CSI
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Sharon Ching Williams, AIA

Mr. Anthony Ching, Executive Director
State of Hawaii
Dept. of Business, Economic Development & Tourism
Land Use Commission
P.O. Box 2359
Honolulu, HI 96804-2359

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Ching:

Thank you for your letter of September 3, 2003 regarding the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to your numbered comments:

1. Residential Component (Sect. 3.2.4). The Revised Final EIS recognizes both the need for senior housing in Upcountry Maui, and the economic challenges that can face the developers and operators of senior housing projects. Due to an evolving demographic and economic scenario for Upcountry Maui, development of multi-family housing as a component of Upcountry Town Center will need to remain as a possible option. Housing options are continually reviewed and will be determined as development of the site approaches.

2. Project Schedule (Sect. 3.7). Additional detail is provided in the Revised Final EIS regarding the project's phases and development timeframes of the respective project components.

"Environmental processing and project permitting for the Upcountry Town Center is expected to continue through 2004. Project construction will initiate in 2004 with site clearing, mass grading, drainage and infrastructure development. The various project buildings will be completed in phases, with initial emphasis on the commercial center. In 2005, construction of the commercial center will advance, with the major tenant spaces, stand-alone sites and intervening smaller tenant spaces developed. The cottage industrial lots will likely be sold in 2004/2005, with individual facility development depending upon each lot owner. The individual office and civic buildings will follow in 2006. Multi-family housing construction will likely be initiated in 2006. Substantial project completion of the Town Center is planned by late 2006."

3. Cultural, Historic and Archaeological Resources (Sect. 4.2.3). The applicant has responded to the various comments of the State DLNR regarding Corn Mill Camp structures. The applicant has also gone before the Maui Cultural Commission to address future actions with respect to the existing structures. The R-DEIS and conceptual plans for Upcountry Town Center reflect the intention of

reusing one or two of the structures. Wai Ulu Farms has expressed an interest in occupying the larger steel-framed building closest to the highway. One of the other wooden framed buildings could be considered for adaptive reuse, however, this would incur costly retrofitting of the structure to meet construction code, based on the findings of a structural study by Vorfeld (Appendix M). The decision on adaptive reuse of the structures will be addressed in more specific terms during the design phase of the Project District approval process.

4. Relationship to Federal, State, and County of Maui Land Use Plans, Policies, and Controls (Sect. 5). The R-FEIS now includes a discussion of how the proposed project is consistent with State Land Use Laws and Coastal Zone Management policies and objectives. This information will also be contained in the update to the State Land Use Petition.

5. Roadways and Traffic (Sect. 6.1.10). The State DOT was provided a copy of the updated traffic study with their copy of the Revised DEIS. The R-DEIS included two prior comment letters provided from the State DOT, and the applicants responses. There have been no additional comments received to date.

6. Unresolved Issues (Sect. 6.4). We included both letters from the State DOT which indicate the initial comment, and an October 2002 letter which clearly states their concurrence with the proposed ingress/egress onto Pukalani Bypass Highway. The applicant and their engineer will coordinate closely with the State DOT in the planning and design of this improvement.

Your letter and this response will be included in the Revised Final EIS, and the requested number copies of the R-FEIS will be submitted for review by you, your staff and the Commissioners. Please contact me directly at 441-2104 for questions or further information requirements.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
RAYMOND M. JEFFERSON
DEPUTY DIRECTOR

RESEARCH AND ECONOMIC ANALYSIS DIVISION
No. 1 Capitol District Building, 250 South Hotel Street, 4th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
Web site: www.hawaii.gov/dbedt

Telephone: (808) 586-2466
Fax: (808) 586-8449
Access No: 236

August 11, 2003

RECEIVED
AUG 14
GROUP 70 INT'L

Mr. Jeffrey H. Overton
Chief Environmental Planner
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, HI 96813-4307

Dear Mr. Overton:

Thank you for the opportunity to participate in the environmental review process for the Upcountry Town Center project in Maui.

We have reviewed the Maui Land & Pineapple, Inc.'s proposal and have no comment to submit on this project.

Sincerely,

Glenn K. Ifuku
Economic Research Administrator

c: LUC
OEQC

Francis S. Oda,
Arch. D., AIA, AICP
Norman G.Y. Hong, AIA
Sheryl B. Seaman, AIA, ASID
Hitoshi Hida, AIA
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Sharon Ching Williams, AIA

October 10, 2003

Mr. Glenn K. Ifuku, Economic Research Administrator
State of Hawaii, Department of Business, Economic Development, and Tourism
Research & Economic Analysis Division
P.O. Box 2359
Honolulu, HI 96810

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Ifuku,

Thank you for your letter of August 11, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. We acknowledge your statement that you do not have any comment on the project at this time.

Your letter and this response will be included in the Revised Final EIS. Additionally, we will forward your office a copy of the Revised Final EIS upon completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

Group 70 International, Inc. • Architecture • Planning • Interior Design • Building Diagnostics • Assets Management • Environmental Services
925 Bethel Street, 5th Floor • Honolulu, Hawaii 96813-4307 • Ph (808) 523-5866 • Fax (808) 523-5874 • www.group70int.com • mail@group70int.com

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

ERNEST Y.W. LAU
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

September 9, 2003

Mr. Jeffrey H. Overton
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

LOG NO: 2003.1635
DOC NO: 0308TM09
Architecture

Dear Mr. Overton:

SUBJECT: Chapter 6E-42 Historic Preservation Review - Revised Draft Environmental Impact Statement (RDEIS) for the Proposed Upcountry Town Center Maka`eha Ahupua`a, Makawao District, Island of Maui TMK: (2) 2-3-007:008

Thank you for transmitting the Revised Draft Environmental Impact Statement for the proposed Upcountry Town Center, which was received by our staff August 8, 2003. Based on the submitted document, we understand the proposed undertaking consists of the development of approximately 40 acres into a rural community in Pukalani. The proposed project area includes the Corn Mill camp site.

Architectural Concerns

We appreciate the inclusion of the "History and Architectural Analysis of Corn Mill Camp" as it is a thorough history of the camp and its structures. While many of the housing units of the camp are gone, we concur with the recommendations of the report to include the existing unique plantation industrial buildings in the development.

Regarding the structural analysis, while in general it is true that to take an older building and bring it up to 100% of today's building codes may cost as much as a new building, it is also true that if the buildings qualify for listing on the Hawaii or National Registers of Historic Places, there are considerations given for the building. Also, there is a 20% rehabilitation tax credit available which should help lower the cost considerably. There is also the immeasurable marketing benefit of having a genuine piece of history. We look forward to further consultation.

Should you have further questions regarding the architectural concerns, please feel free to call Tonia Moy at (808)692-8030.

Archaeological Concerns

We have reviewed the Archaeological Inventory Survey for the proposed project (*An Archaeological Inventory Survey of the Upcountry Town Center, Makaeha Ahupua`a, Makawao, Maui TMK: 2-3-07:08*...Sinoto and Pantaleo 2002) and have requested revisions (SHPD DOC NO.: 0206MK01/LOG NO.: 30086). To date we have not received the requested revisions. Therefore we are unable to provide comments at this time. We request the submittal of these revisions so that we may complete the historic preservation review process, and provide comment on the subject RDEIS.

If you have any questions pertaining to the archaeological comments please call Cathleen A. Dagher at 692-8023.

Aloha,

P. Holly McEldowney

P. Holly McEldowney, Acting Administrator
State Historic Preservation Division

TM:jen

c: Michael Foley, Director, Dept of Planning, Maui, 250 South High Street, Wailuku, HI 96793
Cultural Resources Commission, Planning Dept, 250 S. High Street, Wailuku, HI 96793
Hawaii State Land Use Commission, PO Box 2359, Honolulu, HI 96804-2359
Ms. Genevieve Salmonsen, Director, OEQC, 235 S. Beretania St, Suite 702, Honolulu, HI 96813

Carol - pls file w/ docket

LINDA LINGLE
GOVERNOR OF HAWAII

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
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AQUATIC RESOURCES
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

September 17, 2003

Anthony J. H. Ching
State of Hawaii
Department of Business, Economic Development & Tourism
Land Use Commission
P.O. Box 2359
Honolulu, Hawaii 96804-2359

LOG NO: 2003.1780
DOC NO: 0309CD39

LAND USE COMMISSION
STATE OF HAWAII
2003 SEP 23 A 10:46

Dear Mr. Ching,

SUBJECT: Chapter 6E-42 Historic Preservation Review - Information Request For LUC Docket No. A03-740/Maui Land and Pineapple Company, Inc. (Upcountry Town Center)
Maka`eha Ahupua`a, Makawao District, Island of Maui
TMK: (2) 2-3-007:008

Thank you for the opportunity to provide comments pertaining to the LUC Docket No. A03-740/Maui Land and Pineapple Company, Inc. (Upcountry Town Center), which was received by our staff August 21, 2003. We have previously provided comments for the Revised Draft Environmental Impact Statement (Revised Draft EIS) for the proposed Upcountry Town Center (SHPD DOC NO.: 0308TM09/LOG NO.: 2003.1635). As these comments apply to the subject information request, they are restated below.

Architectural Concerns

We appreciate the inclusion of the "History and Architectural Analysis of Com Mill Camp" as it is a thorough history of the camp and its structures. While many of the housing units of the camp are gone, we concur with the recommendations of the report to include the existing unique plantation industrial buildings in the development.

Regarding the structural analysis, while in general it is true that to take an older building and bring it up to 100% of today's building codes may cost as much as a new building, it is also true that if the buildings qualify for listing on the Hawaii or National Registers of Historic Places, there are considerations given for the building. Also, there is a 20% rehabilitation tax credit available which should help lower the cost considerably. There is also the immeasurable marketing benefit of having a genuine piece of history. We look forward to further consultation.

Should you have further questions regarding the architectural concerns, please feel free to call Tonia Moy at (808)692-8030.

Archaeological Concerns

We have reviewed the Archaeological Inventory Survey for the proposed project (*An Archaeological Inventory Survey of the Upcountry Town Center, Makaeha Ahupua`a, Makawao, Maui TMK: 2-3-07:08*...Sinoto and Pantaleo 2002) and have requested revisions (SHPD DOC NO.: 0206MK01/LOG NO.: 30086). To date we have not received the requested revisions. Therefore we are unable to provide comments at this time. We request the submittal of these revisions so that we may complete the historic preservation review process. We note the inclusion of an Addendum (*Addendum: Archeological and Cultural Assessment of the Proposed Piiholo Road Well Site Hali`maile Ahupua`a, Makawao, Maui Island (TMK: 2-4-12: por.6*...Pantaleo Tsuha 2003) with the submitted Revised Draft EIS. On page one of the assessment it states that this document will be included as an addendum to the existing archaeological inventory survey. We will review the addendum when we review the revised inventory survey report. In addition, a Cultural Impact Assessment (*Cultural Impact Assessment the Proposed Phased Development of the Pukalani Triangle Maka`eha Ahupua`a, Makawao, Maui TMK: 2-3-07:08*...Sinoto 2001) was included in the submitted document. We have passed the Cultural Impact Statement and the Addendum Archaeological and Cultural Assessment of the proposed well site on to Nathan Napoka, SHPD Culture and History Branch Chief, for review. Mr. Napoka may be reached at 587-0192.

If you have any questions pertaining to the archaeological comments please call Cathleen A. Dagher at 692-8023.

Aloha,

P. Holly McEldowney

P. Holly McEldowney, Acting Administrator
State Historic Preservation Division

CD:jen

c: Michael Foley, Director, Dept of Planning, 250 South High Street, Wailuku, HI 96793
Cultural Resources Commission, Planning Dept, 250 S. High Street, Wailuku, HI 96793

Francis S. Oda, Arch. D., AIA, AICP
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Scott Tangonan
Wesley N. Ujimori, AIA
Sharon Ching Williams, AIA

October 10, 2003

Ms. Holly McEldowney, Acting Administrator
State Historic Preservation Division
State of Hawaii, DLNR
55 Mahalani St.
Wailuku, Hawaii 96793

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Ms. McEldowney,

Thank you for your letters of September 9, 2003 and September 17, 2003 (addressed to Anthony Ching) regarding your review of the Revised Draft Environmental Impact Statement and Land Use Petition Docket No. A03-740 for the Upcountry Town Center project. We offer the following responses to your comments:

Architectural Concerns- Thank you for acknowledging the inclusion of the "History and Architectural Analysis of Corn Mill Camp." We appreciate the information you shared regarding the benefits of qualifying for a listing on the Hawaii or National Registers of Historic Places. We look forward to further consultation with your office regarding adaptive reuse options.

Archaeological Concerns- We understand that you require submittal of the requested revisions to the Archaeological Inventory Survey before you are able to comment on the subject R-DEIS and complete the historic preservation review process. We also understand from your second letter dated September 17, 2003 that you will review the addendum to the archaeological inventory survey once you receive the aforementioned revisions. We intend to provide you with the requested revisions by the end of this month. Additionally, thank you for passing along the Cultural Impact Assessment included in our submitted document to the appropriate person and providing us with his phone number.

Your letter and this response will be included in the Revised Final EIS. We will forward your office a copy of the Revised Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

PHONE (808) 594-1888

FAX (808) 594-1865

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAI'I 96813

RECEIVED
GROUP 70 INT'L

HRD#03-590B

August 27, 2003

Mr. Jeffrey H. Overton
Chief Environmental Planner
Group 70
925 Bethel Street – 5th Floor
Honolulu, HI 96813

SUBJECT: UPCOUNTRY TOWN CENTER – REVISED DEA

Dear Mr. Overton:

Thank you for the opportunity to review and comment on the above referenced DEA for the Upcountry Town Center.

The Office of Hawaiian Affairs (OHA) thanks you for addressing the issues we raised when addressing the Draft EIS on June 7, 2002. OHA recommends that ***Section 6.1.5 Cultural Historic and Archaeological Resources*** (page 6-2, 6-3) be amended to reflect that if any discoveries are made during construction, work will immediately stop and the State Historic Preservation Division and the Maui Island Burial Council will be contacted.

If you have any questions, please contact Jerry B. Norris at 594-1847 or email him at jerryn@oha.org.

Sincerely,

Peter L. Yee
Director
Nationhood and Native Rights Division

cc: Anthony Ching, Hawaii State Land Use Commission
Genevieve Salmonson, Director, OEQC

Francis S. Oda,
Arch. D., AIA, AICP
Norman G.Y. Hong, AIA
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James L. Stone, AIA
Scott Tangonan
Wesley N. Ujimori, AIA
Sharon Ching Williams, AIA

October 10, 2003

Mr. Peter L. Yee, Director
State of Hawaii,OHA
Nationhood & Native Rights Division
711 Kapi'iolani Blvd., Suite 500
Honolulu, HI 96813

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Yee,

Thank you for your letter of August 27, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. We acknowledge your request that the State Historic Preservation Division and the Maui Island Burial Council be contacted should cultural or archaeological discoveries be made during construction. At present the R-DEIS states that a qualified archaeologist would be brought in to determine appropriate procedures should any discoveries be made during construction.

We will incorporate your recommendation into the Revised Final EIS, ***Section 6.1.5 Cultural Historic and Archaeological Resources*** that if discoveries are made during construction, work will immediately stop and the State Historic Preservation Division and Maui Island Burial Council will be contacted.

Your letter and this response will be included in the Revised Final EIS. The Office of Hawaiian Affairs will be forwarded a copy of the Revised Final EIS upon completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

Group 70 International, Inc. • Architecture • Planning • Interior Design • Building Diagnostics • Assets Management • Environmental Services
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LINDA LINGLE
GOVERNOR

RECEIVED
NOV - 5 2003
GROUP 70 INT'L

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

RODNEY K. HARAGA
DIRECTOR

Deputy Director
BRUCE Y. MATSUI

IN REPLY REFER TO:

HWY-PS
2.2115

NOV 4 2003

Mr. Jeffrey Overton
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

Subject: Revised Draft Environmental Impact Statement, Upcountry Town Center, Pukalani, TMK: 2-3-07: 08

Thank you for transmitting the subject document for our review and comments.

We have the following comments:

1. Research by our Right-of-Way branch revealed that there is no access permitted opening in the Parcel 11 description of the Final Order of Condemnation (91-0437(2)). The applicant must submit a request for an access permitted opening to the Highways Division Rights-of-Way Branch along with purpose, width, and development information for review and approval. In addition, the applicant's project would be subject to access valuation fees.

2. The applicant must satisfactorily address comment #1 before we allow the implementation of a right turn in and out access to Pukalani By-pass as stated in our attached letter to the county Planning Department (HWY-PS 2.8129 dated 10/1/02).

3. Parking along Makawao Avenue should be kept at least 250 feet away from the signalized intersection to preserve capacity.

4. The applicant must bear all costs for implementing the required roadway improvements stated in the TIAR.

5. We require the submittal of construction plans for all work done within our State highway rights of way for our review and approval.

HWY-PS 2.2115
NOV 4 2003

If you have any questions, please contact Ronald F. Tsuzuki, Head Planning Engineer, Highways Division, at 587-1830. Please reference file review number: 03-228 in all contacts and correspondence regarding these comments.

Very truly yours,

for RODNEY K. HARAGA
Director of Transportation

c: Hawaii State Land Use Commission, OEQC
Maui Planning Department

GROUP 70
INTERNATIONAL

Francis S. Oda,
Arch. D., AIA, AICP
Norman G.Y. Hong, AIA
Sheryl B. Seaman, AIA, ASID
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Wesley N. Ujimori, AIA
Sharon Ching Williams, AIA

November 7, 2003

Mr. Rodney K. Haraga
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813-5097

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Haraga,

Thank you for your letter of November 4, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. On October 23, 2003, the State Land Use Commission accepted the Revised Final Environmental Impact Statement (R-FEIS) with several modifications completed under guidance of the LUC staff. Your letter and this response is being included in the R-FEIS. We acknowledge your concerns and offer the following responses.

Access Permit. The applicant intends to submit a request for access to the Pukalani Bypass Highway from the subject property to the DOT Highways Division Rights-of-Way Branch. We recognize that implementation of the proposed access will need to satisfactorily address the comments of the November 4, 2003 and October 1, 2002 correspondence from your Department.

Parking. A 250-ft. distance will be respected between the signalized intersection and parking area on Makawao Avenue.

Roadway Improvements and Construction Plans. Roadway improvements to State facilities related to the proposed project will be built by the applicant. The applicant will submit construction plans for review and approval by the DOT.

To better address these issues, we invite you to schedule a meeting with us and representatives of Maui Land and Pineapple Company, Inc. at the earliest convenience. Please contact Randy Endo at 877-3874 in Kahului. Your letter and this response will be included in the Revised Final EIS. We will forward you a copy of the Revised Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

Group 70 International, Inc. • Architecture • Planning • Interior Design • Building Diagnostics • Assets Management • Environmental Services
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UNIVERSITY OF HAWAI'I AT MĀNOA

Institute for Astronomy

RECEIVED
SEP 16
GROUP 70 INT'L

September 13, 2003

Jeffrey H. Overton, Chief Environmental Planner
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, HI 96813-4307

SUBJECT: Upcountry Town Center (UTC) Revised Draft Environmental Impact Statement (R-DEIS)

Dear Mr. Overton:

The Astronomical and Space Surveillance infrastructure investment in Hawaii totals more than one-billion dollars and operations related to activities within the Haleakala High Altitude Observatory Site (HO) on the summit of Haleakala, contributes more than $33M dollars annually to the economy of Maui County. Recent studies indicate that artificially generated light pollution is having a significant negative impact on research and operations at HO. We are therefore extremely concerned about any and all new lighting installations in Maui County, especially those in such close proximity to the HO as the Upcountry Town Center DEIS.

We have specific concerns regarding any and all up-lighting on the property, i.e.:

- Rooftop lighted signage
- Accent building and landscaping lights
- Walkway lighting
- Security lighting that is on all night
- Outdoor dining lighting

We therefore would like to submit that in order to minimize any adverse impact on research and operations at HO the following requirements be placed on the project:

- All outdoor lighting should be down-lighting with full cut off fixtures
- Security lighting should be motion sensor activated
- Lights used for advertisement should be turned off after business hours
- Lights should only illuminate what is necessary, when necessary to engage in business

Thank you for the opportunity to comment on this project. Should you have any questions, please do not hesitate to contact me. I look forward to your response and the incorporation of our comments into the Final EIS.

Sincerely,

Mike Maberry
Assistant Director

2680 Woodlawn Drive, Honolulu, Hawai'i 96822

Cc: Maui Land and Pineapple Company
Mr. Anthony Ching, Director, Hawai'i State Land Use Commission
Genevieve Salmonson, Director, Office of Environmental Quality Control
Senator J. Kalani English
Representative Kika Bukoski
Mayor Alan Arakawa
Michael Foley, Director, Maui County Planning Department
Councilmember Charmaine Tavares
Pukalani Community Association
Makawao Community Association
Kula Community Association

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October 10, 2003

Mr. Mike Maberry, Assistant Director
Institute for Astronomy
University of Hawaii
2680 Woodlawn Dr.
Honolulu, HI 96822

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Maberry,

Thank you for your letter of September 13, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. We acknowledge your specific concerns regarding lighting on the property and its potential impact on your operations at Haleakala High Altitude Observatory Site.

At present the project proposes that, "shielded/down lighting will be used to minimize nighttime light pollution and reduce illumination impacts to surrounding residents and landscape" (p. 1-9, R-DEIS.) Additionally, the R-DEIS further states that "lighting of the Upcountry Town Center will be limited to necessary areas including entrances, structures, parking and interior streets. Lighting will be subdued to avoid adverse glare and other lighting effects on nearby properties and nighttime visibility in the general area. Sensitive lighting design will be applied to minimize potential off-site lighting impacts." (p. 6-12, R-DEIS)

Specific lighting design and equipment have yet to be developed and selected. The project lighting will be designed in accordance with County Code, the Country Town Design Guidelines, and will be complimentary to the Upcountry Maui rural character. To assure that your concerns are being addressed the applicant is willing to meet to review specific issues during the project design period.

Your letter and this response will be included in the Revised Final EIS. We will forward you a copy of the Revised Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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ALAN M. ARAKAWA
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GLENN T. CORREA
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JOHN L. BUCK III
Deputy Director

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DEPARTMENT OF PARKS & RECREATION

700 Hali'a Nakoa Street, Unit 2 , Wailuku, Hawaii 96793

RECEIVED
AUG 25 2003
GROUP 70 INT'L

August 18, 2003

Mr. Jeffrey Overton
Chief Environmental Planner
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

Subject: **UPCOUNTRY TOWN CENTER**
TMK 2-3-07:08, PUKALANI, MAUI

Our Department has reviewed the subject Revised Draft Environmental Impact Statement (EIS), and we have no comments. However, the developer should continue to work with our Department on fulfilling the parks and playgrounds requirements for the subject project.

Should you have any questions or concerns, please feel free to contact me, or Dyan Ariyoshi, CIP Coordinator of our Planning and Development Division, at phone number 270-7981.

Sincerely,

GLENN T. CORREA
Director

c: Patrick Matsui, Chief of Planning & Development Division - DPR

Francis S. Oda, Arch. D., AIA, AICP
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October 10, 2003

Mr. Glenn T. Correa, Director
County of Maui
Department of Parks & Recreation
700 Hali'a Nakoa Street, Unit 2
Wailuku, HI 96793

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Correa,

Thank you for your letter of August 18, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. The applicant wishes to continue to work with the Department of Parks & Recreation to fulfill the parks and playground requirements for the subject project.

Maui Land & Pineapple Company, Inc. development plans include park area, open space, and trails. The proposed project is planned as a community-gathering place. The town square/village green will provide needed space for community programs. Additionally, an open space buffer is proposed along Pukalani Bypass Highway and will include pedestrian and bike trails. The applicant anticipates using the planned village green and the buffer area to satisfy the park dedication requirement. Details on the park design will be addressed in the subsequent Project District approval review and process. As the project moves forward, the applicant intends to coordinate with your office to ensure satisfaction of the park dedication requirement.

Your letter and this response will be included in the Revised Final EIS. We will forward your office a copy of the Revised Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

RECEIVED
SEP 11
GROUP 70 INT'L

September 8, 2003

Mr. Jeff Overton
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813

Dear Mr. Overton:

RE: Revised Draft Environmental Impact Statement (EIS) for the Proposed Upcountry Town Center at TMK 2-3-007:008, Pukalani, Maui, Hawaii

At its regular meeting on September 4, 2003 the Maui County Cultural Resources Commission (Commission) reviewed the revised draft EIS and had the following additional comments:

1. The Commission emphasized that restoration of historic structures in its original context is preferred. The replication of a structure is not preservation. Although relocation of a historic structure saves the structure, it diminishes the historic context of the building and its surroundings. Preservation *in situ* is the preferred alternative for the water tank and structurally sound structures. Although Buildings A and B will require more structural improvements than Building C, these two buildings are the more historically significant.

   A particular concern of the Commission is the potential loss of the water tank should the relocation methods proposed by the structural engineer fail. The water tank is in excellent condition and is one of the few remaining structures representative of the irrigation system used in the Upcountry area for agricultural purposes.

2. The Commission emphasized the adaptive re-use of the structures and supported the recommendations of the report "History and Architectural Analysis of Corn Mill Camp" prepared by Jim Niess and Dawn Duensing. The report recommends that the adaptive reuse of the buildings for cottage industries and light or artisan manufacturing would allow the historic structures to continue to be used as industrial buildings.

3. Appropriate care shall be taken during archaeological monitoring to ensure that artifacts that may be uncovered will be adequately preserved. Such artifacts may be used in an interpretative display of Corn Mill Camp.

4. The Commission recommended use of an overlay of the Corn Mill Camp Map over a topography map of the property to get a better understanding of the areas which may have archaeological or cultural significance during monitoring.

5. The Commission re-emphasized the desire to integrate the history of the site into the future development through preservation and interpretative displays.

6. The Commission recommended that the mature trees onsite be preserved, if at all possible.

The Commission voiced its appreciation of Maui Land and Pineapple Company's efforts to address their concerns and the additional reports prepared in order to provide additional information for their review.

Thank you for the opportunity to comment. If additional clarification is required, please contact Ms. Colleen Suyama, Staff Planner, of this office at 270-7735.

Sincerely,

MICHAEL W. FOLEY
Planning Director

MWF:CMS:lar
c: Maui County Cultural Resources Commission
Wayne A. Boteilho, Deputy Planning Director
Clayton I. Yoshida, AICP, Planning Program Administrator
Brian Miskae, Planning Program Administrator
Colleen Suyama, Staff Planner
Randall Endo, Maui Land and Pineapple Co., Ltd.
Genevieve Salmonson, OEQC
Barbara Long
Project File
General File
(K:\WP_DOCS\PLANNING\EIS\2001\01EIS01UpcountryTownCenter\CRCCommentsRevisedDraft.wpd)

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Sharon Ching Williams, AIA

October 10, 2003

Mr. Michael W. Foley, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Maui, HI 96793

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Foley,

Thank you for your letter of September 8, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. We acknowledge the additional comments of the Maui County Cultural Resources Commission (CRC) and offer the following responses to your numbered points:

1. Preservation of Structures.

We recognize that the CRC is requesting *in situ* preservation for the water tank and other sound structures. The current position of the water tank possibly conflicts with the development of one of the cottage industrial lots, and may or may not be able to remain at this location. The future grading and building plans for this area will address this potential conflict and seek to retain the structure in its current location, if possible. The Corn Mill Camp structures are addressed in our response to item 2.

2. Adaptive Reuse.

Thank you for your support of the recommendations made by Jim Niess and Dawn Duensing in their report. As practical, the applicant intends to follow these recommendations to adaptively reuse the existing historic structures.

The R-DEIS and conceptual plans for Upcountry Town Center reflect the intention of reusing one or two of the structures. Wai Ulu Farms has expressed an interest in occupying the larger steel-framed building closest to the highway. One of the other wooden framed buildings could be considered for adaptive reuse, however, this would incur costly retrofitting of the structure to meet construction code, based on the findings of a structural study by Vorfeld (Appendix M). The decision on adaptive reuse of the structures will be addressed in more specific terms during the design phase of the Project District approval process.

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3. Archaeological monitoring. The applicant will be diligent in making certain any artifacts uncovered are adequately preserved. We will incorporate your recommendation into the Revised Final EIS, *Section 6.1.5 Cultural Historic and Archaeological Resources* that if discoveries are made during construction, work will immediately stop and the State Historic Preservation Division and Maui Island Burial Council will be contacted.

4. Overlay of Corn Mill Camp Map. The map drawn by the former Corn Mill Camp resident Mr. Jio provides guidance as to the position of former structures and uses. This information will be provided to the archaeologist involved with future construction monitoring so they may properly observe these sub-areas during the site work.

5. Integrate History. The applicant fully intends to integrate the history of the Corn Mill Camp and past agricultural activities of the area through interpretive displays and exhibits at Upcountry Town Center.

6. Mature Trees. There are several mature trees on the project site, however, most of these are within new development areas, and are likely to be removed. Of note, there will be many significant trees that will be installed with the new project landscape, as shown in the project renderings. The preservation of specific trees at the Corn Mill Camp will be addressed in the project's landscape design within the Project District approval process. Two Italian cypress trees exist off-site on the Fire Station property.

Your letter and this response will be included in the Revised Final EIS. We will forward you a copy of the Revised Final EIS upon completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

RECEIVED
SEP 25
GROUP 70 INT'L

September 23, 2003

Mr. Jeffrey H. Overton
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

RE: Revised Draft Environmental Impact Statement (EIS) for the Upcountry Town Center at TMK 2-3-007:008, Pukalani, Maui, Hawaii

The Maui Planning Department originally reviewed and accepted the Draft EIS for the Upcountry Town Center which has since been nullified. In our review the Maui Planning Department determined that the draft EIS addressed the goals and objectives of the County General Plan, Makawao-Pukalani-Kula Community Plan, and Zoning. However, as a reviewing agency, the Department has the following comments:

1. The applicant has filed applications for a Community Plan Amendment from Agricultural and Open Space Uses to Project District, Change in Zoning from Agriculture and Interim Districts to Project District, and Project District Phase 1 Approval for the Upcountry Town Center with the County of Maui. These applications are pending the acceptance of the Final EIS by the State of Hawaii Land Use Commission.

2. The various land use documents of the County of Maui sets forth a broad range of goals and objectives. Sometimes these statements have conflicting interests. For example, in order to provide for economic diversification, the proposal may conflict with the desire to preserve prime agricultural lands. The ultimate decision making body to resolve such conflicts will lie with the Maui County Council and Mayor during their review of the amendment to the Makawao-

Pukalani-Kula Community Plan, Zoning Change, and Project District Phase 1 Approval for the subject property. Until such time such conflicts between various goals and objectives of the various land use documents will remain as unresolved issues.

3. The applicant is requesting project district zoning for the subject property from the County of Maui. Project district zoning is a developer initiated zoning district which reflects the unique qualities of a development as envisioned by the developer. Development standards are proposed in compliance with the general description of the district in the Community Plan.

   The applicant envisions a project district that allows the development of "a town center that serves the needs of residents in Pukalani and the surrounding region for community services, activities and indoor and outdoor markets in a manner consistent with the serene, rural character of Upcountry." The project district is envisioned to contain civic, country town business, cottage industry, apartment, and open space uses. Land uses may include commercial, office and civic space, cottage industry lots and a senior/multi-family residential component. The recommended guidelines for this project district is as follows:

   Country Town Business, 24 acres;
   Cottage industry, 4 acres;
   Apartment, 8 acres (12-15 du/acre); and
   Open Space, 11 acres

   The applicant is requesting design flexibility in which the acreage and development standards for each district within the Project District may be varied by up to 15 percent with approval of the planning director. Each building or structure shall be designed to conform to the rural character of Upcountry and the intent of the Upcountry Town Center Project District. Also, a 50 ft. wide open space area along the Pukalani Bypass Highway is proposed as a buffer between the bypass and the uses within the project district.

   The Project District zoning adopted for inclusion in Title 19, Comprehensive Zoning of the Maui County Code will be in compliance with the general description identified in the Makawao-

Pukalani-Kula Community Plan. The Maui County Council will review this proposal and make the final decision regarding the land use amendments required in conjunction with the Final EIS document and State District Boundary Amendment.

4. The current zoning of a portion of the property is County Agricultural District. The County Agricultural District states that "lands that meet at least two of the following criteria should be given the highest priority for retention in the agricultural district:

   A. Agricultural Lands of Importance to the State of Hawai'i (ALISH);

   B. Lands not classified by the ALISH system whose agricultural land suitability, based on soil, topographic, and climatic conditions, supports the production of agricultural commodities, including but not limited to coffee, taro, watercress, ginger, orchard and flower crops and non-irrigated pineapple. In addition, these lands shall include lands used for intensive animal husbandry, and lands in agricultural cultivation in five of the ten years immediately preceding the date of approval if this chapter; and

   C. Lands which have seventy-five percent or more of their boundaries contiguous to lands within the agricultural district."

   Although the subject property meets at least two of these criteria for lands that *should* be retained in agricultural, there may be other reasons which makes retention of the lands in agricultural difficult. According to the applicant the construction of the Pukalani Bypass effectively isolated the subject property from the Maui Land and Pineapple Company's agricultural operations making it difficult to continue to cultivate. The property currently is not in cultivation. The criteria established in the Agricultural Zoning District does not preclude the redesignation of agricultural lands that meet these criteria. In its deliberation of the land use amendments the Maui County Council will ultimately decide whether the agricultural designation should be retained or the property designated for future urban growth.

Thank you for the opportunity to comment. If additional clarification is required, please contact Ms. Colleen Suyama, Staff Planner, of this office at 270-7735.

Sincerely,

MICHAEL W. FOLEY
Planning Director

MWF:CMS:lar
c: Wayne Boteilho, Deputy Planning Director
Clayton Yoshida, AICP, Planning Program Administrator
Colleen Suyama, Staff Planner
Anthony Ching, Executive Director, Land Use Commission
OEQC
Project file
General File
(K:\WP_DOCS\PLANNING\EIS\2001\01EIS01UpcountryTownCenter\CommentsRevisedEIS.wpd)

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Sharon Ching Williams, AIA

October 10, 2003

Mr. Michael W. Foley, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Maui, HI 96793

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Foley,

We are in receipt of your letter dated September 23, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. Thank you for your input. We offer the following responses to your numbered comments:

1. **County of Maui Approvals.** We acknowledge that the applications we have previously filed with your department, specifically for a Community Plan Amendment, Change in Zoning, and Project District Phase 1, are pending acceptance of the Revised Final EIS by the State of Hawaii Land Use Commission.

2. **Community Plan Goals.** The proposed Upcountry Town Center is anticipated to meet the applicable goals and objectives of the Community Plan. We acknowledge that there may be certain unresolved issues in the Revised Final EIS. It is our hope that these issues can be resolved to the satisfaction of the community and the applicant during the process of amending the Makawao-Pukalani-Kula Community Plan, Zoning Change, and Project District Phase 1 approval by the Planning Commission, Maui County Council and the Mayor.

3. **Project District Zoning.** We understand that the Maui County Council will review our proposal for a project district zoning at the appropriate time, and will make the final decision regarding the land use amendments required in conjunction with the Final EIS document and the State District Boundary Amendment. The Project District areas listed in your letter are consistent with the desired request.

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4. **Agricultural Lands.** With respect to the criteria for retention in agricultural district, it appears that the subject property meets only one of the criteria, not two. The lands pass Criteria A since they are classified as ALISH. But the lands fail Criteria B (i.e., "Lands not classified by the ALISH system ...") since these two criteria are mutually exclusive. Further, these lands fail Criteria C since they are surrounded by roads and thus do not "... have 75% of their boundaries contiguous to lands with in the agricultural district."

Since these lands pass only one of the three criteria, not two, they do not qualify for the "... highest priority for retention in the agricultural district." Even if these lands did satisfy two of the three criteria, designation as "highest priority for retention in the agricultural district" would not preclude their redesignation, as noted by the County. Based on the guidance in the "Agriculture" portion of the State Functional Plan, redesignation would be justified based:

"... upon a demonstrated change in economic or social conditions, and where the requested redesignation will provide greater benefits to the general public than its retention in ..." agriculture; that is, when an "overriding public interest exists."

The enormous contraction in plantation agriculture—resulting in the supply of agricultural land far exceeding demand—constitutes a major change in economic and social conditions. Furthermore, the proposed Upcountry Town Center will provide benefits that far exceed those provided by agriculture.

Your letter and this response will be included in the Final EIS. We will forward you a copy of the final EIS upon completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

ALAN M. ARAKAWA
Mayor

GILBERT S. COLOMA-AGARAN
Director

MILTON M. ARAKAWA, A.I.C.P.
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COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
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TRACY TAKAMINE, P.E.
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

JOHN D. HARDER
Solid Waste Division

September 30, 2003

RECEIVED
OCT - 3 2003
GROUP 70 INT'L

Mr. Jeffrey Overton
Chief Environmental Planner
GROUP 70 INTERNATIONAL, INC.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

SUBJECT: REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT
UPCOUNTRY TOWN CENTER
TMK: (2) 2-3-007:008

We reviewed the revised Draft Environmental Impact Statement (EIS) and have the following comments:

1. Additional information on the type of wastewater plant that is proposed, how odors will be addressed and what will happen to the sludge generated from this plant should be included as part of the EIS.

2. The left-turn and acceleration/deceleration lanes on the access roads to Old Haleakala and Pukalani Bypass are satisfactory. However, we do have a concern on the three (3) access driveways and angle parking along Makawao Avenue. Cars backing up onto Makawao Avenue from the angle parking raises a safety issue. A physical barrier to separate the road from the angle parking should be considered. Acceleration/deceleration lanes for the driveways on Makawao Avenue should also be considered.

3. Improvements for Old Haleakala and Makawao Avenue should also include sidewalks, not only road widening and curb and gutters.

4. The existing drainage system on Old Haleakala Highway is inadequate. It is very important that the developer does not increase the flow to this system, as stated in the preliminary report.

5. The grading for the project shall comply with the provisions of the grading ordinance. Best Management Practices shall be implemented to the maximum extent practicable to prevent pollutants including dust and sediment from discharging off the project site.

6. The final drainage system design shall comply with the provisions of the drainage rules and shall create no additional adverse effects to adjacent and downstream properties.

7. The provisions of Maui County Code, Section 16.26.3304, Improvements to Public Streets, require widening and improvements to the adjacent County roadways.

If you have any questions regarding this letter, please call Milton Arakawa at (808) 270-7845.

Very truly yours,

Milton Arakawa
for GILBERT S. COLOMA-AGARAN
Director

GSCA:MA:msc
S:\LUCA\CZM\UpcountryTownCenter3.wpd

Francis S. Oda, Arch. D., AIA, AICP
Norman G.Y. Hong, AIA
Sheryl B. Seaman, AIA, ASID
Hitoshi Hida, AIA
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Christine M. Ruotola, AICP
James L. Stone, AIA
Scott Tangonan
Wesley N. Ujimori, AIA
Sharon Ching Williams, AIA

October 10, 2003

Mr. Gilbert S. Coloma-Agaran, Director
County of Maui
Dept. of Public Works and Environmental Management
200 S. High Street
Wailuku, Maui, HI 96793

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Coloma-Agaran,

Thank you for your letter of September 30, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. We offer the following responses to your numbered comments:

1. Wastewater Plant. The specific design type of the wastewater plant for the Upcountry Town has not been identified. The system is currently planned to be an aerobic secondary treatment unit, producing effluent that will be acceptable for subsurface disposal. The applicant is also investigating effluent reuse in landscape and pasture irrigation. Sewage sludge removed from the unit, if found to be acceptable for recycling, will be disposed at a compost facility. The applicant will coordinate with the County DPWEM and State Health Department to further define the wastewater treatment and disposal procedures for the project.

2. Makawao Avenue. The plan for angle parking along Makawao Avenue is aimed at retaining the small-town feel of the new commercial frontage. It is recognized that safety considerations will need to be addressed in the design of this parking area. The addition of a physical barrier will be considered, and the project design plans will be reviewed by the DPWEM. The construction of acceleration and deceleration lanes at the project access driveways will be included as necessary to allow for safer and smoother traffic flow.

3. Road Improvements. The applicant will construct frontage improvements as required, however, they would like meet with the County DPWEM to discuss options for design and construction of the sidewalk/pathways outside of the highway right-of-way on the subject property.

Group 70 International, Inc. • Architecture • Planning • Interior Design • Building Diagnostics • Assets Management • Environmental Services
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4. Drainage on Old Haleakala Highway. Storm water runoff management is addressed in the civil engineering report (Appendix I). Runoff from the Upcountry Town Center will be managed according to the County Drainage Standards, which are regulated by the County Department of Public Works and Environmental Management. The design plans for the storm water collection and detention systems will be provided to the County in the design phase of the project. The applicant is obligated to not increase the rate of runoff from the property above existing conditions or increase the volume of runoff for the required design storm. The current plan for storm water management will actually reduce the rate of runoff from the subject property and volume of runoff for the required design storm. The net effect will be no runoff rate increase to downstream channels and properties.

5. Grading. Maui Land and Pineapple Co. intends to comply with the provisions of the Maui County Grading Ordinance. Best Management Practices will be implemented on the project site, as discussed in the R-FEIS. The project will also be required to obtain an NPDES permit to review grading and BMP plans to minimize constituents in site runoff during construction.

6. Drainage System. As stated above, potential drainage impacts to adjacent and downstream properties will be mitigated by complying with the provisions of the Maui County drainage rules.

7. County Roadway Improvements. The applicant will work closely with the County DPWEM to design and review improvements required for the adjacent public roadways.

Your letter and this response will be included in the Revised Final EIS. Additionally, we will forward your office a copy of the Revised Final EIS upon completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
tj
YOUR REFERENCE

POLICE DEPARTMENT
COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

THOMAS M. PHILLIPS
CHIEF OF POLICE

KEKUHAUPIO R. AKANA
DEPUTY CHIEF OF POLICE

September 11, 2003

Mr. Jeffrey H. Overton
Chief Environmental Planner
Group 70 International
225 Bethel Street, 5th Floor
Honolulu, HI 96813-4307

Dear Mr. Overton:

SUBJECT: Upcountry Town Center
Revised Draft Environmental Impact Statement

We are in receipt of your letter of August 8, 2003 requesting comments on the above subject.

After reviewing the proposed summary, we have no comments or recommendations at this time. Thank you for giving us the opportunity to comment on the proposed project. We are returning the Draft EIS which was submitted for our review.

Very truly yours,

Assistant Chief Sydney Kikuchi
for: Thomas M. Phillips
Chief of Police

Enclosure

c: Mr. Anthony Ching, Hawaii State Land Use Commission
Ms. Genevieve Salmonson, State of Hawaii, OEQC
Mr. Michael Foley, Maui County Planning Dept.

Francis S. Oda,
Arch. D., AIA, AICP
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Sheryl B. Seaman, AIA, ASID
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Roy H. Nihei, AIA, CSI
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James L. Stone, AIA
Scott Tarigonan
Wesley N. Ujimori, AIA
Sharon Ching Williams, AIA

October 10, 2003

Mr. Sydney Kikuchi, Asst. Chief of Police
County of Maui Police Department
55 Mahalani St.
Wailuku, Hawaii 96793

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Kikuchi,

Thank you for your letter of September 11, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. We acknowledge your statement that you do not have any comment on the project. We appreciate the return of the R- DEIS.

Your letter and this response will be included in the Revised Final EIS. Additionally, we will forward your office a copy of the Revised Final EIS upon completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

ALAN M. ARAKAWA
Mayor

ALICE L. LEE
Director

HERMAN T. ANDAYA
Deputy Director

200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX (808) 270-7165

August 26, 2003

RECEIVED
SEP - 3
GROUP 70 INT'L

Mr. Jeff Overton
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawaii 96813-4307

Dear Mr. Overton:

SUBJECT: UPCOUNTRY TOWN CENTER
REVISED DRAFT ENVIRONMENTAL IMPACT STATEMENT
ACCEPTING AUTHORITY: STATE OF HAWAII
LAND USE COMMISSION

When we reviewed the draft Environmental Impact Statement for the subject project and submitted our April 30, 2002 comments, we stated that we would be recommending to the Director of Planning that approval of the project's Change-In-Zoning application be subject to the Maui County Housing Policy that was approved by former Mayor James "Kimo" Apana on May 4, 2001.

Please be advised that we will now be recommending to the Director of Planning that approval of the project's Change-In-Zoning application be subject to the Maui County Affordable Housing Policy that is in effect at the time the Change-In-Zoning application is submitted for our review and comment.

Very truly yours,

ALICE L. LEE
Director

ETO:hs

c: Housing Administrator
Mr. Anthony Ching
Ms. Genevieve Salmonson

Francis S. Oda,
Arch. D., AIA, AICP
Norman G.Y. Hong, AIA
Sheryl B. Seaman, AIA, ASID
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Scott Tangonan
Wesley N. Ujimori, AIA
Sharon Ching Williams, AIA

October 10, 2003

Ms. Alice Lee, Director
Dept. of Housing and Human Concerns
County of Maui
200 S. High Street
Wailuku, Hawaii 96793

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Ms. Lee,

Thank you for your letter of August 26, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. We understand that you will now be recommending to the Director of Planning that approval of the project's Change of Zone application be subject to the Maui County Affordable Housing Policy that is in effect at the time of the Change of Zone submittal rather than the Maui County Housing Policy that was approved by former Mayor James "Kimo" Apana.

We intend to work within the specifications of Maui County's housing policies, as applicable in the planning for new housing at this project. The specific housing characteristics are still to be developed and more detailed plans will be provided during the Change of Zone/Project District approval processes. Approximately 120 units of senior housing or 96 units of multi-family housing are proposed as a major component of the Upcountry Town Center.

Your letter and this response will be included in the Revised Final EIS. Additionally, we will forward your office a copy of the Revised Final EIS upon completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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Maui Electric Company, Ltd. • 210 West Kamehameha Avenue • PO Box 398 • Kahului, Maui, HI 96733-6898 • (808) 871-8461

RECEIVED
AUG - 7 2003
GROUP 70 INT'L

August 6, 2003

Mr. Jeffrey H. Overton
Chief Environmental Planner
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, HI 96813-4307

Dear Mr. Overton:

Subject: Upcountry Town Center
Revised Draft Environmental Impact Statement
TMK: 2-3-07:08 & Well site: 2-4-12:06

Thank you for allowing us to comment on the subject project.

In reviewing the information transmitted and our records, Maui Electric Company (MECO) at this time has no objections to the Upcountry Town Center Revised Draft Environmental Impact Statement.

MECO encourages the project's consultants meet with us as soon as practical so that we may discuss the electrical requirements of this project.

On July 24, 2003, Warren S. Unemori Engineering, Inc. had sent MECO a letter which asked about MECO's capability to serve the new Piiholo well associated with this project. MECO in turn has asked Warren S. Unemori Engineering, Inc. for detailed information on the electric motor (nameplate data and operational characteristics) to be employed. This information is needed before proper analysis by MECO can be performed.

If you have any questions or concerns, please call Fred Oshiro at 872-3202.

Sincerely,

Neal Shinyama
Manager, Energy Delivery

NS/fo:lkh

cc: Anthony Ching, HSLUC
Genevieve Salmonson, SOH-OEQC

Francis S. Oda, Arch. D., AIA, AICP
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Sharon Ching Williams, AIA

October 10, 2003

Mr. Neal Shinyama, Manager
Energy Delivery
Maui Electric Company, Ltd.
P.O. Box 398
Kahului, Maui, HI 96733

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Shinyama,

Thank you for your letter of August 6, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. We acknowledge your comment that at this time MECO has no objections to the R-DEIS.

Additionally, Warren S. Unemori Engineering, Inc. has informed us that they recently provided MECO with the more detailed information which was requested to determine service requirements for the Piiholo well. We look forward to continued discussions to meet the requirements for power supply at the new Piiholo well site.

Either the applicant or Unemori Engineering will contact you to schedule a meeting to further discuss the electrical requirements of the project. Your letter and this response will be included in the Revised Final EIS. We will forward your office a copy of the Revised Final EIS upon completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

cc: W. Unemori, Warren S. Unemori Engineering, Inc.
W. Suzuki, Maui Land & Pineapple Company, Inc.

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Kula Community Association

P.O. Box 417 - Kula, HI 96790

http://kulamaui.com

The vision of the Kula Community Association is to preserve open space, support agriculture, maintain a rural residential atmosphere, and to work together as a community.

The specific purpose of this association is to improve the quality of life for the residents of Kula, to promote civic welfare, and generally to benefit the community of Kula.

Jeffrey H. Overton, Chief Environmental Planner
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, HI 96813-4307

September 18, 2003

Dear Mr. Overton:

Subject: Upcountry Town Center (UTC) Revised Draft Environmental Impact Statement (R-DEIS)

The Kula Community Association (KCA) Board of Directors met on September 9, 2003 to discuss the Upcountry Town Center DEIS. The KCA Board wishes to place on the official DEIS record the following general comments, specific comments, and recommendations. We expect that the Final EIS will address both our concerns and questions. Furthermore, we ask that the Land Use Commission, Office of Environmental Quality Control, and the Maui County Planning Department and Planning Commission seriously consider the issues which we raise.

General Comments

A. We request that the Final EIS reflect and respect the thought that went into developing the Makawao-Pukalani-Kula Community Plan adopted as an ordinance in July, 1996.

The triangular shaped parcel where the 40 acre UTC is being proposed was thoroughly reviewed and discussed during the many meetings leading to the adoption of the Makawao-Pukalani-Kula Community Plan 1990's update. At that time the members of the Citizen Advisory Committee (CAC) recognized a need for additional Upcountry commercial space, senior housing, a cultural site/museum, park/open space, and light-industrial. However, the CAC members recommended an alternative Kulamalu site as being a superior location for most of those activities and an area near the Kula Post Office as a designated light-industrial site.

Among the reasons for selecting the other sites were: the desire to avoid having commercial activities so close to the new King Kekaulike High School - in other words, to provide a large open-space buffer; the determination that the three roads which surround the proposed UTC would be negatively impacted by bringing so much traffic to the area; and the concern that the proposed commercial area would have anchor stores

that would negatively impact the old-time, mom-and-pop stores and the Upcountry lifestyle which they reflect. When the thoughts and concerns of the CAC were made clear, Maui Land and Pine (ML&P) graciously withdrew their proposal.

The Citizen Advisory Committee, Maui Planning Department, Maui Planning Commission, and the County Council all confirmed the community's wish to leave this area in agriculture. Now, only seven years since the Community Plan was adopted, ML&P is again proposing to re-designate their 40-acre parcel at the Pukalani Triangle. The Final EIS should explain what is significantly different now from when the Community Plan was adopted as an ordinance.

B. The DEIS fails to include a realistic discussion of the existence and effects of the large Kulamalu commercial, senior housing, and park development. This is the "Town Center" proposed in the Community Plan. Water source development and a transmission system were completed several years ago; zoning was applied for and approved; and site development has been on-going for over a year. If the DEIS had accurately described the scale of the Kulamalu project, we believe that a very different and more accurate DEIS would have been produced.

For example, the main portion of the DEIS neglects to fairly consider the Kulamalu commercial, senior housing, and park designations; the map on page 8-4 even cuts most of it out and does not label it; and, finally, the Market Study minimizes its impact. The KCA Board of Directors asks that the Final EIS correct the omission and fully discuss the proposed UTC in light of the ongoing Kulamalu development as well as the designated light-industrial area in central Kula.

The DEIS (Table 10 of the Appendix A, Market Study) indicates Competitive Floor Space for the nearby Kulamalu commercial development at only 54,000 square feet. Our discussions with the developer, Everett Dowling, indicate plans for considerably more floor space. Please confirm the DEIS estimate with the Kulamalu developer and, if necessary, provide a recalculation and re-analysis within the Market Study..

C. In 2002, in response to the original DEIS, the Kula Community Association wrote a long letter to GROUP 70 INTERNATIONAL, INC. with many concerns about the UTC. Unfortunately, the reply by GROUP 70 was inadequate, vague and incomplete. The Kula Community Association expects that in the preparation of this FEIS that there will be complete and meaningful responses. Please do not answer our concerns by merely going through the mechanics of answering our questions.

Specific Concerns and Questions

1. The scale of this UTC project concerns us. According to Appendix B, Page 13, there will be a total built-up area of 328,600 sq. ft. in retail, office, and light-industrial uses, PLUS 150 dwelling units!! What will be the effect on the rural atmosphere of the region from that urban-size development with many visitor-oriented retail shops and restaurants?

2. We suggest more substantive analysis of the effect on existing Upcountry businesses if the UTC is built. (Note: We were dismayed by the inadequacy of Group 70's response to our 2002 DEIS comments, contained in the previous FEIS.) What will be the impact on existing business/retail/commercial space in Makawao Town business district, Pukalani Shopping Center, Pukalani Square, the many stores along the Old Haleakala Highway and nearby Makawao Avenue, and in Pulehu, Waiakoa, and Keokea? Please address the potential loss of business and the siphoning of tenants from present locations. Will the claimed increase in employment merely reflect displacemnt of workers from existing businesses?

3. The DEIS proposes a relocation of Pukalani Superette to the UTC site. What if the old Pukalani Superette site contains a gas station, and/or fast food restaurant(s), with or without drive-through windows. On the other hand, what if Pukalani Superette chooses to remain at its present location?

4. There is a long-standing list of upcountry residents (over 600 meter applications with many asking for multiple meters) who are awaiting water meters. Will this UTC project jump ahead of all those patient residents anticipating their meter? If not, is it appropriate to reclassify and zone the land-use prior to the existing residents getting their meters? What if there is not enough water?

5. Given the shortage of water in Upcountry Maui, what will be the effect of ML&P drilling for water in close proximity to sites where the County of Maui Department of Water Supply plans to drill?

6. As irrigated farmland, the proposed UTC has the highest possible agricultural land rating "A". (Please see DEIS, top of Page 4-13). ML&P has prematurely and voluntarily ceased farming this pineapple land in anticipation of receiving land use reclassification to urban use.

The Kula Community Association is concerned; our State Constitution is concerned, and our State Land Use Commission should be concerned, that this valuable resource will be lost forever from the State's prime agricultural lands inventory. (Please see the Makawao-Pukalani-Kula Community Plan Page 25, #2.).

7. The DEIS has totally ignored the impact of the UTC on its major neighboring land owner, King Kekaulike High School. Similarly, there is no analysis of the impact on the UTC project of the large high school, its 1,500 students and large faculty/staff. The fact that neither the School nor the DOE has commented on the DEIS, does not waive the responsibility of the DEIS document to discuss the multiple impacts. The applicant must describe the interactive impacts

8. Given the large built-up area (See #1 above), traffic impacts are a major potential problem. We are concerned about all three of the neighboring roadways, the intersections, and several specific traffic patterns:

a) **School Traffic:** There is a need to accurately calculate the traffic flows to the new, nearby Kamehameha School which will soon have an enrollment of 1200+ students, many of whom will drive. Kamehameha is now building the high school campus, and most of the students and staff will pass by the UTC site during the morning rush-hour peak and at 2pm-3pm. There also will be increasing traffic to and from the Kamehameha pre-school.

b) Tourist Traffic: The DEIS Market Study indicates 3,000 visitors accessing the project each day. This raises two traffic issues. Many tourists will be driving down from Haleakala after watching the sunrise, during the peak morning commuter rush and at the time when students will be driving to school. Exactly what route will they use to get into the UTC? What will be the impact of tourists trying to make a U-turn into the Maui Fresh site on the Pukalani Bypass? We are concerned that at the A.M. rush- hour many young, inexperienced, high-school student drivers will be coming up the hill and around the turn where these U-turns are being made by tourists unfamiliar with the risks.

c) Makawao Avenue Safety Issues: (Please see the Makawao-Pukalani-Kula Community Plan Page 34, #14.) The DEIS describes a business corridor in Pukalani along Makawao Avenue. We would point out that there is NO corridor at present since stores are only on one side of the street at present. However, there is already considerable congestion and a dangerous traffic pattern, partly due to the angle parking in front of the Pukalani Superette.

If new stores (in the proposed UTC project) are constructed opposite the present Pukalani Superette, a corridor will be created and the traffic situation may be made much worse. This problem could become extremely severe if the UTC is allowed to have their proposed angle parking on Makawao Avenue. There is no assurance that the angle parking in front of the Superette (or any subsequent retailer) would cease.

In light of the "friction" (described on Appendix B, p.18), the Final EIS should contain a map of Makawao Avenue in the area between the present Pukalani Superette and the proposed angle parking across the street. The map should indicate the present width and the proposed reconfiguration.

We also would like to understand the effects of the many large tourist buses on Makawao Avenue as they enter and leave the UTC site. We point out these potential effects on Makawao Avenue because of our observation of the terrible congestion on narrow Makawao Avenue in the nearby town of Makawao.

Finally, given the traffic congestion along this corridor, please include a discussion of the impact of traffic on the ability of the Maui County fire trucks - located immediately adjacent to the UTC property - to service the Pukalani Terrace community.

9. We believe that under no circumstances should this project have any access to the Pukalani Bypass Highway. (Please see the strict prohibition in the Makawao-Pukalani-Kula Community Plan ordinance Page 34, #13 and again on Page 23, #9.)

The church site access, below the proposed UTC project, was based on an improper State Department of Transportation decision which ignored the Community Plan. That decision should, in no way, be relied upon as a precedent for putting a UTC access road to the light-industrial workshops, the main shopping center, and the Maui Fresh produce operation directly on the Pukalani Bypass . The proposed UTC is very different from the church below where traffic is limited and does not involve tourists, tour buses, or a large volume of cars.

10. It is unclear if the projected traffic counts considered all of the types of businesses that may be built in an Urban Land Use area, such as gas stations and fast food restaurants that generate heavy traffic? Please clarify this.

11. Appendix L relating to soil contamination is especially worrisome. The high levels of toxins (as much as three [3] orders of magnitude above standards) in the "Corn Meal Camp" area (See "Laboratory Results" on Appendix L Page iv) should have alerted the applicant to the absolute necessity of surveying other soil samples of the 40+ acre site. There will be children on the property, not to mention the several families living above the light industrial workshops.

The State Department of Health should survey the entire parcel for pesticide/herbicide contamination with the results included in the Final EIS and prior to any land-use change application.

12. A hand written "motion" was submitted to indicate the support of the Pukalani Community Association "subject to issues raised by the community" (Appendix K, no page number). We wish to point out that only 18 individuals signed the "motion" which was hastily drawn up at the meeting. We also wish to point out that the Kula Community Association has often worked closely with the Pukalani Community Association. We note two unusual aspects of the "motion". None of the longstanding PCA leadership (Aric Nakashima, Barbara Luke, Edith Don) have signed it; and three of the signatures are from employees of the applicant (ML&P executives, Donna Clayton, Doug Schenk & Paul Meyers). Others may also be ML&P employees.

13. The Kula Community Association recognize both the enormous need for senior housing in the upcountry region and the need to reduce traffic in the "triangle" location. Consequently, we request that the applicant and the Final EIS consider eliminating the multi-family option and expanding the senior housing complex to include more senior residential units and assisted-living capabilities. Senior housing generates much less traffic than multi-family.

Recommendations

Until the impacts of the Kulamalu build-out are accurately ascertained, the KCA Board of Directors requests the UTC project be delayed. While the KCA Board of Directors is sensitive to the economic position faced by ML&P, we believe that circumstances and facts do not warrant proceeding at this time with the proposed project.

ML&P has just undertaken several transactions that will go a long way toward ensuring its financial viability: a) It has sold off Queen Kaahumanu Shopping Center; b) it has sold off Napili Shopping Center; and c) it has applied for the land-use reclassification of 790 acres (over a square mile of lands) in Kapalua in order to develop a new resort community.

As indicated above, during the community planning process the CAC, the Maui Planning Department and Planning Commission, and the County Council, all confirmed the community's wish to leave this area in agriculture and to allow the Kulamalu project to be THE Upcountry District's new "Town Center", our next commercial district, senior facility, and park complex.

The EIS should not try to justify the UTC project on the premise that this agricultural site is a mere remnant of ML&P's pineapple operations and is therefore unsuitable for agricultural use (DEIS p. 7-3). When the Pukalani Bypass was built, the State of Hawaii (we taxpayers) paid Maui Land and Pine a significant amount (reported to be over $4,000,000) because of ML&P's reduced ability to farm the proposed UTC site. Now

that the Pukalani Bypass is completed, ML&P wants to use the highway to justify the land use change.

If and when the time is appropriate for development of additional commercial space as proposed for this parcel and the broad community agrees, the KCA respectfully suggests that the land owner, consultants, and State and County agencies also consider the following:

A) Ensure all structures are built according to principles of energy conservation. Include an accessible recycling center for community needs.

B) Incorporate senior housing or care-facility in the initial phase. Include affordable senior housing with an assisted living component.

C) Work with the County to develop a transit system that will use the UTC site as one of the bases to provide commuter parking.

D) Help develop a system of connected pedestrian and bike trails, safe enough for children and with safety assured at intersection crossings. The UTC trail should connect to trails above and below in a manner safe for all.

E) Incorporate a museum/community center into one of the historic Corn Mill Camp structures. Adapt, repair, and reuse at least the lower two warehouse buildings on the site. (The Community Plan suggests a Rural History Center to record and promote the rich agricultural and cultural histories which were important to the development of the Upcountry area.)

F) Ensure facilities for child day-care, for a preschool center, and for senior day-care. Perhaps the County would establish a senior center similar to the Spreckelsville senior center.

Thank you for your attention to our comments, questions, and suggestions. The KCA represents Upcountry residents who cherish the rural atmosphere of the Upcountry region. These wishes are clearly expressed in the Makawao-Pukalani-Kula Community Plan, as well as in Kula Community Association's vision and purpose statements (in the masthead on this letter). We look forward to your response and the incorporation of our comments into the Final EIS.

Karolyn Mossman

Karolyn Mossman, President, Kula Community Association

Cc: Maui Land and Pineapple Company
Mr. Anthony Ching, Director, Hawai'i State Land Use Commission
Genevieve Salmonson, Director, Office of Environmental Quality Control
Senator J. Kalani English
Representative Kika Bukoski
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Michael Foley, Director, Maui County Planning Department
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October 10, 2003

Karolyn Mossman, President
Kula Community Association
P.O. Box 417
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Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Ms. Mossman:

Thank you for your letter of September 18, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to Kula Community Association's (KCA) comments contained in the letter.

Responses to General Comments

A. The Makawao-Pukalani-Kula Community Plan. As active participants in the Community Plan process in the 1990's, Maui Land & Pineapple Company, Inc. wishes to clarify the history regarding their previous request to reclassify the property "Business/Commercial". The company's request was withdrawn at the time of the Community Plan update because the timing of development of the parcel was not suitable and appropriate tenants had not been identified. From 1995, the landowner has always maintained that Pukalani is the regional hub for the Upcountry area and that the project site is a logical site for commercial and other development. Since the Community Plan update, tenants including Pukalani Superette and Maui Fresh have been identified and agricultural operation on the site has ceased.

A consistency analysis of the project and the objectives and policies of the Makawao-Pukalani-Kula Community Plan, was completed as Section 5.0 of the DEIS. The project will require a Community Plan Amendment as the proposed use for the site is inconsistent with its current Plan designation. Such an amendment is permissible under County guidelines. While this Amendment addresses the direct use of the land, we believe the intent of the Community Plan will be adhered to in the development of the "country-town center" as described in the DEIS. Appropriately, this issue will be addressed further in the Community Plan Amendment process.

The proximity of the project to King Kekaulike High School is addressed in the Revised DEIS, including with-project future traffic conditions. Traffic conditions with the project will not cause a significant reduction in the operation of the three proximate intersections. Concerns regarding the potential effects upon the nearby commercial businesses in the Pukalani community are also addressed in

the market and economic studies. The majority of uses at the Upcountry Town Center are primarily intended to recapture some of the neighborhood consumer demand that has migrated to Kahului. In comparison to the 1990's, consumer demand has grown significantly with the growth of Upcountry Maui. A significant difference from the mid-1990's is that the character and program of the Kulamalu project has changed significantly from it's initial plan as a sub-regional commercial center for Upcountry consumers, as discussed below.

B. The Kulamalu project. - The proposed Kulamalu commercial development provides one external source of competition with Upcountry Town Center. Consistent with the market study (Appendix A of the R-DEIS), the market for these two proposed projects is strong and the data indicate that Upcountry Town Center will be a very successful center. In assessing potential traffic and market impacts of Upcountry Town Center in relation to Kulamalu, the following analysis is offered:

Section 6.3.1 - Interrelationships and Cumulative Environmental Impacts

Kulumalu Development Traffic Issues:

Within the year 2006 timeframe used for the Upcountry Town Center traffic impact analysis, it is expected that Kulamalu will increase the private school attendance and construct on several parcels within its commercial and light industrial subdivision development. These components are well within the amount of background and future traffic growth forecasted as part of the Upcountry Town Center traffic impact analysis.

Kulamalu Development Market Issues:

The Kulamalu development is analyzed and given full and proper consideration throughout the market analysis (Appendix A of the R-FEIS). The Kulamalu development provides one external source of competition with Upcountry Town Center. Consistent with the market study (Appendix A of the R-FEIS), the market for these two proposed projects is strong and the data indicate that Upcountry Town Center will be a very successful center. An unbiased consideration of commercial market factors in the Upcountry Maui region clearly indicates a comparatively superior location for a commercial center at the Pukalani triangle site. The site provides much greater accessibility to services for all Upcountry residents, and will be better integrated with the existing urban-developed community. Further, the demand for products and services in the Upcountry region has grown substantially since both projects were first proposed in the mid-1990's. The Kulamalu development has not emerged to serve the area's growing demand, and will not adequately support the future demand due to a combination of its sub-optimal location and its limited product and service offerings.

The Kulumalu Town Center project has moved forward significantly since the initial Market study (July 2001.) The development has been well-received by the market, the type of proposed uses and timing has more clearly defined, and its

probable relationship with the proposed Upcountry Town Center can now be reasonably assessed.

Market Acceptance. According to realtors handling sales, virtually all of the lots made available by the developer have been reserved; with only the topographically-challenged parcel at the entry to the project still listed for sale. The absorption speed and pricing bespeak of the general market strength on Maui and specific upcountry demand for business/commercial-oriented building lots. Demand was particularly high for the smaller parcels among the 19 lots, which have an overall size range of one-half to 2.5 acres, with rapid sell-out and remaining interest in the product type. Selling prices have ranged from $515,000 to $1,600,000.

Probable Uses and Development Timing. Completion of the subdivision infrastructure and initial lot closings are anticipated for early 2004. Numerous purchasers have announced site development plans, and anticipate beginning construction shortly thereafter. At least one purchaser/builder is already offering space in a proposed multi-tenant office building. Among the currently envisioned uses are: Institute for Astronomy, Medical (Physician Offices), Fitness Club, Office Building(s), and a Skilled Nursing Facility.

An entertainment complex and several business-oriented uses are also being considered for the project. At present, there is no retail being proposed outside of a possible small market (near mini-mart size at only 10,000 square feet), and there are no restaurants as yet, and no automotive-oriented uses will be permitted. Given the market response and proposed development to date, it is likely Kulamalu will achieve its anticipated absorption and build-out timeframe, with substantial levels of completed floor space by 2005-06.

Relationship to the Upcountry Town Center. With Kulamalu moving forward as anticipated, its relationship with the proposed subject project can be better assessed.

First, the timing of Kulamalu Town Center fits in well-with the timing of the Upcountry Town Center. Kulamalu is helping meet some currently unmet community demands, but will be effectively built-out by the time the subject product comes on-line in three to four years.

Second, the currently envisioned uses at Kulamalu will not address all sectors of commercial land use demands in Upcountry. The project will have no meaningful retail or light (cottage) industrial uses; for which there is acute demand in the community. By 2005, the unmet demand for retail/service floor space in the study area will total (mid-point) some 76,000 square feet, for light industrial space the demand will be some 146,000 square feet. While Kulumalu will help meet regional needs for business/office and some other use types, it will not fully satiate demand in any single category apart (perhaps) from the entertainment/recreation sector. There will still remain unmet demand for senior housing and services, medical and clinic space, and office/business uses.

Third, the two projects will not be in direct competition for major use types. The driving components of the Upcountry Town Center are the retail and cottage industrial uses, which are not represented at Kulamalu. Conversely, business/office and entertainment uses which are expected to comprise much of the Kulamalu development are not significant components of Upcountry Town Center.

Fourth, the competitive location and attributes of the Upcountry Town Center site continue to be superior to Kulamalu for most uses. There are many retail/commercial users which would not consider the Kulamalu frontage, access, lay-out and lot size to be amenable to their business, and would not go to Upcountry at that location. The subject will provide the characteristics necessary to support these uses. Further, Kulamalu is not in a position to exploit tourist traffic to Haleakala summit, thus the potential positive impacts on the Upcountry economy from this massive flow of potential consumers is lost.

Fifth, the "Maui Fresh" concept, featuring made-in-Maui products and goods, which is proposed by ML&P for a portion of the Upcountry site, is not a feasible option for Kulamalu due to location, access, size and price issues. Without the Upcountry Town Center, this opportunity for local farmers and artisans to have a place to sell goods and access the visitor stream will not be actualized.

C. R-DEIS Response. The 6-page letter provided by Group 70 in response to the comments of the Kula Community Association in 2002 was intended to thoroughly address each of your questions. We understand that you are seeking additional details on the specific concerns and questions and we will make a concerted effort to respond fully in this letter.

Responses to Specific Concerns and Questions

1. Scale of UTC Project. The scale of the project is presented in Section 3 of the R-DEIS, including 112,000 sf commercial, 80,000 sf office, 15 cottage industry lots and either 96 multi-family units or 120 elderly housing units. The traffic study (Appendix B) was based on a very conservative estimate of project uses, which may slightly overstate the scope of development, but fairly assesses the maximum possible future traffic condition. Due to the project's compliance with the Country Town Design Guidelines, the scale of the project will be compatible with the Upcountry rural atmosphere.

2. Effect on Existing Upcountry businesses – Existing businesses in Makawao and Pukalani towns are not expected to feel significant effects from the new business establishments at Upcountry Town Center. The Hallstrom Group, Inc. comments that the majority of uses at the project are intended to recapture some of the neighborhood consumer demand that has migrated to Kahului in recent years with development of large retail outlets such as Costco, Wall-Mart, K-Mart, Border Books, and similar retailers. In many respects, as throughout the state (and mainland) these major retailers have already "damaged" smaller local businesses and those that remain have and will continue to succeed by appealing to and meeting the specific needs of nearby residents.

In fact, many of the businesses in proximity to the UTC will benefit from the cumulative attraction the subject will help create. Consumers prefer to shop in areas with an extensive selection of stores, goods and services. Much local trade is lost when the consumer leaves the local market area to go elsewhere as they will patronize the stores in the vicinity of their primary shopping areas.

On a fundamental level, it is not the new stores that negatively impact existing businesses; it is the choices being made by individuals on where to shop. Consumers are attracted to low prices, a large selection of goods, and quality service. They make the choice on where to spend their dollars. By asserting that consumers be denied these choices in favor of existing businesses is a form of economic discrimination within the Upcountry community, as these services are readily available to residents of other towns on the island. Further, they are an attempt to force consumers to support ("subsidize") less efficient operations, with the result being lost time and additional traffic congestion as Upcountry patrons are forced to travel elsewhere to shop at the stores they prefer.

The impact on Pukalani businesses and their employees has largely already occurred as a result of the influx of larger scale retail and service offerings in the Kahului area over the past decade. The small businesses that exist in the Pukalani community are primarily filing niche type business opportunities that emphasize their unique markets, customer base and local appeal. Upcountry Town Center will not create substantial new competitive pressure on these smaller operations. Further, some may chose to relocate their unique operation to the new center, expand their business base and grow local employment.

3. Pukalani Superette Relocation – While the relocation of Pukalani Superette to the UTC site is planned, such relocation was not used to decrease the anticipated traffic generation in the traffic impact analysis report by Parsons Brinkerhoff Quade & Douglas, Appendix B to the R-DEIS. The existing site of Pukalani Superette may be used for any use consistent with its zoning and permits. The traffic study is not based upon the assumption that the Pukalani Superette will be relocating. I.e., the forecasted trip generation for 2006 with the buildout of the Upcountry Town Center does not include a reduction in trip generation based upon such a relocation. In other words, the forecast takes the conservative approach of implicitly assuming that the current Pukalani Superette site continues to generate the same amount of trips in its current location, in addition to trips generated by the anchor tenant for the center. This follows from the simple fact that the traffic counts taken includes the existing operation of the Pukalani Superette, and no adjustment is made to account for the possibility of relocation. Moreover, the trip generation table accounts for new trip generation from the project based upon all of the square footage, without a deduction for any relocation of any stores. Thus, if the Pukalani Superette does relocate to the Upcountry Town Center and the new use for the existing superette site generates less trips than the current Pukalani Superette, the actual traffic impacts will be less than what is indicated in the traffic impact analysis. Since it is very difficult to imagine any use of the existing Pukalani Superette site that would generate

more trips than the current use, the potential new use of such site is highly unlikely to have any negative impact on traffic counts for the area. There is already an existing (Shell) gas station and convenience store on the adjoining property fronting on Old Haleakala Highway. The current Superette site is in an excellent location for a small restaurant or other retail establishment, and the new business use would benefit from the added traffic drawn by the new Town Center.

If the Pukalani Superette does not relocate to the Upcountry Town Center, there will be no change to the traffic impact analysis, since, as I stated above, the traffic impact analysis does not attempt to utilize such relocation to decrease forecasted traffic generation.

4 & 5. Water Supply - Maui Land & Pineapple Company, Inc. is proposing development of a new off-site potable water source at the Piiholo Road site. This water source will be developed in a location which will avoid conflict with existing and proposed public drinking water sources. The development of this new source will create additional public water supply, and is anticipated to aid those property owners awaiting new water service. The new well will provide ample capacity for Upcountry Town Center, as well as a significant additional public source for the region. Details of the water source and public allocation will be addressed with the Department of Water Supply. The report prepared by Tom Nance Water Resource Engineering (Appendix H) indicate no potential effects on the new County source to be developed at Pookela.

6. Agricultural Use - As an agricultural-based corporation on Maui for over 100 years, Maui Land & Pineapple Company, Inc. supports the general policy statements in the Community Plan regarding Upcountry agriculture. However, the subject parcel is no longer in agricultural production and therefore not irrigated. Maui Land & Pineapple Company, Inc. deemed the isolated 31 acres of previously cultivated land inefficient for further cultivation.

Appendix G of the R-DEIS was completed to determine the impact the loss of the 40-acre site (30 acres of which was suitable for cultivation) would have on the regional agriculture landscape. The State Department of Agriculture (DOA) in their comment letter of June 21, 2002 verifies that this report is substantial in the statement "The information contained in the document describing the agricultural activities and resources and the impact the project will have on them appear to be complete." The State DOA recognizes that "the effect that highway construction has on the apparent utility of agricultural lands that are 'orphaned' from the larger parcel has been seen elsewhere on Maui, such as along Honoapiilani Highway, north of Lahaina."

Soils Rating. In 1972, the UH Land Study Bureau (LSB) developed the Overall Productivity Rating, which classifies soils according to five levels, with A representing the class of highest productivity and E the lowest. All of the soils in the Project site are rated **C** on the LSB map, but the rating reflects the fact that the land was not irrigated when it was evaluated in 1972. With irrigation, which is

now the case, all of the land would be rated **A**. Technically, all of the soils in the Project site are rated C, not A. Thus, these lands are not classified by the LSB at the highest possible rating.

Agricultural Land Supply. A vast amount of land has been released from plantation agriculture (over 217,900 acres since 1968), and this release of land has far outpaced the demand for land for diversified crops (an increase of about 38,500 acres over this same period). While some of the released land has been converted or is scheduled to be converted to non-agricultural uses, most of it remains available for diversified crops. Thus, ample land is available on Maui ... and other islands to accommodate the growth of diversified agriculture." It should also be noted that historically the best agricultural land in Hawai'i was used for plantation agriculture. This is the land now available for diversified crops.

These findings apply directly to Maui. Since 1979, the contraction and eventual closure of Wailuku Sugar Co. and Pioneer Mill released about 13,500 acres, including 6,000+ acres released in 1999. With regard to the project, it will involve the loss of far too little good agricultural land ... to adversely affect the growth of diversified agriculture in Hawai'i. It should also be noted that historically the best agricultural land in Hawai'i was used for plantation agriculture. This is the land that is now available for diversified crops.

Withdrawal of 31 acres from pineapple cultivation Will Have No Impact Upon ML&P's Agricultural Operations. The withdrawal of 31 acres from pineapple cultivation will not have an adverse impact upon Maui Land & Pineapple Company, Inc.'s (ML&P) agricultural operations. ML&P, through its subsidiary, Maui Pineapple Company, remains committed to continuing agricultural activities on Maui. In fact, the development of the Upcountry Town Center will enhance the long-term viability of agricultural operations by adding to the profitability of ML&P, enabling it to support Maui Pineapple Company's agricultural operations during lean years.

ML&P owns approximately 28,000 acres of land on Maui, including approximately 16,000 acres within the State Agriculture District, 11,000 acres within the Conservation District, 40 acres within the Urban District, and approximately 950 acres within the Kapalua Resort (which includes 3 golf courses) with various designations. Over the past 35 years, ML&P has developed roughly 1650 acres of land (this amount includes about 830 acres of golf courses). Maui Pineapple Company currently farms about 10,240 gross acres of land on Maui (which includes leased lands).

ML&P has demonstrated a significant on-going commitment to agricultural production, with its 10,240 acres in agriculture.

Furthermore, in order to increase the viability of its pineapple operations, an emphasis is being placed on fresh whole pineapple and related products (which

carry higher margins) as opposed to canned pineapple. The total number of acres under pineapple cultivation is being decreased in light of the reduced canned output. Therefore, the loss of 31 acres of pineapple fields will have no impact on agricultural operations.

Moreover, the 31 acres were released from cultivation because of its particular circumstances which made it costly to cultivate. As a relatively small remnant field cut off by the creation of the Pukalani Bypass Highway, significant additional costs rendered the field undesireable—it has difficult access by farm equipment and higher

risk of accidents and liability (mud on highway, etc.). In addition, its close proximity to existing residential and commercial properties create more risks of liability for nuisance type claims from adjacent neighbors and the public. The other field cutoff by the creation Pukalani Bypass has similarly been removed from cultivation.

The company has made a commitment to continue agriculture in one form or another. It has explored diversified agriculture, including new crops such as asparagus, papaya, lychee, rambutan, longan, mandarin orange, organic pineapple and kawa. In addition, the company is looking into leasing out portions of its lands to third parties for various agricultural activities.

Given the long-term commitment to agriculture, it is still appropriate and essential that ML&P be diversified in other non-agricultural operations. Many other agricultural companies in Hawaii that failed to diversify were unable to continue in the increasingly competitive agricultural products market. Foreign competitors with lower labor and transportation costs have made it extremely difficult for Hawaii farmers to survive. The development of Upcountry Town Center will not diminish ML&P's long-term commitment toward agricultural enterprise. Rather, profits from development projects such as the Upcountry Town Center will help to keep one of Hawaii's last remaining pineapple operations viable.

While the Project will result in the development of some good agricultural land, this loss to agriculture will be offset by the following benefits:

- Commercial space, civic facilities, office space, and cottage industry space provided in a central location to serve the needs of Upcountry Maui.
- Several hundred jobs ranging from unskilled to highly skilled, and including retail workers, restaurant workers, government employees, doctors, nurses, dentists, dental hygienists, attorneys, accountants, receptionists, craftsmen, etc. Additional jobs will be provided by companies that supply goods and services to these on-site businesses and their employees.
- Total payroll exceeding $10 million per year for on-site workers.
- Housing for senior residents.

- A venue for community services, activities, festivals and farmers' markets.
- A public trail/walking path provided in the 10-acre landscaped buffer zone.

This compares with pineapple operations on 31 acres that previously supported about 3.8 workers, having a payroll of about $107,000 per year.

7. **King Kekaulike High School** – The planning and documentation conducted to date has most definitely considered this very important neighbor in the R-DEIS, particularly shown in treatment of pedestrian sidewalk planning and traffic studies. Both King Keakaulike HS and the State Department of Education (DOE) were each provided copies of the DEIS for comment. We have received new comments from the DOE, specifically addressing pedestrian safety at the highway crosswalk, and design considerations for the sidewalk along Old Haleakala Highway. DOE also commented that the development will be subject to State fair-share requirements, which would apply to the project if multi-family housing is included. We look forward to continued discussions with this important neighbor.

In addition, we received supportive comments from King Kekaulike High School, which are included in this Revised FEIS.

8. **Traffic flows and impacts** – The updated Parsons Brickerhoff traffic analysis (Appendix B of the R-DEIS) has addressed traffic flow relating to the nearby schools, projected future traffic including tourists, and travel along Makawao Avenue. The AM and PM peak hours of commuter traffic were selected for analysis in the traffic report (Appendix B). These time periods are selected, because traffic on roadways tend to be highest during these time periods and, therefore, yield the worst-case scenario of traffic operations. Future growth in non-project traffic was estimated through a growth factoring process typical for studies of this scope.

Schools Traffic. A projection of future Kamehameha Schools traffic is included in the analysis. The AM peak hour of school traffic in the Upcountry area coincide with the AM peak hour of commuter traffic and was analyzed along with other traffic. The PM peak hour of school traffic usually occurs during mid-afternoon. Traffic on Kula Highway and Pukalani Bypass are not at their peak level at this time and an analysis of this time period would not yield the worst-case scenario for traffic operations.

Tourist Traffic. Traffic routing for tourists will depend upon their individual interests. The primary post-sunrise access route for tourists will be via Pukalani Bypass Highway intersection with Makawao Avenue. Some tourists may take extra time to investigate the Pukalani area, and will use Old Haleakala Highway. U-turns from tourists traveling in the makai direction on the Haleakala Bypass Highway made in order to utilize the new access point near the future Maui Fresh location will not be allowed. Proper signage, physical median barriers and

added law enforcement will make such attempts extremely unlikely. Possible signage indicating that no left-turns into the Maui Fresh access point are allowed, as well as signs alerting motorists to the proper access routes, will be sought to alleviate this safety concern.

Makawao Avenue. Angle parking proposed for the new commercial uses fronting Makawao Avenue will operate outside the road right-of-way due to the depth of new parking area provided. These cars will not interfere with the flow of traffic along Makawao Avenue. Fire station operations will not be hindered by the traffic flow due to the close proximity to the Bypass Highway intersection, and new expanded roadway width along the project frontage, leaving adequate room for vehicles to pull off to allow for emergency vehicle passage.

Bus travel will likely come to and from the Pukalani Bypass Highway intersection, and not continue beyond the project entrance area. Tour buses and delivery trucks will be instructed on the best route for travel to and from Upcountry Town Center. The path will vary according to type of vehicle and point of origin. The goal would be to reduce impact on the community roadways, focusing the tour and delivery traffic on the major through roadways. For tour buses descending from Haleakala and destined for Maui Fresh, Old Haleakala Highway would be desirable route, providing access to Maui Fresh via Access 5 located on Old Halekala Highway.

9. Highway Entry/Exit. The State DOT is in agreement with the proposed access point of the Bypass Highway, refer to the letter of October 1, 2002 included in the R-DEIS and attached herein. The proposed entry near the Maui Fresh store would be restricted to right-in/right-out movements. Vehicles returning after viewing the sunrise at Haleakala would probably turn left at Makawao Avenue and then turn into Upcountry Town Center using Access 4. With proper signing, vehicles also could be directed to use Old Haleakala Highway to Access 5. A greater number of vehicles would visit the Maui Fresh store later in the day. They could access the store on the way up to Haleakala via the right-in/right-out access proposed on Pukalani Bypass Highway. The traffic generation is not only confined to the Maui Fresh venue and would likely be attracted by other retail uses. As such, the tourist generation is implicit in the overall trip generation of the proposed Upcountry Town Center.

The Upcountry Town Center concept is to provide a country activity node near the junction of major roadways, thereby reducing the amount of traffic that flows through Pukalani. This activity junction can be accessed more directly from Pukalani Bypass Highway, reducing the through traffic on Makawao Avenue and allowing it to function more like a business collector roadway. The proposed diagonal street parking is designed to slow down traffic on Makawao Avenue and give it a "Main Street" feel. To implement this concept, the road would be widened to accommodate necessary turn lanes and parking. The posted speed limit is recommended to be reduced from 30 to 20 mph. Tour buses would not be traveling through the area on Makawao Avenue, but would use it to access the site. The proposed right-in/right-out access on Pukalani

Bypass Highway and the proposed access on Old Haleakala Highway would also provide tour buses with more direct access to the Maui Fresh store without using Makawao Avenue.

The conceptual plan for Upcountry Town Center proposes an access limited to right turn only ingress and egress from Pukalani Bypass Highway. The proposed access on the Pukalani Bypass Highway will be a right-in/right-out only access, which will minimize its impacts to traffic flow. A deceleration lane is proposed for the right-turn entry to further minimize impacts to traffic on Pukalani Bypass Highway. Projected Year 2004 level of service for the right-turn exit is good, LOS B for both AM and PM peak hours. The proposed right-in/right-out access would also reduce the amount of traffic at the Pukalani Bypass Highway/Makawao Avenue and the Pukalani BypassHighway/Old Haleakala Highway intersections. It would be especially beneficial in reducing the right turns from Pukalani Bypass Highway into southbound Makawao Avenue.

10. Traffic Trip Generation. The traffic projections for the Upcountry Town Center utilized standard trip generation rates provide by the Institute of Transportation Engineers (ITE), as required by professional engineering practice. The standards applied for the commercial portion of the project are appropriate for commercial trip generation from gas stations and fast food restaurant operations. The traffic assessment (Appendix B) included an analysis of future traffic conditions based on the uses proposed for the Center.

11. State Department of Health . The investigation and discussion of hazardous wastes as a part of the DEIS centered on an area used for pesticide transfer and loading during the site's early years as part of an intensive agricultural area. The results of the investigation of materials at the site were submitted to the State Department of Health in the summer of 2001 and again through Maui Land & Pineapple Company's Voluntary Response Program Application in the summer of 2003. The investigation delineated the vertical and lateral extent of contamination to the State Department of Health's Tier 1 Soil Action Levels (SALs) and the Environmental Protection Agency's Preliminary Remediation Goals (PRGs) (i.e., the scope of the investigation extended outward and down until soil samples showed levels of contamination below the SALs and PRGs). The extent of pesticide contamination was found to be limited to the immediate area around the existing Corn Mill Camp buildings and not deeper than five feet below grade surface (Section 4.4.4 of the R-FEIS).

12. Pukalani Community Support - The Pukalani community and the Pukalani Community Association has been very supportive of the plans for Upcountry Town Center. It is true that many long-time residents of the Pukalani community support the project, and some of these residents are wither current or former employees of Maui Land & Pineapple Company, Inc. Residents of Pukalani appreciate the opportunity to participate in the on-going planning process for the project. Many have noted that the project will be an asset to the

community in terms of rural character, and opportunities that will improve the quality of life for Pukalani and other Upcountry residents.

13. Multi-family/Senior Housing – We recognize both the need for senior housing in Upcountry Maui, and the economic challenges that can face the developers and operators of senior housing projects. Due to an evolving demographic and economic scenario for Upcountry Maui, development of multi-family housing as a component of Upcountry Town Center will need to remain as a possible option. Housing options are continually reviewed and will be determined as development of the site approaches.

Responses to Recommendations

Development timing – While all involved would like an adequate determination of the impacts resulting from a completed Kulamalu project that may vary from its proposed plan, we feel the Upcountry Town Center presents a unique opportunity for the surrounding community. The Center's plan has always been driven by its unique location attracting first-rate local businesses to a quality "town center "place.

In 1992, the State Department of Transportation condemned Maui Land & Pineapple Company, Inc. land for the Pukalani Bypass Highway. The costs to Maui Land & Pineapple Company, Inc. included crop damage, severance, destruction of use of property. There was a resulting settlement. The conditions of this settlement did not restrict against future use of this remnant Pukalani Triangle parcel.

In terms of financial viability, Maui Land & Pineapple Company, Inc. has incurred several years of declining revenues and net losses which have required the company to carefully manage its assets and operations. The company's intention to proceed with a commercial center at the Pukalani property has been well known since the mid-1990's. As a members of the larger Maui community, the company's plans for this property respect the community's interests for a rural commercial center that is consistent with the Country Town Guidelines.

In addition the following are offered in response to your numbered recommendations:

A. Energy. Design of all structures within the Upcountry Town Center will be subject to design guidelines that will be consistent with the objectives and policies dealing with energy of the Makawao-Pukalani-Kula Community Plan. These goals and objectives are consistent with State objectives of promoting cost-effective energy conservation through adoption of energy efficient practices and techniques. In addition, all power and telecommunications services will be developed in accordance with Maui Electric Company requirements. It is possible that a recycling center can be integrated with the overall project, and this will be addressed in the design phase of the Project District approval process.

B. Housing. Senior/multi-family housing is intended to be incorporated in the latter phase of the development (2006+), as market conditions allow.

C. Transit. Maui Land & Pineapple Company, Inc. will discuss with the County future plans for a transit system with Upcountry Town Center serving as a potential hub.

D. Pedestrian and Bike Trails. The planned system of trails within the Center could connect to a future trail system if adopted by the County. The pedestrian crossings will be designed to County and State standards to meet safety requirements.

E. Adaptive Reuse of Corn Mill Camp Structures. The R-DEIS and conceptual plans for Upcountry Town Center reflect the intention of reusing one or two of the structures. Wai Ulu Farms has expressed an interest in occupying the larger steel-framed building closest to the highway. One of the other wooden framed buildings could be considered for adaptive reuse, however, this would incur costly retrofitting of the structure to meet construction code, based on the findings of a structural study by Vorfeld (Appendix M). The decision on adaptive reuse of the structures will be addressed in more specific terms during the design phase of the Project District approval process.

F. Day Care, Pre-School and Senior Day-Care. All the types of care facilities mentioned may be provided at the Center depending on the type of housing provided. Specific plans will be developed upon identification of a developer for the housing and these types of services, yet provide needed services and housing in an appropriate location.

Thank you again for your comments. We too cherish the rural atmosphere and setting of Upcountry Maui and feel the Upcountry Town Center will appropriately reflect the setting.

Your letter and this response will be included in the Final EIS. We will forward you a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

PUKALANI
COMMUNITY
ASSOCIATION P.O. Box 880189, Pukalani, Maui, Hawaii 96788 Ph. (808)572-1063, Fax: (808)572-7733
"GOOD NEIGHBORS, GREAT COMMUNITY"

RECEIVED
SEP 2
GROUP 70 INTL

September 25, 2003

Jeffrey Overton, AICP
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, HI 96813-4307

Re: Upcountry Town Center Revised Draft Environmental Impact Statement

Dear Mr. Overton:

Thank you for providing the Pukalani Community Association with a copy of the Upcountry Town Center Revised Draft Environmental Impact Statement. We apologize for not sending this letter before the end of the 45-day comment period. We request that this letter nevertheless be included in the final Environmental Impact Statement.

The Pukalani Community Association voted to approve the concept of the Maui Land & Pineapple Company's Upcountry Town Center at our May 3, 2001 general membership meeting. Since that time, Maui Land & Pineapple Company has updated our organization on the project and the plan has not changed in any significant way, nor has our support of this project changed.

This Pukalani development will be a benefit to the people of Pukalani. It will be located next to existing Pukalani businesses and would provide needed commercial space in Pukalani—it will also decrease the pressure for spot commercial developments along the Old Haleakala Highway. There is also strong support for Wai Ulu Farms and Pukalani Superette to be included in the project.

The Pukalani Community Association plans to continue to work closely with Maui Land & Pineapple Company at all stages of its development to ensure that the needs of the local community most affected by this project are considered thoroughly. Thank you for the opportunity to comment on this project.

Sincerely,

Aric Nakashima
President
Pukalani Community Association

cc: Anthony Ching, State Land Use Commission

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Norman G.Y. Hong, AIA
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October 10, 2003

Mr. Aric Nakashima, President
Pukalani Community Association
P.O. Box 880189
Pukalani, Maui, HI 96788

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Nakashima:

Thank you for your letter of September 25, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project.

We appreciate the input of the Pukalani Community Association, and the community's consistent support for the project. We agree that the Upcountry Town Center will benefit the people in the area, while at the same time decrease the pressure for spot commercial developments along the Old Haleakala Highway. We are glad that there is strong local community support in Pukalani for both Wai Ulu Farms and Pukalani Superette to be included in the project.

Again, thank you for the community's interest in this project. Your letter and this response will be included in the Revised Final EIS. Additionally, we will forward you a copy of the Revised Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

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RECEIVED
SEP 18 2003
GROUP 70 INT'L

P. O. Box 523
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September 19, 2003

Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, HI 96813-4307

ATTN: Jeff Overton

Subject: Upcountry Town Center
Revised Draft EIS -- Comments

Dear Mr. Overton:

Herewith are my comments on the Revised Draft EIS for Maui Land & Pineapple Company's proposed upcountry development, at the 40-acre Pukalani Triangle. I hope that you will respond completely and thoroughly to the concerns and questions below.

1. Traffic Study (revised), Appendix B.

The original and revised Traffic Impact Assessment Study refer to the Pukalani Bypass as "Haleakala Highway" This is confusing and incorrect, and should be corrected, ot at least noted in the text,

It is unclear whether the revised 2006 traffic count at UTC's intersections includes traffic generated by the Kulamalu Town Center, just one-half mile South of the proposed UTC. This commercial, park and business development will potentially contain 70,000 sq. ft. ± in addition to a 102-bed elder-care facility, the U.H. Astronomy Institute, a petting zoo, fitness club, doctors' offices and clinic, and restaurant. Kulamalu developer Everett Dowling stated (MAUI NEWS, 8/23/03) "possibly 2000 people a day could be driving in and out of Kulamalu from Kamehameha School, on top of all the cars carrying patrons of the businesses, visitors to the care home, U.H. Astronomy employees " and residents of 57 homesites.

In her June 6, 2002 comment letter, OEQC Director Genevieve Salmonson said: "The environmental impact statement law requires full disclosure, discussion and analysis of cumulative impacts on all geographically-related projects." Not only the effects of UTC on agriculture and roadways, but also the effects of such "geographically-related projects" as Kulamalu on the UTC, should be included in the Traffic Impact Analysis as well as in other sections of the UTC final EIS.

Please clarify the projected 2006 traffic analysis WITH UTC, including ALL geographically-related (ie: within one or two miles) development projects, addressing cumulative impacts of increasing traffic volumes not only at peak AM and PM hours, but throughout the hours of operation of the UTC. What is the 24-hour projected traffic generation of UTC at buildout?

Finally, what special provisions will be made for access by: delivery trucks and container vans; tour buses (especially accessing Maui Fresh); children walking or bicycling approaching from across Pukalani Bypass or from King Kekaulike High School?

2. Drainage of Storm Run-Off (Appendix I)

Although the Engineering Report ststes no additional run-off due to the project, the UTC will significantly increase the impervious surfaces on the subject site. Retention basins are proposed to hold run-off from drainage areas 1 and 2; however, storm water run-off from drainage areas 3 and 4 will continue to sheet flow into culverts under Makawao Avenue, and will then presumably flow downhill "for eventual disposal" across Makawao Avenue.

Where will this run-off go? How will it impact the downhill properties? Volume estimated at 51,662 cf, at an increased rate of up to 63 cfs is pro= jected from drainage areas 3 and 4.

The May 29 2002 comment letter from Gary Gill, deputy director of the state DOH Environmental Health Administration, notes that pollutant loads and water quality may change, due to the UTC development. Please address quantitatively the amount of hydrocarbons, heavy metals and other pollutants resulting from nearly seven acres of parking lots, and explain what impacts these pollutants may have as they sheet-flow across asphalt lots, through culverts under Makawao Avenue, and onto neighboring properties.

3. Please clarify the anticipated actual, complete build-out square-footage of Upcountry Town Center. There are presently some five or more estimates ranging from a low of 213,000 square feet of business, commercial/retail, dining and service-related businesses to 353,700 square feet in Appendix I, plus whatever gets built for senior or multifamily housing.

In order to accurately evaluate the many impacts of the proposed UTC, all concerned need to understand the scope of the project. Total build-out square footage for all retail, commercial, restaurant, Maui Fresh, cottage industries and business offices/civic MUST be accurately portrayed.

Square footage figures found in the Electrical Assessment (Appendix J), the Traffic Study (Appendix B) , the Engineering Study (Appendix I), and the Alternative Section 7.5 all show greatly-differing totals. How this disparity affects the various studies should be discussed and clarified.

4. Hazardous Materials Testing

By limiting soil testing to eleven samples located near one of the Corn Mill Camp buildings, the possible contamination of other sites (early Corn Mill Camp areas and the pineapple acreage) is unknown. Appendix N, the History of Corn Mill Camp, states: "Much of the Maui Pineapple Company spraying operations were based at Corn Mill Camp". In view of the extensive plantings upcountry, and the size of the Camp and number of other structures (now demolished), why was no testing done in other areas, where buildings used to be, where pesticides and other toxins might have been stored, mixed, used or washed down?

Finally, the consultant's findings, conclusions and recommendations show serious contamination; however, none of this information is understandable to a lay person - someone living adjacent to the proposed UTC, downwind. Please explain in clear terms what was found, and what Maui Pine proposes to further test and clean up any pollutants, toxins and hazardous materials.

4. Non-Potable Water

The RDEIS states that non-potable water generated by UTCs on-site waste treatment plant will not be used to irrigate the "nearly ten acres" of grassed areas, pastures and landscaping. Please explain why, in the upcountry area where potable water is so scarce, the developer choses to use thousands of gallons of potable water for irrigation, rather than the non-potable water the plant will generate.

Also note the Makawao-Pukalani-Kula Community Plan Ordinance (page 34) states that water generated by new sources (such as the new well proposed to serve this development) should be prioritized "first to maintain and expand diversified agriculture" and second for Department of Hawaiian Homes projects. How does the developer justify use of new water resources for the UTC despite the policies and objectives of the Community Plan?

Please explain, if a new water resource is developed for the UTC project, how "excess water" will be conveyed to the County of Maui. How will the county pay for this? What will payment be based upon?

5. Impact of nighttime lighting on astronomy installations at Haleakala Crater

Please clarify the anticipated amount of nighttime lighting (in lumens) from the entire proposed UTC project including street and parking lot lights, security and display lighting, signs, etc. What requirements will be in place to ensure environmentally-sensitive lighting and energy-saving fixtures? The RDEIS states that night lighting from UTC will be visible "upslope". Detail how much light trespass and what areas will be impacted.

6. Parking

There is no statement of the size of asphalt parking lots or the number of parking stalls required for the full proposed build-out of UTC. Please include this information in the text, to clarify the size of this component of the development.

7. Will there be bicycle lanes designed into the internal roadways? At 24 feet wide, this seems impossible, especially with proposed on-street parking.

8. Building Height Limits at 45 Feet

Again this project conflicts with the Community Plan, which sets a 35 foot height limit for commercial structures within the Makawao-Pukalani-Kula region, in order to maintain the rural atmosphere and scale. The project's proposed 45-foot height limit from natural grade will obliterate many of the mauka and makai viewplanes important to residents and visitors to the region.

Explain the reason for this decision, and the structural elevation in figure 3-3 showing retail buildings along Makawao Avenue which appear to be not only 45 feet high but also some 16 feet <u>above</u> Makawao Avenue grade, making them 61 feet higher than natural grade!

How does this and any 45-foot high building "preserve existing view planes"?

9. Housing for Seniors: Affordable Rentals? Assisted Living?

The Hallstrom Market Study (Appendix A) notes the "unmet need" for senior affordable housing in the upcountry region, calling it "the most poorly served on the island" with a present shortfall of 216 units. The Study estimates an additional 747 affordable senior units will be required to meet regional demands by 2020. The Study says: "The subject location is highly appropriate for this use type".

Please explain how the developer is proceeding to assure the upcountry community that needed affordable senior housing will actually be a part of the proposed UTC, and not hypothetical "window dressing" to gain support from community members and then repLaced with more profitable multi-family condominium housing.

10. Retail Space "Demand"

The Market Study (Appendix A) analysis of existing supply and demand for upcountry commercial/business space almost completely ignores the nearby Kulamalu Town Center now being developed one-half mile South of UTC's proposed site. As required by the OEQC, the Market Study must provide "full disclosure, discussion and analysis" of the impacts of all geographically-related projects. Tables 7 and 8 in the Study include ONLY existing floor space at Pukalani and Makawao.

It is unrealistic, improper and unjustifiable to ignore the very real effect of Kulamalu Town Center, which potentially will contain some 70,000 square feet of commercial/business square footage. Twelve quarter-acre commercial lots on Welau Way, plus a half-dozen larger lots along Kupaoa Street will most likely provide for thousands of square feet of business, restaurant, medical office, fitness center and retail and service space which would meet the region's needs for many years.

Hallstrom's conclusion that there is presently an "unmet demand" for "nearly 40,000 square feet" with further need over two decades for an additional 220,000 square feet of commercial/business space would seem to be well met by Kulamalu Town Center for the next two decades.

Thank you for responding thoroughly to the above comments and questions.

Sincerely yours,

Barbara Long

Barbara Long

cc: Hawaii State Land Use Commission; ATT: Anthony Ching
State of Hawaii OEQC; ATT: Genevieve Salmonson
Maui Planning Director Mike Foley
Maui Councilmember Charmaine Tavares
Pukalani Community Association
Makawao Community Association

October 10, 2003

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Sharon Ching Williams, AIA

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Ms. Long:

Thank you for your letter of September 19, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. The following responses are offered to each of your numbered comments.

1. Traffic Study

The State Department of Transportation officially calls this section of roadway "Haleakala Highway". The name may be confused with the other roadway nearby named "Old Haleakala Highway".

Traffic from Kulamalu development is factored into the analysis provided in the Revised traffic study prepared for the R-DEIS. It is important to recognize that the plans for Kulamalu have changed several times during the course of this EIS analysis (2001-2003). Even so, the July 2003 update to the traffic study accounts for the known uses at Kulamalu. The 2006 with-project traffic conditions address Kulamalu, Kamehameha Schools, and the other known projects in the area.

We are not able to provide analysis for every hour of operation at the Upcountry Town Center. The State DOT requires that the study address the peak hour traffic periods, which include morning and afternoon commuter periods. Other traffic periods will have less traffic congestion than these periods.

Tour buses and delivery trucks will be instructed on the best route for travel to and from Upcountry Town Center. The path will vary according to type of vehicle and point of origin. The goal would be to reduce impact on the community roadways, focusing the tour and delivery traffic on the major through roadways. For tour buses descending from Haleakala and destined for Maui Fresh, Old Haleakala Highway would be desirable route, providing access to Maui Fresh via Access 5 located on Old Halekala Highway. The details of the circulation plan are not set at this time.

Pedestrian and bicycle travel to and from the project will make use of the trail system and sidewalks to be developed. A new sidewalk will be built along the project frontage with Old Haleakala Highway, which will enable safe walking and biking for children. Crosswalks will be established at the main intersections.

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Another trail will be created as an extension to the Upcountry Greenbelt Trail along Pukalani Bypass, within the open space portion of the project.

2. **Drainage and Storm Run-Off**

Runoff from the Upcountry Town Center will be managed according to the County Drainage Standards, which are regulated by the County Department of Public Works and Environmental Management. The design plans for the stormwater collection and detention systems will be provided to the County in the design phase of the project. The applicant is obligated to not increase the rate of runoff from the property above existing conditions or increase the volume of runoff for the required design storm. The current plan for storm water management will actually reduce the rate of runoff from the subject property and volume of runoff for the required design storm. The net effect will be no runoff rate increase to downstream channels and properties.

The introduction of paved impervious surfaces may increase the level of pollutants in runoff from the site, as compared to its existing condition as a fallow agricultural field and horse corral. We anticipate that the chemical properties of the runoff from the developed site will be typical of other parking lot areas on Maui. Most of the pollutants you described are volatilized prior to their capture in runoff sheet flow. The proposed drainage basins installed for the project will effectively separate sediment and some hydrocarbon components from the runoff. The collected material in the drainage basins will be removed periodically during regular maintenance. The receiving downstream property and environment are not anticipated to be adversely affected by chemical constituents dissolved in runoff.

3. **Project Description**

The anticipated build-out capacity of the project uses is described in Section 3 of the R-DEIS. The approximate totals described in Section 3 include: 112,000 sq. ft. of commercial space, 80,000 sq. ft. of office and civic space, nine 15,000 sq. ft. cottage industry lots, and either 120 senior housing units or 96 multi-family units. Over 10 acres of open space are included in the project.

There are some slightly different estimates of project areas used in some of the consultant studies which reflect earlier preliminary versions of the concept program, and these are generally provide a more conservative estimate of project scale (greater areas/units). The electrical consultant incorrectly used a lower estimate of commercial space (about 20% less), and we will provide an adjustment to the projected total electrical demand, as warranted. Thank you for identifying this discrepancy. Further, the alternative sections on more intensive or less intensive projects examine widely different development levels in comparison to the proposed project.

4(a). Hazardous Materials

It is very important to understand that there are currently no hazardous materials conditions known to exist at Corn Mill Camp which pose a human health risk to people at Corn Mill Camp or people residing in the area. A June 2001 study by Clayton Group Services (Appendix L) was included in the FEIS (August 2002), the R-DEIS and the current R-FEIS. In addition, the current R-FEIS includes a December 2001 study (Appendix P) that delineated the vertical and lateral extent of contamination to the State Department of Health's Tier 1 Soil Action Levels (SALs) and the Environmental Protection Agency's Preliminary Remediation Goals (PRGs) (i.e., the scope of the investigation extended outward and down until soil samples showed levels of contamination below the SALs and PRGs). The extent of pesticide contamination was found to be limited to the immediate area around the existing Corn Mill Camp buildings and not deeper than five feet below grade surface (Section 4.4.4 of the R-FEIS). Through the State Department of Health's Voluntary Response Program, Maui Land and Pineapple Company, Inc. will take all the appropriate steps to study the environmental contamination at Corn Mill Camp, assess health risks, analyze remedial alternatives, propose a remedial action and solicit public comment before the Department of Health selects the appropriate remedy. The extent of contamination discovered on the site is well documented in the R-FEIS.

4(b). Non-Potable Water

The development of a new water source to serve the project will provide both the needed potable water for Upcountry Town Center, as well as new water for public consumption, as allocated through the Maui County Department of Water.

The Makawao-Pukalani-Kula Community Plan states (on page 34) as an objective and policy:

"Prioritize the allocation of water as new resources and system improvements become available as follows: (a) for maintenance and expansion of diversified agricultural pursuits and for the Department of Hawaiian Homes projects; and then (b) for other uses including development of new housing, commercial and public/quasi-public uses."

The above objective presumes the creation of new source by a governmental agency. In the situation presented, the allocation of water to the UTC project is justified because the new source is being developed by the private Applicant.

The anticipated agreement with the County Department of Water Supply would provide significant benefits to the DWS and residents of Upcountry Maui. In essence, the Applicant will develop a new well that will become part of the DWS system, and in return it will receive a portion of that new well's capacity in the form of water reservations.

The anticipated agreement would call for the Applicant to develop the well at its sole cost. The DWS would not be required to fund any of the cost of developing the well or to purchase the well site. The well site would be dedicated in fee or by easement to the DWS and the well would become part of the DWS system. The Applicant would then be allocated a certain amount of water source reservation.

The applicant is considering the possibility of re-using treated effluent generated by the Upcountry Town Center wastewater treatment facility. This is technically feasible solution to effluent disposal, but it potentially adds great cost to the overall system. The State Department of Health requires reuse systems to have 100% redundancy in disposal and to provide excess storage capacity. We are currently studying the options for wastewater treatment and effluent reuse/disposal. There may be a recycling solution that can be employed in this instance, which could potentially reuse the anticipated 50,000 gpd of effluent in landscape and pasture irrigation.

5. Nightime Lighting

We presently do not have the total lighting requirement for the project, since the design process is in a preliminary stage appropriate to this part of the approval process. Lighting requirements for the project will be determined in the design phase, which will be required by the County in Phase 2 of the Project District Approval process.

It is recognized that the Upcountry community is concerned with minimizing the amount of nighttime lighting from this project. As well, the applicant is sensitive to the requirements for minimizing uplighting which may have an effect on the Astronomy facilities at the Haleakala summit. The project will take the appropriate measures to minimize lighting, and use environmentally-sensitive lighting to the extent praticable. The project contains several commercial areas which will rely on lighted signs and safely-lit parking areas and intersections. Providing for safety and function are critical concerns of the applicant with respect to lighting. The applicant is also committed to minimizing the potential spill-over glare effects on neighbors due to lighting from its project. Fortunately, lighting design has advanced significantly in recent years, whereby on-site lighting objectives can be achieved while off-site glare and lighting effects can be minimized.

6. Parking

Parking areas at Upcountry Town Center will meet the required number of spaces for each use type, as defined under the County code. There will be at least 250,000 sq. ft. of parking area established across the project site, and this number will be refined in the design phase of the project. The details of parking will be reviewed in the Project District Phase 2 approval process.

7. **Bicycle Paths**

Bicycle paths will be combined with pedestrian paths at the project. Dedicated bike lanes will not be established on the internal roadways. The reason is not to deter bicycling use of the project, rather it is to retain the small town, rural country character that is so important to the Upcountry residents. There should be ample room at the project for bicyclists to utilize either the internal roadways or the pedestrian/bicycle paths.

8. **Building Heights**

We recognize the building height limits of the Community Plan and the need to retain the Upcountry viewplanes and country character. Several buildings that are being considered for heights above 35 ft due to the overall floor area requirements of the uses (large supermarket area at the new Pukalani Superette, and the other office/civic buildings). The design of the buildings will be the dictating factor in their visual effect, and the renderings show that these heights can be achieved without causing problems of massing and view plane interference. The new buildings along Makawao Avenue will likely exceed 35 feet in height due to the grade differential. There will be some isolated locations that will have view planes impinged due to the new buildings, but this will be very limited.

9. **Senior Housing**

The R-DEIS is consistent with the project presentations to the Pukalani, Kula and Makawao communities. We recognize the need for new senior housing in the Upcountry region, and the applicant is researching the market to determine the business viability of creating senior housing units at this location. The applicant has been very up-front about their evaluation of both options for housing at the project. The outcome of the analysis of housing options is ongoing, and the decision will be made based on market conditions as the development progresses.

10. **Retail Demand**

The proposed Kulamalu commercial development provides one external source of competition with Upcountry Town Center. Consistent with the market study (Appendix A of the R-DEIS), the market for these two proposed projects is strong and the data indicate that Upcountry Town Center will be a very successful center. An unbiased consideration of commercial market factors in the Upcountry Maui region clearly indicates a comparatively superior location for a commercial center at the Pukalani triangle site. The site provides much greater accessibility to services for all Upcountry residents, and will be better integrated with the existing urban-developed community. Further, the demand for products and services in the Upcountry region has grown substantially since both projects were first proposed in the mid-1990's. The Kulamalu development has not emerged to serve the area's growing demand, and will not adequately support the future demand due to a combination of its sub-optimal location and its limited product and service offerings.

The Kulumalu Town Center project has moved forward significantly since the initial Market study was completed several years ago. The development has been well-received by the market, the type of proposed uses and timing has more clearly defined, and its probable relationship with the proposed Upcountry Town Center can now be reasonably assessed.

Market Acceptance. According to realtors handling sales, virtually all of the lots made available by the developer have been reserved; with only the topographically-challenged parcel at the entry to the project still listed for sale. The absorption speed and pricing bespeak of the general market strength on Maui and specific upcountry demand for business/commercial-oriented building lots. Demand was particularly high for the smaller parcels among the 19 lots, which have an overall size range of one-half to 2.5 acres, with rapid sell-out and remaining interest in the product type. Selling prices have ranged from $515,000 to $1,600,000.

Probable Uses and Development Timing. Completion of the subdivision infrastructure and initial lot closings are anticipated for early 2004. Numerous purchasers have announced site development plans, and anticipate beginning construction shortly thereafter. At least one purchaser/builder is already offering space in a proposed multi-tenant office building. Among the currently envisioned uses are: Institute for Astronomy, Medical (Physician Offices), Fitness Club, Office Building(s), and a Skilled Nursing Facility.

An entertainment complex and several business-oriented uses are also being considered for the project. At present, there is no retail being proposed outside of a possible small market (near mini-mart size at only 10,000 square feet), and there are no restaurants as yet, and no automotive-oriented uses will be permitted. Given the market response and proposed development to date, it is likely Kulamalu will achieve its anticipated absorption and build-out timeframe, with substantial levels of completed floor space by 2005-06.

Relationship to the Upcountry Town Center. With Kulamalu moving forward as anticipated, its relationship with the proposed subject project can be better assessed.

First, the timing of Kulamalu Town Center fits in well-with the timing of the Upcountry Town Center. Kulamalu is helping meet some currently unmet community demands, but will be effectively built-out by the time the subject product comes on-line in three to four years.

Second, the currently envisioned uses at Kulamalu will not address all sectors of commercial land use demands in Upcountry. The project will have no meaningful retail or light (cottage) industrial uses; for which there is acute demand in the community. By 2005, the unmet demand for retail/service floor

space in the study area will total (mid-point) some 76,000 square feet, for light industrial space the demand will be some 146,000 square feet. While Kulumalu will help meet regional needs for business/office and some other use types, it will not fully satiate demand in any single category apart (perhaps) from the entertainment/recreation sector. There will still remain unmet demand for senior housing and services, medical and clinic space, and office/business uses.

Third, the two projects will not be in direct competition for major use types. The driving components of the Upcountry Town Center are the retail and cottage industrial uses, which are not represented at Kulamalu. Conversely, business/office and entertainment uses which are expected to comprise much of the Kulamalu development are not significant components of Upcountry Town Center.

Fourth, the competitive location and attributes of the Upcountry Town Center site continue to be superior to Kulamalu for most uses. There are many retail/commercial users which would not consider the Kulamalu frontage, access, lay-out and lot size to be amenable to their business, and would not go to Upcountry at that location. The subject will provide the characteristics necessary to support these uses. Further, Kulamalu is not in a position to exploit tourist traffic to Haleakala summit, thus the potential positive impacts on the Upcountry economy from this massive flow of potential consumers is lost.

Fifth, the "Maui Fresh" concept, featuring made-in-Maui products and goods, which is proposed by ML&P for a portion of the Upcountry site, is not a feasible option for Kulamalu due to location, access, size and price issues. Without the Upcountry Town Center, this opportunity for local farmers and artisans to have a place to sell goods and access the visitor stream will not be actualized.

Given the above discussion, there is no reason for deferring the development of Upcountry Town Center due to the presence of the Kulamalu project. From a demand perspective, both can co-exist in a vibrant Upcountry setting with carefully planned improvements that will enhance the quality of life for Upcountry residents.

We appreciate your interest in the project. Your letter and this response will be included in the Final EIS. We will forward you a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

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September 22, 2003

Via Facsimile and U.S. Mail
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Chairperson Lawrence Ing and Members
of the State Land Use Commission
c/o Anthony Ching, Executive Director
State Land Use Commission
P.O. Box 2359
Honolulu, HI 96804-2359

Re: Comments of Malama Maui on Revised Draft Environmental Impact Statement for Upcountry Town Center Proposed by the Maui Land & Pineapple Company, Inc., TMK No. (II) 2-3-007:008, Pukalani, Maui, Hawaii

Dear Chairperson Lawrence Ing and Members of the State Land Use Commission

These comments are submitted on behalf of Malama Maui on the Revised Draft Environmental Impact Statement ("RDEIS") for the Upcountry Town Center proposed by Maui Land & Pineapple Company, Inc. ("ML&P") on 40.6 acres in Pukalani, Maui, Hawaii, designated as TMK No. (II) 2-3-007:008. Malama Maui is an unincorporated association of Maui residents vitally concerned with protecting and preserving the agricultural, rural and open space characteristics of the upcountry region as well as the integrity of the Makawao-Pukalani-Kula Community Plan.

Malama Maui's comments are addressed to the person and entity identified as the approving agency/accepting authority for this project in "The Environmental Notice" dated August 8, 2003, with copies to the applicant, in accordance with Hawaii's "Environmental Impact Statement Rules," HAR § 11-200-22(b).

I. INTRODUCTION/THE RDEIS IS INADEQUATE

The RDEIS for the Upcountry Town Center ("proposed project") is inadequate and unacceptable for multiple, important reasons. The RDEIS does not satisfy basic, minimal requirements of Hawaii's law on Environmental Impact Statements, Chapter 343, ("HEPA"). It fails "to convey the required information succinctly in a form easily understood, by both members of the public and the public decision-makers." HAR § 11-200-19. Contrary to HAR § 11-200-14, the RDEIS is "a self-serving recitation of benefits and a rationalization of the proposed action." The preparers of the RDEIS have not taken a "hard look" at the environmental consequences of the proposed project as a whole.

II. THE PROCEDURES FOR THE PREPARATION OF A RDEIS HAVE NOT BEEN COMPLETED SATISFACTORILY AS REQUIRED BY LAW

The EIS regulations, in HAR § 11-200-15(a), require a full and complete consultation process prior to filing a Draft EIS with "concerned individuals," among others. Applicants are instructed to endeavor to develop a fully acceptable EIS prior to the time the EIS is filed and are further instructed not to rely solely upon the review process to expose environmental concerns.

Malama Maui asked to be consulting parties in their original comment letter. No consultation has ever taken place with them. The Applicant has violated HAR § 11-200-15(a) in the preparation of this EIS to date.

HAR § 11-200-14 states, in pertinent part:

> ... **The EIS process involves more than the preparation of a document**; it involves the entire process of research, discussion, preparation of a statement, and review .... **An EIS is meaningless without the conscientious application of the EIS process as a whole**, and shall not be merely a self-serving recitation of benefits and a rationalization of the proposed action. (Emphasis added.)

There has been no conscientious application of the EIS process as a whole, in this instance.

By these facts, it cannot be concluded that the first test for the acceptability of an FEIS has been met. The procedures for assessment, consultation process and review have not been completed satisfactorily. See HAR § 11-200-23(b)(1).

III. SIGNIFICANT ADVERSE ISSUES HAVE BEEN UNLAWFULLY "SWEPT UNDER THE RUG"

A. Duty To Take A Hard Look

An agency must take a "hard look" at the environmental consequences of a proposed action. Kleppe v. Sierra Club, 427 U.S. 390, 410, n.21, 96 S.Ct. 2718, 49 L.Ed. 2d 576 (1976).

In order to fulfill its role, an EIS must set forth sufficient information for the general public to make an informed evaluation and for the decision-maker to consider fully the environmental factors involved and to make a reasoned decision after balancing the risks of harm to the environment against the benefits to be derived from the proposed action. County of Suffolk v. Secretary of Interior, 562 F.2d 1368, 1375 (2d Cir. 1977).

The EIS insures the integrity of the process of decision by giving assurance that stubborn problems or serious criticisms have not been "swept under the rug." Silva v. Lynn, 482 F.2d 1282, 1285 (1st Cir. 1973). Compliance with NEPA (and Chapter 343) is the outward sign that environmental values and consequences have been considered during the planning stage of agency actions. Andrus v. Sierra Club, 442 U.S. 347, 350, 99 S.Ct. 2335, 2337, 60 L.Ed. 2d. 943 (1979).

Here, problems and serious criticisms have been swept under the rug such that there has been insufficient compliance with Chapter 343.

B. The RDEIS Must Discuss Impacts To The Degree Of Specificity Required In The Packet of Applications Generating The RDEIS

By Chapter 343, actions are either applicant actions or agency actions. See HRS § 343-5(b) and (c). This project is alleged to be an "applicant" action triggered by the applicant, ML&P, having proposed an action requiring the approval of an agency. HRS § 343-5(c). The agency receiving the request for an approval has the duty to prepare an Environmental Assessment and to determine whether an EIS is necessary.

In § 8.0 of the RDEIS, "Required Approvals" are discussed. It is acknowledged that a district boundary amendment reclassifying property from Agriculture to Urban is required from the State Land Use Commission." Such an application has now been filed.

It is further acknowledged that Community Plan amendment, Change in Zoning and Project District approvals are all required from the Maui County Council. The RDEIS states, in § 8.2.1, that applications for these approvals "are being submitted to the County of Maui concurrently with the RDEIS." Such applications have now been filed.

Each of these permit and approval processes have detailed application requirements. The content requirements for a Boundary Amendment Petition are set out in State Land Use Commission Rules in HAR § 15-15-50(a)-(c). This information would have provided specificity to the study of environmental impacts in the RDEIS.

HAR § 15-15-50 requires a definite description of the project; however, the RDEIS is conceptual in nature, stating, for example, that there might be senior citizens housing or multi-family housing. The impacts of these two alternatives are vastly different. The RDEIS states in § 3.2.4 that there will be senior housing only "if this use can be supported by market factors."

HAR § 15-15-50(15) requires an assessment of the need for reclassification based upon the relationship between the proposed development and other projects existing or proposed in the area. This assessment has not occurred. The market study in the RDEIS summarily concludes that the Kulamalu commercial development is not viable or competitive.

The application requirements for a Community Plan amendment are contained in the Maui County Code in § 2.80A.060.D.1.-9. The application requirements for a Change in Zoning are detailed in the Maui County Code in § 19.510.010.D.1.-25. The application requirements for a Project District are set out in the Maui County Code, § 19.45.040A.-C. All of these County applications require detailed, specific information about the project.

As an example, the application requirements for a Change in Zoning require a traffic impact analysis and, if applicable, a Traffic Master Plan. See Maui County Code § 19.510.010.B.11. See the analysis of these impacts in Section XII below. Change in Zoning applications require an analysis of the water source, supply and distribution, including methods of irrigation, the location and use of groundwater and non-potable water sources and, if applicable, a Water Master Plan. The RDEIS contains only scant and insufficient information. See Appendix H of the RDEIS.

The intent and purpose of Chapter 343 is subverted by allowing ML&P to prepare a RDEIS on a project with less than the specificity required by the triggering applications themselves. The substantial rights of Malama Maui, preserved by Chapter 343, have been prejudiced.

IV. THE DESCRIPTION OF THE PROJECT IS TOO VAGUE TO ALLOW A STUDY AND ANALYSIS OF ENVIRONMENTAL IMPACTS

A. A Major Commercial Shopping Center is Proposed

The RDEIS reveals that a major commercial shopping center is proposed for the 40.6 acre site. Its components are as follows:

* A shopping center on ten acres with 107,000 square feet for retail operations and restaurants

The commercial element may include the Pukalani Superette, a second retail anchor tenant, a financial institution and additional retail and dining establishments. It will also include two story structures along Makawao Avenue to house local service and small retail businesses. Wai Ulu Farms and Maui Fresh, ML&P's pineapple business, will also be included.

* A 282,000 square foot paved parking lot for the shopping center

* 3.25 acres for nine lots, covering 46,761 square feet, for cottage industries

  Potential occupants include artisans, woodworkers, furniture makers and veterinarians.

* A three acre office and civic space with approximately 105,600 square feet

  Potential professional services include, medical, dental, legal, real estate or financial offices. Civic offices may include a satellite county hall, post office or library.

* Six to eight acres for multi-family condominiums or senior housing (120 two-story units if it is for senior housing and 96 units if it is multi-family condominiums).

  There is no commitment to construct senior housing. It will only be built "if this use can be supported by market factors." See RDEIS § 3.2.4. Otherwise, this area is for multi-family condominiums.

* Roadways, parks, open space

B. <u>The RDEIS Contains Only Vague Descriptions of the Project</u>

The RDEIS does not contain any detailed descriptions of the shopping center, the cottage industry lots, the office buildings, the multi-family condominiums or any other components of the project. The only descriptions of the buildings are contained in "Site Perspectives" contained in Figures 3-2a through 3-2d on pp. 3-6 through 3-9 of the RDEIS. Even these "Site Perspectives" are vague drawings of what will be constructed. It is difficult if not impossible to understand that is actually being proposed. Now some equally vague "Elevations" have been added in Figure 3-3.

The RDEIS does not include (a) existing and proposed building elevations, sections, floor plans and site sections, (b) the location, size, spacing, setbacks and dimensions of all existing and proposed buildings, structures,

improvements and uses, (c) all existing and proposed landscaping which depicts open spaces, plantings and trees, and (d) all existing and proposed roadways and access to the project and a parking layout with dimensions. This information is required for a Change in Zoning application. See Maui County Code § 19.510.010.D.21.

The studies attached to the RDEIS are based upon a vague description of the project. For example, see the Engineering Report, attached as Exhibit I, to the RDEIS which is based on areas being designated for potential general uses rather than actual proposed buildings of definite sizes and shapes.

This vague project description makes impossible to study and analyze potential adverse impacts. The impacts of a project can only be studied and analyzed once a project is described with sufficient detail. The preparers of this RDEIS have subverted the purpose of Chapter 343 by failing to describe the project in sufficient detail to allow its impacts to be studied in the RDEIS. When and if this project is described in detail, a supplemental EIS will be required as a matter of law.

V. THE LOSS OF RESOURCES OF STATEWIDE IMPORTANCE CONSTITUTES SIGNIFICANT ADVERSE IMPACTS

A. The Reclassification or Rezoning of These Class A, Prime, Agricultural Lands Would Violate the Hawaii State Constitution and, in the Alternative, Constitute a Significant Adverse Impact

These lands have been utilized since the 1900's by ML&P for the cultivation of pineapple. The Land Study Bureau ("LSB") classifies lands according to their productivity and suitability for agriculture. All lands on Maui have been classified within a range between A and E, with A being the most productive. The land encompassed by the project area is irrigated. With irrigation, all of the project area is rated A, indicating that it is classified among the best agricultural land in the State of Hawaii.

There is an additional system of classifying agricultural land called Agricultural Lands of Importance in the State of Hawaii ("ALISH"). According to the ALISH system, "prime" agricultural lands should be protected for long term agricultural use. The land in the project area is classified "prime" agricultural land by the ALISH system.

There is a constitutional, public trust obligation to protect and preserve prime agricultural lands in the State of Hawaii. Article XI, Section 3 of the Hawaii State Constitution is entitled "Agricultural Lands" and states, in pertinent part, as follows:

> The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands. The

> Legislature shall provide standards and criteria to accomplish the foregoing. (Emphasis added.)

Section 3 further states:

> Lands identified by the State as important agricultural lands needed to fulfill the purposes above shall not be reclassified by the State or rezoned by its political subdivisions without meeting the standards and criteria established by the Legislature and approved by a two-thirds vote of the body responsible for the reclassification or rezoning action. (Emphasis added.)

There is a constitutional, public trust mandate to the people of Hawaii to protect these particular class A, prime agricultural lands and to assure their availability for agricultural uses in the future.

The RDEIS includes Appendix G which purports to analyze the impacts on agriculture, and argues that there will be ample agricultural lands available even if the project area land is reclassified from agriculture to urban. This study is fatally flawed because it does not analyze (a) the number of acres of agricultural lands which are classified both class A and prime agricultural lands on Maui, (b) how many acres of land bearing these classifications have been lost over the last twenty years to non-agricultural uses, and (c) the cumulative or long-term impact resulting from these losses, including the specific loss of these particular lands in view of the constitutional obligation to protect and preserve these lands.

Furthermore, no credible proof is presented that the construction of the Pukalani Bypass through agricultural properties owned by ML&P makes it more difficult to use the project area's 40.6 acres for agricultural purposes. The "topographic survey map" attached as Figure 1.4 to Appendix I to the RDEIS indicates how the pineapple fields have been laid out within this 40.6 acre parcel. Figure 1.4 also shows how access in and out of this parcel has been obtained for agricultural purposes. It is doubtful that there are any real impediments to utilizing these 40.6 acres for the agricultural purposes for which they are well suited. In fact, there has been little attempt to identify and analyze appropriate agricultural uses, including growing specialty pineapple crops on the parcel perhaps in conjunction with the Maui Fresh facility.

These lands are agricultural resources of statewide importance that must be conserved and protected. Their loss would constitute a significant adverse impact but, more importantly, their diversion to other uses cannot be justified based upon the above-cited provision of the Hawaii State Constitution.

B. The County Agricultural Zoning Ordinance Prohibits the Rezoning of These Lands

The Maui County Council enacted its agricultural zoning ordinance in 1998. See Chapter 19.30A. Among the purposes of that ordinance are the following:

> 2. Promote agricultural development;
>
> 3. Preserve and protect agricultural resources; and
>
> 4. Support the agricultural character and components of the County's economy and lifestyle.

See Maui County Code § 19.30A.010A.

One intent of this ordinance is to:

> 5. Ensure that the rezoning of land from the agricultural district shall be open for public debate and in the overall public interest, as evidenced by conformance with the Maui County general plan and community plan land use designations and policies, State land use law, this chapter and good planning practices.

See Maui County Code § 19.30A.010B.

The agricultural zoning ordinance contains a legal standard for **retaining lands** in the agricultural district. Maui County Code § 19.30A.020, entitled "District criteria," states as follows:

> Agricultural lands that meet at least two of the following criteria should be given the highest priority for retention in the agricultural district:
>
> A. Agricultural Lands of Importance to the State of Hawaii (ALISH);
>
> B. Lands not classified by the ALISH system whose agricultural land suitability, based on soil, topographic, and climatic conditions, supports the production of agricultural commodities, including but not limited to coffee, taro, watercress, ginger, orchid and flower crops and nonirrigated pineapple. In addition, these lands shall include lands used for intensive animal husbandry, and lands in agricultural cultivation in five of the ten years immediately preceding the date of approval of this chapter; and

C. Lands which have seventy-five percent of their boundaries contiguous to lands within the agricultural district.

It could not be more obvious that the first two of these tests, at least, are met in this case. These lands are "prime" lands under the ALISH system. The second test is met because the soil, topographic and climatic conditions supports the production of agricultural commodities such as pineapple. This is established by the class A rating under the Land Study Bureau System. In addition, it is admitted that these lands were in agricultural cultivation for at least five of the ten years immediately proceeding the date of this application.

If several of the important purposes and intents of the agricultural zoning law passed by the Maui County Council in 1998 are to preserve and protect agricultural resources, this rezoning cannot be granted. The agricultural rezoning ordinance adopted a legal standard for those lands which should be retained in the agricultural district and not rezoned into any other district. If the letter and intent of the agricultural zoning ordinance is to have any meaning at all, this rezoning application must be denied.

It is acknowledged that the developer has submitted a study attempting to argue that there are sufficient suitable agricultural lands available such that these agricultural resources will not be missed and/or that these particular agricultural lands are really no longer suitable for production. Both of these arguments are fallacious. In enacting the agricultural zoning ordinance, the Maui County Council established legal criteria for those lands which must be protected for agricultural use now and in the future. The Maui County Council cannot jettison this legal test just because the developer has prepared a self-serving study to justify its desire to proceed with urban development on these important agricultural lands.

When the Maui Planning Commission granted a Special Use Permit approving the construction of King Kekaulike High School at the "Five Trees" area, it strongly recommended that the areas immediately adjoining the school remain in the agriculture district. A letter dated August 9, 1993 to this effect was sent by Planning Director Brian Miskae to Mr. Elmer Cravalho as Chairman of the Citizens Advisory Committee for the Makawao-Pukalani-Kula Community Plan. It was for this reason, as well, that the ML&P parcel was designated agriculture in the Community Plan. This parcel serves as an open space and agricultural buffer between King Kekaulike High School and the already existing urbanized core of Pukalani Town.

C. <u>Loss of Visual/Open Space/Rural Resources</u>

The project site is the beginning of an open space/agriculture region at the "mauka" end of the urban portion of Pukalani. See Figure 4.6, on p. 4-20, of the RDEIS. The project site and the surrounding agricultural lands define the entry to upcountry Kula and Haleakala, and provide a open space buffer for King Kekaulike High School.

An examination of the Community Plan map for the region demonstrates that the project site is an important part of the agriculturally designated lands which characterize the surrounding region. It is a land use objective and policy of the Makawao-Pukalani-Kula Community Plan to:

> recognize the value of open space, including agricultural lands and view plans to preserve the region's rural character.

The proposed project will have significant adverse impacts and violate the Community Plan, including the loss of valuable agricultural land, open space and view planes that are important to the region's rural character.

D. Loss of Historic/Cultural/Architectural Resources

Buildings from the Corn Mill Camp are significant historic, architectural and cultural resources. The RDEIS does not contain an adequate Cultural Impact Assessment and does not adequately analyze these significant resources. There is no demonstration in the RDEIS of how these buildings, if they are to be preserved *in situ*, will be integrated into the project plans.

VI. THREAT TO THE INTEGRITY OF THE MAKAWAO-PUKALANI-KULA COMMUNITY PLAN

The Makawao-Pukalani-Kula Community Plan was adopted by Ordinance No. 2510, which became effective on July 23, 1996. It has the force and effect of law.

A. The Map Plan

The Makawao-Pukalani-Kula Community Plan contains a Land Use Map Plan. That Land Use Map Plan designates these lands as "agriculture". Agriculture indicates "areas for agricultural activity which would be in keeping with the economic base of the County and the requirements and procedures of Chapter 205 HRS, as amended."

B. Objectives and Policies

The Makawao-Pukalani-Kula Community Plan contains numerous objectives and policies with which the proposed zoning must be consistent. The most pertinent of these are recited below.

1. The Legal Obligation to Protect Agricultural Lands

a. The Protection of Agricultural Lands Generally

> ... to retain the integrity of the region's land use character, agricultural lands and related activities must be recognized

as key land use elements which make Upcountry a special place.

> (Makawao-Pukalani-Kula Community Plan, Part II, B.2., LAND USE, p. 12.)

Provide for the preservation and enhancement of agricultural lands and operations, emphasizing the importance of promoting diversified agriculture to the region's economic base and lifestyle.

> (Makawao-Pukalani-Kula Community Plan, Part III, B. Economic Activity, Objectives and Policies No. 1, p. 16.)

Encourage the continuation of sugar, pineapple, cattle ranching, and diversified agriculture as major agricultural activities in the region and at the same time encourage the pursuit of alternative agricultural industries.

> (Makawao-Pukalani-Kula Community Plan, Part III, B. Economic Activity, Objectives and Policies No. 9, p. 17.)

Analyze the zoning and subdivision ordinances and revise wherever needed to facilitate and support the maintenance and development of diversified agricultural activities.

> (Makawao-Pukalani-Kula Community Plan, Part III, B. Economic Activity, Implementing Actions No. 1., p. 17.)

Recognize the value of open space, including agricultural lands and view planes to preserve the region's rural character.

> (Makawao-Pukalani-Kula Community Plan, Part III, B. Land Use, Objectives and Policies No. 1, p. 18.)

Discourage speculation in agricultural lands.

> (Makawao-Pukalani-Kula Community Plan, Part III, B. Land Use, Objectives and Policies No. 3, p. 18.)

Encourage land use patterns which will:

* Support the long-term viability of agriculture.
* Discourage "urban sprawl"
* Discourage heavy industrial activities

* Preserve and respect the Haleakala National Park, and protect the region's open space character.
* maintain a separation of character between the Upcountry and the Kihei-Makena regions.

(Makawao-Pukalani-Kula Community Plan, Part III, B. Land Use, Objectives and Policies No. 4, p. 18.)

b. The Protection of Prime/Important Agricultural Lands

Where appropriate, support the reclassification of State Land Use districts to ensure consistency between State Land Use designations and land use designations defined by the Makawao-Kula Community Plan land use map.

(Makawao-Pukalani-Kula Community Plan, Part III, B. Land Use, Objectives and Policies No. 18, p. 21.)

Recognize agricultural lands as an essential ingredient to the Upcountry atmosphere. Criteria for determining such lands may include:

* Land Study Bureau productivity ratings for agricultural lands.
* Lands presently in cultivation.
* Agricultural Lands of importance to the State of Hawaii (ALISH).

(Makawao-Pukalani-Kula Community Plan, Part III, B. Environment, Objectives and Policies No. 2, p. 25.)

c. Only Agricultural Lands Classified D or E Should be Rezoned

Utilize the land productivity inventory and assessment (*i.e.*, Land Study Bureau "D" and "E" lands and ALISH) to identify low productivity lands which may be suitable for housing development.

(Makawao-Pukalani-Kula Community Plan, Part III, B. Land Use, Implementing Actions No. 8, p. 23.)

2. The Duty to Protect Rural and Open Space Characteristics of the Region

LOSS OF RURAL CHARACTER. One of the primary attributes which make the Makawao-Pukalani-Kula region unique to the island is the rural and serene environment

which defines Upcountry Maui's character. The loss of this rural ambiance is of significant concern to the region's residents. Consequently, the preservation of this rural setting and open space, through comprehensive planning, public participation, and orderly plan implementation is viewed as an important goal for the region.

> (Makawao-Pukalani-Kula Community Plan, Part II, B.1, Loss of Rural Character, p. 11.)

Ensure that adequate lands are set aside for recreational and open space purposes.

> (Makawao-Pukalani-Kula Community Plan, Part III, B. Land Use, Objectives and Policies No. 7, p. 19.)

3. <u>Directing Urbanization Appropriately</u>

Protect existing agricultural operations from urban encroachment.

(Makawao-Pukalani-Kula Community Plan, Part III, B. Economic Activity, Objectives and Policies No. 3, p. 16.)

The maintenance and enhancement of Upcountry's unique and diverse rural land use character and sensitivity to existing land use patterns, natural resource values, and economic and social needs of the region's residents.

> (Makawao-Pukalani-Kula Community Plan, Part III, B. Land Use, Goals, p. 18.)

Establish land use patterns which recognize the "Right to Farm," in order to minimize conflicts between existing agricultural operations and urban-related activities.

> (Makawao-Pukalani-Kula Community Plan, Part III, B. Land Use, Objectives and Policies No. 3, p. 18.)

Discourage additional development of large scale retail outlets and encourage uses which support neighborhood retail stores.

> (Makawao-Pukalani-Kula Community Plan, Part III, B. Land Use, Objectives and Policies No. 14, p. 19.)

Individual project district developments shall be considered on a case-by-case basis, as is the intent of project district zoning. The addition or expansion of a project district shall

in no way be considered a precedent for the addition or expansion of another project district in the Upcountry region.

(Makawao-Pukalani-Kula Community Plan, Part III, Government, C. Planning Standards No. 1.c., p. 45.)

4. Prohibiting Access On and Off of Bypass Highway

For areas along the Pukalani Bypass Highway and along Kula Highway, provide for a minimum 50-foot open space buffer (i.e, no structures) on each side of the highway pavement. Vehicular access onto the Pukalani Bypass Highway should be prohibited. Access should be from Makani Road, Makawao Avenue or Haleakala Highway.

(Makawao-Pukalani-Kula Community Plan, Part III, B. Land Use, Implementing Actions No. 9, p. 23.)

Prohibit vehicular access onto the Pukalani Bypass Highway. Access should be from Makani Road, Makawao Avenue or Haleakala Highway.

(Makawao-Pukalani-Kula Community Plan, Part III, B. Transportation, Implementing Actions No. 13, p. 34.)

C. Analysis

The Map Plan places this property in "agriculture" which indicates areas for agricultural activity. The numerous objectives and policies recited above in the local Community Plan manifest an overriding intent to preserve and protect important agricultural lands for agricultural activity and to preserve and protect the rural and open space characteristics of the region.

The Community Plan makes it clear that only agricultural lands rated classes D and E by the Land Study Bureau System should be rezoned. (Makawao-Pukalani-Kula Community Plan, Part III, B. Land Use, Implementing Actions No. 8, p. 23.)

Likewise, the Community Plan recognizes that certain agricultural lands should be protected, namely those with high Land Study Bureau productivity ratings, lands presently in cultivation and important ALISH lands. (Makawao-Pukalani-Kula Community Plan, Part III, B. Environment, Objectives and Policies No. 2, p. 25.)

These are class A, prime agricultural lands and, by the local Community Plan, cannot be legally reclassified or rezoned.

D. The Local Community Plan is Binding and Enforceable

The 1996 Plan is an update of the earlier 1987 Community Plan.

The General Plan for Maui County includes the local community plans. Adherence to the General Plan and Community Plans is mandatory. Maui County Code § 2.80A.010B. states, in pertinent part, as follows:

> All agencies of the county shall comply with the provisions of the General Plan. All community plans, zoning ordinances, subdivision ordinances and administration actions by county agencies shall conform to the provisions of the General Plan. Preparation of county budgets and capital improvement programs shall also conform to the provisions of the General Plan.

The Makawao-Pukalani-Kula Community Plan, including its Map Plan and its objectives and policies, is to remain effective in the region through the year 2010.

E. This Proposal Was Rejected In The Regular Planning Process

A thirteen-member Citizens Advisory Committee ("CAC") was established as the first and major step in updating the Makawao-Pukalani-Kula Community Plan. The CAC met a total of 18 times during a 225-day deliberation process to formulate and recommend revisions to the Community Plan.

During this deliberative process it was determined by the CAC that there only one additional commercial center in the Makawao-Pukalani-Kula Community Plan region would be necessary to meet the potential needs of the Community Plan region during the period of time covered by the 1996 Community Plan. "Business/Commercial" is defined in the Plan as including "retail stores, offices, entertainment enterprises and related accessory uses."

ML&P submitted a request that the 40.6 acre area be designated Business/Commercial in the Community Plan; however, the CAC determined that another site within the Kulamalu project would be a more appropriate location for Business/Commercial. ML&P withdrew its request based on the CAC's preference for the Kulamalu site after analyzing the ML&P and Kulamalu proposals.

The result is that the Map Plan designation for the ML&P proposed project area remained Agriculture. This designation remained in the Plan throughout the Community Plan update process, including the Planning Director's revisions, approval by the Maui Planning Commission and the Maui County Council and enactment of Ordinance No. 2510, effective July 23, 1996.

The Makawao-Pukalani-Kula Community Plan includes a land use objective and policy which states, on p. 19:

> Discourage additional development of large scale retail outlets and encourage uses which support neighborhood retail stores.

This land use objective was included in this Community Plan to discourage any further large scale commercial centers from being developed in the region. This objective and policy is binding and enforceable and must be honored. See Maui County Code § 2.80A.010.B.

VII. THE STUDY OF ALTERNATIVES IS INADEQUATE

It has been judicially determined that the "heart" of environmental analysis is the study of alternatives to the proposed action. Friends of the Bitterroot v. U.S. Forest Service, 900 F. Supp. 1368 (D.C. Mont. 1994); Conner v. Burford, 836 F. 2d 1521 (9th Cir. 1988).

The study of alternatives in the RDEIS is inadequate. HAR § 11-20-17(f) requires a description of all alternatives which could attain the objectives of the action, regardless of cost, in sufficient detail to explain why they were rejected. It further states:

> The section shall include a **rigorous exploration** and objective evaluation of the environmental impacts of all such alternative actions. **Particular attention shall be given to alternatives that might enhance environmental quality or avoid, reduce or minimize some or all of the adverse environmental effects, costs, and risks.** (Emphasis added.)

Examples of alternatives include (1) the no action alternative, (2) alternatives requiring actions of a different nature with similar benefits but different impacts, (3) alternatives related to different designs or details of the proposed action which would present different impacts, (4) the alternative of postponing action pending further study, and (5) alternative locations for the proposed project. This provision states:

> In each case, the analysis shall be sufficiently detailed to allow the comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative.

The study of alternatives in the RDEIS is five pages long. None of the alternatives are studied in detail as required by the EIS Rules. The alternative of postponing action, which has been recommended by the Kula Community Association, is discussed in half a page and is rejected because there is an alleged economic window of opportunity and because of dust which would be generated if the site is left unused. This reasoning is insufficient for Chapter 343 purposes.

In particular the range of alternatives has still been narrowly circumscribed to a self-serving set, all of which would be acceptable to the Applicant. No alternatives have been selected for study which would truly enhance environmental quality for Malama Maui and other concerned members of the public. None of the alternatives are studied in the detail required by the EIS Rules.

Most importantly, the alternative of locating this commercial center on lands which are not class "A" lands or "prime" agricultural lands was not even discussed in the RDEIS. The Makawao-Pukalani-Kula Community Plan includes an objective that only agricultural lands classified "B" or "E" should be rezoned. Given this objective and the large land holdings of ML&P, this EIS could not have been adequate without a rigorous exploration of alternative locations for this commercial center on lands that had lower agricultural ratings including "D" or "E" rated lands. In discovery, Plaintiff Malama Maui would like to find out all of the lands owned by ML&P and would like to discover the ratings of all of the these lands to make it clear that there were other lands better suited for a commercial center.

VIII. THE TOTAL UNDERTAKING HAS NOT BEEN ANALYZED/The Source of Water Has Not Been Identified or Analyzed Properly

The EIS is inadequate as a matter of fact and law because it fails to study and analyze the impacts of the project as a whole. The agency must consider every phase of a proposed action in determining the significance of its effects on the environment. See HAR § 11-200-12(b). The project may have a significant impact even if it is individually limited if it involves a commitment for larger actions. See HAR § 11-200-12(b)(8). This State's EIS Rules define "connected" actions in HAR § 11-200-7, as follows:

(a) Groups of actions proposed by an agency or an applicant shall be treated as a single action when:
- (1) the component actions are phases or increments of a larger total undertaking;
- (2) an individual project is a necessary precedent for a larger project;
- (3) an individual project represents a commitment to a larger project ...

There is no public supply of water for the urban development proposed by Defendant ML&P. To supply water for this project, Defendant ML&P proposes to construct a well in Pookela, Makawao, Maui, Hawaii, on TMK No. (II) 2-4-12:004, with a capability of pumping 1.5 million gallons per day ("mgd") and to construct a transmission system to deliver this water to the project site. This water well development project and distribution system is described only vaguely in the RDEIS.

The water well development project and distribution system supplying water for this urban project is clearly an important component of this urban

development. It constitutes a component action which is a phase or increment of a larger total undertaking. See HAR § 11-200-7(1). It also quite clearly is a "necessary precedent" for the larger project. See HAR § 11-200-7(2). It also constitutes an individual project representing a commitment to the larger project. See HAR § 11-200-7(3).

The Environmental Council has adopted "Guidelines for Assessing Water Well Development Projects." These "guidelines" establish "a general standard of completeness" which apply to EIS's relating to well development projects. As a component or connected action to the project, the EIS was required to comply with these "guidelines." The water well development project connected to this urban development did not even come close to meeting these "guidelines." There were no orientation maps. There was no aquifer or hydrologic unit status provided. There was no contamination analysis. There was no hydrologic impact analysis. There was no biological assessment. There was no archaeological and cultural impact assessments. There was no financial and institutional arrangement disclosure. There was no watershed and land use analysis. There was no alternative analysis. There was no study of the impacts of accessory facilities.

Malama Maui objected to the vagueness of the manner in which the well component of the project was dealt with in the EIS. It constitutes illegal segmentation to attempt to isolate the water development component of this project for separate analysis. KSOA v. County of Maui, 86 Haw. 66, 947 P.2d 378 (1997). This is a "connected" action which is required to be studied in the RDEIS and is not.

IX. THE EXISTENCE OF HAZARDOUS WASTES HAVE NOT BEEN PROPERLY ADDRESSED

The study and analysis of hazardous wastes on this project site is inadequate. See §§ 4.4.4 and 6.1.2 of the RDEIS. In those sections, it is acknowledged that ML&P grew pineapple on the property and applied pesticides during the 1940's through the 1960's. DDE, DDT and arsenic were found in soil samples.

It is also widely known that ML&P applied DBCP, which can cause cancer, in cultivating pineapple and may have done so on this property. Testing of the soils in the project area should be conducted. Groundwater surrounding this property also should be tested to determine whether or not DBCP is present. This information must be disclosed in this RDEIS.

ML&P has only recently announced that a portion of the site is contaminated with pesticides. See *The Environmental Notice* dated September 8, 2003, pp. 1 and 16. In newpaper articles about this contamination, ML&P states that this contamination cannot be cleaned up, urbanization of the site may not be possible. These issues must be fully disclosed, studied and addressed in the RDEIS.

X. INFRASTRUCTURAL AND ENGINEERING IMPACTS

A. Wastewater/Sewage Impacts

There is no adequate description of the wastewater system which will be constructed for a large scale urban project of this nature. As such, there is no proper analysis of the environmental impacts of wastewater and sewage.

B. Drainage Impacts

There is no adequate description of the drainage system which will be constructed for a large scale urban project of this nature. As such, there is no proper analysis of the environmental impacts of this drainage. In addition, portions of the project area are subjected to periodic flooding; however, there is no discussion of these existing conditions.

XI. THERE IS NO DEMONSTRATED NEED FOR THE PROJECT/THE MARKET STUDY/SOCIO-ECONOMIC IMPACTS

To analyze the need for this project, a market study has been prepared and attached as Appendix A to the RDEIS. This market study is flawed in numerous ways. The business/commercial center which is part of the Kulamalu project is under construction now. The market study only discusses the viability of the Kulamalu commercial development in three short paragraphs. It concludes that the "commercial outlook for the lots are limited", that "the zoning is somewhat restrictive", and that "the subdivision is outside the regional traffic flow of most residents and tourists". Based upon these assertions, the market study gives no further consideration to the Kulamalu commercial development.

The market study does not analyze the socio-economic and environmental impacts of the construction of two new shopping centers, in relatively close proximately to each other in the upcountry region. If anything, the applications for the Upcountry Town Center should be deferred or denied until construction of the Kulamalu commercial development is completed and it can be ascertained whether there is a need for additional commercial development in the planning region.

XII. ADVERSE TRAFFIC IMPACTS

There can be little doubt that this project will cause significant adverse traffic impacts potentially jeopardizing the health and safety of upcountry residents and visitors. These traffic impacts have been understated in the RDEIS. The RDEIS has not taken into consideration the increased traffic generated by the Kulamalu project, the Kamehameha Schools complex, King Kekaulike High School and the Hawaiian Homes project.

In addition, the Makawao-Pukalani-Kula Community Plan includes as transportation objectives and policies, on p. 34:

> New commercial development along Haleakala Highway in Pukalani should be discouraged out of concern over the impacts on traffic flow and the residential neighborhood.
>
> Prohibit vehicular access onto the Pukalani Bypass Highway. Access should be from Makani Road, Makawao Avenue or Haleakala Highway.

This project violates both of these Community Plan objectives.

XIII. THIS PROJECT IS NOT CONSISTENT WITH THE OBJECTIVES AND POLICIES OF PERTINENT STATE PLANS

The RDEIS includes a section concerning the State Plan and the State Functional Plans. This section of the RDEIS is a self-serving rationalization in favor of the project. There has been no serious effort in this section to deal with the objectives and policies with which this project is directly inconsistent. Many of these inconsistencies have been addressed in this comment letter in other sections and will not be repeated here.

XIV. THE ANALYSIS OF ENVIRONMENTAL EFFECTS WHICH CAN NOT BE AVOIDED IS INADEQUATE

HAR § 11-200-17(j) requires that the RDEIS include a section analyzing the extent to which the proposed action involves trade-offs among short-term and long-term gains and losses, including the extent to which the proposed action forecloses future options, narrows the range of beneficial uses of the environment, or poses long-term risks to health or safety.

In a similar vein, the RDEIS must include a separate section describing all irreversible and irretrievable commitments of resources and unavoidable impacts resulting from any phase of the action. See HAR §§11-200-17(l) and (l). To the extent that there are adverse and unavoidable impacts, the RDEIS must include the rationale for proceeding with a proposed action, notwithstanding unavoidable effects. The RDEIS must indicate what other interests and considerations of governmental policies are thought to offset the adverse environmental effects of the proposed action. HAR § 11-200-17(l) concludes:

> The statement shall also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed actions that would avoid some or all of the adverse environmental effects.

The RDEIS includes sections which purport to address these EIS Rules; however, none of the analyses required in the provisions cited above is included. These sections do not comply with these provisions of the Rules and are inadequate.

XV. THE NECESSITY FOR ASSEMBLING DATA AND CONDUCTING STUDIES AND TESTS AS PART OF THE RDEIS PROCESS

The RDEIS process involves at a minimum obtaining various relevant data and conducting necessary studies. See H.A.R. §11-200-14. It is essential in preparing an adequate RDEIS that ML&P assemble necessary data to conduct appropriate studies as described above.

ML&P is reminded of its obligation to analyze and address in the RDEIS "the full range of responsible opinion" and "responsible opposing views on significant environmental issues" raised by the Upcountry Town Center project. See HAR §11-200-16. These views and issues should not be "swept under the rug."

XVI. INCORPORATION BY REFERENCE OF OTHER COMMENTS

Malama Maui hereby incorporates by reference all other comments submitted by all others who commented on this RDEIS, in particular the comments of the Kula Community Association.

XVII. THE RDEIS DOES NOT MEET THE TESTS FOR ACCEPTANCE OR ADEQUACY

An EIS is inadequate and cannot be accepted unless it satisfies the tests for "acceptability" set out in HAR §11-200-23. The EIS, in its completed form, must represent an informational instrument which fulfills the definition of an EIS and adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments. See HAR §11-200-23(a).

An EIS may only be accepted by the accepting authority or approving agency if all of the following criteria are satisfied, according to HAR §11-200-23:

(1) The procedures for assessment, consultation process, review, and the preparation and submission of the statement, have all been completed satisfactorily as specified in this chapter;

(2) The content requirements described in this chapter have been satisfied; and

(3) Comments submitted during the review process have received responses satisfactory to the accepting authority, or approving agency, and have been incorporated in the statement.

It would be premature to assess whether the third test has been satisfied; however, it is already apparent that the first two tests have not been satisfied, based upon the foregoing.

XIX. CONCLUSION/RDEIS SHOULD BE WITHDRAWN

It will be insufficient to simply respond to the comments received on the RDEIS. The inadequacies of the RDEIS are so severe that the document must be withdrawn, rewritten, republished as a RDEIS, and public review recommenced.

We trust that you will take seriously your responsibility to enforce the environmental laws of our State, and refuse to accept or approve this document until it has been adequately prepared to serve its intended purpose.

Thank you for the opportunity to comment on this RDEIS.

Sincerely yours,

Isaac Hall

IH/sn

Enclosures

cc: Planning Department, County of Maui
Maui County Council, County of Maui
Mr. Jeff Overton, Consultant, Group 70 International, Inc.
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October 10, 2003

Mr. Issac Hall
Attorney at Law
2087 Wells Street
Wailuku, HI 96793

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Hall:

This letter is in response to your letter of September 22, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. The following are offered in response to Malama Maui's numbered comments contained in the letter.

I. DEIS Adequacy – The adequacy of the R-DEIS is addressed in your responses to your comments provided herein. The State agencies responsible for the determination of EIS adequacy have reviewed the subject document. Their comments will be included in the Revised Final EIS.

II. Procedures for preparation of Revised DEIS –

The Upcountry Town Center FEIS included extensive consultation, including the 26 pages of comments and exhibits that fully expressed the concerns of Malama Maui as of June 7, 2002. Malama Maui's further filings in 2002, subsequent to the acceptance of the FEIS by the Maui County Planning Department, further elaborated your concerns to the applicant. This multi-stage and extensive interaction with Malama Maui is addressed with the expanded technical analysis and discussion supplied in the R-DEIS and R-FEIS.

III. Significant Issues

A. Information Provided. The environmental consequences of the proposed action have been fully disclosed and evaluated in this environmental impact statement. The categories of investigation required under Chapter 343 HRS have been met, with further elaboration provided in response to agency and public comments in 2002 and 2003. The comments have included certain criticisms that have been responded to with expanded studies, and the provision of new technical analysis and expanded conclusions in this R-FEIS.

B. Impact Discussion. The specificity of impact discussion in the R-DEIS and this R-FEIS meets the requirements for information content in the State Land Use Boundary Amendment Petition and the various County land use requests. With the plans for housing at the project being market-dependent, the potentially greater impacts of a multi-family development (e.g. traffic) are considered in the

R-FEIS. The impacts of Kulamalu development, as currently planned, are addressed in the market study considering the full build-out and absorption. Information required for the Change of Zone and Project District approvals has met the requirements of the County Planning Department, with greater specificity to be provided in later phases of design and approval process in accordance with the Project District zoning approval process. Water supply and system information is discussed in Sections 3 and 6 of the R-FEIS and Appendices H and I.

C. Adequacy of EIS - Legal Context. Attorneys for Maui Land & Pineapple Company, Inc. provide further response regarding the EIS adequacy.

The Hawaii Supreme Court has adopted the "rule of reason" to determine the legal adequacy of an EIS. In the prior EIS litigation, the Second Circuit Court recognized the "rule of reason" as the applicable law.

The "Rule of Reason". As a preliminary matter, the party challenging the adequacy of the EIS, has the burden of establishing that the EIS is inadequate. *Life of the Land v. Ariyoshi*, 59 Haw. 156, 577 P.2d 1116 (1978); *Stop H-3 Association v. Lewis*, 538 F.Supp. 149, 159 (D. Haw. 1982), citing *Monroe County Conservation Council v. Adams*, 566 F.2d 419, 422 (2d Cir. 1977), *cert. denied*, 435 U.S. 1006 (1977).

The Hawaii Supreme Court has adopted and applied the "rule of reason" to determine whether an EIS is legally sufficient. *Price v. Obayashi Hawaii Corp.*, 81 Haw. 171, 914 P.2d 1364 (1996); *Life of the Land*, 59 Haw. at 164, 577 P.2d at 1121. Under that rule:

> an EIS need not be exhaustive to the point of discussing all possible details bearing on the proposed action but will be upheld as adequate if it has been compiled in good faith and sets forth sufficient information to enable the decision-maker to consider fully the environmental factors involved and to make a reasoned decision after balancing the risks of harm to the environment against the benefits to be derived from the proposed action, as well as to make a reasoned choice between alternatives.

Life of the Land, 59 Haw. at 164-65, 577 P.2d at 1121, quoting *County of Suffolk v. Secretary of the Interior*, 562 F.2d 1368, 1375, 2d Cir. 1977), *cert. denied*, 434 U.S. 1064 (1978).

The rule of reason requires only a "reasonably thorough discussion of the significant aspects of the probable environmental consequences." *Columbia Basin Land Protection Association v. Schlesinger*, 643 F.2d 585, 592 (9th Cir. 1981), citing *Trout Unlimited v. Morton*, 509 F.2d 1276, 1283 (9th Cir. 1974); *see Stop H-3*, 538 F.Supp. at 159 ("an EIS will be found to be adequate if it was prepared in good faith and contains a reasonably thorough discussion of the significant aspects of the probable environmental consequences"). "[W]hether or not the parties disagree, or even whether there is authority which conflicts with the agency's

decision is not the yardstick by which the sufficiency of an EIS is measured. Rather it is whether the EIS as prepared permitted informed decision making by the agency." *Obayashi*, 81 Haw. at 181-82, 914 P.2d at 1374-75.

The *Obayashi* court noted that "neither HRS Chapter 343 nor the administrative rules of Chapter 200 indicate the level of detail or specificity that should be included on any given subject." *Id.* at 183, 914 P.2d at 1376. The court went on to state that "[t]he statute and rules were designed to give latitude to the accepting agency as to the content of each EIS. Thus, what is required in one EIS may not be required in another, based upon the circumstances presented by the particular project." *Id.*

The *Obayashi* court adopted the Ninth Circuit Court of Appeal's determination that the court's role in determining the adequacy of an EIS is narrowly limited to whether the statutory procedural requirements were met and whether the EIS "performs its primary task of presenting the decision-making with an environmentally-informed choice." *Id.* at 182, n. 12, 914 P.2d at 1376, n. 12; quoting *Stop H-3* at 159. The *Obayashi* court agreed with the *Stop H-3* ruling that a court's role in evaluating whether an EIS complies with statutory requirements is **very narrow**, and that the court "does not wish to substitute its judgment for that of an agency within the executive branch of government, specifically, the Department of General Planning." *Id.* The *Obayashi* court adopted the *Stop H-3* court's reasoning that:

> A court is not to substitute its judgment for that of the agency as to the environmental consequences of its actions. Rather, the court must ensure that the agency has taken a "hard look" at environmental factors.
>
> If the agency has follows the proper procedures, its action will only be set aside if the court finds the action to be "arbitrary and capricious," given the known environmental consequences."
>
> The court should not be used as a quasi-legislative or quasi-executive forum by those who are dissatisfied with policy decisions made by governing bodies. The environmental laws were neither meant to be used as a "crutch" for chronic fault-finding, nor as a means of delaying the implementation of properly approved projects.

Id. at 182-83, n.12, 914 P.2d at 1375, n.12; *see Columbia Basin*, 643 F.2d at 595 ("[T]he test of EIS adequacy is pragmatic and the document will be examined to see if there has been a good faith attempt to identify and to discuss all foreseeable environmental consequences, but we shall not 'fly speck' these documents") (internal citation omitted).

Maui Land & Pineapple Company, Inc.'s EIS. As noted in ML&P's pleadings[1], the EIS, which consisted of more than 700 pages and contained 11 technical reports provided adequate information for analyzing potential environmental impacts, and set forth sufficient detailed information to allow the decision-makers to process the requested approval for Phase I of the Project District and for a Change of Zone. ML&P subsequently responded to each of Plaintiff's criticisms and identified specific provisions of the EIS which addressed those issues. The EIS itself and ML&P's subsequent responses to Plaintiff's concerns must have been sufficient to adequately disclose facts to enable the decision-making body to consider the relevant environmental factors and render an informed decision.

IV. Project Description

A. Project Features. Your listing of project features is generally consistent with the project description of the R-DEIS. No determination has been made towards the type of multi-family/senior housing that will be constructed. The shopping center will have approximately 112,000 sf of retail and service business space. More than 10 acres of the site will be open space and park.

B. Expanded Project Description. The project description, accompanying plans and perspectives contained in the DEIS (Section 3.0) are sufficiently detailed to process the environmental review and its trigger, the Community Plan Amendment. They provide adequate information for analyzing potential impacts as required by the Amendment process. This determination was made by Maui County Planning Department, through preliminary discussions of the project. The R-DEIS also provides sufficient detailed information to process Phase I of the Project District approval and Change in Zoning requested of the County. Subsequent Phase II and III stages will require a greater level of site planning and design detail. Individual building design plans will be reviewed at the appropriate stage of the County design review processes prior to their construction.

We added site perspectives and elevations to the R-DEIS to provide greater information on the project elements for the benefit of all reviewers. The expanded information on the building design specifics is not required at this point, and will be provided at the appropriate stage of the County land use approval process. The current level of design information is adequate for the subject engineering studies, which properly examined the potential impacts of the project.

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[1] *See* Defendant Maui Land & Pineapple Company, Inc.'s Memorandum in Support of Motion for Summary Judgment filed on November 8, 2002, at pp. 15-18 and Defendant Maui Land & Pineapple Company, Inc.'s Supplemental Memorandum in Support of Its Motion for Summary Judgment filed on December 31, 2002, at pp. 7-8.

V. Resources of Statewide Importance

A. Agricultural Lands. The State Land Use District reclassification of lands from Agricultural to Urban that this project requires is consistent with other projects considered for such amendments by the State Land Use Commission.

In reference to the land's agricultural classification, this parcel is no longer in agricultural production. Due to the construction of Pukalani Bypass Highway, Maui Land & Pineapple Company, Inc. has deemed the land inefficient for further agricultural use by its operations in the area. In its Upcountry Town Center DEIS comment letter dated June 21, 2002, the State Department of Agriculture (DOA) recognizes that "the effect that highway construction has on the apparent utility of agricultural lands that are 'orphaned' from the larger parcel has been seen elsewhere on Maui, such as along Honoapiilani Highway, north of Lahaina."

The Agricultural study (Plasch; Appendix G) presents a comprehensive analysis of the impacts the project will have on the site and region's agriculture. The study provides a complete discussion of the proposed reclassification of these agricultural lands. In summary, the project will not conflict with the major thrust of the plantation-agriculture portions or the diversified agriculture portions of State Plans. The completeness of the information contained in Appendix G is verified by the DEIS comment letter from the State DOA dated June 21, 2002: "The information contained in the document describing the agricultural activities and resources and the impact the project will have on them appear to be complete."

Agricultural Soils. As indicated in Appendix G, in 1972, the UH Land Study Bureau (LSB) developed the Overall Productivity Rating, which classifies soils according to five levels, with A representing the class of highest productivity and E the lowest. All of the soils in the Project site are rated C on the LSB map, but the rating reflects the fact that the land was not irrigated when it was evaluated in 1972. With irrigation, which is now the case, all of the land would be rated A. Technically, all of the soils in the Project site are rated C, not A. Thus, these lands are not classified by the LSB as being among the best agricultural land in the State of Hawai'i.

Supply of Agricultural Land. A more detailed study of the changes over time of the supply of agricultural land by soil rating and availability would reinforce the findings in the Ag Report (Appendix G). However, the information needed to conduct such a study is not reasonably available, since the needed time-series data have never been collected.

Instead, cropland is used in the Ag Report as the proxy for the higher quality land on Maui since (1) adequate data does exist and (2) historically the best agricultural land in Hawai'i was used for plantation agriculture and for diversified crops. Much of the plantation land (i.e., the higher-quality land) is now available for diversified crops.

The relevant issue, as addressed in the Ag Report, is the availability of land to accommodate plantation agriculture and the growth of diversified agriculture. The relevant findings are in Appendix G (p. 12, 13). The Project will commit about 31 acres of good agricultural land to a non-agricultural use. However, this commitment will not adversely affect the growth of diversified agriculture.

Ample land is available for diversified agriculture. A vast amount of land has been released from plantation agriculture (over 217,900 acres since 1968), and this release of land has far outpaced the demand for land for diversified crops (an increase of about 38,500 acres over this same period). While some of the released land has been converted or is scheduled to be converted to non-agricultural uses, most of it remains available for diversified crops. Thus, ample land is available on Maui ... and other islands to accommodate the growth of diversified agriculture.

Land is not the limiting factor to the growth of diversified agriculture. Consistent with the above, the limiting factor to the growth of diversified agriculture is *not* the *land supply,* but rather the *size of the market* for crops that can be grown *profitably* in Hawai'i. These findings apply directly to Maui. Since 1979, the contraction and eventual closure of Wailuku Sugar Co. and Pioneer Mill released about 13,500 acres, including 6,000+ acres released in 1999.

With regard to the Project, it will involve the loss of far too little good agricultural [about 31 acres] land to adversely affect the availability of land to farmers on Maui or in other parts of the State, or to adversely affect the growth of diversified agriculture in Hawai'i.

<u>Withdrawal of 31 acres from pineapple cultivation Will Have No Impact Upon ML&P's Agricultural Operations.</u> The withdrawal of 31 acres from pineapple cultivation will not have an adverse impact upon Maui Land & Pineapple Company, Inc.'s (ML&P) agricultural operations. ML&P, through its subsidiary, Maui Pineapple Company, remains committed to continuing agricultural activities on Maui. In fact, the development of the Upcountry Town Center will enhance the long-term viability of agricultural operations by adding to the profitability of ML&P, enabling it to support Maui Pineapple Company's agricultural operations during lean years.

ML&P owns approximately 28,000 acres of land on Maui, including approximately 16,000 acres within the State Agriculture District, 11,000 acres within the Conservation District, 40 acres within the Urban District, and approximately 950 acres within the Kapalua Resort (which includes 3 golf courses) with various designations. Over the past 35 years, ML&P has developed roughly 1650 acres of land (this amount includes about 830 acres of golf courses). Maui Pineapple Company currently farms about 10,240 gross acres of land on Maui (which includes leased lands).

ML&P has demonstrated a significant on-going commitment to agricultural production, with its 10,240 acres in agriculture.

Furthermore, in order to increase the viability of its pineapple operations, an emphasis is being placed on fresh whole pineapple and related products (which carry higher margins) as opposed to canned pineapple. The total number of acres under pineapple cultivation is being decreased in light of the reduced canned output. Therefore, the loss of 31 acres of pineapple fields will have no impact on agricultural operations.

Moreover, the 31 acres were released from cultivation because of its particular circumstances which made it costly to cultivate. As a relatively small remnant field cut off by the creation of the Pukalani Bypass Highway, significant additional costs rendered the field undesireable—it has difficult access by farm equipment and higher

risk of accidents and liability (mud on highway, etc.). In addition, its close proximity to existing residential and commercial properties create more risks of liability for nuisance type claims from adjacent neighbors and the public. The other field cutoff by the creation Pukalani Bypass has similarly been removed from cultivation.

The company has made a commitment to continue agriculture in one form or another. It has explored diversified agriculture, including new crops such as asparagus, papaya, lychee, rambutan, longan, mandarin orange, organic pineapple and kawa. In addition, the company is looking into leasing out portions of its lands to third parties for various agricultural activities.

Given the long-term commitment to agriculture, it is still appropriate and essential that ML&P be diversified in other non-agricultural operations. Many other agricultural companies in Hawaii that failed to diversify were unable to continue in the increasingly competitive agricultural products market. Foreign competitors with lower labor and transportation costs have made it extremely difficult for Hawaii farmers to survive. The development of Upcountry Town Center will not diminish ML&P's long-term commitment toward agricultural enterprise. Rather, profits from development projects such as the Upcountry Town Center will help to keep one of Hawaii's last remaining pineapple operations viable.

Remnant Field. With regard to the remnant field comment, as noted on page 9 of the Ag Report, the comments regarding difficult access apply only to pineapple operations. Compared to other fields of Hali'imaile Plantation, the 31-acre field within the Project area has good agronomic conditions, but it is expensive to farm because it is a small remnant field. When the Pukalani Bypass Highway was constructed in 1994, this field was severed from other, formerly contiguous fields, thereby restricting movement within the plantation and requiring workers to cross the highway with their farm equipment in order to work this small remnant field.

Because the subject field is small and expensive to farm, it was scheduled to be withdrawn from production at the end of the 2001 crop cycle, regardless of

whether or not the Project was to proceed. Since the Ag Report was first written, Maui Pine no longer cultivates this field. The original and current information are based on discussions with Maui Pine.

State Constitution, State & County Plans and Policies. As noted above, the project area has class C soils, not class A soils. More to the point, this comment is addressed on pp. 14 & 15 of the Ag Report, relevant portions of which follow.

The *Hawai'i State Constitution* [and State and County plans] call directly or implicitly for preserving the economic viability of plantation agriculture and promoting the growth of diversified agriculture. To accomplish this, an adequate supply of agriculturally suitable lands and water must be assured.

With regard to plantation agriculture, Maui Pine is downsizing its plantation in response to global economic forces and trends and to capitalize on its competitive advantages). Because of this scheduled downsizing, which includes the withdrawal of the fields at the Project site, Maui Pine will retain sufficient land and water to meet its lowered production targets. Thus, the Project will have no adverse impact on the economic viability of plantation agriculture.

With regard to diversified agriculture, the Project will reduce the availability of agricultural land by a small amount. However, because of the vast amount of land that has been released from plantation agriculture since the late 1960s, ample agricultural land is available on Maui, O'ahu, and other islands to accommodate the growth of diversified agriculture.

Regarding policies "...to preserve and protect agricultural lands," discussions in the "Agriculture" portion of the *State Functional Plan* recognize that redesignation of lands from Agriculture to Urban should be allowed "... upon a demonstrated change in economic or social conditions, and where the requested redesignation will provide greater benefits to the general public than its retention in ..." agriculture; that is, when an "overriding public interest exists." The enormous contraction in plantation agriculture—resulting in the supply of agricultural land far exceeding demand—constitutes a major change in economic and social conditions. Furthermore, the proposed Project will provide benefits that exceed those provided by current pineapple operations by a factor of several hundred.

In summary, the Project will not conflict with the major thrust of the plantation-agriculture portions or the diversified-agriculture portions of State plans or County plans.

The *Hawai'i State Constitution*, the *Hawai'i State Plan*, the *State Agriculture Functional Plan*, the *County of Maui General Plan 1990*, and the County's *Makawao-Pukalani-Kula Community Plan* call directly or implicitly for preserving the economic viability of plantation agriculture and promoting the growth of diversified agriculture. To accomplish this, an adequate supply of agriculturally suitable lands and water must be assured.

Thus, the central issue is to ensure an adequate supply of suitable land and water to accommodate the growth of agriculture. The issue is not preservation of agricultural land regardless of need and regardless of foregone benefits.

Furthermore, the Project lands fail the legal test for the "... highest priority for retention in the agricultural district." And even if these lands did pass the legal test, designation as "highest priority for retention in the agricultural district" would not preclude their redesignation if there were overriding public benefits.

Other Potential Crops. As cited in the Ag Report, several crops could be grown at the site include a variety of vegetables, herbs, and foliage and nursery products (i.e., crops typical of lower-elevation Kula). Such crops include, but are not limited to: bananas, carrots, cauliflower, Chinese cabbage, Kula onions, lettuce, papaya, strawberries, tomatoes, carnations, chrysanthemums, and protea. The planned demonstration gardens at Maui Fresh may contain some of these crops.

Criteria for Retaining Lands in Agriculture. As noted on page 3 of the Ag Report, all or nearly all of the soils in the Project site are rated Prime. But as noted above, these lands are rated class C under the LSB System, not class A. In any case, these lands pass Criteria A mentioned above since they are classified as ALISH. But the lands fail Criteria B (i.e., "Lands not classified by the ALISH system ...") since these two criteria are mutually exclusive. Further, these lands fail Criteria C since they are surrounded by roads and thus do not "... have 75% of their boundaries contiguous to lands with in the agricultural district."

Since these lands pass only one of the three criteria, not two, they do not qualify for the "... highest priority for retention in the agricultural district." Even if these lands did satisfy two of the three criteria, designation as "highest priority for retention in the agricultural district" would not preclude their redesignation. Based on the guidance in the "Agriculture" portion of the State Functional Plan, redesignation would be justified based "... upon a demonstrated change in economic or social conditions, and where the requested redesignation will provide greater benefits to the general public than its retention in ..." agriculture; that is, when an "overriding public interest exists."

The enormous contraction in plantation agriculture—resulting in the supply of agricultural land far exceeding demand—constitutes a major change in economic and social conditions. Furthermore, the proposed Project will provide benefits that far exceed those provided by agriculture.

As noted previously, the LSB rating is class C, not class A. More to the point, the County Council can amend the Community Plan, reclassify the land, and rezone it if it judges that the Project will provide sufficient benefits to the community.

B. Change of Zone. The landowner has filed applications with the Maui County Planning Department for Community Plan Amendment, Change of Zone and Project District Approval. The Planning Department has deemed that the requirements for application content have been met, and each of these requests

will be reviewed on its own merit. Applications for rezoning of agricultural lands on Maui have been approved for those projects that meet the requirements of the County Planning Department, Planning Commission and County Council.

The subject property is no longer in agricultural use. The conversion of this land to urban use will not reduce the viability of the important agricultural lands in the Pukalani area. Other lands in the vicinity of the King Kekaulike High School remain in agricultural use. Open space buffers within the Town Center project continue to respect the school setting.

C. Open Space and Rural Resources. The Upcountry Town Center is designed to minimize the effects of the project on visual resources through maintaining views through open space buffers and providing design guidelines to direct the design and construction of unobtrusive structures. Over 10 acres of open space will be provided to enhance the visual setting of the project and retain the rural Upcountry Maui character. The project will be consistent with the Maui County - Country Town Design Guidelines.

D. Historic & Cultural Resources. The R-DEIS provides both a cultural impact assessment (Appendix E) and an archaeological impact assessment (Appendix D). Both of these studies address the Corn Mill Camp area of the project site and potential impacts. In addition, the recommendations of the Maui County Cultural Resources Commission have been implemented to the extent feasible. A structural survey and an architectural history of the Corn Mill Camp structures have been completed (Vorfeld, Appendix M; Neiss & Duensing, Appendix N). These studies provide documentation of these structures' historical and cultural significance. The R-DEIS states that "Plans to integrate at least one of the existing agricultural warehouse buildings into the project will preserve significant reminders of the project area's agricultural past" (Section 6.2.7).

The R-DEIS and conceptual plans for Upcountry Town Center reflect the intention of reusing one or two of the structures. Wai Ulu Farms has expressed an interest in occupying the larger steel-framed building closest to the highway. One of the other wooden framed buildings could be considered for adaptive reuse, however, this would incur costly retrofitting of the structure to meet construction code, based on the findings of a structural study by Vorfeld (Appendix M). The decision on adaptive reuse of the structures will be addressed in more specific terms during the design phase of the Project District approval process.

VI. M akawao-Pukalani-Kula Community Plan. The Makawao-Pukalani-Kula Community Plan was developed approximately 11 years ago, and substantial population growth has occurred in the Upcountry Maui area since its approval. This trend is anticipated to continue for coming years (See Appendix A of the R-DEIS, pp. 46-50).

The Upcountry Town Center will require a Community Plan Amendment. Such an amendment is permissible under the Maui County Code. While this Amendment addresses the direct use of the land, we believe the intent of the Community Plan will be adhered to in the development of the "Country-town center" as described in the R-DEIS.

The previous request made by Maui Land & Pineapple Company, Inc. to classify the property "Business/Commercial" was withdrawn at the time of the Community Plan update because agreements with the appropriate tenants had yet to be secured. The parcel has always been considered appropriate for commercial development as proposed in the R-DEIS. Since 1995, the landowner has always maintained that Pukalani is the regional hub for the Upcountry area and that the project site is a logical site for commercial and other development that serves the growing needs of Upcountry residents. In addition, since the Community Plan update, tenants including Pukalani Superette and Maui Fresh have been identified and agricultural operation on the site has ceased.

A consistency analysis of the project and the objectives and policies of State and County plans, including the Makawao-Pukalani-Kula Community Plan, was completed as Section 5.0 of the R-DEIS. This analysis addressed view impacts as related to objectives and policies including the one you quote in your letter (p. 5-17 of the R-DEIS). In response to your concerns over loss of visual quality, the Upcountry Town Center is designed to minimize the effects of the project on visual resources through maintaining views through open space buffers and providing design guidelines to direct the design and construction of unobtrusive structures. Over 10 acres of open space will be provided to enhance the visual setting of the project and retain the Upcountry Maui character.

Many incorrect statements of law are contained in your letter. First, the objectives and statements in the Makawao-Pukalani-Kula Community Plan do not carry the force of law. Rather, the Makawao-Pukalani-Kula Community Plan is a planning document to be used as a guide for planning and developing land within its plan area:

> *The Makawao-Pukalani-Kula Community Plan, one of nine (9) Community Plans for Maui County, reflects current and anticipated conditions in the Makawao-Pukalani-Kula region and advances planning goals, objectives, policies and implementation considerations to guide decision-making in the region through the year 2010. The Makawao-Pukalani-Kula Community Plan provides specific recommendations to address the goals, objectives and policies contained in the General Plan, while recognizing the values and unique attributes of Makawao-Pukalani-Kula, in order to enhance the region's overall living environment.*
>
> *The Maui County General Plan, first adopted in 1980 and updated in 1990, sets forth goals, directions and strategies for meeting the long-term social, economic, environmental and land use needs of the County.*

Makawao-Pukalani-Kula Community Plan, p.1 (emphasis added).

The fact that the Makawao-Pukalani-Kula Community Plan is adopted by ordinance is irrelevant to the question of whether the statements in the community plan carry the force of law. In other words, the adoption of the community plan by the County Council simply means that said community plan is the duly adopted set of "goals, objectives, policies and implementation considerations to **guide** decision-making in the region." Id. (emphasis added). Much confusion on this issue has arisen due to the incorrect reading of the case of Gatri v. Blane, 88 Haw. 108, 962 P.2d 367 (1998). The Hawaii Supreme Court held in Gatri that the community plan designation of a parcel (e.g., Single Family Residential, Park, Open Space, Agriculture, etc.) must be consistent with the zoning of the parcel (e.g., Residential, Apartment, Hotel, etc.) for purposes of obtaining a Special Management Area (SMA) permit, since the SMA permit statute requires such consistency. Indeed, the court specifically stated that:

> *Where consistency of a proposed development is evaluated with respect to broad, hortatory policy statements in a general plan [which includes the community plan], it may be arbitrary and capricious to base a denial on the general plan statement because of their broad and non-specific nature.*

Id. at 114 (emphasis added).

Second, since the Petitioner seeks to amend the Makawao-Pukalani-Kula Community Plan, the argument that said community plan bars this development is illogical. It is conceded that the current community plan designation does not allow for the development sought by the petitioner. As such, the petitioner seeks the appropriate amendment of that community plan in order to allow the project to be developed.

VII. Alternatives.

The extent of the alternatives analysis for Upcountry Town Center has met the requirements of Chapter 343 HRS. In response to your previous comments (but without admission of its legal necessity) we have expanded the discussion of alternatives provided as Section 7.0 of the R-DEIS. The alternatives examine deviations to the proposed project given its unique location of this parcel, the timing of the development, agricultural feasibility and market drivers. Further analysis includes the study of other potential location is for the project. This section of the R-DEIS meets the requirements for preparation of an alternatives analysis with no comments to the contrary from either Maui County or State review authorities.

The alternatives analysis is further expanded in the R-FEIS to present additional information on the postponing action. There is no reason to delay action on the Upcountry Town Center due to the Kulamalu development, as that project never materialized. It was originally conceived as a Country-style commercial center

project, as presented in the Community Plan process in the mid-1990's. The plans for Kulamalu and physical build-out are quite different from the original concept. The current Kulamalu development has become a commercial/industrial lot subdivision, as evidenced by the recent lot sales and new facility construction. In contrast, Upcountry Town Center represents the most appropriate location for a centralized rural-character commercial center that will best serve all Upcountry residents, and this preference was repeatedly cited by local residents in community meetings.

In terms of agricultural soils, there are remote properties owned by Maui Land & Pineapple Company, Inc. with LSB D-rated and E-rated soils that could be suggested as alternate sites. However, this analysis is not relevant to the discussion of alternatives for the Upcountry Town Center. This new Center can only be located at a site that will properly serve the Upcountry residents, and this fact significantly limits the possible sites for development. It would be illogical to suggest the development of a needed regional commercial center somewhere off the main roadway network, or on gulch lands that have steep slopes (D/E lands). The reason this site is ideal for the community is due to its proximity to Pukalani residents as well as its position at the cross-roads of the major circulation routes serving Upcountry residents.

Refer to this R-FEIS Section 7.0 for the latest updates to the Alternatives analysis.

VIII. Water Source Analysis

The R-DEIS clearly identifies the new proposed water source location at Piiholo, and the full range of analysis was provided, consistent with the State EIS Rules and OEQC guidelines for New Water Well Development Projects. There is no segmentation of actions, as we clearly include full disclosure and analysis of the new proposed well site, including a hydrological assessment by Tom Nance Water Resource Engineering (Appendix H), and an archaeological and cultural assessment by Jeffrey Panteleo (Appendix O). Biological assessment, watershed and land use analysis are included in Sections 4 and 6 of the R-FEIS. Multiple maps and photographs are provided to describe the location of the new well in the R-DEIS Section 1 and 4, and Appendices H and O.

In addition, your comment letter incorrectly states that new transmission lines from the well to the project are needed. There are existing County water lines that will connect the county water system to the project. The new well will simply provide additional source water to that system. See Appendix I, p. 6.

IX. Hazardous Materials

In 2001, Maui Land & Pineapple Company, Inc. began a process of full disclosure on the finding of pesticide contaminations in soils in an area of Corn Mill Camp that was formerly used for pesticides mixing. The landowners began working directly with the State Department of Health in a Voluntary Remediation

Program. The extent of contamination has been fully determined, remediation will be conducted, and there is no risk to human health presently or in the future.

A June 2001 study by Clayton Group Services (Appendix L) was included in the FEIS (August 2002), the R-DEIS and the current R-FEIS. In addition, the current R-FEIS includes a December 2001 study (Appendix P) that delineated the vertical and lateral extent of contamination to the State Department of Health's Tier 1 Soil Action Levels (SALs) and the Environmental Protection Agency's Preliminary Remediation Goals (PRGs) (i.e., the scope of the investigation extended outward and down until soil samples showed levels of contamination below the SALs and PRGs). The extent of pesticide contamination was found to be limited to the immediate area around the existing Corn Mill Camp buildings and not deeper than five feet below grade surface (Section 4.4.4 of the R-FEIS). OEQC recently published information in the September 8, 2003

Environmental Notice when it was provided notice from the DOH regarding the Voluntary Response Program initiated by Maui Land & Pineapple Company, Inc. in 2001. The Pukalani Community Association and State Department of Health were notified immediately after the initial findings were made in 2001. Clayton's June 2001 report has been reported openly to the public three times in the EIS document published during the past two years. Maui Land & Pineapple Company, Inc. has been fully responsible in dealing with this matter. Your misrepresentation of the facts is extremely irresponsible.

X. Infrastructure

The project wastewater system and potential impacts relating to wastewater and drainage are included in the R-DEIS. State and County regulatory review agencies responsible for the evaluation of wastewater and drainage aspects of the R-DEIS have not objected to the project information provided at this stage in the review process.

Appendix I includes a discussion of wastewater supply, demand, treatment, disposal and potential impacts. This includes conceptual sewer system plans (Figure 3.4 and 3.5) and a summary of storm volumes and runoff rates. Appendix H provides a discussion of the proposed wastewater supply and treatment process in relation to groundwater impacts. These findings are summarized in the body of the R-DEIS in Sections 3.6.3, 4.9, 6.1.1, 6.1.3, 6.2.5 and 6.2.15.

R-DEIS Appendix I also provides a discussion of drainage supply, demand and impacts. This includes a description of the existing infrastructure (Section III-D), proposed infrastructure improvements (Section IV-E) and an onsite drainage system concept (Figure 3.4). This information is summarized in the body of the R-DEIS in Figure 3-5 and Sections 3.6, 4.7 and 6.2.4.

XI. Market Study & Socio-Economics

The Kulamalu development is analyzed and given full and proper consideration throughout the market analysis (Appendix A of the R-DEIS). The Kulamalu development provides one external source of competition with Upcountry Town Center. Consistent with the market study (Appendix A of the R-DEIS), the market for these two proposed projects is strong and the data indicate that Upcountry Town Center will be a very successful center. An unbiased consideration of commercial market factors in the Upcountry Maui region clearly indicates a comparatively superior location for a commercial center at the Pukalani triangle site. The site provides much greater accessibility to.services for all Upcountry residents, and will be better integrated with the existing urban-developed community. Further, the demand for products and services in the Upcountry region has grown substantially since both projects were first proposed in the mid-1990's. The Kulamalu development has not emerged to serve the area's growing demand, and will not adequately support the future demand due to a combination of its sub-optimal location and its limited product and service offerings.

The Kulumalu Town Center project has moved forward significantly since the initial Market study (July 2001.) The development has been well-received by the market, the type of proposed uses and timing has more clearly defined, and its probable relationship with the proposed Upcountry Town Center can now be reasonably assessed.

Market Acceptance. According to realtors handling sales, virtually all of the lots made available by the developer have been reserved; with only the topographically-challenged parcel at the entry to the project still listed for sale. The absorption speed and pricing bespeak of the general market strength on Maui and specific upcountry demand for business/commercial-oriented building lots. Demand was particularly high for the smaller parcels among the 19 lots, which have an overall size range of one-half to 2.5 acres, with rapid sell-out and remaining interest in the product type. Selling prices have ranged from $515,000 to $1,600,000.

Probable Uses and Development Timing. Completion of the subdivision infrastructure and initial lot closings are anticipated for early 2004. Numerous purchasers have announced site development plans, and anticipate beginning construction shortly thereafter. At least one purchaser/builder is already offering space in a proposed multi-tenant office building. Among the currently envisioned uses are: Institute for Astronomy, Medical (Physician Offices), Fitness Club, Office Building(s), and a Skilled Nursing Facility.

An entertainment complex and several business-oriented uses are also being considered for the project. At present, there is no retail being proposed outside of a possible small market (near mini-mart size at only 10,000 square feet), and there are no restaurants as yet, and no automotive-oriented uses will be permitted. Given the market response and proposed development to date, it is

likely Kulamalu will achieve its anticipated absorption and build-out timeframe, with substantial levels of completed floor space by 2005-06.

Relationship to the Upcountry Town Center. With Kulamalu moving forward as anticipated, its relationship with the proposed subject project can be better assessed.

First, the timing of Kulamalu Town Center fits in well-with the timing of the Upcountry Town Center. Kulamalu is helping meet some currently unmet community demands, but will be effectively built-out by the time the subject product comes on-line in three to four years.

Second, the currently envisioned uses at Kulamalu will not address all sectors of commercial land use demands in Upcountry. The project will have no meaningful retail or light (cottage) industrial uses; for which there is acute demand in the community. By 2005, the unmet demand for retail/service floor space in the study area will total (mid-point) some 76,000 square feet, for light industrial space the demand will be some 146,000 square feet. While Kulumalu will help meet regional needs for business/office and some other use types, it will not fully satiate demand in any single category apart (perhaps) from the entertainment/recreation sector. There will still remain unmet demand for senior housing and services, medical and clinic space, and office/business uses.

Third, the two projects will not be in direct competition for major use types. The driving components of the Upcountry Town Center are the retail and cottage industrial uses, which are not represented at Kulamalu. Conversely, business/office and entertainment uses which are expected to comprise much of the Kulamalu development are not significant components of Upcountry Town Center.

Fourth, the competitive location and attributes of the Upcountry Town Center site continue to be superior to Kulamalu for most uses. There are many retail/commercial users which would not consider the Kulamalu frontage, access, lay-out and lot size to be amenable to their business, and would not go to Upcountry at that location. The subject will provide the characteristics necessary to support these uses. Further, Kulamalu is not in a position to exploit tourist traffic to Haleakala summit, thus the potential positive impacts on the Upcountry economy from this massive flow of potential consumers is lost.

Fifth, the "Maui Fresh" concept, featuring made-in-Maui products and goods, which is proposed by ML&P for a portion of the Upcountry site, is not a feasible option for Kulamalu due to location, access, size and price issues. Without the Upcountry Town Center, this opportunity for local farmers and artisans to have a place to sell goods and access the visitor stream will not be actualized.

Given the above discussion, there is no reason for deferring the development of Upcountry Town Center due to the presence of the Kulamalu project. From a demand perspective, both can co-exist in a vibrant Upcountry setting with

carefully planned improvements that will enhance the quality of life for Upcountry residents.

XII. Traffic

Traffic associated with the Upcountry Town Center has been studied by Parsons Brinckerhoff with consideration of the Community Plan objectives. The *Traffic Impact Assessment Study, Upcountry Town Center, Pukalani, Maui, Hawaii* (Appendix B of the DEIS) estimated project-related traffic and background traffic growth in a manner consistent with traffic studies of similar scope conducted in Maui County. Project-generated traffic utilized rates and equations documented in the Institute of transportation Engineers publication, Trip Generation, 6th Edition, which is an accepted reference in Maui County and the State of Hawaii. Background traffic growth was estimated through a factoring process based on historical trends for roadways in the area, which is an accepted method for traffic studies of this scope. The AM and PM commuter peak hours were used as the analysis time periods so that the worst-case operational conditions were evaluated.

The proposed access on the Pukalani Bypass Highway will be a right-in/right-out only access, which will minimize its impacts to traffic flow. A deceleration lane is proposed for the right-turn entry to further minimize impacts to traffic on Pukalani Bypass Highway. Projected Year 2006 level of service for the right-turn exit is good, LOS B for both AM and PM peak hours. The proposed right-in/right-out access would also reduce the amount of traffic at the Pukalani Bypass/Makawao Avenue and the Pukalani Bypass Highway/Old Haleakala Highway intersections. It would be especially beneficial in reducing the right turns from Pukalani Bypass Highway into southbound Makawao Avenue.

As always, the plans for traffic improvements surrounding the site are subject to State DOT or Maui County Department of Public Works and Waste Management review. Of note, the State DOT issued a letter on October 1, 2002, which stated that they have no objection to the proposed ingress/egress at Pukalani Bypass Highway. This letter was enclosed in the July 2003 R-DEIS and this document.

Section 6.3 of the DEIS provides a summation of probable impacts identified throughout Section 6.0, potential secondary impacts and interrelationships that may result from the project.

XIV. Unavoidable Effects

As required under the EIS Rules, Section 6.3 of the DEIS provides a summation of probable impacts identified throughout Section 6.0, potential secondary impacts and interrelationships that may result from the project. This section includes: 6.3.1 Interrelationships and cumulative environmental impacts; 6.3.2 Potential secondary effects; 6.3.3 Relationship between short-term uses of the

environment and the maintenance and enhancement of long-term productivity; 6.3.4 Irreversible and irretrievable commitments of resources; and 6.3.5 Adverse environmental effects that cannot be avoided. The findings of the analysis under this section do not indicate significant unavoidable effects. With implementation of the mitigation measures proposed, the proposed project will have minimal unavoidable effects that are largely outweighed by the substantial benefits which will result from proceeding with the project.

XV. Assembling data and conducting studies and tests - The Upcountry Town Center R-DEIS is a compilation of 15 individual studies representing a broad range of environmental study. These, along with community involvement during each stage of the planning process, have provided the project with a varied and "responsible" set of studies and tests as required for preparation of a R-DEIS. The extensive body of information compiled in the R-DEIS, including several additional studies commissioned at the request of the community, provide reviewers the in-depth studies and tests needed to fully assess the project.

XVI. Other Comments

Reponses are provided in the R-FEIS to the written comments received from various agencies, organizations and individuals. Please refer to the comment and response section of this R-FEIS, in Section 10.

XVII. Adequacy

The acceptance of this document by the State Land Use Commission will be based on a determination under the EIS Rules. We do not agree with your assessment of meeting the tests of acceptance. This document meets the requirements of the EIS rules, and addresses the comments of the reviewing agencies and the broader community.

Your letter and this response will be included in the Final EIS.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner

September 16, 2003

Jeffrey H. Overton, Chief Environmental Planner
Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, HI 96813-4307

Dear Mr. Overton:

Subject: Upcountry Town Center (UTC) , Pukalani, Maui
Revised Draft Environment Impact Statement(R-DEIS)

My name is Hari Ajmani and I live at 28 Kaui Place in Kula, Maui. I am a member of the board of Kula Community Association, however my comments included in this letter are strictly on my own behalf as a concerned citizen.

UTC appears to be another massive project being thrust upon the rural upcountry area which is likely to change the character of the surrounding communities. The area does not need a commercial area of this magnitude at this time and the project seems to be a brainchild of few people (mainly the construction/development businesses) who will be immediate and short-term financial beneficiaries of the process. Please note that the existing main shopping center in Pukalani, the "Pukalani Terrace" has had a long history of unprofitable operations with several businesses opening and shutting down over the last several years. The new Kulamalu Town Center is also having difficulty attracting new businesses and has not been leased out as yet.

The way the R-DEIS is prepared, it is apparent that conclusions were reached first and then the massive report was created to justify the conclusions. Several assumptions made to create the report are invalid in a number of instances and do not take all the facts into account. Furthermore, no sensitivity analysis for the assumptions is made, which may tell the public what happens if the assumptions regarding traffic, employment, business growth etc. do not turn out to be as rosy as the report contends. I would like the R-DEIS to include what happens to its conclusions if the quantitative assumptions made are in error by 10%, both up or down. Specifically, the adverse impact of the massive development are minimized or glossed over in the R-DEIS while the benefits are exaggerated and emphasized.

My main concern is that this unneeded project will become a financial liability for the developer/owner. Who will then subject the community to either accept a half completed eyesore, ask the county to give him indefinite time or would insist that he should be allowed to change the building/usage plans without the full benefit of an environment impact study and public review process. Meanwhile the serene rural ambiance of the

neighborhood will be lost forever. Therefore, I would like to notify you and other consultants and the owner that all of you need to be absolutely honest and sure and certain of your assumptions, studies and other criteria that you are using to justify this project. I and the impacted communities will hold each of you personally responsible and liable, should the project's impact not match the outcomes contained in this R-DEIS with the actual facts, after the completion of the project.

The R-DEIS proposes a right turn in and out from the Pukalani Bypass to the new development. You have been specifically warned of the danger it may cause in the previous public hearings. However you have continued to keep it in your proposed plans. The excuse being that the State Department of Transportation has not objected to it. I would like to point out that the State Department of Transportation did not find it necessary to put traffic lights at the major intersections of this Bypass. It was only after several accidents that the lights were added. The "Maui Fresh" business that is slated to be accessible from the Bypass is a tourist related business. The travel pattern of most tourists is that they go to Haleakala in the morning, before any business is open and then may like to make their fresh produce purchases on the way back to their hotels. This means that they will either illegally cross the highway to enter the business or will make dangerous U-turns at Makawao Avenue. I just want to make you aware that you have been duly informed of the danger. If you decide not to prudently account for it in the new design, you may be held liable for any loss this may cause.

Should you have any questions on this or would like to seek clarifications, please feel free to call me.

Yours truly,

Hari Ajmani

Hari Ajmani
28 Kaui Place
Kula, HI 96790

(808) 878-3702

CC. Mayor Alan Arakawa
State Land Use Commission

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October 10, 2003

Mr. Hari Ajmani
28 Kaui Place
Kula, HI 96790

Subject: Upcountry Town Center, Pukalani, Maui
Response to Revised Draft EIS (R-DEIS) Comment Letter

Dear Mr. Ajmani:

Thank you for your letter of September 16, 2003 regarding your review of the Revised Draft Environmental Impact Statement for the Upcountry Town Center project. The following responses are offered to each of your comments.

1. Community

Upcountry Town Center is planned to be very compatible with the surrounding community character of Pukalani. After many years of planning, this project is coming forward with the support of the Pukalani community. The project is planned in a manner that is consistent with planning and design guidelines for Country Towns on Maui. The success of Upcountry Town Center is not directly related to the existing Pukalani Terrace or Kulamalu development. The demand for products and services in the Upcountry region has grown substantially since both the Pukalani and Kulamalu projects were first proposed in the mid-1990's. An unbiased consideration of commercial market factors in the Upcountry Maui region clearly indicates a comparatively superior location for a commercial center at the Pukalani triangle site. We believe that this project will appropriately serve the interests of both the community and the landowner.

2. Assessment Conclusions

The R-FEIS is a compilation of technical studies, planning summaries and analysis prepared by a team of professional planners, engineers and scientists. Several studies are detailed quantitative studies, such as the traffic and engineering studies. These reports are reviewed by several State and County agencies that are responsible for commenting on the acceptability of the study methods and results. We have received no contradictory comments from these agencies. Further, the EIS studies can never claim to perfectly predict the future conditions. The studies are intended to disclose the known existing conditions and the anticipated future levels of traffic, market demand, etc. The growth of Upcountry communities in the past decade is known, and much of the resident's demand for good and services is being met by establishments in Kahului.

As to your claim that several assumptions in the R-DEIS are invalid, we are unable to respond to your comment since you do not provide any specificity as to what you are referring to.

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3. Project Completion

The completion of all the project elements is currently estimated at sometime in 2006. There is no plan to build an unattractive or incomplete shopping center or residential area, as this would provide little benefit to either the community, landowner or businesses. Importantly, the project has an essential country-style rural character that is intended to enhance the Upcountry community. Commercial development in Pukalani has been an unplanned strip of individual projects that have no consistent character or quality. This project represents an opportunity to provide many of the essential goods and services in a single well-planned project that fits the scale of the community. Upcountry Town Center is one way to protect Pukalani and other nearby areas from adding spot commercial projects, and thus growing in an uncontrolled manner.

4. Ingress/Egress at Pukalani Bypass

Design of this right-turn in/out connection to the By-Pass Highway makes sense from a traffic planning standpoint. There will be a physical divider and extensive signs which will prohibit drivers from making left turns into the project at this location. The intersection with Makawao Avenue will allow visiting tourists to make a left turn onto Makawao Avenue to access the project and Maui Fresh. U-turn movements are not currently allowed at the Makawao Avenue Intersection with the By-Pass. Tourists may also access the project and Maui Fresh via the Old Haleakala Highway access point.

We appreciate your interest in the project. Your letter and this response will be included in the Final EIS. We will forward you a copy of the Final EIS upon its completion.

Sincerely,

GROUP 70 INTERNATIONAL, INC.

Jeffrey H. Overton, AICP
Chief Environmental Planner