April 7, 1995

Mr. Gary Gill, Director
State of Hawaii
Office of Environmental Quality Control
220 South King Street, Fourth Floor
Honolulu, Hawaii 96813

Dear Mr. Gill:

Subject: Negative Declaration for Community Plan Amendment from Agriculture to Rural for the Howard Dunham 3-Lot Subdivision at TMK: 5-6-6: 21, Keawanui and Kaamola, Molokai (94/EA-007) (94/CPA-006)

The Maui Planning Department has reviewed the comments received during the 30-day comment period which began on August 8, 1994. A final Environmental Assessment was submitted to our office on February 22, 1995. The Maui Planning Department has determined that this project will not have a significant environmental effect and issued a negative declaration. Please publish this notice in the next available OEQC Bulletin.

We have enclosed a completed OEQC Bulletin Publication Form and four copies of the following:

1) Final Environmental Assessment;
2) Public and Agency Comments Received;
3) Letter from Chuck Bushy to Brian Miskae dated February 9, 1995;
4) Transmittal from Chuck Bushy to Maui Planning Department dated February 18, 1995;
5) February 3, 1995 Transmittal of Revised Drainage Report;
6) Revised Letter to Department of Public Works and Waste Management dated December 28, 1994;
7) Letter from Office of Environmental Quality Control to Maui Planning Department dated August 1, 1994;
8) Land Use Commission Decision and Order Docket No. A80-493; and
9) Map Showing L.C. Award 4090.
Mr. Gary Gill, Director
April 7, 1995
Page 2

Should you have any questions, please contact Clayton Yoshida of this office.

Yours truly,

Brian Y. Ohashi
Director of Planning

Enclosures
cc: Howard Dunnam
    Gwen Ohashi, Deputy Planning Director
    Colleen Suyama
    Clayton Yoshida, AICP
    Project File
    Molokai File
    (a:\feadunna)
TO: Nancy Heinrich
State of Hawaii, O.E.Q.C.
220 S. King St. 4th Flr.
Honolulu, Hi 96813

DATE: Wed 24 May 1995
RE: Dunnam, 3-Lot Subdivision
Kamolea, Molokai
TMK: (2) 5-6-06: 21

WE ARE SENDING:

<table>
<thead>
<tr>
<th>CATEGORIES</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
<td>For your signature</td>
</tr>
<tr>
<td>[ ]</td>
<td>For signature and return</td>
</tr>
<tr>
<td>[ ]</td>
<td>Your signature and forwarding</td>
</tr>
<tr>
<td>[ ]</td>
<td>as noted below.</td>
</tr>
<tr>
<td>[ ]</td>
<td>For your review, comment</td>
</tr>
<tr>
<td>[ ]</td>
<td>For necessary action</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TRANSMITTED FOR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Per our conversation</td>
</tr>
<tr>
<td>[ ] Per your request</td>
</tr>
<tr>
<td>[ ] For your files</td>
</tr>
<tr>
<td>[ ] For your information</td>
</tr>
<tr>
<td>[ ] See &quot;Remarks&quot; below</td>
</tr>
<tr>
<td>[ ] For your handling</td>
</tr>
</tbody>
</table>

REMARKS:

|
|--------------------------------------------------|
| CHARLES M. BUSBY P. |

CIVIL ENGINEERING:

SURVEYING SERVICES:

LAND SURVEYING:

Civil Design & Construction Supervision,
Hydrology, Hydraulics, Drainage & Irrigation
GPS, Geodetic & Control Surveys.
Topographic & Construction Surveys.
Under the direction of JAMES F. FOSTER L.S.
ENVIRONMENTAL ASSESSMENT REPORT

94/EA-007

3 LOT SUBDIVISION
KAAMOLA, MOLOKAI, HAWAII

TMK: (2) 5-6-06: 21
CONTENTS:

REPORT
ATTACHMENTS
APPENDIX
   A Comments
   B Responses
COUNTY OF MAUI
PLANNING DEPARTMENT
250 South High Street, Wailuku, Hawaii 96793
MOLOKAI PLANNING COMMISSION
REQUEST FORM
ENVIRONMENTAL (ASSESSMENT) REVIEW

APPLICANT INFORMATION

NAME: Howard Dunham
ADDRESS: P.O. Box 106, Keonekekeai, Molokai 96748

TELEPHONE NO.: (Bus.) same (Residence) 556-8330
Applicant's Interest if Not the Owner:

SIGNATURE(s):

II. DESCRIPTION OF PROPERTY

Tax Map Key: 5-6-06:2T Acreage: 1.570
Location(s): At 72 Mile Marker, Kekaukai, Kaeoia, Molokai

ALL OF THE FOLLOWING SHOULD BE INCLUDED IN REQUEST:

1. Identification of agencies consulted in making assessment;
2. General description of the action's technical, economic, social, and environmental characteristics;
3. Summary description of the affected environment, including suitable and adequate location and site maps; see Charles M. Bust
4. Identification and summary of major impacts and alternatives considered, if any; No major impacts
5. Proposed mitigation measures, if any; NA

In most instances, an action shall be determined to have a significant effect on the environment if it:

1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resource; None on property
2. Curtails the range of beneficial uses of the environment; None
3. Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344, Hawaii Revised Statutes, and any revisions thereof and amendments thereto, court decisions or executive orders; None
4. Substantially affects the economic or social welfare of the community or State; No
5. Substantially affects public health; No
6. Involves substantial secondary impacts, such as population changes or effects on public facilities; No
7. Involves a substantial degradation of environmental quality No
8. Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions; No
9. Substantially affects a rare, threatened or endangered species, or its habitat; No
10. Detrimentally affects air or water quality or ambient noise levels. No
11. Affects an environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters. No
ENVIROMENTAL ASSESSMENT REPORT FORMAT

BEFORE THE (Approving Agency)

COUNTY OF MAUI
STATE OF HAWAII

RECEIVED

LAND USE PERMITS
In the Matter of the Application of
94-JN-28, P2:12

APPLICANT'S NAME: Howard Dunnen

DESCRIPTION: Environmental Assessment (EA) for the proposed
Lot subdivision

MAUI TAX MAP KEY: 560-06-2I

at (District), Island of Molokai.
County of Maui, State of Hawaii.

DOCKET NO. __________

APPLICANT'S NAME

THE APPLICANT

(Name) Howard Dunnen

(Address) 160 Keunuskakai 96748

Phone Number: 558-8339

Agent: Charles M Busby

(Name) (if applicable)

(Address) P.O. Box 246 Kulelepuu Molokai, HI 96777

Phone Number: 557-6333

THE APPLICATION

This matter arises from an application for an environmental assessment (EA) filed on 20 June 1994 pursuant to Chapter 200, Environmental Impact Statement Rules of the Department of Health, State of Hawaii, by Howard Dunnen Partners "Applicant, on behalf of (if applicable), on approximately (property area) of area in the Keawanui and Keemola Keunuskakai district, situate at (Town), Island of Molokai, County of Maui, identified as Maui Tax Map Key No.: 56-06-2I (hereinafter the "Property").
PURPOSE OF THE APPLICATION

The Applicant is requesting an environmental assessment (EA) for the (description of request).


APPROVING AGENCY
Molokai Planning Commission
(Name) (Department, Commission, Board, etc.)
(Address)
Contact Person: (Name, Title) Clayton Yoshida
Phone

CONSULTING AGENCIES
(List agencies consulted and comments) Department of Health
Molokai Planning Commission

GENERAL DESCRIPTION

Description of the Property

1. The Property which is approximately 1.510 acres identified as Maui Tax Map Key Number: 5-6-06-21, Keawaula, Kekaha, Molokai (Island), Hawaii.

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

   a. State Land Use District -- Rural
   b. Community Plan -- Agriculture
   c. Zoning -- Agriculture
   d. Special Management Area -- S.M.A
   e. Other Special Districts -- (if applicable) None
3. The Surrounding Land Uses are as follows:
   a. North -- Wild land pasture
   b. East -- Wild land scrub brush
   c. South -- Wet lands
   d. West -- 200 acres b.

4. The property is currently developed/undeveloped with Mango, Java plum, Kaeawe, Koa Ho'ouli, Christmas berry, and scrub brush. (description of uses or structures on property)

5. Existing Services:
   a. Water -- There is an existing 12 inch diameter waterline along (location such as street). In addition, existing fire hydrants are located near the property 24' from property at (location). (If property is not serviced by a Municipal Water System, how is water provided?)
      none
   b. Sewers -- There is an existing (size) inch diameter sewerline along (location such as street). (If area is not serviced by a Municipal Sewage System, how is sewage disposal handled?)
      none
   c. Roadways -- (Identify roadways, right-of-way, DOT approved driveways, access widths, pavement widths, and improvements such as curbs, gutters or sidewalks). none required
   d. Drainage -- (Identify method storm runoff water is handled).
      Sheet flow Kalamualoe landfill
   e. Solid Waste Disposal -- (Identify nearest landfill site servicing property).
   f. Utilities -- (Identify telephone, electrical, gas and cable services).
   g. Recreational Services/Resources -- (Identify.
      Kikokana park and community center 10 miles
      nearest recreational resources such as parks, community centers, etc. and distance from site).
h. Police and Fire Protection -- (Identify nearest police and fire protection servicing property and distance from site).

i. Schools -- (Identify nearest schools servicing property and distance from site).
   Kilohana school about 2 mi.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

(Describe the proposed development)

AFFECTED ENVIRONMENT

3 single owner occupied single family dwellings

Agriculture

(If applicable, describe any potential impacts on Agricultural resources.)

none class E

Archaeological, Cultural or Historical Resources

(If applicable, describe any archaeological, cultural or historical impacts of the project.)

None, property previously cleared and farmed in 1953.

Impacts on Infrastructure and Services

(If applicable, describe any impacts on existing infrastructure and services and the improvements that may be required.)

None

a. Water -- 12 inch county waterline

b. Sewers -- Individual water waste system

c. Roadways/Traffic -- none

d. Drainage -- Sheet flow across property

e. Solid Waste Disposal -- Kalemaula landfill


g. Recreational Services/Resources -- Eastend C.C. center


i. Schools -- Kilohana school lmi.
Impacts on Environment

(If applicable, identify potential environmental impacts such as erosion, flood hazard, noise, aquatic resources, etc.)

Erosion control by planting. Building construction will conform to federal guidelines.

(If applicable, identify other social and economic impacts that may result from the proposed development such as housing, employment, occupancy rates, etc.) N.A.

Compliance with Government Statutes, Ordinances and Rules

(If applicable, identify other statutes, ordinances and rules that development will be subject to.) Maui County Building code

MITIGATION MEASURES

(Identify all mitigation measures proposed or necessary in order to reduce the impacts of the project.) Erosion control plantin

(ATTACH SITE LOCATION MAP DRAWN TO SCALE AND SITE PLAN)
WESCOATT SUBDIVISION
Total Area = 1.510 Acres
SUBDIVISION OF
R.P. 4433, L.C.Aw. 4090 TO KAUAKAHI
INTO LOTS 1, 2 & 3
AT KAAMOLA, MOLOKAI, HAWAII
20, May 1992
REV. 2, Dec. 1993
Scale 1 in. = 60 ft
SCALE 1 in. = 60 ft

LOT 3
DAAP
21,788 Sq.Ft.
0.500 Ac.
154.70
224.70

PREPARED FOR:
OWNER LAND SUBDIVIDER
WEN WESCOATT et.al.
P.O. BOX 567 KAUNAKAKAI
MOLOKAI, HAWAII 96748

PREPARED BY:
CHARLES H. BUSBY P.E.
P.O. BOX 246 KUALAPUU
MOLOKAI, HAWAII 96757

This work was prepared by me or under my direct supervision.

JAMES F. FOSTER
Registered Professional Land Surveyor
Certificate Number 625

NOTES:
1. All boundary corners are marked with 3/4" pipe unless otherwise noted.
2. All azimuths and record coordinates refer to Government Survey Triangulation Station "KAAMALO".
3. Owners shown on this map were taken from the Dept of Finance Real Property Tax Div.
4. Water service from County system.
5. Sewage disposal is via individual septic system.
6. _____________Denotes no vehicular access permitted
7. _____________Denotes access permitted

2-123
LUCA FILE No. 5.535
ATTACHMENTS
Mr. Ralph Nagamine  
Dept. of Public works and waste Management  
250 south High St.  
Wailuku, Maui, Hawaii 96793  

Dear Mr. Nagamine:  

We are in receipt of your letter dated February 15, 1994 and have been instructed by our surveyor, Mr. Charles Busby, to answer your request regarding:  

Environmental Assessment Review and Community Plan Amendment Application  
Howard Dunnam  
TMK 5-6-6-21  

Item b: Reason (s) justifying the request (15 sets).  

Mr. Howard Dunnam and I are the owner-applicants on this request and wish to subdivide our property to build and occupy three single family homes. As brother-in-laws, we would like to establish clear boundaries and titles to simplify leaving these properties to our children in later years. Mr. Dunnam wants to build one house for his family, one house for his soon retiring mother. I would like to build the third house for my family. We are not professional developers as you will see, and, this is the first time we have ever done something like this.  

In response to item b:  

Reclassification of this property from Maui County Agriculture to Rural type of use would bring this land into conformance with State of Hawaii district boundary classification Rural, petitioned and approved by the State Land Use Commission on March 24, 1981.  

The Soil Conservation Service has classified the soil of the subject property in the Mala-Kealia Series. According to the Detailed Land Classification-Island of Molokai (1968), the subject property has an overall agriculture capacity of "E" on a scale of A-E with "E" representing lands having the lowest agricultural capacity. The Department of Agriculture, State of Hawaii, has indicated that agricultural activities such as truck farming, livestock and pasture uses are not economically viable due to the small acreage of the subject property.  

The Department of Agriculture further comments that due to the scattered housing in the area, re-designation of the subject property to the Rural District would preserve the existing rural nature of the area.  

The reclassification of the subject property will not unreasonably burden public agencies to provide necessary urban amenities, services and facilities because: Access—all three lots of the proposed subdivision will front on Kamehameha V Hwy. Schools and Parks—schools and parks are located within a 2 mile radius of the subject property. The applicant-owners have resided in the area for 25 years and their children already attend the district schools, thus no new burden will be placed on these facilities. As existing area residents, the applicants will also not increase present traffic to this location.
Sewage will be handled by private waste-water disposal systems conforming to the latest Department of Health requirements.

Water, Electric and Telephone-service are all available along Kamehameha V Hwy. Fire Protection will be upgraded by the installation of an additional fire hydrant on the existing 8" main.

Emergency Services-property is within a 4 1/2 mile radius of the Puko'o Fire Station.

The anticipated demands on public infrastructure and utilities will be typical of normal residential usage and would not necessitate major capital improvements or expenditures by governmental or utility companies. As part of any development, all required onsite improvements and any assessment fees are the responsibility of the private developer.

Historic Sites-Ms. Annie Griffin of the Dept of Land and Natural Resources/Historic Sites has inspected the subject property and from her research, has determined no historic sites or archaeological remains are present. As part-Hawaiians, we have insured her department that, in the event any archaeological artifacts are located during construction, all work will stop and her department notified.

Grading and Grubbing/Siltation-to the Keawanul Fishpond will be mitigated by our surveyor's drainage and erosion control measures submitted. All clearing work that has resulted in bare areas has been immediately replanted and existing stone erosion control walls along highway have been rebuilt.

The Maui County General Plan-broad objectives and policies state:

Provide and maintain a range of land use districts sufficient to meet the social, physical, environmental and economic needs of the community. (Sect. I. B. b. Land Use)

Encourage the construction of housing in a variety of price ranges and geographic locations. (Sect. III. A. b. Housing)

The Molokai Citizens Advisory Committee (CAC) to the Molokai Community Plan-We appeared before and petitioned the CAC to change the new community plan they are presently working on to include a rural use designation for our property. As Molokai residents, the CAC members were familiar with our location and understood the nature of our problem. After several questions and deliberation, they voted to approve our request and include it in the new Molokai Community Plan.

The area adjacent to the subject property and, on the makai side of Kamehameha V Hwy for a distance of 2 miles in either direction, is all in a similar rural-residential use. This category is the common nature of this location and, in keeping with the community lifestyle of East Molokai.

In conclusion:

The proposed request meets the intent of the general plan and the objectives and policies of the Molokai community Plan.

The proposed request is consistent with the single family land use current in this area.
The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences or improvements.

The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding residential area.

Please contact us if you require any additional information. In hopes this satisfies your requirements,

Sincerely,

Howard H. Dunnam
PO Box 1804
Kaunakakai, Hawaii 96748
Phone 558-8339

Wren W. Wescoatt
PO Box 81
Kaunakakai, Hawaii 96748
Phone 558-8374
Kaunakakai Fire Station 553-5601/553-5401
APPENDIX A

Comments Received
May 22, 1995

TO: Clayton Yoshida, Maui Planning Dept.
FROM: Nancy Heinrich, OEQ

RE: Howard Dunham, 9-ist Subdivision, 5-6-66

The Final EA received from Chas. Busby (consultant) is still not in an acceptable form. I sent him abbreviated EA guidelines a few weeks ago. Please have him redo the Final EA and resubmit 4 copies. We will use cover letter and Publication form already received.

The following are needed:

1. The Final EA needs to be a single document rather than a bundle of papers.

2. The Final EA needs to include the same text/narrative/discussion as the draft EA, with appropriate changes as required by issues raised in the comment letters.

3. All letters received (Peabody, Hagamine, any others) and responses addressed to the correspondents must be reproduced in the Final EA. These are usually attached as an appendix.

4. Is the property in an SHA? The Final EA needs to include a letter from the Planning Department stating whether an SHA permit is required, and if so, the status of the permit. (The response to the SHA issue (Peabody's letter) refers to a letter from Chas. Puhi, which is not included)

5. The mitigation plan to avoid silitation of the fishpond is not included in the final EA.

Please call me if you want to discuss this.


August 9, 1994

Clayton, Yosida
Planning Department
County of Kauai
250 S. High Street
Lihue, Kauai

Dear Clayton,

RE: 3- Lot Subdivision, Howard Bannan, ID# 94/EA-007, 94/CEA-006,
CEK 5-2-05-21

The following comment/attachment papers you forwarded and requested comments on the abovementioned proposed subdivision.

1. Soils on the said property are Hala and Waialua Series. Attached are copies (offsets) from the Soil Conservation Service's Technical Guide Section indicating that the Hala Series is considered prime farming soils if irrigated.

2. Attached are maps indicating flood zone areas and potential tsunami inundation areas. Also attached is a copy of an SCS developed map identifying wetland areas which we normally verify by on-site visits. You might wish to check with the U.S. Army Corps of Engineers regarding wetland modifications/mitigation. Checking with the U.S. Fish and Wildlife Service might be helpful regarding the area's wildlife.

3. Copies of the surveyor's drainage and erosion control measures were not submitted with your papers. Comments on grading permit erosion control and drainage plans are normally made by the Waioli-Lawai Soil and Water Conservation District when requested by the County's Public Works Department.

Respectfully submitted,

Pamela A. Mills-Paco
District Conservationist
The Honorable Brian W. Miskea, Director
Planning Department
County of Maui
250 South High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. Miskea:

SUBJECT: Community Plan Amendment Application (94/CRA-006): 3-lot Subdivision (Howard Dunning), Keawani, Molokai; TMK: 5-6-06: 21

We have reviewed the application information for the subject project transmitted by your memorandum dated July 18, 1994, and have the following comments:

Division of Aquatic Resources

The Division of Aquatic Resources (DAR) comments that they have conducted a site inspection and interview with one of the owner-applicants. They report that the State Land Use Commission approved reclassification of the parcel from agricultural to rural in March, 1984, and that the property is already subdivided. The current application for approval for reclassification from agricultural to rural from the County of Maui is an administrative action to satisfy the Maui Community Plan.

DAR suggests that the applicant take mitigation measures to minimize or prevent runoff and drainage of any toxic and foreign materials from entering into the adjacent Keawani Fishpond.

Finally, the owner-applicant states that the impacts to the fishpond from grading and grubbing will be mitigated. However, the surveyor's drainage and erosion control measures were not submitted for review.

Historic Preservation Division

The Historic Preservation Division (HPD) comments that they have previously determined, thorough examination of division records and field inspection, that no historic sites are present on this property. Therefore, the proposed actions will have "no effect" on historic sites.
Mr. Miske

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

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

Very truly yours,

[Signature]

KELLY W. AHUE
George Peabody c/o The M.A.N.
SR Box 329 Kkai
Molokai, HI 96748
ph. 558-8263 auto-FAX. 558-8263
Date: April 13, 1993

Maui County Land Use & Codes, and
Department of Public Works
250 S. High St.
Wailuku, HI 96793

att: George Kaya, James Dupont, Glen Ueno, DLNR, Molokai Planning Commission, etc
Re: Complaint pertaining to Wescott Subdivision LUCA file #5.535, TMK#5-6-06:21

Dear Sirs:

This is a complaint and request for investigation of apparent violations by Wren Wescott of County and State laws and the conditions of the preliminary subdivision approval as stated in the letter of Feb. 25, 1993 to Mr. Busby giving Preliminary Approval to the Wescott Subdivision of approx. 1.5 acres of land fronting historic Keawanui Fishpond and noted by the TMK 5-6-06:21, and LUCA file #5.535.

Condition 10 states that a SMA permit may be required if associated construction activities are proposed or conducted (prior to issuance of final subdivision approval and construction permits issued). No SMA or other permits were issued, and no construction (grading, grubbing, slash and burn land clearing) authorized. Also, what about the DLNR recommendation for an archaeological inventory prior to any construction work?

Auntie Griffin (587-0013) said she assumed no work would be done on the land prior to inventory.

During the months of February and March 1993, Wren Wescott performed associated construction activities on the subject property that fronts Keawanui Fishpond without first obtaining a SMA permit, without a grading permit, without a grubbing permit, without DLNR approval, and without verification from the Planning Department: Wescott used a bulldozer for earth moving and contouring of the subject parcel that is proposed for subdivision, and for grubbing and clearing the land of trees and brush; Wescott also used open burning of large piles of biodegradable materials to dispose of the large trees and heavy brush that he had knocked down or cut from his land with chain saws and other equipment. After complaints about the open burning were filed with the Fire Inspector (Leonard) on Molokai, who initially said no open burning permits were issued to anyone, a wood chipper was also added to the equipment being used to reduce the biodegradable materials rendered in the land clearing/grubbing construction activities, but the open burning also continued.

Also, Wescott is a captain in the Maui Fire Dept., and a Molokai Planning Commissioner, and he has apparently been given very very special (coverup) treatment by the Fire Dept. after the open burning and SMA complaints were filed: first no permits exist and must have at least 2-acres so Wescott would be in violation; then story changes, Wescott gets permit, and he is "borrowing" some land from Bishop Estate to meet 2-acre min...fraud? No State permits. This needs to be investigated.

See attached report from March 12, 1993 issue of The Molokai Advertiser News. Please confirm receipt of this complaint, and c.c. to me all followup investigation & correspondence.

Yours Truly,

[Signature]
George Peabody c/o The M.A.N.
HCO1 Box 770 Kekal
Molokai, HI 96778
ph. 808-656-8263 auto-FAX 656-8253
Date: August 17, 1994

Maui County Planning Dept.
250 S. High St.
Wailuku, HI 96793

at: Clayton Yoshida & the Molokai Planning Commission, etc.
Re: Complaint pertaining to Dunnam - Wescoatt Subdivision LUCA file #5.535, TMK#5-6-06:21, and the OEQC public notice of Aug. 8, 1994.

Dear Sirs:

Last year, I sent a letter dated April 13, 1993 regarding this matter which was at that time called the Wescoatt Subdivision, which now is called the Dunnam Subdivision—pretty sneaky little buddy! My letter then was a complaint and request for investigation of apparent violations by Wescoatt of County and State laws, and the conditions of the preliminary subdivision approval as stated in the letter of Feb. 25, 1993 to Mr. Busby giving Preliminary Approval to the Wescoatt Subdivision of approx. 1.5 acres of land fronting historic Keawanui Fishpond and noted by the TMK 5-6-06:21, and LUCA file #5.535.

This area is in the SMA and tidal area abutting Keawanui Fishpond. It should remain in agriculture to prevent developers like Wescoatt from increasing the density of development in such environmentally sensitive areas which are also so near to significant historical sites like Keawanui Fishpond. Mr. Wescoatt and Mr. Dunnam have other parcels of land they own on Molokai, so there is no hardship claim for them that could justify upzoning this parcel next to the fishpond. They have already violated county laws with the grading and filling they did, and there is more new dirt being stockpiled next to the shoreline. County Inspector Carl Pahi says he cannot give a violation notice unless the Planning Department or the LUCA tells him to even when he sees a violation—they tell him to advise the responsibilities first.

The expected environmental impact of a three lot subdivision and construction of three homes in such a sensitive area is obvious. The community plans were developed with Wescoatt's participation and the plan should not be changed to accommodate Wescoatt and Dunnam at the expense of the environment quality and view plane.


Mahalo

[Signature]
Machado’s Fraud and Friendships Rewarded by MPC

Planning commissioners Continue Permit In spite of Apparent Violations at Pukoo Store, and false testimony by Hall & Machado report by G. Peabody...8-17-94....ph.1-558-8253

The 6-month time extension requested by Collete Machado and lawyer Isaac Hall to the Special Use Permit held by Machado’s Kaapahu Farms, Inc to operate The Neighborhood Store at Pukoo was DOUBLED and then approved by the Molokai Planning Commission (MPC) at last Thursday evening. The unprecedented generosity reflects the support of Machado’s allies on the MPC. Wren Wescott and Ron Kimball, and Machado’s business partner, Dr. Emmane Aliu are widely known as her supporters.

None of Machado’s apparent violations of the existing permits, including no septic system, operating without a valid SUP, change in operations without notice to MPC, and the unauthorized transfer by Machado of store operations from Kaapahu Farms to a new entity called Ke Kauaiana Products, caused the commissioners to revoke the SUP permit as provided by law. Jut the opposite. Sympathy and generosity for Machado and her schemes ruled the day.

Machado and Hall said that landowner Don Quiniones (the Moncafo Foundation) had sold The Neighborhood Store lease to Machado (20 year term) without the necessary permits, and that caused Machado to apply to the MPC for a new Special Use Permit. It was issued for an extraordinary 5-year term in 1991. It included septic system requirements from the Dept. of Health which they believed would not have been required otherwise. Machado & Hall know that is a lie. They know that Quiniones legally operated the new facility using a cesspool, and the nearly new store was turned over to Machado inJuly of 1989. Later, Machado’s big plans to expand her operations and her failure to comply with the conditions of her own SUP are the cause of her current permit problems. It appears they lied to avoid responsibility for their own dereliction, and so they could persuade the MPC to allow continued operations at The Neighborhood Store without the expense of the required septic system.

Three and half years later, Machado had still failed to complete the SUP-DOH requirements. On March 8, 1994 the DOH recommended that the SUP permit be rescinded until the applicant has complied with the septic system requirement.

Incredibly, Yoshida said at the hearing that he didn’t know permit violations require shutdown. And, Wescott and Kimball repeatedly suggested that Machado and Hall that instead of their requested 6-month extension of the SUP permit, they should have a 1-year extension even though it was contrary to the DOH’s recommendation. Neulani Joy was unsuccessful in her attempt to limit the permit extension to the end of December when Machado and Hall promised they would move out of the store. Why keep it?, she asked.

Machiado needs to keep the lease because her OHA-DBEDT grant money ($70,000?) is conditioned on holding the facilities she falsely claimed to have located on the 28 acre Pukoo Lagoon when she applied for grants from OHA, DLNR, DBEDT, Maui County, etc. Also, the MPC approved a SMA Minor permit for Machado to construct two more buildings & a certified kitchen on the Pukoo Boat Harbor Lagoon property where she wants to move commercial operations—Say What?! No community review?

Where is OHA grant enforcement? Why is Susanin Schroll on KGKH Board?

report by G. Peabody...8-17-94....ph.1-558-8253
APPENDIX B

Response to Comments
Thursday, 9 February 1993

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

Dear Mr. Miskae:

SUBJECT: Environmental Assessment Application (94/EA-007)
3-Lot Subdivision (Howard Durnam), Kaumola, Molokai;
TMK: (2) 5-6-06: 21
Reply to Agency and Individual comments.

State of Hawaii, Department of Land and Natural Resources:
Division of Aquatic Resources;

George Peabody Letters of 15 April 1993 and 17 Aug. 1994

Drainage-
Revised Drainage Report is transmitted under separate cover.
There is no change to the long term natural drainage pattern over
the site.
There is virtually no change (+6%) in the calculated storm water
runoff from the original poor condition of the site due to this
low density rural development.
Erosion Control Measures are included on the Construction Plan:
Interim Temporary erosion Control Measures--
1. Clear & grub areas to receive fill materials ONLY.
2. All exposed graded areas will be kept damp with water at all
times.
Preminant Erosion Control Measures--
- Grass or Landscape all exposed slopes as soon as possible
after completion of grading.

In our professional opinion this small, low density rural development will

CIVIL ENGINEERING: Civil Design & Construction Supervision
Hydrology, Hydraulics, Drainage & Irrigation

SURVEYING SERVICES: Geodetic & control Surveys,
Topographic & Construction Surveys,
under the direction of JAMES F. FOSTER P.L.S.
have no adverse effect on Keawanui fishpond and the area will benefit by having this land occupied and maintained.

Respectfully,

[Signature]

Charled M. Busby P.E.
Thursday, 11 May 1995

The Honorable Brian W. Miskea, Director
Planning Dept., County of Maui
250 S. High St.
Wailuku, Maui, Hawaii 96793
Attn. Clayton Yoshida

Dear Mr. Miskea:

SUBJECT: Environmental Assessment Application (94/EA-007)
3-Lot Subdivision (Howard Dunnam), Kaamola, Molokai;
TMK: (2) 5-6-06: 21
George Peabody letters of 13 April 1993 to L.U.C.A.
and 17 Aug. 1994 to Planning

SITE GRADING-
Site was cleared by hand and landscaping started.
Construction was started on the driveway fill, needed to meet
State Highway approach standards. This will allow the fill to
consolidate thoroughly before bringing it up to final grade and
paving it.
All of the above were within the applicants property and not on
the State "R/V.
This work was not contingent upon any part of the subdivision
application being approved.

HISTORIC PRESERVATION-
The State Historic Preservation Div. Determined through
examination of division records and field inspection, that no
historic sites are present on the property. (Letter to L.U.C.A.
22, Dec. 1993)

Drainage-
There is no change to the long term natural drainage pattern over
the site.
There is virtually no change (+6%) in the calculated storm water

CIVIL ENGINEERING:
CIVIL Design & Construction Supervision
Hydrology, Hydraulics, Drainage & Irrigation
Geodetic & Control Surveys.
Topographic & Construction Surveys.
under the direction of JAMES F. FOSTER P.L.S.
runoff from the original poor condition of the site due to this
low density rural development.
Erosion Control Measures are included on the Construction Grading
Plan.
Interim Temporary erosion Control Measures-
1 clear 4 grub areas to receive fill materials ONLY.
2 All exposed graded areas will be kept damp with water at all
times
Permanent Erosion Control Measures-
- Grass or Landscape all exposed slopes as soon as possible
after completion of grading.

In our professional opinion this small, low density rural development will
have no adverse effect on Keawanui Fishpond and the area will benefit by
having this land occupied and maintained.

Respectfully,

Charles M. Busby P.E.

cc George Peabody
Nancy Heinrich
TO: Pamela A. Mills-Paoko, DC
SCS Molokai Field Office
P.O. Box 390 Hoolehua
Molokai, HI 96729

DATE: Wed. 24 May 1995
RE: 3 Lot Subdivision, Kaamola, Molokai
TMK: 5-6-06: 21

WE ARE SENDING:

<table>
<thead>
<tr>
<th>COPIES</th>
<th>DATE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>Grading Plan</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td>Drainage Report</td>
</tr>
</tbody>
</table>

FOR:

[ ] For your signature
[ ] For signature and return
[ ] Your signature and forwarding
[ ] as noted below.
[ ] For your review, comment
[ ] For necessary action

[ ] Per our conversation
[ ] Per your request
[ ] For your files
(xxx) For your information
[ ] See "Remarks" below
[ ] For your handling

REMARKS:

CHARLES M. BUSBY P.E.

CIVIL ENGINEERING:
Civil Design & Construction Supervision,
Hydrology, Hydraulics, Drainage & Irrigation
GPS, Geodetic & Control Surveys.
Topographic & Construction Surveys.

SURVEYING SERVICES:
Under the direction of JAMES F. FOSTER L.S.
TRANSMITTAL

TO: STATE OF HAWAII, D.L.N & R
DIV. OF Aquatic Resources
P.O. Box 621
Honolulu, HI 96809

DATE: Thu. 4 May 1995
RE: Environmental Assessment Application
   For Community Plan Amendment
   From Agriculture to Rural
   Howard Dunnam 3-Lot Subdivision
   Kaamola, Molokai

WE ARE SENDING:

1. Revised Drainage Report

COPYES   DATE   DESCRIPTION

FOR:

[ ] For your signature
[ ] For signature and return
[ ] For your signature and forwarding
[ ] For your review, comment
[ ] For necessary action
[ ] Per our conversation
[ ] Per your request
[ ] For your files
[ ] For your information
[ ] See "Remarks" below
[ ] For your handling

REMARKS: In response to comments on the application to Maui County Planning Dept.
Your file No.: 95-042, DOC. ID.: 4806, REF: OCEADK19

CHARLES M. BUSBY P.E.

CIVIL ENGINEERING:
Civil Design & Construction Supervision.
Hydrology, Hydraulics, Drainage & Irrigation
GPS, Geodetic & Control Surveys.
Topographic & Construction Surveys.
Under the direction of JAMES F. FOSTER P.E.
TO: Mr. George Peabody
HCO1 Box 710
Kawaiakai, Molokai
Hawaii 96748

DATE: Wed 24 May 1995
RE: Dunnam Subdivision

WE ARE SENDING:

<table>
<thead>
<tr>
<th>COPIES</th>
<th>DATE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>Responses to Your Comments</td>
</tr>
</tbody>
</table>

FOR:

[ ] For your signature
[ ] For signature and return
[ ] Your signature and forwarding
[ ] as noted below.
[ ] For your review, comment
[ ] For necessary action

[ ] Per our conversation
[ ] Per your request
[ ] For your files
[xxx] For your information
[ ] See "Remarks" below
[ ] For your handling

REMARKS:

CHARLES M. BUSBY P.E.

CIVIL ENGINEERING: Civil Design & Construction Supervision.
Hydrology, Hydraulics, Drainage & Irrigation
GPS, Geodetic & Control Surveys.
Topographic & Construction Surveys.
Under the direction of JAMES F. FOSTER P.S.

SURVEYING SERVICES:

LAND SURVEYING: