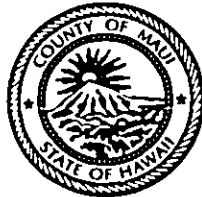


LINDA CROCKETT LINGLE  
Mayor



BRIAN W. MISKAE  
Director

GWEN Y. OHASHI  
Deputy Director

COUNTY OF MAUI  
PLANNING DEPARTMENT '94 OCT 31 P12:56  
250 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

OFFICE OF  
QUALITY

FEA  
11/94

October 25, 1994

Mr. Bruce Anderson, Interim Director  
Office of Environmental Quality Control  
200 South King Street, Fourth Floor  
Honolulu, Hawaii 96813

Dear Mr. Anderson,

RE: Final Negative Declaration for the proposed Silversword  
Golf Estates at Kihei, Maui, Hawaii, TMK 2-2-24: 12 (por)  
and 13 (por).

The Maui County Planning Department, as the accepting  
authority, is transmitting for publication in the upcoming OEQC  
Bulletin, the Final Negative Declaration for the Silversword Golf  
Estates Single Family Residential Project proposed by the  
applicant, Silversword Limited Partnership.

A brief description of the proposed action is contained in the  
summary section in the attached OEQC Bulletin Publication Form.  
Please note that the total acreage of the project is 56.2 acres and  
not 71.33 acres as indicated in the draft EA. We have also  
attached four (4) copies of the Final Environmental Assessment  
which includes agency comments received by the Planning Department.

Thank you for your cooperation. If further clarification is  
required, please contact Ms. Ann Cua of this office.

Very truly yours,

*Brian W. Miskae*  
BRIAN MISKAE  
Planning Director

encl.

cc: Lawrence Ing  
Tosh Ishikawa  
C. Suyama  
A. Cua  
Project file

143

1994-11-23-MA-~~FEA~~-Silversword Golf  
Estate

NOV 23 1994

FEA 11/94

BEFORE THE MAUI PLANNING DEPARTMENT  
COUNTY OF MAUI  
STATE OF HAWAII

In the Matter of the Application of)  
LAWRENCE N. C. ING )  
To Obtain an Environmental )  
Assessment (EA) for the proposed )  
Community Plan Amendment, )  
Maui Tax Map Key (2) 2-2-24:12 & )  
13 (por.) at Waiohuli-Keokea, )  
Island and County of Maui, State )  
of Hawaii. )

DOCKET # 92/EA-005  
LAWRENCE N. C. ING

THE APPLICANT

LAWRENCE N. C. ING  
2145 Wells Street, Suite 204  
Wailuku, Hawaii 96793

Phone Number: 242-4555

THE APPLICATION

This matter arises from an application for an environmental assessment (EA) originally filed on January 29, 1992, and later amended on July 11, 1994, pursuant to Chapter 200, Environmental Impact Statement Rules of the Department of Health, State of Hawaii by LAWRENCE N. C. ING ("Applicant"), on behalf of HALEAKALA RANCH COMPANY, a Hawaii corporation, on approximately 56.2 acres of area in the Waiohuli-Keokea district, situate at Kihei, Island and County of Maui, State of Hawaii, identified at Maui Tax Map Key No. (2) 2-2-24:12 (por) & 13 (por.) (hereinafter the "Property").

PURPOSE OF THE APPLICATION

The Applicant is requesting an environmental assessment (EA) in conjunction with an application for a Community Plan Amendment.

The environmental assessment is prepared in accordance with Subchapter 6, SS 11-200-9 of Chapter 200, Environmental Impact Statement Rules of the Department of Health, State of Hawaii.

APPROVING AGENCY

Maui Planning Department  
250 S. High Street  
Wailuku, Hawaii 96793  
Contact Person: Brian Miskae  
Phone Number: 243-7735

GENERAL DESCRIPTION

Description of the Property

1. The Property which is approximately 56.2 acres is identified as Maui Tax Map Key Number: (2) 2-2-24:12 (por) & 13 (por.). The site is located mauka of the Piilani Highway-Lipoa Street intersection in Kihei, Maui. The proposed subdivision is comprised of two (2) lots located on opposite sides of the Research and Technology Park's access road, Lipoa Parkway. Lot 1 located to the north of the Parkway comprises 39.657 acres, while Lot 2 to the south of the Parkway, is 16.543 acres. Lot 1 is surrounded on all sides by the Silversword Golf Course. Lot 2 is bounded on the South and West by the golf course, on the north by the driving range and golf club house, and on the east by the R&T Park. (Exhibit 1)

2. The Land Use Designations for the Property are as follows:

- a. State Land Use District - Urban
- b. Kihei-Makena Community Plan - Park
- c. Zoning - Agricultural
- d. Special Management Area - N/A

3. The property is currently developed with the Silversword Golf Course.

4. Existing Services:

a. Water -- At present, the subject property is in its natural state. There are no water or irrigation systems serving the site. Water service to the subdivision can be provided via an existing 12' water main serving the Research and Technology Park.

The applicant has indicated that presently, the Kihei Water Distribution System may not be able to adequately serve the entire project. Further water improvements to the Kihei Water System may be required by the Department of Water Supply during subdivision construction.

b. Sewers -- Sewer service is available from an existing 8-inch sewerline running parallel to Piilani Highway. The sewerline is located on the mauka side of Piilani Highway in the golf course's property. Sewage from the subdivision will be piped

from the site to the Kihei Sewage Treatment Plant. At least two (2) sewage pump stations may be required to pump sewage from the subdivision to the treatment plant.

c. Roadways -- Piilani Highway (150' ROW), a two-lane highway with paved shoulders is the major thoroughfare to the project. Vehicular access to the subdivision will be off Piilani Highway at the Lipoa Street intersection via Lipoa Parkway.

d. Drainage -- Presently, both Lot 1 and Lot 2 are covered with kiawe trees, shrubs and different species of noxious grasses. There are seven (7) drainage basins that pass through the site. Three basins affect Lot 1, while four basins affect Lot 2. Storm runoff from lands mauka of the subdivision flows through the site via these seven drainage basins. The runoff then passes under Piilani Highway through various culverts and bridges, eventually making its way to the ocean.

In its present condition, Lot 1 contributes approximately 36.46 cfs of storm runoff into drainage basins 11, 12, and 13. Lot 2 is responsible for approximately 14.23 cfs. Runoff from Lot 2 flows into basins 14, 15, 16 and 17.

e. Solid Waste Disposal -- A private collection and disposal system to meet health and safety requirements will be used.

f. Utilities -- Electric and telephone services are available to the site via the Maui Research and Technology Park. Electric and telephone connections may also be made through existing lines on Lipoa Street. Cable will be installed at the option of the Developer.

g. Recreational Services/Resources -- Shoreline activities, golf, and tennis are some of the types of recreational opportunities available in the vicinity. A municipal beach park, Kalama Park, is located approximately two (2) miles from the site. Other parks in the area include the Kalepolepo Park and Kamaole Beach Parks I, II, and III. new

h. Public Services -- Fire protection services are close at hand due to the location of the Fire Station in Kihei adjacent to the Kalama Park area. It is expected that this unit will be available should the need for fire protection service arise. Although the Maui Police Department is located in Wailuku, police patrol the Kihei area 24 hours a day.

Maui Memorial Hospital, the only major medical facility on the island, services the Kihei-Makena region. Acute, general and emergency care services are provided by the 145-bed facility. In addition, numerous privately operated medical/dental clinics and offices are located in the area to serve the region's residents. new

*expanded description*

i. Schools -- Educational facilities for the Kihei area include, Kihei Elementary School which serves K to 5 and Lokelani Intermediate School which serves grades 6 to 8. These facilities are located within close proximity on Lipoa Street, makai of Piilani Highway and the proposed project. Further, a second Kihei Elementary School is proposed to be constructed and operated by 1996 for the Kihei area.

#### DESCRIPTION OF THE PROPOSED DEVELOPMENT

*new acreage*

The proposed development is a single-family residential subdivision located along the westerly slopes of Haleakala Mountain in Kihei, Maui, Hawaii. The project area is within the existing 18-hole Silversword Golf Course, TMK (2) 2-2-24:12 (por) & 13 (por.). The project will be plotted on two (2) sites. Site 1 will contain approximately 39.657 acres, and Site 2 will contain approximately 16.543 acres. The total area of the project is approximately 56.2 acres. The proposed subdivision will contain a total of 182 lots ranging from 6,000 square feet to over 10,000 square feet for Site 1, and 7,500 square feet to over 10,000 square feet on Site 2. Of the 182 lots, 128 will be developed on Lot 1 and 54 on Lot 2. In addition, of the 182 lots, 23 will be in the 6,000 - 8,000 sq. ft. range. Another 50 lots will be in the 7,500 - 9,000 sq. ft. range and 109 lots in the 10,000 sq. ft. range. Both Lot 1 and Lot 2 will also have areas dedicated for park use. (Subdivision site plan attached as Exhibit 2)

#### AGENCY COMMENTS

- ✓1. Department of Public Works & Waste Management - Memo's dated October 7, and August 19, 1994 (Exhibits 3 and 4)
- ✓2. Department of Water Supply - Letter dated September 6, 1994 (Exhibit 5)
3. Department of Health - Letter dated July 27, 1994 (Exhibit 6).
- ✓4. Department of Transportation - Letters dated September 19 and August 10, 1994 (Exhibits 7 and 9)
- ✓5. DLNR Historic Preservation Division - Letters dated October 10, and August 24, 1994 (Exhibits 10 and 11)
- ✓6. DLNR - Letter dated August 15, 1994 (Exhibit 13)
- ✓7. Department of Housing and Human Concerns - Letter dated August 23, 1994 (Exhibit 14)
8. Department of Agriculture - Soil Conservation Service - Letter dated July 26, 1994 (Exhibit 15)
9. Office of Hawaiian Affairs - Letter dated July 26, 1994 (Exhibit 16).
10. Maui Electric Company - Letter dated July 25, 1994 (Exhibit 17).
11. Department of the Army - Letter dated July 29, 1994 (Exhibit 18).
12. Department of Parks and Recreation - Letter dated August 5, 1994 (Exhibit 19).
13. State DOE - Letter dated August 2, 1994 (Exhibit 20).

## AFFECTED ENVIRONMENT

### Agriculture

The soils within the project site have been classified as "Poor" and unsuitable for agricultural activities except for cattle grazing. Usage as pasture land is no longer viable, inasmuch as the site is now surrounded by the existing golf course and the Maui Research and Technology Park.

### Archaeological, Cultural or Historical Resources

The historical and archaeological study conducted by Joseph Kennedy, Archaeologist, on February 24, 1986, ( Exhibit 12) reported that: ". . . no archaeological sites have been reported on the property, near it, or in similar setting on this side of the island; none were found in the course of the present study, nor is it likely that any will appear in the course of the proposed development.

The Department of Land and Natural Resources State Historic Preservation Division (DLNR-SHPD) in its review of the proposed project on August 24, 1994 (Exhibit 11) commented that since the archaeological study was conducted in 1986, archaeological inventory surveys conducted immediately west of the Silversword Golf Course have identified a number of historic sites. The Department, at that time, requested that an archaeological field inspection of the proposed project area be conducted, in order to verify the presence or absence of historic sites.

By letter dated October 10, 1994 (Exhibit 10) the SHPD indicated that an inspection of the project area was conducted by the SHPD staff archaeologist Theresa K. Donnam on October 3, 1994. The project area consists of two large lots. Lot 1 (c.39.7 acres) is located at the northern end of the golf course, and Lot 2 (c. 16.5 acres) is located along the eastern edge of the golf course, south of Lipoa Parkway. Both lots are covered with low buffle grass and scattered Kiawe trees.

The field inspection clarified that historic sites are present within the proposed project area. These sites were not identified in the 1986 inventory survey and they have not been documented to date. The SHPD is recommending that the following conditions be attached to the Change in Zoning and Community Plan Amendment applications should they be approved:

- 1) Conduct an archaeological inventory survey of Lot 2 and of the undisturbed portions of Lot 1.
- 2) Submit a draft report of the survey findings to the SHPD for review, and obtain approval of the report.

- 3) If applicable, prepare and submit any necessary mitigation plans (data recovery, preservation plan, burial treatment) to the SHPD for review, and obtain approval of the plan(s).
- 4) Successfully implement the applicable mitigation measures.

#### Impacts on Infrastructure and Services

a. Water -- Development of the proposed subdivision will require the installation of a 0.2 million gallon reservoir. The reservoir will be used to satisfy the fire flow and maximum daily consumption requirements for the proposed project.

The projects infrastructural report states that the completed subdivision will require approximately 99,000 gallons of water per day for domestic use. The project will obtain water service through the 12-inch waterline serving the Maui Research and Technology Park. The existing 12-inch waterline is currently being fed from the Central Maui Watershed. At present, this watershed is nearing its full output capacity. Therefore, completion of the project will be dependent on the future demand on the Center Maui Watershed or the development of other domestic water sources.

The Department of Water supply in its letter dated September 6, 1994 discusses a 9.2 acre parcel to be used for affordable housing. It should be noted that this 9.2 acre parcel was part of the original application. The Planning Department at that time expressed concern about the affordable housing being proposed on a site not adjacent to the proposed development. As such, the applicant revised its project plans to include affordable lots on the project site.

The Water Department has indicated that the applicant will be required to develop source for the project. The applicant should meet with the department's engineering staff to discuss the water source, timing and phasing for their proposal. In addition, the applicant will be required to provide substantial off-site water system improvements, fire protection and water service per the standards. Fire, domestic, fixture count, mechanical and irrigation calculations will be required and reviewed at the time of subdivision, water service and/or building permit application.

The Water Department has further commented that building and stand alone mechanical equipment, including but not limited to air-conditioners, should be specified as air-cooled or recirculating water-cooled. Single-pass water-cooled systems should be eliminated per Maui County Code Subsection 14.21.20. This restriction should be restated and explained in any project covenants or information. Finally, they comment that full, attractive plantings are encouraged, yet should be designed to

survive on the site's natural rainfall, be irrigated with reclaimed water, if possible, and/or use low amounts of drinking water as supplemental irrigation. The applicant is advised to utilize the Maui County Planting Plan as it provides guidance on water conservation.

b. Sewers -- Once completed and fully occupied, the proposed subdivision will produce approximately 69,000 gallons of raw sewage per day. Sewage from the subdivision will be treated and processed at the Kihei Sewage Treatment Plant.

Both 8-inch and 6-inch sewerlines will be installed throughout the subdivision project. As required, manholes will be spaced at 350 feet on center. It is planned to connect the subdivision's sewer system to an existing sewerline running parallel to Piilani Highway. Sewage from the subdivision will then be piped via this existing line to the Kihei Sewage Treatment Plant (KSTP). At least two sewage lift stations may be required in order to transport the subdivision's sewage to the treatment plant. At the present time there is only a small amount of sewage capacity left at the KSTP. Due to this problem, the County of Maui has allowed only long term housing project's to hook up to the system. It should be noted that this policy is on a first come first serve basis until the treatment plant reaches full capacity. By the time this project is built, the KSTP may be at maximum capacity and other means of treatment will have to be provided. The applicant is anticipating that the expansion of the KSTP will be completed by the time the subdivision's sewer system is put on line sometime in December 2000.

The Department of Public Works and Waste Management (DPWWM) has offered the following comments:

- a. The developer should be informed that Wastewater Reclamation Division cannot insure that wastewater system capacity will be available.
- b. Wastewater contribution calculations are required before building permit is issued.
- c. Developer shall be assessed impact fees for treatment plant expansion costs.
- d. Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.
- e. Plans should show the installation of an advance riser at each lot.
- f. Indicate on the plans the ownership of each easement (in favor of which party). Note: County will not accept sewer easements that traverse private property.
- g. Hold harmless should be executed. A signed agreement is required before Wastewater Reclamation Division will give recommendation for final subdivision approval.



c. Roadways/Traffic -- Piilani Highway will be utilized as the main thoroughfare to the project. The subdivision itself will be accessed from Lipoa Parkway. Both the Parkway and Piilani Highway have right-of-ways of 150 ft. The applicant has indicated that no further road widening is expected. The State Department of Transportation may require improvements to the Piilani Highway-Lipoa Street intersection. Improvements may include but are not limited to:

1. Signalization;
2. Left and right turn lanes into Lipoa Parkway from Piilani Highway; and
3. Left and right turn lanes from the Parkway onto Piilani Highway.

The State Department of Transportation in its review of the project on August 10, 1994 (Exhibit 9) commented that the Traffic Impact Analysis Report prepared by the applicant was outdated. On September 9, 1994 (Exhibit 8), Mr. Randall Okaneku, The Traffic Management Consultant, responded to the Department's letter by indicated that since both the County and the State had plans to construct roadway improvements/traffic signals, it would seem more appropriate to update the traffic study at a later date.

The DOT by letter dated September 19, 1994, concurs with Mr. Okaneku that in light of the planned roadway improvements, the TIAR could be deferred until the improvements are in place.

The County DPWWM also concurs with Mr. Okaneku and has revised their comments to read, "The applicant shall submit a new TIAR for review and approval by the DPWWM or State DOT, Highways Division to mitigate the impacts created by this project" (Exhibit 3)

The DPWWM has provided additional comments relating to traffic as follows:

1. All proposed private roads within this subdivision shall be improved to County standards.
2. That 30' radii be provided at all intersections of the proposed subdivision road and the adjoining roads.
3. The applicant shall contribute his pro-rata share to traffic improvements to be determined by the County and traffic master plans. An agreement to the above prepared for filing with the State's Bureau of Conveyances shall be submitted by the developer.
4. All existing features, such as structures, driveways, drainageways, edge of pavement, etc. shall be shown on the project site plan.
5. A site plan and a "site distance" report to determine required sight distance and available sight distance at existing and proposed street intersections be provided for review and approval.

6. The applicant shall obtain street name approvals from the Street Naming Commission and show street names on map.
7. The proposed subdivision plan does not conform to MCC Title 18 Subdivision in relation to vehicular access controls on proposed collector roads, length of dead end/cul-de-sac road exceeds 800 feet, roadway geometrics, adequate site distance, etc.
8. The applicant shall improve the proposed new traffic signals at Piilani Highway/Lipoa Street intersection as required by the State Department of Transportation, Highways Division and the County of Maui Department of Public Works Engineering Division.

d. Drainage -- The applicant has indicated that by developing the site, the amount of storm runoff from Lot 1 and 2 will increase. The change in runoff is due mainly to the increase in paved areas associated with the subdivision. Runoff from Lot 1 will increase by 44.26 cfs to a total of 80.72 cfs. Lot 2's runoff will increase by 17.26 cfs to 31.49 cfs. Although development of the subdivision will increase the amount of runoff, existing drainage patterns will be maintained. In otherwords, the contributing drainage areas and the general direction of the runoff for these drainage basins will not be changed. To reduce impacts caused by the increased runoff, detention basins will be built. These detention basins will be sized to hold storm flows generated from the entire subdivision. Once peak storm flows have passed, the detained runoff will be released slowly into the ocean via existing drainage channels. Storm flows from lands mauka of the subdivision will still be allowed to flow through the site. The runoff will then cross Piilani Highway via existing culverts and eventually flow into the ocean. Some of the offsite flows may also be detained to help reduce drainage concerns downstream of Piilani Highway.

*• no change in cfs #'s altho total decrease has been ↓.*

The DPWWM has commented that a final detailed drainage and erosion control plan be submitted for review and approval. The plan shall provide verification that the grading and runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties. In addition, the developer shall contribute his pro-rata share to drainage improvements to be determined by the County and the drainage master plan. An agreement to the above prepared for filing with the Bureau of Conveyances shall be submitted by the applicant.

The DPWWM also comments that an approved water quality report including project mitigation measures (acceptable to the State Department of Health) which evaluates the quality of the storm water discharging into the ocean receiving waters be provided to the County of Maui, DPWWM. The report should include discussion on sediment and nutrient loadings at all drainage outlets.

The State Department of Health in discussing storm water discharge states that a storm water National Pollutant Discharge Elimination System (NPDES) permit Notice of Intent (NOI) form is required for construction activities which involve the clearing, grading and excavation of equal to or greater than five (5) acres of total land area. This NOI form shall be submitted to the Director of Health at least 90 days before the date on which construction is to commence. In addition, any construction dewatering activity or hydrotesting activity discharging water to surface waters will require an NPDES general permit. Finally, should the project require site remediation for contaminated ground water, an additional NPDES general permit is required for discharge of treated ground water into surface waters.

The DLNR Commission on Water Resource Management has commented that there appears to be a natural watercourse on the site of the proposed project. If the project entails alteration of the bed or banks of this watercourse, the applicant should determine whether the watercourse can be characterized as a "stream" as defined in Section 13-169-2, Hawaii Administrative Rules. If the watercourse is characterized as a stream, the project may be subject to a Stream Channel Alteration Permit pursuant to Section 13-169-50, Hawaii Administrative Rules.

The proposed project will impact the existing drainage system south of Lipoa Street. The DPWWM have proposed a drainage plan which was not acceptable to the Army Corp of Engineers because of wetlands which exist in the area south of Lipoa Street. The applicant is aware of ongoing discussions between the Army Corp of Engineers, The DLNR Aquatic Division, DPWWM and the Soil Conservation Service. These agencies are currently developing an ultimate drainage plan for the Kihei area which directly affects the subject project. The applicant has indicated that they will coordinate any drainage improvements and contribute their pro-rata share in developing the ultimate drainage plan as approved by these agencies.

*response*

e. Solid Waste Disposal -- Solid waste from the new subdivision will be disposed using the County's existing collection system. The developer will arrange the start of service once the project has been completed.

The County's DPWWM's Solid Waste Division has indicated that:

- a. The owners and their contractors shall implement solid waste reduction, reuse and recycling programs to reduce the amount of solid waste to be disposed of at the County landfills.
- b. Alternative means of disposal of grubbed material and rock shall be utilized other than disposed of at the County landfills.

f. Utilities -- Maui Electric Company has stated that they have no objection to the subject project. They are encouraging the developer's electrical consultant to meet with them as soon as possible to verify the project's electrical requirements so that service can be provided on a timely basis.

g. Recreational Services/Resources -- Although there will be some impact upon the recreational facilities by the residents from the proposed project, it is expected that the major recreational activity emphasis will be on golf. The use of the golf course by the project's residents is anticipated to mitigate the impact on the other recreational facilities in the area, i.e., shoreline activities and tennis.

The Department of Parks and Recreation has indicated that the proposed park sites shown on the subdivision plan are acceptable.

h. Schools -- The State Department of Education has indicated that the proposed development will have an impact on the schools in the area. The 182 single-family units planned for the subdivision will have the following enrollment impact on the area schools:

<u>School</u>	<u>Grade</u>	<u>Projected Students</u>
Kihei Elementary	K-6	36
Lokelani	7-8	7
Baldwin High	9-12	13

The Department further indicates that they are projecting to open two new schools to alleviate the overcrowding at Kihei Elementary and Baldwin High Schools. The new King Kekaulike High School is scheduled to open in September, 1995, and the new Kihei II Elementary School is projected for September, 1996.

They are requesting that the County support the Department's position to require the developer to provide a pro-rata share for the cost of the construction of school facilities. Both existing Kihei schools do not have all required support facilities.

i. Housing - As mentioned when discussing the County's Water Department comments, the original project plans called for the dedication of a 9.2 acre site (TMK 3-8-4:28) located adjacent to the existing County of Maui housing project at North Kihei. This scenario is no longer part of the subject application.

During the initial review of the project, the Planning Department had concerns about the affordable housing component of this project being placed separate from the project. As such, the applicant decided to delete the 9.2 acre site from the proposed development and instead included provision of affordable lots on the subject property.

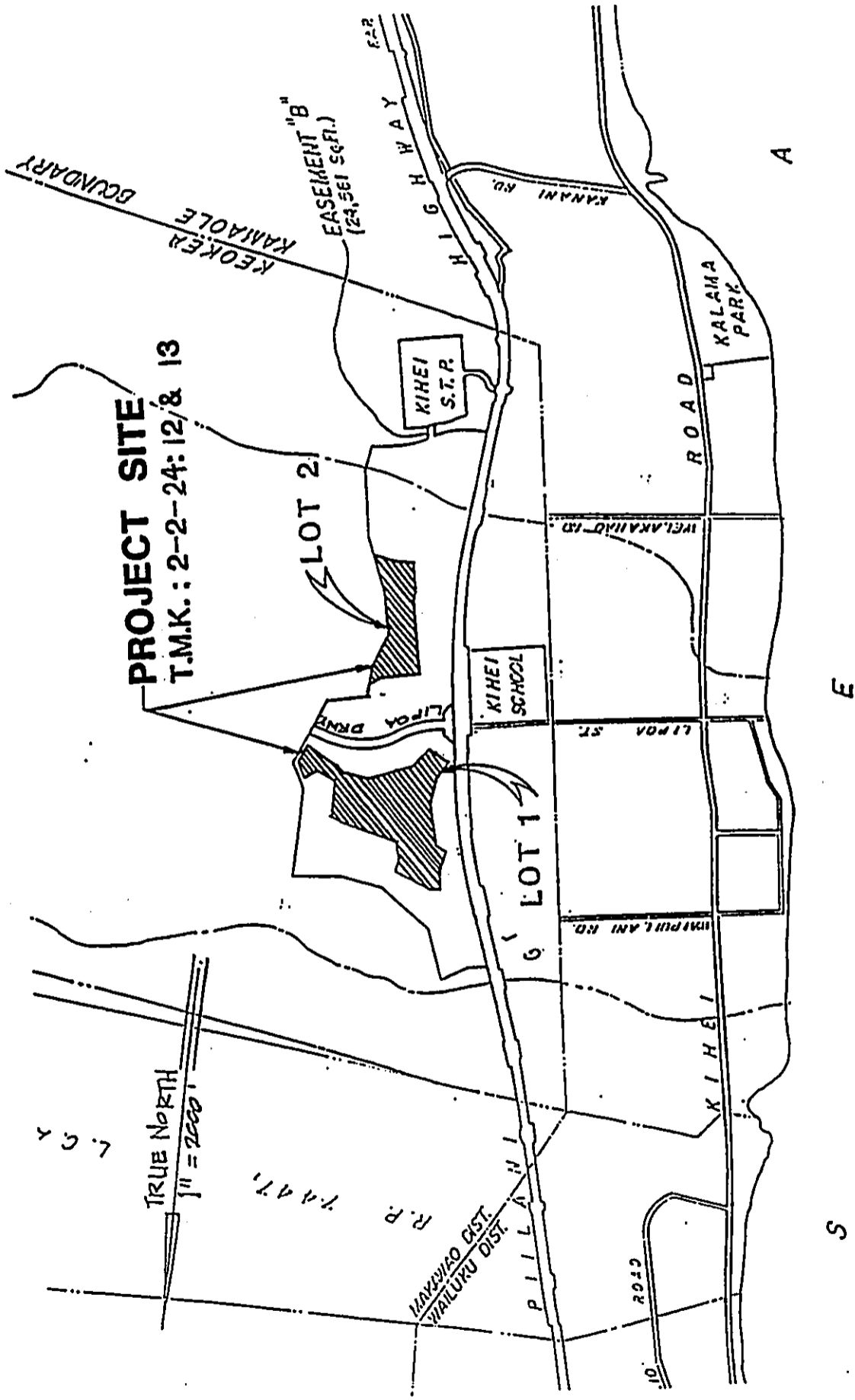
The County's Department of Housing and Human Concerns have recommended that the project offer for sale as affordable housing, fifty percent (50%) of the units in the project based on criteria established by the County of Maui as outlined in Exhibit 14.

The Department further requests that the applicant be required to enter into an affordable housing agreement with the County, which shall specify the details of the affordable housing requirements.

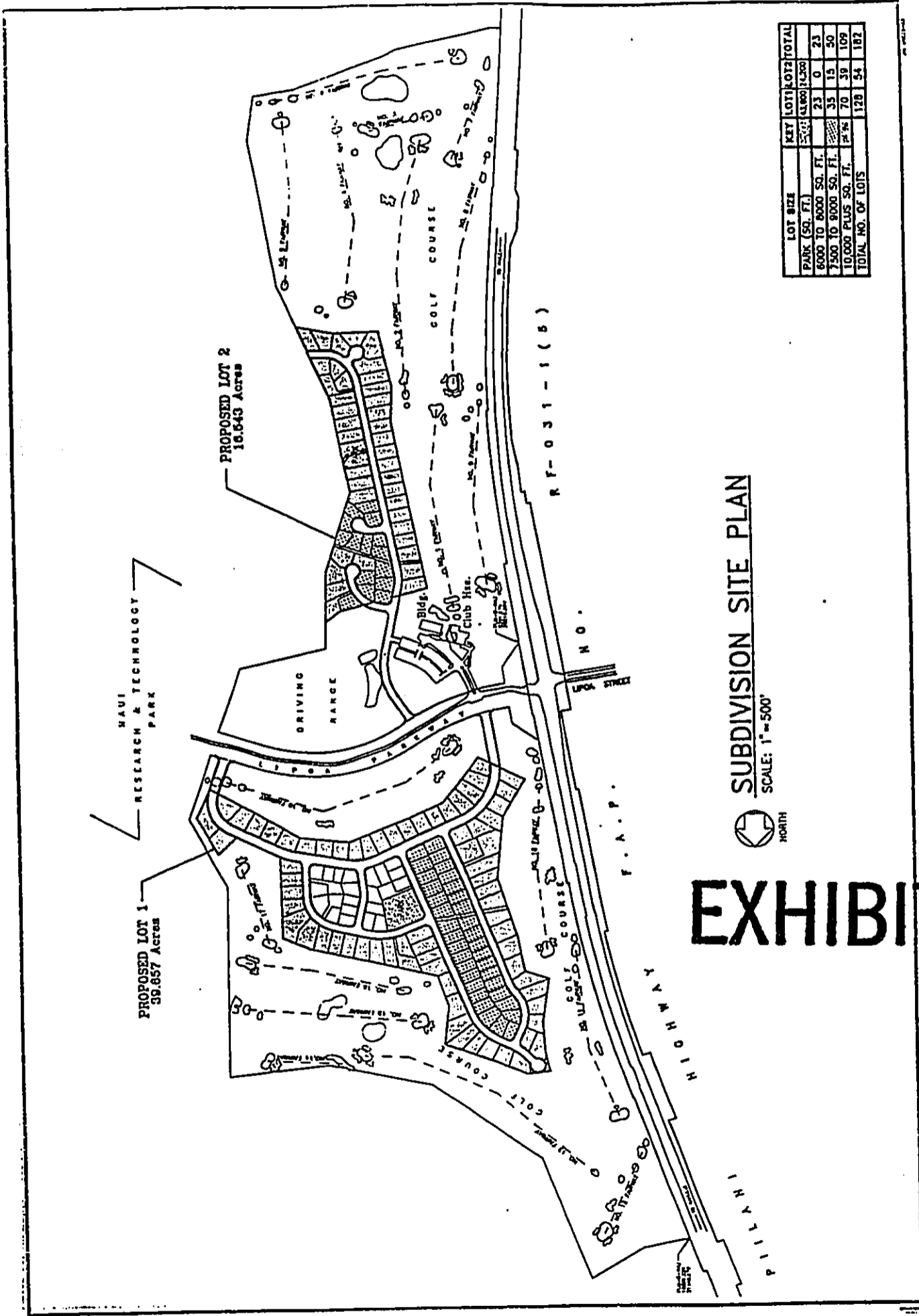
Based on the Planning Department's analysis, the proposed project will provide a range of housing opportunities for the Kihei area and will be an asset for the area, however substantial infrastructural improvements relating to traffic, drainage, and water must be provided in order to mitigate project impacts. The applicant has indicated that they will work with the respective Federal, State and County agencies and make the necessary improvements or contribute their pro-rata share towards development of improvements which will mitigate impacts associated with the proposed project.

*agrees to afford. housing requirement*

Based on the information contained in this assessment report, filing of the Final Negative Declaration is requested.



**EXHIBIT 1**  
**SITE LOCATION MAP**



LOT SIZE	KEY	LOTS	TOTAL
PARK (SQ. FT.)	□	4,000	1,000
6,000 TO 8,000 SQ. FT.	▨	23	0
8,500 TO 10,000 SQ. FT.	▩	35	15
10,000 PLUS SQ. FT.	▧	70	39
TOTAL NO. OF LOTS		128	54

# EXHIBIT 2

LINDA CROCKETT LINGLE  
Mayor  
GEORGE N. KAYA  
Director  
CHARLES JENCKS  
Deputy Director  
AARON SHINMOTO, P.E.  
Chief Staff Engineer



COUNTY OF MAUI  
DEPARTMENT OF PUBLIC WORKS  
AND WASTE MANAGEMENT  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

October 7, 1994

RALPH NAGAMINE, L.S., P.E.  
Land Use and Codes Administration  
EASSIE MILLER, P.E.  
Wastewater Reclamation Division  
LLOYD P.C.W. LEE, P.E.  
Engineering Division  
DAVID WISSMAR, P.E.  
Solid Waste Division  
BRIAN HASHIRO, P.E.  
Highways Division

'94 OCT 11 P 3:05

RECEIVED

MEMO TO: Brian Miskae  
Planning Director

FROM: George N. Kaya *George N. Kaya*  
Director of Public Works & Waste Management

SUBJECT: SILVERSWORD SINGLE FAMILY DEVELOPMENT  
TMK: 2-4-24:12 AND POR. OF 13

MAUI PLANNING DEPT	FYI	COMMENTS	ASSIGN	SEE ME	FILE
BRIAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GWEN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COLLEEN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CLAYTON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JULIE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BILL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SECRETARY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ASSIGN TO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODAY'S DATE	<input type="checkbox"/>				
DATE DUE	<input type="checkbox"/>				
By:	<input type="checkbox"/>				

The Engineering Division has reviewed subject project with the developer's consultants and recommend the following:

1. Amend Item No. 1.I. in our memo dated August 10, 1994 to read:

"1.I. The Traffic Impact Analysis Report dated December 23, 1991 is not acceptable. The applicant shall submit a new T.I.A.R. for review and approval to the Department of Public Works & Waste Management at the time of subdivision process. The applicant shall construct roadway and drainage improvements as defined in the revised T.I.A.R. and as stipulated by the Department of Public Works & Waste Management or State Department of Transportation, Highways Division to mitigate the impacts created by this project".

Please note: The underlined portion of the above paragraph denotes the amended sections.

Please contact Lloyd Lee at extension 7745 if you have any questions.

LL:mik(ED94-1261)  
G:\ENGL\ISSWRDCMT.BM

EXHIBIT 3

xc: LUCA  
Bert Toba, Sato & Associates, Inc.  
Tosh Ishikawa



LINDA CROCKETT LINGLE  
Mayor  
GEORGE N. KAYA  
Director  
CHARLES JENCKS  
Deputy Director  
AARON SHINMOTO, P.E.  
Chief Staff Engineer



'94 AUG 12 18:39

COUNTY OF MAUI  
DEPARTMENT OF PUBLIC WORKS  
AND WASTE MANAGEMENT  
RECEIVED  
LAND USE AND CODES ADMINISTRATION  
250 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
August 10, 1994

RALPH NAGAMINE, L.S., P.E.  
Land Use and Codes Administration  
EASSIE MILLER, P.E.  
Wastewater Reclamation Division  
LLOYD P.C.W. LEE, P.E.  
Engineering Division  
DAVID WISSMAR, P.E.  
Solid Waste Division  
BRIAN HASHIRO, P.E.  
Highways Division

MEMO TO: Brian W. Miskae, Planning Director  
F R O M: *George N. Kaya*  
George N. Kaya, Public Works & Waste Management Director  
SUBJECT: Community Plan Amendment and Change in Zoning  
(Modification)  
SILVERSWORD SINGLE FAMILY DEVELOPMENT  
TMK: 2-4-24:12 & por. 13  
92/CPA-003 & 92/CIZ-008

We reviewed the subject application and have the following comments:

1. Comments from the Engineering Division:
  - a. All proposed private roads within this subdivision shall be improved to County standards, to include but not be limited to, pavement widening, street lights, construction of curb, gutter and sidewalk, and relocation of utilities underground.
  - b. 30' radii be provided at all intersections of proposed Subdivision road and the adjoining roads.
  - c. A final detailed drainage and erosion control plan including, but not limited to, hydrologic and hydraulic calculations and scheme for controlling erosion and disposal of runoff water be submitted to the Department of Public Works, Engineering Division for our review and approval. The plan shall provide verification that the grading and runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties. In addition, the developer shall contribute his pro-rata share to drainage improvements to be determined by the County and the drainage master plan. An agreement to the above prepared for filing with the State's Bureau of Conveyances shall be submitted by the applicant.

EXHIBIT 4

Mr. Brian Miskae  
Page 2 of 4  
August 10, 1994  
92/CPA-003 & 92/CIZ-008

- d. The applicant shall contribute his pro-rata share to traffic improvements to be determined by the County and traffic master plans. An agreement to the above prepared for filing with the State's Bureau of Conveyances shall be submitted by the developer.
- e. A copy of the approved water quality report including project mitigation measures (acceptable to the State Department of Health) which evaluates the quality of the storm water discharging into the ocean receiving waters be provided to the County of Maui, Department of Public Works and Waste Management. The report should include a discussion on sediment and nutrient loadings at all drainage outlets.
- f. All existing features, such as, structures, driveways, drainageways, edge of pavement, etc. shall be shown on the project site plan.
- g. Site plan and a "sight distance" report to determine required sight distance and available sight distance at existing and proposed street intersections be provided for our review and approval.
- h. The applicant obtain street name approvals from the Street Naming Commission and show street names on map.
- i. The 100-year flood inundation limits, if applicable, be shown on the project site plans.
- j. The proposed subdivision plan does not conform to MCC Title 18 Subdivision in relation to vehicular access controls on proposed collector roads, length of dead end/cul-de-sac road exceeds 800 feet, roadway geometrics, adequate sight distance, etc.
- k. The applicant shall improve the proposed new traffic signals at Piilani Highway/Lipoa Street intersection as required by State Department of Transportation, Highways Division and the County Department of Public Works Engineering Division.
- l. The traffic analysis report dated December 23, 1991 is not acceptable. The applicant shall submit a new T.I.A. Report for review and approval by the County Department of Public Works Engineering Division.

Mr. Brian Miskae  
Page 3 of 4  
August 10, 1994  
92/CPA-003 & 92/CIZ-008

- m. The U.S. Army Corps of Engineers and the U.S. Fish, Game and Wildlife have major concerns in relation to drainage systems and wetlands.

The applicant is requested to contact the Engineering Division at 243-7745 for additional information.

2. Comments from the Wastewater Reclamation Division:

- a. The developer should be informed that Wastewater Reclamation Division cannot insure that wastewater system capacity will be available.
- b. Wastewater contribution calculations are required before building permit is issued.
- c. Developer shall be assessed impact fees for treatment plant expansion costs.
- d. Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.
- e. Plans should show the installation of an advance riser at each lot (see attached detail).
- f. Indicate on the plans the ownership of each easement (in favor of which party). Note: County will not accept sewer easements that traverse private property.
- g. Hold harmless should be executed. Signed agreement required before Wastewater Reclamation Division will give recommendation for final subdivision approval.

The applicant is requested to contact the Wastewater Reclamation Division at 243-7417 for additional information.

3. Comments from the Solid Waste Division:

- a. The owners and their contractors shall implement solid waste reduction, re-use and recycling programs to reduce the amount of solid waste to be disposed of at the County landfills.
- b. Alternative means of disposal of grubbed material and rock shall be utilized other than disposed of at the County landfills.

Mr. Brian Miskae  
Page 4 of 4  
August 10, 1994  
92/CPA-003 & 92/CIZ-008

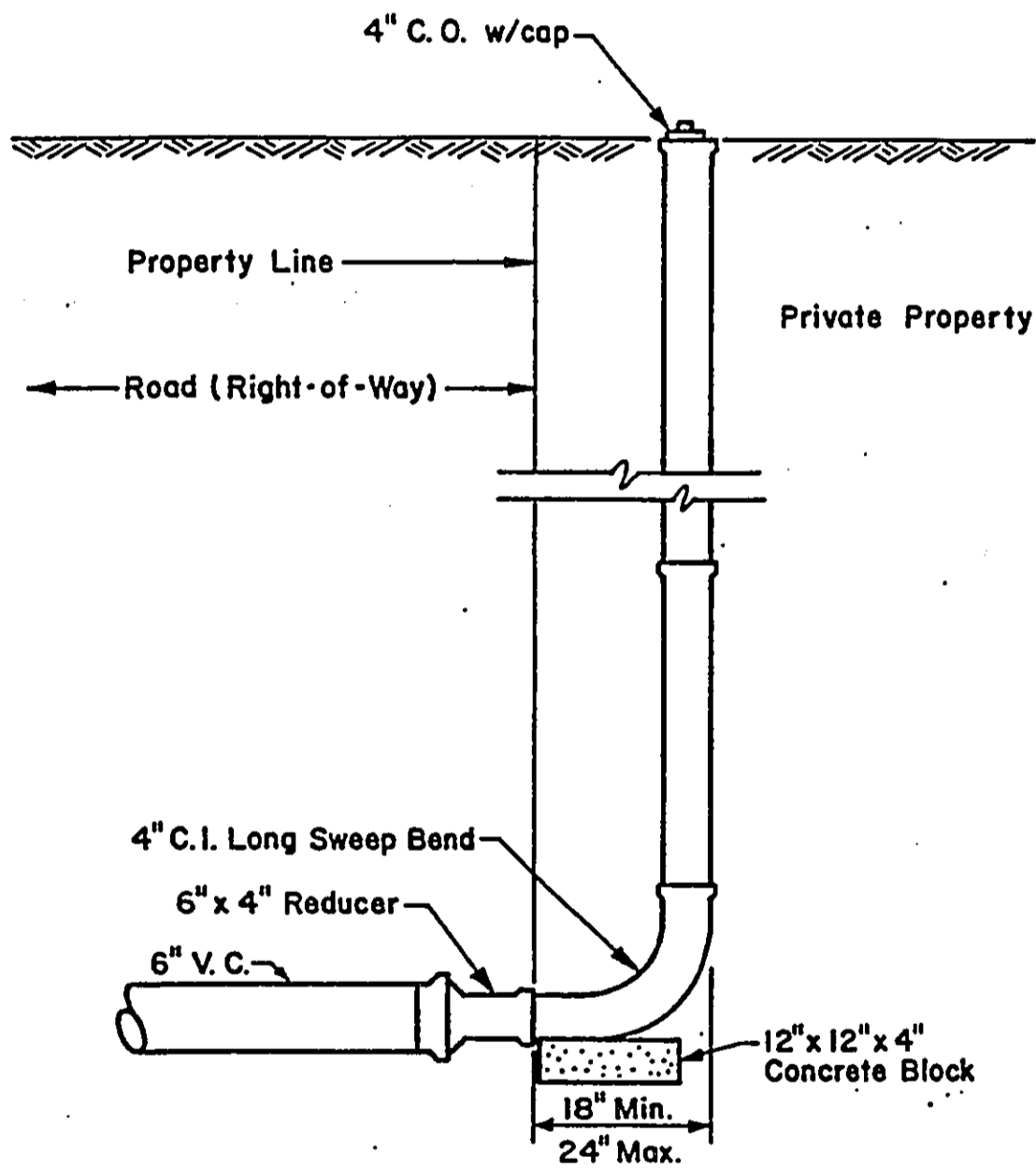
The applicant is requested to contact the Solid Waste Division at 243-7875 for additional information.

4. Comments from the Land Use and Codes Administration:

This division has reviewed this submittal and has no comments at this time.

RMN:ey  
xc: Engineering Division  
Solid Waste Division  
Wastewater Reclamation Division

g:\luca\all\czm\Slvrswrd.mod



**ADVANCE RISER CONNECTION**

Not to Scale



94 SEP 12 P3:00

RECEIVED  
September 6, 1994

**BOARD OF WATER SUPPLY  
COUNTY OF MAUI  
P.O. BOX 1108  
WAILUKU, MAUI, HAWAII 96793-7108**

Mr. Brian W. Miskae, Director  
Maui County Planning Department  
250 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Miskae,

Re: Proposed 71-acre, 182-lot single-family subdivision at  
TMK: 2-2-24:pors. of 12 and 13, Kihei and a 9.2-acre affordable  
housing project at TMK:3-8-4:28, Kihei; Comments on the  
applications Nos. 92/CPA-3 and 92/CIZ-8 submitted by Lawrence N.C.  
Ing on behalf of Silversword Limited Partnership

We advise your department and the applicant of the following:

1. An existing 30-inch water transmission line transverses the western section of the subject 9.2-acre parcel. It is not likely that moving the line will be feasible. A developer would not be permitted to proposed lots or build over the water line;

2. We approximate the total maximum daily water consumption (MDC) for the proposed projects at the subject three parcels to be 530,000 gallons by historical use figures.

The MDC for the proposed 182-lot project without future ohanas is approximately 163,000 gallons by the per-unit standards or 246,000 gallons by the per-unit historical figures for the area. With an average of one ohanas per lot the MDC is approximately 307,000 gallons by the per-unit standards or 460,000 gallons by the per-unit historical figures for the area.

The proposed 9.2-acre affordable housing project's MDC is approximately 41,400 gallons for single-family or 69,000 gallons for a multi-family project by per-acre standards;

3. The applicant is required to develop source for the project. The applicant should meet with our engineering staff to discuss the water source, timing and phasing for their proposal;

4. No guarantee of water is granted or implied as a result of these comments or the approval of the subject application;

5. The applicant will be required to provide substantial off-site water system improvements, fire protection and water service per the standards. Fire, domestic, fixture count, mechanical and irrigation calculations will be required and reviewed at the time of subdivision, water service and/or building permit application;

**EXHIBIT 5**

*"By Water All Things Find Life"*

September 6, 1994  
Mr. Brian W. Miskae, Director  
Proposed 71-acre, 182-lot SF sub, TMK: 2-2-24:12,13  
and 9.2-acre affordable housing project at TMK:3-8-4:28  
92/CPA-3 92/CIZ-8  
page 2

6. Building and stand-alone mechanical equipment, including but not limited to air-conditioners, should be specified as air-cooled or recirculating water-cooled. Single-pass water-cooled systems should be eliminated per Maui County Code Subsection 14.21.20. This restriction should be restated and explained in any project covenants or information; and

7. Full, attractive plantings are encouraged, yet should be designed to survive on the site's natural rainfall, be irrigated with reclaimed water, if possible, and/or use low amounts of drinking water as supplemental irrigation water.

The subject site is located in what is naturally part of the arid coastal vegetation zone. Native plants characteristic of this vegetation zone include, but are not limited to the following species: trees - Wiliwili (*Erythrina sandwicensis*, 20'ht.), Ohe makai (*Reynoldsia sandwicensis*, 20'ht.), Hao (*Rauvolfia sandwicensis*, 20'ht.); shrubs - Alah'e (*Canthium odoratum*, 12'ht.), Lama (*Diospyros sandwicensis*, 12'ht.), Naio (*Myoporum sandwicense*, 10'ht.), Kului (*Nototrichium sandwicense*, 8'ht.), Naupaka (*Scaevola sericea*, 6'ht.), 'A'ali'i (*Dodonaea viscosa*, 6'ht.), 'Ulei (*Osteomeles anthyllidifolia*, 4'ht.); and groundcovers - Pa'uohiaka (*Wikstroemia uva-ursi*, 2'ht.), 'Akia (*Wikstroemia species*, 2'ht.), 'Ohai (*Sesbania tomentosa*, 1'ht.), Mau'u 'Aki'aki (*Fimbristylis cymosa*, .5'ht.), 'Ilima papa (*Sida fallax* .5'ht..)

Planting with these or similar species, as soil and site permit, saves drinking water. The plants survive on the site's rainfall supplemented with low amounts of irrigation during the first year(s) and summers. Turf species with low water use requirements are, for example, Buffalograss (18"-28"/year), Common Bermuda, 'No Mow' Bermuda and Zoysia.

Further guidance in water conservation in landscaping may be found in the attached document or in the Maui County Planting Plan.

Sincerely,



David R. Craddick, Director

DDS:ldd:sthenword.asf  
enclosure

JOHN WAIHEE  
GOVERNOR OF HAWAII



'94 JUL 29 P2:55  
STATE OF HAWAII

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED  
DEPARTMENT OF HEALTH  
DISTRICT HEALTH OFFICE  
54 HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

PETER A. SYBINSKY  
DIRECTOR OF HEALTH  
Lawrence Hart, M.D., M.P.H.  
DISTRICT HEALTH SERVICES ADMINISTRATOR (M.D.)

July 27, 1994

Mr. Brian Miskae  
Director  
Department of Planning  
County of Maui  
250 S. High Street  
Wailuku, Hawaii 96793

Dear Mr. Miskae:

Subject: 92/CPA-003, 92/CIZ-008, Silversword Single Family Development, Kihei,  
Maui, Hawaii, TMK: 2-4-24: 12 & 13

Thank you for the opportunity to review and comment on the subject application. Our comments are as follows:

Storm Water Discharge

A storm water National Pollutant Discharge Elimination System (NPDES) permit Notice of Intent (NOI) form is required for construction activities which involve the clearing, grading, and excavation of equal to or greater than five (5) acres of total land area. This NOI form shall be submitted to the Director of Health at least ninety (90) days before the date on which construction is to commence.

Any construction dewatering activity or hydrotesting activity discharging water to surface waters will require an NPDES general permit.

Should the project require site remediation for contaminated ground water, an additional NPDES general permit is required for discharge of treated ground water into surface waters.

EXHIBIT 6



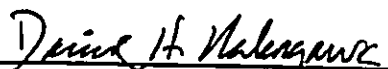
Mr. Brian Miskae

Page 2

July 27, 1994

Should you have any questions on this matter, please contact Mr. Devender Narala of the Engineering Section, Clean Water Branch, at 586-4309 or toll free at 1-800-4644, extension 64309.

Sincerely,

  
\_\_\_\_\_  
DAVID H. NAKAGAWA  
Chief Sanitarian, Maui

224  
JOHN WAIHEE  
GOVERNOR



REX D. JOHNSON  
DIRECTOR

DEPUTY DIRECTORS  
KANANI HOLT  
GLENN M. OKIMOTO  
JOYCE T. OMINE  
CALVIN M. TSUDA

IN REPLY REFER TO:  
STP 8.6320

94 SEP 22 A9:49

DEPT OF P...  
COUNTY...  
RECEIVED

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
889 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

September 19, 1994

Mr. Brian Miskae  
Director  
Planning Department  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Miskae:

Subject: Proposed Community Plan Amendment  
Silversword Single Family Development  
Kihei, Maui 92/CPA-003, 92/CIZ-008  
TMK: 2-4-24: 12 and por. 13

We are responding to the comments provided by Mr. Randall S. Okaneku's letter dated September 9, 1994, a copy of which was furnished to your office.

Mr. Okaneku concurs that the 1991 Traffic Impact Analysis Report (TIAR) should be updated to reflect current conditions and submitted for our review.

The update of the TIAR would identify or better define the measures necessary to mitigate adverse traffic impacts that may be generated by the proposal. In light of the planned roadway improvements for the area, we agreed that the TIAR could be deferred until the improvements are in place.

In the meantime, the developer should acknowledge that his project is likely to require some type of traffic mitigation, the nature of which will be defined by the TIAR. The developer should commit to submitting the TIAR for review and approval, and to providing the resultant roadway improvements identified and agreed upon at no cost to the State.

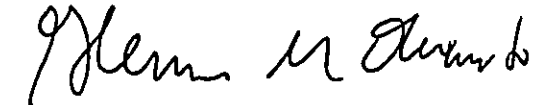
EXHIBIT 7

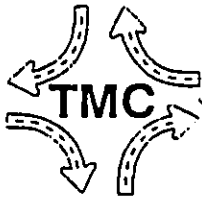
Mr. Brian Miskae  
Page 2  
September 19, 1994

STP 8.6320

Please contact our Statewide Transportation Planning Office at 587-1845 should you have any questions.

Sincerely,

  
Rex D. Johnson  
Director of Transportation



## THE TRAFFIC MANAGEMENT CONSULTANT

Randall S. Okaneku, P. E., Principal • 1188 Bishop Street • Suite 1907 • Honolulu, Hawaii 96813  
Telephone: (808) 536-0223 • Facsimile: (808) 537-2985

Job No. 9126  
September 9, 1994

Department of Transportation  
State of Hawaii  
869 Punchbowl Street  
Honolulu, Hawaii 96813

Attention: Mr. Rex D. Johnson, Director of Transportation

Gentlemen and Ladies:

**Subject: Proposed Community Plan Amendment**  
**Silversword Single Family Development**  
**Kihei, Maui 92/CPA-003, 92/CIZ-008**  
**TMK: 2-4-24: 12 and por. 13**

Thank you for your comments in the letter dated August 10, 1994 (STP 8.6241) to Mr. Brian Miskae, Maui County Director of Planning, regarding the subject project. The County has requested that I respond directly to you on this matter. We concur that the 1991 Traffic Impact Analysis Report (TIAR) for the subject project should be updated to reflect current conditions and submitted for your review.

The County of Maui is preparing plans to extend Road C from South Kihei Road to Piilani Highway. Road C would intersect Piilani Highway at the present Lipoa Street intersection. The mauka end of Lipoa Street would become a cul-de-sac at Kihei Elementary School. The County Department of Public Works is preparing a Draft Environmental Assessment (EA) at this writing. The Final EA is expected to be published by the end of this year. The County plans to begin construction of Road C in 1995 and should complete construction within a year (1996). We expect this improvement to impact future traffic demands at the Piilani Highway intersection.

As you know, State Department of Transportation will begin construction of traffic signals at the intersection of Piilani Highway and Lipoa Street. The traffic signal installation should be completed by the end of this year. We expect that the new traffic signals will affect existing traffic operations.

EXHIBIT 8

Department of Transportation

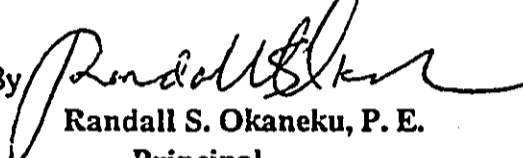
September 9, 1994  
Page 2

In light of these ongoing developments, we feel that it would be more appropriate to update the 1991 TIAR at a later date.

If you require clarification on the above material or have any other questions, I would be pleased to meet with you and your staff.

Very Truly Yours,

The Traffic Management Consultant

By   
Randall S. Okaneku, P. E.  
Principal

Copy to: Mr. Brian Miskae, Planning Director  
Mr. Bert Toba, Sato & Associates, Inc.

JOHN WAIHEE  
GOVERNOR



REX D. JOHNSON  
DIRECTOR

DEPUTY DIRECTORS  
KANANI HOLT  
GLENN M. OKIMOTO  
JOYCE T. OMINE  
CALVIN M. TSUDA

'94 AUG 16 P12:36

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

August 10, 1994

IN REPLY REFER TO:

STP 8.6241

Mr. Brian Miskae, Director  
Planning Department  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Miskae:

Subject: Proposed Community Plan Amendment  
Silversword Single Family Development  
Kihei, Maui 92/CPA-003, 92/CIZ-008  
TMK: 2-4-24: 12 and por. 13

We are unable to provide meaningful comments because the December 1991, Traffic Impact Analysis Report (TIAR) prepared by The Traffic Management Consultant for the proposed Silversword Single Family Development is outdated. Many of the assumptions made in the report need to be reevaluated to reflect current conditions. For instance, it should not be assumed that Piilani Highway will be widened to four lanes by 1997. The applicant should be required to submit an update of the 1991 TIAR for our review.

We are recommending that approval of the Community Plan Amendment application be held in abeyance until we have commented on the updated TIAR.

We appreciate the opportunity to provide comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rex D. Johnson".

Rex D. Johnson  
Director of Transportation

EXHIBIT 9

JOHN WAHEE  
GOVERNOR OF HAWAII



KEITH ARUE, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

JOHN P. KEPPELER II  
DONA L. HANAKE

AQUACULTURE DEVELOPMENT  
PROGRAM

AQUATIC RESOURCES  
CONSERVATION AND

ENVIRONMENTAL AFFAIRS  
CONSERVATION AND

RESOURCES ENFORCEMENT  
CONVEYANCES

FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION

DIVISION

LAND MANAGEMENT

STATE PARKS

WATER AND LAND DEVELOPMENT

94 OCT 12 P1:04

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
33 SOUTH KING STREET, 8TH FLOOR  
HONOLULU, HAWAII 96813

October 10, 1994

Mr. Brian Miskae, Director  
Maui Planning Department  
250 South High Street  
Wailuku, Maui, Hawaii 96793

LOG NO: 12907  
DOC NO: 9410KD03

Dear Mr. Miskae:

**SUBJECT: County of Maui, Historic Preservation Review of the  
Sword Single Family Subdivision Development (I.D.  
No. 92/CPA-003; 92/CIZ-008)  
Waiohuli, Makawao District, Island of Maui  
TMK: 2-2-24; 12 & 13**

This letter is a follow up of our previous comments regarding the Sword Development Project, located within the grounds of the Sword Golf Course at Kihei (letter dated August 24, 1994).

The August 24 letter indicated that the information provided in the Environmental Assessment regarding the presence of historic sites in the area of the project needed to be updated. We also stated that the inventory survey work completed for the project in 1986 was possibly in need of an update, and recommended that an inspection of the proposed subdivision area be conducted.

An inspection of the project area was conducted by State Historic Preservation Division staff archaeologist Theresa K. Donham on October 3, 1994. The c. acre project area consists of two large lots. Lot 1 (c. 39.7 acres) is located at the northern end of the golf course, and Lot 2 (c. 16.5 acres) is located along the eastern edge of the golf course, south of Lipoa Parkway. Both lots are covered with low buffle grass and scattered kiawe trees.

A major portion of Lot 1 has been graded and cleared in connection with the surrounding golf course. An undisturbed area in the southwestern quarter of the Lot was examined during the inspection. A surface feature consisting of a low circular rock mound was identified at the crest of a low ridgeline. This feature appears to be historic.

Lot 2 is generally undisturbed and contains two relatively shallow drainage gulches. An historic site with multiple features was identified along the north slope and crest of a prominent ridge, immediately south of the largest gulch. An enclosure and other

Mr. Brian Miskae  
Page 2

modifications were observed along a rock outcrop area on the ridge. Soil deposits with surface marine shell occur inside the enclosure. A linear mound or wall remnant is present to the south of the enclosure. Additional modified rock outcrops may occur to the west.

Near the southern end of Lot 2, a rock filled terrace was observed. This well-preserved feature is located along the south slope of a rock outcrop, at the top of a low, but prominent knoll. The perimeter of the terrace surface is outlined with a low rock wall. Additional modifications appear to be present nearby.

Based on the findings of the field inspection, it is apparent that historic sites are present within the proposed project area. These sites were not identified in the 1986 inventory survey and they have not been documented to date. We therefore recommend that the following conditions be attached to the change in zoning and Community Plan Amendment, should they be approved:

Prior to any further subdivision of Lots 1 or 2, and prior to any grubbing, grading, trench excavation or other type of earthmoving within the project area, the applicant shall:

- 1) Conduct an archaeological inventory survey of Lot 2 and of the undisturbed portions of Lot 1.
- 2) Submit a draft report of the survey findings to the State Historic Preservation Division for review, and obtain approval of the report.
- 3) If applicable, prepare and submit any necessary mitigation plans (data recovery, preservation plan, burial treatment) to the State Historic Preservation Division for review, and obtain approval of the plan(s).
- 4) Successfully implement the applicable mitigation measures.

Please contact Ms. Theresa K. Donham at 243-5169 if you have any questions.

Sincerely,

*Ross Hardy*

for DON HIBBARD, Administrator  
State Historic Preservation Division

EXHIBIT 10

c: Robaire Goueytes (SILVERSWORD GOLF COURSE)



JOHN WABIEE  
GOVERNOR OF HAWAII



'94 AUG 29 P2:37

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
STATE HISTORIC PRESERVATION DIVISION  
33 SOUTH KING STREET, 6TH FLOOR  
HONOLULU, HAWAII 96813

KEITH ARUE, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

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DONA L. HANABE

AQUACULTURE DEVELOPMENT  
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ENVIRONMENTAL AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT

CONVEYANCES

FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
DIVISION

LAND MANAGEMENT

STATE PARKS

WATER AND LAND DEVELOPMENT

August 24, 1994

Mr. Brian Miskae, Director  
Maui Planning Department  
250 South High Street  
Wailuku, Maui, Hawaii 96793

LOG NO: 12312  
DOC NO: 9408KD19

Dear Mr. Miskae:

SUBJECT: County of Maui, Historic Preservation Review of the  
Sword Single Family Development (I.D. No.  
92/CPA-003; 92/CIZ-008) Waiohuli, Makawao, Maui  
TMK: 2-4-24: 12 & 13 (por.)

Thank you for the opportunity to comment on the revised plans for the Sword Development project, located within the grounds of the Sword Golf Course at Kihei.

We have previously commented on the Environmental Assessment for this project (letter to Brian Miskae, June 26, 1992). At that time, our office concurred with the negative findings of a letter report on an archaeological reconnaissance survey conducted in 1986 by Joseph Kennedy (J. Kennedy letter to Brian Miskae February 24, 1986). Our office also indicated that the EA "...has adequately addressed historic preservation concerns."

The Environmental Assessment (1991) submitted for the revised project appears to be the same document that was reviewed in 1992. Since our last review, there is new information regarding the location and distribution of historic sites in the vicinity of the project area.

Page 14 of the EA quotes the Kennedy letter as follows:

...no archaeological sites have been reported on the property, near it, or in a similar setting on this side of the island; none were found in the course of the present study, nor is it likely that any will appear in the course of the proposed development.

EXHIBIT II

Page 2

Since Kennedy's (1986) study, archaeological inventory surveys conducted immediately west of the Silversword Golf Course have identified a number of historic sites, including rock shelters with substantial subsurface midden deposits, platforms, enclosures, terraces, and modified outcrops. These sites represent agricultural and habitation activities dating to the precontact period. The environmental setting for these sites is nearly identical to that of the proposed development project. The above generalization regarding site patterns in this particular environmental zone is no longer accurate. We request that this statement be removed from any future issues of the Environmental Assessment, and that an updated summary of known historic sites in the vicinity of the project area be inserted.

We also feel that the archaeological work that was done for the subdivision area needs to be updated. Based on the patterning of known sites in adjacent lands, it is expected that sites would also be present within the subject parcels. The 1986 survey report states that the entire 235 acre Silversword project area was "...easily examined in one day" by two persons (Kennedy 1986:1). This level of surface coverage is not conducive to the identification of small sites such as surface midden deposits, agricultural terraces, and low walled shelters.

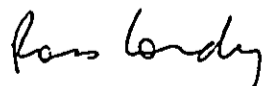
In order for this subdivision project to have "no effect" on historic sites, we need assurance that there are no historic sites within the project area. We request that the proposed action be deferred until an archaeological field inspection of the proposed project area is conducted, in order to verify the presence or absence of historic sites.

If historic sites are found to be present, an inventory survey of the project area will be needed. If an inventory survey is conducted, a draft report of the survey findings should be submitted to the Historic Preservation Division for review and approval. After approval of the inventory survey report and of any necessary mitigation/preservation plans, we will be prepared to determine whether the project will effect historic sites.

If no historic sites are found during the field inspection, we will be prepared to issue a "no effect" determination.

Please contact Ms. Theresa Donham at 243-5169 if you have any questions.

Sincerely,



for DON HIBBARD, Administrator  
State Historic Preservation Division

KD:jen



JOSEPH KENNEDY  
Archaeologist

ARCHAEOLOGICAL CONSULTANTS  
of  
HAWAII

3060 Huelani Dr.  
Honolulu, Hawaii 96822  
(808) 988-6307

February 24, 1986

Mr. Brian Miskae  
Haleakala Greens Corp.  
124-3615 Lower Honoapiilani Highway  
Lahina, Maui 96861

Dear Mr. Miskae:

At the request of Haleakala Greens Corp., Archaeological Consultants of Hawaii, Inc. has conducted a preliminary reconnaissance of the proposed Golf Course; (TMK: 2-2-02), ahupua'a of Waiohuli, located just mauka of Kihei, island of Maui.

This survey took place earlier this month and involved an examination of the entire parcel by myself and an assistant. The property was covered in a systematic fashion by making a series of East/West sweeps, both on foot, and where possible, in a four-wheel drive vehicle. Special attention was directed to the Waipuilani Gulch area (dry at our viewing) for it was reasoned that this portion of the property could be the locus of several types of aboriginal activities and would present the most attractive potentials in an otherwise uninviting environment. Both sides of the gulch were covered on foot for the length of the property and beyond.

The property was easily examined in one day as visibility was high due to the sparse vegetation (low fountain grass (*Pennisetum setaceum*), and some scattered kiawe (*Prosopis pallida*). It should also be mentioned that the area has been subject to grazing and that the survey was conducted during an exceptionally dry period - even for this usually dry portion of the island. All these factors contribute to my belief that no sites were overlooked in this preliminary reconnaissance - a common feature in archaeological walk-through examinations.

EXHIBIT 12

Brian Miskae  
2-24-86  
page 2

A necessary component of all archaeological investigations involves the review of previous like-work in the area. Accordingly, archival records pertaining to this portion of the ahupua'a of Waiohuli were checked at the archaeological library at the Department of Land and Natural Resources, Historic Sites Section. In addition, archaeological work carried out in similar settings on this side of the island were also reviewed.

To begin, there has been no previous work on this particular piece of property nor any sites recorded in the immediate area. There are several important Heiau located quite a distance mauka of the subject parcel, however these will be in no way effected by any proposed activity at this site.

The closest archaeological activity in the area was reported by Cox in 1976 and is published in the Hawaiian Archaeological Journal under the title, "Archaeology of Kula, Maui from Pulehu Nui Ahupua'a to Kamaole. Surface Survey of Pi'ilani Highway." Cox and others passed through Waiohuli along the corridor of the Pi'ilani Highway (located less than one half mile makai of the subject parcel) and failed to notice a single site. This observation is in concert with others (Kirch:1971, and Walton:1972) who have examined very similar areas farther along the same coast towards Makena. All three have commented on the paucity (or total absence) of archaeological sites in this region and have, I believe, correctly labeled it a "transition zone" between more favored coastal and upland areas. As far as we know, this transition zone is an established component of the precontact Hawaiian settlement pattern for areas lacking caves or other exceptional features. It may be assumed that, at least at Waiohuli, this pattern continued on through the early historic period as all 27 LCA's (Land Commission Awards) for the ahupua'a were issued for land situated in the far upland portions of the land unit.

In sum then, all evidence supports the results of our recent survey. Namely, that no archaeological sites have been recorded on the property, near it, or in similar settings on this side of the island; none were found in the course of the present study, nor is it likely that any will appear in the course of the proposed development. For these reasons, I recommend that no further archaeological work is necessary at this location.

Brian Miskae  
2-24-86  
page 3

You may consider this letter a final report concerning the aforementioned property and an archaeological clearance for the proposed development. I might add that Haleakala Greens Corp., and their representatives, have displayed an unusual degree of concern for the important and rapidly dwindling cultural resources in this state -at least as far as the archaeology is concerned -and I would like to congratulate you for this and your cooperation.

Should you have any questions concerning this report, please feel free to contact me. Until then,

Aloha,



Joseph Kennedy  
Archaeologist

JOHN WAIHEE  
GOVERNOR OF HAWAII



KEITH W. AHUE, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES  
JOHN P. KEPPELER, II  
DONAL L. HANAKE

STATE OF HAWAII

'94 AUG 16 DEPT OF LAND AND NATURAL RESOURCES

REF:OCEA:DKP

P. O. BOX 621  
HONOLULU, HAWAII 96809

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED  
AUG 15 1994

FILE NO.: 95-038  
DOC. ID.: 4801

AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
CONSERVATION AND  
ENVIRONMENTAL AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

The Honorable Brian W. Miskae, Director  
Planning Department  
County of Maui  
250 South High Street  
Wailuku, Maui, Hawaii 96793

Dear Mr. Miskae:

SUBJECT: Community Plan Amendment (92/CPA-003) & Zone Change  
(92/CIZ-008) Applications: Silversword Single Family  
Development, Kihei, Maui, TMK: 2-4-24: 12 & por. 13

We have reviewed the application information for the subject project transmitted by your memorandum dated July 14, 1994, and have the following comments:

Commission on Water Resource Management

The Commission on Water Resource Management's (CWRM) staff comments that there appears to be a natural watercourse on the site of the proposed project. If the project entails alteration of the bed or banks of this watercourse, the applicant should determine whether the watercourse can be characterized as a "stream" as defined in Section 13-169-2, Hawaii Administrative Rules. If the watercourse is characterized as a stream, the project may be subject to a Stream Channel Alteration Permit (SCAP) pursuant to Section 13-169-50, Hawaii Administrative Rules.

We will forward any Historic Preservation Division comments as they become available.

We have no other comments to offer at this time. Thank you for the opportunity to comment on this matter.

Please feel free to call Steve Tagawa of our Office of Conservation and Environmental Affairs, at 587-0377, should you have any questions.

Very truly yours,

KEITH W. AHUE

EXHIBIT 13



DEPARTMENT OF  
**HOUSING AND HUMAN CONCERNS**  
 COUNTY OF MAUI

LINDA CROCKETT LINGLE  
 Mayor  
 STEPHANIE AVEIRO  
 Director  
 HENRY OLIVA  
 Deputy Director

94 AUG 23 9 4 31  
 200 SOUTH HIGH STREET, WAILUKU, HAWAII 96793

(808) 243-7805

DEPT OF HOUSING AND HUMAN CONCERNS  
 COUNTY OF MAUI  
 RECEIVED  
 August 23, 1994

TO: Mr. Brian Miskae  
 Director of Planning

FROM: *[Signature]* Ms. Stephanie Aveiro  
 Director of Housing and Human Concerns

SUBJECT: Silversword Single Family Development  
 Community Plan Amendment and Change In  
 Zoning Applications  
 I.D. No. 92/CPA-003 92/CIZ-008  
 TMK: 2-4-24:12 & 13 (por.)

We have reviewed Ms. Ann Cua's July 14, 1994 transmittal letter and enclosures for the subject project, and would like to offer the following recommendations:

1. We recommend that the applicant be required to offer for sale as affordable housing, fifty percent (50%) of the units in the project. Such affordable housing shall be provided as specified below:

10% of total units - Shall be affordable to individuals and families with annual income at or below 80% of Maui County's median annual income.

20% of total units - Shall be affordable to individuals and families with annual income at or below 100% of Maui County's median annual income.

20% of total units - Shall be affordable to individuals and families with annual income at or below 120% of Maui County's median annual income.

**EXHIBIT 14**

Mr. Brian Miskae  
August 23, 1994  
Page 2

2. We request that the applicant be required to enter into an affordable housing agreement with the County, which shall specify the details of the affordable housing requirements which shall include but not be limited to the following:

Buy-back option

Owner Occupancy provision

Marketing of units

Selection of buyers

Submittal of documents (ex. buyer's application, sales contract, Seller's Closing Statement, certified copy of Deed) for verification purposes

Please call Mr. Wayde Oshiro of our Housing Division at 243-7351 if you have any questions.

WTO:df

xc: Housing Administrator



UNITED STATES  
DEPARTMENT OF  
AGRICULTURE

SOIL  
CONSERVATION  
SERVICE

70 S. HIGH STREET, RM. 215  
WAILUKU, HAWAII  
96793

---

Date: July 26, 1994

Mr. Brian Miskae, Planning Director  
Maui Planning Department  
250 S. High Street  
Wailuku, Hawaii 96793

Dear Brian,

RE: Silversword Single Family Development;  
TMK: 2-4-24: 12 & 13 (por)  
I.D. No. 92/CPA-003, 92/CIZ-008

I have no comment on the subject application.

Sincerely,

*Neal S. Fujiwara*  
Neal S. Fujiwara  
District Conservationist

94 JUL 28 P1:37

DEPT. OF PLANNING  
COUNTY OF MAUI  
RECEIVED

EXHIBIT 15



'94 JUL 29 P12:27

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
711 KAPIOLANI BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813-5249  
PHONE (808) 586-3777  
FAX (808) 586-3799

July 26, 1994

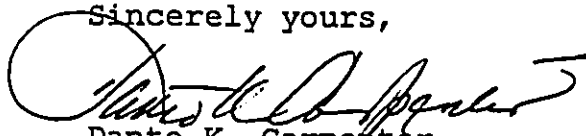
Ms. Ann Cua  
Maui Planning Department  
250 S. High Street  
Wailuku, HI 96793

Dear Ms. Cua:

Thank you for the opportunity to review the Application Form for Change in Zoning for the Silversword Single Family Development, Kihei, Island of Maui.

We find the documentation supporting the application sufficient and have no objections to the applicant's proposal. Please contact me or Linda Delaney, Land and Natural Resource Officer, at 594-1938, should you have any questions on this matter.

Sincerely yours,

  
Dante K. Carpenter  
Administrator

LM:lm  
cc: BOT

EXHIBIT 16



'94 JUL 29 P12:26

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

July 25, 1994

Mr. Brian Miskae  
Planning Director  
County of Maui  
Maui Planning Department  
250 S. High Street  
Wailuku, HI 96793

Dear Mr. Miskae:

Subject: Silversword Single Family Development  
TMK: 2-4-24:12 & 13

Thank you for allowing us to comment on the subject project.

In reviewing the information transmitted and our records, we have no objection to the subject project. Since electrical service is required from MECO, we encourage the developer's electrical consultant to meet with us as soon as practical to verify the project's electrical requirements so that service can be provided on a timely basis.

If you have any questions or concerns, please call Dan Takahata at 871-2385.

Sincerely,

*Neil Shyan*

for  
Edward L. Reinhardt  
Manager, Engineering

DT:rt

EXHIBIT 17





DEPARTMENT OF THE ARMY  
U. S. ARMY ENGINEER DISTRICT, HONOLULU  
FT. SHAFTER, HAWAII 96858-5440

REPLY TO  
ATTENTION OF

July 29, 1994  
'94 JUL 32 P12:53

Planning Division

DEPT OF PLAN  
COUNTY OF MAUI  
RECEIVED

Ms. Ann Cua, Staff Planner  
Maui Planning Department  
County of Maui  
250 South High Street  
Wailuku, Maui, Hawaii 96793

Dear Ms. Cua:

Thank you for the opportunity to review and comment on the Project Plans and Environmental Assessment for the Silversword Single Family Development, Kihei, Maui (TMK 2-2-24: 12 and 13). The following comments are provided pursuant to Corps of Engineers authorities to disseminate flood hazard information under the Flood Control Act of 1960 and to issue Department of the Army (DA) permits under the Clean Water Act; the Rivers and Harbors Act of 1899; and the Marine Protection, Research and Sanctuaries Act.

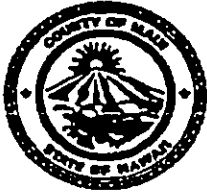
a. Based on the information provided, a DA permit will not be required.

b. The flood hazard information provided on page 15 of the environmental assessment is correct.

Sincerely,

Ray H. Jyo, P.E.  
Director of Engineering

EXHIBIT 18



DEPARTMENT OF  
PARKS AND RECREATION  
COUNTY OF MAUI

1580 KAAHUMANU AVENUE, WAILUKU, HAWAII 96793

LINDA CROCKETT LINGLE  
Mayor  
CHARMAINE TAVARES  
Director  
MIKE DAVIS  
Deputy Director

(808) 243-7230

DEPT OF PARKS AND RECREATION  
COUNTY OF MAUI  
RECEIVED

August 5, 1994

Mr. Brian Miskae  
Planning Director  
Maui Planning Department  
250 S. High Street  
Wailuku, Maui, Hawaii 96793

Attention: Ann Cua

Dear Mr. Miskae:

Subject: I.D. No. 92/CPA-003, 92/CIZ-008  
TMK 2-4-24:12 & 13 (por.)  
Sword Single Family Development  
Mr. Lawrence N.C. Ing

The proposed park site as shown on the subdivision plan is acceptable.

We welcome the opportunity to continue working on the park's plans with the project's consultant. Thank you for allowing us to comment on the application.

Sincerely,

CHARMAINE TAVARES  
Director

CT/rt

EXHIBIT 19

JOHN WAIHEE  
GOVERNOR

HERMAN M. AJAZWA, Ph.D.  
SUPERINTENDENT



'94 AUG -9 17:56

DEPT. OF EDUCATION  
RECEIVED

STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P. O. BOX 2380  
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

August 2, 1994

Mr. Brian Miskae  
Planning Director  
Maui Planning Department  
250 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Miskae:

SUBJECT: Silversword Single Family Development  
I.D. No. 92/EA-005, 92/CPA-003, 92/CIZ-008  
TMK: 2-2-24: 12 & 13 (por.)

Our review of the subject environmental assessment indicates that the proposed development will have an impact on the schools in the area. The 182 single-family units planned for this subdivision will have the following enrollment impact on the area schools.

<u>School</u>	<u>Grade</u>	<u>Projected Students</u>
Kihei Elementary	K-6	36
Lokelani Intermediate	7-8	7
Baldwin High	9-12	13

Our original comments in 1992 were based on 192 lots. The projected 56 students from this development will add to the crowded conditions at the aforementioned schools. The Department is projecting to open two new schools to alleviate the overcrowding at Kihei Elementary and Baldwin High Schools. The new King Kekaulike High School is scheduled to open in September, 1995, and the new Kihei II Elementary School is projected for September, 1996.

EXHIBIT 20

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

Mr. Brian Miskae

-2-

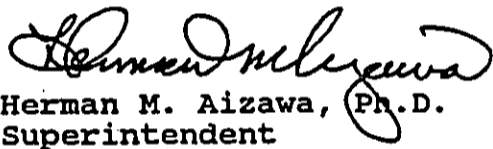
August 2, 1994

The DOE does not agree with the assessment on pages 10-11 of the 1991 Environmental Assessment (EA) that school enrollment at Kihei has not matched expectations. The present enrollment at Kihei is 1,128 students which is 78 students more than cited in the 1991 EA. Lokelani Intermediate School has a 1993 enrollment of 527 compared to the 430 in the EA.

We request that the County support the Department's position to require the developer to provide a pro rata share for the cost of the construction of school facilities. Both existing Kihei schools do not have all required support facilities.

Should there be any questions, please call the Facilities Branch at 733-4862.

Sincerely,



Herman M. Aizawa, Ph.D.  
Superintendent

HMA:hy

cc: A. Suga, OBS  
R. Murakami, MDO