

REQUEST FOR LEGAL SERVICES

RECEIVED
CORPORATION COUNSEL
2019 AUG -2 AM 8:57

Date: August 2, 2019
From: Tamara Paltin, Chair
Planning and Sustainable Land Use Committee

TRANSMITTAL
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael J. Hopper, Esq.

Subject: WAIKAPU COUNTRY TOWN PROJECT (PSLU-30)

Background Data: Please review and, if appropriate, approve as to form and legality the attached unilateral agreements (three signed and notarized originals). Correspondence dated August 2, 2019, transmitting a copy of corporate resolutions from the landowners' representative, is also attached to assist with your review.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

| | |
|--|---|
| Requestor's signature <i>Tamara Paltin</i> Tamara Paltin | Contact Person James Krueger, John Rapacz, or Carla Nakata (Telephone Extension: 7761, 7886, or 7659, respectively) |
|--|---|

ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)
 SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): August 2, 2019 at 11:00am
REASON: To submit for posting on the August 9, 2019 Council meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

| | | |
|-------------------------|---------------------------------|----------------|
| ASSIGNED TO: <i>VJH</i> | ASSIGNMENT NO. <i>2019-0101</i> | BY: <i>MAJ</i> |
|-------------------------|---------------------------------|----------------|

TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

DEPARTMENT OF THE CORPORATION COUNSEL

Date 8/2/19

By MICHAEL J. HOPPER

(Rev. 7/03)

PAUL R. MANCINI*
JAMES W. GEIGER
THOMAS D. WELCH, JR.

COUNSEL
ROSALYN LOOMIS

*A LAW CORPORATION

MANCINI, WELCH & GEIGER LLP
A LIMITED LIABILITY LAW PARTNERSHIP

305 E. WAKEA AVE.,
SUITE 200
KAHULUI, HAWAII
96732

TELEPHONE:
(808) 871-8351

FACSIMILE:
(808) 871-0732

LETTER OF TRANSMITTAL

August 2, 2019

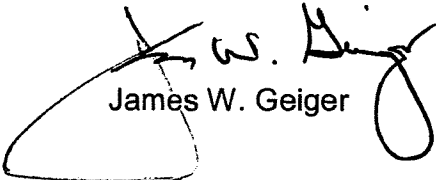
To: Councilmember Tamara Paltin
Maui County Council
Office of Council Services
200 South High Street
Wailuku, Hawaii 96793

Re: Project: Waikapu Country Town
Number: pslu-30

We are submitting the following:

3 originals of Unilateral Agreement and Declaration for Conditional Zoning
1 copy of Letter to Michael Hopper dated August 2, 2019

MANCINI, WELCH & GEIGER


James W. Geiger

Encls.

2019 AUG -2 AM 8:27

RECORDED

PAUL R. MANCINI*
JAMES W. GEIGER
THOMAS D. WELCH, JR.

MANCINI, WELCH & GEIGER LLP
A LIMITED LIABILITY LAW PARTNERSHIP

305 E. WAKEA AVE.,
SUITE 200
KAHULUI, HAWAII
96732-1681

COUNSEL
ROSALYN LOOMIS

August 2, 2019

TELEPHONE:
(808) 871-8351

*A LAW CORPORATION

FACSIMILE:
(808) 871-0732

Department of Corporation Counsel
County of Maui
200 S. High Street, 3rd Floor
Wailuku, Hawaii 96793

Attention: Michael Hopper

Re: Unilateral Agreement and Declaration For Conditional Zoning
Tax Map Key Nos. (2) 3-6-004:003 (portions), (2) 3-6-004:006,
(2) 3-6-006:036, (2) 3-6-005:007, and (2) 3-6-002:003 (portion)

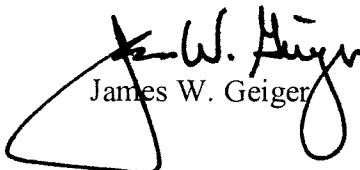
Gentlemen:

This office is counsel for Waikapu Properties, LLC, MTP Land Partners, LLC, William S. Filios, Trustee of the William S. Filios Separate Property Trust dated April 3, 2000 and Waiale 905 Partners, LLC, all of whom are parties to the Unilateral Agreement and Declaration For Conditional Zoning referenced above. This is to advise you that the entities or persons who signed the above-referenced agreement are the members holding all or a significant majority of the membership interests of each of the companies that are parties to that agreement and that as the members they are authorized to act on behalf of the respective companies to bind the companies to the terms of that agreement. This authority was reflected in the resolutions previously provided to the County of Maui that authorized the members to sign the agreement. For ease of reference, I attach copies of the resolutions that were signed by a manager of the respective companies.

If you have any questions about this, please feel free to contact me.

Very truly yours,

MANCINI WELCH & GEIGER


James W. Geiger

Jwg
Enclosures as noted

cc: Office of Council Services ✓
Waikapu Properties, LLC
MTP Land Partners, LLC
William S. Filios, Trustee
Waiale 905 Partners, LLC

248657pl

2019 AUG -2 AM 8:17

RECORDED

WAIALE 905 PARTNERS, LLC
Resolution to Authorize Signing of Unilateral Agreement

WAIALE 905 PARTNERS, LLC, a Hawaii limited liability company (“Company”) that is Manager managed, adopts the following resolution:

WHEREAS, Company is a signatory to a Unilateral Agreement and Declaration for Conditional Zoning (“Agreement”), and,

WHEREAS, the members of the Company determined on July 1, 2019 that the Agreement should be signed by its Members; and,

WHEREAS, Lodi Development, Inc., The Larry W. Anderson and Georgeann M. Anderson Revocable Family Trust Dated August 9, 2004, Filios Family Holdings, LLC, Boyce Holdings, Inc., Boyce Resource Development Company, and Trust B Created under the Last Will and Testament of Albert G. Boyce, Sr., dated November 2, 1978 are the Members of the Company who will sign the Agreement; and,

WHEREAS, the Company is willing to authorize said members to act on behalf of the Company to sign the Agreement on the Company’s behalf with the intent that such signatures will bind the Company to the terms of the Agreement the same as if the Agreement had been signed by the managers of the Company;

BE IT RESOLVED that the Company, hereby authorizes Lodi Development, Inc., The Larry W. Anderson and Georgeann M. Anderson Revocable Family Trust Dated August 9, 2004, Filios Family Holdings, LLC, Boyce Holdings, Inc., Boyce Resource Development Company, and Trust B Created under the Last Will and Testament of Albert G. Boyce, Sr., dated November 2, 1978 to sign the Agreement on behalf of the Company, and to bind the Company to the terms of said Agreement the same as if the Agreement had been signed by the managers of the Company.

Dated: July 31, 2019.

WAIALE 905 PARTNERS, LLC

By:


Albert Boyce

Its Manager

MTP LAND PARTNERS, LLC
Resolution to Authorize Signing of Unilateral Agreement

MTP LAND PARTNERS, LLC, a Hawaii limited liability company (“Company”) that is Manager managed, adopts the following resolution:

WHEREAS, Company is a signatory to a Unilateral Agreement and Declaration for Conditional Zoning (“Agreement”), and,

WHEREAS, the members of the Company determined on July 1, 2019 that the Agreement should be signed by its Members; and,

WHEREAS, Michael W. Atherton Development Inc. and Boyce Holdings, Inc. are the Members of the Company who will sign the Agreement; and,

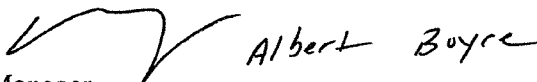
WHEREAS, the Company is willing to authorize said members to act on behalf of the Company to sign the Agreement on the Company’s behalf with the intent that such signatures will bind the Company to the terms of the Agreement the same as if the Agreement had been signed by the managers of the Company;

BE IT RESOLVED that the Company, hereby authorizes Michael W. Atherton Development Inc. and Boyce Holdings, Inc. to sign the Agreement on behalf of the Company, and to bind the Company to the terms of said Agreement the same as if the Agreement had been signed by the managers of the Company.

Dated: July 31, 2019.

MTP LAND PARTNERS, LLC

By:


Its Manager

WAIKAPU PROPERTIES, LLC
Resolution to Authorize Signing of Unilateral Agreement

WAIKAPU PROPERTIES, LLC, a Hawaii limited liability company (“Company”) that is Manager managed, adopts the following resolution:

WHEREAS, Company is a signatory to a Unilateral Agreement and Declaration for Conditional Zoning (“Agreement”), and,

WHEREAS, the members of the Company determined on July 1, 2019 that the Agreement should be signed by its Members; and,

WHEREAS, Lodi Development, Inc., Michael W. Atherton Development Inc., Filios Family Holdings, LLC, Boyce Holdings, Inc., and Boyce Resource Development Company are the Members of the Company who will sign the Agreement; and,

WHEREAS, the Company is willing to authorize said members to act on behalf of the Company to sign the Agreement on the Company’s behalf with the intent that such signatures will bind the Company to the terms of the Agreement the same as if the Agreement had been signed by the managers of the Company;

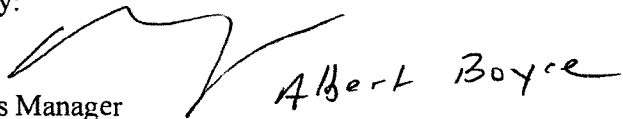
BE IT RESOLVED that the Company, hereby authorizes Lodi Development, Inc., Michael W. Atherton Development Inc., Filios Family Holdings, LLC, Boyce Holdings, Inc. and Boyce Resource Development Company to sign the Agreement on behalf of the Company, and to bind the Company to the terms of said Agreement the same as if the Agreement had been signed by the managers of the Company.

Dated: July 31, 2019.

WAIKAPU PROPERTIES, LLC

By:

Its Manager


Albert Boyce

LAND COURT SYSTEM

REGULAR SYSTEM

Return By Mail () Pickup () : To:
Office of the County Clerk
County of Maui
200 South High Street
Wailuku, Hawai`i 96793

Total Number of Pages: 91

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

UNILATERAL AGREEMENT AND
DECLARATION FOR CONDITIONAL ZONING

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

WITNESSETH:

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

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

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

NOW, THEREFORE, the Declarant makes the following Declaration:

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

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

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

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

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

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

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

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

petition to be processed in the same manner as petitions for change in zoning.

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

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

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

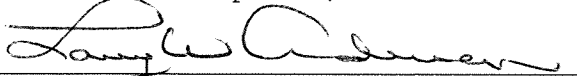
[SIGNATURE PAGES FOLLOW]

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

DECLARANT:

WAIKAPU PROPERTIES, LLC
a Hawaii limited liability company

By: Lodi Development, Inc.



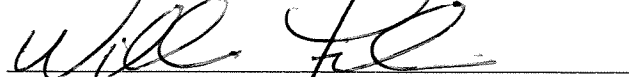
By: Larry W. Anderson
Its: President

By: Michael W. Atherton
Development Inc.




By: Michael W. Atherton
Its: President

By Filios Family Holdings, LLC



By: William Filios
Its: Manager

By: Boyce Holdings, Inc.



By: Albert G. Boyce
Its: President

By: Boyce Resource Development
Company

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

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

DECLARANT:

WAIKAPU PROPERTIES, LLC
a Hawaii limited liability company

By: Lodi Development, Inc.

By: Larry W. Anderson
Its: President

By: Michael W. Atherton
Development Inc.

By: Michael W. Atherton
Its: President

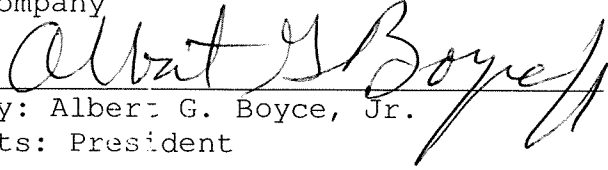
By Filios Family Holdings, LLC

By: William Filios
Its: Manager

By: Boyce Holdings, Inc.

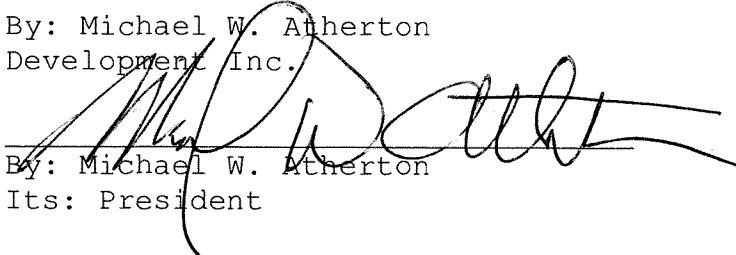
By: Albert G. Boyce V
Its: President

By: Boyce Resource Development
Company

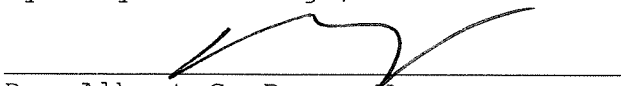

By: Albert G. Boyce, Jr.
Its: President

MTP LAND PARTNERS, LLC
a Hawaii limited liability company

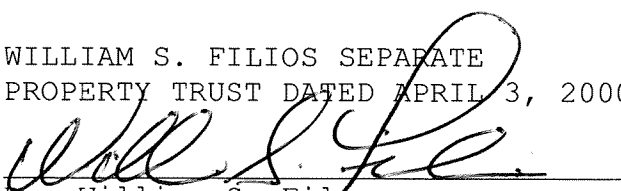
By: Michael W. Atherton
Development Inc.


By: Michael W. Atherton
Its: President

By: Boyce Holdings, Inc.

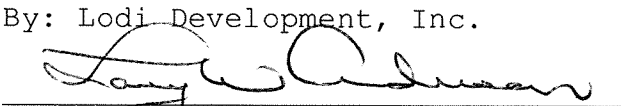

By: Albert G. Boyce
Its: President

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

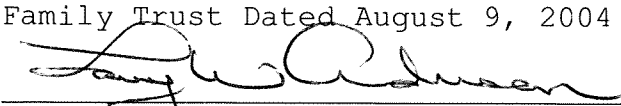

By: William S. Filios
Its: Trustee

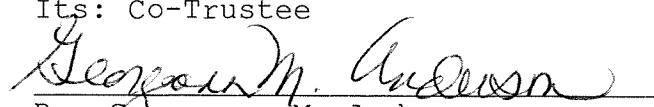
WAIALE 905 PARTNERS, LLC
a Hawaii limited liability company

By: Lodi Development, Inc.


By: Larry W. Anderson
Its: President

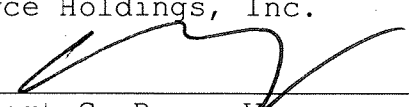
By: Larry W. Anderson and
Georgeann M. Anderson Revocable
Family Trust Dated August 9, 2004


By: Larry W. Anderson
Its: Co-Trustee


By: Georgeann M. Anderson

Its: Co-Trustee

By: Boyce Holdings, Inc.



By: Albert G. Boyce
Its: President

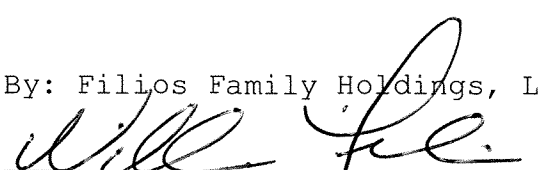
By: Boyce Resource Development
Company

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

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


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

By: Filios Family Holdings, LLC



By: William Filios
Its: Manager

APPROVED AS TO FORM AND LEGALITY:



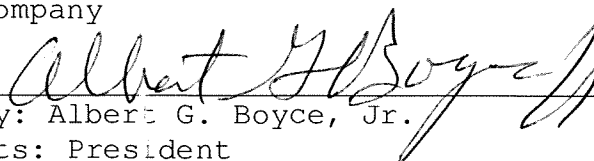
for
DAVID GALAZIN
Deputy Corporation Counsel
County of Maui

Its: Co-Trustee

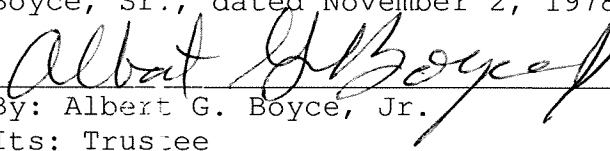
By: Boyce Holdings, Inc.

By: Albert G. Boyce V
Its: President

By: Boyce Resource Development
Company


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

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


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

By: Filios Family Holdings, LLC

By: William Filios
Its: Manager

APPROVED AS TO FORM AND LEGALITY:

DAVID GALAZIN
Deputy Corporation Counsel
County of Maui

ACKNOWLEDGMENT

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

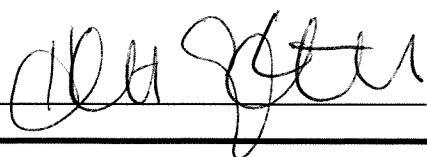
State of California
County of SAN JOAQUIN

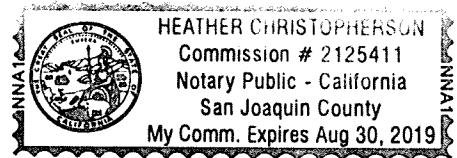
On July 20, 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

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

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

WITNES my hand and official seal.

Signature  (Seal)



ACKNOWLEDGMENT

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

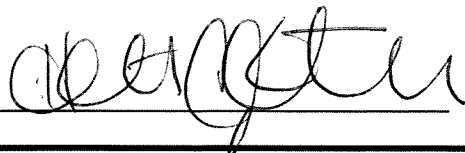
State of California
County of San Joaquin)

On July 25, 2019 before me, Heather Christopherson, Notary
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature  (Seal)



ACKNOWLEDGMENT

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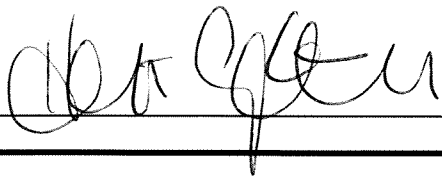
State of California
County of SAN JOAQUIN)

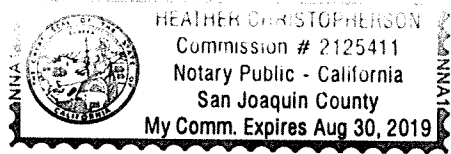
On July 25, 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature  (Seal)



ACKNOWLEDGMENT

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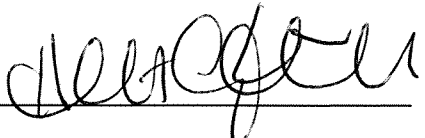
State of California
County of SAN JOAQUIN

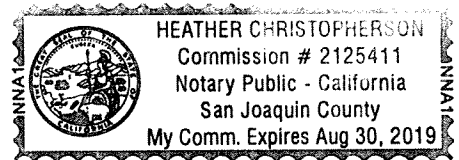
On August 1, 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature  (Seal)



ACKNOWLEDGMENT

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

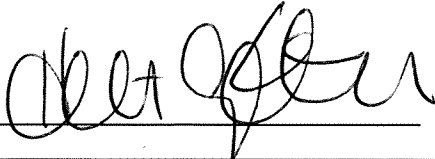
State of California
County of SAN JOAQUIN

On August 1, 2019 before me, HEATHER CHRISTOPHERSON
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

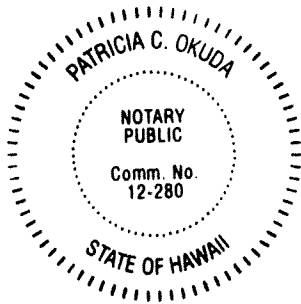
Signature  (Seal)



STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 29 day of July, 2019, before me personally appeared Michael W. Atherton, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Patricia C. Okuda

Notary Public, State of Hawaii
Printed Name: Patricia C. Okuda

My Commission Expires: 8/26/20

NOTARY PUBLIC CERTIFICATION

Doc. Date: 7/29/19

Pages: 83

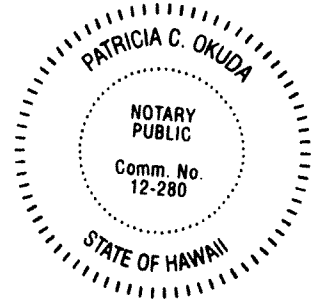
Notary Name: Patricia C. Okuda

Second Circuit

Doc. Description Unilateral Agreement
and Declaration for Conditional Zoning

Patricia C. Okuda
Notary Signature

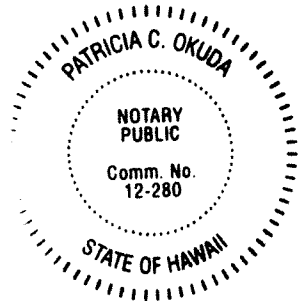
7/29/19
Date



STATE OF HAWAII)
) SS.
 COUNTY OF MAUI)

On this 29 day of July, 2019, before me personally appeared Larry W. Anderson, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Patricia C. Okuda

Notary Public, State of Hawaii
 Printed Name: Patricia C. Okuda

My Commission Expires: 8/26/20

NOTARY PUBLIC CERTIFICATION

Doc. Date:

Pages: 83

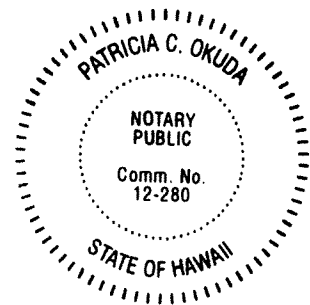
Notary Name: Patricia C. Okuda

Second Circuit

Doc. Description Unilateral Agreement
and Declaration for Conditional Zoning

Patricia C. Okuda
 Notary Signature

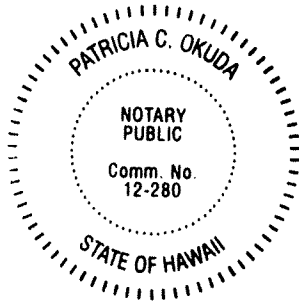
7/29/19
 Date



STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 29 day of July, 2019, before me personally appeared Georgann M. Andersen to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Patricia C. Okuda
Notary Public, State of Hawaii
Printed Name: Patricia C. Okuda

My Commission Expires: 8/26/20

NOTARY PUBLIC CERTIFICATION

Doc. Date: 7/29/19

Pages: 83

Notary Name: Patricia C. Okuda

Second Circuit

Doc. Description Unilateral Agreement

and Declaration for Conditional Zoning

Patricia C. Okuda
Notary Signature

7/29/19
Date

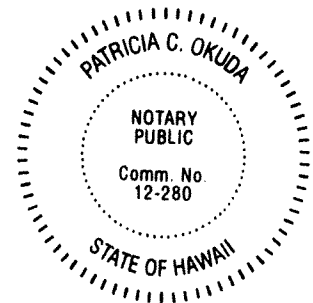


EXHIBIT "I"

Description of Property

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION
PORTION OF LOT 6

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

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

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

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

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

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

Michael E. Silva

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

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

3084

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION
PORTION OF LOT 6

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

Beginning at the Southeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "1.UK1:" being:

11,159.99 feet South

4,938.21 feet West

and running by azimuths measured clockwise from True South:

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

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

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

M. Silva

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

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

W-1

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION
Lot 2

Being all of Lot 2 of Hawaii Tropical Plantation Subdivision, being also all of a Polima, Royal Patent 3131, Land Commission Award 10,481, Apana 1, Mahele 1 to Napailoi, Royal Patent 3142, Land Commission Award 11,022, Apana 6 to Wihinecalii, Royal Patent 3148, Land Commission Award 10,160, Apana 1 to Mahoe, Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai, Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini and being also portions of Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kanae, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaii, Royal Patent 4115, Land Commission Award 3221, Apana 3 to Oponui, Grant 1844, Apana 1 to J. Sylva, Grant 1844, Apana 2 to J. Sylva, Grant 2069 to Kaii, Grant 2069 to Kaai, Grant 3043 to J. Boardman, and Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

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

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

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

- | | | | |
|-----|--------------|--------|--|
| 5. | 291° 45' 30" | 58.59 | feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva; |
| 6. | 305° 13' | 264.12 | feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva and Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; |
| 7. | 227° 10' | 111.95 | feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; |
| 8. | 226° 10' | 17.92 | feet along the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; |
| 9. | 222° 30' | 81.90 | feet along same; |
| 10. | 133° 20' | 40.00 | feet along same; |
| 11. | 154° 32' | 79.57 | feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui; |
| 12. | 241° 51' | 99.68 | feet along Grant 2069, Apana 2 to Kaai; |
| 13. | 243° 45' | 84.50 | feet along Royal Patent 6223, Land Commission Award 3526, Apana 1 to Kekoaheewale; |
| 14. | 235° 29' | 68.00 | feet along the Grant 1713 to John Ross; |
| 15. | 307° 20' | 10.00 | feet along the remainder of Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui; |
| 16. | 225° 00' | 19.78 | feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui; |
| 17. | 235° 31' 08" | 318.56 | feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui and Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi; |
| 18. | 223° 33' | 58.58 | feet along Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi; |

19. 321° 27' 53.55 feet along Lot 4 of Hawaii Tropical Plantation Plantation Subdivision, being also along Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
20. 287° 40' 152.19 feet along same;
21. 283 30' 120.00 feet along same;
22. 32° 10' 88.31 feet along Lot 3 of the Hawaii Tropical Plantation Subdivision, being also along the remainder of Royal Patent 498, Land Commission Award 236-I, Apana 1 to Charles Copp;
23. 16° 50' 209.00 feet along same;
24. 25° 20' 195.00 feet along same;
25. Thence along same on a curve to the right with a radius of 230.00 feet, the chord azimuth and distance being:
55° 12' 30" 229.13 feet;
26. 85° 05' 125.00 feet along same;
27. Thence along Royal Patent 637-I, Land Commission Award 9324, Apana 2 to Keakini, along the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae on a curve to the left with a radius of 151.00 feet, the chord azimuth and distance being:
49° 17' 30" 176.62 feet;
28. 13° 30' 243.00 feet along the remainder of Grant 2069 to Kaai;
29. 26° 15' 539.50 feet along same;
30. 295° 55' 142.26 feet along same;
31. 5° 10' 285.00 feet along remainder of Grant 2069 to Kaai and Grant 2960 to Boardman;
32. 75° 00' 91.00 feet along the remainder of Grant 2960 to Boardman;
33. 346° 40' 40.00 feet along same;

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

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

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

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

wp:

DESCRIPTION

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

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

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

9,791.73 feet South

4,611.04 feet West

and running by azimuths measured clockwise from True South:

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

- | | | |
|-----|--------------|---|
| 10. | 42° 30' | 81.90 feet along same; |
| 11. | 46° 10' | 47.921 feet along same; |
| 12. | 47° 10' | 111.95 feet along same; |
| 12. | 125° 13' | 264.12 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kauli and Grant 1844, Apana 1 to J. Sylva; |
| 13. | 111° 45' 30" | 58.59 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva; |
| 14. | 192° 26' 23" | 143.95 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva; |
| 15. | 186° 52' 53" | 79.99 feet along same; |
| 16. | 210° 00' | 196.90 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, and Grant 1704 to Opunui to the point of beginning and containing an area of 2.810 Acres. |

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

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

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

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

Page 2 of 2 Pages

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION
LOT 3

Being all of 1 of 3 of Hawaii Tropical Plantation Subdivision, being also all of Grant 1674 to F.W. Gleason; Grant 2342 to E. Bal; Royal Patent 324, Land Commission Award 455, Apana 2 to Haa; Royal Patent 4014, Land Commission Award 5774, Apana 4 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 3 to Kaneae; Land Commission Award 462, Apana 2 to Aluhuka; Royal Patent 637-I, Land Commission Award 5324, Apana 2 to Keekini; Royal Patent 3130, Land Commission Award 8874, Apana 2 to Kaneae; Royal Patent 3139, Land Commission Award 491, Apana 2 to Hoowahine; Grant 2747, Apana 2 to E. Bal; Royal Patent 3139, Land Commission Award 491, Apana 1 to Hoowahine; Land Commission Award 462, Apana 1 to Mahuka; Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamuhai; Royal Patent 3139, Land Commission Award 491, Apana 3 to Hoowahine; Grant 1146 to Antonio Sylva; Royal Patent 41, Land Commission Award 416, Apana 1 to John Crowder; Royal Patent 41, Land Commission Award 416, Apana 2 to John Crowder; and being also portions of Grant 2904 to John Crowder; Grant 3152 to Henry Cornwell; Grant 3043 to J. Boardman; Grant 2960 to J. Boardman; Grant 2069 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae; Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; Royal Patent 498, Land Commission Award 236-I, Apana 1 to Charles Copp situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

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

10,850.15 feet South

2,816.41 feet West

and running by azimuths measured clockwise from True South:

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

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

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


30. 246^o 49'

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

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.



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

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

WVS

DESCRIPTION

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

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

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

15,360.54 feet South

3,339.81 feet West

and running by azimuths measured clockwise from True South:

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

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

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

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

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink that reads "M Silva".

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

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

www

EXHIBIT "2"
Land Zoning Map

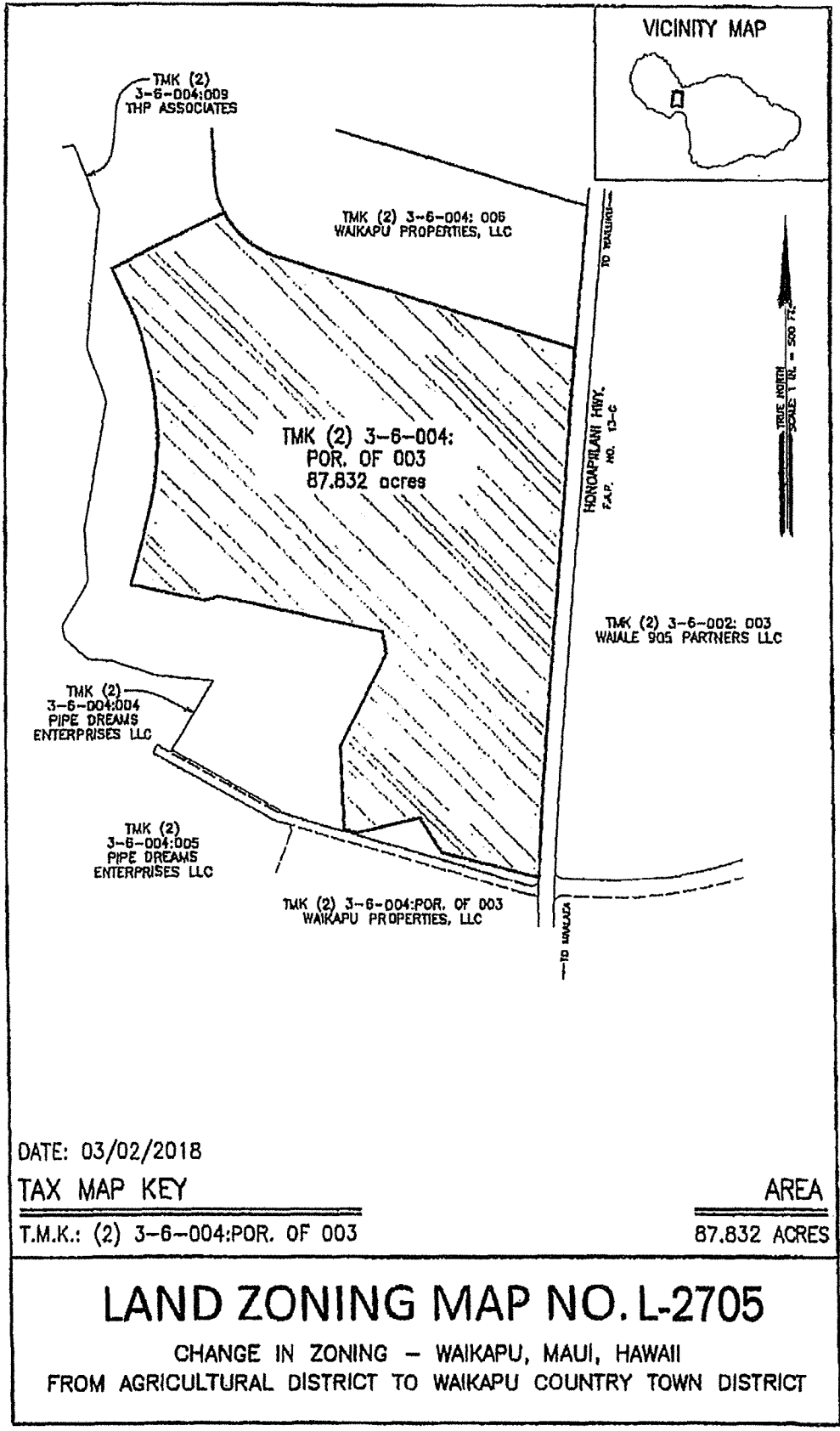
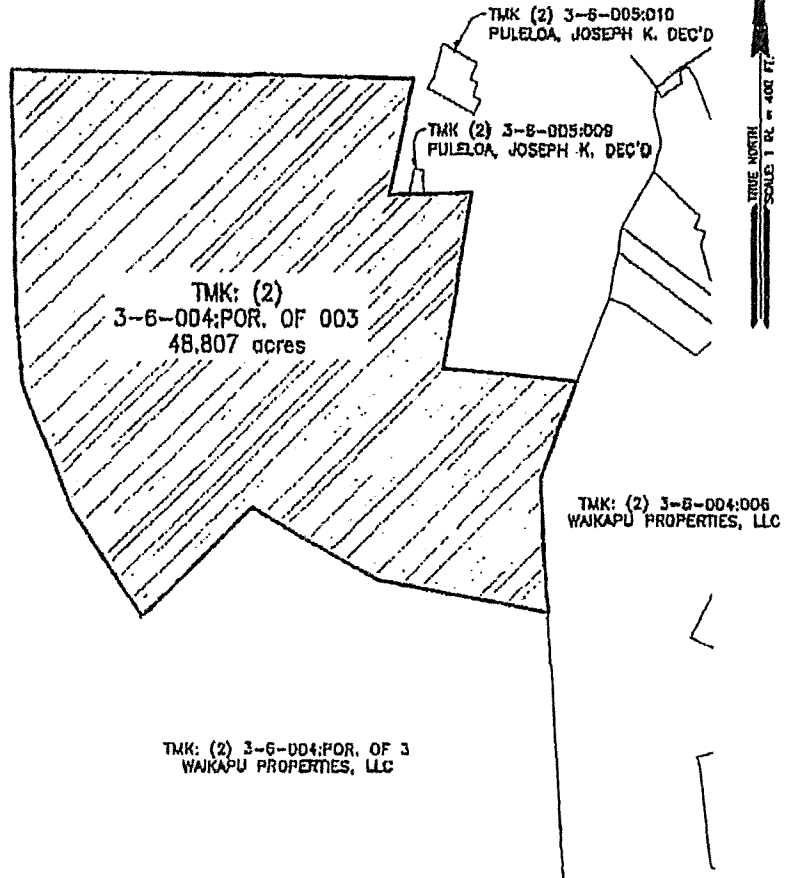


Exhibit "2"

VICINITY MAP



DATE: 03/02/2018

TAX MAP KEY

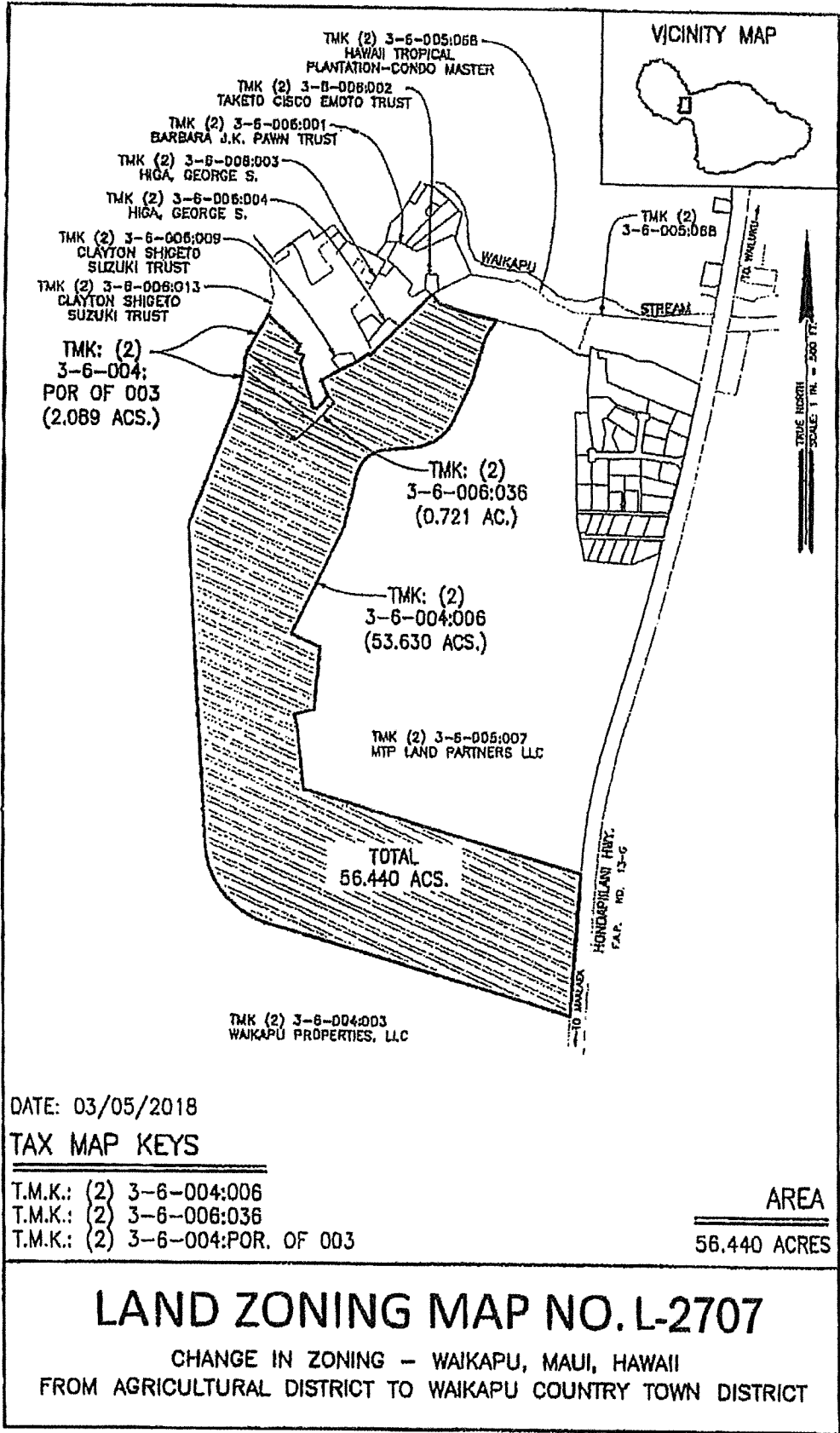
T.M.K. (2) 3-6-004:POR. OF 003

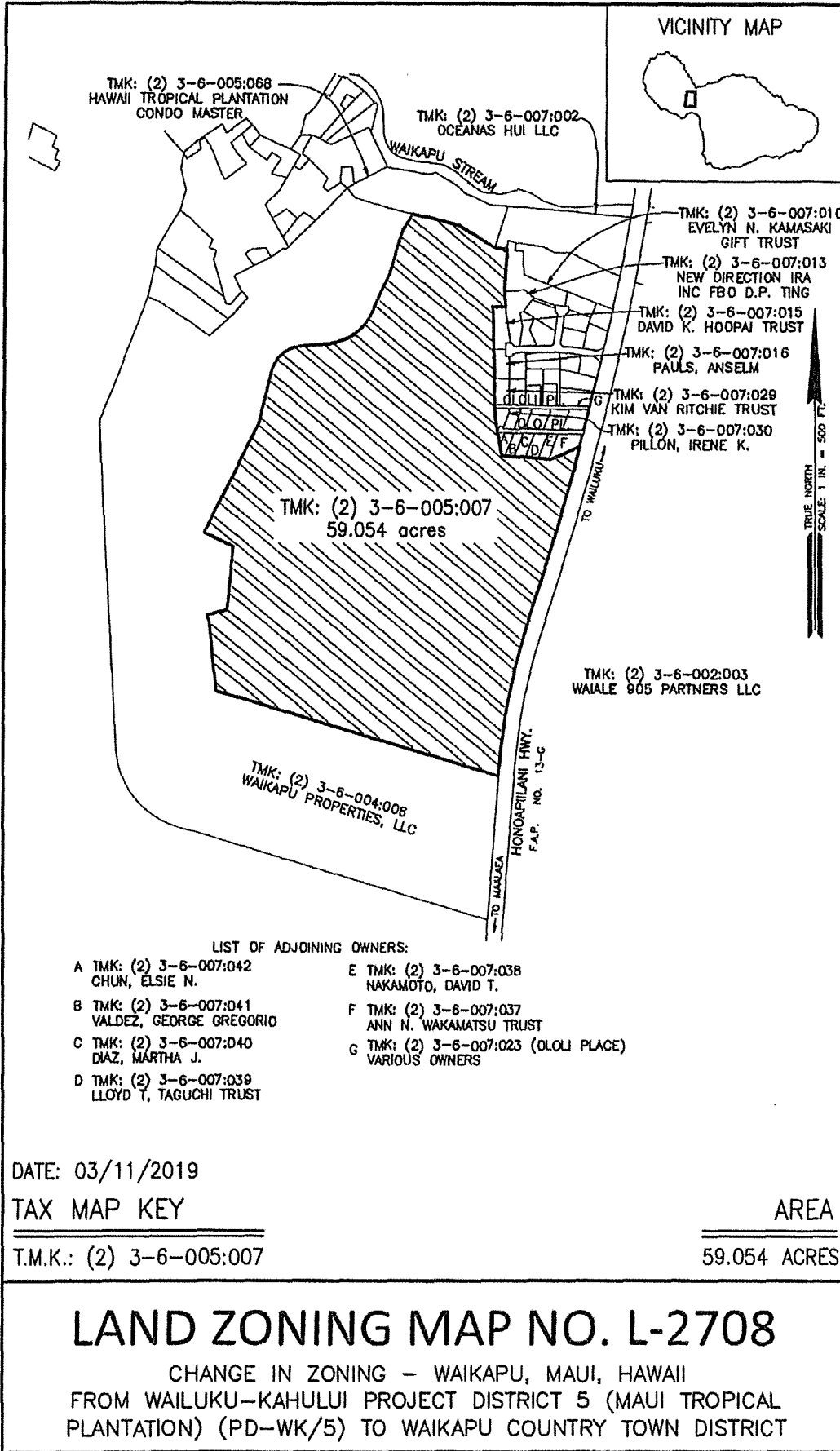
AREA

48.807 ACRES

LAND ZONING MAP NO. L-2706

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





LIST OF ADJOINING OWNERS:

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

DATE: 03/11/2019

TAX MAP KEY

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

AREA

59.054 ACRES

LAND ZONING MAP NO. L-2708

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

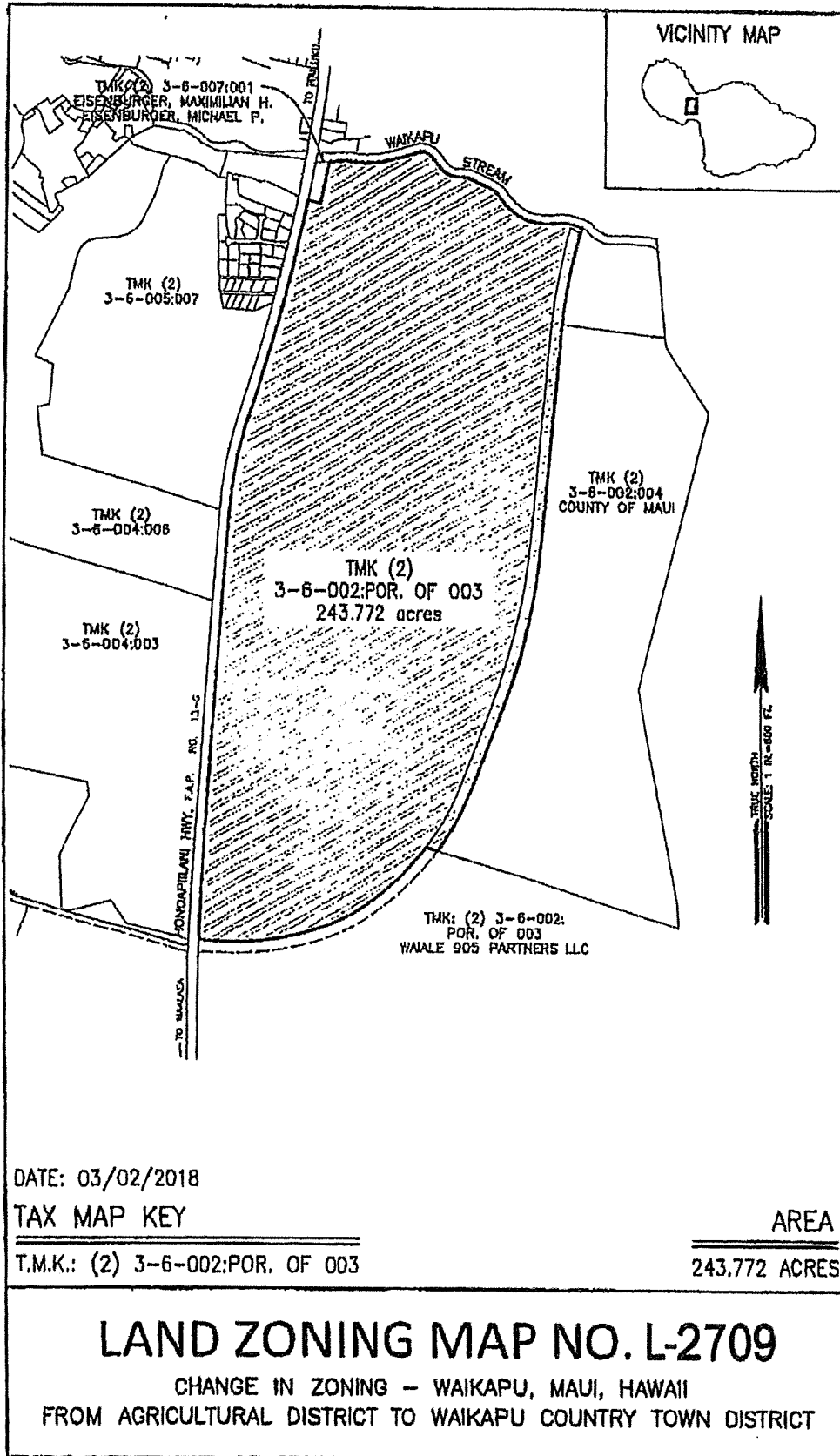


EXHIBIT "3"

Conditions of Zoning

EXHIBIT "3"

CONDITIONS OF ZONING

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

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

SDOT-H will confirm compliance with this condition.

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

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

3. Transportation – DPW.

a. Landowners shall conduct a pro rata traffic share study for the Waiale Road Extension and transmit it to DPW for review and approval prior to the County's approval of the first subdivision application for the project. The pro rata share study shall evaluate the project's percentage of future vehicle trips on the Waiale Road Extension from Waiko Road to Honoapiilani Highway.

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

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

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

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

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

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

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

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

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

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

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

22. Infrastructure Deadline. Landowners shall complete construction of the backbone infrastructure, which consists of primary roadways and access points; internal roadways; on-site and off-site water, sewer, and electrical system improvements; and stormwater and drainage and other utility improvements within ten (10) years from February 26, 2018, the date of the State Land Use Commission Decision and Order approving Petition A15-798.
23. Compliance with Representations to the Maui County Council. Landowners shall develop the Project Area in substantial compliance with the representations made to the Maui County Council in its approval of the subject change in zoning. Failure to develop the Project Area in accordance with such representations may result in enforcement, including reversion of the Project Area to its former zoning and community plan classifications.
24. Annual Reports. Landowners shall provide the Department an annual report on the status of the development of the Project Area and Landowners' progress in complying with the conditions imposed herein. The first annual report shall be submitted within one (1) year of the effective date of the CIZ ordinance, and subsequent reports shall be submitted annually on or near the same date.
25. The Project Area's Agricultural Master Plan, as set forth in Chapter III, Section 5 of the project's Final EIS identifies an agricultural preserve that is subject to an agricultural conservation easement, and a balance of approximately 270 acres that is mauka of Honoapiilani Highway, for which the zoning remains agriculture. The approximately 270-acre area is depicted in Exhibit "2" as being a portion of Lot 6 and identified as the Mauka Agricultural Lands. The use of the 270-acre area is restricted as follows: principal uses: no animal sales yards are allowed; accessory uses: only the following accessory uses are allowed: two farm dwellings per lot; small scale energy systems, small-scale animal-keeping; and parks for public use. There shall be no more than two farm dwellings on each lot, and there shall be no farm labor dwellings. Landowners shall not seek county special use permits; state special permits; or approvals under Chapter 201H, Hawaii Revised Statutes. If subdivided, the 270-acre area shall consist of no more than five lots. Landowners shall record with the bureau of conveyances, or land court, as appropriate, this condition on property identified for real property tax purposes as tax map key (2) 3-6-004:003, as pertaining to the 270-acre area and provide proof of recordation to the Maui County Council prior to the first final subdivision approval, and such condition shall run with the land and bind all future owners or lessees of the area.
26. Landowners shall establish the Waikapū Cultural Preserve, Cultural Corridor and Riparian Buffer, as described in the Integrated Natural-Cultural Resource Preservation & Management Plan, dated June 2019, and attached as Exhibit "3," prior to the first final subdivision approval.

27. Landowners shall, prior to the first final subdivision approval, implement all priority projects described in the Integrated Natural-Cultural Resource Preservation & Management Plan, dated June 2019, and attached as Exhibit "3," except Waikapu Stream Priority Projects #2 and #3.
28. Landowners shall submit all street names in the Project Area for review and approval to the Public Works Commission. Streets in the Project Area shall be named in consideration of traditional land divisions, trade winds, and other natural and cultural factors relevant to the Project Area.

AG. PRESERVE SITES

TMK (2)
3-6-004:
POR. 3

TMK (2)
3-6-002:1
& POR. 3



VICINITY MAP

GRAPHIC SCALE IN FEET



NORTH 0 3500 7000 14000

AGRICULTURAL PRESERVE SITES

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

WAIKAPU, MAUI, HAWAII

SCALE: 1 IN.=2,000 FT.

DATE: APRIL 25, 2019

PREPARED FOR:

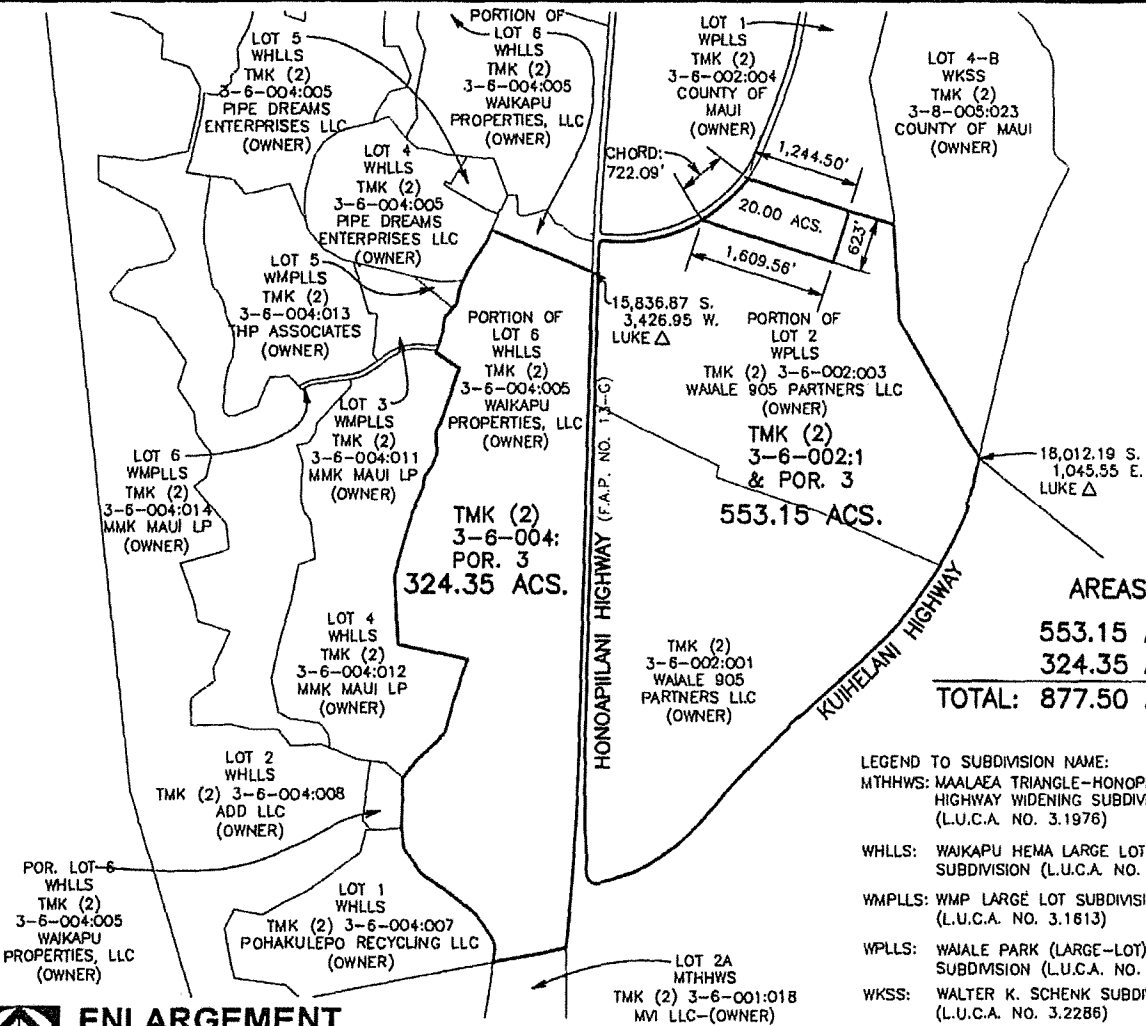
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, HAWAII 96793

PREPARED BY:

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

NOTES:

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



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



ENLARGEMENT

GRAPHIC SCALE IN FEET



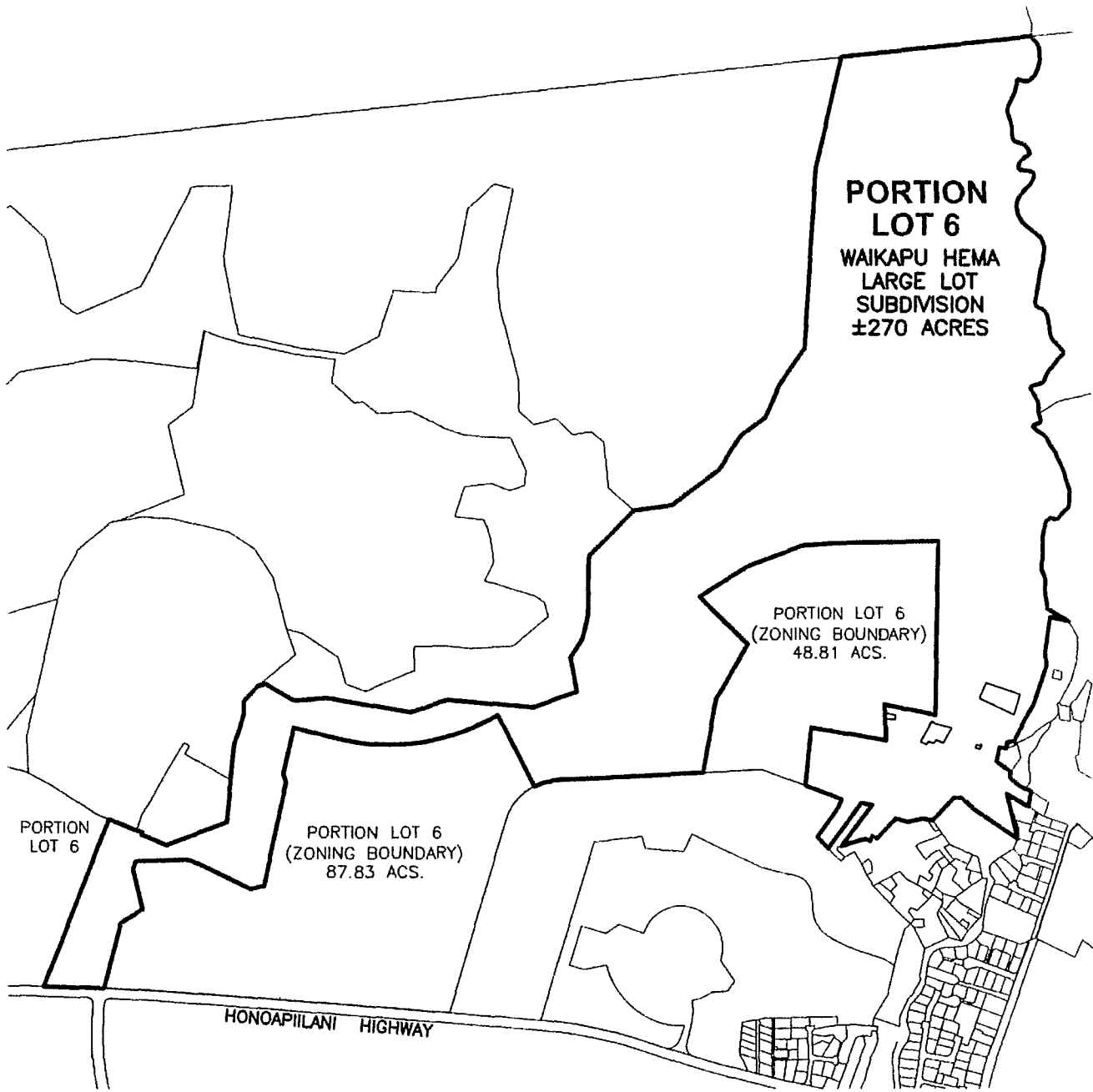
NORTH 0 1000 2000 4000

LEGEND TO SUBDIVISION NAME:

- MTHHWS: MAALAEA TRIANGLE-HONOPIILANI HIGHWAY WIDENING SUBDIVISION (L.U.C.A. NO. 3.1976)
- WHLLS: WAIKAPU HEMA LARGE LOT SUBDIVISION (L.U.C.A. NO. 3.1421)
- WMPLLS: WMP LARGE LOT SUBDIVISION (L.U.C.A. NO. 3.1613)
- WPLLS: WAIALE PARK (LARGE-LOT) SUBDIVISION (L.U.C.A. NO. 3.2278)
- WKSS: WALTER K. SCHENK SUBDIVISION (L.U.C.A. NO. 3.2286)

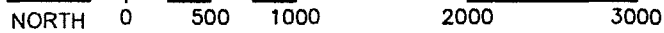
TAX MAP KEY (2) 3-6-004:POR. 003 & (2) 3-6-002:001 AND POR. 003

Exhibit "1"



MAUKA AGRICULTURAL LANDS

SCALE IN FEET



DATE: 07/08/2019



PREPARED FOR: WAIKAPU PROPERTIES, LLC

PREPARED BY: FUKUMOTO ENGINEERING, INC.

Exhibit "2"

Integrated Natural-Cultural Resource Preservation & Management Plan

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



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

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

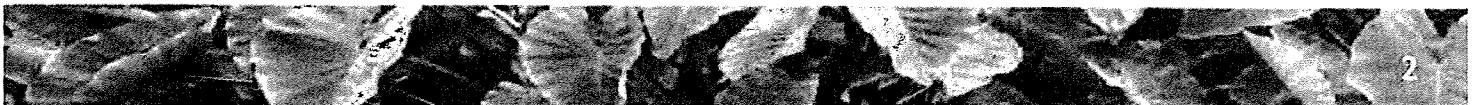
Prepared by
Hōkūao Pellegrino
Cultural Consultant

EXHIBIT "3"

June 2019

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

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

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

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

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

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

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



1.2 PROJECT BACKGROUND

Waikapū Country Town is a new mixed-use housing development being proposed by Waikapū Properties, LLC & Wai'ale 905 Partners, LLC. It will be situated on lands within and surrounding the Maui Tropical Plantation (MTP) and adjacent to the existing historic town of Waikapū. The development project will encompass approximately 500 acres of land and include rural lots, single family lots, cottage town houses, country town mix use, commercial, parks, open space, school and other permitted uses. 1,021 acres will remain in agriculture of which 877 acres will be protected in perpetuity under an agricultural conservation easement with the Hawaiian Islands Land Trust. In addition to protecting important agricultural lands, is the establishment of a 50 acre cultural preserve which will protect highly sensitive pre-western contact kuleana parcels and the Waikapū Stream. There were over 50 Kuleana Land Commission Awards (LCA) and Government Grants awarded to Native Hawaiians during the Great Māhele (1848), prior to any plantation and commercial uses of the proposed project area. Around 36 of these kuleana parcels were compromised during the plantation era, however, many are still intact as they were prior to western contact. Thus, it was imperative to protect these culturally sensitive lands in perpetuity by placing them in a cultural preserve to be managed in the future by a Waikapū-based community organization with a robust management and stewardship plan. Majority of the Waikapū watershed, located in both the Hana'ula and Kapilau Mountain Range, is owned by Hana'ula Ranch, LLC, which is co-owned by a partner of Waikapū Properties, LLC. Although the Waikapū Country Town development is not within the 3,425 conservation parcel, the nearest subdivision is ¾ of a mile away from the conservation boundary. Due to the sensitive nature and rarity of Waikapū's native flora and fauna, as well as invasive species control, it is important to include protective measures and management strategies to have in place for Hana'ula Ranch, LLC as part of the Integrated Natural-Cultural Resource Preservation & Management Plan.

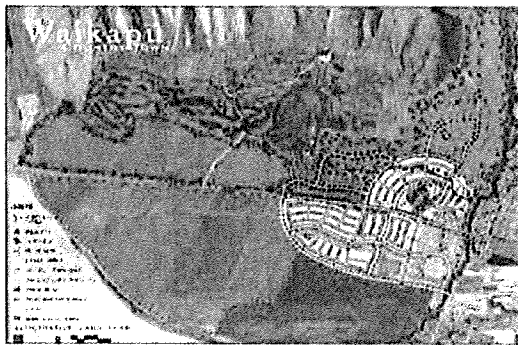


Figure 1: WCT Development Map

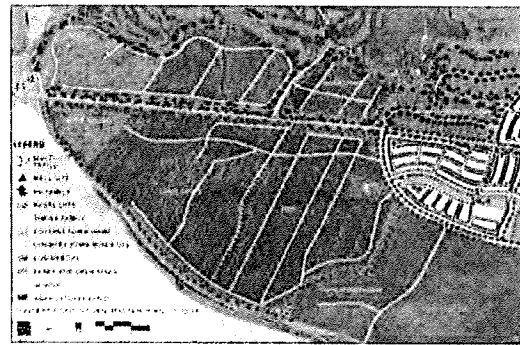


Figure 2: WCT Agricultural Lands

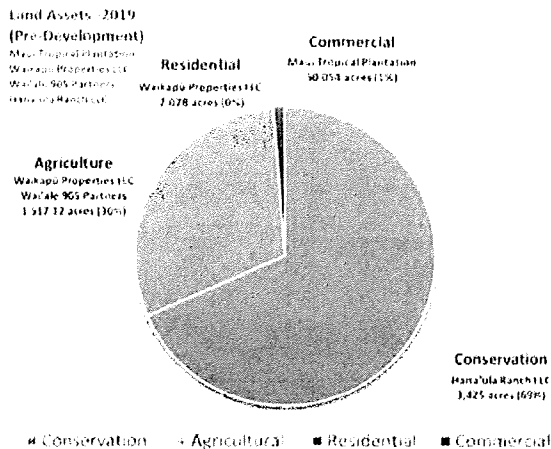


Figure 3: Land Asset Model (Current State)

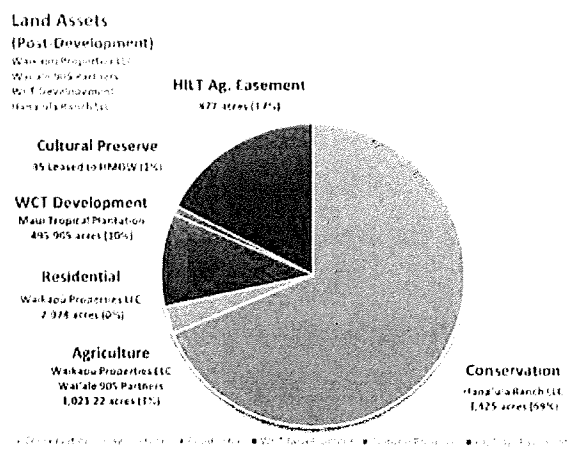


Figure 4: Land Asset Model (Post-Development)



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

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

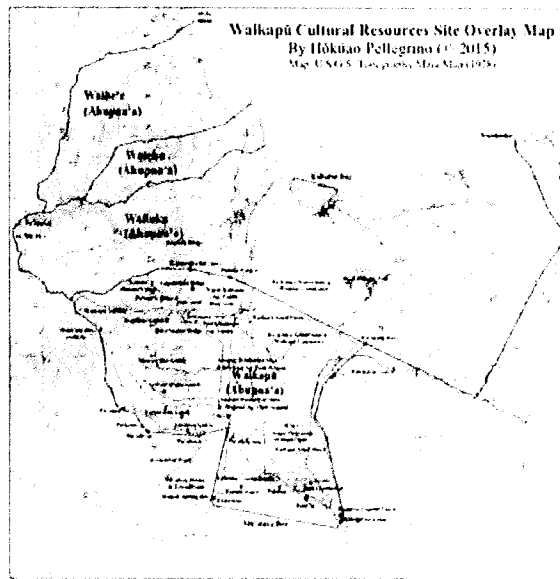


Figure 5. Waikapū Cultural Landscape Map - Hōkūno Pellegrino (2015)

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

The landscape of Waikapū i ka makani Kokololio (Waikapū of the gusty wind) is highly diverse and includes extensive natural, cultural and water resources. The coastal region and nearshore fisheries at Mā'alaea Bay was once an expansive resource that greatly assisted in sustaining Hawaiians living throughout the Waikapū ahupua'a. The wetlands and ancient inland fishpond of Kēalia provided a habitat for native aquatic species, also another important food source. However, Keālia was truly known for their mo'opaka'ai or salt ponds in which Hawaiians produced some of the highest grades of pa'akai (salt) on Maui. Included in Waikapū, was a large portion of Kama'oma'o or the central isthmus and plains. There, existed a diverse native shrub land along with a portion of the Nā Wai 'Ehā pu'u one or sand dune system. Interred in the sand dunes were iwi kūpuna (bones of ancestors) of former residents of Waikapū, the greater Nā Wai 'Ehā and possibly those who had fallen in the many infamous battles that took place there, both of ali'i and maka'āinana class. Mauka or inland of the dunes were deep interior valleys, gulches and alluvial planes, which were of great importance to mahi'ai or farmers who cultivated both wetland and dryland

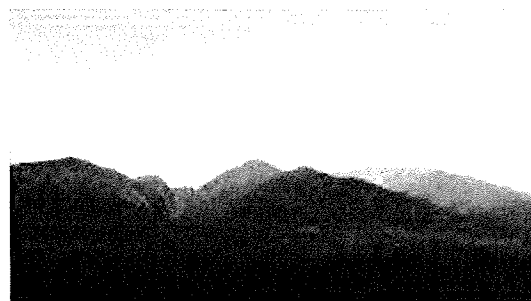


Figure 6. Kapilau & Hana'ula Mountain Ranges, Waikapū - Hōkūno Pellegrino (2017)



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

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

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



Figure 7: Waikapū Stream - Hōkua'o Pellegrino (2016)

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

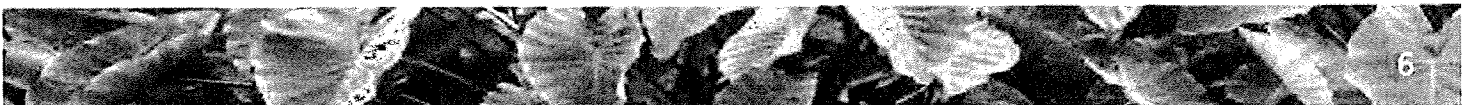


Figure 8: Ko'oko'olau in Waikapū Valley - Hōkua'o Pellegrino

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



Figure 9: Kamehameha Golf Course - Hōkua'o Pellegrino



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

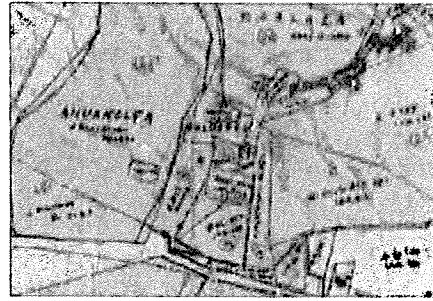


Figure 10: Part of 1894 Map of Waikapū - Hōkuao Pellegrino

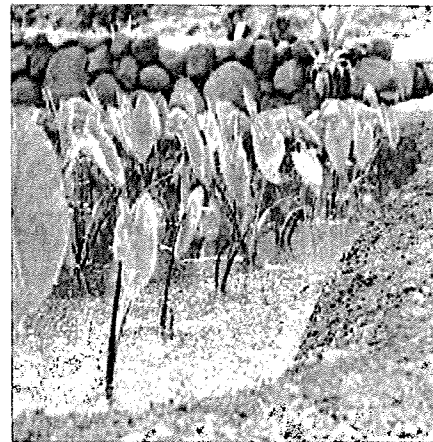


Figure 11: Waikapū lo'i Kalo - Hōkuao Pellegrino

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

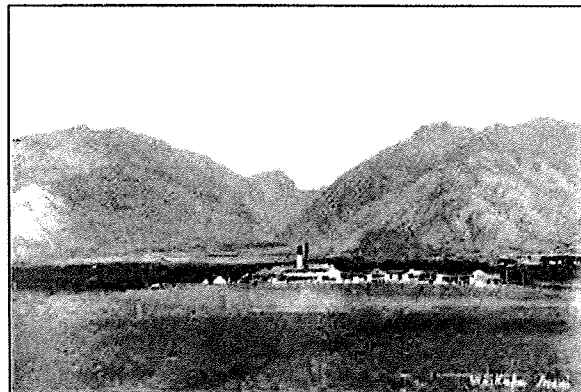
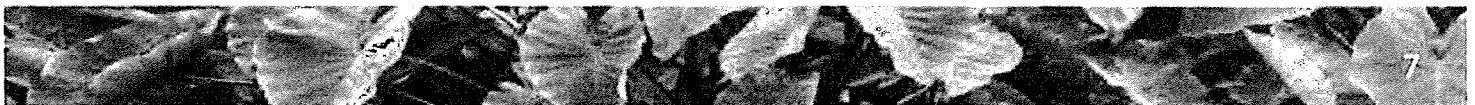


Figure 12: Waikapū Sugar Plantation, circa 1884 - Maui Historical Society



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

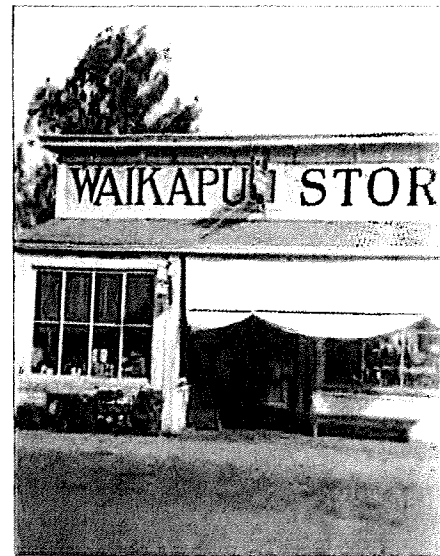


Figure 13. Waikapū Store, circa 1930 - Maui Historical Society



Figure 14. Ah Fat Store Sign - Hokua Pellegrino (2019)

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

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



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



Figure 15. Waikapū 'Auwai Restoration - Hōkuaō Pellegrino (2004)

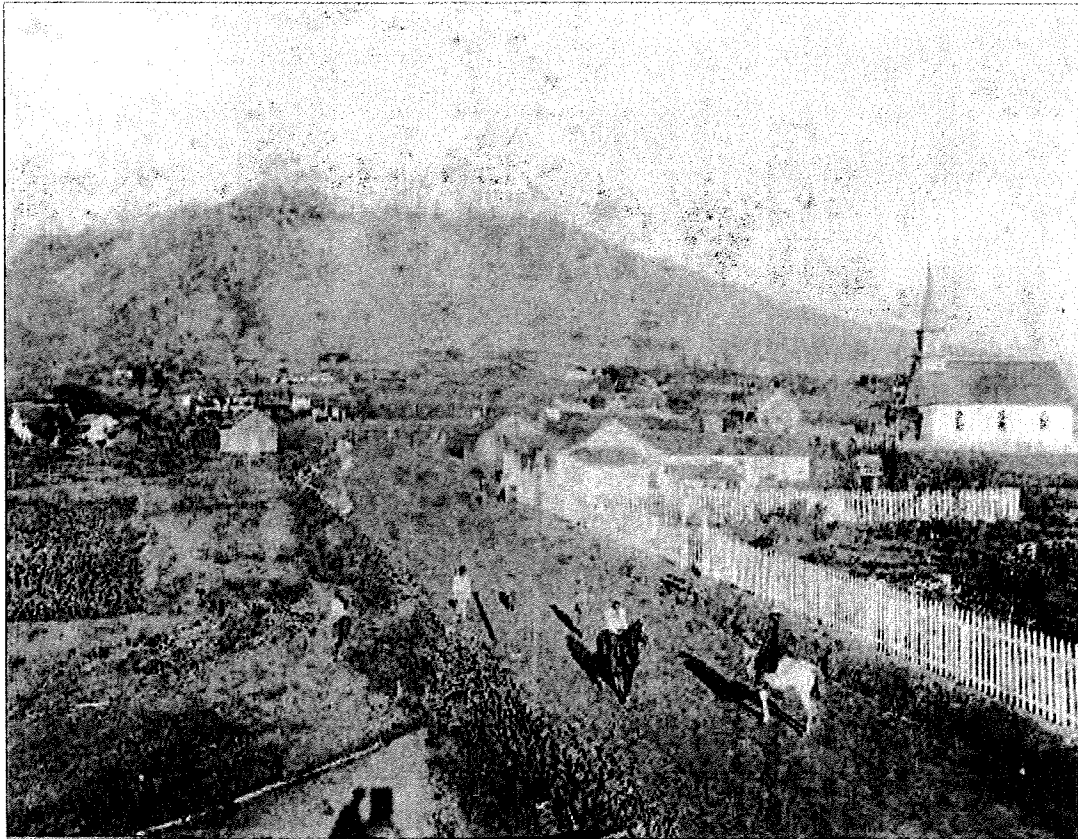


Figure 16. Waikapū Village, circa 1884 - Bishop Museum Archives



2.1 ‘ĀINA KUMU WAI O WAIKAPŪ - WAIKAPŪ WATERSHED

The upper Waikapū watershed falls within the mountain range of Hana’ula (4,616 ft.) and Kapilau (4,426 ft.). It is 1 of 10 watersheds and is approximately 7,900 acres or 16% of the overall Mauna Kahālāwai Watershed, totaling 50,000 acres. The annual rainfall ranges between 10” along the southern flank of Hana’ula to around 75” at the intersection of Hana’ula and Kapilau in the Waikapū Valley. Rain accounts for providing 3-4 MGD (million gallons per day) into the Waikapū Stream, a perennial stream that culminates at the Keālia wetlands. The sustainable yield for ground water in the Waikapū aquifer is 3 MGD. There are five dry gulches along the Hana’ula Mountain Range (Kapiliiki, ‘Oawakilikā, Pale’a’ahu, Ka’onoehua, Pōhākea) and one in the center of Kapilau (Kalapaoka’ilio), all of which flow intermittently during heavy rainfall events.



Figure 17. Waikapū Watershed - Hokoao Pellegrino (2018)

The watershed has a mixture of montane and lowland wet forest, mesic forest, dry forest and shrubland which includes an abundance of endemic and indigenous flora and fauna. Many of the plant, bird, insect and mammal species are either endangered, locally rare, species of concern or candidate for protection. The wet and mesic forests still have an abundance of ‘ōhi’a lehua (*Metrosideros polymorpha*), hala pepe (*Pleomele auwahiensis*), maile (*Alyxia oliviformis*) and olonā (*Touchardia latifolia*). The dryland forest still have outliers of koai’a (*Acacia koaia*), wiliwili (*Erythrina sandwicensis*), ko’oko’olau (*Bidens spp.*) and ‘ākia (*Wikstroemia oahuensis*). Many of these plant species mentioned in addition to others, were utilized for various cultural purposes by Hawaiians living in the Waikapū ahupua’a. The biological value of the Waikapū watershed continues to be important to Hawaiians. Rare and endangered aviary species such as koa’e kea (*Phaethon lepturus dorotheae*) and nēnē (*Branta sandwicensis*) along with the ‘ōpe’ape’a (*Lasiurus cinereus semotus*) an endangered hoary bat species can also be found amongst the watershed. Invasive species such as pigs and especially deer are real and actively threatening the lower Hana’ula and Kapilau forest zones.



Figure 18. Waikapū ‘Ōhi’a lehua (2014)

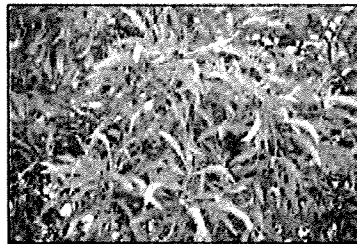


Figure 19. Waikapū koai’a (2015)

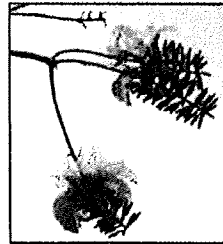
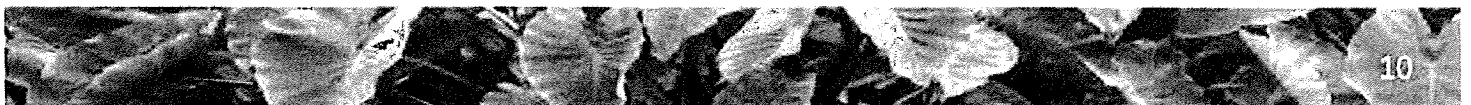


Figure 20. Wiliwili (2017)



Figure 21. ko’oko’olau (2015)

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



2.2 MAUNA KAHĀLĀWAI WATERSHED FOREST ZONE AND SPECIES STATUS MAP

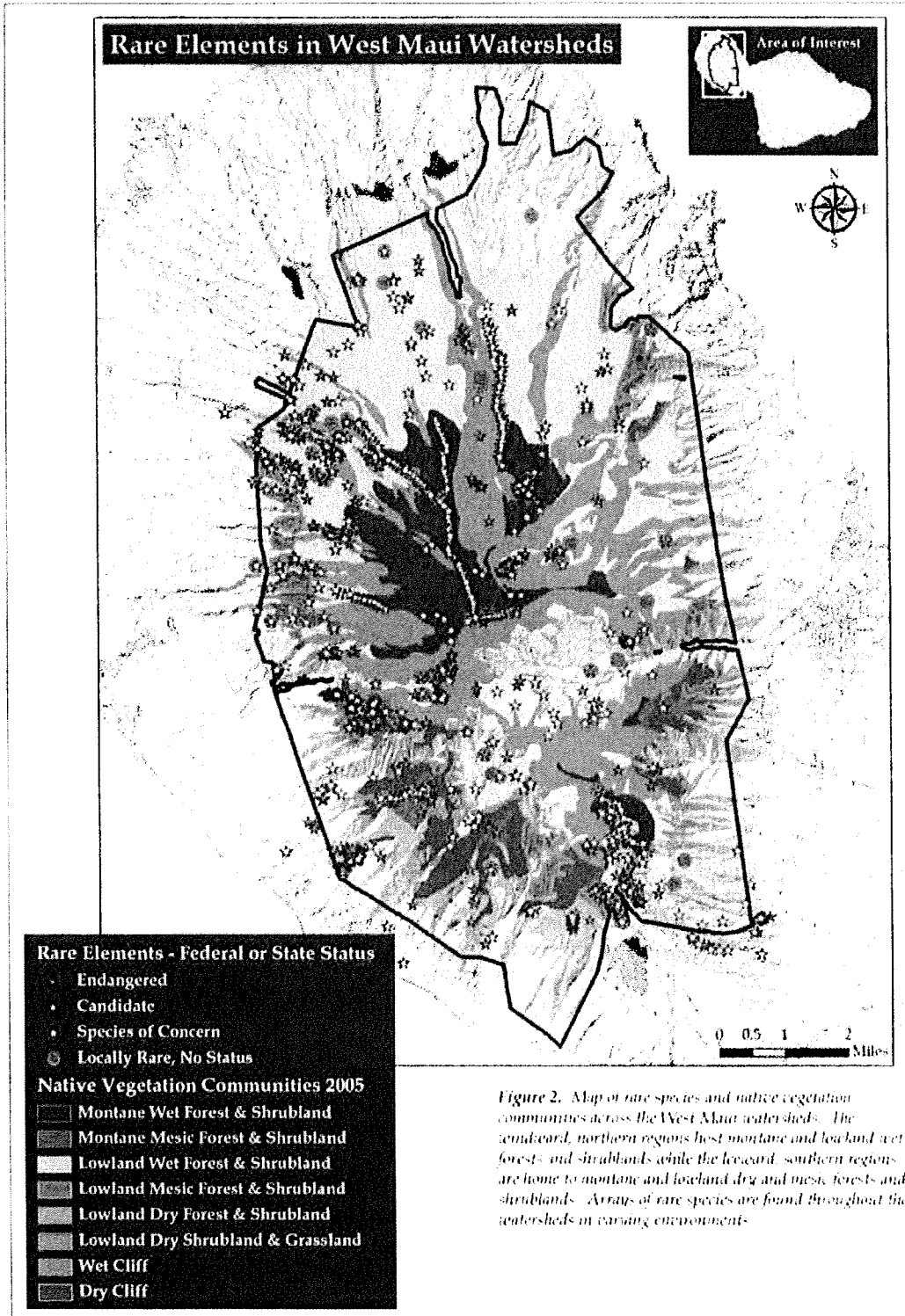


Figure 2. Map of rare species and native vegetation communities across the West Maui watersheds. The windward, northern regions host montane and lowland wet forests and shrublands while the leeward, southern regions are home to montane and lowland dry and mesic forests and shrublands. Arrays of rare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

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



2.3 MAUNA KAHĀLĀWAI WATERSHED WATER SUPPLY DATA

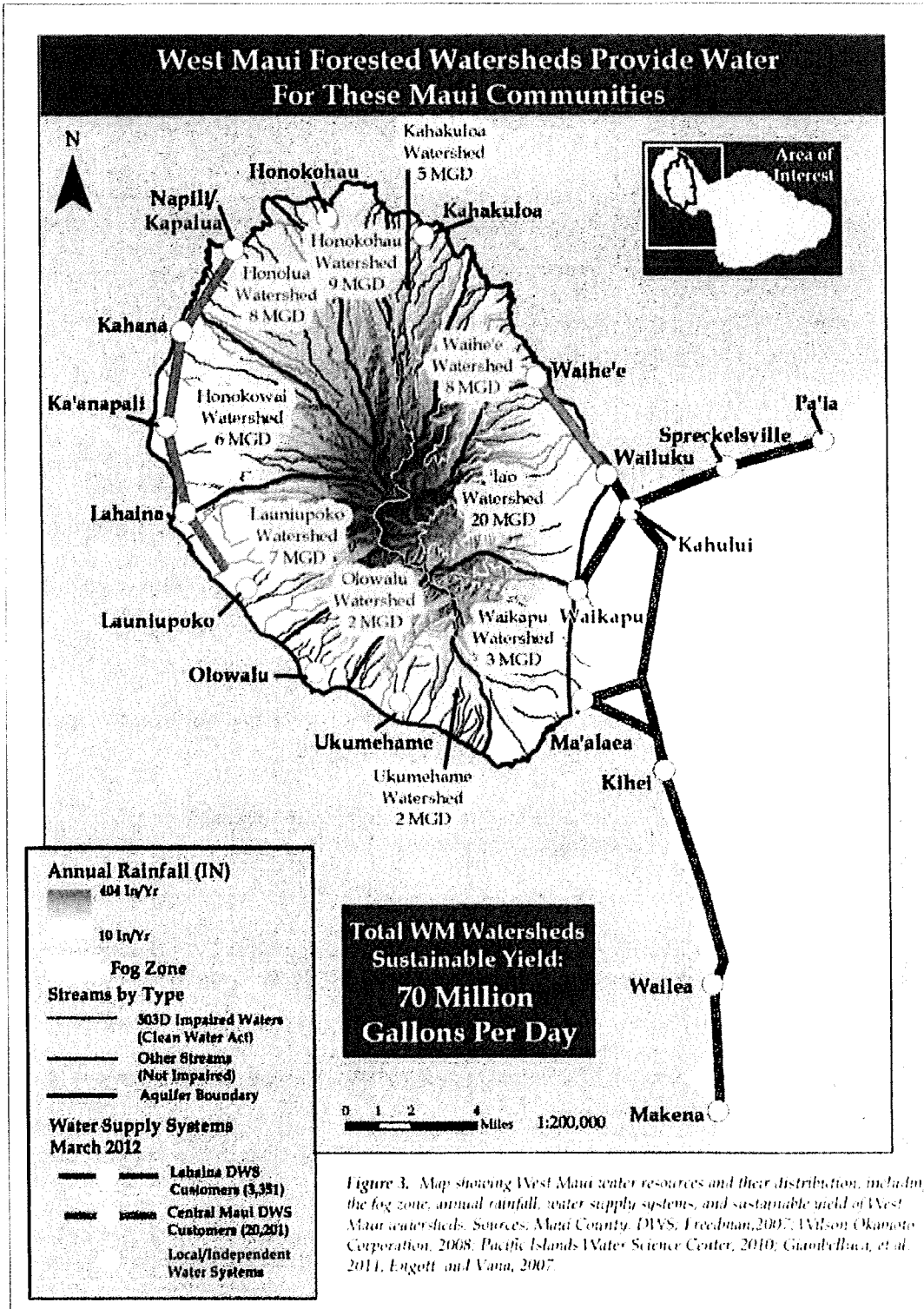


Figure 23 West Maui Mountain Water Source and Distribution Map - Mauna Kahālawai Watershed Partnership Management Plan (2013)



2.4 WAIKAPŪ WATERSHED MANAGEMENT PRIORITY PROJECT #1

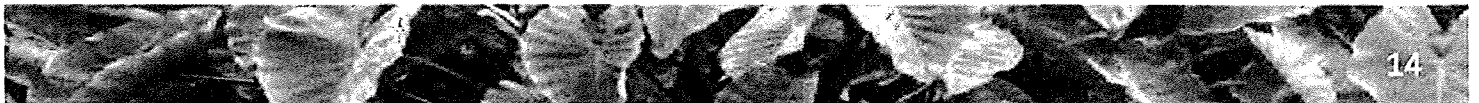
| | |
|--------------------------------|---|
| <p>Priority Project</p> | <p>5 Year Integrated Waikapū Watershed Management Plan</p> |
| <p>Purpose</p> | <p>Due to the proximity of the WCT Development to the Waikapū Watershed (~¼ mi.) a management plan shall be developed to mitigate any risks and or impacts to that area. A watershed management plan specific to the Hana’ula Ranch, LLC (TMK 2-3-6-003-001) portion of the Waikapū watershed, which encompasses 3,425 acres will be developed. The integrated plan shall be supplementary to that of the overall Mauna Kahālāwai Watershed Partnership Management Plan and further hone in on particular management and stewardship strategies for the Waikapū watershed.</p> |
| <p>Overview</p> | <p>The integrated management plan will be developed and include but not limited to the following: (A) Comprehensive analysis and forest profiles of the Waikapū Watershed. (B) Overview of current MKWP management projects and initiatives. (C) Integrated management and community-based stewardship approaches. (D) Invasive species control and eradication. (E) Educational outreach initiatives and community engagement. (F) Analysis of short and long term forest investments, internal and external revenue generating income, budget overview. Due to the expertise required and keen knowledge of the area and expertise required to develop such as robust plan, it is being proposed that Keahi Bustamente of Hui Mālama o Waikapū will develop this plan. Keahi will work closely with Mauna Kahālāwai Watershed Partnership to ensure that both plans integrate and complement one another.</p> |
| <p>Site Map</p> | <p>Waikapū Watershed Boundary Map - 7,900 acres total - 4 land owners</p> <p>Waialuku Water Co. Port. (2) 3-5-003-001 687 acres</p> <p>Hana'ula Ranch LLC Port. (2) 3-6-003-001 3,425 acres</p> <p>Ting Family Trust Port. (2) 3-6-001-015 375 acres</p> <p>State of Hawaii Port. (2) 3-6-001-014 3,413 acres</p> <p>© 2018 Google Data USGS</p> |

Figure 24: Overview of Waikapū Watershed Land Owners. Hōkūao Pellegrino (2019)



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

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



2.5 WAIKAPŪ WATERSHED MANAGEMENT PRIORITY PROJECT #2

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



3.1 WAIKAPŪ STREAM OVERVIEW

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



Figure 25: Kalena Tributary - Hōkūao Pellegrino (2015)



Figure 26: Keālia Wetlands - Hōkūao Pellegrino (2017)



Figure 27: N. Kuleana ‘Auwai (2019)



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



Figure 29: ‘O’opu - Waikapū Stream (2018)

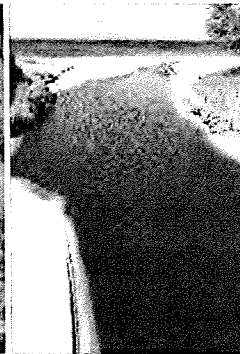


Figure 30: Palalau Estuary, Keālia (2016)



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

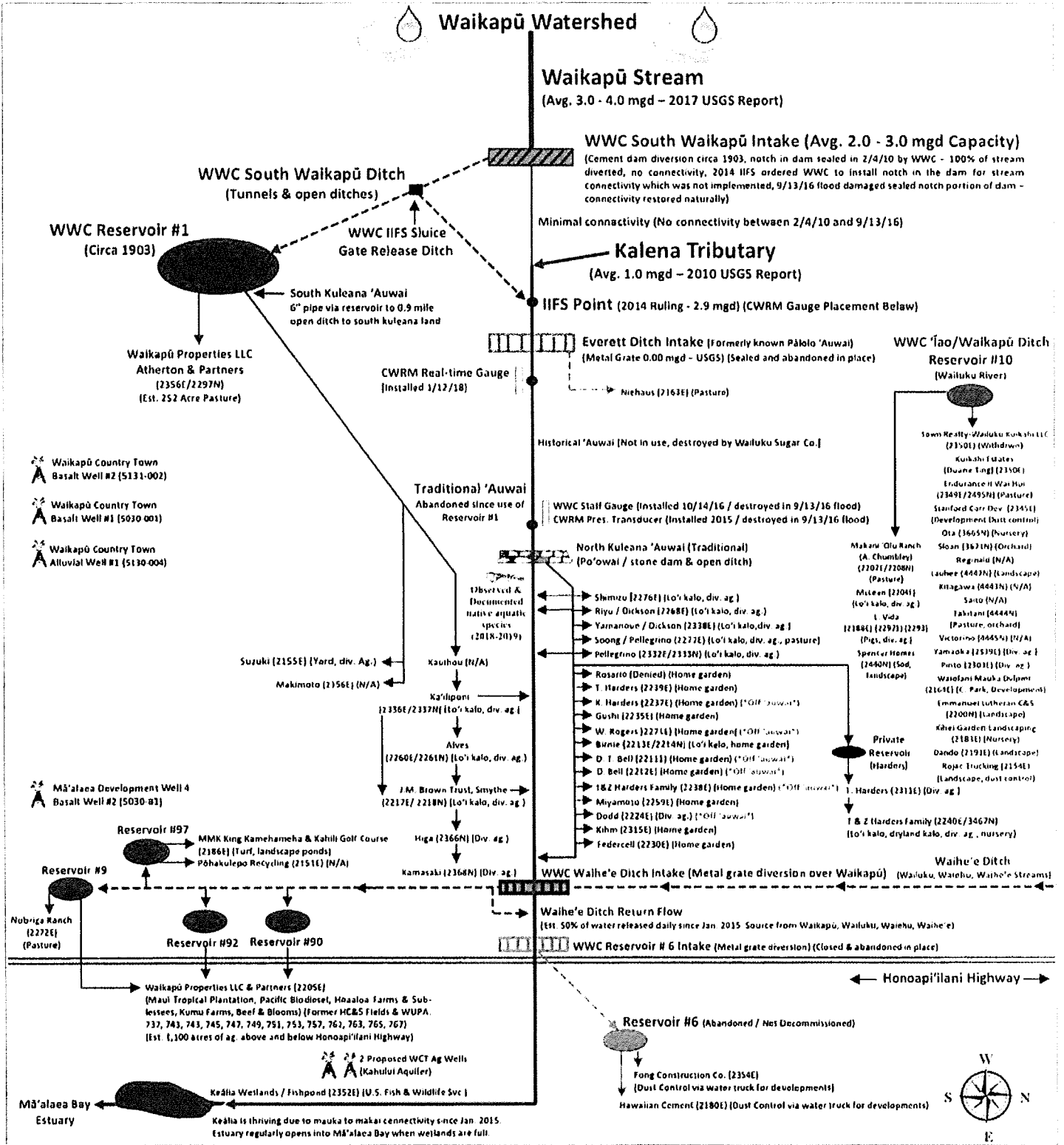


Figure 11. Waikapū Surface & Ground Water Distribution Schematic Diagram. Hōkūao Pellegrino (2019)



3.3 WAIKAPŪ STREAM PRIORITY PROJECT #1

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|--|---|
| Priority Project | Interim Instream Flow Standards & State Water Use Permit Compliance |
| Purpose | To ensure that Waikapū Stream flow connects mauka to makai, native aquatic species and habit thrive, and that appurtenant rights will be protected for traditional and customary practices of Native Hawaiian kuleana lo'i kalo farmers. |
| Overview | <p>The current IIFS of the Waikapū Stream is 2.9 MGD. Wailuku Water Co. manages the plantation era diversions and water distribution system on lands owned by Waikapū Properties LLC and Hana'ula Ranch LLC via an easement agreement. Although Waikapū Properties LLC and Hana'ula Ranch LLC do not actively manage the system, they have a responsibility as land owners and stewards of Waikapū to ensure the IIFS is in compliance. The current IIFS agreement recognizes the following compliance requirements: (A) Notch in the South Waikapū Dam Intake Diversion (1,160 ft.) to ensure stream connectivity for successful native aquatic habitat upstream migration. (B) To return enough flow via South Waikapū Ditch sluice gate (1,070 ft.) into Waikapū Stream needed to meet the 2.9 MGD IIFS immediately below (915 ft). (C) Consistent monitoring by all involved parties in conjunction with CWRM who has installed a real-time gauge at the IIFS point (915 ft.) to measure stream flow in the Waikapū Stream. http://ec01.mccrometer.net/secure/expater.do?panel=8a0018df60a38c4f50160c214a0113025b</p> <p>Waikapū Properties has submitted the following SWUPA's in 2009; 2206, 2356, 2297N and 3472N. In 2016, a proposed agreement was made between Hui o Nā Wai 'Ehā and Waikapū Properties LLC to greatly minimize the use of Waikapū Stream water via the South Waikapū Diversion Intake, Ditch and Reservoir #1. At that time, 100,169 GPD was being used by all 4 users (Kumu Farms, Hoaaloha Farms, Makani 'Olu Ranch and Beef and Blooms. The proposed agreement stated that by 2018-2019, Kumu Farms and Hoaaloha Farms would move their farming operations below the Waihe'e Ditch system which would allow them to use the Waihe'e Ditch for ag irrigation. Both Kumu Farms and Hoaaloha Farms have relocated and the remaining agricultural lands are being solely used for cattle grazing by Makani 'Olu Ranch and Beef & Blooms on a total of 252 acres. The approved water allocation for cattle is 250 GPD/Acre which equates to around 63,000 GPD as their current use. Key stakeholders such as Hui o Nā Wai 'Ehā and Waikapū kuleana land owners approve of and support Waikapū Properties current allocation of water from Waikapū Stream as was agreed upon in the proposed settlement between the two parties in the Nā Wai 'Ehā Contested Case (CCH-MA 15-01).</p> |
| Site Map | Waikapū Ahupua'a Water Distribution Schematic Diagram (See Figure 31 on Page 17) |
| Stakeholders | Hui o Nā Wai 'Ehā, Waikapū Properties, LLC and Hana'ula Ranch, LLC, Wailuku Water Co., State Commission on Water Resource Management |
| Owner | Waikapū Properties, LLC, Wai'ale 905 Partners, LLC and Hana'ula Ranch, LLC |
| Manager | Waikapū Properties, LLC, Wai'ale 905 Partners, LLC and Hana'ula Ranch, LLC |
| Timeline | On-going via monitoring and compliance checks. |
| Outcomes | The Waikapū Stream, Native Hawaiian kuleana land owners, community and key stakeholders benefit by having natural and healthy stream flowing through the ahupua'a. Other benefits include Hui o Nā Wai 'Ehā's six in-stream core values. www.huionawaiaha.org |
| Cost Analysis & Budget Overview | N/A |

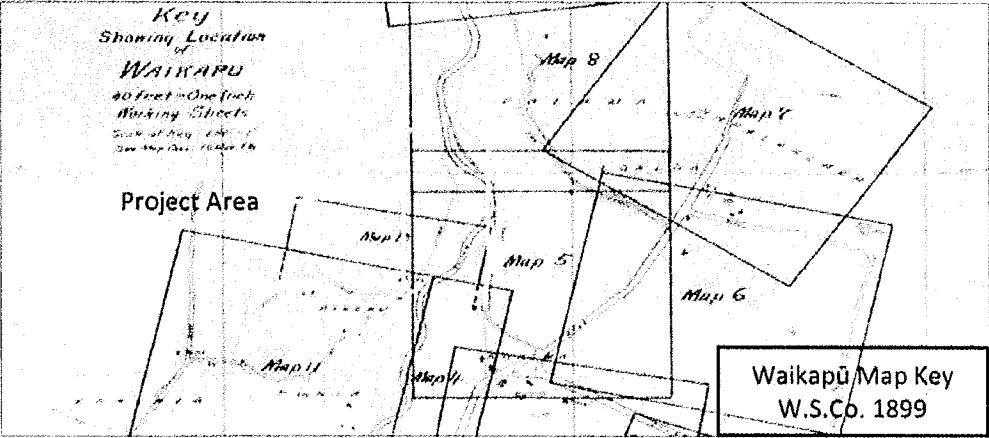



3.4 WAIKAPŪ STREAM PRIORITY PROJECT #2

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




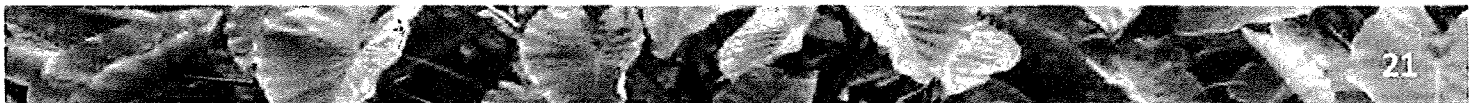
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| <p>Outcomes</p> | <p>Building relationships between off-stream and instream users of water. Developing a well-rounded agricultural community with both sustainable large scale and kuleana lo'i kalo cultivation / farming.</p> |
| <p>Cost Analysis & Budget Overview</p> | <p>Funds for mechanized hand equipment, irrigation supplies (i.e. pipe) will be incurred by Hui o Nā Wai 'Ehā.</p> |
| <p>Site Map</p> |  <p align="center">Figure 32: Waikapū Map Key - Wailuku Sugar Co. Map (1899)</p>  <p align="center">Figure 33: Auwai Restoration Project Map. Hōkuaao Pellegrino (2019)</p> |



3.5 WAIKAPŪ STREAM PRIORITY PROJECT #3

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



4.1 LAND AND CULTURAL RESOURCES OVERVIEW

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

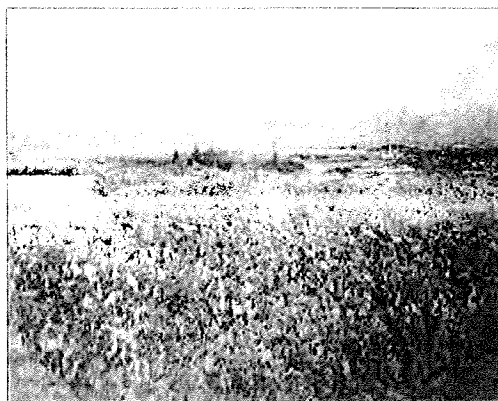


Figure 35 Waikapū lo'i Kalo - Bishop Museum (1890)

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

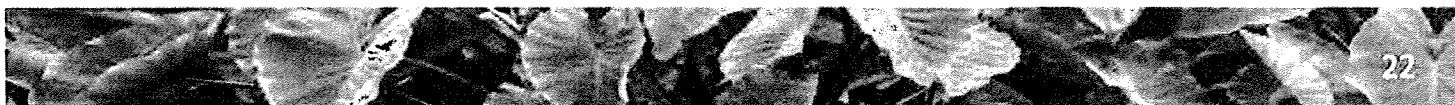
The 503 acre footprint of the proposed Waikapū Country Town Development will be located in an area that was once a culturally rich landscape dominated by over 250 acres of fertile lands cultivated in lo'i kalo. These farmed kuleana lands were well documented during the time of the Great Māhele. 52 Land Commission Awards (LCA) and Government Grants comprised of 74 'āpana (parcels) were claimed between 1852 and 1855. The proposed development project is situated on more than half of these awarded lands. Of the 52 awards, 36 were compromised during the Waikapū/Wailuku Sugar Co. tenure. The remaining cultural properties are adjacent to the project and within the interior part of the Waikapū Valley, on lands owned by Waikapū Property LLC and Hana'ula Ranch LLC. A pedestrian survey with cultural, lineal descendants of Waikapū and members of Hui Mālama o Waikapū over the last 3 years have identified the remaining parcels and conclude that many if not all of them are in-tact and still possess

extensive cultural and archaeological sites. The cultural corridor of kuleana parcels are situated on about 50 acres and predominantly along the Waikapū Stream. The close proximity that these kuleana parcels are in relationship to the Waikapū Stream, clearly demonstrate that both 'āina (land) and wai (water) were valuable cultural resources for Hawaiians who once lived there. To understand the functionality of these parcels and the collaborative relationship native tenants had with each other can see in similar kuleana parcels actively being cultivated in lo'i kalo just below these abandoned but intact areas.



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

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



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

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

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

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

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



Currently, the south Waikapū dam and intake is owned by Wailuku Water Co. whom divert Waikapū Stream water about 2 miles into the Waikapū Valley, delivers water through their ditch system and into Reservoir #1 which is on the developer's proposed projects land. From Reservoir #1, a portion of water is released via a pvc pipe into a smaller open ditch and connects with the remaining portion of the ancient 'auwai that delivers water to the south kuleana lo'i kalo farmers. As of December 2018, 6 south kuleana land owners have been identified as utilizing this ditch commonly called south Waikapū kuleana 'auwai for kalo cultivation: (TMK 3-6-005:019, TMK 3-6-006:027, TMK 3-6-006:025, TMK 3-6-006:029, TMK 3-6-006:003, TMK 3-6-006:013). There are numerous other south kuleana lands that are privately owned and consist of former lo'i kalo terraces, however are not in use. Lineal descendants of these lands through the State Water Use Permit process have expressed interest in utilizing or returning to their ancestral lands to restore and farm lo'i kalo. These lands are identified as (TMK 3-6-005:014, TMK 3-6-005:067, TMK 3-6-005:001, TMK 3-6-006:017, TMK 3-6-006:032, TMK 3-6-006:033, TMK 3-6-006:001, TMK 3-6-005068, TMK 3-6-007:010).



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

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

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

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



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

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

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

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

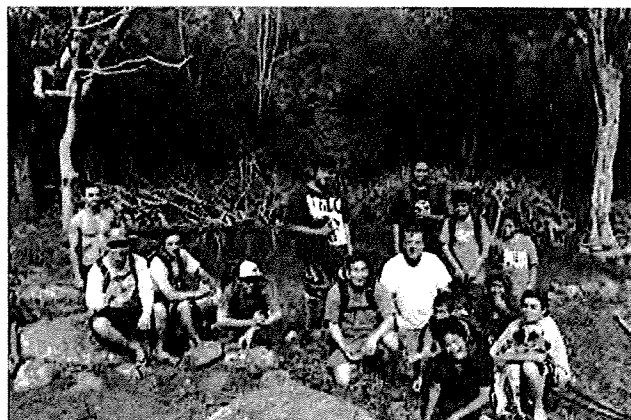


Figure 38. Hui Mālama o Waikapū Work Day (2013)



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

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

KULEANA PARCELS IDENTIFIED WITHIN THE LAND ASSETS OF WAIKAPŪ PROPERTIES LLC

| Awardee | 'Ili (Subdivision) | Land Commission Award | Royal Patent | 'Āpana (Parcel) | Grant | Acres | Description of Cultural & Natural Resources via Native and Foreign Testimony and Survey Notes | Surveyor |
|--------------|--------------------|-----------------------|--------------|-----------------|-------|------------|--|-------------------------|
| Kupalii | Keana | 3546 | 3151 | 2 | | 1.2 | <ul style="list-style-type: none"> - Kula - Kalo paukū - Kukui & wiliwili - Borders Waikapū Stream | E. Bailey 5-5-1852 |
| Charles Copp | Papala | 236-1 | 498 | 2 | | 1.0 (est.) | <ul style="list-style-type: none"> - Lo’i kalo (unspecified amount) - Borders Waikapū Stream | Ioane (John) Richardson |
| Napailoi | Kaloaloo / Loaloo | 10481 | 3131 | 4 | | 0.66 | <ul style="list-style-type: none"> - Lo’i kalo (unspecified amount) - Borders Waikapū Stream | E. Bailey 4-23-1852 |
| Opunui | Loaloo | 3224 | 4115 | 6 | | 0.27 | <ul style="list-style-type: none"> - Lo’i kalo (unspecified amount) - Borders Waikapū Stream | E. Bailey 6-25-1852 |
| Keaka (W) | Olohe | 3549 | 3122 | 3 | | 1.0 | - 3 lo’i kalo | N/A |



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



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

Figure 39. Great Māhele Kuleana Land Awards - Hōkūao Pellegino (2019)




4.2 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #1

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



4.3 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #2

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



4.4 LAND AND CULTURAL RESOURCES PRIORITY PROJECT #3

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



WAIKAPŪ CULTURAL PRESERVE MAP - Hōkūao Pellegrino (2019)



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



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

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

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



4.5 LAND & CULTURAL RESOURCES PRIORITY PROJECT #4

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



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

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

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



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



6.1 PAPA KUHIKUHI - BIBLIOGRPAHY

Ashdown, Inez MacPhee

1971 *Ke Alaloa o Maui*. Kama'āina Historians, Wailuku.

Board of Commissioners

1929 *Indices of Awards Made by the Board of Commissioners to Quiet Land Titles in the Hawaiian Islands*. Commission of Public lands, Territory of Hawaii. Honolulu.

Brisbin, Joel, Alan E. Haun, and Peter M. Jensen

1991 *Data Recovery Excavations Waikapū Mauka Partners Golf Resort Project Area: Land of Waikapū, Wailuku District, Maui*. PHRI, Hilo.

Cordy, R.

2000 *Exhaulted Sits the Chief. The Ancient History of Hawai'i Island*. Mutual Publishing, Honolulu.

Creed, Victoria S.

1993 *Settlement Pattern for Waikapū, Wailuku, Maui*. Cultural Surveys Hawai'i, Honolulu.

Folk, William H. and Hallett H. Hammatt.

1989 *Archaeological Surveys of Mā'alaea, Waikapū, Maui*. Cultural Surveys Hawai'i, Honolulu.

GoogleEarth

2013 Data USGS, Geoeye, Image 2013 Digital Globe, Data S/O, NOAA, U.S. Navy, NGA, GEBCO.

Guerriero, Diane, Andre'e Conley-Kapoi, Lisa J. Rotunno-Hazuka and Jeffrey Pantaleo

2013 *Draft Archaeological Inventory Survey Report for Several Parcels of Land Situated Within Waikapū Ahupua'a; Wailuku District, Pū'ali Komohana Maku*. Archaeological Services Hawai'i LLC.

Handy, E.S.C.

1940 *The Hawaiian Planter, Volume I: His Plants, Methods, and Areas of Cultivation*. Bernice Pauahi Bishop Museum, Bulletin 161, Honolulu.

Handy, E.S.C., E.G. Handy and Mary Kawena Pukui

1972 *Native Planters in Hawai'i: Their Life, Lore, and Environment*. Bernice Pauahi Bishop Museum, Honolulu, Bulletin 233.

Kaulililehua, W.K.

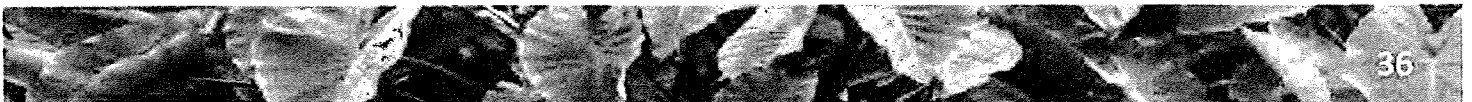
1872 *Na Waikapū*. Ka Nūpepa Kū'oko'a. September 21, 1872.

Kirch, Patrick

1985 *Feathered Gods and Fishhooks: An Introduction to Hawaiian Archaeology and Prehistory*. Honolulu University of Hawai'i Press.

Oki, Delwyn S., Reuben H. Wolff, Jeff A. Perreault

2010 *Effects of Surface-Water Diversions on Streamflow, Recharge, Physical Habitat and Temperature, Nā Wai 'Ehā, Maui, Hawai'i*. U.S. Geological Survey, Virginia.



Pellegrino, Hōkūao

2013 *Cultural Impact Assessment for the Waikapū Country Town Development*. Independent, Maui.

Pukui, Mary Kawena and Samuel H. Elbert

1986 *Hawaiian Dictionary (Revised and Enlarged Edition)*. University of Hawai'i Press, Honolulu.

Pukui, Mary Kawena, Samuel H. Elbert and Esther T. Mo'okini

1974 *Place Names of Hawai'i*. University of Hawai'i Press, Honolulu.

Pukui, Mary Kawena

1983 *'Ōlelo No'ēau: Hawaiian Proverbs & Poetical Sayings*. Bishop Museum Press, Honolulu.

Silva, Alvin K.

1962 *Wailuku Sugar Centennial, November 1862-1962: A Century of Progress in Sugar Cane Cultivation*.
Wailuku Sugar Company, Wailuku.

Sterling, Elspeth P.

1998 *Sites of Maui*. Bishop Museum Press, Honolulu.

Tengan, Dr. Kawika & Hōkūao Pellegrino

2005 *Cultural Impact Report on Nā Wai 'Ehā*. Office of Hawaiian Affairs, Honolulu.

Thrum, Thomas G.

1909-1918 *Maui's Heiaus and Heiau Sites Revised*. Thrum's Hawaiian Annual, Honolulu.

West Maui Watershed Partnership

2013 *West Maui Watershed Management Plan: West Maui Mountains Watershed Partnership*.
Independent, Maui.

