

MAUI COUNTY COUNCIL
Amendment Summary Form

Legislation: Proposed bill to establish a moratorium on mining of Central Maui inland sand.

Proposer: Council Chair Mike White 

Description: Deleting 13 properties from the moratorium area.

Motions: Move to strike reference to TMK 2-3-5-002:011, Emmanuel Lutheran Church of Maui (Exhibit "A"), from the proposed moratorium area and redrawing the moratorium area on the related map to remove the subject TMK, owner, and lot area.

Move to strike reference to TMK 2-3-5-002:020, Waiale Road 201 LLC (Exhibit "B"), from the proposed moratorium area and redrawing the moratorium area on the related map to remove the subject TMK, owner, and lot area.

Move to strike reference to TMK 2-3-8-007:102, Waiko Industrial Investments, LLC (Exhibit "C"), from the proposed moratorium area and redrawing the moratorium area on the related map to remove the subject TMK, owner, and lot area.

Move to strike reference to TMK 2-3-6-002:001, Waiale 905 Partners, LLC (Exhibit "D"), from the proposed moratorium area and redrawing the moratorium area on the related map to remove the subject TMK, owner, and lot area.

Move to strike reference to TMK 2-3-6-002:003, Waiale 905 Partners LLC (Exhibit "D"), from the proposed moratorium area and redrawing the moratorium area on the related map to remove the subject TMK, owner, and lot area.

Move to strike reference to TMK 2-3-5-002:012, Valley Isle Fellowship, Inc. (Exhibit "E"), from the proposed moratorium area and redrawing the moratorium area on the related map to remove the subject TMK, owner, and lot area.

Move to strike reference to TMK 2-3-8-007:152, Maui Lani 100, LLC (Exhibit "F"), from the proposed moratorium area and redrawing the moratorium area on the related map to remove the subject TMK, owner, and lot area.

Move to strike reference to TMK 2-3-8-007:157, Maui Lani Partners (Exhibit "F"), from the proposed moratorium area and redrawing the moratorium area on the related map to remove the subject TMK, owner, and lot area.

Move to strike reference to TMK 2-3-8-007:168, Maui Lani Village Center, Inc. (Exhibit "F"), from the proposed moratorium area and redrawing the moratorium area on the related map to remove the subject TMK, owner, and lot area.

Move to strike reference to TMK 2-3-8-007:174, Maui Lani 100, LLC (Exhibit "F"), from the proposed moratorium area and redrawing the moratorium area on the related map to remove the subject TMK, owner, and lot area.

Move to strike reference to TMK 2-3-8-097:076, Maui Lani Village Center, Inc. (Exhibit "F"), from the proposed moratorium area and redrawing the moratorium area on the related map to remove the subject TMK, owner, and lot area.

Move to strike reference to TMK 2-3-8-007:153, Maui Lani Partners (Exhibit "F"), from the proposed moratorium area and redrawing the moratorium area on the related map to remove the subject TMK, owner, and lot area.

Move to strike reference to TMK 2-3-8-007:151, Gentry Maui Development, LLC (Exhibit "F"), from the proposed moratorium area and redrawing the moratorium area on the related map to remove the subject TMK, owner, and lot area.

Effect: In Ramseyer format, the changes are as follows:

20.40.080 Moratorium area map. The lots subject to the requirements and restrictions of this chapter are identified by tax map key number and shown on the following map. The area identified as "central Maui inland sand," as shown on the map, controls; all or part of a lot may be affected by the moratorium.

TMK	OWNER	Lot Area (Acres)
232013002	KA HOME MAHA MAU CEMETERY	3.47
232013005	COUNTY OF MAUI	2.081
232013018	KOREAN BENEVOLENT SOC	1.63

TMK	OWNER	Lot Area (Acres)
232013025	COUNTY OF MAUI	1.65
232013033	MAUI ELECTRIC CO	0.743
232019066	LEISURE LAND CORP	0.9578
232019067	LEISURE LAND CORP	0.5147
232020071	COUNTY OF MAUI	4.02325
233001016	RCFC PIIHANA LLC/DOWLING CO LLC	28.1
233001044	MAHALANI CEMETERY ASSN	2.62
233001102	GOODFELLOW BROS INC/et al	8.51
233001105	RCFC PIIHANA LLC/DOWLING CO LLC	25.056
233001106	MAUI ECONOMIC OPPORTUNITY, INC.	11.476
233006098	STATE DEPT OF HAWAIIAN HOME LANDS	3.27979
233006099	STATE DEPT OF HAWAIIAN HOME LANDS	3.579683
233007073	CJ PARK ENTERPRISES LLC	1.1475436
234010001	A&B HAWAII INC.	2.6405188
234030002	HALLER, MICHELE LEE/et al	6.358
234030004	STATE DEPT. OF LAND & NATURAL RESOURCES	10.228
234030007	COUNTY OF MAUI	0.82
235001064	KEHALANI AG INVESTORS LLC/DOWLING CO	14.416
[235002011]	[EMMANUEL LUTHERAN CHURCH OF MAUI]	[25.263]
[235002012]	[VALLEY ISLE FELLOWSHIP, INC.]	[14.99]
[235002020]	[WAIALE ROAD 201 LLC]	[10.365]
[236002001]	[WAIALE 905 PARTNERS, LLC]	[284.826]
[236002003]	[WAIALE 905 PARTNERS, LLC]	[521.4]
236002004	COUNTY OF MAUI	100
237001003	STATE OF HAWAII	0.116
237001005	A&B HAWAII INC.	1.98
237001016	A&B HAWAII INC.	1.283
238005023	COUNTY OF MAUI	209.043
238005037	ALEXANDER & BALDWIN	10
238005040	ALEXANDER & BALDWIN	131.496
238006003	ALEXANDER & BALDWIN	1199.058
238007038	HAWAIIAN ISLANDS LAND TRUST	4.043
238007062	STATE OF HAWAII	0.002
238007071	KULAKANE LLC	20.921
238007092	COUNTY OF MAUI/WAILUKU AGRIBUSINESS	37.45
238007104	STATE OF HAWAII	65.378

TMK	OWNER	Lot Area (Acres)
238007105	ABC DEVELOPMENT COMPANY, LLC	8.552
238007109	HRT REALTY LLC	6.731
238007145	MAUI LANI PARTNERS	6.839
238007150	COUNTY OF MAUI	14.44
[238007151]	[GENTRY MAUI DEVELOPMENT, LLC]	[46.698]
[238007152]	[MAUI LANI 100, LLC]	[7.537]
[238007157]	[MAUI LANI PARTNERS]	[2.568]
238007159	HRT REALTY LLC	30.89
238007160	HRT REALTY LLC	5.749
[238007168]	[MAUI LANI VILLAGE CENTER, INC.]	[2.07]
[238007174]	[MAUI LANI 100, LLC]	[12.11]
238046020	ALEXANDER & BALDWIN	76.932
238046032	COUNTY OF MAUI	1.578
[238097076]	[MAUI LANI VILLAGE CENTER, INC]	[2.208]
235002001	HEONA INVESTMENTS LLC	34.357
235002017	KIHEI GARDENS LANDSCAPING COMPANY, LLP	24.982
238005002	ALEXANDER & BALDWIN	4388.77
238007101	ALEXANDER & BALDWIN	353.301
[238007102]	[WAIKO INDUSTRIAL INVESTMENT, LLC]	[31.222]
238007130	HRT REALTY LLC	148.634
[238007153]	[MAUI LANI PARTNERS]	[62.581]

Reasons: See explanatory material attached as Exhibit "A" through Exhibit "F" for each of the properties as listed above.

Attachments: See attached Exhibit "A" through Exhibit "F."

paf:mzd:17-284a

WAIKAPU DEVELOPMENT VENTURE, LLC

2145 WELLS STREET NO.303 • WAILUKU • HI • 96793
 PHONE: (808) 357-1954 • EMAIL: bill@mauiframpton.com

RECEIVED

2017 NOV 29 PM 12:14

November 29, 2017

OFFICE OF THE
COUNTY COUNCIL

Honorable Michael White, Chairman
 Maui County Council
 Kalana O Maui Building
 200 South High Street - 7th Floor
 Wailuku, Hawaii 96793

SUBJECT: REQUEST TO REMOVE SUBJECT PROPERTY OWNED BY EMMANUEAL LUTHERAN CHURCH OF MAUI (ELC) AND IDENTIFIED AS TAX MAP KEY: (2) 3-5-02:011 (25.263 AC.); FROM THE LIST OF SUBJECT PROPERTIES SHOWN ON THE PROPOSED MORATORIUM AREA MAP REGARDING THE PROPOSED ORDINANCE ESTABLISHING A NEW CHAPTER 20.40, MAUI COUNTY CODE, DECLARING A MORATORIUM ON SAND MINING OF CENTRAL MAUI INLAND SAND.

Dear Chairman White,

We are submitting this letter to you in order to respectfully request that the Maui County Council please consider removing the Subject Property owned by *Emmanuel Lutheran Church of Maui* (ELC) and identified by County of Maui as Tax Map Key: (2) 3-5-002: 011, from the list of Subject Properties that are identified on the proposed *Moratorium Area Map* exhibit and table and included as part of the above-referenced proposed Ordinance to establish a New Chapter 20.40, Maui County Code, which declares a Moratorium on Sand Mining in Central Maui.

As long time residents of Maui; as well as, that I was fortunate to serve for 8-years as a Member of the *Maui-Lanai Islands Burial Council*; I can assure you that we recognize and are sensitive to the rationale and basis of the Proposed Sand Mining Moratorium. We support the recent attention and discussions which seek to establish measures which could help to protect archaeological resources, including *iwi kupuna*, from possible adverse impacts. Yet, at same time, we feel that ELC's Subject Property is in unique situation, and that because of previous and extensive archaeological work already approved (which includes mitigative measures); as well as, our proposed 100% Affordable Housing Project on a portion of ELC's property; we want to present the followings reasons to support our request that the ELC Property be removed from the previously noted list. The primary reasons for our request include the following points:

A. 2004 State Historic Preservation Division (SHPD) Approval of an Archaeological Inventory Survey Report (AIS), as well as, Requirement for an Archaeological Monitoring Plan (AMP) for ELC Property - In 2004, the SHPD approved an AIS for a 50 Acre Subject Property; which included ELC's Property. The AIS, which included a substantial number of randomly placed excavation trenches, concluded that the Subject Property did not contain any significant archaeological sites or features, and did not contain any visible cultural or historical resources. This is also supported by fact that the Subject Property has undergone decades of extensive sugar cane cultivation; as well as subsequent small farms. However, as a precautionary and mitigative measure to protect possible inadvertent subsurface sites or features; SHPD has required, and ELC has agreed to; prior to any future ground-disturbing and/or sub-surface construction activities on the property; ELC shall prepare and submit to SHPD for review and approval an Archaeological Monitoring Plan (AMP). The AMP is being prepared and will be submitted to SHPD as required.

EXHIBIT A

Honorable Michael White, Chairman
Maui County Council
Request to Remove ELC Property
TMK: (2) 3-5-002:011
November 28, 2017
Page 2

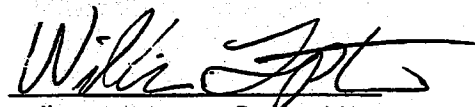
B. EXISTING STATE AND COUNTY APPROVALS FOR ELC'S NEW SCHOOL CAMPUS AND CHURCH – In March 2007 the State Land Use Commission approved ELC's proposed plans for a New School Campus and New Church (SLUC Docket No. A07-773). Subsequently, the Maui County Council approved ELC's request for a Change in Zoning in August of 2009 for the aforementioned plans. As noted earlier, the SHPD was involved in the review and approval of ELC's plans; including the review and acceptance of an AIS as well as requiring the approval of an AMP before commencing with construction of new facilities.

C. PROPOSED 100% AFFORDABLE HOUSING PROJECT – Lastly, our company, *WAIKAPU DEVELOPMENT VENTURE, LLC* ("WDV"), was formed in the 1st quarter of 2017 with the stated vision and purpose of developing a *100% Affordable Single-Family Residential Housing Project* in Central Maui. Since then, WDV has been actively pursuing the development of approximately eighty (80) Workforce Residential Housing Units which will be situated on a portion of the above-referenced Subject Property currently owned by ELC. WDV has executed a *Real Estate Purchase and Sales Agreement (PSA)* with ELC for the purchase of approximately 12.50 Acres of their existing 25.263 Acre Subject Property. Further, our project team of professional consultants have completed an attractive Master Plan in support of our vision, as well as several models for a range of plans for the Affordable Housing units; as well as several detailed studies and reports in support of filing a *201-H Affordable Housing Application* with County of Maui. We anticipate filing this 201-H Application in early part of 2018.

Again, in light of the fact that an AIS for the ELC Subject Property has already been accepted by SHPD, which required the further filing and approval of an AMP; as well as that WDV anticipates filing a 201-H Application for an 100% Affordable Workforce Housing Project (comprised of 80 units); we are respectfully requesting that the County Council consider removing the above-referenced ELC Subject Property (which is formally identified as *Tax Map Key: (2) 3-5-002: 011*), from the list of Subject Properties that are identified on the proposed Moratorium Area Map exhibit and table and included as part of the above-referenced proposed Ordinance to establish a New Chapter 20.40, Maui County Code, which declares a Moratorium on Sand Mining in Central Maui. Removing the Subject Property from the proposed Moratorium Property list will not result in any adverse impacts to archaeological resources, including *iwi kupuna*.

Thank you for your time and consideration. If you have any questions, or if you require further clarification, please feel free to call me at (808) 357-1954.

Sincerely,
WAIKAPU DEVELOPMENT VENTURE, LLC


William Frampton - Project Manager

CC: Vince Bagoyo - Member/Planning Consultant
Peter Horovitz, Esq. - Member/Counsel

WAIALE ROAD 201 LLC

305 E. Wakea Ave., Suite 100
Kahului, HI 96732

Phone: (808) 877-4202
Fax: (808) 877-9409

Date: November 30, 2017
To: Mike White, Chairman
From: Heidi Bigelow, on behalf of Waiale Road 201 LLC

**SUBJECT: CR 17 - 167 Sand Mining Moratorium, New Chapter 20.40
Request for Exemption or Removal of Parcel from Moratorium Area Map
TMK (2) 3-5-002:020 (formerly portion (2) 3-5-002:012 and 001)
Owner: Waiale Road 201 LLC
Area: 10.365 Acres**

Aloha Chairman White,

I am the Project Manager for Waiale Elua Subdivision, workforce housing project located on TMK (2) 3-5-002:020 and am requesting that the subject parcel be exempted or removed from the Sand Mining Moratorium's Map and parcel list.

WAIALE ELUA SUBDIVISION OVERVIEW:

- A 100% workforce housing project
- Approved by County Resolution 16-81 on June 3, 2016
- 70 single family homes on lots ranging in size between 3,900 SF to 5,000 SF

PROJECT STATUS:

- Construction plans are being reviewed by agencies.
- Archeological Inventory Survey was approved, and no sites were found. Archeological Monitoring Plan ('AMP') is under review by the State Historic Preservation Department. AMP includes monitoring during earthwork.

ESTIMATED CONSTRUCTION TIMELINE:

Jan 2017 - March 2018:	Subdivision and Construction Plan Processing, & Approvals
March 2018 - Sept. 2018:	Subdivision Infrastructure, Roads, Utilities
June 2018 - Sept. 2019:	Home Construction

CONCERNS:

The ordinance is unclear whether or not this project, with an adopted Resolution (but with pending construction plans) would be exempt under: "Activities conducted pursuant to a valid permit issued prior to the effective date of the proposed ordinance." If the project site is listed within the Moratorium Area Map, the review/approval process for our construction plans is unclear, and may be delayed. Therefore, we are requesting that the parcel TMK (2) 3-5-002:020 is removed from the properties under the Moratorium Area Map.

11/30/2017

CR 17 – 167 Sand Mining Moratorium, New Chapter 20.40

Request for Exemption or Removal of Parcel from Moratorium Area Map

TMK (2) 3-5-002:020 (formerly portion (2) 3-5-002:012 and 001)

Owner: Waiale Road 201 LLC

Area: 10.365 Acres

There is no intent to mine sand from the Project site and the Project is currently is an 'import job', where fill material will be brought in. However, construction plans are not final, and if it turned into an 'export job', where materials had to be removed from the project site, the proposed ordinance would significantly delay if Council approval to export material was required. When building homes, sometimes the material beneath the foundation needs to be over-excavated, removed and replaced with suitable structural material. This is not anticipated, but is an unknown at this point.

Mahalo for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be "Heidi Bigelow". The signature is written in a cursive style with a large, looped initial "H".

Heidi Bigelow
Project Manager

Waiko Industrial Investment, LLC

P.O. Box 220
Kihei, Hawaii 96753

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OFFICE OF THE
COUNTY CLERK

November 15, 2017

Mike White, Council Chair
County Council
County of Maui
200 S. High Street
Wailuku, Hawaii 96793

**SUBJECT: MORATORIUM OF SAND MINING OF CENTRAL MAUI INLAND SAND
TMK (2) 3-8-007:102**

Dear Chair White:

Thank you for reaching out to Waiko Industrial Investment, LLC ("Waiko") regarding the above subject property and the impacts for the property on the Moratorium of Sand Mining. If passed, the Moratorium would have a significant adverse impact on the value of our property and the Waiko Light Industrial Project ("Project").

Waiko has been working on the Project since 2010 and is in its final stages of approval with the County of Maui. See the timeline below. The Project is approximately 31 acres consisting of 21 light industrial lots ranging in size of approximately 1/2 acre to 7.8 acres and 5 roadway lots.

July 2012	Maui Planning Commission approved the Final Environmental Assessment (EA)
August 2012	OEQC published the Final EA
July 2013	State Land Use Commission approved a District Boundary Amendment from Agricultural to Urban District
September 2014	Maui County Council ("Council") approved a Change in Zoning from Agricultural to M-1, Light Industrial
August 2016	Preliminary Subdivision approval was granted
February 2017	Construction Plans submitted

As you can see, Waiko has diligently been working through the entitlement process and has spent millions of dollars to bring this light industrial subdivision to fruition. We anticipate receiving

EXHIBIT C

Mike White, Council Chair

November 15, 2017

Page 2

construction plan and final subdivision approval for the Project by the end of the year and plan to start construction with grading in early 2018.

The Sand Moratorium will essentially prohibit constructing the Project until the moratorium expires, thus delaying the Project by at least six months. This delay will cause economic loss to Waiko due to carrying costs, financing costs, delay claims from our contractor and, most importantly, the loss of potential buyers of property who are not willing to wait around an extra six months or longer if extended.

We understand the proposed definition of "sand mining" only applies when you extract and remove the sand from a lot. However, it is not feasible to keep all the sand on each lot when you are constructing a subdivision project with 26 separate lots. The proposed ordinance does allow for a waiver with 2/3rds approval by the Council. Based on our experience, processing a resolution through the County of Maui Administration and Council would take many months, probably as long as the moratorium itself.

Waiko reasonably relied on the discretionary approvals that it received from the State and County and invested substantial sums in the Project. Its right to proceed has vested. To have the permits stayed for at least six months would constitute a material change to the approvals and interfere with Waiko's vested rights. The stay would also effect a taking of property without compensation. In accordance with the requirements of the State and Federal Constitutions, Waiko should be exempted from any stay should this ordinance pass.

Based on the above, Waiko does not support the proposed moratorium and request that this bill not be passed by the Council. Please feel free to contact me at 874-5263 if you have any questions.

Sincerely,

WAIKO INDUSTRIAL INVESTMENT, LLC



Ryan Churchill

Its Authorized Signatory

RECEIVED

2017 DEC -8 PM 3:33



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

OFFICE OF THE
COUNTY COUNCIL

December 8, 2017

Mr. Mike White, Council Chair
Maui County Council
200 South High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. White:

Ref: A BILL FOR AN ORDINANCE ESTABLISHING A NEW CHAPTER
20.40, MAUI COUNTY CODE, DECLARING A MORATORIUM ON
SAND MINING OF CENTRAL MAUI INLAND SAND

SUBJECT: REQUEST TO REMOVE TMK NUMBERS (2) 3-6-002:001 AND (2) 3-6-
002:003

Dear Council Chair White and Councilmembers,

It has recently come to the attention of Waiale 905 Partners LLC that the above-referenced parcels, which have a combined acreage of approximately 806.23 acres, have been included on a list of parcels that may be subject to the above-referenced moratorium.

Based upon a review of the Geologic Map State of Hawaii, Sheet 7 - Island of Maui, it appears that *only a very small area* of Qdo quality sand, which is described by the USGS as being Calcareous Sand that is mostly consolidated, may appear on the property (See Exhibit 1). These formations of potential sand deposits are located on lands that are proposed to be preserved in perpetuity through a conservation easement for agricultural use.

2331 West Main Street, Wailuku, HI 96793 • Ph. 808-244-6231
msummers@planningconsultantshawaii.com
www.planningconsultantshawaii.com

EXHIBIT " D "

Mr. Mike White, Council Chair
Maui County Council
Ref: Moratorium on Sand Mining
Subject: Request to Remove TMK Numbers (2) 3-6-002:001 and (2) 3-6-002:003
December 8, 2017
Page 2

The great bulk of the affected parcels show potential QTao formations. These formations are described by the USGS as being alluvial lithified sand and gravel deposits. It is our understanding that the Qdo formations formed the basis for the mapping of the moratorium area and it is the quality of sand found in the Qdo formation that is of principal concern to the County's objectives.

We are concerned that the current draft of the above-referenced moratorium ordinance could produce negative impacts to the property owner because the moratorium would extend across the entirety of the subject parcels, rather than the very limited area that is identified as being the formation of concern.

We therefore sincerely request that the Council remove parcels (2) 3-6-002:001 and (2) 3-6-002:003 from the list of lots to be included in the proposed sand mining moratorium bill or limit the area subject to the moratorium to just the areas of land identified as potentially having Qdo formations.

Also submitted for your review is a letter dated September 22, 2017 from the State Historic Preservation Division approving an Archaeological Inventory Survey (AIS) that surveyed an approximate 244-acre portion of TMK Number (2) 3-6-002: portion of 3. This area is proposed for development as part of the Waikapu Country Town project (See Exhibit 2). The entirety of the AIS will be provided under a separate cover.

Thank you very much for your consideration of our request. Should you have any questions, please contact me at (808) 269-6220 or by e-mail at msummers@planningconsultantshawaii.com.

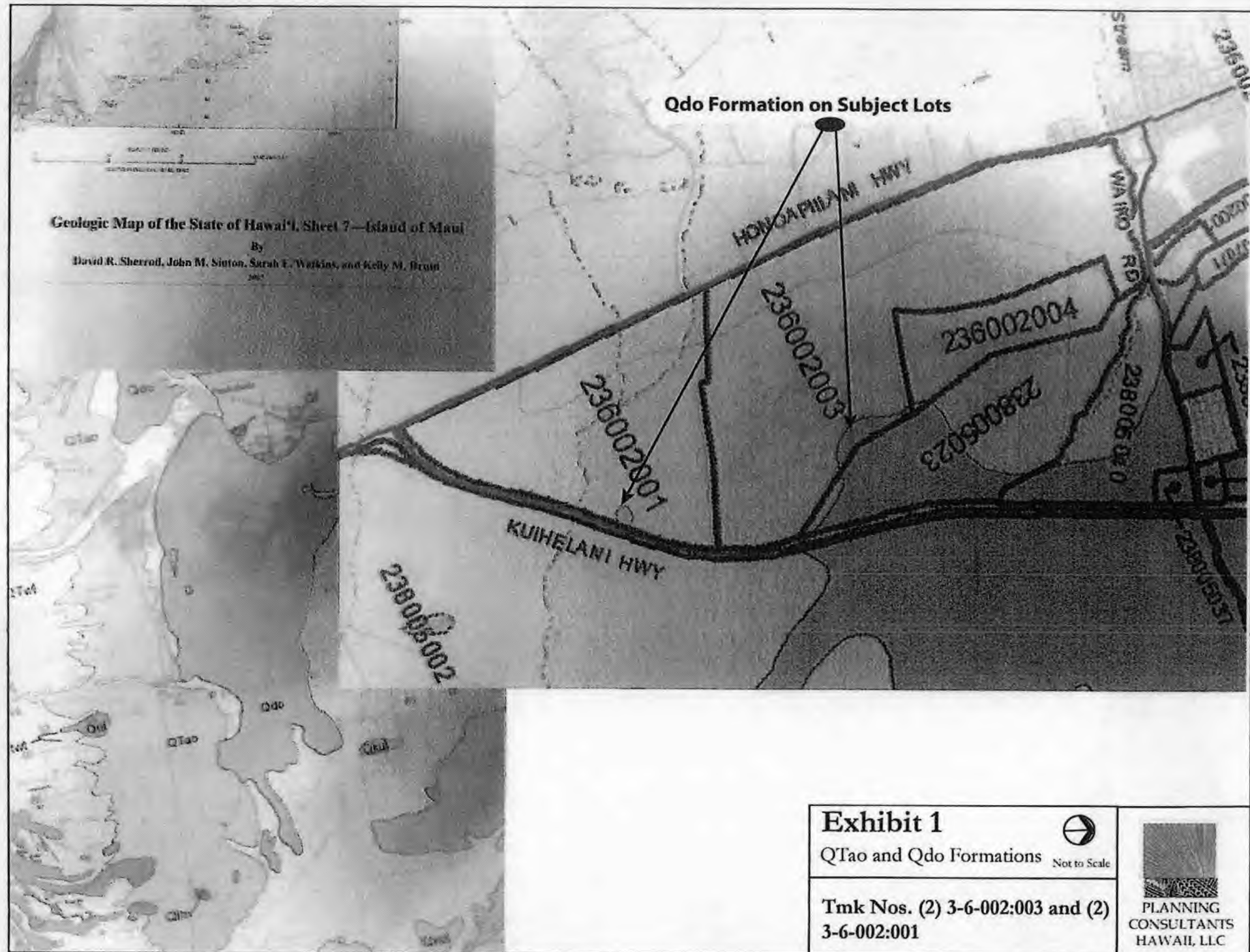
Sincerely yours,



Michael J. Summers
President

Attachment


c: Mr. Michael Atherton
Mr. Albert Boyce



Geologic Map of the State of Hawai'i, Sheet 7—Island of Maui
 By
 David R. Sherrod, John M. Sutton, Sarah F. Watkins, and Kelly M. Brown
 2007

Qdo Formation on Subject Lots

Exhibit 1

QTao and Qdo Formations  Not to Scale

Tmk Nos. (2) 3-6-002:003 and (2)
 3-6-002:001



PLANNING
 CONSULTANTS
 HAWAII, LLC

DAVID Y. IGE
GOVERNOR OF
HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR - WATER

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

September 22, 2017

Michael Atherton
Waikapū Partners LLC
1670 Honoa'api'ilani Highway
Wailuku, HI 96793
Email: athertonisland@gmail.com

IN REPLY REFER TO:
Log No. 2017.02060
Doc No. 1709MBF15
Archaeology

Dear Mr. Atherton,

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Archaeological Inventory Survey Report for Several Parcels of Land
Situated within Waikapū Ahupua'a; Wailuku District Pū'ali Komohana Moku
Waikapū Ahupua'a, Wailuku District, Island of Maui
TMK: (2) 3-6-002:003; (2) 3-6-004:003, 006, 007**

Thank you for the opportunity to review the subject submittal titled, *Draft Archaeological Inventory Survey Report for Several Parcels of Land Situated within Waikapū Ahupua'a; Wailuku District Pū'ali Komohana Moku; TMK: (2) 3-6-002:003; (2) 3-6-004:003, (2) 3-6-004:006; and (2) 3-6-005:007* (Guerriero et al., September 2017). Revisions to the archaeological inventory survey (AIS) report were requested by the State Historic Preservation Division (SHPD) on August 10, 2017 (Log No. 2013.5793, Doc No. 1708MBF04). The revised report was received by the SHPD on September 15, 2017.

Under contract to Waikapū Partners, LLC, Archaeological Services Hawai'i, LLC (ASH) conducted an archaeological inventory survey (AIS) of approximately 503 acres. The original AIS was initiated by the developer in advance of the project, and the draft AIS report was attached to a draft environmental impact statement (DEIS) submitted to the SHPD on October 3, 2013; no record was found that SHPD reviewed the DEIS.

Waikapū Partners, LLC has landholdings for the subject project totaling 1,576 acres. As stated above, only 503 of the 1,576 acres are covered by the AIS. The remaining 1,073 acres within a portion of TMK: (2) 3-6-002:003 and (2) 3-6-004:003 are currently in small-scale agricultural production, and will remain as such, within the State Land Use Agricultural District. The 1,073 agricultural acres are not covered under this AIS report.

Furthermore, 800 of the 1,073 acres of the current small-scale agricultural land will be preserved in perpetuity for small-scale agricultural use. SHPD stipulates that the applicant shall address any impacts to historic properties related to the 1,576 subject project and that SHPD shall have the opportunity to comment should (1) future development be proposed within the agricultural lands outside the preservation easement, requiring an entitlement change or Special Use Permit (SUP); or (2) there is a change in the scope of work for the 503 acres or if any projects are proposed within the remaining 1,073 acres that were not surveyed, allowing SHPD the opportunity to determine whether a supplemental AIS is warranted to identify the presence or absence of historic properties, including burials, and to ascertain the extent, significance, and potential adverse effects that future development may impose.

The testing strategy of the original AIS consisted of a partial-extent pedestrian survey, and subsurface exploration with 150 randomly-placed, mechanically-excavated test trenches. Four historic properties were identified and

Exhibit 2

Mr. Atherton
September 22, 2017
Page 2

designated with State Inventory of Historic Places (SIHP) site numbers: Sites 50-50-04-7881, 50-50-04-7882, 50-50-04-7883, and 50-50-04-7884. These four sites are comprised of nineteen component features, most of which are related to sugarcane cultivation. One previously identified historic property, known as the Waihe'e Ditch (Site 50-50-04-5197), is extant in the survey area. Features 1-18 of Site 50-50-04-7881 consist of concrete-lined ditches, sluice gates, and dirt culverts with concrete-lined headwalls. Site 50-50-04-7882 is a moderately deteriorated "L-shaped" retaining wall. Site 50-50-04-7883 is a World War II-era bunker, and Site 50-50-04-7884, Features 1-3 are described as secondary deposits of historic materials recorded at three separate localities within the survey area. The subsurface testing strategy did not identify any buried historic properties. A preservation plan (PP) will be developed for Sites 50-50-04-7881 (irrigation features) and 50-50-04-7883 (bunker).

Pursuant to Hawaii Administrative Rules (HAR) §13-284-6, intended for the evaluation of significance of documented historic properties, Sites 50-50-04-7881, 50-50-04-7882, and 50-50-04-7884 are assessed as significant under Criterion d, as they have yielded, or have the potential to yield, significant information pertaining to the history of the area. Site 50-50-04-7883, the World War II bunker, is considered significant under three criteria: Criterion a, association with an important historical event; Criterion c, distinctive characteristics of construction; and Criterion d, possessing significant information pertaining to the history of the area. The WWII bunker, is quite unique in that it is one of the last remaining examples of this type of architecture in relatively good condition, on the island of Maui. The draft AIS report indicates that the proposed project will affect the historic scatters associated with Site 50-50-04-7884, and likely also Site 50-50-04-5197 (Waihe'e Ditch). In addition, it is noted that portions of the project area are located within an area which may contain human burials; burials have been documented in the area.

The draft AIS report indicates one or more historic properties will be affected by the subject project, the project effect recommendation is "Effect, with agreed upon mitigation commitments". The agreed upon mitigation commitments are (1) data recovery in the form of archaeological monitoring, (2) preservation of Sites 50-50-04-7881 and 50-50-04-7883, and (3) if Site 50-50-04-5197 is impacted, it will be further documented through architectural documentation; the nature of the architectural documentation will be determined in consultation with the SHPD.

The SHPD concurs with the site significance assessments and a project effect determination of "Effect, with agreed upon mitigation commitments". SHPD also concurs with archaeological monitoring, stipulating that archaeological monitoring shall be conducted for all ground disturbing activities.

The revised draft AIS addresses the issues and concerns raised in our earlier corresponds and now meets the minimum requirements specified in HAR §13-276-5. It is accepted. Please send two hardcopies of the document, clearly marked FINAL, along with a text-searchable PDF version, to the Kapolei SHPD office, attention SHPD Library.

As stipulated in HAR §13-275-7, when SHPD comments that a project will result in "effect with agreed upon mitigation commitments," then detailed mitigation plans shall be developed for SHPD review and acceptance prior to project work commencing. SHPD looks forward to receiving an archaeological monitoring plan (AMP) meeting the requirements of HAR §13-279-4 and a preservation plan meeting the requirements of HAR §13-277.

You may contact Dr. Matthew Barker Fariss at matthew.b.fariss@hawaii.gov, or at (808) 243-4626, for any questions regarding this letter.

Aloha,



Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

Mr. Atherton
September 22, 2017
Page 3

cc: County of Maui Planning
Planning@co.maui.hi.us

Michael Summers
msummers@planningconsultantshawaii.com

County of Maui Cultural Resources Commission
Annalise.Kehler@co.maui.hi.us

Lisa Rotunno-Hazuka
lisa@ashmaui.com

County of Maui Public Works
public.works@mauicounty.gov

DLNR Land Division
Russell.Y.Tsuji@hawaii.gov

Lorene Maki
Lorene.K.Maki@hawaii.gov



Valley Isle Fellowship

Love God Love His Church Love His World

November 28, 2017

Mr. Mike White, County Council Chair
County Council - County of Maui
200 S. High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. White,

We received your letter dated November 3, 2017 regarding "Moratorium of Sand Mining of Central Maui Inland Sand – Chapter 20.40." Over the past weeks, we have been hearing from several concerned parties about how this could and will impact us. Today, I was advised to request an exemption or a waiver from this Moratorium.

We are a church and therefore are not very versed in the concerns that this Moratorium is trying to address. We do not want to contribute to the decline of Maui's natural resources and to the destruction of historical and cultural sites. But at the same time we want to be good stewards of the land that we have worked so hard to develop. We do envision a continuous process of developing this property and building more buildings in the years to come. We do not want this Moratorium to hinder us in moving ahead as we try to gather the resources to accomplish our goals.

An archaeological survey and assessment has already been done for our property and our neighbor's property (Emmanuel Lutheran Church). The conclusion was that there was only one historical element on our property and that was the Kama ditch (a part of an irrigation ditch). However, in the last 2 years, this ditch has been reclassified as not being of historical significance and we have been given the approval to remove it. Therefore, we do not believe that development on our property will do damage to any historical and cultural sites.

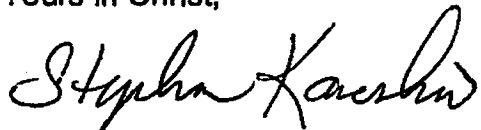
1033 Waiale Rd. – P.O. Box 886 – Wailuku, HI 96793 – Phone: (808)-244-0865 – Fax: (808)-249-0235
www.valleyislefellowship.com Email: vifoffice@vifmauihawaii.com

EXHIBIT " E "

Our property (TMK 235002012) is owned by us, Valley Isle Fellowship, and we would request that this property of 14.99 acres be consider for a waiver or exemption from this Moratorium. We currently do not have any immediate development plans, but we are awaiting the completion of the affordable housing project that is located on an adjacent property that belongs to Waiale Road 201 LLC (TMK 235002020 – 10.365 acres). This property was once owned by us and we sold it to Waiale Road 201 LLC in order to see affordable homes to be built and to give us the needed resources to accomplish our initial phase of development. Once this project nears completion, we will be in a better position to assess our other future development needs.

Thank you for your consideration of this request. We look forward to hearing from you.

Yours in Christ,

A handwritten signature in black ink that reads "Stephen Kaneshiro". The signature is written in a cursive, flowing style.

Stephen Kaneshiro
Senior Pastor of Valley Isle Fellowship

MAUI LANI

A MILLS GROUP DEVELOPMENT

November 30, 2017

Honorable Mike White, Chair
 Maui County Council
 200 South High Street
 Wailuku, HI 96793

Subject: Proposed Bill Declaring a Moratorium on Sand Mining of Central Maui Inland Sand, (IEM-33)

Dear Chair White and members of the Maui County Council:

On November 17, 2017, the Maui County Council voted to defer First Reading of the proposed Sand Moratorium bill. This deferral would allow some time for landowners to come forward and provide updated information on their properties for granting of a waiver to the moratorium.

Maui Lani Partners appreciates this deferral as we were not aware that waiver can be granted prior to the enactment of this moratorium. As such, we request that the following properties be exempt from this moratorium:

TMK:	Owner	acres	DLNR approvals	grading plan
238007152 (79, VMX)	Maui Lani, 100, LLC	7.537	Exhibits: 1 and 2	Exhibits: 3 and 4
238007157 (6D)	Maui Lani Partners	2.568	Exhibits: 5 and 6	Exhibit: 7
238007168 (77, VMX)	Maui Lani, 100, LLC	2.07	Exhibits: 1 and 2	Exhibits: 3 and 8
238007174 (regional park)	Maui Lani, 100, LLC	12.11	Exhibits: 9	Exhibit: 10
238097076 (76, VMX)	MLVC, inc.	2.208	Exhibits: 1 and 2	Exhibits: 3 and 8
238007153 (Phase 9)	Maui Lani Partners	62.581	Exhibits: 11 and 12	Exhibit: 13
238007151 (Phase 8)	Gentry Maui	46.698	Exhibits: 14 and 15	Exhibits: 3 and 16

All properties listed above (with the exception of 238007153) have been mass graded with valid grading permits and approved archaeological surveys/assessments and monitoring plans. All known burial sites are protected by mitigation plans in compliance with HRS 6E.

Regarding parcel 238007153 (Phase 9), valid grading permits for the construction of a residential subdivision have been issued for this property with approved archaeological assessment reports and monitoring plans. During construction of the single family subdivision, there were 5 inadvertent discoveries which are pending final determination by the Department of Land and Natural Resources, Historic Preservation Division (SHPD) in accordance with Section 6E HRS. These known burial site are protected by interim mitigation plans approved by SHPD.

Honorable Mike White, Chair

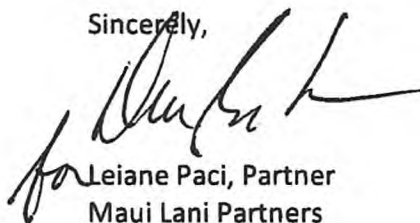
November 30, 2017

Page -2-

The property also consists of the Central Maui joint venture water lines, HC&S irrigation lines, 3 well sites and pump stations with water transmission lines connecting to Kuikahi Drive and the Waiale Tank that provides water to various districts on Maui. Preliminary subdivision approval was also granted on September 29, 2017 for a residential subdivision which will include approximately 170 homes and are on hold pending the Planning Department's review of grading definitions (Exhibit 17).

Thank you for your consideration on excluding these parcels that have been mass graded and/or currently have valid permits and approvals from the moratorium. Should you have any questions, or need additional information, please contact me or Daren Suzuki at 244-8730, or by email at lpaci@mauilani.com or dsuzuki@mauilani.com.

Sincerely,



for Leiane Paci, Partner
Maui Lani Partners

cc: Daren Suzuki
Gentry

To: MICHAEL HIRANO	From: C. J. AGUIZ
Co./Dept.	Co.
#	Phone # 692-8023
Ext # 244-8229	Fax #



PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. SZU
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOLOAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 655
801 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

November 4, 2004

Jeffrey Pantaleo
Archaeological Services: Hawaii, LLC
16 South Market Street, Suite G
Wailuku, Hawaii 96793

LOG NO: 2004.3187
DOC NO: 0410MK20

Dear Mr. Pantaleo:

SUBJECT: Chapter 6E-42 Historic Preservation Review of an Archaeological Monitoring Plan Proposed Construction on a Residentially Zoned parcel for Mr. Dave Gleason Formerly referred to as the "Light Industrial Park" Wailuku Ahupua'a, Wailuku District, Maui TMK (2) 3-8-07: Por. 131

Thank you for the opportunity to review this plan which was originally sent to our office on May 3, 2004 (Rotunno-Hazuki and Pantaleo 2004, *Archaeological Monitoring Plan for the Proposed Construction of a Residentially Zoned parcel, TMK 3-8-07:131 Pors. Wailuku Ahupua'a; Wailuku District; Island of Maui.* Archaeological Services Hawaii, LLC, ms). We have previously commented on this parcel as part of Maui Land Use Plan Update and Related Project District Amendments (Log 2004.1633/Doc 0405CD48) and indicated that an archaeological survey was conducted on this portion of the project area in 2001. The report (Sinoto et al. 2001, *Supplementary Archaeological Sampling: Proposed Light Industrial Park Maui Land Development Area, Wailuku, Maui Island, TMK 3-8-07: por 131*) was reviewed (Log 28525/Doc 0110MK03) and revisions were recommended. Upon receiving this monitoring plan, we indicated to you that the requested revisions were necessary prior to our processing the review of the monitoring plan. We received the recommended revisions to the archaeological inventory survey on September 13, 2004. The revisions have been reviewed and accepted (Doc. 0410MK19). We can now proceed with the review of the monitoring plan.

The plan conforms with DLNR/SHPD guidelines governing standards for monitoring and includes the following provisions. An archaeologist will be on site on a full-time basis and will have the authority to halt excavation in the event that cultural materials are identified. Consultation with Maui SHPD will occur in this event, to determine acceptable course of action. If human burials are identified, work will cease, the SHPD Burial Sites Program, Maui SHPD, O'ahu SHPD and the Maui/Lana'i Islands Burial Council will be notified, and compliance with procedures outlined in HRS 6E-43.6 and HAR 13-300 will be followed. Coordination meetings with the construction crew will be held prior to project initiation. The plan further indicates that an acceptable report will be submitted to this office within 180 days of project completion.

EXHIBIT

Jeffrey Pantaleo
Page 2

Please notify our Maui and O'ahu offices, via facsimile, at onset and completion of the project and monitoring program.

The plan is adequate and we can accept it as final. If you have any questions, please contact Dr. Melissa Kirkendall at 243-5169.

Aloha,



Melanie A. Chinen, Administrator
State Historic Preservation Division

MK:jen

c: Bert Ratte, DPWEM, County of Maui
Michael Foley, Director, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
Maui Cultural Res Commission, Dept. of Ping, 250 S. High Street, Wailuku, HI 96793
Jeffrey Pantaleo, Principal Investigator, ASH, LLC, FAX 837-0131
Chair, Maui/Lane' Islands Burial Council
Kana'i Kapeliela, Burial Sites Program

NOV - 9 2004

LINDA LINGLE
GOVERNOR OF HAWAII



APR 9 2008

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

RUSSELL Y. TSUJI
FIRST DEPUTY

KEEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

April 25, 2008

Ms. Leiane Paci, Partner
Maui Lani, A Mills Group Development
105 N. Market Street
Wailuku, Hawai'i 96793

LOG NO: 2007.3020
DOC NO: 0804.HR04

Dear Leinae:

**SUBJECT: Burial Site Component of a Data Recovery Plan for Site 50-50-04-6261
Features 1A, 1C, 2-8, 11 & 12, and Preservation Plan for Features 1B, 9, 10,
& 13 at Kuikahi Drive Extension, Wailuku Ahupua'a, Wailuku District,
Maui Island, TMK: 3-8-07: 151 Pors.**

State Historic Preservation Division has reviewed your Burial Site Component of a Data Recovery and Preservation Plan for the above site and is happy to inform you of its acceptance.

Should you have any questions, please contact our Cultural Historian, Mr. Hinano Rodrigues, at (808) 243-4640.

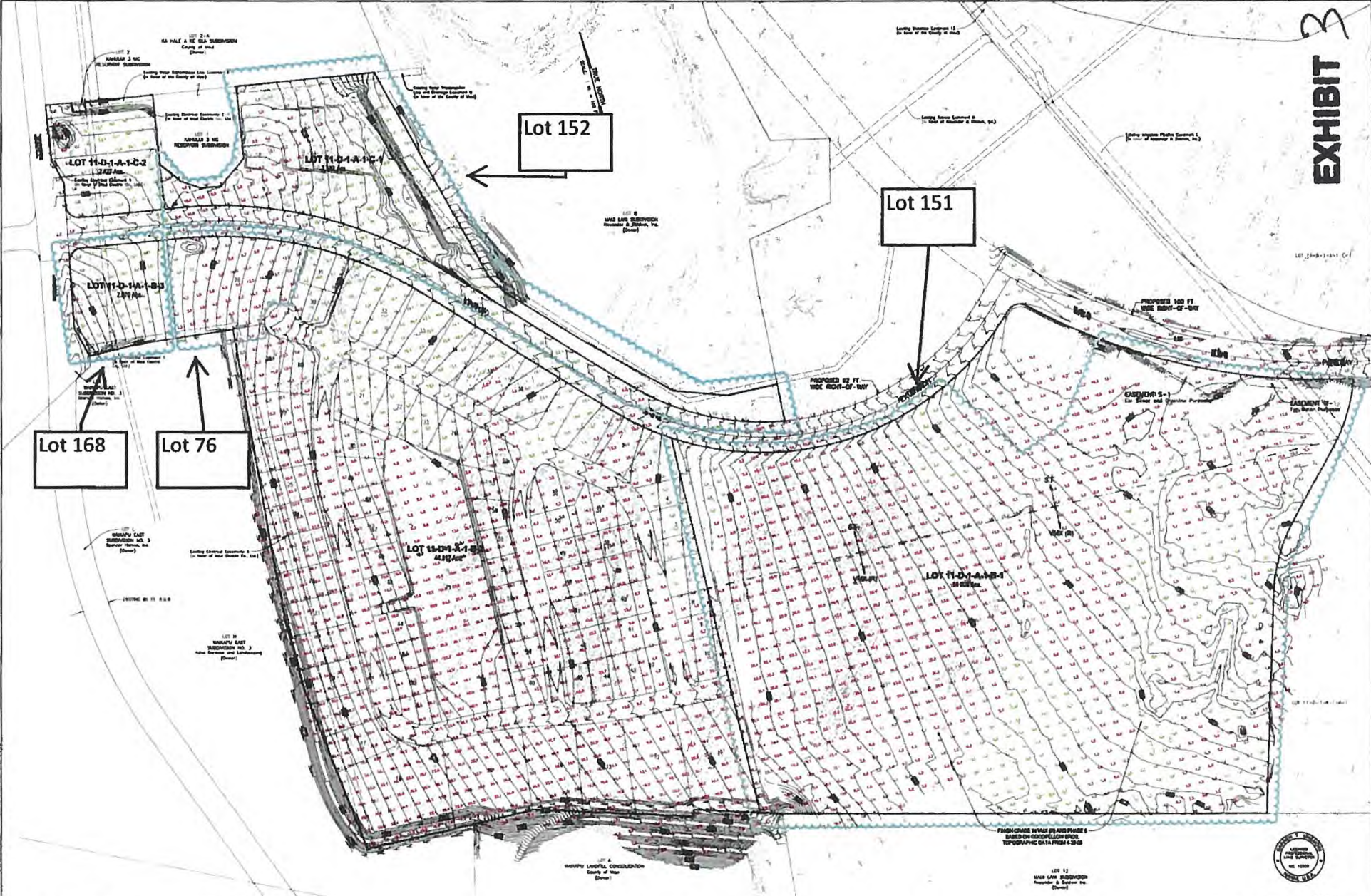
Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy McMahon".

Nancy McMahon, Acting Archaeology Branch Chief
State Historic Preservation Division

cc: Hinano Rodrigues, Maui Cultural Historian
Archaeological Services Hawai'i, LLC
Members, M/LIBC

EXHIBIT 2



LEGEND (CUT & FILL):
 [Red Hatched Box] APPROXIMATE DEPTH OF CUT (FT) BELOW ORIGINAL GRADE
 [Green Hatched Box] APPROXIMATE HEIGHT OF FILL (FT) ABOVE ORIGINAL GRADE

LEGEND:
 [Solid Line] FINISH GRADE CONTOUR W/ ELEVATION
 [Dashed Line] ORIGINAL GRADE CONTOUR W/ ELEVATION

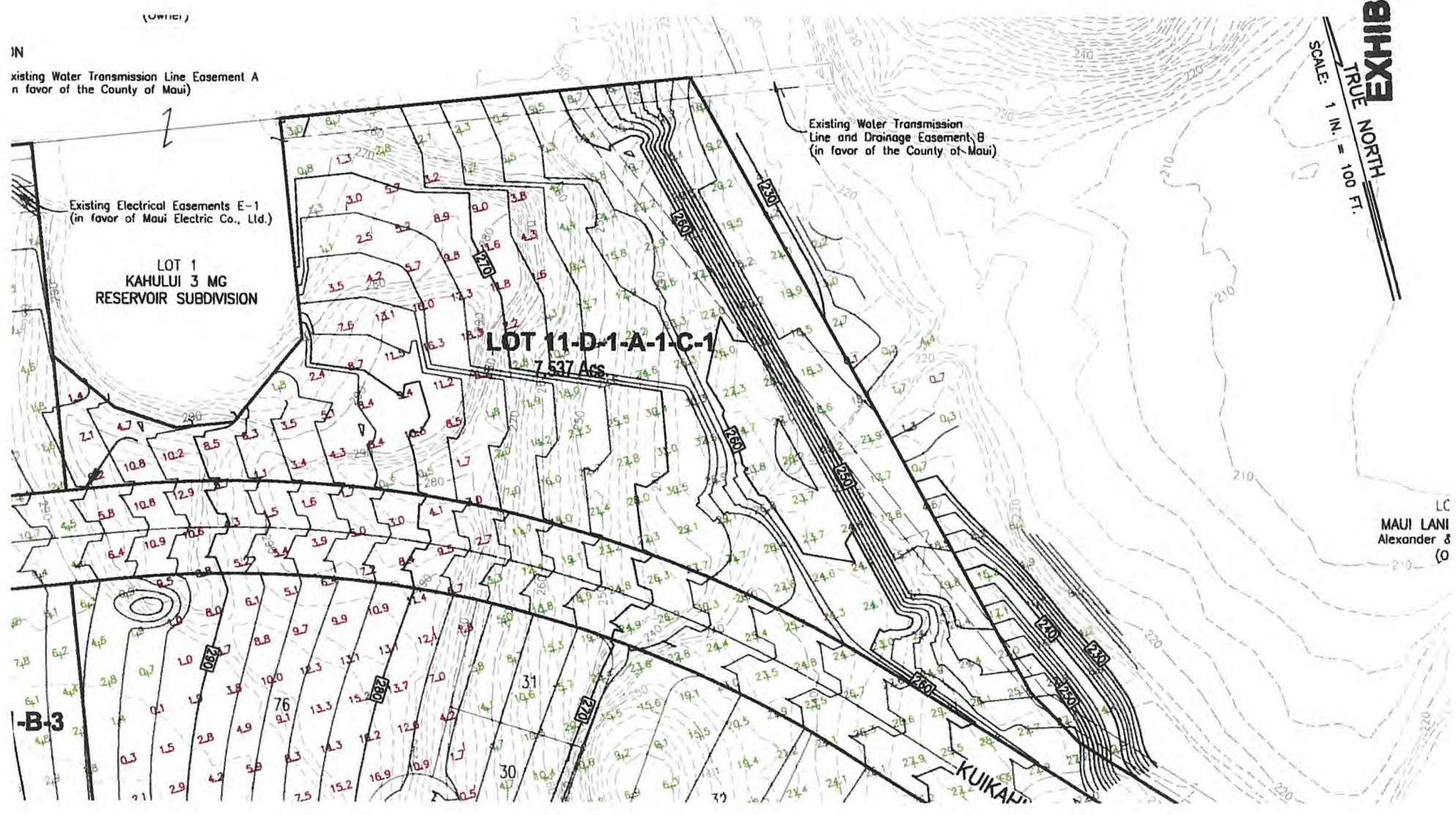
MAUI LANI VMX AND PHASE 8 ORIGINAL vs. FINISH GRADE
 SCALE: 1 IN. = 100 FT

NOTE:
 THE 'ORIGINAL GROUND' INFORMATION DEPICTED ON THIS MAP IS A COMPOSITE OF AERIAL TOPOGRAPHIC MAPS PRODUCED BETWEEN THE YEARS 1977 AND 1985.

4/20/10
 This work was prepared by:
 [Logo] **WARD & SUNDOR ENGINEERS, INC.**
 1115 West Street, Suite 412
 Boston, MA 02111
 Tel: 617-552-1100
 Fax: 617-552-1101
 January 15, 2009

SCALE: 1 IN. = 100 FT.
TRUE NORTH

LC
MAUI LANI
Alexander &
CO



IN
Existing Water Transmission Line Easement A
(in favor of the County of Maui)

Existing Electrical Easements E-1
(in favor of Maui Electric Co., Ltd.)

Existing Water Transmission
Line and Drainage Easement B
(in favor of the County of Maui)

LOT 11-D-1-A-1-C-1
7.537 Acs

LOT 1
KAHULUI 3 MG
RESERVOIR SUBDIVISION

-B-3

KUIKAI

LINDA LINGLE
GOVERNOR OF HAWAII



RECEIVED

BY *AW* DATE *11/15/06*



PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

November 8, 2006

Mr. Jeffrey Pantaleo
Archaeological Services Hawaii, LLC
1930 A Vineyard Street
Wailuku, Hawaii 96793

LOG NO: 2006.3597
DOC NO: 0611MKJ1
Archaeology

Dear Mr. Pantaleo:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Archaeological Assessment Survey For Maui Lani Residential Subdivision Phases 6D and 7.4 for Maui Lani Partners Wailuku Ahupuaa, Wailuku District, Island of Maui
TMK (2) 3-8-007: por 131**

Thank you for the opportunity to review this report which our staff received on September 27, 2006, (Pantaleo and Rotunno-Hazuka 2006, *Archaeological Assessment Maui Lani Residential Subdivision Phases 6D and 7.4, Wailuku Ahupuaa, Wailuku District, Island of Maui, TMK 3-8-007: por 131* ...Archaeological Services Hawaii, LLC, ms).

The assessment meets our minimum requirements, as set forth in H.A.R. 276-5 (a) and (c). Archaeological inventory surveys in the general vicinity have also yielded negative results, although human burials are frequently identified during the monitoring process.

The survey has adequately covered the project area documenting no historic properties. Subsurface testing (twenty backhoe trenches) were also negative for evidence of cultural deposits. The stratigraphy revealed a homogeneous deposit of silty sand, lithified sand and either gravelly or lithified basal deposits.

We concur with the mitigation recommendation that, although no historic properties were identified, archaeological monitoring during all ground altering activities is warranted. We will anticipate receipt of an archaeological monitoring plan specific to Phases 6D and 7.4.

We find this report to be acceptable. As always, if you disagree with our comments or have questions, please contact Dr. Melissa Kirkendall at (808) 243-5169 as soon as possible to resolve these concerns.

Aloha,

Melanie Chinen
Melanie Chinen, Administrator
State Historic Preservation Division

MK:kf

- c: Bert Ratte, DPWEM, County of Maui, FAX 270-7972
Michael Foley, Director, Dept. of Planning, FAX 270-7634
Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793

cc: *DF/GK*

EXHIBIT

5

To <i>Gary Kawano</i>	From <i>Hist. Serv.</i>
Co./Dept.	Co.
Phone #	Phone # <i>692-8015</i>
Fax # <i>206-0897</i>	Fax #



APR 11 2007



PETER T. YOUNG
 CHIEF OF BUREAU
 BOARD OF LAND AND NATURAL RESOURCES
 COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
 DEPUTY DIRECTOR

ADJUTANT GENERAL
 BOARDING AND OCEAN RECREATION
 BUREAU OF CONVEYANCES
 COMMISSION ON WATER RESOURCE MANAGEMENT
 CONSERVATION AND COASTAL LANDS
 CONSTRUCTION AND RESOURCE ENFORCEMENT
 ENGINEERING
 FORESTRY AND WILDLIFE
 HISTORIC PRESERVATION
 KAOIOLANI ISLAND RESERVE COMMISSION
 LAND
 STATE PARKS



STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES

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

April 2, 2007

Mr. Bert Ratto
 Department of Public Works and Environmental Management
 Development Services Administration
 250 South High Street
 Wailuku, Hawai'i 96793

LOG NO: 2007.0991
 DOC NO: 0703JP21
 Archaeology

Dear Mr. Ratto:

**SUBJECT: Chapter 6E-42 Historic Preservation Review [County/DSA] -
 Grading and Grubbing Permit Application for the Proposed Mass Grading of
 Maui Lani Site 6-D (G T2006/0135) and Phase 7/ Increment 4 (G T2006/0136)
 Wailuku Ahupua'a, Wailuku District, Maui Island
 TMK: (2) 3-8-007:131(portion) and 3-8-007:162**

Thank you for the opportunity to review the grading and grubbing permit applications for the mass grading of future development for the Maui Lani Site 6-D and Phase 7 Increment 4 Subdivision. The proposed Maui Lani Project Site 6D (2.0 acres) and Phase 7.4 (17 acres) are located within the *Pu'uone* sand dune complex, where there have been numerous human burials documented (various SIHP numbers). During any and all ground alterations related to the proposed Phase 6D and/or 7.4, at least one archaeological monitor will be assigned to each piece of ground disturbing equipment.

We have accepted an archaeological assessment that met our minimum requirements, as set forth in HAR 276-5 (a) and (c). The assessment adequately covered the project area documenting no historic properties. Subsurface testing (twenty backhoe trenches) were negative for evidence of cultural deposits. We concurred with the mitigation recommendation that, although no historic properties were identified, archaeological monitoring is warranted for all ground altering activities. We recommended an archaeological monitoring plan specifically designed for the two phases (LOG NO: 2006.3597/ DOC NO: 0611MK11).

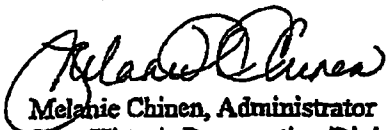
We have recently accepted an archaeological monitoring plan for the two phases entitled (Rotunno-Hazuka and Pantaleo 2007, *Archaeological Monitoring Plan for the Development of Phases 6D and 7.4 Located at Maui Lani Development TMK: (2) 3-8-007:131 Pors. Wailuku Ahupua'a, Wailuku District Island of Maui...Archaeological Services Hawaii, LLC*). For clarification regarding the specific boundaries for one of the proposed projects within such a large parcel, we request that all future references/correspondence for Phase 7 increment 4 reflect the recently designated TMK (2) 3-8-007:162 (formerly portion of 3-8-007:131).

EXHIBIT *b*

Mr. Bert Ratte
Page 2

Coordination meetings with the construction crew will be held prior to project initiation, SHPD will be notified on the onset and completion, and an acceptable report will be submitted to this office within 180 days of project completion. We believe it is unlikely that any historic properties will be affected with the implementation of the accepted archaeological monitoring plan (LOG NO: 2007.0986/ DOC NO: 0703JP19). If there are any questions or concerns, please don't hesitate to contact the SHPD, Maui Section at (808) 243-5169 or (808) 243-4641.

Aloha,



Melanie Chinen, Administrator
State Historic Preservation Division

JP:mk:kf

c: Mr. Jeff Hunt, Director, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793
Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793
Mr. Gary Kawano, FAX (808) 244-0897
SHPD, Culture and History, Mr. Hinano Rodrigues

APR 11 2007

ELEMENTARY
SCHOOL

LOT 11, D-1-A-3-B
2,588 Acs

KAMEHAMEHA

AVENUE

PHASE 7 / INCREMENT 3

WARREN S. LINDSAY ENGINEERING, INC.
 CIVIL & ELECTRICAL ENGINEERING
 1115 KEELE STREET, HONOLULU, HAWAII 96813
 TEL: 808-531-1111 FAX: 808-531-1112

MAUI LAND SITE & O
 T.M.K. (2) 3-8-07 - Portion of 131
 WAILUKU, MAUI, HAWAII

Site Maui Grading Plan

DESIGNED BY	DATE	1
CHECKED BY	DATE	1
APPROVED BY	DATE	11/18/06
SCALE	1" = 20'	1 of 1 SHEET

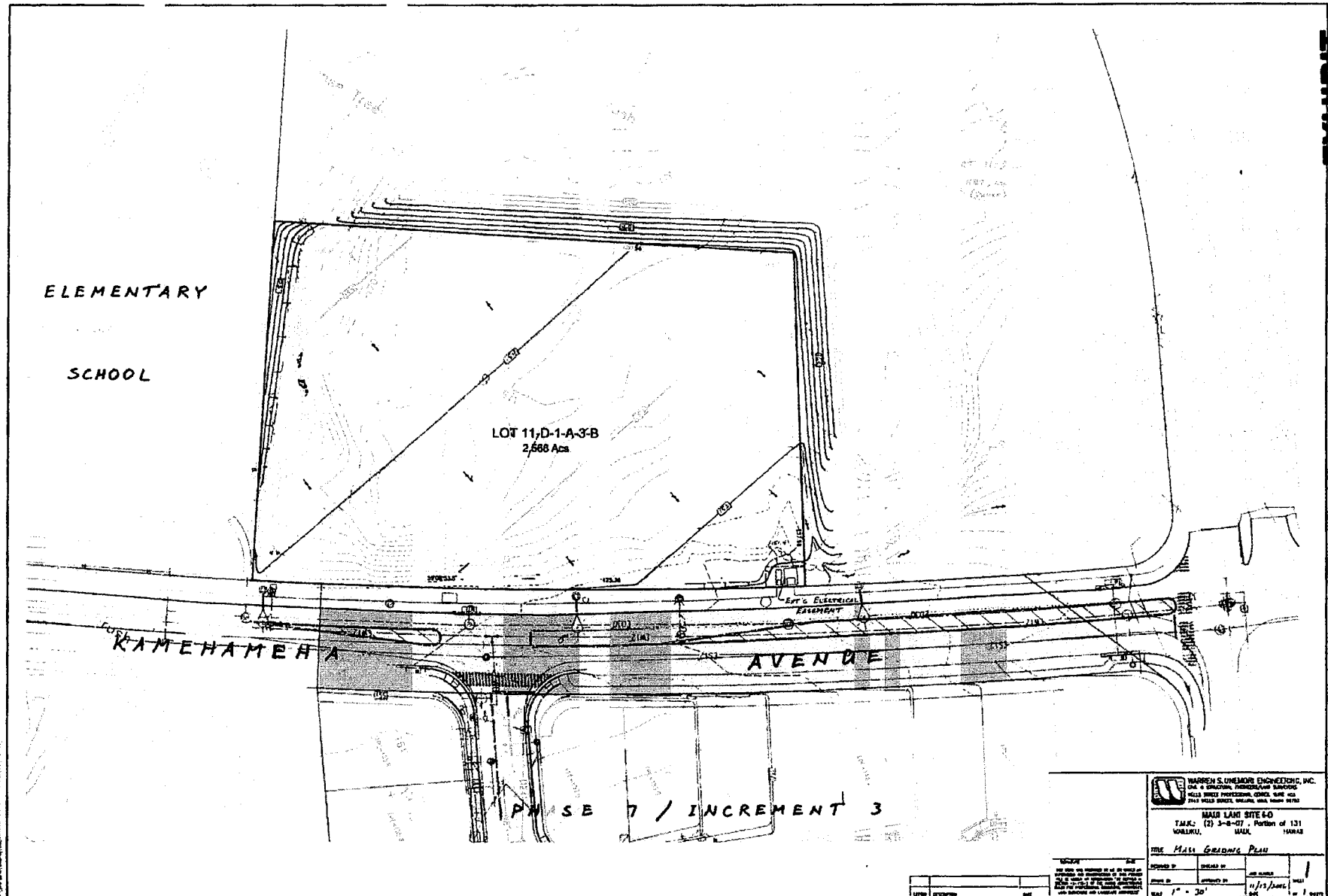
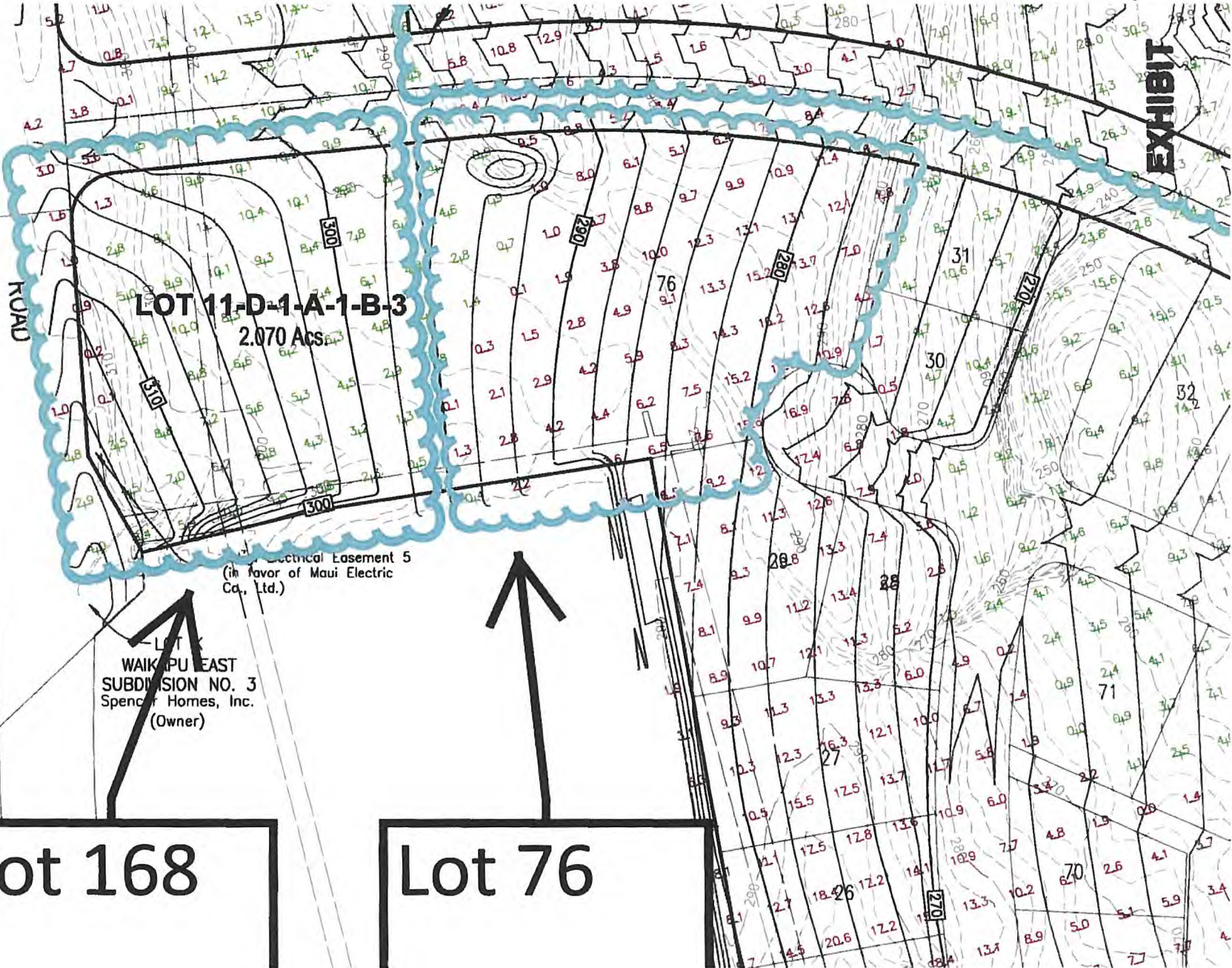


EXHIBIT 8



LOT 11-D-1-A-1-B-3
 2.070 Acs

ROAD

Electrical Easement 5
 (in favor of Maui Electric
 Co., Ltd.)

Lot 168
 WAIKAPU EAST
 SUBDIVISION NO. 3
 Spencer Homes, Inc.
 (Owner)

Lot 168

Lot 76

12:10p

RSH

(808) 4-9592

p. 2

38
PAGE

LINDA LINGLIS
GOVERNOR OF HAWAII



RECEIVED OCT 9 2006

PETER T. YOUNG
COMMISSIONER
DEPARTMENT OF LAND AND NATURAL RESOURCES
1555 KALANIANA'OLEHI BLVD., SUITE 1000
HONOLULU, HAWAII 96813
PHONE: (808) 548-1234
FAX: (808) 548-1235
WWW.DLNRS.HAWAII.GOV

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

October 24, 2006

Mr. Jeffrey Pantaleo
Archaeological Services Hawaii, LLC
1930 A Vinoyard Street
Wailuku, Hawaii 96793

LOG NO: 2006.3500
DOC NO: 0610MK15
Archaeology

Dear Mr. Pantaleo:

**SUBJECT: Chapter 6E-42 Historic Preservation Review -
Archaeological Assessment Survey for a Portion of
Maui Lani Residential Subdivision Phase 8B and Maui Lani Regional Park
Wailuku Ahupuaa, Wailuku District, Island of Maui
TMK (2) 3-8-007: portion of 131**

Thank you for the opportunity to review this report which our staff received on August 18, 2006 (Pantaleo and Rotunno-Hazuka 2006, *Archaeological Assessment of a Portion of Maui Lani Residential Subdivision Phase 8B, and Maui Lani Regional Park, Wailuku Ahupuaa, Wailuku District, MTK 3-8-07 131 pors. Island of Maui*)...Archaeological Services Hawaii, LLC, ms.

The assessment meets our minimum requirements, as set forth in HAR 276-5 (a) and (c). The subject area is approximately 22 acres in size, and is within the Puaoe sand dune deposits.

The survey has adequately covered the project area documenting no historic properties. Subsurface testing (22 backhoe trenches) were also negative for evidence of cultural deposits.

We concur with the mitigation recommendation for monitoring during all ground altering activities within the proposed project area. We understand that the project will be covered under an existing monitoring plan, and we will expect a completed monitoring report within 180 days of completion of the project as per the HAR statutes.

We find this report to be acceptable. As always, if you disagree with our comments or have questions, please contact Dr. Melissa Kirkendall at (808) 243-1285 as soon as possible to resolve these concerns.

Aloha,

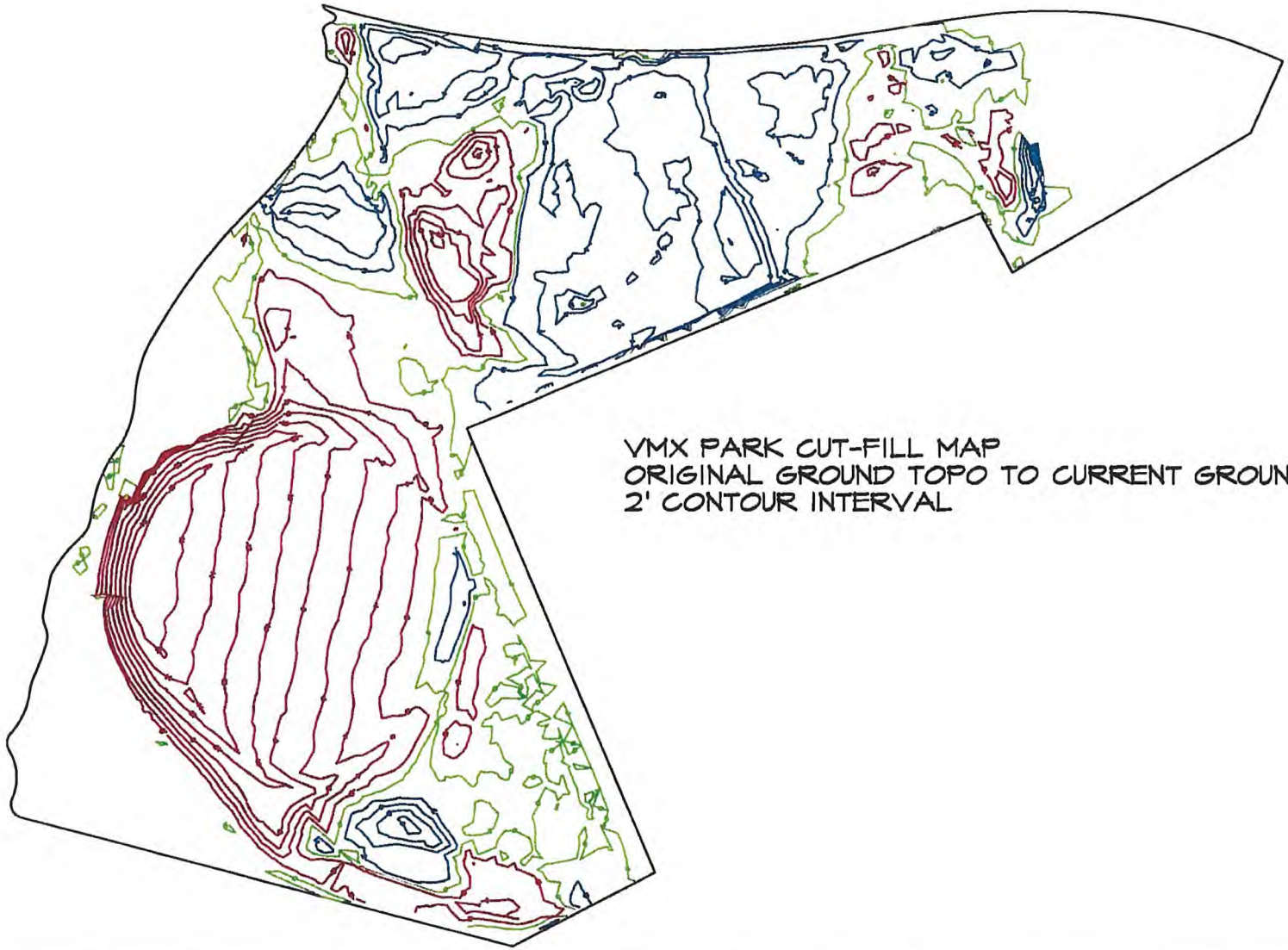
Melanie Chinen, Administrator
State Historic Preservation Division

MK:kf

EXHIBIT

9

c: Bert Ratte, DPWEM, County of Maui, FAX 270-7972
Michael Foley, Director, Dept. of Planning, FAX 270-7634
Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793



VMX PARK CUT-FILL MAP
ORIGINAL GROUND TOPO TO CURRENT GROUND TOPO
2' CONTOUR INTERVAL

EXHIBIT 10

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**HISTORIC PRESERVATION DIVISION
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 355
KAPOLEI, HAWAII 96707

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUAI
FIRST DEPUTY

WILLIAM M. TANI
DEPUTY DIRECTOR WATER

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

November 26, 2014

Jeffrey Pantaleo, M.A.
Archaeological Services Hawaii, LLC
Via email to: lisa@ashmaui.com

LOG NO: 2014.04885
DOC NO: 1411MD26
Archaeology

Aloha Mr. Pantaleo:

**SUBJECT: Chapter 6E-42 Historic Preservation Review-
Draft Archaeological Assessment Addendum for a Portion of Maui Lani Phase 9
Wailuku Ahupua'a, Wailuku District, Island of Maui
TMK (2) 3-8-007:135, 153 and 159 (pars.)**

Thank you for the opportunity to review the draft plan titled *Additional Archaeological Assessment Procedures at Portions of Maui Lani Residential Phase IX, Wailuku Ahupua'a, Wailuku District, Island of Maui, TMK 3-8-007: pars. of 135, 153, 159* (Rotunno-Hazuka, Pantaleo, Formolo and Guerriero October 2014), which we received in October, 2014. We previously reviewed an earlier version of this plan and requested revisions (*Log No. 2010.1283, Doc no. 1011MD12*).

The subject area of the survey is a combination of previously graded land and trees/brush situated on the eastern periphery of the Puuone sand dune. Twenty-two mechanical backhoe trenches were excavated, with no historic properties encountered.

The requested revisions have been adequately addressed. This AA meets the requirements of Hawaii's Administrative Rule § 13-275 and is accepted. Please send one hardcopy of the final document, clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library. Please contact me at (808) 243-4641 or Morgan.E.Davis@hawaii.gov if you have any questions or concerns.

Mahalo,


Morgan E. Davis
Lead Archaeologist, Maui Section

cc: County of Maui
Department of Planning
via email to: Planning@co.maui.hi.us

County of Maui
Department of Public Works - DSW
via email to: Renee.Segundo@co.maui.hi.us

Ms. Annalise Kehler, County of Maui
Cultural Resources Commission
via email to: Annalise.Kehler@co.maui.hi.us

EXHIBIT ||

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



HISTORIC PRESERVATION DIVISION
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
CHAIRSMAN ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM AL. TAM
DEPUTY DIRECTOR WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF SURVEYANCES
CHAIRSMAN ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOLAWE ISLAND RESERVE CURATORSHIP
LAND
STATE PARKS

November 26, 2014

Jeffrey Pantaleo, M.A.
Archaeological Services Hawaii, LLC
Via email to: lisa@ashmaui.com

LOG NO: 2014.04884
DOC NO: 1411MD27
Archaeology

Aloha Mr. Pantaleo:

**SUBJECT: Chapter 6E-42 Historic Preservation Review-
Draft Archaeological Monitoring Plan for Maui Lani's Residential Subdivision, Phase 9
Wailuku Ahupua'a, Wailuku District, Island of Maui
TMK (2) 3-8-007:135, 153 and 159 (all, pors.)**

Thank you for the opportunity to review the plan titled *Archaeological Monitoring Plan for the Maui Lani Residential Phase IX, Wailuku Ahupua'a, Wailuku District, Island of Maui TMK: [2] 3-8-007: pors. 135, 153 and 159* (Rotunno-Hazuka and Pantaleo October 2013, revised December 2013), which we received in December 2013. We apologize for the delay in our reply.

This monitoring plan (AMP) was prepared at the request of Maui Lani Partners. The proposed project will include grading within a portion of approximately 30 acres. Monitoring will occur for all grading/filling activities including those associated with installation of all utilities within the subdivision, as well as lateral connection to main lines within the Maui Lani Parkway road. This AMP follows the review and approval of an archaeological assessment survey (Rotunno-Hazuka, et al. 2014; Log No. 2014.04884, Doc No. 1411MD26).

The subject area is bounded by Kuikahi Road extension to the south, an HC&S access road corridor and Waiale Reservoir to the west, and undeveloped parcels to the north. Maui Lani Parkway bounds the eastern border. Approximately 25% of the surface area has been impacted by prior grubbing of vegetation; grading for a former residential structure; baseyards; access roads; well sites; and utility pipe installations.

Excavations will range from 2-30 feet in depth, and all grading activities will be monitored full-time. One archaeological monitor per piece of ground-disturbing equipment is the protocol for this monitoring project.

The AMP meets the requirements of Hawai'i Administrative Rule § 13-279 and is accepted. In the Final version, please provide a clearer map for Figure 1, page 4. Please notify the Maui office, via email or fax, on initiation and completion of the monitoring project.

If this project extends beyond one year in duration, we request that annual interim monitoring reports be submitted, with a final report be submitted within 180 days after project completion. Please send one hardcopy of the final document, clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library.

EXHIBIT 12

Archaeological Services Hawaii, LLC
November 26, 2014
Page 2

Please contact me at (808) 243-4641 or Morgan.E.Davis@hawaii.gov if you have any questions or concerns.

Mahalo,

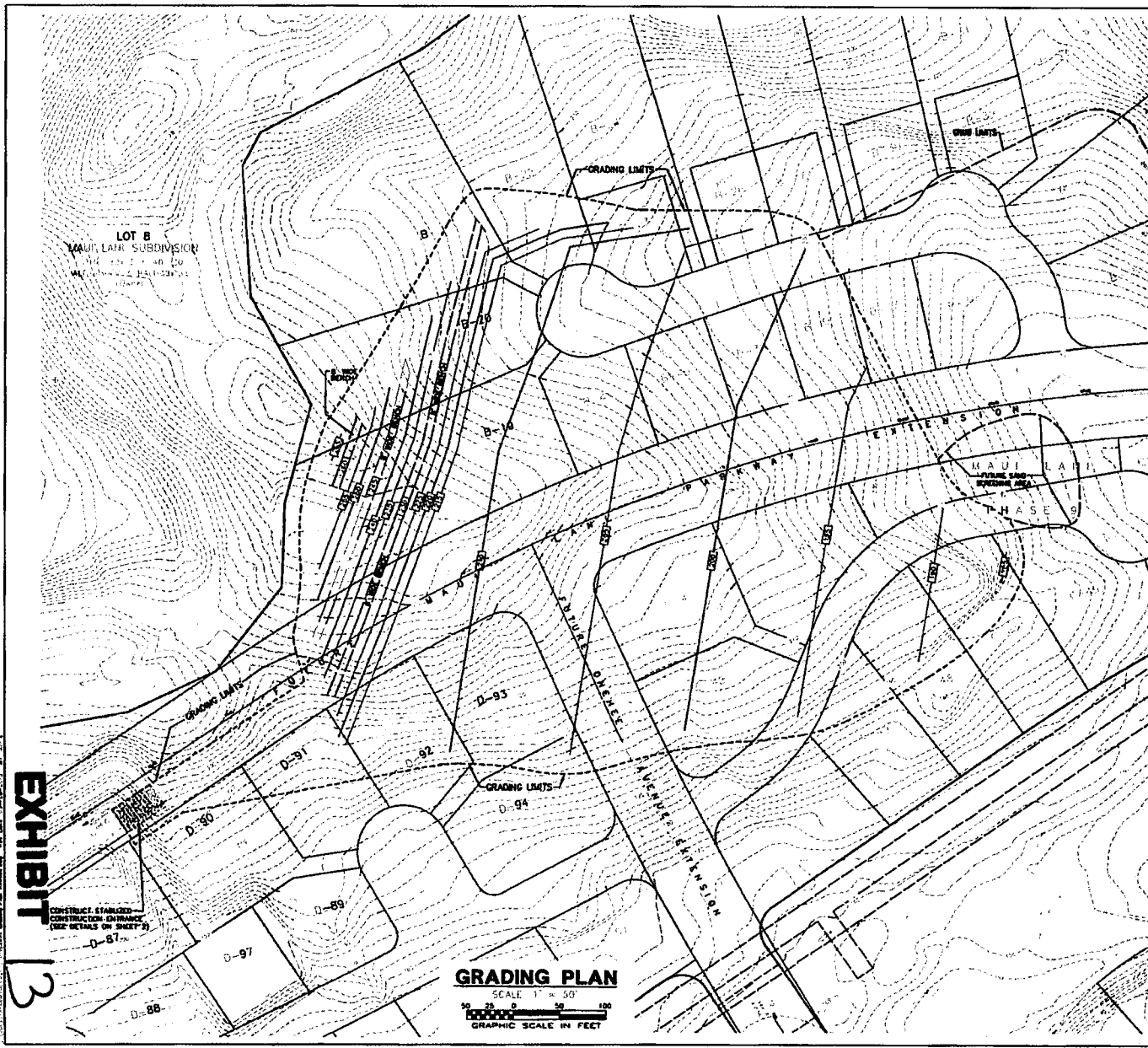


Morgan E. Davis
Lead Archaeologist, Maui Section

cc: County of Maui
Department of Planning
via email to: Planning@co.maui.hi.us

County of Maui
Department of Public Works - DSW
via email to: Renee.Segundo@co.maui.hi.us

Ms. Annalise Kehler, County of Maui
Cultural Resources Commission
via email to: Annalise.Kehler@co.maui.hi.us



EARTHWORK QUANTITIES:
 EXCAVATION - 213,820 cu. yd.
 EMBANKMENT - 0 cu. yd.
 AREA: 8.9 Acres

- NOTES:**
- EXISTING GROUND CONTOURS AND FUTURE LOT LINES WERE TAKEN FROM MAUI LANI PHASE 9 DRAWINGS PREPARED BY WARREN S. UEMORI ENGINEERING, INC.
 - CONTRACTOR TO REPAIR ANY DAMAGES TO THE EXISTING CONCRETE CURB AND CUTTER AT KUKAIA DRIVE AS A RESULT OF THE CONTRACTORS HALLING OPERATIONS.

LEGEND:

—(D-40)— EXISTING CONTOUR
 ——— FINISH CONTOUR
 - - - - - GRADING LIMITS

Kanaka
 ENGINEERS, INC.
 CIVIL & STRUCTURAL
 ENGINEERS
 LAND SURVEYORS

871 KOKU STREET
 SUITE D1
 WAILUKU, HAWAII, HAWAII
 PHONE No. 242-8881

CONSTRUCTION PLANS FOR
MAUI LANI - PHASE 9 SITE GRADING
 AT KUKAIA, MAUI, HAWAII
 Prepared for: MAUI LANI PARTNERS
SAND EXCAVATION GRADING PLAN



DATE: 06/28/16
 TIME: 10:00 AM
 SHEET: 3 OF 4

REVISIONS

NO.	DATE	DESCRIPTION
01	07/20/16	REVISED PER SHEET 2
02	07/20/16	REVISED PER SHEET 2
03	07/20/16	REVISED PER SHEET 2
04	07/20/16	REVISED PER SHEET 2

T.M.E. (1) 3-6-07 133 (Part)
 SCALE: AS NOTED
 DESIGNED BY: H.D.
 CHECKED BY: K.T.
 DRAWN BY: H.D.
 DATE: JUNE 18, 2016
 JOB No. 13-060

SHEET
3
 OF 4 SHEETS

EXHIBIT
3

LINDA LINDLE
GOVERNOR OF HAWAII



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

**HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING, ROOM 555
801 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707**

**PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT**
**GAIL DAVIDSON
DEPUTY DIRECTOR - LAND**
**ERNEST Y.W. LAU
DEPUTY DIRECTOR - WATER**

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

July 30, 2004

Jeffrey Pantaleo
Archaeological Services Hawaii, LLC
16 South Market Street, Suite G
Wailuku, Hawaii 96793

LOG NO: 2004.2241
DOC NOC: 0407MK09

Dear Mr. Pantaleo,

**Subject: Chapter 6-E-42 Historic Preservation Review of an Archaeological Monitoring Plan Proposed Construction on an Agriculturally Zoned Parcel (formerly part of the Ameron Sand Mining operation) for Mr. Dave Gleason, Wailuku Ahupua'a, Wailuku District, Maui
TMK (2) 3-8-07: Por. 131**

Thank you for the opportunity to review this plan which was sent to our office on 3 May 2004 (Rotunno-Hazuka and Pantaleo 2004, *Archaeological Monitoring Plan for the Proposed Construction of an Agriculturally Zoned Parcel, [TMK 3-8-07: 131] Pors., Wailuku Ahupua'a, Wailuku District, Island of Maui.* Archaeological Services Hawaii, LLC ms.). We have previously commented on this project as part of a Maui Land Use Plan Update and Related Project District Amendments (Log 2004.1633/Doc 0405CD49) and indicated that an inventory survey has not been conducted of this particular section of the project area. Ms. Rotunno-Hazuka (ASH, LLC) has indicated to us that the area specifically included in this monitoring plan has been subjected to considerable land alteration during Ameron Sand Mining operations. We believe, therefore, that monitoring is the recommended mitigation for this particular section (Please see attached map). Revisions to an interim monitoring report for finds to date on this section of the parcel have been submitted to our offices and are currently under review.

As indicated in the monitoring plan, reconnaissance level survey was conducted on the area in 1992. During monitoring for the Ameron Sand Mining operation three areas containing human remains were identified and accorded one site number (SIHP 50-50-04-5556). An interim monitoring report for Ameron is currently under review by this office. This monitoring plan has been submitted at the request of SHPD as a means of maintaining the current status of the project. This plan replaces any existing monitoring plans for this area of the subject parcel.

EXHIBIT 14

Jeffrey Pantaleo
Page 2

The plan conforms with DLNR/SHPD guidelines governing standards for monitoring and includes the following provisions. An archaeologist will be on site on a full-time basis, with the authority to halt excavation in the event that cultural materials are identified. Consultation with Maui SHPD will occur in this event, to determine acceptable course of action. If human burials are identified, work will cease, the SHPD Burial Sites Program, O'ahu SHPD, Maui SHPD, and the Maui/Lana'i Islands Burial Council will be notified, and compliance with procedures outlined in HRS 6.E-43 will be followed. Coordination meetings with the construction crew will be held prior to project initiation. An acceptable report will be submitted to this office within 180 days of project completion.

Please notify our Maui and O'ahu offices, via facsimile, at onset and completion of the project and monitoring program.

The plan is acceptable. If you have any questions, please contact Dr. Melissa Kirkendall at 243-5169.

Aloha,

Holly McEldowney
Holly McEldowney, Administrator
State Historic Preservation Division

MK: sky

cc: Michael Foley, Director, Department of Planning, County of Maui, FAX 270-7634
Bert Ratta, County of Maui, Land Use and Codes, FAX 270-7972
Glen Ueno, County of Maui, Land Use and Codes, FAX 270-7972

ALL 3 2004

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DANIEL S. QUINN
INTERIM FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR WATER

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

February 18, 2015

Jeffrey Pantaleo
c/o Lisa Rotunno-Hazuka
Archaeological Services Hawaii, LLC
Via email to: lisa@ashmaui.com

LOG NO: 2015.00294
LOG NO: 2014.03753
LOG NO: 2015.00295
DOC NO: 1502JP14
Archaeology

Aloha Mr. Pantaleo:

**SUBJECT: Chapter 6E-42 Historic Preservation Review--
Revised Draft Archaeological Monitoring Plan
Maui Lani Regional Park -North Section- and Maui Lani Residential Phase 8
Wailuku Ahupua'a, Wailuku District, Island of Maui
TMK (2) 3-8-007:150 (por.) and 151**

Thank you for the opportunity to review the draft plan titled *Draft Archaeological Monitoring Plan for the Northern Section of Maui Lani Regional Park and Residential Phase 8 Situated in Wailuku Ahupua'a and District, Pu'ali Komohana Moku, Island of Maui TMK [2] 3-8-007:150 pars and 151* (Rotunno-Hazuka and Pantaleo Revised January 2015). We received the submittal on January 22, 2015. During former reviews, we've requested additional information (Log 2014.03728 Doc 1409JP08, Log 2014.04749 Doc 1409JP09, Log 2014.04749, Doc 1410JP07, and Log 2014.03753, Doc 1412JP25 etc.). We have recommended revisions and consulted regarding the submittal of the subject plan.

The total area covered under the archaeological monitoring plan (AMP) includes 27.8 acres. An accepted archaeological assessment report included a 14.4 acre portion of the subject area (Log 2006.3500, Doc 0610MK15). Nine backhoe test trenches were placed in the north section of the Residential Phase 8 project area, which consists of 13.4 acres. Numerous human burial features were documented on the subject parcels during prior archaeological monitoring for mass grubbing and grading activities. Our History and Culture Branch consulted and approved the Burial Components of a Preservation Plan and Data Recovery documents, as detailed on page 9 in the AMP.

The revised AMP meets the requirements as specified in Hawai'i Administrative Rules §13-279-5 and is accepted. For the final submittal, please clarify that if construction plans change, the plan will cover all future and or additional work specifically *within the 27.8 acre project area*, opposed to *within the parcel* (Page 2). The plan states that all personnel will be apprised of the existing burial preservation areas, which are currently marked by orange construction fencing.

Please send one hardcopy, clearly marked **FINAL**, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library. We continue to request that our Maui office is informed, in writing, of the **initiation and completion** of the upcoming construction monitoring project. Please contact Jenny Pickett at (808) 243-5169 or Jenny.L.Pickett@hawaii.gov if you have any questions or concerns about this letter.

Mahalo,

Morgan E. Davis
Lead Archaeologist, Maui Section

cc: County of Maui Department of Planning Planning@co.maui.hi.us
County of Maui Department of Public Works - DSA Renee.Segundo@co.maui.hi.us
Ms. Annalise Kehler, County of Maui Cultural Resources Commission Annalise.Kehler@co.maui.hi.us

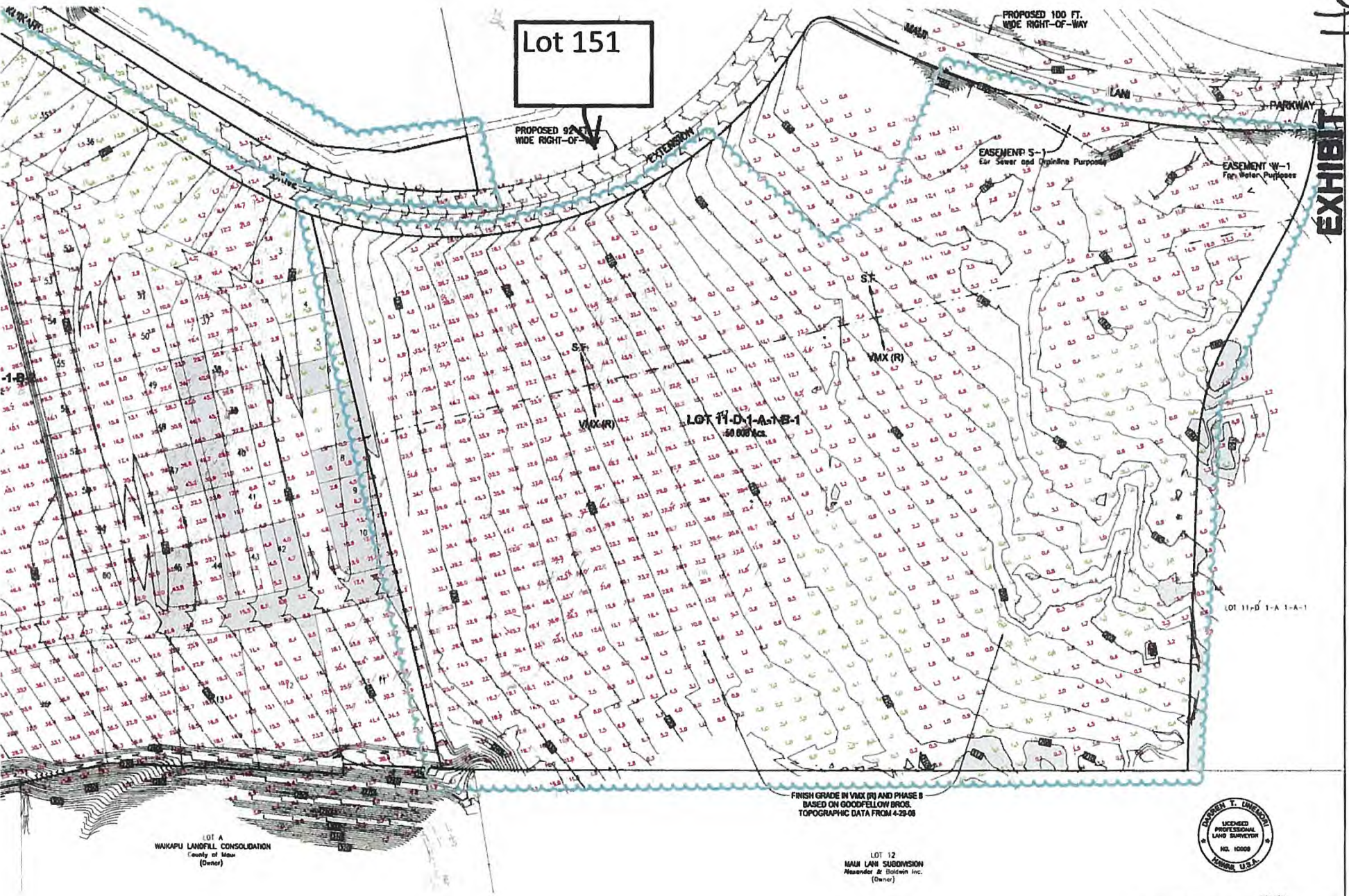
Ms. Leiane Paci, Maui Lani LPaci@millsgroup.com

EXHIBIT 15

Lot 151

PROPOSED 92 FT. WIDE RIGHT-OF-WAY

PROPOSED 100 FT. WIDE RIGHT-OF-WAY



LOT A
WAIKAPU LANDFILL CONSOLIDATION
County of Maui
(Owner)

FINISH GRADE IN VMX (R) AND PHASE B
BASED ON GOODFELLOW BROS.
TOPOGRAPHIC DATA FROM 4-29-08

LOT 12
MAUI LANI SUBDIVISION
Alexander & Baldwin Inc.
(Owner)



EXHIBIT 16

DAVID C. GOODE
Director



GLEN A. UENO, P.E., P.L.S.
Development Services Administration

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RECEIVED

OCT 03 2017

September 29, 2017

WARREN S. UNEMORI ENGINEERING, INC

Mr. Darren Unemori, P.E., P.L.S.
WARREN S. UNEMORI ENGINEERING, INC.
2145 Wells Street, Suite 403
Wailuku, Hawaii 96793

SUBJECT: MAUI LANI PHASE 9 SUBDIVISION
TMK: (2) 3-8-007:135 & 153
SUBDIVISION FILE NO. 3.2378

Dear Mr. Unemori:

Preliminary approval was granted to the subject subdivision on September 29, 2017. Final approval shall be contingent upon compliance with the following conditions:

1. Submit a recommendation for final subdivision approval from Maui Electric Company (MECO). For further information, please contact MECO at 871-2390.
2. Requirements/comments from the State of Hawaii, Department of Transportation, Highways Division (DOT):

This subdivision will complete the Maui Lani Parkway improvements from Kaahumanu Avenue to Kuihelani Highway, thus improving the internal traffic circulation. We have no further comments to offer.

If you have any questions, please contact DOT at 873-3535.

3. Requirements/comments from the State of Hawaii, Department of Health:

We have no comments to offer.

If you have any questions, please contact Patti Kitkowski at 984-8230.

4. Submit a recommendation for final subdivision approval from the Department of Public Works, Engineering Division. For further information, please contact the Engineering Division at 270-7745.

EXHIBIT 17

Mr. Darren Unemori, P.E., P.L.S.

**SUBJECT: MAUI LANI PHASE 9 SUBDIVISION
SUBDIVISION FILE NO. 3.2378**

September 29, 2017

Page 2 of 9

5. Submit a recommendation for final subdivision approval from the Department of Environmental Management, Wastewater Reclamation Division (WWRD). For further information, please contact WWRD at 270-7417.
6. Requirements/comments from the Department of Planning:
 - a. In the final plat notes section, include a note similar to the following:
 - 1) The subdivision contains the designations:
 - a) State Land Use URBAN;
 - b) Maui Island Plan URBAN;
 - c) Community Plan PROJECT DISTRICT;
 - d) County Zoning WAILUKU-KAHULUI PROJCT DISTRICT 1 (MAUI LANI) (Conditional Ordinance 1872) (with districts Residential SF-3, Public/Quasi-Public "Church use", Recreation/facilities "Golf Course use" and Open Space use); and
 - e) Flood Zone X.
 - b. Obtain the following approvals from the Department of Planning Current Division and submit a copy of the resulting approvals to the Department of Planning Zoning and Enforcement Division:
 - 1) A Project District Phase III Approval for this specific subdivision which includes the requested pedestrian/bikeway connection between Lots No. 25/26 and 27/28, and an approval for the revised road layout crossing through the middle of the Public/Quasi-Public church use area.
 - 2) An approved Change in Zoning (CIZ) Compliance Report, showing subdivision conformance with the change in zoning conditions of Ordinance 1872. To obtain this approval, submit to the Current Division a report containing verification that all conditions have been satisfied; if any conditions are not satisfied, include documentation showing your progress with a timeline for completion.
 - c. Lot No. 52, 53 169, 170, 172, and 180 shall be redesigned to comply with the project district land use categories and acres as shown in §19.78.060.A and Ordinance No. 3364.
 - 1) Ordinance No. 3364 contains the latest approved map identifying the Public/Quasi-Public "Church" use areas, and one of these church areas is a 2 acre location showing the Maui Lani Parkway running along the eastern side of this area; whereas, the current proposed subdivision now shows the Maui Lani Parkway crossing through the middle of this "Church" area, resulting in it being split into two separate "Church" areas. Also, the proposed subdivision shows only small portions (or no portion) in some of the six lots with topography suitable to be used as a "Church". The Department is concerned that the resulting separate "Church" areas are within the six lots and might not be of sufficient size and topography for each area to be used as a church. This would result in an inconsistency with the Council intent for this area to be used as a "Church".

Mr. Darren Unemori, P.E., P.L.S.

**SUBJECT: MAUI LANI PHASE 9 SUBDIVISION
SUBDIVISION FILE NO. 3.2378**

September 29, 2017

Page 3 of 9

- 2) The Public/Quasi-Public "Church" area must be subdivided in a way that allows for the area to be developed for church use. This most likely means all of the Public/Quasi-Public "Church" use area must be combined into two separate lots (one on each side of the roadway); however, more than two lots could be created if the lots are designed to allow for a church to be located on each lot. The Public/Quasi-Public area within Lots 53, 169, 170, and 180, does not appear to have enough area to allow for a church to be placed on each of these zoning lots.
 - 3) The 18' wide stem for Lot 172 appears to be a too narrow for the type of two way traffic that a church would likely generate.
 - 4) FYI, dwellings are not a listed permitted use on the portion of these lots zoned as Public/Quasi-Public (§19.78.050); however, dwellings are a permitted use on the portion of these lots zoned as Residential SF-3.
 - 5) FYI, in accordance with §19.78.070.D, district boundary adjustments may be possible if that is something you want to consider.
- d. For any lot containing multiple zoning districts: In the map section of final subdivision plat, show a metes and bounds boundary line between each zoning district. In the notes section of the final subdivision plat add a note (1) indicating the square feet of each zoning district and (2) a note indicating that buildings must be located outside of the setback area between each zoning district.
- 1) FYI: Lot No. 180 currently contains Public/Quasi-Public "Church", Recreation/facilities "Golf Course" and Open Space zoning.
 - 2) FYI: Lot No. 52, 53 169, 170, and 172 currently contains both Residential SF-3 and Public/Quasi-Public "Church" zoning. More information is needed to determine if the Residential SF-3 area within Lots 52 and 172 comply with the SF-3 average lot width requirement of 40' (§19.78.020.B.3.b).
- e. Subtract the land area, of any private right-of-way between 12 and 24 feet wide which provides access to a lot, from the total area of the lot containing the right-of-way and include the net area on the subdivision map (the net lot area shall comply with the zoning lot area standards). The net lot area has not been identified for Lot No. 2, 16, 17, 20, 21, 24, 25, 28, 31, 34, 37, 38, 46, 76, 77, 80, 81, 82, 83, 85, 88, 89, 103, 110, 111, 120, 121, 166, 167, 172, and 175.
- f. A lot (without a lot number) appears to be located between lots 25/26 and lots 27/28. This lot does not appear to comply with the minimum lot area and lot width requirements for the Residential SF-3 district; however, Ordinance No. 4464 contains provisions to allow this lot to be approved as a "restricted use lot". The Department recommends this lot be designated as a "restricted use lot" for utility and pedestrian/bikeway purposes with an improved pathway connecting the two roads.

Mr. Darren Unemori, P.E., P.L.S.

**SUBJECT: MAUI LANI PHASE 9 SUBDIVISION
SUBDIVISION FILE NO. 3.2378**

September 29, 2017

Page 4 of 9

- g. The current method of identifying Lot No. 176 – 182 as “Open Space” is confusing because a distinction needs to be made between the actual zoning district of these lots which are not all zoned as “Open Space” and what appears to be an owner statement of “Open Space”, which does not change the zoning or the uses allowed by zoning. If the lots do not contain multiple zoning districts, remove the indication of “Open Space” on the map area of the subdivision plat and clarify what is intended in the notes section of the final plat. FYI, an owner statement of “Open Space” does not change the uses allowed by the actual zoning district of the following lots, but a Project District approval could be pursued to relocate the existing zoning districts.
- 1) Lot No. 176, 177, 181 are zoned as Residential SF-3.
 - 2) Lot No. 180 contains areas zoned as Open Space, Recreation/facilities “Golf Course”, and Public/Quasi-Public “Church”.
 - 3) Lot No. 182 is zoned as Recreation/facilities (Golf Course).
 - 4) Lot No. 178 and 179 are the only lots completely zoned as Open Space.
- h. The following information shown on the bottom of the subdivision plat as “Lot Size Information” is not correct:
- 1) Minimum average lot width for Residential SF-3 is 40' (not 35').
 - 2) Final land use for Lots 1 through 172 cannot all be Single Family Dwellings, because Lots No. 52 and 172 contain Public/Quasi-Public zoning which does not allow “single-family dwellings” as a permitted use.
- i. If the preliminary subdivision approval requires street tree planting and irrigation in accordance with 12.24A.070(D) MCC, submit a copy of the approved Subdivision Landscape Planting Plan. This application is available at: <http://www.mauicounty.gov/index.aspx?NID=1574>
- j. Submit a statement indicating whether grading will be done as part of this subdivision. If yes; provide a PDF copy (on a compact disk) of the approved grading/elevation plans.
- k. Countywide Policy Plan, Maui Island Plan, and Community Plan review:
- 1) Previous Project District approvals have concluded that the overall Wailuku-Kahului Project District 1 (Maui Lani) is consistent with the Countywide Policy Plan and Community Plan. The consistency requirement for this subdivision can be satisfied by obtaining an approved Project District Phase III approval for this specific subdivision which includes the requested pedestrian/bikeway connection between Lots No. 25/26 and 27/28, and an approval for the revised road layout crossing through the middle of the Public/Quasi-Public church use area.
- l. Indicate when the tract master plan for this area will be completed (see §19.78.070.A – General standards for development)?

If you have any questions, please contact Paul Critchlow at 270-7253.

Mr. Darren Unemori, P.E., P.L.S.

**SUBJECT: MAUI LANI PHASE 9 SUBDIVISION
SUBDIVISION FILE NO. 3.2378**

September 29, 2017

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7. Requirements/comments from the Department of Water Supply:

The applicant must comply with the applicable sections of the Maui County Code. These include:

- a. Maui County Code, Chapter 14.12, "Water Availability Rule" concerning a long term supply of water for the subdivision.
- b. Maui County Code, Chapter 14.05, "Subdivision Water System Requirements" to provide an adequate water system for fire protection, domestic, and irrigation service.
- c. Maui County Code, Chapter 14.13, "Water Meter Issuance Provisions for the Upcountry Water System" concerning the Department's deferring action on this application if new water meters are not available for the subdivision.

The applicant should contact the Department of Water Supply to discuss the specific requirements for subdivision. Requirements may include the construction of water system improvements for adequate fire protection, domestic, and irrigation service.

If you have any questions, please contact the Department of Water Supply at 270-7835.

8. Requirements/comments from the Department of Parks and Recreation:

The master developer has satisfied the parks and playgrounds requirements as reflected in Resolution No. 14-17.

If you have any questions, please contact Robert Halvorson at 270-7387.

9. Requirements/comments from the Department of Fire and Public Safety:

At this time, the Fire Prevention Bureau would request a water supply for fire protection and fire department access roads.

Water supply for fire protection shall have a minimum flow of 1,000 gallons per minute for a two hour duration with hydrant spacing a maximum of 350 feet between hydrants. Dead-ends shall have a hydrant within 175 feet.

Service roads to proposed properties shall have a clear width of 20 feet. Any dead-end roads or cul-de-sacs shall have a clear width of 32 feet, and if greater than 150 feet in length, shall be provided with an approved fire apparatus turn-around. All turns and required turnarounds shall have an outside turning radius of 35 feet. The maximum grade for the service roads shall not be greater than 14%. Subdivisions with more than twenty parcels shall provide multiple access roads as approved by the AHJ.

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Once construction of buildings are planned, there shall be at least one hydrant within 500 feet of any building to be constructed.

If you have any questions, please contact Parrish Purdy at 876-4697 or parrish.purdy@mauicounty.gov.

10. **Requirements/comments from the Department of Housing and Human Concerns (DHHC):**

No exemptions. The subdivision of 62.581 acre lot into 172 single-family houselots for residential use. It needs a Residential Work Force agreement with DHHC prior to final approval.

If you have any questions, please contact DHHC at 270-7805.

11. **Comply with Section 18.12.040(B) of the Maui County Code. Submit a statement regarding the water system to be installed. If the proposed subdivision will be served by the County's water system, the subdivider shall provide a receipt of payment of a water meter reservation from the Department of Water Supply (DWS) verifying that the subdivision will receive water source and service from said department. Should a private water system be proposed, the subdivider shall provide written verification of a long-term, reliable supply of water from the Director of DWS in accordance with Chapter 14.12 of this code.**

For further information, please contact DWS at 270-7835.

12. **In accordance with Section 18.12.030(E)(13.a.) of the Maui County Code (MCC), submit a letter from all governmental agencies with an easement, lease or license affecting the land subdivided consenting to the preparation and recording of the final plat. If there are none, please indicate this in writing.**

13. **In accordance with Section 18.12.040 MCC, submit a tax clearance certificate (issued by Department of Finance, Real Property Assessment Division) to show written proof that all taxes and assessments on the tract are paid to date. An "Application for Tax Clearance for Subdividers" form can be obtained from the Real Property Assessment Division website. NOTE: The tax clearance certificate shall be valid at the time of final subdivision approval.**

14. **Dedicate the roadway lots to the County. Submit the original and one copy of an executed warranty deed to the County. In addition, if applicable, submit a copy of a recorded "Partial Release of Mortgage" document.**

15. **Submit a completed State of Hawaii, Department of Taxation, Exemption from Conveyance Tax form (Form P-64B) for the dedication of the road widening lot.**

Mr. Darren Unemori, P.E., P.L.S.

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16. In accordance with Section 18.20.030 (Pavement of streets), improve the proposed subdivision roadways to the provisions of the subdivision ordinance for roadways within the urban district.
17. Submit documentation that the road right-of-way width and pavement sections are in compliance with Sections 18.16.050 (Minimum right-of-way and pavement widths) for the roadway between Lots 132-152.
18. Design and construct the drainage facilities to the requirements of the Department of Public Works. A detailed final drainage report and site specific erosion control plan shall be submitted with the construction plans for review and approval. The drainage report shall include, but not be limited to, hydrologic and hydraulic calculations, and the schemes for disposal of runoff waters. The site specific erosion control plan shall show the location and details of structural and non-structural best management measures. The drainage and erosion control plans shall provide verification that the grading and all runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties.
19. Comply with Section 18.20.135 (Post-construction stormwater quality best management practices) MCC, wherein it states, "Post-construction stormwater quality best management practices, as may be required by the director, shall be implemented for all subdivisions.
20. Comply with Section 18.16.090(A) MCC, wherein it states "...The staggering of streets making "T" intersections shall be so designed and adjusted with curves and diagonals that jogs are not less than one hundred fifty feet measured along the centerline of the through street. ...".
21. Comply with Section 18.16.260 (Through lots) MCC.
22. Obtain street name approval from the Public Works Commission and show street names on the construction plans and final plat.
23. In accordance with Section 12.24A.070(D) MCC, submit an application for "Landscape Planting Plan" for subdivisions to the Department of Planning for review and approval. The application can be obtained at: <http://www.mauicounty.gov/index.aspx?NID=1574>.
24. In accordance with Section 18.12.040 (A) MCC, submit a complete title report issued by a licensed title company showing all persons vested with record title in the land subdivided.

Mr. Darren Unemori, P.E., P.L.S.

SUBJECT: **MAUI LANI PHASE 9 SUBDIVISION
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25. If improvements are required, submit construction plans and drainage and soil erosion control reports for review and approval by the applicable agencies. In accordance with Section 18.24.010(D) MCC, a construction plan review fee (\$200/lot) shall be paid upon submission of the construction plans.

When the construction plans are approved, post construction requirements will be noted on the construction plan approval letter. The post construction requirements will need to be completed prior to final subdivision approval.

Contact the Development Services Administration, Civil Construction Section at 270-7242 if you have any questions or for the appropriate number of plans and reports to submit.

26. Submit fifteen prints of the final plat in accordance with Chapter 18.12 (Final Plat) MCC. The final plat shall include all revisions addressing the comments noted on the enclosed preliminary plat. The final plats shall be folded into 8 ½" x 11" sized sheets.

Condition nos. 11 and 24 shall be submitted prior to or in conjunction with the final plat.

27. Submit a digital copy of the final plat to the standards of the Real Property Assessment (RPA) Division. If you have any questions, please contact RPA at 270-6225.

The preliminary plat was not routed to the State of Hawaii, Historic Preservation Division (SHPD) for review. The subdivider must comply with all requirements of SHPD. The Department of Public Works may in the future request review and approval of SHPD for subdivision final approval, construction plan approval or other types of permit applications. For further information, please contact SHPD at 243-5169.

Please review the enclosed sheet titled "Planning for Mail Delivery, A Guide for Hawaii Developers" from the United States Postal Service. For further information, please contact the local Growth Coordinator at (808) 423-3908.

Within one year from the date of preliminary approval of the subdivision, the final plat must be filed unless an extension of time is granted.

Please be forewarned that applications for an extension of time shall be made in writing to the Department of Public Works. Therefore, a time extension request must be made no later than September 29, 2018. In addition, a "good cause" reason for any time extension shall be stated in the request. Time extension requests which are not in compliance with both of these requirements, will result in the subdivision being deemed null and void.

If you have any questions regarding this letter, please contact Lesli Otani of our Development Services Administration at 270-7252.

Mr. Darren Unemori, P.E., P.L.S.
SUBJECT: **MAUI LANI PHASE 9 SUBDIVISION**
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September 29, 2017
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Sincerely,



For DAVID C. GOODE
Director of Public Works

Enclosures: Preliminary Plat
Planning for Mail Delivery, A Guide for Hawaii Developers

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c: Dept. of Finance, Real Property Assessment Div. (unmarked preliminary plat only)
Dept. of Finance, Tax Map Div. (unmarked preliminary plat only)
Dept. of Environmental Management, Wastewater Reclamation Division
Dept. of Water Supply
Dept. of Planning
Dept. of Parks and Recreation
Dept. of Housing and Human Concerns
DOT, Highways Division
State Dept. of Health
Maui Electric Company

PLANNING FOR MAIL DELIVERY

A Guide for Hawaii Developers



Centralized equipment installed by Developer

Introduction

The US Postal Service and Hawaii's Developers are in business to serve the needs of an expanding population.

For Developers, there are many phases of planning involved for new buildings and residences. The US Postal Service also needs planning to serve the expanding population with daily mail delivery.

The US Postal Service in Honolulu has a Growth Management Program Coordinator to assist you in planning mail service.

We offer guidance in establishing the mode of delivery, and the type and location of mailbox receptacles for your project. Contact the local Growth Management Coordinator for assistance.

Delivery Mode

The preferred mode for both residential and business customers is at a central location. "Centralization" is now the key to providing mail delivery in a secure, cost effective and beneficial manner.



Centralized equipment at Shopping Mall

Advantages of Developer/Builder Purchased Centralized Delivery Equipment

- Centralized delivery equipment is neat, uniform, and can be placed in a framework designed to blend with and maintain the aesthetics of the surrounding community.
- In many situations, with the use of centralized delivery equipment, the USPS may waive the "50% improved" requirement in new developments. This means delivery service may be established prior to 50% of residents moving in to a new development.

- Centralized delivery equipment provides the advantage of individually locking compartments for each customer, which affords additional security and privacy in comparison to unlocked curbside mailboxes. Parcel lockers and a secure outgoing mail receptacle are also included for customer convenience.



Centralized equipment installed by Developer

- Centralized delivery equipment purchased by the developer or builder can be installed in a number of attractive ways, including additional structures, lighting and landscaping.



Custom Box installed by Developer

Contact the local Growth Coordinator for more information at (808) 423-3908.

MAUI LANI

A MILLS GROUP DEVELOPMENT

December 8, 2017

Honorable Mike White, Chair
Maui County Council
200 South High Street
Wailuku, HI 96793

Subject: Proposed Bill Declaring a Moratorium on Sand Mining of Central Maui Inland Sand, (IEM-33)

Dear Chair White and members of the Maui County Council:

Thank you for the opportunity to provide additional information on parcels that are affected by the proposed moratorium on sand mining. This letter will supplement our letter dated November 30, 2017 to further justify granting an exemption to this moratorium.

In proposed section 20.40.060, it states that the council must find that the following are met:

A. The proposed activity would not affect a “burial site”, as defined in section 6E-2, Hawaii Revised Statutes

Response: In Chapter 6E “burial site” means any specific unmarked location where prehistoric or historic human skeletal remains and their associated burial goods are interred, and its immediate surrounding archaeological context, deemed a unique class of historic property and not otherwise included in section 6E-41.

It should be noted that an unknown burial does not meet the definition of a “burial site” until it is discovered or known.

All properties listed in the November 30, 2017 letter (with the exception of 238007153) have been mass graded level with no intact dune system. All properties have valid grading permits and approved archaeological surveys/assessments and monitoring plans. All known burial sites in specific unmarked locations are protected by mitigation plans in compliance with HRS 6E, and therefore would not be affected.

Regarding parcel 238007153 (Phase 9), valid grading permits for the construction of a residential subdivision have been issued for this property with approved archaeological

assessment reports and monitoring plans. During construction of the single family subdivision, there were 5 inadvertent discoveries which are pending final determination by the Department of Land and Natural Resources, Historic Preservation Division (SHPD) in accordance with Section 6E HRS. These known burial sites in specific unmarked locations are protected by interim mitigation plans approved by SHPD, and therefore would not be affected.

B. The proposed activity does not conflict with the purpose of this chapter to conduct further analysis required to establish regulations for mining of inland sand to protect Maui's environment and limited natural resources and prevent the disturbance of Hawaiian historical, cultural, or archaeological sites, and unmarked human burial sites.

Response: The properties listed on the November 30, 2017 letter (with the exception of 238007153) have already been mass graded level and large areas are filled with imported soil. Any excess material due to onsite construction of these lots will have a negligible impact on the remaining sand inventory on the Island. Again, all known burial sites in specific unmarked locations are protected by mitigation plans in compliance with HRS 6E.

Regarding parcel 238007153 (Phase 9), the property consists of the Central Maui joint venture water lines, HC&S irrigation lines, 3 well sites and pump stations with water transmission lines connecting to Kuikahi Drive and the Waiale Tank that provides water to various districts on Maui. Preliminary subdivision approval was also granted on September 29, 2017 for a residential subdivision which will include approximately 170 homes and are on hold pending the Planning Department's review of grading definitions (Refer to Exhibit 17 of the November 30, 2017 letter). Again, all known burial sites in specific unmarked locations are protected by interim mitigation plans approved by SHPD.

Given the above, and that a current valid grading permit was issued for parcel 238007153 (Phase 9), this parcel is already considered exempt in accordance with section 20.040.020 definition of "sand mining" which makes an exception to activities conducted pursuant to a valid permit issued prior to the effective date of this ordinance.

Honorable Mike White, Chair

December 8, 2017

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The table below provides a summary of these parcels proposed to be exempted:

Parcel	Mass Graded Level	Approved AA* or AIS**	Approved Mon. Plans***	Approved permits	Meets Purpose of Bill
238007152	Yes	Yes	Yes	Grading and Subdivision	Yes
238007157	Yes	Yes	Yes	Grading and Subdivision	Yes
238007168	Yes	Yes	Yes	Grading and Subdivision	Yes
238007174	Yes	Yes	Yes	Grading and Subdivision	Yes
238097076	Yes	Yes	Yes	Grading and Subdivision	Yes
238007153	Partially	Yes	Yes	Grading and Preliminary Subdivision	Yes
238007151	Yes	Yes	Yes	Grading and Subdivision	Yes

*Archaeological Assessment

**Archaeological Inventory Survey

***Monitoring Plans

Thank you for your consideration on excluding these parcels that have been mass graded and/or currently have valid permits and approvals from the moratorium. Should you have any questions, or need additional information, please contact me or Daren Suzuki at 244-8730, or by email at lpaci@mauilani.com or dsuzuki@mauilani.com.

Sincerely,



Leiane Paci, Partner
Maui Lani Partners

cc: Daren Suzuki
Gentry

Mike White

From: Leiane Paci <LPaci@mills-group.com>
Sent: Wednesday, December 13, 2017 4:59 PM
To: Mike White
Cc: County Clerk
Subject: Proposed Bill Declaring a Moratorium on Sand Mining of Central Maui Inland Sand (IEM-33) (CR 17-167)
Attachments: Maui Lani Master Site 4 22 16 Flatten - CCexhibitfin.pdf

Dear Chair White and members of the Maui County Council,

Please accept the attached clarification as it relates to Maui Lani Partners' letters to the Maui County Council, dated November 30, 2017 and December 8, 2017. A map of Maui Lani with annotations related to the subject properties is provided for your reference.

As explained in the referenced letters, the properties highlighted in yellow in the table below have been mass graded, are flat, and do not have any sand for a viable sand resource operation (if permitted.) Phase 9 (highlighted in grey in the table) is partially graded, has an active grading permit, and therefore would be exempt per section 20.40.020 item 3, "Activities conducted pursuant to a valid permit issued prior to the effective date of this ordinance."

TMK:	Owner	acres	DLNR approvals	grading plan
238007152 (79, VMX)	Maui Lani, 100, LLC	7.537	Exhibits: 1 and 2	Exhibits: 3 and 4
238007157 (6D)	Maui Lani Partners	2.568	Exhibits: 5 and 6	Exhibit: 7
238007168 (77, VMX)	Maui Lani, 100, LLC	2.07	Exhibits: 1 and 2	Exhibits: 3 and 8
238007174 (regional park)	Maui Lani, 100, LLC	12.11	Exhibits: 9	Exhibit: 10
238097076 (76, VMX)	MLVC, Inc.	2.208	Exhibits: 1 and 2	Exhibits: 3 and 8
238007153 (Phase 9)	Maui Lani Partners	62.581	Exhibits: 11 and 12	Exhibit: 13
238007151 (Phase 8)	Gentry Maui	46.698	Exhibits: 14 and 15	Exhibits: 3 and 16

Based on the submitted information, Maui Lani Partners respectfully requests that the proposed bill be amended to remove the above listed properties.

Sincerely,

Leiane Paci
Partner
Maui Lani
149 Ma'a Street
Kahului, Hawaii 96732
(808) 244-8730

TMK: 238007153 (Phase 9)
Zoning: Residential
Mass Graded: partial
Structures: yes, 3 wells/pump houses, road, water transmission lines
Work Remaining: grading/utilities/vertical
Active permit: yes, grading permit

SITE PLAN

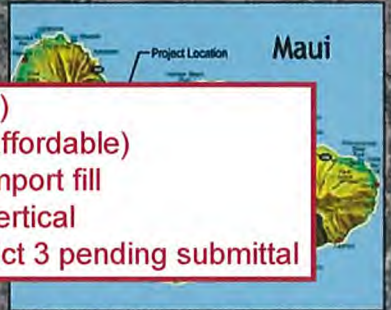
TMK: 238007157 (Lot 6D)
Zoning: Residential
Mass Graded: yes, flat
Work Remaining: Utilities/Vertical
Active permit: No

TMKs: 238097076, 238007168 and 152
(Lots 76, 77, and 79)
Zoning: commercial
Mass Graded: yes, flat
Work Remaining: Utilities/Vertical
Active permit: No

TMK: 238007174 (Regional Park)
Zoning: Recreation
Mass Graded: yes, flat
Work Remaining: Utilities/Vertical
Active permit: No

Kehalani
2,400 Units

TMK: 238007151 (Phase 8)
Zoning: Residential (51% affordable)
Mass Graded: yes, flat w/import fill
Work Remaining: utilities/vertical
Active permit: Project District 3 pending submittal



TMK: 238007153 (Phase 9)
 Zoning: Residential
 Mass Graded: partial
 Structures: yes, 3 wells/pump houses, road, water transmission lines
 Work Remaining: grading/utilities/vertical
 Active permit: yes, grading permit

SITE PLAN

TMK: 238007157 (Lot 6D)
 Zoning: Residential
 Mass Graded: yes, flat
 Work Remaining: Utilities/Vertical
 Active permit: No

TMKs: 238097076, 238007168 and 152
 (Lots 76, 77, and 79)
 Zoning: commercial
 Mass Graded: yes, flat
 Work Remaining: Utilities/Vertical
 Active permit: No

TMK: 238007174 (Regional Park)
 Zoning: Recreation
 Mass Graded: yes, flat
 Work Remaining: Utilities/Vertical
 Active permit: No

**Kehalani
 2,400 Units**

TMK: 238007151 (Phase 8)
 Zoning: Residential (51% affordable)
 Mass Graded: yes, flat w/import fill
 Work Remaining: utilities/vertical
 Active permit: Project District 3 pending submittal

