

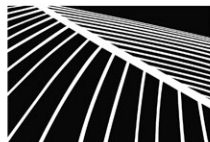
LĀ‘AU POINT

PROPOSED
FINAL ENVIRONMENTAL IMPACT STATEMENT
WEST MOLOKA‘I, MOLOKA‘I, HAWAI‘I

VOLUME 2A OF 3
COMMENTS & RESPONSES

Prepared for:

Accepting Authority
State of Hawai‘i Land Use Commission
&
Applicant
Molokai Properties Limited



PBR HAWAII
& ASSOCIATES, INC.

November 2007

EISPN

Comments & Reponses



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JUL 24 2006

HAWAII

**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96894

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DIRECTOR
OFFICE OF PLANNING

Telephone: (808) 587-2846
Fac: (808) 587-2824

Ref. No. P-11437

July 24, 2006

Mr. Thomas Witten
PBR HAWAII
1601 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawaii 96813

Messrs. Peter Nicholas and Harold Edwards
Molokai Properties Limited
745 Fort Street Mall, Suite 600
Honolulu, Hawaii 96813

Dear Messrs. Witten, Nicholas and Edwards:

Subject: Pre-Assessment Consultation for Draft Environmental Impact Statement (EIS)

Project Name: La'au Point

Location: West Molokai, Island of Molokai, County of Maui.

TMK: (2) 5-1-02-30; 5-1-06-157;

5-1-08-04, 03, 06, 07, 13, 14, 15, 21 and 25

We have received your letter requesting comments on an Environmental Impact Statement Preparation Notice (EISPN) for a proposed rural single-family residential community with required infrastructure, access road, cultural preserves, parks, and shoreline access. We offer the following comments.

The landowner, Molokai Properties Limited, will undertake an environmental impact assessment of its proposed La'au Point rural residential community on Molokai's southwest shoreline. The site is currently undeveloped and used for subsistence hunting, fishing and gathering by the residents of Molokai. The landowner has conducted a two year community planning effort to develop a strategy that both protects unique natural resources and generates income to fund future protection and existing jobs currently being underwritten at a loss by the landowner.

The studies and assessments outlined in the EISPN appear to meet the requirements of an EIS as mandated by Chapter 343, HRS. Please include the actual width of the proposed shoreline setback. The EISPN indicated that makai boundaries of the proposed rural residential lots would be at least 50 feet inland of the Conservation District boundary, but did not make clear whether that boundary is the high wash of the waves or further inland. If the proposed shoreline setback is 50 feet from the high wash of the waves to the lot line, then please discuss

Mr. Thomas Witten
Mr. Peter Nicholas
Mr. Harold Edwards
Page 2
July 24, 2006

how traditional and customary fishing and gathering practices will be impacted by the proposed shoreline setback.

The Office of Planning looks forward to reviewing the draft EIS and hearing from the residents of Molokai regarding the proposed changes to Molokai's State land use districts.

Thank you for the opportunity to comment on the EISPN. If you have any questions, please call Mary Alice Evans at 808-587-2802.

Sincerely,

Laura H. Thielson
Director

c: Anthony Ching, LUC
Genevieve Salmonson, OEQC



December 13, 2006

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TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
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KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LEED/P
Associate

SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA
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1000 Waiolu Road
Wailuku, Hawaii 96793-1271
Tel: (808) 242-2678

Ms. Laura Thielen
SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
December 13, 2006
Page 2

The Draft EIS will contain additional discussion regarding, shoreline setbacks, impacts to traditional and customary fishing and gathering practices, and the expanded Conservation District along the shoreline.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Thomas S. Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

Dear Ms. Thielen:

Thank you for your letter dated July 24, 2006 regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the applicant, Molokai Properties Limited, we are responding to your comments.

Clarification of Setbacks

The width of the shoreline setback within the Lā'au Point project will vary. Through the community-based planning process, it was determined that lot lines should be set back at least 250 feet from the designated shoreline or high water mark to increase the area of the coastal conservation zone. Using the current Conservation District boundary, which is approximately 150 to 200 feet inland from the shoreline, as a base, residential lot boundary lines for Lā'au Point were set at least 50 feet beyond the current Conservation District boundary. This additional area is proposed to be reclassified to the Conservation District. In addition, boundaries for the makai lots fronting the proposed expanded Conservation District will have covenants requiring an additional 50-foot building setback. These specified setbacks result in providing substantial building setbacks from the shoreline; in some areas as much as 1,000 feet.

Impacts to Traditional and Customary Fishing and Gathering Practices

The Draft EIS will contain a cultural impact assessment which discusses impacts to traditional and customary fishing and gathering practices. The coastal conservation area will be administered jointly by the Molokai Land Trust and the homeowners association. Perpetual rights to subsistence gathering will be included on the land titles of the areas to be preserved. Protective measures for subsistence gathering and cultural practices will be specified in the Covenants, Conditions, and Restrictions (CC&Rs) for Lā'au Point. The hiring of resource managers under the Land Trust will help manage and maintain the subsistence activities and lifestyle.

LINDA LINGLE
GOVERNOR

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

EDWARD T. TEIXEIRA
VICE DIRECTOR OF CIVIL DEFENSE



STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4486

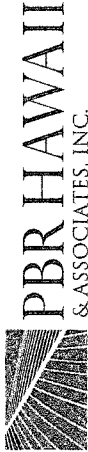
July 5, 2006

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JUL 10 2006

PBR HAWAII

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



December 13, 2006

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RAYMOND T. HIGA, ASLA
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Tel: (808) 242-2878

Mr. Thomas Witten, President
PBR Hawaii
ASB Tower, Suite 650
Honolulu, Hawaii 96813-3484

Dear Mr. Witten:

Thank you for this opportunity to comment on the Environmental Impact Statement Preparation Notice (EISPN) that was prepared for Laau Point, West Molokai, County of Maui.

Residential development, though restricted to 200 2-acre parcels, will nonetheless increase the population who will be at risk from coastal hazards. Two outdoor warning sirens should be included in the design.

Additionally, we recommend that coastal erosion probabilities be taken into account with regard to building setbacks (i.e. 50 feet in from the oceanfront property line (EISPN; p. 101) or 50 feet in from the vegetation line, whichever ever is greater).

Any further development plans, including industrial as well as residential, should be forwarded to State Civil Defense for recommended placement of warning infrastructure or flood plain mitigation.

Should you have any questions, please contact me at 733-4300, ext. 501.

Sincerely,

EDWARD T. TEIXEIRA
Vice Director of Civil Defense

c: Mr. Peter Nicolas, Molokai Properties Limited
Mr. Anthony Ching, State Land Use Commission
Office of Environmental Quality Control

**SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Teixeira:

Thank you for your letter dated July 5, 2006 regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments.

1. Two outdoor warning sirens will be included in the project as you recommend.
2. Coastal erosion probabilities (and other shoreline issues) have been taken into account with regard to Lā'au Point building setbacks. Through the planning process for Lā'au Point, it was determined that lot lines should be set back at least 250 feet from the designated shoreline or high water mark to create a coastal conservation zone. Using the current Conservation District boundary, which is approximately 150 to 200 feet inland from the shoreline, as a base, residential lot boundary lines for Lā'au Point were determined to be at least 50 feet beyond the current Conservation District boundary. In addition, boundaries for the makai lots fronting the proposed expanded Conservation District will have covenants requiring an additional 50-foot building setback. These specified setbacks result in providing substantial building setbacks from the shoreline; in some areas, this is as much as 1,000 feet.

3. When available, further development plans will be provided to the State Civil Defense for recommended placement of warning infrastructure or flood plain mitigation.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Thomas S. Witten, ASLA
President

LINDA LINGOLE
GOVERNORS OF HAWAII



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

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

In reply, please refer to:

EPO-06-093

July 6, 2006

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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Mr. Thomas Witten
PBR Hawaii
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawaii 96813

Dear Mr. Witten:

SUBJECT: Environmental Impact Statement Preparation Notice for the Proposed La'au Point
Project at West Molokai, Molokai, Hawaii

TMK: (2) 5-1-002: 0130

(2) 5-1-006: 157

(2) 5-1-008: 003, 004, 006, 007, 013, 014, 015, 021 and 025

Thank you for allowing us to review and comment on the subject document. The document was routed to the various branches of the Environmental Health Administration. We have the following Wastewater Branch and Clean Water Branch comments.

Wastewater Branch

We have reviewed the document on the subject project submitted which proposes to develop single-family rural-residential lots, required infrastructure, access road, cultural preserves, parks and shoreline access.

The subject project is located in the Critical Wastewater Disposal Area (CWDA) as determined by the Maui County Wastewater Advisory Committee where no new cesspools will be allowed.

As the project can not be served by the County sewer service system, we have no objection to the proposed option for a private wastewater treatment system. Please be reminded that if a private wastewater treatment facility is pursued, recent amendments to HRS 343 include language which triggers the need for an environmental assessment. One of the new triggers in the Section 343-5a reads in part:

“(a) Except as otherwise provided, an environmental assessment shall be required for actions that: ...
... (9) Propose any:

- A) Wastewater treatment unit, except an individual wastewater treatment system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent;"

We believe that any use and zoning permit applications should contain sufficient information on this matter such that the requirements of HRS 343 are addressed.

We encourage the developer to work with the County and utilize recycled water for irrigation, landscaping and other non-potable water purposes in the area.

All wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems." We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. Should you have any questions, please contact the Planning & Design Section of the Wastewater Branch at 586-4294.

Clean Water Branch (Standard Comments)

The Department of Health (DOH), Clean Water Branch (CWB) has reviewed the limited information contained in the subject document and offers the following comments:

1. The Army Corps of Engineers should be contacted at (808) 438-9258 for this project. 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 "[a]ny 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, Code of Federal Regulations (CFR), Section 122.2; and Hawaii Administrative Rules (HAR), Chapter 11-54.
2. In accordance with HAR, Sections 11-55-04 and 11-55-34.05, the Director of Health may require the submittal of an individual permit application or a Notice of Intent (NOI) for general permit coverage authorized under the National Pollutant Discharge Elimination System (NPDES).
 - a. An application for an NPDES individual permit is to be submitted at least 180 days before the commencement of the respective activities. The NPDES application forms may also be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/cwbr/npdes/apply/apply.htm>.
 - b. An NOI to be covered by an NPDES general permit is to be submitted at least 30 days before the commencement of the respective activity. A separate NOI is needed for coverage under each NPDES general permit. The NOI forms may be picked up at our

office or downloaded from our website at:
<http://www.hawaii.gov/health/cwbr/npdes/apply/apply.htm>.

- i. Storm water associated with industrial activities, as defined in Title 40, CFR, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi). [HAR, Chapter 11-55, Appendix B]
 - ii. Construction activities, including clearing, grading, and excavation, 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 commencement of the construction activities.** [HAR, Chapter 11-55, Appendix C]
 - iii. Discharges of treated effluent from leaking underground storage tank remedial activities. [HAR, Chapter 11-55, Appendix D]
 - iv. Discharges of once through cooling water less than one (1) million gallons per day. [HAR, Chapter 11-55, Appendix E]
 - v. Discharges of hydrotesting water. [HAR, Chapter 11-55, Appendix F]
 - vi. Discharges of construction dewatering effluent. [HAR, Chapter 11-55, Appendix G]
 - vii. Discharges of treated effluent from petroleum bulk stations and terminals. [HAR, Chapter 11-55, Appendix H]
 - viii. Discharges of treated effluent from well drilling activities. [HAR, Chapter 11-55, Appendix I]
 - ix. Discharges of treated effluent from recycled water distribution systems. [HAR, Chapter 11-55, Appendix J]
 - x. Discharges of storm water from a small municipal separate storm sewer system. [HAR, Chapter 11-55, Appendix K]
 - xi. Discharges of circulation water from decorative ponds or tanks. [HAR, Chapter 11-55, Appendix L]
3. In accordance with HAR, Section 11-55-38, the applicant for an NPDES permit is required to either submit a copy of the new NOI or NPDES permit application to the State Department of



Mr. Witten
July 6, 2006
Page 4

December 13, 2006

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SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA
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Tel: (808) 242-2878

Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. If applicable, please submit a copy of the request for review by SHPD or SHPD's determination letter for the project.

4. Any discharges related to project construction or operation activities, with or without a Section 401 WQC or NPDES permit coverage, shall comply with the applicable State Water Quality Standards as specified in HAR, Chapter 11-54.

The Hawaii Revised Statutes, Subsection 342D-50(a), requires that "[n]o person, including any public body, shall discharge any water pollutants into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this Chapter, or a permit or variance issued by the director."

If you have any questions, please contact Mr. Alec Wong, Supervisor of the Engineering Section, CWB, at (808) 586-4309.

We strongly recommend that you review all of the Standard Comments on our website: www.state.hi.us/health/environmental/envy-planning/landuse/landuse.html. Any comments specifically applicable to this project should be adhered to.

If there are any questions about these comments please contact Jiakai Liu with the Environmental Planning Office at 586-4346.

Sincerely,

KELVIN H. SUNADA, MANAGER
Environmental Planning Office

c: EPO
WWB
CWB

Kelvin Sunada, Manager
State of Hawaii's
Department of Health
Environmental Planning Office
P.O. Box 3378
Honolulu, Hawaii 96801-3378

**SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Sunada:

Thank you for your letter dated July 6, 2006 regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments.

Wastewater Branch

1. We understand that the project is located in the Critical Wastewater Disposal Area where no new cesspools will be allowed.
2. We acknowledge that you have no objection to the proposed plans for a private wastewater treatment system to serve Lā'au Point. As evidenced by the EISPN, an Environmental Impact Statement (EIS) is being prepared for the Lā'au Point project in compliance with Chapter 343, HRS. The Draft EIS will indicate that the proposed wastewater treatment is one of the "triggers" for compliance Chapter 343, HRS. Use and zoning permit applications will contain sufficient information regarding the proposed waste water treatment system such that the requirements of Chapter 343, HRS are addressed.
3. The project will utilize recycled water for irrigation, landscaping, and other non-potable water purposes. Discussion of the project's water and wastewater uses will be included in the Draft EIS.
4. Wastewater plans will conform to applicable provisions of the DOH's Administrative Rules, Chapter 11-62, "Wastewater Systems."

Clean Water Branch (Standard Comments)

1. The Army Corps of Engineers will be contacted to identify any Federal licenses or permits that may be required. In applying for any required Federal license or permit all requirements (including obtaining a Section 401 Water Quality Certification, if necessary) will be met.

Mr. Kelvin Sunada, Manager
SUBJECT: LA'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
December 13, 2006
Page 2

2. A National Pollutant Discharge Elimination System (NPDES) permit is required. The need for this permit is stated in the Draft EIS in Section 1.3.4 (Required Permits and Approvals) and Section 5.3 (Approvals and Permits).

At the appropriate time, the Clean Water Branch will be contacted and a Notice of Intent will be submitted at least 30 days before the commencement of activities requiring the NPDES permit.

If it is determined to be required, an individual NPDES permit will be obtained. We understand that an application for an individual NPDES permit must be submitted at least 180 days before commencement of activities.

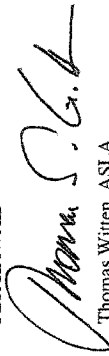
3. The archaeological report was submitted to the SHPD for review and will be included in the Draft EIS. When received, the SHPD acceptance letter will be submitted the Clean Water Branch. In compliance with Section 11-55-38, HAR, a copy of any NOI or NPDES permit application will be submitted to the SHPD.

4. Any discharges related to project construction or operation activities, with or without a Section 401 WQC or NPDES permit coverage, will comply with the applicable State Water Quality Standards as specified in HAR, Chapter 11-54.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Thomas Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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LINDA LINGLE
GOVERNOR OF HAWAII

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

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HAWAII 96807-3378

In reply, please refer to:
EISPN#

July 19, 2006

S0734LO

Mr. Thomas S. Witten, President
PBR Hawaii
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawaii 96813

Dear Mr. Witten:

SUBJECT: Environmental Impact Statement Preparation Notice (EISPN) for La'au Point
Thank you for the opportunity to review and provide comments on this document. The Department of Health's (DOH) Office of Solid Waste Management (OSWM) offers the following comments on the EISPN:

1) The OSWM recommends the development of a solid waste management plan that encompasses all project phases including construction, occupation, and operation of the completed project. Specific examples of elements that the plan should address include:

- the recycling of greenwaste during clear and grub activities;
- recycling construction and demolition wastes, when appropriate;
- the use of recycled content building materials; and
- the provision of recycling facilities in the design of the project.

2) The developer shall ensure that all solid waste generated during project construction is directed to a DOH permitted solid waste disposal or recycling facility.

Please contact Mr. Lane Otsu of the Solid Waste Section at (808) 586-4226 with any questions regarding these comments.

Sincerely,



STEVEN Y. K. CHANG, P.E., CHIEF
Solid and Hazardous Waste Branch



December 13, 2006

W. FRANK BRANDT, FASIA
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RAYMOND T. HIGA, ASIA
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KEVIN K. NISHIKAWA, ASIA
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KIMI MIKAMIYUEN LEED* AP
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LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186
E-mail: oeq@state.hawaii.gov

July 7, 2006

Mr. Anthony Ching, Executive Officer
State Land Use Commission
235 South Beretania Street, 4th Floor
Honolulu, Hawaii 96813

Dear Mr. Ching:

Subject: EISPN for Lā'au Point, Molokai

Thank you for the opportunity to review the subject document. We have the following comment.

1. The applicant should consult with neighbors and affected individuals and groups. Should you have any questions, please call Jeyan Thirugnanam at 586-4185.

Sincerely,

Genevieve Salomonson
Genevieve Salomonson
Director

c: PBR
MP

GENEVIEWE SALOMONSON
DIRECTOR

RECEIVED
JUL 10 2006
PBR HAWAII

SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE

Dear Mr. Chang:

Thank you for your letter dated July 19, 2006 regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the applicant, Molokai Properties Limited, we are responding to your comments.

1. To mitigate potential impacts of solid waste generation, Lā'au Point will incorporate recycling during construction and after occupation of the community. As required by the County of Maui, a solid waste management plan will be prepared to address waste generated by construction during build-out. After building out (occupation), recycling will be encouraged.
2. Solid waste generated during project construction that cannot be recycled will be directed to the Nāiwa landfill, which is a DOH permitted solid waste disposal facility.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Thomas S. Witten
Thomas S. Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Salomonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited



December 13, 2006

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Senior Associate

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Associate

KIMI MIKAMIYUEN, LEED AP
Associate

SCOTT AIUKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA
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Tel: (808) 242-2878

Genevieve Salmonson
SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
December 13, 2006
Page 2

Attachment

Date	Community Meetings & Involvement Community Activity
December 10, 2003 to October 20, 2005	28 total Land Use Committee meetings
March 1 to May 4, 2004	8 total Environment Committee meetings
March 2 to May 10, 2004	11 total Tourism Committee meetings
March 4 to July 19, 2004	25 total Cultural Committee meetings
March 8, 2004 to January 12, 2005	10 total Economics Committee meetings
March 10 to May 10, 2004	9 total Recreation Committee meetings
June 2, 2004	Expert Panel on Hawaiian Rights Issues
June 17, 2004	Land Use Committee site visit to Lā'au Point
June 17, 2004	Facilitated Land Use Committee meeting
July 18, 2004	Presentation to Native Hawaiian Legal Corporation—Board of Directors on Moloka'i
August 18, 2004	Presentation to Ahupua'a O Moloka'i
August 26, 2004	Presentation of draft Master Land Use Plan community meeting at Kulana 'Ōiwi, Kaunakakai
September 1, 2004	Maunaloa Community meeting at Maunaloa Park
September 1, 2004	Presentation at Moloka'i High and Intermediate School—Immersion Program
September 2, 2004	Presentation on access issues at Kulana 'Ōiwi
October 6, 2004	Presentation to Office of Hawaiian Affairs—Board of Trustees on Moloka'i
October 12, 2004	Presentation to HSTA and Moloka'i Chamber of Commerce
October 15, 2004	Presentation to Moloka'i Veterans Association
October 16, 2004	Presentation to Moloka'i Lions Club
October 27, 2004	Kualapu'u Community meeting at Kualapu'u Recreation Center
November 3, 2004	Kaunakakai Community meeting at Mitchell Pabolo Center
November 13, 2004	Presentation to West Moloka'i Community Association
November 16, 2004	Presentation to Moloka'i General Hospital, Alo Like Inc.—Ke Ola Pono O Na Kupuna, and Executive Board of Moloka'i Chamber of Commerce
November 18, 2004	Presentation at Aka'uia School
November 28, 2004	Presentation to Filipino Community Association
November 30, 2004	Mana'e Community meeting at Kilohana Recreation Center
November 30, 2004	Presentation at Aka'uia School
December 22, 2004	Presentation to Kamalama at Keawanui, Moloka'i
January 5, 2005	Presentation to AARP
January 8, 2005	Water Forum meeting at Lanikeha Community Center
January 12, 2005	Presentation to Spiritual Leaders in Maunaloa
January 15, 2005	Presentation to Kaluako'i golfers
January 27, 2005	Maunaloa Community meeting at Maunaloa Park
January 28, 2005	Presentation to Ahupua'a O Moloka'i
January 29, 2005	Public meeting—Mana'o Sharing on Water at Kulana 'Ōiwi
February 3, 2005	Ho'olehua Community meeting at Lanikeha Community Center
February 12, 2005	Public Meeting on Lā'au Point development at Kulana 'Ōiwi

**SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Ms. Salmonson:

Thank you for your letter dated July 7, 2006 regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the applicant, Moloka'i Properties Limited (MPL), we are responding to your comment.

MPL has consulted extensively with neighbors and affected individuals and groups. Since August 2003, members of the Moloka'i community have gathered to discuss and formulate the *Community-Based Master Land Use Plan for Moloka'i Ranch* (included as Appendix A of the EISP/N) and the Lā'au Point project. Attached is a list of community meetings and public involvement. This table will be included in the Draft EIS. The *Community-Based Master Land Use Plan for Moloka'i Ranch* will also be included as an appendix to the Draft EIS.

Thank you for reviewing the EISP/N. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Thomas S. Witten, ASLA
President

cc: Anthony Ching, State Land Use Commission
Peter Nicholas, Moloka'i Properties Limited



December 13, 2006

W. FRANK BRANDT, FASIA
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KIMI MIKAMI YUEN, LEED AP
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SCOTT ALIKA ABRIGO
Associate

SCOTT MURAKAMI, ASLA
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JUL 11 2006

PBR HAWAII



LINDA LINGLE
GOVERNOR

RODNEY K. HARAGA
DIRECTOR

Deputy Directors
FRANCIS PAUL KEEHO
BARRY FUKUNAGA
BRENDON T. MORIGATA
BRADY H. SERIGUCHI

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

July 7, 2006

STP 8.2206

IN REPLY REFER TO:

PBR HAWAII
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawaii 96813

Attention: Alan Suwa, Audrey Tantanjarik and Thomas Witten

Ladies and Gentlemen:

Subject: Molokai Properties, Ltd.
La'au Point

Environmental Impact Statement Preparation Notice (EISP/N)
TMK: (2) 5-1-02; 30; 5-1-06; 157; 5-1-08; 04, 03, 06, 07, 13, 14, 15, 21, & 25

Thank you for your notification of the proposed project.

The project may have an impact on our State transportation facilities.

According to the EISP/N, we understand that a Traffic Impact Analysis Report (TIAR) will be prepared and included in the forthcoming Draft EIS. The full occupancy of and build out for the project should be reflected in the project's description and also in the evaluation and analysis work done in the TIAR, along with the project's contribution to the cumulative impacts from the other developments on the west end of Molokai, such as the Kaluakoi Resort area.

As an interested party, we would appreciate receiving at least five (5) copies of the Draft EIS for distribution to our departmental and divisional staff.

We appreciate the opportunity to provide our comments.

Very truly yours,

RODNEY K. HARAGA
Director of Transportation

c: Molokai Properties (Peter Nicholas and Harold Edwards)
State Land Use Commission (Anthony Ching)
Office of Planning DBEDT (Laura Thielien)
Office of Environmental Quality Control (Genevieve Salmonson)

SUBJECT: LA'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Ms. Chinen:

Thank you for your letter dated June 9, 2006 regarding the La'au Point Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments.

Archaeological inventory surveys have been previously prepared for the project area and submitted to the State Historic Preservation Division (SHPD) for review and approval. The Draft EIS will include discussion of archaeological and cultural concerns. Archeological mitigation plans will be included as an appendix to the EIS.

Thank you for reviewing the EISP/N. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Thomas Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited



December 13, 2006

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KEVIN K. NISHIKAWA, ASLA
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KISHI MIKAMI YUEN, LEED*AP
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Jul-12-06

01:25pm From: OFFICE OF HAWAIIAN AFFAIRS

8085941865

1-766 P.002/004 F-007

COPY

PHONE (808) 594-1868



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPIOLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Haraga:

Thank you for your letter dated July 7, 2006 regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the applicant, Molokai Properties Limited, we are responding to your comment.

The Traffic Impact Assessment Report will be included in the Draft EIS along with a discussion of the project's traffic impact at full occupancy and build-out and cumulative impacts from other developments on the West End, such as Kaluako'i Resort.

As requested, we will send five copies of the Draft EIS to your department.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Thomas S. Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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July 5, 2006

Peter Nicholas

CEO

Molokai Properties Limited dba Molokai Ranch

745 Fort Street Mall

Suite 600

Honolulu, HI 96813

RE: Request for consultation on an Environmental Impact Statement Preparation Notice for the proposed Lā'au Point, Lā'au, Molokai'i

Dear Peter Nicholas,

The Office of Hawaiian Affairs (OHA) is in receipt of your request for comments on the above-referenced proposal, which would allow for the reclassification of 875 acres from State Agricultural to Rural. OHA offers the following preliminary comments.

Community Concerns

While we understand that the Land Use Master Plan for Molokai Ranch includes this proposition, and that the Land Use Committee, the Molokai Enterprise Community and the OHA Trustees have all registered their support for the basis of this plan and project, OHA still urges the applicant to thoroughly study and research the particular cultural and historical sites, events, practices and locations within and around the project area that could be impinged upon or even lost in the process. OHA staff, per the agency's Constitutional and Statutory mandates to examine other agency actions to assure that Hawaiians' interests are not lost, and that cultural and natural resources are protected as much as possible, also urges the applicant to listen to the elements of the Molokai'i community who oppose any development of Lā'au Point -- as we, too, must listen, and we urge the applicant to meet the community's concerns with honest discourse.

Should the land reclassification be approved, OHA would request that an archaeological monitor be on-site during all excavations and ground disturbances for this project. Despite the fact that

Peter Nicholas
July 5, 2006
Page 3

concern, including "Maintenance of valued cultural, historical, or natural resources" (HRS § 205-17(3)(B)); and "Provision for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups" (HRS § 205-17(3)(F)). Community members have asked OHA staff whether this project considered low-income housing, or whether it only provides housing opportunities for people in the high-income tier. We hope that this and the community's other concerns will be addressed in the Draft Environmental Impact Statement (EIS).

Thank you for the opportunity to comment initially, and we look forward to the opportunity to review the forthcoming Draft EIS in greater detail. If you have further questions or concerns, please contact Heidi Guth at (808) 594-1962 or e-mail her at heidig@oha.org.

Sincerely,



Clyde W. Nāmu'o
Administrator

CC: Irene Kaahanui
Community Resource Coordinator
OHA - Moloka'i Office
P.O. Box 1717
Kaunakakai, HI 96748

Anthony Chung
Executive Director
State Land Use Commission
P.O. Box 2359
Honolulu, HI 96804

Office of Environmental Quality Control
State Department of Health
235 S. Beretania St., Suite 702
Honolulu, HI 96813

Peter Nicholas
July 5, 2006
Page 2

extensive ground disturbance has already occurred in the area, there are several assurances that cultural deposits do exist in this large area. Therefore, OHA would appreciate that, should development be permitted, prior to construction, an archaeological inventory-level survey, with subsurface testing, be conducted. Furthermore, should iwi kupuna or Native Hawaiian cultural or traditional deposits be found during ground disturbance or excavation, OHA requests assurances that work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

Because many known archaeological sites exist within this property, it is likely that more will be found, and that the area is more of a cultural property than a property containing cultural sites. Thus, if this project goes forward, OHA suggests that efforts be made to incorporate the values of natural and cultural resource preservation within the Covenants, Conditions and Restrictions for the proposed development. Also, cultural practitioners of the area should be provided stewardship opportunities for the cultural properties, perhaps through an agreement with the Homeowners' Association.

Further consultation also may show that view planes must be preserved between existing heiau and other cultural sites. This should be learned early so that proposed construction can be sure to avoid obstructing such view planes and sight lines.

Because this property has been described as a large, intact cultural site, OHA hopes that the applicant is gathering more information about the area's cultural history and present cultural uses, particularly because there are a number of people in the community who have expressed concerns about this proposed project.

Cultural and Traditional Access

Equally, Native Hawaiians should be afforded reasonable access for cultural and traditional purposes. We note that consideration must be given to applicable cultural gathering and access rights during and after construction activities, should construction be permitted. While access is mentioned in the EISPN, it is not fully described, nor are community members' concerns addressed as to how welcome they will feel in the new, developed environment.

Please also note that recognized Native Hawaiian traditional gathering rights and access should not be restricted - even during construction - except as necessary to ensure safety. If such safety-related restrictions are put in place, alternate public access routes must be provided.

State Land Use District Boundary Amendment

When reviewing a petition to reclassify land, the State Land Use Commission shall specifically consider, among other things, the impact of the proposed reclassification on six areas of State



Mr. Clyde Nāmu'ō
SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
December 13, 2006
Page 2

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Tel: (808) 242-2878

Mr. Clyde Nāmu'ō, Administrator
State of Hawai'i
Office of Hawaiian Affairs
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawai'i 96813

**SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Nāmu'ō:

Thank you for your letter dated July 5, 2006 regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments. We appreciate the Office of Hawaiian Affairs support of this project.

Community Concerns

- MPL remains committed to working with the Moloka'i community in researching and evaluating the cultural and historic sites, events, practices, and locations that could be affected by this project.

MPL has made, and continues to make, sincere efforts to listen to community concerns. Every effort is being made, and will continue to be made, to share information in a non-confrontational environment that encourages constructive dialogue.

- Archeological inventory surveys have been previously prepared for the project area and submitted to the State Historic Preservation Division (SHPD) for review and approval.

Prior to construction, an archaeologist will first re-examine the proposed road corridor and verify descriptions of known sites, gather additional data if possible, and search for unrecorded archaeological deposits or features observable due to changes in surface visibility. After the road corridor re-survey, the proposed subdivision lots and coastal zone will be also be re-surveyed, following the same methods for investigating and recording sites as described for the road corridor.

Archeological mitigation plans have been prepared for the known archaeological sites within project area and submitted to the SHPD review and approval. As may be required in the approved plan, an archaeological monitor will be onsite during excavations and ground disturbances for Lā'au Point.

- Should iwi or Native Hawaiian cultural or traditional deposits be found during excavation, work will cease, and the appropriate agencies will be contacted pursuant to applicable law. MPL and its contractors will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites.

- To incorporate values of natural and cultural resource preservation, MPL will: 1) deed lands to the Moloka'i Land Trust, an organization tasked with preserving natural and cultural resources within lands deeded to it; 2) grant conservation easements and cultural overlay districts on MPL lands; and 3) establish in the project's Covenants Conditions, and Restrictions procedures for a management partnership between the Lā'au Point homeowners' association and the Land Trust.

- The archaeological mitigation plan calls for a buffer with a radius of nine meters extending from burials and heiaus to keep an open view plane toward the ocean.

- Davianna McGregor, PhD, professor of Ethnic Studies at UH Mānoa, conducted a cultural impact study/assessment of the Lā'au Point project. The study process included gathering information regarding the area's cultural history and present cultural uses and also included a series of community meetings, as well as interviews with people with experience and knowledge of area. The Draft EIS will contain the cultural impact study/assessment.

Cultural and Traditional Access

- Native Hawaiians will be afforded access for cultural and traditional purposes. The Draft EIS will contain a section on trails and access. Project plans propose that Native Hawaiians and the general public will have shoreline access from two points—one on the south shore at the southeast entry and one on the west shore at the northwest entry. In the process of developing the *Community-Based Master Land Use Plan for Molokai Ranch*, subsistence fishermen and gatherers were very concerned about marine resource depletion that could be caused by opening up the south and west shores. The subsistence fishermen and gatherers felt that the provision of two access points and parking at either end of the project site would afford sufficient access, and that the need to walk in would help protect the area.

- Traditional gathering rights and access will not be restricted during construction, except as necessary to ensure safety. Even then, alternate access routes will be provided.

- A social impact assessment has been prepared and will be included the Draft EIS. The social impact assessment and Draft EIS will discuss expectations of conflicting behavior and values between new Lā'au Point residents and current Moloka'i residents. The social impact assessment suggests that interactions between new Lā'au Point residents and existing residents can be positive if both parties are respectful and appreciate each other's right to enjoy Lā'au Point.

State Land Use District Boundary Amendment

Mr. Clyde Nāmu'ō
SUBJECT: LA'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
December 13, 2006
Page 3



DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

ALAN M. ARAKAWA
Mayor
ALICE L. LEE
Director
HERMANT ANDAYA
Deputy Director

200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX (808) 270-7165

The Draft EIS will address concerns regarding "Maintenance of valued cultural, historical, or natural resources" and "Provisions for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups."

- Prior to site planning and design of the Lā'au Point project, archaeological surveys of the entire 6,348-acre parcel identified approximately 1,000 acres for cultural and resource protection where groupings of archaeological and historic sites exist, such as the archaeological preserve (approximately 128 acres) to be created at Kamāka'ipō Gulch. Access roads and the rural-residential lots have been planned to respect these cultural preservation areas and archaeological sites.
- The as part of the *Community-Based Master Land Use Plan for Molokai Ranch* (of which the Lā'au Point project is a part), 200 acres around the towns of Kualapu'u and Maunaloa have been identified for the future development of 'Ohana Neighborhood Communities to be developed by partnering with various community resources such as Habitat for Humanity, Self-Help Housing, and others. Approximately 1,100 acres will also be gifted to the Moloka'i Community Development Corporation (CDC), a large portion of which can be used for community homes.

Thank you for reviewing the EISP. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Thomas S. Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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July 13, 2006

Mr. Thomas Witten
PBR Hawaii
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawaii 96813

Dear Mr. Witten:

SUBJECT: LA'AU POINT, WEST MOLOKAI

We have reviewed the Environmental Impact Statement Preparation Notice (EISP) for the subject project and would like to point out that the County of Maui is the owner of two parcels (TMK: (2)5-1-04:34 and 35) totaling 110.999 acres in West Molokai, and we would like to know what impact the Lā'au Point project will have on the future use of the county-owned parcels.

We are returning the EISP for your use.

Thank you for the opportunity to comment.

Very truly yours,

ALICE L. LEE
Director

ETO:hs

c: Housing Administrator
Mr. Peter Nicholas
Mr. Anthony Ching
Ms. Genevieve Salmonson

TO SUPPORT AND EMPOWER OUR COMMUNITY TO REACH ITS FULLEST POTENTIAL
FOR PERSONAL WELL-BEING AND SELF-RELIANCE.



PBR HAWAII & ASSOCIATES, INC.

December 13, 2006

W. FRANK BRANDT, FASIA
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ALAN M. ARAKAWA
Mayor



GLENN T. CORREA
Director
JOHN L. BUCK III
Deputy Director
(808) 270-7230
Fax (808) 270-7934

DEPARTMENT OF PARKS & RECREATION

700 Hall's Nakoa Street, Unit 2, Wailuku, Hawaii 96793

July 7, 2006

Thomas Witten
PBR HAWAII
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawaii 96813

**RE: La'ua Point, Moloka'i
Environmental Impact Statement Preparation Notice
TMK: (2) 5-1-002:030, 5-1-006:157, 5-1-008:004, 5-1-008:003, 5-1-008:006, 5-1-008:007,
5-1-008:013, 5-1-008:014, 5-1-008:015, 5-1-008:021, 5-1-008:025**

Dear Mr. Witten:

Thank you for the opportunity to review and comment on the Environmental Impact Statement Preparation Notice for La'ua Point in west Moloka'i.

Our only comment at this time would be to request that the developer meet with the County of Maui, Department of Parks and Recreation, at the earliest possible time in the project development process, to discuss the location of and access to the proposed parks and how the park dedication requirements are intended to be satisfied.

Should you have any questions or other concerns please call me or Patrick Matsui, Chief of Parks Planning & Development at 808-270-7387.

Sincerely,

Glenn T. Correa
Director

c: Patrick Matsui, Chief of Parks Planning & Development
Peter Nicholas, Molokai Properties Limited
State Land Use Commission
Office of Environmental Quality Control

**SUBJECT: LA'AU POINT ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Ms. Lee:

Thank you for your letter dated July 13, 2006 regarding the La'au Point Environmental Impact Statement Preparation Notice (EISP). As the planning consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments.

MPL does not anticipate any direct impacts from the La'au Point project on the future use of the County-owned TMK parcels (2) 5-1-04:34 and 35.

Thank you for reviewing the EISP. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Thomas S. Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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December 13, 2006

W. FRANK BRANDT, PASLA
Chairman

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. I. CHUNG, PASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASLA
Senior Associate

KEVIN K. NISHIKAWA, ASLA
Associate

KIMI MIKAMI YUEN, LPED/AP
Associate

SCOTT ALIKA ABRIGO
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ALAN M. ARAKAWA
Mayor
MICHAEL W. FOLEY
Director
Don Couch
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

May 30, 2006

Mr. Peter Nicholas
Mr. Harold Edwards
Molokai Properties Limited
745 Fort Street Mall, Suite 600
Honolulu, HI 96813

Mr. Thomas Witten
PBR Hawaii
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, HI 96813

Dear Gentlemen

RE: Environmental Impact Statement Preparation Notice (EISPN) for the Proposed La'au Point located at Tax Map Keys: 5-1-002:030; 5-1-006: 157; 5-1-008: 004, 003, 006, 007, 013, 014, 015, 021, and 025, West Molokai, Island of Molokai, Hawaii (EAC 2006/0017)

The Maui Planning Department (Department) is in receipt of the above-referenced document for the proposed La'au Point Development. The Department understands the proposed action includes the following:

- Single-family rural-residential lots, required infrastructure, access road, cultural preserves, parks and shoreline access.
- Total project area measures 1,492 acres, and the petition area for a State Land Use Commission District Boundary Amendment measures 875 acres.
- The proposed project will require the following permits by the Department: Community Plan Amendment, Change in Zoning, and Special Management Area Use Permit.

Based on the foregoing, the Department provides the following comments in preparation of the Draft Environmental Impact Statement (EIS):

SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Correa:

Thank you for your letter dated July 7, 2006 regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the applicant, Molokai Properties Limited, we are responding to your comment.

Molokai Properties Limited and PBR Hawaii met with your Department on October 16, 2006, to discuss park requirements for the Lā'au Point project. We will continue to meet with your Department to discuss details regarding the proposed parks and how the park dedication requirements are intended to be satisfied.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Thomas Witten, ASLA
President

CC: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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RECEIVED
JUN 01 2006
PBR HAWAII

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7834

Mr. Peter Nicholas
Mr. Thomas Witten
May 30, 2006
Page 3

Thank you for the opportunity to comment. Please include the Department on the distribution list for the Draft EIS and provide two (2) hard copies. Should you require further clarification, please contact Ms. Kivette Caigoy, Environmental Planner, at 270-7811, or by email at kivette.caigoy@co.mauhi.hi.us, or Ms. Robyn Loudermilk, Staff Planner, at 270-7180, or by email at robyn.loudermilk@co.mauhi.hi.us.

Sincerely,



MICHAEL W. FOLEY
Planning Director

MWF:KAC:RLLsec
c:

Kivette Caigoy, Environmental Planner
Robyn Loudermilk, Staff Planner
Stanley Solamillo, Cultural Resources Planner
Nina Kawano, Molokai Planning Office
OEQC

Molokai Planning Commission
Cultural Resources Commission
TMK File
General File
K:\WP_DOCS\PLANNING\EAC\2006\0017_LaaU_Point_Molokai\EISP\wpd

Mr. Peter Nicholas
Mr. Thomas Witten
May 30, 2006
Page 2

1. Disclose the estimated cost of the development in its entirety.
2. Discuss the anticipate market value and the target market group for the rural-residential lots.
3. For further clarity, list the proposed land use amendments in Section 1.1, Summary.
4. Include the Cultural Resources Commission (CRC) and Molokai Planning Commission (MoPC) in the distribution list for the Draft Environmental Impact Statement.
5. The Department concurs that the Community Plan Amendment (CPA), Change in Zoning (CIZ), and Special Management Area Use Permit (SMA) will be required. The Department encourages the concurrent processing of these three actions in order to comprehensively review all aspects of the project and address issues that may emerge. Final decision-making for the CPA and CIZ is with the Maui County Council while the SMA Permit is issued by the MoPC.
6. Paragraph one of Section 2.1.3, Detailed Land Use History, is very confusing. This paragraph needs to further clarify who got what portions of lands and the location of these lands that currently comprise the holdings of Molokai Properties Limited.
7. Approximately 18 acres are proposed to be reclassified from both the Agricultural (8 acres) and Conservation District (10 acres) to the Rural District to allow for the proposed two parks to be dedicated to the County of Maui. Once the park improvements are complete, these lands will then be reclassified back to the Conservation District. Discuss the reasoning for this. Also discuss whether these proposed parks are allowable uses within the State Conservation District and the proposed subzone. Lastly, discuss whether these two parks will fulfill the Count of Maui subdivision requirements.
8. Table 3, Necessary Permits & Approvals, should also include "subdivision" and identify the responsible agency.
9. Include a discussion of the current Maui County General Plan Update with particular emphasis on the island of Molokai.



Mr. Michael Foley
 SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION
 NOTICE
 December 13, 2006
 Page 2

W FRANK BRANDT, FASLA
 Chairman

THOMAS S. WITTEN, ASLA
 President

R. STANDUNGAN, ASLA
 Executive Vice-President

RUSSELL Y. CHUNG, FASLA
 Executive Vice-President

VINCENT SHIGEKUNI
 Vice-President

GRANT T. MURAKAMI, AICP
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 Senior Associate

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 Senior Associate

KEVIN K. NISHIKAWA, ASLA
 Associate

KIMI MIKAMI YUEN, LEED AP
 Associate

SCOTT AIKHA ABRIGO
 Associate

SCOTT MURAKAMI, ASLA
 Associate

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WAILUKU OFFICE
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 Tel: (808) 942-2878

December 13, 2006

Mr. Michael Foley
 County of Maui
 Planning Department
 250 South High Street
 Wailuku, Hawaii 96793

**SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT
 PREPARATION NOTICE**

Dear Mr. Foley:

Thank you for your letter dated May 30, 2006 regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments.

1. The estimated cost of the Lā'au Point project is \$88,150,000. This information will be included in the Draft EIS.
2. Residential market values for the project are estimated be \$34.4 million in the first year of lot sales (2008) and increase to \$211.9 million when lot sales are completed and the first 23 homes have been built (2012). From that point on, the residential values are estimated to increase by about \$16 million per year as additional residences are constructed for both seasonal and permanent residents. Upon the eventual build out of all residences by the end of 2023, the residential market value is estimated to increase to \$352 million. Lā'au Point will be a unique rural residential product in the state and should attract a target market of people who appreciate privacy, the natural values of the land, and the Molokai community, rather than the resort environment prevalent on the more developed islands. This information, along with additional economic data, will be included in the Draft EIS

3. The Draft EIS will include a list of land use amendments and required permits.

4. The Distribution List for the Draft EIS will include the Cultural Resources Commission and the Molokai Planning Commission.

5. We acknowledge that the Community Plan Amendment (CPA), Change in Zoning (CIZ), and Special Management Area (SMA) Use Permit will be required and should be concurrently processed for comprehensive review of all aspects of the Lā'au Point project. We understand that final decision-making for the CPA and CIZ is with the Maui County Council, and the SMA Permit is issued by the Molokai Planning Commission.

6. In the Draft EIS, the "Detailed Land Use History" section (Section 2.1.3 in the EISPN) will be clarified based on your recommendations.

7. The current plan for the State Land Use District reclassification of approximately 17 acres of land for the two proposed parks is to reclassify approximately eight acres from the Agricultural District and approximately nine acres from the Conservation District to the Rural District. In recent consultation with the State Land Use Commission, it has been determined that the best course of action would be for the park land (approximately 17 acres) to remain in the Rural District. Therefore, the previously contemplated reclassification of the park land back to the Conservation District is not being considered now. This will be clarified in the Draft EIS.

MPL met with the Department of Parks and Recreation on October 16, 2006. MPL's intention is for the two parks (approximately 17 acres) to meet the County of Maui subdivision requirements; however, MPL will continue to work with the Department of Parks and Recreation in regards to satisfying the park dedication requirements.

8. The "Necessary Permits & Approvals" table in the Draft EIS will include "Subdivision" and the responsible approving agency as you request.

9. The Draft EIS will contain a discussion of the current Maui County General Plan Update.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Thomas S. Witten
 Thomas S. Witten, ASLA
 President

Cc: Anthony Ching, State Land Use Commission
 Genevieve Salmonson, Office of Environmental Quality Control
 Peter Nicholas, Molokai Properties Limited

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ALAN M. ARAKAWA
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



COUNTY OF MAUI
**DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT**
200 SOUTH HIGH STREET, ROOM 322
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
Development Services Administration

DAVID TAYLOR, P.E.
Wastewater Reclamation Division

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

TRACY TAKAMINE, P.E.
Solid Waste Division

June 21, 2006

Mr. Thomas Witten
PBR Hawaii
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawaii 96813

Mr. Peter Nicholas
Mr. Harold Edwards
Molokai Properties, Limited
745 Fort Street Mall, Suite 600
Honolulu, Hawaii 96813

Dear Messrs. Witten, Nicholas and Edwards:

SUBJECT: APPLICATION FOR ENVIRONMENTAL IMPACT
STATEMENT PREPARATION NOTICE FOR LA'AU POINT
TMK: (2) 5-1-002:030, 5-1-006:157, 5-1-008:003, 004, 006, 007,
013, 015, 021, 025

We reviewed the subject application and have the following comments:

1. Include more discussion to address solid waste/recycling with the proposed development.
2. We note that roads for the development will be built to County standards. We also note that access for these roads are from a private road. As such, the roads for the development shall remain under private ownership and maintenance.
3. The architect and owner are advised that the project is subject to possible tsunami and flood inundation. As such, said project must conform to Ordinance No. 1145, pertaining to flood hazard districts.
4. A 30 foot radius shall be provided at the intersection of the proposed subdivision road and the adjoining subdivision roads and State roads.

Mr. Thomas Witten
Mr. Peter Nicholas
Mr. Harold Edwards
June 21, 2006
Page 2

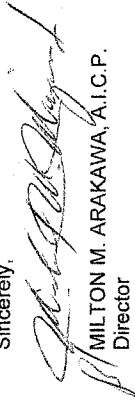
5. A verification shall be provided by a Registered Civil Engineer that the grading and runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties.
6. A detailed final drainage report and a Best Management Practices (BMP) Plan shall be submitted with the grading plans for review and approval prior to issuance of grading permits. The drainage report shall include hydrologic and hydraulic calculations and the schemes for disposal of runoff waters. It must comply with the provisions of the "Rules and Design of Storm Drainage Facilities in the County of Maui" and must provide verification that the grading and runoff water generated by the project will not have an adverse effect on adjacent and downstream properties. The BMP plan shall show the location and details of structural and non-structural measures to control erosion and sedimentation to the maximum extent practicable.
7. All existing features such as structures, driveways, drainage ways, edge of the pavement, etc. shall be shown on the project plat plan.
8. A site plan and sight distance report to determine required sight distance and available sight distance at existing and proposed street intersections shall be provided for our review and approval.
9. The applicant shall obtain street name approvals from the Commission on Naming Streets, Parks and Facilities and show street names on the map.
10. The 100-year flood inundation limits shall be shown on the project site plans. Lot geometrics cannot be approved until such data is submitted and reviewed.
11. The existing streets providing access to the subdivision shall have a 20 foot minimum pavement width, and therefore, must be improved.
12. A detailed final Traffic Impact Assessment Report for the entire subdivision/development shall be submitted for our review and approval. The report shall also address regional traffic impacts and include assessments from the local community police officer.

Mr. Thomas Witten
Mr. Peter Nicholas
Mr. Harold Edwards
June 21, 2006
Page 3

13. For all infrastructure that may be dedicated to the County, preliminary construction plan submittal shall include a completed technical assistance review performed by the Disability and Communication Access Board (DCAB) for compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for all facilities. All technical and structural infeasible assessments shall be the responsibility of the developer and an agreement waiving the County of Maui of any future liability, including redesign and reconstruction for said facility, shall be recorded with the State Bureau of Conveyances.

If you have any questions regarding this letter, please call Michael Miyamoto at (808) 270-7845.

Sincerely,



MILTON M. ARAKAWA, A.I.C.P.
Director

MMA:MMM:jm
xc: State Land Use Commission
Office of Environmental Quality Control
S:\LUCALCZMIDraft Comments\51002030_51006157_51008_laau_pt_eis_jm.wp



December 13, 2006

W. FRANK BRANDT, FASLA
Chairman

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. I. CHUNG, FASLA
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KIMI MIKAMIYUEN, LEED AP
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Associate

SCOTT MURAKAMI, ASLA
Associate

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Tel: (808) 242-2878

Milton Arakawa
County of Maui
Department of Public Works
& Environmental Management
200 South High Street, Room 322
Wailuku, Hawaii 96793

**SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Arakawa:

Thank you for your letter dated June 21, 2006 regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments.

1. Applying your Department's estimate that single-family households generate nine pounds of solid waste per day, after full build-out, Lā'au Point, will generate 1,800 pounds of solid waste per day. This estimate includes full occupancy of all homes. However, it is projected that only 30 percent of the homes will be occupied on a full-time basis. To mitigate potential impacts of solid waste generation, Lā'au Point will incorporate recycling during and after construction to reduce amounts of solid waste. The Draft EIS will include this information.

2. MPL will develop Lā'au Point roadways to County standards and may at some future stage seek to dedicate the roads to the County. Initially, the roads will be owned and maintained by Lā'au Point Homeowners Association.

3. Lā'au Point will conform to Ordinance No. 1145 pertaining to flood hazard districts. According to the FIRRM, the majority of the project site is outside of the floodplain and in areas subject to minimal flooding. The lower lying coastline and shoreline areas of Lā'au Point are in Zone A. Because the Lā'au Point lots will be located in an area of minimal flooding (outside the floodplain), impacts from flooding are not expected. No buildings or improvements will be within Zone A, which is primarily the shoreline area. The minimum 100-foot building setback from the inland boundary line of the existing Conservation District will also reduce the risks associated with hurricanes, tsunamis, and floods.

4. A 30-foot radius will be provided at the intersection of the Lā'au Point access road and the adjoining subdivision road.

5. When final subdivision plans are prepared, MPL's engineer will provide verification that the grading and runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties.

Mr. Milton Arakawa, Director
SUBJECT: LA'AU POINT ENVIRONMENT IMPACT STATEMENT PREPARATION NOTICE
December 13, 2006
Page 2

6. We acknowledge that a detailed and final drainage report and Best Management Practices Plan, meeting all County of Maui requirements, must be submitted with the La'au Point grading plans for review and approval prior to the issuance of grading permits.
7. All existing features such as structures, driveways, drainage ways, edge of pavement, etc., will be shown on the project plat plan when submitted.
8. When detailed plans are prepared, MPL will provide a site plan and sight distance report for your review and approval.
9. MPL will obtain street name approvals from the Commission on Naming Streets, Parks, and Facilities, and show the street names on a map.
10. Final site plans provided to your department will include the 100-year flood inundation limits. We understand that lot geometries cannot be approved until such data is submitted and reviewed. Please note, as previously discussed in item 3, the majority of the project site is outside of the floodplain and in areas subject to minimal flooding.
11. We acknowledge that existing streets providing access to the subdivision must have a 20-foot minimum pavement width.
12. A traffic impact assessment report (TIAR) will be included in the Draft EIS, and submitted to your Department for review and approval. The TIAR addresses regional traffic impacts. MPL's traffic engineer will meet with the local community police officer.
13. Infrastructure at La'au Point will remain privately owned and maintained; however, the two proposed parks may be dedicated to the County or transferred to a Land Trust. As noted in Item two any infrastructure that may be dedicated to the County will meet all County requirements, including ADA access.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Thomas S. Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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ALAN M. ARAKAWA
Mayor



GEORGE Y. TENGAN
Director
ERIC H. YAMASHIGE, PE., I.S.
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2155
www.mauiwater.org

June 27, 2006

Mr. Thomas Witten
PBR Hawaii
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, Hawaii 96813

RE: Environmental Impact Statement Preparation Notice
TMK: (2) 5-1-02:30(Portion)

Project: La'au Point

Dear Mr. Witten:

Thank you for the opportunity to comment on this Environmental Impact Statement Preparation Notice.

Source Availability & Consumption

The project will be served by a private water system. Water for the system will come from the Kualapu'u and Kamiloloa aquifers with sustainable and developable yields of 5 MGD (million gallons per day) and 3 MGD respectively.

In 1992, Molokai was designated a Water Management Area for groundwater by the State Commission on Water Resource Management (CWRM) to regulate existing and future uses of Molokai's limited groundwater resources.

Molokai Properties Limited (MPL) mentions that it operates three water systems. Well 17 has a water allocation of 1,018,000 gpd (gallons per day). The Waiola system has a water allocation of 864,000 gpd. The third system, Molokai Ranch Mountain System, has varying flows of 1,300,000 gpd during the winter months to 65,000 gpd during summer drought months. All three systems are regulated by the State's Commission on Water Resource Management.

MPL estimates that the development of the project's 200 rural-residential 2 acre lots, two 18 acre parks, and adjoining common areas and buffer zones will use approximately 437,000 gpd (gallons per day) at the complete build-out. However, empirical use of large lots in dry areas of this sort indicate that consumption could be substantially higher.

"By Water All Things Find Life"



Mr. Thomas Witten
Page 2
June 27, 2006

MPL mentions that it will retain its 1,500,000 gpd of potable water, 1,018,000 gpd from Well 17 and 500,000 gpd from the Molokai Ranch Mountain System. However, it proposes to develop 1,000,000 gpd of non-potable water from its abandoned Kakalahale well in the Kamiloa aquifer. It will also abandon its Waiola well application.

The Department wants assurance that these large withdrawals of water do not adversely impact the DWS Kualapu'u well, as well as other private wells in the area. We suggest that MPL contract the United States Geological Survey to develop and expand on existing simulation models to examine the impacts of groundwater withdrawals from Kaluako'i Well 17 and Kakalahale well on the DWS Kualapu'u well, as well as other wells in the area.

System Infrastructure

It is recommended that the new water system meet standards for fire protection. The approved fire flow calculation methods for use include Guidance for Determination of Required Fire Flow, Insurance Service Office, 1974 and Fire Flow-Hawaii Bureau, 1991.

Pollution

The project overflies the Punakou aquifer with a sustainable and developable yield of 2 MGD. In order to protect groundwater resources, we encourage you to adopt best management practices (BMPs) designed to minimize infiltration and runoff. Please refer to the BMP "Source Water Protection Practices Bulletin - Managing Storm Water Runoff to Prevent Contamination of Drinking Water".

Conservation

We recommend that you consider the following conservation measures:

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.

Utilize Low-Flow Fixtures and Devices

Maui County Code Subsection 16.20A.680 requires the use of low-flow fixtures and devices in faucets, showerheads, urinals, water closets and hose bibs. Water conserving washing machines, ice-makers and other devices are available.

Maintain Fixtures to Prevent Leaks

A simple, regular program of repair and maintenance can prevent the loss of hundreds or even thousands of gallons of water per day. Refer to the attached handout "The Costly Drip".

Mr. Thomas Witten
Page 3
June 27, 2006

Use Climate-Adapted Plants

The project is located in the "Maui County Planting Plan" - Plant Zone 3. Native plants adapted to the area conserve water and protect the watershed from degradation due to invasive alien species. Please refer to the attached brochure "Saving Water in the Yard - What and How to Plant in Your Area".

Prevent Over-Watering by Automated Systems

Provide rain-sensors on all automated controllers. Check and reset controllers at least once a month to reflect the monthly changes in evaporation rates at the site. As an alternative, provide more automated, soil-moisture sensors on controllers.

Should you have any questions, please contact our Water Resources & Planning Division at 244-8550.

Sincerely,



George Y. Fengang, Director
avi

Enclosures: Source Water Protection Bulletin - Managing Storm Water Runoff to Prevent Contamination of Drinking Water

Ordinance No. 2108 - A Bill for an Ordinance Amending Chapter 16.20 of the County of Maui Code, Pertaining to the Plumbing Code

The Costly Drip

Maui County Planting Plan - Saving Water in the Yard - What and How to Plant in Your Area

c: Engineering Division
Reading File

Mr. Peter Nicholas and Mr. Harold Edwards, Molokai Properties Limited



Source Water Protection Practices Bulletin

Managing Storm Water Runoff to Prevent Contamination of Drinking Water

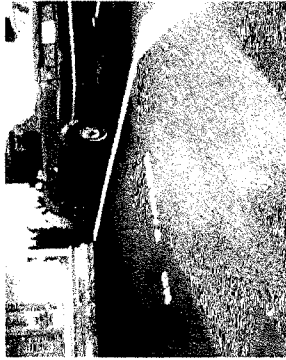
Storm water runoff is rain or snow melt that flows off the land, from streets, roof tops, and lawns. The runoff carries sediment and contaminants with it to a surface water body or infiltrates through the soil to ground water. This fact sheet focuses on the management of runoff in urban environments; other fact sheets address management measures for other specific sources, such as pesticides, animal feeding operations, and vehicle washing.

SOURCES OF STORM WATER RUNOFF

Urban and suburban areas are predominated by impervious cover including pavements on roads, sidewalks, and parking lots; rooftops of buildings and other structures; and impaired pervious surfaces (compacted soils) such as dirt parking lots, walking paths, baseball fields and suburban lawns.

During storms, rainwater flows across these impervious surfaces, mobilizing contaminants, and transporting them to water bodies. All of the activities that take place in urban and suburban areas contribute to the pollutant load of storm water runoff. Oil, gasoline, and automotive fluids drip from vehicles onto roads and parking lots. Storm water runoff from shopping malls and retail centers also contains hydrocarbons from automobiles. Landscaping by homeowners, around businesses, and on public grounds contributes sediments, pesticides, fertilizers, and nutrients to runoff. Construction of roads and buildings is another large contributor of sediment loads to waterways. In addition, any uncovered materials such as improperly stored hazardous substances (e.g., household cleaners, pool chemicals, or lawn care products), pet and wildlife wastes, and litter can be carried in runoff to streams or ground water. Illicit discharges to storm drains (e.g., used motor oil), can also contaminate water supplies.

Storm water is also directly injected to the subsurface through Class V storm water drainage wells. These wells are used throughout the country to divert storm water runoff from roads, roofs, and paved surfaces. Direct injection is of particular concern in commercial and light industrial settings (e.g., in and around material loading areas, vehicle service areas, or parking lots).



Parking lot runoff

WHY IS IT IMPORTANT TO MANAGE STORM WATER RUNOFF NEAR THE SOURCES OF YOUR DRINKING WATER?

Impervious areas prohibit the natural infiltration of rainfall through the soil, which could filter some contaminants before they reach ground water. Also, impervious surfaces allow the surface runoff to move rapidly. Development reduces the amount of land available for vegetation, which can mitigate the effects of rapid runoff and filter contaminants. When the percentage of impervious cover reaches 10 to 20 percent of a watershed area, degraded water quality becomes apparent.

There are three primary concerns associated with uncontrolled runoff: (1) increased peak discharge and velocity during storm events resulting in flooding and erosion; (2) localized reduction in recharge; and (3) pollutant transport.

When runoff is confined to narrow spaces, such as streets, the velocity at which water flows increases greatly with depth. This contributes to erosion in areas without vegetation cover, increased flooding in low lying areas, and sedimentation in surface water bodies. Sediment deposited in streams can increase turbidity, provide transport media for pathogenic bacteria and viruses, and decrease reservoir capacity. Sediments also smother aquatic species, leading to habitat loss and decreased biodiversity of aquatic species. The fast-running runoff is not afforded an opportunity to infiltrate into the subsurface, and ground waters are not recharged by rain events.



Erosion

EPA considers nonpoint source pollution, including storm water runoff, to be one of the most important sources of contamination of the nation's waters. According to a nationwide study, 77 of 127 priority pollutants tested were detected in urban runoff. Some of the principal contaminants found in storm water runoff include heavy metals, toxic chemicals, organic compounds, pesticides and herbicides, pathogens, nutrients, sediments, and salts and other de-icing compounds. Some of these substances are carcinogenic; others lead to reproductive, developmental, or other health problems that are associated with long-term exposure. Pathogens can cause illness, even from short-term exposure, that can be fatal to some people.



Urban runoff

Urban runoff is commonly collected in storm sewers and discharged to waterways untreated, so that any contaminants carried by the storm water are discharged to surface water bodies that are used as the sources of drinking water. In addition, about 20 percent of the population in the U.S. is served by combined sewer systems (for both sanitary waste and storm water) that, during heavy storm events, allow contaminants from sanitary sewage to discharge directly to waterways untreated.

AVAILABLE PREVENTION MEASURES TO ADDRESS STORM WATER RUNOFF

A variety of management practices, including pollution prevention and treatment devices, are available to abate storm water pollution. The most effective storm water pollution prevention plans combine these measures and reflect local soil, precipitation, and land use conditions. Some of the more widely-used management measures are described below.

Please keep in mind that individual prevention measures may or may not be adequate to prevent contamination of source waters. Most likely, individual measures should be combined in an overall prevention approach that considers the nature of the potential source of contamination, the purpose, cost, operational, and maintenance requirements of the measures, the vulnerability of the source waters, the public's acceptance of the measures, and the community's desired degree of risk reduction.

Pollution source control and prevention measures include public education to homeowners and business owners on good housekeeping, proper use and storage of household toxic materials, and responsible lawn care and landscaping; storm drain stenciling; hazardous materials collection; and eliminating illicit discharges. The incorporation of best management practices (BMPs) in building and site-development codes, if feasible, should be encouraged. On roadways, proper maintenance of rights-of-way, control of chemical and nutrient applications, street cleaning or sweeping, storm drain cleaning, use of alternative or reduced de-icing products, and equipment washing can reduce the pollutant content of runoff.

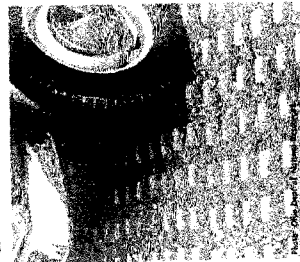
Without appropriate **erosion and sedimentation control (ESC) measures**, construction activities can contribute large amounts of sediment to storm water runoff. Erosion can be controlled by planting temporary fast-growing vegetation, such as grasses and wild flowers. Covering top soil with geotextiles or impervious covers will also protect it from rainfall. Good housekeeping measures for construction sites include construction entrance pads and vehicle washing to keep sediment and soil on-site. Construction should be staged to reduce soil exposure, or timed to coincide with periods of low rainfall and low erosion potential, such as in the fall, rather than during spring rains. Other measures include sediment traps and basins; sediment fences; wind erosion controls; and sediment, chemical, and nutrient control.

If available, ordinances and regulations on construction activities can require plan reviews to ensure that erosion during construction is minimized or require ESC measures during construction. Inspections of ESC measures and repair of controls where needed will maintain the working order of these controls and maximize their benefit.

Local governments can use a variety of **land use controls** to protect source water from potential contamination. For example, subdivision controls help to ensure that expected development will not compromise drinking water quality or ground water recharge. Requiring proper storm water management in new developments and redevelopments will ensure that runoff does not become excessive as areas of paved surfaces increase. **Low impact development** incorporates maintaining pre-development hydrology, considering infiltration technology, and re-routing water to recharge the aquifer.

Minimizing directly connected impervious areas (DCIAs) is important to reducing the flow and volume of runoff. Planners should direct runoff from roofs, sidewalks, and other surfaces over grassed areas to promote infiltration and filtration of pollutants prior to surface water deposition. Porous design of parking lots also provides places for storm water to infiltrate to soils. **Concrete grid pavement** is typically placed on a sand or gravel base with void areas filled with pervious materials such as sand, gravel, or grass. Storm water percolates through the voids into the subsoil. Planting landscaped areas lower than the street level encourages drainage.

Structural designs are used to control runoff or temporarily store storm water on site. A number of structural devices have been developed to encourage filtration, infiltration, or settling of suspended particles. Some of the more commonly-used practices are described below.



Concrete grid pavement

Grassed swales are shallow, vegetated ditches that reduce the speed and volume of runoff. Soils remove contaminants by infiltration and filtration. Vegetation, or turf, prevents soil erosion, filters out sediment, and provides some nutrient uptake. Maintenance of grassed swales involves regular mowing, re-seeding, and weed control, along with inspections to check for erosion and ensure the integrity of the vegetative cover. To function properly, the inflow to the swale must be sheet flow from a filter strip or an impervious surface (i.e., not from the end of a pipe). Swales have demonstrated solids removals exceeding 80 percent. Apart from grassed swales, **grassed waterways** (wide, shallow channels lined with sod) are often used as outlets for runoff from terraces.

Buffer strips are combinations of trees, shrubs, and grasses planted parallel to a stream. Buffer strips should consist of three zones—about four or five rows of trees closest to the stream, one or two rows of shrubs, and a 20 to 24 foot wide grass zone on the outer edge. They decrease the velocity of runoff, thus moderating flooding and preventing stream bank erosion. The vegetation and soils also strain and filter sediments and chemicals. Buffer strips should be maintained by controlling weeds and mowing grasses once or twice annually. In the long term, each zone should be harvested and replanted. About 10 to 20 percent removal of solids has been demonstrated in buffer zones. These buffer strips, however, do not necessarily increase infiltration.

Filter strips are areas of close-growing vegetation on gently sloped land surfaces bordering a surface water body. They work by holding soils in place, allowing some infiltration, and filtering solid particles out of the runoff from small storms. Plants with dense root systems are preferred; the ideal species and mixes of vegetation are specific to the region. The width and length of the filter strip depends on the size and grade of the slope it drains. Maintenance activities include inspections, mowing, and removal of sediment build-up. Filter strips can remove nitrogen and phosphorus, but are less effective in filtering pesticides. They are most effective when water flow is even and shallow and if grass can regrow between rains.



Filter strip



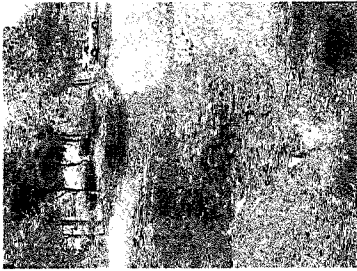
Storm water pond

Storm water ponds (wet ponds) consist of a permanent pond, where solids settle during and between storms, and a zone of emergent wetland vegetation where dissolved contaminants are removed through biochemical processes. Wet ponds are usually developed as water features in a community, increasing the value of adjacent property. Other than landscape maintenance, only annual inspection of the outlets and shoreline is required. Vegetation should be harvested every 3 to 5 years, and sediment removed every 7 to 10 years. Wet ponds can achieve 40 to 60 percent phosphorus removal and 30 to 40 percent total nitrogen removal.

Constructed wetlands are similar to wet ponds, with more emergent aquatic vegetation and a smaller open water area. Storm water wetlands are different from natural wetlands in that they are designed to treat storm water runoff, and typically have less biodiversity than natural wetlands. A wetland should have a settling pond, or forebay, if significant upstream soil erosion

is anticipated. Coarse particles remain trapped in the forebay, and maintenance is performed on this smaller pool. Wetlands remove the same pollutants as wet ponds through settling of solids and biochemical processes, with about the same efficiency. Maintenance requirements for wetlands are similar to those of wet ponds.

Infiltration practices (basins and trenches) are long, narrow stone-filled excavated trenches, 3 to 12 feet deep. Runoff is stored in the basin or in voids between the stones in a trench and slowly infiltrates into the soil matrix below, where filtering removes pollutants. Infiltration devices alone do not remove contaminants, and should be combined with a pretreatment practice such as a swale or sediment basin to prevent premature clogging. Maintenance consists of inspections annually and after major rain storms and debris removal, especially in inlets and overflow channels. Infiltration devices and associated practices can achieve up to 70 to 98 percent contaminant removal.



Infiltration basin

Swirl-type concentrators are underground vaults designed to create a circular motion to encourage sedimentation and oil and grease removal. The currents rapidly separate out settleable grit and floatable matter, which are concentrated for treatment, while the cleaner, treated flow discharges to receiving waters. Swirl concentrators have demonstrated total suspended solids and BOD removal efficiencies exceeding 60 percent.

BMPs for Class V storm water drainage wells address siting, design, and operation of these wells. Siting BMPs for storm water drainage wells include minimum setbacks from surface waters, drinking water wells, or the water table. Storm water drainage wells may also be prohibited from areas of critical concern, such as source water protection areas, or from areas where the engineering properties of the soil are not ideal for their performance. Available design BMPs for storm water drainage wells include sediment removal devices (such as oil/grit separators or filter strips), oil and grease separators, and pretreatment devices such as infiltration trenches or wetlands (described above). Maintenance of these BMPs is crucial to their proper operation. Management measures related to operation include spill response, monitoring, and maintenance procedures. Source separation, or keeping runoff from industrial areas away from storm water drainage wells, involves using containment devices such as berms or curbs (see the fact sheets on vehicle washing and small quantity chemical use for more information on these devices).

EPA's National Pollutant Discharge Elimination System (NPDES) Permitting Program regulates storm water runoff from municipal separate storm sewer systems (MS4s) and industrial activity (including construction). The current rules establish permit requirements for more than 5,000 MS4s nationwide. NPDES storm water permits issued to MS4s require these MS4s to develop the necessary legal authority to reduce the discharge of pollutants in storm water to the maximum extent practicable and to develop and implement a storm water management program that includes:

- Structural and source control measures to reduce pollutants from runoff from commercial and residential areas, including maintenance, monitoring, and planning activities;
- Detection and removal of illicit discharges and improper disposal into the storm sewer;
- Monitoring and control of storm water discharges from certain industrial activities; and
- Construction site storm water control.

In addition, the storm water rule for certain small MS4s requires post-construction storm water management controls. These local controls are in addition to existing federal regulations that require NPDES permits of all construction activities disturbing greater than one acre.

Recently, EPA developed a menu of BMPs that provides more than 100 fact sheets on measures that small MS4s could use to control urban storm water runoff. The menu is available from EPA's Web site at www.epa.gov/npdes.

FOR ADDITIONAL INFORMATION

These sources contain information on storm water management measures. All of the documents listed are available for free on the Internet. State departments of transportation or agriculture, whose contact information can be found on the Internet or in the phone book, are also good sources of information.

To pass local ordinances or regulations to affect storm water controls, contact city or county public works departments, zoning offices, permitting offices, or transportation departments, who typically have the authority to pass local ordinances. Contact local government authorities in your area to see if there are ordinances in place to manage storm water. Numerous examples of local source water protection-related ordinances for various potential contaminant sources can be found at <http://www.epa.gov/owow/water/ordcom/>, <http://www.epa.gov/owow/hps/ordinance/>, and <http://www.epa.gov/owow/hps/ordinance/links.htm>.

The following resources provide information on selection and design of specific management measures:

The Center for Watershed Protection's Stormwater Manager's Resource Center (www.stormwatercenter.net) provides technical assistance storm water management issues.

Northern Arizona University offers a course on wet weather flow management, materials are available at <http://jan.ucc.nau.edu/~dmh3/egr499/>.

Texas Nonpoint SourceBOOK (www.txnpsbook.org) contains four manuals on storm water Best Management Practices, including "Urban Nonpoint Source Management," and an interactive BMP selector.

U.S. EPA, Office of Ground Water and Drinking Water. (September 1999). *The Class V Underground Injection Control Study, Volume 3: Storm Water Drainage Wells*. EPA/816-R-99-014c. Retrieved May 2, 2001, from the World Wide Web: <http://www.epa.gov/safewater/uic/classv/stw-fact.pdf>

U.S. EPA, Office of Science and Technology. (August 1999). *Preliminary Data Summary of Urban Stormwater Best Management Practices*. EPA-821-R-99-012. Retrieved February 7, 2001, from the World Wide Web: <http://www.epa.gov/OST>.

U.S. EPA, Office of Wastewater Management. (September 1992). *Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and BMPs*. Retrieved February 6, 2001, from the World Wide Web: <http://www.epa.gov/owm/sw/indguide/index.htm>

U.S. EPA, Office of Wetlands, Oceans, and Watersheds. (January 1993). *Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters*. EPA-840-B-93-001c. Retrieved February 15, 2001, from the World Wide Web: <http://www.epa.gov/OWOW>

Washington State Department of Transportation. (February 1995). *Highway Runoff Manual*. M 31-16. Retrieved February 15, 2001, from the World Wide Web: <http://www.wsdot.wa.gov/fasc/engineeringpublications/manuals/highway.pdf>

Wyoming Department of Environmental Quality. (February 1999). *Urban Best Management Practices for Nonpoint Source Pollution*. Draft. Retrieved February 21, 2001, from the World Wide Web: <http://deq.state.wy.us/wqd/urbbmpdoc.htm>

University extension services are excellent sources for information on water quality issues, including storm water management. The Oregon Department of Agriculture offers comprehensive list of links to many of these on its Web site (http://www.oda.state.or.us/Natural_Resources/wq_ces.htm).

Following are examples of extension services that offer fact sheets on a variety of storm water management measures, including best management practices:

Iowa State University Extension (<http://www.extension.iastate.edu/Pages/pubs/>).

North Carolina Cooperative Extension Service (<http://www.ces.ncsu.edu/resources/>).

Oklahoma State University. Division of Agricultural Sciences and Natural Resources (<http://agweb.okstate.edu/pearl/wqs>).

Purdue University Cooperative Extension Service (<http://www.agcom.purdue.edu/AgCom/Pubs/menu.htm>).

ORDINANCE NO. 2108

BILL NO. 6 (1992)

Draft 1

A BILL FOR AN ORDINANCE AMENDING
CHAPTER 16.20 OF THE MAUI COUNTY
CODE, PERTAINING TO THE PLUMBING CODE

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Title 16 of the Maui County Code is amended by adding a new section to Chapter 10 of the Uniform Plumbing Code to be designated and to read as follows:

"16.20.675 Section 1050 added. Chapter 10 of the Uniform Plumbing Code is amended by adding a new section, pertaining to low-flow water fixtures and devices, to be designated and to read as follows:

Sec. 1050 Low-flow water fixtures and devices. (a) This section establishes maximum rates of water flow or discharge for plumbing fixtures and devices in order to promote water conservation.

(b) For the plumbing fixtures and devices covered in this section, manufacturers or their local distributors shall provide proof of compliance with the performance requirements established by the American National Standards Institute (ANSI) and such other proof as may be required by the director of public works. There shall be no charge for this registration process.

(c) Effective December 31, 1992, only plumbing fixtures and devices specified in this section shall be offered for sale or installed in the County of Maui, unless otherwise indicated in this section. All plumbing fixtures and devices which were installed before December 31, 1992, shall be allowed to be used, repaired or replaced after December 31, 1992.

(1) Faucets (kitchen): All kitchen and bar sink faucets shall be designed, manufactured, installed or equipped with a flow control device or aerator which will prevent a water flow rate in excess of two and two-tenths gallons per minute at sixty pounds per square inch of water pressure.

(2) Faucets (lavatory): All lavatory faucets shall be designed, manufactured, installed or equipped with a flow control device or aerator which will prevent a water flow rate in excess of two and two-tenths gallons per minute at sixty pounds per square inch of water

pressure.
(3) Faucets (public rest rooms): In addition to the lavatory requirements set forth in paragraph (2), lavatory faucets located in rest rooms intended for use by the general public shall be of the metering or self-closing types.

(4) Hose bibbs: Water supply faucets or valves shall be provided with approved flow control devices which limit flow to a maximum three gallons per minute.

EXCEPTIONS: (A) Hose bibbs or valves not used for fixtures or equipment designated by the director of public works.

(B) Hose bibbs, faucets, or valves serving fixed demand, timing, or water level control appliances, and equipment or holding structures such as water closets, pools, automatic washers, and other similar equipment.

(5) Showerheads: Showerheads, except where provided for safety or emergency reasons, shall be designed, manufactured, or installed with a flow limitation device which will prevent a water flow rate in excess of two and one-half gallons per minute at eighty pounds per square inch of water pressure. The flow limitation device must be a permanent and integral part of the showerhead and must not be removable to allow flow rates in excess of two and one-half gallons per minute or must be mechanically retained requiring force in excess of eight pounds to remove.

(6) Urinals: Urinals shall be designed, manufactured, or installed so that the maximum flush will not exceed one gallon of water. Adjustable type flushometer valves may be used provided they are adjusted so the maximum flush will not exceed one and six tenths gallons of water.

(7) Water closets (toilets): Water closets shall be designed, manufactured, or installed so that the maximum flush will not exceed one and six tenths gallons of water.

(d) Beginning December 31, 1992, it is unlawful to sell or install any plumbing fixtures or devices not specified in this section, except as permitted under this section.


(e) The director of public works may exempt the use of low-flow water fixtures and devices if there is a finding that the use of such fixtures and devices would not be consistent with accepted engineering practices and would be detrimental to the public health, safety and welfare.

(f) Any person violating this section shall be fined \$250 for each violation and shall correct all instances of non-compliance for which a citation is issued. Violation of this section shall constitute a violation as defined in section 701-107 Hawaii Revised Statutes and shall be enforceable by employees of the department of public works. The foregoing fine may also be imposed in a civil administrative proceeding pursuant to Rules and Regulations adopted by the department of public works in accordance with Chapter 91 Hawaii Revised Statutes."

SECTION 2. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:


HOWARD M. FUKUSHIMA
Deputy Corporation Counsel
County of Maui
C:\wp51\ords\flows4\pk


WE HEREBY CERTIFY that the foregoing BILL NO. 6 (1992), Draft 1

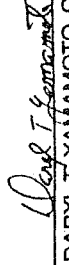
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 1st day of May, 1992, by the following votes:

Howard S. KIHUNE Chair	Patrick S. KAWANO Vice-Chair	Vinco G. BAGOYO, Jr.	Goro HOKANA	Alice L. LEE	Ricardo MEDINA	Wayne K. NISHIKI	Joe S. TANAKA	Larissa TERUYA DRUMMOND
Aye	Aye	Excused	Excused	Aye	Aye	Aye	Aye	Aye


2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 1st day of May, 1992.

DATED AT WAILUKU, MAUI, HAWAII, this 1st day of May, 1992.

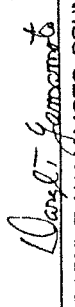

HOWARD S. KIHUNE, CHAIR
Council of the County of Maui


DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 5th DAY OF MAY, 1992.


LINDA CROCKETT LINGLE, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 2108 of the County of Maui, State of Hawaii.


DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

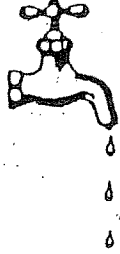
Passed First Reading on January 17, 1992.
Effective date of Ordinance May 5, 1992.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2108, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

"THE COSTLY DRIP"



Slowly Dripping
Spigot Wastes
15 Gallons a day.



1/32" Leak Wastes
25 Gallons a day.



1/16" Stream Wastes
100 Gallons a Day.



1/8" Stream Wastes
400 Gallons a day.

Zone-specific Native and Polynesian plants for Maui County

Zone 3

Type	Scientific Name	Common Name	Height	Spread	Elevation	Water req.
Sh	<i>Argemone glauca</i> var. <i>deciplens</i>	pua kala	3'	2'	sea to 3,000'	Dry to Medium
Sh	<i>Bidens mauiensis</i>	ko'oko'olau	1'	3'	sea to 1,000'	Dry to Medium
Sh	<i>Bidens menziesii</i> ssp. <i>menziesii</i>	ko'oko'olau	1'	3'		
Sh	<i>Bidens micrantha</i> ssp. <i>micrantha</i>	ko'oko'olau	1'	3'		
Sh	<i>Chenopodium oahuense</i>	'aheahea, 'aweoweo	6'		sea to higher	Dry to Medium
Sh	<i>Dianella sandwicensis</i>	'uki	2'	2'	1,000' to higher	Dry to Medium
Sh	<i>Gossypium tomentosum</i>	mao, Hawaiian cotton	5'	8'	sea to 1,000'	Dry to Medium
Sh	<i>Hedyotis</i> spp.	au, pilo	3'	2'	1,000' to 3,000'	Dry to Wet
Sh	<i>Lipochaeta lavarum</i>	nehe	3'	3'	sea to 3,000'	Dry to Medium
Sh	<i>Osteomeles anthyllidifolia</i>	'ulei, eluehe	4'	6'	sea to 3,000'	Dry to Medium
Sh	<i>Scaevola sericea</i>	naupaka, naupaka-kahakai	6'	8'	sea to 1,000'	Dry to Medium
Sh	<i>Senna gaudichaudii</i>	kolomana	5'	5'	sea to 3,000'	Dry to Medium
Sh	<i>Solanum nelsonii</i>	'akia, beach solanum	3'	3'	sea to 1,000'	Dry to Medium
Sh	<i>Styphelia tameiameia</i>	puklawe	6'	6'	1,000' to higher	Dry to Medium
Sh	<i>Vitex rotundifolia</i>	pohinahina	3'	4'	sea to 1,000'	Dry to Medium
Sh	<i>Wikstroemia uva-ursi kauaiensis kauaiensis</i>	'akia, Molokai osmanthus				
Sh - Tr	<i>Broussonetia papyrifera</i>	wauke, paper mulberry	8'	6'	sea to 1,000'	Dry to Medium
Sh - Tr	<i>Myoporum sandwicense</i>	naio, false sandalwood	10'	10'	sea to higher	Dry to Medium
Sh - Tr	<i>Nototrichium sandwicense</i>	kulu'i	8'	8'	sea to 3,000'	Dry to Medium
Sh-Tr	<i>Dodonaea viscosa</i>	'a'ali'i	6'	8'	sea to higher	Dry to Medium
Tr	<i>Aleurites moluccana</i>	candlenut, kukui	50'	50'	sea to 3,000'	Medium to Wet
Tr	<i>Calophyllum inophyllum</i>	kamani, alexandrian laurel	80'	40'	sea to 3,000'	Medium to Wet
Tr	<i>Canthium odoratum</i>	Alahe'e, 'ohe'e, walahe'e	12'	8'	sea to 3,000'	Dry to Medium
Tr	<i>Cordia subcordata</i>	kou	30'	25'	sea to 1,000'	Dry to Wet
Tr	<i>Diospyros sandwicensis</i>	iama	12'	15'	sea to 3,000'	Dry to Medium
Tr	<i>Erythrina sandwicensis</i>	wiliwili	20'	20'	sea to 1,000'	Dry
Tr	<i>Metrosideros polymorpha</i> var. <i>macrophylla</i>	oh'a lehua	25'	25'	sea to 1,000'	Dry to Wet

Zone-specific Native and Polynesian plants for Maui County

Zone 3

TYPE: F Fern G Grass Gr Ground Cover Sh Shrub P Palm S Sedge Tr Tree V Vine

Type	Scientific Name	Common Name	Height	Spread	Elevation	Water req.
F	<i>Psilotum nudum</i>	moa, moa kula	1'	1'	sea to 3,000'	Dry to Wet
G	<i>Colubrina asiatica</i>	'anapanapa	3'	10'	sea to 1,000'	Dry to Wet
G	<i>Eragrostis monticola</i>	kalamalo	1'	2'	sea to 3,000'	Dry to Medium
G	<i>Eragrostis variabilis</i>	'emo-loa	1'	2'	sea to 3,000'	Dry to Medium
G	<i>Fimbristylis cymosa</i> ssp. <i>spathacea</i>	mau'u'aki'aki fimbristylis	0.5'	1'	sea to 1,000'	Dry to Medium
Gr	<i>Boerhavia repens</i>	alena	0.5'	4'	sea to 1,000'	Dry to Medium
Gr	<i>Chamaesyce celastroides</i> var. <i>laehiensis</i>	'akoko	2'	3'	sea to 1,000'	Dry to Medium
Gr	<i>Cressa truxillensis</i>	cressa	0.5'	1'	sea to 1,000'	Dry to Medium
Gr	<i>Heliotropium anomalum</i> var. <i>argenteum</i>	hinahina ku kahakai	1'	2'	sea to 1,000'	Dry to Medium
Gr	<i>Ipomoea tuboides</i>	Hawaiian moon flower, 'uala	1'	10'	sea to 3,000'	Dry to Medium
Gr	<i>Jacquemontia ovalifolia</i> ssp. <i>sandwicensis</i>	pa'u o h'i'aka	0.5'	6'	sea to 1,000'	Dry to Medium
Gr	<i>Lipochaeta integrifolia</i>	nehe	1'	5'	sea to 1,000'	Dry to Medium
Gr	<i>Peperomia leptostachya</i>	'ala'ala-wai-nui	1'	1'	sea to 3,000'	Dry to Medium
Gr	<i>Plumbago zeylanica</i>	'ilie'e	1'			
Gr	<i>Sesuvium portulacastrum</i>	'akulikuli, sea-purslane	0.5'	2'	sea to 1,000'	Dry to Wet
Gr	<i>Sida fallax</i>	'ilima	0.5'	3'	sea to 1,000'	Dry to Medium
Gr	<i>Tephrosia purpurea</i> var. <i>purpurea</i>	'auhuhu	2'	2'	sea to 1,000'	Dry to Medium
Gr - Sh	<i>Hibiscus calyphyllus</i>	ma'o hau hele, Rock's hibiscus	3'	2'	sea to 3,000'	Dry to Medium
Gr - Sh	<i>Lipochaeta rockii</i>	nehe	2'	2'	sea to 3,000'	Dry to Medium
Gr - Sh	<i>Lipochaeta succulenta</i>	nehe	2'	5'	sea to 1,000'	Dry to Wet
Gr - Sh	<i>Lyclium sandwicense</i>	'ohelo-kai, 'ae'ae	2'	2'	sea to 1,000'	Dry to Medium
P	<i>Cocos nucifera</i>	coconut, niu	100'	30'	sea to 1,000'	Dry to Wet
P	<i>Pritchardia hillebrandii</i>	lo'ulu, fan palm	25'	15'	sea to 1,000'	Dry to Wet
S	<i>Mariscus javanicus</i>	marsh cypress, 'ahu'awa	0.5'	0.5'	sea to 1,000'	Dry to Medium



December 13, 2006

W. FRANK BRANDT, PASLA
Chairman

THOMAS S. WITTEN, ASLA
President

R. STANDUNGAN, ASLA
Executive Vice-President

RUSSELL Y. CHUNG, PASLA
Executive Vice-President

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Tel: (808) 242-2878

Mr. George Tengan
County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793-2155

SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Tengan:

Thank you for your letter dated June 27, 2006 regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISP/N). As the consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments.

Source Availability & Consumption

We would like to clarify your comments describing MPL's various water systems. Well 17 has a water use permit for 1,018,000 gallons per day (gpd). MPL's other source is the Molokai Ranch Mountain Water system, which as noted, has variable flows, but averages approximately 500,000 gpd.

The constructed, but currently unused, Kākalahale well in the Kamiloa Aquifer is being proposed as a non-potable water source for Lā'au Point as part of a Comprehensive Water Plan.

In the Water Plan, MPL proposes that water from Well 17 be used solely for potable water needs. Irrigation uses, currently permitted under the Well 17 permit, will be supplied from other sources. Under this plan, MPL will not need to seek any more potable water than what is currently developed. MPL will sign covenants preventing it from ever seeking further potable water permits from the State Commission on Water Resource Management (CWRM), and will abandon the Waioala Well application.

The projected water use for Lā'au Point of 437,000 gpd (which included both potable and non-potable demands) reflects several conservation measures not normally associated with rural lot development. MPL will continue its water conservation campaign to Kalaako'i residents and future Lā'au Point residents to reduce consumption, shut off irrigation systems during rainfall, and restructure water rates.

MPL believes a combination of low residential occupancy, water conservation education, xeriscaping, and tiered water rates will moderate water consumption by Lā'au Point homeowners. Lā'au Point Conditions, Covenants, & Restrictions (CC&Rs) will include the following water conservation requirements:

- **Buildable area.** Allow disturbance of no more than 30% of the lot.
- **Storage Tank.** All houses will be required to have at least a 5,000-gallon storage tank for water captured from roofs.

Zone-specific Native and Polynesian plants for Maui County

Zone 3

Type	Scientific Name	Common Name	Height	Spread	Elevation	Water req.
Tr	Morinda citrifolia	indian mulberry, noni	20'	15'	sea to 1,000'	Dry to Wet
Tr	Nesoluma polynesicum	keahi	15'	15'	sea to 3,00'	Dry
Tr	Nestegis sandwicensis	olopua	15'	15'	1,000' to 3,000'	Dry to Medium
Tr	Pandanus tectorius	hala, puhala (HALELIST)	35'	25'	sea to 1,000'	Dry to Wet
Tr	Pleomele auwahiensis	halapepe	20'			
Tr	Rauvolfia sandwicensis	hao	20'	15'	sea to 3,000'	Dry to Medium
Tr	Reynoldsia sandwicensis	ohe makai	20'	20'	1,000' to 3,000'	Dry
Tr	Santalum ellipticum	coastal sandalwood, 'ili-ahi	8'	8'	sea to 3,000'	Dry to Medium
Tr	Thespesia populnea	milo	30'	30'	sea to 3,000'	Dry to Wet

Mr. George Tengan,
SUBJECT: LA'AU POINT ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE
December 13, 2006
Page 2

- **Landscaping and Irrigation.** Landscaping irrigation system will be from re-use water collected in catchments systems; only drip systems will be permitted. Landscaping will be restricted to appropriate native and Polynesian introduced species that are drought-tolerant and suitable for coastal locations; xeriscaping aims to reduce water use in landscaped areas.
- **Water covenants.** Requirement of a dual-water system split into safe drinking and non-drinking water; safe drinking water will be limited to 500-600 gpd. Homes will be required to use double flush toilets and specially-designed showerheads for water conservation.

With regard to your Department's concern about the possible impact on the DWS Kualapu'u Well with the proposed withdrawal of 1.0 mgd of brackish water from the Kakalahale Well, MPL is actively working with your department, the Department of Hawaiian Homelands, and the US Geological Survey to comprehensively evaluate and seek a solution to Moloka'i's cumulative water demands and resources. It is expected that many of Moloka'i's water issues will be addressed by a comprehensive modeling analysis.

System Infrastructure

The new water system will meet the applicable standards, including those for fire protection.

Pollution

MPL concurs with your comments and will adopt Best Management Practices (BMPs) designed to minimize infiltration and runoff.

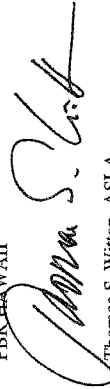
Conservation

As noted above, measures outlined in your letter will be required and the project CC&Rs will provide for additional water conservation measures.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Thomas S. Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

July 6, 2006

Mr. Thomas Witten
PBR Hawaii
1001 Bishop Street
ASB Tower, Suite 650
Honolulu, HI 96813-3484


Dear Mr. Witten:

SUBJECT: Environmental Impact Statement Preparation Notice – La'au Point
TMK: 2-2-002: 014 (portion) and 055 (portion)

Thank you for your letter of May 26, 2006, requesting comments on the above subject.

We have reviewed the Environmental Impact Statement Preparation Notice and have enclosed our comments and recommendations. Thank you for giving us the opportunity to comment on the proposed project.

Very truly yours,



Assistant Chief Sydney Kikuchi
for: Thomas M. Phillips
Chief of Police

Enclosure

c: Michael Foley, Maui County Planning Department
Office of Environmental Quality Control
State Land Use Commission

RECEIVED

JUL 10 2006

PBR HAWAII



THOMAS M. PHILLIPS
CHIEF OF POLICE
KEKUHAUPIO R. AKANA
DEPUTY CHIEF OF POLICE

COPY

TO : THOMAS PHILLIPS, CHIEF OF POLICE, MAUI COUNTY
POLICE DEPARTMENT

VIA : PROPER CHANNELS *17/03/06*

FROM : DANNY MATSUURA, CAPTAIN, DISTRICT V

SUBJECT : ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE - LA'AU POINT

The following communication is relative to the environmental impact statement preparation submitted by PBR Hawaii for Molokai properties Limited for the La'au Point.

DESCRIPTION OF LOCATION / PROJECT:

The La'au Point community project site is located within 6,348 acre vacant parcel located on the South/West portion of the island of Molokai, identified as TMK (2) 5-1-03.30. The land area is relatively dry, supporting mostly dry land kiawe trees and shrubs. The land has been used for agricultural and ranch operations in the pass.

The La'au point community will consist of no more than 200 rural residential lots, each approximately 1.5 to 2+ acres in size and will include two (2) County Parks.

COMMENTS / SUGGESTIONS:

As this is an environmental impact statement preparation notice and further drafts are forthcoming, please refer to the following comments:

- We will withhold comments until the Traffic Impact Assessment Report is completed detailing the roadways to / from La'au point.
- We shall withhold comments until the Special Management Area permit/report is submitted detailing the specifics of the proposed La'au Community project.
- We suggest that the Draft Environmental Impact Statement include potential impacts to public safety (police, fire, ambulance, etc.)

Respectfully submitted.

DANNY MATSUURA
DANNY MATSUURA
CAPTAIN
06/28/06 @ 1500 HRS



December 13, 2006

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Assistant Chief Sydney Kikuchi
County of Maui
Police Department
55 Mahalani Street
Wailuku, Hawaii 96793

**SUBJECT: LA'AU POINT ENVIRONMENTAL IMPACT STATEMENT
PREPARATION NOTICE**

Dear Mr. Kikuchi:

Thank you for your letter dated July 6, 2006 regarding the La'au Point Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the applicant, Molokai Properties Limited, we are responding to the comments you forwarded from Captain Danny Matsura of District V.

- We acknowledge that you will provide comments when the traffic impact analysis report is completed. The draft environmental impact statement (EIS) will include the completed traffic impact analysis report.
- We acknowledge that you will provide comments on the Special Management Area permit report, when submitted. Please note that the draft EIS will serve as the review document for the Special Management Area application.
- The draft EIS will include discussion regarding potential impacts to public safety (police, fire, ambulance, etc.).

Thank you for reviewing the EISPN. Your letter will be included in the draft EIS. We will provide you with a copy of the draft EIS for review

Sincerely,

PBR HAWAII

Thomas S. Witten

Thomas S. Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Safirmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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June 29, 2006

PBR Hawaii
Attn: Thomas Witten
ASB Tower, Suite 650
1001 Bishop Street
Honolulu, HI 96813

Dear Mr. Witten,

Subject: La'au Point – Environmental Impact Statement Preparation Notice (EISPN)
West Molokai, Hawaii
TMK: (2) 5-1-02:30; 5-1-06:157; 5-1-08:04, 03, 06, 07, 13, 14, 15, 21, & 25

Thank you for allowing us to comment on the (EISPN) 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. We highly encourage the customer's electrical consultant to submit electrical drawings and a project time schedule as soon as practical so that service can be provided on a timely basis. The addition of this project's anticipated electrical load demand will have a substantial impact to our system. Therefore, in addition to a electrical line extension, other substantial upgrades may be necessary to accommodate this project.

In response to the Solar Power item on page 102 of the Community-Based Master Land Use Plan for Molokai Ranch, we would like to advise the customer of a Net Energy Metering (NEM) program. This program would allow an electrical customer to interconnect a eligible renewable energy generating system, or "solar panels for electric power", with the MECO grid. Within the current Rules and Tariff Regulations, there is a maximum total capacity of 0.5% of the utility's system peak demand unless a different level is approved by the Commission rule or order. This program also limits a single customer to 50 kilowatts maximum. Any interconnection beyond the NEM program parameters will require an interconnection study.

In addition, we suggest that the developer and/or their consultant make contact with Walter Enomoto of our Demand Side Management (DSM) group at 872-3283 to review potential energy conservation and efficiency opportunities for their project.



Should you have any questions or concerns, please call Ray Okazaki at 871-2340.

Sincerely,

Neal Shinyama
Manager, Engineering

NS:ro

c: State Land Use Commission – Anthony Ching
Office of Environmental Quality Control
Walter Enomoto – MECO DSM



PBR HAWAII & ASSOCIATES, INC.

W. FRANK BRANDT, ASLA
Chairman

THOMAS S. WITTEN, ASLA
President

R. STAN DUNCAN, ASLA
Executive Vice-President

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NATIVE HAWAIIAN LEGAL CORPORATION (PBR HAWAII)

Serving Hawaii since 1974

1164 Bishop Street, Suite 2025 • Honolulu, Hawaii 96813 • Phone (808) 521-2302 • Fax (808) 527-4268

July 7, 2006

Peter Nicholas/Harold Edwards
Molokai Properties Limited
745 Fort Street Mall, Ste. 600
Honolulu, HI 96813

Thomas Witten
PBR Hawaii
1001 Bishop St., Ste. 650
Honolulu, HI 96813

Anthony Ching
State Land Use Commission
P.O. Box 2359
Honolulu, HI 96804

Genevieve Salmonson
OEQC
235 S. Beretania St. #702
Honolulu, HI 96813

Re: COMMENTS ON EIS/SPN FOR LĀ'AU POINT

Dear Messrs. Nicholas, Edwards, Witten, Ching and Ms. Salmonson:

The Native Hawaiian Legal Corporation submits these comments on behalf of our client, the Molokai Homestead Farmers Alliance. Our client wishes to be a consulted party, pursuant to chapter 343.

In order to fully inform decisionmakers regarding the impacts of this project, the DEIS and FEIS (hereinafter EIS) must discuss the following issues in detail:

WATER

The EIS should include a detailed discussion of using desalination to supply water to Lā'au Point. It should also examine the option of using desalination for Kahako'i and Lā'au instead of the proposed one million gallons per day of brackish water from the Kakalahale Well. Rather than including a conclusory statement that desalination is more expensive, it should include supportive data and explain in detail how its



Services made possible with major funding from the Office of Hawaiian Affairs.

Hand, upright, straight, safely, all and straight as a tree without branches, simply passed, as mountain, fig., righteous, correct.

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July 7, 2006
Page 2

conclusions are reached. The analysis should consider the option of desalinating brackish water found nearer Lā'au Point. It should consider, among other things, the reduced transmission costs. How much more would be added to the price per home if desalination were required? Please note that the developer of a single family house at Pā'o in North Kohala, Hawai'i is proposing to supply water through desalination (Final Environmental Assessment Cohen Single Family Dwelling and Associated Improvements in the Conservation District February 2006). It is hard to imagine why desalination can make sense for one high-end home on the island of Hawai'i, but not for 200 homes on Moloka'i.

The EIS should identify with specificity all the permits and approvals that Moloka'i Properties Limited has for the use of potable and nonpotable water on the island. The EIS should disclose the date the approvals were granted, the amount of water authorized, where the water comes from, where it goes, and the use to which the water can be put.

The EIS should disclose the impacts that were projected to occur to the Kualapu'u aquifer from the Waiola Well application. The EIS should explain why there would be any less impact to the aquifer in pumping (more) brackish water instead of potable water.

The EIS should disclose what impact the pumping of brackish water from Kākalahale will have on the Kualapu'u aquifer. How much will the water-level decline in the well field? How much less available water does this translate to? The EIS should also disclose how much the USGS model predicts DHHL's existing wells would lose in production.

The EIS should disclose what impact the pumping of brackish water from Kākalahale will have on fisheries, fishponds, DHHL reservation rights and native Hawaiian rights.

The EIS should disclose what impact the pumping of brackish water from Kākalahale will have on the level of the zone of transition between fresh and saltwater.

The EIS should disclose the impact at the Kamiloa shoreline.

The EIS should disclose a specific deadline by which uses of potable water would shift to nonpotable, and what the consequences would be if such a shift is not made.

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Page 3

CUMULATIVE IMPACTS

Hawaii Administrative Rules 11-200-2 defines cumulative impact as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions." HAR 11-200-17 requires that an EIS discuss "significant beneficial and adverse impacts (including cumulative impacts and secondary impacts)."

The DEIS should disclose the cumulative impacts of, at the very least, Moloka'i Ranch's past, present and reasonably foreseeable future actions.

The DEIS should disclose what Moloka'i Properties Limited's plans are for the other lands it owns, but has not yet developed. These include lands near Hale o Lono Harbor and Kaluako'i

APPLICANT'S TRACK RECORD

The success of any mitigation measures is dependent on the track-record of the applicant. Furthermore, decisionmakers operating under HRS Chapter 205 are supposed to consider the representations and commitments made by the petitioner in securing a boundary. It therefore is absolutely essential for the EIS to discuss problems the developer may have had in the past in fulfilling commitments and representations.

The DEIS should fully disclose the nature of all litigation that relates to promises or representations made, the claims that were made and the final disposition of all such cases. The discussion should be even-handed and not rely on self-serving statements.

To what degree have promises in other EAs and EISEs, or applications for government approvals for projects that Moloka'i Ranch been kept? Have all the mitigation measures mentioned in these documents been implemented? Have there been any violations of the law, citations or warnings issued by government agencies to Moloka'i Ranch?

WATER QUALITY

The EIS should include sufficient baseline data for meaningful analysis.

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Genevieve Salmonson
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Page 4

The EIS should include a report by a hydrologist discussing how water flows through the project area into nearshore waters.

Any water quality plan should spell out in detail any mitigation plan rather than leaving the term ambiguous.

The EIS should include any calculations or models used to support any conclusion regarding runoff and drainage into nearshore waters.

A complete EIS will reveal the cumulative impact of all runoff and leaching on coastal waters. This includes fertilizers, sedimentation, heavy metals, grease, other urban runoff, and sewage effluent. To understand the full cumulative impact, the EIS should examine the impact of runoff traditionally associated with coastal development, including sediment runoff during construction, waste oil and other rubbish associated with urban uses. How much contaminated water (by nutrients or other contaminants) can be expected to leach through soil and make its way into the coastal waters (i.e., not surface runoff, but percolation)? What will be the cumulative impact of nitrates from wastewater -- together with percolation and runoff? What specific studies does the EIS rely on to support its conclusions? It should study the amount of nonpoint source water pollution associated with similar developments and discuss the degradation of coral reefs and coastal water quality caused by similar projects. A complete EIS would not glibly assume that mitigation measures would take care of all nonpoint source water pollution problems.

The EIS should consider the impact of termite treatment on coastal water quality. Houses in Hawaii receive frequent termite treatments and that the impacts on waterbodies (such as the Ala Wai Canal) are well documented. It is imperative that the EIS fully disclose the impacts of pesticide runoff from frequent termite treatments.

Similarly, the EIS should consider the issue of household hazardous waste. Will it be disposed of, as it is currently through out the state: down the drain, off the driveway, on the lawn? Or is the developer planning to include a guaranteed program that will collect all household hazardous waste?

Because an EIS is a full disclosure document and because there is no meaningful opportunity for public participation in the approval of erosion control plans, please provide a copy of the erosion control plan and best management practices in the EIS.

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During construction, what is the maximum amount of soil that will be exposed on any given day? How much soil will be exposed?

Where will swimming pools be drained? How do we know that they will not simply be drained on the ground, to percolate into the ground and out into the coastal waters?

What are the current levels of all the pollutants identified in Hawaii Administrative Rules 11-54-04 measured at the shoreline of this project? How will each of these levels change in front of this project if it is fully built-out?

The EIS should describe the statistical power of any monitoring program to detect change to corals, the various fish species, and invertebrates.

The DEIS should disclose the time of year that the marine environmental assessment was done.

WASTEWATER TREATMENT PLANT

What kind of wastewater treatment facility will be used? To what extent will the sewage be treated -- secondary or tertiary? Where will it be discharged? If the applicant proposes to discharge it through an underground injection well, please disclose how long it takes such effluent to reach the coastal waters and the level of contamination.

Where will the sludge go? How much will be generated? What are the impacts?

SCENIC IMPACT

The EIS should use both of the two most useful methodologies of Visual Impact Analysis: 1) given a structure at point x, where will it be seen from; and 2) from point y, what will you be able to see of the development?

WILDERNESS

The EIS should discuss the high value that many people place on being able to go somewhere with wilderness qualities (i.e., few -- if any -- people, no man-made structures etc.) People who walk along the shoreline, travel by boat by it, or exercise traditional native Hawaiian practices will all experience a loss in this sense of wilderness.

Peter Nicholas/Harold Edwards
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Page 6

The EIS should identify how many people currently use this stretch of coastline on any given day. How much more use will there be after the 200 houses are built. The character of the area is dramatically affected by the inevitable use by residents of the 200 houses. The EIS should discuss how use by these new residents will affect natural resources in the area, cultural practices and the wilderness experience.

The EIS should discuss the loss of this "unspoiled coastal environment," the impact of this loss to native Hawaiians, the visitor experience, and the affect on visitors return to the islands.

People visit Hawai'i because of the *natural* environment. The EIS should discuss the results of the survey of 1,000 Maui tourists (*A VISITOR'S VIEW OF PARADISE: A REPORT ON MAUI'S VISITORS . . . WHY THEY COME, WHAT THEY ENJOY, WHY THEY RETURN*). Among the results:

- The most memorable part of visitors' trip was "excursions into Nature."
- The feature that most visitors said that they would like to see more of was "natural coastlines"
- 91% reported that the preservation of natural areas was very important in their decision to return to visit.

SOCIAL IMPACT

The EIS should include a social impact assessment that discusses potential conflicts between newcomers and residents. The social impact assessment needs to consider what has happened on Lana'i where the division between haves and have-nots has caused a significant increase in the island's social problems.

State law calls for us to give consideration to the Aloha Spirit in our actions, HRS 5-7.5(b). The EIS should discuss how this development for the super-rich promotes the spirit of aloha and community?

OTHER ISSUES

The EIS should disclose the current electrical capacity on the island and whether this development will necessitate an expansion. It should disclose whether an indirect

Peter Nicholas/Harold Edwards
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Genevieve Salmonson
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impact will be an increase in electrical rates. It should disclose who pays for the extension of electric lines to the site? Will powerlines be above or below ground?

The EIS should disclose what kinds of demands this development will impose on the fire and police departments and whether adequate service will be available to Lā'au.

The EIS should describe the community funding mechanism. For example, most people understand conventional sales of land from one person to another, with the transaction recorded in the Bureau of Conveyances. What happens, however, when a person owns an LLC and the LLC owns a piece of property at Lā'au – and rather than selling the land, the person simply sells the LLC – avoiding conveyance taxes as well as whatever mechanism is created to funnel a portion of sales revenue back into the community? This type of sale is increasingly occurring in Hawai'i, with a corporate entity maintaining possession of land, but the ownership of the corporation changing hands.

What sort of guarantee is there that profits from this development will be used for hotel revitalization?

The EIS should discuss any risks posed by earth movement that Lā'au homeowners would face. The EIS should include a discussion of the soil type and slope and whether development has taken place in similar types of environments in this state.

The EIS should discuss the impact of this project on property values on the island. Will this project impact property assessments and taxes?

Will the applicant make any commitment to keeping all inadvertent discovery of burials in place?

MITIGATION MEASURES

Please fully discuss how the public can be assured that any proposed mitigation measures will be performed and will be effective. Please describe the county and state government's monitoring and enforcement programs so that we can be assured that promises made will be kept. How much staff do the State Health Department, County Public Works Department and County Planning Department have to ensure that promises are kept? How often can they be expected to visit the site? Please do not argue that it is



Peter Nicholas/Harold Edwards
 Thomas Witten
 Anthony Ching
 Genevieve Salmomson
 July 7, 2006
 Page 8

December 13, 2006

W FRANK BRANDT, FASLA
Chairman

THOMAS S. WITTEN, ASLA
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R. STANDUNGAN, ASLA
Executive Vice-President

RUSSELL Y. CHUNG, FASLA
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Mr. David Kimo Frankel
 Native Hawaiian Legal Corporation
 1164 Bishop Street, Suite 1205
 Honolulu, Hawaii 96813

SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Frankel:

Thank you for your letter dated July 7, 2006 regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments. We acknowledge your request to be an Environmental Impact Statement (EIS) consulted party.

WATER

With respect to the costs of desalination, the Draft EIS will address the costs of operating a desalination plant sourcing West End brackish water versus the proposed Kakalaha Well. We agree that a single-family residential desalination plant has reasonable first costs; however, both single-family sized units and commercial plants for municipal service have considerably higher on-going operating costs that will be exacerbated in the short-term by higher energy costs. In the longer term, as technology improves, it will become more affordable on a relative basis.


Below is a table of the various water use permits held by MPL or its subsidiaries:

WUP NO.	APPROVED	APPLICANT	WELL NO.	WELL NAME	WUP (mgd)	USE
617	12/19/2001	Kaluakoi Land, LLC	0901-01	Well #17	1.018	Molokai Public Utilities, Inc., Well
604	03/14/1995	Molokai Ranch Ltd.	0706-03	Palaau Salt	0.001	Municipal Use Aquaculture, Salt Water
607	11/17/1993	Molokai Ranch, Ltd.	0706-02	South Hoolahua	0.864	Aquaculture, Brackish Water

beyond your ability to answer these questions. Please ask the departments themselves. Please report how short-handed they report that they are.

The applicant should identify all proposed mitigation measures in a consolidated list. These measures should be written in plain language that is easily enforceable when incorporated into a permit.

It would be helpful if the EIS included a copy of the proposed CC&Rs. The Community-Based Master Land Use Plan discusses them in the abstract, but is somewhat ambiguous. It states that "The most restrictive example [of building size restrictions] is DLNR's restriction for homes in the conservation district." But the plan does not say explicitly that house sizes will be limited to 5,000 square feet (using the definitions in the conservation district rules).

Sincerely,

 David Kimo Frankel
 Staff Attorney

We did not include the Waiola Well permit since it is currently remanded. The permitted uses of these sources are more fully set out in the permits that are a matter of public record. The Waiola Well permit was remanded in part due to an incomplete record on potential impacts. We would expect for identical withdrawals, the impact from the two wells would be similar.

MPL does not anticipate any impact to the Kualapu'u aquifer sector from pumping the Kakalahale Well nor would it be expected that the water levels in any of the four wells in the Kualapu'u Well field to be measurably affected notwithstanding any model calculated impact. MPL is currently working with DHHL, DWS, and USGS to address the long-term water needs of the major water purveyors on Moloka'i.

Potential impacts of the proposed use of the Kakalahale Well will be addressed in the permitting process for this well, which is the proper venue for those matters.

The timeline for the shift of non-potable uses to non-potable sources will be a function of many variables including the length of time required for the water use permitting process and the growth rates of potable and non-potable demands. As for the consequence of the shift not being made, MPL would expect it would be the inability to meet all customer demands and higher water rates to control consumption.

CUMULATIVE IMPACTS

To assess the cumulative and secondary impacts of the Lā'au Point project in context with other projects, MPL has openly discussed its plans for Lā'au Point with Moloka'i community members and organizations through the *Community-Based Master Land Use Plan for Molokai Ranch* process and the EISPN.

The known projects for Moloka'i are identified future uses of MPL land holdings and homestead developments by the Department of Hawaiian Homelands (DHHL) in their Moloka'i Island Plan (2005). Cumulative and secondary impacts resulting from Lā'au Point and DHHL projects are likely to include greater demand on public infrastructure systems and services, such as water and solid waste. The Draft EIS will contain detailed discussion on cumulative impacts and secondary impacts of Lā'au Point.

As previously discussed in the EISPN, sales of the Lā'au Point lots will fund the Kaluako'i Hotel and Golf Course renovations. The *Community-Based Master Land Use Plan for Molokai Ranch* (Appendix A of the EISPN) discusses proposed plans for all of MPL's lands.

APPLICANT'S TRACK RECORD

As discussed in the detailed land use history (Section 2.1.3 of the EISPN), Molokai Ranch has been through many phases of ownership. As part of the decision making process on the Lā'au Point State Land Use District Boundary Amendment (Docket No. A06-764), the State Land Use Commission (LUC) will consider the representations and commitments made by the petitioner, Molokai Properties Limited (MPL), for this project. The LUC has the authority to impose project specific conditions to ensure a petitioner's representations and commitments are implemented. We disagree that a discussion on the applicant's "track record" is warranted in the EIS.

WATER QUALITY

A marine biological and water quality baseline survey was prepared for the Draft EIS. The report will be provided as an appendix to the Draft EIS. The report concludes that it is likely that sediment discharge from runoff to the ocean will be significantly less with the Lā'au Point project compared with existing conditions. This conclusion is based on the several measures planned for Lā'au Point that will protect near shore waters from increased degradation of water quality, such as drainage control systems, CC&Rs to regulate the use of fertilizers and pesticides, re-vegetation as a means of permanent erosion control measures throughout the developed areas, and livestock fencing to keep deer and livestock from disturbing the soil near the community. It is likely that the long-term water quality in adjacent coastal waters may be improved by these measures. Lā'au Point will be in compliance with all laws and regulations regarding runoff and non-point source pollution, ensuring that storm water runoff and siltation will not adversely affect the downstream marine environment and near shore and offshore water quality.

Potential short-term impacts of construction on marine waters will be mitigated by implementation of best management practices to control drainage and mitigate erosion from grading.

Strict CC&Rs for Lā'au Point will restrict the use of hazardous materials, such as fertilizers and termite treatment. The CC&Rs will also address the disposal of household hazardous waste.

A preliminary drainage report, which addresses erosion control and best management practices, will be included as an appendix of the Draft EIS. Before issuance of a grading permit by the County of Maui, an erosion control plan and best management practices will be prepared describing the implementation of appropriate erosion control measures.

Grading plans approved by the County will control how much soil will be exposed during construction. All construction activities will comply with all applicable Federal, State, and County regulations and rules for erosion control and fugitive dust.

The act of draining a swimming pool must comply with the State's Water Pollution Control Law (HRS 342D-50).

Baseline studies were conducted regarding nearshore water quality and shoreline pollutants and for monitoring change to corals, fish species, and invertebrates. The marine assessment report

will be provided in the Draft EIS. Marine surveys were conducted in November 2005; the report was completed May 2006.

WASTEWATER TREATMENT PLANT

Lā'au Point will include its own private wastewater treatment system designed to Department of Health standards. All wastewater plans will conform to applicable provisions of HAR, Chapter 11-62, "Wastewater Systems."

The primary method of effluent disposal proposed for the Lā'au Wastewater Treatment Plant (WWTP) is beneficial reuse as irrigation water for select areas of conservation lands along the coastline and for soil erosion control in arid areas of this project. Therefore, the effluent produced by the WWTP shall meet the Hawai'i State Department of Health (DOH) R-1 recycled water quality criteria. R-1 quality recycled water requires the effluent to be at all times oxidized, then filtered, and then exposed to a disinfect ion process that kills pathogens.

A fully integrated wastewater treatment system that incorporates biological processes, ultra filtration membranes, and disinfection technology is proposed for the WWTP due to the stringent effluent requirements for R-1 recycled water. This technology combines the activated sludge process with micro-pore filtration in a compact membrane bioreactor (MBR). Both oxidation and filtration are achieved in the MBR, thus eliminating the need for separate secondary and tertiary treatment processes.

Solids generated from the WWTP, such as sludge (or biosolids), will be dewatered to humus using sand drying beds, a practice that is particularly conducive in the arid climate of west Moloka'i. Sludge for disposal at the County landfill will be small, amounting to about 70 cubic yards annually.

SCENIC IMPACT

The Draft EIS will provide site photographs taken from key viewpoints. The existing landscape and views around Lā'au Point will change with the creation of the rural-residential community. To mitigate visual impacts, the house lots, roadways, and infrastructure of the Lā'au Point project are planned to occupy only seven percent of the entire 6,348-acre Lā'au parcel, protecting the majority of the land's open space landscapes. It is also important to note that the 200 homes will be built on relatively large lots (approximately two acres each), which results in a very low-density, rural character. Homes will be sited appropriately to blend into the landscape and avoid a dense urban-like setting.

To mitigate visual impacts for shoreline users and provide privacy for the homeowners, lot lines will be set back at least 250 feet from the shoreline or high water mark, creating a coastal conservation zone and natural buffer area. The Draft EIS will provide a typical elevation section of the setbacks and buffer zone as part of a visual analysis. To further minimize visual impacts, residential construction will be subject to stringent CC&Rs (as discussed in Appendix A of the EISPN). Buildings must maintain a low-profile, rural character and respect the natural environment. Restrictions on building height (one-story, maximum 25 feet high), lot coverage, materials, colors, and style are important factors to blend homes into the environment.

WILDERNESS

Natural areas and "wilderness" at Lā'au Point, such as the coastline strand, streams, gulches, and floodways will be protected and maintained as open space. MPL will seek to expand the existing State Conservation District in the project area along the coast by approximately 254 acres from 180 acres to 434 acres. An open space buffer area totaling approximately 382 acres will surround the 400 acres of residential lots. When combined, the areas designated for conservation, open space, and park usage will total 653 acres. Several Cultural Protection Zones totaling approximately 1,000 acres of land were identified within the project and larger area of the Lā'au Point parcel to denote areas where groupings of archaeological and historic sites exist. In addition, an archaeological preserve (approximately 128 acres) will be created at Kamāka'ipō Gulch as part of the project area.

The Lā'au Point coastline has been largely inaccessible to the general public due to restricted access through the surrounding private lands and for lack of infrastructure and facilities. The project would therefore open up public access to an area that was previously off limits. The presence of new residents and homes may be undesirable for those who resent the presence of outsiders or structural development. On the other hand, existing residents may appreciate the ability to visit Lā'au Point, a previously inaccessible area, regardless of nearby uses. Because increased public access to the shoreline and other coastal resources has the potential to damage the natural environment and diminish the uniqueness of the coast, a shoreline access management plan for the area will be implemented to protect the natural resources of the shoreline. The shoreline access management plan would adopt protocol, rules, and permitted activities for persons engaging in subsistence shoreline fishing and gathering in these Conservation shoreline areas.

The Sierra Club report (1998), which surveyed 1,000 Maui tourists, was reviewed but will not be discussed in the EIS. However, the EIS will discuss the findings of the Moloka'i Responsible Tourism Initiative Report (2006), which is more recent and directly relevant to Moloka'i.

SOCIAL IMPACT

The Draft EIS will include a social impact assessment as an appendix. The study directly addresses the potential conflict between newcomers and residents and includes a case study of Lāna'i's social problems. In meetings and interviews for the social impact assessment, people who opposed Lā'au Point feared that Moloka'i would face the same problems Lāna'i faced if the Project were implemented. They felt that residents would be subject to the control of the rich newcomers. Two factors, however, suggest that Lā'au Point would not result in social conditions that exist on Lāna'i: community control and multiple options. Whereas Lāna'i residents historically accepted the conditions of the island's predominant employer, Moloka'i has traditionally exhibited self-reliance and independence. Community control was a salient factor in the development of the *Community-Based Master Land Use Plan for Molokai Ranch*. Moloka'i also has multiple options. The economic base is more diversified than that of Lāna'i, and people have more choices for employment than just the visitor industry.

MPL believes that the community-based process implemented in formulating the *Community-Based Master Land Use Plan for Molokai Ranch*, which includes this Lā'au Point project, embodies giving consideration to the Aloha Spirit (HRS 5-7.5(b)). No other community-based

Mr. David Kimio Frankel
Subject: Lā'au Point Environmental Impact Statement Preparation Notice
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The study notes that only to the extent that there is new worker in-migration to the island to support or sustain the Lā'au Point project and its residents could there be some modest indirect impact on selected real estate activity and prices. Offsetting this is the moratorium on further MPL land development as a result of the Land Trust and its easements, which will reinforce the status quo and limit further development of west Molokai.

MPL and its contractors will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. Archaeological mitigation plans have been submitted to SHPD for review and approval.

MITIGATION MEASURES

Approval of the Lā'au Point project by the State Land Use Commission (SLUC), Maui County Council, and Moloka'i Planning Commission will be based on the assurances of satisfaction of imposed conditions and standards placed on the project during reclassification and entitlement processing. The establishment of the Land Trust also ensures that the Conservation areas directly adjacent to Lā'au Point will be constantly managed and monitored. Effective County and State agency monitoring of the project will be evident from the submittal of annual reports to the LUC and County Planning Department which update the status of compliance with zoning conditions and mitigation measures.

The Draft EIS will include an executive summary, which identifies impacts and proposed mitigation measures.

The Draft EIS will contain further discussion and clarification of proposed CC&Rs for Lā'au Point. The draft CC&Rs are currently being prepared

Thank you for reviewing the EISPN. Your letter has been included in the Draft EIS.

Sincerely,

PBR HAWAII



Thomas S. Witten, ASLA
President

Cc: Anthony Chung, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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planning in the state has been of this magnitude, involving as many community members, which led to the creation of a visionary plan to address Moloka'i's time-worn problems.

OTHER ISSUES

Electrical systems will be extended underground from Kaluako'i. Underground utilities will be as close to the road center as possible to avoid multiple impact corridors. At its eastern terminus, this underground distribution system will be connected to the existing overhead system servicing Hale o Lono Harbor to provide an alternative means of serving the project. MPL will coordinate with MECO on the construction of electrical systems for the project. The project's CC&Rs and design standards will require energy efficient building design, equipment and site development practices to reduce electrical demand.

The Lā'au Point project will impact police and fire protection services due to increase of people and activity on and around the project site. In the long-term, there may be an increase in police and fire service demand from the additional population, more homes and property, and increased activity resulting from public parks and more public accesses. Fire and emergency services will be able to access Lā'au Point from the project's new paved road from Kaluako'i and the existing fire access dirt road at Hale o Lono Harbor.

As previously discussed in Section 2.2.4 of the EISPN, an endowment from the Lā'au Point community will create a sustainable mechanism for funding the CDC which will be structured as follows: A net 5 percent of the sale revenue of all 200 lots in the Lā'au Point community, and a percentage, yet to be determined, of subsequent revenue when lot, or lot and house, is re-sold. The long-term endowment program will be put in place following approval of entitlements for Lā'au Point. Issues regarding LLC ownership and the notion of avoiding conveyance taxes should be addressed at that time, rather than for the EIS.

The *Community-Based Master Land Use Plan for Molokai Ranch* provides the agreement with condition that profits generated from Lā'au Point will be used to revitalize the Kaluako'i Hotel. This was discussed in Section 2.2 of the EISPN.

Natural hazards, such as earth movement (earthquake), were previously discussed in Section 3.5 of the EISPN. Discussions on soil type (Section 3.3) and slope (Section 3.2) were also included in the EISPN. A soils engineer has been consulted on soil foundation for the site based on experience of similar types of environments in the state.

The impact of the project on property values on the island will be specifically addressed in the DEIS. In terms of the real estate market and its effect on home prices and property taxes, the Lā'au Point project is physically separated from the rest of Moloka'i by hundreds of acres of Ranch land, and will be a unique market unto itself. Secondary impacts on nearby communities, if any, might only be potentially possible among the makai portions of the Kaluako'i lots, which have their own comparable market activity. In addition, the 24,950 acres designated for protective easements on lands held by the Moloka'i Land Trust will isolate and distinguish Lā'au Point from the rest of Moloka'i. The Hallstrom Group analysis, (to be included as an appendix to the DEIS) concludes that property taxes of properties located in other parts of the island (and thus not competing in the same market or market area), and/or that have different highest and best use potentials, will not be directly affected.



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July 10, 2006

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State Land Use Commission
P.O. Box 2359
Honolulu, HI 96804

Genevieve Salmonson
OJEOC
235 S. Beretania St. #702
Honolulu, HI 96813

Re: **ADDITIONAL COMMENTS ON EISP/N FOR LA'AU POINT**

Dear Messrs. Nicholas, Edwards, Witten, Ching and Ms. Salmonson:

The Native Hawaiian Legal Corporation submits these additional comments on the La'au Point EISP/N on behalf of our client, the Molokai Homestead Farmers Alliance.

In addition to the issues we raised in our July 7 letter, the EIS should specifically consider the testimony provided by cultural practitioners in the Waitoia contested case hearing.

Sincerely,

David Kimmo Frankel
Staff Attorney



Services made possible with major funding from the Office of Hawaiian Affairs.

Note: Upright, straight, steady tall and straight as a tree without branches, simply peaked, as mountains. Fig., righteousness, correct.

Molokai Homestead Farmers Alliance
"Protecting the Resources of the Hawaiian Homestead Farmers"
P.O. Box 176, Ho'olehua, HI 96729

July 6, 2006

TO: Mr. Peter Nicholas
CEO, Molokai Properties

FROM: Lynn DeCoite
President
Molokai Homestead Farmers Alliance

RE: Request to be Consulted on the Laau Point Development

Aloha, Peter. As a the president of the Molokai Homestead Farmers Alliance, a Hawaiian Homestead farmer, and a community leader in the Hawaiian community, I would like to be consulted on the following issues and other issues affecting Hawaiian Homesteads and native Hawaiians. Mahalo.

1. An appeal of the Waitoia o Molokai case before the State Supreme Court overturned the decision by the State Commission of Water Resource Management to allow Molokai Ranch to drill a new well near Kaunakakai. The Kakalahale Well is less than 1/2 mile from the proposed Waitoia Well Site. The fact that the new development will use brackish water appears to raise more critical concerns related to upsetting the transition zone and causing undo stress in this sector and adjacent sectors than the Waitoia Well.
 - How are issues and concerns raised by the intervening parties in the Waitoia case different from this case?
 - If the issues and concerns identified in the Waitoia decision the same, then do the findings of the Waitoia case apply to this case?
 - If the impacts identified in the Waitoia decision the same, then do the findings of the Waitoia case apply to this case?
 - Is the difference between taking fresh water from the Waitoia Well, and taking brackish water from the Kakalahale been quantified?
 - What impacts will pumping Kakalahale Well have on adjacent water sectors, including Kualapuu and Kawela?
 - Have these impacts been quantified?
 - How will they transport this additional water to the project area?
 - Has there been any study regarding pumping water further east from the Kawela eastward?
2. One of the outcomes of the Waitoia decision was that the parties applying for a well permit are responsible to determine and prove or disprove impacts. The amount of water being requested is comparable to the amount of water utilized by all of the Hawaiian Home Lands each day, estimated at 1 mgd.

- How will Molokai Properties determine impacts before pumping the well?
 - What factors will be quantified?
 - Will Molokai Properties take liability for the impacts, if determined or identified now and after the fact?
3. The Department of Hawaiian Home Lands (DHHL) has over 25,000 acres of land on Molokai. Of these acreages, less than 20% has access to water. There is a need to reserve water for these developments now and in the future. Several years ago, DHHL requested an additional 1/2 mgd for its new developments. These include 85 new residences in Hooilehua, and 125 in Kalamaula.
 - Should DHHL receive its additional water before a decision on additional water for Molokai Properties is made?
 - What will be the impact of the proposed La'au development on the ability of DHHL to secure water for all their lands presently and in the future.
 - What additional costs will be imposed on DHHL if the La'au development moves forward and DHHL is forced to move east to find water for its new homesicads?
 - Will Molokai Properties compensate DHHL for the additional cost of moving further east for water?
 4. How will pumping of water from one sector and transporting it 20 miles away affect the recharge of the aquifer?
 5. The USGS has identified the presence of groundwater under west Molokai near the proposed La'au development.
 - Has Molokai Properties exhausted all options in harvesting brackish water from Kaluakoi ahupua'a around the location of the proposed development?
 - Has Molokai Properties conducted test drillings on West Molokai?
 - If so, where are the locations of these wells.
 6. Does Molokai Properties have sufficient water for the proposed developments they have already received zoning for on the west end?
 - Where will this water come from?
 - How much water will be required?
 7. It is proposed by Molokai Properties that they be allowed to waive the present 1500 feet right-of-ways around this development.
 - Will the public have sufficient access and right of ways every 1500 feet as called for in the community plan for the West End?
 - Who will be responsible for this loss of community access and assets if the development is allowed to decrease the rights-of-ways?
 - Who will pay for this loss of access to the ocean by the community?
 8. The present water use plan states that there is a 1% build-out in the Kaluakoi and this data is a determinant in the future water needs of this area. Yet, over the last year, there was a 10% build-out based on the amount of building permits issued.
 - How will the developers compensate for this gross inaccuracy and what plans are in place to make up for the shortfall in water?
 - How will they address the need for more water in the near future?
 - How will the developer address impacts on native Hawaiian water rights to water as a result of this water permit?
 - How will the developer transport this additional water to the project area, and where will this water originate?
 9. What will be the impact of their development on the long-term use of water on this aquifer and the middle of the island?
 10. Molokai Ranch's Mountain System in one of the sources of water for this development, and they presently transport an average of 1/2 millions per day. This system captures surface and leaking ground water from the watershed that would otherwise recharge a few of the sectors including the Kualapuu, Kamiloa, and Kawela sectors, the main sectors being utilized for Hawaiian Home Lands.
 - What is the present impact on the recharge of water in the Kualapuu Aquifer.
 - What is the long-term impact of this water capture on the native habitat in the forest reserve?
 - What are the long-term impacts of this water capture on aquifer recharge of the Kualapuu Aquifer, and adjacent sectors under Hawaiian Homelands, including Hooilehua, Kalamaula, Kapaakea, One-Alii, and Makakupapa.
 11. The developer has stated they will utilize the Molokai Irrigation System (MIS) to transport water to their Laau Point Development.
 - What will be the impact of increased water withdrawals on native Hawaiian first rights to water through the Molokai Irrigation System?
 - What will be the impact of wear and tear on the system due to this ongoing non-agricultural use of the MIS.
 - What will be the impacts on Hawaiian Homes first rights to water in the event that the pump at Well 17 breaks down, the Mountain System has inadequate surplus water, and the developer cannot deliver adequate water from their sources to the Kaluakoi area?
 12. The largest concentration of vertisols or montmorillonite soils on Molokai occurs near La'au Point. These soils are the most destructive to housing foundations and structures due to its' high-shrink-swell capacity. What surveys, if any, have been conducted to identify the extent of these vertisols?
 - What measures will be implemented to mitigate the effects of soils with a high shrink-swell capacity on housing structures and roads.
 - How are you going to overcome the adverse effects of building houses on soils with a high shrink-swell capacity (vertisols)?
 - Who will be responsible for informing lot owners of this impending problem?
 - Who will be liable if houses built on this soil are damaged through the cracking a shifting of structures?

13. What will be the impact of run-off from the proposed developments on the Hawaiian monk seal habitats along the south and west shores downhill from this development?
- Has this impact been quantified?
 - Who will be responsible for monitoring the long-term impacts and who will bear the cost?

Sincerely,

J. Lynn DeCoite

Lynn DeCoite
President
Molokai Homestead Farmers Alliance

cc: Thomas Witten
Anthony Ching
Genevieve OEQC



PBR HAWAII
& ASSOCIATES, INC.

December 13, 2006

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President

R. STAN DUNCAN, ASLA
Executive Vice-President

RUSSELL Y. I. CHUNG, FASLA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

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SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Ms. De Coite

Thank you for your letter dated July 10, 2006 regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments. We acknowledge your request to be an Environmental Impact Statement (EIS) consulted party.

1. The Waiola o Moloka'i water use permit was remanded by the Supreme Court. MPL requested that the Water Commission further defer action on that potable well application pending completion of a Water Master Plan, which proposes that MPL will not seek further potable water, but rather submit a water use permit for brackish water from the existing Kakalahale Well. The Kakalahale Well is 1.4 miles away and down gradient from the proposed Waiola Well site.

Many of the issues raised in the Waiola Well case were resolved by the Water Commission and affirmed by the Supreme Court. Those issues that were remanded will need to be addressed in further proceedings. MPL is currently working with the Department of Hawaiian Homelands (DHHL), the County of Maui Department of Water Supply (DWS), and the US Geological Survey (USGS) to comprehensively evaluate Moloka'i's long-term water demands and resources. It is expected that all of these water issues will be addressed by a comprehensive modeling analysis.

With respect to transmission, MPL will not seek to use the MIS to deliver this water to the West End. In all likelihood, MPL will use one of two existing waterline easements traversing the island.

2. As noted above, MPL is working jointly with DHHL, DWS, and USGS on a comprehensive modeling analysis that will address the long-term needs of each of the major water purveyors on Moloka'i. The specifics of the impacts have yet to be identified. MPL has long publicly acknowledged that if its water use interfered with DHHL's priority rights to water, MPL would have to yield to those prior rights.

3. The DHHL has a permit for 367,000 gpd and a reservation for 2,905,000 gpd. Our understanding is that the Water Commission's position with respect to increasing DHHL's existing water use permit amount was a result of testimony DHHL provided in the Waiola contested case relative to the ability of its wells to safely produce additional water. It is our further understanding that DHHL has been advised by the Water Commission that a commitment to develop additional infrastructure (a well) would result in having additional water permitted from their existing reservation. MPL has indicated it is willing to work with DHHL to allow it to access 500,000 gpd from Well 17. Given that DHHL's additional permit amounts are a function of its infrastructure investment, we do not think timing issues are relevant between the two users.
4. Water withdrawn from an aquifer by pumping does not generally return to the aquifer unless it is wasted through excess irrigation over the aquifer in question or is wastewater effluent from a cesspool or individual wastewater treatment facility located over the aquifer, a generally undesirable situation.
5. MPL believes it has used reasonable business judgment in evaluating the groundwater resources on the West End of Moloka'i.
6. MPL's existing water use permits cannot meet the future demands of its existing customer service areas. MPL's plan calls for the development of an additional 1,000,000 gpd of water. Of that amount, 340,000 gpd is for the proposed La'au development, 200,000 gpd is proposed for future expansion of Maunaloa and Kualapu'u, and the balance is needed to address future demands from existing developed lots, the renovation of the Kaluako'i Hotel, and existing Ranch uses.
7. The proposed shoreline access plan was developed through the *Community-Based Master Land Use Plan for Molokai Ranch* process as a means to manage and protect the shoreline subsistence resources. From MPL's perspective, this is an important community issue. If that understanding is incorrect, then it would be expected that rights-of-way every 1,500 feet would need to be provided; however, MPL strongly supports this culturally-important aspect of the Plan.
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PBR HAWAII

Ms.Lynn De Coite
SUBJECT: LA'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
December 13, 2006
Page 4 of 4

The marine water quality report concludes that it is likely that sediment discharge from runoff to the ocean will be significantly less with the La'au Point development compared with existing conditions. This conclusion is based on several measures planned for La'au Point that will protect nearshore waters from increased degradation of water quality, such as drainage control systems, CC&Bs to regulate the use of fertilizers and pesticides, re-vegetation as a means of permanent erosion control measures throughout the developed areas, and fencing to keep deer and other animals from disturbing the soil near the community

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII



Thomas S. Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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Glenn I. Teves
P.O. Box 261
Kualapu'u, HI 96757


July 7, 2006

TO: Peter Nicholas/Harold Edwards
Molokai Properties Limited
745 Fort Street Mall, Ste. 600, Honolulu, HI 96813

Thomas Witten
PBR Hawaii
1001 Bishop St., Ste. 650, Honolulu, HI 96813

Anthony Ching
State Land Use Commission
P.O. Box 2359, Honolulu, HI 96804

Genevieve Salmonson
OEQC
235 S. Beretania St. #702
Honolulu, HI 96813

FROM: Glenn I. Teves 

RE: COMMENTS ON EISPN FOR LA'AU POINT

As a Hoolohua Hawaiian Homestead farmer, and community leader, I wish to be a consulted party, pursuant to chapter 343, on issues affecting Hawaiian Homesteaders and native Hawaiians, including the following. Mahalo.

1. An appeal of the Waiola o Molokai case before the State Supreme Court overturned the decision by the State Commission of Water Resource Management to allow Molokai Ranch to drill a new well near Kaunakakai. The Kakalahale Well is less than 1/2 mile from the proposed Waiola Well Site. The fact that the new development will use brackish water appears to raise more critical concerns related to upsetting the transition zone and causing undo stress in this sector and adjacent sectors than the Waiola Well.
 - How are issues and concerns raised by the intervening parties in the Waiola case different from this case?
 - If the issues and concerns identified in the Waiola decision the same, then do the findings of the Waiola case apply to this case?
 - If the impacts identified in the Waiola decision the same, then do the findings of the Waiola case apply to this case?
 - Is the difference between taking fresh water from the Waiola Well, and taking brackish water from the Kakalahale been quantified?

- What impacts will pumping Kakalahale Well have on adjacent water sectors, including Kualapuu and Kawela?
 - Have these impacts been quantified?
 - How will they transport this additional water to the project area?
 - Has there been any study regarding pumping water further east from the Kawela eastward?
2. One of the outcomes of the Waiola decision was that the parties applying for a well permit are responsible to determine and prove or disprove impacts. The amount of water being requested is comparable to the amount of water utilized by all of the Hawaiian Home Lands each day, estimated at 1 mgd.
 - How will Molokai Properties determine impacts before pumping the well?
 - What factors will be quantified?
 - Will Molokai Properties take liability for the impacts, if determined or identified now and after the fact?
 3. The Department of Hawaiian Home Lands (DHHL) has over 25,000 acres of land on Molokai. Of these acreages, less than 20% has access to water. There is a need to reserve water for these developments now and in the future. Several years ago, DHHL requested an additional ½ mgd for its new developments. These include 85 new residences in Hoolehua, and 125 in Kalamaula.
 - Should DHHL receive its additional water before a decision on additional water for Molokai Properties is made?
 - What will be the impact of the proposed La'au development on the ability of DHHL to secure water for all their lands presently and in the future.
 - What additional costs will be imposed on DHHL if the La'au development moves forward and DHHL is forced to move east to find water for its new homesteads?
 - Will Molokai Properties compensate DHHL for the additional cost of moving further east for water?
 4. How will pumping of water from one sector and transporting it 20 miles away affect the recharge of the aquifer?
 5. The USGS has identified the presence of groundwater under west Molokai near the proposed La'au development.
 - Has Molokai Properties exhausted all options in harvesting brackish water from Kaluakoi ahupua'a around the location of the proposed development?
 - Has Molokai Properties conducted test drillings on West Molokai?
 - If so, where are the locations of these wells.
 6. Does Molokai Properties have sufficient water for the proposed developments they have already received zoning for on the west end?
 - Where will this water come from?
 - How much water will be required?
7. It is proposed by Molokai Properties that they be allowed to waive the present 1500 feet right-of-ways around this development.
 - Will the public have sufficient access and right of ways every 1500 feet as called for in the community plan for the West End?
 - Who will be responsible for this loss of community access and assets if the development is allowed to decrease the rights-of-ways?
 - Who will pay for this loss of access to the ocean by the community?
 8. The present water use plan states that there is a 1% build-out in the Kaluakoi and this data is a determinant in the future water needs of this area. Yet, over the last year, there was a 10% build-out based on the amount of building permits issued.
 - How will the developers compensate for this gross inaccuracy and what plans are in place to make up for the shortfall in water?
 - How will they address the need for more water in the near future?
 - How will the developer address impacts on native Hawaiian water rights to water as a result of this water permit?
 - How will the developer transport this additional water to the project area, and where will this water originate?
 9. What will be the impact of their development on the long-term use of water on this aquifer and the middle of the island?
 10. Molokai Ranch's Mountain System in one of the sources of water for this development, and they presently transport an average of ½ millions per day. This system captures surface and leaking ground water from the watershed that would otherwise recharge a few of the sectors including the Kualapuu, Kamiloa, and Kawela sectors, the main sectors being utilized for Hawaiian Home Lands.
 - What is the present impact on the recharge of water in the Kualapuu Aquifer.
 - What is the long-term impact of this water capture on the native habitat in the forest reserve?
 - What are the long-term impacts of this water capture on aquifer recharge of the Kualapuu Aquifer, and adjacent sectors under Hawaiian Homelands, including Hoolehua, Kalamaula, Kapaakea, One-Alii, and Makakupaia.
 11. The developer has stated they will utilize the Molokai Irrigation System (MIS) to transport water to their Laau Point Development.
 - What will be the impact of increased water withdrawals on native Hawaiian first rights to water through the Molokai Irrigation System?
 - What will be the impact of wear and tear on the system due to this ongoing non-agricultural use of the MIS.
 - What will be the impacts on Hawaiian Homes first rights to water in the event that the pump at Well 17 breaks down, the Mountain System has inadequate surplus water, and the developer cannot deliver adequate water from their sources to the Kaluakoi area?
 12. The largest concentration of vertisols or montmorillonite soils on Molokai occurs near La'au Point. These soils are the most destructive to housing foundations and structures



December 13, 2006

W. FRANK BRANDT, FASIA
Chairman

THOMAS WITTEN, ASIA
President

R. STANDUNGAN, ASIA
Executive Vice-President

RUSSELL Y. CHUNG, FASIA
Executive Vice-President

VINCENT SHIGEKUNI
Vice-President

GRANT T. MURAKAMI, AICP
Principal

TOM SCHNELL, AICP
Senior Associate

RAYMOND T. HIGA, ASIA
Senior Associate

KEVIN K. NISHIKAWA, ASIA
Associate

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Associate

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- due to its' high-shrink-swell capacity. What surveys, if any, have been conducted to identify the extent of these vertisols?
 - What measures will be implemented to mitigate the effects of soils with a high shrink-swell capacity on housing structures and roads.
 - How are you going to overcome the adverse effects of building houses on soils with a high shrink-swell capacity (vertisols)?
 - Who will be responsible for informing lot owners of this impending problem?
 - Who will be liable if houses built on this soil are damaged through the cracking a shifting of structures?
13. What will be the impact of run-off from the proposed developments on the Hawaiian monk seal habitats along the south and west shores downhill from this development?
- Has this impact been quantified?
 - Who will be responsible for monitoring the long-term impacts and who will bear the cost?

Mr. Glenn Teves
P.O. Box 261
Kualapu'u, Hawaii'i 96757

SUBJECT: LA'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Teves:

Thank you for your letter dated July 7, 2006 regarding the La'au Point Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments. We acknowledge your request to be an Environmental Impact Statement (EIS) consulted party.

1. The Waiola o Moloka'i water use permit was remanded by the Supreme Court. MPL requested that the Water Commission further defer action on that potable well application pending completion of a Water Master Plan, which proposes that MPL will not seek further potable water, but rather submit a water use permit for brackish water from the existing Kakalahale Well. The Kakalahale Well is 1.4 miles away and down gradient from the proposed Waiola Well site.

Many of the issues raised in the Waiola Well case were resolved by the Water Commission and affirmed by the Supreme Court. Those issues that were remanded will need to be addressed in further proceedings. MPL is currently working with the Department of Hawaiian Homelands (DHHL), the County of Maui Department of Water Supply (DWS), and the US Geological Survey (USGS) to comprehensively evaluate Moloka'i's long-term water demands and resources. It is expected that all of these water issues will be addressed by a comprehensive modeling analysis.

With respect to transmission, MPL will not seek to use the MIS to deliver this water to the West End. In all likelihood, MPL will use one of two existing waterline easements traversing the island.

2. As noted above, MPL is working jointly with DHHL, DWS, and USGS on a comprehensive modeling analysis that will address the long-term needs of each of the major water purveyors on Moloka'i. The specifics of the impacts have yet to be identified. MPL has long publicly acknowledged that if its water use interfered with DHHL's priority rights to water, MPL would have to yield to those prior rights.

3. The DHHL has a permit for 367,000 gpd and a reservation for 2,905,000 gpd. Our understanding is that the Water Commission's position with respect to not increasing DHHL's existing water use permit amount was a result of testimony DHHL provided in the Waioala contested case relative to the ability of its wells to safely produce additional water. It is our further understanding that DHHL has been advised by the Water Commission that a commitment to develop additional infrastructure (a well) would result in having additional water permitted from their existing reservation. MPL has indicated it is willing to work with DHHL to allow it to access 500,000 gpd from Well 17. Given that DHHL's additional permit amounts are a function of its infrastructure investment, we do not think turning issues are relevant between the two users.
4. Water withdrawn from an aquifer by pumping does not generally return to the aquifer unless it is wasted through excess irrigation over the aquifer in question or is wastewater effluent from a cesspool or individual wastewater treatment facility located over the aquifer, a generally undesirable situation.
5. MPL believes it has used reasonable business judgment in evaluating the groundwater resources on the West End of Moloka'i.
6. MPL's existing water use permits cannot meet the future demands of its existing customer service areas. MPL's plan calls for the development of an additional 1,000,000 gpd of water. Of that amount, 340,000 gpd is for the proposed Lā'au development, 200,000 gpd is proposed for future expansion of Maunaloa and Kualapu'u, and the balance is needed to address future demands from existing developed lots, the renovation of the Kaluako'i Hotel, and existing Ranch uses.
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8. The Water Plan accurately characterized the build-out rate of Kaluako'i lots at the time it was originally written. MPL acknowledges there has been a recent surge in building activity. Such cyclical activity is not uncommon. The implementation of conservation water rates sharply reduced water consumption while other improvements have reduced system losses. MPL does foresee source limitations as an issue in the near future. The impact, if any, of the proposed water use permit for the Kakalahale Well will be addressed in the permitting process. When Kakalahale Well use is permitted, MPL will not transmit brackish water from the well to the West End by the MIS system. Instead, MPL has indicated that it will seek to use existing pipeline easements across DHHL's Ho'olehua lands for the transmission of Kakalahale water.

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Mr. Glenn Teves
SUBJECT: LA'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
DECEMBER 13, 2006
PAGE 4 of 4

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Sincerely,

PBR HAWAII



Thomas S. Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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To the parties concerned, Please except my request as an adviser/consultant to the EIS process.

Mahalo,



Steve Morgan
P.O. Box 72 Maunaloa, HI 96770
(808) 552-2923 (808)336-1085
Dpeace2you@aol.com

INTRODUCTION

Moloka'i remains the last Hawaiian island of it's kind where much of the lands remain undeveloped and pristine and where the people are still innocent, trusting and vulnerable. Moloka'i is an island where the Hawaiian culture is still alive and not just a museum piece. These things make up the real richness of our island. We have had to deal with the reality that those who's ancestor's "Iwi" do not lie in the ground often neither understand nor have the intentions to understand the core values of Hawaii. One of these core values is to "malama" love and care for the 'aina. By doing so we take care of our selves now and for future generations. We aloha each other by placing our love for people above our love for possessions. These are unique qualities in a time where self gratification, power and materialism pave the road of success to the masses. Our's is not the western way with an economy based on perpetual growth and development. We choose to be sustainable and cling to our roots regardless of the temporary pain that may occur. We understand that in remaining "Pono" and in our motives being pure that our grandchildren and the generations to come will reap the benefits. We must once again be Molokai, Island of Powerful Prayer.

The following comments and questions are in the order of numbered paragraphs of the EIS Preperatory Notice.

2.1.1 The surrounding areas of La'au host some of the best surf spots of West Molokai. These include Kamaka'ipo and Kapukuwahine. Surfing falls into two categories, cultural resource and recreational activity. What is being done under this plan to allow surfers of Molokai access to these areas?

2.2.2 100 Jobs created from the reopening of the hotel? Why has there been no real business plan revealed to demonstrate that the hotel can operate at a profitable margin thus guaranteeing the ongoing of jobs created?

2.2.2 The entire plan seems to follow the traditional real estate/ tourism model that has devastated the working class of other islands by driving up equity on real estate and ultimately creating a drastic increase in the local cost of living index. This model works to the distinct advantage of outside investors and to those in the real estate industry but fails the average family. I have been told that most of the jobs created would fall in the \$10 an hour category. At this income level if the effect of tourism on real estate drove up property values even 5% annually, the income received, as far as how earned income translates into home buying power would be close to zero and at this level of income the ability of buying a home would be impossible without outside help. While it can be said that increased equity takes place to the local home buyer as well as the new investor, the fact is that most local homeowners usually do not buy and sell and ultimately what does increase are property taxes. Also rent prices move up as Land values increase. What measures outside of affordable housing projects are being taken to protect such rises in equity and to avoid the creation of an extreme two class island?

2.2.2 With walking distance of great length to access the areas between Trail starting points, how can our Kupuna enjoy the benefits of these areas?

2.2.3 In regard to Subsistence Gathering, why has MPL not encouraged the protection of these rights in the past?

2.2.3 With the 325 lots of Kaluakoi considered agriculture I am concerned with what "14,390 acres protected for agricultural use forever" means. Define agricultural use?

2.2.3 To help ensure that Molokai Land Trust is adequately funded for it's administration costs etc. Please define communication rental agreements, terms of lease etc.

2.2.4 Under the CDC please define an affordable comprehensive housing plan for Molokai.

2.2.4 How will educational opportunities for our youth be expanded under the CDC?

2.2.1 Briefly mentioned is the "Alternatives to La'au Point Committee". Why was this committee given such a short time frame to present options to the proposed plan. This issue would seem especially important in light of the fact that very few people on Molokai supported the idea of development at La'au Point including those that are supporting the plan?

2.2.1 Mentioned is that the community based master plan is now ready to move forward. Also mentioned previously is that there were 150 meetings with most of these meetings encouraging the public to attend. The fact is that very little was done to encourage the public to these meetings. Times of meetings usually took place during regular working hours when it was difficult more most residents to attend. Very few people considered the EC meetings to be genuine community meetings. It would appear that an agenda was in place from the beginning. We are hardly ready to move forward. What is MPL's response to this?

2.2.2 Sales of La'au Lots are crucial to the funding of Kaluakoi Hotel renovations? MPL has continuously reminded the Molokai Community of it's 3.7 million dollar operating expense loss that occurs annually. A percentage of these losses are based on previously poor management and investment strategies including tent camps and the lodge in Maunaloa. Also, what MPL fails to mention are it's excellent investment returns on it's buy out of Kaluakoi Properties from Kukui Molokai, which MPL purchased for 9 million dollars. The increased equity of these lands has netted an equitable profit 10- 20 times what it purchased the land for. In just the last three years alone residential Ag lands sold in the Kaluakoi area amounted to over 24 million dollars with no expense outlay other than property taxes and seller fees. An additional 7 million dollars in sales in the Kaluakoi area took place in the previous three years. MPL still remains with considerable land holdings in the Kaluakoi area including a number of residential Ag parcels, the existing Hotel, golf course and restaurant sights as well as several other Hotel sights already in the original master plan of the area. One realtor commented that MPL could instantly sell the 200 rooms of the hotel without renovating the hotel at a low figure of \$200,000 a room. A low end value of 40 million dollars. Also sold in the last 5 years are 9 million dollars in real estate in the Maunaloa area and on top of this the parent company has demonstrated a profit over the last two years of approximately 150 million dollars. With these type of assets it is difficult to understand why MPL can not fund the hotel construction without the sales of La'au point lots. Can MPL please explain the necessity of such?

2.2.4. As of yet there is no real comprehensive design for the CDC. This is a major component of the entire plan yet at this point it only consists of a few ideologies. It would seem logical that this design be in place prior to the filing of the EIS. Why is no real design in place?

3.2 10 acres were originally designated on the Master Plan for our college. 3.2 acres does not allow adequate future expansion of MCC. Please explain this reduction.

3.2 Proceeds of the lots are to fund renovation of the hotel. What if sales are slow? What guarantees are there that MPL will not just sell out?

3.2 Access via Kaluakoi Road. Who pays for the maintenance and improvements of Kaluakoi road?

3.7 I have traveled to La'au Point on many occasions. On each occasion I have come across Hawaiian Monk seals. Only a thousand Hawaiian Monk seals are left and yet these seals can always be seen in the area of La'au. The obvious conclusion is that this is a substantial habitat for the monk seal which is protected under the Endangered Species Act. How will this Monk Seal population be effected by this new proposed development?

4.1 In the past, protection of the lwi of our Kupuna has been marginal. In what ways will MPL protect these sights and be able to guarantee that during the construction and grading phases that construction crews will not ignore or hide these evidences?

4.1 MPL is committed to preserving known archeological and cultural sights which are sacred. The entire area is considered sacred in Hawaiian culture. If MPL were abiding by these concepts than this project would not be proceeding. Any comment from MPL?

4.7 There is no need for residential structures to exceed 15' from the ground for a single story structure. 3000 sq. feet would be more than adequate for combined living and utility space. Please comment?

4.8 Effect on Social and Economic Characteristics. This is probably one of the most disconcerting issues and should have been thoroughly prepared by MPL prior to the release of the EIS Preparatory Notice. This project will effect every aspect of our island lifestyle. Class separation and the introduction of conflicting values are just two of the significant issues that will have effect on social and economic Characteristics. Will MPL please explain the complete disregard of not having these issues well presented at this time?

4.9.2 Water plan does not seem to account for actual water usage of Kaluakoi residential Agricultural lots at build out. La'au Point Lots would be allocated approximately 400,000 gallons for 200 two acre rural lots (2,000 gals per lot) and would require catchment systems be installed with irrigation being limited to drip type irrigation. Estimated usage for the residential/Ag Lots of Kaluakoi however which allow up to 650 homes and range in size from 5 acres all the way to 100 plus acres is approximately 860,000 gallons (1,300 gals per home) Keeping in mind the actual size of the lots in contrast to La'au, the fact that there are no restrictions on the type of irrigation used, no catchment systems required and the agricultural zoning of these properties, these numbers seem unrealistic. The average use at this time on the Kaluakoi Ag lots is 5000 gals per home. In comparison I reviewed the water bill of a resident in Maunaloa living in a 900' home on a 5000' lot with no lawn and several ornamental type shrubs and the usage of this residence was approximately 700 gals. In relative size of this house contrasted with an average house size in Kaluakoi being approximately 2,500 square feet we have a ratio of almost 1:3. In regard to the size of the parcel this translates to a ratio of 1:8 in the case of a five acre lot in Kaluakoi and a ratio of 1:160 for a hundred acre lot, with everything else falling in between these numbers. Yet we have a water ratio of less than 1:2. Even the most conservative estimated water usage would land far above these estimates.

Also, at this point in time there are no subdivision rules in place in regard to the Kaluakoi Residential Ag lots. With two lots already subdivided it is possible that if subdivision were not controlled that three times this many lots could exist. MPL, the parent company of the water utilities in the area seems to believe that water usage will be controlled by using a tiered conservation rate type billing structure. As price values have gone up and seem as they will continue to go up, so the type of landowner will change in the future. In the past most property owners were what most would consider upper middle class. Although reasonably well off these owners had limited budgets and could not absorb large new expenses, so this type of system may have worked to encourage water conservation. However as we see these properties going more and more to residents who really do fall in the wealthy category and have a great deal of expendable income, this conservation rate billing will not alter their irrigation habits. They will do what they want to do. Again those that will be punished are those with lesser income. Also it is important to understand that these lots are Agricultural Lots designated so by the County of Maui in accordance with The Constitution of the State of Hawaii. The current CC&R's of this area prohibit commercial agriculture however this is in direct conflict with County and State ruling. It is very possible in the future that this issue may be litigated. This also could force larger water demands for the area. Also of importance is to note that MPL approached it's rate

4.10.3 The West End of Molokai has been in dire need of emergency services including fire and medical for years. We have a population where many people are elderly. The arrival time from the Ho'olehua fire station to most areas of the West End is approximately 30 minutes. For La'au point it would be even longer. It seems outrageous that no budget in the plan is being accounted for emergency services on the west end. Please comment.

7.1 #4 It is in question as to whether or not this plan will positively effect the economic and social welfare of the island. Most jobs created will be low to low/middle wages. At the same time this plan has the potential to raise the cost of living by driving up housing costs. This model also has the potential of creating a two cast system and creating a larger barrier between the rich and the poor.

7.1 #7 With 6 miles of pristine virgin coastline developed, certainly this project will effect the environment

7.1 #6 This project will effect population changes both in numbers and people types.

7.1 #9 The Hawaiian monk seal, a rare and endangered species, will most likely be threatened by this development.

structure by using the water commission's recommended allocations. This was done using 2001/2002 as the model years, these being the wettest years in twenty years and hardly representing the real irrigation needs of West Molokai. (It should also be noted that the years of 2003-2006 have been very wet years) It is important for our future estimates to be as accurate as possible or we will find ourselves in a terrible dilemma. What are MPL's comments and what is the plan once water usage goes beyond their estimates. Will desalination be an option? If so fully disclose this plan as well as the disposal plan of brine etc.

4.9.2 It also appears that water usage estimates have been based on a low occupancy percentage with most owners only occupying their homes 30% of the course of a year. While this seems reasonable in the early years, it is also reasonable to assume that as the years pass the permanent occupancy will dramatically increase. A comparative example of increased occupancy can be found with the Princeville Resort on Kauai. This resort had similar beginnings to that of Kaluako'i. An initial investment period followed by a very recessed period followed by a mild improvement and another recessive period followed by a stronger investment period with each frequency of recession being followed by a substantial increase in equity. Simultaneously each of these investment periods brought an increase in permanent occupancy. What began at around 30% occupancy is now around 80%. Although in a much earlier transition period, Kaluako'i properties are experiencing a similar increase in permanent residency. Also it is typical for residences to be rented out when not permanently occupied. Although the CC&R's attempt to protect the homes of La'au area from being rented out, there is no way to control this. Also troubling is the estimated annual build out percentage of Kaluako'i properties, estimated at 1% annual. This year alone these numbers jumped up to 5-6% with an even higher increase expected next year. There are approximately thirty sets of house plans in review with the planning dept. at this time. The percentages of occupancy and building growth will have dramatic impact on our water supply, population statistics, roads, emergency services as well natural habitat. Can MPL please respond to this issue?

4.9.2 It has also come to my attention that the Hawaiian Homesteads have notified applicants of limited availability of new homesteads in response to water limitations. How will homesteaders be guaranteed their water rights?



December 13, 2006

Mr. Steve Morgan
SUBJECT: LA'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
December 13, 2006
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Mr. Steve Morgan
P.O. Box 72
Maunaloa, Hawaii 96770

SUBJECT: LA'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Morgan:

Thank you for your letter dated July 10, 2006 regarding the La'au Point Environmental Impact Statement Preparation Notice (EISP/N). As the planning consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments. We acknowledge your request to be an Environmental Impact Statement (EIS) consulted party.

2.1.1 - Surfers will continue to have access to surf spots at Kamaka'ipō and Kapukuwahine. Access conditions will improve as the La'au Point project will create two shoreline parks with comfort stations and parking for surfers to use.

2.2.1(a) - In October 2004, the Alternative to La'au Development Committee (ALDC), supported through Molokai 1 Enterprise Community (EC) funding, was formed to look at different ways for MPL to reach its bottom line without having to develop at La'au Point.

The leader of the ALDC, Matt Yamashita, sought EC Board approval to delay a vote on the Community-Based Master Land Use Plan for Molokai Ranch (Plan) and La'au Point "until a process for solidly incorporating potential alternatives into the Land Use Plan was seriously considered by the EC." Ultimately, the EC Board rejected this motion after review and consideration of ALDC's proposed alternatives.

In all cases, the alternative development plans proposed by the ALDC and others did not include any business case, revenue, or cost estimates that demonstrated feasible alternatives. However, to assure that MPL was diligent in seeking alternatives, MPL proceeded to analyze different financial models to make sure it was not ignoring any feasible alternative.

In April 2005, MPL reported to the Land Use Committee and the ALDC on its review of 10 alternatives that had been proposed over the previous 14 months by a variety of community members and planners, including alternatives proposed by the ALDC planning consultant. In August of 2005, almost 10 months after the ALDC process began, the La'au Point and Water Use segments of the Plan were adopted by the Land Use Committee for final EC Board adoption. The ALDC and various alternatives will be discussed in the Draft EIS.

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2.2.1(b) - We note your comments and respectfully disagree. Since August 2003, over 1,000 members of the Molokai community have gathered to discuss and formulate the Community-Based Master Land Use Plan for Molokai Ranch (which was included as Appendix A of the EISP/N) and the La'au Point project. Meetings were held to the public and held island-wide, in Kaunakakai, Kualapu'u, Mana'e, Maunaloa, and Ho'olehua, to reach many participants throughout Molokai. Most of the community-based master land use plan meetings were also aired on the Akaku Channel 53. Since the date of your letter, additional meetings have been held such as a series of Cultural Impact Assessment community meetings, Water Plan public input meetings, and Social Impact Assessment focus groups. The Draft EIS will contain a timeline summary listing of all meetings and public involvement.

2.2.2(a) - MPL is currently cash negative from its operation by approximately \$3.8 million annually and is supported by its parent company BIL International Limited. In efforts to offset continuing deficits in Ranch operations, MPL has sought to sell non-strategic lots in subdivisions that were developed in the 1980's and 1990s as you have observed. MPL has determined that it cannot fund the hotel construction without the sales of La'au Point lots. Other seemingly viable alternatives, such as selling Kaluako'i units and Maunaloa lots, were examined and will be discussed in the Draft EIS. In the final consideration, to the extent that MPL could develop a community at another location on other Ranch lands, these other alternatives were rejected for disappointing economic return and more importantly, their community impacts as follows:

- Other sites do not have the natural beauty and coastal attributes needed to achieve the full economic potential.
Other sites would not attract the upper spending market that would pay a premium for lots at La'au Point. Sales of the residential lots are crucial for funding not only the Kaluako'i renovations, but the Molokai Community Development Corporation (CDC) as well.
Overall project density and population would be higher at the alternative locations.
More water would be required.
A consensus was reached with the Community-Based Master Land Use Plan for the La'au Point project.

2.2.2(b) - The intent of this EIS is to disclose and assess a project's impacts on the environment. It does not attempt to evaluate the feasibility of a business plan. Given key elements of the project such as the number of jobs generated, the EIS can then discuss likely impacts. The Molokai Responsible Tourism Initiative Report (2006), indicates: "Kaluako'i resort development is essential to the island's tourism economy." The study determined that for the re-opened Kaluako'i Resort to breakeven (60 percent occupancy), Molokai would need an additional 56,000 visitors annually. The specifics of how the hotel business plan will achieve these numbers are not considered within the scope of this EIS. MPL has submitted an SMA Use Permit Application (separate from the La'au project) for the renovation of the hotel which contains more details on the operation of the hotel.

2.2.2(c) - We note your comments and respectfully disagree. The Community-Based Master Land Use Plan for Molokai Ranch was the result of a comprehensive unprecedented land-planning process, and certainly the most unique ever to have taken place in Hawaii. The Plan and the planning process creates new employment opportunities and affordable housing options

for Moloka'i residents, as well as provides Moloka'i with more control of their future to address the issues that arise based on the traditional real estate /tourism model that you describe.

The traditional real estate/tourism model does not place self-determination as a critical component behind a project. The Plan, with its creation of the CDC, places housing development in the hands of a community organization, rather than a developer. This provides the opportunity for appropriate timing of development, which is important in a slow-growing community like Moloka'i. Unlike the past when MPL decided when these towns were first expanded, under this Plan, the community will decide the future expansion of these towns. Throughout the community-planning process, the vesting of land back into community hands and ensuring the development returns (Lā'au Point income) be shared by the community was part of a larger vision by the Moloka'i community to plan and finance housing for themselves without the involvement of MPL. As stated in the Plan: "The growth of Kaunakakai, Kualapu'u, and Maunaloa should be community-planned and should be allowed to happen naturally as community-driven demands require" (Appendix A of the EISPN, p. 67). The gifting of a total of 1200 acres of land to the CDC for community development purposes provides the means and allows much flexibility to address economic and social issues related to issues you raise such as driving up equity on real estate, creating drastic increases in the local cost of living index, increasing rents, effects on the ability to buy a home and the creation of an extreme two-class island.

In terms of the real estate market and the effects on home prices and property taxes, the Lā'au Point project is physically separated from the rest of Moloka'i by hundreds of acres of Ranch land, and will be a unique market unto itself. Secondary impacts on nearby communities, if any, might only be potentially possible among the makai portions of the Kaluako'i lots, which have their own comparable market activity. In addition, the 24,950 acres designated for protective easements on lands held by the Moloka'i Land Trust will isolate and distinguish Lā'au Point from the rest of Moloka'i.

An analysis by The Hallstrom Group will be provided in the Draft EIS that concludes that property taxes of properties located in other parts of the island (and thus not competing in the same market or market area), and/or that have different highest and best use potentials, will not be directly affected. Only to the extent there is new worker in-migration to the island to support or sustain the Lā'au Point project and its residents could there be some modest indirect impact on selected real estate activity and prices. Offsetting this is the moratorium on further MPL land development as a result of the Land Trust and its easements, which will reinforce the status quo and limit further development.

2.2.2(d) – The proposed shoreline access management plan for Lā'au Point consolidates public shoreline access to two locations at the proposed beach parks because of community sentiment that protection of the coastal resources and subsistence gathering at Lā'au Point would best be achieved by controlling access to the area. (Appendix A of the EISPN, p. 105).

The Lā'au Point coastline has been largely inaccessible to the general public due to restricted access through the surrounding private lands and for lack of infrastructure and facilities. The project will open up access to an area that was previously considered off limits. A shoreline

management and access plan will be developed to identify specific Kupuna access points at appropriate locations.

2.2.3(a) – As discussed in the detailed land use history (Section 2.1.3 of the EISPN), Molokai Ranch has been through many phases of ownership, and your question about previous experience with subsistence gathering may not be relevant to MPL. Please note, however, that MPL is fully committed to protecting subsistence activities as was discussed in Section 2.3.3 of the EISPN.

2.2.3(b) – The 14,390 acres of restrictive agricultural easement lands will be dedicated for agriculture, and only farm-related structures (i.e., barns, sheds, or farm dwelling) can be built there. The Land Trust will administer agreed upon land use policies for these areas, and enforce the dedicated use of the easement lands. These agricultural easement lands are located mostly in Central Moloka'i near numerous irrigation water sources suitable for high-value or intensive agriculture. The agricultural easement lands proposed for West Moloka'i are also serviced by water lines and are designated for extensive agriculture (see Chapter 3.5 in Appendix A of the EISPN). These lands will be dedicated for agricultural use and only single farm dwellings can be built there. A large parcel of land which buffers Lā'au Point from the West Molokai agricultural easement lands is designated as part of the Rural Landscape Reserve, which was created to protect views and the rural character of the island.

2.2.3(c) – MPL currently earns \$250,000 a year from existing communications tower rents on lands that are expected to be donated to the Land Trust through the implementation of the Plan. The earnings for these tower rents will be transferred to the Land Trust when they take ownership of the lands. To help ensure that The Land Trust is adequately funded for its administrative costs, a number of committees have been set up to review:

- The detailed work necessary to be completed before accepting the first gift of 1,600 acres of land which includes partial assignment of rents that will provide \$50,000 annual income the Land Trust.
- Planning the future fund-raising necessary to enable the Land Trust to manage the lands to be donated.
- Future staffing, governance, and operational issues.

2.2.4 (a) – The CDC will be a different entity from MPL. A CDC steering committee, a project of the Moloka'i EC, has been already established and is investigating legal and tax structures to ensure the optimum use is made of its mission.

The community process identified up to 100 acres around each of the towns of, Kualapu'u and Maunaloa for the future development of "Ohana Neighborhood Communities" to be developed by partnering various community resources such as Habitat for Humanity, Self-Help Housing, and others. As previously noted, approximately 1,100 acres will also be gifted to the Moloka'i Community Development Corporation (CDC); a large portion of which can be used for community homes. As discussed in the Plan, the community desires a link between affordable housing and other community-facilities present at each of the three communities to insure that they be developed as balanced communities. The community also does not support a large affordable housing project in one area only (Appendix A of the EISPN, p. 69).

3.2(c) – MPL will fund the improvements costs of Kaluako'i Road. Portions of the Road constructed to provide access for the project will be maintained by the homeowner's association if not dedicated to the County.

3.7 – The creation of the Lā'au Point community will be sensitive to natural systems and define areas for environmental protection. A State Land Use District Boundary Amendment is proposed to expand the existing Conservation District along the shoreline at Lā'au Point from 180 acres to 434 acres, thereby increasing the amount of shoreline and monk seal habitat put into protection. The project increases the potential for interactions between humans and the endangered species. The Cultural Impact Assessment calls for the need to provide education and enforce laws protecting monk seals.

To ensure that the project does not alter behavior of monk seals that visit the area, residents and visitors will be educated about possible interaction with these animals and the appropriate human behavior for that interaction. Appropriate protocol if one encounters a monk seal on the beach is to notify National Marine Fisheries, who will check if the animal is injured or entangled, then put tape around the site to keep people from approaching too closely. This information would be included in the CC&Rs and other educational materials given to Lā'au Point buyers.

4.1 – Molokai Properties Limited is committed to preserving known archaeological sites in the project area. As part of the archaeological mitigation plan for Lā'au Point, an archaeologist, prior to construction, will re-examine the road corridor and verify descriptions of known sites, gather additional data if possible, and search for unrecorded archaeological deposits or features now observable due to changes in surface visibility. After the road corridor re-survey, the proposed subdivision lots and coastal zone will be also be re-surveyed, following the same methods for investigating and recording sites as described for the road corridor.

Short-term site preservation measures will be implemented, such as establishing protective buffers and emergency stabilization. Then, data recovery and long-term preservation measures will be implemented. During construction, monitoring will occur.

Molokai Properties Limited and its contractors will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites.

4.1 – The overall concern is that the development of the area will destroy the special quality of Lā'au as a special place of spiritual mana and power. The overall spiritual quality of the Lā'au area as a wahi pana and wahi kapu cannot be quantified and deserves recognition and respect. The Lā'au Point project will have an impact upon the solitude and spiritual resources now existing. That impact can be minimized, however, reinforcing the importance of having the homeowners and Molokai community work together in educating each other about the area's uniqueness. The Plan calls upon the leadership of the Molokai Land Trust to bring various sectors of the community together in a working relationship to ensure that the spiritual, physical, and natural resources of the area are properly cared for.

The locations of the house lots and protection of cultural sites should serve to create a sense of respect for the area. Further, with a projected average occupancy of approximately 30 percent, there will be relatively few residents in the area. The establishment of Cultural Protection Zones

There will be a continuing need in the future for more housing for Molokai families at affordable prices based on incomes. MPL, EC, and others in the community, such as Habitat for Humanity to name just one organization, can coordinate the planning and implementation of future affordable housing projects. MPL can reserve lands for lease at affordable prices around Kualapu'u and Maunaloa to ensure the development of these for future affordable housing projects. Although MPL will retain land ownership, affordable housing development decisions will be made by the community-represented CDC and not by MPL.

The economic value of the land donations, and the income from Lā'au Point (estimated at more than \$10 million from initial lots sales), will enable the Molokai CDC to plan, site, and construct affordable homes itself. Self-determination is a critical component behind the creation of the CDC and this Plan for development of community housing. Moreover, placing housing development in the hands of a community organization provides the opportunity for appropriate development timing, which is important in a slow-growing community like Molokai.

2.2.4(b) – In addition to land for housing, MPL will gift the CDC with the following assets that can be used for community development; the proceeds of which could be used to expand educational opportunities for youth:

- A 5-acre parcel in central Kaunakakai zoned light industrial, which will be available for development in 2011.
- A 3.2-acre parcel adjacent to the Community College, which will be sold to the Maui Community College at market value.
- \$100,000 from the sale by MPL of a 5-acre site to the County for a new Kaunakakai Fire Station (contained within the 1,100 site above Kaunakakai).
- Endowment from the Lā'au Point project as a sustainable form of CDC funding, which will be structured as follows:
 - A net 5 percent of the sale revenue of all 200 lots in Lā'au Point. The value of this revenue is estimated to be \$10 million over five years.
 - A percentage, yet to be determined, of subsequent revenue when lot, or lot and house, is re-sold. This will provide the CDC with a perpetual income.

2.2.4(c) – Although the CDC and similarly the Land Trust are key integral to the implementation of the Master Land Use Plan, the Plan itself is dependant on the approval of the Lā'au Point project. Since the project is subject to the entitlement process, detailed design of the CDC would be premature. However, since the CDC will affect and be affected by the conditions for approval of the project as it progresses through the entitlement process, a steering committee has already been established to lay the groundwork for the organization.

3.2(a) – Please see response to 2.2.4 above. A 3.2-acre parcel adjacent to the Community College will be sold to the Maui Community College at market value. The ten acres you mentioned for the Community College is not specified in the *Community-Based Master Land Use Plan for Molokai Ranch*. The Plan does state that a gymnasium and swimming pool complex will be developed as part of the Community College complex.

3.2(b) – MPL has accepted the conditions of the *Community-Based Master Land Use Plan for Molokai Ranch* which is a stakeholder agreement between MPL and Ke Aupuni Lokahi Molokai representing the community.

will help protect the spiritual quality of important cultural complexes, such as at Kamañka ipō Gulch. Limiting access to a walking trail and providing a clear demarcation between the private lots and the general public access areas can help protect the integrity of the shoreline and mitigate the impact of the house lots.

4.8 – The EISPN serves a pre-consultation document for the EIS process, setting forth the scope of the Draft EIS (Hawaii Administrative Rules, Chapter 200 EIS Rules, §11-200-15). During this process, it was determined that a social impact assessment would be necessary for the EIS. The complete social impact assessment report will be included as an appendix to the Draft EIS.

4.9.2(a) – MPL's Water Plan calls for: 1) significantly decreasing the current use of safe drinking (potable) water for irrigation; 2) increasing efficiencies within existing systems; and 3) aggressive water conservation strategies. Concerns have been raised in the event MPL's water plan needs more water for increased demand for agriculture on its own lands or on land to be donated to the Land Trust. If more non-potable water is needed for agriculture in particular, MPL still has two options:

- The brackish water available to MPL from the Prawn Farm, at Pala'au, which currently is permitted for 864,000 gallons per day of which 500,000 gallons per day could be available for reuse.
- Desalination.

These contingency plans will be discussed in the draft EIS.

MPL will also continue its own water conservation campaign to Kalaoko'i residents and future Lā'au Point residents by reducing consumption, shutting off irrigation systems during rainfall, and restructuring the water rates. MPL believes a combination of low occupancy, water conservation education, xeriscaping, and tiered water rates will moderate water consumption by Lā'au Point homeowners. CC&Rs will require the following water-related protocol:

- **Landscaping and Irrigation.** Landscaping irrigation system will be from re-use water collected in catchments systems; only drip systems will be permitted. Landscaping will be restricted to appropriate native and Polynesian species that are drought-tolerant and suitable for coastal locations; xeriscaping aims to reduce water use.
- **Storage Tank.** All houses will be required to have at least a 5,000-gallon storage tank for water captured from roofs.
- **Water covenants.** Requirement of a dual-water system split into safe drinking and non-drinking water; safe drinking water will be limited to 500-600 gpd. Homes will be required to use double flush toilets and specially designed showerheads for water conservation.
- **Drainage Systems.** Require drainage systems that retain any run-off within the disturbed area of the lot. Maximize recharge into the ground. Restore land areas that have eroded by re-establishing vegetative cover. Minimize impervious (paved) surfaces on the Lot.

No dramatic impacts are anticipated upon water supply, population statistics, roads, emergency services as well as natural habitats as a result of the project. The low occupancy rates of vacation/second homes should serve to minimize the need for county services to residents and

lessen any impacts of residential build-out on the rural and uncrowded character of Molokai. At full build-out, projected to occur after 20 years (but based on experience at Pāpohaku, this could more likely be at one percent per year as has been the trend there), it is anticipated that permanent residents (persons staying at Lā'au Point 180 or more days per year) will occupy up to 60 of the homes (30 percent) and seasonal residents would occasionally occupy the remainder. Lā'au Point residents will make up three percent of the island's population. Lā'au Point's population will be well within the population forecast for Molokai and will therefore have an insignificant impact on population counts.

4.9.2(c) – Regarding concerns to the availability of Hawaiian Homesteads water, MPL is currently working with the Department of Hawaiian Homelands (DHHL), the County of Maui Department of Water Supply (DWS), and the US Geological Survey (USGS) to comprehensively evaluate Molokai's long-term water demands and resources. It is expected that a comprehensive modeling analysis will address many of Molokai's water issues. Although the specifics of the water resource issues and modeling analysis have yet to be identified, MPL has long acknowledged publicly that its water use would yield to DHHL's priority reservation of rights to water. Further mitigation measures for potential water impacts will be discussed in

4.10.3 - Fire and medical services will be able to access Lā'au Point and the shoreline from the new paved access road from Kalaoko'i and the existing emergency access dirt road from Hale O Lono Harbor, with access to the shoreline through the subdivision at designated locations.

7.1#4 - The implementation of the *Community-Based Master Land Use Plan for Molokai Ranch* will secure the role of the community, via the Land Trust and CDC, in the management of over 55,000 acres of the island. The community's self-determination and increased control over their own lands would prevent a "two-caste system" scenario.

7.1 #7 –To mitigate impacts to the environment, the creation of the Lā'au Point project will be sensitive to natural systems and define areas for environmental protection. The project will expand the existing Conservation District from 180 acres to 434 acres, which includes the entire Lā'au Point coastline. The Land Trust will have an ownership and management role in all Conservation District land.

In addition, Lā'au Point rural residential lot boundary lines will be at least 50 feet behind the current Conservation District boundary line. Boundaries for the makai lots will also have covenants requiring an additional 50-foot building setback. These specified setbacks result in providing substantial building setbacks from the shoreline, in some areas, this is as much as 1,000 feet.

7.7 #6 – The project's population at build-out will account for a very small portion of the population forecasted for Molokai in 2025. The permanent Lā'au Point population will account for two percent of the forecasted Molokai population of 8,068 persons in 2025. During peak seasons, the on-site population will account for six percent of the island population, and, on the average, Lā'au Point residents will make up three percent of the island's population. Lā'au Point's population will be well within the population forecast for Molokai and will therefore have an insignificant impact on population counts.

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At final build-out in 2023, preliminary estimates project that the population of La'au Point will be approximately 174 permanent residents (persons staying at La'au Point 180 or more days per year) and a maximum of 325 seasonal residents. It is expected that most La'au Point residents will be empty nesters, and in pre-retirement or retirement.

7.7 #9 – Monk seals have been documented on the sandy beaches around La'au Point. The proposed Conservation District expansion will increase the amount of shoreline and monk seal habitat put into protection. The project does increase the potential for interactions between humans and the endangered species by providing expanded public access to La'au Point. Therefore, in order to ensure that the project does not alter behavior of monk seals that visit the area, residents and visitors will have to be educated about possible interaction with these animals and the appropriate human behavior for that interaction.

Thank you for reviewing the EISPN. Your letter has been included in the Draft EIS.

Sincerely,

PBR HAWAII



Thomas S. Witten, ASLA
President

Attachment

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

O:\AOBJ\71733_10 Molokai Ranch-Lau Pt EIS\EIS\EISPN\Comment letters\Final Response letters\Printed Final Letters\Steve Morgan response.doc

June 10, 2006

To Peter Nicholas, Molokai Properties Limited
Copies to Land Use Commission, attention Anthony Ching and the Office of Environmental Quality Control

From DeGray Vanderbilt, Box 1348 Kaunakakai, Molokai Hawaii 96748, (808) 283-8171

I am responding with the following comments to the Environmental Impact Statement Prep Notice, which was forwarded to me as a Molokai Planning Commissioner by MPL attorney Linnel Nishioka.

BY THIS SUBMITTAL I AM REQUESTING TO BE A CONSULTED PARTY TO THE PREPARATION AND REVIEW OF THE DRAFT EIS AND THROUGHOUT THE EIS PROCESS.

The La'au Point oceanfront, luxury housing subdivision project proposed by Molokai Properties, Inc. (MPL) is just one component of the Master Land Use Plan for Molokai Ranch which has been included as part of the Environmental Impact Statement Preparation Notice (EISPN) In the comments below when reference is made to MPL or to Molokai Ranch it is intended to be one in the same. As stated on page 1 of the EISPN, MPL is known "also known as Molokai Ranch"

Comments on the Petition For Land Use Boundary Amendment

Page 2: How many Molokai Ranch staff members are assigned to tourism operations and how many to agricultural operations?

Page 5: Please explain the "proposed use of lands in the conservation district" and the number of acres involved in the aforementioned proposed use".

What sequence of events would have had to happen for the County of Maui or one of its Departments to be "the appropriate accepting authority"?

Page 6:

Re: Development Timetable: When does MPL anticipate it will begin realizing sale proceeds from the La'au Point luxury house subdivision? What is the timeframe over which the lot sales will be completed and how many lots are estimated to be sold in each year after the year in which the initial lot sales commence?

Over the anticipated life of the original lot sales, what is the average lot price that MPL anticipates it will receive?

Comments on "Verification (the page immediately preceding Exhibit 1):

To the best of Peter Nicholas's knowledge to what extent of Valerie Monson's participation with the Economic Sub-Committee and the Environmental Sub-Committee contribute to the development of the Master Land Use Plan? (See the acknowledgement section at the beginning of the Final Community-Based Master Land Use Plan For Molokai Ranch.

Please explain the extent of Ms. Monson's participation with the two aforementioned sub-committees?

Comments on Page v :

What specific Molokai development plans between 1990 and 2003 met with strong community opposition because the ranch did not consult with the community on its development plans?

How would Molokai Ranch rate the community opposition to the propose luxury residential subdivision being proposed for development at La'au Point?

When did MPL purchase Kaluakoi Hotel. Kaluakoi Golf Course and surrounding land?

Who did Molokai Ranch purchase these properties from?

What was the purchase price?

How many acres surrounding the Kaluakoi Hotel and Golf Course did Molokai Ranch purchase?

Please list the various parcels included in the "surrounding lands" purchased at the what is known as the Kaluakoi resort, and provide the current state zoning designation, the current county zoning designation, the current community plan designation, the parcel size and the potential development density of each parcel assuming county zoning is secured for each parcel that allows for maximum densities consistent with the land use designations in the current community plan (i.e. multi-family, hotel, single family, commercial, rural, open space, etc.

The 339-page EISPN document references the Maui County General Plan and the Molokai Community Plan often. Please include a copy of these plans in the Draft EIS document.

Why did Molokai Ranch purchase the abovementioned properties surrounding the Kaluakoi Hotel and Golf Course, Molokai Ranch, when at the time of the purchase Molokai ranch was emphasizing to the community its financial hardships?

What are the total sales proceeds Molokai Ranch has accumulated from the sale of parcels that were part of the purchase of the lands within the existing Kaluakoi resort?

Is Molokai Ranch planning sell off these designated development properties in the future or be a partner in the developments over the long haul to insure that the integrity is upheld for of a "visionary plan for Molokai Ranch's 60,000+ acres that would reflect the kind of community the residents desired."

What development standards (i.e. timing, water use, densities, extent of Molokai Ranch's participation, if any, did the Land Use Committee or the Enterprise Community Board consider for the future development of the Kaluakoi resort parcels purchased by Molokai Ranch prior to their respective adoption of the Master Land Use Plan as noted on Page 7 of the EISPN.

Since its purchase of all of the aforementioned parcels designated for future development in the Molokai Community Plan, what efforts has Molokai Ranch made to develop these many residential, multi-family, hotel and commercial income generating development projects that could be alternative revenue producing projects that are alternatives to the La'au Point development?

Who is the one community member who in your opinion most residents in the Molokai community would say organized and administered the community effort that resulted in Molokai's Enterprise Community application being submitted to the Federal Government for consideration?

Comments on Page 5 of Exhibit 1

What is the reason (s) La'au Point is the "an unspoiled coastal environment" it is today?

How will the development of up to 400 allowed dwelling units along the shoreline area of La'au Point enhance the La'au Point shoreline area, which is referred to in the EISPN as an "unspoiled coastal environment"?

The La'au Point coastal area currently serves as a haven for the endangered monk seal. How will the development of up to 400 dwelling units along the shoreline area of La'au enhance the "unspoiled coastal environment" in which the monk seal population currently thrives?

What is the current population of "the small town of Maunaloa?

How many total residential lots exist in Maunaloa Town?

How many of these residential lots have homes developed on them?

What is the projected population of Maunaloa Town if the all the currently available lots are developed?

How many of the 150 people the Ranch employs are a) full-time, b) part-time, c) on-call and d) casual hire employees.

Explain how the terminology used on page 5 that "MPL" has a cash deficit of \$3.7 million per annum" relates to the statement from in the BIL International Limited (BIL) Report for 2005 that is included as Exhibit 3 of the EISPN document package which states: "The Molokai Properties operation managed to remain cash positive during the 2004/2005 financial year...."

Please provide a line item breakdown of Molokai Ranch's operating components that make up the Ranch's "cash deficit of \$3.7 million per annum", and explain how the Ranch's Master Land Use Plan will specifically address the Ranch's annual cash flow deficit for each operation.

How will the Master Land Use Plan specifically assure and economic future for Molokai Ranch's employees?

Please provide an explanation of the relationship between MPL, Molokai Ranch and BIL and any other entity that may be in the corporate relationship chain between Molokai Ranch and BIL International and provide a copy of the Board of Directors of each entity.

What percentage of BIL's "audited equity of US\$1 billion" does BIL's holdings on Molokai represent?

What is Hale O Lono?

When was Kolo Wharf abandoned, and what is the relevance of referencing this abandoned development project in the EISP?

Are there any other abandoned developments along the "shores south of Maunaloa"? If so, please provide an explanation of those developments.

Since BIL (formerly Brierty Investments) assumed ownership of Molokai Ranch have there been any other proposed developments along the "shores south of Maunaloa"? If so, please provide an explanation of those developments.

What percentage of the "estimated 15,000 deer contained on Molokai ranch's property roam throughout the La'au parcel?

Comments on Page 7 of Exhibit 1

What business was the Louisiana Land and Exploration Company (LL&E) in and what resort development experience did LL&E have prior to entering into its partnership with Molokai Ranch?

What was the partnership interest of LL&E and how much did LL&E pay for its percentage interest?

Who did Molokai Ranch "subsequently sell its interest in the undertaking" to, and what was price did the ranch receive for its interest?

It is alleged that LL&E secured ownership of the approximate 7,000 acre La'au Point parcel from Molokai Ranch by agreeing to a request by Molokai Ranch that LL&E pay off a debt it owed to Molokai Ranch in connection with the Kaluakoi Resort purchase early. Please explain the specifics of how LL&E acquired ownership of the La'au Point parcel.

How did Kukui (Molokai) Inc. acquire the Kaluakoi Resort properties?

How much did Kukui (Molokai) pay for the Kaluakoi Resort properties?

How much did Molokai pay Kukui (Molokai) for the Kaluakoi Resort properties?

Molokai ranch joined "with over 1,000 community participants" to discuss the Master Land Use Plan. How many more than 1,000 participants were there?

Did the "over 1,000 community participants" consist of over 1,000 different participants? If not how many "different" participants were involved in discussing the Master land Use Plan?

Please provide a list of the "various community organizations" that provided input on the Master Use Plan and summarize the input provided by each of the organizations Molokai Ranch met with.

Who were the members of the Alternative to La'au Development Committee (ALDC)?

What was the relationship of the ALDC to Molokai Ranch, the Land Use Committee and/or the Enterprise Community (EC)?

Please provide a copy of any plans the ALDC submitted "for alternatives to development at La'au Point".

Please provide a list of all the Land Use Committee members showing which members voted for, which members voted against, which members abstained from voting, and which members did not vote for the adoption of segments of the Master Land Use Plan at the Committee's meeting of August 1, 2005.

How were people chosen to be on the Land Use Committee?

Was it open to all Molokai residents who asked for representation on the Committee?

How many meetings did the Land Use Committee have?

Please provide a list of members' attendance at the Land Use Committee meetings.

Why didn't the Land Use Committee adopt all segments of the Master Land Use Plan?

Please provide a list of all the EC Board members and note, which Board members voted to adopt the Master Land Use Plan, who on the EC Board voted against the Plan and who did not vote.

What is the relationship of the Land Use Committee and the EC Board?

The Molokai community has been advised that Department of Hawaiian Home Lands (DHHL) Commission and the Board of Trustees for the Office of Hawaiian Affairs have all indicated their endorsement of the "Community-Based Master Land Use Plan for Molokai Ranch". Please provide as part of the Draft EIS evidence of their respective support and a copy of the

Please provide a summary of the specific development opportunities, which result in a total of "lost revenue opportunity costs" of more than \$25 million as a result of restrictive easements applied to certain Molokai Ranch lands.

Comments on Page 9 of Exhibit 1

Who will manage the Land Trust operations and how will those in charge of the Land Trust be selected?

How will MPL be able to allow Molokai residents to hunt on Trust Lands?

What was the name of the golf course development planned by previous Ranch management in the Naiwa area, and to what extent was the Ranch going to be involved in the development?

Why didn't the Naiwa golf course development project materialize?

What events need to occur before the Land Trust receives the remainder of the lands from Molokai Ranch and the protective easements are assigned to the easement lands, and is there any time limit on when such events have to occur?

When will the MPL assign to the Land Trust existing communications rentals on the land to be donated to the Land Trust?

Will the Land Trust have jurisdiction over future development on the lands donated to it that are currently producing "communications rental" income of approximately \$250,000?

Who will run the Community Development Corporation (CDC) and how will those in charge of the CDC be selected?

What standards have been established for the development of affordable housing?

What does Molokai Ranch feel is the range of home sale prices that is affordable to Molokai's working families?

What specific educational opportunities have been discussed that "will build capacity among the island's youth"?

What are some of the potential projects that have been proposed for the Land Trust that the CDC will assist with?

Comments on page 10 of Exhibit 1

MPL will "put aside 200 acres for affordable housing around the towns of Kualapu and Maunaloa. What does "put aside" mean?

How will the community be assured that these lands will be available in perpetuity for affordable housing?

minutes of any meetings at which the support of the Ranch's Land Use Master Plan was discussed and/or approved by the DHHL Commission and the OHA Trustees.

Comments of Page 8 of Exhibit 1.

How was the Molokai Enterprise Community mandated as the organization "representing the Molokai community"?

How many potential dwelling units could be developed in the La'au Point community?

Based on projected timetables when does Molokai Ranch anticipate receiving La'au Point lot sale proceeds that "are crucial to funding of the Kaluakoi Hotel renovations and Golf Course Upgrades"?

When does Molokai Ranch anticipate starting construction of the La'au Point luxury home lots?

At one time there was an estimate thrown out on the table that it would cost about approximately \$95 million to develop the La'au Point lots and associated infrastructure. What is Molokai Ranch currently estimating the lot development costs to be?

Who will provide the guarantees for the lot development construction funding Molokai ranch, BIL International or an investment partner?

Please provide a list of Molokai Ranch's current tourism operations, the profit or loss ("cash negative") from each operation, the amount of funding anticipated to be applied to each operation from the sale of the La'au Point lots, the current staff assigned to each operation, and how the funding from the La'au Point sales will result in "ensure the continued employment for Molokai Ranch's current staff."

Please provide a list of Molokai Ranch's current agricultural operations, the profit or loss ("cash negative") from each operation, the amount of funding anticipated to be applied to each operation from the sale of the La'au Point lots, the current staff assigned to each operation and how the funding from the La'au Point sales will result in "ensure the continued employment for Molokai ranch's current staff."

Please explain the amount of financial support BIL provided to its Molokai operations during 2003, 2004 and 2005.

Please explain how Molokai Ranch is legally able to close walking access along the shoreline of its La'au Point parcel to Molokai residents for subsistence gathering.

Please provide a breakdown of the value for each land, income stream and revenues source which total more than \$50 million being gifted to the Molokai Land Trust and the Molokai Community Development Corporation.

How were the above values determined?

In determining future water needs has Molokai ranch factored in the water needs for future affordable housing development around the towns of Maunaloa and Kualapuu?

What process will be used by the community to determine the future expansion of these towns?

On Page 10 is the statement, "In addition to land for housing, MPL will gift the CDC with the following.....". Does MPL intend to gift the land for housing around Maunaloa and Kualapuu like it did for affordable housing lands around Kaunakakai? If not, why not?

The referenced 5-acre parcel in central Kaunakakai is currently being used by the Molokai Junior Roping Club. Will the CDC have the option of continuing to use this parcel as the "home of the Molokai Junior Roping Club"?

In 2001, the Molokai Community Plan sent to the County Council for approval called for the 5-acre parcel in Kaunakakai to become the permanent home of the Junior Roping Club. The Ranch objected to what the community wanted. What were the reasons the Ranch objected to the parcel being dedicated to the use of the Junior Roping Club?

The EISPN states that the 3.2-acre parcel being gifted to the CDC "will be sold to the Maui Community College at market value". Based on recent appraisals of this parcel of property, what does the Ranch estimate the "market value" of this parcel is today?

Is the CDC required to sell the 3.2 acres to the college at "market value"?

It appears that MPL is projecting that the sales of the La'au Point lots will be over a 5-year period. What is the average sale price of the lots MPL projects receiving over the five-year sale period?

In the statement "a net 5 percent of the sale revenue", explain what components go into determining the "net".

What is the delay in determining what the percentage the CDC will receive from lot and/or house resales?

Why isn't the same percentage to

How will the CCR's "educate" residents of the La'au Point Community about "the environment and the culture" and teach these residents to "malama aina", take care of the land and sea?

Please provide a draft of the proposed CCR's.

Comments on Page 11 of Exhibit 1

Explain why the applicant feels a need to re-district 10 acres of Conservation District lands to Rural District to provide park amenities and then revert those acres back to Conservation District?

Will the lands be reverted back or does the applicant just "plan" to convert them back?

Who will be in charge of the CDC operations.

How will the management team for the CDC be selected?

Please explain the standards the CDC will apply to the development of affordable housing.

What does the applicant consider and affordable range of single-family housing units today based on Molokai's workforce income?

What are some of the specific "expanded educational opportunities" the applicant projects may provide for Molokai's youth?

What are some of the "project funding" opportunities the applicant foresees the CDC assisting the Molokai Land Trust with?

Please explain the format of the "entity" that will have jurisdiction over the 451 acres of Conservation District lands, and explain how the "shared responsibility" will translate to any decision making process?

Please provide a copy of the document explaining the specifics of the relationship between the Land Trust and the La'au Point homeowners relative to managing the 451-acre Conservation District lands.

If the Land Trust and the La'au Point homeowners have a difference of opinion management strategies in the Conservation District, will the Land Trust be the final authority?

Comments on Page 12 Exhibit 1

Please provide a copy of the referenced agreement between MPL and the Enterprise Community.

What specific measures will be employed to "maintain" the "subsistence activities" are currently being practiced in the Conservation District areas?

What "subsistence activities" are currently being practiced from the "Conservation District lands in the La'au Point area?

What are the "other areas" referenced in which "subsistence activities are taking place, and how do these subsistence activities differ from those being practiced in the Conservation District land areas?

Will hunting be allowed on the portion of the 6,348-acre La'au Point parcel that lies mauka of the "deer and livestock fence"?

Please provide as part of the Draft EIS document, a copy of the "Economic and Fiscal Impact Report", as well as, copies of all other reports the applicant is preparing, as required in the EIS process.

Comments on Page 13 Exhibit 1

Based on current plans, how many dwelling in total could potential be developed on the 400 acres of "Rural-Residential lots referenced in Table 1?"

The Molokai Community Plan talks about a minimum 40-acre Park in the area just west of Hale O Lono Harbor. How does the applicant view this park development in the scheme of the overall development at La'au Point?

Do the "people of Molokai" who feel it important to protect the shoreline for subsistence gathering include Native Hawaiians as well as other ethnic groups?

What access rights currently exist for the "people of Molokai" to and along the approximate 5.2 miles of undeveloped shoreline from Hale O Lono harbor to Kaupoa Beach, which borders the proposed development of a 400-unit oceanfront, luxury, second-home development?

What access restrictions, if any, will apply to the La'au Point homeowners and their guests and friends and caretakers?

Please provide a copy of the wording that will establish the "perpetual right to subsistence gathering" that is to be attached on the areas to be preserved?

Does the applicant anticipate more or less people accessing the La'au Point area shoreline with the development of the area?

What access rights to and along the currently undeveloped La'au Point shoreline exist for general population of Molokai?

What specific access rights to and along the currently undeveloped La'au point area shoreline exist under the law for Native Hawaiians?

What is the applicant's understanding of who qualifies as a "Native Hawaiian" as far as having access rights currently under the law to the La'au Point shoreline area?

Please explain the "strict access measures that will ensure that the resources are not depleted" and how these measures are going to be enforced and who will be the enforcement agency?

Explain the "other protections" besides the "strict access measures" noted above that will be included in the CCR's and explain how these "other protections" will be enforced and who will be the enforcement agency.

What will be the penalties, if any, for anyone violating the aforementioned "other protections" in the CCR's or the "strict access measures that will insure that the resources are not depleted".

Comments on Page 15 Exhibit 1

How many gulches will have "drainage retention and erosion abatement structures" built in them to support the road crossing these gulches?

Comments on Page 18 Exhibit 1

After the construction of the roads what "permanent landscaping" will be developed to "provide long-term erosion control along the roadway corridors?"

Why were "ranching activities" halted in the La'au Point community site in 2000?

Were there ever any ranching activities in the 6,348-acre parcel that the 1,492-acre La'au Point community site is located within? If so, are they currently existing? If not currently existing, why did Molokai Ranch cease its "ranching activities" on this large parcel?

Comments on Page 20 Exhibit 1

Does the applicant have any evidence, other than the results of a "recent field survey", to determine the frequency of the Monk seals' presence along the undeveloped La'au Point shoreline between Hale O Lono harbor and Kaupoa Beach?

Is there any time of the year when Monk seals frequent the La'au Point shoreline areas more than other times of the year?

Comments on Page 21 Exhibit 1

How does the applicant explain the fact that the amount of fish resources in the La'au Point area, which is subject to restricted public access, is 42% lower than fish populations in open access areas statewide?

How will fish populations improve by opening the area to the development of up to 400 dwelling units and the development of more convenient public access routes complete with bathrooms and other amenities, which will result in more people utilizing the La'au Point shoreline area?

Comments on Page 23 Exhibit 1

What is the difference between "archaeology sites" and "historic sites" and "cultural sites"?

How will the Molokai Burial Council be involved in determining the significance of any "find" discovered during construction activities at La'au Point.

Will a qualified archaeologist be present when contractors are developing infrastructure projects at La'au, as well as, site work development on the individual house lots?

Comments on Page 24 Exhibit 1

Did Molokai Ranch have a representative on the Governor's Molokai Subsistence Task Force?

What "community access" to the La'au Point shoreline area exists currently for "cultural practices", and how will the current access be "improved" other than development of paved roads and parking

Define "cultural practices" as referenced in regard to improved access to the La'au Point shoreline.

As noted in the documents which make up the EISPN notice, the La'au Point residential subdivision development will be "located within a 6,348-acre vacant parcel " (see Figure 2). What "community access" is currently available "for cultural practices" on the inland portions of the 6,348-acre parcel and how will access to these inland areas be improved with the development of the La'au Point residential subdivision.

There is mentioned that " a public coastal trail" and community parking for shoreline" access is planned "ensuring the community has access to subsistence resources". Referencing Figure 14 (after Page 36) how will the "planned coastal trail" and "parking" differ from the current access rights the public has to walk along the shoreline from the southern most portion of the Kaluakoi Resort (lots shown on Figure 14) where there is public roadway access to the shoreline and available parking to Hale O Lono Harbor (see Figure 14) where there is also public roadway access and available parking?

In addition to "ensuring the community has access to the subsistence resources" via a planned "public coastal trail", won't the subsistence resources also be open to in-state and out-of-state visitors to Molokai?

Who in the Molokai community is currently limited from access the La'au Point shoreline area if they wanted to go there for recreation, subsistence and/or cultural activities?

What rights of access to the La'au Point shoreline does MPL (Molokai Ranch) recognize for those members of the Molokai community who are not "descendants of Native Hawaiians?

Does the applicant equate easier access for all members of the public (visitors as well as Molokai residents) to the La'au Point shoreline via paved roads and paved parking lots will improve the "fish populations" and/or the traditional practices of the descendants of Native Hawaiians?

Comments on Figure 13 (after Page 24)

Figure 13 notes certain proposed Community-Based Subsistence Fishing Zones, which are "Contingent on Partnership Agreements". Identify the company or individual that a "partnership agreement" would have to be secured with for each subsistence fishing zone to become a reality and what is the status of

Please provide a copy of the "partnership agreement" to be used to establish the subsistence fishing zones.

Comments on Page 26 Exhibit 1

Will the 25-foot height limit be determined from finished grade or natural grade whichever is lower? If not, how will height be determined?

Please provide a copy of the draft or final CCR's and Construction Rules and Design Guidelines each as an appendix to the Draft EIS.

In 2001 the EISPN states the population of West Molokai was 2,569 people. What is the population today?

Not counting the 400 potential homes from the La'au Point luxury residential subdivision development, what does the applicant estimate the population on the West End would be if the Kaluakoi Resort and the Maunaloa Town are build out in accordance with the land use intentions set forth in the current Molokai community plan?

Comments on page 27 Exhibit 1

Has the 100 acres around Maunaloa Town and Kualapuu Town been identified? If not, when will these lands be identified? If not when will they be identified?

Once identified, how will the community be "ensured" that these lands will be preserved for future affordable housing development for Molokai residents?

Based on current Molokai workforce incomes what does Molokai estimate "affordable prices" to be for housing?

What is the average wage for Molokai Ranch's full-time employees?

On Page 26 it states that the "community can plan its own affordable housing in Kaunakakai without recourse to MPL" (emphasis added). What recourse is there to MPL before the community can plan the development of affordable housing in Kualapuu or Maunaloa.

Please explain the statement the "Community does not support a large affordable housing project in one area only".

Does the applicant feel that the Community supports the development of the 100-acres to be set aside in Kualapuu and Maunaloa, and portions of the 1,000 acres donated around Kaunakakai for affordable housing as needed to supply affordable homes for Molokai's working families that would qualify for affordable housing (i.e. teachers, Ranch employee's, county and state workers, policemen, firemen, retail employees, agricultural workers, hotel and visitor industry employees, etc.)?

What does Molokai Ranch consider to be "reasonable prices" that the 100-acres around each of the towns of Kualapuu and Maunaloa can be reserved "to ensure the development of these (lands) for future affordable housing?"

Comments on Page 28 Exhibit 1

Please provide in the Draft EIS a summary verifying the different operations that are contributing to MPL's "operational cash deficit of \$3.7 million per annum.

Specifically, how will the Community-Based Master Land Use Plan cure MPL's "operational cash deficit of \$3.7 million per annum"?

Please provide a breakdown by parcel indicating the "value of the donated land" or "the potential lost-opportunity cost of developing land" that totals more than \$75 million dollars.

What is the source used to determine the aforementioned \$75 million dollar value?

Is the reference to "on-going jobs" the same as "full-time jobs"?

Please describe what these on-going jobs will encompass.

Comments on Page 29

When does MPL plan to submit an application to the State's Commission on Water Resource Management (COWRM) for the development of the abandoned Kakalahale well?

What is the saline content of the brackish Kakalahale well and when was this data gathered?

The EISPN does not mention anything about the Ranch's potential water source from the Pala'au Shrimp Farm. Is Molokai ranch still planning to employ this source of water in its future development plans if needed?

How much water is available from this source?

What is the saline content of this water?

Is there any requirement to go to the COWRM for any kind of permit for MPL to transport water from the Pala'au Shrimp Farm area to service irrigation needs in another area of the island where future development takes place? If no permit is required from COWRM, please explain why.

What transmission alternatives for the Kakalahale well water is MPL evaluating?

The EISPN states that MPL "will also make its excess potable water capacity available for use of communities outside its property". Please explain the specifics of this general statement?

What is the potential amount of "excess potable water" that MPL may have available for use by others in the community and from what source(s) would the excess come from?

Is the availability of the "excess potable water" envisioned by MPL, contingent on not further impacting the integrity of other water sources in order to generate the MPL's excess water capacity?

What is the status of the "Waiola Well application"?

Isaac Hall is one of two attorneys listed in the EISPN as representing MPL. Has Mr. Hall ever represented any Molokai individuals or community groups against the Molokai Ranch and/or MPL over development or water issues? If so, please provide a list of the actions Mr. Hall has taken on against the Ranch on behalf of community members.

What are the current water rates applicable to Kaluakoi residents and how will these rates be restructured in the future?

What is average monthly water usage in 1000 gallon per day for residents of the Papohaku Ranchlands residential subdivision?

What is the average usage of residents in Maunaloa Town?

The EISPN states that a "Water Plan Analysis" will be prepared by Ishikawa, Morihiro, Lau and Fong, LLC. Please attach a copy of the full Water Plan Analysis to the Draft EIS.

The other MPL attorney listed in the EISPN is Linnel Nishioka, who is with the law firm preparing MPL's "Water Plan Analysis". What was Ms. Nishioka's former involvement with COWRM as an attorney or otherwise?

Comments on Page 33 Exhibit 1

What is the status of a park of a proposed park consisting of approximately 40-acres in the area of Hale O Lono harbor?

Would this 40-acre park be in addition to the 16.5-acre park near Hale O Lono that is part of the La'au Point development?

Comments on page 37 Exhibit 1

In order for those members of the public, as well as decision makers, who are reading the Draft EIS to be fully informed about the policies, goals and objectives of the Maui County General Plan and the Molokai Community Plan may or may not "conform to", please attach a full copy of these important community planning documents that have been adopted into law by ordinance to the Draft EIS.

Comments on Page 39 Exhibit 1

What responsibility does the County Council have over the Special Management Area Approval or Permit?

Does the Molokai Planning Commission have any responsibility if construction if developed on "finished grade" verses "natural grade"?

Comments on Page 39 Exhibit 1

As part of the Draft EIS, please attach a copy of the 25-acre lot subdivision plan for the 6,348 La'au parcel that MPL had drawn up by PBR, which MPL shared with some members of the Molokai community.

There was an extensive alternative plan submitted to MPL by the Alternative to La'au Development Committee (ALDC) that was shared with some members of the community. Please attach a copy of that plan to the Draft EIS.

There was also a plan for the development of a major timeshare project on lands already zoned for such development within the Kaluakoi Resort. Timeshare is the rage today with developers so much so that developers/landowners are converting existing hotels or demolishing profitable hotels to make way for bigger timeshare developments. Please provide the details of the timeshare alternative that MPL said it did for the timeshare alternative.

To properly evaluate alternatives what does MPL anticipate it profit will be from the sale of the La'au Point lots and how much of the total profit is MPL anticipating receiving each year beginning with the first year it anticipates revenue from the first lot sales?

In discounting projected revenues, what value of money does MPL and/or BIL International use as a discount rate?

Has any recent property values been done to assess the current market value of MPL lands on Molokai? If so, please identify the appraisal study that includes a summary of BIL Investment's holdings on Molokai.

Comments on Page 41 Exhibit 1

Re: 12) Please identify the scenic vistas and view planes identified in county or state plans which will not be substantially affected by the La'au Point development.

Comments on Page 42 Exhibit 1

How will the proposed La'au Point residential development "use Conservation District land"?

Comments on Page 43 Exhibit 1

What members of the Molokai community will be consulted parties in the preparation and review of the Draft EIS'?

What is the role and responsibilities of the "consulted parties" ?

Is Council member Danny Mateo and the Chair of the Molokai Planning Commission the only Molokai residents MPL contacted to be a "consulted party"? If not what other individuals were contacted to be consulted Parties? If not, who else was contacted prior to releasing the EISPN?

Comments on Page 45 Exhibit 1

What reference documents will be included as attachments to the Draft EIS?

Comments on page 13 of Appendix A to the EISPN

Section 1.8.1: What mandate from the Community did Ke Apuni Lokahi (KAL) have be the community's representative in developing a Master Land Use Plan for Molokai ranch lands?

Page 25 Section 2.4.3

Was community feedback from the Island-wide community meetings and focus group gatherings recorded? If so, please attach a copy of this documented information to the Draft EIS.

Page 40 Section 3.6

What is the status of the camping facilities at Kolo Camp and Paniolo Camp that operated similar to Kaupoa Camp?

Page 41 Section 3.7.4

MPL has indicated that it would be seeking an investor to provide the necessary financial strength to fund the reopening of the Kaluakoi Hotel. What is the status of MPL's search for an investor?

What amount of money or loan guarantees is MPL looking for an investor to provide.

For the investors funding commitment, what will MPL offer an investor as far as participation the La'au Point development profits or future profits from other MPL "development" lands?

Page 41 Section 3.7.5

Exactly how many lots have currently been built on. How many potential swellings can be developed on the 273 Papohaku lots?

Recently, the County of Maui approved one the Papohaku lot owners to subdivide his 6-acre lot into two lots each about 3 acres. What is the potential number of additional lots that could be created within the Papohaku ranchlands residential subdivision if the County allowed all the lot owners to subdivide their properties?

How many lots are in the Moana Makani Residential subdivision and how many additional lots could be created if the County allows the lot owners to subdivide their lots to the maximum extent allowable under the law?

Page 53 Section 4.1.1

How does MPL anticipate it will be able to apply and enforce the "Permitted activities" in the subsistence fishing areas?

Use Commission deciding on the amended land use designations required for the La'au Point subdivision development?

Page 105 "Ohana Housing" Please explain the water restriction that will apply.

Page 123

Use of brackish water from Pala'au Shrimp Farm:

Who is currently operating the shrimp farm?

When was the saline content of the shrimp farm water last tested?

When stating that desalting is "still 4 times more expensive than the cost of "developing an operating deep groundwater well", what is the cost of desalting and what is the cost of developing a deep groundwater well?

Page 124

What is the status of the County's Water Use and Development Plan for Molokai?

Page 134

Do the following components of the Ranch's Master Land Use plan noted on Page 134 have to be completed prior to the Land Use Commission making a decision on the La'au Point subdivision approval?

Page 138:

When does MPL plan to have an investor on board?

Has MPL approached any investors?

Is there any investor interest?

Is Kent Smith of Smith Development (Maui) expressed an interest in the La'au Point development and/or other components of the Master land Use Plan?

Comments on Affidavit of Ms. Nishioka:

Did Ms. Nishioka and or MPL send the a copy of the petition to any individuals other than those listed on Attachments B and C of the Petition? If so, please identify each of the "other" people who received a copy of the petition and the date the Petitions were sent out.

End of comments

Do the subsistence fishing and hunting rules have to be in place and enforcement jurisdiction over the activities identified prior to the State Land Use Commission making any final decision on the La'au Point residential development?

By what authority will MPL, the La'au Point community property owners or members of the Molokai community be able to enforce the subsistence fishing activities described on Pages 61 and 62?

Page 65: When will the landowner make a decision whether or not ATV will be allowed on the lands covered by the Master land Use Plan?

Page 66 Section 4.1.4 How many acres of land suitable for agricultural production currently are not in production but need protection? How much water will be needed to make these lands productive and what is the source of the water needed?

Page 70: What is MPL's plan to work with the Molokai community's unique effort to establish Kaunakakai "as a special destination area for residents and visitors alike" as noted in the Molokai Community Plan for the property located makai of Kamehameha Highway between the highway and Kaunakakai harbor?

Page 71: Please define a "put option".

Page 73: What has been MVA and/or the Chamber of Commerce's responses to the recommendations outlined?

Page 74:

What "legal advice" did MPL receive regarding changes to CCR's?

Page 81

Will the management plans be completed and in place prior to the LUC issuing it final decision on redesignating the lands associated with the La'au Point community development?

Page 85 Section 5.1.1.3

Based on the "appropriate activities" envisioned for the Rural Landscape Reserve please provide an example in which residential development would be warranted?

Page 87 Housing: When does MPL anticipate the affordable housing lands around Maunaloa and Kualapuu will be identified?

Page 91

Will the completion of the community plan amendment process required to remove the designation for "a golf course on 500 acres of land" in Maunaloa be required prior to the Land



December 13, 2006

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Chairman

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Comments on "Verification (the page immediately preceding Exhibit 1):

5. Valerie Monson is listed as a "participant" of the Community-Based Master Land Use Plan for Molokai Ranch (Plan) Environment and Economic sub committees. It is not possible to quantify the extent of Ms. Monson's participation regarding the development of the Plan.

Comments on Page v

6. Discussion of specific development plans between 1990 and 2003 and MPL's rating of community opposition are not relevant to the current Lā'au Point project or EIS; and therefore, discussion on this topic in the EIS is not warranted.

7. Details regarding the land use history, sales and acquisitions, land use designations, regarding the Kahaako'i Resort properties are not relevant to this EIS for Lā'au Point; therefore, discussion on this topic in the EIS is not warranted.

8. The Draft EIS will contain discussions of the Lā'au Point project's relevance to the Maui County General Plan and the Moloka'i Community Plan. Copies of these documents may be obtained directly from the County of Maui.

9. Details regarding Kahaako'i Hotel and Golf Course sales and acquisitions are not relevant to this EIS for Lā'au Point; therefore, discussion on these topics in the EIS is not warranted.

10. Future development and/or land use plans for MPL are outlined in the Community-Based Master Land Use Plan for Molokai Ranch, which was included as Appendix A in the EISPN.

11. As stated in the EISPN: "The Community-Based Master Land Use Plan for Molokai Ranch resulted from two years of community meetings, long hours of impassioned debate, critical thinking, and soul searching by Moloka'i residents." Many issues and concerns were considered in the development of the Plan. The resultant Plan was adopted in its entirety by the Enterprise Community Board after consideration of all proposals and details presented during the process.

12. MPL examined various options in detail where it may be possible to develop a community at other Ranch land locations away from the Lā'au Point project area. Models were developed to compare alternative scenarios ranging among different agricultural and residential projects of between 27 lots/units and 1,000 lots/units. MPL initially looked at large Agricultural lot developments conforming to existing State land use designations, the Moloka'i Community Plan, and County Zoning at Maunaloa Town and above Kaunakakai. MPL also looked at an affordable residential expansion at Kualapu'u as part of the first round of possible alternatives and at various rural and condo alternatives for Kāluako'i. MPL also examined your Lā'au Point alternative (the Kahaako'i Rural Subdivision and Golf Course) to make sure they had looked at every aspect of the project. The Draft EIS will include analyses of the various alternatives and reasons why Lā'au Point is the preferred plan.

13. Details of the Moloka'i Enterprise Community's application to the Federal Government are not relevant to this EIS; therefore, discussion on this topic in the EIS is not warranted.

SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Vanderbilt:

Thank you for your letter dated June 10, 2006 regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISPN). As the planning consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments. We acknowledge your request to be an Environmental Impact Statement (EIS) consulted party.

To reference your comments with our responses we have attached a copy of your original letter and numbered your questions (or grouped similar questions under one number). (Attachment A).

Comments on the Petition For Land Use Boundary Amendment

MPL currently employs approximately 140 people and is the largest private employer on Moloka'i. The amount of employees assigned to tourism and agricultural operations is not relevant to the Petition or the EIS.

2. A State Land Use District Boundary Amendment (SLUDBA) is proposed to expand the existing Conservation District at Lā'au Point by 254 acres, from 180 acres to 434 acres. There are no land uses proposed within the Conservation District area. An amended SLUDBA petition will be filed to reflect an amended petition area as compared to the SLUDBA petition submitted to the Land Use Commission on April 27, 2006.

In accordance with Chapter 343, HRS, "The authority to accept a final statement shall rest with the agency initially receiving and agreeing to process the request for approval." A State Land Use District Boundary Amendment is required for this project. As such, the State Land Use Commission (LUC) is the accepting authority. The LUC agreed to be the accepting authority for the EIS on May 24, 2006 (Docket No. A06-764).

4. It is anticipated that the Lā'au Point lots will be developed and sold over a 5-year time frame. Following initial lot sales, the first houses are expected to be built around 2010 and residential construction should continue through 2023. It is anticipated that annual demand for residential lots at Lā'au Point will range from 35 to 45 lots a year. The anticipated prices for the lots range from \$450,000 to \$1,900,000 depending on size of lot, view, and distance to the ocean.

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Comments on Page 5 of Exhibit 1

14. Lā'āu Point is currently vacant, undeveloped land. A State Land Use District Boundary Amendment is proposed to expand the existing Conservation District (shoreline area) by 254 acres, thereby increasing the amount of shoreline and habitats, such as for monk seals, put into permanent protection.

15. In 2000, the West Lā'āu Point population was 2,569 persons (US Census), mainly situated in Kaluako'i Resort and Maunaloa. Population projections indicate that Moloka'i's population will reach 7,276 in 2010 and 7,772 by 2020 (Maui County Data Book 2006). The total number of residential lots and the projected population of Maunaloa if all residential lots had homes developed on them is not relevant to the EIS; and therefore, discussion on this topic in the EIS is not warranted. However, discussion of Lā'āu Point and Moloka'i population projections will be included in the EIS.

16. MPL currently employs approximately 140 people and is the largest private employer on Moloka'i. Details of Moloka'i Ranch's employees' employment situations are not relevant to the EIS; and therefore, discussion on this topic in the EIS is not warranted.

17. According to the Economic and Fiscal Impacts Report (to be included as an appendix to the Draft EIS), the net loss from operations in 2001 to 2006 has been approximately \$31.6 million. Whereas often painful cost cutting has reduced operating losses from \$8.6 million in 2001 to a range of \$3.6 to \$3.8 million in the last three years, the increasing costs of water, energy, and insurance make it difficult to expect profitable operations in the future. In addition to operating losses, annual capital expenditures are another drain on cash flow, averaging over \$800,000 per year over the past five years. Taken in total, MPL has subsidized the continuing operations and upkeep of Moloka'i Ranch to \$4.7 million to \$10.2 million per year. The cumulative subsidy over the past six years has been \$36.9 million.

18. The *Community-Based Master Land Use Plan for Moloka'i Ranch* provides economic development principles and policies for Moloka'i (see page 66 of Appendix A of the EISPN). There was consensus agreement that the Kaluako'i Hotel should be re-opened. According to the Social Impact Assessment (to be included as an appendix to the Draft EIS), people associated with the reopening of the Kaluako'i Hotel and Golf Course with positive economic activity. They felt that the reinstatement of hotel employment, coupled with visitor spending dollars throughout the community, would help stabilize the economy and increase personal income.

Without the implementation of the *Community-Based Master Land Use Plan for Moloka'i Ranch* and the Lā'āu Point project, MPL will have to make some difficult choices in terms of further cutting back on ranch operations. Without the Plan, MPL would not be able to assure an economic future for its employees.

19. The BIL International annual report was provided as part of the SLUDBA petition. The petitioner is Moloka'i Properties Limited (MPL). BIL International is the parent company of Moloka'i Properties Limited. Moloka'i Properties Limited is commonly referred to as "Moloka'i Ranch."

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20. Hale O Lono is a long, calcareous sand beach and small boat harbor in Southwest Moloka'i. It is also known as Lono Harbor. Koto Wharf was formerly a major shipping point for pineapple. The wharf is mentioned in the EISPN as a location reference point for Lā'āu Point and surrounding areas. Detailed discussions of Koto Wharf or other abandoned developments unrelated to Lā'āu Point are not relevant to this EIS; therefore, discussion of this topic in the EIS is not warranted.

21. We are unable to answer this question because the deer are not contained in a single parcel.

Comments on Page 7 of Exhibit 1

22. Louisiana Land and Exploration Company is mentioned in the EISPN as part of the detailed land use history of Moloka'i Ranch property, Louisiana Land and Exploration Company is no longer involved with Moloka'i Ranch or any of its associated companies. Therefore details regarding Louisiana Land and Exploration Company's past involvements, sales, depts., or percentage of interests are not related to the current Lā'āu Point project and not relevant to the EIS; therefore, discussion of this topic in the EIS is not warranted.

23. Details regarding how Kukui (Moloka'i) Inc., acquired the Kaluako'i Resort or sales price are not relevant to this EIS; therefore, discussion of this topic in the EIS is not warranted.

24. The *Community-Based Master Land Use Plan for Moloka'i Ranch* provided as Appendix A of the EIS contains participant lists. Sign-in sheets were provided at every meeting, but there were individuals who chose not to sign in.

25. The Draft EIS will contain a list of community meetings and other opportunities for public involvement.

26. The Alternative to Lā'āu Development Committee (ALDC) efforts to find an alternative to the Lā'āu Point development, and the hiring of conservation planner Clark Stevens (New West Land Company), were funded by the Moloka'i Enterprise Community (EC). The members of the ALDC requested that their names not be published in the *Community-Based Master Land Use Plan for Moloka'i Ranch*. The Draft EIS will contain analyses of the ALDC alternatives.

27. These questions are directed toward the EC, the Office of Hawaiian Affairs (OHA), and the Department of Hawaiian Homelands (DHHL); we are not able to respond on their behalf. Specific details of the voting process, committee members, relationships with the EC, and DHHL/OHA meeting minutes are not relevant to this EIS; therefore, discussion of this topic in the EIS is not warranted.

Comments of Page 8 of Exhibit 1.

28. The EC is a community-elected organization; separate and unaffiliated from MPL.

29. Lā'āu Point will contain 200 single-family rural-residential lots.

30. It is anticipated that the Lā'au Point lots will be developed and sold over a 5-year time frame. It is anticipated that annual demand for residential lots at Lā'au Point will range from 35 to 45 lots a year. The anticipated prices for the lots range from \$450,000 to \$1,900,000 depending on size of lot, view, and distance to the ocean.

31. Construction for Lā'au Point will commence after permitting and entitlement processing has been completed.

32. The estimated order of magnitude costs for the development of onsite and offsite infrastructure, final subdivision layout, lot grading and finishing, and general administrative costs during construction is expected to be approximately \$88 million. These costs to develop Lā'au Point are preliminary and do not include taxes. Development costs will be better defined in the future following detailed site engineering prior to construction.

33. MPL will be responsible for lot development construction funding.

34. Refer to Responses #17 and #18.

35. This is company-sensitive information not released to shareholders; therefore, we are unable to respond.

36. MPL will not close walking access to the shoreline for subsistence gathering. The Draft EIS will contain a complete section on trails and access. Project plans propose that Native Hawaiians and the general public will have shoreline access from two points—one on the south shore at the southeast entry and one on the west shore at the northwest entry. In the process of developing the *Community-Based Master Land Use Plan for Molokai Ranch*, subsistence fishermen and gatherers were very concerned about marine resource depletion that could be caused by opening up the south and west shores. The subsistence fishermen and gatherers felt that the provision of two access points and parking at either end of the project site would afford sufficient access, and that the need to walk-in would protect the area.

Section 18.19.210 of the Maui County Code (MCC) provides for shoreline rights-of-way every 1,500 feet as you note. However, this section also provides that the Director of Public Works, "may require that rights-of-way be consolidated to provide sufficient area for vehicular access, parking, development of shoreline or other recreational facilities, or other public purposes; or may modify the standard rights-of-way to take into consideration terrain features, length of frontages, uses of parcel to be subdivided and other pertinent features..."

MPL supports the views of subsistence fishermen and gatherers that the provision of two access points and parking at either end of the project site would afford sufficient access, and that the need to walk in would protect the area.

37. Values were determined from information provided by real estate appraisal company The Hallstrom Group in a property valuation report. These values are subject to change and not relevant to the EIS; therefore, discussion of this topic in the EIS is not warranted.

Comments on Page 9 of Exhibit 1

38. The Land Trust is a community-based land steward organization, not related to MPL. Therefore, we are unable to respond on their behalf.

39. MPL will only be able to allow Molokai residents to hunt on the land it retains, which are not the lands being donated to the Land Trust.

40. Information regarding Nā'iwa development is not relevant to this EIS; therefore, discussion of this topic in the EIS is not warranted.

41. There is no time limit; the lands will transfer on the granting of entitlements for Lā'au Point development and Water permits as stated in the *Community-Based Master Land Use Plan for Molokai Ranch*.

42. See Response to #41 above. Land Trust donations will transfer upon the granting of entitlements and water permits for Lā'au Point. After the transfer the Land Trust will be able to enter into agreements regarding its lands.

43. The Land Trust will own the lands donated to them by MPL. We are unable to respond on the Land Trust's behalf regarding future development.

44. The CDC will be an independent entity from MPL. Therefore, we are unable to respond on the CDC's behalf.

45. The Lā'au Point project will address affordable housing in the implementation of *Community-Based Master Land Use Plan for Molokai Ranch*. Throughout the community-planning process, the vesting of land back into community hands and ensuring the development returns (Lā'au Point income) be shared by the community was part of a larger vision by the Moloka'i community to plan and finance housing for themselves. MPL has reserved 100 acres around each of the towns of Kualapu'u and Maunaloa for community expansion. Approximately 1,100 acres will also be gifted to the Community Development Corporation (CDC), a large portion of which can be used for community homes.

Sales prices for the affordable homes have not been determined, but are expected to be based on a percentage of the median income for Molokai as established annually by the federal Department of Housing and Urban Development (HUD).

46. The CDC will be an independent entity from MPL. Therefore, we are unable to respond on the CDC's behalf. However, a discussion of community development objectives can be found in Appendix A of the EISPN.

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Comments on page 10 of Exhibit 1

47. MPL will also reserve 200 acres around the towns of Kualapu'u and Maunaloa to be made available for community housing. Although MPL will retain ownership of these reserved lands, development decisions and timing will be made by the community via the CDC and not by MPL.

48. Yes. Please refer to page 121 in Appendix A of the EISPN.

49. The CDC, not MPL, will determine the future expansion of these towns.

50. MPL will only be gifting the land in Kaunakakai. The lands around Kualapu'u and Maunaloa will be made available for affordable housing to be decided and managed by the CDC; however, MPL will retain ownership of the lands.

51. The referenced 5-acre parcel in Kaunakakai will be gifted to the CDC; MPL will not make decisions for the use of CDC lands.

52. The CDC and MPL will obtain an independent valuation of the parcel when Maui Community College wishes to acquire the parcel. MPL has made no requirements on the sale price to the CDC.

53. It is anticipated that the Lā'au Point lots will be developed and sold over a 5-year time frame. Following initial lot sales, the first houses are expected to be built around 2010 and residential construction should continue through 2023. It is anticipated that annual demand for residential lots at Lā'au Point will range from 35 to 45 lots a year. The anticipated prices for the lots range from \$450,000 to \$1,900,000 depending on size of lot, view, and distance to the ocean.

54. All agents' fees and other taxes will be deducted from the sale price before the 5 percent is calculated. The percentage from re-sales has yet to be negotiated with the CDC following determination of the entitlements.

55. Incomplete question. We cannot respond.

56. Residents of the Lā'au Point community will be educated and informed about the environment and culture, and taught to "mālama 'āina," take care of the land and sea, through strict Conditions, Covenants, & Restrictions (CC&Rs) attached to the subdivision. The CC&Rs will provide that every person whose name is on the property title must commit to undergo a certain amount of education about the Moloka'i community and its desires and aspirations with kupuna and the Maunaloa community. The Draft EIS will provide a discussion on proposed CC&Rs for Lā'au Point. The CC&Rs are currently being prepared in draft form.

Comments on Page 11 of Exhibit 1

57. The current plan for the State Land Use District reclassification of approximately 17 acres of land for the two proposed parks is to reclassify approximately eight acres from the Agricultural District and approximately nine acres from the Conservation District to the Rural

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District. In recent consultation with the State Land Use Commission, it has been determined that the best course of action would be for the park land (approximately 17 acres) to remain in the Rural District. Therefore, the previously contemplated reclassification of the park land back to the Conservation District is not being considered now. This will be clarified in the Draft EIS.

58. The CDC will be an independent entity from MPL. Therefore, we are unable to respond on the CDC's behalf.

59. Sales prices for the affordable homes have not been determined, but are expected to be based on a percentage of the median income for Molokai as established annually by the federal Department of Housing and Urban Development (HUD).

60. The CDC will be an independent entity from MPL. Therefore, we are unable to respond on the CDC's behalf. However, a discussion of community development objectives can be found in Appendix A of the EISPN.

61. The Conservation District areas to be protected (approximately 434 acres) within the Lā'au Point project will be the subject of an easement held by the Moloka'i Land Trust. These protected lands will be part of an entity that is controlled jointly by Lā'au Point homeowners and the Land Trust.

62. Such a document has not been created yet; it is pending entitlement approval for the Lā'au Point project; therefore governing rules for decision-making have not been established.

Comments on Page 12 Exhibit 1

63. The *Community-Based Master Land Use Plan for Molokai Ranch* was provided as Appendix A of EISPN.

64. Perpetual right to subsistence gathering will be noted on the land titles of the areas to be preserved. The CC&Rs will establish policies that permit subsistence gathering and cultural practices, as well as provide for the hiring of resource managers to protect the subsistence lifestyle.

65. Current subsistence activities are thoroughly discussed in Chapter 4 of the *Community-Based Master Land Use Plan for Molokai Ranch*, provided as Appendix A in the EISPN.

66. The remaining portion of the 6,348-acre Lā'au Parcel that lies mauka of the project boundary will be designated as Rural Landscape Reserve (see page 9 of Appendix A in EISPN), and will allow subsistence hunting.

67. The Economic and Fiscal Impacts Report will be provided as an appendix of the Draft EIS. Other reports prepared for the EIS will be included as appendices of the Draft EIS.

Comments on Page 13 Exhibit 1

68. Lā'au Point will contain 200 single-family rural-residential lots.

78. Penalties, if any, may be addressed in the shoreline access management plan.

Comments on Page 15 Exhibit 1

79. The Draft EIS will contain a preliminary drainage report. This report will contain preliminary locations of proposed drainage structures. Final engineering design will not be completed until subdivision plans are ready to be submitted to the County of Maui.

Comments on Page 18 Exhibit 1

80. Landscaping will be restricted to appropriate native species that are drought-tolerant and suitable for coastal locations.

81. No ranching activities currently exist on parcel since MPL's purchase. We cannot respond to questions regarding previous owners' activities.

Comments on Page 20 Exhibit 1

82. The Fauna Survey (to be included as an appendix of the Draft EIS) reports that two endangered Hawaiian Monk Seals (*Monachus schauinslandi*) were observed resting on Sam Wrights Beach north of Lā'au Point.

Comments on Page 21 Exhibit 1

83. Traditionally, Lā'au Point was not a place that was fished on a regular basis because it is isolated and difficult to reach. However, the increased use of boats on Moloka'i and O'ahu has changed this. People interviewed for the cultural impact assessment (to be included as an appendix of the Draft EIS) noted that the resources have declined in the area with heavy seasonal harvesting by boaters from O'ahu and the opening of Hale O Lono Harbor and Kaluako'i as closer launching points to Lā'au Point for Moloka'i boaters.

The *Community-Based Master Land Use Plan for Molokai Ranch* proposes the establishment a subsistence fishing zone, which will require special legislation to be enacted by the State legislature. The zone would encompass the areas stretching from the shoreline to the outer edge of the reef on the Southern coast, and where there is no reef on the western shoreline, out a quarter-mile from the shoreline along the 40-mile perimeter of MPL's coastline property. The subsistence fishing zone for Lā'au would be modeled after the Hui Malama O Mo'omomi Subsistence Fishing Zone which has proven to be successful in protecting the coastal resources at Mo'omomi.

Comments on Page 23 Exhibit 1

84. In the context of this project, the terms "archaeology sites", "historic sites" and "cultural sites" generally may refer to the same sites. The archaeological sites at Lā'au Point generally have historic and cultural value, and vice versa.

69. This question is not relevant to this EIS, and therefore, we have no opinion on this matter.

70. Yes.

71. Currently, a subsistence committee comprising of senior Molokai Ranch employees, most of who are from the Maunaloa community, manages permitted access by Ranch employees. Employees and their families usually camp out on weekends. However, employees who are off on weekdays can go during the week, provided access at that time is approved by the employees' committee. They are limited to two or three vehicles and ten adults. ATV's and motorcycles are not allowed. Families can go only once a month to give everyone a chance. Gathering is allowed for parties, and there is a three-gallon limit on 'opihī.

72. Increased public access to the shoreline and other coastal resources has the potential to damage the natural environment and diminish the uniqueness of the coast. Therefore, to protect the natural resources of the shoreline, a shoreline access management plan for the area will be implemented which addresses maintenance and resource management for the area. As previously discussed, the Conservation District shoreline areas will be jointly controlled and managed by the Land Trust and homeowners' association.

The shoreline access management plan will be included in the CC&Rs, and homeowner orientation and education materials. Resource managers hired by the Land Trust or security hired jointly with the homeowners' association will enforce the agreed-upon shoreline access management plan. Vehicular access in the Conservation District area will be prohibited, unless identified for emergencies or kupuna use. Land alteration such as clearing and grading for vehicle trails will be prohibited and strictly enforced.

The shoreline access management plan would adopt protocol, rules, and permitted activities for persons engaging in subsistence shoreline fishing and gathering in these Conservation District shoreline areas. Mandatory educational classes in traditional subsistence gathering and access responsibilities, safety and protocol would also be required for every person wishing to gain access. A caretaker or Land Trust steward will supervise access to ensure overfishing does not take place, and that those who access the area have taken the appropriate education classes.

73. Perpetual right to subsistence gathering will be noted on the land titles of the areas to be preserved. The wording of the land titles has not yet been drafted.

74. The project is expected to increase public access to the shoreline, hence the need for a shoreline access management plan for the area.

75. Please refer to Response # 71.

76. MPL recognizes all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes by descendants of Native Hawaiians.

77. Please refer to Response # 72.

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85. Molokai Properties Limited and its contractors will comply with all State and County laws and rules regarding the preservation of archaeological and historic sites. Archeological mitigation plans have been prepared for the known archaeological sites within project area and submitted to the SHPD review and approval. As may be required in the approved plan, an archaeological monitor will be onsite during excavations and ground disturbances for Lā'au Point.

Comments on Page 24 Exhibit 1

86. Yes.

87. Please refer to Response # 71.

88. While not interchangeable terms, "cultural practices" and "subsistence practices" are substantially the same in regard to improved access at Lā'au Point. In the *Community-Based Master Land Use Plan for Molokai Ranch*, "subsistence" is defined as the customary and traditional uses of wild and cultivated renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, transportation, culture, religion, and medicine; for barter, or sharing, for personal or family consumption and for customary trade.

89. Please refer to Response # 66.

90. The access at the proposed shoreline parks will be closer to Lā'au Point than the other accesses you mention.

91. Please refer to Response # 72.

92. Please refer to Response # 71.

93. Project plans propose that Native Hawaiians and the general public will have shoreline access from two points—one on the south shore at the southeast entry and one on the west shore at the northwest entry. In the process of developing the *Community-Based Master Land Use Plan for Molokai Ranch*, subsistence fishermen and gatherers were very concerned about marine resource depletion that could be caused by opening up the south and west shores. The subsistence fishermen and gatherers felt that the provision of two access points and parking at either end of the project site would afford sufficient access, and that the need to walk in would protect the area.

94. Please refer to Response # 83.

Comments on Figure 13 (after Page 24)

95. This information is contained in the Community-Based Master Land Use Plan for Molokai Ranch, provided as Appendix A in the EISPN. Partnerships include DHHL, West Molokai Association, the State of Hawaii, and the Federal Government.

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Comments on Page 26 Exhibit 1

96. The determination of 25-foot height limit will be as defined in section 19.04.040 of the Maui County Code, as may be amended by the County Council.

97. The Draft EIS will provide a discussion on proposed CC&Rs for Lā'au Point. The CC&Rs are currently being prepared in draft form. Design guidelines and Construction Rules for Lā'au Point are not yet drafted. Typically CC&Rs, design guidelines, and Construction Rules are not provided in as part of an EIS.

98. Please refer to Response # 15.

Comments on page 27 Exhibit 1

99. The lands were identified in Appendix 5 of the *Community-Based Master Land Use Plan for Molokai Ranch*, which was included in the EISPN. Also refer to response #45.

100. Policies were set forth in the *Community-Based Master Land Use Plan for Molokai Ranch*, which was included as Appendix A in the EISPN. Also refer to response #45.

101. Sales prices for the affordable homes have not been determined, but are expected to be based on a percentage of the median income for Molokai as established annually by the federal Department of Housing and Urban Development (HUD).

102. Molokai Ranch employees' wages are not relevant to this EIS; therefore, discussion of this topic in the EIS is not warranted.

103. This question is unclear, and therefore, we have no response.

104. Page 69 of the *Community-Based Master Land Use Plan for Molokai Ranch*, which was included as Appendix A in the EISPN, states that smaller affordable homes projects around each of the towns are preferred instead of one large project.

105. The proposed affordable housing program and designated lands were determined during the community planning process for the *Community-Based Master Land Use Plan for Molokai Ranch*.

106. MPL has no estimate currently of the prices it is likely to negotiate with the CDC for the use of those lands, but the prices will be at levels that can make homes more affordable on these lands than other similar lands.

Comments on Page 28 Exhibit 1

107. Please refer to Response # 17.

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108. Values were determined from information provided by real estate appraisal company The Hallstrom Group in a property valuation report. These values are subject to change and not relevant to the EIS; therefore, discussion of this topic in the EIS is not warranted.

109. "On-going jobs" refer to jobs that will continue to exist post-construction, and can be full-time or part-time. On-going jobs may include maintenance, management, and small business opportunities.

Comments on Page 29

110. A water use permit would be required before the Kākahale Well can be put into production. The need to bring the well into production is dependent on the proposed Lā'au development, future expansion of Maunaloa and Kualapu'u, and the needed to address future demands from existing developed lots.

111. Please refer to the Water Plan in the *Community-Based Master Land Use Plan for Molokai Ranch*, page 119.

112. The Water Plan for Lā'au Point was determined during the community planning process and discussed in the *Community-Based Master Land Use Plan for Molokai Ranch*, page 123 (Contingency Planning). Water contingency planning will also be discussed in the Draft EIS.

113. MPL has indicated that it will seek to use existing pipeline easements across DHHL's Ho'olehua lands for the transmission of Kākahale water. When Kākahale Well use is permitted, MPL will not transmit brackish water from the well to the West End using the Molokai Irrigation System (MIS) system.

114. MPL has offered to make the excess safe drinking (potable) water capacity available from Well 17 for the use of communities outside its property, if, as proposed in the Water Plan, water from Well 17 is freed up from existing irrigation uses. The amount of water available for use of communities outside of MPL's property has not been determined.

Under the Water Plan, MPL will not need to seek any more potable water than what is currently developed.

115. The Waiola o Molokai water use permit was remanded by the Supreme Court. Many of the issues raised in the Waiola Well case were resolved by the Water Commission and affirmed by the Supreme Court.

116. Details regarding Mr. Hall's previous clients are not relevant to the EIS; therefore, discussion of this topic in the EIS is not warranted.

117. Please refer to the Water Plan in the *Community-Based Master Land Use Plan for Molokai Ranch*.

118. Papohaku Ranchlands and Maunaloa Town are not part of the Lā'au Point project, and therefore, discussion of this topic in the EIS is not warranted.

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119. The Water Plan Analysis will be provided as an appendix of the Draft EIS.

120. Ms. Nishioka has passed away, and therefore is no longer involved with State Land Use District Boundary Amendment Petition, the EISPN, or the EIS. Details regarding Ms. Nishioka's previous employment are not relevant to the EIS; therefore, discussion of this topic in the EIS is not warranted.

Comments on Page 33 Exhibit 1

121. MPL has not proposed or referred to a 40-acre park at Hale o Lono Harbor in regard to the Lā'au Point project.

The Lā'au Point project will include two public parks (totaling approximately 17 acres), one by Kana'ka'ipō Gulch (1.0 acres) on the west end of the community, and the other (16.0 acres) near Hale O Lono Harbor at the south end. This 17-acre total exceeds the 2.26 acres of parks required for a 200-lot development under the County's subdivision requirements (MCC Sec. 18.16.320).

Comments on page 37 Exhibit 1

122. Please refer to Response #8.

Comments on Page 39 Exhibit 1

123. The County Council is not the decision making authority for SMA Permits. Molokai Planning Commission is the decision making authority for SMA Permits.

124. Section 19.04.040 of the Maui County Code defines height as it pertains to "finished grade" verses "natural grade." Lā'au Point building heights will be in compliance with the Maui County Code.

Comments on Page 39 Exhibit 1

125. In conformance with applicable regulations (HAR, Title 11, Chapter 200, Environmental Impact Statement Rules, Section 11-200-10(6)), the Draft EIS will include discussion of alternatives to the proposed project.

126. Refer to Response #4.

127. US dollar.

128. A valuation, completed in February this year, by real estate appraisal company The Hallstrom Group, indicated that on a break-up and sale of individual parcels basis, MPL's lands could achieve \$205 million over time.

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Comments on Page 41 Exhibit 1

129. The Draft EIS will provide a discussion of visual resources.

Comments on Page 42 Exhibit 1

130. There are no land uses proposed within the Conservation District. Also refer to Response # 2.

Comments on Page 43 Exhibit 1

131. Title 11, Chapter 200, HAR, §11-200-15, Consultation Prior to Filing a Draft Environmental Impact Statement, states: "Upon publication of a preparation notice in the periodic bulletin, agencies, groups, or individuals shall have a period of thirty days from the initial issue date in which to request to become a consulted party and to make written comments regarding the environmental effects of the proposed action."

The following people requested to be consulted parties: Kimo Frankel, Native Hawaiian Legal Corporation; Lynn Decoite, Moloka'i Homestead Farmers Alliance; Stephen Morgan; Glenn Teves; DeGray Vanderbilt; Tom Holloman.

The Draft EIS will contain a list of consulted parties.

Comments on Page 45 Exhibit 1

- 132. The Draft EIS will contain the following reference documents:
 - Community-Based Master Land Use Plan for Molokai Ranch
 - Botanical Survey
 - Avifaunal and Feral Mammal Field Survey
 - Marine Biological and Water Quality Baseline Surveys
 - Archaeological Mitigation Plans
 - Cultural Impact Assessment
 - Traffic Impact Assessment Report
 - Noise Assessment Report
 - Air Quality Impact Assessment
 - Economic and Fiscal Impacts Report
 - Market Support for Real Estate Development Report
 - Hallstrom Letter regarding property tax values
 - Social Impact Assessment
 - Preliminary Engineering Report
 - Preliminary Drainage Report
 - Water Plan Analysis
 - Wastewater Treatment Design Report

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Comments on Page 13 of Appendix A to the EISPN

133. Section 1.8.1: We cannot respond on behalf of KAL.

Page 25 Section 2.4.3

134. Community feedback on a variety of issues will be included in the Cultural Impact Assessment and the Social Impact Assessment.

Page 40 Section 3.6

135. Details regarding Kolo Camp and Paniolo Camp are not relevant to this EIS; therefore, discussion of this topic in the EIS is not warranted.

Page 41 Section 3.7.4

136. Details regarding investors for Kaluako'i Hotel are not relevant to this EIS; therefore, discussion of this topic in the EIS is not warranted.

Page 41 Section 3.7.5

137. Speculation on other residential subdivisions is unpredictable, the DEIS will include discussion regarding relative cumulative impacts.

Page 53 Section 4.1.1

138. Refer to response # 72.

139. No.

140. Refer to responses # 72 and # 83

Page 65

141. Under the *Community-Based Master Land Use Plan for Molokai Ranch*, individual landowners (be it, MPL, the Land Trust, or other owners) can decide on the appropriate use of ATVs on their lands. However, *Community-Based Master Land Use Plan for Molokai Ranch* states a strong preference that "use of ATV should be discouraged on all lands."

Page 66 Section 4.1.4

142. We do not have a response to this question.

Page 70

143. The development of Kaunakakai is not relevant to this EIS; therefore, discussion of this topic in the EIS is not warranted.

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Page 71

144. An option for securities or shares that can be "put" to other shareholders at a specified time or under specified circumstances.

Page 73

145. This is unknown to us, therefore, we have no response.

Page 74

146. The CC&Rs are still being drafted. Legal advice comes from a licensed and experienced Hawaii certified attorney, with experience in this field.

Page 81

147. The Land Trust will be completing the Management Plan under guidelines established in the *Community-Based Master Land Use Plan for Molokai Ranch*.

Page 85 Section 5.1.3

148. Rural Landscape Reserves will preserve large open space landscapes throughout Lā'au Point. Buildings or structures will not be allowed in Rural Landscape Reserves.

Page 87 Housing

149. The lands were identified in Appendix 5 of the *Community-Based Master Land Use Plan for Molokai Ranch*, which was provided in the EISPN.

Page 91

150. No.

Page 105

151. The Water Plan in the *Community-Based Master Land Use Plan for Molokai Ranch* discusses Lā'au Point water use. The Draft EIS will also include discussion on Lā'au Point water use.

Page 123

152. Details regarding who is currently operating the shrimp farm are not relevant to this EIS; therefore, discussion on this topic in the EIS is not warranted.

153. We do not have a response to this question.

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154. The Draft EIS will contain discussion on water contingency planning, including the costs of desalination.

Page 124

155. We are unable to respond on behalf of the County regarding status of their plans.

Page 134

156. The projects listed on page 134 of the *Community-Based Master Land Use Plan for Molokai Ranch* do not have to be completed before the State Land Use Commission acts on the State Land Use District Boundary Amendment for Lā'au Point. Note that the County of Maui Department of Public Works and Environmental Management grants subdivision approval.

Page 138

157. Detailed investor information is not relevant to the EIS; therefore, discussion of this topic in the EIS is not warranted.

Comments on Affidavit of Ms. Nishioka:

158. The Draft EIS will include a list of individuals sent a copy of the Petition/EISPN.

Thank you for reviewing the EISPN. Your letter is included in the Draft EIS.

Sincerely,

PBR HAWAII



Thomas S. Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

Attachment A

June 10, 2006

To Peter Nicholas, Molokai Properties Limited
Copies to Land Use Commission, attention Anthony Ching and the Office of Environmental
Quality Control

From DeGray Vanderbilt, Box 1348 Kaunakakai, Molokai Hawaii 96748, (808) 283-8171

I am responding with the following comments to the Environmental Impact Statement Prep
Notice, which was forwarded to me as a Molokai Planning Commissioner by MPL attorney
Linnel Nishioka.

**BY THIS SUBMITTAL I AM REQUESTING TO BE A CONSULTED PARTY TO THE
PREPARATION AND REVIEW OF THE DRAFT EIS AND THROUGHOUT THE EIS
PROCESS.**

The La'au Point oceanfront, luxury housing subdivision project proposed by Molokai
Properties, Inc. (MPL) is just one component of the Master Land Use Plan for Molokai Ranch
which has been included as part of the Environmental Impact Statement Preparation Notice
(EISPN) In the comments below when reference is made to MPL or to Molokai Ranch it is
intended to be one in the same. As stated on page 1 of the EISPN, MPL is known "also
known as Molokai Ranch"

Comments on the Petition For Land Use Boundary Amendment

1. Page 2: How many Molokai Ranch staff members are assigned to tourism operations and how
many to agricultural operations?

2. Page 5: Please explain the "proposed use of lands in the conservation district" and the
number of acres involved in the aforementioned proposed use".

3. What sequence of events would have had to happen for the County of Maui or one of its
Departments to be "the appropriate accepting authority"?

Page 6:

4. Re: Development Timetable: When does MPL anticipate it will begin realizing sale proceeds
from the La'au Point luxury house subdivision? What is the timeframe over which the lot sales
will be completed and how many lots are estimated to be sold in each year after the year in
which the initials lot sales commence?

Over the anticipated life of the original lot sales, what is the average lot price that MPL
anticipates it will receive?

Comments on "Verification (the page immediately preceding Exhibit 1):

5. To the best of Peter Nicholas's knowledge to what extent of Valerie Monson's participation with
the Economic Sub-Committee and the Environmental Sub-Committee contribute to the
development of the Master Land Use Plan? (See the acknowledgement section at the
beginning of the Final Community-Based Master Land Use Plan Fore Molokai Ranch.

Please explain the extent of Ms. Monson's participation with the two aforementioned sub-
committees?

Comments on Page v :

6. What specific Molokai development plans between 1990 and 2003 met with strong community
opposition because the ranch did not consult with the community on its development plans?

How would Molokai Ranch rate the community opposition to the propose luxury residential
subdivision being proposed for development at La'au Point?

When did MPL purchase Kaluakoi Hotel. Kaluakoi Golf Course and surrounding land?

Who did Molokai Ranch purchase these properties from?

What was the purchase price?

How many acres surrounding the Kaluakoi Hotel and Golf Course did Molokai Ranch
purchase?

Please list the various parcels included in the "surrounding lands" purchased at the what is
known as the Kaluakoi resort, and provide the current state zoning designation, the current
county zoning designation, the current community plan designation, the parcel size and the
potential development density of each parcel assuming county zoning is secured for each
parcel that allows for maximum densities consistent with the land use designations in the
current community plan (i.e. multi-family, hotel, single family, commercial, rural, open space,
etc.

8. The 339-page EISPN document references the Maui County General Plan and the Molokai
Community Plan often. Please include a copy of these plans in the Draft EIS document.

9. Why did Molokai Ranch purchase the abovementioned properties surrounding the Kaluakoi
Hotel and Golf Course, Molokai Ranch, when at the time of the purchase Molokai ranch was
emphasizing to the community its financial hardships?

What are the total sales proceeds Molokai Ranch has accumulated from the sale of parcels
that were part of the purchase of the lands within the existing Kaluakoi resort?

10. Is Molokai Ranch planning sell off these designated development properties in the future or be
a partner in the developments over the long haul to insure that the integrity is upheld for of a
"visionary plan for Molokai Ranch's 60,000+ acres that would reflect the kind of community the
residents desired."

11. What development standards (i.e. timing, water use, densities, extent of Molokai Ranch's participation, if any, did the Land Use Committee or the Enterprise Community Board consider for the future development of the Kaluakoi resort parcels purchased by Molokai Ranch prior to their respective adoption of the Master Land Use Plan as noted on Page 7 of the EISPN.

12. Since its purchase of all of the aforementioned parcels designated for future development in the Molokai Community Plan, what efforts has Molokai Ranch made to develop these many residential, multi-family, hotel and commercial income generating development projects that could be alternative revenue producing projects that are alternatives to the La'au Point development?

13. Who is the one community member who in your opinion most residents in the Molokai community would say organized and administered the community effort that resulted in Molokai's Enterprise Community application being submitted to the Federal Government for consideration?

Comments on Page 5 of Exhibit 1

What is the reason (s) La'au Point is the "an unspoiled coastal environment" it is today?

14. How will the development of up to 400 allowed dwelling units along the shoreline area of La'au Point enhance the La'au Point shoreline area, which is referred to in the EISPN as an "unspoiled coastal environment"?

The La'au Point coastal area currently serves as a haven for the endangered monk seal. How will the development of up to 400 dwelling units along the shoreline area of La'au enhance the "unspoiled coastal environment" in which the monk seal population currently thrives?

What is the current population of "the small town of Maunaloa"?

How many total residential lots exist in Maunaloa Town?

How many of these residential lots have homes developed on them?

5. What is the projected population of Maunaloa Town if the all the currently available lots are developed?

16. How many of the 150 people the Ranch employs are a) full-time, b) part-time, c) on-call and d) casual hire employees.

17. Explain how the terminology used on page 5 that "MPL" has a cash deficit of \$3.7 million per annum" relates to the statement from in the BIL International Limited (BIL) Report for 2005 that is included as Exhibit 3 of the EISPN document package which states: "The Molokai Properties operation managed to remain cash positive during the 2004/2005 financial year..."

17 cont. Please provide a line item breakdown of Molokai Ranch's operating components that make up the Ranch's "cash deficit of \$3.7 million per annum", and explain how the Ranch's Master Land Use Plan will specifically address the Ranch's annual cash flow deficit for each operation.

18. How will the Master Land Use Plan specifically assure and economic future for Molokai Ranch's employees?

19. Please provide an explanation of the relationship between MPL, Molokai Ranch and BIL and any other entity that may be in the corporate relationship chain between Molokai Ranch and BIL International and provide a copy of the Board of Directors of each entity.

What percentage of BIL's "audited equity of US\$1 billion" does BIL's holdings on Molokai represent?

What is Hale O Lono?

When was Kolo Wharf abandoned, and what is the relevance of referencing this abandoned development project in the EISPN?

20. Are there any other abandoned developments along the "shores south of Maunaloa"? If so, please provide an explanation of those developments.

Since BIL (formerly Brierly Investments) assumed ownership of Molokai Ranch have there been any other proposed developments along the "shores south of Maunaloa"? If so, please provide an explanation of those developments.

21. What percentage of the "estimated 15,000 deer contained on Molokai ranch's property roam throughout the La'au parcel?"

Comments on Page 7 of Exhibit 1

What business was the Louisiana Land and Exploration Company (LL&E) in and what resort development experience did LL&E have prior to entering into its partnership with Molokai Ranch?

What was the partnership interest of LL&E and how much did LL&E pay for its percentage interest?

22. Who did Molokai Ranch "subsequently sell its interest in the undertaking" to, and what was price did the ranch receive for its interest?

It is alleged that LL&E secured ownership of the approximate 7,000 acre La'au Point parcel from Molokai Ranch by agreeing to a request by Molokai Ranch that LL&E pay off a debt it owed to Molokai Ranch in connection with the Kaluakoi Resort purchase early. Please explain the specifics of how LL&E acquired ownership of the La'au Point parcel.

23. How did Kukui (Molokai) Inc. acquire the Kaluakoi Resort properties?

minutes of any meetings at which the support of the Ranch's Land Use Master Plan was discussed and/or approved by the DHHL Commission and the OHA Trustees.

Comments of Page 8 of Exhibit 1.

23. How much did Kukui (Molokai) pay for the Kaluakoi Resort properties?

24. How much did Molokai pay Kukui (Molokai) for the Kaluakoi Resort properties?

25. Molokai ranch joined "with over 1,000 community participants" to discuss the Master Land Use Plan. How many more than 1,000 participants were there?

26. Did the "over 1,000 community participants" consist of over 1,000 different participants? If not how many "different" participants were involved in discussing the Master Land Use Plan?

27. Please provide a list of the "various community organizations" that provided input on the Master Use Plan and summarize the input provided by each of the organizations Molokai Ranch met with.

28. Who were the members of the Alternative to La'au Development Committee (ALDC)?

29. What was the relationship of the ALDC to Molokai Ranch, the Land Use Committee and/or the Enterprise Community (EC)?

30. Please provide a copy of any plans the ALDC submitted "for alternatives to development at La'au Point".

31. Please provide a list of all the Land Use Committee members showing which members voted for, which members voted against, which members abstained from voting, and which members did not vote for the adoption of segments of the Master Land Use Plan at the Committee's meeting of August 1, 2005.

32. How were people chosen to be on the Land Use Committee?

33. Was it open to all Molokai residents who asked for representation on the Committee?

34. How many meetings did the Land Use Committee have?

35. Please provide a list of members' attendance at the Land Use Committee meetings.

36. Why didn't the Land Use Committee adopt all segments of the Master Land Use Plan?

37. Please provide a list of all the EC Board members and note, which Board members voted to adopt the Master Land Use Plan, who on the EC Board voted against the Plan and who did not vote.

38. What is the relationship of the Land Use Committee and the EC Board?

39. The Molokai community has been advised that Department of Hawaiian Home Lands (DHHL) Commission and the Board of Trustees for the Office of Hawaiian Affairs have all indicated their endorsement of the "Community-Based Master Land Use Plan for Molokai Ranch". Please provide as part of the Draft EIS evidence of their respective support and a copy of the

28. How was the Molokai Enterprise Community mandated as the organization "representing the Molokai community"?

29. How many potential dwelling units could be developed in the La'au Point community?

30. Based on projected timetables when does Molokai Ranch anticipate receiving La'au Point lot sale proceeds that "are crucial to funding of the Kaluakoi Hotel renovations and Golf Course Upgrades"?

31. When does Molokai Ranch anticipate starting construction of the La'au Point luxury home lots?

32. At one time there was an estimate thrown out on the table that it would cost about approximately \$95 million to develop the La'au Point lots and associated infrastructure. What is Molokai Ranch currently estimating the lot development costs to be?

33. Who will provide the guarantees for the lot development construction funding Molokai Ranch, BIL International or an investment partner?

34. Please provide a list of Molokai Ranch's current tourism operations, the profit or loss ("cash negative") from each operation, the amount of funding anticipated to be applied to each operation from the sale of the La'au Point lots, the current staff assigned to each operation, and how the funding from the La'au Point sales will result in "ensure the continued employment for Molokai Ranch's current staff."

35. Please provide a list of Molokai Ranch's current agricultural operations, the profit or loss ("cash negative") from each operation, the amount of funding anticipated to be applied to each operation from the sale of the La'au Point lots, the current staff assigned to each operation and how the funding from the La'au Point sales will result in "ensure the continued employment for Molokai ranch's current staff."

36. Please explain the amount of financial support BIL provided to its Molokai operations during 2003, 2004 and 2005.

37. Please explain how Molokai Ranch is legally able to close walking access along the shoreline of its La'au Point parcel to Molokai residents for subsistence gathering.

38. Please provide a breakdown of the value for each land, income stream and revenues source which total more than \$50 million being gifted to the Molokai Land Trust and the Molokai Community Development Corporation.

39. How were the above values determined?

53. ^{part.} Please provide a summary of the specific development opportunities, which result in a total of "lost revenue opportunity costs" of more than \$25 million as a result of restrictive easements applied to certain Molokai Ranch lands.

Comments on Page 9 of Exhibit 1

38. Who will manage the Land Trust operations and how will those in charge of the Land Trust be selected?

39. How will MPL be able to allow Molokai residents to hunt on Trust Lands?

40. What was the name of the golf course development planned by previous Ranch management in the Naiwa area, and to what extent was the Ranch going to be involved in the development?

Why didn't the Naiwa golf course development project materialize?

41. What events need to occur before the Land Trust receives the remainder of the lands from Molokai Ranch and the protective easements are assigned to the easement lands, and is there any time limit on when such events have to occur?

42. When will the MPL assign to the Land Trust existing communications rentals on the land to be donated to the Land Trust?

43. Will the Land Trust have jurisdiction over future development on the lands donated to it that are currently producing "communications rental" income of approximately \$250,000?

44. Who will run the Community Development Corporation (CDC) and how will those in charge of the CDC be selected?

What standards have been established for the development of affordable housing?

45. What does Molokai Ranch feel is the range of home sale prices that is affordable to Molokai's working families?

What specific educational opportunities have been discussed that "will build capacity among the island's youth"?

46. What are some of the potential projects that have been proposed for the Land Trust that the CDC will assist with?

Comments on page 10 of Exhibit 1

MPL will "put aside 200 acres for affordable housing around the towns of Kualapuu and Maunaloa. What does "put aside" mean?

47. How will the community be assured that these lands will be available in perpetuity for affordable housing?

48. In determining future water needs has Molokai ranch factored in the water needs for future affordable housing development around the towns of Maunaloa and Kualapuu?

49. What process will be used by the community to determine the future expansion of these towns?

50. On Page 10 is the statement, "In addition to land for housing, MPL will gift the CDC with the following.....". Does MPL intend to gift the land for housing around Maunaloa and Kualapuu like it did for affordable housing lands around Kaunakakai? If not, why not?

51. The referenced 5-acre parcel in central Kaunakakai is currently being used by the Molokai Junior Roping Club. Will the CDC have the option of continuing to use this parcel as the "home of the Molokai Junior Roping Club"?

In 2001, the Molokai Community Plan sent to the County Council for approval called for the 5-acre parcel in Kaunakakai to become the permanent home of the Junior Roping Club. The Ranch objected to what the community wanted. What were the reasons the Ranch objected to the parcel being dedicated to the use of the Junior Roping Club?

52. The EISPN states that the 3.2-acre parcel being gifted to the CDC "will be sold to the Maui Community College at market value". Based on recent appraisals of this parcel of property, what does the Ranch estimate the "market value" of this parcel is today?

Is the CDC required to sell the 3.2 acres to the college at "market value"?

53. It appears that MPL is projecting that the sales of the La'au Point lots will be over a 5-year period. What is the average sale price of the lots MPL projects receiving over the five-year sale period?

In the statement "a net 5 percent of the sale revenue", explain what components go into determining the "net".

54. What is the delay in determining what the percentage the CDC will receive from lot and/or house resales?

55. Why isn't the same percentage to

How will the CCR's "educate" residents of the La'au Point Community about "the environment and the culture" and teach these residents to "malama aina", take care of the land and sea?

Please provide a draft of the proposed CCR's.

Comments on Page 11 of Exhibit 1

57. Explain why the applicant feels a need to re-district 10 acres of Conservation District lands to Rural District to provide park amenities and then revert those acres back to Conservation District?

67. Please provide as part of the Draft EIS document, a copy of the "Economic and Fiscal Impact Report", as well as, copies of all other reports the applicant is preparing, as required in the EIS process.

Comments on Page 13 Exhibit 1

68. Based on current plans, how many dwelling in total could potential be developed on the 400 acres of "Rural-Residential lots referenced in Table 1?

69. The Molokai Community Plan talks about a minimum 40-acre Park in the area just west of Hale O Lono Harbor. How does the applicant view this park development in the scheme of the overall development at La'au Point?

70. Do the "people of Molokai" who feel it important to protect the shoreline for subsistence gathering include Native Hawaiians as well as other ethnic groups?

71. What access rights currently exist for the "people of Molokai" to and along the approximate 5.2 miles of undeveloped shoreline from Hale O Lono harbor to Kaupoa Beach, which borders the proposed development of a 400-unit oceanfront, luxury, second-home development?

72. What access restrictions, if any, will apply to the La'au Point homeowners and their guests and friends and caretakers?

73. Please provide a copy of the wording that will establish the "perpetual right to subsistence gathering" that is to be attached on the areas to be preserved?

74. Does the applicant anticipate more or less people accessing the La'au Point area shoreline with the development of the area?

75. What access rights to and along the currently undeveloped La'au Point shoreline exist for general population of Molokai?

76. What specific access rights to and along the currently undeveloped La'au point area shoreline exist under the law for Native Hawaiians?

76. What is the applicant's understanding of who qualifies as a "Native Hawaiian" as far as having access rights currently under the law to the La'au Point shoreline area?

77. Please explain the "strict access measures that will ensure that the resources are not depleted" and how these measures are going to be enforced and who will be the enforcement agency?

77. Explain the "other protections" besides the "strict access measures" noted above that will be included in the CCR's and explain how these "other protections" will be enforced and who will be the enforcement agency.

78. What will be the penalties, if any, for anyone violating the aforementioned "other protections" in the CCR's or the "strict access measures that will insure that the resources are not depleted".

57 cont. Will the lands be reverted back or does the applicant just "plan" to convert them back? Who will be in charge of the CDC operations.

58. How will the management team for the CDC be selected? Please explain the standards the CDC will apply to the development of affordable housing.

59. What does the applicant consider and affordable range of single-family housing units today based on Molokai's workforce income?

60. What are some of the specific "expanded educational opportunities" the applicant projects may provide for Molokai's youth?

60. What are some of the "project funding" opportunities the applicant foresees the CDC assisting the Molokai Land Trust with?

61. Please explain the format of the "entity" that will have jurisdiction over the 451 acres of Conservation District lands, and explain how the "shared responsibility" will translate to any decision making process?

62. Please provide a copy of the document explaining the specifics of the relationship between the Land Trust and the La'au Point homeowners relative to managing the 451-acre Conservation District lands.

62. If the Land Trust and the La'au Point homeowners have a difference of opinion management strategies in the Conservation District, will the Land Trust be the final authority?

Comments on Page 12 Exhibit 1

63. Please provide a copy of the referenced agreement between MPL and the Enterprise Community.

64. What specific measures will be employed to "maintain" the "subsistence activities" are currently being practiced in the Conservation District areas?

65. What "subsistence activities" are currently being practiced from the "Conservation District lands in the La'au Point area?

65. What are the "other areas" referenced in which "subsistence activities are taking place, and how do these subsistence activities differ from those being practiced in the Conservation District land areas?

66. Will hunting be allowed on the portion of the 6,348-acre La'au Point parcel that lies mauka of the "deer and livestock fence"?

Comments on Page 15 Exhibit 1

79. How many gulches will have "drainage retention and erosion abatement structures" built in them to support the road crossing these gulches?

Comments on Page 18 Exhibit 1

80. After the construction of the roads what "permanent landscaping" will be developed to "provide long-term erosion control along the roadway corridors?"

81. Why were "ranching activities" halted in the La'au Point community site in 2000?

Were there ever any ranching activities in the 6,348-acre parcel that the 1,492-acre La'au Point community site is located within? If so, are they current existing? If not currently existing, why did Molokai Ranch cease its "ranching activities" on this large parcel?

Comments on Page 20 Exhibit 1

82. Does the applicant have any evidence, other than the results of a "recent field survey", to determine the frequency of the Monk seals' presence along the undeveloped La'au Point shoreline between Hale O Lono harbor and Kaupoa Beach?

Is there any time of the year when Monk seals frequent the La'au Point shoreline areas more than other times of the year?

Comments on Page 21 Exhibit 1

83. How does the applicant explain the fact that the amount of fish resources in the La'au Point area, which is subject to restricted public access, is 42% lower than fish populations in open access areas statewide?

How will fish populations improve by opening the area to the development of up to 400 dwelling units and the development of more convenient public access routes complete with bathrooms and other amenities, which will result in more people utilizing the La'au Point shoreline area?

Comments on Page 23 Exhibit 1

84. What is the difference between "archaeology sites" and "historic sites" and "cultural sites"?

How will the Molokai Burial Council be involved in determining the significance of any "find" discovered during construction activities at La'au Point.

85. Will a qualified archaeologist be present when contractors are developing infrastructure projects at La'au, as well as, site work development on the individual house lots?

Comments on Page 24 Exhibit 1

86. Did Molokai Ranch have a representative on the Governor's Molokai Subsistence Task Force?

87. What "community access" to the La'au Point shoreline area exists currently for "cultural practices", and how will the current access be "improved" other than development of paved roads and parking

88. Define "cultural practices" as referenced in regard to improved access to the La'au Point shoreline.

89. As noted in the documents which make up the EIS/SPN notice, the La'au Point residential subdivision development will be "located within a 6,348-acre vacant parcel" (see Figure 2). What "community access" is currently available "for cultural practices" on the inland portions of the 6,348-acre parcel and how will access to these inland areas be improved with the development of the La'au Point residential subdivision.

90. There is mentioned that " a public coastal trail" and community parking for shoreline" access is planned "ensuring the community has access to subsistence resources". Referencing Figure 14 (after Page 36) how will the "planned coastal trail" and "parking" differ from the current access rights the public has to walk along the shoreline from the southern most portion of the Kaluakoi Resort (lots shown on Figure 14) where there is public roadway access to the shoreline and available parking to Hale O Lono Harbor (see Figure 14) where there is also public roadway access and available parking?

91. In addition to "ensuring the community has access to the subsistence resources" via a planned "public coastal trail", won't the subsistence resources also be open to in-state and out-of-state visitors to Molokai?

92. Who in the Molokai community is currently limited from access the La'au Point shoreline area if they wanted to go there for recreation, subsistence and/or cultural activities?

93. What rights of access to the La'au Point shoreline does MPL (Molokai Ranch) recognize for those members of the Molokai community who are not "descendants of Native Hawaiians"?

94. Does the applicant equate easier access for all members of the public (visitors as well as Molokai residents) to the La'au Point shoreline via paved roads and paved parking lots will improve the "fish populations" and/or the traditional practices of the descendants of Native Hawaiians?

Comments on Figure 13 (after Page 24)

95. Figure 13 notes certain proposed Community-Based Subsistence Fishing Zones, which are "Contingent on Partnership Agreements". Identify the company or individual that a "partnership agreement" would have to be secured with for each subsistence fishing zone to become a reality and what is the status of

Please provide a copy of the "partnership agreement" to be used to establish the subsistence fishing zones.

Comments on Page 28 Exhibit 1

Comments on Page 26 Exhibit 1

- 96. Will the 25-foot height limit be determined from finished grade or natural grade whichever is lower? If not, how will height be determined?
- 97. Please provide a copy of the draft or final CCR's and Construction Rules and Design Guidelines each as an appendix to the Draft EIS.
- 98. In 2001 the EISPN states the population of West Molokai was 2,569 people. What is the population today?
 Not counting the 400 potential homes from the La'au Point luxury residential subdivision development, what does the applicant estimate the population on the West End would be if the Kahuakai Resort and the Maunaloa Town are build out in accordance with the land use intentions set forth in the current Molokai community plan?

Comments on page 27 Exhibit 1

- 99. Has the 100 acres around Maunaloa Town and Kualapuu Town been identified? If not, when will these lands be identified? If not when will they be identified?
- 100. Once identified, how will the community be "ensured" that these lands will be preserved for future affordable housing development for Molokai residents?
- 101. Based on current Molokai workforce incomes what does Molokai estimate "affordable prices" to be for housing?
- 102. What is the average wage for Molokai Ranch's full-time employees?
- 103. On Page 26 it states that the "community can plan its own affordable housing in Kaunakakai without recourse to MPL" (emphasis added). What recourse is there to MPL before the community can plan the development of affordable housing in Kualapuu or Maunaloa. Please explain the statement the "Community does not support a large affordable housing project in one area only".
- 104. Does the applicant feel that the Community supports the development of the 100-acres to be set aside in Kualapuu and Maunaloa, and portions of the 1,000 acres donated around Kaunakakai for affordable housing as needed as needed to supply affordable homes for Molokai's working families that would qualify for affordable housing (i.e. teachers, Ranch employee's, county and state workers, policemen, firemen, retail employees, agricultural workers, hotel and visitor industry employees, etc.)?
- 105. What does Molokai Ranch consider to be "reasonable prices" that the 100-acres around each of the towns of Kualapuu and Maunaloa can be reserved "to ensure the development of these (lands) for future affordable housing?"

Comments on Page 28 Exhibit 1

- 107. Please provide in the Draft EIS a summary verifying the different operations that are contributing to MPL's "operational cash deficit of \$3.7 million per annum. Specifically, how will the Community-Based Master Land Use Plan cure MPL's "operational cash deficit of \$3.7 million per annum"?
 - 108. Please provide a breakdown by parcel indicating the "value of the donated land" or "the potential lost-opportunity cost of developing land" that totals more than \$75 million dollars. What is the source used to determine the aforementioned \$75 million dollar value?
 - 109. Is the reference to "on-going jobs" the same as "full-time jobs". Please describe what these on-going jobs will encompass.
- Comments on Page 29
- 110. When does MPL plan to submit an application to the State's Commission on Water Resource Management (COWRM) for the development of the abandoned Kakalahale well?
 - 111. What is the saline content of the brackish Kakalahale well and when was this data gathered? The EISPN does not mention anything about the Ranch's potential water source from the Palai'au Shrimp Farm. Is Molokai ranch still planning to employ this source of water in its future development plans if needed?
 How much water is available from this source?
 What is the saline content of this water?
 Is there any requirement to go to the COWRM for any kind of permit for MPL to transport water from the Palai'au Shrimp Farm area to service irrigation needs in another area of the island where future development takes place? If no permit is required from COWRM, please explain why.
 - 112. What transmission alternatives for the Kakalahale well water is MPL evaluating? The EISPN states that MPL "will also make its excess potable water capacity available for use of communities outside its property". Please explain the specifics of this general statement?
 What is the potential amount of "excess potable water" that MPL may have available for use by others in the community and from what source(s) would the excess come from?
 - 113. Is the availability of the "excess potable water" envisioned by MPL, contingent on not further impacting the integrity of other water sources in order to generate the MPL's excess water capacity?

- 115. What is the status of the "Waioala Well application"?
Isaac Hall is one of two attorneys listed in the EISPN as representing MPL. Has Mr. Hall ever represented any Molokai individuals or community groups against the Molokai Ranch and/or MPL over development or water issues? If so, please provide a list of the actions Mr. Hall has taken on against the Ranch on behalf of community members.
- 116. What are the current water rates applicable to Kahuakoi residents and how will these rates be restructured in the future?
- 117. What is average monthly water usage in 1000 gallon per day for residents of the Papohaku Ranchlands residential subdivision?
- 118. What is the average usage of residents in Maunaloa Town?
- 119. The EISPN states that a "Water Plan Analysis" will be prepared by Ishikawa, Morihara, Lau and Fong, LLC. Please attach a copy of the full Water Plan Analysis to the Draft EIS.
- 120. The other MPL attorney listed in the EISPN is Linnel Nishioka, who is with the law firm preparing MPL's "Water Plan Analysis". What was Ms. Nishioka's former involvement with COWRM as an attorney or otherwise?
Comments on Page 33 Exhibit 1
- 121. What is the status of a park of a proposed park consisting of approximately 40-acres in the area of Hale O Lono harbor?
Would this 40-acre park be in addition to the 16.5-acre park near Hale O Lono that is part of the La'au Point development?
Comments on page 37 Exhibit 1
- 122. In order for those members of the public, as well as decision makers, who are reading the Draft EIS to be fully informed about the policies, goals and objectives of the Maui County General Plan and the Molokai Community Plan may or may not "conform to", please attach a full copy of these important community planning documents that have been adopted into law by ordinance to the Draft EIS.
Comments on Page 39 Exhibit 1
- 123. What responsibility does the County Council have over the Special Management Area Approval or Permit?
- 124. Does the Molokai Planning Commission have any responsibility if construction if developed on "finished grade" verses "natural grade"?
Comments on Page 39 Exhibit 1
- 125. As part of the Draft EIS, please attach a copy of the 25-acre lot subdivision plan for the 6,348 La'au parcel that MPL had drawn up by PBR, which MPL shared with some members of the Molokai community.
There was an extensive alternative plan submitted to MPL by the Alternative to La'au Development Committee (ALDC) that was shared with some members of the community. Please attach a copy of that plan to the Draft EIS.
There was also a plan for the development of a major timeshare project on lands already zoned for such development within the Kaluakoi Resort. Timeshare is the rage today with developers so much so that developers/landowners are converting existing hotels or demolishing profitable hotels to make way for bigger timeshare developments. Please provide the details of the timeshare alternative that MPL said it did for the timeshare alternative.
- 126. To properly evaluate alternatives what does MPL anticipate it profit will be from the sale of the La'au Point lots and how much of the total profit is MPL anticipating receiving each year beginning with the first year it anticipates revenue from the first lot sales?
- 127. In discounting projected revenues, what value of money does MPL and/or BIL International use as a discount rate?
- 128. Has any recent property values been done to assess the current market value of MPL lands on Molokai? If so, please identify the appraisal study that includes a summary of BIL Investment's holdings on Molokai.
Comments on Page 41 Exhibit 1
- 129. Re: 12) Please identify the scenic vistas and view planes identified in county or state plans which will not be substantially affected by the La'au Point development.
Comments on Page 42 Exhibit 1
- 130. How will the proposed La'au Point residential development "use Conservation District land"?
Comments on Page 43 Exhibit 1
- 131. What members of the Molokai community will be consulted parties in the preparation and review of the Draft EIS?
What is the role and responsibilities of the "consulted parties" ?
Is Council member Danny Mateo and the Chair of the Molokai Planning Commission the only Molokai residents MPL contacted to be a "consulted party"? If not what other individuals were contacted to be consulted Parties? If not, who else was contacted prior to releasing the EISPN?
Comments on Page 45 Exhibit 1

132. What reference documents will be included as attachments to the Draft EIS?
Comments on page 13 of Appendix A to the EISPN
133. Section 1.8.1: What mandate from the Community did Ke Apuni Lokahi (KAL) have be the community's representative in developing a Master Land Use Plan for Molokai ranch lands?
Page 25 Section 2.4.3
134. Was community feedback from the Island-wide community meetings and focus group gatherings recorded? If so, please attach a copy of this documented information to the Draft EIS.
Page 40 Section 3.6
135. What is the status of the camping facilities at Kolo Camp and Paniolo Camp that operated similar to Kaupoa Camp?
Page 41 Section 3.7.4
136. MPL has indicated that it would be seeking an investor to provide the necessary financial strength to fund the reopening of the Kaluakoi Hotel. What is the status of MPL's search for an investor?
What amount of money or loan guarantees is MPL looking for an investor to provide.
For the investors funding commitment, what will MPL offer an investor as far as participation the La'au Point development profits or future profits from other MPL "development" lands?
Page 41 Section 3.7.5
137. Exactly how many lots have currently been built on. How many potential swellings can be developed on the 273 Papohaku lots?
Recently, the County of Maui approved one the Papohaku lot owners to subdivide his 6-acre lot into two lots each about 3 acres. What is the potential number of additional lots that could be created within the Papohaku ranchlands residential subdivision if the County allowed all the lot owners to subdivide their properties?
How many lots are in the Moana Makani Residential subdivision and how many additional lots could be created if the County allows the lot owners to subdivide their lots to the maximum extent allowable under the law?
Page 53 Section 4.1.1
138. How does MPL anticipate it will be able to apply and enforce the "Permitted activities" in the subsistence fishing areas?
139. Do the subsistence fishing and hunting rules have to be in place and enforcement jurisdiction over the activities identified prior to the State Land Use Commission making any final decision on the La'au Point residential development?
140. By what authority will MPL, the La'au Point community property owners or members of the Molokai community be able to enforce the subsistence fishing activities described on Pages 61 and 62?
141. Page 65: When will the landowner make a decision whether or not ATV will be allowed on the lands covered by the Master land Use Plan?
142. Page 66 Section 4.1.4 How many acres of land suitable for agricultural production currently are not in production but need protection? How much water will be needed to make these lands productive and what is the source of the water needed?
143. Page 70: What is MPL's plan to work with the Molokai community's unique effort to establish Kaunakakai "as a special destination area for residents and visitors alike" as noted in the Molokai Community Plan for the property located makai of Kamehameha Highway between the highway and Kaunakakai harbor?
144. Page 71: Please define a "put option".
145. Page 73: What has been MVA and/or the Chamber of Commerce's responses to the recommendations outlined?
Page 74:
146. What "legal advice" did MPL receive regarding changes to CCR's?
Page 81
147. Will the management plans be completed and in place prior to the LUC issuing it final decision on redesignating the lands associated with the La'au Point community development?
Page 85 Section 5.1.3
148. Based on the "appropriate activities" envisioned for the Rural Landscape Reserve please provide an example in which residential development would be warranted?
149. Page 87 Housing: When does MPL anticipate the affordable housing lands around Maunaloa and Kualapuu will be identified?
Page 91
150. Will the completion of the community plan amendment process required to remove the designation for "a golf course on 500 acres of land" in Maunaloa be required prior to the Land

Use Commission deciding on the amended land use designations required for the La'au Point subdivision development?

151. Page 105 "Ohana Housing" Please explain the water restriction that will apply.

Page 123

152. Use of brackish water from Paia'au Shrimp Farm:

Who is currently operating the shrimp farm?

153. When was the saline content of the shrimp farm water last tested?

154. When stating that desalting is "still 4 times more expensive than the cost of "developing an operating deep groundwater well", what is the cost of desalting and what is the cost of developing a deep groundwater well?

Page 124

155. What is the status of the County's Water Use and Development Plan for Molokai?

Page 134

156. Do the following components of the Ranch's Master Land Use plan noted on Page 134 have to be completed prior to the Land Use Commission making a decision on the La'au Point subdivision approval?

Page 138:

When does MPL plan to have an investor on board?

Has MPL approached any investors?

Is there any investor interest?

Is Kent Smith of Smith Development (Maui) expressed an interest in the La'au Point development and/or other components of the Master land Use Plan?

Comments on Affidavit of Ms. Nishioka:

158. Did Ms. Nishioka and or MPL send the a copy of the petition to any individuals other than those listed on Attachments B and C of the Petition? If so, please identify each of the "other" people who received a copy of the petition and the date the Petitions were sent out.

End of comments



Stanley A. Casacio
196 Pohakuloa Road
Maunaloa, Hawaii 96770

625 Creek Lane
Flourtown, PA 19031
215-651-1042

June 21, 2006

Dr. Davianna McGregor
Professor of Ethnic Studies
University of Hawaii-Manoa
2444 Dole Street
Honolulu, Hawaii 96822

Re: La'au Point

Dear Dr. McGregor:

I am a concerned resident of Molokai. Our home is situated on Dixie Maru Beach/Kapukahelu Beach. I attended the meeting in Maunaloa on May 31st that you chaired. The meeting centered around the impact of the 200-home development at La'au Point.

Although I am not of Hawaiian ancestry, I have tried to understand the dynamics of Hawaiian culture and the effect the development would have on our fragile island and the Hawaiian culture. I have an extensive background in real estate and real estate development. I have also served my community as Vice Chairperson of its Planning Commission and as an elected Commissioner representing approximately 5,000 people.

Needless to say, I am aware of the many conflicts that can arise between the needs of the community and the needs of a developer. However, no matter how difficult these issues are, it is important that attempts be made to bridge the gap between the community and the developer.

On Molokai, there are only so many beaches and there is limited infrastructure available. In fact, throughout the entire Hawaiian chain there is very little of the original Hawaii remaining.

June 21, 2006
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Over the last 20 years I have visited all of the other Hawaiian Islands many times. I have seen Maui grow from a relatively small community of 30,000-40,000 people to a community of close to 200,000 inhabitants. I have seen Honolulu become the New York City of the Pacific including heavy traffic and petty street crimes. I feel strongly that one of the reasons why my wife and I chose Moloka'i to settle is that it still retains some semblance of Hawaiian culture and Hawaiian beauty.

Turning attention directly to the La'au Point project, I have heard the sadness expressed by the Hawaiian citizens as they anticipate another area of their ancestral heritage being taken away from them. At the same time, I have also heard comments that there is need of economic development for the children of Moloka'i.

Upon analyzing these conflicting views, I have found that the present site plan design misses the mark in many categories. The following is my perspective on the matter:

The access roads to the development do not offer any economic benefit to Moloka'i. The town of Maunaloa would be better served and the development would have a much greater impact for economic development if the road to the development went through Maunaloa.

There are existing dirt roads from Maunaloa to the site that could be improved with two benefits being derived: (1) Improved economic conditions in Maunaloa; and (2) Improving these roads will eliminate the need to destroy more of the beauty of Moloka'i.

The road should also access the center of the development as opposed to the end. This clearly would add to the safety factor that appears to be lacking in this plan. It would mean quicker access for fire trucks, ambulance, emergency equipment, etc.

- After I viewed the plan as it is now designed, regardless of what has been said, it would clearly be a walled area exclusive to the residents who purchase sites. The Hawaiian rule, which requires beach access every 1500 feet must be enforced and should not be discarded on the basis of economics for the developer. As a resident of Papohaku Beachlands, although there are access points along Kaluako Road and Pohakuloa Road, the limited access points have created a serious safety concern because of dangerous waters that exist in that area.

Another issue, as you recall from the meeting, is this entire area is extremely important to Hawaiian culture for hunting and gathering. As I understand, it is one of the last places in Hawaii where you can do this. These gathering rights should not be taken away. The

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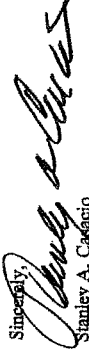
homes situated there should be set back further and should be no closer than 1,000 feet from the high water mark. By setting the homes back, the many cultural sites, religious and burial grounds and sites and villages will be more inclined to be protected. Your proposal and guaranty that burial sites (and I think you also included religious sites) would exclude any development must be enforced and enforceable.

I also believe that the two-acre lots are too small. In order to maintain ecological as well as environmental buffers the lot size should be increased to a minimum size of 6-7 acres of which only a small portion should be developed for housing and landscaping.

One of the last points and the most important that I would like to make is my concern for Moloka'i reef. As a diver, I know that this reef is one of the last truly pristine reefs in the world, fertilizer, run-offs, and other human activities with no controls will decimate this reef. The developers agreed at the meeting to include an independent study of the reef in the impact statement. Prior to any further movement on this plan, this study should be completed.

In closing, I have attached the sheet that you handed out and added a few changes that were missing.

Sincerely,



Stanley A. Casadio

Cc: Hon. Governor Linda Lingle



December 13, 2006

Mr. Stanley A. Casacio
SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
December 13, 2006
Page 2

W. FRANK BRANDY, FASLA
Chairman
THOMAS S. WITTEN, ASLA
President
R. STAN DUNCAN, ASLA
Executive Vice-President
RUSSELL J. CHUNG, FASLA
Executive Vice-President
VINCENT SHIGEKUNI
Vice-President
GRANT T. MURAKAMI, AICP
Principal
TOM SCHINELL, AICP
Senior Associate
RAYMOND T. HIGA, ASLA
Senior Associate
KEVIN K. NISHIKAWA, ASLA
Associate
KIMI MIKAMI TUENI, LEED® AP
Associate
SCOTT MIKA ABRIGO
Associate
SCOTT MURAKAMI, ASLA
Associate

Mr. Stanley A. Casacio
196 Potakuloa Road
Maunaloa, Hawaii 96770

SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Casacio:

Thank you for your letter dated June 21, 2006 regarding the Lā'au Point community meetings conducted by Davianna McGregor on May 31, 2006. As the planning consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments.

The Lā'au Point project is just one component of the overall integrated Community-Based Master Land Use Plan for Molokai Ranch. This master land use plan was created from the efforts of over 1,000 participants spanning over 100 meetings. The master land use plan represents an unprecedented community-based planning process for 60,000 + acres of private land on Molokai. MPL feels that this process has demonstrated their efforts to "bridge the gap between the community and the developer," as you commented.

We also strongly agree with your remark that Molokai "still retains some semblance of Hawaiian culture and Hawaiian beauty." The implementation of the Community-Based Master Land Use Plan for Molokai Ranch will prevent development on 55,000 acres or 85 % of MPL's property, ensuring that Molokai continues to retain much of its Hawaiian culture and beauty.

The following responds to your specific concerns regarding the proposed project's site plan:

Economic Benefit of Access Road through Maunaloa. We examined the possibility of having the Lā'au Point access road going through Maunaloa Town. This road design would require cutting across central portions of the Lā'au Point parcel which are planned to be dedicated for restrictive agricultural easements and include areas to be opened for subsistence hunting. Road construction costs would be higher and therefore a greater number of lots would be needed to support such infrastructure costs. The greater number of lots would result in greater demand for land and water resources, as well as additional population increase.

Regardless of the regional road circulation, project residents will most likely patronize Maunaloa town due to its location as the closest community that can provide necessary goods and services. The economy of Maunaloa town should benefit directly from the Lā'au Project.

Emergency vehicles will still be able to access all dirt existing roads if needed, in addition to the new road improvements proposed for the project.

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1777 W.
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Need for Shoreline Access. The Draft EIS will contain a complete section on trails and access. Project plans propose that Native Hawaiians and the general public will have shoreline access from two points—one on the south shore at the southeast entry and one on the west shore at the northwest entry. In the process of developing the Community-Based Master Land Use Plan for Molokai Ranch, subsistence fishermen and gatherers were very concerned about marine resource depletion that could be caused by opening up the south and west shores. The subsistence fishermen and gatherers felt that the provision of two access points and parking at either end of the project site would afford sufficient access, and that the need to walk in would protect the area.

Section 18.19.210 of the Maui County Code (MCC) provides for shoreline rights-of-way every 1,500 feet as you note. However, this section also provides that the Director of Public Works, "may require that rights-of-way be consolidated to provide sufficient area for vehicular access, parking, development of shoreline or other recreational facilities, or other public purposes; or may modify the standard rights-of-way to take into consideration terrain features, length of frontage, uses of parcel to be subdivided and other pertinent features..."

MPL supports the views of subsistence fishermen and gatherers that the provision of two access points and parking at either end of the project site would afford sufficient access, and that the need to walk in would protect the area.

Hawaiian Gathering Rights and Cultural Sites. MPL is committed to preserving subsistence activities and known cultural and archaeological sites in the project area. Subsistence activities will not be restricted but must be properly managed through a shoreline management and access plan to protect and ensure resources for future generations.

Homes will be setback no closer than 250 feet from the designated shoreline or high water mark to create a protective conservation zone. In some areas this setback will exceed 1,000 feet inland. Subdivision plans will be designed to avoid archaeological sites. As a result of the archaeological surveys, approximately 1,000 acres of Cultural Protection Zones were identified to denote areas where groupings of archaeological and historic sites exist, such as the archaeological preserve (approximately 128 acres) to be created at Kamaka ipō Gulch. Depending on the nature of the archaeological sites, mitigation measures such as buffers, permanent and easement boundaries, and interpretive signs will be established to protect and preserve the sites in accordance with mitigation plans approved by the State Historic Preservation Division.

Lot Size Too Small. We acknowledge your recommendation that lot sizes should be a minimum of six to seven acres. MPL examined various development alternative scenarios for the project site as well as other MPL-owned lands. Alternatives included half-acre lots, 2-acre lots, 10-acre lots, 25-acre lots, and 40-acre lots among different agricultural and residential projects. These alternative scenarios were not chosen because: 1) the large lot subdivisions would consume much more land and water resources which was unacceptable to the community; and 2) most did not produce the revenue and returns necessary to fund the re-opening of the Kaluaokoi Hotel and support the gifting of community benefits such as MPL's donation of land and funding sources outlined in the Community-Based Master Land Use Plan for Molokai Ranch.

Mr. Stanley A. Casacio
SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE
December 13, 2006
Page 3

Larger lot sizes to serve as an ecological/environmental buffer would not change MPL's intent to protect archaeological and cultural sites. A key design element of Lā'au Point is the minimum 250-foot setback from the shoreline for lots and the additional 50-foot setback from the makai lot lines to any buildings. In addition with strict Covenants, Conditions, and Restrictions (CC&Rs), the homes at Lā'au Point will be subject to building design restrictions such as maximum height and disturbance/lot coverage restrictions that require the home to blend in with surrounding landscape.

To preserve the shoreline resources and provide a natural buffer zone, MPL seeks to expand the State's existing Conservation District by 254 acres along the shoreline and related resource areas. This proposed expansion will provide for 434 acres of the project area to be within the Conservation District.

Marine Environment Report. A Marine Environment Assessment Report was completed and will be included as an Appendix to the Draft EIS. The report concludes that it is likely that sediment discharge from runoff to the ocean will be significantly less with the Lā'au Point project compared with existing conditions. This conclusion is based on the several measures planned for Lā'au Point that will protect nearshore waters from increased degradation of water quality, such as drainage control systems, CC&Rs to regulate the use of fertilizers and pesticides, re-vegetation as a means of permanent erosion control measures throughout the developed areas, and livestock fencing to keep deer and livestock from disturbing the soil near the project area.

We appreciate the time and effort you took to attend the meetings and offer your perspective. Your letter has been included in the Draft EIS.

Sincerely,

PBR HAWAII



Thomas S. Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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From: TOM HOLLOWAN [mailto:tholloman@hawaiiintel.net]
Sent: Friday, June 16, 2006 8:09 AM
To: Harold Edwards
Cc: luc@dbedt.hawaii.gov; OEQC@doh.hawaii.gov
Subject: Re: Laau Point

Harold:

Just a couple of questions to start.

1. Are you going to talk to the Dispatch in order to have a clear version of the "consultant" process printed?
2. Will email work for the "consulting party" questions?
3. Do I understand correctly that there are two access points to the beach area?
4. If the answer to #3 is yes, I understand that these points are to be monitored, will be the only access points and only persons that have been certified may enter. Is this correct?
5. Are you on Molokai or Oahu?

Aloha,
Tom

On Jun 15, 2006, at 9:09 AM, Harold Edwards wrote:

Tom,

I just reread the Dispatch article and I can see that it could lead to confusion. We have distributed all of the required hard copies and have made several additional copies available in the community as well. In addition to the K'kai library, it is available for review at the EC office and the ranch office in Maunaloa. While we will not making any additional hard copies available, that should not affect your ability to provide input to the EIS process as outlined in the article.

Regards,

Harold

Harold Edwards
Senior Vice President
Molokai Properties Limited
745 Fort Street Suite 600
Honolulu, Hawaii 96813
Phone number (808) 534-9509
Fax number (808) 521-2279
Email Address - harold@moloikairanch.com

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From: TOM HOLLOWMAN [mailto:tholloman@hawaiiantele.net]
Sent: Thursday, June 15, 2006 8:40 AM
To: Harold Edwards
Cc: OEQC@doh.hawaii.gov; luc@dbedt.hawaii.gov
Subject: Re: Laau Point

Harold:

Yes, as stated in the Dispatch 6/08/06 page 12. It was my understanding that a hard copy would be provided to our company. Is this not the case?

Tom

On Jun 15, 2006, at 7:11 AM, Harold Edwards wrote:

Thomas,

We are in receipt of your e-mail below. Are you requesting to be a consulted party in the EIS process? If so, hard copies are available for your review at the Kaunakakai Library. You can also download the entire Prep Notice and LUC Petition from the Land Use Commission's website at: <http://luc.state.hi.us/dockets/a0676/molokai/a06764petition1.pdf>. You may find it easier to Google Hawaii LUC and click through the site to our petition listing.

Regards,

Harold

Harold Edwards
Senior Vice President
Molokai Properties Limited
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Phone number (808) 534-9509
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From: TOM HOLLOWMAN [mailto:tholloman@hawaiiantele.net]
Sent: Wed 6/14/2006 1:44 PM
To: Peter Nicholas
Cc: OEQC@doh.hawaii.gov
Subject: LUC@dbedt@hawaii.gov

Aloha:

I would like to be a consultant on the La'au Point Project. My main concern is shoreline access. Please provide me with a hard copy of the complete project plan.

Mahalo:

Thomas L. Holloman, Ph.D.
PO Box 482202
Kaanakakai, HI 96748



December 13, 2006

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Chairman

THOMAS S. WITTEN, ASLA
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Executive Vice-President

RUSSELL Y. I. CHUNG, FASLA
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Mr. Thomas L. Holloman
SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
December 13, 2006
Page 2

Mr. Thomas L. Holloman
PO Box 482202
Kauakakai, HI 96748

SUBJECT: LĀ'AU POINT ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE

Dear Mr. Holloman,

Thank you for your e-mail dated June 16, 2006 to Harold Edwards regarding the Lā'au Point Environmental Impact Statement Preparation Notice (EISPN). Please note that Harold Edwards is no longer an employee of MPL. As the planning consultant for the applicant, Molokai Properties Limited (MPL), we are responding to your comments.

1. Are you going to talk to the Dispatch in order to have a clear version of the "consultant" process printed?

The complete Environmental Impact Statement Rules (Title 11, Chapter 200, Hawaii Administrative Rules), are public documents that can be found on the State Department of Health's website or the public libraries.

§11-200-15 of the EIS Rules, Consultation Prior to Filing a Draft Environmental Impact Statement, states: "Upon publication of a preparation notice in the periodic bulletin, agencies, groups, or individuals shall have a period of thirty days from the initial issue date in which to request to become a consulted party and to make written comments regarding the environmental effects of the proposed action."

2. Will email work for the "consulting party" questions?

Thank you for your e-mail. We are responding to your e-mailed questions via this written letter.

3. Do I understand correctly that there are two access points to the beach area?

Yes. The proposed shoreline access management plan for Lā'au Point consolidates public shoreline access to two locations at the proposed beach parks because of community sentiment that protection of the off-shore coastal resources at Lā'au Point would best be achieved by controlling access to the area so that the community can retain the area for subsistence gathering.

4. If the answer to #3 is yes, I understand that these points are to be monitored, will be the only access points and only persons that have been certified may enter. Is this correct?

The Conservation District shoreline areas will be jointly controlled and managed by the Land Trust and homeowners' association. A shoreline access management plan will be included in the CC&Rs, and homeowner orientation and education materials. Resource managers hired by the Land Trust or security hired jointly with the homeowners' association will enforce the agreed-upon shoreline access management plan.

Based on the community-proposed access plan (see Appendix A, p. 105), protection of the off-shore coastal resources at Lā'au Point would best be achieved by controlling access to the area so that the community can retain the area for subsistence gathering. Therefore, a shoreline access management plan will be developed and adopted to regulate (through legal and enforceable means) the use of the land and ocean resources to ensure the continuance of the resources for future generations.

The shoreline access management plan would adopt protocol, rules, and permitted activities for persons engaging in subsistence shoreline fishing and gathering in these Conservation District shoreline areas. Mandatory educational classes in traditional subsistence gathering and access responsibilities, safety and protocol would also be required for every person wishing to gain access. A caretaker or Land Trust steward will supervise access to ensure overfishing does not take place, and that those who access the area have taken the appropriate education classes.

5. Are you on Moloka'i or Oahu?

MPL has an office in Maunaloa Town on Moloka'i and an office in Honolulu on O'ahu.

Thank you for reviewing the EISPN. Your letter will be included in the Draft EIS.

Sincerely,

PBR HAWAII

Thomas S. Witten, ASLA
President

Cc: Anthony Ching, State Land Use Commission
Genevieve Salmonson, Office of Environmental Quality Control
Peter Nicholas, Molokai Properties Limited

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