



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
P.O. BOX 621  
HONOLULU, HAWAII 96809

RECEIVED

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

OCT -5 P3:00


OCT -4 2001  
OFC. OF ENVIRONMENTAL  
QUALITY CONTROL

Ref.:PB:SL

File No.: CDUA MA-3035B

MEMORANDUM

TO: Genevieve Salmonson, Director  
Office of Environmental Quality Control

FROM: Harry Yada, Acting Administrator  
Land Division 

Subject: FINAL ENVIRONMENTAL ASSESSMENT by James and Victoria McCarty for  
Landscaping and Single-Family Residence Use at Honokohau, Kaanapali, Lahaina,  
Maui, TMK 2<sup>nd</sup> 4-1-02:08

The Department of Land and Natural Resources has reviewed the comments received on the draft Environmental Assessment as well as the applicants' response to these comments for the subject project, and hereby issues a Finding of No Significant Impact (FONSI) determination. Please publish notice for this project in next issue of The Environmental Notice. Enclosed are four copies of the Final EA. My staff will e-mail a completed OEQC Bulletin Publication Form with the project description shortly.

Should you have any questions, please contact Sam Lemmo of our planning staff at 587-0381.

c. James and Victoria McCarty, 20 Alaeloa #23, Lahaina, Hawaii 96761

133

OCT 23 2001

**FILE COPY**

2001-10-23-MA-FEA

**FINAL ENVIRONMENTAL ASSESSMENT**

**(McCARTY SINGLE-FAMILY HOME)**

**TMK (2) 4-1-02:008  
Honokohau, Island of Maui, Hawaii**

**September 21, 2001**

**Prepared for the  
Hawaii State Department of Land and Natural Resources  
Land Division  
P.O. Box 621  
Honolulu, HI 96809**

1400 0000

**FINAL ENVIRONMENTAL ASSESSMENT**

**McCARTY SINGLE-FAMILY HOME**

**Tax Map Key: (2) 4-1-02:008**

**Honokohau, Lahaina, Island of Maui, Hawaii**

**APPLICANT:**

**James Richard McCarty  
Victoria L. McCarty  
30 Kahana Place  
Lahaina, HI 96761  
(808) 669-1595**

**ACCEPTING AUTHORITY:**

**Hawaii State Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, HI 96809**

**NATURE OF ACTION:**

**Request for Permit to build single family residence in  
Conservation District, Limited Subzone.**

**Prepared pursuant to the  
Hawaii Environmental Protection Act,  
Chapter 343, Hawaii Revised Statutes, and  
Title 11, Chapter 200, Hawaii Department of Health Administrative Rules**

**CONSERVATION DISTRICT UES PERMIT APPLICATION  
FOR McCARTY FAMILY RESIDENCE**

**ENVIRONMENTAL ASSESSMENT**

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## FINAL ENVIRONMENTAL ASSESSMENT

The Applicants, James Richard McCarty and Victoria L. McCarty are submitting this environmental assessment pursuant to the requirements of Chapter 343 and 344 of the Hawaii Revised Statutes and of Title 11, Chapter 200, and Title 13, Chapter 5, of the Hawaii Administrative Rules.

### I. GENERAL INFORMATION:

#### 1. The Applicants are:

James Richard McCarty  
Victoria L. McCarty  
30 Kahana Place  
Lahaina, HI 96761  
(808) 669-1595 phone  
(808) 669-0439 fax

#### 2. The Approving Agency is:

State of Hawaii  
Department of Land and Natural Resources  
Board of Land and Natural Resources  
P.O. Box 621  
Honolulu, HI 96809

3. The Applicants propose to build a single-family residence for their personal residential use on a parcel of land located at Honokohau Bay on the Island of Maui which is zoned "Conservation-Limited".

4. The anticipated determination is a finding of no significant impact (FONSI).

5. Individuals, community groups and agencies consulted:

The following persons and agencies have been consulted during the course of the Environmental Assessment process:

#### State:

Department of Land and Natural Resources - Land Division  
Dean Y. Uchida  
Sam Lemmo  
Eric Hill  
Sterling S. Yong, P.E.  
Thomas H. Eisen

Department of Land and Natural Resources - Historic Preservation Division  
Melissa Kirkendall, Ph. D.  
Department of Land and Natural Resources - Division of Forestry and Wildlife  
(Na Ala Hele Program)  
Michael Baker

Office of Hawaiian Affairs - Hawaiian Rights Division  
C. Sebastian Aloit and Staff

Department of Environmental Quality Control

County:

Maui County Department of Planning  
John E. Min, Director  
Francis Cerizo

Maui County Department of Water Supply  
Alan Murata

Private:

Edwin Lindsey, Jr.  
Kahu Earl Kukahiko  
Charles Ka'upu  
Virginia Ka'ai  
Luis "Sonny" Chun  
Robert Chun  
Nick Kalama Among  
Jan Brockman  
Job Cabato  
Lovey Aiwoh<sup>o</sup>  
Kawehi Aiwohi  
Addie Vierra  
Lori Higa  
Eugene and Delores Ferrari  
Winston and Midori Watanabe

Copies of letters sent and received during pre-consultation are contained in Exhibit "L". Copies of letters sent and received after the application was filed are contained in Exhibit "Y".

6. Other information:

- a. The Tax Map Key of the parcel is TMK 2<sup>nd</sup> 4-1-02:08.

- b. The names of the property owners are:

James Richard McCarty and Victoria L. McCarty, husband and wife, under recorded Agreement of Sale with Eugene and Delores Ferrari. Mr. and Mrs. Ferrari have joined in signing the application and a letter written by them has been filed as Exhibit "G".

- c. The land use classification of the parcel is "Conservation-Limited" and the parcel is located in the County of Maui.
- d. The parcel lies within the Special Management Area of the County of Maui.

## II. DESCRIPTION OF PROPOSED ACTION:

- 1. The proposed action's technical, economic, social and environmental characteristics; time frame; funding and source.
  - a. Drawings of the Site Plan, Floor Plan and Front Elevation for the proposed project are attached as Exhibits D, E, and F, respectively.
  - b. It is anticipated that the project will begin within 90 days of receiving permission to proceed and that it will be completed within one to one and one half years of the beginning of construction, if materials and supplies can be obtained in the expected timeframe.
  - c. The project is a private project and no federal, state or county funds are involved.
- 2. Affected environment and maps.

The project contemplates the construction of a single-family residential home on Honokohau Bay on the Island of Maui, Hawaii. The location of the parcel upon which the construction is contemplated is shown in the following exhibits: Exhibit "A", USGS Map; Exhibit "B", Tax Map; Exhibit "C", Conservation District Map; Exhibit "H", Survey Map; Exhibit "K", Shoreline Survey; Exhibit "O", Vicinity Map; Exhibit "Z", photograph, Exhibit "AA", Map of Island of Maui.

As shown in the photographs (Exhibits "I", 1-10), the area is not being used at the present time, other than for the dumping of trash and garbage and use as a make-shift toilet.

The project will have the normal impacts associated with having a home built on property upon which one does not currently exist. The Applicants are attempting to mitigate this change by building a home that will have the appearance of an ancient



village, in order to bring to mind ancient times and customs. The effect of the proposed design will be to make the buildings or hales an asset to the area and to enhance the surrounding area. The existing plants are largely invasive plants, which will be replaced by native Hawaiian plants that are typical of the area. The plantings will be used for screening to enhance views. Any changes to the terrain will be only minimal, as little excavation is anticipated. Applicants will landscape and add plants in the areas which are currently overgrown with weeds and used as a dumping area, in order to improve the overall appearance of the property.

The plants currently growing on the parcel have been listed in the inventory contained in the Botanical Survey filed as Exhibit "J". The survey was conducted by Anna Palomino of Ho'olawa Farms. She is renowned on Maui and throughout the State for her knowledge and love of Hawaiian plants. There are no endangered plants on the property.

The project will not significantly interrupt existing view corridors, since there are no significant views through or across the property at the present time because of plant growth and the existing topography of the parcel.

The Applicants have assembled information concerning the cultural aspects of the property and the surrounding area by consulting with various governmental agencies and individuals who are familiar with the Honokohau area. Some of the contacts in that regard are the following:

Applicants have consulted with Michael Baker of the Na Ala Hele Trails Program and he found no record or history of trails across or on the property. The Applicants have also contacted representatives of the Office of Hawaiian Affairs, representatives of the Historic Preservation Division and the many individuals listed above concerning cultural events or locations on the property.

They have also consulted with Charles Ka'upu who has conducted a Cultural Impact Assessment and his report will be filed when ready. At this point, no significant cultural sites which should be protected or acknowledged have been identified. Applicants have agreed to protect any such items or sites, if any are located during the construction of the project.

The Applicants have also consulted with Mr. Edwin Lindsey, Jr., concerning the project, and a comment letter from Mr. Lindsey is attached as Exhibit "Y-11".

### 3. Major impacts, positive or negative.

The project is located near the ocean and, although it is not directly adjacent to Honokohau Stream, it is in the area of the stream. As shown in Exhibit "N", the Applicants plan to use an individual wastewater system, including an aerobic treatment plant and absorption bed to protect the ocean and the stream. The percolation test report included in Exhibit "N" shows that the ground is appropriate for the use of such a system.

Although an ordinary septic system would meet county guidelines, the Applicants have chosen to use the superior system to provide maximum protection. The lot is positioned in such a manner that drainage into the stream is not an issue.

Prior to now, the property has been used as a dumping area, make-shift toilet and garbage heap for some time. The project will serve to clean up the area, convert it from an eyesore and an environmental and health hazard to an attractive view, and will make the general area safer for those who use the beach.

Other than the excavation necessary for the septic system and footings, only minimal excavation will be conducted during the construction. As a result, there will be only a minimal impact on the environment during construction and thereafter. The soils are primarily river stones, so there will be minimal dust associated with the construction efforts. Best Management Practices will be followed, whenever possible.

No threatened or endangered species of flora or fauna have been found in the area, so no adverse impacts are expected in that regard. Applicants plan to remove invasive species of plants, noxious plants and weeds and to restore areas with native Hawaiian plants which are suitable to the site.

#### 4. Alternatives:

As requested by the Division of Land and Natural Resources, the Applicants have filed an alternative, Plan B, which provides for the connection of all living spaces, rather than having the separate hales as shown in the original design, Plan A. The Applicants feel strongly that Plan A is the "best alternative" under the language of the Conservation District Rules, since using Plan B will add approximately 700 square feet to the building size, will greatly disrupt the whole concept of the project and will destroy the attempt to acknowledge, honor and implement traditional architectural methods. If the small buildings are connected, the whole project will look much more massive, rather than traditional, and this will block more of the view plane. The neighbors and nearby residents of the Honokohau Valley support the use of traditional methods and the idea of having the buildings or hales separated as proposed in Plan A, rather than the alternative shown in Plan B. None of the individuals interviewed has voiced any opposition to the project proposed by the Applicants.

As presently planned, the buildings are in the best possible position, since they do not impact upon any environments which need specific protection. If the buildings were to be re-located to different sites on the parcel, they would be closer to the ocean and the impact upon the shoreline may be greater. They are also located where the potential of impacting any views is the smallest.

In summary, the Applicants have proposed to build their individual wastewater system, as well as their home, at the part of the parcel closest to the highway in order to lessen the impact of the home on the ocean or Honokohau Stream. They plan to use the

topography as it presently exists with only minor disturbance and with only minor changes to the land conditions as they presently exist. The Applicants also plan to use native plants which will do well in the area in order to maintain the natural look which is now present.

5. Expected Determination:

The Applicants expect that there will be a Finding Of No Significant Impact and that the requested approval will be granted.

III. COMPLIANCE WITH CDUA CRITERIA:

The Applicants contend that the following findings will be made concerning the significance criteria.

1. The project does not involve an irrevocable commitment to, loss or destruction of any natural or cultural resource.

The project is located on a shoreline composed of small to medium sized stones which have accumulated over time as a result of action by the ocean and by Honokohau Stream. Since this is the case, there are no natural or cultural resources present on the parcel, other than the stones and the plants which have grown upon the parcel. The effect of the project upon the surface, plants and overall environment will be minimal, in that there will be only minor excavation or demolition associated with the project, either during construction or thereafter. The intent is to complete the construction without any major changes to the current landscape conditions.

2. The project will not curtail the range of beneficial uses of the environment.

The parcel has been historically used for kuleana uses, including a home, as shown in Exhibit "Z", but there are no buildings upon the land at the present time, since the Applicants are awaiting approval from the Department. Granting the permit to the Applicants will expand the range of beneficial uses of the environment of the parcel, as it will grant the right to restore the kuleana uses and to provide residential use, once again, upon a parcel which is currently used as a dumping ground.

The parcel is not currently being used as a beach access and does not affect lateral uses of the seashore, as there is a parcel of land between Honokohau Stream and the site which is currently used as beach access since it provides an easier and more ready access to the ocean.

3. The project will not conflict with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders.

As expressed in Chapter 344, the policy of the State includes the goal of "promoting open space in view of its natural beauty, not only as a natural resource, but as an ennobling living environment for its people". The act also seeks to "encourage productive and enjoyable harmony between man and his environment, promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man, and enrich the understanding of the ecological systems and natural resources important to the State of Hawaii".

The project proposed by the Applicants is in line with the above goals, in that this neglected and deteriorating land will now have eager and well-meaning caretakers who will rid the property of noxious plants and weeds, will restore native vegetation and will build a modest home that will be in natural harmony between man and his environment.

4. The project will not substantially affect the economic or social welfare of the community or state.

The project does not require any expenditure of state or county funds, does not impact upon any state or county programs or facilities, and does not even provide any stress upon public utilities. The project will provide long-term social benefits, in that there will be added safety and security for those who use the ocean and beach in this remote area, and the land will be used for a purpose which honors and pays tribute to the people of Hawaii. There will also be the short-term economic benefits which are associated with providing materials, labor and services necessary to construct the project.

5. The project will not substantially affect public health.

The parcel is currently used as a dumping ground, make-shift toilet and garbage pile and it houses an ever-growing crop of noxious plants and weeds. Caustic and hazardous substances, such as oil, gas, automobile products, car batteries, and the like are dumped onto the property, and human feces and toilet paper are deposited onto the land without any attempt at precaution. Not only does this contaminate the land, it is hazardous to the stream and ocean and endangers the qualities of each. The project will curtail this improper and threatening use of the land, and the public health will be greatly improved as a result.

6. The project does not involve substantial secondary impacts, such as population changes or effects on public facilities.

The Applicants currently live on Maui and have sold the home which they have had for over ten years in order to build their new home. Since they already live on Maui, there will be no impact upon the population nor upon public facilities.

7. The project does not involve a substantial degradation of environmental quality.

As explained in the previous paragraphs, the project will improve environmental quality of the area, as the present detrimental and hazardous uses of the property will be curtailed.

8. The project is individually limited but cumulatively does not have considerable effect upon the environment or involve a commitment for larger actions.

There is only one other parcel located in the area of the proposed project which is of sufficient size to be used for residential uses, and it has already been permitted for such use by the Department of Land and Natural Resources. Consequently, permitting the project will not result in opening up a development or other numerous applications for permits for similar uses.

9. The project does not substantially affect a rare, threatened or endangered species or its habitat.

As shown in the botanical survey prepared by Anna Palomino, Exhibit "J", there are no threatened or endangered species of plants on the property. No endangered fauna have been observed on the property. The Applicants expect to restore native plants to the area in order to improve the habitat from its present condition.

10. The project will not detrimentally affect air or water quality or ambient noise levels.

The project seeks to build a home for residential use. As explained earlier, the Applicants plan to use an aerobic wastewater treatment plant to avoid contamination of surrounding waters. They will use solar power, which will actually reduce contamination of the atmosphere. After construction, the only noises will be those normally associated with residential use. The parcel is one and a half acre in size and there are few other residents in the nearby vicinity. The present road noise associated with use of the adjoining highway, including cars, pineapple trucks and other traffic, surpasses any noises which would be added by the residential uses of the property. During the construction, there will be the normal noise and commotion normally associated with residential construction. The Applicants will limit construction to daylight hours and will follow Best Management Practices, wherever possible, to minimize any short range effects. Other than the excavation necessary for the septic system and footings, only minimal excavation will be conducted during the construction. As a result, the only impact on the environment during construction, if any, will be minimal. The soils in the area of the proposed construction are primarily river stones, so there will be minimal dust associated with the construction efforts.

11. The project will not affect and is not likely to suffer damage by being located in an environmentally sensitive area, such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water or coastal waters.

The project is located in an area which , on one occasion in the past, has been hit by a tsunami. Like most areas on West Maui, the property has been inundated by wave action during extraordinary storm activity on several other occasions. The Applicants propose the use of Hawaiian walls and present topography of the parcel to minimize the amount of stream or ocean water which may wash onto the property during these rare events. It is not anticipated that any environmentally sensitive areas will be affected by the project, as none have been identified to exist on the property.

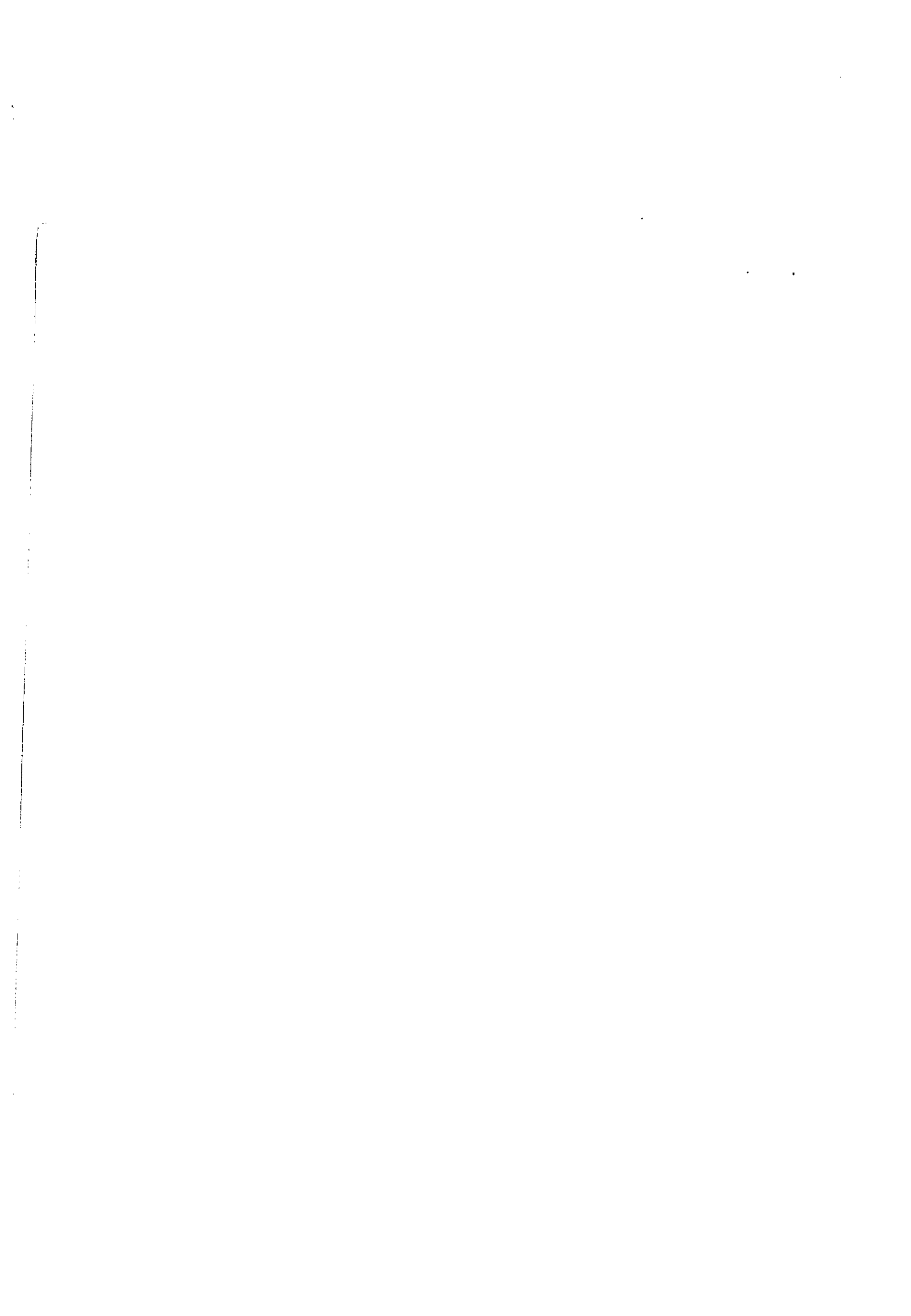
The project is located on a shoreline composed of small to medium sized stones which have accumulated over time as a result of action by the ocean and by Honokohau Stream. Since this is the case, there are no natural or cultural resources present on the parcel, other than the stones and the plants which have grown upon the parcel. The effect of the project upon the surface, plants and overall environment will be minimal, in that there will be no major excavation or demolition associated with the project, either during construction or thereafter. The intent is to complete the construction with only moderate necessary changes to the current terrain.

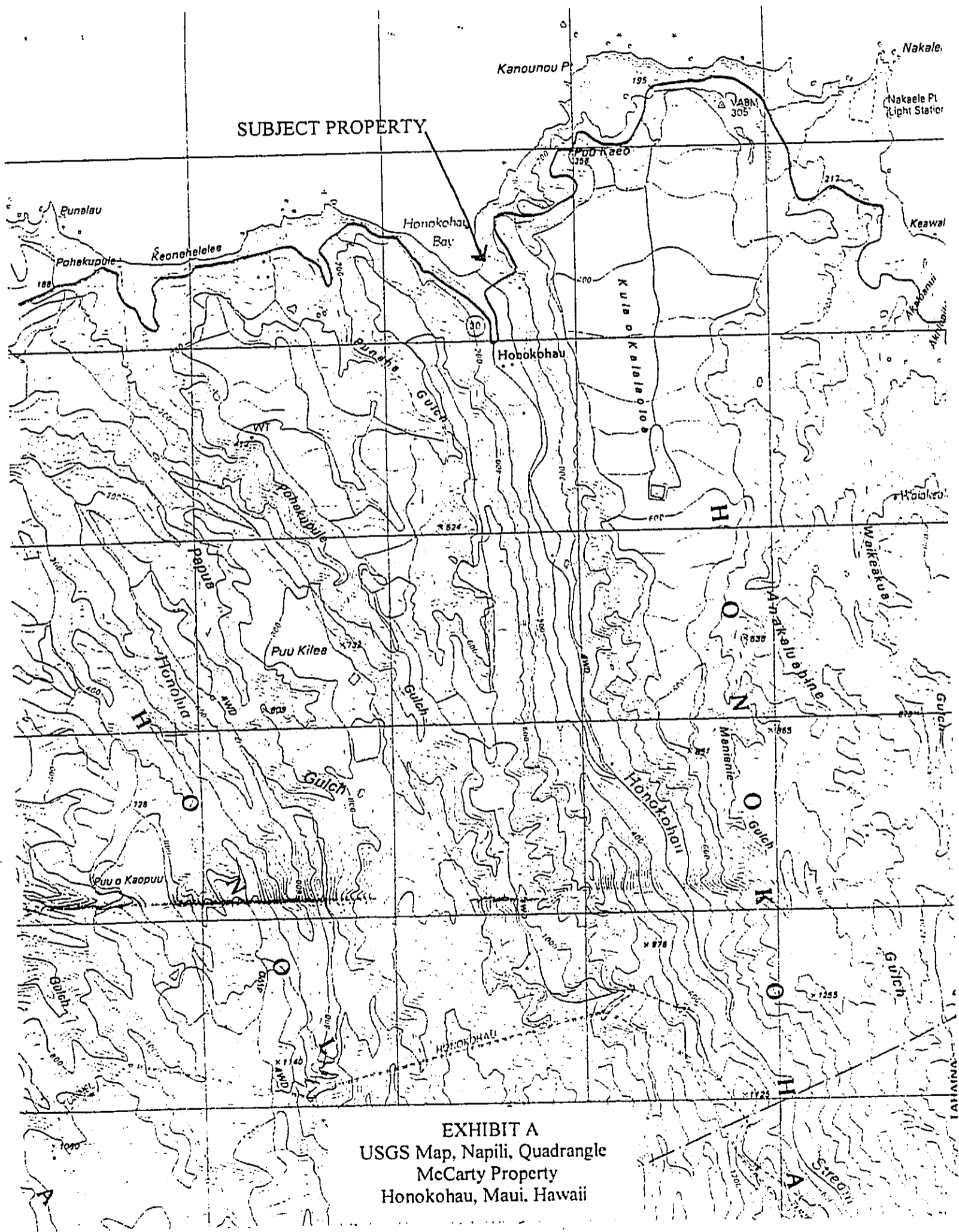
12. The project does not substantially affect scenic vistas and viewplanes identified in county or state plans or studies.

The current vegetation obstructs any potential viewplanes looking across the property from the highway. Building the project may open up a few views of the ocean, but that cannot be ascertained until some of the current growth is removed. It is expected that the scenic vistas and viewplanes will be substantially unaffected by the project. The buildings will be visible from an overlook on the highway approximately one mile south of the Honokohau Bridge. The overlook is primarily for the purpose of enjoying the ocean view, but it also provides a view of the Honokohau Valley and Bay. The buildings or haies will be visible as one looks in that direction. Since the Applicants propose to use pili grass roofs and small buildings, the current view should be improved and enhanced by the building of the project.

13. The project does not require substantial energy consumption.

The Applicants propose to use solar power and the project is for a single-family residence. Consequently, they will be providing their own power and there will be no substantial use of energy, other than that normally associated with such a residence.





SUBJECT PROPERTY

EXHIBIT A  
USGS Map, Napili, Quadrangle  
McCarty Property  
Honokohau, Maui, Hawaii



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- T. SCHEDULE OF BUILDING DIMENSIONS
- U. NEWSPAPER ARTICLE REGARDING CRIME IN WEST MAUI
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  - Y-10 Fire Flow Requirements, 9-19-01
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SUBJECT PROPERTY

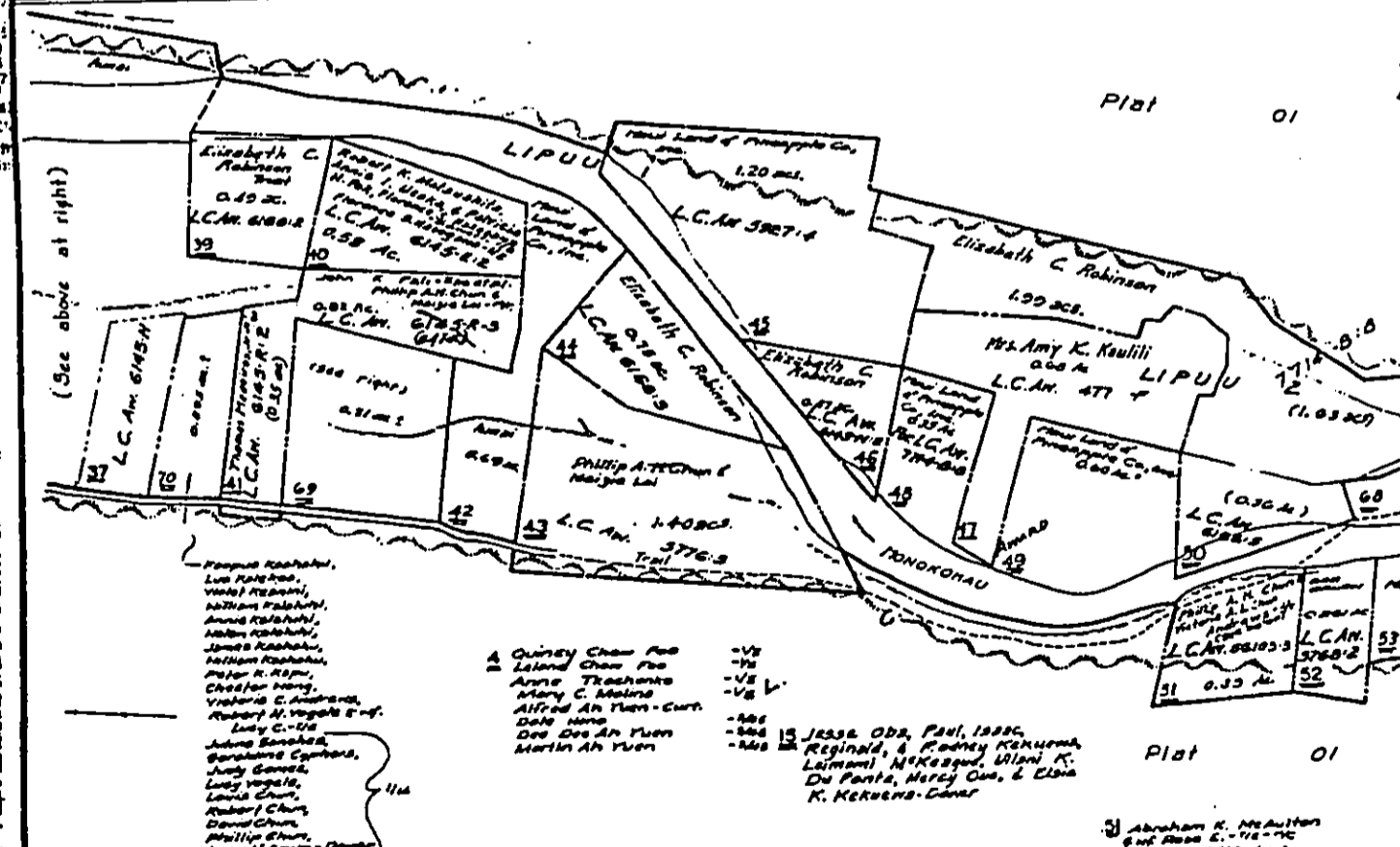
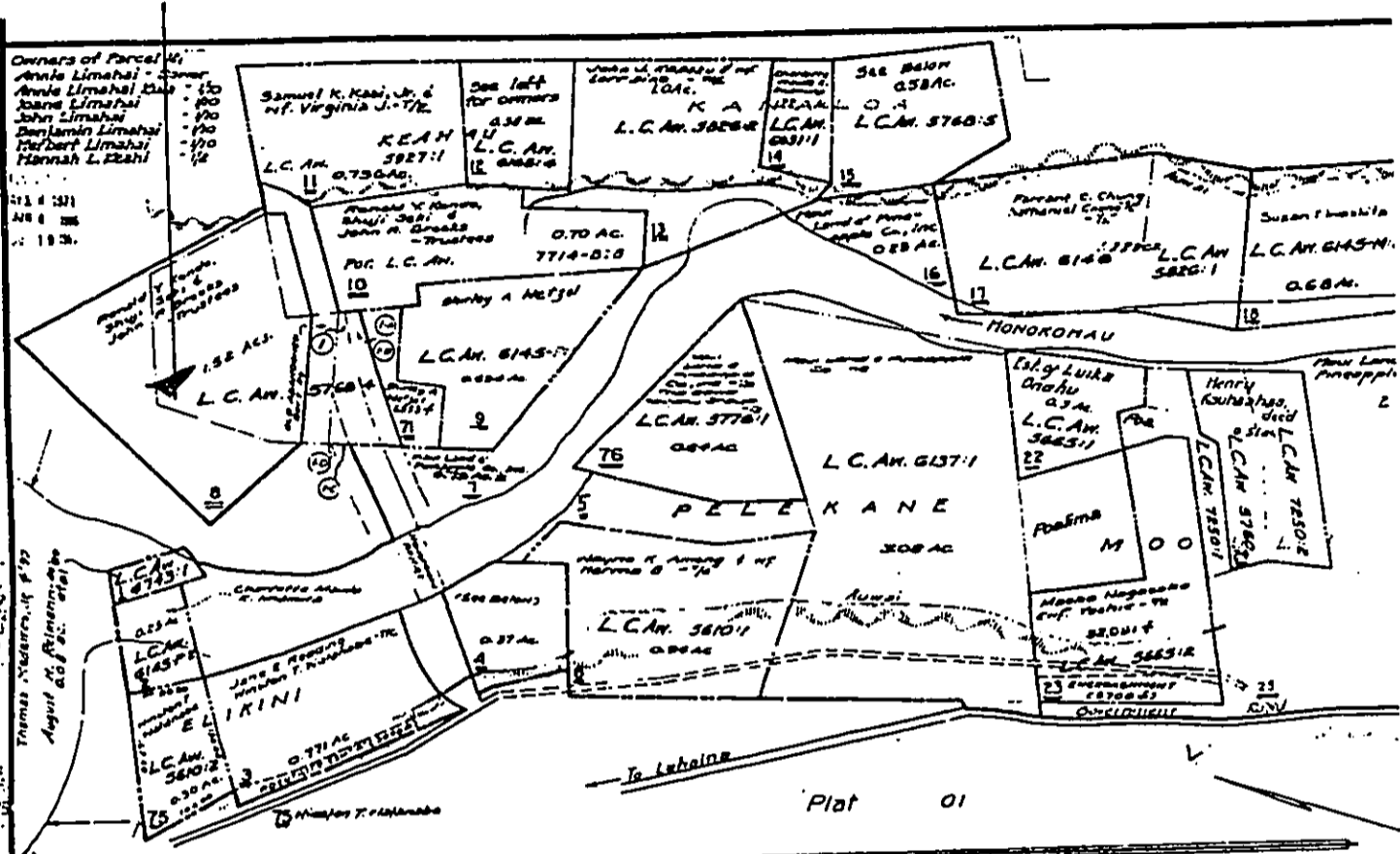


EXHIBIT B  
 Tax Map

2 572  
 HONOKOHAU VALLEY, KAA NAPALI, LAHAINA, MAUI

Dwg. No. 6020  
 Revised for  
 By: D.L.C. M.N. May 1984  
 Source: Tax Maps Bureau

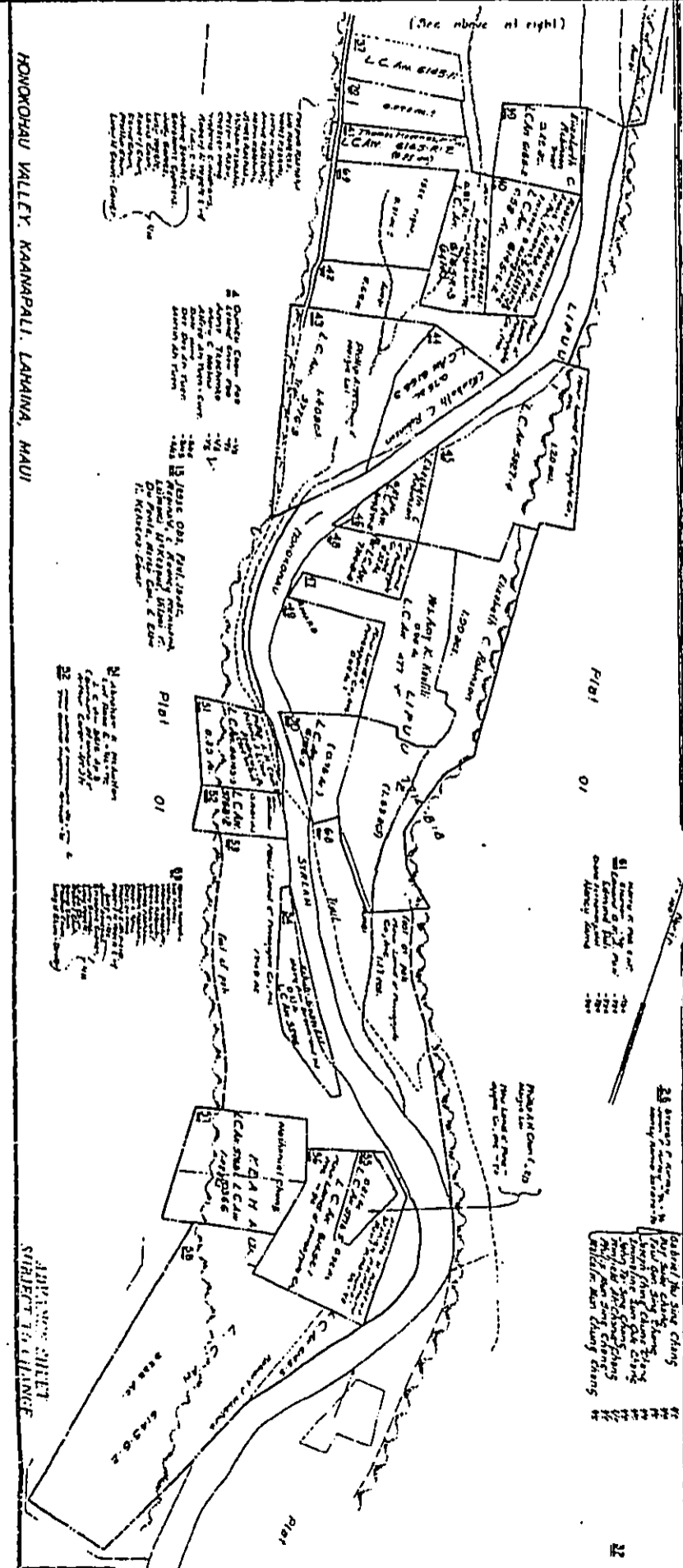
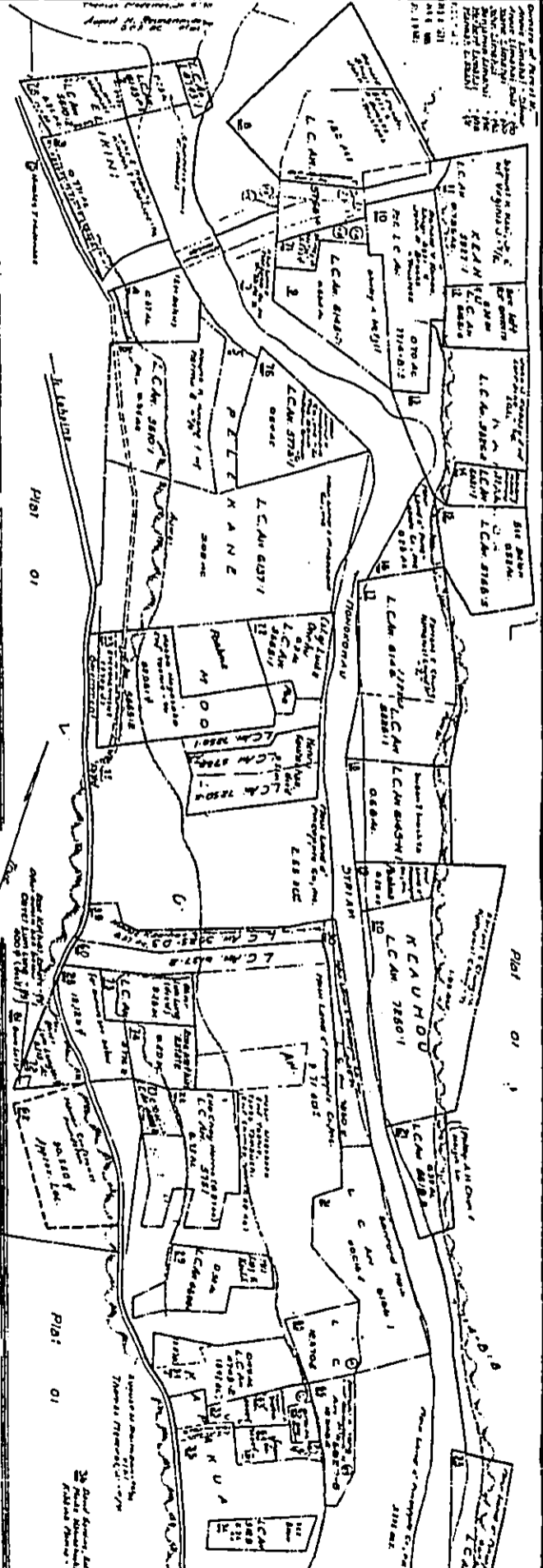
- Pauline Kauhala
- Lua Kauhala
- Wanda Kauhala
- William Kauhala
- Anne Kauhala
- John Kauhala
- James Kauhala
- William Kauhala
- Major K. Kahi
- Chester Wong
- Victoria C. Andrade
- Robert H. Vogel & wife
- Lady C. - 1/2
- James Sweeney
- Barbara Sweeney
- Judy Sweeney
- Larry Vogel
- Louis Sweeney
- Robert Sweeney
- Daniel Sweeney
- Phillip Sweeney
- Larry H. Sweeney - Owner

- A Quincy Chew Fee - 1/2
- Island Chew Fee - 1/2
- Amy Trachant - 1/2
- Mary C. Malone - 1/2
- Alfred Ah Nam - Curt. - 1/2
- Dale Nam - 1/2
- Dee Dee Ah Yuen - 1/2
- Martin Ah Yuen - 1/2

15 JESSA ODE, PAUL, 1986  
 Reginald & Rodney KAHUNA  
 Laimoni McKesgud, Ulani K.  
 Du Panta, Nancy Ode, & Elma  
 K. KEROENS-Owner

31 Abraham K. McArthur  
 & wife Rose E. 1/2  
 L.C. No. 5768-1  
 (Owner's Statement &  
 Arthur Cover - 1/2)

52 Anna Lerner & Annapolis Co., Inc.  
 Trust Estate - 1/2



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R

SUBJECT PROPERTY

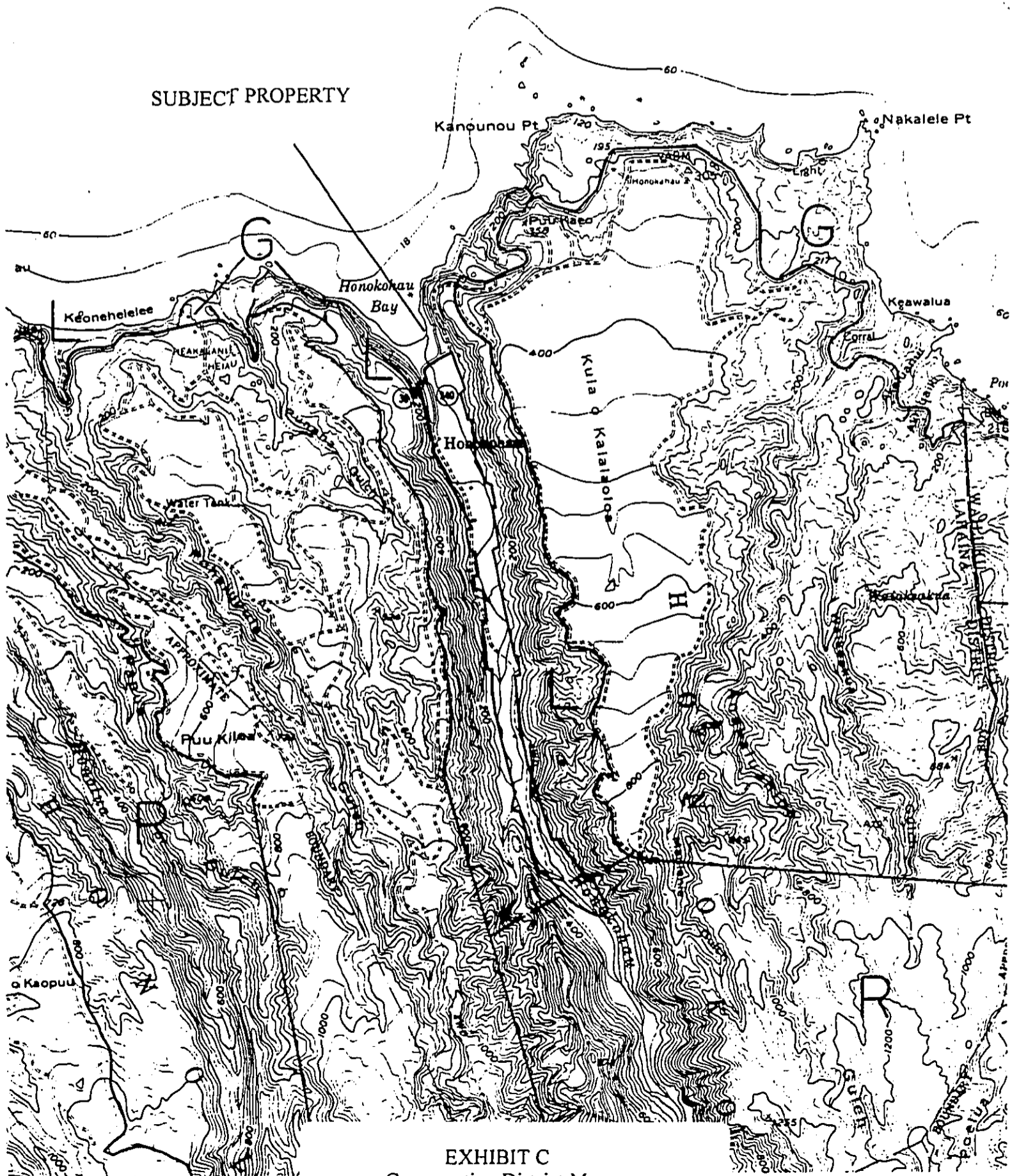


EXHIBIT C  
Conservation District Map

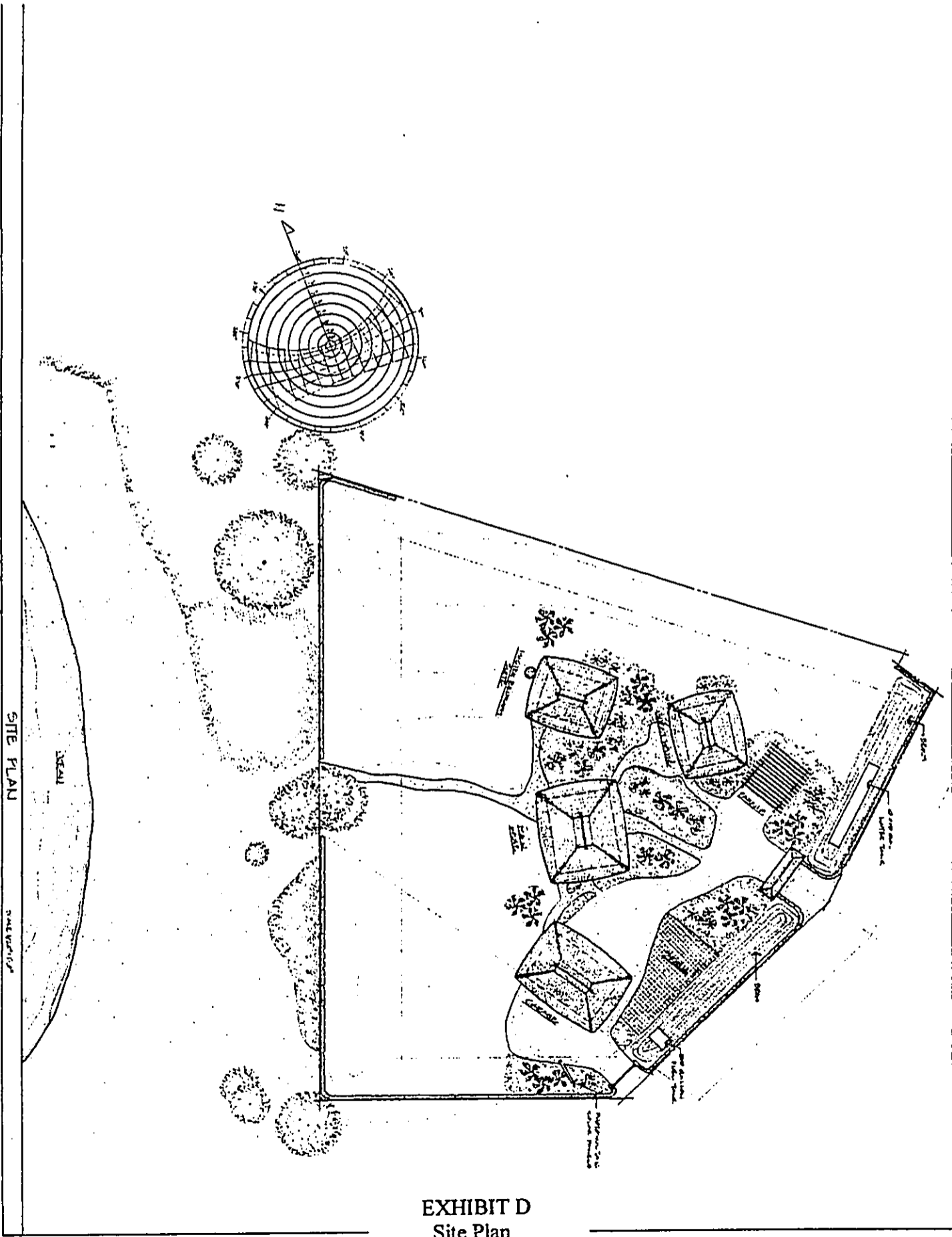


EXHIBIT D  
Site Plan

SHEET 1 OF 1 SHEETS <b>P-4</b>	SHEET <b>SITE PLAN</b>	<b>PEZARTY RESIDENCE</b> 12500000000000000000 T.M.N. (12)0-1-01.01	DESIGN BY: [Signature] [Firm Name]
	DRAWN BY: [Name]	SCALE: [Scale]	DATE: [Date]

FLOOR PLAN/PARTIAL SITE PLAN

SCALE: 1/8" = 1'-0"

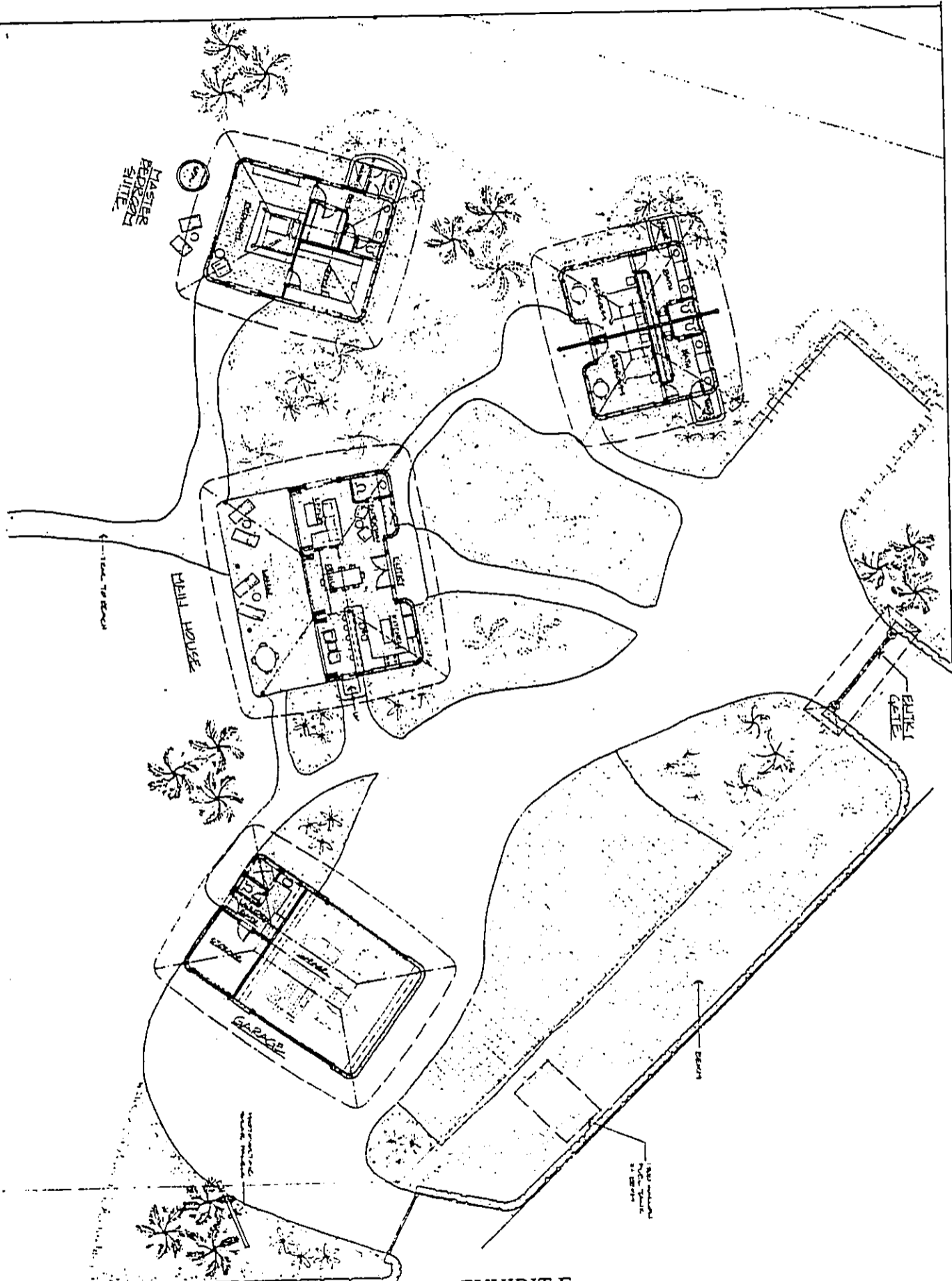


EXHIBIT E  
Floor Plan

SCALE: 1/8" = 1'-0"

SHEET  
FLOOR PLAN/PARTIAL SITE PLAN

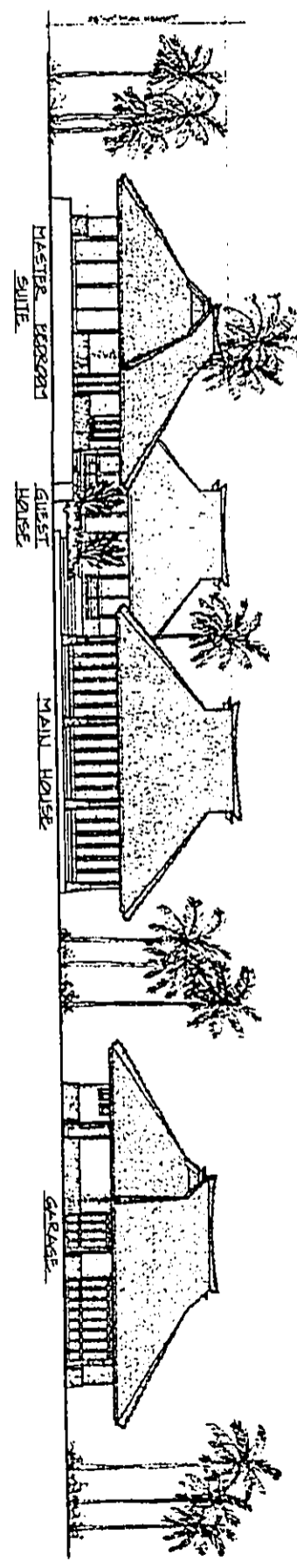
DRAWN BY: LINDA A. PARKER

PROJECT  
McCARTY RESIDENCE  
HOONAHU BAY - MAUI  
TKK (214-11-01) 07

DESIGN BY:

Source Tropical

1000 S. W. 10th St., Suite 100  
Miami, FL 33135  
Tel: 305.351.1000  
Fax: 305.351.1001  
www.source-tropical.com



EXTERIOR ELEVATION

SCALE 1/8" = 1'-0"

EXHIBIT F  
Front Elevation

P-6

SHEET  
EXTERIOR ELEVATION

PROJECT  
MC CARTY RESIDENCE  
WAIKIKOHAU, HAWAII  
DATE: 12-1-09

DESIGNED BY  
Sera Tropical  
Lay Out

Eugene Ferrari and Delores Ferrari  
P.O. Box 12195  
Lahaina, HI 96761  
(808) 669-0609

February //, 2001

Mr. Gilbert Coloma-Agaran, Chairperson  
Office of the Chairperson  
Board of Land and Natural Resources  
P.O. Box 621  
Honolulu, HI 96809

RE: Application for a Conservation District Use Permit  
For a Single-Family Residence on Property at  
Honokohau, Kaanapali, Lahaina, Maui, Hawaii  
Maui Tax Map Key No. (2) 4-1-02:8

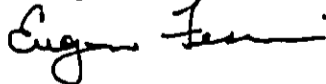
Dear Mr. Coloma-Agaran:

Please be advised that we are the sellers of that certain parcel of land located at Honokohau, Kaanapali, Lahaina, Maui, Hawaii, Tax Map Key No. (2) 4-1-02:8, which contains approximately 1.52 acres. We have agreed to sell the parcel under the terms of an Agreement of Sale to James Richard McCarty and his wife, Vicki L. McCarty, who want to build a single-family residence upon the parcel, which is in a Conservation District, Limited Subzone.

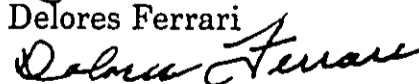
We hereby give our consent to Mr. and Mrs. McCarty to take whatever steps may be necessary to present and complete a Conservation District Use Application and to secure a permit for the construction of a single-family residence and related improvements upon the property.

Sincerely,

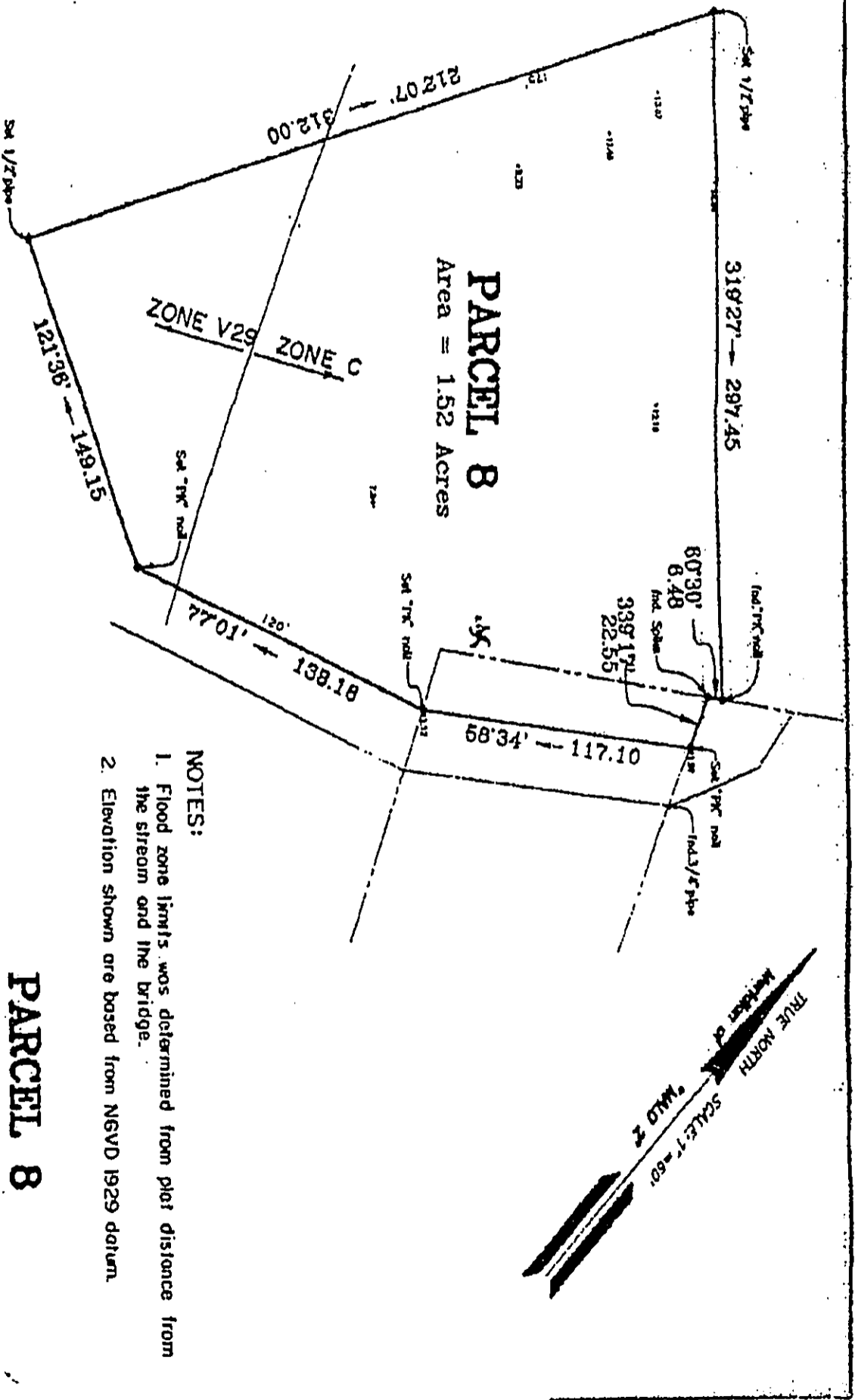
Eugene Ferrari



Delores Ferrari







**PARCEL 8**  
Area = 1.52 Acres

ZONE V29  
ZONE C

- NOTES:
1. Flood zone limits was determined from plot distance from the stream and the bridge.
  2. Elevation shown are based from NGVD 1929 datum.

**PARCEL 8**

**TAX MAP KEY : (2) 4-1-02**

HONOKOHAU, KAANAPALI, LAHAINA, MAUI, HAWAII



3981

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

Edgardo V. Valera  
Licensed Professional Land Surveyor  
State of Hawaii, Certificate No. 5076



**EXHIBIT H**  
Survey Map with FEMA Zones



EXHIBIT 1 - 1  
Overview of lot looking mauka

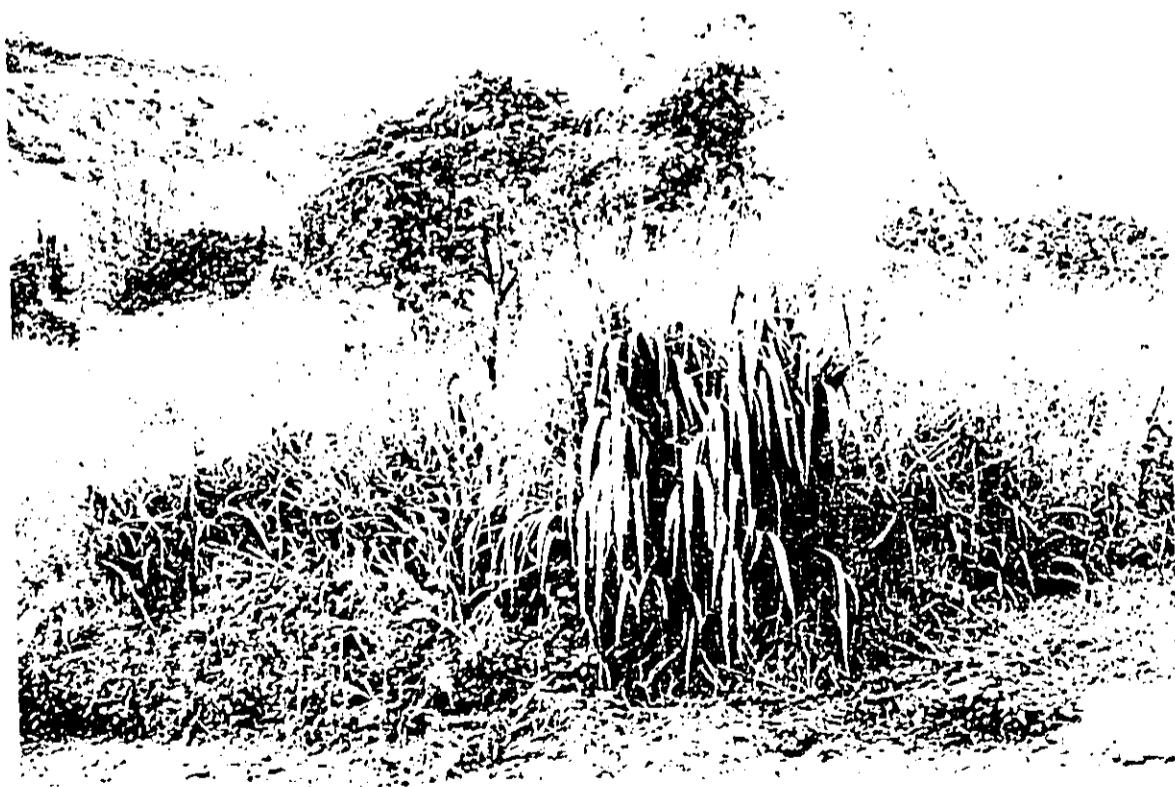


EXHIBIT I-2  
Makai view of lot from highway



EXHIBIT I-3  
Makai view of lot from southeast corner

Exhibit I-4

Views of property from ocean  
and from highway to west of property



Exhibit I-5  
Views across neighboring parcel along stream



Exhibit I-6  
Going north to south along east side of parcel



Exhibit I-7  
Junk and garbage deposits

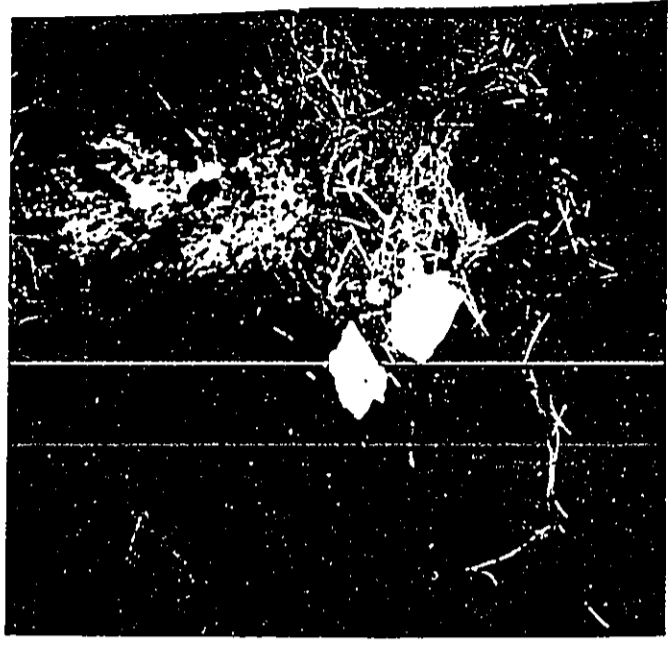
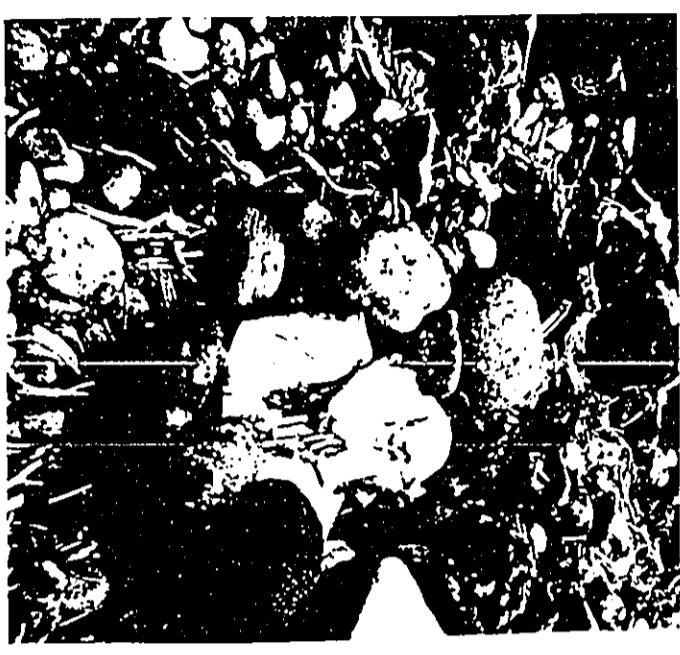




Exhibit 1-8  
Junk and Garbage  
Abandoned Horse on Parcel



Exhibit 1-9  
Human feces, soiled toilet paper,  
feminine hygiene products



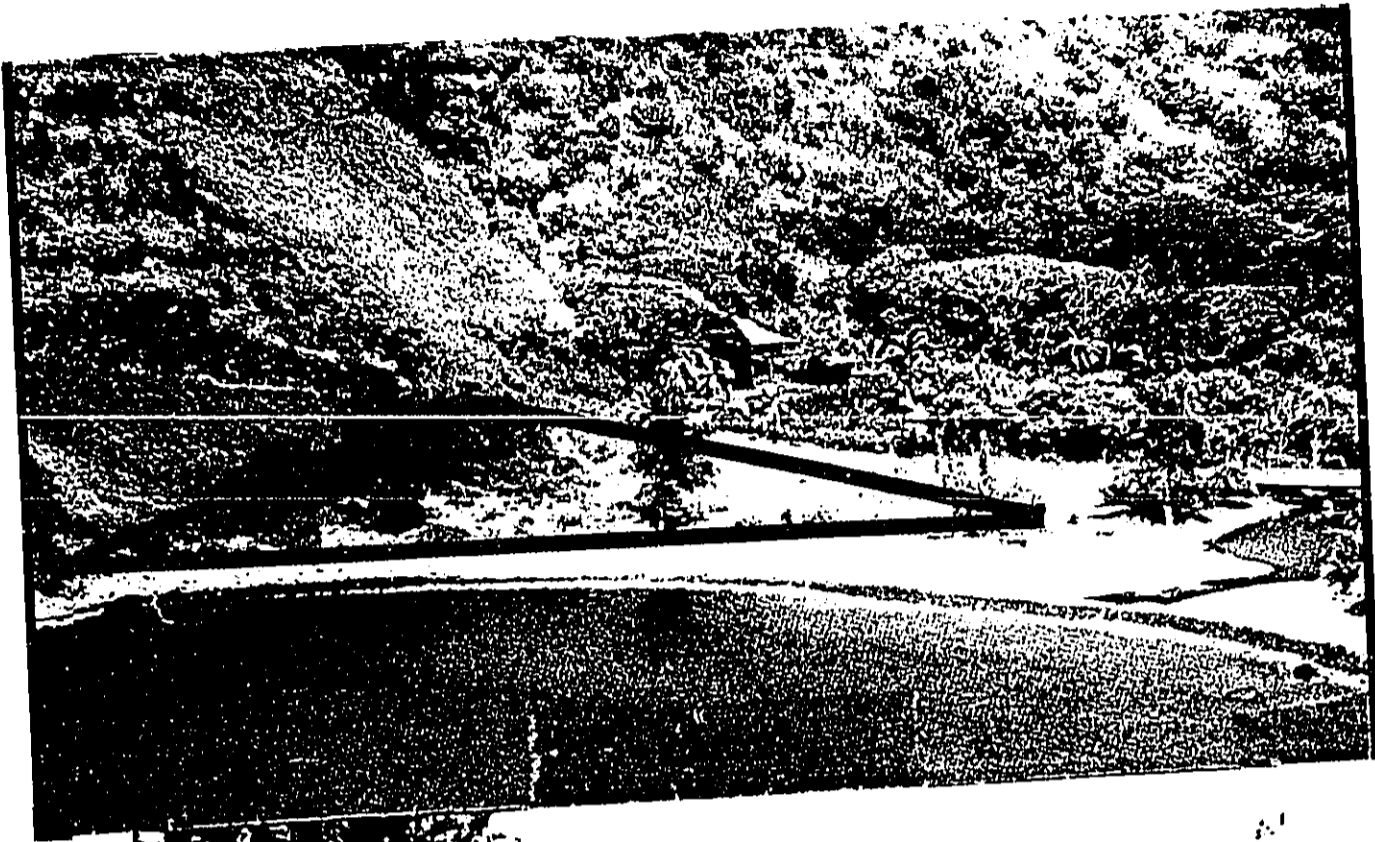


Exhibit I-10  
Aerial view of bay - approx lot line  
View of stream from west bank  
View of stream from bridge

# *Hoolawa Farms*

A Native Hawaiian Plant Nursery

June 21, 2000

Dick McCarty  
20 Alaeloā, #23  
Lahainā, Hawaii 96761

Dear Dick,

Here is a completed botanical survey of your lot in Honokohau, enclosed also is an invoice for this service.

Please let me know when you will be planning for planting, I would be happy to assist you in any way. I've included a list of native plants that will thrive in this area, since they are natural to this area your landscape can be drought-tolerant and low maintenance.

Other special native plants that are endangered or rare that will do well in this habitat:

- |           |                       |
|-----------|-----------------------|
| 'Ohai     | Sesbania tomentosa    |
| Naupaka   | Scaevola coriacea     |
| Hina hina | Heliotropium anomalum |
| Ma'o      | Gossypium tomentosum  |
|           | Schiedea globosa      |

....to name a few

It was a pleasure meeting with you last week, please do not hesitate to contact me if I can be of any assistance.

*Anna*

Anna Palomino

EXHIBIT J  
Botanical Survey of Parcel

## BOTANICAL SURVEY OF LOT LOCATED IN HONOKŌHAU BAY

June 21, 2000

For:  
Dick and Vicky McCarty  
20 Alaeloa, #23  
Lahaina, HI 96761

By:  
Anna Palomino  
Ho'olawa Farms  
P.O. Box 731  
Haiku, HI 96708

### Survey Method

A walk-through (pedestrian) method was used. Plant identifications were made in the field; plants which could not be positively identified were collected for later determination.

The species recorded are indicative of the season ("rainy" vs. "dry") and the environmental conditions at the time of the survey. A survey taken at a different time of the year and under varying environmental conditions would no doubt yield slight variations in the species list, especially of the weedy, annual plants.

### Description of the Vegetation

Coastal vegetation occurs as a narrow band along the seaward front of this makai parcel. The beach consists of rounded, water worn basalt rubble. The coastal vegetation on this type of substrate consists of low, scattered mats of pohuehue or beach morning glory (*Ipomoea pes-caprae*), numerous sprawling shrubs of naupaka kahakai (*Scaevola sericea*), several small wind-pruned trees of milo (*Thespesia populnia*), false kamani (*Terminalia catappa*), scattered ironwoods (*Casuarina equisetifolia*) and small shrubs of noni (*Morinda citrifolia*).

Towards the mauka end of the property is a thick cover of guinea grass (*Panicum maximum*), scattered throughout this grass are numerous koa haole (*Leucaena leucocephala*), vines of mauna loa (*Canavalia cathartica*), castor bean (*Ricinus communis*) and few hala (*Pandanus tectorius*).

Of the 24 plant species inventoried on the Honokahau lot, 17 (74%) are introduced or alien species; 3 (13%) are originally of Polynesian introduction; and 3 (13%) are native. All the native plants encountered are indigenous, that is, they are native to the Hawaiian Islands and also elsewhere. No plant species were encountered during the survey are listed as endangered by the U.S. Fish and Wildlife Service.

Fabaceae		
<u>Acacia farnesiana</u>	<i>Klu</i>	non-native
<u>Canavalia cathartica</u>	<i>Maunaloa</i>	non-native
<u>Leucaena leucocephala</u>	<i>Koa haole</i>	non-native
<u>Senna surattensis</u>	<i>Kolomona</i>	non-native
Goodeniaceae		
<u>Scaevola sericea</u>	<i>Naupaka kahakai</i>	indigenous
Malvaceae		
<u>Thespesia populnea</u>	<i>Milo</i>	polynesian intro.
Myrtaceae		
<u>Syzygium cumini</u>	<i>Java plum</i>	non-native
Passifloraceae		
<u>Passiflora edulis</u>	<i>Liliko'i</i>	non-native
Polygonaceae		
<u>Coccoloba uvifera</u>	<i>Sea grape</i>	non-native
Rubiaceae		
<u>Morinda citrifolia</u>	<i>Noni</i>	polynesian intro.

James Richard McCarty  
Victoria L. McCarty  
20 Alaeloa, #23  
Lahaina, HI 96761  
(808) 669-1595

May 11, 2000

Na Ala Hele  
Division of Forestry and Wildlife  
Department of Land and Natural Resources  
1151 Punchbowl Street  
Honolulu, HI 96813

RE: Pre-Consultation for Conservation District Use Application  
for Island of Maui, TMK (2) 4-1-02:008


Aloha,

My wife, Vicki, and I are preparing to submit an application for a Conservation District Use Permit so that we can build our home on the above 1.52 acre parcel at Honokohau Bay on Maui.

We would appreciate it if you would let us know if there have been any trails or roads across the parcel. If so, please give us your advice concerning their location and any steps which you suggest so that they can be adequately respected and protected.

Thank you in advance for your help in this regard.

Very truly yours,

  
James Richard McCarty

**EXHIBIT L-1**  
**Na Ala Hele Letter**

James Richard McCarty  
Victoria L. McCarty  
20 Alaeloa, #23  
Lahaina, HI 96761  
(808) 669-1595

May 10, 2000

Mr. C. Sebastian Aloom  
Director, Hawaiian Rights Division  
Office of Hawaiian Affairs  
711 Kapiolani Boulevard, Suite 500  
Honolulu, Hawai'i 96813

RE: Pre-Consultation for an Environmental Assessment for the  
Construction of a Single Family Dwelling on the Island of  
Maui, TMK (2) 4-1-2:08

Dear Mr. Aloom:

My wife, Vicki and I would like to construct our home on the above parcel at Honokohau Bay on Maui. The land is zoned "Conservation - Limited", and we will be filing an Application for a Conservation District Use Permit with the Division of Land and Natural Resources in the near future. As part of that application, we will prepare and file a draft Environmental Assessment.

My purpose for contacting you at this stage is my hope that you can help us in our efforts to discover and learn about the current and historical cultural resources pertaining to the property. In that regard, we would appreciate having any input which you can provide in this regard as well as any ideas which you can give us concerning locating an appropriate Hawaiian cultural expert who is recognized within the Hawaiian community for knowledge concerning the Honokohau area.

Thank you in advance for your help in this regard.

Very truly yours,

  
James Richard McCarty

**EXHIBIT L-3**  
Office of Hawaiian Affairs Letter



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
P.O. BOX 621  
HONOLULU, HAWAII 96809

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

MAY 18 2008

File: Cor.00-168

Ref.:PB:THE

Mr. James R. McCarty  
20 Alaeloa, #23  
Lahaina, Hawaii 96761

Dear Mr. McCarty,

Subject: TMK Parcel 2/4-1-02:008


We received your correspondence regarding your intent to submit a Conservation District Use Application for a single-family residence on the subject parcel, and we have the following comments.

You indicate your parcel is located immediately north of the Kahekili Highway. From our maps (copy attached), we note that, in this area, the southern edge of the highway serves as the boundary of the Conservation District; thus, it appears clear that your parcel is located within the Conservation District. Although it may be true that your parcel is located within 50 feet of the Conservation District boundary, our policy is that we do not require a Land Use Commission Boundary Interpretation when the subject parcel is clearly located within the Conservation District.

Similarly, since all Conservation District land in this area is clearly designated as "Limited subzone," conducting a formal subzone boundary interpretation is not necessary in this situation.

If you have any questions on this matter, please contact Tom Eisen of our Planning Section at 587-0439.

Sincerely,

  
Dean Y. Uchida, Administrator  
Land Division

cc: Maui Board member

Attachment

EXHIBIT L-5  
DLNR Land Division Response



# CORRECTION

THE PRECEDING DOCUMENT(S) HAS  
BEEN REPHOTOGRAPHED TO ASSURE  
LEGIBILITY  
SEE FRAME(S)  
IMMEDIATELY FOLLOWING

# BOTANICAL SURVEY OF LOT LOCATED IN HONOKŌHAU BAY

June 21, 2000

For:  
Dick and Vicky McCarty  
20 Alaeloa, #23  
Lahaina, HI 96761

By:  
Anna Palomino  
Ho'olawa Farms  
P.O. Box 731  
Haiku, HI 96708

## Survey Method

A walk-through (pedestrian) method was used. Plant identifications were made in the field; plants which could not be positively identified were collected for later determination.

The species recorded are indicative of the season ("rainy" vs. "dry") and the environmental conditions at the time of the survey. A survey taken at a different time of the year and under varying environmental conditions would no doubt yield slight variations in the species list, especially of the weedy, annual plants.

## Description of the Vegetation

Coastal vegetation occurs as a narrow band along the seaward front of this makai parcel. The beach consists of rounded, water worn basalt rubble. The coastal vegetation on this type of substrate consists of low, scattered mats of pohuehue or beach morning glory (*Ipomoea pes-caprae*), numerous sprawling shrubs of naupaka kahakai (*Scaevola sericea*), several small wind-pruned trees of milo (*Thespesia populnia*), false kamani (*Terminalia catappa*), scattered ironwoods (*Casuarina equisetifolia*) and small shrubs of noni (*Morinda citrifolia*).

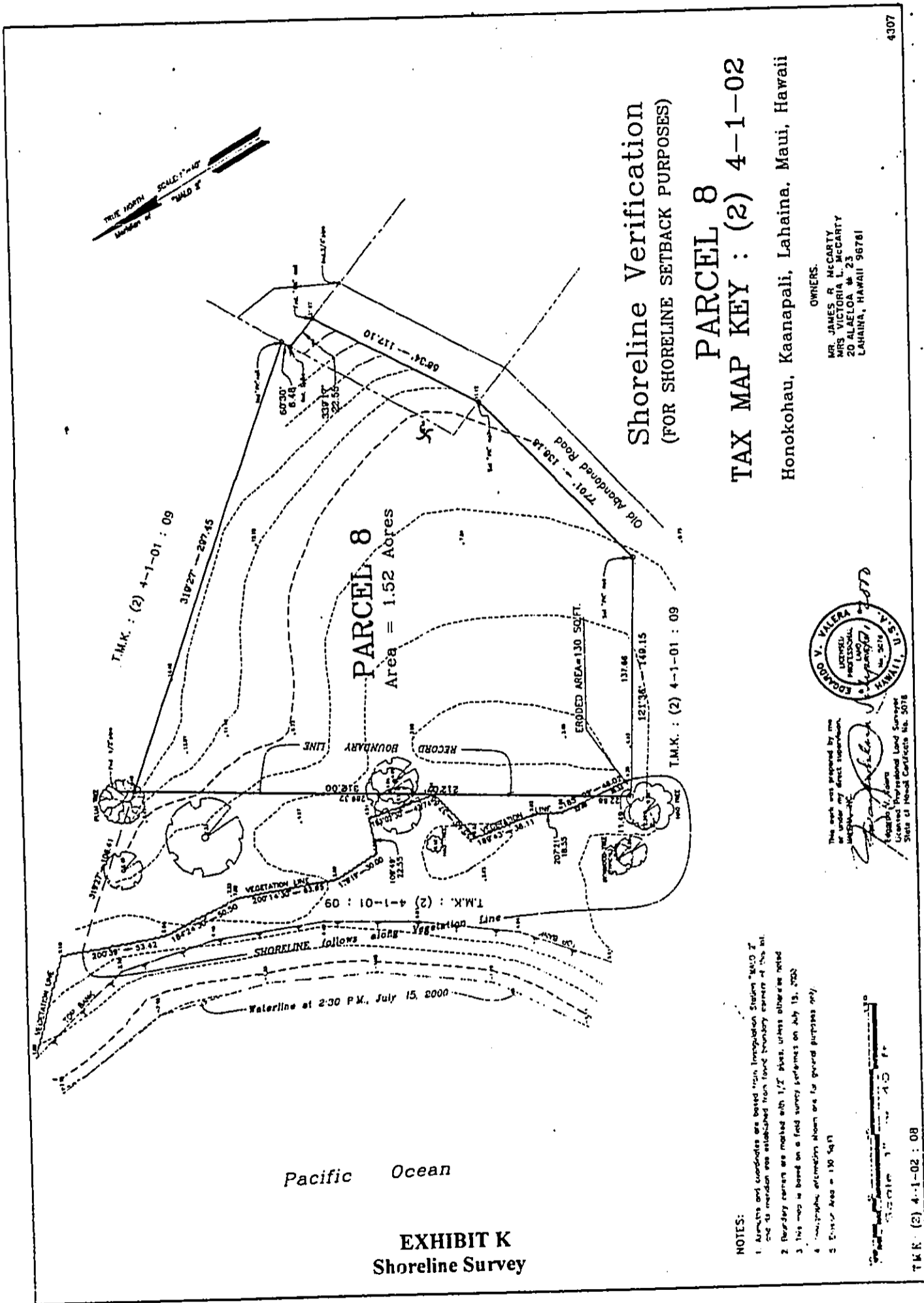
Towards the mauka end of the property is a thick cover of guinea grass (*Panicum maximum*), scattered throughout this grass are numerous koa haole (*Leucaena leucocephala*), vines of mauna loa (*Canavalia cathartica*), castor bean (*Ricinus communis*) and few hala (*Pandanus tectorius*).

Of the 24 plant species inventoried on the Honokahau lot, 17 (74%) are introduced or alien species; 3 (13%) are originally of Polynesian introduction; and 3 (13%) are native. All the native plants encountered are indigenous, that is, they are native to the Hawaiian Islands and also elsewhere. No plant species were encountered during the survey are listed as endangered by the U.S. Fish and Wildlife Service.

LIST OF VASCULAR PLANT SPECIES ENCOUNTERED AT HONOKOHAŪ PROPERTY  
 JUNE 21, 2000

SCIENTIFIC NAME (Latin names underlined; Hawaiian names in italics)	HAWAIIAN OR COMMON NAME	STATUS
MONOCOTYLEDONES (monocots):		
Araceae <u>Cocos nucifera</u>	<i>Niu, coconut</i>	polynesian intro.
Commelinaceae <u>Commelina benghalensis</u>	<i>Honohono</i>	non-native
Liliaceae <u>Yucca gloriosa</u>	<i>Spanish bayonet</i>	non-native
Poaceae (grasses)		
<u>Panicum maximum</u>	<i>Guinea grass</i>	non-native
Pandanaceae <u>Pandanus tectorius</u>	<i>Hala</i>	indigenous
DICOTYLEDONES (dicots)		
Amaranthaceae <u>Amaranthus spinosus</u>	<i>Pakai kuku</i>	non-native
Asteraceae <u>Pluchea indica</u>	<i>Indian fleabane</i>	non-native
Cactaceae <u>Cereus uruguayanus</u>	<i>Hedge cactus</i>	non-native
Caricaceae <u>Carica papaya</u>	<i>Papaya</i>	non-native
Casuarinaceae <u>Casuarina equisetifolia</u>	<i>Paina, ironwood</i>	non-native
Convolvulaceae <u>Ipomoea violacea</u> <u>Ipomoea pes-caprae</u>	<i>Koali, morning glory</i> <i>Pohuehue</i>	non-native indigenous
Euphorbiaceae <u>Ricinus communis</u>	<i>Pa'aila</i>	non-native

Fabaceae		
<u>Acacia farnesiana</u>	<i>Klu</i>	non-native
<u>Canavalia cathartica</u>	<i>Maunaloa</i>	non-native
<u>Leucaena leucocephala</u>	<i>Koa haole</i>	non-native
<u>Senna surattensis</u>	<i>Kolomona</i>	non-native
Goodeniaceae		
<u>Scaevola sericea</u>	<i>Naupaka kahakai</i>	indigenous
Malvaceae		
<u>Thespesia populnea</u>	<i>Milo</i>	polynesian intro.
Myrtaceae		
<u>Syzygium cumini</u>	<i>Java plum</i>	non-native
Passifloraceae		
<u>Passiflora edulis</u>	<i>Liliko'i</i>	non-native
Polygonaceae		
<u>Coccoloba uvifera</u>	<i>Sea grape</i>	non-native
Rubiaceae		
<u>Morinda citrifolia</u>	<i>Noni</i>	polynesian intro.



Pacific Ocean

**EXHIBIT K**  
**Shoreline Survey**

**NOTES:**

1. All points and coordinates are based upon Intersection Station "MCO 2" one to meridian was established from land boundary corners of this lot.
2. Boundary corners are marked with 1/2" pins, unless otherwise noted.
3. This map is based on a field survey performed on July 15, 2000.
4. Contour lines, elevations shown are for general purposes only.
5. Erosion Area = 130 sq. ft.

**Scale 1" = 40'**

**T.M.K. (2) 4-1-02 : 08**

**4307**

James Richard McCarty  
Victoria L. McCarty  
20 Alaeloa, #23  
Lahaina, HI 96761  
(808) 669-1595

May 11, 2000

Na Ala Hele  
Division of Forestry and Wildlife  
Department of Land and Natural Resources  
1151 Punchbowl Street  
Honolulu, HI 96813

RE: Pre-Consultation for Conservation District Use Application  
for Island of Maui, TMK (2) 4-1-02:008


Aloha,

My wife, Vicki, and I are preparing to submit an application for a Conservation District Use Permit so that we can build our home on the above 1.52 acre parcel at Honokohau Bay on Maui.

We would appreciate it if you would let us know if there have been any trails or roads across the parcel. If so, please give us your advice concerning their location and any steps which you suggest so that they can be adequately respected and protected.

Thank you in advance for your help in this regard.

Very truly yours,



James Richard McCarty

**EXHIBIT L-1**  
**Na Ala Hele Letter**

James Richard McCarty  
Victoria L. McCarty  
20 Alaeloa, #23  
Lahaina, HI 96761  
(808) 669-1595

May 11, 2000

Mr. Don Hibbard, Administrator  
Historic Preservation Division  
Division of Land and Natural Resources  
601 Kamokila Boulevard, Rm. 555  
Kapolei, HI 96707

RE: Pre-Consultation for an Environmental Assessment for the  
Construction of a Single Family Dwelling on the Island of  
Maui, TMK (2) 4-1-2:08

Dear Mr. Hibbard:

My wife, Vicki, and I would like to construct our home on the above parcel at Honokohau Bay on Maui. The land is zoned "Conservation - Limited", and we will be filing an Application for a Conservation District Use Permit with the Department of Land and Natural Resources in the near future. As part of that application, we will prepare and file a draft Environmental Assessment.

My purpose for contacting you at this stage is my hope that you can help us in our efforts to discover and learn about the current and historical cultural resources pertaining to the area in which the property is located. In that regard, please let us know whether you are aware of any significant historic sites which might be affected by the construction of our residence on the parcel.

Thank you in advance for your help in this regard.

Aloha,

  
James Richard McCarty

**EXHIBIT L-2**  
**Historic Preservation Division Letter**

James Richard McCarty  
Victoria L. McCarty  
20 Alaeloa, #23  
Lahaina, HI 96761  
(808) 669-1595

May 10, 2000

Mr. C. Sebastian Aloit  
Director, Hawaiian Rights Division  
Office of Hawaiian Affairs  
711 Kapiolani Boulevard, Suite 500  
Honolulu, Hawai'i 96813

RE: Pre-Consultation for an Environmental Assessment for the  
Construction of a Single Family Dwelling on the Island of  
Maui, TMK (2) 4-1-2:08

Dear Mr. Aloit:

My wife, Vicki and I would like to construct our home on the above parcel at Honokohau Bay on Maui. The land is zoned "Conservation - Limited", and we will be filing an Application for a Conservation District Use Permit with the Division of Land and Natural Resources in the near future. As part of that application, we will prepare and file a draft Environmental Assessment.

My purpose for contacting you at this stage is my hope that you can help us in our efforts to discover and learn about the current and historical cultural resources pertaining to the property. In that regard, we would appreciate having any input which you can provide in this regard as well as any ideas which you can give us concerning locating an appropriate Hawaiian cultural expert who is recognized within the Hawaiian community for knowledge concerning the Honokohau area.

Thank you in advance for your help in this regard.

Very truly yours,

  
James Richard McCarty

**EXHIBIT L-3**  
**Office of Hawaiian Affairs Letter**



James Richard McCarty  
Victoria L. McCarty  
20 Alaeloa, #23  
Lahaina, HI 96761  
(808) 669-1595

May 11, 2000

Mr. Thomas H. Eisen  
Department of Land and Natural Resources  
1151 Punchbowl Street, Rm. 220  
Honolulu, HI 96813

RE: Pre-Consultation for Conservation District Use Application  
for Island of Maui, TMK (2) 4-1-02:008

Dear Mr. Eisen:

My wife, Vicki, and I have had the pleasure of talking with you at your office recently concerning making an application for a Conservation District Use Permit so that we can build our home on the above 1.52 acre parcel at Honokohau Bay on Maui.

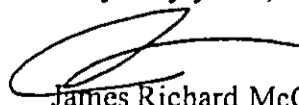
The parcel is within 50 feet of both the Conservation District boundary and the subzone boundary as it is bounded on the southerly portion by the Kahekili Highway. The highway is the southerly boundary of the Conservation District. Since that is the case, I am sending this letter so that we can comply with the filing requirements of Conservation District Application Form, Paragraph XII. LAND USE COMMISSION BOUNDARY INTERPRETATION and, also, those of Paragraph XIII. SUBZONE BOUNDARY DETERMINATION.

With respect to Paragraph XII, I would appreciate it if you would furnish me with a copy of the map showing the interpretation of the boundary by the State Land Use Commission or, alternatively, please refer me to a proper source for the map.

With respect to Paragraph XIII, please accept this as my notice to the DLNR of the intended use of the parcel. Also, please provide me with a determination of the precise boundary of the subzone with respect to our parcel as required in the form.

Thank you in advance for your help in this regard.

Very truly yours,



James Richard McCarty

**EXHIBIT L-4**  
**DLNR Land Division Letter**



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
P.O. BOX 821  
HONOLULU, HAWAII 96809

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

MAY 18 2008

File: Cor.00-168

Ref.:PB:THE

Mr. James R. McCarty  
20 Alaeloa, #23  
Lahaina, Hawaii 96761

Dear Mr. McCarty,

Subject: TMK Parcel 2/4-1-02:008


We received your correspondence regarding your intent to submit a Conservation District Use Application for a single-family residence on the subject parcel, and we have the following comments.

You indicate your parcel is located immediately north of the Kahekili Highway. From our maps (copy attached), we note that, in this area, the southern edge of the highway serves as the boundary of the Conservation District; thus, it appears clear that your parcel is located within the Conservation District. Although it may be true that your parcel is located within 50 feet of the Conservation District boundary, our policy is that we do not require a Land Use Commission Boundary Interpretation when the subject parcel is clearly located within the Conservation District.

Similarly, since all Conservation District land in this area is clearly designated as "Limited subzone," conducting a formal subzone boundary interpretation is not necessary in this situation.

If you have any questions on this matter, please contact Tom Eisen of our Planning Section at 587-0439.

Sincerely,

  
Dean Y. Uchida, Administrator  
Land Division

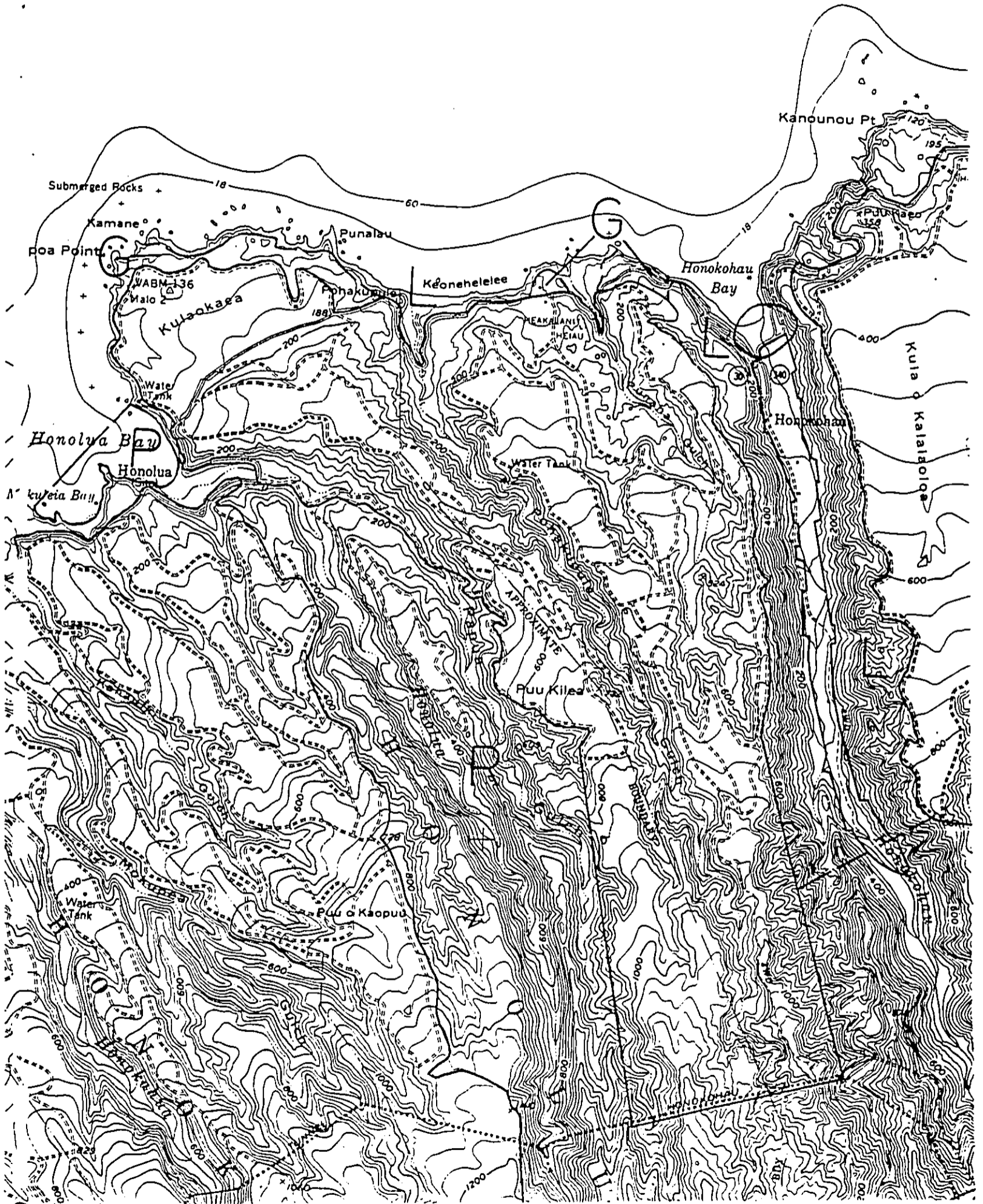
cc: Maui Board member

Attachment

EXHIBIT L-5  
DLNR Land Division Response

+

R



James Richard McCarty  
Victoria L. McCarty  
20 Alaeloa, #23  
Lahaina, HI 96761  
(808) 669-1595

May 11, 2000

Mr. John E. Min  
Planning Director  
County of Maui  
250 South High Street  
Wailuku, HI 96793

RE: Pre-Consultation for an Environmental Assessment for the  
Construction of a Single Family Dwelling on the Island of  
Maui, TMK (2) 4-1-02:008

Dear Mr. Min:

My wife, Vicki and I would like to construct a home on the above parcel which is located at Honokohau Bay on Maui. The land is zoned "Conservation - Limited", and we will be filing an Application for a Conservation District Use Permit with the Department of Land and Natural Resources in the near future. As part of that application, we will prepare and file a draft Environmental Assessment.

My purpose for contacting you is to ask for your recommendations and your advice concerning what procedures we must follow and what requirements we must meet in order to make sure that we properly comply with all current County rules and regulations during the permitting and building stages.

Thank you in advance for your help in this regard.

Very truly yours,

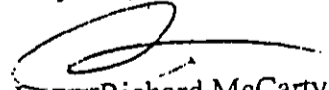
  
James Richard McCarty

EXHIBIT L-6  
Maui County Dept. of Planning Letter

JAMES "KIMO" APANA  
Mayor

JOHN E. MIN  
Director

CLAYTON I. YOSHIDA  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

May 19, 2000

Mr. James Richard McCarty  
20 Alaeloa, #23  
Lahaina, Hawaii 96761

Dear Mr. McCarty:

Re: Pre-Consultation for an Environmental Assessment (EA) for the  
Construction of a Single-Family Dwelling on the Island of Maui,  
TMK: (2) 4-1-002:008, Honokohau, Lahaina, Maui, Hawaii

Based on the limited information provided, we have the following comments:

1. TMK: 4-1-002:008 is a 1.52-acre parcel in the State Conservation District located near the mouth of Honokohau Stream at Honokohau Bay. The draft EA should include a comprehensive description of the existing geographic features of the site and uses of the property, including any structures currently on the property. It shall also include preliminary plans of the proposed single-family residence and accessory structures.

The preliminary plans for the single-family residence should address issues such as massing, heights, view corridors and visual impacts from the scenic highway, architectural compatibility with the surrounding area, etc.

2. The draft EA shall address the land use documents of the State of Hawaii and County of Maui. In terms of the County documents, it shall address the proposed single-family residence's compliance with the General Plan and West Maui Community Plan.

For example, the West Maui Community Plan contains various goals, objectives, policies and recommendations that should be addressed in the draft EA, such as, but not limited to the following:

Mr. James Richard McCarty  
May 19, 2000  
Page 2

"Preserve and enhance the mountain and coastal scenic vistas and the open space areas of the region." (P. 16, Item 2)

"Preserve the current State Conservation District and the current State Agriculture District boundaries in the planning region, in accordance with this Community Plan and its land use map. Lands north of Kapalua and south of Puamana to the region's district boundaries should ensure the preservation of traditional lifestyles, historic sites, agriculture, recreational activities and open space." (P. 16, Item 5)

Enclosed for your use are copies of the General Plan and Community Plan documents.

3. The conservation lands located north of Kapalua Resort are largely undeveloped lands providing valuable open-space areas, especially those properties along the shoreline from the end of the Kapalua Bay Resort towards Kahakuloa. The construction of a single-family residence and formalized landscaping will change the existing wind-blown wilderness character of the area. The draft EA should address how the proposed residence will "ensure the preservation of traditional lifestyles, historic sites, agriculture, recreational activities, and open space."

Further, information should be provided about the topography of the property. Is the property lower or higher than the scenic highway? Depending on the topography, the visual impacts will vary.

Careful consideration should be given to the siting, scale, massing, height, materials and architectural details of the structure. Any residence constructed on this lot should not detract from the natural beauty of the area. Large residential buildings may not be appropriate in areas where traditionally no structures or smaller agricultural dwellings (1,000 sq. ft.) exist.

4. The draft EA must address public services to the proposed residence, including sewer, water, and other utility services. Due

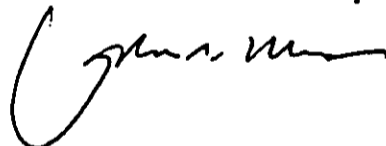
Mr. James Richard McCarty  
May 19, 2000  
Page 3

to the project's location near the shoreline and Honokohau Bay and Stream, the method of disposal of sewage and storm runoff is critical to prevent degradation of the stream and bay.

5. The subject property is located within the Special Management Area (SMA) of the Island of Maui and the provisions of the SMA Rules of the Maui Planning Commission shall be addressed. Of particular concern will be public access to Honokohau Stream and Bay.
6. Archaeological and cultural features on the site shall also be addressed in the draft EA. It is recommended that an archaeological inventory survey be conducted on the subject property.

Thank you for the opportunity to comment. If additional clarification is required, please contact Ms. Colleen Suyama, Staff Planner, of this office at 270-7735.

Very truly yours,



JOHN E. MIN  
Planning Director

JEM:CMS:cmb

Enclosures


c: Clayton Yoshida, AICP, Deputy Planning Director  
Colleen Suyama, Staff Planner  
Project File  
General File  
(S:\CMS\mccarty1)

Commonwealth Land Title Insurance Company  
COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

1. Effective Date: February 28, 2000 at 8:00 A. M.
  
2. Policy or Policies to be issued:
  - (a) ALTA STANDARD OWNER'S POLICY Amount  
Proposed Insured: \$750,000.00  
James Richard McCarty and Victoria L. McCarty
  
  - (b) ALTA EXTENDED LOAN POLICY Amount  
Proposed Insured: \$550,000.00  
Eugene Ferrari and Dolores Ferrari
  
  - (c) None Amount  
Proposed Insured: \$
  
3. The estate or interest in the land described or referred to in this Commitment and covered herein is:  
  
FEE SIMPLE INTEREST

FIRST HAWAII TITLE CORPORATION

  
\_\_\_\_\_  
Grant Hanafusa, Authorized Signature

Order No. 00109312  
Escrow No. 20300125

Page 1

EXHIBIT M  
Commitment for Title Insurance



**TROPICAL MARINE ENVIRONMENTS, INC.**

DBA  
ALANUI ENTERPRISES  
P.O. BOX 390628  
KAILUA-KONA, HI  
96739  
PHONE: (808)329-6225  
FAX: (808)329-7144

April 12, 2001

Carey Smoot  
SourceTropical  
42-299 Kaneohe Bay Drive  
Kaneohe, Hawaii  
96744

**SUBJECT:** Preliminary Layout for an Individual Wastewater System at the Dick  
and Vicki McCarty Residence, Honokohau Bay, Maui County  
TMK (2) 4-1-02:8

Aloha Carey,

Based upon my site investigation of yesterday and the site and floor plans of the proposed residence, I have completed a preliminary layout for an aerobic treatment plant and absorption bed for the McCarty Residence. Please note the following:

- Percolation rate = 10 minute per inch
- Bedrooms per DOH standards = 4
- Diameter of aerobic plant = 8 feet
- Footprint of absorption bed = 15' x 37' (using Infiltrator Chambers)

Pipe runs to treatment unit:

Main House	=	25 feet
Master Bedroom	=	90 feet
Guest House	=	65 feet
Garage	=	55 feet

Assume 2% fall in 4" diameter sewer pipes and a minimum of 4" of cover over the pipes in non-vehicular and 12" in vehicular areas.

Also required but not shown on this plan will be a means of disinfection (Tablet Chlorinator) between the treatment unit and absorption bed and the compressor/control panel for the treatment unit which would probably be installed in the garage.

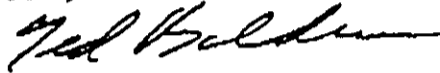
EXHIBIT N  
Preliminary Layout for Wastewater System  
Site Evaluation / Percolation Test

Carey Smoot  
April 12, 2001  
Page 2

If no potable water well is installed, DOH would not require an aerobic unit and the option of using a septic tank would be available.

Hope this suffices for DLNR purposes for now. Please call me with any questions regarding this layout.

Many Mahalos



Ted Baldau

254-6972

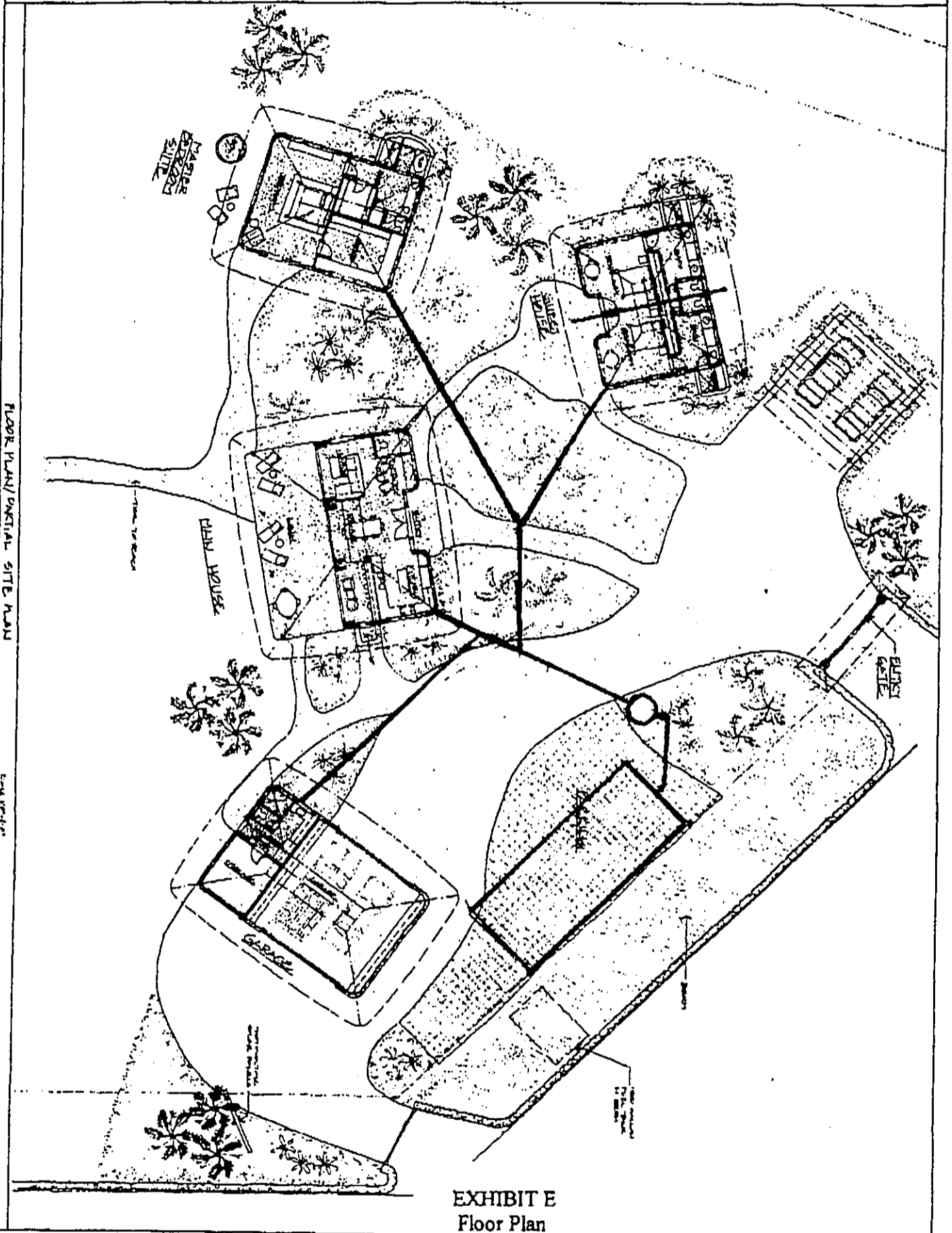
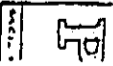


EXHIBIT E  
Floor Plan

FLOOR PLAN/PARTIAL SITE PLAN

Scale 1/8" = 1'-0"



PROJECT  
FLOOR PLAN/PARTIAL SITE PLAN

PROPERTY  
MC CARTY RESIDENCE

DESIGN BY

### SITE EVALUATION/PERCOLATION TEST

Date/Time: 4/11/01 12:00 p.m.  
 Test performed by: ALANUI ENTERPRISES TED BALDAN  
 Owner: MR. DICK McCARTY  
 Tax Map Key: (2) 4-1-02: 8  
 Elevation: 15 ft.  
 Depth to Groundwater Table: 15 ft. below grade  
 Depth to Bedrock: (if observed) — ft. below grade  
 Diameter of Hole: 12 in  
 Depth to Hole Bottom: 2 ft. below grade

Depth, inches below grade	Soil Profile (color, texture, other)
<u>0-4"</u>	<u>DARK ORGANIC, LOAMY SOIL</u>
<u>4"-24"</u>	<u>LOAMY, CLAYEY SILT; RED W/ SMALL COBBLE 1/2" - 2" in Dia.</u>

### PERCOLATION READINGS

Time 12 in of water to seep away: 68 min  
 Time 12 in of water to seep away: 86 min

Pick one:

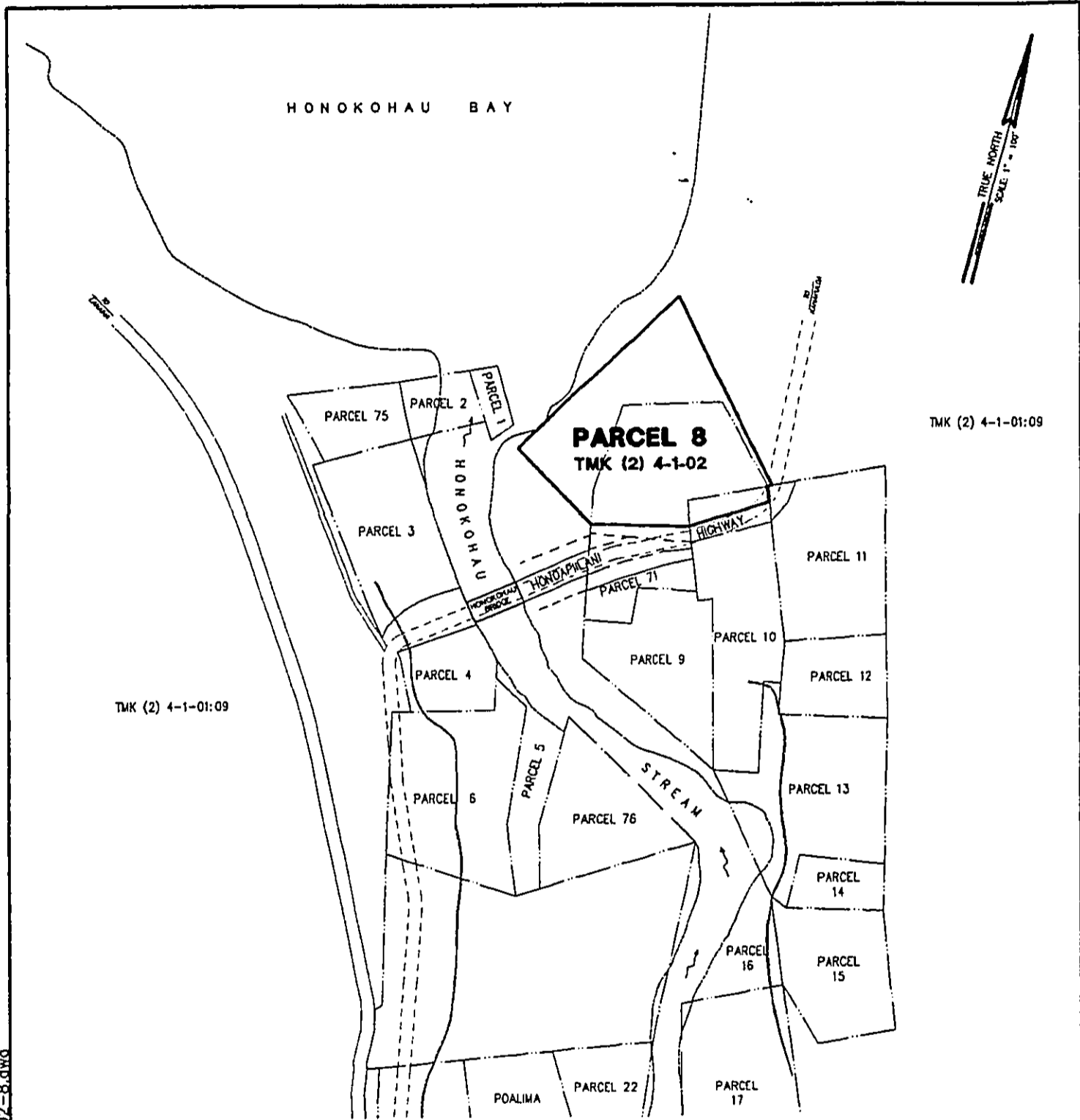
- Percolation tests in sandy soils, recorded time intervals and water drops at least every 10 minutes for at least 1 hour.
- Percolation tests in non-sandy soils, presoaked the test hole for at least 4 hours. Recorded time intervals and water drops at least every 10 minutes for 1 hour or if the time for the first 6 inches to seep away is greater than 30 minutes record time intervals and water drops at least every 30 minutes for 4 hours or until 2 successive drops do not vary by more than 1/16 inch.

Time interval	Drop in inches	Time interval	Drop in inches
<u>10 min</u>	<u>1 1/4"</u>		
<u>10 min</u>	<u>1 1/4"</u>		
<u>10 min</u>	<u>1 1/8"</u>		
<u>10 min</u>	<u>1 1/8"</u>		
<u>10 min</u>	<u>1 1/16"</u>		
<u>10 min</u>	<u>1 1/16"</u>		

Percolation Rate (time/final water level drop) 10 min/in

As the engineer responsible for gathering and providing site information and percolation test results, I attest to the fact that above site information is accurate and that the site evaluation was conducted in accordance with the provisions of Chapter 11 "Groundwater Systems" and the results were acceptable. I also attest that three feet of suitable soil exists between the bottom of the soil absorption system and the groundwater table or any other limiting layer.

R. P. [Signature]  
 LICENSED PROFESSIONAL ENGINEER  
 Engineer's Signature/Stamp



**VICINITY MAP**  
OF  
**PARCEL 8 OF TAX MAP KEY (2) 4-1-02**  
AT HONOKOHAU, LAHAINA, MAUI, HAWAII

0:\2001\01-033\TMK4102-8.dwg

Tax Map Key (2) 4-1-02: 08

APRIL 10, 2001

871 KOLU STREET, SUITE 201  
WAILUKU, MAUI, HAWAII 96793

**R. T. TANAKA ENGINEERS, INC.**  
LAND SURVEYORS - CIVIL & STRUCTURAL ENGINEERS

JOB NO. 01-033

EXHIBIT O  
Vicinity Map for Parcel 8.

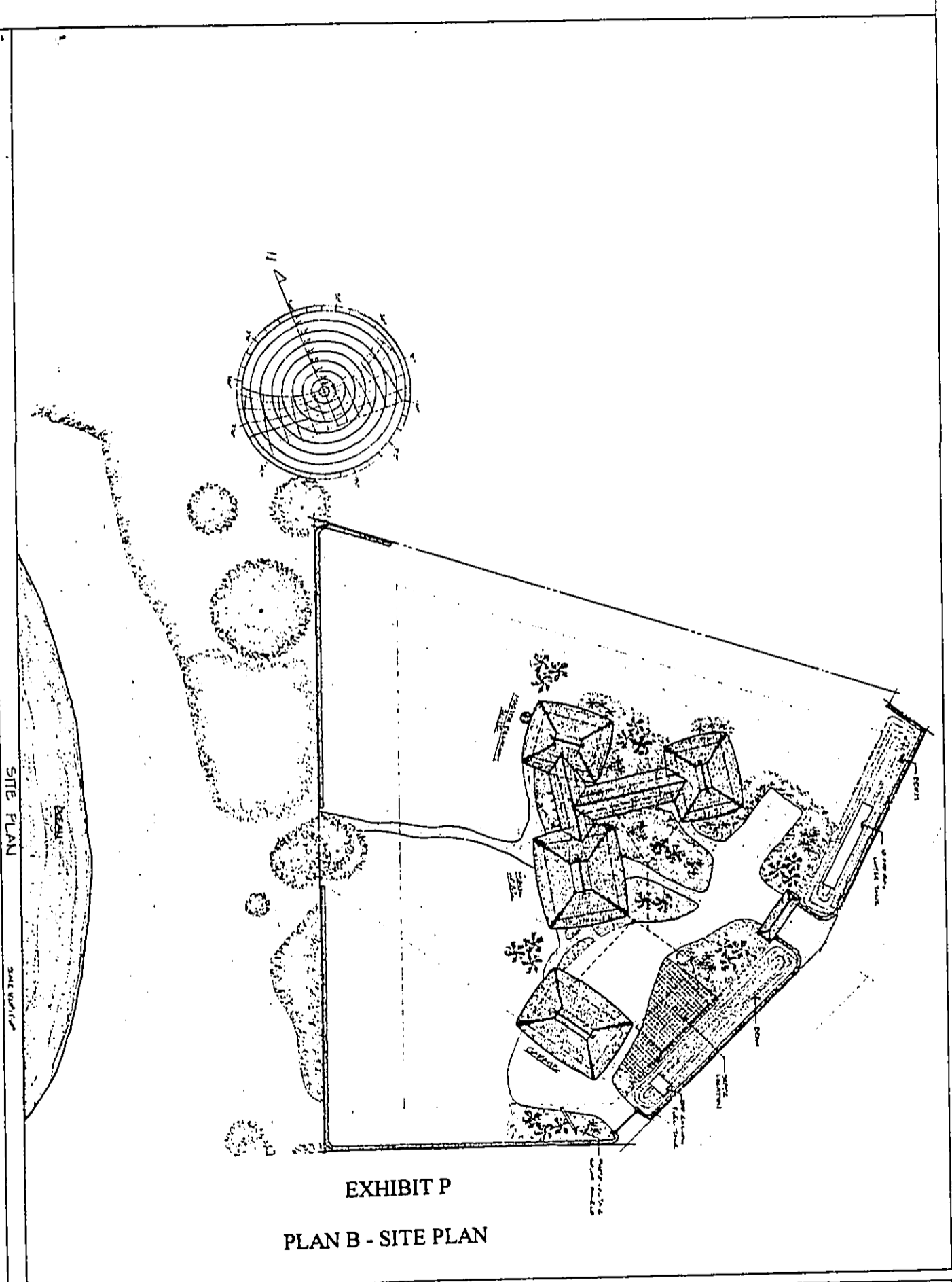


EXHIBIT P  
 PLAN B - SITE PLAN

SHEET <b>P-4</b>	SHEET <b>SITE PLAN</b>  DRAWN BY: LARSEN & BUSHY	PROJECT <b>Mc CARTY RESIDENCE</b> 152 WAGONWAY BAY, WAIKIKI, HAWAII T.M. (13) + 1-01 01	DESIGN BY <b>Souratropical</b> Gary Jones <small>           1000 Kalia Road, Suite 100, Honolulu, HI 96813            Tel: (808) 941-8800 Fax: (808) 941-8801            Email: info@souratropical.com            www.souratropical.com         </small>	
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FLOOR PLAN/PARTIAL SITE PLAN

SCALE 1/8" = 1'-0"

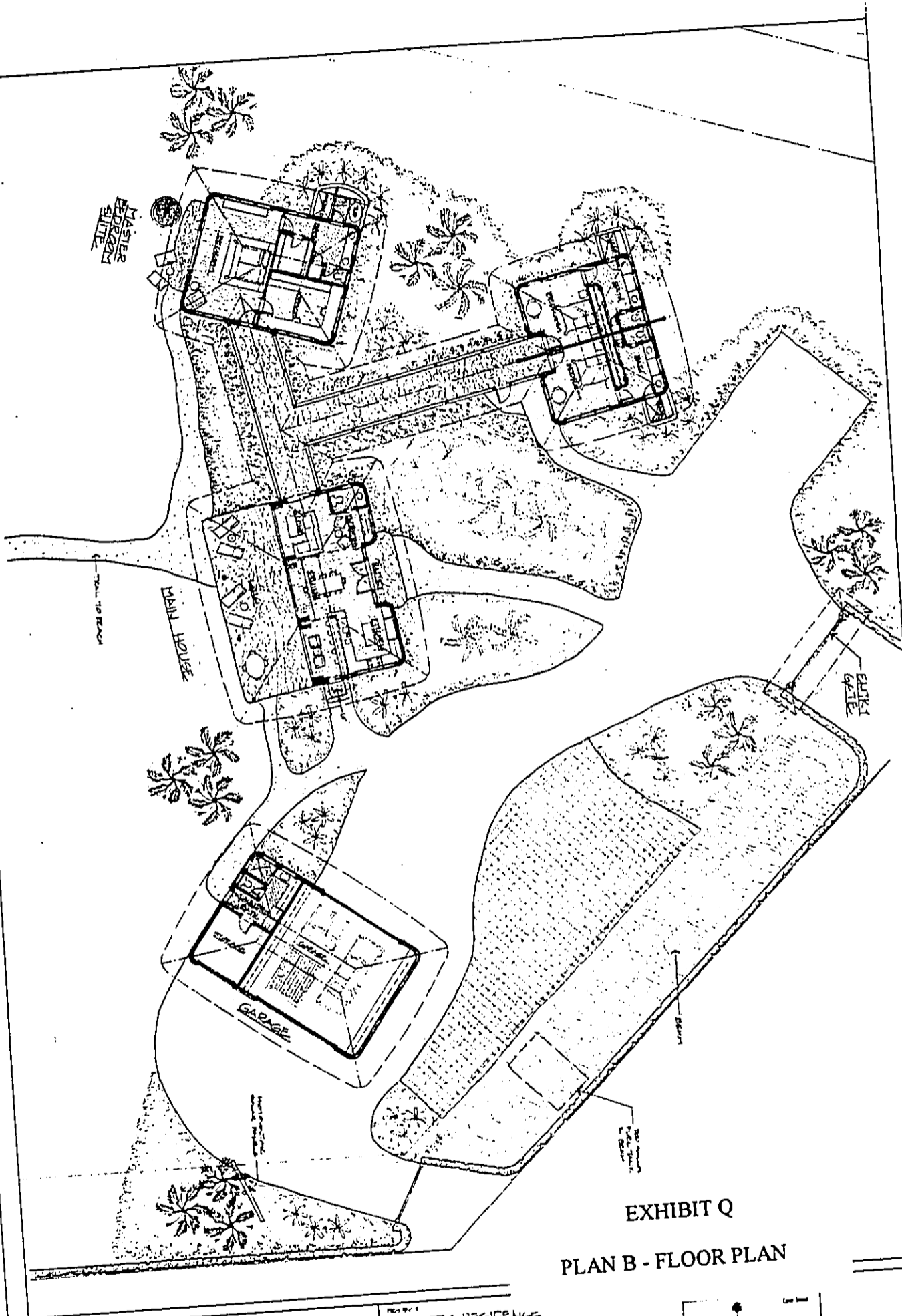


EXHIBIT Q  
PLAN B - FLOOR PLAN

P-5

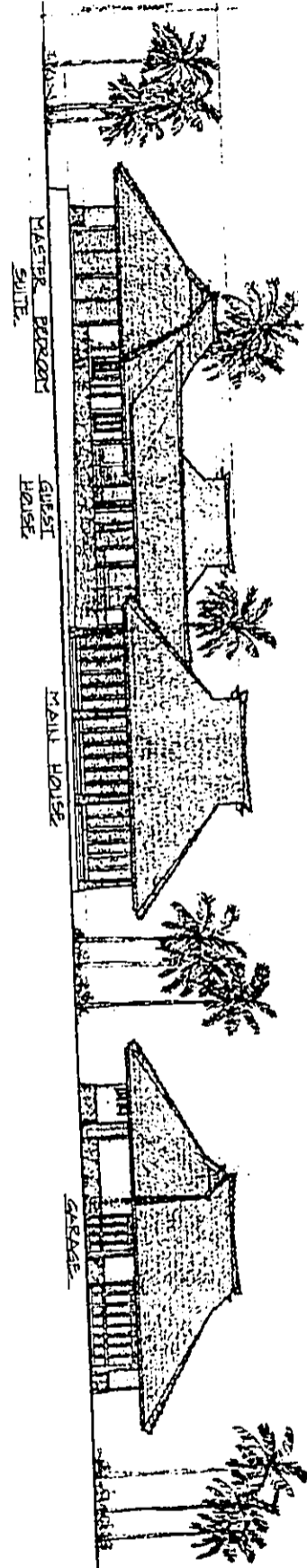
GUEST FLOOR PLAN/PARTIAL SITE PLAN

PROJECT: M'CARTY RESIDENCE  
RESIDENTIAL PAT. - HAWAII  
DATE: 12/14/01 (A)

DRAWN BY: LARSEN & BARNES

**Isometropical**

1000 Kalia Road, Suite 100  
Honolulu, HI 96813  
Phone: (808) 943-1111  
Fax: (808) 943-1112  
www.isometropical.com



EXTERIOR ELEVATION

SCALE 1/8" = 1'-0"

EXHIBIT R  
 PLAN B  
 EXTERIOR ELEVATION

1/8" = 1'-0"  
**P-6**

QUEST  
 EXTERIOR ELEVATION

DRAWN BY LINNEN & BROWN

PROJECT  
 Mc CARTY RESIDENCE  
 HONOLULU - MAUI - HAWAII  
 T.M.L. (C) 1-01-09

DESIGNED BY

Seurotropical

1111 Kalia Road, Suite 100  
 Honolulu, HI 96813  
 Phone: (808) 943-1111  
 Fax: (808) 943-1112  
 Email: info@seurotropical.com



## PREFACE

*'Olelo Ha'i Mua*



'A'ohe hana nui  
ke alu 'ia.

*No task is too big when  
done together by all.*

THE FIRST EDITION of *The Abupua'a*, published in 1979, was planned and developed by the Kamehameha Schools Hawaiian Studies Institute. It was the first publication undertaken by the institute, which was created in 1978 to consolidate the efforts of Hawaiian studies specialists from several Kamehameha programs.

Kamehameha staff members Nu'ulani Atkins, Ho'oulu Cambra, Peter Galuteria, Donald D. Kilolani Mitchell, Gordon Pi'ianāi'a, and Mahela Rosehill cooperated on research and writing. Their efforts were supplemented by Orpha Bernie, who provided clerical support; Fred Cachola, who authorized the project; Grady Wells, who coordinated printing; and Julie Williams, who created illustrations.

The idea for this useful teaching text was inspired by a painting of an *abupua'a* by Marilyn Kahalewai, who had been a graphic artist at Kamehameha. She painted a colorful picture of an *abupua'a* which was used by Hawaiian Studies Institute staff as they visited schools throughout Hawai'i. After becoming an independent artist and illustrator she was commissioned to paint a larger and more detailed version. The second painting, which measures four feet by six feet, depicts an idealized Hawaiian valley

as it would have looked in the years before foreign influence changed the environment and lifestyle of the Hawaiian people.

In 1982 the Hawaiian Studies Institute with Kamehameha Schools Press issued a second edition of *The Abupua'a*. Updated and revised text was furnished by a committee consisting of Atkins, Cambra, Mitchell, Pi'ianāi'a, Rosehill, and new team members Kaipo Hale and Elizabeth Nahinu. Other staff contributors included Marsha Bolson, production: Sharlene Chun-Lum, editing: and Nancy Middlesworth, new illustration.

The third edition was reorganized, designed, and produced by Barbara Pope Book Design. Clyde Imada of the Department of Natural Sciences / Botany at Bishop Museum updated the scientific nomenclature and other information about plants. Chieko Tachihata, Curator of the Hawaiian Collection at Hamilton Library, University of Hawai'i at Mānoa, updated the Suggested Reading section.

Working together in a fashion traditionally referred to by Hawaiians as *laulima*, these individuals produced a valuable resource that will enable young people to learn about the richness and beauty of Hawaiian culture.

v

EXHIBIT S  
MATERIALS REGARDING  
HAWAIIAN LIFESTYLES

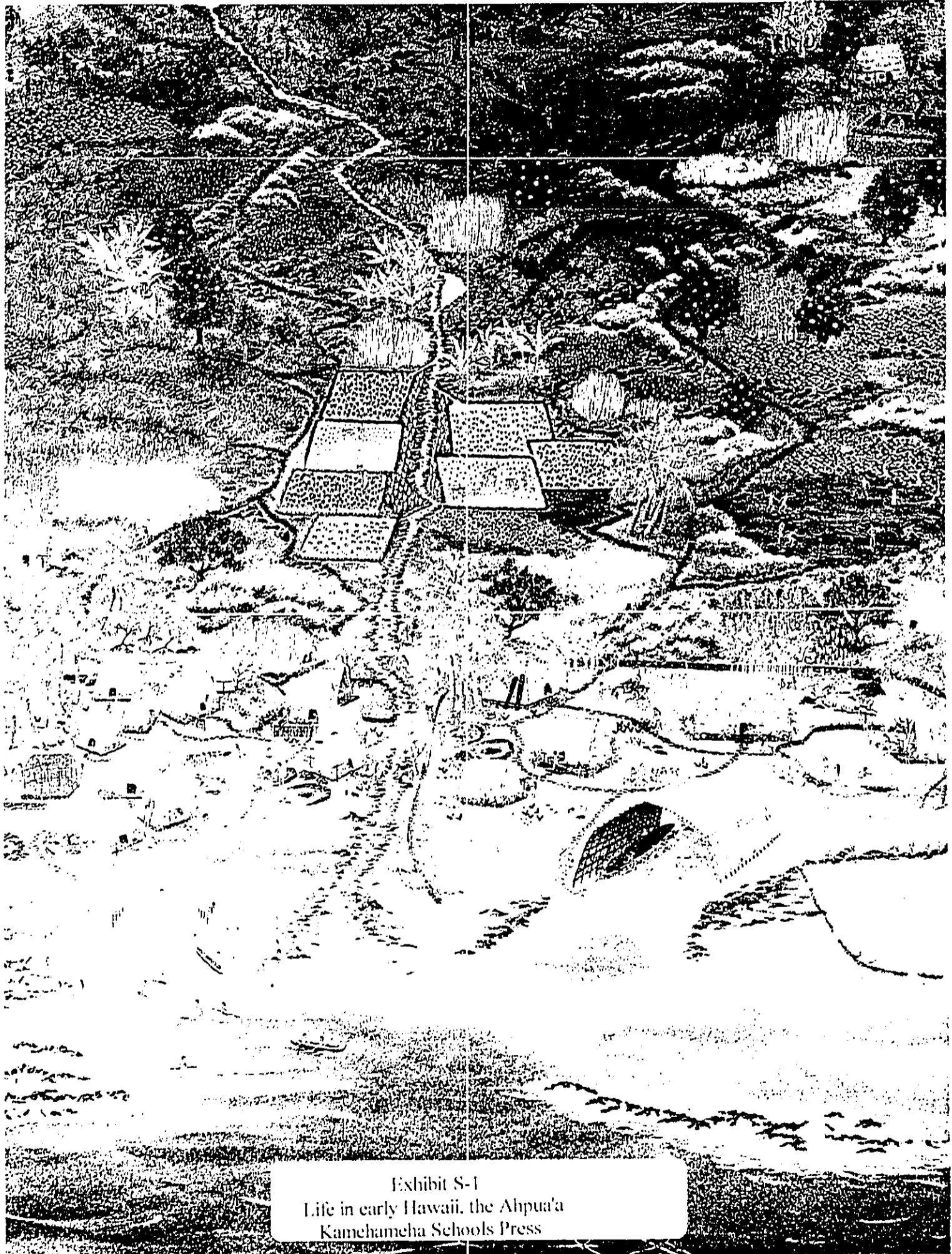
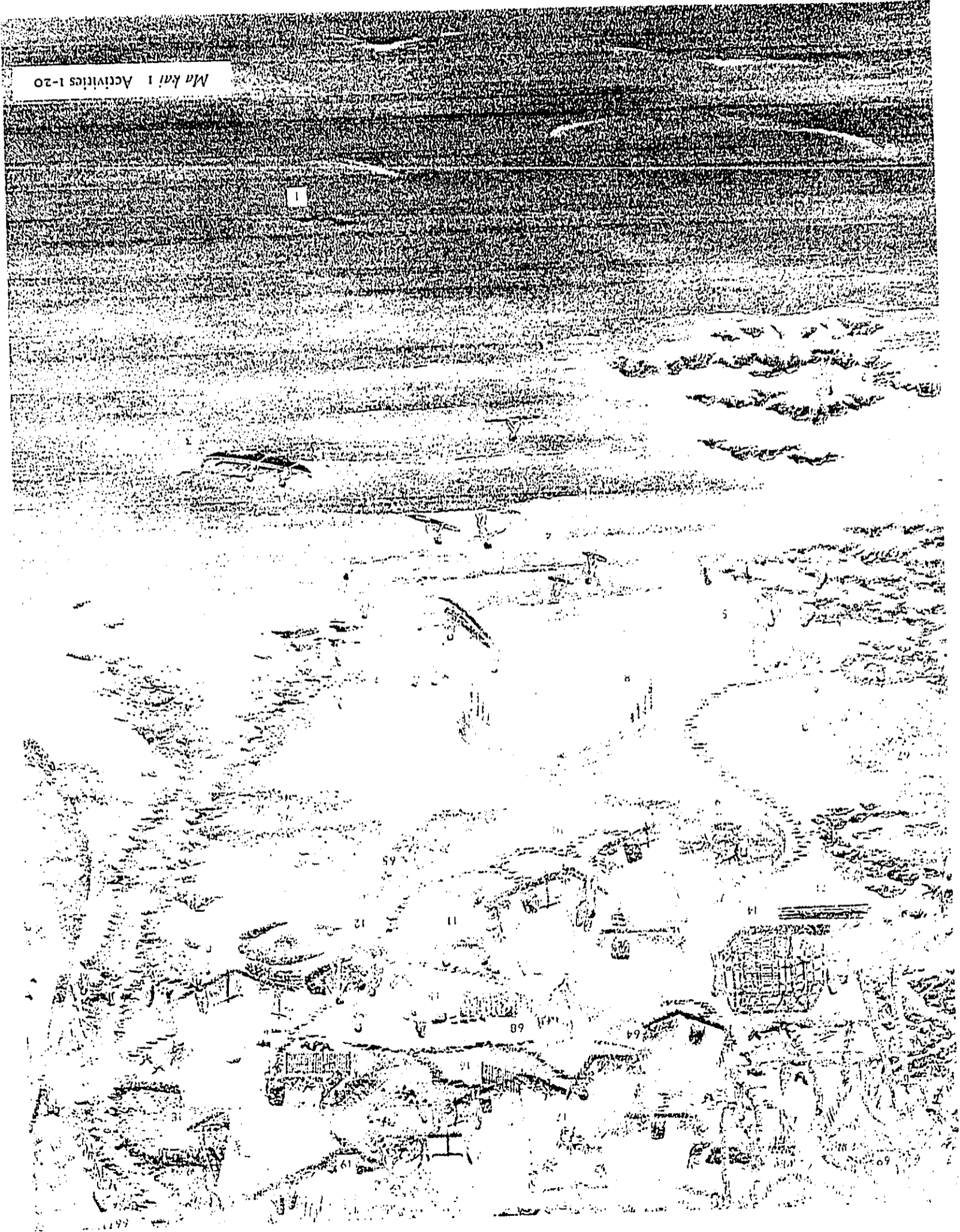


Exhibit S-1  
Life in early Hawaii, the Ahpu'a  
Kamehameha Schools Press

1



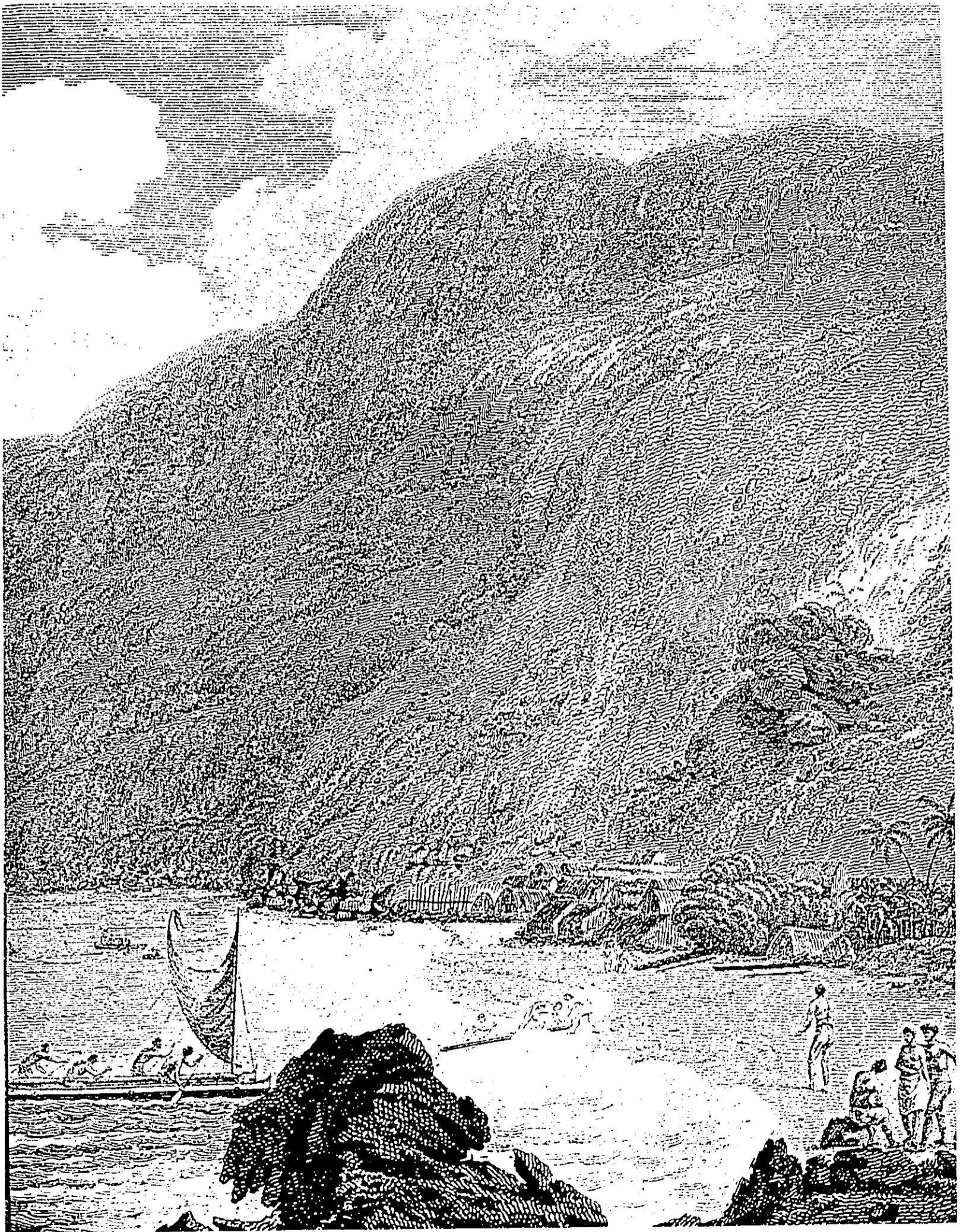




Exhibit S-2  
Photograph, Bishop Museum

live here reflect servants probably lived in other nearby houses of native-  
that occurred Hawaiian style.  
Hawaiian style,

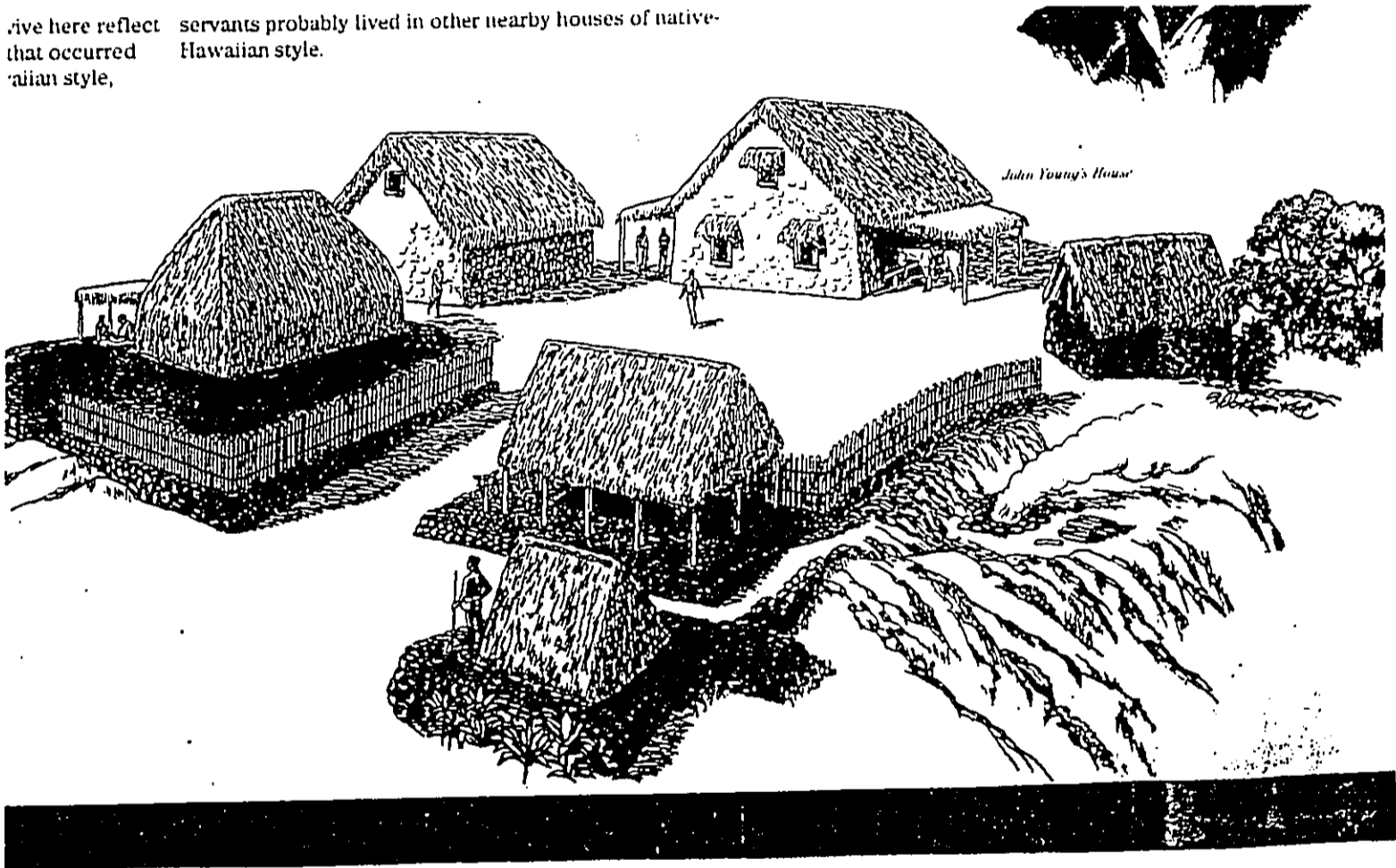


Exhibit S-3  
National Park Service Display  
Puukohola Heiau National Historic Site

## SCHEDULE OF BUILDING DIMENSIONS

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### McCarty Single-Family Residence Honokohau, Maui

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<u>PLAN A:</u>	Dimensions	Area
Main Building:		
Living Area	38' x 20'	760 sq. ft.
Covered Lanai*	38' x 14'	532 sq. ft.
Master bedroom:	25' x 32'	800 sq. ft.
Family bedrooms:	24' x 30'	720 sq. ft.
Garage:	26' x 40'	1040 sq. ft.
<b>TOTAL SQUARE FOOTAGE PLAN A</b>		
Lanai included		3852 sq. ft.
Lanai not included		3320 sq. ft.

---

<u>PLAN B:</u>	Dimensions	Area
Main Building:		
Living Area	38' x 20'	760 sq. ft.
Covered Lanai*	38' x 14'	532 sq. ft.
Master bedroom:	25' x 32'	800 sq. ft.
Family bedrooms:	24' x 30'	720 sq. ft.
Garage:	26' x 40'	1040 sq. ft.
Additional living space:		696 sq. ft.
<b>TOTAL SQUARE FOOTAGE PLAN B</b>		
Lanai included		4548 sq. ft.
Lanai not included		4016 sq. ft.

---

\* Lanai has only one wall

# Property managers form group to fight crime

BY LOUISE ROCKETT

HONOKOWAI — A group of West Maui resident managers have forged an alliance to combat crime in Honokowai.

"I have had probably ten burglaries on my property in the last 12-13 months. I'm tired of seeing this happen," explained John Lorenz at the inaugural West Side Resident Managers' Security Meeting held last week Wednesday in Lahaina.

Lorenz is resident manager at the Noelani condominium complex, located on the makai side of Lower Honoapiilani Road, on the Lahaina side of Pohaku (S-Turn) Park.

The police, according to Lorenz, conducted 23 stakeouts last year at the Noelani. "The crimes did stop for three to four months but have started up again."

On Sunday, March 4, a guest at the Mahina Surf confronted an intruder, face-to-face, in broad daylight.

Resident Manager Paul Brandt described the incident, "At around noon, one of our guests in a unit closest to the water walked up to the parking lot to get something from his car. He left his unit door unlocked — his wife was sleeping on the couch. When he came back, this guy had taken off his slippers and was going through his wife's nurse, who was still

asleep. The guest was 60 something years old, and he jumped on the guy and tried to detain him. The guy eventually got away, but he didn't get a chance to steal anything."

"From reports I am getting from patrolmen," confirmed Officer A. Yazaki of the Lahaina Police Department, "it's slowly

SEE MANAGERS ON PAGE 22

## 22 • Lahaina News MANAGERS FROM PAGE 1

picking up again, but I have no numbers."

And the meeting, hosted by the property management firm Destination Maui Inc. (DMI), was called "to take proactive steps to make Honokowai a safer community for the homeowners and residents, as well as the visitors," said DMI representative Dan Vasquez.

Some of the property managers at the meeting had pictures of suspects, license numbers and vehicle descriptions to exchange.

Bill Lentz, representing Hale Ono Loa, reported, "We got one who was checking out our property. We got their license number... Both those guys are over six feet tall. They're blonde, and they cruised our parking lot probably four times."

Fax numbers were swapped, and a security alert system was developed to pass pertinent information like this along to other properties.

A petition to light up Pohaku Park and close it after 10 p.m. was circulated.

"A lot of the problem is S-Turn," remarked Lorenz.

Jan Tucker, the resident manager at the Pikake, added, "I live close to that park. It's scary, because you can't see in there. You don't know what's going on."

Officer Yazaki encouraged the group to form a Neighborhood Watch program. The feasibility of adding a Citizen's Patrol unit at Pohaku Park is also being investigated.

Donna Lorenz, Noelani rental program manager, asked the local press to join the crusade with a community crime watch column, "like the one the Maui News used to publish."

"It alerted everybody, and they got a civic duty in their mind to start watching that area," she said.

Jim Johnson volunteered the assistance of his wife, County Councilwoman JoAnne Johnson. "I will encourage JoAnne to do anything she can to talk to the Lahaina News and the Maui News about getting that type of article back in the newspaper."

The police department, Officer Yazaki offered, will provide free crime prevention through environmental control inspections of properties. Call 661-4441.

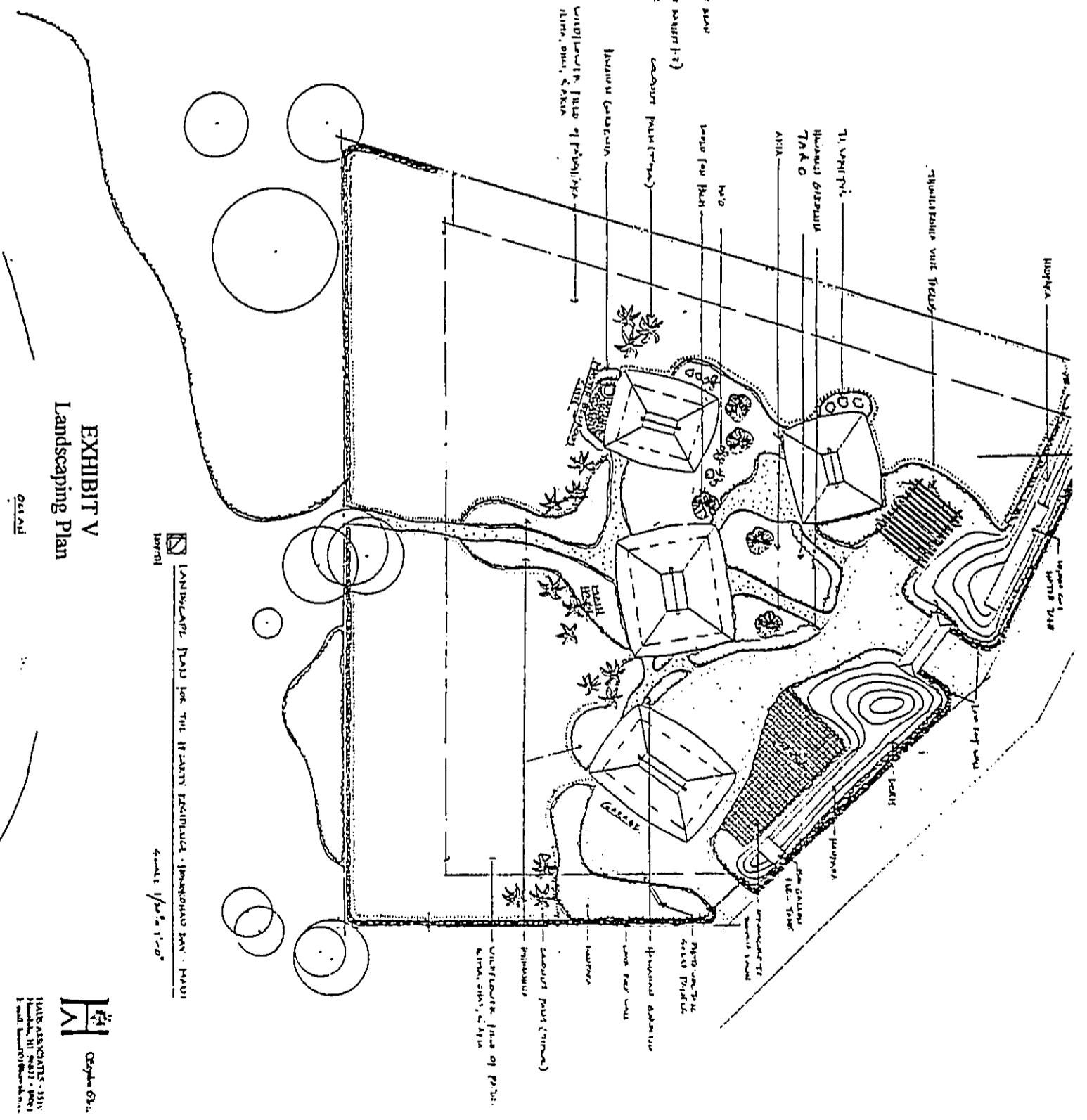
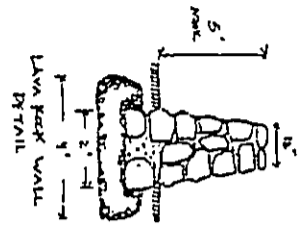
The West Maui Resident Managers organization wants to continue to be proactive about crime issues.

"I would like to see it more than just ten or 12 properties. There are a lot of properties between Kaanapali and Kapalua with similar problems," Lorenz said.

"To get involved," call Lorenz at 669-8374. ■



- LANDSCAPE SPECIFICATIONS**
1. Landscape plan shall include all trees, shrubs, and plants to be installed on site.
  2. Landscaping shall be installed within 90 days of completion of construction.
  3. A 6" layer of 4" crushed stone, 3" minus, 1/4" sand, and 1" topsoil shall be installed under all plantings.
  4. Irrigation system shall be installed for all plantings.
  5. A 12" mulch shall be applied to all plantings.



## SYNOPSIS OF INFORMATION REGARDING HISTORICAL SITES

None of the following information specifically involves the parcel involved in the application, other than the general references to growing taro in the Honokohau area. The other information references other locations in the Honokohau area which, although they are not located on the applicants' property, provide information concerning traditional uses of other properties. This information is presented concerning request number 4 which asked for information concerning: "The identity and scope of "valued cultural, historical and natural resources" in the area of Honokohau Bay, including the extent to which traditional and customary native Hawaiian rights are exercised in the area". The references are to pages contained in "*SITES OF MAUI*" by Elspeth P. Sterling.

### **Kaanapali District 3 Sweet Potatoes, page 47**

I am told that in ancient times there were numerous settlements on western Maui, between Honokohau and Kahakuloa, and also several between Kahakuloa and Waihee. Settlements in these localities imply planting of sweet potatoes on the lower *kula*.

From: E.S.C.Handy, *Hawaiian Planter*, 160.

### **Honokohau 31 Cultivation, page 53**

The Honokohau Valley, watered by a large rivulet the flow of which never ceases, even today when much of its water is piped off in the upper valley - was and is, an area of intensive cultivation of wet taro in flooded terraces. In 1931 a larger proportion of the patches were under taro cultivation in Honokohau than anywhere else on Maui with the exception of Kahakuloa. In 1934 I observed that one or two considerable areas had been abandoned and that a number of patches had been planted to rice instead of taro, because of root rot affecting the taro. Only one old Hawaiian *kamaaina*, David Kapaku, still cultivates his own wet taro. The rest of the planting is done commercially by several small proprietors, Hawaiian and Chinese, and by laborers employed by D. T. Fleming, to whose enterprise largely is due the continued utilization of so many old terraces.

From: E.S.C.Handy, *Hawaiian Planter*, 106

### **HONOKOHAU 32 Cultivation at Anakaluahine, Poewa, and Honanana, Page 54**

...sizable gulches eastward from Kanounou, the northern tip of Maui, in each of which, I am told, wet taro used to be grown in small patches.

From: E.S.C. Handy, *Hawaiian Planter*, 106.

### **HONOKOHAU 33 Iiilikea Heiau, Walker Site 19**

Location: On top of ridge at west side of Punaha Gulch, just above the road.

Description: There are three distinct structures to be seen, but the probabilities are that some of them have been used in whole or in part as pens for stock or potatoes. The central structure (B) is the largest and is an irregular rectangle in shape. The north wall

measures 85 ft., east 176 ft., south 106 ft., west 160 ft. The east wall is 6 ft. wide filled with small stones between the outer surfaces. Elsewhere the walls are not more than 2-3 ft. wide. The greatest height is 4-5 ft. in the S.E. corner.

A few feet to the north is another structure on a small hill. It measures about 85 x 20 ft. and has rock piles indicating graves on it (A).

South of the main enclosure is another enclosure (C). It measures 90 ft. on the west, 36 on the north, 30 on the east then jogs 12 and continues south 54 ft. and 66 ft. on the south. There is a small room about 6 ft. square in the NE corner. A fragment of old walls may be seen extending west from the central structure about 24 ft. from the SW corner. Evidences of this wall continuing under the other wall may be seen inside the enclosure where there are suggestions also of platforms.

Outlines of house platforms seen up this gulch.

From: W.M. Walker, *Archaeology of Maui*, 122.

#### HONOKOHAU 34 Ma-iu, Walker Site 20, page 54

Location: East side of Honokohau Valley on cliff 200 ft. above sea.

Description: A large heiau for human sacrifice. Its shape is rectangular, measuring about 96 x 200 ft. The west and north walls are fairly intact and show massive construction of large blocks of volcanic rock terraced in four or five tiers. The south wall only extends 48 ft., and the east wall is limited to a few feet at the SE corner. A pavement of small pebbles and beachworn stones cover the top.

Remarks: Small piles of rock inside the structure indicate burials since tabu times. These piles are usually rectangular and 6-8 feet long. One was excavated and a large flat stone the letter E pecked into it was turned over by the digging. A skeleton was found at about 4 ft. depth. All the teeth were in place and but a little worn, but a few metal buttons and glass beads with the skeleton showed that it did not date back to pre-missionary times. Jarves in his "History of the Sandwich Islands" on p. 216 says the Honokohau heiau was one of the last consecrated by Liholiho on his trip around Maui in 1819. There is a trail leading up to the heiau paved of stones from the beach. This is very likely a portion of the Kiha-pii-lani trail which is said to encircle Maui. L. Kalama, informant.

From: W.M. Walker, *Archaeology of Maui*, 123.

#### HONOKOHAU 35 Waiuli Pit

Waiuli was a death pit wherein the dead bodies of commoners were thrown. It is right above Honokohau and Honolua, and from Lahaina to Kahakuloa those are the burial places. If the dead are of Molokai, or of Lanai, they too are sent there. Waiuli's death pit is large, of perhaps a mile in depth, the bottom of which reaches water. Its landmark is a hill called Waiuli (dark water), the mouth of which is broad and open, and is used by people of one place and another to throw the dead bodies of their relatives. The time of taking the corpse is at dawn, men, women, children and all beloved friends and companions traveling together in funeral procession, the body being borne in a palanquin.

The ancestral spirit of the pit is one who offers the interceding prayer for the corpse and for the related guardian spirits to take care of those who are thrown in the death pit.

There is a tradition told of Waiuli that at the preparation of a certain father's corpse to be thrown in, all were gathered to mourn, except the daughter, who was out in the lehua, the maile, and like places of wild growth. The multitude exclaimed: "A daughter without love for her parent." When the body was thrown into the pit, the daughter came running to the edge of the cliff and leaped into the bottomless pit.

Translated from S.M. Kamakau,  
*Hawaiian Annual for 1932*, 107

*[The following is M. K. Pukui's translation, edited by M. Beckwith.]*

At Waiuli (on Maui) directly back of Honokohau, Honolua, and Honokahua is a deep pit which was used as a burial place for bodies of the common people from Lahaina to Kahakuloa. The body of anyone from those regions who died on Moloka'i [and Lanai] was brought back and thrown into that pit. [... *a ina no I Molokai ame Lanai ka poe I make, a e pili ana ilaila, alaila, e hoihoi ia no ilaila...*]. It was several miles in depth with water at the bottom.

From: S.M. Kamakau, *Ka Moolelo o Hawaii*, 16.

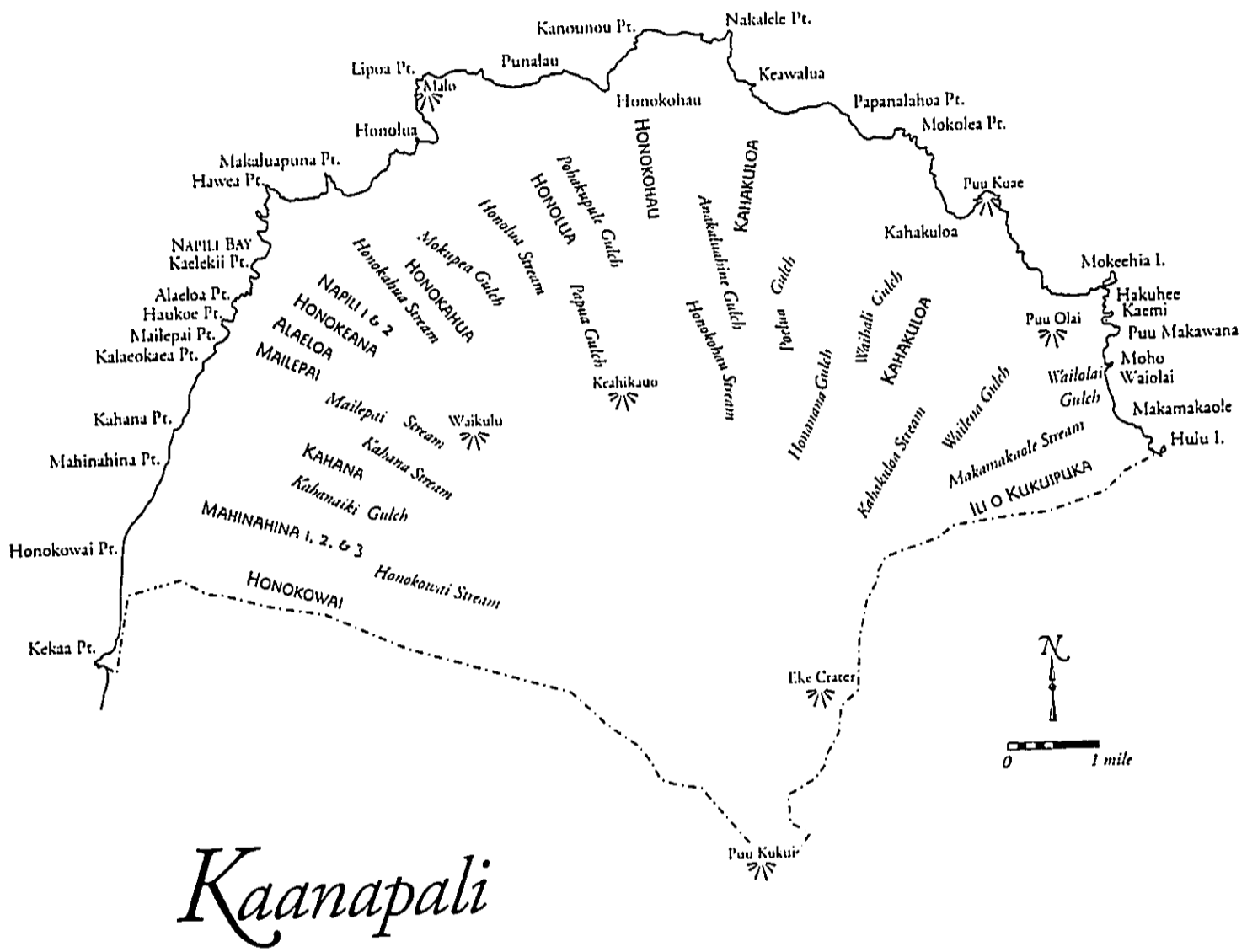
#### WANANALUA 64 Peapea's Death

*[About 1791 Kahekili and Kaeo attempted an invasion of Hawaii but were driven off by Kamemeha in a sea battle off Kohala.]*

Some time after this, Peapea Makawalu, the nephew of Kahekili and Kaeo, was fatally wounded by the explosion of a keg of gunpowder on the hill of Kauwiki. He was removed to Honokohau in Kaanapali district, where he shortly afterwards died from his wounds.

A. Fornander, *Account of the Polynesian Race*, 2:224.

Vancouver in his "Voyage of Discovery," vol. iii, says that in March 1794 he heard from the natives of Maui that Peapea, whom he calls by his other name Namahana, had only a short time before been killed by an explosion of gunpowder.



# Kaanapali

- KAANAPALI DISTRICT 1 KIHAPIILANI TRAIL**  
 W. M. Walker. *Archaeology of Maui*. 301.  
 The north end of West Maui also is traversed by a paved trail. Sections of it can be seen from Honolua to Honokohau and Kahakuloa. It is paved with beach rocks and has a width of four to six feet. Disregarding elevations and depressions it takes the shortest route between two points that is possible for foot travel. This trail is also spoken of as the Kihapiilani Trail.
- KAANAPALI DISTRICT 2 CULTIVATION**  
 E. S. C. Handy. *Hawaiian Planter*. 106.  
 I did not explore these valleys, but D. T. Fleming writes, in response to inquiries:  
 In all three valleys which you mention—Honokowai, Honokohua and Honolua, as well as Kahana, there was considerable taro raised in olden times; as a matter of fact, a great deal was raised in Honokowai, where there must have been 30 or 40 acres under cultivation at one time. A detailed map of the *kuleanas* in that valley is available, and a fairly accurate estimate of the area could be made from that.



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

P.O. BOX 621  
HONOLULU, HAWAII 96809

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

REF:PB:SL

JUN 20 2001

FILE NO.: CDUA MA-3035B

Acceptance Date: June 6, 2001  
180-Day Exp. Date: December 3, 2001

James and Victoria McCarty  
20 Alaeloa #23  
Lahaina, HI 96761

Dear Mr. and Ms. McCarty,

**NOTICE OF ACCEPTANCE AND PRELIMINARY ENVIRONMENTAL DETERMINATION  
CONSERVATION DISTRICT USE APPLICATION (CDUA) MA-3035  
(BOARD PERMIT)**

This letter acknowledges the acceptance for processing of your CDUA for landscaping and single-family residence use near Honokohau Bay and Honokohau Stream at Honokohau, Kaanapali, Lahaina, Maui, por. Land Commission Award 5768 Apana 4, Royal Patent 4586 and Land Commission Award 7714-B Apana 8, Land Patent 8130, TMK 2<sup>nd</sup> 4-1-02:08. We understand that you have entered into an agreement with the landowners to purchase the property, subject to your obtaining a Conservation District Use Permit for residence use. As the applicant, you would use the residence as your primary residence.

We understand that the 1.52 acre parcel is a shoreline parcel and is located within the Limited Subzone of the conservation district northeast of Honokohau Stream. We understand that there is no existing legal or traditional access to the shoreline through the property, but that access to the shoreline traditionally takes place on fast land between your property and Honokohau Stream.

We understand that the property ranges in elevation from 10 to 14 feet above sea level. According to the application, the property has been previously disturbed. An archeological investigation of the property has not been conducted. We understand that there are no existing structures or infrastructures on the property.

We understand that you propose to develop landscaping and a single-family residence with four separate structures constructed on concrete foundations: living, main bedroom, guest cottage and garage structures. An at grade, covered and enclosed on all sides, concrete floored walkway may be included to connect the structures. The residences would be constructed of natural or earth tone

EXHIBIT Y-1

colors and have roofs of pili grass. In addition, the following would also be constructed: walls and gates surrounding the entire property, 8 foot high irregular earthen berms, 10,000 gallon water storage tank, 1,500 gallon fuel storage tank and two parking areas in addition to the garage. Four bathrooms are proposed. Landscaping and earth moving activities would be conducted at certain areas of the property. A portion of one of the walls would be constructed in an area identified as eroded by a recent shoreline certification.

Wastewater would be accommodated through an individual septic system. Telephone service would be provided from nearby existing lines. Electricity would be provided by means of photovoltaic cells and a private generator. We understand that an on site well and a private desalination and water treatment facility would provide water service. Should county water supply be available, you would connect to the service.

After reviewing the application, we find that:

1. The proposed appears to be a Kuleana residential use within the Limited Subzone of the conservation district, pursuant to Section 13-5-22(P-3), Hawaii Administrative Rules (HAR); [Note: Our preliminary determination of Kuleana status is subject to verification by the applicant that the lot was historically, customarily and actually used for residential purposes.]
2. Pursuant to Section 13-5-40(a), HAR, since the proposed use is not of a commercial nature, no public hearing will be required; and
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200, HAR, a finding of no significant impact (FONSI) to the environment is anticipated for the proposed project. The draft environmental assessment for the project has been submitted to the Office of Environmental Quality Control (OEQC), and will be noted in an upcoming edition of OEQC's Environmental Notice.

The applicant's responsibility includes complying with the provisions of Chapter 205A, HRS relating to the Special Management Area (SMA) requirements. Negative action by the Board of Land and Natural Resources on this CDUA can be expected should the applicant fail to obtain from the County and provide to the department at least thirty (30) days prior to the 180-day expiration date (as noted on the first page of this notice) one of the following:

- 1.A determination that the proposed development is exempt from the provisions of the county rules relating to the SMA;
- 2.A determination that the proposed development is outside the SMA; or
- 3.An SMA Use Permit for the proposed development.

Previously, we should have informed you that "guest house" use is considered to be a second residence, which is not allowed pursuant to the administrative rules. We now take this opportunity to inform you that "guest house" use, or second residence use on the same parcel, is not allowed.


In addition, please include the following information for our review and analysis within sixty days of the date of this acceptance letter:

1. The distance of the septic system and its leach field be from the ocean and the stream;
2. Further descriptions, including methods of construction and explanations of the purposes of the earthen berms and the fuel storage tank;
3. Details related to landscaping and earth moving: locations of areas to be grubbed, planted and graded on a map, methods of grubbing, grading and tree cutting, detailed landscaping descriptions and amounts of cut and fill for each area graded or excavated;
4. We understand that walls surrounding the property are proposed due to your concern for security on the site. While details are not included in the application, we understand that the walls surrounding the property would be constructed of loose rocks approximately 1 foot in diameter. The walls would be approximately 5 feet in height and of sufficient width, approximately 2 feet, so that mortar or foundations are not required. Please provide details related to the design and construction for all walls;
5. You must seek out and forward copies of your application and draft Environmental Assessment to interested community groups and other members of the community, including residents of Honokohau Valley and practitioners of traditional and customary practices in the area. In the project's final Environmental Assessment, document all consultation with the community regarding the proposed project;
6. The identity and scope of "valued cultural, historical and natural resources" in the area, including the extent to which traditional and customary native Hawaiian rights are exercised in the area;
7. The extent to which those resources, including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed action;
8. The feasible action, if any, to be taken by the Board of Land and Natural Resources in regards to your application to reasonably protect native Hawaiian rights if they exist; and
9. Additional alternatives, including plot plans showing all structures, included in the final Environmental Assessment. At least one alternative should include the residence completely integrated into one structure, with the possible exception of the garage. All alternatives included must be adequately analyzed in terms of visual or topographical effects on the surrounding area and must be screened with landscaping.



Should you have any questions, please contact Sam Lemmo of our Land Division's planning staff at (808) 587-0381.

Sincerely,

  
GILBERT S. COLOMA-AGARAN  
Chairperson

- c. Chairperson's Office  
Maui Board Member  
DOCARE/HPD/LD(MDLO)/Na Ala Hele  
County of Maui Planning Department  
Department of Public Works  
Department of Water Supply  
OHA/DOH(Clean Water Branch)/OEQC/DOT
-

James Richard McCarty  
Victoria L. McCarty  
20 Alaeloa, #23  
Lahaina, HI 96761  
(808) 669-1595

August 14, 2001

Mr. Gilbert S. Coloma-Agaran  
Chairperson  
Department of Land and Natural Resources  
State of Hawaii  
P.O. Box 621  
Honolulu, HI 96809

Re: FILE NO.: CDUA MA-3035B

Dear Mr. Coloma-Agaran:

Thank you for your letter of June 20, 2001, concerning our application for a permit to build our new home at Honokohau Bay. We would like to take this opportunity to answer some of the statements and concerns contained in your letter and will do so in the same order as they appear in your letter.

Sometimes, in formal communications, the human aspects get lost. It is important for you to know that my wife, Vicki, and I have purchased the property at Honokohau Bay, with the intention of building our home on it. As a point of clarification, our purchase agreement is not contingent upon our obtaining a Conservation District Use Permit, since, as of May 3, 2001, we have sold our home in Napili, which we have had for over 11 years and have used the proceeds to comply with the terms of the Agreement of Sale. We have now bought the property, and we have rented a house for a year, which we hope will be long enough to build our new home at Honokohau.

Prior to May 3, 2001, the closing date on our purchase agreement, we wrote to numerous agencies as shown in our application to solicit comments about our intended project. In addition to the letter campaign, we met on separate occasions with Tom Eisen, Sterling Yong, P.E., and Eric Hill of the DLNR. Each of those gentlemen advised us that, although we would need to go through the permitting process, we would be allowed to build a home on the lot. As a result of the information which we received from your Department, we closed on the purchase of the land as of May 3, 2001. The reason we bring this up is that it appeared from your letter that you had believed that we had not purchased the property and that there were remaining contingencies.

EXHIBIT Y-2

The basic concept of our proposed plan is that our residence will be a typical three bedroom home and will have approximately the same number of rooms and facilities as a typical and customary three bedroom home. Our concept differs only slightly from the customary plan, in that we propose to split the rooms into several small buildings or hales to incorporate indigenous architectural concepts. Your letter correctly notes that we have proposed a structure containing two bedrooms, which has previously been referred to in our plans by using the term "guest house". As we had explained to Planner Eric Hill of your office on several occasions, we unfortunately used this label in error without correcting it. It is a misnomer which we should not have used, since the rooms are family bedrooms. I am sorry for having caused confusion by using the wrong label. Our concept is that, as in the, customary three-bedroom home, we will need a bedroom for ourselves, a bedroom for our daughter, and an additional bedroom for occasional relatives or friends who would like to stay overnight with us to visit. We have not and do not propose a second-residence use of the parcel at any time. We welcome and respect the limitations of the zoning of the property, and we fully intend to conform with any rules and regulations of all agencies, including yours, at all times. Our pre-filing letter campaign shows that we are sincere in this regard.

We agree with your finding that the proposed action appears to be a Kuleana residential use, and we will provide verification that the lot was historically, customarily and actually used for residential purposes with our final documents. In fact, during our research, we were fortunate to come across a copy of an old photograph at Hale Pa'i which shows the home and lo'i's which were in use on the property at the time the photo was taken.

We agree that the proposed use is not of a commercial nature and that no public hearing should be required.

It is our expectation that we will be able to provide a finding that the proposed development is exempt from the Maui County Rules relating to the SMA, as we propose to build a residence which is not part of a development.

Hopefully the following will comply with your requests that we furnish additional information on the following items within sixty days of your letter:

- 1. The distance of the septic system and its leach field from the ocean and the stream:**

The proposed location of the septic system and leach field is shown on Exhibit "E" to the DEA. The septic system and leach field are approximately 420 feet from the ocean and approximately 350 feet from the stream.

- 2. Further descriptions, including methods of construction and explanations of the purposes of the earthen berms and the fuel storage tank.**

The earthen berms are currently in place on the parcel and are shown on photographs "I-2" and "I-3". They are a result of dirt dumped on the property over time by either the County of Maui or the Department of Transportation road crews. The existing berms will be graded, cleaned, landscaped and watered to improve their appearance. The purpose of leaving the berms is to maintain the present topography of the lot, to maintain the noise buffer and privacy which the piles of dirt and rock currently provide and to save the cost of removing them. Also, we would like to leave them in place as a safety measure, as the berms are along the eastern side of the parcel in an area which could possibly be affected if Honokohau Stream should ever overflow its banks. In that event, the piles of dirt will steer the water toward the ocean and prevent flooding onto the parcel.

The fuel storage tank will be from an approved manufacturer and will be of fiberglass or steel. It will be constructed and installed in a manner which will comply with to all county, state and federal standards in the location indicated. It will not be visible from the surface of the parcel. We expect to have an auxiliary gasoline generator, auxiliary gasoline water pumps for domestic and irrigation uses, a gasoline water pump for fire protection, a gasoline lawnmower, and gasoline landscaping equipment. The fuel storage tank is proposed as a matter of convenience and safety to avoid having to haul gasoline from town in small containers.

- 3. Details related to landscaping and earth moving: locations of areas to be grubbed, planted and graded on a map, methods of grubbing, grading and tree cutting, detailed landscaping descriptions and amounts of cut and fill for each area graded or excavated.**

Please see the landscaping plan marked as Exhibit " V ", a copy of which is enclosed. This plan shows the contemplated new plantings. If more plants for screening are required, we will be happy to include them. All indigenous and native plants currently on the property will be left intact. These will include the coconut palms and hala trees which are currently growing on the property.

- 4. We understand that walls surrounding the property are proposed due to your concern for security on the site. While details are not included in the application, we understand that the walls surrounding the property would be constructed of loose rocks approximately 1 foot in diameter. The walls would be approximately 5 feet in height and of sufficient width, approximately 2 feet, so that mortar or foundations are not required. Please provide details related to the design and construction for all walls.**

The understanding concerning the rock walls is correct. The walls surrounding the property would be constructed of loose rocks approximately 1 foot in diameter. The walls will be approximately 5 feet in height and of sufficient width, approximately 2 feet, so that mortar or foundations are not required.

The rock walls will be "Hawaiian walls", sometimes called "one man walls" with varied heights and staggered lines so that they will have a less structured look and will appear like Hawaiian walls of ancient days. After the landscaping grows in, the walls will look as if they have been there for quite some time. Details related to the design and construction of the walls is attached as Exhibit "V".

5. **Seek out and forward copies of your application and draft Environmental Assessment to interested community groups and other members of the community, including residents of Honokohau Valley and practitioners of traditional and customary practices in the area. In the project's final Environmental Assessment, document all consultation with the community regarding the proposed project.**

We have spoken with Mr. Sam Lemmo concerning clarification of this requirement. As we explained to him, we are in the process of complying with this requirement and have discussed our Application and Draft Environmental Assessment with many persons who live in or are familiar with Honokohau. All consultation with the community regarding the project will be documented in the final Environmental Assessment as requested.

Among the persons we have contacted are the following persons who live near the parcel or are familiar with any traditional and customary practices in the area:

Virginia Ka'ai  
Luis "Sonny" Chun  
Robert Chun  
Nick Kalama Among  
Jan Brockman  
Job Cabato  
Lovey Aiwohi  
Kawehi Aiwohi  
Addie Vierra  
Lori Higa  
Eugene and Delores Ferrari

All of the persons we have contacted are greatly in favor of our project, and each of the persons we have spoken with greatly prefer that we be allowed to build separate haies as requested in Plan A, as they are more in keeping with the history and prior uses of the area, will look better, and will fit the lot and surroundings better. They especially appreciate the fact that we have chosen to use the indigenous style of architecture.

We have also solicited input from the Na Ala Hele program (Exhibit L-1). During a meeting with Mr. Michael Baker, he advised us that there were no trails across the project and that he was not aware of any things of cultural significance on the parcel.

We have also written to the Historic Preservation Division (Exhibit L-2) and the Office of Hawaiian Affairs (Exhibit L-3) in our effort to learn of any current and historical cultural resources relating to the property. Neither of these organizations has reported the existence of any such resources and they have not advised us of any concerns which they have regarding our project.

6. **The identity and scope of "valued cultural, historical and natural resources" in the area, including the extent to which traditional and customary native Hawaiian rights are exercised in the area.**

This information concerning the known cultural, historical and natural resources in the area is included in Exhibit "W", attached hereto. None of the sites described in the Exhibit "W" are situated on the parcel, and the proposed use of the parcel does not interfere with any uses of the sites listed.

No traditional and customary native Hawaiian rights are exercised on the parcel or in the area of the parcel. We have been assured by residents and persons familiar with the area and have found no evidence indicating that traditional and customary native Hawaiian rights have been practiced on the parcel at any time in the past. The general public currently uses the property as a dumping area and a toilet. Since this is so unsightly and presents such a health hazard and seriously dishonors and insults the land, it is not likely that the persons who are doing so are residents of the area or are people who respect the 'aina or would be interested in cultural or traditional uses. The project will, hopefully, discourage such unwarranted and disrespectful uses of the property. The proposed use of the parcel will not affect access to any lands or areas upon which traditional or customary native Hawaiian rights are exercised.

7. **The extent to which those resources, including traditional and customary native Hawaiian rights will be affected or impaired by the proposed action.**

As explained above, no "valued cultural, historical and natural resources", will be affected or impaired by the proposed action, since we have found no evidence which shows that any traditional and customary native Hawaiian rights are practiced or exercised upon the parcel or upon lands adjoining the parcel. The ocean and shoreline, and any current uses thereof, will not be affected to any degree whatsoever by the use of the parcel.

8. **The feasible action, if any to be taken by the Board of Land and Natural Resources in regards to your application to reasonably protect native Hawaiian rights if they exist.**

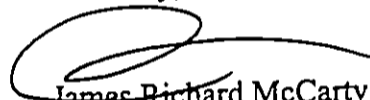
No action is needed by the Board of Land and Natural Resources to reasonably protect native Hawaiian rights upon the parcel, as there is no indication that such rights being exercised with respect to the parcel.

9. **Additional alternatives, including plot plans showing all structures, included in the final Environmental Assessment. At least one alternative should include the residence completely integrated into one structure, with the possible exception of the garage. All alternatives must be adequately analyzed in terms of visual or topographical effects on the surrounding area and must be screened with landscaping.**

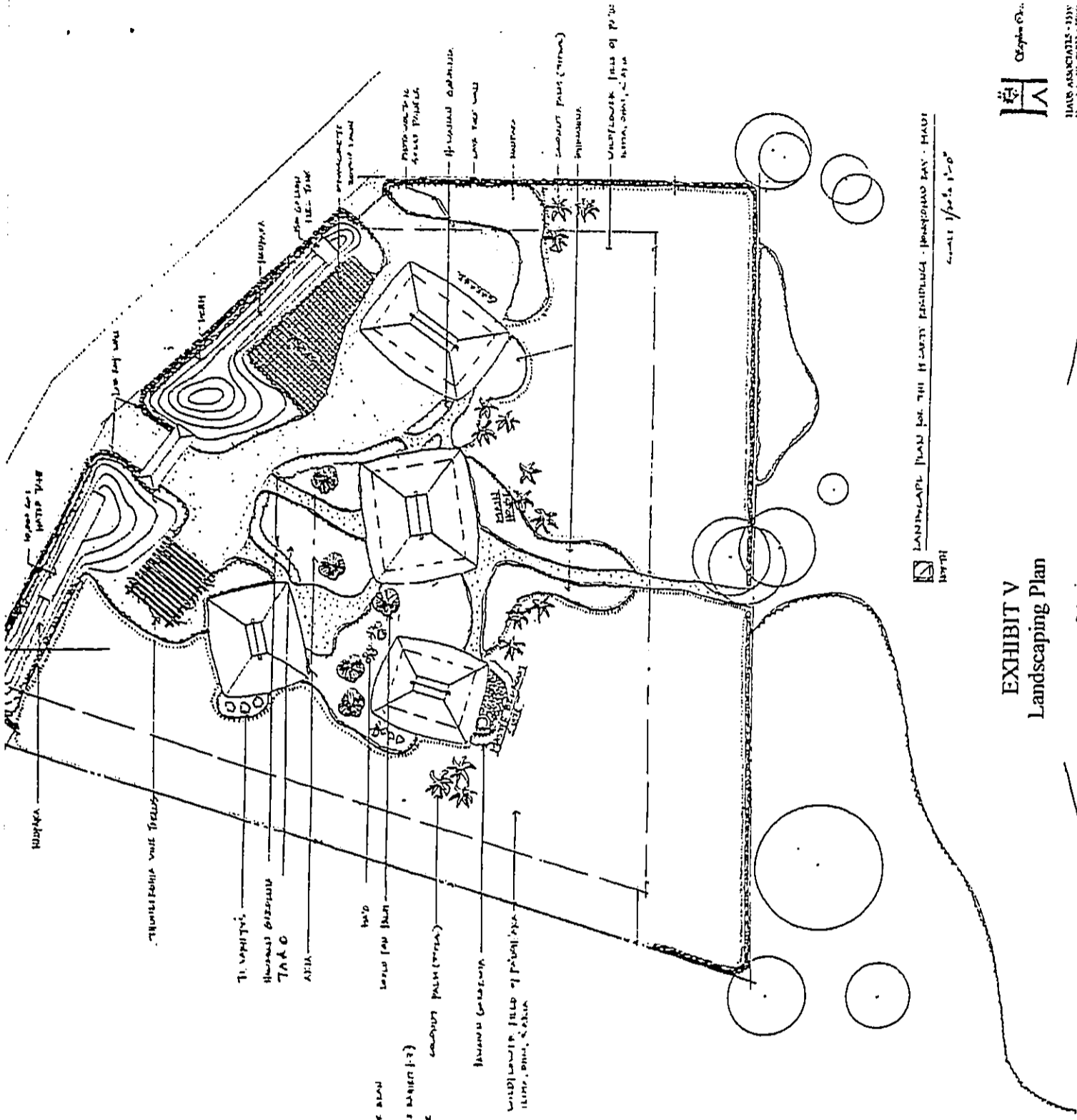
We have included an alternative Plan B, which includes the residence integrated into one structure, with the exception of the garage. We understand from our discussion with Mr. Lemmo that our Plan B complies with the requirement that we show the residence integrated into one structure. A landscaping plan is furnished herewith and will be included in the final Environmental Assessment as requested. If additional screening is preferred, we will comply with any requirements in that regard.

If we have misunderstood your earlier requests or have failed to respond to them adequately in this letter, please let us know. As you probably expect, this application is very important to Vicki, myself and our family, and we thank you in advance for your consideration of our requests.

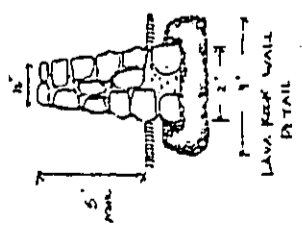
Sincerely,

  
James Richard McCarty  
Victoria L. McCarty

Enclosures:  
Exhibit "V", Landscaping Plan  
Exhibit "W" Synopsis regarding Cultural Aspects

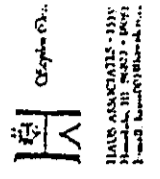


- LANDSCAPE SPECIFICATIONS**
1. EXISTING AND NEW PLANTING TO BE MAINTAINED TO BE IDENTICAL TO THAT OF THE HOTEL.
  2. PLANTING TO BE MAINTAINED TO BE IDENTICAL TO THAT OF THE HOTEL.
  3. PLANTING TO BE MAINTAINED TO BE IDENTICAL TO THAT OF THE HOTEL.
  4. PLANTING TO BE MAINTAINED TO BE IDENTICAL TO THAT OF THE HOTEL.
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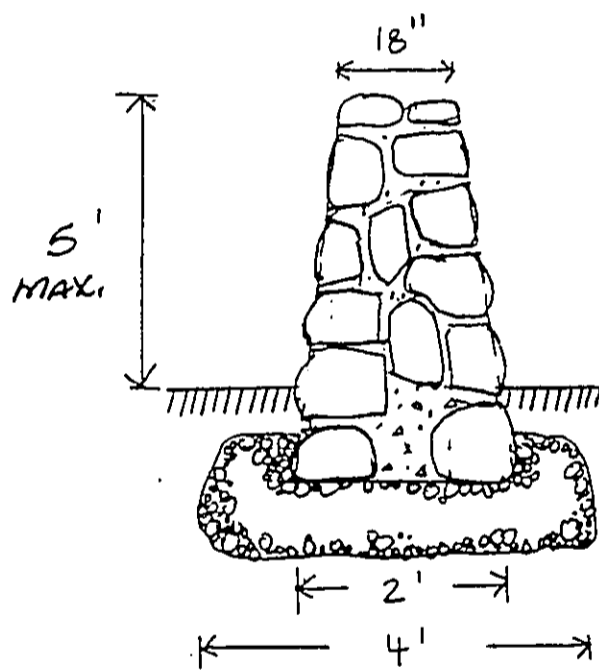


LANDSCAPE PLAN FOR THE HANA HOTEL - HANA  
 SCALE 1/4" = 1'-0"

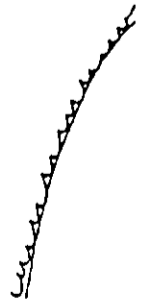
**EXHIBIT V**  
**Landscaping Plan**







LAVA ROCK WALL  
DETAIL



## LANDSCAPE SPECIFICATIONS

1. EXISTING KOA HAOLE, GUINEA GRASS, MAUNA LOA VINE, & CASTOR BEAN TO BE REMOVED AT ROOT.
2. EARTH BERM TO TO BE MADE FROM EXISTING FILL ON SITE (SEE EXHIBIT 1-3)
3. A 6" LAYER OF  $\frac{1}{3}$  SCREENED TOPSOIL,  $\frac{1}{3}$  MULCH, &  $\frac{1}{3}$  BLACK CINDER TO TOPDRESS ALL PLANTING AREAS
4. DESALINATED WATER TO BE USED FOR ALL IRRIGATION
5. A 65 PSI PUMP ABLE TO PUMP 25 GALLONS/MINUTE INSTALLED FOR IRRIGATION

## SYNOPSIS OF INFORMATION REGARDING HISTORICAL SITES

None of the following information specifically involves the parcel involved in the application, other than the general references to growing taro in the Honokohau area. The other information references other locations in the Honokohau area which, although they are not located on the applicants' property, provide information concerning traditional uses of other properties. This information is presented concerning request number 4 which asked for information concerning: "The identity and scope of "valued cultural, historical and natural resources" in the area of Honokohau Bay, including the extent to which traditional and customary native Hawaiian rights are exercised in the area". The references are to pages contained in "*SITES OF MAUI*" by Elspeth P. Sterling.

### **Kaanapali District 3 Sweet Potatoes, page 47**

I am told that in ancient times there were numerous settlements on western Maui, between Honokohau and Kahakuloa, and also several between Kahakuloa and Waihee. Settlements in these localities imply planting of sweet potatoes on the lower *kula*.

From: E.S.C.Handy, *Hawaiian Planter*, 160.

### **Honokohau 31 Cultivation, page 53**

The Honokohau Valley, watered by a large rivulet the flow of which never ceases, even today when much of its water is piped off in the upper valley - was and is, an area of intensive cultivation of wet taro in flooded terraces. In 1931 a larger proportion of the patches were under taro cultivation in Honokohau than anywhere else on Maui with the exception of Kahakuloa. In 1934 I observed that one or two considerable areas had been abandoned and that a number of patches had been planted to rice instead of taro, because of root rot affecting the taro. Only one old Hawaiian *kamaaina*, David Kapaku, still cultivates his own wet taro. The rest of the planting is done commercially by several small proprietors, Hawaiian and Chinese, and by laborers employed by D. T. Fleming, to whose enterprise largely is due the continued utilization of so many old terraces.

From: E.S.C.Handy, *Hawaiian Planter*, 106

### **HONOKOHAU 32 Cultivation at Anakaluahine, Poewa, and Honanana, Page 54**

...sizable gulches eastward from Kanounou, the northern tip of Maui, in each of which, I am told, wet taro used to be grown in small patches.

From: E.S.C. Handy, *Hawaiian Planter*, 106.

### **HONOKOHAU 33 Iliilikea Heiau, Walker Site 19**

Location: On top of ridge at west side of Punaha Gulch, just above the road.

Description: There are three distinct structures to be seen, but the probabilities are that some of them have been used in whole or in part as pens for stock or potatoes. The central structure (B) is the largest and is an irregular rectangle in shape. The north wall

measures 85 ft., east 176 ft., south 106 ft., west 160 ft. The east wall is 6 ft. wide filled with small stones between the outer surfaces. Elsewhere the walls are not more than 2-3 ft. wide. The greatest height is 4-5 ft. in the S.E. corner.

A few feet to the north is another structure on a small hill. It measures about 85 x 20 ft. and has rock piles indicating graves on it (A).

South of the main enclosure is another enclosure (C). It measures 90 ft. on the west, 36 on the north, 30 on the east then jogs 12 and continues south 54 ft. and 66 ft. on the south. There is a small room about 6 ft. square in the NE corner. A fragment of old walls may be seen extending west from the central structure about 24 ft. from the SW corner. Evidences of this wall continuing under the other wall may be seen inside the enclosure where there are suggestions also of platforms.

Outlines of house platforms seen up this gulch.

From: W.M. Walker, *Archaeology of Maui*, 122.

#### HONOKOHAU 34 Ma-iu, Walker Site 20, page 54

Location: East side of Honokohau Valley on cliff 200 ft. above sea.

Description: A large heiau for human sacrifice. Its shape is rectangular, measuring about 96 x 200 ft. The west and north walls are fairly intact and show massive construction of large blocks of volcanic rock terraced in four or five tiers. The south wall only extends 48 ft., and the east wall is limited to a few feet at the SE corner. A pavement of small pebbles and beachworn stones cover the top.

Remarks: Small piles of rock inside the structure indicate burials since tabu times. These piles are usually rectangular and 6-8 feet long. One was excavated and a large flat stone the letter E pecked into it was turned over by the digging. A skeleton was found at about 4 ft. depth. All the teeth were in place and but a little worn, but a few metal buttons and glass beads with the skeleton showed that it did not date back to pre-missionary times. Jarves in his "History of the Sandwich Islands" on p. 216 says the Honokohau heiau was one of the last consecrated by Liholiho on his trip around Maui in 1819. There is a trail leading up to the heiau paved of stones from the beach. This is very likely a portion of the Kiha-pii-lani trail which is said to encircle Maui. L. Kalama, informant.

From: W.M. Walker, *Archaeology of Maui*, 123.

#### HONOKOHAU 35 Waiuli Pit

Waiuli was a death pit wherein the dead bodies of commoners were thrown. It is right above Honokohau and Honolua, and from Lahaina to Kahakuloa those are the burial places. If the dead are of Molokai, or of Lanai, they too are sent there. Waiuli's death pit is large, of perhaps a mile in depth, the bottom of which reaches water. Its landmark is a hill called Waiuli (dark water), the mouth of which is broad and open, and is used by people of one place and another to throw the dead bodies of their relatives. The time of taking the corpse is at dawn, men, women, children and all beloved friends and companions traveling together in funeral procession, the body being borne in a palanquin.

The ancestral spirit of the pit is one who offers the interceding prayer for the corpse and for the related guardian spirits to take care of those who are thrown in the death pit.

There is a tradition told of Waiuli that at the preparation of a certain father's corpse to be thrown in, all were gathered to mourn, except the daughter, who was out in the lehua, the maile, and like places of wild growth. The multitude exclaimed: "A daughter without love for her parent." When the body was thrown into the pit, the daughter came running to the edge of the cliff and leaped into the bottomless pit.

Translated from S.M. Kamakau,  
*Hawaiian Annual for 1932*, 107

*[The following is M. K. Pukui's translation, edited by M. Beckwith.]*

At Waiuli (on Maui) directly back of Honokohau, Honolua, and Honokahua is a deep pit which was used as a burial place for bodies of the common people from Lahaina to Kahakuloa. The body of anyone from those regions who died on Moloka'i [and Lanai] was brought back and thrown into that pit. [*... a ina no I Molokai ame Lanai ka poe I make, a e pili ana ilaila, alaila, e hoihoi ia no ilaila...*]. It was several miles in depth with water at the bottom.

From: S.M. Kamakau, *Ka Moolelo o Hawaii*, 16.

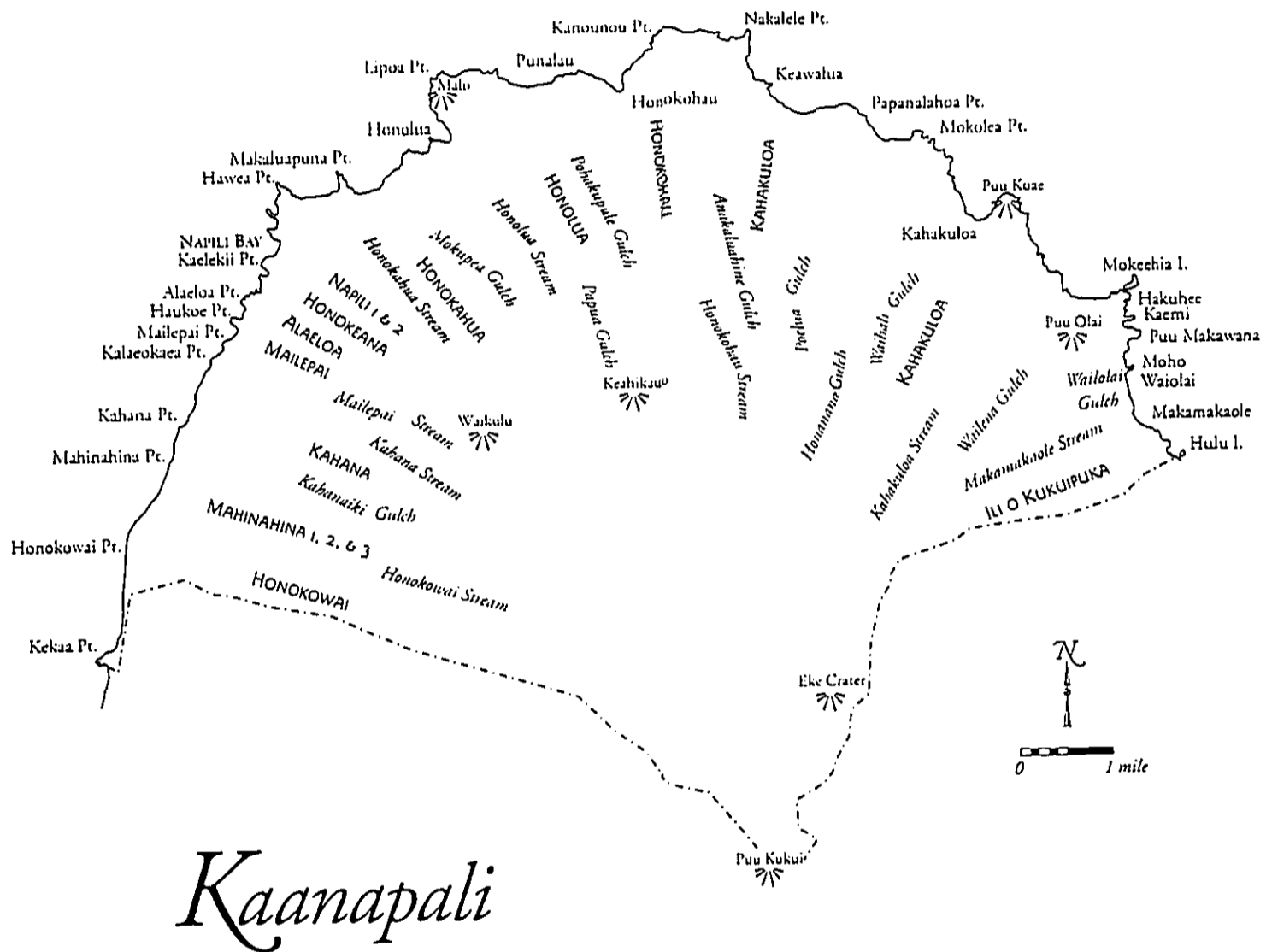
#### WANANALUA 64 Peapea's Death

*[About 1791 Kahekili and Kaeo attempted an invasion of Hawaii but were driven off by Kamemeha in a sea battle off Kohala.]*

Some time after this, Peapea Makawalu, the nephew of Kahekili and Kaeo, was fatally wounded by the explosion of a keg of gunpowder on the hill of Kauwiki. He was removed to Honokohau in Kaanapali district, where he shortly afterwards died from his wounds.

A. Fornander, *Account of the Polynesian Race*, 2:224.

Vancouver in his "Voyage of Discovery," vol. iii, says that in March 1794 he heard from the natives of Maui that Peapea, whom he calls by his other name Namahana, had only a short time before been killed by an explosion of gunpowder.



# Kaanapali

## KAANAPALI DISTRICT 1 KIHAPIILANI TRAIL

W. M. Walker, *Archaeology of Maui*, 301.

The north end of West Maui also is traversed by a paved trail. Sections of it can be seen from Honolua to Honokohau and Kahakuloa. It is paved with beach rocks and has a width of four to six feet. Disregarding elevations and depressions it takes the shortest route between two points that is possible for foot travel. This trail is also spoken of as the Kihapiilani Trail.

## KAANAPALI DISTRICT 2 CULTIVATION

E. S. C. Handy, *Hawaiian Plants*, 106.

I did not explore these valleys, but D. T. Fleming writes, in response to inquiries:

In all three valleys which you mention—Honokowai, Honokohau and Honolua, as well as Kahana, there was considerable taro raised in olden times; as a matter of fact, a great deal was raised in Honokowai, where there must have been 30 or 40 acres under cultivation at one time. A detailed map of the *kuleanas* in that valley is available, and a fairly accurate estimate of the area could be made from that.



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION  
P.O. BOX 621  
HONOLULU, HAWAII 96809

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

SEP 13 2001

REF:PB:EAH

FILE NO.: CDUA MA-3035B

Acceptance Date: June 6, 2001  
180-Day Exp. Date: December 3, 2001

James and Victoria McCarty  
20 Alaeloa #23  
Lahaina, HI 96761

Subject: Status of Conservation District Use Application for the Construction of a Single Family Residence at Honokohau Bay, Maui (TMK:4-1-2:8)

Dear Mr. and Ms. McCarty,

The public comment period for the draft environmental assessment (DEA) has ended. Pursuant to the State's environmental regulations (Chapter 343, Hawaii Revised Statutes), you as the applicant are required to respond to public comments received during the public comment period. All comments and responses must be appended to the Final Environmental Assessment (FEA) for the project. [Note: You should check with the Office of Environmental Quality Control (OEQC) and the Wailuku and Lahaina Public Libraries for any comments that they may have received.] Please submit six (6) copies of the FEA to this office as soon as possible, with a publication notice and we will forward the materials to OEQC for publication, if it is determined that the project qualifies for a finding of no significant impact to the environment (FONSI).

For your information, the 180-day expiration deadline for this application is December 3, 2001. This means that the application must be scheduled for Board decision-making in October 2001. This requires that your FEA be published by September 2001. This is to allow for the 30 day appeal period. In addition, we bring attention to an August 13, 2001 letter from the County of Maui requiring the submission of a Special Management Area Use Permit for the project.

As noted in our June 20, 2001 acceptance letter, the applicant's responsibility includes complying with the provisions of Chapter 205A, HRS relating to the Special Management Area (SMA) requirements. Negative action by the Board of Land and Natural Resources on this CDUA can be expected should the applicant fail to obtain from the County and provide to the department at least thirty (30) days prior to the 180-day expiration date (as noted on the first page of this notice) one of the following:

EXHIBIT Y-3

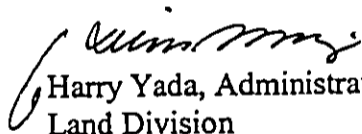
1. A determination that the proposed development is exempt from the provisions of the county rules relating to the SMA;
2. A determination that the proposed development is outside the SMA; or
3. An SMA Use Permit for the proposed development.

As such, you will need to provide this office with one of the preceding determinations or a permit thirty days prior to the expiration deadline.

Please note that the FEA must be received by this office within the next few weeks to meet the various publication deadlines. Failure to meet these deadlines will result in negative action on your application by the Board.

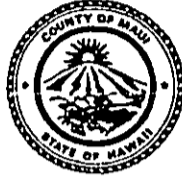
Pending action on your application by the Board of Land and Natural Resources in the near future, your cooperation and early response to the matters presented herein will be appreciated. Should you have any questions, please contact Sam Lemmo of our Land Division's planning staff at (808) 587-0381.

Sincerely,

  
Harry Yada, Administrator  
Land Division

c: Maui Board Member  
OEQC  
County of Maui, Department of Planning





**DEPARTMENT OF WATER SUPPLY**  
**COUNTY OF MAUI**  
P.O. BOX 1109  
WAILUKU, MAUI, HAWAII 96793-7109  
Telephone (808) 270-7816 • Fax (808) 270-7833

July 10, 2001

Mr Harry Yada  
Acting Administrator  
Land Division  
Dept of Land and Natural Resources  
P O Box 621  
Honolulu HI 96809

RE: CONSERVATION DISTRICT USE APPLICATION(Board Permit)MA-3035 and Draft  
Environmental Assessment for Landscaping and Single-Family Residence Use at  
Honokohau, Kaanapali, Maui, TMK 2<sup>nd</sup> 4-1-02:08

Dear Mr Yada:

Thank you for the opportunity to review the above-mentioned draft EA. The Department of Water Supply has the following comments:

Currently, DWS does not install water meters in the Honokohau area. The applicants state that they propose to install a water well and an approved desalination and purification system to provide domestic water. In view of this, the applicants will be subject to the Committee on Water Resources and Management's (CWRM) approval for the proposed well.

The applicants should be required to submit domestic, fire and irrigation calculations. Actual fire demand is determined by fire flow calculations performed by a licensed engineer. The approved fire flow calculation method for use is the "Guide for Determination of Fire Flow"-Insurance Service Office, 1974.

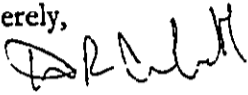
The project is located in the Maui County Planting Plan - Plant Zones 4 & 5. We encourage the applicant to utilize appropriate native and non invasive species and avoid the use of potentially invasive plants. Native plants adapted to the area, conserve water and further protect the watershed from degradation due to invasive alien species. Attached is a list of appropriate plants for the zones as well as potentially evasive plants to avoid.

This project overlies the Honokohau Aquifer which has a sustainable yield of 10 mgd. In order to protect this aquifer, DWS recommends that the applicants utilize Best Management Practices (BMPs)

designed to minimize infiltration from construction, processing and vehicle operations. We have attached sample BMPs for principle operations for reference. Additional information is available from the State Department of Health.

Should you have any questions, please contact our Water Resources and Planning Division at 270-7199.

Sincerely,



David Craddick  
Director

eam

c: engineering division

applicant, with attachments:

Maui County Plating Plan-Plant Zones 4 & 5 "Saving Water in the Yard: What & How to Plant in Your Area"  
"XERISCAPE - Water Conservation Through Creative Landscaping"  
Selected BMPs from "Guidance Specifying Management Measures For Sources of Nonpoint Pollution in Coastal Waters." U.S. EPA

James Richard McCarty  
Victoria L. McCarty  
20 Alaeloa, #23  
Lahaina, HI 96761  
(808) 669-1595

July 26, 2001

Mr. David Craddick  
Director  
Department of Water Supply  
County of Maui  
P.O. Box 1109  
Wailuku, HI 96793-7109

RE: CDUA (Board Permit) MA-3035B for the Construction of a Single  
Family Dwelling on the Island of Maui, TMK (2) 4-1-02:08

Dear Mr. Craddick:

My wife, Vicki and I have received a copy of your letter concerning the above application to Mr. Harry Yada, Acting Administrator, Land Division, dated July 10, 2001. We would like to offer the following comments in response to the points addressed by you.

With respect to our water well, we intend to comply with all of the rules, regulations and requirements of the Committee on Water Resources and will obtain the Committee's approval of the well.


We will submit domestic, fire and irrigation calculations as you have requested using the fire flow calculation method contained in the "Guide for Determination of Fire Flow" - Insurance Service Office, 1974.

We recognize the importance of using native and non-invasive plants and will avoid using potentially invasive plants. Thank you for sending the plant lists to help guide us in that regard.

We will plan to use Best Management Practices as suggested by you to minimize infiltration from construction, processing and vehicle operations.

Please let us know if you have further questions or concerns.

Very truly yours,

  
James Richard McCarty

cc: Mr. Harry Yada

BENJAMIN J. CAYETANO  
GOVERNOR



GENEVIEVE SALMONSON  
DIRECTOR

STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL  
236 SOUTH BERETANIA STREET  
SUITE 702  
HONOLULU, HAWAII 96813  
TELEPHONE (808) 586-4186  
FACSIMILE (808) 586-4186

July 10, 2001

Dean Uchida, Administrator  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, Hawaii 96809

Attention: Sam Lemmo

Dear Mr. Uchida:

Subject: Draft Environmental Assessment (EA) for McCarty Single Family Residence,  
Honokohau, Maui

We have the following comments to offer:

1. **Two-sided pages:** In order to reduce bulk and save on paper, please consider printing on both sides of the pages in the final document.
2. **Maps:** In the final EA enclose an island map with the project site indicated in addition to the maps already provided.
3. **Time frame:** What are the anticipated start and end dates of this project?
4. **Consultations:** The draft EA claims lack of archeological and historic resources on the property and proposes mitigation measures in the event any resources are uncovered during construction. A concurrence from the Historic Preservation Division of DLNR on these two points must appear in the final EA.
5. **Contacts:** In the final EA be sure to include copies of all responses made to those commenting during the pre-consultation as well as the draft EA review phase.
6. **Cultural impacts assessment:** Act 50 was passed by the Legislature in April of 2000. This mandates an assessment of impacts to local cultural practices by the proposed project. In the final EA include such an assessment. For assistance in the preparation refer to our *Guidelines for Assessing Cultural Impacts*. Contact our office for a paper copy or go to our homepage at <http://www.state.hi.us/health/oeqc/index.html>. You will also find the text of Act 50 linked to this section of our homepage.


EXHIBIT Y-6

Dean Uchida  
July 10, 2001  
Page 2

7. Future development: We are concerned that future development of the property may be more intensive than that indicated in the EA. Inclusion of bedrooms and bathrooms in the secondary buildings makes this setup particularly amenable to a B&B operation. In the final EA indicate more specifically what your plans are for the future use of this property.

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

Sincerely,



GENEVIEVE SALMONSON  
Director

c: James McCarty

James Richard McCarty  
Victoria L. McCarty  
20 Alaeloa, #23  
Lahaina, HI 96761  
(808) 669-1595

July 26, 2001

Ms. Genevieve Salmonson, Director  
Office of Economic Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, HI 96813

RE: Draft Environmental Assessment (EA) for McCarty Single Family  
Residence, Honokohau, Maui

Dear Ms. Salmonson:

My wife, Vicki, and I have received the copy of your letter of July 10, 2001, to Mr. Dean Uchida, Administrator, Department of Land and Natural Resources concerning our application to build our home and make the following responses concerning your comments:

1. We agree that it is preferable to print on both sides of pages and will plan to do so wherever possible in the final document.
2. We will provide an island map with the project site indicated in the final EA.
3. We expect to start the project as soon as possible after we are permitted to do so and hope to complete the project within 18 months of the beginning of construction, circumstances permitting.
4. We will incorporate any comments received from the Historic Preservation Division of DLNR and our responses thereto in the final EA.
5. As part of the final EA, we will include copies of all responses made to those who have commented during the pre-consultation as well as during the draft EA review phase.
6. An appropriate assessment of impacts to local cultural practices by the proposed project will be included in the final EA.
7. Vicki and I intend to use the property for our personal residence for the rest of our lives, if we are so fortunate enough to be able to do so, and we have no plans for the future use of the property, other than as our residence. We have full respect

EXHIBIT Y-7

for the permitting process and will not use the property for any purpose for which it is not permitted. As you can see, we sent pre-filing letters to all appropriate agencies long before we filed our application in a sincere effort to learn about the property so that we would give proper honor and respect to the parcel as well as to any cultural traditions or uses associated with the property at any time.


If you have additional comments or concerns, please feel free to contact us directly and thank you for your input.

Very truly yours,

James Richard McCarty

cc: Dean Uchida, Administrator  
Attention: Sam Lemmo

Very truly yours,

  
James Richard McCarty

James Richard McCarty  
Victoria L. McCarty  
20 Alaeloa, #23  
Lahaina, HI 96761  
(808) 669-1595

July 18, 2001

Mr. John E. Min  
Planning Director  
County of Maui  
250 South High Street  
Wailuku, HI 96793

RE: CDUA MA-3035B for the Construction of a Single Family  
Dwelling on the Island of Maui, TMK (2) 4-1-02:008

Dear Mr. Min:

My wife, Vicki and I have now filed a Conservation District Use Application (CDUA) MA-3035 with the Department of Land and Natural Resources requesting permission to construct a home on the above parcel which is located at Honokohau Bay on Maui.

The June 20, 2001, letter of Chairperson Gilbert S. Coloma-Agaran, reflects that he sent you a copy of his letter, as well as a copy of our Application and Draft Environmental Assessment. In that letter, he has requested that we contact your office to obtain a determination concerning whether the Maui County rules relating to the SMA apply to our project.

I would appreciate having your written comments in that regard so they may be made a part of our final documents.

Thank you in advance for your help in this regard.

Very truly yours,

  
James Richard McCarty

EXHIBIT Y-8



James Richard McCarty  
Victoria L. McCarty  
30 Kahana Place  
Lahaina 3, HI 96761  
(808) 669-1595 phone  
(808) 669-0439 fax

September 17, 2001

Attention: Avis  
Sent by Fax

Mr. John E. Min  
Planning Director  
County of Maui  
250 South High Street  
Wailuku, HI 96793

RE: CDUA MA-3035B for the Construction of a Single Family  
Dwelling on the Island of Maui, TMK (2) 4-1-02:008

Dear Avis:

Attached are copies of my letter of July 18, 2001, to Mr. Min and letters from the DLNR to me dated June 20, 2001, and September 13, 2001. I would appreciate it if you would let me know the status of my request of July 18<sup>th</sup>.

Thank you in advance for your help in this regard. I would be happy to pick the letter up whenever it is ready.

Aloha,

  
James Richard McCarty



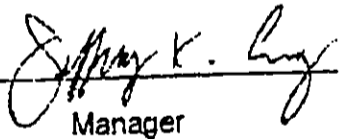
# Memo

To: J. Richard McCarty  
From: Jeffrey Eng  
Date: September 19, 2001  
Re: Fire Flow Requirements for Proposed Residence

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Based on the information you provided me for your proposed single-family residence and using the "Guide for Determination of Required Fire Flow," I have determined the required fire flows as follows:

- Plan A: 1500 gpm
- Plan B: 1750 gpm

  
\_\_\_\_\_  
Manager

Edwin Lindsey, President  
Maui Cultural Lands Inc.  
1087-A Pookela Rd  
Makawao, Hawaii 96768  
September 24, 2001

Mr. Gilbert Coloma-Agaran, Chairperson  
Department of Land and Natural Resources  
P.O. Box 621  
Honolulu, HI 96809

RE: Application for a CDUP for a Single Family Residence  
at Honokohau, Kaanapali, Maui, TMK (2) 4-1-02:8

Aloha Mr. Coloma-Agaran,

As an organization concerned about the cultural and natural environment of Maui Nui it is with pleasure to give comment on this project. MCL Inc. is made up of Kupuna, makua, opio and is inclusive to all people with common interests. We subscribe to the values of Aloha, Malama, Makaala, and Ke Akua.

This draft EA appears to be full and a complete document with all rules and requirements met or exceeded. However, there are three points worthy of comment.

**SEWAGE:**

The project site is located on an alluvial plain of Honokohau stream. Therefore, every effort must be made to avoid seepage into the ocean. This event will increase the nutrient level and set the incidences of algae bloom. A possible mitigation may be a self-contained unit to avoid the problem.

**FLOOD PLAINS:**

A major concern should be the potential to flood and tsunami damage. Historically, the valley have been hit with severe tsunami actions. The very fact that Honokohau is the largest valley in the West Maui and being located on the windward area, caution must be taken against flash floods.

**FLOOR PLAN:**

We support the floor plan marked "A", Exhibit E floor plan in the Draft EA. This plan separates the various functions of a home into unites. The ancient Hawaiians practiced a similar concept until the impact of western values. A Hale Hookipa, hale Moe, and hale Ka'awila are excellent ideas to BEST ALTERNATIVE USES. The visual impact is compatible to ancient Hawaii and its success will lead others to the same

EXHIBIT Y-11  
Letter of Edwin Lindsey

idea.

**ARCHAEOLOGY:**

Comment must be added to the care and respect the owner has shown to the Hawaiian culture. The very fact that the site has been damaged by uncaring human activity and severe historic storm events and being familiar with the property, it is highly unlikely that any archaeological sites will be discovered. Mr. McCarty has made it known that construction will be halted if anything is discovered or suspected.

In consultation with the board members, Maui Cultural Lands Inc. gives full support to this project and commends the home owner for his efforts to make this project an asset to the community.

With regards,

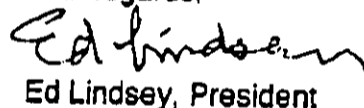
  
Ed Lindsey, President  
Maui Cultural Lands Inc.

EXHIBIT Z  
Information Regarding Kulcana Use



File 5768 Kalalau

Kiuekehou Area

M... .. Ki. Keakua. E... .. ma ke kiki. Ma... .. a... ..  
 Ke 71 1/2 Ke 177 pa... .. Ke 10 Ke 277 pa... ..  
 Ke 11 Ke 17 pa... .. Ke 67 1/2 Ke 283 pa... ..  
 ... .. 1-27 Cha

M... .. Ki. Keakua. E... .. ma ke kiki. Ma... .. a... ..  
 Ke 79 Ke 110 pa... .. Ke 71 Ke 210 pa... ..  
 177 pa... .. Ke 71 Ke 208 pa... ..  
 ... .. a... ..  
 0 261 Cha.

M... .. 3. Ki. Keakua. E... .. ma ke kiki. Ma... .. a... ..  
 Ke 4 Ke 210 pa... .. Ke 21 Ke 390 pa... ..  
 102 pa... .. Ke 6 1/2 Ke 170 pa... ..  
 Ke 80 Ke 50 pa... .. Ke 5 Ke 55 pa... ..  
 ... .. a... ..  
 1 63 Cha.

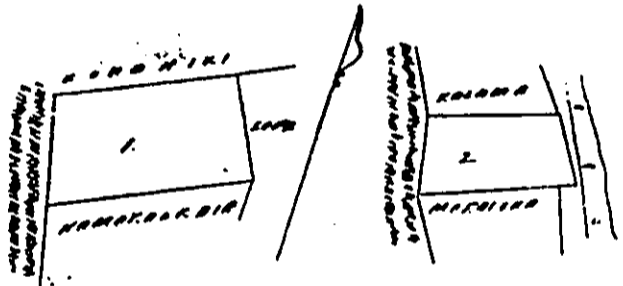
M... .. 1. Ki. Keakua. E... .. ma ke kiki. Ma... .. a... ..  
 Ke 20 Ke 270 pa... .. Ke 7 Ke 100 pa... ..  
 Ke 18 Ke 80 pa... .. Ke 69 Ke 110 pa... ..  
 189 pa... .. Ke 54 Ke 105 pa... ..  
 pa... .. Ke 16 1/2 Ke 221  
 ... .. a... ..  
 1 115 Cha

57  
 66  
 1-630  
 1-215  
 5-533

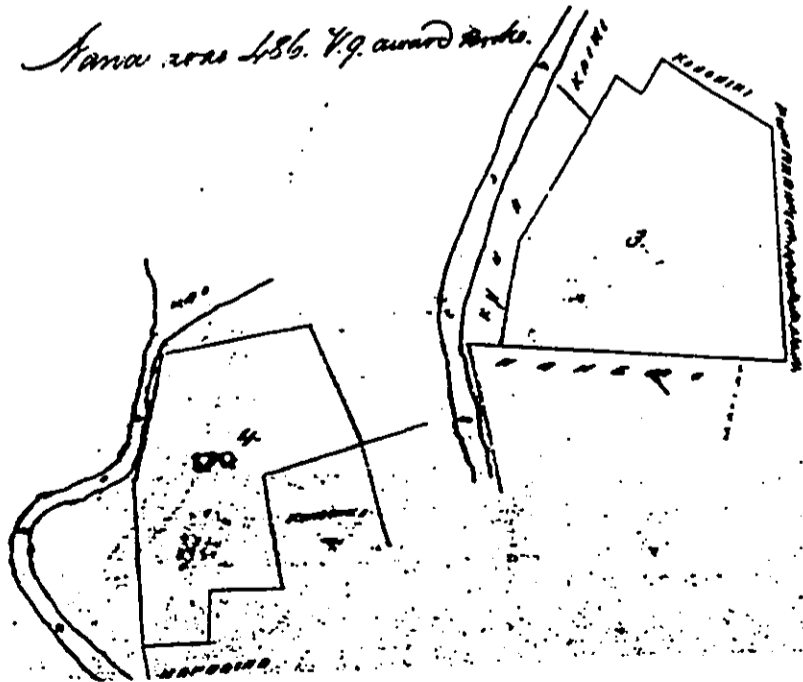
May 1853

H. J. Turner  
Lunenburg

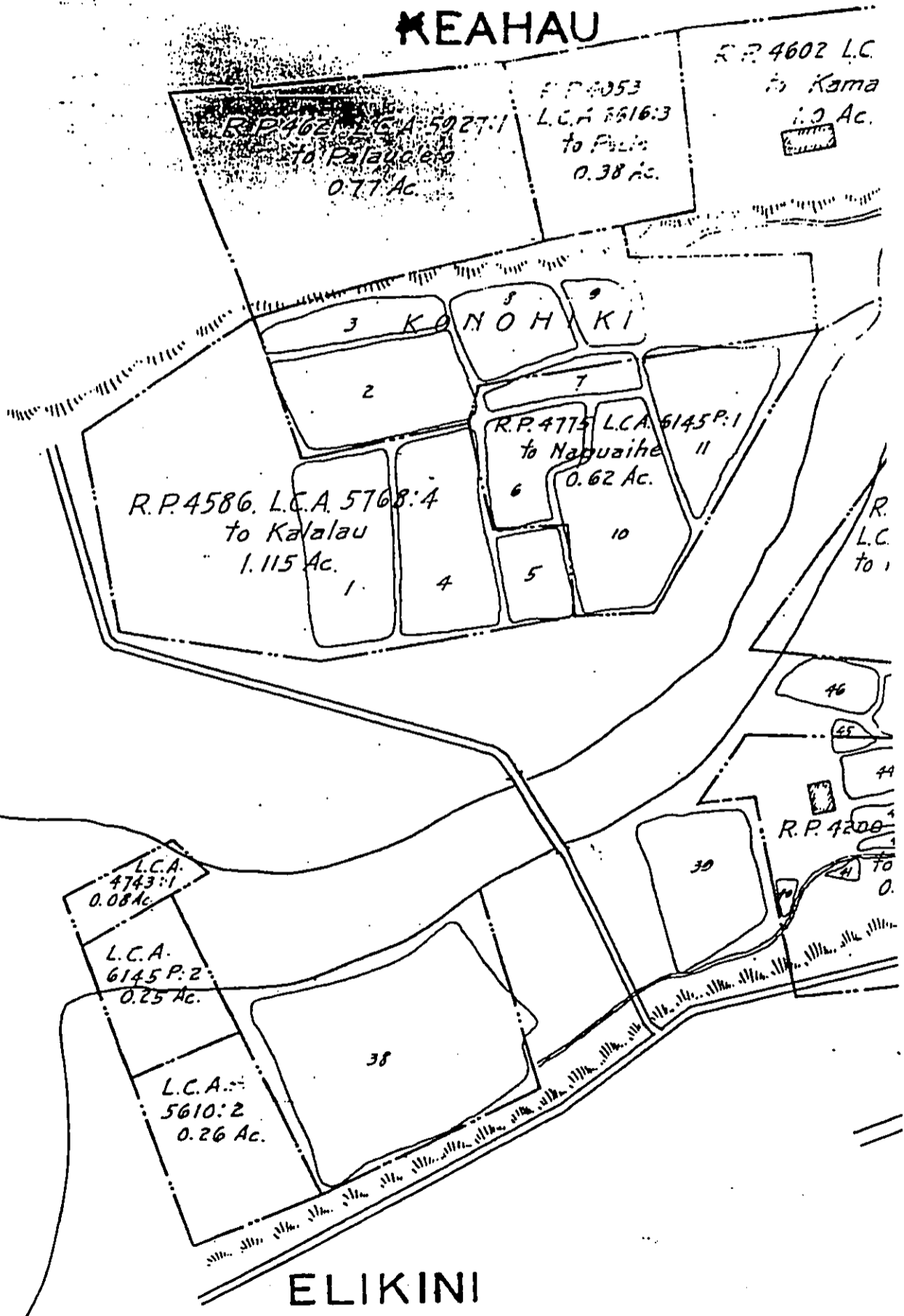
all 486 19-93P



Area 2000 486. 49. area 2000



# KEAHAU



R.P. 462 L.C.A. 5927:1  
to Palaukele  
0.77 Ac.

R.P. 4053  
L.C.A. 5516:3  
to Palau  
0.38 Ac.

R.P. 4602 L.C.  
to Kama  
0.5 Ac.

3 KONOHKI

R.P. 4586 L.C.A. 5768:4  
to Kalalau  
1.115 Ac.

R.P. 4775 L.C.A. 6145 P:1  
to Napuaihe  
0.62 Ac.

R.L.C.  
to 1

L.C.A.  
4743:1  
0.08 Ac.

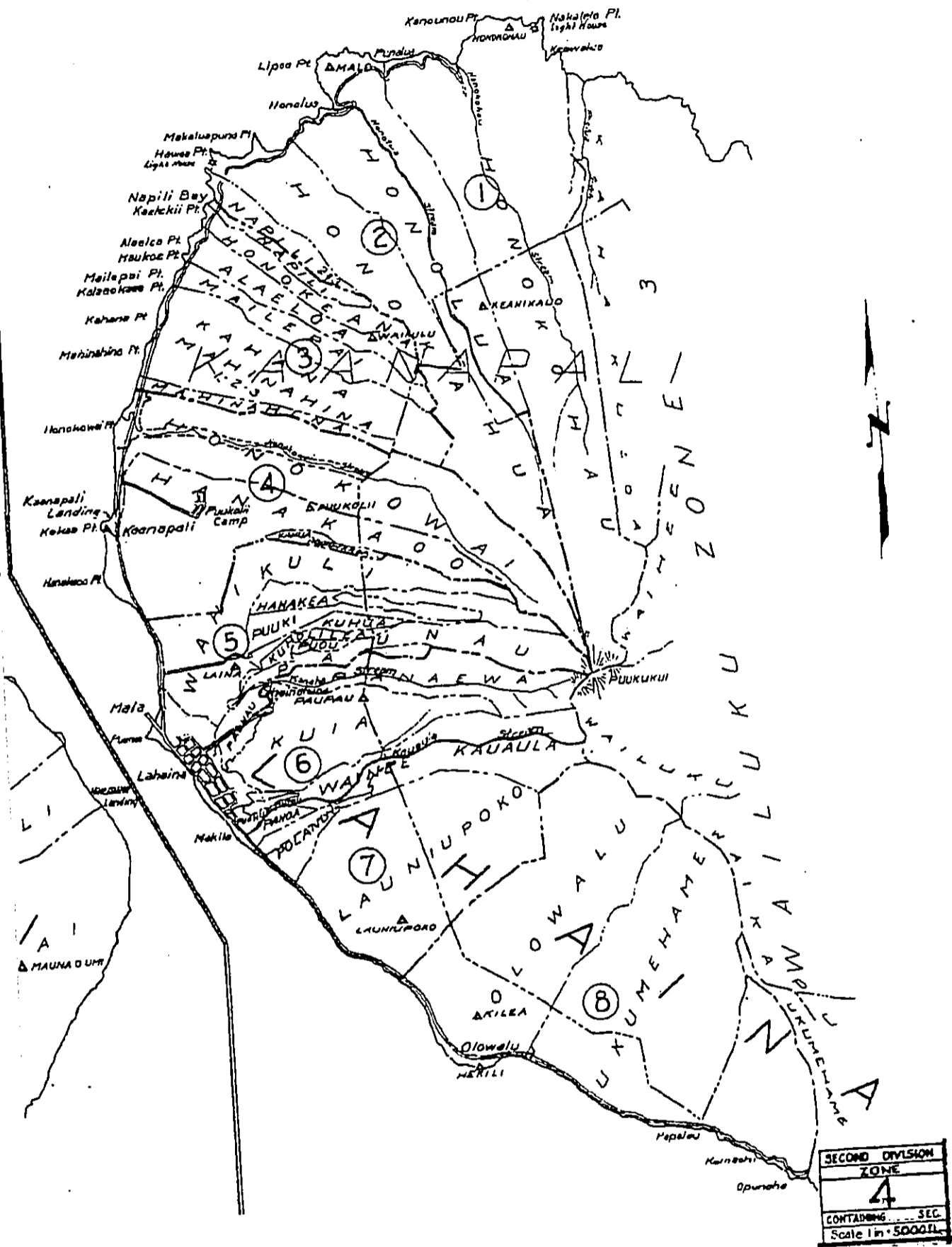
L.C.A.  
6145 P:2  
0.25 Ac.

L.C.A.  
5610:2  
0.26 Ac.

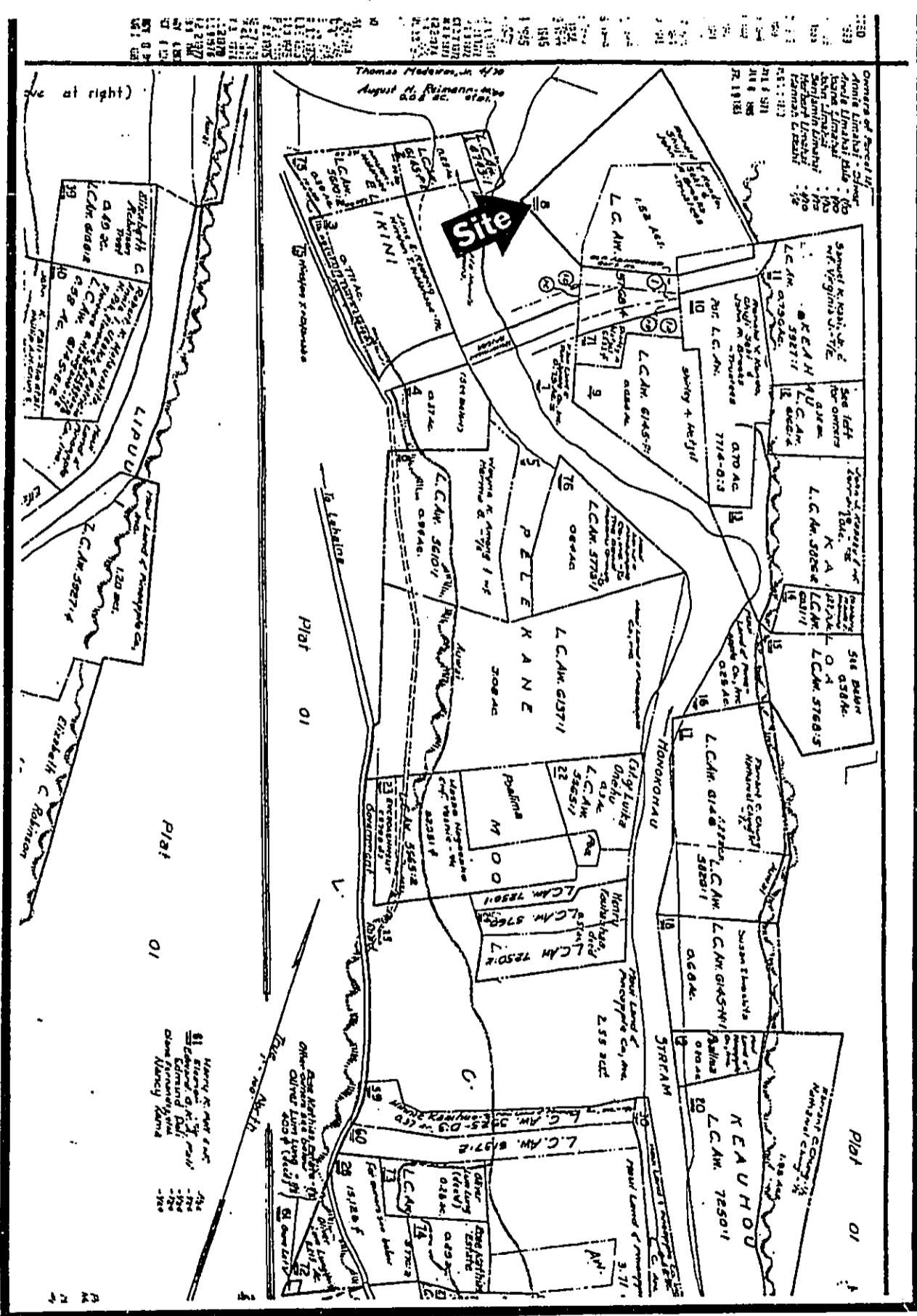
R.P. 4200  
to 0.

## IAU BAY

## ELIKINI







1	2	3	4	5	6	7	8	9	10	11	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
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SUBJECT PROPERTY

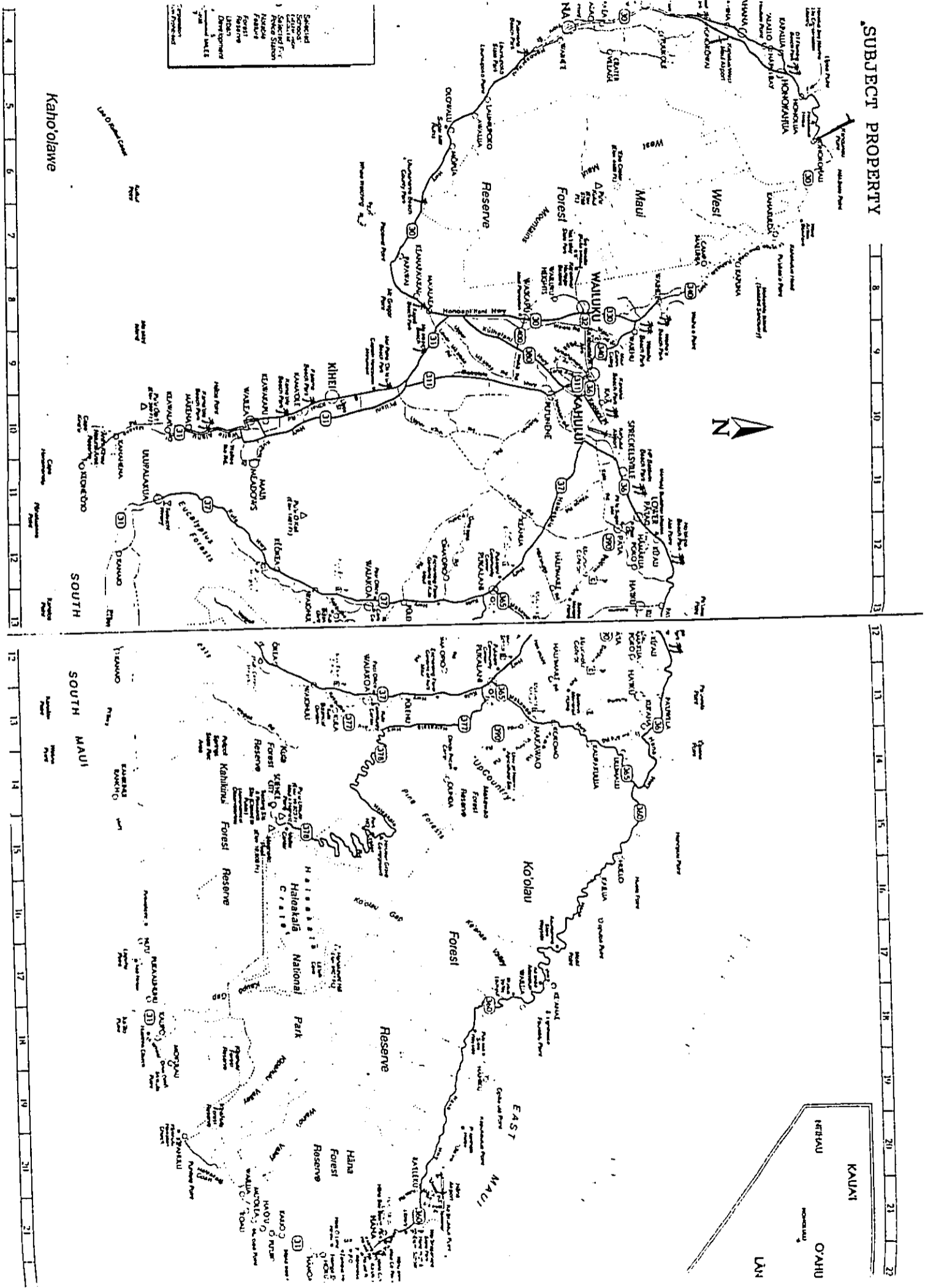
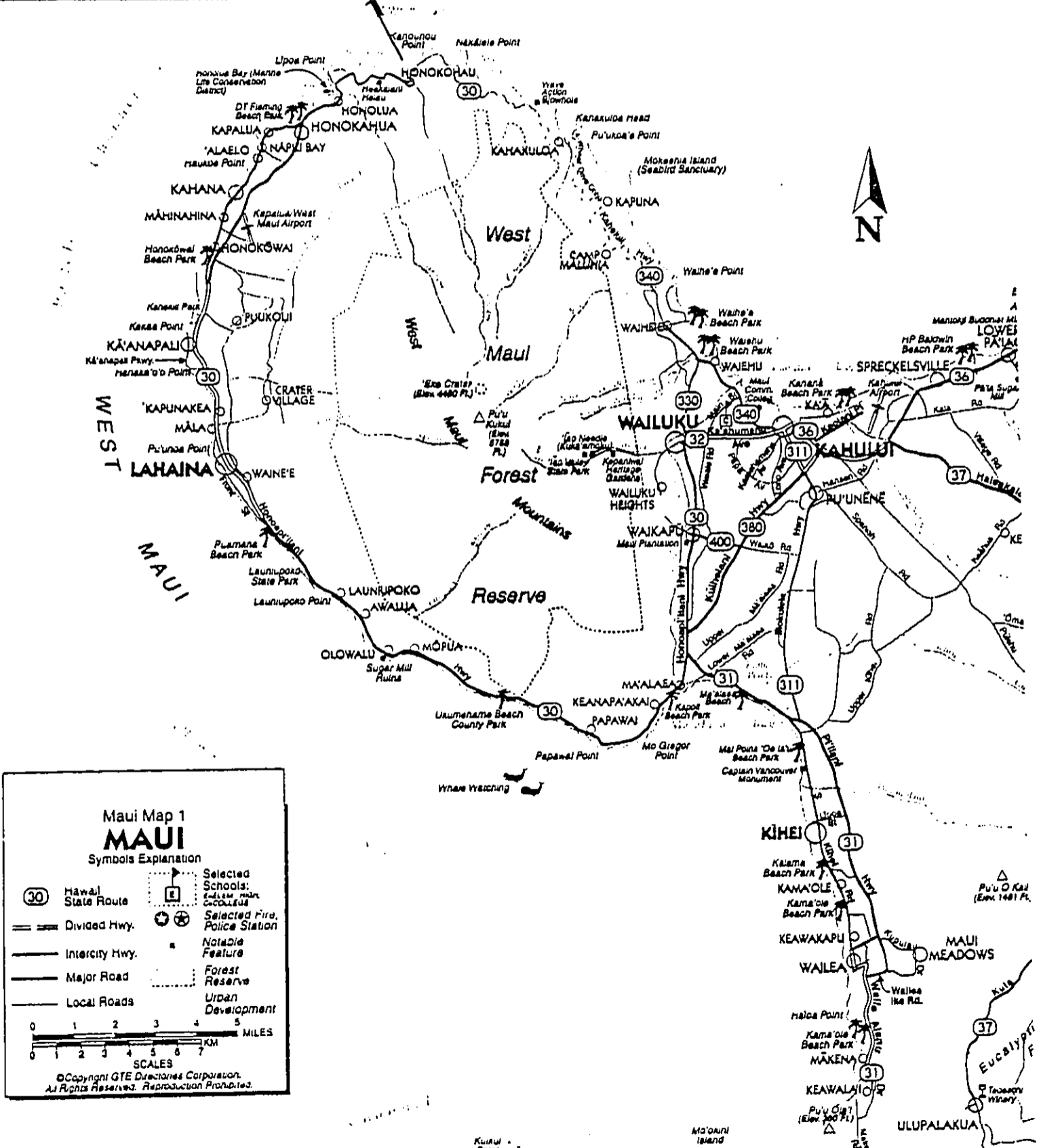
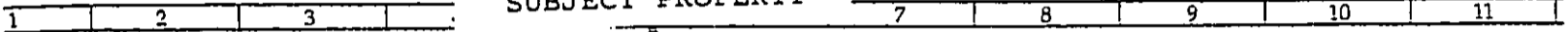


EXHIBIT AA  
Map of Island of Maui

SUBJECT PROPERTY



**Maui Map 1**  
**MAUI**  
Symbols Explanation

Hawaii State Route	Selected Schools: 4-12, main, college
Divided Hwy.	Selected Fire, Police Station
Intercity Hwy.	Notable Feature
Major Road	Forest Reserve
Local Roads	Urban Development

0 1 2 3 4 5 MILES  
0 1 2 3 4 5 6 7 KM  
SCALES

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