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)  
G1806/ENGTRAP/FEA-OEQC.Ype

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

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 Iml 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 Kaiau 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 Kalana 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 Kaiau 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 Kaiau Place. The proposed parking lot will alleviate the parking congestion that frequently occurs along Kaiau Place and Illili Road.

In addition, on Kaiau 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 Kaiau 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 Kaiau 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 Kalau Place to provide a separate left turn pocket.

2. Construction of accessibility ramps along Kalau Place, at the corner of Kalau 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 Kalau Place.

4. Pedestrian improvements to include a 5’-6” wide sidewalk along Kalau 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 & Kalau 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 Kalau 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.
Kaliau 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 11-64-04.
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 Illilii 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 Kahau Place and along Iliili Road.

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

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 & profits thereof and all of the estate, right, title & 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 the 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 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 deliver of this instrument.

IN WITNESS WHEREOF, the Grantor has cause this instrument to be duly executed on the year and date as written.

GRANTOR:

GEORGE F. FERREIRA, JR.

ELEANOR B. FERREIRA

APPROVED AS TO FORM AND LEGALITY:

LILLIAN B. ROLLER
Deputy Corporation Counsel
County of Maui

- 4 -
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.

[Signature]
NOTARY PUBLIC, State of Hawaii.

My commission expires: 02/14/95
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 Kalaiu 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 Kalaiu 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 t. (Mrs.) Maylene 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.

EXHIBIT "A"
Page 1 of 2
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 on 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 "A"
RESERVING TO THE STATE OF HAWAI'I, 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:

Land Patent Grant Number 8-15,636, Island and County of Maui, State of Hawaii
TMK: 2-3-9-05-047

DOCUMENT NO.: 20-139470
TRANSFER CERTIFICATE
OF TITLE NO.(S):

EXHIBIT "B"
WARRANTY DEED

This Deed, made on this __ day of __ , 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 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.

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

GRANTOR:

[Signature]
GEORGE P. FERREIRA, JR.

[Signature]
ELEANOR B. FERREIRA

STATE OF HAWAII
COUNTY OF MAUI

On this 20th 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.

[Signature]
Notary Public, State of Hawaii

My commission expires: 10/4/98

-4-
EXHIBIT "A"

All of that certain parcel of land (being portion of the land(s) described in and covered by Land Patent Grant S-15,616 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 Kailau Place and Kihei, Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "FUU-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 Kailau 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.) Evyline 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.

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Page 1 of 2
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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: SEALBU HAWAII, INC., a Hawaii Corporation.
Grantee: GEORGE P. FERREIRA, JR., and ELEANOR B. FERREIRA, husband and wife, as Tenants by the Entirity.
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, diaspora, 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:


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,

[Signature]

James K. Ikeda
Interim Director

JKI/NH:kk

EXHIBIT B-1
March 10, 1995

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: 84-45

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.
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:q(FD95-343)
GAENGSTRAFYoung's.DEA

c: B. Miskae
December 14, 1994

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

Dear Mr. Kay:

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: 3-9-08: 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 Kaiula 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 (Frederickson et al. 1991). This survey consisted of 33 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
Please contact Ms. Theresa Donham at 243-5169 if you have any questions.

Sincerely yours,

DON HIBBARD, Administrator
State Historic Preservation Division

KD: amk
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)
G/EN/ENGTRAFF/Young’s.DAE
TRANSMITTAL

TO: Mr. Brian Miskae, Director

ATTN.: Mr. Joseph Alueta

SUBJECT: I.D. No. 95/SW-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
Acting State Land Surveyor

EXHIBIT B-3
COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND WASTE MANAGEMENT
200 SOUTH HIGH STREET
WAIIKUKU, MAUI, HAWAII 96793

March 10, 1995

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:ENG/ENGTAP/Young's DEA
December 23, 1994

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
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,

CHARLES JENCKS
Director of Public Works
and Waste Management

Attachments
CY/CSS:c(ED95-311)
0:JENKINSTRA/FYYoung.k.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 Y".

CATCH BASINS & MANHOLES

Structure excavation for catch basins and manholes shall not be paid for separately but considered incidental to various structure pay items.
January 24, 1995

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

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,

HERBERT S. MATSUBAYASHI
Acting Chief Sanitarian, Maui

EXHIBIT B-5
March 14, 1995

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

SUBJECT: CHARLEY YOUNG’S BEACH PARKING LOT 95/SN1-001
          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,

CHARLES JENCKS
Director of Public Works
and Waste Management

Enclosure
LL/CSS: c(ED95-382)
GAENDENGTRAP/Young’s HSM

R. Miskae
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,

CHARLES JENCKS
Director of Public Works
and Waste Management

Attachments
CY/CSS:c(ED95-311)
0:ENG/ENGTRAFYoung'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):

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.

C-9
January 10, 1994

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: 3-9-51 47
I.D. No. 96/SM1-001

I have no comment on the project.

Sincerely,
Neal S. Fujitake
District Conservationist
Mr. Neal Fujiwara, District Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
210 Iml 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,

CHARLES JENCKS
Director of Public Works
and Waste Management

CY/CSS:c(ED95-346)

FILE COPY
RALPH NAGAMINE, L.S., P.E.
Land Use and Codes Administration
EASIE MILLER, P.E.
Wastewater Reclamation Division
LLOYD P.G.W. LEE, P.E.
Engineering Division
DAVID WISSMANN, P.E.
Solid Waste Division
BRIAN HASHIRO, P.E.
Highways Division
December 28, 1994

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: 3-9-005:007.

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
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,  

[Signature]  
CHARLES JENCKS  
Director of Public Works  
and Waste Management  

CY/CSS:c(ED95-348)  
G/ENGINEERING/Young’s.DEA
DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FT. SHAFTER, HAWAII 96856-5440

December 12, 1994

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

EXHIBIT B-8
EXPLANATION OF ZONE DESIGNATIONS

ZONE A

Areas of 100-year floodplain and flood hazard are not determined.

ZONE B

Areas of 100-year flood hazard where physical setting may significantly reduce damage potential.

Shaft of 100-year flood hazard where physical setting may significantly reduce damage potential.

Shaft of 100-year flood hazard where physical setting may significantly reduce damage potential.

Shaft of 100-year flood hazard where physical setting may significantly reduce damage potential.

Shaft of 100-year flood hazard where physical setting may significantly reduce damage potential.

NOTES TO USER

These maps are selected from the National Flood Insurance Program. They are intended to help identify areas subject to flooding, and

FIRM FLOOD INSURANCE RATE MAP

MAUI COUNTY, HAWAII

PANEL 255 OF 460

COMMUNITY-PANEL NUMBER 15003 0255C

MAP REVISED: SEPTEMBER 6, 1989

Customer Copy
March 10, 1995

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,

CHARLES JENCKS
Director of Public Works
and Waste Management