



LAW OFFICE OF
JENNIFER A. LIM LLLC



February 20, 2024

VIA ELECTRONIC MAIL & US MAIL:

daniel.e.orođenker@hawaii.gov

Daniel Orođenker, Executive Officer
Land Use Commission
State of Hawaii
State Office Tower
Leiopapa A Kamehameha Building
235 South Beretania Street, Suite 406
Honolulu, HI 96813

Re: Annual Report: Docket No. A97-721 (Makena Resort)

Dear Executive Officer Orođenker:

On behalf of the ATC Makena Entities (defined below), we hereby submit this Annual Report for Docket No. A97-721.

I. BACKGROUND

On February 19, 1998, the Land Use Commission of the State of Hawaii (the “**Commission**”) filed its *Findings of Fact, Conclusions of Law, and Decision and Order* (the “**1998 D&O**”), which reclassified 145.943 acres of land in Makena, island of Maui, state of Hawaii from the State Land Use Agricultural District into the State Land Use Urban District (hereinafter, the “**LUC Reclassified Property**”). The LUC Reclassified Property consists of six non-contiguous areas of various sizes, adjacent to, and largely surrounded by, pre-existing Urban District land. At that time, the LUC Reclassified Property was owned by Makena Resort Corp.

The ATC Entities, consisting of ATC Makena N Golf LLC, ATC Makena S Golf LLC, ATC Makena Land SF1 LLC, ATC Makena Land MF1 LLC, ATC Makena Land MF2 LLC, ATC Makena Land MF3 LLC, ATC Makena Land C1 LLC, ATC Makena Land U1 LLC, ATC Makena Land B1 LLC, ATC Makena Land MF4 LLC, ATC Makena Land SF2 LLC and ATC Makena Land AH1 LLC (collectively, the “**ATC Entities**”, together with ATC Makena Hotel LLC, the “**ATC Makena Entities**”), acquired portions of the LUC Reclassified Property, and other properties, by three Commissioner’s Deeds dated August 27, 2010. The three deeds are: (1) Document No. 2010-125618, which conveyed TMK No. (2) 2-1-005: 108; (2) Document No. 2010-125620, which conveyed TMK No. (2) 2-1-008: 090; and (3) Document No. 2010-125626, which conveyed TMK Nos. (2) 2-1-005: 086 (a portion of which is within the LUC Reclassified Property), and 125 (which is not within the LUC Reclassified Property).

The remaining portion of the LUC Reclassified Property (approximately 27.83 acres) is owned by H2R, LLC. Public records show that Hawaii Development LLC conveyed that property to H2R, LLC by deed recorded October 1, 2018. H2R, LLC is not affiliated with the ATC Makena Entities. The ATC Makena Entities never held title to the portion of the LUC Reclassified Property that is currently owned by H2R, LLC.

This Annual Report only covers those portions of the LUC Reclassified Property that are owned by the ATC Makena Entities, identified as TMK Nos.: (2) 2-1-005: 108 (por.), 2-1-008: 090 (por.), and 2-1-005: 086 (por.) (formerly TMK 2-1-007:004), collectively referred to herein as the “**Petition Area.**” This Annual Report does not address any properties owned by others, such as the portion of the Reclassified Property owned by H2R, LLC.

On August 27, 2012, the Commission filed an Order Granting With Modification Movant’s Motion for Sixth Amendment to the Findings of Fact, Conclusions of Law, and Decision and Order, Filed on February 19, 1998, and for Release of Certain Conditions (the “**2012 Amendment**”), through which the Commission released the ATC Makena Entities from Conditions 4, 15, and 21, and amended Conditions 12 and 22 (thereafter renumbered to 11 and 19). An Amended and Restated Declaration of Conditions was recorded in the Bureau on September 7, 2012, as Doc. No. A-46330782.

II. STATUS OF COMPLIANCE WITH LUC CONDITIONS

The following 19 conditions shown in italics are the conditions set forth in the 1998 D&O, as amended by the 2012 Amendment. ATC Makena Entities’ status of compliance is provided as a response after each condition.

- 1. Petitioner shall provide affordable housing opportunities for low, low-moderate, and gap group income residents of the State of Hawai’i in accordance with applicable laws, rules, and regulations of the County of Maui. The location and distribution of the affordable housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable between Petitioner and the County of Maui.*

Response: The ATC Makena Entities acknowledge that the Petition Area is subject to the provisions of this condition and will comply.

- 2. Petitioner shall coordinate with the County of Maui Board of Water Supply to incorporate the proposed project into the County Water Use and Development Plan for the area. Prior to the granting of the first discretionary permit for the single-family and multi-family residential development described in paragraph 20 of the Decision and Order or the hotel described in paragraph 21 of the Decision and Order and by or before one year from the issuance date of this Decision and Order,*

Petitioner shall furnish the Commission with a letter from the County of Maui Board of Water Supply confirming that (a) the potable water allocation that will be credited to Petitioner will be available to and sufficient for the proposed project as it is described in the Petition, (b) the availability of potable water will not be an obstacle or impediment to the development of the proposed project as described in the Petition and (c) the proposed project as it is described in the Petition has been incorporated into the County Water Use and Development Plan for the area and that this plan will prevent the continued overpumping of the sustainable yield of the Iao aquifer.

Response: As provided in prior Annual Reports, this condition has been satisfied. Compliance was confirmed by letter from David Craddick, Director of the Department of Water Supply, County of Maui, dated February 18, 1999.

Additional letters regarding compliance with this condition, dated October 1, 2003, from Petitioner to the Department of Water Supply, and the response from George Tengan, Director of Water Supply, dated October 7, 2003, were attached to a prior Annual Report submitted in this Docket.

3. *Petitioner shall participate in the funding and construction of adequate water source, storage, and transmission facilities and improvements to accommodate the proposed project in accordance with the applicable laws, rules and regulations of the County of Maui, and consistent with the County of Maui water use and development plan.*

Response: The ATC Makena Entities acknowledge this condition. Moreover, the ATC Makena Entities understand that in 1976 the Petitioner participated in the Central Maui Source Development Joint Venture and also the Central Maui Transmission Joint Venture, which developed water sources in Waiehu, Maui, and a transmission line from the newly developed water sources down to the Wailea and Makena regions. Further, in 1985, Makena Resort Corp. constructed a 1.5-million-gallon water storage tank at the Makena Resort.

4. *Petitioner shall contribute to the development, funding, and/or construction of school facilities, on a pro rata basis for the residential developments in the proposed project, as determined by and to the satisfaction of the State Department of Education ("DOE"). Terms of the contribution shall be agreed upon by Petitioner and DOE prior to Petitioner acquiring county rezoning or prior to Petitioner applying for building permits if county zoning is not required.*

Response: ATC Makena Entities understand that this condition has been satisfied. Pursuant to an Educational Contribution Agreement for Makena Resort between the original Petitioner and the Department of Education dated August 17, 2000, the parties agreed upon a cash contribution by Petitioner to represent a fair share payment for the development, funding and/or construction of school facilities.

5. *Petitioner shall participate in the pro rata funding and construction of adequate civil defense measures as determined by the State of Hawai'i and County of Maui civil defense agencies.*

Response: This condition has been satisfied. Initially, at the request of the State Department of Defense (“DOD”), the ATC Makena Entities agreed to allow two emergency siren sites to be developed on land owned by the ATC Makena Entities: one at the Makena Wastewater Treatment Plant, and one near Makena State Park. As reported in the 15th Annual Report, the ATC Makena Entities executed Rights of Entry/License Agreements with the DOD in 2012. However, in December 2016, DOD informed the ATC Makena Entities that it intended for one of the two sirens to instead be located at Makena State Park and for the second siren to be located on the ATC Makena Entities wastewater treatment plant property. That siren was installed and completed in 2017.

6. *Should any human burials or any historic sites such as artifacts, charcoal deposits, stone platforms, pavings, or walls be found, Petitioner shall stop work in the immediate vicinity and contact SHPD. The significance of these finds shall then be determined and approved by SHPD, and an acceptable mitigation plan shall be approved by SHPD. SHPD must verify that the fieldwork portion of the mitigation plan has been successfully executed prior to work proceeding in the immediate vicinity of the find. Burials must be treated under specific provisions of Chapter 6E, Hawai'i Revised Statutes.*

Response: The ATC Makena Entities acknowledge that the Petition Area is subject to the provisions of this condition and will comply.

7. *Petitioner shall follow the State DLNR recommendations for Petition Areas 1, 2 and 3, for archaeological data recovery and preservation. An archaeological data recovery plan (scope of work) must be approved by SHPD. That plan then must be successfully executed (to be verified in writing by the SHPD), prior to any grading, clearing, grubbing or other land alteration in these areas. In Petition Area 1, three significant historic sites (1969, 2563, 2569) are committed to preservation. A preservation plan must be approved by SHPD. This plan, or minimally its interim*

protection plan phase, must be successfully executed (to be verified in writing by the SHPD), prior to any grading, clearing, grubbing or other land alteration in these areas.

Response: The ATC Makena Entities acknowledge that the Petition Area is subject to the provisions of this condition and will comply prior to any grading, clearing, grubbing or other land alteration in these areas.

8. *Petitioner shall implement efficient soil erosion and dust control measures during and after the development process to the satisfaction of the State Department of Health and County of Maui.*

Response: The ATC Makena Entities acknowledge that the Petition Area is subject to the provisions of this condition and will comply at the appropriate time, starting prior to commencement of construction.

9. *Petitioner shall initiate and fund a nearshore water quality monitoring program. The monitoring program shall be approved by the State Department of Health in consultation with the U.S. Fish and Wildlife Service, the National Marine Fisheries Services, and the State Division of Aquatic Resources, DLNR. Petitioner shall coordinate this consultation process with the concurrence of the State Department of Health. Mitigation measures shall be implemented by Petitioner if the results of the monitoring program warrant them. Mitigation measures shall be approved by the State Department of Health in consultation with the above mentioned agencies.*

Response: The ATC Makena Entities continue to implement and fund a nearshore water quality monitoring program. This program initially collected base line water samples and analyzed the same to determine turbidity, chemical compound contents and biota sampling. This monitoring program continues with at least semi-annual sampling at four separate nearshore sites.

Enclosed is the Marine Water Quality Quarterly Monitoring Report prepared by AECOS, Inc. dated November 20, 2023, for the quarterly tests performed in July of 2023. A copy of this report was sent to the Department of Health on December 4, 2023.

The ATC Makena Entities acknowledge that the Petition Area is subject to the provisions of this condition and will comply.

10. *Petitioner shall submit a Traffic Impact Analysis Report (TIAR) for review and approval by the State Department of Transportation and the County of Maui.*

Response: ATC Makena Entities understand that this condition has been satisfied. As described in prior Annual Reports, a traffic impact assessment report (“**TIAR**”) was prepared and submitted for State Department of Transportation (DOT) and County of Maui review as part of the change in zoning application. Following certain comments by DOT, revisions were made to the TIAR which DOT agreed with as set forth in a letter from Kazu Hayashida, Director of Transportation, dated May 2, 2000, a copy of which was provided to the Commission with a prior Annual Report in this Docket.

In addition, as set forth in prior Annual Reports, the Petitioner prepared and submitted a Makena Resort Master Traffic Study, dated June 6, 2003 (Revised September 14, 2003), which was submitted to the State DOT and County of Maui, and approved by the County on September 26, 2003. See also the ATC Makena Entities Response to Condition 11, below, regarding a future TIAR.

11. *Petitioner shall participate in the pro rata funding and construction of local and regional transportation improvements and programs including dedication of rights-of-way as determined by the State Department of Transportation ("DOT") and the County of Maui. Agreement between Petitioner and DOT as to the level of funding and participation shall be obtained within fourteen (14) years from June 1, 2000.*

Response: The ATC Makena Entities acknowledge that the Petition Area is subject to provisions of this condition and will comply.

This condition has been partially satisfied: the ATC Makena Entities and the DOT have formally agreed in writing that the ATC Makena Entities’ pro rata share to satisfy this Condition 11, Conditions 10 and 14, and other related conditions imposed in County-level entitlements, shall be based upon a TIAR to be prepared by the ATC Makena Entities. The TIAR will identify the impacts of ATC’s proposed development, the corresponding mitigation measures to address those impacts, a schedule for satisfaction, and appropriate schematic figures showing transportation improvements. The parties anticipate that the current letter agreement will be supplemented and/or superseded by a subsequent and more definitive memorandum of agreement in due course. Moreover, as noted in prior Annual Reports, partial satisfaction of this condition was achieved through the “Agreement for Planning and Design of Piilani Highway Expansion” between Makena Resort Corp. (the original Petitioner), and DOT in 2001. Under that Agreement, Petitioner agreed to fund the planning and design of the restriping and other improvements to Piilani Highway from Mokulele Highway to Kilohana Drive, to increase it from two lanes to four lanes. This work was substantially completed by July 2003, at a total estimated

cost of \$400,000.00, which amount DOT agreed would be credited as partial payment in satisfaction of the LUC's conditions of approval.

12. *Petitioner shall fund the design and construction of drainage improvements required as a result of the development of the Property to the satisfaction of the appropriate State of Hawai'i and County of Maui agencies.*

Response: ATC Makena Entities acknowledge that the Petition Area is subject to the provisions of this condition and will comply.

As reported in prior Annual Reports, Petitioner prepared a Drainage Master Plan, which was submitted to the County Department of Public Works and Environmental Management and Planning Department on July 1, 2003, and approved by the County on August 20, 2003.

13. *The Petition Areas will be developed in accordance with the Kihei-Makena Community Plan.*

Response: The ATC Makena Entities acknowledge that development of the Petition Area is to be in accordance with the Kihei-Makena Community Plan.

14. *Petitioner shall fund, design and construct all necessary traffic improvements necessitated by development of the Petition Areas as required by the State Department of Transportation and the County of Maui Department of Public Works and Waste Management.*

Response: The ATC Makena Entities acknowledge that the Petition Area is subject to the provisions of this condition and will comply. Traffic improvements required by DOT will be addressed pursuant to Condition 11.

15. *Petitioner shall develop the Property in substantial compliance with the representations made to the Commission. Failure to so develop the Property may result in a reversion of the Property to its former classification, a change to a more appropriate classification, or other reasonable remedy as determined by the Commission.*

Response: The ATC Makena Entities acknowledge that the Petition Area is subject to the provisions of this condition and will comply.

16. *Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Property, prior to development of the Property.*

Response: The ATC Makena Entities acknowledge that the Petition Area is subject to the provisions of this condition and will comply.

17. *Petitioner shall timely provide without any prior notice, annual reports to the Commission, the Office of Planning, and the County of Maui Planning Department in connection with the status of the subject project and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.*

Response: The ATC Makena Entities acknowledge that they are subject to the provisions of this condition and will comply. The submittal of this Annual Report by the ATC Makena Entities is in compliance with this condition.

18. *The commission may fully or partially release or amend the conditions provided herein as to all or any portion of the petition area upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.*

Response: The ATC Makena Entities acknowledge that the Petition Area is subject to the provisions of this condition.

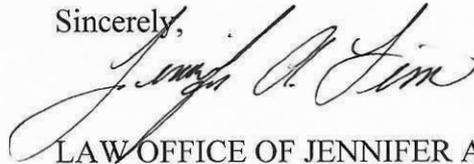
19. *Petitioner shall record the conditions imposed herein by the Commission and every amendment thereto with the Bureau of Conveyances pursuant to Section 15-15-92, Hawai'i Administrative Rules.*

Response: This condition has been satisfied. The ATC Makena Entities acknowledge that the Petition Area is subject to the provisions of this condition in the event of any future amendments to the conditions. The ATC Makena Entities recorded an Amended and Restated Declaration of Conditions Applicable To An Amendment to District Boundary From Agricultural to Urban, in the Bureau on September 7, 2012, as Document Number A-46330782, a copy of which was provided to the Commission as part of a prior Annual Report transmittal.

Daniel Orodener, Executive Officer
Land Use Commission
February 20, 2024
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If you have any questions or require any further information, please feel free to contact me, or contact Mr. Kyle Ginoza, Director of Development, Mākena Golf & Beach Club, at 808-871-7375.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer A. Lim".

LAW OFFICE OF JENNIFER A. LIM, LLC

cc: State of Hawaii, Office of Planning and Sustainable Development, via US Mail
County of Maui, Department of Planning, via US Mail

Encls. Quarterly Water Quality Monitoring Report prepared by *AECOS*, Inc. dated November 20, 2023, for the quarterly tests performed in July of 2023.

Mākena Golf & Beach Club quarterly water quality monitoring report

July 2023

November 20, 2023

FINAL

AECOS No. 1535W

Allen Cattell, Ph.D.
AECOS, Inc.
45-939 Kamehameha Highway, Suite 104
Kāneʻohe, Hawaiʻi 96744
Phone: (808) 234-7770 Email: Cattell@aecos.com

Introduction

The State Land Use Commission requires that Mākena Golf and Beach Club (MG&BC; called “Project” herein) submit water quality monitoring reports to the Hawaiʻi Department of Health (HDOH) in compliance with Condition No. 10 in the “Declaration of Conditions”, a document that pertains to the Amendment of the MG&BC District Boundary, dated April 17, 1998. The monitoring report must also comply with Condition 19 of the County of Maui, Zoning Ordinance 3613. The goals of the monitoring program established to comply with Condition No. 10 and Ordinance 3613 are: 1) assess degree to which fertilizers, as well as other nutrient sources used on land to enhance golf course turf growth and resort landscaping, leach to groundwater and subsequently reach nearshore waters; (2) establish evidence of delivery of these nutrients into the nearshore environment; and (3) determine if subsequent water quality has any measurable impacts on biological community structure in the nearshore marine environment. Results are summarized and discussed in the annual water quality reports *AECOS*, 2020a, 2021, 2022, 2023).

Water quality parameters of particular interest for the purposes of this monitoring program are termed nutrients¹. Nutrient enrichment can enhance nuisance algae production in aquatic environments (HDLNR, 2014). Nutrient enrichment can also negatively impact corals and other biological components in

¹ “Nutrients” are nitrogen and phosphorus compounds that promote plant growth, including algal growth in the marine environment. These chemicals are the main ingredients in applied fertilizers.

awaiian coastal waters (Laws et al., 2004; MRC, 2011; *AECOS*, 2014, 2015, 2016a). Nearshore biological assemblages off the MG&BC resort are monitored during quarterly sampling to determine if marine water quality is impacting the biota occurring there (see *AECOS*, 2020b).

Tables and figures throughout this quarterly report compare the most recent (July 2023) water quality monitoring results with means calculated from 21 previous monitoring events undertaken quarterly between June 2018 and April 2023.

Background

Waters south from Nahuna Point—including Mākena Bay and Maluaka Bay (Figure 1)—to Pu‘u Ola‘i are designated as “Class A, open coastal waters” in State of Hawai‘i water quality standards (HDOH, 2021). These waters are included on the HDOH 2022 list of impaired waters in Hawai‘i prepared under Clean Water Act §303(d) as impaired for nitrate+nitrite, ammonium, total nitrogen, turbidity, and chlorophyll α (HDOH, 2022). These waters are listed as “Category 2” (meaning that some designated uses are attained), “Category 3” (meaning that insufficient data and/or information exist to make use-support determinations), and “Category 5” meaning that available data and/or information indicate that at least one designated use is not supported or is threatened. These results indicate that a Total Maximum Daily Load² study may be needed.

Marine waters from Pu‘u Ola‘i south are designated as Class AA “open coastal waters” in State of Hawai‘i water quality standards (HDOH, 2021) and included on the HDOH 2022 list of impaired waters in Hawai‘i for nitrate+nitrite, ammonium, and turbidity (HDOH, 2022). These waters are also listed under Categories 2, 3 and 5.

Methods

A quarterly monitoring event was conducted on July 25, 2023 with sampling along three monitoring transects in nearshore waters adjacent to MG&BC (Transects M-1, M-2, and M-3) and at a control transect located well south of Pu‘u Ola‘i (Transect M-4; see Figure 1). Sampling stations were set at 2-m, 10-m, 50-

² Total Maximum Daily Load (TMDL) studies are done to establish limits on point-source discharges of substances causing impairments to water quality in aquatic environments. The term “needed” in the HDOH document actually means “has not been done”. A TMDL for any particular location is undertaken by HDOH and is unrelated to this monitoring effort as no point-source discharge is existing or contemplated at Mākena.

m, and 100-m distance from shore along each transect and water samples collected from just under the water surface at each station. Water quality samples were also obtained from three MG&BC source water wells: Mākena Well 1, Mākena Well 3, and Mākena Well 6 (Fig. 1).

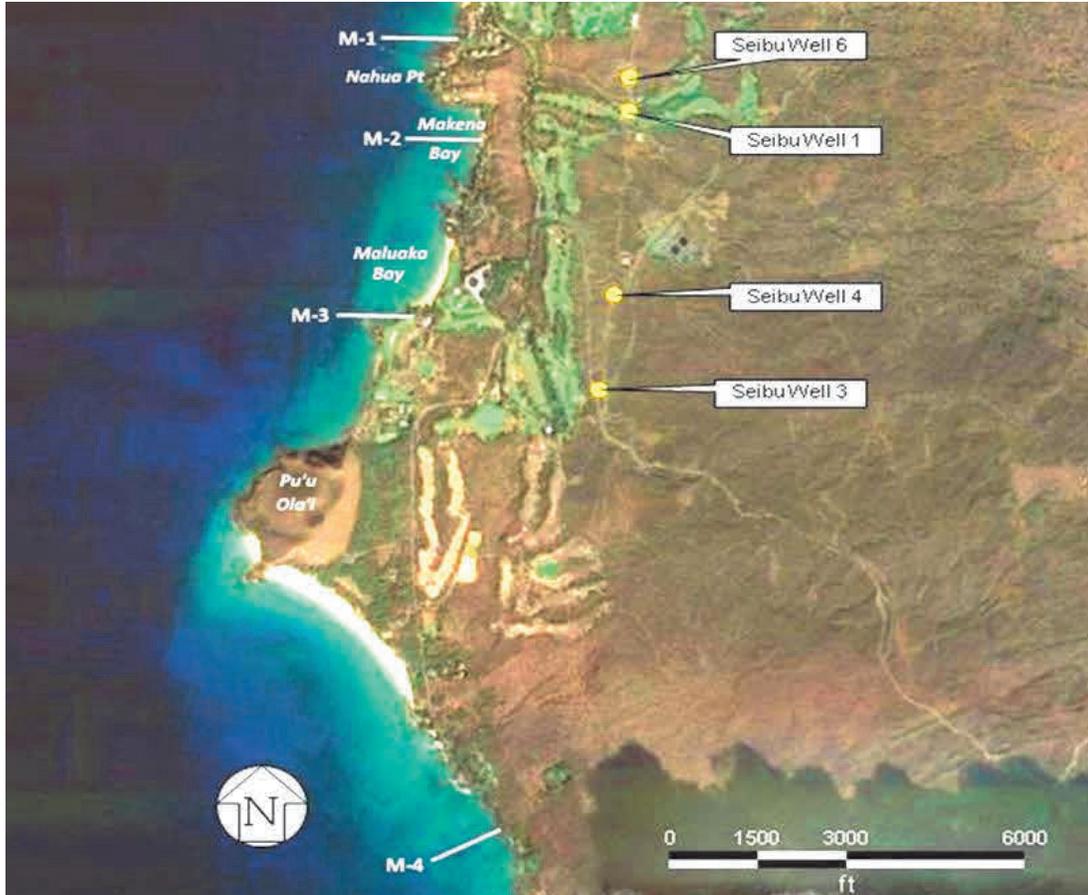


Figure 1. Location of water quality monitoring transects M-1, M-2, M-3, and M-4) and irrigation water supply wells at MG&BC.

Temperature, salinity, pH, and dissolved oxygen (DO) were measured *in situ* at each station. Collected water samples were immediately chilled and returned to the AECOS laboratory (AECOS Log No. 48390) for additional analyses. The following parameters were measured from these samples: salinity, turbidity, ammonium, nitrate+nitrite, total nitrogen (total N), ortho-phosphate, total phosphorus (total P), silicates, and chlorophyll *a*. Table 1 lists the instruments and analytical methods used for these field measurements and laboratory analyses.

Table 1. Analytical methods and instruments used for water quality analyses reported herein.			
Analysis	Method	Reference	Instrument
Temperature	SM 2550B	SM (2017)	YSI Model 550 DO meter thermistor
Salinity	SM 120.1	SM (2017)	Accument AB200
pH	SM 4500H+	SM (2017)	pH pHep HANNA meter
Dissolved Oxygen (DO)	SM 4500-0	SM (2017)	YSI Model 550 DO meter
Turbidity	EPA 180.1	USEPA (1993b)	Hach 2100Q Turbidimeter
Ammonium (NH₄)	EPA 349	USEPA (1997a)	Seal AA3 Auto Analyzer
Nitrate+Nitrite (NO₃+NO₂)	EPA 353.2	USEPA (1993a)	Seal AA3 Auto Analyzer
Silicates	EPA 360.0	USEPA (1997c)	Seal AA3 Auto Analyzer
Total Nitrogen (TN)	EPA 353.4	USEPA (1993a)	Seal AA# Auto Analyzer
Ortho-Phosphate (PO₄)	EPA 365.5	USEPA (1997b)	Seal AA3 Auto Analyzer
Total Phosphorus (TP)	EPA 365.5	USEPA (1997b)	Seal AA3 Auto Analyzer
Chlorophyll α (Chl. α)	SM-10150	SM (1998)	Turner Fluorometer

The predicted tide on July 25, 2023 was a low at 0235 hours (+0.26 ft), rising to a high of +1.05 ft at 1025 hours (Station 1615202, Mākena; NOAA, 2023). Winds were mild (1 to 3 mph) from the northeast to southeast and nearshore surf was moderate (1 to 3 ft). Water quality samples were collected at all stations along each of the four transects between 0850 and 1010 hours, followed by sampling at the M & BC wells.

Results

Water quality results are displayed for July 25, 2023, in Tables 2 and 3, with long-term historic values. Salinity means were elevated in July, compared with historic means, increasing from Transect M-1 through Transect M-3, then decreasing at Transect M-4 to the lowest mean value in July. Water temperature means were also elevated compared with historic data along all four transects and decreased from Transect M-1 through M-4. pH means were slightly elevated compared with historic values and decreased from Transect M-1 through Transect M-4 during both the present event and historically. DO

Table 2. Physical/chemical water quality and chlorophyll α means for June 2018 through April 2023 ($n = 21$) compared to July 2023 results.

Transect	DFS† (m)	Salinity (ppt)		Temperature (° C)		pH		DO (% Sat.)		Turbidity‡ (NTU)		Chl. α ‡ ($\mu\text{g/L}$)	
		Historic	July 2023	Historic	July 2023	Historic	July 2023	Historic	July 2023	Historic	July 2023	Historic	July 2023
M-1	2	34.00	35.75	26.5	27.0	8.18	8.24	101	87	1.46	1.23	0.72	1.18
	10	34.19	35.56	26.2	26.9	8.21	8.26	105	110	0.89	1.11	0.52	0.81
	50	34.28	35.65	26.2	26.8	8.21	8.27	101	101	0.76	1.18	0.43	0.73
	100	34.49	35.72	26.2	26.7	8.18	8.24	98	100	0.53	0.87	0.30	0.64
	Means	34.24	35.67	26.3	26.9	8.20	8.25	101	100	0.91	1.10	0.49	0.84
M-2	2	34.21	35.79	26.3	26.7	8.18	8.20	97	68	1.95	1.03	0.44	0.53
	10	34.23	35.69	26.3	26.7	8.19	8.21	95	91	1.31	0.93	0.36	0.47
	50	34.31	35.72	26.3	26.6	8.19	8.23	95	88	0.87	0.59	0.30	0.46
	100	34.49	35.82	26.3	26.7	8.18	8.20	95	90	0.54	0.40	0.23	0.45
	Means	34.31	35.76	26.3	26.7	8.18	8.21	96	84	1.17	0.74	0.33	0.48
M-3	2	34.07	35.87	26.3	26.7	8.17	8.21	104	75	0.78	0.39	0.54	0.73
	10	34.38	35.78	26.3	26.6	8.17	8.17	100	96	0.58	0.47	0.39	0.47
	50	34.55	35.81	26.3	26.6	8.17	8.18	98	92	0.42	0.40	0.28	0.41
	100	34.66	35.79	26.3	26.6	8.17	8.17	95	89	0.39	0.39	0.23	0.28
	Means	34.42	35.81	26.3	26.6	8.17	8.18	101	88	0.54	0.41	0.36	0.47
M-4	2	34.32	35.42	25.9	26.2	8.13	8.20	101	98	1.24	1.24	0.58	0.70
	10	34.36	35.51	25.9	26.3	8.14	8.17	100	99	1.01	1.17	0.48	0.66
	50	34.62	35.74	26.0	26.3	8.12	8.09	98	94	0.63	0.69	0.31	0.35
	100	34.74	35.70	26.0	26.4	8.08	8.09	95	86	0.45	0.54	0.25	0.38
	Means	34.51	35.59	26.0	26.3	8.12	8.14	98	94	0.83	0.91	0.40	0.52
Dry Standard		+/- 10%		+/- 1C°		7.6-8.6		≥75%		≤0.20 NTU		≤0.15 $\mu\text{g/L}$	
† distance from shore		‡ geometric mean		<i>italics exceed standard</i>									

Table 3. Nutrient and silicates water quality geometric means for June 2018 through February 2023 (*n* = 20) compared to July 2023 results.

Transect	DFS [†] (m)	NO ₃ +NO ₂ (µgN/L)		NH ₄ (µgN/L)		TN (µgN/L)		PO ₄ (µgP/L)		TP (µgP/L)		Silicates (µg/L)	
		Historic	July 2023	Historic	July 2023	Historic	July 2023	Historic	July 2023	Historic	July 2023	Historic	July 2023
M-1	2	41	11	17	58	167	122	3.0	5.0	11	9	240	164
	10	36	10	17	9	146	84	2.8	4.0	8	9	203	156
	50	32	12	15	24	139	96	2.9	5.0	11	10	211	180
	100	19	9	22	7	124	80	2.1	5.0	9	10	169	131
	Means	32	11	18	25	144	96	2.7	4.8	9	10	206	158
M-2	2	25	10	14	3	117	72	4.3	6.0	25	9	270	198
	10	22	16	15	3	111	89	3.8	10.0	12	14	227	210
	50	20	16	14	3	111	82	3.3	5.0	8	9	196	186
	100	16	13	18	4	107	80	2.3	5.0	10	11	180	136
	Means	21	14	15	3	112	81	3.4	6.5	14	11	218	183
M-3	2	33	17	19	10	148	93	3.4	3.0	8	8	262	144
	10	28	14	12	9	123	84	3.0	4.0	6	8	139	145
	50	17	17	20	6	111	84	2.5	4.0	9	8	77	137
	100	10	18	13	3	102	83	2.2	5.0	7	10	76	130
	Means	22	17	16	7	121	86	2.8	4.0	8	9	139	139
M-4	2	11	24	15	10	96	98	3.2	4.0	8	8	393	338
	10	12	19	22	15	97	93	3.1	4.0	9	8	274	270
	50	7	14	20	34	90	100	2.1	4.0	8	8	181	215
	100	5	21	17	9	85	108	2.1	5.0	6	10	82	110
	Means	9	20	19	17	92	100	2.6	4.3	8	9	233	233
Dry Standard		≥3.5 µgN/L		≥2µgN/L		≥110 µgN/L		ns		≥16µgP/L		ns	
† distance from shore		<i>italics exceed criteria</i>						ns - no standard					

saturation means were low at all transects compared with historic DO values and demonstrated no particular trend between transects. Turbidity geometric means during the present event decreased from Transect M-1 through Transect M-3 and then increased at Transect M-4. There were no trends between turbidity means during July with historic data. Chlorophyll α geometric means decreased between Transect M-1 and Transect M-3 and then increased slightly at Transect M-4. Chlorophyll means during July were notably higher at all transects compared with historic data.

Nitrate+nitrite geometric means were low compared with historic data, except at Transect M-4. Nitrate+nitrite means increased from Transects M-1 through Transect M-4. The Transect M-4 mean was especially elevated compared with the historic mean. Historic nitrate+nitrite values decreased from shore along each transect. Mean ammonium values were notably low at Transects M-2 and Transect M-3 compared with historic data. Total nitrogen mean values were low compared with historic data at Transect M-1 through Transect M-3 and exceeded historic data at Transect M-4 (reflecting above normal nitrate+nitrite). Historic total nitrogen data decreased with distance from shore along each transect. Ortho-phosphate means were high compared with historic means along all four transects. The highest ortho-phosphate mean value occurred at Transect M-2. Historic ortho-phosphate means decreased with distance from shore along each transect. Total phosphorus mean concentrations were close to historic means at all transects during the July 2023 sampling event. Silicate mean concentrations were low compared with historic means at Transect M-1 and Transect M-2, but equal to historic means at Transect M-3 and Transect M-4. Historic silicate values decreased with distance from shore along each transect and July values showed the same trend.

Using the PacIOOS Regional Ocean Modeling System (ROMS) we can display approximated water current movements off the southwestern coast of Maui that occurred just prior to and during our July 25, 2023 sampling event (Figure 2; after PacIOOS, 2023). Surface current flows were moving into the Mākena nearshore waters from the west before and during this sampling event.

Discussion

Salinities at nearshore stations (2-m distance from shore) on July 25, 2023, were elevated at all four stations (Table 2) due to waters flowing from more open ocean areas to the southwest. The tide was nearing high tide (+1.05 ft) during the sampling event and demonstrated relatively low nitrate+nitrite concentrations. Nitrate+nitrite concentrations at the 2-m (shore) stations were low along all transects (Table 3). Ammonium in the nearshore environment is not thought to

be related to groundwater seepage. Nearshore ammonium concentrations are



Figure 2. Approximated current flow off Mākena coast during morning hours (0200 to 1100 hours) of July 25, 2023 (PacIOOS, 2023)

generated within these nearshore waters from biological processes and are not related to terrestrial impacts on coastal waters. The elevated ortho-phosphate concentrations noted along all four transects have occurred recently along the coast and the source is unknown but probably was due to runoff from major flooding during a December 2021 storm event on the western side of Maui. Ortho-phosphate concentrations have remained elevated in these coastal waters since early 2022, probably due to the recycling of ortho-phosphate originally derived from terrestrial runoff sediments.

Table 4 displays estimates of groundwater nitrate+nitrite subsidies in nearshore marine waters calculated for the July 25, 2023 sampling event. Indication of nitrate+nitrite subsidy was not apparent at any nearshore station of all four transects. As a general rule, a high tide and west to southwest moving currents can be expected to obscure local groundwater inputs of nitrates at the shore.

Table 4. Estimated nitrate+nitrite subsidies at nearshore (2-m) stations on July 25, 2023.				
Location	Measured		Estimated	Subsidy
	NO₃+NO₂	Salinity	NO₃+NO₂	NO₃+NO₂
	(µgN/L)	(PSU)	(µgN/L)	(µgN/L)
Wells[†]	1677	1.32	---	---
M-1	11	35.75	61	0
M-2	10	35.79	61	0
M-3	17	35.87	61	0
M-4	24	35.42	62	0
Standard Dev. [†]	164	0.06	---	---
Range [†]	1400-1980	1.20-1.44	---	---

[†] Standard Deviation & Range based on 22 sampling events

An estimate of the limiting nutrient (nitrogen or phosphorus) can be calculated by comparing molar ratios (N:P ratios) of dissolved inorganic nitrogen (DIN: nitrate, nitrite, and ammonium) to dissolved inorganic phosphate (DIP: ortho-phosphate). N:P ratios for 20 Hawaiian algal species range from 15:1 to 44.1 with an average of about 29:1 (Atkinson and Smith, 1983). High N:P ratios (>29.1) are potentially related to DIP limitation, whereas low N:P ratios (<29.1) are likely related to DIN limitation.

Analyses using accumulating data averages can be useful to decipher trends. Because we are still gathering data, sufficient nutrient and chlorophyll α data are not presently available to make statistical inferences regarding actual limiting nutrient determinations in Mākena waters. Data presented in Table 5 are based on our 21 historic sample sets and the July 2023 sampling data. N vs. P limitation will vary from place to place along the coast and over time. During the present sampling event, N:P values for monitoring stations along all four transects were mostly DIN limited due to high DIP concentrations and relatively low nitrate+nitrite concentrations.

Since different algal species present a wide range of N:P requirements (Atkinson and Smith, 1983), constantly changing nutrient levels in these waters tend to

prevent excessive algal growth by preventing favoring the growth of just one or a few algal species.

Table 5. A summary of average DIN and DIP values and ratios for June 2018 through April 2023 (n = 21) compared to July 25, 2023 results.

Transect	DFS [†] (m)	DIP (μM/L)		DIN (μM/L)		DIN:DIP ratio		N/P Limited potential	
		Historic	April 2023	Historic	April 2023	Historic	April 2023	Historic	April 2023
M-1	2	0.10	0.16	4	5	43	31	P	P
	10	0.09	0.13	4	1	43	11	P	N
	50	0.09	0.16	3	3	37	16	P	N
	100	0.07	0.16	3	1	44	7	P	N
M-2	2	0.14	0.19	3	1	20	5	N	N
	10	0.12	0.32	3	1	22	4	N	N
	50	0.11	0.16	2	1	23	8	N	N
	100	0.07	0.16	2	1	32	8	P	N
M-3	2	0.11	0.10	4	2	33	20	P	N
	10	0.10	0.13	3	2	30	13	P	N
	50	0.08	0.13	3	2	33	13	P	N
	100	0.07	0.16	2	2	23	9	N	N
M-4	2	0.10	0.13	2	2	18	19	N	N
	10	0.10	0.13	2	2	25	19	N	N
	50	0.07	0.13	2	3	28	27	N	N
	100	0.07	0.16	2	2	23	13	N	N

[†] distance from shore

Conclusions

The July 25, 2023 monitoring event occurred during high tide conditions and demonstrated low concentrations of all nitrogen components with surface currents flowing in from the west—an area more closely associated with low nutrient open ocean waters. Elevated ortho-phosphate concentrations were not related to Mākena groundwater seepage or to changes in salinity, but probably due to sediment recycling from late winter or early spring storm runoff events in

December 2021 or early 2022. There were no estimated nitrate+nitrite subsidies in Mākena groundwater seepage into nearshore coastal waters. Nitrate+nitrite appeared to be the limiting nutrient at nearly all stations along all four transects. Land-derived silicate concentrations were low along Transect M-1 through Transect M-3 reflecting the relatively high salinity values.

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