

ANNUAL REPORT



WAIKAPU COUNTRY TOWN

DOCKET NO. A15-798



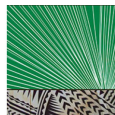
Prepared for:

Waikapu Properties, LLC
1670 Honoapiilani Highway
Waikapu, Maui, Hawaii

Prepared by:

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PLANNING
CONSULTANTS
HAWAII, LLC

December 23, 2019



Land Use Planning • Sustainability Services • Community Planning • Development Permits

December 23, 2019

Mr. Daniel E. Orodenker
Executive Director
State of Hawai'i Land Use Commission
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawai'i 96804-2359

Dear Mr. Orodenker:

Re: **ANNUAL REPORT** for the WAIKAPŪ COUNTRY TOWN (WCT) at 1670 Honoapi'ilani Highway Waikapū, Hawai'i on property identified as Tax Map Key Nos. (2) 3-6-004:003 (por); (2) 3-6-002:003 (por), (2) 3-6-004:006 and (2) 3-6-004:007 (por) (Docket No. A15-798)

On behalf of Waikapu Properties, LLC; MTP Land Partners, LLC; William F. Filios, Trustee of the William S. Filios Separate Property Trust dated April 3, 2000; and Waiale 905 Partners, LLC, the owners of the above-referenced properties, we are pleased to file the Annual Report in support of the Waikapū Country Town. On February 26, 2018, the State Land Use Commission issued its Findings of Fact, Conclusions of Law, and Decision and Order, and Certificate of Service. The Decision and Order reclassified the Petition Area from the State Land Use Agricultural District to the State Land Use Urban District and from the State Land Use Agricultural District to the State Land Use Rural District. The Decision and Order was subject to thirty-two conditions. Condition No. 28 below, requires that an Annual Report be filed with the State Land Use Commission, the State Office of Planning, and the Maui Planning Department in accordance with the following:

Petitioner shall timely provide, without any prior notice, annual reports to the Commission, the State Office of Planning, and the County of Maui Planning Department, and their respective successors, in connection with the status of the development of the Petition Area and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the executive officer of the Commission. The annual report shall consist of one original, one paper copy and one electronic copy and shall be due prior to or on the anniversary date of the approval of the Petition.

The Owners acknowledge that this Annual Report should have been filed *prior to or on the anniversary date of the approval of the Petition*. Future Annual Report's will be filed in a timely manner. This Annual Report is being filed in accordance with the above-referenced condition.

Status of the Development of the Petition Area

The following summarizes the status of the project since the Commission issued its Findings of Fact, Conclusions of Law, and Decision and Order on February 28, 2018:

1. On September 20, 2019 the County of Maui adopted Ordinance No. 4996, which amended the Wailuku-Kahului Community Plan map from Project District 5, Single-Family, and Agriculture to the Waikapū Country Town (WCT) for the lands that comprise the Waikapū Country Town project (**See Exhibit 1**).
2. On September 20, 2019 the County of Maui adopted Ordinance No. 4997, which amended Title 19, Maui County Code, to create Chapter 19.96, Waikapū Country Town District (**See Exhibit 2**).
3. On September 20, 2019 the County of Maui adopted Ordinance No. 4998, which changed zoning from Wailuku-Kahului Project District 5 and Agricultural District to Waikapū Country Town District, subject to conditions (**See Exhibit 3**).

Since the County of Maui's adoption of the above-referenced ordinances, the Owners are initiating the following tasks to move the project towards development:

1. On December 16, 2019, Waikapu Properties, LLC filed a State Land Use Commission Special Permit application with the County of Maui's Department of Planning for the twelve-acre wastewater reclamation facility, which is proposed within the State Agricultural District.
2. Compliance with the conditions of the Commission's Decision and Order;
3. Compliance with the conditions of zoning;
4. Preparation of engineering plans and supporting documentation for approval of the backbone infrastructure, including: water source and transmission systems, wastewater treatment and transmission systems; off-site roadway improvements; and utilities;
5. Preparation of Neighborhood Plans for County Neighborhood Plan Approval; and
6. Preparation of Preliminary Subdivision applications.

Status of Compliance with Conditions Imposed by the Decision and Order

The following documents the Owners compliance with the remaining thirty-two conditions.

DOCKET NO. A15-798 CONDITIONS

Condition No. 1	<u>Education Contribution Agreement</u> . Petitioner shall contribute to the development, funding, and/or construction of school facilities in compliance with the Educational Contribution Agreement for Waikapū Country Town undated but executed as of January 31, 2017 entered into by Petitioner and the DOE. Petitioner shall ensure
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	that prospective buyers, purchasers, and subsequent owner builders of lots are given notice of the requirement to pay the Central Maui District Impact Fee in accordance with the Educational Contribution Agreement. Such notice shall be recorded and shall run with the land.
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Petitioner Response: The Petitioner and the DOE entered into an Educational Contribution Agreement for Waiakpū Country Town on January 31, 2017 (**See Exhibit 4**). Petitioner understands that prospective buyers, purchasers, and subsequent owner builders of lots shall be given notice of the requirement to pay the Central Maui District Impact Fee in accordance with the Educational Contribution Agreement. Such notice will be recorded and will run with the land.

Condition No. 2	<u>Storm Water Management and Drainage</u> . Petitioner shall maintain existing drainage patterns and shall implement applicable Best Management Practices a) to minimize infiltration and runoff from construction and vehicle operations, b) to reduce or eliminate the potential for soil erosion and ground water pollution, and c) to formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health guidelines and County of Maui ordinances and rules. The Best Management Practices shall include a program for the maintenance of drainage swales within the Project Area.
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Petitioner Response: The Petitioner's Storm Water Management and Drainage Plan will address infiltration and runoff, soil erosion and runoff, and dust in accordance with the requirements of Condition No. 2, the Department of Health's guidelines, and the County of Maui's ordinances and rules. The Petitioner's Best Management Practices (BMP's) will include a program for the maintenance of the drainage swales within the project area.

Condition No. 3	<u>Residential Workforce Housing</u> . Petitioner shall design and construct the Project, and provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements.
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Petitioner Response: The Petitioner acknowledges that it shall design and construct the project, and provide residential workforce housing opportunities, in accordance with the County of Maui's residential workforce housing requirements.

Condition No. 4	<u>Wastewater</u> . Petitioner shall participate in the funding and/or construction of adequate private or public wastewater source, storage, and transmission facilities to accommodate the proposed uses for each portion of the Petition Area. The private wastewater source, storage, and transmission facilities shall be in accordance with the applicable standards and requirements of the Department of Health and/or the County of Maui. If applicable, the public wastewater source, storage, and transmission facilities shall be controlled or operated by the County of Maui. If the private wastewater source, storage, and transmission facilities are located outside the Petition Area and within the
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	State and County agricultural districts, Petitioner shall apply for a State Special Permit in accordance with the provisions of HRS Chapter 205. If Petitioner participates in a regional wastewater system which is controlled or operated by the County of Maui, Petitioner may request to be released from this condition applicable to private wastewater source, storage and transmission facilities.
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Petitioner Response: The Petitioner understands the scope of the above-referenced condition. The Petitioner intends to develop private wastewater source, storage, and transmission facilities in accordance with the applicable State and County requirements. In accordance with the condition, the Petitioner filed a HRS Chapter 205 State Special Permit for the proposed wastewater reclamation facility (WWRF) on December 16, 2019, to operate the WWRF within the State Agricultural District.

The Petitioner acknowledges that should it choose to participate in a regional wastewater system which is controlled or operated by the County of Maui, Petitioner may request to be released from this condition applicable to private wastewater source, storage, and transmission facilities.

Condition No. 5	<u>Air Quality.</u> Petitioner shall participate in an air quality monitoring program if so required by the Department of Health.
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Petitioner Response: The Petitioner understands that it shall participate in an air quality monitoring program if so required by the Department of Health.

Condition No. 6	<u>Energy Conservation Measures.</u> Petitioner shall implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design and environmental stewardship, such as the use of solar water heating and photovoltaic systems, into the design and construction of the Project and development of the Petition Area. Petitioner also shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners within the Project.
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Petitioner Response: The Petitioner intends to incorporate energy conservation measures into the design, construction, and development of the Waikapū Country Town. Information will be provided to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners within the project.

Condition No. 7	<u>Notification of Proximity to Kahului Airport.</u> Petitioner, and all subsequent owners, shall notify and disclose to all prospective developers, purchasers, and/or lessees within any portion of the Project, as part of any conveyance document (deed, lease, or agreement of sale, etc.) required for the sale or transfer of real property or any interest in real property, of the potential adverse impacts of aircraft activity at and from the Kahului Airport, such as noise, right of flight, emissions, vibrations and other incidences of aircraft operations.
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Petitioner Response: The Petitioner is aware of the above-referenced disclosure requirements of the potential adverse impacts of aircraft activity at and from the Kahului Airport. The disclosure requirements will be made part of any conveyance document required for the sale or transfer of real property or any interest in real property within any portion of the project.

Condition No. 8	<u>Transportation - Highways.</u> a. Petitioner shall submit to the State Department of Transportation and the County of Maui for review and approval a supplemental analysis to evaluate the "No Waiale Bypass" with Petitioner's Project in 2022 (Phase I), due to the current memorandum/addendum limited only to build-out year 2026 (Phase II). Petitioner shall also submit copies to OP, Maui County Planning Department, and the Commission. b. Petitioner shall mitigate all Project-generated traffic impacts as recommended and/or required by the State Department of Transportation and the County of Maui. Petitioner shall initiate, coordinate, and meet with State Department of Transportation Highways and the County of Maui to agree upon the regional pro-rata share and to develop a Memorandum of Agreement with the State Department of Transportation, Highways Division, and another Memorandum of Agreement with the County of Maui. The Memoranda of Agreement shall be executed prior to submittal of a subdivision application to the County of Maui.
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Petitioner Response: The Petitioner partially fulfilled Condition No. 8a on July 10, 2018 by transmitting a supplemental analysis to evaluate the "No Waiale Bypass" scenario with Petitioner's Project in 2022 (Phase 1). As shown in Exhibit 5, the supplemental analysis was transmitted to the State Department of Transportation, the County's Department of Public Works, and the County's Department of Planning (See Exhibit 5 and Exhibit 6).

The Petitioner will transmit under a separate enclosure the No Waiale Bypass 2022 Analysis to the Office of Planning and the State Land Use Commission to satisfy Condition No. 8a. The Petitioner will consult with the State DOT and the County Planning Department to confirm the acceptance of the subject analysis.

Petitioner acknowledges that it shall initiate, coordinate, and meet with State Department of Transportation Highways and the County of Maui to agree upon the regional pro-rata share and to develop a Memorandum of Agreement with the State Department of Transportation, Highways Division, and another Memorandum of Agreement with the County of Maui. The Petitioner understands that a Memoranda of Agreement will be executed prior to submittal of a subdivision application to the County of Maui.

Condition No. 9	<u>Transportation- Regional Planning.</u> Petitioner shall continue to work with the County of Maui to develop a timetable for the construction of the Waiale Bypass
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	and shall work with appropriate County of Maui and State of Hawai'i agencies, including the Metropolitan Planning Organization of the County of Maui, to develop a comprehensive traffic review of the Central Maui region.
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Petitioner Response: The Petitioner acknowledges that it will work with the County of Maui regarding the timing and construction of the Waiale Bypass in accordance with its pro-rata share requirements. In addition, the Petitioner will work with the applicable State and County agencies and the Metropolitan Planning Organization to develop a comprehensive review of the Central Maui region.

Condition No. 10	<u>Transportation-Airports.</u> Petitioner shall work with the State Department of Transportation to minimize hazards to aircraft operations from Kahului Airport, including but not limited to impacts from wildlife attractants, photovoltaic glint and glare, electromagnetic radiation, aviation easements, notices of proposed construction or alteration, and prospective purchaser/owner liability and covenants. As deemed necessary by the State Department of Transportation to minimize the hazards to aircraft operations from Kahului Airport, Petitioner shall fund and implement a program to control any birds nesting or occupancy and any insect, pest or wildlife infestation, in any hazardous wildlife attractants (open swales, storm drains, retention and detention basins, wastewater treatment facilities or associated settling ponds) serving the Project. Petitioner shall enter into a Memorandum of Agreement with State Department of Transportation before final subdivision approval of the initial phase of on-site development by Petitioner outlining measures to be taken by Petitioner to address impacts.
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Petitioner Response: The Petitioner understands the scope of the above-referenced condition, and will enter into a Memorandum of Agreement with the State Department of Transportation before final subdivision approval of the initial phase of on-site development by Petitioner outlining measures to be taken by Petitioner to address impacts to Kahului Airport aircraft operations from the project.

Condition No. 11	<u>Water Conservation Measures.</u> Petitioner shall implement water conservation measures and best management practices such as the use of indigenous plants to the extent practicable and as required by the County of Maui.
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Petitioner Response: The Petitioner acknowledges that it will implement water conservation measures and best management practices such as the use of indigenous plants to the extent practicable and as required by the County of Maui.

Condition No. 12	<u>Water System.</u> Petitioner shall participate in the funding and/or construction of adequate private or public water source, storage, and transmission facilities to accommodate the proposed uses for each phase of the Project. The private water source, storage, and transmission facilities shall be in accordance with the applicable standards and requirements of the Department of Health and/or the County of Maui, with plans submitted for approval by the appropriate agency.
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	In the event that Petitioner participates in a regional water system which is controlled or operated by the County of Maui, Petitioner may request the release of this condition applicable to a private water system. Additionally, Petitioner shall work with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapū aquifer. Further, Petitioner shall submit such information as may be requested by the County of Maui to reflect changes in water demand forecasts and to supply the proposed uses for the County of Maui's Water Use and Development Plan.
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Petitioner Response: The Petitioner understands the scope of the above-referenced condition. The Petitioner intends to develop private water source, storage, and transmission facilities in accordance with the applicable State and County requirements. The Petitioner acknowledges that should it participate in a regional water system which is controlled or operated by the County of Maui, Petitioner may request to be released from this condition applicable to private water source, storage and transmission facilities.

In addition, the Petitioner acknowledges that it shall work with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapū aquifer. Further, the Petitioner understands that it shall submit such information as may be requested by the County of Maui to reflect changes in water demand forecasts and to supply the proposed uses for the County of Maui's Water Use and Development Plan.

Condition No. 13	<u>Street Lights</u> . Petitioner shall use fully-shielded street lights within the Petition Area to avoid impacts to avifauna and other populations and to prevent light diffusion upward into the night sky.
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Petitioner Response: The Petitioner understands that fully-shielded street lights within the project area shall be installed to avoid impacts to avifauna and other populations and to prevent light diffusion upward into the night sky.

Condition No. 14	<u>Sirens</u> . Petitioner shall fund and install three (3) civil defense warning sirens as specified by and in the locations identified by the State Department of Defense.
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Petitioner Response: The Petitioner is aware that it must fund and install three civil defense warning sirens as specified by and in the locations identified by the State Department of Defense.

PROJECT SPECIFIC CONDITIONS

Condition No. 15	Parks. Petitioner shall comply with the park dedication requirements of the County of Maui.
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Applicant Response: The Petitioner is in the process of working with the County of Maui to formalize a Parks Dedication Agreement.

Condition No. 16	<u>Established Gathering and Access Rights Protected.</u> Pursuant to Article XII, Section 7 of the Hawai'i State Constitution, Petitioner shall preserve and protect any established gathering and access rights of Native Hawai'ians who have customarily and traditionally used the Petition Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purposes.
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Petitioner Response. The Applicant is aware that pursuant to Article XII, Section 7 of the Hawai'i State Constitution, Petitioner shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Petition Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purposes.

Condition No. 17	<u>Agriculture Easement.</u> Petitioner shall submit an executed copy of the conservation easement or relevant instrument for at least 800 acres of adjacent agricultural lands to the Commission. No dwelling or structure shall or may be used for a residence or residential use, including farm dwellings or farm worker housing, on the adjacent agricultural lands which are subject to the agricultural easement or conservation easement, and such easement shall include this restriction. If any development is proposed in the area made subject to the conservation easement or relevant instrument, SHPD shall be notified and shall make a determination on whether an archaeological inventory survey is to be provided by Petitioner for such area. The Commission shall also be notified of any proposed development within the conservation easement lands and any determination made by SHPD.
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Petitioner Response: The Petitioner has prepared an Agricultural Conservation Easement with the Hawaiian Islands Land Trust (HILT). The agreement is in the process of being reviewed and finalized by HILT and the Petitioner.

Condition No. 18	<u>Notification of Agricultural Use.</u> Petitioner, and all subsequent owners, shall notify and disclose to developers, purchasers, and/or lessees of the provisions of HRS Chapter 165, the Hawai'i Right to Farm Act. The notice and disclosure
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	shall be a part of any conveyance document such as a deed, lease or agreement of sale. The notice and disclosure shall contain at least the following information: a) that the developers, purchasers and/or lessees shall not take any action that would interfere with or restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the State Land Use Agricultural District; and b) that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands. For the purpose of this condition, the term "farming operations" shall have the same meaning as provided in HRS § 165-2.
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Petitioner Response: The Petitioner acknowledges and understands the scope of its responsibilities to notify and disclose to developers, purchasers, and/or lessees of the provisions of HRS Chapter 165, the Hawai'i Right to Farm Act.

Condition No. 19	<u>Previously Unidentified Burials and Archaeological/Historic Sites.</u> In the event that historic or archaeological resources, including human skeletal remains, are found and/or identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the State Historic Preservation Division shall be contacted immediately as required by HRS Chapter 6E and its applicable rules. Without limitation to any condition found herein, if any burials or archaeological or historic sites or artifacts not previously identified in studies referenced to in these Findings of Fact and Conclusions of Law are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the State Historic Preservation Division that mitigation measures have been implemented to its satisfaction.
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Petitioner Response: The Petitioner acknowledges and understands the scope of the above-referenced condition related to previously unidentified burials, archaeological, and historic sites.

Condition No. 20	Archeological/Historic Sites. Petitioner shall provide the following prior to any ground disturbance, as agreed upon with SHPD's acceptance of the Petitioner's Archaeological Inventory Survey: a. Archaeological monitoring, which shall include data recovery of archaeological and historic sites;
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	b. If site 50-50-04-5197 is impacted by the Project, it will be further documented in consultation with SHPD; c. Archaeological monitoring shall be conducted for all ground disturbing activities, including the Na Wai 'Eha sand dune system area. An archaeological monitoring plan shall be developed and submitted for SHPD's review and acceptance prior to commencing Project work; d. If any development is proposed for the area to be dedicated to agriculture, SHPD shall be notified and SHPD will make a determination on whether an archaeological inventory survey is to be provided by Petitioner; e. Petitioner shall submit a preservation plan to SHPD for two (2) sites: the irrigation features (Site 50-50-04-7884) and the WWII bunker (Site 50-50-04-7883). The preservation plan shall be submitted to the SHPD for review and acceptance prior to the initiation of the Project. Petitioner shall comply with all interim and/or permanent mitigation and preservations measures recommended and approved by the SHPD. Petitioner shall confirm in writing to the Commission that the SHPD has found Petitioner's preservation mitigation commitments to be acceptable and has determined that any required historic preservation measures have been successfully implemented. The SHPD shall be notified at the initiation of the Project.
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Petitioner Response: The Petitioner acknowledges and understands the scope of the above-referenced condition related to archaeological monitoring and preservation of applicable lands within the project area. In addition, the Petitioner understands that if any development is proposed for the area to be dedicated to agriculture, SHPD shall be notified and SHPD will make a determination on whether an archaeological inventory survey is to be provided by Petitioner. In accordance with this condition, the Petitioner filed an HRS 6e submittal form to the State Historic Preservation Division for the WWRF. The Log in Number is 2019.02347.

Condition No. 21	<u>Archaeological/Archaeological Monitoring.</u> Petitioner shall employ archaeological monitors to ensure that all ground disturbances associated with mass grading of the Petition Area, and the trenching and excavation related to the installation of utilities, do not impact any subsurface cultural remains within the Petition Area. Petitioner shall submit an archaeological monitoring plan for ground disturbing activities within the Petition Area to the State Historic Preservation Division for its review and acceptance or approval. Acceptance or approval of the archaeological monitoring plan shall be a condition to performing any ground disturbing activities. Data obtained from the archaeological monitoring plan shall be provided to the State Historical Preservation Division upon the completion of the monitoring of the Project.
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	In the event that Site 50-50-04-5197 is impacted by any ground disturbances, Petitioners shall document the site in accordance with the directions of the State Historic Preservation Division.
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Petitioner Response: The Petitioner acknowledges and understands the scope of the above-referenced condition related to archaeological monitoring prior to mass grading of the project area.

Condition No. 22	<u>Cultural</u>. Petitioner shall consult with those persons known as Waikapū Stream south kuleana lo'i kalo farmers and Hui o Na Wai 'Eha to minimize the impacts on their traditional customary rights and practices from any development in the Petition Area. Additionally, Petitioner shall grant access easements over the appropriate portions of the Petition Area in favor of the owners of the Mahi-Puleloa parcels, identified as LCA 2944:3 to Ehunui (TMK (2) 3-6-005:010) and as Grant 1513 to Ehunui (TMK (2) 3-6-005:009) and in favor of the owners of the Kauihou parcels, identified as LCA 3340:1 (por.) to Nahau (TMK (2) 3-6-005:067), as LCA 3103 to Kalawaia (TMK (2) 3-6-005:014) and as LCA 3110:3.2 to Kuolaia (TMK (2) 3-6-005:066). Such easements will run with the land.
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Petitioner Response: The Petitioner acknowledges and understands the scope of the above-referenced condition related to consultation with the Waikapū Stream south kuleana lo'i kalo farmers and Hui o Na Wai 'Eha to minimize impacts to traditional customary rights and practices. The Petitioner is also aware of and understands the scope of the access easements in favor of the owners of the Mahi-Puleloa parcels.

Condition No. 23	<u>Endangered Species</u>. Petitioner shall implement the following procedures to avoid potential impacts to endangered species. Petitioner shall not clear dense vegetation, including woody plants greater than 15 feet, along the periphery of the Petition Area during the period from June 1 to September 15 of each year which is the time that the Hawai'ian hoary bat may be carrying young and thus could be at risk from the clearing activities. Petitioner shall consult with the United States Fish & Wildlife Service to determine measures needed with regard to the endangered Blackburn's Sphinx Moth and shall implement such measures in connection with the development of the Petition Area. Additionally, for any nighttime work required during any construction within the Petition Area and Project Area, and for long term operation of any private wastewater treatment facility servicing the Project, exterior lighting shall be shielded so as to reduce the potential for interactions of nocturnally flying Hawai'ian Petrels and Newell's Shearwaters with external lights and man-made structures.
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Petitioner Response: The Petitioner acknowledges and understands the scope of the above-referenced condition related to procedures to avoid potential impacts to endangered species. Petitioner shall consult with the United States Fish & Wildlife Service to determine measures needed with regard to the endangered Blackburn's Sphinx Moth and will implement exterior lighting that is shielded to mitigate impacts to Hawaiian Petrels and Newell's Shearwaters.

Condition No. 24	<u>Development in Compliance with Maui Island Plan.</u> Petitioner shall develop the Project in substantial compliance with the Planned Growth Area Rationale and goals, objectives, policies and implementing actions described in the Maui Island Plan for the Project identified as the "Waikapū Tropical Plantation Town."
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Petitioner Response: The Petitioner understands that it will implement the Project in substantial compliance with the Planned Growth Area Rationale and goals, objectives, policies, and implementing actions described in the Maui Island Plan for the Project identified as the "Waikapū Tropical Plantation Town."

Condition No. 25	<u>Infrastructure Deadline.</u> Petitioner shall complete construction of the proposed backbone infrastructure, which consists of primary roadways and access points, internal roadways, on- and off-site water, sewer, and electrical system improvements, and storm water/drainage and other utility system improvements, within ten years from the date of the Decision and Order approving the Petition.
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Petitioner Response: The Petitioner understands that the Project's backbone infrastructure shall be completed within ten years from the date of the Decision and Order approving the Petition.

Condition No. 26	<u>Order to Show Cause.</u> If Petitioner fails to complete the construction of the proposed backbone infrastructure within ten (10) years from the date of the Decision and Order approving reclassification of the Petition Area, the Commission may issue and serve upon Petitioner an Order to Show Cause and Petitioner shall appear before the Commission to explain why the Petition Area should not revert to its previous State Land Use District Agricultural Classification or be changed to a more appropriate classification.
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Petitioner Response: The Petitioner acknowledges that the Commission may issue and serve upon Petitioner an Order to Show Cause to appear before the Commission if the construction of the proposed backbone infrastructure is not completed within ten years from the date of the Decision and Order approving reclassification of the Petition Area.

Condition No. 27	<u>Compliance With Representations to the Commission.</u> Petitioner shall develop the Petition Area in substantial compliance with the representations made to the Commission as reflected in these Findings of Fact, Conclusions of Law, and
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	Decision and Order. Failure to so develop the Petition Area in accordance with such representations may result in reversion of the Petition Area to its former classification or a change to a more appropriate classification.
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Petition Response: The Petitioner acknowledges that the Project Area shall be developed within substantial compliance with the representations made to the Commission and that failure to do so may result in the reversion of the Petition Area to its former classification or a change to a more appropriate classification.

Condition No. 28	<u>Annual Reports.</u> Petitioner shall timely provide, without any prior notice, annual reports to the Commission, the State Office of Planning, and the County of Maui Planning Department, and their respective successors, in connection with the status of the development of the Petition Area and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the executive officer of the Commission. The annual report shall consist of one original, one paper copy and one electronic copy and shall be due prior to or on the anniversary date of the approval of the Petition.
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Petitioner Response: The Petitioner understands that annual reports to the Commission, State Office of Planning, and the County of Maui Planning Department shall be filed to document the status of the development of the Petition Area and Petitioner's progress in complying with the conditions of the approval.

This annual compliance report is being filed in fulfillment of this condition for February 2019.

Condition No. 29	<u>Release of Conditions.</u> The Commission may fully or partially release conditions provided herein as to all or any part of the Petition Area upon timely motion and upon the provision of adequate assurances of satisfaction of these conditions by Petitioner or their permitted successors and/or assigns.
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Petitioner Response: The Petitioner understands that the Commission may fully or partially release conditions provided herein upon timely motion and upon the provision of adequate assurances of satisfaction of these conditions by Petitioner or their permitted successors and/or assigns.

Condition No. 30	<u>Notice of Change of Ownership.</u> Petitioner shall provide notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Petition Area.
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Mr. Daniel E. Orodenker
Executive Director
State Land Use Commission
December 23, 2019
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Petition Response: The Petitioner understands that it shall provide notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Petition Area.

Condition No. 31	<u>Notice of Imposition of Conditions.</u> Petitioner shall (a) within seven (7) days of issuance of the Commission's Decision and Order reclassifying the Petition Area, record with the Bureau of Conveyances of the State of Hawai'i and/or the Office of the Assistant Registrar of the Land Court, a statement that the Petition Area is subject to the conditions imposed in this Decision and Order by the Commission and (b) promptly thereafter file a copy of such recorded statement with the Commission.
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Petitioner Response: Exhibit 7 is the Notice of Imposition of Conditions. Exhibits 8 and 9 are the Declaration of Conditions and the recorded document numbers for the Notice of Imposition and Recordation of Conditions (**See Exhibits 7, 8, and 9**).

Condition No. 32	<u>Recordation of Conditions.</u> Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances of the State of Hawai'i, and/or the Office of the Assistant Registrar of the Land Court, pursuant to HAR Section 15-15-92.
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Petitioner Response: The Imposition and Declaration of Conditions were recorded with the Bureau of Conveyances of the State of Hawai'i on December 20, 2019. The recorded document numbers are A-72930472 and A72930473 (**See Exhibit 8 and Exhibit 9**).

Thank you for your prompt review of this Annual Report. Should you have any questions, please contact me at (808) 269-6220 or e-mail at msummers@planningconsultantsHawaii.com.

Sincerely yours,



Michael J. Summers
President

Attachment

c: Mr. Michael Atherton
Mr. Albert Boyce

Exhibit 1

**Ordinance 4996, Community Plan
Amendment**

ORDINANCE NO. 4996

BILL NO. 43 (2019)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE 3061 (2002),
WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP,
FROM PROJECT DISTRICT 5, SINGLE-FAMILY, AND
AGRICULTURAL TO WAIKAPU COUNTRY TOWN (WCT)
FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Wailuku-Kahului Community Plan and Land Use Map is amended for certain parcels of land situated at Wailuku, Maui, Hawaii, from Project District 5, Single-Family, and Agricultural to Waikapu Country Town (WCT), as identified in Table 1, comprising 495.905 acres, and more particularly described in Exhibit "A," which is attached hereto and made a part hereof, and in Community Plan Maps CP-426, CP-427, CP-428, CP-429, CP-430, and CP-431, which are attached hereto as Exhibit "B" and made a part hereof.

Table 1

COMMUNITY PLAN AMENDMENT			
TMK	FROM	TO	ACRES
(2) 3-6-004:por. of 003	AG	Waikapu Country Town (WCT)	87.832
(2) 3-6-004:por. of 003	AG		48.807
(2) 3-6-004:006	PD-5		53.630
(2) 3-6-006:036	SF		0.721
(2) 3-6-004:por. of 003	SF		2.089
(2) 3-6-005:007	PD-5		59.054
(2) 3-6-002:por. of 003	AG		243.772
Total			495.905

SECTION 2. Part V.A. of the Wailuku-Kahului Community Plan, adopted by Ordinance 3061 (2002), relating to Land Use Map, Land Use Categories and Definitions, is amended by inserting the following entry to be placed at the end of the list of Land Use Categories and Definitions, to read as follows:

“Waikapu Country Town (WCT) 495.905 acres

Waikapu Country Town is intended to provide the urban character of a traditional small town, with a diverse mix of single-family, multi-family, and rural residences; park land; open space; commercial and employment uses; and an elementary or intermediate school to create a “complete community.” Pedestrian and bicycling infrastructure that includes sidewalks, separated multi-use pedestrian paths and trails, traffic calming along neighborhood and collector roadways, and interconnected networks of parks and open spaces shall be integrated into the community design to create a walkable and bikeable community.

The town includes prime agricultural lands south and west of the growth boundaries. The agricultural lands to the south of the growth boundary, encompassing 877.5 acres, are to be preserved in perpetuity through an agricultural or conservation easement. The remaining agricultural lands, encompassing approximately 280 acres, are located mostly to the west (mauka) of the growth boundaries and may be subdivided into a total of five agricultural lots.

The rural lots mauka of Honoapiilani Highway are to be developed using a Conservation Subdivision Design. The design shall provide uninterrupted walking and bicycling trails, preserve mauka and makai views, and protect environmentally sensitive lands along the Waikapu Stream and mauka of the rural subdivision.”

Planning Standards:

<u>Dwelling Unit and Rural Lot Count</u>	<u>Up to 1,433 residential units, plus up to 146 accessory dwelling units. Up to 80 rural lots, on which there may be 1 residential unit and 1 accessory dwelling unit.</u>
<u>Residential Product Mix</u>	<u>25 percent to 50 percent of the residential units shall be multi-family units.</u>
<u>Parks and Open Space</u>	<u>A diversity of park types and open space elements shall be provided in a manner that is consistent with the project's zoning and design guidelines."</u>

SECTION 3. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

Department of the Corporation Counsel
County of Maui

pslu:misc:030abill01d:jgk/jsr

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION PORTION OF LOT 6

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also a portion of Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeast corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "I.U.K.F." being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1. 4° 29' 30" 1,826.72 feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);
2. Thence along same on a curve to the left with a radius of 17,223.80 feet, the radial azimuth from the radius point to the end of the curve being: 92° 29' 05.5"
the chord azimuth and distance being:
3° 29' 17.75" 603.24 feet;
3. 104° 00' 470.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
4. 148° 00' 190.00 feet along same;
5. 76° 00' 290.67 feet along same;
5. 106° 27' 59.40 feet along same;
6. 178° 00' 380.00 feet along same;
7. 206° 00' 475.00 feet along same;
8. 171° 00' 100.00 feet along same;
9. 102° 00' 760.00 feet along same;

10. 72° 00' 60.00 feet along same;
11. 102° 00' 339.87 feet along same;
12. 195° 00' 287.57 feet along same;
13. Thence along same on a curve to the left with a radius of 1,500.00 feet, the chord azimuth and distance being:
174° 00' 1,075.10 feet;
14. 153° 00' 107.13 feet along same;
15. 243° 00' 567.00 feet along same;
16. Thence along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also remainder of Grant 3152 to Henry Cornwell on a curve to the left with a radius of 400.00 feet, the chord azimuth and distance being:
309° 52' 30" 314.19 feet;
17. 286° 45' 1,430.00 feet along same to the point of beginning and containing an area of 87.832 Acres.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "M Silva", written over a horizontal line.

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
March 5, 2018

WFOI

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION PORTION OF LOT 6

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also all of Royal Patent 4948, Land Commission Award 2577, Apana 3 to Hakiki and being also portions of Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, Royal Patent 3138, Land Commission Award 2394, Apana 1 to Kacha, Grant 1844 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

11,159.99 feet South

4,938.21 feet West

and running by azimuths measured clockwise from True South:

- | | | |
|----|----------|---|
| 1. | 101° 00' | 320.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, and Grant 1844 to J. Sylva; |
| 2. | 100° 00' | 215.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, , and Grant 1844 to J. Sylva;; |
| 3. | 120° 00' | 450.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844 to J. Sylva; |
| 4. | 45° 00' | 480.00 feet along same; |
| 5. | 148° 00' | 409.00 feet along same; |
| 6. | 159° 00' | 400.00 feet along same; |
| 7. | 175° 00' | 220.00 feet along same; |
| 8. | 179° 00' | 750.00 feet along same; |
| 9. | 271° 00' | 1,235.00 feet along same; |

- | | | |
|-----|----------|--|
| 10 | 12° 00' | 367.00 feet along same; |
| 11. | 268° 00' | 257.80 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844 to J. Sylva and Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kacha; |
| 12. | 9° 30' | 550.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kacha and Grant 1844, Apana 1 to J. Sylva; |
| 13 | 275° 10' | 415.84 feet along remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva; |
| 14. | 20° 33' | 322.87 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva; |
| 15. | 357° 07' | 420.08 feet along same to the point of beginning and containing an area of 48.807 Acres. |

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

M Silva
 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires: 4/30/20

1721 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 September 20, 2018

wp 1

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION

Lot 2

Being all of Lot 2 of Hawaii Tropical Plantation Subdivision, being also all of a Polima, Royal Patent 3131, Land Commission Award 10,481, Apana 1, Muhele 1 to Napailoi, Royal Patent 3142, Land Commission Award 11,022, Apana 6 to Wahninecalii, Royal Patent 3148, Land Commission Award 10,160, Apana 1 to Mahoe, Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai, Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini and being also portions of Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaii, Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui, Grant 1844, Apana 1 to J. Sylva, Grant 1844, Apana 2 to J. Sylva, Grant 2069 to Kaai, Grant 2069 to Kaai, Grant 3043 to J. Boardman, and Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-Ci), the coordinates of said point of beginning referred to Government Survey Triangulation Station "T.U.K.I." being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1. 106° 45' 1,430.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
2. Thence along same on a curve to the right with a radius of 400.00 feet, the chord azimuth and distance being:
141° 56' 460.96 feet;
3. 177° 07' 1,460.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 3152 to Henry Cornwell, Grant 1844, Apana 2 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva;
4. 200° 33' 596.14 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;

5.	291° 45' 30"	58.59	feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva;
6.	305° 13'	264.12	feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva and Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
7.	227° 10'	111.95	feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
8.	226° 10'	47.92	feet along the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
9.	222° 30'	81.90	feet along same;
10.	133° 20'	40.00	feet along same;
11.	154° 32'	79.57	feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui;
12.	241° 51'	99.68	feet along Grant 2069, Apana 2 to Kaai;
13.	243° 45'	84.50	feet along Royal Patent 6223, Land Commission Award 3526, Apana 1 to Kekoahewale;
14.	235° 29'	68.00	feet along the Grant 1713 to John Ross;
15.	307° 20'	10.00	feet along the remainder of Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui,
16.	225° 00'	19.78	feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui;
17.	225° 31' 08"	318.56	feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui and Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;
18.	223° 33'	58.58	feet along Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;

19. 321° 27' 53.55 feet along Lot 4 of Hawaii Tropical Plantation
Plantation Subdivision, being also along Royal
Patent 4014, Land Commission Award 5774, Apana
2 to Kaai;
20. 287° 40' 152.19 feet along same;
21. 283° 30' 120.00 feet along same;
22. 32° 10' 88.31 feet along Lot 3 of the Hawaii Tropical Plantation
Subdivision, being also along the remainder of Royal
Patent 498, Land Commission Award 236-1, Apana
1 to Charles Copp;
23. 16° 50' 209.00 feet along same;
24. 25° 20' 195.00 feet along same;
25. Thence along same on a curve to the right with a radius of 230.00 feet, the chord azimuth
and distance being:
55° 12' 30" 229.13 feet;
26. 85° 05' 125.00 feet along same;
27. Thence along Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini,
along the remainders of Royal Patent 4014, Land
Commission Award 5774, Apana 2 to Kaai and
Royal Patent 3130, Land Commission Award 8874,
Apana 1 to Kaneae on a curve to the left with a
radius of 151.00 feet, the chord azimuth and distance
being:
49° 17' 30" 176.62 feet;
28. 13° 30' 243.00 feet along the remainder of Grant 2069 to Kaai;
29. 26° 15' 539.50 feet along same;
30. 295° 55' 142.26 feet along same;
31. 5° 10' 285.00 feet along remainder of Grant 2069 to Kaai and
Grant 2960 to Boardman;
32. 75° 00' 91.00 feet along the remainder of Grant 2960 to Boardman;
33. 346° 40' 40.00 feet along same;

34. 354° 00' 302.03 feet along same;
- 35 286° 45' 1,319.23 feet along remainders of Grant 2960 to J. Boardman, Grant 3152 to Henry Cornwell, and Grant 3043 to J. Boardman;
36. 4" 29' 30" 651.86 feet along the Westerly side of Honoupiilani Highway (F.A.P. No. 13-G) to the point of beginning and containing an area of 53.630 Acres.

This work was prepared by me
or under my supervision.



TOKUMOTO ENGINEERING, INC.

M Silva

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
March 5, 2018

W.P.

DESCRIPTION

PORTION OF LOT 6 OF WAIKAPU HEMA LARGE-LOT SUBDIVISION AND TAX MAP KEY (2) 3-6-006:036

Being a portion of Lot 6 of Waikapu Hema Large-Lot Subdivision, being also all of Land Commission Award 3337, Apana 4 to Naanaa and being also portions of Royal Patent 3124, Land Commission Award 2609, Apana 1 and 5 to Poepoe, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Grant 1844, Apana 1 to J. Silva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the North corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

9,791.73 feet South

4,611.04 feet West

and running by azimuths measured clockwise from True South:

- | | | | | |
|----|------|-----|---|------------------------|
| 1. | 312° | 57' | 197.60 feet along Royal Patent 3156, Land Commission Award 3527, Apana 3 to Kaalaea; | |
| 2. | 25° | 42' | 38.90 feet along Grant 1712, Apana 2 to Ihu; | |
| 3. | 288° | 27' | 35.60 feet along same; | |
| 4. | 19° | 27' | 41.60 feet along Royal Patent 3141, Land Commission Award 3523, Apana 3 to Kalahouka and Royal Patent 4115, Land Commission Award 3224, Apana 5 to Oponui; | |
| 5. | 343° | 54' | 177.06 feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Oponui. | |
| 6. | 346° | 56' | 30" | 28.40 feet along same; |
| 7. | 286° | 30' | 21.10 feet along same; | |
| 8. | 221° | 50' | 75.90 feet along same; | |
| 9. | 313° | 20' | 40.00 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; | |

10.	42' 30"	81.90 feet along same;
11.	46' 10"	47.921 feet along same;
12.	47' 10"	111.95 feet along same;
12.	125' 13"	264.12 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kani and Grant 1844, Apana 1 to J. Silva;
13.	111° 45' 30"	58.59 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder Grant 1844, Apana 1 to J. Silva;
11.	192' 26' 23"	143.95 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Silva;
15.	186° 52' 53"	79.99 feet along same;
16.	210° 00'	196.90 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Silva, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, and Grant 1704 to Opunui to the point of beginning and containing an area of 2.810 Acres.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

Michael E. Silva
 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 March 5, 2018

Waikapu Hema Large-Lot Subdivision, Por. of Lot 6 and
 Tax Map Key (2) 3-6-006:036

Page 2 of 2 Pages

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION LOT 3

Being all of 1 of 3 of Hawaii Tropical Plantation Subdivision, being also all of Grant 1674 to F.W. Gleason; Grant 2342 to E. Bal; Royal Patent 324, Land Commission Award 455, Apana 2 to Han; Royal Patent 4014, Land Commission Award 5774, Apana 4 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 3 to Kaneae; Land Commission Award 462, Apana 2 to Mahuka; Royal Patent 6374, Land Commission Award 5324, Apana 2 to Keakini; Royal Patent 3130, Land Commission Award 8874, Apana 2 to Kaneae; Royal Patent 3139, Land Commission Award 491, Apana 2 to Hoowahine; Grant 2747, Apana 2 to E. Bal; Royal Patent 3139, Land Commission Award 491, Apana 1 to Hoowahine; Land Commission Award 462, Apana 1 to Mahuka; Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai; Royal Patent 3139, Land Commission Award 491, Apana 3 to Hoowahine; Grant 1146 to Antonio Sylva; Royal Patent 41, Land Commission Award 416, Apana 1 to John Crowder; Royal Patent 41, Land Commission Award 416, Apana 2 to John Crowder; and being also portions of Grant 2904 to John Crowder; Grant 3152 to Henry Cornwell; Grant 3043 to J. Boardman; Grant 2960 to J. Boardman; Grant 2069 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae; Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeasterly corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKI" being:

10,850.15 feet South

2,816.41 feet West

and running by azimuths measured clockwise from True South:

1. Hence along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 12,242.70 feet, the radial azimuth from the radius point to the beginning of the curve being: 284° 35' 07"; the radial azimuth from radius point to the end of the curve being: 287° 13' 13"; and the chord azimuth and distance being: 15° 54' 18.5" 563.99 feet;
2. 17° 13' 30" 296.94 feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);

3. Thence along same on a curve to the left with a radius of 2,899.93 feet, the chord azimuth and distance being:
10° 51' 30" 643.15 feet;
4. 4° 29' 30" 16.00 feet along same;
5. 106° 45' 1,319.23 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 3043 to J. Boardman, Grant 2960 to J. Boardman, and Grant 3152 to Henry Cornwell;
6. 174° 00' 302.03 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 2960 to J. Boardman;
7. 166° 40' 40.00 feet along same;
8. 255° 00' 91.00 feet along same;
9. 185° 10' 285.00 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2960 to J. Boardman;
10. 115° 55' 142.26 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2069 to Kaai;
11. 206° 15' 539.50 feet along same;
12. 193° 30' 243.00 feet along same;
13. Thence along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 2069 to Kaai, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kanehene, and Land Commission Award 5774, Apana 2 to Kani on a curve to the right with a radius of 151.00 feet, the chord azimuth and distance being:
229° 17' 30" 176.62 feet;
14. 265° 05' 125.00 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp;

15. Hence along same on a curve to the left with a radius of 230.00 feet, the chord azimuth
and distance being:
235° 12' 30" 229.13 feet;
16. 205° 20' 195.00 feet along same;
17. 196° 50' 209.00 feet along same;
18. 212° 10' 88.31 feet along same;
19. 283° 30' 208.78 feet along Lot 4 of Hawaii Tropical Plantation
Subdivision, being also the remainder of Royal
Patent 4014, Land Commission Award 5774. Apana
I to Kaai;
20. 301° 30' 195.00 feet along Lot 4 of Hawaii Tropical Plantation
Subdivision, being also the remainder of Grant 3152
to Henry Cornwell;
21. 276° 46' 57.80 feet along Grant 3152 to Henry Cornwell;
22. 4° 14' 160.90 feet along Royal Patent 102, Land Commission
Award 432 to Anthony Sylva;
23. 357° 05' 61.60 feet along same;
24. 354° 18' 33.54 feet along same;
25. 86° 01' 63.90 feet along Lot 12 of the Waikapu Tract, being also
the remainder of Royal Patent 102, Land
Commission Award 432 to Anthony Sylva;
26. 351° 55' 40.00 feet along same;
27. 359° 06' 455.70 feet along Lot 12, Lot 14, Lot 15, Lot 8, and Ololi
Place of Waikapu Tract, being also along Royal
Patent 102, Land Commission Award 432 to
Anthony Sylva;
28. 349° 25' 172.20 feet along Lot 8, Olo Place, and Lot 7 of Waikapu
Tract, being also along Grant 1515 to Antonio Sylva;
29. 274° 06' 222.20 feet along Lot 7, Lot 6, Lot 5, Lot 4, Lot 3 of
Waikapu Tract, being also along Grant 1515 to
Antonio Sylva;

30. 246° 49'

138.02 feet along Lot 2 of the Waikapu Tract, being also along the remainder of Grant 2904 to John Crowder to the point of beginning and containing an area of 59.054 Acres.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.


Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
March 5, 2018

WV1

DESCRIPTION

WAIALE PARK (LARGE-LOT) SUBDIVISION PORTION OF LOT 2

Being a portion of Lot 2 of Waiale Park (Large-Lot) Subdivision, being also portions of Royal Patent 324, Land Commission Award 455 to Hau, Land Commission Award 411 to Poonui, Grant 2747 to Eugene Bal, and Grant 3152 to Henry Cornwell situated in Waikapu, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

15,360.51 feet South

3,339.81 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 17,153.80 feet, the radial azimuth from the radius point to the beginning of the curve being:
92° 37' 04.2";
and the chord azimuth and distance being:
183° 33' 17.1" 560.98 feet;
2. 184° 29' 30" 2,494.86 feet along same;
3. Thence along same on a curve to the right with a radius of 2,829.93 feet, the chord azimuth and distance being:
190° 51' 30" 627.63 feet;
4. 197° 13' 30" 296.94 feet along same;
5. Thence along same on a curve to the left with a radius of 12,312.70 feet, the radial azimuth from the radius point to the end of the curve being: 280° 59' 15";
and the chord azimuth and distance being:
194° 06' 22.5" 1,339.76 feet;
6. 280° 48' 30" 88.20 feet along the remainder of Land Commission Award 411 to Poonui;
7. 192° 04' 89.20 feet along same;

8. 191° 47' 171.33 feet along the remainders of 1 and Commission Award 411 to Poonui and Grant 2747 to Eugene Bal;
9. 266° 52' 137.19 feet along the bank of a meandering stream, being also the remainder of Grant 2747 to Eugene Bal;
10. 280° 28' 58.32 feet along same;
11. 272° 38' 30" 99.27 feet along same;
12. 266° 20' 40" 96.78 feet along same;
13. 257° 52' 09" 130.37 feet along same;
14. 253° 47' 10" 106.23 feet along same;
15. 253° 18' 20" 71.30 feet along same;
16. Thence along same on a curve to the right with a radius of 61.00 feet, chord azimuth and distance being:
286° 39' 10" 67.06 feet;
17. 320° 00' 123.33 feet along same;
18. Thence along same on a curve to the left with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being:
357° 07' 20";
and the chord azimuth and distance being:
293° 33' 40" 153.16 feet;
19. Thence along the bank of a meandering stream, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 159.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 177° 07' 20";
and the chord azimuth and distance being:
281° 27' 35" 78.75 feet;
20. 295° 47' 50" 135.81 feet along the bank of a meandering stream, being also the remainder of Grant 3152 to Henry Cornwell;
21. Thence along same on a curve to the right with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being:
237° 54' 40";
and the chord azimuth and distance being:
311° 51' 15" 95.15 feet;

22. Thence along same on a curve to the left with a radius of 458.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $57^{\circ} 54' 40''$;
the radial azimuth from the radius point to the end of the curve being: $35^{\circ} 24'$;
and the chord azimuth and distance being:
 $316^{\circ} 39' 20''$ 178.79 feet;
23. Thence along same on a curve to the left with a radius of 308.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $35^{\circ} 24'$;
the radial azimuth from the radius point to the end of the curve being: $7^{\circ} 26' 10''$;
and the chord azimuth and distance being:
 $291^{\circ} 25' 05''$ 148.84 feet;
24. Thence along same on a curve to the left with a radius of 610.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $7^{\circ} 26' 10''$;
the radial azimuth from the radius point to the end of the curve being: $351^{\circ} 33' 30''$;
and the chord azimuth and distance being:
 $269^{\circ} 29' 50''$ 168.50 feet;
25. Thence along same on a curve to the right with a radius of 198.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $171^{\circ} 33' 30''$;
the radial azimuth from the radius point to the end of the curve being: $197^{\circ} 21'$;
and the chord azimuth and distance being:
 $274^{\circ} 27' 15''$ 88.38 feet;
26. $287^{\circ} 21'$ 73.41 feet along same;
27. Thence along the remainder of Lot 2 and along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder Grant 3152 to Henry Cornwell on a curve to the left with a radius of 3,960.00 feet, the radial azimuth from the radial point to the beginning of the curve being:
 $106^{\circ} 12' 21''$
and the chord azimuth and distance being:
 $10^{\circ} 53' 40.5''$ 733.12 feet;

28. 5° 35' 1,498.28 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 3152 to Henry Cornwell and Grant 2747 to Eugene Bal;

29. Thence along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 5,040.00 feet, the chord azimuth and distance being:
 13° 16' 1,347.68 feet;

30. 20° 57' 521.33 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;

31. Thence along same on a curve to the right with a radius of 1,800.00 feet, the chord azimuth and distance being:
 28° 37' 57" 481.26 feet;

32. 126° 18' 54" 80.00 feet along the remainder of Lot 2 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;

33. Thence along same on a curve to the right with a radius of 1,720.00 feet, the chord azimuth and distance being:
 64° 19' 57" 1,615.91 feet;

34. 92° 21' 163.44 feet along same;

35. Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the end of the curve being:
 92° 37' 04.2";
 and the chord azimuth and distance being:
 137° 29' 02.1" 56.70 feet to the point of beginning and containing an area of 243.772 Acres.

This work was prepared by me
or under my supervision.



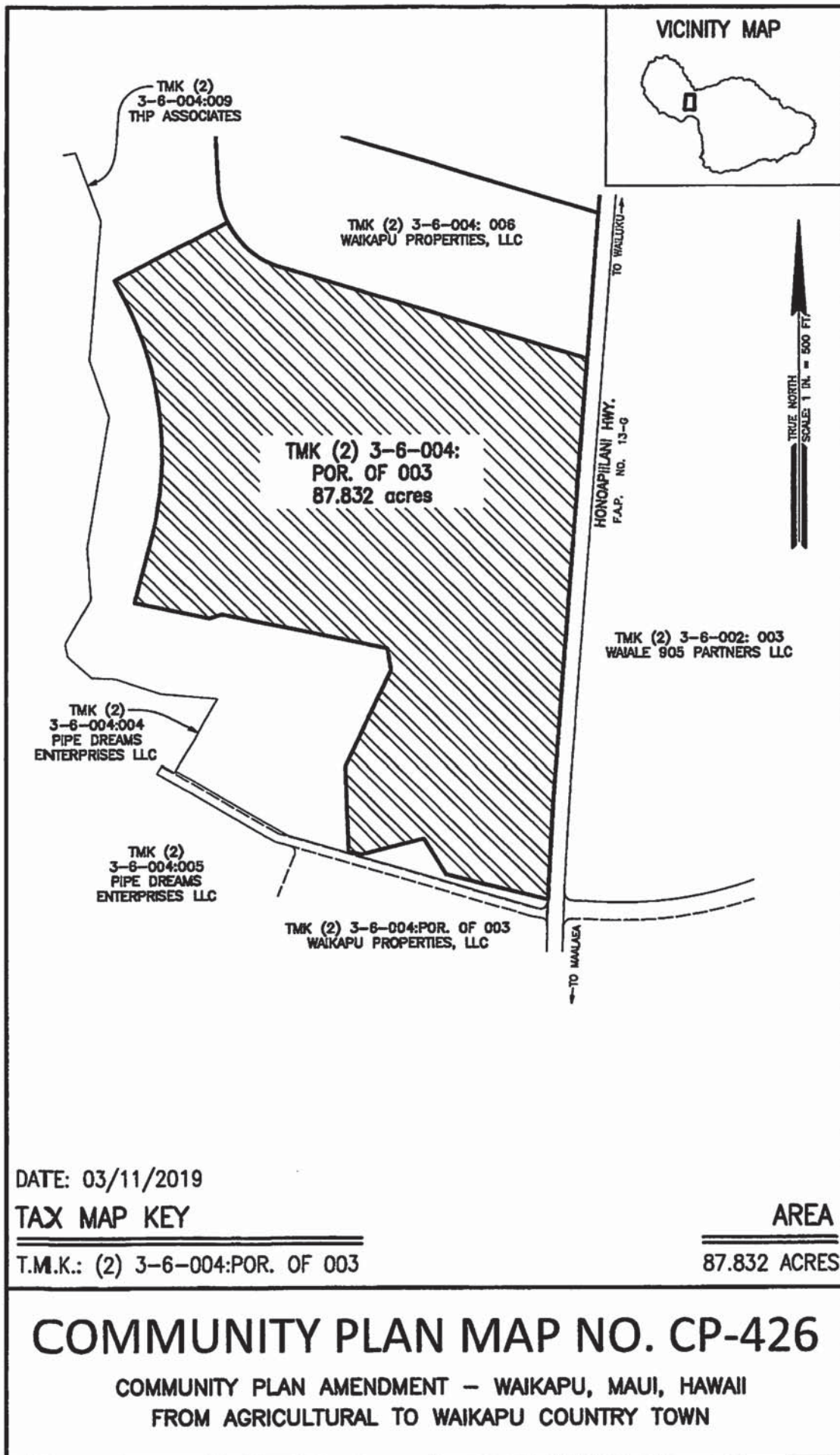
FIKUMOTO ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "M Silva".

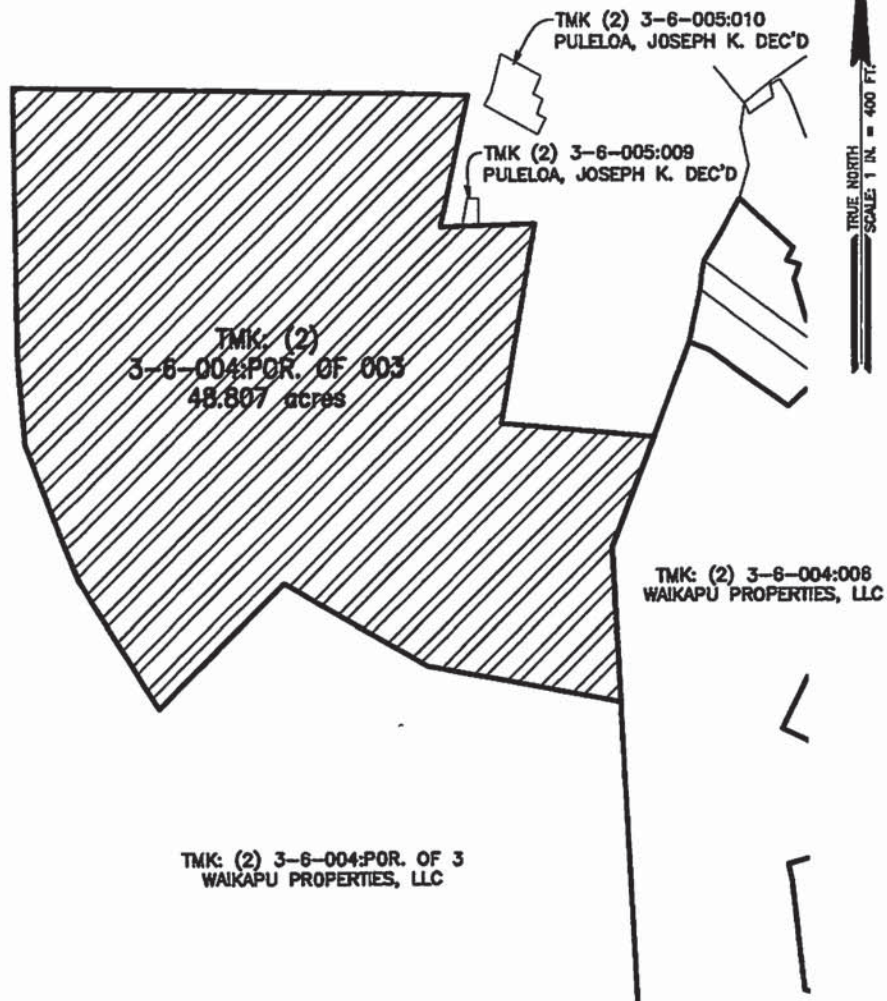
Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires 4/30/18

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
March 5, 2018

WPI



VICINITY MAP



DATE: 03/11/2019

TAX MAP KEY

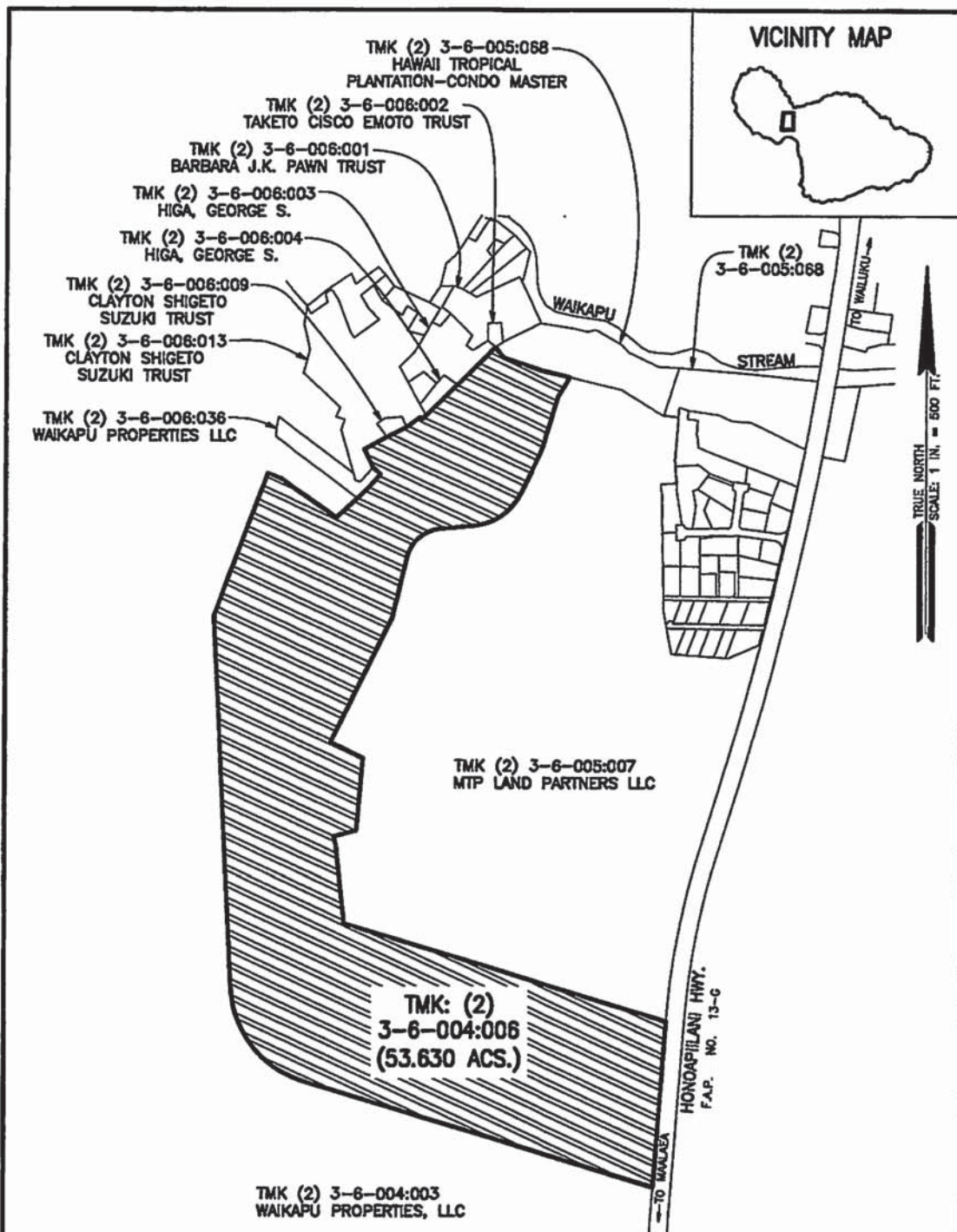
T.M.K. (2) 3-6-004:POR. OF 003

AREA

48.807 ACRES

COMMUNITY PLAN MAP NO. CP-427

COMMUNITY PLAN AMENDMENT – WAIKAPU, MAUI, HAWAII
FROM AGRICULTURAL TO WAIKAPU COUNTRY TOWN



DATE: 03/11/2019

TAX MAP KEYS

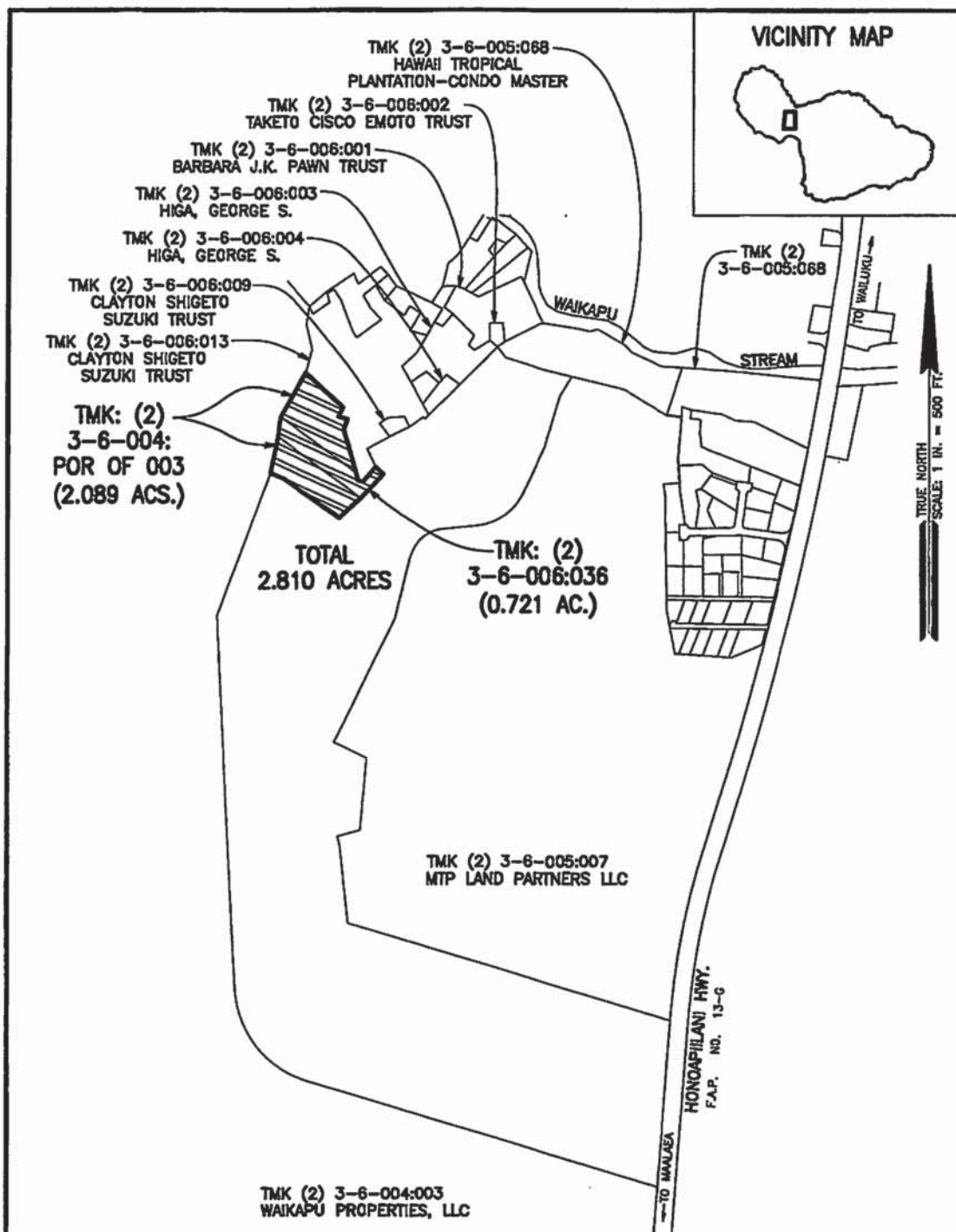
T.M.K.: (2) 3-6-004:006

AREA

53.630 ACRES

COMMUNITY PLAN MAP NO. CP-428

COMMUNITY PLAN AMENDMENT – WAIKAPU, MAUI, HAWAII
FROM PROJECT DISTRICT 5 TO WAIKAPU COUNTRY TOWN



DATE: 03/11/2019

TAX MAP KEYS

T.M.K.: (2) 3-6-006:036

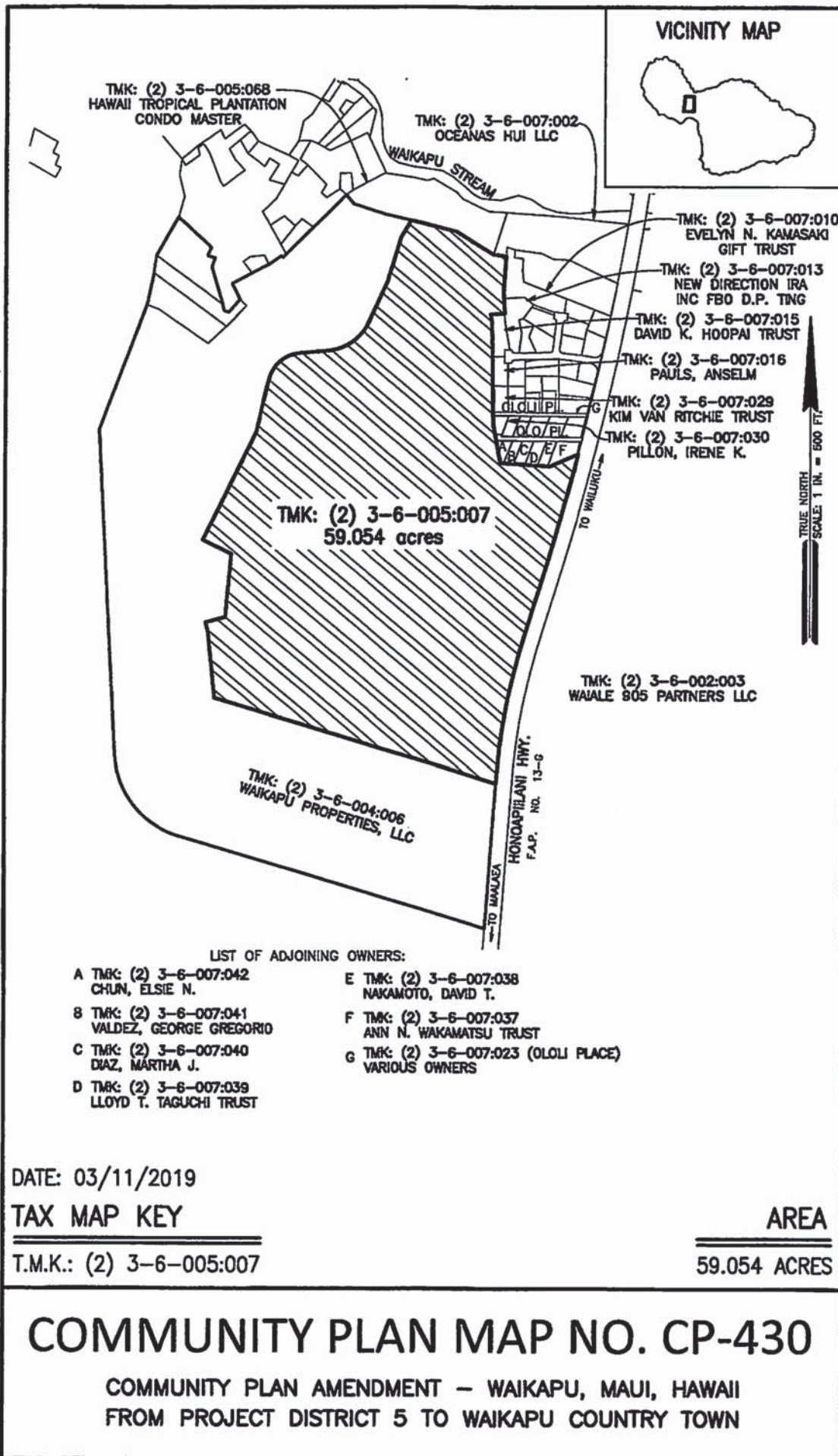
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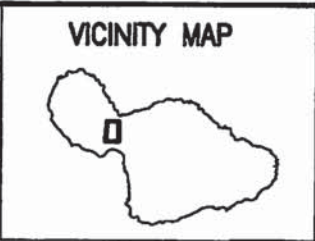
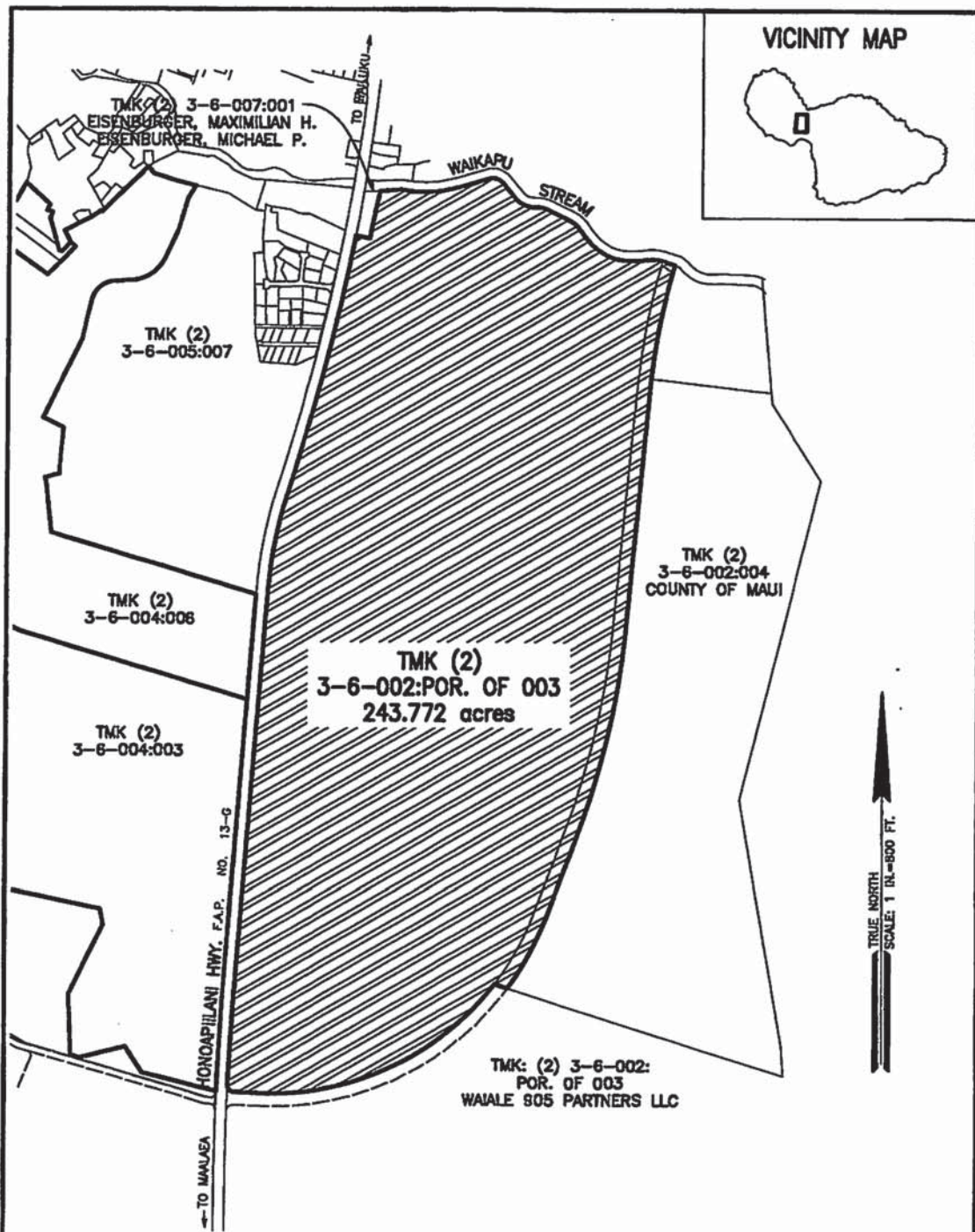
AREA

2.810 ACRES

COMMUNITY PLAN MAP NO. CP-429

COMMUNITY PLAN AMENDMENT - WAIKAPU, MAUI, HAWAII
FROM SINGLE-FAMILY TO WAIKAPU COUNTRY TOWN





DATE: 03/11/2019

TAX MAP KEY

T.M.K.: (2) 3-6-002:POR. OF 003

AREA

243.772 ACRES

COMMUNITY PLAN MAP NO. CP-431

COMMUNITY PLAN AMENDMENT – WAIKAPU, MAUI, HAWAII
FROM AGRICULTURAL TO WAIKAPU COUNTRY TOWN

WE HEREBY CERTIFY that the foregoing BILL NO. 43 (2019)

RECEIVED

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 20th day of September, 2019, by the following vote:

Kelly T. KING Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Alice L. LEE	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 20th day of September, 2019.

DATED AT WAILUKU, MAUI, HAWAII, this 20th day of September, 2019.

RECEIVED
2019 SEP 20 PM 4:10
OFFICE OF THE MAYOR

Kelly T. King

KELLY T. KING, CHAIR
Council of the County of Maui

Margaret Clark

MARGARET C. CLARK, DEPUTY COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 20th DAY OF September, 2019.

Michael P. Victorino

MICHAEL P. VICTORINO, 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. 4996 of the County of Maui, State of Hawaii.

Margaret Clark

MARGARET C. CLARK, DEPUTY COUNTY CLERK
County of Maui

Passed First Reading on August 9, 2019.
Effective date of Ordinance September 20, 2019

RECEIVED
2019 SEP 23 AM 8:44
OFFICE OF THE
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 4996, 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

Exhibit 2

**Ordinance 4997, Waikapu Country
Town District Zoning**

ORDINANCE NO. 4997

BILL NO. 44 (2019)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE,
RELATING TO WAIKAPU COUNTRY TOWN DISTRICT SITUATED IN WAILUKU,
MAUI, HAWAII

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

SECTION 1. Title 19, Maui County Code, is amended by adding a new chapter to be designated and to read as follows:

"Chapter 19.96

WAIKAPU COUNTRY TOWN DISTRICT

Sections:

19.96.010	Purpose and intent.
19.96.020	Form-based code.
19.96.030	Controlling plan.
19.96.040	Gross acreage allocations
19.96.050	Minimum and maximum number of residential units and commercial space.
19.96.060	Zoning districts.
19.96.070	Definitions, general and administrative.
19.96.080	Definitions, uses.
19.96.090	Types of uses and interpretation of terms and uses.
19.96.100	Principal, accessory, and special uses.
19.96.110	Permitted lot types.
19.96.120	Lot types.
19.96.130	Lot types in zoning districts.
19.96.140	Lot type development standards.
19.96.150	Parking standards.
19.96.160	Additional standards for all districts.
19.96.170	Subdivision review.
19.96.180	Administrative rules.

19.96.010 Purpose and intent. The council has established this zoning district to implement the Maui island plan's directed growth strategy and the Wailuku-Kahului community plan by creating a mixed-use residential community that addresses Maui's future housing demand and provides for the diverse needs of the community's residents. Key objectives of the Waikapu country town include:

1. Provide for a range of housing options to address projected housing demand.
2. Develop a "complete community" with a mix of housing, retail, and civic uses to support the community's residents.
3. Create employment within the Waikapu country town to reduce vehicle commutes.
4. Create the opportunity for more active and healthy lifestyles through the creation of pedestrian-oriented streets, greenways, separated pedestrian paths and bikeways, a diversity of park spaces, and community supported agricultural development.

19.96.020 Form-based code. The Waikapu country town zoning code establishes new types of zoning districts, including mixed use districts, and the approximate acreages in each district. It also regulates and provides flexibility in the form and configuration of development, by establishing lot types. In Waikapu country town, each lot type has its own development standards, and each zoning district allows multiple lot types. Development on each lot type is regulated by traditional standards, including setbacks, building heights, and lot sizes and widths, and by new standards, including building orientation, driveway ingress and egress, street frontage, and floor area ratios. In addition, the Waikapu country town zoning code lists all uses alphabetically in tables that identify all zoning districts in which a use is allowed and all lot types on which it may occur.

19.96.030 Controlling plan. The controlling plan establishes eight zoning districts that together establish a mix of land uses that achieve the purpose and intent of this ordinance. Figure 1 is the controlling plan.

Figure 1: Controlling plan



19.96.040 Gross acreage allocations. A. Table 1 identifies the approximate gross acreage allocations to each zoning district.

B. Minor adjustments to acreage allocations may occur as the result of plotting of the final roadway alignments and for acquisition of right-of-way and other land for public purposes such as for parks, schools, and open space.

C. In order to facilitate site planning flexibility, the gross acreage of the following districts: town center, main street, commercial/employment, residential, rural, and education may be further adjusted, exclusive of adjustments made pursuant to

section 19.96.040(B), by up to 5 percent of the gross acreage allocation so long as the total gross acreage from all districts does not exceed the total acres in the Waikapu country town.

Table 1: Approximate gross acreage allocations

District	≈Gross acreage allocation
A. Town center	24.80
B. Main street	14.75
C. Commercial/employment	9.56
D. Residential	222.60
E. Rural	114.70
F. Education	12.00
G. Parks	32.50
H. Open space	65.00
Total acres	495.905

19.96.050 Minimum and maximum number of residential units and commercial space. A. At buildout, the minimum number of dwelling units within the Waikapu country town shall be 1,326, unless the owner demonstrates that it is not feasible to build the minimum number of units. The maximum number of dwelling units is 1,433, plus up to an additional 146 accessory dwellings.

B. The maximum number of accessory dwellings is 146.

C. The maximum number of rural lots is 80.

D. Multi-family residential units. The minimum number of multi-family residential units within the Waikapu country town shall not be less than 25 percent or more than 50 percent of the total number of permitted non-accessory dwellings.

E. The maximum amount of commercial, retail, and employment space within the Waikapu country town shall not exceed 200,000 square feet of floor area.

19.96.060 Zoning districts. A. Town center. The purpose of the town center district is to create a commercial and social core for Waikapu within a portion of the original grounds of the Maui Tropical Plantation. The unique character and ambiance of the Maui Tropical Plantation grounds will create a village green, which will be the defining feature of the town center. The village green will give the community a distinct sense of place that invites residents to gather and relax and enjoy the tropical grounds and scenic views of the West Maui mountains. Here it is intended for

residents to have convenient access to goods and services such as restaurants, cafes, or a farmer's market. Designed around the village green may be live-work residences, multi-family residences, and a mix of retail, business, entertainment, and personal service uses.

B. Main street. The purpose of the main street district is to create a second walkable town core to service Waikapu country town residents living east (makai) of Honoapiilani Highway. The district comprises a mix of retail, business, and personal service uses organized around a main street design typology that invites walking and bicycling. Development within the district may also include multi-family residences and live-work residences. The adopted main street design typology intends that buildings will front onto wide sidewalks with parking placed within the street right-of-way, within public parking lots, and on-site at the rear of buildings. It is intended that pedestrian-oriented street design and landscape planting provide natural cooling and shading of the streets and sidewalks within the district.

C. Commercial/employment. The purpose of the commercial/employment district is to establish an area for uses that deliver goods and services or create employment in the professional services, light manufacturing, warehousing, repair services, sales, and distribution sectors. The district may also accommodate neighborhood grocery stores or general merchandise stores that serve the Waikapu country town and the developing Waikapu trade area. The district is characterized by small blocks, buildings built on front property lines, and ample pedestrian amenities.

D. Residential. The purpose of the residential district is to provide a mix of dwelling units in a variety of urban design formats to accommodate a diversity of household sizes, income ranges, and market demands. Building types include single-family residential, duplex, triplex, fourplex, sixplex, or larger buildings. Lots within the district may be sized to accommodate a single structure or multiple structures on a single lot. Dwelling unit types within the district include single-family small lot units, single-family large lot units, single-family cottage complexes, duplex units, multi-plex units, multi-family complexes, townhouses, and live-work units. The district is intended to accommodate residences that front onto aesthetically pleasing and pedestrian-oriented streets. The district may accommodate a variety of block types to accommodate a range of lot sizes. The district includes areas of common open space to provide for passive recreation and visual relief. The urban design of public spaces emphasizes a landscape planting program and streetscapes.

E. Rural. The purpose of the rural district is to provide large residential lots at the boundary of the urban development to serve as a rural transition to the agricultural lands. It is intended that the rural lots include areas for personal or commercial flower and vegetable gardening, orchards, and the raising of chickens, horses, goats, and other types of livestock. It is intended that the clustering, arrangement, and layout of the rural lots is to preserve areas of common open space.

F. Education. The purpose of the education district is to provide a site for private or public education facilities to service the Waikapu country town population and neighboring communities.

G. Parks. The purpose of the parks district is to provide a variety of active and passive park spaces for use by Waikapu country town residents and the broader Waikapu community. It is intended that the design of Waikapu country town's parks will address community needs at the neighborhood and community-wide scale and will include mini-parks, neighborhood parks, and community parks that offer a variety of facilities to support active and passive recreation uses. The parks district also allows for civic spaces, which may include uses such as a community green, square, plaza, passive park area, community garden, farm plot, natural area, or historic area worthy of preservation.

H. Open space. The purpose of the open space district is to preserve lands from development for the protection of environmental resources, cultural resources, public health and safety, and community livability and wellbeing. Lands within the open space district may include limited passive and active recreational activities, such as bikeways, trails, community gardens, areas for viewing natural and scenic resources, and areas set aside for picnicking and other passive recreation. The open space district also allows for civic spaces, which may include uses such as a community green, square, plaza, passive park area, community garden, farm plot, natural area, or historic area worthy of preservation.

19.96.070 Definitions, general and administrative.

Term	Definition
Complete community	A community that provides a diversity of housing types to serve a broad spectrum of income and age demographics and that provides a mix of residential, commercial, and civic uses in an environmentally sustainable manner to address resident needs.
Controlling plan	The land use plan that establishes the Waikapu country town's zoning districts.

Term	Definition
Gross acres	The total acres of an area including land dedicated to the use, roadways, parks and open space, and undevelopable areas.
Net residential acres	The gross acres of a site intended for residential development minus the area of wetlands and waterbodies, parks and open space, roads and right-of-way, and other undevelopable land within the site.
Net residential density	The total number of dwelling units to be developed at a specific site divided by the net residential acres.

19.96.080 Definitions, uses.

Term	Definition
Agricultural tourism	Commercial tours and activities that are based upon existing and historic Hawaii agricultural uses and themes and that may include such activities as farm tours, agricultural based learning and instruction, petting zoos, and farmers markets.
Civic space	Public uses that serve a unique community purpose such as a community green, square, plaza, park area, recreation facility, open space, playground, pedestrian path, bikeway, trail, roadway, community garden, farm plot, or natural or historic area worthy of preservation.
Common open space	Facilities and yard areas identified for the use and enjoyment of residents and maintained and operated by an organization of property holders. This does not include surface parking areas.
Cottage house	A single-family dwelling unit that is not less than 250 square feet in floor area but not greater than 950 square feet in floor area and that serves as the principal dwelling unit permitted on a Single-Family Cottage Complex Lot. Unenclosed decks and porches are not counted towards the floor area of the house. A cottage house is not an accessory dwelling.
Cultural tourism	Commercial tours and activities that are based upon Hawaiian and other local Hawaii cultures and that may include activities centered around traditional music, arts, crafts, foods, architecture, language, history, and recreation.
Food, beverage, and merchandise kiosk	A small structure no larger than 6 feet wide by 10 feet long that is open at one or more sides, and used for the sale of merchandise such as arts and crafts, snack food items, clothing, newspapers, magazines, and jewelry, which is a self-contained portable structure located on

Term	Definition
	private property, and does not constrain or block safe pedestrian or automobile traffic.
Food processing	Facilities for the preparation of food products for regional distribution to retail, wholesale, and eating establishments. Examples include bakeries, refrigerated storage, canning, bottling, packaging plants, and large-scale food manufacturing and processing for off-site distribution and sales.
Funeral home	A building used for the preparation of the deceased for burial, and the display of the deceased, and rituals connected therewith before burial or cremation.
Outside open-air dining	A restaurant or food service establishment with tables, dining facilities, and activities that are open on at least three sides on a private property or on a private property sidewalk when the open-air dining is used in conjunction with a business located within the building, structure, or vehicle located along and adjacent to the open-air dining facility.
Outside open-air sidewalk sales	An outdoor area set aside for the display and sale of products and located on the private property provided the open-air sidewalk sales is used in conjunction with a business located within the building or structure located along and adjacent to the sidewalk sales.
Radio and television broadcasting station	An establishment engaged in transmitting oral and visual programs to the public, and that consists of facilities such as a studio, transmitter, and antennas.
Repair, minor	Repair activities that have relatively little impact on surrounding land uses, and that can be compatibly located with other businesses. Examples include upholstery repair and repainting of automobiles and motorized bicycles within enclosed buildings; non-motorized bicycle repair; production and repair of eye glasses, hearing aids, and prosthetic devices; garment repair; household appliance repair, except those with gasoline and diesel engines; shoe repair; and watch, clock, and jewelry repair; and other similar activities as may be approved.
Telecommunication and broadcasting tower or antenna	A self-supporting lattice, guyed, or monopole structure that is designed or intended to support wireless telecommunication antenna and related facilities, including wireless antenna towers constructed for the location of transmission or related equipment to be used in the provision of commercial mobile radio services.

19.96.090 Types of uses and interpretation of terms and uses. A. Types of uses. For the purposes of this chapter, there are three types of uses: principal use, accessory use, and special use as set forth in this Title. Except as provided in the subsection below, no use shall be permitted in a zoning district unless it is included within the definition of the terms listed, and is identified as a principal use or accessory use; meets all criteria identified for the use; and if it is identified as a use that requires a special use permit, said permit is obtained, and all conditions are complied with.

B. Interpretation of terms. If a definition or term exists in this zoning ordinance, but is defined in a different way in section 19.04.040 of this title, the definition or term found in this zoning ordinance shall have precedence. If a term or word is not defined or described in this zoning ordinance, then the definition set forth in section 19.04.040 of this title, shall apply.

C. Interpretation of uses. If a proposed use does not appear in the list of terms, or within the definitions of those terms, or is not defined elsewhere in this title, the director will conduct an administrative review of the proposed use, and based upon the characteristics of the use, determine if a listed or defined use is similar to that proposed; provided further that such use shall be consistent with the purpose and intent of the applicable zoning district, land use designation, and objectives and policies of the general plan.

D. Other similar uses not specifically enumerated in tables 2A, 2B, or 2C may be permitted as a principal use, accessory use, or special use by the director. In making a determination, the director must determine that the proposed use meets all of the following:

1. It is substantially similar in character and use to one or more of the uses enumerated within the relevant zoning district.
2. It is compatible with the purpose and intent of that zoning district.
3. It is compatible with the purpose and intent of this ordinance.
4. It creates no unusual impacts to neighboring land users that cannot potentially be mitigated through the issuance of a special use permit.

19.96.100 Principal, accessory, and special uses. A. Within the town center, main street, and commercial/employment districts, the land uses identified in table 2A shall either be principal uses (P), accessory to a principal use (AU), or a special

use (SU). A special use requires a special use permit.

Table 2A: Commercial mixed-use table

Land use type	Zoning Districts		
	Town center	Main street	Commercial/ employment
Commercial / retail / services			
Agricultural products processing <u>1/</u>	P	P	P
Agricultural tourism	P	P	P
Animal boarding facility <u>1/</u>	P	P	P
Animal hospital <u>1/</u>	P	P	P
Automobile services <u>1/</u>	P		P
Cultural tourism	P	P	
Day care facility	P	P	P
Eating and drinking establishments	P	P	P
Education, specialized	P	P	P
Entertainment establishment	P	P	P
Food and beverage retail <u>2/; 3/</u>	P	P	P
Food and beverage truck	P	P	P
Food, beverage and merchandise kiosk	P	P	P
Funeral home			P
General merchandising <u>2/; 3/</u>	P	P	P
General office	P	P	P
Nursery school	P	P	P
Outside open-air dining	P	P	P
Outside open-air markets	P	P	P
Outside open-air sidewalk sales	P	P	P
Parking, public	P	P	P
Personal and business services	P	P	P
Personal services establishment	P	P	P
Recreation, indoor	P	P	P
SBR service establishment	P	P	
Self-storage			P
Shopping center <u>3/</u>			P
Swap meet or open-air market	P	P	P
Employment			
Food processing	P	P	P
Light manufacturing and processing <u>1/</u>	P	P	P
Medical center, minor		P	P
Production facility, multimedia		P	P
Repair, minor		P	P
Storage, wholesale and distribution			P
Residential			
Boardinghouse <u>1/</u>	P	P	
Live/work mixed use	P	P	
Dwelling unit, duplex	P	P	
Dwelling unit, fourplex	P	P	

Land use type	Zoning Districts		
	Town center	Main street	Commercial/ employment
Dwelling unit, multi-family (includes townhouses)	P	P	
Dwelling unit, townhouse	P	P	
Dwelling unit, triplex	P	P	
Cultural and entertainment			
Assembly area	P	P	P
Entertainment	P	P	P
Civic			
Open space	P	P	P
Park	P	P	P
Civic space	P	P	P
Public facilities and public quasi-public			
Fire station			SU
Library	P	P	P
Police		P	P
Post office <u>1/</u>	P	P	P
Radio and television broadcasting station		P	P
Recycling collection center			P
Redemption center			P
Telecommunication and broadcasting tower or antenna		P	P
Utility facilities, major	SU	SU	SU
Utility facilities, minor	P	P	P
Accessory			
Drainage facilities	AU	AU	AU
Energy systems, small scale	AU	AU	AU
Home business <u>4/</u>	AU	AU	AU
Accessory building or structure	AU	AU	AU
<u>1/</u> Shall not be permitted within or adjacent to the town center's village green <u>2/</u> Within the town center and main street districts gross floor area shall be limited to a maximum of 5,000 square feet on the subject lot. <u>3/</u> Within the commercial/employment district gross floor area shall be limited to a maximum of 12,000 square feet on the subject lot. Shopping centers featuring multiple uses within multiple buildings on a single lot shall be limited to 24,000 square feet of combined floor area. Exceeding these standards shall require a special use permit. <u>4/</u> Shall be subject to chapter 19.67.			

B. Within the residential and rural districts, the land uses identified in table 2B shall either be principal uses (P), accessory to a permitted use (AU), or a special use (SU). A special use shall require the issuance of a special use permit.

Table 2B: Residential use table

Land use type	Zoning Districts	
	Residential	Rural
Assembly area <u>1/</u>	P	
Agriculture		P
Animal and livestock raising		P
Apartment	P	
Boardinghouse <u>2/</u>	P	P
Civic space	P	P
Day care facility <u>3/</u>	SU	SU
Cottage house	P	
Dwelling unit, duplex	P	
Dwelling unit, fourplex	P	
Dwelling unit, multi-family (includes townhouse)	P	
Dwelling unit, single-family	P	P
Dwelling unit, townhouse	P	
Dwelling unit, triplex	P	
Lodging house	P	
Riding academy		SU
Recreation, open land <u>4/</u>		P
Park	P	P
Parking area, public	P	
Accessory		
Drainage facilities	AU	AU
Energy systems, small scale	AU	AU
Gardens	AU	AU
Garage sales	AU	AU
Home business <u>5/</u>	AU	AU
Accessory dwelling <u>6/</u>	AU	AU
Open space	AU	AU
Accessory building or structure	AU	AU
Public facilities and public quasi-public		
Utility facilities, major	SU	SU
Utility facilities, minor	P	P
<u>1/</u> Uses shall be limited to community centers, neighborhood associations, and other similar neighborhood type uses. <u>2/</u> Shall not have more than 5 bedrooms and not more than 5 boarders. <u>3/</u> For facilities serving more than 6 persons. <u>4/</u> As defined in section 19.04.040. <u>5/</u> Shall be subject to chapter 19.67. <u>6/</u> Shall comply with the provisions of Maui County code chapter 19.35. The total number of accessory dwellings permitted within the Waikapu country town shall not exceed 146.		

C. Within the education, parks, and open space districts the land uses identified in table 2C shall either be principal uses (P), accessory to a permitted use (AU), or a special use (SU). A

special use shall require the issuance of a special use permit.

Table 2C: Civic use table

Land use type	Zoning Districts		
	Education	Parks	Open space
Civic			
Civic space	P	P	P
Education, general	P		
Education, specialized	P		
Park	P	P	
Recreation, passive	P	P	P
Public facilities and public quasi-public			
Utility facilities, major	SU	SU	SU
Utility facilities, minor	P	P	P
Accessory			
Drainage facilities	AU	AU	AU
Accessory building or structure	AU	AU	AU

D. Commercial water bottling is not allowed in Waikapu country town.

19.96.110 Permitted lot types. A. Land uses permitted within each zoning district shall be located on lots that are compatible with the purpose and intent of the zoning district as well as the desired urban design standards for each lot type.

B. An owner proposing development of an area within Waikapu country town shall submit for director approval a proposed neighborhood plan that is consistent with the controlling plan, delineates the lots to be subdivided, and designates the lot type for each lot. The proposed plan shall be submitted to the director prior to or concurrent with an application for subdivision.

19.96.120 Lot types.

Lot Type	Description
Civic building	A lot located and designed to accommodate public or quasi-public uses such as educational, religious, recreational, charitable, governmental, and philanthropic institutions.
Civic space	A lot located and designed to accommodate a civic space, which may include uses such as a community green, square, plaza, park area, recreation facility, open space, playground, pedestrian path, bikeway, trail, roadway, community garden, farm plot, or natural or historic area worthy of preservation.
Commercial/retail/	A lot located and designed for a building that

Lot Type	Description
employment	accommodates a single or a mix of commercial, retail, and employment uses.
Commercial and residential	A lot designed to accommodate an attached or detached building with both residential and commercial uses, which may occupy any story of the building.
Duplex	A lot designed to accommodate a detached building that accommodates two dwelling units.
Light industrial	A lot located and designed for light manufacturing and processing uses.
Multi-plex	A lot located and designed to accommodate a detached building that contains from three to six dwelling units.
Multi-family complex lot	A lot located and designed to accommodate multiple multi-family buildings arranged in a manner that creates a garden-like setting with common open space elements and buildings significantly set back from the street to create ample space for canopy shade trees and a visually attractive streetscape.
Multi-family courtyard lot	A lot located and designed to accommodate multi-family buildings and multi-plexes arranged around and fronting on a central garden or courtyard that may be partially or wholly open to the street.
Parking	A lot designed to provide off-street parking.
Rural	A rural residential lot that is intended to provide opportunities for a rural lifestyle that may also entail small-scale agriculture and animal husbandry, gardening, or passive open space qualities.
Single-family cottage complex lot	A lot located and designed to accommodate multiple cottage houses with the houses arranged in a manner that creates a garden-like setting with shared parking areas, common open space elements, pedestrian paths, and other community facilities.
Single-family green court	A lot located and designed to accommodate multiple cottage houses, single-family, and duplex houses arranged around and fronting onto a central garden or courtyard that may be partially or wholly open to the street.
Single-family large lot	A single-family lot designed to accommodate a single-family dwelling with larger front, side, and rear yard setbacks and additional land area for yards, pools, and other permitted accessory uses.
Single-family small lot	A single-family lot designed to accommodate a single-family dwelling, but not providing additional land area for larger front and rear yards, pools, and other accessory uses.

Lot Type	Description
Townhouse	A lot designed to accommodate a row of dwelling units that share a common sidewall with another single-family dwelling unit on an adjacent lot.

19.96.130. Lot types in zoning districts. A. Table 3 identifies the lot types permitted within each of the established zoning districts.

B. For land uses permitted through special or conditional permit processes, the director may choose the most suitable lot type to accommodate the permitted use.

Table 3: Lot Types Permitted in Zoning Districts

	ZONING DISTRICTS							
	TOWN CENTER	MAIN STREET	COMMERCIAL/ EMPLOYMENT	RESIDENTIAL	RURAL	EDUCATION	PARKS	OPEN SPACE
LOT TYPE								
Civic building	•	•	•			•	•	
Civic space	•	•	•	•	•	•	•	•
Commercial/retail/ employment	•	•	•					
Commercial and residential	•	•						
Duplex	•	•		•				
Light industrial	•	•	•					
Multi-plex	•	•		•				
Multi-family complex	•	•		•				
Multi-family courtyard	•	•		•				
Parking	•	•	•	•				
Rural					•			
Single-family cottage complex				•				
Single-family green court				•				
Single-family large lot				•				
Single-family small lot				•				
Townhouse	•	•		•				

19.96.140 Lot type development standards. Development standards that regulate lot sizes and lot widths; building setbacks; building height; building orientation; and driveway ingress and egress for each of the permitted lot types are hereby established in table 4. Figure 2, A through P¹ illustrates the lot type development standards.

Table 4: Lot type development standards

	Lot Area (Min/Max In SF)	Lot Width (Min/Max In ft.)	FAR (Net Min / Max in %)	Building Height (Max in ft.)	Parking Access	Setbacks In ft.			Street Frontage (Min in %) ²
						Front (Min/Max)	Rear (Min)	Side (Min)	
Civic space	no min / no max	no min / no max	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Civic building	6,000 / no max	60 / no max	N/A	45	N/A	15/ no max	15	10	N/A
Commercial/ retail/ employment	3000 / no max	30 / no max	200	45	Alley, Side Drive or Secondary Street	0 / 10	5	0	70
Commercial and residential	2,000 / no max	20 / 80	N/A	48	Alley, Side Drive or Secondary Street	0 / 10	5	0	60
Duplex	4,800 / 10,800	35 / 90	N/A	35	Alley, Side Drive or Secondary Street	5 / 15	5	6	70
Light industrial	6,000 / no max	60 / no max	NA	35	N/A	10/ no max	6	6	60
Multi-plex	4,800 / 18,000	45/ no max	N/A	40	Alley, Side Drive or Secondary Street	5 / 15	5	6	70
Multi-family complex	10,000 / no max	60 / no max	90	40	N/A	15 / no max	10	10	N/A
Multi-family courtyard	20,000 / no max	150 / 300	70	40	Alley, Side Drive or Secondary Street	5 / 15	5	10	50
Parking	no min. / no max.	45 / 150	N/A	N/A	N/A	12 / no max	4	4	N/A
Rural	21,780 / no max	100 / no max	N/A	30	N/A	25 / no max	15	15	N/A
Single-family cottage complex	10,000 / no max	60 / no max	N/A	30	Alley, Side Drive or Secondary Street	10 / no max	10	10	N/A
Single-family green court	1,650 / no max	N/A	N/A	30	Alley	5 / 15 ³	5	6	60
Single-family large lot	6,500 / no max	45 / no max	N/A	30	Alley, Side Drive, Front Entry Drive or Secondary Street	5 / 20	6	6	40

¹ Architectural imagery is intended for illustrative purposes only.

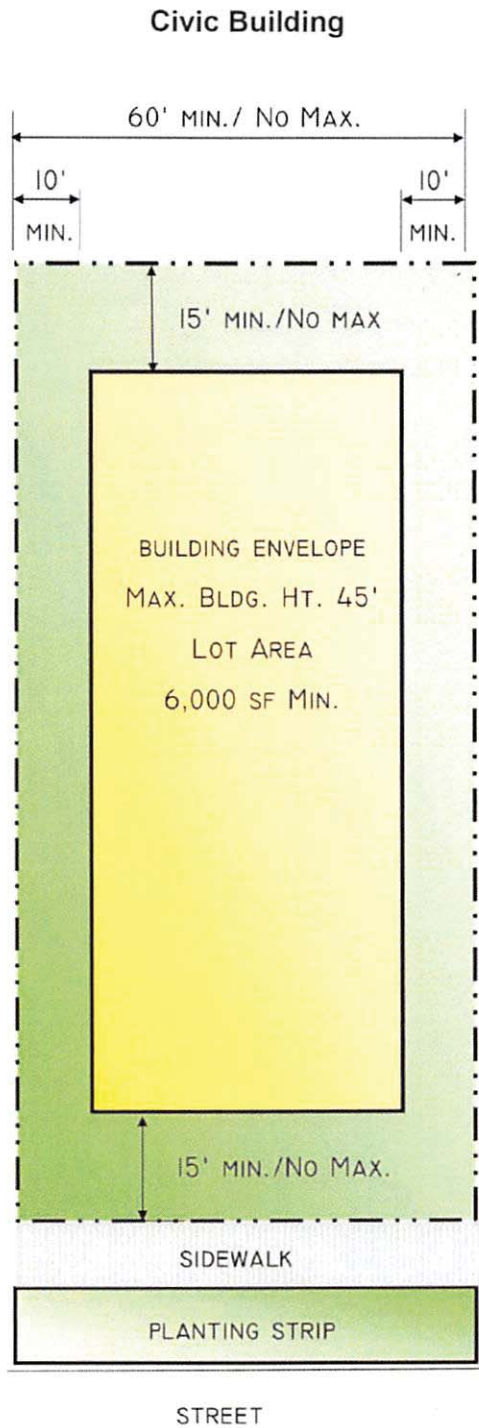
² Calculated as building length at front setback divided by length of front lot line.

³ Setback applicable to portion of the building fronting upon the street.

	Lot Area (Min/Max In SF)	Lot Width (Min/Max In ft.)	FAR (Net Min / Max in %)	Building Height (Max in ft.)	Parking Access	Setbacks In ft.			Street Frontage (Min in %) ²
						Front (Min/Max)	Rear (Min)	Side (Min)	
Single-family small lot	2,800 – 6,499	24 / no max	N/A	30	Alley ⁴ , Side Drive, Front Entry Drive or Secondary Street	5 / 15	5	0	60
Townhouse lot	1,100 / no max	16 / 40	N/A	40	Alley, or Secondary Street	5 / 15	5	0	70

⁴ Parking access is required by alley for blocks where the lot sizes are less than 4,500 square feet.

Figure 2, A: Civic Building



Neighborhood Block & Lot Example



Figure 2, B: Civic Space

Civic Space Lot

A Civic Space lot is located and designed to accommodate a civic space, which may include uses such as a community green, square, plaza, passive park area, playground, community garden, farm plot, or natural or historic area worthy of preservation.

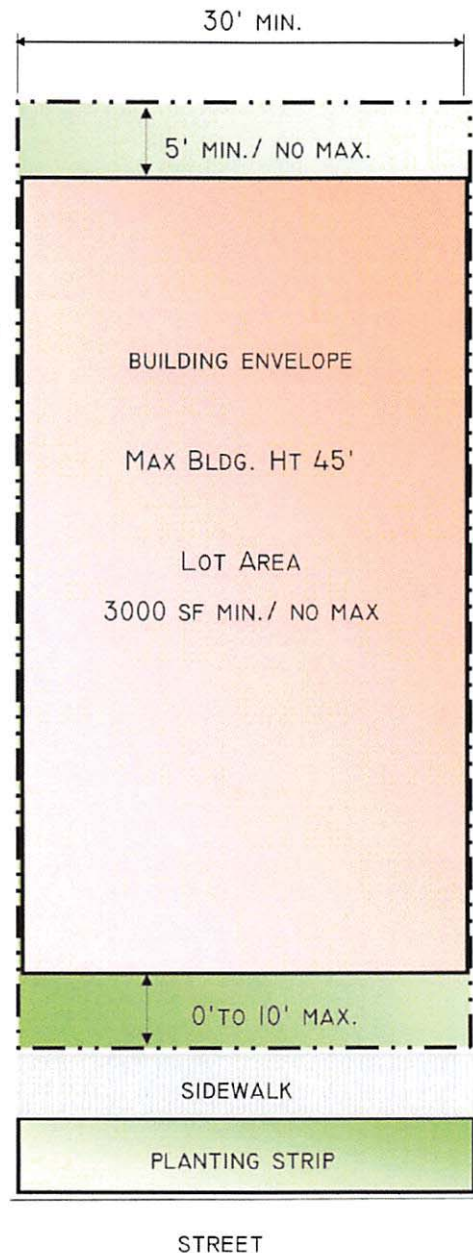
There are no minimum lot size requirements, setbacks, lot width, building height or other development standards required of Civic Space lots.

Neighborhood Block & Lot Example



Figure 2, C: Commercial / Retail / Employment

Commercial / Retail / Employment

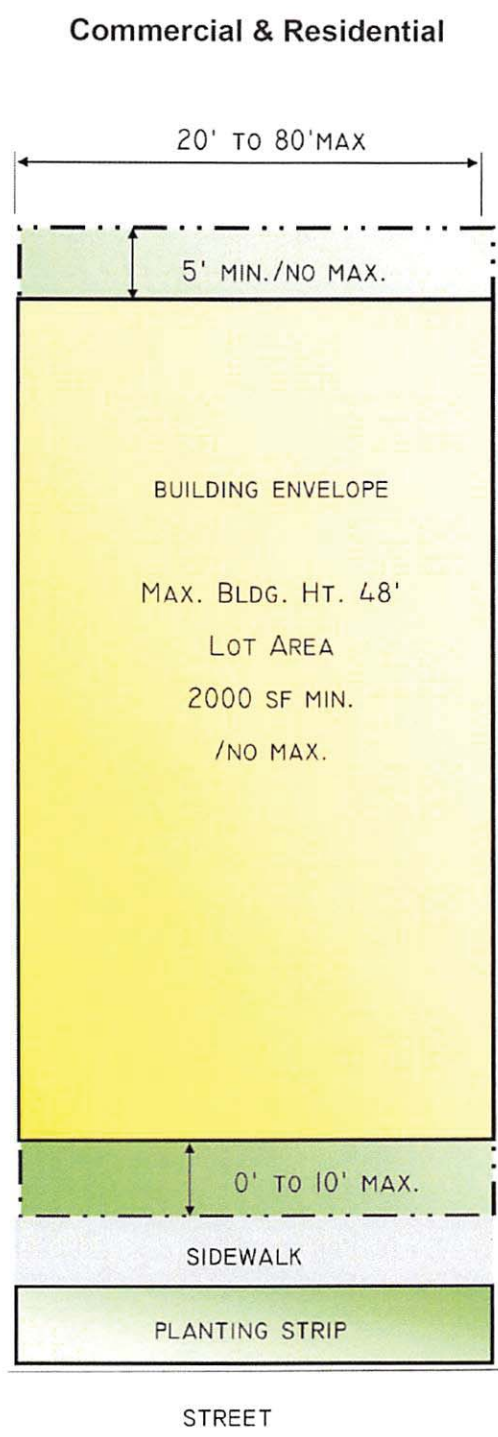


1. Maximum FAR is 200%
2. Parking access is by alley, side drive or secondary street
3. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, D: Commercial & Residential

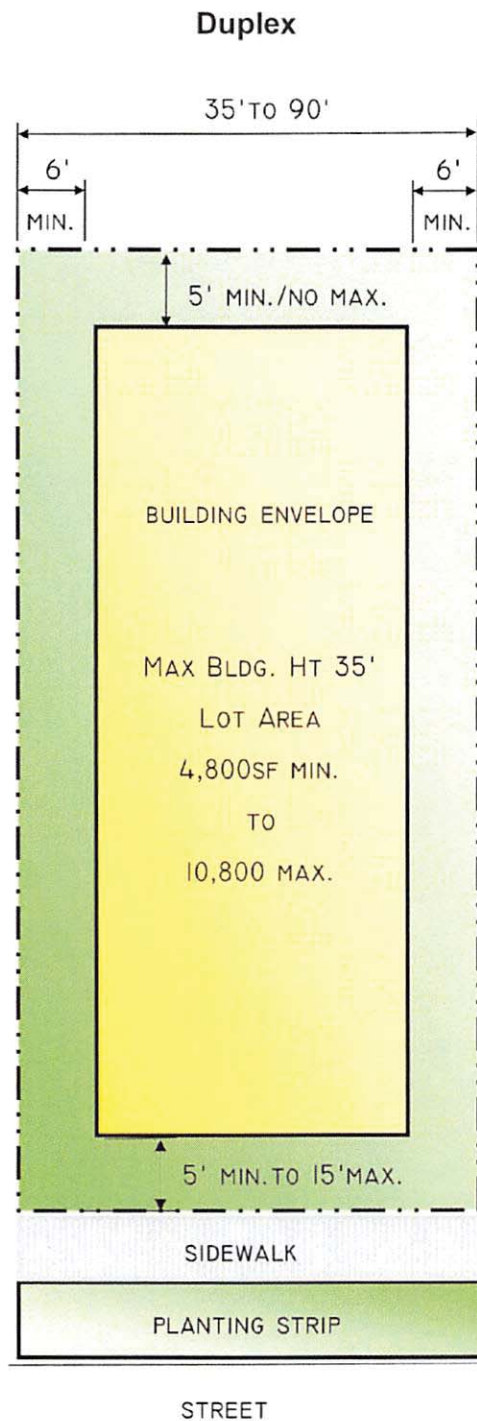


1. Parking access is by alley, side drive or secondary street
2. Minimum street frontage is 60%

Neighborhood Block & Lot Example



Figure 2, E: Duplex



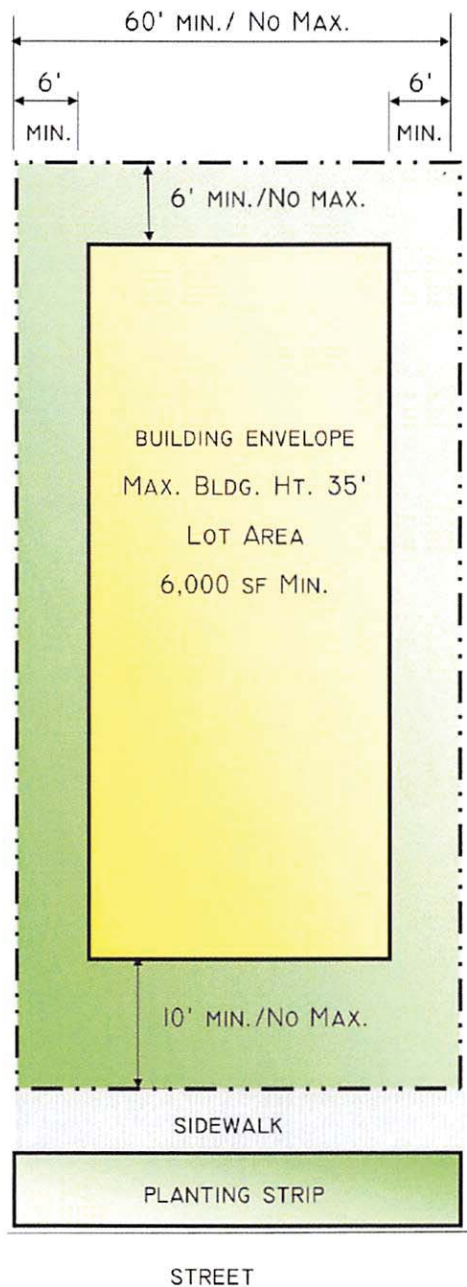
1. Parking access is permitted by alley, side drive or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, F: Light Industrial

Light Industrial



1. Minimum street frontage is 60%

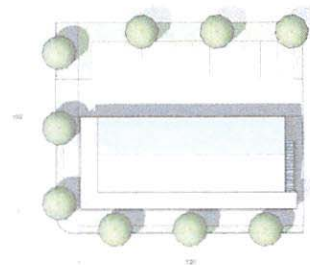
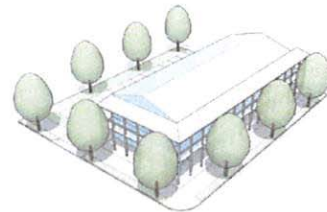
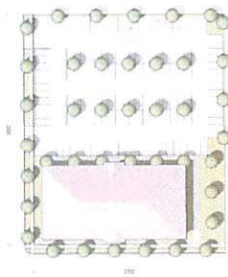
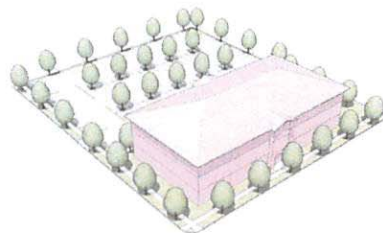
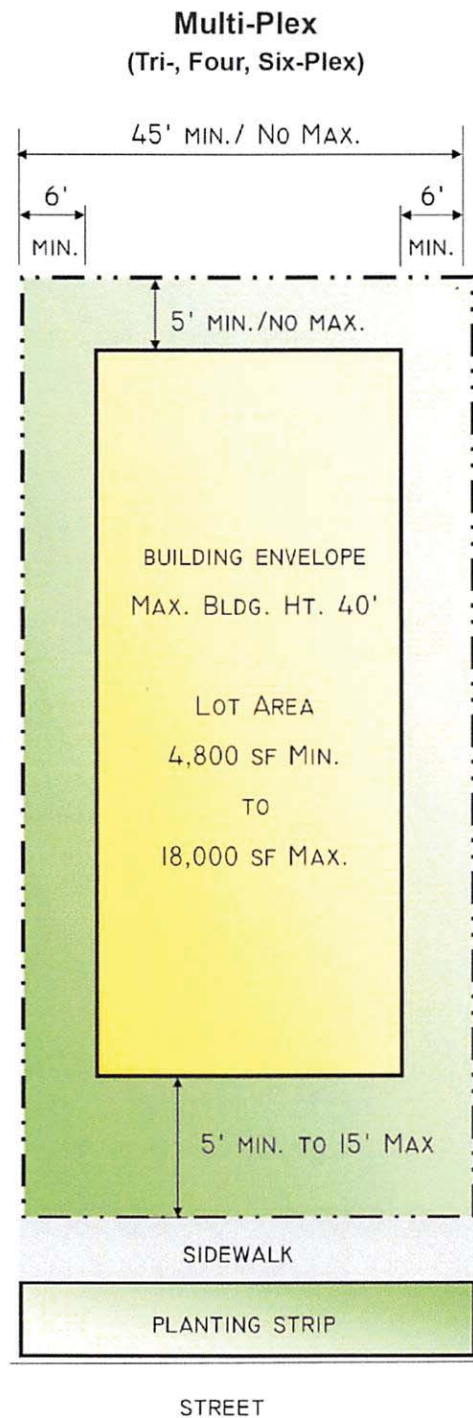


Figure 2, G: Multi-Plex

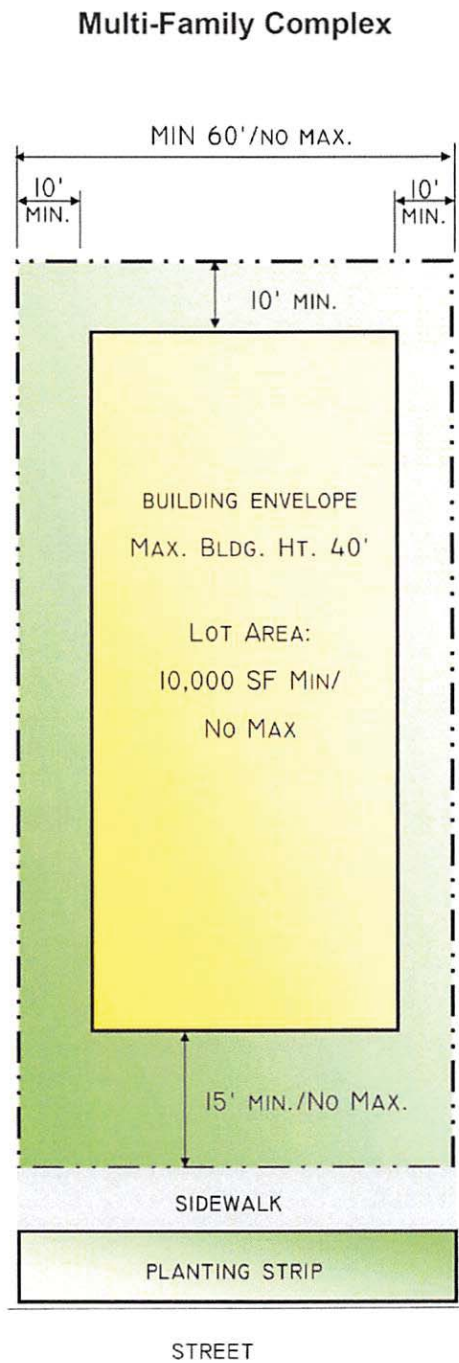


1. Parking access is by alley, side drive or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Example



Figure 2, H, a: Multi-Family Complex



1. Maximum FAR is 90%

Neighborhood Block & Lot Examples

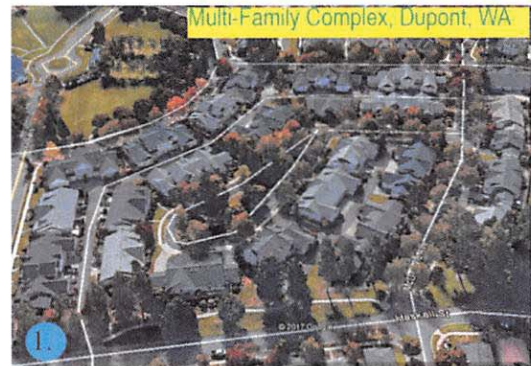


Figure 2 H, b: Multi-Family Complex

Multi-Family Complex



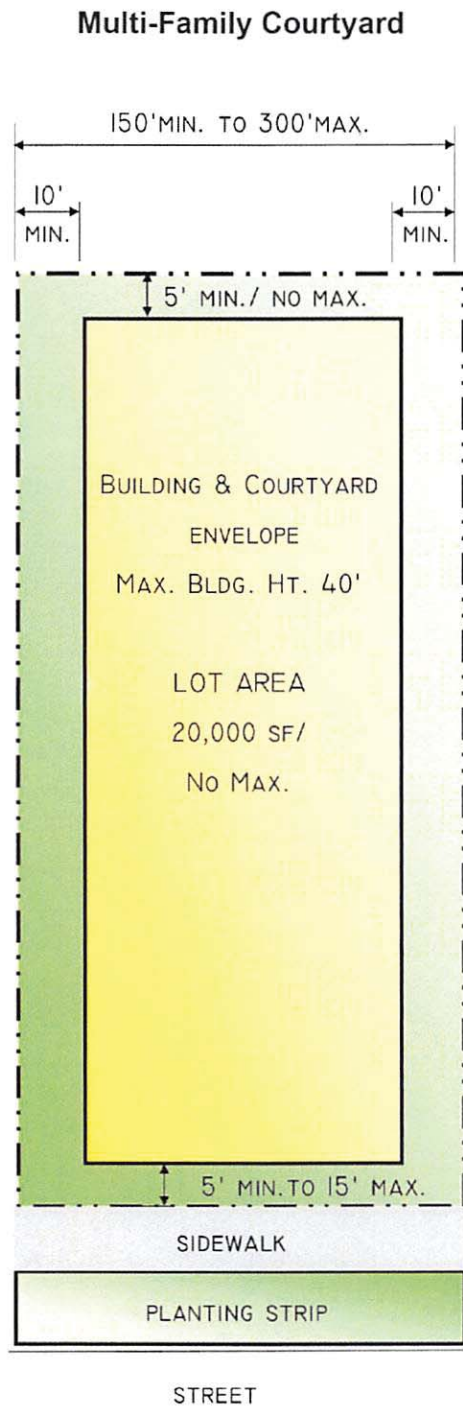
Neighborhood Block & Lot Examples



The purpose of the multi-family complex lot is to allow for design flexibility for multi-family developments. Multi-family complex lots may be developed like townhomes with buildings oriented towards the street and the parking interior to the lot (1) and (2) or with the parking located within the interior of the lot and the buildings oriented towards a common open space and the primary street (3) and (4). All multi-family complex lots are required to locate surface parking within the interior of the lot and it is to be screened from the adjoining roadways by landscape planting. Setback areas along primary and secondary streets are to provide professionally designed and maintained landscape planting to create a garden like setting.



Figure 2, I: Multi-Family Courtyard



1. Parking access is by alley, side drive, or secondary street
2. Maximum FAR is 70%
3. Minimum street frontage is 50%

**Neighborhood Block & Lot
Examples**

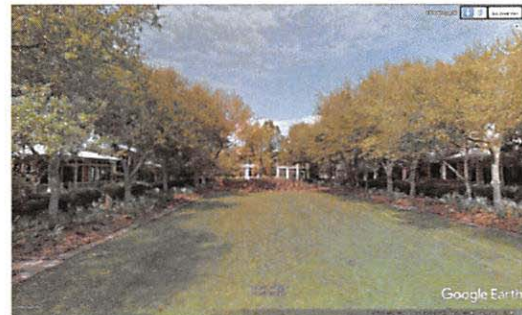


Figure 2, J: Parking

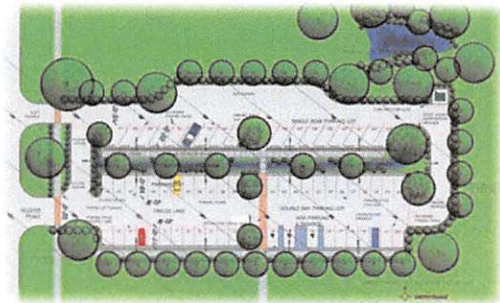
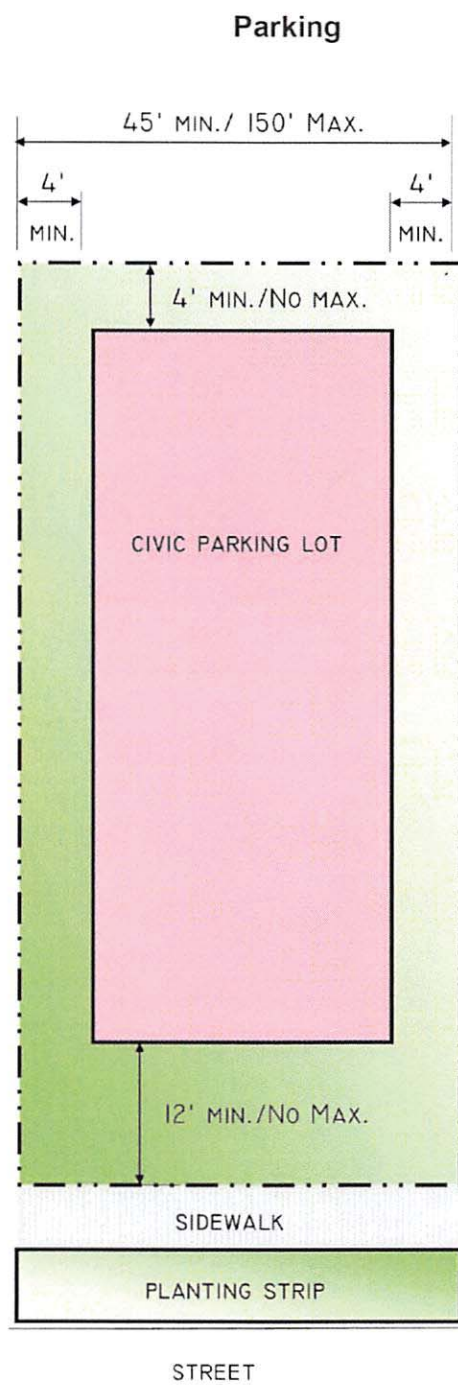
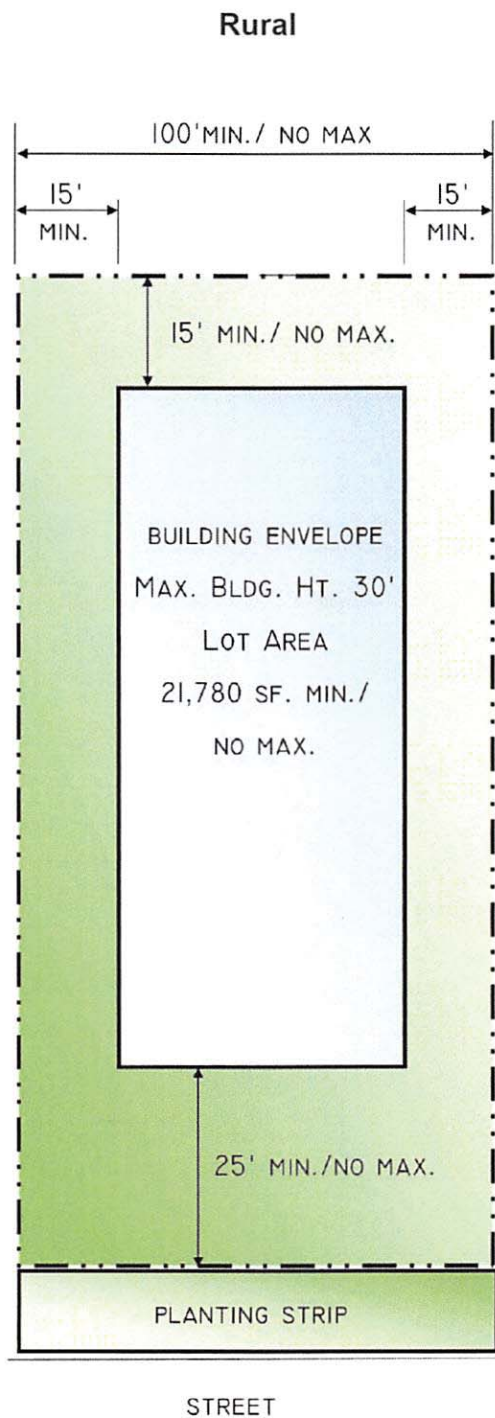


Figure 2, K: Rural

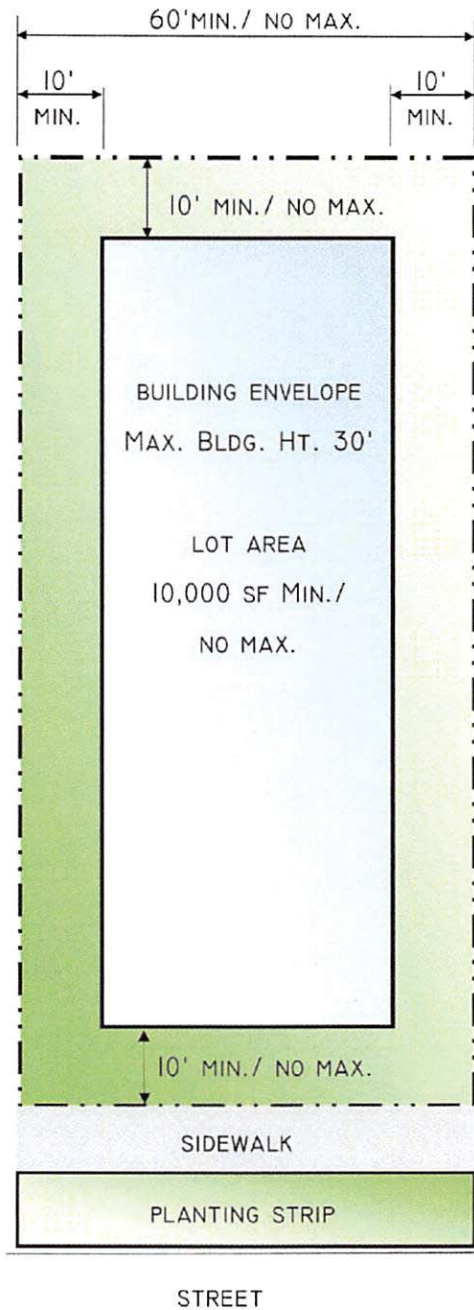


**Neighborhood Block & Lot
Example**



Figure 2, L: Single-Family Cottage Complex

Single-Family Cottage Complex

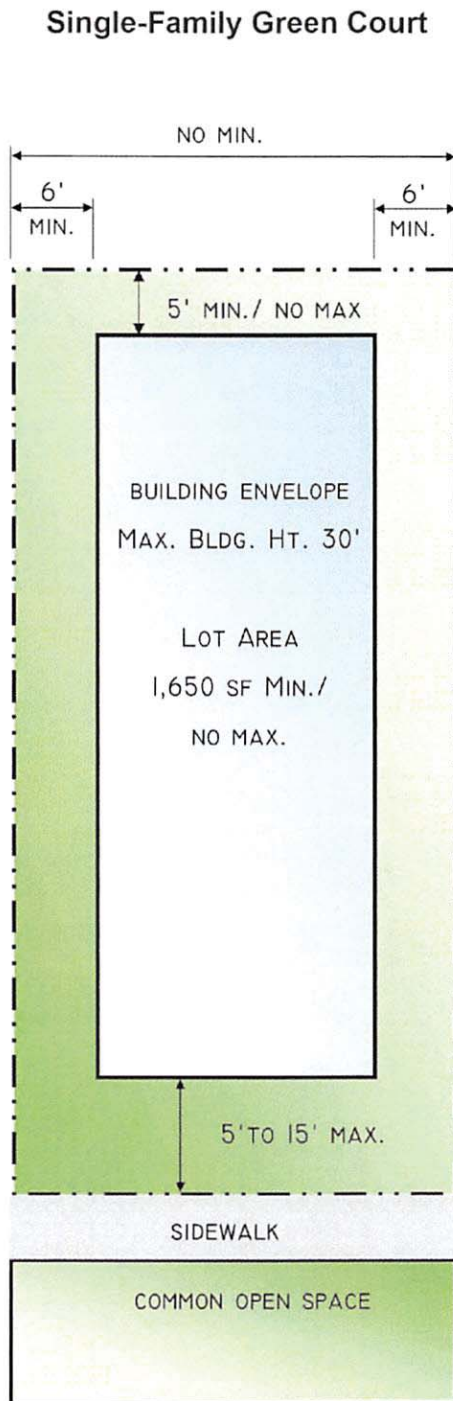


1. Parking access is by alley, side drive or secondary street

Neighborhood Block & Lot Example



Figure 2, M: Single-Family Green Court



1. Parking access is by alley
2. Front setback applicable to portion of building fronting upon the street
3. Minimum street frontage is 60%

Neighborhood Block & Lot Example

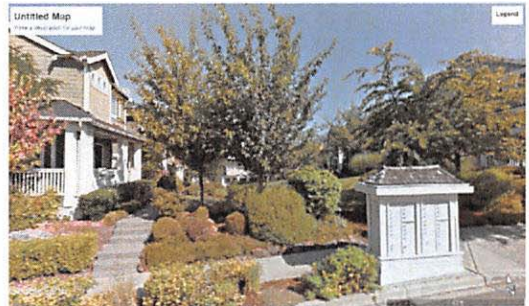
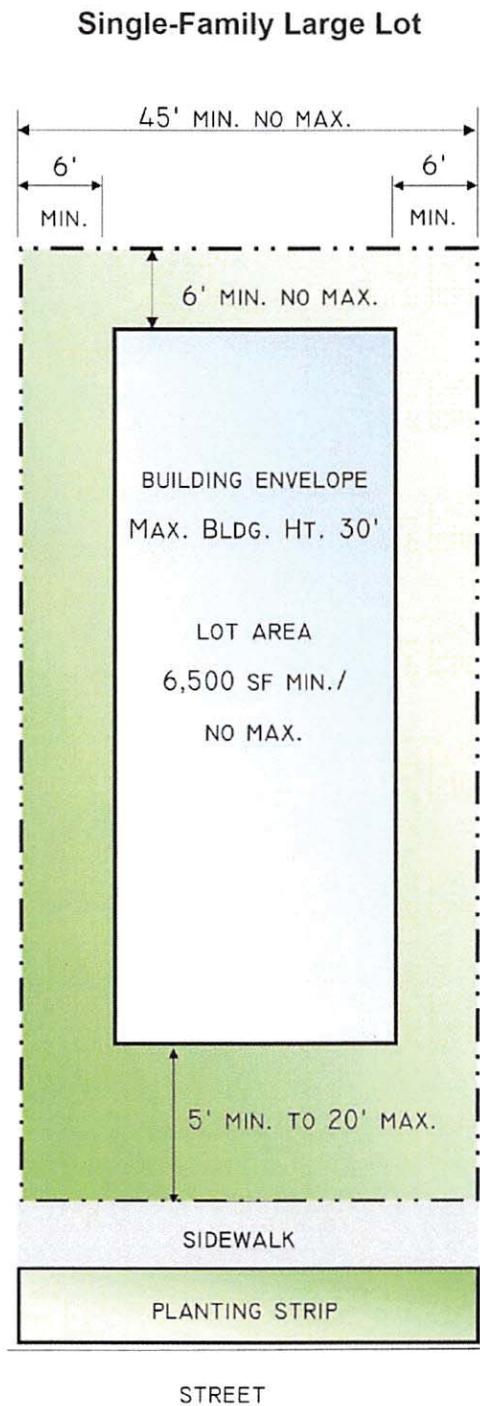


Figure 2, N: Single-Family Large Lot

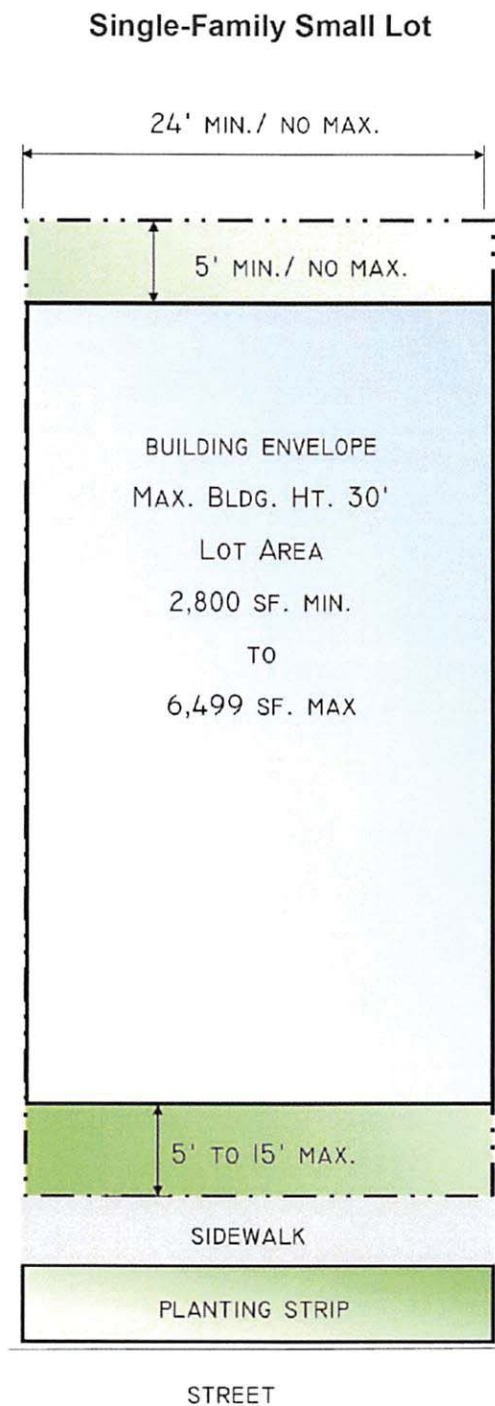


Neighborhood Block & Lot Example



1. Parking access is permitted by alley, side drive, front entry drive, or secondary street
2. Minimum street frontage is 40%

Figure 2, O: Single-Family Small Lot

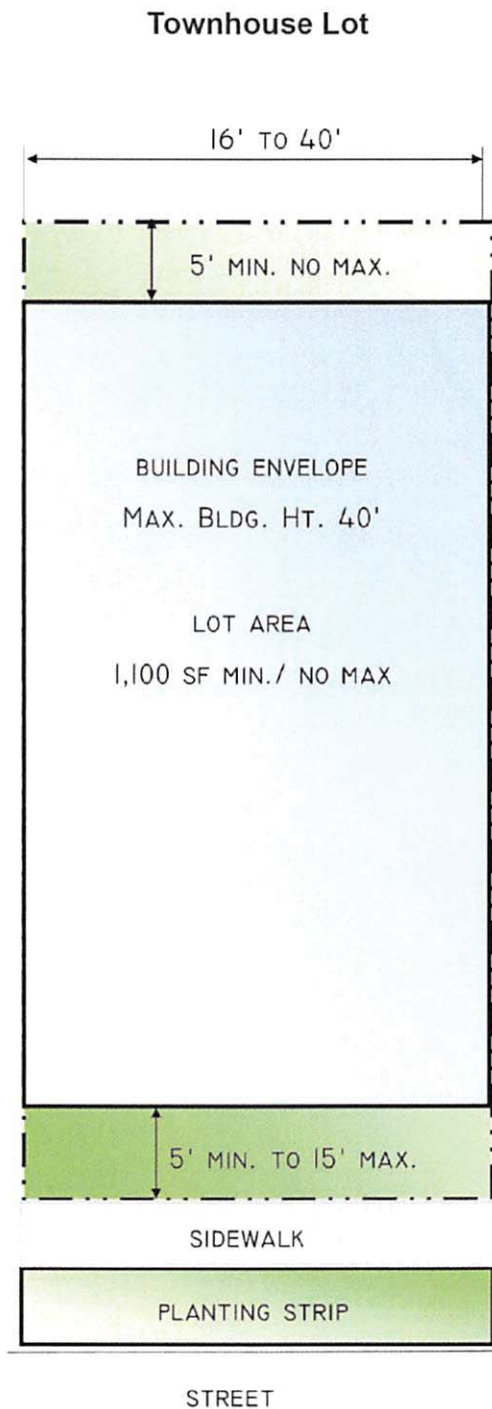


Neighborhood Block & Lot Example



1. Parking access is permitted by alley, side drive, front entry drive, or secondary street
2. Parking access is required by alley for blocks where the lot sizes are less than 4,500 square feet
3. Minimum street frontage is 60%

Figure 2, P: Townhouse Lot



1. Parking access is permitted by alley or secondary street
2. Minimum street frontage is 70%

Neighborhood Block & Lot Examples



19.96.150 Parking standards. Chapter 19.36B does not apply to the Waikapu country town.

19.96.160 Additional standards for all districts. A. Any tract of land or project site within the Waikapu country town for which development is sought shall be subject to any applicable statute, ordinance, rule, or regulation.

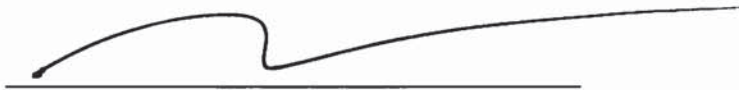
B. A dwelling or dwelling unit shall not be used for fractional ownership or as a transient vacation rental, time-share unit, short-term rental home, or bed and breakfast home.

19.96.170 Subdivision review. Before issuance of a final subdivision approval, the director shall review the subdivision to ensure the cohesive implementation of the following elements of the Waikapu country town: illustrative parks and open space plan; non-motorized pedestrian and bicycle network; and traffic calming elements within the Waikapu country town's roadways. These elements shall be generally consistent with the Waikapu country town design guidelines on file with the department at the time this ordinance is adopted.

19.96.180 Administrative rules. The director may adopt rules to implement the provisions of this chapter."

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

Department of the Corporation Counsel
County of Maui

pslu:misc:030abill02d:jgk/jsr

WE HEREBY CERTIFY that the foregoing BILL NO. 44 (2019)

RECEIVED

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 20th day of September, 2019, by the following vote:

OFFICE OF THE MAYOR

Kelly T KING Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Alice L. LEE	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 20th day of September, 2019.

DATED AT WAILUKU, MAUI, HAWAII, this 20th day of September, 2019.

RECEIVED
2019 SEP 20 PM 4:10
OFFICE OF THE MAYOR

Kelly T. King

KELLY T. KING, CHAIR
Council of the County of Maui

Margaret Clark

MARGARET C. CLARK, DEPUTY COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 20th DAY OF September, 2019.

Michael P. Victorino

MICHAEL P. VICTORINO, 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. 4997 of the County of Maui, State of Hawaii.

Margaret Clark

MARGARET C. CLARK, DEPUTY COUNTY CLERK
County of Maui

Passed First Reading on August 9, 2019.
Effective date of Ordinance September 20, 2019

RECEIVED
2019 SEP 23 AM 8:43
OFFICE OF THE
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 4997, 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

Exhibit 3

Ordinance 4998, Change in Zoning

ORDINANCE NO. 4998

BILL NO. 45 (2019)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
WAILUKU-KAHULUI PROJECT DISTRICT 5 (MAUI TROPICAL PLANTATION)
AND AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN (WCT)
DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT
WAILUKU, MAUI, HAWAII

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

SECTION 1. Pursuant to Chapters 19.96 and 19.510, Maui County Code, zoning designations are amended (Conditional Zoning) for certain parcels of land situated at Wailuku, Maui, Hawaii, from Wailuku-Kahului Project District 5 (Maui Tropical Plantation) and Agricultural District to Waikapu Country Town (WCT) District, as identified in Table 1, comprising 495.905 acres, and more particularly described in Exhibit "A," which is attached hereto and made a part hereof, and in Land Zoning Maps L-2705, L-2706, L-2707, L-2708, and L-2709, which are attached hereto as Exhibit "B" and made a part hereof.

Table 1

CHANGE IN ZONING			
TMK	FROM	TO	ACRES
(2) 3-6-004:por. of 003	AG	Waikapu Country Town (WCT)	87.832
(2) 3-6-004:por. of 003	AG		48.807
(2) 3-6-004:006	AG		53.630
(2) 3-6-006:036	AG		0.721
(2) 3-6-004:por. of 003	AG		2.089
(2) 3-6-005:007	PD-WK/5		59.054
(2) 3-6-002:por. of 003	AG		243.772
Total			495.905

SECTION 2. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions set forth in Exhibit "C," attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto and made a part hereof as Exhibit "D."

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

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

paf:jgk:19-284b

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION PORTION OF LOT 6

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also a portion of Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeast corner of this parcel on the Westerly side of Honoupiilani Highway (Federal Aid Project No. 13-Ci), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1. 4° 29' 30" 1,826.72 feet along the Westerly side of Honoupiilani Highway (Federal Aid Project No. 13-Ci);
2. Hence along same on a curve to the left with a radius of 17,223.80 feet, the radial azimuth from the radius point to the end of the curve being: 92° 29' 05.5" the chord azimuth and distance being: 3° 29' 17.75" 603.24 feet;
3. 104° 00' 470.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
4. 148° 00' 190.00 feet along same;
5. 76° 00' 290.67 feet along same;
5. 106° 27' 59.10 feet along same;
6. 178° 00' 380.00 feet along same;
7. 206° 00' 475.00 feet along same;
8. 171° 00' 100.00 feet along same;
9. 102° 00' 760.00 feet along same;

10. 72° 00' 60.00 feet along same;
11. 102° 00' 339.87 feet along same;
12. 195° 00' 287.57 feet along same;
13. Thence along same on a curve to the left with a radius of 1,500.00 feet, the chord azimuth and distance being:
174° 00' 1,075.10 feet;
14. 153° 00' 107.13 feet along same;
15. 243° 00' 567.00 feet along same;
16. Thence along 1 of 2 of the Hawaii Tropical Plantation Subdivision, being also remainder of Grant 3152 to Henry Cornwell on a curve to the left with a radius of 400.00 feet, the chord azimuth and distance being:
309° 52' 30" 314.19 feet;
17. 286° 45' 1,430.00 feet along same to the point of beginning and containing an area of 87.832 Acres.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

M Silva
 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 March 5, 2018

WES

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION PORTION OF LOT 6

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also all of Royal Patent 4948, Land Commission Award 2577, Apana 3 to Hakiki and being also portions of Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, Royal Patent 3138, Land Commission Award 2394, Apana 1 to Kacha, Grant 1844 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "1.UKF;" being:

11,159.99 feet South

4,938.21 feet West

and running by azimuths measured clockwise from True South:

- | | | |
|----|----------|---|
| 1. | 101° 00' | 320.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, and Grant 1844 to J. Sylva; |
| 2. | 100° 00' | 215.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, and Grant 1844 to J. Sylva; |
| 3. | 120° 00' | 450.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844 to J. Sylva; |
| 4. | 45° 00' | 480.00 feet along same; |
| 5. | 148° 00' | 409.00 feet along same; |
| 6. | 159° 00' | 400.00 feet along same; |
| 7. | 175° 00' | 220.00 feet along same; |
| 8. | 179° 00' | 750.00 feet along same; |
| 9. | 271° 00' | 1,235.00 feet along same; |

- | | | |
|-----|----------|--|
| 10 | 12' 00" | 367.00 feet along same; |
| 11. | 268' 00" | 257.80 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844 to J. Silva and Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kacha; |
| 12. | 9' 30" | 550.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kacha and Grant 1844, Apana 1 to J. Silva; |
| 13 | 275' 10" | 415.84 feet along remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Silva; |
| 14 | 20' 33" | 322.87 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Silva; |
| 15. | 357' 07" | 420.08 feet along same to the point of beginning and containing an area of 48.807 Acres. |

This work was prepared by me
or under my supervision.



YUKUMOTO ENGINEERING, INC.

M Silva
 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires 4/30/20

1721 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 September 20, 2018

WPT

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION Lot 2

Being all of Lot 2 of Hawaii Tropical Plantation Subdivision, being also all of a Pollina, Royal Patent 3131, Land Commission Award 10,481, Apana 1, Mahele 1 to Napailoi, Royal Patent 3142, Land Commission Award 11,022, Apana 6 to Waihinacalii, Royal Patent 3148, Land Commission Award 10,160, Apana 1 to Mahoe, Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai, Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini and being also portions of Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Cripp, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kahi, Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui, Grant 1844, Apana 1 to J. Sylva, Grant 1844, Apana 2 to J. Sylva, Grant 2069 to Kuni, Grant 2069 to Kaai, Grant 3043 to J. Boardman, and Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "T.U.K.1;" being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1. 106° 45' 1,430.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
2. Thence along same on a curve to the right with a radius of 400.00 feet, the chord azimuth and distance being:
141° 56' 460.96 feet;
3. 177° 07' 1,460.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 3152 to Henry Cornwell, Grant 1844, Apana 2 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva;
4. 200° 33' 596.14 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;

5.	291° 45' 30"	58.59	feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva;
6.	305° 13'	264.12	feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva and Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
7.	227° 10'	111.95	feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
8.	226° 10'	47.92	feet along the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
9.	222° 30'	81.90	feet along same;
10.	133° 20'	40.00	feet along same;
11.	154° 32'	79.57	feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui;
12.	241° 51'	99.68	feet along Grant 2069, Apana 2 to Kaai;
13.	243° 45'	84.50	feet along Royal Patent 6223, Land Commission Award 3526, Apana 1 to Kekoaheewale;
14.	235° 29'	68.00	feet along the Grant 1713 to John Ross;
15.	307° 20'	10.00	feet along the remainder of Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui;
16.	225° 00'	19.78	feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui;
17.	225° 31' 08"	318.56	feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui and Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;
18.	223° 33'	58.58	feet along Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;

19. 321° 27' 53.55 feet along Lot 4 of Hawaii Tropical Plantation
Plantation Subdivision, being also along Royal
Patent 4014, Land Commission Award 5774, Apana
2 to Kaai;
20. 287° 40' 152.19 feet along same;
21. 283° 30' 120.00 feet along same;
22. 32° 10' 88.31 feet along Lot 3 of the Hawaii Tropical Plantation
Subdivision, being also along the remainder of Royal
Patent 498, Land Commission Award 236-1, Apana
1 to Charles Copp;
23. 16° 50' 209.00 feet along same;
24. 25° 20' 195.00 feet along same;
25. Thence along same on a curve to the right with a radius of 230.00 feet, the chord azimuth
and distance being:
55° 12' 30" 229.13 feet;
26. 85° 05' 125.00 feet along same;
27. Thence along Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini,
along the remainders of Royal Patent 4014, Land
Commission Award 5774, Apana 2 to Kaai and
Royal Patent 3130, Land Commission Award 8874,
Apana 1 to Kaneae on a curve to the left with a
radius of 151.00 feet, the chord azimuth and distance
being:
49° 17' 30" 176.62 feet;
28. 13° 30' 243.00 feet along the remainder of Grant 2069 to Kaai;
29. 26° 15' 539.50 feet along same;
30. 295° 55' 142.26 feet along same;
31. 5° 10' 285.00 feet along remainder of Grant 2069 to Kaai and
Grant 2960 to Boardman;
32. 75° 00' 91.00 feet along the remainder of Grant 2960 to Boardman;
33. 346° 40' 40.00 feet along same;

- | | | |
|-----|------------|---|
| 34. | 354° 110' | 3112.03 feet along same; |
| 35 | 286° 45' | 1,319.23 feet along remainders of Grant 2960 to J. Boardman, Grant 3152 to Henry Cornwell, and Grant 3043 to J. Boardman; |
| 36. | 4" 29' 30" | 651.86 feet along the Westerly side of Honoupiilani Highway (F.A.P. No. 13-G) to the point of beginning and containing an area of 53.630 Acres. |

This work was prepared by me
or under my supervision.



YUKUMOTO ENGINEERING, INC.

M Silva
 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 March 5, 2018

wp:

DESCRIPTION

PORTION OF LOT 6 OF WAIKAPU HEMA LARGE-LOT SUBDIVISION AND TAX MAP KEY (2) 3-6-006:036

Being a portion of Lot 6 of Waikapu Hema Large-Lot Subdivision, being also all of Land Commission Award 3337, Apana 4 to Naanaa and being also portions of Royal Patent 3124, Land Commission Award 2609, Apana 1 and 5 to Poeopoe, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kani and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the North corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

9,791.73 feet South

4,611.04 feet West

and running by azimuths measured clockwise from True South:

- | | | |
|----|--------------|---|
| 1. | 112° 57' | 197.60 feet along Royal Patent 3156, Land Commission Award 3527, Apana 3 to Kaulaen; |
| 2. | 25° 42' | 38.90 feet along Grant 1712, Apana 2 to Ihue; |
| 3. | 288° 27' | 35.60 feet along same; |
| 4. | 19° 27' | 41.60 feet along Royal Patent 3141, Land Commission Award 3523, Apana 3 to Kulihouka and Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui; |
| 5. | 343° 54' | 177.06 feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui; |
| 6. | 346° 56' 30" | 28.40 feet along same; |
| 7. | 286° 30' | 21.10 feet along same; |
| 8. | 221° 50' | 75.90 feet along same; |
| 9. | 313° 20' | 40.00 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kani; |

10.	42' 30"	81.90 feet along same;
11.	46' 10"	47.921 feet along same;
12.	47' 10"	111.95 feet along same;
12.	125' 13"	264.12 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaul and Grant 1811, Apana 1 to J. Silva;
13.	111' 45' 30"	58.59 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder Grant 1844, Apana 1 to J. Silva;
14.	192' 26' 23"	145.95 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Silva;
15.	186' 52' 53"	79.99 feet along same;
16.	210' 00"	196.90 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Silva, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, and Grant 1704 to Opunui to the point of beginning and containing an area of 2.810 Acres.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

M Silva
 Michael E. Silva
 Licensed Professional Land Surveyor
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 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 March 5, 2018

Waikapu Hema Large-Lot Subdivision, Por. of Lot 6 and
 Tax Map Key (2) 3-6-006:036

Page 2 of 2 Pages

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION LOT 3

Being all of Lot 3 of Hawaii Tropical Plantation Subdivision, being also all of Grant 1674 to F.W. Gleason; Grant 2342 to E. Bal; Royal Patent 324, Land Commission Award 455, Apana 2 to Haai; Royal Patent 4014, Land Commission Award 5774, Apana 4 to Kani; Royal Patent 3130, Land Commission Award 8874, Apana 3 to Kaneae; Land Commission Award 462, Apana 2 to Mahuka; Royal Patent 6374, Land Commission Award 5324, Apana 2 to Keakini; Royal Patent 3130, Land Commission Award 8874, Apana 2 to Kaneae; Royal Patent 3139, Land Commission Award 491, Apana 2 to Hoowahine; Grant 2747, Apana 2 to E. Bal; Royal Patent 3139, Land Commission Award 491, Apana 1 to Hoowahine; Land Commission Award 462, Apana 1 to Mahuka; Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai; Royal Patent 3139, Land Commission Award 491, Apana 3 to Hoowahine; Grant 1146 to Antonio Sylva; Royal Patent 41, Land Commission Award 416, Apana 1 to John Crowder; Royal Patent 41, Land Commission Award 416, Apana 2 to John Crowder; and being also portions of Grant 2904 to John Crowder; Grant 3152 to Henry Cornwell; Grant 3043 to J. Boardman; Grant 2960 to J. Boardman; Grant 2069 to Kani; Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae; Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kani; Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeasterly corner of this parcel on the Westerly side of Honouliuli Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "J.U.K.I." being:

10,850.15 feet South

2,816.41 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Westerly side of Honouliuli Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 12,242.70 feet, the radial azimuth from the radius point to the beginning of the curve being: 284° 35' 07"; the radial azimuth from radius point to the end of the curve being: 287° 13' 13"; and the chord azimuth and distance being: 15° 54' 18.5" 563.99 feet;
2. 17° 13' 30" 296.94 feet along the Westerly side of Honouliuli Highway (Federal Aid Project No. 13-G);

3.	Thence along same on a curve to the left with a radius of 2,899.93 feet, the chord azimuth and distance being: 10° 51' 30" 643.15 feet	16.00	feet along same;	1,319.23	feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 3043 to J. Boardman, Grant 2960 to J. Boardman, and Grant 3152 to Henry Cornwell;	302.03	feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 2960 to J. Boardman;	40.00	feet along same;	91.00	feet along same;	285.00	feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2960 to J. Boardman;	142.26	feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2069 to Kaul;	539.50	feet along same;	243.00	feet along same;	13.	Thence along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 2069 to Kaul, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaula, and Land Commission Award 5774, Apana 2 to Kaula on a curve to the right with a radius of 151.00 feet, the chord azimuth and distance being: 229° 17' 30" 176.62 feet	125.00	feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles C.opp;	14	265° 05'	
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15. Hence along same on a curve to the left with a radius of 230.00 feet, the chord azimuth and distance being:
235° 12' 30" 229.13 feet;
16. 205° 20' 105.00 feet along same;
17. 196° 50' 209.00 feet along same;
18. 212° 10' 88.31 feet along same;
19. 283° 30' 208.78 feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apanu I to Kaai;
20. 301° 30' 195.00 feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
21. 276° 46' 57.80 feet along Grant 3152 to Henry Cornwell;
22. 4° 14' 160.90 feet along Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
23. 357° 05' 61.60 feet along same;
24. 354° 18' 33.54 feet along same;
25. 86° 01' 67.90 feet along Lot 12 of the Waikapu Tract, being also the remainder of Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
26. 351° 55' 40.00 feet along same;
27. 359° 06' 455.70 feet along Lot 12, Lot 14, Lot 15, Lot 8, and Olo Place of Waikapu Tract, being also along Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
28. 349° 25' 172.20 feet along Lot 8, Olo Place, and Lot 7 of Waikapu Tract, being also along Grant 1515 to Antonio Sylva;
29. 274° 06' 222.20 feet along Lot 7, Lot 6, Lot 5, Lot 4, Lot 3 of Waikapu Tract, being also along Grant 1515 to Antonio Sylva;

30. 246" 49'

138.02 feet along Lot 2 of the Waikapu Tract, being also along the remainder of Grant 2904 to John Crowder to the point of beginning and containing an area of 59.054 Acres.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "M. Silva", written over a horizontal line.

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires 4/30/18

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
March 5, 2018

WFF

DESCRIPTION

WAI'ALE PARK (LARGE-LOT) SUBDIVISION PORTION OF LOT 2

Being a portion of Lot 2 of Waiale Park (Large-Lot) Subdivision, being also portions of Royal Patent 324, Land Commission Award 455 to Haa, Land Commission Award 411 to Poonui, Grant 2747 to Eugene Bal, and Grant 3152 to Henry Cornwell situated in Waikapu, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUK1;" being:

15,360.54 feet South

3,339.81 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 17,153.80 feet, the radial azimuth from the radius point to the beginning of the curve being:
92° 37' 04.2";
and the chord azimuth and distance being:
183° 33' 17.1" 560.98 feet;
2. 184° 29' 30" 2,494.86 feet along same;
3. Thence along same on a curve to the right with a radius of 2,829.93 feet, the chord azimuth and distance being:
190° 51' 30" 627.63 feet;
4. 197° 13' 30" 296.94 feet along same;
5. Thence along same on a curve to the left with a radius of 12,312.70 feet, the radial azimuth from the radius point to the end of the curve being: 280° 59' 15";
and the chord azimuth and distance being:
194° 06' 22.5" 1,339.76 feet;
6. 280° 48' 30" 88.20 feet along the remainder of Land Commission Award 411 to Poonui;
7. 192° 04' 89.20 feet along same;

8. 191° 47' 171.33 feet along the remainders of I and Commission Award 411 to Poonui and Grant 2747 to Eugene Bal;
9. 266° 52' 137.19 feet along the bank of a meandering stream, being also the remainder of Grant 2747 to Eugene Bal;
10. 280° 28' 58.32 feet along same;
11. 272° 38' 30" 99.27 feet along same;
12. 266° 20' 40" 96.78 feet along same;
13. 257° 52' 09" 130.37 feet along same;
14. 253° 47' 10" 106.23 feet along same;
15. 253° 18' 20" 71.30 feet along same.
16. Thence along same on a curve to the right with a radius of 61.00 feet, chord azimuth and distance being:
286° 39' 10" 67.06 feet;
17. 320° 00' 123.33 feet along same;
18. Thence along same on a curve to the left with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being:
357° 07' 20";
and the chord azimuth and distance being:
293° 33' 40" 153.16 feet;
19. Thence along the bank of a meandering stream, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 159.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 177° 07' 20";
and the chord azimuth and distance being:
281° 27' 35" 78.75 feet;
20. 295° 47' 50" 135.81 feet along the bank of a meandering stream, being also the remainder of Grant 3152 to Henry Cornwell;
21. Thence along same on a curve to the right with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being:
237° 54' 40";
and the chord azimuth and distance being:
311° 51' 15" 95.15 feet;

22. Thence along same on a curve to the left with a radius of 458.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $57^{\circ} 54' 40''$;
the radial azimuth from the radius point to the end of the curve being: $35^{\circ} 24'$;
and the chord azimuth and distance being:
 $316^{\circ} 39' 20''$ 178.79 feet;
23. Thence along same on a curve to the left with a radius of 308.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $35^{\circ} 24'$;
the radial azimuth from the radius point to the end of the curve being: $7^{\circ} 26' 10''$;
and the chord azimuth and distance being:
 $291^{\circ} 25' 05''$ 148.84 feet;
24. Thence along same on a curve to the left with a radius of 610.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $7^{\circ} 26' 10''$;
the radial azimuth from the radius point to the end of the curve being: $351^{\circ} 33' 30''$;
and the chord azimuth and distance being:
 $269^{\circ} 29' 50''$ 168.50 feet;
25. Thence along same on a curve to the right with a radius of 198.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $171^{\circ} 33' 30''$;
the radial azimuth from the radius point to the end of the curve being: $197^{\circ} 21'$;
and the chord azimuth and distance being:
 $274^{\circ} 27' 15''$ 88.38 feet;
26. $287^{\circ} 21'$ 73.41 feet along same;
27. Thence along the remainder of Lot 2 and along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder Grant 3152 to Henry Cornwell on a curve to the left with a radius of 3,960.00 feet, the radial azimuth from the radial point to the beginning of the curve being:
 $106^{\circ} 12' 21''$
and the chord azimuth and distance being:
 $10^{\circ} 53' 40.5''$ 733.12 feet;

28. 5° 35' 1,498.28 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 3152 to Henry Cornwell and Grant 2747 to Eugene Bal;

29. Thence along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 5,040.00 feet, the chord azimuth and distance being:
 13° 16' 1,347.68 feet;

30. 20° 57' 521.33 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;

31. Thence along same on a curve to the right with a radius of 1,800.00 feet, the chord azimuth and distance being:
 28° 37' 57" 481.26 feet;

32. 126° 18' 54" 80.00 feet along the remainder of Lot 2 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;

33. Thence along same on a curve to the right with a radius of 1,720.00 feet, the chord azimuth and distance being:
 64° 19' 57" 1,615.91 feet;

34. 92° 21' 163.44 feet along same;

35. Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the end of the curve being:
 92° 37' 04.2";
 and the chord azimuth and distance being:
 137° 29' 02.1" 56.70 feet to the point of beginning and containing an area of 243.772 Acres.

This work was prepared by me
or under my supervision.



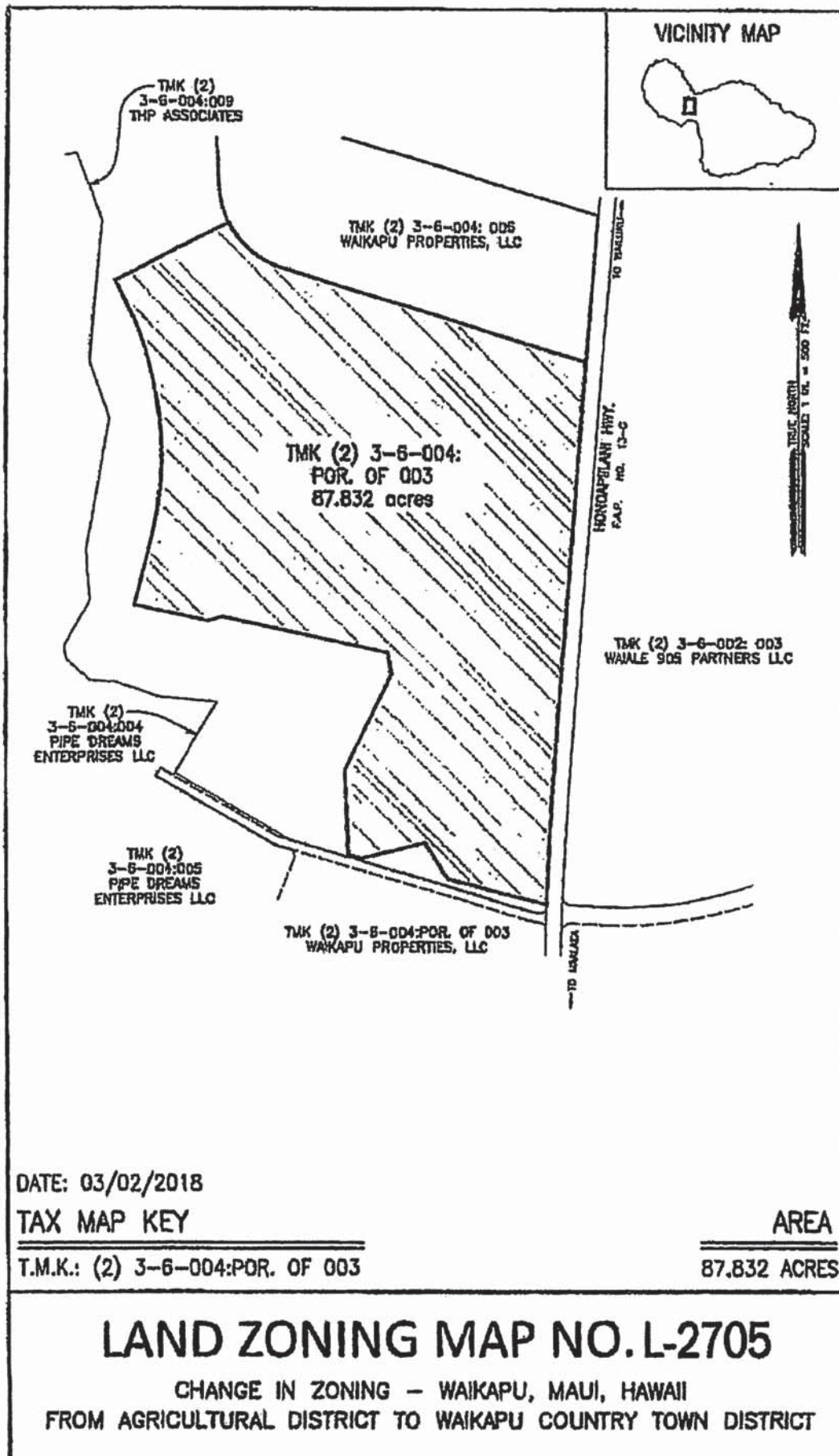
FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "M. Silva", written over a horizontal line.

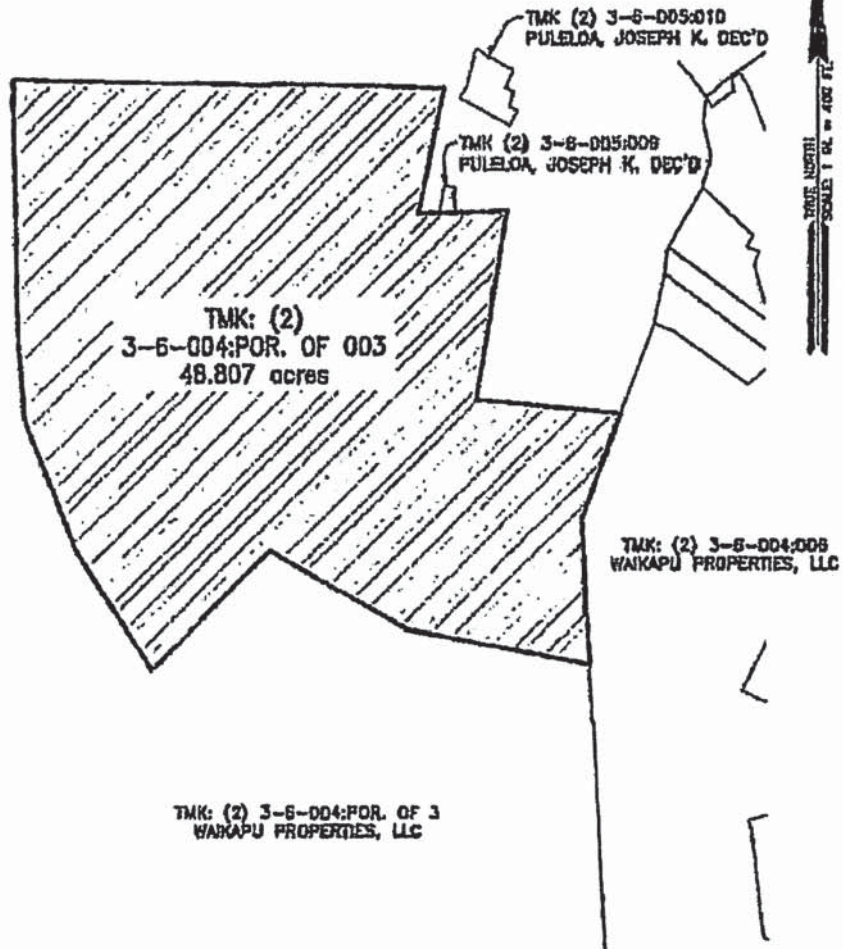
Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires: 4/30/18

1721 Wili Pu Loop, Suite 203
Wailuku, Hawaii 96793
March 5, 2018

W16/1



VICINITY MAP



DATE: 03/02/2018

TAX MAP KEY

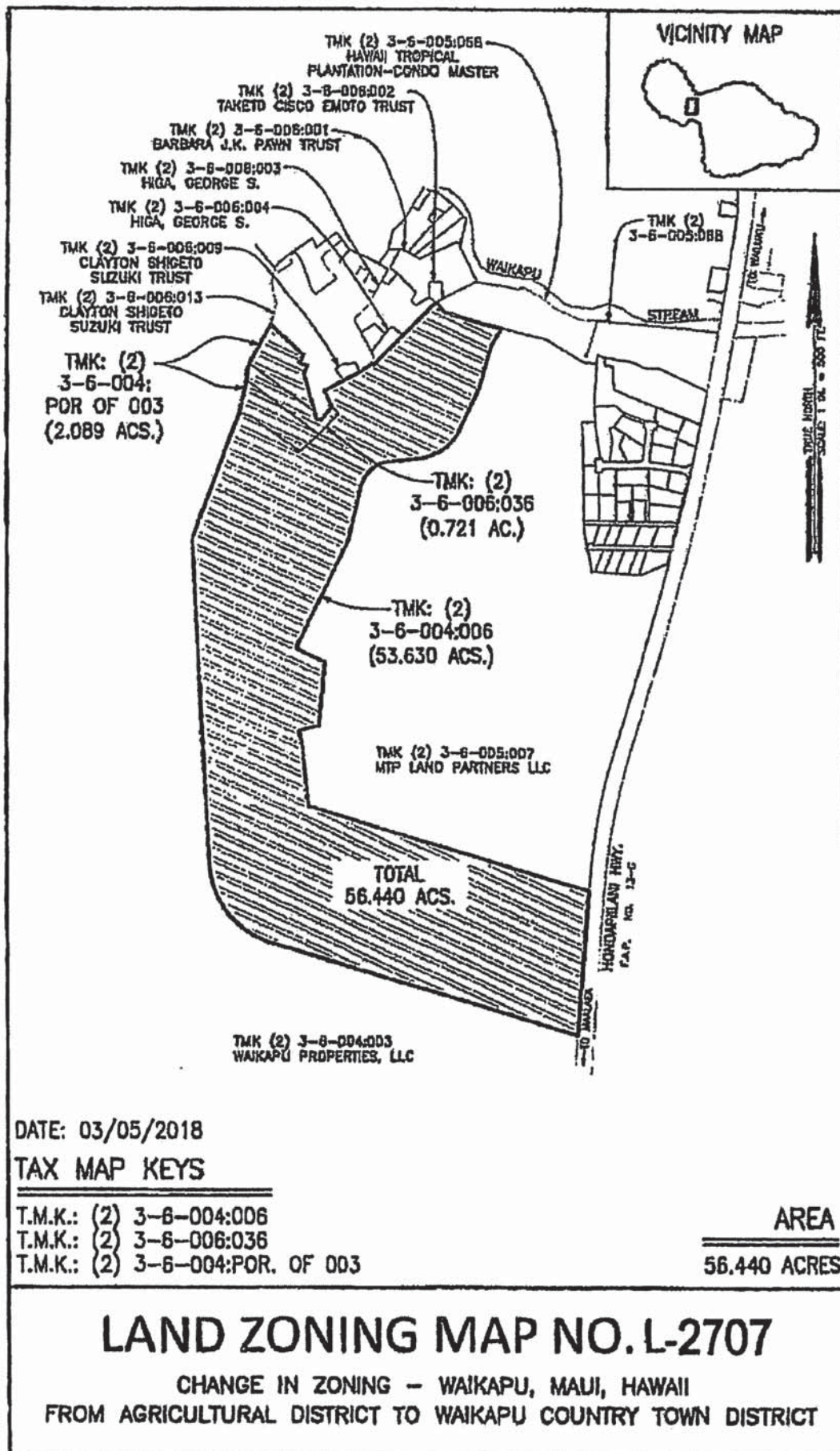
T.M.K. (2) 3-6-004:POR. OF 003

AREA

48.807 ACRES

LAND ZONING MAP NO. L-2706

CHANGE IN ZONING — WAIKAPU, MAUI, HAWAII
FROM AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT



LAND ZONING MAP NO. L-2708

CHANGE IN ZONING - WAIKAPU, MAUI, HAWAII

FROM WAILUKU-KAHULUI PROJECT DISTRICT 5 (MAUI TROPICAL PLANTATION) (PD-WK/5) TO WAIKAPU COUNTRY TOWN DISTRICT

T.M.K.: (2) 3-6-005:007

TAX MAP KEY

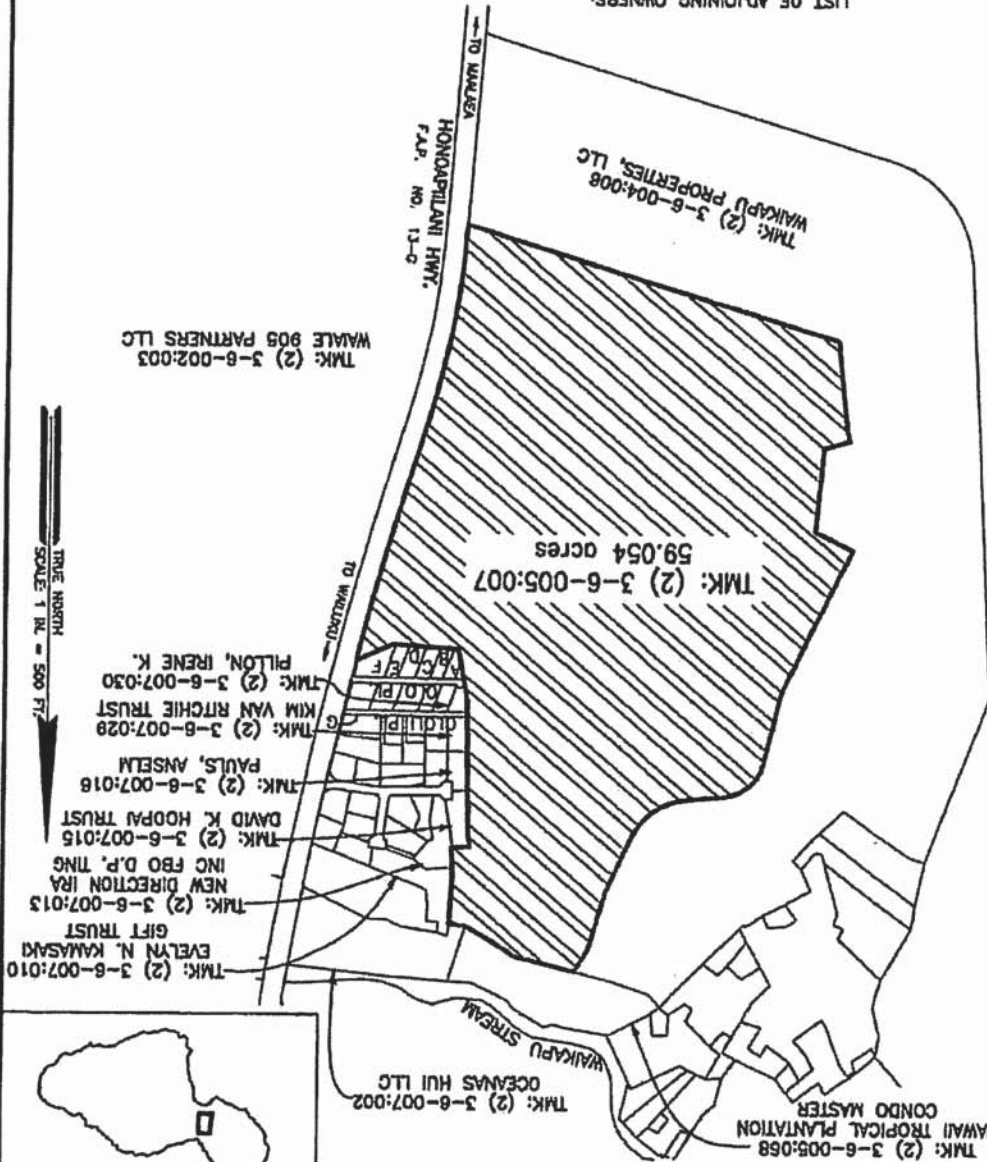
DATE: 03/11/2019

59.054 ACRES

AREA

LIST OF ADJOINING OWNERS:

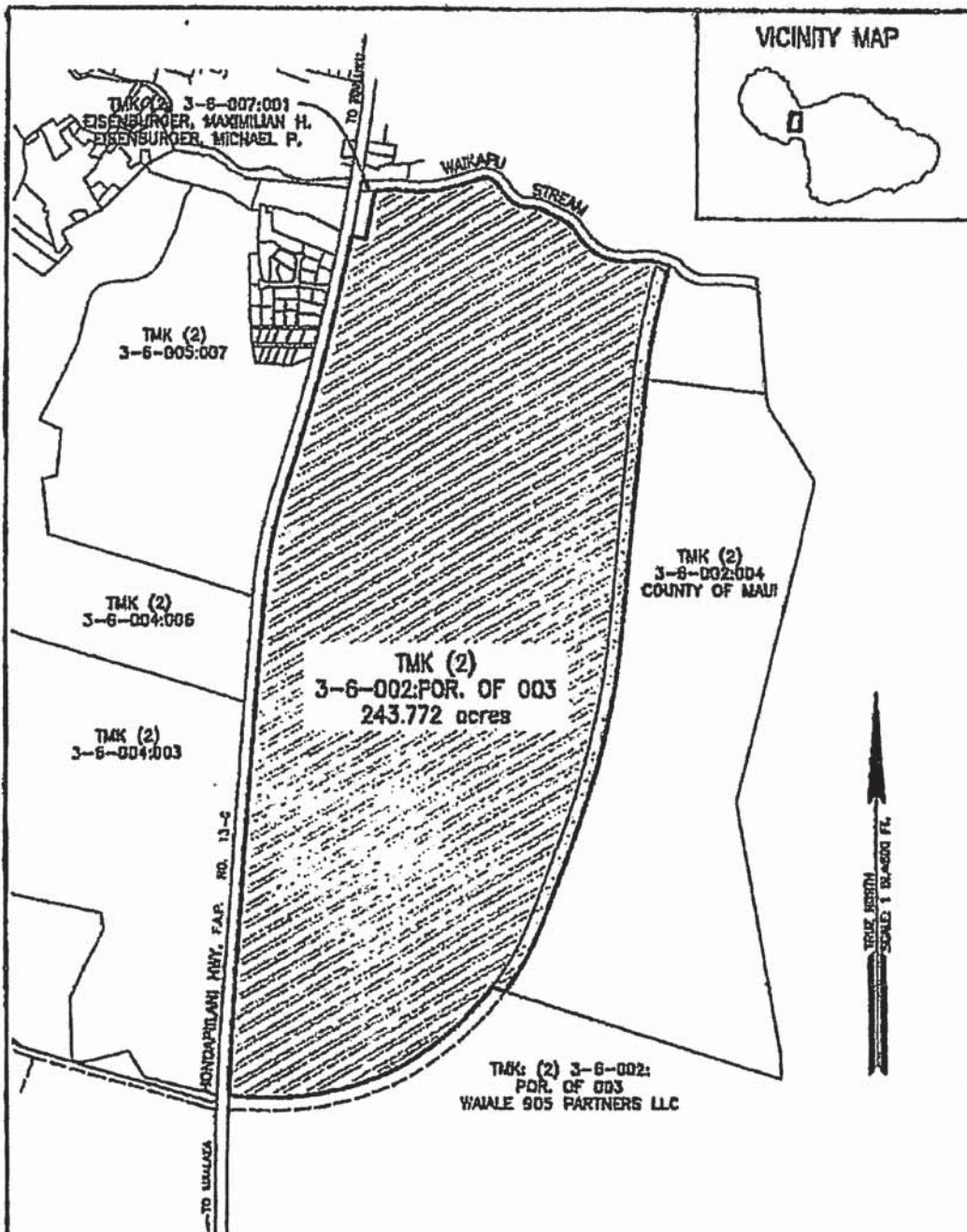
- A TMK: (2) 3-6-007:042 CHUN, ELSIE N.
- B TMK: (2) 3-6-007:041 VALDEZ, GEORGE GREGORIO
- C TMK: (2) 3-6-007:040 DIAZ, MARTHA J.
- D TMK: (2) 3-6-007:039 LLOYD T. TAGUCHI TRUST
- E TMK: (2) 3-6-007:038 WAKAMOTO, DAVID T.
- F TMK: (2) 3-6-007:037 ANN N. WAKAMATSU TRUST
- G TMK: (2) 3-6-007:023 (OLOU PLACE) VARIOUS OWNERS



TRUE NORTH
SCALE: 1 IN. = 500 FT.



VICINITY MAP



VICINITY MAP



DATE: 03/02/2018

TAX MAP KEY

T.M.K.: (2) 3-6-002:POR. OF 003

AREA

243.772 ACRES

LAND ZONING MAP NO. L-2709

CHANGE IN ZONING - WAIKAPU, MAUI, HAWAII
FROM AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT

EXHIBIT "C"

CONDITIONS OF ZONING

As it relates to the following conditions, "Landowners" means Waikapu Properties, LLC; MTP Land Partners, LLC; the William S. Filios Separate Property Trust dated April 3, 2000; Waiale 905 Partners, LLC; and any future owner or lessee.

1. Transportation – State Department of Transportation, Highways Division (SDOT-H).
 - a. Landowners shall mitigate all Project-generated traffic impacts as required by the SDOT-H. Landowners shall enter into an agreement regarding the scope and timing of required traffic improvements to mitigate the traffic related impacts of the project on SDOT-H facilities as generally indicated in the project's Pro Rata Share Calculations for Waikapu Country Town Project dated June 29, 2018, as approved by SDOT-H. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.
 - b. Landowners shall fully fund project intersections with Honoapiilani Highway only at the Main Street Intersection (also referred to as Study Intersection #9 in the TIAR/EIS) and at the Waiale Road Extension Intersection (also referred to as Study Intersection #13 in the TIAR/EIS.) Landowners are solely responsible for funding the Main Street and Waiale Road Extension intersection improvements.
 - c. Landowners shall conduct an analysis of the suitability of a roundabout at the required Honoapiilani Highway and Main Street Intersection. Landowners shall transmit its analysis with findings to the SDOT-H; County of Maui, Department of Planning (Department); and the County of Maui, Department of Public Works (DPW). The SDOT-H shall determine if such a roundabout or traffic signal must be funded by Landowners.
 - d. Landowners shall provide pedestrian crossings on Honoapiilani Highway at the intersections of Main Street and Waiale Road Extension, and ensure that the development layout provides pedestrian routes to these pedestrian crossings.

SDOT-H will confirm compliance with this condition.

2. Transportation – State Department of Transportation, Airports Division (SDOT-A). Landowners shall work with SDOT-A to confirm compliance with the Federal Aviation Administration or other relevant government agency's

guidelines and regulations regarding aircraft passage or airport operations at the Kahului Airport.

3. Transportation – DPW.

- a. Landowners shall conduct a pro rata traffic share study for the Waiale Road Extension and transmit it to DPW for review and approval prior to the County's approval of the first subdivision application for the project. The pro rata share study shall evaluate the project's percentage of future vehicle trips on the Waiale Road Extension from Waiko Road to Honoapiilani Highway.
- b. Landowners shall enter into an agreement with DPW regarding the project's pro rata share contribution to the Waiale Road Extension from Waiko Road to Honoapiilani Highway. The agreement shall determine the project's pro rata share of the total anticipated costs for design and construction of the future Waiale Road Extension and the methods and timing by which the payments or similar contributions are made. The agreement will also consider the project's actual traffic generated inasmuch as any reductions or increases in traffic than originally estimated may reduce or increase the pro rata share in the future. Further, Landowners shall deed the Waiale Road Extension right-of-way to DPW, upon demand, the value of which shall not be considered towards the pro rata share used in the agreement. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project. DPW shall confirm compliance with this condition.

4. Stormwater Management and Drainage. Landowners shall maintain existing drainage patterns to the maximum extent feasible and shall implement Best Management Practices (BMPs) to: a) minimize infiltration and runoff from construction and vehicle operations, b) reduce or eliminate the potential for soil erosion and ground water pollution, and c) formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health (DOH) and County of Maui guidelines, ordinances and rules. The BMPs shall include a program for the maintenance of drainage swales within the Project Area. The design of drainage improvements and maintenance approved by the DPW shall not increase runoff from the Project Area as a result of an increase in impervious surfaces. The DPW shall confirm compliance with this condition.

5. Residential Workforce Housing. Landowners shall provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements. The required number of residential workforce housing units as determined by the County of Maui shall be completed according to a timetable associated with the issuance of building permits for market-rate dwelling units as required by the Maui

County Code and as agreed to by the Department of Housing and Human Concerns. Landowners will not seek project approvals authorized by Chapter 201H, Hawaii Revised Statutes, or similar project approvals for this project.

6. Wastewater. Landowners shall participate in the funding and construction of adequate private or public wastewater facilities for the Project Area. The wastewater facilities shall be in accordance with the applicable standards and requirements of the DOH and the County of Maui as applicable. If Landowners' proposed wastewater facilities are to be located within the State agricultural districts, Landowners shall apply for a State Special Permit in accordance with the provisions of Chapter 205, Hawaii Revised Statutes (HRS). If Landowners desire to request an initial or interim connection to County wastewater facilities for any dwellings, an agreement must be made to the satisfaction of the Department of Environmental Management and other applicable agencies prior to the issuance of any building permit. County or private operable wastewater facilities must be available to serve any use or structure prior to the issuance of the building permit for such use or structure.
7. Air Quality. Landowners shall participate in an air quality monitoring program as required by the DOH.
8. Education Contribution Agreement. Landowners shall contribute to the development, funding, and construction of school facilities in compliance with the Educational Contribution Agreement for Waikapu Country Town, undated but executed as of January 31, 2017, entered into by Landowners and the Department of Education. Landowners shall ensure that prospective buyers, purchasers, and subsequent owner-builders of lots are given notice of the requirement to pay the Central Maui District Impact Fee in accordance with the Educational Contribution Agreement. Such notice shall be recorded and run with the land.
9. Energy Conservation Measures. Landowners shall implement measures to promote energy conservation, sustainable design and environmental stewardship including the use of solar water heating and photovoltaic systems for on-site infrastructure systems, residential, commercial, and civic uses. Solar water heating systems shall be required for new single-family residential construction per Section 196-6.5, Hawaii Revised Statutes. Landowners shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners in the Project Area. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.
10. Water Conservation Measures. Landowners shall implement water conservation measures and BMPs such as the use of indigenous plants and as required by the County of Maui. Verification of compliance with this

condition shall be provided to the Department prior to submitting any building permit application.

11. **Water System.** Landowners shall participate in the funding and construction of adequate private or public water source, storage, and transmission facilities to accommodate the proposed uses for each subdivision in the Project Area in accordance with the applicable standards and requirements of the DOH and the County of Maui, with plans submitted for approval by the appropriate agency. Landowners shall coordinate with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapu aquifer. Further, Landowners shall submit such information to the Department of Water Supply as may be requested to reflect changes in water demand forecasts and supply for the proposed uses in accordance with the County of Maui's Water Use and Development Plan. Compliance with this condition shall be confirmed by the Department of Water Supply.
12. **Street Lights.** Landowners shall use fully shielded street lights within the Project Area to avoid impacts to avifauna and other wildlife populations and to prevent light diffusion into the night sky.
13. **Sirens.** Landowners shall fund and install three (3) civil defense warning sirens as specified by and in the locations identified by the State Department of Defense according to a timetable agreed upon by the State Department of Defense.
14. **Parks.** Landowners shall comply with the park dedication requirements of the County of Maui. Landowners shall provide a park construction and phasing plan approved by the Department of Parks and Recreation, DPW, and Department of Planning, which shall be in accordance with the Maui County Code. Landowners shall develop parks and recreational areas that may be used by all ages and are not used primarily as water retention basins.
15. **Established Gathering and Access Rights Protected.** Pursuant to Article XII, Section 7 of the Hawaii State Constitution, Landowners shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Project Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purpose.
16. **Agricultural Easement.** Landowners shall submit to the Department an executed copy of the conservation easement or relevant instrument for 877.50 acres of adjacent agricultural lands as represented to the State of Hawaii Land Use Commission and to the County of Maui and depicted in Exhibit "1" prior to the first final subdivision approval. No dwelling or structure shall be constructed or used for residential or dwelling purposes,

including farm dwellings, farm labor dwellings and farm worker housing, on the agricultural lands that are subject to the agricultural easement or conservation easement, and such easement shall include this restriction. On the lands that are subject to the conservation easement, there shall be no animal hospitals and animal board facilities; riding academies; open land recreation uses, except that farm tours are allowed; parks for public use; and family child care homes. The following non-commercial open land recreation uses are allowed along the fifty-foot perimeter of the preserve: hiking, equestrian activities, greenways, mountain biking, and accessory restroom facilities. Landowners shall not seek county special use permits for open land recreation activities in the area subject to the conservation easement. There shall be no commercial agricultural structures, except farmer's markets and agricultural product stands in the area subject to the conservation easement. If any development is proposed in the area subject to the conservation easement or relevant instrument, Department of Land and Natural Resources State Historic Preservation Division (DLNR-SHPD) shall first determine whether an archaeological inventory survey shall be provided by Landowners for such area. Landowners shall notify the Department of any proposed development within the conservation easement lands and any determination made by DLNR-SHPD. Landowners shall supply adequate water for agricultural use in the areas subject to the conservation easement, to the maximum extent feasible. There shall be no removal of sand classified as Qdo in the USGS Mineral Resources Spatial Data as older dune deposits (Holocene and Pleistocene), from property identified for real property tax purposes as tax map keys (2) 3-6-002:003 and (2) 3-6-002:001.

17. Notification of Agricultural Use. Landowners, and all subsequent owners, shall disclose to developers, purchasers, and lessees of the provisions of Chapter 165, Hawaii Revised Statutes, the Hawaii Right to Farm Act. The notice and disclosure shall be a part of any conveyance document such as a deed, lease, or agreement of sale. The notice and disclosure shall contain at least the following information: a) that the developers, purchasers, and lessees shall not take any action that would interfere with or restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent lands in the State Land Use Agricultural District; and b) that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands. For the purpose of this condition, the term "farming operations" shall have the same meaning as provided in Section 165-2, Hawaii Revised Statutes.
18. Archaeological and Historic Sites. Landowners shall provide the following prior to any ground disturbance, including the issuance of grading or grubbing permits, as agreed upon with DLNR-SHPD's acceptance of Landowners' Archaeological Inventory Survey: a) Archaeological monitoring for all ground disturbing activities pursuant to a DLNR-SHPD approved monitoring plan, which shall include data recovery of archaeological and

historic sites; b) If site 50-50-04-5197 (Waihee Ditch) is impacted by the Project, it will be further documented in consultation with DLNR-SHPD; c) If any development is proposed for the area to be dedicated to agriculture, DLNR-SHPD shall be notified and will make a determination on whether an archaeological inventory survey is to be provided by Landowners; d) Landowners shall submit a preservation plan to DLNR-SHPD for two (2) sites: the irrigation features (Site 50-50-04-7884) and the WWII bunker (Site 50-50-04-7883); and e) If there is an inadvertent discovery of single or multiple human skeletal remains, Landowners shall provide written consent to DLNR-SHPD extending for at least 30 days the statutory timeline outlined in Section 13-300-40, Hawaii Administrative Rules. The preservation plan shall be submitted to the DLNR-SHPD for review and acceptance prior to any ground disturbance in the vicinity of the two (2) sites. Landowners shall comply with all interim and permanent mitigation and preservation measures required by DLNR-SHPD. Landowners shall provide verification to the Department that DLNR-SHPD has determined that all required historic preservation measures have been implemented. Landowners shall notify DLNR-SHPD prior to the first ground disturbance activity.

19. Cultural. Landowners shall consult with those persons known as Waikapu Stream South Kuleana Lo'i Kalo Farmers and Hui o Na Wai 'Eha to minimize the impacts on their traditional customary rights and practices from any development in the Project Area. Additionally, Landowners shall grant access easements over the appropriate portions of the Project Area in favor of the owners of the Mahi-Puleloa parcels, identified as LCA 2944:3 to Ehunui (TMK: (2) 3-6-005:010) and as Grant 1513 to Ehunui (TMK: (2) 3-6-005:009) and in favor of the owners of the Kauihou parcels, identified as LCA 3340:1 (por.) to Nahau (TMK: (2) 3-6-005:067), as LCA 3103 to Kalawaia (TMK: (2) 3-6-005:014) and as LCA 3110:3.2 to Kuolaia (TMK: (2) 3-6-005:066). The easements shall be recorded and run with the land.
20. Endangered Species. Landowners shall implement the following procedures to avoid potential impacts to endangered species: a) Landowners shall not clear dense vegetation, including woody plants greater than fifteen feet (15 ft.) in height, along the periphery of the Project Area during the period from June 1 to September 15 of each year, which is the time that the Hawaiian hoary bat may be carrying young and thus could be at risk from the clearing activities; b) landowners shall consult with the United States Fish and Wildlife Service to determine measures needed with regard to the endangered Blackburn's Sphinx Moth and shall implement such measures in connection with the development of the Project Area; and c) for any nighttime work required during any construction within the Project Area and for long term features, exterior lighting shall be shielded so as to reduce the potential for interactions of or disturbance to Hawaiian Petrels and Newell's Shearwaters.
21. Development in Compliance with Maui Island Plan. Landowners shall develop the Project in substantial compliance with the Planned Growth Area

Rationale and goals, objectives, policies, and implementing actions described in the Maui Island Plan for the Project identified as "Waikapu Tropical Plantation Town."

22. Infrastructure Deadline. Landowners shall complete construction of the backbone infrastructure, which consists of primary roadways and access points; internal roadways; on-site and off-site water, sewer, and electrical system improvements; and stormwater and drainage and other utility improvements within ten (10) years from the date of the first final subdivision approval.
23. Compliance with Representations to the Maui County Council. Landowners shall develop the Project Area in substantial compliance with the representations made to the Maui County Council in its approval of the subject change in zoning. Failure to develop the Project Area in accordance with such representations may result in enforcement, including reversion of the Project Area to its former zoning and community plan classifications.
24. Annual Reports. Landowners shall provide the Department an annual report on the status of the development of the Project Area and Landowners' progress in complying with the conditions imposed herein. The first annual report shall be submitted within one (1) year of the effective date of the CIZ ordinance, and subsequent reports shall be submitted annually on or near the same date.
25. The Project Area's Agricultural Master Plan, as set forth in Chapter III, Section 5 of the project's Final EIS identifies an agricultural preserve that is subject to an agricultural conservation easement, and a balance of approximately 270 acres that is mauka of Honoapiilani Highway, for which the zoning remains agriculture. The approximately 270-acre area is depicted in Exhibit "2" as being a portion of Lot 6 and identified as the Mauka Agricultural Lands. The use of the 270-acre area is restricted to the permitted principal uses in the County's Agricultural District and to only the following accessory uses: two farm dwellings per lot, one of which shall not exceed 1,000 square feet of developable area; storage, wholesale, and distribution facilities associated with agriculture in the County; processing of agricultural products; small-scale energy systems; small-scale animal-keeping; non-commercial open land recreation uses; and other uses that primarily support a permitted principal use, provided that such uses shall be approved by the appropriate planning commission as conforming to the intent of the County's Agricultural District. Landowners shall not seek county special use permits; state special permits; or approvals under Chapter 201H, Hawaii Revised Statutes. If subdivided, the 270-acre area shall consist of no more than five lots. Landowners shall record with the bureau of conveyances, or land court, as appropriate, this condition on property identified for real property tax purposes as tax map key (2) 3-6-004:003, as pertaining to the 270-acre area and provide proof of recordation to the Maui County Council prior to the first final subdivision approval, and

such condition shall run with the land and bind all future owners or lessees of the area.

26. Landowners shall, prior to the first final subdivision approval, implement as described the following priority projects in the Integrated Natural-Cultural Resource Preservation & Management Plan, dated June 2019, and attached as Exhibit "3":
 - A. Waikapū Watershed Management
 1. Priority Project #1 – prepare and initiate implementation of the 5-year Integrated Waikapū Watershed Management Plan.
 2. Priority Project #2 – establish the Mauna Kahalawai Watershed Partnership Perpetual Fund when a homeowners' association is established and generating revenue from residents and businesses within the Project Area.
 - B. Waikapū Stream
 1. Priority Project #1 – comply with instream flow standards and State water use permits.
 2. Priority Project #2 – support the kuleana 'auwai restoration in South Waikapū to the extent practicable.
 - C. Land and Cultural Resources
 1. Priority Project #1 – develop and initiate implementation of a plan to ensure access to the Waikapū Valley for Native Hawaiian traditional and customary practices and gathering while controlling access to the general public to protect natural and cultural resources.
 2. Priority Project #2 – Establish access easements for the two Mahi kuleana parcels
 3. Priority Project #3 – Establish the Waikapū Cultural Preserve, Cultural Corridor and Riparian Buffer and fund its management.
 4. Priority Project #4 – Integrate Waikapū ethnohistorical resources throughout the Project Area.
27. Landowners shall submit all street names in the Project Area for review and approval to the Public Works Commission. Streets in the Project Area shall be named in consideration of traditional land divisions, trade winds, and other natural and cultural factors relevant to the Project Area.

EXHIBIT "1"

AG. PRESERVE SITES

TMK (2)
3-8-004:
POR. 3

TMK (2)
3-8-002:1
& POR. 3



VICINITY MAP

GRAPHIC SCALE IN FEET

0 3500 7000 14000

AGRICULTURAL PRESERVE SITES

BEING A PORTION OF LOT 6 OF THE WAIKAPU HEMA LARGE LOT SUBDIVISION AND PARCEL 1 AND PORTION OF PARCEL 3 OF TAX MAP KEY (2) 3-8-002

WAIKAPU, MAUI, HAWAII

SCALE: 1 IN.=2,000 FT.

DATE: APRIL 25, 2019

PREPARED FOR:

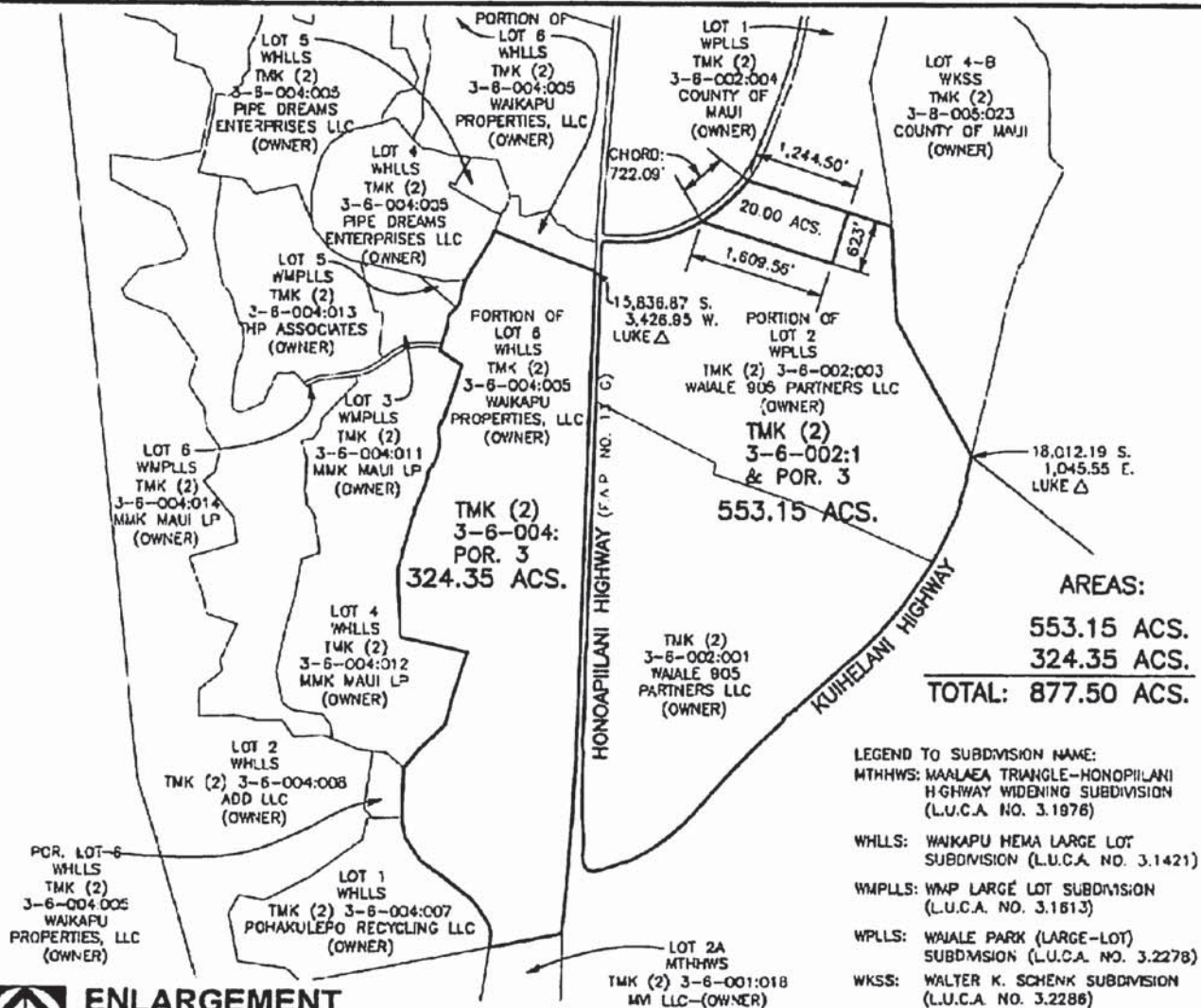
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, HAWAII 96793

PREPARED BY:

FUKUMOTO ENGINEERING, INC.
1721 WILI PA LOOP, SUITE 203
WAILUKU, HAWAII 96793

NOTES:

1. ALL AZIMUTHS AND RECORD COORDINATES REFER TO GOVERNMENT SURVEY TRIANGULATION STATION "LUKE" Δ.
2. OWNERS OF ADJOINING PARCELS ARE FROM RECORDS IN THE TAX MAPS BRANCH.



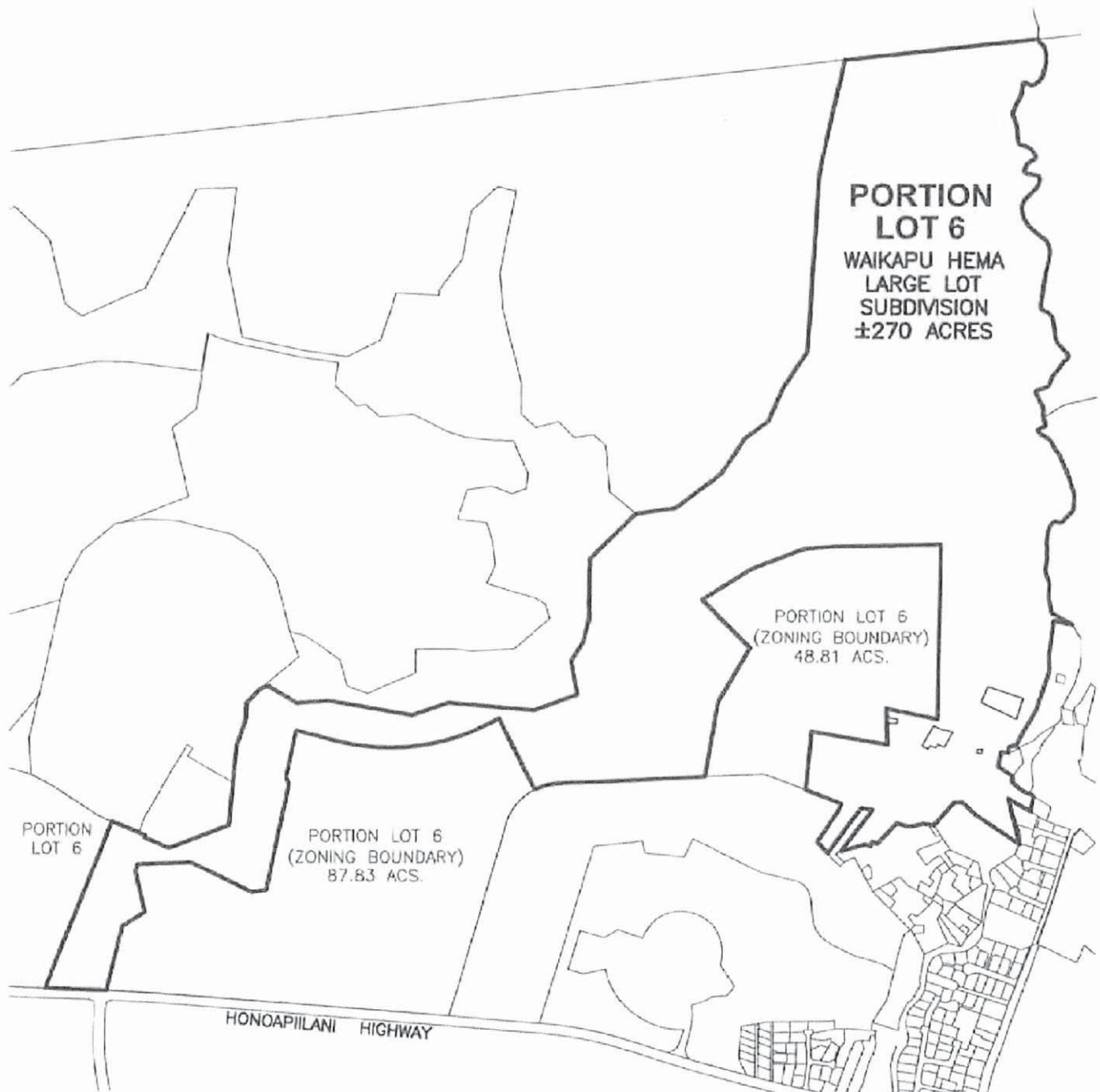
ENLARGEMENT

GRAPHIC SCALE IN FEET

0 1000 2000 4000

TAX MAP KEY (2) 3-8-004:POR. 003 & (2) 3-8-002:001 AND POR. 003

EXHIBIT "2"



MAUKA AGRICULTURAL LANDS

SCALE IN FEET

NORTH

0 500 1000 2000 3000

DATE: 07/08/2019



PREPARED FOR: WAIKAPU PROPERTIES, LLC

PREPARED BY: FUKUMOTO ENGINEERING, INC.

Integrated Natural-Cultural Resource Preservation & Management Plan

A Framework for Protecting, Enhancing and Stewarding the Natural & Cultural
Resources of Waikapū set forth by the Waikapū Country Town Development



Prepared for
Waikapū Properties, LLC & Wai‘ale Partners, LLC
PO Box 1870
Manteca, California 95336

In Partnership with
Planning Consultants Hawai‘i, LLC
2231 West Main St.
Wailuku, Hawai‘i 96793

Prepared by
Hōkūao Pellegrino
Cultural Consultant

EXHIBIT “3”

June 2019

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1.1 HŌ‘ULU‘ULU MANA‘O KO‘IKO‘I - EXECUTIVE SUMMARY

As the largest land owner of agricultural, conservation, rural and urban zoned land in the ahupua‘a of Waikapū, Waikapū Properties, LLC & Wai‘ale 905 Partners, LLC are committed to responsible land stewardship and the protection of cultural and natural resources. It was consistently recognized throughout the Waikapū Country Town (WCT) 2016 Environmental Impact Statement (EIS) along with the 2014 Cultural Impact Assessment (CIA) and 2016 Ka Pa‘akai Analysis, that the ahupua‘a of Waikapū has an extensive pre and post-western contact cultural history in addition to vast natural and cultural resources. Waikapū Properties, LLC & Wai‘ale 905 Partners, LLC acknowledge their obligation to preserving and managing these cultural assets as well as the need to formalize collaborations with key stakeholders such as Native Hawaiian lineal and cultural descendants of Waikapū, Waikapū community members, environmental-based stewardship organizations and educational institutions.

Waikapū Properties, LLC & Wai‘ale 905 Partners, LLC play a critical role in the caring for and protection of natural resources and cultural landscapes within their land asset portfolio, both within and adjacent to the WCT development project. These lands are an important part of the overall cultural identity and future well-being of the ahupua‘a of Waikapū. Therefore, developers requested that an Integrated Natural-Cultural Preservation and Management Plan for the Waikapū Country Town Project be completed and to be used as a framework for protecting, enhancing and stewarding the natural and cultural resources in Waikapū.

The Cultural Impact Assessment and Ka Pa‘akai Analysis were comprehensive documents that identified all of the historical, natural and cultural resources of Waikapū within the greater context of the moku of Wailuku, also known as Pū‘ali Komohana and Nā Wai ‘Ehā. This plan developed an expanded approach in addressing key conditions set forth by the LUC (Land Use Commission) as well as concerns that were brought forth throughout the planning, entitlement and community outreach process. Engagement with key stakeholders greatly assisted in providing clear strategies and implementation measures that align with sustainable stewardship practices throughout the Waikapū ahupua‘a, while putting forth priority projects that enhance the natural and cultural resources of Waikapū and mitigate any adverse impacts.

The Integrated Natural-Cultural Resource Preservation and Management Plan is strongly tied to and in alignment with the ‘ōlelo no‘eau or Hawaiian proverb; *‘O ku‘u ‘āina ku‘u kulāiwi – My land is my homeland. I have a responsibility to love and care for the land and those who came before to serve this place and its people.* This innovative plan will be a leading example and model of sustainability, in addition to how communities both new and old, can collaboratively work together to protect and steward the natural and cultural resources within their ahupua‘a. Lastly, this plan will be a living document that is incorporated throughout all phases of the Waikapū Country Town Development as a way to increase community engagement and ‘āina-based stewardship.

Three guiding principles have been established as a means to demonstrate a strong pilina (relationship) with each other and the ability to wili (intertwine) throughout the Integrated Natural-Cultural Resource Preservation and management plan. The guiding principles are defined below.

- I. Ho‘okuluma: to be accustomed to or with; to develop an intimate relationship or understanding to ‘āina.
- II. Ho‘oulu: to protect; to preserve; to restore life back into; to increase productivity; to make thrive.
- III. Ho‘okuleana: to bring under the care and protection of; to steward; to be responsible; to sustain.



1.2 PROJECT BACKGROUND

Waikapū Country Town is a new mixed-use housing development being proposed by Waikapū Properties, LLC & Wai'ale 905 Partners, LLC. It will be situated on lands within and surrounding the Maui Tropical Plantation (MTP) and adjacent to the existing historic town of Waikapū. The development project will encompass approximately 500 acres of land and include rural lots, single family lots, cottage town houses, country town mix use, commercial, parks, open space, school and other permitted uses. 1,021 acres will remain in agriculture of which 877 acres will be protected in perpetuity under an agricultural conservation easement with the Hawaiian Islands Land Trust. In addition to protecting important agricultural lands, is the establishment of a 50 acre cultural preserve which will protect highly sensitive pre-western contact kuleana parcels and the Waikapū Stream. There were over 50 Kuleana Land Commission Awards (LCA) and Government Grants awarded to Native Hawaiians during the Great Māhele (1848), prior to any plantation and commercial uses of the proposed project area. Around 36 of these kuleana parcels were compromised during the plantation era, however, many are still intact as they were prior to western contact. Thus, it was imperative to protect these culturally sensitive lands in perpetuity by placing them in a cultural preserve to be managed in the future by a Waikapū-based community organization with a robust management and stewardship plan. Majority of the Waikapū watershed, located in both the Hana'ula and Kapilau Mountain Range, is owned by Hana'ula Ranch, LLC, which is co-owned by a partner of Waikapū Properties, LLC. Although the Waikapū Country Town development is not within the 3,425 conservation parcel, the nearest subdivision is $\frac{1}{4}$ of a mile away from the conservation boundary. Due to the sensitive nature and rarity of Waikapū's native flora and fauna, as well as invasive species control, it is important to include protective measures and management strategies to have in place for Hana'ula Ranch, LLC as part of the Integrated Natural-Cultural Resource Preservation & Management Plan.



Figure 1: WCT Development Map



Figure 2: WCT Agricultural Lands

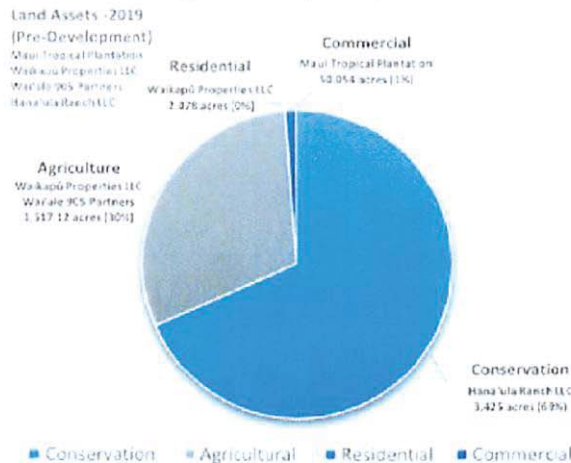


Figure 3: Land Asset Model (Current State)

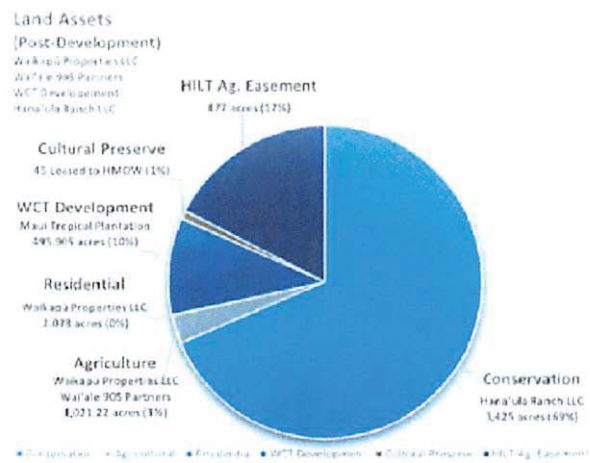


Figure 4: Land Asset Model (Post-Development)



1.3 WAIKAPŪ I KA MAKANI KOKOOLIO - A BRIEF HISTORICAL OVERVIEW OF WAIKAPŪ

Waikapū is the first ahupuaʻa (land division) in the greater moku (district) of Wailuku or Pūʻali Komohana, poetically known as Nā Wai ʻĒhā. Hanaʻula and Kapilau are the mountain ranges in Waikapū, both of which are part of the overall West Maui Mountains, or today known as Mauna Kahālāwai. The traditional palena ʻāina (boundaries) of Waikapū encompass 15,684 acres from mauka to makai (mountain to the sea). Commencing north of Waikapū Stream along the ridges of Kapilau, the boundary line descends at Kalapaokaʻilio Ridge to Pōhākoʻi, a known hoana (grinding stone) near the intersection of Kuʻikahi and Honoapiʻilani. It subsequently moves east to Kaʻōpala, located adjacent to the Central Maui Base Yard. From there, it follows south along Mokulele Highway to a point called Kiheipūkoʻa close to the Sugar Beach Condominiums. The boundary follows a westward approach along the coast of Māʻalaea Bay and looks existing next to Buzz's Wharf Restaurant and in the veers northwards along Honoapiʻilani Highway to Puʻuhele. The Waikapū boundary points culminate with storied cinder cones in the Hanaʻula mountain range.

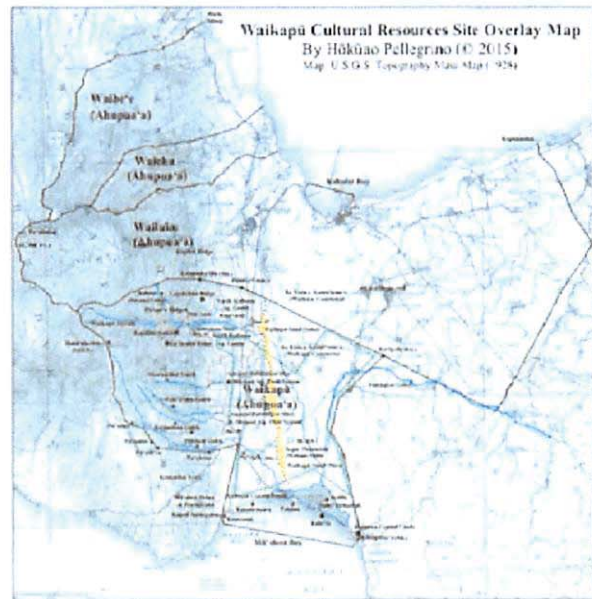


Figure 5: Waikapū Cultural Landscape Map - Hōkūao Pellegrino [2015]

Waikapū is known as the “waters of the conch”, a legendary and storied ahupua’a deeply connected to both its natural resources and cultural landscapes. The meaning and significance of its name derives from the mo’olelo (story) about Puapualenalena, a mischievous and magical dog who stole a pū (conch shell) from a guarded cave in the valley of Waikapū.

The landscape of Waikapū i ka makani Kokololio (Waikapū of the gusty wind) is highly diverse and includes extensive natural, cultural and water resources. The coastal region and nearshore fisheries at Māʻālea Bay was once an expansive resource that greatly assisted in sustaining Hawaiians living throughout the Waikapū ahupuaʻa. The wetlands and ancient inland fishpond of Kēalia provided a habitat for native aquatic species, also another important food source. However, Kēalia was truly known for their moʻo



Figure 6: Kapila & Hanalei Mountain Ranges, Waikapu - Hōkua Pellegrino [2017]

paka'ai or salt ponds in which Hawaiians produced some of the highest grades of pa'akai (salt) on Maui. Included in Waikapū, was a large portion of Kama'oma'o or the central isthmus and plains. There, existed a diverse native shrub land along with a portion of the Nā Wai 'Ehā pu'u one or sand dune system. Interred in the sand dunes were iwi kūpuna (bones of ancestors) of former residents of Waikapū, the greater Nā Wai 'Ehā and possibly those who had fallen in the many infamous battles that took place there, both of ali'i and maka'āinana class. Mauka or inland of the dunes were deep interior valleys, gulches and alluvial planes, which were of great importance to mahi'ai or farmers who cultivated both wetland and dryland



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Polynesian introduced food crops (i.e. kalo - taro, 'uala – sweet potato, mai'a - banana, 'ulu - breadfruit, kō - sugarcane, niu - coconut, wauke – paper mulberry, pū hala – pandanus).

The Waikapū Stream was and continues to be one of the most important features and an invaluable cultural resources of the Waikapū ahupua'a. A kupuna (elder) of Waikapū, the late Mr. Solomon Viela, shared stories about a valley and tributary called Kalena which feeds into the main Waikapū Stream. This valley and water source can be found on documents and maps dating back as early as 1888. Mr. Viela talked about his childhood days in the 1930s and 40s and how he spent time in the area known as Kalena, a storied place very dear to him. Thousands of years ago and prior to the arrival of Polynesians in Hawai'i, Waikapū Stream veered north and flowed into Kahului Bay. This flow created a narrow break in the coral reef, allowing modern day ships to naturally and safely enter into the bay. For at least the last two thousand years, Waikapū Stream flows south through Kama'oma'o and into the loko wai of Keālia. This mauka to makai flow enabled Keālia to become the largest wetland on Maui. Being that it was a perennial stream, native aquatic species such as 'o'opu, 'ōpae and possibly hīhiwai were once commonly found. When Keālia becomes full of water, the estuary of Palalau will naturally open and water from the pond exits into Mā'alaea Bay.



Figure 7: Waikapū Stream - Hōkūao Pellegrino (2016)

The watershed of Waikapū sustained a biodiverse dryland, mesic and wet forest. The abundance of endemic and indigenous plants allowed for rain to be captured and maintained within the Waikapū Stream. Forests included an abundance of native birds, insects, snails and mammal species. Hawaiians utilized native plants for a multitude of traditional purposes. Some examples of plants used were; olonā, a wet forest plant used for making cordage; ko'oko'olau and māmaki, used for lā'au lapa'au (herbal medicine) and wiliwili, used for recreational activities such as surfing.



Figure 8: Ko'oko'olau in Waikapū Valley - Hōkūao Pellegrino

Located along the Hana'ula mountain range and immediately below the dry gulches of 'Oawakilikā, Pale'a'ahu and Ka'onohua, a prominent Hawaiian settlement and agricultural complex was found during the development of the King Kamehameha and Kahili Golf Courses in the early 1990s. Archaeologists who studied the area documented over 100 sites that included burials, temporary and permanent shelters, heiau and stone wall enclosures and features related to a once extensive dryland agricultural field system. No other dryland agricultural sites of this magnitude have been discovered in any other ahupua'a in Nā Wai 'Ehā. Carbon dates conclude that this area was settled and utilized by Hawaiians around the 12th century or 1100 AD and probably predate any development of intensive wetland agricultural systems commonly found throughout the Waikapū Valley.

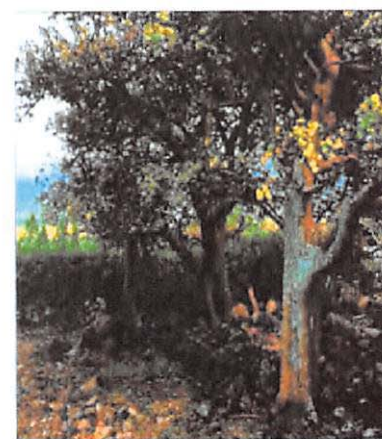


Figure 9: Kamehameha Golf Course - Hōkūao Pellegrino



The Great Māhele of 1848 was a process that paved the way for lands in Hawai‘i to be divided, claimed and privately owned by both Hawaiians and foreigners for the first time ever. Lands that were being cultivated by *hoa‘āina* or Hawaiian tenants were called *kuleana* lands. There were over 100 *kuleana* lands in Waikapū, located around the coastal region of Mā‘ālaea and Keālia as well as the current Waikapū historic town, stream and valley. Those large tracts of lands unclaimed lands were retained by the Hawaiian Kingdom under the Board of Education. Waikapū consisted of over 30 ‘*ili* (traditional subdivisions). Awarded *kuleana* lands included claims for traditional *lo‘i* *kalo* and *māla* (wetland and dryland systems), ‘*auwai* (irrigation ditches), *heiau* (religious structures), *hale* (house lots), *pūnāwai* (springs), *ko‘a* (fishing shrines), *mo‘o* *pa‘akai* (salt ponds), *loko wai* (inland fish ponds), *alanui* (trails), *ana* (caves), *pu‘e one* (sand dunes), and *lua kupapa‘u* (burial sites), *holoholona* (pens for raising animals), *lawai‘a* (fisheries), *lua kupapa‘u* (burial sites / graves). Something quite unique to Waikapū were the numerous claims of *lo‘i* *pa‘ahao* (prison taro patches), *lo‘i* *Po‘alima* (Friday taro patches) and *lo‘i* *aupuni* (government taro patches). Māhele maps and documents specify that over 1,400 *lo‘i* *kalo* on around 1,000 acres were awarded. The method of wetland *kalo* cultivation contributed to the greater agricultural system of *Nā Wai ‘Ehā*, making it the largest contiguous *kalo* growing region Hawai‘i.



Figure 10: Part of 1894 Map of Waikapū - Hōkuaō Pellegrino



Figure 11: Waikapū lo‘i kalo - Hōkuaō Pellegrino

Waikapū along with the other three *ahupua‘a* in *Nā Wai ‘Ehā*, were colonized very early on by westerners. Foreign interests in the land tenure and the water resources of Waikapū grew rapidly, especially knowing that traditional ditch systems were able to convey the water needed for early development of an industry that would forever change the landscape of Hawai‘i. Though highly debated, it was thought that Waikapū was home to one of the earliest sugar plantations and processing mills in the islands, established by an Italian named Antone Catalina, around the year 1823 who made molasses. Catalina was also known as the first person to bring in cattle to Waikapū. Soon to follow, was the formation of the Waikapū Sugar Plantation Co. in 1862 by James Louzada and brother-in-law Henry Cornwell. A large processing mill was built on the ‘*ili* of *Wahineomā‘ili* as seen in the picture above. In 1890, Waikapū Sugar Co. was consolidated under Wailuku Sugar Co. There were four main plantation camps in Waikapū associated with Wailuku Sugar Co.; Kimura, Pu‘uhele, Hayashi and Waikapū Camp. Vast acres of sugar cane fields along with a mill, camps and plantation infrastructure dominated a former cultural landscape once filled with verdant *lo‘i* *kalo*, native forests, Hawaiian thatched *hale* and a beautiful stream flowing through it all.



Figure 12: Waikapū Sugar Plantation, circa 1884 - Maui Historical Society



Waikapū drastically changed during the plantation era, becoming a diverse and bustling little town both under the rule of the Hawaiian Kingdom and Territory of the United States. At the top of West Waikō Road was the former Cornwell Estate who were associated with the Waikapū Sugar Co. Both King David Kalākaua would frequent the estate to rest and gamble at times during his visits to Maui. His sister, Queen Lydia Lili'uokalani also spent time at the Cornwell Estate during her circuit around the island. Many foreigners visited the estate, such as Mark Twain (Samuel Clemens) who wrote about his love for the quaint village lifestyle and Maui. Lined up along the main road (now Honoapi'ilani Highway) and on West Waikō Road were drygood, grocery and liquor stores, Sakamoto and Ah Fat Store being one of the most well-known of them all. Throughout the town, there were three different congregational churches; Waikapū Protestant Church (Old Government Road), Waikapū Mormon Church (West Waikō Road) and St. Joseph Catholic Church (Honoapi'ilani Highway). For recreation, there was an open air theatre that played mainly Japanese films and a famous horse race track where the current Waikapū Gardens subdivision is located. Adjacent to the Waikapū Protestant Church was Waikapū Elementary School, later to be consolidated with Wailuku Elementary School. In the coastal region of Waikapū near the fishing village of Mā'alaea, the very first commercial airport on Maui was built in 1929, named Mā'alaea Airport. Amelia Earhart landed there in the early 1930s prior to the airport being closed in 1938 due to high winds, close proximity to the West Maui Mountains and inadequate runway space for larger planes. During World War II, there was a major training facility in the Keālia-Mā'alaea region, as well as military facilities that included an infirmary and barracks in the main part of town. Beginning in the early 1900s, the Rogers family raised cattle, pigs, chickens and established a butchery while the Vida family who are descendants of the Shaw and Cockett genealogy, were known for their perpetuation of a very important cultural practice of raising pigs and preparation of kālúa pig.

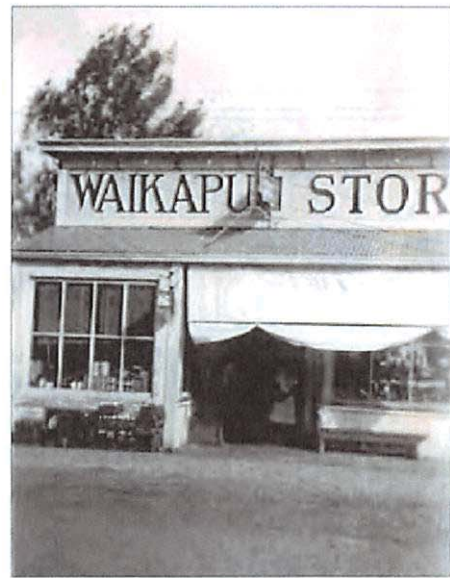


Figure 13: Waikapū Store, circa 1930 - Maui Historical Society



Figure 14: Ah Fat Store Sign - Hōkua Pellegrino (2019)

A once dominant native landscape and sustainable Hawaiian community in Waikapū almost seems nonexistent. Many important cultural sites are long gone while those remaining are challenged to survive by the influx of both environmental and human impacts. A few examples of sites that have been and continue to be impacted over the course of the last 200 years are provided below.

- Kapoli Spring in Mā'alaea has dried up and was built over by harbor development and infrastructure.
- Pu'uhele has been completely excavated and used as a dump for commercial construction waste.
- 75% of all lo'i kalo ag systems on kuleana lands have been plowed under for sugar cane cultivation and now built on with housing subdivisions.
- Pu'e one sand, both of which were geologically and culturally valued have since been flattened, developed on and hundreds of iwi kupuna (burials) have been disturbed.
- Keālia wetlands are being encroached upon by an eroding shoreline and disturbed by a major highway.
- Waikapū Stream, although connecting to Keālia and the ocean, still has over 25% of its stream flow diverted away from the watershed for off-stream usage.
- Native dryland, mesic and wet forest plants, mammal, bird and insect species in Waikapū have either gone extinct or are a rarity due to the spread of invasive species and feral ungulates.



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Although drastic changes and impacts in the ahupua'a of Waikapū have occurred, concerted efforts are being made to connect both new and old residents to the remaining cultural and natural history and resources, while restoring a strong sense of place and identity amongst them. Remnant kuleana lands and 'auwai are now considered cultural kīpuka (oasis) in the midst of residential neighborhoods. Many are being restored to their original state allowing for traditional food crops such as kalo and 'ulu to flourish once again and become the staples that they once were. Watershed protection and stewardship is a major priority being facilitated by multiple Maui-based environmental organizations who work to ensure that native habitats are protected and can thrive again. Waikapū Stream which truly is the center piece of Waikapū, has a lot of positive attention. A lot of effort is being made by the community and community organizations to protect its health, mauka to makai connectivity, native habitat and traditional and customary access and use. Waikapū is growing into a more diverse and active community faster than it ever has, yet the people of this place are making every attempt to bridge the richness of the Hawaiian and plantation history and lifestyle together for future generations who will call this ahupua'a home. One thing remains strong and everlasting, the makani kokololio (gusty wind) which has seen the changes throughout the times. It is a fine example of the resiliency that is currently demonstrated by those who are kupa o ka 'āina – natives of this land.



Figure 15: Waikapū 'Auwai Restoration - Hōkūao Pellegrino (2004)

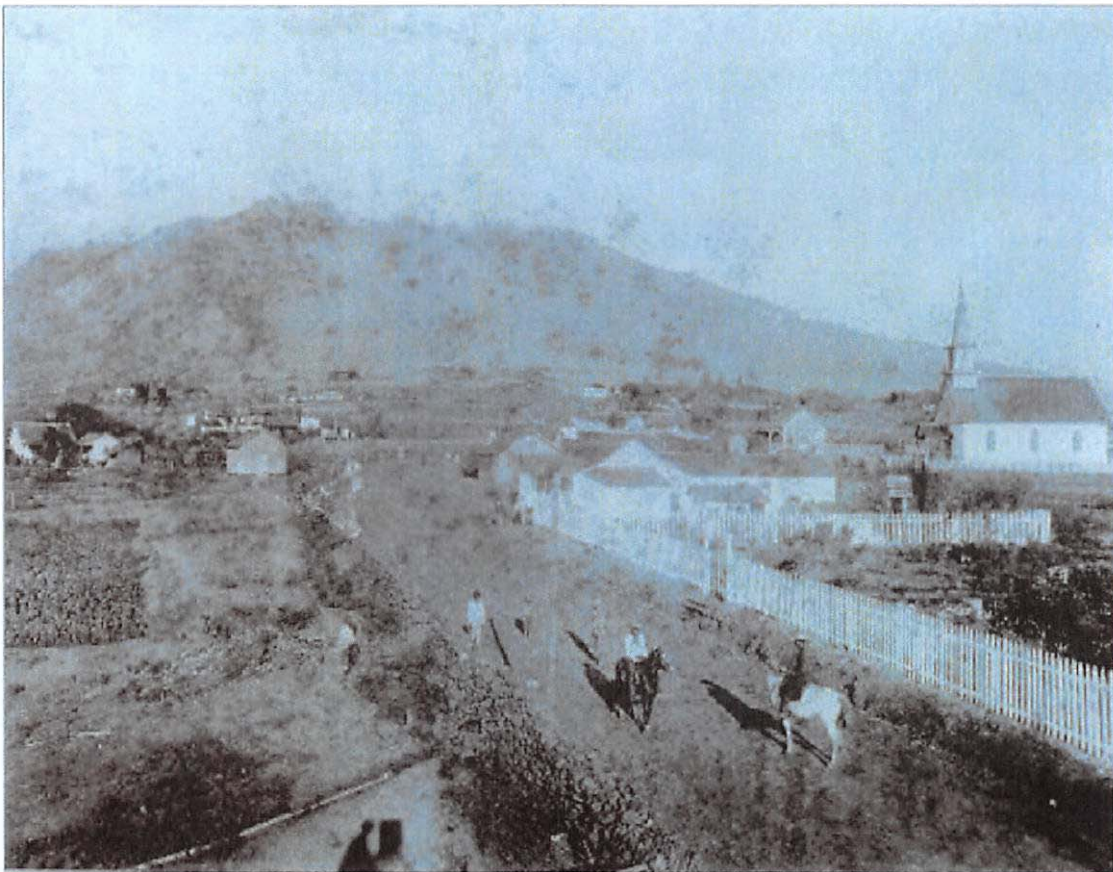


Figure 16: Waikapū Village, circa 1884 - Bishop Museum Archives



2.1 'ĀINA KUMU WAI O WAIKAPŪ - WAIKAPŪ WATERSHED

The upper Waikapū watershed falls within the mountain range of Hana'ula (4,616 ft.) and Kapilau (4,426 ft.). It is 1 of 10 watersheds and is approximately 7,900 acres or 16% of the overall Mauna Kahālāwai Watershed, totaling 50,000 acres. The annual rainfall ranges between 10" along the southern flank of Hana'ula to around 75" at the intersection of Hana'ula and Kapilau in the Waikapū Valley. Rain accounts for providing 3-4 MGD (million gallons per day) into the Waikapū Stream, a perennial stream that culminates at the Keālia wetlands. The sustainable yield for ground water in the Waikapū aquifer is 3 MGD. There are five dry gulches along the Hana'ula Mountain Range (Kapiliiki, 'Oawakilikā, Pale'a'ahu, Ka'onohua, Pōhākea) and one in the center of Kapilau (Kalapaoka'ilio), all of which flow intermittently during heavy rainfall events. The watershed has a mixture of montane and lowland wet forest, mesic forest, dry forest and shrubland which includes an abundance of endemic and indigenous flora and fauna. Many of the plant, bird, insect and mammal species are either endangered, locally rare, species of concern or candidate for protection. The wet and mesic forests still have an abundance of 'ōhi'a lehua (*Metrosideros polymorpha*), hala pepe (*Pleomele auwahiensis*), maile (*Alyxia oliviformis*) and olonā (*Touchardia latifolia*). The dryland forest still have outliers of koai'a (*Acacia koa*), wiliwili (*Erythrina sandwicensis*), ko'oko'olau (*Bidens spp.*) and 'ākia (*Wikstroemia oahuensis*). Many of these plant species mentioned in addition to others, were utilized for various cultural purposes by Hawaiians living in the Waikapū ahupua'a. The biological value of the Waikapū watershed continues to be important to Hawaiians. Rare and endangered aviary species such as koa'e kea (*Phaethon lepturus dorotheae*) and nēnē (*Branta sandwicensis*) along with the 'ōpe'ape'a (*Lasiurus cinereus semotus*) an endangered hoary bat species can also be found amongst the watershed. Invasive species such as pigs and especially deer are real and actively threatening the lower Hana'ula and Kapilau forest zones.



Figure 17: Waikapū Watershed - Hōkūao Pellegrino (2018)



Figure 18: Waikapū 'Ōhi'a Lehua (2014)

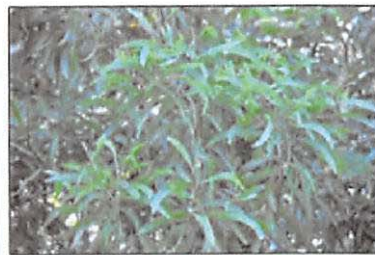


Figure 19: Waikapū Koai'a (2015)



Figure 20: Wiliwili (2017)



Figure 21: Ko'oko'olau (2015)

The current land owners within the upper Waikapū Watershed are Wailuku Water Co., Hana'ula Ranch LLC, Donna and Allen Trust and the State of Hawai'i. Management of these lands is conducted by the Mauna Kahālāwai Watershed Partnership (MKWP) which oversees the entire West Maui Mountain Watersheds. MKWP conducts regular aerial and ground surveys of both native and invasive species, build and maintain strategic fences lines within critical sections of the watershed and eradicate invasive species. Currently, less than 50% of the entire Waikapū watershed is fenced for controlling feral ungulates. In addition to MKWP, is Hui Mālama o Waikapū, a community-based organization that has extensive knowledge of the entire upper and lower Waikapū watershed region. They currently lease and manage 5 acres from Waikapū Properties that is adjacent to the conservation district. The area includes rare dryland forest species that include koai'a and wiliwili. Since their establishment in 2011, they have created a dryland forest restoration, stewardship and cultural resource management program that engages with the Waikapū community and educational groups from across Maui.



2.2 MAUNA KAHĀLĀWAI WATERSHED FOREST ZONE AND SPECIES STATUS MAP

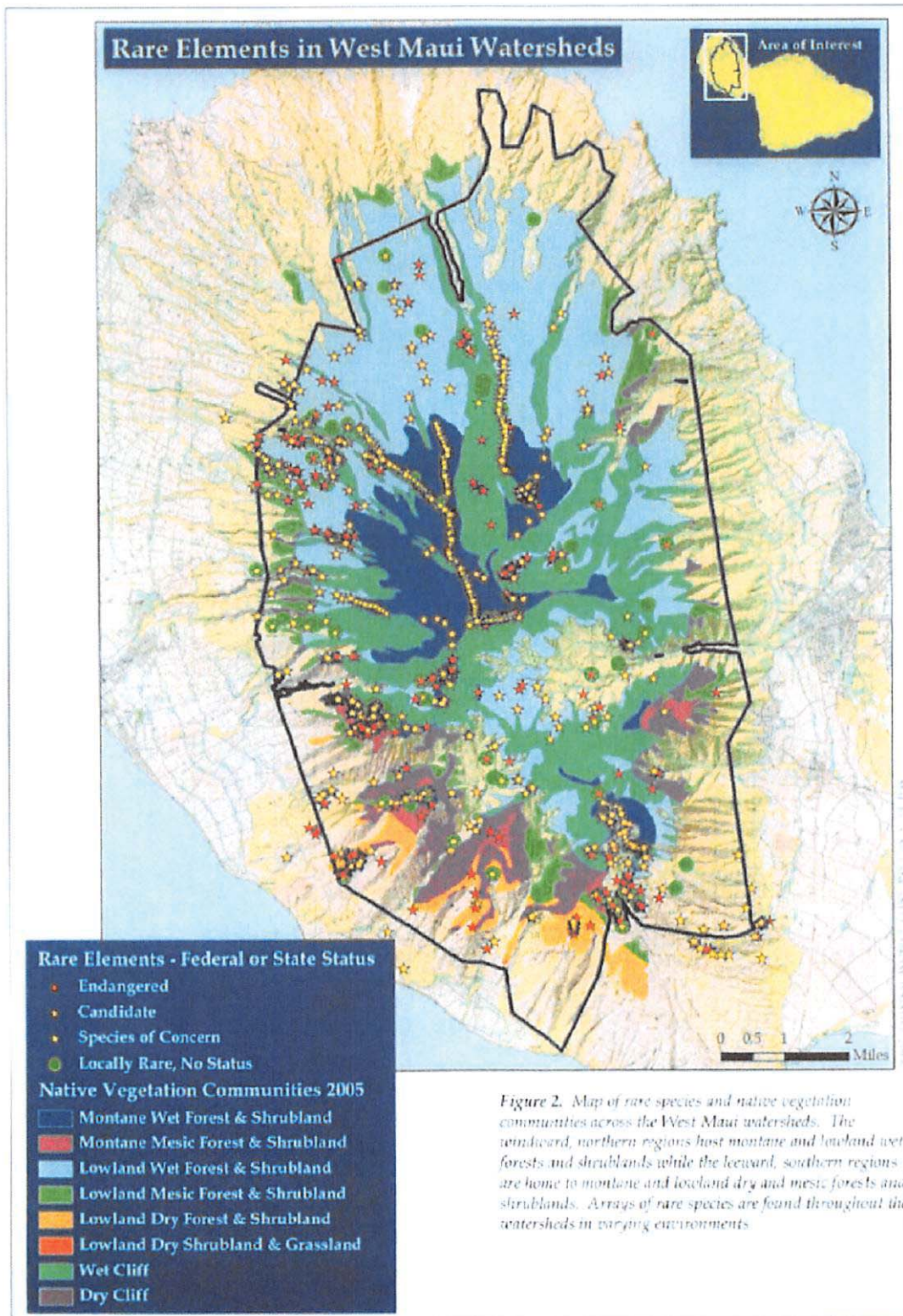


Figure 22: West Maui Mountains Watershed Forest Zone Map. Mauna Kahālāwai Watershed Partnership Management Plan (2013)

2.3 MAUNA KAHĀLĀWAI WATERSHED WATER SUPPLY DATA

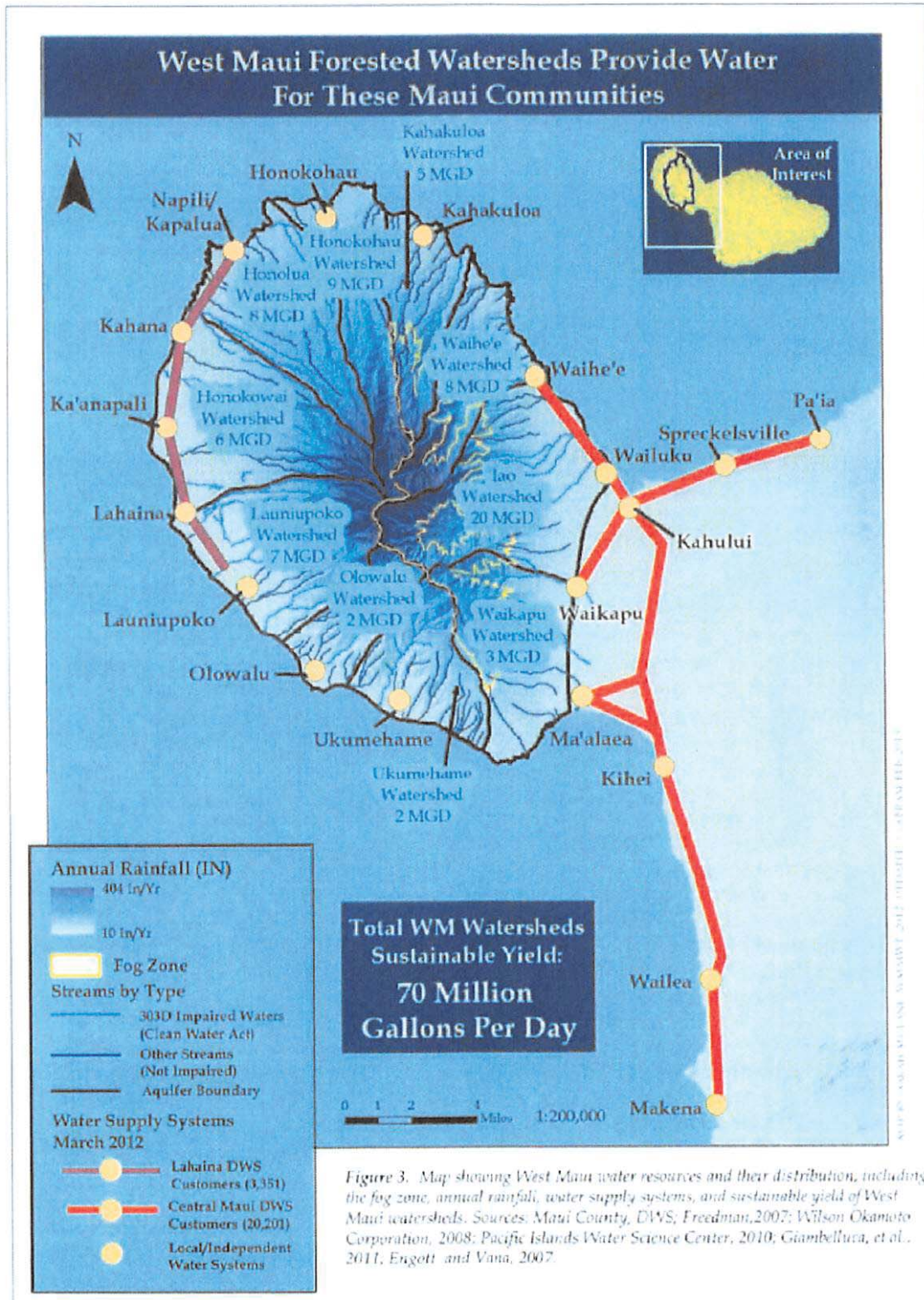
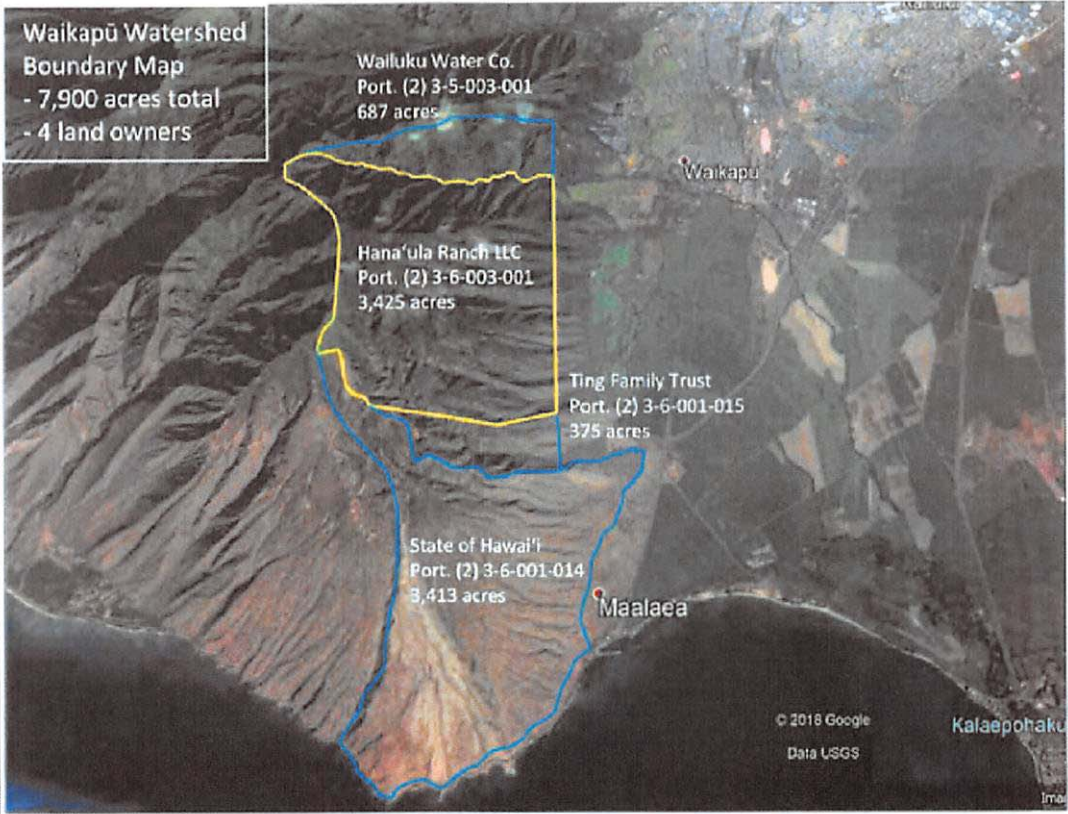


Figure 23. West Maui Mountain Water Source and Distribution Map - Mauna Kahālawai Watershed Partnership Management Plan (2013)

2.4 WAIKAPŪ WATERSHED MANAGEMENT PRIORITY PROJECT #1

Priority Project	5 Year Integrated Waikapū Watershed Management Plan
Purpose	Due to the proximity of the WCT Development to the Waikapū Watershed (-¾ mi.) a management plan shall be developed to mitigate any risks and or impacts to that area. A watershed management plan specific to the Hana'ula Ranch, LLC (TMK 2-3-6-003-001) portion of the Waikapū watershed, which encompasses 3,425 acres will be developed. The integrated plan shall be supplementary to that of the overall Mauna Kahālāwai Watershed Partnership Management Plan and further hone in on particular management and stewardship strategies for the Waikapū watershed.
Overview	The integrated management plan will be developed and include but not limited to the following: (A) Comprehensive analysis and forest profiles of the Waikapū Watershed. (B) Overview of current MKWP management projects and initiatives. (C) Integrated management and community-based stewardship approaches. (D) Invasive species control and eradication. (E) Educational outreach initiatives and community engagement. (F) Analysis of short and long term forest investments, internal and external revenue generating income, budget overview. Due to the expertise required and keen knowledge of the area and expertise required to develop such as robust plan, it is being proposed that Keahi Bustamente of Hui Mālama o Waikapū will develop this plan. Keahi will work closely with Mauna Kahālāwai Watershed Partnership to ensure that both plans integrate and complement one another.
Site Map	 Figure 24: Overview of Waikapū Watershed Land Owners – Hōkūao Pellegrino (2019)

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Waikapū Properties LLC & Partners – Waikapū Country Town Development

Key Stakeholders	Hui Mālama o Waikapū, Mauna Kahālāwai Watershed Partnership, Hana‘ula Ranch, LLC, Waikapū Properties, LLC, Wai‘ale 905 Partners, LLC
Project Owner	Waikapū Properties, LLC
Project Manager	Waikapū Properties, LLC, Hana‘ula Ranch, LLC in partnership with Hui Mālama o Waikapū & Mauna Kahālāwai Watershed Partnership
Timeline	Project planning, stakeholder engagement, plan development and will commence in 2020 and be completed by the end of 2021. Implementation of the 5 year plan will be initiated in 2022 and conclude in 2027. The timeline may be modified to coincide with the creation of the new Mauna Kahālāwai Watershed Management plan. In 2027, all stakeholders will produce a Final Plan Summary and recommendations for any and all future plans.
Management	Mauna Kahālāwai Watershed Partnership and Hui Mālama o Waikapū will work in collaboration on the implementation and management of the plan in concert with land owners Waikapū Properties LLC and Hana‘ula Ranch, LLC.
Outcomes	The development and implementation of a comprehensive management plan will ensure the sustainability of both ground and surface water sources in Waikapū via invasive species eradication-control and the protection, restoration and stewardship of the Waikapū Watershed.
Cost Analysis & Budget Overview	\$12,500 is being proposed to be allocated for the development of the Integrated Waikapū Watershed Management Plan.



2.5 WAIKAPŪ WATERSHED MANAGEMENT PRIORITY PROJECT #2

Priority Project	Mauna Kahālāwai Watershed Partnership Perpetual Fund
Purpose	To establish a perpetual revenue stream for the Mauna Kahālāwai Watershed Partnership by earmarked for specific Waikapū watershed projects and initiatives in alignment with the Integrated Waikapū Watershed Management Plan.
Overview	The Waikapū Country Town Development along with agricultural sites are located in close proximity to the Waikapū watershed. In addition to location, the mix-use development will draw heavily on ground water resources from the Waikapū aquifer. The use of this resource whether it be from ground or surface water sources is solely based on the proper management of the Waikapū and overall Mauna Kahālāwai watershed. Therefore, it is vital to support key watershed management stakeholders in the work that they do. It is being proposed Waikapū Country Town Development require a certain percentage of the monthly homeowner's association fees within the Waikapū Country Town development project go towards supporting the Mauna Kahālāwai Watershed Partnership www.westmauiwatershed.org Funds allocated will be earmarked for stewardship projects in the Waikapū Watershed focused on native flora and fauna species protection, invasive species plant, disease and feral ungulate eradication and control, boundary fences and other key components laid out in the future Waikapū Watershed Management Plan. Community education outreach, engagement and stewardship opportunities will be initiated through collaborative efforts between Mauna Kahālāwai Watershed Partnership and Hui Mālama o Waikapū.
Site Map	Hana'ula Ranch, LLC portion of the Waikapū Watershed (See Figure 24 on Page 13)
Stakeholders	Mauna Kahālāwai Watershed Partnership, Waikapū Country Town Development, Hui Mālama o Waikapū, Hana'ula Ranch, LLC, Waikapū Properties, LLC, Wai'ale 905 Partners, LLC
Project Owner	Waikapū Country Town Development: Waikapū Properties, LLC & Wai'ale 905 Partners, LLC
Project Manager	Waikapū Country Town Homeowners Association (or other future named entity associated with WCT development).
Timeline	Implementation of the perpetual fund will commence when a homeowners association is established and generating revenue from WCT residents and businesses.
Management	Mauna Kahālāwai Watershed Partnership will work in collaboration with the future homeowners association
Outcomes	Waikapū Country Town homeowners and business will develop a strong sense of place and connection to the water resources and Waikapū watershed which they draw upon and utilize daily. They will have an important role and responsibility as being good stewards of water resources by investing in the management of the Waikapū watershed in perpetuity. Waikapū Properties, LLC and Partners would be paving a new pathway and holistic approach to ahupua'a sustainability.
Cost Analysis & Budget Overview	The percentage of monthly and annual revenue for the perpetual fund will be determined at a later time amongst stakeholders.

3.1 WAIKAPŪ STREAM OVERVIEW

Waikapū Stream is one of the longest perennial streams in the Mauna Kahālāwai or West Maui Mountains watersheds, spanning over 9 miles. The main course of the stream commences in the interior valley of Waikapū at the intersection of the Kapilau and Hana'ula Mountain Range. The stream flows outwards through the current town and central plains of Kama'oma'o and culminates into Keālia, Maui's largest wetland and ancient inland fishpond. When Keālia becomes saturated, a mixture of fresh and brackish water will exit into Mā'alaea Bay via the Palalau estuary. At the 1,060 ft. elevation, there is a tributary called Kalena which has an average flow between 0.5 – 1 MGD. It directly feeds into the main part of the Waikapū Stream. The median stream flow or Q90 of the Waikapū Stream which includes all tributaries is 3-4 MGD. The Waikapū Stream is the first of the four great streams known as Nā Wai 'Ehā and provides habitat to an array of native aquatic species such as 'o'opu, 'ōpae and hīhiwai. Native Hawaiians residents of Waikapū prior to the arrival of westerners, predominantly utilized the Waikapū Stream as a source of drinking water, bathing and for irrigating 1,000 surveyed acres of lo'i kalo cultivated on kuleana lands. Four known and well documented ancient 'auwai systems were developed by Hawaiians in Waikapū; 3 on the north side of the stream (Pālolo and 2 unnamed 'auwai) and 1 unnamed on the south side. During the sugar plantation era in Waikapū (1862-2016), the Waikapū Sugar Co. (1862-1890) whom was eventually acquired by Wailuku Sugar Co. (1862-1988), diverted most if not all of the Waikapū Stream via 4 major diversions (South Waikapū Intake, Everett Ditch Intake, Waihe'e Ditch Intake and Reservoir 6 Intake). On October 13, 2014, the State Commission on Water Resource Management set instream flow standards for Waikapū Stream and Wailuku River. Wailuku Water Co. which evolved from Wailuku Sugar Co. and Wailuku Agribusiness Co., was ordered to restore 2.9 MGD into the Waikapū Stream. Since the partial restoration of stream flow in 2014, native aquatic species such as 'o'opu nākea (*awaous guamensis*), 'ōpae kala 'ole (*Atyoida bisulcata*) and hīhiwai (*Eneritina granosa*) have been observed and documented in the upper reaches of the stream and āholehole (*Kuhlia sandvicensis*) in the wetlands and estuary at Keālia.



Figure 25: Kalena Tributary - Hōkūāo Pellegrino (2015)



Figure 26: Keālia Wetlands - Hōkūāo Pellegrino (2017)



Figure 27: N. Kuleana 'Auwai (2019)



Figure 28: S. Waikapū Dam Intake Diversion (2012)



Figure 29: 'O'opu - Waikapū Stream (2018)

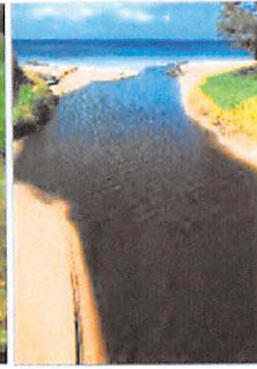


Figure 30: Palalau Estuary, Keālia (2016)

Integrated Natural-Cultural Resource Preservation & Management Plan Waikapū Properties LLC & Partners – Waikapū Country Town Development

3.2 WAIKAPŪ SURFACE & GROUND WATER DISTRIBUTION SCHEMATIC DIAGRAM - HŌKŪAO PELLEGRINO (2019)

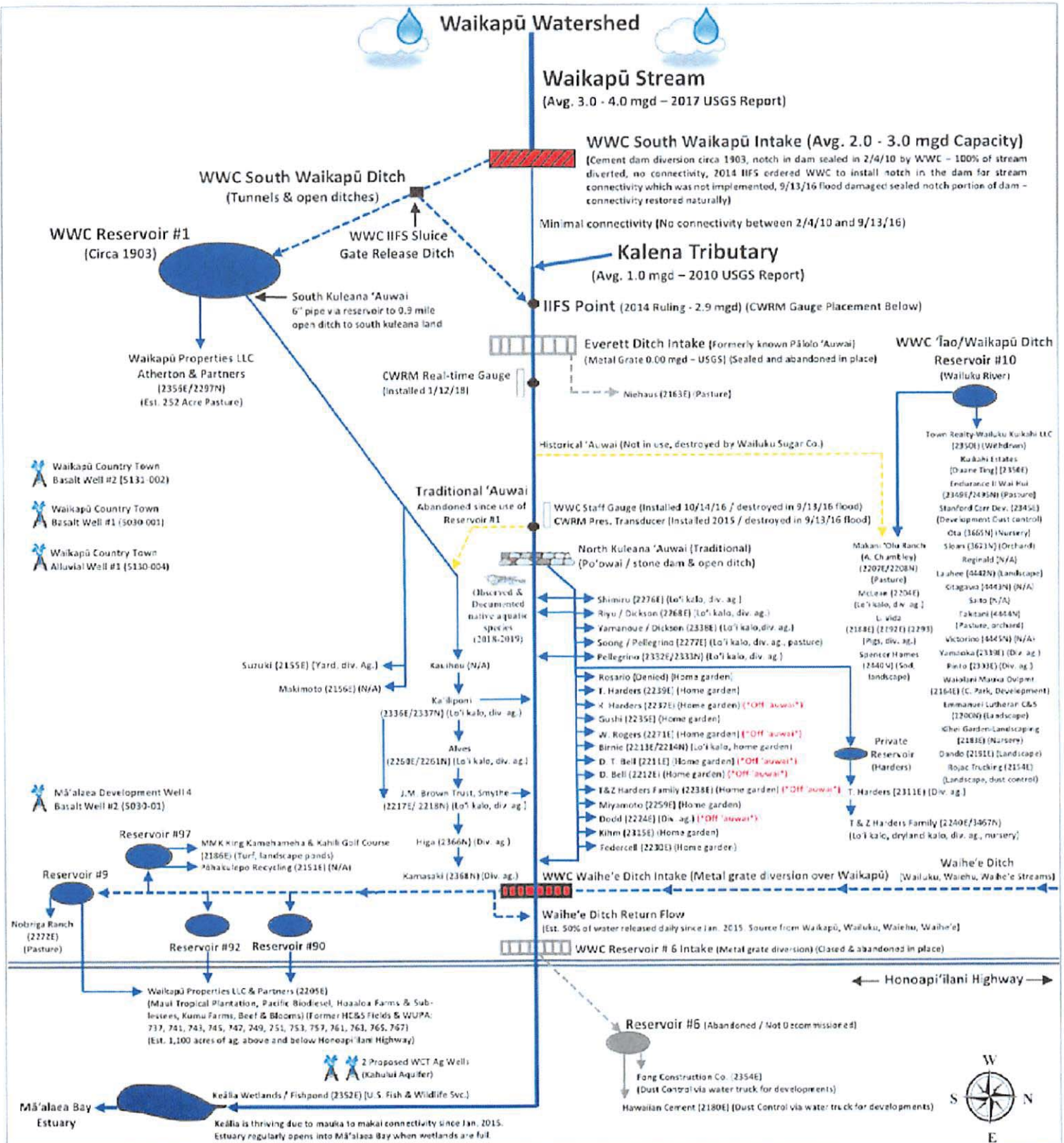


Figure 11. Waikapū Surface & Ground Water Distribution Schematic Diagram – Hōkūao Pellegrino (2019)

3.3 WAIKAPŪ STREAM PRIORITY PROJECT #1

Priority Project	Interim Instream Flow Standards & State Water Use Permit Compliance
Purpose	To ensure that Waikapū Stream flow connects mauka to makai, native aquatic species and habit thrive, and that appurtenant rights will be protected for traditional and customary practices of Native Hawaiian kuleana lo'i kalo farmers.
Overview	The current IIFS of the Waikapū Stream is 2.9 MGD. Wailuku Water Co. manages the plantation era diversions and water distribution system on lands owned by Waikapū Properties LLC and Hana'ula Ranch LLC via an easement agreement. Although Waikapū Properties LLC and Hana'ula Ranch LLC do not actively manage the system, they have a responsibility as land owners and stewards of Waikapū to ensure the IIFS is in compliance. The current IIFS agreement recognizes the following compliance requirements: (A) Notch in the South Waikapū Dam Intake Diversion (1,160 ft.) to ensure stream connectivity for successful native aquatic habitat upstream migration. (B) To return enough flow via South Waikapū Ditch sluice gate (1,070 ft.) into Waikapū Stream needed to meet the 2.9 MGD IIFS immediately below (915 ft.). (C) Consistent monitoring by all involved parties in conjunction with CWRM who has installed a real-time gauge at the IIFS point (915 ft.) to measure stream flow in the Waikapū Stream. http://lc01.mccrometer.net/secure/explorer.do?panel=8a0018ef60a38d450160c2bb0113325b Waikapū Properties has submitted the following SWUPA's in 2009; 2206, 2356, 2297N and 3472N. In 2016, a proposed agreement was made between Hui o Nā Wai 'Ehā and Waikapū Properties LLC to greatly minimize the use of Waikapū Stream water via the South Waikapū Diversion Intake, Ditch and Reservoir #1. At that time, 100,169 GPD was being used by all 4 users (Kumu Farms, Hoaaloa Farms, Makani 'Olu Ranch and Beef and Blooms. The proposed agreement stated that by 2018-2019, Kumu Farms and Hoaaloa Farms would move their farming operations below the Waihe'e Ditch system which would allow them to use the Waihe'e Ditch for ag irrigation. Both Kumu Farms and Hoaaloa Farms have relocated and the remaining agricultural lands are being solely used for cattle grazing by Makani 'Olu Ranch and Beef & Blooms on a total of 252 acres. The approved water allocation for cattle is 250 GPD/Acre which equates to around 63,000 GPD as their current use. Key stakeholders such as Hui o Nā Wai 'Ehā and Waikapū kuleana land owners approve of and support Waikapū Properties current allocation of water from Waikapū Stream as was agreed upon in the proposed settlement between the two parties in the Nā Wai 'Ehā Contested Case (CCH-MA 15-01).
Site Map	Waikapū Ahupua'a Water Distribution Schematic Diagram (See Figure 31 on Page 17)
Stakeholders	Hui o Nā Wai 'Ehā, Waikapū Properties, LLC and Hana'ula Ranch, LLC, Wailuku Water Co., State Commission on Water Resource Management
Owner	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC and Hana'ula Ranch, LLC
Manager	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC and Hana'ula Ranch, LLC
Timeline	On-going via monitoring and compliance checks.
Outcomes	The Waikapū Stream, Native Hawaiian kuleana land owners, community and key stakeholders benefit by having natural and healthy stream flowing through the ahupua'a. Other benefits include Hui o Nā Wai 'Ehā's six in-stream core values. www.huionawaieha.org
Cost Analysis & Budget Overview	N/A

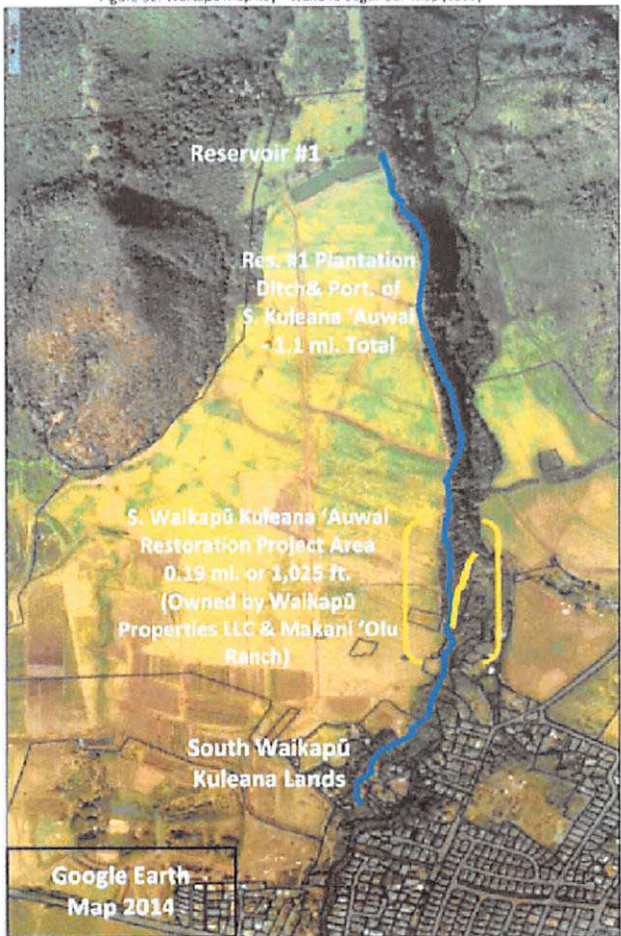
3.4 WAIKAPŪ STREAM PRIORITY PROJECT #2

Priority Project	South Waikapū Kuleana 'Auwai Restoration
Purpose	To support south kuleana land owners and lo'i kalo farmers in becoming independent of plantation era water distribution systems and allowing access to restore and manage the traditional south Waikapū kuleana 'auwai irrigation system that historically fed those particular kuleana lands. Eliminating plantation ditch system dependence by the south kuleana lo'i kalo farmers is critical to the health and success of their crops, especially that of lo'i kalo. The current South Waikapū Diversion Intake that feeds Reservoir #1 as well as the ditch that flows 0.9 miles to the first set of kuleana lands, has extremely detrimental impacts. Impacts include continuous leaks, soil erosion and plantation era byproducts that enter into the Waikapū Stream during blockages and large rain events. Due to the length of time that water sits in Reservoir #1 as well as the heating up of water along the 0.9 mile plantation ditch course, crops especially that of lo'i kalo succumb to rot and diseases. The spread of invasive species such as razor clams and plants has also been a major problem and lastly the inability to self-manage and control the system is extremely challenging. South kuleana lo'i kalo farmers want to restore the traditional access for their kuleana water directly from the Waikapū Stream, similar to that of the north Waikapū kuleana 'auwai. If successful, Waikapū would be the first ahupua'a in Nā Wai 'Ehā in over 150 years to have access to and usage of traditional 'auwai irrigation systems that are completely independent from former Wailuku Sugar Co. / Wailuku Water Co. plantation irrigation systems for lo'i kalo cultivation.
Overview	Hui o Nā Wai 'Ehā in partnership with key south Waikapū kuleana kalo farmers and families, would work in conjunction with landowners who have ownership of the portion of 'auwai that will be restored; Waikapū Properties, LLC and Makani 'Olu Ranch. This would include meetings with key stakeholders, scheduled site visits and the development of long term strategies for safe and secure access and regular maintenance. Hui o Nā Wai 'Ehā will work directly with the State Water Commission staff on any required permits needed in restoring the actual po'o wai or traditional dam. When proper planning, access agreements and documents and the development of a comprehensive plan of action by land owners has been agreed upon, managed restoration work will commence. Restoration efforts will take place by key stakeholder groups and experts in this field of work. Hand tools such as shovels, picks, and chainsaws will be the only form of equipment used. Due to the complexity of the area and sensitivity of the landscape, no heavy equipment will be allowed. The restoration project area is about 0.19 miles or 1,025 ft. long. Upon completion, key stakeholders will work with Waikapū Properties LLC and Wailuku Water Co. to minimize or eliminate flow from Reservoir #1 into plantation ditch/'auwai.
Stakeholders	Hui o Nā Wai 'Ehā, South Waikapū Kuleana Land Owners & Lo'i Kalo Farmers, Makani 'Olu Ranch and Waikapū Properties, LLC, Wai'ale 905 Partners, LLC
Project Owner	Waikapū Properties, LLC, Wailuku Water Co.
Project Manager	Waikapū Properties, LLC, Wailuku Water Co., Hui o Nā Wai 'Ehā
Timeline	Project planning, access agreements and documentation, land entitlements to commence in 2020. Implementation and completion by the end of 2021.
Management	South Waikapū kuleana land owners and kalo Farmers via right of entry agreements



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Outcomes	Building relationships between off-stream and instream users of water. Developing a well-rounded agricultural community with both sustainable large scale and kuleana lo'i kalo cultivation / farming.
Cost Analysis & Budget Overview	Funds for mechanized hand equipment, irrigation supplies (i.e. pipe) will be incurred by Hui o Nā Wai 'Ehā.
Site Map	 The map is a historical cadastral map of Waikapū from 1899. It shows various land parcels outlined in black, with some labeled 'Map 1' through 'Map 11'. A yellow box labeled 'Project Area' is drawn over a central portion of the map, specifically over parcels that are part of Map 5 and Map 6. A key in the top left corner states: 'Key Showing Location of WAIKAPU 40 feet = One inch Working Sheets Scale of Map: 1" = 1/2 mi. See also Gen. Notes 1 & 2'. A legend box in the bottom right corner reads 'Waikapū Map Key W.S.Co. 1899'. Figure 32: Waikapū Map Key - Wailuku Sugar Co. Map (1899)  This is a modern aerial map from Google Earth (2014) showing the same area as Figure 32. It highlights the 'Reservoir #1' at the top. Below it, a yellow-shaded area is labeled 'Res. #1 Plantation Ditch & Port. of S. Kuleana 'Auwai - 1.1 mi. Total'. Further down, another yellow-shaded area is labeled 'S. Waikapū Kuleana 'Auwai Restoration Project Area 0.19 mi. or 1,025 ft. (Owned by Waikapū Properties LLC & Makani 'Olu Ranch)'. At the bottom, a blue line represents the 'South Waikapū Kuleana Lands'. A legend box in the bottom left corner reads 'Google Earth Map 2014'. Figure 33: 'Auwai Restoration Project Map - Hōkūāloa Pellegrino (2019)

3.5 WAIKAPŪ STREAM PRIORITY PROJECT #3

Priority Project	Waihe'e Ditch Diversion Intake at Waikapū Stream Closure	
Purpose	To support mauka to makai connectivity throughout the entire Waikapū Stream course. To enhance the biological and cultural value and integrity of the Waikapū Stream.	
Overview	The Waihe'e Ditch Diversion Intake (500 ft.) is a 15 ft. metal grate diversion. It was built by Wailuku Sugar Co. over the Waikapū Stream and diverts a portion of the natural streamflow into the Waihe'e Ditch to be blended with Waihe'e, Waiehu and Wailuku stream water for commercial and agricultural use, south of the ditch (i.e. Maui Tropical Plantation and agricultural users, Kahili and King Kamehameha Golf Course). Since the IIFS was implemented in 2016 for both Waikapū and Wailuku along with the closure of HC&S, diverted water into the intake from Waikapū Stream along with 50% of the ditch flow is being returned into Waikapū Stream 150 feet below via a throw-off ditch. Strong evidence has demonstrated over the last 3 years that the diverted stream flow from Waikapū Stream into the Waihe'e Ditch is not needed. Therefore the proposed project request s for Waikapū Properties LLC to work in concert with Wailuku Water Co. to formally close and relinquish its use of the diversion over Waikapū Stream. The current and projected demand for Waihe'e Ditch water south of Waikapū Stream is being met from water sourced directly from the Waihe'e ditch and without the need for Waikapū Stream water to be diverted. Hui o Nā Wai 'Ehā would like to work collaboratively with both parties and especially Waikapū Properties LLC as a leading example of what a good steward of the Waikapū Stream look like. Waikapū Properties LLC is the land owner of this parcel of land and Wailuku Water Co. has an easement for the Waihe'e Ditch Diversion and Ditch System. If permits are required from CWRM, Hui o Nā Wai 'Ehā can work with both parties to ensure that all laws and regulations are being adhered to.	 Figure 34: Waihe'e Ditch Intake at Waikapū Stream (2019)
Site Map	Waikapū Ahupua'a Water Distribution Schematic Diagram on (See Figure 31 on Page 17	
Stakeholders	Hui o Nā Wai 'Ehā, Waikapū Properties, LLC, Wai'ale 905 Partners, LLC, Wailuku Water Co., State Commission on Water Resource Management.	
Owner	Waikapū Properties LLC and Wailuku Water Co.	
Management	Following the closure of the Waihe'e Ditch Diversion on Waikapū Stream, there will no longer be any need for further maintenance or management of the diversion other than that of the actual ditch system south of Waikapū Stream via the Waihe'e Ditch.	
Timeline	Hui o Nā Wai 'Ehā has requested for this project to be planned and implemented by the end of 2021.	
Outcomes	Enhancing the bio-cultural values and integrity of the Waikapū Stream. 90% of Waikapū Stream will be flowing mauka to makai. Ground water aquifer throughout the entire stretch of the Waikapū Stream, watershed. Native Ecosystem rehabilitation.	
Cost Analysis & Budget Overview	To be determined in planning and implementation stage.	

4.1 LAND AND CULTURAL RESOURCES OVERVIEW

The land tenure during the time of the Māhele of 1848 indicated that Waikapū was a thriving ahupua'a in which Hawaiians dominated the cultural landscape by cultivating an extensive system of lo'i kalo (wetland taro patches) in and around Waikapū Valley and Stream. The coastal region of Waikapū was utilized for fishing grounds and salt production from Keālia wetlands/fishpond to Mā'alaea Bay. Maps from the late 1800s, conclude that some 120+ Māhele claims and Government Grants were successfully awarded to Native Hawaiians and a few foreigners in Waikapū. The land mass of 'ili (subdivisions) in which lo'i kalo was cultivated, is estimated to be around 900 acres. Over 1,300 lo'i kalo were recorded in Land Commission Award claims and dispersed throughout the 900 acres. In addition to lo'i kalo claims, were requests for kula (dryland cultivation), mo'ō pa'akai (salt pans/grounds), wauke (paper mulberry used for making kapa), hala (pandanus used for making mats), potatoes, and hale (house lots for living).



Figure 35. Waikapū Lo'i Kalo - Bishop Museum (1890)

The 503 acre footprint of the proposed Waikapū Country Town Development will be located in an area that was once a culturally rich landscape dominated by over 250 acres of fertile lands cultivated in lo'i kalo. These farmed kuleana lands were well documented during the time of the Great Māhele. 52 Land Commission Awards (LCA) and Government Grants comprised of 74 'āpana (parcels) were claimed between 1852 and 1855. The proposed development project is situated on more than half of these awarded lands. Of the 52 awards, 36 were compromised during the Waikapū/Wailuku Sugar Co. tenure. The remaining cultural properties are adjacent to the project and within the interior part of the Waikapū Valley, on lands owned by Waikapū Property LLC and Hana'ula Ranch LLC. A pedestrian survey with cultural, lineal descendants of Waikapū and members of Hui Mālama o Waikapū over the last 3 years have identified the remaining parcels and conclude that many if not all of them are in-tact and still possess extensive cultural and archaeological sites. The cultural corridor of kuleana parcels are situated on about 50 acres and predominantly along the Waikapū Stream. The close proximity that these kuleana parcels are in relationship to the Waikapū Stream, clearly demonstrate that both 'āina (land) and wai (water) were valuable cultural resources for Hawaiians who once lived there. To understand the functionality of these parcels and the collaborative relationship native tenants had with each other can see in similar kuleana parcels actively being cultivated in lo'i kalo just below these abandoned but intact areas.



Figure 36. Waikapū Archaeological Sites in Cultural Preserve - Hōkūao Pellegrino (2018)

Article XII, section 7 of Hawai'i Constitution obligates the State of Hawai'i and its agencies, such as the LUC, "to protect the reasonable exercise of customarily and traditionally exercised rights of Native Hawaiians to the extent feasible when granting permission for reclassification of district boundaries." (Ka

Pa‘akai o Ka ‘Āina v Land Use Commission, 94 Hawai‘i 31, 7 P.3d 1068 [2000]. Under Article XII, section 7, the State shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua‘a tenants who are descendants of Native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights. In the context of land use permitting, these issues are commonly addressed when the LUC is asked to approve a petition for the reclassification of district boundaries, as such an action most often initiates activities that precede initial intensive development. In the September 11, 2000 Hawai‘i Supreme Court landmark decision (*Ka Pa‘akai o Ka ‘Āina v Land Use Commission*), an analytical framework for addressing the preservation and protection of customary and traditional native practices specific to Hawaiian communities was created. The court decision established a three-part process relative to evaluating such potential impacts: first, to identify whether any valued cultural, historical, or natural resources are present; and identify the extent to which any traditional and customary Native Hawaiian rights are exercised; second, to identify the extent to which those resources and rights will be affected or impaired by the proposed action; and third, to specify the feasible action, if any, to be taken by the regulatory body to reasonably protect Native Hawaiian rights if they are found to exist.

In an effort to identify whether any valued cultural, historical, or natural resources are present within the proposed project area, and identify the extent to which any traditional and customary Native Hawaiian rights are, or have been, exercised (the first part of the analytical process); historical archival information was investigated, and prior and current cultural studies that included consultation and oral-historical interviews were reviewed. A summary of the 52 kuleana awarded parcels have been analyzed in detail on page 26.

An archaeological inventory survey (AIS) was conducted for the proposed Waikapū Country Town development by Archaeological Services Hawai‘i LLC. The project area extends all the way to the southern edge of the Waikapū Stream, however the development will remain at least 100 ft. from the stream, such that the former cane access road which parallels the stream, as well as the steep to moderate slopes down to the stream’s edge will not be encroached upon by development. This 100 ft. buffer zone was mandated in 1992 by the State Land Use District Boundary Review for Maui, Molokai, Lanai, Honolulu where a 100-ft corridor on both sides of Waikapū Stream was placed into a Conservation District (Office of State Planning: 31). Developing a cultural reserve or corridor is one such mitigation measure that has been proposed in the latter part of this study as a way to ensure protection of these cultural sites in perpetuity.

The AIS scope of work consisted of dividing the project area into five zones based primarily on the current TMK’s (ASH 2013). From mauka to makai the zones are as follows: Parcel 3 Mauka, constitutes the mauka section of TMK 3-6-004:003; Parcel 3 Waena is the middle and remaining section of TMK 3-6- 004:003; Parcel 6 is TMK 3-6-004:006; Parcel 7 is the current Maui Tropical Plantation landholdings 3-6- 004:007 and Parcel 3 Makai is within TMK 3-6-002:003. The investigation was conducted to determine presence/absence, extent, and significance of historic properties within the proposed development area and to formulate future mitigation measures for these remains and the project area.

The Waikapū Stream has and continues to be a very important cultural resource for Native Hawaiian cultural practitioners and practices such as lo‘i kalo cultivation. The proposed project area includes a plantation era irrigation and traditional ‘auwai system that provides water for South Waikapū kuleana lo‘i kalo farmers. An ancient ‘auwai historically provided water for South Waikapū kuleana lo‘i kalo farmers which commenced on Government Grant 1844 to Joseph Sylva, now currently part of the proposed project area. The use of the po‘owai or intake portion of this ‘auwai was discontinued when Wailuku Sugar Co. built the south Waikapū dam intake within the Waikapū Valley around the turn of the 20th century.



Currently, the south Waikapū dam and intake is owned by Wailuku Water Co. whom divert Waikapū Stream water about 2 miles into the Waikapū Valley, delivers water through their ditch system and into Reservoir #1 which is on the developer's proposed projects land. From Reservoir #1, a portion of water is released via a pvc pipe into a smaller open ditch and connects with the remaining portion of the ancient 'auwai that delivers water to the south kuleana lo'i kalo farmers. As of December 2018, 6 south kuleana land owners have been identified as utilizing this ditch commonly called south Waikapū kuleana 'auwai for kalo cultivation: (TMK 3-6-005:019, TMK 3-6-006:027, TMK 3-6-006:025, TMK 3-6-006:029, TMK 3-6-006:003, TMK 3-6-006:013). There are numerous other south kuleana lands that are privately owned and consist of former lo'i kalo terraces, however are not in use. Lineal descendants of these lands through the State Water Use Permit process have expressed interest in utilizing or returning to their ancestral lands to restore and farm lo'i kalo. These lands are identified as (TMK 3-6-005:014, TMK 3-6-005:067, TMK 3-6-005:001, TMK 3-6-006:017, TMK 3-6-006:032, TMK 3-6-006:033, TMK 3-6-006:001, TMK 3-6-005:068, TMK 3-6-007:010).



Figure 37: N. Waikapū Kuleana 'Auwai - Maui Historical Society (1900)

To ensure that current and future Native Hawaiian practices associated with access to kuleana water for lo'i kalo cultivation are protected, the following information has been provided by existing south kuleana lo'i kalo farmers. They expressed that the irrigation system which provides water to their lands via the plantation ditch found within the proposed project area, is inefficient and causes limitations. The limitations include lack of and consistent water for lo'i kalo cultivation as well as warm water that comes from Reservoir #1 rather than straight from the stream as it historically did. They have shared that the water entering the ditch comes from a reservoir which causes some warming of the water rather than fresh stream water directly from the Waikapū Stream. Although the amount of water released via a pvc pipe may be sufficient, the estimated 1 mile long open ditch has numerous leaks and along with absorption into the ground along the ironwood trees. When the water finally enters the ancient 'auwai system near the kuleana lands, it has been said that the amount is minimal and does not provide sufficient amount of water for the current and growing needs of existing kuleana lo'i kalo farmers.

The proposed project area has identified the plantation era irrigation and 'auwai system be located within a greenway. Although the development will not adversely Hawaiian cultural practices related to lo'i kalo cultivation on neighboring properties that access water via the developer's land, a proposed improvement of the infrastructure and overall system should be implemented to mitigate their concerns.

Traditional and customary rights in relationship to Waikapū water and lo'i kalo cultivation are also occurring extensively on the north side of Waikapū Stream on kuleana lands directly across from the proposed project area. (TMK An intact traditional 'auwai known as the north kuleana 'auwai accesses Waikapū Stream water directly from the Waikapū Stream. (TMK 3-5-012:031, TMK 3-5-012:028, TMK 3-5-012:041, TMK 3-5-012:027, TMK 3-5-012:026, TMK 3-5-012:049, TMK 3-5-012:048, TMK 3-5-012:047, TMK 3-5-012:023, TMK 3-5-012:021, TMK 3-5-012:020, TMK 3-5-004:028, TMK 3-5-004:32, TMK 3-5-012:016, TMK 3-5-012:016, TMK 3-5-012:015, TMK 3-5-012:10, TMK 3-5-012:012, TMK 3-5-012:013, TMK 3-5-012:009, TMK 3-5-012:008, TMK 3-5-012:007, TMK 3-5-012:006, TMK 3-5-012:005, TMK 3-5-012:003, TMK 3-5-012:001) The State Commission on Water Resource Management set the Interim Instream Flow Standards (IIFS) for Waikapū Stream as 2.9 mgd in 2014 through a settlement agreement between the



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following parties; Hui o Nā Wai 'Ehā, Wailuku Water Company, Hawaiian Commercial Sugar Company, Maui Tomorrow, County of Maui, and Office of Hawaiian Affairs. The amount of water that has been released into Waikapū Stream does not account for traditional and customary rights for kuleana lo'i kalo farmers which is a protected right under State Law. The interior valley of Waikapū watershed includes a diverse native forest with an array of endemic plants, insects, snails and mammals. Traditional access and trails into the Waikapū Valley are along the Waikapū Stream which is partially owned by the developer of the proposed project. In addition to the river, are two plantation era access points adjacent to Reservoir #1. There are a number of Hawaiian cultural practices identified in relationship to accessing the Waikapū Valley for gathering and stewarding highly sensitive cultural and natural resources.

There are endemic medicinal plants such as ko'oko'olau (*bidens* sp.) and māmaki (*pipturus albidus*) that have been identified by lineal descendants of Waikapū for gathering and use in lā'au lapa'au (Hawaiian herbal medicine). These native plants and others grow in very specific regions within the valley and ridges. A Hawaiian family shared about a specific ko'oko'olau plant that they would gather fresh leaves from which was located along a ridge and dry gulch in the valley named Kapiliiki. The leaves were used to treat a family member who has high blood pressure. The proposed project does not adversely impact the area in which traditional cultural practice of gathering herbs exist. The proposed project will continue to allow access to the Waikapū Valley for traditional and customary practices through a greenway or potential cultural preserve adjacent to the Waikapū Stream and near the opening of the valley on a trail below Reservoir #1. Controlled access will be an important part of this project in order to protect both the watershed and cultural resources.

Lineal descendants of Waikapū have also been identified as having scattered the ashes of their ancestors within the valley. The cultural practices conducted by lineal descendants are reliant on access through the proposed development in order to honor their kūpuna. The proposed project will continue to allow access to the Waikapū Valley for traditional and customary practices through a greenway or potential cultural reserve adjacent to the Waikapū Stream and near the opening of the valley on a trail below Reservoir #1.

Hui Mālama o Waikapū, a non-profit organization affiliated with Tri-Isle RC&D was established in 2009 and currently has a 15 year lease with the developer for a 5 acre parcel of land adjacent to the proposed project. The mission of the organization is "E mālama a ho'okā'oi i ka mo'omeheu, kaiameaola kūlohelohē a me ka wai o kō Waikapu ahupua'a" or "To preserve and enhance the cultural, biological, and water resources of the Waikapū ahupua'a". Hui Mālama o Waikapū is comprised of four Waikapū residents who have genealogical ties to the ahupua'a, and have committed themselves to protecting the culturally and environmentally rich landscape through cultural practices. The members of Hui Mālama o Waikapū (HMOK) who are also lineal descendants conduct cultural practices on the leased parcel of land in addition to lands in and around the project area. These practices include gathering of seeds and cuttings of endemic plant cultivars for propagation and restoration of the leased native dryland forest owned by the developer. They also gather native plants and material for traditional implements used during activities on the leased land such as lo'i kalo, Hawaiian food crop cultivation and lā'au



Figure 38: Hui Mālama o Waikapū Work Day (2013)



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lapa'au. In addition, the group has sought and received funding to initiate a natural and cultural resource management and education program in the leased area. Access and protection to this highly sensitive cultural sight is critical for both cultural practices and educational program implementation. Hui Mālama has brought over 1,000 students since their inception and continue to grow their educational programs to include formal partnerships with educational institutions on Maui. Currently the land owner provides access via an old plantation road leading up to the reservoir and access point to HMOW leased lands. The proposed project will continue to allow access to their lease lands for traditional and customary Hawaiian practices through a greenway or potential cultural reserve adjacent to the Waikapū Stream and near the opening of the valley on a trail below Reservoir #1. The founders and members of Hui Mālama o Waikapū and who are from the Waikapū ahupua'a, have extensive knowledge of the cultural sites and practices within and adjacent to the proposed development project. HMOK has recommended that a cultural preserve be established to ensure that all cultural sites, existing and future cultural practices within the developers land base be protected in perpetuity. These sites include kuleana lands with lo'i kalo terraces, 'auwai systems, house sites, other cultural and archaeological features, and native plant species. Hui Mālama o Waikapū proposes to work alongside developer to ensure that there is a plan to mitigate any potential adverse impacts on these highly sensitive cultural lands.

In the development of the CIA, two privately owned kuleana parcels of land were identified. They are called the "Mahi parcels". Both parcels are located directly in the middle of where the proposed urban lots were to be developed in the mauka section. These parcels are currently vacant and in the middle of a pasture used by the developer and neighboring land owner for grazing cattle. Lineal descendants of the Mahi family who now live on O'ahu, were contacted through this process and expressed a deep interest in returning to their ancestral land someday along with a permanent access easement to their property. The developer for the project has been made aware of this and has since moved the urban lots and road away from the Mahi kuleana parcels. A permanent easement for the Mahi family will also be recommended below as a priority project.

KULEANA PARCELS IDENTIFIED WITHIN THE LAND ASSETS OF WAIKAPŪ PROPERTIES LLC

Awardee	'Ili (Subdivision)	Land Commission Award	Royal Patent	'Āpana (Parcel)	Grant	Acres	Description of Cultural & Natural Resources via Native and Foreign Testimony and Survey Notes	Surveyor
Kupalii	Keana	3546	3151	2		1.2	- Kula - Kalo paukū - Kukui & wiliwili - Borders Waikapū Stream	E. Bailey 5-5-1852
Charles Copp	Papala	236-I	498	2		1.0 (est.)	- Lo'i kalo (unspecified amount) - Borders Waikapū Stream	Ioane (John) Richardson
Napailoi	Kaloaloo / Loaloo	10481	3131	4		0.66	- Lo'i kalo (unspecified amount) - Borders Waikapū Stream	E. Bailey 4-23-1852
Opunui	Loaloo	3224	4115	6		0.27	- Lo'i kalo (unspecified amount) - Borders Waikapū Stream	E. Bailey 6-25-1852
Keaka (W)	Olohe	3549	3122	3		1.0	- 3 lo'i kalo	N/A



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						(est.)	- Borders Waikapū Stream	
Keaka (W)	Olohe				1511	0.2 (est.)	- Lo'i kalo (unspecified amount) - Borders Waikapū Stream	N/A
Kupalii	Mokahelahela / Makaelelu	3546	3151	3		1.0	- 1 house lot	E. Bailey 5-5-1852
Kamakaipoaa / Kamakaipuaa	Kamaulalii	6385	None	2		1.94	- Lo'i (unspecified amount) - Borders Waikapū Stream	E. Bailey 4-15-1852
Nahau	Olohe	3340	3115	2		0.8	- Mo'o kula - 1 house lot - 'Auwai watercourse	E. Bailey 4-11-1852
Joseph Sylva	Waihalulu			3	1844	487.0	- 'Auwai watercourse - Pens - Stone walls - Native claims retained - Gulch	E. Bailey 4-10-1855
Joseph Sylva	Waihalulu			2	1844	9.52	- Stone walls - Multiple house lot	E. Bailey 4-10-1855
Joseph Sylva	Waihalulu & Paalae			1	1844	22.35	- Native claims retained	E. Bailey 4-10-1855
Napailoi	Waihalulu	10481	3131	2&3		1.3	- 8 lo'i kalo - Kula - 1 house lot	E. Bailey 4-23-1852
Napailoi	Paalae	10481	3131	1:1		0.54	- Kalo paukū - Kula - 'Auwai watercourse	E. Bailey 4-23-1852
Napailoi	Paalae	10481	3131	1:2		0.19	- Kalo paukū - Kula	E. Bailey 4-23-1852
Napailoi	Paalae	10481	3131	1:3		0.1	- Kalo paukū - Kula	E. Bailey 4-23-1852
Hakiki	Waihalulu	2577	4948	4		0.2	- 4 lo'i kalo - 'Auwai watercourse	E. Bailey 8-14-1852
Kaeha	Olohe	2394	3138	1		1.36	- Kalo paukū - Pūhala - 2 house lots - 'Auwai watercourse	E. Bailey 6-21-1852
Nalei	Olohe	10460	None	2		0.07	- 2 lo'i kalo - 'Auwai watercourse	E. Bailey 4-16-1852
Ehunui Mahi Parcel	Olohe			1513		0.07 (est.)	- Unknown	N/A
Ehunui Mahi Parcel	Olohe	2499	4070	1		0.8	- Kalo paukū - Po'alima - 'Auwai watercourse	E. Bailey 6-25-1852
Ehunui Mahi Parcel	Pikoku	2499	4070	3		1.3	- 7 lo'i kalo - 'Auwai watercourse	E. Bailey 6-25-1852
Kamaipuaa / Kamakaipoaa / Kamakaipuaa	Pikoku	6385	None	1		0.17	- Kalo paukū	E. Bailey 4-15-1852
Koa	Pikoku	3528	3155	1		3.90	- 2 house lots - Kalo paukū - Kula - 'Auwai watercourse	E. Bailey 8-27-1852

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Koa	Pikoku				1708	0.1 (est.)	- 1 lo'i kalo - 'Auwai watercourse - 2 burial plots (Maxwell)	E. Bailey 9-9-1854
Hakiki	Olohe	2577	4948	2		0.25	- 7 lo'i kalo	E. Bailey 8-14-1852
Mohomoho	Kamauehalii			1	1711	0.08	- 1 lo'i kalo	E. Bailey 9-8-1854
Mohomoho	Kamauehalii			2	1711	0.04	- 1 lo'i kalo	E. Bailey 9-8-1854
Ihu	Kamauehalii			1	1712	0.09	- 1 lo'i kalo	E. Bailey 9-15-1854
Opunui	Kamauehalii				1704	1.94	- Unkown	E. Bailey 9-9-1854
Mataio	Kamauehalii	3020	3140	2		2.65	- Kalo paukū - Kula - House lot	E. Bailey 4-15-1852
Keawe (W)	Punia	3520	3135			2.54	- 2 kalo paukū - Kula	E. Bailey 4-15-1852
Makuakane	Punia	2522	3125			1.83	- Kalo paukū	Unknown
Kekua	Kamauehalii	5551	3150	1		0.42	- Kalo paukū	E. Bailey 6-25-1852
Kekua	Kaalea	5551	3150	2		0.1	- 2 lo'i kalo	E. Bailey 6-25-1852
Kekua	Kamauehalii				1518	0.15 (est.)	- Unknown	N/A
Kamohai	Kaalea	3527	3156	3		0.2	- Kalo paukū - Kula mo'o	E. Bailey 8-18-1852
Naanaa	Punia	3337	3136	1,2,3		1.1	- Kalo paukū - Lo'i kalo - House lot	E. Bailey 4-14-1852
Ihu	Kaalea			2	1712	0.07	- 1 lo'i kalo	E. Bailey 9-15-1854
Kaai	Kaalea			2	2069	0.18	- Unknown	N/A
Opunui	Kaalea	3224	4115	5		0.32	- Kula	E. Bailey 6-25-13
Naanaa	Kaalea	3337	3136	4		0.45	- Kalo paukū	E. Bailey 4-14-1852
Poepoe	Kaalea	2609	3124	1,5		0.98	- Kalo paukū - 'Uala kula - House lot	E. Bailey 8-27-1852
Kaai	Kaalea	5774	4014	2		2.76	- 6 lo'i kalo - 'Auwai watercourse	E. Bailey 3-7-1852
Kaai	Kaalea			1	2069	10.46	- Unknown	N/A
Wahinealii	Kaalea	11022	3142	8		0.6	- House lot	E. Bailey 4-15-1852
Mahoe	Ahuakolea	10160	3148	1		1.99	- Kalo paukū	E. Bailey 4-16-1852
Kamohai	Kaalea	3527	3156	2		0.2	- Kalo paukū	E. Bailey 8-18-1852
Keakini	Kaalea	5324	6374	3		0.56	- 1 lo'i kalo	E. Bailey 4-24-1852
Kaneae	Kaloapelu	8874	3130	1		0.29	- Lo'i kalo	E. Bailey 8-26-1852

Figure 39: Great Māhele Kuleana Land Awards - Hō'ouao Pellegrino (2019)



4.2 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #1

Priority Project	Waikapū Valley Access for Native Hawaiian Traditional and Customary Practices and Gathering
Purpose	To allow access for Native Hawaiian traditional and customary practices and gathering in the Waikapū Valley through a managed process. To ensure that cultural resources in the Waikapū Valley are not being adversely impacted due to uncontrolled access.
Overview	The proximity of the Waikapū Country Town Development to the access point into the Waikapū Valley is extremely close. While access for Native Hawaiian traditional and customary practices and gathering is strongly supported by the developers, the possibility of increased entry into the valley via hikers, tourists, non-members of the community, community members and others because of the Waikapū Country Town Development needs to be addressed and managed properly. Signage, fence lines with a controlled access gate for lineal and cultural descendants of Waikapū along with invasive species sanitation stations will be developed and installed. Hui Mālama o Waikapū will work closely with Waikapū Properties LLC to determine the plan of action.
Site Map	To be determined by stakeholder groups
Stakeholders	Hui Mālama o Waikapū, Hui o Nā Wai 'Ehā, Waikapū Properties, LLC.
Owner	Waikapū Properties, LLC
Management	Waikapū Properties, LLC, Waikapū Community Members and Hui Mālama o Waikapū
Timeline	A plan will be set in place by the end of 2020
Outcomes	Managed access will preserve and protect both natural and cultural resources as well as protecting gathering rights of Waikapū lineal descendants. Measures will also be put to limit and close off the general public from entering valley especially because of the high probability of spreading invasive species (i.e. Rapid 'Ōhi'a Death).
Cost Analysis & Budget Overview	To be determined in the planning process.



4.3 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #2

Priority Project	Mahi Kuleana Parcel Access
Purpose	To protect and allow easements for 2 Mahi kuleana parcels
Overview	Through the development of the CIA, two privately owned kuleana parcels of land were identified. They are called the “Mahi parcels”. Both parcels are located directly in the middle of where the proposed urban lots were to be developed in the mauka section. These parcels are currently vacant and in the middle of a pasture used by Waikapū Properties LLC and Makani ‘Olu Ranch for grazing cattle. Lineal descendants of the Mahi family who now live on O‘ahu, were contacted through this process and expressed a deep interest in returning to their ancestral land someday along with a permanent access easement to their property. The developer for the project has been made aware of this and has since moved the urban lots and road away from the Mahi kuleana parcels. Since there is no formal easements and lot lines, the Mahi family has requested Waikapū Properties LLC to assist in surveying their 2 kuleana parcels along with an easement. The Mahi’s have made it clear they don’t want to sell their ancestral lands but rather want to be a good steward of them in the near future. In exchange of support, the Mahi family would be open to setting some conditions to ensure that their property is managed properly due to its extremely close proximity to the urban lots for Waikapū Country Town.
Site Map	 Figure 40: Mahi Kuleana Parcel Map - Hōkūao Pellegrino (2019)
Stakeholders	Mahi Family, Waikapū Properties, LLC, Wai‘ale 905 Partners, LLC, and Hui Mālama o Waikapū
Owner	Mahi Family, Waikapū Properties, LLC, and Wai‘ale 905 Partners, LLC
Management	Mahi Family, Waikapū Properties, LLC
Timeline	To be completed in 2021
Outcomes	Incorporating a strong sense of place within the Waikapū Country Town Development by fostering strong relationships with the Mahi Family who is one of the last remaining lineal descendants of Waikapū with kuleana land.
Cost Analysis & Budget Overview	To be determined at a later time following the estimate from survey vendor.

4.4 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #3

Priority Project	Waikapū Cultural Preserve, Cultural Corridor and Riparian Buffer
Purpose	To establish a cultural preserve to ensure the integrity of natural and cultural resources found within a 50 acre corridor of kuleana lands is protected and stewarded in perpetuity. The remaining intact kuleana parcels adjacent to and mauka of the Waikapū Country Town Development are on 50 acres of land. Many of these kuleana parcels as specified in detail on page 32 show that they are along the Waikapū Stream.
Overview	20 culturally sensitive kuleana parcels are in need of protection beyond the LUC condition of a 100 foot buffer between Waikapū Country Town Development and Waikapū Stream. It is being proposed that a 50 acre buffer along the Waikapū Stream and ridge leading down to the stream be created. The establishment of a cultural preserve would ensure these lands and designated buffer zones will never be developed or impacted. The proposed cultural preserve will be within 3 of 5 large agricultural lots that can be developed however not subdivided as part of a condition in the WCT project. The close proximity of these lots have the potential for compromising the kuleana lands, therefore, it is further proposed that specific language, design guidelines, plot plan exhibits and deed restrictions be set in place for the 3 large agricultural lots. Hui Mālama o Waikapū currently manages 5 acres on lands they lease from Waikapū Properties, LLC, within the 50 acre cultural preserve. Hui Mālama o Waikapū in conjunction with Hui o Nā Wai 'Ehā would like to work as the entity formally managing the 50 acre cultural preserve for both protection, 'āina-based stewardship and community engagement.
Site Map	See Figure 41 on Page 31
Stakeholders	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC, Hui Mālama o Waikapū, Hui o Nā Wai 'Ehā.
Owner	Waikapū Properties, LLC
Management	Management will be in conjunction with Hui Mālama o Waikapū and Hui o Nā Wai 'Ehā.
Timeline	Establish formal cultural preserve designation and management oversight by end of 2020.
Outcomes	Protection and stewardship of some of the last remaining pre-western contact Hawaiian kuleana parcels in the Waikapū ahupua'a. Allowing current and future lineal and cultural descendants to reconnect place. Increasing stewardship and educational opportunities while building community engagement trust and empowerment. Adaptive management strategies. Restoration of traditional agricultural sties and native dryland forests as a historical agroforestry model. Increase traditional access for cultural practices. Restore and interpret cultural landscapes.
Cost Analysis & Budget Overview	A proposed annual fund of \$5,000 is being requested to the managing entity for the protection and stewardship of the Waikapū Cultural Preserve.



WAIKAPŪ CULTURAL PRESERVE MAP - Hōkūao Pellegrino (2019)

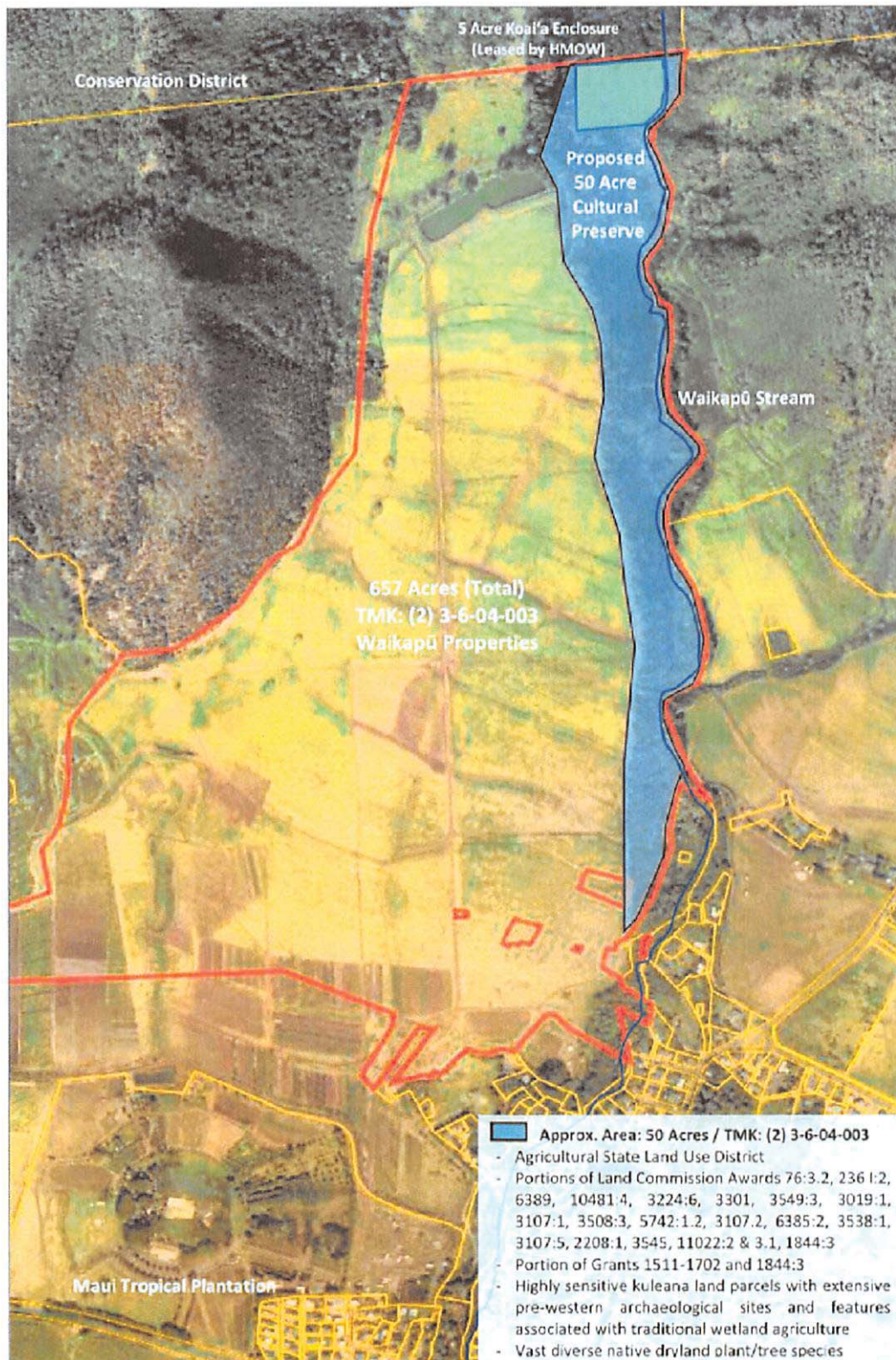


Figure 41: Waikapū Cultural Preserve Map - Hōkūao Pellegrino (2019)

Integrated Natural-Cultural Resource Preservation & Management Plan

Waikapū Properties LLC & Partners – Waikapū Country Town Development

Indices of Māhele Land Commission Awards and Land Grants Located within the 50 Acre Cultural Preserve

Awardee	'Ili (Subdivision)	Land Commission Award	Royal Patent	Grant	Acres	Description of Cultural & Natural Resources via Native and Foreign Testimony, Native Register and Survey Notes	Survey
William Shaw	Loaloa	76:3:2	7694		3.42	- Palolo 'Auwai / Everett Ditch - Ha'anui mountain - Both sides of Waikapū Stream	J. Metcalf 1-25-1847
Charles Copp	Papala	236-1:2	498		1.0 (est.)	- Lo'i kalo (unspecified amount) - Both sides of Waikapū Stream	Ioane (John) Richardson
Kahaleole	Loaloa	6389	6192		3.48	- Palolo 'Auwai / Everett Ditch - Borders Waikapū Stream	E. Bailey 3-15-1854
Napailoi	Kaloaloa / Loaloa	10481:4	3131		0.66	- Lo'i kalo (unspecified amount) - Adjacent to Waikapū Stream	E. Bailey 4-23-1852
Opunui	Loaloa	3224:6	4115		0.27	- Lo'i kalo (unspecified amount) - Adjacent to Waikapū Stream	E. Bailey 6-25-1852
Mahoe / Kamakea	'Ōlohe	3301	3137		9.7	- Wiliwili tree reference - Palolo 'Auwai / Everette Ditch - Adjacent to Waikapū Stream	E. Bailey 6-25-1852
Keaka	'Ōlohe	3549:3	3122		0.52 (est.)	- 3 lo'i kalo - Both sides of Waikapū Stream	Unknown
Mehac	'Ōhi'a	3019:1	5333		0.58	- 5 lo'i kalo - Adjacent to Waikapū Stream	E. Bailey 9-27-1852
Keaka	'Ōlohe			1511 / 1702	0.17	- Located within LCA 3549:3	E. Bailey 4-19-1855
Kaili	'Ōhi'a	3107:1	2348		0.8	- Adjacent to Waikapū Stream - 'Auwai	E. Bailey 6-25-1852
Kuheleloa	'Ōhi'a	3508:3	3123		0.65	- Mo'o kalo - Adjacent to Waikapū Stream - 'Auwai	E. Bailey 4-19-1853
Kaluahinui	'Ōhi'a	5742:1.2	4125		0.36	- Adjacent to Waikapū Stream - 16 lo'i kalo & upland kalo	E. Bailey 6-25-1852
Kaili	'Ōhi'a	3107:2			1.27	- Paukū kalo, Po'alima, Lo'i Aupuni, Lo'i Pa'ahao - Adjacent to Waikapū Stream - 'Auwai	E. Bailey 4-30-1852
Kamakaipoaa / Kamakaipuaa	Kama'ūhāli'i	6385:2	N/A		1.94	- Lo'i (unspecified amount) - Adjacent to Waikapū Stream	E. Bailey 4-15-1852
Keakua	Pālama	3538:1	2351		1.64	- 21 Lo'i kalo - House lot - Kula - Adjacent to Waikapū Stream	E. Bailey 6-25-1852
Kaili	Pālama	3107:5	2348		0.90	- Lo'i kalo (unspecified amount) - Adjacent to Waikapū Stream	E. Bailey 4-30-1852
Manu	Pālama	2208:1	2208		0.72	- 36 lo'i kalo / mo'o kalo - Adjacent to Waikapū Stream	E. Bailey 1-27-1854
Keaweamahi	Pālama	3545	5262		2.08	- Mo'o kalo - Kula - Adjacent to Waikapū Stream	E. Bailey 4-16-1852
Wahinealii	Pālama	11022:2 3 1	3142		1.70	- Mo'o kalo - Adjacent to Waikapū Stream	E. Bailey 4-16-1852
Joseph Sylva / Silva	Moka'elelū			1844:3	487.0	- 'Auwai / watercourse - Stone walls, pens - Native claims retained - Kaiwaloa Ridge & Kapiliiki Gulch	E. Bailey 4-10-1855

NOTE: The Cultural Preserve includes a portion of each kuleana identified in the table. The remaining portions are owned by other land owners not associated with the ownership of Waikapū Properties.



4.5 LAND & CULTURAL RESOURCES PRIORITY PROJECT #4

Priority Project	Integration of Waikapū Ethnohistorical Resources throughout WCT Development
Purpose	To integrate and perpetuate the cultural identity of Waikapū throughout the entire Waikapū Country Town Development.
Overview	The Waikapū Country Development is proposing to have a park, school, businesses and streets. The purpose of this project is to utilize the in-depth cultural research conducted via the CIA and this plan in all aspects of the development. Areas may include but are not limited to the naming of the school, park, buildings, and streets as well as creating interpretive signage throughout the development sharing the history of Waikapū and profound natural and cultural resources that exist. In addition to this is building a strong sense of place by providing opportunities to experience hands-on stewardship opportunities within designated spaces such as the Waikapū Cultural Preserve. A community advisory committee to assist in these two areas would be set up to execute on this project.
Site Map	Waikapū Country Town See Figure 1 on Page 4
Stakeholders	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC, Waikapū Community Association, Future Waikapū Country Town Community Advisory Committee
Owner	Waikapū Community in conjunction with Waikapū Country Town
Management	Future Waikapū Country Town Community Advisory Committee and key stakeholders.
Timeline	Pre and post development phases
Outcomes	Strong integration of Waikapū cultural and natural resources throughout the Waikapū Country Town development by building bridges and relationships between old and new residents.
Cost Analysis & Budget Overview	N/A



5.1 HŌ'ULU'ULU MANA'O HOPE - FINAL SUMMARY

The In-depth research and analysis included in the Cultural Impact Assessment and Ka Pa'akai Analysis has shown that the Waikapū Country Town development is within a naturally and culturally vibrant ahupua'a. It has shown that throughout the last 10 years, Waikapū Properties, LLC, and Wai'ale 905 Partners, LLC have been openly communicating with the Waikapū Community at large, those kuleana land owners whose lands may be impacted adjacent to the subject property and key stakeholders groups. Because of the concerns about neighboring cultural properties and resources, it is recommended that the developer continue to have genuine discussions throughout the planning process with the Waikapū Community and stakeholders, while providing current information and/or changes regarding the development plan. Overarching sentiments provided by the community is that they want to trust the planning and development process, to ensure the developer is continually open to their concerns and working directly with them on addressing any issues. Lastly, they want the commitment of the developers to execute and complete all priority projects that were identified in this plan.

The Integrated Natural-Cultural Resource Preservation Management Plan is a guiding document that provides strategic guidance and actions for the management and stewardship of resources via priority projects and current initiatives. Waikapū Properties, LLC and Wai'ale 905 Partners, LLC are committed to seeing this plan through to completion in partnership with all major key stakeholders that were identified. Responsible stewardship of cultural and natural resources is critical to maintaining the unique character of the current Waikapū Historic Town and ahupua'a. Furthermore, it enhances the way of life of current and future Waikapū residents while supporting thoughtful growth and sustainability.



Figure 42: Lo'i Kalo Wall Restoration at Noho'ana Farm, Waikapū - HôkCao Pellegrino (2005)

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Affects Tax Map Keys (2) 3-6-004:003 (portions), (2) 3-6-004:006, (2) 3-6-006:036, (2) 3-6-005:007, and (2) 3-6-002:003 (portion)

UNILATERAL AGREEMENT AND
DECLARATION FOR CONDITIONAL ZONING

THIS INDENTURE, made this 30th day of August, 2019, hereinafter referred to as "DECLARATION" or "UNILATERAL AGREEMENT", by Waikapu Properties, LLC, a Hawaii limited liability company, MTP Land Partners, LLC, a Hawaii limited liability company, William S. Filios, Trustee of the William Filios Separate Property Trust dated April 3, 2000, and Waiale 905 Partners, LLC, a Hawaii limited liability company, all of whose principal place of business and mailing address is P.O. Box 1870, Manteca, California 95336, hereinafter referred to as "DECLARANT", and who are the owners of those parcels located at Waikapu, Maui, Hawai'i, comprised of approximately 495.905 acres, and identified for real property tax purposes by Tax Map Key No(s). (2) 3-6-004:003 (portions), (2) 3-6-004:006, (2) 3-6-006:036, (2) 3-6-005:007, and (2) 3-6-002:003 (portion), hereinafter referred to as "Property".

WITNESSETH:

WHEREAS, the Council of the County of Maui, State of Hawai'i, hereinafter referred to as "Council", is considering changing the zoning of the Property, comprised of approximately 495.905 acres, which is more particularly described in Exhibit "1", which is attached hereto and made a part hereof, and which is more particularly identified in Land Zoning Map Nos. L-2705, L-2706, L-2707, L-2708, and L-2709, which are attached hereto and made a part hereof as Exhibit "2"; and

WHEREAS, the Council recommends through its Land Use Committee, Committee Report No. 19-93, that said change of zoning be approved for passage on first reading subject to certain conditions, pursuant to Section 19.510.050, Maui County Code; and

WHEREAS, the Declarant has agreed to execute this instrument pursuant to the conditional zoning provisions of Section 19.510.050, Maui County Code;

NOW, THEREFORE, the Declarant makes the following Declaration:

1. That this Declaration is made pursuant to the provisions of Section 19.510.050, Maui County Code, relating to conditional zoning;

2. That until written release by the County of Maui, the Property, and all parts thereof, is and shall be held subject to the covenants, conditions and restrictions which shall be effective as to and shall run with the land as to the Property, from and after the recording of this Declaration with the Bureau of Conveyances or the Land Court of the State of Hawai'i, without the execution, delivery or recordation of any further deed, instrument, document, agreement, declaration, covenant or the like with respect thereto by the Declarant, the County of Maui, or any heir, devisee, executor, administrator, personal representative, successor, and assign; that the acquisition of any right, title or interest in or with respect to the Property by any person or persons, entity or entities, whomsoever, shall be deemed to constitute the acceptance of all of the covenants, conditions and restrictions of this Declaration by such person or persons, entity or entities; and that upon any transfer of any right, title or interest in or with respect to the Property the same shall be subject to, and the transferee shall assume and be bound and obligated to observe and perform all of the covenants, conditions and restrictions of this Declaration;

3. That this Declaration and all of the covenants, conditions and restrictions contained herein shall continue to be effective as to and run with the land in perpetuity, or until the Declarant notifies the appropriate County Department that any of said covenants, conditions and restrictions are satisfied by the Declarant, and the appropriate County Department verifies the satisfaction and provides a written release of the covenant, condition or restriction;

4. That the term "Declarant" and any pronoun in reference thereto, wherever used herein, shall be construed to mean the singular or the plural, the masculine or the feminine, or the neuter, and vice versa, and shall include any corporation, and shall be held to mean and include the "Declarant", the Declarant's heirs, devisees, executors, administrators, personal representatives, successors, and assigns;

5. That the Declaration shall become fully effective on the effective date of the zoning ordinance approving the establishment of Waikapu Country Town District zoning and this Declaration shall be recorded in the Bureau of Conveyances or Land Court of the State of Hawai'i;

6. That the Declarant agrees to develop said Property in conformance with the conditions set forth in Exhibit "3", which is attached hereto and made a part hereof and which shall be made a part of the zoning ordinance;

7. That the conditions imposed are reasonable and rationally relate to the objective of preserving the public health, safety and general welfare and such conditions fulfill the need for the public service demands created by the proposed use;

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that until released in writing by the County, the conditions imposed in this Declaration shall run with the land identified hereinabove and shall bind and constitute notice to all subsequent owners, lessees, grantees, assignees, mortgagees, lienors and any other persons who claim an interest in said land, and the County of Maui shall have the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may at any time file a petition for the removal of the conditions and terminate this Unilateral Agreement, such petition to be processed in the same manner as petitions for change in zoning.

This Declaration may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Declaration.

Each person signing this Unilateral Agreement represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Unilateral Agreement. Each party represents and warrants to the other that the execution and delivery of this Unilateral Agreement and the performance of such party's obligations hereunder have been duly authorized and that this Unilateral Agreement is a valid and legal agreement binding on such party and enforceable in accordance with its terms.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the undersigned has executed this Declaration the day and year first above written.

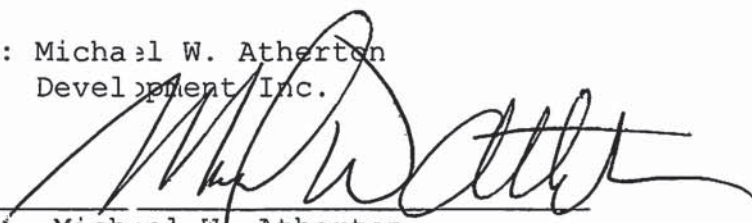
DECLARANT:

1. WAIKAPU PROPERTIES, LLC
a Hawaii limited liability company

a. By: Lodi Development, Inc.

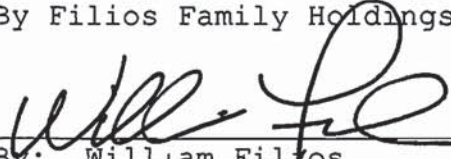
By: Larry W. Anderson
Its: President

b. By: Michael W. Atherton
Development, Inc.



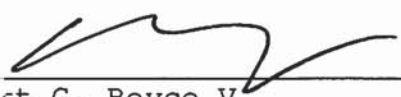
By: Michael W. Atherton
Its: President

c. By Filios Family Holdings, LLC



By: William Filios
Its: Manager

d. By: Boyce Holdings, Inc.



By: Albert G. Boyce V
Its: President

e. By: Boyce Resource Development
Company



By: Albert G. Boyce, Jr.
Its: President

IN WITNESS WHEREOF, the undersigned has executed this Declaration the day and year first above written.

DECLARANT:

1. WAIKAPU PROPERTIES, LLC
a Hawaii limited liability company

a. By: Lodi Development, Inc.


By: Larry W. Anderson
Its: President

b. By: Michael W. Atherton
Development Inc.

By: Michael W. Atherton
Its: President

c. By Filios Family Holdings, LLC

By: William Filios
Its: Manager

d. By: Boyce Holdings, Inc.

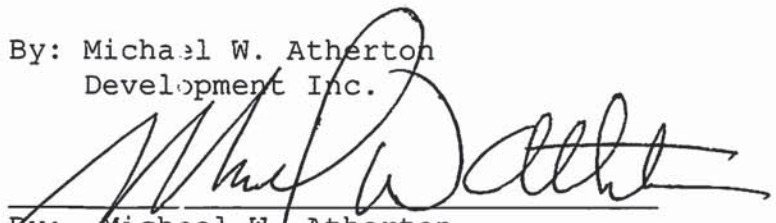
By: Albert G. Boyce V
Its: President

e. By: Boyce Resource Development
Company

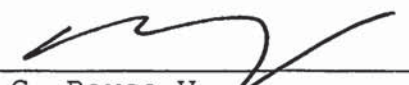
By: Albert G. Boyce, Jr.
Its: President

2. MTP LAND PARTNERS, LLC
a Hawaii Limited Liability Company

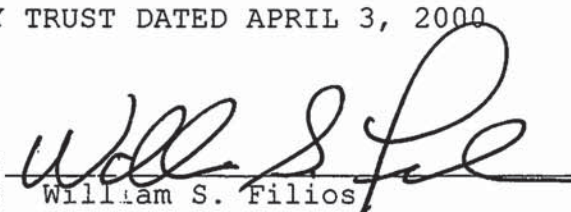
a. By: Michael W. Atherton
Development Inc.


By: Michael W. Atherton
Its: President

b. By: Boyce Holdings, Inc.


By: Albert G. Boyce V
Its: President

3. WILLIAM S. FILIOS SEPARATE
PROPERTY TRUST DATED APRIL 3, 2000


By: William S. Filios
Its: Trustee

4. WAIALE 905 PARTNERS, LLC
a Hawaii limited liability company

a. By: Lodi Development, Inc.


By: Larry W. Anderson
Its: President

2. MTP LAND PARTNERS, LLC
a Hawaii Limited Liability Company

a. By: Michael W. Atherton
Development Inc.

By: Michael W. Atherton
Its: President

b. By: Boyce Holdings, Inc.

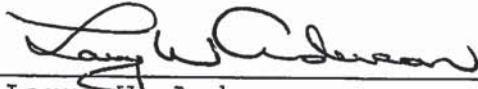
By: Albert G. Boyce V
Its: President

3. WILLIAM S. FILIOS SEPARATE
PROPERTY TRUST DATED APRIL 3, 2000

By: _____
By: William S. Filios
Its: Trustee

4. WAIALE 905 PARTNERS, LLC
a Hawaii limited liability company

a. By: Lodi Development, Inc.


By: Larry W. Anderson
Its: President

b. By: Larry W. Anderson and
Georgeann M. Anderson
Revocable Family Trust Dated
August 9, 2004

By: Larry W. Anderson
Its: Co-Trustee

By: Georgeann M. Anderson
Its: Co-Trustee

c. By: Boyce Holdings, Inc.

By: Albert G. Boyce
Its: President

d. By: Boyce Resource Development
Company

By: Albert G. Boyce, Jr.
Its: President

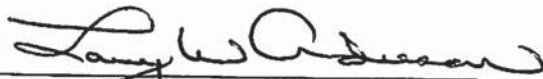
e. By: Trust B Created under the
Last Will and Testament of
Albert G. Boyce, Sr., dated
November 2, 1978

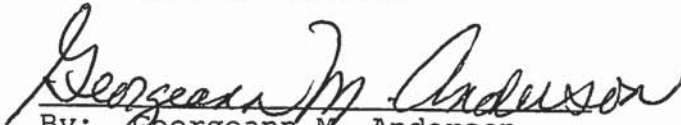
By: Albert G. Boyce, Jr.
Its: Trustee

f. By: Filios Family Holdings, LLC

By: William Filios
Its: Manager

b. By: Larry W. Anderson and
Georgeann M. Anderson
Revocable Family Trust Dated
August 9, 2004


By: Larry W. Anderson
Its: Co-Trustee


By: Georgeann M. Anderson
Its: Co-Trustee

c. By: Boyce Holdings, Inc.

By: Albert G. Boyce V
Its: President

d. By: Boyce Resource Development
Company

By: Albert G. Boyce, Jr.
Its: President

e. By: Trust B Created under the
Last Will and Testament of
Albert G. Boyce, Sr., dated
November 2, 1978

By: Albert G. Boyce, Jr.
Its: Trustee

f. By: Filios Family Holdings, LLC

By: William Filios
Its: Manager

APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a long, sweeping horizontal line that extends to the right.

MICHAEL HOPPER
Deputy Corporation Counsel
County of Maui

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Benito

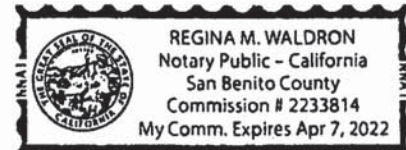
On Aug. 22, 2019 before me, Regina M. Waldron, Notary Public
(insert name and title of the officer)

personally appeared Larry W. Anderson, President,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature Regina M. Waldron (Seal)



ACKNOWLEDGMENT

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State of California

County of San Joaquin

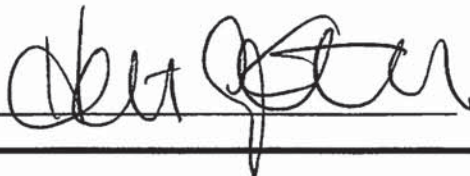
On August 23, 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

personally appeared Michael W. Atherton, President,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Signature



(Seal)



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State of California
County of San Joaquin

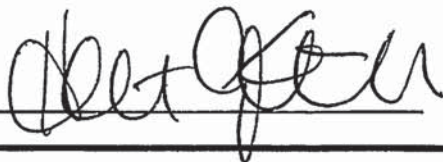
On AUG 26 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

personally appeared William Filios, Manager
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

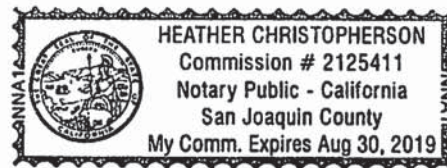
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WITNESS my hand and official seal.

Signature



(Seal)



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State of California
County of San Joaquin

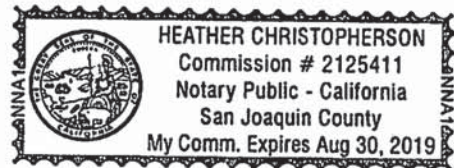
On August 26, 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

personally appeared Albert G. Boyce V, President
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Signature  (Seal)



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State of California

County of San Joaquin

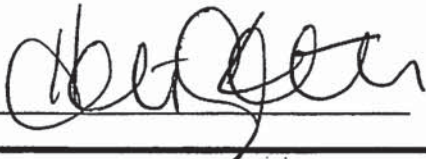
On August 23, 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

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person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

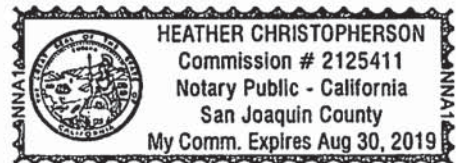
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
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Signature



(Seal)



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State of California
County of San Joaquin

On AUG 26 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

personally appeared William S. Filios, Trustee
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Signature [Signature] (Seal)



ACKNOWLEDGMENT

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State of California

County of San Benito

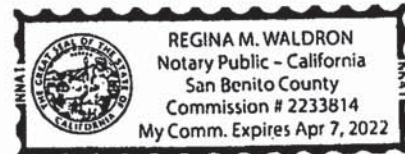
On Aug. 22, 2019 before me, Regina M. Waldron, Notary Public
(insert name and title of the officer)

personally appeared Larry W. Anderson, Co-Trustee,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
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person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
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WITNESS my hand and official seal.

Signature Regina M. Waldron (Seal)



ACKNOWLEDGMENT

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State of California

County of San Benito

On Aug 22, 2019 before me, Regina M. Waldron, Notary Public
(insert name and title of the officer)

personally appeared Georgeann M. Anderson, Co-Trustee,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

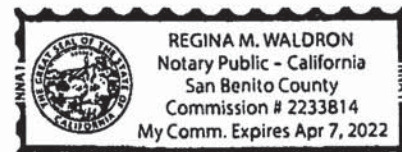
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Regina M. Waldron

(Seal)



ACKNOWLEDGMENT

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State of California
County of San Joaquin

On August 23, 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

personally appeared Albert G. Boyce, Jr., Trustee,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



EXHIBIT "1"

Description of Properties

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION PORTION OF LOT 6

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also a portion of Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeast corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1. 4° 29' 30" 1,826.72 feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);
2. Thence along same on a curve to the left with a radius of 17,223.80 feet, the radial azimuth from the radius point to the end of the curve being: 92° 29' 05.5"
the chord azimuth and distance being:
3° 29' 17.75" 603.24 feet;
3. 104° 00' 470.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
4. 148° 00' 190.00 feet along same;
5. 76° 00' 290.67 feet along same;
5. 106° 27' 59.40 feet along same;
6. 178° 00' 380.00 feet along same;
7. 206° 00' 475.00 feet along same;
8. 171° 00' 100.00 feet along same;
9. 102° 00' 760.00 feet along same;

10. 72° 00' 60.00 feet along same
11. 102° 00' 339.87 feet along same
12. 195° 00' 287.57 feet along same
13. Thence along same on a curve to the left with a radius of 1,500.00 feet, the chord azimuth and distance being:
174° 00' 1,075.10 feet;
14. 153° 00' 107.13 feet along same
15. 243° 00' 567.00 feet along same
16. Thence along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also remainder of Grant 3152 to Henry Cornwell on a curve to the left with a radius of 400.00 feet, the chord azimuth and distance being:
309° 52' 30" 314.19 feet;
17. 286° 45' 1,430.00 feet along same to the point of beginning and containing an area of 87.832 Acres.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

M Silva
 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires: 4/30/18

1731 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 March 5, 2018

WPS-1

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION PORTION OF LOT 6

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also all of Royal Patent 4948, Land Commission Award 2577, Apana 3 to Hakiki and being also portions of Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, Royal Patent 3138, Land Commission Award 2394, Apana 1 to Kacha, Grant 1844 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

11,159.99 feet South

4,938.21 feet West

and running by azimuths measured clockwise from True South:

- | | | |
|----|----------|---|
| 1. | 101° 00' | 320.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3138, Land Commission Award 1048, Apana 2-3 to Napailoi, and Grant 1844 to J. Sylva; |
| 2. | 100° 00' | 215.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, , and Grant 1844 to J. Sylva;; |
| 3. | 120° 00' | 450.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844 to J. Sylva; |
| 4. | 45° 00' | 480.00 feet along same; |
| 5. | 148° 00' | 409.00 feet along same; |
| 6. | 159° 00' | 400.00 feet along same; |
| 7. | 175° 00' | 220.00 feet along same; |
| 8. | 179° 00' | 750.00 feet along same; |
| 9. | 271° 00' | 1,235.00 feet along same; |

- | | | |
|-----|----------|--|
| 10 | 12° 00' | 367.00 feet along same; |
| 11. | 268° 00' | 257.80 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844 to J. Silva and Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kacha; |
| 12. | 9° 30' | 550.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kacha and Grant 1844, Apana 1 to J. Silva; |
| 13 | 275° 10' | 415.84 feet along remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Silva; |
| 14. | 20° 33' | 322.87 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Silva; |
| 15. | 357° 07' | 420.08 feet along same to the point of beginning and containing an area of 48.807 Acres. |

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

Michael E. Silva
 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires: 4/30/20

1721 Wili Pa Loop, Suite 203
 Waiiuku, Hawaii 96793
 September 20, 2018

W P 1

Waikapu Hema Large Lot Subdivision, Portion of Lot 6

Page 2 of 2 Pages

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION

Lot 2

Being all of Lot 2 of Hawaii Tropical Plantation Subdivision, being also all of a Polima, Royal Patent 3131, Land Commission Award 10,481, Apana 1, Mahele 1 to Napailoi, Royal Patent 3142, Land Commission Award 11,022, Apana 6 to Wahhinealii, Royal Patent 3148, Land Commission Award 10,160, Apana 1 to Mahoe, Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai, Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini and being also portions of Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Ka'i, Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui, Grant 1844, Apana 1 to J. Sylva, Grant 1844, Apana 2 to J. Sylva, Grant 2069 to Kaai, Grant 2069 to Kaai, Grant 3043 to J. Boardman, and Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the West side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUK" being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1. 106° 45' 1,430.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
2. Thence along same on a curve to the right with a radius of 400.00 feet, the chord azimuth and distance being:
141° 56' 460.96 feet;
3. 177° 07' 1,460.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 3152 to Henry Cornwell, Grant 1844, Apana 2 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva;
4. 200° 33' 596.14 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;

5.	291° 45' 30"	58.59	feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva;
6.	305° 13'	264.12	feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva and Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
7.	227° 10'	111.95	feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
8.	226° 10'	47.92	feet along the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
9.	222° 30'	81.90	feet along same;
10.	133° 20'	40.00	feet along same;
11.	154° 32'	79.57	feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui;
12.	241° 51'	99.68	feet along Grant 2069, Apana 2 to Kaai;
13.	243° 45'	84.50	feet along Royal Patent 6223, Land Commission Award 3526, Apana 1 to Kekoahewale;
14.	235° 29'	68.00	feet along the Grant 1713 to John Ross;
15.	307° 20'	10.00	feet along the remainder of Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui;
16.	225° 00'	19.78	feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui;
17.	225° 31' 08"	318.56	feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui and Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;
18.	223° 33'	58.58	feet along Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;

19. 321° 27' 53.55 feet along Lot 4 of Hawaii Tropical Plantation
Plantation Subdivision, being also along Royal
Patent 4014, Land Commission Award 5774, Apana
2 to Kaai;
20. 287° 40' 152.19 feet along same;
21. 283° 30' 120.00 feet along same;
22. 32° 10' 88.31 feet along Lot 3 of the Hawaii Tropical Plantation
Subdivision, being also along the remainder of Royal
Patent 498, Land Commission Award 236-1, Apana
1 to Charles Copp;
23. 16° 50' 209.00 feet along same;
24. 25° 20' 195.00 feet along same;
25. Thence along same on a curve to the right with a radius of 230.00 feet, the chord azimuth
and distance being:
55° 12' 30" 229.13 feet;
26. 85° 05' 125.00 feet along same;
27. Thence along Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini,
along the remainders of Royal Patent 4014, Land
Commission Award 5774, Apana 2 to Kaai and
Royal Patent 3150, Land Commission Award 8874,
Apana 1 to Kanae on a curve to the left with a
radius of 151.00 feet, the chord azimuth and distance
being:
49° 17' 30" 176.62 feet;
28. 13° 30' 243.00 feet along the remainder of Grant 2069 to Kaai;
29. 26° 15' 539.50 feet along same;
30. 295° 55' 142.26 feet along same;
31. 5° 10' 285.00 feet along remainder of Grant 2069 to Kaai and
Grant 2960 to Boardman;
32. 75° 00' 91.00 feet along the remainder of Grant 2960 to Boardman;
33. 346° 40' 40.00 feet along same;

34. 354° 00' 302.03 feet along same;
35. 286° 45' 1,319.23 feet along remainders of Grant 2960 to J. Boardman, Grant 3152 to Henry Cornwell, and Grant 3043 to J. Boardman;
36. 4° 29' 30" 651.86 feet along the Westerly side of Honoapiilani Highway (F.A.P. No. 13-G) to the point of beginning and containing an area of 53.630 Acres.

This work was prepared by me
or under my supervision.



YUKUMOTO ENGINEERING, INC.

Michael E. Silva

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires 4/30/18

1721 Wili Pa Loop, Suite 203
Waiuku, Hawaii 96793
March 5, 2018

W.P.

DESCRIPTION

PORTION OF LOT 6 OF WAIKAPU HEMA LARGE-LOT SUBDIVISION AND TAX MAP KEY (2) 3-6-006:036

Being a portion of Lot 6 of Waikapu Hema Large-Lot Subdivision, being also all of Land Commission Award 3337, Apana 4 to Naanaa and being also portions of Royal Patent 3124, Land Commission Award 2609, Apana 1 and 5 to Poepoe, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the North corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

9,791.73 feet South

4,611.04 feet West

and running by azimuths measured clockwise from True South:

- | | | |
|----|--------------|---|
| 1. | 312° 57' | 197.60 feet along Royal Patent 3156, Land Commission Award 3527, Apana 3 to Kaalaea; |
| 2. | 25° 42' | 38.90 feet along Grant 1712, Apana 2 to Ihu; |
| 3. | 288° 27' | 35.60 feet along same; |
| 4. | 19° 27' | 41.60 feet along Royal Patent 3141, Land Commission Award 3523, Apana 3 to Kulahouka and Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui; |
| 5. | 343° 54' | 177.06 feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui. |
| 6. | 346° 56' 30" | 28.40 feet along same; |
| 7. | 286° 30' | 21.10 feet along same; |
| 8. | 221° 50' | 75.90 feet along same; |
| 9. | 313° 20' | 40.00 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; |

Waikapu Hema Large-Lot Subdivision, Por. of Lot 6 and
Tax Map Key (2) 3-6-006:036

Page 1 of 2 Pages

- | | | |
|-----|--------------|---|
| 10. | 42' 30" | 81.90 feet along same; |
| 11. | 46' 10" | 47.921 feet along same; |
| 12. | 47' 10" | 111.95 feet along same; |
| 12. | 125' 13" | 264.12 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Grant 1844, Apana 1 to J. Sylva; |
| 13. | 111° 45' 30" | 58.59 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva; |
| 11. | 192° 26' 23" | 143.95 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva; |
| 15. | 186° 52' 53" | 79.99 feet along same; |
| 16. | 210° 00' | 196.90 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, and Grant 1704 to Oponui to the point of beginning and containing an area of 2.810 Acres. |

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

M. Silva
 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires: 4/30/18

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 Wailuku, Hawaii 96793
 March 5, 2018

Waikapu Hema Large-Lot Subdivision, Por. of Lot 6 and
 Tax Map Key (2) 3-6-006:036

Page 2 of 2 Pages

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION LOT 3

Being all of Lot 3 of Hawaii Tropical Plantation Subdivision, being also all of Grant 1674 to F.W. Gleason; Grant 2342 to E. Bal; Royal Patent 324, Land Commission Award 455, Apana 2 to Haa; Royal Patent 4014, Land Commission Award 5774, Apana 4 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 3 to Kaneae; Land Commission Award 462, Apana 2 to Mahuka; Royal Patent 6374, Land Commission Award 5324, Apana 2 to Keakini; Royal Patent 3130, Land Commission Award 8874, Apana 2 to Kaneae; Royal Patent 3139, Land Commission Award 491, Apana 2 to Hoowahine; Grant 2747, Apana 2 to E. Bal; Royal Patent 3139, Land Commission Award 491, Apana 1 to Hoowahine; Land Commission Award 462, Apana 1 to Mahuka; Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai; Royal Patent 3139, Land Commission Award 491, Apana 3 to Hoowahine; Grant 1146 to Antonio Sylva; Royal Patent 41, Land Commission Award 416, Apana 1 to John Crowder; Royal Patent 41, Land Commission Award 416, Apana 2 to John Crowder; and being also portions of Grant 2904 to John Crowder; Grant 3152 to Henry Cornwell; Grant 3043 to J. Boardman; Grant 2960 to J. Boardman; Grant 2069 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae; Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Coppers situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeasterly corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKI" being:

10,850.15 feet South

2,816.41 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 12,242.70 feet, the radial azimuth from the radius point to the beginning of the curve being: 284° 35' 07"; the radial azimuth from radius point to the end of the curve being: 287° 13' 13"; and the chord azimuth and distance being: 15° 54' 18.5" 563.99 feet;
2. 17° 13' 30" 296.94 feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);

3. Thence along same on a curve to the left with a radius of 2,899.93 feet, the chord azimuth and distance being:
10° 51' 30" 643.15 feet;
4. 4° 29' 30" 16.00 feet along same;
5. 106° 45' 1,319.23 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 3043 to J. Boardman, Grant 2960 to J. Boardman, and Grant 3152 to Henry Cornwell;
6. 174° 00' 302.03 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 2960 to J. Boardman;
7. 166° 40' 40.00 feet along same;
8. 255° 00' 91.00 feet along same;
9. 185° 10' 285.00 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2960 to J. Boardman;
10. 115° 55' 142.26 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2069 to Kaai;
11. 206° 15' 539.50 feet along same;
12. 193° 30' 243.00 feet along same;
13. Thence along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 2069 to Kaai, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, and Land Commission Award 5774, Apana 2 to Kaai on a curve to the right with a radius of 151.00 feet, the chord azimuth and distance being:
229° 17' 30" 176.62 feet;
14. 265° 05' 125.00 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp;

15. Thence along same on a curve to the left with a radius of 230.00 feet, the chord azimuth and distance being:
235° 12' 30" 229.13 feet;
16. 205° 20' 195.00 feet along same;
17. 196° 50' 209.00 feet along same;
18. 212° 10' 88.31 feet along same;
19. 283° 30' 208.78 feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 1 to Kaai;
20. 301° 30' 195.00 feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
21. 276° 46' 57.80 feet along Grant 3152 to Henry Cornwell;
22. 4° 14' 160.90 feet along Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
23. 357° 05' 61.60 feet along same;
24. 354° 18' 33.54 feet along same;
25. 86° 01' 63.90 feet along Lot 12 of the Waikapu Tract, being also the remainder of Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
26. 351° 55' 40.00 feet along same;
27. 359° 06' 455.70 feet along Lot 12, Lot 14, Lot 15, Lot 8, and Ololi Place of Waikapu Tract, being also along Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
28. 349° 25' 172.20 feet along Lot 8, Olo Place, and Lot 7 of Waikapu Tract, being also along Grant 1515 to Antonio Sylva;
29. 274° 06' 222.20 feet along Lot 7, Lot 6, Lot 5, Lot 4, Lot 3 of Waikapu Tract, being also along Grant 1515 to Antonio Sylva;

30. 246° 49'

138.02 feet along Lot 2 of the Waikapu Tract, being also along the remainder of Grant 2904 to John Crowder to the point of beginning and containing an area of 59.054 Acres.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink, appearing to read "M Silva", written over a horizontal line.

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires 4/30/18

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
March 5, 2018

WPT

DESCRIPTION

WAIALE PARK (LARGE-LOT) SUBDIVISION PORTION OF LOT 2

Being a portion of Lot 2 of Waiale Park (Large-Lot) Subdivision, being also portions of Royal Patent 324, Land Commission Award 455 to Haa, Land Commission Award 411 to Poonui, Grant 2747 to Eugene Bal, and Grant 3152 to Henry Cornwell situated in Waikapu, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

15,360.51 feet South

3,339.81 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 17,153.80 feet, the radial azimuth from the radius point to the beginning of the curve being:
92° 37' 04.2";
and the chord azimuth and distance being:
183° 33' 17.1" 560.98 feet;
2. 184° 29' 30" 2,494.86 feet along same;
3. Thence along same on a curve to the right with a radius of 2,829.93 feet, the chord azimuth and distance being:
190° 51' 30" 627.63 feet;
4. 197° 13' 30" 296.94 feet along same;
5. Thence along same on a curve to the left with a radius of 12,312.70 feet, the radial azimuth from the radius point to the end of the curve being: 280° 59' 15";
and the chord azimuth and distance being:
194° 06' 22.5" 1,339.76 feet;
6. 280° 48' 30" 88.20 feet along the remainder of Land Commission Award 411 to Poonui;
7. 192° 04' 89.20 feet along same;

8. 191° 47' 171.33 feet along the remainders of 1 and Commission Award 411 to P. Onui and Grant 2747 to Eugene Bal;
9. 266° 52' 137.19 feet along the bank of a meandering stream, being also the remainder of Grant 2747 to Eugene Bal;
10. 280° 28' 58.32 feet along same;
11. 272° 38' 30" 99.27 feet along same
12. 266° 20' 40" 96.78 feet along same
13. 257° 52' 09" 130.37 feet along same
14. 253° 47' 10" 106.23 feet along same.
15. 253° 18' 20" 71.30 feet along same
16. Thence along same on a curve to the right with a radius of 61.00 feet, chord azimuth and distance being:
286° 39' 10" 67.06 feet;
17. 326° 00" 123.33 feet along same.
18. Thence along same on a curve to the left with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being:
357° 07' 20";
and the chord azimuth and distance being:
293° 33' 40" 153.16 feet;
19. Thence along the bank of a meandering stream, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 159.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 177° 07' 20";
and the chord azimuth and distance being:
281° 27' 35" 78.75 feet;
20. 295° 47' 50" 135.81 feet along the bank of a meandering stream, being also the remainder of Grant 3152 to Henry Cornwell;
21. Thence along same on a curve to the right with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being:
237° 54' 40";
and the chord azimuth and distance being:
311° 51' 15" 95.15 feet;

22. Thence along same on a curve to the left with a radius of 458.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $57^{\circ} 54' 40''$;
the radial azimuth from the radius point to the end of the curve being: $35^{\circ} 24'$;
and the chord azimuth and distance being:
 $316^{\circ} 39' 20''$ 178.79 feet;
23. Thence along same on a curve to the left with a radius of 308.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $35^{\circ} 24'$;
the radial azimuth from the radius point to the end of the curve being: $7^{\circ} 26' 10''$;
and the chord azimuth and distance being:
 $291^{\circ} 25' 05''$ 148.84 feet;
24. Thence along same on a curve to the left with a radius of 610.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $7^{\circ} 26' 10''$;
the radial azimuth from the radius point to the end of the curve being: $351^{\circ} 33' 30''$;
and the chord azimuth and distance being:
 $269^{\circ} 29' 50''$ 168.50 feet;
25. Thence along same on a curve to the right with a radius of 198.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $171^{\circ} 33' 30''$;
the radial azimuth from the radius point to the end of the curve being: $197^{\circ} 21'$;
and the chord azimuth and distance being:
 $274^{\circ} 27' 15''$ 88.38 feet;
26. $287^{\circ} 21'$ 73.41 feet along same;
27. Thence along the remainder of Lot 2 and along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder Grant 3152 to Henry Cornwell on a curve to the left with a radius of 3,960.00 feet the radial azimuth from the radial point to the beginning of the curve being:
 $106^{\circ} 12' 21''$
and the chord azimuth and distance being:
 $10^{\circ} 53' 40.5''$ 733.12 feet;

28. 5° 35' 1,498.28 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 3152 to Henry Cornwell and Grant 2747 to Eugene Bal;
29. Thence along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 5,040.00 feet, the chord azimuth and distance being:
 13° 16' 1,347.68 feet;
30. 20° 57' 521.33 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
31. Thence along same on a curve to the right with a radius of 1,800.00 feet, the chord azimuth and distance being:
 28° 37' 57" 481.26 feet;
32. 126° 18' 54" 80.00 feet along the remainder of Lot 2 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
33. Thence along same on a curve to the right with a radius of 1,720.00 feet, the chord azimuth and distance being:
 64° 19' 57" 1,615.91 feet;
34. 92° 21' 163.44 feet along same,
35. Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the end of the curve being:
 92° 37' 04.2";
 and the chord azimuth and distance being:
 137° 29' 02.1" 56.70 feet to the point of beginning and containing an area of 243.772 Acres.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

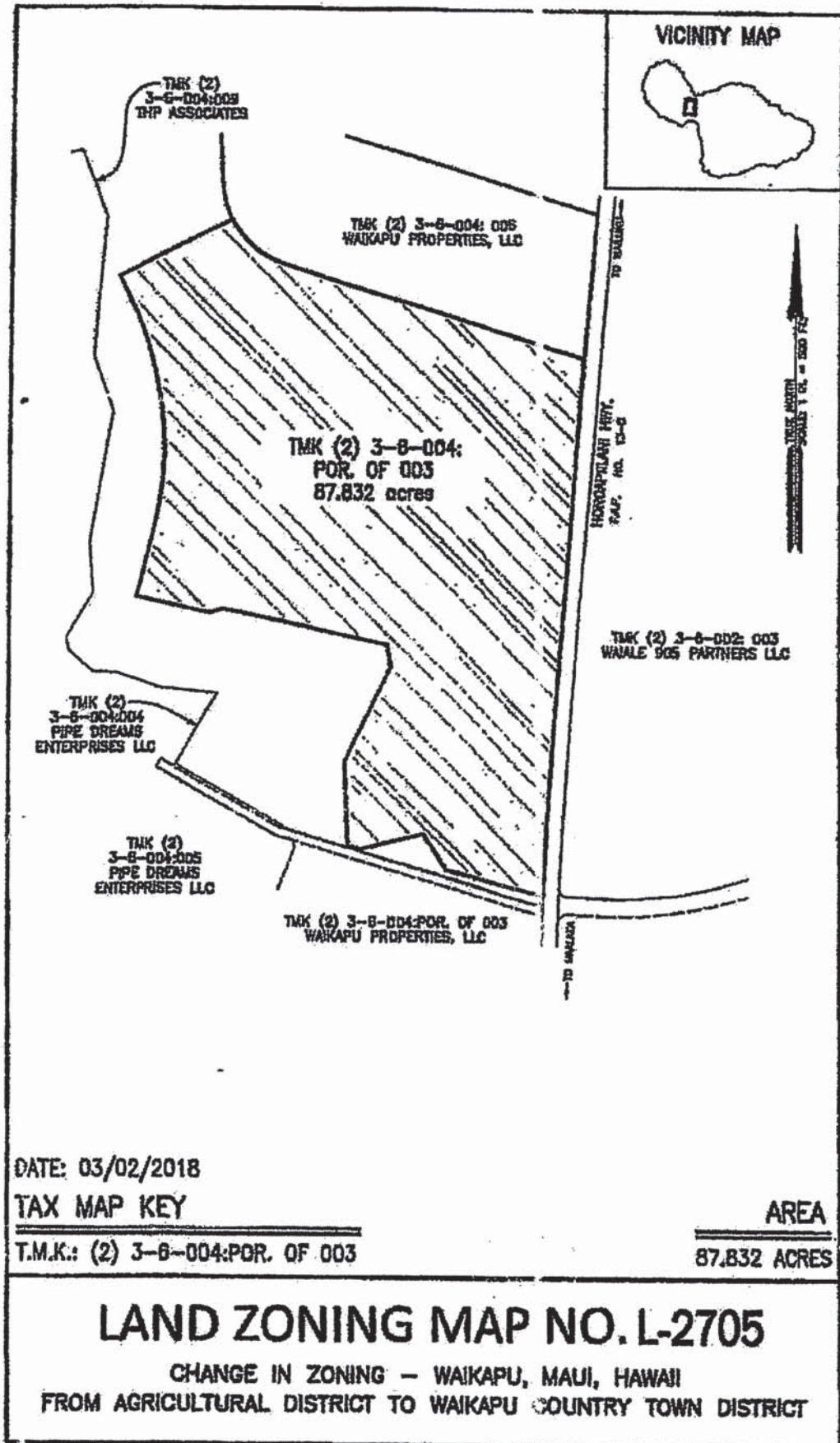
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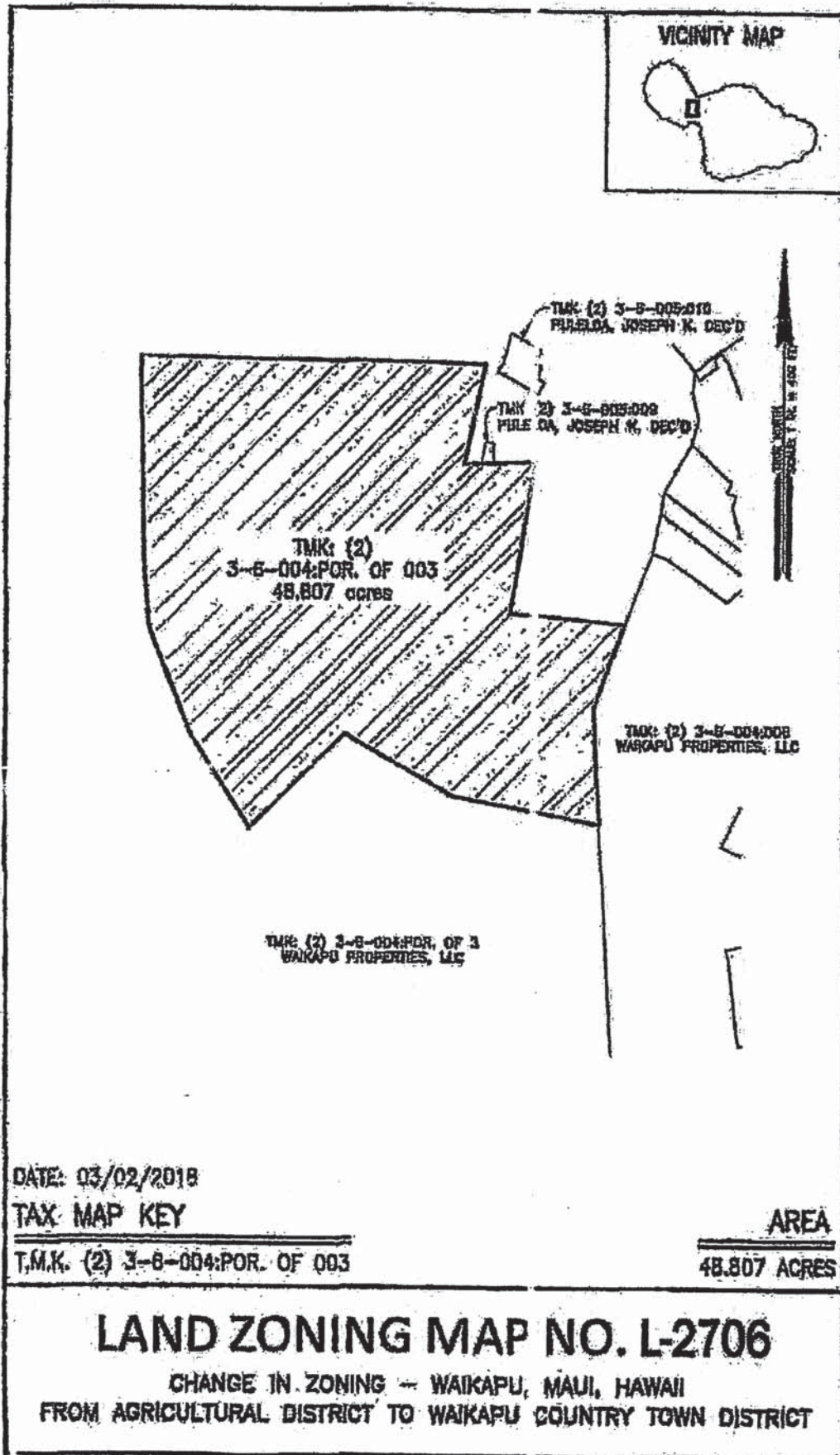
1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
March 5, 2018

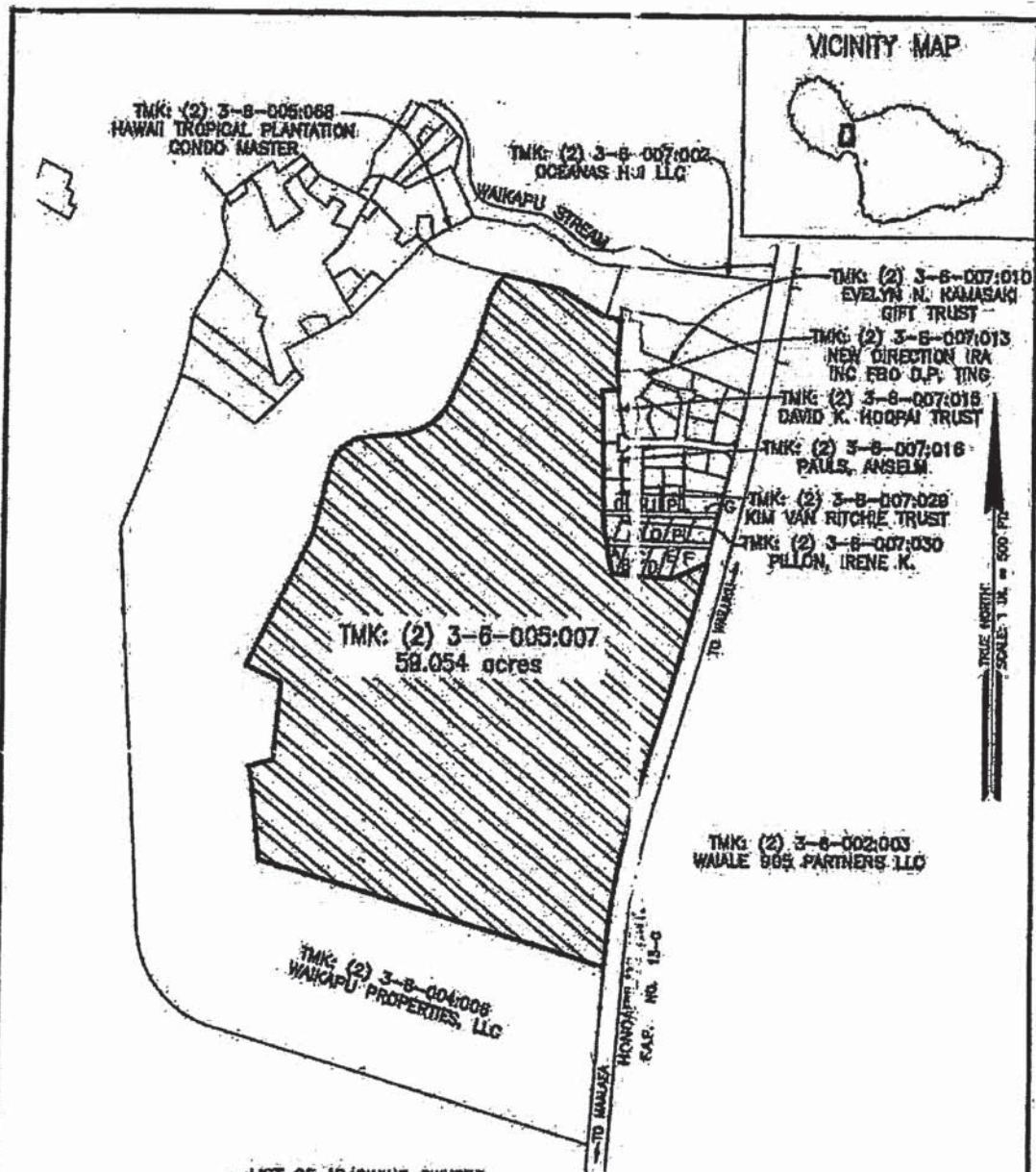
Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires 4/30/18

WPSI

EXHIBIT "2"
Land Zoning Map







LIST OF ADJOINING OWNERS:

- | | |
|---|--|
| A TMK: (2) 3-6-007:042
OHUN, ELSIE N. | E TMK: (2) 3-6-007:038
NAKAMOTO, DAVID T. |
| B TMK: (2) 3-6-007:041
VALDEZ, GEORGE GREGORIO | F TMK: (2) 3-6-007:037
AHN N. WAKAMATSU TR ST |
| C TMK: (2) 3-6-007:040
DIAZ, MARTHA J. | G TMK: (2) 3-6-007:023 (OLOLU PLACE)
VARIOUS OWNERS |
| D TMK: (2) 3-6-007:039
LLOYD T. TAGUCHI TRUST | |

DATE: 03/11/2019

TAX MAP KEY

T.M.K.: (2) 3-6-005:007

AREA

59.054 ACRES

LAND ZONING MAP NO. L-2708

CHANGE IN ZONING - WAIKAPU, MAUI, HAWAII
FROM WAILUKU-KAHULUI PROJECT DISTRICT 5 (MAUI TROPICAL
PLANTATION) (PD-WK/5) TO WAIKAPU COUNTRY TOWN DISTRICT

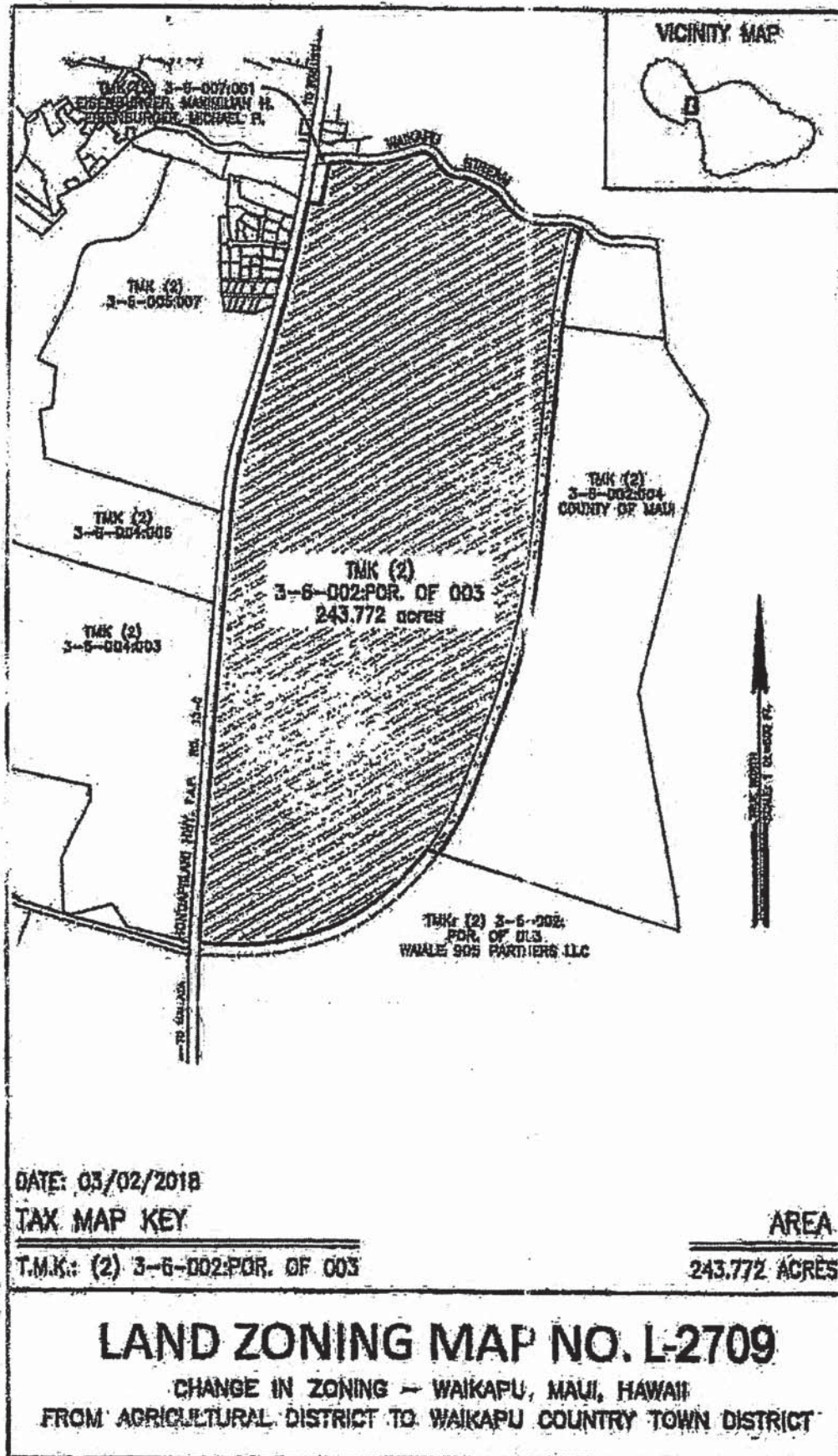


EXHIBIT "3"

Conditions of Zoning

EXHIBIT "3"

CONDITIONS OF ZONING

As it relates to the following conditions, "Landowners" means Waikapu Properties, LLC; MTP Land Partners, LLC; the William S. Filios Separate Property Trust dated April 3, 2000; Waiale 905 Partners, LLC; and any future owner or lessee.

1. Transportation – State Department of Transportation, Highways Division (SDOT-H).

- a. Landowners shall mitigate all Project-generated traffic impacts as required by the SDOT-H. Landowners shall enter into an agreement regarding the scope and timing of required traffic improvements to mitigate the traffic related impacts of the project on SDOT-H facilities as generally indicated in the project's Pro Rata Share Calculations for Waikapu Country Town Project dated June 29, 2018, as approved by SDOT-H. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.
- b. Landowners shall fully fund project intersections with Honoapiilani Highway only at the Main Street Intersection (also referred to as Study Intersection #9 in the TIAR/EIS) and at the Waiale Road Extension Intersection (also referred to as Study Intersection #13 in the TIAR/EIS.) Landowners are solely responsible for funding the Main Street and Waiale Road Extension intersection improvements.
- c. Landowners shall conduct an analysis of the suitability of a roundabout at the required Honoapiilani Highway and Main Street Intersection. Landowners shall transmit its analysis with findings to the SDOT-H; County of Maui, Department of Planning (Department); and the County of Maui, Department of Public Works (DPW). The SDOT-H shall determine if such a roundabout or traffic signal must be funded by Landowners.
- d. Landowners shall provide pedestrian crossings on Honoapiilani Highway at the intersections of Main Street and Waiale Road Extension, and ensure that the development layout provides pedestrian routes to these pedestrian crossings.

SDOT-H will confirm compliance with this condition.

2. Transportation – State Department of Transportation, Airports Division (SDOT-A). Landowners shall work with SDOT-A to confirm compliance with the Federal Aviation Administration or other relevant government agency's

guidelines and regulations regarding aircraft passage or airport operations at the Kahului Airport.

3. Transportation – DPW.

- a. Landowners shall conduct a pro rata traffic share study for the Waiale Road Extension and transmit it to DPW for review and approval prior to the County's approval of the first subdivision application for the project. The pro rata share study shall evaluate the project's percentage of future vehicle trips on the Waiale Road Extension from Waiko Road to Honoapiilani Highway.
- b. Landowners shall enter into an agreement with DPW regarding the project's pro rata share contribution to the Waiale Road Extension from Waiko Road to Honoapiilani Highway. The agreement shall determine the project's pro rata share of the total anticipated costs for design and construction of the future Waiale Road Extension and the methods and timing by which the payments or similar contributions are made. The agreement will also consider the project's actual traffic generated inasmuch as any reductions or increases in traffic than originally estimated may reduce or increase the pro rata share in the future. Further, Landowners shall deed the Waiale Road Extension right-of-way to DPW, upon demand, the value of which shall not be considered towards the pro rata share used in the agreement. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project. DPW shall confirm compliance with this condition.

4. Stormwater Management and Drainage. Landowners shall maintain existing drainage patterns to the maximum extent feasible and shall implement Best Management Practices (BMPs) to: a) minimize infiltration and runoff from construction and vehicle operations, b) reduce or eliminate the potential for soil erosion and ground water pollution, and c) formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health (DOH) and County of Maui guidelines, ordinances and rules. The BMPs shall include a program for the maintenance of drainage swales within the Project Area. The design of drainage improvements and maintenance approved by the DPW shall not increase runoff from the Project Area as a result of an increase in impervious surfaces. The DPW shall confirm compliance with this condition.

5. Residential Workforce Housing. Landowners shall provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements. The required number of residential workforce housing units as determined by the County of Maui shall be completed according to a timetable associated with the issuance of building permits for market-rate dwelling units as required by the Maui County Code and as agreed to by the Department of Housing and Human

Concerns. Landowners will not seek project approvals authorized by Chapter 201H, Hawaii Revised Statutes, or similar project approvals for this project.

6. **Wastewater.** Landowners shall participate in the funding and construction of adequate private or public wastewater facilities for the Project Area. The wastewater facilities shall be in accordance with the applicable standards and requirements of the DOH and the County of Maui as applicable. If Landowners' proposed wastewater facilities are to be located within the State agricultural districts, Landowners shall apply for a State Special Permit in accordance with the provisions of Chapter 205, Hawaii Revised Statutes (HRS). If Landowners desire to request an initial or interim connection to County wastewater facilities for any dwellings, an agreement must be made to the satisfaction of the Department of Environmental Management and other applicable agencies prior to the issuance of any building permit. County or private operable wastewater facilities must be available to serve any use or structure prior to the issuance of the building permit for such use or structure.
7. **Air Quality.** Landowners shall participate in an air quality monitoring program as required by the DOH.
8. **Education Contribution Agreement.** Landowners shall contribute to the development, funding, and construction of school facilities in compliance with the Educational Contribution Agreement for Waikapu Country Town, undated but executed as of January 31, 2017, entered into by Landowners and the Department of Education. Landowners shall ensure that prospective buyers, purchasers, and subsequent owner-builders of lots are given notice of the requirement to pay the Central Maui District Impact Fee in accordance with the Educational Contribution Agreement. Such notice shall be recorded and run with the land.
9. **Energy Conservation Measures.** Landowners shall implement measures to promote energy conservation, sustainable design and environmental stewardship including the use of solar water heating and photovoltaic systems for on-site infrastructure systems, residential, commercial, and civic uses. Solar water heating systems shall be required for new single-family residential construction per Section 196-6.5, Hawaii Revised Statutes. Landowners shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners in the Project Area. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.
10. **Water Conservation Measures.** Landowners shall implement water conservation measures and BMPs such as the use of indigenous plants and as required by the County of Maui. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.

11. **Water System.** Landowners shall participate in the funding and construction of adequate private or public water source, storage, and transmission facilities to accommodate the proposed uses for each subdivision in the Project Area in accordance with the applicable standards and requirements of the DOH and the County of Maui, with plans submitted for approval by the appropriate agency. Landowners shall coordinate with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapu aquifer. Further, Landowners shall submit such information to the Department of Water Supply as may be requested to reflect changes in water demand forecasts and supply for the proposed uses in accordance with the County of Maui's Water Use and Development Plan. Compliance with this condition shall be confirmed by the Department of Water Supply.
12. **Street Lights.** Landowners shall use fully shielded street lights within the Project Area to avoid impacts to avifauna and other wildlife populations and to prevent light diffusion into the night sky.
13. **Sirens.** Landowners shall fund and install three (3) civil defense warning sirens as specified by and in the locations identified by the State Department of Defense according to a timetable agreed upon by the State Department of Defense.
14. **Parks.** Landowners shall comply with the park dedication requirements of the County of Maui. Landowners shall provide a park construction and phasing plan approved by the Department of Parks and Recreation, DPW, and Department of Planning, which shall be in accordance with the Maui County Code. Landowners shall develop parks and recreational areas that may be used by all ages and are not used primarily as water retention basins.
15. **Established Gathering and Access Rights Protected.** Pursuant to Article XII, Section 7 of the Hawaii State Constitution, Landowners shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Project Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purpose.
16. **Agricultural Easement.** Landowners shall submit to the Department an executed copy of the conservation easement or relevant instrument for 877.50 acres of adjacent agricultural lands as represented to the State of Hawaii Land Use Commission and to the County of Maui and depicted in Exhibit "1" prior to the first final subdivision approval. No dwelling or structure shall be constructed or used for residential or dwelling purposes, including farm dwellings, farm labor dwellings and farm worker housing, on the agricultural lands that are subject to the agricultural easement or conservation easement, and such easement shall include this restriction. On the lands that are subject to the conservation easement, there shall be no animal hospitals and animal board facilities; riding academies; open land recreation uses, except that farm tours are allowed; parks for public use; and family child care homes.

The following non-commercial open land recreation uses are allowed along the fifty-foot perimeter of the preserve: hiking, equestrian activities, greenways, mountain biking, and accessory restroom facilities. Landowners shall not seek county special use permits for open land recreation activities in the area subject to the conservation easement. There shall be no commercial agricultural structures, except farmer's markets and agricultural product stands in the area subject to the conservation easement. If any development is proposed in the area subject to the conservation easement or relevant instrument, Department of Land and Natural Resources State Historic Preservation Division (DLNR-SHPD) shall first determine whether an archaeological inventory survey shall be provided by Landowners for such area. Landowners shall notify the Department of any proposed development within the conservation easement lands and any determination made by DLNR-SHPD. Landowners shall supply adequate water for agricultural use in the areas subject to the conservation easement, to the maximum extent feasible. There shall be no removal of sand classified as Qdo in the USGS Mineral Resources Spatial Data as older dune deposits (Holocene and Pleistocene), from property identified for real property tax purposes as tax map keys (2) 3-6-002:003 and (2) 3-6-002:001.

17. Notification of Agricultural Use. Landowners, and all subsequent owners, shall disclose to developers, purchasers, and lessees of the provisions of Chapter 165, Hawaii Revised Statutes, the Hawaii Right to Farm Act. The notice and disclosure shall be a part of any conveyance document such as a deed, lease, or agreement of sale. The notice and disclosure shall contain at least the following information: a) that the developers, purchasers, and lessees shall not take any action that would interfere with or restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent lands in the State Land Use Agricultural District; and b) that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands. For the purpose of this condition, the term "farming operations" shall have the same meaning as provided in Section 165-2, Hawaii Revised Statutes.
18. Archaeological and Historic Sites. Landowners shall provide the following prior to any ground disturbance, including the issuance of grading or grubbing permits, as agreed upon with DLNR-SHPD's acceptance of Landowners' Archaeological Inventory Survey: a) Archaeological monitoring for all ground disturbing activities pursuant to a DLNR-SHPD approved monitoring plan, which shall include data recovery of archaeological and historic sites; b) If site 50-50-04-5197 (Waihee Ditch) is impacted by the Project, it will be further documented in consultation with DLNR-SHPD; c) If any development is proposed for the area to be dedicated to agriculture, DLNR-SHPD shall be notified and will make a determination on whether an archaeological inventory survey is to be provided by Landowners; d) Landowners shall submit a preservation plan to DLNR-SHPD for two (2) sites: the irrigation features (Site 50-50-04-7884) and the WWII bunker (Site 50-50-

04-7883); and e) If there is an inadvertent discovery of single or multiple human skeletal remains, Landowners shall provide written consent to DLNR-SHPD extending for at least 30 days the statutory timeline outlined in Section 13-300-40, Hawaii Administrative Rules. The preservation plan shall be submitted to the DLNR-SHPD for review and acceptance prior to any ground disturbance in the vicinity of the two (2) sites. Landowners shall comply with all interim and permanent mitigation and preservation measures required by DLNR-SHPD. Landowners shall provide verification to the Department that DLNR-SHPD has determined that all required historic preservation measures have been implemented. Landowners shall notify DLNR-SHPD prior to the first ground disturbance activity.

19. **Cultural.** Landowners shall consult with those persons known as Waikapu Stream South Kuleana Lo'i Kalo Farmers and Hui o Na Wai 'Eha to minimize the impacts on their traditional customary rights and practices from any development in the Project Area. Additionally, Landowners shall grant access easements over the appropriate portions of the Project Area in favor of the owners of the Mahi-Puleloa parcels, identified as LCA 2944:3 to Ehunui (TMK: (2) 3-6-005:010) and as Grant 1513 to Ehunui (TMK: (2) 3-6-005:009) and in favor of the owners of the Kauihou parcels, identified as LCA 3340:1 (por.) to Nahau (TMK: (2) 3-6-005:067), as LCA 3103 to Kalawaia (TMK: (2) 3-6-005:014) and as LCA 3110:3.2 to Kuolaia (TMK: (2) 3-6-005:066). The easements shall be recorded and run with the land.
20. **Endangered Species.** Landowners shall implement the following procedures to avoid potential impacts to endangered species: a) Landowners shall not clear dense vegetation, including woody plants greater than fifteen feet (15 ft.) in height, along the periphery of the Project Area during the period from June 1 to September 15 of each year, which is the time that the Hawaiian hoary bat may be carrying young and thus could be at risk from the clearing activities; b) landowners shall consult with the United States Fish and Wildlife Service to determine measures needed with regard to the endangered Blackburn's Sphinx Moth and shall implement such measures in connection with the development of the Project Area; and c) for any nighttime work required during any construction within the Project Area and for long term features, exterior lighting shall be shielded so as to reduce the potential for interactions of or disturbance to Hawaiian Petrels and Newell's Shearwaters.
21. **Development in Compliance with Maui Island Plan.** Landowners shall develop the Project in substantial compliance with the Planned Growth Area Rationale and goals, objectives, policies, and implementing actions described in the Maui Island Plan for the Project identified as "Waikapu Tropical Plantation Town."
22. **Infrastructure Deadline.** Landowners shall complete construction of the backbone infrastructure, which consists of primary roadways and access points; internal roadways; on-site and off-site water, sewer, and electrical system improvements; and stormwater and drainage and other utility

improvements within ten (10) years from the date of the first final subdivision approval.

23. Compliance with Representations to the Maui County Council. Landowners shall develop the Project Area in substantial compliance with the representations made to the Maui County Council in its approval of the subject change in zoning. Failure to develop the Project Area in accordance with such representations may result in enforcement, including reversion of the Project Area to its former zoning and community plan classifications.
24. Annual Reports. Landowners shall provide the Department an annual report on the status of the development of the Project Area and Landowners' progress in complying with the conditions imposed herein. The first annual report shall be submitted within one (1) year of the effective date of the CIZ ordinance, and subsequent reports shall be submitted annually on or near the same date.
25. The Project Area's Agricultural Master Plan, as set forth in Chapter III, Section 5 of the project's Final EIS identifies an agricultural preserve that is subject to an agricultural conservation easement, and a balance of approximately 270 acres that is mauka of Honoapiilani Highway, for which the zoning remains agriculture. The approximately 270-acre area is depicted in Exhibit "2" as being a portion of Lot 6 and identified as the Mauka Agricultural Lands. The use of the 270-acre area is restricted to the permitted principal uses in the County's Agricultural District and to only the following accessory uses: two farm dwellings per lot, one of which shall not exceed 1,000 square feet of developable area; storage, wholesale, and distribution facilities associated with agriculture in the County; processing of agricultural products; small-scale energy systems; small-scale animal-keeping; non-commercial open land recreation uses; and other uses that primarily support a permitted principal use, provided that such uses shall be approved by the appropriate planning commission as conforming to the intent of the County's Agricultural District. Landowners shall not seek county special use permits; state special permits; or approvals under Chapter 201H, Hawaii Revised Statutes. If subdivided, the 270-acre area shall consist of no more than five lots. Landowners shall record with the bureau of conveyances, or land court, as appropriate, this condition on property identified for real property tax purposes as tax map key (2) 3-6-004:003, as pertaining to the 270-acre area and provide proof of recordation to the Maui County Council prior to the first final subdivision approval, and such condition shall run with the land and bind all future owners or lessees of the area.
26. Landowners shall, prior to the first final subdivision approval, implement as described the following priority projects in the Integrated Natural-Cultural Resource Preservation & Management Plan dated June 2019, and attached as Exhibit "3":
 - A. Waikapū Watershed Management

1. Priority Project #1 – prepare and initiate implementation of the 5-year Integrated Waikapū Watershed Management Plan.
 2. Priority Project #2 – establish the Mauna Kahalawai Watershed Partnership Perpetual Fund when a homeowners' association is established and generating revenue from residents and businesses within the Project Area.
- B. Waikapū Stream
1. Priority Project #1 – comply with instream flow standards and State water use permits.
 2. Priority Project #2 – support the kuleana 'auwai restoration in South Waikapū to the extent practicable.
- C. Land and Cultural Resources
1. Priority Project #1 – develop and initiate implementation of a plan to ensure access to the Waikapū Valley for Native Hawaiian traditional and customary practices and gathering while controlling access to the general public to protect natural and cultural resources.
 2. Priority Project #2 – Establish access easements for the two Mahi kuleana parcels
 3. Priority Project #3 – Establish the Waikapū Cultural Preserve, Cultural Corridor and Riparian Buffer and fund its management.
 4. Priority Project #4 – Integrate Waikapū ethnohistorical resources throughout the Project Area.
27. Landowners shall submit all street names in the Project Area for review and approval to the Public Works Commission. Streets in the Project Area shall be named in consideration of traditional land divisions, trade winds, and other natural and cultural factors relevant to the Project Area.

AGRICULTURAL PRESERVE SITES

BEING A PORTION OF LOT 6 OF THE WAKAPU HEMA
LARGE LOT SUBDIVISION AND PARCEL 1 AND PORTION OF
PARCEL 3 OF TAX MAP KEY (2) 3-8-002

WAKAPU, MAUI, HAWAII

SCALE: 1 IN. = 2,000 FT.

DATE: APRIL 25, 2019

PREPARED BY:

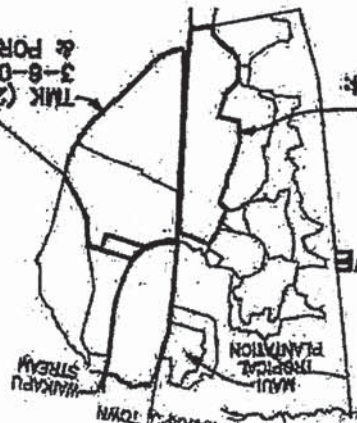
FUKUNOTO ENGINEERING, INC.
1721 WIL PA LOOP, SUITE 203
WAILUKU, HAWAII 96793

PREPARED FOR:

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, HAWAII 96793

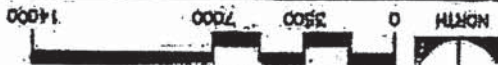
NOTES:

1. ALL AZIMUTHS AND RECORD COORDINATES REFER TO GOVERNMENT SURVEY TRIANGULATION STATION "LUKE".
2. OWNERS OF ADJOINING PARCELS ARE FROM RECORDS IN THE TAX MAPS BRANCH.



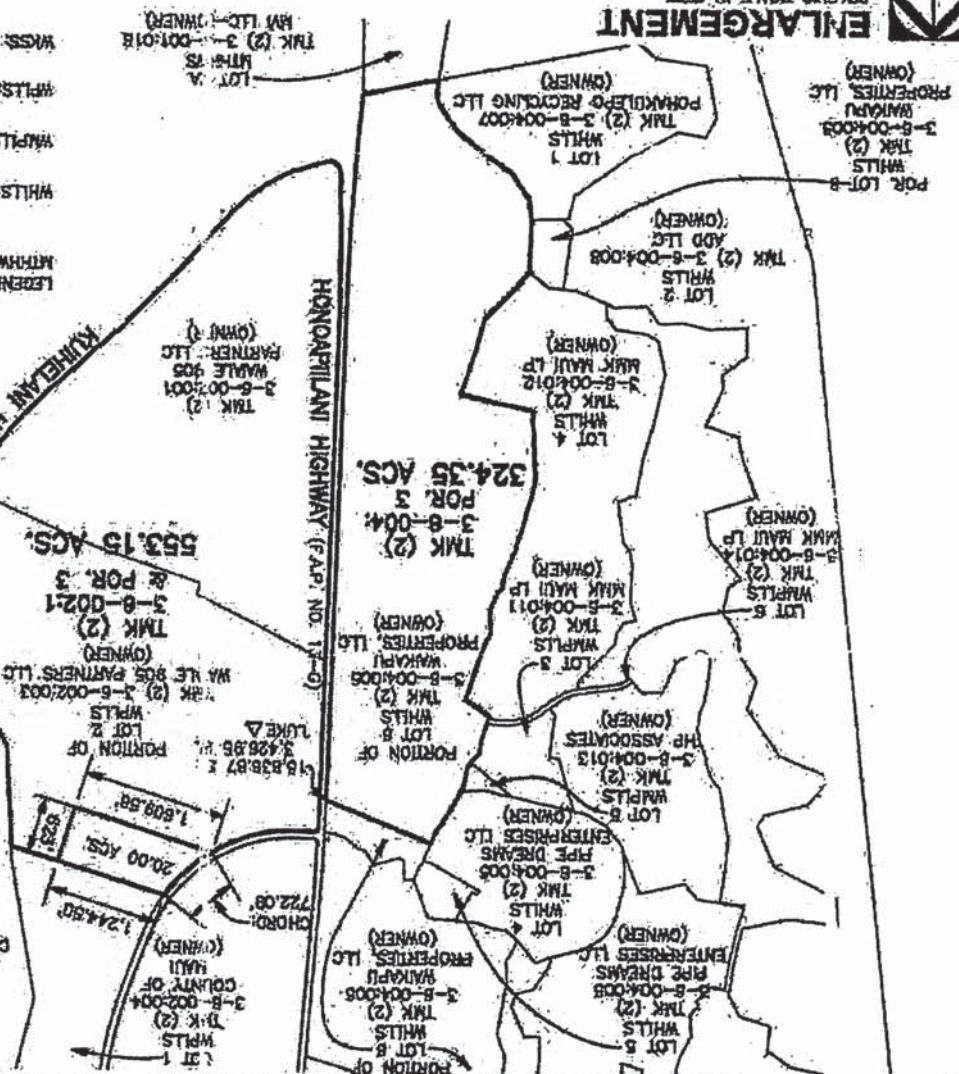
AG.
PRESERVE
SITES

VICINITY MAP

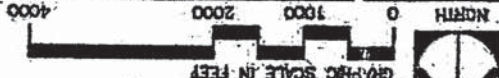


AREAS:
553.15 ACS.
324.35 ACS.
TOTAL: 877.50 ACS.

LEGEND TO SUBDIVISION NAME:
WITHIN WAKAPU TRIANGLE-HONOPULUANI
HIGHWAY WIDENING SUBDIVISION
(U.L.C.A. NO. 3-1978)
WHILTS: WAKAPU HEMA LARGE LOT
SUBDIVISION (U.L.C.A. NO. 3-1421)
WHILTS: MAP LARGE LOT SUBDIVISION
(U.L.C.A. NO. 3-813)
WHILTS: WAKAPU PARK (LARGE LOT)
SUBDIVISION (U.L.C.A. NO. 3-2278)
WHILTS: WALTER K. SCHENK SUBDIVISION
(U.L.C.A. NO. 3-2288)

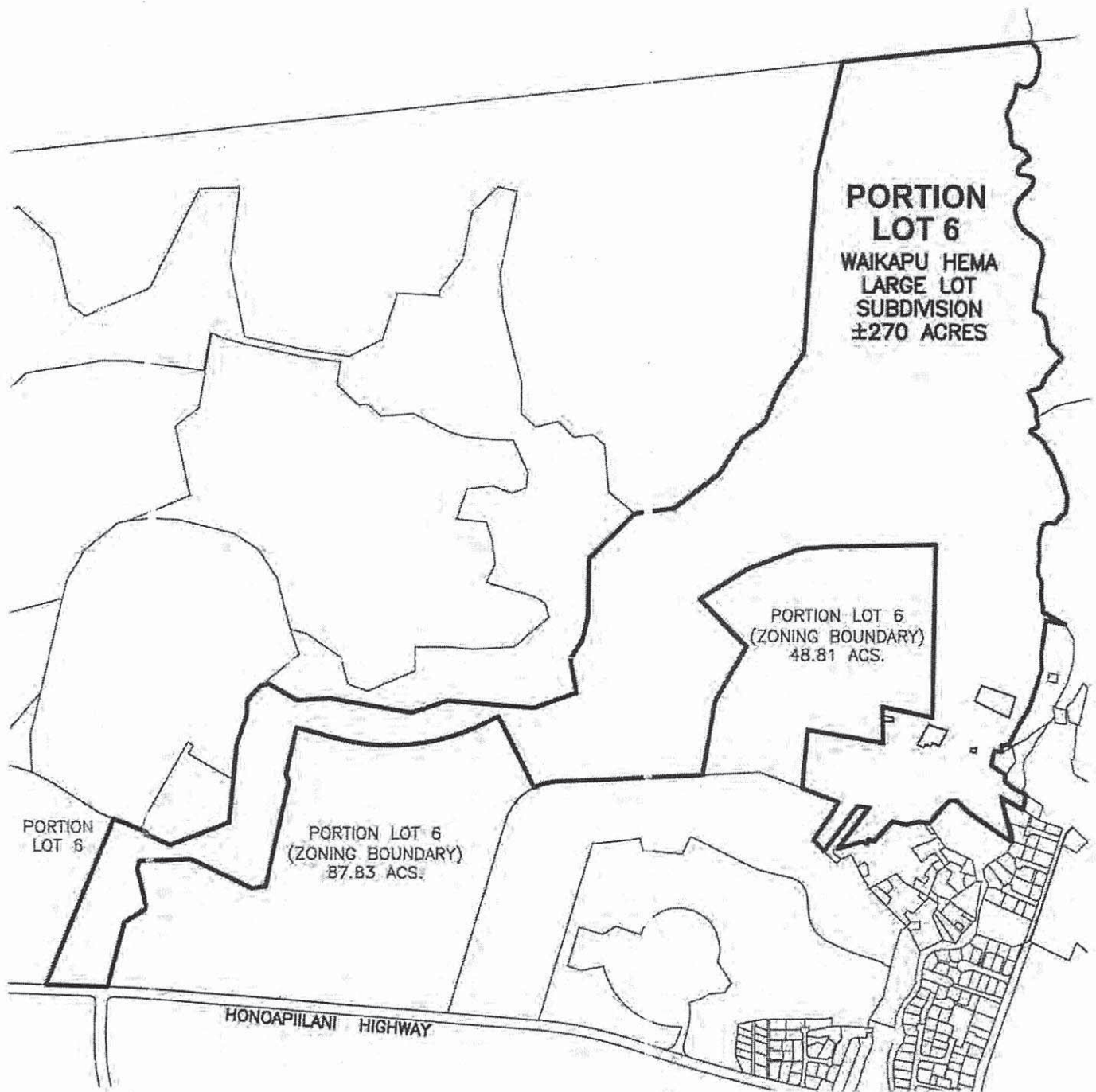


ENLARGEMENT



TAX MAP KEY (2) 3-8-004-POR. 003 & (2) 3-8-002-001 AND POR. 003

EXHIBIT "2"



NORTH

MAUKA AGRICULTURAL LANDS

SCALE IN FEET



DATE: 07/08/2019



PREPARED FOR: WAIKAPU PROPERTIES, LLC

PREPARED BY: FUKUMOTO ENGINEERING, INC.

Integrated Natural-Cultural Resource Preservation & Management Plan

A Framework for Protecting, Enhancing and Stewarding the Natural & Cultural
Resources of Waikapū set forth by the Waikapū Country Town Development



Prepared for
Waikapū Properties, LLC & Wai‘ale Partners, LLC
PO Box 1870
Manteca, California 95336

In Partnership with
Planning Consultants Hawai‘i, LLC
2231 West Main St.
Wailuku, Hawai‘i 96793

Prepared by
Hōkūao Pellegrino
Cultural Consultant

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1.1 HŌ'ULU'ULU MANA'O KO'IKO'I - EXECUTIVE SUMMARY

As the largest land owner of agricultural, conservation, rural and urban zoned land in the ahupua'a of Waikapū, Waikapū Properties, LLC & Wai'ale 905 Partners, LLC are committed to responsible land stewardship and the protection of cultural and natural resources. It was consistently recognized throughout the Waikapū Country Town (WCT) 2016 Environmental Impact Statement (EIS) along with the 2014 Cultural Impact Assessment (CIA) and 2016 Ka Pa'akai Analysis, that the ahupua'a of Waikapū has an extensive pre and post-western contact cultural history in addition to vast natural and cultural resources. Waikapū Properties, LLC & Wai'ale 905 Partners, LLC acknowledge their obligation to preserving and managing these cultural assets as well as the need to formalize collaborations with key stakeholders such as Native Hawaiian lineal and cultural descendants of Waikapū, Waikapū community members, environmental-based stewardship organizations and educational institutions.

Waikapū Properties, LLC & Wai'ale 905 Partners, LLC play a critical role in the caring for and protection of natural resources and cultural landscapes within their land asset portfolio, both within and adjacent to the WCT development project. These lands are an important part of the overall cultural identity and future well-being of the ahupua'a of Waikapū. Therefore, developers requested that an Integrated Natural-Cultural Preservation and Management Plan for the Waikapū Country Town Project be completed and to be used as a framework for protecting, enhancing and stewarding the natural and cultural resources in Waikapū.

The Cultural Impact Assessment and Ka Pa'akai Analysis were comprehensive documents that identified all of the historical, natural and cultural resources of Waikapū within the greater context of the moku of Wailuku, also known as Pū'ali Komohana and Nā Wai 'Ehā. This plan developed an expanded approach in addressing key conditions set forth by the LUC (Land Use Commission) as well as concerns that were brought forth throughout the planning, entitlement and community outreach process. Engagement with key stakeholders greatly assisted in providing clear strategies and implementation measures that align with sustainable stewardship practices throughout the Waikapū ahupua'a, while putting forth priority projects that enhance the natural and cultural resources of Waikapū and mitigate any adverse impacts.

The Integrated Natural-Cultural Resource Preservation and Management Plan is strongly tied to and in alignment with the 'ōlelo no'eau or Hawaiian proverb; *'O ku'u 'āina ku'u kulāiwi— My land is my homeland. I have a responsibility to love and care for the land and those who came before to serve this place and its people.* This innovative plan will be a leading example and model of sustainability, in addition to how communities both new and old, can collaboratively work together to protect and steward the natural and cultural resources within their ahupua'a. Lastly, this plan will be a living document that is incorporated throughout all phases of the Waikapū Country Town Development as a way to increase community engagement and 'āina-based stewardship.

Three guiding principles have been established as a means to demonstrate a strong pilina (relationship) with each other and the ability to wili (intertwine) throughout the Integrated Natural-Cultural Resource Preservation and management plan. The guiding principles are defined below.

- I. Ho'okuluma: to be accustomed to or with; to develop an intimate relationship or understanding to 'āina.
- II. Ho'oulu: to protect; to preserve; to restore life back into; to increase productivity; to make thrive.
- III. Ho'okuleana: to bring under the care and protection of, to steward; to be responsible; to sustain.

1.2 PROJECT BACKGROUND

Waikapū Country Town is a new mixed-use housing development being proposed by Waikapū Properties, LLC & Wai'ale 905 Partners, LLC. It will be situated on lands within and surrounding the Maui Tropical Plantation (MTP) and adjacent to the existing historic town of Waikapū. The development project will encompass approximately 500 acres of land and include rural lots, single family lots, cottage town houses, country town mix use, commercial, parks, open space, school and other permitted uses. 1,021 acres will remain in agriculture of which 877 acres will be protected in perpetuity under an agricultural conservation easement with the Hawaiian Islands Land Trust. In addition to protecting important agricultural lands, is the establishment of a 50 acre cultural preserve which will protect highly sensitive pre-western contact kuleana parcels and the Waikapū Stream. There were over 50 Kuleana Land Commission Awards (LCA) and Government Grants awarded to Native Hawaiians during the Great Māhele (1848), prior to any plantation and commercial uses of the proposed project area. Around 36 of these kuleana parcels were compromised during the plantation era, however, many are still intact as they were prior to western contact. Thus, it was imperative to protect these culturally sensitive lands in perpetuity by placing them in a cultural preserve to be managed in the future by a Waikapū-based community organization with a robust management and stewardship plan. Majority of the Waikapū watershed, located in both the Hana'ula and Kapilau Mountain Range, is owned by Hana'ula Ranch, LLC, which is co-owned by a partner of Waikapū Properties, LLC. Although the Waikapū Country Town development is not within the 3,425 conservation parcel, the nearest subdivision is $\frac{3}{4}$ of a mile away from the conservation boundary. Due to the sensitive nature and rarity of Waikapū's native flora and fauna, as well as invasive species control, it is important to include protective measures and management strategies to have in place for Hana'ula Ranch, LLC as part of the Integrated Natural-Cultural Resource Preservation & Management Plan.



Figure 1: WCT Development Map

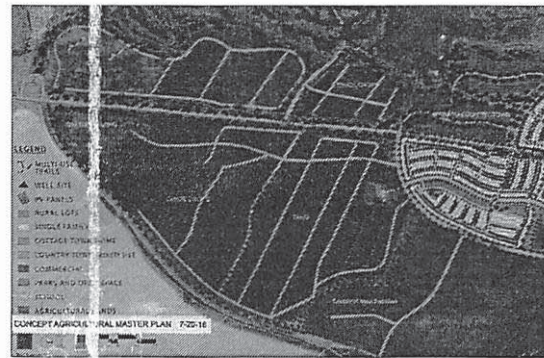


Figure 2: WCT Agricultural Lands

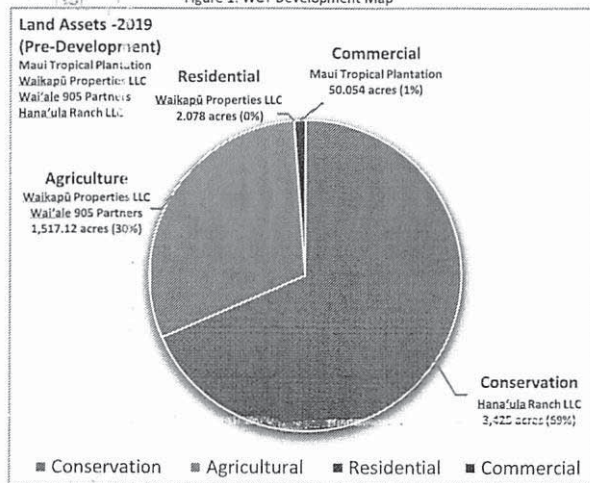


Figure 3: Land Asset Model (Current State)

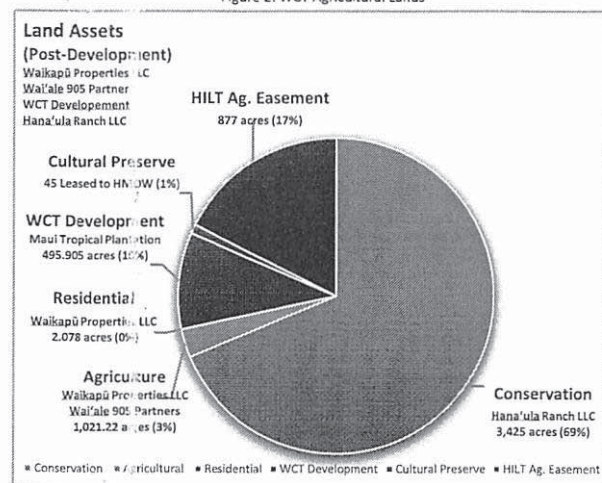


Figure 4: Land Asset Model (Post-Development)

1.3 WAIKAPŪ I KA MAKANI KOKOLOLIO - A BRIEF HISTORICAL OVERVIEW OF WAIKAPŪ

Waikapū is the first ahupua'a (land division) in the greater moku (district) of Wailuku or Pū'ali Komohana, poetically known as Nā Wai 'Ehā. Hana'ula and Kapilau are the mountain ranges in Waikapū, both of which are part of the overall West Maui Mountains, or today known as Mauna Kahālāwai. The traditional palena 'āina (boundaries) of Waikapū encompass 15,684 acres from mauka to makai (mountain to the sea). Commencing north of Waikapū Stream along the ridges of Kapilau, the boundary line descends at Kalapaoka'ilio Ridge to Pōhako'i, a known hoana (grinding stone) near the intersection of Ku'ikahi and Honoapi'ilani. It subsequently moves east to Ka'ōpala, located adjacent to the Central Maui Base Yard. From there, it follows south along Mokulele Highway to a point called Kiheipūko'a close to the Sugar Beach Condominiums. The boundary follows a westward approach along the coast of Mā'alaea Bay and loko wai (wetlands) of Keālia to Kapoli, a spring once existing next to Buzz's Wharf Restaurant and in the 'ili (subdivision) of Mā'alaea. From Kapoli, the line veers northwards along Honoapi'ilani Highway to once prominent cinder cone and transit point, called Pu'uhele. The Waikapū boundary points culminate westward from Pu'uhele along a line of four additional storied cinder cones in the Hana'ula mountain range named Pu'u'hona, Pu'ulū'au, Pu'umoe and Pu'uanu.

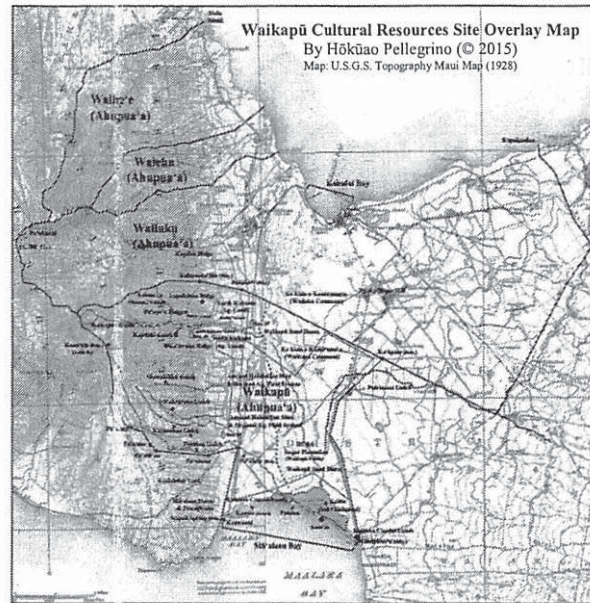


Figure 5: Waikapū Cultural Landscape Map - Hōkūao Pellegrino (2015)

Waikapū is known as the "waters of the conch", a legendary and storied ahupua'a deeply connected to both its natural resources and cultural landscapes. The meaning and significance of its name derives from the mo'olelo (story) about Puapualenalena, a mischievous and magical dog who stole a pū (conch shell) from a guarded cave in the valley of Waikapū.

The landscape of Waikapū i ka makani Kokololio (Waikapū of the gusty wind) is highly diverse and includes extensive natural, cultural and water resources. The coastal region and nearshore fisheries at Mā'alaea Bay was once an expansive resource that greatly assisted in sustaining Hawaiians living throughout the Waikapū ahupua'a. The wetlands and ancient inland fishpond of Kēalia provided a habitat for native aquatic species, also another important food source. However, Keālia was truly known for their mo'o

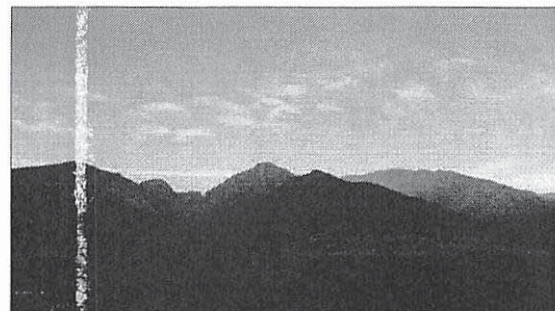


Figure 6: Kapilau & Hana'ula Mountain Ranges, Waikapū - Hōkūao Pellegrino (2017)

paka'ai or salt ponds in which Hawaiians produced some of the highest grades of pa'akai (salt) on Maui. Included in Waikapū, was a large portion of Kama'oma'o or the central isthmus and plains. There, existed a diverse native shrub land along with a portion of the Nā Wai 'Ehā pu'u one or sand dune system. Interred in the sand dunes were iwi kūpuna (bones of ancestors) of former residents of Waikapū, the greater Nā Wai 'Ehā and possibly those who had fallen in the many infamous battles that took place there, both of ali'i and maka'āinana class. Mauka or inland of the dunes were deep interior valleys, gulches and alluvial planes, which were of great importance to mahi'ai or farmers who cultivated both wetland and dryland

Polynesian introduced food crops (i.e. kalo - taro, 'uala – sweet potato, mai'a - banana, 'ulu - breadfruit, kō - sugarcane, niu - coconut, wauke – paper mulberry, pū hala – pandanus).

The Waikapū Stream was and continues to be one of the most important features and an invaluable cultural resources of the Waikapū ahupua'a. A kupuna (elder) of Waikapū, the late Mr. Solomon Viela, shared stories about a valley and tributary called Kalena which feeds into the main Waikapū Stream. This valley and water source can be found on documents and maps dating back as early as 1888. Mr. Viela talked about his childhood days in the 1930s and 40s and how he spent time in the area known as Kalena, a storied place very dear to him. Thousands of years ago and prior to the arrival of Polynesians in Hawai'i, Waikapū Stream veered north and flowed into Kahului Bay. This flow created a narrow break in the coral reef, allowing modern day ships to naturally and safely enter into the bay. For at least the last two thousand years, Waikapū Stream flows south through Kama'oma'o and into the loko wai of Keālia. This mauka to makai flow enabled Keālia to become the largest wetland on Maui. Being that it was a perennial stream, native aquatic species such as 'o'opu, 'ōpae and possibly hīhīwai were once commonly found. When Keālia becomes full of water, the estuary of Palalau will naturally open and water from the pond exits into Mā'alaea Bay.



Figure 7: Waikapū Stream - Hōkūao Pellegrino (2016)

The watershed of Waikapū sustained a biodiverse dryland, mesic and wet forest. The abundance of endemic and indigenous plants allowed for rain to be captured and maintained within the Waikapū Stream. Forests included an abundance of native birds, insects, snails and mammal species. Hawaiians utilized native plants for a multitude of traditional purposes. Some examples of plants used were; olonā, a wet forest plant used for making cordage; ko'oko'olau and māmaki, used for lā'au lapa'au (herbal medicine) and wiliwili, used for recreational activities such as surfing.



Figure 8: Ko'oko'olau in Waikapū Valley - Hōkūao Pellegrino

Located along the Hana'ula mountain range and immediately below the dry gulches of 'Oawakilikā, Pale'a'ahu and Ka'onohua, a prominent Hawaiian settlement and agricultural complex was found during the development of the King Kamehameha and Kahili Golf Courses in the early 1990s. Archaeologists who studied the area documented over 100 sites that included burials, temporary and permanent shelters, heiau and stone wall enclosures and features related to a once extensive dryland agricultural field system. No other dryland agricultural sites of this magnitude have been discovered in any other ahupua'a in Nā Wai 'Ehā. Carbon dates conclude that this area was settled and utilized by Hawaiians around the 12th century or 1100 AD and probably predate any development of intensive wetland agricultural systems commonly found throughout the Waikapū Valley.



Figure 9: Kamehameha Golf Course - Hōkūao Pellegrino

The Great Māhele of 1848 was a process that paved the way for lands in Hawai'i to be divided, claimed and privately owned by both Hawaiians and foreigners for the first time ever. Lands that were being cultivated by *hoa'āina* or Hawaiian tenants were called *kuleana* lands. There were over 100 *kuleana* lands in Waikapū, located around the coastal region of Mā'alaea and Keālia as well as the current Waikapū historic town, stream and valley. Those large tracts of unclaimed lands were retained by the Hawaiian Kingdom under the Board of Education. Waikapū consisted of over 30 'ili (traditional subdivisions). Awarded *kuleana* lands included claims for traditional *lo'i* *kalo* and *māia* (wetland and dryland systems), 'auwai (irrigation ditches), *heiau* (religious structures), *hale* (house lots), *pūnāwai* (springs), *ko'a* (fishing shrines), *mo'o* *pa'akai* (salt ponds), *loko wai* (inland fish ponds), *alanui* (trails), *ana* (caves), *pu'e* *one* (sand dunes), and *lua* *kupapa'u* (burial sites), *holoholona* (pens for raising animals), *lawai'a* (fisheries), *lua* *kupapa'u* (burial sites / graves). Something quite unique to Waikapū were the numerous claims of *lo'i* *pa'ahao* (prison taro patches), *lo'i* *Po'alima* (Friday taro patches) and *lo'i* *aupuni* (government taro patches). Māhele maps and documents specify that over 1,400 *lo'i* *kalo* on around 1,000 acres were awarded. The method of wetland *kalo* cultivation contributed to the greater agricultural system of Nā Wai 'Ehā, making it the largest contiguous *kalo* growing region Hawai'i.



Figure 10: Part of 1894 Map of Waikapū - Hōkūao Pellegrino



Figure 11: Waikapū *lo'i* *kalo* - Hōkūao Pellegrino

Waikapū along with the other three *ahupua'a* in Nā Wai 'Ehā, were colonized very early on by westerners. Foreign interests in the land tenure and the water resources of Waikapū grew rapidly, especially knowing that traditional ditch systems were able to convey the water needed for early development of an industry that would forever change the landscape of Hawai'i. Though highly debated, it was thought that Waikapū was home to one of the earliest sugar plantations and processing mills in the islands, established by an Italian named Antone Catalina, around the year 1823 who made molasses. Catalina was also known as the first person to bring in cattle to Waikapū. Soon to follow, was the formation of the Waikapū Sugar Plantation Co. in 1862 by James Louzada and brother-in-law Henry Cornwell. A large processing mill was built on the 'ili of Wahineomā'ili as seen in the picture above. In 1890, Waikapū Sugar Co. was consolidated under Wailuku Sugar Co. There were four main plantation camps in Waikapū associated with Wailuku Sugar Co.; Kimura, Pu'uhele, Hayashi and Waikapū Camp. Vast acres of sugar cane fields along with a mill, camps and plantation infrastructure dominated a former cultural landscape once filled with verdant *lo'i* *kalo*, native forests, Hawaiian thatched *hale* and a beautiful stream flowing through it all.

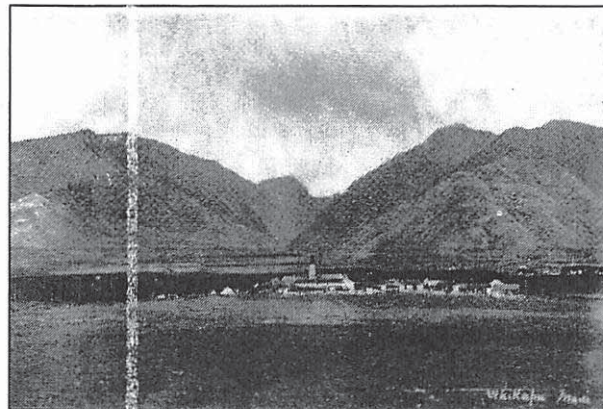


Figure 12: Waikapū Sugar Plantation, circa 1884 - Maui Historical Society

Waikapū drastically changed during the plantation era becoming a diverse and bustling little town both under the rule of the Hawaiian Kingdom and Territory of the United States. At the top of West Waikō Road was the former Cornwell Estate who were associated with the Waikapū Sugar Co. Both King David Kalākaua would frequent the estate to rest and gamble at times during his visits to Maui. His sister, Queen Lydia Lili'uokalani also spent time at the Cornwell Estate during her circuit around the island. Many foreigners visited the estate, such as Mark Twain (Samuel Clemens) who wrote about his love for the quaint village lifestyle and Maui. Lined up along the main road (now Honoapi'ilani Highway) and on West Waikō Road were drygood, grocery and liquor stores, Sakamoto and Ah Fat Store being one of the most well-known of them all. Throughout the town, there were three different congregational churches: Waikapū Protestant Church (Old Government Road), Waikapū Mormon Church (West Waikō Road) and St. Joseph Catholic Church (Honoapi'ilani Highway). For recreation, there was an open air theatre that played mainly Japanese films and a famous horse race track where the current Waikapū Gardens subdivision is located. Adjacent to the Waikapū Protestant Church was Waikapū Elementary School, later to be consolidated with Wailuku Elementary School. In the coastal region of Waikapū near the fishing village of Mā'alaea, the very first commercial airport on Maui was built in 1929, named Mā'alaea Airport. Amelia Earhart landed there in the early 1930s prior to the airport being closed in 1938 due to high winds, close proximity to the West Maui Mountains and inadequate runway space for larger planes. During World War II, there was a major training facility in the Keālia-Mā'alaea region, as well as military facilities that included an infirmary and barracks in the main part of town. Beginning in the early 1900s, the Rogers family raised cattle, pigs, chickens and established a butchery while the Vida family who are descendants of the Shaw and Cockett genealogy, were known for their perpetuation of a very important cultural practice of raising pigs and preparation of kālua pig.

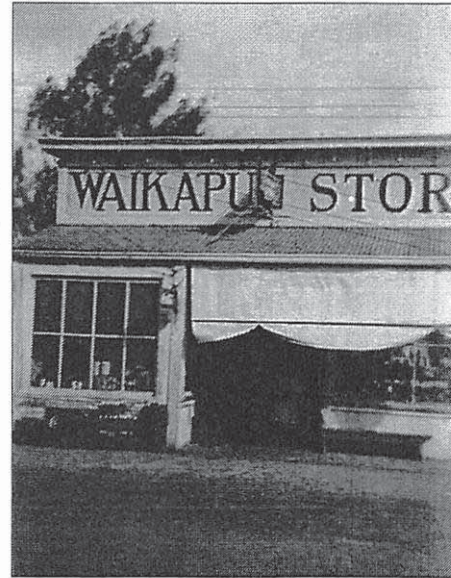


Figure 13: Waikapū Store, circa 1930 - Maui Historical Society



Figure 14: Ah Fat Store Sign - Hōkūao Pellegrino (2019)

A once dominant native landscape and sustainable Hawaiian community in Waikapū almost seems nonexistent. Many important cultural sites are long gone while those remaining are challenged to survive by the influx of both environmental and human impacts. A few examples of sites that have been and continue to be impacted over the course of the last 200 years are provided below.

- Kapoli Spring in Mā'alaea has dried up and was built over by harbor development and infrastructure.
- Pu'uhele has been completely excavated and used as a dump for commercial construction waste.
- 75% of all lo'i kalo ag systems on kuleana lands have been plowed under for sugar cane cultivation and now built on with housing subdivisions.
- Pu'e one sand, both of which were geologically and culturally valued have since been flattened, developed on and hundreds of iwi kupuna (burials) have been disturbed.
- Keālia wetlands are being encroached upon by an eroding shoreline and disturbed by a major highway.
- Waikapū Stream, although connecting to Keālia and the ocean, still has over 25% of its stream flow diverted away from the watershed for off-stream usage.
- Native dryland, mesic and wet forest plants, mammal, bird and insect species in Waikapū have either gone extinct or are a rarity due to the spread of invasive species and feral ungulates.

Although drastic changes and impacts in the ahupua'a of Waikapū have occurred, concerted efforts are being made to connect both new and old residents to the remaining cultural and natural history and resources, while restoring a strong sense of place and identity amongst them. Remnant kuleana lands and 'auwai are now considered cultural kīpuka (oasis) in the midst of residential neighborhoods. Many are being restored to their original state allowing for traditional food crops such as kalo and 'ulu to flourish once again and become the staples that they once were. Watershed protection and stewardship is a major priority being facilitated by multiple Maui-based environmental organizations who work to ensure that native habitats are protected and can thrive again.



Figure 15: Waikapū 'Auwai Restoration - Hōkūao Pellegrino (2004)

Waikapū Stream which truly is the center piece of Waikapū, has a lot of positive attention. A lot of effort is being made by the community and community organizations to protect its health, mauka to makai connectivity, native habitat and traditional and customary access and use. Waikapū is growing into a more diverse and active community faster than it ever has, yet the people of this place are making every attempt to bridge the richness of the Hawaiian and plantation history and lifestyle together for future generations who will call this ahupua'a home. One thing remains strong and everlasting, the makani kokololio (gusty wind) which has seen the changes throughout the times. It is a fine example of the resiliency that is currently demonstrated by those who are kupa o ka 'āina – natives of this land.

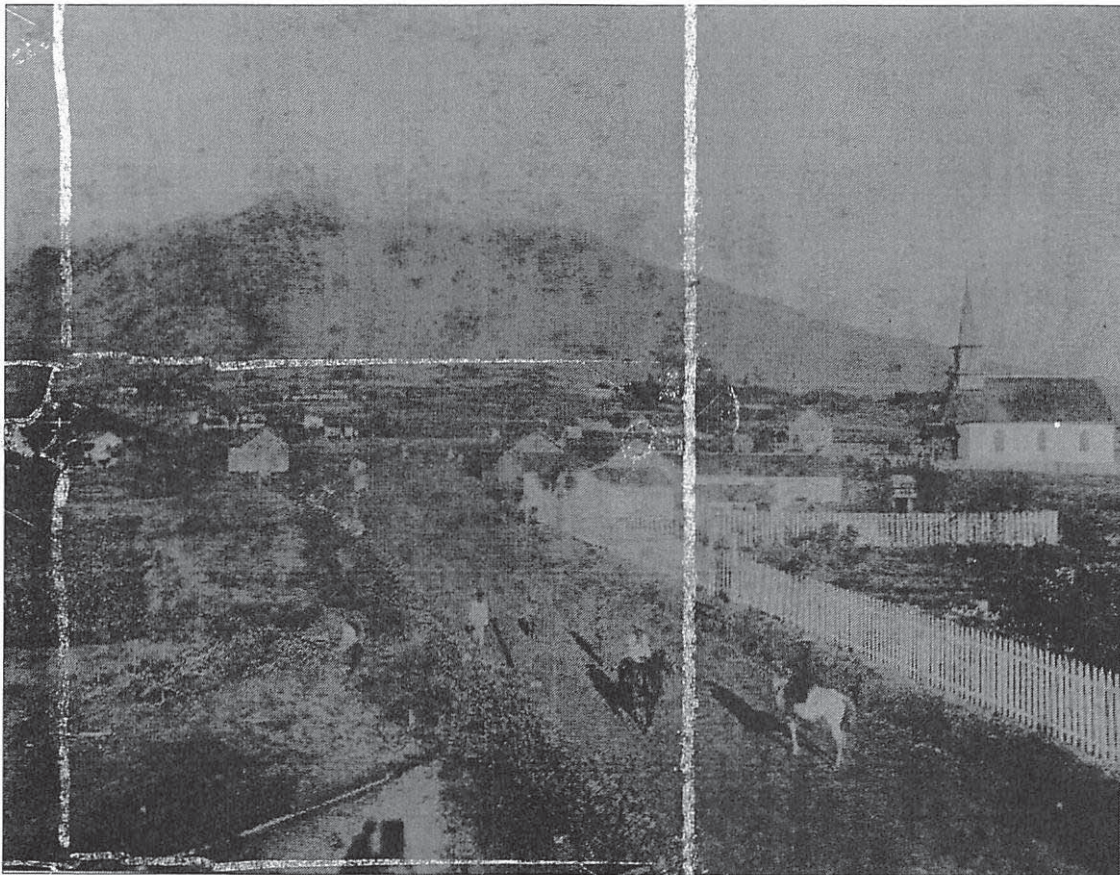


Figure 16: Waikapū Village, circa 1884 - Bishop Museum Archives

2.1 'ĀINA KUMU WAI O WAIKAPŪ - WAIKAPŪ WATERSHED

The upper Waikapū watershed falls within the mountain range of Hana'ula (4,616 ft.) and Kapilau (4,426 ft.). It is 1 of 10 watersheds and is approximately 7,900 acres or 16% of the overall Mauna Kahālāwai Watershed, totaling 50,000 acres. The annual rainfall ranges between 10" along the southern flank of Hana'ula to around 75" at the intersection of Hana'ula and Kapilau in the Waikapū Valley. Rain accounts for providing 3-4 MGD (million gallons per day) into the Waikapū Stream, a perennial stream that culminates at the Keālia wetlands. The sustainable yield for ground water in the Waikapū aquifer is 3 MGD. There are five dry gulches along the Hana'ula Mountain Range (Kapiliiki, 'Oawakilikā, Pale'ā'ahu, Ka'onohua, Pōhākea) and one in the center of Kapilau (Kalapao'ā'ilio), all of which flow intermittently during heavy rainfall events. The watershed has a mixture of montane and lowland wet forest, mesic forest, dry forest and shrubland which includes an abundance of endemic and indigenous flora and fauna. Many of the plant, bird, insect and mammal species are either endangered, locally rare, species of concern or candidate for protection. The wet and mesic forests still have an abundance of 'ōhi'a lehua (*Metrosideros polymorpha*), hala pepe (*Pleomele auwahiensis*), maile (*Alyxia oliviformis*) and olonā (*Touchardia latifolia*). The dryland forest still have outliers of koai'a (*Acacia koa*), wiliwili (*Erythrina sandwicensis*), ko'oko'olau (*Bidens* spp.) and 'ākia (*Wikstroemia oahuensis*). Many of these plant species mentioned in addition to others, were utilized for various cultural purposes by Hawaiians living in the Waikapū ahupua'a. The biological value of the Waikapū watershed continues to be important to Hawaiians. Rare and endangered aviary species such as koa'e kea (*Phaethon lepturus dorotheae*) and nēnē (*Branta sandwicensis*) along with the 'ōpe'ape'a (*Lasiurus cinereus semotus*) an endangered hoary bat species can also be found amongst the watershed. Invasive species such as pigs and especially deer are real and actively threatening the lower Hana'ula and Kapilau forest zones.



Figure 17: Waikapū Watershed - Hōkūao Pellegrino (2018)



Figure 18: Waikapū 'Ōhi'a lehua (2014)

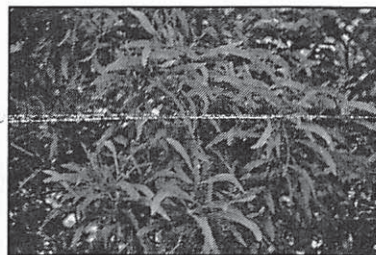


Figure 19: Waikapū Koai'a (2015)



Figure 20: Wiliwili (2017)



Figure 21: Ko'oko'olau (2015)

The current land owners within the upper Waikapū Watershed are Wailuku Water Co., Hana'ula Ranch LLC, Donna and Allen Trust and the State of Hawai'i. Management of these lands is conducted by the Mauna Kahālāwai Watershed Partnership (MKWP) which oversees the entire West Maui Mountain Watersheds. MKWP conducts regular aerial and ground surveys of both native and invasive species, build and maintain strategic fences lines within critical sections of the watershed and eradicate invasive species. Currently, less than 50% of the entire Waikapū watershed is fenced for controlling feral ungulates. In addition to MKWP, is Hui Mālama o Waikapū, a community-based organization that has extensive knowledge of the entire upper and lower Waikapū watershed region. They currently lease and manage 5 acres from Waikapū Properties that is adjacent to the conservation district. The area includes rare dryland forest species that include koai'a and wiliwili. Since their establishment in 2011, they have created a dryland forest restoration, stewardship and cultural resource management program that engages with the Waikapū community and educational groups from across Maui.

2.2 MAUNA KAHĀLĀWAI WATERSHED FOREST ZONE AND SPECIES STATUS MAP

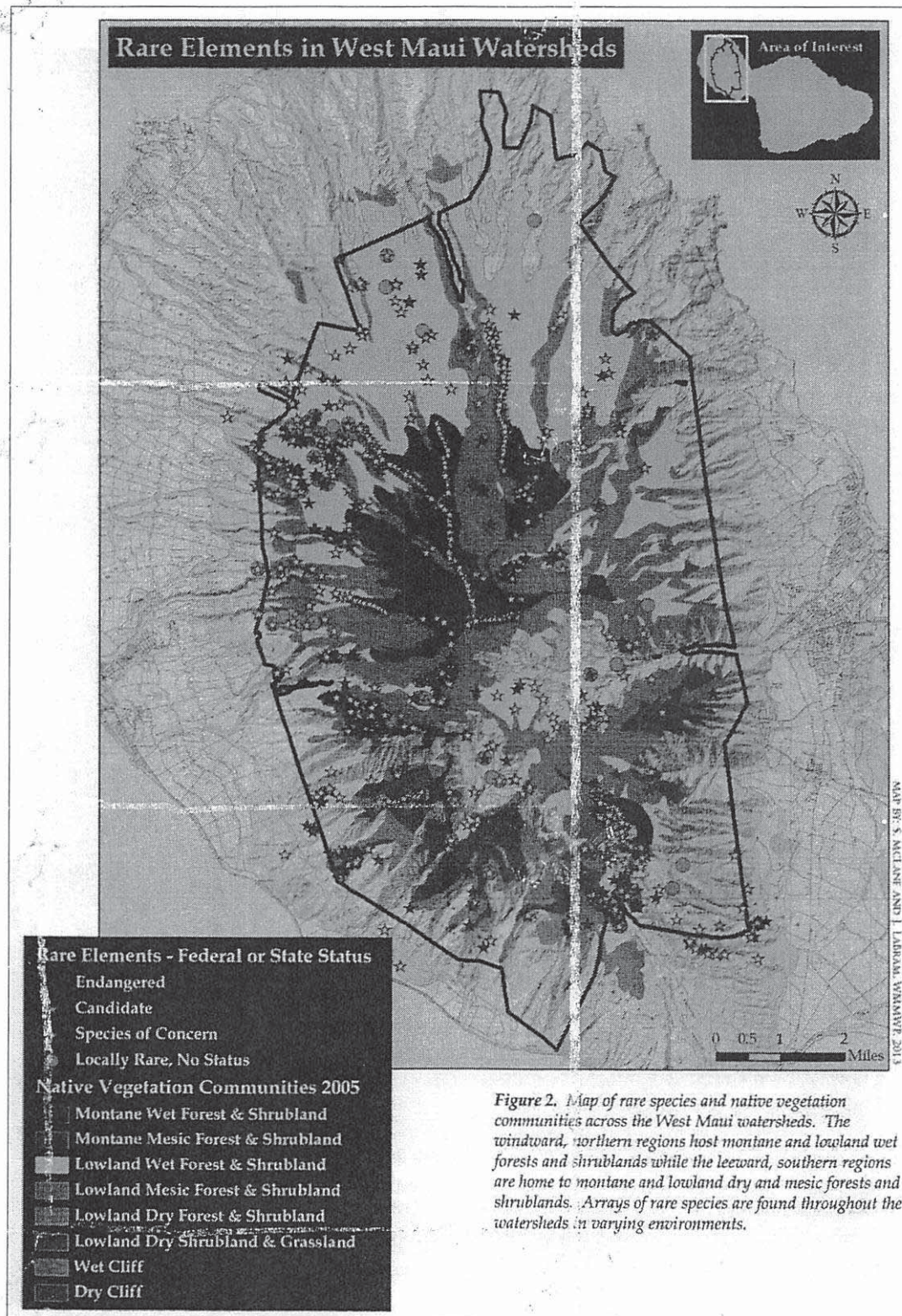


Figure 2. Map of rare species and native vegetation communities across the West Maui watersheds. The windward, northern regions host montane and lowland wet forests and shrublands while the leeward, southern regions are home to montane and lowland dry and mesic forests and shrublands. Arrays of rare species are found throughout the watersheds in varying environments.

Figure 22: West Maui Mountains Watershed Forest Zone Map - Mauna Kahālāwai Watershed Partnership Management Plan (2013)

2.3 MAUNA KAHĀLĀWAI WATERSHED WATER SUPPLY DATA

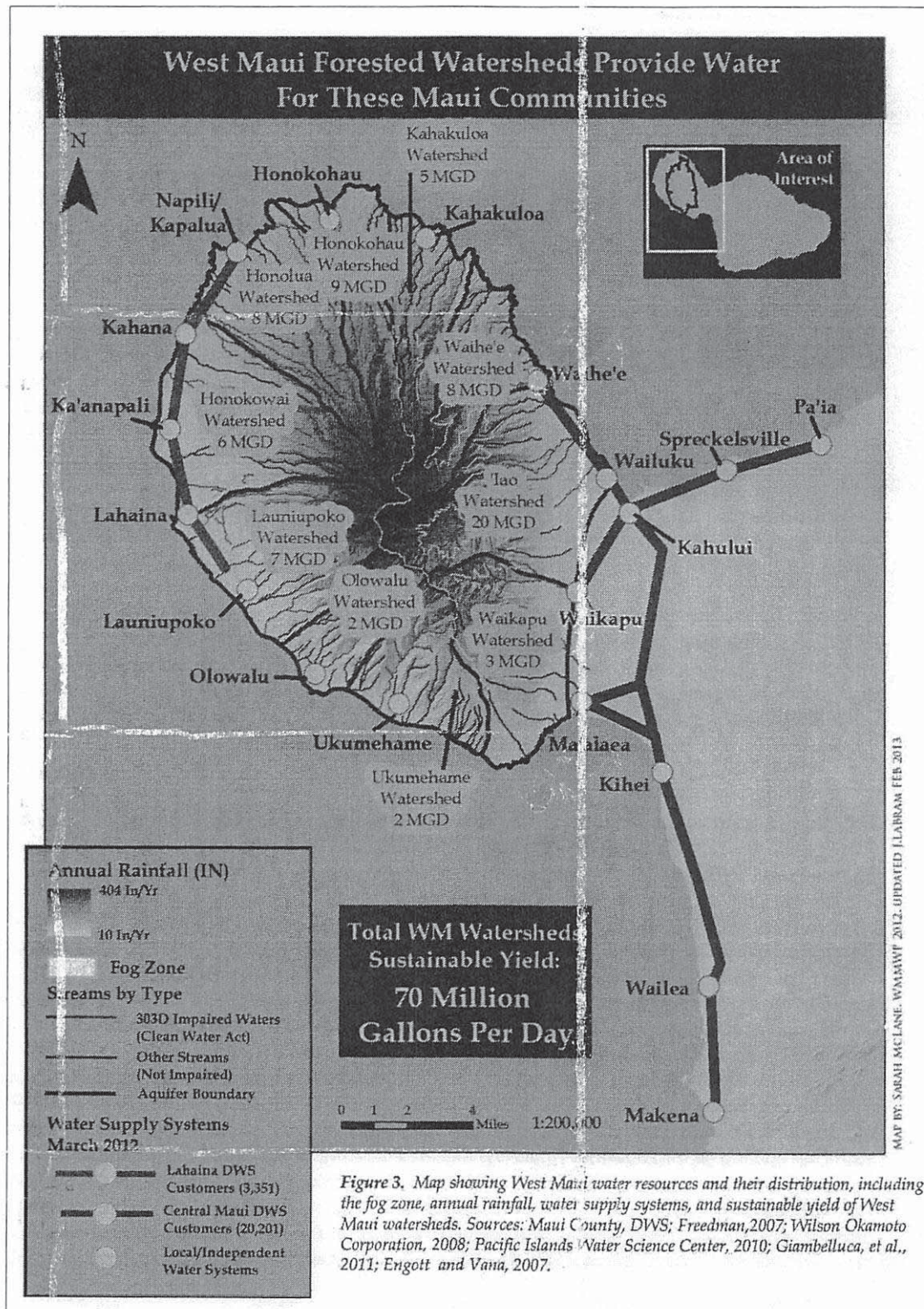
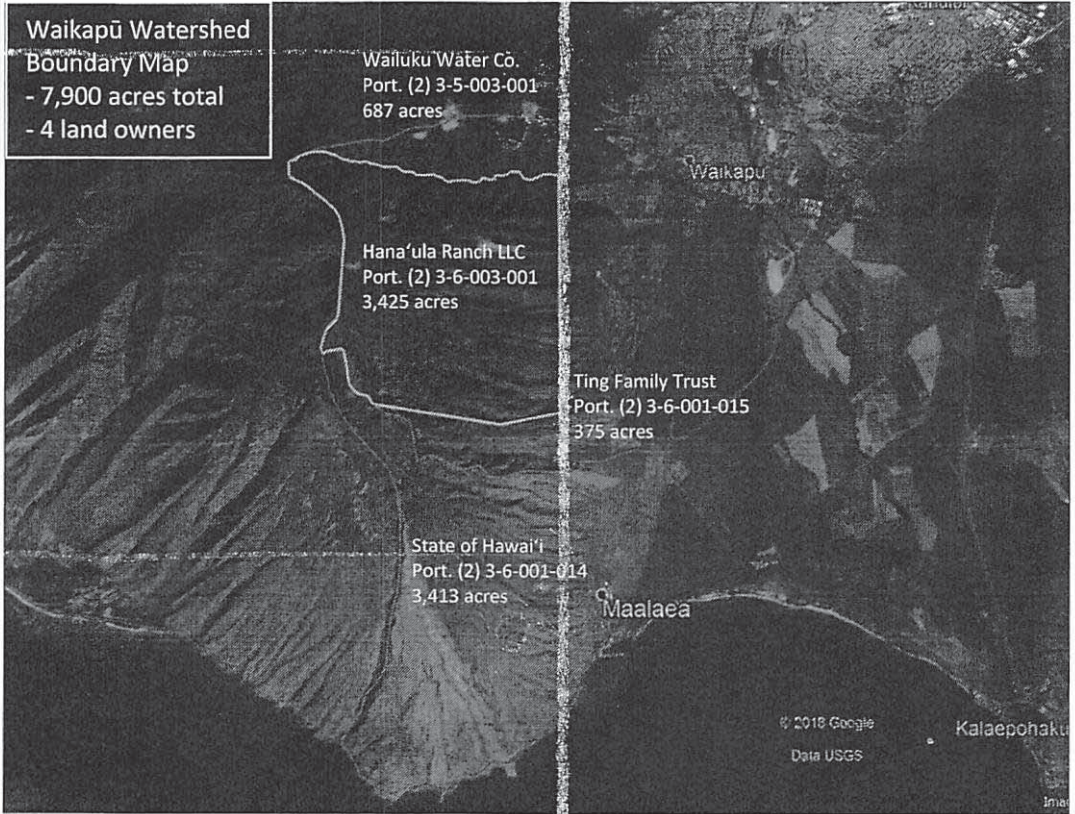


Figure 23: West Maui Mountain Water Source and Distribution Map - Mauna Kahālāwai Watershed Partnership Management Plan (2013)

2.4 WAIKAPŪ WATERSHED MANAGEMENT PRIORITY PROJECT #1

Priority Project	5 Year Integrated Waikapū Watershed Management Plan
Purpose	Due to the proximity of the WCT Development to the Waikapū Watershed (~¾ mi.) a management plan shall be developed to mitigate any risks and or impacts to that area. A watershed management plan specific to the Hana'ula Ranch, LLC (TMK 2-3-6-003-001) portion of the Waikapū watershed, which encompasses 3,425 acres will be developed. The integrated plan shall be supplementary to that of the overall Mauna Kahālāwai Watershed Partnership Management Plan and further hone in on particular management and stewardship strategies for the Waikapū watershed.
Overview	The integrated management plan will be developed and include but not limited to the following: (A) Comprehensive analysis and forest profiles of the Waikapū Watershed. (B) Overview of current MKWP management projects and initiatives. (C) Integrated management and community-based stewardship approaches. (D) Invasive species control and eradication. (E) Educational outreach initiatives and community engagement. (F) Analysis of short and long term forest investments, internal and external revenue generating income, budget overview. Due to the expertise required and keen knowledge of the area and expertise required to develop such as robust plan, it is being proposed that Keahi Bustamente of Hui Mālama o Waikapū will develop this plan. Keahi will work closely with Mauna Kahālāwai Watershed Partnership to ensure that both plans integrate and complement one another.
Site Map	 Figure 24: Overview of Waikapū Watershed Land Owners - Hōkūao Pellegrino (2019)

Key Stakeholders	Hui Mālama o Waikapū, Mauna Kahālāwai Watershed Partnership, Hana'ula Ranch, LLC, Waikapū Properties, LLC, Wai'ale 905 Partners, LLC
Project Owner	Waikapū Properties, LLC
Project Manager	Waikapū Properties, LLC, Hana'ula Ranch, LLC in partnership with Hui Mālama o Waikapū & Mauna Kahālāwai Watershed Partnership
Timeline	Project planning, stakeholder engagement, plan development and will commence in 2020 and be completed by the end of 2021. Implementation of the 5 year plan will be initiated in 2022 and conclude in 2027. The timeline may be modified to coincide with the creation of the new Mauna Kahālāwai Watershed Management plan. In 2027, all stakeholders will produce a Final Plan Summary and recommendations for any and all future plans.
Management	Mauna Kahālāwai Watershed Partnership and Hui Mālama o Waikapū will work in collaboration on the implementation and management of the plan in concert with land owners Waikapū Properties LLC and Hana'ula Ranch, LLC.
Outcomes	The development and implementation of a comprehensive management plan will ensure the sustainability of both ground and surface water sources in Waikapū via invasive species eradication-control and the protection, restoration and stewardship of the Waikapū Watershed.
Cost Analysis & Budget Overview	\$12,500 is being proposed to be allocated for the development of the Integrated Waikapū Watershed Management Plan.

2.5 WAIKAPŪ WATERSHED MANAGEMENT PRIORITY PROJECT #2

Priority Project	Mauna Kahālāwai Watershed Partnership Perpetual Fund
Purpose	To establish a perpetual revenue stream for the Mauna Kahālāwai Watershed Partnership by earmarked for specific Waikapū watershed projects and initiatives in alignment with the Integrated Waikapū Watershed Management Plan.
Overview	The Waikapū Country Town Development along with agricultural sites are located in close proximity to the Waikapū watershed. In addition to location, the mix-use development will draw heavily on ground water resources from the Waikapū aquifer. The use of this resource whether it be from ground or surface water sources is solely based on the proper management of the Waikapū and overall Mauna Kahālāwai watershed. Therefore, it is vital to support key watershed management stakeholders in the work that they do. It is being proposed Waikapū Country Town Development require a certain percentage of the monthly homeowner's association fees within the Waikapū Country Town development project go towards supporting the Mauna Kahālāwai Watershed Partnership www.westmauiwatershed.org Funds allocated will be earmarked for stewardship projects in the Waikapū Watershed focused on native flora and fauna species protection, invasive species plant, disease and feral ungulate eradication and control, boundary fences and other key components laid out in the future Waikapū Watershed Management Plan. Community education outreach, engagement and stewardship opportunities will be initiated through collaborative efforts between Mauna Kahālāwai Watershed Partnership and Hui Mālama o Waikapū.
Site Map	Hana'ula Ranch, LLC portion of the Waikapū Watershed (See Figure 24 on Page 13)
Stakeholders	Mauna Kahālāwai Watershed Partnership, Waikapū Country Town Development, Hui Mālama o Waikapū, Hana'ula Ranch, LLC, Waikapū Properties, LLC, Wai'ale 905 Partners, LLC
Project Owner	Waikapū Country Town Development: Waikapū Properties, LLC & Wai'ale 905 Partners, LLC
Project Manager	Waikapū Country Town Homeowners Association (or other future named entity associated with WCT development).
Timeline	Implementation of the perpetual fund will commence when a homeowners association is established and generating revenue from WCT residents and businesses.
Management	Mauna Kahālāwai Watershed Partnership will work in collaboration with the future homeowners association
Outcomes	Waikapū Country Town homeowners and business will develop a strong sense of place and connection to the water resources and Waikapū watershed which they draw upon and utilize daily. They will have an important role and responsibility as being good stewards of water resources by investing in the management of the Waikapū watershed in perpetuity. Waikapū Properties, LLC and Partners would be paving a new pathway and holistic approach to ahupua'a sustainability.
Cost Analysis & Budget Overview	The percentage of monthly and annual revenue for the perpetual fund will be determined at a later time amongst stakeholders.

3.1 WAIKAPŪ STREAM OVERVIEW

Waikapū Stream is one of the longest perennial streams in the Mauna Kahālāwai or West Maui Mountains watersheds, spanning over 9 miles. The main course of the stream commences in the interior valley of Waikapū at the intersection of the Kapilau and Hana'ula Mountain Range. The stream flows outwards through the current town and central plains of Kama'oma'o and culminates into Keālia, Maui's largest wetland and ancient inland fishpond. When Keālia becomes saturated, a mixture of fresh and brackish water will exit into Mā'alaea Bay via the Palalau estuary. At the 1,060 ft. elevation, there is a tributary called Kalena which has an average flow between 0.5 – 1 MGD. It directly feeds into the main part of the Waikapū Stream. The median stream flow or Q90 of the Waikapū Stream which includes all tributaries is 3-4 MGD. The Waikapū Stream is the first of the four great streams known as Nā Wa' Ehā and provides habitat to an array of native aquatic species such as 'o'opu, 'ōpae and hīhīwai. Native Hawaiians residents of Waikapū prior to the arrival of westerners, predominantly utilized the Waikapū Stream as a source of drinking water, bathing and for irrigating 1,000 surveyed acres of lo'i kalo cultivated on kuleana lands. Four known and well documented ancient 'auwai systems were developed by Hawaiians in Waikapū; 3 on the north side of the stream (Pālolo and 2 unnamed 'auwai) and 1 unnamed on the south side. During the sugar plantation era in Waikapū (1862-2016), the Waikapū Sugar Co. (1862-1890) whom was eventually acquired by Wailuku Sugar Co. (1862-1988), diverted most if not all of the Waikapū Stream via 4 major diversions (South Waikapū Intake, Everett Ditch Intake, Vaihe'e Ditch Intake and Reservoir 6 Intake). On October 13, 2014, the State Commission on Water Resource Management set instream flow standards for Waikapū Stream and Wailuku River. Wailuku Water Co. which evolved from Wailuku Sugar Co. and Wailuku Agribusiness Co., was ordered to restore 2.9 MGD into the Waikapū Stream. Since the partial restoration of stream flow in 2014, native aquatic species such as 'o'opu nākea (*awaous guamensis*), 'ōpae kala'ole (*Atyoida bisulcata*) and hīhīwai (*Eneritina granosa*) have been observed and documented in the upper reaches of the stream and āholehole (*Kuhlia sandvicensis*) in the wetlands and estuary at Keālia.



Figure 25: Kalena Tributary - Hōkūāo Pellegrino (2015)



Figure 26: Keālia Wetlands - Hōkūāo Pellegrino (2017)



Figure 27: N. Kuleana 'Auwai (2019)



Figure 28: S. Waikapū Dam Intake Diversion (2012)



Figure 29: 'O'opu - Waikapū Stream (2018)

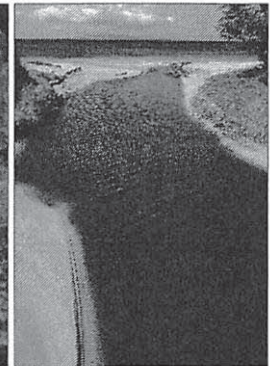


Figure 30: Palalau Estuary, Keālia (2016)

3.2 WAIKAPŪ SURFACE & GROUND WATER DISTRIBUTION SCHEMATIC DIAGRAM - HŌKŪAO PELLEGRINO (2019)

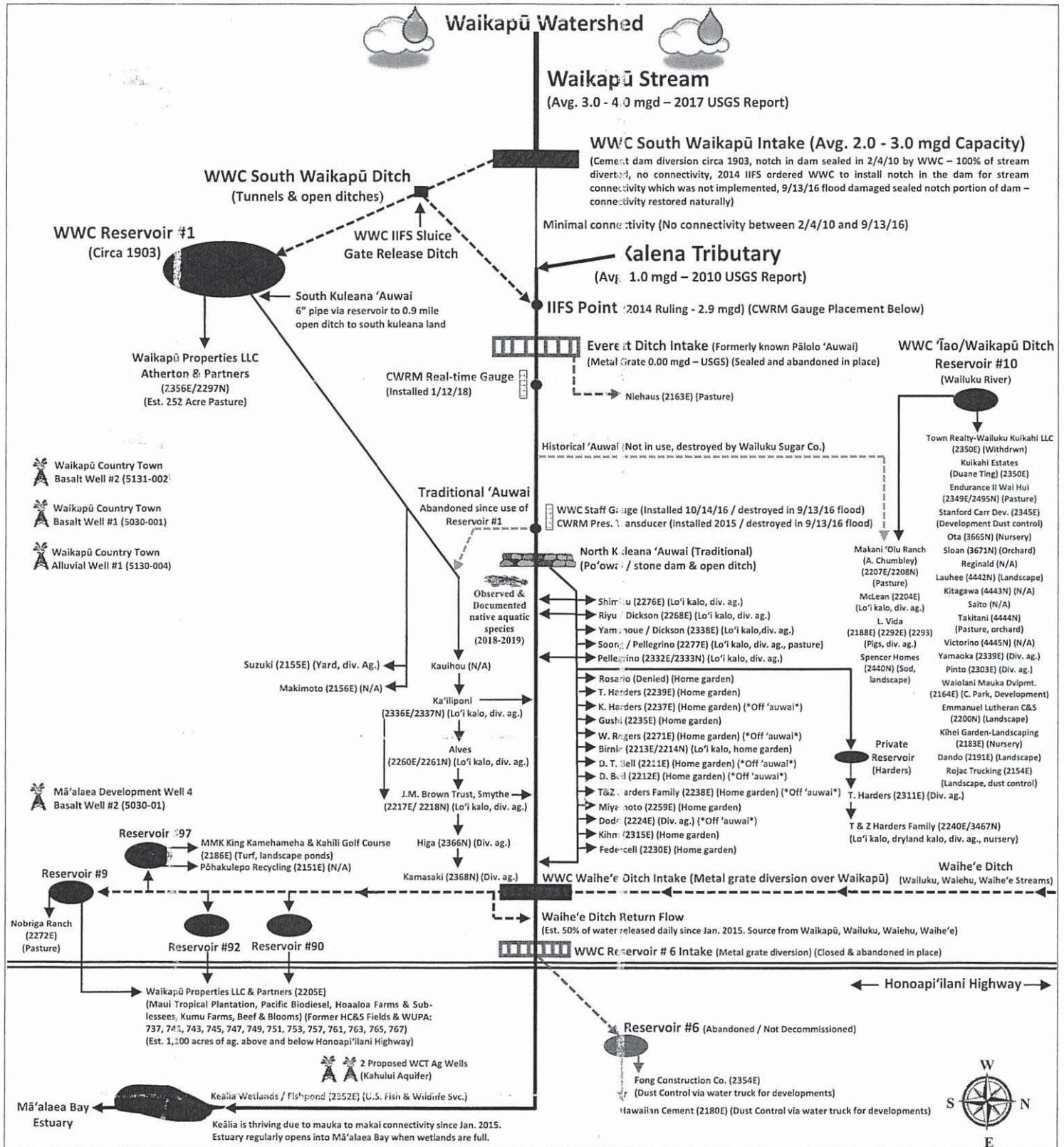


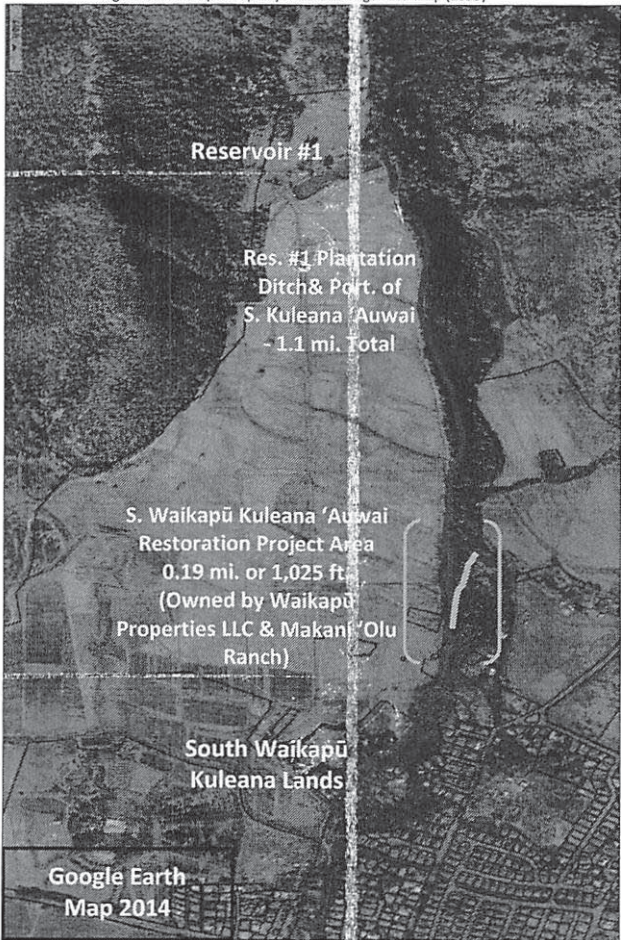
Figure 31: Waikapū Surface & Ground Water Distribution Schematic Diagram - Hōkūao Pellegrino (2019)

3.3 WAIKAPŪ STREAM PRIORITY PROJECT #1

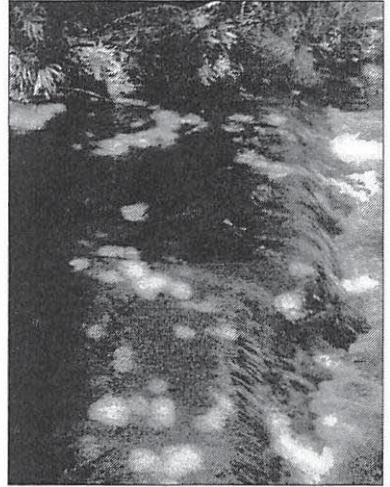
Priority Project	Interim Instream Flow Standards & State Water Use Permit Compliance
Purpose	To ensure that Waikapū Stream flow connects mauka to makai, native aquatic species and habit thrive, and that appurtenant rights will be protected for traditional and customary practices of Native Hawaiian kuleana lo'i kalo farmers.
Overview	The current IIFS of the Waikapū Stream is 2.9 MGD. Wailuku Water Co. manages the plantation era diversions and water distribution system on lands owned by Waikapū Properties LLC and Hana'ula Ranch LLC via an easement agreement. Although Waikapū Properties LLC and Hana'ula Ranch LLC do not actively manage the system, they have a responsibility as land owners and stewards of Waikapū to ensure the IIFS is in compliance. The current IIFS agreement recognizes the following compliance requirements: (A) Notch in the South Waikapū Dam Intake Diversion (1,160 ft.) to ensure stream connectivity for successful native aquatic habitat upstream migration. (B) To return enough flow via South Waikapū Ditch sluice gate (1,070 ft.) into Waikapū Stream needed to meet the 2.9 MGD IIFS immediately below (915 ft.). (C) Consistent monitoring by all involved parties in conjunction with CWRM who has installed a real-time gauge at the IIFS point (915 ft.) to measure stream flow in the Waikapū Stream. http://fc01.mccrometer.net/secure/explorer.do?panel=8a0018df60a38d450160c2bb0113025b. Waikapū Properties has submitted the following SWUPA's in 2009; 2206, 2356, 2297N and 3472N. In 2016, a proposed agreement was made between Hui o Nā Wai 'Ehā and Waikapū Properties LLC to greatly minimize the use of Waikapū Stream water via the South Waikapū Diversion Intake, Ditch and Reservoir #1. At that time, 100,169 GPD was being used by all 4 users (Kumu Farms, Hoaloha Farms, Makani 'Olu Ranch and Beef and Blooms. The proposed agreement stated that by 2018-2019, Kumu Farms and Hoaloha Farms would move their farming operations below the Waihe'e Ditch system which would allow them to use the Waihe'e Ditch for ag irrigation. Both Kumu Farms and Hoaloha Farms have relocated and the remaining agricultural lands are being solely used for cattle grazing by Makani 'Olu Ranch and Beef & Blooms on a total of 252 acres. The approved water allocation for cattle is 250 GPD/Acre which equates to around 63,000 GPD as their current use. Key stakeholders such as Hui o Nā Wai 'Ehā and Waikapū kuleana land owners approve of and support Waikapū Properties current allocation of water from Waikapū Stream as was agreed upon in the proposed settlement between the two parties in the Nā Wai 'Ehā Contested Case (CCH-MA 15-01).
Site Map	Waikapū Ahupua'a Water Distribution Schematic Diagram (See Figure 31 on Page 17)
Stakeholders	Hui o Nā Wai 'Ehā, Waikapū Properties, LLC and Hana'ula Ranch, LLC, Wailuku Water Co., State Commission on Water Resource Management
Owner	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC and Hana'ula Ranch, LLC
Manager	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC and Hana'ula Ranch, LLC
Timeline	On-going via monitoring and compliance checks.
Outcomes	The Waikapū Stream, Native Hawaiian kuleana land owners, community and key stakeholders benefit by having natural and healthy stream flowing through the ahupua'a. Other benefits include Hui o Nā Wai 'Ehā's six in-stream core values. www.huionawaieha.org
Cost Analysis & Budget Overview	N/A

3.4 WAIKAPŪ STREAM PRIORITY PROJECT #2

Priority Project	South Waikapū Kuleana 'Auwai Restoration
Purpose	To support south kuleana land owners and lo'i kalo farmers in becoming independent of plantation era water distribution systems and allowing access to restore and manage the traditional south Waikapū kuleana 'auwai irrigation system that historically fed those particular kuleana lands. Eliminating plantation ditch system dependence by the south kuleana lo'i kalo farmers is critical to the health and success of their crops, especially that of lo'i kalo. The current South Waikapū Diversion Intake that feeds Reservoir #1 as well as the ditch that flows 0.9 miles to the first set of kuleana lands, has extremely detrimental impacts. Impacts include continuous leaks, soil erosion and plantation era byproducts that enter into the Waikapū Stream during blockages and large rain events. Due to the length of time that water sits in Reservoir #1 as well as the heating up of water along the 0.9 mile plantation ditch course, crops especially that of lo'i kalo succumb to rot and diseases. The spread of invasive species such as razor clams and plants has also been a major problem and lastly the inability to self-manage and control the system is extremely challenging. South kuleana lo'i kalo farmers want to restore the traditional access for their kuleana water directly from the Waikapū Stream, similar to that of the north Waikapū kuleana 'auwai. If successful, Waikapū would be the first ahupua'a in Nā Wai 'Ehā in over 150 years to have access to and usage of traditional 'auwai irrigation systems that are completely independent from former Wailuku Sugar Co. / Wailuku Water Co. plantation irrigation systems for lo'i kalo cultivation.
Overview	Hui o Nā Wai 'Ehā in partnership with key south Waikapū kuleana kalo farmers and families, would work in conjunction with landowners who have ownership of the portion of 'auwai that will be restored; Waikapū Properties, LLC and Makani 'Olu Ranch. This would include meetings with key stakeholders, scheduled site visits and the development of long term strategies for safe and secure access and regular maintenance. Hui o Nā Wai 'Ehā will work directly with the State Water Commission staff on any required permits needed in restoring the actual po'o wai or traditional dam. When proper planning, access agreements and documents and the development of a comprehensive plan of action by land owners has been agreed upon, managed restoration work will commence. Restoration efforts will take place by key stakeholder groups and experts in this field of work. Hand tools such as shovels, picks, and chainsaws will be the only form of equipment used. Due to the complexity of the area and sensitivity of the landscape, no heavy equipment will be allowed. The restoration project area is about 0.19 miles or 1,025 ft. long. Upon completion, key stakeholders will work with Waikapū Properties LLC and Wailuku Water Co. to minimize or eliminate flow from Reservoir #1 into plantation ditch/'auwai.
Stakeholders	Hui o Nā Wai 'Ehā, South Waikapū Kuleana Land Owners & Lo'i Kalo Farmers, Makani 'Olu Ranch and Waikapū Properties, LLC, Wai'ale 905 Partners, LLC
Project Owner	Waikapū Properties, LLC, Wailuku Water Co.
Project Manager	Waikapū Properties, LLC, Wailuku Water Co., Hui o Nā Wai 'Ehā
Timeline	Project planning, access agreements and documentation, land entitlements to commence in 2020. Implementation and completion by the end of 2021.
Management	South Waikapū kuleana land owners and kalo farmers via right of entry agreements

Outcomes	Building relationships between off-stream and instream users of water. Developing a well-rounded agricultural community with both sustainable large scale and kuleana lo'i kalo cultivation / farming.
Cost Analysis & Budget Overview	Funds for mechanized hand equipment, irrigation supplies (i.e. pipe) will be incurred by Hui o Nā Wai 'Ehā.
Site Map	 Key Showing Location of WAIKAPU 40 Feet - One Inch Working Sheets Scale of Map, 400' = 1" See Map Sheet, Waikapū 16 Project Area Map 4, Map 5, Map 6, Map 7, Map 8, Map 11, Map 12, Map 13, Map 14 Waikapū Map Key W.S. Co. 1899 Figure 32: Waikapū Map Key - Wailuku Sugar Co. Map (1899)  Reservoir #1 Res. #1 Plantation Ditch & Port. of S. Kuleana 'Auwai - 1.1 mi. Total S. Waikapū Kuleana 'Auwai Restoration Project Area 0.19 mi. or 1,025 ft. (Owned by Waikapū Properties LLC & Makani 'Olu Ranch) South Waikapū Kuleana Lands Google Earth Map 2014 Figure 33: 'Auwai Restoration Project Map - Hōkūāo Pellegrino (2019)

3.5 WAIKAPŪ STREAM PRIORITY PROJECT #3

Priority Project	Waihe'e Ditch Diversion Intake at Waikapū Stream Closure	
Purpose	To support mauka to makai connectivity throughout the entire Waikapū Stream course. To enhance the biological and cultural value and integrity of the Waikapū Stream.	
Overview	The Waihe'e Ditch Diversion Intake (500 ft.) is a 15 ft. metal grate diversion. It was built by Wailuku Sugar Co. over the Waikapū Stream and diverts a portion of the natural streamflow into the Waihe'e Ditch to be blended with Waihe'e, Waiehu and Wailuku stream water for commercial and agricultural use, south of the ditch (i.e. Maui Tropical Plantation and agricultural users, Kahili and King Kamehameha Golf Course). Since the IIFS was implemented in 2016 for both Waikapū and Wailuku along with the closure of HC&S, diverted water into the intake from Waikapū Stream along with 50% of the ditch flow is being returned into Waikapū Stream 150 feet below via a throw-off ditch. Strong evidence has demonstrated over the last 3 years that the diverted stream flow from Waikapū Stream into the Waihe'e Ditch is not needed. Therefore the proposed project request is for Waikapū Properties LLC to work in concert with Wailuku Water Co. to formally close and relinquish its use of the diversion over Waikapū Stream. The current and projected demand for Waihe'e Ditch water south of Waikapū Stream is being met from water sourced directly from the Waihe'e ditch and without the need for Waikapū Stream water to be diverted. Hui o Nā Wai 'Ehā would like to work collaboratively with both parties and especially Waikapū Properties LLC as a leading example of what a good steward of the Waikapū Stream look like. Waikapū Properties LLC is the land owner of this parcel of land and Wailuku Water Co. has an easement for the Waihe'e Ditch Diversion and Ditch System. If permits are required from CWRM, Hui o Nā Wai 'Ehā can work with both parties to ensure that all laws and regulations are being adhered to.	 Figure 34: Waihe'e Ditch Intake at Waikapū Stream (2019)
Site Map	Waikapū Ahupua'a Water Distribution Schematic Diagram on (See Figure 31 on Page 17)	
Stakeholders	Hui o Nā Wai 'Ehā, Waikapū Properties, LLC, Wai'ale 905 Partners, LLC, Wailuku Water Co., State Commission on Water Resource Management.	
Owner	Waikapū Properties LLC and Wailuku Water Co.	
Management	Following the closure of the Waihe'e Ditch Diversion on Waikapū Stream, there will no longer be any need for further maintenance or management of the diversion other than that of the actual ditch system south of Waikapū Stream via the Waihe'e Ditch.	
Timeline	Hui o Nā Wai 'Ehā has requested for this project to be planned and implemented by the end of 2021.	
Outcomes	Enhancing the bio-cultural values and integrity of the Waikapū Stream. 90% of Waikapū Stream will be flowing mauka to makai. Ground water aquifer throughout the entire stretch of the Waikapū Stream, watershed. Native Ecosystem rehabilitation.	
Cost Analysis & Budget Overview	To be determined in planning and implementation stage.	

4.1 LAND AND CULTURAL RESOURCES OVERVIEW

The land tenure during the time of the Māhele of 1848 indicated that Waikapū was a thriving ahupua'a in which Hawaiians dominated the cultural landscape by cultivating an extensive system of lo'i kalo (wetland taro patches) in and around Waikapū Valley and Stream. The coastal region of Waikapū was utilized for fishing grounds and salt production from Keālia wetlands/fishpond to Mā'alaea Bay. Maps from the late 1800s, conclude that some 120+ Māhele claims and Government Grants were successfully awarded to Native Hawaiians and a few foreigners in Waikapū. The land mass of 'ili (subdivisions) in which lo'i kalo was cultivated, is estimated to be around 900 acres. Over 1,300 lo'i kalo were recorded in Land

Commission Award claims and dispersed throughout the 900 acres. In addition to lo'i kalo claims, were requests for kula (dryland cultivation), mo'o pa'akai (salt pans/grounds), wauke (paper mulberry used for making kapa), hala (pandanus used for making mats), potatoes, and hale (house lots for living).



Figure 35: Waikapū Lo'i Kalo - Bishop Museum (1890)

The 503 acre footprint of the proposed Waikapū Country Town Development will be located in an area that was once a culturally rich landscape dominated by over 250 acres of fertile lands cultivated in lo'i kalo. These farmed kuleana lands were well documented during the time of the Great Māhele. 52 Land Commission Awards (LCA) and Government Grants comprised of 74 'āpana (parcels) were claimed between 1852 and 1855. The proposed development project is situated on more than half of these awarded lands. Of the 52 awards, 36 were compromised during the Waikapū/Wailuku Sugar Co. tenure. The remaining cultural properties are adjacent to the project and within the interior part of the Waikapū Valley, on lands owned by Waikapū Property LLC and Hana'ula Ranch LLC. A pedestrian survey with cultural, lineal descendants of Waikapū and members of Hui Mālama o Waikapū over the last 3 years have identified the remaining parcels and conclude that many if not all of them are in-tact and still possess extensive cultural and archaeological sites. The cultural corridor of kuleana parcels are situated on about 50 acres and predominantly along the Waikapū Stream. The close proximity that these kuleana parcels are in relationship to the Waikapū Stream, clearly demonstrate that both 'āina (land) and wai (water) were valuable cultural resources for Hawaiians who once lived there. To understand the functionality of these parcels and the collaborative relationship native tenants had with each other can see in similar kuleana parcels actively being cultivated in lo'i kalo just below these abandoned but intact areas.



Figure 36: Waikapū Archaeological Sites in Cultural Preserve - Hōkūao Pellegrino (2018)

Article XII, section 7 of Hawai'i Constitution obligates the State of Hawai'i and its agencies, such as the LUC, "to protect the reasonable exercise of customarily and traditionally exercised rights of Native Hawaiians to the extent feasible when granting permission for reclassification of district boundaries." (*Ka*

Pa'akai o Ka 'Āina v Land Use Commission, 94 Hawai'i 31, 7 P.3d 1068 [2000]. Under Article XII, section 7, the State shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of Native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights. In the context of land use permitting, these issues are commonly addressed when the LUC is asked to approve a petition for the reclassification of district boundaries, as such an action most often initiates activities that precede initial intensive development. In the September 11, 2000 Hawai'i Supreme Court landmark decision (*Ka Pa'akai o Ka 'Āina v Land Use Commission*), an analytical framework for addressing the preservation and protection of customary and traditional native practices specific to Hawaiian communities was created. The court decision established a three-part process relative to evaluating such potential impacts: first, to identify whether any valued cultural, historical, or natural resources are present; and identify the extent to which any traditional and customary Native Hawaiian rights are exercised; second, to identify the extent to which those resources and rights will be affected or impaired by the proposed action; and third, to specify the feasible action, if any, to be taken by the regulatory body to reasonably protect Native Hawaiian rights if they are found to exist.

In an effort to identify whether any valued cultural, historical, or natural resources are present within the proposed project area, and identify the extent to which any traditional and customary Native Hawaiian rights are, or have been, exercised (the first part of the analytical process); historical archival information was investigated, and prior and current cultural studies that included consultation and oral-historical interviews were reviewed. A summary of the 52 kuleana awarded parcels have been analyzed in detail on page 26.

An archaeological inventory survey (AIS) was conducted for the proposed Waikapū Country Town development by Archaeological Services Hawai'i LLC. The project area extends all the way to the southern edge of the Waikapū Stream, however the development will remain at least 100 ft. from the stream, such that the former cane access road which parallels the stream, as well as the steep to moderate slopes down to the stream's edge will not be encroached upon by development. This 100 ft. buffer zone was mandated in 1992 by the State Land Use District Boundary Review for Maui, Molokai, Lanai, Honolulu where a 100-ft corridor on both sides of Waikapū Stream was placed into a Conservation District (Office of State Planning: 31). Developing a cultural reserve or corridor is one such mitigation measure that has been proposed in the latter part of this study as a way to ensure protection of these cultural sites in perpetuity.

The AIS scope of work consisted of dividing the project area into five zones based primarily on the current TMK's (ASH 2013). From mauka to makai the zones are as follows: Parcel 3 Mauka, constitutes the mauka section of TMK 3-6-004:003; Parcel 3 Waena is the middle and remaining section of TMK 3-6-004:003; Parcel 6 is TMK 3-6-004:006; Parcel 7 is the current Maui Tropical Plantation landholdings 3-6-004:007 and Parcel 3 Makai is within TMK 3-6-002:003. The investigation was conducted to determine presence/absence, extent, and significance of historic properties within the proposed development area and to formulate future mitigation measures for these remains and the project area.

The Waikapū Stream has and continues to be a very important cultural resource for Native Hawaiian cultural practitioners and practices such as lo'i kalo cultivation. The proposed project area includes a plantation era irrigation and traditional 'auwai system that provides water for South Waikapū kuleana lo'i kalo farmers. An ancient 'auwai historically provided water for South Waikapū kuleana lo'i kalo farmers which commenced on Government Grant 1844 to Joseph Silva, now currently part of the proposed project area. The use of the po'owai or intake portion of this 'auwai was discontinued when Wailuku Sugar Co. built the south Waikapū dam intake within the Waikapū Valley around the turn of the 20th century.

Currently, the south Waikapū dam and intake is owned by Wailuku Water Co. whom divert Waikapū Stream water about 2 miles into the Waikapū Valley, delivers water through their ditch system and into Reservoir #1 which is on the developer's proposed projects land. From Reservoir #1, a portion of water is released via a pvc pipe into a smaller open ditch and connects with the remaining portion of the ancient 'auwai that delivers water to the south kuleana lo'i kalo farmers. As of December 2018, 6 south kuleana land owners have been identified as utilizing this ditch commonly called south Waikapū kuleana 'auwai for kalo cultivation: (TMK 3-6-005:019, TMK 3-6-006:027, TMK 3-6-006:025, TMK 3-6-006:029, TMK 3-6-006:003, TMK 3-6-006:013). There are numerous other south kuleana lands that are privately owned and consist of former lo'i kalo terraces, however are not in use. Lineal descendants of these lands through the State Water Use Permit process have expressed interest in utilizing or returning to their ancestral lands to restore and farm lo'i kalo. These lands are identified as (TMK 3-6-005:014, TMK 3-6-005:067, TMK 3-6-005:001, TMK 3-6-006:017, TMK 3-6-006:032, TMK 3-6-006:033, TMK 3-6-006:001, TMK 3-6-005:068, TMK 3-6-007:010).



Figure 37: N. Waikapū Kuleana 'Auwai - Maui Historical Society (1900)

To ensure that current and future Native Hawaiian practices associated with access to kuleana water for lo'i kalo cultivation are protected, the following information has been provided by existing south kuleana lo'i kalo farmers. They expressed that the irrigation system which provides water to their lands via the plantation ditch found within the proposed project area, is inefficient and causes limitations. The limitation include lack of and consistent water for lo'i kalo cultivation as well as warm water that comes from Reservoir #1 rather than straight from the stream as it historically did. They have shared that the water entering the ditch comes from a reservoir which causes some warming of the water rather than fresh stream water directly from the Waikapū Stream. Although the amount of water released via a pvc pipe may be sufficient, the estimated 1 mile long open ditch has numerous leaks and along with absorption into the ground along the ironwood trees. When the water finally enters the ancient 'auwai system near the kuleana lands, it has been said that the amount is minimal and does not provide sufficient amount of water for the current and growing needs of existing kuleana lo'i kalo farmers.

The proposed project area has identified the plantation era irrigation and 'auwai system be located within a greenway. Although the development will not adversely Hawaiian cultural practices related to lo'i kalo cultivation on neighboring properties that access water via the developer's land, a proposed improvement of the infrastructure and overall system should be implemented to mitigate their concerns.

Traditional and customary rights in relationship to Waikapū water and lo'i kalo cultivation are also occurring extensively on the north side of Waikapū Stream on kuleana lands directly across from the proposed project area. (TMK An intact traditional 'auwai known as the north kuleana 'auwai accesses Waikapū Stream water directly from the Waikapū Stream. (TMK 3-5-012:031, TMK 3-5-012:028, TMK 3-5-012:041, TMK 3-5-012:027, TMK 3-5-012:026, TMK 3-5-012:049, TMK 3-5-012:048, TMK 3-5-012:047, TMK 3-5-012:023, TMK 3-5-012:021, TMK 3-5-012:020, TMK 3-5-004:028, TMK 3-5-004:32, TMK 3-5-012:016, TMK 3-5-012:016, TMK 3-5-012:015, TMK 3-5-012:10, TMK 3-5-012:012, TMK 3-5-012:013, TMK 3-5-012:009, TMK 3-5-012:008, TMK 3-5-012:007, TMK 3-5-012:006, TMK 3-5-012:005, TMK 3-5-012:003, TMK 3-5-012:001) The State Commission on Water Resource Management set the Interim Instream Flow Standards (IIFS) for Waikapū Stream as 2.9 mgd in 2014 through a settlement agreement between the

following parties; Hui o Nā Wai 'Ehā, Wailuku Water Company, Hawaiian Commercial Sugar Company, Maui Tomorrow, County of Maui, and Office of Hawaiian Affairs. The amount of water that has been released into Waikapū Stream does not account for traditional and customary rights for kuleana lo'i kalo farmers which is a protected right under State Law. The interior valley of Waikapū watershed includes a diverse native forest with an array of endemic plants, insects, snails and mammals. Traditional access and trails into the Waikapū Valley are along the Waikapū Stream which is partially owned by the developer of the proposed project. In addition to the river, are two plantation era access points adjacent to Reservoir #1. There are a number of Hawaiian cultural practices identified in relationship to accessing the Waikapū Valley for gathering and stewarding highly sensitive cultural and natural resources.

There are endemic medicinal plants such as ko'oko'olau (*bidens* sp.) and māmaki (*pipturus albidus*) that have been identified by lineal descendants of Waikapū for gathering and use in lā'au lapa'au (Hawaiian herbal medicine). These native plants and others grow in very specific regions within the valley and ridges. A Hawaiian family shared about a specific ko'oko'olau plant that they would gather fresh leaves from which was located along a ridge and dry gulch in the valley named Kapiliiki. The leaves were used to treat a family member who has high blood pressure. The proposed project does not adversely impact the area in which traditional cultural practice of gathering herbs exist. The proposed project will continue to allow access to the Waikapū Valley for traditional and customary practices through a greenway or potential cultural preserve adjacent to the Waikapū Stream and near the opening of the valley on a trail below Reservoir #1. Controlled access will be an important part of this project in order to protect both the watershed and cultural resources.

Lineal descendants of Waikapū have also been identified as having scattered the ashes of their ancestors within the valley. The cultural practices conducted by lineal descendants are reliant on access through the proposed development in order to honor their kūpuna. The proposed project will continue to allow access to the Waikapū Valley for traditional and customary practices through a greenway or potential cultural reserve adjacent to the Waikapū Stream and near the opening of the valley on a trail below Reservoir #1.

Hui Mālama o Waikapū, a non-profit organization affiliated with Tri-Isle RC&D was established in 2009 and currently has a 15 year lease with the developer for a 5 acre parcel of land adjacent to the proposed project. The mission of the organization is "E mālama a ho'okā'oi i ka mo'omeheu, kaiameaola kūlohelohe a me ka wai o kō Waikapu ahupua'a" or "To preserve and enhance the cultural, biological, and water resources of the Waikapū ahupua'a". Hui Mālama o Waikapū is comprised of four Waikapū residents who have genealogical ties to the ahupua'a, and have committed themselves to protecting the culturally and environmentally rich landscape through cultural practices. The members of Hui Mālama o Waikapū (HMOK) who are also lineal descendants conduct cultural practices on the leased parcel of land in addition to lands in and around the project area. These practices include gathering of seeds and cuttings of endemic plant cultivars for propagation and restoration of the leased native dryland forest owned by the developer. They also gather native plants and material for traditional implements used during activities on the leased land such as lo'i kalo, Hawaiian food crop cultivation and lā'au



Figure 38: Hui Mālama o Waikapū Work Day (2013)

lapa'au. In addition, the group has sought and received funding to initiate a natural and cultural resource management and education program in the leased area. Access and protection to this highly sensitive cultural sight is critical for both cultural practices and educational program implementation. Hui Mālama has brought over 1,000 students since their inception and continue to grow their educational programs to include formal partnerships with educational institutions on Maui. Currently the land owner provides access via an old plantation road leading up to the reservoir and access point to HMOW leased lands. The proposed project will continue to allow access to their lease lands for traditional and customary Hawaiian practices through a greenway or potential cultural reserve adjacent to the Waikapū Stream and near the opening of the valley on a trail below Reservoir #1. The founders and members of Hui Mālama o Waikapū and who are from the Waikapū ahupua'a, have extensive knowledge of the cultural sites and practices within and adjacent to the proposed development project. HMOK has recommended that a cultural preserve be established to ensure that all cultural sites, existing and future cultural practices within the developers land base be protected in perpetuity. These sites include kuleana lands with lo'i kalo terraces, 'auwai systems, house sites, other cultural and archaeological features, and native plant species. Hui Mālama o Waikapū proposes to work alongside developer to ensure that there is a plan to mitigate any potential adverse impacts on these highly sensitive cultural lands.

In the development of the CIA, two privately owned kuleana parcels of land were identified. They are called the "Mahi parcels". Both parcels are located directly in the middle of where the proposed urban lots were to be developed in the mauka section. These parcels are currently vacant and in the middle of a pasture used by the developer and neighboring land owner for grazing cattle. Lineal descendants of the Mahi family who now live on O'ahu, were contacted through this process and expressed a deep interest in returning to their ancestral land someday along with a permanent access easement to their property. The developer for the project has been made aware of this and has since moved the urban lots and road away from the Mahi kuleana parcels. A permanent easement for the Mahi family will also be recommended below as a priority project.

KULEANA PARCELS IDENTIFIED WITHIN THE LAND ASSETS OF WAIKAPŪ PROPERTIES LLC

Awardee	'Ili (Subdivision)	Land Commission Award	Royal Patent	'Āpana (Parcel)	Grant	Acres	Description of Cultural & Natural Resources via Native and Foreign Testimony and Survey Notes	Surveyor
Kupalii	Keana	3546	3151	2		1.2	- Kula - Kalo paukū - Kukui & wiliwili - Borders Waikapū Stream	E. Bailey 5-5-1852
Charles Copp	Papala	236-I	498	2		1.0 (est.)	- Lo'i kalo (unspecified amount) - Borders Waikapū Stream	Ioane (John) Richardson
Napailoi	Kaloaloa / Loaloa	10481	3131	4		0.66	- Lo'i kalo (unspecified amount) - Borders Waikapū Stream	E. Bailey 4-23-1852
Opunui	Loaloa	3224	4115	6		0.27	- Lo'i kalo (unspecified amount) - Borders Waikapū Stream	E. Bailey 6-25-1852
Keaka (W)	Olohe	3549	3122	3		1.0	- 3 lo'i kalo	N/A

						(est.)	- Borders Waikapū Stream	
Keaka (W)	Olohe				1511	0.2 (est.)	- Lo'i kalo (unspecified amount) - Borders Waikapū Stream	N/A
Kupalii	Mokahelahela / Makaelelu	3546	3151	3		1.0	- 1 house lot	E. Bailey 5-5-1852
Kamakaipoaa / Kamakaipuaa	Kamauhalii	6385	None	2		1.94	- Lo'i (unspecified amount) - Borders Waikapū Stream	E. Bailey 4-15-1852
Nahau	Olohe	3340	3115	2		0.8	- Mo'o kula - 1 house lot - 'Auwai watercourse	E. Bailey 4-11-1852
Joseph Sylva	Waihalulu			3	1844	487.0	- 'Auwai watercourse - Pens - Stone walls - Native claims retained - Gulch	E. Bailey 4-10-1855
Joseph Sylva	Waihalulu			2	1844	9.52	- Stone walls - Multiple house lot	E. Bailey 4-10-1855
Joseph Sylva	Waihalulu & Paalae			1	1844	22.36	- Native claims retained	E. Bailey 4-10-1855
Napailoi	Waihalulu	10481	3131	2&3		1.3	- 8 lo'i kalo - Kula - 1 house lot	E. Bailey 4-23-1852
Napailoi	Paalae	10481	3131	1:1		0.54	- Kalo paukū - Kula - 'Auwai watercourse	E. Bailey 4-23-1852
Napailoi	Paalae	10481	3131	1:2		0.19	- Kalo paukū - Kula	E. Bailey 4-23-1852
Napailoi	Paalae	10481	3131	1:3		0.1	- Kalo paukū - Kula	E. Bailey 4-23-1852
Hakiki	Waihalulu	2577	4948	4		0.2	- 4 lo'i kalo - 'Auwai watercourse	E. Bailey 8-14-1852
Kaeha	Olohe	2394	3138	1		1.36	- Kalo paukū - Pūhala - 2 house lots - 'Auwai watercourse	E. Bailey 6-21-1852
Nalei	Olohe	10460	None	2		0.07	- 2 lo'i kalo - 'Auwai watercourse	E. Bailey 4-16-1852
Ehunui Mahi Parcel	Olohe			1513		0.07 (est.)	- Unknown	N/A
Ehunui Mahi Parcel	Olohe	2499	4070	1		0.8	- Kalo paukū - Po'alima - 'Auwai watercourse	E. Bailey 6-25-1852
Ehunui Mahi Parcel	Pikoku	2499	4070	3		1.3	- 7 lo'i kalo - 'Auwai watercourse	E. Bailey 6-25-1852
Kamaipuaa / Kamakaipoaa / Kamakaipuaa	Pikoku	6385	None	1		0.17	- Kalo paukū	E. Bailey 4-15-1852
Koa	Pikoku	3528	3155	1		3.90	- 2 house lots - Kalo paukū - Kula - 'Auwai watercourse	E. Bailey 8-27-1852

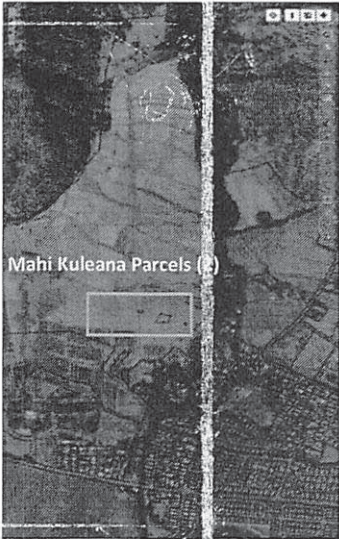
Koa	Pikoku				1708	0.1 (est.)	- 1 lo'i kalo - 'Auwai watercourse - 2 burial plots (Maxwell)	E. Bailey 9-9-1854
Hakiki	Olohe	2577	4948	2		0.25	- 7 lo'i kalo	E. Bailey 8-14-1852
Mohomoho	Kamauhalii			1	1711	0.08	- 1 lo'i kalo	E. Bailey 9-8-1854
Mohomoho	Kamauhalii			2	1711	0.04	- 1 lo'i kalo	E. Bailey 9-8-1854
Ihu	Kamauhalii			1	1712	0.09	- 1 lo'i kalo	E. Bailey 9-15-1854
Opunui	Kamauhalii				1704	1.94	- Unkown	E. Bailey 9-9-1854
Mataio	Kamauhalii	3020	3140	2		2.65	- Kalo paukū - Kula - House lot	E. Bailey 4-15-1852
Keawe (W)	Punia	3520	3135			2.54	- 2 kalo paukū - Kula	E. Bailey 4-15-1852
Makuakane	Punia	2522	3125			1.83	- Kalo paukū	Unknow n
Kekua	Kamauhalii	5551	3150	1		0.42	- Kalo paukū	E. Bailey 6-25-1852
Kekua	Kaalaea	5551	3150	2		0.1	- 2 lo'i kalo	E. Bailey 6-25-1852
Kekua	Kamauhalii				1518	0.15 (est.)	- Unknown	N/A
Kamohai	Kaalaea	3527	3156	3		0.2	- Kalo paukū - Kula mo'o	E. Bailey 8-18-1852
Naanaa	Punia	3337	3136	1,2,3		1.1	- Kalo paukū - Lo'i kalo - House lot	E. Bailey 4-14-1852
Ihu	Kaalaea			2	1712	0.07	- 1 lo'i kalo	E. Bailey 9-15-1854
Kaai	Kaalaea			2	2069	0.18	- Unknown	N/A
Opunui	Kaalaea	3224	4115	5		0.32	- Kula	E. Bailey 6-25-13
Naanaa	Kaalaea	3337	3136	4		0.45	- Kalo paukū	E. Bailey 4-14-1852
Poepoe	Kaalaea	2609	3124	1,5		0.98	- Kalo paukū - 'Uala kula - House lot	E. Bailey 8-27-1852
Kaai	Kaalaea	5774	4014	2		2.76	- 6 lo'i kalo - 'Auwai watercourse	E. Bailey 3-?-1852
Kaai	Kaalaea			1	2069	10.46	- Unknown	N/A
Wahinealii	Kaalaea	11022	3142	8		0.6	- House lot	E. Bailey 4-15-1852
Mahoe	Ahuakolea	10160	3148	1		1.99	- Kalo paukū	E. Bailey 4-16-1852
Kamohai	Kaalaea	3527	3156	2		0.2	- Kalo paukū	E. Bailey 8-18-1852
Keakini	Kaalaea	5324	6374	3		0.56	- 1 lo'i kalo	E. Bailey 4-24-1852
Kaneae	Kaloapelu	8874	3130	1		0.29	- Lo'i kalo	E. Bailey 8-26-1852

Figure 39: Great Māhele Kuleana Land Awards - Hōkūao Pelligrino (2019)

4.2 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #1

Priority Project	Waikapū Valley Access for Native Hawaiian Traditional and Customary Practices and Gathering
Purpose	To allow access for Native Hawaiian traditional and customary practices and gathering in the Waikapū Valley through a managed process. To ensure that cultural resources in the Waikapū Valley are not being adversely impacted due to uncontrolled access.
Overview	The proximity of the Waikapū Country Town Development to the access point into the Waikapū Valley is extremely close. While access for Native Hawaiian traditional and customary practices and gathering is strongly supported by the developers, the possibility of increased entry into the valley via hikers, tourists, non-members of the community, community members and others because of the Waikapū Country Town Development needs to be addressed and managed properly. Signage, fence lines with a controlled access gate for lineal and cultural descendants of Waikapū along with invasive species sanitation stations will be developed and installed. Hui Mālama o Waikapū will work closely with Waikapū Properties LLC to determine the plan of action.
Site Map	To be determined by stakeholder groups
Stakeholders	Hui Mālama o Waikapū, Hui o Nā Wai 'Ehā, Waikapū Properties, LLC.
Owner	Waikapū Properties, LLC
Management	Waikapū Properties, LLC, Waikapū Community Members and Hui Mālama o Waikapū
Timeline	A plan will be set in place by the end of 2020
Outcomes	Managed access will preserve and protect both natural and cultural resources as well as protecting gathering rights of Waikapū lineal descendants. Measures will also be put to limit and close off the general public from entering valley especially because of the high probability of spreading invasive species (i.e. Rapid 'Ōhi'a Death).
Cost Analysis & Budget Overview	To be determined in the planning process.

4.3 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #2

Priority Project	Mahi Kuleana Parcel Access	
Purpose	To protect and allow easements for 2 Mahi kuleana parcels	
Overview	Through the development of the CIA, two privately owned kuleana parcels of land were identified. They are called the "Mahi parcels". Both parcels are located directly in the middle of where the proposed urban lots were to be developed in the mauka section. These parcels are currently vacant and in the middle of a pasture used by Waikapū Properties LLC and Makani 'Olu Ranch for grazing cattle. Lineal descendants of the Mahi family who now live on O'ahu, were contacted through this process and expressed a deep interest in returning to their ancestral land someday along with a permanent access easement to their property. The developer for the project has been made aware of this and has since moved the urban lots and road away from the Mahi kuleana parcels. Since there is no formal easements and lot lines, the Mahi family has requested Waikapū Properties LLC to assist in surveying their 2 kuleana parcels along with an easement. The Mahi's have made it clear they don't want to sell their ancestral lands but rather want to be a good steward of them in the near future. In exchange of support, the Mahi family would be open to setting some conditions to ensure that their property is managed properly due to its extremely close proximity to the urban lots for Waikapū Country Town.	
Site Map	 Figure 40: Mahi Kuleana Parcel Map - Hōkūao Pellegrino (2019)	
Stakeholders	Mahi Family, Waikapū Properties, LLC, Waiale 905 Partners, LLC, and Hui Mālama o Waikapū	
Owner	Mahi Family, Waikapū Properties, LLC, and Waiale 905 Partners, LLC	
Management	Mahi Family, Waikapū Properties, LLC	
Timeline	To be completed in 2021	
Outcomes	Incorporating a strong sense of place within the Waikapū Country Town Development by fostering strong relationships with the Mahi Family who is one of the last remaining lineal descendants of Waikapū with kuleana land.	
Cost Analysis & Budget Overview	To be determined at a later time following the estimate from survey vendor.	

4.4 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #3

Priority Project	Waikapū Cultural Preserve, Cultural Corridor and Riparian Buffer
Purpose	To establish a cultural preserve to ensure the integrity of natural and cultural resources found within a 50 acre corridor of kuleana lands is protected and stewarded in perpetuity. The remaining intact kuleana parcels adjacent to and mauka of the Waikapū Country Town Development are on 50 acres of land. Many of these kuleana parcels as specified in detail on page 32 show that they are along the Waikapū Stream.
Overview	20 culturally sensitive kuleana parcels are in need of protection beyond the LUC condition of a 100 foot buffer between Waikapū Country Town Development and Waikapū Stream. It is being proposed that a 50 acre buffer along the Waikapū Stream and ridge leading down to the stream be created. The establishment of a cultural preserve would ensure these lands and designated buffer zones will never be developed or impacted. The proposed cultural preserve will be within 3 of 5 large agricultural lots that can be developed however not subdivided as part of a condition in the WCT project. The close proximity of these lots have the potential for compromising the kuleana lands, therefore, it is further proposed that specific language, design guidelines, plot plan exhibits and deed restrictions be set in place for the 3 large agricultural lots. Hui Mālama o Waikapū currently manages 5 acres on lands they lease from Waikapū Properties, LLC, within the 50 acre cultural preserve. Hui Mālama o Waikapū in conjunction with Hui o Nā Wai 'Ehā would like to work as the entity formally managing the 50 acre cultural preserve for both protection, 'āina-based stewardship and community engagement.
Site Map	See Figure 41 on Page 31
Stakeholders	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC, Hui Mālama o Waikapū, Hui o Nā Wai 'Ehā.
Owner	Waikapū Properties, LLC
Management	Management will be in conjunction with Hui Mālama o Waikapū and Hui o Nā Wai 'Ehā.
Timeline	Establish formal cultural preserve designation and management oversight by end of 2020.
Outcomes	Protection and stewardship of some of the last remaining pre-western contact Hawaiian kuleana parcels in the Waikapū ahupua'a. Allowing current and future lineal and cultural descendants to reconnect place. Increasing stewardship and educational opportunities while building community engagement trust and empowerment. Adaptive management strategies. Restoration of traditional agricultural sties and native dryland forests as a historical agroforestry model. Increase traditional access for cultural practices. Restore and interpret cultural landscapes.
Cost Analysis & Budget Overview	A proposed annual fund of \$5,000 is being requested to the managing entity for the protection and stewardship of the Waikapū Cultural Preserve.

WAIKAPŪ CULTURAL PRESERVE MAP - Hōkūao Pellegrino (2019)

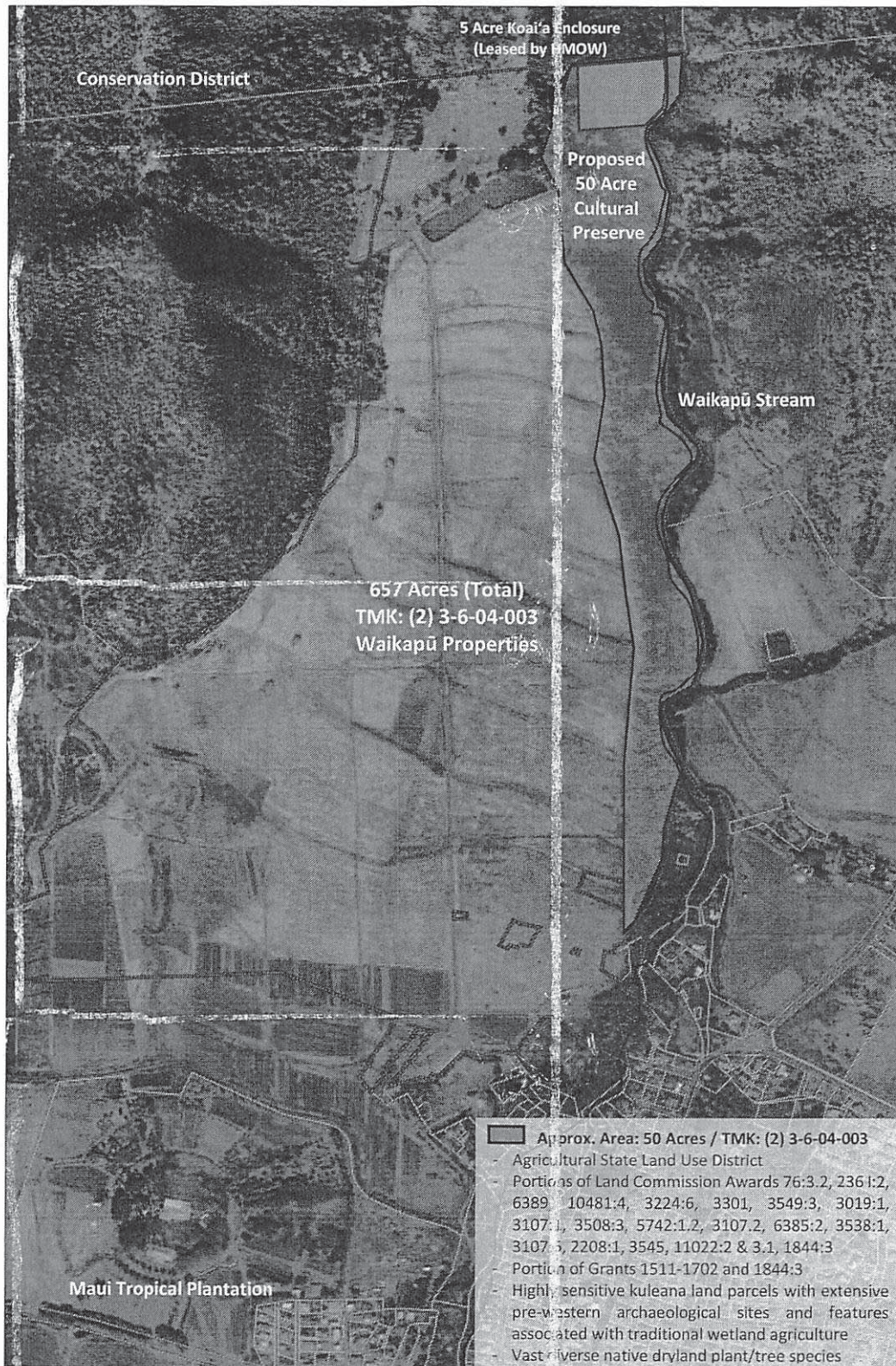


Figure 41: Waikapū Cultural Preserve Map - Hōkūao Pellegrino (2019)

Indices of Māhele Land Commission Awards and Land Grants Located within the 50 Acre Cultural Preserve

Awardee	'Ili (Subdivision)	Land Commission Award	Royal Patent	Grant	Acres	Description of Cultural & Natural Resources via Native and Foreign Testimony, Native Register and Survey Notes	Survey
William Shaw	Loaloa	76:3.2	7694		3.42	- Palolo 'Auwai / Everett Ditch - Ha'anui mountain - Both sides of Waikapū Stream	J. Metcalf 1-25-1847
Charles Copp	Papala	236-1:2	498		1.0 (est.)	- Lo'i kalo (unspecified amount) - Both sides of Waikapū Stream	Ioane (John) Richardson
Kahaleole	Loaloa	6389	6192		3.48	- Palolo 'Auwai / Everett Ditch - Borders Waikapū Stream	E. Bailey 3-15-1854
Napailoi	Kaloaloa / Loaloa	10481:4	3131		0.66	- Lo'i kalo (unspecified amount) - Adjacent to Waikapū Stream	E. Bailey 4-23-1852
Opunui	Loaloa	3224:6	4115		0.27	- Lo'i kalo (unspecified amount) - Adjacent to Waikapū Stream	E. Bailey 6-25-1852
Mahoe / Kamakea	'Ōlohe	3301	3137		9.7	- Wiliwili tree reference - Palolo 'Auwai / Everette Ditch - Adjacent to Waikapū Stream	E. Bailey 6-25-1852
Keaka	'Ōlohe	3549:3	3122		0.52 (est.)	- 3 lo'i kalo - Both sides of Waikapū Stream	Unknown
Mehao	'Ōhi'a	3019:1	5333		0.58	- 5 lo'i kalo - Adjacent to Waikapū Stream	E. Bailey 9-27-1852
Keaka	'Ōlohe			1511 / 1702	0.17	- Located within LCA 3549:3	E. Bailey 4-19-1855
Kaili	'Ōhi'a	3107:1	2348		0.8	- Adjacent to Waikapū Stream - 'Auwai	E. Bailey 6-25-1852
Kuheleloa	'Ōhi'a	3508:3	3123		0.65	- Mo'o kalo - Adjacent to Waikapū Stream - 'Auwai	E. Bailey 4-19-1853
Kaluahinui	'Ōhi'a	5742:1.2	4125		0.36	- Adjacent to Waikapū Stream - 16 lo'i kalo & upland kalo	E. Bailey 6-25-1852
Kaili	'Ōhi'a	3107:2			1.27	- Paukū kalo, Po'alima, Lo'i Aupuni, Lo'i Pa'ahao - Adjacent to Waikapū Stream - 'Auwai	E. Bailey 4-30-1852
Kamakaipoaa / Kamakaipuaa	Kama'ūhālī'i	6385:2	N/A		1.94	- Lo'i (unspecified amount) - Adjacent to Waikapū Stream	E. Bailey 4-15-1852
Keakua	Pālama	3538:1	2351		1.64	- 21 Lo'i kalo - House lot - Kula - Adjacent to Waikapū Stream	E. Bailey 6-25-1852
Kaili	Pālama	3107:5	2348		0.90	- Lo'i kalo (unspecified amount) - Adjacent to Waikapū Stream	E. Bailey 4-30-1852
Manu	Pālama	2208:1	2208		0.72	- 36 lo'i kalo / mo'o kalo - Adjacent to Waikapū Stream	E. Bailey 1-27-1854
Keaweamahi	Pālama	3545	5262		2.08	- Mo'o kalo - Kula - Adjacent to Waikapū Stream	E. Bailey 4-16-1852
Wahinealii	Pālama	11022:2 3:1	3142		1.70	- Mo'o kalo - Adjacent to Waikapū Stream	E. Bailey 4-16-1852
Joseph Sylva / Silva	Moka'elelū			1844:3	487.0	- 'Auwai / watercourse - Stone walls, pens - Native claims retained - Kaiwaloa Ridge & Kapiliiki Gulch	E. Bailey 4-10-1855

NOTE: The Cultural Preserve includes a portion of each kuleana identified in the table. The remaining portions are owned by other land owners not associated with the ownership of Waikapū Properties.

4.5 LAND & CULTURAL RESOURCES PRIORITY PROJECT #4

Priority Project	Integration of Waikapū Ethnohistorical Resources throughout WCT Development
Purpose	To integrate and perpetuate the cultural identity of Waikapū throughout the entire Waikapū Country Town Development.
Overview	The Waikapū Country Development is proposing to have a park, school, businesses and streets. The purpose of this project is to utilize the in-depth cultural research conducted via the CIA and this plan in all aspects of the development. Areas may include but are not limited to the naming of the school, park, buildings, and streets as well as creating interpretive signage throughout the development sharing the history of Waikapū and profound natural and cultural resources that exist. In addition to this is building a strong sense of place by providing opportunities to experience hands-on stewardship opportunities within designated spaces such as the Waikapū Cultural Preserve. A community advisory committee to assist in these two areas would be set up to execute on this project.
Site Map	Waikapū Country Town See Figure 1 on Page 4
Stakeholders	Waikapū Properties, LLC, Wai'ale 905 Partners, LLC, Waikapū Community Association, Future Waikapū Country Town Community Advisory Committee
Owner	Waikapū Community in conjunction with Waikapū Country Town
Management	Future Waikapū Country Town Community Advisory Committee and key stakeholders.
Timeline	Pre and post development phases
Outcomes	Strong integration of Waikapū cultural and natural resources throughout the Waikapū Country Town development by building bridges and relationships between old and new residents.
Cost Analysis & Budget Overview	N/A

5.1 HŌ'ULU'ULU MANA'O HOPE - FINAL SUMMARY

The In-depth research and analysis included in the Cultural Impact Assessment and Ka Pa'akai Analysis has shown that the Waikapū Country Town development is within a naturally and culturally vibrant ahupua'a. It has shown that throughout the last 10 years, Waikapū Properties, LLC, and Wai'ale 905 Partners, LLC have been openly communicating with the Waikapū Community at large, those kuleana land owners whose lands may be impacted adjacent to the subject property and key stakeholders groups. Because of the concerns about neighboring cultural properties and resources, it is recommended that the developer continue to have genuine discussions throughout the planning process with the Waikapū Community and stakeholders, while providing current information and/or changes regarding the development plan. Overarching sentiments provided by the community is that they want to trust the planning and development process, to ensure the developer is continually open to their concerns and working directly with them on addressing any issues. Lastly, they want the commitment of the developers to execute and complete all priority projects that were identified in this plan.

The Integrated Natural-Cultural Resource Preservation Management Plan is a guiding document that provides strategic guidance and actions for the management and stewardship of resources via priority projects and current initiatives. Waikapū Properties, LLC and Wai'ale 905 Partners, LLC are committed to seeing this plan through to completion in partnership with all major key stakeholders that were identified. Responsible stewardship of cultural and natural resources is critical to maintaining the unique character of the current Waikapū Historic Town and ahupua'a. Furthermore, it enhances the way of life of current and future Waikapū residents while supporting thoughtful growth and sustainability.

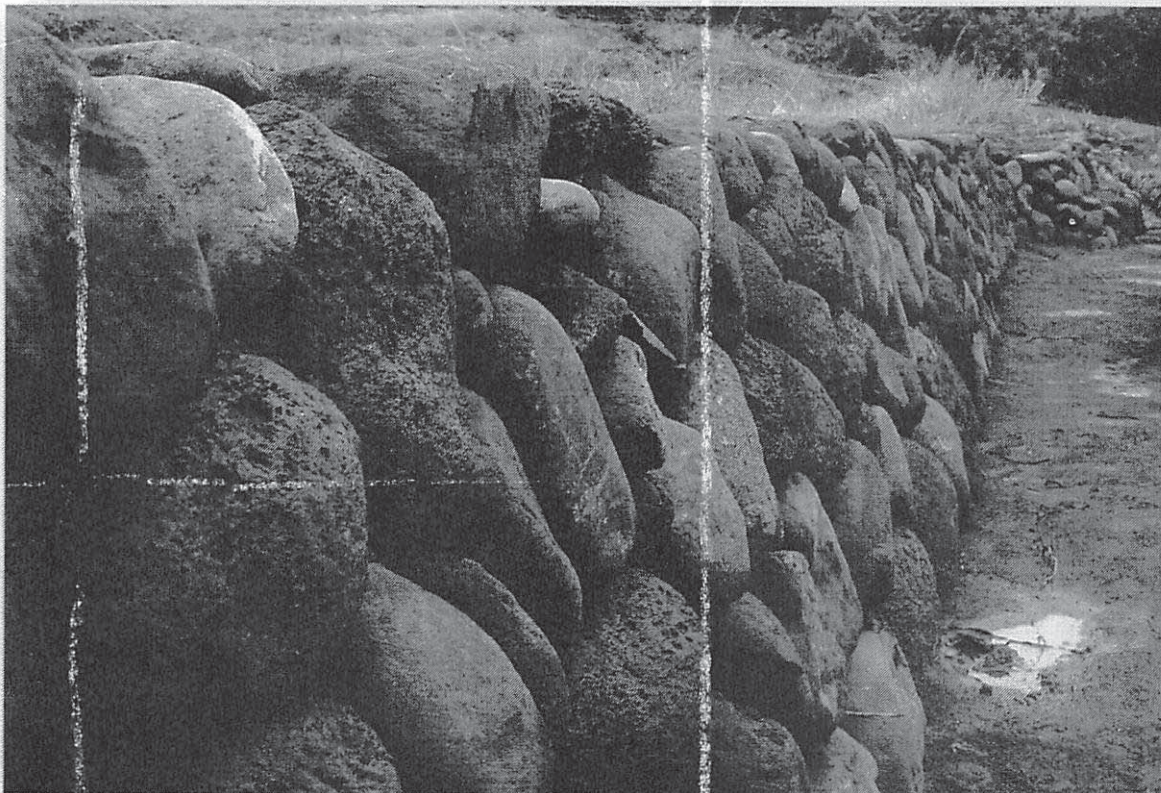


Figure 42: Lo'i Kalo Wall Restoration at Noho'ana Farm, Waikapū - Hokūao Pellegrino (2005)

6.1 PAPA KUHIKUHI - BIBLIOGRPAHY

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WE HEREBY CERTIFY that the foregoing BILL NO. 45 (2019)

RECEIVED

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 20th day of September, 2019, by the following vote:

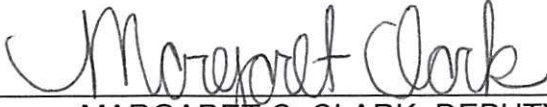
2019 SEP 20 PM 4:27
OFFICE OF THE MAYOR

Kelly T KING Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	G. Riki HOKAMA	Natalie A. KAMA	Alice L. LEE	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 20th day of September, 2019.

DATED AT WAILUKU, MAUI, HAWAII, this 20th day of September, 2019.

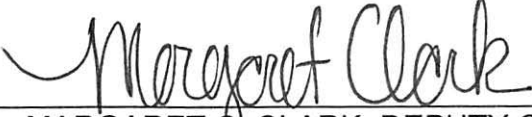
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2019 SEP 20 PM 4:10
OFFICE OF THE MAYOR


KELLY T. KING, CHAIR
Council of the County of Maui

MARGARET C. CLARK, DEPUTY COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 20th DAY OF September, 2019.


MICHAEL P. VICTORINO, 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. 4998 of the County of Maui, State of Hawaii.


MARGARET C. CLARK, DEPUTY COUNTY CLERK
County of Maui

Passed First Reading on August 9, 2019.
Effective date of Ordinance September 20, 2019

RECEIVED
2019 SEP 23 AM 8:44
OFFICE OF THE
COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 4998, 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

Exhibit 4

**Department of Education,
Educational Contribution Agreement**

Educational Contribution Agreement for
WAIKAPU COUNTRY TOWN

THIS INDENTURE, made this _____ day of _____, 2016, by and between WAIALE 905 PARTNERS, LLC, WAIKAPU PROPERTIES, LLC, MTP LAND PARTNERS, LLC and the WILLIAM FILIOS SEPARATE PROPERTY TRUST (collectively "WCT") whose principal place of business and mailing address is PO Box 1870, Manteca, CA 95336 and the State of Hawai'i DEPARTMENT OF EDUCATION ("DOE") whose mailing address is Department of Education, Facilities Development Branch, 3633 Waialae Avenue, Honolulu, Hawai'i 96816.

Each entity comprising WCT and executing this Agreement on behalf of WCT shall be jointly and severally liable for all of the obligations contained herein. In addition, each entity comprising WCT hereby acknowledges and agrees that all of the representations, warranties, covenants, obligations, conditions, agreements and other terms contained in this Agreement shall be applicable to and shall be binding upon each entity comprising WCT, and shall be binding upon all such entities.

WHEREAS WCT is the developer and recorded fee simple owner of those certain parcels of land comprised of 1,576.17 acres and identified as Tax Map Key parcels 3-6-002:003, 3-6-002:001, 3-6-005:007, 3-6-004:003, 3-6-006:036 and 3-6-004:006, also known as "WAIKAPU COUNTRY TOWN";

WHEREAS the WAIKAPU COUNTRY TOWN is anticipated to contain a total of 1,433 residential units in the entire project;

WHEREAS, pursuant to Hawai'i Revised Statutes ("HRS") Chapter 302A-1601 to 1612, DOE is authorized to collect school impact fees from all new residential development in designated areas or enter into education contribution agreements to satisfy its requirements;

WHEREAS, pursuant to HRS chapter 302A-1601, said impact fee obligation is comprised of two components, land and construction cost;

WHEREAS, for the land component, pursuant to Hawai'i Revised Statutes Chapter 302A-1606 (c), DOE has exclusive authority to determine whether the obligation shall be satisfied by actual acreage or fees in lieu thereof;

WHEREAS, the amount for the construction cost component shall be determined pursuant to HRS Chapter 302A-1607;

WHEREAS WCT and DOE have mutually agreed that the educational contribution set forth in this Agreement will satisfy all DOE requirements for WAIKAPU COUNTRY TOWN, based on a maximum of 1,433 net residential units, less any units that prohibit school age children;

NOW THEREFORE, WCT and DOE agree as follows:

WCT's Cash Contribution. WCT shall contribute a total of Two Million Six Hundred Ten Thousand Three Hundred Twenty Nine Dollars (\$2,610,329) to DOE.

- a. The Cash Contribution shall be paid out of Escrow and made payable to the "State of Hawai'i, Department of Education" in accordance with the following schedule:
 - (1) Two Thousand One Hundred Fifty Three Dollars (\$2,153.00) payable upon the closing and recordation of each single family unit within the project.
 - (2) Nine Hundred Thirteen Dollars (\$913.00) payable upon the closing and recordation of each multi-family unit within the project.
- b. The amount of the cash contribution shall be adjusted from the effective date of this Agreement to the date it is paid, so that it is always equal to the Central Maui District Impact Fee that is in effect at the time of payment.

2. WCT's Land Contribution. WCT shall dedicate twelve (12) net usable acres on parcel 3-6-002:003 ("school site") to the State of Hawai'i. Usable is generally defined as land free of conditions determined to be restrictive by DOE. Characteristics of a usable site include, but are not limited to, slope of five percent or less, no ravines or stream beds, a distance from potential hazards such as chemical emissions, and setbacks of 100 to 350 feet from high voltage power lines (distance depending on voltage). DOE will make the final determination as to whether land is usable based on an evaluation of the specific property taken in the context of the development as a whole.

The presence of all public schools within WAIKAPU COUNTRY TOWN will be acknowledged and included in all plans and studies for the development, including environmental impact studies and zoning applications.

The location of the school site shall be as shown on the map attached hereto and incorporated herein as Exhibit "A". Additional school site characteristics shall include:

- a. Use of the school site shall be limited to public school and ancillary school uses.
- b. WCT shall grant all utility easements over lands owned by WCT that are required to provide utility service to the school site without charge to the State of Hawai'i.
- c. The school site shall have a minimum of two vehicular access points, along two different boundaries of the parcel, in locations approved in writing by DOE.
- d. WCT may be required to clear encumbrances or liens from title as required by DOE or the Department of Land and Natural Resources ("DLNR"), prior to conveyance and at no cost to the State of Hawai'i. In the event WCT cannot provide acceptable title to the State of Hawai'i, or

it is not economically feasible to do so, WCT shall propose a mutually agreeable alternative site(s). The parties agree that time is of the essence and shall exercise good faith in selecting a mutually agreeable alternative site(s).

- e. WCT shall provide a topographic map of the school site at 2-foot elevation prior to the signing of this agreement.
- f. WCT shall be responsible for rezoning the school site to a residential land use designation prior to conveyance to the State of Hawai'i.
- g. WCT shall conduct property appraisals at no cost to the State of Hawai'i and at times specified by DOE.
- h. WCT shall grant a right-of-entry to the State of Hawai'i and its consultants for preliminary data gathering (archaeological, soil testing, topographic surveys, etc.) and construction on the school site prior to conveyance to the State of Hawai'i and within 60 days of a written request by the DOE.
- i. WCT shall provide a soils report within ninety (90) days of the signing of this agreement and within ninety (90) days following the addition of any subsequent fill.

In the event the soils report and documentation indicate conditions unacceptable to DOE; WCT shall propose mutually agreeable alternative site(s) or remove the objectionable material and replace it with soil acceptable for construction, as determined by DOE. The parties agree that time is of the essence and shall exercise good faith in selecting a mutually agreeable alternative site(s).

In addition, a copy of any grading report that includes the school site shall be provided to DOE.

- j. WCT shall conduct a Phase I Environmental Site Assessment ("Phase I ESA") for the school site, at no cost to the State of Hawai'i. The State of Hawai'i shall be listed as an intended user of the Phase I ESA. The study shall satisfy the requirements of the State Department of Health ("DOH") and DLNR. Two copies of the report shall be provided to DOE within 60 days of a DOE request.

If necessary, the Phase I ESA or sections thereof may require updating, if some sections of the report are more than six (6) months old, prior to closing.

If the Phase I ESA identifies the potential for hazardous material release, the presence of naturally occurring hazardous materials, or if required by DOH or DLNR, WCT shall also conduct a Phase II Environmental Site Assessment and any and all abatement and disposal as may be warranted and as satisfactory to the standards required by the Federal

Environmental Protection Agency and/or the DOH, all at no cost to the State of Hawai'i.

In the event WCT cannot conduct any and all abatement and disposal to the standards described above, or it is not economically feasible to do so, WCT shall propose a mutually agreeable alternative site(s). The parties agree that time is of the essence and shall exercise good faith in selecting a mutually agreeable alternative site(s).

- k. The school site shall not contain any known historical or archaeological sites. WCT shall be responsible for verifying such state with DLNR's State Historic Preservation Division (hereinafter referred to as "SHPD") and/or provide appropriate mitigation measures that are acceptable to SHPD and DOE. If requested by DOE, the WCT shall update the archaeological survey for the school site if there are unintentional/inadvertent discoveries of human remains within WAIKAPU COUNTRY TOWN.

In the event WCT cannot provide sufficient mitigation, or it is not economically feasible to do so, WCT shall propose a mutually agreeable alternative site. The parties agree that time is of the essence and shall exercise good faith in selecting a mutually agreeable alternative site(s).

- l. WCT shall be responsible for the subdivision of the school site at no cost to the State of Hawai'i, including Land Court recordation, if applicable.
- m. Upon formal subdivision approval of the school site, WCT shall provide a survey of the site stamped by a duly licensed surveyor. Said survey shall include metes and bounds description and map of the school site in accordance with the subdivision process. All survey maps and descriptions for the subject property must be in accordance with the State's Department of Accounting and General Services standards and at WCT's own cost.

If available, WCT shall also provide the latest ALTA survey prior to subdivision of the school.

- n. WCT shall commit to the completion of the following subdivision infrastructure systems, at no cost to DOE and up to the property line of the school site, twelve (12) months prior to the start of construction of the school:
 - (1) Potable water distribution systems for irrigation, domestic, and fire flow needs;
 - (2) Non-potable water distribution system, if required, for irrigation;
 - (3) Sewage collector, treatment and disposal systems;
 - (4) Drainage collector and disposal systems;

- (5) Access roadway systems sufficient for bus and vehicular traffic (minimum 60-foot right-of-way);
 - (6) Electrical, telephone, CATV and any other telecommunication distribution systems.
- o. WCT shall provide at no cost to the State of Hawai'i, adequate allocations for the above services prior to the start of construction of the school, such as:
 - (1) Subdivision water system allocations based on up to 60 gallons per 850 person per day for domestic use plus 4,000 gallons per day per acre for irrigation purposes at no cost to the State of Hawai'i.
 - (2) Subdivision water system capacity of 2,000 gallons per minute for a 2-hour duration (with residual critical pressure of 20 psi at the fire hydrants), as required for fire flow requirements, with related reservoir storage capacity.
 - (3) Average sewage flow allocations based on 25 gallons per person, per day, at approximately 850 people, plus 1,250 gallons per acre per day for wet weather infiltration/inflow or plus 2,750 gallons per acre per day for wet weather if the sewer line is laid below the normal ground water table.
 - (4) Actual allocations and size of utility lines at street for potable and non-potable water, sewer, drainage, power, telephone, CATV and any other telecommunication systems shall be reported with the conveyance documents.
- p. The school site shall be exempt from WAIKAPU COUNTRY TOWN community Declaration of Covenants, Conditions and Restrictions ("CC&R"), WAIKAPU COUNTRY TOWN association rules, WAIKAPU COUNTRY TOWN design committee rules, and subdivision design guidelines.
- q. The school site shall be conveyed to the State of Hawai'i at least ninety (90) days prior to the start of on-site construction.
- r. WCT shall conduct an initial title search of the school site at no cost to the State of Hawai'i at the time of the execution of this agreement. Updates to the title report (with hyperlinks) may be required by DOE during its due diligence process and following substantial changes to the property title.
- s. WCT shall be responsible for payment of all property taxes up to the effective date of the Warranty Deed.

- t. WCT shall provide title insurance for the school site when DOE's due diligence process is completed and conveyance is eminent.
- u. Conveyance of the school site shall be via Warranty Deed in a form approved by the Department of the Attorney General, Land/Transportation Division and DLNR. The standard boilerplate Warranty Deed form, as may be amended from time to time, has been provided to WCT
- v. WCT recognizes that the State of Hawaii's acquisition and disposition of private property is subject to approval by the Board of Land and Natural Resources.

3. This Agreement shall be binding upon WCT, or its successor in interest.

4. The validity of this Agreement and any of its terms or provisions, as well as the rights and duties of the parties to this Agreement, shall be governed by the laws of the State of Hawaii. Any action at law or in equity to enforce or interpret the provisions of this Agreement shall be brought in a state court of competent jurisdiction in Honolulu, Hawaii.

5. This Agreement may be executed in counterparts. Each counterpart shall be executed by one or more of the parties to this instrument and the several counterparts shall constitute one instrument to the same effect as though the signature of all the parties were upon the same instrument. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one instrument.

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement the day and year first above written.

-----THE REMAINDER OF THIS PAGE IS INTENTIONALLY BEING LEFT BLANK-----

OWNER OF TMK'S 3-6-002:001 AND 3-6-002:003

WAIALE 905 PARTNERS, LLC

Larry W. Anderson, as Co-Trustee of the
Larry W. Anderson and Georgeann M. Anderson
Revocable Family Trust
Dated August 9, 2004

Georgeann M. Anderson, as Co-Trustee of the
Larry W. Anderson and Georgeann M. Anderson
Revocable Family Trust
Dated August 9, 2004

Lodi Development, Inc.

By: _____
Its: _____

Boyce Holdings, Inc.

By: Albert G. Boyce V 
Its: President

Boyce Resource Development Company

By: Albert G. Boyce Jr.
Its: President

Albert G. Boyce, Jr., as Trustee of Trust B
Created under the Last Will and Testament of
Albert G. Boyce Sr., dated November 2, 1978

William S. Filios as Trustee of The
William S. Filios Separate Property Trust
dated April 3, 2000

OWNER OF TMK'S 3-6-002:001 AND 3-6-002:003

WAIALE 905 PARTNERS, LLC

Larry W. Anderson, as Co-Trustee of the
Larry W. Anderson and Georgeann M. Anderson
Revocable Family Trust
Dated August 9, 2004

Georgeann M. Anderson, as Co-Trustee of the
Larry W. Anderson and Georgeann M. Anderson
Revocable Family Trust
Dated August 9, 2004

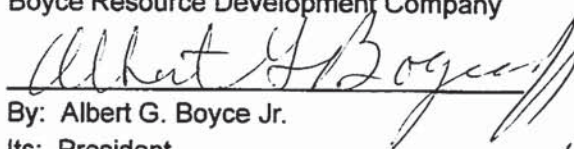
Lodi Development, Inc.

By: _____
Its: _____

Boyce Holdings, Inc.

By: Albert G. Boyce V
Its: President

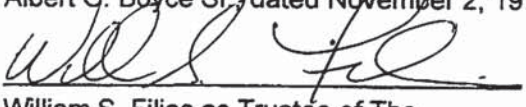
Boyce Resource Development Company



By: Albert G. Boyce Jr.
Its: President



Albert G. Boyce, Jr., as Trustee of Trust B
Created under the Last Will and Testament of
Albert G. Boyce Sr., dated November 2, 1978



William S. Filios as Trustee of The
William S. Filios Separate Property Trust
dated April 3, 2000

OWNER OF TMK'S 3-6-002:001 AND 3-6-002:003

WAI'ALE 905 PARTNERS, LLC



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Larry W. Anderson and Georgeann M. Anderson
Revocable Family Trust
Dated August 9, 2004



Georgeann M. Anderson, as Co-Trustee of the
Larry W. Anderson and Georgeann M. Anderson
Revocable Family Trust
Dated August 9, 2004

Lodi Development, Inc.



By: Larry W. Anderson
Its: Pres

Boyce Holdings, Inc.

By: Albert G. Boyce V
Its: President

Boyce Resource Development Company

By: Albert G. Boyce Jr.
Its: President

Albert G. Boyce, Jr., as Trustee of Trust B
Created under the Last Will and Testament of
Albert G. Boyce Sr., dated November 2, 1978

William S. Filios as Trustee of The
William S. Filios Separate Property Trust
dated April 3, 2000

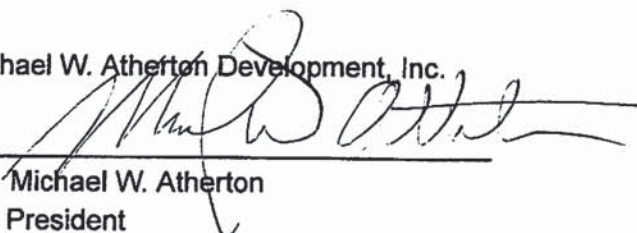
OWNER OF TMK'S 3-6-004:003, 3-6-004:006 AND 3-6-006:036

WAIKAPU PROPERTIES, LLC

Lodi Development, Inc.

By: Larry W. Anderson
Its: President

Michael W. Atherton Development, Inc.



By: Michael W. Atherton
Its: President

William S. Filios as Trustee of The
William S. Filios Separate Property Trust
dated April 3, 2000

Boyce Holdings, Inc.



By: Albert G. Boyce V
Its: President

Boyce Resource Development Company

By: Albert G. Boyce Jr.
Its: President

OWNER OF TMK'S 3-6-004:003, 3-6-004:006 AND 3-6-006:036

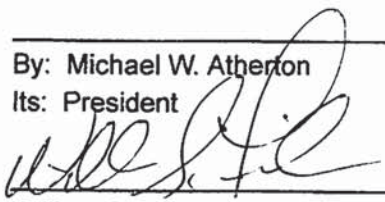
WAIKAPU PROPERTIES, LLC

Lodi Development, Inc.

By: Larry W. Anderson
Its: President

Michael W. Atherton Development, Inc.

By: Michael W. Atherton
Its: President

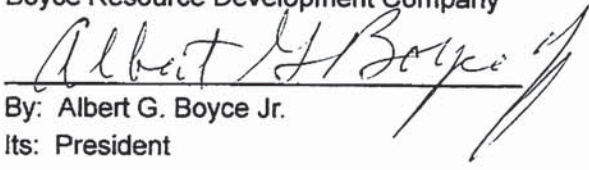


William S. Filios as Trustee of The
William S. Filios Separate Property Trust
dated April 3, 2000

Boyce Holdings, Inc.

By: Albert G. Boyce V
Its: President

Boyce Resource Development Company

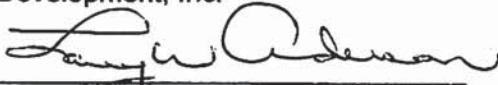


By: Albert G. Boyce Jr.
Its: President

OWNER OF TMK'S 3-6-004:003, 3-6-004:006 AND 3-6-006:036

WAIKAPU PROPERTIES, LLC

Lodi Development, Inc.



By: Larry W. Anderson

Its: President

Michael W. Atherton Development, Inc.

By: Michael W. Atherton

Its: President

William S. Filios as Trustee of The
William S. Filios Separate Property Trust
dated April 3, 2000

Boyce Holdings, Inc.

By: Albert G. Boyce V

Its: President

Boyce Resource Development Company

By: Albert G. Boyce Jr.

Its: President

OWNERS OF TMK 3-6-005:007

MTP LAND PARTNERS, LLC

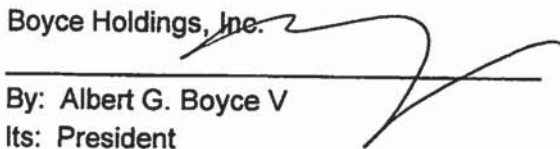
Michael W. Atherton Development, Inc.



By: Michael W. Atherton

Its: President

Boyce Holdings, Inc.



By: Albert G. Boyce V

Its: President

WILLIAM S. FILIOS

William S. Filios as Trustee of The
William S. Filios Separate Property Trust
dated April 3, 2000

OWNERS OF TMK 3-6-005:007

MTP LAND PARTNERS, LLC

Michael W. Atherton Development, Inc.

By: Michael W. Atherton
Its: President

Boyce Holdings, Inc.

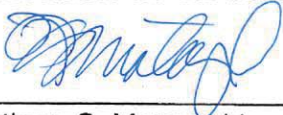
By: Albert G. Boyce V
Its: President

WILLIAM S. FILIOS

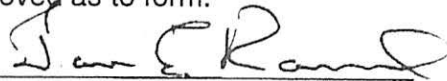
A handwritten signature in dark ink, appearing to read 'William S. Filios', is written over a horizontal line.

William S. Filios as Trustee of The
William S. Filios Separate Property Trust
dated April 3, 2000

DEPARTMENT OF EDUCATION

By  JAN 31 2017
Kathryn S. Matayoshi
Superintendent

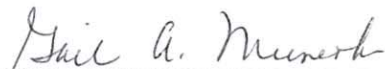
Approved as to form:

By 
Attorney General
State of Hawai'i

Date: 1-11-17

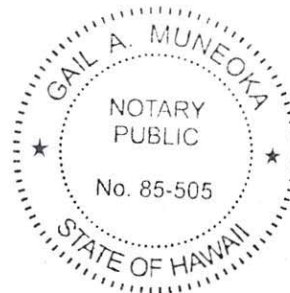
STATE OF HAWAII)
)
CITY AND COUNTY OF HONOLULU) ss.

The attached document: Educational Contribution Agreement for Waikapu Country Town, dated undated at time of notarization, which consist of 22 page(s), was subscribed and sworn to me by Kathryn S. Matayoshi on this 31st day of January, 2016, in the First Circuit of the State of Hawai'i by Gail A. Muneoka.


[Notary Signature]

Printed Name: Gail A. Muneoka

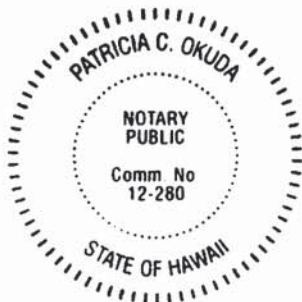
My commission expires: May 10, 2019



STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

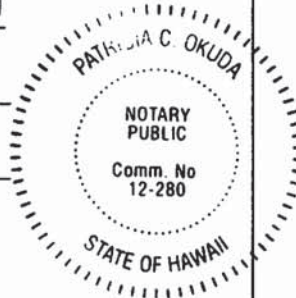
On this 13 day of JANUARY, 2017, before me personally appeared Michael W. Atherton, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Witness my hand and seal.



Patricia C. Okuda
Notary Signature
Printed Name: Patricia C. Okuda
My Commission Expires: 8/26/20

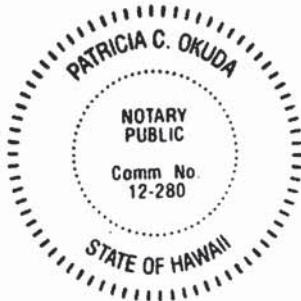
Doc. Date: _____ # Pages: <u>10</u>	
Notary Name: <u>Patricia C. Okuda</u> Second Circuit	
Doc. Description <u>Educational Contribution</u>	
<u>Agreement Weikapu Country Town</u>	
<u>Patricia C. Okuda</u>	<u>1/13/17</u>
Signature	Date
NOTARY CERTIFICATION	



STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 13 day of JANUARY, 2017, before me personally appeared Albert G. Boyce, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

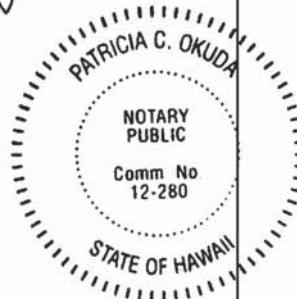
Witness my hand and seal.



Patricia C. Okuda
Notary Signature
Printed Name: Patricia C. Okuda

My Commission Expires: 8/26/20

Doc. Date: _____ # Pages: <u>10</u>	
Notary Name: <u>Patricia C. Okuda</u> Second Circuit	
Doc. Description <u>EDUCATIONAL CONTRIBUTION</u>	
<u>Agreement - Waikapu Country Town</u>	
<u>Patricia C. Okuda</u>	<u>1/13/17</u>
Signature	Date
NOTARY CERTIFICATION	



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

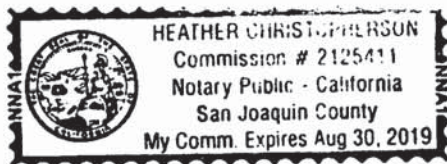
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of San Joaquin)
 On January 13 2017 before me, Heather Christopherson,
 Date Here Insert Name and Title of the Officer
 personally appeared Albert G. Boyce, Jr. President
 Name(s) of Signer(s)
of Boyce Resource Development Company

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Educational Contribution Agreement Document Date: _____
 Number of Pages: 10 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — Limited General
☐ Individual Attorney in Fact
☐ Trustee Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — Limited General
☐ Individual Attorney in Fact
☐ Trustee Guardian or Conservator
☐ Other: _____
 Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of San Joaquin)On January 13, 2017 before me, Heather Christopherson
Date Here Insert Name and Title of the Officerpersonally appeared Albert G. Bayce, Jr. Trustee of
Name(s) of Signer(s)Trust B Created under last will and testament of Albert G Bayce Sr

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached DocumentTitle or Type of Document: Educational Contribution Agreement Document Date: _____Number of Pages: 10 Signer(s) Other Than Named Above: _____**Capacity(ies) Claimed by Signer(s)**

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — Limited General☐ Individual Attorney in Fact☐ Trustee Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — Limited General☐ Individual Attorney in Fact☐ Trustee Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

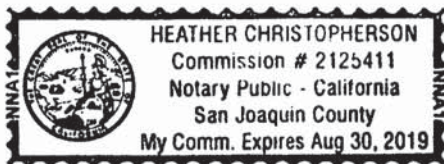
State of California)

County of San Joaquin)On January 19, 2017 before me, Heather Christopherson,
Date Here Insert Name and Title of the Officerpersonally appeared William S. Filios, Trustee of the
Name(s) of Signer(s)William S. Filios Separate Property Trust

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

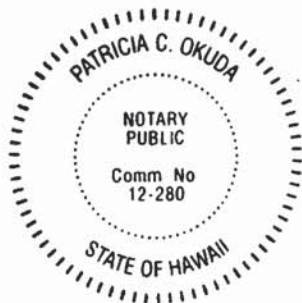
Other: _____

Signer Is Representing: _____

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 16 day of January, 2017, before me personally appeared Larry W. Anderson, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Witness my hand and seal.



Patricia C. Okuda

Notary Signature

Printed Name: Patricia C. Okuda

My Commission Expires: 8/26/20

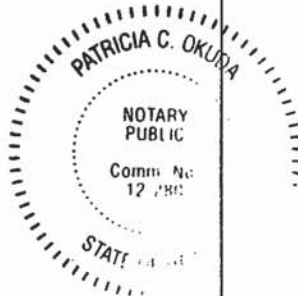
Doc. Date: # Pages: 10

Notary Name: Patricia C. Okuda Second Circuit

Doc. Description Educational Cont.
Agreement - Waikapu Country Town.

Patricia C. Okuda 1/16/17
Signature Date

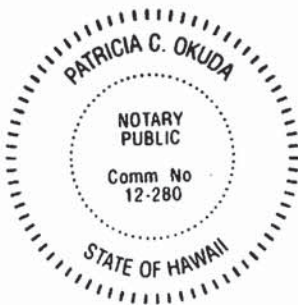
NOTARY CERTIFICATION



STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 16 day of JANUARY, 2017, before me personally appeared Georgeann M. Anderson to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Witness my hand and seal.



Patricia C. Okuda

Notary Signature

Printed Name: Patricia C. Okuda

My Commission Expires: 8/26/20

Doc. Date: _____ # Pages: 10

Notary Name: Patricia C. Okuda Second Circuit

Doc. Description EDUCATIONAL CONTRIB.

Agreement Waikapu Country Town

Patricia C. Okuda 1/16/17
Signature Date

NOTARY CERTIFICATION

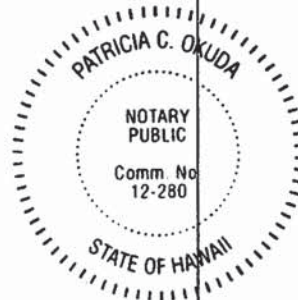


Exhibit 5

**Transmittal of Supplemental Traffic
Analysis**

From: [Netai Basu](#)
To: [David Goode](#); [Clayton Yoshida](#); jenny.s.lee@hawaii.gov
Cc: [Kurt Wollenhaupt](#) (Kurt.Wollenhaupt@co.maui.hi.us); joseph.k.krueger@hawaii.gov; robin.k.shishido@hawaii.gov; russell.iwasa@hawaii.gov; msummers@planningconsultantshawaii.com; [Sohrab Rashid](mailto:Sohrab.Rashid@fehrrandpeers.com) (S.Rashid@fehrrandpeers.com)
Bcc: [Southern California Front Desk](#)
Subject: RE: Supplemental Traffic Analysis and Pro-Rata Share Calculations for the Waikapu Country Town Project (ref. SD13-0085.02)
Date: Tuesday, July 10, 2018 12:15:00 PM
Attachments: [WCT_NoWaialeBypass_Memo_2022_final.pdf](#)
[image002.png](#)
[image003.png](#)

All –

It's come to my attention that the memo with the supplemental traffic analysis that was recently circulated had two typos where "2026" was shown, instead of "2022." The attached version corrects that. Please rely on this version in the future. Thank you.

-Netai Basu, AICP CTP

FEHR PEERS

600 Wilshire Blvd, Suite 1050
Los Angeles, CA 90017
Direct (213) 261-3073
Office (213) 261-3050 or (808) 541-9916
asap.fehrrandpeers.com
n.basu@fehrrandpeers.com

From: Netai Basu
Sent: Saturday, July 7, 2018 4:46 PM
To: 'David Goode' <David.Goode@co.maui.hi.us>; Clayton Yoshida <Clayton.Yoshida@co.maui.hi.us>; jenny.s.lee@hawaii.gov
Cc: Kurt Wollenhaupt (Kurt.Wollenhaupt@co.maui.hi.us) <Kurt.Wollenhaupt@co.maui.hi.us>; joseph.k.krueger@hawaii.gov; robin.k.shishido@hawaii.gov; russell.iwasa@hawaii.gov; msummers@planningconsultantshawaii.com; Sohrab Rashid (S.Rashid@fehrrandpeers.com) <S.Rashid@fehrrandpeers.com>
Subject: Supplemental Traffic Analysis and Pro-Rata Share Calculations for the Waikapu Country Town Project (ref. SD13-0085.02)

Good afternoon Ms. Lee, Mr. Goode and Mr. Yoshida –

This message follows up on our previous correspondence regarding the Waikapu Country Town project.

Attached are two technical memoranda completed in fulfillment of certain conditions of the State Land Use Commission. One presents the methodology and results of the supplemental traffic analysis of the project. The other is the calculation of the project's pro-rata share for traffic

mitigation measures, which is an initial step in developing Memoranda of Agreement with both the County of Maui and the State DOT. Please review, and contact us or Mike Summers with comments or questions.

Continuing this coordination, we suggest that the next step should be to find a time to meet to discuss these and previous studies. Would you all be open to a joint meeting?

-Netai Basu, AICP CTP

FEHR PEERS

600 Wilshire Blvd, Suite 1050
Los Angeles, CA 90017
Direct (213) 261-3073
Office (213) 261-3050 or (808) 541-9916
asap.fehrandpeers.com
n.basu@fehrandpeers.com

From: David Goode <David.Goode@co.maui.hi.us>

Sent: Sunday, July 1, 2018 5:37 PM

To: Clayton Yoshida <Clayton.Yoshida@co.maui.hi.us>; Netai Basu <N.Basu@fehrandpeers.com>; jenny.s.lee@hawaii.gov

Cc: Sohrab Rashid <S.Rashid@fehrandpeers.com>; joseph.k.krueger@hawaii.gov; robin.k.shishido@hawaii.gov; russell.iwasa@hawaii.gov; msummers@planningconsultantshawaii.com

Subject: Re: Follow Up on - FOR YOUR REVIEW/COMMENT - Approach to Supplemental Traffic Analysis and Pro-Rata Share Calculations for the Waikapu Country Town Project (ref. SD13-0085.02)

Hi Netai, no comments from me. thx, DG

>>> Netai Basu <N.Basu@fehrandpeers.com> 5/11/2018 12:15 PM >>>
Good afternoon Ms. Lee, Mr. Goode and Mr. Yoshida –

Thank you for contacting me earlier this week, Ms. Lee.

This message follows up on my prior communication, below, regarding the supplemental analysis of the Waikapu Country Town project. As a reminder, next week we're planning to proceed with that analysis as I'd indicated. If you have any comments or suggestions to offer, we welcome them now. Once this analysis is complete we'll submit the results to you and your agencies for review before we meet to discuss the results and the next steps toward developing Memoranda of Understanding.

-Netai

From: Netai Basu

Sent: Wednesday, May 02, 2018 4:32 PM

To: robin.k.shishido@hawaii.gov; 'David Goode' <David.Goode@co.maui.hi.us>; Clayton Yoshida

<Clayton.Yoshida@co.maui.hi.us>

Cc: 'Krueger, Joseph K' <joseph.k.krueger@hawaii.gov>;

'msummers@planningconsultantshawaii.com' <msummers@planningconsultantshawaii.com>;

Sohrab Rashid (S.Rashid@fehrandpeers.com) <S.Rashid@fehrandpeers.com>

Subject: FOR YOUR REVIEW/COMMENT - Approach to Supplemental Traffic Analysis and Pro-Rata Share Calculations for the Waikapu Country Town Project (ref. SD13-0085.02)

Mr. Shishido, Mr. Goode, Mr. Yoshida –

Attached for your review and comment is a brief memorandum that presents the approach Fehr & Peers will use in preparing supplemental traffic impact analysis and pro-rata share calculations for the Waikapu Country Town project. This is undertaken to fulfill certain conditions of the State Land Use Commission. As with previous studies for this project we're coming to you input early in the process. If you have any questions or comments please provide them by May 15, when we plan to proceed with these tasks in the manner described. Once they are completed the project team will contact you to meet and discuss the next steps. Thank you.

Netai Basu, AICP CTP

FEHR & PEERS

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Exhibit 6

**Supplemental Analysis of 2022
Conditions without Waiale Bypass**



MEMORANDUM

Date: June 29, 2018
To: Mike Summers, Planning Consultants Hawaii, LLC
From: Netai Basu & Ryan Liu, Fehr & Peers
Subject: **Waikapu Country Town Project – Analysis of 2022 Conditions without the Waiale Bypass**

SD13-0085.02

In December 2016 the Hawaii Land Use Commission conducted a hearing on the Waikapu Country Town (WCT) project. Following certification of the EIS at the hearing, a series of conditions were set forth as part of the “Findings of Fact, Conclusions of Law, and Decision and Order and Certificate of Service,” dated February 27, 2018. Condition 8a requires the “preparation of “a supplemental analysis to evaluate the “No Waiale Bypass” with Petitioner’s Project in 2022 (Phase 1), due to the current memorandum/addendum limited to only build-out year (2026)”. This memorandum is intended to fulfill this condition.

Considerable coordination between the County of Maui (County), Hawaii Department of Transportation (HDOT) and the project team early in the preparation of the Transportation Impact Analysis Report (TIAR) for the Waikapu Country Town Project (WCT, project) led to the decision to assume the completion of the planned Waiale Bypass in the study’s future analysis scenarios. The Waiale Bypass is a planned extension of Waiale Road approximately one mile between its existing terminus at Waiale Road & Waiko Road to a new intersection with Honoapiilani Highway, and is the subject of a completed Environmental Assessment.¹ The roadway extension would provide supplemental access to the makai area of the WCT project site via a proposed roundabout with Main Street and a three-legged intersection with the major North-South Residential Street. The

¹ *Final Environmental Assessment for the Proposed Waiale Road Extension and East Waiko Road Improvements* (prepared for County of Maui by Munekiyo & Hiraga, Inc., 2014)



bypass received \$18,000,000 in funding in the County's FY2019 CIP² for years from 2020 to 2024, but the precise schedule for construction of this roadway is uncertain.

Fehr Peers has developed and analyzed forecast traffic volumes in 2022 without the Waiale Bypass in place, both before and after the addition of project traffic. These traffic volumes were then used to conduct a full quantitative LOS analysis of these two future no-bypass scenarios. The results of the analysis are summarized in this memorandum.

FUTURE TRAFFIC PROJECTIONS

Estimates of the future traffic conditions made as part of the draft and final EIS that employed the Maui Travel Demand Forecasting Model. Traffic volumes forecasts for 2026 throughout the study and across key screen lines, without and with the Waiale Bypass in place, were compared to identify the magnitude and location of traffic shifts without the planned roadway in place. That information was used to inform manual adjustments that modified the year 2022 forecasts to reflect the exclusion of the Waiale Bypass. The resulting cumulative base traffic volumes and the anticipated lane configurations, representing future conditions without the project and the bypass for year 2022 is presented in **Figure 1**.

2022 NO PROJECT VOLUME COMPARISON

A comparison of the 2022 No Project peak hour volumes with and without the Waiale Bypass showed that the traffic that was projected to use the roadway extension would shift to use Honoapiilani Highway and Kuihelani Highway between Waiko Road and the intersection of Honoapiilani Highway and Kuihelani Highway. Details of the shift in traffic volumes under the 2022 No Project, No Bypass Condition are summarized below:

- During the AM peak hour, approximately 200 additional northbound trips and approximately 65 additional southbound trips would traverse along Honoapiilani Highway.

² Adopted May 29, 2018, this project is listed on see page 15 of Appendix B of the *Fiscal Year 2019 Capital Program*. https://mauicounty.legistar.com/View.ashx?M_F_ID=6265935&GUID=D27EADA0-E1D5-4531-9B7B-83237CA166C5 , accessed June 20, 2018.



- Along Kuihelani Highway it is projected that there would be approximately 100 additional northbound trips and approximately 120 additional southbound trips traversing through this portion of the study area under in the AM peak hour.
- During the PM peak hour, approximately 60 additional northbound trips and approximately 200 additional southbound trips would traverse along Honoapiilani Highway.
- Along Kuihelani Highway it is projected that there would be approximately 120 additional northbound trips and approximately 80 additional southbound trips traversing through this portion of the study area under in the PM peak hour.

PROJECT TRAFFIC PROJECTIONS

Using the same trip generation and trip distribution pattern presented in the TIAR, the project trips were assigned to the 2022 roadway network without the Waiale Bypass. The trip assignment differs from the TIAR as trips to/from land uses on the makai side that were originally expected to travel on Waiale Road were shifted to travel over the site's internal roadways (i.e. Main Street, E-W Residential Road, and N-S Residential Road) to reach Honoapiilani Highway. **Figure 2** illustrates the net new 2022 project generated traffic volumes under full buildout for the AM and PM peak hours at each study intersection.

The project generated traffic volumes (Figure 2) were then added to the 2022 base traffic projection (Figure 1) to develop 2022 plus Project traffic forecasts for the no-bypass scenario shown in **Figure 3**.

KEY STREET SYSTEM CHANGES

In addition to using the revised traffic projections in the 2022 intersection operations analysis, there have been changes to the baseline street system assumptions since the completion of the draft EIS, as well as changes to the project street system assumptions due to the removal of the Waiale Bypass that have been applied to the analysis presented in this memorandum. Described below are the key changes in study intersection configuration used in this analysis:



- Intersection 1: Honoapiilani Highway & Kuikahi Drive: Based on field observations, the eastbound and westbound approaches have been re-stripped from one shared through/left-turn lane and one right-turn lane to one left-turn lane, one through lane, and one right-turn lane. Additionally, the eastbound and westbound left-turn phasing have been modified to protected/permitted. These modifications were used in the revised 2022 intersection operations analysis with and without the project in place.
- Intersection 3: S. Kamehameha Avenue & Maui Lani Parkway: A roundabout is planned to replace the all-way stop control intersection. This intersection control modification was used in the revised 2022 intersection operations analysis with and without the project.
- Intersection 6: Waiko Road & Waiale Road: Signalization and construction of the fourth (south) leg of this intersection are part of the Waiale Bypass improvement. Since this analysis evaluates no-bypass scenarios, the existing control and configuration were assumed to remain in place in the 2022 operations analysis.
- Intersection 9: Honoapiilani Highway & Main Street: This future intersection will be constructed as part of the project. Due to the increase in volumes at this location without the Waiale Bypass in place, the intersection configuration has been revised from what was assumed in the TIAR in order to yield desirable operating conditions (i.e. minimum LOS D or better). Thus, this analysis assumes that the intersection is configured with one left-turn lane, one through lane, and one right-turn lane across all approaches. Signal phasing is assumed to be protected/permitted across all approaches and there would be an overlap phase for the westbound right-turn.
- Intersection 10: Waiale Road & Main Street – This intersection will not exist if the Waiale Bypass is not constructed.
- Intersection 11: Honoapiilani Highway & East-West Residential Street – This intersection would not be constructed in Phase 1 of the WCT project.
- Intersection 12: North-South Residential Street & Waiale Road – This intersection would not be constructed in Phase 1 of the WCT project.
- Intersection 13: Honoapiilani Highway & Waiale Road – This intersection will not exist if the Waiale Bypass is not constructed.

INTERSECTION ANALYSIS

The intersection operations analysis compares the projected levels of service at each study intersection under cumulative conditions for 2022 with and without the proposed project and the Waiale Bypass. Results of this analysis are presented in **Table 1**.



2022 NO PROJECT TRAFFIC CONDITIONS

The results of the LOS calculations indicate that all of the future study intersections operate at an overall desirable LOS (LOS D or better under 2022 No Project Conditions, with the exception of the following locations:

- Intersection 1: Honoapi'ilani Highway & Kuikahi Drive (LOS F – AM peak hour and LOS E – PM peak hour)
- Intersection 3: S. Kamehameha Avenue Maui Lani Parkway (LOS F – AM and PM peak hours)
- Intersection 4: Kuihelani Highway & Maui Lani Parkway (LOS F – AM peak hour and LOS E – PM peak hour)
- Intersection 6: Waiale Road Waiko Road (LOS F – AM peak hour)
- Intersection 7: S. Kamehameha Avenue Waiko Road (LOS F – AM peak hour)
- Intersection 8: Kuihelani Highway & Waiko Road (LOS E – AM peak hour)

When compared to the 2022 No Project results presented in the TIAR, Intersection 2: Wialae Road Kuikahi Drive would operate at LOS D in the AM peak hour, rather than at LOS E. Intersection 6: Waiale Road Waiko Road and Intersection 8: Kuihelani Highway Waiko Road are new locations that would operate at undesirable LOS if the Waiale Bypass is not in place.

2022 WITH PROJECT TRAFFIC CONDITIONS

The proposed project would contribute to cumulative impacts where LOS E or LOS F is forecast under pre-project conditions during one or both of the peak hours at the six study intersection listed in the previous section. In addition, project-specific impacts have been identified at two intersections where the addition of project-generated traffic would cause their overall intersection operations to fall below LOS D in one or both peak hours:

- Intersection 2: Waiale Road & Kuikahi Drive
- Intersection 5: Honoapi'ilani Highway & Waiko Road

The results of this no-bypass analysis show that the impacts at Intersections 5, 6 and 8 would be new impacts in 2022, as they were not identified as impacted in the TIAR under 2022 with Project conditions.



POTENTIAL TRAFFIC IMPROVEMENTS

This section describes physical roadway improvements (mitigations) that would be necessary to achieve LOS D or better following completion of Phase 1 of the WCT project in 2022 if the Waiale Bypass were not yet constructed. Mitigation measures described in the draft and final EIS were first applied to the impacted locations and others were investigated as necessary. The emphasis was to identify physical and/or operational improvements that could be implemented within the existing or planned roadway rights-of-way when possible. **Table 1** summarizes the projected LOS in 2022 at the impacted locations with these proposed measures in place.

The full range of improvements that address both project-related and/or cumulative traffic impacts are discussed in detail below.

Intersection 1: Honoapiʻilani Highway & Kuikahi Drive – The addition of a second southbound left-turn lane would fully mitigate the impact under 2022 under the no-bypass scenario. The southbound approach would be widened from the a left-turn lane, a through lane, and a right-turn lane to two left-turn lanes, a through lane, and a right-turn lane. To complement the addition of a second southbound left-turn lane, the east legs of the intersection would need to be widened to provide a second departure lane. Signal modifications at this intersection would include protected phasing on the southbound approach and right-turn overlap phasing on the westbound and northbound approaches. Additional right-of-way may be needed on Honoapiilani Highway and on Kuikahi Drive to fully implement this improvement.

Intersection 2: Waiale Road & Kuikahi Drive – The impact at this intersection could be mitigated under the no-bypass scenario by widening the eastbound and westbound approaches to provide a left-turn lane, two through lanes, and a right-turn lane. To complement the widening of the eastbound and westbound approaches, both the eastbound and westbound departures would also need to be widened to each provide a second receiving lane.

Intersection 3: S. Kamehameha Avenue & Maui Lani Parkway – The impact at this intersection could be improved to pre-project LOS under the no-bypass scenario by installing a traffic signal and widening the eastbound and westbound approaches on Maui Lani Parkway from a single lane to provide one left-turn lane and one shared through/right-turn lane. To fully mitigate to LOS D or better, it would also be necessary to widen the southbound approach on Kamehameha Avenue



from one left-turn lane and one shared through/right-turn lane to provide one left-turn lane, one through lane and one right-turn lane.

Intersection 4: Kuihelani Highway & Maui Lani Parkway – The impact at this intersection could be mitigated (LOS D or better) under the no-bypass scenario by widening the eastbound approach to provide a left-turn lane and a shared left-turn/through/right-turn lane.

Intersection 5: Honoapiʻilani Highway & Waiko Road – This intersection is a new impact not previously identified in the Draft and Final EIS. The impact at this intersection could be fully mitigated under the no-bypass scenario by widening the northbound approach from a left-turn lane and a shared through/right-turn lane to provide a left-turn lane, a through lane, and a shared through/right-turn lane, and widening the eastbound and westbound approaches to provide a left-turn lane and a shared through/right-turn lane. The northbound departure of the highway would require widening for a minimum of approximately 250 feet to provide a second receiving lane, which would transition back into the existing single northbound lane. Additional right-of-way may be needed on both Honoapiilani Drive and Waiko Road to fully implement this improvement, which would result in LOS D or better operations at an overall intersection level.

Intersection 6: Waiale Road & Waiko Road – The impact at this intersection is a new impact not previously identified in the Draft and Final EIS. Under the no-bypass scenario, it could be fully mitigated with the installation of a traffic signal, which was assumed to be in place in the Cumulative, pre-project condition in the TIAR due to its key location on the planned Waiale Bypass.

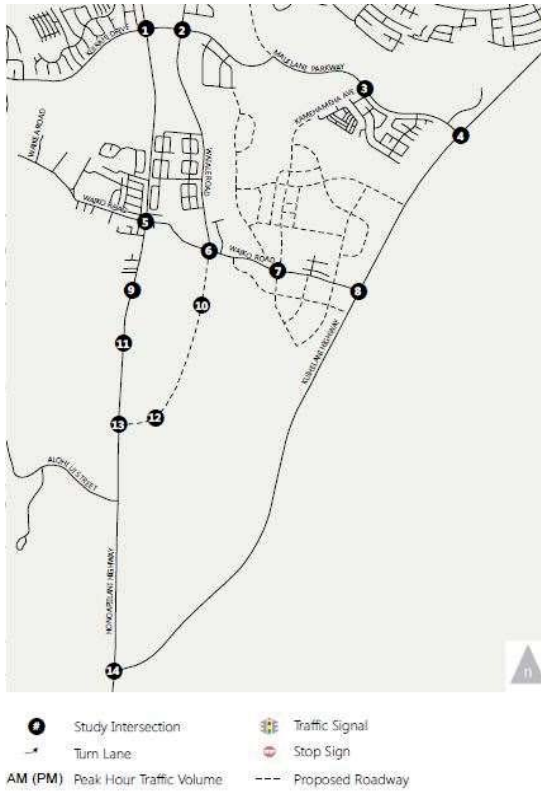
Intersection 7: S. Kamehameha Avenue & Waiko Road – The impact at this intersection could be fully mitigated by using the improvement presented in the TIAR, which is installing a traffic signal with permitted phasing at all approaches.

Intersection 8: Kuihelani Highway & Waiko Road – The impact at this intersection could be mitigated using the improvement presented in the Draft and Final EIS, which is widening and restriping the eastbound approach to provide a left-turn lane and a right-turn lane.



CONCLUSION

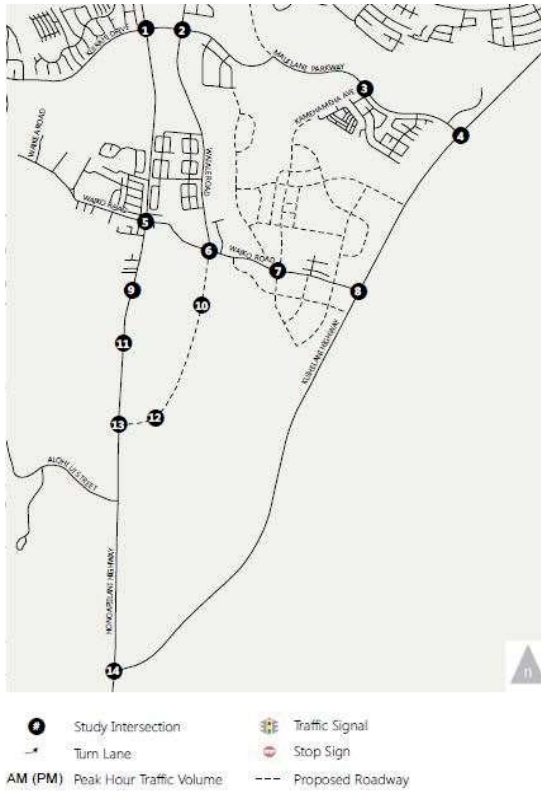
This memorandum documents analysis conducted to assess project-related and cumulative impacts following completion of Phase 1 the proposed Waikapu Country Town project if the planned Waiale Bypass were not constructed by 2022. While three more study intersections would be significantly impacted under this scenario than in the “with Bypass” scenario analyzed in the TIAR as part of the Draft EIS, the desired intersection level of service standard (LOS D) can be achieved at the all analyzed locations with an expanded program of roadway improvements to which the project would contribute its fair share as mitigation.



1. Honoapiʻilani Hwy/Kukuihi Dr 	2. Waiale Rd/Kukuihi Dr 	3. S. Kamehameha Ave/Mauli Lani Pkwy 	4. Kuilani Hwy/Mauli Lani Pkwy 	5. Honoapiʻilani Hwy/Waiko Rd
6. Waiale Rd/Waiko Rd 	7. S. Kamehameha Ave/Waiko Rd 	8. Kuilani Hwy/Waiko Rd 	9. Honoapiʻilani Hwy/Main St 	10. Waiale Rd/Main St Intersection does not exist without the Waiale Bypass
11. Honoapiʻilani Hwy/E-W Residential St 	12. North-South Residential St/Waiale Rd Intersection does not exist without the Waiale Bypass	13. Honoapiʻilani Hwy/Waiale Rd 	14. Honoapiʻilani Hwy/Kuilani Hwy 	

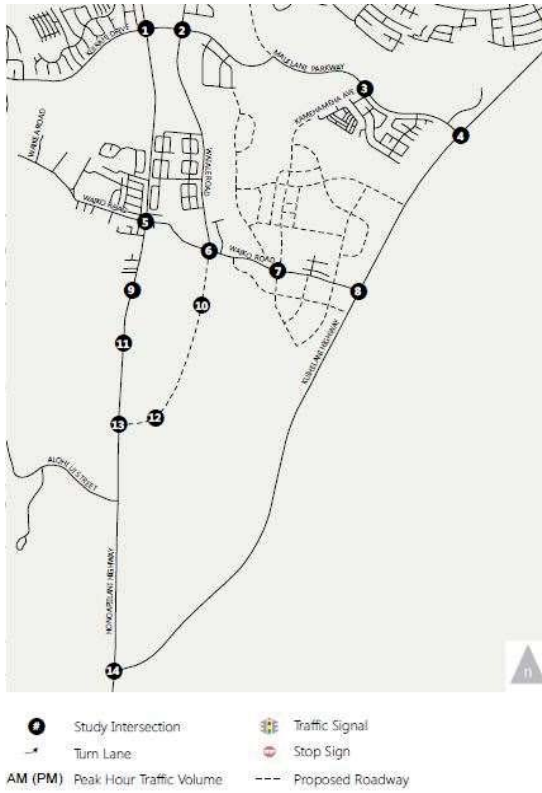
Figure 1
Peak Hour Traffic Volumes and Lane Configurations
2022 Baseline With No Bypass Conditions





1. Honoapiʻilani Hwy/Kukuihi Dr Honoapiʻilani Hwy: 10(30) / 275(714) / 440(575) Kukuihi Dr: 298(380) / 71(140) / 395(463) 30(20) / 161(80) / 71(41)	2. Waiale Rd/Kukuihi Dr Waiale Rd: 170(52) / 170(526) / 240(349) Kukuihi Dr: 439(418) / 486(660) / 61(91) 70(30) / 31(12) / 12(60)	3. S. Kamehameha Ave/Maui Lani Pkwy Maui Lani Pkwy: 238(372) / 461(391) / 504(559) S. Kamehameha Ave: 210(89) / 430(427) / 70(30) 170(294) / 375(455) / 179(199)	4. Kuhielani Hwy/Maui Lani Pkwy Maui Lani Pkwy: 538(47) / 844(305) / 5(10) Kuhielani Hwy: 776(634) / 0(0) / 78(19) 776(634) / 0(0) / 78(19)	5. Honoapiʻilani Hwy/Waiale Rd Honoapiʻilani Hwy: 10(10) / 894(1,038) / 10(10) Waiale Rd: 130(111) / 40(70) / 143(186) 10(10) / 100(30) / 11(12)
6. Waiale Rd/Waiko Rd Waiale Rd: 64(53) / 269(228) / 42(42) Waiko Rd: 309(210) / 264(303) 309(210) / 264(303)	7. S. Kamehameha Ave/Waiko Rd S. Kamehameha Ave: 133(87) / 182(130) / 44(53) Waiko Rd: 69(45) / 137(217) / 10(20) 138(103) / 199(139) / 141(174)	8. Kuhielani Hwy/Waiko Rd Kuhielani Hwy: 238(397) / 625(588) / 518(246) Waiko Rd: 518(246) / 296(128) 155(137) / 527(676)	9. Honoapiʻilani Hwy/Main St Honoapiʻilani Hwy: 534(153) / 915(879) / 84(56) Main St: 221(221) / 15(41) / 54(72) 115(118) / 25(36) / 40(45)	10. Waiale Rd/Main St Waiale Rd: 23(49) / 95(5078) / 50(78) Main St: 23(49) / 95(5078) / 50(78)
11. Honoapiʻilani Hwy/E-W Residential St Honoapiʻilani Hwy: 990(992) E-W Residential St: 997(1,076)	12. North-South Residential St/Waiale Rd North-South Residential St: 997(1,076) Waiale Rd: 997(1,076)	13. Honoapiʻilani Hwy/Waiale Rd Honoapiʻilani Hwy: 1,000(1,000) Waiale Rd: 994(1,090)	14. Honoapiʻilani Hwy/Kuhielani Hwy Honoapiʻilani Hwy: 10(10) / 10(10) / 10(10) Kuhielani Hwy: 10(10) / 10(10) / 10(10) 10(10) / 10(10) / 10(10)	Intersection does not exist without the Waiale Bypass

Figure 2
Peak Hour Traffic Volumes and Lane Configurations
Year 2022 With Project and No Bypass Conditions



1. Honoapiʻilani Hwy/Kukuihi Dr 	2. Waiale Rd/Kukuihi Dr 	3. S. Kamehameha Ave/Mauli Lani Pkwy 	4. Kulihehane Hwy/Mauli Lani Pkwy 	5. Honoapiʻilani Hwy/Waiale Rd
6. Waiale Rd/Waiko Rd 	7. S. Kamehameha Ave/Waiko Rd 	8. Kulihehane Hwy/Waiko Rd 	9. Honoapiʻilani Hwy/Main St 	10. Waiale Rd/Main St Intersection does not exist without the Waiale Bypass
11. Honoapiʻilani Hwy/E-W Residential St 	12. North-South Residential St/Waiale Rd Intersection does not exist without the Waiale Bypass	13. Honoapiʻilani Hwy/Waiale Rd 	14. Honoapiʻilani Hwy/Kulihehane Hwy 	

Figure 3
Peak Hour Traffic Volumes and Lane Configurations
Net New Project Only, Phase 1 (2022)

Intersection	Traffic Control	Peak Hour	Year 2022 No Project		Year 2022 with		Delay Change	Mitigation Required?	Impacted in the DEIS?	Mitigated to:			
			Conditions w/o Waiale Bypass		Project w/o Bypass					Pre-Project or Better Conditions (≤ LOS D)		LOS D or Better Conditions	
			Del/Veh ¹	LOS ^{2,3}	Del/Veh ¹	LOS ^{2,3}				Del/Veh ¹	LOS ^{2,3}	Del/Veh ¹	LOS ^{2,3}
1. Honoapiʻilani Highway / Kuikahi Drive	Signal	AM PM	87 30.8	F C	108.8 55.2	F E	21.8 24.4	YES YES	YES YES	52.1 38.6	D D	Same as Pre-Project Mitigation	
2. Waiale Road / Kuikahi Drive	Signal	AM PM	51.6 43.4	D D	67.3 63.2	F E	15.7 19.8	YES YES	YES YES	42.6 38.6	D D	Same as Pre-Project Mitigation	
3. S. Kamehameha Avenue / Maui Lani Parkway	Roundabout	AM PM	> 180 148.8	F F	> 180 > 180	F F		YES YES	YES YES	54.7 18.7	D B	75.9 43.3 E D	
4. Kuihelani Highway / Maui Lani Parkway	Signal	AM PM	84.2 68.1	F E	98.3 77.3	F E	14.1 9.2	YES YES	YES YES	26.9 28.8	C C	Same as Pre-Project Mitigation	
5. Honoapiʻilani Highway / Waiko Road	Signal	AM PM	36.7 21.1	D C	116.3 74.2	F E	79.6 53.1	YES YES	NO NO	21.6 24.7	C C	Same as Pre-Project Mitigation	
6. Waiale Road / Waiko Road	SSSC	AM PM	137.1 28.2	F D	>180 98.6	F F		YES YES	NO NO	13.7 9.9	B A	Same as Pre-Project Mitigation	
7. S. Kamehameha Avenue / Waiko Road	SSSC	AM PM	136.2 31.7	F D	>180 146.6	F F	114.9	YES YES	YES YES	16.2 8.8	B A	Same as Pre-Project Mitigation	
8. Kuihelani Highway / Waiko Road	Signal	AM PM	64.7 20.9	E C	84.7 24.4	F C	20.0 3.5	YES NO	YES NO	26 18.1	C B	Same as Pre-Project Mitigation	
9. Honoapiʻilani Highway / Main Street	Signal	AM AM	Only built with project		26.3 30.0	C C	26.3 30.0	NO NO	NO NO	No Mitigation Required			
10. Waiale Road / Main Street	N/A	AM PM					Does not exist without Waiale Bypass						
11. Honoapiʻilani Highway / East-West Residential Street	Signal	AM PM					Only built with Phase 2 of project						
12. North-South Residential Street / Waiale Road	SSSC	AM PM					Only built with Phase 2 of project						
13. Honoapiʻilani Highway / Waiale Road	N/A	AM PM					Does not exist without Waiale Bypass						
14. Honoapiʻilani Highway / Kuihelani Highway	Signal	AM PM	20.9 20.5	C C	22.0 22.8	C C	1.1 2.3	NO NO	NO NO	No Mitigation Required			

Source: Fehr & Peers, 2018

Notes:

** Indicated oversaturated conditions. Delay cannot be calculated. SSSC = Side-street stop-controlled intersection.

¹ Whole intersection weighted average stopped delay expressed in seconds per vehicle for signalized and all-way stop control intersections. The vehicular delay for the worst movement is reported for side street stop-controlled intersections.

² LOS calculations performed using the 2000 Highway Capacity Manual (HCM) method.

³ Unacceptable LOS highlighted in **bold**.

Exhibit 7

**Notice of Imposition of Conditions
by the Land Use Commission**

REGULAR SYSTEM

(por.), (2) 3-6-004:006, (2) 3-6-005:007 and (2) 3-6-002:003 (por.) ("Petition Area"), and does hereby state and declare that the Commission, by its Decision and Order dated February 26, 2108, reclassified the approximately 145.286 acres of the Petition Area under Docket No. A15-798 from the State Land Use Agricultural District to the State Land Use Rural District and reclassified approximately 351.582 acres of the Petition Area under Docket A15-798 from the State Land Use Agricultural District to the State Land Use Urban District (hereinafter "Property"), subject to a number of conditions imposed on the reclassified Property. Said conditions shall run with the land and shall be set forth in the Declaration of Conditions to be subsequently recorded at the Bureau of Conveyances of the State of Hawaii pursuant to Commission Rule Section 15-15-92.

This Notice of Imposition of Conditions by the Commission shall be superseded upon the recordation at the Bureau of Conveyances of the said Declaration of Conditions setting forth the conditions imposed by the Commission in Docket No. A15-798.

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Dated: Tuesday, December 10, 2019.

WAIKAPU PROPERTIES, LLC

By: Boyce Holdings, Inc.
Its Manager

By



Albert G. Boyce V
Its President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of SAN JOAQUIN

On December 10, 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

personally appeared Albert G. Boyce, V, President,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

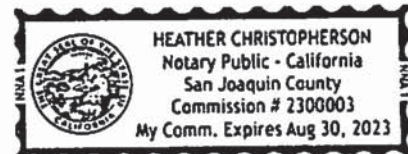
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



MTP LAND PARTNERS, LLC

By: Boyce Holdings, Inc.
Its Manager

By 
Albert G. Boyce V
Its President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of SAN JOAQUIN

On December 10, 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

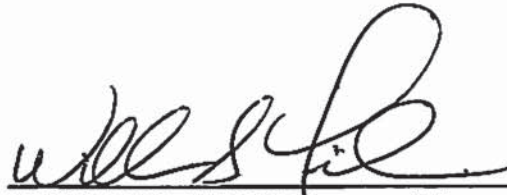
personally appeared Albert G. Boyce, V, President
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature] (Seal)



A handwritten signature in black ink, appearing to read 'William S. Filios', written over a horizontal line.

WILLIAM S. FILIOS, Trustee of the
William S. Filios Separate Property Trust
dated April 3, 2000

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

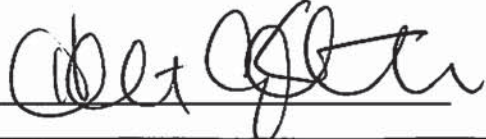
State of California
County of SAN JOAQUIN

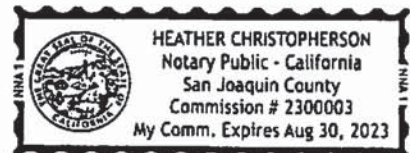
On December 10, 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

personally appeared William S. Filios, Trustee
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



WAIALE 905 PARTNERS, LLC

By: Boyce Holdings, Inc.

By: 
Albert G. Boyce V
Its: President

ACKNOWLEDGMENT

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State of California
County of SAN JOAQUIN

On December 14, 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

personally appeared Albert G. Boyce V President,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(Seal)

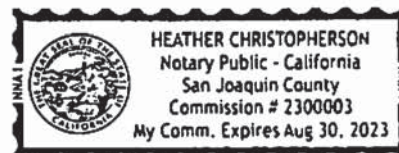


Exhibit 8

Declaration of Conditions

REGULAR SYSTEM

Waikapu Properties, LLC
P. O. Box 1870
Manteca, CA 95336

Total Number of

(II) 3-6-002:003 (por.)

Island and County of Maui, State of Hawaii, Tax Map Key Nos. (II) 3-6-004:003(por.), 3-6-004:006, 3-6-005:007 and 3-6-002:003, as shown on the map marked Exhibit "A" attached hereto and incorporated herein by reference (hereinafter referred to as the "Property" or as the "Petition Area"), does hereby certify pursuant to Section 15-15-92, Hawaii Administrative Rules, as follows:

THAT by Findings of Fact, Conclusions of Law, Decision and Order, entered February 26, 2018, in Docket No. A15-798, the Land Use Commission reclassified approximately 145.286 acres of land in the State Land Use Agricultural District at Waikapu, Island and County of Maui, Hawaii, identified as Tax Map Key No. (II) 3-6-004:003(por.) to the State Land Use Rural District and reclassified approximately 351.582 acres of land in the State Land Use Agricultural District at Waikapu, Island and County of Maui, Hawaii, identified as Tax Map Key No. (II) 3-6-004:006, (II) 3-6-005:007 and (II) 3-6-002:003 (por.), to the State Land Use Urban District;

AND THAT by Findings of Fact, Conclusions of Law, Decision and Order, entered February 26, 2018, it was further ordered that the reclassification from Agricultural District to the Urban District and to the Rural District shall be subject to the following conditions:

1. **Education Contribution Agreement.** Declarant shall contribute to the development, funding, and/or construction of school facilities in compliance with the *Educational Contribution Agreement for WAIKAPU COUNTRY TOWN*, undated but executed as of January 31, 2017, entered into by Declarant and the DOE. Declarant shall ensure that prospective buyers, purchasers, and subsequent owner builders of lots are given notice of the requirement to pay the Central Maui School Impact Fee in accordance with the *Educational*

Contribution Agreement. Such notice shall be recorded and shall run with the land.

2. **Storm Water Management and Drainage.** Declarant shall maintain existing drainage patterns and shall implement applicable Best Management Practices a) to minimize infiltration and runoff from construction and vehicle operations, b) to reduce or eliminate the potential for soil erosion and ground water pollution, and c) to formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health guidelines and County of Maui ordinances and rules. The Best Management Practices shall include a program for the maintenance of drainage swales within the Project Area.

3. **Residential Workforce Housing.** Declarant shall design and construct the Project, and provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements.

4. **Wastewater.** Declarant shall participate in the funding and/or construction of adequate private or public wastewater source, storage, and transmission facilities to accommodate the proposed uses for each portion of the Petition Area. The private wastewater source, storage, and transmission facilities shall be in accordance with the applicable standards and requirements of the Department of Health and/or the County of Maui. If applicable, the public wastewater source, storage, and transmission facilities are located outside the Petition Area and within the state and County agricultural districts, Declarant shall apply for a State Special Permit in accordance with the provisions of HRS Chapter 205. If Declarant participates in a regional wastewater system which is controlled or operated by the County of Maui, Declarant may request to be released from this condition applicable to private wastewater source, storage and transmission facilities.

5. **Air Quality.** Declarant shall participate in an air quality monitoring program if so required by the Department of Health.

6. **Energy Conservation Measures.** Declarant shall implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design and environmental stewardship, such as the use of solar water heating and photovoltaic systems, into the design and construction of the Project and development of the Petition Area. Declarant shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners within the Project.

7. **Notification of Proximity to Kahului Airport.** Declarant, and all subsequent owners, shall notify and disclose to all prospective developers, purchasers, and/or lessees within any portion of the Project, as part of any conveyance document (deed, lease, or agreement of sale, etc.) required for the sale or transfer of real property or any interest in real property, of the potential adverse impacts of aircraft activity at and from the Kahului Airport, such as noise, right of flight, emissions, vibrations and other incidences of aircraft operations.

8. **Transportation – Highways.**

a. Declarant shall submit to the State Department of Transportation and the County of Maui for review and approval a supplemental analysis to evaluate the “No Waiale Bypass” with Declarant’s Project in 2022 (Phase I), due to the current memorandum/addendum limited only to build-out year 2026 (Phase II). Declarant shall also submit copies to the State of Hawaii Office of Planning, the County of Maui Planning Department and the State of Hawaii Land Use Commission.

b. Declarant shall mitigate all Project-generated traffic impacts as recommended and/or required by the State Department of Transportation and the County of

Maui. Declarant shall initiate, coordinate, and meet with State Department of Transportation Highways and the County of Maui to agree upon the regional pro-rata share and to develop a Memorandum of Agreement with the State Department of Transportation, Highways Division, and another Memorandum of Agreement with the County of Maui. The Memorandum of Agreement shall be executed prior to submittal of a subdivision application to the County of Maui.

9. **Transportation – Regional Planning.** Declarant shall continue to work with the County of Maui to develop a timetable for the construction of the Waiale Bypass and shall work with appropriate County of Maui and State of Hawaii agencies, including the Metropolitan Planning Organization of the County of Maui, to develop a comprehensive traffic review of the Central Maui region.

10. **Transportation – Airports.** Declarant shall work with the State Department of Transportation to minimize hazards to aircraft operations from Kahului Airport, including but not limited to impacts from wildlife attractants, photovoltaic glint and glare, electromagnetic radiation, aviation easements, notices of proposed construction or alteration, and prospective purchaser/owner liability and covenants. As deemed necessary by the State Department of Transportation to minimize the hazards to aircraft operations from Kahului Airport, Declarant shall fund and implement a program to control any birds nesting or occupancy and any insect, pest or wildlife infestation, in any hazardous wildlife attractants (open swales, storm drains, retention and detention basins, wastewater treatment facilities or associated settling ponds) serving the Project. Declarant shall enter into a Memorandum of Agreement with State Department of Transportation before final subdivision approval of the initial phase of on-site development by Declarant outlining measures to be taken by Declarant to address impacts.

11. **Water Conservation Measures.** Declarant shall implement water conservation measures and best management practices such as the use of indigenous plants to the extent practicable and as required by the County of Maui

12. **Water System.** Declarant shall participate in the funding and/or construction of adequate private or public water source, storage and transmission facilities to accommodate the proposed uses for each phase of the Project. The private water source, storage and transmission facilities shall be in accordance with the applicable standards and requirements of the Department of Health and/or the County of Maui, with plans submitted for approval by the appropriate agency. In the event that Declarant participates in a regional water system which is controlled or operated by the County of Maui, Declarant may request the release of this condition applicable to a private water system.

Additionally, Declarant shall work with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapu aquifer.

Further, Declarant shall submit such information as may be requested by the County of Maui to reflect changes in water demand forecasts and to supply the proposed uses for the County of Maui's Water Use and Development Plan.

13. **Street Lights.** Declarant shall use fully-shielded street lights within the Petition Area to avoid impacts to avifauna and other populations and to prevent light diffusion upward into the night sky.

14. **Sirens.** Declarant shall fund and install three (3) civil defense warning sirens as specified by and in the locations identified by the State Department of Defense.

15. **Parks.** Declarant shall comply with the park dedication requirements of the County of Maui.

16. **Established Gathering and Access Rights Protected.** Pursuant to Article XII, Section 7 of the Hawaii State Constitution, Declarant shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Petition Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purposes.

17. **Agriculture Easement.** Declarant shall submit an executed copy of the conservation easement or relevant instrument for at least 800 acres of adjacent agricultural lands to the Land Use Commission. No dwelling or structure shall or may be used for a residence or residential use, including farm dwellings or farm worker housing, on the adjacent agricultural lands which are subject to the agricultural easement or conservation easement, and such easement shall include this restriction.

If any development is proposed in the area made subject to the conservation easement or relevant instrument, the State Historic Preservation Division of the Department of Land and Natural Resources shall be notified and shall make a determination on whether an archaeological inventory survey is to be provided by Developer for such area. The Land Use Commission shall also be notified of any proposed development within the conservation easement lands and any determination made by the State Historic Preservation Division.

18. **Notification of Agricultural Use.** Declarant, and all subsequent owners, shall notify and disclose to developers, purchasers, and/or lessees of the provisions of HRS Chapter 165, the Hawaii Right to Farm Act. The notice and disclosure shall be a part of any conveyance document such as a deed, lease or agreement of sale.

The notice and disclosure shall contain at least the following information: a) that the developers, purchasers and/or lessees shall not take any action that would interfere with or

restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the State Land Use Agricultural District; and b) that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands.

To the purpose of this condition, the term “farming operations” shall have the same meaning as provided in HRS Section 165-2.

19. **Previously Unidentified Burials and Archaeological / Historic Sites.** In the event that historic or archaeological resources, including human skeletal remains, are found and/or identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the State Historic Preservation Division shall be contacted immediately as required by HRS Chapter 6E and its applicable rules. Without limitation to any condition found herein, if any burials or archaeological or historic sites or artifacts not previously identified in studies referred to in the Findings of Fact, Conclusions of Law and Decision and Order dated February 26, 2018 in Docket Number A15-798 are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the State Historic Preservation Division that mitigation measures have been implemented to its satisfaction.

20. **Archaeological / Historic Sites.** Declarant shall provide the following prior to any ground disturbance, as agreed upon with the State Historic Preservation Division’s acceptance of Declarant’s Archaeological Inventory Survey:

a. Archaeological monitoring, which shall include data recovery of archaeological and historic sites;

- b. If site 50-50-04-5197 is impacted by the Project, it will be further documented in consultation with the State Historic Preservation Division;
- c. Archaeological monitoring shall be conducted for all ground disturbing activities, including the Na Wai Eha sand dune system area. An archaeological monitoring plan shall be developed and submitted for the State Historic Preservation Division's review and acceptance prior to commencing Project work;
- d. If any development is proposed for the area to be dedicated to agriculture, the State Historic Preservation Division shall be notified and the State Historic Preservation Division will make a determination on whether an archaeological inventory survey is to be provided by Declarant;
- e. Declarant shall submit a preservation plan to the State Historic Preservation Division for two (2) sites: the irrigation features (Site 50-50-04-7884) and the WWII bunker (Site 50-50-04-7883). The preservation plan shall be submitted to the State Historic Preservation Division for review and acceptance prior to the initiation of the Project. Declarant shall comply with all interim and/or permanent mitigation and preservation measures recommended and approved by the State Historic Preservation Division. Declarant shall confirm in writing to the Land Use Commission that the State Historic Preservation Division has found Declarant's preservation mitigation commitments to be acceptable and has determined that any required historic preservation measures have been successfully implemented. The State Historic Preservation Division shall be notified at the initiation of the Project.

21. **Archaeological / Archaeological Monitoring.** Declarant shall employ archaeological monitors to ensure that all ground disturbances associated with mass grading of the Petition Area, and the trenching and excavation related to the installation of utilities, do not

impact any subsurface cultural remains within the Petition Area. Declarant shall submit an archaeological monitoring plan for ground disturbing activities within the Petition Area to the State Historic Preservation Division for its review and acceptance or approval. Acceptance or approval of the archaeological monitoring plan shall be a condition to performing any ground disturbing activities. Data obtained from the archaeological monitoring plan shall be provided to the State Historic Preservation Division upon the completion of the monitoring of the Project.

In the event that Site 50-50-04-5197 is impacted by any ground disturbances, Declarant shall document the site in accordance with the directions of the State Historic Preservation Division.

22. **Cultural.** Declarant shall consult with those persons known as Waikapu Stream south kuleana loi kalo farmers and Hui o Na Wai Eha to minimize the impacts on their traditional customary rights and practices from any development in the Petition Area.

Additionally, Declarant shall grant access easements over the appropriate portions of the Petition Area in favor of the owners of the Mahi-Puleloa parcels, identified as Land Commission Award 2944:3 to Ehunui (TMK No. (2) 3-6-005:010) and as Grant 1513 to Ehunui (TMK No. (2) 3-6-005:009) and in favor of the owners of the Kauihou parcels, identified as Land Commission Award 3340:1(por.) to Nahau (TMK No. (2) 3-6-005:067), as Land Commission Award 3103 to Kalawaia (TMK No. (2) 3-6-005:014) and as Land Commission Award 3110:3.2 to Kuolaia (TMK No. (2) 3-6-005:066). Such easements will run with the land.

23. **Endangered Species.** Declarant shall implement the following procedures to avoid potential impacts to endangered species. Declarant shall not clear dense vegetation, including woody plants greater than 15 feet, along the periphery of the Petition Area during the period from June 1 to September 15 of each year which is the time that the Hawaiian

hoary bat may be carrying young and thus could be at risk from the clearing activities. Declarant shall consult with the United States Fish & Wildlife Service to determine measures needed with regard to the endangered Blackburn's Sphinx Moth and shall implement such measures in connection with the development of the Petition Area.

Additionally, for any nighttime work required during any construction within the Petition Area and Project Area, and for long term operation of any private wastewater treatment facility servicing the Project, exterior lighting shall be shielded so as to reduce the potential for interactions of the nocturnally flying Hawaiian Petrels and Newell's Shearwaters with external lights and man-made structures.

24. **Development in Compliance with Maui Island Plan.** Declarant shall develop the Project in substantial compliance with the Planned Growth Area Rationale and goals, objectives, policies and implementing actions described in the Maui Island Plan for the Project identified as the "Waikapu Tropical Plantation Town."

25. **Infrastructure Deadline.** Declarant shall complete construction of the proposed backbone infrastructure, which consists of primary roadways and access points, internal roadways, on- and off-site water, sewer, and electrical system improvements, and storm water/drainage and other utility system improvements, within ten years from the date of the Findings of Fact, Conclusions of Law and Decision and Order dated February 26, 2018 in Docket Number A15-798.

26. **Order to Show Cause.** If Declarant fails to complete the construction of the proposed backbone infrastructure within ten (10) years from the date of the Findings of Fact, Conclusions of Law and Decision and Order dated February 26, 2018 in Docket Number A15-798, the Land Use Commission may issue and serve upon the Declarant an Order to Show Cause

and Declarant shall appear before the Land Use Commission to explain why the Petition Area should not revert to its previous State Land Use District Classification or be changed to a more appropriate classification.

27. **Compliance With Representations to the Land Use Commission.**

Declarant shall develop the Petition Area in substantial compliance with the representations made to the Land Use Commission as reflected in the Findings of Fact, Conclusions of Law and Decision and Order dated February 26, 2018 in Docket Number A15-798. Failure to so develop the Petition Area in accordance with such representations may result in reversion of the Petition Area to its former classification or a change to a more appropriate classification.

28. **Annual Reports.** Declarant shall timely provide, without any prior notice, annual reports to the Land Use Commission, the State Office of Planning, and the County of Maui Planning Department, and their respective successors, in connection with the status of the development of the Petition Area and Declarant's progress in complying with the conditions imposed by the Land Use Commission. The annual report shall consist of one original, one paper copy and one electronic copy and shall be due prior to or on the anniversary date of the issuance of the Findings of Fact, Conclusions of Law and Decision and Order dated February 26, 2018 in Docket Number A15-798.

29. **Release of Conditions.** The Land Use Commission may fully or partially release conditions as to all or any part of the Petition Area upon timely motion and upon the provision of adequate assurances of satisfaction of the conditions by the Declarant or their permitted successors and/or assigns.

30. **Notice of Change of Ownership.** Declarant shall provide notice to the Land Use Commission of any intent to sell, lease, assign, place in trust or otherwise voluntarily

Land Use Commission of any intent to sell, lease, assign, place in trust or otherwise voluntarily alter the ownership interests in the Petition Area.

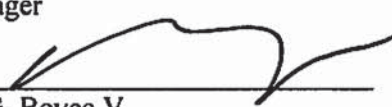
31. **Notice of Imposition of Conditions.** Declarant shall (a) within seven (7) days of issuance of the Findings of Fact, Conclusions of Law and Decision and Order dated February 26, 2018 in Docket Number A15-798 reclassifying the Petition Area, record with the Bureau of Conveyances of the State of Hawaii and/or the Office of the Assistant Registrar of the Land Court, a statement that the Petition Area is subject to the conditions imposed in the Findings of Fact, Conclusions of Law and Decision and Order dated February 26, 2018 in Docket Number A15-798 and (b) promptly thereafter file a copy of such recorded statement with the Land Use Commission.

32. **Recordation of Conditions.** Declarant shall record the conditions imposed herein by the Commission with the Bureau of Conveyances of the State of Hawaii, and/or the Office of the Assistant Registrar of the Land Court, pursuant to HAR Section 15-15-92.

Dated: Tuesday, December 10, 2019.

WAIKAPU PROPERTIES, LLC

By: Boyce Holdings, Inc.
Its Manager

By 
Albert G. Boyce V
Its President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of SAN JOAQUIN

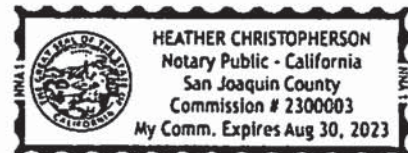
On December 10, 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

personally appeared Albert G. Boyce V, President
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



MTP LAND PARTNERS, LLC

By: Boyce Holdings, Inc.
Its Manager

By 
Albert G. Boyce V
Its President

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State of California
County of SAN JOAQUIN

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(insert name and title of the officer)

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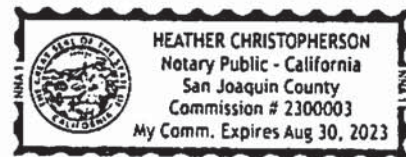
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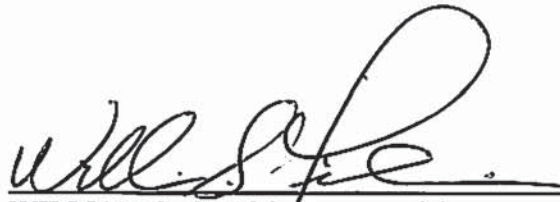
WITNESS my hand and official seal.

Signature



(Seal)



A handwritten signature in black ink, appearing to read 'W.S. Filios', written over a horizontal line.

WILLIAM S. FILIOS, Trustee of the
William S. Filios Separate Property Trust
dated April 3, 2000

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State of California
County of SAN JOAQUIN

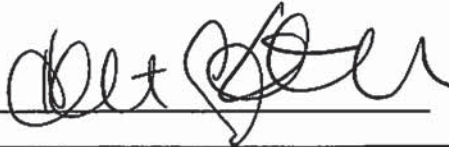
On December 10, 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

personally appeared William S. Filios, Trustee
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

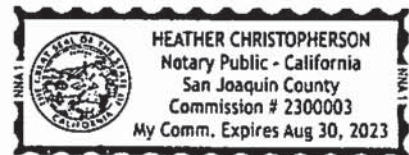
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

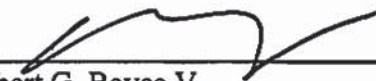


(Seal)



WAIALE 905 PARTNERS, LLC

By: Boyce Holdings, Inc.

By: 
Albert G. Boyce V
Its: President

ACKNOWLEDGMENT

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State of California
County of SAN JOAQUIN

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(insert name and title of the officer)

personally appeared Albert G. Boyce, V President
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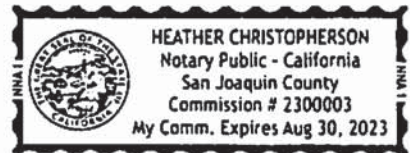
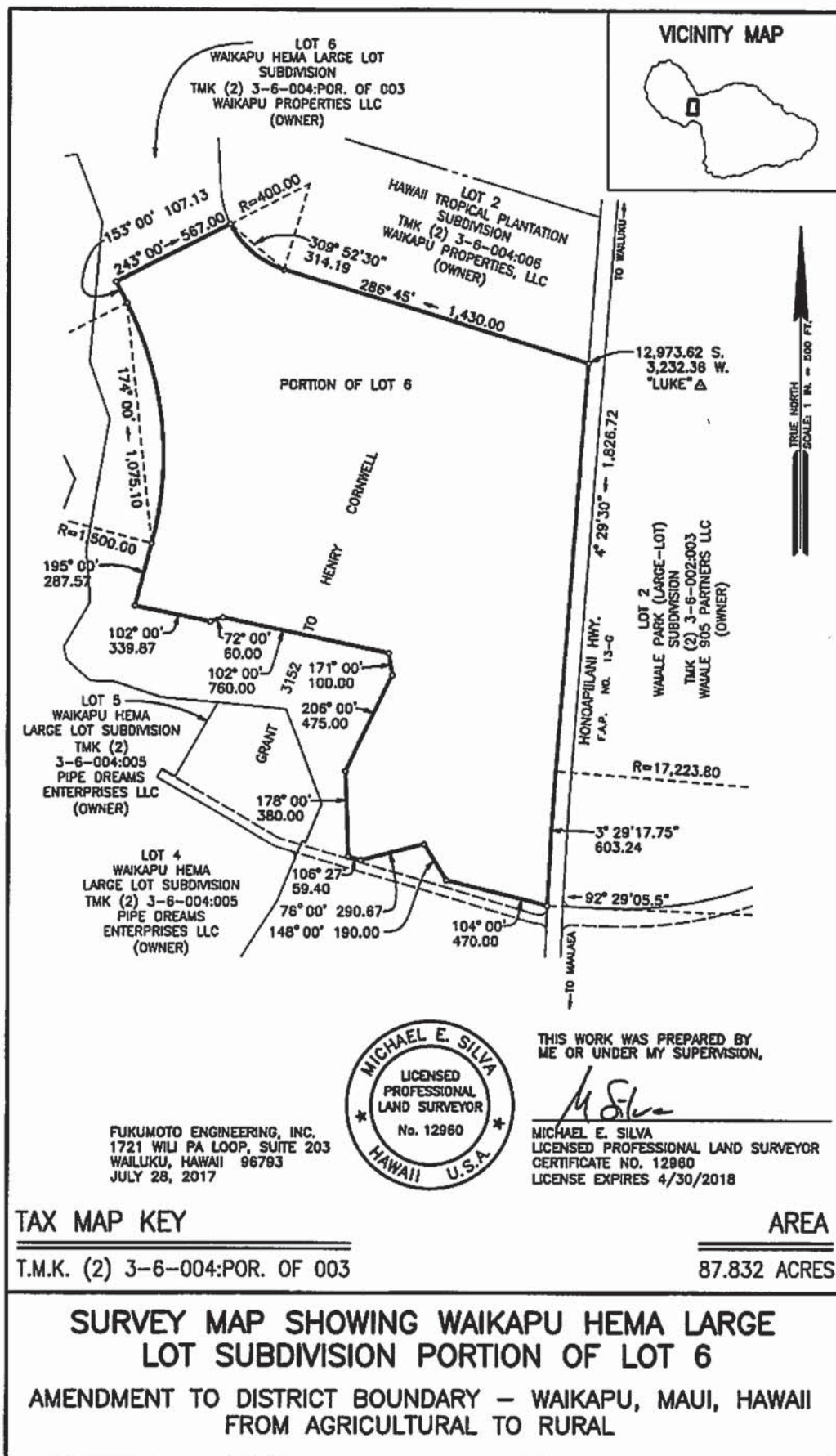
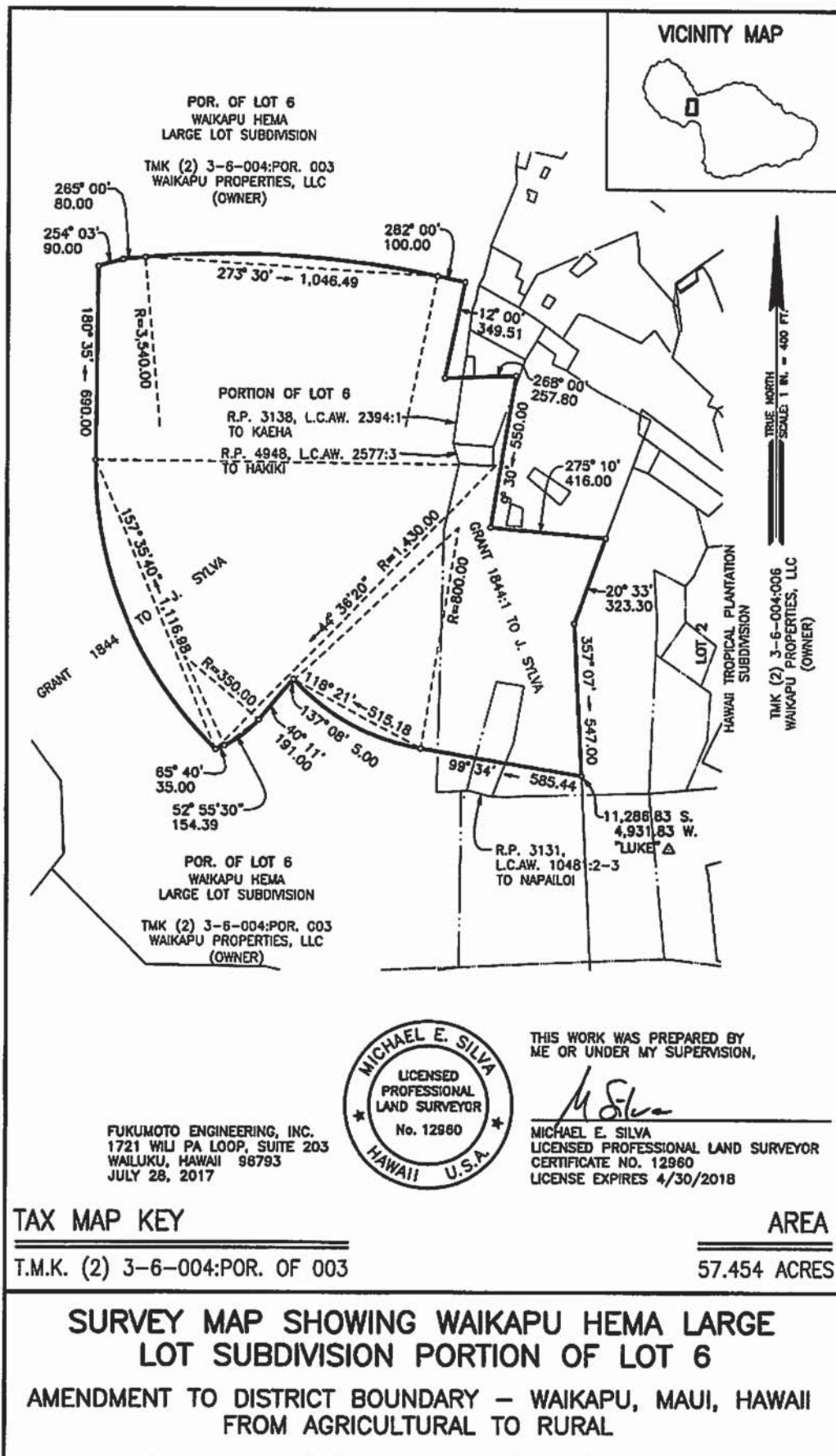


EXHIBIT "A"

Map of Petition Area





SURVEY MAP SHOWING HAWAII TROPICAL
PLANTATION - LOT 2
AMENDMENT TO DISTRICT BOUNDARY - WAIKAPU, MAUI, HAWAII
FROM AGRICULTURAL TO URBAN

53.630 ACRES

T.M.K.: (2) 3-6-004:006

TAX MAP KEY

FUKUMOTO ENGINEERING, INC.
1721 WIL PA LOOP, SUITE 203
WAILUKU, HAWAII 96793
AUGUST 9, 2017

MICHAEL E. SILVA
LICENSED PROFESSIONAL LAND
CERTIFICATE NO. 12960
LICENSE EXPIRES 4/30/2018

THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION,

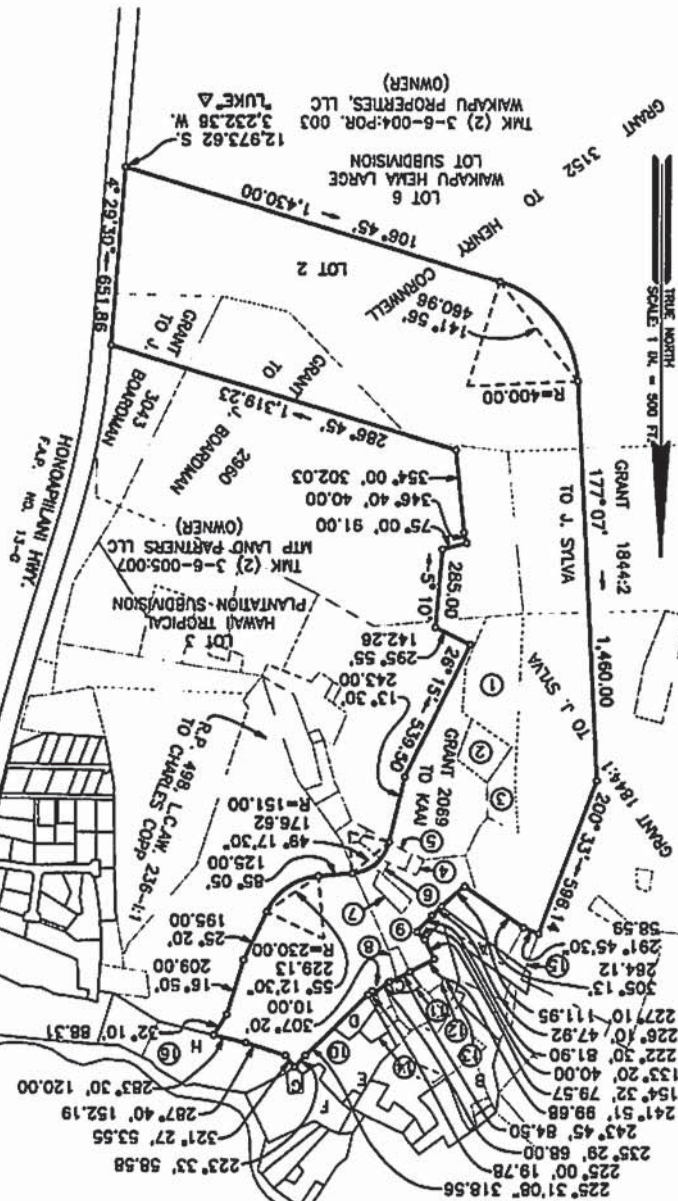


- (1) R.P. 3148, L.C.A.W. 110160:1
TO MAHDE
- (2) R.P. 3142, L.C.A.W. 11022:6
TO WAHINEALI
- (3) M-1 TO NAPALOI, L.C.A.W. 10481:1
- (4) POUHA
- (5) R.P. 3130, L.C.A.W. 8874:1
TO KANEAE
- (6) R.P. 6374, L.C.A.W. 9324:2
TO KEANINI
- (7) R.P. 3156, L.C.A.W. 3527:2
TO KAMAHAU
- (8) R.P. 4115, L.C.A.W. 3224:3
TO OPUNUI
- (9) R.P. 4014, L.C.A.W. 5774:2
TO KAA
- (10) R.P. 4122, L.C.A.W. 3397:1-2
TO PUHI
- (11) R.P. 6223, L.C.A.W. 3526:1
TO KEKOAHEHEWALE
- (12) GRANT 2069, A.P.A.N.A 2 TO KAA
- (13) R.P. 4115, L.C.A.W. 3224:5
TO OPUNUI
- (14) GRANT 1713 TO JOHN ROSS
- (15) L.C.A.W. 2609:1 AND 5 TO
POEPOE
- (16) R.P. 4014, L.C.A.W. 5774:1
TO KAA

LIST OF ADJOINING OWNERS:
A TRK (2) 3-6-006:036
WAIKAPU PROPERTIES LLC
B TRK (2) 3-6-006:013
CLAYTON SHIGETO SUZUKI TRU
C TRK (2) 3-6-006:009
CLAYTON SHIGETO SUZUKI TRU
D TRK (2) 3-6-006:003
HIGA GEORGE S.
E TRK (2) 3-6-006:004
HIGA GEORGE S. & YONEKO F
F TRK (2) 3-6-006:001
BARBARA J.K. PAVIN TRUST
G TRK (2) 3-6-006:002
TAKETO CISCO EMOTO TRUST
H TRK (2) 3-6-006:068
LOT 4 HAWAII TROPICAL
PLANTATION SUBDIVISION
HAWAII TROPICAL PLANTATION-
CONDO MASTER
LIST OF GRANTS & AWARDS:



VICINITY MAP



25

AMENDMENT TO DISTRICT BOUNDARY - WAIKAPU, MAUI, HAWAII FROM AGRICULTURAL TO URBAN SURVEY MAP SHOWING HAWAII TROPICAL PLANTATION PORTION OF LOT 3

44.971 ACRES

LICENSE EXPIRES 4/30/2018

AREA

MICHAEL E. SILVA
 LICENSED PROFESSIONAL LAND SURVEYOR
 CERTIFICATE NO. 12980

THIS WORK WAS PREPARED BY
 ME OR UNDER MY SUPERVISION.



T.M.K.: (2) 3-6-004:007

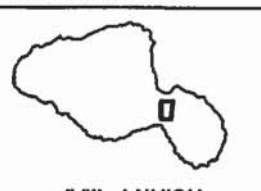
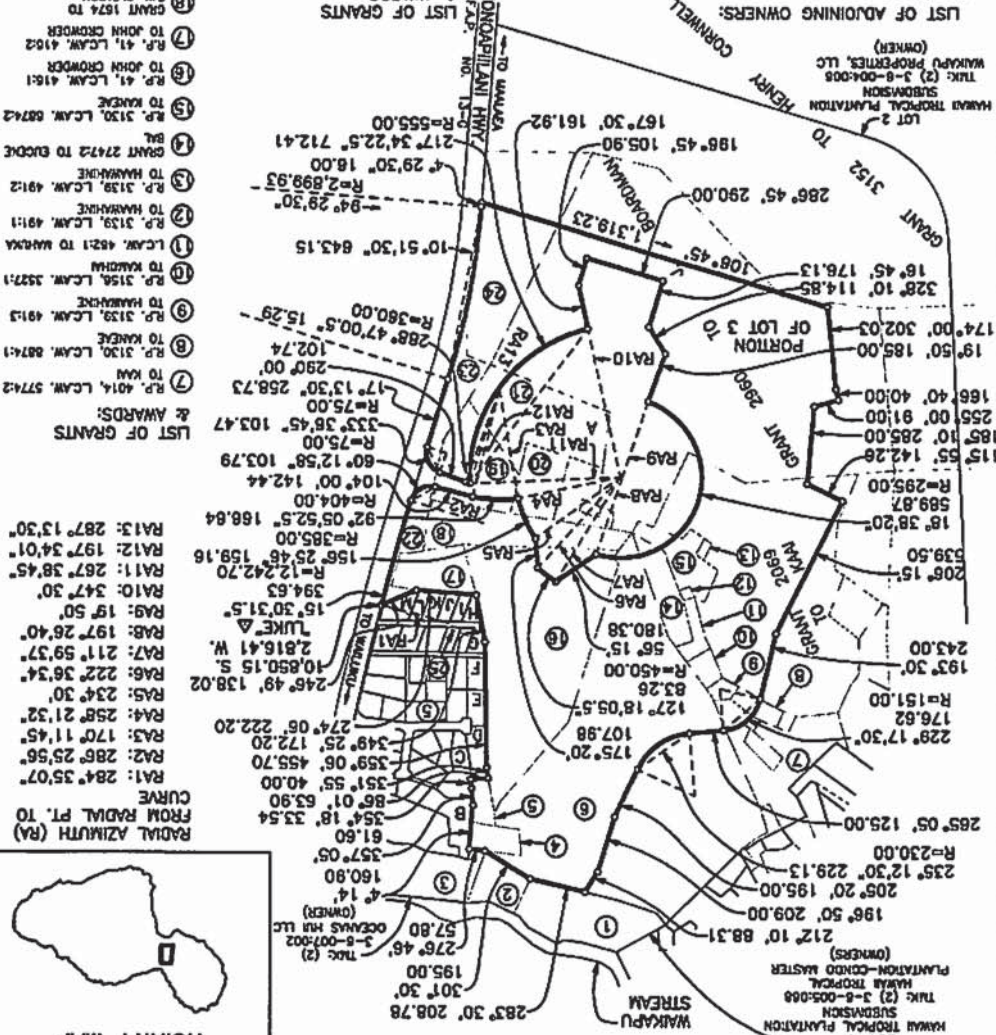
TAX MAP KEY

FUKUMOTO ENGINEERING, INC.
 1721 WIL PA LOOP, SUITE 203
 WAILUKU, HAWAII 96793
 AUGUST 9, 2017

- LIST OF ADJOINING OWNERS:
- A. TUC (2) 3-6-003: (1.5) PULLIN, ROSE K.
 - B. TUC (2) 3-6-007:010 (1.7) CHAIK, ELISE N.
 - C. TUC (2) 3-6-007:013 (1.9) NEW GROUND, RIA INC.
 - D. TUC (2) 3-6-007:015 (1.12) DAVID K. MOORE TRUST
 - E. TUC (2) 3-6-007:016 (1.14) PAUS, ALBERTA
 - F. TUC (2) 3-6-007:029 (1.15) KIM VAN RICHIE TRUST

- LIST OF GRANTS & AWARD:
- 1. R.P. 4014, L.C.M. 5974:1 TO KAWA
 - 2. GRANT 3152 TO HENRY CORNWELL
 - 3. DEED, BOARD OF EDUCATION TO JAMES LOUZA, OCT. 23, 1980, LB. 14, PG. 448-449
 - 4. GRANT 1148 TO ANTONIO CORNWELL SILVA
 - 5. R.P. 102, L.C.M. 432 TO ANTHONY SILVA
 - 6. R.P. 488, L.C.M. 236-41 TO CHARLES CORP

- LIST OF GRANTS & AWARD:
- 1. R.P. 4014, L.C.M. 5974:1 TO KAWA
 - 2. GRANT 3152 TO HENRY CORNWELL
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 - 5. R.P. 102, L.C.M. 432 TO ANTHONY SILVA
 - 6. R.P. 488, L.C.M. 236-41 TO CHARLES CORP



VICINITY MAP

Exhibit 9

**Recordation of Imposition and
Declaration of Conditions**

12/20/2019

Workspace Webmail :: Print

[Print](#) | [Close Window](#)

Subject: Fwd: Recording Clearance 12/20

From: Albert Boyce <albertboyce@gmail.com>

Date: Fri, Dec 20, 2019 3:23 pm

To: Mike Atherton <athertonisland@gmail.com>, Mike Summers <msummers@planningconsultantshawaii.com>

Attach: image001.png

image002.png

image003.png

image004.png

image005.png

recorded.....

----- Forwarded message -----

From: Wilcox, Michael <MWilcox@tghawaii.com>

Date: Fri, Dec 20, 2019 at 2:22 PM

Subject: Recording Clearance 12/20

To: albertboyce@gmail.com <albertboyce@gmail.com>

This message was sent securely using Zix®

Good morning Albert,

The Imposition and Declaration for Waikapu Properties, LLC recorded this morning, 12/20. The recorded document numbers are A-72930472 and A-72930473. Copies of the recorded documents will be emailed as soon as they are available.

Thank you,

Michael E. Wilcox

Recording Specialist, RTS Recording

Office (808) 539-7788 | Fax (808) 521-0288

12/20/2019

Workspace Webmail :: Print

235 Queen Street, Honolulu, HI 96813



TITLE GUARANTY HAWAII



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