

## ADEPT Committee

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**From:** Doug Van Soest <dougvansoest@gmail.com>  
**Sent:** Monday, May 13, 2024 1:23 PM  
**To:** mauiwetlandoverlay@harveyecology.com  
**Cc:** David Bruce; Gabe Johnson; Roxanne K. Morita; ADEPT Committee; Pauline Martins; Axel I. Beers  
**Subject:** Wetland Map comment  
**Attachments:** POH-2021-00084.20210811.AJDLetter.pdf

Re: Wetland ID #384  
16 E Waipuilani Rd, Kihei HI

To Whom It May Concern,

I along with my partner David Bruce are the owners of the property at 16 E Waipuilani Rd in Kihei. I would like to comment regarding our single family home that has been unfairly targeted as a wetland and kindly but firmly ask that we be removed from this map as consideration as a "wetland". I have listed below the reasons we have been unfairly targeted and should not be on this map or any wetlands list.

- This property is NOT vacant land. There is a single family home on this lot with a tenant residing there for many years.
- The only reason this lot has been targeted as a "wetland" is because a few neighbors so adamantly fought against our efforts to build 28 affordable workforce housing units during the entitlement process in 2020-2022 and began calling us a "wetlands" to the county officials. The neighbors simply did not want affordable workforce housing next door to them! Shameful! Their efforts were successful and we were denied permission to build much needed affordable housing in Maui!
- We received an Army Corp of Engineers report in 2021 that clearly states our property is NOT a wetland. ACE is the authority defining entity. I have attached the ACE findings letter to this email.
- This lot is surrounded by walls on 3 sides.
- This lot is 100% surrounded by single family homes.
- NO runoff onto or off-of the site. NO flooding on the site except during HEAVY rains when it floods everywhere.
- We (the owners) have not been contacted by any consultant and no consultant has been on the property.
- We have a preliminary approved 4 lot subdivision in hand! This land is zoned for this use and we are working on the conditions currently.
- Our email with Council Member Gabe Johnson's staff and ADEPT Committee in February of this year confirmed that we were to be removed from consideration as wetlands and yet we are still on this map?
- There is absolutely no reasoning nor rationale to this designation! See the proposed map below and note this property is the ONLY one of the surrounding parcels to be targeted.



• This unfortunate targeting of our property on Waipuilani Rd has caused a significant financial burden to us. We should not be penalized even further for simply trying to provide the beginnings of some MUCH needed housing to the people of Maui. Please confirm receipt of this email at your earliest convenience.

We look forward to hearing from you soon.

Respectfully,

Doug Van Soest  
951.704.3002 phone



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

August 11, 2021

SUBJECT: Approved Jurisdictional Determination and No Permit Required,  
DA File No. POH-2021-00084

Mr. David Bruce and Mr. Doug Van Soest  
Hawaii Home Buyers  
75-646 Haullalai Road  
Kailua Kona, Hawai'i 96740

Dear Mr. Bruce and Mr. Van Soest:

The Honolulu District, U.S. Army Corps of Engineers (Corps), Regulatory Branch has received your request for an approved jurisdictional determination (AJD) and determination whether a Department of the Army (DA) permit is required for the Sunset Estates Residential Development located in Kihei, Island of Maui, Hawaii. Your request has been assigned DA file number POH-2021-00084. Please reference this number in all future correspondence with our office relating to this action.

The review area for this AJD includes a 1.531-acre parcel of land located at 16 E. Waipuilani Road in Kihei, Island of Maui, Hawaii and is shown on the enclosed map (Enclosure 1).

Based on our review of the information you provided dated April 20, 2021 and our April 21, 2021 site visit and desk determination, the Corps has determined the site does not contain waters of the U.S., including wetlands or navigable waters of the U.S., as defined by 33 CFR Parts 328 and 329, respectively. Therefore, a DA permit under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899 is not required.

This AJD is valid for a period of five (5) years from the date of the AJD form, unless new information supporting a revision is provided to us before the expiration date. The basis for this determination can be found in the enclosed AJD form(s) (Enclosure 2). Additionally, a Notification of Administrative Appeal Options and Process and Request for Appeal form regarding this AJD (see section labeled "Approved Jurisdictional Determination") is enclosed (Enclosure 3).

While a DA permit is not required for your proposed project, you are responsible for obtaining all other applicable Federal, state, or local authorizations required by law.

Thank you for your cooperation with the Honolulu District Regulatory Program. If you have any questions related to this determination, please contact me at 808-835-4309 or via e-mail at [Kristi.D.Flucker@usace.army.mil](mailto:Kristi.D.Flucker@usace.army.mil). If you would care to provide comments on your experience with the Honolulu District Regulatory Office, please access our web-based customer survey form at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4:0](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0). For additional information about our Regulatory Program, please visit our web site at <https://www.poh.usace.army.mil/Missions/Regulatory.aspx>.

Sincerely,

A handwritten signature in black ink that reads "K D Flucker". The letters are cursive and somewhat stylized.

Kristi Flucker  
Regulatory Specialist

Enclosure

cc:

Mr. Lawrence Carnicelli, Alaula Builders, LLC ([Lawrence@alaula.org](mailto:Lawrence@alaula.org))

## ADEPT Committee

---

**From:** David Bruce <hawaiihomebuyers@gmail.com>  
**Sent:** Monday, May 13, 2024 6:08 PM  
**To:** mauiwetlandoverlay@harveyecology.com  
**Cc:** Gabe Johnson; Roxanne K. Morita; ADEPT Committee; Pauline Martins; Axel I. Beers; Doug Van Soest; Tamara A. Paltin; Shane M. Sinenci; Tasha A. Kama; Thomas M. Cook; Yukilei Sugimura; Alice L. Lee  
**Subject:** Wetland Map comment 16 E. Waipuilani  
**Attachments:** image002.png; image001.png

Aloha all,

Here is a letter the the ADEPT committee from my partner and myself please read it below. At the bottom is also communication via Council member Gabe Johnson after careful review stating that we will be removed as one of the properties identified in this proposed bill.

On February 29th on the wetland map our property was not one of the properties identified see the attached picture. Now we are back on the list.

We are building housing to bring more entry-level homes to the people of Maui and is a matter of of great concern. We attempted to bring workforce housing and now the efforts continue to try and stop us from building on the land as it is entitled through this proposed designation.

Attached is a letter from the Army Corp Engineers Report declaring our property NOT a wetland.

Re: Wetland ID #384  
16 E Waipuilani Rd, Kihei HI

To Whom It May Concern,

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This unfortunate targeting of our property on Waipuilani Rd has caused a significant financial burden to us. We should not be penalized even further for simply trying to provide the beginnings of some MUCH needed housing to the people of Maui. Please confirm receipt of this email at your earliest convenience.

We look forward to hearing from you soon.

Respectfully,

Doug Van Soest  
951.704.3002 phone

Letter from the office of council member Gabe Johnson on February 27th.

Good afternoon, Mr. Bruce,

Thank you for your email. We will remove your name from the document entitled, "Exhibit A". If the Agriculture, Diversification, Environment, and Public Transportation (ADEPT) Committee has any further questions, we may contact you. However, you will not receive any future letters regarding the sale of your property from the ADEPT Committee in relation to Exhibit A.

Please let us know if you have any additional questions or concerns. We would be happy to assist.

Thanks,

ADEPT Committee Staff

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**From:** David Bruce <[hawaiihomebuyers@gmail.com](mailto:hawaiihomebuyers@gmail.com)>  
**Sent:** Tuesday, February 27, 2024 2:03 PM  
**To:** Gabe Johnson <[Gabe.Johnson@mauicounty.us](mailto:Gabe.Johnson@mauicounty.us)>  
**Cc:** Doug Van Soest <[dougvansoest@gmail.com](mailto:dougvansoest@gmail.com)>  
**Subject:** Re: County of Maui Council Notice

You don't often get email from [hawaiihomebuyers@gmail.com](mailto:hawaiihomebuyers@gmail.com). [Learn why this is important](#)

Aloha Mr. Gabe Johnson,

Record a Loom  
Conversation opened. 17 messages. All messages read.

[Skip to content](#)  
[Using Gmail with screen readers](#)



## Search

[ ]



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## Labels

- Inbox**
- Starred
- Snoozed
- Sent
- Drafts**
- More

## Labels

Aina Pua

4 of 27



- Expand all
- Print all
- In new window

## County of Maui Council Notice

- Inbox
- Search for all messages with label Inbox
- Remove label Inbox from this conversation



Cyndi



Fri, Jan 19, 12:52 PM

Hewus

Hello! We received this notice today Thank you Cyndi Hewus Corporate Bookkeeper - Transaction Coordinator Signature Capital Group Inc - So Cal Home Buyers DNA20

3



David

Fri, Jan 19, 1:50 PM

Bruce

That's ridiculous and not surprising giec our journey.



David



Fri, Feb 2, 7:06 PM

Bruce <[hawaiihomebuyers@gmail.com](mailto:hawaiihomebuyers@gmail.com)>



to Gabe.Johnson, Doug, bcc: Lawrence



Aloha **Gabe**,

I am the owner of 16 E. Waipuiliani. We did not receive this letter until after the proposed deadline to respond on Jan. 17th We would ask that the property be removed from Exhibit A. We are open to discussing the county in purchasing the land as conservation but in the meantime, we would ask that this be removed. We have the Army Corp of Engineers report declaring it not a wetland and are entitled to the same rights as every other land owner in the same area as you can see in the picture is completely developed on all sides. See the attached letter from the Army Corp of Engineers. I am not sure if you are aware but there is a house that has been on this land since 1946 and is not vacant land and you can see from the picture there is no evidence of a wetland. We have been unjustly targeted and put in this Wetland category conversation because the neighbors did not want Workforce development in their community and used that as an excuse which is unfortunate for the people of Maui especially post the fires. We had a plan to sell to locals at a significantly reduced price that was income-restricted and if resold would have to be sold to locals to ensure long-term solutions for the crisis. This was a monumental effort that has financially set us back and we should not be penalized for attempting to build workforce development. If the county wants to make an offer for land that has been declared NOT a wetland then so be it. We look forward to hearing from you soon.

Respectfully,

David Bruce







**David**

Tue, Feb 27, 2:03 PM

**Bruce** <[hawaiihomebuyers@gmail.com](mailto:hawaiihomebuyers@gmail.com)>

to Gabe.Johnson, Doug



Aloha Mr. **Gabe Johnson**,

I am following again up on this email that was sent on Feb 2nd. I have not received any response and would like to request to meet up or have a Zoom call to discuss 16

E.Waipuilani per my email below. Thank you

David Bruce

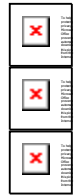


**Roxanne K.**

Wed, Feb 28, 3:21 PM

**Morita** <[Roxanne.Morita@mauicounty.us](mailto:Roxanne.Morita@mauicounty.us)>

to Kate, me, Gabe, Doug



Aloha David,

My name is Roxanne, and I am replying on behalf of CM **Johnson**. He is currently unavailable, to avoid further delay he asked that I reach out to you.

Normally when a homeowner requests to be removed from Exhibit A, we forward it to the right County Department to manage the email request.

My apologies but I did not see yours and have since remedied that by forwarding your email to the right people. Please know that your parcel will be removed from the list of wetland properties.

Thank you very much for patience.

Sincerely,

Roxanne K Morita  
Executive Assistant/ Office Manager  
Office of Councilmember **Gabe Johnson** Lānaʻi Seat  
Lānaʻi District Office/ 808-565-6100  
[Roxanne.morita@mauicounty.us](mailto:Roxanne.morita@mauicounty.us)

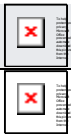
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**From:** Gabe Johnson <Gabe.Johnson@mauicounty.us>  
**Sent:** Tuesday, February 27, 2024 2:26 PM  
**To:** Roxanne K. Morita <Roxanne.Morita@mauicounty.us>  
**Subject:** FW: County of Maui Council Notice

---

**From:** David Bruce <hawaiihomebuyers@gmail.com>  
**Sent:** Tuesday, February 27, 2024 2:03 PM  
**To:** Gabe Johnson <Gabe.Johnson@mauicounty.us>  
**Cc:** Doug Van Soest <dougvansoest@gmail.com>  
**Subject:** Re: County of Maui Council Notice

You don't often get email from [hawaiihomebuyers@gmail.com](mailto:hawaiihomebuyers@gmail.com). [Learn why this is important](#)



**ADEPT**  
**Committee** <[ADEPT.Committee@mauicounty.us](mailto:ADEPT.Committee@mauicounty.us)>

Wed, Feb 28, 3:40 PM

to Pauline, Axel, me, [dougvansoest@gmail.com](mailto:dougvansoest@gmail.com), Roxanne



Good afternoon, Mr. Bruce,

Thank you for your email. We will remove your name from the document entitled, "Exhibit A". If the Agriculture, Diversification, Environment, and Public Transportation (ADEPT) Committee has any further questions, we may contact you. However, you will not receive any future letters regarding the sale of your property from the ADEPT Committee in relation to Exhibit A.

Please let us know if you have any additional questions or concerns. We would be happy to assist.

Thanks,

ADEPT Committee Staff

---

**From:** David Bruce <[hawaiihomebuyers@gmail.com](mailto:hawaiihomebuyers@gmail.com)>  
**Sent:** Tuesday, February 27, 2024 2:03 PM  
**To:** Gabe Johnson <Gabe.Johnson@mauicounty.us>  
**Cc:** Doug Van Soest <[dougvansoest@gmail.com](mailto:dougvansoest@gmail.com)>  
**Subject:** Re: County of Maui Council Notice

You don't often get email from [hawaiihomebuyers@gmail.com](mailto:hawaiihomebuyers@gmail.com). [Learn why this is important](#)

Aloha Mr. Gabe Johnson,



**David**

Wed, Feb 28, 10:13 PM

**Bruce** <[hawaiihomebuyers@gmail.com](mailto:hawaiihomebuyers@gmail.com)>

to Lawrence, Doug



Fantastic news!!!



**David Bruce**

**(808) 938-7227**

[hawaiihomebuyers@gmail.com](mailto:hawaiihomebuyers@gmail.com)

Instagram - [@bruceproperties](#)

Linkeded - [DavidBruce](#)



**Doug's**

Thu, Feb 29, 4:51 AM

**Gmail** <[dougvansoest@gmail.com](mailto:dougvansoest@gmail.com)>

to me, Lawrence



This is GREAT news!!! 🙌

Sent from my iPhone



On Feb 29, 2024, at 12:13 AM, David Bruce  
<[hawaiihomebuyers@gmail.com](mailto:hawaiihomebuyers@gmail.com)> wrote:



**Lawrence**

Thu, Feb 29, 6:44 AM

**Carnicelli** <[lawrence@alaula.org](mailto:lawrence@alaula.org)>

to Doug's, me



Great job! Next step.... South Maui Community Plan!  
Cheee Hooooo



Lawrence Carnicelli, B  
VP of Development, Alaula Builders LLC  
Broker, Hale Anuenu Realty  
(808) 283-6090  
Lawrence@Alaula.org  
RB-18787



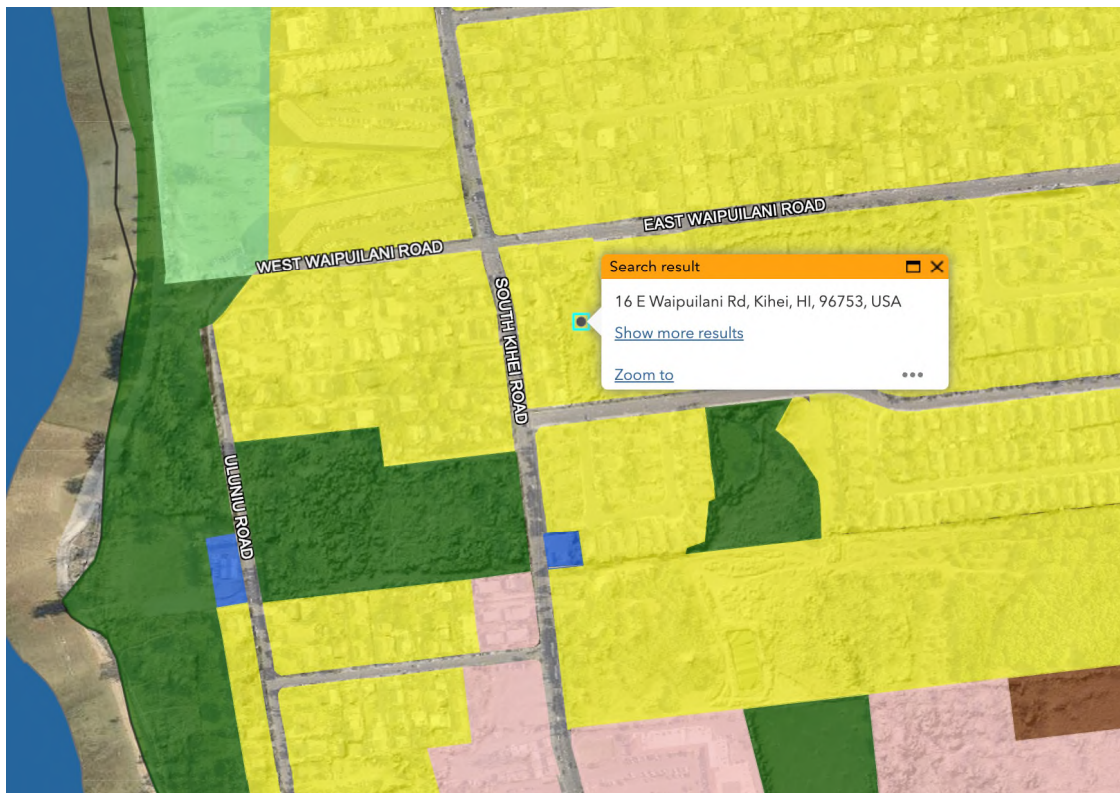
**Doug Van**  
**Soest** <[dougvansoest@gmail.com](mailto:dougvansoest@gmail.com)>

Thu, Feb 29, 7:11 AM

to Lawrence, me



How do we confirm for sure if we are still targeted by CPAC? By looking at the draft community plan and interactive map on their website it doesn't look like we're designated "open space" ?



**Subarea 3: South Kihei**

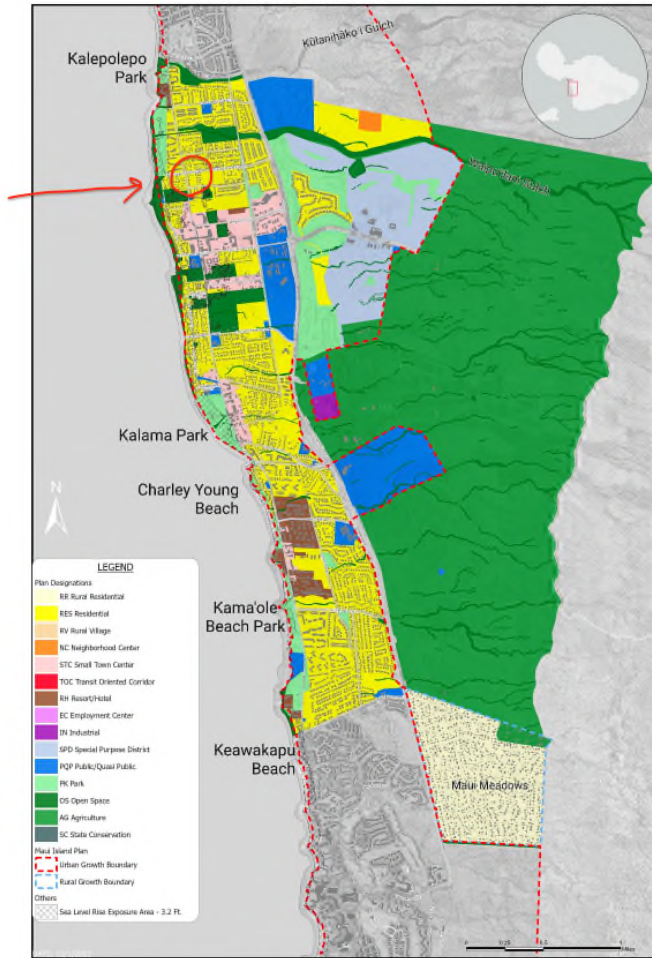


Figure 3.5: Subarea 3 | South Kihei

79

South Maui Community Plan  
CPAC Draft

February 2024

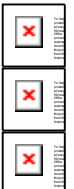
Doug Van Soest  
951.704.3002 phone



[lawrence@alaula.org](mailto:lawrence@alaula.org)

Thu, Feb 29, 7:35 AM

to Doug, me



Oh fuck! That is amazing! I did not go to the website. How did that happen? Who cares... but that is a huge win! Really big!

Lawrence Carnicelli, B

VP of Development, Alaula Builders

Broker, Hale Anuenue Realty

(808) 283-6090

[Lawrence@Alaula.org](mailto:Lawrence@Alaula.org)

RB-18787

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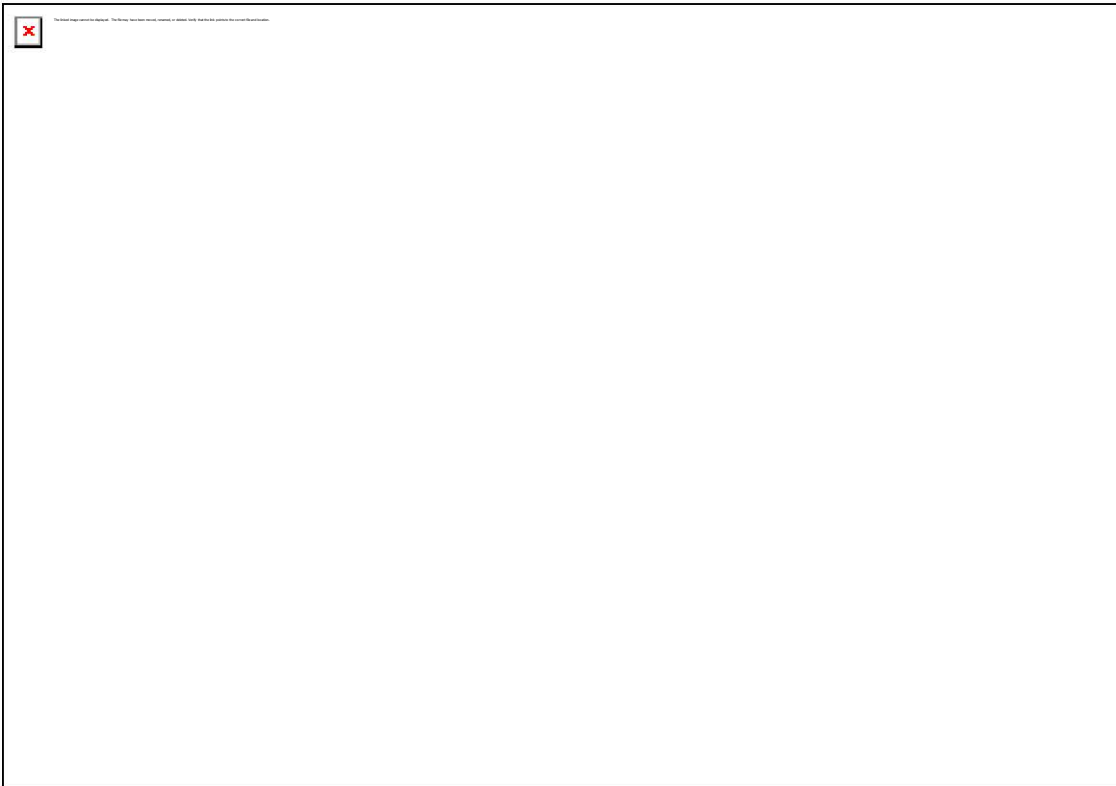
**Sent:** Thursday, February 29, 2024 7:11 AM

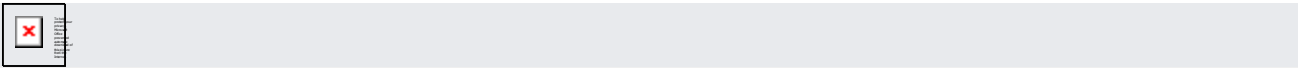
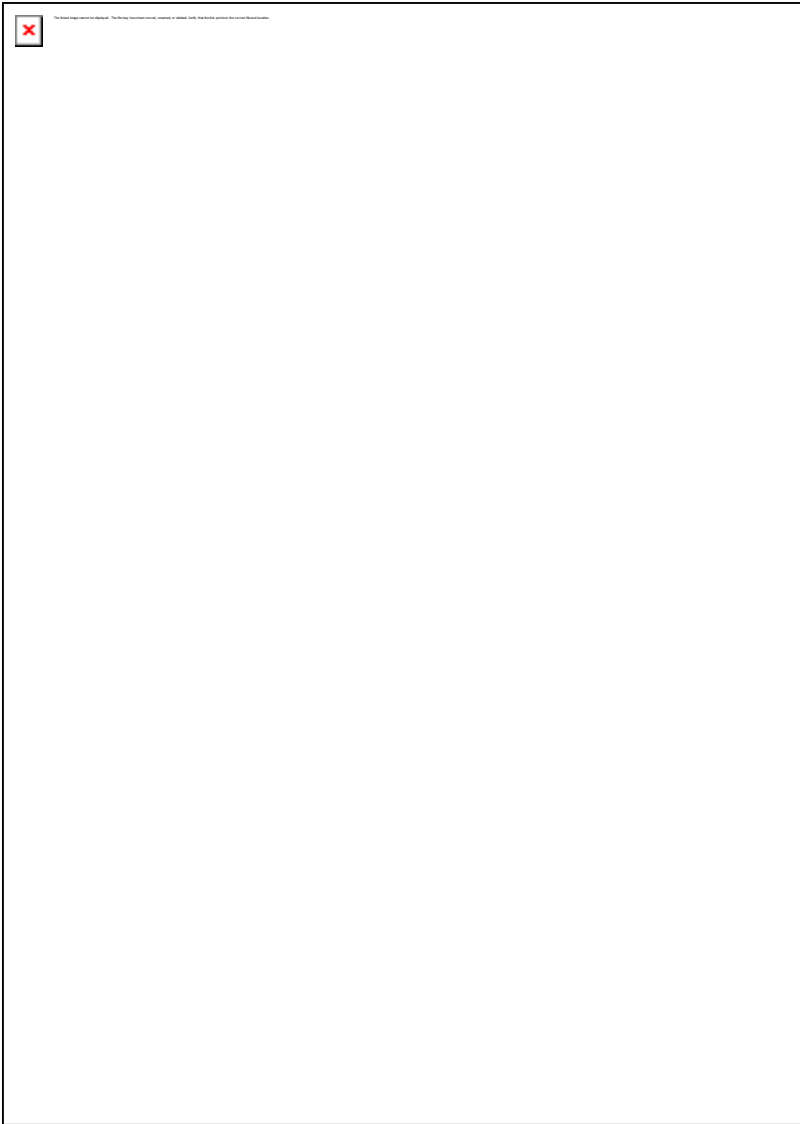
**To:** Lawrence Carnicelli <[lawrence@alaula.org](mailto:lawrence@alaula.org)>

**Cc:** David Bruce <[hawaiihomebuyers@gmail.com](mailto:hawaiihomebuyers@gmail.com)>

**Subject:** Re: County of Maui Council Notice

How do we confirm for sure if we are still targeted by CPAC? By looking at the draft community plan and interactive map on their website it doesn't look like we're designated "open space" ?





[lawrence@alaula.org](mailto:lawrence@alaula.org)

Thu, Feb 29, 7:40 AM

to Doug, me



This is also really big when it comes time to sell... no disclosure issues!

Lawrence Carnicelli, B

VP of Development, Alaula Builders

Broker, Hale Anuenue Realty



(808) 283-6090

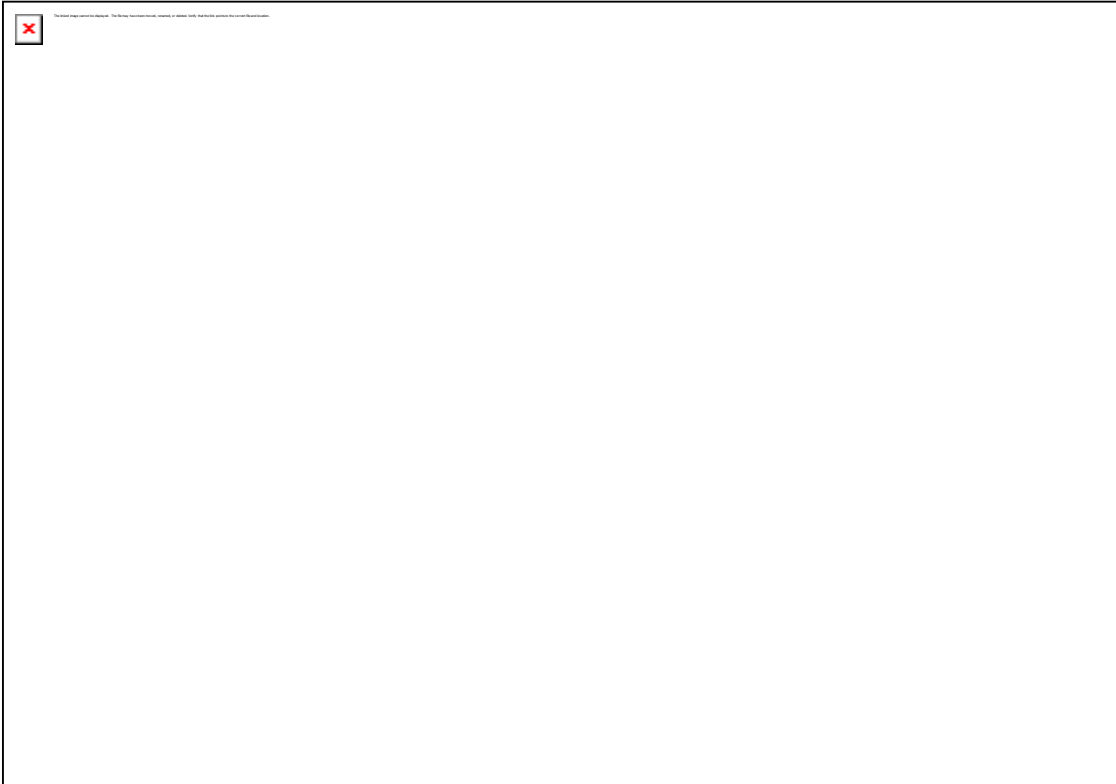
[Lawrence@Alaula.org](mailto:Lawrence@Alaula.org)

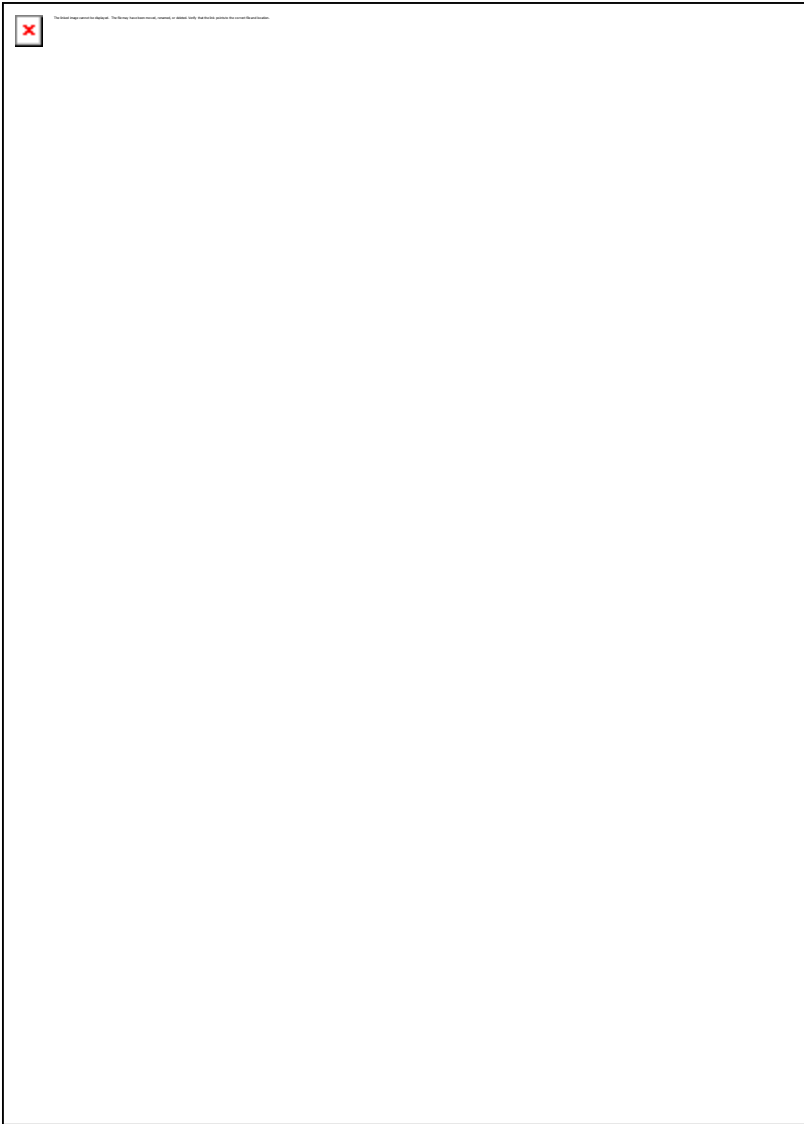
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**Doug Van Soest** <[dougvansoest@gmail.com](mailto:dougvansoest@gmail.com)>

Thu, Feb 29, 7:40 AM

to lawrence, me



Whooo Hooo!!! :)



**Doug Van Soest** <[dougvansoest@gmail.com](mailto:dougvansoest@gmail.com)>

Thu, Feb 29, 7:53 AM

to lawrence, me





Yes sir!!



ReplyReply allForward

Add reaction

gabe johnson. Press tab to insert.

Displaying POH-2021-00084.20210811.AJDLetter.pdf. Page 1 of 2

Next

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**David Bruce**

**(808) 938-7227**

[hawaiihomebuyers@gmail.com](mailto:hawaiihomebuyers@gmail.com)

**Instagram - [@bruceproperties](#)**

**Linkeded - [DavidBruce](#)**

# Subarea 3: South Kīhei

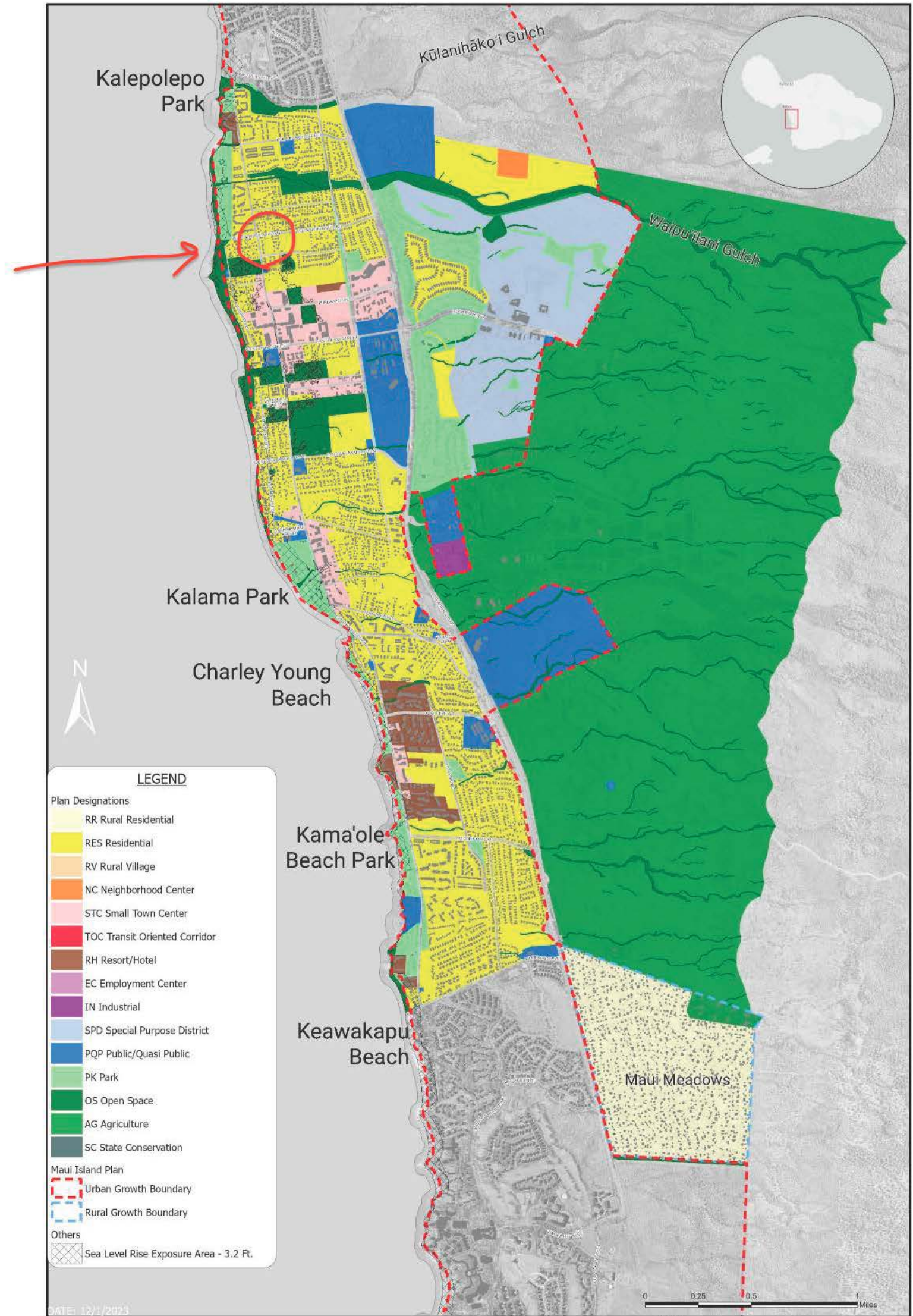
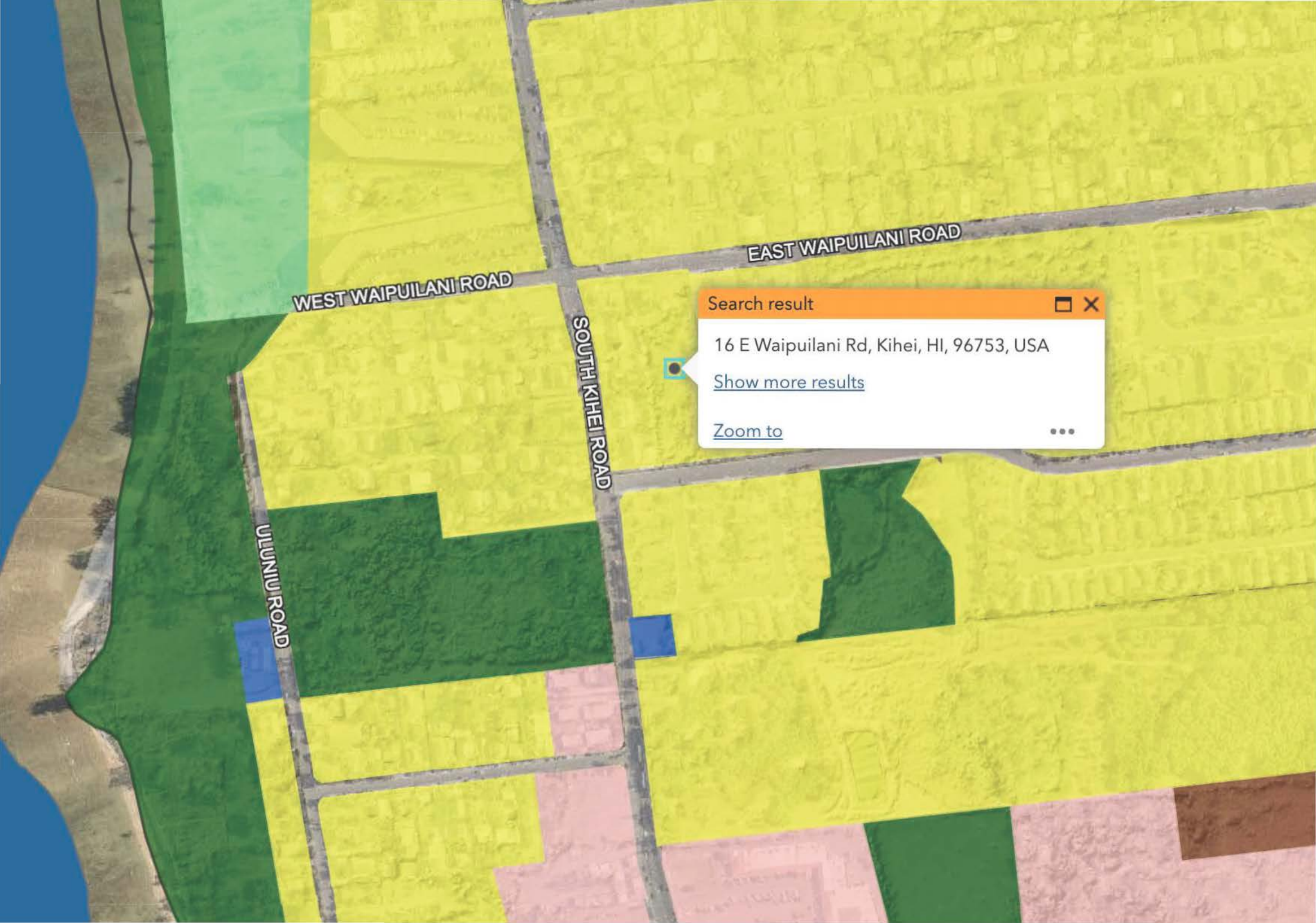


Figure 3.5: Subarea 3 | South Kīhei





WEST WAIPUILANI ROAD

EAST WAIPUILANI ROAD

SOUTH KIHEI ROAD

ULUNUI ROAD

Search result □ ✕

16 E Waipuilani Rd, Kihei, HI, 96753, USA

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