

LINDA CROCKETT LINGLE
Mayor

CHARLES JENCKS
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

March 15, 1995

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

Office of Environmental Quality Control
Central Pacific Plaza
220 South King Street, 4th Floor
Honolulu, HI 96813

SUBJECT: CHARLEY YOUNG'S BEACH PARKING LOT
JOB NO. 94-45

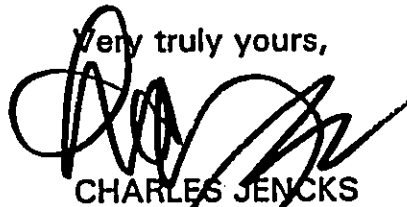
Gentlemen:

The County of Maui, Department of Public Works & Waste Management (DPWWM), has reviewed the comments received during the 30-day public comment period which began on December 8, 1994. On behalf of the applicant, DPWWM has determined that this project will not have significant environmental effects and has issued a negative declaration. Please publish this notice in the next OEQC Bulletin.

Enclosed is a completed OEQC Bulletin Publication Form and four copies of the final EA.

If there are any questions, please contact project manager, Charlene Shibuya of our Engineering Division at (808) 243-7745.

Very truly yours,



CHARLES JENCKS
Director of Public Works
and Waste Management

Enclosures
LL/CSS:c(ED95-410)
GA\ENGI\ENGTRAF\FEA-OEQC.Ygs

xc: B. Miskae
D. DeLeon
Dept. of Parks & Recreation

1995-04-08-MA-~~FEA~~ Charley Young's Beach Parking Lot ^{MAR} 8 1995

FINAL
ENVIRONMENTAL ASSESSMENT
FOR
CHARLEY YOUNG'S BEACH PARKING LOT
KIHEI, MAUI, HAWAII
JOB NO. 94-45
TMK (2) 3-9-005:047

Prepared For:

Department of Parks &
Recreation
County of Maui
0:\ENGL\ENGT\RAF\Young's.FEA

March 1995

Department of Public Works
& Waste Management
County of Maui

I. PROPOSING AGENCY

County of Maui
Department of Public Works
& Waste Management
Mr. Charlie Jencks, Director
200 S. High Street
Wailuku, HI 96793
Telephone No. (808) 243-7845

Agency Contact: Ms. Charlene Shibuya, P.E.
Engineering Division
200 S. High Street
Wailuku, HI 96793
Telephone No. (808) 243-7745

II. PARTIES CONSULTED IN PREPARING ASSESSMENT

The following parties have reviewed and commented on the proposed project and have been consulted in the preparation of this environmental assessment:

STATE OF HAWAII

Office of Environmental Quality Control
220 S. King Street, 4th Floor
Honolulu, HI 96813
Attn: James Ikeda, Interim Director

Department of Land & Natural Resources
State Historic Preservation Division
33 S. King Street, 6th Floor
Honolulu, HI 96813
Attn: Don Hibbard, Administrator

Department of Accounting & General Services
Survey Division
PO Box 119
Honolulu, HI 96810
Attn: Randall Hashimoto, Acting State Land Surveyor

Department of Health
PO Box 3378
Honolulu, HI 96801
Attn: Peter Sybinsky, Director of Health

Department of Health
Maui District Health Office
54 High Street
Wailuku, HI 96793
Attn: Herbert Matsubayashi, Acting Chief Sanitarian, Maui

FEDERAL

Department of Agriculture
Natural Resources Conservation Service
210 Imi Kala Street, Ste 209
Wailuku, HI 96793
Attn: Neal Fujiwara, District Conservationist

Department of the Army
U.S. Army Engineer District, Honolulu
Planning Division
Fort Shafter, HI 96858
Attn: Ray Jyo, Director of Engineering

Department of the Army
U.S. Army Engineer District, Honolulu
Regulatory Branch
Fort Shafter, HI 96858
Attn: Terrell Kelley, Team Leader

III. PROJECT OVERVIEW

PROPERTY LOCATION & LAND OWNERSHIP

The Charley Young Beach Parking Lot project site [TMK (2) 3-9-005-047] is located at the corner of South Kihei Road and Kaiiau Place in Kihei, Maui, Hawaii. The parcel is owned by the County of Maui. Attached are the ownership documents labelled, Exhibit A.

This parcel is situated about 300 feet mauka of Charley Young's Beach; approximately 1,000 feet south of Cove Beach; approximately 1,800 feet south east of Kalama Park; and 1,400 feet north east of Kamaole I Beach Park. Adjoining the property to the east is South Kihei Road, a major collector roadway; to the south is Kaiiau Place; a minor street. Along the property's west and north boundaries are three apartment buildings and a single family residential structure.

PROPOSED ACTION

The County of Maui, Department of Parks & Recreation proposes to construct a 58-stall parking lot for the Charley Young's Beach in Kihei. There are no parking facilities for Charley Young's except for a few parking spaces at the end of Kaiiau Place. The proposed parking lot will alleviate the parking congestion that frequently occurs along Kaiiau Place and Iliili Road.

In addition, on Kaiiau Place at its approach to South Kihei Road, a separate left turn lane will be provided.

With ultimate plans to provide separate left turn lanes and bike lanes for South Kihei Road, on street parallel parking will need to be eliminated. Therefore, provisions for on-site parking facilities are a priority.

The proposed project will conform to the master planned road right-of-way widths for both roadways. Ultimate right-of-way widths planned for South Kihei Road and Kaiiau Place along the corner parcel's frontage is 60' and 56' respectively.

The parking lot plans include the construction of a 25,250 square foot - 58 stall parking lot for Charley Young's Beach. Other project elements include widening Kaiiau Place within the project limits, constructing sidewalks, curbs, gutters, and wheelchair ramps, installing drainage facilities, and other incidental items.

The scope of work includes:

1. New asphaltic concrete pavement to include ten (10) feet of roadway widening along Kaiiau Place to provide a separate left turn pocket.
2. Construction of accessibility ramps along Kaiiau Place, at the corner of Kaiiau Place and S. Kihei Road, and along the east (mauka) side of S. Kihei Road.
3. Construction of one-hundred ten (110') feet of concrete curbs and gutters along Kaiiau Place..
4. Pedestrian improvements to include a 5'-6" wide sidewalk along Kaiiau Place.
5. Fencing against the west (makai) and north property lines.
6. Interior drainage improvements consisting of a concrete drop intake to accommodate surface water on the asphalt, an 18" reinforced concrete pipe and shallow drain manhole to carry the flow from the parking lot to the principal drainage system along South Kihei Road.
7. Installation of twenty-thousand (20,000) square feet of asphalt concrete parking area, to include 58 parking stalls of which 3 will be handicap accessible.
8. Landscaping of street trees, large park crown trees, hedging along S. Kihei Road & Kaiiau Place, and ground cover in conformance with the Arbor's Committee & Maui Planting Plan.
9. Water meter connection to supply irrigation for the landscaping.
10. Installation of an automatic pop-up head sprinkler system.
11. Electrical wiring to supply power to the automated sprinkler system.
12. Parking lot lighting.
13. Pavement striping and markings to control traffic flow.

State Land Use District

The State Land Use District designation is urban.

Kihei-Makena Community Plan

The subject parcel is located within the Kihei-Makena Community Plan area and is designated multi-family.

Zoning

Zoning for the site is Apartment.

Current zoning for the abutting parcels is A-1 apartments. Surrounding zoning within a 500' radius include park and apartment, A-2. Within a 1,500' radius the zoning changes to hotel, H-1 & H-2. and the County zoning is Apartment.

Special Management Area

The project site is within the County's Special Management Area. A major Special Management Area (SMA) permit application was filed with the County of Maui, Planning Department.

IV. AFFECTED ENVIRONMENT

Existing Land Use

The property is presently undeveloped and primarily vegetated with dried overgrown grass and weeds. Other types of vegetation include 5-6 foot kiawe bushes and four coconut trees. Also included on the property is discarded trash. These same conditions existed back in 1987 according to an aerial photograph done in August 1987.

The four coconut trees along the north boundary of the parcel will be retained for the parking lot's landscaping.

Roadway

South Kihei Road is a major collector roadway that extends across the Kihei region in a north-south direction. South Kihei Road at its intersection with Kaiou Place, is a 2-lane roadway; 1-north bound, 1-south bound, with parallel parking on each side. With the presence of apartments and condominiums, as well as popular beach parks in the area, parking for park users is essential.

Kaiiau Place is a 350' long minor street that intersects with Iliili Road, another minor street. Both are two lane local streets which service the abutting residential, apartment, and park users.

Soils and Topography

"No Government Survey Triangulation Stations and Benchmarks are affected". Refer to Exhibit B, item 3, dated January 23, 1995.

Flora and Fauna

The project site does not have any endangered or rare species of plants or animals.

Present vegetation is mostly dried grass, weeds, and coconut trees. There are few small kiawe trees sparsely located on the parcel.

Flood Hazard

According to the Department of the Army, Planning Division, "the project site is located in Zone C (areas of minimal flooding)" corresponding to the Federal Emergency Management Agency's Flood Insurance Rate Map, panel number 150003 0265c dated September 6, 1989. Refer to Exhibit B, item 8, dated December 12, 1994.

Archeological Resources

According to the State of Hawaii, Department of Land and Natural Resources, State Historic Preservation Division, there are "no archaic (extant) structures present on the subject property" due to the extent of disturbance and filling which took place in 1991 and 1992. Refer to Exhibit B, item 2, dated December 14, 1994.

Air Quality

Air quality is not expected to be significantly affected once construction of the parking lot is complete. During construction, temporary nuisances associated with normal construction activities are expected.

The contractor will be required to implement dust control measures such as regular watering and sprinkling.

Water Quality

To insure that pollutants do not enter nearby surface waters during construction, the contractor is required to comply with the Water Quality Standards, Hawaii Administrative Rules, Section 11-54-04.

Noise Impact

Background noise at the site can be attributed to traffic travelling along South Kihei Road and along Kaiau Place. The parking lot improvements consists of a wooden fence and hedges along the side and rear property lines. Also, the road frontages of South Kihei Road and Kaiau Place will have hedges. Therefore, the background noise impact for adjacent properties should be less due to the shielding and absorbing effect of the fencing/landscaping.

Traffic Circulation

Traffic conditions should improve in the area as a result of the parking lot facility. Presently, the beach users park all along the pavements of Kaiau Place and Iliili Road, of which both roads have limited shoulder spaces. On excellent beach condition days, the available space for traffic to move through the neighborhood becomes restricted. The parking facility will provide for adequate off-street parking whereby, congestion from parked vehicles will be mitigated.

Also, a separate left turn lane on Kaiau Road at its approach with South Kihei Road is being provided. Vehicles waiting to make left turns onto South Kihei Road will not cause delays for vehicles turning right.

Drainage Impact

During the construction phase, the contractors are required to comply with Water Pollution Control Regulations and Water Quality Standards as set forth in the "Special Provisions" of the job specifications.

Once construction is completed, the parking lot pavement drainage will be collected with a concrete drop intake and conveyed to an existing drain line that outlets into the shoreline of an existing culvert outlet structure located about 700' south of Kaiau Place.

Wetlands

There are no wetlands on the project site. A Department of the Army permit is not required. Refer to Exhibit B, item 7, dated December 28, 1994.

V. MAJOR IMPACTS AND ALTERNATIVES

Major Impacts - short term

During construction, temporary dust, noise, and traffic disruptions will occur. However, to mitigate the impact to surrounding properties, the

contractor will be required to comply with dust, noise, and water pollution regulations in accordance with all applicable policies, rules, regulations, and laws. These provisions are written in the contract bid documents.

To be more specific, the contractor will be required to do the following:

1. Regular watering and sprinkling to minimize dust;
2. Limit construction activities to normal daylight working hours to minimize noise disruption to surrounding properties;
3. Perform work affecting South Kihei Road only during off-peak traffic periods; and
4. Non-storm water discharges must be retained within the project site and not be discharged into the storm drain system

VI. FINDINGS AND CONCLUSIONS

The proposed project involves the construction of a 59 stall parking lot for the Charley Young's Beach in Kihei. Construction activities will create temporary nuisances normally associated with earthwork, paving, utility installations, landscaping, etc. However, contract provisions will include requirements for the contractor to implement dust control measures, minimize noise disruptions, perform work on South Kihei Road during off-peak hours, etc.

There are no significant long term negative impacts associated with archeological or historic sites; wetlands; flora or fauna; air, water, or noise quality; traffic circulation; and drainage.

Anticipated long term impacts are positive in the sense that the parking lot facility will address a need for off-street parking. Addressing the parking need will alleviate the parking congestion that frequently occurs along Kaiu Place and along Iliili Road.

Based on the foregoing, it is concluded that the proposed action will not result in any significant adverse impacts.

THE ORIGINAL OF THE DOCUMENT
RECORDED AS FOLLOWS
STATE OF HAWAII

BUREAU OF CONVEYANCES
DATE SEP 17 1993 TIME 10:58
DOCUMENT NO. 93-152844

LAND COURT REGULAR SYSTEM
AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP ()

County of Maui

WARRANT DEED

This Deed, made on this 15th day of September,
1993, by GEORGE P. FERREIRA, JR. and ELEANOR B. FERREIRA, husband
and wife, whose residence and mailing address is 4580 Makena Road,
Kihei, Hawaii 96753, herein called the "Grantor", and the COUNTY OF
MAUI, a political subdivision of the State of Hawaii, whose
principal place of business and mailing address is 200 South High
Street, Wailuku, Hawaii 96793, herein called the "Grantee";

WITNESSETH:

That the Grantor, in consideration of the Grantee's
acceptance of the land conveyed herein and for and in consideration

EXHIBIT A

of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration paid to the Grantor by the Grantee, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the Grantee, in fee simple, all of their right, title and interest in and to the following property:

All of that certain parcel of land (being portion of the land(s) described in and covered by Land Patent Grant Number S-15, 636 issued to Seibu Hawaii, Inc.), situate, lying and being at Kamaole, Wailuku (Kula), Island and County of Maui, State of Hawaii, being Parcel 9, being portion of the Government Land of Kamaole, being also a portion of Lot Number 51 of "Kamaole Beach Lots", and more particularly described in Exhibit "A" attached hereto and by reference made a part hereof, subject to the reservations, conditions and covenants contained therein, and further provided that said land shall only be used for public parking for Charlie Young Beach Park, and/or for any other public purpose.

AND the reversions, remainders, rents issues and profits thereof and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereon and thereunto belonging or appertaining or held and enjoyed therewith, unto the Grantee, in fee simple, forever.

AND, in consideration of the premises, the Grantor does hereby covenant with the Grantee that the Grantor is seized of the property herein described in fee simple; that said property is free and clear of and from all liens and encumbrances, except for the

lien of real property taxes not yet by law required to be paid; that the Grantor has good right to sell and convey said property; and, that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

IT IS AGREED AND UNDERSTOOD that the rights and obligations of the Grantor and the Grantee shall be binding upon and inure to the benefit of their respective estates, heirs, personal representatives, successors, successors in trust and assigns. All obligations undertaken by two or more Grantors shall be deemed to be joint and several unless a contrary intention shall be clearly expressed elsewhere herein. The conveyance herein set forth and the warranties of the Grantor concerning the same are expressly declared to be in favor of the Grantee, its successors and assigns.

IT IS FURTHER AGREED AND UNDERSTOOD that this Warranty Deed, executed on the year and date first above written, shall replace that certain Warranty Deed, a true and correct copy of which is attached hereto as Exhibit "B" and made a part hereof, previously executed by the Grantor to the Grantee on April 20, 1993, because the Grantor cannot locate the original of said previous Warranty Deed to deliver to the Grantee for recordation at this time.

IT IS FURTHER AGREED AND UNDERSTOOD that the terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or

feminine, the singular or plural number, individuals or corporation and their and each of their respective successors, heirs, personal representatives and assigns, according to the context thereof. If these presents shall be signed by two or more Grantors, all covenants of such parties shall for all purposes be joint and several.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original and said counterparts shall together constitute on and the same agreement binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or same counterparts for all purposes including without limitation recordation, filing and deliver of this instrument.


IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed on the year and date first above written.

GRANTOR:


GEORGE P. FERREIRA, JR.


ELEANOR B. FERREIRA

APPROVED AS TO FORM
AND LEGALITY:


LILLIAN B. KOLLER
Deputy Corporation Counsel
County of Maui

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 15th day of September, 1993, before me appeared GEORGE P. FERREIRA, JR. and ELEANOR B. FERREIRA, to me personally known to be the persons described herein and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Luana I. Hanaoka
NOTARY PUBLIC, State of Hawaii.

My commission expires: 02/14/95

ls

EXHIBIT "A"

All of that certain parcel of land (being portion of the land(s) described in and covered by Land Patent Grant S-15,636 to Seibu of Hawaii, Inc.) situate, lying and being at Kamaole, Wailuku (Kula), Island and County of Maui, State of Hawaii, being PARCEL 9, being PORTION OF THE GOVERNMENT LAND OF KAMAOLE, being also a PORTION OF LOT NUMBER 51 OF "KAMAOLE BEACH LOTS", and thus bounded and described as per survey of Stanley T. Hasegawa, Land Surveyor, dated December 12, 1984, to-wit:

Beginning at the southwest corner of this parcel of land and at the northwest corner of the intersection of Kaiu Place and Kihei, Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI" being 1909.93 feet south and 21, 075.40 feet west, thence running by azimuths measured clockwise from true South:

- | | | | | |
|----|---|---------|--------|--|
| 1. | 78 | 35' | 88.27 | feet along the north side of Kaiu Place; |
| 2. | 155 | 37' 30" | 235.56 | feet along Grant 11,992 to Frank Kenolio and Marian Helen Kenolio, Grant 12,365 to Marian Helen Kenolio and Grant 11,500 to (Mrs.) Eweylene Takahashi; |
| 3. | 258 | 35' | 126.25 | feet along Lot 6 of Kamaole Beach Lots; |
| 4. | Thence along the westerly side of Kihei Road on a curve to the right with a radius of 1607.02 feet, the chord azimuth and distance being: | | | |
| | 344 | 41' 09" | 218.46 | feet; |
| 5. | 348 | 35' | 11.60 | feet along the westerly side of Kihei Road to the point of beginning and containing an area of 25,250 square feet, more or less. |

SUBJECT TO, HOWEVER, the following:

1. Reservation unto the State of Hawaii in Land Patent Grant Number S-15,636, dated May 6, 1985, effective December 27, 1984, being more particularly described in Exhibit "B" attached hereto and by reference made a part hereof.
2. Reserving unto the State of Hawaii all minerals, all surface and ground waters and all prehistoric and historic remains found in or under said land as reserved in Land Patent Grant No. S-15,636.
3. Covenants and conditions as set forth in Land Patent Grant No. S-15,636, to-wit:

"The Patentee, for itself, its successors and assigns, covenants that the use and enjoyment of the lands herein granted shall not be in support of any policy which discriminates against anyone based upon race, creed, sex, color, national origin or a physical handicap."
4. Facts which would be disclosed by a comprehensive survey of the premises herein described.
5. The consequences of the presence, if any, of hazardous substances, dangerous materials of harmful waste, as a health or safety hazard, or otherwise, which may affect said land.
6. That the said land shall only be used for public parking for Charlie Young Beach Park, and/or for any other public purpose.

Being all of the property described in the following:

DEED
Dated : September 6, 1990
Document No.: 90-139470
Grantor : SEIBU HAWAII, INC., a Hawaii corporation.
Grantee : GEORGE P. FERREIRA, JR., and ELEANOR B. FERREIRA, husband and wife, as Tenants by the Entirety.

EXHIBIT "B"

RESERVING TO THE STATE OF HAWAII, ITS SUCCESSORS AND ASSIGNS, THE FOLLOWING:

(1) All minerals as hereinafter defined, in, on or under the land and the right, on its own behalf or through persons authorized by it, to prospect for, mine and remove such minerals and to occupy and use so much of the surface of the ground as may be required for all purposes reasonably extending to the mining and removal of such minerals by any means whatsoever, including strip mining. "Minerals", as used herein, shall mean any or all oil, gas, coal, phosphate, sodium, sulphur, iron, titanium, gold, silver, bauxite, bauxitic clay, diaspore, boehmite, laterite, gibbsite, alumina, all ores of aluminum and, without limitation thereon, all other mineral substances and ore deposits, whether solid, gaseous or liquid, including all geothermal resources, in, on, or under the land, fast or submerged; provided, that "minerals" shall not include sand, gravel, rock or other material suitable for use and used in general construction in furtherance of the Patentee's permitted activities on the land and not for sale to others.

(2) All surface and ground waters appurtenant to the said land and the right on its own behalf or through persons authorized by it, to capture, divert or impound the same and to occupy and use so much of the said land as may be required in the exercise of this right reserved,

(3) All prehistoric and historic remains found in, on or under said land.

Provided, however, that as a condition precedent to the exercise of the rights reserved in Paragraphs 1 and 2, just compensation shall be paid to the Patentee for any of Patentee's improvements taken.

Return by Mail (X) Pickup () To:

TITLE OF DOCUMENT:

WARRANTY DEED

PARTIES TO DOCUMENT:

Grantor : GEORGE P. FERREIRA, JR. and ELEANOR B. FERREIRA,
Tenants by the Entirety
Grantee : COUNTY OF MAUI, a political subdivision of the
State of Hawaii

PROPERTY DESCRIPTION:

LIBER/PAGE:

Land Patent Grant
Number S-15,636, Island
and County of Maui,
State of Hawaii
TMK: 2-3-9-05-047

DOCUMENT NO.: 90-139470
TRANSFER CERTIFICATE
OF TITLE NO.(S):

EXHIBIT " B "

WARRANTY DEED

This Deed, made on this 20 day of April, 1993, by GEORGE P. FERREIRA, JR. and ELEANOR B. FERREIRA, husband and wife, whose residence and mailing address is 4580 Makena Road, Kihei, Hawaii 96753, herein called the "Grantor", and the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose principal place of business and mailing address is 200 South High Street, Wailuku, Hawaii 96793, herein called the "Grantee";

W I T N E S S E T H:

That Grantor, in consideration of the Grantee's acceptance of the land conveyed herein and for and in consideration of the sum of TEN and NO/100 DOLLARS (\$10.00) and other valuable consideration paid to the Grantor by the Grantee, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey to the Grantee, in fee simple, all of their right, title and interest in and to the following property:

All of that certain parcel of land (being portion of the land(s) described in and covered by Land Patent Grant Number S-15, 636 issued to Seibu Hawaii, Inc.), situate, lying and being at Kamaole, Wailuku (Kula), Island and County of Maui, State of Hawaii, being Parcel 9, being portion of the Government Land of Kamaole, being also a portion of Lot Number 51 of "Kamole Beach

Lots", and more particularly described in Exhibit "A" attached hereto and by reference made a part hereof, subject to the reservations, conditions and covenants contained therein, and further provided that said land shall only be used for public parking for Charlie Young Beach Park, and/or for any other public purpose.

AND the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, unto the Grantee in fee simple, forever.

AND, in consideration of the premises, the Grantor does hereby covenant with the Grantee that the Grantor is seized of the property herein described in fee simple; that said property is free and clear of and from all liens and encumbrances, except for the lien of real property taxes not yet by law required to be paid; that the Grantor has good right to sell and convey said property; and, that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

IT IS AGREED AND UNDERSTOOD that the rights and obligations of the Grantor and the Grantee shall be binding upon and inure to the benefit of their respective estates,

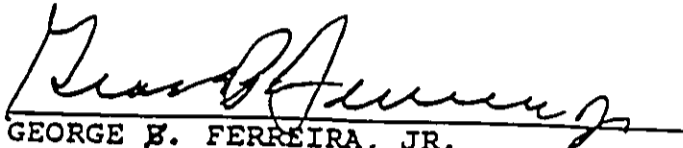
heirs, personal representatives, successors, successors in trust and assigns. All obligations undertaken by two or more Grantors shall be deemed to be joint and several unless a contrary intention shall be clearly expressed elsewhere herein. The conveyance herein set forth and the warranties of the Grantor concerning the same are expressly declared to be in favor of the Grantee, its successors and assigns.

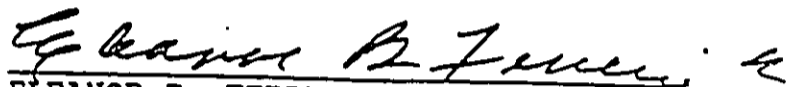
IT IS FURTHER AGREED AND UNDERSTOOD that the terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporation and their and each of their respective successors, heirs, personal representatives and assigns, according to the context thereof. If these presents shall be signed by two or more Grantors, all covenants of such parties shall for all purposes be joint and several.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original and said counterparts shall together constitute one and the same agreement binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or same counterparts for all purposes including without limitation recordation, filing and delivery of this instrument.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed on they year and date first above written.


GRANTOR:


GEORGE P. FERREIRA, JR. M4
R


ELEANOR B. FERREIRA R

STATE OF HAWAII)
COUNTY OF MAUI) SS.

On this 20 day of April, 1993, before me appeared GEORGE P. FERREIRA, JR. and ELEANOR B. FERREIRA, to me personally known to be the persons described herein and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.


Notary Public, State of Hawaii

My commission expires: 10/19/94

LS

EXHIBIT "A"

All of that certain parcel of land (being portion of the land(s) described in and covered by Land Patent Grant S-15,636 to Seibu of Hawaii, Inc.) situate, lying and being at Kamaole, Wailuku (Kula), Island and County of Maui, State of Hawaii, being PARCEL 9, being PORTION OF THE GOVERNMENT LAND OF KAMAOLE, being also a PORTION OF LOT NUMBER 51 OF "KAMAOLE BEACH LOTS", and thus bounded and described as per survey of Stanley T. Hasegawa, Land Surveyor, dated December 12, 1984, to-wit:

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- | | | | | |
|----|---|---------|--------|--|
| 1. | 78 | 35' | 88.27 | feet along the north side of Kaiiau Place; |
| 2. | 155 | 37' 30" | 235.56 | feet along Grant 11,992 to Frank Kenolio and Marian Helen Kenolio, Grant 12,365 to Marian Helen Kenolio and Grant 11,500 to (Mrs.) Eveylene Takahashi; |
| 3. | 258 | 35' | 126.25 | feet along Lot 6 of Kamaole Beach Lots; |
| 4. | Thence along the westerly side of Kihei Road on a curve to the right with a radius of 1607.02 feet, the chord azimuth and distance being: | | | |
| | 344 | 41' 09" | 218.46 | feet; |
| 5. | 348 | 35' | 11.60 | feet along the westerly side of Kihei Road to the point of beginning and containing an area of 25,250 square feet, more or less. |

SUBJECT TO, HOWEVER, the following:

1. Reservation unto the State of Hawaii in Land Patent Grant Number S-15,636, dated May 6, 1985, effective December 27, 1984, being more particularly described in Exhibit "B" attached hereto and by reference made a part hereof.
2. Reserving unto the State of Hawaii all minerals, all surface and ground waters and all prehistoric and historic remains found in or or under said land as reserved in Land Patent Grant No. S-15,636.
3. Covenants and conditions as set forth in Land Patent Grant No. S-15,636, to-wit:

"The Patentee, for itself, its successors and assigns, covenants that the use and enjoyment of the lands herein granted shall not be in support of any policy which discriminates against anyone based upon race, creed, sex, color, national origin or a physical handicap."
4. Facts which would be disclosed by a comprehensive survey of the premises herein described.
5. The consequences of the presence, if any, of hazardous substances, dangerous materials of harmful waste, as a health or safety hazard, or otherwise, which may affect said land.
6. That the said land shall only be used for public parking for Charlie Young Beach Park, and/or for any other public purpose.

Being all of the property described in the following:

DEED
Dated : September 6, 1990
Document No.: 90-139470
Grantor : SEIBU HAWAII, INC., a Hawaii corporation.
Grantee : GEORGE P. FERREIRA, JR., and ELEANOR B. FERREIRA, husband and wife, as Tenants by the Entirety.

EXHIBIT "B"

RESERVING TO THE STATE OF HAWAII, ITS SUCCESSORS AND ASSIGNS, THE FOLLOWING:

(1) All minerals as hereinafter defined, in, on or under the land and the right on its own behalf or through persons authorized by it, to prospect for, mine and remove such minerals and to occupy and use so much of the surface of the ground as may be required for all purposes reasonably extending to the mining and removal of such minerals by any means whatsoever, including strip mining. "Minerals", as used herein, shall mean any or all oil, gas, coal, phosphate, sodium, sulphur, iron, titanium, gold, silver, bauxite, bauxitic clay, diaspore, boehmite, laterite, gibbsite, alumina, all ores of aluminum and, without limitation thereon, all other mineral substances and ore deposits, whether solid, gaseous or liquid, including all geothermal resources, in, on, or under the land, fast or submerged; provided, that "minerals" shall not include sand, gravel, rock or other material suitable for use and used in general construction in furtherance of the Patentee's permitted activities on the land and not for sale to others.

(2) All surface and ground waters appurtenant to the said land and the right on its own behalf or through persons authorized by it, to capture, divert or impound the same and to occupy and use so much of the said land as may be required in the exercise of this right reserved,

(3) All prehistoric and historic remains found in, on or under said land.

Provided, however, that as a condition precedent to the exercise of the rights reserved in Paragraphs 1 and 2, just compensation shall be paid to the Patentee for any of Patentee's improvements taken.

EXHIBIT B

Letter of comments and corresponding response:

1.
Office of Environmental Quality Control, dated November 29, 1994. DPWWM response dated March 10, 1995
2.
Department of Land & Natural Resources, State Historic Preservation Division, dated December 14, 1994. DPWWM response dated March 10, 1995.
3.
Department of Accounting & General Services, Survey Division, dated January 23, 1995. DPWWM response dated March 10, 1995.
4.
Department of Health, dated December 23, 1994. DPWWM response dated March 1, 1995.
5.
Department of Health, Maui District Health Office, dated January 24, 1995. DPWWM response dated March 14, 1995.
6.
Department of Agriculture, Natural Resources Conservation Service, dated January 10, 1995. DPWWM response dated March 10, 1995.
7.
Department of the Army, U.S. Army Engineer District, Honolulu, Regulatory Branch, dated December 28, 1994. DPWWM response dated March 10, 1995.
8.
Department of the Army, U.S. Army Engineer District, Honolulu, Planning Division, dated December 12, 1994. DPWWM response dated March 10, 1995.

JOHN WAIHEE
GOVERNOR



RECEIVED
COUNTY OF MAUI

JAMES K. IKEDA
INTERIM DIRECTOR

STATE OF HAWAII '94 NOV 31 17:46
OFFICE OF ENVIRONMENTAL QUALITY CONTROL
220 SOUTH KING STREET
FOURTH FLOOR
HONOLULU, HAWAII 96813
TELEPHONE (808) 506-4185
FACSIMILE (808) 506-2452
ENGINEERING DIVISION
DEPT. OF PUBLIC WORKS

November 29, 1994

Mr. George N. Kaya
County of Maui
Department of Public Works and Waste Management
200 South High Street
Wailuku, Hawaii 96793

Attn: Ms. Charlene Shibuya

Dear Mr. Kaya:

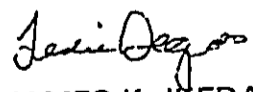
Subject: Draft Environmental Assessment, Charley Young's Beach Parking Lot,
Job No. 94-45; TMK 3-9-5:47

After a careful review of the subject project, we request the following be covered in the final environmental assessment:

1. Presence of historic or archeological sites is not discussed; please consult with State Historic Preservation Division regarding this parcel.
2. Describe previous uses of the subject parcel, if any.
3. Is the subject parcel in a Special Management Area?

If you have any questions, please call Ms. Nancy Heinrich at 586-4185.

Sincerely,


for JAMES K. IKEDA
Interim Director

JKI/NH:kk

EXHIBIT B-1

LINDA CROCKETT LINGLE
Mayor

CHARLES JENCKS
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

March 10, 1995

FILE COPY

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

Mr. James Ikeda, Interim Director
Office of Environmental Quality Control
220 S. King St., 4th Flr
Honolulu, HI 96813

SUBJECT: CHARLEY YOUNG'S BEACH PARKING LOT - DRAFT ENVIRONMENTAL
ASSESSMENT (DEA)
TMK (2) 3-9-05:47
JOB NO. 94-45

Dear Mr. Ikeda:

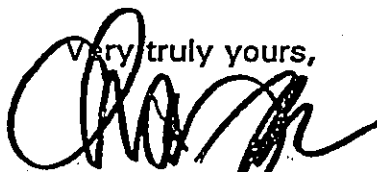
We acknowledge receipt of your letter dated November 29, 1994, regarding three items not covered in our DEA. Our responses to the respective items are as follows:

1. The State Historic Preservation Division (SHPD) was consulted and they believe the project will have "no effect" on historic sites. See attached letter.
2. According to an aerial photograph taken in August 1987, the site was vacant. The site presently still remains vacant and undeveloped. We have no documentation on uses of the site prior to 1987.
3. The site is in a Special Management Area (SMA) and an SMA permit is required for the project. An application has been filed with Maui County's Planning Department.

Your comments and our responses will be incorporated into the final EA.

Mr. James Ikeda
March 10, 1995
Page 2

If you have any questions, please contact Charlene Shibuya, project manager
of our Engineering Division at (808) 243-7745.

Very truly yours,


CHARLES JENCKS
Director of Public Works
and Waste Management

Enclosure
CY/CSS:c(ED95-343)
GAENGIENGRARYoung's.DEA

xc: B. Miskae

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
33 SOUTH KING STREET, 6TH FLOOR
HONOLULU, HAWAII 96813

843
KEITH AIZUE, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

JOHN P. KEPPELER II

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

December 14, 1994

Mr. George Kaya, Director
Department of Public Works
Land Use and Codes Administration
250 South High Street
Wailuku, Hawaii 96793

RECEIVED
LAND ISLANDS DIVISION
'94 DEC 19 P3

COUNTY OF MAUI LOG NO: 13247 ✓
WAILUKU DOC NO: 9412KD24

Dear Mr. Kaya:

SUBJECT: County of Maui, Historic Preservation Review of the
Charley Young's Beach Parking Lot (Job No. 94-45)
Kama'ole, Wailuku District, Island of Maui
TMK: 3-9-05: 47

Thank you for the opportunity to review and comment on the draft Environmental Assessment and preliminary construction plans for a parking lot near Charley Young's Beach. The proposed parking lot is located at the northwest corner of South Kihei Road and Kai'au Street in Kihei. Parcel 47 is 25,250 sq. feet in area; it was previously divided into three smaller residential lots (TMK parcels 47, 48 and 49).

An inspection of parcel 47 was conducted by Historic Preservation Division staff archaeologist Theresa K. Donham and Mr. Charles Keau on September 16, 1992 (T. Donham Memo to A. Griffin September 22, 1992). No extant structures are present on the subject property. According to Mr. Keau, three dwellings were once present, one in each of the smaller lots. The property is leveled and cleared, and has been filled and graded. Very little vegetation is present.

A subsurface archaeological survey was conducted in 1991 of Parcel 19, located immediately west and adjacent to Parcel 47 (Fredericksen et al. 1991). This survey consisted of 23 backhoe trenches within a 10,313 sq. foot area. No evidence of historic sites was identified during the survey.

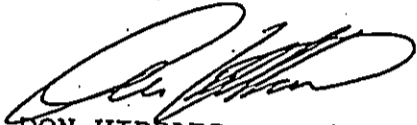
Given the negative findings at Parcel 19, and the extent of disturbance and filling that has occurred at Parcel 47, it appears that there is little likelihood of historic sites being present within the proposed parking lot area. We believe that this project will have "no effect" on historic sites.

EXHIBIT B-2

G. Kaya
Page 2

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

Sincerely yours,



DON HIBBARD, Administrator
State Historic Preservation Division

KD:amk

LINDA CROCKETT LINGLE
Mayor

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

March 10, 1995

FILE COPY
RALPH NAGAMINE, L.S., P.E.
Land Use and Code 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

Mr. Don Hibbard, Administrator
Department of Land and Natural Resources
State Historic Preservation Division
33 S. King St., 6th Fl.
Honolulu, HI 96813

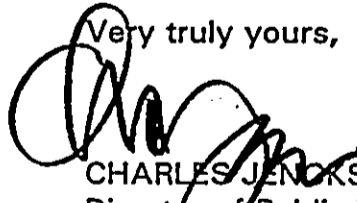
SUBJECT: CHARLEY YOUNG'S BEACH PARKING LOT - DRAFT ENVIRONMENTAL
ASSESSMENT (DEA)
TMK (2) 3-9-05:47
JOB NO. 94-45

Dear Mr. Hibbard:

We acknowledge receipt of your letter dated January 11, 1995 regarding comments on our DEA. The negative findings presented in your letter will be incorporated into our final EA.

If there are any questions, please contact Charlene Shibuya, project manager of our Engineering Division at (808) 243-7745.

Very truly yours,


CHARLES JENCKS
Director of Public Works and
Waste Management

CY/CSS:c(ED95-347)
GAENGTRAF:Young's.DEA

BENJAMIN J. CAYETANO
XXXXXXXXXX
GOVERNOR



EUGENE S. IMAI
XXXXXXXXXXXX
COMPTROLLER

'95 JAN 25 P3:54

DEPT OF ACCOUNTING
AND GENERAL SERVICES
RECEIVED

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
SURVEY DIVISION
P. O. BOX 119
HONOLULU, HAWAII 96810

FILE NO. _____

January 23, 1995

TRANSMITTAL

TO: Mr. Brian Miskae, Director
ATTN.: Mr. Joseph Alueta
SUBJECT: I.D. No. 95/SM1-001
TMK: 3-9-5:47
Project Name: Charley Young's Beach Parking Lot
Applicant: County of Maui - Dept. of Parks & Recreation

REMARKS:

The subject proposal has been reviewed and confirmed that no Government Survey Triangulation Stations and Benchmarks are affected. Survey has no objections to the proposed project.

Randall M Hashimoto
RANDALL M. HASHIMOTO
Acting State Land Surveyor

EXHIBIT B-3

JCC

1/26

LINDA CROCKETT LINGLE
Mayor

CHARLES JENCKS
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

March 10, 1995

FILE COPY
RALPH NAGAMINE, L.S., P.E.
Land Use and Code Administration
CASSIE MILLER, P.E.
Waste and Reclamation Division
LLOYD P.C.W. LEE, P.E.
Engineering Division
DAVID WISSMAR, P.E.
Solid Waste Division
BRIAN HASHIRO, P.E.
Highways Division

Mr. Randall Hashimoto
Acting State Land Surveyor
Department of Accounting and General Services
Survey Division
P.O. Box 119
Honolulu, HI 96810

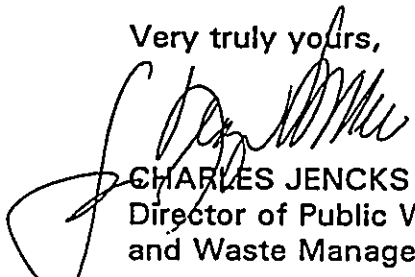
SUBJECT: CHARLEY YOUNG'S BEACH PARKING LOT - DRAFT
ENVIRONMENTAL ASSESSMENT (DEA)
TMK (2) 3-9-05:47
JOB NO. 94-45

Dear Mr. Hashimoto:

We acknowledge receipt of your letter dated January 23, 1995 to the County of Maui, Planning Department. Your letter will be incorporated into our final Environmental Assessment.

If you have any questions, please contact Charlene Shibuya, project manager of our Engineering Division at (808) 243-7745.

Very truly yours,


CHARLES JENCKS
Director of Public Works
and Waste Management

CY/CSS:c(ED95-345)
G:\ENGENTRAP\Young's.DEA

BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



PETER A. SYBINSKY, Ph.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAII 96801

DEPT OF
PUBLIC
WORKS

DIRECTOR
CHIEF OF
PASS.
STATE OF
HAWAII
DEPT. OF
PUBLIC
WORKS

'94 DEC 30 P3:50

COUNTY OF MAUI
PUBLIC WORKS

December 23, 1994

In reply, please refer to:

EPO:94-261

Mr. George N. Kaya
Director of Public Works
Department of Public Works
and Waste Management
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

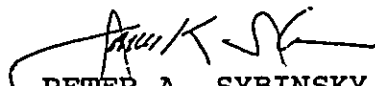
Dear Mr. Kaya:

Subject: Draft Environmental Assessment (DEA)
Charley Young's Beach Parking Lot
Job No. 94-45
Kihei, Maui
TMK: 3-9-5:47

Thank you for allowing us to review and comment on the subject project. We have the following comments to offer:

Best management practices (BMP) must be used to ensure that no soil, asphalt oil or other pollutants enter nearby surface waters.

Sincerely,


PETER A. SYBINSKY, Ph.D.
Director of Health

c: MDHO

EXHIBIT B-4

ENGINEERING DIVISION
DEPT. OF PUBLIC WORKS

'95 JAN -3 P1:03

RECEIVED
COUNTY OF MAUI

12

03

12/30

LINDA CROCKETT LINGLE
Mayor

CHARLES JENCKS
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

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

March 1, 1995

Dr. Peter A. Sybinsky, Ph.D
Director of Health
State of Hawaii
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801

SUBJECT: CHARLEY YOUNG'S BEACH PARKING LOT - DRAFT ENVIRONMENTAL
ASSESSMENT
JOB NO. 94-45

Dear Dr. Sybinsky:

We acknowledge receipt of your letter dated December 23, 1994 regarding the protection of nearby surface waters.

To insure that pollutants do not enter nearby surface waters, the contractor is required to comply with the Water Quality Standards, Hawaii Administrative Rules, Section 11-54-04. A copy of the specification provisions are attached for your information.

If there are any questions, please contact project manager, Charlene Shibuya of our Engineering Division at (808) 243-7745.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles Jencks", written over the typed name.

CHARLES JENCKS
Director of Public Works
and Waste Management

Attachments
CY/CSS:c(ED95-311)
G:\ENGL\ENGR\F\Young's.PAS

xc: B. Miskae

WATER QUALITY STANDARDS

In accordance with Section 11-54-04 of the Water Quality Standards, Hawaii Administrative Rules, the applicant shall not violate the following basic water quality criteria at the project site during construction period(s):

All waters shall be free of substances attributable to domestic, industrial or other controllable sources of pollutants, including:

- a. Materials that will settle to form objectionable sludge of bottom deposits;
- b. Floating debris, oil, grease, scum or other floating materials;
- c. Substances in amounts sufficient to produce taste or odor in the water or detectable off flavor in the flesh of fish or in amounts sufficient to produce objectionable color, turbidity or other conditions in the receiving waters;
- d. High temperatures, biocides, pathogenic organisms, toxic, radioactive, corrosive or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human, animal, plant or aquatic life or in amounts sufficient to interfere with any beneficial use of the water;
- e. Substances or conditions or combinations thereof in concentrations which produce undesirable aquatic life; and
- f. Soil particles resulting from erosion on land involved in earthwork, such as the construction of public works, highways, subdivisions, recreational, commercial or industrial developments; or the cultivation and management of agricultural lands.

DRAIN PIPES

Reinforced Concrete Pipe (RCP) shall be paid for by horizontal measurement in linear feet unless otherwise noted on the plans. No payment will be made for pipe placed in excess of the length approved by the Engineer.

"Trench Excavation & Backfill" and "Crushed Rock" shall be considered as included in the prices bid for "18-inch RCP, Class V".

CATCH BASINS & MANHOLES

Structure excavation for catch basins and manholes shall not be paid for separately but considered incidental to various structure pay items.

BENJAMIN J. CAYETANO
Governor of Hawaii



STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, MAUI, HAWAII 96793

LAWRENCE MIKE
Director of Health
Lawrence Hart, M.D., M.P.H.
District Health Services Administrator (M.D.)

January 24, 1995

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

95 JAN 24 P1 54
DEPT OF PLANNING
COUNTY OF MAUI
WAILUKU, HAWAII

Dear Mr. Miskae:

Subject: 95/SM1-001, Charley Young's Beach Parking Lot, TMK: 3-9-5: 47, Kihei, Maui, Hawaii

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

The project will be considered a generator of non-point source pollution if run off is allowed to enter the ocean. The Environmental Planning Office of the Department of Health should be consulted.

If you have any questions regarding the above, please call me at 243-5255.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Matsubayashi".

HERBERT S. MATSUBAYASHI
Acting Chief Sanitarian, Maui

EXHIBIT B-5

LINDA CROCKETT LINGLE
Mayor

CHARLES JENCKS
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

March 14, 1995

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

Mr. Herbert S. Matsubayashi
Acting Chief Sanitarian, Maui
State of Hawaii
Department of Health
Maui District Health Office
54 High Street
Wailuku, Hawaii 96793

SUBJECT: CHARLEY YOUNG'S BEACH PARKING LOT 95/SM1-001
.. TMK: (2) 3-9-5:47
JOB NO. 94-45

Dear Mr. Matsubayashi:

We acknowledge receipt of your letter of January 24, 1995 addressed to Brian Miskae.

The Department of Health, Environmental Management Division, was consulted by letter of November 16, 1994. A response was received from Dr. Peter Sybinsky, Director of Health on December 23, 1994. Comments regarding protecting nearby surface waters are being addressed in the requirements of the contract specifications. See attached correspondence.

If there are any questions, please contact project manager, Charlene Shibuya at (808) 243-7745.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles Jencks", written over the typed name.

CHARLES JENCKS
Director of Public Works
and Waste Management

Enclosure
LL/CSS:c(ED95-382)
G:\ENGIENGTRAF\Young's.HSM

cc: R Miskae

FILE COPY

LINDA CROCKETT LINGLE
Mayor

CHARLES JENCKS
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

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

March 1, 1995

Dr. Peter A. Sybinsky, Ph.D
Director of Health
State of Hawaii
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801

SUBJECT: CHARLEY YOUNG'S BEACH PARKING LOT - DRAFT ENVIRONMENTAL
ASSESSMENT
JOB NO. 94-45

Dear Dr. Sybinsky:

We acknowledge receipt of your letter dated December 23, 1994 regarding the protection of nearby surface waters.

To insure that pollutants do not enter nearby surface waters, the contractor is required to comply with the Water Quality Standards, Hawaii Administrative Rules, Section 11-54-04. A copy of the specification provisions are attached for your information.

If there are any questions, please contact project manager, Charlene Shibuya of our Engineering Division at (808) 243-7745.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles Jencks".

CHARLES JENCKS
Director of Public Works
and Waste Management

Attachments
CY/CSS:c(ED95-311)
GA:ENGTAFYYoung's.PAS

WATER QUALITY STANDARDS

In accordance with Section 11-54-04 of the Water Quality Standards, Hawaii Administrative Rules, the applicant shall not violate the following basic water quality criteria at the project site during construction period(s):

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- a. Materials that will settle to form objectionable sludge of bottom deposits;
- b. Floating debris, oil, grease, scum or other floating materials;
- c. Substances in amounts sufficient to produce taste or odor in the water or detectable off flavor in the flesh of fish or in amounts sufficient to produce objectionable color, turbidity or other conditions in the receiving waters;
- d. High temperatures, biocides, pathogenic organisms, toxic, radioactive, corrosive or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human, animal, plant or aquatic life or in amounts sufficient to interfere with any beneficial use of the water;
- e. Substances or conditions or combinations thereof in concentrations which produce undesirable aquatic life; and
- f. Soil particles resulting from erosion on land involved in earthwork, such as the construction of public works, highways, subdivisions, recreational, commercial or industrial developments; or the cultivation and management of agricultural lands.

DRAIN PIPES

Reinforced Concrete Pipe (RCP) shall be paid for by horizontal measurement in linear feet unless otherwise noted on the plans. No payment will be made for pipe placed in excess of the length approved by the Engineer.

"Trench Excavation & Backfill" and "Crushed Rock" shall be considered as included in the prices bid for "18-inch RCP, Class V".

CATCH BASINS & MANHOLES

Structure excavation for catch basins and manholes shall not be paid for separately but considered incidental to various structure pay items.

DOCUMENT CAPTURED AS RECEIVED



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

210 Imi Kala Street
Suite 209
Wailuku, HI
96793-2100

95 JAN 12 12:32

January 10, 1994

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

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

Dear Mr. Miskae,

Subject: Charley Young's Beach Parking Lot
TMK: 3-9-5: 47
I.D. No. 95/SM1-001

I have no comment on the project.

Sincerely,

Neal S. Fujiwara

Neal S. Fujiwara
District Conservationist

MAUI PLANNING DEPT	FM	COMMENTS	ASSIGN	SEE ME	FILE	DRAFT RESPONSE
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						
DATE						

EXHIBIT B-6

The Natural Resources Conservation Service
formerly the Soil Conservation Service,
is an agency of the
United States Department of Agriculture

AN EQUAL OPPORTUNITY EMPLOYER

LINDA CROCKETT LINGLE
Mayor

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

March 10, 1995

FILE COPY

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

Mr. Neal Fujiwara, District Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
210 Imi Kala Street, Suite 209
Wailuku, HI 96793

SUBJECT: CHARLEY YOUNG'S BEACH PARKING LOT - DRAFT ENVIRONMENTAL
ASSESSMENT (DEA)
TMK (2) 3-9-05:47
JOB NO. 94-45

Dear Mr. Fujiwara:

We acknowledge receipt of your letter dated January 10, 1995 to the County of Maui, Planning Department. Your letter will be incorporated into the final EA.

If you have any questions, please contact Charlene Shibuya, project manager of our Engineering Division at 243-7745.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles Jencks".

CHARLES JENCKS
Director of Public Works
and Waste Management

CY/CSS:c(ED95-346)
G:\ENGIN\ENGR\FY\Young's.DEA



REPLY TO
ATTENTION OF

Regulatory Branch 95 JAN -3 P2:42

COUNTY OF MAUI
PUBLIC WORKS

Mr. George N. Kaya, Director
Department of Public Works
County of Maui
200 South High Street
Wailuku, Hawaii 96793

Dear Mr. Kaya:

Thank you for the opportunity to review and comment on the Draft Environmental Assessment of Charley Young's Beach Parking Lot, Kihei Maui, TMK: 3-9-005:047.

According to the information and drawings submitted, a Department of the Army (DA) permit will not be required for this project.

File number NP 95-029 has been assigned to this project. Please contact me at 438-9258, extension 13 or Ms. Karen Tomoyasu at 438-9258, extension 20 if there are any questions.

Sincerely,

Terrell Kelley
Team Leader
Maui, Molokai, Lanai and Kauai

(6)

31

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

December 28, 1994

	Comments	Copy	File
DIRECTOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEP. DIR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PERM.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STAFF CE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LUCA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WW RECL.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SOLID W.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENGR.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HWYS.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SECTY.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Return to: _____
By: _____ Date: 01/03/95



RECEIVED
COUNTY OF MAUI
95 JAN -4 19:36
ENGINEERING DIVISION
DEPT. OF PUBLIC WORKS

EXHIBIT B-7

LINDA CROCKETT LINGLE
Mayor

CHARLES JENCKS
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

March 10, 1995

Mr. Terrell Kelley, Team Leader
Maui, Molokai, Lanai, & Kauai
Department of Army
U.S. Army Engineer District, Honolulu
Fort Shafter, HI 96858

SUBJECT: CHARLEY YOUNG'S BEACH PARKING LOT - DRAFT
ENVIRONMENTAL ASSESSMENT (DEA)
TMK (2) 3-9-05:47
JOB NO. 94-45

Dear Mr. Kelley:

We acknowledge receipt of your letter dated December 28, 1994. Your letter will be incorporated into the final EA.

If you have any questions, please contact Charlene Shibuya, project manager our Engineering Division at 243-7745.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles Jencks".

CHARLES JENCKS
Director of Public Works
and Waste Management

CY/CSS:c(ED95-348)
G:\ENG\ENGR\Young's.DEA

FILE COPY

FILE COPY
RALPH NAGAMINE, P.E.
Land Use and Code 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





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

December 12, 1994

REPLY TO
ATTENTION OF

94 DEC 12 P 2:22
Planning Division

COUNTY OF MAUI
PUBLIC WORKS

Mr. George N. Kaya, Director
Department of Public Works
County of Maui
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. Kaya:

Thank you for the opportunity to review and comment on the Draft Environmental Assessment for Charley Young's Beach Parking Lot, Kihei, Maui (TMK 3-9-5: 47). 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 permits under the Clean Water Act; the Rivers and Harbors Act of 1899; and the Marine Protection, Research and Sanctuaries Act.

a. Our Regulatory Branch staff is currently reviewing the document and will provide their comments to your office under separate cover.

b. According to the enclosed Federal Emergency Management Agency's Flood Insurance Rate Map, panel number 150003 0265C dated September 6, 1989, the project site is located in Zone C (areas of minimal flooding).

Sincerely,

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

Enclosure

598

DEPT.	
PUB.	
WORKS	
DIRECTOR	
ASST. DIR.	
PLANNING	
STAFF	
LIAISON	
INSPECTION	
SCIENCE	
TRAINING	
RECORDS	
SP. SVCS.	

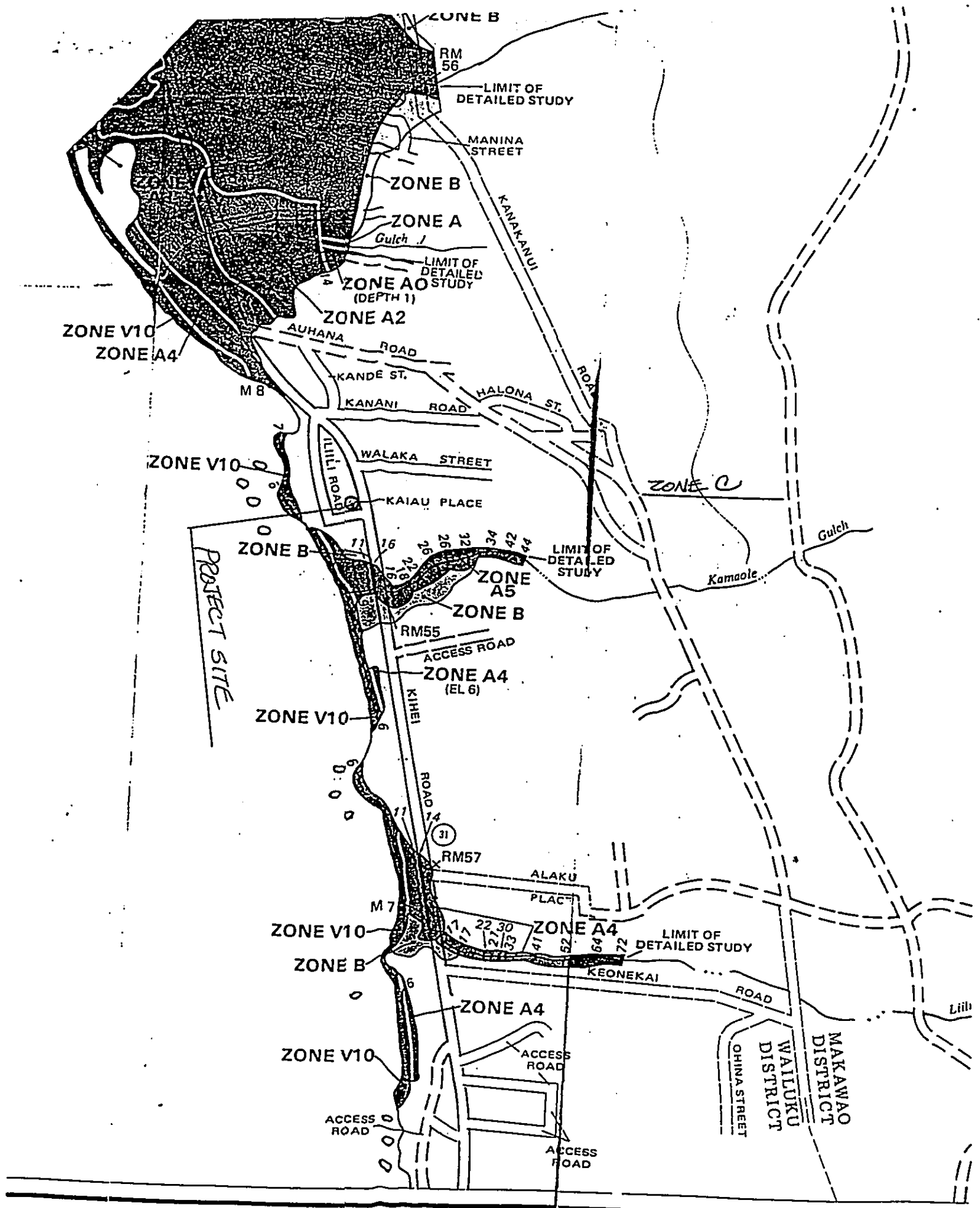
Return to: _____
By: _____ Date: 12/12/94

ENGINEERING DIVISION
DEPT. OF PUBLIC WORKS


94 DEC 13 AM 1:19

RECEIVED
COUNTY OF MAUI

EXHIBIT B-8



DOCUMENT CAPTURED AS RECEIVED

Zone Boundaries	ZONE B
Flood Boundary	
Designations	ZONE B
Far Flood Boundary	513
Near Flood Boundary	513
Flood Elevation Low	513
Elevation in Feet**	513
Flood Elevation in Feet	513
(Elevation Within Zone)**	513
Mean Reference Mark	RM75
Monuments	M1.5
Adapted to the National Geodetic Vertical Datum of 1929	

EXPLANATION OF ZONE DESIGNATIONS

EXPLANATION

- Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
- Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
- Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
- Areas of 100-year flood; base flood elevations and flood hazard factors determined.
- Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
- Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
- Areas of minimal flooding. (No shading)
- Areas of undetermined, but possible, flood hazards.
- Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
- Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NOTES TO USER

Map is for use in administering the National Flood Insurance Program, and does not necessarily identify an area subject to flooding, particularly in areas of minimal flooding.

NATIONAL FLOOD INSURANCE PROGRAM


FIRM
FLOOD INSURANCE RATE MAP

MAUI COUNTY, HAWAII

PANEL 265 OF 400
(SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
150003 0265 C

MAP REVISED:
SEPTEMBER 6, 1989



Federal Emergency Management Agency

Customer Copy

LINDA CROCKETT LINGLE
Mayor

CHARLES JENCKS
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

March 10, 1995

FILE COPY

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

Mr. Ray Jyo, P.E.
Director of Engineering
Department of the Army
U.S. Army Engineer District, Honolulu
Ft Shafter, HI 96858

SUBJECT: CHARLEY YOUNG'S BEACH PARKING LOT - DRAFT
ENVIRONMENTAL ASSESSMENT (DEA)
TMK (2) 3-9-5:47
JOB NO. 94-45

Dear Mr. Jyo:

We acknowledge receipt of your letter dated December 12, 1994 regarding comments on our DEA. The flood zone information provided, will be incorporated into the final EA.

If you have any questions, please contact Charlene Shibuya, project manager of our Engineering Division at (808) 243-7745.

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles Jencks".

CHARLES JENCKS
Director of Public Works
and Waste Management

CY/CSS:c(ED95-349)
G:\ENG\ENGTRAF\Young's.DEA

