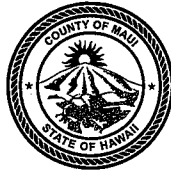


ALAN M. ARAKAWA  
Mayor

MICHELE CHOUTEAU MCLEAN  
Director

JOSEPH W. ALUETA  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

August 16, 2018

RECEIVED

2018 AUG 20 AM 9:37

OFFICE OF THE MAYOR

Honorable Alan M. Arakawa  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Elle Cochran, Chair  
and Members of the Infrastructure and  
the Environmental Management Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

*[Signature]* 8/16/18  
Mayor Date

Dear Chair Cochran and Members:

**SUBJECT: TRAFFIC SAFETY AND ENVIRONMENTAL CONCERNS  
RESULTING FROM DEVELOPMENT IN MAKENA, MAUI,  
HAWAII; TMKS: (2) 2-1-005:026 (2) 2-1-005:129 THROUGH  
(2) 2-1-005:139 (IEM-80) (RFC 2018/0076)**

The Department of Planning (Department) has received your letter dated August 9, 2018 asking for information regarding the subject topic and parcels. Specifically you requested copies of shoreline certification and any Special Management Area (SMA) permits and related documents, including inspection reports and enforcement letters, for the Moomuku Development project area in Makena.

Attached is the information that we have available. The subject parcels are not on the shoreline so shoreline certifications were not required. No inspection reports or enforcement letters have been filed, as the subject parcels are fenced and gated with "no trespassing" signs posted; no inspections could be conducted.

Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely, c

*[Signature]*

MICHELE MCLEAN  
Planning Director



Honorable Alan M. Arakawa, Mayor  
For Transmittal to:  
Honorable Elle Cochran, Chair  
August 16, 2018  
Page 2

Attachments

xc: Joseph Alueta, Deputy Planning Director (PDF)  
Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)  
John S. Rapacz, Planning Program Administrator (PDF)  
David Raatz, Administrative Planning Officer (PDF)  
Jeffrey P. Dack, Current Planning Supervisor (PDF)  
Keith C. Scott, Staff Planner (PDF)  
Jay Arakawa, Supervising Zoning Inspector (PDF)

MCM:KCS:lk

Project File

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ALAN M. ARAKAWA  
Mayor

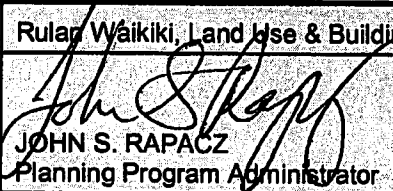
WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI

**DEPARTMENT OF PLANNING**  
**SPECIAL MANAGEMENT AREA EXEMPTION (SM5)**

|  |   |   |                      |
|--|---|---|----------------------|
| <b>APPLICANT:</b><br>Dave Ward<br>2035 Main Street Wailuku, HI 96793   |   | <b>OWNER:</b><br>Evans Holdings, Inc.<br>1100 Alakea Street, Suite 2100<br>Honolulu, HI 96813 |                      |
| <b>PROJECT LOCATION:</b><br>7191 Makena Rd, Kihel HI 96753   |   | <b>PROJECT DESCRIPTION:</b><br>Main Farm Dwelling   |                      |
| <b>TAX MAP KEY NO:</b> (2) 2-1-005:135   |   | <b>BUILDING PERMIT APPL NO:</b><br>B T20141691  |                      |
| <b>SMA APPLICATION NO:</b> SMX 20150030  |   | <b>SMA EXEMPTION NO:</b> SM5 20150123   |                      |
| <b>The proposed construction was determined to be:</b><br><br>Construction of a single family residence that is less than seven thousand five hundred square feet (7,500 sf.) of floor area and is not part of a larger development.   |   |   |                      |
| Pursuant to §22, Chapter 205A Hawaii Revised Statutes ("HRS"), as amended, and the rules of the Planning Commissions in Maui County, the proposed activity was evaluated and determined to NOT be a development. Therefore, the activity is EXEMPT from the requirements of Chapter 205A, HRS. |   |   |                      |
| Reviewed by:   | Rulan Waikiki, Land Use & Building Plans Examiner   |   | Date: April 22, 2015 |
| Approved by:   | <br>JOHN S. RAPACZ<br>Planning Program Administrator | For:<br>WILLIAM SPENCE<br>Planning Director   | Date: 4/23/15        |
| File: Rulan Waikiki, Land Use & Building Plans Examiner (PDF), Applicant, SM5 20150123 (KIVA; Project File), General File  |   |   |                      |

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(rev. 01.11)



## SPECIAL MANAGEMENT AREA ASSESSMENT

April 22, 2015

|                          |                                |
|--------------------------|--------------------------------|
| Project Name:            | Evan Holdings                  |
| Proposed Development:    | Main Farm Dwelling/Makena      |
| Building Permit App. No: | B T20141691                    |
| SMA App. No:             | SMX 20150030                   |
| Project Address:         | 7191 Makena Rd. Kihei HI 96753 |
| Tax Map Key:             | (2) 2-1-005-135-0000           |
| Applicant:               | Dave Ward                      |
| Owner:                   | Evans Holdings, Inc.           |

Pursuant to §12-202-12(d), Special Management Rules for the Maui Planning Commission ("SMA Rules"), the assessment application shall be reviewed as follows:

1. Upon submission of a completed application, the director shall review the proposed action and make a written evaluation as to:
  - A. The valuation of the proposed action: The applicant's estimates of the total cost or fair market value may be verified by the Director of Public Works. In the event of a conflict between the estimates of the applicant and the Director of Public Works, the higher estimate amount shall be used by the director for the purposes of an assessment of the proposed action:
    - (1) **The estimated valuation of the project is \$1,800,000.00**
  - B. Whether the proposed action is or is not a development:
    - (1) **Pursuant to Chapter 205A-22, Hawaii Revised Statutes ("HRS"), the Main Farm Dwelling is not considered a "development" and qualifies as an exemption.**
    - (3) **The proposed project qualifies as...**
      - **Construction of a single family residence that is less than seven thousand five hundred square feet (7,500 sf.) of floor area and is not part of a larger development.**
  - C. The potential adverse environmental and ecological effects based upon the significance criteria set forth in subsection (e):

**The Proposed Project's activities are common and minor in nature. Therefore, the Proposed Project will not have an adverse environmental and ecological effect.**

§12-202-12(e), SMA Rules states that in considering the significance of potential environmental and ecological effects, the Planning Director shall evaluate:

1. The sum of those effects that adversely affect the quality of the environment and the ecology, and shall evaluate the overall and cumulative adverse effect of the proposed action:
  - A. **Due to the nature of the Proposed Project, it is not anticipated that the project will have an adverse effect on the quality of the environment and the ecology.**
2. Every phase of a proposed action, its expected primary and secondary consequences, and its cumulative and short or long-term effects. A proposed action may have a significant adverse effect on the environment when the proposed action:

- A. Involves an irrevocable commitment to loss or destruction of any natural or cultural resources:
- (1) **The Proposed Project was sent to the State Historic Preservation Division (by the applicant) for review as the project does require major ground altering activities.**
- In SHPD's letter dated February 23, 2015 (LOG NO: 2014.05637, DOC NO: 1502MD37) several areas were recommended for data recovery, one area was recommended for preservation and the remaining sites were recommended for no further work. It also states that "The AIS meets the requirements of Hawai'i Administrative Rule §13-276 and is accepted". The final copy of this AIS was received by SHPD on February 27, 2015.**
- B. Significantly curtails the range of beneficial uses of the environment:
- (1) **Given the nature and scope of the Proposed Project within the confines of the property boundaries, it is not anticipated that the project will significantly curtail the range of beneficial uses of the environment.**
- C. Conflicts with the county's or the state's long-term environmental policies or goals:
- (1) **The Proposed Project does not conflict with the County's or the State's long term environmental policies or goals.**
- D. Substantially affects the economic or social welfare and activities of the community, county, or state:
- (1) **Given the nature and scope of the Proposed Project within the confines of the property boundaries, it is not anticipated that the project will affect the economic or social welfare and activities of the community, county, or state.**
- E. Involves substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways:
- (1) **Given the nature and scope of the Proposed Project, there may be secondary impacts such as population changes and increased effects on public facilities, streets, drainage, sewage, water systems, and pedestrian walkways. It is highly unlikely that those effects will be substantial.**
- F. In itself has no significant adverse effects but cumulatively has considerable effect upon the environment or involves a commitment for larger actions:
- (1) **The Proposed Project has no known significant cumulative adverse effects upon the environment nor is a commitment for extended actions anticipated.**
- G. Substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat:
- (1) **Given the scope and nature of the Proposed Project and it's location, it is not anticipated that any rare, threatened, or endangered species of animal or plant will be affected.**

H. Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances:

(1) **The Proposed Project is in compliance with:**

(a) **The State Land Use District: COUNTY AG  
STATE AG  
SMA POR**

(b) **County General Plan: AG-Agriculture**

I. Detrimentially affects air or water quality or ambient noise levels:

(1) **There may be temporary effects on air quality, water quality, or ambient noise levels. However, such effects can be mitigated through BMP's.**

J. Affects an environmentally sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters:

(1) **The Proposed Project is not adjacent to the shoreline and therefore is not subject to the Shoreline Setback Rules of the Maui Planning Commission.**

(2) **With respect to Flood Zones, the entire property is located in Zone X-Areas determined to be outside the .2% annual flood. Therefore, a Flood Hazard District Permit is not required.**

K. Substantially alters natural land forms and existing public views to and the shoreline:

(1) **The Proposed Project will not substantially alter natural land forms.**

L. Is contrary to the objectives and policies of Chapter 205A, HRS:

(1) **The Proposed Project is not contrary to the objectives and policies of Chapter 205A, HRS.**

Prepared by: Rulan Waikiki, Land Use & Building Plans Examiner

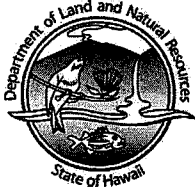
Approved by: William Spence, Planning Director

Date: 4/22/15

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DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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

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

KEKOA KALUHIWA  
FIRST DEPUTY

W. ROY HARDY  
ACTING DEPUTY DIRECTOR - WATER

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

June 5, 2015

Michael F. Dega, Ph.D.  
Scientific Consultant Services, Inc.  
1347 Kapiolani Blvd., Ste 408  
Honolulu, Hawaii 96814  
Via email to: [mike@scshawaii.com](mailto:mike@scshawaii.com)

Log No: 2015.02187  
Doc No: 1506MD06  
Archaeology

Aloha Dr. Dega:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Maui County  
Draft Archaeological Data Recovery and Preservation Plan for SIHPs 7923 and 7932  
Mo'omuku Ahupua'a, Makawao District, Island of Maui  
TMK (2) 2-1-005:135 (por.)**

Thank you for the opportunity to review the submittal titled *Data Recovery Plan for Site 50-50-14-7923 and Preservation Plan for Site 50-50-14-7932, a 7.2-Acre Utility Corridor in Mākena, Mo'omuku Ahupua'a, Makawao District, Island of Maui, Hawai'i* by Perzinski and Dega (Revised May 2015; SCS Project Number 1501b-PP/DR-2). We received the draft plan submittal on June 3, 2015. We previously reviewed an earlier draft of this plan and requested revisions (Log No. 2015.00931, Doc No. 1505MD45).

The subject area consists of 7.2 acres of a larger parcel, and has been divided this way to accommodate a planned utility corridor for parcel 135. Parcel 135 has been subject to an archaeological inventory survey (AIS) as documented in two approved reports; the report reflecting work done on this subject portion (Perzinski and Dega December 2014) was approved by SHPD in February 2015 (Log No. 2014.05637, Doc No. 1502MD37). Because the County of Maui updated tax map key is not yet available it is unclear to SHPD at this time what the total acreage is for parcel 135.

The AIS report documented 14 archaeological sites. Of those, 12 were considered sufficiently documented and require no further archaeological work. Two, the subjects of this submitted data recovery and preservation plan, require additional work: SIHP 7923, an artifact/midden scatter, requires additional study in the form of data recovery; while SIHP 7932, a pre-Contact era habitation terrace, will be permanently preserved. SIHP 7923 will be subject to a minimum of 12 excavation units with a resulting data recovery report; SIHP 7932 will be permanently preserved with a five-foot buffer, extended to ten feet surrounded with orange construction fencing during construction activities per the plan.

The Preservation Plan and Data Recovery Plan meets the requirements of Hawai'i Administrative Rules §13-277 and 278 and is accepted. Please send one hardcopy of the document, clearly marked **FINAL**, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library.

**Please contact SHPD upon completion of data recovery at SIHP 7923, before closing the excavation units to arrange a site visit.**

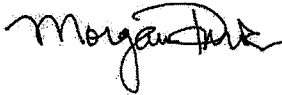
Scientific Consultant Services, Inc.

June 5, 2015

Page 2

Please contact me at (808) 243-4641 or [Morgan.E.Davis@hawaii.gov](mailto:Morgan.E.Davis@hawaii.gov) if you have any questions or concerns about this letter.

Mahalo,



Morgan E. Davis  
Lead Archaeologist, Maui Section

cc:

County of Maui  
Department of Planning  
[Planning@co.maui.hi.us](mailto:Planning@co.maui.hi.us)

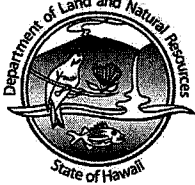
County of Maui  
Department of Public Works – DSA  
[Renee.Segundo@co.maui.hi.us](mailto:Renee.Segundo@co.maui.hi.us)

County of Maui  
Cultural Resources Commission  
[Annalise.Kehler@co.maui.hi.us](mailto:Annalise.Kehler@co.maui.hi.us)

Evans Holdings, Inc.  
1100 Alakea Street, Suite 2200  
Honolulu, Hawaii 96813

David Ward  
Frampton & Ward, LLC  
[dave@fwmaui.com](mailto:dave@fwmaui.com)

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

June 16, 2015

Michael F. Dega, Ph.D.  
Scientific Consultant Services, Inc.  
1347 Kapiolani Blvd., Ste 408  
Honolulu, Hawaii 96814  
Via email to: [mike@scshawaii.com](mailto:mike@scshawaii.com)

Log No: 2015.02343  
Doc No: 1506MD19  
Archaeology

Aloha Dr. Dega:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Maui County  
Draft Archaeological Data Recovery and Preservation Plan for Six SIHPs  
Mo'omuku Ahupua'a, Makawao District, Island of Maui  
TMK (2) 2-1-005:135 (por.)**

Thank you for the opportunity to review the submittal titled *Data Recovery Plan for Sites 50-50-14-7891, -7908, -7911, -7914 and Preservation Plan for Sites 50-50-14-7892, -7917 on Approximately 27-acres in Mākena, Mo'omuku Ahupua'a, Makawao District, Island of Maui, Hawai'i [TMK: (2) 2-1-005:134, 135 por., and 136]* by Perzinski and Dega (Revised May 2015; SCS Project Number 1501a-PP/DR-2). We received the draft plan submittal on June 5, 2015. We previously reviewed an earlier draft of this plan and requested revisions (Log No. 2015.00983, Doc No. 1505MD49).

The subject area consists of 27 acres, with parcel 135 being documented in two reports. Parcel 135 has also been subject to an archaeological inventory survey (AIS) as documented in two approved reports; the report reflecting work done on this subject portion (Perzinski and Dega December 2014) was approved by SHPD in March 2015 (Log No. 2015.00802, Doc No. 1503MD02). Because the County of Maui updated tax map key is not yet available it is unclear to SHPD at this time what the total acreage is for parcel 135.

The AIS report documented 36 archaeological sites. Of those, 30 were considered sufficiently documented and require no further archaeological work. Six, the subjects of this submitted data recovery and preservation plan, require additional work: SIHPs 7891, 7908, 7911 and 7914, all require additional study in the form of data recovery; while SIHPs 7892 and 7917 will be permanently preserved. SIHPs subject to data recovery will be have a minimum of 12 1 x 1 meter excavation units with a resulting data recovery report; SIHPs 7892 and 7917 will be permanently preserved with a five-foot buffer, extended to ten feet and surrounded with orange construction fencing during construction activities per the plan.

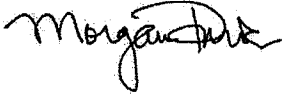
The Preservation Plan and Data Recovery Plan meets the requirements of Hawai'i Administrative Rules §13-277 and 278 and is accepted. Please send one hardcopy of the document, clearly marked **FINAL**, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library.

Scientific Consultant Services, Inc.  
June 16, 2015  
Page 2

**Contact SHPD upon completion of data recovery at SIHP number 7891, 7908, 7911 and 7914, before closing the excavation units to arrange a site visit.**

Please contact me at (808) 243-4641 or [Morgan.E.Davis@hawaii.gov](mailto:Morgan.E.Davis@hawaii.gov) if you have any questions or concerns about this letter.

Mahalo,



Morgan E. Davis  
Lead Archaeologist, Maui Section

|     |  |  |   |
|-----|--|--|---|
| cc: | County of Maui<br>Department of Planning<br><a href="mailto:Planning@co.maui.hi.us">Planning@co.maui.hi.us</a> | County of Maui<br>Department of Public Works – DSA<br><a href="mailto:Renee.Segundo@co.maui.hi.us">Renee.Segundo@co.maui.hi.us</a> | County of Maui<br>Cultural Resources Commission<br><a href="mailto:Annalise.Kehler@co.maui.hi.us">Annalise.Kehler@co.maui.hi.us</a> |
|     | Evans Holdings, Inc.<br>1100 Alakea Street, Suite 2200<br>Honolulu, Hawaii 96813                               | David Ward<br>Frampton & Ward, LLC<br><a href="mailto:dave@fwmaui.com">dave@fwmaui.com</a>   |   |

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

June 15, 2018

Ms. Nohelani Uu  
Frampton & Ward LLC  
2035 Main Street, Suite 1  
Wailuku, Hawaii 96793

Dear Ms. Uu:

**SUBJECT: CORRECTED SPECIAL MANAGEMENT AREA (SMA)  
ASSESSMENT FOR INSTALLATION OF A REPLACEMENT GATE  
AND FENCE LOCATED AT 7191 MAKENA ROAD, KIHEI, ISLAND  
OF MAUI, HAWAII; TMK: (2) 2-1-005:135 AND (2) 2-1-005:108  
(SMX 2016/0253) (SM2 2016/0079)**

This approval letter is hereby corrected by including the parcel identified as TMK (2) 2-1-005:108 and encompassing amendments approved by letter dated November 1, 2017.

In response to your application received on May 27, 2016, and in accordance with the SMA Rules for the Maui Planning Commission (Commission), Section 12-202-12, a determination has been made relative to the above project that:

1. The project is not a development, pursuant to Section 205-A-22 and may be issued a SMA Minor Permit;
2. The project has a valuation not in excess of \$500,000.00;  
(Valuation: \$36,000.00)
3. The proposed scope of work consists solely of replacing an existing gate, fence and utility pole and installation of an additional utility pole;
4. The project has no significant adverse environmental or ecological effects, provided Best Management Practices (BMPs) are implemented; and
5. The project is consistent with the objectives, policies, and SMA guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A, and is consistent with the County General Plan and Zoning.

**In consideration of the above determination, you are hereby granted a SMA Minor Permit (SM2 2016/0079), subject to the following conditions:**

1. That replacement is according to plans titled "Replacement Gate for Residence of Evans Holdings LLC", prepared by the Applicant and dated April 29, 2016.

2. That BMPs shall be implemented to ensure water quality and marine resources are protected. No construction materials shall be stockpiled in the aquatic environment. All construction-related materials shall be free of pollutants and placed or stored in ways to avoid or minimize disturbance. No debris, petroleum products or deleterious materials or wastes shall be allowed to fall, flow, leach, or otherwise enter near shore waters. Any turbidity and siltation generated from activities proposed at the site shall be minimized and contained in the immediate vicinity of construction through the use of effective silt containment devices. Construction during adverse weather conditions shall be curtailed to minimize the potential for adverse water quality impacts. Appropriate measures to minimize dirt and water runoff, noise, and dust must be used.
3. That a building permit shall be obtained as applicable from the Department of Public Works Development Services Administration.
4. That construction of the improvements shall be initiated by **July 31, 2018**, and shall be completed within one (1) year of said initiation.
5. That in the event historic resources, including human skeletal remains, structural remains, cultural deposits, or lava tubes are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD), Maui Section, shall be contacted immediately at (808) 243-1285. Work shall not continue until cleared by DLNR-SHPD.
6. That full compliance with all other applicable governmental requirements shall be rendered.

Furthermore, in accordance with the Shoreline Rules for the Commission, Sections 12-203-3, 12-203-6, 12-203-10, 12-203-11, and 12-203-12, a determination has been made relative to the above-referenced project that:

1. The site is not a shoreline property and is subject to the Commission Shoreline Rules;
2. The work will take place outside the shoreline setback area; and
3. The proposed action will not have an adverse impact on a flood zone or streamway; and, according to review by the Zoning Administration and Enforcement Division, no flood development permit is required.

**Accordingly, no Shoreline Setback Approval is required.**

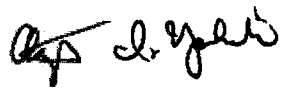
Ms. Nohelani Uu  
June 15, 2018  
Page 3

Moreover, the Department of Planning (Department) finds that the proposed action does not trigger compliance with environmental review because it does not include the use of a shoreline area.

**In summary, the Department grants a SMA Minor Permit (SM2 2016/0079) for the work described in your SMA Assessment Application (SMX 2016/0253). No Shoreline Setback Approval or environmental review are required.**

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Keith Scott at [keith.scott@mauicounty.gov](mailto:keith.scott@mauicounty.gov) or at (808) 463-3867.

Sincerely,



CLAYTON I. YOSHIDA, AICP  
Planning Program Administrator

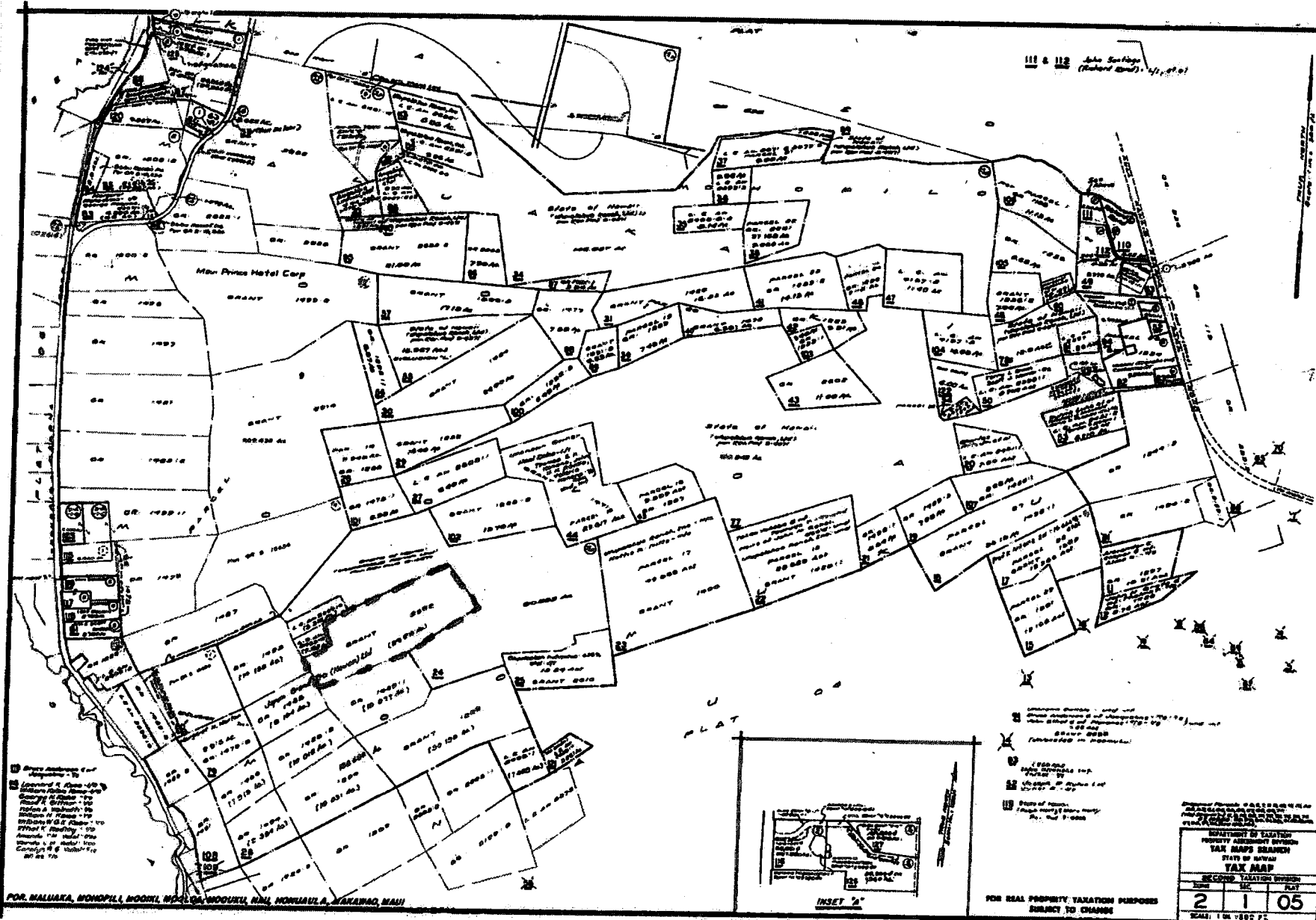
for WILLIAM SPENCE  
Planning Director

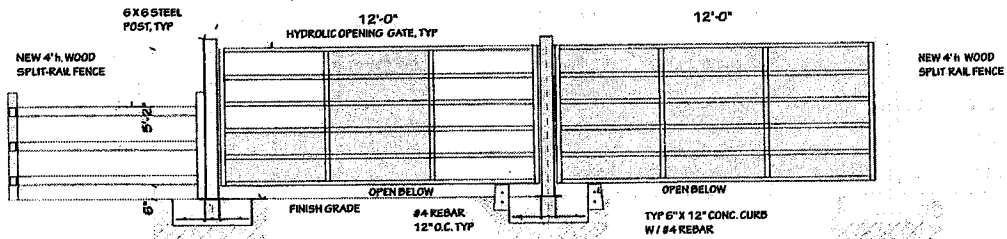
xc: Michele Chouteau McLean, Deputy Planning Director (PDF)  
John S. Rapacz, Planning Program Administrator (PDF)  
Keith C. Scott, Staff Planner (PDF)  
Project File

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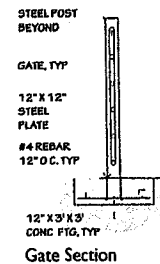
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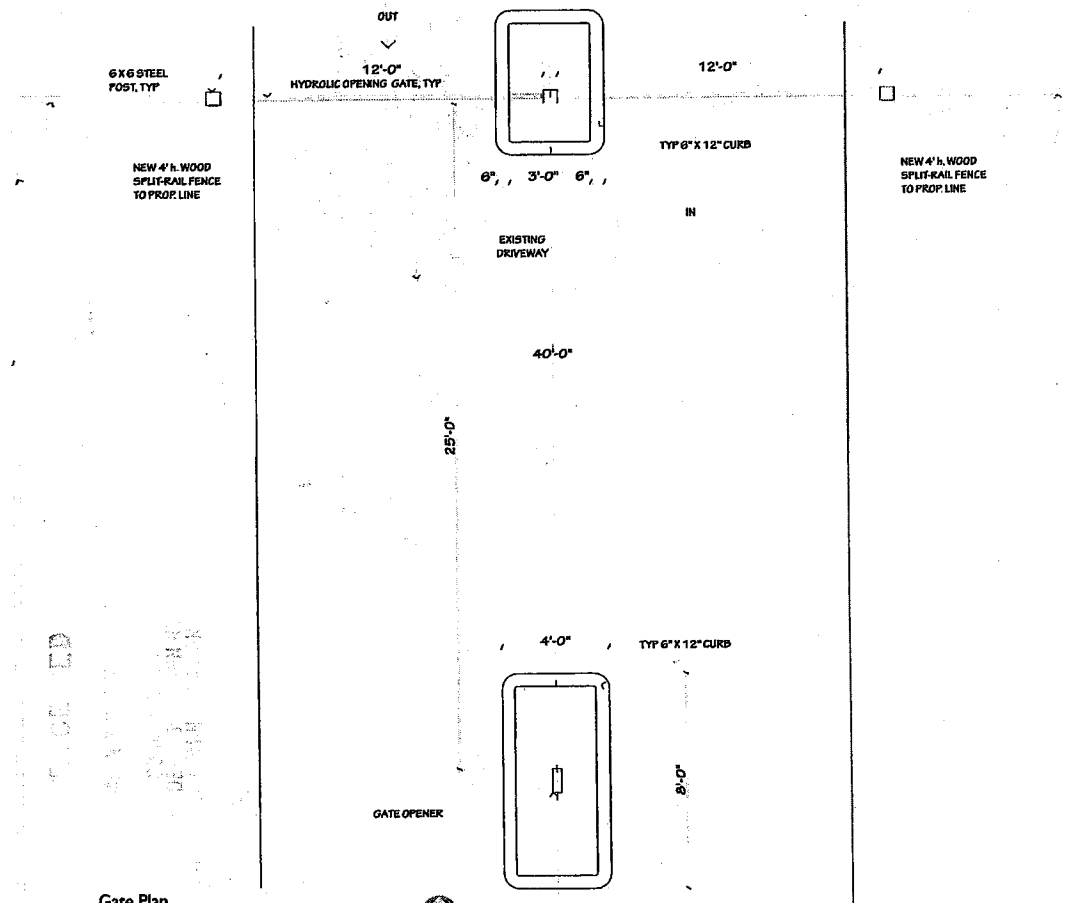




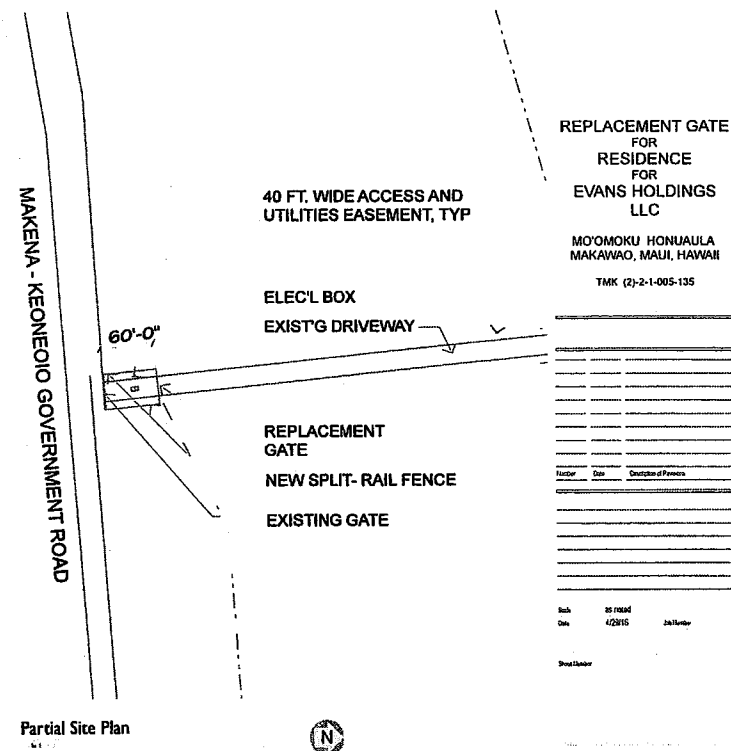
Gate Elevation



Gate Section



Gate Plan



Partial Site Plan

REPLACEMENT GATE  
FOR  
RESIDENCE  
FOR  
EVANS HOLDINGS  
LLC

MO'OMOKU, HONOLULU  
MAKAWAO, MAUI, HAWAII

TMK (2)-2-1-005-135

Sub: 25-10000  
Date: 4/20/15 Job Number:

Sheet Number

ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

November 21, 2017

Ms. Nohelani Uu  
Frampton and Ward, LLC  
2035 Main Street, Suite 1  
Wailuku, Hawaii 96793

Dear Ms. Uu:

**SUBJECT: SPECIAL MANAGEMENT AREA (SMA) ASSESSMENT FOR  
INSTALLATION OF A REPLACEMENT GATE AND FENCE,  
LOCATED AT 7191 MAKENA ROAD, KIHEI, ISLAND OF MAUI,  
HAWAII; TMK: (2) 2-1-005:135 (SMX 2016/0253)  
(SM2 2016/0079)**

In response to your amendment request application received by the Department of Planning (Department) on September 20, 2017, the Department has reviewed your request and grants the following amendments to the scope of the SMA Minor Permit (SM2 2016/0079) as follows:

2. The project has a valuation not in excess of \$500,000.00; and  
(Valuation: ~~\$22,000.00~~ \$36,000.00)
3. The proposed scope of work consists solely of replacing an existing gate and fence, and utility pole and installation of an additional utility pole.

The Conditions of Approval (COA) for SMA Minor Permit (SM2 2016/0079) are hereby amended as follows:

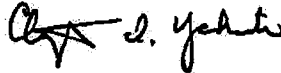
1. That replacement is according to plans titled, "Replacement Gate for Residence of Evans Holdings LLC," prepared by the Applicant and dated April 29, 2016 and plans titled, "Power Poles for Evans Holdings, LLC," prepared by the Applicant and dated September 8, 2017.

All other COA remain the same.

Ms. Nohelani Uu  
November 21, 2017  
Page 2

Thank you for your cooperation. Should you have any questions, please contact Staff Planner Keith Scott by email at [keith.scott@mauicounty.gov](mailto:keith.scott@mauicounty.gov) or by phone at (808) 463-3867.

Sincerely,



CLAYTON I. YOSHIDA, AICP  
Planning Program Administrator

for WILLIAM SPENCE  
Planning Director

xc: John S. Rapacz, Planning Program Administrator (PDF)  
Keith C. Scott, Staff Planner (PDF)  
Nohelani Uu, Frampton and Ward (PDF)  
Development Services Administration  
CZM File (SMX/SM2)  
SM2 Project File  
General File

WRS:CIY:KCS:ela

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ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

July 18, 2016

Ms. Nohelani Uu  
Frampton & Ward LLC  
2035 Main Street, Suite 1  
Wailuku, Hawaii 96793

Dear Ms. Uu:

**SUBJECT: SPECIAL MANAGEMENT AREA (SMA) ASSESSMENT FOR  
INSTALLATION OF A REPLACEMENT GATE AND FENCE LOCATED AT  
7191 MAKENA ROAD, KIHEI, ISLAND OF MAUI, HAWAII;  
TMK: (2) 4-4-001:055 (SMX 2016/0253) (SM2 2016/0079)**

In response to your application received on May 27, 2016, and in accordance with the SMA Rules for the Maui Planning Commission (Commission), Sections 12-202-12, a determination has been made relative to the above project that:

1. The project is not a development, pursuant to Section 205-A-22 and may be issued a SMA Minor Permit;
2. The project has a valuation not in excess of \$500,000.00;  
(Valuation: \$22,000.00)
3. The proposed scope of work consists solely of replacing an existing gate and fence;
4. The project has no significant adverse environmental or ecological effects, provided Best Management Practices (BMPs) are implemented; and
5. The project is consistent with the objectives, policies, and Special Management Area guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A, and is consistent with the County General Plan and Zoning.

**In consideration of the above determination, you are hereby granted a SMA Minor Permit (SM2 2016/0079), subject to the following conditions:**

1. That replacement is according to plans titled "Replacement Gate for Residence of Evans Holdings LLC", prepared by the Applicant and dated April 29, 2016.
2. That BMPs shall be implemented to ensure water quality and marine resources are protected. No construction materials shall be stockpiled in the aquatic environment. All construction-related materials shall be free of pollutants and placed or stored in ways to avoid or minimize disturbance. No debris, petroleum products or deleterious materials or wastes shall be allowed to fall, flow, leach, or otherwise enter near shore

waters. Any turbidity and siltation generated from activities proposed at the site shall be minimized and contained in the immediate vicinity of construction through the use of effective silt containment devices. Construction during adverse weather conditions shall be curtailed to minimize the potential for adverse water quality impacts. Appropriate measures to minimize dirt and water runoff, noise, and dust must be used.

3. That a building permit shall be obtained as applicable from the Department of Public Works Development Services Administration.
4. That construction of the improvements shall be initiated by **July 31, 2018**, and shall be completed within one (1) year of said initiation.
5. That in the event historic resources, including human skeletal remains, structural remains, cultural deposits, or lava tubes are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD), Maui Section, shall be contacted immediately at (808) 243-1285. Work shall not continue until cleared by DLNR-SHPD.
6. That full compliance with all other applicable governmental requirements shall be rendered.

Furthermore, in accordance with the Shoreline Rules for the Commission, Sections 12-203-3, 12-203-6, 12-203-10, 12-203-11, and 12-203-12, a determination has been made relative to the above-referenced project that:

1. The site is not a shoreline property and is subject to the Maui Planning Commission Shoreline Rules;
2. The work will take place outside the shoreline setback area; and
3. The proposed action will not have an adverse impact on a flood zone or streamway; and, according to review by the Zoning Administration and Enforcement Division, no flood development permit is required.

**Accordingly, no Shoreline Setback Approval is required.**

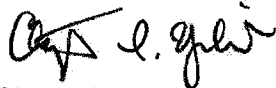
Moreover, the Department of Planning (Department) finds that the proposed action does not trigger compliance with environmental review because it does not include the use of a shoreline area.

**In summary, the Department grants a SMA Minor Permit (SM2 2016/0079) for the work described in your SMA Assessment Application (SMX 2016/0253). No Shoreline Setback Approval or environmental review are required.**

Ms. Nohelani Uu  
July 18, 2016  
Page 3

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Keith Scott at [keith.scott@mauicounty.gov](mailto:keith.scott@mauicounty.gov) or at (808) 463-3867.

Sincerely,



CLAYTON I. YOSHIDA, AICP  
Planning Program Administrator

for WILLIAM SPENCE  
Planning Director

xc: John S. Rapacz, Planning Program Administrator (PDF)  
Keith C. Scott, Staff Planner (PDF)  
CZM File (SMX/SM2)  
Project File  
General File

WRS:CIY:KCS:ela

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## SPECIAL MANAGEMENT AREA ASSESSMENT

Prepared by Keith Scott, Staff Planner  
June 27, 2016

|                          |                                 |
|--------------------------|---------------------------------|
| Project Name:            | Evans Holdings Gate             |
| Proposed Development:    | Replacing Existing Gate/Kihei   |
| Building Permit App. No: |                                 |
| SMA App. No:             | SMX 2016/0253                   |
| Project Address:         | 7191 Makena Rd , Kihei HI 96753 |
| Tax Map Key:             | (2) 2-1-005:135-0000            |
| Applicant:               | Frampton & Ward                 |
| Owner:                   | Evans Holdings, Inc             |

Pursuant to §12-202-12(d), Special Management Rules for the Maui Planning Commission ("SMA Rules"), the assessment application shall be reviewed as follows:

1. Upon submission of a completed application, the director shall review the proposed action and make a written evaluation as to:

- A. The valuation of the proposed action: The applicant's estimates of the total cost or fair market value may be verified by the Director of Public Works. In the event of a conflict between the estimates of the applicant and the Director of Public Works, the higher estimate amount shall be used by the director for the purposes of an assessment of the proposed action:

**The estimated valuation of the project is \$22,000.00**

**Therefore, the valuation of the project is less than \$500,000.00**

- B. Whether the proposed action is or is not a development:

**Pursuant to Chapter 205A-22, Hawaii Revised Statutes ("HRS"), the Replacing Existing Gate/Kihei is considered a "development". The Applicant proposes to ("Proposed Project"):**

**PROJ DESC: Replace an existing gate and fence;**

**GEN LOCATION: Mauka Makena Road east of Makena Beach State Park;**

**STRUCTURES: TYPE 2-12' drive gates 5' high; approximately 120' 4' high split rail fence;**

**In consideration of the foregoing, the Proposed Project is considered to be a "development" and does not qualify for an exemption.**

**The proposed "development" qualifies as...**

- **Construction, reconstruction, demolition, or alteration**

of the size of any structure.

- C. The potential adverse environmental and ecological effects based upon the significance criteria set forth in subsection (e):

**The Proposed Project's activities are common and minor in nature. Therefore, the Proposed Project will not have an adverse environmental and ecological effect.**

§12-202-12(e), SMA Rules states that in considering the significance of potential environmental and ecological effects, the Planning Director shall evaluate:

1. The sum of those effects that adversely affect the quality of the environment and the ecology, and shall evaluate the overall and cumulative adverse effect of the proposed action:

**Due to the nature of the Proposed Project, it is not anticipated that the project will have an adverse effect on the quality of the environment and the ecology.**

2. Every phase of a proposed action, its expected primary and secondary consequences, and its cumulative and short or long-term effects. A proposed action may have a significant adverse effect on the environment when the proposed action:

- A. Involves an irrevocable commitment to loss or destruction of any natural or cultural resources:

**The Proposed Project was not sent to the State Historic Preservation Division for review. The project will replace an existing gate and fence in the same location and does not require any major ground altering activities. Therefore, it is unlikely that the proposed project will involve an irrevocable commitment to loss or destruction of any natural or cultural resources.**

- B. Significantly curtails the range of beneficial uses of the environment:

**Given the nature and scope of the Proposed Project within the confines of the property boundaries, it is not anticipated that the project will significantly curtail the range of beneficial uses of the environment.**

- C. Conflicts with the county's or the state's long-term environmental policies or goals:

**The Proposed Project does not conflict with the County's or the**

**State's long term environmental policies or goals.**

- D. Substantially affects the economic or social welfare and activities of the community, county, or state:

**Given the nature and scope of the Proposed Project within the confines of the property boundaries, it is not anticipated that the project will affect the economic or social welfare and activities of the community, county, or state.**

- E. Involves substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways:

**Given the nature and scope of the Proposed Project, it will not have secondary impacts such as population changes and increased effects on public facilities, streets, drainage, sewage, water systems, and pedestrian walkways.**

**Given the nature and scope of the Proposed Project, there may be secondary impacts such as population changes and increased effects on public facilities, streets, drainage, sewage, water systems, and pedestrian walkways. It is highly unlikely that those effects will be substantial.**

- F. In itself has no significant adverse effects but cumulatively has considerable effect upon the environment or involves a commitment for larger actions:

**The Proposed Project has no known significant cumulative adverse effects upon the environment nor is a commitment for extended actions anticipated.**

- G. Substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat:

**Given the scope and nature of the Proposed Project and its location, it is not anticipated that any rare, threatened, or endangered species of animal or plant will be affected.**

- H. Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances:

**The Proposed Project is in compliance with:**

**The State Land Use District: Agriculture  
Maui Island Plan Growth Boundary: Outside  
Maui Island Plan Protected Resource: No  
Kihei-Makena Community Plan: Agriculture  
County Zoning: Agriculture  
Other: SMA (por)**

- I. Detrimentially affects air or water quality or ambient noise levels:

**There may be temporary effects on air quality, water quality, or ambient noise levels. However, such effects can be mitigated through BMP's.**

- J. Affects an environmentally sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters:

**The Proposed Project is not adjacent to the shoreline and therefore is not subject to the Shoreline Setback Rules of the Maui Planning Commission.**

**According to site plans provided by the Applicant, the project is located outside of the Shoreline Setback area.**

**With respect to Flood Zones, the entire property is located in Zone X-Areas Det.To Be Outside The .2% Ann. Fld. Therefore, a Flood Hazard District Permit is not required.**

- K. Substantially alters natural land forms and existing public views to and the shoreline:

**The Proposed Project will not substantially alter natural land forms.**

- L. Is contrary to the objectives and policies of Chapter 205A, HRS:

**The Proposed Project is not contrary to the objectives and policies of Chapter 205A, HRS.**

---

***Special Management Area Assessment***

~

***Evans Holdings Gate***

***Tax Map Key: (II) 2-1-005:135***

---

**May 2016**

**Prepared By:**  
**FRAMPTON & WARD, LLC**  
**2035 Main Street, Suite 1**  
**Wailuku, HI 96793**  
**PH: 249-2224/FX: 249-2333**

# **Application for Special Management Area Assessment**

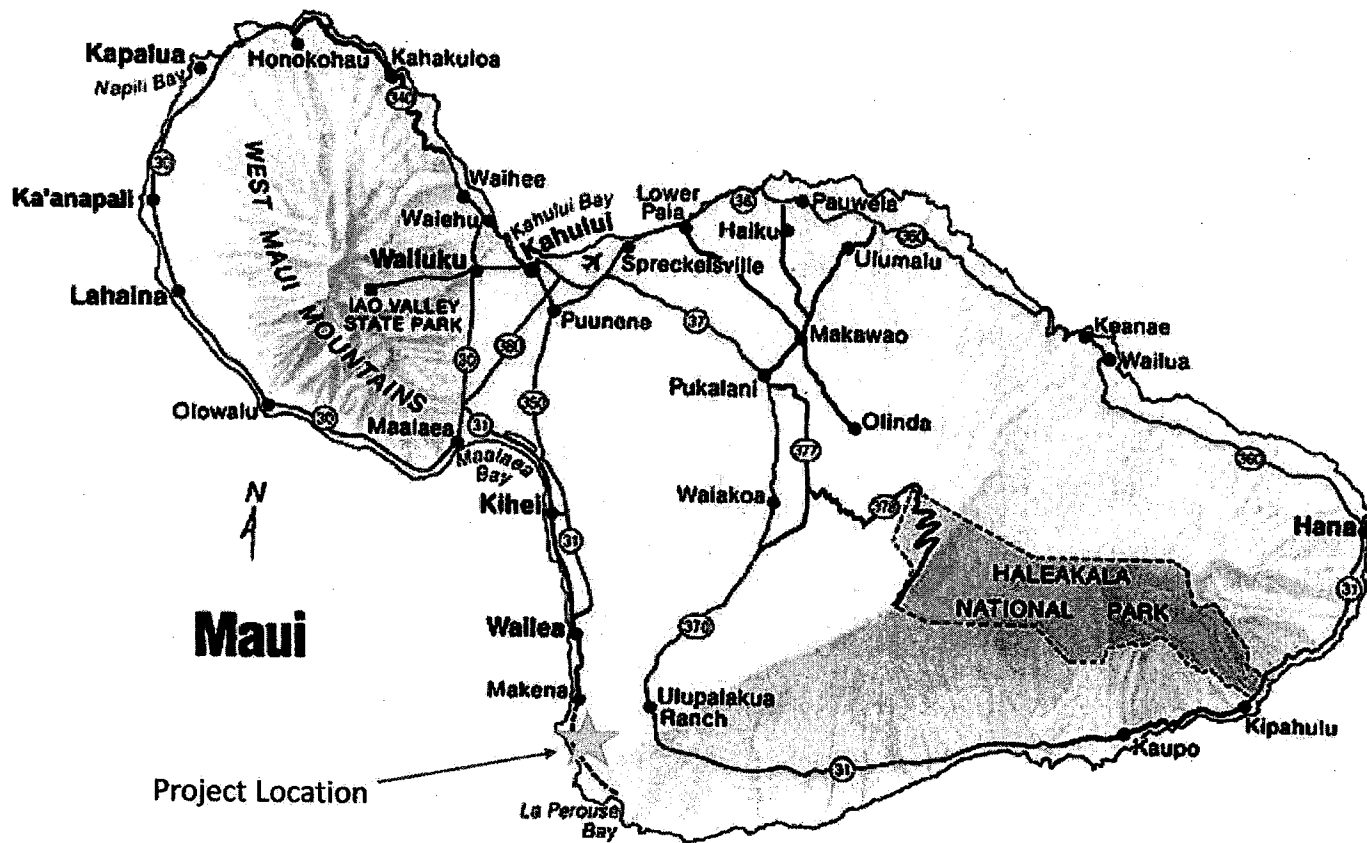
## **Evans Holdings Gate**



### **Table of Contents**

1. Location Map
2. SMA Assessment Checklist
3. Special Management Area Assessment Application
4. Zoning and Flooding Confirmation Form
5. Chapter 343HRS Checklist & Chapter 205-A HRS  
Assessment Information
6. Evidence of Landownership
7. Notarized Letter of Authorization from Landowner
8. Project Plans
9. Photographs of Project Site

## **1. LOCATION MAP**



Evans Holdings Gate Location Map

TMK (2) 2-1-005:135

## **2. SMA ASSESSMENT CHECKLIST**

## SMA ASSESSMENT APPLICATION CHECKLIST

### Instructions:

- Any misrepresentation regarding this application may result in a permit denial, permit revocation, and other possible violations and/or fines.
- The following checklist items shall be completed and submitted at the time of application submittal.
- **Please submit two (2) hard copy sets of the full application package, including one (1) original, and three (3) sets of plans. Also include an electronic copy in PDF format of the full application package on a compact disk or flash drive. Incomplete applications may result in a delay in processing and may be returned.**

**Please number all documents and arrange them in the order they are listed below.**

- ☒ A non-refundable filing fee, payable to County of Maui, Director of Finance. See Fee Schedule, Table B Special Management Area Assessments (No Public Hearing Required). The current fee schedule is available at the Department of Planning or at the Department of Planning section of the County of Maui website under "Development Permits, Applications & Reviews". [www.mauicounty.gov](http://www.mauicounty.gov).
- ☐ YES ☒ NO Has any work already been started or completed for this project?
  - If yes, please describe on a separate sheet of paper and be advised that additional fees may apply.
- ☒ Completed SMA Assessment Checklist of Required Submittals (THIS CHECKLIST) (pg 3-4)
- ☒ Completed SMA Assessment Application (pg 5)
- ☒ Complete the applicant portion of the Zoning & Flood Confirmation Form. (pg 6)
- ☒ Completed Chapter 343, HRS Checklist (pg 7). If the proposed action triggers Chapter 343, HRS, related to Environmental Impact Statements, submit a completed Environmental Assessment (EA), Environmental Impact Statement (EIS), or a letter of exemption from Chapter 343, HRS, from the proper authority.
- ☒ Completed Chapter 205A-2, HRS, Assessment Information (pg 8)
- ☐ Evidence that the applicant is the owner or lessee of record of the real property. – OR – If the applicant is not the owner, a notarized letter from the owner authorizing the applicant to act on the owners behalf, AND evidence that the authorization is from the legal owner.
- ☒ **Plot Plans\* of the Subject Property** prepared to scale and based upon an accurate instrument survey. The plan shall define and show the design of the proposed activity or development and the existing physical conditions of the land, including but not limited to, property boundaries, topography, all structures, natural and man-made features, trees, structures, shoreline, and shoreline setback line. Said plans shall be signed, dated, drawn to scale, and measured in feet.  
\* Please submit three (3) sets, including one (1) original
- ☒ **Plans\* of the Proposed Activity or Development** designating the location and dimensions of the proposed activity or development on the land. If structures are included, the plan of the activity or development should include a dimensioned floor plan, sections, elevations, and other physical features. Provide existing and proposed finished (interior) square footage and existing and proposed covered lanai square footage. Said plans shall be signed, dated, drawn to scale, and measured in feet.  
\* Please submit three(3) sets, including one (1) original
- ☒ **Photographs** identifying the area where the proposed activity or development is to occur. The photographs should include the (1) site, (2) surrounding properties, and (3) the relationship of the site to the nearest public roadway.  
For shoreline properties, also include photographs (1) to, (2) from, and (3) along the shoreline.  
(All photographs should be printed on standard sized paper, 8 1/2 by 11.)

Continued on next page...

## SMA ASSESSMENT APPLICATION CHECKLIST (CONTINUED)

- 12 ☐ YES ☒ NO Are there any known taro patches, burial sites, cemeteries, fish ponds, or other historical features (over 50 years old) on this lot or in the immediate vicinity of the proposed project?
- **If YES**, include a scaled map identifying those sites and description of what you may know about them.
- 13 ☐ YES ☒ NO Will there be any ground alteration, excavation, or digging associated with the proposed project?
- **If YES**, include a scaled map identifying the area of land affected, as well as the width, length, and the depth of the activity.
- 14 ☐ YES ☒ NO Are there any rare, threatened, or endangered species of animal or plant, or its habitat within the lot of the proposed project or nearby properties?
- **If YES**, include a brief description of the species, animal, and/or the affected habitat, as well as a description of what is being done or proposed to be done to minimize the affect.
- 15 ☐ YES ☒ NO Are any of the following areas located on this lot or on the properties immediately adjoining the proposed project? These areas include a flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters?
- **If YES**, include scaled map identifying the area(s), in relation to the proposed project.
- 16 ☐ YES ☒ NO Is the subject property abutting the shoreline?
- **If YES**, answer question 16(A) and submit required information.
  - **If NO**, answer questions 16(B) & 16(C) and submit required information.
- 16(A). Is the shoreline fixed by either (a) a natural stabilized geographic features such as cliffs and rock formations, or (b) by a manmade structure which has been approved by appropriate government agencies and for which engineering drawings exist to locate the interface between the shoreline and the structure?
- ☐ YES Submit evidence of these conditions and your most recent State Certified Shoreline Survey, or if one does not exist for the subject property, submit the most recent shoreline survey prepared by a land surveyor who is licensed in the State of Hawaii. The survey shall include the date of the field survey and the surveyor's signature.
- ☐ NO Submit State Certified Shoreline Survey. The survey shall be the actual field location of the shoreline, as prepared by a land surveyor licensed in the State of Hawaii. The survey maps shall bear the surveyor's signature, date of field survey, and the certifying signature and date of the Chairman of the Board of Land and Natural Resources (BLNR). The date of State Certified Shoreline Survey shall not be older than one year.
- 16(B). ☒ YES ☐ NO For any lot not abutting the shoreline, is any part of the proposed action to occur WITHIN 150 feet of the shoreline?
- **If YES**, Submit State Certified Shoreline Survey. The survey shall be the actual field location of the shoreline as prepared by a land surveyor licensed in the State of Hawaii. The survey maps shall bear the surveyor's signature, date of field survey, and the certifying signature and date of the Chairman of the Board of Land and Natural Resources (BLNR). The date of State Certified Shoreline Survey shall not be older than one year.
- 16(C). ☒ YES ☐ NO Is any part of the subject property lot line, located WITHIN 150 feet of the shoreline?
- **If YES**, be advised that your SMA Assessment Application will be reviewed to determine if a State Certified Shoreline Survey is required.
- 17 ☐ Any other information and documentation required by the Planning Department to properly process the application, and/or items you feel will aid the Department in its review of your project.  
List all other submitted documents below.
- A) \_\_\_\_\_ C) \_\_\_\_\_
- B) \_\_\_\_\_ D) \_\_\_\_\_

*Journal of Interpersonal Violence* 28(1) 10-26  
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# Special Management Area (SMA) ASSESSMENT APPLICATION

Please print legibly or type in the information below.

County Use Only

Permit Number: **SMX**

## PROPERTY ADDRESS / PROJECT INFORMATION

Name of Project: (If project name is not provided, applicants name will be used) Evans Holdings Gate

Tax Map Key No: 2-1-005:135

Total Lot Area: 29.51

Physical Address / Location of Project: 7191 Makena Road, Kihei HI 96753

Additional Location Information:

## DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT

Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s), and statement of objectives of the proposed action. Attach additional sheets, if needed:

Describe the Existing Use: Gate

Describe the Proposed Action: Replacing Existing Gate

Include a description of all proposed ground altering activities (e.g., area of disturbance, quantity of fill, depth of excavation, etc.).

Valuation\*: \$22,000

Building Permit Application No: (if applicable)

\*Total cost or fair market value as estimated by an architect, engineer, or contractor licensed by the Department of Commerce and Consumer Affairs, State of Hawaii; or, by the administrator of Department of Public Works, Development Services Administration.

## CONTACT INFORMATION

### APPLICANT INFORMATION

Applicant's Name(s): Nohelani Uu

Email: nohelani@fwmaui.com

Mailing Address: 2035 Main Street, Suite 1 Wailuku HI 96793

Phone Number(s): bus 249.2224 hm mobile fax

Signature(s): Nohelani Uu Date: May 20, 2010

### CONSULTANT INFORMATION

Contact Name(s): Email:

Mailing Address:

Phone Number(s): bus hm mobile fax

Signature(s): Date:

### OWNER INFORMATION

Owner's Name(s): Evans Holdings, Inc Email:

Mailing Address: 1100 Alakea St, Suite 2100 Honolulu, HI 96813

Phone Number(s): bus hm mobile fax

Signature(s): Date:

## **4. ZONING AND FLOOD CONFIRMATION FORM**

14/6/02

9

COUNTY OF MAUI  
DEPARTMENT OF PLANNING  
One Main Plaza Building  
2200 Main Street, Suite 315  
Wailuku, Hawaii 96793



Zoning Administration and  
Enforcement Division (ZAED)  
Telephone: (808) 270-7253  
Facsimile: (808) 270-7634  
E-mail: [planning@mauicounty.gov](mailto:planning@mauicounty.gov)

## ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Evans Holdings, LLC

TELEPHONE 249.2224

PROJECT NAME Kanahena

E-MAIL dave@fwmahi.com

PROPERTY ADDRESS Makena Road

TAX MAP KEY 2-1-005:135

- ☐ Yes ☒ No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:
- A) ☐ Yes ☐ No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) \_\_\_\_\_
- B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):  
\_\_\_\_\_

- INSTRUCTIONS:
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
  - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
  - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

### LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:

STATE DISTRICT: ☐ Urban ☐ Rural ☒ Agriculture ☐ Conservation

☒ (SMA)  
Special  
Management Area

MAUI ISLAND PLAN Growth Boundary: ☐ Urban ☐ Small Town ☐ Rural ☐ Planned Growth Area ☒ Outside Growth Boundaries

PLAN Protected Area: ☐ Preservation ☐ Park ☐ Greenbelt ☐ Greenway ☐ Sensitive Land ☒ Outside Protected Areas

COMMUNITY PLAN: As-shown

COUNTY ZONING: As-shown

OTHER/COMMENTS:

FEMA FLOOD INFORMATION:

FLOOD HAZARD AREA ZONES  
& BASE FLOOD ELEVATIONS: X

☐ FEMA DESIGNATED FLOODWAY

For Flood Zone AO, FLOOD DEPTH:

☐ FLOOD DEVELOPMENT PERMIT REQUIRED (Zones V, VE, A, AO, AE, AH, D, & Floodways)

☐ (PD)  
Planned  
Development  
☐ (PH)  
Project District  
☐ See  
Additional  
Comments (Pg.2)  
☐ See  
Attached LUD Map

SUBDIVISION LAND USE CONSISTENCY: ☐ Not Consistent. (LUDs appear to have NO permitted uses in common).

☐ Not Applicable. (Due to processing under consistency exemption No. ☐ 1, ☐ 2, ☐ 3, ☐ 4, ☐ 5).

☐ Interim Zoning. (The parcel or portion of the parcel that is zoned Interim shall not be subdivided).

☐ Consistent. (LUDs appear to have ALL permitted uses in common).

☐ Consistent upon obtaining an SMA, PD, or PH subdivision approval from Planning.

☐ Consistent upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

### NOTES:

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change in Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway. Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030(D), Maui County Code].

REVIEWED & CONFIRMED BY:

John S. Rapacz (Signature)

12/29/14 (Date)

For: John S. Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division

## **5. CHAPTER 343 HRS CHECKLIST & CHAPTER 205-A HRS ASSESSMENT INFORMATION**

## CHAPTER 343, HRS, COMPLIANCE CHECKLIST

Complete the following worksheet to determine whether the proposed action triggers Chapter 343, HRS, relating to Environmental Impact Statements.

A ☐ YES ☒ NO Do any of the proposed actions listed below apply to your project? The proposed actions listed below trigger Chapter 343, HRS.

If YES, check any that apply and continue with question B below.

If NO, stop here, an *Environmental Impact Statement* may not be required.

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Use of state or county lands or funds | 6 <input type="checkbox"/> Reclassification of conservation lands  |
| 2 <input type="checkbox"/> Use of conservation district lands    | 7 <input type="checkbox"/> Construction/modification of helicopter facilities  |
| 3 <input type="checkbox"/> Use of shoreline area                 | 8 <input type="checkbox"/> Propose any: (a) wastewater facility, except an individual wastewater system or a wastewater facility serving fewer than fifty (50) single-family dwellings or the equivalent; (b) Waste-to-energy facility; (c) Landfill; (d) Oil refinery; or (e) Power-generating facilities |
| 4 <input type="checkbox"/> Use of historic site or district      |  |
| 5 <input type="checkbox"/> Amendment to county general plan      |  |

B Does the proposed action qualify for one or more of the following exemption classes?

- 1 ☐ Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing;
- 2 ☐ Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced;
- 3 ☐ Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to:
  - a. Single-family residences less than three thousand five hundred (3,500) square feet not in conjunction with the building of two or more such units;
  - b. Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;
  - c. Stores, offices, and restaurants designed for total occupant load of twenty persons or less per structure, if not in conjunction with the building of two or more such structures; and
  - d. Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements;
- 4 ☐ Minor alterations in the conditions of land, water, or vegetation;
- 5 ☐ Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource;
- 6 ☐ Construction or placement of minor structures accessory to existing facilities;
- 7 ☐ Interior alterations involving things such as partitions, plumbing, and electrical conveyances;
- 8 ☐ Demolition of structures, except those structures located on any historic site as designated in the national register or Hawaii register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. §§470, as amended, or chapter 6E, HRS;
- 9 ☐ Zoning variances except shoreline set-back variances; and
- 10 ☐ Continuing administrative activities including, but not limited to purchase of supplies and personnel-related actions.

***If any boxes are checked, submit any letter of exemption you may have received from the proper authority.***

***If no boxes are checked, then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is required. Submit the completed EA or EIS document with the application.***

## CHAPTER 205A-2, HRS, ASSESSMENT INFORMATION

Before answering any of the questions on this page, please first read the attached objectives and policies of Chapter 205A-2, coastal zone management program (pg 9-10).

I have read the attached (pg 9-10) coastal zone management objectives and policies of Chapter 205A-2, HRS and state that the proposed project is not contrary to the objectives and policies of Chapter 205A-2, HRS.

Printed Name: Nohelani Uu

Signature: Nohelani Uu

Date: 5/26/2010

Type or legibly print answers to the following and attach additional sheets, as needed.

Be advised that the absence or lack of sufficient information on any of the following items may delay processing.

The environmental setting of the property (description of property):

The subject property is located within former ranch lands, accessed by an existing private road mauka of Makena Keoneoio Road.

Provide a description of any anticipated impacts, as follows:

- (A) Affects natural or cultural resources (i.e., historic site, excavation on vacant land):  
The proposed gate should not affect natural or cultural resources, as the proposed is located outside of the required setback.
- (B) Curtails the range of beneficial uses of the environment:  
The proposed should not curtail the range of beneficial uses of the environment, considering it is a replacement gate.
- (C) Conflicts with the county's or the state's long-term environmental policies or goals (i.e., State Plan, County General Plan, and Community Plan):  
The proposed gate does not conflict with the County's or State's long time environmental policies or goals.
- (D) Affects the economic or social welfare and activities of the community, county, or state: (what are the economic impacts of this project):  
The proposed should not affect the economic or social welfare and activities of the community, County or State. There will be no adverse economic impacts regarding the replacement gate.
- (E) Involves secondary impacts, such as population changes (i.e., increase/decrease) and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways (i.e., increased demands and deficiencies):  
There will not be any secondary impacts or increased effects on public facilities.
- (F) By itself has no significant adverse effects but cumulatively has considerable effect upon the environment (i.e., increased traffic and deficiencies in services) or involves a commitment for larger actions (i.e., more public infrastructure, such as, roads, waterlines, sewers, etc.):  
Cumulatively, there should be no adverse effects upon the environment, or involve a commitment for larger actions.
- (G) Affects a rare, threatened, or endangered species of animal or plant, or its habitat (i.e., wetlands, natural area reserve, refuge):  
The proposed gate should not affect rare, threatened or endangered species of animal or plant.
- (H) Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances: The proposed gate is not contrary to the state plan, the county's general plan, community plans or zoning and subdivision ordinances.
- (I) Affects air or water quality or ambient noise levels (i.e., construction impacts): How might any affects be mitigated? The proposed will not affect air or water quality or ambient noise levels. Appropriate BMPs will be implemented to mitigate any potential affects.
- (J) Located in and does it affect an environmentally sensitive area, such as flood plain, shoreline, dunes, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters:  
The proposed is not located in an environmentally sensitive area, nor does it affect an environmentally sensitive area.
- (K) Alters natural land forms (i.e., cut and fill, retaining walls) and existing public views to and along the shoreline:  
The proposed gate should not alter natural land forms and existing public views to and along the shoreline.
- (L) Is contrary to the objectives and policies of chapter 205A, HRS.  
The proposed gate is not contrary to the objectives and policies of Chapter 205A, HRS.

## **6. EVIDENCE OF LANDOWNERSHIP**

# COUNTY OF MAUI Hawaii

## REAL PROPERTY TAX DIVISION

|  |                                 |                             |  |                           |
|--|---------------------------------|-----------------------------|--|---------------------------|
| <a href="#">Recent Sales in Neighborhood</a> | <a href="#">Previous Parcel</a> | <a href="#">Next Parcel</a> | <a href="#">Return to Main Search Page</a> | <a href="#">Maui Home</a> |
| <a href="#">Recent Sales in Area</a>         |                                 |                             |  |                           |

**Owner and Parcel Information**

|   |  |                      |                                 |
|---|--|----------------------|---------------------------------|
| <b>Owner Name</b>                             | EVANS HOLDINGS, INC Fee Owner                | <b>Today's Date</b>  | May 23, 2016                    |
| <b>Mailing Address</b>                        | 1100 ALAKEA ST STE 2100<br>HONOLULU HI 96813 | <b>Parcel Number</b> | 210051350000                    |
| <b>Location Address</b>                       | 7191 MAKENA RD                               | <b>Parcel Map</b>    | <a href="#">Show Parcel Map</a> |
| <b>Neighborhood Code</b>                      | 2142-5                                       | <b>Land Area</b>     | 29.251 Acres                    |
| <b>Legal Information</b>                      |  | <b>Parcel Note</b>   |                                 |
| <a href="#">Generate Owner List By Radius</a> |  |                      |                                 |

**Assessment Information** [Show Historical Assessments](#)

| Year | Tax Class    | Market Land Value | Agricultural Land Value | Assessed Land Value | Building Value | Total Assessed Value | Total Exemption Value | Total Net Taxable Value |
|------|--------------|-------------------|-------------------------|---------------------|----------------|----------------------|-----------------------|-------------------------|
| 2016 | AGRICULTURAL | \$ 2,223,100      | \$ 0                    | \$ 2,223,100        | \$ 0           | \$ 2,223,100         | \$ 0                  | \$ 2,223,100            |

**Current Tax Bill Information** [2016 Tax Payments](#) [Show Historical Taxes](#)

| Tax Period                                   | Description | Original Due Date | Taxes Assessment | Tax Credits | Net Tax | Penalty | Interest | Other | Amount Due |
|--|-------------|-------------------|------------------|-------------|---------|---------|----------|-------|------------|
| No Tax Information available on this parcel. |             |                   |                  |             |         |         |          |       |            |

**Improvement Information**

| Building Number | Style         | Year Built                   | Eff Year Built | Percent Complete | Living Area    | Construction Type                 |
|-----------------|---------------|------------------------------|----------------|------------------|----------------|-----------------------------------|
| 1               | Contemporary  | 2015                         |                | 0 %              | 4,784          | Frame                             |
| Heating/Cooling | Exterior Wall | Bedrooms/Full Bath/Half Bath | Roof Material  | Fireplace        | Building Value | Sketch                            |
| CENTRAL A/C     | STUCCO        | 4/4/2                        | Concrete tile  |                  | \$ 0           | <a href="#">Sketch Building 1</a> |

**Accessory Information**

| Building Number | Description        | Dimensions/Units | Year Built | Percent Complete | Value |
|-----------------|--------------------|------------------|------------|------------------|-------|
| 1               | WATER TANK NON TAX | 0x0 100,000 / 1  | 2015       | 100 %            | \$ 0  |

**Sales Information**

| Sale Date  | Price        | Instrument # | Instrument Type | Valid Sale or Other Reason | Document Type | Record Date | Land Court # | Land Court Cert |
|------------|--------------|--------------|-----------------|----------------------------|---------------|-------------|--------------|-----------------|
| 05/23/2014 | \$ 1,995,000 | A52560542    | Fee conveyance  | Not open market            | Deed          | 05/23/2014  |              |                 |

**Permit Information**

| Date       | Permit Number | Reason           | Permit Amount |
|------------|---------------|------------------|---------------|
| 06/30/2015 | B20150920     | New res dwelling | \$ 1,800,000  |
| 12/04/2014 | B20141582     | Water Tank       | \$ 320,000    |

|  |                                 |                             |  |                           |
|--|---------------------------------|-----------------------------|--|---------------------------|
| <a href="#">Recent Sales in Neighborhood</a> | <a href="#">Previous Parcel</a> | <a href="#">Next Parcel</a> | <a href="#">Return to Main Search Page</a> | <a href="#">Maui Home</a> |
| <a href="#">Recent Sales in Area</a>         |                                 |                             |  |                           |

The Maui County Tax Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. Website Updated: May 21, 2016

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**7. NOTARIZED LETTER OF AUTHORIZATION  
FROM LANDOWNER**

EVANS HOLDINGS, INC.  
1100 ALAKEA ST, SUITE 2100  
HONOLULU, HI 96813

May 23, 2016

William Spence, Director  
Department of Planning, ZEAD  
County of Maui  
2200 South High Street  
Wailuku, HI 96793

Subject: Evans Holdings SMA Application  
7191 Makena Road, Makena, Maui TMK: (2) 2-1-005:135

Dear Mr. Spence:

I, Mark Johnson, legal representative of the subject property, hereby authorize Mr. Dave Ward and Nohelani U'u of Frampton & Ward, LLC to sign, prepare, file and process an application for Special Management Area Use Permit for the subject property.

Should you have any questions or require additional information, please do not hesitate to contact me at (808) 554-6995.

Sincerely,

  
\_\_\_\_\_  
MARK JOHNSON

Its: President

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

On May 24th, before me personally appeared Mark Johnson, 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.

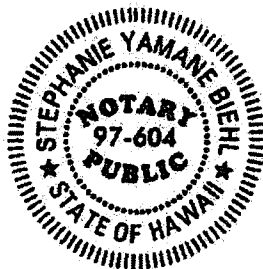
Further, I certify, as of this date, as follows:

Date of Document: May 23<sup>rd</sup>, 2016

Number of Pages: 1

Document Description: Authorization Letter

Jurisdiction/Judicial Circuit Where Signed: First Circuit



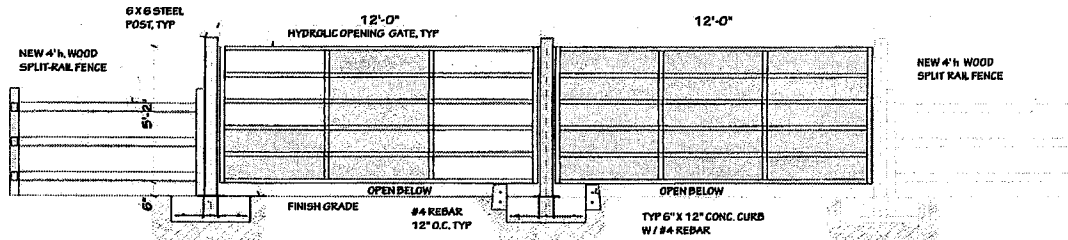
Type or print name: Stephanie Yamane Biehl

Date: MAY 24 2016

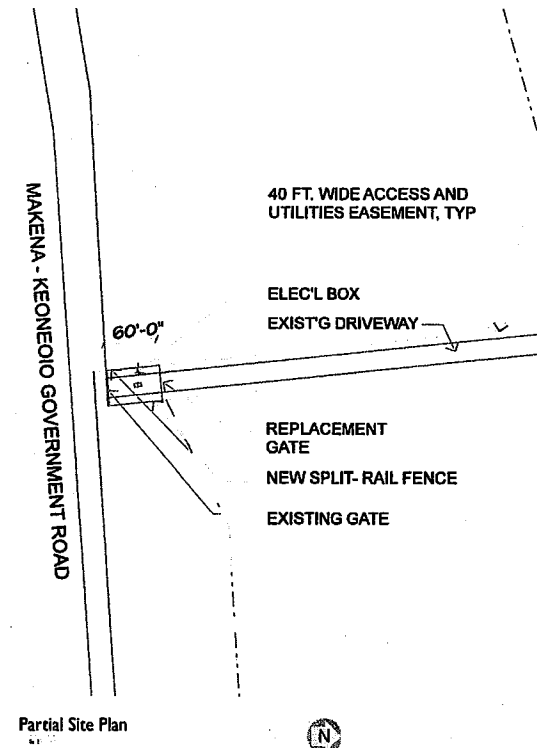
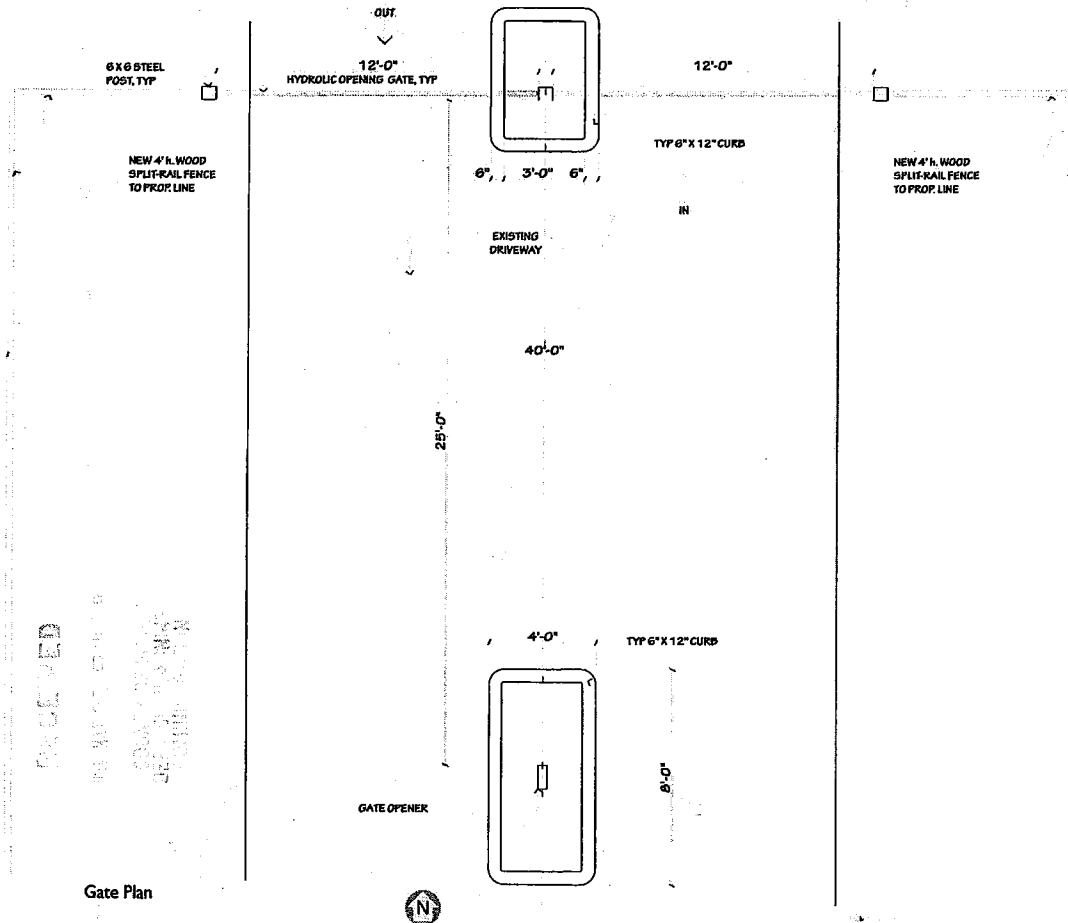
Notary Public, State of Hawaii

My commission expires: October 19, 2019

## 8. PROJECT PLANS



Gate Elevation



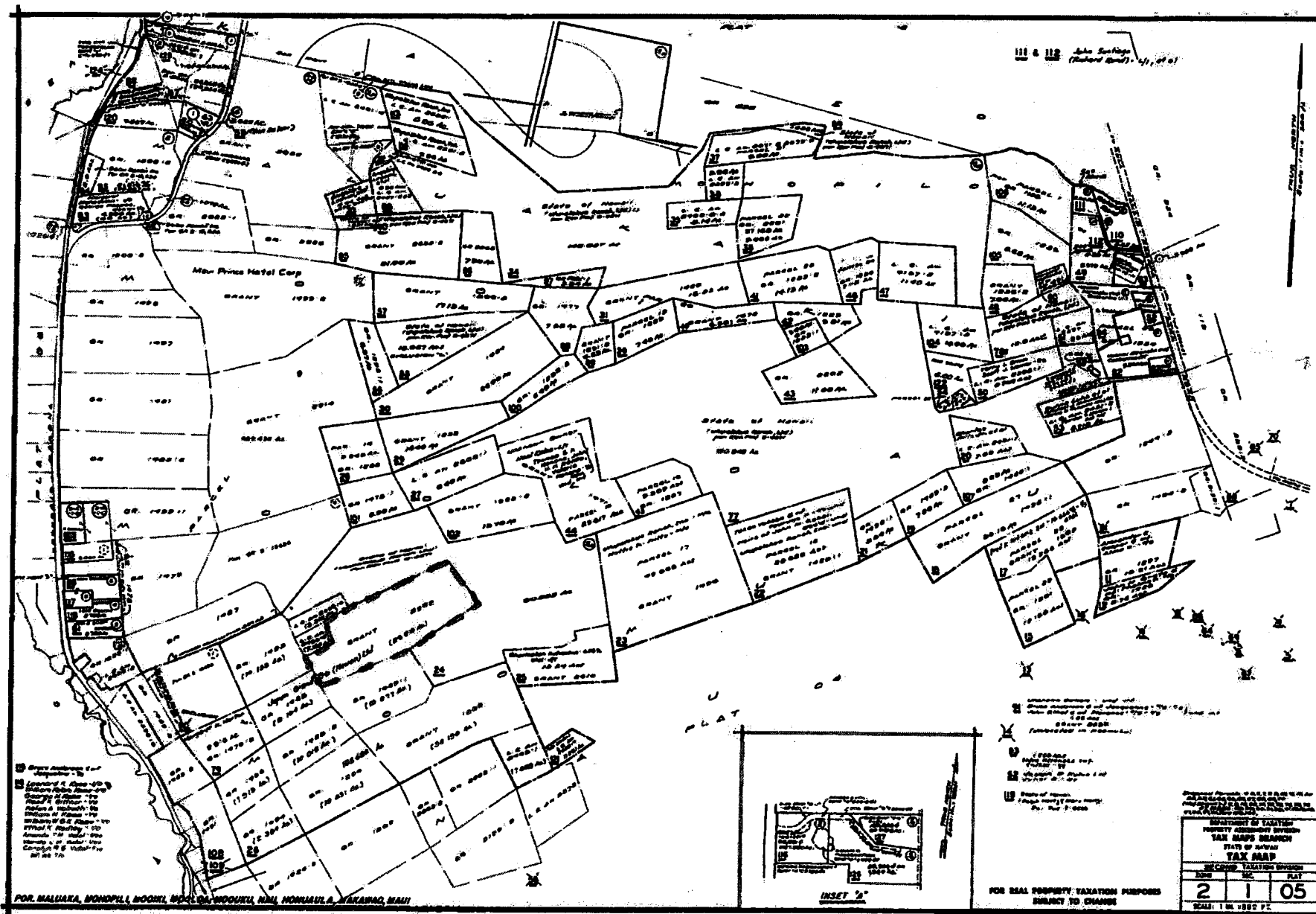
REPLACEMENT GATE  
FOR  
RESIDENCE  
FOR  
EVANS HOLDINGS  
LLC

MO'OMOKU HONUAULA  
MAKAWAO, MAUI, HAWAII

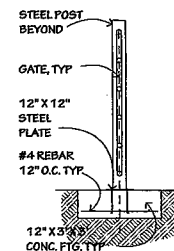
TMK (2)-2-1-005-135

| Number | Date | Designed by |
|--------|------|-------------|
|        |      |             |
|        |      |             |
|        |      |             |
|        |      |             |
|        |      |             |
|        |      |             |
|        |      |             |
|        |      |             |
|        |      |             |

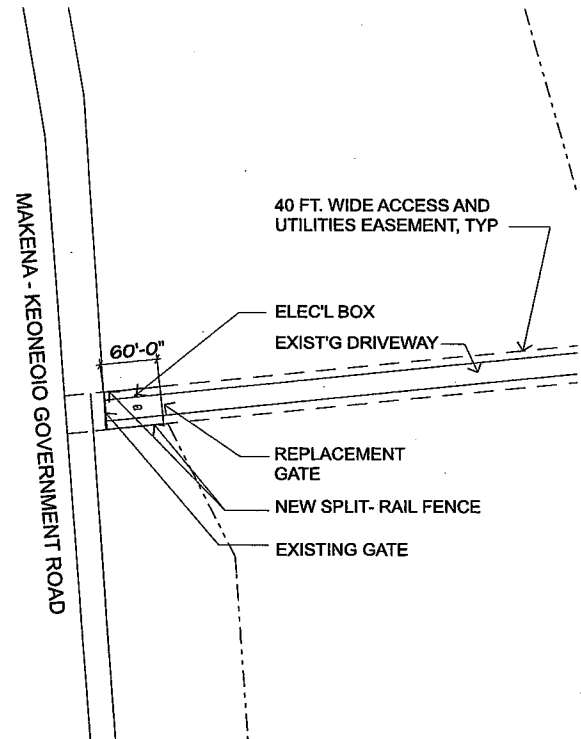
| Book         | as noted |
|--------------|----------|
| Date         | 4/29/16  |
| Sheet Number |          |







### Gate Section



### Partial Site Plan

Scale as noted  
Date 4/23/16 Job Number

## **9. PHOTOGRAPHS OF PROJECT SITE**

OF  
ROYAL PATENT 1970 LAND COMMISSION AWARD 5405 APANA 1 TO MAKUAHINE  
ROYAL PATENT 2006 LAND COMMISSION AWARD 5499 APANA 4 TO KINOLUA  
ROYAL PATENT 1712 LAND COMMISSION AWARD 5455 APANA 4 TO POLENA  
GRANT 2802 TO POLENA GRANT 1409 APANA 1 TO NAPUA  
GRANT 1226 TO KIHULOHU GRANT 1408 APANA 2 TO KANE  
GRANT 1485 TO KAMAKA GRANT 1425 APANA 2 TO KAHAKU  
GRANT 1294 TO MAKUAHINE GRANT 1480 TO KIOKAHANI  
AND GRANT 1494 TO KUPAA  
BEING WITHIN PARCEL 26 OF TAX MAP KEY (2) 2-1-005  
AND  
ROYAL PATENT 5491 LAND COMMISSION AWARD 5605 APANA 1 TO PAHE  
BEING PARCEL 121 OF TAX MAP KEY (2) 2-1-005

DECLASSIFIED BY: 60321 UCBAW/PJG DATE: 08-28-2004

[illegible][illegible]

12 June 1964  
 12,000  
 Surgeon Institute No 124

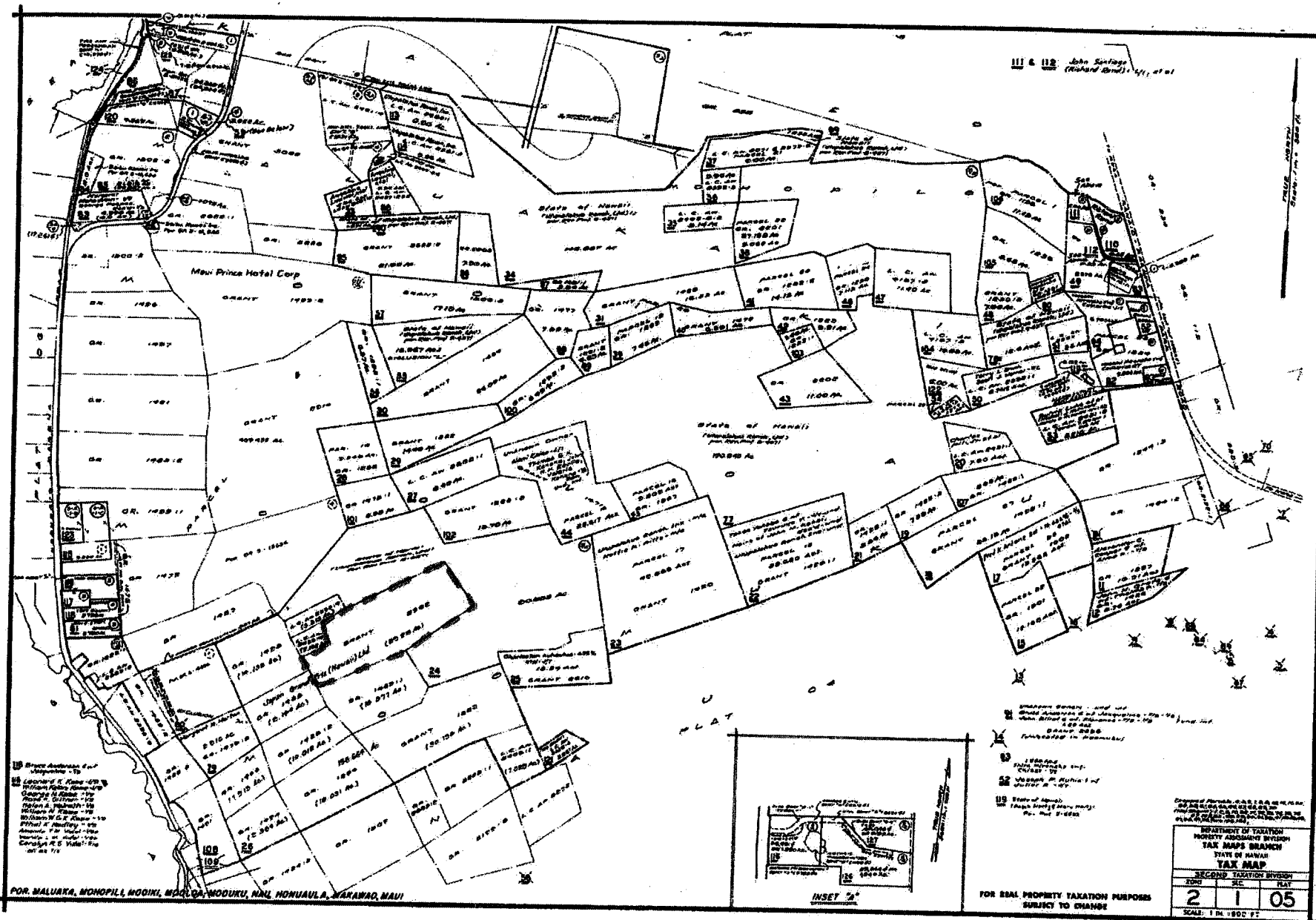


- [illegible]

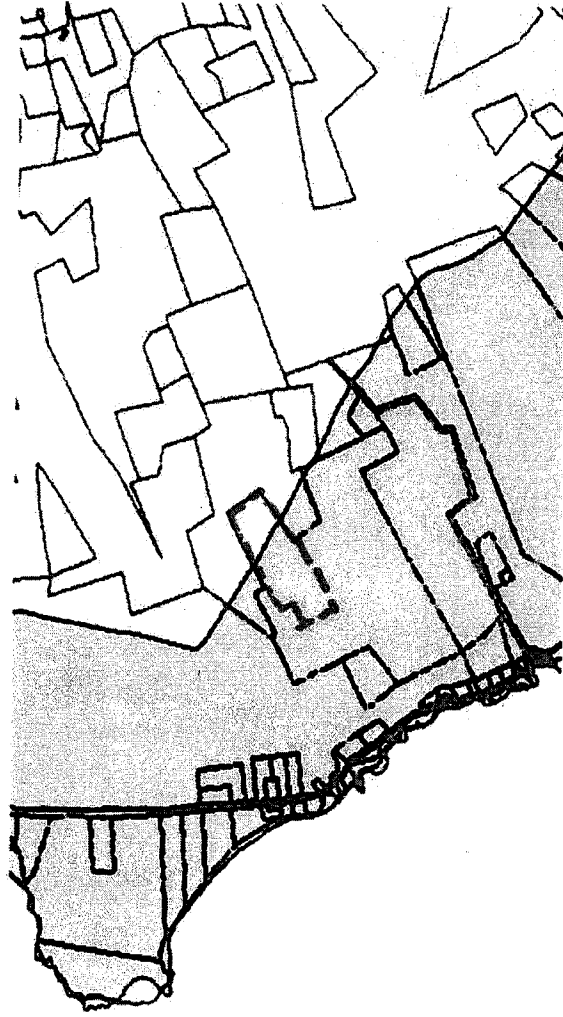
1. NAME  
 2. DATE  
 3. TIME  
 4. PLACE

000 00 00000 000 000 000

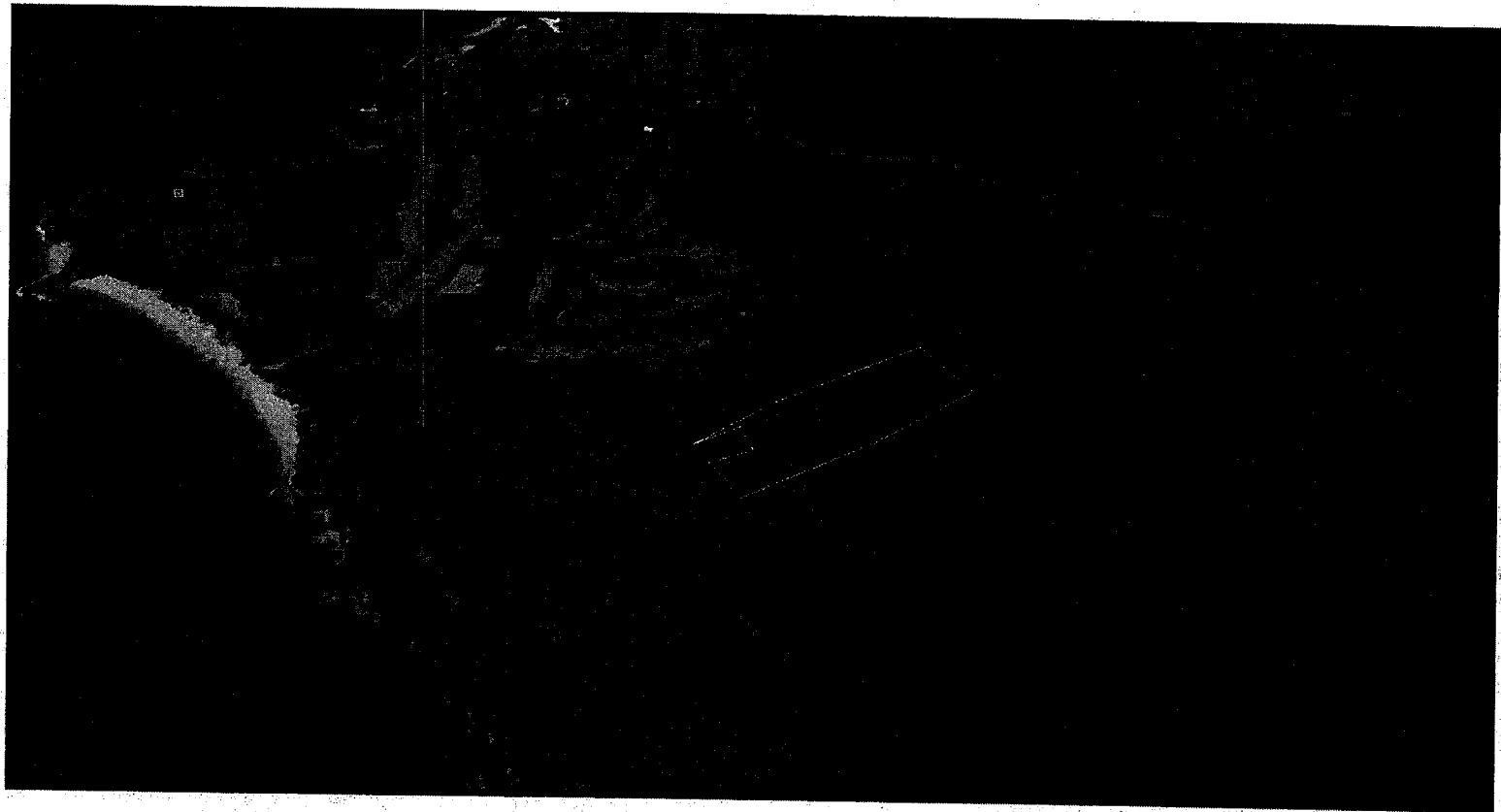
NEWCOMER LEE LAND SURVEYORS INC 1400 LOWER MAIN STREET SOUTH E. WAILUKU MAUI HAWAII 96798



Maui County SMA Map

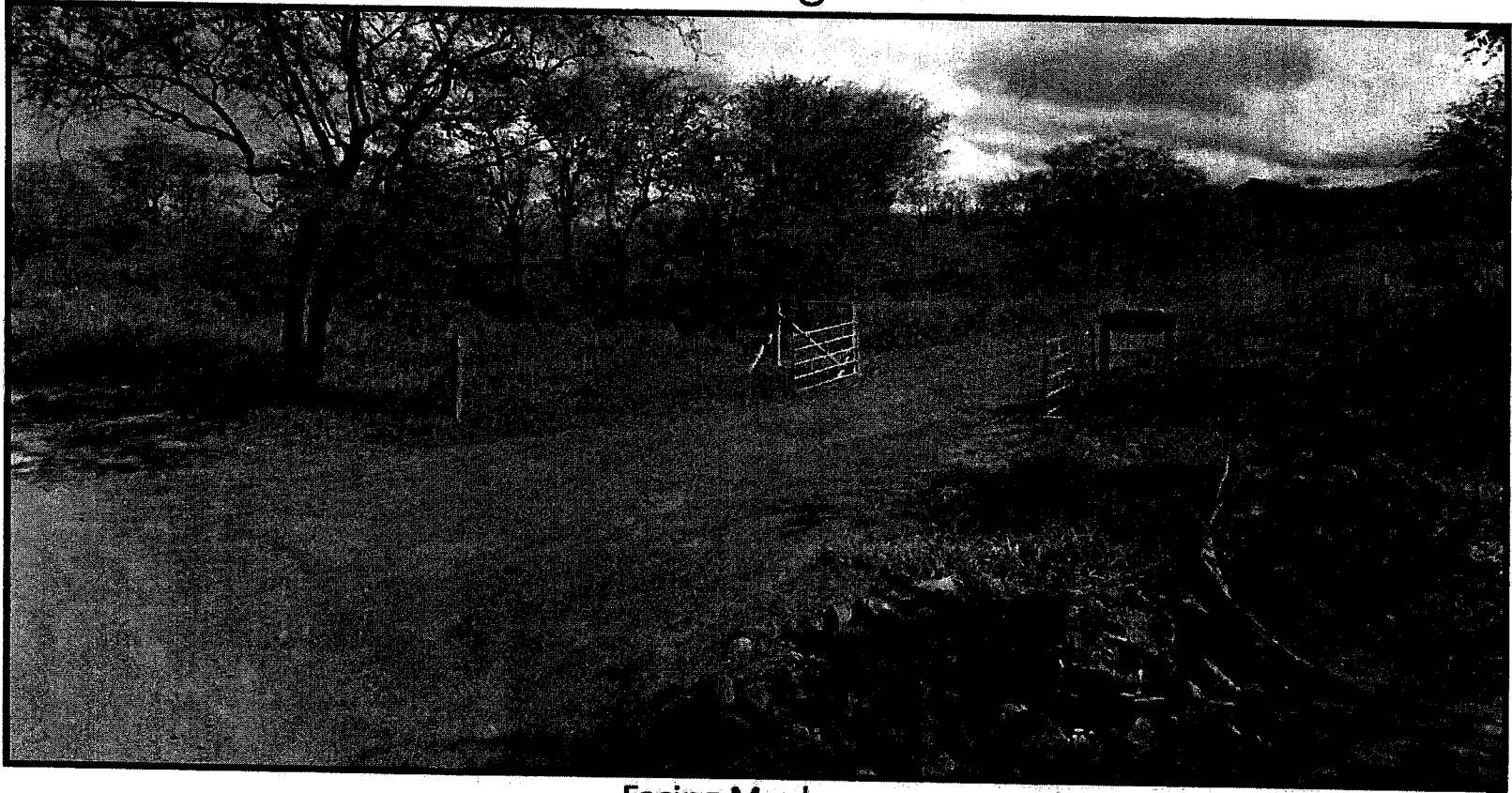


## Evans Holdings Gate



TMK (2) 2-1-005:135

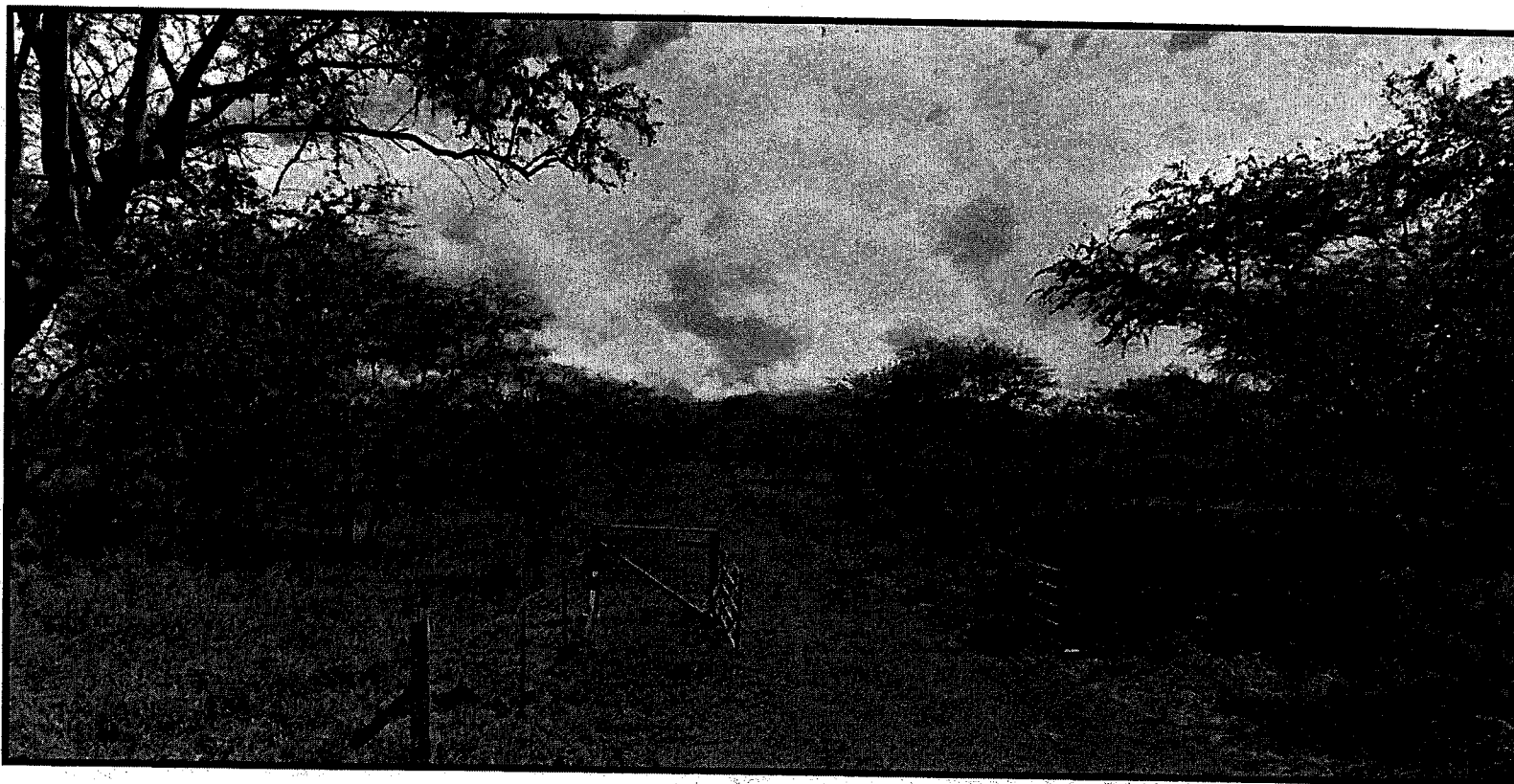
## Evans Holdings Gate



Facing Mauka

TMK (2) 2-1-005:135

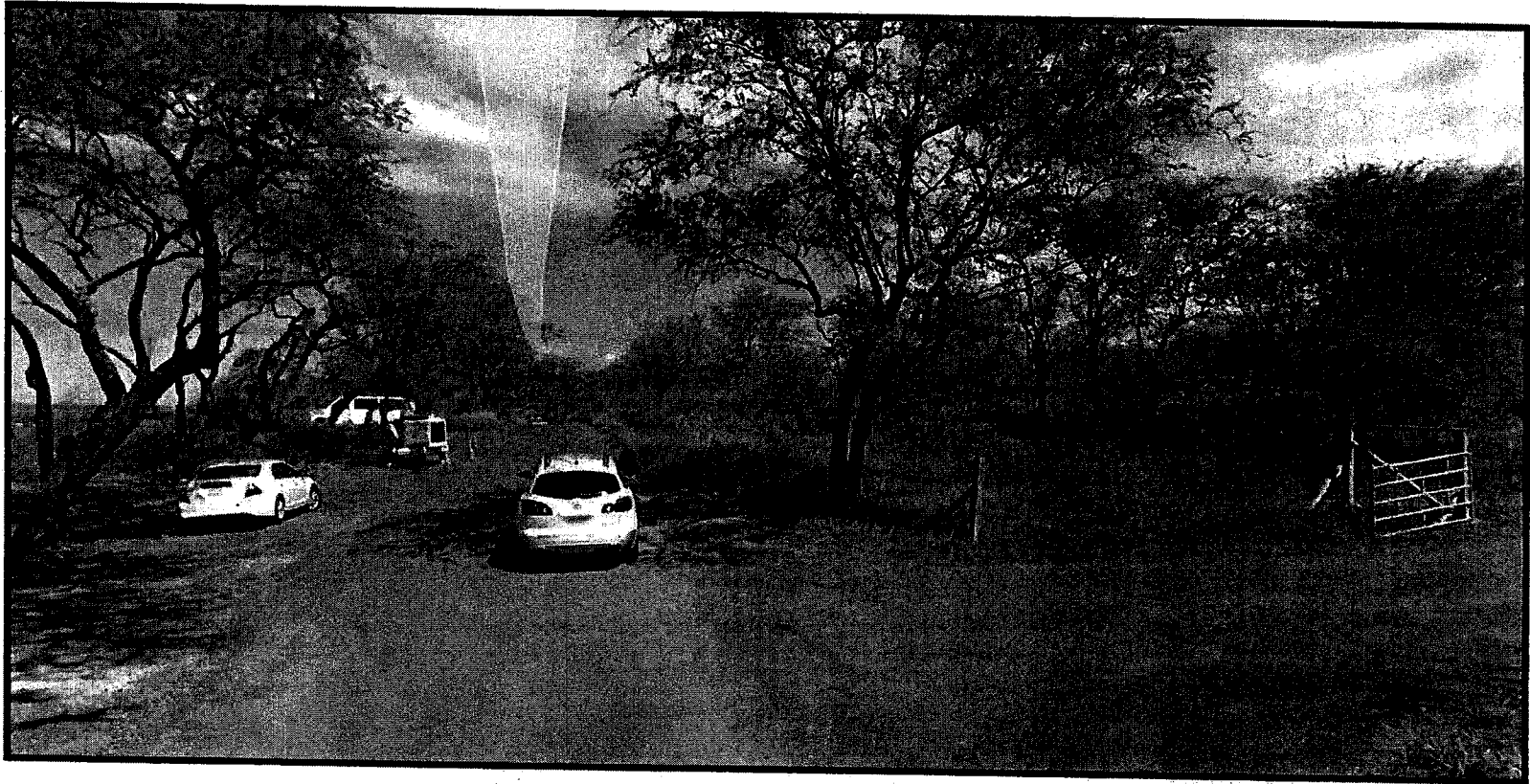
## Evans Holdings Gate



Facing Mauka

TMK (2) 2-1-005:135

## Evans Holdings Gate



Makena Road

TMK (2) 2-1-005:135



# Evans Holdings Gate



Makena Road  
TMK (2) 2-1-005:135





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***Special Management Area Amendment  
Application***

~  
***Evans Holdings***

***Tax Map Key: (II) 2-1-005:135***

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**September 2017**

**Prepared By:  
FW LAND LLC  
2035 Main Street, Suite 1  
Wailuku, HI 96793  
PH: 249-2224/FX: 249-2333**

# **Application for Special Management Area Amendment**



## **Table of Contents**

1. SMA Amendment Checklist
2. Special Management Area Amendment Application
3. Zoning and Flooding Confirmation Form
4. Notarized Letter of Authorization from Landowner
5. Project Plans
6. SHPD Acceptance Letter for Project Site

## **1. SMA AMENDMENT CHECKLIST**

## REQUIRED SUBMITTALS CHECKLIST

### Instructions:

- x The following checklist items shall be completed and submitted at the time of application submittal. Incomplete applications will delay their processing and may be returned.
- x Please number all documents and arrange them in the order they are listed below.

1. ✓ ... Completed Required Items Checklist (THIS CHECKLIST) (pg 2)
2. ✓ ... Completed Application Form (pg 3)
3. ✓ ... A notarized letter of authorization from the legal owner, if the applicant is not the owner.
4. ✓ ... An electronic copy in PDF format of the completed application packet on a flash drive or compact disk.
5. ✓ ... Completed Zoning and Flood Confirmation Form , when the proposed amendment would modify the site area subject to development (pg 4)
6. ✓ ... A non-refundable *filing fee* , payable to County of Maui, Director of Finance.  
  
The current fee schedule is available at the Department of Planning or at the Department of Planning section of the County of Maui website under "Development Permits, Applications & Reviews".  
[www.mauicounty.gov](http://www.mauicounty.gov).
7. ... Other information, as required by the Planning Director.

## **2. SMA AMENDMENT APPLICATION**

# Application for Amendment to Permit Terms, Conditions & Time Stipulation

Please print legibly or type in the information below.

## PROPERTY ADDRESS / PROJECT INFORMATION

Name of Project: (If project name is not provided, applicants name will be used) Evans Holdings Gate  
Tax Map Key No: 2-1-005: 135 Total Lot Area: 29.251 acres  
Physical Address / Location of Project: 7191 Makena Rd. Kihei, HI 96753  
Additional Location Information: \_\_\_\_\_

## DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT

Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s), and statement of objectives of the proposed action. Attach additional sheets, if needed:

Describe the Existing Use: SMA approved replacement gate and fence

Describe the Proposed Use: Include one (1) replacement MECO utility pole, one (1) additional MECO utility pole.  
Include a description of all proposed ground altering activities (e.g., area of disturbance, quantity of fill, depth of excavation, etc.).

Valuation\*: \$36,000 Building Permit Application No: (if applicable) \_\_\_\_\_

\*Total cost or fair market value as estimated by an architect, engineer, or contractor licensed by the Department of Commerce and Consumer Affairs, State of Hawaii; or, by the administrator of Department of Public Works, Development Services Administration.

## CONTACT INFORMATION

### APPLICANT INFORMATION

Applicant's Name(s): Nohelani U'u Email: nohelani@firmmaui.com  
Mailing Address: 2035 Main St. Suite 1 Wailuku, HI 96793  
Phone Number(s): bus 249-2224 hm \_\_\_\_\_ cell \_\_\_\_\_ fax \_\_\_\_\_  
Signature(s): Nohelani U'u Date: Aug 30, 2017

### CONSULTANT INFORMATION

Contact Name(s): Same as above Email: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number(s): bus \_\_\_\_\_ hm \_\_\_\_\_ cell \_\_\_\_\_ fax \_\_\_\_\_  
Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

### OWNER INFORMATION

Owner's Name(s): Evans Holdings, Inc. Email: \_\_\_\_\_  
Mailing Address: 1100 Alikea St. Suite 2100 Honolulu, HI 96813  
Phone Number(s): bus \_\_\_\_\_ hm \_\_\_\_\_ cell \_\_\_\_\_ fax \_\_\_\_\_  
Signature(s): See attached authorization letter Date: \_\_\_\_\_

### **3. ZONING & FLOOD CONFIRMATION FORM**

14/6/02  
COUNTY OF MAUI  
DEPARTMENT OF PLANNING  
One Main Plaza Building  
2200 Main Street, Suite 315  
Wailuku, Hawaii 96793



Zoning Administration and  
Enforcement Division (ZAED)  
Telephone: (808) 270-7253  
Facsimile: (808) 270-7634  
E-mail: [planning@mauicounty.gov](mailto:planning@mauicounty.gov)

## ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Evans Holdings, LLC

TELEPHONE 249.2224

PROJECT NAME Kanahena

E-MAIL dave@fwmahi.com

PROPERTY ADDRESS Makena Road

TAX MAP KEY 2-1-005:135

☐ Yes ☒ No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A) ☐ Yes ☐ No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5)

B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):

INSTRUCTIONS:

- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
- 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
- 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:

STATE DISTRICT: ☐ Urban ☐ Rural ☒ Agriculture ☐ Conservation

☒ (SMA)  
Special  
Management Area

MAUI ISLAND PLAN Growth Boundary: ☐ Urban ☐ Small Town ☐ Rural ☐ Planned Growth Area ☒ Outside Growth Boundaries

PLAN Protected Area: ☐ Preservation ☐ Park ☐ Greenbelt ☐ Greenway ☐ Sensitive Land ☒ Outside Protected Areas

COMMUNITY PLAN: Ag - Agriculture

COUNTY ZONING: Ag - Agriculture

OTHER/COMMENTS:

FEMA FLOOD INFORMATION:

FLOOD HAZARD AREA ZONES <sup>3</sup> X  
& BASE FLOOD ELEVATIONS:

☐ FEMA DESIGNATED FLOODWAY

For Flood Zone AO, FLOOD DEPTH:

☐ FLOOD DEVELOPMENT PERMIT REQUIRED (Zones V, VE, A, AO, AE, AH, D, & Floodways)

☐ (PD)  
Planned  
Development  
☐ (PH)  
Project District  
☐ See  
Additional  
Comments (Pg.2)  
☐ See  
Attached LUD Map

SUBDIVISION LAND USE CONSISTENCY: ☐ Not Consistent. (LUDs appear to have NO permitted uses in common).

(Signature) ☐ Not Applicable. (Due to processing under consistency exemption No. ☐ 1, ☐ 2, ☐ 3, ☐ 4, ☐ 5).

☐ Interim Zoning. (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

☐ Consistent. (LUDs appear to have ALL permitted uses in common).

☐ Consistent upon obtaining an SMA, PD, or PH subdivision approval from Planning.

☐ Consistent upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

### NOTES:

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change in Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway. Flood development permits are required for work in all other zones. Subdivisions that include drain streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030 D, Maui County Code]

REVIEWED & CONFIRMED BY:

[Signature] (SMA)

12/29/14 (SMA)

For: John S. Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division

**4. NOTARIZED LETTER OF AUTHORIZATION FROM  
LANDOWNER**

**EVANS HOLDINGS, INC.  
1100 ALAKEA ST, SUITE 2100  
HONOLULU, HI 96813**

**May 23, 2016**

**William Spence, Director  
Department of Planning, ZEAD  
County of Maui  
2200 South High Street  
Wailuku, HI 96793**

**Subject: Evans Holdings SMA Application  
7191 Makena Road, Makena, Maui TMK: (2) 2-1-005:135**

**Dear Mr. Spence:**

**I, Mark Johnson, legal representative of the subject property, hereby authorize Mr. Dave Ward and Nohelani U'u of Frampton & Ward, LLC to sign, prepare, file and process an application for Special Management Area Use Permit for the subject property.**

**Should you have any questions or require additional information, please do not hesitate to contact me at (808) 554-6995.**

**Sincerely,**

  
**MARK JOHNSON**

**Its: President**

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

On May 24th, before me personally appeared Mark Johnson, 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.

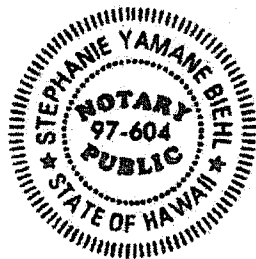
Further, I certify, as of this date, as follows:

Date of Document: May 23<sup>rd</sup>, 2016

Number of Pages: 1

Document Description: Authorization Letter

Jurisdiction/Judicial Circuit Where Signed: First Circuit



Type or print name: Stephanie Yamane Biehl

Date: MAY 24 2016

Notary Public, State of Hawaii

My commission expires: October 19, 2019

## 5. PROJECT PLANS

## **6. SHPD ACCEPTANCE LETTER FOR PROJECT SITE**

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

March 17, 2015

Michael Dega, Ph.D.  
Scientific Consultant Services, Inc.  
Via email to: [mike@scshawaii.com](mailto:mike@scshawaii.com)

Log No: 2015.01016  
Doc No: 1503MD33  
Archaeology

Aloha Dr. Dega:

SUBJECT: Chapter 6E-42 Historic Preservation Review -  
Draft Archaeological Inventory Survey for 16.077 Acres in Makena  
Mo'omuku Ahupua'a, Makawao District, Island of Maui  
TMKs (2) 2-1-005:026 and 108 (both, por.)

Thank you for the opportunity to review the draft report titled *An Archaeological Inventory Survey Report for a 16.077-acre Parcel and Easement in Makena, Mo'omuku Ahupua'a, Makawao (Honua'ula) District, Island of Maui, Hawai'i [TMK (2) 2-1-005:026 (por.) and 108 (por.)]* (Dega Revised March 2015, SCS Project Number 1440-4), which we received on March 9, 2015. We previously reviewed earlier drafts of this report and requested revisions (Log No. 2015.00783, Doc No. 1502MD46 and Log No. 2015.00793, Doc No. 1502MD46). The current version now includes a portion of parcel 108.

This archaeological inventory survey (AIS) was prepared for the owner of parcel 026, Kanahena, Inc. Proposed construction in 2013 included a farm dwelling on parcel 026 and construction of a driveway along the easement corridor connecting to Makena Road. This AIS is associated with the County of Maui permit number B T2014/1691.

Fieldwork was conducted between June 17-21, 2013 by four archaeologists, including you as the Principal Investigator. Pedestrian survey was conducted in three- to five-meter transects in high visibility. Four (4) test units were manually excavated at four sites. Fourteen new sites, containing a total of 16 features, were documented during fieldwork. State Inventory of Historic Places (SIHP) numbers 50-50-14-7623 through 7636 included pre-Contact or Historic-era rock enclosures, modified outcrops, mounds, terraces, and filled lava tubes. All sites are recommended significant under criterion "d." No further work has been recommended for any of the sites.

Assuming that the test unit indicated in SIHP 7631 did not contain cultural materials, this archaeological inventory survey report meets the requirements of Hawai'i Administrative Rule §13-276 and is accepted as final. Please send one hardcopy of the final document, clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library. For the Final version, we are requesting revisions as detailed in the attachment which were previously requested in our February 2015 review letter. Please contact me at (808) 243-4641 or [Morgan.E.Davis@hawaii.gov](mailto:Morgan.E.Davis@hawaii.gov) if you have any questions about this letter.

Mahalo,

Morgan E. Davis  
Lead Archaeologist, Maui Section

cc: County of Maui  
Department of Planning  
([Planning@co.maui.hi.us](mailto:Planning@co.maui.hi.us))

County of Maui  
Department of Public Works - DSA  
([Renee.Segundo@co.maui.hi.us](mailto:Renee.Segundo@co.maui.hi.us))

County of Maui  
Cultural Resources Commission  
([Annalise.Kehler@co.maui.hi.us](mailto:Annalise.Kehler@co.maui.hi.us))

Dave Ward  
Frampton & Ward, LLC  
([dave@fwmaui.com](mailto:dave@fwmaui.com))

1489 E Access Drive Lower

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

DANIEL S. QUINN  
INTERIM FIRST DEPUTY

W. BOY HADBY  
ACTING DEPUTY DIRECTOR - WATER

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

Attachment

*An Archaeological Inventory Survey Report for a 16.077-acre Parcel and Easement in Mākena  
Mo'omuku Ahupua'a, Makawao (Honua'ula) District, Island of Maui, Hawai'i  
[TMK (2) 2-1-005:026 (por.) and 108 (por.)]  
Dega Revised March 2015, SCS Project Number 1440-4*

1. Abstract, page ii: please indicate why this archaeological inventory survey was done – development, another reason?
  - a. Information as outlined in the second paragraph of our letter, provided by Frampton & Ward LLC.
2. Settlement Patterns, page 27, first sentence: please change the “district of Honua'ula” to “traditional district of Honua'ula.”
3. Results of Fieldwork, beginning page 30, please revise as necessary.
  - a. There appears to be confusion regarding SIHP 7631. The map for 7631 indicates this site was the location of a test unit, but no mention of one is made in the text. Please correct.



MAKENA - KEONEOIO GOVERNMENT ROAD

40 FT. WIDE ACCESS AND  
UTILITIES EASEMENT, TYP

ELEC'L BOX  
EXIST'G DRIVEWAY

50'-0"  
10'-0"

60'-0"

2 NEW 40 FT. HIGH  
POWER POLES PER  
MECO REQUIREMENTS

PROPERTY LINE, TYP

REPLACEMENT  
GATE  
NEW SPLIT- RAIL FENCE  
EXISTING GATE

POWER POLES  
FOR  
EVANS HOLDINGS  
LLC

MO'OMOKU, HONUAULA,  
MAKAWAO, MAUI, HAWAII  
TMK: (2)-2-1-005-135

Partial Site Plan  
Scale 1" = 40'



Drawn by: [illegible]  
Date: 08/15/17  
Scale: 1" = 40'

SYSTEM WORK TO CONVERT SECTION  
FROM 4.16KV TO 12.47KV AND REPLACE  
SECTIONS OF OH CONDUCTORS  
(DWG NO. 1-5-1152)

A UTILITY CO. STANDBY MAN IS REQUIRED TO  
BE AT THE SITE AT THE TIME ANY NON-UTILITY  
CO. PERSONNEL WILL BE BREAKING INTO OR  
ENTERING ANY FACILITIES THAT CONTAIN  
ENERGIZED UTILITY CO. EQUIPMENT OR CABLES.

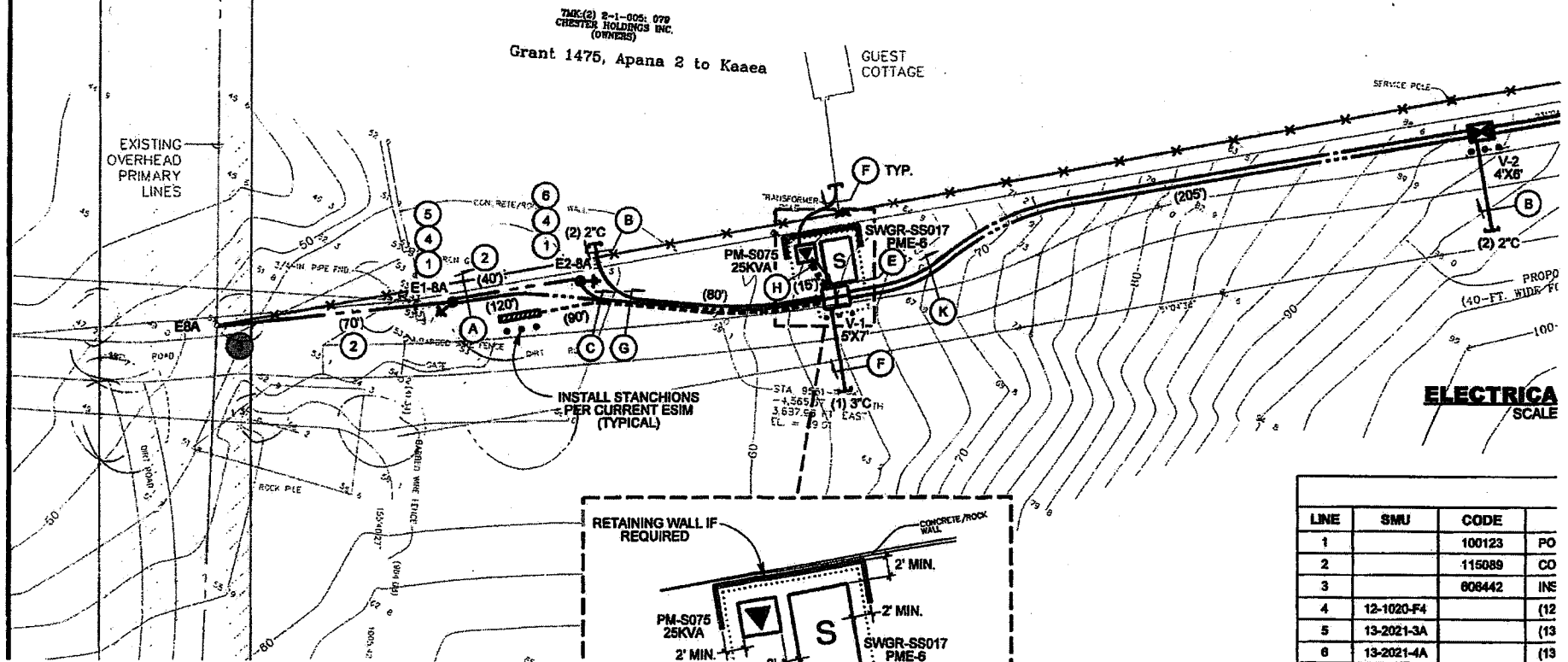
THREE WORKING DAYS ADVANCE NOTICE IS  
REQUIRED BY THE UTILITY CO. FOR ANY  
INSPECTION SERVICE OR STANDBY MAN.

CALL MECO PH: 871-7777 (MAUI)  
PH: 877-871-8461 (MOLOKAI & LANAI)

MAUI ELECTRIC CO. UNDERGROUND INSPECTOR  
MAY REQUIRE DEVELOPER TO CONSTRUCT  
RETAINING WALLS, STANCHIONS, CURBING, ETC.  
DUE TO THE POSSIBILITY THAT LAND EROSION  
MAY OCCUR IN THE FUTURE CAUSING TRANSFORMERS  
PADS, SWITCHGEAR PADS, HANDHOLES, PULLBOXES, OR  
DUCTS TO BE EXPOSED OR VEHICULAR DAMAGES MAY  
OCCUR. IF OUR UNDERGROUND INSPECTOR  
FEELS ANY OF THE ABOVE MENTIONED STRUCTURES  
ARE REQUIRED, THE DEVELOPER WILL BE RESPONSIBLE  
FOR THE DESIGN, MATERIAL, AND INSTALLATION OF  
THOSE STRUCTURES. ALSO, THE DEVELOPER SHALL  
SUBMIT FOR REVIEW THE DESIGN FOR ANY STRUCTURE  
PRIOR TO INSTALLATION AND/OR FABRICATION.

ALL MAUI ELECTRIC COMPANY FACILITIES  
TO BE INSTALLED PER CURRENT EDITION OF  
E.S.I.M.. IF THERE ARE ANY CONFLICTS CONTACT  
MAUI ELECTRIC COMPANY PLANNER

EASEMENTS WILL BE REQUIRED FOR  
MAUI ELECTRIC COMPANY FACILITIES



SYSTEM WORK TO CONVERT SECTION FROM 4.16KV TO 12.47KV AND REPLACE SECTIONS OF OH CONDUCTORS (DWG NO. 1-5-1152)

A UTILITY CO. STANDBY MAN IS REQUIRED TO BE AT THE SITE AT THE TIME ANY NON-UTILITY CO. PERSONNEL WILL BE BREAKING INTO OR ENTERING ANY FACILITIES THAT CONTAIN ENERGIZED UTILITY CO. EQUIPMENT OR CABLES.

THREE WORKING DAYS ADVANCE NOTICE IS REQUIRED BY THE UTILITY CO. FOR ANY INSPECTION SERVICE OR STANDBY MAN.

CALL MECO PH: 871-7777 (MAUI)  
PH: 877-871-8461 (MOLOKAI & LANAI)

MAUI ELECTRIC CO. UNDERGROUND INSPECTOR MAY REQUIRE DEVELOPER TO CONSTRUCT RETAINING WALLS, STANCHIONS, CURBING, ETC. DUE TO THE POSSIBILITY THAT LAND EROSION MAY OCCUR IN THE FUTURE CAUSING TRANSFORMERS PADS, SWITCHGEAR PADS, HANDHOLES, PULLBOXES, OR DUCTS TO BE EXPOSED OR VEHICULAR DAMAGES MAY OCCUR. IF OUR UNDERGROUND INSPECTOR FEELS ANY OF THE ABOVE MENTIONED STRUCTURES ARE REQUIRED, THE DEVELOPER WILL BE RESPONSIBLE FOR THE DESIGN, MATERIAL, AND INSTALLATION OF THOSE STRUCTURES. ALSO, THE DEVELOPER SHALL SUBMIT FOR REVIEW THE DESIGN FOR ANY STRUCTURE PRIOR TO INSTALLATION AND/OR FABRICATION.

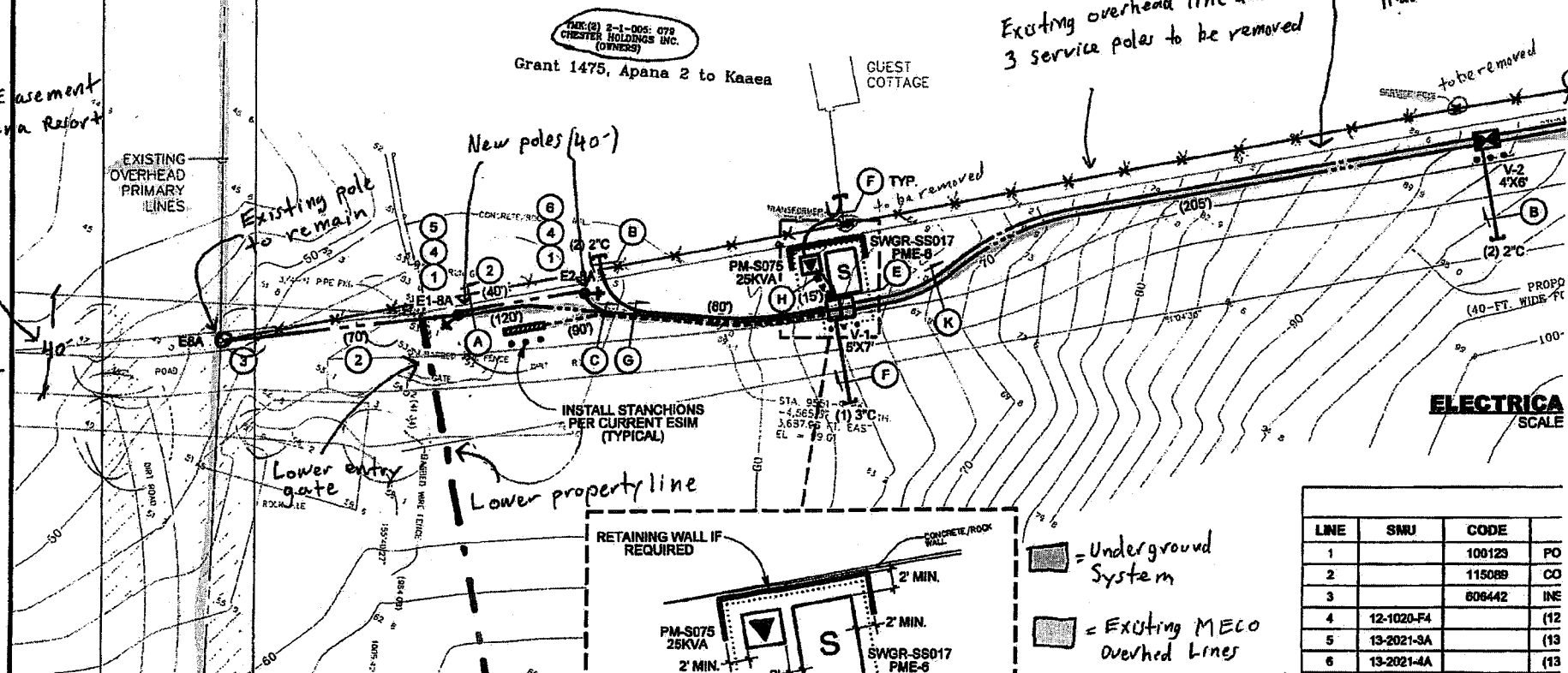
ALL MAUI ELECTRIC COMPANY FACILITIES TO BE INSTALLED PER CURRENT EDITION OF E.S.I.M.. IF THERE ARE ANY CONFLICTS CONTACT MAUI ELECTRIC COMPANY PLANNER

EASEMENTS WILL BE REQUIRED FOR MAUI ELECTRIC COMPANY FACILITIES

MAUI 2-1-005: 079  
CHESTER HOLDINGS INC.  
(OWNERS)  
Grant 1475, Apana 2 to Kahea

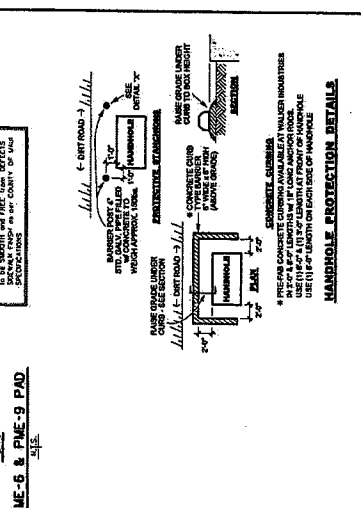
Existing Easement over Makana Road Property

Makana Road



ELECTRICAL SCALE



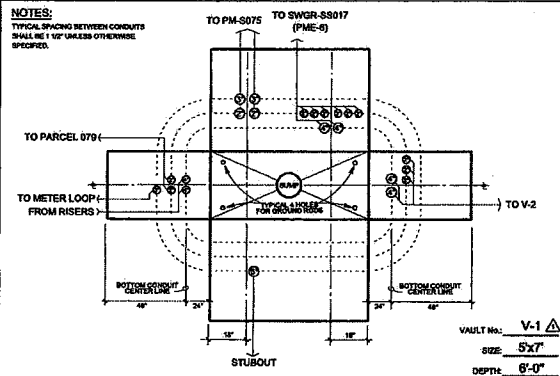
[illegible]

1



**NOTES:**

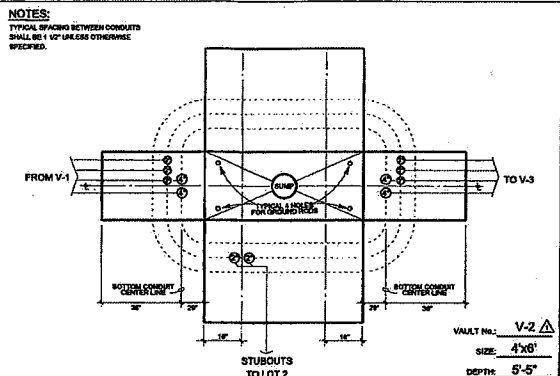
TYPICAL SPACING BETWEEN CONDUITS SHALL BE 1' UNLESS OTHERWISE SPECIFIED.



VAULT No.: V-1  
SIZE: 5x7  
DEPTH: 6'-0"

**NOTES:**

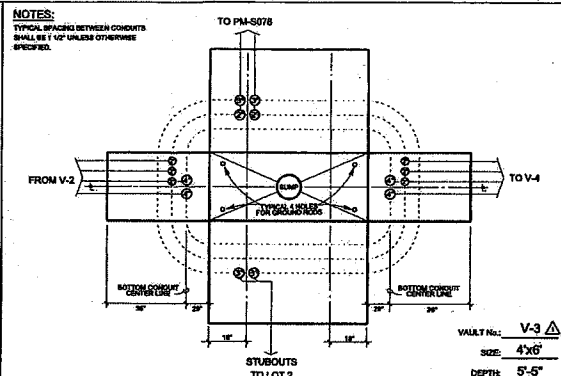
TYPICAL SPACING BETWEEN CONDUITS SHALL BE 1' UNLESS OTHERWISE SPECIFIED.



VAULT No.: V-2  
SIZE: 4x6  
DEPTH: 5'-5"

**NOTES:**

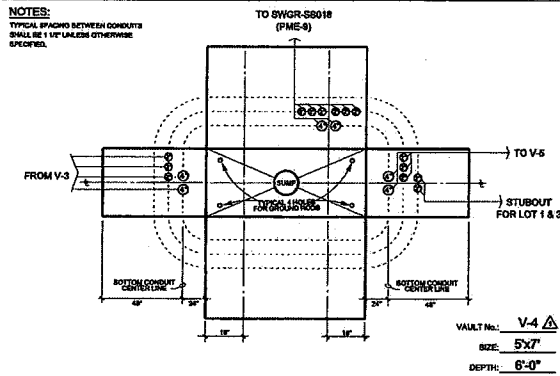
TYPICAL SPACING BETWEEN CONDUITS SHALL BE 1' UNLESS OTHERWISE SPECIFIED.



VAULT No.: V-3  
SIZE: 4x6  
DEPTH: 5'-5"

**NOTES:**

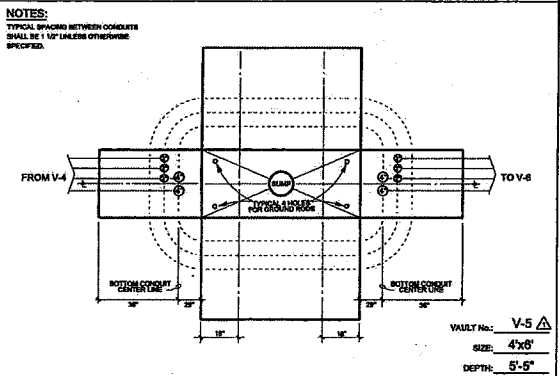
TYPICAL SPACING BETWEEN CONDUITS SHALL BE 1' UNLESS OTHERWISE SPECIFIED.



VAULT No.: V-4  
SIZE: 5x7  
DEPTH: 6'-0"

**NOTES:**

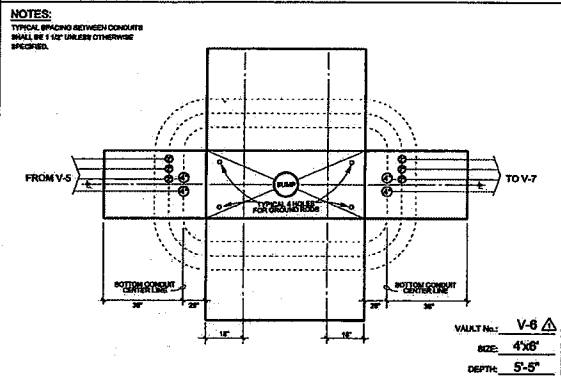
TYPICAL SPACING BETWEEN CONDUITS SHALL BE 1' UNLESS OTHERWISE SPECIFIED.



VAULT No.: V-5  
SIZE: 4x6  
DEPTH: 5'-5"

**NOTES:**

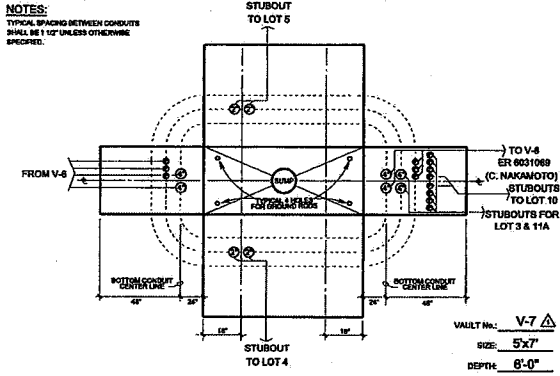
TYPICAL SPACING BETWEEN CONDUITS SHALL BE 1' UNLESS OTHERWISE SPECIFIED.



VAULT No.: V-6  
SIZE: 4x6  
DEPTH: 5'-5"

**NOTES:**

TYPICAL SPACING BETWEEN CONDUITS SHALL BE 1' UNLESS OTHERWISE SPECIFIED.



VAULT No.: V-7  
SIZE: 5x7  
DEPTH: 6'-0"

EASEMENT DOCUMENT NO. TWO  
SUBSTATION: WALEA SUB-25  
CIRCUIT: #1518  
#12.470V  
STEP DURY: 600568  
ESTIMATED DEMAND: 1200W  
TAX MAP KEY: (2) 2-1-008-038  
REFER TO MAPS: 4222  
APPLICATION NO: 002597  
JOINT POLE NO: 15-2463

| NO.   |  | DATE                    |  | REVISED PER CUSTOMER'S ADD'L LINE EXTS |  | CSK                      | BY | CHKD/APPD |
|---|--|-------------------------|--|--|--|--------------------------|----|-----------|
| <b>KANAHENA SUBDIVISION</b><br><b>RESIDENTIAL UNDERGROUND 12 LOT SUBD</b> |  |                         |  |  |  |                          |    |           |
| DESIGNED: J. KAKAMOTO   |  | DRAWN: RS               |  | DATE: 7-28-16                          |  | SCALE: AS NOTED          |    |           |
| CHECKED: [Signature]  |  | CONTRACTOR: [Signature] |  | DATE: [Signature]                      |  | DRAWING NUMBER: 1-5-1151 |    |           |
| APPROVAL: [Signature]   |  | [Signature]             |  | [Signature]                            |  | SHEET 3 of 3             |    |           |

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

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

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

KEKOA KALUHIWA  
FIRST DEPUTY

W. ROY HARDY  
ACTING DEPUTY DIRECTOR - WATER

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

May 28, 2015

Michael F. Dega, Ph.D.  
Scientific Consultant Services, Inc.  
1347 Kapiolani Blvd., Ste 408  
Honolulu, Hawaii 96814  
Via email to: [mike@scshawaii.com](mailto:mike@scshawaii.com)

Log No: 2015.00983  
Doc No: 1505MD49  
Archaeology

Aloha Dr. Dega:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Maui County  
Draft Archaeological Data Recovery and Preservation Plan for  
SIHPs 7891, 7892, 7908, 7911, 7914 and 7917  
Mo'omuku Ahupua'a, Makawao District, Island of Maui  
TMK (2) 2-1-005:134, 135 (por.) and 136**

Thank you for the opportunity to review the submittal titled *Data Recovery Plan for Sites 50-50-14-7891, -7908, -7911, -7914 and Preservation Plan for Sites 50-50-14-7892, -7917 on Approximately 27-acres in Mākena, Mo'omuku Ahupua'a, Makawao District, Island of Maui, Hawai'i* by Perzinski and Dega (March 2015; SCS Project Number 1501a-PP/DR-1). We received the draft plan submittal on March 12, 2015 and apologize for the delayed review.

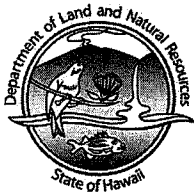
The subject area consists of all of parcels 134 and 136 and a portion of a larger parcel 135, and has been divided this way to accommodate a planned utility corridor for parcel 135. Parcel 135 (in whole or in part) has been subject to an archaeological inventory survey (AIS) as documented in two approved reports; the report reflecting work done on this subject portion (Perzinski and Dega February 2015) was approved by SHPD in March 2015 (*Log No. 2015.00802, Doc No. 1503MD02*). Because the County of Maui updated tax map key is not yet available it is unclear to SHPD at this time what the total acreage is for these three parcels.

The AIS report documented 36 archaeological sites. Of those, 30 were considered sufficiently documented and require no further archaeological work. Six, the subjects of this submitted data recovery and preservation plan, require additional work. Four sites – a terrace/planter (SIHP 7891), an animal pen (7908), and two enclosures (7911 and 7914) are slated for data recovery. Two other sites that have been interpreted as ceremonial, a terrace platform (7892) and a modified outcrop platform (7917), and will be permanently preserved.

We are requesting revisions to the treatment plan for each site as detailed in the attachment to this letter pursuant to Hawai'i Administrative Rules §13-277 and 278. To aid in rapid review of the revised draft please include a cover letter that specifies the changes made to this document and their new page numbers.



DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

SUZANNE D. CASE  
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CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

June 5, 2015

Michael F. Dega, Ph.D.  
Scientific Consultant Services, Inc.  
1347 Kapiolani Blvd., Ste 408  
Honolulu, Hawaii 96814  
Via email to: [mike@scshawaii.com](mailto:mike@scshawaii.com)

Log No: 2015.02187  
Doc No: 1506MD06  
Archaeology

Aloha Dr. Dega:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Maui County  
Draft Archaeological Data Recovery and Preservation Plan for SIHPs 7923 and 7932  
Mo'omuku Ahupua'a, Makawao District, Island of Maui  
TMK (2) 2-1-005:135 (por.)**

Thank you for the opportunity to review the submittal titled *Data Recovery Plan for Site 50-50-14-7923 and Preservation Plan for Site 50-50-14-7932, a 7.2-Acre Utility Corridor in Mākena, Mo'omuku Ahupua'a, Makawao District, Island of Maui, Hawai'i* by Perzinski and Dega (Revised May 2015; SCS Project Number 1501b-PP/DR-2). We received the draft plan submittal on June 3, 2015. We previously reviewed an earlier draft of this plan and requested revisions (Log No. 2015.00931, Doc No. 1505MD45).

The subject area consists of 7.2 acres of a larger parcel, and has been divided this way to accommodate a planned utility corridor for parcel 135. Parcel 135 has been subject to an archaeological inventory survey (AIS) as documented in two approved reports; the report reflecting work done on this subject portion (Perzinski and Dega December 2014) was approved by SHPD in February 2015 (Log No. 2014.05637, Doc No. 1502MD37). Because the County of Maui updated tax map key is not yet available it is unclear to SHPD at this time what the total acreage is for parcel 135.

The AIS report documented 14 archaeological sites. Of those, 12 were considered sufficiently documented and require no further archaeological work. Two, the subjects of this submitted data recovery and preservation plan, require additional work: SIHP 7923, an artifact/midden scatter, requires additional study in the form of data recovery; while SIHP 7932, a pre-Contact era habitation terrace, will be permanently preserved. SIHP 7923 will be subject to a minimum of 12 excavation units with a resulting data recovery report; SIHP 7932 will be permanently preserved with a five-foot buffer, extended to ten feet surrounded with orange construction fencing during construction activities per the plan.

The Preservation Plan and Data Recovery Plan meets the requirements of Hawai'i Administrative Rules §13-277 and 278 and is accepted. Please send one hardcopy of the document, clearly marked **FINAL**, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library.

**Please contact SHPD upon completion of data recovery at SIHP 7923, before closing the excavation units to arrange a site visit.**

Scientific Consultant Services, Inc.  
June 5, 2015  
Page 2

Please contact me at (808) 243-4641 or [Morgan.E.Davis@hawaii.gov](mailto:Morgan.E.Davis@hawaii.gov) if you have any questions or concerns about this letter.

Mahalo,



Morgan E. Davis  
Lead Archaeologist, Maui Section

|     |  |  |   |
|-----|--|--|---|
| cc: | County of Maui<br>Department of Planning<br><a href="mailto:Planning@co.maui.hi.us">Planning@co.maui.hi.us</a> | County of Maui<br>Department of Public Works – DSA<br><a href="mailto:Renee.Segundo@co.maui.hi.us">Renee.Segundo@co.maui.hi.us</a> | County of Maui<br>Cultural Resources Commission<br><a href="mailto:Annalise.Kehler@co.maui.hi.us">Annalise.Kehler@co.maui.hi.us</a> |
|     | Evans Holdings, Inc.<br>1100 Alakea Street, Suite 2200<br>Honolulu, Hawaii 96813                               | David Ward<br>Frampton & Ward, LLC<br><a href="mailto:dave@fwmaui.com">dave@fwmaui.com</a>   |   |

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

STATE HISTORIC PRESERVATION DIVISION  
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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

June 16, 2015

Michael F. Dega, Ph.D.  
Scientific Consultant Services, Inc.  
1347 Kapiolani Blvd., Ste 408  
Honolulu, Hawaii 96814  
Via email to: [mike@scshawaii.com](mailto:mike@scshawaii.com)

Log No: 2015.02343  
Doc No: 1506MD19  
Archaeology

Aloha Dr. Dega:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Maui County  
Draft Archaeological Data Recovery and Preservation Plan for Six SIHPs  
Mo'omuku Ahupua'a, Makawao District, Island of Maui  
TMK (2) 2-1-005:135 (por.)**

Thank you for the opportunity to review the submittal titled *Data Recovery Plan for Sites 50-50-14-7891, -7908, -7911, -7914 and Preservation Plan for Sites 50-50-14-7892, -7917 on Approximately 27-acres in Mākena, Mo'omuku Ahupua'a, Makawao District, Island of Maui, Hawai'i [TMK: (2) 2-1-005:134, 135 por., and 136]* by Perzinski and Dega (Revised May 2015; SCS Project Number 1501a-PP/DR-2). We received the draft plan submittal on June 5, 2015. We previously reviewed an earlier draft of this plan and requested revisions (Log No. 2015.00983, Doc No. 1505MD49).

The subject area consists of 27 acres, with parcel 135 being documented in two reports. Parcel 135 has also been subject to an archaeological inventory survey (AIS) as documented in two approved reports; the report reflecting work done on this subject portion (Perzinski and Dega December 2014) was approved by SHPD in March 2015 (Log No. 2015.00802, Doc No. 1503MD02). Because the County of Maui updated tax map key is not yet available it is unclear to SHPD at this time what the total acreage is for parcel 135.

The AIS report documented 36 archaeological sites. Of those, 30 were considered sufficiently documented and require no further archaeological work. Six, the subjects of this submitted data recovery and preservation plan, require additional work: SIHPs 7891, 7908, 7911 and 7914, all require additional study in the form of data recovery; while SIHPs 7892 and 7917 will be permanently preserved. SIHPs subject to data recovery will have a minimum of 12 1 x 1 meter excavation units with a resulting data recovery report; SIHPs 7892 and 7917 will be permanently preserved with a five-foot buffer, extended to ten feet and surrounded with orange construction fencing during construction activities per the plan.

The Preservation Plan and Data Recovery Plan meets the requirements of Hawai'i Administrative Rules §13-277 and 278 and is accepted. Please send one hardcopy of the document, clearly marked **FINAL**, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library.

Scientific Consultant Services, Inc.  
June 16, 2015  
Page 2

**Contact SHPD upon completion of data recovery at SIHP number 7891, 7908, 7911 and 7914, before closing the excavation units to arrange a site visit.**

Please contact me at (808) 243-4641 or [Morgan.E.Davis@hawaii.gov](mailto:Morgan.E.Davis@hawaii.gov) if you have any questions or concerns about this letter.

Mahalo,



Morgan E. Davis  
Lead Archaeologist, Maui Section

|     |  |  |   |
|-----|--|--|---|
| cc: | County of Maui<br>Department of Planning<br><a href="mailto:Planning@co.maui.hi.us">Planning@co.maui.hi.us</a> | County of Maui<br>Department of Public Works – DSA<br><a href="mailto:Renee.Segundo@co.maui.hi.us">Renee.Segundo@co.maui.hi.us</a> | County of Maui<br>Cultural Resources Commission<br><a href="mailto:Annalise.Kehler@co.maui.hi.us">Annalise.Kehler@co.maui.hi.us</a> |
|     | Evans Holdings, Inc.<br>1100 Alakea Street, Suite 2200<br>Honolulu, Hawaii 96813                               | David Ward<br>Frampton & Ward, LLC<br><a href="mailto:dave@fwmaui.com">dave@fwmaui.com</a>   |   |

# REQUEST TO ACCESS A GOVERNMENT RECORD

This is a model form that may be used by a Requester to provide sufficient information for an agency to process a record request. Although the Requester is not required to use this form or to provide any personal information, the agency needs enough information to contact the Requester with questions about this request or to provide its response. This request may not be processed if the agency has insufficient information or is unable to contact the Requester.

**DATE:** March 8, 2018

**TO:** Mr. William Spence – Director, County of Maui Department of Planning  
2200 One Main Plaza, Suite 135  
Wailuku, HI 96793  
Email: [William.Spence@co.maui.hi.us](mailto:William.Spence@co.maui.hi.us)  
Phone: (808) 270-7735

**FROM:** Tina Rothman: [tinarothman2@gmail.com](mailto:tinarothman2@gmail.com); (808) 250-9445

## **AS THE REQUESTER, I WOULD LIKE THE FOLLOWING GOVERNMENT RECORD:**

Describe the government record as specifically as possible so that it can be located. Try to provide a record name, subject matter, date, location, purpose, or names of persons to whom the record refers, or other information that could help the agency identify the record. A complete and accurate description of the requested government record will prevent delays in locating the record. Attach additional pages if needed.

*Please provide copies of any documents regarding an EA/EIS or 343 exemption for TMKs (2) 2-1-005:129, 130, 131, 132, 133, 134, 135, 136, 137, 138*

**I WOULD LIKE:** (Please check one or more of the options below, as applicable)

☐ **To inspect the government record**

☒ **A copy of the government record:** (Please check only one of the options below.) See the next page for information about fees and costs that you may be required to pay for agency services to process your record request. Note: Copying and transmission charges may also apply to certain options.

☐ Pick up at agency (date and time): \_\_\_\_\_

☐ Mail (address): \_\_\_\_\_

☒ E-mail (address): [tinarothman2@gmail.com](mailto:tinarothman2@gmail.com)

☐ Fax (toll free and only if available; provide fax number): \_\_\_\_\_

☐ Other, if available (please specify): \_\_\_\_\_

☐ If the agency maintains the records in a form other than paper, please advise in which format you would prefer to have the record.

☒ Electronic ☐ Audio ☐ Other (please specify): \_\_\_\_\_

☒ Check this box if you are attaching a request for waiver of fees in the public interest  
*The public has an interest in obtaining official information that sheds light on the County's performance of its statutory purpose and the conduct of government officials. The requester's primary intent is to disseminate the information found in the records for the benefit of the public at large.*

*These records have not been made available in the public domain, therefore we are requesting a waiver of fees.*

### **FEES FOR PROCESSING PUBLIC RECORD REQUESTS**

You may be charged fees for the services that the agency must perform when processing your request for public records, including fees for making photocopies and other lawful fees. **The first \$30 of fees charged for searching for a record, reviewing, and segregating will not be charged to you. Any amount over \$30 will be charged to you.** Fees are as follows:

|                                    |                       |
|------------------------------------|-----------------------|
| Search for a Record                | \$2.50 for 15 minutes |
| Review and Segregation of a Record | \$5.00 for 15 minutes |

Generally, no search, review, and segregation fees may be charged if you are making a request for personal records that are about you.

### **WAIVER OF FEES IN THE PUBLIC INTEREST**

As an alternative to the \$30 fee waiver (not in addition to), the agency may waive the first \$60 of fees for searching for, reviewing and segregating records when the waiver would serve the public interest. If you wish to apply for a waiver of fees in the public interest, you must attach to this request a statement of facts, including your identity as the requester, to show how the waiver of fees would serve the public interest. The criteria for this waiver, found at section 2-71-32, Hawaii Administrative Rules, are

- (1) The requested record pertains to the operations or activities of an agency;
- (2) The record is not readily available in the public domain; and
- (3) The requester has the primary intention and the actual ability to widely disseminate information from the government record to the public at large.

### **COSTS**

The Agency may charge you any other lawful fees and the costs to copy and deliver your personal or public record request.

### **AGENCY RESPONSE TO YOUR REQUEST FOR ACCESS**

The agency to which you addressed your request must respond within a set time period. The agency will normally respond to you within 10 business days from the date it receives your request; however, in *extenuating circumstances*, the agency must respond within 20 business days from the date of your request. If you have questions about the response time or the records being sought, you should first contact the agency and request to consult with the agency's UIPA contact person.

**Please note that the Office of Information Practices (OIP) does not maintain the records of other agencies and a requester must seek records directly from the agency.** If the agency denies or fails to respond to your written request for records or if you have other questions regarding compliance with the UIPA, then you may contact OIP at 808-586-1400, [oip@hawaii.gov](mailto:oip@hawaii.gov), or 250 South Hotel Street, Suite 107, Honolulu, Hawaii 96813.

### **REQUESTER'S RESPONSIBILITIES**

You have certain responsibilities under section 2-71-16, Hawaii Administrative Rules, which include making arrangements to inspect and copy records, providing further clarification or description of the requested record as instructed by the agency's notice, and making a prepayment of fees and costs, if assessed. The rules and additional training materials are available online at [oip.hawaii.gov](http://oip.hawaii.gov) or from OIP.

**From:** Keith Scott  
**To:** tinarothman2@gmail.com  
**CC:** William Spence; Michele McLean; oip@hawaii.gov  
**Date:** 4/2/2018 8:50 AM  
**Subject:** Government Records Request

Aloha Tina - -

You requested "any documents regarding an EA/EIS or HRS Chapter 343 exemptions for TMK's (2) 2-1-005: 129, 130, 131, 132, 133, 134, 135, 136, 137, 138."

A search of all available records for the subject TMKs yielded NO DOCUMENTS regarding an EA/EIS or HRS Chapter 343 exemption.

Mahalo,

Keith Scott  
Staff Planner  
keith.scott@mauicounty.gov  
(808) 463-3867



**From:** "Mike" <mike@scshawaii.com>  
**To:** "Keith Scott" <Keith.Scott@co.maui.hi.us>  
**CC:** "William Spence" <William.Spence@co.maui.hi.us>  
**Date:** 4/3/2018 12:17 PM  
**Subject:** Evan's Holdings

Hi Keith:

Good talking with you this a.m.

Per your question, please see below. Basically, there is no EIS trigger so there is no need to look for an EIS exemption. More to the point.

Because none of the triggers for an EIS under HRS Ch. 343-5 and HAR Ch. 11-200-6 is met in this case, there is no need to apply the EIS exemption for a single-family residence under 3,500 square feet found in HAR Ch. 11-200-8.

The house is not on State or County lands (HRS 343-5(a)(1)). The house is not located in the Conservation District (HRS 343-5(a)(2)). The house is not located within the Shoreline area (HRS 343-5(a)(3)). The house is not on a historic site listed on the State or National Register (HRS 343-5(a)(4)). The house is not in the Waikiki Special District (HRS 343-5(a)(5)). The house does not require an amendment to the County general plan (HRS 343-5(a)(6)). The house does not require reclassification of land from the Conservation District (HRS 343-5(a)(7)). The house is not a helicopter facility (HRS 343-5(a)(8)). The house is not a wastewater treatment facility, waste-to-energy facility, landfill, oil refinery or power generation facility (HRS 343-5(a)(9)).

Only if one of these EIS triggers were present would there be a need to refer to the EIS exemption list in HAR 11-200-8, in which case a residence of less than 3,500 sq. ft. would still be exempt from the EIS requirement. But as it is, there is no EIS trigger for the 5,460 ft. residence. Hope this answers your question.

Cheers,

Mike

Michael Dega, Ph.D.

Senior Archaeologist

Scientific Consultant Services, Inc. (SCS)

1347 Kapiolani Blvd., Suite 408

Honolulu, HI 96814

(808) 597-1182 tel

(808) 597-1193 fax

mike@scshawaii.com



# F&W LAND LLC

REAL ESTATE CONSULTING • DEVELOPMENT • PROJECT MANAGEMENT

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May 4, 2018

Mr. Keith Scott  
Staff Planner  
County of Maui  
Planning Department  
Via E-mail

Re: Evans Holdings, Inc. – Access Easement Over the Roadway Area on  
TMK: (2) 2-1-005-108

Dear Mr. Scott:

I am writing in response to your recent question concerning the rights of Evans Holdings, Inc., a Hawaii corporation, to use the roadway area on TMK: (2) 2-1-005-108.

Evans Holdings, Inc. has perpetual, non-exclusive, access easement rights over and across the roadway area on Parcel 108 to Makena Road. These rights are recorded in the Bureau of Conveyances. Because of these recorded easement rights, Evans Holdings, Inc. has both rights and obligations to use, improve and repair the easement area in a manner consistent with "its intended use as an easement area for roadway purposes."

Enclosed for your files are copies of the following documents confirming the recorded, access easement rights of Evans Holdings, Inc. across the roadway area on Parcel 108 to Makena Road:

1. Warranty Deed and Grant of Access and Utility Easement dated May 23, 2014 from Mo'oloa Ranch, LLC to Evans Holdings, Inc., recorded in the Bureau of Conveyances as Document No. A-52560542 (see the first paragraph that begins with "TOGETHER WITH" on page 2 of Exhibit "A" to this Deed, which paragraph refers to a "non-exclusive easement for access and utility purposes").

2. Restated and Amended Indenture dated February 28, 2005, recorded in the Bureau of Conveyances as Document No. 2005-084727 (see Exhibit "C" for a description of the roadway area across Parcel 108 to Makena Road, which roadway area is subject to the easement rights of Evans Holdings, Inc.).

If you have questions, please let us know. Thank you, Mr. Scott. We certainly appreciate your assistance on this matter.

Sincerely,

David Ward

Enclosures

2035 MAIN STREET, SUITE, WAILUKU, HI 96793  
OFFICE (808) 249-222 ~ FAX (808) 249-2333





STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

May 23, 2014 8:02 AM

Doc No(s) A-52560542



/s/ NICKI ANN THOMPSON  
REGISTRAR

1 1/3 SKC  
B-32467335

Conveyance Tax: \$5,985.00

AFTER RECORDATION RETURN BY: MAIL [ ] PICKUP [ ]

SCHNEIDER TANAKA RADOVICH  
ANDREW & TANAKA  
A Limited Liability Law Company  
Alakea Corporate Tower  
1100 Alakea Street, Suite 2100  
Honolulu, Hawaii 96813

Tax Map Key: (2) 2-1-005-135

Total Pages: 9

WARRANTY DEED AND  
GRANT OF ACCESS AND UTILITY EASEMENT

THIS WARRANTY DEED AND GRANT OF ACCESS AND UTILITY EASEMENT is made as of May 23, 2014, by MO`OLOA RANCH, LLC, a Delaware limited liability company, hereinafter referred to as the "Grantor", in favor of EVANS HOLDINGS, INC., a Hawaii corporation, whose address is 1100 Alakea Street, Suite 2100, Honolulu, Hawaii 96813, hereinafter referred to as the "Grantee".

WITNESSETH THAT:

The Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to the Grantor paid by the Grantee, the receipt of which is hereby acknowledged, does by these presents grant, bargain, sell and convey, all of the Grantor's fee simple interest in and to:

The real property described in EXHIBIT "A", attached hereto and made a part hereof, subject to the encumbrances noted therein, hereinafter referred to as the "Property",

unto the Grantee, its successors and assigns, forever;

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto;

TO HAVE AND TO HOLD the same, together with all improvements, fixtures, tenements, hereditaments, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith, unto the Grantee as aforesaid, absolutely and in fee simple.

The Grantor does hereby covenant and warrant to the Grantee that the Grantor is lawfully seized and is the owner in fee simple of the Property; that the Grantor's title to the Property is free and clear of and from all encumbrances, except as set forth in EXHIBIT "A", attached hereto and the real property taxes not yet due; that the Grantor has good right to grant, sell and convey the Property as aforesaid; and that the Grantor will WARRANT and DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

The Grantor does hereby grant unto the Grantee and the Owners of the Other Benefitted Property (as defined below) a perpetual, non-exclusive easement for access and utility purposes over, under and across the easement area described in EXHIBIT "B", attached hereto and incorporated herein by reference, being Easement AU-3 as described in EXHIBIT "B" (the "Easement Area"). The Easement Area is and shall be appurtenant to (i) the Property described in EXHIBIT "A", attached hereto, and (ii) the property described in EXHIBIT "C", attached hereto and incorporated herein by reference (the property as described in EXHIBIT "C" is hereinafter referred to as the "**Other Benefitted Property**"; and the current and future owners of the Other Benefitted Property are hereinafter referred to as the "**Owners of the Other Benefitted Property**"). The Grantor, the Grantee, the Grantor as the current owner of the Other Benefitted Property, the Grantor for and on behalf of the future Owners of the Other Benefitted Property, and their successors and assigns, hereby covenant and agree as follows:

1. The Grantee and the Owners of the Other Benefitted Property shall maintain the Easement Area in good repair and shall observe and perform all laws, ordinances, rules and regulations applicable to the Easement Area.
2. The Grantee and the Owners of the Other Benefitted Property acknowledge that their rights are non-exclusive and agree not to interfere with the use of the Easement Area by others entitled to do so. It is further acknowledged and agreed that such rights may be exercised by any existing or future owner or occupant of the Property or of the Other Benefitted Property, including, without limitation, the owner or occupant of (i) any lawfully subdivided portion of the Property or of the Other Benefitted Property, and/or (ii) any condominium unit located on the Property, on the other Benefitted Property or on any lawfully subdivided portion thereof.
3. The Grantor reserves the right to make one or more non-exclusive grants, assignments or other conveyances of rights from time to time over, under and across the Easement Area to public or private utilities, governmental authorities or other parties. The Grantor further reserves the right to grant and/or assign rights over, under and across the Easement Area to any association of owners, including, without limitation, an association of owners comprised of the Grantee and the Owners of the Other Benefitted

Property, which association would have the right to impose additional terms and conditions on the use and maintenance of the Easement Area and/or to modify the existing terms and conditions, provided that such additional or modified terms and conditions are customary, reasonable and set forth in a recorded instrument that has been authorized and executed by the association.

4. The Grantee and the Owners of the Other Benefitted Property shall indemnify, defend and hold harmless the Grantor against any and all losses, liabilities, damages, demands, causes of action, costs, expenses and attorneys fees incurred by the Grantor in connection with the use of the Easement Area by the Grantee, by the Owners of the Other Benefitted Property and/or by others claiming by, through or under the Grantee or the Owners of the Other Benefitted Property.

The terms "Grantor", "Grantee", and "Owners of the Other Benefitted Property", as used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or entities, and each of their respective successors in title, successors and assigns, according to the context thereof.

IN WITNESS WHEREOF, the Grantor and the Grantee have duly executed these presents as of the day and year first above written.

MO'OLOA RANCH, LLC,  
a Delaware limited liability company

By: Robert F. Schneider  
Name: Robert F. Schneider  
Title: Authorized Representative

Grantor

EVANS HOLDINGS, INC.,  
a Hawaii corporation

By: Mark Johnson  
Name: Mark Johnson  
Title: President

Grantee

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

On this 21st day of May, 2014, before me personally appeared ROBERT F. SCHNEIDER, 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 capacities shown, having been duly authorized to execute such instrument in such capacities.

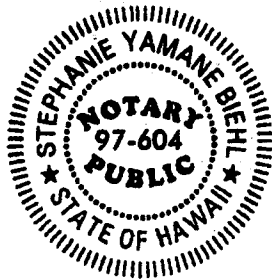
Further, I certify, as of this date, as follows:

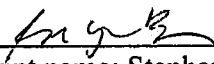
Date of Document: Undated at time of notarization

Number of Pages: 9

Document Description: Warranty Deed and Grant of Access and Utility Easement

Jurisdiction/Judicial Circuit Where Signed: First Circuit



  
Type or print name: Stephanie Yamane Biehl

Date: May 21, 2014

Notary Public, State of Hawaii

My commission expires: October 19, 2015

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

On this 10th day of May, 2014, before me personally appeared MARK JOHNSON, 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 capacities shown, having been duly authorized to execute such instrument in such capacities.

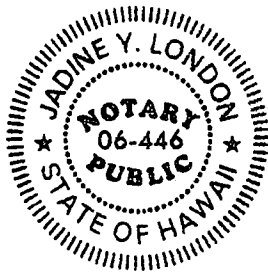
Further, I certify, as of this date, as follows:

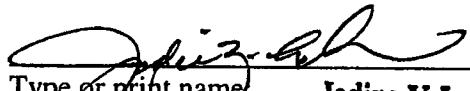
Date of Document: Undated at time of notarization

Number of Pages: 9

Document Description: Warranty Deed and Grant of Access and Utility Easement

Jurisdiction/Judicial Circuit Where Signed: First Circuit



  
Type or print name Jadine Y. London  
Date: 5/10/14  
Notary Public, State of Hawaii  
My commission expires: July 23, 2014

## EXHIBIT "A"

### GRANT 2902 TO POLENA

All of that certain parcel of land, being Grant 2902 to Polena, situated at Moomuku, Honuaula, Makawao, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at a (set)  $\frac{3}{4}$ -inch pipe at the west corner of this parcel of land, on the northeast boundary of Grant 1493 to Kane, said pipe also being the south corner of Royal Patent 2006, Land Commission Award 2398, Apana 4 to Kinolua and the west corner of Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OLAI" being:

2,919.97 feet South  
4,435.00 feet East

and running by azimuths measured clockwise from true South:

1. 237° 27' 700.00 feet along said Royal Patent 2006, Land Commission Award 2398, Apana 4 to Kinolua to a (found)  $\frac{3}{4}$ -inch pipe on the southerly boundary of Lot 3-C of the Government Land of Moomuku;
2. 241° 06' 30" 1,257.54 feet along said Lot 3-C of said Government Land of Moomuku, to a (found)  $\frac{3}{4}$ -inch pipe;
3. 321° 30' 607.00 feet along said Lot 3-C of said Government Land of Moomuku, to a (found)  $\frac{3}{4}$ -inch pipe;
4. 53° 06' 30" 940.73 feet along said Lot 3-C of said Government Land of Moomuku, to a (found)  $\frac{3}{4}$ -inch pipe at the north corner of Grant 1489, Apana 1 to Napua;
5. 63° 13' 45" 1,097.63 feet along said Grant 1489, Apana 1 to Napua to a (found)  $\frac{3}{4}$ -inch pipe on the northeasterly boundary of Grant 1485 to Kamaka;
6. 150° 34' 20" 225.00 feet along said Grant 1485 to Kamaka to a (found)  $\frac{3}{4}$ -inch pipe at the east corner of said Grant 1493 to Kane;
7. 147° 26' 25" 200.00 feet along said Grant 1493 to Kane to a (found)  $\frac{3}{4}$ -inch pipe at the south corner of said Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena;

- |     |      |     |     |        |   |
|-----|------|-----|-----|--------|---|
| 8.  | 252° | 18' | 50" | 340.00 | feet along said Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena to a (found) ¾-inch pipe;  |
| 9.  | 155° | 50' | 30" | 260.00 | feet along said Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena to a (found) ¾-inch pipe;  |
| 10. | 65°  | 13' | 00" | 370.00 | feet along said Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena to the point of beginning and containing an area of 29.251 acres, more or less, as per survey of Bruce R. Lee, Licensed Professional Land Surveyor Certificate No. 5983-LS, revised August 28, 2013. |

TOGETHER WITH a non-exclusive easement for access and utility purposes, as described in Commissioner's Quitclaim Deed dated April 5, 2012, and recorded as Document No. A-44830938 over, under and across the parcel of land containing 22,271 square feet or 0.511 acres, more or less, described in said Deed, and as granted by Restated and Amended Indenture, dated February 28, 2005, recorded as Document No. 2005-9084727; and subject to the terms and provisions contained therein; as more particularly described therein.

TOGETHER WITH perpetual, non-exclusive easements for access and utility purposes over, under and across Easement AU-1 and Easement AU-2 as described in that certain Warranty Deed and Grant of Access and Utility Easements dated as of December 2, 2013, recorded as Document No. A-50840873, which Easement AU-1 and Easement AU-2 are (i) appurtenant to said Grant 2902 (among other properties), and (ii) subject to the terms and conditions of said Warranty Deed and Grant of Access and Utility Easements dated as of December 2, 2013, recorded as Document No. A-50840873.

Being a portion of the premises conveyed to Mo'oloa Ranch, LLC, a Delaware limited liability company, by Warranty Deed dated May 31, 2013, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-49090347.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. Reservation in favor of Ulupalakua Ranch, Inc., a Hawaii corporation, and their successors and assigns, a perpetual right and easement for the transport of water and appurtenant equipment, as set forth in Deed dated January 15, 1991, recorded as Document No. 91-008494.

END OF EXHIBIT "A"

EXHIBIT "B"

The Easement Area shall consist of Easement AU-3, more particularly described as follows:

EASEMENT AU-3  
(FOR ACCESS & UTILITY PURPOSES)  
AFFECTING GRANT 1485 TO KAMAKA

All of that certain easement, being Easement AU-3 for access and utility purposes over, under and across a portion of Grant 1485 to Kamaka, situated at Moomuku, Honuaula, Makawao, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at a (found) ¾-inch pipe at the east corner of this easement, on the southwesterly boundary of Grant 1489, Apana 1 to Napua, said pipe also being the east corner of said Grant 1485 to Kamaka and the north corner of Grant 1425, Apana 2 to Kaianui, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OLAI" being:

3,678.96 feet South  
4,889.50 feet East

and running by azimuths measured clockwise from true South:

|    |     |     |     |       |   |
|----|-----|-----|-----|-------|---|
| 1. | 56° | 51' | 52" | 68.20 | feet along said Grant 1425, Apana 2 to Kaianui; |
|----|-----|-----|-----|-------|---|

Thence along the remainder of Grant 1485 to Kamaka on the arc of a curve to the left, concave northwesterly with a radius of 30.00 feet, the chord azimuth and distance being:

|    |      |     |     |        |   |
|----|------|-----|-----|--------|---|
| 2. | 193° | 42' | 06" | 41.04  | feet,   |
| 3. | 150° | 34' | 20" | 437.71 | feet along the remainder of said Grant 1485 to Kamaka to a point on the southeast boundary of Grant 1493 to Kane;   |
| 4. | 238° | 04' | 15" | 40.04  | feet along said Grant 1493 to Kane to a (found) ¾-inch pipe on the southwesterly boundary of Grant 2902 to Polena;  |
| 5. | 330° | 34' | 20" | 465.00 | feet along said Grant 2902 to Polena, along said Grant 1489, Apana 1 to Napua to the point of beginning and containing an area of 18,781 square feet or 0.431 acre, more or less, as per survey of Bruce R. Lee, Licensed Professional Land Surveyor Certificate No. 5983-LS, dated May 12, 2014. |

END OF EXHIBIT B

EXHIBIT "C"

All of that certain parcel of land, being all of the land described in and covered by Grant 1493 to Kane, containing an area of 14.138 acres, more or less, which land is situate, lying and being at Moomoku, Honuaula, Makawao, Island and County of Maui, State of Hawai'i.

END OF EXHIBIT "C"





R-1048      STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED  
APR 28, 2005      02:00 PM  
Doc No(s) 2005-084727



/s/ CARL T. WATANABE  
REGISTRAR OF CONVEYANCES

21    1/1    22

*on*

Return by Mail ( x ) Pickup ( ) To:  
Hawaii VIP Country Club, Inc.  
c/o Aaron Grunfeld, Esq.  
Resch Polster Alpert Berger LLP  
10390 Santa Monica Boulevard, Fourth Floor  
Los Angeles, California 90025-5058

This document contains 21 pages ✓

Tax Map Key Nos.: (2) 2-1-005: 026 & 121  
(2) 2-1-005: 108

## RESTATED AND AMENDED INDENTURE

This RESTATED AND AMENDED INDENTURE (this "Agreement"), dated as of February 28, 2005, is made by and between HAWAII VIP COUNTRY CLUB, INC., a Hawaii corporation ("Hawaii VIP"), and MAKENA GOLF CORP., a Hawaii corporation (the "Grantor"), with reference to the following facts:

### RECITALS

a. WHEREAS, on or about March 5, 1980, SEIBU HAWAII, INC., a Hawaii corporation ("Seibu"), and ULUPALAKUA RANCH, INC., a Hawaii corporation ("URI"), entered into that certain Indenture, dated March 5, 1980, and recorded March 11, 1980, in Liber 14566, Page 461 in the Bureau of Conveyances of the State of Hawaii (the "Original VIP Indenture");

b. WHEREAS, Hawaii VIP is the present owner of certain real property located in and on the Island and County of Maui, State of Hawaii, legally described as set forth in Exhibit "A" attached hereto and incorporated herein (the "VIP Property"), and is the successor in interest to URI under the Original VIP Indenture;

c. WHEREAS, Grantor is the successor in interest to Seibu under the Original VIP Indenture and is the present owner of certain real property located on the Island and County of Maui, State of Hawaii (the "Adjacent Property"), legally described on Exhibit "B", attached hereto and made apart hereof;

d. WHEREAS, pursuant to the terms of the Original VIP Indenture, Seibu, on its behalf and behalf of its successors and assigns, granted to present and future owners of the VIP Property certain access rights in and to a portion of the Adjacent Property, said portion being that land legally described on Exhibit "C", attached hereto and made apart hereof, and hereinafter referred to as the "Easement Area";

e. WHEREAS, Seibu, URI and/or Grantor may have previously granted easement rights over the Easement Area to certain real property located in and on the Island and County of Maui, State of Hawaii, legally described as set forth in Exhibit "D" attached hereto and incorporated herein (the "Other Benefited Property");

f. WHEREAS, Grantor and Hawaii VIP now wish to restate and amend the Original VIP Indenture upon the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

#### AGREEMENT

1) General. This Agreement shall, upon the recordation hereof in the Bureau of Conveyances in and for the State of Hawaii, supersede and replace in its entirety the Original VIP Indenture.

2) Grant of Easement. Grantor hereby establishes for the benefit of the VIP Property, and hereby grants to Hawaii VIP and to the future owners of the VIP Property (or any portion thereof), a non-exclusive easement for access purposes over and across the Easement Area, and each part thereof. The easement hereby established and granted over the Easement Area (the "Easement") shall be for the non-exclusive benefit of the present and future owners of the VIP Property (collectively, the "VIP Property Owner")(or any portions thereof), and their tenants, employees, agents, invitees, patrons, guests, contractors, successors and assigns (the "Permitted Users"). The VIP Property Owner hereby acknowledges and agrees that, consistent with the status of the Easement as non-exclusive, the Easement shall also be for the non-exclusive benefit of the Other Benefited Property, and the current and future owners of the Other Benefited Property (or any portion thereof), as well as the Adjacent Property, Grantor and the future owners of the Adjacent Property (or any portion thereof).

3) Maintenance of Easement Area. The VIP Property Owner shall, at its sole cost and expense, carry out any and all periodic roadway and related maintenance, replacements, and repairs associated with the establishment, use and maintenance of the Easement and the Easement Area consistent with the rights and the easement hereby granted, subject only to the right of the VIP Property Owner to seek contribution from persons or entities utilizing the Easement Area other than the present or future owners of the Adjacent Property.

4) Limitation on Uses. The VIP Property Owner hereby covenants and agrees with respect to the Easement Area that it shall not at any time utilize any portion of the Easement Area for any unlawful use (including but not limited to violation of laws pertaining to hazardous materials),

any use that constitutes waste, strip or nuisance or any use inconsistent with its intended use as an easement area for roadway purposes. In addition, the VIP Property Owner shall not make, permit or suffer any waste, strip, spoil, nuisance or unlawful, improper or offensive use of the Easement Area, shall comply with all of the lawful requirements of the county, state and federal authorities, and shall observe all municipal ordinances and state and federal statutes, pertaining to the Easement Area, now in force or which may hereinafter be in force, including but not limited to, such ordinances or statutes relating to indemnification and/or contribution for all environmental and/or hazardous waste liability.

5) Duration. This Agreement, including the rights created under Section 2, above, shall be and remain in effect in perpetuity.

6) Indemnification. The VIP Property Owner shall indemnify and hold the Grantor harmless from and against all claims, suits, demands, actions, and proceedings, by whomsoever brought, for injuries to or death of persons or loss or damage to property, including claims of their agents and servants, arising out of the exercise of the VIP Property Owner's rights and privileges granted hereunder or the failure by the VIP Property Owner or its officers, agents or servants to observe the covenants contained herein, and from and against all damages, costs, counsel fees, expenses and liabilities incurred in or resulting from any such claims or demands or any action or proceeding brought thereon.

7) Condemnation. If at any time any portion of land across, through or within which this Easement passes shall be condemned or taken by any governmental authority, the VIP Property Owner shall have the right to claim and recover from the condemning authority, but not from the Grantor, such compensation for and damages to its easement and right of way, which shall be payable to the VIP Property Owner.

8) Binding Effect. This Agreement and the rights created hereby shall be appurtenant to and shall run with each of the VIP Property and the Adjacent Property, and shall be binding upon and shall benefit all present and subsequent fee title owners of all or any portion of the VIP Property and the Adjacent Property, until released in writing by the parties hereto or their successors in interest.

9) Injunctive Relief. Each express covenant and agreement contained in this Agreement shall be a covenant running with the land, and shall be deemed to be equitable servitudes, and the breach thereof, or the continuance of any breach thereof, may be enjoined, abated or remedied by appropriate proceedings initiated by either party hereto or their successors or assigns.

10) Attorney's Fees and Costs. In the event of any action at law or in equity between the parties hereto to interpret or enforce any of the provisions hereof, the non-prevailing party or parties to such litigation shall pay to the prevailing party or parties all costs and expenses, including actual attorneys' fees, incurred therein by such prevailing party or parties; and if such prevailing party or parties shall recover judgment in any such action or proceeding, such costs, expenses and attorneys' fees may be included in and as part of such judgment.

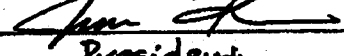
11) Counterparts. This Agreement may be executed in one or more counterparts by the parties hereto. All counterparts shall be construed together and shall constitute one instrument.

12) Governing Law. This Agreement shall be construed in accordance with the internal laws, and not the law of conflicts, of the State of Hawaii applicable to agreements made and to be performed in such state.

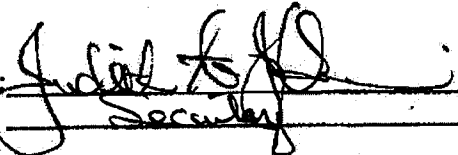
13) Exhibits. All exhibits attached hereto and referred to herein are hereby incorporated herein as though fully set forth at length.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date first above written.

**MAKENA GOLF CORP.,**  
a Hawaii corporation

By:   
Its: President  
Jun Kobayashi  
President

**HAWAII VIP COUNTRY CLUB, INC.,**  
a Hawaii corporation

By:   
Its: Secretary  
Judith Jackola  
Secretary

State of Hawaii )

County of Maui )

On this 22nd day of February, 2005, before me personally appeared Junko Kobayashi to me 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.

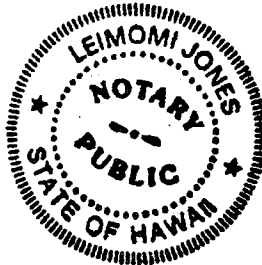
L.S.

Iris C. Aguinaldo  
Name: IRIS C. AGUINALDO  
Notary Public, State of Hawaii  
My commission expires: 12-9-2008

State of HAWAII )

CITY AND  
County of HONOLULU )

On this 26th day of April, 2005, before me personally appeared Judith Jackola to me 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.



Leimomi Jones  
Name: LEIMOMI JONES Commission expires: 1/30/08  
Notary Public, State of  
My commission expires: \_\_\_\_\_

## EXHIBIT "A"

### The VIP Property

#### -ITEM I:-

All of that certain parcel of land (being all of the land(s) described in and covered by Royal Patent Number 4970, Land Commission Award Number 5405, Apana 1 to Makuahine; Royal Patent Number 2006, Land Commission Award Number 2398, Apana 4 to Kinolua; Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena; Royal Patent Grant Number 2902 to Polena; Royal Patent Grant Number 1489, Apana 1 to Napua; Royal Patent Grant Number 1226 to Kihuluhulu and Kapoe; Royal Patent Grant Number 1493 to Kane; Royal Patent Grant Number 1485 to Kamaka; Royal Patent Grant Number 1425, Apana 2 to Kaianui; Royal Patent Grant Number 1294 to Mahkuahine; Royal Patent Grant Number 1486 to Keokalani; and Royal Patent Grant Number 1494 to Kupaa) situate, lying and being at Moomoku, Onau, Honuaula, Makawao, Island and County of Maui, State of Hawaii, and thus bounded and described:

Beginning at a found 3/4-inch pipe at the south corner of this parcel of land, being also the south corner of Royal Patent Grant 1494 to Kupaa, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OLAI" being:

5,521.65 feet south  
4,017.54 feet east

and running by azimuths measured clockwise from true South:

- |    |      |     |     |          |  |
|----|------|-----|-----|----------|--|
| 1. | 155° | 40' | 27" | 1,005.42 | feet along Grant 1491 to Kihuluhulu to a found 3/4-inch pipe;        |
| 2. | 231° | 04' | 30" | 722.12   | feet along Grant 1475, Apana 2 to Kaaea to a found 3/4-inch pipe;    |
| 3. | 149° | 51' | 45" | 483.00   | feet along same to a 3/4-inch pipe;                                  |
| 4. | 152° | 56' | 30" | 790.84   | feet along State of Hawaii Government land to a found 3/4-inch pipe; |
| 5. | 241° | 51' | 52" | 800.68   | feet along Grant 1487 to Mahiai to a found 3/4-inch pipe;            |

|     |      |     |     |          |  |
|-----|------|-----|-----|----------|--|
| 6.  | 317° | 08' | 00" | 102.85   | feet along the middle of stonewall, along State of Hawaii Government Land to a found 3/4-inch pipe;        |
| 7.  | 238° | 47' | 00" | 680.04   | feet along State of Hawaii Government Land to a found 3/4-inch pipe;                                       |
| 8.  | 328° | 08' | 30" | 198.00   | feet along same to a found 3/4-inch pipe;  |
| 9.  | 241° | 06' | 30" | 1,257.54 | feet along same to a found 3/4-inch pipe;  |
| 10. | 321° | 30' | 00" | 607.00   | feet along same to a found 3/4-inch pipe;  |
| 11. | 53°  | 06' | 30" | 940.73   | feet along same to a found 3/4-inch pipe;  |
| 12. | 324° | 00' | 00" | 502.00   | feet along same to a found 3/4-inch pipe;  |
| 13. | 247° | 30' | 00" | 874.00   | feet along same to a found 3/4-inch pipe;  |
| 14. | 334° | 00' | 00" | 754.00   | feet along same to a found 3/4-inch pipe;  |
| 15. | 333° | 51' | 30" | 340.06   | feet along same to a found 3/4-inch pipe;  |
| 16. | 333° | 51' | 42" | 264.02   | feet along Royal Patent Grant 5491, Land Commission Award 2605, Apana 4 to Paele to a found 3/4-inch pipe; |
| 17. | 60°  | 08' | 00" | 469.59   | feet along said Land Commission Award 5273 to a found 3/4-inch pipe;                                       |
| 18. | 151° | 03' | 00" | 659.64   | feet along Grant 2883, Apana 1 to Kahanapule to a found 3/4-inch pipe;                                     |

|     |     |     |     |          |  |
|-----|-----|-----|-----|----------|--|
| 19. | 63° | 33' | 00" | 204.36   | feet along same to a found 3/4-inch pipe;  |
| 20. | 58° | 00' | 30" | 951.45   | feet along same and along Grant 2883, Apana 2 to Kahanapule to a found 3/4-inch pipe;                                    |
| 21. | 59° | 21' | 15" | 1,228.12 | feet along Grant 1509 to Keanini to a found 3/4-inch pipe;   |
| 22. | 60° | 17' | 20" | 760.13   | feet along Grant 1424, Apana 2 to Kapoi to the point of beginning and containing an area of 156.664 acres, more or less. |

**-ITEM II:-**

All of that certain parcel of land (being all of the land(s) described in and covered by Royal Patent Number 5491, Land Commission Award Number 2605, Apana 4 to Paele) situate, lying and being at Kanahena, Makawao, Island and County of Maui, State of Hawaii, and thus bounded and described:

Beginning at a found 3/4-inch pipe at the southwest corner of this parcel of land, said point being also the southeast corner of Royal Patent 4970, Land Commission Award 5405, Apana 1 to Makuahine, said point being also the northeast corner of Land Commission Award 5273 to Kapoi, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OLAI" being:

4,267.16 feet south  
7,450.77 feet east

and running by azimuths measured clockwise from true South:

- |    |      |     |     |        |  |
|----|------|-----|-----|--------|--|
| 1. | 153° | 51' | 42" | 264.02 | feet along said Royal Patent 4970, Land Commission Award 5405, Apana 1 to Makuahine to a found 3/4-inch pipe;                  |
| 2. | 231° | 15' | 00" | 390.25 | feet along State of Hawaii Government Land to a found 3/4-inch pipe;   |
| 3. | 294° | 30' | 30" | 303.36 | feet along said State of Hawaii Government Land to a found 3/4-inch pipe;  |
| 4. | 52°  | 33' | 00" | 584.55 | feet along said State of Hawaii Government Land to the point of beginning and containing an area of 2.951 acres, more or less. |

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : JAPAN GRAND PRIX (HAWAII), LTD., a Hawaii corporation

GRANTEE : HAWAII VIP COUNTRY CLUB, INC., a Hawaii corporation

DATED : May 18, 1995, but effective April 30, 1995

RECORDED : Document No. 95-068917

## EXHIBIT "B"

### The Adjacent Property

All of that certain parcel of land, being Lot 3-A-1-A of the Seibu Makena Hotel subdivision (the map thereof not being recorded), being all of Royal Patent 5923, Land Commission Award 2401, Apana 4 to Kohilae, Royal Patent Grant 2226 to Kahaleokaia, Royal Patent Grant 1499, Apana 2 to Kalili, Royal Patent Grant 2914 to Samuela, Royal Patent Grant 1487 to Mahiai, Royal Patent Grant 1482, Apana 2 to Napua, Royal Patent Grant 1491 to Kihuluhulu, Royal Patent 6233, Land Commission Award 2602, Apana 2 to Piena and Royal Patent Grant 1479 to Paaluhi. Being also, portions of Royal Patent Grant 835 to Mahoe, Royal Patent Grant 3088 to Kanakahou, Royal Patent Grant 1488, Apana 2 to Polena, Royal Patent Grant 1228, Apana 1 to Piena, Royal Patent Grant 1476 to Kenui, Royal Patent Grant 1499, Apana 1 to Kalili, Royal Patent Grant 1483, Apana 2 to Maaweiki, Royal Patent Grant 1481 to Kahu, Royal Patent Grant 1497 to Nawaiki, Royal Patent Grant 1496 to Nana, Royal Patent Grant 1500, Apana 2 to Maluai, Royal Patent Grant 2623, Apana 1 to Kahaleokaia, and Land Patent Grant S-15,636 to Seibu Hawaii, Inc., situated at Kaeo, Maluaka, Mooiki, Mooloa, Moomuku, Honuaula, Makawao, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at the Northwest corner of this parcel of land, on the Easterly side of Makena Alanui Road, said point being also the Northeast corner of Lot 4 (Makena Alanui Road Lot) of said Seibu Makena Hotel Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OLAI" being:

4,918.67 feet North  
3,648.51 feet East

and running by azimuths measured clockwise from true South:

1. 282° 28' 07" 1329.37 feet along Lot 1 of Land Court Application 1846 and along Grant 234 to Linton L. Torbert and William Wilcox;
2. 5° 34' 57" 1088.95 feet along the remainder of said Grant 835 to Mahoe;
3. 276° 32' 00" 289.88 feet along said Grant 835 to Mahoe;

4. 51° 42' 32" 102.20 feet along Lot 3-B of said Seibu Makena Hotel Subdivision;
5. 343° 30' 02" 608.02 feet along Royal Patent 6395, Land Commission Award 2658 to Kiniakua and Land Patent 8008, Land Commission Award 2581, Apana 2 to Hualii;
6. 43° 02' 30" 316.00 feet along Land Commission Award 5402-B, Apana 3 to Nawaiki;
7. 14° 24' 34" 152.58 feet along said Lot 3-B of the Seibu Makena Hotel Subdivision;
8. 353° 30' 00" 93.00 feet along Royal Patent 6572, Land Commission Award 2427, Apanas 2 and 3 to Kanakahou;
9. 67° 00' 00" 547.80 feet along Royal Patent 6572, Land Commission Award 2427, Apana 4 to Kanakahou;
10. 336° 30' 00" 435.00 feet along same and along Government Land;
11. 5° 52' 30" 385.93 feet along Grant 2633, Apana 2 to Kahaleokaia;
12. 278° 55' 20" 461.31 feet along same;
13. 355° 06' 45" 581.81 feet along Grant 1500, Apana 3 to Maui;
14. 93° 48' 30" 357.94 feet along Grant 1292, Apana 1 to Haakaloa;
15. 337° 30' 02" 1229.37 feet along same and along Grant 1484, Apana 1 to Kaleo;
16. 79° 41' 30" 673.91 feet along Grant 1288 to Kaauzepaa;
17. 339° 25' 00" 1211.00 feet along same and along Grant 1475, Apana 1 to Kaaea;

18. 34° 48' 45" 1260.36 feet along Lot 3-C of said Seibu Makena Hotel Subdivision;
19. 61° 51' 52" 800.68 feet along Grant 1493 to Kane;
20. 332° 56' 30" 790.84 feet along same;
21. 62° 30' 00" 830.00 feet along Grant 1475, Apana 2 to Kaaea;
22. 319° 30' 00" 642.00 feet along same;
23. 335° 40' 27" 1005.42 feet along Grant 1486 to Keolani and Grant 1494 to Kupaa;
24. 65° 43' 00" 464.00 feet along Grant 1492, Apana 2 to Kaina;
25. 72° 30' 00" 6.00 feet along same;
26. 166° 38' 20" 488.33 feet along Government Land, Land Commission Award 3535, Apana 2 to Kaina and Royal Patents 5004 and 5966, Land Commission Award 5425 to Kihuluhulu;
27. 151° 30' 00" 311.00 feet along said Royal Patents 5004 and 5966, Land Commission Award 5425 to Kihuluhulu and Government Land;
28. 129° 07' 00" 151.05 feet along said Government Land;
29. 56° 00' 00" 67.17 feet along same to the most Easterly corner of Lot 3-A-1-G (Makena-Keoneoio Government Road widening lot) of said Seibu Makena Hotel Subdivision;
30. 151° 00' 00" 146.55 feet along said Lot 3-A-1-G (Makena-Keoneoio Government Road widening lot) of the Seibu Makena Hotel Subdivision and along the remainder of said Grant 1488, Apana 2 to Polena;

31. 151° 45' 30" 207.73 feet along same;
32. 145° 45' 30" 278.54 feet along same to a point on the  
Southeasterly boundary of Royal  
Patent 2006, Land Commission  
Award 2398, Apana 2 to Kinolua;
33. 235° 05' 20" 214.18 feet along said Royal Patent  
2006, Land Commission Award 2398,  
Apana 2 to Kinolua;
34. 145° 00' 00" 868.54 feet along same;
35. 60° 00' 00" 196.66 feet along Government Land;
36. 141° 00' 00" 26.74 feet along same;
37. 70° 00' 00" 86.00 feet along same;
38. 145° 00' 00" 185.00 feet along same;
39. 50° 00' 00" 68.09 feet along same to the most  
Easterly corner of Lot 3-A-1-F  
(Makena-Keoneoio Government Road  
widening lot) of said Seibu  
Makena Hotel Subdivision;
40. 140° 45' 00" 141.44 feet along said Lot 3-A-1-F  
(Makena-Keoneoio Government Road  
widening lot) of the Seibu Makena  
Hotel Subdivision and along the  
remainder of said Grant 1228,  
Apana 1 to Piena to a point on  
the Southerly boundary of Royal  
Patent 2006, Land Commission  
Award 2398, Apana 3 to Kinolua;
41. 224° 30' 00" 171.80 feet along said Royal Patent  
2006, Land Commission Award 2398,  
Apana 3 to Kinolua;
42. 133° 23' 00" 98.92 feet along same;
43. 50° 30' 00" 162.51 feet along same to the most  
Easterly corner of Lot 3-A-1-E  
(Makena-Keoneoio Government Road

widening lot) of said Seibu  
Makena Hotel Subdivision;

44. 160° 28' 30" . 184.95 feet along said Lot 3-A-1-E  
(Makena-Keoneoio Government Road  
widening lot) of the Seibu Makena  
Hotel Subdivision and along the  
remainder of said Grant 1228,  
Apana 1 to Piena;
45. 169° 50' 00" 83.78 feet along same to a point on the  
Southerly boundary of said Grant  
1476 to Kenui;
46. 264° 42' 45" 645.75 feet along said Grant 1476 to  
Kenui;
47. 172° 21' 45" 737.02 feet along same;
48. 83° 13' 30" 654.99 feet along the remainder of said  
Grant 1476 to Kenui to the South-  
east corner of Lot 3-A-1-D  
(Makena-Keoneoio Government Road  
widening lot) of said Seibu  
Makena Hotel Subdivision;
49. 174° 22' 10" 63.87 feet along said Lot 3-A-1-D  
(Makena-Keoneoio Government Road  
widening lot) of the Seibu Makena  
Hotel Subdivision and along the  
remainder of said Grant 1476 to  
Kenui;

Thence along same on the arc of a curve to the left, concave  
Westerly with a radius of 1230.00  
feet, the chord azimuth and  
distance being:

50. 173° 27' 40" 39.00 feet;
51. 172° 33' 10" 52.27 feet along said Lot 3-A-1-D  
(Makena-Keoneoio Government Road  
widening lot) of the Seibu Makena  
Hotel Subdivision and along the  
remainder of said Grant 1476 to  
Kenui to the Southwest corner of

Lot 3-A-1-C of said Seibu Makena Hotel Subdivision;

52. 263° 13' 30" 586.88 feet along said Lot 3-A-1-C of the Seibu Makena Hotel Subdivision and along the remainder of said Grant 1476 to Kenui;
53. 172° 12' 00" 664.35 feet along same and along the remainder of said Grant 1499, Apana 1 to Kalili;
54. 84° 48' 40" 570.45 feet along Lots 3-A-1-C and 3-A-1-B of said Seibu Makena Hotel Subdivision and along the remainder of said Grant 1499, Apana 1 to Kalili to a point on the Easterly boundary of said Lot 3-A-1-D (Makena-Keoneoio Government Road widening lot) of the Seibu Makena Hotel Subdivision;
55. 174° 47' 00" 200.19 feet along said Lot 3-A-1-D (Makena-Keoneoio Government Road widening lot) of the Seibu Makena Hotel Subdivision and along the remainder of said Grant 1499, Apana 1 to Kalili;
56. 172° 13' 30" 242.57 feet along said Lot 3-A-1-D (Makena-Keoneoio Government Road widening lot) of the Seibu Makena Hotel Subdivision and along the remainder of said Grant 1483, Apana 2 to Maaweiki;
57. 177° 24' 40" 503.40 feet along same and along the remainder of said Grant 1481 to Kaku;
58. 179° 05' 40" 1118.06 feet along said Lot 3-A-1-D (Makena-Keoneoio Government Road widening lot) of the Seibu Makena Hotel Subdivision and along the remainders of said Grant 1481 to

Kaku and said Grant 1497 to  
Nawaiki;

59. 181° 51' 00" 795.48 feet along said Lot 3-A-1-D  
(Makena-Keoneoio Government Road  
widening lot) of the Seibu Makena  
Hotel Subdivision and along the  
remainders of said Grant 1497 to  
Nawaiki, said Grant 1496 to Nana  
and said Grant 1500, Apana 2 to  
Maluai to a point on the  
Southerly boundary of Lot 3-A-2  
(Makena Alanui Road Lot) of said  
Seibu Makena Hotel Subdivision;

Thence along said Lot 3-A-2 (Makena Alanui Road Lot) of the  
Seibu Makena Hotel Subdivision  
and along the remainder of said  
Grant 1500, Apana 2 to Maluai, on  
the arc of a curve to the right,  
concave Southeasterly with a  
radius of 470.00 feet, the chord  
azimuth and distance being:

60. 228° 26' 41" 539.90 feet;

61. 263° 30' 00" 384.04 feet along said Lot 3-A-2 (Makena  
Alanui Road Lot) of the Seibu  
Makena Hotel Subdivision and  
along the remainder of said Grant  
1500, Apana 2 to Maluai;

Thence along same and along the remainder of said Grant  
2623, Apana 1 to Kahaleokaia, on  
the arc of a curve to the left,  
concave Northwesterly with a  
radius of 480.00 feet, the chord  
azimuth and distance being:

62. 230° 02' 22" 529.31 feet;

63. 196° 34' 45" 469.73 feet along said Lot 3-A-2 (Makena  
Alanui Road Lot) of the Seibu  
Makena Hotel Subdivision and  
along the remainders of said

Grant 2623, Apana 1 to  
Kahaleokaia and said Grant 3088  
to Kanakahou;

Thence along said Lot 3-A-2 (Makena Alanui Road Lot) of the  
Seibu Makena Hotel Subdivision  
and along the remainder of said  
Grant 3088 to Kanakahou, on the  
arc of a curve to the right,  
concave Southeasterly, with a  
radius of 520.00 feet, the chord  
azimuth and distance being:

64. 214° 49' 40" 325.67 feet;

65. 233° 04' 36" 39.92 feet along said Lot 3-A-2 (Makena  
Alanui Road Lot) of the Seibu  
Makena Hotel Subdivision and  
along the remainder of said  
Grant 3088 to Kanakahou;

Thence along said Lot 4 (Makena Alanui Road Lot) of the  
Seibu Makena Hotel Subdivision  
and along the remainder of said  
Grant 3088 to Kanakahou, on the  
arc of a curve to the left  
concave Northwesterly, with a  
radius of 580.00 feet, the chord  
azimuth and distance being:

66. 211° 34' 36" 425.14 feet;

67. 190° 04' 36" 1728.09 feet along said Lot 4 (Makena  
Alanui Road Lot) of the Seibu  
Makena Hotel Subdivision and  
along the remainders of said  
Grant 3088 to Kanakahou and said  
Grant 835 to Mahoe;

Thence along said Lot 4 (Makena Alanui Road Lot) of the  
Seibu Makena Hotel Subdivision  
and along the remainder of said  
Grant 835 to Mahoe, on the arc of  
a curve to the left concave

Westerly, with a radius of 630.00 feet, the chord azimuth and distance being:

62. 187° 42' 25" 52.10 feet to the point of beginning and containing an area of 489.432 Acres, more or less.

Said above described parcel of land having been acquired by MAUI PRINCE HOTEL CORPORATION, a Hawaii corporation, as follows:

1. By Deed of Seibu Hawaii, Inc., a Hawaii corporation, dated May 30, 1991, effective June 1, 1991, recorded as Document No. 91-071204;
2. By Deed of Makena Aina Corporation, a Hawaii corporation, dated June 12, 1992, recorded as Document No. 92-102511; and
3. By Deed of Makena Resort Corporation, a Hawaii corporation, dated June 12, 1992, recorded as Document No. 92-102512.

The corporate name of MAUI PRINCE HOTEL CORP. was changed to MAKENA GOLF CORP. as set forth by Affidavit dated December 30, 1999, recorded as Document No. 2000-000930.

## EXHIBIT "C"

### Easement Area

Being a portion of Grant 1488 Apana 2 to Polena and a portion of Grant 1491 to Kihuluhulu situate at Moouuku, Honuaula, Makawao, Maui, Hawaii, and being more particularly described as follows:

Beginning at a 3/4 inch pipe (found) at the Southwesterly corner of this easement on the Easterly side of the Makena-Keoneoio Road, being also the Southwesterly corner of Grant 1488 Apana 2 to Polena, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OLAI" being 4915.44 feet South and 3143.88 feet East, thence running by azimuths measured clockwise from True South:

1. 151° 00' 61.98 feet along the easterly side of the Makena-Keoneoio Road;  
  
Thence along the remainder of Grant 1488 Apana 2 to Polena on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
2. 283° 30' 29.49 feet;
3. 236° 00' 160.90 feet along the remainder of Grant 1488 Apana 2 to Polena;  
  
Thence along the remainder of Grant 1488 Apana 2 to Polena on a curve to the right with a radius of 1340.00 feet, the chord azimuth and distance being:
4. 240° 13' 46" 197.65 feet;
5. 244° 27' 32" 172.80 feet along the remainder of Grant 1488 Apana 2 to Polena to a 3/4 inch pipe (found) at the Southeast corner of Grant 1488 Apana 2 to Polena being also the Southwest corner of Grant 1475 Apana 2 to Kaeae, the Northwest corner of Grant 1486 to Keokalani and the Northeast corner of Grant 1491 to Kihuluhulu;
6. 335° 40' 27" 60.45 feet along the boundary between Grant 1486 to Keokalani and Grant 1491 to Kihuluhulu;

Thence along the remainder of Grant 1491 to Kihuluhulu on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

7. 110° 05' 59" 28.58 feet;

8. 64° 27' 32" 151.53 feet along the remainder of Grant 1491 to Kihuluhulu;

Thence along the remainder of Grant 1491 to Kihuluhulu on a curve to the right with a radius of 1300.00 feet, the chord azimuth and distance being:

9. 60° 13' 46" 191.75 feet;

10. 56° 00' 186.23 feet along the boundary between Grant 1488 Apana 2 to Polena and Grant 1491 to Kihuluhulu and along State of Hawaii Government Land, passing over a 3/4 inch pipe (found) at 105.95 feet, being the Northwest corner of Grant 1491 to Kihuluhulu, to the point of beginning and containing an area of 22,263 square feet or 0.511 acre.

Description prepared by:

Ulupalakua Ranch, Inc.  
Ulupalakua, Kula  
Maui, Hawaii 96790

July 3, 1979

James H. Armitage  
James H. Armitage, Registered  
Professional Land Surveyor  
State of Hawaii Certificate No. 606

Being a portion of the premises conveyed by Ulupalakua Ranch, Inc., a Hawaii corporation, to Grantor herein by Deed dated November 16, 1978, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 13278 at Page 536.

**EXHIBIT "D"**

**Other Benefited Property**

TMK (2) 2-1-5-79



# F&W LAND LLC

REAL ESTATE CONSULTING • DEVELOPMENT • PROJECT MANAGEMENT

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May 30, 2018

Ms. Michele McLean  
Deputy Director – Planning Department  
County of Maui  
2200 Main Street  
One Main Plaza, Suite 315  
Wailuku, Hawaii 96793  
Via E-mail W/Attachments

Re: Evans Holdings, Inc. – Special Management Area Permits SM2 2016/0079 and SM5 2015/0123 Related to Access and Utility Easements Over the Roadway Areas on TMK: (2) 2-1-005:108, 129, 131, & 132

Dear Michele:

Pursuant to our recent discussion and an e-mail request from Keith Scott dated May 15, 2018, I am writing concerning the right of Evans Holdings, Inc. to sign as "owner" for the SMA Assessment Applications for SM2 2016/0079 and SM5 2015/0123 for roadway improvements (including asphalt paving, utility improvements and a gate) within the access and utility easements located on TMK: (2) 2-1-005-108, 129, 131, & 132.

Evans Holdings, Inc. has perpetual, non-exclusive, access and utility easement rights over and across the roadway areas on Parcel 108 (easement dated February 18, 2005), 129 (AU-1), 131 (AU-2) and 132 (AU-3) from the Evans Holdings, Inc. property to Makena Road. The rights are recorded in the Bureau of Conveyances and reflected on pages 5 and 6 of the enclosed preliminary title report dated May 18, 2018 issued by Title Guaranty of Hawaii, Inc.

These access and utility easement rights, that have been confirmed by Title Guaranty of Hawaii, Inc., provide Evans Holdings, Inc. with both rights and obligations as to the use, improvement and repair of the specified easement areas. This would include the right to make the proposed roadway improvements, including asphalt paving, utility improvements and a gate.

Under Section 12-202-4 and Section 12-202-12(c)(2)(A) of Maui Planning Commission Special Management Area Rules, Evans Holdings, Inc., as the holder of perpetual easement rights, is considered an "owner" of the roadway areas "on which the proposed action is to occur" (see highlighted rules attached). As the easement holder, Evans Holdings, Inc. is authorized to execute the SMA Assessment Applications for work within these easement areas, including asphalt paving, utilities and a gate.

Please let me know if you have any additional questions or concerns.

Sincerely,



David Ward

2035 MAIN STREET, SUITE, WAILUKU, HI 96793  
OFFICE (808) 249-222 ~ FAX (808) 249-2333



**PRELIMINARY REPORT**  
(No Liability Hereunder)

This report (and any revisions thereto) is issued solely for the convenience of the titleholder, the titleholder's agent, counsel, purchaser or mortgagee, or the person ordering it for the purpose of facilitating the issuance of a policy of title insurance by Title Guaranty of Hawaii, Inc. and no liability will arise under this report.

-----  
**SCHEDULE A**

Title Guaranty of Hawaii, Inc. hereby reports that, subject to those matters set forth in Schedule "B" hereof, the title to the estate or interest to the land described in Schedule "C" hereof is vested in:

EVANS HOLDINGS, INC.,  
a Hawaii corporation,  
as Fee Owner

This report is dated as of May 18, 2018 at 8:00 a.m.

Inquiries concerning this report  
should be directed to  
OFELIA LOPEZ.  
Email olopez@tghawaii.com  
Fax (808) 521-0288  
Telephone (808) 533-5831.  
Refer to Order No. 201825960.

**SCHEDULE B  
EXCEPTIONS**

1. Real Property Taxes, if any, that may be due and owing.

Tax Key: (2) 2-1-005-135 Area Assessed: 29.251 acres

2. Mineral and water rights of any nature.

3. Any existing right of way for utility lines in favor of MAUI ELECTRIC COMPANY, LIMITED and VERIZON HAWAII, INC., now known as HAWAIIAN TELCOM, INC.

4. Reservation in favor of ULUPALAKUA RANCH, INC., a Hawaii corporation, and their successors and assigns, a perpetual right and easement for the transport of water and appurtenant equipment, as set forth in DEED dated January 15, 1991, recorded as Document No. 91-008494.

5. The terms and provisions contained in the following:

INSTRUMENT : WARRANTY DEED AND GRANT OF ACCESS AND UTILITY  
EASEMENT

DATED : May 23, 2014

RECORDED : Document No. A-52560542

6. The terms and provisions contained in the following:

INSTRUMENT : UNILATERAL AGREEMENT AND DECLARATION FOR  
CONSTRUCTION OF A FARM DWELLING ON LANDS ZONED  
COUNTY AGRICULTURAL DISTRICT OR DESIGNATED STATE  
AGRICULTURAL DISTRICT

DATED : March 18, 2015

RECORDED : Document No. A-55550941

SCHEDULE B CONTINUED

7. GRANT

TO : MAUI ELECTRIC COMPANY, LIMITED and HAWAIIAN TELCOM,  
INC.

DATED : December 21, 2017

RECORDED : Document No. A-66560905

GRANTING : an easement for utility purposes over said  
Easements "AU-5", "AU-6-A" and "U-5"; said  
easements being more particularly described in  
Exhibit A attached thereto and made a part thereof

8. Claims arising out of customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised Statutes.
9. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.
10. Any unrecorded leases and matters arising from or affecting the same.

END OF SCHEDULE B

## SCHEDULE C

All of that certain parcel of land (being all of the land(s) described in and covered by Royal Patent Grant Number 2902 to Polena) situate, lying and being at Moomuku, Honuaula, Makawao, Island and County of Maui, State of Hawaii, and thus bounded and described as per survey dated revised August 28, 2013, to-wit:

Beginning at a (set) 3/4-inch pipe at the west corner of this parcel of land, on the northeast boundary of Grant 1493 to Kane, said pipe also being the south corner of Royal Patent 2006, Land Commission Award Number 2398, Apana 4 to Kinolua and the west corner of Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OLAI" being:

2,919.97 feet South  
4,435.00 feet East

and running by azimuths measured clockwise from true South:

1.    237° 27'                    700.00    feet along said Royal Patent 2006, Land Commission Award 2398, Apana 4 to Kinolua to a (found) 3/4-inch pipe on the southerly boundary of Lot 3-C of the Government Land of Moomuku;
2.    241° 06' 30"            1,257.54    feet along said Lot 3-C of said Government Land of Moomuku, to a (found) 3/4-inch pipe;
3.    321° 30'                    607.00    feet along said Lot 3-C of said Government Land of Moomuku, to a (found) 3/4-inch pipe;
4.    53° 06' 30"                940.73    feet along said lot 3-C of said Government Land of Moomuku, to a (found) 3/4-inch pipe at the north corner of Grant 1489, Apana 1 to napua;

# SCHEDULE C CONTINUED

5. 63° 13' 45" 1,097.63 feet along said Grant 1489, Apana 1 to Napua to a (found) 3/4-inch pipe on the northeasterly boundary of Grant 1485 to Kamaka;
6. 150° 34' 20" 225.00 feet along said Grant 1485 to Kamaka to a (found) 3/4-inch pipe at the east corner of said Grant 1493 to Kane;
7. 147° 26' 25" 200.00 feet along said Grant 1493 to Kane to a (found) 3/4-inch pipe at the south corner of said Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena;
8. 252° 18' 50" 340.00 feet along said Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena to a (found) 3/4-inch pipe;
9. 155° 50' 30" 260.00 feet along said Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena to a (found) 3/4-inch pipe;
10. 65° 13' 00" 370.00 feet along said Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena to the point of beginning and containing an area of 29.251 acres, more or less.

Together with a non-exclusive easement for access and utility purposes, as described in COMMISSIONER'S QUITCLAIM DEED dated April 5, 2012, recorded as Document No. A-44830938, over, under and across the parcel of land containing an area of 22,271 square feet or 0.511 acre, more or less, described in said DEED, and as granted by RESTATED AND AMENDED INDENTURE, dated February 28, 2005, recorded as Document No. 2005-084727, more particularly described therein; and subject to the terms and provisions contained therein.

SCHEDULE C CONTINUED

Together also with non-exclusive easements for access and utility purposes over, under and across Easement "AU-1" and Easement "AU-2" as granted in WARRANTY DEED AND GRANT OF ACCESS AND UTILITY EASEMENTS dated December 2, 2013, recorded as Document No. A-50840873, more particularly described therein; and subject to the terms and provisions contained therein.

Together also with a non-exclusive easement for access and utility purposes over, under and across Easement "AU-3" as granted in WARRANTY DEED AND GRANT OF ACCESS AND UTILITY EASEMENT dated May 23, 2014, recorded as Document No. A-52560542, more particularly described therein; and subject to the terms and provisions contained therein.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED AND GRANT OF ACCESS AND UTILITY EASEMENT

GRANTOR : MO'OLOA RANCH, LLC, a Delaware limited liability company  
GRANTEE : EVANS HOLDINGS, INC, a Hawaii corporation  
DATED : May 23, 2014  
RECORDED : Document No. A-52560542

END OF SCHEDULE C



STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

May 23, 2014 8:02 AM

Doc No(s) A-52560542



/s/ NICKI ANN THOMPSON  
REGISTRAR

1 1/3 SKC  
B-32467335

Conveyance Tax: \$5,985.00

AFTER RECORDATION, RETURN BY: MAIL [ ] PICKUP [ ]

SCHNEIDER TANAKA RADO  
ANDREW & TANAKA  
A Limited Liability Law Company  
Alakea Corporate Tower  
1100 Alakea Street, Suite 2100  
Honolulu, Hawaii 96813

Tax Map Key: (2) 2-1-005-135

Total Pages: 9

WARRANTY DEED AND  
GRANT OF ACCESS AND UTILITY EASEMENT

THIS WARRANTY DEED AND GRANT OF ACCESS AND UTILITY EASEMENT is made as of May 23, 2014, by MO'OLOA RANCH, LLC, a Delaware limited liability company, hereinafter referred to as the "Grantor", in favor of EVANS HOLDINGS, INC., a Hawaii corporation, whose address is 1100 Alakea Street, Suite 2100, Honolulu, Hawaii 96813, hereinafter referred to as the "Grantee".

WITNESSETH THAT:

The Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to the Grantor paid by the Grantee, the receipt of which is hereby acknowledged, does by these presents grant, bargain, sell and convey, all of the Grantor's fee simple interest in and to:

The real property described in EXHIBIT "A", attached hereto and made a part hereof, subject to the encumbrances noted therein, hereinafter referred to as the "Property",

unto the Grantee, its successors and assigns, forever;

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto;

TO HAVE AND TO HOLD the same, together with all improvements, fixtures, tenements, hereditaments, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith, unto the Grantee as aforesaid, absolutely and in fee simple.

The Grantor does hereby covenant and warrant to the Grantee that the Grantor is lawfully seized and is the owner in fee simple of the Property; that the Grantor's title to the Property is free and clear of and from all encumbrances, except as set forth in EXHIBIT "A", attached hereto and the real property taxes not yet due; that the Grantor has good right to grant, sell and convey the Property as aforesaid; and that the Grantor will WARRANT and DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

The Grantor does hereby grant unto the Grantee and the Owners of the Other Benefitted Property (as defined below) a perpetual, non-exclusive easement for access and utility purposes over, under and across the easement area described in EXHIBIT "B", attached hereto and incorporated herein by reference, being Easement AU-3 as described in EXHIBIT "B" (the "**Easement Area**"). The Easement Area is and shall be appurtenant to (i) the Property described in EXHIBIT "A", attached hereto, and (ii) the property described in EXHIBIT "C", attached hereto and incorporated herein by reference (the property as described in EXHIBIT "C" is hereinafter referred to as the "**Other Benefitted Property**"; and the current and future owners of the Other Benefitted Property are hereinafter referred to as the "**Owners of the Other Benefitted Property**"). The Grantor, the Grantee, the Grantor as the current owner of the Other Benefitted Property, the Grantor for and on behalf of the future Owners of the Other Benefitted Property, and their successors and assigns, hereby covenant and agree as follows:

1. The Grantee and the Owners of the Other Benefitted Property shall maintain the Easement Area in good repair and shall observe and perform all laws, ordinances, rules and regulations applicable to the Easement Area.
2. The Grantee and the Owners of the Other Benefitted Property acknowledge that their rights are non-exclusive and agree not to interfere with the use of the Easement Area by others entitled to do so. It is further acknowledged and agreed that such rights may be exercised by any existing or future owner or occupant of the Property or of the Other Benefitted Property, including, without limitation, the owner or occupant of (i) any lawfully subdivided portion of the Property or of the Other Benefitted Property, and/or (ii) any condominium unit located on the Property, on the other Benefitted Property or on any lawfully subdivided portion thereof.
3. The Grantor reserves the right to make one or more non-exclusive grants, assignments or other conveyances of rights from time to time over, under and across the Easement Area to public or private utilities, governmental authorities or other parties. The Grantor further reserves the right to grant and/or assign rights over, under and across the Easement Area to any association of owners, including, without limitation, an association of owners comprised of the Grantee and the Owners of the Other Benefitted

Property, which association would have the right to impose additional terms and conditions on the use and maintenance of the Easement Area and/or to modify the existing terms and conditions, provided that such additional or modified terms and conditions are customary, reasonable and set forth in a recorded instrument that has been authorized and executed by the association.

4. The Grantee and the Owners of the Other Benefitted Property shall indemnify, defend and hold harmless the Grantor against any and all losses, liabilities, damages, demands, causes of action, costs, expenses and attorneys fees incurred by the Grantor in connection with the use of the Easement Area by the Grantee, by the Owners of the Other Benefitted Property and/or by others claiming by, through or under the Grantee or the Owners of the Other Benefitted Property.

The terms "Grantor", "Grantee", and "Owners of the Other Benefitted Property", as used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or entities, and each of their respective successors in title, successors and assigns, according to the context thereof.

IN WITNESS WHEREOF, the Grantor and the Grantee have duly executed these presents as of the day and year first above written.

MO'OLOA RANCH, LLC,  
a Delaware limited liability company

By: Robert F. Schneider  
Name: Robert F. Schneider  
Title: Authorized Representative

Grantor

EVANS HOLDINGS, INC.,  
a Hawaii corporation

By: Mark Johnson  
Name: Mark Johnson  
Title: President

Grantee

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

)  
) SS.  
)

On this 21st day of May, 2014, before me personally appeared ROBERT F. SCHNEIDER, 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 capacities shown, having been duly authorized to execute such instrument in such capacities.

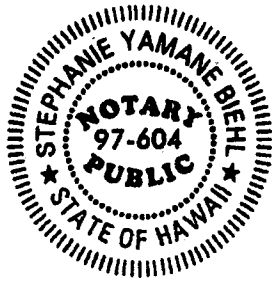
Further, I certify, as of this date, as follows:

Date of Document: Undated at time of notarization

Number of Pages: 9

Document Description: Warranty Deed and Grant of Access and Utility Easement

Jurisdiction/Judicial Circuit Where Signed: First Circuit



  
Type or print name: Stephanie Yamane Biehl

Date: May 21, 2014

Notary Public, State of Hawaii

My commission expires: October 19, 2015

STATE OF HAWAII

)

) SS.

CITY AND COUNTY OF HONOLULU

)

On this 16th day of May, 2014, before me personally appeared MARK JOHNSON, 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 capacities shown, having been duly authorized to execute such instrument in such capacities.

Further, I certify, as of this date, as follows:

Date of Document: Undated at time of notarization

Number of Pages: 9

Document Description: Warranty Deed and Grant of Access and Utility Easement

Jurisdiction/Judicial Circuit Where Signed: First Circuit



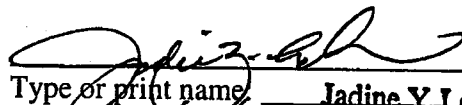
  
Type or print name Jadine Y. London  
Date: 6/16/14  
Notary Public, State of Hawaii  
My commission expires: July 23, 2014

EXHIBIT "A"

GRANT 2902 TO POLENA

All of that certain parcel of land, being Grant 2902 to Polena, situated at Moomuku, Honuaula, Makawao, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at a (set)  $\frac{3}{4}$ -inch pipe at the west corner of this parcel of land, on the northeast boundary of Grant 1493 to Kane, said pipe also being the south corner of Royal Patent 2006, Land Commission Award 2398, Apana 4 to Kinolua and the west corner of Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OLAI" being:

2,919.97 feet South  
4,435.00 feet East

and running by azimuths measured clockwise from true South:

- |    |      |         |          |   |
|----|------|---------|----------|---|
| 1. | 237° | 27'     | 700.00   | feet along said Royal Patent 2006, Land Commission Award 2398, Apana 4 to Kinolua to a (found) $\frac{3}{4}$ -inch pipe on the southerly boundary of Lot 3-C of the Government Land of Moomuku; |
| 2. | 241° | 06' 30" | 1,257.54 | feet along said Lot 3-C of said Government Land of Moomuku, to a (found) $\frac{3}{4}$ -inch pipe;  |
| 3. | 321° | 30'     | 607.00   | feet along said Lot 3-C of said Government Land of Moomuku, to a (found) $\frac{3}{4}$ -inch pipe;  |
| 4. | 53°  | 06' 30" | 940.73   | feet along said Lot 3-C of said Government Land of Moomuku, to a (found) $\frac{3}{4}$ -inch pipe at the north corner of Grant 1489, Apana 1 to Napua;  |
| 5. | 63°  | 13' 45" | 1,097.63 | feet along said Grant 1489, Apana 1 to Napua to a (found) $\frac{3}{4}$ -inch pipe on the northeasterly boundary of Grant 1485 to Kamaka;   |
| 6. | 150° | 34' 20" | 225.00   | feet along said Grant 1485 to Kamaka to a (found) $\frac{3}{4}$ -inch pipe at the east corner of said Grant 1493 to Kane;   |
| 7. | 147° | 26' 25" | 200.00   | feet along said Grant 1493 to Kane to a (found) $\frac{3}{4}$ -inch pipe at the south corner of said Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena;                          |

- |     |              |        |   |
|-----|--------------|--------|---|
| 8.  | 252° 18' 50" | 340.00 | feet along said Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena to a (found) ¾-inch pipe;  |
| 9.  | 155° 50' 30" | 260.00 | feet along said Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena to a (found) ¾-inch pipe;  |
| 10. | 65° 13' 00"  | 370.00 | feet along said Royal Patent 3712, Land Commission Award 5455, Apana 4 to Polena to the point of beginning and containing an area of 29.251 acres, more or less, as per survey of Bruce R. Lee, Licensed Professional Land Surveyor Certificate No. 5983-LS, revised August 28, 2013. |

TOGETHER WITH a non-exclusive easement for access and utility purposes, as described in Commissioner's Quitclaim Deed dated April 5, 2012, and recorded as Document No. A-44830938 over, under and across the parcel of land containing 22,271 square feet or 0.511 acres, more or less, described in said Deed, and as granted by Restated and Amended Indenture, dated February 28, 2005, recorded as Document No. 2005-9084727; and subject to the terms and provisions contained therein; as more particularly described therein.

TOGETHER WITH perpetual, non-exclusive easements for access and utility purposes over, under and across Easement AU-1 and Easement AU-2 as described in that certain Warranty Deed and Grant of Access and Utility Easements dated as of December 2, 2013, recorded as Document No. A-50840873, which Easement AU-1 and Easement AU-2 are (i) appurtenant to said Grant 2902 (among other properties), and (ii) subject to the terms and conditions of said Warranty Deed and Grant of Access and Utility Easements dated as of December 2, 2013, recorded as Document No. A-50840873.

Being a portion of the premises conveyed to Mo'oloa Ranch, LLC, a Delaware limited liability company, by Warranty Deed dated May 31, 2013, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-49090347.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. Reservation in favor of Ulupalakua Ranch, Inc., a Hawaii corporation, and their successors and assigns, a perpetual right and easement for the transport of water and appurtenant equipment, as set forth in Deed dated January 15, 1991, recorded as Document No. 91-008494.

END OF EXHIBIT "A"

EXHIBIT "B"

The Easement Area shall consist of Easement AU-3, more particularly described as follows:

EASEMENT AU-3  
(FOR ACCESS & UTILITY PURPOSES)  
AFFECTING GRANT 1485 TO KAMAKA

All of that certain easement, being Easement AU-3 for access and utility purposes over, under and across a portion of Grant 1485 to Kamaka, situated at Moomuku, Honuaula, Makawao, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at a (found) ¾-inch pipe at the east corner of this easement, on the southwesterly boundary of Grant 1489, Apana 1 to Napua, said pipe also being the east corner of said Grant 1485 to Kamaka and the north corner of Grant 1425, Apana 2 to Kaianui, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OLAI" being:

3,678.96 feet South  
4,889.50 feet East

and running by azimuths measured clockwise from true South:

|    |     |     |     |       |   |
|----|-----|-----|-----|-------|---|
| 1. | 56° | 51' | 52" | 68.20 | feet along said Grant 1425, Apana 2 to Kaianui; |
|----|-----|-----|-----|-------|---|

Thence along the remainder of Grant 1485 to Kamaka on the arc of a curve to the left, concave northwesterly with a radius of 30.00 feet, the chord azimuth and distance being:

|    |      |     |     |        |   |
|----|------|-----|-----|--------|---|
| 2. | 193° | 42' | 06" | 41.04  | feet,   |
| 3. | 150° | 34' | 20" | 437.71 | feet along the remainder of said Grant 1485 to Kamaka to a point on the southeast boundary of Grant 1493 to Kane;   |
| 4. | 238° | 04' | 15" | 40.04  | feet along said Grant 1493 to Kane to a (found) ¾-inch pipe on the southwesterly boundary of Grant 2902 to Polena;  |
| 5. | 330° | 34' | 20" | 465.00 | feet along said Grant 2902 to Polena, along said Grant 1489, Apana 1 to Napua to the point of beginning and containing an area of 18,781 square feet or 0.431 acre, more or less, as per survey of Bruce R. Lee, Licensed Professional Land Surveyor Certificate No. 5983-LS, dated May 12, 2014. |

END OF EXHIBIT B

EXHIBIT "C"

All of that certain parcel of land, being all of the land described in and covered by Grant 1493 to Kane, containing an area of 14.138 acres, more or less, which land is situate, lying and being at Moomoku, Honuaula, Makawao, Island and County of Maui, State of Hawai'i.

END OF EXHIBIT "C"



ALAN M. ARAKAWA  
Mayor

WILLIAM R. SPENCE  
Director

MICHELE CHOUTEAU McLEAN  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**  
February 3, 2017

Ms. Nohelani U'u  
Frampton and Ward  
2035 Main Street, Suite 1  
Wailuku, Hawaii 96793

Dear Ms. U'u:

**SUBJECT: SPECIAL MANAGEMENT AREA (SMA) ASSESSMENT FOR  
INSTALLATION OF A DISPOSAL WELL LOCATED AT  
7191 MAKENA ROAD, KIHEI, ISLAND OF MAUI, HAWAII;  
TMK: (2) 2-1-005:135 (SMX 2017/0003) (SM2 2017/0017)**

In response to your application received on January 9, 2017, and in accordance with the SMA Rules for the Maui Planning Commission (Commission), Section 12-202-12, a determination has been made relative to the above project that:

1. The project is a development, pursuant to Section 205-A-22 and may be issued a SMA Minor Exemption;
2. The project has a valuation not in excess of \$500,000.00;  
(Valuation: \$220,000.00)
3. The proposed scope of work consists solely of construction of a disposal well for salt water produced in conjunction with water treatment, installation of associated equipment and construction of an enclosure;
4. The project has no significant adverse environmental or ecological effects, provided Best Management Practices (BMPs) are implemented; and
5. The project is consistent with the objectives, policies, and SMA guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A, and is consistent with the County General Plan and Zoning.

**In consideration of the above determination, you are hereby granted a SMA Minor Permit (SM2 2017/0017), subject to the following conditions:**

1. That construction is according to plans titled "R.O Brine Disposal Well for Evens Holdings LLC," prepared by Dee Bell, Architect and dated January 24, 2017.

2. That BMPs shall be implemented to ensure water quality and marine resources are protected. No construction materials shall be stockpiled in the aquatic environment. All construction-related materials shall be free of pollutants and placed or stored in ways to avoid or minimize disturbance. No debris, petroleum products or deleterious materials or wastes shall be allowed to fall, flow, leach, or otherwise enter near shore waters. Any turbidity and siltation generated from activities proposed at the site shall be minimized and contained in the immediate vicinity of construction through the use of effective silt containment devices. Construction during adverse weather conditions shall be curtailed to minimize the potential for adverse water quality impacts. Appropriate measures to minimize dirt and water runoff, noise, and dust must be used.
3. That a building permit shall be obtained as applicable from the Department of Public Works Development Services Administration.
4. That construction of the improvements shall be initiated by **January 31, 2019**, and shall be completed within one (1) year of said initiation.
5. That work shall be undertaken pursuant to the "Data Recovery Plan for Sites 50-50-14-7891, -7908, 7911, -7914 and Preservation Plan for Sites 50-50-14-7892, -7917 on Approximately 27-acres in Makena, Mo'omuku Ahupua'a, Makawao district, Island of Maui, Hawaii [TMK (2) 2-1-005:134, 135 por. and 136], approved by the State Historic Preservation division by letter dated June 16, 2015 (Log 2015.02343, Doc No 1506MD19).
6. That full compliance with all other applicable governmental requirements shall be rendered.

Furthermore, in accordance with the Shoreline Rules for the Maui Planning Commission, Sections 12-203-3, 12-203-6, 12-203-10, 12-203-11, and 12-203-12, a determination has been made relative to the above-referenced project that:

1. The site is not a shoreline property and is not subject to the Maui Planning Commission Shoreline Rules;
2. The work will take place outside the shoreline setback area.
3. The proposed action will not have an adverse impact on a flood zone or streamway; and a flood development permit is not required.

**Accordingly, no Shoreline Setback Approval is required.**

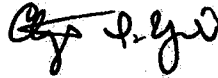
Moreover, the Department finds that the proposed action does not trigger compliance with environmental review.

Ms. Nohelani U'u  
February 3, 2017  
Page 3

**In summary, the Department grants a SMA Minor Permit (SM2 2017/0017), for the work described in your SMA Assessment Application (SMX 2017/0003). No Shoreline Setback Approval or Environmental Review are required. PLEASE NOTE THAT OTHER PERMITS OR APPROVALS MAY BE REQUIRED.**

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Keith Scott by email at [keith.scott@mauicounty.gov](mailto:keith.scott@mauicounty.gov) or by phone at (808) 463-3867.

Sincerely,



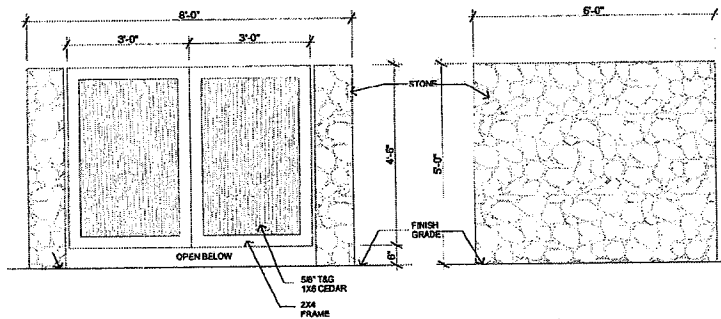
CLAYTON I. YOSHIDA, AICP  
Planning Program Administrator

for WILLIAM SPENCE  
Planning Director

xc: John S. Rapacz, Planning Program Administrator (PDF)  
Keith C. Scott, Staff Planner (PDF)  
CZM File (SMX/SM2)  
2017/SM2 Minor Permit File  
General File

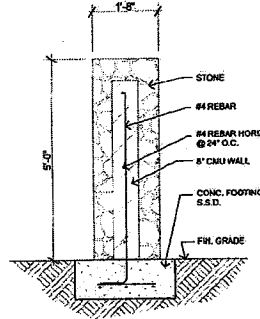
WRS:CIY:KCS:jk

K:\WP\_DOCS\PLANNING\SM2\2017\0017\_EvanHoldings\_DisposalWell\SM2\_EvansHoldingsWell.doc



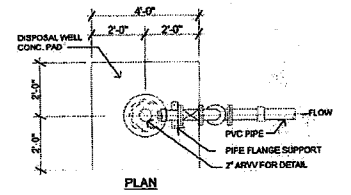
WALL / GATE ELEVATION

NOTE: SIDE AND REAR WALL SIMILAR  
WALL ELEVATION - SIDE

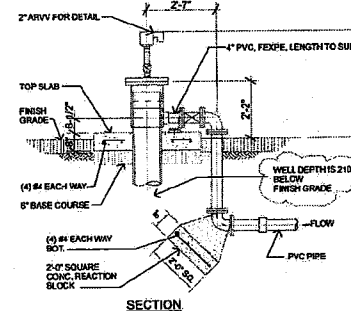


WALL SECTION

Stone Wall  
Scale 3/4" = 1'-0"

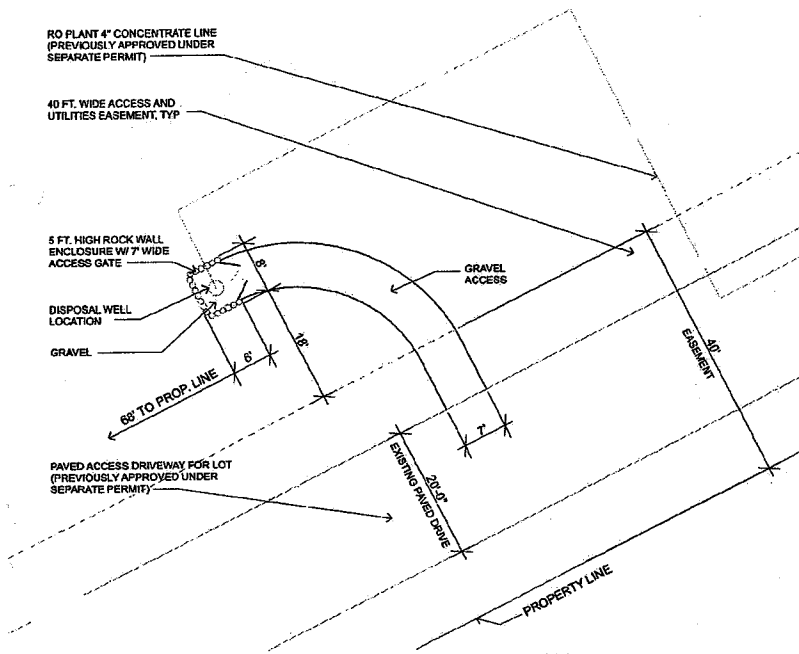


PLAN

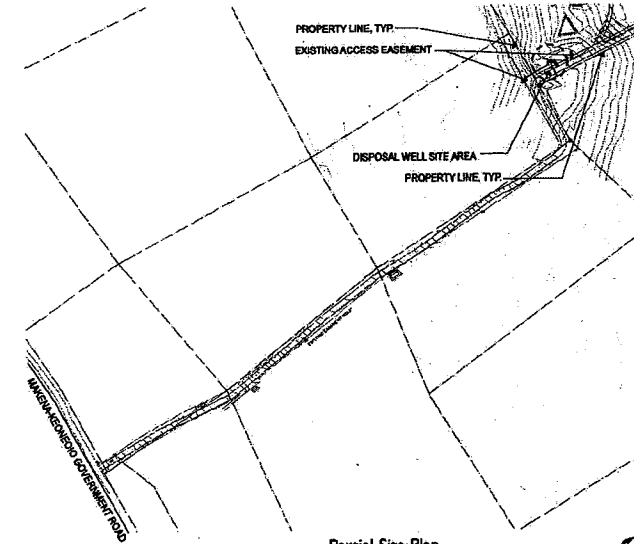


SECTION

R.O. Disposal Well Detail  
Scale 1/2" = 1'-0"



Disposal Well Plan  
Scale 1/8" = 1'-0"



Partial Site Plan  
Scale 1" = 300'

DEE BELL  
ARCHITECT  
P.O. BOX 2115  
KIHU, MAUI, HI 96753  
808 250-3245

R.O. BRINE  
DISPOSAL WELL  
FOR  
EVANS HOLDINGS  
LLC  
MO'OMOKU, HONUAULA,  
MAKAWAO, MAUI, HAWAII  
THK (2)-2-1-005-135

| DATE     | BY       | REVISION |
|----------|----------|----------|
| 12/18/18 | DEE BELL | 1        |
| 12/18/18 | DEE BELL | 2        |
| 12/18/18 | DEE BELL | 3        |
| 12/18/18 | DEE BELL | 4        |
| 12/18/18 | DEE BELL | 5        |
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| 12/18/18 | DEE BELL | 29       |
| 12/18/18 | DEE BELL | 30       |





## SPECIAL MANAGEMENT AREA ASSESSMENT

Prepared by Keith Scott, Staff Planner  
January 26, 2017

|                          |                                 |
|--------------------------|---------------------------------|
| Project Name:            | Evan Holdings Disposal Well     |
| Proposed Development:    | Disposal Well/Makena            |
| Building Permit App. No: | B 2016/1355                     |
| SMA App. No:             | SMX 2017/0003                   |
| Project Address:         | 7191 Makena Rd , Kihei HI 96753 |
| Tax Map Key:             | (2) 2-1-005:135-0000            |
| Applicant:               | Nohelani U'U                    |
| Owner:                   | Evans Holdings, Inc.            |

Pursuant to §12-202-12(d), Special Management Rules for the Maui Planning Commission ("SMA Rules"), the assessment application shall be reviewed as follows:

1. Upon submission of a completed application, the director shall review the proposed action and make a written evaluation as to:

- A. The valuation of the proposed action: The applicant's estimates of the total cost or fair market value may be verified by the Director of Public Works. In the event of a conflict between the estimates of the applicant and the Director of Public Works, the higher estimate amount shall be used by the director for the purposes of an assessment of the proposed action:

**The estimated valuation of the project is \$220,000**

**Therefore, the valuation of the project is less than \$500,000.00**

- B. Whether the proposed action is or is not a development:

**Pursuant to Chapter 205A-22, Hawaii Revised Statutes ("HRS"), the Disposal Well/Makena is considered a "development". The Applicant proposes to ("Proposed Project"):**

**PROJ DESC: Disposal well and associated equipment and enclosure;**

**GEN LOCATION: Mauka Makena Road between Makena Cove and Paako Cove;**

**LAND AREA: 29.251 Acres;**

**STRUCTURES: 8' by 6' enclosure 5' high;**

**In consideration of the foregoing, the Proposed Project is considered to be a "development" and does not qualify for an exemption.**

The proposed "development" qualifies as...

- **Construction, reconstruction, demolition, or alteration of the size of any structure.**

- C. The potential adverse environmental and ecological effects based upon the significance criteria set forth in subsection (e):

**The Proposed Project's activities are common and minor in nature. Therefore, the Proposed Project will not have an adverse environmental and ecological effect.**

§12-202-12(e), SMA Rules states that in considering the significance of potential environmental and ecological effects, the Planning Director shall evaluate:

1. The sum of those effects that adversely affect the quality of the environment and the ecology, and shall evaluate the overall and cumulative adverse effect of the proposed action:

**Due to the nature of the Proposed Project, it is not anticipated that the project will have an adverse effect on the quality of the environment and the ecology.**

2. Every phase of a proposed action, its expected primary and secondary consequences, and its cumulative and short or long-term effects. A proposed action may have a significant adverse effect on the environment when the proposed action:

- A. Involves an irrevocable commitment to loss or destruction of any natural or cultural resources:

**The Proposed Project was not sent to the State Historic Preservation Division(SHPD) SHPD previously approved an Archaeological Data Recovery Plan and Preservation Plan for this parcel by letter dated June 16, 2015 (Log No 2015.02343, Doc 1506MD19), which will be followed during ground altering activities. Therefore, it is unlikely that the proposed project will involve an irrevocable commitment to loss or destruction of any natural or cultural resources.**

- B. Significantly curtails the range of beneficial uses of the environment:

**Given the nature and scope of the Proposed Project within the confines of the property boundaries, it is not anticipated that the project will significantly curtail the range of beneficial uses of the environment.**

- C. Conflicts with the county's or the state's long-term environmental policies or goals:

**The Proposed Project does not conflict with the County's or the State's long term environmental policies or goals.**

- D. Substantially affects the economic or social welfare and activities of the community, county, or state:

**Given the nature and scope of the Proposed Project within the confines of the property boundaries, it is not anticipated that the project will affect the economic or social welfare and activities of the community, county, or state.**

- E. Involves substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways:

**Given the nature and scope of the Proposed Project, it will not have secondary impacts such as population changes and increased effects on public facilities, streets, drainage, sewage, water systems, and pedestrian walkways.**

- F. In itself has no significant adverse effects but cumulatively has considerable effect upon the environment or involves a commitment for larger actions:

**The Proposed Project has no known significant cumulative adverse effects upon the environment nor is a commitment for extended actions anticipated.**

- G. Substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat:

**Given the scope and nature of the Proposed Project and it's location, it is not anticipated that any rare, threatened, or endangered species of animal or plant will be affected.**

- H. Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances:

**The Proposed Project is in compliance with:**

**The State Land Use District: Agriculture  
Maui Island Plan Growth Boundary: Outside  
Maui Island Plan Protected Resource: No  
Kihei-Makena Community Plan: Agriculture  
County Zoning: Agriculture  
Other: SMA (portion)**

- I. Detrimentially affects air or water quality or ambient noise levels:

**There may be temporary effects on air quality, water quality, or ambient noise levels. However, such effects can be mitigated through BMP's.**

- J. Affects an environmentally sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters:

**The Proposed Project is not adjacent to the shoreline and therefore is not subject to the Shoreline Setback Rules of the Maui Planning Commission.**

**According to site plans provided by the Applicant, the project is located outside of the Shoreline Setback area.**

**With respect to Flood Zones, the entire property is located in Zone X-Areas Det.To Be Outside The .2% Ann. Fld. Therefore, a Flood Hazard District Permit is not required.**

- K. Substantially alters natural land forms and existing public views to and the shoreline:

**The Proposed Project will not substantially alter natural land forms.**

- L. Is contrary to the objectives and policies of Chapter 205A, HRS:

**The Proposed Project is not contrary to the objectives and**

SMX 2017/0003

Evan Holdings Disposal Well

January 26, 2017

Page 5

**policies of Chapter 205A, HRS.**

K:\Permits\permitSMX20170003 (rev. 10.13)



WALL / GATE ELEVATION

NOTE: SIDE AND REAR WALL SIMILAR  
WALL ELEVATION - SIDE

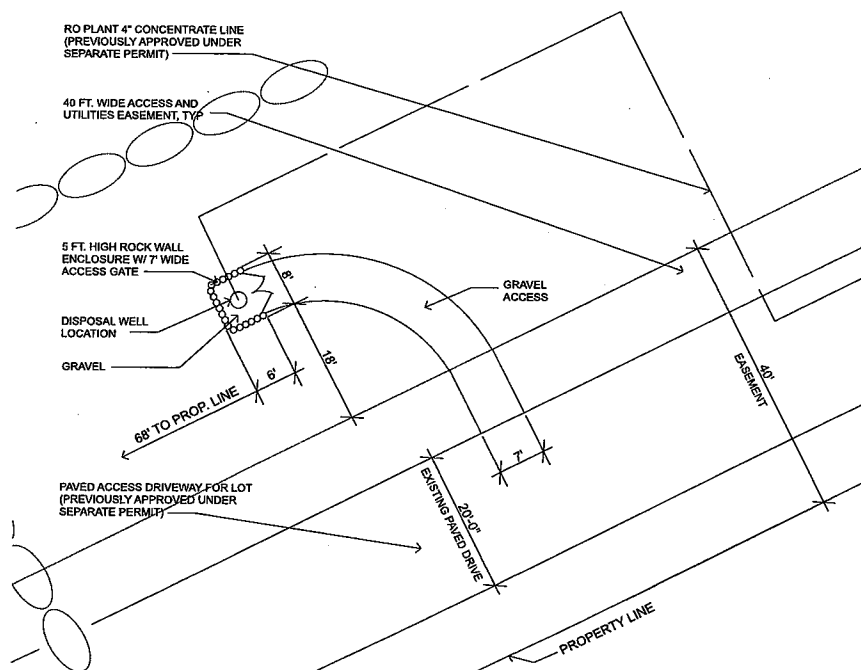
WALL SECTION

### PLAN

**SECTION**

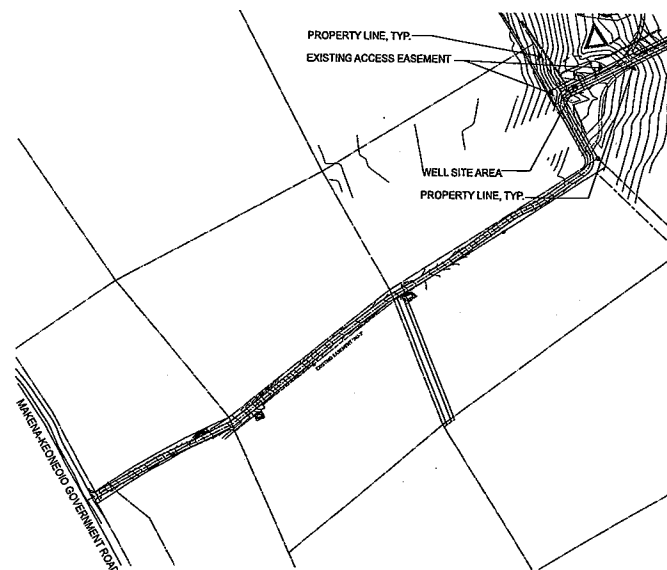
### R.O. Disposal Well Detail

Scale 1/2" = 1'-0"



## Disposal Well Plan

Scale 1/8" = 1'-0"



### Partial Site Plan

Scale 1" = 200'



DEE BELL  
ARCHITECT  
P.O. BOX 2115  
KIHEI, MAUI, HI 95753  
808 250-3245

R.O. BRINE  
DISPOSAL WELL  
FOR  
EVANS HOLDINGS  
LLC

MO'OMOKU, HONUAULA,  
MAKAWAO, MAUI, HAWAII

TMK: (2)-2-1-005-135

[illegible]



DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

**STATE OF HAWAII  
DEPARTMENT OF HEALTH  
SAFE DRINKING WATER BRANCH  
919 ALA MOANA BLVD., ROOM 308  
HONOLULU, HI 96814-4920**

In reply, please refer to:  
File: 59069  
3025May01.docx

May 18, 2016

Mr. Mark Johnson  
President  
Evans Holdings, Inc.  
1100 Alakea Street  
Honolulu, Hawaii 96813

Dear Mr. Johnson:

**SUBJECT: EVANS HOLDING WATER SYSTEM  
UNDERGROUND INJECTION CONTROL (UIC)  
UIC APPLICATION NO. UM-3025  
GRANTED APPROVAL-TO-CONSTRUCT (ATC)  
ONE (1) INJECTION WELL**

The Safe Drinking Water Branch (SDWB) UIC Program acknowledges receipt of your application for a UIC permit and the required filing fee for the subject facility. Your application has been assigned the number listed above. Please list this number in all future correspondence. Enclosed is a receipt for the \$100 filing fee.

This ATC is hereby granted to you, the applicant, strictly based on the following 17 conditions; These conditions, unless identified as a recommendation, are enforceable under Hawaii Administrative Rules (HAR), Sections 11-23-07(c) and (d). Enforcement may include, and not be limited to, monetary penalties and corrective action paid by the applicant.

1. Only applicable are the information, specifications, and plans that were provided in the revised UIC application received on May 2, 2016. All other types or forms of information/materials are not applicable unless acknowledged and approved by this ATC;
2. The injection well amount per the application is one (1).

The approximate diameter and depth below ground surface of the injection well are:

Injection Well No. 1: 8 inches, 210 feet

The proposed injectant is generally categorized as an industrial wastewater;

Mr. Mark Johnson  
May 18, 2016  
Page 2

3. Any modification or revision to the injection well particulars, including the facility and application, shall not occur unless such proposals are first submitted to the UIC program for review, concurrence, and written approval under this ATC. Any modification, revision, or construction involving the injection well done without written authorization will constitute a violation of HAR, Chapter 11-23;
4. A geologist shall be involved from the start of injection well construction to monitor the drilling on a daily basis, either directly or by detailed field reporting to the geologist;
5. Weekly reports, on a day basis, shall be made to the UIC program throughout the duration of active injection well drilling. The reports shall include, but not be limited to, current well diameter and depth, major or significant geologic or hydrogeologic conditions encountered by the drilling, and preliminary injection test findings.

Reports shall be concise, professionally prepared or reviewed, organized consistently, and purposeful. Reports shall be transmitted via facsimile at (808)586-4351 or email at [william.frazier@doh.hawaii.gov](mailto:william.frazier@doh.hawaii.gov) on Mondays following every work week. Enclosed is a suggested weekly reporting format;

6. The applicant is responsible to identify all drinking water sources around the injection well in order to prevent injection well siting within one-quarter mile of any existing drinking water source. Identifying water sources may require field activities as well as records research. Noncompliance with this requirement may result in improper injection well siting needing corrective action by the applicant which includes proper backfilling and abandonment of the injection well;
7. Regarding deep injection, injection into a basalt formation shall not be into or adversely affecting an artesian aquifer;
8. If a void, such as a lava tube or solution cavity, 3 feet or more in diameter or vertical measurement is encountered during injection well drilling/construction, drilling shall immediately stop and not proceed until the void is assessed by the DOH. The applicant is required to promptly notify the DOH for an assessment. A void may warrant a redesign of the injection well in order to prevent unacceptable migration of the injectant or to prevent direct injection into the void. For reference, voids are described under HAR, Section 11-23-09 (f);
9. Once the injection depth, for a shallow or deep injection well, is established and injection well construction is completed, a minimum 12-hour continuous injection test at design rates shall be conducted for the injection well. During injection well

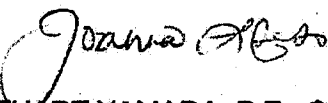
- construction, preliminary injection testing over extended durations before the injection well is fully built is recommended, if practicable. Preliminary injection test results may provide a progressive estimate of injection capacities which tend to diminish with the installation of the well casing and the annular backfill;
10. If groundwater within the influence of the injection well is used for injection testing, the effects of groundwater withdrawal on the injection well's capacity should be addressed in the injection test results. The injection well's capacity should not include influences due to groundwater withdrawal for injection testing;
  11. Operation of the injection well is not automatically authorized by this ATC. Furthermore, construction and testing of the injection well does not guarantee that the injection well will be authorized for operation under a UIC permit. Depending on the information obtained during and from construction and testing, a UIC permit may or may not be issued;
  12. The fully constructed injection well must demonstrate satisfactory performance. A UIC permit may not be issued for an injection well that cannot successfully support the proposed discharge quantity;
  13. The injection well shall be constructed to allow for the following continuous or periodic, permit-required activities related to operating and maintaining an injection well: injection well access, injection well depth and diameter measurement, injectant flow measurement (quantity) metering, injectant pressure measurement when applicable (metering), and injection performance testing;
  14. Pursuant to HAR, Section 11-23-13, submit the final report for the enclosed outline: "Final Report Format For New or Modified Injection Well." This report shall be made and signed by a geologist and a professional engineer, including the P.E. stamp. The engineer and geologist shall be responsible for monitoring the proper construction of the injection well and for obtaining the information needed to complete the final report;
  15. The final report is due by May 16, 2018. The final report shall be fully complete and satisfactory. Unless the final report is submitted by the due-date, this ATC automatically expires and is void. A late final report may subject the applicant to an enforcement action/penalty or corrective measures, including a permit reapplication. If more time beyond the due-date is needed to complete the final report, a written request with reasons for a time extension must be submitted at least 60 days before the due-date. Time extensions are not guaranteed, and if granted, may contain restrictive conditions;

Mr. Mark Johnson  
May 18, 2016  
Page 4

16. Backfilling and abandonment of an injection well, should such an activity become necessary, whether during construction or after full well completion, may only occur under the instructions from the DOH. An abandonment application must first be submitted, and specific abandonment instructions will be issued by the DOH. Drilling contractors under their own discretion should not backfill and abandon an injection well; and
17. You are required to notify Mr. Mark Frazier of the SDWB UIC Program one week prior to the injection well testing. You will be informed if DOH personnel will be present to witness the injection well testing. If you conduct the injection well test without notifying the DOH, you will be required to redo the injection well test under proper witnessing. Injection well testing for the purpose of the final report shall be valid only when such testing is performed on the fully completed injection well.

If you have any questions about the final report, or the processing of your application, please contact Mr. Mark Frazier of the SDWB UIC Program at 586-4258.

Sincerely,

  
for STUART YAMADA, P.E., CHIEF  
Environmental Management Division

MF:nbp

c: Mr. Tom Nance P.E.  
Tom Nance Water Resource Engineering  
560 N. Nimitz Hwy., Suite 213  
Honolulu, HI 96817

- Enclosures:
1. Receipt for \$100 filing fee check No. 3255
  2. Final Report Format For New or Modified Injection Well
  3. Weekly Report Format

**FINAL REPORT FORMAT FOR  
NEW OR MODIFIED INJECTION WELL  
UNDERGROUND INJECTION CONTROL (UIC)  
UIC APPLICATION NO. UM-3025**

---

**For Office Use**

1. General Information:
  - a) Facility Name:
  - b) Address:
  - c) Permittee:
2. Physical Characteristics of the Area:
  - a) Location and accessibility:
  - b) Climate:
  - c) Topography:
  - d) Geologic and foundation conditions:
  - e) Earthquake considerations:
  - f) Flood potential including tsunami inundation zones:
  - g) Conformance with local land-use planning and zoning regulations:
  - h) Sensitive environments: natural or community-related:
3. Injection Well System:
  - a) Actual number of injection wells constructed or modified:
  - b) Date of construction or modification:
  - c) Security from unauthorized access:
  - d) Site plan (drawn to scale) showing location of constructed or modified injection well:
  - e) Description of any changes from the permit application:
4. Hydrogeologic Characteristics:
  - a. Well log (geologic profile) by geologist:
    - a.1. General formations: e.g., organic, fill, soil, saprolite, decomposed rock, sedimentary, lagoonal, marine, alluvial, coral, dune, beach, pyroclastic, ash, pahoehoe, 'a' a, ponded lava, tuff, etc.:
    - a.2. Physical and structural characteristics of the formations encountered. The following characteristics shall be used in the descriptions: color, hardness (competency), degree of weathering, qualitative degree of fracturing or consolidation, qualitative degree of vesiculation or porosity, unified soil classification for soils, volcanic series or lithologic formation for rock, petrologic terminologies for rock and cinder, lava type, and the differentiation between soil and rock units;
  - b. Injection testing:
    - b.1. Minimum 12 hours of continuous injection testing for well No.1:
    - b.2. Complete results of injection testing including maximum injection capacity of each well and hydraulic conductivity of the injection formation. Injection test results shall be shown graphically with the related data.

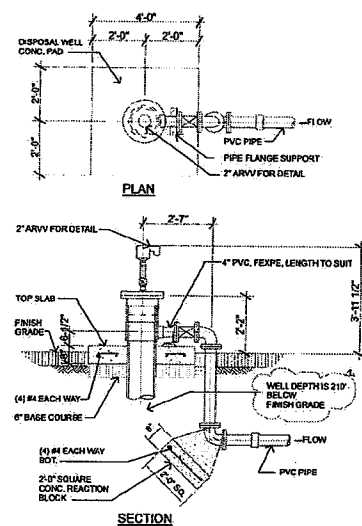
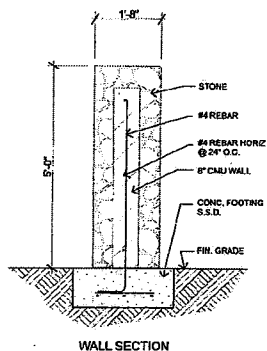
**c. Groundwater characteristics: (if encountered)**

- c.1. Initial water level, and subsequent water level as fluctuations occur (below ground surface and corresponding elevation per msl):**
- c.2. Tidal fluctuations and tidal efficiency:**
- c.3. Continuous total dissolved solids (maximum 5-foot sample intervals) and salinity profile for well No. 1 obtained before the introduction of any foreign fluids. The profiling shall represent stabilized conditions without influence or restriction from any well casing and shall extend to the bottom of the boring. Profiling within solid casing strings are typically not acceptable;**
- c.4. Water samples and analytical results from each distinct zone of significantly different total dissolved solids or salinity concentration levels.**

Water samples shall be analyzed using EPA or EPA equivalent standards and methods for the following parameters:

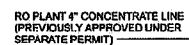
| <u>Parameter</u>                    | <u>EPA Method</u> |
|-------------------------------------|-------------------|
| chlorides                           | 325               |
| conductivity (specific conductance) | 120               |
| dissolved oxygen                    | 360               |
| field pH                            | 150               |
| field temperature                   | 170               |
| nitrate+nitrite as (N)              | 353               |
| Total Dissolved Solids              | 160               |

- 5. Special considerations to be addressed by this report: None**
- 6. Attach an original Signatory and Certification Statement sheet signed and dated by the permittee or legal representative.**
- 7. Preparers' signature: The final report shall be signed by the geologist and licensed engineer and shall bear the engineer's stamp.**



### R.O. Disposal Well Detail

Scale 12" = 1'-6"



40 FT. WIDE ACCESS AND  
UTILITIES EASEMENT, TYP

5 FT. HIGH ROCK WALL,  
ENCLOSURE W/ 7' WIDE

DISPOSAL WELL:  
LOCATION \_\_\_\_\_

GRAVEL \_\_\_\_\_

PAVED ACCESS DRIVEWAY FOR LOT  
(PREVIOUSLY APPROVED UNDER  
SEPARATE PERMIT)

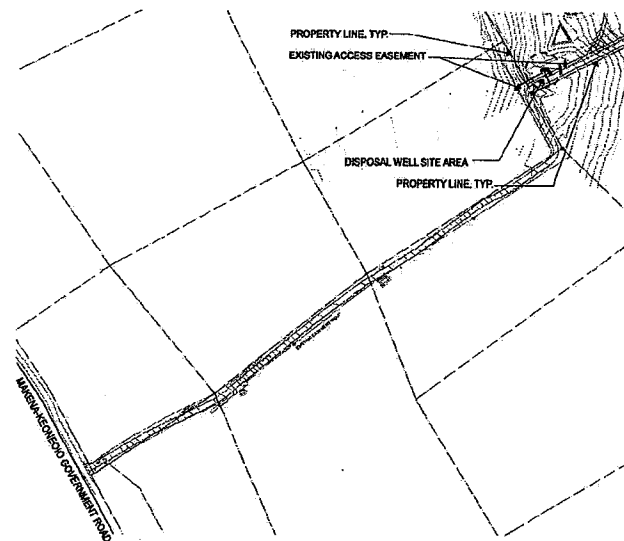
GRAVEL  
ACCESS

~~EASEMENT~~

PROPERTY LINE

## Disposal Well Plan

Scale 1/2" = 1'-0"



### Partial Site Plan

Scale 1" = 200'

DEE BELL  
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R.O. BRINE  
DISPOSAL WELL  
FOR  
EVANS HOLDINGS  
LLC

MO'OMOKU, HONUAULA,  
MAKAWAO, MAUI, HAWAII

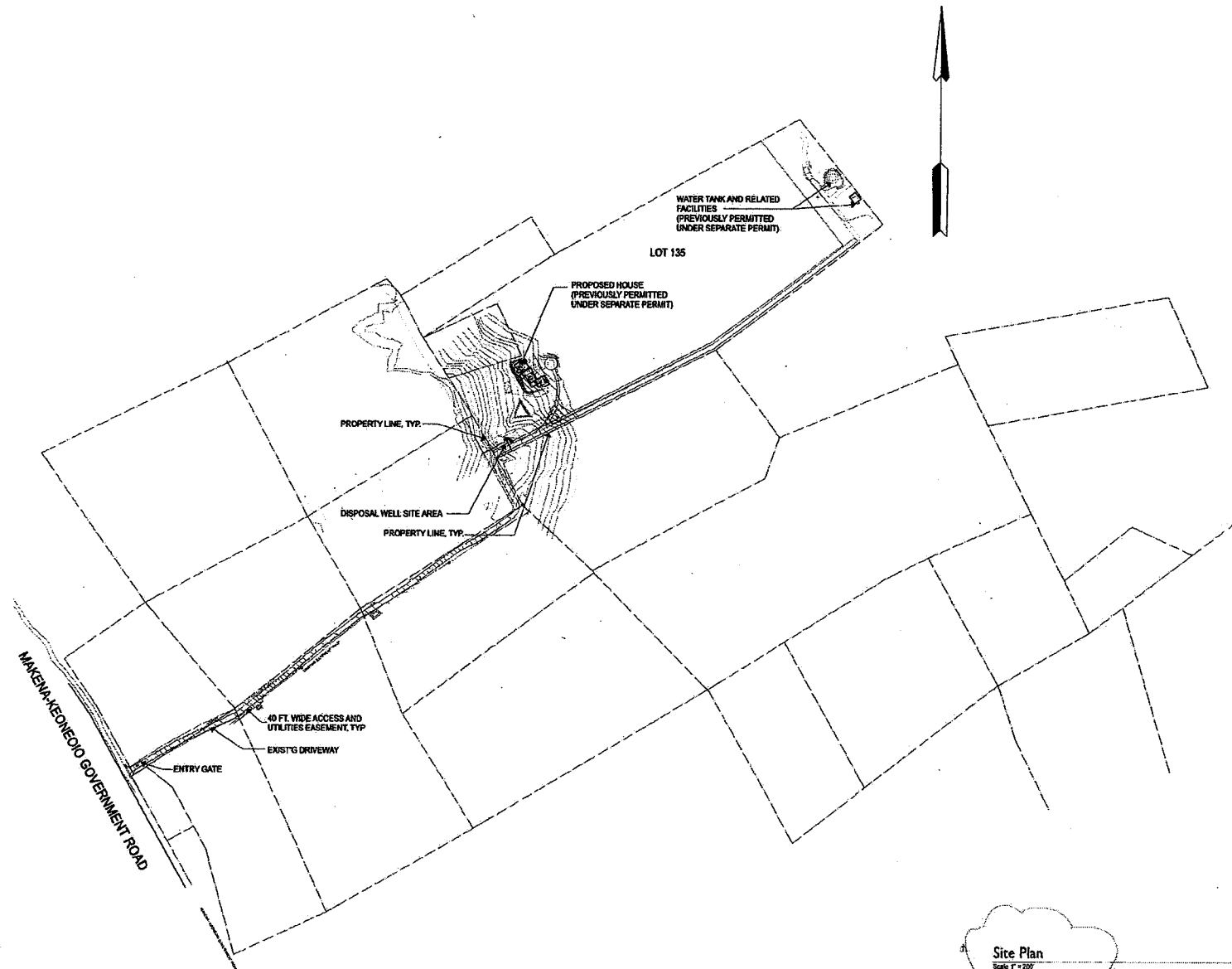
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|------------|----------|
| State      | Illinois |
| Date       | 12/18/16 |
| Job Number |          |

1.  $\lim_{n \rightarrow \infty} \frac{1}{n} \sum_{k=1}^n \frac{1}{k^2} = \frac{\pi^2}{6}$  (Euler's result, 1735)

A-1



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FOR  
EVANS HOLDINGS  
LLC  
MO'OMOKU, HONUAULA,  
MAKAWAO, MAUI, HAWAII  
TMK: (2)-2-1-005-135

1/24/17 new site plan sheet  
Revised Date Extension of time

Site 12/15/18 15/18/18

A-2

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

June 16, 2015

Michael F. Dega, Ph.D.  
Scientific Consultant Services, Inc.  
1347 Kapiolani Blvd., Ste 408  
Honolulu, Hawaii 96814  
Via email to: [mike@scshawaii.com](mailto:mike@scshawaii.com)

Log No: 2015.02343  
Doc No: 1506MD19  
Archaeology

Aloha Dr. Dega:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Maui County  
Draft Archaeological Data Recovery and Preservation Plan for Six SIHPs  
Mo'omuku Ahupua'a, Makawao District, Island of Maui  
TMK (2) 2-1-005:135 (por.)**

Thank you for the opportunity to review the submittal titled *Data Recovery Plan for Sites 50-50-14-7891, -7908, -7911, -7914 and Preservation Plan for Sites 50-50-14-7892, -7917 on Approximately 27-acres in Mākena, Mo'omuku Ahupua'a, Makawao District, Island of Maui, Hawai'i [TMK: (2) 2-1-005:134, 135 por., and 136]* by Perzinski and Dega (Revised May 2015; SCS Project Number 1501a-PP/DR-2). We received the draft plan submittal on June 5, 2015. We previously reviewed an earlier draft of this plan and requested revisions (Log No. 2015.00983, Doc No. 1505MD49).

The subject area consists of 27 acres, with parcel 135 being documented in two reports. Parcel 135 has also been subject to an archaeological inventory survey (AIS) as documented in two approved reports; the report reflecting work done on this subject portion (Perzinski and Dega December 2014) was approved by SHPD in March 2015 (Log No. 2015.00802, Doc No. 1503MD02). Because the County of Maui updated tax map key is not yet available it is unclear to SHPD at this time what the total acreage is for parcel 135.

The AIS report documented 36 archaeological sites. Of those, 30 were considered sufficiently documented and require no further archaeological work. Six, the subjects of this submitted data recovery and preservation plan, require additional work: SIHPs 7891, 7908, 7911 and 7914, all require additional study in the form of data recovery; while SIHPs 7892 and 7917 will be permanently preserved. SIHPs subject to data recovery will have a minimum of 12 1 x 1 meter excavation units with a resulting data recovery report; SIHPs 7892 and 7917 will be permanently preserved with a five-foot buffer, extended to ten feet and surrounded with orange construction fencing during construction activities per the plan.

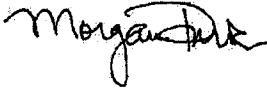
The Preservation Plan and Data Recovery Plan meets the requirements of Hawai'i Administrative Rules §13-277 and 278 and is accepted. Please send one hardcopy of the document, clearly marked **FINAL**, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library.

Scientific Consultant Services, Inc.  
June 16, 2015  
Page 2

Contact SHPD upon completion of data recovery at SIHP number 7891, 7908, 7911 and 7914, before closing the excavation units to arrange a site visit.

Please contact me at (808) 243-4641 or [Morgan.E.Davis@hawaii.gov](mailto:Morgan.E.Davis@hawaii.gov) if you have any questions or concerns about this letter.

Mahalo,



Morgan E. Davis  
Lead Archaeologist, Maui Section

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         [Planning@co.maui.hi.us](mailto:Planning@co.maui.hi.us)

         County of Maui  
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         David Ward  
         Frampton & Ward, LLC  
         [dave@fwmaui.com](mailto:dave@fwmaui.com)

**DATA RECOVERY PLAN FOR SITES 50-50-14-7891, -7908, -7911, -7914  
AND PRESERVATION PLAN FOR SITES 50-50-14-7892, -7917 ON  
APPROXIMATELY 27-ACRES IN MĀKENA,  
MO'OMUKU AHUPUA'A, MAKAWAO DISTRICT,  
ISLAND OF MAUI, HAWAII  
[TMK: (2) 2-1-005:134, 135 por., and 136]**

Prepared by:  
David Perzinski, B.A.  
and  
Michael Dega, Ph.D.  
March 2015  
**DRAFT**

Prepared for:  
**Evans Holdings, Inc.**  
**1100 Alakea Street, Suite 2200**  
**Honolulu, HI 96813**

## TABLE OF CONTENTS

|   |                              |
|---|------------------------------|
| <u>INTRODUCTION</u> .....                                       | 1                            |
| <u>ENVIRONMENTAL SETTING</u> .....                              | 4                            |
| <u>PROJECT AREA LOCATION</u> .....                              | 4                            |
| <u>RAINFALL</u> .....   | 4                            |
| <u>SOILS</u> .....  | 4                            |
| <u>VEGETATION</u> .....   | 4                            |
| <u>TRADITIONAL AND HISTORIC SETTING</u> .....                   | 6                            |
| <u>PRE-CONTACT ERA</u> .....                                    | 6                            |
| <u>HISTORICAL ERA</u> .....                                     | 9                            |
| <u>MAHELE</u> .....   | 10                           |
| <u>MODERN ERA</u> .....   | 13                           |
| <u>PREVIOUS ARCHAEOLOGY</u> .....                               | 14                           |
| <u>AGRICULTURAL FEATURES</u> .....                              | ERROR! BOOKMARK NOT DEFINED. |
| <u>HABITATION FEATURES</u> .....                                | 20                           |
| <u>CEREMONIAL FEATURE</u> .....                                 | 20                           |
| <u>HISTORIC FEATURES</u> .....                                  | ERROR! BOOKMARK NOT DEFINED. |
| <u>SITE DESCRIPTIONS</u> .....                                  | 22                           |
| <u>STATE SITE 50-50-14-7891 (TS019)</u> .....                   | ERROR! BOOKMARK NOT DEFINED. |
| <u>STATE SITE 50-50-14-7908 (TS038)</u> .....                   | ERROR! BOOKMARK NOT DEFINED. |
| <u>STATE SITE 50-50-14-7914 (TS045)</u> .....                   | 30                           |
| <u>STATE SITE 50-50-14-7892 (TS020)</u> .....                   | 32                           |
| <u>STATE SITE 50-50-14-7917 (TS048)</u> .....                   | 35                           |
| <u>DATA RECOVERY: 50-50-14-7623</u> .....                       | 38                           |
| <u>RESEARCH FOCUS AND METHODOLOGY</u> .....                     | 38                           |
| <u>SITE RE-LOCATION, GPS, AND CLEARING</u> .....                | 38                           |
| <u>EXCAVATION</u> .....   | 39                           |
| <u>LABORATORY METHODOLOGY AND CURATION</u> .....                | 40                           |
| <u>SITE PRESERVATION: SITES 50-50-14-7892 &amp; -7917</u> ..... | 42                           |
| <u>INTERIM AND PERMANENT PROTECTION MEASURES</u> .....          | 42                           |
| <u>INTERIM MEASURES (§ 13-277-5)</u> .....                      | 42                           |
| <u>PERMANENT MEASURES (§ 13-277-6)</u> .....                    | 42                           |
| <u>REFERENCES</u> .....   | 43                           |

## **LIST OF FIGURES**

|  |                                     |
|--|-------------------------------------|
| <u>Figure 1: Portion of USGS Topographic Map Showing the Location of the Project Area .....</u>  | <u>2</u>                            |
| <u>Figure 2: TMK Showing Location of Project Area. ....</u>  | <u>3</u>                            |
| <u>Figure 3: Map Showing Location of Sites Documented by Cleghorn (1991). Note: Current Project Area is Center of Map (no sites), above Site -2783 and -2789 .....</u> | <u>15</u>                           |
| <u>Figure 4: Portion of USGS Map Showing Location of Sites in Project Area.....</u>  | <u>Error! Bookmark not defined.</u> |
| <u>Figure 5: USGS Map Showing the Location of Sites by Function</u>  | <u>Error! Bookmark not defined.</u> |
| <u>Figure 6: Plan View of State Site 50-50-14-7891.....</u>  | <u>Error! Bookmark not defined.</u> |
| <u>Figure 7: Plan View of State Site 50-50-14-7908.....</u>  | <u>Error! Bookmark not defined.</u> |
| <u>Figure 8: Plan View of State Site 50-50-14-7911.....</u>  | <u>Error! Bookmark not defined.</u> |
| <u>Figure 9: View Southeast of State Site 50-50-14-7911 Showing Rockshelter and Enclosure .....</u>  | <u>Error! Bookmark not defined.</u> |
| <u>Figure 10: Plan View of State Site 50-50-14-7914.....</u>   | <u>31</u>                           |
| <u>Figure 11: Plan View of State Site 50-50-14-7892.....</u>   | <u>Error! Bookmark not defined.</u> |
| <u>Figure 12: View East of State Site 50-50-14-7892.....</u>   | <u>34</u>                           |
| <u>Figure 13: Plan View of State Site 50-50-14-7917.....</u>   | <u>Error! Bookmark not defined.</u> |
| <u>Figure 14: View North of State Site 50-50-14-7917 Showing Platform on Bedrock Outcrop.....</u>  | <u>37</u>                           |

## INTRODUCTION

Scientific Consultant Services, Inc. (SCS) has prepared this Data Recovery Plan (DRP) for four sites (Site 50-50-14-7891, -7908, -7911, -7914) and Preservation Plan (PP) for two sites (Site 50-50-14-7892, -7917) on a c. 27-acre parcel of undeveloped land in Mo'omuku Ahupua'a, Makawao District, Island of Maui, Hawai'i [TMK: (2) 2-1-005:134, 135 por. and 136] (Figures 1 and 2). The parcel is owned by Evans Holdings Inc., of Honolulu, and has been previously subject to Archaeological Inventory Survey (AIS). AIS work was conducted in late 2013 by SCS (Perzinski and Dega 2015). A total of 36 new sites composed of 61 component features were documented during fieldwork (Figure). The sites have been designated as State Site Nos. 50-50-14-7885 through -7920. The sites represent both pre-Contact and Contact period use of the landscape. Site types include enclosures, rock mounds, modified outcrops, terraces, platforms, walls, midden scatters and planters. These sites represent habitation, agriculture, heating/consumption, ceremonial and historic ranching functions.

The combined DRP and PP discussed herein involves six total sites, as noted above. The AIS was revised and is currently being reviewed accepted by the SHPD. The report details the four sites being recommended for Data Recovery and two for Preservation, respectively. *Data Recovery* involves additional investigation of the sites via mapping and excavation, this work being driven by research questions. *Preservation* means the mitigation form in which a historic property is preserved. There are four steps to preserving a site, the first of which is presented here: preparation of a Preservation Plan. The following three steps include review and approval of the Preservation Plan by SHPD prior to preservation work, execution of the Preservation Plan, and verification by SHPD that the plan has been successfully executed.

This combined DRP and PP provides a brief background to the environment and previous archaeology of the parcel and environs, then details Data Recovery and Preservation procedures to be utilized for the respective sites.



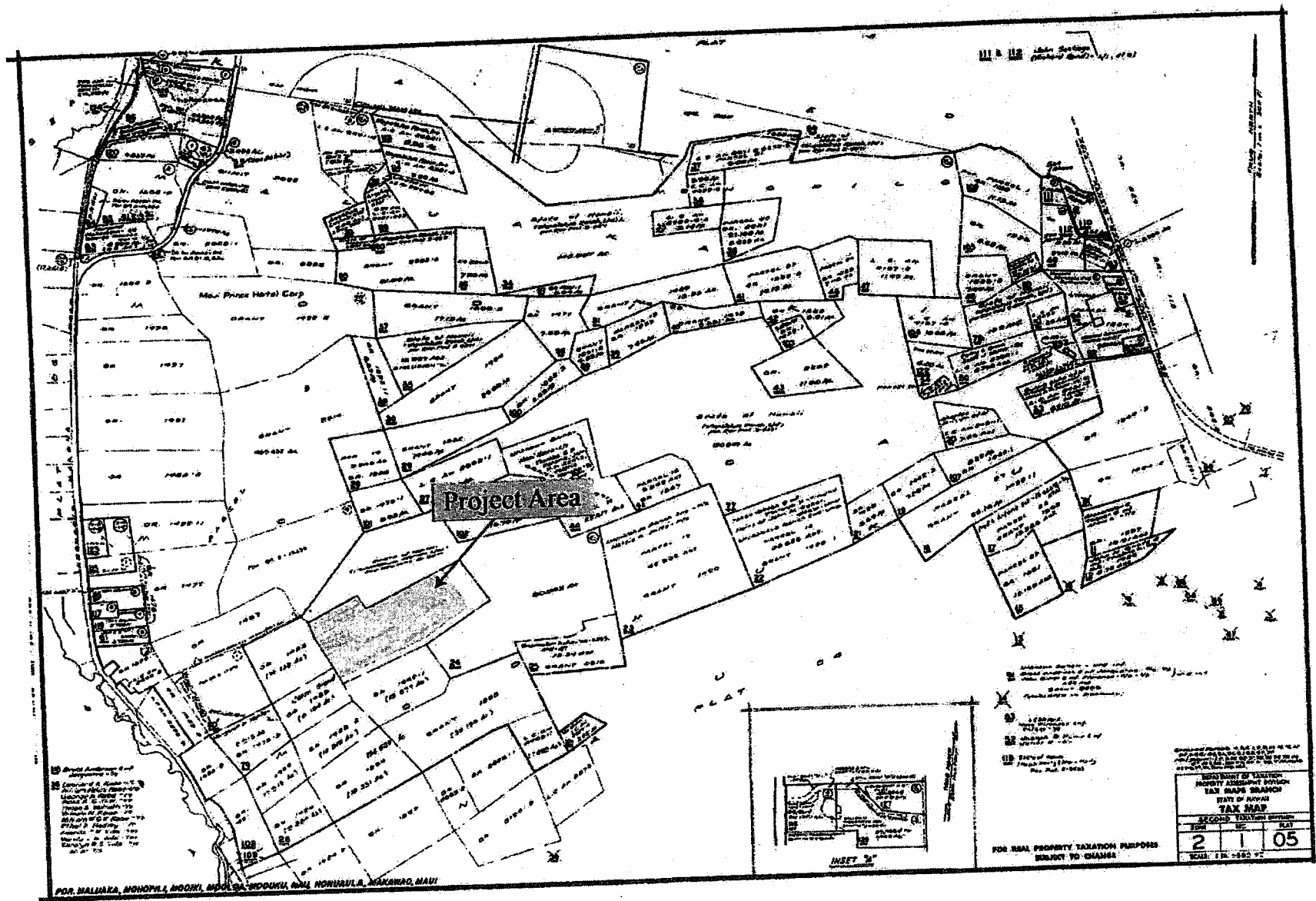


Figure 2: TMK Showing Location of Project Area.

## ENVIRONMENTAL SETTING

### PROJECT AREA LOCATION

The project area is located within Mo'omuku Ahupua'a, Honua'ula District, Maui Island at an elevation ranging from approximately 140 feet to 250 feet above mean sea level (amsl) and extending approximately 0.7-1.3 km inland from the coastline (see Figures 1 and 2). The project area parcel is surrounded by undeveloped former ranch lands and is accessed by an existing private road above Makena Keoneoio Road that is downslope (west) of the project area.

### RAINFALL

Annual rainfall in the project area is less than 15 inches annually, making this region one of the driest on Maui and across the entire Hawaiian Islands archipelago (Juvik and Juvik 1998; Giambelluca *et al.* 1986). Winter months account for the majority of the rainfall and during these months the drainage gulches in the vicinity of the project area will intermittently flow into Ahihi Bay (see Figure 1).

### SOILS

Project area soils are primarily classified as "Makena loam, stony complex" (MXC) on 3%-15% slopes (Foote *et al.* 1972:101), with portions containing Oanapuka Very Stone Silt Loams on 7%-25% slopes (OED). These soils are derived from volcanic ash occurring on gentle to moderate slopes at elevations ranging from 0-500 feet. The stony land is concentrated on the bedrock ridges that generally run in an east/west (*makai/mauka*) direction. Permeability is "moderately rapid...runoff is slow to medium, and the erosion hazard is slight to moderate" (Foote *et al.* 1972:91). The soils typically extend to c. 40-50 cm below the ground surface creating a fairly shallow profile. The soils in the project area were historically associated with pasture and wildlife habitat (Foote *et al.*, *ibid.*), though in pre-contact times they were also associated with habitation and agriculture. Dryland forest once thrived on these soils. In the forests just above the settled coastal areas of Mākena, Hawaiians gathered valuable resources such as *kou* wood for canoe building and medicine; grazing and deforestation have since denuded these soils (Handy 1940).

### VEGETATION

Vegetation in the project area appears to fluctuate depending on available water. In drier months the dominant species are trees such as *kiawe* (*Prosopis pallida*), a few *wili wili* (*Erythrina sandwicensis*), *klu* (*Acacia farnesiana*), and *koa haole* (*Leucaena leucocephala*) and dried grasses including *pili* (*Heteropodon contortus*) and shrubs (*ilima*; *Sida fallax*). Following heavy rains, the ground cover changed drastically with numerous flowers including rabbits paw (*Wedelia trilobata*), spiderlings (*Boerhavia sp.*), Flora's paintbrush (*Emilia coccinea*), Lion's ear (*Leonotis leonurus*), hairy abutilon (*Abutilon grandifolium*), false mallow (*Malvastrum*

*coromandelianum*), castor bean (*Ricinus communis*) and indigo (*Indigofera sp.*). Small areas containing wiliwili, 'a'ali'i, 'ilima (*Sida fallax*), and 'ūhaloa (*Waltheria indica*) are also present.

The project area and environs would have once sustained a lowland dry and mesic forest, woodland, and shrub land native ecosystem (Pratt and Gon 1998:122; see Lee-Greig *et al.* 2012). Lee-Greig *et al.* (2012) note that prior to human modification of the landscape, the lower slopes would have supported *pili* (*Heteropogon contortus*) and *kāwelū* (*Eragrostis variabilis*) grasslands with the shrublands of 'a'ali'i (*Dodonaea variabilis*), *ko'oko'lau* (*Bidens spp.*), 'ūlei (*Osteomeles anthyllidifolia*), and other shrubs. The dry and mesic forests would have included 'ōhi'a, *koa*, *lama* (*Diospyros sandwicensis*), *wiliwili* (*Erythrina sandwicensis*), *olopua* (*Nestegis sandwicensis*), along with rarer tree species including *halapepe* and *olopua* in the gulches and areas that are less disturbed (*Ibid.*). Prior to Contact, *pili* would have been a source of thatch material with the grasslands maintained by fire, the burning of landscape also creating a swidden system to re-invigorate the soils. Hardwoods and medicinal plants were also gathered with some mesic areas converted from forest to 'uala (sweet potato) and dryland *kalo* (taro) production (Pratt and Gon 1998:127). Lee-Greig *et al.* (2012) also note that during the mid-19<sup>th</sup> century, much of the inland areas had been in use for commercial sugar and potato ventures and by the late 19<sup>th</sup> century, most of the lands above the Makena Keone'o'io Road had been given over to cattle ranching, which is still evident through the presence of many ranching walls.

## TRADITIONAL AND HISTORIC SETTING

### PRE-CONTACT ERA

The traditional district of Honua`ula translates literally to "red land" (Pukui *et al.* 1974) and is accurately described in the following phrases (C.M. Hyde in Sterling 1998:215):

Honua`ula, whose shoulders are pummeled by the Moa`e wind.  
The cloudless rain of Honua`ula.  
The noisy rain of Ulupalakua.

The project area is located in Mo`omuku Ahupua`a, "Mo`omuku" which translates to "cut-off land section" (Pukui *et al.* 1974:158). Note that on contemporary maps and in modern references, the *ahupua`a* is designated as "Mo`omoku." We have adopted the Traditional-period "Mo`omuku" for this report.

Documented oral accounts of prehistoric activities and events occurring in the Mākena area are limited in terms of area usage (although see Lee-Greig *et al.* 2012 for a fine summary). One oral tradition repeatedly used in historical and archaeological contexts concerns the use of Mākena as a canoe landing in 1776 for the Hawaii Island chief Kalani`opu`u:

In the year 1776 Kalani`opu`u and the chiefs returned to war on Maui, and in the battle with Kahekili's forces at Wailuku were completely overthrown. The army landed at Keone`o`io, their double canoes extending to Makena at Honua`ula. There they ravaged the countryside, and many of the people of Honua`ula fled to the bush" [Kamakau 1992:85].

Kalani`opu`u, the son of Ka`u ruling chief Kalaninuiiamamao, intended to defeat Maui's paramount chief Kahekili and his military forces, thereby claiming Maui. However, the forces of Kalani`opu`u were no match for Kahekili's powerful warriors and the conquest was averted (Day 1984:65).

In traditional times, the Mākena area was recognized for its politics and subsistence base, the latter including "good fishing" and "noteworthy" subsistence agriculture [sweet potato] (Handy and Handy 1972:272). As is explained in some detail below, traditional habitation and use of the Mākena lands prior to Western Contact has some time depth and carried an important role in the overall functioning of the *ahupua`a* in terms of habitation and subsistence resources.

Although not documented to a specific time frame, Handy and Handy (1972) state that during traditional times, utilization of upland areas within the Mākena environs consisted of

cultivating crops such as potatoes. This practice was done along the dry coastline as well. As Handy and Handy (1972:130) state,

The ancient Hawaiians planted potatoes in mounds (pu'e). Where soil is powdery and dry, as at Ulupalakua and Makena on Maui, the earth is heaped up carelessly into low mounds spaced with no particular precision or care.

Handy and Handy (1972:272) also note that fishing was an important component of the *ahupua'a* subsistence strategy: "On the south coast of East Maui, from Kula to Ulupalakua, a consistently dry and lava-strewn country, Mākena and Ke'oneo'io were notable for good fishing; this brought many people to live by the shore and inland." Sterling (1998) compiled a list depicting a total of ten offshore fishing grounds that were supposedly utilized in the Honua'ula District during pre-Contact times. Of these ten offshore fishing grounds, four were located within the Waipao portion of Papa'anui Ahupua'a, three were located within the general Mākena area, and the three remaining fishing grounds were located south of Honua'ula (see Figure 1).

Prior to the introduction of historic ranching of cattle, the area of Honua'ula was a much more agriculturally productive area with the forest zone stretching nearer to the coast. The lands were known for their relative productivity (compared to areas such as Kīhei). Agricultural development on the leeward side of Maui was likely to have begun early in what is known as the Expansion Period (A.D. 1200–1400 [Kirch 1985]). Handy writes,

In Honuaula, as in Kaupo and Kahikinui, the forest zone was much lower and rain more abundant before the introduction of cattle. The usual forest-zone plants were cultivated in the lower upland above the inhabited area. Despite two recent (geologically speaking) lava flows which erupted from fissures below the crater and only a few miles inland and which covered many square miles of land, the eastern and coastal portion of Honuaula was thickly populated by Hawaiian planters until recent years...Formerly there was much dry taro in the forest zone [1940: 113].

At the time of Handy's studies, very few Hawaiians still lived in the upland areas of Honua'ula (Kanaio and Ulupalakua), while "a small community of native fishermen who from time to time cultivate small patches of potatoes when rain favors them" lived in Mākena in the 1940s. This contrasted greatly with Handy's picture of Honua'ula before the advent of ranching;

For fishing, this coast is the most favorable on Maui...I think it is reasonable to suppose that the large fishing population which presumably inhabited this leeward coast ate more sweet potatoes than taro with their fish... Formerly, before deforestation of the uplands, it is said that there was ample rain in favorable

seasons for planting the sweet potato, which was the staple here. A large population must have lived at Makena in ancient times for it is an excellent fishing locality, flanked by an extensive area along shore and inland that was formerly very good for sweet potato planting and even now is fairly good, despite frequent droughts... [1940:159].

In ancient times, the religious importance of Mākena was intimately tied to the importance of fishing to its inhabitants. There was said to be a *heiau* at the base of P'u ōla'i (the "Hill of Earthquakes"), which was a temple of the Shark God to which "*kahunas* prayed and offered sacrifices in old times" and "fishermen made offerings before putting out to sea" (Tempski 1940:57 in Sterling 1998: 229). Another *heiau*, of unknown function, was said to sit atop P'u ōla'i (Stokes 1916).

Lee-Greig *et al.* (2012) provide much additional information on Honua'ula District, including Traditional period agricultural practices. The ethnographic information is important in identifying archaeological site function within these dry, agricultural landscapes. The authors cite Matsuoka *et al.* (1996:73) in implying that the people of this area followed a seasonal settlement pattern dependent upon the presence/absence of rainfall. Based on oral testimony, it was inferred that the native tenants of this area lived at upland habitations, where planting could be done year round, during the dry period, and migrated to the lowland coastal region during the rainy season. They state that in the lowland areas, planting was done in conjunction with the rainy season where each family cultivated plants at habitation sites along the coast (Matsuoka *et al.* 1996:73). Matsuoka and Lee-Greig *et al.* (2012) write:

The entire area of Honua'ula was highly cultivated ... It is important to note that later, when lava flows covered the land, people did not move away. Instead, they dug deep holes in the lava and transported soil from the uplands to fill them up. The earth was dug up and the soil passed in baskets from hand to hand along a row of people to fill the "garden holes" in the lava. (Matsuoka *et al.* 1996:74). The use of "garden holes" in the lava as an effective agricultural practice in an otherwise marginal environment is underscored by claims for such areas in testimony to the Land Commission during the Great Māhele. In Keauhou Ahupua'a, three awards were made for "*he wahi aa a me 'uala maoli*" (*a'a* lands and native potato) (L.C.A. 4155 to Kekaulu, 5262 to Kekualike, and 5429 to Kaumana).

For a very thorough study of additional Traditional practices in the area, from fishing to other landscape use strategies, please refer to Lee-Grieg *et al.* (2012) who have detailed and summarized oral histories, mythologies, and archival information for the district, which includes the current project area.

## **HISTORICAL ERA**

Immense changes began to occur in traditional Hawaiian society with the discovery of the islands by Captain James Cook in 1778, and the subsequent arrival of the island's first westerners. Much of the knowledge of traditional land use patterns is based on what was recorded at the time of, and shortly after, western Contact. Early records, such as journals kept by travelers and missionaries, and surviving Hawaiian traditions, as well as archaeological investigations, have assisted in understanding the past (Kirch 1985).

The early historic accounts of European explorers in Honua'ula suggest an area that was not as abundant or populated as those in east Maui. In La Perouse's account of this portion of Maui he states:

The soil of this land is entirely formed of decomposed lava and other volcanic substances. The inhabitants have no other drink but a brackish water, obtained from shallow wells, which afford scarcely more than half a barrel a day.

During our excursion we observed four small villages of about ten or twelve housed each, built and covered with straw in the same manner as those of our poorest peasants... (M. Dondo 1807 in Sterling 1998:222)

Another account by a member of the same expedition, Dr. Rollins, recounted his impression of Honua'ula:

The vegetation of this part of Mowee is by no means so luxuriant, nor the population so numerous, as in the eastern part where we had just before touched. Scarcely had we anchored when we were surrounded by the inhabitants who brought us in their canoes hogs, fruit and fresh vegetables...

Though the island of Mowee furnishes in sufficient abundance animals and every species of food necessary to subsistence, the inhabitants neither enjoy an equal degree of health, nor possess the same elegance of form and beauty of body, as the natives of Easter Island... They appeared however to have some resemblance to them in their conformation, and in general even a more robust make, if their health had not been impaired by disease... M. Dondo 1807 in Sterling 1998:222).

The apparent lack of available resources and poor health may have been the result of a long period of war in the Hawaiian Islands, culminating in the 1810 unification of the Hawaiian Islands by Kamehameha I (Daws 1968), and notable in Honua'ula. As Cordy (1985) states:

Hawai'i's armies raided (plundering crops, killing, and destroying property), and Honuaula was the site of such a landing and raid in 1776 (Fornander, 1969 in Cordy, 1985:11). Both Maui's and Hawaii's armies were constantly being

provisioned with the islands' produce, and at least in 1793, there was little food in the Lahaina area (Vancouver 1798 in Cordy *et al.* 1977: 11).

Traditional activities continued into the early post-Contact period, but western culture was drastically changing Hawaiian society (Daws 1968). While trade and western agriculture were altering the foundation of the economy, missionaries were spreading Christianity throughout Mākena (Maly and Maly 2005). In 1825, Christian missionaries organized the construction of a *pili* grass church at Keawakapu in Kā'eo Ahupua'a, known variously in historic texts as the Honua'ula Church, the Keawakapu Church, and finally Keawala'i Church (Lee-Greig *et al.* 2012). In 1854, the congregation of Keawala'i Church decided to build a stone structure in Kā'eo, Honua'ula. From 1855 to 1862, Keawala'i Congregational Church (State Site No. 50-50-14-1584) was constructed; it was built of stone and coral heated into plaster over wood fires, and a bell was brought from America (Keawalai Congregational Church 1907-1936 in Lee-Greig *et al.* 2012).

During the early 1830s, local missionaries conducted a census of the Mākena population and discovered that the population had declined. Between the 1840s and the 1850s, the Mākena population experienced further population decreases due to introduced diseases (see Chaffee and Spear 1994:4).

#### MAHELE

In 1848, commissioners of the Great Māhele instigated an extreme modification to traditional land tenure on all islands that resulted in a division of lands and a system of private ownership. The Māhele was based upon the principles of Western law. While a complex issue, many scholars believe that in order to protect Hawaiian sovereignty from foreign powers, Kamehameha III was forced to establish laws changing the traditional Hawaiian society into that of a market economy (Kuykendall Vol. I 1938:145, footnote 47, *et passim*; Daws 1968:111; Kame'eleihiwa 1992:169-170, 176). The dramatic shift from a subsistence economy to a market economy resulted in drastic changes to land tenure, among other practices. As a result, foreigners demanded private ownership of land to ensure their investments (Kuykendall Vol. I, 1938:145, *et passim*; Kame'eleihiwa 1992:178).

The Māhele of 1848 divided Hawaiian lands between the king, the chiefs, the government, and began the process of private ownership of lands. Once lands were made available and private ownership was instituted, native Hawaiians, including the *maka'ainana* (commoners), were able to claim land plots upon which they had been cultivating and living. These claims could not include any previously cultivated or currently fallow land, *okipu*, stream

fisheries, or many other natural resources necessary for traditional survival (Kame'eiehiwa 1992:295; Kirch and Sahlins 1992). Awarded parcels were labeled as Land Commission Awards (LCAs). If occupation could be established through the testimony of witnesses, the petitioners were issued a Royal Patent number and could then take possession of the property.

In Mo'omuku Ahupua'a, a total of six *kuleana* claims were brought before the Land Commission, all of which were awarded (Lee-Greig *et al.* 2012:89). A majority of these awards occurred near the coastline and included residential lots and *kula 'ili*, with resources being dry land taro, *hala*, and native potato. The project area lies within Land Grant 2902 awarded to Polena and consisted of 28 acres. In addition, Polena was awarded LCA 5455:4 located just north of the project area. LCA 2398:4 (just north of Polena) was awarded to Kinolua who also claimed 4 additional *Apana* within Mo'omuku *ahupua'a*.

According to the research they compiled, many of the claims made by Hawaiian families during the *Māhele* were not awarded; many of these un-awarded claims were small agricultural plots (taro, sweet potato and irish potato), or small plots of grassland (Lee-Greig *et al.* 2012).

Lee-Greig *et al.* (2012:89) note the presence of other LCA's in neighboring *ahupua'a* and the land uses:

At Mo'oiki Ahupua'a, only eight *kuleana* claims were presented to the Land Commission (see also Table 12) three of which were awarded. All three awards were for native potatoes cultivated in *a'a* lands. Claims for *moku mau'i* (grass land) went unawarded, as well as one claim for dry land taro. Like Mo'oiki, the number of claims at Mo'oloa Ahupua'a (n=8) were low in number when compared to *ahupua'a* to the north. The land uses noted were primarily for *kula 'ili* and associated house lots with one specifying dryland taro (Hele 4157). Of the eight claims, five were awarded, most of which were awards for entire *'ili* (see also Table 13) ranging in area from 1.5 acres to 10.05 acres.

Additional information on land grants surrounding the current parcel will be presented in another report in the future (see Perzinski and Dega 2015).

Given the modest amount of LCAs awarded within coastal Mo'omuku Ahupua'a and in the neighboring coastal *ahupua'a* of Mo'oiki, Mo'oloa, Kā'eo and Papa'anui, the overall LCA pattern for the Mākena area suggests that permanent residence was one land use strategy in the area during historic times (see Lee-Greig *et al.* 2012 and McGerty and Yeomans 2001 for a more detailed discussion of area LCAs). Accompanying plots for the cultivation of sweet potato and

use of the coastline for fishing likely accompanied such occupation. A prime example of historic era cultivation in Mākena occurred during the California gold rush of 1848 when the Irish potato was cheaper to import from Hawai'i as opposed to localities within the continental United States (Fredericksen and Fredericksen 1998:9). Hawaiians and company-owned plantations quickly filled roles as producers of the crop. As discussed below, permanent and temporary occupation of the Mākena has some time depth, with the earliest permanent habitation sites having been constructed and occupied from A.D. 1200 (Cordero and Dega 2001).

According to Lee-Greig *et al.* (2012:90), Irish Potatoes, sugar and sugar byproducts, as well as pineapple constituted the primary cash crops of Honua'ula during the Nineteenth Century. Along with commercial agriculture, the vast grass lands of Honua'ula District provided excellent pasture for domestic cattle grazing and the development of ranching enterprises.

In 1845, 50 acres of Mākena sugar-cane and ranch lands, including a portion of Ka'eo Ahupua'a, were rented by Lonton Torbert from James Nowlein and Solomon Burrow who had received it from the government (Gosser *et al.* 1993: 27-35). There were two landings at either end of Mākena Bay. A road for oxen extended from a landing on the northern end of the bay (known as Tobert Landing) to Torbert's *mauka* plantation. By 1848, Tobert had acquired a license to open a retail store. The Government Landing was located at the southern end of the bay. Tobert finally purchased land that had been previously leased from the government in 1849 (Grant 223). However, Tobert was forced to sell everything in 1856, including 800 cattle and 475 sheep, to pay his debts. Tolbert Plantation estate became the property of James Makee in 1858 and was afterward known as the Rose Ranch.

In 1852, Mahoe purchased a 514 acre land grant in Kā'eo, the boundaries of which followed the southern boundary of Tobert's land and included the fishpond at Apuakehau Point, as well as the government landing, road *mauka*, and storehouse. The boundary description of the Grant (835) mentions a *kukui* tree (*Aleurites moluccana*), an *'auwai*, an old road, five *wiliwili* (*Erythrina sandwicensis*) trees, a sand dune, "the house of a full blooded Hawaiian," and 24 rock piles. In 1868, Mahoe and his wife partitioned a 0.59-acre portion of their grant and conveyed it to the American Board of Commissioners for Foreign Missions (ABCFM Trustees Minute Book 1912:104). This parcel was the Keawala'i Church Lot.

In 1865, residents of Honua'ula were either employed by the Makee Plantation at Ulupalakua or were fishermen living along the coast. The coastal population was described by Fornander as "...a thrifty, handy set of people, to judge from the general appearance of their

houses, not a few of which were of wood, and many of the others, especially along the seaboard, being neatly built and looking tidy and clean within. The children seem to be numerous and those that I observed were decently clad and looked bright and healthy" (Fornander in Barrère 1975:58).

The harbor at Mākena had become one of the busiest on Maui and was a regular stop on the Honolulu to Hilo run. An interesting anecdote from Makee, the owner of Rose Ranch, described the results of a summer hurricane in August of 1871. Makee wrote:

It was fearful to see the havoc during its duration. Trees were prostrate in every direction; the mill and engine house, the bowling alley, sugar house, cook house, two of the Chinese and one native house were down. One store house at the beach, and all the native houses there had been blown into the sea (Hawaiian Gazette, August 16, 1871:2.2).

Thrum also reported information concerning the storm:

... A tropical storm or hurricane caused extensive damage to the Ulupalakua Ranch, took the roof off the storehouse at Makena, which was near the church, and swept all the native houses into the sea – all within six hours [1926:36].

The harbor served as a loading port for the ranch and, after a breakwater and landing were constructed in 1877, sugarcane could be transported from the location. By 1885, structures along the bay included a church, cemetery, school, corral, the "old sugar house", a stone wall, and a total of nine houses, one being fashioned from grass (Jackson Map, Reg. No. 1337). The development of Kahului Harbor (1920s), which contained cold storage facilities, marked the end of commercial shipping for Mākena Harbor.

#### **MODERN ERA**

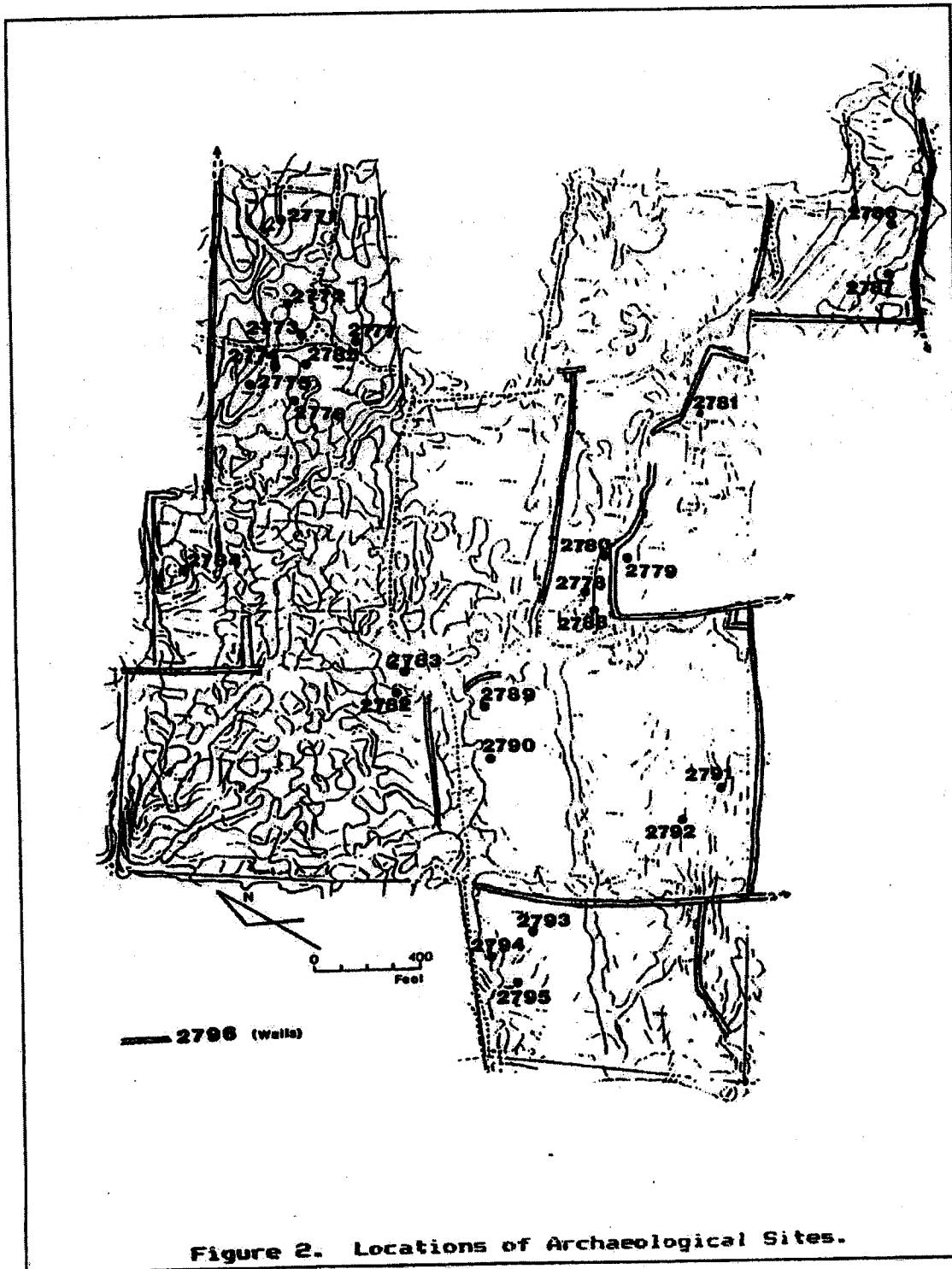
From the 1940s through present times, much development has occurred to the north/west of the current project area. Military activities, such as amphibious beach landings, were conducted in Honua'ula district along coastal areas during World War II. In addition, concrete bunkers were constructed on beaches and other locations near the shoreline. Most recently, activities along the western coast have focused upon the development of large vacation resorts and golf courses. Massive infrastructure projects (water, wastewater, roadways and power) took place in the mid-1970s through the mid 1990s to provide for the development of South Maui, including Mākena (Lee-Greig *et al.* 2012). The development of today's Makena Beach and Golf Resort began when Seibu Group's Makena Resort Corporation developed a luxury golf course in 1981. Following construction of the golf course and its associated infrastructure, the Seibu

Group developed the 40 million dollar Maui Prince Hotel on 38-acres of coastal land in Kā'eo Ahupua'a. The hotel opened in 1986 (Lee-Greig *et al.* 2012).

Cattle ranching continues on the upper slopes of the Honua'ula District on the extensive Ulupalakua Ranch lands. From the mid-1800s through the early 1900s, ranching activities employed many Mākena residents and as a result, lessened time for traditional activities. The previously mentioned Mākena Landing, a preserved example of ranching associated structures, was utilized as a staging from where cattle were transported to ships awaiting offshore. The many cattle walls and enclosures visible in the area today attest to the importance of ranching to the local economy, which continues today in areas such as Ulupalakua. Following the ranching period (c.1925 to current), the major foci of Mākena became oriented toward the construction of residential homes and tourist destinations (Chaffee and Spear 1994:5). These undertakings still dominate present-day coastal land use in the area, with areas more inland/upland either remaining fallow or eventually being converted into large lot properties.

### PREVIOUS ARCHAEOLOGY

Prior to the most recent AIS work (Perzinski and Dega 2015), a large-scale survey project was conducted in the Mo'omuku Ahupua'a area, which included a portion of the current project area (Figure 3). The survey was conducted in 1991 by Cleghorn and multiple sites were recorded around the current project area parcel, although none were identified directly within the parcel. The Cleghorn (1991) study was composed of 150-acres of land, on which 26 sites with 60 component features were recorded (Figure 3). The most common features recorded were stone walls associated with historic cattle ranching activities. Modified outcrops were the second most common feature; their function related to agriculture and small activity areas. Several platforms, terraces, and enclosures also present, likely dating to the prehistoric era (pre-1778) and associated with habitation activities. One lava tube was identified and revealed a human skeleton. No religious sites, such as *heiau* or *ko'a*, were present in the project area. Recovered artifacts included glass bottles and very modest amounts of shell midden. Cleghorn (1991) suggests that many of the non-wall sites date to A.D. 1500-1800, with the walls representing 20th century ranching.

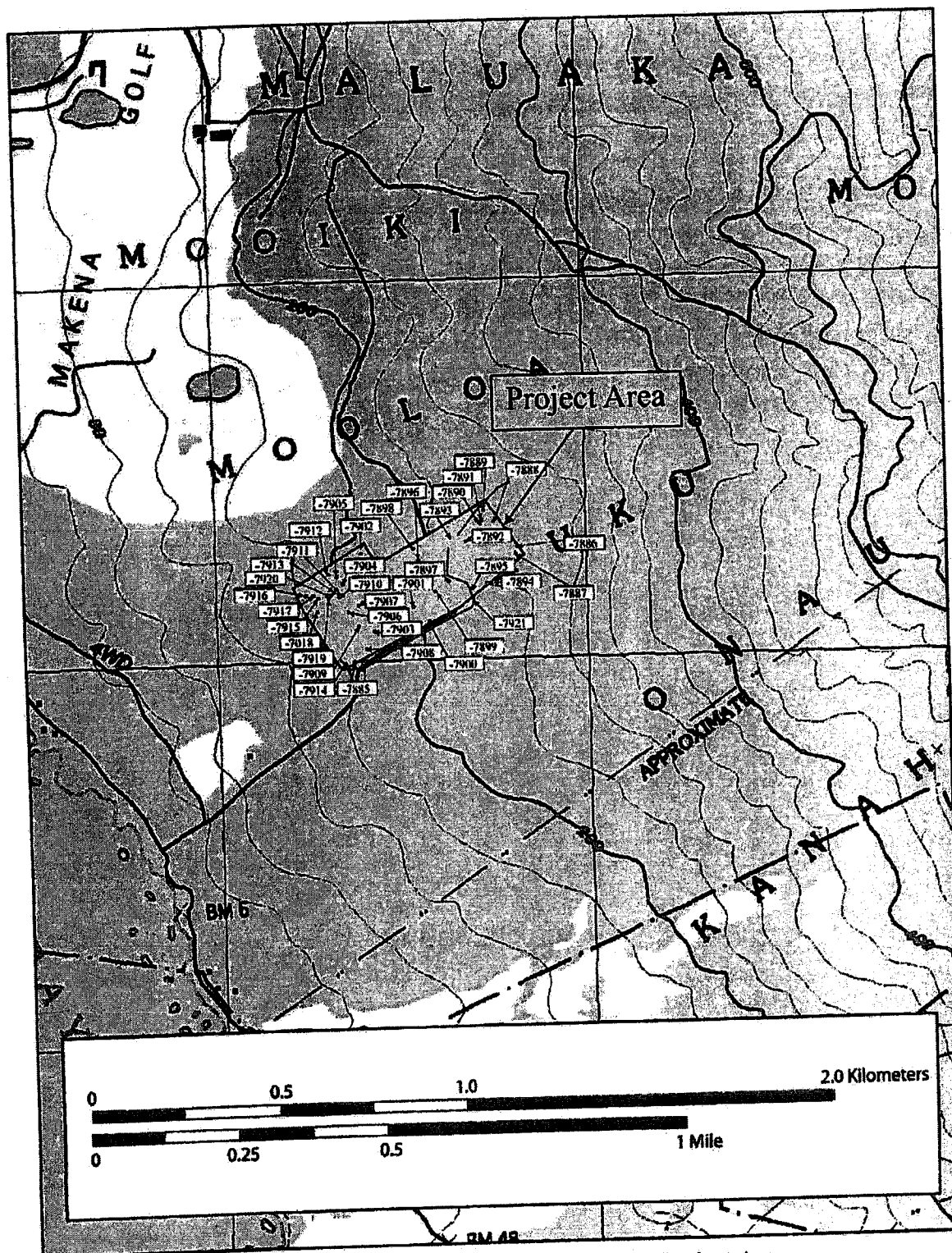


**Figure 2. Locations of Archaeological Sites.**

**Figure 3: Map Showing Location of Sites Documented by Cleghorn (1991). Note: Current Project Area is Center of Map (no sites), above Site -2783 and -2789.**

While a fair amount of projects have been conducted in the general project area, the results of such are not presented herein. The reader is referred to the AIS document (Perzinski and Dega 2015) for a summary of those projects.

Recent Archaeological Inventory Survey was conducted on the c. 27-acre parcel of undeveloped land in November-December 2013 by SCS. A total of 36 new sites composed of 61 component features were documented during fieldwork (Figure 4). The sites have been designated as State Site Nos. 50-50-14-7885 through -7920. The sites represent both pre-Contact and Contact period use of the landscape. Site types include enclosures, rock mounds, modified outcrops, terraces, platforms, walls, midden scatters and planters. These sites represent habitation, agriculture, heating/consumption, ceremonial and historic ranching functions.



Of the 36 sites documented during the project, 10 are considered as sites that spanned from pre-Contact into Historic Period sites, five sites are of the historic period and 21 sites are believed to be associated with the pre-Contact Period. Functional interpretation of the 36 sites documented during the Inventory Survey included 16 agricultural sites (44.4%), 7 habitation sites (19.4%), 4 boundary (wall) sites (11.1%), two ceremonial sites (5.6%), two consumption (midden scatter) sites (5.6%), one cooking/heat site, one ranching site, one soil retention site and one water diversion site (each 2.8%) (Figure 5).

#### AGRICULTURAL FEATURES

The agricultural features documented during this project appear to concur with the land use model suggested by Cordy *et al.* (1977), Cordy and Athens (1988), and Perzinski *et al.* (2014). At elevations from 140-foot to the 240-foot contour, the project area was likely under intensive, or at the margins of, an intensively cultivated area of Mākena. The types of agricultural sites encountered within the current project area include modified outcrops, rock mounds, planters and terraces. These feature types are fairly common throughout this elevation across the breadth of Honua'ula/Mākena, as has been identified through numerous projects (see above). Cordy (1985:22) states: "information indicates that the area of Mākena from about 0.25 miles inland (the 80 foot contour) up to the old forest line at the 1,200 foot elevation, 2.1 miles inland, was the cultivation zone" and "Fields (in Mākena) are scattered clusters of small irregular features adapted to the intricacies of the dry, rocky terrain (*ibid*:23)." Not only were agricultural sites present in this dry, leeward zone, but likely were constructed in more intensive fashion from the A.D. 1700s.

In total, 35 agricultural features (57.4 percent of the total number of features) and 16 agricultural sites were documented during the AIS. Feature types that were considered agricultural in function included 16 terraces, 15 planters, 1 L-shape, 1 modified outcrop, 1 mound and 1 terrace platform. The features were documented along bedrock outcrops as well as within the more gently sloping soil terrain

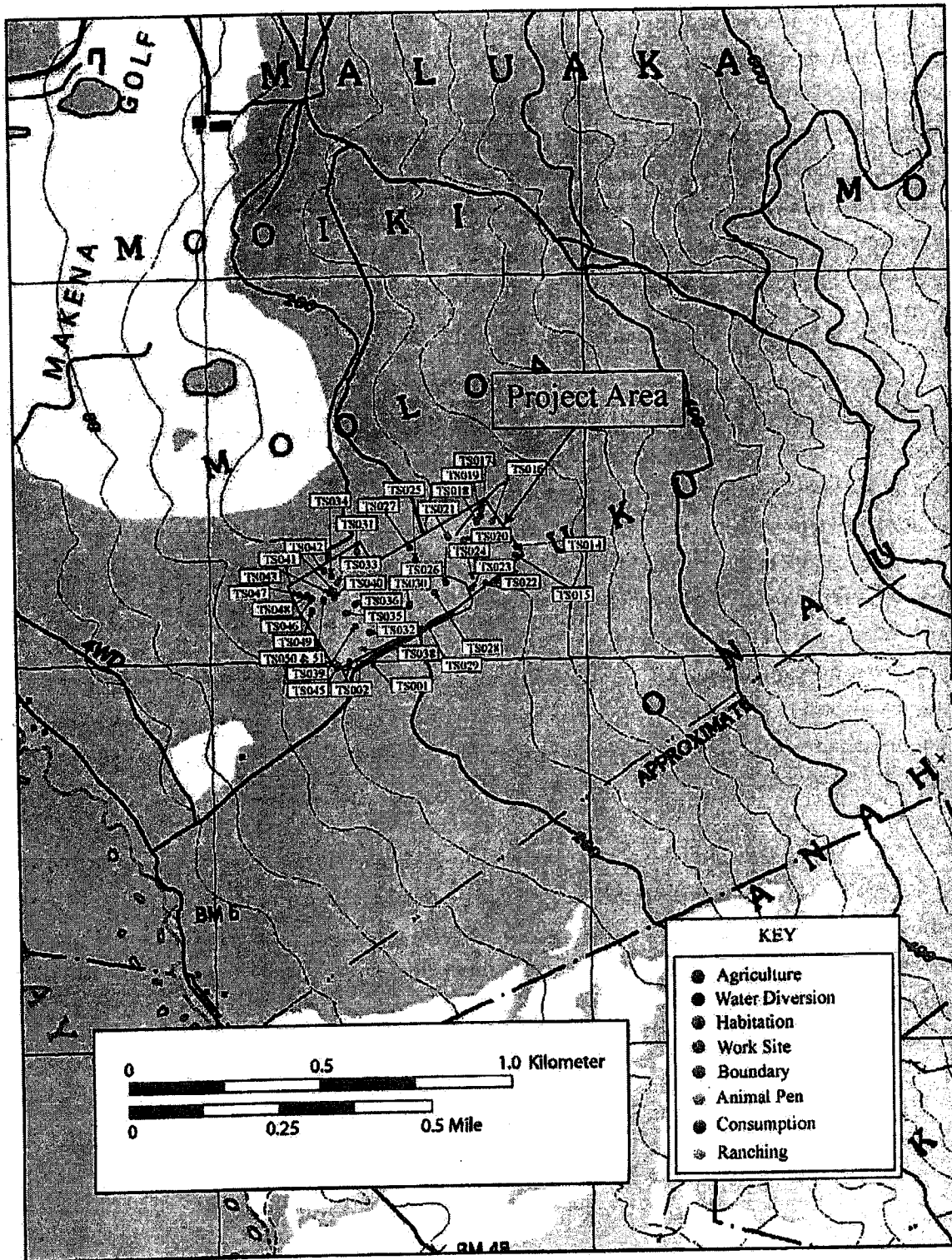


Figure 5: USGS Map Showing the Location of Sites by Function.

### HABITATION FEATURES

Sites 7891, -7903, -7911, -7914, 7905, 7907 and 7909 were considered permanent of temporary habitation feature types considered habitation in function included wall remnants terraces rock shelters enclosures platform and an l shape. Functional interpretations were based on the size and formality of the feature architecture. In addition, two midden scatters (Sites -7899 and -7918) and one hearth (-7894) were documented that further demonstrates that the project area was utilized for activities related to habitation.

It is likely that the temporary habitations were field *hale*, or temporary, isolated habitation locales. This is supported by a) the size of the features; b) proximity of agricultural features; c) lack of associated habitation features or activity areas (no larger site complexes), and d) virtual absence of cultural deposits/materials. The fact that many of the features were in poor-fair condition may also be a reason for difficulty in interpretation. The presence of one permanent habitation complex (-7914) is consistent with findings from similar locales in Honua'ula (Lee-Greig *et al.*, 2012 in preparation; Perzinski *et al.* 2014) that suggested that permanent habitation did occur in these intermediary locations removed from the shoreline and at lower elevations than the uplands. An upcoming survey of lands surrounding the current project area will again test this thesis.

### CEREMONIAL FEATURES

Two features documented during the inventory survey were considered ceremonial in function. Site -7892 consisted of a terraced platform and Site -7917 consisted of a formal, well- built platform constructed atop a bedrock outcrop. The classification of the ceremonial sites found within the project area included interpretation of architectural features that are often associated with *heiau* and/or *ko'a*.

Kolb (1985) lists five criteria for evaluating ritual places and included notched (six-sided) enclosures as a relatively common type. Also, the presence of unmodified branch coral within a well-developed cultural layer suggests a ceremonial function. Kolb (1997) states, "since the early 1970's, the presence of numerous pieces of branch coral has been used to identify religious activities" (Kolb 1997:29). Site -7892 is a well-constructed terraced platform that contained a coral fragment on its surface. Site -7917 consisted of a formally constructed platform atop a bedrock outcrop. The relatively small site (5.5 sq. meters) was unique in the project area and was situated in a portion of the project area rich in features. Though these sites are not likely to have functioned as formal "*heiau*", based on their architectural features, size and location within the project area, it is believed that they had ceremonial functions (i.e. *ko'a*).

## **HISTORIC FEATURES**

Five sites are believed to represent historic land use within the project area. The sites include a hearth (-7894), wall (-7895), a wood trough (-7900), an animal pen (-7908) and a group of enclosures (-7914). The hearth was located in the open field and based on its location is believed to have been used by cowboys during ranching operations. The large enclosures (-7914) contained abundant historic refuse (broken ceramics, etc) that suggest the site was also a camp for the *paniolo*. At least one wall (-7895) is believed to have been used as a pasture wall for cattle ranching and the trough (-7900) indicates that the project area was at one time an active feeding/watering pasture. Given the extensive ranching use of lands from the late 1800s on the parcel and environs, and the nature of these enclosures themselves, animal husbandry appears the primary function. Such features have been documented elsewhere in Mākena, at similar locations and elevations (see Perzinski *et al.* 2014). The numerous rock walls traversing the landscape outside the current parcel further attest to the landscape modifications occurring during the historic ranching period.

## SITE DESCRIPTIONS

The following text provides descriptive information for the four sites being recommended for Data Recovery (Sites -7891, -7908, 7911, -7914), followed by the two sites recommended for Preservation (Sites -7892, -7917). This site data was acquired from the Perzinski and Dega (2015) AIS report.

### **STATE SITE 50-50-14-7891 (TS019)**

**Condition: Fair**

**GPS Coordinates:** 767676 e; 2283350 n

**Site Type:** Terraces/Planters

**Function:** Habitation/Agriculture

**Feature (#):** 8

**Age:** Pre-Contact

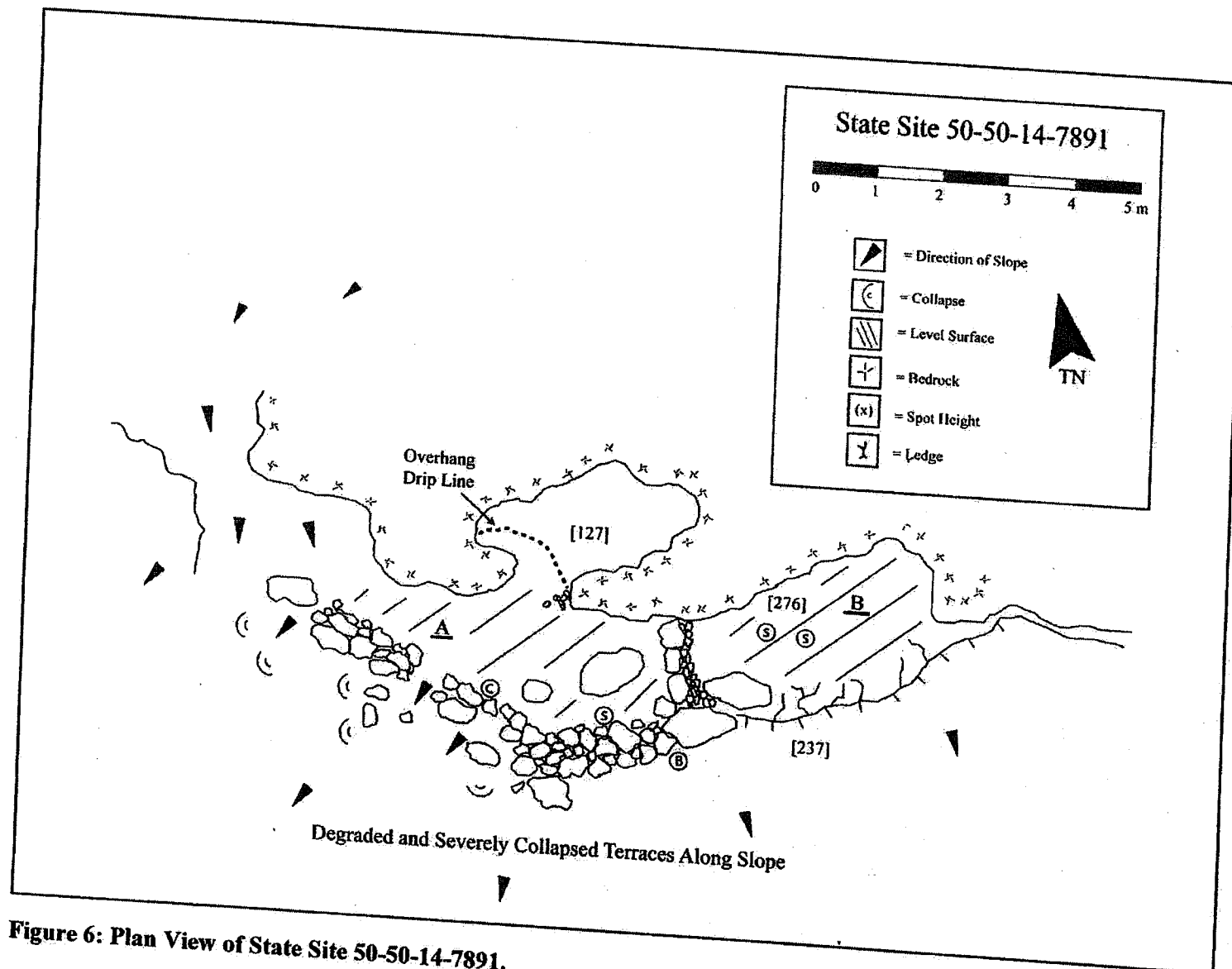
**Recommendation:** Data Recovery

**Description:** State Site 50-50-14- (TS019) (Figure 6) consists of two terraces (Features A and B) and six small agricultural features (Features C-H) that are located along the southern slope of a bedrock ridge. Overall, the site dimensions measure approximately 12 m east/west by 14 m north/south for an overall area of 168 square meters. The site is believed to have functioned as a small habitation and agricultural complex.

Feature A consists of a terrace located near the top of the ridge and encompasses a small overhang. The feature measures 5.8 m by 3.2 m and shares its east wall with Feature B. The terrace wall measures 5.5 m long and is constructed of medium to large cobbles and small boulders stacked 3-5 courses. The face of the terrace has a maximum height of 76 cm and is partially collapsed on the west side. The pad of the terrace measures 4.9 m by 1.8 m and is level and soil filled and had coral, lithic debitage and shell midden observed on the surface. The overhang portion measures 1.3 m wide by 2.1 m deep with a maximum height of 1.27 m from the ceiling to the floor.

Feature B consists of a terraced area abutting the east side of Feature A. The feature is located atop a small ledge along the bedrock with the terrace wall measuring only 1.4 m long. The pad of the terrace measures 4 m by 2.2 m and drops off 2.4 m along the southern side. The remainder of the terraced area is surrounded by a 2.8 m high bedrock outcrop. On the surface of the feature two pieces of invertebrate shell midden, lithics and charcoal were observed.

Features C through H consist of a planter, four terraces and a modified outcrop and were located below (downslope) of Features A and B (Table 1). The table below depicts the dimensions and characteristics of the agricultural features.



**Figure 6: Plan View of State Site 50-50-14-7891.**

**Table 1. Table Showing Agriculture Features Associated with Site -7891.**

| Feature | Type         | Function    | Dimensions (m)<br>(L x W x H) | Comments   |
|---------|--------------|-------------|-------------------------------|--|
| C       | Planter      | Agriculture | 3.4 x 2.3 x 0.28              | 2-3 courses; level soil interior                                       |
| D       | Terrace      | Agriculture | 2.7 x 2.5                     | 3-4 courses; level interior  |
| E       | Terrace      | Agriculture | 3.8 x 2.8                     | Bedrock riser; level soil interior                                     |
| F       | Mod. Outcrop | Agriculture | 1.6 x 1.3 x 0.52              | Bedrock augmented with stacked rock                                    |
| G       | Terrace      | Agriculture | 4.2 x 3.3                     | Abutting bedrock riser; level soil interior                            |
| H       | Terrace      | Agriculture | 4.6 x 3.4                     | 4-6 courses; utilizes bedrock; level soil interior;<br>Abuts Feature G |

**STATE SITE 50-50-14-7908 (TS038)**

**Condition: Fair**

**Site Type: Enclosure**

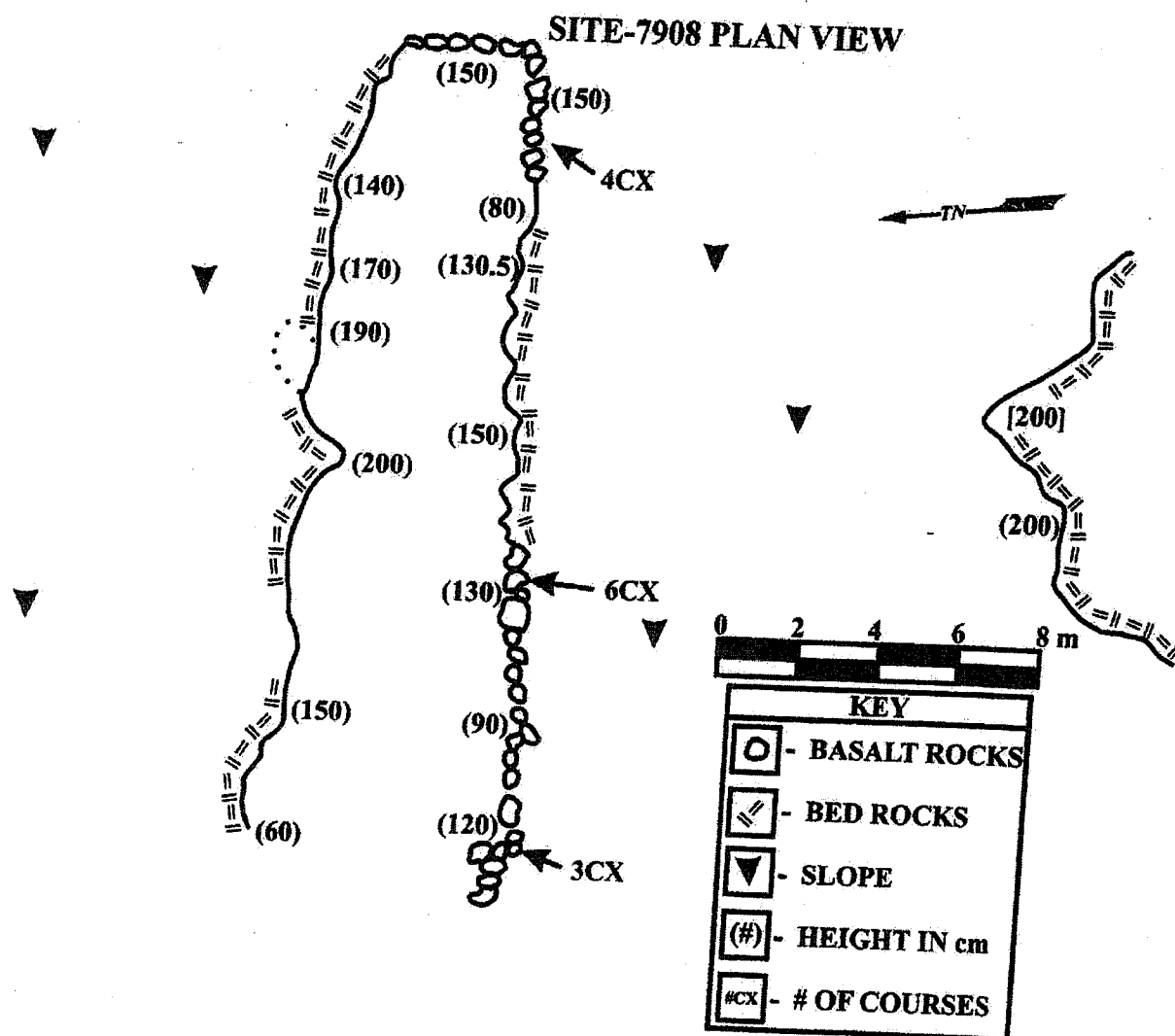
**Function: Animal Pen**

**Feature (#): 1**

**Age: Pre-Contact/Early Historic**

**Recommendation: Data Recovery**

**Description:** State Site 50-50-14-7908 (TS038) consists of an enclosure that is constructed with a single wall enclosing a natural three-sided opening in a bedrock outcrop (Figure 7). The outcrop enclosure measures 5.3 m long by 2.4 m wide and has a maximum height of 1.9 m. The constructed wall that creates the enclosures was 3 m long by 1 m high and was constructed of basalt boulders stacked up to four courses. A small overhang exists in the northern portion of the enclosure and measured 3.2 m deep by 3 m wide with a maximum height of 1.1 m at the drip edge. Based on the location and construction of the site (fully enclosed with no opening), it is believed the enclosure functioned as an animal pen.



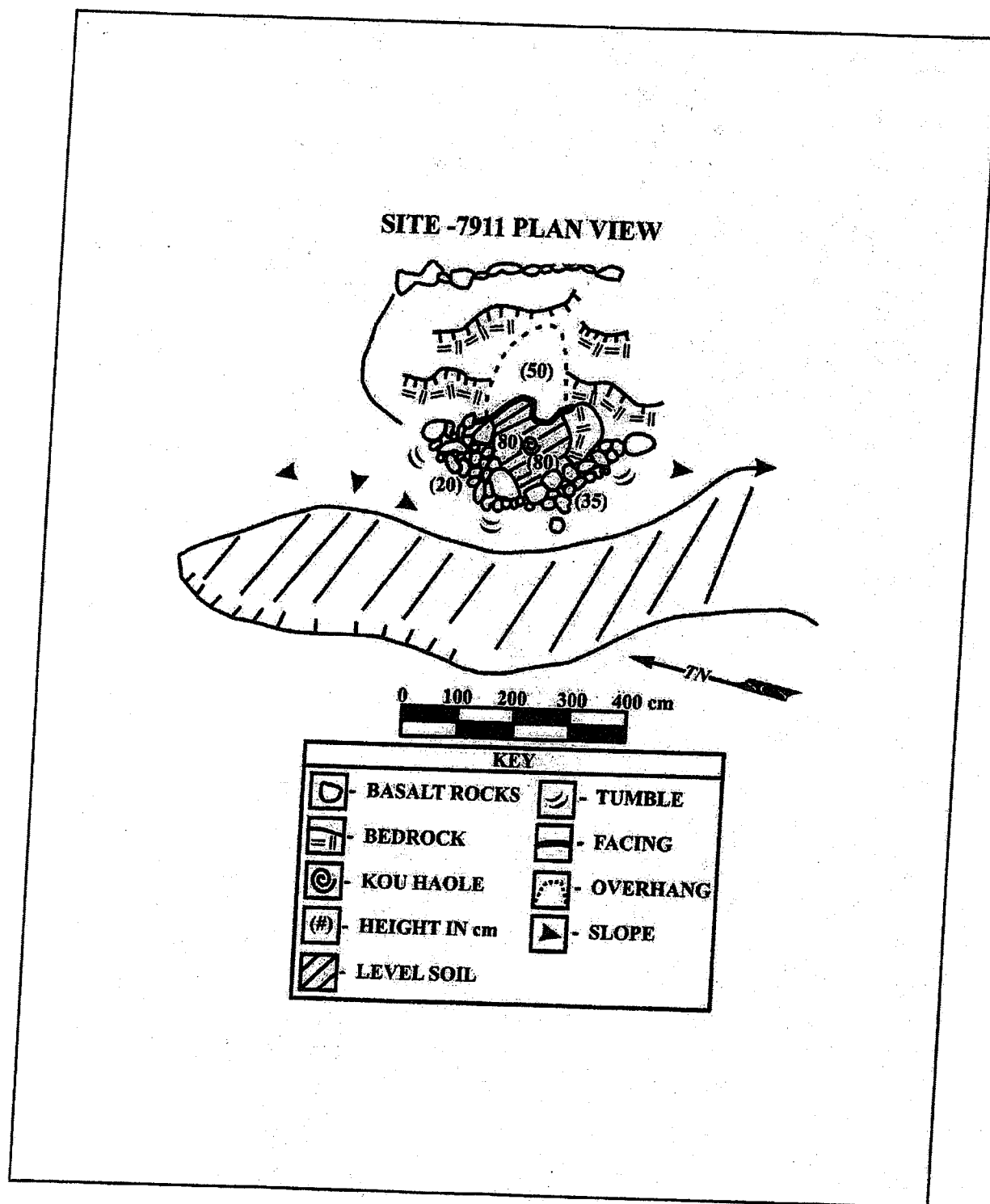
**Figure 7: Plan View of State Site 50-50-14-7908.**

**STATE SITE 50-50-14-7911 (TS041)**  
**GPS Coordinates:** 767305 e; 2283186 n  
**Site Type:** Enclosure/Rock Shelter  
**Function:** Temporary Habitation  
**Feature (#):** 1  
**Age:** Pre-Contact  
**Recommendation:** Data Recovery

**Condition:** Good

**Description:** State Site 50-50-14-7911 (TS041) (Figure 8 and Figure 9) consists of a rock shelter located in the northwestern portion of the project area. The site is a rock shelter that has an enclosure constructed around the natural lava blister opening. The rock shelter measures 2.8 m

wide by 2.2 m deep with a maximum height of 48 cm at the drip edge. The enclosed area measures 2.4 m by 1.2 m with a maximum wall height of 80 cm. The enclosure walls are constructed of basalt cobbles and boulders up to 50 cm in diameter and stacked 3-4 courses. No cultural material was observed within the site. Based on the location, size and architecture around the natural overhang, it is believed the site functioned as a temporary habitation.



**Figure 8: Plan View of State Site 50-50-14-7911.**



**Figure 9: View Southeast of State Site 50-50-14-7911 Showing Rockshelter and Enclosure.**

**STATE SITE 50-50-14-7914 (TS045)**

**Condition: Fair**

**Site Type: Enclosures**

**Function: Permanent Habitation**

**Feature (#): 6**

**Age: Historic**

**Recommendation: Data Recovery**

**Description:** State Site 50-50-14-7914 (TS045) (Figure 10) consists of a series of stacked and faced basalt enclosure features that is bisected by a bulldozer path and lying on a slight slope. A portion of a rock wall was also collapsed by the bulldozing. Features A and B, both enclosures, lie south of the road that bisects the site. The remaining features including a formal platform (Feature C), an enclosure (Feature D), an L-Shape (Feature E) and a smaller platform (Feature F) are located on the north side of the bulldozer path. Historic artifacts including ceramics and broken glass were documented within the site complex.

Feature A consists of an enclosure that measures 13 m long by 7 m wide. The walls are constructed of stacked boulders and large cobbles up to 9 courses on the east wall and up to 6 courses on the west wall. The northern wall is mostly collapsed in the center; however the NW and NE corners are mostly intact. Feature A shares its east wall with Feature C and is up to 1.7 m in height. About 40% of the interior surface is raised bedrock up to 30 cm in height and the remaining surface consists of soil and rock rubble. Within the feature was waterworn coral, historic glass and a bottle base.

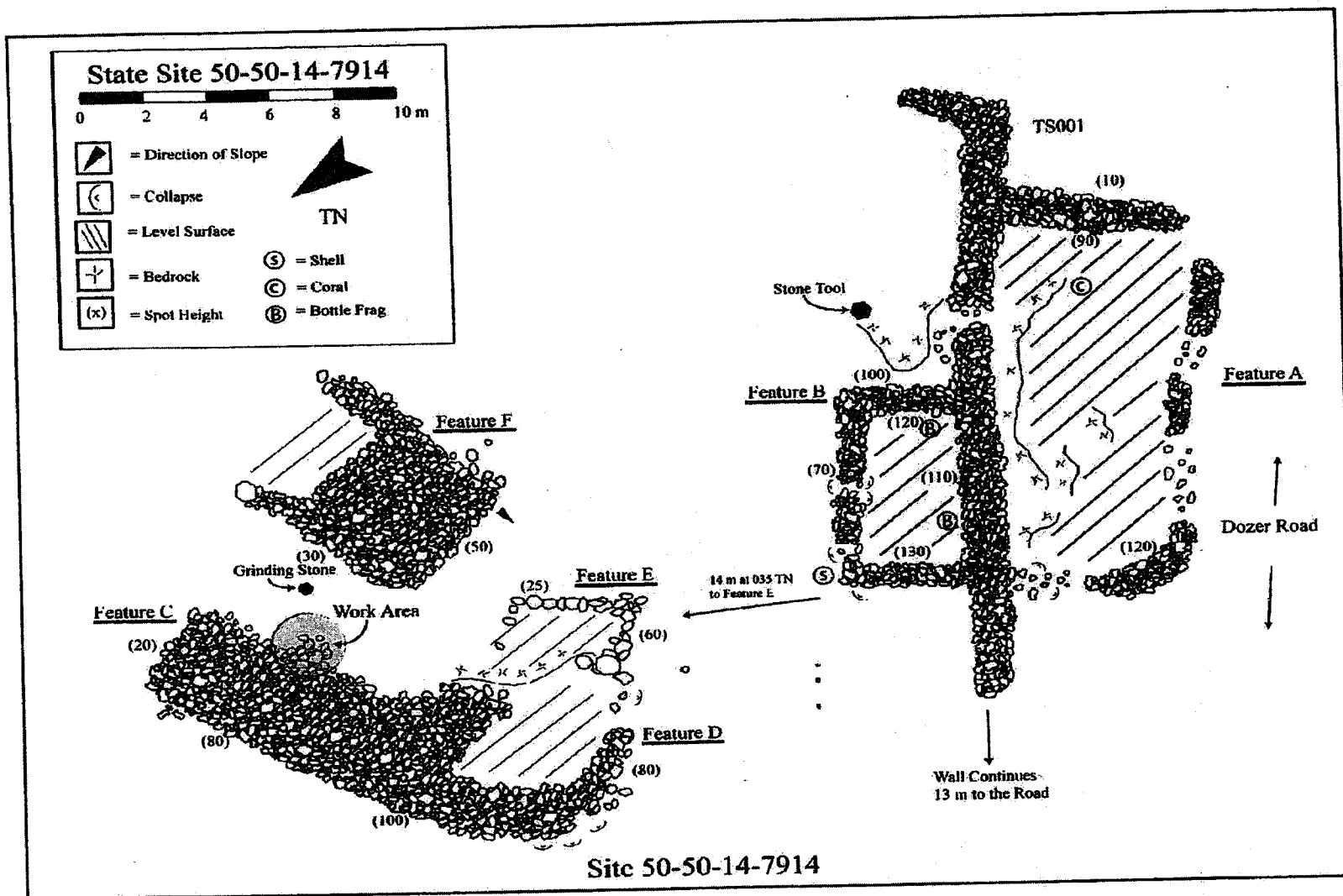
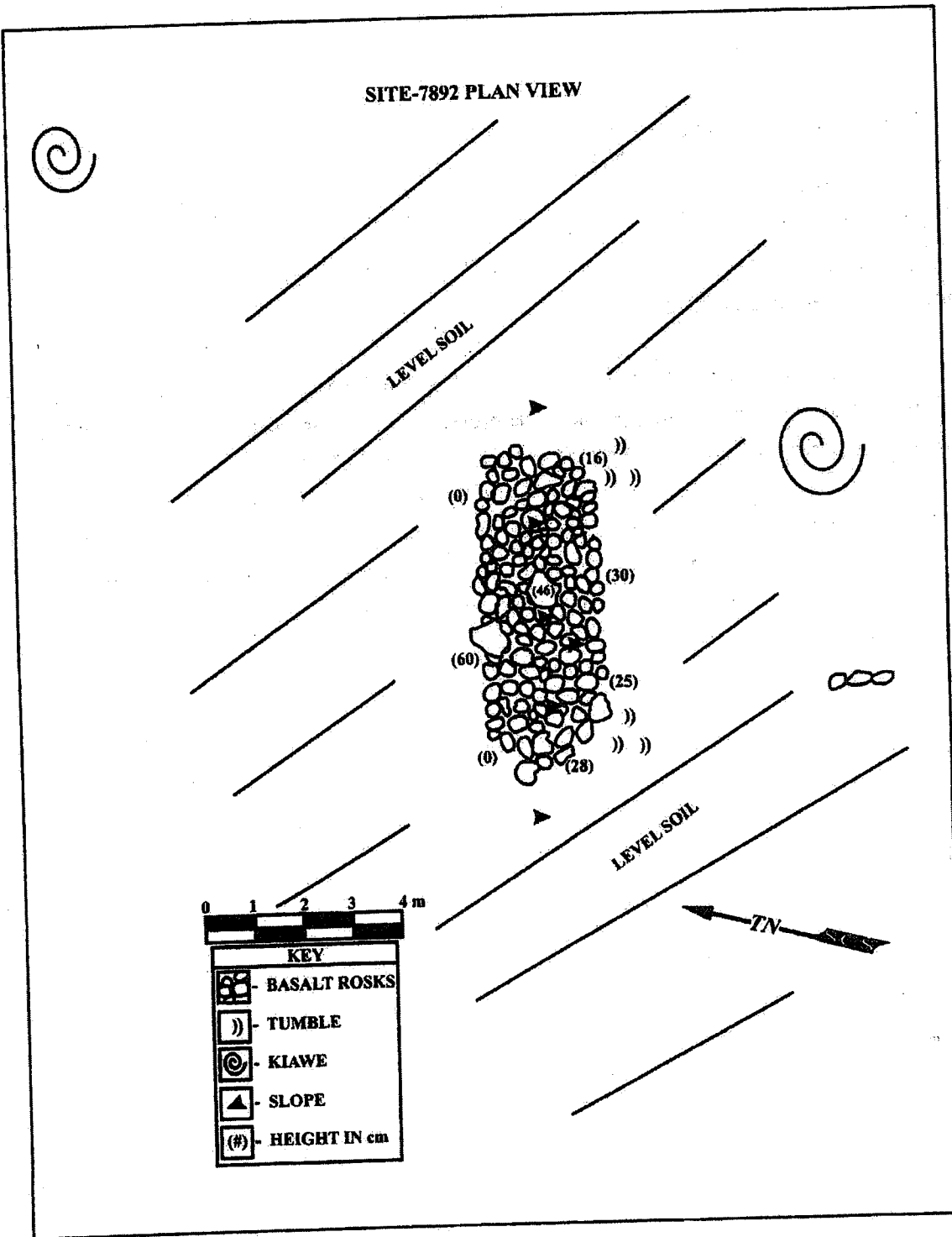


Figure 10: Plan View of State Site 50-50-14-7914.

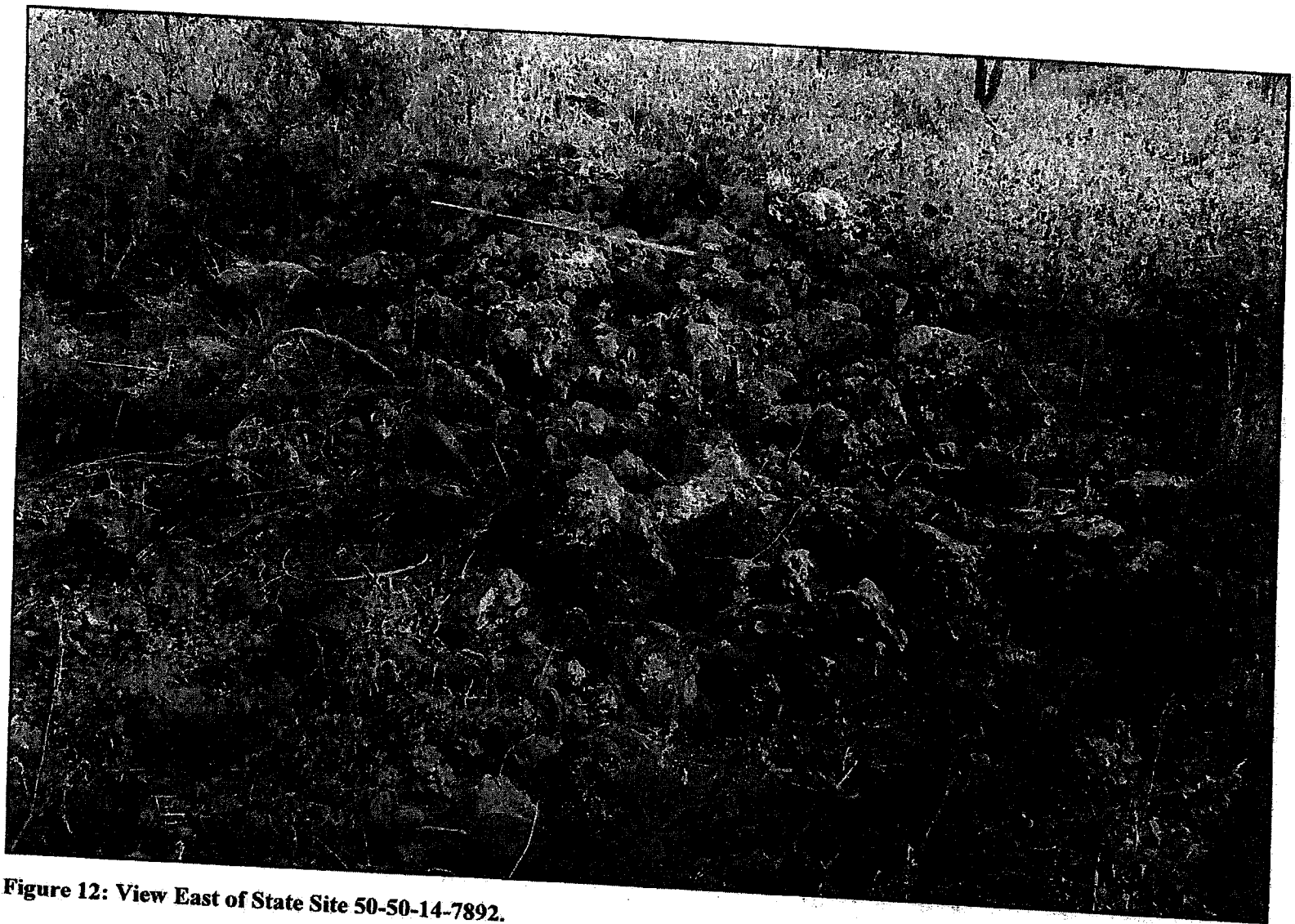
**STATE SITE 50-50-14-7892 (TS020)**  
**GPS Coordinates:** 767632 e; 2283302 n  
**Site Type:** Terrace Platform  
**Function:** Ceremonial  
**Feature (#):** 1  
**Age:** Pre-Contact  
**Recommendation:** Preservation

**Condition:** Fair

**Description:** State Site 50-50-14-7892 (TS020) (Figure 11 and Figure 12) consists of a terraced platform located in the east central portion of the project area. The site measures 6.3 m by 2.5 m with a maximum height of 60 cm on the downslope side. The platform is constructed of basalt cobbles and boulders stacked to form a roughly rectangular platform with a single step terrace on the downslope side. One coral fragment was documented on the southeast corner of the site which was also damaged by bulldozer activity. Based on the site's location and architecture, as well as the presence of coral, it is believed the platform functioned as a small agricultural *ko`a*. 40 cm in



**Figure 11: Plan View of State Site 50-50-14-7892.**



**Figure 12: View East of State Site 50-50-14-7892.**

**STATE SITE 50-50-14-7917 (TS048)**  
**GPS Coordinates:** 767237 e; 2283181 n  
**Site Type:** Platform/Modified Outcrop  
**Function:** Ceremonial  
**Feature (#):** 1  
**Age:** Pre-Contact  
**Recommendation:** Preservation

**Condition:** Fair

**Description:** State Site 50-50-14-7917 (TS048) (Figure 13 and Figure 14) consists of a platform located in the northwestern portion of the project area. The platform is constructed by augmenting a natural outcrop creating a rectangular platform. Overall, the site measures 2.5 m long by 2.2 m wide with a maximum height of 60 cm on the northwest corner. A fallen wiliwili tree has disturbed the uphill portion of the site while the lower half remains intact. The surface of the feature is core filled and relatively level with several boulders scattered over the top. Based on the location, size and architecture, it is believed the platform functioned as a small ceremonial *ko`a*.

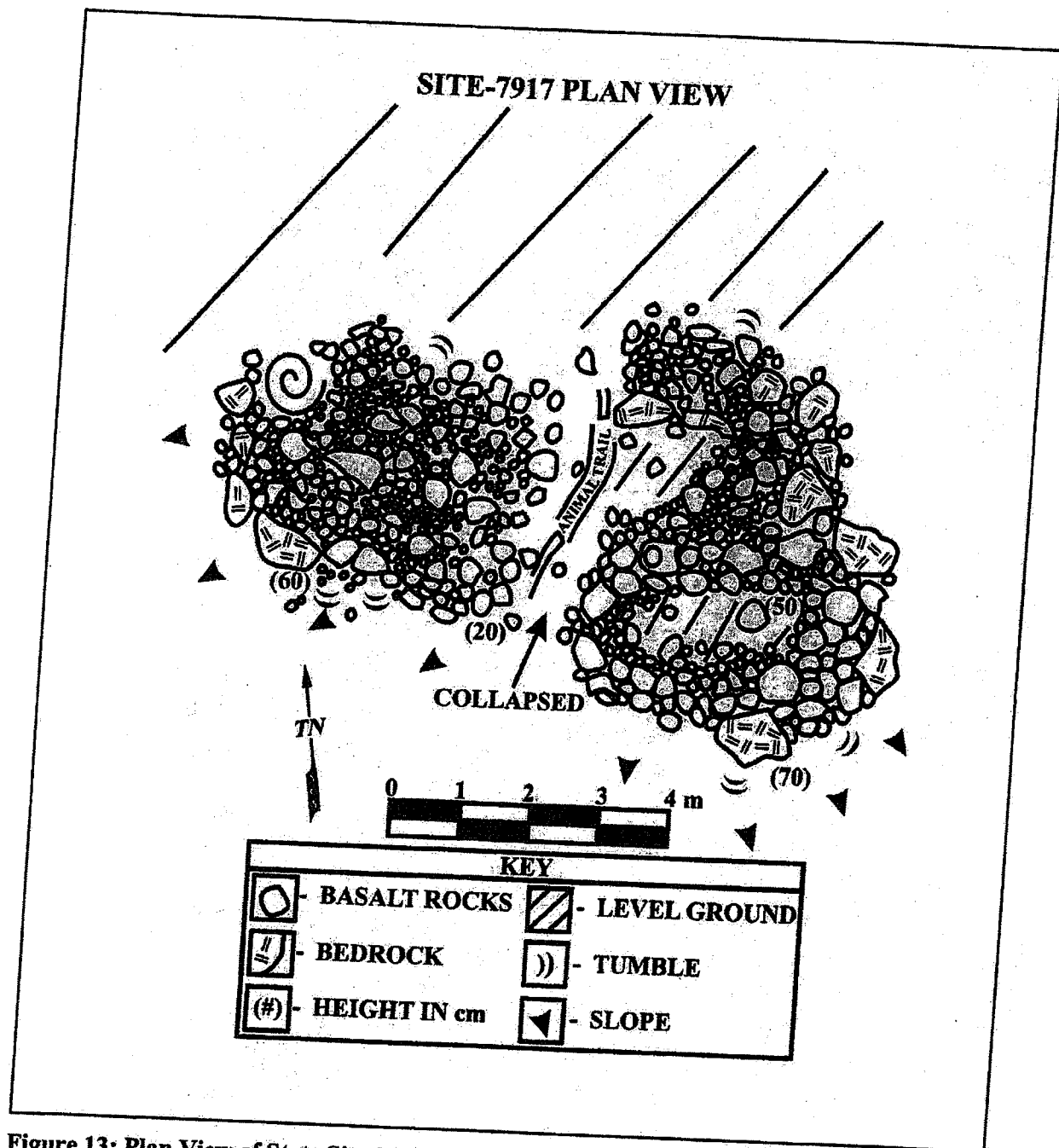
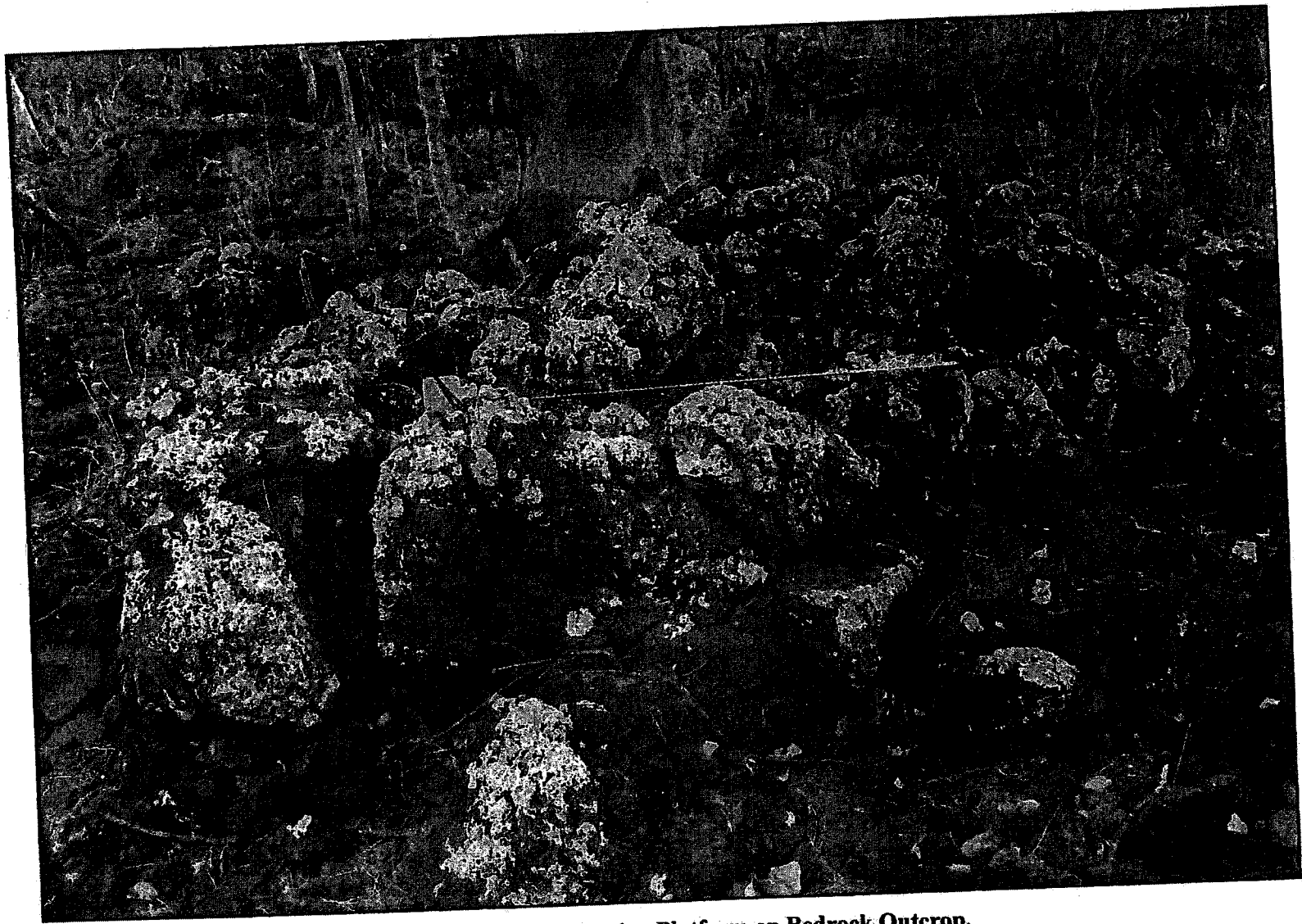


Figure 13: Plan View of State Site 50-50-14-7917.



**Figure 14: View North of State Site 50-50-14-7917 Showing Platform on Bedrock Outcrop.**

## DATA RECOVERY: SITE 50-50-14-7623

The current research focuses on Data Recovery of four sites, inclusive of terraces, planters, enclosure, rockshelter, and platforms, among a total 16 features composing the four sites. While previous excavations in the greater Makena area (see Perzinski *et al.* 2014 and Perzinski and Dega 2015) have revealed only very modest artifact/midden frequencies, with little variation in the collections, the current sites offer the opportunity to assess that hypothesis and perhaps understand these sites at a more complete level.

### RESEARCH FOCUS AND METHODOLOGY

Several questions drive this Data Recovery effort, most being fairly general at the outset, given the current extent of knowledge. The questions, types of data requirements, and methodological requirements are enumerated below.

1. What is the nature and age of the sites and their component features? Are multiple temporal periods represented or do the sites represent a single period of use? For example: Site -7908, an enclosure, is interpreted as an animal pen. Is this re-use from pre-Contact times? What composes the associated assemblages of each site and what is the frequency and variation of the collection?
2. What is the relationship between surface architecture and subsurface architecture and/or cultural materials? To what depth and horizontal extent?
3. If artifacts and midden are present below the surface, what is the nature of the deposits? Do artifact/midden types change with depth?

Again, the most basic questions driving this Data Recovery effort involve further understand the nature and chronology of the sites, to place into the site pantheon of Makena and understand land use to more completed degree. Secondly, evaluating site function and use periods per original interpretations from the AIS are additionally important.

The field methods utilized to address these questions will consist of mapping (where needed, to ensure the site was fully recorded during the AIS) and testing.

### SITE RE-LOCATION, GPS, AND CLEARING

The four sites selected for Data Recovery will be re-located using site maps generated during Inventory Survey as a guide. The sites will also be assessed for accuracy in terms of mapped components. Prior to excavation, the site will be manually cleared to aid in site descriptions. The sites will be further described and mapped more strictly as needed. Any site characteristics of interest not mapped or described during Inventory Survey will be added to the existing site description.

## EXCAVATION

All four sites will be tested to varying degrees to address the research questions posed above. A total of 12 1 x 1 m units will be excavated within the four sites, as noted in the table below.

**Table 2: Data Recovery Sites and Proposed Excavation Units**

| Site Number | Site/Feature Type                  | Excavation Units                              | Comment  |
|-------------|------------------------------------|---|--|
| -7891       | Terrace, planter, modified outcrop | 4 Units: 2=Terraces, 1=Planter, 1=Mod Outcrop | Focus on the habitation terrace as ag sites unlikely to yield many materials |
| -7908       | Enclosure                          | 2 Units                                       | One unit placed against architecture to assess depth of construction         |
| -7911       | Rockshelter                        | 2 Units                                       | One unit on talus, one against architecture                                  |
| -7914       | Platform, Enclosure                | 4 Units                                       | 2 Units placed in each feature, against architecture                         |

Excavation of these units will hopefully allow for assessing the depth and extent of visible surface architecture below the surface, as well as recovery of any associated cultural materials which will aid in more accurately defining the age and nature of the sites. Given the paucity of cultural materials previously recovered in the area, it is hoped the architectural levels will aid in chronological determinations as well.

Excavation will be conducted mainly with trowels and whisk brooms. Whisk brooms are often found to be most useful for delicate removal of silty deposits and for exposure of interfaces between silty layers and ashy subsurface features. Small root-cutters are used to remove roots carefully without disturbing surrounding matrices. Hand-picks are utilized to remove large rocks. The choice of small hand-held instruments is considered necessary due to the fragile nature of the vestiges of cultural material and also due to the occasional thinness of identified strata or lens' encountered.

Excavated material will be recovered and coded according to horizontal and vertical controls. This procedure will involve precise knowledge of excavation units (1.00 m by 1.00 m squares), exact distance of observations below an established datum, and placement of material within an identified stratum. The same coding system will be applied to artifact material, food remains, charcoal samples, subsurface cultural features, sediment samples, and any other material obtained from within an excavation area. All excavated sediment will be screened to maximize recovery of cultural material. Screening will be accomplished through 1/8<sup>th</sup> inch wire

mesh screens. Following examination of the screened remains, all identified cultural material will be recovered. This material typically includes food remains (mostly small vertebrate remains), artifactual remains (mostly lithic tools and debitage), charcoal, and *kukui* nut fragments. In the event that human remains are identified, all work in the unit will immediately cease and protocol concerning burials will be followed. The remains will be protected *in situ*.

Part of the detailed documentation of exposed subsurface cultural features and layers includes scaled illustration. Profiles will be drawn for representative, exposed excavation walls. Charcoal will be recovered from excavation contexts when present. Charcoal for dating will be recovered from discrete subsurface cultural features if present, which would document an "event." Radiocarbon charcoal samples are collected by trowel directly from their *in situ* context and placed directly into sealed aluminum paper sheets. These samples will be coded according to the standard procedure for horizontal and vertical controls. Notations will also be made of any specific subsurface cultural feature being investigated and of the precise depth of the sample below the site excavation datum. The same measurements will be acquired to date site occupation.

Documentation of all field work activities will be accomplished through standardized forms, detailed scaled drawings, an ongoing log-book, and a photographic record. Upon the completion of field work activities, all field work documentation will be organized and compiled in a file system curated at SCS facilities in Honolulu.

#### **LABORATORY METHODOLOGY AND CURATION**

Upon completion of fieldwork, all cultural material and field notes will be transported to the main SCS laboratory in Honolulu to be catalogued, processed, and analyzed. Cultural remains will be separated and sorted into specific material categories (*i.e.*, animal bone, lithic, shell, charcoal, and sediment). After sorting, each material category will be subjected to further analysis.

Taxonomic identification of shellfish remains will be performed at the SCS laboratory in Honolulu. Taxonomic identification of vertebrate remains will also be completed in the SCS laboratory by Guerin Tome. Vertebrate faunal remains and shellfish remains were identified to the lowest taxonomic unit possible. The remains will then be examined for signs of alteration indicative of their past use as tools, ornaments, or food refuse. Next, the identified remains are typically counted and weighed. Any burials identified during excavation will remain *in situ* and immediately protected. Notification of the inadvertent find will be provided to the SHPD-Maui

Culture History Branch and Archaeology Branch, the latter who will also notify and the district representative of the Maui/Lana'i Islands Burial Council.

If present, wood charcoal samples preferable for radiocarbon dating will be submitted for taxonomic identification. Upon the completion of the botanical analysis, select samples will be submitted to Beta Analytic Labs for analysis. Analysis may include standard radiometric age-determination with C12/C13 isotope correction. Samples too small for standard dating will be subject to AMS (Accelerator Mass Spectrometry) dating.

#### **REPORT PREPARATION**

A draft report will be submitted to the SHPD for review and will include addressing the proposed research questions, will discuss the methodologies employed, and will summarize the results of the project.

### **SITE PRESERVATION: SITES 50-50-14-7892 & -7917**

Pursuant to the DLNR § 13-277 Hawaii Administrative Rules, preservation of Site -7892 and Site -7917 will take the form of avoidance and protection, also referred to as *conservation*. It is proposed herein that the sites, interpreted as ceremonial platforms, will remain in place and be protected in perpetuity. During any ground altering construction on the parcel, orange construction fence will be placed around both sites at a 10 m (32 feet) interval, from the exterior architecture of the sites. The 10 m interim buffer zone will be reduced to 5 m for permanent preservation of the site.

### **INTERIM AND PERMANENT PROTECTION MEASURES**

The following bullet points address the interim and permanent preservation measures for Sites -7892 and -7917. Interim measures are designed to mitigate damage in the short-term, during construction activities, while permanent measures are designed to protect the site in perpetuity.

#### **INTERIM MEASURES (§ 13-277-5)**

1. As an interim preservation measure during construction, 10 m of orange construction fencing will be placed around the entirety of both sites, from the exterior architecture.. This fencing is highly visible and will ensure that the integrity and context of the historic property is preserved during proposed residential development.
2. Verification that orange construction fencing has been set in place pursuant to this plan must be made to SHPD before any construction begins, via written notification with a photograph of the construction fencing by SCS.
3. No construction-related activity will be allowed to be conducted within the buffer zones of either site.
4. Sites -7892 and -7917 and the placement of the orange construction fencing will be marked on overall project maps and avoidance instructions will be placed on construction plans and specifications.

#### **PERMANENT MEASURES (§ 13-277-6)**

1. Permanent preservation of Sites -7892 and -7917 will take the form of passive preservation, utilizing a 5 m buffer zone, from the exterior of both site's architecture. The 5 m permanent buffer zone may be demarcated by boulders at corners, native vegetation, or other means, all occurring outside the sites. The sites themselves will remain "as is" through time. There are no plans for site signage.
2. The landowner will be responsible for monitoring the physical and visual integrity of the sites, with SHPD inspections conducted on an intermittent basis to assure the continued integrity of the site is maintained by the landowners.
3. These provisions are made for an on-going preservation of Sites -7892 and -7917. The site will be preserved in perpetuity, with preservation provisions being binding on any successive landowners.

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***Special Management Area Application***

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***Evans Holdings Disposal Well***

***Tax Map Key: (II) 2-1-005:135***

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**January 2017**

**Prepared By:  
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# **Application for Special Management Area Assessment**

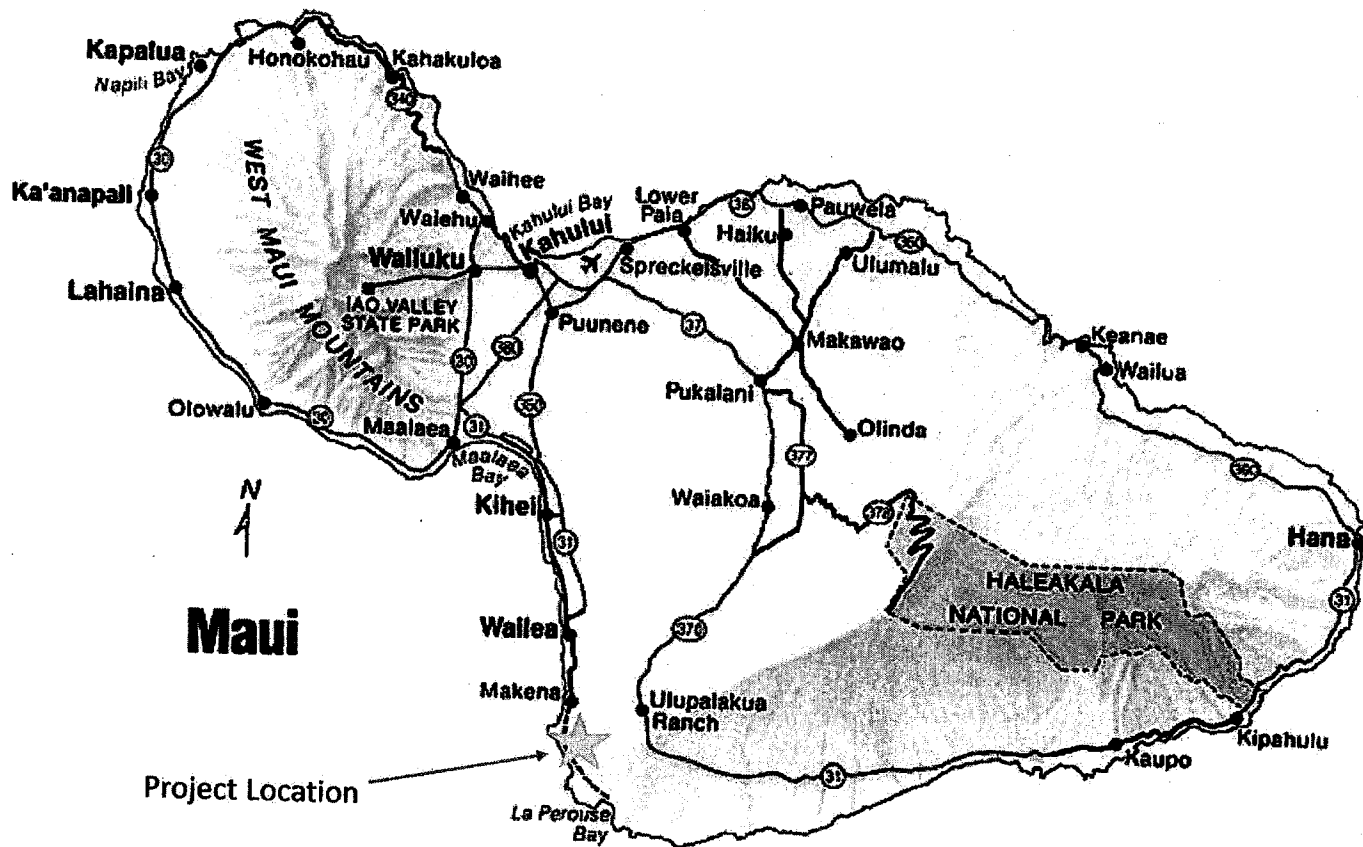
## **Evans Holdings Disposal Well**



### **Table of Contents**

1. Location Map
2. SMA Assessment Checklist
3. Special Management Area Assessment Application
4. Zoning and Flooding Confirmation Form
5. Chapter 343 HRS Checklist & Chapter 205-A HRS  
Assessment Information
6. Evidence of Landownership
7. Notarized Letter of Authorization from Landowner
8. Project Plans
9. Photographs of Project Site

## **1. LOCATION MAP**



Evans Holdings Disposal Well Location Map  
TMK (2) 2-1-005:135

## **2. SMA ASSESSMENT CHECKLIST**

## SMA ASSESSMENT APPLICATION CHECKLIST

### Instructions:

- Any misrepresentation regarding this application may result in a permit denial, permit revocation, and other possible violations and/or fines.
- The following checklist items shall be completed and submitted at the time of application submittal.
- **Please submit two (2) hard copy sets of the full application package, including one (1) original, and three (3) sets of plans. Also include an electronic copy in PDF format of the full application package on a compact disk or flash drive. Incomplete applications may result in a delay in processing and may be returned.**

**Please number all documents and arrange them in the order they are listed below.**

- 1 ☒ A non-refundable filing fee, payable to County of Maui, Director of Finance. See Fee Schedule, Table B Special Management Area Assessments (No Public Hearing Required). The current fee schedule is available at the Department of Planning or at the Department of Planning section of the County of Maui website under "Development Permits, Applications & Reviews". [www.mauicounty.gov](http://www.mauicounty.gov).
- 2 ☐ YES ☒ NO Has any work already been started or completed for this project?
  - If yes, please describe on a separate sheet of paper and be advised that additional fees may apply.
- 3 ☒ Completed SMA Assessment Checklist of Required Submittals (THIS CHECKLIST) (pg 3-4)
- 4 ☒ Completed SMA Assessment Application (pg 5)
- 5 ☒ Complete the applicant portion of the Zoning & Flood Confirmation Form. (pg 6)
- 6 ☒ Completed Chapter 343, HRS Checklist (pg 7). If the proposed action triggers Chapter 343, HRS, related to Environmental Impact Statements, submit a completed Environmental Assessment (EA), Environmental Impact Statement (EIS), or a letter of exemption from Chapter 343, HRS, from the proper authority.
- 7 ☒ Completed Chapter 205A-2, HRS, Assessment Information (pg 8)
- 8 ☒ Evidence that the applicant is the owner or lessee of record of the real property. – OR – If the applicant is not the owner, a notarized letter from the owner authorizing the applicant to act on the owners behalf, AND evidence that the authorization is from the legal owner.
- 9 ☒ **Plot Plans\* of the Subject Property** prepared to scale and based upon an accurate instrument survey. The plan shall define and show the design of the proposed activity or development and the existing physical conditions of the land, including but not limited to, property boundaries, topography, all structures, natural and man-made features, trees, structures, shoreline, and shoreline setback line. Said plans shall be signed, dated, drawn to scale, and measured in feet.  
\* Please submit three (3) sets, including one (1) original
- 10 ☒ **Plans\* of the Proposed Activity or Development** designating the location and dimensions of the proposed activity or development on the land. If structures are included, the plan of the activity or development should include a dimensioned floor plan, sections, elevations, and other physical features. Provide existing and proposed finished (interior) square footage and existing and proposed covered lanai square footage. Said plans shall be signed, dated, drawn to scale, and measured in feet.  
\* Please submit three(3) sets, including one (1) original
- 11 ☒ **Photographs** identifying the area where the proposed activity or development is to occur. The photographs should include the (1) site, (2) surrounding properties, and (3) the relationship of the site to the nearest public roadway.  
For shoreline properties, also include photographs (1) to, (2) from, and (3) along the shoreline.  
(All photographs should be printed on standard sized paper, 8 1/2 by 11.)

Continued on next page...

## SMA ASSESSMENT APPLICATION CHECKLIST (CONTINUED)

- 12 ☒ YES ☐ NO Are there any known taro patches, burial sites, cemeteries, fish ponds, or other historical features (over 50 years old) on this lot or in the immediate vicinity of the proposed project?
- **If YES**, include a scaled map identifying those sites and description of what you may know about them.
- 13 ☒ YES ☐ NO Will there be any ground alteration, excavation, or digging associated with the proposed project?
- **If YES**, include a scaled map identifying the area of land affected, as well as the width, length, and the depth of the activity.
- 14 ☐ YES ☒ NO Are there any rare, threatened, or endangered species of animal or plant, or its habitat within the lot of the proposed project or nearby properties?
- **If YES**, include a brief description of the species, animal, and/or the affected habitat, as well as a description of what is being done or proposed to be done to minimize the affect.
- 15 ☐ YES ☒ NO Are any of the following areas located on this lot or on the properties immediately adjoining the proposed project? These areas include a flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters?
- **If YES**, include scaled map identifying the area(s), in relation to the proposed project.
- 16 ☐ YES ☒ NO Is the subject property abutting the shoreline?
- **If YES**, answer question 16(A) and submit required information.
  - **If NO**, answer questions 16(B) & 16(C) and submit required information.
- 16(A). Is the shoreline fixed by either (a) a natural stabilized geographic features such as cliffs and rock formations, or (b) by a manmade structure which has been approved by appropriate government agencies and for which engineering drawings exist to locate the interface between the shoreline and the structure?
- ☐ YES Submit evidence of these conditions and your most recent State Certified Shoreline Survey, or if one does not exist for the subject property, submit the most recent shoreline survey prepared by a land surveyor who is licensed in the State of Hawaii. The survey shall include the date of the field survey and the surveyor's signature.
- ☐ NO Submit State Certified Shoreline Survey. The survey shall be the actual field location of the shoreline, as prepared by a land surveyor licensed in the State of Hawaii. The survey maps shall bear the surveyor's signature, date of field survey, and the certifying signature and date of the Chairman of the Board of Land and Natural Resources (BLNR). The date of State Certified Shoreline Survey shall not be older than one year.
- 16(B). ☐ YES ☒ NO For any lot not abutting the shoreline, is any part of the proposed action to occur WITHIN 150 feet of the shoreline?
- **If YES**, Submit State Certified Shoreline Survey. The survey shall be the actual field location of the shoreline as prepared by a land surveyor licensed in the State of Hawaii. The survey maps shall bear the surveyor's signature, date of field survey, and the certifying signature and date of the Chairman of the Board of Land and Natural Resources (BLNR). The date of State Certified Shoreline Survey shall not be older than one year.
- 16(C). ☐ YES ☒ NO Is any part of the subject property lot line, located WITHIN 150 feet of the shoreline?
- **If YES**, be advised that your SMA Assessment Application will be reviewed to determine if a State Certified Shoreline Survey is required.
- 17 ☒ Any other information and documentation required by the Planning Department to properly process the application, and/or items you feel will aid the Department in its review of your project.  
List all other submitted documents below.
- A) Exhibit A- Data Recovery Plan & SHPD Approval Letter C) \_\_\_\_\_
- B) Exhibit B - Overview of Data Recovery Plan D) \_\_\_\_\_
- 18 ☐ If a Flood Development Permit is required, it must be issued prior to an SMA Exemption or Minor Permit approval.

### **3. SPECIAL MANAGEMENT AREA ASSESSMENT APPLICATION**

## Special Management Area (SMA) ASSESSMENT APPLICATION

Please print legibly or type in the information below.

County Use Only

Permit Number: **SMX**

### PROPERTY ADDRESS / PROJECT INFORMATION

Name of Project: (If project name is not provided, applicants name will be used) **Evans Holdings Disposal Well**

Tax Map Key No: **(2)2-1-005:135**

Total Lot Area: **29.251 acres**

Physical Address / Location of Project: **7191 Makena Road Kihei, HI 96753**

Additional Location Information:

### DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT

Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s), and statement of objectives of the proposed action. Attach additional sheets, if needed:

Describe the Existing Use: **AG land including permitted main farm dwelling.**

#### Describe the Proposed Action:

Include a description of all proposed ground altering activities (e.g., area of disturbance, quantity of fill, depth of excavation, etc.).

**Construction of disposal well for salt water produced in conjunction with water treatment for a potable water system to provide water to the main farm dwelling. Please see attached for the continued description.**

Valuation\*: **\$220,000**

Building Permit Application No: (if applicable)

\*Total cost or fair market value as estimated by an architect, engineer, or contractor licensed by the Department of Commerce and Consumer Affairs, State of Hawaii; or, by the administrator of Department of Public Works, Development Services Administration.

### CONTACT INFORMATION

#### APPLICANT INFORMATION

Applicant's Name(s): **Nohelani Uu**

Email: **nohelani@fwmaui.com**

Mailing Address: **2035 Main Street Suite 1 Wailuku, HI 96793**

Phone Number(s): bus **249.2224** hm \_\_\_\_\_ mobile \_\_\_\_\_ fax \_\_\_\_\_

Signature(s): 

Date: **January 5, 2017**

#### CONSULTANT INFORMATION

Contact Name(s): **Nohelani Uu**

Email: \_\_\_\_\_

Mailing Address: **same as above**

Phone Number(s): bus \_\_\_\_\_ hm \_\_\_\_\_ mobile \_\_\_\_\_ fax \_\_\_\_\_

Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

#### OWNER INFORMATION

Owner's Name(s): **Evans Holdings, Inc.**

Email: \_\_\_\_\_

Mailing Address: **1100 Alakea Street Suite 2100 Honolulu, HI 96813**

Phone Number(s): bus \_\_\_\_\_ hm \_\_\_\_\_ mobile \_\_\_\_\_ fax \_\_\_\_\_

Signature(s): \_\_\_\_\_

Date: \_\_\_\_\_

## **Special Management Area Application for Evans Holdings Disposal Well**

### **Continued Description of the Proposed Use:**

The construction and operation of the disposal well has been reviewed and approved by the State Department of Health. The salt content of the water being disposed is less than the content within the naturally occurring ocean water. The salt content in ocean water is roughly 35 ppt and the estimated salt content of the disposal well water is roughly 6 ppt. As such, the operation of the disposal well will have no significant effect on the environment.

#### **4. ZONING AND FLOOD CONFIRMATION FORM**

14/04/02  
COUNTY OF MAUI  
DEPARTMENT OF PLANNING  
One Main Plaza Building  
2200 Main Street, Suite 315  
Wailuku, Hawaii 96793



Zoning Administration and  
Enforcement Division (ZAED)  
Telephone: (808) 270-7253  
Facsimile: (808) 270-7634  
E-mail: [planning@maui-county.gov](mailto:planning@maui-county.gov)

## ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Evans Holdings, LLC

TELEPHONE 249.2224

PROJECT NAME Kanahena

E-MAIL dave@fwmahi.com

PROPERTY ADDRESS Makena Road

TAX MAP KEY 2-1-005:135

- ☐ Yes ☒ No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?  
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:
- A) ☐ Yes ☐ No Will it be processed under a consistency exemption from Section 18.04.030(B), MCC?  
IF YES, which exemption? (No. 1, 2, 3, 4 or 5)
- B) State the purpose of subdivision and the proposed land uses (ie 1-lot into 2-lots for all land uses allowed by law):

INSTRUCTIONS:

- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
- 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
- 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION:<sup>1</sup>

STATE DISTRICT: ☐ Urban ☐ Rural ☒ Agriculture ☐ Conservation

☒ (SMA)  
Special  
Management Area

MAUI ISLAND PLAN Growth Boundary: ☐ Urban ☐ Small Town ☐ Rural ☐ Planned Growth Area ☒ Outside Growth Boundaries

PLAN Protected Area: ☐ Preservation ☐ Park ☐ Greenbelt ☐ Greenway ☐ Sensitive Land ☒ Outside Protected Areas

COMMUNITY PLAN: Ag - Agriculture

COUNTY ZONING: Ag - Agriculture

OTHER/COMMENTS:

FEMA FLOOD INFORMATION:

FLOOD HAZARD AREA ZONES<sup>3</sup>  
& BASE FLOOD ELEVATIONS:

☐ FEMA DESIGNATED FLOODWAY

For Flood Zone AO, FLOOD DEPTH:

☐ FLOOD DEVELOPMENT PERMIT REQUIRED (Zones V, VE, A, AO, AE, AH, D, & Floodways)

☐ (PD)  
Planned  
Development  
☐ (PH)  
Project District  
☐ See  
Additional  
Comments (Pg.2)  
☐ See  
Attached LUD Map

SUBDIVISION LAND USE CONSISTENCY: ☐ Not Applicable (Due to processing under consistency exemption No. ☐ 1, ☐ 2, ☐ 3, ☐ 4, ☐ 5).

(Signature)

☐ Not Applicable (Due to processing under consistency exemption No. ☐ 1, ☐ 2, ☐ 3, ☐ 4, ☐ 5).

☐ <sup>4</sup>Consistent (LUDs appear to have ALL permitted uses in common).

☐ <sup>4</sup>Consistent upon obtaining an SMA, PD, or PH subdivision approval from Planning.

☐ <sup>4</sup>Consistent upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

### NOTES:

- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change in Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
- 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
- 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainage way. Flood development permits are required for work in all other zones. Subdivisions that include/drain streams, gulches, low-lying areas, or any type of drainage way might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
- 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement (Section 18.04.030 D, Maui County Code)

REVIEWED & CONFIRMED BY:

For: John S. Rapacz Planning Program Administrator, Zoning Administration and Enforcement Division

**5. CHAPTER 343 HRS CHECKLIST & CHAPTER  
205-A HRS ASSESSMENT INFORMATION**

## CHAPTER 343, HRS, COMPLIANCE CHECKLIST

Complete the following worksheet to determine whether the proposed action triggers Chapter 343, HRS, relating to Environmental Impact Statements.

A ☐ YES ☒ NO Do any of the proposed actions listed below apply to your project? The proposed actions listed below trigger Chapter 343, HRS.

If YES, check any that apply and continue with question B below.

If NO, stop here, an *Environmental Impact Statement* may not be required.

- |  |  |
|--|--|
| 1 <input type="checkbox"/> Use of state or county lands or funds | 6 <input type="checkbox"/> Reclassification of conservation lands  |
| 2 <input type="checkbox"/> Use of conservation district lands    | 7 <input type="checkbox"/> Construction/modification of helicopter facilities  |
| 3 <input type="checkbox"/> Use of shoreline area                 | 8 <input type="checkbox"/> Propose any: (a) wastewater facility, except an individual wastewater system or a wastewater facility serving fewer than fifty (50) single-family dwellings or the equivalent; (b) Waste-to-energy facility; (c) Landfill; (d) Oil refinery; or (e) Power-generating facilities |
| 4 <input type="checkbox"/> Use of historic site or district      |  |
| 5 <input type="checkbox"/> Amendment to county general plan      |  |

B Does the proposed action qualify for one or more of the following exemption classes?

- 1 ☐ Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing;
- 2 ☐ Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced;
- 3 ☐ Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to:
  - a. Single-family residences less than three thousand five hundred (3,500) square feet not in conjunction with the building of two or more such units;
  - b. Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;
  - c. Stores, offices, and restaurants designed for total occupant load of twenty persons or less per structure, if not in conjunction with the building of two or more such structures; and
  - d. Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and, acquisition of utility easements;
- 4 ☐ Minor alterations in the conditions of land, water, or vegetation;
- 5 ☐ Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource;
- 6 ☐ Construction or placement of minor structures accessory to existing facilities;
- 7 ☐ Interior alterations involving things such as partitions, plumbing, and electrical conveyances;
- 8 ☐ Demolition of structures, except those structures located on any historic site as designated in the national register or Hawaii register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. §§470, as amended, or chapter 6E, HRS;
- 9 ☐ Zoning variances except shoreline set-back variances; and
- 10 ☐ Continuing administrative activities including, but not limited to purchase of supplies and personnel-related actions.

**If any boxes are checked, submit any letter of exemption you may have received from the proper authority.**

**If no boxes are checked, then an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is required. Submit the completed EA or EIS document with the application.**

## CHAPTER 205A-2, HRS, ASSESSMENT INFORMATION

Before answering any of the questions on this page, please first read the attached objectives and policies of Chapter 205A-2, coastal zone management program (pg 9-10).

I have read the attached (pg 9-10) coastal zone management objectives and policies of Chapter 205A-2, HRS and state that the proposed project is not contrary to the objectives and policies of Chapter 205A-2, HRS.

Printed Name: Nohealani Wu

Signature: Nohealani Wu

Date: 1/5/17

Type or legibly print answers to the following and attach additional sheets, as needed.

Be advised that the absence or lack of sufficient information on any of the following items may delay processing.

The environmental setting of the property (description of property):

The subject property is located within former ranch lands, accessed by an existing private road of Makena Keoneoio Road.

Provide a description of any anticipated impacts, as follows:

- (A) Affects natural or cultural resources (i.e., historic site, excavation on vacant land):  
The proposed disposal well does not affect the natural or cultural resources of the land. Please see the attached Exhibit A and B.
- (B) Curtails the range of beneficial uses of the environment:  
The proposed disposal well does not curtail the range of beneficial uses of the environment.
- (C) Conflicts with the county's or the state's long-term environmental policies or goals (i.e. State Plan, County General Plan, and Community Plan):  
The proposed disposal well does not conflict with the County or State's long-term environmental policies or goals.
- (D) Affects the economic or social welfare and activities of the community, county, or state: (what are the economic impacts of this project):  
The proposed disposal well does not affect the economical or social welfare and the activities of the community, County, or State. There should be no adverse impacts related to this project.
- (E) Involves secondary impacts, such as population changes (i.e. increase/decrease) and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways (i.e. increased demands and deficiencies):  
The proposed well should not involve secondary impacts or increased effects on public infrastructure.
- (F) By itself has no significant adverse effects but cumulatively has considerable effect upon the environment (i.e. increased traffic and deficiencies in services) or involves a commitment for larger actions (i.e. more public infrastructure, such as, roads, waterlines, sewers, etc.):  
Cumulatively, the proposed well does not have considerable effect upon the environment or involve a commitment for larger actions.
- (G) Affects a rare, threatened, or endangered species of animal or plant, or its habitat (i.e. wetlands, natural area reserve, refuge):  
The proposed disposal well does not affect rare, threatened, or endangered species of animal or plant, or its habitat.
- (H) Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances: The proposed disposal well is not contrary to the State plan, County's General Plan, or community plan, or zoning and subdivision ordinances.
- (I) Affects air or water quality or ambient noise levels (i.e. construction impacts): How might any effects be mitigated? The proposed disposal well does not affect air or water quality or ambient noise levels. Please see the description of the proposed action.
- (J) Located in and does it affect an environmentally sensitive area, such as flood plain, shoreline, dunes, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters, or coastal waters:  
The proposed disposal well is not located in and does not affect an environmentally sensitive area.
- (K) Alters natural land forms (i.e. cut and fill, retaining walls) and existing public views to and along the shoreline:  
The proposed disposal well does not alter natural land forms nor existing public views to and along the shoreline.
- (L) Is contrary to the objectives and policies of chapter 205A, HRS.  
The proposed disposal well is not contrary to the objectives and policies of Chapter 205A, HRS.

## **6. EVIDENCE OF LANDOWNERSHIP**


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### Owner and Parcel Information

|   |  |               |                                 |
|---|--|---------------|---------------------------------|
| Owner Name                                    | EVANS HOLDINGS, INC Fee Owner                | Today's Date  | December 16, 2016               |
| Mailing Address                               | 1100 ALAKEA ST STE 2100<br>HONOLULU HI 96813 | Parcel Number | 210051350000                    |
| Location Address                              | 7191 MAKENA RD                               | Parcel Map    | <a href="#">Show Parcel Map</a> |
| Neighborhood Code                             | 2142-5                                       | Land Area     | 29.251 Acres                    |
| Legal Information                             |  | Parcel Note   |                                 |
| <a href="#">Generate Owner List By Radius</a> |  |               |                                 |

### Assessment Information

[Show Historical Assessments](#)

| Year | Tax Class    | Market Land Value | Agricultural Land Value | Assessed Land Value | Building Value | Total Assessed Value | Total Exemption Value | Total Net Taxable Value |
|------|--------------|-------------------|-------------------------|---------------------|----------------|----------------------|-----------------------|-------------------------|
| 2016 | AGRICULTURAL | \$ 2,223,100      | \$ 0                    | \$ 2,223,100        | \$ 0           | \$ 2,223,100         | \$ 0                  | \$ 2,223,100            |

### Current Tax Bill Information

[2016 Tax Payments](#)
[Show Historical Taxes](#)

| Tax Period                         | Description       | Original Due Date | Taxes Assessment | Tax Credits | Net Tax     | Penalty | Interest | Other   | Amount Due  |
|------------------------------------|-------------------|-------------------|------------------|-------------|-------------|---------|----------|---------|-------------|
| 2016-2                             | Real Property Tax | 02/21/2017        | \$ 6,291.37      | \$ 0.00     | \$ 6,291.37 | \$ 0.00 | \$ 0.00  | \$ 0.00 | \$ 6,291.37 |
| Tax bill is computed to 12/31/2016 |                   |                   |                  |             |             |         |          |         |             |

### Improvement Information

| Building Number | Style         | Year Built                   | Eff Year Built | Percent Complete | Living Area    | Construction Type                 |
|-----------------|---------------|------------------------------|----------------|------------------|----------------|-----------------------------------|
| 1               | Contemporary  | 2015                         |                | 0 %              | 4,784          | Frame                             |
| Heating/Cooling | Exterior Wall | Bedrooms/Full Bath/Half Bath | Roof Material  | Fireplace        | Building Value | Sketch                            |
| CENTRAL A/C     | STUCCO        | 4/4/2                        | Concrete tile  |                  | \$ 0           | <a href="#">Sketch Building 1</a> |

### Accessory Information

| Building Number | Description        | Dimensions/Units | Year Built | Percent Complete | Value |
|-----------------|--------------------|------------------|------------|------------------|-------|
| 1               | WATER TANK NON TAX | 0x0 100,000 / 1  | 2015       | 100 %            | \$ 0  |

### Sales Information

| Sale Date  | Price        | Instrument # | Instrument Type | Valid Sale or Other Reason | Document Type | Record Date | Land Court # | Land Court Cert |
|------------|--------------|--------------|-----------------|----------------------------|---------------|-------------|--------------|-----------------|
| 05/23/2014 | \$ 1,995,000 | A52560542    | Fee conveyance  | Not open market            | Deed          | 05/23/2014  |              |                 |

### Permit Information

| Date       | Permit Number | Reason           | Permit Amount |
|------------|---------------|------------------|---------------|
| 06/30/2015 | B20150920     | New res dwelling | \$ 1,800,000  |
| 12/04/2014 | B20141582     | Water Tank       | \$ 320,000    |

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**7. NOTARIZED LETTER OF AUTHORIZATION  
FROM LANDOWNER**

**EVANS HOLDINGS, INC.**  
**1100 Alakea St, Suite 2100**  
**Honolulu, HI 96813**

December 16, 2016

Department of Planning  
County of Maui  
2200 High Street  
Wailuku, HI 96793

Subject: Special Management Area Application- Landowner Authorization  
Evans Holdings Inc.  
7191 Makea Road  
Kihei, HI 96753  
TMK: (2) 2-1-005:135

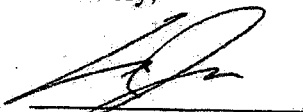
Mr. William Spence:

I, the undersigned, legal owners of the subject property, hereby authorize Mr. Dave Ward and Nohelani Uu of F&W Land LLC to sign, prepare, file and process a request for Special Management Area Application for the subject property.

I, Mark Johnson, certify that I am authorized to sign on behalf of Evans Holdings, Inc.

Should you have any questions or require additional information, please do not hesitate to contact me at 808-554-6995.

Sincerely,



Mark Johnson  
President  
Evans Holdings, Inc.

Hawaii.gov



Department of Commerce & Consumer Affairs (DCCA)

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## EVANS HOLDINGS, INC.

DOMESTIC PROFIT CORPORATION

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GENERAL INFO ANNUAL FILINGS **OFFICERS** STOCKS OTHER FILINGS BUY AVAILABLE DOCS

### Officers

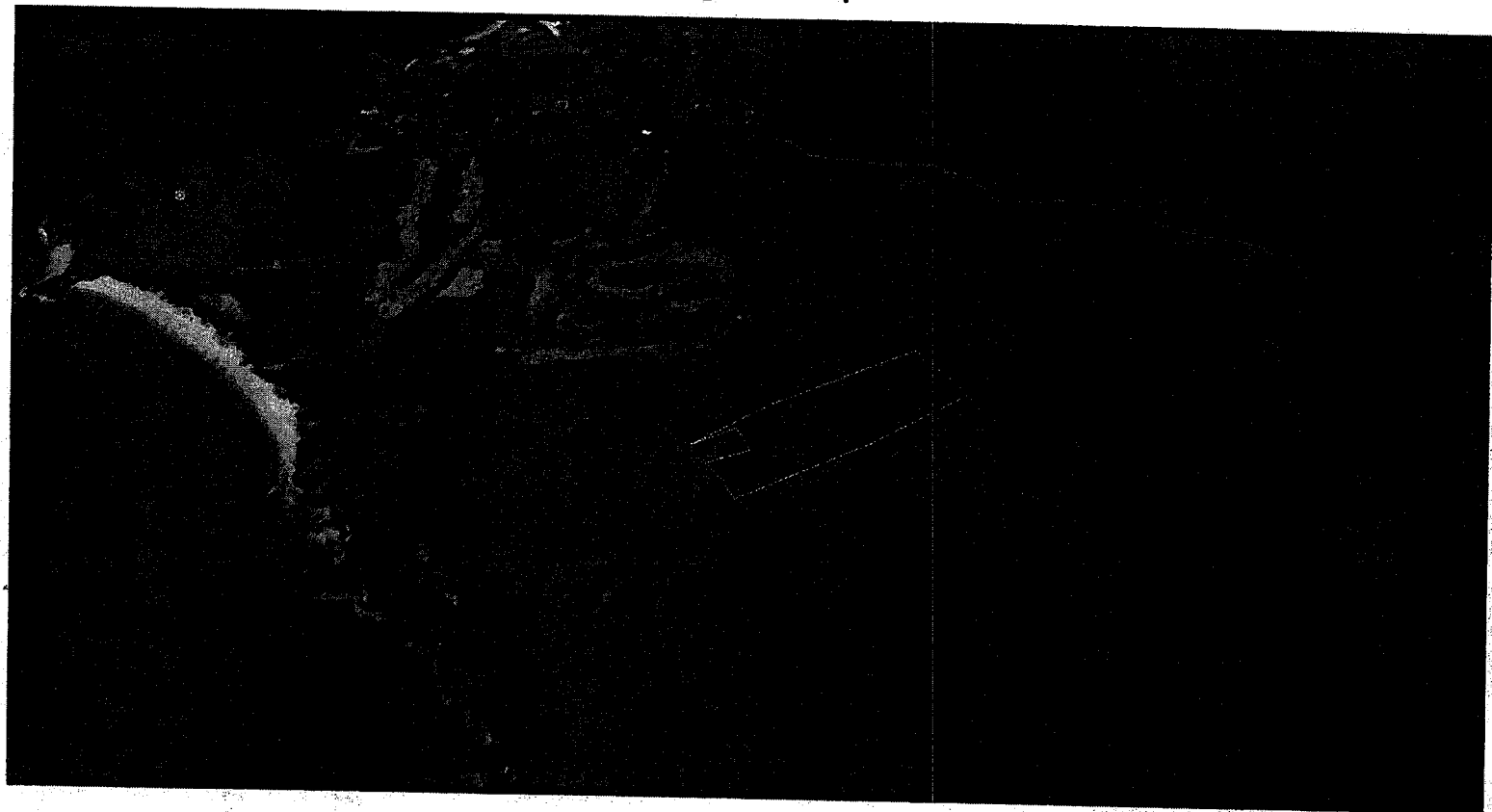
| NAME          | OFFICE ▼ | DATE        |
|---------------|----------|-------------|
| JOHNSON, MARK | P/D      | Apr 1, 2015 |



## **8. PROJECT PLANS**

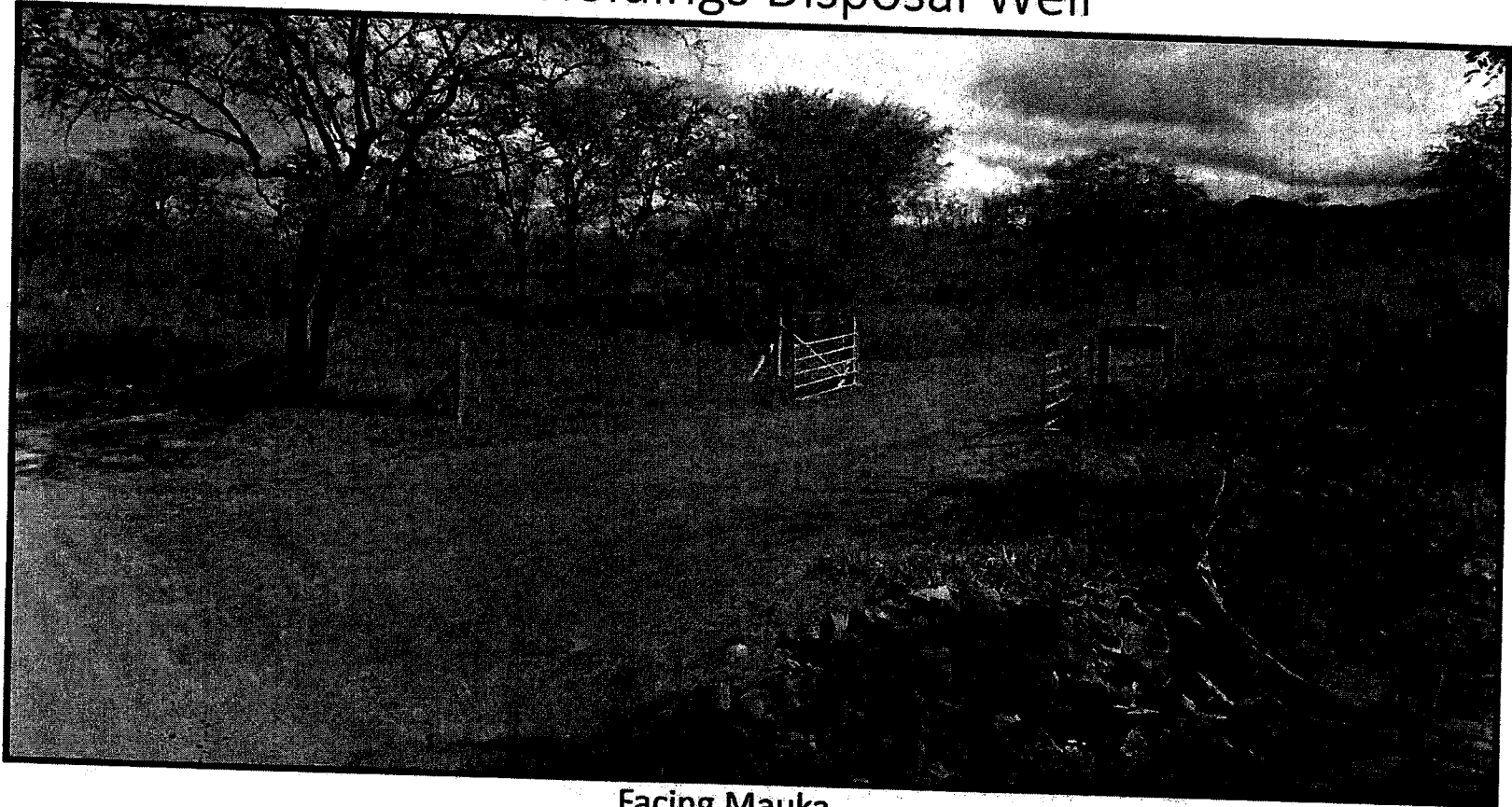
## **9. PHOTOGRAPHS OF PROJECT SITE**

## Evans Holdings Disposal Well



TMK (2) 2-1-005:135

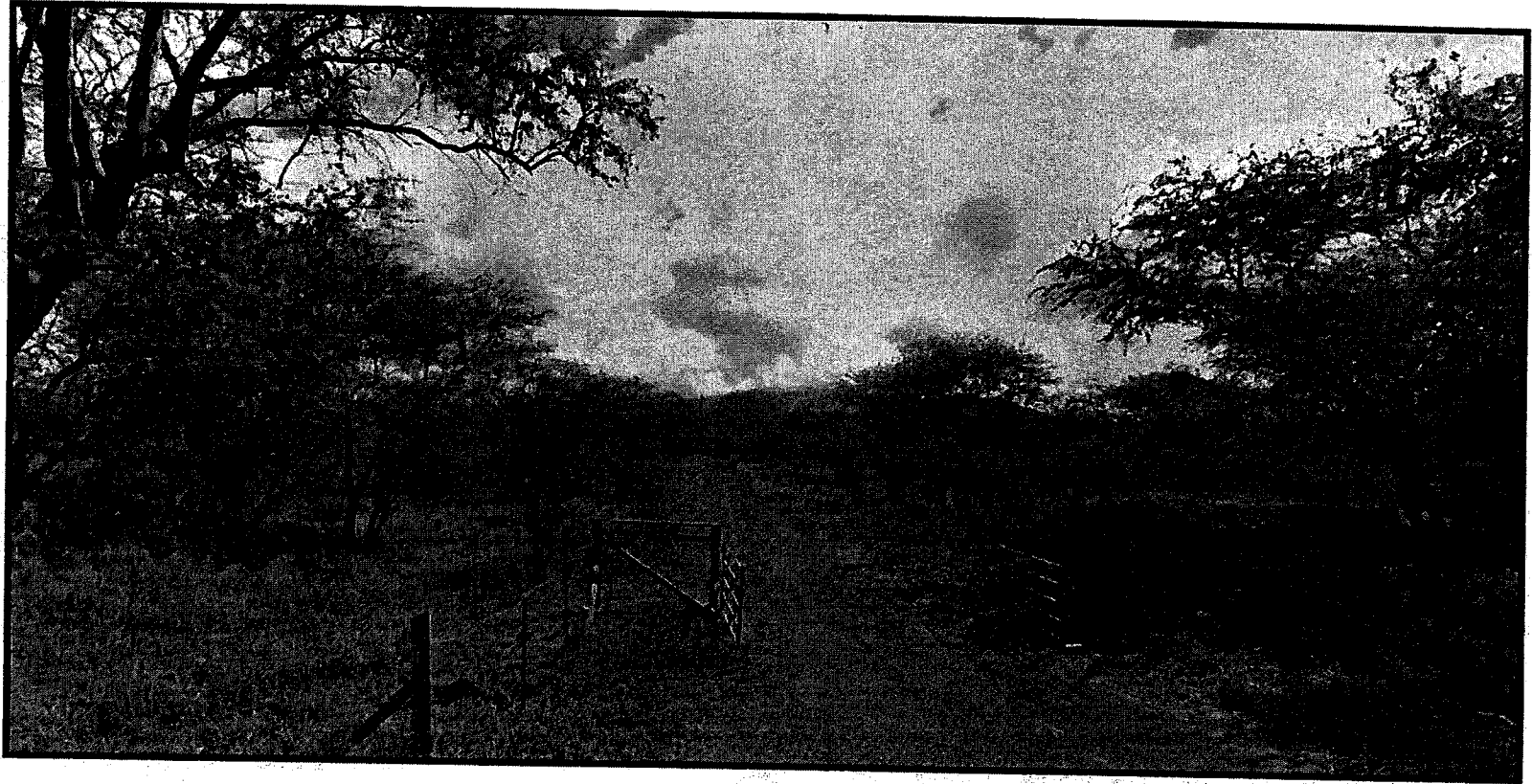
## Evans Holdings Disposal Well



Facing Mauka

TMK (2) 2-1-005:135

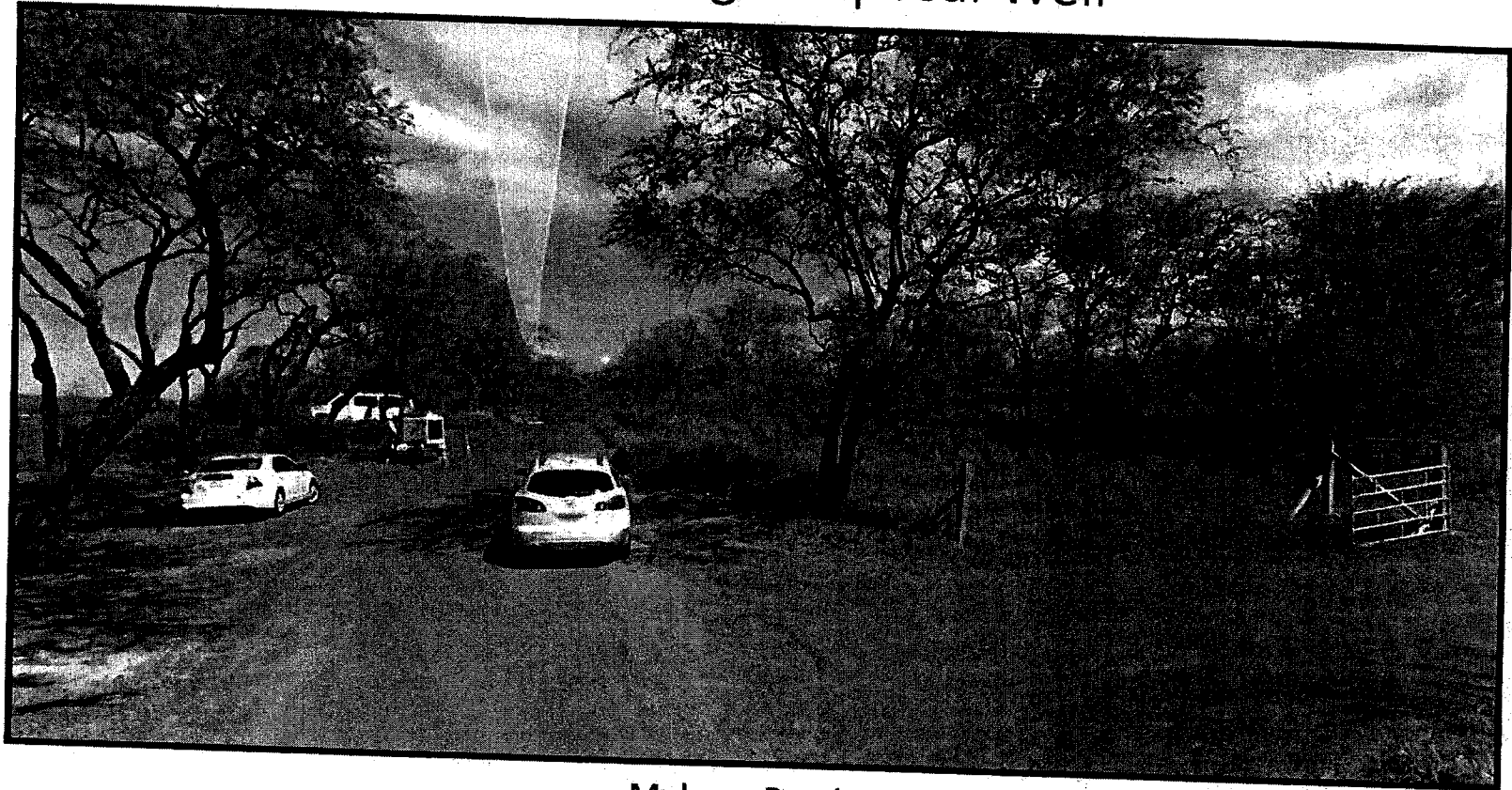
## Evans Holdings Disposal Well



Facing Mauka

TMK (2) 2-1-005:135

# Evans Holdings Disposal Well

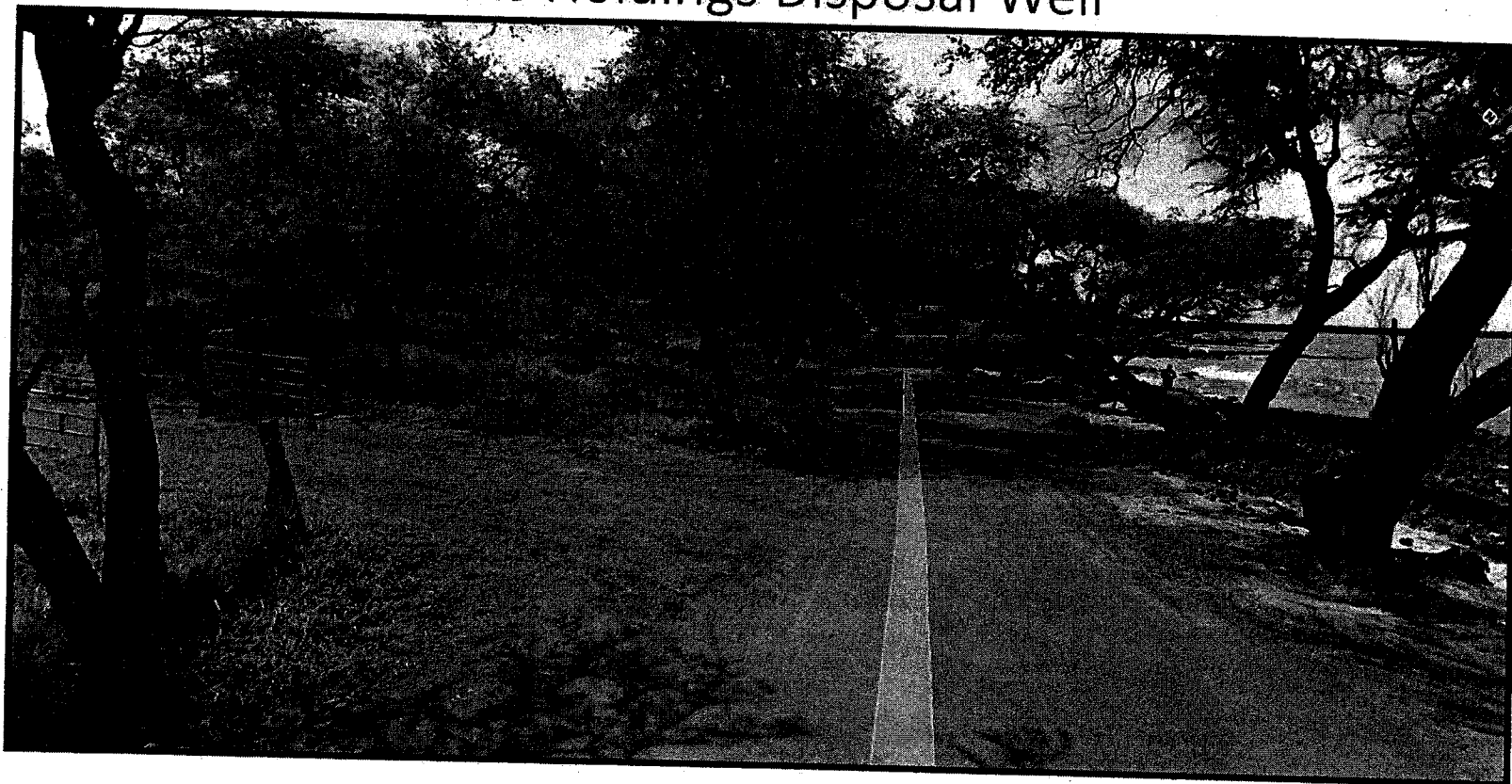


Makena Road

TMK (2) 2-1-005:135



# Evans Holdings Disposal Well



Makena Road  
TMK (2) 2-1-005:135



**10. EXHIBIT A – SHPD APPROVAL LETTER  
& DATA RECOVERY PLAN**

**11. EXHIBIT B – OVERVIEW OF DATA  
RECOVERY PLAN**

**EXHIBIT B:**

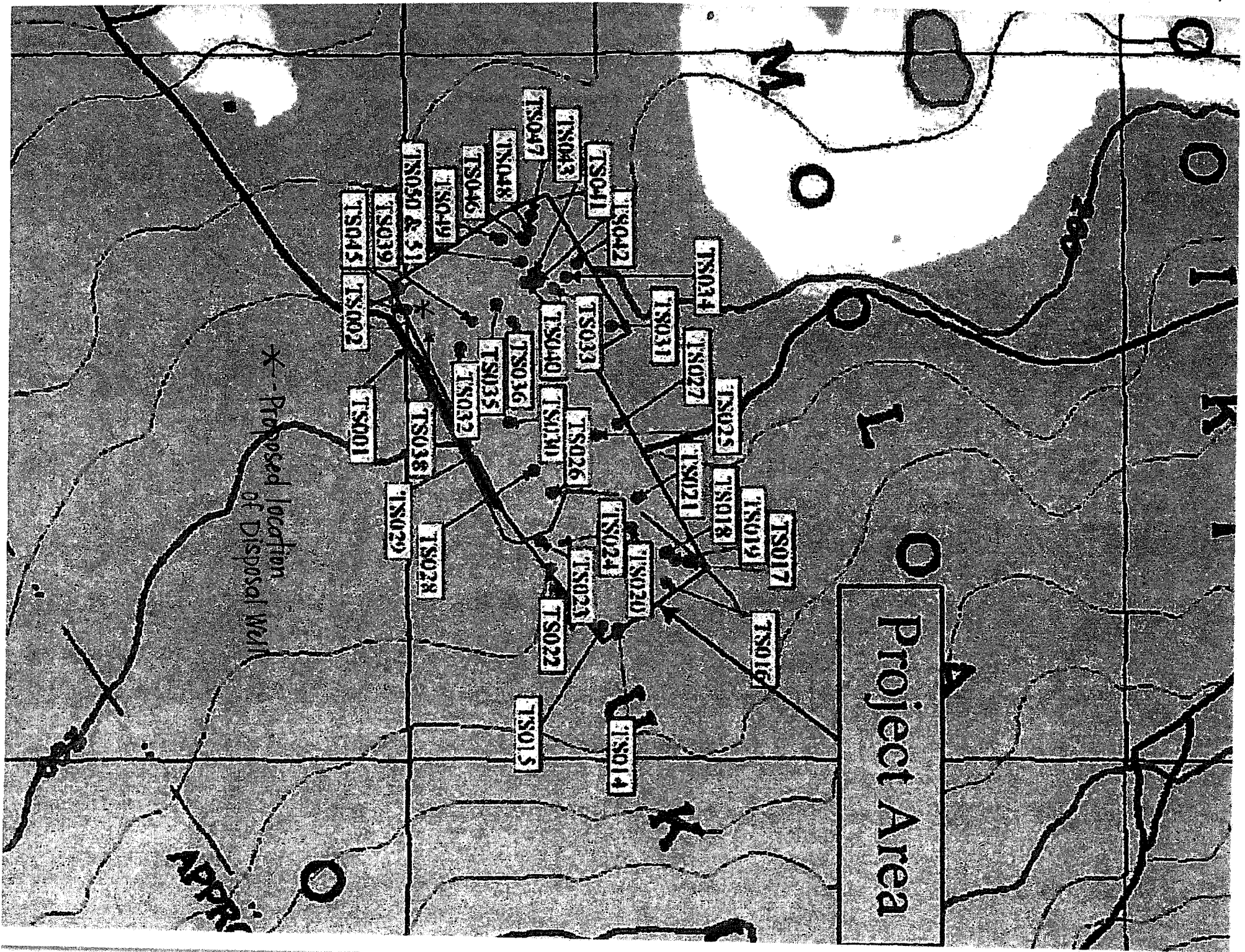
**Overview of Data Recovery Plan**

**Sites near proposed disposal well:**

**Site TS002:** Collapsed Terrace in poor condition. Consists of basalt cobbles and boulders, not recommended for data recovery.

**Site TS045:** Permanent Habitation/Hale in fair condition. Consists of stacked and faced basalt enclosure and portion of rock wall. Recommended for data recovery. Proposed disposal well will not impact TS045 site. Noted on pages 19, 20 and 30 of Data Recovery Plan.

See attached map showing approximate location of disposal well as it relates to the above mention sites.



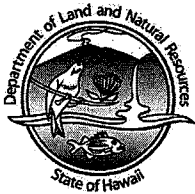
Project Area

X - Proposed location  
of Disposal Well

- TS047
- TS043
- TS041
- TS042
- TS034
- TS031
- TS027
- TS025
- TS018
- TS019
- TS017
- TS016
- TS014
- TS020
- TS024
- TS026
- TS030
- TS036
- TS035
- TS032
- TS038
- TS029
- TS028
- TS022
- TS015
- TS001
- TS002
- TS045
- TS039
- TS050 & 51
- TS046
- TS048



DAVID Y. IGE  
GOVERNOR OF HAWAII



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

STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
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SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
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KEKOA KALUHIWA  
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CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

May 28, 2015

Michael F. Dega, Ph.D.  
Scientific Consultant Services, Inc.  
1347 Kapiolani Blvd., Ste 408  
Honolulu, Hawaii 96814  
Via email to: [mike@scshawaii.com](mailto:mike@scshawaii.com)

Log No: 2015.00983  
Doc No: 1505MD49  
Archaeology

Aloha Dr. Dega:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Maui County  
Draft Archaeological Data Recovery and Preservation Plan for  
SIHPs 7891, 7892, 7908, 7911, 7914 and 7917  
Mo'omuku Ahupua'a, Makawao District, Island of Maui  
TMK (2) 2-1-005:134, 135 (por.) and 136**

Thank you for the opportunity to review the submittal titled *Data Recovery Plan for Sites 50-50-14-7891, -7908, -7911, -7914 and Preservation Plan for Sites 50-50-14-7892, -7917 on Approximately 27-acres in Mākena, Mo'omuku Ahupua'a, Makawao District, Island of Maui, Hawai'i* by Perzinski and Dega (March 2015; SCS Project Number 1501a-PP/DR-1). We received the draft plan submittal on March 12, 2015 and apologize for the delayed review.

The subject area consists of all of parcels 134 and 136 and a portion of a larger parcel 135, and has been divided this way to accommodate a planned utility corridor for parcel 135. Parcel 135 (in whole or in part) has been subject to an archaeological inventory survey (AIS) as documented in two approved reports; the report reflecting work done on this subject portion (Perzinski and Dega February 2015) was approved by SHPD in March 2015 (*Log No. 2015.00802, Doc No. 1503MD02*). Because the County of Maui updated tax map key is not yet available it is unclear to SHPD at this time what the total acreage is for these three parcels.

The AIS report documented 36 archaeological sites. Of those, 30 were considered sufficiently documented and require no further archaeological work. Six, the subjects of this submitted data recovery and preservation plan, require additional work. Four sites – a terrace/planter (SIHP 7891), an animal pen (7908), and two enclosures (7911 and 7914) are slated for data recovery. Two other sites that have been interpreted as ceremonial, a terrace platform (7892) and a modified outcrop platform (7917), and will be permanently preserved.

We are requesting revisions to the treatment plan for each site as detailed in the attachment to this letter pursuant to Hawai'i Administrative Rules §13-277 and 278. To aid in rapid review of the revised draft please include a cover letter that specifies the changes made to this document and their new page numbers.

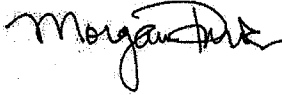
Scientific Consultant Services, Inc.

May 28, 2015

Page 2

We request that you send one hardcopy of the corrected document, along with a review response letter to our Maui office. Please contact me at (808) 243-4641 or [Morgan.E.Davis@hawaii.gov](mailto:Morgan.E.Davis@hawaii.gov) if you have any questions or concerns.

Mahalo,



Morgan E. Davis

Lead Archaeologist, Maui Section

cc:

County of Maui  
Department of Planning  
[Planning@co.maui.hi.us](mailto:Planning@co.maui.hi.us)

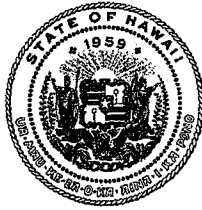
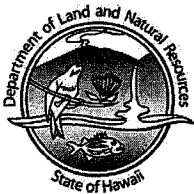
Evans Holdings, Inc.  
1100 Alakea Street, Suite 2200  
Honolulu, Hawaii 96813

County of Maui  
Department of Public Works – DSA  
[Renee.Segundo@co.maui.hi.us](mailto:Renee.Segundo@co.maui.hi.us)

David Ward  
Frampton & Ward, LLC  
[dave@fwmaui.com](mailto:dave@fwmaui.com)

County of Maui  
Cultural Resources Commission  
[Annalise.Kehler@co.maui.hi.us](mailto:Annalise.Kehler@co.maui.hi.us)

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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

June 5, 2015

Michael F. Dega, Ph.D.  
Scientific Consultant Services, Inc.  
1347 Kapiolani Blvd., Ste 408  
Honolulu, Hawaii 96814  
Via email to: [mike@scshawaii.com](mailto:mike@scshawaii.com)

Log No: 2015.02187  
Doc No: 1506MD06  
Archaeology

Aloha Dr. Dega:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Maui County  
Draft Archaeological Data Recovery and Preservation Plan for SIHPs 7923 and 7932  
Mo'omuku Ahupua'a, Makawao District, Island of Maui  
TMK (2) 2-1-005:135 (por.)**

Thank you for the opportunity to review the submittal titled *Data Recovery Plan for Site 50-50-14-7923 and Preservation Plan for Site 50-50-14-7932, a 7.2-Acre Utility Corridor in Mākena, Mo'omuku Ahupua'a, Makawao District, Island of Maui, Hawai'i* by Perzinski and Dega (Revised May 2015; SCS Project Number 1501b-PP/DR-2). We received the draft plan submittal on June 3, 2015. We previously reviewed an earlier draft of this plan and requested revisions (Log No. 2015.00931, Doc No. 1505MD45).

The subject area consists of 7.2 acres of a larger parcel, and has been divided this way to accommodate a planned utility corridor for parcel 135. Parcel 135 has been subject to an archaeological inventory survey (AIS) as documented in two approved reports; the report reflecting work done on this subject portion (Perzinski and Dega December 2014) was approved by SHPD in February 2015 (Log No. 2014.05637, Doc No. 1502MD37). Because the County of Maui updated tax map key is not yet available it is unclear to SHPD at this time what the total acreage is for parcel 135.

The AIS report documented 14 archaeological sites. Of those, 12 were considered sufficiently documented and require no further archaeological work. Two, the subjects of this submitted data recovery and preservation plan, require additional work: SIHP 7923, an artifact/midden scatter, requires additional study in the form of data recovery; while SIHP 7932, a pre-Contact era habitation terrace, will be permanently preserved. SIHP 7923 will be subject to a minimum of 12 excavation units with a resulting data recovery report; SIHP 7932 will be permanently preserved with a five-foot buffer, extended to ten feet surrounded with orange construction fencing during construction activities per the plan.

The Preservation Plan and Data Recovery Plan meets the requirements of Hawai'i Administrative Rules §13-277 and 278 and is accepted. Please send one hardcopy of the document, clearly marked **FINAL**, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library.

**Please contact SHPD upon completion of data recovery at SIHP 7923, before closing the excavation units to arrange a site visit.**

Please contact me at (808) 243-4641 or [Morgan.E.Davis@hawaii.gov](mailto:Morgan.E.Davis@hawaii.gov) if you have any questions or concerns about this letter.

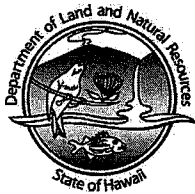
Mahalo,



Morgan E. Davis  
Lead Archaeologist, Maui Section

|     |  |  |   |
|-----|--|--|---|
| cc: | County of Maui<br>Department of Planning<br><a href="mailto:Planning@co.maui.hi.us">Planning@co.maui.hi.us</a> | County of Maui<br>Department of Public Works – DSA<br><a href="mailto:Renee.Segundo@co.maui.hi.us">Renee.Segundo@co.maui.hi.us</a> | County of Maui<br>Cultural Resources Commission<br><a href="mailto:Annalise.Kehler@co.maui.hi.us">Annalise.Kehler@co.maui.hi.us</a> |
|     | Evans Holdings, Inc.<br>1100 Alakea Street, Suite 2200<br>Honolulu, Hawaii 96813                               | David Ward<br>Frampton & Ward, LLC<br><a href="mailto:dave@fwmaui.com">dave@fwmaui.com</a>   |   |

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
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ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

June 16, 2015

Michael F. Dega, Ph.D.  
Scientific Consultant Services, Inc.  
1347 Kapiolani Blvd., Ste 408  
Honolulu, Hawaii 96814  
Via email to: [mike@scshawaii.com](mailto:mike@scshawaii.com)

Log No: 2015.02343  
Doc No: 1506MD19  
Archaeology

Aloha Dr. Dega:

**SUBJECT: Chapter 6E-42 Historic Preservation Review – Maui County  
Draft Archaeological Data Recovery and Preservation Plan for Six SIHPs  
Mo'omuku Ahupua'a, Makawao District, Island of Maui  
TMK (2) 2-1-005:135 (por.)**

Thank you for the opportunity to review the submittal titled *Data Recovery Plan for Sites 50-50-14-7891, -7908, -7911, -7914 and Preservation Plan for Sites 50-50-14-7892, -7917 on Approximately 27-acres in Mākena, Mo'omuku Ahupua'a, Makawao District, Island of Maui, Hawai'i [TMK: (2) 2-1-005:134, 135 por., and 136]* by Perzinski and Dega (Revised May 2015; SCS Project Number 1501a-PP/DR-2). We received the draft plan submittal on June 5, 2015. We previously reviewed an earlier draft of this plan and requested revisions (Log No. 2015.00983, Doc No. 1505MD49).

The subject area consists of 27 acres, with parcel 135 being documented in two reports. Parcel 135 has also been subject to an archaeological inventory survey (AIS) as documented in two approved reports; the report reflecting work done on this subject portion (Perzinski and Dega December 2014) was approved by SHPD in March 2015 (Log No. 2015.00802, Doc No. 1503MD02). Because the County of Maui updated tax map key is not yet available it is unclear to SHPD at this time what the total acreage is for parcel 135.

The AIS report documented 36 archaeological sites. Of those, 30 were considered sufficiently documented and require no further archaeological work. Six, the subjects of this submitted data recovery and preservation plan, require additional work: SIHPs 7891, 7908, 7911 and 7914, all require additional study in the form of data recovery; while SIHPs 7892 and 7917 will be permanently preserved. SIHPs subject to data recovery will be have a minimum of 12 1 x 1 meter excavation units with a resulting data recovery report; SIHPs 7892 and 7917 will be permanently preserved with a five-foot buffer, extended to ten feet and surrounded with orange construction fencing during construction activities per the plan.

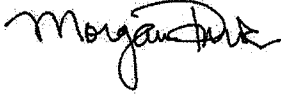
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Scientific Consultant Services, Inc.  
June 16, 2015  
Page 2

**Contact SHPD upon completion of data recovery at SIHP number 7891, 7908, 7911 and 7914, before closing the excavation units to arrange a site visit.**

Please contact me at (808) 243-4641 or [Morgan.E.Davis@hawaii.gov](mailto:Morgan.E.Davis@hawaii.gov) if you have any questions or concerns about this letter.

Mahalo,



Morgan E. Davis  
Lead Archaeologist, Maui Section

|     |  |  |   |
|-----|--|--|---|
| cc: | County of Maui<br>Department of Planning<br><a href="mailto:Planning@co.maui.hi.us">Planning@co.maui.hi.us</a> | County of Maui<br>Department of Public Works – DSA<br><a href="mailto:Renee.Segundo@co.maui.hi.us">Renee.Segundo@co.maui.hi.us</a> | County of Maui<br>Cultural Resources Commission<br><a href="mailto:Annalise.Kehler@co.maui.hi.us">Annalise.Kehler@co.maui.hi.us</a> |
|     | Evans Holdings, Inc.<br>1100 Alakea Street, Suite 2200<br>Honolulu, Hawaii 96813                               | David Ward<br>Frampton & Ward, LLC<br><a href="mailto:dave@fwmaui.com">dave@fwmaui.com</a>   |   |

ATTACHMENT

*Data Recovery Plan for Sites 50-50-14-7891, -7908, -7911, -7914 and Preservation Plan for Sites 50-50-14-7892, -7917 on Approximately 27-acres in Mākena, Mo'omuku Ahupua'a, Makawao District, Island of Maui, Hawai'i*  
by Perzinski and Dega (March 2015; SCS Project Number 1501a-PP/DR-1)

1. Table of Contents and List of Figures, pages i and ii: Please correct the eight "ERROR!..." comments, correct the page numbers, remove the underlining and correct the blue text.
2. Introduction, page 1, first paragraph: There is a "...during fieldwork (Figure)" reference missing a number; please add the number or remove if there is no Figure.
  - a. Please correct the site type reference "heating/consumption" as appropriate.
  - b. Regarding the use of the phrase "parcel" for the project area – please revise as appropriate. If this is one parcel, what is the new TMK? Or if it is two parcels and a portion of a third, use another term.
3. Figures 4 and 5, pages 17 and 19, please revise. These maps need to be larger/more detailed in order to permit use for project plans associated with planned work for this project area. Only the location of the six subject sites are required for this plan and their locations relative to the overall parcel.
4. Data Recovery: Site 50-50-14-7623, page 38: please revise the title of this section as this SIHP is not included in this plan.
  - a. Excavation, page 39: For the four sites: additional information on data recovery methods is required. For example, only general locations for five excavation units of the proposed total 12 are discussed, and those are not specific enough in detail. Include, at a minimum, proposed excavation details for each SIHP; including a map showing the location of proposed excavation units, overlaid on the plan map for each SIHP.
    - i. We assume that the 1x1 meter excavations will be manual; please specify.
  - a. Page 40: please include "and analyzed" after "cultural material will be recovered."
5. Site Preservation, page 42: Note a figure(s) is needed showing both interim and permanent buffer zone locations around a figure of the preservation sites for both 7892 and 7917.
6. Permanent preservation, page 42: What is the recommended future treatment for the sites aside from the buffer zones – any/no landscaping, etc.

