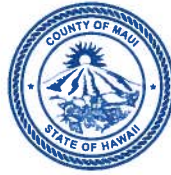


ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



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COUNTY OF MAUI
DEPARTMENT OF PLANNING

March 13, 2013

Mr. Gary Gill, Acting Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Dear Mr. Gill:

SUBJECT: FINAL ENVIRONMENTAL ASSESSMENT (EA) FOR THE PROPOSED DOWNTOWN KIHEI PROJECT, LOCATED AT PIIKEA AVENUE, KIHEI, ISLAND OF MAUI, HAWAII; TMK: (2) 3-9-002:030, 076, 080, AND 158 (EA 2012/0003)

With this letter, the Department of Planning (Department), on behalf of the Maui Planning Commission (Commission) hereby transmits the Final Environmental Assessment and Finding of No Significant Impact (Final EA-FONSI) for the proposed Downtown Kihei Project situated at TMK (2) 3-9-002:030, 076, 080, and 158, in the Wailuku Judicial District on the Island of Maui for publication in the next available edition of the Environmental Notice. The Commission at its March 12, 2013 meeting voted to approve the Final EA and FONSI determination.

The Department has included copies of public comments and the corresponding responses from the Applicant that were received during the thirty (30) day public comment period on the Draft Environmental Assessment and Anticipated Finding of No Significant Impact (Draft EA-AFONSI).

Enclosed is a completed Office of Environmental Quality Control (OEQC) Publication Form, two copies of the Final EA-FONSI, an Acrobat PDF file of the same, and an electronic copy of the publication form in MS Word. Simultaneous with this letter, we have submitted the summary of the action in a text file by electronic mail to your office.

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QUALITY CONTROL

Mr. Gary Gill, Director
March 13, 2013
Page 2

Thank you for your cooperation. Should you need further clarification, please contact Current Planning Supervisor Ann Cua at ann.cua@mauicounty.gov or at (808) 270-7521.

Sincerely,



CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for WILLIAM SPENCE
Planning Director

Attachments

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)
Ann T. Cua, Current Planning Supervisor (PDF)
Colleen Suyama, Senior Associate, Munekiyo & Hiraga, Inc. (PDF)
CPA 2012/0004 (KIVA Document)
CIZ 2012/0009 (KIVA Document)
SM1 2012/0006 (KIVA Document)
EA Project File
General File

WRS:CIY:ATC:nt

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**AGENCY ACTIONS
SECTION 343-5(B), HRS
PUBLICATION FORM (JULY 2012 REVISION)**

Project Name **Proposed Downtown Kihei**
Island: **Maui**
District: **Wailuku**
TMK: **(2)3-9-002:030, 076, 080 and 158**
Permits: **Community Plan Amendment, Change in Zoning, Special Management Area Use Permit and construction permits**

Proposing/Determination

Agency: Maui Planning Commission
(Address, Contact Person, Telephone) 250 South High Street, Wailuku, Hawai'i 96793, William Spence, Planning Director, (808)270-7735

Consultant: Munekiyo & Hiraga, 305 High Street, Wailuku, Hawai'i 96793, Colleen Suyama, Senior Associate, (808) 244-2015

(Address, Contact Person, Telephone)

Status (check one only):

- ☐ **DEA-AFNSI** Submit the proposing agency notice of determination/transmittal on agency letterhead, a hard copy of DEA, a completed OEQC publication form, along with an electronic word processing summary and a PDF copy (you may send both summary and PDF to oeqchawaii@doh.hawaii.gov); a 30-day comment period ensues upon publication in the periodic bulletin.
- ☒ **FEA-FONSI** Submit the proposing agency notice of determination/transmittal on agency letterhead, a hard copy of the FEA, an OEQC publication form, along with an electronic word processing summary and a PDF copy (send both summary and PDF to oeqchawaii@doh.hawaii.gov); no comment period ensues upon publication in the periodic bulletin.
- ☐ **FEA-EISPN** Submit the proposing agency notice of determination/transmittal on agency letterhead, a hard copy of the FEA, an OEQC publication form, along with an electronic word processing summary and PDF copy (you may send both summary and PDF to oeqchawaii@doh.hawaii.gov); a 30-day consultation period ensues upon publication in the periodic bulletin.
- ☐ **Act 172-12 EISPN** Submit the proposing agency notice of determination on agency letterhead, an OEQC publication form, and an electronic word processing summary (you may send the summary to oeqchawaii@doh.hawaii.gov). NO environmental assessment is required and a 30-day consultation period upon publication in the periodic bulletin.
- ☐ **DEIS** The proposing agency simultaneously transmits to both the OEQC and the accepting authority, a hard copy of the DEIS, a completed OEQC publication form, a distribution list, along with an electronic word processing summary and PDF copy of the DEIS (you may send both the summary and PDF to oeqchawaii@doh.hawaii.gov); a 45-day comment period ensues upon publication in the periodic bulletin.
- ☐ **FEIS** The proposing agency simultaneously transmits to both the OEQC and the accepting authority, a hard copy of the FEIS, a completed OEQC publication form, a distribution list, along with an electronic word processing summary and PDF copy of the FEIS (you may send both the summary and PDF to oeqchawaii@doh.hawaii.gov); no comment period ensues upon publication in the periodic bulletin.
- ☐ **Section 11-200-23 Determination** The accepting authority simultaneously transmits its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS to both OEQC and the proposing agency. No comment period ensues upon publication in the periodic bulletin.
- ☐ **Section 11-200-27 Determination** The accepting authority simultaneously transmits its notice to both the proposing agency and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that a supplemental EIS is not required. No EA is required and no comment period ensues upon publication in the periodic bulletin.
- ☐ **Withdrawal (explain)**

Summary (Provide proposed action and purpose/need in less than 200 words. Please keep the summary brief and on this one page):

The Krausz Companies, Inc. is seeking land use entitlement approvals for the proposed Downtown Kihei project on approximately 27.44 acres located along Piikea Avenue. The proposed project will provide spaces for business and medical offices, shops, a movie theater and restaurants and a 150-room, four-story select-services hotel. Approximately 257,098 sq. ft. of gross leasable area will be provided, including a 44,180 sq.ft. movie theater. Related improvements include grading, landscaping, underground utilities, drainage facilities, lighting, vehicle parking, and roadway improvements, including the reconstruction of Piikea Avenue.

Land use entitlements required for the proposed project include a Kihei-Makena Community Plan Amendment (CPA) for an approximate 2.6-acre portion of Parcel 030 to Hotel and an amendment to the Planning Standards to allow a height of 60 feet on Parcel 076 to accommodate the movie theater building; a Change in Zoning for Parcels 030, 076, 080 and 158; and a Special Management Area (SMA) Use Permit for the development of Parcels 030 (por.), 076 and 158. Parcel 080, an enhanced wetland, will not be developed. The CPA and use of County lands (roadway improvements to Piikea Avenue and Liloa Drive) are triggers for compliance with Chapter 343, Hawai'i Revised Statutes.

Volume I of II

Final Environmental Assessment

PROPOSED DOWNTOWN KIHEI PROJECT

TMK Nos. (2) 3-9-002:030, 076, 080, and 158

**Prepared for:
The Krausz Companies, Inc.**

**Approving Agency:
Maui Planning Commission**

March 2013

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CONTENTS

List of Acronyms	Page i
Executive Summary	Page i
I. PROJECT OVERVIEW	Page 1
A. PROJECT LOCATION, CURRENT LAND USE, AND OWNERSHIP ..	Page 1
B. PROPOSED ACTION	Page 4
C. PROJECT NEED	Page 14
D. ENTITLEMENTS AND APPROVALS REQUIRED	Page 16
1. Community Plan Amendment	Page 16
2. Change in Zoning	Page 18
3. Special Management Area Use Permit	Page 18
E. CHAPTER 343, HAWAII REVISED STATUTES REQUIREMENT ...	Page 19
F. IMPLEMENTATION TIME FRAME AND PROJECT COST	Page 19
II. DESCRIPTION OF EXISTING CONDITIONS, POTENTIAL IMPACTS, AND PROPOSED MITIGATION MEASURES	Page 20
A. PHYSICAL ENVIRONMENT	Page 20
1. Surrounding Land Uses	Page 20
2. Climate	Page 21
3. Topography and Soils	Page 22
4. Agriculture	Page 26
5. Flood and Tsunami Hazards	Page 28
6. Flora and Fauna	Page 30
7. Streams, Wetlands, and Reservoirs	Page 34
8. Archaeological and Historical Resources	Page 38
9. Cultural Resources	Page 41
10. Air and Noise Quality	Page 44
11. Scenic and Open Space Resources	Page 45
B. SOCIO-ECONOMIC ENVIRONMENT	Page 45
1. Regional Setting	Page 45
2. Population and Demography	Page 46
3. Economy and Labor Force	Page 48
4. Housing	Page 53
C. PUBLIC SERVICES	Page 54
1. Police and Fire Protection	Page 54
2. Medical Facilities	Page 55
3. Educational Facilities	Page 55
4. Recreational Facilities	Page 57

5.	Solid Waste Disposal	Page 58
D.	INFRASTRUCTURE	Page 59
1.	Roadways	Page 59
2.	Water System	Page 66
3.	Wastewater System	Page 70
4.	Drainage System	Page 73
5.	Electrical, Telephone, and Cable Television Services	Page 76
E.	CUMULATIVE AND SECONDARY IMPACTS	Page 77
III.	RELATIONSHIP TO LAND USE PLANS, POLICIES, AND CONTROLS	Page 80
A.	STATE LAND USE DISTRICT	Page 80
B.	HAWAII STATE PLAN	Page 80
C.	GENERAL PLAN OF THE COUNTY OF MAUI	Page 82
1.	Countywide Policy Plan	Page 83
2.	Maui Island Plan	Page 89
D.	KIHEI-MAKENA COMMUNITY PLAN	Page 100
E.	MAUI COUNTY ZONING	Page 107
F.	COASTAL ZONE MANAGEMENT/SPECIAL MANAGEMENT AREA	Page 107
1.	Recreational Resources	Page 110
2.	Historic Resources	Page 111
3.	Scenic and Open Space Resources	Page 112
4.	Coastal Ecosystems	Page 112
5.	Economic Uses	Page 113
6.	Coastal Hazards	Page 114
7.	Managing Development	Page 115
8.	Public Participation	Page 115
9.	Beach Protection	Page 116
10.	Marine Resources	Page 117
G.	RULES AND REGULATIONS OF THE MAUI PLANNING COMMISSION SPECIAL MANAGEMENT AREA RULES	Page 118
H.	OTHER REGULATORY APPROVALS	Page 123
IV.	ALTERNATIVES TO THE PROPOSED ACTION	Page 125
A.	PREFERRED ALTERNATIVE	Page 125
B.	NO ACTION ALTERNATIVE	Page 125
C.	ALTERNATIVE DEVELOPMENT PLAN	Page 125
D.	ALTERNATIVE LOCATIONS	Page 126
V.	SUMMARY OF UNAVOIDABLE IMPACTS AND COMMITMENTS OF RESOURCES	Page 127

VI. SIGNIFICANCE CRITERIA ASSESSMENT	Page 128
VII. LIST OF PERMITS AND APPROVALS	Page 134
VIII. PARTIES CONSULTED DURING THE PREPARATION OF THE DRAFT ENVIRONMENTAL ASSESSMENT; LETTERS RECEIVED; AND RESPONSES TO SUBSTANTIVE COMMENTS	Page 135
IX. PARTIES CONSULTED DURING THE 30-DAY COMMENT PERIOD OF THE DRAFT ENVIRONMENTAL ASSESSMENT; LETTERS RECEIVED; AND RESPONSES TO SUBSTANTIVE COMMENTS	Page 209
X. REFERENCES	Page i

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LIST OF FIGURES

Figure 1.	Regional Location Map	Page 2
Figure 2.	Property Location Map	Page 3
Figure 3.	View Along Piikea Avenue Towards Hotel	Page 5
Figure 4.	Site Plan	Page 6
Figure 5.	Ground Level Site Plan	Page 8
Figure 6.	Second Level Plan	Page 9
Figure 7.	Vehicular Access Plan	Page 11
Figure 8.	View of Village Square Towards Hotel	Page 12
Figure 9.	Kihei-Makena Community Plan Land Use Map	Page 17
Figure 10.	Soil Association Map	Page 24
Figure 11.	Soil Classification Map	Page 25
Figure 12.	Flood Insurance Rate Map	Page 29
Figure 13.	Wetlands on Parcel 030	Page 35
Figure 14.	Wetlands on Parcel 076	Page 36
Figure 15.	TIAR Study Intersections	Page 62
Figure 16.	Vehicular Access Plan	Page 65
Figure 17.	State Land Use District Map	Page 81
Figure 18.	County Zoning Designations Map	Page 108
Figure 19.	Special Management Area Map	Page 109

LIST OF TABLES

Table 1.	Existing Land Use Designations	Page 1
Table 2.	Existing and Proposed Land Uses	Page 7
Table 3.	Projected Market Support for Downtown Kihei Commercial Component ...	Page 16
Table 4.	Proposed Change-in-Zoning	Page 18
Table 5.	Existing Rentable Commercial Area in Kihei-Makena	Page 50
Table 6.	Projected New Hotel Room Demand in Kihei	Page 52
Table 7.	DOE School Enrollment	Page 56
Table 8.	New BOE Policy on Acreage and Enrollment	Page 57
Table 9.	Anticipated Preliminary Peak Potable Water Demand and Water Meter Sizes	Page 68
Table 10.	Anticipated Fire Flow	Page 68
Table 11.	Estimated Peak Wastewater Demands	Page 72
Table 12.	Anticipated Landscape Irrigation Water Demands	Page 73
Table 13.	Proposed Change-in-Zoning	Page 107

SEE VOLUME II OF II

LIST OF APPENDICES

Appendix A.	Development Plans
Appendix A-1.	Design Guidelines
Appendix B.	Market Study
Appendix C.	Preliminary Engineering and Drainage Report
Appendix D.	Botanical and Fauna Surveys
Appendix E.	Department of the Army Approval of Longs Drugs Center Wetland Mitigation Plan, TMK Nos. (2) 3-9-002:030 and 109
Appendix E-1.	Department of the Army Approval of Azeka Commercial Center Wetland Mitigation Plan, TMK Nos. (2) 3-9-002:028, 076, and 080
Appendix E-2.	Parcel 030 Wetland Determination Summary
Appendix E-3.	Parcels 076 and 158 Wetland Determination Summary
Appendix E-4.	Maintenance Easement on Parcel 30 for Manmade Wetland
Appendix E-5.	Affidavit of Lawrence N.C. Ing Regarding Department of the Army Granting Authorization of Nationwide Permit
Appendix F.	Archaeological Inventory Survey
Appendix F-1.	State Historic Preservation Division Acceptance Letter, March 15, 2011
Appendix G.	Cultural Impact Assessment
Appendix H.	View Analysis
Appendix I.	Traffic Impact Assessment Report
Appendix J.	Kihei Community Association Meeting Summary

List of Acronyms

ADA	Americans With Disabilities Act
AIS	Archaeological Inventory Survey
ALISH	Agricultural Lands of Importance to the State of Hawaii
ATA	Austin Tsutsumi & Associates, Inc.
B	Business/Commercial
BH	Bore Hole
BMP	Best Management Practices
BOE	Board of Education
CFS	Cubic Feet Per Second
CIA	Cultural Impact Assessment
CIZ	Change in Zoning
CPA	Community Plan Amendment
CPTED	Crime Prevention Through Environmental Design
DLNR	Department of Land and Natural Resources
DOE	Department of Education
DOFAW	Division of Forestry and Wildlife
DPR	Department of Parks and Recreation
DPW	Department of Public Works
DWS	Department of Water Supply
EA	Environmental Assessment
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Findings of No Significant Impact
GPD	Gallon Per Day
GPM	Gallon Per Minute
H	Hotel
HAR	Hawaii Administrative Rules
HC&S	Hawaiian Commercial & Sugar Company
HCZMP	Hawaii Coastal Zone Management Program
HRS	Hawaii Revised Statutes
ISWMP	Integrated Solid Waste Management Plan
JcC	Jaucus Sand, Saline
KCA	Kihei Community Association
KWRF	Kihei Wastewater Reclamation Facility
LEED	Leadership in Energy and Environmental Design
LOS	Level of Service
LSB	Land Study Bureau
MCC	Maui County Code
MECO	Maui Electric Company, Ltd
MEV	Malama Environmental LLC
MG	Million Gallon
MIP	Maui Island Plan

MOU	Memorandum of Understanding
MPC	Maui Planning Commission
MPD	Maui Police Department
MPH	Miles Per Hour
M RTP	Maui Research & Technology Park
NPDES	National Pollutant Discharge Elimination System
OS	Open Space
PDC	Pacific Disaster Center
PEDR	Preliminary Engineering and Drainage Report
PsA	Pulehu Clay Loam
PSI	Pounds per Square Inch
PV	Photovoltaic
PVSC	Piilani Village Shopping Center
PZUE	Puuone Sand
RGB	Rural Growth Boundary
SHPD	State Historic Preservation Division
SMA	Special Management Area
ST	Shovel Test
STB	Small Town Boundary
STIP	Statewide Transportation Improvement Program
TAT	Transient Accommodation Tax
TIAR	Traffic Impact Assessment Report
TMK	Tax Map Key
TU	Test Unit
UDRB	Urban Design Review Board
UH-MC	University of Hawaii – Maui College
UGB	Urban Growth Boundary
USFWS	U.S. Fish and Wildlife Service
WRD	Wastewater Reclamation Division
XRL	Xamanek Researches, LLC

Executive Summary

Project Name:	Proposed Downtown Kihei Project
Type of Document:	Final Environmental Assessment
Legal Authority:	Chapter 343, Hawaii Revised Statutes
Determination:	Finding of No Significant Impact (FONSI)
Applicable Environmental Assessment review "Trigger":	Proposed Use of County Lands Amendment to County General Plan
Location:	Kihei, Maui, Hawaii TMK Nos. (2) 3-9-002:030, 076, 080 and 158
Landowner:	Krausz Kihei One, LLC (Parcel 030) and Krausz Kihei Two, LLC (Parcels 076, 080, and 158)
Applicant:	The Krausz Companies, Inc. 44 Montgomery Street, Suite 3300 San Francisco, California 94104 Contact: David Pyle, Vice President Phone: (415) 732-5600
Approving Agency:	Maui Planning Commission 250 South High Street Wailuku, Hawaii 96793 Contact: Will Spence, Planning Director Phone: (808) 270-7735
Consultant:	Munekiyo & Hiraga, Inc. 305 High Street, Suite 104 Wailuku, Hawaii 96793 Contact: Colleen Suyama, Senior Associate Phone: (808)244-2015
Project Summary:	The applicant, The Krausz Companies, Inc., is seeking land use entitlement approvals for the proposed Downtown Kihei project. Encompassing an area of approximately 27.44 acres, the project site is located along Piikea Avenue in the heart of Kihei, Maui, Hawaii. With its provision of business, retail, commercial and hotel uses, the proposed project is intended

to provide opportunities for entertainment and employment in a setting that complements and enhances the existing Kihei townscape.

The proposed project will provide spaces for business and medical offices, shops, a movie theater and restaurants, as well as an approximately 93,000-sq. ft., 150-room, 4-story select-services hotel. As a pedestrian-oriented development, the site plan incorporates a village square and associated promenades to encourage non-vehicular movement. Approximately 257,098 sq. ft. of gross leasable area will be provided for business, retail, recreational, public and restaurant purposes, including an approximately 44,180- sq. ft. movie theater. Related improvements include grading, landscaping, underground utilities, drainage facilities, lighting, vehicle parking, and roadway improvements, including the reconstruction of Piikea Avenue. Primary access will be via Piikea Avenue, with secondary access via Liloa drive.

Land use entitlements required for the proposed project to proceed include a Kihei-Makena Community Plan Amendment (CPA) for an approximate 2.6-acre portion of Parcel 030 and an amendment to the Planning standards to allow a height of 60 feet on Parcel 076 to accommodate the movie theater building; a Change in Zoning (CIZ) for Parcels 030, 076, 080 and 158; and a Special Management Area (SMA) Use Permit for the development of Parcels 030, 076, and 158. Parcel 080, an enhanced wetland, will not be developed and is not subject to SMA Use Permit procedures. The CPA and the use of County lands (roadway improvements to Piikea Avenue and Liloa Drive) are triggers for compliance with Chapter 343, Hawaii Revised Statutes environmental review requirements. As such, an Environmental Assessment (EA) is being prepared to disclose the project's technical characteristics, alternatives, potential impacts, and proposed mitigation measures. The EA will serve as the supporting technical document for the CPA, CIZ, and SMA Use Permit applications, with the Maui Planning Commission serving as the approving agency.

I. PROJECT OVERVIEW

I. PROJECT OVERVIEW

A. PROJECT LOCATION, CURRENT LAND USE, AND OWNERSHIP

The Krausz Companies, Inc. is proposing the development of the Downtown Kihei project on four (4) parcels of land in the heart of Kihei, Maui, Hawaii. See **Figure 1**. The subject properties, collectively referred to as the “project site”, are located on Piikea Avenue, east (mauka, upland) of South Kihei Road and west (makai, seaward) of the Kihei North-South Collector Road (Liloa Drive). The project site is defined by Tax Map Key (TMK) Nos. (2)3-9-002:030, 076, 080, and 158 (Parcel 030, Parcel 076, Parcel 080, and Parcel 158, respectively). See **Figure 2**. The entire project site measures approximately 27.44 acres in size, and access to the site will be provided from Piikea Avenue and Liloa Drive.

The project site is currently vacant and undeveloped. The project site is bordered to the west by Longs Drugs Kihei Center and the Azeka Shopping Center Mauka; to the north by Yee’s mango orchard, with a single-family residential neighborhood beyond; to the east by the Piilani Village Shopping Center and a multi-family residential neighborhood; and to the south by various commercial and business centers and Haggai Institute Maui along Lipoa Street, with single-family residential neighborhoods beyond. The western portion of Parcel 030 and the entirety of Parcel 080 contain enhanced (manmade) wetlands. The existing land use designations for the project site are listed in **Table 1** below.

Table 1. Existing Land Use Designations

Tax Map Key	Acreage	State Land Use District	Kihei-Makena Community Plan	County Zoning
Parcel 030	13.47 acres	Urban	Business/Commercial (B) (10.47 acres) and Open Space (OS) (wetland) (3.0 acres)	R-3, Residential
Parcel 076	9.092 acres	Urban	Business/Commercial (B)	R-3, Residential
Parcel 080	3.50 acres	Urban	Open Space (OS) (wetland)	R-3, Residential
Parcel 158	1.376 acres	Urban	Business/Commercial (B)	R-3, Residential
Source: Maui County Planning Department, 2010 and 2012.				

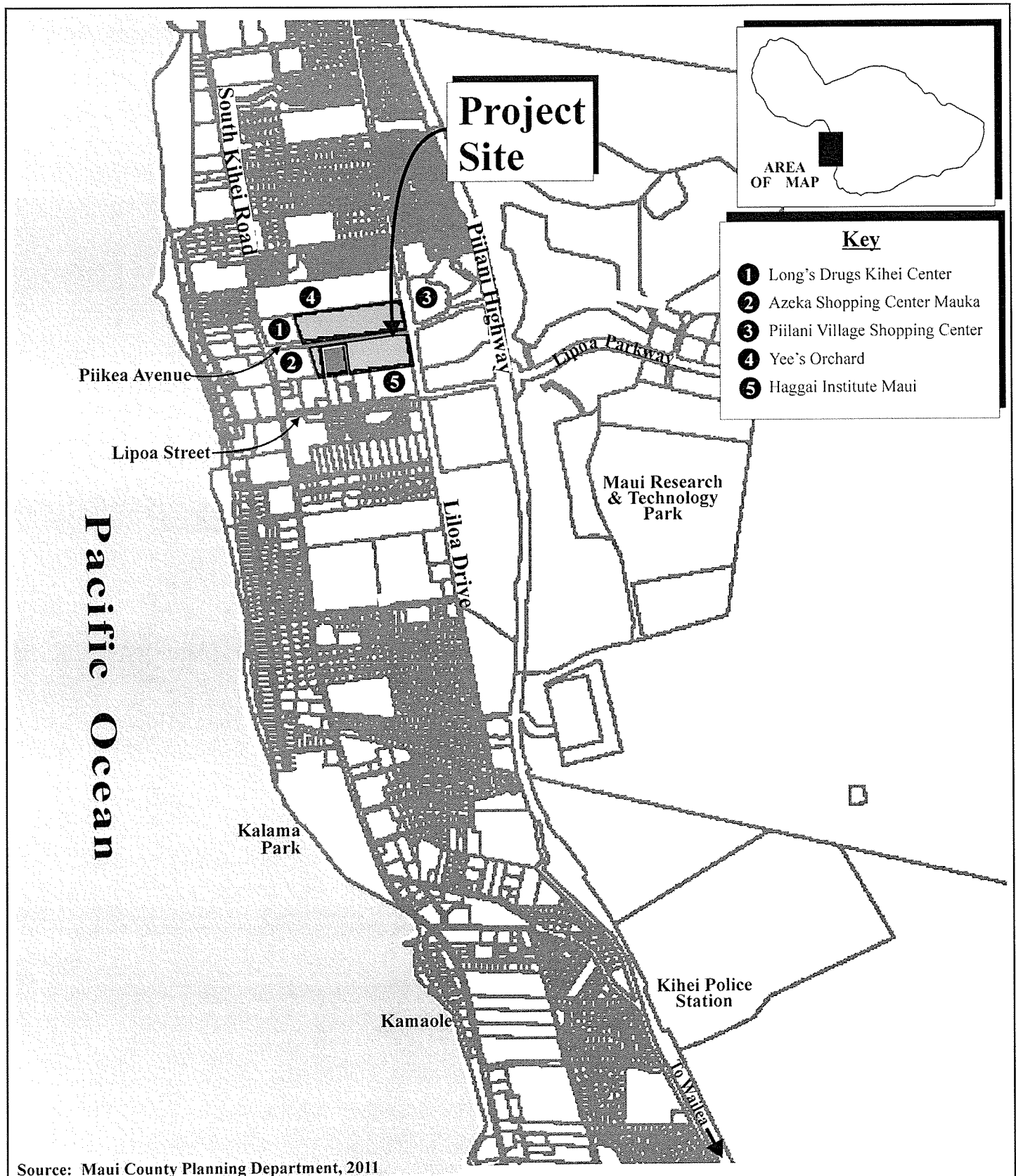


Figure 1 **Proposed Downtown Kihei Project**
Regional Location Map

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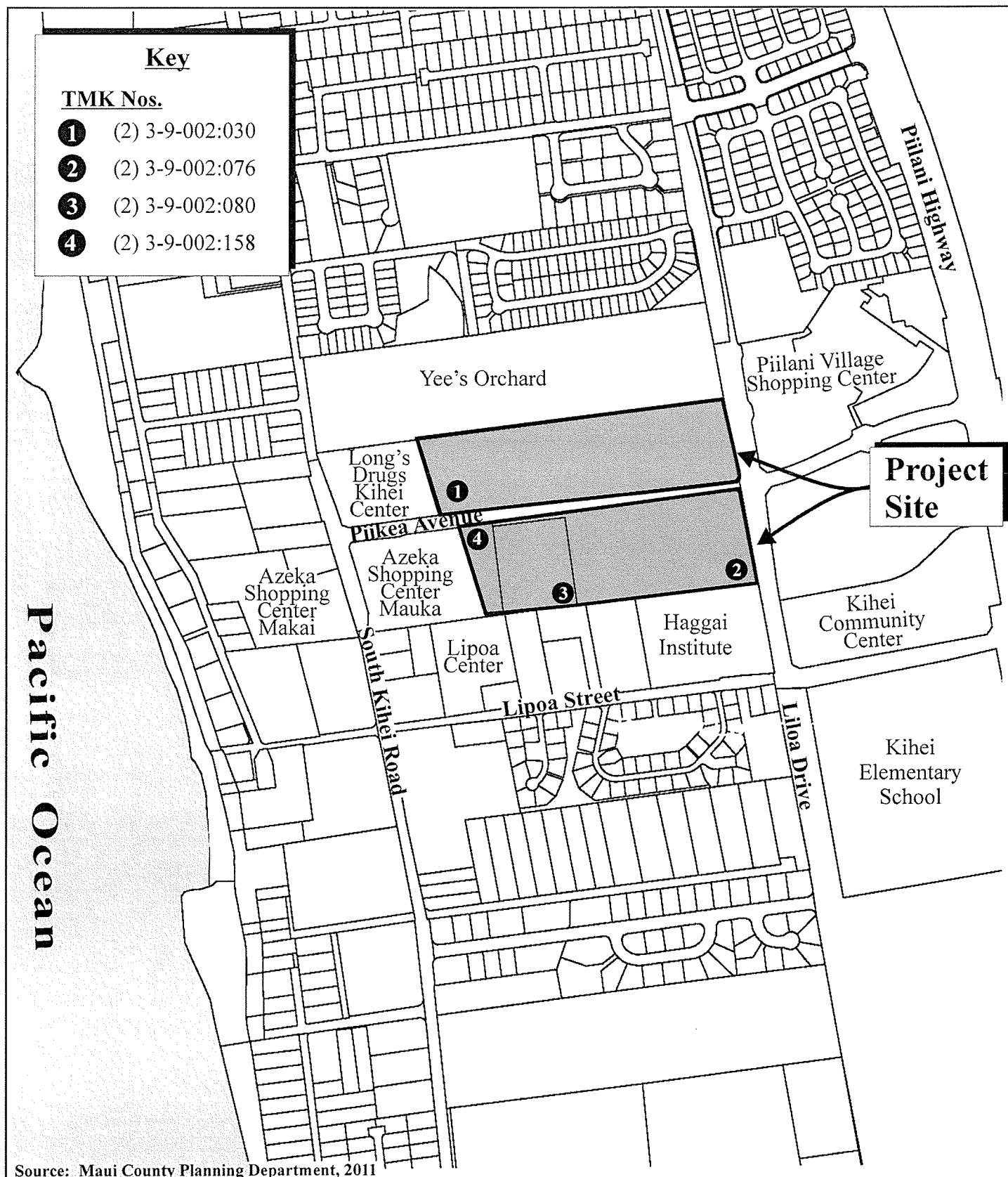
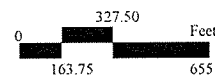


Figure 2 **Proposed Downtown Kihei Project**
Property Location Map



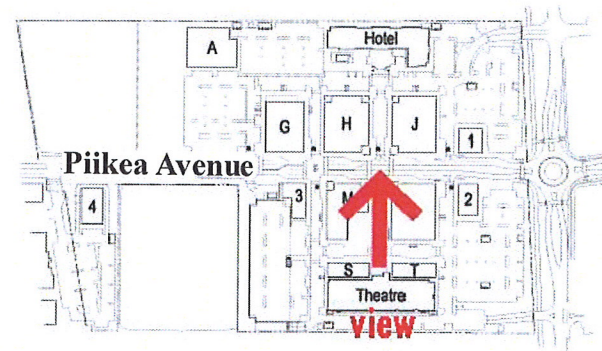
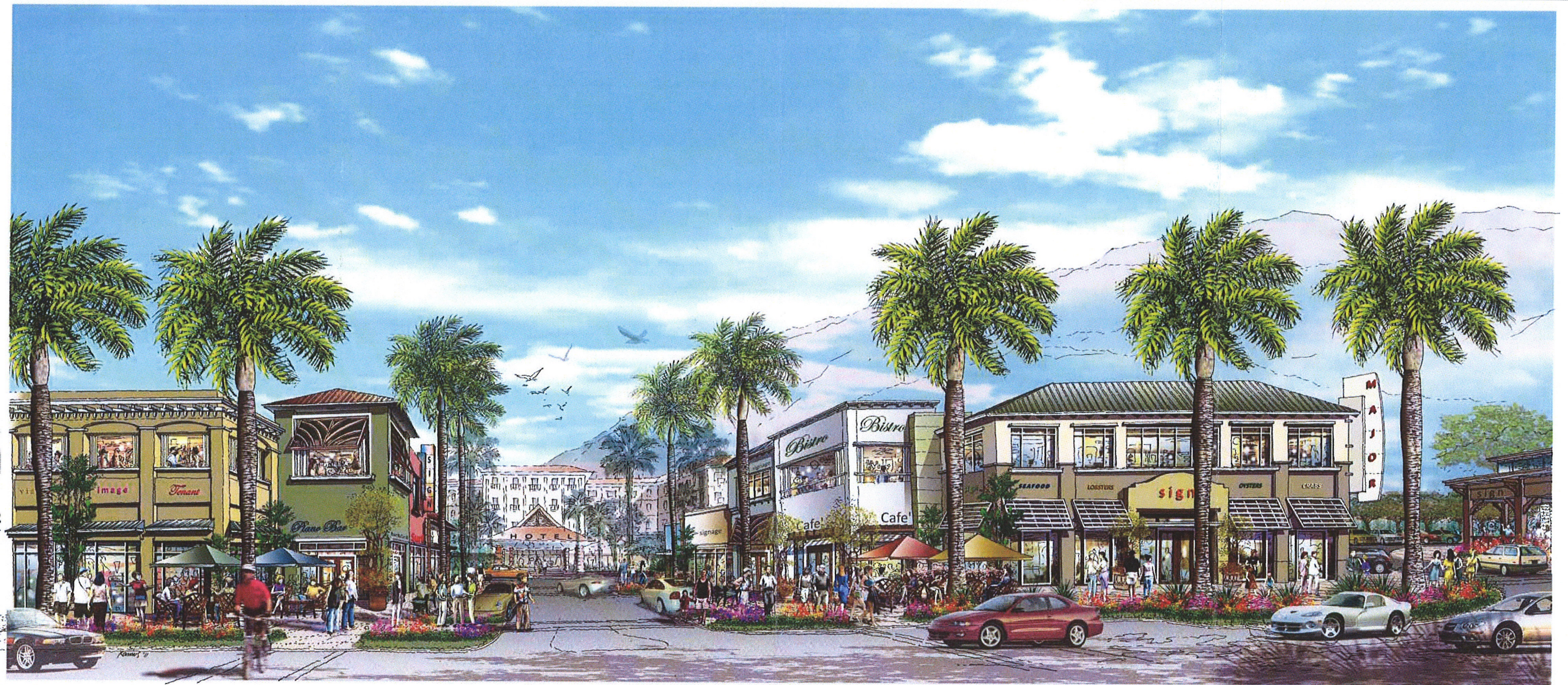
Parcel 030 is owned by Krausz Kihei One, LLC and Parcels 076, 080, and 158 are owned by Krausz Kihei Two, LLC. Piikea Avenue and Liloa Drive are County-owned roadways.

B. PROPOSED ACTION

The proposed Downtown Kihei project is envisioned to be a walkable community that minimizes reliance on the automobile and encourages alternate modes of transportation such as bicycles and buses. The intent is to provide opportunities for entertainment and employment in a setting that complements and enhances the existing Kihei townscape.

The project deviates from the current linear commercial corridor along South Kihei Road and creates an identifiable downtown center in Kihei with a mixture of office, commercial, retail and hotel uses situated within “city blocks”, similar to other historic towns on Maui like Wailuku. In keeping with this concept, a village square is proposed and related promenades throughout the “city blocks” are planned. The architectural character of the buildings will consist of one- and two-story structures in accordance with design standards outlined by the Kihei-Makena Community Plan. See **Appendices “A” and “A-1”**. The buildings along Piikea Avenue are oriented toward the street with parking located along the internal streets. See **Figure 3**. This site plan allows convenient circulation within the development while encouraging circulation north and south of Piikea Avenue. Alternative modes of transportation to the site will be encouraged through the provision of bus stops and pedestrian and bicycle pathways.

The proposed Downtown Kihei project is partitioned by Piikea Avenue into a southern and northern development consisting of a total of thirteen (13) retail and commercial buildings and a hotel. It is noted that on the south side of Piikea Avenue, Parcel 080, an enhanced wetland, will not be developed. Similarly, the enhanced wetland area on Parcel 030 to the north of Piikea Avenue will not be developed either. See **Figure 4** and see the listing of existing and proposed land uses in **Table 2**, below.



Source: Stoutenborough, Inc.

Figure 3



Prepared for: The Krausz Companies, Inc.

Proposed Downtown Kihei Project View Along Piikea Avenue Towards Hotel

NOT TO SCALE


MUNEKIYO & HIRAGA, INC.



Source: Stoutenborough, Inc.

Figure 4

Proposed Downtown Kihei Project Site Plan

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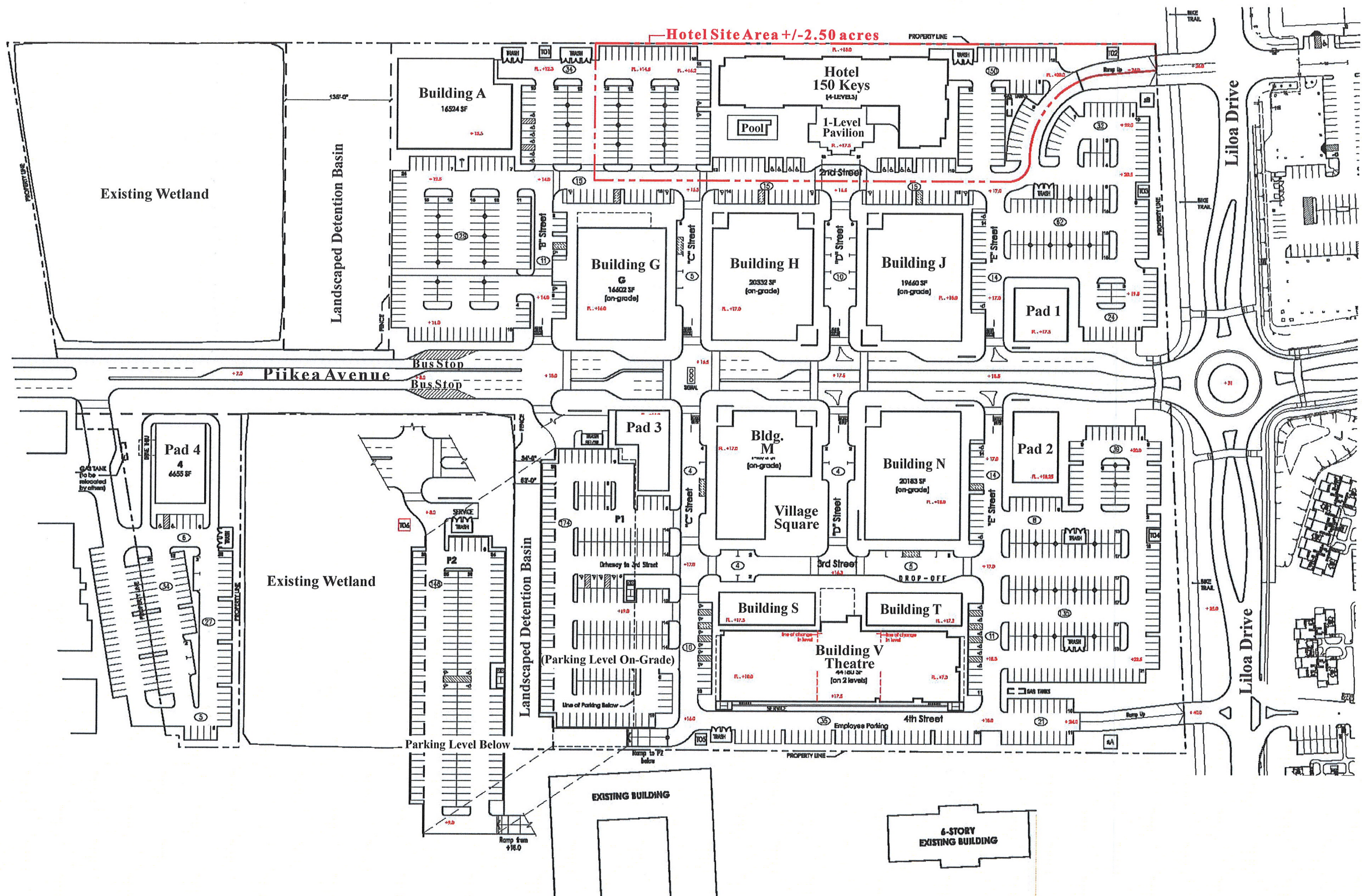
Prepared for: The Krausz Companies, Inc.

MUNEKIYO & HIRAGA, INC.

Table 2. Existing and Proposed Land Uses

Parcel (Size)	Land Use	
	Existing	Proposed
030 (13.47 acres)	-Vacant Land (10.47 acres) - Enhanced Wetland (3.00 acres)	- 4-story, 150-room select-services hotel (2.6 acres) - 114,944 square feet of commercial and retail space in five (5) buildings - 515 on-grade parking stalls - Landscaped detention basin - Enhanced man-made wetland (3.00 acres)
076 (9.092 acres)	-Vacant Land	- 97,974 square feet commercial and retail space in six (6) buildings - 44,180 square-foot, 60-foot-tall movie theater building - Village square - Landscaped detention basin - 612 on-grade and deck parking stalls
080 (3.50 acres)	-Enhanced Wetland	- Enhanced man-made wetland
158 (1.376 acres)	-Vacant Land	- 6,655-square-foot commercial and retail building - 72 on-grade parking stalls

In the southern development, Parcel 076 will contain seven (7) one- and two-story buildings, while Parcel 158 will contain an approximately 6,655-square foot (sq. ft.) one-story commercial building. Total gross leasable area for the southern development on Parcel 076 is approximately 142,154 sq. ft., including an approximately 44,180-sq. ft. movie theater building. Four (4) of the buildings on Parcel 076 will be situated to create a village square. Approximately 684 parking spaces consisting of approximately 148 stalls below a portion of the 464 on-grade stalls are provided on Parcel 076 and 72 on-grade stalls are provided on Parcel 158 in the southern development. Four (4) solar canopies on the upper (on-grade) level of the parking structure will provide shade for parked vehicles while generating energy to power a portion of Downtown Kihei. The parking structure is separated from the existing adjacent enhanced man-made wetland located to the west on Parcel 080 by a 53-foot-wide landscaped detention basin running the length of the western property boundary of Parcel 076. See **Figure 5** and **Figure 6**.



Source: Stoutenborough, Inc.

Figure 5

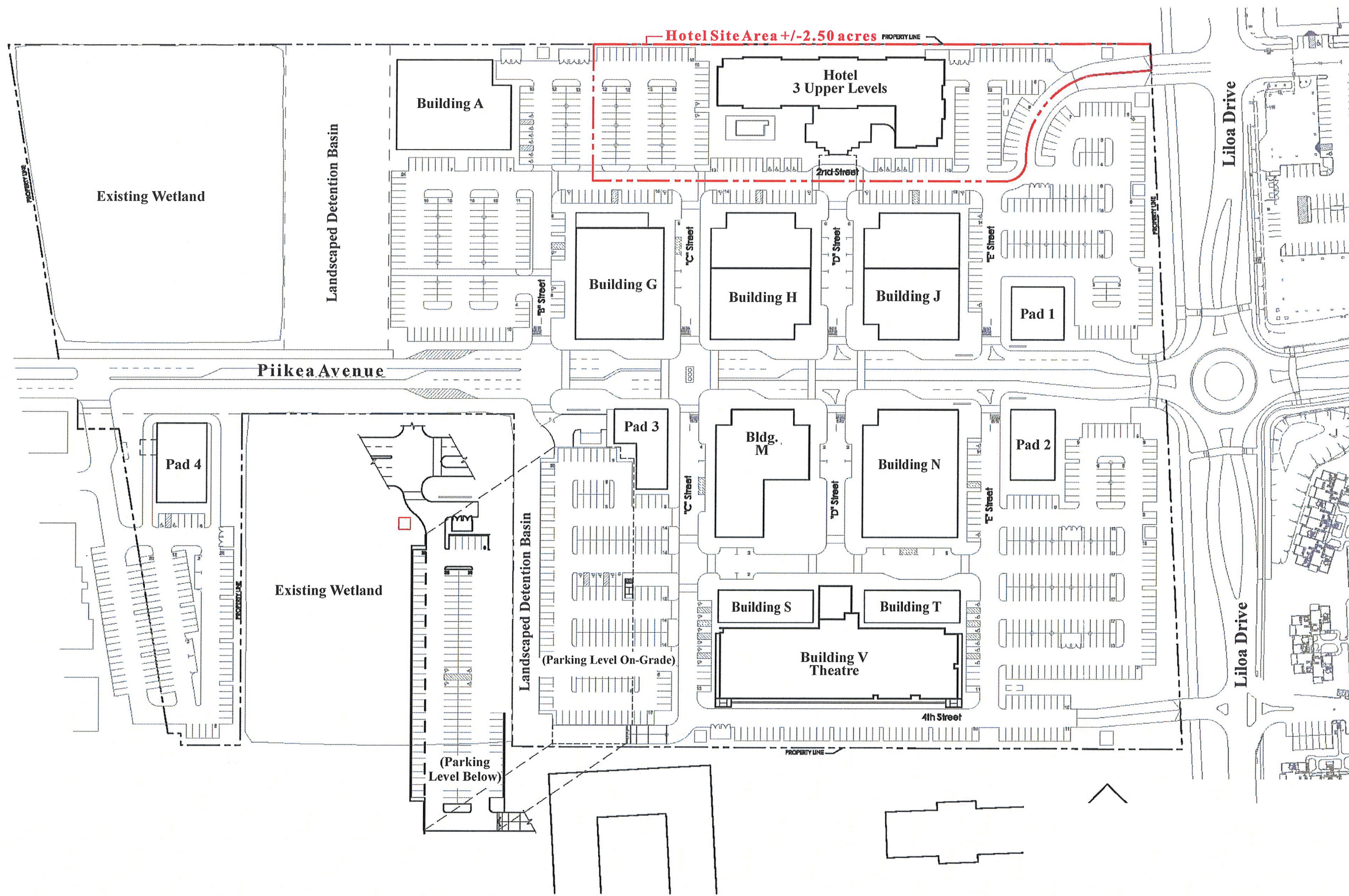
Proposed Downtown Kihei Project Ground Level Site Plan

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Prepared for: The Krausz Companies, Inc.





Source: Stoutenborough, Inc.

Figure 6

Proposed Downtown Kihei Project Second Level Plan

NOT TO SCALE



Prepared for: The Krausz Companies, Inc.

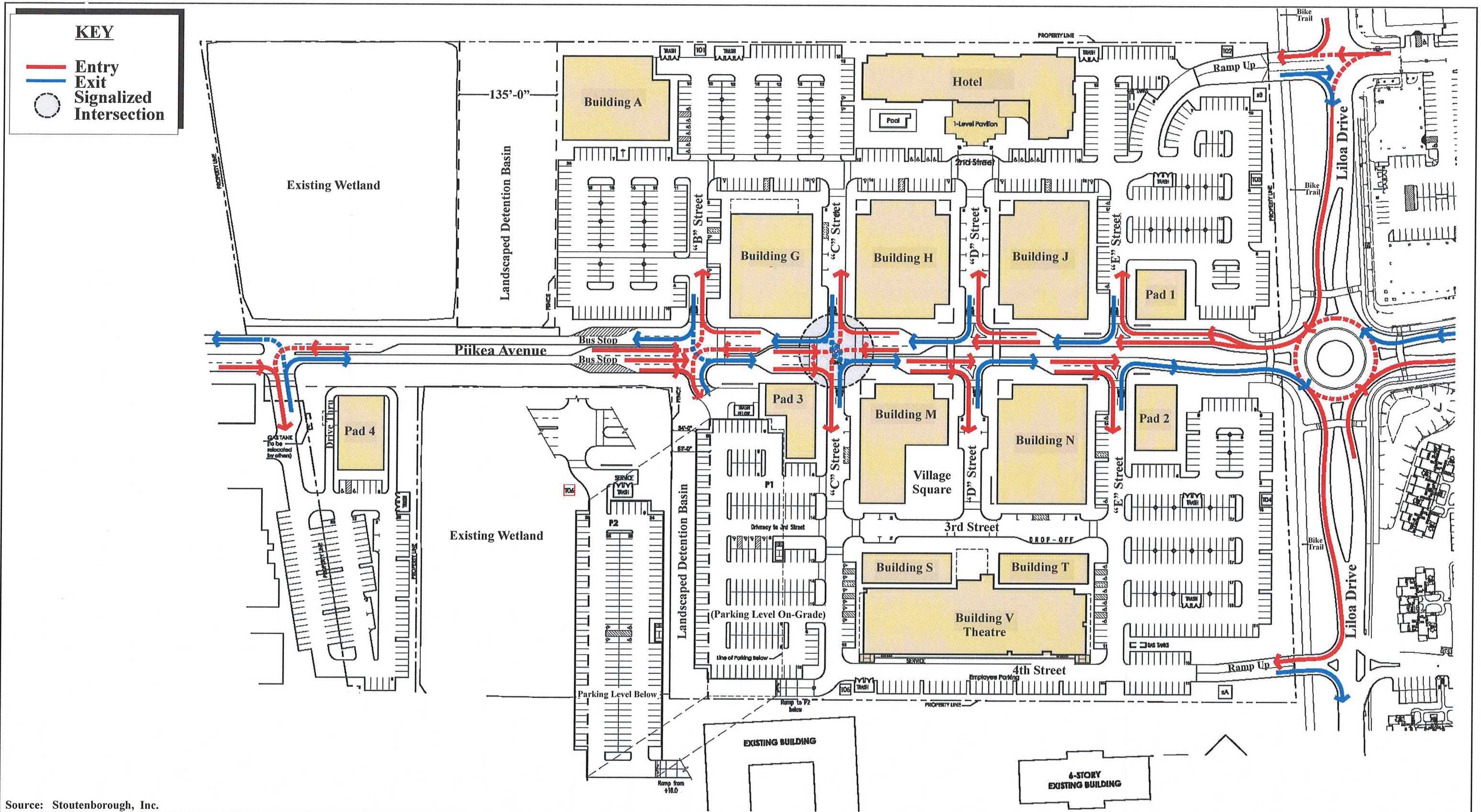
MUNEKIYO & HIRAGA, INC.

Access to Parcel 076 is from four (4) driveways on Piikea Avenue and a driveway access on Liloa Drive directly across the access to an existing apartment complex. The easternmost driveways into Parcel 030 and Parcel 076 will be limited to right-turn in and out movements to prevent traffic conflicts with the Liloa Drive Roundabout. The other driveways into Parcel 030 and Parcel 076 will allow all turning movements. Access to Parcel 158 will be through a shared driveway with Azeka Place, located to the west of Parcel 158, on Piikea Avenue. See **Figure 7**.

The northern development will contain five (5) commercial and retail buildings consisting of approximately 114,944 sq. ft. of gross leasable area, as well as a 150-room, four-story, approximately 93,000-sq.ft. select-services hotel. See **Figure 8**. The select services and amenities provided by this hotel will include a pool and gardens, and each room will have a lanai. Approximately 515 on-grade parking spaces are provided within the northern development. The project is separated from the existing enhanced wetland on the western portion of Parcel 030 by an approximately 135-foot-wide landscaped detention basin that is integral to the drainage system for the development. Refer to **Figures 4, 5, and 6**.

Access to the northern development on Parcel 030 will be from four (4) driveways on Piikea Avenue directly across Parcel 076 and from a driveway access on Liloa Drive directly across the driveway access to the Piilani Village Shopping Center which is located to the east of Parcel 030.

At present, the exact mix of business, retail, and commercial uses and their locations within the project are unknown. The applicant proposes to construct the shells of the commercial buildings, and future individual tenants will be responsible for completing their respective interior renovations in accordance with design guidelines established for the development. The design guidelines are presented in **Appendix "A-1"**. Anticipated commercial uses for the project include retail, service providers, restaurants, general offices, medical offices, financial institutions, public uses, a hotel, and a theater. Pursuant to Maui County Code (MCC), Title 19, Chapter 19.36, approximately 1,127 parking stalls are required. Should the MCC be revised to incorporate parking standards to encourage sustainable site design, Downtown Kihei will consider the revised parking standards, as appropriate.



Source: Stoutenborough, Inc.

Figure 7

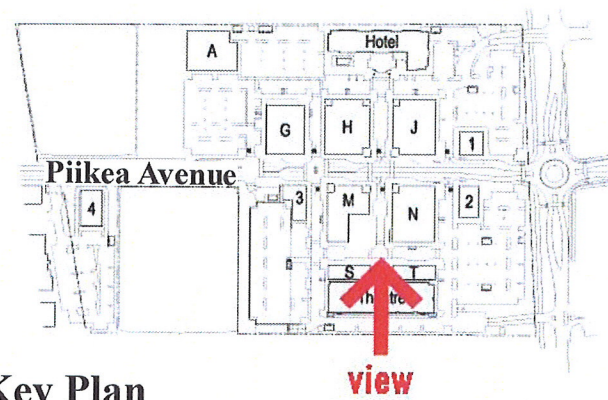
Proposed Downtown Kihei Project Vehicular Access Plan

NOT TO SCALE



Prepared for: The Krausz Companies, Inc.

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Key Plan

Source: Stoutenborough, Inc.

Figure 8

Proposed Downtown Kihei Project
View of Village Square Towards Hotel

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Prepared for: The Krausz Companies, Inc.



SUSTAINABILITY INITIATIVES

The project will seek Leadership in Energy and Environmental Design (LEED) certification. Project plans will incorporate the following sustainability measures to achieve this certification:

- Sustainable Site Design
 - Establishment of community connectivity with pedestrian and bicycle access ways
 - Mix of uses to reduce parking demand, provide for the efficient use of the project site, and create outdoor public spaces
 - Access to public and alternative modes of transportation
 - Implementation of quantity and quality control of storm water
 - Reduction of light pollution with fully shielded, downward facing exterior light fixtures
- Water Efficiency
 - Reduction in water use by more than 20 percent over the Energy Policy Act of 1992
 - Use of water efficient landscaping and climate adapted plants
 - Use of innovative wastewater technologies
- Energy Efficiency
 - Optimized energy performance through installation of energy-efficient fixtures and appliances
 - Onsite renewable energy generation through installation of photovoltaic panels (e.g., solar canopies) or other means
 - Onsite electrical charging of low-emitting and fuel-efficient vehicles

- Sustainable Building Materials and Construction
 - Construction activity pollution prevention through implementation of Best Management Practices
 - Storage and collection of recyclables
 - Use of regional and recycled materials when possible
 - Use of low-emitting paints, flooring, adhesives, and composite wood
 - Implementation of construction waste management plan

C. PROJECT NEED

A market analysis report was prepared by John Child & Company, the effective date of which is August 5, 2011. See **Appendix “B”**. This report assessed the market support for the hotel and commercial components of the proposed Downtown Kihei project. The report found that the Downtown Kihei select-services hotel and neighborhood retail and office spaces hold a unique position in the South Maui market. The select-services hotel will be marketed to families on a budget, particularly off-island, local families. The hotel would fill a niche in visitor accommodations in Kihei, while the retail and commercial component of Downtown Kihei would satisfy the projected increase in resident demands that will be generated by the growing South Maui population.

In regards to the proposed hotel, there are approximately 4,133 existing visitor accommodation units in Kihei. There are no anticipated additions to the current supply, and the projected annual room demand in Kihei is projected to increase through 2020. In consideration of the existing supply of visitor accommodations and a historical long-term stabilized occupancy rate of 75 percent, the market analysis determined that Kihei’s existing supply would reach 75 percent occupancy by 2013. The market analysis concludes that the South Maui market would support the development of an additional 108 rooms in 2014 and approximately 436 rooms by 2020. Given that there is limited competition for Downtown Kihei’s proposed 150-room hotel, the Downtown Kihei hotel is expected to capture at least 50 percent of the annual new room demand in Kihei after 2013, and the hotel would achieve stabilized occupancy between 2015 and 2016.

The market report stated that the Downtown Kihei select-services hotel holds a competitive position in the market, as Kihei is an established visitor destination with continuous appeal.

Moreover, Kihei's existing visitor accommodations are somewhat dated and offer limited amenities, being comprised of smaller, budget hotels and independently owned condominiums that require longer stays. Larger luxury hotel chains do not have a presence in Kihei. The market analysis indicates that the Downtown Kihei hotel would attract airline crew members staying overnight, as well as visitors from neighbor islands traveling to Maui for business, sporting events, or weekend vacations. Airline crews would be attracted to the proposed hotel for its accessibility from the Kahului Airport and its planned retail, restaurant, and entertainment venues. Neighbor island residents would stay at the proposed hotel for its proximity to major employment, educational, and recreational facilities.

In terms of the commercial retail and office component of Downtown Kihei, it is recognized that Kihei is the primary commercial area for residents and visitors in the South Maui region which stretches from Maalaea to Makena. In determining projected market support for Downtown Kihei, the market report analyzed both resident and visitor expenditures in the South Maui region alongside projected demand and future supply for retail and commercial development. Downtown Kihei will be the only new commercial center makai of Piilani Highway in Central Kihei. Although two (2) new commercial centers are being planned mauka of Piilani Highway, these centers are not anticipated to compete directly with Downtown Kihei, particularly due to its distinctive neighborhood retail offerings and synergies with the nearby groceries in the Piilani Village Shopping Center, Azeka Shopping Center Mauka, and Longs Drugs Kihei Center. Downtown Kihei's offerings are anticipated to capture a majority of visitor sales, and Downtown Kihei has a captive market with its select-services hotel. Moreover, being located within an established and growing residential community, Downtown Kihei is anticipated to attract a portion of the resident market as well. The commercial component is anticipated to achieve stabilized occupancy by 2020, as shown in **Table 3** below.

Table 3. Projected Market Support for Downtown Kihei Commercial Component

	Additional Space Requirement		Capture Rate	Downtown Kihei Commercial Component			
Period	Low (Sq. Ft.)	High (Sq. Ft.)		Per Period		Cumulative	
				Low (Sq. Ft.)	High (Sq. Ft.)	Low (Sq. Ft.)	High (Sq. Ft.)
2010 - 2015	172,000	224,000	60%	103,000	134,000	103,000	134,000
2015 - 2020	119,000	159,000	60%	71,000	95,000	174,000	229,000
2020 - 2025	121,000	158,000	60%	73,000	95,000	247,000	324,000
2025 - 2030	116,000	153,000	60%	70,000	92,000	317,000	416,000
Source: John Child & Company, 2011.							

D. ENTITLEMENTS AND APPROVALS REQUIRED

Certain land use entitlements and approvals will be required in order for the proposed Downtown Kihei project to proceed, as described below:

1. Community Plan Amendment

In order to enable the development of the proposed select-services hotel on Parcel 030, a Community Plan Amendment (CPA) will be required. An amendment to the Community Plan Map will be pursued to change the underlying Kihei-Makena Community Plan designation for the approximate 2.6-acre hotel site on Parcel 030 from “Business/Commercial (B)” to “Hotel” (H). See **Figure 9**. Additionally, an amendment to the Planning Standards for Land Use will be pursued to allow a portion of the movie theater building in the southern development to exceed the maximum amendment to the Planning Standards for Land Use will be pursued to allow a portion of the movie theater building in the southern development to exceed the maximum 35-foot height limit recommended for new commercial buildings to be up to 60 feet tall. The proposed amendment to Part III, Section C-1, Land Use Standards, is to add the following item: “*g. Development of the theater on a portion of the Downtown Kihei property identified as TMK (2) 3-9-002:076(por.), approximately 29,500 square feet, shall have a height limit of 60 feet*”.

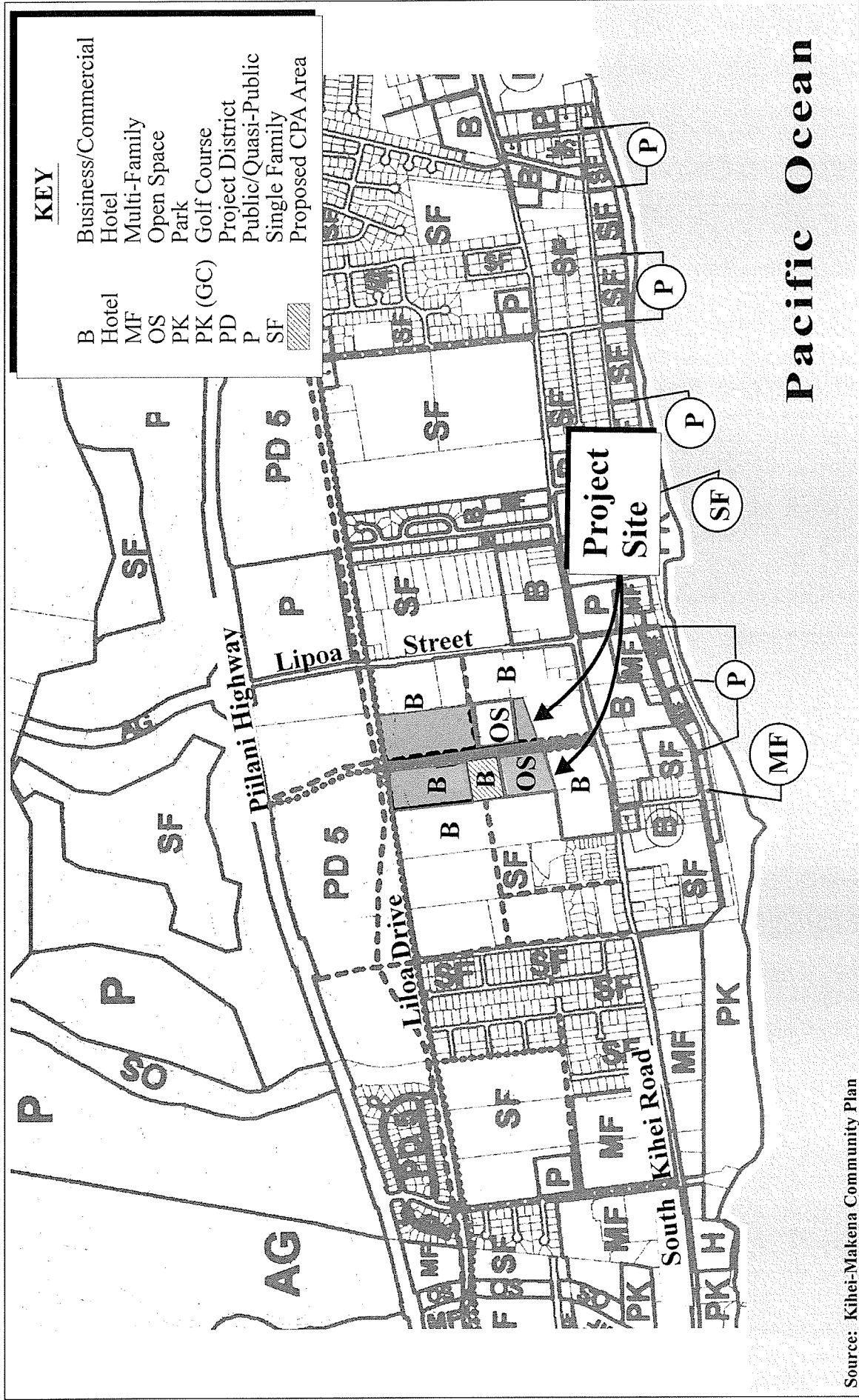


Figure 9

Proposed Krausz Kihei Downtown Mixed-Use Development Kihei-Makena Community Plan Land Use Map



Prepared for: The Krausz Companies, Inc.

MUNEKIYO & HIRAGA, INC.

Krausz/Kihei MixedUse/Final EA(CPLUD

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The CPA will initially be reviewed by the Maui Planning Commission (MPC) which will make a recommendation to the Maui County Council. Final review and approval of the CPA will be by the Maui County Council and Mayor through enactment of an ordinance.

2. **Change in Zoning**

In order to achieve zoning conformance with the underlying “Business/Commercial (B)”, “Open Space (OS)”, and proposed “Hotel (H)” Kihei-Makena Community Plan designations, an application for a Change in Zoning (CIZ) will be submitted, as outlined in **Table 4** below. Similar to the CPA, initial review of the CIZ is by the MPC, with final review and approval by the Maui County Council and Mayor through an enactment of an ordinance.

Table 4. Proposed Change-in-Zoning

Parcel	Current Zoning	Proposed Zoning
Parcel 030	R-3, Residential	B-2, Community Business District (7.841 acres) OS-1, Open Space “Passive” (3.00 acres) H-M, Hotel-Medium District (2.628 acres)
Parcel 076	R-3, Residential	B-2, Community Business District
Parcel 080	R-3, Residential	OS-1, Open Space “Passive” District
Parcel 158	R-3, Residential	B-2, Community Business District

3. **Special Management Area Use Permit**

The project site is located within County of Maui’s Special Management Area (SMA), which extends from the shore to the makai (ocean side) boundary of the Piilani Highway right-of-way. Based on the proposed scope of work, a SMA Use Permit will be required, involving review and approval by the MPC through a public hearing process. Parcel 080 will not be included in the SMA Use Permit application, as there is no development proposed in this parcel. It is noted that the SMA Use Permit application will be processed concurrently with the CPA and CIZ applications, but action on the SMA application by the MPC will be deferred pending completion of the CPA and CIZ land entitlement process by the Maui County Council and Mayor.

E. CHAPTER 343, HAWAII REVISED STATUTES REQUIREMENT

The proposed development will involve a CPA for Parcel 030, and roadway improvements will affect the County's Piikea Avenue and Liloa Drive rights-of-way. The community plan amendment (i.e., CPA), and use of County lands are triggers for environmental review pursuant to Chapter 343, Hawaii Revised Statutes (HRS). In particular, based on the anticipated scope of work, the proposed action requires the preparation and processing of an Environmental Assessment (EA). It is noted that the EA will serve as the supporting technical document for the CPA, CIZ, and SMA Use Permit applications, and the MPC will serve as the approving agency for the EA.

F. IMPLEMENTATION TIME FRAME AND PROJECT COST

The development of the proposed Downtown Kihei project will commence upon receipt of regulatory and construction permits and approvals. It is estimated that site construction will be completed in the summer of 2015. The estimated cost of construction for the proposed project is approximately \$72,222,660.00.

II. DESCRIPTION OF EXISTING CONDITIONS, POTENTIAL IMPACTS, AND PROPOSED MITIGATION MEASURES

II. DESCRIPTION OF EXISTING CONDITIONS, POTENTIAL IMPACTS, AND PROPOSED MITIGATION MEASURES

A. PHYSICAL ENVIRONMENT

1. Surrounding Land Uses

a. Existing Conditions

The project site is located within the heart of Kihei Town, which contains a variety of residential, business/commercial, civic, and recreational land uses. The project site is bordered to the west by Longs Drugs Kihei Center and the Azeka Shopping Center Mauka; to the north by a mango orchard with a single-family residential neighborhood beyond; to the east by the Piilani Village Shopping Center and a multi-family residential neighborhood; and to the south by various commercial and business centers and Haggai Institute Maui along Lipoa Street, with single-family residential neighborhoods beyond. Refer to **Figure 2**. Numerous public facilities, including the Kihei Community and Aquatic Center, Kihei Elementary School, Kihei Public Library, Kihei Post Office, and Kihei Fire Station, are located within one (1) mile of the project site.

The coastal area of Kihei includes numerous resort-oriented condominiums situated along South Kihei Road. Kalepolepo Park, Kalama Park, Cove Park, and Kamaole Beach Parks I, II, and III are among the popular recreational facilities found in Kihei, to the west of the project site. The Elleair Maui Golf Club, the only golf course in Kihei outside of the resort areas of Wailea and Makena, is located due east of the project site, on the mauka (upland) side of Piilani Highway.

b. Potential Impacts and Proposed Mitigation Measures

The proposed project is not anticipated to have an adverse impact on surrounding land uses. Rather, in providing office and commercial spaces for retail, service providers, restaurants, recreation, educational and public uses,

the proposed Downtown Kihei project is considered to be complementary to the surrounding land uses. The proposed project is designed and intended to enhance the surrounding Kihei commercial area by creating an identifiable downtown area.

2. Climate

a. Existing Conditions

Maui is characterized by a semi-tropical climate containing a multitude of individual microclimates. The mean annual temperature of the island at all locations near sea level is approximately 75 degrees Fahrenheit. A high proportion of the rainfall that Maui receives each year falls on the northeast facing shores leaving the south and southwest coastal areas relatively dry. The project site is located within one of these drier areas of the southwest coast.

The Kihei coast is generally sunny, warm, and dry throughout the entire year. Annual temperatures in the region average in the mid 70's. June through August are historically the warmer months of the year, while the cooler months are January through March. During the summer months, average daily temperatures in Kihei typically range from the low 70's to the high 80's (County of Maui, Office of Economic Development, 2011).

Average rainfall distribution in the Kihei-Makena region varies from under 10 inches per year along the coastline to more than 20 inches per year in the higher elevations. Rainfall in the Kihei-Makena region is highly seasonal, with most of the precipitation occurring in the winter months (County of Maui, Office of Economic Development, 2011).

Northeast tradewinds prevail approximately 80 to 85 percent of the time. Tradewinds originating from the northeast average 10 to 15 miles per hour during afternoons, with slightly lighter winds during mornings and nights. Between October and April, the southerly winds of Kona storms may be experienced (County of Maui, Office of Economic Development, 2011).

b. **Potential Impacts and Proposed Mitigation Measures**

According to the United States Environmental Protection Agency, the development of cities and suburban areas has a tendency to increase temperatures slightly (up to 10 degrees Fahrenheit, in dense cities) as compared to surrounding natural land cover. This “heat island” effect, as it is often denoted, refers to urban air and surface temperatures that may be higher than nearby rural or undeveloped areas (U.S. Environmental Protection Agency).

In order to minimize the potential of an elevated heat island profile, a number of landscaping measures are being incorporated into the project plans. For example, shade trees and landscape vegetation will be planted throughout Downtown Kihei to take advantage of the natural cooling effects of shading and the evaporative effects of water from the soil and leaves. Landscape enhancements like trellises and ornamental tree and accent plantings around buildings will also provide cooling effects. Refer to **Appendix “A-1”**.

Further, the buildings will be architecturally designed and built with a low profile to minimize trapped heat between buildings and to maximize natural air flow around and through the buildings. It is anticipated that these mitigation measures will serve to offset the potential heat island effect of the buildings, and pavement in the proposed project. As a result, the proposed action is not anticipated to significantly alter local micro-climates.

3. **Topography and Soils**

a. **Existing Conditions**

The project site as a whole generally slopes in an easterly to westerly direction, towards the ocean. Parcel 030 slopes from an elevation of approximately 27 feet above mean sea level (amsl) at its easterly end along Liloa Drive to approximately 4 feet amsl at the eastern edge of the enhanced wetland area for an average slope of approximately 1.2 percent. Parcel 076 slopes from an elevation of approximately 39 feet amsl at its easterly end along Liloa Drive to approximately 4 feet amsl at its westerly end for an average slope of approximately 3.1 percent. Parcel 158 is relatively flat, sloping from an elevation of approximately 8 feet amsl at its eastern end to

approximately 7 feet amsl at its western end for an average slope of approximately 0.7 percent. See **Appendix “C”**.

Underlying the project site are soils belonging to the Pulehu-Ewa-Jaucas association. See **Figure 10**. The Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii characterizes the soils of the Pulehu-Ewa-Jaucas association as consisting of well-drained and excessively drained, moderately fine to coarse-textured soils on alluvial fans and in basins. These soils are nearly level to moderately sloping, which developed in material weathered from basic igneous rock, coral, and seashells. The association makes up about four (4) percent of the island (Soil Conservation Service).

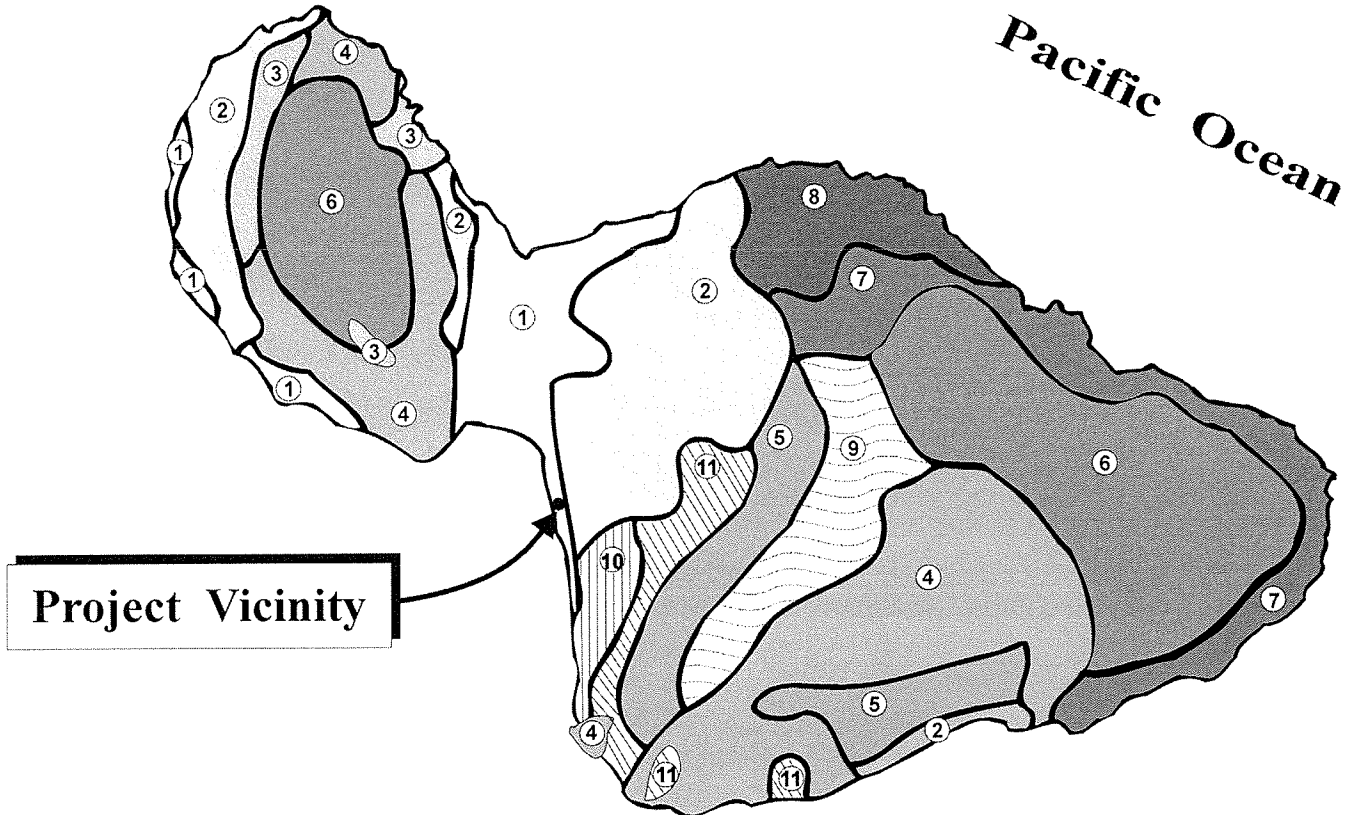
According to the above-mentioned soil survey, the specific soil type underlying the project site include Pulehu clay loam (PsA), Puuone sand (PZUE), and Jaucas sand, saline (JcC). See **Figure 11**. Pulehu clay loam (PsA) at 0 to 3 percent slopes occurs on alluvial fans between sea level and 300 feet in elevation stream terraces and basins. This is a moderate-drained soil with low runoff hazard. Puuone sand (PZUE) at 7 to 30 percent slopes occurs at elevations between 50 and 350 feet. This soil type is somewhat excessively drained with low runoff hazard. A cemented layer is typically found at 20 to 40 inches below the surface. Jaucas sand, saline (JcC) at 0 to 12 percent slopes is typically found near the ocean where the water table is near the surface and salts have accumulated and at elevations between sea level and 100 feet. This soil type is poorly drained in depressions but excessively drained on knolls with negligible runoff hazard. Typical depth to the water table is within a depth of 30 inches. It is noted that the western portion of Parcel 030 and the entirety of Parcel 080 are wetlands.

b. Potential Impacts and Proposed Mitigation Measures

The proposed Downtown Kihei project is compatible with the project site’s underlying soil characteristics. The project site will be cleared, graded, and grubbed to ensure the slope of the development is compliant with Americans with Disabilities Act (ADA) design standards. Site work will also involve construction of retaining walls and installation of underground

LEGEND

- | | |
|--|-------------------------------------|
| ① Pulehu-Ewa-Jaucas association | ⑦ Hana-Makaalae-Kailua association |
| ② Waiakoa-Keahua-Molokai association | ⑧ Pauwela-Haiku association |
| ③ Honolua-Olelo association | ⑨ Laumaia-Kaipoi-Olinda association |
| ④ Rock land-Rough mountainous land association | ⑩ Keawakapu-Makena association |
| ⑤ Puu Pa-Kula-Pane association | ⑪ Kamaole-Oanapuka association |
| ⑥ Hydrandepts-Tropaquods association | |



Source: USDA, Soil Conservation Service

Figure 10 Proposed Downtown Kihei Project
Soil Association Map

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Prepared for: The Krausz Companies, Inc.

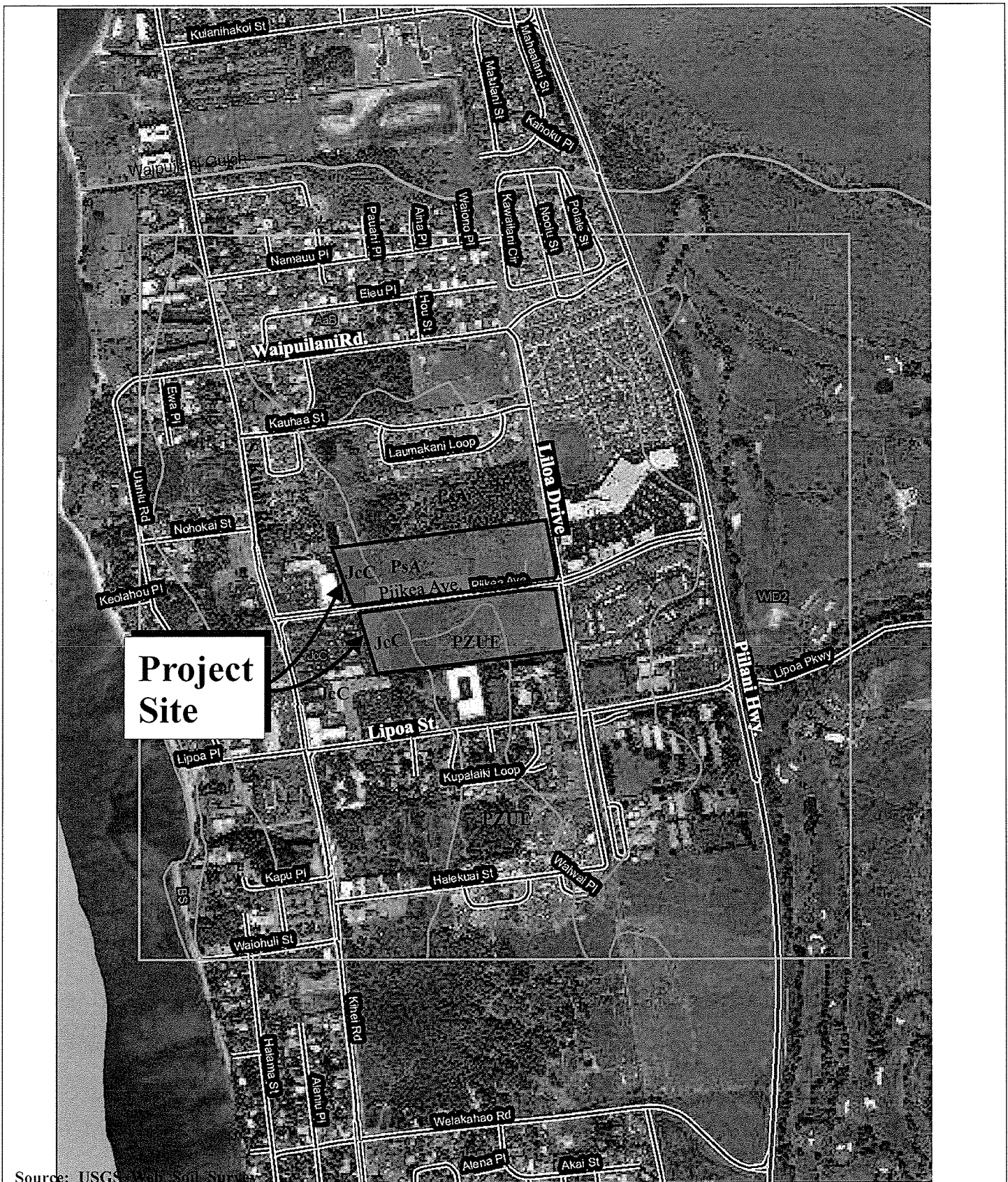


Figure 11 Proposed Downtown Kihei Project
Soil Classification Map

NOT TO SCALE



Prepared for: The Krausz Companies, Inc.

MUNEKIYO & HIRAGA, INC.

utilities and infrastructure. To control runoff, sedimentation, and erosion, several Best Management Practices (BMPs) will be implemented in accordance with applicable provisions of the Maui County Code and the project-specific National Pollutant Discharge Elimination System (NPDES) permit. These may include the following: constructing of detention basins to capture sedimentation to minimize the quantity of sediment in storm water runoff leaving the site, protecting of natural vegetation, using wind erosion control, intercepting runoff above disturbed slopes, and using seeding and fertilizing or other soil erosion control. The site plan incorporates landscaped detention basins within Parcel 030 and Parcel 076 between the developed areas and the existing wetlands. The wetland areas on Parcels 030 and 080 will not be altered with the proposed action. There are no geologic or soil hazard limitations associated with the project site, and the underlying topography does not pose a constraint to development. The site plan has been designed to integrate the proposed buildings with the gentle slope of the landscape.

4. Agriculture

a. Existing Conditions

In 1977, the State Department of Agriculture developed a classification system to identify Agricultural Lands of Importance to the State of Hawaii (ALISH). The classification system is based primarily, though not exclusively, upon the soil characteristics of the lands. The three (3) classes of ALISH lands are: "Prime", "Unique", and "Other Important" agricultural land, with all remaining lands termed "Unclassified".

When utilized with modern farming methods, "Prime" agricultural lands have a soil quality, growing season, and moisture supply necessary to produce sustained crop yields economically. "Unique" agricultural lands possess a combination of soil quality, growing season, and moisture supply to produce sustained high yields of a specific crop. "Other Important" agricultural lands include those that have not been rated as "Prime" or "Unique", but are of state-wide or local importance for agricultural use. As reflected by the ALISH map for the project region, the project site is "Unclassified" and is located in an area designated for urban use.

The University of Hawaii, Land Study Bureau (LSB) developed the Overall Productivity Rating, which classified soils according to five (5) levels, with “A” representing the class of highest productivity soils and “E” representing the lowest. These letters are followed by numbers which further classify the soil types by conveying such information as texture, drainage, and stoniness.

The project site is primarily located on lands designated “E4”, with portions of the site on lands designated “B4i” and “E74”. Lands designated “E4” are non-stony and well-suited for machine tillability, with course well-drained soils over 30 inches deep. Lands designated “B4i” are essentially irrigated “E4” lands and otherwise exhibit like characteristics. Lands designated “E74” are non-stony yet poorly suited for machine tillability. These soils are moderately fine in texture and poorly drained (University of Hawaii, Land Study Bureau, May 1967). Since its classification in 1967, the lands underlying and surrounding the project site have been urbanized or designated for urban land uses.

b. Potential Impacts and Proposed Mitigation Measures

The project site is currently vacant and undeveloped. A mango orchard was established on the northwestern portion of Parcel 076 in the late 1950s; however, this orchard was left fallow by the mid-1980s. Otherwise, the site has not been used for cultivated crops. Residual agricultural pesticides and fertilizers are not anticipated in the vicinity of the project site.

There are no current or planned agricultural activities occurring on the project site. In the context of the project site’s underlying designation for residential and business/commercial purposes and its neighboring urban environs, no adverse impacts to agricultural resources are anticipated as a result of the proposed project. A mango orchard located to the north of the project site is not anticipated to experience any adverse impacts as a result of project implementation. Best Management Practices (BMPs) for water quality and air quality will be implemented during the construction period to contain runoff, sedimentation, and dust that may be generated by construction activities. BMPs will include constructing retention basins to capture sedimentation and minimize the quantity of sediments leaving the site using wind erosion control measures, such as wind fences and/or other soil erosion control techniques.

5. Flood and Tsunami Hazards

a. Existing Conditions

As indicated by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the area, the mauka (eastward) portion of the project site (portions of Parcel 030 and 076) are located in Flood Zone X (unshaded). The makai (westward) portion of the project site, consisting of a portion of Parcel 030 containing the manmade wetland and a portion of Parcel 076, the majority of Parcel 080, and the entirety of Parcel 158, are located in Flood Zone AH, with a base flood elevation of six (6) feet. See **Figure 12**. Flood Zone X (unshaded) denotes areas determined to be outside the 0.2 percent annual chance floodplain, while Flood Zone AH indicates special flood hazard areas subject to inundation by the 1 percent annual chance flood (i.e. 100-year flood), which are usually areas of ponding to depths of one (1) to three (3) feet.

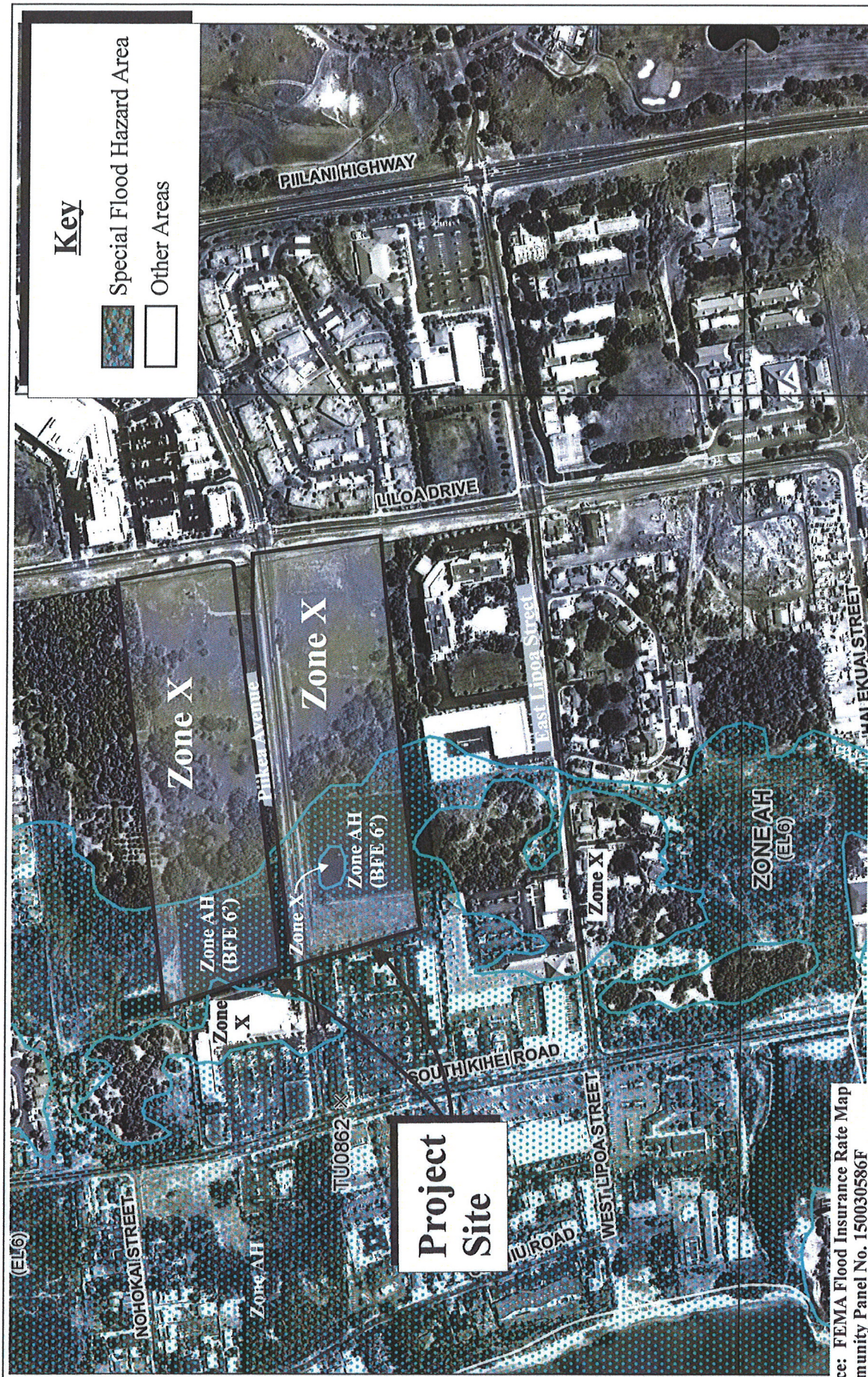
It is noted that FEMA and the County of Maui updated the FIRM in September 2012 and the current FIRM reflects the same flood zones as the previous FIRM for the project site (FEMA, 2012).

The project site is situated outside of the tsunami inundation zone which, in this area, extends mauka (inland) to South Kihei Road (PDC, 1998).

b. Potential Impacts and Proposed Mitigation Measures

There are no restrictions on development for projects located within Flood Zone X. However, due to portions of the project site being located in Flood Zone AH, a special flood hazard area, a Flood Development Permit will be required for project implementation, as applicable. Development of the project site will be in accordance with the standards for development set forth by Section 19.62.060, Maui County Code.

Because the project is located outside of the tsunami inundation area, there are no threats anticipated from coastal wave action.



Source: FEMA Flood Insurance Rate Map
Community Panel No. 150030586F

Figure 12

Proposed Downtown Kihei Project Flood Insurance Rate Map



Prepared for: The Krausz Companies, Inc.



MUNEKIYO & HIRAGA, INC.

Notwithstanding the foregoing, the applicant will work with the State of Hawaii Office of the Director of Civil Defense to establish a 5-foot by 5-foot area on Parcel 158 for the installation of a stand-alone solar powered outdoor warning siren.

6. Flora and Fauna

a. Existing Conditions

Botanical and Fauna Surveys were prepared for the project site by Robert W. Hobdy, environmental consultant, in March 2009. See **Appendix “D”**. The project site contains three (3) distinct vegetation zones. The mauka (easternmost) portion of the project site is a dry savannah dominated by *kiawe* (*Prosopis pallida*) and buffelgrass (*Cenchrus ciliaris*), below which is a dense thicket of *kiawe* and sourbush (*Pluchea carolinensis*). The makai (western) portion of the project site (Parcel 080 and portion of Parcel 030) contains two (2) manmade ponds, effectively wetland areas that host wetland plants in the water and along the damp banks. Predominant species include *makaloa* (*Cyperus lacvigatus*), *kaluha* (*Bolboschoenus maritimus subsp. Paludosus*) and *pickleweed* (*Batis maritima*).

A total of 61 species of flora were observed in the project site, including 11 native species: *aheahea* (*Chenopodium oahuense*), *makaloa*, *kaluha*, *aki aki* (*Sporobolus virginicus*), *akulikuli* (*Sesuvium portulacastrum*), *ilima* (*Sida fallax*), *kipukai* (*Heliotropium curassavicum*), *pohuehue* (*Ipomoea pes-caprae*), *uhaloa* (*Waltheria indica*), *popolo* (*Solanum americanum*) and *ae ae* (*Bacopa monnieri*). Seven (7) of these species are associated with the wetland habitat. While the *aheahea* is the only endemic species observed, it is found on all major Hawaiian islands and is not uncommon. The remaining 10 native species found are widespread and relatively common in Hawaii and throughout the Pacific.

Species of fauna encountered at the project site were limited to axis deer, although rats, mice, mongoose, and domestic and feral cats would be expected to occur as well. Special efforts were made to locate the endangered Hawaiian hoary bat and the endangered Blackburn's Sphinx moth, yet no specimens were observed during the survey. Avifauna were relatively abundant in the project site, presumably due to the site's diversity

of habitats and the seasonal green condition of the vegetation. In total, 15 bird species were observed, including three (3) native waterbirds, the indigenous *aukuu* or black-crowned night-heron (*Nycticorax nycticorax hoactli*), the endemic and endangered *aeo* or black-necked stilt (*Himantopus mexicanus knudseni*), and the *alae keokeo* or Hawaiian coot (*Fulica alai*), which is also an endemic and endangered species.

b. Potential Impacts and Proposed Mitigation Measures

According to the botanical survey, given that no rare, threatened, or endangered species of flora were found outside the wetland areas, the proposed project is not anticipated to have a negative impact on flora in the region, provided that the proposed project does not alter the wetland areas.

The proposed site plan incorporates a 135-foot-wide vegetated buffer zone between the manmade wetland on Parcel 030 and the proposed development area. Similarly, a 53-foot-wide vegetated buffer zone is provided between the manmade wetland on Parcel 080 and the development on Parcel 076. The proposed project does not involve alteration of the wetland areas, and the vegetated buffer zones are designed to prevent impacts to the wetland habitats and resident flora and fauna that could result from project implementation.

The fauna and avifauna species found on the dryland portions of the project site are of common, non-native species, such that the proposed project is not anticipated to adversely impact the region's fauna and avifauna. A special effort was made to look for the endangered native Hawaiian hoary bat, however, no bat activity was detected. About 40 young tree tobacco (*Nicotiana glauca*) shrubs, a non-native host plant for the endangered Blackburn's Sphinx moth, were found on the project site. Each of these plants were examined, but no moths or their larvae were observed. The State of Hawaii, Department of Land and Natural Resources' (DLNR) protocol for the removal of the tree tobacco plant will be implemented to ensure that the Blackburn's Sphinx moth is not adversely impacted. The applicant is in the process of coordinating the removal of the tree tobacco plant with DLNR.

The wetland ponds at the makai (western) portions of the project site provide habitat for two (2) native, endangered avifauna species, the *aeo* and the *alae keokeo*. According to the fauna survey report, these species are agitated by

structures and human activities occurring nearby nesting sites, such that they may be discouraged from breeding in the wetland ponds. The botanical and fauna survey report advises that a 30-foot buffer be provided between any structure and the wetland areas, and that a visual buffer at least 10 feet tall (e.g., an oleander hedge) be installed in this buffer area. To this end, as discussed above, a 135-foot-wide vegetated buffer area is planned on Parcel 030 and a 53-foot-wide vegetated buffer zone is planned on Parcel 076.

The USFWS indicated the threatened Newell's shear water (*Puffinus auricularis newelli*) and the endangered Hawaiian petrel (*Pterodroma phaeopygia sandwichensis*) are known to traverse the project area. In addition, the fauna survey notes that the endangered *uau* and the threatened *aeo*, both seabirds, are known to fly over lowlands like the project site in the evening time, en route to mountainside burrows. Because bright lights can confuse young birds, leaving them vulnerable to crashes and injuries, outdoor lighting will consist of hooded downward fixtures, as suggested by the USFWS and required by Chapter 205A, HRS.

Additional comments were received from the U.S. Fish and Wildlife Service (USFWS) and the Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW). USFWS identified four (4) endangered species that are known to frequent the area of the project site. As appropriate, the applicant will consider the following mitigation measures recommended by USFWS and DOFAW:

Hawaiian Hoary Bat

1. Woody plants greater than 15 feet tall shall not be removed or trimmed during the Hawaiian hoary bat breeding season (June 1 to September 15).

Blackburn's Sphinx Moth

2. A qualified biologist or entomologist shall re-survey the project area, and areas adjacent to the project footprint, for the presence of native and non-native Blackburn's sphinx moth host plants. The surveys shall be conducted two (2) times during the wettest portion of the year (usually November to April) and approximately four (4) to eight (8) weeks following a significant rainfall event. If presence of the

Blackburn's sphinx moth is confirmed, the USFWS and DOFAW shall be contacted for further guidance.

Hawaiian Coot and Hawaiian Stilt

3. The following USFWS recommendations to minimize impacts to listed water bird species shall be implemented:

- A pest control program aimed primarily at rodent and feral animal control will be implemented.
- Prospective tenants will be informed of the County of Maui's leash laws which they are expected to comply with.
- A public education program for tenants and hotel guests shall be implemented that discourage the feeding of feral animals.
- Speed limits of 20 miles per hour will be posted in areas where listed water birds have been observed.
- Sturdy, animal-proof, garbage containers shall be used to minimize populations of rodents, mongoose, and feral cats.

As appropriate, the applicant shall also consider the following recommendations of DOFAW:

- In consultation with DOFAW a predator control program within the buffer areas of the project shall be implemented.
- A qualified biologist shall survey the project site for waterbirds before any land clearing activities and repeated if these activities are delayed more than three (3) days. If a nest is discovered, DOFAW shall be contacted.
- The landscaped detention basins located on Parcel 30 and Parcel 76 shall remain vegetated.
- Lighting for the proposed project shall be shielded and downward directed so no lighting shall be allowed to fall onto or encroach on the wetland areas.
- Should threatened or endangered species be detected in the area of the proposed development, DOFAW will be consulted and appropriate action implemented.

7. Streams, Wetlands, and Reservoirs

a. Existing Conditions

Parcel 030 contains a 3.0-acre manmade wetland, and a 3.5-acre manmade wetland lies between Parcels 076 and 158, on Parcel 80. The wetland on Parcel 030 was constructed in the early 1990s as part of the wetland mitigation plan for the adjacent Longs Drugs shopping center. This wetland mitigation plan was approved by the U.S. Army Corps of Engineers on November 13, 1990. See **Appendix “E”**. (Of note, the Longs Drugs mitigation plan also included the fencing-in of a 6-acre site at the Kanaha Pond National Wildlife Refuge, located off of North Kihei Road.)

The 3.5-acre wetland on Parcel 080 was constructed in the early 1990s as part of the wetland mitigation plan for the Azeka Mauka shopping center located on the western side of Parcel 158. Soils excavated from Parcel 080 were deposited onto Parcel 158. The wetland mitigation plan involving Parcel 080 was approved by the U.S. Army Corps of Engineers on October 30, 1990. See **Appendix “E-1”**.




A Wetland Determination Summary prepared by Malama Environmental, LLC (MEV) in August 2008 conducted five (5) bore holes (BH) and located three (3) non-contiguous wetland areas totaling approximately 0.23 acre in Parcel 030, immediately above the 3.0-acre manmade wetland. See **Figure 13**. A Wetland Determination Summary prepared by MEV in June 2008 conducted one (1) BH and determined that the southwestern corner of Parcel 076 contains an approximately 0.07-acre (3,000-square-foot) wetland area adjacent to Parcel 030. See **Figure 14**. See **Appendix “E-2”** and **Appendix “E-3”**.

There are no streams or reservoirs in the vicinity of the project site.

b. Potential Impacts and Proposed Mitigation Measures

The proposed project is not anticipated to impact any of the region’s streams or reservoirs.

KEY

-  Borehole Location
-  TMK Boundaries
-  Marginal Wetland Conditions



Source: Malama Environmental (MEV, LLC)

Figure 13

Proposed Downtown Kihei Project Wetlands on Parcel 030

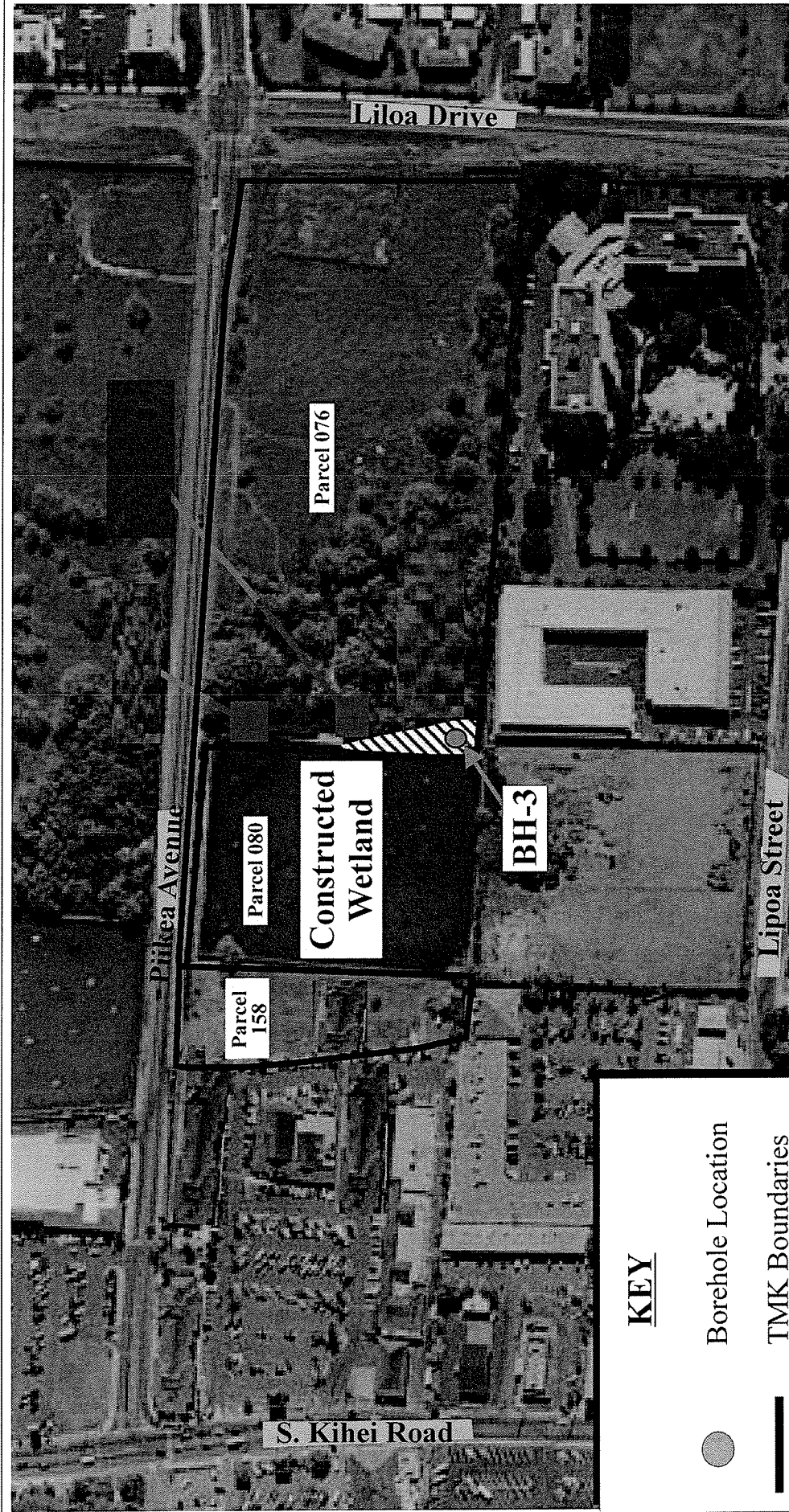
NOT TO SCALE



Prepared for: The Krausz Companies, Inc.



MUNEKIYO & HIRAGA, INC.



Source: Malama Environmental (MEV, LLC)

Figure 14 Proposed Downtown Kihei Project
Wetlands on Parcel 076



NOT TO SCALE

Prepared for: The Krausz Companies, Inc.



Krausz/Kihei MixedUse/Final EA/WetlandsonParcel1576

The creation of the manmade wetlands on a portion of Parcel 030 and on Parcel 080 served to mitigate development of the adjacent Longs Drugs and Azeka Mauka shopping centers, which each involved the filling of wetland areas. Meanwhile, the June 2008 Wetland Determination Summary prepared by MEV found that Parcel 158 contains no wetland area, due to this parcel being altered during the creation of the engineered wetland on Parcel 080. The June 2008 and August 2008 Wetland Determination Summaries prepared by MEV located noncontiguous small wetland areas on Parcel 030 and Parcel 076, immediately above the manmade wetlands. The MEV reports concluded that due to their size and noncontiguous nature, the noncontiguous wetland areas may not satisfy the Army Corps of Engineer's wetland definition. The MEV reports recommend that vegetated buffer zones be provided on the mauka (inland) sides of the manmade wetlands that encompass the 0.23-acre and 0.07-acre wetland areas found in Parcel 030 and Parcel 076, respectively, to ensure that the proposed development does not negatively impact the manmade wetland habitats or the resident flora and fauna. Refer to **Appendix "E-2"** and **Appendix "E-3"**.

The proposed project will not alter the engineered wetlands that are located within a portion of Parcel 030 and on Parcel 080. In line with the recommendations of the MEV Wetland Determination Summaries, the project site plan provides a 135-foot-wide landscaped detention basin that encompasses the wetland areas found on Parcel 030, as well as a 53-foot-wide landscaped detention basin that encompasses the wetland area on Parcel 076. To prevent onsite and offsite runoff from discharging directly into the manmade wetlands, runoff will be intercepted with drain inlets fitted with activated carbon filters and routed through subsurface drainage systems that incorporate internal baffles to encourage siltation before being discharged into the landscaped detention basins. These basins will incorporate provisions for overflow with controlled release to the downstream manmade wetlands. Whereas runoff from the project site currently flows unchecked into the manmade wetlands, the proposed drainage improvements described above will provide for filtration and siltation to improve the quality of runoff from the project site. In this context, the proposed project is not anticipated to have an adverse impact on wetlands in the project vicinity.

To maintain a healthy wetland, the following should be performed regularly:

- Remove sediments and gross solids from forebays
- Keep the orifice (the draw-down hole) free-flowing
- Clean away floating trash and debris
- Remove vegetation along the dam face
- Remove invasive plant species
- Mow the perimeter of wet ponds
- Control pests

(Source: North Carolina State and A&T State Universities, 2012)

It is highlighted that the change-in-zoning action is sought in part to change the zoning of a portion of Parcel 030 and the entirety of Parcel 080 from “R-3, Residential” to “OS-1, Open Space” to encompass the constructed wetlands.

8. Archaeological and Historical Resources

a. Existing Conditions

An archaeological inventory survey (AIS) report was completed for the project site in June 2010 by Xamanek Researches, LLC (XRL). Fieldwork was conducted from September through December 2009. See **Appendix “F”**. The archaeological inventory survey involved fieldwork and archaeological and historical literature review. Fieldwork involved a 100 percent pedestrian survey, 20 backhoe test trenches, 11 hand-excavated Test Units (TUs), and eight (8) manual Shovel Tests (STs). Literature review involved a review of mythological and historical accounts and previous archaeological work conducted in the surrounding region.

The AIS fieldwork located two (2) historic properties within the project site, with one (1) on Parcel 030 and the other on Parcel 076. A post-Contact rock wall remnant with concrete footings listed as SIHP 50-50-04-6669 was found on Parcel 030. Within this collapsed rock wall segment were three (3)

aligned concrete posts, indicating post-Contact construction, presumably associated with a former residential structure; decomposing milled wood was also noted. Opihi shell midden and water-worn cobbles and pebbles adjacent to the wall were documented, indicating that the site may have been reutilized during post-Contact habitation. Two (2) traditional Hawaiian habitation features were documented in Parcel 076 and recorded as SIHP 50-50-04-6670 Feature A and Feature B. These features, which consisted of surface and subsurface traditional cultural material remains such as marine shell midden, coral fragments, basalt flakes, and volcanic glass, were interpreted as pre-Contact temporary habitation sites.

No burial features or human remains were identified during the pedestrian surveys or subsurface testing at the project site.

b. Potential Impacts and Proposed Mitigation Measures

As discussed above, the AIS documented two (2) sites, a pre-Contact temporary habitation site and the remnants of a post-Contact residence. The sites were reviewed in accordance with the Secretary of the Interior standards established for the State and National Register of Historic Places. In accordance with these rules, a site shall meet one or more of the following criteria in order to be deemed significant:

Criterion A: Be associated with events that have made a significant contribution to the broad patterns of our history.

Criterion B: Be associated with the lives of persons significant to our past.

Criterion C: Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic value or that represent a significant and distinguishable entity, whose components may lack individual construction.

Criterion D: Have yielded, or may be likely to yield, information important to prehistory or history.

Criterion E: Have an important value to the native Hawaiian people or to another ethnic group of the State due to associations with

traditional cultural practices once carried-out, or still carried-out, at the property or due to associations with traditional beliefs, events, or oral accounts – these associations being important to the groups’ history and cultural identity (State of Hawaii criterion only).

The post-Contact habitation site SIHP 50-50-04-6669 was deemed significant under Criterion D, for its yielding of information important to the history of the area. According to the AIS report, this post-Contact habitation feature may be associated with the plantation and/or ranching era. Meanwhile, the pre-contact habitation site SIHP 50-50-04-6670 Features A and B were deemed significant under Criterion D for their information content and for their importance to the history of Hawaii. Both of these sites have been identified, recorded, and assessed with location documentation, written descriptions, photographs, and plan view maps to scale.

Given that the significance of these sites has been assessed and recorded, no further investigative archaeological work is recommended for the surveyed portion of the project site. Notwithstanding, precautionary archaeological monitoring is recommended and deemed appropriate, as subsurface features and/or human remains may be inadvertently encountered during construction activities. Furthermore, the AIS report states that an archaeological monitoring plan shall be prepared in accordance with Section 13-13-279, Hawaii Administrative Rules (HAR).

The AIS report was submitted to the State Historic Preservation Division (SHPD) for review. The SHPD concurred with the report’s findings and recommendations and accepted the report via letter dated March 15, 2011. See **Appendix “F-1”**. The SHPD concurred that precautionary archaeological monitoring should occur during subsurface work on the project site. In accordance with the recommendation of the AIS, an archaeological monitoring plan will be prepared and submitted to SHPD.

Lastly, in accordance with Section 6E-43.6, Hawaii Revised Statutes and Chapter 13-300, HAR, if any significant cultural deposits or human skeletal remains are encountered, work will stop in the immediate vicinity of the find and the SHPD and the Office of Hawaiian Affairs (OHA) will be contacted.

9. Cultural Resources

a. Existing Conditions

A Cultural Impact Assessment (CIA) for the proposed project was prepared by Hana Pono, LLC in June 2009. The CIA conducted archival research of historical maps, data, and literature to identify historical cultural resources and practices relevant to the project site and surrounding lands. See **Appendix “G”**.

Historically speaking, the island of Maui was divided into 12 *moku*, traditional land districts, each of which in turn were divided into a number of *ahupuaa*. *Ahupuaa* generally stretched from mountaintop into the outer reef, and each contained all the natural resources necessary to sustain a community. The project site lies in the *moku* of Kula and the *ahupuaa* of Waiohuli. Kula refers to a broad, open expanse of land, and the lands within the *moku* of Kula were known to be vast and arid. On the coast, however, fishing was plentiful, and it was during the era of the long voyages, between 1100AD and 1400AD, that this leeward area of the island was settled.

Waiohuli, literally translated, equates to “waters of change”, interpreted as the changing or turning waters. To the north of Waiohuli is the *ahupuaa* of Kaonoulu, the hunger or yearning for *ulu*, breadfruit, which was grown in the upper regions. To the south is Keokea, shortened from Ke-one-kea, which refers to the area’s long white sand beaches. In ancient times, coastal lowlands of Waiohuli and its surroundings were known for the brackish water ponds and wetlands that would form during the rainy season then dry away during the summer months.

As mentioned, settlements in the coastal areas of Waiohuli and neighboring *ahupuaa* were sustained by the bountiful ocean resources. Along the shoreline to the north and west of the project site were built a number of fishponds, most notably Koieie at Kalepolepo beach, Waiohuli-kai, and Keokea-kai. These ponds were some of the most important royal fishponds on Maui and were reportedly rebuilt at least three (3) times over the centuries by various ruling chiefs.

In addition to fish, various types of *limu* (seaweed), octopus, lobster and other shellfish were gathered from the ocean, and this diet of seafood was likely supplemented by food crops grown in other regions of the island. *Kalo* (taro) was possibly obtained from Waikapu while *uala* (sweet potato) and *ulu* (breadfruit) were likely acquired through trade with other villages in the Kula district.

To facilitate trade and communication, a number of trails like the Kalepolepo Trail linked coastal and upland settlements, while Ke Alaloe o Maui, built by King Piilani and his son Kihapiilani, was effectively a highway that circled the entire island. South Kihei Road, located due west of the project site, follows the path of the Alaloe.

During the post-Contact era, Kamehameha I landed his canoes nearby at Kalepolepo beach, just north of the project site, during his invasion of Maui in pursuit of becoming king of Hawaii. Although Kamehameha's forces had previously been defeated by Maui's warriors and their famous *maa* (sling), he returned this time armed with mortars, muskets, and cannons. Armed with these foreign weapons, Kamehameha was able to push the Maui warriors from Kalepolepo to the West Maui Mountains.

With the arrival of foreign settlers and the creation of the Hawaiian Kingdom came new industry and economy. As early as 1828, sugar cane was introduced to Maui, and by 1899, the Kihei Plantation Company was growing sugar cane in the plains above Kihei. The Kihei Plantation Company was later absorbed by the Hawaiian Commercial & Sugar Company (HC&S) in 1908. HC&S continued to cultivate in sugar what had been the Kihei Plantation Company fields into the 1960s.

Also in 1828, Father Bachelot, the first Catholic priest in Hawaii, brought from Paris a seed which he planted in a churchyard in Honolulu. From this seed grew the tree known as *kiawe*; soon thereafter, seeds of this tree were planted on the other islands. The *Kupuna* (elders) of today remember Kihei as being covered in *kiawe* which now dominates the South Maui landscape.

The Kihei area has transitioned from a historically agrarian and marine-based community to a sugar cane plantation to a tourism hub in the present day. More recently, a dependable water supply was brought to the area, which

spurred overseas investment in the development of residential housing and vacation properties. Since that time, tourism has increased, and as a consequence, the South Maui area has recently been touted as one of the fastest growing regions in the state.

b. Potential Impacts and Proposed Mitigation Measures

The CIA prepared by Hana Pono, LLC in June 2009 evaluated the probability of impacts on identified cultural resources including values, beliefs, objects, records, properties, and stories occurring within the project area. Refer to **Appendix “G”**.

As part of the research that contributed to the CIA, five (5) *kupuna* with historic or lineal ties to the area were interviewed with respect to their knowledge of the project area. The *kupuna* recall that before the spread of commercial and residential development, the landscape underlying and surrounding the project site was marked by *kiawe* and wetlands. With *kiawe* being so abundant in the area, families made good use of the plentiful resource. When not playing in the ocean or in the wetlands, many children of the area spent time collecting *kiawe* beans as food for the pigs their families raised. The men of one family logged *kiawe* to produce charcoal and this yielded a successful business, Kihei Charcoal. Apart from gathering *kiawe*, the majority of families survived off of the bounty of the ocean. All of the *kupuna* interviewed reminisced about fishing, laying nets, and gathering *limu*, *wana*, crabs and the like. Although regulations have been enacted over the years, many family members continue to fish in the area.

Apart from the gathering of *kiawe*, no cultural practices specific to the project site were revealed by the CIA. Although some of the interviewees were hesitant to accept additional development in Kihei, they all acknowledged that no cultural practices would be affected or compromised by the proposed project. Further, the archival and historic research did not identify any cultural sites or practices specifically associated with the project site. Based on the foregoing, the proposed project is not anticipated to generate any significant negative impacts on the cultural resources of the region.

10. Air and Noise Quality

a. Existing Conditions

The air quality of the Kihei area is considered good with existing airborne pollutants attributed primarily to automobile exhaust from the region's roadways. There are no point sources of airborne emissions in the immediate vicinity of the project site. Other sources of airborne emissions may include construction activities around Kihei and smoke produced from sugar cane burning which takes place in the Central Maui isthmus. These sources are intermittent, however, and prevailing trade winds quickly disperse any particulates which are generated.

There are no significant noise generators in the vicinity of the project site. The predominant background noise source in the area is attributed to vehicle traffic along Piilani Highway, Liloa Drive, Piikea Avenue, and South Kihei Road.

b. Potential Impacts and Proposed Mitigation Measures

Air quality impacts attributed to the proposed project will include dust generated by short-term construction-related activities. Site work, such as clearing, grubbing and grading, and roadwork and construction will generate airborne particulates. Dust control measures such as dust fences and regular watering and sprinkling will be implemented to minimize wind-blown emissions. Graded and grubbed areas will be vegetated to mitigate dust-generated impacts. In the long term, the proposed project is not expected to adversely impact local and regional ambient air quality. The proposed business, retail, commercial, and hotel uses are not anticipated to produce any air quality impacts.

Ambient noise conditions will be temporarily impacted by construction activities. Heavy construction equipment, such as bulldozers, front-end loaders, and material-transport vehicles will likely be the dominant sources of noise during the construction period. In the long term, no significant adverse impacts to ambient noise conditions are anticipated. The proposed uses are similar in nature to the nearby commercial areas, such that no significant changes in ambient noise levels are anticipated.

11. Scenic and Open Space Resources

a. Existing Conditions

The slopes of Haleakala are visible to the east of the project site, with the West Maui Mountains visible to the northwest. The ocean is not visible from Piilani Highway or South Kihei Road due to the existing development and vegetation makai (west) of these roadways. The project site is not located within a scenic view corridor, nor is it a part of a valuable open space resource area. Urban development surrounds the project site to the east, west, and south.

b. Potential Impacts and Proposed Mitigation Measures

The proposed project will be developed as an architecturally integrated community with low-rise structures. Landscaping will be installed as part of the development improvements to ensure visual buffering and softening of the built landscape. The four-story hotel is distanced from Piikea Avenue and Liloa Drive, and the movie theater building, a portion of which will be approximately 60 feet tall, is set back from these roadways as well. The theater building is also situated nearby the six-story Haggai Institute building which neighbors the project site to the south. Thus, mountain and ocean views from Piikea Avenue will not be impacted significantly as a result of the proposed project. As the project site is located amid a built environment lacking views to the ocean, adverse impacts to scenic or open space resources resulting from the project are not anticipated. See the view analysis presented in **Appendix "H"**.

B. SOCIO-ECONOMIC ENVIRONMENT

1. Regional Setting

a. Existing Conditions

From a regional standpoint, the project site is located within the Kihei-Makena Community Plan region, which stretches from Maalaea in the north down to La Perouse Bay in the south. The region contains a diverse range of physical and socio-economic environments. With its dry and mild climate and proximity to recreation-oriented shoreline resources, the visitor-based

economy has grown steadily over the years. The town of Kihei serves as the commercial and residential center of the region, with the master-planned communities of Wailea and Makena serving as the focal points for the majority of visitor activities. A number of internationally recognized luxury hotels and golf courses are located further south along the coastline at Wailea and Makena.

b. Potential Impacts and Proposed Mitigation Measures

In its provision of business, commercial, medical, hotel, recreational, and public spaces, the proposed Downtown Kihei project is considered to be similar, related to, and compatible with adjacent land uses. The proposed project is an in-fill project which is intended to enhance downtown Kihei. In this respect, adverse impacts to the regional character of the Kihei area are not anticipated.

2. Population and Demography

a. Existing Conditions

The population of the County of Maui has exhibited relatively strong growth over the past decade. The County's resident population grew by 20.9 percent between 2000 and 2010, compared to a 12.3 percent increase in the State of Hawaii as a whole during the same time period. Maui County's population increased from 128,094 residents in 2000 to 154,834 residents in 2010. Population on the island of Maui exhibited even stronger growth than the County as a whole, with a 22.8 percent population increase over the decade. Approximately 144,444 residents lived on the island of Maui in 2010 (U.S. Census Bureau, 2000 and 2010). Maui County's resident population is projected to rise to 178,912 people in 2020 and to 200,584 people in 2030. Refer to **Appendix "B"**.

The proposed project is located on the southwestern coast of Maui, within the Kihei-Makena Community Plan region. Just as Maui County and Maui Island's populations have grown, the resident population of the Kihei-Makena region has also increased. The estimated population of the Kihei-Makena region in 2000 was 22,870, which comprised 19.4 percent of the island's population (County of Maui, 2006). According to the 2010 Census, the resident population for the region was approximately 27,200, an increase

of 19.1 percent over 10 years (U.S. Census Bureau, 2010). The population of the Kihei-Makena region is projected to increase to 31,492 people in 2020 and to 35,307 people in 2030. Refer to **Appendix “B”**.

According to the Market Study for the proposed project, the average daily visitor census for Maui Island (that is, the average number of visitors on the island on any given day) has increased by approximately 10.6 percent over the past decade, from 41,819 visitors in 2000 to 46,263 visitors in 2010. This number is anticipated to increase to 57,048 visitors in 2020 and 62,077 visitors in 2030. The average daily visitor census for the Kihei-Makena region was 18,371 visitors in 2010, and this number is anticipated to rise to 22,677 visitors in 2020, and 24,675 visitors in 2030. Refer to **Appendix “B”**.

b. Potential Impacts and Proposed Mitigation Measures

In light of the projected growth in both the resident and visitor populations of the Kihei-Makena region, demands for commercial services and visitor accommodations are anticipated to rise through 2030. The proposed Downtown Kihei project is being planned to support the projected growth in the region with its provision of business, commercial, retail, and medical spaces as well as a select-services hotel. The proposed project does not include any residential units and is not considered to be a population generator; rather, Downtown Kihei is positioned to respond to the needs of the projected increase in resident and visitor populations in the region. However, the increased employment opportunities created by Downtown Kihei may encourage existing residents to relocate to existing or proposed housing in the Kihei region.

As the Kihei-Makena resident and visitor populations increase, the commercial component of Downtown Kihei is anticipated to achieve stabilized or long-term occupancy by around 2020. Between 75 percent to 95 percent of visitor purchases in the Kihei-Makena region are conducted outside of the region’s hotels. Downtown Kihei’s neighborhood retail offerings are anticipated to capture a portion of these visitor expenditures, and to its advantage, Downtown Kihei will have a captive market with its onsite select-services hotel. In addition, being located in proximity to existing residential neighborhoods and having synergies with other

commercial centers, Downtown Kihei is anticipated to attract a portion of the resident market as well. Refer to **Appendix “B”**.

Considering the limited competition in the region for a select-services hotel marketed to families on a budget, especially off-island local families, Downtown Kihei’s proposed 150-room hotel is expected to capture at least 50 percent of the annual new room demand in the region after 2013. The vast majority of visitor accommodations in Kihei were built prior to 1980, and many lack standard amenities like onsite restaurants and concierge services. Meanwhile, new hotel construction has been constrained due to a lack of available, entitled land. Given the projected increase in visitors and limited plans for completing new developments in Kihei, the market analysis concludes that the visitor market in Kihei would support the development of an additional 108 rooms in 2014 and approximately 436 rooms by 2020. It is anticipated that the hotel would achieve stabilized or long-term occupancy between 2015 and 2016. Refer to **Appendix “B”**.

3. Economy and Labor Force

a. Existing Conditions

The economy of Maui is heavily dependent upon the visitor industry, and in turn, this industry fosters the retail and service industries. According to the 2011 Maui County Data Book, the top three (3) most common occupations in Maui County in 2010 were waiters and waitresses, retail salespersons, and cashiers. The dependency on the visitor industry is especially evident in the Kihei-Makena region, which is one of the State’s major tourist destination areas. The foundation for the region’s visitor strength lies in the availability of vacation rentals, hotel-condominiums, world-class resorts, and recreational facilities throughout Kihei, Wailea, and Makena. Since the 2008 economic downturn, the average daily visitor census has increased from 44,433 visitors in 2008 to 46,263 visitors in 2010 (2011 Maui County Data Book).

According to information gathered by the Market Study, visitor arrivals are projected to increase over the coming years. Given the anticipated growth in visitors to the State, the average daily visitor census for Maui Island is projected to increase, thereby bolstering the local visitor, retail, and service industries. Refer to **Appendix “B”**.

Alongside visitor accommodations, service support for the visitor industry is found in Kihei, where numerous retail commercial centers are located. North Kihei contains mixed retail, office and warehouse spaces, south Kihei offers beach-oriented retail, and Wailea offers high-end retail and offices. In the vicinity of the project site, there are retail and office spaces in shopping center settings. Meanwhile, in support of the resident population, a number of business and medical offices are located in Kihei as well.

Despite the recent economic downturn, there are signs of recovery on the local level. As of July 2012, Maui County's not-seasonally adjusted unemployment rate stood at 6.8 percent, a reduction of 0.2 percent from July 2011. Similarly, Maui Island's not-seasonally adjusted unemployment rate for July 2012 stood at 6.5 percent, a reduction of 1.3 percent from July 2011 (DLIR, 2012).

b. Potential Impacts and Proposed Mitigation Measures

On a short-term basis, the proposed Downtown Kihei project will support construction and construction-related industries. Accordingly, the proposed project will have a beneficial impact on the local economy during the period of construction.

A Market Study for the proposed project was prepared by John Child & Company, effective August 5, 2011. Refer to **Appendix "B"**. From a long-term perspective, the project will provide additional commercial space to accommodate future demand from both visitors and residents.

According to the 2007 Census of Retail Trade, retail expenditures in Kihei-Makena totaled approximately \$476 million and represented approximately 16 percent of the total sales in Maui County. The Market Study projected that the total retail expenditures (including groceries) by residents and visitors captured in the Kihei-Makena region would increase from approximately \$487 million in 2010 to \$734 million in 2030 (expressed in constant 2010 dollars).

Based on data from CoStar Group, Inc., there is about 1.3 million square feet of rentable area in the Kihei-Makena region. Nearly 1.0 million square feet

or about 74 percent of the rentable inventory are in retail facilities, as shown in **Table 5** below.

Table 5. Existing Rentable Commercial Area in Kihei-Makena

Use	Rentable Commercial Area (square feet)	Percentage of Total
Retail	974,626	74
Office	338,489	26
Total	1,313,115	100
Source: John Child & Company, 2011.		

Approximately 44 percent, nearly 430,000 square feet, of the approximately 1.3 million square feet of rentable retail space in Central Kihei is located in proximity to the project site. Of this inventory, three (3) supermarkets account for approximately 114,000 square feet of rentable retail space.

Based on estimated sales volumes and projected demand for retail goods, grocery space requirements in the Kihei-Makena region are estimated at between 123,000 square feet and 185,000 square feet in 2010. These space requirements are projected to increase to between 193,000 square feet and 290,000 square feet by 2030. For all other retail groups, space requirements for the Kihei-Makena region are estimated at between 877,000 square feet and 1,128,000 square feet in 2010, and these requirements are projected to increase to between 1,308,000 square feet and 1,682,000 square feet by 2030.

Key factors that enhance the potential of the Downtown Kihei project for commercial-retail development include the following:

- Large land area with level topography;
- Extensive frontage and prominence along Piikea Avenue, a major traffic corridor linking South Kihei Road, the North-South Collector Road (Liloa Drive), and Piilani Highway;

- Location within the commercial retail center of Kihei, with synergies created from proximities to Piilani Village Shopping Center and other neighboring commercial centers;
- Central location within a residential community that is relatively large and growing;
- A surrounding market area that is augmented by visitor accommodations; and
- Captive market from the project's proposed 150-room hotel.

Given these factors and Downtown Kihei's market position in relation to other proposed commercial development in the region, the Market Study estimated that Downtown Kihei would capture approximately 60 percent of the additional retail space requirements. Based on this assumption, the Market Study projected the commercial component will achieve occupancy stabilization by around 2020. Refer to **Appendix "B"**.

The 150-room select-services hotel will provide accommodations for families on a budget, not presently available in the Kihei-Makena region and will enhance the range of visitor accommodations in the Kihei-Makena region. The majority of visitor accommodations in Kihei were built prior to 1980. Most were designed to be residential condominiums and they, therefore, lack common hotel amenities such as onsite restaurants, daily housekeeping, concierge desks, and spas. The construction of new accommodations is constrained by a lack of available land entitled for hotel development.

With no upcoming additions to the existing inventory of visitor accommodations in Kihei, accommodations in Kihei are anticipated to achieve 75 percent occupancy by 2013. At that time, the market would support the development of additional rooms. The projected room demand is shown in **Table 6** below.

Table 6. Projected New Hotel Room Demand in Kihei

Year	Projected Accommodated (Occupied) Room Demand	Increase in Accommodated Room Demand	Stabilized Occupancy	New Room Demand	
				Annual	Cumulative
2013*	3,091	---	---	---	---
2014	3,172	81	75%	108	108
2015	3,229	57	75%	76	184
2016	3,266	37	75%	49	233
2017	3,303	37	75%	49	282
2018	3,341	38	75%	51	333
2019	3,379	38	75%	51	384
2020	3,418	39	75%	52	436
Source: John Child & Company, 2011.					
*Year existing supply achieves stabilized occupancy of 75 percent.					

Assuming Downtown Kihei’s 150-room hotel captures between 50 percent and 70 percent of annual new room demand in Kihei, the hotel would achieve stabilized or long-term occupancy between 2015 and 2016. Refer to **Appendix “B”**.

Once constructed, Downtown Kihei will add real property tax revenues that will be able to fund public services and facilities. Also, the 150-room hotel will generate transient accommodation taxes (TAT), a portion of which goes to the County. General excise tax revenues from Downtown Kihei will provide additional funds for the State.

With its commercial, retail, and hotel components, the proposed project is anticipated to have a positive impact on the local economy in both the short and long terms. Further, Downtown Kihei will increase employment opportunities in proximity to existing and growing residential neighborhoods, thus providing an opportunity for residents to live near where they work.

4. **Housing**

a. **Existing Conditions**

The project site is located in Kihei, the commercial and residential center of South Maui. Kihei contains a mix of affordable and market priced single- and multi-family residential neighborhoods; in contrast, the resort-oriented communities of Wailea and Makena generally offer higher end homes and luxury condominiums, primarily for part-time residents. The Maui County General Plan and the Maui Island Plan expands residential growth in the Kihei-Makena region with a number of new residential and in-fill developments being captured within the Urban Growth Boundary of the Maui Island Plan.

b. **Potential Impacts and Proposed Mitigation Measures**

The anticipated growth in the resident population of the Kihei-Makena region will require business, commercial, and retail support. The commercial and office components of the proposed Downtown Kihei project will provide residents with medical services, office space, and employment opportunities. Meanwhile, the commercial and retail components will provide services and entertainment for existing and future residents.

The increased employment opportunities created by Downtown Kihei may encourage existing residents to relocate to existing or proposed housing in the Kihei region. While planned residential developments in the region will accommodate a portion of the employee demand for housing, the project will also comply with the applicable provisions of the County Residential Workforce Housing Policy.

The provision of a 150-room hotel requires conformance with the provisions of Chapter 2.96, Maui County Code, the Residential Workforce Housing Policy. The applicable provisions of this policy require the provision of 60 housing units (40 percent of 150 units) for rent or sale to residents within the income-qualified groups established by this policy. These units must be provided within the Kihei-Makena Community Plan region. The purchase of housing credits from an affordable housing project that will be constructed in the Kihei-Makena Community Plan region is proposed to satisfy the Residential Workforce Housing Policy.

C. PUBLIC SERVICES

1. Police and Fire Protection

a. Existing Conditions

The headquarters of the County of Maui Police Department (MPD) are located at its Wailuku Station. The department consists of several patrol, support, administrative, and investigative divisions that service the Hana, Lanai, Lahaina, Molokai, and Wailuku regions.

The MPD's Kihei Patrol, which covers the Kihei-Makena region, currently operates from a substation located at the Kihei Town Center, about 1.4 miles south of the project site. However, the MPD has initiated the construction of a new Kihei Police Station, which will be located on the mauka (east) side of Piilani Highway, approximately 2.1 miles south of the project site. Construction of this facility commenced in December 2011, and the project is anticipated to reach completion in the next five (5) years.

Fire prevention, protection, and suppression services are provided by the County of Maui, Department of Fire and Public Safety. The Kihei Fire Station, which services the Kihei-Makena region, is situated on South Kihei Road near Kalama Park, approximately 1.4 miles south of the project site. Meanwhile, the Wailea Fire Station is located about 3.8 miles to the south of the project site. The Wailea Station services the area from Kamaole Beach Park II to Makena and provides back-up support for the Kihei Station when required.

b. Potential Impacts and Proposed Mitigation Measures

As an infill project in the heart of Kihei, the proposed project will not result in an expansion of existing police or fire service limits. However, the proposed project may require additional police and fire protection services. Real property tax revenues generated by the proposed project will add to the County's general funds and may be used to hire additional police and fire personnel. As recommended by the Police Department, Crime Prevention Through Environmental Design (CPTED) techniques will be incorporated into Downtown Kihei.

2. Medical Facilities

a. Existing Conditions

The only major medical facility on the island is Maui Memorial Medical Center, which is located in Wailuku about ten (10) miles from the project area. The 231-bed facility provides general, acute, and emergency care services.

Clinics and offices are situated throughout the Kihei and Wailea areas, however these offer medical services on a lesser scale. Such clinics include Kihei Clinic and Wailea Medical Services, Kihei Pediatric Clinic, Kihei Physicians, the Kihei-Wailea Medical Center, Maui Medical Group, and Kaiser Permanente.

b. Potential Impacts and Proposed Mitigation Measures

The proposed Downtown Kihei project is not anticipated to have a negative effect on the service capabilities of emergency medical or general care operations. As noted above, numerous medical services are available throughout the Kihei-Wailea region. Moreover, the proposed project will provide additional office space for medical practitioners in Kihei, thereby enhancing access to medical facilities.

3. Educational Facilities

a. Existing Conditions

The State Department of Education (DOE) operates three (3) schools in the Kihei area which are part of the Maui High School complex. Kihei Elementary School and Kamalii Elementary School each cover grades Kindergarten to 5, and Lokelani Intermediate School covers grades 6 to 8. Maui High School, which covers grades 9 to 12 and is located in Kahului, is the designated public high school for Kihei residents. The approximate actual and projected enrollments, as well as the capacity of the area schools, are shown in **Table 7** below.

Table 7. DOE School Enrollment

School	SY 2010	SY 2011	SY 2012	*Projected SY 2015 - 2016	*2009-2010 Facility Capacity
Kihei Elementary	870	868	920	988	923
Kamalii Elementary	660	634	638	696	809
Lokelani Intermediate	569	565	597	623	808
Maui High	1,815	1,771	1,826	1,946	1,701
*Analysis of the Central Maui School Impact District, 2010. Source: Department of Education, 2010 and 2011.					

As shown in **Table 7** above, Maui High School is currently over capacity, with enrollment expected to increase in coming years. In response, the DOE is currently undertaking planning and design processes for the proposed Kihei High School. Pending the acquisition of all necessary permits and entitlements, build-out of Kihei High School is anticipated to occur in 5 to 10 years.

The Kihei Public Charter School for grades Kindergarten to 12 is also located in the region, with an enrollment of 509 students in the 2011-2012 school year (State of Hawaii DOE, 2011).

The University of Hawaii-Maui College (UH-MC), located in Kahului, is the primary higher education institution serving Maui.

b. Potential Impacts and Proposed Mitigation Measures

The DOE anticipates that within the next 25-30 years there will be significant growth in the Central Maui area, which includes the Kihei-Makena region. The population growth in the Central Maui area will require the construction of new schools.

The Board of Education (BOE) established policies for future schools that reflect a range of school sizes, including campus acreage and number of students, as shown in **Table 8** below.

Table 8. New BOE Policy on Acreage and Enrollment

	Usable Acres/School	Enrollment/School	Acres/Student
Elementary	8 - 15	400 - 700	0.02
Middle	15 - 20	500 - 1,000	0.02 - 0.03
High	45 - 55	800 - 1,600	0.0343 - 0.0562
DOE Policy #6701: Usable is generally defined as land free of encumbrances determined to be unnecessary by the Department of Education, slope of five percent or less, with no ravines or stream beds. The DOE will make the final determination as to whether land is usable based on an evaluation of the specific property taken in the context of the development as a whole (Department of Education 2010)			

The BOE has adopted a School Impact District for Central Maui. The new BOE policy for school size could mean that when the Impact District is built out, the additional enrollment in the Central Maui District would require between seven (7) and 15 new schools, with a total land requirement of approximately 217 acres. The DOE estimated that residential developers would be required to provide approximately 146 acres. The balance of the land would have to be purchased with state revenues or could be provided by developers and credited against their construction fee requirement (DOE, 2010).

The proposed Downtown Kihei project does not contain any residential units. Workforce housing for the 150-room hotel will be satisfied by housing credits from an affordable housing project to be constructed in the Kihei-Makena region. Applicable school impact fees for the residential units would be addressed by the affordable housing project developer.

4. Recreational Facilities

a. Existing Conditions

Diverse recreational opportunities are available in the Kihei-Makena Community Plan region. Shoreline activities, such as fishing, surfing,

jogging, camping, picnicking, snorkeling, swimming, and windsurfing, are by far the predominant forms of recreation in the area. Numerous public park facilities exist within a relatively short driving distance of the project site, including Waipuilani, Kalama, and Kamaole I/II/III Beach Parks. Other recreational resources available in Kihei, Wailea, and Makena include the Kihei Community Center and Aquatic Center, as well as resort-affiliated, world-class golf courses and tennis centers. Further, it is noted that the new Kihei Regional Park, located approximately 0.5 mile south of the project site, is currently under construction by the County of Maui. The Regional Park will offer soccer fields and baseball diamonds, among other park facilities.

b. Potential Impacts and Proposed Mitigation Measures

Alongside shops and restaurants, the proposed Downtown Kihei project will create a village square and related promenades. These outdoor gathering places are designed and intended to promote street markets and festivals, entertainment and attractions for both residents and visitors. Meanwhile, the select-services hotel will provide affordable and conveniently located overnight accommodations for sports teams from neighbor islands. The proposed project is not anticipated to have an adverse impact on recreational facilities in the region; rather, Downtown Kihei is anticipated to complement the region's recreational facilities.

5. Solid Waste Disposal

a. Existing Conditions

Single-family residential solid waste collection service is provided by the County of Maui. Residential solid waste collected by County crews is disposed of at the County's Central Maui Landfill facility, located 4.0 miles southeast of the Kahului Airport. In addition to County-collected refuse, the Central Maui Landfill also accepts commercial waste from private collection companies. A County supported green waste recycling facility is located at the Central Maui Landfill. A new expansion to the Central Maui solid-waste landfill facility is planned to ensure continuing service capacity for island residents and visitors.

Privately owned facilities, such as the Maui Demolition and Construction Landfill and the Pohakulepo Concrete Recycling Facility, accept solid waste

and concrete from demolition and construction activities. These facilities are located at Maalaea, near Honoapiilani Highway's junctions with North Kihei Road and with Kuihelani Highway.

b. Potential Impacts and Proposed Mitigation Measures

A construction waste recycling, reuse, and disposal plan will be developed prior to the initiation of construction and coordinated with the Department of Environmental Management. The proposed Downtown Kihei project will be served by a private solid waste collection and disposal service. Solid waste will be disposed of at the Central Maui Landfill. The proposed project is not anticipated to affect the service capabilities of the County's residential solid waste collection system. According to the County of Maui Integrated Solid Waste Management Plan (ISWMP), the existing Central Maui Landfill has adequate capacity to accommodate residential and commercial waste needs through the year 2026 (County of Maui, Department of Environmental Management, 2009).

D. INFRASTRUCTURE

1. Roadways

a. Existing Conditions

Access to the Kihei region is provided via North Kihei Road from the West Maui and Wailuku areas and via Mokulele Highway from the Kahului and Upcountry areas. The following is a summary of major roadways in the vicinity of the project site.

(1) Piilani Highway

Piilani Highway is a four-lane, State arterial highway providing access between Kihei and Wailea and runs parallel to and mauka of South Kihei Road. Piilani Highway is the main arterial road in the area. In addition to paved shoulders, Piilani Highway has traffic signals and right- and left-turn lanes at major intersections. Piilani Highway narrows to two (2) lanes near the Maui Meadows subdivision south of Kilohana Drive and ends at Wailea Ike Drive in the Wailea Resort. The posted speed limit is 40 miles per hour (mph).

(2) **Mokulele Highway**

Mokulele Highway connects Kihei and Kahului. Mokulele Highway is a four-lane, divided State arterial highway which was recently widened and realigned. The Hawaiian Commercial & Sugar Company Mill, the Maui Humane Society, the Hawaii Army National Guard Puunene Armory, and various industrial facilities are located along Mokulele Highway. The posted speed limit is 45 mph.

(3) **North Kihei Road**

This two-lane, undivided State roadway runs along the coastline and adjacent to the Kealia Pond National Wildlife Refuge. Near the southern end of this roadway, there are a number of residential complexes at Sugar Beach. In the north, North Kihei Road intersects Honoapiilani Highway at Maalaea. North Kihei Road is used primarily by vehicles traveling between West Maui, Central Maui, and Kihei.

(4) **South Kihei Road**

This two-lane, undivided County collector roadway runs in a north-south direction along the Kihei coastline from its intersection with North Kihei Road to Okolani Drive in Wailea. At its northern terminus, South Kihei Road turns into North Kihei Road, which continues north to Maalaea. South Kihei Road provides local access to residences, visitor accommodations, shopping areas, and parks along the Kihei coastline. The posted speed limit is 20 mph.

(5) **Piikea Avenue**

Piikea Avenue is an east-west County collector roadway between South Kihei Road and Piilani Highway. Piikea Avenue is a four-lane, divided roadway between Piilani Highway and Liloa Drive, and narrows to a two-lane undivided roadway between Liloa Drive and South Kihei Road. Both the South Kihei Road and Piilani Highway intersections are signalized. Piikea Avenue also intersects Liloa Drive, the Kihei North-South Collector Road. This intersection has recently been converted to a roundabout by the County. Piikea Avenue provides access to a number of commercial centers, as well as a multi-family residential subdivision. The primary access ways into the proposed Downtown Kihei project will be via this roadway. The posted speed limit is 20 mph.

(6) Liloa Drive

Bordering the mauka (eastern) edge of the project site, Liloa Drive (also referred to as the North-South Collector Road), is currently a two-lane, undivided roadway between East Waipuilani Drive and Halekuai Street. Exclusive left-turn lanes are provided at its major intersections. The posted speed limit is 20 mph. Future plans for this roadway include the addition of pedestrian and bicycle pathways, and the intersection with Piikea Avenue has recently been converted to a roundabout. Secondary access ways to the proposed Downtown Kihei project will be via this roadway. The posted speed limit is 20 mph.

b. Potential Impacts and Proposed Mitigation Measures





A Traffic Impact Assessment Report (TIAR) was completed for the project by Austin, Tsutsumi & Associates, Inc. (ATA) in 2012. See **Appendix “I”**. Existing roadway traffic conditions were analyzed based on current land use, population, the existing roadway network, and vehicular traffic counts. Growth factors were then applied to account for increases in population and other proposed developments anticipated within the region.

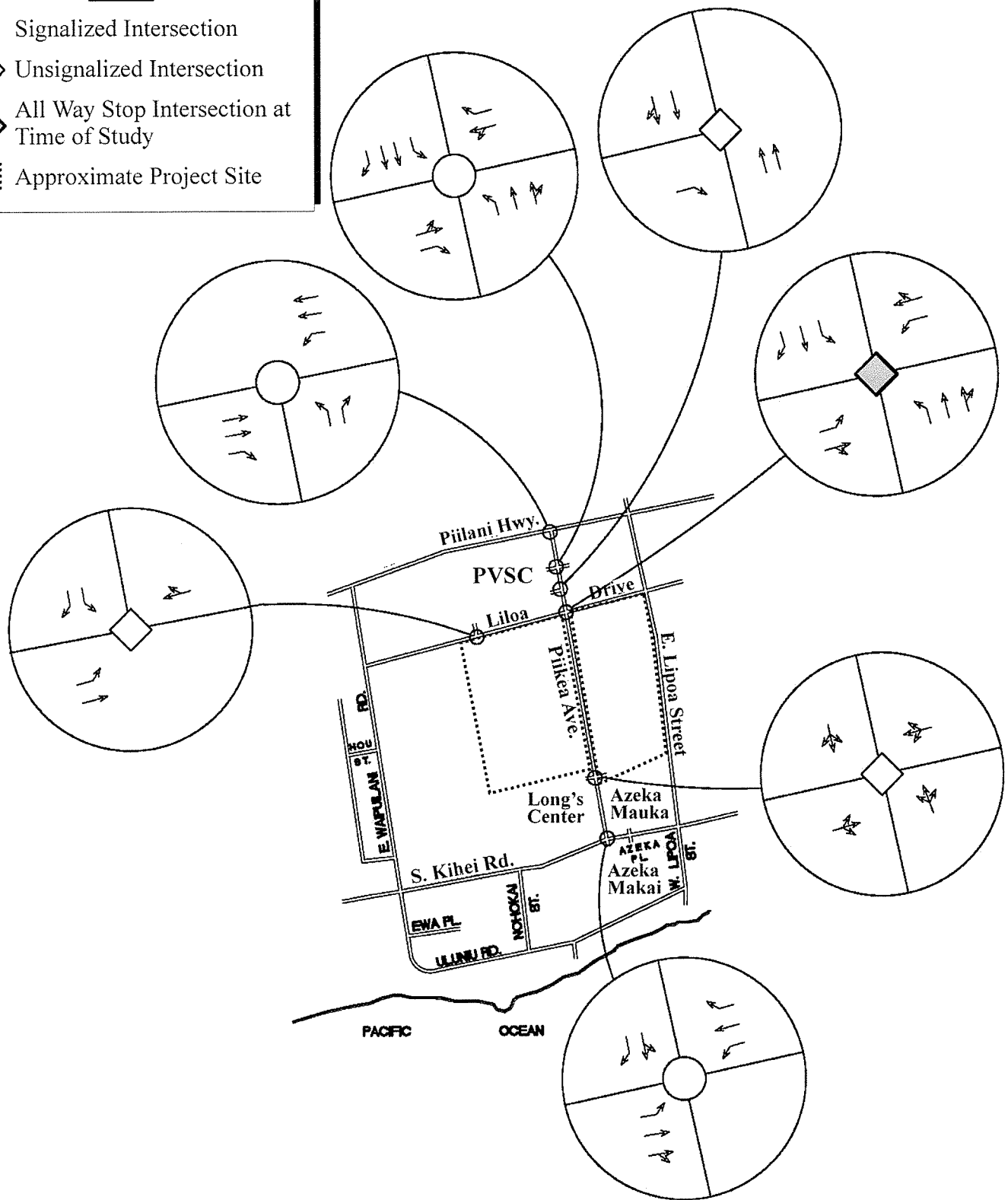
The TIAR assumed 2015 as the completion date for the proposed Downtown Kihei project. Traffic projections were first undertaken for the Base Year without the project, but including regional traffic growth (approximately 2.0 percent growth per year) and other known developments in the region. The TIAR also describes planned roadway improvements within the region.

The TIAR study area covered seven (7) intersections in the vicinity of the project site. These intersections are listed below and shown in **Figure 15**.

- Piilani Highway and Piikea Avenue (Signalized)
- Piikea Avenue and Piilani Village Shopping Center (PVSC) Main Access/Piilani Gardens (Signalized)
- Piikea Avenue and PVSC Secondary Access (Unsignalized, Right-turn in/Right turn out)
- Liloa Drive and PVSC Makai Access (Unsignalized)

KEY

-  Signalized Intersection
-  Unsignalized Intersection
-  All Way Stop Intersection at Time of Study
-  Approximate Project Site



Source: Austin, Tsutsumi & Associates, Inc.

Figure 15 Proposed Downtown Kihei Project
TIAR Study Intersections

NOT TO SCALE



Prepared for: The Krausz Companies, Inc.


MUNEKIYO & HIRAGA, INC.

- Piikea Avenue and Liloa Drive (Unsignalized, All-Way Stop Controlled at time of Study. Since the TIAR study was conducted, roundabout was constructed and is now in operation.)
- Piikea Avenue and Azeka Shopping Center Mauka driveway (Unsignalized, two-way stop controlled)
- Piikea Avenue/South Kihei Road (Signalized)

It is noted that traffic count data were collected prior to the installation of the roundabout at the intersection of Piikea Avenue and Liloa Drive. Based on traffic count data, the morning (AM) peak hour was determined to be from 7:15 AM to 8:15 AM; the afternoon (PM) peak hour was determined to be from 3:15 PM to 4:15 PM and the weekend peak hour was determined to be from 12:00 PM to 1:00 PM.

Based on the analysis, traffic operations under existing Year 2010 are operating at acceptable LOS, except at the Piilani Highway and Piikea Avenue intersection north bound left-turn movements and east bound left-turn movements which are currently operating at LOS E during the morning (AM) and LOS F during the afternoon (PM) and Saturday Mid-Day Peak Hours, with LOS F denoting over capacity conditions. These conditions are expected to continue in Base Year 2015 without and with the project.

The existing deficiency at the Piilani Highway and Piikea Avenue intersection was addressed previously by the County of Maui through a Memorandum of Understanding (MOU), dated October 13, 2008, between to Department of Parks and Recreation (DPR) and the Department of Public Works (DPW) in which the DPW planned to construct a second left-turn lane for mauka-bound traffic on Piikea Avenue at the Piilani Highway and Piikea Avenue intersection to address traffic impacts from the South Maui Community Park project. The MOU identified funding for the improvements that would be incorporated into the DPW's 6-Year Capital Improvement Plan for projects programmed into the Statewide Transportation Improvement Program (STIP) for Federal Funding. Based on this timeline, it is anticipated that the construction of the second left-turn lane on Piikea Avenue would be completed by 2015. However, this planned improvement is not currently documented in the latest STIP implementation schedule through 2016.

The Downtown Kihei site access intersections are expected to operate at acceptable LOS. See **Figure 16** for the proposed vehicular access plan. However, at the Azeka Shopping Center Mauka driveway and Driveway “B Street” into Parcel 030, the relatively low northbound and southbound approach volumes are expected to operate at LOS E and F (exit from the site onto Piikea Avenue). LOS E and F are common for side-street approaches onto a major roadway and since the access will operate well below traffic signal warrant thresholds, no mitigation is deemed necessary by the TIAR.

The project driveway “C Street” is projected to have sufficient traffic volumes to warrant the installation of a traffic signal at full development. The “D Street” and “E Street” driveways will be limited to right-turn in and out movements to facilitate traffic flow along Piikea Avenue. Crosswalks will be provided at the “B Street”, “C Street”, and “D Street” intersections with Piikea Avenue to enable pedestrian access between the northern and southern portions of Downtown Kihei. In the interest of promoting alternative means of transportation, bus stops will be provided on Piikea Avenue to the west of the “B Street” intersection.

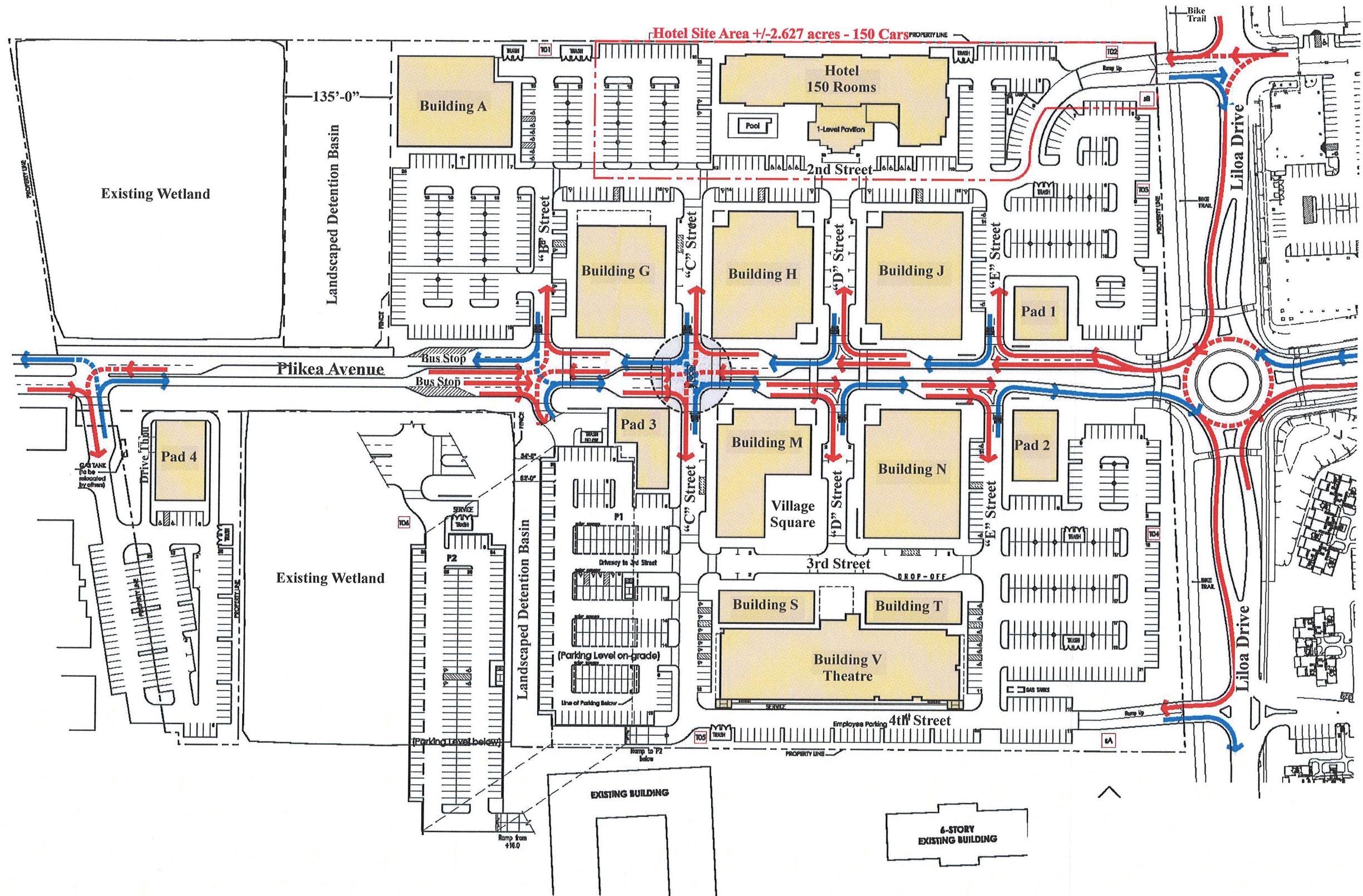
Based on the analysis of the traffic data, the TIAR recommends the following measures as part of project implementation:

- At the intersection of Piilani Highway and Piikea Avenue, install an additional left-turn lane (double left-turn lane) at the Piikea Avenue eastbound approach during project construction development planned in year 2015.
- At the intersection of Piilani Highway and Piikea Avenue, monitor conditions for the Piilani Highway northbound left-turn traffic movements. If future traffic increases cause over-capacity traffic conditions, an additional northbound left-turn lane (double left-turn lane) is recommended.
- Install a traffic signal at the project driveway “C Street”, as planned for the proposed Downtown Kihei development.

To address comments from the Maui Planning Commission, ATA will conduct a supplemental traffic analysis after the winter school break on Lipoa Street between Piilani Highway and South Kihei Road, which is outside of the project area and not directly impacted by the proposed development.

KEY

- Entry
- Exit
- Signalized Intersection



Source: Stoutenborough, Inc.

Figure 16

Proposed Downtown Kihei Project Vehicular Access Plan

NOT TO SCALE



Prepared for: The Krausz Companies, Inc.



Further, ATA will investigate synchronization of the traffic lights on South Kihei Road if that will improve the current traffic flow in the area.

During the Special Management Area process, the Maui Planning Commission will be able to review the supplemental traffic analysis. The project is not anticipated to affect school traffic since it is not located on Lipoa Street and the hours of operation will be after the morning school traffic and the afternoon school traffic will be after the lunch traffic normally experienced by commercial uses. Also, the synchronization of the traffic lights on South Kihei Road is an existing problem due to the number of traffic lights installed close together without adequate separation to allow traffic to flow through.

2. Water System

a. Existing Conditions

The Kihei area is served by the County of Maui, Department of Water Supply's (DWS) Central Maui System. The main sources of potable water for the Central Maui System are the designated Iao aquifer, Waihee aquifer, the Iao Tunnel and the Iao-Waikapu Ditch. According to the DWS there is no additional source available in the Central Maui System until new sources are developed.

The DWS Central Maui System includes water storage, transmission, and distribution components. The 36-inch diameter high-pressure Central Maui Transmission Line and an 18-inch diameter transmission/distribution line run within a utility corridor to the east of the project site, along the Liloa Drive right-of-way. In addition, a 12-inch diameter waterline extends west along Piikea Avenue from the 18-inch transmission/distribution line that runs along Liloa Drive, although this 12-inch line has been temporarily plugged. An 8-inch diameter water line runs east along Piikea Avenue from South Kihei Road, between the Long's Drugs Center and the Azeka Place Mauka commercial center. Storage capacity for the area is provided by a 2.0 million gallon (MG) concrete reservoir located approximately one (1) mile east of the project site, immediately mauka (upland) of the Maui Research & Technology Park. This reservoir is serviced by the 36-inch Central Maui

Transmission Line and is connected to the 18-inch transmission/distribution line at Lipoa Street.

It is noted that this region of Kihei is also serviced by a non-potable water storage, transmission, and distribution system that is developed and managed by the County of Maui, Department of Environmental Management, Wastewater Reclamation Division. A 12-inch diameter transmission/distribution line provides non-potable (R-1) reclaimed water to the region. This line also runs within the utility corridor that lies to the east of the project site, along Liloa Drive.

b. Potential Impacts and Proposed Mitigation Measures

A Preliminary Engineering and Drainage Report (PEDR) for the proposed project was prepared by Warren S. Unemori Engineering, Inc. in July 2012. Refer to **Appendix “C”**.

Anticipated potable water demands for the proposed project are expected to range between a low of 48,500 gallons per day (gpd), based on preliminary projections from the Mechanical Engineer, and a high of 143,600 gpd, based on gross land area. Anticipated preliminary peak potable water demand, as calculated by the Mechanical Engineer in gallons per minute (gpm), is provided in **Table 9** below. It is noted that these projections exclude landscape irrigation demands, for which R-1 recycled water is anticipated to be used. Also provided in **Table 9** below are anticipated water meter sizes for Parcel 030, Parcel 076, and Parcel 158.

Table 9. Anticipated Preliminary Peak Potable Water Demand and Water Meter Sizes

Project Component	Anticipated Preliminary Peak Domestic Potable Water Demand	Anticipated Approximate Domestic Potable Water Meter Size
Parcel 030-Hotel (Including Pool and Cooling Tower)	245 gpm	3" (max. capacity 320 gpm)
Parcel 030-Balance	170 gpm	Two (2) 1 ½" (max. capacity 200 gpm) Or 3" (max. capacity 320 gpm, for tenant flexibility)
Parcel 076	190 gpm	Two (2) 1 ½" (max. capacity 200 gpm) Or 3" (max. capacity 320 gpm, for tenant flexibility)
Parcel 158	70 gpm	1 ½" (max. capacity 100 gpm)
Source: Warren S. Unemori Engineering, Inc. (2012).		

Meanwhile, based on calculations by the Mechanical Engineer, anticipated fire flows for Parcel 030, Parcel 076, and Parcel 158 are not expected to exceed 1,500 gpm. See **Table 10** below.

Table 10. Anticipated Fire Flow

Component	Anticipated Maximum Preliminary Fire Flow (from Mechanical Engineer)
Parcel 030 - Proposed Hotel	1,500 gpm
Parcel 030 - Balance	1,500 gpm
Parcel 076	1,500 gpm
Parcel 158	TBD
Source: Warren S. Unemori Engineering, Inc. (2012).	

Potable water service for Parcel 030 and Parcel 076 is proposed to be provided by an extension of the 12-inch diameter waterline that runs west from Liloa Drive along Piikea Avenue. This waterline extension will also

provide service for some of the proposed fire hydrants to be installed along Piikea Avenue. Potable water service for Parcel 158 will be provided via an extension of the existing 8-inch diameter waterline that runs east along Piikea Avenue from South Kihei Road. This waterline extension will also provide service for some of the proposed fire hydrants to be installed along Piikea Avenue.

The PEDR states that major tenants and groups of tenant spaces within Downtown Kihei are expected to be sub-metered and proportioned as a means to monitor water consumption and provide an incentive to reduce water consumption. Additionally, in terms of water conservation, low-water consumption fixtures are expected to be utilized, and non-potable water is expected to be utilized for landscape irrigation to the extent practicable. In this regard, metered non-potable (R-1) irrigation service laterals will be installed from the County's 12-inch diameter R-1 transmission/distribution system that runs along Liloa Drive. While these service laterals will provide non-potable irrigation water for Parcel 030 and Parcel 076, irrigation water for Parcel 158 may need to be provided by the extension of the 8-inch potable waterline, due to this parcel's distance from Liloa Drive. The final determination on potable or non-potable landscape irrigation water for Parcel 158 will be determined during the future design phase for this parcel.

In December 2007 the County Council passed Ordinance No. 3502, which requires verification of a reliable long-term source of water. In this regard, discussions are being held with the DWS to identify potential new sources. The applicant is also exploring other water supply options, including joint water source and/or storage development, should connection to the DWS system prove unfeasible.

The Department of Water Supply recommended adopting the following water conservation measures to help accomplish LEED certification:

Indoor Conservation Measures:

1. Use EPA WaterSense labeled plumbing fixtures.
2. Install flow reducers and faucet aerators in all plumbing fixtures wherever possible.

3. Install dual flush toilets with high efficiency models that use 1.28 gallons per flush or less.
4. Install showerheads with a flow rate of 1.5 gpm at 60 psi or less.
5. Install bathroom sink faucets with fixtures that do not exceed 1 gpm at 60 psi. Laundry facilities and/or individual unit machines must use Energy Star labeled washers.
6. Limit the distance from the hot water source to the tap early in the design stage.

Exterior Area Measures:

1. Install infrastructure necessary to utilize a future connection to reclaimed water line for all properties.
2. Use Smart Approved WaterMark irrigation products.
3. Avoid plant fertilizing and pruning that would stimulate excessive growth. Time watering to occur in the early morning or evening to limit evaporation. Limit turf to as small an area as possible.

During the design phase of the project, the applicant will consider the recommended water conservation measures.

3. Wastewater System

a. Existing Conditions

The Kihei region is currently serviced by a wastewater collection, treatment, and disposal system owned and operated by the County of Maui, Department of Environmental Management Wastewater Reclamation Division (WRD). The system consists of a number of pump stations and force mains which convey wastewater through the County's transmission lines. The Kihei Wastewater Reclamation Facility (KWRF) processes the wastewater for the South Maui area.

The KWRF is located mauka (east) of Piilani Highway and approximately 2.0 miles southeast of the project site. The KWRF provides treatment for the South Maui region to produce recycled water at the R-1 level, according to State Department of Health standards. R-1 recycled water is the highest

quality of recycled water identified by the State Department of Health. The 12-inch R-1 recycled water transmission/distribution line is located on Liloa Drive, adjacent to the subject properties. The wastewater capacity of the KWRF is approximately 8.0 million gallons per day (mgd) and the current dry weather flow into the plant is approximately 4.0 mgd. Therefore, the KWRF is currently operating at approximately 50 percent of its capacity. Refer to **Appendix “C”**.

An existing 8-inch sewer line runs along Piikea Avenue, between South Kihei Road and Liloa Drive. This sewer line ties into a sewer manhole on South Kihei Road, which then flows into a 10-inch sewer line. From this point, the 10-inch sewer line carries effluent by gravity flow 500 feet northward along South Kihei Road to Sewer Pump Station No. 4. This pump station pumps the effluent southward to the KWRF via a 12-inch force main. The PEDR states that a Sewer Capacity Analysis undertaken in 1997 found that the Piikea Avenue sewer line has a peak design capacity of at least 530,000 gpd, which is adequate to provide service to the proposed project. Accordingly, 8-inch diameter sewer service laterals were previously installed at the lower corners of Parcel 030, Parcel 076, and Parcel 158.

As discussed above, reclaimed water service for this region of Kihei is provided by a non-potable water storage, transmission, and distribution system that is developed and managed by the WRD. A 12-inch diameter transmission/distribution line provides non-potable (R-1) reclaimed water to the region. This line also runs within the utility corridor that lies to the east of the project site, along Liloa Drive.

b. Potential Impacts and Proposed Mitigation Measures

Estimated project wastewater demands calculated by the PEDR are set forth in **Table 11**, pictured below:

Table 11. Estimated Peak Wastewater Demands

Project Component	Peak Design Wastewater Flow
Parcel 030	88,900 gpd
Parcel 076	77,200 gpd
Parcel 158	11,700 gpd

The PEDR states that existing sewer laterals from the existing 8-inch sewer line along Piikea Avenue will be extended into the project site. Where more optimum service points are required, a new sewer manhole will be installed along the existing 8-inch sewer line along Piikea Avenue, and a new 8-inch diameter sewer lateral will be extended into the project site. The onsite wastewater system will consist of 8-inch diameter main sewer lines with sewer manholes and 6-inch diameter sewer service laterals to individual buildings.

As discussed above, non-potable (R-1) reclaimed water will be utilized for landscape irrigation. Metered non-potable (R-1) irrigation service laterals will be installed from the County's 12-inch diameter R-1 transmission/distribution system that runs along Liloa Drive. While this extension will provide non-potable irrigation water for Parcel 030 and Parcel 076, irrigation water for Parcel 158 may need to be provided by the extension of the 8-inch potable waterline, due to this parcel's distance from Liloa Drive. The final determination on potable or non-potable landscape irrigation water for Parcel 158 will be determined during the future design phase for this parcel. Anticipated irrigation water demands for onsite and offsite project components, based on preliminary projections by the Landscape Architect, are provided in **Table 12** below.

Table 12. Anticipated Landscape Irrigation Water Demands

Project Component	Anticipated Preliminary Landscape Irrigation Demand (plant establishment rate/long term normal rate)
Parcel 030	15,100 gpd/8,100 gpd
Parcel 076	12,000 gpd/6,400 gpd
Parcel 158	2,400 gpd/1,400 gpd
Piikea Avenue Realignment and Improvements	TBD
Source: Warren S. Unemori Engineering, Inc. (2012).	

In consultation with the WRD, wastewater system capacity is currently available and, as a result, no significant impacts to the wastewater system are anticipated as a result of project implementation. In terms of R-1 water use, there is currently available water for the project's landscaping needs.

4. Drainage System

a. Existing Conditions

Maui receives varying levels of rainfall in a given year depending on location. The average annual rainfall (2004-2010) of the Kihei area was 12.32 inches (County of Maui, Office of Economic Development, 2011). According to the PEDR, the project site slopes gently towards the ocean in an east-to-west direction with slopes ranging from 0.7 to 3.1 percent. The majority of the project site is located within Flood Zone X, an area of minimal flooding outside the 0.2 percent annual chance floodplain. The entirety of Parcel 158 and the portions of Parcels 030 and 076 that are adjacent to the manmade wetlands are located in Flood Zone AH, a special flood hazard area with base flood elevation of six (6) feet.

Runoff generated from Parcel 030 and Parcel 076 generally sheet flows toward the makai (seaward) portion of the project site, into the manmade wetland ponds. Meanwhile, runoff from Parcel 158 sheet flows in an west-to-east direction, towards the manmade wetland on Parcel 080. According to the PEDR, the pre-development project site (excluding the manmade

wetlands on Parcel 030 and Parcel 080) generates approximately 21.0 cubic feet per second (cfs) of runoff, based on a 50-year, 1-hour storm event.

The manmade wetlands on Parcel 030 and Parcel 080 release runoff into concrete drainage inlet structures that connect to the underground drainage systems within the adjacent Long's Center and Azeka Place Mauka commercial complexes. From these drainage systems, runoff is conveyed to the County's existing underground drainage system along South Kihei Road, which discharges runoff to the existing St. Theresa Regulation Reservoir that has an outlet to the ocean.

The PEDR states that according to the previously approved drainage report for the Long's Center, the existing drainage system and inlet structure, located to the east of the Long's Center and in the manmade wetland on Parcel 030, was designed to accommodate approximately 14.4 cfs of total allowable runoff from Parcel 030, once the parcel is developed. This runoff is conveyed into the County drainage system described above. Meanwhile, approximately 1.6 cfs of runoff flows from the northern fringe of Parcel 030 in a northerly direction onto the neighboring Yee's Orchard property.

Regarding Parcel 076, the PEDR states that the previously approved drainage report for the Azeka Place Commercial Center determined that the existing drainage system and inlet structure located east of the Azeka Place Commercial Center, within the manmade wetland on Parcel 080, was designed to accommodate approximately 17.8 cfs of total allowable runoff from Parcel 076 and Parcel 158. This runoff is also conveyed to the County drainage system described above.

Runoff from Piikea Avenue currently sheet flows into the project site, with approximately half flowing into Parcel 030 and half flowing into Parcel 076 and Parcel 158. As with existing runoff from the project site, this runoff ultimately flows into the manmade wetlands on Parcel 030 and Parcel 080. Similarly, a total of approximately 3.3 cfs of offsite runoff from areas mauka (upland) of the project site sheet flows across the project site and into the manmade wetlands on Parcel 030 and Parcel 080.

b. Potential Impacts and Proposed Mitigation Measures

All drainage improvements set forth by the PEDR will be implemented pursuant to the current County of Maui Rules for the Design of Storm Drainage Facilities. Existing pre-development drainage patterns will be maintained, and any potential increase in runoff generated by the proposed project will be mitigated so as to be no greater than what the existing downstream drainage systems were master-planned for and designed to accommodate. The majority of onsite and offsite runoff will be intercepted by drain inlets and conveyed by underground drainage systems to two (2) onsite landscaped detention basins which will be sized to accommodate the fully developed project site.

Runoff from the proposed development will be intercepted by drain inlets which will incorporate activated carbon filters. The filtered runoff will be routed through subsurface drainage systems which will incorporate baffles to encourage siltation. Ultimately, runoff will enter the aforementioned landscaped detention basins on Parcel 030 and Parcel 076 which will have provisions for overflow with controlled release to the downstream manmade wetlands on Parcel 030 and Parcel 080. As an improvement to existing conditions, under the developed condition, runoff will be filtered and detained so as not to enter directly into the manmade wetlands.

The proposed subsurface detention systems and aboveground detention basins will attenuate runoff such that the net release into the Long's Center drainage system is calculated to be approximately 14.0 cfs, less than the allowable 14.4 cfs that the system was designed to accommodate. Similarly, the net release into the Azeka Mauka drainage system will be approximately 17.3 cfs, less than the allowable 17.8 cfs that the system was designed to accommodate. A portion of the onsite runoff from the northern fringe of Parcel 030 will be allowed to continue to sheet flow into the adjacent Yee's Orchard property, as is done under existing conditions. Notwithstanding, there will be no net increase in runoff leaving the project site and entering this adjacent property.

In sum, the proposed drainage improvements will attenuate the onsite runoff to the point that runoff discharging downstream will not exceed the master-planned and designed allowable release allocated for the developed project

site. The anticipated runoff generated by the proposed project will be within the design capacity of the downstream drainage systems, and the proposed project is not anticipated to have an adverse impact on downstream and adjoining properties.

Onsite drainage and soil erosion control measures and conformance with “Rules for the Design of Storm Drainage Facilities in the County of Maui” and “Rules for the Design of Storm Water Treatment Best Management Practices” will reduce the potential of sediments contained in the runoff from entering the wetland ponds and eventually the ocean. It is noted that soils underlying the project site exhibit low and negligible runoff hazards. In light of these conditions, the proposed project is not anticipated to result in significant drainage impacts to adjacent or downstream properties.

5. Electrical, Telephone, and Cable Television Services

a. Existing Conditions

There are overhead utility lines along Liloa Drive, to the east of the project site, and on Piikea Avenue near its intersection with South Kihei Road to the west of the project site. The utility lines on Piikea Avenue service the adjacent Azeka Place and Longs Drugs commercial centers located along South Kihei Road. Existing development east of Liloa Drive along Piikea Avenue are served by underground utility lines. Refer to **Appendix “C”**.

b. Potential Impacts and Proposed Mitigation Measures

Electrical, telephone, and cable television services for the project area will be coordinated with Maui Electric Company, Hawaiian Telcom, and Oceanic Time Warner Cable, respectively. It is anticipated that service capacity will be available, as required. Services will be connected to the existing service lines through underground utility lines. Refer to **Appendix “C”**.

E. CUMULATIVE AND SECONDARY IMPACTS

Cumulative impacts are defined as the impact on the environment which results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions.

With respect to larger and foreseeable future actions, the County of Maui updated the County General Plan through the planning horizon of 2030. Among the components of the General Plan Update is the Maui Island Plan which delineates urban and rural growth boundaries (UGBs and RGBs, respectively). The purpose of the UGBs and RGBs is to direct future urban and rural growth to select areas of Maui Island, taking into account population projections and future demands for housing, infrastructure, services, and public facilities. The proposed Downtown Kihei project site is an infill project located within the UGB for the Kihei-Makena region.

Other proposed projects that are included in the UGB include the proposed expansion of the Maui Research & Technology Park (MRTP), the proposed Piilani Promenade shopping center, and the proposed Maui Outlet Center, all of which are located on the mauka (upland) side of Piilani Highway. The MRTP encompasses approximately 432 acres of land but is only approximately 10 percent built out. The MRTP expansion envisions an “integrated and vibrant mixed-use community focused around a regional knowledge-based industry employment base... to include such diverse fields as telecommunications, health sciences, education, health care, and support uses including professional services, restaurants, retail, and housing” (Chris Hart & Partners, 2010). While the MRTP expansion will be a population generator, Piilani Promenade and the Maui Outlet Center, like Downtown Kihei, will respond to future demand for commercial and retail offerings. The inclusion of these projects in the UGB indicates that the cumulative need for infrastructure and services for these projects has been contemplated and taken into account by the Maui Island Plan.

Although the project site is located on vacant, undeveloped land, the site has been designated for urban land uses and is surrounded by urban development to the east, west, and south. The development of this site will not take agricultural land out of production, and with the implementation of Best Management Practices for water quality, erosion and sedimentation control, adverse impacts to the mango orchard on the neighboring parcel to the north are not anticipated. The manmade wetlands in Parcel 030 and Parcel 080 will not be affected by the proposed project, and the marginal wetland areas in Parcel 030 and Parcel 076 will be encompassed by vegetated detention areas and will not be developed. Implementation of mitigation measures to minimize impact on wetlands and listed water birds identified in this

chapter, Section A.6 will ensure that endangered species and their habitat are not adversely impacted. With respect to other botanical and fauna resources, a number of tree tobacco plants were documented within the project site, these being the alternative, non-native host plant of the endangered Blackburn's Sphinx moth. The DLNR's protocol for the removal of the tree tobacco plants will be implemented to ensure the Blackburn's Sphinx moth is not adversely impacted. Being an infill project in the midst of the existing Kihei downtown area, rather than an urban expansion project, the proposed project is not anticipated to result in any cumulative impacts.

Secondary impacts are those which have the potential to occur later in time or farther in distance, but are still reasonably foreseeable. They can be viewed as actions of others that are taken because of the presence of the project. Secondary impacts from highway projects, for example, can occur because they can induce development by removing one of the impediments to growth, transportation access.

With the proposed mitigation measures in place, the project is not anticipated to have a significant secondary impacts. The project site has ready access to necessary infrastructure, such that extensions of infrastructure systems will not be required. Existing County water, wastewater, and reclaimed waterlines are located in the immediate vicinity of the project site. In the short term, construction of the proposed project will generate employment and revenues for the construction industry and related fields. Over the long term, property tax revenues and a portion of the TAT will provide additional funds for the County and general excise tax revenues and portions of the TAT will provide additional funds for the State. Once in operation, the proposed business, commercial, retail and hotel uses will generate a number of employment opportunities. A secondary impact relating specifically to the proposed hotel will be the need to provide workforce housing in the region. This impact will be addressed through compliance with the County's workforce housing ordinance. Housing credits from an approved affordable housing project in the Kihei-Makena region is proposed to satisfy the County's workforce housing ordinance. As an approved affordable housing project, impacts on public infrastructure, facilities, and services have been assessed and no new impacts will result from the proposed Downtown Kihei project. As an infill project, existing service limits for police, fire, and emergency medical services will not be affected by project implementation, although a small increase in service calls may result from operation of the project. Traffic conditions along Piikea Avenue and related roadways will be affected, once Downtown Kihei is in operation. However, the implementation of the driveway configurations and intersection improvements recommended by the project's TIAR are

anticipated to mitigate these impacts. In summary, the proposed action is not anticipated to result in significant adverse secondary impacts.

III. RELATIONSHIP TO LAND USE PLANS, POLICIES, AND CONTROLS

III. RELATIONSHIP TO LAND USE PLANS, POLICIES, AND CONTROLS

A. STATE LAND USE DISTRICT

Chapter 205, Hawaii Revised Statutes (HRS), relating to the Land Use Commission, establishes four (4) major land use districts in which all lands in the state are placed. These districts are designated as “Urban”, “Rural”, “Agricultural”, and “Conservation”. The project site is located within the “Urban” district. See **Figure 17**. The proposed Downtown Kihei project is consistent with the permitted land uses for the “Urban” district, as defined by Chapter 205, HRS.

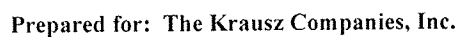
B. HAWAII STATE PLAN

Chapter 226, HRS, also known as the Hawaii State Plan, is a long-range comprehensive plan which serves as a guide for the future long-term development of the State by identifying goals, objectives, policies, and priorities, as well as implementation mechanisms. Examples of State objectives and policies relevant to the proposed project are as follows:

1. **Section 226-05, Objective and policies for population. To achieve this objective, it shall be the State policy to:**
 - a. Manage population growth statewide in a manner that provides increased opportunities for Hawaii’s people to pursue their physical, social, and economic aspirations while recognizing the unique needs of each county.
 - b. Encourage an increase in economic activities and employment opportunities on the neighbor islands consistent with community needs and desires.
 - c. Promote increased opportunities for Hawaii’s people to pursue their socio-economic aspirations throughout the islands.



NOT TO SCALE



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2. **Section 226-13, Objective and policies for the physical environment—land, air, and water quality. To achieve this objective, it shall be the policy of this State to:**

- a. Encourage design and construction practices that enhance the physical qualities of Hawaii's communities.
- b. Encourage urban developments in close proximity to existing services and facilities.

The proposed project is in consonance with objectives and policies for preserving the quality of the physical environment. As an urban infill project, the proposed Downtown Kihei project has ready access to existing public services and infrastructure. In addition, the proposed project will provide transportation improvements and economic opportunities that are complementary to surrounding land uses. Further, public gathering places such as a village square and promenades have been incorporated into the project design, thereby creating an environment that fosters community enrichment. Thus, the proposed project is in conformance with the above-noted objectives and policies of the Hawaii State Plan.

C. GENERAL PLAN OF THE COUNTY OF MAUI

As indicated by the Maui County Charter, the purpose of the general plan shall be to:

... indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density; land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development.

Chapter 2.80B of the Maui County Code, relating to the General Plan and Community Plans, implements the foregoing Charter provision through enabling legislation which calls for a Countywide Policy Plan and a Maui Island Plan. The Countywide Policy Plan was adopted as Ordinance No. 3732, effective March 24, 2010, while the Maui Island Plan, which delineates areas for future urban and rural growth as part of a Directed Growth Strategy, was adopted as Ordinance No. 4004 effective December 28, 2012.

The following sections identify pertinent objectives, policies, implementing actions and related provisions set forth in the Countywide Policy Plan and the Maui Island Plan. It is recognized that both documents are comprehensive in nature and address a number of functional planning areas which apply to all programs, plans, and projects. However, for purposes of addressing General Plan compliance requirements, policy considerations which are deemed most relevant in terms of compatibility and consistency are addressed in this report section.

1. Countywide Policy Plan

With regard to the Countywide Policy Plan, Section 2.80B.030 of the Maui County Code states the following.

The countywide policy plan shall provide broad policies and objectives which portray the desired direction of the County's future. The countywide policy plan shall include:

- 1. A vision for the County;*
- 2. A statement of core themes or principles for the County; and*
- 3. A list of countywide objectives and policies for population, land use, the environment, the economy, and housing.*

Core principles set forth in the Countywide Policy Plan are listed as follows:

- 1. Excellence in the stewardship of the natural environment and cultural resources;*
- 2. Compassion for and understanding of others;*
- 3. Respect for diversity;*
- 4. Engagement and empowerment of Maui County residents;*
- 5. Honor for all cultural traditions and histories;*
- 6. Consideration of the contributions of past generations as well as the needs of future generations;*
- 7. Commitment to self-sufficiency;*
- 8. Wisdom and balance in decision making;*

9. *Thoughtful, island appropriate innovation; and*
10. *Nurturance of the health and well-being of our families and our communities.*

Congruent with these core principles, the Countywide Policy Plan identifies goals objectives, policies and implementing actions for pertinent functional planning categories, which are identified as follows:

1. *Natural environment*
2. *Local cultures and traditions*
3. *Education*
4. *Social and healthcare services*
5. *Housing opportunities for residents*
6. *Local economy*
7. *Parks and public facilities*
8. *Transportation options*
9. *Physical infrastructure*
10. *Sustainable land use and growth management*
11. *Good governance*

The following goals, objectives, policies and implementing actions are illustrative of the proposed Downtown Kihei project's compliance with the Countywide Policy Plan.

Goal:

Maui County's natural environment and distinctive open spaces will be preserved, managed, and cared for in perpetuity.

Objectives:

1. *Improve the opportunity to experience the natural beauty and native biodiversity of the islands for present and future generations.*
2. *Preserve and reestablish indigenous and endemic species' habitats and their connectivity.*
3. *Restore and protect forests, wetlands, watersheds, and stream flows, and guard against wildfires, flooding, and erosion.*

Goal:

Maui County will foster a spirit of pono and protect, perpetuate, and reinvigorate its residents' multi-cultural values and traditions to ensure that current and future generations will enjoy the benefits of their rich island heritage.

Objective:

Preserve for present and future generations the opportunity to know and experience the arts, culture, and history of Maui County.

Goal:

Maui County's economy will be diverse, sustainable, and supportive of community values.

Objective:

Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of economic growth.

Policies:

- a. *Support and promote locally produced products and locally owned operations and businesses that benefit local communities and meet local demand.*
- b. *Encourage work environments that are safe, rewarding, and fulfilling to employees.*

Objectives:

Support a visitor industry that respects the resident culture and the environment.

Support the diversification, development, evolution, and integration of the visitor industry in a way that is compatible with the traditional, social, economic, spiritual, and environmental values of island residents.

Improve collaboration between the visitor industry and the other sectors of Maui County's economy.

Goal:

Maui County will have an efficient, economical, and environmentally sensitive means of moving people and goods.

Objective:

Provide an effective, affordable, and convenient ground-transportation system that is environmentally sustainable.

Policies:

Support the use of alternative roadway designs, such as traffic-calming techniques and modern roundabouts.

Objective:

Reduce the reliance on the automobile and fossil fuels by encouraging walking, bicycling, and other energy-efficient and safe alternative modes of transportation.

Policies:

- a. Make walking and bicycling transportation safe and easy between and within communities.*
- b. Require development to be designed with the pedestrian in mind.*
- c. Design new and retrofit existing rights-of-way with adequate sidewalks, bicycle lanes, or separated multi-use transit corridors.*
- d. Support the development of a countywide network of bikeways, equestrian trails, and pedestrian paths.*

Objective:

Improve and expand the planning and management of transportation systems.

Policies:

- a. Encourage progressive community design and development that will reduce transportation trips.*
- b. Require new developments to contribute their pro rata share of local and regional infrastructure costs.*
- c. Utilize transportation-demand management as an integral part of transportation planning.*
- d. Accommodate the planting of street trees and other appropriate landscaping in all public rights-of-way.*

Goal:

Maui County's physical infrastructure will be maintained in optimum condition and will provide for and effectively serve the needs of the County through clean and sustainable technologies.

Objective:

Direct growth in a way that makes efficient use of existing infrastructure and to areas where there is available infrastructure capacity.

Policies:

- a. *Promote land use patterns that can be provided with infrastructure and public facilities in a cost-effective manner.*

Goal:

Community character, lifestyles, economies, and natural assets will be preserved by managing growth and using land in a sustainable manner.

Objective:

Improve land use management and implement a directed-growth strategy.

Policies:

- a. *Direct urban and rural growth to designated areas.*
- b. *Encourage redevelopment and infill in existing communities on lands intended for urban use to protect productive farm land and open-space resources.*
- c. *Direct new development in and around communities with existing infrastructure and service capacity, and protect natural, scenic, shoreline, and cultural resources.*

Objective:

Design all developments to be in harmony with the environment and to protect each community's sense of place.

Policies:

- a. *Ensure that adequate recreational areas, open spaces, and public-gathering places are provided and maintained in all urban centers and neighborhoods.*
- b. *Ensure business districts are distinctive, attractive, and pedestrian-friendly destinations.*
- c. *Use trees and other forms of landscaping along rights-of-way and within parking lots to provide shade, beauty, urban-heat reduction, and separation of pedestrians from automobile traffic in accordance with community desires.*

- d. *Facilitate safe pedestrian access, and create linkages between destinations and within parking areas.*

The proposed Downtown Kihei project includes spaces for businesses, retail outlets, restaurants, medical offices, recreational and public uses, together with a select-services hotel. The project site plan creates a village center with pedestrian-friendly streets and promenades to encourage street markets and other public gatherings. As an infill development, the project will provide businesses and entertainment venues that will support residents of surrounding single- and multi-family neighborhoods. Wetland areas at the makai (seaward) end of the project site will be maintained as open space areas, and landscaped detention basins will serve the dual purpose of ensuring that native avifauna are not disturbed by the project. Necessary infrastructure systems, public facilities and services are readily accessible from the project site. Meanwhile, improvements to Piikea Avenue and Liloa Drive will provide pedestrian and bicycle pathways, bus stops, street trees, and landscaping. In consideration of the foregoing, the proposed project is in conformance with the themes and principles of the Countywide Policy Plan.

2. **Maui Island Plan**

The Maui Island Plan (MIP) is applicable to the Island of Maui only, providing more specific policy-based strategies for population, land use, transportation, public and community facilities, water and sewage systems, visitor destinations, urban design, and other matters related to future growth.

As provided by Chapter 2.80B, the MIP shall include the following components:

1. *An island-wide land use strategy, including a managed and directed growth plan*
2. *A water element assessing supply, demand and quality parameters*
3. *A nearshore ecosystem element assessing nearshore waters and requirements for preservation and restoration*
4. *An implementation program which addresses the County's 20-year capital improvement requirements, financial program for implementation, and action implementation schedule*

5. *Milestone indicators designed to measure implementation progress of the MIP*

It is noted that Ordinance No. 4004 does not address the component relating to the implementation program. Chapter 2.80B of the Maui County Code, relating to the General Plan, was amended by Ordinance No. 3979, effective October 5, 2012, to provide that the implementation program component be adopted no later than one (1) year following the effective date of Ordinance No. 4004. As such, the implementation program component of the MIP will require adoption prior to December 28, 2013.

The MIP addresses a number of planning categories with detailed policy analysis and recommendations which are framed in terms of goals, objectives, policies and implementing actions. These planning categories address the following areas:

1. *Population*
2. *Heritage Resources*
3. *Natural Hazards*
4. *Economic Development*
5. *Housing*
6. *Infrastructure and Public Facilities*
7. *Land Use*

Additionally, an essential element of the MIP is its directed growth plan which provides a management framework for future growth in a manner that is fiscally, environmentally, and culturally prudent. Among the directed growth management tools developed through the MIP process are maps delineating urban growth boundaries (UGB), small town boundaries (STB), and rural growth boundaries (RGB). The respective boundaries identify areas appropriate for future growth and their corresponding intent with respect to development character.

The proposed Downtown Kihei project is located within the UGB for the Kihei-Makena region. Chapter 8 of the MIP encourages infill development such as the proposed Downtown Kihei project and notes that “the Kihei Krausz Project which is a 320,000-square-foot sustainable, mixed-use community that will create a

walkable and vibrant downtown district for Kihei. This, and similar projects, present as opportunity to redefine Kihei into a network of individual towns within a larger town.” In this regard, Downtown Kihei is consistent with the directed growth strategy defined via growth maps adopted in the MIP.

In addition, the proposed Downtown Kihei project has been reviewed with respect to pertinent goals, objectives, policies and implementing actions of the MIP. A summary of these policy statements are provided below:

1. **POPULATION**

Goal:

Maui’s people, values, and lifestyles thrive through strong, healthy, and vibrant island communities.

Policy:

Expand housing, transportation, employment, and social opportunities to ensure residents are able to comfortably age within their communities.

2. **HERITAGE RESOURCES**

Cultural, Historical, and Archaeological Resources Issues

Goal:

Our community respects and protects archaeological and cultural resources while perpetuating diverse cultural identities and traditions.

Policy:

Ensure that cultural, historic, and archaeological resources are protected for the benefit of present and future generations.

Watersheds, Streams and Wetlands Issues

Objective:

Preserve existing wetlands and improve and restore degraded wetlands.

Policies:

Prohibit the destruction and degradation of existing upland, mid-elevation, and coastal wetlands.

Where applicable, require developers to provide a wetland protection buffer and/or other protective measures around and between development and wetland resources.

Objective:

Greater preservation of native flora and fauna biodiversity to protect native species.

Policy:

Work with appropriate agencies to eliminate feral ungulate populations and invasive species.

Wildlife and Natural Area Issues

Goal:

Maui's natural areas and indigenous flora and fauna will be protected.

Policies:

Identify and inventory the following:

- (1) Natural, recreational, and open space resources;*
- (2) Flora and fauna with medium, high, and very high concentrations of threatened or endangered species; and*
- (3) Location and extent of invasive species.*

Require flora and fauna assessment and protection plans for development in areas with concentrations of indigenous flora and fauna; development shall comply with the assessment and protection plan and shall use the avoidance, minimization, and mitigation approach respectively, with an emphasis on avoidance.

Objective:

Greater protection of sensitive lands, indigenous habitat, and native flora and fauna.

Scenic Resources Issues

Policies:

Protect “night sky” resources by encouraging the implementation of ambient light ordinances and encouraging conversion of all sources that create excessive light pollution, affecting our ability to view the stars.

Protect scenic resources along Maui’s scenic roadway corridors.

Objective:

Reduce impacts of development projects and public-utility improvements on scenic resources.

Policy:

Require appropriate building setbacks and limits on wall heights to protect views along scenic corridors.

3. NATURAL HAZARDS

Goal:

Maui will be disaster resilient.

Objective:

Greater protection of life and property.

4. **ECONOMIC DEVELOPMENT**

Challenges and Opportunities

Goal:

Maui will have a balanced economy composed of a variety of industries that offer employment opportunities and well-paying jobs and a business environment that is sensitive to resident needs and the island's unique natural and cultural resources.

Policy:

Support the creation of new jobs and industries that provide a living wage.

Objective:

Increase activities that support principles of sustainability.

Policies:

Support industries that are sustainable, and culturally and environmentally sensitive.

Encourage and support local businesses.

Encourage all businesses to save energy, water, and other resources.

Objective:

Improve the island's business climate.

Tourism

Goal:

A healthy visitor industry that provides economic well-being with stable and diverse employment opportunities.

Policy:

Diversify the tourism industry by supporting appropriate niche activities such as ecotourism, cultural tourism, voluntourism, ag-tourism, health and wellness tourism, educational tourism, medical tourism, and other viable tourism-related businesses in appropriate locations.

Objective:

Comprehensively manage future visitor-unit expansion.

Policy:

Allow, where permitted by the community plan, the development of business hotels and small, sensitively-designed inns.

Objective:

Maximize residents' benefits from the visitor industry.

Small Business Development

Goal:

Small businesses will play a key role in Maui's economy.

5. HOUSING

Goal:

Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community.

Objective:

Provide affordable housing, rental or in fee, to the broad spectrum of our island community.

6. **INFRASTRUCTURE AND PUBLIC FACILITIES**

Solid Waste

Policy:

Facilitate the reduction of solid waste generated by packaging, food service products, construction waste, etc.

Wastewater

Policy:

Require all new developments to fund system improvements in proportion to the development impact and in accordance with the County's wastewater functional plan.

Objective:

Increase the reuse of wastewater.

Policy:

Expand the reuse of wastewater from the Central Maui, Kihei, Lahaina, and other wastewater systems.

Water

Policy:

Maximize the efficient use of reclaimed wastewater to serve nonpotable needs.

Transportation

Policy:

Encourage the use of "complete streets" design methods.

Implementing Action:

Optimize traffic signal timing and coordination to reduce travel time and delay.

Objective:

Safe, interconnected transit, roadway, bicycle, equestrian, and pedestrian network.

Policy:

Require new development, where appropriate, to integrate sidewalks, pathways, bikeways, and transit infrastructure into new commercial and residential projects while enhancing community character.

Transit

Policy:

Maximize access to public transit in town centers, commercial districts, and employment centers.

Provide adequate transit infrastructure (e.g., bus pullouts, waiting benches and shelters, signs) along existing and future transit right-of-ways.

Require new development where appropriate, to provide right-of-ways (ROWs) to accommodate transit circulation and support facilities.

Parks

Objective:

An expanded network of greenways, trails, pathways, and bikeways.

Energy

Goal:

Maui will meet its energy needs through local sources of clean, renewable energy, and through conservation.

Policies:

Support energy efficient systems, processes, and methods in public and private operations, buildings, and facilities.

Encourage the installation of renewable energy systems, where appropriate.

7. LAND USE

According to the MIP, Maui's future urban growth will take place in four (4) different physical forms: 1) as infill development; 2) within urban expansion areas; 3) as new towns and settlements; and 4) as orderly infill and expansion of existing country towns and villages. Each development pattern has benefits and costs that will determine the extent and location of their use.

The Downtown Kihei project is an infill development that "represents the best utilization of our existing infrastructure and the best opportunity to preserve open space". It focuses growth to an existing urbanized area and creatively utilizes vacant or underdeveloped property. The Downtown Kihei infill project provides a mix of uses, is designed to be pedestrian-oriented, and incorporates alternative modes of transportation. Downtown Kihei creates an employment center near existing housing and transit, support businesses, utilizes established public infrastructure and services, and preserves the urban-fringe natural areas and agricultural land in the Kihei region. Downtown Kihei enhances daily convenience for nearby residents, and foster a sense of place.

Mobility and circulation within and between Maui's urban areas is an important component of promoting rich urban design and human-scale form. Further, providing for efficient movement of all levels of transportation – automobile, public transit, bike, and pedestrian – is essential to assuring the

livability of a community. The MIP encourages compact development that is efficient and conducive to pedestrian mobility, such as, Downtown Kihei which provides street connectivity and parking management that promote good urban design. In accordance with the MIP, the streets in Downtown Kihei include the following characteristics:

- 1) Proper proportion and width,
- 2) Relationship to adjoining buildings and setbacks,
- 3) Shade,
- 4) Sidewalks,
- 5) Street trees,
- 6) Lighting,
- 7) On-street parking,
- 8) Parking at rear of building, and
- 9) Bike paths.

Urban Land Use Issues

Goal:

Maui will have livable human-scale urban communities, an efficient and sustainable land use pattern, and sufficient housing and services for Maui residents.

Objective:

Facilitate and support a more compact, efficient, human-scale urban development pattern.

Policies:

Ensure higher-density compact urban communities, infill, and redevelopment of underutilized urban lots within Urban Growth Boundaries.

Encourage the development and implementation of neighborhood design standards that are environmentally friendly, such as LEED for Neighborhood Development (LEED –ND) standards.

Discourage land use and urban design that impedes inter-connectivity between adjacent communities.

Objective:

Strengthen the island's sense of place.

Policies:

Encourage Hawaiian architecture and tropical building designs.

Require community input through Design Workshops for major new urban expansion, new towns, and major urban infill projects.

Require design enhancement, landscaping, and integration of park and rides, bicycle parking areas, and mass-transit infrastructure to mitigate the effect of parking lots and structured parking on the urban landscape.

Ensure that safe and attractive public spaces (e.g., plazas, parks, town/village squares) are provided throughout the island's urban areas.

D. KIHEI-MAKENA COMMUNITY PLAN

Within Maui County, there are nine (9) community plan regions. From a General Plan implementation standpoint, each region is governed by a community plan which sets forth desired land use patterns, as well as goals, objectives, policies, and implementing actions for a number of functional areas including infrastructure-related parameters.

The proposed Downtown Kihei project is located within the Kihei-Makena Community Plan region. The underlying land use designations for the project site are set forth in the Kihei-Makena Community Plan Land Use Map. Refer to **Figure 9**. As illustrated by **Figure 9**, the lands underlying the project site are primarily designated “Business/Commercial (B)” by the Kihei-Makena Community Plan; the 3.0-acre manmade wetland on Parcel 030 and the 3.5-acre manmade wetland on Parcel 080 are designated “Open Space (OS)”.

The proposed project will involve an amendment to the Kihei-Makena Community Plan from “Business/Commercial (B)” to “Hotel (H)” for an approximate 2.6-acre portion of Parcel 030 that will accommodate the proposed select-services hotel. Additionally, an amendment to the Planning Standards for Land Use will be pursued to allow a portion of the movie theater building in the southern development (Parcel 076) to be up to 60 feet tall in order to accommodate the height of the movie screen, exceeding the maximum 35-foot height limit recommended for new commercial buildings. The proposed amendment is to Part III, Section C-1, Land Use Standards, to add the following item: “g. *Development of the theater on a portion of the Downtown Kihei property identified as TMK (2) 3-9-002:076 (por.), approximately 29,500 square feet, shall have a height limit of 60 feet*”.

The proposed project is in conformance with the following, goals, objectives, and policies of the Kihei-Makena Community Plan:

LAND USE

Goal:

A well-planned community with land use and development patterns designed to achieve the efficient and timely provision of infrastructural and community needs while preserving and enhancing the unique character of Maalaea, Kihei, Wailea and Makena as well as the region’s natural environment, marine resources, and traditional shoreline uses.

Objectives and Policies:

- b. Identify priority growth areas to focus public and private efforts on the provision of infrastructure and amenities to serve existing residents and to accommodate new growth.*
- c. Upon adoption of this plan, allow no further development unless infrastructure, public facilities, and services needed to service new development are available prior to or concurrent with the impacts of new development.*
- e. Establish a distribution of land uses which provides housing, jobs, shopping, open space, and recreation areas in close proximity to each other in order to enhance Kihei’s neighborhoods and to minimize dependence on automobiles.*

- h. Develop commercial services at the following locations to meet community needs:*
 - 2) A central business and commercial center for Kihei clustered about the South Kihei Road/Road "C" intersection.*
- i. Limit commercial services to neighborhood business uses or other low-key business activities with a residential scale on those properties which abut single family residential areas.*

ENVIRONMENT

Goal:

Preservation, protection, and enhancement of Kihei-Makena's unique and fragile environmental resources.

Objectives and Policies:

- b. Preserve, protect, and restore unique natural areas with significant conservation values.*
- f. Protect all wetland resources, such as those at Kealia Pond and near Road "C". These open space and wildlife habitat resources are important for flood control and for their natural beauty.*
- g. Require the integration of wetlands and drainageways into an open space, pedestrian pathway, and bikeway system within and around the Lipoa business district.*

ECONOMIC ACTIVITY

Goal:

A diversified and stable economic base which serves resident and visitor needs while providing long-term resident employment.

Objectives and Policies:

- a. Establish a sustainable rate of economic development consistent with concurrent provision of needed transportation, utilities, and public facilities improvements.*

- d. *Establish balance between visitor industry employment and non-visitor industry employment.*
- f. *Increase the availability and variety of commercial services to provide for regional needs and strategically establish small scale commercial uses within, or in close proximity to, residential areas.*

HOUSING AND URBAN DESIGN

Goal:

A variety of attractive, sanitary, safe and affordable homes for Kihei's residents, especially for families earning less than the median income for families within the County. Also, a built environment which provides complementary and aesthetically pleasing physical and visual linkages with the natural environment.

Objectives and Policies:

- d. *Provide for integration of natural physical features with future development of the region. New development shall incorporate features such as, gulches and wetlands into open space and pedestrian pathway and bikeway systems.*
- e. *Implement landscaped setbacks for future multi-family and commercial areas. Developments shall provide space for landscaped pedestrian ways and bikeways.*
- f. *Incorporate the principles of xeriscaping in all future landscaping.*
- g. *Encourage the use of native plants in landscaping in the spirit of Act 73, Session Laws of Hawaii, 1992.*

PHYSICAL AND SOCIAL INFRASTRUCTURE

Goal:

Provision of facility systems, public services, and capital improvement projects in an efficient, reliable, cost effective, and environmentally sensitive manner which accommodates the needs of the Kihei-Makena community, and fully support present and planned land uses, especially in the case of project

district implementation. Allow no development for which infrastructure may not be available concurrent with the development's impacts.

TRANSPORTATION:

Objectives and Policies:

- c. Strengthen the coordination of land use planning and transportation planning to promote sustainable development and to reduce dependence on automobiles. New residential communities should provide convenient pedestrian and bicycle access between residences and neighborhood commercial areas, parks and public facilities.*
- h. Encourage joint public/private participation in the planning, design and construction of roadway improvements, especially those identified in this plan.*

Implementing Action:

Plan, design and construct a new Road "A", from Road "B" to Lipoa Street, to provide increased circulation in the Lipoa business area.

Although the Kihei-Makena Community Plan identifies Road "A" on the land use map, discussions with the Department of Public Works indicate that this roadway is not currently recommended for implementation. The roadway alignment south of the project site has been developed with a commercial project with a significant grade difference from the existing project site, which will make development of the roadway difficult. Also, the alignment of the roadway adjacent to the manmade wetland on Parcel 080 may have adverse impacts on the flora and fauna located within the wetland. Although not recommended for implementation, the area for the proposed alignment has been set aside as a landscaped detention basin between the proposed Downtown Kihei project and the manmade wetland on Parcel 080. The landscaped detention basin on Parcel 030 adjacent to the manmade wetland has sufficient area to accommodate the roadway alignment, should the County of Maui decide to implement Road "A" as recommended in the Community Plan.

WATER

Objectives and Policies:

- d. Encourage the use of non-potable water for irrigation purposes and water features. Prohibit the use of potable water in large water features or require substantial mitigation fees.*
- e. Encourage the use of plants which have a relatively low need for water.*

DRAINAGE

Objectives and Policies:

- a. Design drainage systems that protect coastal water quality by incorporating best management practices to remove pollutants from runoff. Construct and maintain, as needed, sediment retention basins and other best management practices to remove sediments and other pollutants from runoff.*
- b. Construct necessary drainage improvements in flood prone areas. Where replacement drainage are required for flood protection, these systems shall be designed, constructed, and maintained using structural controls and best management practices to preserve the functions of the natural system that are beneficial to water quality. These functions include infiltration, moderation of flow velocity, reduced erosion, uptake of nutrients and pollutants by plants, filtering, and settlement of sediment particles. The use of landscaped swales and unlined channels shall be urged.*
- d. Minimize the increase in discharge of storm water runoff to coastal waters by preserving flood storage capacity in low-lying areas, and encouraging infiltration of runoff.*

ENERGY AND PUBLIC UTILITIES

Objectives and Policies:

- a. Promote energy efficiency as the energy resource of first choice and increase energy efficiency in all sectors of the community.*
- b. Locate goods, services, and employment in close proximity to residential centers to minimize energy expenditures for*

transportation. Support the development of communication infrastructure and promote telecommuting to minimize travel.

- d. Promote environmentally and culturally sensitive use of renewable energy resources like biomass, solar, wind, and hydroelectric energy in all sectors of the community.*

URBAN DESIGN STANDARDS

Building Form

- 1) Establish a maximum of thirty-five (35) feet in building height for new commercial facilities.*
- 5) All new multi-family and commercial facilities should provide a garden setting appropriate to the region. Setback requirements should be sufficient to allow for street and sidewalk climate adapted landscape buffers and interior planting areas.*

As mentioned, the majority of the project site is currently designated for business/commercial use. The proposed Downtown Kihei project, in its provision of business, retail restaurant, medical space, recreational and public use is consistent with the underlying business/commercial designation. The maintenance of the 3.00-acre manmade wetland on a portion of Parcel 030 and 3.50-acre manmade wetland on Parcel 080 is consistent with the underlying “Open Space” designation. However, in order to establish the select-services hotel on approximately 2.6 acres of Parcel 030, a Community Plan Amendment (CPA) will be required to change the underlying “Business/Commercial (B)” designation to “Hotel (H)”. As previously mentioned, an amendment to the Planning Standards for Land Use will also be pursued to allow a portion of the theater building on Parcel 076 to exceed the 35-foot height limit for new commercial buildings to be up to 60 feet tall.

Except for the theater, the retail commercial buildings will be two-story buildings not more than 35 feet in height, consistent with the Community Plan urban design standards.

E. MAUI COUNTY ZONING

The project site is currently zoned “R-3, Residential” by the County of Maui zoning ordinance. See **Figure 18**. In order to conform to the underlying “Business/Commercial (B)” and “Open Space (OS)” Community Plan designations, and proposed “Hotel (H)” and to develop the proposed commercial/retail buildings and 150-room select-services hotel, a Change in Zoning (CIZ) will be required to establish the zoning districts listed in **Table 13** below.

Table 13. Proposed Change-in-Zoning

Parcel	Current Zoning	Proposed Zoning
(2) 3-9-002:030	R-3, Residential	B-2, Community Business District (7.841 acres) OS-1, Open Space “Passive” (3.00 acres) H-M, Hotel-Medium (2.628 acres)
(2) 3-9-002:076	R-3, Residential	B-2, Community Business District (9.096 acres)
(2) 3-9-002:080	R-3, Residential	OS-1, Open Space “Passive” (3.50 acres)
(2) 3-9-002:158	R-3, Residential	B-2, Community Business District (1.376 acres)

F. COASTAL ZONE MANAGEMENT/SPECIAL MANAGEMENT AREA

The Hawaii Coastal Zone Management Program (HCZMP), as formalized in Chapter 205A, HRS, establishes objectives and policies for the preservation, protection, and restoration of natural resources of Hawaii’s coastal zone. The project site is situated within the County of Maui’s Special Management Area (SMA). See **Figure 19**. Chapter 205A, HRS and the Special Management Area Rules of the Maui Planning Commission provide criteria and objectives for establishing limits on development within coastal areas, as discussed below.

SECTION 205A-2, HRS COASTAL ZONE MANAGEMENT PROGRAM OBJECTIVES AND POLICIES

This section addresses the project’s relationship to applicable Coastal Zone Management considerations set forth by Chapter 205A, HRS.

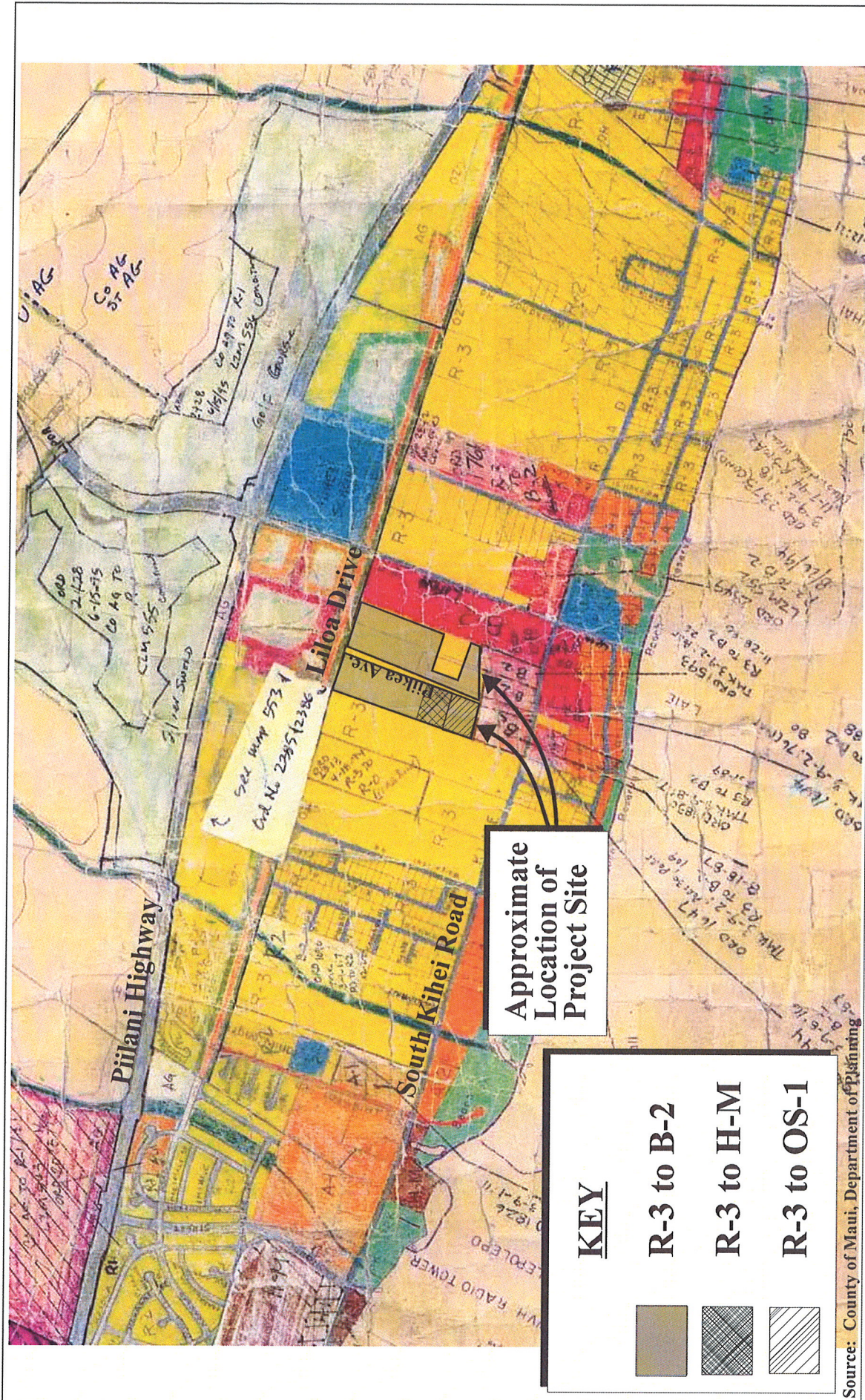


Figure 18

Proposed Krausz Kihei Downtown Mixed-Use Development County Zoning Designations Map

NOT TO SCALE



Prepared for: The Krausz Companies, Inc.



MUNEKIYO & HIRAGA, INC.

Krausz/Kihei MixedUse/Final EAZoning

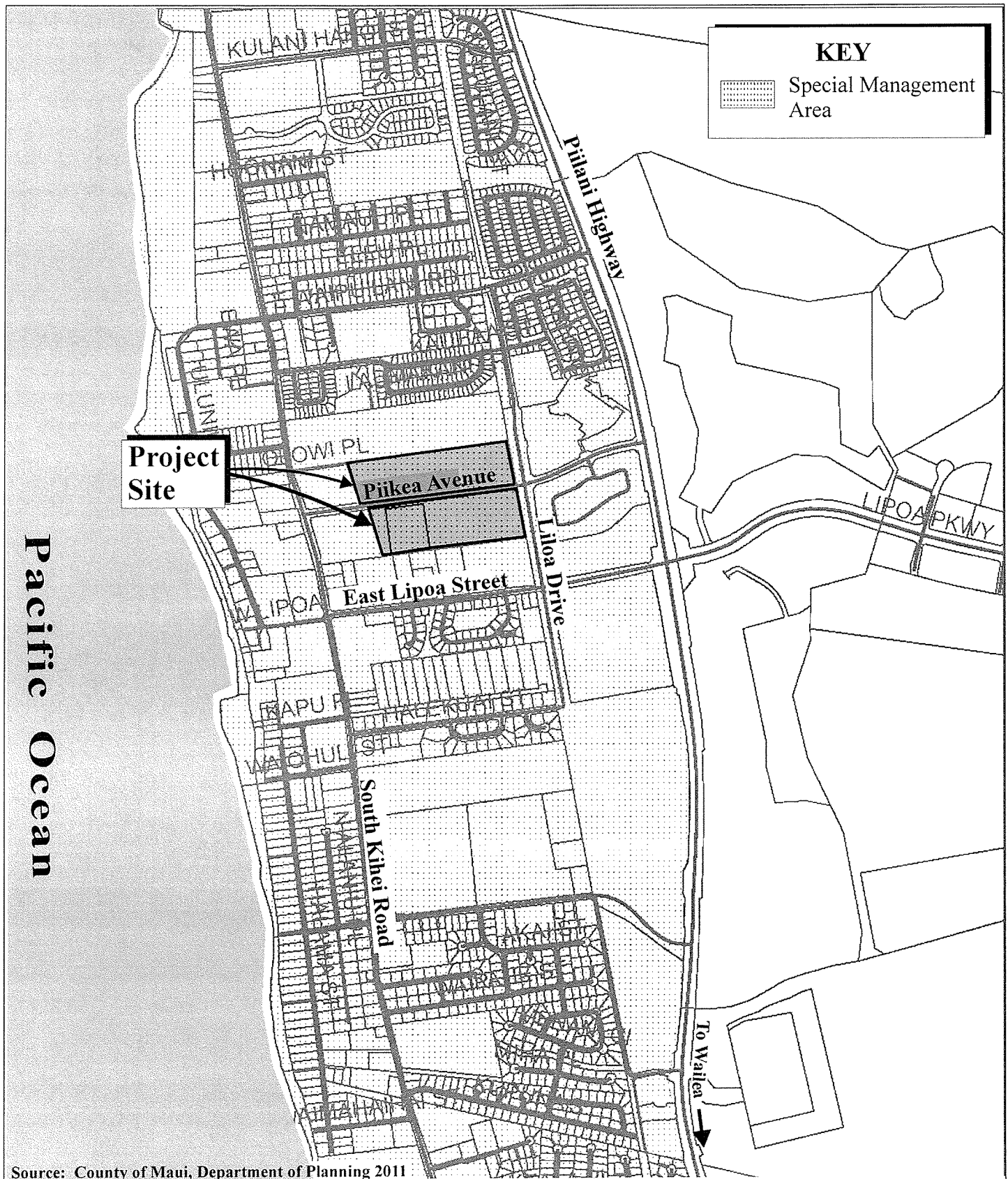


Figure 19 Proposed Downtown Kihei Project
Special Management Area Map

NOT TO SCALE



1. Recreational Resources

Objective

Provide coastal recreational opportunities accessible to the public.

Policies

- a. *Improve coordination and funding of coastal recreational planning and management; and*
- b. *Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:*
 - i. *Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;*
 - ii. *Requiring replacement of coastal resources having significant recreational value including, but not limited to, surfing sites, fishponds, and sand beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the State for recreation when replacement is not feasible or desirable;*
 - iii. *Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;*
 - iv. *Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;*
 - v. *Ensuring public recreational uses of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;*
 - vi. *Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;*
 - vii. *Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and*

- viii. *Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting such dedication against the requirements of section 46-6.*

Response: The proposed project is not anticipated to generate additional demands on existing public parks and beach areas. Further, based on its location and development parameters, the project is not anticipated to adversely impact shoreline resources, public parks, or access to the shoreline.

2. Historic Resources

Objective:

Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Policies:

- a. *Identify and analyze significant archaeological resources;*
- b. *Maximize information retention through preservation of remains and artifacts or salvage operations; and*
- c. *Support state goals for protection, restoration, interpretation, and display of historic resources.*

Response: As noted previously, no significant impacts to historic or cultural resources are anticipated to occur as a result of the proposed action. Refer to **Appendix “F”** and **Appendix “G”**. Nevertheless, as recommended by the archaeological inventory survey report, ground-altering activities during construction will be monitored as a precautionary measure by a professional archaeologist, as per an archaeological monitoring plan. Should human remains be inadvertently discovered during ground-altering activities, work will promptly cease in the immediate area of the find, and the find will be further protected from damage. The SHPD and the Maui/Lanai Islands Burial Council will be notified immediately and procedures for the treatment of inadvertently discovered human remains will be followed pursuant to Chapter 6E, HRS, including stoppage of work in the immediate vicinity of the burial.

3. Scenic and Open Space Resources

Objective:

Protect, preserve, and, where desirable, restore, or improve the quality of coastal scenic and open space resources.

Policies:

- a. Identify valued scenic resources in the coastal zone management area;*
- b. Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;*
- c. Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and*
- d. Encourage those developments that are not coastal dependent to locate in inland areas.*

Response: The project site is located inland of the shoreline, on the mauka (upland) side of South Kihei Road. The urban forms established by the proposed project will conform to Title 19 of the Maui County Code and the urban design standards of the Kihei-Makena Community Plan. Buildings will be buffered with landscaping to soften the built environment. Although a CPA is being sought to allow a portion of the theater building to exceed the 35-foot height limit set forth by the Community Plan, this portion of the building will not impose upon views to or along the shoreline. Similarly, the 4-story hotel building is set back from Liloa Drive and Piikea Avenue so as not to impede views to the ocean. View corridors will not be substantially affected by the proposed project.

4. Coastal Ecosystems

Objective:

Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.

Policies:

- a. Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;*

- b. *Improve the technical basis for natural resource management;*
- c. *Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;*
- d. *Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and*
- e. *Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures.*

Response: With implementation of Best Management Practices (BMPs), the proposed project should have minimal long-term adverse effects on the nearby coastal ecosystems. Appropriate BMPs and erosion-control measures will be implemented to ensure that coastal ecosystems are not adversely impacted by construction activities. Project-related drainage system improvements will be designed in accordance with applicable regulatory standards to mitigate potential adverse impact to surrounding properties. The 3.0-acre and 3.5-acre manmade wetlands on a portion of Parcel 030 and on Parcel 080, respectively, will not be altered by the proposed action. The marginal wetland areas which are not always filled with water on Parcel 030 and Parcel 076 will be incorporated into landscaped detention basins so as not to compromise their function.

5. **Economic Uses**

Objective:

Provide public or private facilities and improvements important to the State's economy in suitable locations.

Policies:

- a. *Concentrate coastal dependent development in appropriate areas;*
- b. *Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor industry facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and*

- c. *Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:*
 - i. *Use of presently designated locations is not feasible;*
 - ii. *Adverse environmental effects are minimized; and*
 - iii. *The development is important to the State's economy.*

Response: The proposed project is not located at or near the coastline. The proposed project is an urban infill project located amidst business, commercial, and residential areas. As such, the proposed action is in alignment with the objective and policies for economic use.

6. **Coastal Hazards**

Objective:

Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.

Policies:

- a. *Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and point and nonpoint source pollution hazards;*
- b. *Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards;*
- c. *Ensure that developments comply with requirements of the Federal Flood Insurance Program; and*
- d. *Prevent coastal flooding from inland projects.*

Response: Project-related drainage system improvements will be designed in accordance with applicable regulatory standards to mitigate potential adverse impacts to surrounding properties. The vast majority of the project site is located in Flood Zone X, an area of minimal flooding located outside the 0.2 percent annual chance floodplain. Parcel 158 and small portions of Parcel 030 and Parcel 076 are located within Flood Zone AH (Base Flood Elevation 6 feet), an area located within the 0.1

percent annual chance floodplain. As applicable, a flood development permit will be obtained for project implementation, and development of the project site will be in accordance with the standards for development set forth by Section 19.62.060, Maui County Code. The project site is located outside the tsunami inundation zone.

7. Managing Development

Objective:

Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

Policies:

- a. Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;*
- b. Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and*
- c. Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process.*

Response: Pursuant to Chapter 343, HRS and Chapter 11-200, HAR, this EA is being prepared and processed to communicate the potential short- and long-term impacts of the proposed project, along with proposed mitigation measures. Further, opportunities for review of the proposed action are also offered through the land use entitlements review process for the CPA, CIZ, and SMA Use Permit applications. All aspects of development will be conducted in accordance with applicable Federal, State, and County standards.

8. Public Participation

Objective:

Stimulate public awareness, education, and participation in coastal management.

Policies:

- a. Promote public involvement in coastal zone management processes;*

- b. *Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and*
- c. *Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.*

Response: This EA is being processed in accordance with the provisions of Chapter 343, HRS. The EA will be published in the Office of Environmental Quality Control Environmental Notice, whereby opportunity for comment by agencies and the public will be provided. As noted above, the CPA, CIZ, and SMA Use Permit application processes will also provide for public dialogue and input. Several meetings were held with the Kihei Community Association (KCA) Planning Committee to develop the Downtown Kihei project's uses and site plan. One of the results of the KCA's input is the inclusion of the select-services hotel. With the concurrence of the KCA on February 3, 2009 a meeting was held with the Kihei Community on April 21, 2009 to solicit community input. Approximately 75 persons attended the meeting. In general, the attendees were supportive of the project. See **Appendix "J"**.

9. **Beach Protection**

Objective:

Protect beaches for public use and recreation.

Policies:

- a. *Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;*
- b. *Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and*
- c. *Minimize the construction of public erosion-protection structures seaward of the shoreline.*

Response: The proposed project is situated inland, away from the shoreline, such that no adverse impacts on beach processes are anticipated. Appropriate Best

Management Practices (BMPs) will be implemented to mitigate storm water runoff associated with the project and to ensure that downstream and adjoining properties will not be adversely affected.

10. Marine Resources

Objective:

Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

Policies:

- a. Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;*
- b. Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;*
- c. Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;*
- d. Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources; and*
- e. Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.*

Response: As previously discussed, the proposed project is situated inland, away from the ocean and no adverse effect on marine or coastal resources is anticipated. Appropriate BMPs and erosion control measures will be implemented to ensure that coastal resources are not adversely impacted by construction activities.

In addition to the foregoing objectives and policies, Chapter 205A-30.5, HRS, Prohibitions, provides that:

§205A-30.5 Prohibitions. *(a) No special management area use permit or special management area minor permit shall be granted for structures that allow artificial light from floodlights, uplights, or spotlights used for decorative or aesthetic purposes when the light:*

- (1) *Directly illuminates the shoreline and ocean waters; or*
- (2) *Is directed to travel across property boundaries toward the shoreline and ocean waters.*

(b) Subsection (a) shall not apply to special management area use permits for structures with:

- (1) *An outdoor lighting fixture that is located on the grounds of a hotel, hotel-condominium, or condominium-hotel as defined in section 486K-1; provided that:*

(A) The outdoor lighting fixture is located underwater or is directed downward and illuminates a limited area of no more than thirty feet into the shoreline and ocean waters; or

(B) The outdoor lighting fixture is the only practicable means of ensuring the safety and security of guests, visitors, and employees;

Response: The proposed project is not located on or near the shoreline, although it is noted that native avifauna tend to utilize the manmade wetlands located at the makai (seaward) end of the project site. In consideration of these conditions, landscaping and appropriate lighting shall be incorporated into the proposed project. As may be necessary, lighting will consist of downward-facing, fully shielded fixtures to ensure that no lighting is directed across property boundaries towards the wetlands.

G. RULES AND REGULATIONS OF THE MAUI PLANNING COMMISSION SPECIAL MANAGEMENT AREA RULES

The Rules and Regulations of the Maui Planning Commission, Chapter 202 were established in order to implement Chapter 205A, HRS relating to Coastal Zone Management and the SMA. In addition to establishing procedures for processing of SMA applications and procurement of related permits, the rules assist the Maui Planning Commission in giving consideration to state policy regarding coastal zones.

This section addresses the project's relationship to applicable coastal zone management considerations as set forth in the Maui Planning Commission Rules and Regulations, Chapter 202, "Special Management Area Permit Procedures," which are provided for considering the

significance of potential environmental and ecological effects of a proposed action. The criteria have been reviewed and analyzed with respect to the proposed Downtown Kihei project as follows.

1. **Involves an irrevocable commitment to loss or destruction of any natural or cultural resources.**

As mentioned in Chapter II of this document, a cultural impact assessment of the project area concluded that no significant impacts to cultural practices are anticipated. Refer to **Appendix “G”**. Similarly, the archaeological inventory survey report concluded that no historic properties would be affected. The archaeological inventory survey was approved by the State Historic Preservation Division (SHPD) by letter dated March 15, 2011. Refer to **Appendix “F”** and **Appendix “F-1”**. Nevertheless, as recommended by the archaeological inventory survey report, ground altering activities during construction will be monitored as a precautionary measure by a professional archaeologist, as per an archaeological monitoring plan.

Flora and fauna observed within the project site were generally limited to non-native, abundant species. However, a number of tree tobacco plants, the non-native host plant of the endangered Blackburn’s Sphinx moth were documented on the project site. The DLNR’s protocol for the removal of the tree tobacco plant will be implemented to ensure that there will be no adverse impacts on the Blackburn’s Sphinx moth. While the adjacent manmade wetlands provide habitat for native flora and avifauna, these areas will not be altered by the proposed action, and landscaped detention basins will be established to control runoff and buffer the wetland habitats. As appropriate, recommendations of the USFWS and DOFAW will be considered during project development in order to mitigate impacts on endangered and threatened species. With these mitigation measures put in place, the proposed project is not anticipated to have significant adverse impact on the biological resources in the area. Refer to **Appendix “D”**.

2. **Significantly curtails the range of beneficial uses of the environment.**

The proposed project will not curtail the range of beneficial uses of the environment. Rather, as an infill project in close proximity to existing and future residential neighborhoods, employment centers, and infrastructure, the project optimizes the use of the underlying lands. The project will create a village center that will support and complement Kihei’s evolving resident and visitor population. Development of detailed engineering and architectural plans will allow for the identification of

applicable Best Management Practices (BMPs) to minimize any construction-related impacts. Further, drainage improvements will be designed to reduce runoff and sedimentation flowing offsite, thereby limiting impacts to downstream properties and resources.

3. **Conflicts with the county's or the state's long-term environmental policies or goals.**

The proposed project does not conflict with the State's Environmental Policy and Guidelines as set forth in Chapter 344, Hawaii Revised Statutes (HRS). Rather, as an infill project on lands designated for urban use, the proposed Downtown Kihei project is in alignment with the principles and themes set forth by Chapter 344, HRS.

4. **Substantially affects the economic or social welfare and activities of the community, county, or state.**

On a short-term basis, the project will support construction and construction-related employment and have a beneficial impact on the local economy during the period of construction. From a long-term perspective, area residents, business owners, and visitors will benefit from the variety of retail, restaurant, hotel, and community gathering spaces provided by the proposed project.

5. **Involves substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways.**

The Maui County General Plan accepts that the populations of Kihei, South Maui, and Maui County in general are projected to increase through the year 2030. The proposed project is intended to address this population change by providing a mixture of business, retail, and visitor amenities in an area designated for urban uses by the General Plan and Maui Island Plan. As an urban infill development included in the UGB of the Maui Island Plan, the proposed project is not anticipated to affect emergency service limits. Necessary infrastructure systems and services are available to serve the project. The applicant is exploring water source development options with DWS and other private landowners. Roadway improvements to Piikea Avenue and Liloa Drive will be provided as part of the proposed action to facilitate vehicular travel along these roadways and to mitigate traffic impacts associated with the implementation of the proposed project.

6. **In itself has no significant adverse effects but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.**

The proposed project is not anticipated to have a cumulative adverse impact on the environment, nor involve a commitment to larger actions. As previously noted, the project site is centrally located amidst a developed urban area. Being an urban infill project, the proposed project is not anticipated to have a considerable impact on the environment. Due to this location, infrastructure systems and services are available to serve the project. Roadway improvements to Piikea Avenue and Liloa Drive will be provided as part of the proposed action. Engineered wetland habitats located at the makai (seaward) end of the project site will not be altered by the proposed action.

7. **Substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat.**

Flora and fauna observed within the project site were generally limited to non-native, abundant species. Although the manmade wetlands located at the makai end of the project site provide habitat for native flora and avifauna, these wetlands will not be altered by the proposed action. Landscape buffers will be planted to shield these wetlands from nearby populated areas. As recommended by the botanical and fauna survey, as may be necessary, exterior lighting will consist of fully shielded, downward-facing light fixtures so as not to confuse endangered Hawaiian seabirds that may fly over the project site between offshore feeding areas and inland nest site. Further, a number of tree tobacco plants, the non-native host plant of the endangered Blackburn's Sphinx moth, were documented on the project site. As noted previously, DLNR's protocol for the removal of the tree tobacco plant will be implemented. As appropriate, recommendations of the USFWS and DOFAW will be considered during project development in order to mitigate impacts on endangered and threatened species. In effect, the proposed project is not anticipated to have significant negative impact on the biological resources in the area. Refer to **Appendix "D"**.

8. **Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances.**

Lands underlying the project site were previously committed for development with the establishment of the State "Urban" District designation. The proposed business, commercial, and retail uses are consistent with the underlying Community Plan designations, and a Community Plan Amendment is being pursued to allow for

development of the select-services hotel. A Change-in-Zoning is being pursued to establish conformity with the Community Plan designations. It is noted that the project site is within the urban growth boundary of the Maui Island Plan.

9. **Detrimentially affects air or water quality or ambient noise levels.**

Short-term air quality and noise impacts caused by construction activity will be mitigated through the implementation of Best Management Practices (BMPs). Dust control measures, such as regular watering and sprinkling and installation of dust screens, will be implemented to minimize wind-blown emissions. In the short term, noise impacts will occur primarily from construction equipment, site work, and building construction. Equipment mufflers or other noise attenuating equipment, as well as proper equipment and vehicle maintenance, will be used during construction. Construction noise impacts will be mitigated through compliance with the provisions of the State of Hawaii, Department of Health Administrative Rules Title 11, Chapter 46, "Community Noise Control". These rules require a noise permit if the noise levels from construction activities are expected to exceed the allowable levels set forth in the Chapter 46 rules. In the long term, adverse impacts to ambient noise conditions are not anticipated, considering the project's location in the midst of a developed urban area.

Potential water quality impacts associated with construction activity will be mitigated through use of BMPs for erosion and sediment control. Landscaped detention basins, underground baffles, and filtration systems incorporated into the project's drainage plan will improve the quality of stormwater runoff.

10. **Affects an environmentally sensitive area, such as flood plains, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters.**

The site is situated inland of the shoreline and is not anticipated to have any adverse impact upon coastal waters or resources. The majority of the project site is situated within Flood Zone X, an area of minimal flooding. Parcel 158 and small portions of Parcels 030 and 076 that are mauka (upland) of the wetland areas are located within Flood Zone AH, a flood hazard area subject to inundation by the one (1) percent annual chance flood (i.e. the 100-year flood). As applicable, a flood development permit will be acquired, and structures built in these areas will be designed in accordance with the standards for development set forth by Section 19.62.060, Maui County Code. The project site is not situated within a tsunami inundation zone.

The use of onsite detention basins, underground baffles, retention basins, and filtration systems are expected to mitigate offsite drainage runoff and adverse impacts to coastal waters. Further, appropriate mitigation measures will be developed in consultation with the applicable governmental agencies during the design process. During construction, recommended BMPs will be implemented for erosion and sedimentation control. It is noted that soils underlying the project site exhibit slow and negligible runoff hazards.

11. Substantially alters natural land forms and existing public views to and along the shoreline.

The proposed project is located at elevations ranging between approximately 4 feet and 39 feet above mean sea level. The proposed project will not substantially alter any natural land forms. The site plan has been designed to integrate the proposed buildings with the gentle slope of the landscape. Being removed from the main thoroughfares of Piilani Highway and South Kihei Road, the project site is not part of a scenic corridor. With most of the buildings limited to 35 feet in height, the proposed project is not anticipated to substantially affect views to or along the shoreline. Refer to **Appendix “H”**.

12. Is contrary to the objectives and policies of chapter 205A, HRS

A review of the objectives and policies of Chapter 205A, HRS, is provided in its entirety in the previous part of this section. Therein, the project’s relationship to the Coastal Zone Management considerations are addressed. Based on the foregoing analysis, the project will appropriately and adequately mitigate impacts to SMA-relevant areas of interest. Accordingly, there are no anticipated significant environmental and ecological effects attributed to the proposed action.

H. OTHER REGULATORY APPROVALS

The project site includes marginal wetland areas on the makai portion of Parcels 030 and 076, immediately mauka of the manmade wetlands that are on a portion of Parcel 030 and on Parcel 080. Consultation with the Department of the Army is being undertaken to determine jurisdiction of the marginal wetland areas and any applicable permitting requirements.

A 135-foot-wide landscaped detention basin on Parcel 030 and a 53-foot-wide landscaped detention basin on Parcel 076 are proposed to detain runoff prior to discharge into the

wetland areas on Parcel 030 and Parcel 080. Activities necessitating a Department of the Army permit and Section 401 Water Quality Certification are not anticipated. Additionally, there are no other Federal permits or licenses required which would prompt the need for a Coastal Zone Management Consistency review.

IV. ALTERNATIVES TO THE PROPOSED ACTION

IV. ALTERNATIVES TO THE PROPOSED ACTION

The applicant has reviewed a variety of alternatives in consideration of the proposed project. These alternatives are described and discussed below.

A. PREFERRED ALTERNATIVE

The proposed development plan, outlined in Chapter I, Project Overview, represents the preferred alternative. The project site is located in a geographically central area of Kihei, surrounded by existing urban development and residential neighborhoods. The preferred alternative, which entails the development of business, retail, commercial, hotel, and public purpose uses adjacent to existing infrastructure systems, presents a viable, cost-effective opportunity. The proposed project is designed and intended to create a downtown, village center to establish a public gathering space that will complement and enhance the Kihei townscape.

B. NO ACTION ALTERNATIVE

Under the “no action” alternative, the project site would remain vacant and underutilized. However, the underlying “Business/Commercial” Community Plan designation and “R-3, Residential” zoning designation indicate that previous planning efforts recognize the location as a favorable area for community development. Neighboring land uses include the Azeka Mauka, Longs Drugs, and Piilani Village shopping centers, as well as a multi-family neighborhood. The Haggai Institute Maui, Azeka Makai shopping center, Kihei Plaza business center, Lipoa Center, and various single-family neighborhoods are also in close proximity. The proposed Downtown Kihei project would complement and tie together the surrounding land uses to enhance the Kihei downtown area. The “no action” alternative would not take advantage of the site’s suitability for infill development; therefore, this alternative will not be pursued.

C. ALTERNATIVE DEVELOPMENT PLAN

As an alternative to the proposed development concept that provides business uses intermixed with retail, restaurant, hotel, and public spaces, the project could be redesigned

as a single-use development, such as a residential development, a business complex, or a commercial center. This type of development, however, would be less desirable than a development of commercial areas with a mixture of uses and integrated community facilities as recommended in the Countywide Policy Plan. Thus, this alternative single-use development plan was set aside in favor of the preferred alternative.

D. ALTERNATIVE LOCATIONS

With the project site located amid business, commercial, and residential areas, the proposed Downtown Kihei project is compatible with and supportive of the surrounding land uses. The project site is one of the last remaining undeveloped sites in Kihei that is designated by the Community Plan for commercial use—or for any use other than single-family residential. Moreover, few other sites in Kihei offer the potential for urban infill development that the project site offers. In light of these conditions, an alternative location was not pursued.

V. SUMMARY OF UNAVOIDABLE IMPACTS AND COMMITMENTS OF RESOURCES

V. SUMMARY OF UNAVOIDABLE IMPACTS AND COMMITMENTS OF RESOURCES

The development of the project will result in certain unavoidable construction-related impacts as outlined in Chapter II.

In the short term, construction associated with the proposed development will generate noise impacts. These impacts will be limited to the immediate vicinity of the project construction areas. Best Management Practices (BMPs) such as the use of sound attenuating construction equipment will be used, where practicable, to mitigate noise impacts caused by construction. In the long term, ambient noise conditions would be affected only by vehicles traveling along Piikea Avenue, Liloa Drive and the internal roadways.

Unavoidable air quality impacts will also arise as a result of construction activities, such as the generation of dust and other airborne pollutants. To mitigate adverse impacts, appropriate BMPs including frequent watering of exposed surfaces and regular maintenance of construction equipment will be implemented during the construction period to minimize construction-related impacts.

Development of the proposed project will alter the existing landscape, but is not anticipated to have an adverse impact upon scenic or open space resources. As previously discussed, the project site is centrally located in a developed urban area. The proposed project will be developed as an architecturally integrated area with primarily low-rise structures. Landscaping will be installed as part of the development improvements to ensure visual buffering and softening of the built landscape.

VI. SIGNIFICANCE CRITERIA ASSESSMENT

VI. SIGNIFICANCE CRITERIA ASSESSMENT

The “Significance Criteria”, Section 12 of the Hawaii Administrative Rules, Title 11, Chapter 200, “Environmental Impact Statement Rules”, were reviewed and analyzed to determine whether the proposed project will have significant impacts on the environment. The following analysis is provided.

1. **Involves an irrevocable commitment to loss or destruction of any natural or cultural resource.**

As mentioned in Chapter II of this document, a cultural impact assessment of the project area concluded that no significant impacts to cultural practices were anticipated. Refer to **Appendix “G”**. The archaeological inventory survey report concluded that no historic properties would be affected. The archaeological inventory survey was approved by the State Historic Preservation Division (SHPD) by letter dated March 15, 2011. Refer to **Appendix “F”** and **Appendix “F-1”**. Nevertheless, as recommended by the archaeological inventory survey report, ground-altering activities during construction will be monitored as a precautionary measure by a professional archaeologist, as per an archaeological monitoring plan.

Flora and fauna observed within the project site were generally limited to non-native, abundant species. However, a number of tree tobacco plants, the non-native host plant of the endangered Blackburn’s Sphinx moth were documented on the project site. The DLNR’s protocol for the removal of the tree tobacco plants will be implemented to ensure that there will be no adverse impacts on the Blackburn’s Sphinx moth. While the adjacent manmade wetlands provide habitat for native flora and avifauna, these areas will not be altered by the proposed action, and landscaped detention basins will be established to control runoff and buffer the wetland habitats. As appropriate, recommendations of USFWS and DOFAW will be considered during project development in order to mitigate impacts on endangered and threatened species. With these mitigation measures in place, the proposed project is not anticipated to have significant adverse impact on the biological resources in the area. Refer to **Appendix “D”**.

2. **Curtails the range of beneficial uses of the environment.**

The proposed project will not curtail the range of beneficial uses of the environment. Rather, as an infill project in close proximity to existing and future residential neighborhoods, employment centers, and infrastructure, the project optimizes the use of the underlying lands. The project will create a village center that will support and complement Kihei's evolving resident and visitor population. Development of detailed engineering and architectural plans will allow for the identification of applicable Best Management Practices (BMPs) to minimize any construction-related impacts. Further, drainage improvements will be designed to reduce runoff and sedimentation flowing offsite, thereby limiting impacts to downstream properties and resources.

3. **Conflicts 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.**

The proposed project does not conflict with the State's Environmental Policy and Guidelines as set forth in Chapter 344, Hawaii Revised Statutes (HRS). Rather, as an infill project on lands designated for urban use, the proposed Downtown Kihei project is in alignment with the principles and themes set forth by Chapter 344, HRS.

4. **Substantially affects the economic welfare, social welfare, and cultural practices of the community or State.**

On a short-term basis, the project will support construction and construction-related employment and have a beneficial impact on the local economy during the period of construction. From a long-term perspective, area residents, business owners, and visitors will benefit from the variety of retail, restaurant, hotel, and community gathering spaces provided by the proposed project. Also, State and County governments will obtain increased tax revenue, once the project is constructed and occupied. The cultural impact assessment of the project site concluded that no significant impacts to cultural practices are anticipated.

5. **Substantially affects public health.**

The proposed project is not anticipated to have any significant adverse impacts to public health. In the creation of a pedestrian-oriented site plan with a village square

and promenades, it is anticipated that public health and the vibrancy of the community will be enhanced.

6. **Involves substantial secondary impacts, such as population changes or effects on public facilities.**

The Maui County General Plan accepts that the populations of Kihei, South Maui, and Maui County in general are projected to increase through the year 2030. The proposed project is intended to address this population change by providing a mixture of business, retail, and visitor amenities in an area designated for urban uses by the General Plan and Maui Island Plan. As an urban infill development located in the UGB of the Maui Island Plan, the proposed project is not anticipated to affect emergency service limits. Necessary infrastructure systems and services are available to serve the project. The applicant is exploring water source development options with DWS and other private landowners. Non-potable water will be utilized to the extent practicable for landscape irrigation. Roadway improvements to Piikea Avenue and Liloa Drive will be provided as part of the proposed action to facilitate vehicular travel along these roadways and to mitigate traffic impacts associated with the implementation of the proposed project.

7. **Involves a substantial degradation of environmental quality.**

The project is not anticipated to have a significant adverse impact upon the natural environment. During construction, recommended Best Management Practices (BMPs) will be implemented for erosion and sedimentation control. Design of the project will incorporate the use of onsite detention basins, underground baffles and retention basins, and filtration systems to mitigate offsite drainage runoff and impacts to coastal waters. Other appropriate mitigation measures will be developed in consultation with the applicable governmental agencies during the project design process.

8. **Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.**

The proposed project is not anticipated to have a cumulative adverse impact on the environment, nor involve a commitment to larger actions. As previously noted, the project site is centrally located in a developed urban area. Due to this location, infrastructure systems and services are available to serve the project. Roadway improvements to Piikea Avenue and Liloa Drive will be provided as part of the

proposed action. Engineered wetland habitats located at the makai (seaward) end of the project site will not be altered by the proposed action. As an infill project within an urbanized area, the proposed project is not anticipated to result in any significant cumulative impacts on the environment.

9. Substantially affects a rare, threatened, or endangered species, or its habitat.

Flora and fauna observed within the project site were generally limited to non-native, abundant species. Although the manmade wetlands located at the makai end of the project site provide habitat for native flora and avifauna, these wetlands will not be altered by the proposed action. Landscape buffers will be planted to shield these wetlands from nearby populated areas. As recommended by the botanical and fauna survey, exterior lighting will consist of fully shielded, downward-facing light fixtures so as not to confuse endangered Hawaiian seabirds that may fly over the project site between offshore feeding areas and inland nest site. Further, a number of tree tobacco plants, the non-native host plant of the endangered Blackburn's Sphinx moth, were documented on the project site. As previously stated, DLNR's protocol for removal of the tree tobacco plants from the project site will be implemented to ensure that the Blackburn's Sphinx moth is not adversely impacted. As appropriate, recommendations of USFWS and DOFAW will be considered during project development in order to mitigate impacts on endangered and threatened species. In effect, the proposed project is not anticipated to have significant negative impact on the biological resources in the area. Refer to **Appendix "D"**.

10. Detrimentially affects air or water quality or ambient noise levels.

Short-term air quality and noise impacts caused by construction activity will be mitigated through the implementation of Best Management Practices (BMPs). Dust control measures, such as regular watering and sprinkling, and installation of dust screens will be implemented to minimize wind-blown emissions. In the short term, noise impacts will occur primarily from construction equipment, site work, and building construction. Equipment mufflers or other noise attenuating equipment, as well as proper equipment and vehicle maintenance, will be used during construction. Construction noise impacts will be mitigated through compliance with the provisions of the State of Hawaii, Department of Health Administrative Rules Title 11, Chapter 46, "Community Noise Control". These rules require a noise permit if the noise levels from construction activities are expected to exceed the allowable levels set forth in the Chapter 46 rules. In the long term, adverse impacts to ambient noise

conditions are not anticipated, considering the project's location in the midst of a developed urban area.

Potential water quality impacts associated with construction activity will be mitigated through use of BMPs for erosion and sediment control. Detention basins, underground baffles for siltation, and filtration systems incorporated into the project's drainage plan will improve the quality of stormwater runoff.

11. Affects or is 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 site is situated inland of the shoreline and is not anticipated to have any adverse impact upon coastal waters or resources. The majority of the project site is situated within Flood Zone X, an area of minimal flooding. Parcel 158 and small portions of Parcels 030 and 076 mauka (upland) of the wetland areas are located within Flood Zone AH, a flood hazard area subject to inundation by the one (1) percent annual chance flood (i.e. the 100-year flood). As applicable, a flood development permit will be acquired, and structures built in these areas will be designed in accordance with the standards for development set forth by Section 19.62.060, Maui County Code. The project site is not situated within a tsunami inundation zone.

The use of onsite detention basins is expected to mitigate offsite drainage runoff and impacts to coastal waters. Further, appropriate mitigation measures will be developed in consultation with the applicable governmental agencies during the design process. During construction, recommended BMPs will be implemented for erosion and sedimentation control. It is noted that soils underlying the project site exhibit slow and negligible runoff hazards.

12. Substantially affects scenic vistas and viewplanes identified in county or state plans or studies.

The proposed project is located at elevations ranging between approximately 4 feet and 39 feet above mean sea level. The proposed project will not substantially alter any natural land forms. The site plan has been designed to integrate the proposed buildings with the gentle slope of the landscape. Being removed from the main thoroughfares of Piilani Highway and South Kihei Road, the project site is not part of a scenic corridor. With most of the buildings limited to 35 feet in height and with the hotel and theater buildings located at the edges of the property line setback from

the roadways, the proposed project is not anticipated to substantially affect views to or along the shoreline. Refer to **Appendix “H”**.

The project site is not located within any previously identified scenic vistas or viewplanes. Landscaping will be implemented as part of the development improvements to ensure visual buffering and softening of the built landscape. Adverse impacts to scenic or open space resources resulting from the project are not anticipated.

13. Requires substantial energy consumption.

The proposed project will involve the commitment of fuel for construction equipment, vehicles, and machinery during construction and maintenance activities. Coordination with Maui Electric Company, Ltd. (MECO) will be undertaken during the electrical plans preparation phase of work to ensure all operational parameters are addressed for the proposed project. Where feasible and practicable, energy saving measures, such as installation of photovoltaic (PV) systems, will be incorporated into the project design in accordance with LEED certification requirements. The project’s central location in Kihei, close proximity to other residential neighborhoods and employment centers, and pedestrian and bicycle connectivity and bus stops are anticipated to result in lower long term transportation and fuel costs than other more distant locations.

In summary, the proposed Downtown Kihei project is situated at a strategic and central location in Kihei. The project site is adjacent to Piikea Avenue and Liloa Drive, roadways that provide convenient access for local traffic along South Kihei Road and for regional traffic along Piilani Highway. An urban infill project in close proximity to residential subdivisions, public and other business and retail centers, the proposed project is anticipated to enhance and complement the Kihei downtown area. Necessary infrastructure systems and public services are available within proximity to the project site. With the implementation of Best Management Practices and other mitigation measures, the proposed project is not anticipated to have a significant adverse impact on the physical environment. Based on the foregoing analysis, the proposed action has been determined to result in a Finding of No Significant Impact (FONSI) by the Maui Planning Commission.

VII. LIST OF PERMITS AND APPROVALS

VII. LIST OF PERMITS AND APPROVALS

The following list of permits and approvals are anticipated to be needed for project implementation.

1. Federal

- A. Department of Army Jurisdictional Determination, as applicable
- B. Department of Army Wetland Permit, as applicable

2. State of Hawaii

- A. National Pollutant Discharge Elimination System (NPDES) Permits, as applicable.
- B. Department of Health Community Noise Permit, as applicable.
- C. Department of Health 401 Water Quality Certification, as applicable

3. County of Maui

- A. Community Plan Amendment
- B. Change in Zoning
- C. Special Management Area Use Permit
- D. Special Flood Hazard Development Permit, as applicable
- E. Work to Perform in County Right-of-Way Permit
- F. Construction Permits (Building, Grading, Grubbing)

**VIII. PARTIES
CONSULTED DURING THE
PREPARATION OF THE
DRAFT ENVIRONMENTAL
ASSESSMENT; LETTERS
RECEIVED; AND
RESPONSES TO
SUBSTANTIVE
COMMENTS**

VIII. PARTIES CONSULTED DURING THE PREPARATION OF THE DRAFT ENVIRONMENTAL ASSESSMENT; LETTERS RECEIVED; AND RESPONSES TO SUBSTANTIVE COMMENTS

The following agencies were consulted during preparation of the Draft Environmental Assessment (EA). Agency comments and responses to substantive comments are included herein.

- | | |
|---|---|
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28. Katherine Kealoha, Director
Office Of Environmental Quality Control
235 S. Beretania Street, Suite 702
Honolulu, Hawaii 96813
29. Clyde Nāmuo, Administrator
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813
30. Abbey Seth Mayer, Director
State of Hawaii
Office of Planning
P.O. Box 2359
Honolulu, Hawaii 96804
31. The Honorable Daniel K. Akaka
U. S. Senator
300 Ala Moana Blvd., Rm. 3104
Honolulu, Hawaii 96813
32. The Honorable Daniel K. Inouye
U. S. Senator
300 Ala Moana Blvd., Rm. 7325
Honolulu, Hawaii 96813
33. The Honorable Neil Abercrombie
U.S. Congress
300 Ala Moana Blvd., Rm. 4-104
Honolulu, Hawaii 96850
34. The Honorable Mazie Hirono
U. S. Congress
300 Ala Moana Blvd., Rm. 5104
Honolulu, Hawaii 96813
35. Rosalyn H. Baker, Senator
Hawaii State Senate
Hawaii State Capitol, Room 210
415 S. Beretania Street
Honolulu, Hawaii 96813
36. J. Kalani English, Senator
Hawaii State Senate
Hawaii State Capitol, Room 205
415 S. Beretania Street
Honolulu, Hawaii 96813
37. Shan S. Tsutsui, Senator
Hawaii State Senate
Hawaii State Capitol, Room 206
415 S. Beretania Street
Honolulu, Hawaii 96813
38. Joe Bertram, III, Representative
House of Representatives
Hawaii State Capitol, Room 311
415 S. Beretania Street
Honolulu, Hawaii 96813
39. Mele Carroll, Representative
House of Representatives
Hawaii State Capitol, Room 405
415 S. Beretania Street
Honolulu, Hawaii 96813
40. Angus L.K. McKelvey, Representative
House of Representatives
Hawaii State Capitol, Room 315
415 S. Beretania Street
Honolulu, Hawaii 96813
41. Joseph Souki, Representative
House of Representatives
Hawaii State Capitol, Room 433
415 S. Beretania Street
Honolulu, Hawaii 96813
42. Kyle T. Yamashita, Representative
House of Representatives
Hawaii State Capitol, Room 402
415 S. Beretania Street
Honolulu, Hawaii 96813

43. Charmaine Tavares, Mayor
County of Maui
200 South High Street
Wailuku, Hawaii 96793
44. Deidre Tegarden, Director
County of Maui
Office of Economic Development
2200 Main Street, Suite 305
Wailuku, Hawaii 96793
45. Gen Iinuma, Administrator
Maui Civil Defense Agency
200 South High Street
Wailuku, Hawaii 96793
46. Jeffrey A. Murray, Fire Chief
County of Maui
**Department of Fire
and Public Safety**
200 Dairy Road
Kahului, Hawaii 96732
47. Lori Tsuhako, Director
County of Maui
**Department of Housing and
Human Concerns**
One Main Plaza
2200 Main Street, Suite 546
Wailuku, Hawaii 96793
48. Tamara Horcajo, Director
County of Maui
Department of Parks and Recreation
700 Halia Nakoa Street, Unit 2
Wailuku, Hawaii 96793
49. Jeffrey Hunt, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793
50. Thomas Phillips, Chief
County of Maui
Police Department
55 Mahalani Street
Wailuku, Hawaii 96793
51. Milton Arakawa, Director
County of Maui
Department of Public Works
200 South High Street
Wailuku, Hawaii 96793
52. Cheryl Okuma, Director
County of Maui
**Department of Environmental
Management**
One Main Plaza
2200 Main Street, Suite 175
Wailuku, Hawaii 96793
53. Donald Medeiros, Director
County of Maui
Department of Transportation
200 South High Street
Wailuku, Hawaii 96793
54. Jeffrey Eng, Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793
55. Councilmember Sol Kahoohalahala
Maui County Council
200 South High Street
Wailuku, Hawaii 96793
56. Danny Mateo, Council Chair
Maui County Council
200 South High Street
Wailuku, Hawaii 96793
57. Councilmember Wayne Nishiki
Maui County Council
200 South High Street
Wailuku, Hawaii 96793
58. Councilmember Gladys Baisa
Maui County Council
200 South High Street
Wailuku, Hawaii 96793
59. Councilmember Jo Anne Johnson
Maui County Council
200 South High Street
Wailuku, Hawaii 96793
60. Councilmember Bill Medeiros
Maui County Council
200 South High Street
Wailuku, Hawaii 96793
61. Michael J. Molina, Council Vice Chair
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

- 62. Councilmember Joseph Pontanilla
Maui County Council
200 South High Street
Wailuku, Hawaii 96793
- 63. Councilmember Mike Victorino
Maui County Council
200 South High Street
Wailuku, Hawaii 96793
- 64. **Hawaiian Telcom**
60 South Church Street
Wailuku, Hawaii 96793
- 65. Greg Kauhi, Manager, Customer Operations
Maui Electric Company, Ltd.
P.O. Box 398
Kahului, Hawaii 96733
- 66. **Kihei Community Association**
P. O. Box 662
Kihei, Hawaii 96753
- 67. Pamela Tumpap, Executive Director
Maui Chamber of Commerce
313 Ano Street
Kahului, Hawaii 96732
- 68. Sandy Baz, Executive Director
Maui Economic Opportunity
99 Mahalani Street
Wailuku, Hawaii 96793
- 69. Carol Reimann, Executive Director
Maui Hotel Association
1727 Wili Pa Loop, Suite B
Wailuku, Hawaii 96793



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

REPLY TO
ATTENTION OF:

August 7, 2009

Regulatory Branch

File No. POH-2009-00031

Ms. Colleen Suyama
Munekiyo & Hiraga Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Suyama:

This is in response to your early consultation request for comments on the Kihei Mixed Use Commercial Development on several parcels located east of the Longs Drugs Shopping Center and Azeka Place II Shopping Center, Kihei, Maui. Parcels being affected have been identified as TMK's: (2) 3-9-02:30, 76, 80 and 158 adjacent to Piikea Avenue. We have reviewed the submitted DA permit application with respect to the Corps' authority to issue Department of the Army (DA) permits pursuant to Section 10 of the Rivers and Harbors Act (RHA) of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

Based on our review of the information you furnished and reference materials available to the Corps, we have determined that portions of the above parcels contain wetlands under Corps regulatory jurisdiction. For your information, a permit was issued on November 11, 1990 for the discharge of fill material into existing wetlands for the commercial development of Longs Drugs and the Azeka Commercial Center. Parcels 80 and a portion of parcel 30 is a mitigation site for the wetland impacts and as such the mitigation site is required to be maintained as compensation for the placement of fill (reference file # NW 91-015). Should the scope of activity for future development within the adjacent area have an impact to the wetland mitigation site, all applicants should consult with the Corps prior to undertaking any development in adjacent areas which may impact the mitigation site (no discharge is allowed in mitigation sites established for prior permits).

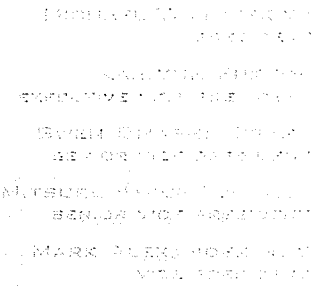
As a reminder, the Department of the Army exerts regulatory jurisdiction over waters of the United States (U.S.), including wetlands, pursuant to Section 404 of the Clean Water Act. For regulatory purposes, the Corps of Engineers defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The law requires that any individual or entity that proposes to discharge or place dredged and/or fill material into waters of the U.S., including wetlands, must obtain a DA permit prior to conducting the work.

Should you have any questions regarding this letter of comment, please contact Ms. Jessie Ann Pa'ahana of my staff at 438-9258 or by e-mail at jessie.k.paahana@usace.army.mil and reference the Corps File No. POH-2009-031 in all future correspondence related to this project. Please be advised you can provide comments on your experience with the Honolulu District Regulatory Branch by accessing our web-based customer survey form at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



George P. Young, P.E.
Chief, Regulatory Branch



process management 3

George P. Young, P.E.
Page 2
August 31, 2012

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsman, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.
Todd Stoutenborough, Architect
Clifford Mukai, Warren S. Unemori Engineering, Inc.

Krausz\Kihei MixedUse\Early Consultation\ResponseLetters\DOArmyres.ltr.doc



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



In Reply Refer To:
2009-TA-0120

MAR 06 2009

Ms. Colleen Suyama
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Maui, Hawaii 96793

Subject: Request for Technical Assistance for Proposed Kihei Mixed Use Commercial Development, Kihei, Maui

Dear Ms. Suyama:

This letter acknowledges the U.S. Fish and Wildlife Service's (Service) January 27, 2009, receipt of your request for comments regarding proposed development of a mixed use commercial development on Piikea Avenue, Kihei, Maui (TMKs (2) 3-9-002:030, 076, 080, and 158). Based on the project information you provided and pertinent information in our files, the threatened Newell's shearwater (*Puffinus auricularis newelli*) and the endangered Hawaiian petrel (*Pterodroma phaeopygia sandwichensis*) (collectively referred to as seabirds) are known to traverse the project area. The endangered Blackburn's sphinx moth (*Manduca blackburni*) and the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*) are also known to occur near the project site. In addition, the proposed project is located in a dry area of Maui where wildland fires interdependent with the proposed project may affect listed upland species. We recommend the following measures be incorporated into the project's environmental assessment to minimize potential impacts to listed species:


- Seabirds may traverse the project area at night during the breeding season (February 1 through December 15). Any outdoor lighting, particularly when used during each year's peak fledging period (September 15 through December 15), could result in seabird disorientation, fallout, and injury or mortality. Potential impacts to seabirds can be minimized by shielding outdoor lights associated with the project, avoiding night-time construction, and providing all project staff with information regarding seabird fallout. All project lights should be shielded so the bulb can be seen only from below.
- Blackburn's sphinx moth may occur in the project area. The adult moth feeds on nectar from native plants including beach morning glory (*Ipomoea pes-caprae*), iliee (*Plumbago zeylanica*), maiapilo (*Capparis sandwichiana*), and the larvae feed upon non-native tree tobacco (*Nicotiana glauca*) and the native (*Nothocestrum latifolium*). All of these species may occur on the project site. We recommend you survey the site for the

presence of Blackburn's sphinx moth host plants and if host plants are found, contact our office for further assistance.

- To minimize impacts to the endangered Hawaiian hoary bat, woody plants suitable for bat roosting should not be removed or trimmed during the bat birthing and pup rearing season (April to August). If this avoidance measure can not be implemented, bat surveys should be conducted and, if this species is found, our office should be contacted for additional assistance.
- Measures to minimize fire risk should be incorporated into the project. The Maui Wildland Fire Coordinating Group is partnering with the Service to coordinate the development of fuelbreaks, water sources for firefighting, fire prevention projects, and an increased fire suppression response to minimize the impact of human-caused wildfires to listed species and critical habitat on Maui. We recommend you coordinate with Maui County Department of Fire and Public Safety wildland fire management specialists to ensure any wildland fire risk, interdependent with the proposed development, is minimized.
- We recommend the use of native plants for landscaping purposes in order to reduce the spread of non-native invasive species. If native plants do not meet your landscaping objectives, we recommend that you choose species that are thought to have a low risk of becoming invasive. The following websites are good resources to use when choosing landscaping plants: Pacific Island Ecosystems at Risk (<http://www.hear.org/Pier/>), Hawaii-Pacific Weed Risk Assessment (http://www.botany.hawaii.edu/faculty/daehler/wra/full_table.asp) and Global Compendium of Weeds (www.hear.org/gcw).

Implementation of these recommendations does not alleviate your responsibilities pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA), if a listed species may be affected by the proposed action. If the proposed project may affect a listed species and the project is funded, authorized, or carried about by a Federal agency, you should request that the Federal agency consult with us under section 7(a)(2) of the ESA. If there is no Federal nexus for the proposed action you should obtain an incidental take permit pursuant to section 10(a)(2)(B) of the ESA if incidental take of a listed species cannot be avoided. If you have questions or would like additional information, please contact Consultation and Technical Assistance Program Fish and Wildlife Biologist, Dawn Greenlee (phone: 808-792-9400; fax: 808-792-9581).

Sincerely,

for 
Patrick Leonard
Field Supervisor

August 31, 2012

Loyal Mehrhoff, Field Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
300 Ala Moana Boulevard, Room 3-122
Box 50088
Honolulu, Hawaii 96850

SUBJECT: Response to Early Consultation Comment Letter on the Proposed
Downtown Kihei Project at TMK (2) 3-9-002:030, 076, 080, and 158,
Kihei, Maui, Hawaii (2009-TA-0120)

Dear Mr. Mehrhoff:

On behalf of the applicant, The Krausz Companies, Inc., we thank you for your letter of March 6, 2009. The following information is provided in the order of your comments.

1. We acknowledge that there are existing wetlands on a portion of Parcel 030 and on Parcel 080 which are habitats of seabirds, and we recognize your concerns regarding the threatened Newell's shearwater and the endangered Hawaiian petrel. The project has been designed to avoid impacts to the existing wetlands with the creation of landscaped detention basins between the wetlands and the proposed development. Further, as may be necessary, outdoor lighting for the project shall be appropriately shielded and directed downward.
2. As recommended, a Biological Study was prepared by Robert Hobdy for the project. Although the Blackburn's Sphinx moth was not observed, the non-native tree tobacco plant was found on a portion of the project site. Consultation with the State Department of Land and Natural Resources, Division of Forestry and Wildlife is ongoing to coordinate the removal of the tree tobacco plants.
3. The Biological Study made a special effort to find the endangered Hawaiian hoary bat in the area. No bat activity was encountered during the field work.
4. We acknowledge that the Maui Wildland Fire Coordinating Group has partnered with the U.S. Fish and Wildlife Service to coordinate responses to wildfires which predominantly occur along the Piilani Highway corridor, especially the vacant

MAUI

305 High St., Suite 104 Wailuku, Hawaii 96793

PH: (808)244-2015 FAX: (808)244-8729

OAHU

735 Bishop St., Suite 238 Honolulu, Hawaii 96813 PH: (808)983-1233

WWW.MHPLANNING.COM

excellent
process
management

lands mauka of the highway. The subject properties are located makai of Piilani Highway surrounded by existing urban developments and are at minimum risk from wildfires.

5. As practicable, the development will incorporate the use of native plants or other plants that are low risk of becoming invasive for landscaping purposes. Your recommendation has been forwarded to the architect and landscape architect for the project.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsman, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.
Todd Stoutenborough, Architect, Stoutenborough, Inc.
Russel Gushi, Landscape Architect
Robert Hobdy, Biologist

Krausz\Kihei MixedUse\Early Consultation\ResponseLetters\USFWSres.ltr.doc

DANIEL K. AKAKA
HAWAII

WASHINGTON OFFICE:
141 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
TELEPHONE: (202) 224-6361

HONOLULU OFFICE:
3106 PRINCE JONAH KUHIO
KALANIANA'OLE FEDERAL BUILDING
P.O. Box 50144
HONOLULU, HI 96850
TELEPHONE: (808) 522-8970

United States Senate

WASHINGTON, DC 20510-1103

MAR 13 2009

COMMITTEES:

ARMED SERVICES

BANKING, HOUSING AND
URBAN AFFAIRS

ENERGY AND NATURAL RESOURCES

HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

INDIAN AFFAIRS

VETERANS' AFFAIRS

March 10, 2009

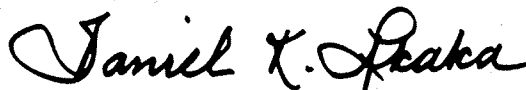
Ms. Colleen Suyama
Project Manager
Munekiyo & Hiraga, Inc.
305 High Street, #104
Wailuku, HI 96793-2100

Dear Ms. Suyama:

Thank you for contacting me regarding the Krausz Companies, Inc.'s proposed mixed use commercial development on Piikea Avenue on Maui.

I appreciate your providing me with information on this project and noted that an environmental assessment is being conducted. Again, mahalo for contacting me.

Aloha pumehana,



DANIEL K. AKAKA
U.S. Senator

FEB 10 2009

DANIEL K. INOUE
HAWAII

APPROPRIATIONS
Subcommittee on Defense—Chairman

COMMERCE, SCIENCE AND TRANSPORTATION,
CHAIRMAN

COMMITTEE ON INDIAN AFFAIRS

DEMOCRATIC STEERING AND COORDINATION
COMMITTEE

COMMITTEE ON RULES AND ADMINISTRATION

JOINT COMMITTEE ON PRINTING

United States Senate

SUITE 722, HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1102
(202) 224-3934
FAX (202) 224-6747

PRINCE KUHIO FEDERAL BUILDING
ROOM 7-212, 300 ALA MOANA BOULEVARD
HONOLULU, HI 96850-4975
(808) 541-2542
FAX (808) 541-2549

101 AUPUNI STREET, NO. 205
HILO, HI 96720
(808) 935-0844
FAX (808) 961-5163

February 6, 2009

Ms. Colleen Suyama
Munekiyo & Hiraga, Inc
305 High Street, Suite 104
Wailuku, Hawaii 96793


Dear Ms. Suyama:

In the absence of Senator Inouye who is in Washington, D.C., I wish to acknowledge your letter requesting the Senator's written comments on the proposed Kihei Mixed Use Development Project.

At this time, it would be premature for Senator Inouye to take a position without knowing how the community views the project. For the most part, such developments are within the purview of the county and state governments to approve. Soliciting early input from the community, as part of your Environmental Assessment (EA), is a good start to ensure their involvement in the project decision-making process.

I appreciate your contacting the Senator regarding this matter, and we look forward to receiving the Draft EA.

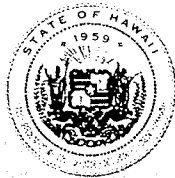
Aloha,


JENNIFER GOTO SABAS
Chief of Staff—Hawaii

JGS:gs

FEB 11 2009

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
COMPTROLLER

BARBARA A. ANNIS
DEPUTY COMPTROLLER

(P)1049.9

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

FEB 10 2009

Ms. Colleen Suyama
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Suyama:

Subject: Early Consultation Request for Kihei Mixed Use Development
Pi'ikea Avenue, Kihei, Island of Maui, Hawaii
TMKs (2) 3-9-002:030, 076, 080, and 158

Thank you for the opportunity to provide comments for the subject project. The proposed project does not impact any of the Department of Accounting and General Services' projects or existing facilities, and we have no comments to offer at this time.

If you have any questions regarding the above, please have your staff call Mr. David DePonte of the Planning Branch at 586-0492.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernest Y. W. Lau".

ERNEST Y. W. LAU
Public Works Administrator

DD:vca

c: OEQC
DAGS-Maui

JAN 30 2009



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

January 28, 2009

Ms. Colleen Suyama
Munekiyo & Hiraga Inc.
305 High Street, Suite 104
Wailuku, Hawai'i 96793

Dear Ms. Suyama:

Subject: Early Consultation on the Kihei Mixed-Use Development
TMK: 3-9-002: 30, 76, 80, & 158, Kihei, Maui

The Department of Education (DOE) believes from reading your letter that the proposed Kihei Mixed-Use Development will not include any dwelling units.

If, however, the plan is to include dwelling units, the project is likely to be in a future school impact district and would be required to pay school impact fees. We ask that the Draft Environmental Assessment confirm that aspect of the project.

Thank you for the opportunity to comment. If you have any questions, please call Heidi Meeker of the Facilities Development Branch at (808) 377-8301.

Very truly yours,

A handwritten signature in cursive script, reading "Patricia Hamamoto", is written over a horizontal line.

Patricia Hamamoto
Superintendent

PH:jmb

c: Randolph Moore, Asst. Supt., OSFSS
Bruce Anderson, CAS, Baldwin/Kekaulike/Maui Complex Areas

August 31, 2012

Kathryn S. Matayoshi
Superintendent
Department of Education
P.O. Box 2360
Honolulu, Hawaii 96804

SUBJECT: Response to Early Consultation Comment Letter on the Proposed
Downtown Kihei Project at TMK (2) 3-9-002:030, 076, 080, and 158, Kihei,
Maui, Hawaii

Dear Ms. Matayoshi:

On behalf of the applicant, The Krausz Companies, Inc., we thank you for your Department's letter of January 28, 2009. The proposed project will not include any dwelling units, and as such, school impact fees are not applicable to this project.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsmann, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.

Krausz\Kihei MixedUse\Early Consultation\ResponseLetters\DOEres.ltr.doc

PHONE (808) 594-1888

FAX (808) 594-1865



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD09/4140

March 25, 2009

Colleen Suyama
Munekiyo & Hiraga Inc.
305 High Street, Suite 104
Wailuku, HI 96793

RE: Early consultation for the Draft Environmental Assessment for the proposed Kihei Mixed Use Development, Kihei, Maui, TMKs: (2) 3-9-002: 030, 076, 080 and 158.

Aloha e Colleen Suyama,

The Office of Hawaiian Affairs (OHA) received the above-mentioned letter on January 13, 2009. The Krausz Companies Inc. propose the construction of a mixed use commercial development on Pi'ikea Avenue in Kihei, Maui. A portion of the project site is enhanced wetland and as such is designated as "Open Space," according to the Kihei-Makena Community Plan. The rest of the site is designated by the plan as "Business Use." The applicant will seek to change the zoning of the R-3 Residential District lands of the project to B-2 Community Business. In addition, a Special Management Area Use Permit will be completed. OHA has reviewed the project and offers the following comments.

Chapter 343 of the Hawaii Revised Statutes (HRS) requires that the Draft EA include a Cultural Impact Assessment (CIA). The CIA should include information relating to the traditional and customary practices and beliefs of the area's Native Hawaiians, and the community should be involved in this assessment. Consideration must also be afforded to any individuals accessing the project area for constitutionally protected traditional and customary purposes, in accordance with the Hawai'i State Constitution, Article XII, Section 7.

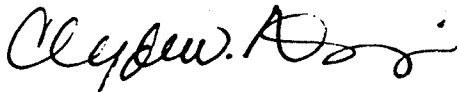
OHA requests clarification whether an archaeological inventory survey for the project will be submitted to the State Historic Preservation Division for review and approval. If so, OHA should be allowed the opportunity to comment on the criteria assigned to any cultural or archaeological sites identified within the archaeological inventory survey.

We request the applicant's assurances that should iwi kūpuna or Native Hawaiian cultural or traditional deposits be found during the construction of the project, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

In addition, OHA recommends that the applicant use native vegetation in its landscaping plan for the subject parcel. Landscaping with native plants furthers the traditional Hawaiian concept of mālama 'āina and creates a more Hawaiian sense of place.

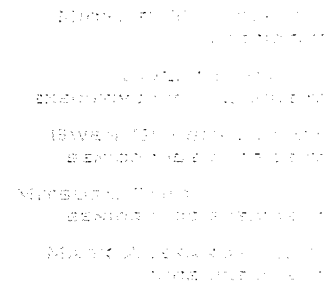
Thank you for the opportunity to comment, and we look forward to reviewing the Draft Environmental Assessment when it becomes available. If you have further questions, please contact Sterling Wong by phone at (808) 594-0248 or e-mail him at sterlingw@oha.org.

'O wau iho nō me ka 'oia 'i'o,



Clyde W. Nāmu'o
Administrator

C: OHA Maui CRC Office



- WWW.MHPLANNING.COM

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 000000
 000000

Dr. Kanana`opono Crabbe, Chief Executive Officer
August 31, 2012
Page 2

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc:

David Pyle, The Krausz Companies, Inc.
Jay Krigsmann, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.
Todd Stoutenborough, Architect, Stoutenborough, Inc.
Russel Gushi, Landscape Architect
Erik Fredericksen, Xamanek Researches, LLC

Krausz\Kihei MixedUse\Early Consultation\ResponseLetters\OH\Ares.ltr.doc

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2102

FEB 09 2009

CHIYOME L. FUKINO, M. D.
DIRECTOR OF HEALTH

LORRIN W. PANG, M. D., M. P. H.
DISTRICT HEALTH OFFICER

February 9, 2009

Ms. Colleen Suyama
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawai'i 96793

Dear Ms. Suyama:

Subject: Early Consultation on the Kihei Mixed Use Development
TMK: (2) 3-9-002:30, 076, 080, and 158
Pi'ikea Avenue, Kihei, Maui, Hawai'i

Thank you for the opportunity to comment on the Kihei Mixed Use Development. The following comments are offered:

1. National Pollutant Discharge Elimination System (NPDES) permit coverage may be required for this project. The Clean Water Branch should be contacted at 808 586-4309.
2. The Army Corps of Engineers should be contacted at (808) 438-9258 to identify whether a Federal license or permit is required for this project. Pursuant to Section 401(a)(1) of the Federal Water Pollution Act, a Section 401 Water Quality Certification maybe required.
3. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules (HAR), Chapter 11-46 "Community Noise Control". A noise permit may be required and should be obtained before the commencement of work.

Ms. Colleen Suyama

February 9, 2009

Page 2

4. HAR, Chapter 11-46, sets maximum allowable sound levels from stationary equipment such as compressors and HVAC equipment. The attenuation of noise from these sources may depend on the location and placement of these types of equipment. This should be taken into consideration during the planning, design, and construction of the building and installation of these types of equipment.

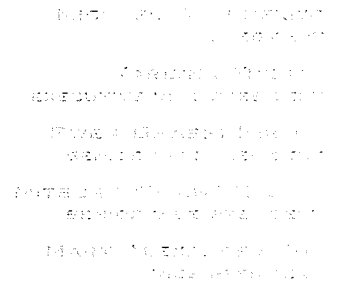
Should you have any questions, please call me at 808 984-8230.

Sincerely,

Patti Kitkowski

Patti Kitkowski

Acting District Environmental Health Program Chief



Patti Kitkowski
District Environmental Health Program Chief
Department of Health
Maui District Office
54 High Street
Wailuku, Hawaii 96793

Dear Ms. Kitkowski:

On behalf of the applicant, The Krausz Companies, Inc., we thank you for your letter of February 9, 2009. We offer the following information which addresses your comments in the order listed in your letter.

1. As may be required, a National Pollutant Discharge Elimination System (NPDES) permit will be submitted to the Department of Health (DOH).
2. Consultation is ongoing with the Department of the Army (DA) to determine applicable permitting requirements. If a DA permit is required, a Section 401 Water Quality Certification application will be submitted to the DOH.
3. As may be required, in compliance with Chapter 11-46, "Community Noise Control", a noise permit will be obtained prior to the commencement of work.
4. As may be appropriate, attenuation of noise levels from stationary equipment such as compressors and HVAC equipment shall be considered in the planning, design, and construction of the buildings and installation of these types of equipment.

[illegible]

Patti Kittowski
August 31, 2012
Page 2

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,



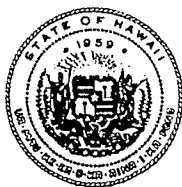
Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsmann, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.
Clifford Mukai, Warren S. Unemori Engineering, Inc.

Krausz\Kihei MixedUse\Early Consultation\ResponseLetters\DOHMaui1res.ltr.doc

LINDA LINGLE
GOVERNOR OF HAWAII



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

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
DOH/CWB

03042PSS.09

March 10, 2009

Ms. Colleen Suyama
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Suyama:

Subject: Proposed Kihei Mixed Use Development
TMKs: (2) 3-9-002:030, 076, 080, and 158
Kihei, Island of Maui, Hawaii

The Department of Health, Clean Water Branch (CWB), acknowledges receipt of your document, dated January 9, 2009, submitting the TMK map for the subject project and offers these comments on your project. Please note that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at <http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf>.

1. Any project and its potential impacts to State waters must meet the following criteria:
 - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
 - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
2. You may be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting the applicable Notice of Intent (NOI) form:
 - a. Storm water associated with construction activities, including excavation, grading, clearing, demolition, uprooting of vegetation, equipment staging, and storage areas that

result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the start of the construction activities.

- b. Discharges of hydrotesting water.
- c. Discharges of construction activity dewatering.

You must submit a separate NOI form for each type of discharge at least 30 calendar days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 calendar days before the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>.


3. For types of wastewater discharges not covered by an NPDES general permit, you may need an NPDES individual permit. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.
4. You must also submit a copy of the NOI or NPDES permit application to the State DLNR, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project. Please submit a copy of your request for review by SHPD or SHPD's determination letter for the project along with your NOI or NPDES permit application, as applicable.
5. The Honolulu Engineer District of the U.S. Army Corps of Engineers should be consulted with respect to the Department of Army permitting requirements. Please call (808) 438-9258.
6. Pursuant to Federal Water Pollution Control Act [commonly known as the "Clean Water Act" (CWA)], Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "any applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may **result** in any discharge into the navigable waters..." (emphasis added). The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40, CFR, Section 122.2; and HAR, Chapter 11-54.

7. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 Water Quality Certification are required, must comply with the Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.
8. You should specify if any impacted State waters are listed in the Clean Water Act, Section 303(d) list of impaired water bodies in Chapter IV of the *2006 State of Hawaii Water Quality Monitoring and Assessment Report*.

Any NPDES permit(s) for discharges into these water bodies will incorporate the requirement for the Permittee to develop and implement a facility/project-specific Waste Load Allocation (WLA) implementation and monitoring plan when a Total Maximum Daily Load (TMDL) which specifies WLAs applicable to the Permittee's project is approved by the U.S. Environmental Protection Agency. The Permittee shall incorporate and implement the facility/project-specific WLA implementation and monitoring plan as part of the project's Storm Water Pollution Control Plan or Site-Specific Best Management Practices Plan, as appropriate. The facility/project-specific WLA implementation and monitoring plan shall include Data Quality Objectives (DQO) and Quality Assurance and Quality Control methods. The purpose and goal of DQO process can be found at <http://www.hanford.gov/dqo>. Information on the DOH WLA Implementation and TMDLs are available on the DOH Environmental Planning Office website at <http://hawaii.gov/health/environmental/env-planning/wqm/wqm.html> (see *TMDL Technical Reports and Implementation Plans for approved TMDLs are available here for download in pdf format*).

If you have any questions, please visit our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>, or contact the Engineering Section, CWB, at (808) 586-4309.

Sincerely,


ALEC WONG, P.E., CHIEF
Clean Water Branch

SS:np

August 31, 2012

Alec Wong, P.E., Chief
Department of Health
Clean Water Branch
P.O. Box 3378
Honolulu, Hawaii 96801-3378

SUBJECT: Response to Early Consultation Comment Letter on the Proposed
Downtown Kihei Project at TMK (2) 3-9-002:030, 076, 080, and 158, Kihei,
Maui, Hawaii DOH/CWB 03042PSS.09

Dear Mr. Wong:

On behalf of the applicant, The Krausz Companies, Inc., we thank you for your letter of March 10, 2009. As recommended, the engineering consultant will review the standard comments of the Department of Health (DOH). We offer the following information, which addresses your comments in the order listed in your letter.

1. We acknowledge the proposed development is required to comply with Hawaii Administrative Rules, Chapter 11-54.
2. As may be required, a National Pollutant Discharge Elimination System (NPDES) permit will be submitted to the DOH for approval prior to the initiation of construction, pursuant to Chapter 11-55.
3. We acknowledge that wastewater discharges that are not covered by an NPDES general permit may need an NPDES individual permit.
4. As may be required, a copy of the Notice of Intent (NOI) or NPDES permit application shall be submitted to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD). A copy of a request for SHPD review or determination letter for the project shall be submitted with a NOI or NPDES permit application.
5. Consultation is ongoing with the Department of Army (DA) to determine applicable permitting requirements.

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25

6. We acknowledge that a Section 401 Water Quality Certification (WQC) is required for any applicant for Federal license or permit to conduct any activity which may result in any discharge into the navigable waters.
7. We acknowledge that all discharges related to the project construction or operation activities must comply with the Water Quality Standards and noncompliance may be subject to penalties.
8. A review of the 2006 State of Hawaii Water Quality Monitoring and Assessment Report did not list any impaired water bodies near the project site. The nearest impaired water body listed was south of the project site at Maluaka Beach near Makena Landing. Maluaka Beach is approximately 7.5 miles south of the project site.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsman, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.
Clifford Mukai, Warren S. Unemori Engineering, Inc.

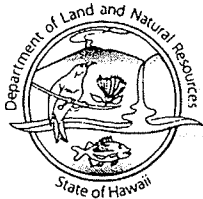
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FEB 10 2009

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 9, 2009

Munekiyo & Hiraga, Inc.
305 High Street Suite 104
Wailuku, Hawaii 96793

Attention: Ms. Colleen Suyama

Ladies and Gentlemen:

Subject: Early Consultation on the Kihei Mixed Use Development

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR), Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Engineering Division, Division of Aquatic Resources, Division of Forestry & Wildlife, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Morris M. Atta".

Morris M. Atta
Administrator

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

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LAND DIVISION

2009 FEB -2 A 10: 27

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

January 17, 2009

MEMORANDUM

TO:

DLNR Agencies:

- ☒ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☐ Commission on Water Resource Management
- ☒ Office of Conservation & Coastal Lands
- ☐ Land Division -

FROM:

for Morris M. Attala *Attala*

SUBJECT: Early consultation on the Kihei Mixed Use Development

LOCATION: Kihei, Maui, TMK: (2) 2-3-9:30, 76, 80, 158

APPLICANT: Munekiyo & Hiraga, Inc.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by February 7, 2009.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- ☐ We have no objections.
- ☐ We have no comments.
- ☒ Comments are attached.

Signed:

Date: *C. J. Heron*
1/31/09

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/MorrisAtta
Ref.: EarlyConKiheiMixedDevelopment
Maui.443

COMMENTS

- () We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zones ____.
- (X) Please note that the project site, according to the Flood Insurance Rate Maps (FIRM), is located in Zones C and AH. The National Flood Insurance Program does not have any regulations for developments within Zone C, however, it does regulate developments within Zones A and AH as indicated in bold letters below.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ____.
- (X) Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
- () Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.
- (X) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
- () Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.
- () The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.
- () The applicant should provide the water demands and calculations to the Engineering Division so they can be included in the State Water Projects Plan Update.
- () Additional Comments: _____
- () Other: _____

Should you have any questions, please call Ms. Suzie S. Agraan of the Planning Branch at 587-0258.

Signed: _____

ERIC T. HIRANO, CHIEF ENGINEER

Date: _____

11/31/09

Division of Forestry & Wildlife

1151 Punchbowl Street, Rm. 325 • Honolulu, HI 96813 • (808) 587-0166 • Fax: (808) 587-0160

January 27, 2009

MEMORANDUM

TO: Morris M. Atta, Administrator
Land Division

FROM: Paul J. Conry, Administrator
Division of Forestry and Wildlife



SUBJECT: Request for Comments: Early Consultation on Kihei Mixed Use
Development at Kihei, Maui by Munekiyo & Hiraga, Inc. TMK: 2-3-9: 30,
76, 80, 158.

DOFAW has reviewed the subject project request for comments and provide the following for your consideration. Our Maui Branch staff has acknowledged the existing wetland parcels at this site. We also recognize that the landowner Azeka Inc. has consulted with U.S. Fish and Wildlife Service regarding endangered water birds at the wetland ponds.

When the SMA and EA requirements are drafted, please work with Dr. Fern Duvall, Maui wildlife staff at (808) 873-3502 to provide specific comments on the project's impacts to endangered water birds. Thank you for the opportunity to address the issues for this project.

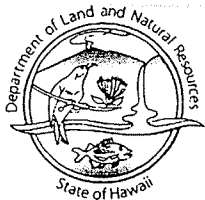
C: John Cumming, DOFAW Maui Branch Manager
Fern Duvall, DOFAW Maui Wildlife Biologist

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

2009 JAN 28 P 3:24

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LAND DIVISION

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. TUIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 17, 2009

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STATE OF HAWAII

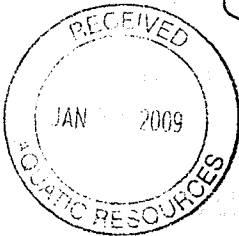
AQUATIC RESOURCES: 2034	
DIRECTOR	
COMMISSIONER	
AQ RES-ENV	
AQ REC	
ADMIN	
STAFF SVCS	
RCU/HH	
STATISTICS	
RECORDS & AID	
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OFFICE SVCS	
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MEMORANDUM

TO:

DLNR Agencies:

- ☒ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☐ Commission on Water Resource Management
- ☒ Office of Conservation & Coastal Lands
- ☐ Land Division -



FROM:

Morris M. Attala
SUBJECT: Early consultation on the Kihei Mixed Use Development
LOCATION: Kihei, Maui, TMK: (2) 2-3-9:30, 76, 80, 158
APPLICANT: Munekiyo & Hiraga, Inc.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by February 7, 2009.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- () We have no objections.
- () We have no comments.
- (X) Comments are attached.

Signed: _____

Date: 1-22-09

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

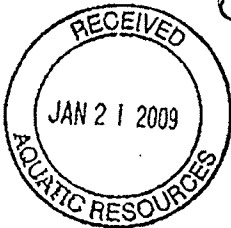
January 17, 2009

MEMORANDUM

TO:

DLNR Agencies:

- ☒ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☐ Commission on Water Resource Management
- ☒ Office of Conservation & Coastal Lands
- ☐ Land Division -



FROM: *for* Morris M. Attia *Charles*
SUBJECT: Early consultation on the Kihei Mixed Use Development
LOCATION: Kihei, Maui, TMK: (2) 2-3-9:30, 76, 80, 158
APPLICANT: Munekiyo & Hiraga, Inc.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by February 7, 2009.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- () We have no objections.
- () We have no comments.
- (x) Comments are attached.

Signed: *Skippy Rana*
Date: *1/23/09*

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

AQUATIC
RESOURCES: *2034*

DIRECTOR	
COMM. FISH.	
AQ RES/ENV	
AQ REC	
PLANNER	
STAFF SVCS	
RCUH/UH	
STATISTICS	
AFRC/FED AID	
EDUCATION	
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DIVISION OF AQUATIC RESOURCES - MAUI
DEPARTMENT OF LAND & NATURAL RESOURCES

130 Mahalaní Street
Walluku, Hawai'i 96793

January 22, 2009

To: Alton Miyasaka, Aquatic Biologist

From: ^{Sh} Skippy Hau, Aquatic Biologist

Subject: Kihei Mixed Use Development
TMK (2) 2-3-9:30, 76, 80, 158
(DAR 2034)
(Respond by Feb. 7, 2009 Morris Atta, Land)

The existing wetland parcel should not be impacted by development of adjoining lands or have drainage runoff increased. Will this project make improvements to the wetlands? Much more information will be needed to assess the proposed development.



MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER RUI
KYLE SINDZA

February 13, 2009

Morris M. Atta, Administrator
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809

SUBJECT: Early Consultation on the Kihei Mixed Use Development at TMK (2)
3-9-002:030, 076, 080, and 158, Kihei, Maui, Hawai'i

Dear Mr. Atta:

Thank you for your letter of February 9, 2009. We acknowledge the subject properties are located in zones C and AH as shown on the National Flood Insurance Rate Maps (FIRM). The portion of the project located in zone AH may require appropriate flood hazard permits. We will contact both the State Coordinator and the Maui Planning Department with regards to the National Flood Insurance Program.

We will inform our biological consultant to consult with Dr. Fern Duval, Maui wildlife staff of the Division of Forestry & Wildlife as well as Mr. Skippy Hau, Maui aquatic biologist with the Division of Aquatic Resources.

If additional clarification is required, please contact Colleen Suyama at 244-2015. Copies of the draft environmental assessment (EA) will be forwarded to your agency.

Very truly yours,

Colleen Suyama
Project Manager

CS:lh

cc: David Pyle, The Krausz Companies
Jay Krigsman, The Krausz Companies
Daniel Krausz, The Krausz Companies
Robert Hobdy, Consultant
Reed Ariyoshi, Warren S. Unemori Engineering, Inc.

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LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

August 31, 2009

Ms. Colleen Suyama, Project Manager
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii'i 96793
planning@mhplanning.com

LOG NO: 2009.0447
DOC NO: 0908PC74
Archaeology

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Early Consultation for the Kihei Mixed Use Development Project
Waiohuli Ahupua'a, Makawao District, Island of Maui
TMK: (2) 3-9-002:030; (2) 3-9-002:076; (2) 3-9-002:080; (2) 3-9-002:158**

Thank you for the opportunity to comment on the aforementioned project, correspondence for which we received on January 12 of 2009. Please accept our apologies for the lengthy delay in responding.

Based on the submitted information, the project involves the development of a mixed use commercial development along Pi'ikea Avenue in Kihei.

A search of our records indicates that an archaeological inventory survey of the proposed areas of effect has not yet occurred. Therefore, upon review of a permit associated with the subject parcels, we will recommend that the following condition be attached:

An archaeological inventory survey shall be conducted by a qualified archaeological consultant with a report of the findings, significance assessments and recommended mitigation submitted to this office for review and acceptance prior to issuance of the permit.

A list of those meeting the requirements to perform such work can be obtained on the SHPD's website at <http://hawaii.gov/dlnr/hpd/pdfs/2009-Permittee.pdf> or by contacting our main office at (808) 692-8015.

If you have any questions or comments regarding this letter, please contact the SHPD's Lead Maui Archaeologist, Ms. Patty Conte (Patty.J.Conte@hawaii.gov).

Aloha,

Nancy McMahon, Deputy SHPO/State Archaeologist
State Historic Preservation Division

August 31, 2012

Nancy A. McMahon, Deputy SHPO
Department of Land and Natural Resources
State Historic Preservation Division
601 Kamokila Boulevard, Room 555
Kapolei, Hawaii 96707

SUBJECT: Response to Early Consultation Comment Letter on the Proposed
Downtown Kihei Project at TMK (2) 3-9-002:030, 076, 080, and 158, Kihei,
Maui, Hawaii (LOG NO: 2009.0447/DOC NO: 0908PC74)

Dear Ms. McMahon:

On behalf of the applicant, The Krausz Companies, Inc., we thank you for your letter of August 31, 2009. An Archaeological Inventory Survey (AIS) has been prepared by Xamanek Researches, LLC and has been forwarded to your office for review and acceptance. The AIS was accepted by your office by letter dated March 15, 2011 (LOG NO: 2011.0611, DOC NO: 1103MD34). A copy of the AIS and your acceptance letter will be included in the Draft Environmental Assessment (EA).

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsman, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.
Erik Fredericksen, Xamanek Researches, LLC

Krausz\Kihei MixedUse\Early Consultation\ResponseLetters\SHPDres.ltr.doc

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

FEB 11 2009

BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO A. SUMADA

IN REPLY REFER TO:

STP 8.3123

February 10, 2009

Ms. Colleen Suyama
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Suyama:

Subject: Kihei Mixed Use Development, Pi'ikea Avenue
Early Consultation (EC)
TMK: 3-9-002: 030, 076, 080, and 158

Thank you for providing the subject document for review and comments.

The State Department of Transportation (DOT) understands that the subject EC addresses a proposed project involving a mixed-use commercial development on Pi'ikea Avenue, between the Longs Drugs Shopping Center and the Azeka Place II Shopping Center in Kihei. Direct access to the site is from Pi'ikea Avenue.

The subject project could potentially impact State highway facilities by its contribution of traffic to Piilani Highway.

The Draft Environmental Assessment (DEA) should include a Traffic Impact Analysis Report (TIAR) which evaluates and proposes appropriate mitigation of traffic impacts at Piilani Highway intersections with Piikea Avenue and with East Lipoa Street.

DOT appreciates the opportunity to provide comments and requests four (4) copies of the project DEA including the TIAR, be provided. If there are any other questions, please contact Mr. David Shimokawa of the DOT Statewide Transportation Planning Office at (808) 587-2356.

Very truly yours,

A handwritten signature in black ink, appearing to be "BM", is written over a faint, illegible background.

BRENNON T. MORIOKA, PH.D., P.E.
Director of Transportation



MICHAEL T. MUNEKIYO
GWEN ONASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN FUKUDA

MARK ALEXANDER RUY
KYLE SUYAMA

February 13, 2009

Brennon T. Morioka, PH.D., P.E.
Director of Transportation
State of Hawai'i
869 Punchbowl Street
Honolulu, Hawai'i 96813-5097

SUBJECT: Early Consultation on the Kihei Mixed Use Development at TMK (2)
3-9-002:030, 076, 080, and 158, Kihei, Maui, Hawai'i

Dear Mr. Morioka:

Thank you for your letter of February 10, 2009. A Traffic Impact Analysis Report (TIAR) is being prepared by Austin, Tsutsumi, & Associates, Inc. The TIAR will evaluate and propose appropriate mitigation of traffic impacts at Pi'ilani Highway intersections with Piikea Avenue and with East Lipoa Street. As requested, four (4) copies of the Draft Environmental Assessment, including the TIAR, will be forwarded to the State Department of Transportation for review and comment.

If additional clarification is required, please contact Colleen Suyama at 244-2015.

Very truly yours,

Colleen Suyama
Project Manager

CS:lh

cc: David Pyle, The Krausz Companies
Jay Krigsman, The Krausz Companies
Daniel Krausz, The Krausz Companies
Keith Niiya, Austin Tsutsumi & Associates, Inc.

F:\DATA\Krausz\Kihei Mixed Use\Early Consultation\StateDOT\ecres.ltr.wpd

JAN 28 2009

LINDA LINGLE
GOVERNOR



GEORGINA K. KAWAMURA
DIRECTOR

ROBERT N. E. PIPER
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE

P.O. BOX 150
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER
PUBLIC UTILITIES COMMISSION

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION

January 20, 2009

Ms. Colleen Suyama, Project Manager
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Suyama:

Your request for comments on the Krausz Companies, Inc., proposal for a mixed use commercial development on Pi'ikea Avenue in Kihei, Maui, has been reviewed. In accordance with Chapter 343, HRS, we have no substantive pre-assessment comment to provide.

If you should have any questions regarding this matter, please contact Mr. Neal Miyahira, Administrator of the Budget, Program Planning and Management Division at (808) 586-1530.

Aloha,

GEORGINA K. KAWAMURA
Director of Finance

39

LINDA LINGLE
GOVERNOR

MAJOR GENERAL ROBERT G. F. LEE
DIRECTOR OF CIVIL DEFENSE

EDWARD T. TEIXEIRA
VICE DIRECTOR OF CIVIL DEFENSE



FEB 02 2009



PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

January 30, 2009

Ms. Colleen Suyama
Project Manager
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793


Dear Ms. Suyama:

Early Consultation Request
Proposed Kihei Mixed Use Development

Thank you for the opportunity to comment on this development. After review of the documents you have sent for this development, we request that a five foot by five foot area be set aside on Parcel 158 for the installation of a stand-alone solar powered outdoor warning siren. We have no other comments at this time. We look forward to receiving the Draft EA.

If you have any questions please call Havinne Okamura, Hazard Mitigation Planner, at (808)733-4300, extension 556.

Sincerely,


EDWARD T. TEIXEIRA
Vice Director of Civil Defense

August 31, 2012

Major General Darryll Wong, Director
Department of Defense
Office of the Director of Civil Defense
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495

SUBJECT: Response to Early Consultation Comment Letter on the Proposed
Downtown Kihei Project at TMK (2) 3-9-002:030, 076, 080, and 158,
Kihei, Maui, Hawaii

Dear Major General Wong:

On behalf of the applicant, The Krausz Companies, Inc., we thank you for your Department's letter of January 30, 2009. We will work with your office to develop an appropriate 25-square foot location on Parcel 158 for the installation of a stand-alone solar powered outdoor warning siren.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsman, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.
Todd Stoutenborough, Architect
Clifford Mukai, Warren S. Unemori Engineering, Inc.

Krausz\Kihei Mixed Use\Early Consultation\Response Letters\Defenses\res.ltr.doc

MAUI

305 High St., Suite 104 Wailuku, Hawaii 96793

PH: (808) 244-2015 FAX: (808) 244-8729

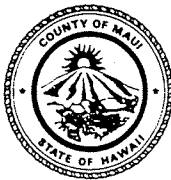
MAUI

735 Bishop St., Suite 238 Honolulu, Hawaii 96813 PH: (808) 983-1233

WWW.MHPLANNING.COM

FEB 06 2009

CHARMAINE TAVARES
MAYOR



JEFFREY A. MURRAY
CHIEF

ROBERT M. SHIMADA
DEPUTY CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE AND PUBLIC SAFETY
FIRE PREVENTION BUREAU

780 ALUA STREET
WAILUKU, HAWAII 96793
(808) 244-9161
FAX (808) 244-1363

February 3, 2009

Ms. Colleen Suyama
Munekiyo & Hiraga, Inc
305 High Street, Suite 104
Wailuku, HI 96793

SUBJECT: EARLY CONSULTATION ON THE KIHAI MIXED USE DEVELOPMENT
TMK (2)3-9-002:030, 076, 080 and 158 PIIKEA AVE, KIHAI

Dear Ms. Suyama,

I have had an opportunity to review the early consultation request for the above subject. We do not have any specific concerns at this time. Please feel free to contact us if there are any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Val F. Martin".

Valeriano F. Martin
Captain
Fire Prevention Bureau



DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

FEB 02 2009
CHARMAINE TAVARES
Mayor

LORI TSUHAKO
Director

JO-ANN T. RIDAO
Deputy Director

2200 MAIN STREET • SUITE 546 • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX (808) 270-7165
MAILING ADDRESS: 200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • EMAIL director.hhc@mauicounty.gov

January 28, 2009

Ms. Colleen Suyama
Project Manager
Munekiyo & Hiraga
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Suyama:

**SUBJECT: Early Consultation on the Kihei Mixed Use Development,
TMKs (2) 3-9-002:030, 076, 080, and 158,
Pi'ikea Avenue, Kihei, Maui, Hawaii**

We are in receipt of your letter dated January 9, 2009 regarding early consultation on the above subject project.

Based on the information provided, this project is being proposed as a mixed use residential/commercial development on Pi'ikea Avenue in Kihei, Maui. As such, it appears that this project is subject to the Residential Workforce Housing Policy, Maui County Code, Chapter 2.96.

Thank you for this early consultation notification, we look forward to reviewing the Draft EA on this project.

Sincerely,

JO-ANN T. RIDAO
Deputy Director of Housing and Human Concerns

xc: Housing Division

August 31, 2012

Jo Ann T. Ridao, Director
Department of Housing and Human Concerns
County of Maui
2200 Main Street, Suite 546
Wailuku, Hawaii 96793

SUBJECT: Response to Early Consultation Comment Letter on the Proposed
Downtown Kihei Project at TMK (2) 3-9-002:030, 076, 080, and 158,
Kihei, Maui, Hawaii

Dear Ms. Ridao:

On behalf of the applicant, The Krausz Companies, Inc., we thank you for your Department's letter of January 28, 2009. Since our early consultation in January 2009, the project scope has been revised and does not include residential units. The project now proposes the construction of a 150-room select-services hotel marketed to visitors on a budget, especially off-island local families. We will continue to coordinate our project with your Department with regard to the provisions of Chapter 2.96, Maui County Code.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,



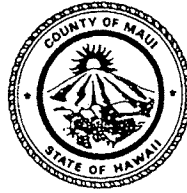
Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsman, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.

Krausz\Kihei MixedUse\Early Consultation\ResponseLetters\DHHCres.ltr.doc

CHARMAINE TAVARES
Mayor



FEB 03 2009
TAMARA HORCAJO
Director

ZACHARY Z. HELM
Deputy Director

(808) 270-7230
Fax (808) 270-7934

DEPARTMENT OF PARKS & RECREATION

700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawaii 96793

January 26, 2009

Ms. Colleen Suyama, Project Manager
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

**SUBJECT: Early Consultation on the Kihei Mixed Use Development, TMKs
(2) 3-9-002:030, 076, 080 and 158, Pi'ikea Avenue, Kihei, Maui,
Hawai'i**

Dear Ms. Suyama:

We have reviewed the subject project and have no comments or objections to the proposed project.

Thank you for the opportunity to review and comment. Please contact me or Mr. Patrick Matsui, Chief of Planning and Development, at 270-7387 if there are any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tamara Horcajo".

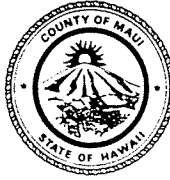
TAMARA HORCAJO
Director

xc: Patrick Matsui, Chief-Planning and Development

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

KATHLEEN ROSS AOKI
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

February 23, 2009

Ms. Colleen Suyama
Munekiyo and Hiraga, Inc.
305 High Street, Suite 105
Wailuku, Hawaii 96793

Dear Ms. Suyama:

**SUBJECT: PRE-CONSULTATION COMMENTS REGARDING THE
PROPOSED KIHEI MIXED-USE DEVELOPMENT,
TMK'S (2) 3-9-002:030, 076, 080, and 158, PIIKEA AVENUE,
KIHEI, MAUI, HAWAII (EAC 2009/0004)**

The Department of Planning (Department) has reviewed your letter dated January 9, 2009, requesting pre-consultation comments in preparation of the Draft Environmental Assessment (EA).

The Department has no substantive comment at this time. The Department assumes that the Applicant will meet with the immediate affected community to provide them the opportunity to comment on the proposed action and include said comments in the draft EA.

If you require further clarification, please contact Staff Planner Paul Fasi at paul.fasi@mauicounty.gov or 270-7814.

Sincerely,

A handwritten signature in black ink, appearing to read "Clayton I. Yoshida".

CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

For: JEFFREY S. HUNT, AICP
Planning Director

xc: Paul F. Fasi, Staff Planner
Michael Miyamoto, Deputy Director, Department of Public Works
EAC File
General File

CIY:JSH:PFF:bv

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August 31, 2012

William Spence, Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

SUBJECT: Response to Early Consultation Comment Letter on the Proposed
Downtown Kihei Project at TMK (2) 3-9-002:030, 076, 080, and 158,
Kihei, Maui, Hawaii

Dear Mr. Spence:

On behalf of the applicant, The Krausz Companies, Inc., we thank you for your Department's letter of February 23, 2009. The Krausz Companies, Inc. has held numerous meetings with the Kihei Community Association to develop a project that could be supported by the community. As suggested at the meetings, the project includes a proposed hotel. A community meeting was held on April 21, 2009 to update the Kihei community of the project and to solicit comments. In general, the attendees expressed their support of the proposed Downtown Kihei project. A copy of the meeting memorandum will be included in the Draft Environmental Assessment (EA).

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft EA. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsmann, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.

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MAUI

305 High St., Suite 104 Wailuku, Hawaii 96793

PH: (808) 244-2015 FAX: (808) 244-8729

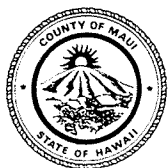
MAUI

735 Bishop St., Suite 238 Honolulu, Hawaii 96813 PH: (808) 983-1233

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47
process
management

JAN 28 2009



POLICE DEPARTMENT

COUNTY OF MAUI



CHARMAINE TAVARES
MAYOR

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

THOMAS M. PHILLIPS
CHIEF OF POLICE

GARY A. YABUTA
DEPUTY CHIEF OF POLICE

OUR REFERENCE
YOUR REFERENCE

January 22, 2009

Ms. Colleen Suyama, Project Manager
Munekiyō & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Dear Ms. Suyama:

SUBJECT: Early Consultation on the Kihei Mixed Use Development
TMKs (2) 3-9-002:030; 076, 080, and 158, Pi'ikea Avenue, Kihei

This is in response to your letter dated January 9, 2009, requesting comments on the above subject.

We have reviewed the information for the above mentioned subject and offer the enclosed comments.

Thank you for giving us the opportunity to comment on this project.

Very truly yours,

Assistant Chief Wayne T. Ribao
for: Thomas M. Phillips
Chief of Police

c: Jeffrey Hunt, Maui County Dept. of Planning

CONCUR:
AC [Signature]
ERMAUI 01/22/09

Memo: Capt. H. 11-11-70
012409

Any further comment will be reserved until further information is provided.

ALTHOUGH THIS REPRESENTS THE CONSULTANT'S
EARLY NOTIFICATION OF THE DEVELOPER'S
INTENT, UPON RECEIPT OF THE REQUIRED
SPECIAL MANAGEMENT AREA (SMA) PERMIT
REQUEST AND ENVIRONMENTAL ASSESSMENT,
WE WILL BE ABLE TO COMMENT MORE
SPECIFICALLY ON POTENTIAL IMPACT ON
POLICE SERVICES. AT THIS TIME, I ALSO
HAVE A MAJOR CONCERN OVER THE PROBABLE
EFFECT THAT SUCH A DEVELOPMENT WILL
HAVE WITH REGARDS TO TRAFFIC CONTROL
AT THE INTERSECTION OF PIIKEA AVENUE
AND LILDA DRIVE. ALSO A MAJOR CONCERN
IS FOR PEDESTRIAN TRAFFIC DUE TO THE
PROXIMITY OF THE PIIKEA SHOPPING VILLAGE,
THE KIHAI COMMUNITY CENTER / POOL COMPLEX,
AND KIHAI ELEMENTARY SCHOOL + LOKELANI
INTERMEDIATE SCHOOL.

Officer Alan Brown E1505
012009 @ 1030 hrs

49

Mr. R. ^{#746}
01/20/09

August 31, 2012

Gary Yabuta, Chief
Maui Police Department
County of Maui
55 Mahalani Street
Wailuku, Hawaii 96793

SUBJECT: Response to Early Consultation Comment Letter on the Proposed
Downtown Kihei Project at TMK (2) 3-9-002:030, 076, 080, and 158,
Kihei, Maui, Hawaii

Dear Chief Yabuta:

On behalf of the applicant, The Krausz Companies, Inc., we thank you for your Department's letter of January 22, 2009. We offer the following information, which addresses your comments.

1. As much as is practicable, the project shall utilize Crime Prevention Through Environmental Design (CPTED) within the project.
2. We note your Department's concerns regarding traffic control at the intersection of Piikea Avenue and Liloa Drive. Since our request for early consultation in January 2009, the intersection is now controlled by a roundabout. The project's engineering consultant is coordinating the roadway and driveway access plans with the Department of Public Works (DPW) to ensure that the roadway improvements and pedestrian and bicycle pathways provided by the proposed project are well integrated with the new roundabout and pathways on Liloa Drive.

MAUI

95 High St., Suite 104 Wailuku, Hawaii 96793
PH: (808) 244-2015 FAX: (808) 244-8729
OAHU

35 Bishop St., Suite 238 Honolulu, Hawaii 96813 PH: (808) 983-1233
WWW.MHPLANNING.COM

processed
50

Gary Yabuta, Chief
August 31, 2012
Page 2

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsman, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.
Todd Stoutenborough, Architect, Stoutenborough, Inc.
Keith Niiya, Austin Tsutsumi & Associates, Inc.
Clifford Mukai, Warren S. Unemori Engineering, Inc.

Krausz\Kihei MixedUse\Early Consultation\Response Letters\Policeres.ltr.doc

FEB 03 2009

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



RALPH NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

January 28, 2009

Ms. Colleen Suyama
MUNEKIYO & HIRAGA, INC.
305 High Street, Suite 104
Wailuku, Maui, Hawaii 96793

Dear Ms. Suyama:

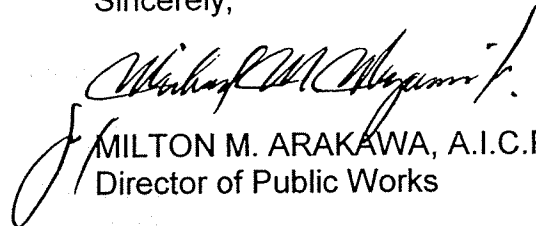
**SUBJECT: EARLY CONSULTATION ON THE KIHEI MIXED USE
DEVELOPMENT; TMK: (2) 3-9-002:030, 076, 080 and 158**

We reviewed your early consultation request and have the following comment:

1. Provide road-widening improvements (road widening, sidewalk, curb and gutter, catch basins, street lights, etc.) along the property frontages along Piikea Avenue and Liloa Drive.

Please call Michael Miyamoto at 270-7845 if you have any questions regarding this letter.

Sincerely,


MILTON M. ARAKAWA, A.I.C.P.
Director of Public Works

MMA:MMM:ls

xc: Highways Division
Engineering Division

S:\LUCA\ICZM\Kihei_Mixed_Use_Dev_ec_39002030_076_080_158_ls.wpd

August 31, 2012

David Goode, Director
Department of Public Works
County of Maui
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Response to Early Consultation Comment Letter on the Proposed
Downtown Kihei Project at TMK (2) 3-9-002:030, 076, 080, and 158,
Kihei, Maui, Hawaii

Dear Mr. Goode:

On behalf of the applicant, The Krausz Companies, Inc., we thank you for your Department's letter of January 28, 2009. We acknowledge that the project will be required to provide road-widening improvements along the property frontages along Piikea Avenue and Liloa Drive. We will continue to coordinate the project with your Department.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,


Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsmann, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.
Clifford Mukai, Warren S. Unemori Engineering, Inc.

Krausz\Kihei MixedUse\Early Consultation\ResponseLetters\DPWres.ltr.doc

MAUI

305 High St., Suite 104 Wailuku, Hawaii 96793

PH: (808)244-2015 FAX: (808)244-8729

WWW

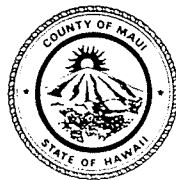
735 Bishop St., Suite 238 Honolulu, Hawaii 96813 PH: (808)983-1233

WWW.MHPLANNING.COM

53

JAN 16 2009

CHARMAINE TAVARES
MAYOR



DON A. MEDEIROS
Director
WAYNE A. BOTEILHO
Deputy Director
Telephone (808) 270-7511
Facsimile (808) 270-7505

DEPARTMENT OF TRANSPORTATION

COUNTY OF MAUI
200 South High Street
Wailuku, Hawaii, USA 96793-2155

January 14, 2009

Ms. Colleen Suyama
Munekiyo & Hiraga Inc.
305 High Street, Suite 104
Wailuku, Maui, Hawaii 96793

Subject: Early Consultation on the Kihei Mixed Use Development on Piikea Avenue, Kihei, Hawaii

Dear Ms. Suyama,

Thank you for the opportunity to comment on this project.

We would like you to incorporate a bus stop and shelter into this development. The location will be determined after more detail is provided about the development.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Don Medeiros".

Don Medeiros
Director

August 31, 2012

JoAnne Johnson Winer, Director
Department of Transportation
County of Maui
200 South High Street
Wailuku, Hawaii 96793-2155

SUBJECT: Response to Early Consultation Comment Letter on the Proposed
Downtown Kihei Project at TMK (2) 3-9-002:030, 076, 080, and 158,
Kihei, Maui, Hawaii

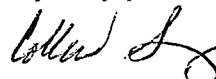
Dear Ms. Johnson Winer:

On behalf of the applicant, The Krausz Companies, Inc., we thank you for your Department's letter of January 14, 2009.

Roadway improvements for the proposed project include bus stops on both sides of Piikea Avenue, near the westernmost driveway into the project site.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsman, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.
Todd Stoutenborough, Architect, Stoutenborough, Inc.
Clifford Mukai, Warren S. Unemori Engineering, Inc.

Krausz\Kihei MixedUse\Early Consultation\ResponseLetters\CountyDOTres.ltr.doc

MAUI

305 High St., Suite 104 Wailuku, Hawaii 96793

PH: (808)244-2015 FAX: (808)244-8729

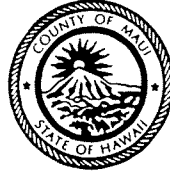
MAHI

735 Bishop St., Suite 238 Honolulu, Hawaii 96813 PH: (808)983-1233

WWW.MHPLANNING.COM

MAR 05 2009

CHARMAINE TAVARES
Mayor



JEFFREY K. ENG
Director

ERIC H. YAMASHIGE, P.E., L.S.
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauiwater.org

February 27, 2009

Ms. Colleen Suyama
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Re: TMK: (2) 3-9-002:030, 076, 080, and 158
Project Name: Kihei Mixed Use Development, Pi'ikea Avenue

Dear Ms. Suyama:

Thank you for the opportunity to comment on this Early Consultation for the Draft Environmental Assessment (DEA).

Source Availability and Consumption

According to system per acre standards, anticipated demand for the parcels would be approximately 165,000 gpd. The pre-consultation letter provides no data from which to derive more specific estimates.

The DEA should identify sources and potable and non-potable demand for the proposed expansion. The project area is served by the Central Maui System. The main sources of water for the Central system are the designated Iao aquifer, Waihee aquifer, the Iao tunnel and the Iao-Waikapu Ditch. New source development projects include Maui Lani Wells, Waikapu South Well and Waiale Surface Water Treatment Plant.

There is currently no additional source available according to system standards on the Central Maui System. One of the lots is served by one 5/8" meter. Should an additional or larger meter be required, the Department may delay issuance of meters until new sources are on line.

According to the state database, an old (1946) well is located on one of the properties. The well should be properly sealed to prevent contamination, or properly cased and retrofitted if it is to be used for irrigation,

The Department will not issue temporary construction meters for Central Maui projects. The project is located adjacent to the South Maui Reclaimed Water line. The applicant should be required to use

"By Water All Things Find Life"



reclaimed water for dust control during construction, unless the well will be renovated and used.

System Infrastructure

An 18 inch and a 36 inch water transmission lines and two fire hydrants border the east side of the parcel. Given the size of the property, substantial system improvements will be required. On the west side of the lot there is a 6" waterline perpendicular to the property. The applicant will be required to provide for water service and fire protection in accordance with system standards. Fire flow and domestic calculations will be required in the building permit process.

An approved backflow preventer will be required if not already installed on site. The applicant should also plan to utilize the reclaimed water from the line that traverses the east side of the property.

The applicant may be required to construct water storage.

Conservation

To alleviate demand on the Central system, please find attached a conservation checklist for commercial buildings, and our planting brochure. We recommend that the following conservation measures be included in the project design or noted in the DEA:

Use Non-potable Water: Use reclaimed or brackish water for landscaping, dust control and other non-potable purposes.

Use Climate-adapted Plants: Limit irrigated turf to active play and picnic areas. Use native climate-adapted or non-invasive drought tolerant plants for all landscaping. The project is located in Plant Zone 3. Native plants adapted to the area conserve water and protect the watershed from degradation due to invasive alien species.

Eliminate Single-Pass Cooling: Single-pass, water-cooled systems should be eliminated per Maui County Code Subsection 14.21.20. Although prohibited by code, single-pass water cooling is still manufactured into some models of air conditioners, freezers, and commercial refrigerators. Such models should be avoided.

Maintain Fixtures to Prevent Leaks: A simple, regular program of repair and maintenance can prevent the loss of hundreds or even thousands of gallons a day. Regular maintenance programs should be established.

Utilize Low-Flow Fixtures and Devices: Maui County Code Subsection 16.20A.680 requires the use of low-flow water fixtures and devices in faucets, showerheads, water closets, and hose bibs.

Prevent Over-Watering By Automated Systems: Provide rain shut offs and smart controllers on all automated irrigation systems. Any controllers which do not provide for soil moisture or evapotranspiration based response should be checked and reset at least once a month.

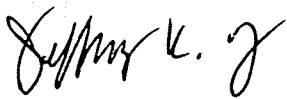
Pollution Prevention

In order to protect ground and surface water sources, in addition to sealing the old well which can be a route of contamination to the aquifer, the applicant should utilize Best Management Practices (BMPs) for pollution prevention. The mitigation measures below should be included in the DEA and be implemented during construction:

1. Prevent cement products, oil, fuel and other toxic substances from falling or dripping on the ground as this can cause them to leach into the water table or nearby wetland. Store them in proper containers on non-porous surfaces and protect from the elements.
2. Retain ground cover until the last possible date.
3. Stabilize denuded areas by sodding or planting as soon as possible. Replanting should include soil amendments, fertilizers and temporary irrigation. Use high seeding rates to ensure rapid stand establishment.
4. Avoid fertilizers and biocides, or apply only during periods of low rainfall to minimize chemical run-off.
5. Keep run-off on site.

Should you have any questions, please contact our Water Resources and Planning Division at 808-244-8550.

Sincerely,

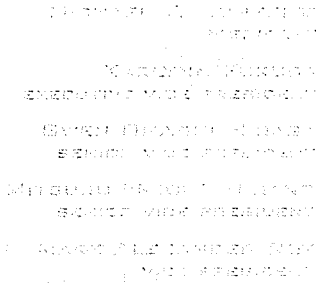


Jeffrey K. Eng, Director

mlb/elk

cc: applicant, engineering division

Attachments: Plant Brochure: "Saving Water in the Yard"; Checklist of Water Conservation Ideas for Commercial Buildings"



735 Bishop St., Suite 238 Honolulu, Hawaii 96813 PH: (808) 983-1233
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process management

David Taylor, Director
August 31, 2012
Page 2

project is proposing use of the R-1 recycled water from the County's Kihei Wastewater Reclamation Facility for irrigation.

Conservation

As recommended and practicable, appropriate water conservation measures such as climate adapted plants and low-flow fixtures shall be incorporated into the project. Furthermore, the use of R-1 recycled water for landscape irrigation will reduce demands for potable water service.

Pollution Prevention

Best Management Practices (BMPs) for pollution prevention will be incorporated into the project in order to protect ground and surface water sources during construction.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,



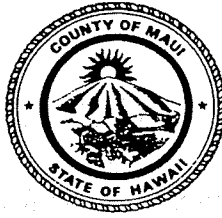
Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsman, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.
Todd Stoutenborough, Architect, Stoutenborough, Inc.
Clifford Mukai, Warren S. Unemori Engineering, Inc.

Krausz\Kihei MixedUse\Early Consultation\ResponseLetters\DWSSres.ltr.doc

CHARMAINE TAVARES
Mayor
CHERYL K. OKUMA, Esq.
Director
GREGG KRESGE
Deputy Director



TRACY TAKAMINE, P.E.
Solid Waste Division
DAVID TAYLOR, P.E.
Wastewater Reclamation
Division

**COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**
2200 MAIN STREET, SUITE 100
WAILUKU, MAUI, HAWAII 96793

February 24, 2009

Ms. Colleen Suyama
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

**SUBJECT: KIHEI MIXED USE DEVELOPMENT
EARLY CONSULTATION
TMK (2) 3-9-002:030, 076, 080, AND 158, KIHEI**

Dear Ms. Suyama,

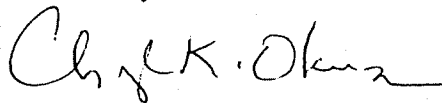
We reviewed the subject project as a pre-application consultation and have the following comments:

1. Solid Waste Division comments:
 - a. Include a plan for construction waste recycling, reuse, disposal.
2. Wastewater Reclamation Division (WWRD) comments:
 - a. Although wastewater system capacity is currently available as of 2/24/2009, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.
 - b. Wastewater contribution calculations are required before building permit is issued.
 - c. Developer shall pay assessment fees for treatment plant expansion costs in accordance with ordinance setting forth such fees.
 - d. Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.
 - e. Show or list minimum slope of new sewer laterals.
 - f. Plans should show the installation of a single service lateral and advanced riser for each lot.

- g. For all developments, other than single-family residential, plans should show the installation of a sewer service manhole near the property line prior to connection to the County sewer.
- h. Indicate on the plans the ownership of each easement (in favor of which party). Note: County will not accept sewer easements that traverse private property.
- i. Commercial kitchen facilities within the proposed project shall comply with pre-treatment requirements (including grease interceptors, sample boxes, screens etc.).
- j. Non-contact cooling water and condensate should not drain to the wastewater system.

If you have any questions regarding this memorandum, please contact Gregg Kresge at 270-8230.

Sincerely,



Cheryl K. Okuma, Director



MARK ALEXANDER, P.E.
EXECUTIVE VICE PRESIDENT
DAVID J. LESTER, P.E.
SENIOR VICE PRESIDENT
MARK ALEXANDER, P.E.
SENIOR VICE PRESIDENT

August 31, 2012

Kyle Ginoza, Director
Department of Environmental Management
County of Maui
2200 Main Street, Suite 100
Wailuku, Hawaii 96793

SUBJECT: Response to Early Consultation Comment Letter on the Proposed
Downtown Kihei Project at TMK (2) 3-9-002:030, 076, 080, and 158,
Kihei, Maui, Hawaii

Dear Mr. Ginoza:

On behalf of the applicant, The Krausz Companies, Inc., we thank you for your Department's letter of February 24, 2009. We offer the following information, which addresses your comments in the order listed in your letter.

1. **Solid Waste**

As recommended, a construction waste recycling, reuse and disposal plan will be developed for Downtown Kihei.

2. **Wastewater Reclamation**

We acknowledge that although wastewater system capacity is currently available, system capacity cannot be ensured until the issuance of the building permit. Wastewater contribution calculations will be submitted during the building permit process. Applicable assessment fees for treatment plant expansion will be paid and the developer will be responsible to fund any necessary off-site improvements to collection system and wastewater pump stations. The project's Preliminary Engineering and Drainage Report and civil plans will show the installation of a single service lateral and advanced riser for each lot as well as the installation of a sewer service manhole near the property line. Plans will also show the ownership of any easements.

MAUI

305 High St., Suite 104 Wailuku, Hawaii 96793

PH: (808)244-2015 FAX: (808)244-8729

MAUI

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63
process
management

Kyle Ginoza, Director
August 31, 2012
Page 2

Commercial kitchen facilities within the proposed development will be designed and built in compliance with applicable pre-treatment requirements.

The applicant and architect for the project have been informed that non-contact cooling water and condensate should not drain into the wastewater system.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsman, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.
Todd Stoutenborough, Architect, Stoutenborough, Inc.
Clifford Mukai, Warren S. Unemori Engineering, Inc.

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JAN 15 2009

Maui Electric Company, Ltd. • 30 West Kamehameha Avenue • PO Box 398 • Hilo, Maui, HI 96733-6898 • (808) 871-8461



January 14, 2009

Ms. Colleen Suyama, Project Manager
Munekiyo & Hiraga, Inc.
305 South High Street, Suite 104
Wailuku, Maui, Hawaii, 96793

Dear Ms. Suyama,

Subject: Early Consultation on the Kihei Mixed Use Development
TMK: (2) 3-9-002:030, 076, 080, and 158
Pi'ikea Avenue
Kihei, Maui, Hawaii

Thank you for allowing us to comment on the early consultation for the subject project.

In reviewing our records and the information received, Maui Electric Company (MECO) will be requiring access and electrical easements for our facilities to serve the subject project site. Since County of Maui permits for work within their right-of-way may be required prior to MECO's installation, we highly encourage the customer's electrical consultant to submit the electrical demand requirements, project time schedule, and schedule a meeting with us as soon as practical so that service can be provided on a timely basis.

Should you have any questions or concerns, please call me at 871-2340.

Sincerely,

Ray Okazaki
Staff Engineer

August 31, 2012

Ray Okazaki
Staff Engineer
Maui Electric Company, Ltd.
P.O. Box 398
Kahului, Hawaii 96733-6698

SUBJECT: Response to Early Consultation Comment Letter on the Proposed
Downtown Kihei Project at TMK (2) 3-9-002:030, 076, 080, and 158,
Kihei, Maui, Hawaii

Dear Mr. Okazaki:

On behalf of the applicant, The Krausz Companies, Inc., we thank you for your letter dated January 14, 2009. The engineering consultant for the project will coordinate the project's power needs with Maui Electric Company, Ltd.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies
Jay Krigsman, The Krausz Companies
Daniel Krausz, The Krausz Companies
Clifford Mukai, Warren S. Unemori Engineering, Inc.

Krausz\Kihei MixedUse\Early Consultation\ResponseLetters\MECOres.ltr.doc

64
process
management



Maui Economic Opportunity, Inc.

P.O. Box 2122
Kahului, HI 96733
808-249-2990
Fax: 808-249-2991
www.meo-inc.org

January 14, 2009

Ms. Colleen Suyama
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Suyama,

Maui Economic Opportunity, Inc. has no comment or concern to offer as early consultation about the proposed commercial development by The Krausz Companies, Inc. Should you have any questions, please contact me at (808) 249-2990.

Sincerely,

Sandy Baz
Chief Executive Officer

The Promise of Community Action

Community Action changes people's lives, embodies the spirit of hope, improves communities, and makes America a better place to live. We care about the entire community, and we are dedicated to helping people help themselves and each other.





KCA

FEB 20 2009

Kihei Community Association

"Working together to shape our Community's future."

February 15, 2009

Munekiyo & Hiraga
Attn: Colleen Suyama
305 High St.
Wailuku, HI. 96793

Re: Draft EA Kihei Mixed Use Development TMKs 2-3-9-002:030,076,080 and 158
Pi'ikea Ave, Kihei, Maui

Dear Colleen,

Please excuse my tardiness. I understand this is too late to be of any consequence for inclusion, but we at the KCA have nothing to add in opposition to your Draft EA.

We have spoken with the developers in the past and are aware of the proposed project and their intentions. We are confident the developer will abide by any decision brought down by the County Council.

If for any reason said decision should be deemed unreasonable by your client, we would be happy to revisit the issue and quite possibly lobby the powers-to-be on their behalf. We are unanimously in favor of your proposal.

We thank you for keeping us informed at the community level. We look forward to working alongside you and your client now and in the future.

Regards,

Michael C. DiBella

KCA Planning Committee Chairman

cc: David Pyle & Jay Krigsmann, The Krausz Companies, Inc.

P.O. Box 662 – Kihei, HI – 96753 – 808-879-5390 – info@KiheiCommunityAssociation.org

68

August 31, 2012

Michael C. DiBella
Kihei Community Association
Planning Committee
P.O. Box 662
Kihei, Hawaii 96753

SUBJECT: Response to Early Consultation Comment Letter on the Proposed
Downtown Kihei Project at TMK (2) 3-9-002:030, 076, 080, and 158,
Kihei, Maui, Hawaii

Dear Mr. DiBella:

On behalf of the applicant, The Krausz Companies, Inc., we thank you for your letter of February 15, 2009 in support of Downtown Kihei. We will provide the Kihei Community Association with periodic updates of our progress through the entitlement process with the County of Maui. Your continued support of Downtown Kihei is appreciated.

Thank you again for your participation in the Chapter 343, HRS review process. A copy of your letter will be included in the Draft Environmental Assessment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at 244-2015.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Jay Krigsmann, The Krausz Companies, Inc.
Daniel Krausz, The Krausz Companies, Inc.

Krausz\Kihei MixedUse\Early Consultation\ResponseLetters\MEC\Ores.ltr.doc

**IX. PARTIES CONSULTED
DURING THE 30-DAY
COMMENT PERIOD OF
THE DRAFT
ENVIRONMENTAL
ASSESSMENT; LETTERS
RECEIVED; AND
RESPONSES TO
SUBSTANTIVE
COMMENTS**

IX. PARTIES CONSULTED DURING THE 30-DAY COMMENT PERIOD OF THE DRAFT ENVIRONMENTAL ASSESSMENT; LETTERS RECEIVED; AND RESPONSES TO SUBSTANTIVE COMMENTS

The following parties were consulted during the 30-day comment period of the Draft Environmental Assessment (EA). Party comments and responses to substantive comments are included herein.

- | | |
|--|---|
| 1. Larry Yamamoto, State Conservationist
U.S. Department of Agriculture
Natural Resources Conservation Service
P.O. Box 50004
Honolulu, Hawaii 96850-0001 | 6. Richard C. Lim, Director
State of Hawaii
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawaii 96804 |
| 2. Ranae Ganske-Cerizo, Soil Conservationist
Natural Resources Conservation Service
U.S. Department of Agriculture
77 Hookele Street, Suite 202
Kahului, Hawaii 96732 | 7. Kathryn Matayoshi, Superintendent
State of Hawaii
Department of Education
P.O. Box 2360
Honolulu, Hawaii 96804 |
| 3. George Young
Chief, Regulatory Branch
U.S. Department of the Army
U.S. Army Engineer District, Honolulu
Regulatory Branch
Building 230
Fort Shafter, Hawaii 96858-5440 | 8. Heidi Meeker
Planning Division
Office of Business Services
Department of Education
c/o Kalani High School
4680 Kalaniana'ole Highway, #T-B1A
Honolulu, Hawaii 96821 |
| 4. Loyal Mehrhoff
Field Supervisor
U. S. Fish and Wildlife Service
300 Ala Moana Blvd., Rm. 3-122
Box 50088
Honolulu, Hawaii 96813 | cc: Bruce Anderson, Complex Area
Superintendent (Central/Upcountry
Maui) |
| 5. Dean H. Seki, State Comptroller
Department of Accounting and General Services
1151 Punchbowl Street, #426
Honolulu, Hawaii 96813 | 9. Loretta J. Fuddy, Director
State of Hawaii
Department of Health
919 Ala Moana Blvd., Room 300
Honolulu, Hawaii 96814 |

10. Patti Kitkowski
District Environmental Health
Program Chief
State of Hawaii
Department of Health
54 High Street
Wailuku, Hawaii 96793
11. William J. Aila, Jr., Chairperson
State of Hawaii
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809
12. Dr. Puaalaokalani Aiu, Administrator
State of Hawaii
Department of Land and Natural Resources
State Historic Preservation Division
601 Kamokila Blvd., Room 555
Kapolei, Hawaii 96707
13. Daniel Ornellas, Land Agent
Department of Land and Natural Resources
Land Division - Maui
State of Hawaii
54 High Street, Room 101
Wailuku, Hawaii 96793
14. Jenny Pickett
State of Hawaii
Department of Land and Natural Resources
State Historic Preservation Division
130 Mahalani Street
Wailuku, Hawaii 96793
15. Glenn M. Okimoto, Ph.D., Director
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813
- cc: Fred Cajigal
16. Major General Darryl D.M. Wong
Hawaii State Civil Defense
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495
17. Dr. Kamanaʻopono Crabbe
Chief Executive Officer
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813
18. Jesse Souki, Director
State of Hawaii
Office of Planning
P.O. Box 2359
Honolulu, Hawaii 96804
19. Jeffrey A. Murray, Fire Chief
County of Maui
Department of Fire and Public Safety
200 Dairy Road
Kahului, Hawaii 96732
20. Jo-Ann T. Ridao, Director
County of Maui
Department of Housing and Human Concerns
One Main Plaza
2200 Main Street, Suite 546
Wailuku, Hawaii 96793
21. Glenn Correa, Director
County of Maui
Department of Parks and Recreation
700 Halia Nako Street, Unit 2
Wailuku, Hawaii 96793
22. William Spence, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793
23. Gary Yabuta, Chief
County of Maui
Police Department
55 Mahalani Street
Wailuku, Hawaii 96793
24. David Goode, Director
County of Maui
Department of Public Works
200 South High Street
Wailuku, Hawaii 96793

25. Kyle Ginoza, Director
County of Maui
**Department of Environmental
Management**
One Main Plaza
2200 Main Street, Suite 175
Wailuku, Hawaii 96793
26. Jo Anne Johnson Winer, Director
County of Maui
Department of Transportation
200 South High Street
Wailuku, Hawaii 96793
27. David Taylor, Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793
28. **Hawaiian Telcom**
60 South Church Street
Wailuku, Hawaii 96793
29. Greg Kauhi, Manager, Customer Operations
Maui Electric Company, Ltd.
P.O. Box 398
Kahului, Hawaii 96733



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850

NOV 30 2012



NOV 20 2012

In Reply Refer To:
2013-TA-0026

Ms. Ann T. Cua
Current Planning Division Supervisor
County of Maui, Department of Planning
250 South High Street
Wailuku, Hawaii 96793

12 NOV 27 P 3 54
DEPT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
HONOLULU, HAWAII

Subject: Draft Environmental Assessment for the Downtown Kihei Improvements Project, Maui

Dear Ms. Cua:

The U.S. Fish and Wildlife Service (Service) received a draft Environmental Assessment (EA) on October 19, 2012, requesting comment on the proposed development of a downtown commercial and retail corridor in Kihei on the island of Maui.

Project Description

The proposed action involves the development of four parcels of land [TMKs: (2)-3-9-002:030, 076, 080, and 158] comprising approximately 27.44 acres between South Kihei Road and Liloa Drive. The project site is currently vacant and undeveloped. The western portion of Parcel 030 and the entirety Parcel 080 contain enhanced (man-made) wetlands, which were constructed in 1991 as part of a wetland mitigation project in coordination with the U.S. Army Corps of Engineers.

Species Affected

Based on information you provided and pertinent information in our files, including data compiled by the Hawaii Biodiversity and Mapping Program, four species protected by the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), are known to occur within the proposed action area and could be impacted by the proposed action: the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), Blackburn's sphinx moth (*Manduca blackburni*), Hawaiian coot (*Fulica alai*), and Hawaiian stilt (*Himantopus mexicanus knudseni*). The Service offers the following recommendations to minimize and avoid impacts to listed species either on or in the vicinity of the proposed project:

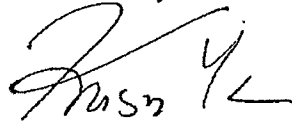
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- The Hawaiian hoary bat is known to occur throughout the island of Maui. This bat roosts in both exotic and native woody vegetation and, while foraging, leaves young unattended in "nursery" trees and shrubs. If trees or shrubs suitable for bat roosting are cleared during the hoary bat breeding season (June 1 to September 15), there is a risk that young bats could inadvertently be harmed or killed. As a result, the Service recommends that woody plants greater than 15 feet tall should not be removed or trimmed during the Hawaiian hoary bat breeding season.
- Although surveys for the endangered Blackburn's sphinx moth were initially conducted in 2009, the species may presently breed and feed within the proposed action area. Adult moths feed on nectar from native plants, including beach morning glory (*Ipomoea pes-caprae*), iliee (*Plumbago zeylanica*), and maiapilo (*Capparis sandwichiana*); larvae feed upon non-native tree tobacco (*Nicotiana glauca*) and native aiea (*Nothocestrum latifolium*). Blackburn's sphinx moth pupae may occupy the soil within 250 feet of larval host plants for up to a year. The Service recommends that a qualified biologist re-survey the project area, and areas adjacent to the project footprint, for the presence of native and non-native Blackburn's sphinx moth host plants. It is also recommended that these surveys be conducted during the wettest portion of the year (usually November-April) and approximately four to eight weeks following a significant rainfall event. Surveys should include looking for eggs, larvae, and signs of larval feeding (chewed stems, frass, or leaf damage). If presence of the Blackburn's sphinx moth is confirmed, the Service should be contacted for further guidance.
- The endangered Hawaiian coot and Hawaiian stilt, collectively known as waterbirds, are known to visit and occupy wetland features on the proposed site. The proximity of the proposed development may increase these species' vulnerability to collisions with vehicles and exposure to feral animal predators. Accordingly, the applicant should institute a pest control program aimed primarily at rodent and feral animal control. Moreover, to address these issues, prospective tenants should be expected to comply with Maui County leash laws. The Service acknowledges the conservation and avoidance measures that have been incorporated into the project description regarding impacts to listed waterbirds including the implementation of buffers between the proposed development and known waterbird habitat areas. Nonetheless, the Service recommends a more comprehensive habitat and resource management plan be implemented to address and minimize the impacts to listed waterbirds due to the existence of constructed wetlands, as described in the draft EA, on the proposed project site. Because of its status as a wetland mitigation site for adjacent development projects, the proposed project area will remain an attractant to listed waterbirds well after the construction phase of the proposed project. Therefore, the Service offers the following suggestions to minimize impacts to listed waterbird species:
 1. Implement public education programs for tenants and residents that discourage the feeding of feral animals. In addition, to minimize the chance of collision with vehicles, speed limits of 20 miles per hour or less should be posted in areas where listed waterbirds have been observed.
 2. Sturdy, animal-proof, garbage containers should be used to minimize increases in populations of rodents, mongoose, and feral cats.

3. Implement a predator control program that incorporates adequate control station densities around areas where waterbirds have been observed. In this regard, the Service can provide additional guidance upon request.
4. The Service also recommends that the applicant construct a fence to exclude domesticated and feral animals that may kill or injure listed waterbirds utilizing the existing habitat at the proposed project site.

It is unclear if there is a Federal nexus associated with this project. If funding or permitting of the construction or operation of the proposed well and water treatment facilities originates from a Federal agency, then that agency must consult with the Service per section 7(a)(2) of the ESA if the implementation of the proposed project may affect a listed species. If no Federal agency is involved with the project and implementation of the project could result in take of a listed animal species, the applicant should apply for an incidental take permit under section 10(a)(1)(B) of the ESA. In addition to a Federal incidental take permit, implementation of the plan may also require obtaining a State incidental take license. The Service will be happy to provide further guidance regarding these processes upon request. If you have any questions concerning the recommendations provided in this letter please contact Ian Bordenave at (808) 792-9400 for further assistance.

Sincerely,



Loyal Mehrhoff
Field Supervisor



MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

GWEN OHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSUBU "MICH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

February 15, 2013

Loyal Mehrhoff, Field Supervisor
U.S. Department of the Interior
Fish and Wildlife Service
300 Ala Moana Boulevard, Room 3-122
Box 50088
Honolulu, Hawaii 96850

SUBJECT: Draft Environmental Assessment (EA) for the Downtown Kihei
Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2)3-
9-002:030, 076, 080 and 158

Dear Mr. Mehrhoff:

Thank you for your letter of November 20, 2012 responding to our request for comments on the Draft Environmental Assessment (EA) for the proposed Downtown Kihei Project. On behalf of the applicant, The Krausz Companies, we appreciate your review of the document and offer the following information, which addresses your comments in the order listed in your letter:

Species Affected

We acknowledge that four (4) species protected by the Endangered Species Act (ESA) are known to occur in the area. As appropriate, the following recommended measures will be considered during project development:

Hawaiian Hoary Bat

1. Woody plants greater than 15 feet tall shall not be removed or trimmed during the Hawaiian hoary bat breeding season (June 1 to September 15).

Blackburn's Sphinx Moth

2. A qualified biologist shall re-survey the project area, and areas adjacent to the project footprint, for the presence of native and non-native Blackburn's sphinx moth host plants. The surveys shall be conducted during the wettest portion of the year (usually November-April) and approximately four to eight weeks following a significant rainfall event. If presence of the Blackburn's sphinx moth is confirmed, the U.S. Fish and Wildlife Service (USFWS) shall be contacted for further guidance.

Hawaiian Coot and Hawaiian Stilt

3. As recommended, the applicant will institute a pest control program aimed primarily at rodent and feral animal control.
4. Prospective tenants will be informed of the County of Maui's leash laws which they are expected to comply with.
5. The applicant will implement the USFWS recommendations to minimize impacts to listed waterbird species, as follows:
 - Implement a public education program for tenants and hotel guests that discourage the feeding of feral animals.
 - Speed limits of 20 miles per hour will be posted in areas where listed waterbirds have been observed.
 - Sturdy, animal-proof, garbage containers shall be used to minimize populations of rodents, mongoose, and feral cats.
 - A predator control program shall be implemented.

Relative to your comment regarding fencing the manmade wetland, the wetlands are currently fenced to exclude domesticated and feral animals from the wetlands. See **Exhibit "A"**. Although the manmade wetland is located on a portion of parcel 30 it was created as a wetland mitigation plan for the adjacent Longs Drugs project. Attached for your information is a copy of the Maintenance Agreement for the wetland. See **Exhibit "B"**. Also, the manmade wetland on parcel 80 was created as a wetland mitigation plan for Parcel 76 and the adjacent Azeka II Shopping Center (Parcel 28). Attached for your information is a copy of the Department of Army Nationwide Permit for the wetland recorded with the properties. See **Exhibit "C"**. As responsible parties for maintenance of the manmade wetlands, the adjacent Longs Drugs and Azeka II projects should be

participants in any habitat and resource management plan developed for the manmade wetlands.

Lastly, because it is unclear if there is a Federal nexus associated with the project, we will submit a separate letter seeking clarification from the U.S. Fish and Wildlife Service.

Thank you again for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,



Colleen Suyama, Senior Associate

CS:la

Enclosures

cc: David Pyle, The Krausz Companies
Todd Stoutenborough, Architect
Clifford Mukai, Warren S. Unemori Engineering, Inc.
Robert Hobdy, Biologist

K:\DATA\Krausz\Kihei MixedUse\Draft EA\DEA Response Letters\USFWS DEA.res.ltr.docx

Site Photos



Piikea Avenue, Looking Northeast into Parcel 030; Parcel 030
Manmade Wetland Area at Left; Piikea Avenue – Liloa Drive
Intersection at Right in Background



Wetland on Parcel 80

91-005056

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDS

31 JAN 15 PM 1 27

S. FURUKAWA, REGISTRAR

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL () PICK-UP (X)

Binks, Sakuni, Mr. Phetkarn,
Borden & Gelandy
Crescent Center, Honolulu
137 Bishop St. Ste 3100
Honolulu, HI 96813

TGM 107753B

R/S

EXHIBIT "B"

RS

Grantor: STEWART E. FERN, Trustee under that certain Revocable
Living Trust Agreement dated February 28, 1983, and
JONATHAN EDWARD FERN, and TIMOTHY EVERSON FERN

Grantee: LONGS DRUG STORES CALIFORNIA, INC.

Lot 10-A
Waiahuli-Keokea Beach
Homesteads

EASEMENT

DECLARATIONS

The parties hereby declare:

1. That Stewart E. Fern, is the Trustee under that certain Revocable Living Trust Agreement dated February 28, 1983, with powers to sell, mortgage, lease, and convey as to an undivided 61.96% interest; that Jonathan Edward Fern, husband of Nona Lee Fern, Timothy Everson Fern, husband of Winsome Gay Fern, each own an undivided 19.02% interest as Tenants in Common, those parcels of land designated as TMK 3-9-02, lots 10-A and 10-C located in the City of Kihei, County of Maui, Hawaii, more particularly bounded and described in Exhibit B (the "Fern Parcels") attached hereto (hereinafter collectively referred to as the "Grantors");

2. That Longs Drug Stores California, Inc., a California corporation, whose principal place of business and mailing address is 141 North Civic Drive, Walnut Creek, California 94596 (hereinafter called the "Grantee") is the owner of that certain parcel of land designated as TMK 3-9-02 lot 10-B located in the city of Kihei, County of Maui, Hawaii, more particularly bounded and described in Exhibit B attached hereto (the "Longs Parcel");

3. That Grantee is required to mitigate a wetland at its retail business center to be placed on Parcel 10-B as shown on Parcel Map Exhibit A and as legally described in Exhibit B.

GRANT OF EASEMENT

In consideration of the sum of \$100,000.00, and other valuable consideration to Grantors paid by Grantee, the receipt of which is hereby acknowledged, Grantor grants to Grantee a right of way, more particularly designated and described as follows:

- I. An easement to construct a flood storage and sedimentation basin on the westerly three acres of Lot 10-A of Waiohuli-Keokea Beach Homesteads which will be enhanced for use by wildlife, specifically water fowl, being more particularly described as follows:

Beginning at a point at the northwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI", being 7562.15 feet North and 23,257.85 feet West and running by azimuths measured clockwise from True South:

- | | | | |
|----|--------------|-------------|--|
| 1. | 263° 25' 30" | 359.24 feet | along Grant 10043, same being Lot 9 of Waiohuli-Keokea Beach Homesteads; |
| 2. | 353° 33' | 400.94 feet | over and across the remainder of Grant 10115 to Ten Kui Chong and Lot 10-A of Waiohuli-Keokea Beach Homesteads; |
| 3. | 83° 33' | 293.23 feet | along the remainder of Grant 10115 to Ten Kui Chong and Lot 10-C of Waiohuli-Keokea Beach Homesteads; |
| 4. | 164° 11' | 405.56 feet | along the remainder of Grant 10115 to Ten Kui Chong and Lot 10-B of Waiohuli-Keokea Beach Homesteads to the point of beginning and containing an Area of 130,685 square feet or 3.000 Acres. |

- II. An easement approximately 580 feet long, over portion of Lot-C of Waiohuli-Keokea Beach Homesteads which will be cleared and filled for the purpose of providing an unsurfaced access way to Lot 10-A of Waiohuli-Keokea Beach Homesteads including the flood storage and sedimentation basin mentioned above, being more particularly described as follows:

Page Two
Easement
Re: Kihei, Maui, HI

Beginning at a point at the northwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI", being 7171.94 feet North and 23,147.31 feet West and running by azimuth measured clockwise from True South:

- | | | | |
|----|----------|-------------|--|
| 1. | 263° 33' | 584.62 feet | along Grant 10115 to Ten Kui Chong and Lot 10-A of Waiohuli-Keokea Beach Homesteads; |
| 2. | 353° 33' | 56.00 feet | over and across a portion of Grant 10115 to Ten Kui Chong and Lot 10-C of Waiohuli-Keokea Beach Homesteads; |
| 3. | 83° 33' | 575.38 feet | along Grant 8112 to Y.H. Char, same being Lot 11 of Waiohuli-Keokea Beach Homesteads; |
| 4. | 164° 11' | 56.76 feet | over and across a portion of Grant 10115 to Ten Kui Chong and Lot 10-C of Waiohuli-Keokea Beach Homesteads to the point of beginning and containing an Area of 32,480 square feet or 0.745 Acre. |

In consideration of the mutual covenants and agreements herein set forth, the following encumbrances shall be binding upon the parties hereto and shall attach to and run with their respective parcel or parcels and shall be for the benefit of and shall be limitations upon any future owners of the Longs Parcel and the Fern Parcels, and each easement granted herein shall be appurtenant to the dominant estate and all promises, covenants, conditions, restrictions and encumbrances shall be covenants running with the land.

The right of way conveyed by this instrument is for the purpose of ingress and egress via Lots 10-B and 10-C (Fern Lot) into designated mitigation area of Lot 10-A (Fern lot) in order to:

- a. Construct a flood storage and sedimentation basin, which will be enhanced for use by wildlife, specifically waterfowl. All work shall be as approved by the U.S. Army Corps of Engineers under provisions of a Nationwide 26 (NW 26) permit. The work to be performed is generally as shown on Exhibit C.
- b. Clear and fill an area on Lot 10-C for purposes of providing an unsurfaced roadway, also generally as shown on Exhibit C.
- c. Maintain the wetland area shown on Exhibit C as required by conditions of the NW 26 permit.

TERMS AND CONDITIONS

The forgoing grant is made upon the following terms and conditions, which terms and conditions shall be binding upon the Parties:

1. Grantee shall provide all necessary plans, obtain required permits, and have the work executed and maintained at its sole cost. Grantors shall have right of reasonable approval of final improvement plans;
2. Grantee shall perform work only in the area of mitigation improvements as shown in the final approved plans;

Page Three
Easement
Re: Kihei, Maui, HI

3. The Grantee shall defend, indemnify and hold Grantors and subsequent owners of the Fern Parcels, harmless from any and all claims and demands against Grantors for any loss or damage or injury to persons or property caused by Grantee's agents, servants, and employees, including the claims of Grantee's respective agents, servants, and employees, that shall or may arise by reason of the use of said easement and performance of the work at Grantors' property and which is not caused by negligence of the Grantors, Grantor's agents, servants, or employees, and from and against all damages, costs, counsel fees, expenses or liabilities incurred or resulting from any such claim or demand or any action or proceeding brought thereon.

4. The Grantee shall not encumber the subject easement area without the written consent of Grantors, which consent Grantors may withhold at Grantors' sole discretion.

5. The mitigation area shall be posted as a wildlife sanctuary and shall remain accessible only to those persons having specific business relative to it.

6. This grant of easement shall be conditioned upon Grantee obtaining from the U.S. Army Corps of Engineers a Nationwide 26 Permit with conditions reasonably acceptable to both Grantors and Grantee.

TERM

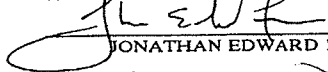

This easement shall terminate at such time as the requirement for wetland mitigation is no longer applicable. Grantors and/or Grantee may, in the future, singularly or mutually petition the government agency controlling wetlands at that time for relief from continued maintenance by means or regulations existing at that time which permit relief. Such relief in whatever form it takes must be with the consent of the Grantors which consent will not be unreasonably withheld.

Grantee to have and to hold the easement according to tenancy hereinabove set forth, subject to the conditions hereinabove set forth.

In witness whereof, the undersigned have caused this instrument to be duly executed this 12 day of November, 1990.

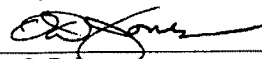
GRANTORS:


STEWART E. FERN, Trustee under
that certain Revocable Living Trust dated 2/28/83


JONATHAN EDWARD FERN

TIMOTHY EVERSON FERN

GRANTEE:

LONGS DRUG STORES CALIFORNIA, INC.,
A California Corporation

By 
O. D. Jones
Sr. Vice President

By 
M. K. Raphael
Assistant Secretary

(TO BE NOTARIALY ACKNOWLEDGED)

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF HAWAII }
City & County of Honolulu } ss.

On this 13th day of November, 1990, before me personally appeared
* * * * * Timothy Everson Fern * * * * *
to me known to be the person (X) described in and who executed the foregoing instrument, and acknowledged
that He executed the same as His free act and deed.

[Signature]
Notary Public, First Judicial Circuit, State of Hawaii

My commission expires March 13, 1994

182 (REV 7-82)

STATE OF HAWAII }
CITY AND COUNTY OF HONOLULU } ss.

On this 13th day of November, 1990, before me personally
appeared STEWART E. FERN, Trustee as aforesaid, to me known to
be the person described in and who executed the foregoing
instrument and acknowledged that he executed the same as his free
act and deed as such Trustee.

[Signature]
Notary Public, State of Hawaii
My Commission Expires: 12/17/92

INDIVIDUAL

STATE OF HAWAII, }
City and County of Honolulu, } ss:

On this 13th day of November, A. D. 1990, before me personally appeared
Jonathan Edward Fern
to me known to be the person described in and who executed the foregoing instrument and
acknowledged that he executed the same as his free act and deed.

[Signature]
Notary Public, First Judicial Circuit,
State of Hawaii
My Commission Expires Feb. 27, 1993

STATE OF CALIFORNIA) ss ATTACHED TO EASEMENT - DECLARATIONS
COUNTY OF CONTRA COSTA) STEWART FERN, JONATHAN FERN, AND TIMOTHY FERN
(GRANTORS) AND LONGS DRUG STORES (GRANTEE)

On this 12th day of November, in the year one thousand nine hundred ninety, before me, Janis M. Watt, a Notary Public, State of California, duly commissioned and sworn, personally appeared U. D. Jones & Michael K. Raphael personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed the within instrument as Sr. V.P. & Asst. Secty, resp. or on behalf of the corporation therein named and acknowledged to me that the corporation executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of Contra Costa.

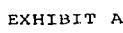


KIHAI, MAUI, HAWAII
(Constr. of Storage and Sedimentation Basin)

Janis M. Watt
Notary Public, State of California

My Commission Expires July 12, 1991

15



Waiohuli-Keokea Beach Homesteads
Description of Lot 10-A

Land situated on the easterly side of Kihei Road at Waiohuli,
Kihei, Maui, Hawaii

Being a portion of Grant 10115 to Ten Kui Chong, being also a
portion of Lot 10 of Waiohuli-Keokea Beach Homesteads

Beginning at a point at the northwesterly corner of this lot, the
coordinates of said point of beginning referred to Government Survey
Triangulation Station "PUU-O-KALI" being 7,562.15 feet North and
23,257.85 feet West and running by azimuths measured clockwise from
True South:

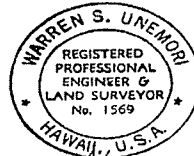
1. 263° 25' 30" 1483.27 feet along Grant 10043, same being
Lot 9 of Waiohuli-Keokea Beach
Homesteads to a point;
2. 350° 36' 30" 372.34 feet along Grant 9325, Apana 1 to
Haleakala Ranch Company to a
point;
3. Thence along the remainder of Grant 10115 to Ten Kui Chong and
Lot 10-C of Waiohuli-Keokea
Beach Homesteads on a curve to
the right having a radius of
30.00 feet, the chord azimuth
and distance being:
37° 04' 45" 43.50 feet to a
point;
4. 83° 33' 1406.41 feet along same to a point;
5. 164° 11' 405.56 feet along the remainder of Grant
10115 to Ten Kui Chong and Lot
10-B of Waiohuli-Keokea Beach
Homesteads to the point of
beginning and containing an
Area of 13.469 acres.

TOGETHER, WITH, a Roadway Access and Utility Easement over and across
Lot 10-C of Waiohuli-Keokea Beach Homesteads and being more
particularly described as follows:

Beginning at a point at the southwesterly corner of this lot, the
coordinates of said point of beginning referred to Government Survey
Triangulation Station "PUU-O-KALI" being 7,062.68 feet North and
23,615.26 feet West and running by azimuths measured clockwise from
True South:

EXHIBIT B

1. 130° 34' 10" 31.21 feet along the remainder of Grant 10115 to Ten Kui Chong and roadwidening Lot 10-D of Waiohuli-Keokea Beach Homesteads;
2. Thence along the remainder of Grant 10115 to Ten Kui Chong and Lot 10-B of Waiohuli-Keokea Beach Homesteads on a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being:
301° 58' 35" 37.29 feet;
3. 263° 33' 1873.05 feet along the remainder of Grant 10115 to Ten Kui Chong and Lots 10-B and 10-A of Waiohuli-Keokea Beach Homesteads;
4. Thence along the remainder of Grant 10115 to Ten Kui Chong and Lot 10-A of Waiohuli-Keokea Beach Homesteads on a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being:
217° 04' 45" 43.50;
5. 350° 36' 30" 87.66 feet along Grant 9325, Apana 1 to Haleakala Ranch Company;
6. 33° 33' 1918.23 feet along Grant 8112 to Y. H. Char, same being Lot 11 of Waiohuli-Keokea Beach Homesteads to the point of beginning and containing an Area of 2.480 acres, more or less.



Warren S. Unemori 2/27/90
Registered Land Surveyor
Certificate No. 1569, ES

37019001.000

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY
in this Document when received.

Waiohuli-Keokea Beach Homesteads
Description of Lot 10-B

Land situated on the easterly side of Kihei Road at Waiohuli, Kihei,
Maui, Hawaii

Being a portion of Grant 10115 to Ten Kui Chong, being also a portion
of Lot 10 of Waiohuli-Keokea Beach Homesteads

Beginning at a point at the northeasterly corner of this lot, the
coordinates of said point of beginning referred to Government Survey
Triangulation Station "PUU-O-KALI", being 7,562.15 feet North and
23,257.85 feet West and running by azimuths measured clockwise from True
South:

1. 344° 11' 405.56 feet along the remainder of Grant 10115
to Ten Kui Chong and Lot 10-A of
Waiohuli-Keokea Beach Homesteads to
a point;
2. 33° 33' 466.64 feet along the remainder of Grant 10115
to Ten Kui Chong and Lot 10-C of
Waiohuli-Keokea Beach Homesteads to
a point;
3. Thence along same on a curve to the right having a radius of
30.00 feet, the chord azimuth and
distance being:
121° 58' 35" 37.29 feet to a
point;
4. 160° 24' 10" 70.36 feet along the remainder of Grant 10115
to Ten Kui Chong and roadwidening
Lot 10-D of Waiohuli-Keokea Beach
Homesteads to a point;
5. 164° 11' 258.89 feet along same to a point;
6. Thence along same on a curve to the right having a radius of
342.42 feet, the chord azimuth and
distance being:
168° 33' 52.14 feet to a
point;
7. 263° 25' 30" 492.53 feet along Grant 10043, same being Lot 9
of Waiohuli-Keokea Beach Homesteads
to the point of beginning and
containing an Area of 4.546 acres.

TOGETHER WITH, Easement "A" for roadway access and utility purposes over and across a portion of Grant 10115 to Ten Kui Chong and Lot 10-C of Waiohuli-Keokea Beach Homesteads, and being more particularly described as follows:

Beginning at a point at the southwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI", being 7,062.68 feet North and 23,815.26 feet West and running by azimuths measured clockwise from True South:

1. 160° 24' 10" 81.31 feet along the remainder of Grant 10115 to Ten Kui Chong and roadwidening Lot 10-D of Waiohuli-Keokea Beach Homesteads;
2. Thence along the remainder of Grant 10115 to Ten Kui Chong and Lot 10-B of Waiohuli-Keokea Beach Homesteads on a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being: 301° 58' 35" 37.29 feet;
3. 263° 33' 466.64 feet along same;
4. 344° 11' 56.76 feet over and across a portion of Grant 10115 to Ten Kui Chong and Lot 10-C of Waiohuli-Keokea Beach Homesteads;
5. 33° 33' 486.60 feet along Grant 8112 to Y.H. Char, same being Lot 11 of Waiohuli-Keokea Beach Homesteads to the point of beginning and containing an Area of 27,469 square feet, more or less.



Warren S. Unemori 2/27/90
Registered Land Surveyor
Certificate No. 1569, ES

87019001.dcs

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY in this Document when received.

Waiohuli-Keokea Beach Homesteads
Description of Lot 10-C

Land situated on the easterly side of Kihei Road at Waiohuli,
Kihei, Maui, Hawaii

Being a portion of Grant 10115 to Ten Kui Chong, being also a
portion of Lot 10 of Waiohuli-Keokea Beach Homesteads

Beginning at a point at the southwesterly corner of this lot, the
coordinates of said point of beginning referred to Government Survey
Triangulation Station "PUU-O-KALI" being 7,062.68 feet North and
23,615.26 feet West and running by azimuths measured clockwise from
True South:

1. 160° 24' 10" 81.31 feet along the remainder of Grant
10115 to Ten Kui Chong and
roadwidening Lot 10-D of
Waiohuli-Keokea Beach
Homesteads to a point;
2. Thence along the remainder of Grant 10115 to Ten Kui Chong and
Lot 10-B of Waiohuli-Keokea
Beach Homesteads on a curve to
the left having a radius of
30.00 feet, the chord azimuth
and distance being:
301° 58' 35" 37.29 feet to a
point;
3. 263° 33' 1873.05 feet along the remainder of Grant
10115 to Ten Kui Chong and Lots
10-B and 10-A of Waiohuli-
Keokea Beach Homesteads to a
point;
4. Thence along the remainder of Grant 10115 to Ten Kui Chong and
Lot 10-A of Waiohuli-Keokea
Beach Homesteads on a curve to
the left having a radius of
30.00 feet, the chord azimuth
and distance being:
217° 04' 45" 43.50 feet to a
point;

2. 150° 16' 30" 87.66 feet along Grant 9325, Apana 1 to Haleakala Ranch Company to a point;
3. 13° 13' 1918.23 feet along Grant 8112 to Y. H. Char, same being Lot 11 of Waiohuli-Keokea Beach Homesteads to the point of beginning and containing an Area of 2.480 acres.

SUBJECT, HOWEVER, to the following easement:

1. Easement "A" for roadway access and utility purposes in favor of Lot 10-B of Waiohuli-Keokea Beach Homesteads and being more particularly described as follows:

Beginning at a point at the southwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI", being 7,062.68 feet North and 23,615.26 feet West and running by azimuths measured clockwise from True South:

1. 160° 24' 10" 81.31 feet along the remainder of Grant 10115 to Ten Kui Chong and roadwidening Lot 10-D of Waiohuli-Keokea Beach Homesteads;
2. Thence along the remainder of Grant 10115 to Ten Kui Chong and Lot 10-B of Waiohuli-Keokea Beach Homesteads on a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being: 301° 58' 35" 37.29 feet;
3. 263° 33' 466.64 feet along same;
4. 344° 11' 56.76 feet over and across a portion of Grant 10115 to Ten Kui Chong and Lot 10-C of Waiohuli-Keokea Beach Homesteads;

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY in this Document when received.

1. 33° 00'

486.60 feet along Grant 9112 to V.H. Char,
same being Lot 11 of Waiohuli-
Keokea Beach Homesteads to the
point of beginning and
containing an Area of 27,469
square feet, more or less.

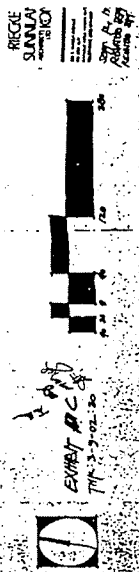


Warren S. Unemori 2/27/80
Registered Land Surveyor
Certificate No. 1569, ES

87019d02.doc

3

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY
in this Document when received.



23

ORIGINAL

90 174521

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

OCT 19 1990 PM 2 43

S. FULTON, REGISTRAR

LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation Return by Mail (X) Pickup () To:

LAWRENCE N. C. ING
ING, KUSHI & KIR ATTORNEYS
Wells Street Professional Center
2145 Wells Street, Suite 204
Honolulu, Hawaii 96815
msk085.cll/lr

Affects T.M.K. (2) 3-9-02:28, 76 and 80

AFFIDAVIT OF LAWRENCE N. C. ING

STATE OF HAWAII)
COUNTY OF MAUI) SS.

LAWRENCE N. C. ING, being first duly sworn on oath, deposes and says:

1. That he is the attorney for Azeka Building Corporation, a Hawaii corporation, of Kihei, Maui, Hawaii;

2. Attached is a true and correct copy of a letter dated October 30, 1990, from Stanley T. Arakaki, Chief, Operations Division, Department of the Army, to the affiant, granting authorization of Nationwide Permit with enclosures as mentioned in same.

3. That the attached affects real property situate at Kihei, Maui, Hawaii, owned by Azeka Building Corporation, being identified on the Tax Maps of the Second Taxation Division, State of Hawaii, as T.M.K. (2) 3-9-02:28, 76 and 80.

And further affiant sayeth not.

DATED: Wailuku, Maui, Hawaii, November 5, 1990.

Lawrence N. C. Ito
LAWRENCE N. C. ITO

Subscribed and sworn to before me this 5 day of November, 1990.

Karen I. Suzuki
Notary Public, State of Hawaii.

My commission expires: 5/23/73



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

REPLY TO
ATTENTION OF
Operations Division OCT 30 1990

Mr. Lawrence N. C. Ing
Ing, Kushi & Ige
2145 Wells Street, Suite 204
Wailuku, Hawaii 96793-2222

Dear Mr. Ing:

This is in response to your letter, dated August 30, 1990, submitting the amended mitigation plan for the Azeka Building Corporation's Azeka Place project in Kihei, Maui. The work would involve the placement of 4.2 acres of fill in wetlands for a commercial development and includes 3.5 acres of wetland creation/enhancement.

Based on this understanding, I have determined that the proposed work is authorized by the Corps Nationwide (NW) permit authority in accordance with Federal Regulations at 33 CFR 330.5(a)(26), and with the special conditions listed below. Excerpts from the regulations which list the conditions and management practices of this authorization are enclosed for your information and compliance (Encl 1).

The following special conditions shall be incorporated as part of the permit:

a. All mitigation work shall be performed as described in the document, "Proposed Mitigative Measures for Wetlands at Azeka Place Commercial Center, THK: 3-9-02: 28, 76, 80, Kihei, Maui, Hawaii", as amended August 27, 1990, and on the accompanying plan, as revised August 24, 1990.

b. A schedule of the construction work will be submitted to the Operations Division within 30 days of the NW authorization. Details of the construction drawings shall be coordinated with and incorporate the design guidance recommendations of the U.S. Fish and Wildlife Service, as contained in the enclosed design criteria and drawing. (Encl 2)

c. The permittee shall use best efforts to complete the construction of the mitigation plan within one (1) year of NW authorization. A performance bond, or other formal financial commitment satisfactory to the Corps, equal to one hundred percent of the contract price shall be held by a third party to complete the construction of the mitigation wetland should the wetland construction fail to be completed within the time specified. Evidence of securing the bond or financial commitment shall be provided to the Corps of Engineers within 30 days of award of the construction contract.

d. Upon completion of the mitigation work, an onsite inspection will be held to evaluate the success of the work and document the baseline for completion of the wetland mitigation. Quarterly letter reports summarizing the waters levels, salinity, vegetation cover and use of the wetland by endangered waterbirds and migratory shorebirds shall be submitted by the permittee to the Corps of Engineers for the first year. Subsequent monitoring requirements as well as reasonable modifications that may be required to assure the continued existence of the wetlands will be determined at annual onsite inspections to be held thereafter.

e. All features of the mitigation wetland will be maintained in perpetuity as compensation for the placement of fill authorized by this permit; however, future substitution of mitigation measures may be authorized, provided that such substitution is acceptable to the Corps of Engineers, in consultation with the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency.

f. This permit authorization shall be recorded at the Bureau of Conveyances. The permittee shall provide an endorsed copy of the filed permit to the Corps of Engineers within 60 days of the issuance of this permit.

In addition to these conditions and management practices, you are advised that:

a. Nationwide permits do not obviate the need to obtain other Federal, state or local authorizations required by law.

-3-

b. Nationwide permits do not grant any property rights or exclusive privileges.

c. Nationwide permits do not authorize any injury to the property or rights of others.

d. Nationwide permits do not authorize interference with any existing or proposed Federal project.

This verification will be valid until the nationwide permit is modified, reissued, or revoked. All the nationwide permits are scheduled to be modified, reissued or revoked prior to January 13, 1992. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice announcing the changes when they occur. Furthermore, if you commence or are under contract to commence this activity before the date the nationwide permit is modified or revoked, you will have twelve months from the date of the modification or revocation to complete the activity under the present terms and conditions of this nationwide permit.

Sincerely,

Stanley J. Arakaki
Stanley J. Arakaki
Chief, Operations Division

Enclosures

Copies Furnished:

US FWS, Honolulu Office

US EPA, Region IX, San Francisco, CA.

CONDITIONS TO NATIONWIDE PERMITS

The following special conditions must be followed in order for the nationwide permits identified in paragraph (a) of this section to be valid:

(1) That any discharge of dredged or fill material will not occur in the proximity of a public water supply intake;

(2) That any discharge of dredged or fill material will not occur in areas of concentrated shellfish production unless the discharge is directly related to a shellfish harvesting activity authorized by paragraph (a)(4) of this section;

(3) That the activity will not jeopardize a threatened or endangered species as identified under the Endangered Species Act (ESA), or destroy or adversely modify the critical habitat of such species. In the case of federal agencies, it is the agencies' responsibility to comply with the requirements of the ESA. If the activity may adversely affect any listed species or critical habitat, the district engineer must initiate Section 7 consultation in accordance with the ESA. In such cases, the district engineer may:

(i) Initiate section 7 consultation and then, upon completion, authorize the activity under the nationwide permit by adding, if appropriate, activity specific conditions, or

(ii) Prior to or concurrent with section 7 consultation he may recommend discretionary authority (see section 330.8) or use modification, suspension, or revocation procedures (see 33 CFR 325.7).

(4) That the activity shall not significantly disrupt the movement of those species of aquatic life indigenous to the waterbody (unless the primary purpose of the fill is to impound water);

(5) That any discharge of dredged or fill material shall consist of suitable material free from toxic pollutants (see section 307 of the Clean Water Act) in toxic amounts;

(6) That any structure or fill authorized shall be properly maintained;

(7) That the activity will not occur in a component of the National Wild and Scenic River System; nor in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an officially study status;

(8) That the activity shall not cause an unacceptable interference with navigation;

(9) That, if the activity may adversely affect historic properties which the National Park Service has listed on, or determined eligible for listing on, the National Register of Historic Places, the permittee will notify the district engineer. If the district engineer determines that such historic properties may be adversely affected, he will provide the Advisory Council on Historic Preservation an opportunity to comment on the effects on such historic properties or he will consider modification, suspension, or revocation in accordance with 33 CFR 325.7. Furthermore, that, if the permittee before or during prosecution of the work authorized, encounters a historic property that has not been listed or determine eligible for listing on the National Register, but which may be eligible for listing in the National Register, he shall immediately notify the district engineer;

(10) That the construction or operation of the activity will not impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights;

(11) That in certain states, an individual state water quality certification must be obtained or waived (see § 330.9);

(12) That in certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see § 330.10);

(13) That the activity will comply with regional conditions which may have been added by the division engineer (see § 330.8(a)); and

(14) That the management practices listed in § 330.6 of this part shall be followed to the maximum extent practicable.

MANAGEMENT PRACTICES

In addition to the conditions specified in the attached sheet, the following management practices shall be followed, to the maximum extent practicable, in order to minimize the adverse effects of these discharges on the aquatic environment. Failure to comply with these practices may be cause for the district engineer to recommend, or the division engineer to take, discretionary authority to regulate the activity on an individual or regional basis.

- (1) Discharges or dredged or fill material into waters of the United States shall be avoided or minimized through the use of other practical alternatives.
- (2) Discharges in spawning areas during spawning seasons shall be avoided.
- (3) Discharges shall not restrict or impede the movement of aquatic species indigenous to the waters or the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).
- (4) If the discharge creates an impoundment of water, adverse impacts on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized.
- (5) Discharge in wetlands areas shall be avoided.
- (6) Heavy equipment working in wetlands shall be placed on mats.
- (7) Discharges into breeding areas for migratory waterfowl shall be avoided.
- (8) All temporary fills shall be removed in their entirety.

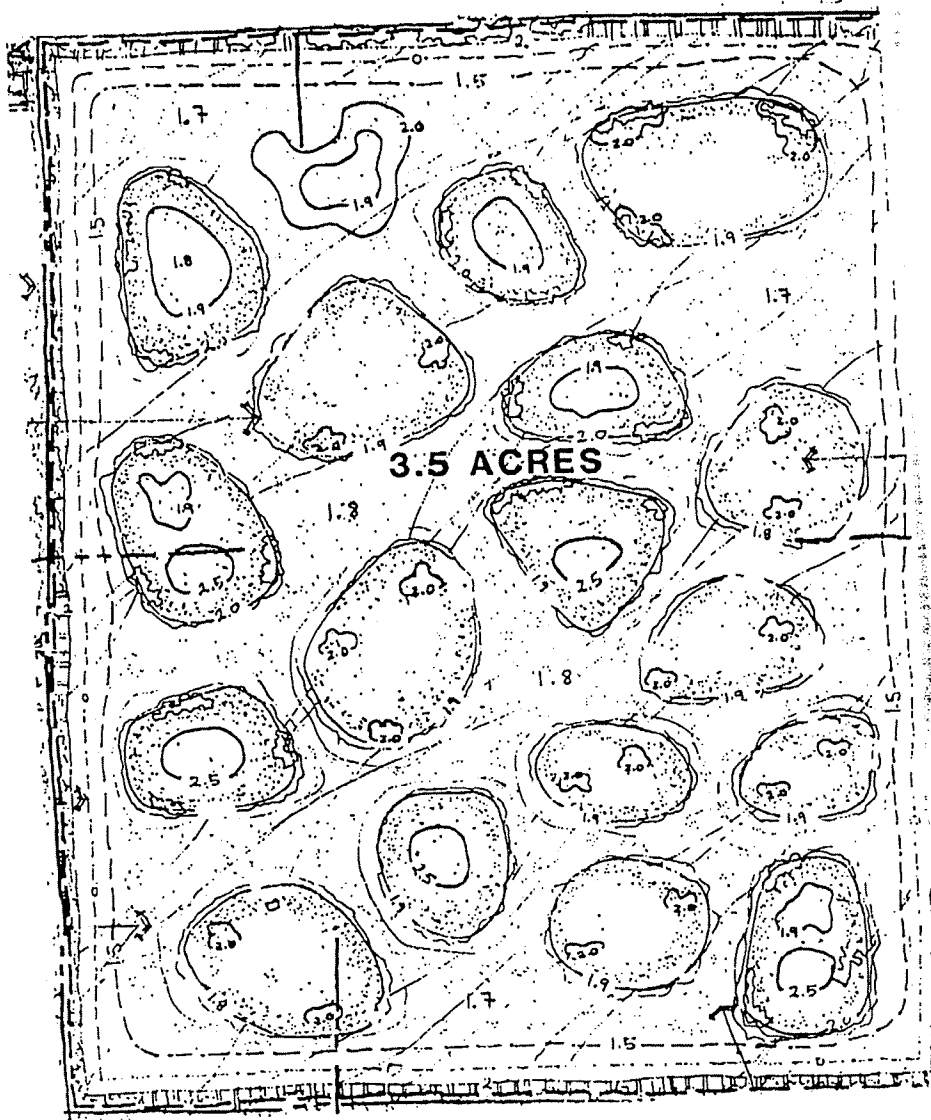
DESIGN CRITERIA FOR WETLAND MITIGATION
AZEKA PLACE COMMERCIAL CENTER, KIHAEI, MAUI
U.S. FISH & WILDLIFE SERVICE LTR, DATED OCTOBER 10, 1990

The mitigation wetland shall be constructed and maintained in general conformance with the following design criteria and drawing:

1. Water depths within the wetland shall range from 0 - 0.5 feet, exclusive of the moat.
2. The diameter of the nesting islands shall range from 2 - 10 feet when the water surface elevation is at 2.0 feet MSL.
3. The distance between islands shall be at least 50 feet.
4. The maximum height of the islands above the water level shall be 0.5 feet.
5. The slope of the islands shall be no greater than 5%.
6. Wetland vegetation, such as pickleweed (Batis maritima), makai (Bolboschoenus maritimus = Scirpus maritimus), and water hyssop (Bacopa monnieri) shall be planted by the permittee to provide cover and food for endangered and migratory waterbirds. Vegetation cover on the islands shall be maintained by the applicant to not exceed 30% of the exposed mudflat when the water surface elevation is at 2 feet above MSL.
7. A moat and chain-link fence shall be constructed along the perimeter of the mitigation wetland to deter predators and people from entering the wetland. The moat shall be approximately 2-feet deep, and have a bottom width of no less than 10 feet. Encroachment of vegetation across the moat shall be controlled by the permittee.
8. A 4-foot-high chain-link fence shall be constructed along the outside boundary of the moat. The bottom 8-12 inches of the fence shall be buried below grade to reduce the potential for predators from crawling or digging under the fence. The perimeter fence shall include a secured gate to allow access into the wetland for maintenance purposes.
9. A hedge of vegetation shall be planted along the outside boundary of the fence line to provide a visual buffer between the wetland and the surrounding urban developments. Except at the viewing platform, the vegetation buffer shall be 10 feet in width.

Encl 2

10. Interpretive signs shall be installed by the applicant at the viewing platform. The FWS is available to provide assistance to the permittee regarding the design and content of the interpretive program.



RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY
in this Document when received.

12/27/12

NEIL ABERCROMBIE
GOVERNOR

12 OCT 24 AM 11:35



NOV 30 2012

DEAN H. SEKI
COMPTROLLER

MARIA E. ZIELINSKI
DEPUTY COMPTROLLER

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

Response refer to:
Ma-238(12)

October 22, 2012

MEMORANDUM

TO: William R. Spence, Director
Department of Planning, County of Maui

ATTN: Ann T. Cua, Current Planning Supervisor

FROM: *for* Reid K. Siarot, State Land Surveyor *RSK*
DAGS, Survey Division

SUBJECT: Proposed Downtown Kihei Project and Related Improvements
Applicant: The Krausz Companies, Inc.
Permit Nos.: CPA 2012/0004, CIZ 2012/0009, SM1 2012/0006,
EA 2012/0003
TMK: 3-9-02: 30, 76, 80 and 158

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

Should you have any questions, please call me at 586-0390.

February 15, 2013

Reid Siarot
State Land Surveyor
Survey Division
Department of Accounting and General Services
State of Hawaii
P.O. Box 119
Honolulu, Hawaii 96810-0119

SUBJECT: Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area (SMA) Permit Application for the Downtown Kihei Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2) 3-9-002:030, 076, 080, and 158

Dear Mr. Siarot:

Thank you for your letter of October 22, 2012, transmitting comments on the Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area Use Permit Application. On behalf of the applicant, The Krausz Companies, we appreciate your review of the document and confirmation that there are no Government Survey Triangulation Stations or Benchmarks affected by the proposed project and that your department has no objections to the proposed project.

Thank you again for your department's participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Clifford Mukai, Warren S. Unemori Engineering, Inc.

K:\DATA\Krausz\Kihei Mixed Use\Draft EA\IDEA Response Letters\IDAGSdeares.ltr.doc

MAUI
305 High St., Suite 104 Wailuku, Hawaii 96793

PH: (808)244-2015 FAX: (808)244-8729

OAHU

735 Bishop St., Suite 238 Honolulu, Hawaii 96813 PH: (808)983-1233

WWW.MHPLANNING.COM

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process
management

36



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NOV 30 2012

**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

NEIL ABERCROMBIE
GOVERNOR
RICHARD C. LIM
DIRECTOR
MARY ALICE EVANS
DEPUTY DIRECTOR
JESSE K. SOUKI
DIRECTOR
OFFICE OF PLANNING

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

Ref. No. P-13768

DEPT. OF PLANNING
COUNTY OF MAUI

October 31, 2012

NOV - 2 2012

RECEIVED

Ms. Ann T. Cua, Current Planning Supervisor
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Dear Ms. Cua:

Subject: Draft Environmental Assessment for the Proposed Downtown Kihei Project
and Related Improvements, Tax Map Key: (2)-3-9-002: 030, 076, 080 and 158,
Maui, Hawaii

Thank you for the opportunity to provide comments on the Draft Environmental
Assessment (EA) (EA 2012/0003), for the proposed downtown Kihei project and related
improvements, Tax Map Key: (2)-3-9-002: 030, 076, 080 and 158, Maui, Hawaii.

The Office of Planning has reviewed the subject Draft EA and has the following
comments to offer:

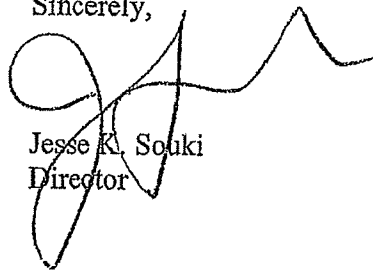
1. On page 4, the Draft EA stated that, "The proposed Downtown Kihei project is envisioned to be a walkable community that minimizes reliance on the automobile and encourages alternate modes of transportation such as bicycles and buses." However, the proposed downtown Kihei project proposes 515 on-grade parking stalls at parcel TMK (2)-3-9-002:003, 612 on-grade parking stalls at parcel TMK (2)-3-9-002: 076, and 72 on-grade parking stalls at parcel TMK (2)-3-9-002: 158, respectively. The Final EA should discuss and clarify the consistency of the proposed parking stalls and their potential automobile traffic, with the vision of the proposed downtown Kihei project which will incorporate "Sustainable Site Design" as listed on page 13 of the Draft EA.
2. Pursuant to Hawaii Revised Statutes §205A-26, no development shall be approved unless the authority has first found "That the development is consistent with the county general plan and zoning. Such a finding of consistency does not preclude concurrent processing where a general plan or zoning amendments may also be

Ms. Ann T. Cua
Page 2
October 31, 2012

required.” We concur that no decision on the Special Management Area Use Permit application shall be made until completion of the Community Plan Amendment (CPA), and Change in Zoning (CIZ) land entitlement, as stated in the Draft EA on page 18.

If you have any questions regarding this comment letter, please contact Leo Asuncion, Coastal Zone Management Program Manager, at (808) 587-2875.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jesse K. Souki', with a large, stylized initial 'J' and a long, sweeping horizontal stroke extending to the right.

Jesse K. Souki
Director

February 15, 2013

Jesse Souki, Director
Office of Planning
P.O. Box 2359
Honolulu, Hawaii 96804

SUBJECT: Draft Environmental Assessment (EA) for the Downtown Kihei Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2)3-9-002:030, 076, 080 and 158

Dear Mr. Souki:

Thank you for your letter of October 31, 2012 responding to our request for comments on the Draft Environmental Assessment (EA) for the proposed Downtown Kihei Project. On behalf of the applicant, The Krausz Companies, we appreciate your review of the document and offer the following information, which addresses your comments in the order listed in your letter:

1. As requested, the Final EA has been revised to discuss and clarify the consistency of providing parking stalls and their potential automobile traffic with the project's vision to incorporate "Sustainable Site Design". While the applicant seeks to create a "sustainable development" the parking requirements in the Maui County Code does not contain provisions for sustainable design standards, and as such, the project is required to meet the parking requirements of the code. Should the County of Maui revise the parking standards to encourage sustainable site design we will consider the revised standards in the Downtown Kihei project, as appropriate.
2. We acknowledge that action on the Special Management Area Use Permit application will occur after the land use entitlements are obtained.

Jesse Souki, Director
February 15, 2013
Page 2

Thank you again for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,

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

Colleen Suyama, Senior Associate

CS:la

cc: David Pyle, The Krausz Companies
Todd Stoutenborough, Architect

K:\DATA\Krausz\Kihei MixedUse\Draft EA\DEA Response Letters\OP DEA.CPA.CIZ.SMA.res.ltr.docx



NOV 1 2012

LORETTA J. FUDDY, A.C.S.W., M.P.H.
DIRECTOR OF HEALTH

LORRIN W. PANG, M.D., M.P.H.
DISTRICT HEALTH OFFICER

**STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, HAWAII 96793
November 1, 2012**

**DEPT. OF PLANNING
COUNTY OF MAUI**

NOV - 2 2012

RECEIVED

Mr. William R. Spence
Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Attention: Ann T. Cua

Dear Mr. Spence:

Subject: Proposed Downtown Kihei Project and Related Improvements
Applicant: Krausz Companies, Inc. (David Pyle, Executive Vice President)
Permit No.: CPA 2012/0004; CIZ 2012/0009; SM1 2012/0006 and EA 2012/0003
TMK: (2) 3-9-002:030, 076, 080, and 158
Project Location: Piilkea Avenue, Kihei, Hawaii
Project Description: Development incorporating businesses, medical offices, movie theater, restaurants, a 150 room hotel and related improvements

Thank you for the opportunity to review this project. We have the following comments to offer:

1. National Pollutant Discharge Elimination System (NPDES) permit coverage maybe required for this project. The Clean Water Branch should be contacted at 808 586-4309.
2. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules (HAR), Chapter 11-46, "Community Noise Control." A noise permit may be required and should be obtained before the commencement of work. The Indoor & Radiological Health Branch should be contacted at 808 586-4700.

Mr. William R. Spence
November 1, 2012
Page 2

3. HAR, Chapter 11-46 sets maximum allowable sound levels from stationary equipment such as compressors and HVAC equipment. The attenuation of noise from these sources may depend on the location and placement of these types of equipment. This should be taken into consideration during the planning, design and construction of the building and installation of these types of equipment.

It is strongly recommended that the Standard Comments found at the Department's website: <http://hawaii.gov/health/environmental/env-planning/landuse/landuse.html> be reviewed, and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please call me at 808 984-8230 or E-mail me at patricia.kitkowski@doh.hawaii.gov.

Sincerely,



Patti Kitkowski
District Environmental Health Program Chief

c EPO

February 15, 2013

Patti Kitkowski
District Environmental Health Program Chief
Maui District Health Office
Department of Health
State of Hawaii
54 High Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area (SMA) Permit Application for the Downtown Kihei Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2) 3-9-002:030, 076, 080, and 158

Dear Ms. Kitkowski:

Thank you for your letter of November 1, 2012, transmitting comments on the Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area Use Permit Application. On behalf of the applicant, The Krausz Companies, we appreciate your review of the document. We offer the following which addresses your comments in the order listed in your letter:

1. As may be required, a National Pollutant Discharge Elimination System (NPDES) permit will be submitted to the Department of Health.
2. As may be required, in compliance with Chapter 11-46 "Community Noise Control"; a noise permit will be obtained prior to the commencement of work.
3. The applicant will consider the requirements of Chapter 11-46 regarding maximum allowable sound levels in the design and construction of the project.

Patti Kitkowski
February 15, 2013.
Page 2

Thank you again for your department's participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Clifford Mukai, Warren S. Unemori Engineering, Inc.

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DEC 07 2012

NEIL ABERCROMBIE
GOVERNOR



GARY L. GILL
ACTING DIRECTOR

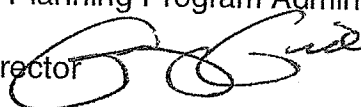
STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

Department of Health
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813
Telephone (808) 586-4185
Facsimile (808) 586-4186
Email: oeqc@doh.hawaii.gov

In reply, please refer to:
72 DEC-6 A7:17

November 23, 2012

TO: Clayton I. Yoshida, Planning Program Administrator

FROM: Gary Gill, Acting Director 

SUBJECT: Draft Environmental Assessment (EA) for the proposed downtown Kihei Project, located at Pi'ikea Avenue, Kihei, Maui, Hawaii'i, TMK: (2) 3-9-002:030, 076, 080, and 158 (EA 2012/0003)

Thank you for submitting the downtown Kihei Project Draft Environmental Assessment for publication in The Environmental Notice, October 23, 2012, issue. The Office of Environmental Quality Control (OEQC) staff reviewed the draft EA and submits these comments:

1. The project includes the proposal to amend Planning Standards to allow a 60 foot height to accommodate the movie theater. The obstruction of significant view-plains by development can be regarded as an adverse impact. Please analyze any visual impacts caused by the theater building and whether the precedent may lead to further requests to increase height limitations above the 35 feet height recommended for new commercial buildings.
2. Please include a list of acronyms and what they stand for with the table of contents and before the executive summary.
3. The project will utilize landscape enhancements like trellises, ornamental trees, and accent plantings around buildings to provide cooling and address the potential of the "heat island" effect. We recommend the use of native indigenous plants in this activity.
4. Page 26 (p. 38 in Acrobat Reader) discusses best management practices (BMPs), including vegetation, to manage storm water runoff, sedimentation, and erosion. Again, we recommend the use of native indigenous plants in landscaping.

5. Page 28 (p. 40 in Acrobat Reader) states that a portion of the project will be in the Zone AH, a special flood hazard area. We recommend compliance with the National Flood Insurance Program requirements.
6. The project is adjacent to two man-made wetlands. The EA states that the project will take measures to improve water quality before it enters into these wetlands. We recommend that BMPs be observed to avoid any potential polluting impacts to the wetlands during the construction phase.
7. The traffic impact analysis report (TIAR) identifies required improvements at South Kihei Road and Pi'ikea Avenue intersection. We recommend continuous collaboration with the Maui Department of Parks and Recreation, Maui Department of Public Works, and State Department of Transportation to improve traffic level of service and monitor the situation at this intersection.

There is no detailed discussion of any impacts at the Pi'ikea Avenue and South Kihei Road. Does this indicate that the TIAR does not anticipate any significant traffic issues at this intersection?
8. Please clarify/explain the first sentence in the last paragraph on page 66 (p. 78 in Acrobat Reader), in particular, the passage "...sub-metered and proportioned as a means to monitor water consumption and provide an incentive to reduce water consumption."
9. Finally, we highly recommend that the relevant mitigation measures that are identified in the EA or comparable, equally effective alternatives be incorporated into the permit at the discretion of the permitting agencies.

Thank you very much for submitting the subject document for publication and review. Feel free to contact Herman Tuiolosega at (808) 586-4185 if you have further questions.

c: Colleen Suyama, Munekiyo & Hiraga, Inc.

12 DEC -6 17:17

February 15, 2013

Gary Gill, Acting Director
Office of Environmental Quality Control
Department of Health
State of Hawaii
235 S. Beretania Street, Suite 702
Honolulu, Hawaii 96813

SUBJECT: Draft Environmental Assessment (EA) for the Downtown Kihei Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2) 3-9-002:030, 076, 080, and 158

Dear Mr. Gill:

Thank you for your letter of November 23, 2012, transmitting comments on the Draft Environmental Assessment (EA). On behalf of the applicant, The Krausz Companies, we appreciate your review of the document. We offer the following information, which addresses your comments in the order listed in your letter:

1. The Draft EA (Page 43) and Appendix "H" analyzed the impacts on views resulting from the proposed project including the proposed 60 foot height of the movie theater. The location of the movie theater on the southern portion of the development adjacent to the 6-story Haggai Institute building minimizes impacts on views along Piikea Street and maintains the existing view corridor along Piikea Street.

Further, the proposed amendment is to accommodate the technical height requirements for the theater screen which will affect a portion of the building. The remainder of Downtown Kihei project will adhere to the 35 feet height recommended for new commercial buildings in the Kihei-Makena Community Plan and will not set a precedent.

2. As requested, a list of acronyms has been included in the Final EA, following the Table of Contents.
3. The design guidelines in Appendix "A-1" identifies native indigenous species appropriate for the Kihei climate and will be considered in the landscape planting for the project.

4. In accordance with the project's Design Guidelines, native indigenous plants will be considered in the landscaping.
5. A Flood Hazard District Permit will be obtained from the County of Maui Planning Department for development activities within Zone AH.
6. The applicant will work with the respective permitting agencies to implement best management practices (BMPs) during the course of construction to minimize potential impacts to the wetlands.
7. The TIAR prepared for Downtown Kihei analyzed the Piikea Avenue and South Kihei Road Intersection and the increased traffic from the project would not require further mitigation since the intersection is currently signalized. However, if necessary, the applicant will participate in ongoing traffic discussions with the County of Maui Department of Parks and Recreation, Department of Public Works and State of Hawaii Department of Transportation regarding this intersection.
8. Each major tenant space or groups of smaller tenant spaces will have their own sub-meter that will allow each tenant to monitor its water consumption. Each tenant will be responsible for its pro-rated charges based on its consumption, and then have an incentive to implement water conservation practices to reduce its charges.
9. We acknowledge your recommendation that relevant mitigation measures be incorporated at the discretion of the permitting agencies.
10. Thank you again for your department's participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Clifford Mukai, Warren S. Unemori Engineering, Inc.
Keith Niiya, Austin Tsutsumi & Associates, Inc.

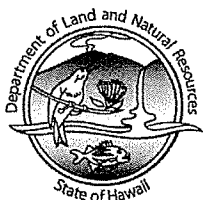
K:\DATA\Krausz\Kihei MixedUse\Draft EA\DEA Response Letters\DOH OEQ\Cdeares.ltr.doc

DEC 07 2012

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

12 NOV 27 A9:40

November 19, 2012

Department of Planning
County of Maui
Attention: Ms. Ann T. Cua
250 South High Street
Wailuku, Hawaii 96793

via email: anncua@mauicounty.gov

Dear Ms. Cua

SUBJECT: Proposed Downtown Kihei Project and Related Improvements

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from the (a) Division of Forestry and Wildlife, (b) Engineering Division, (c) Commission on Water Resources, (d) Division of Aquatic Resources, and (e) Land Division – Maui District on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

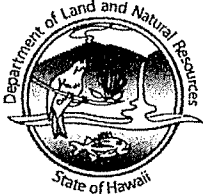
A handwritten signature in black ink, appearing to be "Russell Y. Tsuji".

Russell Y. Tsuji
Land Administrator

Enclosure(s)
cc: Central Files

49

odf 11/27/12 cr



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 26, 2012

MEMORANDUM

TO:

DLNR Agencies:

- ☒ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☒ Office of Conservation & Coastal Lands
- ☒ Land Division – Maui District
- ☒ Historic Preservation

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

2012 NOV -2 A 10:39

RECEIVED
LAND DIVISION

FROM: Russell Y. Tsuji, Land Administrator
SUBJECT: Proposed Downtown Kihei Project and Related Improvements
LOCATION: Kihei, Island of Maui TMK: (2) 2-3-9-002:030, 076, 080 & 158
APPLICANT: The Krausz Companies, Inc.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by November 9, 2012.

The DEA can be found on-line at: <http://oeqc.doh.hawaii.gov> (Please select the 'Environmental Notice' which will bring you to the Current Issue document – October 23, 2012).

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

- ☐ We have no objections.
- ☒ We have no comments.
- ☐ Comments are attached.

Signed:

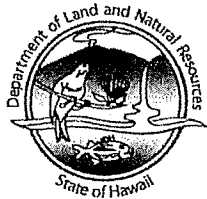
Print Name:

Date:

Paul J. Gonyea

10/31/12

cc: Central Files



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 26, 2012

MEMORANDUM

TO:

DLNR Agencies:

- ☒ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☒ Office of Conservation & Coastal Lands
- ☒ Land Division – Maui District
- ☒ Historic Preservation

FROM:

Russell Y. Tsuji, Land Administrator

SUBJECT:

Proposed Downtown Kihei Project and Related Improvements

LOCATION:

Kihei, Island of Maui TMK: (2) 2-3-9-002:030, 076, 080 & 158

APPLICANT:

The Krausz Companies, Inc.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by November 9, 2012.

The DEA can be found on-line at: <http://oeqc.doh.hawaii.gov> (Please select the 'Environmental Notice' which will bring you to the Current Issue document – October 23, 2012).

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

- ☐ We have no objections.
- ☐ We have no comments.
- ☒ Comments are attached.

Signed:

Print Name:

Date:

Cathy S. Cheng
Cathy S. Cheng, Chief Engineer

cc: Central Files

RECEIVED
LAND DIVISION
2012 NOV -7 P 1:35
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/LydiaMorikawa
Ref: DowntownKihieImprovements
Maui.586

COMMENTS

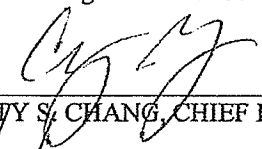
- (X) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zones X and AH. The National Flood Insurance Program does not have any regulations for developments within Zone X, however, it does regulate developments within Zone AH as indicated in bold letters below.
- () Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is _____.
- (X) Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

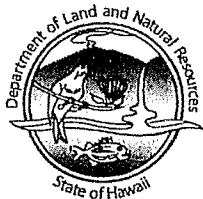
- () Mr. Robert Sumitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
- () Mr. Frank DeMarco at (808) 961-8042 of the County of Hawaii, Department of Public Works.
- (X) Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
- () Ms. Wynne Ushigome at (808) 241-4980 of the County of Kauai, Department of Public Works.
- () The applicant should include water demands and infrastructure required to meet project needs. Please note that projects within State lands requiring water service from the Honolulu Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.
- () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.
- () Additional Comments: _____

- () Other: _____

Should you have any questions, please call Ms. Suzie Agraan of the Planning Branch at 587-0258.

Signed: 
CARTY S. CHANG, CHIEF ENGINEER

Date: 11/7/12



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 26, 2012

MEMORANDUM

TO:

DLNR Agencies:

- ☒ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☒ Office of Conservation & Coastal Lands
- ☒ Land Division – Maui District
- ☒ Historic Preservation

FROM:

SUBJECT:

LOCATION:

APPLICANT:

Russell Y. Tsuji, Land Administrator

Proposed Downtown Kihei Project and Related Improvements

Kihei, Island of Maui TMK: (2) 2-3-9-002:030, 076, 080 & 158

The Krausz Companies, Inc.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by November 9, 2012.

The DEA can be found on-line at: <http://oegc.doh.hawaii.gov> (Please select the 'Environmental Notice' which will bring you to the Current Issue document – October 23, 2012).

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

- ☒ We have no objections.
- ☐ We have no comments.
- ☐ Comments are attached.

FILE ID:	REF.3690.C
DOC ID:	10367

Signed:
Print Name:
Date:

RECHONG
RE. CHONG
11/7/12

cc: Central Files

2012 OCT 31 PM 3:31

RECEIVED
LAND DIVISION

2012 NOV -8 P 2:40

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Amx
SHV

RECEIVED
LAND DIVISION

NEIL ASHCROMBIE
GOVERNOR OF HAWAII

2012 NOV 13 P 2:56



WILLIAM J. AILA, JR.
CHAIRMAN
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

DNR45-23

October 26, 2012

MEMORANDUM

TO:

DLNR Agencies:

- ☒ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☒ Office of Conservation & Coastal Lands
- ☒ Land Division - Maui District
- ☒ Historic Preservation

FROM:

Russell Y. Tsuji, Land Administrator

SUBJECT:

Proposed Downtown Kihei Project and Related Improvements

LOCATION:

Kihei, Island of Maui TMK: (2) 2-3-9-002:030, 076, 080 & 158

APPLICANT:

The Krausz Companies, Inc.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by November 9, 2012.

The DEA can be found on-line at: <http://oeqc.doh.hawaii.gov> (Please select the 'Environmental Notice' which will bring you to the Current Issue document - October 23, 2012).

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

- ☐ We have no objections.
- ☐ We have no comments.
- ☒ Comments are attached.

Signed:

Print Name:

Date:

Robert T. Nishimoto
Nov. 8, 2012

cc: Central Files

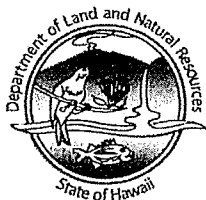
DIVISION OF AQUATIC RESOURCES - MAUI
DEPARTMENT OF LAND & NATURAL RESOURCES
130 Mahalani Street
Wailuku, Hawaii 96793
November 8, 2012

To: Alton Miyasaka, Aquatic Biologist
From: *Sh* Skippy Hau, Aquatic Biologist
Subject: Proposed Kihei Project (3 pages)
(DAR 4523) (Due Date: November 09, 2012)

Will there be any wetland mitigation ponds for this project development? Flooding and drainage runoff has been a problem in many parts along Kihei Road.

Are the mitigation ponds by Azeka Shopping Center being maintained? The islands appear to have overgrown with vegetation so they may not be optimum locations for bird nesting. It does appear to help retain water during heavy rains. Is the water being monitored or sampled? The protection of wetland and aquatic resources need to be protected. Introduced species have become established in many aquatic habitats.

We recommend the use of best management practices along with minimizing sedimentation and drainage runoff from the project site.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 26, 2012

MEMORANDUM

TO:

DLNR Agencies:

- ☒ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☒ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☒ Office of Conservation & Coastal Lands
- ☒ Land Division – Maui District
- ☒ Historic Preservation

FROM:

Russell Y. Tsuji, Land Administrator

SUBJECT:

Proposed Downtown Kihei Project and Related Improvements

LOCATION:

Kihei, Island of Maui TMK: (2) 2-3-9-002:030, 076, 080 & 158

APPLICANT:

The Krausz Companies, Inc.

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by November 9, 2012.

The DEA can be found on-line at: <http://oeqc.doh.hawaii.gov> (Please select the 'Environmental Notice' which will bring you to the Current Issue document – October 23, 2012).

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

- ☐ We have no objections.
- ☒ We have no comments.
- ☐ Comments are attached.

Signed:

Print Name:

Date:

Daniel Ornelas
11/7/12

cc: Central Files

2012 NOV -1 PM 1:21
RECEIVED
MAUI DISTRICT
LAND DIVISION

February 15, 2013

Russell Y. Tsuji
Land Administrator
Department of Land and Natural Resources, Land Division
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

SUBJECT: Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area (SMA) Permit Application for the Downtown Kihei Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2) 3-9-002:030, 076, 080, and 158

Dear Mr. Tsuji:

Thank you for your letter of November 19, 2012, transmitting comments on the Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area Use Permit Application. On behalf of the applicant, The Krausz Companies, we appreciate your review of the document. We offer the following information, which addresses your comments in the order listed in your letter:

Engineering Division

We acknowledge that according to the Flood Insurance Rate Map (FIRM) the project site is located in Zones X and AH and a Flood Hazard Development Permit will be required from the County of Maui Planning Department for proposed development in Zone AH.

Division of Aquatic Resources

The existing enhanced manmade wetlands (portions of Parcel 30 and Parcel 80) were constructed to mitigate the adjacent Longs Drugs Shopping Center and Azeka Shopping Center. No new wetland mitigation ponds are planned for the project. The marginal wetlands located on the project site will be vegetated as part of the onsite drainage basins.

The wetlands were constructed by Longs Drugs (portion of Parcel 30) who is responsible for its maintenance. The former owner of Parcel 80 developed the Azeka Shopping Center. Although Parcel 80 is owned by the applicant they do not maintain or monitor water quality of the wetlands. The only documentation available is the attached copy of the Department of Army Nationwide Permit for the wetland recorded within the properties (Parcels 28, 76, and 80). See **Exhibit "A"**.

As recommended best management practices will be implemented to minimize sedimentation and drainage runoff from the project site.

Thank you again for your department's participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

Enclosure

cc: David Pyle, The Krausz Companies, Inc. (with enclosure)

Clifford Mukai, Warren S. Unemori Engineering, Inc. (with enclosure)

K:\DATA\Krausz\Kihei MixedUse\Draft EA\DEA Response Letters\DLNR Landdeares.ltr.doc

ORIGINAL

90 174521

STATE OF HAWAII
COUNTY OF MAUI

JUN 19 9 PM 2 43

S. FURUKAWA, REGISTRAR

LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation Return by Mail (X) Pickup () To:

LAWRENCE N. C. ING

ING, KUSHI & KOF ATTORNEYS
Wells Street Professional Center
2145 Wells Street, Suite 204
Wailuku, Maui, HI 96793

asekaf9.cll/lc

Affects T.M.K. (2) 3-9-02:28, 76 and 80

AFFIDAVIT OF LAWRENCE N. C. ING

STATE OF HAWAII)
COUNTY OF MAUI) SS.

LAWRENCE N. C. ING, being first duly sworn on
oath, deposes and says:

1. That he is the attorney for Azeka Building Corporation, a Hawaii corporation, of Kihei, Maui, Hawaii;
2. Attached is a true and correct copy of a letter dated October 30, 1990, from Stanley T. Arakaki, Chief, Operations Division, Department of the Army, to the affiant, granting authorization of Nationwide Permit with enclosures as mentioned in same.

EXHIBIT "A"

3. That the attached affects real property situate at Kihei, Maui, Hawaii, owned by Azeka Building Corporation, being indentified on the Tax Maps of the Second Taxation Division, State of Hawaii, as T.M.K. (2) 3-9-02:28, 76 and 80.

And further affiant sayeth not.

DATED: Wailuku, Maui, Hawaii, November 5, 1990.

Lawrence N. C. 1990
LAWRENCE N. C. 1990

Subscribed and sworn to before me this 5 day of November, 1990.

Kianni S. Suzuki
Notary Public, State of Hawaii.

My commission expires: 5/23/93



DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FT SHAFTER, HAWAII 96859-5440

REPLY TO
ATTENTION OF

Operations Division OCT 30 1990

Mr. Lawrence N. C. Ing
Ing, Rushi & Ige
2145 Wells Street, Suite 204
Wailuku, Hawaii 96793-2222

Dear Mr. Ing:

This is in response to your letter, dated August 30, 1990, submitting the amended mitigation plan for the Azeka Building Corporation's Azeka Place project in Kihei, Maui. The work would involve the placement of 4.2 acres of fill in wetlands for a commercial development and includes 3.5 acres of wetland creation/enhancement.

Based on this understanding, I have determined that the proposed work is authorized by the Corps Nationwide (NW) permit authority in accordance with Federal Regulations at 33 CFR 330.5(a)(26), and with the special conditions listed below. Excerpts from the regulations which list the conditions and management practices of this authorization are enclosed for your information and compliance (Encl 1).

The following special conditions shall be incorporated as part of the permit:

a. All mitigation work shall be performed as described in the document, "Proposed Mitigative Measures for Wetlands at Azeka Place Commercial Center, TMK: 3-9-02: 28, 76, 80, Kihei, Maui, Hawaii", as amended August 27, 1990, and on the accompanying plan, as revised August 24, 1990.

b. A schedule of the construction work will be submitted to the Operations Division within 30 days of the NW authorization. Details of the construction drawings shall be coordinated with and incorporate the design guidance recommendations of the U.S. Fish and Wildlife Service, as contained in the enclosed design criteria and drawing. (Encl 2)

c. The permittee shall use best efforts to complete the construction of the mitigation plan within one (1) year of NW authorization. A performance bond, or other formal financial commitment satisfactory to the Corps, equal to one hundred percent of the contract price shall be held by a third party to complete the construction of the mitigation wetland should the wetland construction fail to be completed within the time specified. Evidence of securing the bond or financial commitment shall be provided to the Corps of Engineers within 30 days of award of the construction contract.

d. Upon completion of the mitigation work, an onsite inspection will be held to evaluate the success of the work and document the baseline for completion of the wetland mitigation. Quarterly letter reports summarizing the waters levels, salinity, vegetation cover and use of the wetland by endangered waterbirds and migratory shorebirds shall be submitted by the permittee to the Corps of Engineers for the first year. Subsequent monitoring requirements as well as reasonable modifications that may be required to assure the continued existence of the wetlands will be determined at annual onsite inspections to be held thereafter.

e. All features of the mitigation wetland will be maintained in perpetuity as compensation for the placement of fill authorized by this permit; however, future substitution of mitigation measures may be authorized, provided that such substitution is acceptable to the Corps of Engineers, in consultation with the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency.

f. This permit authorization shall be recorded at the Bureau of Conveyances. The permittee shall provide an endorsed copy of the filed permit to the Corps of Engineers within 60 days of the issuance of this permit.

In addition to these conditions and management practices, you are advised that:

a. Nationwide permits do not obviate the need to obtain other Federal, state or local authorizations required by law.

b. Nationwide permits do not grant any property rights or exclusive privileges.

c. Nationwide permits do not authorize any injury to the property or rights of others.

d. Nationwide permits do not authorize interference with any existing or proposed Federal project.

This verification will be valid until the nationwide permit is modified, reissued, or revoked. All the nationwide permits are scheduled to be modified, reissued or revoked prior to January 13, 1992. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice announcing the changes when they occur. Furthermore, if you commence or are under contract to commence this activity before the date the nationwide permit is modified or revoked, you will have twelve months from the date of the modification or revocation to complete the activity under the present terms and conditions of this nationwide permit.

Sincerely,

Stanley J. Arakaki
Stanley J. Arakaki
Chief, Operations Division

Enclosures

Copies Furnished:

US FWS, Honolulu Office

US EPA, Region IX, San Francisco, CA.

CONDITIONS TO NATIONWIDE PERMITS

The following special conditions must be followed in order for the nationwide permits identified in paragraph (a) of this section to be valid:

(1) That any discharge of dredged or fill material will not occur in the proximity of a public water supply intake;

(2) That any discharge of dredged or fill material will not occur in areas of concentrated shellfish production unless the discharge is directly related to a shellfish harvesting activity authorized by paragraph (a)(4) of this section;

(3) That the activity will not jeopardize a threatened or endangered species as identified under the Endangered Species Act (ESA), or destroy or adversely modify the critical habitat of such species. In the case of federal agencies, it is the agencies' responsibility to comply with the requirements of the ESA. If the activity may adversely affect any listed species or critical habitat, the district engineer must initiate Section 7 consultation in accordance with the ESA. In such cases, the district engineer may:

(i) Initiate section 7 consultation and then, upon completion, authorize the activity under the nationwide permit by adding, if appropriate, activity specific conditions, or

(ii) Prior to or concurrent with section 7 consultation he may recommend discretionary authority (see section 330.8) or use modification, suspension, or revocation procedures (see 33 CFR 325.7).

(4) That the activity shall not significantly disrupt the movement of those species of aquatic life indigenous to the waterbody (unless the primary purpose of the fill is to impound water);

(5) That any discharge of dredged or fill material shall consist of suitable material free from toxic pollutants (see section 307 of the Clean Water Act) in toxic amounts;

(6) That any structure or fill authorized shall be properly maintained;

(7) That the activity will not occur in a component of the National Wild and Scenic River System; nor in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an officially study status;

(8) That the activity shall not cause an unacceptable interference with navigation;

(9) That, if the activity may adversely affect historic properties which the National Park Service has listed on, or determined eligible for listing on, the National Register of Historic Places, the permittee will notify the district engineer. If the district engineer determines that such historic properties may be adversely affected, he will provide the Advisory Council on Historic Preservation an opportunity to comment on the effects on such historic properties or he will consider modification, suspension, or revocation in accordance with 33 CFR 325.7. Furthermore, that, if the permittee before or during prosecution of the work authorized, encounters a historic property that has not been listed or determine eligible for listing on the National Register, but which may be eligible for listing in the National Register, he shall immediately notify the district engineer;

(10) That the construction or operation of the activity will not impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights;

(11) That in certain states, an individual state water quality certification must be obtained or waived (see § 330.9);

(12) That in certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see § 330.10);

(13) That the activity will comply with regional conditions which may have been added by the division engineer (see § 330.8(a)); and

(14) That the management practices listed in § 330.6 of this part shall be followed to the maximum extent practicable.

MANAGEMENT PRACTICES

In addition to the conditions specified in the attached sheet, the following management practices shall be followed, to the maximum extent practicable, in order to minimize the adverse effects of these discharges on the aquatic environment. Failure to comply with these practices may be cause for the district engineer to recommend, or the division engineer to take, discretionary authority to regulate the activity on an individual or regional basis.

- (1) Discharges or dredged or fill material into waters of the United States shall be avoided or minimized through the use of other practical alternatives.
- (2) Discharges in spawning areas during spawning seasons shall be avoided.
- (3) Discharges shall not restrict or impede the movement of aquatic species indigenous to the waters or the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).
- (4) If the discharge creates an impoundment of water, adverse impacts on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized.
- (5) Discharge in wetlands areas shall be avoided.
- (6) Heavy equipment working in wetlands shall be placed on mats.
- (7) Discharges into breeding areas for migratory waterfowl shall be avoided.
- (8) All temporary fills shall be removed in their entirety.

DESIGN CRITERIA FOR WETLAND MITIGATION
AZEKA PLACE COMMERCIAL CENTER, KIHAI, MAUI
U.S. FISH & WILDLIFE SERVICE LTR, DATED OCTOBER 10, 1990

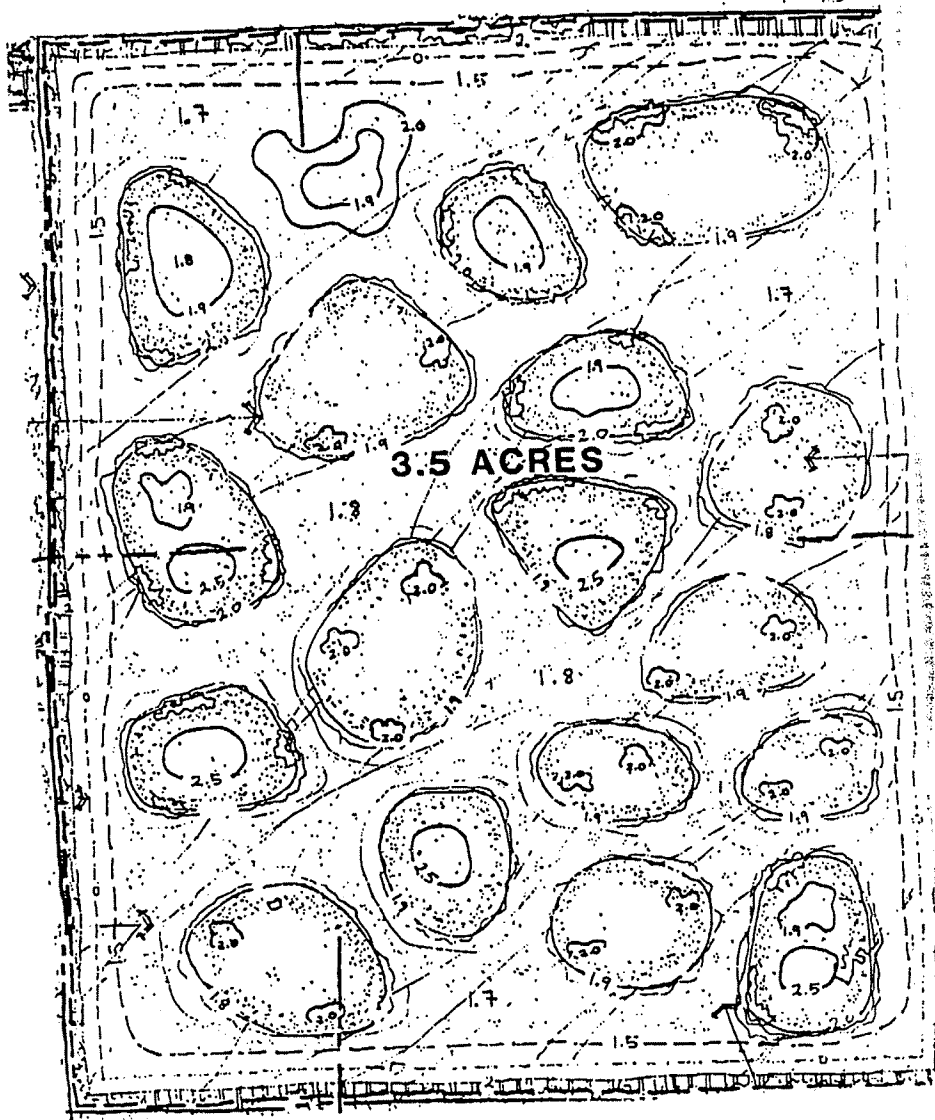
The mitigation wetland shall be constructed and maintained in general conformance with the following design criteria and drawing:

1. Water depths within the wetland shall range from 0 - 0.5 feet, exclusive of the moat.
2. The diameter of the nesting islands shall range from 2 - 10 feet when the water surface elevation is at 2.0 feet MSL.
3. The distance between islands shall be at least 50 feet.
4. The maximum height of the islands above the water level shall be 0.5 feet.
5. The slope of the islands shall be no greater than 5%.
6. Wetland vegetation, such as pickleweed (Batis maritima), makai (Bolboschoenus maritimus = Scirpus maritimus), and water hyssop (Bacopa monnieri) shall be planted by the permittee to provide cover and food for endangered and migratory waterbirds. Vegetation cover on the islands shall be maintained by the applicant to not exceed 30% of the exposed mudflat when the water surface elevation is at 2 feet above MSL.
7. A moat and chain-link fence shall be constructed along the perimeter of the mitigation wetland to deter predators and people from entering the wetland. The moat shall be approximately 2-feet deep, and have a bottom width of no less than 10 feet. Encroachment of vegetation across the moat shall be controlled by the permittee.
8. A 4-foot-high chain-link fence shall be constructed along the outside boundary of the moat. The bottom 8-12 inches of the fence shall be buried below grade to reduce the potential for predators from crawling or digging under the fence. The perimeter fence shall include a secured gate to allow access into the wetland for maintenance purposes.
9. A hedge of vegetation shall be planted along the outside boundary of the fence line to provide a visual buffer between the wetland and the surrounding urban developments. Except at the viewing platform, the vegetation buffer shall be 10 feet in width.

Encl 2

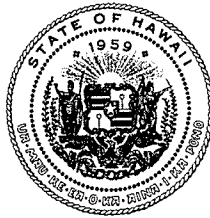


10. Interpretive signs shall be installed by the applicant at the viewing platform. The FWS is available to provide assistance to the permittee regarding the design and content of the interpretive program.



RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY
in this Document when received.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE
1151 PUNCHBOWL STREET, ROOM 325
HONOLULU, HAWAII 96813

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

December 7, 2012

Colleen Suyama
Munekiyo & Hiraga, Inc.
Maui Office: 305 High Street, Suite 104
Wailuku, Hawaii 96793
O'ahu Office: 735 Bishop Street, Suite 238,
Honolulu, Hawaii 96813

Via Email: Colleen@mhplanning.com

Subject: Comments on the Draft Environmental Assessment (DEA) for the Proposed Downtown Kihei Project, Located at Pi'ikea Avenue, Kihei, Island of Maui, Hawai'i; TMK (2) 3-9-002:030, 076, 080, and 158.

Dear Ms. Suyama,

The Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) is providing comments pursuant to the State Endangered Species Law, HRS 195D on the Downtown Kihei Project Draft Environmental Assessment (DEA) proposed by the Krausz Company, Inc. dated September 2012 and posted in the Office of Environmental Quality Control (OEQC) Environmental Notice on October 23, 2012. In addition to the DEA, DOFAW is responding to a letter addressed to Ms. Sandee Hufana, Conservation Initiatives Coordinator dated July 11, 2012, from Munekiyo & Hiraga written on behalf of their clients, the Krausz Companies, Inc. The July 2012 letter requested DOFAW approval to remove tree tobacco plants from the proposed Downtown Kihei Project site; however the letter did not include full project details needed for DOFAW to make an assessment of the preferred approach. The DEA of which DOFAW is commenting, describes proposed developments by the landowners, the Krausz Companies, Inc. within TMKs (2) 3-9-002:030, 076, and 158; and the DEA includes one additional TMK (2) 3-9-002:080 not referenced in the July 2012 letter. DOFAW offers the following comments.

Based on a DOFAW Wildlife Biologist assessment of the proposed development site, DEA and data compiled by the Hawaii Biodiversity and Mapping Program, there is potential for the following endangered species to occur within the proposed action area and could be impacted by the proposed action: the endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*),

Blackburn's sphinx moth (*Manduca blackburni*), Hawaiian coot (*Fulica alai*), and Hawaiian stilt (*Himantopus mexicanus knudseni*).

Hawaiian hoary bats are common in this area of Kihei. The Hawaiian hoary bat roosts in both exotic and native woody vegetation and, while foraging, leaves young unattended in "nursery" trees and shrubs. If trees or shrubs suitable for bat roosting are cleared during the hoary bat breeding season (June 1 to September 15), there is a risk that young bats could inadvertently be harmed or killed. As a result, DOFAW recommends that woody plants greater than 15 feet tall should not be removed or trimmed during the Hawaiian hoary bat breeding season.

The last known survey for Blackburn's sphinx moth within the area of the proposed development was in March 2009 (DEA Volume II, Appendix D). On December 7, 2012 DOFAW Wildlife Biologist found what appear to be signs of *Manduca* presence nearby and mature tree tobacco plants within the proposed development site. DOFAW recommends that a qualified entomologist re-survey the area of the proposed development two times during the wet season (November to April). Ensure that during the survey, there is special attention toward plants with medium to high leaf density; surveys are done 30 meters around each plant; and the surveyor documents any frass and/or feeding damage observed on each plant. Please contact DOFAW if any Blackburn's sphinx moths, eggs, or larvae are found during the survey.

Hawaiian coots and Hawaiian stilts (collectively known as waterbirds) are known to thrive within two constructed wetlands present within and near the proposed development site. To minimize the potential for take, surveys for waterbirds by a qualified biologist are recommended before any land clearing activities occur, and should be repeated if these activities are delayed more than three days. If a nest is discovered at any point, please contact DOFAW staff. It is indicated in the DEA (Figure 4, page 6), that portion of TMK (2) 3-9-002:076 and 030 are characterized as containing marginal wetland conditions on 0.23 and 0.007 acres, respectively and would be transformed into "landscaped detention basins". DOFAW recommends that portions of the proposed development containing marginal wetland conditions remain vegetated. On December 7, 2012 DOFAW Wildlife Biologist observed over 30 individual endangered waterbirds within and near the proposed development site. DOFAW recommends that minimization measures also include a predator control program within the proposed buffer areas of the proposed development site and nearby wetland. In addition, nearby lighting should have full shielding and no lighting should be allowed to fall onto or encroach on wetland areas.

Should threatened or endangered species be detected in the area of the proposed development, we recommend the landowners consult with DOFAW to evaluate project impacts. If take of a listed species cannot be avoided, HRS 195D allows an applicant to apply for an incidental take license accompanied by an approved habitat conservation plan. We appreciate your efforts to work with our office for the conservation of endangered species. Please call Ms. Lasha-Lynn Salbosa, Conservation Initiatives Coordinator (phone 808-587-4148; or email Lasha.H.Salbosa@hawaii.gov) should you have any questions.

Cc: Maui Planning Commission

February 15, 2013

Ms. Lasha-Lynn Salbosa
Conservation Initiatives Coordinator
Department of Land and Natural Resources
Division of Forestry and Wildlife
State of Hawaii
1151 Punchbowl Street, Room 325
Honolulu, Hawaii 96813

SUBJECT: Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning and Special Management Area (SMA) Use Permit Application for the Proposed Downtown Kihei Project at TMK (2)3-9-002:030, 076, 080 and 158, Piikea Avenue, Kihei, Hawaii

Dear Ms. Salbosa:

Thank you for your letter of December 7, 2012, responding to request for comments on the Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning and Special Management Area (SMA) Use Permit Application, as well as our letter of July 11, 2012. On behalf of the applicant, The Krausz Companies, we appreciate your review of the document. We offer the following information, which addresses your comments in the order listed in your letter:

1. **Hawaiian Hoary Bats**

Woody plants greater than 15 feet tall shall not be removed or trimmed during the Hawaiian hoary bat breeding season (June 1 to September 15).

2. **Blackburn's Sphinx Moth**

A qualified entomologist or biologist shall re-survey the area of the proposed development two (2) times during the wet season (November to April). The Division of Forestry and Wildlife (DOFAW) will be contacted if any Blackburn's sphinx moths, eggs or larvae are found during the re-survey.

3. Hawaiian Coots and Hawaiian Stilts

A qualified biologist shall survey the project site for waterbirds before any land clearing activities and repeated if these activities are delayed more than three (3) days. If a nest is discovered DOFAW shall be contacted.

As identified in the Draft EA, the area containing the marginal wetland conditions are located within the landscaped detention basins located on Parcel 30 and Parcel 76 and as such, shall remain vegetated.

As recommended, the applicant shall work with the DOFAW to implement a predator control program within the proposed buffer areas of the project site.

Lighting for the proposed project shall be shielded and downward directed so no lighting shall be allowed to fall onto or encroach on the wetland areas.

4. Threatened or Endangered Species

Should threatened or endangered species be detected in the area of the proposed development, DOFAW will be consulted for appropriate action and implementation.

Thank you again for your department's participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,

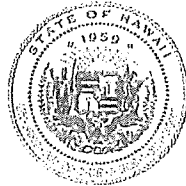


Colleen Suyama
Senior Associate

CS:la

cc: David Pyle, The Krausz Companies
Robert Hobdy, Biologist
Clifford Mukai, Warren S. Unemori Engineering, Inc.
Todd Stoutenborough, Architect
Russell Gushi, Landscape Architect

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NOV 30 2012

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:

STP 8.1043

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

November 21, 2012 NOV 30 A9:13

Ms. Ann T. Cua
Current Planning Supervisor
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Dear Ms. Cua:

Subject: Downtown Kihei Project Community Plan Amendment (CPA 2012/0004),
Change in Zoning (CIZ 2012/0009),
Special Management Area Use Permit (SM1 2012/0006), and
Environmental Assessment (EA 2012/0003)
TMK: (2) 3-9-002:030, 076, 080, and 158

Thank you for requesting the State Department of Transportation's (DOT) review of the subject project. DOT understands the applicant is proposing a 27 acre pedestrian-oriented development that will incorporate business, medical offices, movie theater, restaurants, and a 150 room select-services hotel. The primary access will be via a reconstructed Piikea Avenue, with secondary access via Loloe Drive.

The DOT Highways Division is still conducting its review and has not yet provided comments. The Statewide Transportation Planning Office (STP) will inform you of any further DOT comments once received.

DOT appreciates the opportunity to provide comments. If there are any questions, including the need to meet with DOT staff, please contact Mr. Garrett Smith of the DOT Statewide Transportation Planning Office at telephone number (808) 831-7976.

Very truly yours,

A handwritten signature in black ink, appearing to read "Glenn M. Okimoto", is written over a horizontal line.

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

February 15, 2013

Glenn M. Okimoto, Ph.D., Director
Department of Transportation
State of Hawaii
869 Punchbowl Street
Honolulu, Hawaii 96813-5097

SUBJECT: Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area (SMA) Permit Application for the Downtown Kihei Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2) 3-9-002:030, 076, 080, and 158

Dear Mr. Okimoto:

Thank you for your letter of November 21, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area Use Permit Application for the Downtown Kihei Project. On behalf of the applicant, The Krausz Companies, we appreciate your review of the document.

We acknowledge that the Department of Transportation Highways Division will be completing its review. Further, the Statewide Transportation Planning Office (STP) will inform us of any further comments. We will address any comments provided by the STP.

Glenn M. Okimoto, Ph.D., Director
February 15, 2013
Page 2

Thank you again for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Keith Niiya, Austin, Tsutsumi & Associates, Inc.

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ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



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DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

COUNTY OF MAUI
DEPARTMENT OF PLANNING

TRANSMITTAL

October 9, 2012

STATE AGENCIES	
<input checked="" type="checkbox"/>	DAGS
<input checked="" type="checkbox"/>	DBEDT Planning and Energy Divisions
<input checked="" type="checkbox"/>	Dept of Health, Honolulu
<input checked="" type="checkbox"/>	Dept of Health, Maui (2)
<input checked="" type="checkbox"/>	DLNR-Land, Maui
<input checked="" type="checkbox"/>	DLNR-Planning (5)
<input checked="" type="checkbox"/>	DLNR-SHPD
<input checked="" type="checkbox"/>	DOE, Admin
<input checked="" type="checkbox"/>	DOE, Maui
<input checked="" type="checkbox"/>	DOT, County of Maui
<input checked="" type="checkbox"/>	DOT, Statewide Planning Office (4)
<input checked="" type="checkbox"/>	Office of Hawaiian Affairs
<input checked="" type="checkbox"/>	Office of Planning
<input checked="" type="checkbox"/>	Civil Defense
OTHER	
<input checked="" type="checkbox"/>	Hawaiian Telecom (Hard Copy)
<input checked="" type="checkbox"/>	Maui Electric Company

COUNTY AGENCIES	
<input checked="" type="checkbox"/>	Dept of Environmental Management (2)
<input checked="" type="checkbox"/>	Dept of Housing & Human Concerns
<input checked="" type="checkbox"/>	Dept of Parks & Recreation
<input checked="" type="checkbox"/>	Dept Public Works (3 Hard Copies)
<input checked="" type="checkbox"/>	Dept of Transportation
<input checked="" type="checkbox"/>	Dept of Water Supply
<input checked="" type="checkbox"/>	Fire & Public Safety
<input checked="" type="checkbox"/>	Police Department
<input checked="" type="checkbox"/>	ZAED, Zoning & Enforcement Division
FEDERAL AGENCIES	
<input checked="" type="checkbox"/>	Fish & Wildlife
<input checked="" type="checkbox"/>	NRCS-Honolulu
<input checked="" type="checkbox"/>	NRCS-USDA-Maui
<input checked="" type="checkbox"/>	U.S. Army Corp. of Engineers (Hard Copy)

PROJECT:	PROPOSED DOWNTOWN KIHAI PROJECT AND RELATED IMPROVEMENTS
APPLICANT:	The Krausz Companies, Inc. (David Pyle, Executive Vice President)
STREET ADDRESS:	Piikea Avenue, Kahului, Maui, Hawaii
PROJECT DESCRIPTION:	A pedestrian-oriented development incorporating businesses, medical offices, movie theater, restaurants, a 150 room select-services hotel and related improvements.
TMK:	(2) 3-9-002:030, 076, 080, and 158
PERMIT NO.:	CPA 2012/0004; CIZ 2012/0009; SM1 2012/0006; and EA 2012/0003

TRANSMITTED TO YOU ARE THE FOLLOWING:

<input checked="" type="checkbox"/>	Application(s) Community Plan Amendment, Change in Zoning, Special Management Area Use Permit and Draft Environmental Assessment
-------------------------------------	--

THESE ARE TRANSMITTED AS CHECKED BELOW:

<input checked="" type="checkbox"/>	For your Comment and Recommendation
-------------------------------------	-------------------------------------

This letter is being transmitted by the County of Maui, Department of Planning to coordinate concurrent agency review requirements of the Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning and Special Management Area (SMA) Use Permit applications for the subject project which is described in the attached document.

The Draft EA has been prepared pursuant to Chapter 343, Hawai'i Revised Statutes and Chapter 200, Title 11, Administrative Rules, *Environmental Impact Statement Rules*. The approving agency for the Draft EA is the Maui Planning Commission. The notice of availability of the Draft EA will be published in the Office of Environmental Quality Control's (OEQC) *Environmental Notice* beginning on October 23, 2012. The 30-day comment deadline is November 23, 2012.

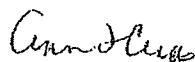
AGENCY NAME	Hawaii State Civil Defense	PHONE	733-4300
--------------------	----------------------------	--------------	----------

Agency Transmittal – PROPOSED DOWNTOWN KIHAI PROJECT AND RELATED IMPROVEMENTS
(CPA 2012/0004; CIZ 2012/0009, SM1 2012/0006 & EA 2012/0003)
October 9, 2012

Page 2

Please identify any comments you would like the Department to propose as conditions of project approval. Please also provide any previous comments, letters, etc. pertinent to this application. Submit your comments directly to me by **November 12, 2012**. A comment box is also provided to assist you. If no comment, please sign the "No Comment" box and fax to (808) 270-1775. Thank you for your time and assistance. For additional clarification, please contact me at anncua@mauiCounty.gov or at (808) 270-7521.

Sincerely,

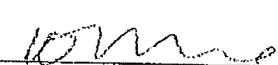


ANN T. CUA, Current Planning Supervisor

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Ann T. Cua, Current Planning Division Supervisor (PDF)
Colleen Suyama, Munekiyo & Hiraga Inc.
Project File
General File

ATC:rm

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COMMENT/RECOMMENDATION BOX			
No Comment			
Signed:		Dated:	11/7/2012
Print Name:	DOUG MAYNE	Title:	Vice Director of Civil Defense
NO COMMENT			
Signed:		Dated:	
Print Name:		Title:	

February 15, 2013

Doug Mayne
Vice Director of Civil Defense
Hawaii State Civil Defense
3949 Diamond Head Road
Honolulu, Hawaii 96816-4495

SUBJECT: Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area (SMA) Permit Application for the Downtown Kihei Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2) 3-9-002:030, 076, 080, and 158

Dear Mr. Mayne:

Thank you for your response of November 7, 2012, on the Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area Use Permit Application. On behalf of the applicant, The Krausz Companies, we appreciate your review of the document and confirmation that your agency has no comments.

Thank you again for your department's participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
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NOV 26 2012

November 23, 2012

Ann T. Cua, Current Planning Supervisor
Department of Planning
County of Maui

Re: Proposed Downtown Kihei Project and Related Improvements
CPA 2012/0004; CIZ 2012/0009; SMI 2012/0006 & EA 2012/0003
Kihei, Hawai'i
TMK: (2) 3-9-002: 030, 076, 080, & 158

Dear Ann:

Thank for allowing the Department of Fire and Public Safety the opportunity to comment on the proposed project. At this time, our office has the following comment:

- Water supply for fire protection shall meet the requirements for the land-use classification that is determined in the Change-in-Zoning process to allow this project.

Our office also reserves the right to comment on the proposed project during the building permit review process when fire department access, water supply for fire protection, and fire and life safety requirements for the proposed buildings will be addressed.

If there are any questions or comments, please feel free to contact me at 244-9161 ext. 23. Thank you for your attention to fire prevention and public safety.

Sincerely,

Paul Haake
Captain, Fire Prevention Bureau
Dept. of Fire & Public Safety
Maui County

313 Manea Place Wailuku, HI 96793
244-9161 ext. 23
244-1363 fax

February 15, 2013

Captain Paul Haake
Fire Prevention Bureau
Department of Fire and Public Safety
County of Maui
313 Manea Place
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area (SMA) Permit Application for the Downtown Kihei Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2) 3-9-002:030, 076, 080, and 158

Dear Captain Haake:

Thank you for your email correspondence of November 23, 2012, on the Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area Use Permit Application. On behalf of the applicant, The Krausz Companies, we appreciate your review of the document and offer the following information, which addresses your comments.

1. With regard to water supply for fire protection, we acknowledge that the project shall meet the requirements for the land use classification approved in the change in zoning process.
2. We also acknowledge your department reserves the right to comment on the proposed project during the building permit review process.

Captain Paul Haake
February 15, 2013
Page 2

Thank you again for your department's participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,

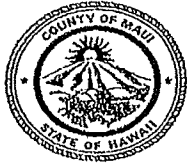


Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Todd Stoutenborough, Architect
Clifford Mukai, Warren S. Unemori Engineering, Inc.

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DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

NOV 30 2012

ALAN M. ARAKAWA
Mayor

JO-ANN T. RIDAO
Director

JAN SHISHIDO
Deputy Director

200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX 270-7165 • EMAIL director.hhc@mauicounty.gov

Date: November 14, 2012

To: **Ann T. Cua** Current Planning Supervisor, Dept. of Planning

From: Wayde Oshiro, Housing Administrator Housing and Human Concerns

Subject: **Preliminary Planning Review**
Applicability to Residential Workforce Housing Policy
Chapter 2.96, MCC; effective 12/5/2006

Project Name: **Proposed Downtown Kihei Project and Related Improvements**

Applicant: **The Krausz Companies, Inc. (David Pyle, Executive Vice President)**

Subject I.D.: **CPA 2012/0004; CIZ 2012/0009; SM1 2012/0006; and EA2012/0003**

TMK: **(2) 3-9-002:030, 076, 080, and 158**

Street Address: **Piikea Avenue, Kahului, Maui, Hawaii**

Determination:

<input type="checkbox"/> Not-Applicable Does not meet applicability as set forth in 2.96.030(A), MCC	12 NOV 16 AM 10:28
<input checked="" type="checkbox"/> Applicable <input checked="" type="checkbox"/> No Exemptions <input type="checkbox"/> Exemptions: (2.96.030) <input type="checkbox"/> . An executed affordable housing agreement, currently in effect and approved prior to the effective date of chapter. <input type="checkbox"/> . A development subject to a change in zoning condition that requires affordable or residential workforce housing. <input type="checkbox"/> . A subdivision granted preliminary subdivision approval prior to the effective date of this chapter. (12/5/2006) <input type="checkbox"/> . A building permit application submitted prior to the effective date of this chapter. <input type="checkbox"/> . A family subdivision, for immediate family members, as described in sections 18.20.280(B)(1) and (B)(2) of this code. <input type="checkbox"/> . A development by a government entity, 201H, community land trust, or an affordable housing project with more than the residential workforce housing units, in-lieu fees, or in-lieu land required by section 2.96.040, as approved by the director.	

Additional Comments: ☒ **See comments below** ☐ **See Attachment(s)**
☐ **We have NO comment**

1.) Applicant acknowledges project requires conformance with the provisions of Chapter 2.96 (Residential Workforce Housing Policy). 2.) Applicant indicates it will satisfy Chapter 2.96 with the purchase of housing credits from an affordable housing project that will be constructed in the Kihei-Makena community Region. 3.) Letter of Intent with the Department of Housing and Human Concerns Appendix I) needs to be provided by Munekiyo & Hiraga, Inc.; 4.) The applicant is required to enter into a residential workforce housing agreement prior to final subdivision approval or issuance of a building permit for the subject project.

Reviewed By: Wayde T. Oshiro
Wayde T. Oshiro

11/14/2012
Date

February 15, 2013

Wayde T. Oshiro
Housing Administrator
Department of Housing and Human Concerns
County of Maui
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area (SMA) Permit Application for the Downtown Kihei Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2) 3-9-002:030, 076, 080, and 158

Dear Mr. Oshiro:

Thank you for your letter of November 14, 2012, transmitting comments on the Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area Use Permit Application. On behalf of the applicant, The Krausz Companies, we appreciate your review of the document. We offer the following which addresses your comments in the order listed in your letter:

1. The applicant shall execute a Letter of Intent with the Department of Housing and Human Concerns.
2. The applicant shall enter into a residential workforce housing agreement prior to final subdivision approval or issuance of a building permit for the subject project.

Wayde T. Oshiro
February 15, 2013
Page 2

Thank you again for your department's participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,

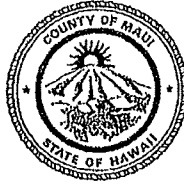


Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
K:\DATA\Krausz\Kihei MixedUse\Draft EA\DEA Response Letters\DHHC deares.ltr.doc

ALAN M. ARAKAWA
Mayor



NOV 6 2012

GLENN T. CORREA
Director

PATRICK T. MATSUI
Deputy Director

(808) 270-7230
FAX (808) 270-7934

DEPARTMENT OF PARKS & RECREATION

700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawaii 96793

DEPT. OF PARKS & RECREATION
COUNTY OF MAUI
RECEIVED

'12 NOV -9 P2:06

November 5, 2012

Ms. Ann T. Cua
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Dear Ms. Cua:

**SUBJECT: PROPOSED DOWNTOWN KIHEI PROJECT AND RELATED
IMPROVEMENTS, TMK: (2) 3-9-002:030, 076, 080 AND 158
CPA 2012/0004; CIZ 2012/0009; SM1 2012/0006;
AND EA 2012/0003**

Thank you for the opportunity to review the applications for the subject project. As the proposed project does not consist of any residential dwelling units, it is not subject to parks and playgrounds assessment requirements pursuant to Section 18.16.320, Maui County Code.

Please feel free to contact me or Mr. Robert Halvorson, Chief of Planning and Development, at 270-7931, should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn T. Correa".

GLENN T. CORREA
Director of Parks and Recreation

c: Robert Halvorson, Chief of Planning and Development
Project File

GTC:RH:kp

February 15, 2013

Glenn T. Correa, Director
Department of Parks and Recreation
County of Maui
700 Hali'a Nakoa Street, Unit 2
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area (SMA) Permit Application for the Downtown Kihei Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2) 3-9-002:030, 076, 080, and 158

Dear Mr. Correa:

Thank you for your letter of November 5, 2012, transmitting comments on the Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area Use Permit Application. On behalf of the applicant, The Krausz Companies, we appreciate your review of the document and confirmation that the project is not subject to Section 18.16.320, Maui County Code.

Thank you again for your department's participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

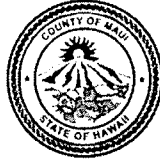
cc: David Pyle, The Krausz Companies, Inc.

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ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

November 5, 2012

Ms. Colleen Suyama
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Ms. Suyama:

SUBJECT: MAUI PLANNING COMMISSION COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT (EA) FOR THE DOWNTOWN KIHAI PROJECT, LOCATED AT PIIKEA AVENUE, KIHAI, MAUI, HAWAII; TMK: (2) 3-9-002:030, 076, 080, AND 158 (EA 2012/0003)

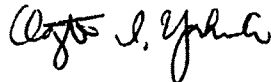
At its regular meeting on October 23, 2012, the Maui Planning Commission reviewed the above referenced document and provided the following comments:

1. Discuss the safety of the detention basins in the case of flooding inasmuch as the basins will not be fenced;
2. It is important that the architecture of the project conveys a "Hawaiian Sense of Place";
3. Due to the projects location in a dry area of the island, the project should incorporate as much shading as possible;
4. The project should incorporate private security measures in addition to the police services provided by the County of Maui;
5. The TIAR should be expanded to include discussion of the impacts of the project on Lipoa Street between Piilani Highway and South Kihei Road;
6. Explore the opportunity for synchronization of traffic lights on South Kihei Road;
7. Include the recorded arrangement for maintenance of the existing enhanced wetlands by previous owners; and
8. Identify the standards of maintenance for a healthy wetland including optimal water levels for the habitat of aeo.

Ms. Colleen Suyama
November 5, 2012
Page 2

Please provide written responses to the above comments in the Final EA. Should you require further clarification, please contact Current Planning Division Supervisor Ann Cua at ann.cua@mauicounty.gov or at (808) 270-7521

Sincerely,



CLAYTON I. YOSHIDA, AICP
Planning Program Administrator

for WILLIAM SPENCE
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Ann T. Cua, Current Planning Division Supervisor (PDF)
Project File
General File

WRS:CIY:ATC:rm

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February 15, 2013

William Spence, Director
Department of Planning
County of Maui
250 S. High Street
Wailuku, Hawaii 96793

SUBJECT: Maui Planning Commission Comments on the Draft Environmental Assessment (EA) for the Downtown Kihei Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2)3-9-002:030, 076, 080 and 158

Dear Mr. Spence:

Thank you for your letter of November 5, 2012 transmitting comments from the Maui Planning Commission (MPC) on the Draft Environmental Assessment (EA). On behalf of the applicant, The Krausz Companies, we appreciate your review of the document. We also offer the following which addresses your comments in the order of your letter:

1. The Kihei region experiences very little rainfall, and it is expected that the basin will be dry for most of the time. However, during rain events, the management will ensure that security for the shopping center will monitor the basin and safety of its customers should there be any standing water in the basin.
2. The applicant agrees that the architecture of the project convey a "Hawaiian Sense of Place". The architectural vernacular of Maui Island was used to develop the architectural guidelines for the project.
3. The landscape architect will review the landscaping plans to ensure that as much shading as possible is provided by the tree materials selected for the project.
4. The project will have private security measures to enhance the safety of the project.
5. The traffic consultant will prepare a discussion of the impacts of the project on Lipoa Street between Piilani Highway and South Kihei Road after the winter

school break to assess school traffic on Lipoa Street. As such, this supplemental report has not been included in the Final EA but will be addressed with the MPC prior to the public hearings on the land use amendments and special management area permit.

6. The traffic consultant will explore the opportunity for synchronization of traffic signals on South Kihei Road.
7. The recorded arrangement for maintenance of the existing enhanced wetlands on Parcel 30 by the previous owners has been included in the EA. See **Exhibit "A"**. Also, the maintenance of the manmade wetland on Parcel 80 created as a mitigation plan for the adjacent Azeka II Shopping Center is covered under the Department of Army Nationwide Permit recorded with the property. See **Exhibit "B"**.
8. In order to maintain a healthy wetland the following should be performed regularly:
 - Remove sediment and gross solids from forebays
 - Keep the orifice (the drawdown hole) free-flowing
 - Clean away floating trash and debris
 - Remove vegetation along the dam face
 - Remove invasive plant species
 - Mow the perimeter of wet ponds
 - Control pests

Also, according to the *Recovery Plan for Hawaiian Waterbirds* the preferred habitat for the aeo or Hawaiian stilt are marshlands with a depth of less than nine-inches and sparse low-lying vegetation.

William Spence, Director
February 15, 2013
Page 3

Thank you again for the Commission's participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,



Colleen Suyama
Senior Associate

CS:la

Enclosure

cc: Maui Planning Commission
David Pyle, The Krausz Companies
Keith Niiya, Austin Tsutsumi & Associates, Inc.
Clifford Mukai, Warren S. Unemori Engineering, Inc.

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91-005056

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDS

'91 JAN 15 PM 1 27

S. FURUKAWA, REGISTRAR

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL () PICK-UP (X)

TGM 10775 3 B

Burke, Sakana, Mr. Pheokan,
Borden & Gelandy
Greenland Center, Honolulu
137 Bishop St. Ste 3100
Honolulu, HI 96813

R/S

EXHIBIT "A"

LAND COURT SYSTEM REGULAR SYSTEM
Return by Mail () Pickup (X) TGA 107182B
Burke, Sakai, McPheeters,
Bordner & Gilardy
Grosvenor Center, Mauka Tower
737 Bishop Street, Suite 3100
Honolulu, Hawaii 96813

RS

EASEMENT

Grantor: STEWART E. FERN, Trustee under that certain Revocable
Living Trust Agreement dated February 28, 1983, and
JONATHAN EDWARD FERN, and TIMOTHY EVERSON FERN

Grantee: LONGS DRUG STORES CALIFORNIA, INC.

Property Description:

Lot 10-A
Waiohuli-Keokea Beach
Homesteads

EASEMENT
DECLARATIONS

The parties hereby declare:

1. That Stewart E. Fern, is the Trustee under that certain Revocable Living Trust Agreement dated February 28, 1983, with powers to sell, mortgage, lease, and convey as to an undivided 61.96% interest; that Jonathan Edward Fern, husband of Nona Lee Fern, Timothy Everson Fern, husband of Winsome Gay Fern, each own an undivided 19.02% interest as Tenants in Common, those parcels of land designated as TMK 3-9-02, lots 10-A and 10-C located in the City of Kihei, County of Maui, Hawaii, more particularly bounded and described in Exhibit B (the "Fern Parcels") attached hereto (hereinafter collectively referred to as the "Grantors");

2. That Longs Drug Stores California, Inc., a California corporation, whose principal place of business and mailing address is 141 North Civic Drive, Walnut Creek, California 94596 (hereinafter called the "Grantee") is the owner of that certain parcel of land designated as TMK 3-9-02 lot 10-B located in the city of Kihei, County of Maui, Hawaii, more particularly bounded and described in Exhibit B attached hereto (the "Longs Parcel");

3. That Grantee is required to mitigate a wetland at its retail business center to be placed on Parcel 10-B as shown on Parcel Map Exhibit A and as legally described in Exhibit B.

GRANT OF EASEMENT

In consideration of the sum of \$100,000.00, and other valuable consideration to Grantors paid by Grantee, the receipt of which is hereby acknowledged, Grantor grants to Grantee a right of way, more particularly designated and described as follows:

- I. An easement to construct a flood storage and sedimentation basin on the westerly three acres of Lot 10-A of Waiohuli-Keokea Beach Homesteads which will be enhanced for use by wildlife, specifically water fowl, being more particularly described as follows:

Beginning at a point at the northwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI", being 7562.15 feet North and 23,257.85 feet West and running by azimuths measured clockwise from True South:

- | | | | |
|----|--------------|-------------|--|
| 1. | 263° 25' 30" | 359.24 feet | along Grant 10043, same being Lot 9 of Waiohuli-Keokea Beach Homesteads; |
| 2. | 353° 33' | 400.94 feet | over and across the remainder of Grant 10115 to Ten Kui Chong and Lot 10-A of Waiohuli-Keokea Beach Homesteads; |
| 3. | 83° 33' | 293.23 feet | along the remainder of Grant 10115 to Ten Kui Chong and Lot 10-C of Waiohuli-Keokea Beach Homesteads; |
| 4. | 164° 11' | 405.56 feet | along the remainder of Grant 10115 to Ten Kui Chong and Lot 10-B of Waiohuli-Keokea Beach Homesteads to the point of beginning and containing an Area of 130,685 square feet or 3.000 Acres. |

- II. An easement approximately 580 feet long, over portion of Lot-C of Waiohuli-Keokea Beach Homesteads which will be cleared and filled for the purpose of providing an unsurfaced access way to Lot 10-A of Waiohuli-Keokea Beach Homesteads including the flood storage and sedimentation basin mentioned above, being more particularly described as follows:

Page Two
Easement
Re: Kihei, Maui, HI

Beginning at a point at the northwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI", being 7171.94 feet North and 23,147.31 feet West and running by azimuth measured clockwise from True South:

- | | | | |
|----|----------|-------------|--|
| 1. | 263° 33' | 584.62 feet | along Grant 10115 to Ten Kui Chong and Lot 10-A of Waiohuli-Keokea Beach Homesteads; |
| 2. | 353° 33' | 56.00 feet | over and across a portion of Grant 10115 to Ten Kui Chong and Lot 10-C of Waiohuli-Keokea Beach Homesteads; |
| 3. | 83° 33' | 575.38 feet | along Grant 8112 to Y.H. Char, same being Lot 11 of Waiohuli-Keokea Beach Homesteads; |
| 4. | 164° 11' | 56.76 feet | over and across a portion of Grant 10115 to Ten Kui Chong and Lot 10-C of Waiohuli-Keokea Beach Homesteads to the point of beginning and containing an Area of 32,480 square feet or 0.745 Acre. |

In consideration of the mutual covenants and agreements herein set forth, the following encumbrances shall be binding upon the parties hereto and shall attach to and run with their respective parcel or parcels and shall be for the benefit of and shall be limitations upon any future owners of the Longs Parcel and the Fern Parcels, and each easement granted herein shall be appurtenant to the dominant estate and all promises, covenants, conditions, restrictions and encumbrances shall be covenants running with the land.

The right of way conveyed by this instrument is for the purpose of ingress and egress via Lots 10-B and 10-C (Fern Lot) into designated mitigation area of Lot 10-A (Fern lot) in order to:

- a. Construct a flood storage and sedimentation basin, which will be enhanced for use by wildlife, specifically waterfowl. All work shall be as approved by the U.S. Army Corps of Engineers under provisions of a Nationwide 26 (NW 26) permit. The work to be performed is generally as shown on Exhibit C.
- b. Clear and fill an area on Lot 10-C for purposes of providing an unsurfaced roadway, also generally as shown on Exhibit C.
- c. Maintain the wetland area shown on Exhibit C as required by conditions of the NW 26 permit.

TERMS AND CONDITIONS

The forgoing grant is made upon the following terms and conditions, which terms and conditions shall be binding upon the Parties:

1. Grantee shall provide all necessary plans, obtain required permits, and have the work executed and maintained at its sole cost. Grantors shall have right of reasonable approval of final improvement plans;
2. Grantee shall perform work only in the area of mitigation improvements as shown in the final approved plans;

Page Three
Easement
Re: Kihei, Maui, HI

3. The Grantee shall defend, indemnify and hold Grantors and subsequent owners of the Fern Parcels, harmless from any and all claims and demands against Grantors for any loss or damage or injury to persons or property caused by Grantee's agents, servants, and employees, including the claims of Grantee's respective agents, servants, and employees, that shall or may arise by reason of the use of said easement and performance of the work at Grantors' property and which is not caused by negligence of the Grantors, Grantor's agents, servants, or employees, and from and against all damages, costs, counsel fees, expenses or liabilities incurred or resulting from any such claim or demand or any action or proceeding brought thereon.

4. The Grantee shall not encumber the subject easement area without the written consent of Grantors, which consent Grantors may withhold at Grantors' sole discretion.

5. The mitigation area shall be posted as a wildlife sanctuary and shall remain accessible only to those persons having specific business relative to it.

6. This grant of easement shall be conditioned upon Grantee obtaining from the U.S. Army Corps of Engineers a Nationwide 26 Permit with conditions reasonably acceptable to both Grantors and Grantee.

TERM



This easement shall terminate at such time as the requirement for wetland mitigation is no longer applicable. Grantors and/or Grantee may, in the future, singularly or mutually petition the government agency controlling wetlands at that time for relief from continued maintenance by means or regulations existing at that time which permit relief. Such relief in whatever form it takes must be with the consent of the Grantors which consent will not be unreasonably withheld.

Grantee to have and to hold the easement according to tenancy hereinabove set forth, subject to the conditions hereinabove set forth.

In witness whereof, the undersigned have caused this instrument to be duly executed this 13 day of November, 1990.

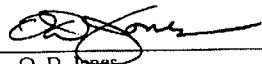
GRANTORS:


STEWART E. FERN, Trustee under
that certain Revocable Living Trust dated 2/28/83


JONATHAN EDWARD FERN

TIMOTHY EVERSON FERN

GRANTEE:

LONGS DRUG STORES CALIFORNIA, INC.,
A California Corporation

By 
O. D. Jones
Sr. Vice President

By 
M. K. Raphael
Assistant Secretary

(TO BE NOTARIALLY ACKNOWLEDGED)

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF HAWAII)
 City & County of Honolulu) ss.

On this 13th day of November, 1990, before me personally appeared
 * * * * * Timothy Everson Fern * * * * *
 to me known to be the person (X) described in and who executed the foregoing instrument, and acknowledged
 that He executed the same as His free act and deed.

Notary Public, First Judicial Circuit, State of Hawaii

My commission expires March 13, 1994

182 (REV 7-82)

STATE OF HAWAII)
 CITY AND COUNTY OF HONOLULU) ss.

On this 13th day of November, 1990, before me personally
 appeared STEWART E. FERN, Trustee as aforesaid, to me known to
 be the person described in and who executed the foregoing
 instrument and acknowledged that he executed the same as his free
 act and deed as such Trustee.

Notary Public, State of Hawaii

My Commission Expires: 12/17/92

INDIVIDUAL

STATE OF HAWAII,)
 City and County of Honolulu.) ss:

On this 13th day of November, A. D. 1990, before me personally appeared
 Jonathan Edward Fern
 to me known to be the person described in and who executed the foregoing instrument and
 acknowledged that he executed the same as his free act and deed.

Notary Public, First Judicial Circuit,
 State of Hawaii
 My Commission Expires Feb. 27, 1993

STATE OF CALIFORNIA) SS ATTACHED TO EASEMENT - DECLARATIONS
COUNTY OF CONTRA COSTA) STEWART FERN, JONATHAN FERN, AND TIMOTHY FERN
(GRANTORS) AND LONGS DRUG STORES (GRANTEE)

On this 12th day of November, in the year one thousand nine hundred ninety, before me, Janis M. Watt, a Notary Public, State of California, duly commissioned and sworn, personally appeared O. D. Jones & Michael K. Raphael personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed the within instrument as Sr. V.P. & Asst. Secty, resp., or on behalf of the corporation therein named and acknowledged to me that the corporation executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of Contra Costa.

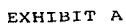


KIHUI, MAUI, HAWAII
(Constr. of Storage and Sedimentation Basin)

Janis M. Watt
Notary Public, State of California

My Commission Expires July 12, 1991

100



Waiohuli-Keokea Beach Homesteads
Description of Lot 10-A

Land situated on the easterly side of Kihei Road at Waiohuli,
Kihei, Maui, Hawaii

Being a portion of Grant 10115 to Ten Kui Chong, being also a
portion of Lot 10 of Waiohuli-Keokea Beach Homesteads

Beginning at a point at the northwesterly corner of this lot, the
coordinates of said point of beginning referred to Government Survey
Triangulation Station "PUU-O-KALI" being 7,562.15 feet North and
23,257.85 feet West and running by azimuths measured clockwise from
True South:

1. 263° 25' 30" 1483.27 feet along Grant 10043, same being
Lot 9 of Waiohuli-Keokea Beach
Homesteads to a point;
2. 350° 36' 30" 372.34 feet along Grant 9325, Apana 1 to
Haleakala Ranch Company to a
point;
3. Thence along the remainder of Grant 10115 to Ten Kui Chong and
Lot 10-C of Waiohuli-Keokea
Beach Homesteads on a curve to
the right having a radius of
30.00 feet, the chord azimuth
and distance being:
37° 04' 45" 43.50 feet to a
point;
4. 83° 33' 1406.41 feet along same to a point;
5. 164° 11' 405.56 feet along the remainder of Grant
10115 to Ten Kui Chong and Lot
10-B of Waiohuli-Keokea Beach
Homesteads to the point of
beginning and containing an
Area of 13.469 acres.

TOGETHER, WITH, a Roadway Access and Utility Easement over and across
Lot 10-C of Waiohuli-Keokea Beach Homesteads and being more
particularly described as follows:

Beginning at a point at the southwesterly corner of this lot, the
coordinates of said point of beginning referred to Government Survey
Triangulation Station "PUU-O-KALI" being 7,062.68 feet North and
23,615.26 feet West and running by azimuths measured clockwise from
True South:

EXHIBIT B

1. 150° 14' 10"

31.31 feet along the remainder of Grant 10115 to Ten Kui Chong and roadwidening Lot 10-D of Waiohuli-Keokea Beach Homesteads;

2. Thence along the remainder of Grant 10115 to Ten Kui Chong and Lot 10-B of Waiohuli-Keokea Beach Homesteads on a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being:
301° 58' 35" 37.29 feet;

3. 263° 33' 1873.05 feet along the remainder of Grant 10115 to Ten Kui Chong and Lots 10-B and 10-A of Waiohuli-Keokea Beach Homesteads;

4. Thence along the remainder of Grant 10115 to Ten Kui Chong and Lot 10-A of Waiohuli-Keokea Beach Homesteads on a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being:
217° 04' 45" 43.50;

5. 150° 26' 30" 87.66 feet along Grant 9325, Apana 1 to Haleakala Ranch Company;

6. 33° 33' 1918.23 feet along Grant 8112 to Y. H. Char, same being Lot 11 of Waiohuli-Keokea Beach Homesteads to the point of beginning and containing an Area of 2.480 acres, more or less.



Warren S. Unemori 2/27/90
Registered Land Surveyor
Certificate No. 1569, ES

87019d01.doc

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY
in this Document when received.

Waiohuli-Keokea Beach Homesteads
Description of Lot 10-B

Land situated on the easterly side of Kihei Road at Waiohuli, Kihei,
Maui, Hawaii

Being a portion of Grant 10115 to Ten Kui Chong, being also a portion
of Lot 10 of Waiohuli-Keokea Beach Homesteads

Beginning at a point at the northeasterly corner of this lot, the
coordinates of said point of beginning referred to Government Survey
Triangulation Station "PUU-O-KALI", being 7,562.15 feet North and
23,257.85 feet West and running by azimuths measured clockwise from True
South:

1. 344° 11' 405.56 feet along the remainder of Grant 10115
to Ten Kui Chong and Lot 10-A of
Waiohuli-Keokea Beach Homesteads to
a point;
2. 33° 33' 466.64 feet along the remainder of Grant 10115
to Ten Kui Chong and Lot 10-C of
Waiohuli-Keokea Beach Homesteads to
a point;
3. Thence along same on a curve to the right having a radius of
30.00 feet, the chord azimuth and
distance being:
121° 58' 35" 37.29 feet to a
point;
4. 160° 24' 10" 70.36 feet along the remainder of Grant 10115
to Ten Kui Chong and roadwidening
Lot 10-D of Waiohuli-Keokea Beach
Homesteads to a point;
5. 164° 11' 258.89 feet along same to a point;
6. Thence along same on a curve to the right having a radius of
342.42 feet, the chord azimuth and
distance being:
168° 33' 52.14 feet to a
point;
7. 263° 25' 30" 492.53 feet along Grant 10043, same being Lot 9
of Waiohuli-Keokea Beach Homesteads
to the point of beginning and
containing an Area of 4.546 acres.

TOGETHER WITH, Easement "A" for roadway access and utility purposes over and across a portion of Grant 10115 to Ten Kui Chong and Lot 10-C of Waiohuli-Keokea Beach Homesteads, and being more particularly described as follows:

Beginning at a point at the southwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI", being 7,062.68 feet North and 23,615.26 feet West and running by azimuths measured clockwise from True South:

1. 150° 24' 10" 81.31 feet along the remainder of Grant 10115 to Ten Kui Chong and roadwidening Lot 10-D of Waiohuli-Keokea Beach Homesteads;
2. Thence along the remainder of Grant 10115 to Ten Kui Chong and Lot 10-B of Waiohuli-Keokea Beach Homesteads on a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being: 301° 58' 35" 37.29 feet;
3. 263° 33' 466.64 feet along same;
4. 344° 11' 56.76 feet over and across a portion of Grant 10115 to Ten Kui Chong and Lot 10-C of Waiohuli-Keokea Beach Homesteads;
5. 33° 33' 486.60 feet along Grant 8112 to Y.H. Char, same being Lot 11 of Waiohuli-Keokea Beach Homesteads to the point of beginning and containing an Area of 27,469 square feet, more or less.



Warren S. Unenori 2/27/90
Registered Land Surveyor
Certificate No. 1569, ES

87019001.das

2

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY in this Document when received.

104

Waiohuli-Keokea Beach Homesteads
Description of Lot 10-C

Land situated on the easterly side of Kihei Road at Waiohuli,
Kihei, Maui, Hawaii

Being a portion of Grant 10115 to Ten Kui Chong, being also a
portion of Lot 10 of Waiohuli-Keokea Beach Homesteads

Beginning at a point at the southwesterly corner of this lot, the
coordinates of said point of beginning referred to Government Survey
Triangulation Station "PUU-O-KALI" being 7,062.68 feet North and
23,615.26 feet West and running by azimuths measured clockwise from
True South:

1. 160° 24' 10" 81.31 feet along the remainder of Grant
10115 to Ten Kui Chong and
roadwidening Lot 10-D of
Waiohuli-Keokea Beach
Homesteads to a point;
2. Thence along the remainder of Grant 10115 to Ten Kui Chong and
Lot 10-B of Waiohuli-Keokea
Beach Homesteads on a curve to
the left having a radius of
30.00 feet, the chord azimuth
and distance being:
301° 58' 35" 37.29 feet to a
point;
3. 263° 33' 1873.05 feet along the remainder of Grant
10115 to Ten Kui Chong and Lots
10-B and 10-A of Waiohuli-
Keokea Beach Homesteads to a
point;
4. Thence along the remainder of Grant 10115 to Ten Kui Chong and
Lot 10-A of Waiohuli-Keokea
Beach Homesteads on a curve to
the left having a radius of
30.00 feet, the chord azimuth
and distance being:
217° 04' 45" 43.50 feet to a
point;

1. 150° 16' 30"

37.66 feet along Grant 9325, Apana 1 to Haleakala Ranch Company to a point;

2. 13° 33'

1918.23 feet along Grant 3112 to Y. H. Char, same being Lot 11 of Waiohuli-Keokea Beach Homesteads to the point of beginning and containing an Area of 2.480 acres.

SUBJECT, HOWEVER, to the following easement:

1. Easement "A" for roadway access and utility purposes in favor of Lot 10-B of Waiohuli-Keokea Beach Homesteads and being more particularly described as follows:

Beginning at a point at the southwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU-O-KALI", being 7,062.68 feet North and 23,615.26 feet West and running by azimuths measured clockwise from True South:

1. 160° 24' 10"

81.31 feet along the remainder of Grant 10115 to Ten Kui Chong and roadwidening Lot 10-B of Waiohuli-Keokea Beach Homesteads;

2. Thence along the remainder of Grant 10115 to Ten Kui Chong and Lot 10-B of Waiohuli-Keokea Beach Homesteads on a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being:
301° 58' 35" 37.29 feet;

3. 263° 33'

466.64 feet along same;

4. 344° 11'

56.76 feet over and across a portion of Grant 10115 to Ten Kui Chong and Lot 10-C of Waiohuli-Keokea Beach Homesteads;

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY in this Document when received.

1. 33° 03'

486.60 feet along Grant 8112 to Y.H. Char,
same being Lot 11 of Waiohuli-
Keokea Beach Homesteads to the
point of beginning and
containing an Area of 27,469
square feet, more or less.



(Signature) 2/27/80
Registered Land Surveyor
Certificate No. 1569, ES

87019d02.doc

RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY
in this Document when received.



ORIGINAL

90 174521

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

JUN 19 9 PM 2 43

S. FURUKAWA, REGISTRAR

LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation Return by Mail (X) Pickup () To:

LAWRENCE N. C. ING

ING, KUSHI & KOF ATTORNEYS
Wells Street Professional Center
2145 Wells Street, Suite 204
Honolulu, Hawaii 96815

Affects T.M.K. (2) 3-9-02:28, 76 and 80

AFFIDAVIT OF LAWRENCE N. C. ING

STATE OF HAWAII)
COUNTY OF MAUI) SS.

LAWRENCE N. C. ING, being first duly sworn on oath, deposes and says:

1. That he is the attorney for Azeka Building Corporation, a Hawaii corporation, of Kihei, Maui, Hawaii;
2. Attached is a true and correct copy of a letter dated October 30, 1990, from Stanley T. Arakaki, Chief, Operations Division, Department of the Army, to the affiant, granting authorization of Nationwide Permit with enclosures as mentioned in same.

EXHIBIT "B"

3. That the attached affects real property situate at Kihei, Maui, Hawaii, owned by Azeka Building Corporation, being identified on the Tax Maps of the Second Taxation Division, State of Hawaii, as T.M.K. (2) 3-9-02:28, 76 and 80.

And further affiant sayeth not.

DATED: Wailuku, Maui, Hawaii, November 5, 1990.

Lawrence N. C. Ing
LAWRENCE N. C. ING

Subscribed and sworn to before me this 5 day of November, 1990.

Hann S. Suzuki
Notary Public, State of Hawaii.

My commission expires: 5/23/93



DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FT SHAFTER, HAWAII 96839-5440

REPLY TO
ATTENTION OF

Operations Division OCT 30 1990

Mr. Lawrence N. C. Ing
Ing, Kushi & Ige
2145 Wells Street, Suite 204
Wailuku, Hawaii 96793-2222

Dear Mr. Ing:

This is in response to your letter, dated August 30, 1990, submitting the amended mitigation plan for the Azeka Building Corporation's Azeka Place project in Kihei, Maui. The work would involve the placement of 4.2 acres of fill in wetlands for a commercial development and includes 3.5 acres of wetland creation/enhancement.

Based on this understanding, I have determined that the proposed work is authorized by the Corps Nationwide (NW) permit authority in accordance with Federal Regulations at 33 CFR 330.5(a)(26), and with the special conditions listed below. Excerpts from the regulations which list the conditions and management practices of this authorization are enclosed for your information and compliance (Encl 1).

The following special conditions shall be incorporated as part of the permit:

a. All mitigation work shall be performed as described in the document, "Proposed Mitigative Measures for Wetlands at Azeka Place Commercial Center, TMK: 3-9-02: 28, 76, 80, Kihei, Maui, Hawaii", as amended August 27, 1990, and on the accompanying plan, as revised August 24, 1990.

b. A schedule of the construction work will be submitted to the Operations Division within 30 days of the NW authorization. Details of the construction drawings shall be coordinated with and incorporate the design guidance recommendations of the U.S. Fish and Wildlife Service, as contained in the enclosed design criteria and drawing. (Encl 2)

c. The permittee shall use best efforts to complete the construction of the mitigation plan within one (1) year of NW authorization. A performance bond, or other formal financial commitment satisfactory to the Corps, equal to one hundred percent of the contract price shall be held by a third party to complete the construction of the mitigation wetland should the wetland construction fail to be completed within the time specified. Evidence of securing the bond or financial commitment shall be provided to the Corps of Engineers within 30 days of award of the construction contract.

d. Upon completion of the mitigation work, an onsite inspection will be held to evaluate the success of the work and document the baseline for completion of the wetland mitigation. Quarterly letter reports summarizing the waters levels, salinity, vegetation cover and use of the wetland by endangered waterbirds and migratory shorebirds shall be submitted by the permittee to the Corps of Engineers for the first year. Subsequent monitoring requirements as well as reasonable modifications that may be required to assure the continued existence of the wetlands will be determined at annual onsite inspections to be held thereafter.

e. All features of the mitigation wetland will be maintained in perpetuity as compensation for the placement of fill authorized by this permit; however, future substitution of mitigation measures may be authorized, provided that such substitution is acceptable to the Corps of Engineers, in consultation with the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency.

f. This permit authorization shall be recorded at the Bureau of Conveyances. The permittee shall provide an endorsed copy of the filed permit to the Corps of Engineers within 60 days of the issuance of this permit.

In addition to these conditions and management practices, you are advised that:

a. Nationwide permits do not obviate the need to obtain other Federal, state or local authorizations required by law.

b. Nationwide permits do not grant any property rights or exclusive privileges.

c. Nationwide permits do not authorize any injury to the property or rights of others.

d. Nationwide permits do not authorize interference with any existing or proposed Federal project.

This verification will be valid until the nationwide permit is modified, reissued, or revoked. All the nationwide permits are scheduled to be modified, reissued or revoked prior to January 13, 1992. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice announcing the changes when they occur. Furthermore, if you commence or are under contract to commence this activity before the date the nationwide permit is modified or revoked, you will have twelve months from the date of the modification or revocation to complete the activity under the present terms and conditions of this nationwide permit.

Sincerely,

Stanley J. Arakaki
Stanley J. Arakaki
Chief, Operations Division

Enclosures

Copies Furnished:

US FWS, Honolulu Office

US EPA, Region IX, San Francisco, CA.

CONDITIONS TO NATIONWIDE PERMITS

The following special conditions must be followed in order for the nationwide permits identified in paragraph (a) of this section to be valid:

(1) That any discharge of dredged or fill material will not occur in the proximity of a public water supply intake;

(2) That any discharge of dredged or fill material will not occur in areas of concentrated shellfish production unless the discharge is directly related to a shellfish harvesting activity authorized by paragraph (a)(4) of this section;

(3) That the activity will not jeopardize a threatened or endangered species as identified under the Endangered Species Act (ESA), or destroy or adversely modify the critical habitat of such species. In the case of federal agencies, it is the agencies' responsibility to comply with the requirements of the ESA. If the activity may adversely affect any listed species or critical habitat, the district engineer must initiate Section 7 consultation in accordance with the ESA. In such cases, the district engineer may:

(i) Initiate section 7 consultation and then, upon completion, authorize the activity under the nationwide permit by adding, if appropriate, activity specific conditions, or

(ii) Prior to or concurrent with section 7 consultation he may recommend discretionary authority (see section 330.8) or use modification, suspension, or revocation procedures (see 33 CFR 325.7).

(4) That the activity shall not significantly disrupt the movement of those species of aquatic life indigenous to the waterbody (unless the primary purpose of the fill is to impound water);

(5) That any discharge of dredged or fill material shall consist of suitable material free from toxic pollutants (see section 307 of the Clean Water Act) in toxic amounts;

(6) That any structure or fill authorized shall be properly maintained;

(7) That the activity will not occur in a component of the National Wild and Scenic River System; nor in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an officially study status;

(8) That the activity shall not cause an unacceptable interference with navigation;

(9) That, if the activity may adversely affect historic properties which the National Park Service has listed on, or determined eligible for listing on, the National Register of Historic Places, the permittee will notify the district engineer. If the district engineer determines that such historic properties may be adversely affected, he will provide the Advisory Council on Historic Preservation an opportunity to comment on the effects on such historic properties or he will consider modification, suspension, or revocation in accordance with 33 CFR 325.7. Furthermore, that, if the permittee before or during prosecution of the work authorized, encounters a historic property that has not been listed or determine eligible for listing on the National Register, but which may be eligible for listing in the National Register, he shall immediately notify the district engineer;

(10) That the construction or operation of the activity will not impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights;

(11) That in certain states, an individual state water quality certification must be obtained or waived (see § 330.9);

(12) That in certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see § 330.10);

(13) That the activity will comply with regional conditions which may have been added by the division engineer (see § 330.8(a)); and

(14) That the management practices listed in § 330.6 of this part shall be followed to the maximum extent practicable.

MANAGEMENT PRACTICES

In addition to the conditions specified in the attached sheet, the following management practices shall be followed, to the maximum extent practicable, in order to minimize the adverse effects of these discharges on the aquatic environment. Failure to comply with these practices may be cause for the district engineer to recommend, or the division engineer to take, discretionary authority to regulate the activity on an individual or regional basis.

- (1) Discharges or dredged or fill material into waters of the United States shall be avoided or minimized through the use of other practical alternatives.
- (2) Discharges in spawning areas during spawning seasons shall be avoided.
- (3) Discharges shall not restrict or impede the movement of aquatic species indigenous to the waters or the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).
- (4) If the discharge creates an impoundment of water, adverse impacts on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized.
- (5) Discharge in wetlands areas shall be avoided.
- (6) Heavy equipment working in wetlands shall be placed on mats.
- (7) Discharges into breeding areas for migratory waterfowl shall be avoided.
- (8) All temporary fills shall be removed in their entirety.

DESIGN CRITERIA FOR WETLAND MITIGATION
AZEKA PLACE COMMERCIAL CENTER, KIHEI, MAUI
U.S. FISH & WILDLIFE SERVICE LTR, DATED OCTOBER 10, 1990

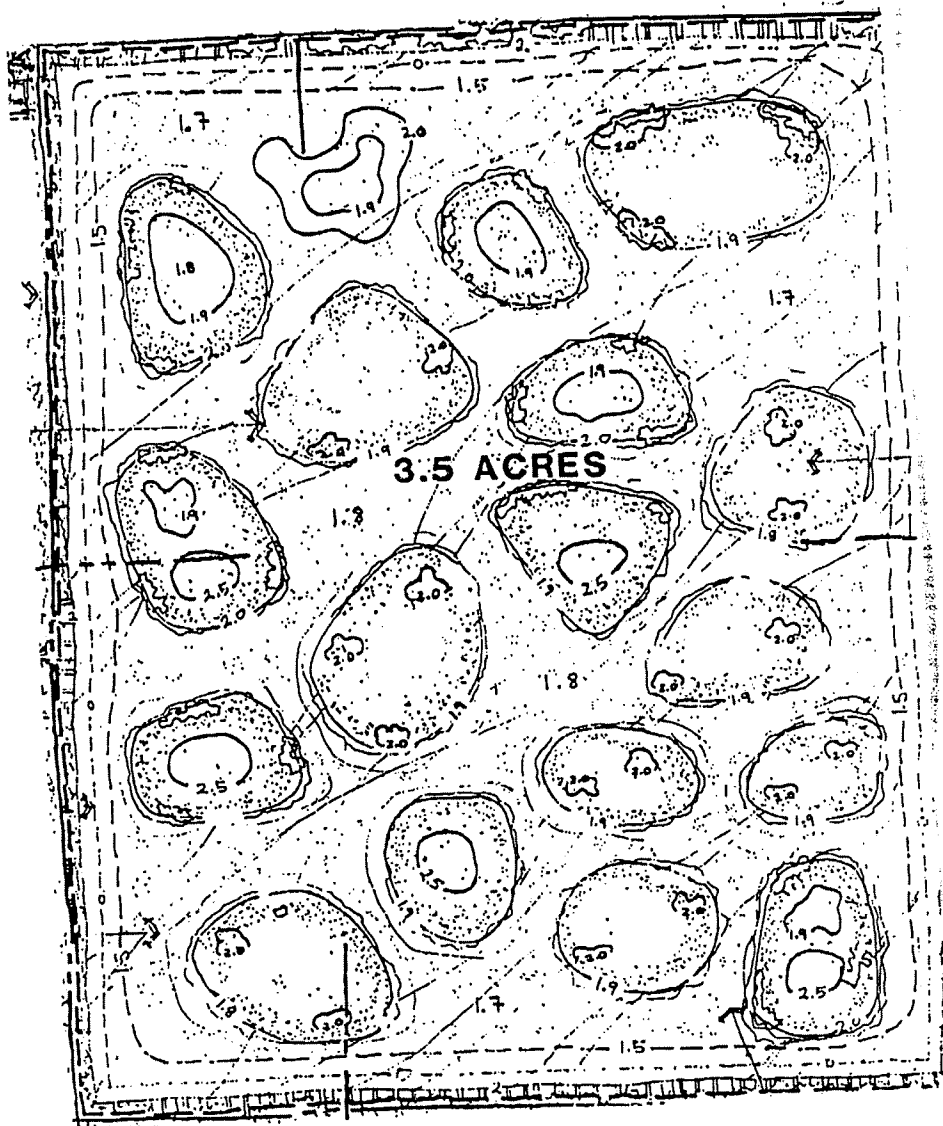
The mitigation wetland shall be constructed and maintained in general conformance with the following design criteria and drawing:

1. Water depths within the wetland shall range from 0 - 0.5 feet, exclusive of the moat.
2. The diameter of the nesting islands shall range from 2 - 10 feet when the water surface elevation is at 2.0 feet MSL.
3. The distance between islands shall be at least 50 feet.
4. The maximum height of the islands above the water level shall be 0.5 feet.
5. The slope of the islands shall be no greater than 5%.
6. Wetland vegetation, such as pickleweed (Batis maritima), makai (Bolboschoenus maritimus = Scirpus maritimus), and water hyssop (Bacopa monnieri) shall be planted by the permittee to provide cover and food for endangered and migratory waterbirds. Vegetation cover on the islands shall be maintained by the applicant to not exceed 30% of the exposed mudflat when the water surface elevation is at 2 feet above MSL.
7. A moat and chain-link fence shall be constructed along the perimeter of the mitigation wetland to deter predators and people from entering the wetland. The moat shall be approximately 2-feet deep, and have a bottom width of no less than 10 feet. Encroachment of vegetation across the moat shall be controlled by the permittee.
8. A 4-foot-high chain-link fence shall be constructed along the outside boundary of the moat. The bottom 8-12 inches of the fence shall be buried below grade to reduce the potential for predators from crawling or digging under the fence. The perimeter fence shall include a secured gate to allow access into the wetland for maintenance purposes.
9. A hedge of vegetation shall be planted along the outside boundary of the fence line to provide a visual buffer between the wetland and the surrounding urban developments. Except at the viewing platform, the vegetation buffer shall be 10 feet in width.

Encl 2



10. Interpretive signs shall be installed by the applicant at the viewing platform. The FWS is available to provide assistance to the permittee regarding the design and content of the interpretive program.



RECORDER'S MEMO: Legibility of Writing, Typing or Printing UNSATISFACTORY
in this Document when received.

JAN 30 2013

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955

DEPT. OF PLANNING
COUNTY OF MAUI



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

December 18, 2012

DEC 27 2012

RECEIVED

MEMO TO: WILLIAM R. SPENCE, PLANNING DIRECTOR

FROM:  DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS

SUBJECT: **APPLICATIONS FOR ENVIRONMENTAL ASSESSMENT, COMMUNITY
PLAN AMENDMENT, CHANGE IN ZONING AND SPECIAL
MANAGEMENT AREA USE PERMIT FOR PROPOSED DOWNTOWN
KIHEI PROJECT;**

TMK: (2) 3-9-002:030, 076, 080, 158

CPA 2012/0004; CIZ 2012/0009; SM1 20120006; EA 20120003

We reviewed the subject application and have the following comments:

1. Any landscaping bordering the Pi'ikea Avenue right of way shall be provided with root barriers.
2. The bus stop area shall have concrete pavement rather than asphalt pavement.
3. Traffic markings shall be of alkyd thermoplastic material.
4. Traffic signs sheeting shall be of either Diamond Grade or High Intensity Prismatic material in compliance with our Sign Retroreflectivity Policy, which is in compliance with the 2009 Manual of Uniform Traffic Control Devices (MUTCD).
5. Counts used in the traffic study reflect 2009/2010 traffic. Please provide updated counts in the revised study.

6. Based on correspondence from residents in the Pi'ilani Gardens apartment complex and observations made by our Engineering Division Traffic Section staff, the Level of Service (LOS) at the Pi'ikea Avenue/Pi'ilani Village Shopping Center (PVSC)/Pi'ilani Gardens intersection does not reflect the traffic concerns that drivers typically have in this area. For example, at the PVSC Main Access, a southbound left turn is reported at a LOS of C. Drivers in the area have expressed concerns about phase failures at this intersection. Please provide a discussion on how the LOS was determined and explain in the report.
7. Include in the traffic report an exhibit that shows where the various driveways and streets are located (ex: "C" Street, Driveway "B", etc.).
8. The current County of Maui Six Year Capital Improvements Program does not include the additional eastbound left-turn lane at the Pi'ikea/Pi'ilani intersection as indicated in the conclusion of the Traffic Impact Assessment Report (TIAR).
9. An increase in PM peak hour delay from 7.3s to 27.1s at the Pi'ikea/Liloa Roundabout will be perceived as significant. Provide discussion on the project-related effects to the roundabout capacity, such as the possibility of queuing into the roundabout. Also, LOS presented in Figure 9 does not match Table 5 results at this location.
10. In appendix C of the TIAR, the Pi'ilani Gardens/PVSC/Pi'ikea intersection shows that the control type is "pretimed". Please confirm.
11. The current long-range land transportation plan identified a roadway to connect Lipoa Drive to Pi'ikea Avenue between the south project area and the wetland mauka of Azeka's II Shopping Center. How is this incorporated into this project?

If you have any questions regarding this memorandum, please call Rowena M. Dagdag-Andaya at 270-7845.

DCG:RMDA:ls
xc: Highways Division

Memo to William R. Spence, Planning Director
December 18, 2012
Page 3

Engineering Division

S:\LUCA\CZM\prop_downtown_kihej_proj_cpa_ciz_sm1_ea_39002030_076_080_158_ls.wpd

February 15, 2013

David Goode, Director
Department of Public Works
County of Maui
200 S. High Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment (EA) for the Downtown Kihei Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2)3-9-002:030, 076, 080 and 158 (EA 2012/0003)

Dear Mr. Goode:

Thank you for your letter of December 18, 2012 transmitting comments on the Draft Environmental Assessment (EA). On behalf of the applicant, The Krausz Companies, we appreciate your review of the document. We also offer the following information which addresses your comments in the order of your letter:

1. Any trees bordering the Piikea Avenue right-of-way shall be provided with root barriers.
2. The bus stop area shall have concrete pavement.
3. Traffic markings shall be of alkyd thermoplastic material.
4. Traffic signs sheeting shall be of either Diamond Grade or high Intensity Prismatic material in compliance with the Department of Public Works (DPW) Sign Retroreflectivity Policy.
5. As requested, updated traffic counts will be provided.
6. As discussed on page 11 of the Traffic Impact Analysis Report (TIAR), it states, "Traffic emanating from the Piikea Avenue eastbound left-turn lane occasionally queue beyond the Piikea Avenue/PVSC Main Access/Piilani Gardens intersection during the PM peak hour of traffic." The operations at the PVSC intersection are a direct result of the queuing from Piilani Highway. The TIAR

recommends installing the double left-turn lane which will help reduce the queuing lengths whereby helping the PVSC driveway.

We understand this improvement was recommended by the DPW for the Department of Parks and Recreation (DPR) South Maui Community Park project. Also, a Memorandum of Understanding (MOU) was executed between the DPR and DPW in October 13, 2008. The applicant is open to future discussions with the DPW regarding this improvement.

7. **Figure 2** of the TIAR shows the locations and laneage of the proposed driveways on Piikea Avenue and Liloa Drive. An updated figure clearly identifying the project driveway names will be provided.
8. We acknowledge that the current County of Maui Six-Year Capital Improvements Program does not include the additional eastbound left-turn lane at the Piikea/Piilani intersection.
9. A discussion on the roundabout operations will be included in the TIAR and we will review and revise **Table 5** and **Figure 9**, as appropriate.
10. As shown on the Synchro worksheets in **Appendix "C"** of the TIAR, the Piilani Highway/Piikea Avenue signal and the Piikea/PVSC/Piilani Gardens signal is not coordinated since the cycle lengths are not the same. The Piilani Highway signal is Actuated-Coordinated since it is coordinated with the traffic signal at the Piilani Highway/Lipoa Street signal. The Piikea Avenue/PVSC signal is coded correctly as pretimed since it was observed to not be coordinated with the Piilani Highway signal. Since the intersections will be recounted, the traffic consultant will check to see if the signals are still operating under the same conditions.
11. Prior to finalizing the site plan for Downtown Kihei, discussions were held with then Director of Public Works Milton Arakawa who indicated that the Kihei-Makena Community Plan identified future Road "A". At the request of the Director the attached assumed alignment of Road "A" was provided by our engineering consultant Warren S. Unemori Engineering, Inc. See **Exhibit "A"**. Although an alignment was shown through the project site, it was noted that the adjacent properties south of Downtown Kihei were developed and it did not appear that the roadway alignment was accommodated on these properties. See **Exhibit "B"** and **Exhibit "C"**. It was also our understanding during these discussions that the DPW had no plans to implement Road "A" and during the next update of the Kihei-Makena Community Plan the DPW will request deletion of Road "A".

David Goode, Director
February 15, 2013
Page 3

Thank you again for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies
Keith Niiya, Austin Tsutsumi & Associates, Inc.
Clifford Mukai, Warren S. Unemori Engineering, Inc.
Russel Gushi, Landscape Architect

K:\DATA\Krausz\Kihei MixedUse\Draft EA\IDEA Response Letters\MPC deares.ltr.docx



THIS MAP WAS PREPARED FOR THE DEPARTMENT OF PUBLIC WORKS, COUNTY OF MAUI, & THE KRAUSZ COMPANIES, INC., SOLELY FOR USE AS A CONCEPTUAL PLANNING AND, AND IS NOT TO BE CONSIDERED AS AN OFFICIAL DOCUMENT. THIS MAP IS THE PROPERTY OF WARREN S. UMCLOUI ENGINEERING, INC., AND IS NOT TO BE DUPLICATED OR DISTRIBUTED WITHOUT PERMISSION FROM WARREN S. UMCLOUI ENGINEERING, INC. ANY SUBSEQUENT USE OF THIS MAP IS SOLELY AT THE USER'S OWN RISK. NEITHER THE COUNTY, NOR THE KRAUSZ COMPANIES, INC., NOR WARREN S. UMCLOUI ENGINEERING, INC., IS RESPONSIBLE FOR THE ACCURACY OR PRECISION OF INFORMATION SHOWN HEREON.

APPROX. LIMITS

ROAD

RIVER

VILLAGE

VILLAGE

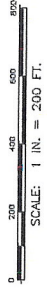
ROAD

RIVER

APPROX. LIMITS

PROJECT VICINITY MAP

SCALE: 1 IN. = 2000 FT.



SCALE: 1 IN. = 200 FT.

February 12, 2013



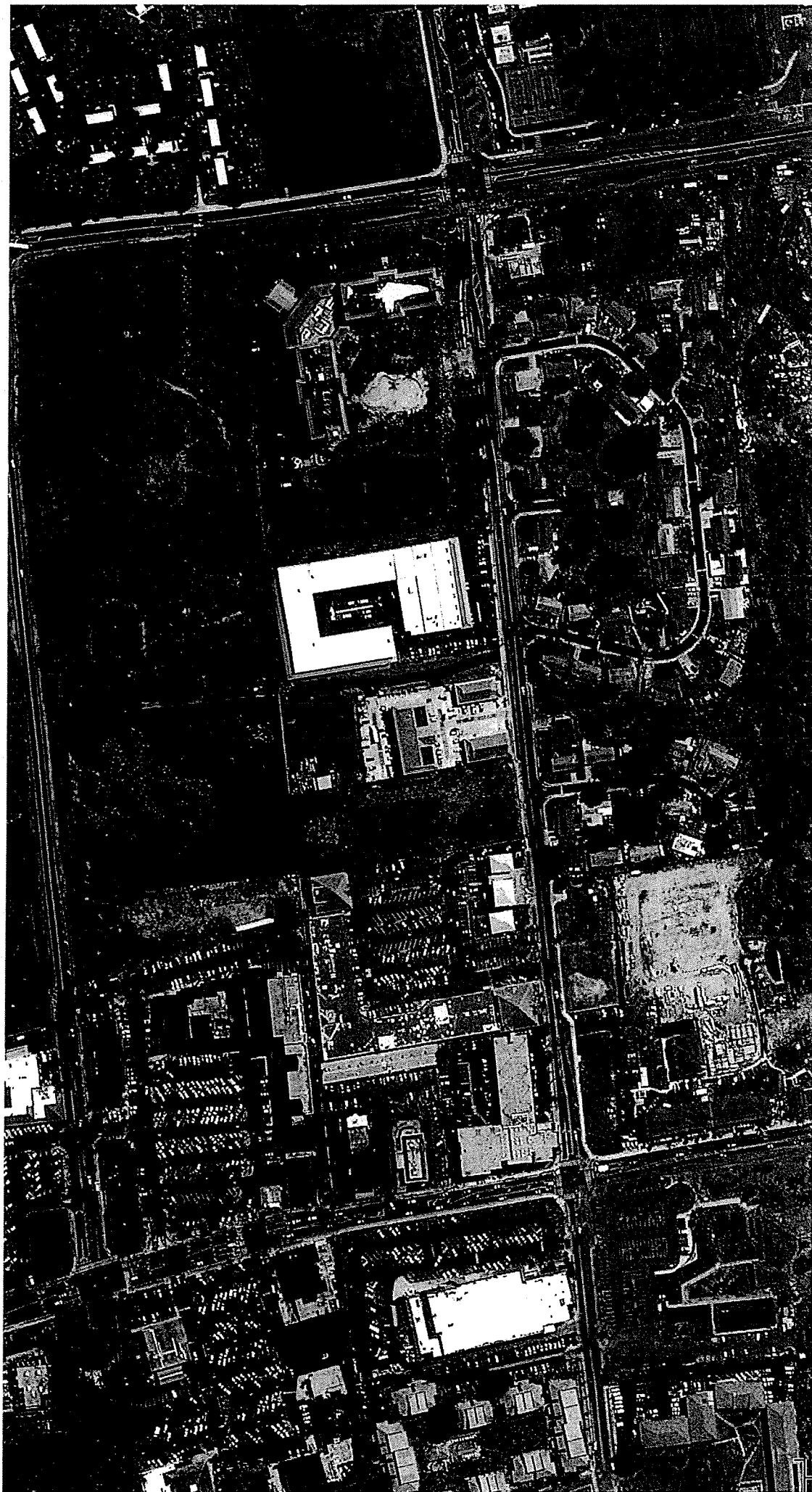


EXHIBIT "B"

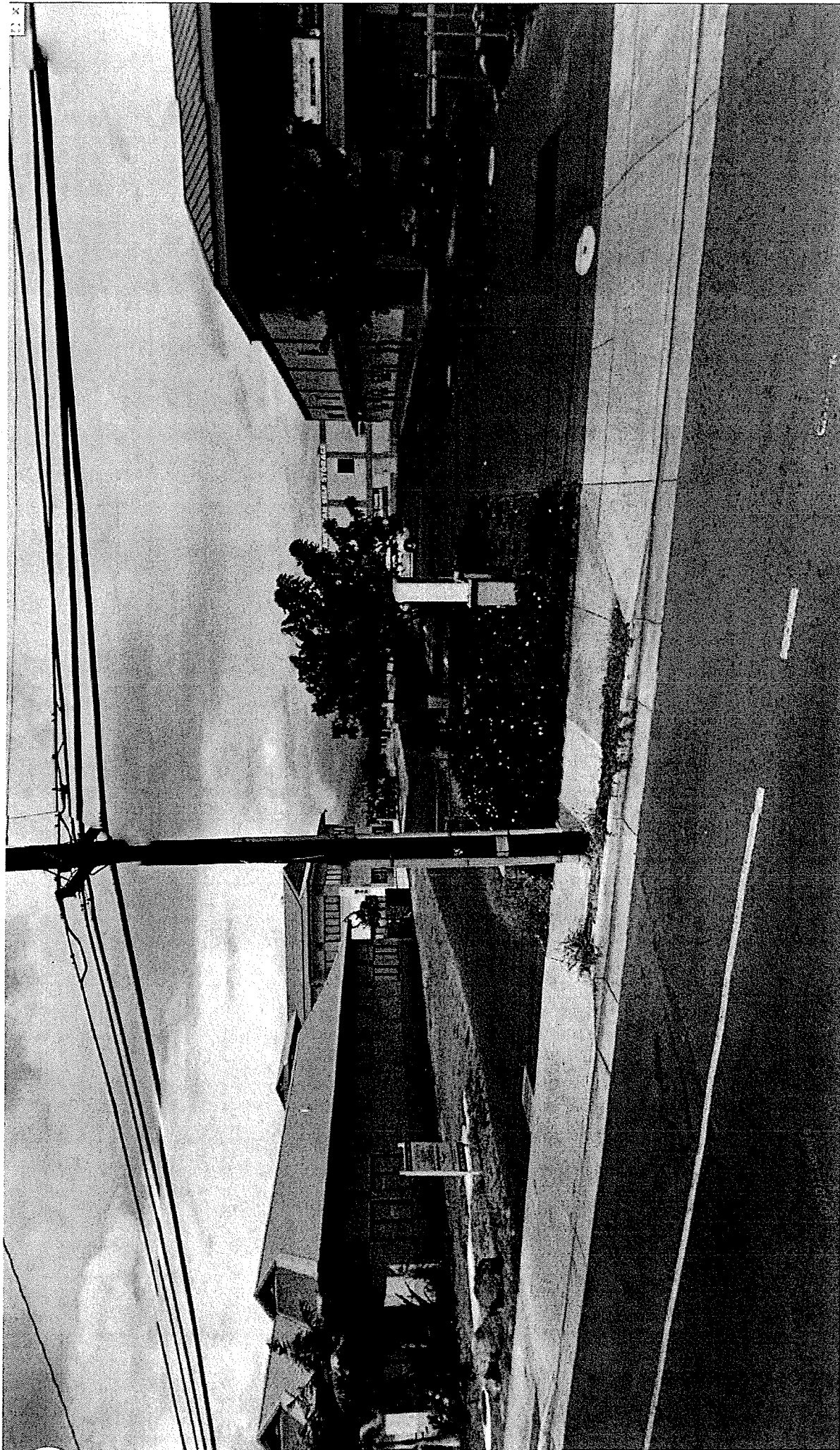


EXHIBIT "C"

NOV 30 2012

AGENCY TRANSMITTAL RESPONSE e-FORM
FOR DEPARTMENT OF PLANNING, COUNTY OF MAUI
 October 23, 2012

AGENCY NAME	Department of Environmental Mgmt.	PHONE	270-8230
PROJECT:	Proposed Downtown Kihei Project and Related Improvements		
APPLICANT:	The Krausz Companies, Inc.		
PERMIT NO:	CPA 2012/0004; CIZ 2012/0009; SM1 2012/0006; and EA 2012/0003		
TMK:	2-3-9-002-030,076,080,158		
STREET ADDRESS:	Piikea Avenue, Kahului, Maui, Hawaii		
PROJECT DESCRIPTION:	A pedestrian-oriented development incorporating businesses, medical offices, movie theater, restaurants, a 150 room select-services hotel and related improvements		
SECURITY CODE:			
<input checked="" type="checkbox"/> COMMENTS/RECOMMENDATIONS <input type="checkbox"/> NO COMMENTS			
WASTEWATER RECLAMATION DIVISION COMMENTS			
<p>a. Although wastewater system capacity is currently available as of 10/25/2012, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.</p> <p>b. Wastewater contribution calculations are required before building permit is issued.</p> <p>c. Developer shall pay assessment fees for treatment plant expansion costs in accordance with ordinance setting forth such fees. The property is located in Kihei Sewer Service Area 4.</p> <p>d. Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.</p> <p>e. Show or list minimum slope of new sewer laterals.</p> <p>f. Plans should show the installation of a single service lateral for each lot. Any request for waiver of this requirement shall be submitted in writing for approval by WWRD.</p> <p>g. Plans shall show the installation of a property sewer service manhole near the property line for each lot prior to connection to the County sewer.</p> <p>h. Indicate on the plans the ownership of each easement (in favor of which party). Note: County will not accept sewer easements that traverse private property.</p> <p>i. Commercial kitchen facilities within the proposed project shall comply with pre-treatment requirements (including grease interceptors, sample boxes, screens etc.)</p> <p>j. Non-contact cooling water and condensate should not drain to the wastewater system.</p> <p>k. There is an existing R-1 recycled water system in the vicinity of the subject project (Liloa Drive), therefore improvements to connect to and utilize the R-1 recycled water for irrigation purposes shall be incorporated into the proposed project.</p>			
<input type="checkbox"/> COMMENTS/RECOMMENDATIONS <input checked="" type="checkbox"/> NO COMMENTS			

February 15, 2013

Kyle Ginoza, Director
Department of Environmental Management
County of Maui
One Main Plaza
2200 Main Street, Suite 100
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area (SMA) Permit Application for the Downtown Kihei Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2) 3-9-002:030, 076, 080, and 158

Dear Mr. Ginoza:

Thank you for your e-form received on November 30, 2012, transmitting comments on the Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area Use Permit Application. On behalf of the applicant, The Krausz Companies, we appreciate your review of the document. We offer the following which addresses your comments in the order listed on your form:

- a. We acknowledge that although wastewater system capacity is currently available, it cannot be ensured until the issuance of the building permit.
- b. We acknowledge that wastewater contribution calculations are required before the building permit is issued.
- c. We acknowledge the assessment fees for treatment plant expansion costs.
- d. We acknowledge that the applicant is responsible to fund any necessary off-site improvements to collection system and wastewater pump stations.
- e. During construction plan review the minimum slope of new sewer laterals will be shown or listed.

- f. We acknowledge that construction plans will show the installation of a single service lateral for each lot, and any request for waiver shall be submitted in writing to the WWRD for approval.
- g. Construction plans shall identify the installation of a property sewer service manhole near the property line for each lot prior to connection to the County sewer.
- h. The plans for the project shall indicate the ownership of each easement (in favor of which party). We acknowledge the County of Maui will not accept sewer easements that traverse private property.
- i. We acknowledge that commercial kitchen facilities within the proposed project shall comply with pre-treatment requirements.
- j. We acknowledge that non-contact cooling water and condensate should not drain to the wastewater system.
- k. We acknowledge that there is an existing R-1 recycled water system in the area and as practicable the project will connect to the R-1 recycled water system.

Thank you again for your department's participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Clifford Mukai, Warren S. Unemori Engineering, Inc.

K:\DATA\Krausz\Kihei MixedUse\Draft EA\DEA Response Letters\DEM deares.ltr.doc

10-23-12;11:47AM;

ALAN M. ARAKAWA
MayorWILLIAM R. SPENCE
DirectorMICHELE CHOUTEAU McLEAN
Deputy Director

Maui DOT

COUNTY OF MAUI
DEPARTMENT OF PLANNING

October 9, 2012

TRANSMITTAL

STATE AGENCIES	
X	DAGS
X	DBEDT Planning and Energy Divisions
X	Dept of Health, Honolulu
X	Dept of Health, Maui (2)
X	DLNR-Land, Maui
X	DLNR-Planning (5)
X	DLNR-SHPD
X	DOE, Admin
X	DOE, Maui
X	DOT, County of Maui
X	DOT, Statewide Planning Office (4)
X	Office of Hawaiian Affairs
X	Office of Planning
X	Civil Defense
OTHER	
X	Hawaiian Telecom (Hard Copy)
X	Maui Electric Company

COUNTY AGENCIES	
X	Dept of Environmental Management (2)
X	Dept of Housing & Human Concerns
X	Dept of Parks & Recreation
X	Dept Public Works (3 Hard Copies)
X	Dept of Transportation
X	Dept of Water Supply
X	Fire & Public Safety
X	Police Department
X	ZAED, Zoning & Enforcement Division
FEDERAL AGENCIES	
X	Fish & Wildlife
X	NRCS-Honolulu
X	NRCS-USDA-Maui
X	U.S. Army Corp. of Engineers (Hard Copy)

PROJECT:	PROPOSED DOWNTOWN KIHAI PROJECT AND RELATED IMPROVEMENTS
APPLICANT:	The Krausz Companies, Inc. (David Pyle, Executive Vice President)
STREET ADDRESS:	Piikea Avenue, Kahului, Maui, Hawaii
PROJECT DESCRIPTION:	A pedestrian-oriented development incorporating businesses, medical offices, movie theater, restaurants, a 150 room select-services hotel and related improvements.
TMK:	(2) 3-9-002:030, 076, 080, and 158
PERMIT NO.:	CPA 2012/0004; CIZ 2012/0009; SM1 2012/0006; and EA 2012/0003

TRANSMITTED TO YOU ARE THE FOLLOWING:

x	Application(s) Community Plan Amendment, Change in Zoning, Special Management Area Use Permit and Draft Environmental Assessment
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THESE ARE TRANSMITTED AS CHECKED BELOW:

x	For your Comment and Recommendation
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This letter is being transmitted by the County of Maui, Department of Planning to coordinate concurrent agency review requirements of the Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning and Special Management Area (SMA) Use Permit applications for the subject project which is described in the attached document.

The Draft EA has been prepared pursuant to Chapter 343, Hawai'i Revised Statutes and Chapter 200, Title 11, Administrative Rules, *Environmental Impact Statement Rules*. The approving agency for the Draft EA is the Maui Planning Commission. The notice of availability of the Draft EA will be published in the Office of Environmental Quality Control's (OEQC) *Environmental Notice* beginning on October 23, 2012. The 30-day comment deadline is November 23, 2012.

RCVD OCT 18 2012 DOT

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634

CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

132

AGENCY NAME		PHONE	
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Agency Transmittal - PROPOSED DOWNTOWN KIHAI PROJECT AND RELATED IMPROVEMENTS
 (CPA 2012/0004, CZ 2012/0009, SM1 2012/0006 & EA 2012/0003)
 October 9, 2012
 Page 2

Please identify any comments you would like the Department to propose as conditions of project approval. Please also provide any previous comments, letters, etc. pertinent to this application. Submit your comments directly to me by **November 12, 2012**. A comment box is also provided to assist you. If no comment, please sign the "No Comment" box and fax to (808) 270-1775. Thank you for your time and assistance. For additional clarification, please contact me at anncua@mauicounty.gov or at (808) 270-7521.

Sincerely,

Ann T. Cua

ANN T. CUA, Current Planning Supervisor

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
 Ann T. Cua, Current Planning Division Supervisor (PDF)
 Colleen Suyama, Munekiyo & Hiraga Inc.
 Project File
 General File

ATC:rm
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COMMENT/RECOMMENDATION BOX			
Signed:		Dated:	
Print Name:		Title:	
NO COMMENT			
Signed:	<i>Jim Oster</i>	Dated:	10/23/12
Print Name:	JIM OSTER	Title:	ENGINEER

MAUI DOT 133

February 15, 2013

Jo Anne Johnson Winer, Director
Department of Transportation
County of Maui
David Trask Building, Suite 102
2145 Kaohu Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment (EA), Community Plan
Amendment, Change in Zoning, and Special Management Area
(SMA) Permit Application for the Downtown Kihei Project, Located
at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2) 3-9-002:030, 076,
080, and 158

Dear Ms. Winer:

Thank you for your department's response of October 23, 2012, regarding the review of the Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area Use Permit Application. On behalf of the applicant, The Krausz Companies, we appreciate your review of the document and acknowledge that your department has no comments.

Thank you again for your department's participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.

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MAUI

305 High St., Suite 104 Wailuku, Hawaii 96793

PH: (808)244-2015 FAX: (808)244-8729

KAHUI

735 Bishop St., Suite 238 Honolulu, Hawaii 96813 PH: (808)983-1233

WWW.MHPLANNING.COM

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process
management

ALAN M. ARAKAWA
Mayor



JV 3 0 2012

DAVID TAYLOR, P.E.
Director

PAUL J. MEYER
Deputy Director

DEPARTMENT OF WATER SUPPLY

COUNTY OF MAUI

200 SOUTH HIGH STREET

WAILUKU, MAUI, HAWAII 96793-2155

www.mauiwater.org

*12 NOV 15 P4:07

November 9, 2012

Ms. Ann T. Cua, Current Planning Supervisor
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

I.D.: CPA 2012/0004; CIZ 2012/0009; SM1 2012/0006; and EA 2012/0003
TMK: 3-9-002:030, 076, 080, and 158
Project Name: PROPOSED DOWNTOWN KIHEI PROJECT AND RELATED
IMPROVEMENTS

Dear Ms. Cua,

Thank you for the opportunity to comment on these permit applications. We note that our letter dated February 27, 2009 is included in the application material, as well as the applicant's response letter dated August 31, 2012 addressing our recommendations.

Source Availability and System Infrastructure

Demand for proposed commercial and hotel uses would be as high as 167,300 GPD based on system per acre standards but is anticipated to be in the range of 48,500 GPD for potable supply, using R-1 reclaimed water for irrigation purposes, as projected in the preliminary engineering report. Meter sizing and system improvements will be determined in the building permit process. Ordinance 3502 is only applicable to subdivisions, including developments consisting of four or more dwelling units. Hotel rooms without kitchen are not considered dwelling units.

Conservation

We note that the conservation measures recommended in our February 27, 2009 letter will be taken into consideration. The applicant should consider adopting the following updated measures to help accomplish LEED certification:

Indoor Conservation Measures:

- a. Use EPA WaterSense labeled plumbing fixtures.
- b. Install flow reducers and faucet aerators in all plumbing fixtures where-ever possible.
- c. Install dual flush toilets with high efficiency models that use 1.28 gallons per flush or less.

"By Water All Things Find Life"

- d. Install showerheads with a flow rate of 1.5 gpm at 60 psi or less.
- e. Install bathroom sink faucets with fixtures that do not exceed 1 gpm at 60 psi. Laundry facilities and/or individual unit machines must use Energy Star labeled washers.
- f. Limit the distance from the hot water source to the tap early in the design stage.

Exterior Areas:

- a. Install infrastructure necessary to utilize a future connection to reclaimed water line for all properties
- b. Use Smart Approved WaterMark irrigation products. Examples include ET irrigation controllers, drip irrigation, and water saving spray heads.
- c. Avoid plant fertilizing and pruning that would stimulate excessive growth. Time watering to occur in the early morning or evening to limit evaporation. Limit turf to as small an area as possible

Should you have any questions on system improvements, please contact our engineering division at 270-7835. For any water resources questions, please contact Staff Planner Eva Blumenstein at 463-3102 or eva.blumenstein@co.maui.hi.us.

Sincerely,



David Taylor, Director
emb

c: engineering

February 15, 2013

David Taylor, Director
Department of Water Supply
County of Maui
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area (SMA) Permit Application for the Downtown Kihei Project, Located at Piikea Avenue, Kihei, Maui, Hawaii; TMK (2) 3-9-002:030, 076, 080, and 158

Dear Mr. Taylor:

Thank you for your letter of November 9, 2012, responding to our request for comments on the Draft Environmental Assessment (EA), Community Plan Amendment, Change in Zoning, and Special Management Area Use Permit Application for the Downtown Kihei Project. On behalf of the applicant, The Krausz Companies, we appreciate your review of the document and offer the following which addresses your comments:

Source Availability and System Infrastructure

We acknowledge that meter sizing and system improvements will be determined during the building permit process.

Conservation

The recommended Indoor Conservation Measures and Exterior Area Measures have been forwarded to the applicant and consultants for consideration.

David Taylor, Director
February 15, 2013
Page 2

Thank you again for your participation in the Chapter 343, Hawaii Revised Statutes review process. A copy of your letter will be included in the Final EA.

Very truly yours,



Colleen Suyama
Senior Associate

CS:lh

cc: David Pyle, The Krausz Companies, Inc.
Todd Stoutenborough, Architect
Clifford Mukai, Warren S. Unemori Engineering, Inc.

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X. REFERENCES

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**FINAL EA APPENDICES
ARE COMPILED IN
VOLUME II**