

LINDA CROCKETT LINGLE  
Mayor



BRIAN W. MISKAE  
Director

GWEN Y. OHASHI  
Deputy Director

COUNTY OF MAUI  
PLANNING DEPARTMENT  
250 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

RECEIVED

'95 APR 13 P1:28

April 7, 1995

OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL

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 Dunnam 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 Busby to Brian Miskae dated February 9, 1995;
- 4) Transmittal from Chuck Busby 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.

45

Mr. Gary Gill, Director  
April 7, 1995  
Page 2

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

Yours truly,

*for Gwen Ohashi*  
BRIAN MISKAE  
Director of Planning

CIY

Enclosures

cc: Howard Dunnam  
Gwen Ohashi, Deputy Planning Director  
Colleen Suyama  
Clayton Yoshida, AICP  
Project File  
Molokai File  
(a:\feadunna)

1995-06-23-MO-PEA-Dunnam Three Lot Subdivision

CHARLES M. BUSBY P.E.

P.O. BOX 246 KUALAPUU  
MOLOKAI, HAWAII 96757  
Ph (808) 567-6333

RECEIVED

TRANSMITTAL

'95 JUN 13 A7:20

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  
Kaamola, Molokai  
TMK: (2) 5-6-06: 21

OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL

WE ARE SENDING:

COPIES	DATE	DESCRIPTION
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TRANSMITTED: \_\_\_\_\_ FOR:

- |  |   |
|--|---|
| <input type="checkbox"/> For your signature            | <input type="checkbox"/> Per our conversation |
| <input type="checkbox"/> For signature and return      | <input type="checkbox"/> Per your request     |
| <input type="checkbox"/> Your signature and forwarding | <input type="checkbox"/> For your files       |
| <input type="checkbox"/> as noted below.               | <input type="checkbox"/> For your information |
| <input type="checkbox"/> For your review, comment      | <input type="checkbox"/> See "Remarks" below  |
| <input type="checkbox"/> For necessary action          | <input type="checkbox"/> For your handling    |

REMARKS:

CHARLES M. BUSBY P.

CIVIL ENGINEERING:

SURVEYING SERVICES:

>000`x>po

LAND SURVEYING:

Civil Desin & Construction Supervision.  
Hydrology, Hydraulics, Drainage & Irrigatic  
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 Durriam  
ADDRESS: P.O. Box 1804 Keunekakai, Molokai 96748

TELEPHONE NO.: (Bus.) same (Residence) 558-8330

Applicant's Interest if Not the Owner: \_\_\_\_\_

SIGNATURE(S): Howard Durriam

II. DESCRIPTION OF PROPERTY

Tax Map Key: 5-6-06:2T Acreage: 1.510

Location(s): At 12 Mile Marker, Keewanui, Kaamola, 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;
5. Substantially affects <sup>No</sup> 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. Detrimentially affects air or water quality or ambient noise levels.
11. Affects an <sup>No</sup> environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters. No

ENVIRONMENTAL ASSESSMENT REPORT FORMAT

BEFORE THE (Approving Agency)

COUNTY OF MAUI

STATE OF HAWAII

RECEIVED  
LAND USE CODES

In the Matter of the Application of )

DOCKET NO. \_\_\_\_\_

APPLICANT'S NAME Howard Dunnam )

APPLICANT'S NAME

TO OBTAIN an Environmental )  
Assessment (EA) for the proposed )  
(Description) 3 lot subdivision )  
Maui Tax Map Key \_\_\_\_\_ )  
at Keawanui, Island of Molokai )  
County of Maui, State of Hawaii. )

THE APPLICANT

(Name) Howard Dunnam

(Address) P.O. Box 1804 Kaunakakai 96748

Phone Number: 558-8339

Agent: Charles M. Busby (If applicable)  
(Name)

(Address) P.O. Box 246 Kuaiepuu Molokai, HI 96757

Phone Number: 567-6333

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 Dunnam Partners  
("Applicant"), on behalf of (if applicable), on approximately 1.510 Ac. of area in the Keawanui end Kaemola district, situate at Keunakekai (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 3 lot sub. (description of request).

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

**APPROVING AGENCY**

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 Ac. (land area) is identified as Maui Tax Map Key Number: 5-6-06:2I,  
Keawenui, Kaamola Molokai  
(District), (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 -- same as b.

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

5. Existing Services:

a. Water -- There is an existing 12 inch (size) -inch diameter waterline along Kamehameha IV (location such as street). In addition, existing fire hydrants are located near the property at 247' from property (location). (If property is not serviced by a Municipal Water System, how is water provided?)

b. Sewers -- There is an existing none (size) -inch diameter sewerline along none (location such as street). (If area is not serviced by a Municipal Sewage System, how is sewage disposal handled?) Private waste water treatment system

c. Roadways -- Kamehameha IV with state of Hawaii DOT approved driveways access (Identify roadways, right-of-way widths, pavement widths, and improvements such as curbs, gutters or sidewalks). none required

d. Drainage -- (Identify method storm runoff water is handled). Sheet flow

e. Solid Waste Disposal -- Kalamaula land fill (Identify nearest landfill site servicing property).

f. Utilities -- G.T.E Hawaiian Tel, Molokai Electric, Gasco. (Identify telephone, electrical, gas and cable services).

g. Recreational Services/Resources -- (Identify Kilohana park and community center land about half 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).

Police 12 miles, Fire Pukoo 4mi., Fire hydrant 247 feet.

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

(Describe the proposed development)

3 single owner occupied

AFFECTED ENVIRONMENT 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 -- Kalamaula landfill
- f. Utilities -- G.T.E Hawn. Tel., Molokai Elec., Gasco.
- g. Recreational Services/Resources -- Eastend C.C. center
- h. Police and Fire Protection -- Molokai Police dept. Pukoo Fire dept.
- i. Schools -- Kilohana school 4mi.

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  
Other Impacts guide lines.

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

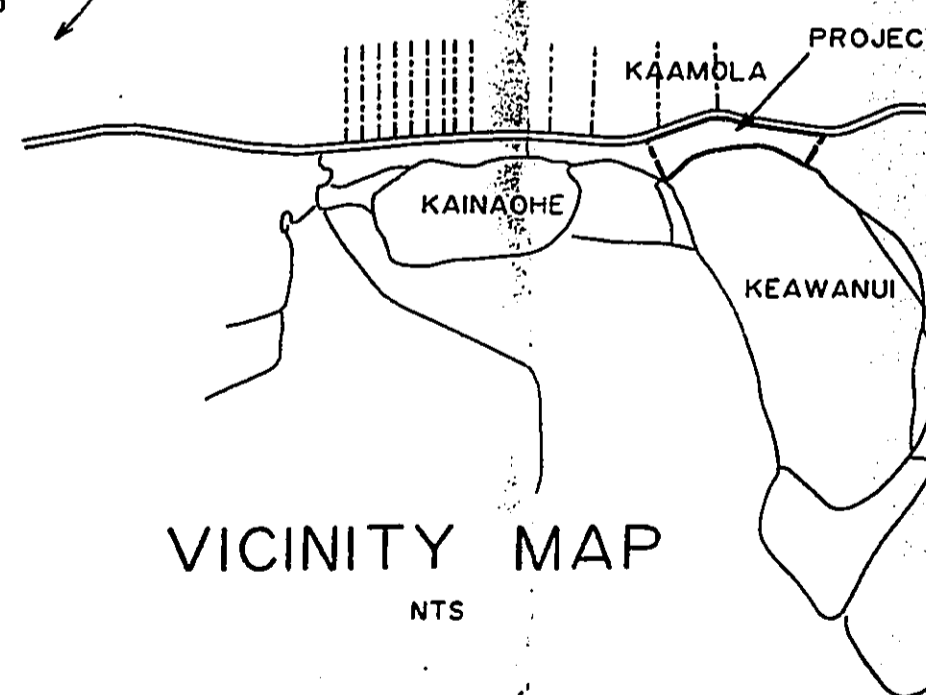
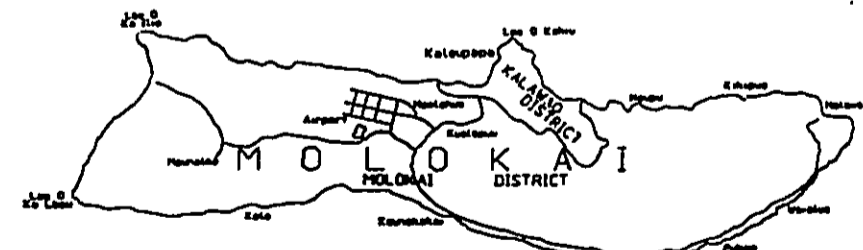
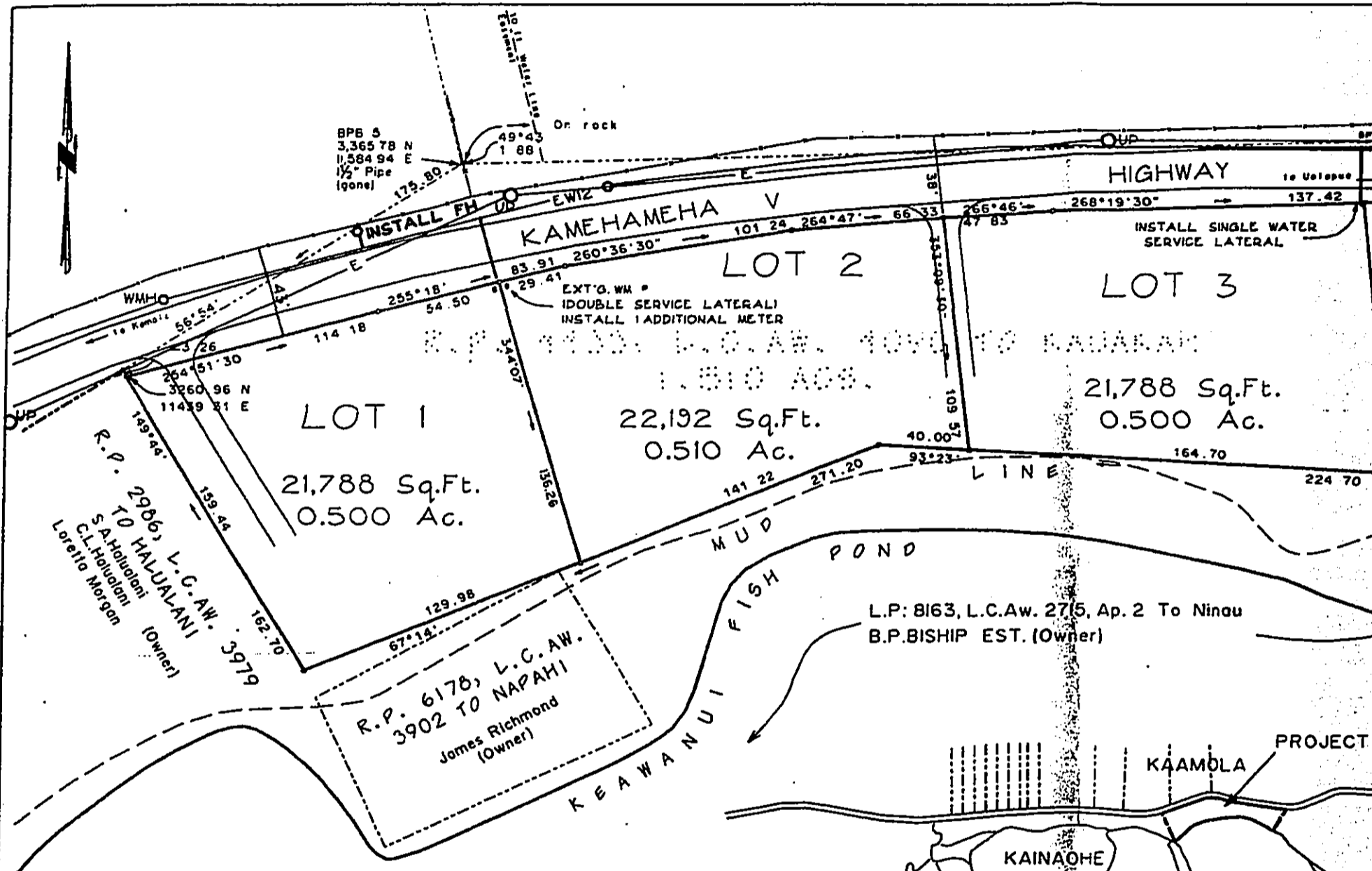
Compliance with Government Statutes, Ordinances and Rules

(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 controll plantin

(ATTACH SITE LOCATION MAP DRAWN TO SCALE AND SITE PLAN)



VICINITY MAP  
NTS

Tax Map Key: 2 Div. 5-6-06: 21

DWS SD. 92-123

# WESCOATT SUBDIVISION

Total Area = 1.510 Acres

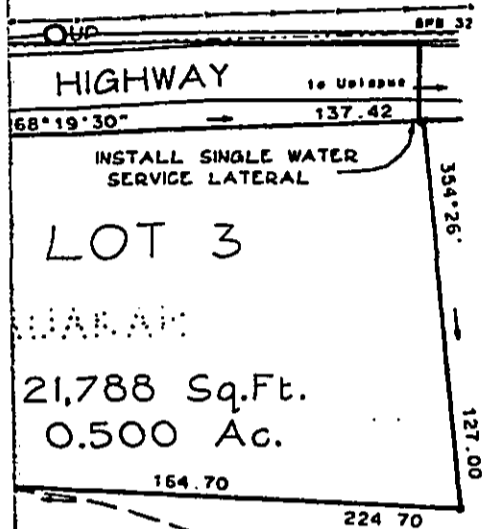
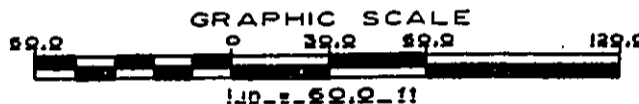
SUBDIVISION OF  
R.P. 4433, L.C.Aw. 4090 TO KAUAKAHI  
INTO LOTS 1, 2 & 3

AT KAAMOLA, MOLOKAI, HAWAII

20, May 1992

Scale 1 in = 60 ft

REV. 2, Dec. 1993



PREPARED FOR:  
OWNER (AND SUBDIVIDER)  
WREN WESCOATT et. al.  
P.O. BOX 867 KAUNAKAKAI  
MOLOKAI, HAWAII 96748

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

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er)

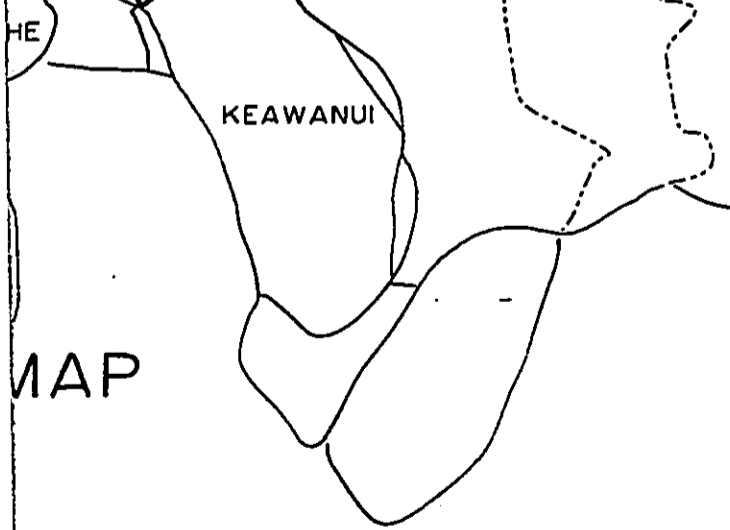


This work was prepared by me or under my direct supervision.

*James F. Foster*  
JAMES F. FOSTER  
Registered Professional Land Surveyor  
Certificate Number 625

NOTES:

1. All boundary corners are marked with 1/2" pipe unless otherwise noted.
2. All azimuths and record coordinates refer to Government Survey Triangulation Station "KAMALO".
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

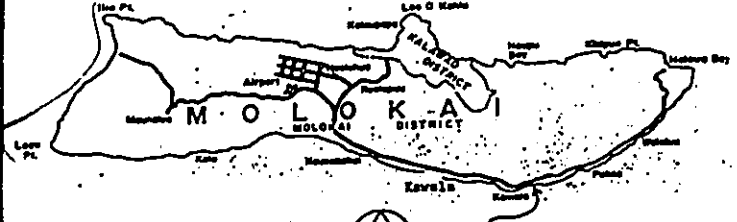
LUCA FILE No. 5.535

UNLOCATED KULEANAS				
Parcel	Owner	Area	L.C. Award No.	Location
14	Charles B. Sandell	4.9 ac.	5153	Hamakua
15	William Kamahe	219 ac.	501-D	Hamakua

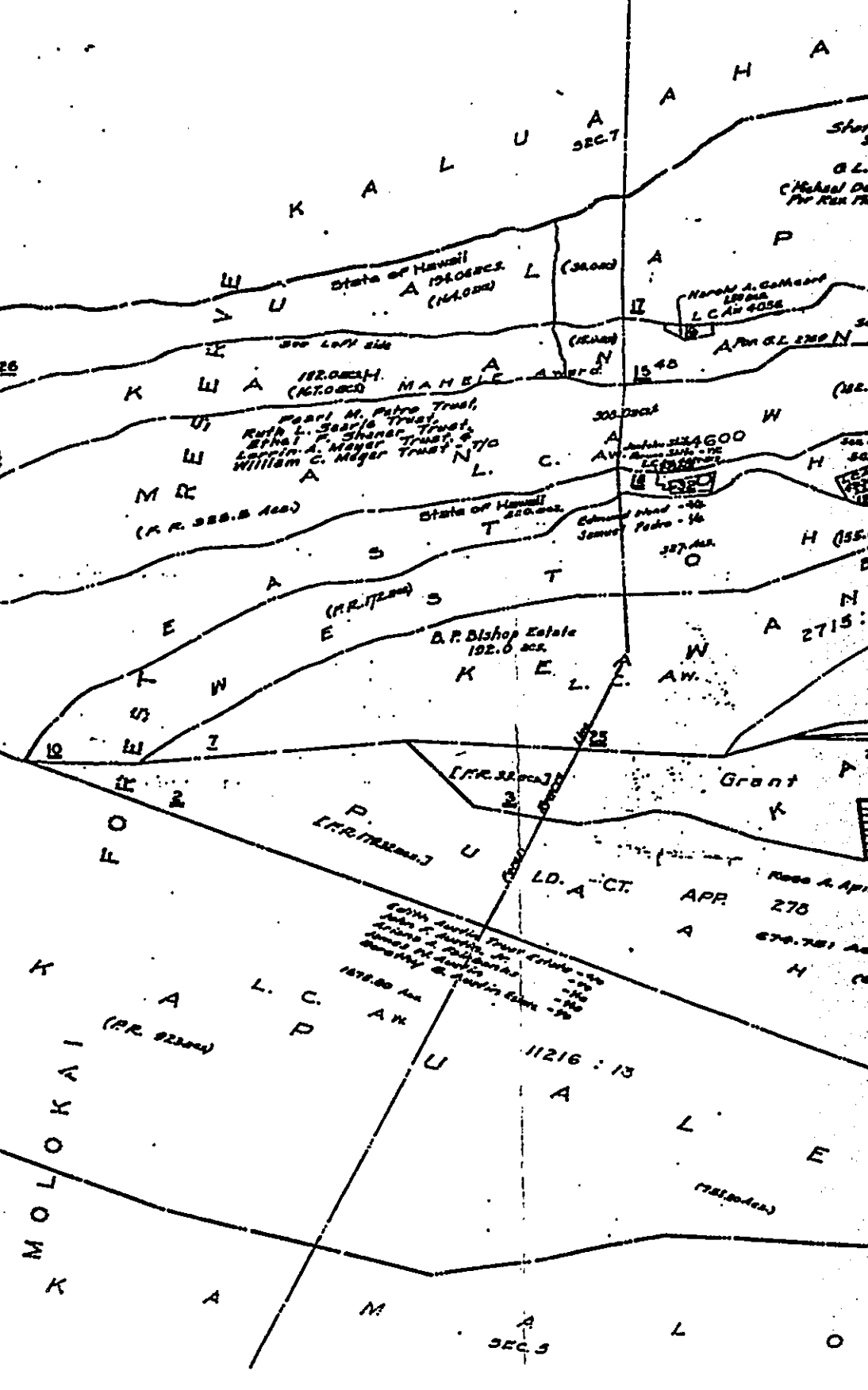
14  
State of Hawaii - 72  
Hahaione Foundation - 24  
Hahaione of Kona - 23  
Hahaione of Kona - 12  
Hahaione of Kona - 10  
Hahaione of Kona - 10  
Hahaione of Kona - 10  
Hahaione of Kona - 10  
Bobby F. Dargatzis - 5  
William Kamahe

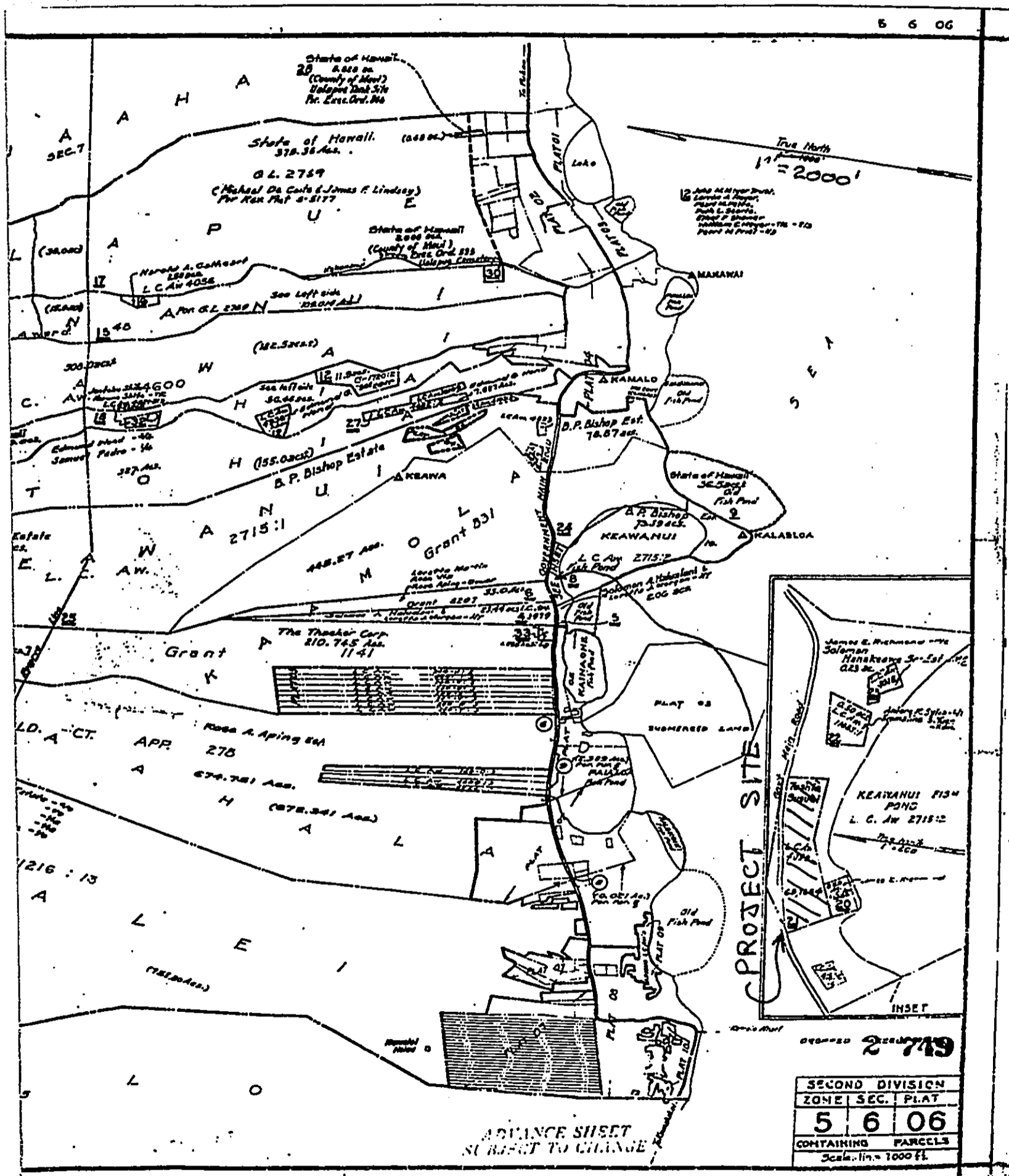
15  
State of Hawaii  
Charles B. Sandell &  
James R. Lindley  
For Rec. Plat 3-5177

16  
State of Hawaii  
Michael Du Cret (James R.  
Lindley)  
For Rec. Plat 3-5177



UALAPUE - KAPUALEI, MOLOKAI.





ADVANCE SHEET SUBJECT TO CHANGE

DEPOSED 2719

SECOND DIVISION		
ZONE	SEC.	PLAT
5	6	06
CONTAINING PARCELS		
Scale: 1 in. = 1000 ft.		



# 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 Keawanui 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 Citizen's 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.

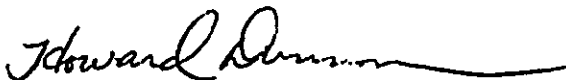
The proposed request is consistent with the single family land use current in this area.

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

TO: CLAYTON YOSHIDA FAX 248-7684  
FROM: NANCY HEINRICH, DEQC ph 586 4185

May 22, 1995

TO: Clayton Yoshida, Maui Planning Dept.  
FROM: Nancy Heinrich, DEQC  
RE: Howard Dunham, 3-lot Subdivision, 5-6-6:5

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, Naganine, 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 SMA? The final EA needs to include a letter from the Planning Department stating whether an SMA permit is required, and if so, the status of the permit. (The response to the SMA issue (Peabody's letter) refers to a letter from Chas. Puh, which is not included)
5. The mitigation plan to avoid siltation of the fishpond is not included in the final EA.

Please call me if you want to discuss this. ■

RECEIVED AS FOLLOWS

180-12-14

Sub 2 rev.

UNITED STATES  
DEPARTMENT OF  
AGRICULTURE

SOIL  
CONSERVATION  
SERVICE

P. O. BOX 350  
HOOLEHUA, HI  
95729

August 9, 1994

Clayton Yoshida  
Planning Department  
County of Maui  
250 S. High Street  
Wailuku, HI 96793

Dear Clayton:

RE: 3-lot subdivision, Howard Dunning, ID# 94/EA-007, 94/CPA-006,  
TKK 5-6-05-21

The following comments address papers you forwarded and requested  
comments on the above-mentioned proposed subdivision.

1. Soils on the said property are Mala and Kealia Series. Attached are copies of pages from the Soil Conservation Service's Technical Guide Section II indicating that the Mala Series is considered Prime Farmland 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 Molokai-Lanai Soil and Water Conservation District when requested by the County's Public Works Department.

Respectfully submitted,

*Pamela A. Mills-Packo*

Pamela A. Mills-Packo  
District Conservationist

Post-Net brand fax transmittal memo 7871		# of pages >
To: Clayton Yoshida	Phone: 572-1818	
From: [Signature]	Fax: 843-7634	

JOHN WAHEE  
GOVERNOR OF HAWAII



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

DEPUTIES  
JOHN P. KEPPELER, II  
DONA L. HANA'IKE

STATE OF HAWAII

'94 AUG 10 10 42 AM  
REF: OCEA:DKP  
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 621  
HONOLULU, HAWAII 96809

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED  
AUG 15 1994

FILE NO.: 95-042  
DOC. ID.: 4806

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

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

Dear Mr. Miskae:

SUBJECT: Community Plan Amendment Application (94/CPA-006): 3-Lot  
Subdivision (Howard Dunnam), Keawanui, 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. He reports that the State Land Use Commission approved reclassification of the parcel from agricultural to rural in March, 1981 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 Keawanui 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. Miskae

- 2 -

File No.: 95-042

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

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

Very truly yours,



KEITH W. AHUE

808-5588253

THE M.A.N. G. PEABODY

126 P02

AUG 18 '94 13:27

George Peabody c/o The M.A.N.  
SR Box 329 K'kai  
Molokai, HI 96748  
ph.558-8253 auto-FAX 558-8253  
Date: April 13, 1993

copy

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 Wescoatt 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 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.

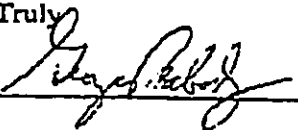
Condition 10 states that a SMA permit may be required if associated construction activities are proposed or conducted (prior to issuance of final subdivision approval and construction permits issued..?). No SMA or other permits were issued, and no construction (grading, grubbing, slash and burn land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

  
\_\_\_\_\_

808-5588253

THE M. A. N. G. PEABODY

George Peabody c/o The M.A.N.  
HCO1 Box 770 K'kai  
Molokai, HI 96748  
ph.558-8253 auto-FAX 558-8253  
Date: August 17, 1994

726 P01

AUG 18 '94 13:26

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

94  
AUG 18 P2:13

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

att: 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:

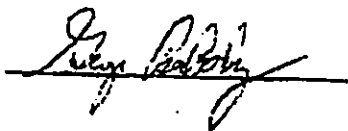
Last year, I sent a letter dated April 13, 1993 regarding this matter which was at that time called the Wescoatt Subdivision, which now is called the Dunnam Subdivision—pretty sneaky little buddy! My letter then was a complaint and request for investigation of apparent violations by Wren Wescoatt of 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 Keawenui 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 Keawenui Fishpond. It should remain in agriculture to prevent developers like Wren Wescoatt from increasing the density of development in such environmentally sensitive areas which are also so near to significant historical sites like Keawenui 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 Puhi 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 responsible 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.

Please refer to news report in The Molokai Advertiser News, dated March 12, 1993, V10 No. 11, front page titled "Slash and Burn at the Wescoatt Subdivision Adjacent to Historic Keawenui Fishpond", by G.Peabody.

Mahalo



# Machado's Fraud and Friendships Rewarded by MPC

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

APC  
Dr. Dark Coyote  
OHIA

The 6-month time extension requested by Colette 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. The unprecedented generosity reflects the support of Machado's allies on the MPC. Wren Wescoat and Ron Kimball, and Machado's business partner, Dr. Emmette Aluli 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, closure of operations without notice to MPC, and the unauthorized transfer by Machado of store operations from Kaapahu Farms to a company called Ke Kuwana Products, caused the commissioners to revoke the SUP permit as provided by law. Just the opposite: Sympathy and generosity for Machado and her schemes ruled the day.

Machado and Hall said that landowner Lora Quiniones (the Moncaulo Foundation) had sold The Neighborhood Store lease to Machado (20-yr 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 in July 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.

Planning Dept. Director Brian Miskac, and Planner Clayton Yoshida refused to comply with the DOH recommendation or to revoke the SUP for violations.

Incredibly, Yoshida said at the hearing that he didn't know permit violations require shutdown. And, Wescoat and Kimball repeatedly suggested 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. Noelani 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.

Machado 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, later on, 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 Susana Schroll on KKH Board?

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

10 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

**APPENDIX B**

**Response to Comments**

2 CHARLES M. BUSBY P.E. f  
P.O. BOX 246 KUALAPUU  
MOLOKAI, HAWAII 96757  
Ph 567-6333

Thursday, 9 February 1995

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 Dunnam), Kaamola, 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 13 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 this 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  
Geodetic & Control Surveys.

**SURVEYING SERVICES:**

Topographic & Construction Surveys.

**LAND SURVEYING:**

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,

A handwritten signature in black ink, appearing to read 'C. Busby', with a long horizontal flourish extending to the right.

Charles M. Busby P.E.

∂ CHARLES M. BUSBY P.E. ‡  
P.O. BOX 246 KUALAPUU  
MOLOKAI, HAWAII 96757  
Ph 567-6933

Thursday, 11 May 1995

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

Dear Mr. Miskae:

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/W".  
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.

**SURVEYING SERVICES:**

under the direction of JAMES F. FOSTER P.L.S.

**LAND SURVEYING:**



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 & 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

② CHARLES M. BUSBY P.E. ]  
P.O. BOX 246 KUALAPUU  
MOLOKAI, HAWAII 96757  
Ph (808) 567-6333

TRANSMITTAL

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:

COPIES	DATE	DESCRIPTION
1		Grading Plan
1		Drainage Report

TRANSMITTED:

FOR:

- |  |  |
|--|--|
| <input type="checkbox"/> For your signature            | <input type="checkbox"/> Per our conversation            |
| <input type="checkbox"/> For signature and return      | <input type="checkbox"/> Per your request                |
| <input type="checkbox"/> Your signature and forwarding | <input type="checkbox"/> For your files                  |
| <input type="checkbox"/> as noted below.               | <input checked="" type="checkbox"/> For your information |
| <input type="checkbox"/> For your review, comment      | <input type="checkbox"/> See "Remarks" below             |
| <input type="checkbox"/> For necessary action          | <input type="checkbox"/> For your handling               |

REMARKS:

CHARLES M. BUSBY P.E.

CIVIL ENGINEERING:

SURVEYING SERVICES:

LAND SURVEYING:

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

∂ CHARLES M. BUSBY P.E. ∫  
P.O. BOX 246 KUALAPUU  
MOLOKAI, HAWAII 96757  
Ph (808) 567-6333

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:

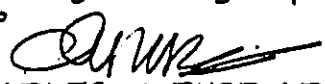
COPIES	DATE	DESCRIPTION
1		Revised Drainage Report

TRANSMITTED:

FOR:

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| <input type="checkbox"/> For your signature            | <input type="checkbox"/> Per our conversation |
| <input type="checkbox"/> For signature and return      | <input type="checkbox"/> Per your request     |
| <input type="checkbox"/> Your signature and forwarding | <input type="checkbox"/> For your files       |
| [xxx] as noted below.                                  | <input type="checkbox"/> For your information |
| <input type="checkbox"/> For your review, comment      | <input type="checkbox"/> See "Remarks" below  |
| <input type="checkbox"/> For necessary action          | <input type="checkbox"/> 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: OCEA:DKP

  
CHARLES M. BUSBY P.E.

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.

CHARLES M. BUSBY P.E. ]

P.O. BOX 246 KUALAPUU  
MOLOKAI, HAWAII 96757  
PH (808) 567-6933

TRANSMITTAL

TO: Mr. George Peabody  
HCO1 Box 710  
Kaunakakai, Molokai  
Hawaii 96748

DATE: Wed 24 May 1995  
RE: Dunnam Subdivision

WE ARE SENDING:

COPIES	DATE	DESCRIPTION
1		Responses to Your Comments

TRANSMITTED:

FOR:

- |  |  |
|--|--|
| <input type="checkbox"/> For your signature            | <input type="checkbox"/> Per our conversation            |
| <input type="checkbox"/> For signature and return      | <input type="checkbox"/> Per your request                |
| <input type="checkbox"/> Your signature and forwarding | <input type="checkbox"/> For your files                  |
| <input type="checkbox"/> as noted below.               | <input checked="" type="checkbox"/> For your information |
| <input type="checkbox"/> For your review, comment      | <input type="checkbox"/> See "Remarks" below             |
| <input type="checkbox"/> For necessary action          | <input type="checkbox"/> For your handling               |

REMARKS:

CHARLES M. BUSBY P.E.

CIVIL ENGINEERING:

SURVEYING SERVICES:

LAND SURVEYING:

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