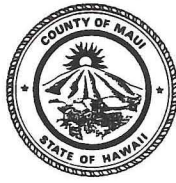


ALAN M. ARAKAWA
Mayor
MICHAEL W. FOLEY
Director
DON COUCH
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

July 17, 2006

Mr. Peter T. Young
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Young:

RE: Preliminary Compliance Report for the Lahaina Small Boat Harbor
Comfort Station, Tax Map Keys (2) 4-6-001:001, Lahaina, Maui,
Hawaii (HDC 2004/0012)

The Maui Planning Department is in receipt of your Preliminary Compliance Report dated May 10, 2006, for the above project and accepts said document as compliant.

Thank you for your cooperation. If additional clarification is required, please contact Ms. Lisa Almeida, Staff Planner, of this office at 270-1789 or at lisa.almeida@co.maui.hi.us.

Sincerely,

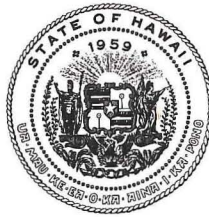


MICHAEL W. FOLEY
Planning Director

MWF:LGA:jmu

c: Don Couch, Deputy Planning Director
Clayton Yoshida, AICP, Planning Program Administrator
Aaron Shinmoto, P.E., Planning Program Administrator (2) (w/report)
Lisa Almeida, Staff Planner
Development Services Administration (2) (w/report)
Project File
General File
(K:\WP_DOCS\PLANNING\HDC\2004\0012_Lahaina_Comfort_Station\PreComplianceRpt.wpd)

LINDA LINGLE
GOVERNOR OF HAWAII



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

ROBERT K. MASUDA
DEPUTY DIRECTOR

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

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



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

MAY 10 2006

Michael W. Foley, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Dear Mr. Foley:

**Preliminary Compliance Report for the
Lahaina Small Boat Harbor Comfort Station Improvements,
Lahaina, Maui, Hawaii TMK: 4-6-01:01**

At its regular meeting of April 7, 2005, the Cultural Resources Commission (CRC) reviewed and approved the subject project. A copy of the Historic District Approval conditions are enclosed herein as Exhibit "A".

This report serves as the applicant's preliminary compliance report as set forth by Condition No. 11. The numbered responses provided below correspond to the numbered conditions set forth in the Historic District Approval.

Standard Conditions

Condition No.1:

Construction of the project will be in substantial compliance with the plans that were presented and approved by CRC on April 7, 2005, except for the color of the roofing. The color of the roofing was changed from green to plantation red. This color change was presented to and approved by CRC on May 4, 2006.

Condition No. 2:

The color samples for the roof and walls were presented to and approved by CRC on May 4, 2006.

06 MAY 11 P 1:11
DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Condition No. 3:

The construction of the project will be initiated prior to May 31, 2007, as stipulated in the Special Management Area Use Permit approval letter.

Condition No. 4:

The applicant met with the Maui County Arborist Committee in April 2005, to present the landscape plan. The Arborist Committee commented the planter box did not provide enough planting space and did not aesthetically complement the historic character of the area. Instead, they recommended establishing a planting area for one or two small palms in front of the historic wall. The Loulu palm was suggested, since it would maintain the landscape planting theme proposed along the south boundary of the comfort station site. The landscape plan has been modified to incorporate the Arborist Committee comments. A copy of the Arborist Committee comments are enclosed herein as Exhibit "B".

Condition No. 5:

A copy of the final construction staging plan will be submitted to the Planning Department prior to the start of construction.

Condition No. 6:

The applicant acknowledges and understands the provisions set forth in this condition.

Condition No. 7:

The applicant acknowledges and understands the provisions set forth in this condition.

Condition No. 8:

The applicant has a maintenance agreement with a private contractor to maintain the existing comfort station. The applicant plans to continue this agreement, with modification to cover the maintenance of the proposed comfort station. A copy of the maintenance agreement will be provided to the Planning Department.

Condition No. 9:

A building permit for the proposed project will be obtained prior to the initiation of construction.

Condition No. 10:

Best Management Practices (BMPs) will be implemented as appropriate and in compliance with governmental regulations to mitigate short-term construction related impacts relative to soil erosion from wind and water, ambient noise levels and traffic disruptions.

Condition No. 11:

This report serves as the applicant's preliminary compliance report.

Condition No. 12:

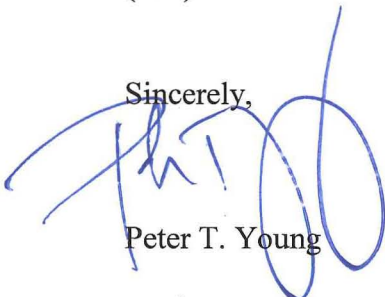
The applicant acknowledges and understands the provisions set forth in this condition. A copy of the Statement of Self-Insurance and Liability of the State of Hawaii was submitted to the Planning Department on October 7, 2005. A copy of the statement is enclosed herein as Exhibit "C".

Condition No. 13:

The project will be implemented in accordance with applicable governmental requirements.

Should you have any questions, please contact Mr. Eric Hirano, Chief Engineer in Honolulu, at (808) 587-0230.

Sincerely,



Peter T. Young

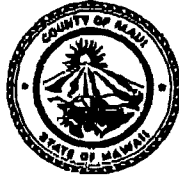
Enclosures

EXHIBIT "A"

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLFEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

April 12, 2005

Mr. Peter T. Young, Chairperson
Department of Land and Natural Resources
Division of Boating and Ocean Recreation
333 Queen Street, Suite 300
Honolulu, Hawaii 96813

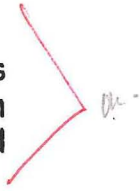

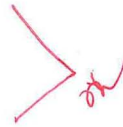
Dear Mr. Young:

RE: Historic District Approval for the Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii TMK: 4-6-001 (HDC 2004/0012)

At its regular meeting of April 7, 2005 the Cultural Resources Commission (CRC) reviewed and approved the subject project. The CRC granted Historic District Approval with the following conditions:

1. That construction shall be in accordance with plans as presented and approved by the Cultural Resources Commission on April 7, 2005.
2. That color samples for the roof and walls be submitted to the Planning Department for review and approval.
3. That construction shall be initiated within two years of the Special Management Area permit approval, and shall be completed within five years from said initiation.
4. That the Applicant shall present the landscaping plan to the Maui County Arborist Committee for review. The proposed planter wall shall not adversely affect or be attached to the historic wall. Arborist Committee comments shall be included with the preliminary compliance report and filed with the Planning Department prior to issuance of the building permit. Irrigation shall be included as part of the landscaping.

Mr. Peter T. Young, Chairperson
April 12, 2005
Page 2


5. That the construction staging plan take into consideration any impacts to cultural resources. A copy of the final construction staging plan shall be submitted to the Planning Department for review and approval. 
6. That archaeological monitoring be conducted during all ground-disturbing work. In the event that cultural materials and/or human burials are identified, all work shall stop, and the SHPD Burial Sites Program, the Maui SHPD archaeologist, Oahu SHPD, and the Maui/Lanai Islands Burial Council will be notified. Compliance with procedures outlined in HRS 6.E-43 shall be followed.
7. That all signage and lighting shall comply with the *Design Guidelines for Front Street Improvements* and *Sign Design Guidelines for the Lahaina Historic Districts*. 
8. That the Applicant establish a maintenance agreement that shall be in place for the new facility prior to the Certificate of Occupancy being issued. A copy of this maintenance agreement shall be filed with the Planning Department.
9. That a building permit be obtained prior to the initiation of construction.
10. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to soil erosion from wind and water, ambient noise levels, and traffic disruptions. 
11. That a preliminary compliance report be filed prior to obtaining the building permit. A final compliance report shall be submitted prior to granting a Certificate of Occupancy.
12. That the State of Hawaii shall be responsible for damage or injury caused by the State's agents, officers, and employees in the course of their employment to the extent that the State's liability for such damage or injury has been determined by a court or otherwise agreed to by the State, and the State shall pay for such damage or injury to the extent permitted by law and approved by the State legislature.
13. That full compliance with all other applicable governmental requirements shall be rendered.

Mr. Peter T. Young, Chairperson
April 12, 2005
Page 3

Please note that the Commissioners were concerned with the structure's increased size. They noted that the landscaping should include indigenous plants and be carefully planned in order to screen the building on the makai side.

If additional clarification is required, please contact Ms. Dawn E. Duensing, Cultural Resources Planner, at 270-7841.

Sincerely,



Michael W. Foley
Planning Director

MWF:DED:do

c: Clayton I. Yoshida, AICP
Dawn Duensing, Cultural Resources Planner
Thorne Abbott, Coastal Resources Planner
Mich Hirano, AICP, Munekiyo and Hiraga, Inc.
CRC file
General File
K:\WP_DOCS\PLANNING\HDC\LahComfortStationApproval.wpd

EXHIBIT "B"



276 UHU STREET • KAHULUI - HAWAII 96732 - (808) 270-7329 - FAX (808) 270-7953

April 25, 2005

Matthew Slepín
Munekiyo & Hiraga
305 High St. Suite 104
Walluku, HI 96793

RE: Comfort station at Lahaina Harbor

Dear Mr. Slepín,

The Arborist Committee appreciated the opportunity to review this project for the Cultural Resources Commission. While the goal of the commission was to have a vegetative screen for the building, the committee realized that there was little planting space to accomplish this. Instead, the historic aspect has been addressed by the design of the building resembling a plantation house. This complements the historic ambience of the area.

They found the planter box to be inadequate in planting space and ultimately not attractive for attaining your goal. Instead there was lengthy discussion regarding the use of a planting pot or two with a small palm as a substitute for the box planter idea. The committee also suggested that the tree that is planned for the area in front of the entrance be placed to optimize its potential by allowing the most space possible for the root growth.

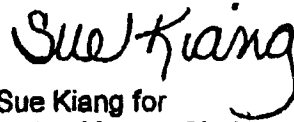
The trees that were suggested are as follows:

- Loulu palm (*Pritchardia...*)
- Milo (*Thespla*)
- Hau - variegated
- Silver bush (*Sophora*)
- Madagascar olive (*Noronhia*)

It was the understanding of the committee that this was a conceptual plan and not the final product. It is the hope of the committee that the input will be helpful both to the project developer and the commission.

Any further questions can be addressed by calling Sue Kiang at 270-7329.

Sincerely,

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

Sue Kiang for
Elaine Malina, Chair

cc: Dawn Duensing
Cultural Resources Commission

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
Comptroller

KATHERINE H. THOMASON
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
P.O. BOX 119
HONOLULU, HAWAII 96810-0119

RISK 06.097

October 11, 2005

EXHIBIT "C"

TO: Director - Department of Planning
County of Maui
250 South High Street
Wailuku, Maui, Hawaii 96793

STATEMENT OF SELF-INSURANCE
AND
LIABILITY OF THE STATE OF HAWAII

The State of Hawaii, as a sovereignty, chooses to be self-insured for the liability exposure identified below.

The State of Hawaii shall be liable, subject to the applicable provisions of Chapter 661, Hawaii Revised Statutes (Actions By and Against the State) and Chapter 662, Hawaii Revised Statutes (State Tort Liability Act), for all claims and demands for property damage, loss, personal injury or death on the premise and during the activity identified below caused by the negligent or wrongful act or omission of any officer or employee of the State while acting within the scope of the office of employment, or persons acting for the State in an official capacity, temporarily, whether with or without compensation. "State agency" includes the legislative, judicial and executive departments, boards and commissions of the State, but excludes any independent contractor with the State.

Identification of the Premise

Lahaina Small Boat Harbor Comfort Station
Lahaina, Maui

Identification of Activity

Demolition of the Existing Comfort Station and Construction of a
New Comfort Station, Landscaping, Walkway and Miscellaneous Improvements.
Effective October 11, 2005 till March 2007

RUSS K. SAITO
State Comptroller

Julie A. Ugalde

cc: DLNR – Division of Boating and Ocean Recreation Risk Management Officer

08/4583

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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

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

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

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

July 16, 2008

Paul L. Cleghorn, Ph.D.
Pacific Legacy, Inc.
3332 Uluniu Street
Kailua, Hawai'i 96734

DEPT. OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
RECEIVED
08 JUL 21 P2:47

LOG NO: 2008.2441
DOC NO: 0807PC09
Archaeology

Dear Dr. Cleghorn:

**SUBJECT: National Historic Preservation Act (NHPA) Section 106 Review –
Archaeological Monitoring Report for the Lahaina Small Boat Harbor
Paunau Ahupua'a, Lahaina District, Island of Maui
TMK (2) 4-6-001:001**

Thank you for the opportunity to review this report, which our staff received on August 20, 2007 (Mooney and Cleghorn 2007): *Archaeological Monitoring for the Lahaina Small Boat Harbor Comfort Station Improvements...*Pacific Legacy, Inc. Please accept our apologies for the lengthy delay in commenting.

The report was prepared as the final step in a monitoring program which was approved upon submission of a July 2006 monitoring plan, also prepared by your firm (SHPD LOG NO: 2006.2699; DOC NO: 0608MK12). Fieldwork was conducted intermittently between September 28, 2006 and June 27, 2007. While over 600 individual historic artifacts and ecofacts were found within the eastern half of the new comfort station foundation area, an intact cultural layer was not identified within any areas of excavation associated with installation of a new comfort station foundation, tree removal walkway/wheelchair ramp improvements and utility infrastructure.

The report contains a majority of the required information as specified in HAR §13-279-5 regarding the contents of monitoring reports in general; however, the following revisions are requested:

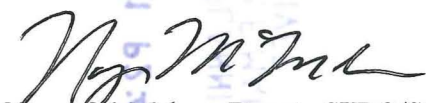
1. Abstract/Introduction: the dates given for fieldwork in these two sections of the report differ;
2. Abstract/Page 11: the number of recovered artifacts/ecofacts in these two sections of the report differ – please ensure the breakdown is clear (control unit vs. backdirt pile);
3. Regardless of whether the identified artifacts are associated with an intact cultural layer, a site number for the area of known artifact concentration should be used. Then, in your description of the site, you can discuss the details regarding previous disturbance, etc., because what you observed may have been the disturbed portion of a nearby intact layer which might be found during future ground altering disturbance – please correct this throughout the report, using SIHP #50-50-03-6493;
4. Table 4: needs to include measurements of artifacts, as per HAR §13-279-5 (6) (ii);
5. Please include photographs and/or drawings of a representative sample of catalogued artifacts, as per HAR §13-279-5 (6) (iv);

6. Please include a sentence or two regarding significance of the artifact/ecofact deposit, explaining why consultation with relevant ethnic groups was not warranted in this case, as per HAR §13-279-5 (7);
7. Specify location of depository for collected materials, etc., as per HAR §13-279-5 (10).

We will accept this document with the provision that two hardcopies of the *revised* version be submitted to our office for archiving. One should be sent to O'ahu and the other to Maui with a copy of this letter attached.

Should you have any questions or comments regarding this letter, please contact Patty Conte (Patty.J.Conte@hawaii.gov).

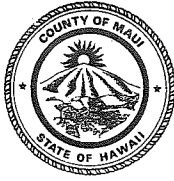
Aloha,



Nancy McMahon, Deputy SHPO/State Archaeologist
State Historic Preservation Division

c: ✓ Jeff Hunt, Director, Dept. of Planning, 250 S. High Street, Wailuku, Hawai'i 96793

ALAN M. ARAKAWA
Mayor
MICHAEL W. FOLEY
Director
WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

March 21, 2006

Ms. Bonnie Tung
Mitsunaga and Associates
747 Amana Street, Suite 216
Honolulu, Hawaii 96814

Dear Ms. Tung:

RE: Proposed Signs for the Lahaina Small Boat Comfort Station
Located at TMK: 4-6-001:001, Lahaina, Island of Maui, Hawaii
(SM1 2004/0038) (HDC 2004/0012)

Mitsunaga and Associates, on behalf of the Department of Land and Natural Resources (DLNR) (Applicant), has asked the Maui Planning Department (Department) to review the proposed signs for the Lahaina Small Boat Comfort Station (Comfort Station) to ensure compliance with the sign design guidelines for the Lahaina Historic Districts. The Comfort Station was previously reviewed and approved by both the County Cultural Resources Commission for Historic District Permit (HDC 2004/0012) and the Maui Planning Commission for Special Management Area Use Permit (SM1 2004/0038).

The Applicant proposes to construct and install two wooden signs to be located at the entrance of each restroom. Each sign will be approximately 7" by 10" with ½" natural wood border and comprised of the international symbols representing men and women, handicap accessibility, lettering of "Men" and "Women" respectively, as well as braille lettering. The background color is Billiard Green while the symbols and text will be Antique White. A small brass plaque with the braille lettering will then be placed on the signs.

The proposed restroom entrance signs do not require a historic sign permit. However, the Department would like to compliment the Applicant with the design as it is in keeping with the spirit of the Sign Design Guidelines for Lahaina Historic Districts. Additionally, the proposed signs are in compliance with the Historic District Approval granted by the Cultural Resources Commission.

Ms. Bonnie Tung
March 21, 2006
Page 2

Thank you for the opportunity to comment. Should further clarification be required, please contact Ms. Robyn Loudermilk, Staff Planner, of this office at 270-7180.

Sincerely,

A handwritten signature in black ink, appearing to read "M. W. Foley". The signature is stylized with a large, sweeping "F" and a checkmark-like flourish at the end.

MICHAEL W. FOLEY
Planning Director

MWF:RLL:bv

c: Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator
Robyn L. Loudermilk, Staff Planner
Cultural Resources Commission
HDC 2004/0012 Project File
[SM1 2004/0038 Project File](#)
General File
K:\WP_DOCS\PLANNING\RFC\2006\0017_LahainaComfortStation\response.wpd

Planning Department Planner Routing Form

Primary Permit #:	RFC 20060017
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Mail Log:		Location Code:		Applicant Name:	DEPARTMENT OF LAND AND NATURAL RESOURCES
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Assigned Planner:	Robyn Loudermilk	Project Name:	LAHAINA SMALL BOAT HARBOR
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TMK#:	2460010010000	Project Description:	
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Retrieve File for Planner?	
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Permit #1:	RFC 20060017
Permit # 2:	
Permit # 3:	
Permit # 4:	
Permit # 5:	
Permit # 6:	

Schedule			
Assigned Date:	14-MAR-2006	Due from Agency:	
Complete By:		PD Complete:	
More Info Required:		To Planning Comm:	
More Info Received:		To County Council:	
Sent to Agency:		Completed:	

Comments:

From: "Bonnie Tung" <mitsunaga003@hawaii.rr.com>
To: "Robyn Loudermilk" <Robyn.Loudermilk@co.maui.hi.us>
Date: 2/21/2006 4:15:10 PM
Subject: Lahaina Comfort Station

Hi Robyn,
 Attached are the two colors for Lahaina Comfort Station's signage. Where the sign refers to green, the color will be ICI 1099 Billiard and where the sign refers to white, the color will be ICI 739, Antique White Room.
 Thankyou again, Bonnie Tung

-----Original Message-----

From: Robyn Loudermilk [mailto:Robyn.Loudermilk@co.maui.hi.us]
 Sent: Wednesday, February 15, 2006 2:53 PM
 To: mitsunaga003@hawaii.rr.com
 Subject: Re: FW: Lahaina Comfort Station

Mahalo for the info. I'll be working with Stan on this.

Robyn

Robyn L. Loudermilk, Planner
 County of Maui Planning Department
 250, South High Street
 Wailuku, Hawaii 96793
 Phone: (808) 270-7180
 Fax : (808) 270-7634

Phone: (808) 270-7735
 Fax: (808) 270-7634

>>> "Bonnie Tung" <mitsunaga003@hawaii.rr.com> 2/15/2006 2:58 PM >>>
 Hi Robin, attached is the file I emailed to Stan. Thanks again for any input you can give us regarding the wood signs for the project. DNLR Project Manager Eric Yuesa wanted us to run the design by a Maui Planner to see if it is acceptable.
 Thanks again, Bonnie Tung
 (808) 945-7882 ext 107

-----Original Message-----

From: Bonnie Tung [mailto:mitsunaga003@hawaii.rr.com]
 Sent: Wednesday, February 15, 2006 11:25 AM
 To: 'stan_solomilo@co.maui.hi.us'
 Subject: Lahaina Comfort Station

Hi Stan,
 I got your email from Eric Yuesa, DLNR Project Manager. We need some input regarding the wood entrance signs for Lahaina Comfort Station located in Lahaina Small Boat Harbor in Maui. Please take a look at the detail attached in PDF format and advise us if it meets Maui Historic District Guidelines in terms of its appearance. The TMK is 4-6-01:01 and the vicinity map is also attached for locating the comfort station.
 Thankyou, Bonnie Tung

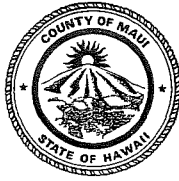
CC: <"Rodney Lee"@ms-smtp-03-eri0.socal.rr.com>

RR 06/17

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

April 12, 2005

Mr. Peter T. Young, Chairperson
Department of Land and Natural Resources
Division of Boating and Ocean Recreation
333 Queen Street, Suite 300
Honolulu, Hawaii 96813

Dear Mr. Young:

RE: Historic District Approval for the Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii TMK: 4-6-001 (HDC 2004/0012)

At its regular meeting of April 7, 2005 the Cultural Resources Commission (CRC) reviewed and approved the subject project. The CRC granted Historic District Approval with the following conditions:

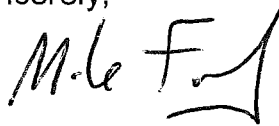
1. That construction shall be in accordance with plans as presented and approved by the Cultural Resources Commission on April 7, 2005.
2. That color samples for the roof and walls be submitted to the Planning Department for review and approval.
3. That construction shall be initiated within two years of the Special Management Area permit approval, and shall be completed within five years from said initiation.
4. That the Applicant shall present the landscaping plan to the Maui County Arborist Committee for review. The proposed planter wall shall not adversely affect or be attached to the historic wall. Arborist Committee comments shall be included with the preliminary compliance report and filed with the Planning Department prior to issuance of the building permit. Irrigation shall be included as part of the landscaping.

Mr. Peter T. Young, Chairperson
April 12, 2005
Page 3

Please note that the Commissioners were concerned with the structure's increased size. They noted that the landscaping should include indigenous plants and be carefully planned in order to screen the building on the makai side.

If additional clarification is required, please contact Ms. Dawn E. Duensing, Cultural Resources Planner, at 270-7841.

Sincerely,

A handwritten signature in black ink, appearing to read "M. W. Foley". The signature is stylized with a large "M" and "F" and a smaller "W" in between.

Michael W. Foley
Planning Director

MWF:DED:do

c: Clayton I. Yoshida, AICP
Dawn Duensing, Cultural Resources Planner
Thorne Abbott, Coastal Resources Planner
Mich Hirano, AICP, Munekiyo and Hiraga, Inc.
CRC file
General File
K:\WP_DOCS\PLANNING\HDC\LahComfortStationApproval.wpd

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ICI

MP#
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Billiard

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RETAIN
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ICI

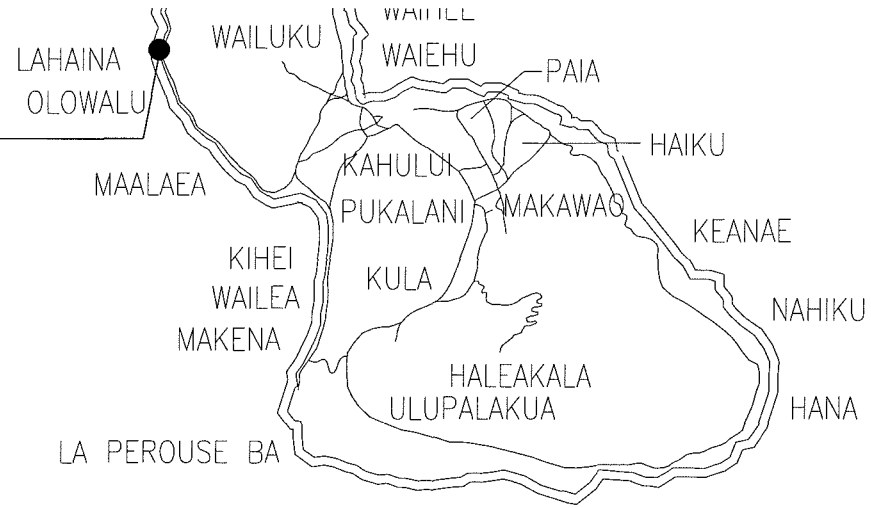
MP#
43YY 78/053

Antique
White RM

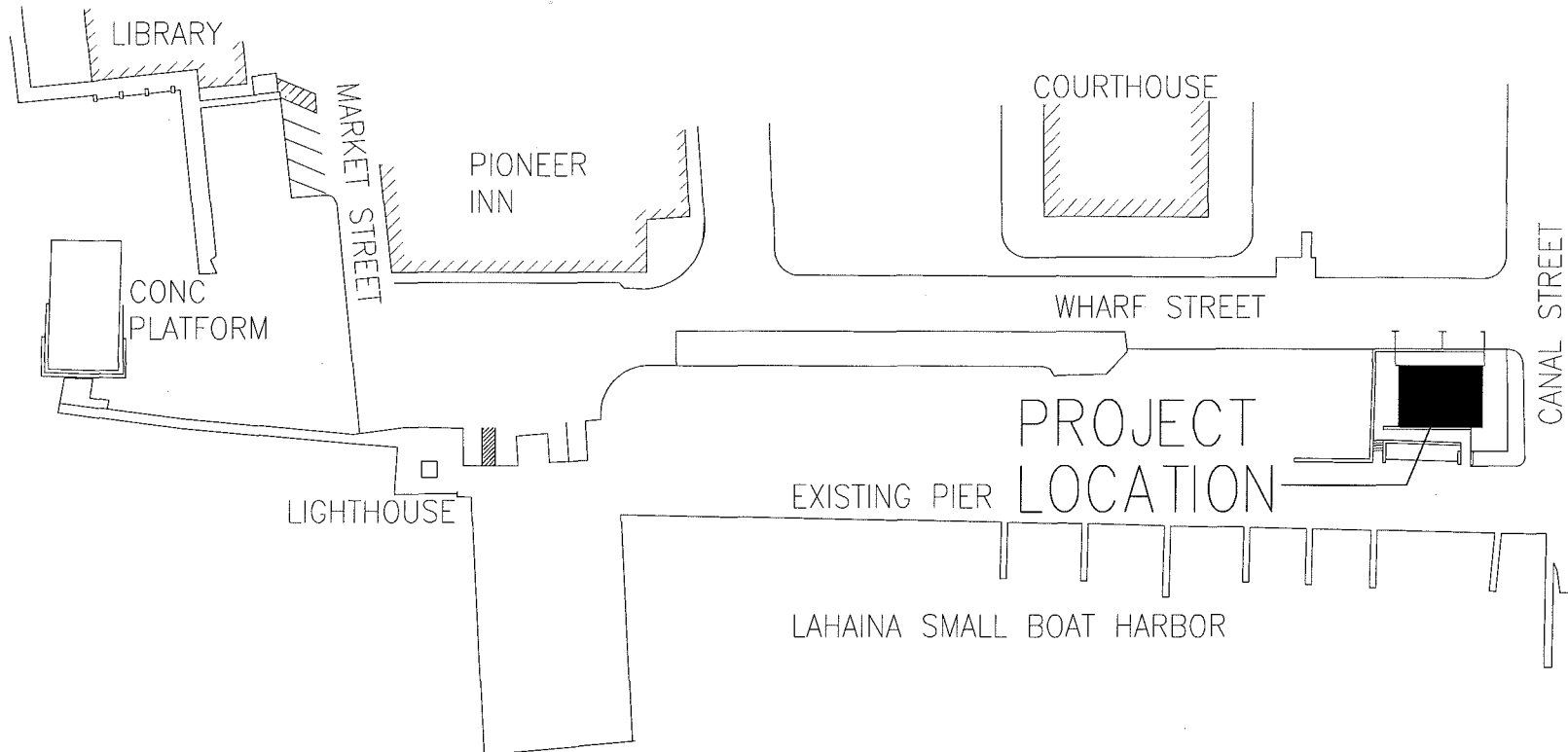
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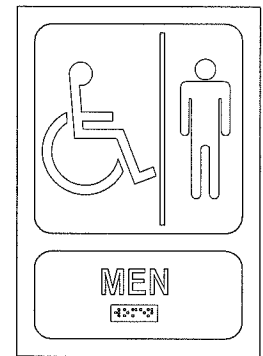
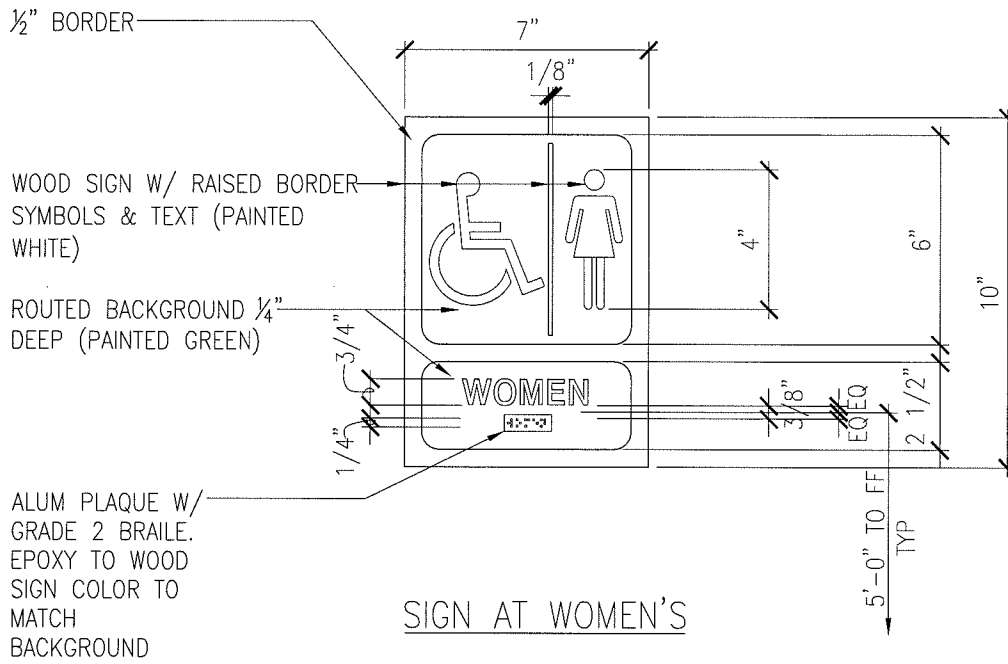
RETAIN
THIS
PORTION
OF CHIP

PROJECT
LOCATION



VICINITY MAP N.T.S.





* SEE WOMEN'S FOR DIMENSIONS

4
A-8

SIGN AT ENTRY

SCALE : 3" = 1'-0"

LINDA LINGLE
GOVERNOR OF HAWAII



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

ROBERT K. MASUDA
DEPUTY DIRECTOR - LAND

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

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

ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAIHOLOLA WATERSHED RESERVE COMMISSION
LAND
STATE PARKS

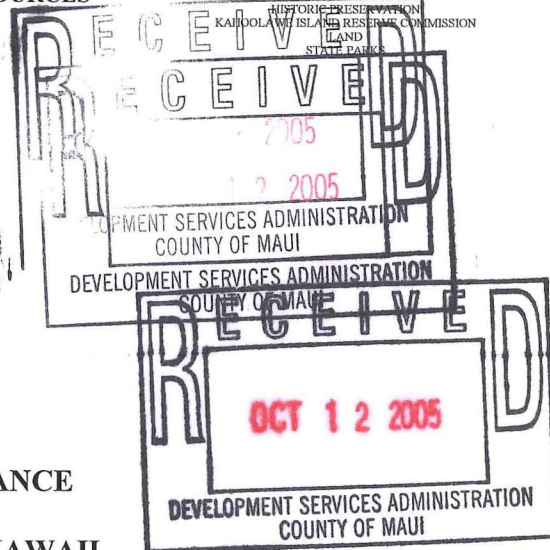
05 OCT 13 P2:10

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

OCT -7 2005



Mr. Michael Foley, Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Maui, Hawaii 96793

Dear Mr. Foley:

STATEMENT OF SELF-INSURANCE
AND
LIABILITY OF THE STATE OF HAWAII

The State of Hawaii, as sovereignty, chooses to be self-insured for the liability exposure identified below.

The State of Hawaii shall be liable, subject to the applicable provisions of Chapter 661, Hawaii revised Statutes (Actions By and Against the State) and Chapter 662, Hawaii Revised Statutes (State Tort Liability Act), for all claims and demands for property damage, loss, personal injury or death on the premise and during the activity identified below caused by the negligent or wrongful act or omission of any officer or employee of the State while acting within the scope of the office of employment, or persons acting for the State in an official capacity, temporarily, whether with or without compensation. "State agency" includes the legislative, judicial and executive departments, boards and commissions of the State, but excludes any independent contractor with the State.

Identification of the Premise

Lahaina Small Boat Harbor Comfort Station
TMK: 4-6-01:01 por.

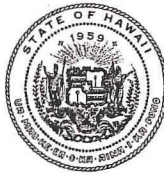
Identification of Activity

Demolition of Existing Comfort Station and
Construction of a New Comfort Station, Landscaping,
Walkways and Miscellaneous Improvements

Sincerely,

Peter T. Young
Chairperson

LINDA LINGLE
GOVERNOR



RUSS K. SAITO
Comptroller

KATHERINE H. THOMASON
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES
P.O. BOX 119
HONOLULU, HAWAII 96810-0119

'05 OCT 13 AM 11:39 RISK 06.097

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

October 11, 2005

TO: Director - Department of Planning
County of Maui
250 South High Street
Wailuku, Maui, Hawaii 96793

STATEMENT OF SELF-INSURANCE
AND
LIABILITY OF THE STATE OF HAWAII

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Identification of the Premise

Lahaina Small Boat Harbor Comfort Station
Lahaina, Maui

Identification of Activity

Demolition of the Existing Comfort Station and Construction of a
New Comfort Station, Landscaping, Walkway and Miscellaneous Improvements.
Effective October 11, 2005 till March 2007

RUSS K. SAITO
State Comptroller

Julie A. Ugalde

cc: DLNR – Division of Boating and Ocean Recreation Risk Management Officer

05/2775

ALAN M. ARAKAWA
Mayor
MICHAEL W. FOLEY
Director
WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

July 12, 2005

Mr. Michael Munekiyo, AICP
Munekiyo & Hiraga, Inc.
305 South High Street
Wailuku, Hawaii 96793

Dear Mr. Munekiyo:

RE: Special Management Area Use Permit for the Lahaina Small Boat Harbor Comfort Station, Tax Map Keys (2) 2-4-6-001:001, Lahaina, Maui, Hawaii (SM1 2004/0038)

At its regular meeting on May 10, 2005, the Maui County Planning Commission (Commission) reviewed the above request and after due deliberation, voted to grant approval, subject to the following twenty-three (29) conditions:

STANDARD CONDITIONS

1. That construction of the proposed project shall be initiated by **May 31, 2007**. Initiation of construction shall be determined as construction of offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occurs first. Failure to comply within this two (2) year period will automatically terminate this Special Management Area Use Permit unless a time extension is requested no later than ninety (90) days prior to the expiration of said two (2) year period. The Planning Director shall review and approve a time extension request but may forward said request to the Planning Commission for review and approval.
2. That the construction of the project shall be completed within five (5) years after the date of its initiation. Failure to complete construction of this project will automatically terminate the subject Special Management Area Use Permit. A time extension shall be requested no later than ninety (90) days prior to the completion deadline. The

Planning Director shall review and approve a time-extension request but may forward said request to the Planning Commission for review and approval.

3. The permit holder or any aggrieved person may appeal to the Planning Commission any action taken by the Planning Director on the subject permit no later than ten (10) days from the date the Director's action is reported to the Commission.
4. That the subject Special Management Area Use Permit shall not be transferred without prior written approval in accordance with §12-202-17(d) of the Special Management Area Rules of the Maui Planning Commission. However, in the event that a contested case hearing preceded issuance of said Special Management Area Use Permit, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.
5. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Special Management Area Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Special Management Area Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.
6. That full compliance with all applicable governmental requirements shall be rendered.

7. That the applicant shall submit plans regarding the location of any construction related structures such as, but not limited to trailers, sheds, equipment and storage areas and fencing to be used during the construction phase to the Maui Planning Department for review and approval.
8. That the applicant shall submit to the Planning Department five (5) copies of a detailed report addressing its compliance with the conditions established with the subject Special Management Area Use Permit. A preliminary report shall be reviewed and approved by the Planning Department prior to issuance of a **BUILDING** permit. A final compliance report shall be submitted to the Planning Department for review and approval prior to issuance of a certificate of occupancy.
9. That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the Special Management Area Use Permit. Failure to so develop the property may result in the revocation of the permit.
10. That appropriate measures shall be taken during construction to mitigate the short term impacts of the project relative to dust and soil erosion from wind and water, ambient noise levels (including Community Noise permit if required), and traffic disruptions.
11. That appropriate energy conservation measures shall be incorporated into the project.
12. That low level lighting shall be used on the building and within the landscaped areas and further parking lot lighting shall be fully shielded subject to applicable design guidelines and crime prevention through environmental design.
13. Appropriate filtration measures to separate petroleum products and other potential contaminants shall be incorporated into the project's drainage plan and shall be regularly maintained.
14. That a Dust Control Management Plan be initiated during construction and fugitive dust emissions control implemented that include, but not be limited to providing an adequate water source prior to start-up of construction for use in dust control, landscaping and rapid covering of bare areas, including slopes, beginning with the initial grubbing and grading phase, controlling of dust from shoulders, project entrances

and other access roads, providing adequate dust control measures during weekends, after hours and prior to daily start-up of construction activities, controlling of dust from debris hauled away from the project site, and erecting a dust fence to shield the adjacent properties.

15. That the applicant shall be responsible for all required infrastructure improvements as required by Title 18, Maui County Code, as amended, and other County Codes and Rules and Regulations, including but not limited to water source and system improvements for both domestic and fire protection, drainage improvements, traffic related improvements, wastewater system improvements, and utility upgrades. Said improvements shall be constructed concurrently with the development and shall be completed prior to issuance of a certificate of occupancy unless improvements are bonded by the developer.
16. That the applicant shall use "best practices" in Crime Prevention Through Environmental Design (CPTED), whenever possible, in developing the project. In CPTED the design and building of structures, landscaping, and lighting are interwoven to increase surveillance, limit accessibility, and increase opportunities for apprehension resulting in a decrease in the likelihood of crime.
17. That an appropriate Best Management Practices (BMPs) plan shall be reviewed and approved by the Department of Public Works and Environmental Management. Said plan shall address impacts associated with erosion, contaminants, and construction waste. The approved plan shall be filed with the Maui Planning Department.
18. In the event that historic sites (human skeletal remains, etc.) are identified during construction activities, all work will cease in the immediate vicinity of the find, the find will be protected from additional disturbance, and the State Historic Preservation Office will be contacted immediately. No further construction activity in the vicinity of the find will be permitted without the approval of the State Historic Preservation Office. Furthermore, an SHPD-approved monitoring plan will be implemented prior to any ground altering activities.
19. That conservation and pollution prevention measures recommended by the Department of Water Supply shall be incorporated into the project's design prior to the issuance of a building permit

20. That domestic water use and irrigation calculations using Department of Water Supply methodologies be provided prior to the issuance of a building permit.
21. That fire flow calculations using Department of Water Supply methodologies be provided prior to the issuance of a building permit. All buildings will be located within the Fire Department's required 250 feet radii of fire hydrants. In accordance with existing fire protection standards, the fire hydrant will comply with the required fire flow of 3,500 gpm. Certified fire flow calculations using Department of Water methods will be provided in conjunction with the building permit application.
22. That wastewater requirements will be coordinated with the Department of Public Works and Environmental Management (DPWEM) during the building permit review process and that system capacity can not be assured. Such coordination will include wastewater contribution calculations, payment of assessment fees for treatment plant expansion if required, funding of any necessary off-site improvements. Sewer improvements shall be privately owned and maintained. Non-contact cooling water and condensate will not drain to sewer system and pretreatment is required for any kitchen facilities.
23. That a Flood Development Permit be obtained prior to construction activities.
24. That the proposed development will utilize native plants and trees in its landscaping scheme.
25. That prior to construction, Applicant agrees to implement a solid waste disposal and construction material recycling plan that includes cleared and grubbed material.
26. That construction plans shall include a completed technical assistance review by DCAB for compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) where applicable. Applicant will further comply with code for Improvements to Public Streets, Section 16.26.3304.

PROJECT SPECIFIC CONDITIONS

Mr. Michael Munekiyo, AICP
July 12, 2005
Page 6

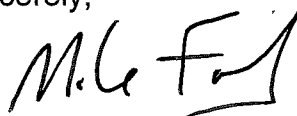
27. That final construction, design and operation shall be in accordance with the Historic District Approval permit HDC #2004/0012, issued April 2, 2005 pursuant to representations made at the Maui County Cultural Resources Commission at its regular meeting of April 7, 2005 meeting.
28. That if construction occurs between May and July of any year, the Applicant will collaborate with the DLNR, Division Of Aquatic Resources (DAR) regarding potential impacts to turtle nesting from construction noise and/or light. All efforts will be made to minimize, mitigate and/or avoid negative and/or adverse impacts to nesting turtles located within proximate vicinity.
29. That any Banyan trees at the site shall be removed only upon the recommendation of a qualified arborist and with the approval of the Director of the Planning Department.

The conditions of this Special Management Area Use Permit shall be enforced pursuant to §12-202-23 and §12-202-25 of the Special Management Area Rules for the Maui Planning Commission.

Further, the Commission adopted the Department Report and Recommendation prepared for the May 10, 2005, meeting as its Decision and Order. Parties to proceedings before the commission may obtain judicial review of decision and orders issued by the commission in the manner set forth in Chapter 91-14, Hawaii Revised Statutes.

Thank you for your cooperation. If additional clarification is required, please contact Mr. Thorne Abbott, Staff Planner, of my office at 270-7520.

Sincerely,

A handwritten signature in black ink, appearing to read "M. W. Foley". The signature is stylized and written in a cursive-like font.

MICHAEL W. FOLEY
Planning Director

Mr. Michael Munekiyo, AICP

July 12, 2005

Page 7

MWF:TA:dm

c: Wayne Boteilho, Deputy Planning Director
Clayton Yoshida, AICP, Planning Program Administrator
Aaron Shinmoto, P.E., Planning Program Administrator (2)
Thorne Abbott, Staff Planner
Development Services Administration (2)
Department of Transportation
Project File
General File
(K:\WP_DOCS\PLANNING\SM1\2004\38_LahainaSBH_ComfortStation\MPCApproval.wpd)

Lahaina Small Boat Harbor Comfort Station

Lahaina Small Boat Harbor
Lahaina, Maui, Hawaii
Tax Map Key: (II) 4-6-001:01

Maui Planning Commission
May 10, 2005

SM1 2004 / 0038



West View - Front Elevation



South View - Side Elevation

Figure 3 Proposed Lahaina Small Boat Harbor
Comfort Station Improvements
Photographs of Existing Comfort Station

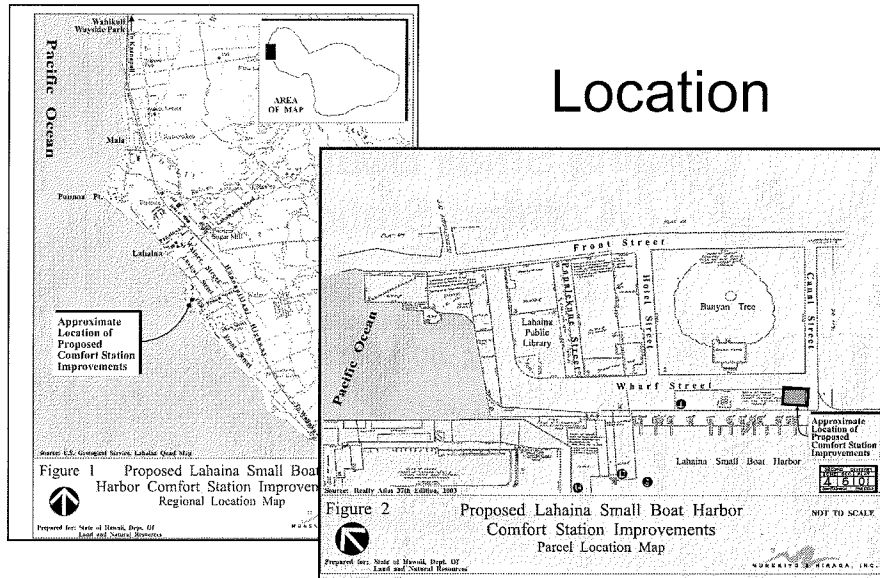
Prepared for: State of Hawaii, Dept. Of
Land and Natural Resources

WERNER & SHAW, INC.

Existing
Facilities
375 sq. ft.

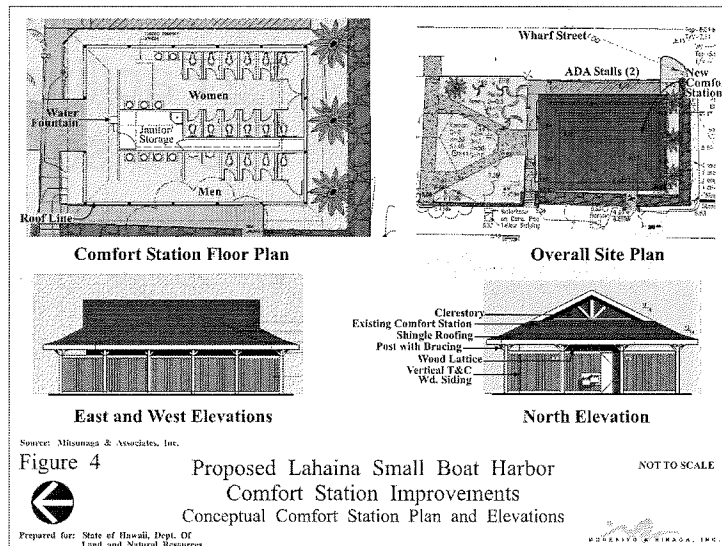
Circa ~1982

Location



Adjacent to the Small Boat Harbor

Proposed Facilities ~ 1200 sq. ft.



LSBH Comfort Station

EXISTING

- 15' width x 25' length x 14' 6" height
- 375 square feet

MENS

- two (2) sinks
- two (2) urinals
- two (2) toilets

WOMENS

- two (2) sinks
- two (2) toilets

PROPOSED

- 30' width x 40' length x 17' 5" height
- 1,200 square feet

MENS

- four (4) sinks,
- two (2) urinals,
- four (4) toilets

WOMENS

- five (5) sinks
- twelve (12) toilets

Associated Development

Handicapped Accessible

- Existing parking stalls will be reconfigured
- Two (2) of the women's stalls ADA compliant
- One (1) of the men's stalls will be ADA compliant

Accessory

- Janitorial & Storage Closets onsite
- Underground plumbing work at the site
- Landscaping Improvements

Operations & Maintenance

The Department of Land and Natural Resources,
Division of Boating and Ocean Recreation (DOBOR)

- Retains overall maintenance responsibility
- DOBOR has a public bid contractor to carry out janitorial duties.
- Janitorial services performed twice daily:
 - mid-day and evening.
- Service Hours: Open 24 hours a day, 7 days a week
- Crime preventative design includes exterior lighting and enhanced building visibility for police patrols

LSBH Comfort Station

Project Cost

~ \$660,000

Funded by the Federal Transit Administration

Anticipated Eight (8) Months to Construct

Applicant

State of Hawaii,

Department of Land and Natural Resources

Planners

Mitch Hirano, Munekiyo & Hiraga, Inc.

Concurrent Processing of

Environmental Assessment: DEA / FEA

Special Management Area Permit

Historic District Permit by MC Cultural Resources Commission

Land Use Designations

State Land Use District — Urban
 West Maui Community Plan — Park
 County Zoning — Historic District #1

 Flood Zone — B, 100-500 year flooding
 V12, 100 year coastal flooding
 with wave action
 Base Flood Elevation — 7 feet
 Site Elevation — 7+ feet

 Project Size — 0.28 acres
 Parcel — 2-4-6-001:001

Process & Procedures

Dec. 7, 2004	Application submitted
Dec. 7, 2004	Draft EA transmitted to 46 Agencies
Dec. 10, 2004	DSA forwarded SMA application to MPD who then notified applicant of concurrent processing of EA/SMA
Mar. 24, 2005	MPD notified applicant of public hearing 45 days in advance
Mar. 31, 2005	"Notice of Application" published in Maui News
Mar. 31, 2005	"Notice of Public Hearing" mailed by applicant to surrounding landowners within 500 feet of the property
April 8, 2005	MC CRC approved project with 13 conditions
April 8, 2005	PD published Public Hearing notices in HI newspapers

**7 Agencies with
No Adverse Comments**

1 County Agency

- Dept. of Parks & Recreation

4 State Agencies

- Dept. of Hawaiian Homelands
- Dept. of Transportation
- DLNR, Land Agent
- DLNR

Exhibits

Site plan and maps - A

CRC approval & conditions - B

2 Other

- USCAE

Draft EA comments & responses - C

- Maui Electric

Final EA comments & responses - D

Nominal Comments & Conditions

C8-9, D19-22	Dept of Health, Maui
Condition 10 Applicant Concur	Community Noise Permit may be required. Asbestos requirements during demolition.
D6-7	State Office of Environmental Control
Contained in Final EA	Recommend a cultural impact assessment.
C18-21	State Office of Hawaiian Affairs
Contained in Final EA	Recommend a cultural impact assessment.
Condition 25	Use native plant species in landscaping.
D8-11,34,35	DLNR SHPD
Condition 19	Archeological monitoring recommended.

Nominal Comments & Conditions

C30-33, D41-43	Dept. of Water Supply
Conditions 20-22	Existing demand is 275 g. / stall, 1650 gpd. Projected use is 5300 gpd. Encourage water conservation techniques. Use NPS BMPs during construction.
C12	DLNR Engineering Division
Condition 24	Flood Zone B confirmed. Base flood elevation 7 ft. Project site elevation 7+ ft.
Applicant Concurs	Applicant to provide water demand calculations for State Water Projects Plan Update.

Project Specific Recommendations

C40-42	Friends of Moku'ula
Applicant Concurs Applicant responded	Recommend vandal proof fixtures. Operation hours & maintenance questions.
C34-36	Office of the Mayor
Applicant Concurs	Use saltwater and vandal resistant fixtures.
C37-39 D37-40	Police Department
Condition 17 CPTED	Building should be well illuminated to deter criminal activity, enhance visitor safety, and offer patrol officers clear views of the site. Recommend approval of the project

Project Specific Conditions

D16-18	DLNR, Division of Aquatic Resources
Condition 28	Avoid noise & light disturbances during turtle nesting season, if construction is not done by May '06.
B2-3	Maui County Cultural Resources Commission
Condition 27	Historic District Permit approved at April 7, 2005 meeting subject to 13 conditions including:
HDP Condition 2	- planter wall shall not adversely affect historic wall
HDP Condition 4	- color samples for roof and walls requires MPD approval
HDP Condition 7	- signs and lighting will comply with Lahaina Historic District Design Guidelines
C37-39 D37-40	Maui Planning Department
Condition 29	No Banyan Trees may be removed without MPD approval and a recommendation by an arborist.

Planning Departments Recommendation...

Approval with 29 conditions; 12 standard and 17 project specific including:

Conditions 1 & 2 - That construction be initiated by May 31, 2007 and completed within five (5) years.

Condition 15 – That a Dust Control Management Plan be used during construction.

Condition 17 – That the applicant shall use 'best practices' in Crime Prevention Through Environment Design (CPTED).

Condition 19 – That a SHPD-approved monitoring plan will be implemented prior to any ground altering activities.

Condition 25 – That native plants and trees be used in landscaping.

Condition 27 - That construction be in accordance with the plans submitted and approved with 13 conditions by the MC-CRC on April 7, 2005.

Condition 28 – If final construction is not completed by May 2006, then the Applicant will collaborate with DLNR, DAR to minimize, mitigate and/or avoid negative and/or adverse impacts to nesting turtles.

Condition 29 – Any Banyan trees shall be removed only upon approval by the MPD Director and upon recommendation of a qualified arborist.

MAI - Lah. Comfort
APR 28 2005



275 UHU STREET - KAHULUI - HAWAII 96732 - (808) 270-7329 - FAX (808) 270-7953

April 25, 2005

Matthew Slepín
Munekiyo & Hiraga
305 High St. Suite 104
Wailuku, HI 96793

RE: Comfort station at Lahaina Harbor

Dear Mr. Slepín,

The Arborist Committee appreciated the opportunity to review this project for the Cultural Resources Commission. While the goal of the commission was to have a vegetative screen for the building, the committee realized that there was little planting space to accomplish this. Instead, the historic aspect has been addressed by the design of the building resembling a plantation house. This complements the historic ambience of the area.

They found the planter box to be inadequate in planting space and ultimately not attractive for attaining your goal. Instead there was lengthy discussion regarding the use of a planting pot or two with a small palm as a substitute for the box planter idea. The committee also suggested that the tree that is planned for the area in front of the entrance be placed to optimize its potential by allowing the most space possible for the root growth.

The trees that were suggested are as follows:

Loulu palm (*Pritchardia...*)

Milo (*Thespia*)

Hau - variegated

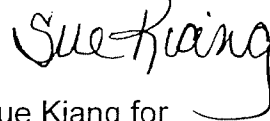
Silver bush (*Sophora*)

Madagascar olive (*Noronhia*)

It was the understanding of the committee that this was a conceptual plan and not the final product. It is the hope of the committee that the input will be helpful both to the project developer and the commission.

Any further questions can be addressed by calling Sue Kiang at 270-7329.

Sincerely,

A handwritten signature in cursive script that reads "Sue Kiang". The signature is written in black ink and is positioned above the typed name.

Sue Kiang for
Elaine Malina, Chair

cc: Dawn Duensing
Cultural Resources Commission

State of Hawaii
County of Kauai

IN THE MATTER OF }
NOTICE OF PUBLIC HEARING }
MAUI PLANNING COMMISSION }
SPECIAL MANAGEMENT AREA }

AFFIDAVIT OF PUBLICATION

NOTICE OF PUBLIC HEARING
MAUI PLANNING COMMISSION

The Maui Planning Commission for the County of Maui hereby gives notice that it will conduct a hearing on May 10, 2005 commencing at 9:00 a.m., or as soon thereafter as is practicable in the Planning Department Conference Room, 1st Floor, Kalana Pakui Building, 250 S. High Street, Wailuku, Maui, Hawaii

SPECIAL MANAGEMENT AREA USE PERMIT

1. MR. PETER YOUNG, Director of the STATE DEPARTMENT OF LAND AND NATURAL RESOURCES requesting a Special Management Area Use Permit for the proposed Lahaina Comfort Station Improvements project consisting of the demolition of the proposed 6-stall comfort station to make way for an 18-stall comfort station and related site accessibility improvements and landscaping on Wharf Street in Lahaina Historic District No. 1 at TMK: 4-6-001: 001, Lahaina, Island of Maui. (SM1 2004/0038)
2. MR. MILTON ARAKAWA, Director of the DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT requesting a Special Management Area Use Permit for the Paia Mini Bypass project consisting of the construction of a Hana Highway right shoulder lane and one (1) way, one (1) lane roadway extending mauka from the County parking lot to Baldwin Avenue near the Patsy Mink Paia Post Office at TMK: 2-5-005: por. of 018, Hana Highway, Baldwin Avenue, Paia, Island of Maui. (SM1 2004/0004)
3. BAY WEST INVESTMENT COMPANY, LLC requesting a Special Management Area Use Permit for the Maui Islander Renovations II project in order to allow demolition of the existing tennis courts and construction of an existing swimming pool and garden area on the property, renovation of the front lobby, and construction of a lava stone wall and a cmu/plaster wall at TMK: 4-6-011: 008, Lahaina, Island of Maui. (SM1 2004/0031)

The subject public hearings will be conducted in accordance with the Hawaii Revised Statutes, the Maui County Code and the Rules of the Maui Planning Commission. Information pertaining to the subject applications may be obtained from the Maui County Planning Department, 250 S. High Street, Wailuku, Maui.

All testimony regarding the subject applications may be filed prior to the date of the hearing by providing 15 copies of said written testimony to the Department of Planning or may be presented at the time of the hearing.

STATE OF HAWAII }
COUNTY OF KAUAI } SS.

Julie Anne De Mond, being duly sworn, deposes and says, that she is an employee of "The Garden Island," a newspaper published in Lihue, County of Kauai, State of Hawaii; that the NOTICE in the above entitled matter of which the annexed is a true and correct printed copy, was published one time in "The Garden Island" aforesaid, on the 8th day of April, 2005 and that this affiant is not a party to or in any way interested in the above entitled matter.



Subscribed and sworn to before me this

12th day of April, 2005



CARMENCITA P. CENTENO
Notary Public, Fifth Judicial Circuit,
State of Hawaii

My Commission Expires
Jul 25, 2008

AFFIDAVIT OF PUBLICATION

State of Hawaii)

) SS:

County of Hawaii)

LEILANI K. R. HIGAKI, being first
duly sworn, deposes and says:

1. That she is the BUSINESS MANAGER of
HAWAII TRIBUNE HERALD, a
newspaper published in the City of HILO,
State of Hawaii.

2. That the "NOTICE OF PUBLIC HEARING - MAUI PLANNING
COMMISSION -on May 10, 2005 - etc.,
_____".

of which a clipping from the newspaper as published is attached hereto, was
published in said newspaper on the following date(s) _____
April 8, 2005, (etc.).

225098

Leilani K. Higaki

Subscribed and sworn to before me
this 26th day of April, 2005.

Sharon H. P. Ogata

SHARON H. P. OGATA
Notary Public, Third Circuit, State of Hawaii

My commission expires October 1, 2008

**NOTICE OF PUBLIC HEARING
MAUI PLANNING COMMISSION**

The Maui Planning Commission for the County of Maui hereby gives notice that it will conduct a hearing on May 10, 2005 commencing at 9:00 a.m., or as soon thereafter as is practicable in the Planning Department Conference Room, 1st Floor, Kalana Pakui Building, 250 S. High Street, Wailuku, Maui, Hawaii 96793 on the following:

SPECIAL MANAGEMENT AREA USE PERMIT

1. MR. PETER YOUNG, Director of the STATE DEPARTMENT OF LAND AND NATURAL RESOURCES requesting a Special Management Area Use Permit for the proposed Lahaina Comfort Station Improvements project consisting of the demolition of the proposed 6-stall comfort station to make way for an 18-stall comfort station and related site accessibility improvements and landscaping on Wharf Street in Lahaina Historic District No. 1 at TMK: 4-6-001: 001, Lahaina, Island of Maui. (SM1 2004/0038)
2. MR. MILTON ARAKAWA, Director of the DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT requesting a Special Management Area Use Permit for the Paia Mini Bypass project consisting of the construction of a Hana Highway right shoulder lane and one (1) way, one (1) lane roadway extending mauka from the County parking lot to Baldwin Avenue near the Patsy Mink Paia Post Office at TMK: 2-5-005: por of 018, Hana Highway, Baldwin Avenue, Paia, Island of Maui. (SM1 2004/0004)
3. BAY WEST INVESTMENT COMPANY, LLC requesting a Special Management Area Use Permit for the Maui Islander Renovations II project in order to allow demolition of the existing tennis courts and construction of an existing swimming pool and garden area on the property, renovation of the front lobby, and construction of a lava stone wall and cmu/plaster wall at TMK: 4-6-011: 008, Lahaina, Island of Maui. (SM1 2004/0031)

The subject public hearings will be conducted in accordance with the Hawaii Revised statutes, the Maui County Code and the Rules of the Maui Planning Commission. Information pertaining to the subject applications may be obtained from the Maui County Planning Department, 250 S. High Street, Wailuku, Maui.

All testimony regarding the subject applications may be filed prior to the date of the hearing by providing fifteen (15) copies of said written testimony to the Department of Planning or may be presented at the time of the hearing.

Those interested persons requesting accommodation due to disabilities, please call the Department of Planning at (808) 270-7735 or notify the Department of Planning in writing at 250 S. High Street, Wailuku, Maui, Hawaii 96793 or fax number (808) 270-7634; at least six (6) days before the scheduled meeting.

MAUI PLANNING COMMISSION
by MICHAEL W. FOLEY
Planning Director

(225098 Hawaii Tribune-Herald: April 8, 2005)

3. **MR. PETER YOUNG, Director of the STATE DEPARTMENT OF LAND AND NATURAL RESOURCES** requesting a Special Management Area Use Permit for the proposed Lahaina Comfort Station Improvements project consisting of the demolition of the proposed 6-stall comfort station to make way for an 18-stall comfort station and related site accessibility improvements and landscaping on Wharf Street in Lahaina Historic District No. 1 at TMK: 4-6-001: 001, Lahaina, Island of Maui. (SM1 2004/0038) (T. Abbott)
 - a. Public Hearing
 - b. Action

4. **BAY WEST INVESTMENT COMPANY, LLC** requesting a Special Management Area Use Permit for the Maui Islander Renovations II project in order to allow demolition of the existing tennis courts and construction of an existing swimming pool and garden area on the property, renovation of the front lobby, and construction of a lava stone wall and a cmu /plaster wall at TMK: 4-6-011: 008, Lahaina, Island of Maui. (SM1 2004/0031) (S. Solamillo)
 - a. Public Hearing
 - b. Action

C. **NEW BUSINESS**

1. **Environmental Assessment Determination on the Final Environmental Assessment prepared by PACIFIC RIM LAND, INC., in support of the Special Management Area Use Permit application for the Ukumehame Subdivision - Phase I and II on 439 acres of vacant land at TMK: 4-8-002: 009,048, 052-056, 060, 061, 065, 066, 068, and 070, Ukumehame, Lahaina, Island of Maui. (EA2004/0016) (SM1 2004/0033) (K. Caigoy) (T. Abbott) (The Draft EA was reviewed by the Maui Planning Commission at its March 8, 2005 meeting.)**

The EA trigger is the use of state or county lands or funds.

The applicant has also filed a Special Management Area Use Permit application. The public hearing on the SMA application will be scheduled for a future date after the EA process has been completed.

PURSUANT TO CHAPTER 92, HAWAII REVISED STATUTES AS AMENDED, NOTICE IS HEREBY GIVEN OF A REGULAR MEETING OF THE MAUI PLANNING COMMISSION

AGENDA

DATE: May 10, 2005 (Tuesday)
TIME: 9:00 A.M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building,
250 South High Street, Wailuku, Maui, Hawaii 96793

Members: Susan Moikeha (Chair), Suzanne Freitas (Vice-Chair), Patricia Eason,
Johanna Amorin, Diane Shepherd, Nick Casumpang Jr., William Iaconetti,
Wayne Hedani, Bruce U'u

Public testimony will be taken at the start of the meeting on any agenda item in order to accommodate those individuals who cannot be present at the meeting when the agenda item(s) is (are) considered by the Maui Planning Commission. Public testimony will also be taken when the agenda item is taken up by the Maui Planning Commission. Maximum time limits on individual testimony may be established by the Planning Commission. A person testifying at the beginning of the meeting will not be allowed to testify again when the agenda item comes up before the Commission, unless new or additional information will be offered.

A. CALL TO ORDER

B. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. MR. MICHAEL W. FOLEY, Planning Director, requesting a Community Plan Amendment from Park to Public/ Quasi-Public and a Change in Zoning from R-3 Residential District to P-1 Public/ Quasi-Public District for the Central Maui Senior Housing and County Office Building Project on approximately 4.865 acres of land adjacent to the Kahului Post Office on Puunene Avenue at TMK: 3-7-012: 026, Kahului, Island of Maui. (CPA 2005/0001) (CIZ 2005/0003) (K. Caigoy)
 - a. Public Hearing
 - b. Action

2. MR. MILTON ARAKAWA, Director of the DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT requesting a Special Management Area Use Permit to construct the Paia Mini-Bypass Road between Hana Highway and Baldwin Avenue at TMK: 2-5-005: 018, Paia, Island of Maui. (SM1 2004/0004) (R. Loudermilk)
 - a. Public Hearing
 - b. Action



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Parcel Summary

TMK:	2460010010000	Alt. TMK:	
Domain:		Type:	PAR
Status:	EXST	Display Legal	GIS Parcel

Parcel Master Address						
Address	Frac	Prefix	Street	Type	PD	Suite

Addresses		
Address	Alias	Origin
0 WHARF ST 3C	MASTER	STRUCTURE
WHARF ST 3C	ALIAS	PARCEL

Tract:		Block:		Lot:	
Subdivision:					
Section:		Township:		Range:	
Recorded No.:			Recorded Date:		

Owner(s)
Name: COUNTY OF MAUI Address: , 00000 Phone: E-mail:
Name: STATE OF HAWAII Address: Phone: E-mail:

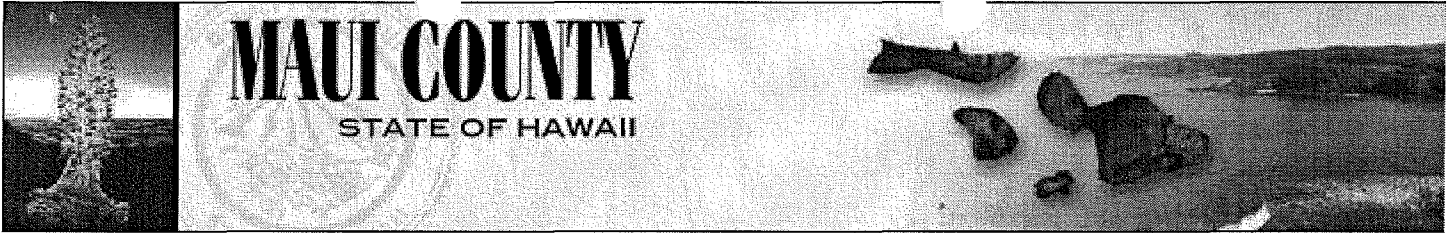
Zone Code	Zone Description	Ordinance No.	Origin
STATE URB		.000000000	
HD1		.000000000	
SMA		.000000000	

Attributes			
Front:	0.00	Rear:	0.00
Side 1:	0.00	Side 2:	0.00

Acres:	0.20	SqFt.:	12,179.38
Frontage:	0.00		
Flood:	B - AREAS BTWN LIMITS OF 100-YR/500-YR FLD		
Soil:			
Slope:			
Seismic:			
Land Use:			

There are no establishments on this parcel.

"The County of Maui Online Services website is provided as a public service and is subject to the provisions of the County of Maui, "Web Site Terms of Use and Access Policy". The County of Maui Online Services website is dynamic and will change over time WITHOUT NOTICE. Users of this Maui Online Services website are therefore fully responsible for checking the accuracy, completeness, currency and suitability of the information posted on the Maui Online Services for themselves. The posting of information on the Maui Online Services website do not constitute an endorsement of the information by the County of Maui and the County of Maui does not warrant or guarantee the accuracy of said information. The County of Maui reserves the right to refuse to post any information at any time. In addition, the County of Maui may suspend or discontinue some or all of this public service at any time. For any questions regarding the information, status, or to make corrections to any information, please contact the appropriate Department."



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Parcel Summary

TMK:	2460010010000	Alt. TMK:	
Domain:		Type:	PAR
Status:	EXST	Display Legal	GIS Parcel

Parcel Master Address						
Address	Frac	Prefix	Street	Type	PD	Suite

Addresses		
Address	Alias	Origin
0 WHARF ST 3C	MASTER	STRUCTURE
WHARF ST 3C	ALIAS	PARCEL

Tract:		Block:		Lot:	
Subdivision:					
Section:		Township:		Range:	
Recorded No.:			Recorded Date:		

Owner(s)
Name: COUNTY OF MAUI Address: , 00000 Phone: E-mail:
Name: STATE OF HAWAII Address: Phone: E-mail:

Zone Code	Zone Description	Ordinance No.	Origin
STATE URB		.000000000	
HD1		.000000000	
SMA		.000000000	

Attributes			
Front:	0.00	Rear:	0.00
Side 1:	0.00	Side 2:	0.00

Acres:	0.20	SqFt.:	12,179.38
Frontage:	0.00		
Flood:	B - AREAS BTWN LIMITS OF 100-YR/500-YR FLD		
Soil:			
Slope:			
Seismic:			
Land Use:			

There are no establishments on this parcel.

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Permit Summary

Permit:	SM1 20040038		
Description:	SMA USE PERMIT		
Project:	LAHAINA SMALL BOAT. COMFORT STATION		
Status:	OPEN	Entered:	07-Dec-2004
Issued:	07-Dec-2004	Completed:	
Decision:			
Expiration:		Next Renewal:	07-Dec-2004
Location Desc.:			

Parcel Information		
Address	TMK	
[EDIT]	2460010010000	Summary

Scope of Work
Demolition of the existing 6-stall comfort station to make way for the construction of a new 18-stall comfort station and related site accessibility improvements and landscaping.

Professionals / Contractors
There are no professionals for this application.

Structure Classification			
Initial Value:	\$0.00	Calculated Value:	\$0.00
Standard Plan:		Public Project:	
# of Structures:		# of Res. Units:	
Total Floor Area:			
Model:			

Occupancy Group	Construction Type	Structure Class
None attached.	None attached.	None attached.

Inspections			

Inspection	Result	Completed Date	Completed By	Schedule	CORR		
					O	C	N
There are no inspections for this permit.							

Activities								
Description	Assigned	Nodes			Scheduled Start	Target End	Decision	Decision Date
		Beg	End	Dur.				
<u>INITIAL REVIEW</u>	CYOSHIDA	1	2	10	17-Dec-2004			2004-12-17 00:00:00.0
<u>PLANNING DEPARTMENT</u>	TABBOTT	2	3	0	17-Dec-2004			2004-12-17 00:00:00.0
Comment: 4-6-05. NOTICE TO APPLICANT THAT NO OTHER INDIVIDUALS REQUESTED PUBLIC HEARING DATE NOTIFICATION.								
<u>TRANSMIT TO AGENCIES/APPLICANT</u>	CYOSHIDA	3	4	5	23-Dec-2004			2004-12-23 00:00:00.0
<u>DEPT OF AGRICULTURE</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DEPT OF LAND & NATURAL RESOURCES-LAND</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DPW&EM, DEVELOPMENT SVC ADMIN</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DEPT. OF FINANCE</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DEPT. HOUSING & HUMAN CONCERNS</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>MAUI ELECTRIC COMPANY</u>	PD	4	5	35	27-Jan-2005	23-Dec-2004	RECEIVED	2005-01-27 00:00:00.0
Comment: 12/21 - NO OBJECTION...								
<u>OFFICE OF PLANNING</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>REVIEW AGENCY/APPLICANT RESPONSE</u>	PD	4	5	30	08-Feb-2005			2005-02-08 00:00:00.0
<u>DLNR STATE HISTORIC PRESERVATION DIV.</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DEPARTMENT OF WATER SUPPLY</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DEPT OF PARKS AND RECREATION</u>	PD	4	5	35	27-Jan-2005	30-Dec-2004	RECEIVED	2005-01-27 00:00:00.0
Comment: 12/28/04 (COMMENTS RE: DRAFT EA ADDRESSED TO MUNEKIYO & HIRAGA)								
<u>OTHER</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>[EDIT]</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0

<u>LAND USE COMMISSION</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DEPT. OF FIRE AND PUBLIC SAFETY</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>US, FISH AND WILDLIFE</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DEPT OF HEALTH - HONOLULU</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DAGS, SURVEY DIVISION</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>PLANNING DEPARTMENT</u>	TABBOTT	4	5	1	27-Dec-2004			2004-12-27 00:00:00.0

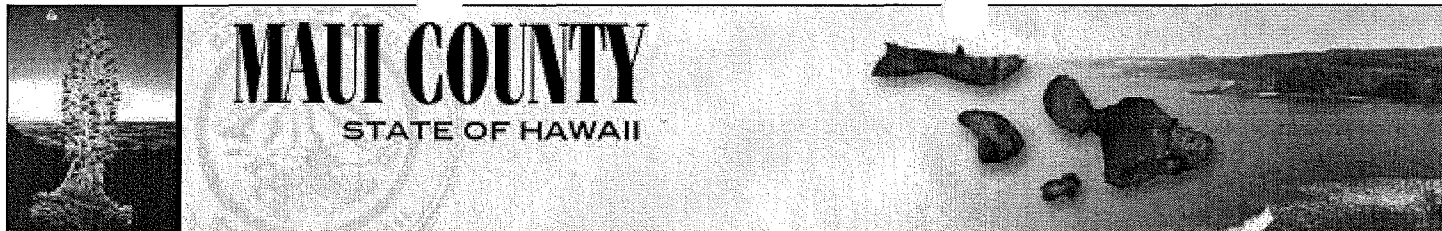
Comment: LTR TO APPLICANT 3-24-05. NOTICE OF APPLICATION PUBLICATION. NOTICE AND MAP TO BE PUBLISHED BY 4-8-05

<u>PLANNING DEPARTMENT</u>	TABBOTT	4	5	1	27-Dec-2004			2004-12-27 00:00:00.0
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Comment: LTR TO APPLICANT. NOTICE OF APPLICATION COMPLETENESS AND ACCEPTANCE. DATES OF MPC 5-10-05 AT 9 AM. NOTICE TO INFORM ADJACENT LANDOWNERS WITHIN 500 FEET BY CERTIFIED MAIL.

<u>APPLICATION COMPLETENESS</u>	CYOSHIDA	5	6	40	20-Mar-2005			2005-03-20 00:00:00.0
<u>PLANNING COMMISSION HEARING</u>		6	7	1	21-Mar-2005			2005-03-21 00:00:00.0
<u>DECISION AND ORDER TRANSMITTED</u>		7	8	5	29-Mar-2005			2005-03-29 00:00:00.0

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Activities

Permit:	SM1 20040038	Project:	LAHAINA SMALL BOAT.
Address:			

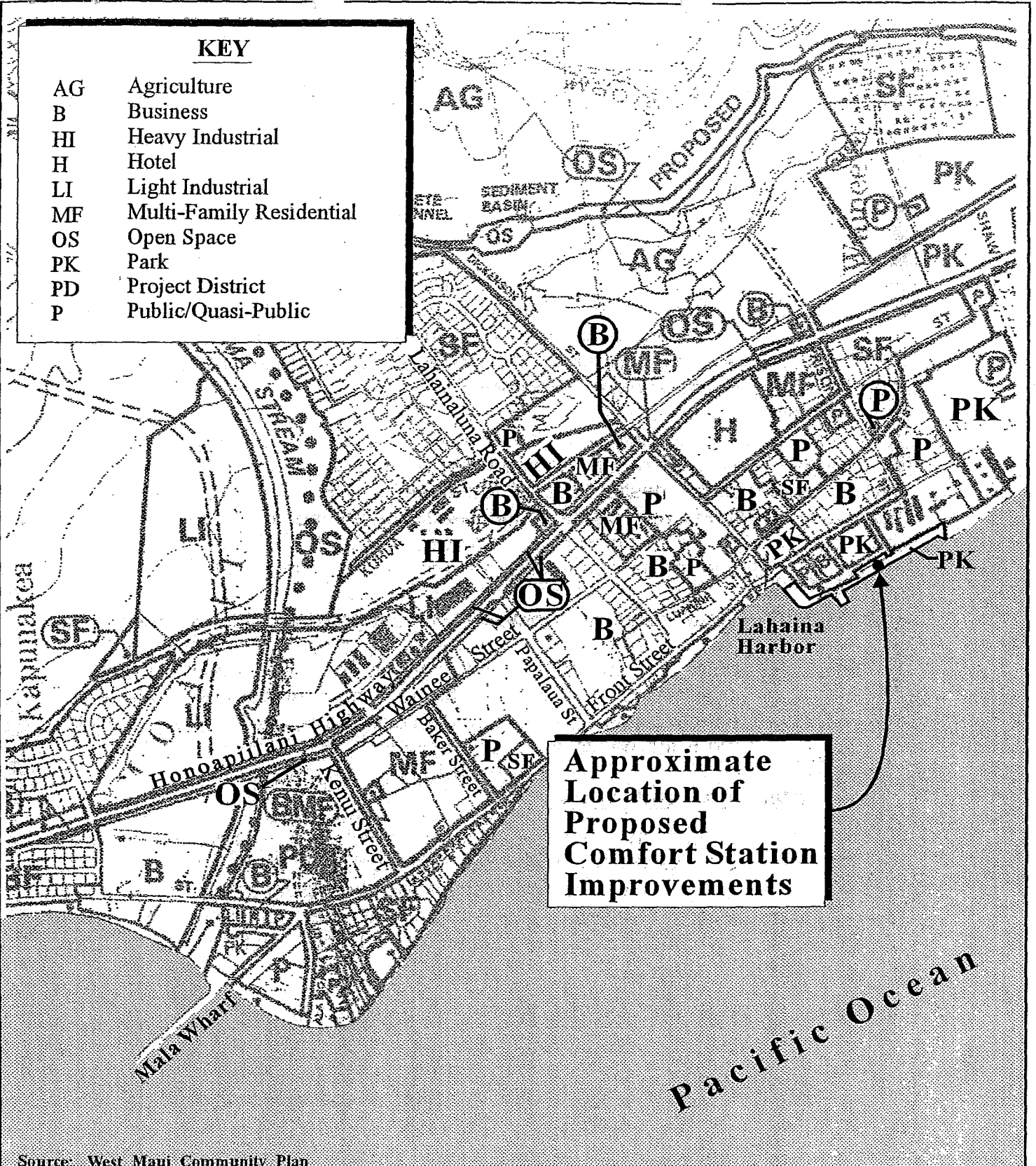
Activities								
Description	Assigned	Nodes		Dur.	Scheduled Start	Target End	Decision	Decision Date
		Beg	End					
<u>INITIAL REVIEW</u>	CYOSHIDA	1	2	10	17-Dec-2004			2004-12-17 00:00:00.0
<u>PLANNING DEPARTMENT</u>	TABBOTT	2	3	0	17-Dec-2004			2004-12-17 00:00:00.0
Comment: 4-6-05. NOTICE TO APPLICANT THAT NO OTHER INDIVIDUALS REQUESTED PUBLIC HEARING DATE NOTIFICATION.								
<u>TRANSMIT TO AGENCIES/APPLICANT</u>	CYOSHIDA	3	4	5	23-Dec-2004			2004-12-23 00:00:00.0
<u>DEPT OF AGRICULTURE</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DEPT OF LAND & NATURAL RESOURCES-LAND</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DPW&EM, DEVELOPMENT SVC ADMIN</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DEPT. OF FINANCE</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DEPT. HOUSING & HUMAN CONCERNS</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>MAUI ELECTRIC COMPANY</u>	PD	4	5	35	27-Jan-2005	23-Dec-2004	RECEIVED	2005-01-27 00:00:00.0
Comment: 12/21 - NO OBJECTION...								
<u>OFFICE OF PLANNING</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>REVIEW AGENCY/APPLICANT RESPONSE</u>	PD	4	5	30	08-Feb-2005			2005-02-08 00:00:00.0
<u>DLNR STATE HISTORIC</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0

<u>PRESERVATION DIV.</u>								
<u>DEPARTMENT OF WATER SUPPLY</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DEPT OF PARKS AND RECREATION</u>	PD	4	5	35	27-Jan-2005	30-Dec-2004	RECEIVED	2005-01-27 00:00:00.0
Comment: 12/28/04 (COMMENTS RE: DRAFT EA ADDRESSED TO MUNEKIYO & HIRAGA)								
<u>OTHER</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
[EDIT]	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>LAND USE COMMISSION</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DEPT. OF FIRE AND PUBLIC SAFETY</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>US, FISH AND WILDLIFE</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DEPT OF HEALTH - HONOLULU</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>DAGS, SURVEY DIVISION</u>	PD	4	5	35	27-Jan-2005			2005-01-27 00:00:00.0
<u>PLANNING DEPARTMENT</u>	TABBOTT	4	5	1	27-Dec-2004			2004-12-27 00:00:00.0
Comment: LTR TO APPLICANT 3-24-05. NOTICE OF APPLICATION PUBLICATION. NOTICE AND MAP TO BE PUBLISHED BY 4-8-05								
<u>PLANNING DEPARTMENT</u>	TABBOTT	4	5	1	27-Dec-2004			2004-12-27 00:00:00.0
Comment: LTR TO APPLICANT. NOTICE OF APPLICATION COMPLETENESS AND ACCEPTANCE. DATES OF MPC 5-10-05 AT 9 AM. NOTICE TO INFORM ADJACENT LANDOWNERS WITHIN 500 FEET BY CERTIFIED MAIL.								
<u>APPLICATION COMPLETENESS</u>	CYOSHIDA	5	6	40	20-Mar-2005			2005-03-20 00:00:00.0
<u>PLANNING COMMISSION HEARING</u>		6	7	1	21-Mar-2005			2005-03-21 00:00:00.0
<u>DECISION AND ORDER TRANSMITTED</u>		7	8	5	29-Mar-2005			2005-03-29 00:00:00.0

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KEY

- AG Agriculture
- B Business
- HI Heavy Industrial
- H Hotel
- LI Light Industrial
- MF Multi-Family Residential
- OS Open Space
- PK Park
- PD Project District
- P Public/Quasi-Public

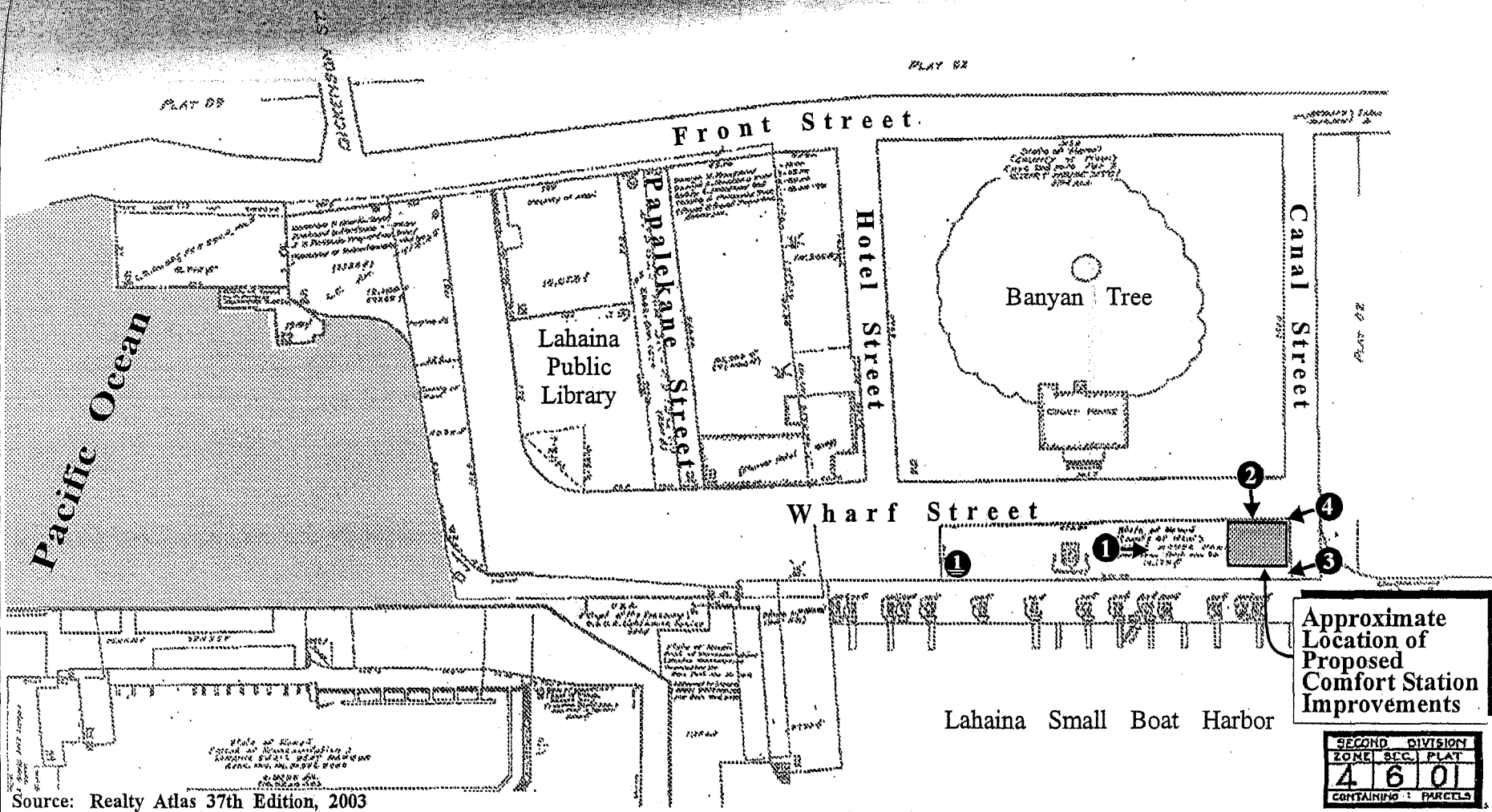


Source: West Maui Community Plan

Figure 11 Proposed Lahaina Small Boat Harbor Comfort Station Improvements
 West Maui Community Plan
 Land Use Designations



EXHIBIT



Source: Realty Atlas 37th Edition, 2003

Proposed Lahaina Small Boat Harbor Comfort Station Improvements Photographic Reference Map

NOT TO SCALE



Prepared for: State of Hawaii, Dept. Of
Land and Natural Resources

MUNEKIYO & HIRAGA, INC.

EXHIBIT A2

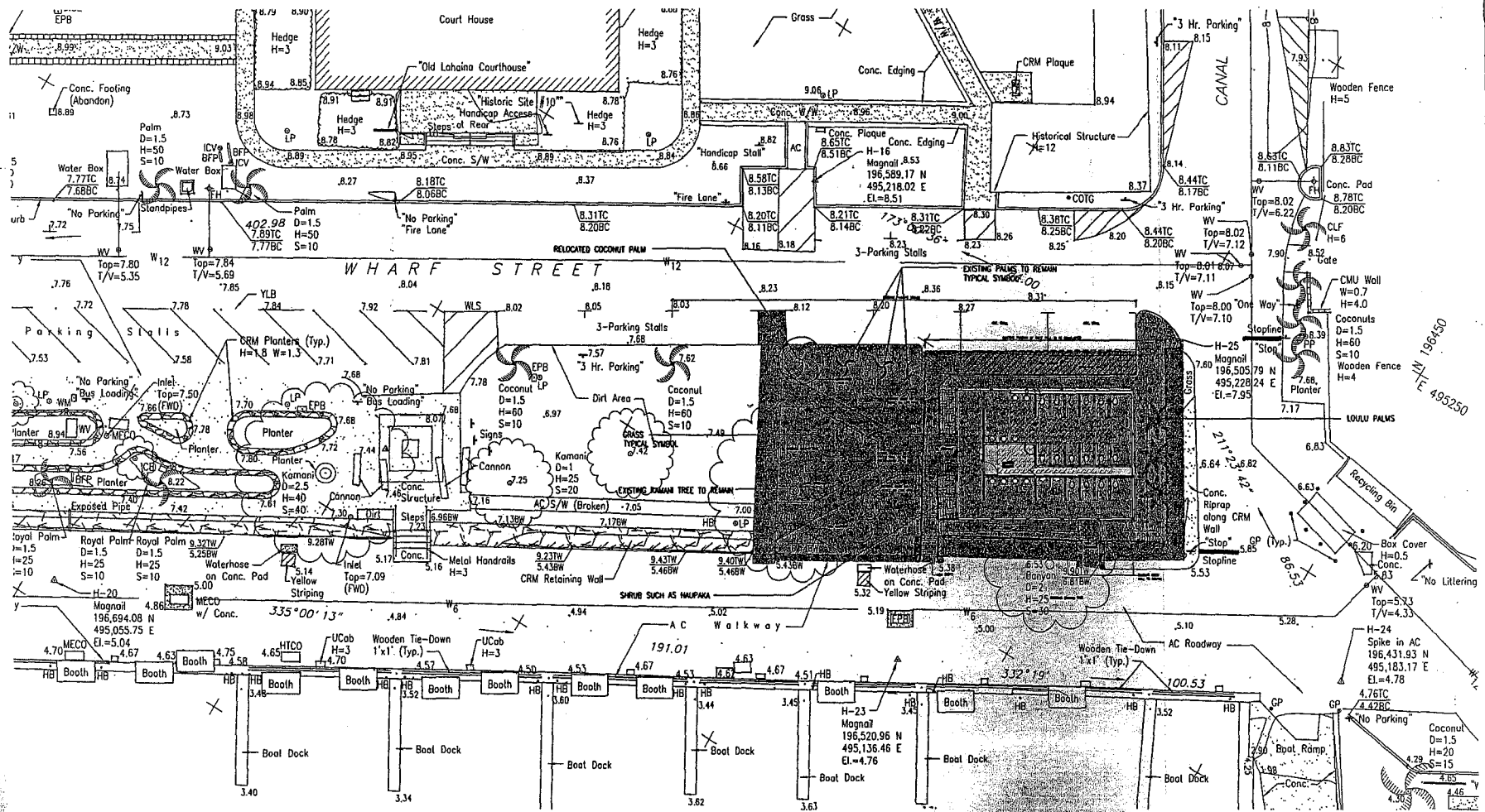



EXHIBIT A3

DATE 1996/05
SITE 495250



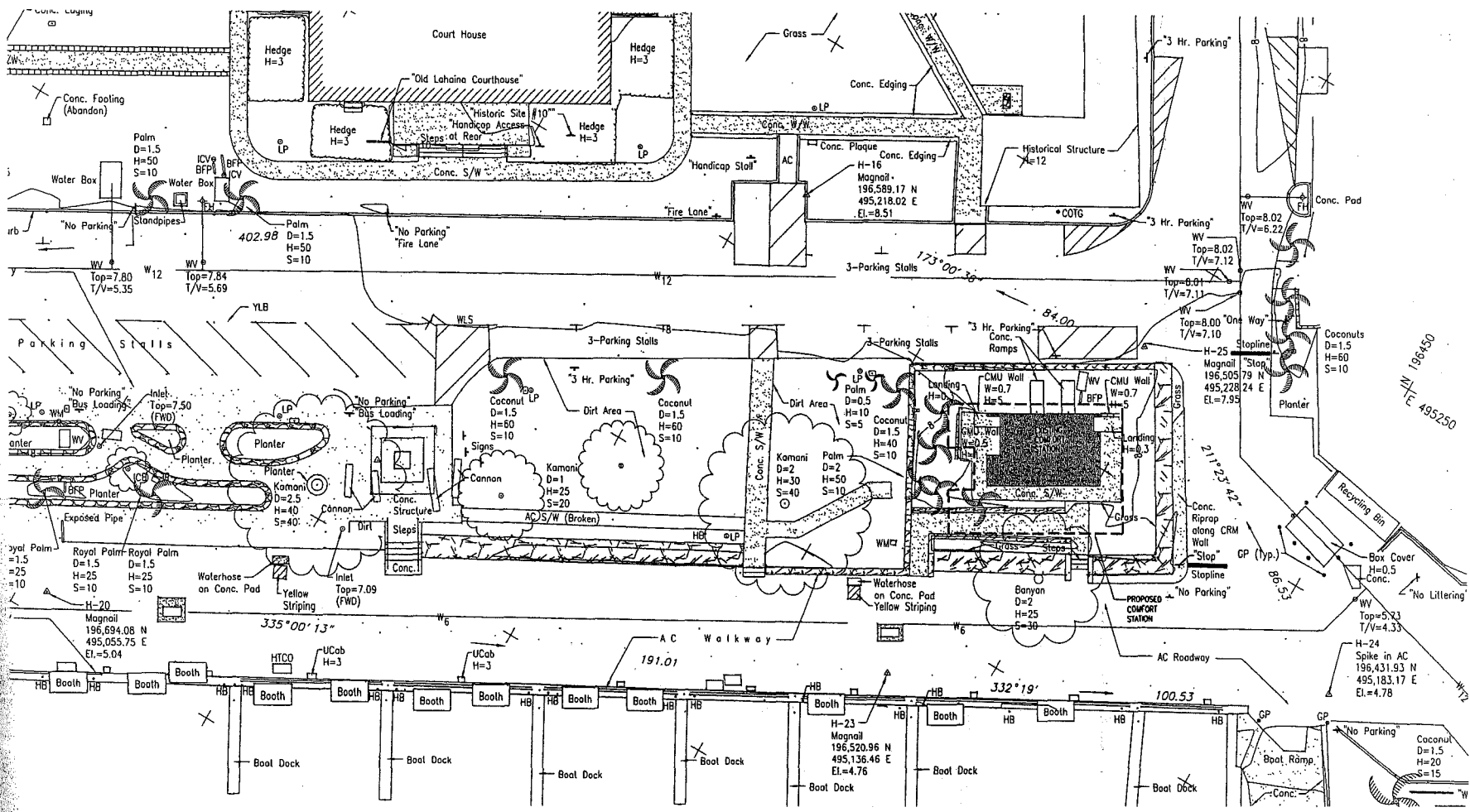
LANDSCAPE SITE PLAN
Scale: 1" = 10'-0"


Mitsunaga & Associates, Inc.
 747 AMANA STREET
 SUITE 218
 HONOLULU, HI 96814
 PH. (808) 945-7882
 FAX. (808) 946-2563

ARCHITECTURE
 ENGINEERING
 PLANNING
 CONSTRUCTION MANAGEMENT

**LAHAINA BOAT HARBOR
PROPOSED COMFORT STATION REPLACEMENT**

STATE OF HAWAII
 DEPARTMENT OF LAND
 & NATURAL RESOURCES



EXISTING SITE PLAN
Scale: 1" = 10'-0"

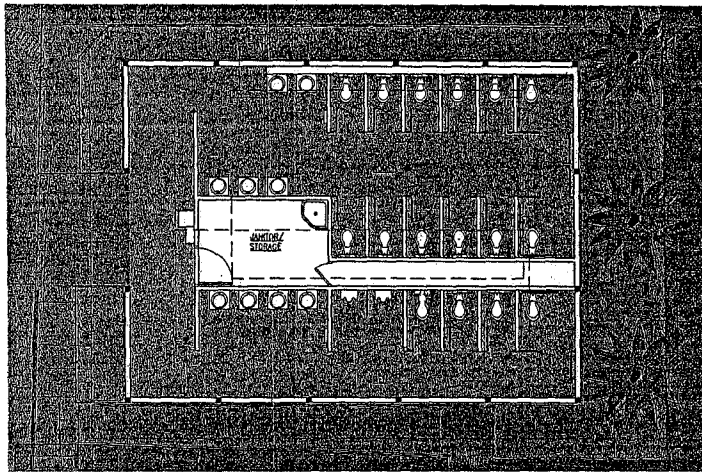


747 AMANA STREET
SUITE 210
HONOLULU, HI 96814
PH. (808) 945-7882
FAX. (808) 948-2563

ARCHITECTURE
ENGINEERING
PLANNING
CONSTRUCTION MANAGEMENT

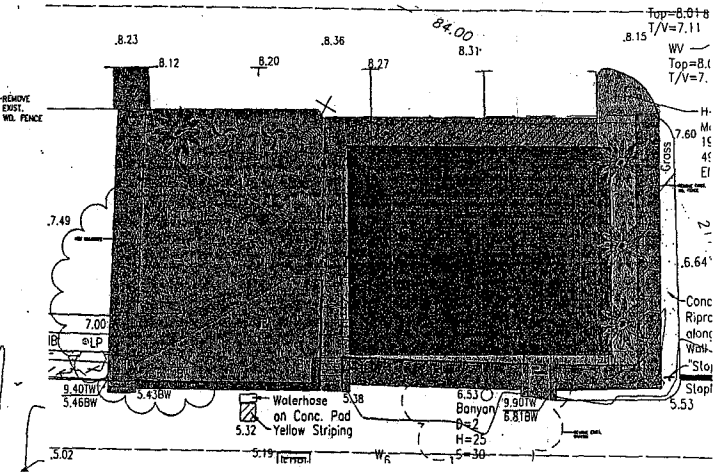
**LAHAINA BOAT HARBOR
PROPOSED COMFORT STATION REPLACEMENT**

STATE OF HAWAII
DEPARTMENT OF LAND
& NATURAL RESOURCES



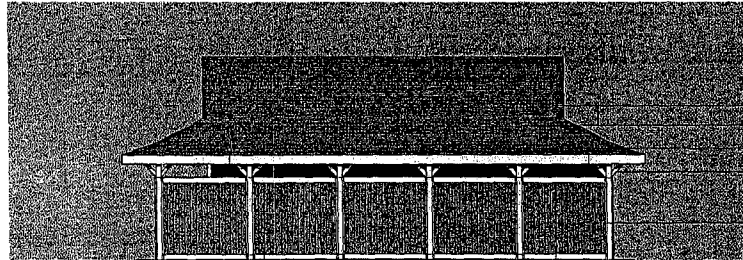
COMFORT STATION FLOOR PLAN

Scale: 1/4" = 1'-0"



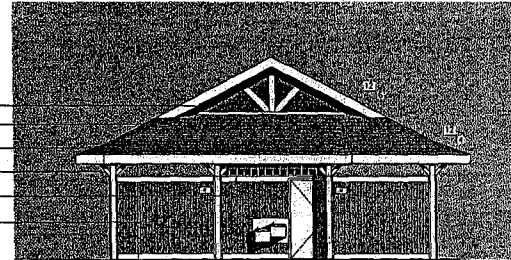
SITE PLAN

Scale: 1/8" = 1'-0"



EAST AND WEST ELEVATIONS

Scale: 1/4" = 1'-0"



NORTH ELEVATION

Scale: 1/4" = 1'-0"



747 AMANA STREET
SUITE 216
HONOLULU, HI 96814
PH. (808) 945-7892
FAX. (808) 945-2563

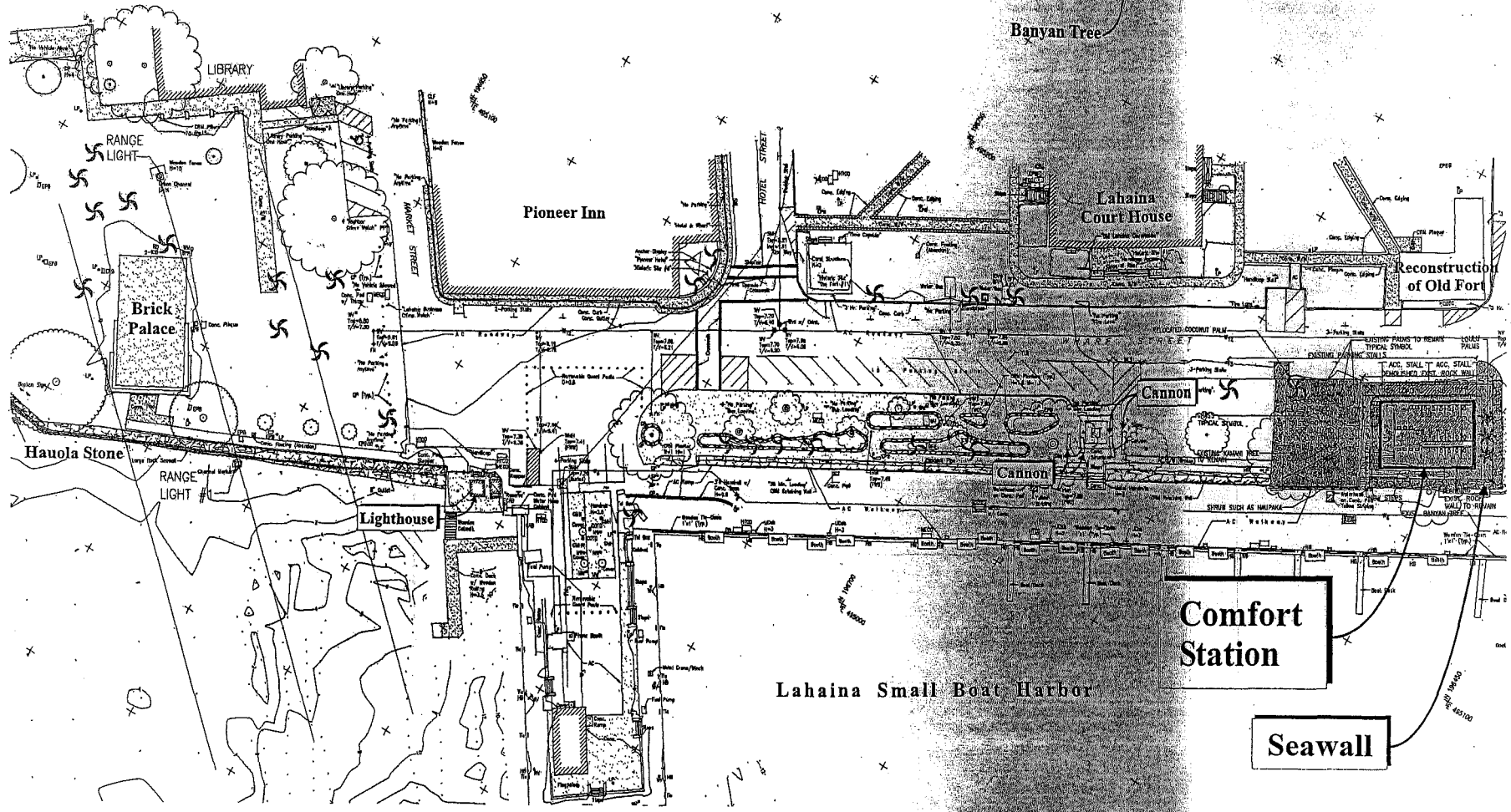
ARCHITECTURE
ENGINEERING
PLANNING
CONSTRUCTION MANAGEMENT

**LAHAINA BOAT HARBOR
PROPOSED COMFORT STATION REPLACEMENT**

STATE OF HAWAII
DEPARTMENT OF LAND
& NATURAL RESOURCES

EXHIBIT A5

EXHIBIT A6



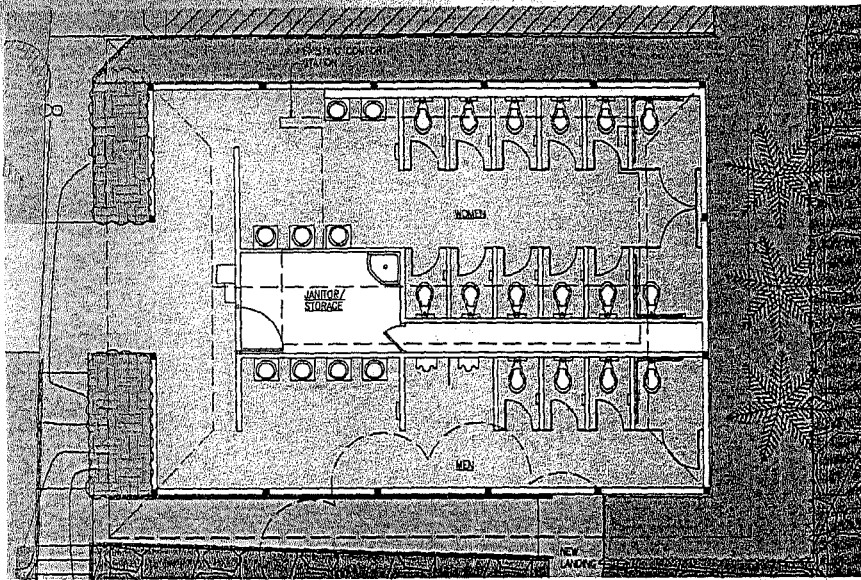
Source: Mitsunaga & Associates, Inc.

Figure 8 Proposed Lahaina Small Boat Harbor Comfort Station Improvements Cultural Resources Map

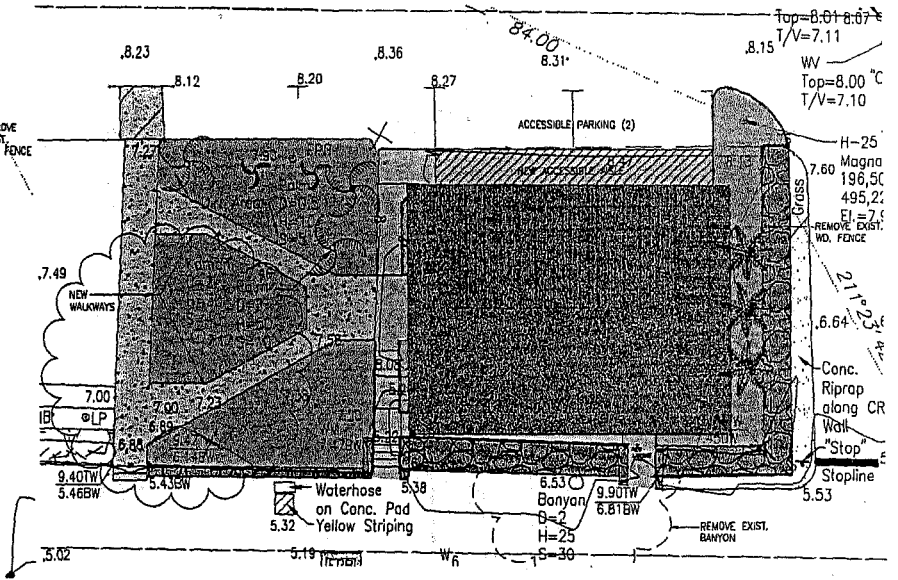


Prepared for: State of Hawaii, Department of Land and Natural Resources

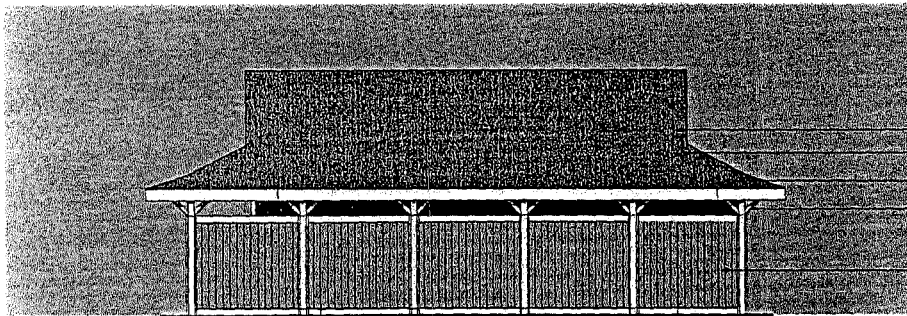
MUNEKIYO HIRAGA, INC.



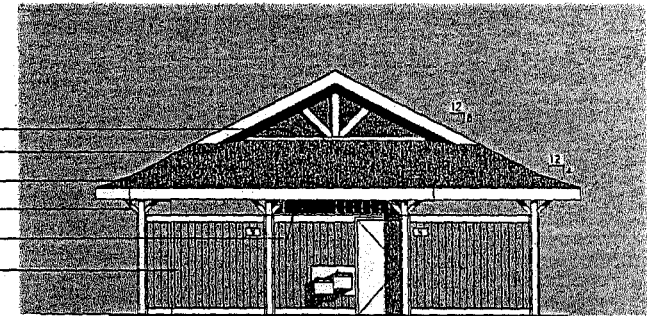
Comfort Station Floor Plan



Site Plan



East and West Elevations



North Elevation

- CLORESTORY
- EXISTING COMFORT STATION
- CORRUGATED METAL ROOFING
- POST WITH BRACING
- WOOD LATTICE
- VERTICAL WD TAG SIDING

Source: Mitsunaga & Associates, Inc.

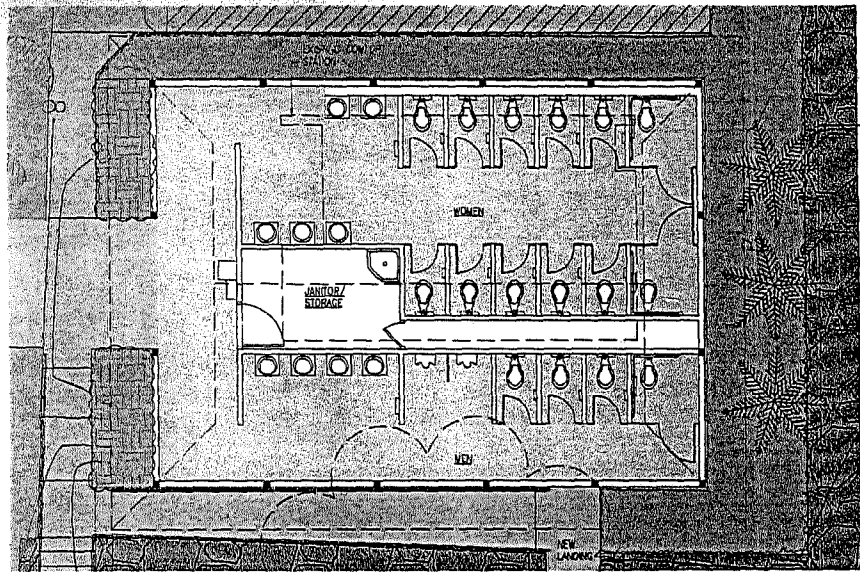
Figure 12

**Proposed Lahaina Small Boat Harbor
Comfort Station Improvements
Floor Plan and Elevation with Red Roof**

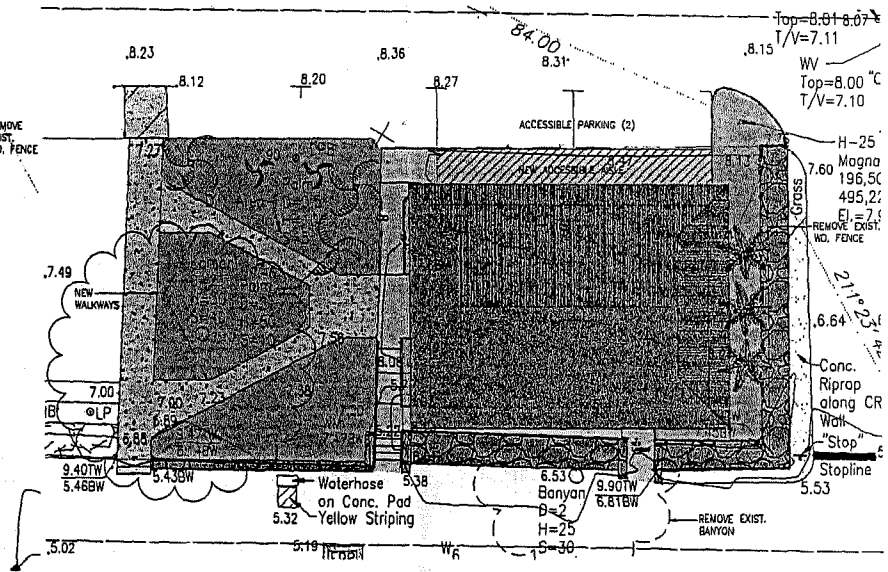
NOT TO SCALE



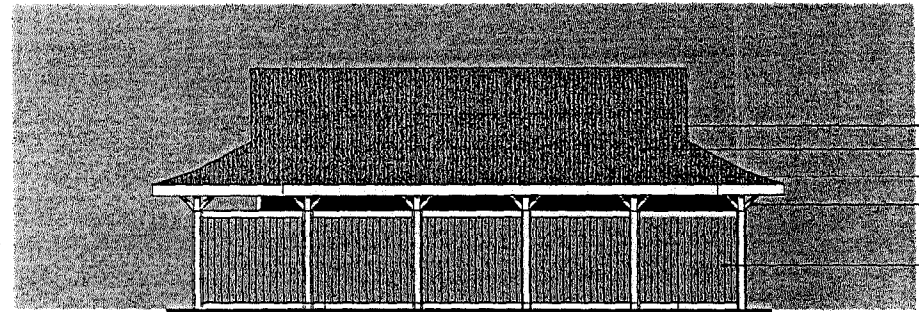
EXHIBIT A-8



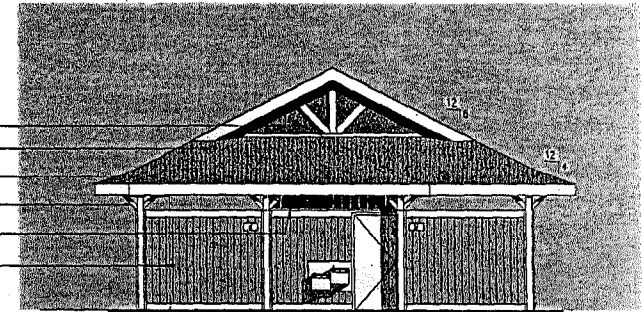
Comfort Station Floor Plan



Site Plan



East and West Elevations



North Elevation

- CLERESTORY
- EXISTING COMFORT STATION
- CORRUGATED METAL ROOFING
- POST WITH BRACING
- WOOD LATTICE
- VERTICAL W/ TAG SIDING

Source: Mitsunaga & Associates, Inc.

Figure 13

**Proposed Lahaina Small Boat Harbor
Comfort Station Improvements
Floor Plan and Elevation with Green Roof**

NOT TO SCALE

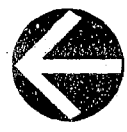




Photo No. 1: South View

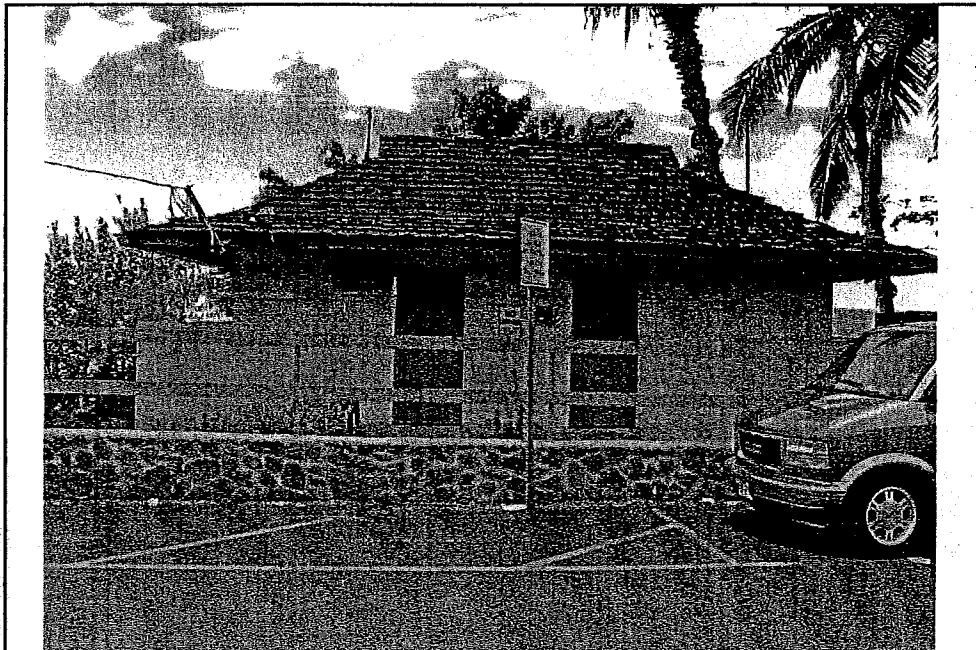


Photo No. 2: West View



Photo No. 3: North View

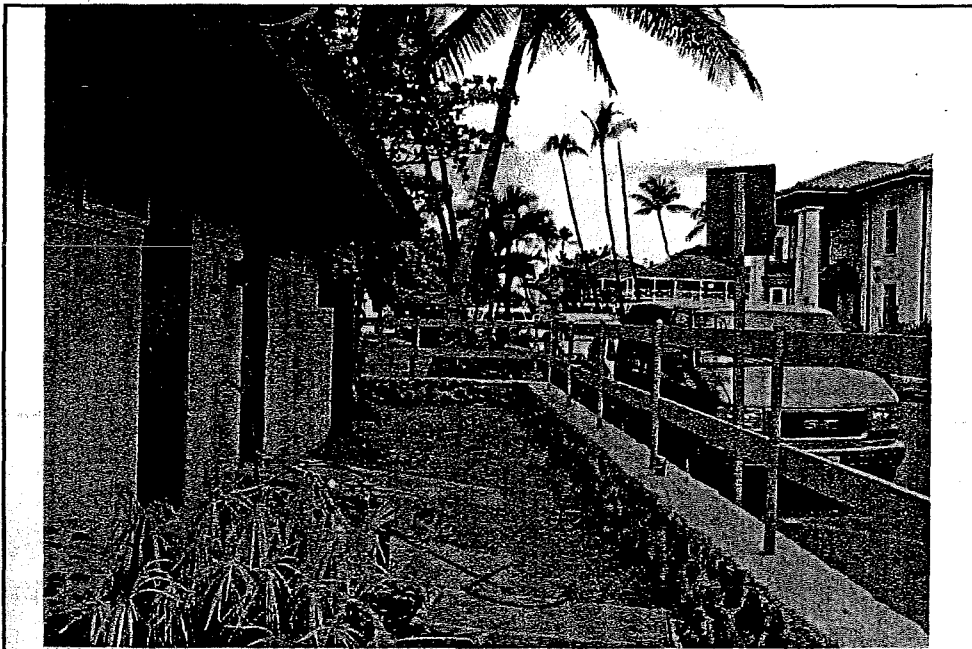
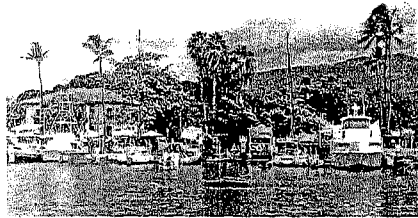


Photo No. 4: North View



EXISTING CONDITIONS



Court House

Existing Palms Proposed to be Removed/Relocated

Existing Coconut Palm to Remain

Existing Banyan Tree That Conceals Existing and Proposed Comfort Stations to Remain

Profile of Proposed Comfort Station Behind Existing Banyan Tree

Profile of Existing Comfort Station Behind Existing Banyan Tree

Top of Existing Rock Sea Wall

Grade at Proposed Comfort Station

Top of Harbor Walkway

Existing Boat Ramp

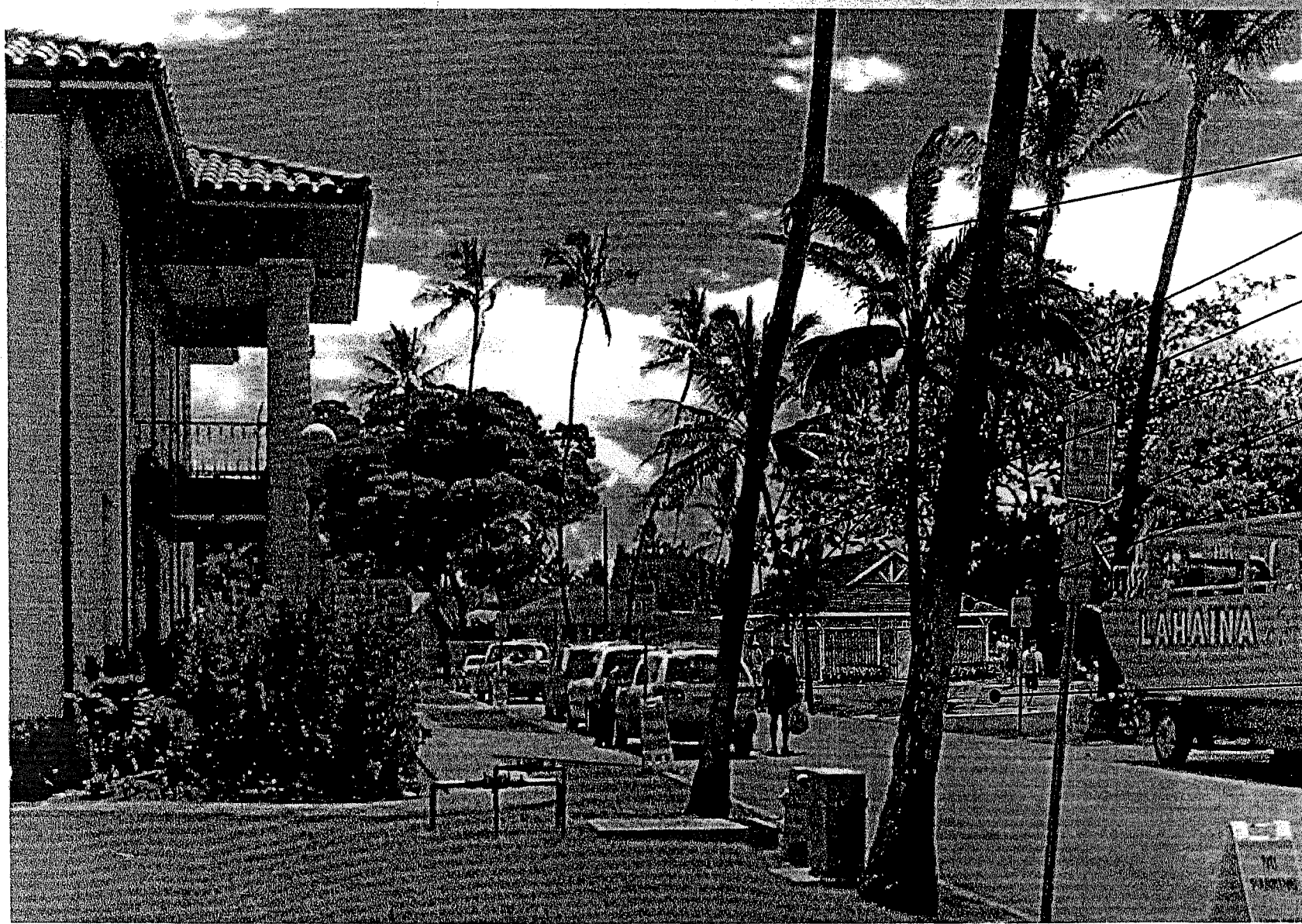
Source: Mitsunaga & Associates, Inc.

Figure 9

Proposed Lahaina Small Boat Harbor
Comfort Station Improvements
East View from Breakwater



Prepared for: State of Hawaii, Dept. Of Land and Natural Resources



- Proposed Relocated Existing Coconut Palm
- Existing Kamani Tree
- Proposed 3 Loulu Palms
- Existing Palms
- Existing Banyan Tree Fronting Harbor Walk
- Proposed Comfort Station
- Proposed Pathways and Lawn Area

VIEW FROM COURTHOUSE



747 AMANA STREET
SUITE 210
HONOLULU, HI 96814
PH. (808) 946-7898
FAX. (808) 946-2663

ARCHITECTURE
ENGINEERING
PLANNING
CONSTRUCTION MANAGEMENT

**LAHAINA BOAT HARBOR
PROPOSED COMFORT STATION REPLACEMENT**

STATE OF HAWAII
DEPARTMENT OF LAND
& NATURAL RESOURCES

IX. STAKEHOLDERS' MEETING OF APRIL 8, 2004

A stakeholders' meeting was held to present the initial conceptual plans for both the Lahaina Ferry Pier Improvement Project and the New Comfort Station Project. Invitations to the stakeholders meeting were sent to elected government officials and government agencies, as well as to parties which could be affected by the proposed action, such as harbor users, businesses, government facilities (school, library), and community groups in the area.

The meeting was held on April 8, 2004 at the Lahaina Intermediate School Cafeteria with approximately 25 persons in attendance. Representatives of the State Department of Land and Natural Resources, along with project consultants, handled the presentation, responded to questions, and received comments on the project's preliminary conceptual plans.

A summary of comments relevant to the proposed action that were received at this meeting follows.

1. The Hauola Stone is very sacred and the area around it is Kapu (sacred).
2. Potential impacts to historic sites need to be examined.
3. To provide for greater use and convenience, the new comfort station should be located in the area around the Lahaina Small Boat Harbor pier.

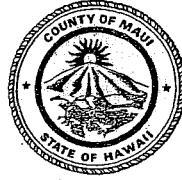
These comments were taken into consideration during the design process for the proposed comfort station improvements.

EXHIBIT

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

April 12, 2005

Mr. Peter T. Young, Chairperson
Department of Land and Natural Resources
Division of Boating and Ocean Recreation
333 Queen Street, Suite 300
Honolulu, Hawaii 96813

Dear Mr. Young:

RE: Historic District Approval for the Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii TMK: 4-6-001 (HDC 2004/0012)

At its regular meeting of April 7, 2005 the Cultural Resources Commission (CRC) reviewed and approved the subject project. The CRC granted Historic District Approval with the following conditions:

1. That construction shall be in accordance with plans as presented and approved by the Cultural Resources Commission on April 7, 2005.
2. That color samples for the roof and walls be submitted to the Planning Department for review and approval.
3. That construction shall be initiated within two years of the Special Management Area permit approval, and shall be completed within five years from said initiation.
4. That the Applicant shall present the landscaping plan to the Maui County Arborist Committee for review. The proposed planter wall shall not adversely affect or be attached to the historic wall. Arborist Committee comments shall be included with the preliminary compliance report and filed with the Planning Department prior to issuance of the building permit. Irrigation shall be included as part of the landscaping.

EXHIBIT

B2

Mr. Peter T. Young, Chairperson
April 12, 2005
Page 2

5. That the construction staging plan take into consideration any impacts to cultural resources. A copy of the final construction staging plan shall be submitted to the Planning Department for review and approval.
6. That archaeological monitoring be conducted during all ground-disturbing work. In the event that cultural materials and/or human burials are identified, all work shall stop, and the SHPD Burial Sites Program, the Maui SHPD archaeologist, Oahu SHPD, and the Maui/Lanai Islands Burial Council will be notified. Compliance with procedures outlined in HRS 6.E-43 shall be followed.
7. That all signage and lighting shall comply with the *Design Guidelines for Front Street Improvements* and *Sign Design Guidelines for the Lahaina Historic Districts*.
8. That the Applicant establish a maintenance agreement that shall be in place for the new facility prior to the Certificate of Occupancy being issued. A copy of this maintenance agreement shall be filed with the Planning Department.
9. That a building permit be obtained prior to the initiation of construction.
10. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to soil erosion from wind and water, ambient noise levels, and traffic disruptions.
11. That a preliminary compliance report be filed prior to obtaining the building permit. A final compliance report shall be submitted prior to granting a Certificate of Occupancy.
12. That the State of Hawaii shall be responsible for damage or injury caused by the State's agents, officers, and employees in the course of their employment to the extent that the State's liability for such damage or injury has been determined by a court or otherwise agreed to by the State, and the State shall pay for such damage or injury to the extent permitted by law and approved by the State legislature.
13. That full compliance with all other applicable governmental requirements shall be rendered.

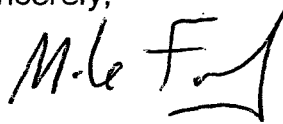
EXHIBIT
B3

Mr. Peter T. Young, Chairperson
April 12, 2005
Page 3

Please note that the Commissioners were concerned with the structure's increased size. They noted that the landscaping should include indigenous plants and be carefully planned in order to screen the building on the makai side.

If additional clarification is required, please contact Ms. Dawn E. Duensing, Cultural Resources Planner, at 270-7841.

Sincerely,



Michael W. Foley
Planning Director

MWF:DED:do

c: Clayton I. Yoshida, AICP
Dawn Duensing, Cultural Resources Planner
Thorne Abbott, Coastal Resources Planner
Mich Hirano, AICP, Munekiyo and Hiraga, Inc.
CRC file
General File
K:\WP_DOCS\PLANNING\HDC\LahComfortStationApproval.wpd

EXHIBIT

B4

EXHIBIT

C-1

Chapter XI

***Parties Consulted During the
Preparation of the Draft
Environmental Assessment;
Letters Received and Responses
to Substantial Comments***

EXHIBIT

02 02

XI. PARTIES CONSULTED DURING THE PREPARATION OF THE DRAFT ENVIRONMENTAL ASSESSMENT; LETTERS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENTS

The following parties were consulted during the preparation of the Draft EA. Consultation with the listed Native Hawaiian organizations will take place during the Draft EA process in compliance with Section 106 of the National Historic Preservation Act. These organizations will receive copies of the Draft EA. Agency comments and responses to substantive comments are also included in this section.

- | | | | |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Ranae Ganske-Cerizo, Acting District Conservationist
Natural Resources Conservation Service
U.S. Department of Agriculture
210 Imi Kala Street, Suite 209
Wailuku, Hawaii 96793-2100 | 6. | Herbert Matsubayashi
District Environmental Health Program Chief
State of Hawaii
Department of Health
54 High Street
Wailuku, Hawaii 96793 |
| 2. | George Young, P.E.
Chief, Regulatory Branch
U.S. Department of the Army
U.S. Army Engineer District, Hnl.
Attn: CEPOH-EC-R
Bldg. 230, Room 201
Fort Shafter, Hawaii 96858-5440 | 7. | Peter T. Young, Director
State of Hawaii
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809 |
| 3. | Robert P. Smith
Pacific Islands Manager
U. S. Fish and Wildlife Service
300 Ala Moana Blvd., #3-122, Box 50088
Honolulu, Hawaii 96813 | 8. | Dean Aoki, ADA Coordinator
State of Hawaii
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809 |
| 4. | Micah Kane, Chairman
State of Hawaii
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, Hawaii 96805 | 9. | Jason Koga, District Land Agent
State of Hawaii
Department of Land and Natural Resources - Maui District Land Office
54 South High Street, Room 101
Wailuku, Hawaii 96793 |
| 5. | Chiyome L. Fukino, M.D., Director
State of Hawaii
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801 | 10. | Melissa Kirkendall, Ph.D.
State Historic Preservation Division
Maui District Office
130 Mahalani Street
Wailuku, Hawaii 96793 |

EXHIBIT C3

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>11. Nathan Napoka, Chief
State Historic Preservation Division
History and Culture Branch
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707</p> | <p>20. Glenn Correa, Director
County of Maui
Department of Parks and Recreation
1580-C Kaahumanu Avenue
Wailuku, Hawaii 96793</p> |
| <p>12. Skippy Hau, Aquatic Biologist
State of Hawaii
Division of Aquatic Resources
Department of Land and Natural Resources
130 Mahalani Street
Wailuku, Hawaii 96793</p> | <p>21. Tom Phillips, Chief
County of Maui
Police Department
55 Mahalani Street
Wailuku, Hawaii 96793</p> |
| <p>13. P. Holly McEldowney, Administrator
State Historic Preservation Division
601 Kamokila Blvd., Room 555
Kapolei, Hawaii 96707</p> | <p>22. Gilbert Coloma-Agaran, Director
County of Maui
Department of Public Works
and Environmental Management
200 South High Street
Wailuku, Hawaii 96793</p> |
| <p>14. Rodney K. Haraga, Director
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813</p> | <p>23. Kyle Ginoza, Director
County of Maui
Department of Transportation
200 South High Street
Wailuku, Hawaii 96793</p> |
| <p>15. Fred Cajigal, Maui District Engineer
State of Hawaii
Department of Transportation
Highways Division
650 Palapala Drive
Kahului, Hawaii 96732</p> | <p>24. George Tengan, Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793</p> |
| <p>16. Clyde Namu'o, Administrator
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813</p> | <p>25. Ezeikiela "Zeke" Kalua, Executive Director
West Maui Taxpayers Association
181 Lahainaluna Road, Suite "H"
Lahaina, Hawaii 96761</p> |
| <p>17. Carl Kaupalolo, Chief
County of Maui
Department of Fire Control
200 Dairy Road
Kahului, Hawaii 96732</p> | <p>26. Theo Morrison, Executive Director
Lahaina Town Action Committee
648 Wharf Street, Suite 102
Lahaina, Hawaii 96761</p> |
| <p>18. Michael W. Foley, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793</p> | <p>27. Keoki Freeland, Executive Director
Lahaina Restoration Foundation
120 Dickenson Street
Lahaina, Hawaii 96761</p> |
| <p>19. Cultural Resources Commission
c/o Dawn Duensing
Department of Planning
250 South High Street
Wailuku, Hawaii 96793</p> | <p>28. Bobbie Best, Librarian
Lahaina Public Library
680 Wharf Street
Lahaina, Hawaii 96761</p> |

EXHIBIT

C4

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>29. Patty Nishiyama, Executive Director
Na Kupuna O Maui
320 Kaeo Place
Lahaina, Hawaii 96761</p> <p>30. Akoni Akana, Executive Director
Friends of Moku'ula
505 Front Street
Lahaina, Hawaii 96761</p> <p>31. Thelma Shimaoka, Community Resource
Coordinator
Office of Hawaiian Affairs
140 Ho'ohana Street, Suite 206
Kahului, Hawaii 96732</p> <p>32. Vanessa Medeiros, District Supervisor
Department of Hawaiian Home Lands
Maui District Office
655 Kaunualii Street
Wailuku, Hawaii 96793</p> <p>33. Rose Marie Duey, Island Representative
Alu Like, Inc.
Maui Island Center
1977 Kaohu Street
Wailuku, Hawaii 96793</p> <p>34. Senator Roz Baker
415 South Beretania Street
Room 228
Honolulu, Hawaii 96813</p> <p>35. Representative Kam Tanaka
415 South Beretania Street
Room 319
Honolulu, Hawaii 96813</p> <p>36. Councilmember JoAnne Johnson
Maui County Council
200 South High Street
Wailuku, Hawaii 96793</p> <p>37. Best Western Pioneer Inn
Jim Lennon, General Manager
658 Wharf Street
Lahaina, Hawaii 96761</p> <p>38. King Kamehameha III Elementary School
Lindsay Ball, Principal
611 Front Street
Lahaina, Hawaii 96761</p> | <p>39. Lahaina Arts Society
Graham Watson, Executive Director
648 Wharf Street, Suite 103
Lahaina, Hawaii 96761</p> <p>40. Kim Ball, President
Hi-Tech Surf & Sports
425 Koloa Street
Kahului, Hawaii 96732</p> <p>41. Kevin and Pam Baughman
277 Wili Ko Place, Suite 4
Lahaina, Hawaii 96761</p> <p>42. Tony Whitehead
801 Olowalu Road
Lahaina, Hawaii 96761</p> <p>43. David Jung
Island Marine Activities
Molokai Ferry
658 Front Street, Suite 101
Lahaina, Hawaii 96761</p> <p>44. Don Couch, Executive Assistant
Office of the Mayor
County of Maui
200 South High Street
Wailuku, Hawaii 96793</p> <p>45. Steve Knight
Expeditions
Lahaina/Lanai Passenger Ferry
658 Front Street, Suite 127
Lahaina, Hawaii 96761</p> <p>46. Stuart Kahan
Mala Wharf Fishing and Recreation
Association
1028 Wainee Street, E-5
Lahaina, Hawaii 96761</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

EXHIBIT

CS

NOV 02 2004



DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, HONOLULU
FT. SHAFTER, HAWAII 96858-5440

REPLY TO
ATTENTION OF

October 29, 2004

Regulatory Branch

Mr. Mich Hirano
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Hirano:

This is written in regards to your request for comments on the proposed Lahaina Small Boat Harbor Comfort Station Improvements located at the Lahaina Small Boat Harbor, Lahaina, Hawaii. The proposed project consists of the demolition of the existing comfort station and construction of a new station with handicap access to meet accessibility criteria under the Americans with Disabilities Act.

We have reviewed the project information you provided with respect to the Corps' authority to issue Department of the Army (DA) permits under Section 404 of the Clean Water Act (33 USC 1344). Although the footprint of the new comfort station will increase by approximately 825 square feet, it does not appear that ground disturbing activities conducted on this parcel will involve the discharge of dredged or fill material into the nearby ocean. Therefore a Department of the Army permit will not be required for this project.

File number **POH-2004-1015** is assigned to this project. Should you have questions, you may contact Ms. Lolly Silva at 438-7023 or by FAX at 438-4060.

Sincerely,

A handwritten signature in black ink, appearing to read "George P. Young".

George P. Young, P.E.
Chief, Regulatory Branch

EXHIBIT

04



0
November 22, 2004

George P. Young, Chief
Department of the Army
Regulatory Branch
Building 223
Fort Shafter, Hawaii 96858-5440

SUBJECT: Early Consultation Request for Proposed Improvements to the
Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii
(TMK (2) 4-6-1:1)

Dear Chief Young:

Thank you for your letter of October 29, 2004, responding to our request for early consultation comments on the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments, we note that ground-altering activities associated with the proposed project will not discharge into the nearby ocean. We acknowledge your conclusion that a Department of the Army permit is not required for the proposed action.

Thank you again for providing your input to the proposed action. A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Very truly yours,

Mich Hirano, AICP

MH:tn

cc: Eric Yuasa, Department of Land and Natural Resources
mailto:lbhcomf/earlycnst/army.res

EXHIBIT

OCT 14 2004

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M. D.
DIRECTOR OF HEALTH

LORRIN W. PANG, M. D., M. P.
DISTRICT HEALTH OFFICER

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2102

October 12, 2004

Mr. Mich Hirano
Munekiyo & Hiraga, Inc.
305 South High Street, Suite 104
Wailuku, Hawai'i 96793

Dear Mr. Hirano:

Subject: **Proposed Lahaina Small Boat Harbor Comfort Station Improvements, TMK: (2) 4-6-1:1, Lahaina, Maui**

Thank you for the opportunity to participate in the early consultation process for the environmental assessment.

1. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules, Chapter 11-46 "Community Noise Control". A noise permit may be required and should be obtained before the commencement of work.
2. Chapter 501, "Asbestos Requirements" requires owners or operators of a demolition or renovation activity to thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos using a certified inspector pursuant to HAR, Chapter 504. The Applicant is required to file with the Noise, Radiation and Indoor Air Quality Branch, Asbestos Demolition/Renovation Notification at least ten (10) working days prior to the demolition of each building (regardless of the presence of asbestos) or the disturbance of regulated asbestos containing materials during renovation activities. All regulated quantities and types of asbestos containing materials would be subject to emission control, proper collection, containerizing, and disposal at a permitted landfill by a licensed asbestos contractor using certified persons. Questions concerning asbestos requirements should be directed to Mr. Thomas Lileikis of the Noise, Radiation and Indoor Air Quality Branch at (808) 586-5800.

Should you have any questions, please call me at 984-8230.

Sincerely,

Herbert S. Matsubayashi
District Environmental Health Program Chief

EXHIBIT

c: NRIAQ



November 22, 2004

Herbert Matsubayashi, District Environmental
Health Program Chief
State of Hawaii
Department of Health
Maui District Health Office
54 High Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation Request for Proposed Improvements to the Lahaina
Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii (TMK (2)
4-6-1:1)

Dear Mr. Matsubayashi:

Thank you for your letter of October 12, 2004, responding to our request for early consultation comments on the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments, we note the following:

1. The applicant acknowledges that a noise permit may be required if noise from construction activities exceeds the maximum allowable levels and will comply as necessary.
2. The applicant acknowledges the requirements for a thorough asbestos inspection using a certified asbestos inspector. The applicant acknowledges the requirement to file an Asbestos Demolition/Renovation Notification prior to the commencement of renovation activities and will comply as appropriate.

Thank you again for providing your input to the proposed action. A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Very truly yours,

Mich Hirano, AICP

MH:tn

cc: Eric Yuasa, Department of Land and Natural Resources
mail/bhcomf/earlycnst/doh.res

EXHIBIT

CG

NOV 08 2004

LINDA LINGLE
GOVERNOR OF HAWAII



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

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
DEPUTY DIRECTOR - WATER

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



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 5, 2004

LD-NAV
LAHAINABOATHARBOR.RCM

Munekiyo and Hiraga, Inc.
Mich Hirano, Planner
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Hirano:

SUBJECT: Pre-Assessment Consultation for Lahaina Small Boat Harbor
Comfort Station Improvements Proposed DLNR Project

Thank you for the opportunity to review and comment on the subject matter.

The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of the subject your letter dated October 6, 2004 pertaining to the proposed project to the following DLNR Divisions for their review and comment:

- Division of Forestry and Wildlife
- Division of State Parks
- Engineering Division
- Commission on Water Resource Management
- Office of Conservation and Coastal Lands
- Land-Maui District Land Office

Enclosed please find a copy of the Engineering Division comment and Maui District Land Office response.

Based on the attached responses, the Department of Land and Natural Resources has no other comment to offer.

If you have any questions, please feel free to contact Nicholas A. Vaccaro of the Land Division Support Services Branch at 1-808-587-0384.

Very truly yours,

DIERDRE S. MAMIYA
Administrator

C: MDLO

EXHIBIT

C10

D

LINDA LINGLE
GOVERNOR OF HAWAII

RECEIVED
LAND DIVISION



2004 OCT 28 A 10:10



DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
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

October 22, 2004

LD/NAV
LAHAINABOATHARBOR.COM

Suspense Date: 10/29/04

MEMORANDUM:

TO: XXX Division of State Parks
XXX Division of Forestry and Wildlife
XXX Office of Conservation and Coastal Lands
XXX Commission on Water Resource Management
✓ XXX Engineering Division
XXX Maui District Land Office

FROM: Dierdre S. Mamiya, Administrator
Land Division

SUBJECT: Pre-Assessment Consultation
Proposed: Lahaina Small Boat Harbor Comfort Station
Improvements
Applicant: Department of Land and Natural Resources
Consultant: Munekiyo & Hiraga, Inc. (808-244-2015)

Please review the attached letter dated October 15, 2004 pertaining to the subject matter and submit your comments if any on Division letterhead (signed and dated) by the suspense date. Should you need more time to review the document, please contact Nick Vaccaro at 587-0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

() We have no comments.

Comments attached.

Signed:

Date:

10/28/04

EXHIBIT

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/NAV

Ref.: LAHAINABOATHARBOR.COM

COMMENTS

- () We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zones ____.
- (X) Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone B.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ____.
- () Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Robert Sumimoto at (808) 523-4254 or Mr. Mario Siu Li at (808) 523-4247 of the City and County of Honolulu, Department of Planning and Permitting.
 - () Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.
 - () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
 - () Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.
- () The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.
 - (X) The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.

Should you have any questions, please call Mr. Andrew Monden of the Planning Branch at 587-0229.

Signed: _____

ERIC T. HIRANO, CHIEF ENGINEER

Date: _____

10/28/04

EXHIBIT

012

LINDA LINGLE
GOVERNOR OF HAWAII



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

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
DEPUTY DIRECTOR - WATER



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

October 22, 2004

LD/NAV
LAHAINABOATHARBOR.COM

Suspense Date: 10/29/04

MEMORANDUM:

TO: XXX Division of State Parks
XXX Division of Forestry and Wildlife
XXX Office of Conservation and Coastal Lands
XXX Commission on Water Resource Management
/XXX Engineering Division
XXX Maui District Land Office

FROM: Dierdre S. Mamiya, Administrator *[Signature]*
Land Division

SUBJECT: Pre-Assessment Consultation
Proposed: Lahaina Small Boat Harbor Comfort Station
Improvements
Applicant: Department of Land and Natural Resources
Consultant: Munekiyo & Hiraga, Inc. (808-244-2015)

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If this office does not receive your comments by the suspense date, we will assume there are no comments.

() We have no comments.

(X) Comments attached.

Signed: *Charlene C. Umeki*

Date: 10/26/04

County of Maui should be consulted EXHIBIT *C93*

#1221

D

LINDA LINGLE
GOVERNOR OF HAWAII

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LAND DIVISION



2004 OCT 28 P 3:27



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
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

October 22, 2004

LD/NAV
LAHAINABOATHARBOR.COM

Suspense Date: 10/29/04

MEMORANDUM:

TO: XXX Division of State Parks
 ✓XXX Division of Forestry and Wildlife
 XXX Office of Conservation and Coastal Lands
 XXX Commission on Water Resource Management
 XXX Engineering Division
 XXX Maui District Land Office

FROM: Dierdre S. Mamiya, Administrator *[Signature]*
 Land Division

SUBJECT: Pre-Assessment Consultation
 Proposed: Lahaina Small Boat Harbor Comfort Station
 Improvements
 Applicant: Department of Land and Natural Resources
 Consultant: Munekiyo & Hiraga, Inc. (808-244-2015)

Please review the attached letter dated October 15, 2004 pertaining to the subject matter and submit your comments if any on Division letterhead (signed and dated) by the suspense date. Should you need more time to review the document, please contact Nick Vaccaro at 587-0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

We have no comments.

Comments attached.

Signed: *Paul J Conry*

Date: **PAUL J. CONRY, ADMINISTRATOR
DIVISION OF FORESTRY AND WILDLIFE**

OCT 27 2004
EXHIBIT
C14

LINDA LINGLE
GOVERNOR OF HAWAII

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RECEIVED
LAND DIVISION

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

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
DEPUTY DIRECTOR - WATER



04 OCT 26 P 1: 44

2004 OCT 28 A 10: 14

COMMISSION ON WATER
RESOURCES MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

October 22, 2004

LD/NAV
LAHAINABOATHARBOR.COM

Suspense Date: 10/29/04

MEMORANDUM:

Fmi
TO: XXX Division of State Parks
XXX Division of Forestry and Wildlife
XXX Office of Conservation and Coastal Lands
✓XXX Commission on Water Resource Management
XXX Engineering Division
XXX Maui District Land Office

10.
FROM: Dierdre S. Mamiya, Administrator
Land Division *[Signature]*

SUBJECT: Pre-Assessment Consultation
Proposed: Lahaina Small Boat Harbor Comfort Station
Improvements
Applicant: Department of Land and Natural Resources
Consultant: Munekiyo & Hiraga, Inc. (808-244-2015)

Please review the attached letter dated October 15, 2004 pertaining to the subject matter and submit your comments if any on Division letterhead (signed and dated) by the suspense date. Should you need more time to review the document, please contact Nick Vaccaro at 587-0384.

If this office does not receive your comments by the suspense date, we will assume there are no comments.

() We have no comments.

() Comments attached.

Signed: *W. Pay Family*

Date: *10/27/04*

EXHIBIT C15



November 22, 2004

Deirdre Mamiya, Administrator
State of Hawaii
Department of Land and Natural Resources
Post Office Box 621
Honolulu, Hawaii 96809

SUBJECT: Early Consultation Request for Proposed Improvements to the
Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii
(TMK (2) 4-6-1:1)

Dear Ms. Mamiya:

Thank you for your letter of November 5, 2004, responding to our request for early consultation comments on the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments and comment letter from the Land Division dated October 19, 2004, we note the following:

1. The applicant acknowledges that the project site is located in Flood Zone B.
2. Anticipated water demands and calculations will be provided to the Engineering Division for inclusion in the State Water Projects Plan Update.
3. Executive Order No. 80 sets aside the use of this comfort station parcel for park purposes and vested control and management of the site with the County of Maui. The County of Maui has been consulted regarding the proposed action and is fully supportive of the proposed improvements. Coordination with the County will be ongoing throughout the project.

EXHIBIT

CLC

Deirdre Mamiya, Administrator
November 22, 2004
Page 2

Thank you again for providing your input to the proposed action. A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Very truly yours,



Mich Hirano, AICP

MH:tn

cc: Eric Yuasa, Department of Land and Natural Resources
mai/bhcomf/earlycnst/dlnr.res

EXHIBIT

C17

OCT 22 2004

PHONE (808) 594-1888

FAX (808) 594-1865



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD04/1603

October 20, 2004

Munekiyo & Hiraga, Inc.
Attn: Mich Hirano, Planner
305 High Street
Suite 104
Wailuku, HI 96793

RE: Request for early review and comment on proposed Lahaina Small Boat Harbor Comfort Station improvements, Lahaina, Maui, TMK: 4-6-001:001

Dear Mich Hirano,

The Office of Hawaiian Affairs (OHA) is in receipt of your October 6, 2004, request for comments on the above-proposed project, which would include the demolition of the existing comfort station and the construction of and new one at the same location. OHA offers the following comments.

OHA commends Maui County for attempting to improve infrastructure discrepancies within Lahaina Small Boat Harbor, including meeting the accessibility criteria of the Americans with Disabilities Act.

Consideration must be given to applicable cultural gathering and access rights during and after construction activities. Native Hawaiian traditional gathering rights and public access to and along the shoreline should not be restricted – even during construction – except as necessary to ensure safety. If such safety-related restrictions are put in place, alternate public access routes must be provided.

OHA recommends that any permanent landscaping use native and endemic vegetation. This will enable the area to absorb as much water as is locally and naturally possible, while also ensuring fewer introductions of alien species to our fragile ecosystems.

EXHIBIT

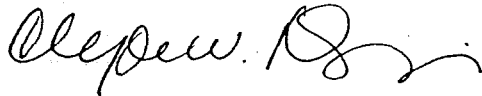
C 18

We will rely on your assurances that the Class A waters of Lahaina Small Boat Harbor will be managed to assure the protection and propagation of endemic and native sealife, that there will be no discharge of dredged or fill material into the harbor, and that appropriate measures will be taken to prevent runoff of fuel, oil and cement products from non-permeable surfaces near the harbor, such that no discharge or leaching into the ocean will occur.

OHA further requests assurances from the applicant that should iwi or Native Hawaiian cultural or traditional deposits be found during ground disturbance or excavation, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

Thank you for the opportunity to comment. We look forward to the opportunity to review the forthcoming Environmental Assessments for this project. If you have further questions, please contact Heidi Guth at 594-1962 or e-mail her at heidig@oha.org.

Sincerely,



Clyde W. Nāmu'o
Administrator

CC: Thelma Shimaoka
OHA – Maui Office
140 Hoohana Street
Suite 206
Kahului, HI 96732

EXHIBIT C19



November 22, 2004

Clyde Namu'o, Administrator
State of Hawaii
Office of Hawaiian Affairs
711 Kapi'olani Boulevard, Suite 500
Honolulu, Hawaii 96813

SUBJECT: Early Consultation Request for Proposed Improvements to the Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii (TMK (2) 4-6-1:1)

Dear Mr. Namu'o,

Thank you for your letter of October 20, 2004, responding to our request for early consultation comments on the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments, we note the following:

1. A Cultural Impact Assessment has been prepared for the proposed project and will be included in the Draft Environmental Assessment (EA). The report concludes that no traditional or cultural practices should be affected negatively by the proposed action. This meets the applicant's intention to avoid adverse impacts in this area.
2. The landscape plans for the proposed action will use native and endemic vegetation at the improved comfort station site.
3. There will be no discharge of dredged or filled material into the harbor basin during construction.
4. Should any cultural or human remains be found during ground altering activities, work will immediately halt and the appropriate agencies contacted. This issue will be discussed more fully in the Draft EA.

EXHIBIT
C20

Clyde Namu`o, Administrator
November 22, 2004
Page 2

Thank you again for providing your input to the proposed action. A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Very truly yours,



Mich Hirano, AICP

MH:tn

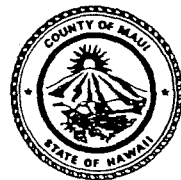
cc: Eric Yuasa, Department of Land and Natural Resources
mai/bhcomf/earlycnst/oha.res

EXHIBIT C21

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

November 5, 2004

Mr. Peter T. Young, Chairperson
Department of Land and Natural Resources
Division of Boating and Ocean Recreation
333 Queen Street, Suite 300
Honolulu, Hawaii 96813

Dear Mr. Young:

RE: Pre-Consultation Comments for the proposed Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii TMK: 4-6-001 (LTR 2004/4200)

The Maui County Cultural Resources Commission (CRC) discussed the proposed Lahaina Small Boat Harbor Comfort Station at its regular meeting on November 4, 2004. The CRC offers the following comments:

1. The CRC was generally pleased with the architectural design and site plan. The Commissioners expressed some concern over roof materials and commented that this design element needs further consideration. The CRC iterated that the *Architectural Style Book for Lahaina* must be the guide in designing the proposed comfort station.
2. Commissioners are concerned with potential visual impact of this facility on the central core of the Lahaina Historic District, which is also a National Historic Landmark.
3. The CRC noted that archaeological monitoring will be a requirement for this project, as it is located in a sensitive cultural area and burials are known to be present in the general vicinity.
4. The CRC favored the landscaping proposals for the facility, but emphasized that irrigation must be included to keep the area in good condition. Commissioners requested that the banyan tree on the makai wall be examined to determine whether the tree is undermining the historic wall. If so, this tree should be removed.

EXHIBIT
C22

Mr. Peter T. Young, Chairperson

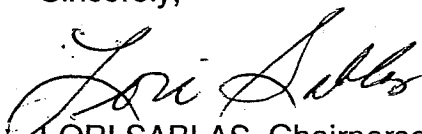
November 5, 2004

Page 2

5. Lighting and signage for the new facility are to comply with the design standards for the historic district.
6. The CRC noted the need to identify a responsible entity for cleaning and maintaining the proposed comfort station. Commissioners stated that the condition of the existing facility is unacceptable and the replacement facility should be cleaned and properly maintained so that it does not deteriorate as the current facilities have.
7. The CRC supported the installation of a shower at the facility.
8. Public testimony unanimously supported the replacement comfort station.
9. Commissioners discussed the possible need for short-term parking for those who wish to quickly use the facility and requested that the DNLR consider this issue.

Thank you for this opportunity to comment. If additional clarification is required, please contact Ms. Dawn E. Duensing, Cultural Resources Planner, at 270-7841.

Sincerely,



LORI SABLAS, Chairperson

Maui County Cultural Resources Commission

LS:DED:jpg

c: Alan Arakawa, Mayor, County of Maui
Michael W. Foley, Director, Maui Planning Department
Kyle Ginoza, Director, Maui Department of Transportation
Gil Coloma-Agaran, Director, Department of Public Works & Environmental Management
Melanie Chinen, State Historic Preservation Division
Dawn Duensing, Cultural Resources Planner
CRC members
Mich Hirano, AICP, Munekiyo and Hiraga, Inc.
General File
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EXHIBIT

C23



November 22, 2004

Lori Sablas, Chairperson
County of Maui
Department of Planning
Cultural Resources Commission
250 South High Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation Request for Proposed Improvements to the Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii (TMK (2) 4-6-1:1)

Dear Ms. Sablas:

Thank you for your letter of November 5, 2004, responding to our request for early consultation comments on the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. Our responses to your comments have been numbered in accordance with the numbering in your letter.

1. The applicant intends on-going coordination with the Cultural Resources Commission (CRC) to address such issues as design and materials. The *Architectural Style Book for Lahaina* will be the guide used during the design process of the proposed project.
2. The applicant acknowledges the Commission's comment regarding the potential visual impacts of any project within the Historic District. Visual impacts and mitigation measures will be addressed in the Draft Environmental Assessment (EA).
3. An Archaeological Inventory Survey has been carried out for the proposed project and will be included in the Draft EA. This report makes recommendations concerning archaeological monitoring and will be submitted to the State Historic Preservation Division for review and approval.
4. The applicant acknowledges the Commission's comments regarding the need for irrigation for the comfort station landscaping. Executive Order No. 80 sets aside the use of this comfort station parcel for park purposes and vested control and management of the site with the County of Maui. However, general maintenance will be the responsibility of the Department of Land and Natural Resources,

EXHIBIT
CFA

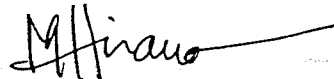
Lori Sablas, Chairperson
November 22, 2004
Page 2

Division of Boating and Ocean Recreation (DOBOR), and the County of Maui. Coordination between the DOBOR and the County of Maui will be undertaken to ensure the new comfort station is adequately maintained. In addition, consideration will be given to the existing banyan tree and its potential impacts to the sea wall.

5. Lighting and signage will comply with the standards established for the Historic District.
6. As discussed in No. 4 above, coordination between the Department of Land and Natural Resources and the County of Maui will be undertaken to ensure proper maintenance of the facility.
7. The applicant acknowledges the CRC's support for the installation of a shower at the improved facility.
8. The applicant gratefully acknowledges that public testimony for the proposed action was unanimously supportive.
9. The applicant acknowledges that the CRC expressed the possible need for short-term parking at the improved facility. We note that parking is regulated by Maui County Code, Chapter 10.48, and any change to parking regulations will require action by the Maui County Council.

Thank you again for providing your input to the proposed action. A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Very truly yours,



Mich Hirano, AICP

MH:tn

cc: Eric Yuasa, Department of Land and Natural Resources
mai/bhcomf/earycnst/crc.res

EXHIBIT

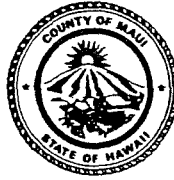
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OCT 29 2004

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

October 28, 2004

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Hirano:

RE: Pre-Consultation Comments for the Proposed Lahaina Small Boat Harbor Comfort Station Improvements located at TMK: 4-6-001: 001, Lahaina, Island of Maui, Hawaii (LTR 2004/3820)

The Maui Planning Department (Department) provides the following comments in preparation of the Draft Environmental Assessment (EA).

1. Land Use Designations:
 - a. State - Urban District
 - b. West Maui Community Plan - Park
 - c. Zoning, Title 19, Maui County Code - Historic District No. 1
2. The project area is located within the Special Management Area and is subject to review pursuant to Chapter 205A, HRS, and the Special Management Area (SMA) Rules for the Maui Planning Commission. Discuss how the proposed action complies with the objectives and policies of Chapter 205A, HRS, and the SMA Rules for the Maui Planning Commission.
3. The proposed action is scheduled for review by the Cultural Resources Commission at the November 4, 2004, meeting. Please incorporate any comments from the Commission into the Draft EA.
4. Disclose funding and sources for construction and continued maintenance.

EXHIBIT

C26

Mr. Mich Hirano, AICP

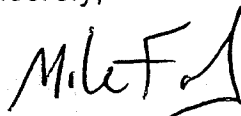
October 28, 2004

Page 2

5. Once construction has been completed, identify the agency responsible for continued maintenance and repair.
6. Discuss how the project's design complies with the Title 19, MCC, and the Lahaina Historic Design Guidelines.
7. Given the close proximity of the proposed project to coastal resources, discuss mitigative measures to reduce the impact of non-point source pollution.
8. A SMA Permit, Historic District Permit, and Flood Development Permit will be required for the proposed action.

Thank you for the opportunity to comment. Please include the Department on the distribution list for the Draft EA. Should you require additional clarification, please contact Ms. Kivette A. Caigoy, Environmental Planner, of my office at 270-7735.

Sincerely,



MICHAEL W. FOLEY
Planning Director

MWF:KAC:lar

c: Wayne A. Boteilho, Deputy Planning Director
Clayton I. Yoshida, AICP, Planning Program Administrator
Kivette A. Caigoy, Environmental Planner
Dawn Duensing, Staff Planner
General File
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EXHIBIT

C27



November 22, 2004

Michael W. Foley, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation Request for Proposed Improvements to the Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii (TMK (2) 4-6-1:1)

Dear Mr. Foley:

Thank you for your letter of October 28, 2004, responding to our request for early consultation comments on the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. Our responses to your comments have been numbered in accordance with the numbering in your letter.

1. The applicant acknowledges that the project site occupies the State Land Use, Community Plan, and County Zoning designations which you have provided.
2. The applicant acknowledges that the project site is located within the County's Special Management Area (SMA). The proposed project's compliance with the rules applicable to activity within the SMA will be addressed in the Draft Environmental Assessment (EA).
3. The Draft EA will include discussion pertaining to the review of the project at the November 4, 2004 meeting of the Cultural Resources Commission.
4. Funding sources for construction activities will be included in the Draft EA. As you are aware, Executive Order No. 80 sets aside the use of this comfort station parcel for park purposes and vests control and management of the site with the County of Maui. However, general maintenance is the responsibility of the Department of Land and Natural Resources, Division of Boating and Ocean Recreation. The operational responsibilities and maintenance of the new comfort station will be discussed in the Draft EA.
5. Please refer to the discussion in No. 4 above.

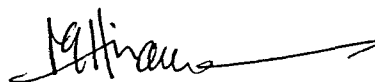
EXHIBIT

Michael W. Foley, Director
November 22, 2004
Page 2

6. The Draft EA will discuss the proposed project's compliance with Maui County zoning and the Lahaina Historic District Guidelines.
7. The Draft EA will discuss potential impacts to coastal waters, as well as proposed mitigative measures.
8. The applicant acknowledges that an SMA Permit, Historic District Permit, and Flood Development Permit will be required for the proposed action.

Thank you again for providing your input to the proposed action. A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Very truly yours,



Mich Hirano, AICP

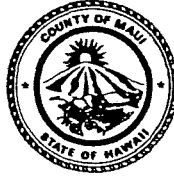
MH:tn

cc: Eric Yuasa, Department of Land and Natural Resources
mai/bhcomf/earlycnst/planning.res

EXHIBIT

029

NOV 05 2004



DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 South High Street
WAILUKU, MAUI, HAWAII 96793
Telephone (808) 270-7816 • Fax (808) 270-7833

October 29, 2004

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku HI 96793

SUBJECT: Proposed Lahaina Small Boat Harbor Comfort Station Improvements - TMK (2) 4-6-001:001
- demolition of existing comfort station and reconstruction of a new comfort station

Dear Mr. Hirano:

Thank you for the opportunity to provide comments on this project proposal.

Source Availability and Consumption

The project area is served by our Lahaina system with Launiupoko aquifer as major source of water. As of September 2004, pending projects in West Maui at some stage of discretionary review total roughly 14.5 MGD, of which about 5.6 MGD plan to connect to the county system. DWS does NOT grant or imply any guarantee of water until an application for water meter has been received and reviewed.

The EA should include expected potable and non-potable water usage for the proposed improvements. The existing facility on 375 sf area with 7 stalls has an average daily use of 1,650 gallons, which is about 235 gpd per stall. Based on this estimate, anticipated increase in consumption for this project would be approximately 2,100 gallons. Using statewide system standard guidelines, parcel this size would use about 476 gpd.

System Infrastructure

The project site is served by a 12-inch waterline along Wharf Street, 1 1/2-inch water meter and a fire hydrant situated within 250 feet of the parcel. The applicant will be required to submit domestic, irrigation and fire flow calculations to determine meter capacity and adequate fire protection. Installation of reduced pressure back-flow prevention approved by the Department will likewise be required if one does not already exist. We encourage the applicant to contact our Engineering Division at 270-7835.

Conservation

We suggest that the applicant consider the following water conservation measures:

Use of brackish and/or reclaimed water sources for all non-potable water uses, including irrigation and dust control during construction. Reclaimed water is readily available at the Lahaina Wastewater Facility.

Utilize Low-Flow Fixtures and Devices: Maui County Code Subsection 16.20A.680 requires the use of low-flow water fixtures and devices in faucets, showerheads, urinals, water closets and hose bibs. Water conserving washing machines, ice-makers and other units are also available.

Use Climate-adapted Plants: The project is located in Maui Planting Plan-Plant Zones 3 & 5. We encourage the applicant to consider the use of appropriate native and non invasive species and to avoid the use of potentially invasive plants in the landscape plan. Native plants adapted to the area conserve water and protect the watershed

EXHIBIT
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Page 2
Proposed Lahaina Small Boat Comfort Station
Mr. Mich Hirano
October 29, 2004

from degradation due to invasive alien species. Attached is a list of appropriate plants for the zones as well as potentially invasive plants to avoid.

Maintain Fixtures to Prevent Leaks: A simple, regular program of repair and maintenance can prevent the loss of hundreds or even thousands of gallons a day. Please refer to "The Costly Drip".

Look for Opportunities to Conserve Water: Periodically check for leaks in faucets and toilet tanks.

Pollution Prevention

In order to protect ground and surface water resources, we recommend that the applicant adopt Best Management Practices (BMPs) designed to minimize infiltration and runoff from construction, vehicle operations as well as from daily activities. We ask the applicant to take precautionary measures during construction to prevent construction materials and debris and eroded soils from entering coastal waters.

Should you have any questions regarding system infrastructure and requirements, please call our Engineering Division at 270-7835 and any questions on source availability or conservation and resource matters, please contact our Water Resources and Planning Division at 270-7199.

Sincerely,


George Y. Tenjan
Director

eam
CC: Engineering Division
Applicant, with attachments:
The Costly Drip
Maui County Planting Plan - Plant Zone 3 & 5 - Saving Water in the Yard - What and How to Plant in your Area
Ordinance No. 2108 - A Bill for an Ordinance Amending Chapter 16.20 of the Maui County Code, Pertaining to the Plumbing Code

EXHIBIT

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November 22, 2004

George Tengan, Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation Request for Proposed Improvements to the Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii (TMK (2) 4-6-1:1)

Dear Mr. Tengan:

Thank you for your letter of October 29, 2004, responding to our request for early consultation comments on the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments, we note the following:

1. The applicant acknowledges that the Department of Water Supply (DWS) will not issue temporary construction meters nor guarantee that additional water will be available. There is an existing meter for the facility which will continue to be used after the proposed improvements.
2. The Draft Environmental Assessment (EA) will include anticipated water usage for the proposed improvements.
3. Domestic and irrigation water calculations, along with fire flow calculations, will be submitted to your department in order to determine adequacy during the building permit process.
4. The applicant acknowledges that reduced pressure back-flow prevention may be required for the improved facility if one does not already exist.
5. The applicant acknowledges your recommendations regarding water conservation measures and will consider the feasibility and applicability of those suggestions.
6. Best Management Practices will be utilized to minimize runoff and protect area water sources.

EXHIBIT

C32

George Tengan, Director
November 22, 2004
Page 2

Thank you again for providing your input to the proposed action. A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Very truly yours,



Mich Hirano, AICP

MH:tn

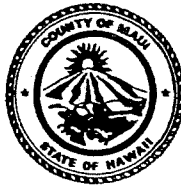
cc: Eric Yuasa, Department of Land and Natural Resources
mai/bhcomf/earlycnst/dws.res

EXHIBIT

033

NOV 05 4

ALAN M. ARAKAWA
MAYOR



200 South High Street
Wailuku, Maui, Hawaii USA
96793-2155
Telephone (808) 270-7855
Fax (808) 270-7870
e-mail: mayors.office@co.maui.hi.us

OFFICE OF THE MAYOR
Ke`ena O Ka Meia

COUNTY OF MAUI
Kalana O Maui

November 4, 2004

Mich Hirano
Munekiyo & Hiraga
305 High Street
Wailuku, Hawaii 96793

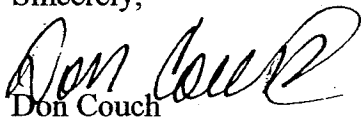
Dear Mich,

I have received your packet regarding the Lahaina Small Boat Harbor Comfort Station Improvements. I have reviewed them with the Mayor and his staff. We have the following comments:

1. The overall design is very good. We appreciate and fully support the two to one ratio of men's stalls to women's stalls.
2. We respectfully request that vandal resistant fixtures and partitions be utilized as this area is out of the way of the main traffic flow at night and has been prone to vandals.
3. We are concerned about the effects of the salty air due to the proximity of the comfort station to the ocean. Please consider saltwater resistant materials in the construction of the building. If it is possible, please consider the use of recycled plastic lumber.

Thank you for your interest in our opinion. Please do not hesitate to call me if you have any further questions.

Sincerely,


Don Couch

Executive Assistant to the Mayor
County of Maui

EXHIBIT
C34



November 22, 2004

Don Couch, Executive Assistant
County of Maui
Office of the Mayor
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation Request for Proposed Improvements to the Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii (TMK (2) 4-6-1:1)

Dear Mr. Couch:

Thank you for your letter of November 4, 2004, responding to our request for early consultation comments on the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments, we note the following:

1. Coordination with your office resulted in the current design ratio for men's and women's stalls. The applicant looks forward to continuing this coordination.
2. The applicant is dedicated to the idea of a clean, modern facility that will retain that character for as long as is feasible. To this end, crime preventative design considerations have been taken into account involving building visibility and exterior lighting in order to discourage unsanctioned and criminal activities. The specific equipment to be used in the improved comfort station will be determined during the design phase of the proposed project.
3. As discussed in No.2, the applicant intends to improve the comfort station to retain its character for as long as is feasible. As the proposed project is located in the Lahaina Historic District, certain guidelines regarding building materials have to be followed, pursuant to the *Architectural Style Book for Lahaina*. These issues are being considered during the Environmental Assessment process.

EXHIBIT

C3E

Don Couch, Executive Assistant
November 22, 2004
Page 2

Thank you again for providing your input to the proposed action. A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Very truly yours,

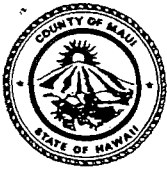


Mich Hirano, AICP

MH:tn

cc: Eric Yuasa, Department of Land and Natural Resources
mailto:lbhcomf/earlycns/mayor.res

EXHIBIT
C36



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT
COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

November 3, 2004

NOV 10 2004



THOMAS M. PHILLIPS
CHIEF OF POLICE

KEKUHAUPIO R. AKANA
DEPUTY CHIEF OF POLICE

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Dear Mr. Hirano:

SUBJECT: Proposed Lahaina Small Boat Harbor Comfort Station Improvements

Thank you for your letter of October 6, 2004, requesting comments on the above subject.

We have reviewed the information submitted for this project and have enclosed a copy of our comments. As always, thank you for giving us the opportunity to comment on this project.

Very truly yours,

Assistant Chief Sydney Kikuchi
for: Thomas M. Phillips
Chief of Police

c: Michael Foley, Planning Department

Enclosure

EXHIBIT

C37

TO : THOMAS PHILLIPS, CHIEF OF POLICE, COUNTY OF MAUI
VIA : CHANNELS *[Signature]* 11/01/04
FROM : SCOTT Y. MIGITA, P.O. III, LAHAINA BIKE PATROL
SUBJECT : PROPOSED LAHAINA SMALL BOAT HARBOR COMFORT STATION IMPROVEMENTS

Sir, this transmittal is being submitted regarding a proposal for improvements to the Lahaina Small Boat Harbor comfort station. This proposal is to increase the number of stalls to meet the increased public demand and the size of the stalls to become ADA (Americans with Disabilities Act) compliant. The existing property and comfort station are owned by the State of Hawaii as this project is being initiated by the Department of Land and Natural Resources (DLNR). Currently, the existing comfort station contains approximately 375 square feet of floor space with seven (7) restroom stalls. The new facility is planned to contain approximately 1,200 square feet of floor area with twelve (12) female restroom stalls and four (4) male restroom stalls and two (2) urinals as well as a paved parking area with handicap accessibility. The restroom will also include two (2) female handicap accessible stalls and one (1) male handicap accessible stall.

At this time, the only concern which I have from a traffic and safety perspective would be to provide security for this facility to ensure the safety of the general public. This comfort station should also be closed and secured overnight as there are transient individuals in the area which may use this facility for narcotics or other illicit activity which may result in property damage to this facility and/or injuries to individuals. Such illicit activities have taken place and were addressed by police at the unsecured restrooms at Mala Wharf.

Submitted for your information and perusal.

*RECOMMEND THAT THIS PROJECT
MOVE FORWARD. CONCUR WITH
OFFICER MIGITA'S ASSESSMENT.*

*Sgt. [Signature], 1512
10/26/04 1815*

[Signature]
Scott Y. MIGITA, E-1122
P.O. III, Lahaina Bike Patrol
10/26/2004 at 1253 hours

*A WELL ILLUMINATED AREA
MIGHT HELP DETER CRIMINAL
ACTIVITY. LAHAINA PATROL WILL
BE PROACTIVE TO DO OUR PART.
THE PROPOSED BATHROOM FACILITY
IS LONG OVER DUE FOR A
WORLD DESTINATION.*

*A/CPT V. [Signature]
10/28/04 @ 1335 HRS.*

EXHIBIT
[Signature]



November 22, 2004

Thomas Phillips, Chief
County of Maui
Police Department
55 Mahalani Street
Wailuku, Hawaii 96793

SUBJECT: Early Consultation Request for Proposed Improvements to the
Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii
(TMK (2) 4-6-1:1)

Dear Chief Philips:

Thank you for your letter of November 3, 2004, responding to our request for early consultation comments on the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments, we note that it is anticipated that the improved facility will be open 24 hours a day, 7 days a week, as the existing facility is. Crime preventative design considerations have been taken into account involving building visibility and exterior lighting in order to discourage unsanctioned and criminal activities.

Thank you again for providing your input to the proposed action. A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Very truly yours,

Mich Hirano, AICP

MH:tn

cc: Eric Yuasa, Department of Land and Natural Resources
mai/lbhcomf/earlycnsl/mpd.res

EXHIBIT

C39

NOV 01 2004



FRIENDS OF
MOKU'ULA, INC.

I Ka Wā Mamua, Ka Wā Mahope
The Future Is In The Past

(808) 661-3659
Fax (808) 661-1676
505 Front Street, Suite 234
Lāhainā, Maui, Hawai'i 96761
E-mail: friends@mokuula.com
www.mokuula.com

October 26, 2004

Mr. Mich Hirano, Planner
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

Aloha Mich,

RE: Proposed Lahaina Small Boat Harbor Comfort Station Improvements

Thank you for your letter of October 6th with reference to the State of Hawaii, DLNR's proposal to demolish the existing comfort station and construct a new comfort station at the Lahaina Small Boat Harbor.

I reviewed the proposed site plan and understand the need for upgrading and expanding the comfort station. My concerns are as follows:

- ◆ Who is responsible for the general maintenance? Will it be the County of Maui or will they be contracting out?
- ◆ Will the facility be open 24 hours or will they operate only at certain hours? If it will be in operation for certain hours, will the facility then be secured?
- ◆ Is the equipment being used, i.e. toilets, sinks, vandal-proof and/or low maintenance?

Although these concerns may not be pertinent to SMA process, I am submitting my concerns in anticipation that they will be addressed by the appropriate review committees and commissions.

Thank you for giving the Friends of Moku'ula an opportunity to comment on the proposed improvements to the Lāhainā Small Boat Harbor.

Me ka ha'aha'a,

Akoni Akana
Executive Director

/sak

EXHIBIT



November 22, 2004

Akoni Akana, Executive Director
Friends of Moku'ula
505 Front Street, Suite 234
Lahaina, Hawaii 96761

SUBJECT: Early Consultation Request for Proposed Improvements to the
Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii
(TMK (2) 4-6-1:1)

Dear Mr. Akana:

Thank you for your letter of October 26, 2004, responding to our request for early consultation comments on the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments, we note the following:

1. Executive Order No. 80 sets aside the use of this comfort station parcel for park purposes and vested control and management of the site with the County of Maui. However, maintenance of the comfort station will be the responsibility of the Department of Land and Natural Resources, Division of Boating and Ocean Recreation (DOBOR). The manner of implementation of the maintenance will be discussed in the Draft EA. Solid-waste generated from the facility will be disposed of by a private contractor.
2. It is anticipated that the improved facility will be open 24 hours a day, 7 days a week, as the existing facility is. Crime preventative design considerations have been taken into account involving building visibility and exterior lighting in order to discourage unsanctioned and criminal activities.
3. The specific equipment to be used in the improved comfort station will be determined during the design phase of the proposed project. Both the Department of Land and Natural Resources and the County of Maui are dedicated to the idea of a clean, modern facility that will retain that character for as long as is feasible.

EXHIBIT

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Akoni Akana, Executive Director
November 22, 2004
Page 2

Thank you again for providing your input to the proposed action. A copy of the Draft Environmental Assessment will be provided to your office for review and comment.

Very truly yours,



Mich Hirano, AICP

MH:tn

cc: Eric Yuasa, Department of Land and Natural Resources
ma@lbhcomf/earycnst/mokuula.res

EXHIBIT

C42

EXHIBIT

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Chapter XII

***Parties Consulted During the
Preparation of the Final
Environmental Assessment;
Letters Received and Responses
to Substantial Comments***

EXHIBIT

D2

XII. PARTIES CONSULTED DURING THE PREPARATION OF THE FINAL ENVIRONMENTAL ASSESSMENT, LETTERS RECEIVED AND RESPONSES TO SUBSTANTIVE COMMENTS

The following parties were sent a copy of the Draft EA. The State Historic Preservation Officer, in compliance with Section 106 of the National Historic Preservation Act, also received a copy of the Draft EA. Agency comments and responses to substantive comments are included in this section.

1. Ranae Ganske-Cerizo, Acting District Conservationist
Natural Resources Conservation Service
U.S. Department of Agriculture
210 Imi Kala Street, Suite 209
Wailuku, Hawaii 96793-2100
2. George Young, P.E.
Chief, Regulatory Branch
U.S. Department of the Army
U.S. Army Engineer District, Hnl.
Attn: CEPOH-EC-R
Bldg. 230, Room 201
Fort Shafter, Hawaii 96858-5440
3. Robert P. Smith
Pacific Islands Manager
U. S. Fish and Wildlife Service
300 Ala Moana Blvd., #3-122, Box 50088
Honolulu, Hawaii 96813
4. Micah Kane, Chairman
State of Hawaii
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, Hawaii 96805
5. Chiyome L. Fukino, M.D., Director
State of Hawaii
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801
6. Herbert Matsubayashi
District Environmental Health
Program Chief
State of Hawaii
Department of Health
54 High Street
Wailuku, Hawaii 96793
7. Peter T. Young, Director
State of Hawaii
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawaii 96809
8. Dean Aoki, ADA Coordinator
State of Hawaii
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809
9. Charlene Unoki, District Land Agent
State of Hawaii
Department of Land and Natural Resources - Maui District Land Office
54 South High Street, Room 101
Wailuku, Hawaii 96793
10. Melissa Kirkendall, Ph.D.
State Historic Preservation Division
Maui District Office
130 Mahalani Street
Wailuku, Hawaii 96793

EXHIBIT

DB

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>11. Nathan Napoka, Chief
State Historic Preservation Division
History and Culture Branch
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707</p> | <p>20. Glenn Correa, Director
County of Maui
Department of Parks and Recreation
1580-C Kaahumanu Avenue
Wailuku, Hawaii 96793</p> |
| <p>12. Skippy Hau, Aquatic Biologist
State of Hawaii
Division of Aquatic Resources
Department of Land and Natural Resources
130 Mahalani Street
Wailuku, Hawaii 96793</p> | <p>21. Tom Phillips, Chief
County of Maui
Police Department
55 Mahalani Street
Wailuku, Hawaii 96793</p> |
| <p>13. P. Holly McEldowney, Administrator
State Historic Preservation Division
601 Kamokila Blvd., Room 555
Kapolei, Hawaii 96707</p> | <p>22. Gilbert Coloma-Agaran, Director
County of Maui
Department of Public Works
and Environmental Management
200 South High Street
Wailuku, Hawaii 96793</p> |
| <p>14. Rodney K. Haraga, Director
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813</p> | <p>23. Kyle Ginoza, Director
County of Maui
Department of Transportation
200 South High Street
Wailuku, Hawaii 96793</p> |
| <p>15. Fred Cajjal, Maui District Engineer
State of Hawaii
Department of Transportation
Highways Division
650 Palapala Drive
Kahului, Hawaii 96732</p> | <p>24. George Tengan, Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793</p> |
| <p>16. Clyde Namu'o, Administrator
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813</p> | <p>25. Ezekiel "Zeke" Kalua, Executive Director
West Maui Taxpayers Association
181 Lahainaluna Road, Suite "H"
Lahaina, Hawaii 96761</p> |
| <p>17. Carl Kaupalolo, Chief
County of Maui
Department of Fire Control
200 Dairy Road
Kahului, Hawaii 96732</p> | <p>26. Theo Morrison, Executive Director
Lahaina Town Action Committee
648 Wharf Street, Suite 102
Lahaina, Hawaii 96761</p> |
| <p>18. Michael W. Foley, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793</p> | <p>27. Keoki Freeland, Executive Director
Lahaina Restoration Foundation
120 Dickenson Street
Lahaina, Hawaii 96761</p> |
| <p>19. Cultural Resources Commission
c/o Dawn Duensing
Department of Planning
250 South High Street
Wailuku, Hawaii 96793</p> | <p>28. Bobbie Best, Librarian
Lahaina Public Library
680 Wharf Street
Lahaina, Hawaii 96761</p> |

EXHIBIT

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>29. Patty Nishiyama, Executive Director
Na Kupuna O Maui
320 Kaeo Place
Lahaina, Hawaii 96761</p> <p>30. Akoni Akana, Executive Director
Friends of Moku'ula
505 Front Street
Lahaina, Hawaii 96761</p> <p>31. Thelma Shimaoka, Community Resource
Coordinator
Office of Hawaiian Affairs
140 Ho'ohana Street, Suite 206
Kahului, Hawaii 96732</p> <p>32. Vanessa Medeiros, District Supervisor
Department of Hawaiian Home Lands
Maui District Office
655 Kaunualii Street
Wailuku, Hawaii 96793</p> <p>33. Rose Marie Duey, Island Representative
Alu Like, Inc.
Maui Island Center
1977 Kaohu Street
Wailuku, Hawaii 96793</p> <p>34. Senator Roz Baker
415 South Beretania Street
Room 228
Honolulu, Hawaii 96813</p> <p>35. Representative Kam Tanaka
415 South Beretania Street
Room 319
Honolulu, Hawaii 96813</p> <p>36. Councilmember JoAnne Johnson
Maui County Council
200 South High Street
Wailuku, Hawaii 96793</p> <p>37. Best Western Pioneer Inn
Jim Lennon, General Manager
658 Wharf Street
Lahaina, Hawaii 96761</p> <p>38. King Kamehameha III Elementary School
Lindsay Ball, Principal
611 Front Street
Lahaina, Hawaii 96761</p> | <p>39. Lahaina Arts Society
Graham Watson, Executive Director
648 Wharf Street, Suite 103
Lahaina, Hawaii 96761</p> <p>40. Kim Ball, President
Hi-Tech Surf & Sports
425 Koloa Street
Kahului, Hawaii 96732</p> <p>41. Kevin and Pam Baughman
277 Wili Ko Place, Suite 4
Lahaina, Hawaii 96761</p> <p>42. Tony Whitehead
801 Olowalu Road
Lahaina, Hawaii 96761</p> <p>43. David Jung
Island Marine Activities
Molokai Ferry
658 Front Street, Suite 101
Lahaina, Hawaii 96761</p> <p>44. Don Couch, Executive Assistant
Office of the Mayor
County of Maui
200 South High Street
Wailuku, Hawaii 96793</p> <p>45. Steve Knight
Expeditions
Lahaina/Lanai Passenger Ferry
658 Front Street, Suite 127
Lahaina, Hawaii 96761</p> <p>46. Stuart Kahan
Mala Wharf Fishing and Recreation
Association
1028 Wainee Street, E-5
Lahaina, Hawaii 96761</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

EXHIBIT

DS

LINDA LINGLE
GOVERNOR OF HAWAII



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186
E-mail: oeqc@health.state.hi.us

December 29, 2004

Peter Young
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Attention: Eric Hirano

Dear Mr. Young:

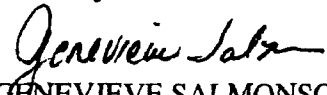
Subject: Draft Environmental Assessment (EA)
Lahaina Small Boat Harbor Comfort Station Improvements

We have the following comment to offer:

Cultural impacts assessment: You have presented background information and informant interviews relative to the project area. What is lacking is the analysis or *assessment* of the project impacts to the existing cultural resources. You need to draw a conclusion about impacts from the information presented. Please include this in the final EA.

If you have any questions, call Nancy Heinrich at 586-4185.

Sincerely,


GENEVIEVE SALMONSON
Director

c: Mich Hirano, Munekiyo & Hiraga

EXHIBIT
D



January 25, 2005

Genevieve Salmonson, Director
State of Hawaii
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

SUBJECT: Draft Environmental Assessment for Proposed Improvements to the
Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii
(TMK (2) 4-6-1:1)

Dear Ms. Salmonson:

Thank you for your letter of December 29, 2004, providing comments on the Draft Environmental Assessment (EA) for the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comment, we confirm that conclusions about impacts from the analysis of the cultural impact assessment associated with the proposed project will be incorporated in the Final EA.

Thank you again for providing comments on the Draft EA.

Very truly yours,

Mich Hirano, AICP

MH:tn

cc: Eric Yuasa, Department of Land and Natural Resources
mai/bhcomf/oeqc.res

EXIST

environment
planning

JAN 05 2005

LINDA LINGLE
GOVERNOR OF HAWAII



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

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
DEPUTY DIRECTOR - WATER

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



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 3, 2005

Mr. Michael T. Munekiyo
Munekiyo & Hiraga, Inc.
305 High Street
Wailuku, Hawaii 96793

Log No: 2004.3710
Doc No: 0412SC29

Dear Mr. Munekiyo:

**SUBJECT: National Historic Preservation Act, Section 106 Compliance – Draft Environmental Assessment (DEA) for the Proposed Lahaina Small Boat Harbor Comfort Station Improvements Paunau, Lahaina, Maui
TMK: (2) 4-6-001:001**

Thank you for the opportunity to comment on a DEA for the proposed improvements to the comfort station at Lahaina Small Boat Harbor. We received the subject DEA on December 29, 2004, and provide the following comments. Our review is based on historic maps, aerial photographs, records, and reports maintained at the State Historic Preservation Division (SHPD). In addition, Nathan Napoka (History and Culture Branch), Thomas Lim and Susan Tasaki (Architecture Branch), and Melissa Kirkendall (Archaeology Branch) have all conducted field inspections in connection with the proposed undertaking.

The proposed undertaking includes the demolition and reconstruction of the existing comfort station located at Lahaina Small Boat Harbor. The reconstruction will expand the facility from 375 square feet (s.f.) to about 1,200 s.f. in size to accommodate both compliance with the Americans with Disabilities Act (ADA) and increased public use. There will be concomitant changes in storage and public parking as well.

An archaeological inventory survey has been conducted within the proposed Area of Potential Effect (APE), identifying two historic sites: a subsurface cultural fill deposit dating primarily to the 19th century A.D, and a sea wall (Ah Sam et al. 2004. *Archaeological Inventory Survey and*

EXHIBIT

JAN 3 2005

Mr. Michael Munekiyo
Page 2

Cultural Impact Assessment for the Comfort Station Replacement During the Lahaina Pier Improvement Project, Lahaina Maui). The cultural fill deposit has been deemed significant under Criterion D and the sea wall may be significant under multiple criteria. While we have requested a few minor revisions to this report, we anticipate accepting it as adequate and final once the revised report is submitted. The archaeological consultant has recommended on-site archaeological monitoring during any ground disturbance connected with the proposed improvements, and we concur with this recommendation.

Staff of our Architecture and History and Culture Branches have reviewed the subject undertaking, and believe that "no historic properties will be affected" by the proposed improvements to the existing comfort station. Staff of our Archaeology Branch believe that the proposed undertaking may have an "adverse effect" on archaeological properties but that a finding of "no adverse effect" may be made provided on-site archaeological monitoring occurs during any ground disturbance associated with the action.

Should you have any questions about archaeological matters, please contact Melissa Kirkendall on Maui at 243-5169. Should you have any questions about architectural matters, please contact Thomas Lim on O`ahu at 692-8030. Should you have any questions about burial or cultural matters, please contact Nathan Napoka, Branch Chief, History and Culture Branch, at 587-0192 on O`ahu.

Sincerely,



Melanie A. Chinen
Deputy State Historic Preservation Officer

SC: slc

- C: Carol Braegelmann, Environmental Protection Specialist, Office of Human & Natural Environment, Federal Transit Administration, 400 Seventh Street, SW, Washington, DC 20590
Gilbert Coloma-Agaran, Director, Dept of Public Works & Environmental Management, 250 S. High Street, Wailuku, HI 96793
Michael Foley, Director, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
Eric Hirano, Administrator, Engineering Division, DLNR
Lee Keatinge, The President's Advisory Council on Historic Preservation
Thomas Lim, Branch Chief, Architecture Branch
Maui Section, Archaeology Branch
Maui Cultural Resources Commission, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
Nathan Napoka, Branch Chief, History and Culture Branch
Richard Rice, Administrator, DOBOR, DLNR

SEARCHED

D7



January 25, 2005

Melanie Chinen, Administrator
State of Hawaii
Department of Land and Natural Resources
State Historic Preservation Division
Kakuhihewa Building, Room 555
601 Kamokila Boulevard
Kapolei, Hawaii 96707

SUBJECT: Draft Environmental Assessment for Proposed Improvements to the
Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii
(TMK (2) 4-6-1:1)

Dear Ms. Chinen:

Thank you for your letter of January 3, 2005, providing comments on the Draft Environmental Assessment for the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments, we acknowledge that you anticipate accepting the archaeological report as adequate following your recommended revisions. An updated Archaeological Inventory Report incorporating the recommended revisions will be included in the Final EA. We also acknowledge that you anticipate a finding of no impact to historic properties by the Architecture and Cultural Branches, as well as finding of no adverse effect by the Archaeological Branch provided that on-site archaeological monitoring occurs during any ground-disturbing activities.

On behalf of the applicant agency, we confirm a qualified archaeologist will be on-site to monitor all ground-disturbing activities. A monitoring plan will be submitted to SHPD for review and approval prior to the commencement of construction.

Melanie Chinen
January 25, 2005
Page 2

Thank you again for providing your input to the proposed action.

Very truly yours,



Mich Hirano, AICP

MH:tn

cc: Eric Yuasa, Department of Land and Natural Resources
mai/bhcomf/shpd.res

EXHIBIT

D11

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

JAN 13 2005

RODNEY K. HARAGA
DIRECTOR

Deputy Directors
BRUCE Y. MATSUI
BARRY FUKUNAGA
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

STP 8.1519

January 10, 2005

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Hirano:

Subject: Lahaina Small Boat Harbor Comfort Station
Draft Environmental Assessment (DEA),
Special Management Area Use Permit (SM1 2004/0038), and
Historic District Approval (HDC 2004/0012)
TMK: (2) 4-6-01: 01

Thank you for your transmittal requesting our review of the subject project.

We have been working with the Department of Land and Natural Resources to fund this project through the Federal Transit Administration (FTA) program, and are fully supportive of it.

We appreciate the opportunity to provide comments.

Very truly yours,

Handwritten signature of Rodney K. Haraga in cursive.

~~RODNEY K. HARAGA~~
Director of Transportation

EXHIBIT
D12

DEC 28 2004

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



MICAH A. KANE
CHAIRMAN
HAWAIIAN HOMES COMMISSION

BEN HENDERSON
DEPUTY TO THE CHAIRMAN

KAULANA H. PARK
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

December 23, 2004

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Hirano:

Thank you for the opportunity to review the Draft Environmental Assessment report for the "Proposed Lahaina Small Boat Harbor Comfort Station Improvements" project on Maui. The Department of Hawaiian Home Lands has no comments to offer.

Should you have any questions, please call the Planning Office at (808) 586-3836.

Aloha and mahalo,

dn
Micah Kane
Micah A. Kane, Chairman
Hawaiian Homes Commission

c: Mr. Michael Foley, Director
Department of Planning

EXHIBIT

D13



DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
2004 DEC -8 PM 4:30

December 8, 2004

Charlene Unoki, Acting District Land Agent
Department of Land and Natural Resources
54 South High Street, Room 101
Wailuku, Hawaii 96793

**SUBJECT: Draft Environmental Assessment in Support of Proposed Lahaina
Small Boat Harbor Comfort Station Improvements
(SM1 2004/0038) (HDC 2004/0012)**

Dear Ms. Unoki:

This letter is transmitted to coordinate concurrent agency review requirements of the Draft Environmental Assessment (EA) and review of the County Special Management Area (SMA) Use Permit and Historic District (HDC) applications for the subject project. The Draft EA is incorporated in the enclosed application document.

Pursuant to Chapter 343, HRS and Chapter 200, Title 11, Administrative Rules, Environmental Impact Statement Rules, the notice of availability of the Draft EA will be published in the Environmental Notice on December 8, 2004. The applicant and accepting authority for the Draft EA is the State of Hawaii, Department of Land and Natural Resources (DLNR). The 30-day comment deadline is January 7, 2005. Comments received relevant to the Draft EA will be processed for evaluation and response by the applicant, DLNR. Comments received relevant to the County entitlement applications will be processed for evaluation by the Department of Planning.

To facilitate processing of the review requirements of the Draft EA and County land use applications, it would be appreciated if you would provide your written comments to me and a copy to the County of Maui, Department of Planning. Contacts and addresses are as follows:

1. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

planning
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Refer to GED 80

DEC 16 2004

Charlene Unoki, Acting District Land Agent
December 8, 2004
Page 2

2. Michael W. Foley, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

If you have any questions, please call me at (808) 244-2015.

Thank you for your cooperation in facilitating this concurrent review process.

Very truly yours,



Mich Hirano, AICP

MH:tn

Attachment

cc: Michael W. Foley, Director, Department of Planning

mai/bhcomf/dlnrmaui.ltr

We have no comments.

Charlene Unoki

12/15/04

EXHIBIT

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LINDA LINGLE
GOVERNOR OF HAWAII



JAN 10 2005

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

YVONNE Y. IZU
DEPUTY DIRECTOR - WATER

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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL
RESOURCES
DIVISION OF AQUATIC RESOURCES

130 MAHALANI STREET
WAILUKU, HAWAII 96793
Phone (808) 243-5294

January 4, 2005

To: Mich Hirano, AICP
Munekiyō & Hiraga, Inc.

From: *Sh*
Skippy Hau, Aquatic Biologist

Subject: Draft Environmental Assessment for Lahaina Small boat
Harbor Comfort Station Improvements
(SM1 2004/0038) (HDC 2004/0012)

Most of our concerns have been addressed by other agencies through early consultation comments.

Best management practices should be followed during demolition and construction to minimize runoff from this site.

During 2004, there were six honu nests located at Kamehameha Iki Park, south of the comfort station. Green turtle or honu are Federally protected as a threatened species. Turtle nesting occurs between May and August. Loud noises, and excessive lighting should be avoided or minimized at night during the nesting season.

If the project is completed before May 2006, there should be no conflict with turtle nesting.

Thank you for letting us comment. We look forward to a new and improved comfort station.

c: Michael W Foley, County Planning Dept.
DAR - Oahu

EXHIBIT
EXHIBIT
D16



January 25, 2005

Skippy Hau, Aquatic Biologist
State of Hawaii
Department of Land and Natural Resources
Division of Aquatic Resources
130 Mahalani Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment for Proposed Improvements to the Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii (TMK (2) 4-6-1:1)

Dear Mr. Hau,

Thank you for your letter of January 4, 2005, providing comments on the Draft Environmental Assessment for the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments, we note the following:

1. Best Management Practices will be implemented during demolition and construction-related activities in order to minimize potential adverse impacts to aquatic resources from the project site.
2. The proposing agency acknowledges your information regarding the honu (green turtle) nests located south of the comfort station. The proposing agency will undertake all feasible measures to ensure that this threatened species is not impacted by the comfort station improvements. All construction activities will be carried out during the daylight hours. A completion date for construction-activities cannot be guaranteed at present. Should, however, construction-activities extend into May of 2006, the proposing agency looks forward to coordination with your department and any other applicable entities in order to mitigate any potential impacts to the honu.

EXHIBIT

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planning
government

D17

Skippy Hau, Aquatic Biologist
January 25, 2005
Page 2

Thank you again for providing your input to the proposed action.

Very truly yours,



Mich Hirano, AICP

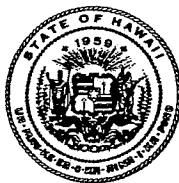
MH:tn

cc: Eric Yuasa, Department of Land and Natural Resources
mai/bhcomf/dlnr.res

EXHIBIT
D/8

JAN 11 2005

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M. D.
DIRECTOR OF HEALTH

LORRIN W. PANG, M. D., M. P. H.
DISTRICT HEALTH OFFICER

STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2102

January 10, 2005

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 South High Street, Suite 104
Wailuku, Hawai'i 96793

Dear Mr. Hiraga:

Subject: **Draft Environmental Assessment in Support of Proposed
Lahaina Small Boat Harbor Comfort Station Improvements**
TMK: (2) 4-6-1:1
SM1 2004/0038, HDC 2004/0012

The following comments are offered for the proposed Lahaina Small Boat Harbor Comfort Station Improvements:

1. National Pollutant Discharge Elimination System (NPDES) permit coverage is required for this project. The Clean Water Branch should be contacted at 808 586-4309.
2. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules (HAR), Chapter 11-46, "Community Noise Control". A noise permit may be required and should be obtained before the commencement of work.
3. Chapter 501, "Asbestos Requirements" requires owners or operators of a demolition or renovation activity to thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos using a certified inspector pursuant to HAR, Chapter 504. The Applicant is required to file with the Noise, Radiation and Indoor Air Quality Branch, Asbestos Demolition/Renovation Notification at least ten (10) working days prior to the demolition of each building (regardless of the presence of asbestos) or the disturbance of regulated asbestos containing materials during renovation activities. All regulated quantities and types of asbestos containing materials would be subject to emission control, proper collection, containerizing, and disposal at a permitted landfill by a licensed asbestos contractor using certified persons. Questions concerning asbestos requirements should be directed to Mr. Thomas Lileikis of the Noise, Radiation and Indoor Air Quality Branch at (808) 586-5800.

EXHIBIT

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Mr. Mich Hirano
January 10, 2005
Page 2

Should you have any questions, please call me at 984-8230.

Sincerely,



Herbert S. Matsubayashi
District Environmental Health Program Chief

c: Michael Foley

EXHIBIT
D20



January 25, 2005

Herbert Matsubayashi, District Environmental
Health Program Chief
State of Hawaii
Department of Health
Maui District Health Office
54 High Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment for Proposed Improvements to the
Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii
(TMK (2) 4-6-1:1)

Dear Mr. Matsubayashi:

Thank you for your letter of January 10, 2005, providing comments on the Draft Environmental Assessment for the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments, we note the following:

1. A National Pollutant Discharge Elimination System permit for the proposed project will not be required for the proposed improvements since no change to the site elevation and grades are anticipated. Only minor fine grading activities will be carried out around the comfort station building site.
2. All proposed construction activity will be in compliance with HAR, Chapter 11-46, "Community Noise Control". The proposing agency will determine if a noise permit is required for construction-related activities and will obtain one if it is deemed appropriate.
3. The proposing agency will comply with all applicable regulations concerning asbestos, pursuant to Chapter 501, Hawaii Administrative Rules.

EXHIBIT

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planning

D21

Herbert Matsubayashi, District Environmental
Health Program Chief
January 25, 2005
Page 2

Thank you again for providing your input to the proposed action.

Very truly yours,



Mich Hirano, AICP

MH:tn

cc: Eric Yuasa, Department of Land and Natural Resources
mail/bhcomf/doh.res

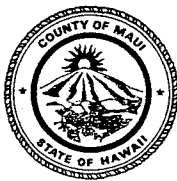
EXHIBIT
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JAN 05 2005

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

December 30, 2004

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Hirano:

RE: Draft Environmental Assessment for Proposed Improvements to the Lahaina Small Boat Harbor Comfort Station located at TMK: 4-6-001:001, Lahaina, Island of Maui, Hawaii (LTR 2004/4509)

The Maui Planning Department (Department) received your request for comments on the Draft EA prepared in accordance with Chapter 343, HRS, for the proposed improvements to the Lahaina Small Boat Harbor Comfort Station. The Department's comments are as follows:

1. It should be noted that the proposed project is located within the National Lahaina Landmark District, which is also a trigger for the environmental review process.
2. Recommend including a map identifying the proposed action and the location of historic/cultural sites within proximity of the project area.
3. Discuss the proposed action's relevance to the Shoreline Rules of the Maui Planning Commission, particularly §12-203-12, in *Chapter IV, Relationship to Land Use Plans, Policies and Controls*.
4. The Cultural Resources Commission (CRC) will be reviewing and commenting on the Draft EA at the January 6, 2005, meeting. Any comments received will be forwarded under separate cover.

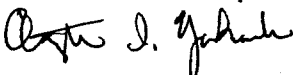
EXHIBIT

D23

Mr. Mich Hirano, AICP
December 30, 2004
Page 2

Thank you for the opportunity to comment. Should you require additional clarification, please contact Ms. Kivette A. Caigoy, Environmental Planner, at 270-7735.

Sincerely,


for MICHAEL W. FOLEY
Planning Director

MWF:KAC:lar

c: Wayne Boteilho, Deputy Planning Director
Kivette A. Caigoy, Environmental Planner
Dawn Duensing, Cultural Resources Planner
TMK File
General File
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EXHIBIT
D224



January 25, 2005

Michael W. Foley, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment for Proposed Improvements to the
Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii
(TMK (2) 4-6-1:1)

Dear Mr. Foley,

Thank you for your letter of December 30, 2004, providing comments on the Draft Environmental Assessment for the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments, we note the following:

1. The Environmental Assessment (EA) notes that the proposed project's location within the National Lahaina Landmark District is a trigger for the environmental review process as set forth in Chapter 343, Hawaii Revised Statutes.
2. A map will be included in the Final EA which denotes the location of the proposed project relative to nearby historical and cultural sites.
3. The subject property is not a shore fronting property. The parcel that is located seaward of the subject property is the Lahaina Small Boat Harbor, identified by TMK 4-6-01:2. This parcel includes a rock mound breakwater and a hardened bulkhead along the inside of the harbor basin. The shoreline within the Lahaina Small Boat Harbor was certified in 1982 and runs seaward of the existing pier and seaward of the bulkhead along the inner harbor. The proposed new comfort station is located 37 feet, 6 inches from the certified shoreline and is in conformance with the Shoreline Rules of the Maui Planning Commission. This information will be included in the Final EA.
4. We acknowledge that the comments of the Cultural Resources Commission resulting from the January, 6, 2005 meeting will be sent under separate cover.

EXHIBIT
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Michael W. Foley, Director
January 25, 2005
Page 2

Thank you again for providing your input to the proposed action.

Very truly yours,



Mich Hirano, AICP

MH:tn

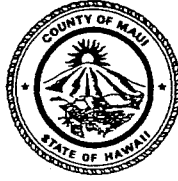
cc: Eric Yuasa, Department of Land and Natural Resources
mai/bhcomf/planning.res

EXHIBIT
D26

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

January 7, 2005

Mr. Peter T. Young, Chairperson
Department of Land and Natural Resources
Division of Boating and Ocean Recreation
333 Queen Street, Suite 300
Honolulu, Hawaii 96813

Dear Mr. Young:

RE: Draft Environmental Assessment for the proposed Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii TMK: 4-6-001 (HDC 2004/0012)

The Maui County Cultural Resources Commission (CRC) considered the Draft Environmental Assessment for the Lahaina Small Boat Harbor Comfort Station at its regular meeting on January 6, 2005. After due deliberation, the CRC offers the following comments:

1. Commissioners emphasized that this project is located in a culturally significant area and must be carefully planned. The National Survey of Historic Sites and Buildings noted:

Perhaps no island town so well preserves the atmosphere of a mid-19th century Hawaiian seaport as does Lahaina.... Despite the fact that surviving historic structures are relatively few, the town preserves much of the atmosphere of a Hawaiian native village and of a mid-19th century island port. The magnificent natural setting, with its backdrop of purple mountains and foreground of blue sea, remains unspoiled; and palms and other trees shade the streets and homes as they did in missionary days. However, paved streets, curbs, new buildings in contemporary architectural styles, and other developments are cumulatively making their effects felt and causing the historic scene to fade.

EXHIBIT

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Mr. Peter T. Young, Chairperson

January 7, 2005

Page 2

2. Commissioners remain concerned with the potential visual impact of this facility on the central core of the Lahaina Historic District, which is also a National Historic Landmark. The Draft EA does not adequately discuss how this proposed building might impact the viewplane both from land and from the ocean.
3. In its November 5, 2004 letter, the CRC requested that the banyan tree on the historic makai wall be examined to determine whether the tree is undermining the wall. The CRC requests that a certified arborist determine whether this tree is undermining the historic wall, and if it is, the tree should be removed. Should the banyan tree be removed, it may be necessary to replace it with a more suitable native species that would conceal the proposed building from the ocean viewplane.
4. The proposed building's roof material should be traditional "toe-tongue" corrugated metal, painted green or red. Commissioners emphasized that no composite materials shall be used as *The Architectural Style Book for Lahaina* specifies that traditional materials shall be used in the Lahaina Historic Districts.
5. Please note that the fort in Banyan Tree Park is not a historic site. The small boat harbor, seawall, palm trees, and the southeast and southwest walls (1920s) adjacent to the existing comfort station are historic sites. This is not noted in the Draft EA. These sites should be assigned a State Inventory of Historic Places (SIHP) number. Furthermore, the Carthaginian did not sink offshore of Kihei.
6. The CRC noted that the archaeological testing conducted at the site is inadequate. Further archaeological testing should be done in order to complete the Archaeological Inventory Survey (AIS) according to the Rules and Regulations for Archaeological Inventory Surveys. Testing around Test Unit 1 should be expanded to determine the extent of this site. Site boundaries should be determined during the AIS. Furthermore, land uses are generally presented in an AIS as land uses help identify what sites were at the project location in the past and what subsurface discoveries might be expected during archaeological monitoring. Please provide the land use of the Land Commission Awards in the project area.
7. Even though much of this site is fill, there is a potential to encounter artifacts and human remains. Archaeological monitoring during all ground-disturbing actions, including but not limited to demolition, new

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D28

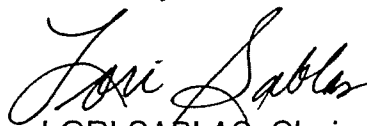
Mr. Peter T. Young, Chairperson
January 7, 2005
Page 3

construction, and landscaping, will be required for this project. The project site is located in a sensitive cultural area and burials have been discovered in the general vicinity.

8. Please include the State Historic Preservation Division comment letter in the final EA.
9. As this project is subject to Section 106 regulations and located in a National Historic Landmark, we remind you that the FTA is responsible for all findings. The FTA should notify and invite the Advisory Council on Historic Preservation and the Secretary of the Interior National Park Service to participate in this action.
10. Commissioners again expressed concern over the large size of the replacement structure. Even though they agreed that there is a great need for this facility, it will impact the Historic District.
11. Please include indigenous species in the landscaping plan, including ulu and loulu.
12. Commissioners requested that the Department of Land and Natural Resources consider loaning or donating any cultural artifacts found during construction to a local repository such as the Maui Historical Society.
13. The Draft EA does not address construction staging, which may also impact cultural resources.
14. As a reminder, lighting and signage for the proposed facility must comply with the design standards for the historic district.

Thank you for this opportunity to comment. If additional clarification is required, please contact Ms. Dawn E. Duensing, Cultural Resources Planner, at 270-7841.

Sincerely,



LORI SABLAS, Chairperson
Maui County Cultural Resources Commission

EXHIBIT

D29

Mr. Peter T. Young, Chairperson
January 7, 2005
Page 4

LS:DED:jlj

c: Alan Arakawa, Mayor, County of Maui
Michael W. Foley, Director, Maui Planning Department
Kyle Ginoza, Director, Maui Department of Transportation
Gil Coloma-Agaran, Director, Department of Public Works & Environmental
Management
Carol Braegelmann, Federal Transit Administration
Melanie Chinen, State Historic Preservation Division
Dawn Duensing, Cultural Resources Planner
Kivette Caigoy, Environmental Planner
Mich Hirano, AICP, Munekiyo and Hiraga, Inc.
CRC file
CRC members
General File
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EXHIBIT
D30



January 25, 2005

Lori Sablas, Chairperson
County of Maui
Cultural Resources Commission
250 South High Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment for Proposed Improvements to the Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii (TMK (2) 4-6-1:1)

Dear Ms. Sablas,

Thank you for your letter of January 3, 2005, providing comments on the Draft Environmental Assessment (EA) for the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. Our responses below are numbered to correspond to your comments.

1. We acknowledge your emphasis on the culturally significant nature and character of Lahaina.
2. The Final EA will discuss the anticipated visual impacts from both the land and the ocean resulting from the proposed project.
3. The Department of Land and Natural Resources (DLNR) will determine whether the existing banyan tree is undermining the historic sea wall, as well as the feasibility and advisability of replacing this tree. This assessment will be carried out during the design phase of the project. Findings of this assessment will be reviewed with the Cultural Resources Commission (CRC) and the Architectural Branch of the State Historic Preservation Division (SHPD). We note the proposed comfort station improvements will not adversely impact the sea wall or the banyan tree.
4. The design of the proposed comfort station will comply with the *Architectural Style Book for Lahaina*. No composite or other non-traditional materials will be used in any exteriors. The roof will be "toe-tongue", corrugated metal, in either red or green. These alternative color schemes will be presented at the CRC meeting during the Historic District Approval application for final decision.

EXHIBIT
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D31

5. The comment that the fort in Banyan Tree Park is not a historic structure is acknowledged and will be amended in the Final EA.

The sea wall will be identified as a historic site in the Final EA and an application for a State Inventory of Historic Places (SIHP) number has been made to SHPD by the project archaeologist. The Lahaina Small Boat Harbor has been developed over a number of years. Based on review of historical data, including photographs and government documents, the pier is pre-1949, the harbor was first dredged in 1955, the bulkhead and breakwater were in place by 1960 and the access road, parking and new marina facilities were built in around 1970. As discussed with SHPD, trees are not usually given State Inventory of Historic Places (SIHP) numbers unless they are significant features of a site or have been planted with a special significance. Based on the information provided in the cultural impact assessment, it appears the palm trees do not meet the criteria for a SIHP number.

The comment in reference to the location of the Carthaginian sinking has been forwarded to the archaeologist and corrections will be made in the revised Archaeological Inventory Survey Report. A copy of the revised report will be included in the Final EA.

6. The subsurface testing for the Archaeological Inventory Survey followed guidance from the State Archaeologist, SHPD Maui District. The areas identified for subsurface testing were determined by the State Archaeologist after a site reconnaissance made in October 2004. The SHPD is the regulatory agency for the Archaeological Inventory Survey and has indicated in their review letter that upon receipt of the minor revisions requested, the SHPD anticipates deeming the report adequate. The review letter also states the background section acceptably establishes the ahupua'a settlement pattern and predicts the likely site pattern in the project area. The Land Use Commission awards in the project area are provided in the Draft EA, Appendix A, Page 10. A copy of the SHPD review letter is attached herewith as Exhibit "A" and will be included in the Final EA.
7. Following coordination with the SHPD, it has been determined that archaeological monitoring will be performed during all ground-altering activities.
8. The SHPD comment letter on the proposed project will be included in the Final EA.
9. The Federal Transit Administration (FTA) is the final, supervisory agency for the proposed project. As such, we confirm that all required coordination with other agencies, pursuant to Section 106, National Historic Preservation Act, will be carried out.

EXHIBIT
D30

Lori Sablas, Chairperson

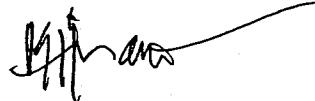
January 25, 2005

Page 3

10. We acknowledge the Commission's concerns over potential impacts to the Historic District. These concerns have been addressed in the Final EA.
11. The landscaping plan includes the use of indigenous species of flora, such as Loulu Palms.
12. DLNR is taking your request under consideration regarding the loan or donation of any cultural artifacts found at the project site to a local repository such as the Maui Historic Society. This will be incorporated in the Monitoring Plan.
13. We acknowledge that the Draft EA does not discuss construction staging. This detail is more properly finalized during the grading and building permitting phase of the project. A staging plan will be submitted to the Department of Planning as part of the standard conditions of the Special Management Area Use Permit.
14. Lighting and signage for the improved comfort station will comply with the design standards for the Historic District. Final determination of lighting will be provided for CRC approval during the Historic District application process.

Thank you again for providing your comments to the proposed action.

Very truly yours,



Mich Hirano, AICP

MH:tn

Attachment

cc: Eric Yuasa, Department of Land and Natural Resources

mail/bhcomf/crcletter.res

EXHIBIT

D33

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
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

December 29, 2004

Paul Cleghorn, Ph.D.
Pacific Legacy, Inc.
332 Uluniu Street
Kailua, Hawai'i 96734

Log No: 2004.3706
Doc No: 0412MK26

Dear Dr. Cleghorn:

SUBJECT: National Historic Preservation Act, Section 106 Compliance - Review of an Archaeological Inventory Survey Report Prepared in Support of the Proposed Comfort Station at Lahaina Small Boat Harbor [Federal/FTA] Paunau Ahupua'a, Lahaina District, Maui TMK (2) 4-6-001: 001

Thank you for the opportunity to review this report which our staff received on November 18, 2004 (Ah Sam *et al.* 2004, *Archaeological Inventory Survey and Cultural Impact Assessment for the Comfort Station Replacement During the Lahaina Pier Improvement Project, Lahaina, Maui, [TMK 4-6-01;01]*, Pacific Legacy, Inc. ms.). The following comments pertain to the archaeological portion of the subject report. Our office does not normally review cultural impact assessments (CIA). If, however, comments on the subject CIA are warranted, they will be provided by staff of our History and Culture Branch.

The background section acceptably establishes the ahupua'a settlement pattern and predicts the likely site pattern in the project area. The historical information provided summarizes the history of the post-contact period land uses. The summary of previous archaeological work in the area provides a baseline for the current work.

The survey has adequately covered the 0.578-acre project area documenting one historic property. Subsurface testing (two hand excavated test units) produced the evidence of this site. The site consists of a mix of cultural material from the late 1800s through the early 1900s. Based on the description, the deposit appears to have resulted from historic fill behind the sea wall, possibly during construction of the sea wall itself. In general, the report provides acceptable documentation of the findings. We have several recommended revisions, all of them minor, as follows.

EXHIBIT
D324

EXHIBIT A

Dr. Paul Cleghorn
Page 2

- We note that no Statewide Inventory of Historic Places (SIHP) number has been assigned to the deposit. Please revise the report to include the site number for the deposit.
- In addition, the report does not mention the SIHP number for the sea wall. If it has not been assigned a number to date, please obtain one from the State Historic Preservation Division (SHPD) and include information on the sea wall (the portion fronting the comfort station location) for the revised report.
- Please include the ahupua'a in the title and on the title page.

We concur that the historic fill deposit is significant under Criterion "D". We believe that the sea wall is significant under multiple criteria and will evaluate this in review of the revised report. We also agree with the recommended mitigation of on-site archaeological monitoring during construction. We concur with your suggestion that if the historic fill deposit is encountered during the monitoring program, work will cease and the deposit will be evaluated for integrity. Additional controlled excavation may be appropriate at this time.

Once we receive the revisions requested above, we anticipate deeming the report adequate and accepting it as final. As always, if you disagree with our comments or have questions, please contact Dr. Melissa Kirkerdall (Maui/Lana'i SHPD 243-5169) as soon as possible to resolve these concerns.

Sincerely,



Melanie A. Chinen
Deputy State Historic Preservation Officer

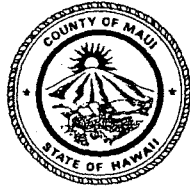
MK:slc

C: Bert Ratte, DPWEM, County of Maui
Michael Foley, Director, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
Maui Cultural Resources Commission, Dept. of Ping, 250 S. High Street, Wailuku, HI 96793
Eric Hirano, Administrator, Engineering Division, DLNR [ATTN: Eric Yuasa]

EXHIBIT

D35

ALAN M. ARAKAWA
Mayor



JAN 03 2005

GLENN T. CORREA
Director

JOHN L. BUCK III
Deputy Director

(808) 270-7230
Fax (808) 270-7934

DEPARTMENT OF PARKS & RECREATION

700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawaii 96793

December 28, 2004

Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Hirano:

SUBJECT: Draft Environmental Assessment in Support of Proposed Lahaina
Small Boat Harbor Comfort Station Improvements, SM1 2004/0038,
HDC 2004/0012

We have reviewed the Draft Environmental Assessment and Applications for Special Management Area Use Permit and Historic District Approval for the subject project and have no comments or objections to the proposed action.

Thank you for the opportunity to review and comment. Should there be any questions, please contact Mr. Patrick Matsui, Chief of Parks Planning and Development, at 270-7387.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn T. Correa".

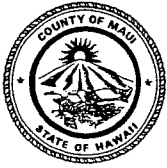
GLENN T. CORREA
Director

c: Patrick Matsui, Chief of Parks Planning and Development
Michael W. Foley, Director of Planning

EXHIBIT

D3

JAN 10 2005



POLICE DEPARTMENT
COUNTY OF MAUI



ALAN M. ARAKAWA
MAYOR

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

THOMAS M. PHILLIPS
CHIEF OF POLICE

OUR REFERENCE
YOUR REFERENCE

KEKUHAUPIO R. AKANA
DEPUTY CHIEF OF POLICE

December 27, 2004

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

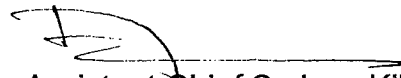
Dear Mr. Hirano:

SUBJECT: Draft Environmental Assessment in Support of Proposed Lahaina
Small Boat Harbor Comfort Station Improvements (SM1 2004/0038)
(HDC 2004/0012)

Thank you for your letter of December 7, 2004, requesting comments on the above subject.

We have reviewed the information submitted for this project and have enclosed a copy of our comments. Thank you for giving us the opportunity to comment on this project. We hope you have a safe and happy holiday season.

Very truly yours,


Assistant Chief Sydney Kikuchi
for: Thomas M. Phillips
Chief of Police

c: Michael Foley, Planning Department

Enclosure

EXHIBIT

D37

COPY

TO : THOMAS PHILLIPS, CHIEF OF POLICE, COUNTY OF MAUI
VIA : CHANNELS *Handwritten signature and date 12/23/04*
FROM : SCOTT Y. MIGITA, ACTING SERGEANT, LAHAINA
SPECIALIZED UNITS
SUBJECT : PROPOSED LAHAINA SMALL BOAT HARBOR COMFORT
STATION IMPROVEMENTS

Sir, this transmittal is being submitted regarding a Draft Environmental Assessment and Applications for Special Management Area Use Permit and Historic District Approval regarding the proposed Lahaina Small Boat Harbor comfort station improvements. Mr. Mich HIRANO of Munekiyo & Hiraga, Inc. has prepared this document on behalf of the State of Hawaii, Department of Land and Natural Resources.

Upon reviewing this document, my concerns regarding the issue on traffic and safety remains the same as mentioned in my To-From dated 10/26/04. One additional recommendation that had been suggested is that the comfort station be well illuminated to help in deterring criminal activity and for the safety of citizens using the facility and officers patrolling the area. It is understood that additional public restroom facilities are needed to accommodate the high demand by our visitors and locals that frequent the Lahaina Boat Harbor and the vicinity.

Submitted for your information and perusal.

*THIS IS A MUCH-NEEDED
IMPROVEMENT. SECURITY MEASURES
(LIGHTING) SHOULD BE
INCORPORATED. RECOMMEND
PROCEEDING AS SOON AS
POSSIBLE. *Chaw 12/17/04**

Scott Y. MIGITA, E-1122
A/Sgt., Lahaina Specialized Units
12/15/2004 at 0923 hours

cc: Michael W. FOLEY, Director
County of Maui, Department of Planning

EXHIBIT

D38

COPY

TO : THOMAS PHILLIPS, CHIEF OF POLICE, COUNTY OF MAUI
VIA : CHANNELS *11/01/04*
FROM : SCOTT Y. MIGITA, P.O. III, LAHAINA BIKE PATROL
SUBJECT : PROPOSED LAHAINA SMALL BOAT HARBOR COMFORT STATION IMPROVEMENTS

Sir, this transmittal is being submitted regarding a proposal for improvements to the Lahaina Small Boat Harbor comfort station. This proposal is to increase the number of stalls to meet the increased public demand and the size of the stalls to become ADA (Americans with Disabilities Act) compliant. The existing property and comfort station are owned by the State of Hawaii as this project is being initiated by the Department of Land and Natural Resources (DLNR). Currently, the existing comfort station contains approximately 375 square feet of floor space with seven (7) restroom stalls. The new facility is planned to contain approximately 1,200 square feet of floor area with twelve (12) female restroom stalls and four (4) male restroom stalls and two (2) urinals as well as a paved parking area with handicap accessibility. The restroom will also include two (2) female handicap accessible stalls and one (1) male handicap accessible stall.

At this time, the only concern which I have from a traffic and safety perspective would be to provide security for this facility to ensure the safety of the general public. This comfort station should also be closed and secured overnight as there are transient individuals in the area which may use this facility for narcotics or other illicit activity which may result in property damage to this facility and/or injuries to individuals. Such illicit activities have taken place and were addressed by police at the unsecured restrooms at Mala Wharf.

Submitted for your information and perusal.

*RECOMMEND THAT THIS PROJECT
MOVE FORWARD. CONCUR WITH
OFFICER MIGITA'S ASSESSMENT.*

*Sgt. [Signature], 1512
10/26/04 1215*

[Signature]
Scott Y. MIGITA, E-1122
P.O. III, Lahaina Bike Patrol
10/26/2004 at 1253 hours

*A WELL ILLUMINATED AREA
MIGHT HELP DETER CRIMINAL
ACTIVITY. LAHAINA PATROL WILL
BE PROACTIVE TO DO OUR PART.
THE PROPOSED BATHROOM FACILITY
IS LONG OVER DUE FOR A
WORLD DESTINATION.*

A/CAT V. [Signature]

EXHIBIT

D39



January 25, 2005

Thomas Philips, Chief
County of Maui
Police Department
55 Mahalani Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment for Proposed Improvements to the
Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii
(TMK (2) 4-6-1:1)

Dear Chief Philips,

Thank you for your letter of December 27, 2004, providing comments on the Draft Environmental Assessment for the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments, we note that crime preventative design considerations have been taken into account and includes maintaining building visibility and providing exterior lighting. It should be noted, however, that the lighting of the comfort station must conform to the Lahaina Historic District Guidelines owing to its location in the Historic District. As indicated in the Draft EA, the comfort station will be open and accessible 24 hours a day, seven days a week as is the existing comfort station.

We note your earlier comments were responded to by letter dated November 22, 2004 and included in the Draft EA.

Thank you again for providing your input to the proposed action.

Very truly yours,

Mich Hirano, AICP

MH:tn

cc: Eric Yuasa, Department of Land and Natural Resources
mai/lbhcomf/mpd.res

EXHIBIT
environmental
planning
DHP

JAN 20 2005

ALAN M. ARAKAWA
MAYOR



GEORGE Y. TENGAN
Director
JEFFREY T. PEARSON, PE
Deputy Director

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
200 South High Street
WAILUKU, MAUI, HAWAII 96793
Telephone (808) 270-7816 • Fax (808) 270-7833

January 7, 2005

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku HI 96793

SUBJECT: Draft Environmental Assessment in Support of Proposed Lahaina Small Boat Harbor Comfort Station Improvements - TMK (2) 4-6-001:001 - demolition of existing comfort station with 6 stalls and construction of a new one with 18 stalls.

Dear Mr. Hirano:


Thank you for the opportunity to provide additional comments on this project proposal. We note that our comment letter of October 29, 2004 is included in the DEA document.

The applicant's projected consumption for this project is 5,300 gpd including irrigation. This is a reasonable estimate as it is based on the existing facility's average daily use of 1650 gpd or 275 gpd per stall.

We encourage the applicant to integrate water conservation techniques in the project design and construction and adopt Best Management Practices (BMPs) designed to minimize infiltration and runoff from construction and vehicle operations. We have attached sample BMPs for reference. Additional information can be obtained from the State Department of Health.

Should you have any questions, please call our Water Resources and Planning Division at 270-7199.

Sincerely,


George Y. Tengan
Director

eam
CC: Engineering Division
Planning Department

EXHIBIT

D41

EXHIBIT

D42



January 25, 2005

George Tengan, Director
County of Maui
Department of Water Supply
200 South High Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment for Proposed Improvements to the Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii (TMK (2) 4-6-1:1)

Dear Mr. Tengan,

Thank you for your letter of January 7, 2005, providing comments on the Draft Environmental Assessment for the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments, we note the following:

1. We acknowledge your concurrence on the estimated water consumption for the project.
2. Certain design considerations are being given in regard to water conservation measures for the improved comfort station, such as use of native plants in landscaping and low flow fixtures. Best Management Practices (BMPs) will be incorporated into the project to minimize runoff from project activities. We acknowledge receipt of the sample BMPs provided by your office.

Thank you again for providing comments on the Draft EA.

Very truly yours,

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

Mich Hirano, AICP

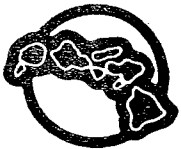
MH:tn

cc: Eric Yuasa, Department of Land and Natural Resources
mai/bhcom/dws.res

EXHIBIT

planning D43

DEC 23 2004



December 21, 2004

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 S. High Street, Suite 104
Wailuku, HI 96793

Dear Mr. Hirano:

Subject: Draft Environmental Assessment in Support of Proposed Lahaina Small Boat Harbor
Comfort Station Improvements
(SM1 2004/0038) (HDC 2004/0012)

Thank you for allowing us to comment on the subject project.

In reviewing the information transmitted and our records, we have no objection to the subject project. We encourage the applicant's electrical consultant to meet with us as soon as practical to verify the project's electrical requirements so that service can be provided on a timely basis.

If you have any questions or concerns, please call Dan Takahata at 871-2385.

Sincerely,

Neal Shinyama
Manager, Engineering

NS/dt:ikh

cc: Michael W. Foley, Director - County of Maui, Department of Planning
250 S. High St. Wailuku, HI 96793

EXHIBIT
D44



January 25, 2005


Neal Shinyama, Manager
Maui Electric Company, Ltd.
210 West Kamehameha Avenue
Kahului, Hawaii 96733

SUBJECT: Draft Environmental Assessment for Proposed Improvements to the
Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii
(TMK (2) 4-6-1:1)

Dear Shinyama,

Thank you for your letter of December 21, 2004, providing comments on the Draft Environmental Assessment for the proposed improvements to the Lahaina Small Boat Harbor Comfort Station, located in Lahaina, Maui, Hawaii. In response to your comments, we note that the applicant will coordinate with your office regarding electrical requirements as soon as is feasible.

Thank you again for providing your input to the proposed action.

Very truly yours,

Mich Hirano, AICP

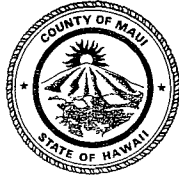
MH:tn
cc: Eric Yuasa, Department of Land and Natural Resources
mai/LBHComf/meco.res

EXHIBIT

D2/5

EXHIBIT

ALAN M. ARAKAWA
Mayor
MICHAEL W. FOLEY
Director
WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

April 12, 2005

Mr. Peter T. Young, Chairperson
Department of Land and Natural Resources
Division of Boating and Ocean Recreation
333 Queen Street, Suite 300
Honolulu, Hawaii 96813

Dear Mr. Young:

RE: Historic District Approval for the Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii TMK: 4-6-001 (HDC 2004/0012)

At its regular meeting of April 7, 2005 the Cultural Resources Commission (CRC) reviewed and approved the subject project. The CRC granted Historic District Approval with the following conditions:

1. That construction shall be in accordance with plans as presented and approved by the Cultural Resources Commission on April 7, 2005.
2. That color samples for the roof and walls be submitted to the Planning Department for review and approval.
3. That construction shall be initiated within two years of the Special Management Area permit approval, and shall be completed within five years from said initiation.
4. That the Applicant shall present the landscaping plan to the Maui County Arborist Committee for review. The proposed planter wall shall not adversely affect or be attached to the historic wall. Arborist Committee comments shall be included with the preliminary compliance report and filed with the Planning Department prior to issuance of the building permit. Irrigation shall be included as part of the landscaping.

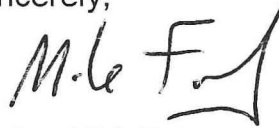
5. That the construction staging plan take into consideration any impacts to cultural resources. A copy of the final construction staging plan shall be submitted to the Planning Department for review and approval.
6. That archaeological monitoring be conducted during all ground-disturbing work. In the event that cultural materials and/or human burials are identified, all work shall stop, and the SHPD Burial Sites Program, the Maui SHPD archaeologist, Oahu SHPD, and the Maui/Lanai Islands Burial Council will be notified. Compliance with procedures outlined in HRS 6.E-43 shall be followed.
7. That all signage and lighting shall comply with the *Design Guidelines for Front Street Improvements* and *Sign Design Guidelines for the Lahaina Historic Districts*.
8. That the Applicant establish a maintenance agreement that shall be in place for the new facility prior to the Certificate of Occupancy being issued. A copy of this maintenance agreement shall be filed with the Planning Department.
9. That a building permit be obtained prior to the initiation of construction.
10. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to soil erosion from wind and water, ambient noise levels, and traffic disruptions.
11. That a preliminary compliance report be filed prior to obtaining the building permit. A final compliance report shall be submitted prior to granting a Certificate of Occupancy.
12. That the State of Hawaii shall be responsible for damage or injury caused by the State's agents, officers, and employees in the course of their employment to the extent that the State's liability for such damage or injury has been determined by a court or otherwise agreed to by the State, and the State shall pay for such damage or injury to the extent permitted by law and approved by the State legislature.
13. That full compliance with all other applicable governmental requirements shall be rendered.

Mr. Peter T. Young, Chairperson
April 12, 2005
Page 3

Please note that the Commissioners were concerned with the structure's increased size. They noted that the landscaping should include indigenous plants and be carefully planned in order to screen the building on the makai side.

If additional clarification is required, please contact Ms. Dawn E. Duensing, Cultural Resources Planner, at 270-7841.

Sincerely,

A handwritten signature in black ink, appearing to read "M. W. Foley". The signature is written in a cursive, somewhat stylized font.

Michael W. Foley
Planning Director

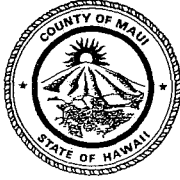
MWF:DED:do

c: Clayton I. Yoshida, AICP
Dawn Duensing, Cultural Resources Planner
Thorne Abbott, Coastal Resources Planner
Mich Hirano, AICP, Munekiyo and Hiraga, Inc.
CRC file
General File
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ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

January 7, 2005

Mr. Peter T. Young, Chairperson
Department of Land and Natural Resources
Division of Boating and Ocean Recreation
333 Queen Street, Suite 300
Honolulu, Hawaii 96813

EXHIBIT
FYI

Dear Mr. Young:

RE: Environmental Impact Statement Preparation Notice for the proposed
Lahaina Small Boat Harbor Ferry Pier Improvements, Lahaina, Maui,
Hawaii (LTR 2005/0087)

The Maui County Cultural Resources Commission (CRC) discussed the subject project at its regular meeting on January 6, 2005. The CRC offers the following comments:

1. Please identify alternative sites for this project. Lahaina is already impacted by existing congestion in the central Historic District.
2. Please address the impact of this project and related boat traffic on surfing. Surfing is an important cultural activity, and the surfing grounds in this area are considered historic sites. Field studies should be conducted to determine any impacts on surfing areas.
3. The Small Boat Harbor, seawall, and surfing grounds should be considered as historic sites. Thorough research by a qualified historian/architectural historian should be conducted as part of this study. Please note that "the Old Fort" is not a historic site.
4. Please discuss the proposed project's "land-based improvements" as part of the Draft EIS. What will these be and how will they impact the historic district?
5. Please include in the Draft EIS a study of carrying capacities of Lahaina's existing sidewalks, streets, and parking areas as these facilities are already quite congested.

Mr. Peter T. Young, Chairperson
[REDACTED]

Page 2

6. As part of the Section 106 process, long-term and cumulative impacts to the Historic District must be addressed. We remind you that the FTA is responsible for all findings. As this project is located in a National Historic Landmark, the FTA should notify and invite the Advisory Council on Historic Preservation and the Secretary of the Interior National Park Service to participate in this action.
7. The planning process for the proposed project must also include Section 4(f) of the US Department of Transportation Act of 1966.
8. Please notify individual Cultural Resources Commission members of all public meetings for this project.

Thank you for this opportunity to comment. If additional clarification is required, please contact Ms. Dawn E. Duensing, Cultural Resources Planner, at 270-7841.

Sincerely,



LORI SABLAS, Chairperson
Maui County Cultural Resources Commission

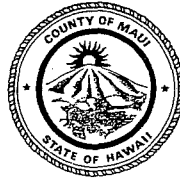
LS:DED:jpg

c: Alan Arakawa, Mayor, County of Maui
Michael W. Foley, Director, Maui Planning Department
Kyle Ginoza, Director, Maui Department of Transportation
Gil Coloma-Agaran, Director, Department of Public Works & Environmental Management
Carol Braegelmann, Federal Transit Administration
Melanie Chinen, State Historic Preservation Division
Dawn Duensing, Cultural Resources Planner
Mich Hirano, AICP, Munekiyo and Hiraga, Inc.
CRC members
General File
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ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

November 5, 2004

Mr. Peter T. Young, Chairperson
Department of Land and Natural Resources
Division of Boating and Ocean Recreation
333 Queen Street, Suite 300
Honolulu, Hawaii 96813

Dear Mr. Young:

RE: Pre-Consultation Comments for the proposed Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii TMK: 4-6-001 (LTR 2004/4200)

The Maui County Cultural Resources Commission (CRC) discussed the proposed Lahaina Small Boat Harbor Comfort Station at its regular meeting on November 4, 2004. The CRC offers the following comments:

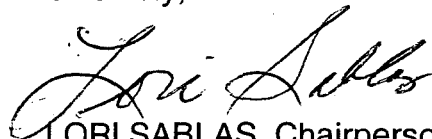
1. The CRC was generally pleased with the architectural design and site plan. The Commissioners expressed some concern over roof materials and commented that this design element needs further consideration. The CRC iterated that the *Architectural Style Book for Lahaina* must be the guide in designing the proposed comfort station.
2. Commissioners are concerned with potential visual impact of this facility on the central core of the Lahaina Historic District, which is also a National Historic Landmark.
3. The CRC noted that archaeological monitoring will be a requirement for this project, as it is located in a sensitive cultural area and burials are known to be present in the general vicinity.
4. The CRC favored the landscaping proposals for the facility, but emphasized that irrigation must be included to keep the area in good condition. Commissioners requested that the banyan tree on the makai wall be examined to determine whether the tree is undermining the historic wall. If so, this tree should be removed.

Mr. Peter T. Young, Chairperson
November 5, 2004
Page 2

5. Lighting and signage for the new facility are to comply with the design standards for the historic district.
6. The CRC noted the need to identify a responsible entity for cleaning and maintaining the proposed comfort station. Commissioners stated that the condition of the existing facility is unacceptable and the replacement facility should be cleaned and properly maintained so that it does not deteriorate as the current facilities have.
7. The CRC supported the installation of a shower at the facility.
8. Public testimony unanimously supported the replacement comfort station.
9. Commissioners discussed the possible need for short-term parking for those who wish to quickly use the facility and requested that the DNLR consider this issue.

Thank you for this opportunity to comment. If additional clarification is required, please contact Ms. Dawn E. Duensing, Cultural Resources Planner, at 270-7841.

Sincerely,



LORI SABLAS, Chairperson
Maui County Cultural Resources Commission

LS:DED:jlj

c: Alan Arakawa, Mayor, County of Maui
Michael W. Foley, Director, Maui Planning Department
Kyle Ginoza, Director, Maui Department of Transportation
Gil Coloma-Agaran, Director, Department of Public Works & Environmental Management
Melanie Chinen, State Historic Preservation Division
Dawn Duensing, Cultural Resources Planner
CRC members
Mich Hirano, AICP, Munekiyo and Hiraga, Inc.
General File
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BEFORE THE MAUI COUNTY CULTURAL RESOURCES COMMISSION
COUNTY OF MAUI
STATE OF HAWAII
April 7, 2005

In The Matter Of The Application Of)
) **DOCKET NO.** HDC 2004/0012
 Mr. Peter Young) (Peter Young,
 Dept. of Land and Natural) Dept. of Land and Natural Resources)
 Resources) (DED)
)
 To Obtain Historic District Approval)
 for the Proposed Lahaina Small Boat)
 Harbor Comfort Station Improvements)
 at Wharf Street)
 Tax Map Key 4-6-001:001)
 Lahaina, Maui, Hawaii)

THE APPLICATION

This matter arises from a Historic District application to demolish an existing public comfort station and build a new comfort station at the Lahaina Small Boat Harbor. The subject property is in the Urban District at Wharf Street, Lahaina, Island and County of Maui, identified as Maui Tax Map Key No. 4-6-001:001 ("Property").

PURPOSE OF THE APPLICATION

The Applicant is requesting CRC approval to demolish a comfort station constructed in 1983 and build a new comfort station at the Lahaina Small Boat Harbor.

APPLICABLE REGULATIONS

Historic District approvals are reviewed pursuant to Title 19, Zoning, Chapter 19.52 Regulations On Buildings And Uses, Section 19.52.010 Architectural style, Section 19.52.090 Regulations for historic district no. 1 and 2 and Section 19.52.100 Regulations for historic district no. 3; Maui County Code, 1980, as amended.

Further, pursuant to Chapter 31 of the Maui County Cultural Resources Commission, § 12-31-2 General Guidelines, the following documents, as referenced

in Chapter 2.88.080 of the Maui County Code may be considered as guide in matters pertaining to the functions of the commission:

1. "Cultural Resources Management Plan for Maui County," prepared by the Maui County Planning Department, May 1984.
2. Maui County General Plan and the adopted community plans as provided for in Chapter 2.80 of the Maui County Code.
3. "Proposal for the historical restoration and preservation of Lahaina," prepared by Community Planning Inc., May 1961.
4. "The Architectural Style Book for Lahaina," prepared by John T. Jacobson, A.I.A., October 1969.
5. "State Historic Preservation Plan," prepared by the State of Hawai'i Department of Land and Natural Resources.
6. "Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995, Standards for Rehabilitation," prepared by the National Park Service.
7. "Guidelines for the Consideration of Traditional Native Hawaiian Values in Historic Preservation Review," Office of Hawaiian Affairs, 1988.
8. "Lahaina Environmental Design Manual," prepared by Chapman, Phillips, Brandt, Reddick and Associates, Inc., October 1975.
9. "Design Guidelines for Front Street Improvements," prepared by Belt Collins & Associates, Fox Hawaii, Inc., and Merrie-Ellen Gushi, December, 1992.

GENERAL DESCRIPTION

Description of the Property

1. The Property, which is approximately .28 acres, is located at Wharf Street, Tax Map Key 4-6-001:001, Lahaina, Maui, Hawaii.
2. Land Use Designations --
 - a. State Land Use District – Urban
 - b. West Maui Community Plan – Park
 - c. County Zoning – Historic District No. 1
 - d. Other – Lahaina National Historic Landmark District
Special Management Area of the Island of Maui

3. The developed site consists of a public comfort station erected on the south portion of the lot in 1983. The parcel is adjacent to the Lahaina Small Boat Harbor and across from the Old Lahaina Courthouse and Banyan Tree Park.
4. The proposed project is located in the Special Management Area (SMA). The Applicant filed an SMA major permit application on March 24, 2005. The application is scheduled for a public hearing with the Maui Planning Commission on May 10, 2005.
5. The proposed project is located within the Lahaina National Historic Landmark District and is subject to HRS Chapter 343. A final Environmental Assessment and Finding of No Significant Impact (FONSI) was filed with the Office of Environmental Quality Control on February 8, 2005. The challenge period on the FONSI ended on March 7, 2005, and the application can now proceed.
6. Federal funding is being used for the proposed project, as such, it is subject to the National Environmental Policy Act of 1969. The State of Hawaii plans to justify a categorical exclusion (CE) for a federal environmental assessment to the Federal Transit Administration (FTA), which is funding this project.

Description of the Development

1. The existing comfort station, built in 1983, measures 15' wide by 25' long and is approximately 375 square feet. The structure is in poor condition and is inadequate to meet public demand. The proposed action is to demolish this structure.
2. The proposed project includes the construction of a new comfort station that measures 30' wide by 40' long, which is approximately 1,200 square feet. The new structure will be approximately three feet higher than the existing structure. The replacement comfort station will include 4 sinks, 4 toilets, and 2 urinals on the men's side; with 5 sinks and 12 toilets on the women's side.
3. The new comfort station will be ADA accessible. Two of the women's stalls and one of the men's stalls will be accessible. Existing parking stalls will be reconfigured to comply with ADA requirements.
4. The proposed project also includes landscaping improvements, new sidewalks, and irrigation.
5. The project will be constructed in a single phase and is expected to be completed in approximately 8 months.

ANALYSIS

- 1) The proposed project is located in the heart of the Lahaina National Historic Landmark District and in Maui County Historic District No. 1. In the CRC's January 7, 2005 letter, Commissioners noted the cultural significance of the area, citing the National Survey of Historic Sites and Buildings:

Perhaps no island town so well preserves the atmosphere of a mid-19th century Hawaiian seaport as does Lahaina.... Despite the fact that surviving historic structures are relatively few, the town preserves much of the atmosphere of a Hawaiian native village and of a mid-19th century island port. The magnificent natural setting, with its backdrop of purple mountains and foreground of blue sea, remains unspoiled; and palms and other trees shade the streets and homes as they did in missionary days. However, paved streets, curbs, new buildings in contemporary architectural styles, and other developments are cumulatively making their effects felt and causing the historic scene to fade.

- 2) Numerous historic sites are situated near the Lahaina Small Boat Harbor and the comfort station, including the Hau'ola Stone, Kamehameha III's Brick Palace remains, the Old Lahaina Courthouse, and the Banyan Tree.
- 3) The Lahaina National Historic Landmark boundaries extend one statute mile into the ocean. The County Historic District encompasses the small boat harbor, which was built in the early 1950s. The National Register of Historic Places Nomination Form noted that the setting for historic downtown Lahaina consists of "near- and far-sight zones," an "entire existing complex of town, land and water that gives Lahaina national value." The setting is comprised of interrelated architectural, scenic, natural, and marine attributes that led to the NHL designation in 1966 and a Maui County ordinance for Lahaina historic districts in 1967.
- 4) The existing comfort station is in very poor repair and inadequate to meet public demand. With the popularity of Lahaina as a visitor destination, public demand for restroom facilities will increase. It is unlikely that any facility on this site, no matter how large, will be able to accommodate public demand at the harbor, especially when there are cruise ships in port. The new comfort station should help relieve the current situation.
- 5) The proposed comfort station will have a noticeable impact on the Lahaina

Historic District. The existing comfort station is approximately 375 square feet. The new building will be more than three times the size of the existing building, and will measure 1200 square feet. It will be nearly three feet higher than the existing comfort station.

- 6) Federal funding is being used for this project, thus Section 106 of the National Historic Preservation Act is triggered. Section 106 requires that the head of the Federal agency having jurisdiction over a proposed federally assisted project shall, prior approving the expenditure of Federal funds, take into account how the project will affect any district, site, or structure that is included in or eligible for the National Register of Historic Places. Prior to approving a project that may directly and adversely impact any National Historic Landmark, the head of the Federal agency shall, to the extent possible, undertake necessary planning and actions to minimize harm to such landmark.
- 7) This project is also subject to Section 4(f) of the U.S. Department of Transportation Act of 1966, which states that the Federal Highway Administration (FHWA) will not approve any project that requires the use of any publicly owned park or any land from an historic site unless there is
 - a. No feasible and prudent alternative to the use, and
 - b. All possible planning to minimize harm resulting from such use.
- 8) The National Park Service Cultural Resources Program Deputy Lead reviewed the proposed project, noting that the new structure "appears to be large but necessary." He commented that the negative aspects of the project appear to be mitigated "as much as possible." (Exhibit A)
- 9) The DLNR presented this project to the CRC for preliminary review on September 2, 2004.
- 10) As pre-consultation for the Environmental Assessment (EA), the DLNR presented preliminary plans for the Lahaina Small Boat Harbor comfort station at the CRC's regular meeting of November 4, 2004. The Commission's comments (November 5, 2004), included in the Draft Environmental Assessment, expressed concern with the potential visual impact of the facility, roofing materials, landscaping, irrigation, and archaeological monitoring. (Exhibit B)
- 11) During its November 4, 2004 discussion, CRC members emphasized the need to designate a entity responsible for regular cleaning and maintenance of the proposed comfort station. Commissioners stated that the existing facility conditions are unacceptable, and the replacement facility should be cleaned and properly maintained so that it does not deteriorate and become an eyesore as the current facility has.

- 12) On January 6, 2005, the DLNR presented the Draft Environmental Assessment to the CRC. The CRC's comment letter (January 7, 2005) was included in the Final Environmental Assessment, which was filed with the Office of Environmental Quality Control (OEQC) on February 8, 2005. Members noted that the project area is culturally significant. They iterated the concern over potential visual impacts and the large banyan tree on the historic wall adjacent to the site. (Exhibit C) The CRC requested that the landscaping plan include native species.
- 13) The architectural plans for the proposed facility comply with the *Architectural Style Book for Lahaina*. The building will be constructed using tongue-and-groove vertical board siding. The roof will be toe-tongue corrugated metal, as requested by the CRC, in either red or green. (Exhibits D, E)
- 14) The CRC's Draft EA comments requested that the Applicant determine whether the banyan tree adjacent to the structure (*makai* side) is undermining the historic wall. Rather than removing the tree, the Final EA landscaping plan proposed to keep the banyan so that it would screen the larger comfort station, thus mitigating the potential adverse impact on the views from the ocean to the land. Noting that the Final EA planting plan had not considered the CRC's recommendations, Planning Department staff discussed this issue with the Applicant in an attempt to provide alternatives.
- 15) The proposed landscaping plan has not been reviewed by the arborist committee. The Planning Department consulted with an arborist committee member, who stated that the banyan tree, if left in place, will impact the historic wall as well as the new structure's foundation. The committee member suggested that trees such as milo, hau, or naupaka would help screen the building.
- 16) The DLNR's revised landscaping plan now proposes to remove the banyan tree. As there is little space for large plants on the *makai* side of the new structure, the Applicant proposes to build an 18" high wall in front of the historic wall to form a planting area. Plants for this area might include Silver Buttonwood, Madagascar Olive, variegated Hau, or Loulu palm. (Exhibit F)
- 17) Maui County Code 12.24A.030 (C) (2) requires that the Maui County Arborist Committee review any landscape planting in public parks and street beautification programs.
- 18) The proposed project is ADA compatible. Early plans for the project included a new ADA parking area adjacent to the proposed structure. Planning Department staff recommended that existing on-street parking stalls be converted to ADA-accessible parking stalls rather than pave a separate area

in the park. Although the proposed plans will remove two parking stalls from a high-demand area, designating the existing stalls for ADA parking is preferable to laying a new asphalt lot in the Historic District, especially as this lot is designated for "park purposes" in the West Maui Community Plan. It is important to note that the Maui County Code does not specify parking requirements for comfort stations.

- 19) In its January comment letter, the CRC noted that the archaeological testing conducted at the project site was inadequate. The SHPD does not agree with the CRC's conclusion and anticipates that the archaeological work, once minor revisions have been made, will be deemed adequate. The SHPD is the regulatory agency for the archaeological work.
- 20) Archaeological monitoring will be conducted during all ground-altering work.
- 21) The DLNR will consider the CRC's request to loan any cultural artifacts discovered during construction to a local repository such as the Maui Historical Society.
- 22) The CRC expressed its concern over construction staging. The DLNR will address construction staging during the grading and building permitting phase of this project. The Department of Planning will review the staging plan as part of the standard conditions of the Special Management Area Use Permit.

RECOMMENDATIONS

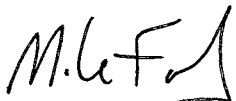
The Planning Department Recommends approval of the Historic District application subject to the following conditions:

1. That construction shall be in accordance with plans as presented and approved by the Cultural Resources Commission on April 7, 2005.
2. That construction shall be initiated within two years of the Special Management Area permit approval, and shall be completed within five years from said initiation.
3. That the Applicant shall present the landscaping plan to the Maui County Arborist Committee for review. Arborist Committee comments shall be included with the preliminary compliance report and filed with the Planning Department prior to issuance of the building permit. Irrigation shall be included as part of the landscaping.
4. That the construction staging plan take into consideration any impacts to cultural resources. A copy of the final construction staging plan shall be

submitted to the Planning Department for review and approval.

5. That archaeological monitoring be conducted during all ground-disturbing work. In the event that cultural materials and/or human burials are identified, all work shall stop, and the SHPD Burial Sites Program, the Maui SHPD archaeologist, Oahu SHPD, and the Maui/Lanai Islands Burial Council will be notified. Compliance with procedures outlined in HRS 6.E-43 shall be followed.
6. That all signage and lighting shall comply with the *Design Guidelines for Front Street Improvements* and *Sign Design Guidelines for the Lahaina Historic Districts*.
7. That the Applicant establish a maintenance agreement that shall be in place for the new facility prior to the Certificate of Occupancy being issued. A copy of this maintenance agreement shall be filed with the Planning Department.
8. That a building permit be obtained prior to the initiation of construction.
9. That appropriate measures shall be taken during construction to mitigate the short-term impacts of the project relative to soil erosion from wind and water, ambient noise levels, and traffic disruptions.
10. That the Applicant, its successors, and permitted assigns shall hold the County of Maui harmless from and against any and all claims or demands from property damage, personal injury, and/or death arising out of this permit.
11. That a preliminary compliance report be filed prior to obtaining the building permit. A final compliance report shall be submitted prior to granting a Certificate of Occupancy.
12. That full compliance with all other applicable governmental requirements shall be rendered.

APPROVED:



MICHAEL W. FOLEY
Director of Planning

(S:\ALL\Dawn\CRC\Reports\LahainaComfortStation.wpd)



United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807



IN REPLY REFER TO:

Hard copy to follow in the mail

H34 (PWRO-PC)

March 18, 2005

EXHIBIT A

Mr. Peter T. Young, State Historic Preservation Officer
Department of Land and Natural Resources
Division of Boating and Ocean Recreation
333 Queen Street, Suite 300
Honolulu, Hawaii 96813

Re: Final Environmental Assessment: Proposed Lahaina Small Boat Harbor Pier and Comfort Station Improvements

Dear Mr. Young:

The Lahaina Historic District was designated a National Historic Landmark (NHL) on October 15, 1966, by the U.S. Secretary of the Interior. The responsibility to provide technical assistance and advice has been delegated by the Secretary to the National Park Service. The integrity of the resource is important in preserving national significance.

Thank you for provide us with a copy of the Final Environmental Assessment: Proposed Lahaina Small Boat Harbor Pier and Comfort Station Improvements. I also appreciated meeting you on my recent trip to Hawaii and the opportunity to comment.

The new comfort station appears to be large but necessary and the negative aspects appear to be mitigated as much as possible. The proposed pier is smaller in area than the existing pier; however, the proposed roof over the entire pier is taller, more massive and obstructs much more of the view of the district from the water and the water from the district. The existing pier only has a small structure and phone booth on the pier and the view across the pier in all directions is relatively unobstructed. If possible, the large roof structure over the entire pier should be redesigned into smaller and lower shelters located only where absolutely necessary. If this is not possible, no permanent or temporary structures should be built on or moved onto the pier to at least retain the open view in all directions below and through the large roof structure.

If you have any questions or if I can be of any further assistance, please contact me at 510-817-1401 or by email at David_W_Look@NPS.GOV

Sincerely,

/s/ David

David W. Look, FAIA, FAPT
Deputy Lead, Cultural Resources Program

cc: Melanie Chinen, Acting Administrator, State Historic Preservation Office

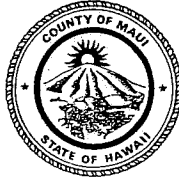


EXHIBIT A

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

November 5, 2004

EXHIBIT B

Mr. Peter T. Young, Chairperson
Department of Land and Natural Resources
Division of Boating and Ocean Recreation
333 Queen Street, Suite 300
Honolulu, Hawaii 96813

Dear Mr. Young:

RE: Pre-Consultation Comments for the proposed Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii TMK: 4-6-001 (LTR 2004/4200)

The Maui County Cultural Resources Commission (CRC) discussed the proposed Lahaina Small Boat Harbor Comfort Station at its regular meeting on November 4, 2004. The CRC offers the following comments:

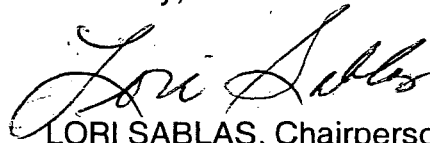
1. The CRC was generally pleased with the architectural design and site plan. The Commissioners expressed some concern over roof materials and commented that this design element needs further consideration. The CRC iterated that the *Architectural Style Book for Lahaina* must be the guide in designing the proposed comfort station.
2. Commissioners are concerned with potential visual impact of this facility on the central core of the Lahaina Historic District, which is also a National Historic Landmark.
3. The CRC noted that archaeological monitoring will be a requirement for this project, as it is located in a sensitive cultural area and burials are known to be present in the general vicinity.
4. The CRC favored the landscaping proposals for the facility, but emphasized that irrigation must be included to keep the area in good condition. Commissioners requested that the banyan tree on the makai wall be examined to determine whether the tree is undermining the historic wall. If so, this tree should be removed.

Mr. Peter T. Young, Chairperson
November 5, 2004
Page 2

5. Lighting and signage for the new facility are to comply with the design standards for the historic district.
6. The CRC noted the need to identify a responsible entity for cleaning and maintaining the proposed comfort station. Commissioners stated that the condition of the existing facility is unacceptable and the replacement facility should be cleaned and properly maintained so that it does not deteriorate as the current facilities have.
7. The CRC supported the installation of a shower at the facility.
8. Public testimony unanimously supported the replacement comfort station.
9. Commissioners discussed the possible need for short-term parking for those who wish to quickly use the facility and requested that the DNLR consider this issue.

Thank you for this opportunity to comment. If additional clarification is required, please contact Ms. Dawn E. Duensing, Cultural Resources Planner, at 270-7841.

Sincerely,

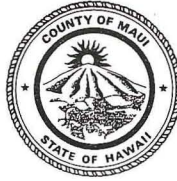


LORI SABLAS, Chairperson
Maui County Cultural Resources Commission

LS:DED:jlj

c: Alan Arakawa, Mayor, County of Maui
Michael W. Foley, Director, Maui Planning Department
Kyle Ginoza, Director, Maui Department of Transportation
Gil Coloma-Agaran, Director, Department of Public Works & Environmental
Management
Melanie Chinen, State Historic Preservation Division
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CRC members
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General File
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ALAN M. ARAKAWA
Mayor
MICHAEL W. FOLEY
Director
WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

January 7, 2005

Exhibit C

Mr. Peter T. Young, Chairperson
Department of Land and Natural Resources
Division of Boating and Ocean Recreation
333 Queen Street, Suite 300
Honolulu, Hawaii 96813

Dear Mr. Young:

RE: Draft Environmental Assessment for the proposed Lahaina Small Boat Harbor Comfort Station, Lahaina, Maui, Hawaii TMK: 4-6-001 (HDC 2004/0012)

The Maui County Cultural Resources Commission (CRC) considered the Draft Environmental Assessment for the Lahaina Small Boat Harbor Comfort Station at its regular meeting on January 6, 2005. After due deliberation, the CRC offers the following comments:

1. Commissioners emphasized that this project is located in a culturally significant area and must be carefully planned. The National Survey of Historic Sites and Buildings noted:

Perhaps no island town so well preserves the atmosphere of a mid-19th century Hawaiian seaport as does Lahaina.... Despite the fact that surviving historic structures are relatively few, the town preserves much of the atmosphere of a Hawaiian native village and of a mid-19th century island port. The magnificent natural setting, with its backdrop of purple mountains and foreground of blue sea, remains unspoiled; and palms and other trees shade the streets and homes as they did in missionary days. However, paved streets, curbs, new buildings in contemporary architectural styles, and other developments are cumulatively making their effects felt and causing the historic scene to fade.

2. Commissioners remain concerned with the potential visual impact of this facility on the central core of the Lahaina Historic District, which is also a National Historic Landmark. The Draft EA does not adequately discuss how this proposed building might impact the viewplane both from land and from the ocean.
3. In its November 5, 2004 letter, the CRC requested that the banyan tree on the historic makai wall be examined to determine whether the tree is undermining the wall. The CRC requests that a certified arborist determine whether this tree is undermining the historic wall, and if it is, the tree should be removed. Should the banyan tree be removed, it may be necessary to replace it with a more suitable native species that would conceal the proposed building from the ocean viewplane.
4. The proposed building's roof material should be traditional "toe-tongue" corrugated metal, painted green or red. Commissioners emphasized that no composite materials shall be used as *The Architectural Style Book for Lahaina* specifies that traditional materials shall be used in the Lahaina Historic Districts.
5. Please note that the fort in Banyan Tree Park is not a historic site. The small boat harbor, seawall, palm trees, and the southeast and southwest walls (1920s) adjacent to the existing comfort station are historic sites. This is not noted in the Draft EA. These sites should be assigned a State Inventory of Historic Places (SIHP) number. Furthermore, the Carthaginian did not sink offshore of Kihei.
6. The CRC noted that the archaeological testing conducted at the site is inadequate. Further archaeological testing should be done in order to complete the Archaeological Inventory Survey (AIS) according to the Rules and Regulations for Archaeological Inventory Surveys. Testing around Test Unit 1 should be expanded to determine the extent of this site. Site boundaries should be determined during the AIS. Furthermore, land uses are generally presented in an AIS as land uses help identify what sites were at the project location in the past and what subsurface discoveries might be expected during archaeological monitoring. Please provide the land use of the Land Commission Awards in the project area.
7. Even though much of this site is fill, there is a potential to encounter artifacts and human remains. Archaeological monitoring during all ground-disturbing actions, including but not limited to demolition, new

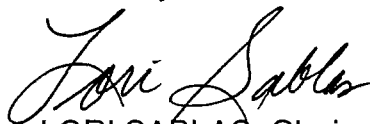
Mr. Peter T. Young, Chairperson
January 7, 2005
Page 3

construction, and landscaping, will be required for this project. The project site is located in a sensitive cultural area and burials have been discovered in the general vicinity.

8. Please include the State Historic Preservation Division comment letter in the final EA.
9. As this project is subject to Section 106 regulations and located in a National Historic Landmark, we remind you that the FTA is responsible for all findings. The FTA should notify and invite the Advisory Council on Historic Preservation and the Secretary of the Interior National Park Service to participate in this action.
10. Commissioners again expressed concern over the large size of the replacement structure. Even though they agreed that there is a great need for this facility, it will impact the Historic District.
11. Please include indigenous species in the landscaping plan, including ulu and loulou.
12. Commissioners requested that the Department of Land and Natural Resources consider loaning or donating any cultural artifacts found during construction to a local repository such as the Maui Historical Society.
13. The Draft EA does not address construction staging, which may also impact cultural resources.
14. As a reminder, lighting and signage for the proposed facility must comply with the design standards for the historic district.

Thank you for this opportunity to comment. If additional clarification is required, please contact Ms. Dawn E. Duensing, Cultural Resources Planner, at 270-7841.

Sincerely,

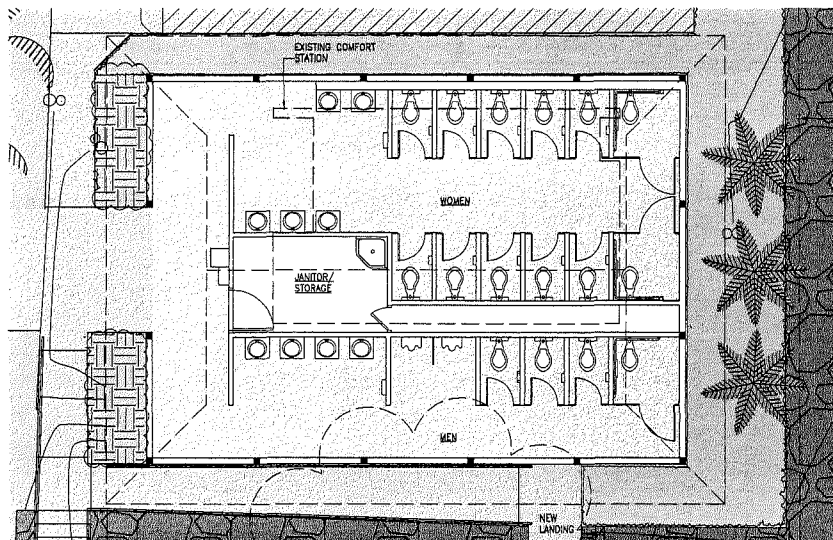


LORI SABLAS, Chairperson
Maui County Cultural Resources Commission

Mr. Peter T. Young, Chairperson
January 7, 2005
Page 4

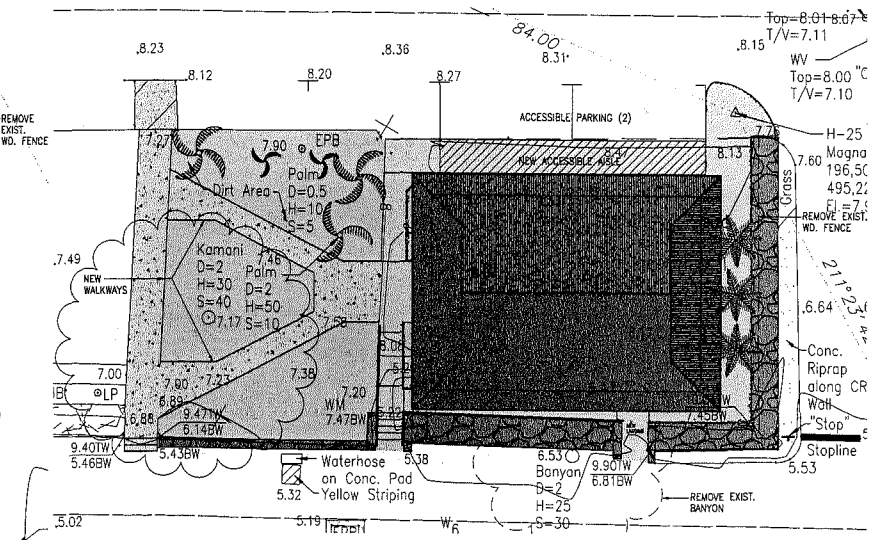
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c: Alan Arakawa, Mayor, County of Maui
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Carol Braegelmann, Federal Transit Administration
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CRC file
CRC members
General File
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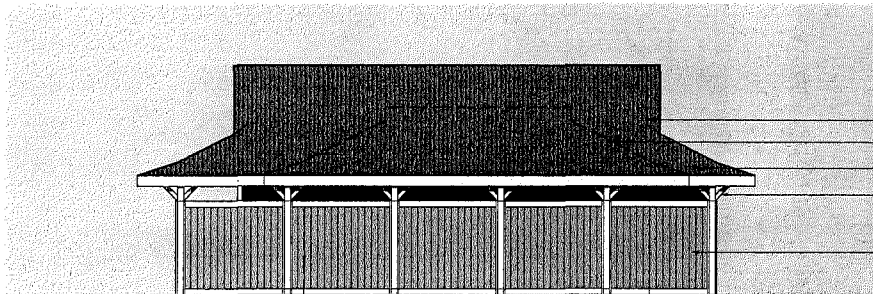
COMFORT STATION FLOOR PLAN

Scale: 1/4" = 1'-0"



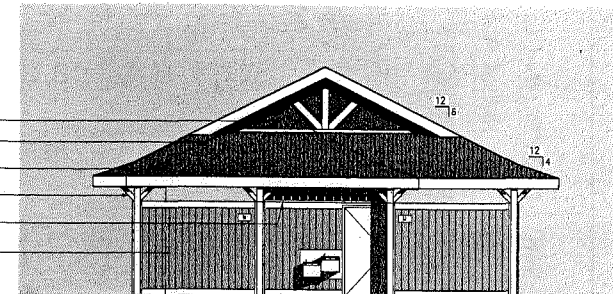
SITE PLAN

Scale: 1/8" = 1'-0"



EAST AND WEST ELEVATIONS

Scale: 1/4" = 1'-0"



NORTH ELEVATION

Scale: 1/4" = 1'-0"



747 AMANA STREET
SUITE 216
HONOLULU, HI 96814
PH. (808) 945-7882
FAX. (808) 946-2563

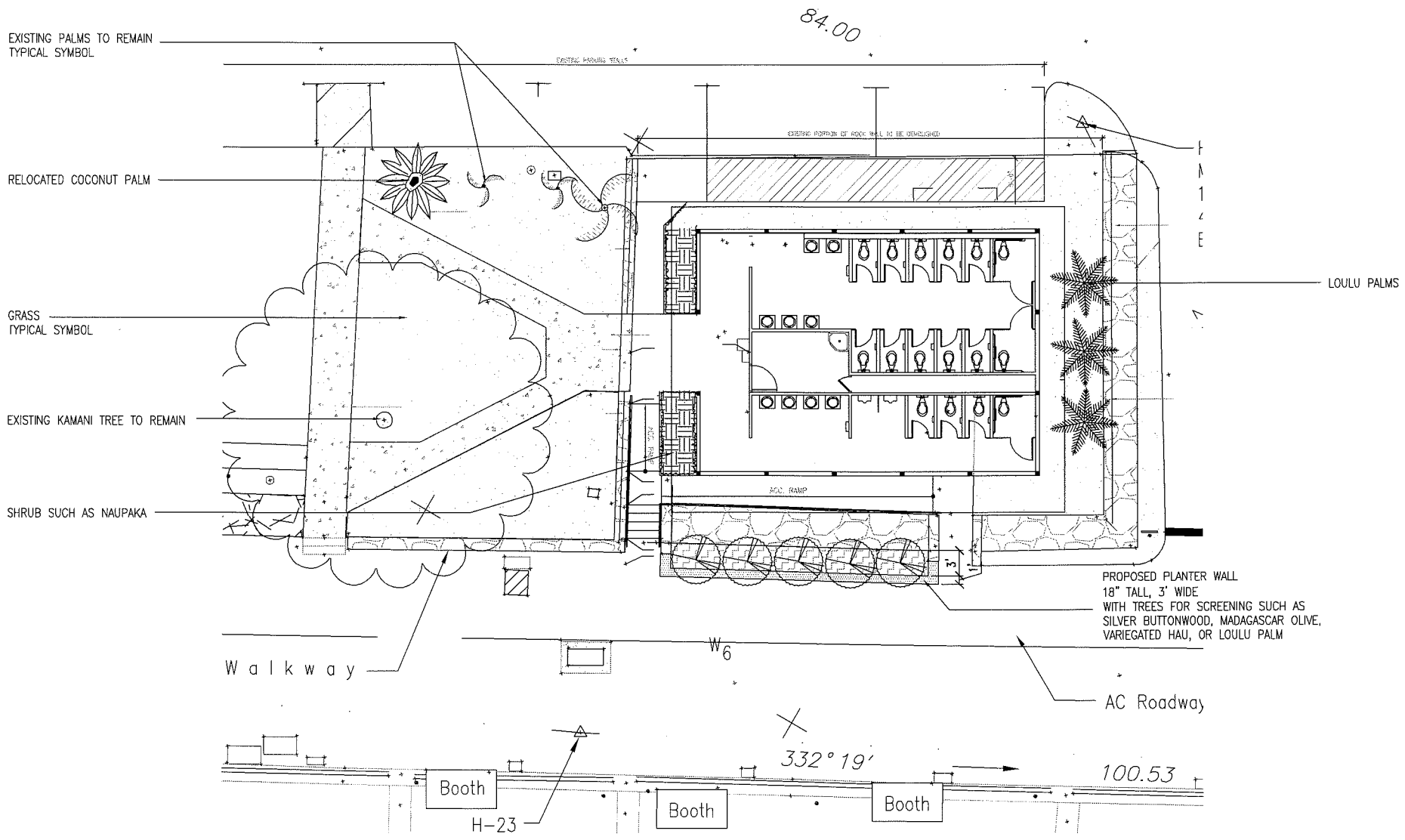
ARCHITECTURE
ENGINEERING
PLANNING
CONSTRUCTION MANAGEMENT

**LAHAINA BOAT HARBOR
PROPOSED COMFORT STATION REPLACEMENT**

STATE OF HAWAII
DEPARTMENT OF LAND
& NATURAL RESOURCES

Sheet **2**
NOV. 2004

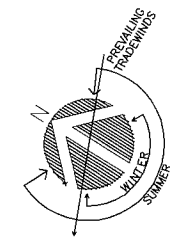
EXHIBIT D



LAHAINA BOAT HARBOR
NEW COMFORT STATION PLANTING PLAN

SCALE: 1/8" = 1'-0"

EXHIBIT F





THORNE



'04 DEC 23 P 1:09

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

December 21, 2004

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 S. High Street, Suite 104
Wailuku, HI 96793

Dear Mr. Hirano:

Subject: Draft Environmental Assessment in Support of Proposed Lahaina Small Boat Harbor
Comfort Station Improvements
(SM1 2004/0038) (HDC 2004/0012)

Thank you for allowing us to comment on the subject project.

In reviewing the information transmitted and our records, we have no objection to the subject project. We encourage the applicant's electrical consultant to meet with us as soon as practical to verify the project's electrical requirements so that service can be provided on a timely basis.

If you have any questions or concerns, please call Dan Takahata at 871-2385.

Sincerely,

Neal Shinyama
Manager, Engineering

NS/dt:ikh

cc: Michael W. Foley, Director - County of Maui, Department of Planning
250 S. High St. Wailuku, HI 96793

ALAN M. ARAKAWA
MAYOR



GEORGE Y. TENGAN
Director
JEFFREY T. PEARSON, PE
Deputy Director

**DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI**

200 South High Street
WAILUKU, MAUI, HAWAII 96793
Telephone (808) 270-7816 • Fax (808) 270-7833

05/184
05 JAN 19 P2:20

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

January 7, 2005

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku HI 96793

**SUBJECT: Draft Environmental Assessment in Support of Proposed Lahaina Small Boat Harbor
Comfort Station Improvements - TMK (2) 4-6-001:001 - demolition of existing
comfort station with 6 stalls and construction of a new one with 18 stalls.**

Dear Mr. Hirano:


Thank you for the opportunity to provide additional comments on this project proposal. We note that our comment letter of October 29, 2004 is included in the DEA document.

The applicant's projected consumption for this project is 5,300 gpd including irrigation. This is a reasonable estimate as it is based on the existing facility's average daily use of 1650 gpd or 275 gpd per stall.

We encourage the applicant to integrate water conservation techniques in the project design and construction and adopt Best Management Practices (BMPs) designed to minimize infiltration and runoff from construction and vehicle operations. We have attached sample BMPs for reference. Additional information can be obtained from the State Department of Health.

Should you have any questions, please call our Water Resources and Planning Division at 270-7199.

Sincerely,


George Y. Tengan
Director

eam
CC: Engineering Division
Planning Department

Dawn

COPY



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT
COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411



THOMAS M. PHILLIPS
CHIEF OF POLICE

KEKUHAUPIO R. AKANA
DEPUTY CHIEF OF POLICE

December 27, 2004

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED
05 JAN -5 110:02

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, HI 96793

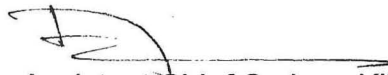
Dear Mr. Hirano:

SUBJECT: Draft Environmental Assessment in Support of Proposed Lahaina
Small Boat Harbor Comfort Station Improvements (SM1 2004/0038)
(HDC 2004/0012)

Thank you for your letter of December 7, 2004, requesting comments on the above
subject.

We have reviewed the information submitted for this project and have enclosed a
copy of our comments. Thank you for giving us the opportunity to comment on this project.
We hope you have a safe and happy holiday season.

Very truly yours,


Assistant Chief Sydney Kikuchi
for: Thomas M. Phillips
Chief of Police

c: Michael Foley, Planning Department

Enclosure

COPY

TO : THOMAS PHILLIPS, CHIEF OF POLICE, COUNTY OF MAUI
VIA : CHANNELS *FD 12/23/04*
FROM : SCOTT Y. MIGITA, ACTING SERGEANT, LAHAINA
SPECIALIZED UNITS
SUBJECT : PROPOSED LAHAINA SMALL BOAT HARBOR COMFORT
STATION IMPROVEMENTS

Sir, this transmittal is being submitted regarding a Draft Environmental Assessment and Applications for Special Management Area Use Permit and Historic District Approval regarding the proposed Lahaina Small Boat Harbor comfort station improvements. Mr. Mich HIRANO of Munekiyo & Hiraga, Inc. has prepared this document on behalf of the State of Hawaii, Department of Land and Natural Resources.

Upon reviewing this document, my concerns regarding the issue on traffic and safety remains the same as mentioned in my To-From dated 10/26/04. One additional recommendation that had been suggested is that the comfort station be well illuminated to help in deterring criminal activity and for the safety of citizens using the facility and officers patrolling the area. It is understood that additional public restroom facilities are needed to accommodate the high demand by our visitors and locals that frequent the Lahaina Boat Harbor and the vicinity.

Submitted for your information and perusal.

THIS IS A MUCH-NEEDED
IMPROVEMENT. SECURITY MEASURES
(LIGHTING) SHOULD BE
INCORPORATED. RECOMMEND
PROCEEDING AS SOON AS
POSSIBLE. *Law 12/17/04*

Scott Y. MIGITA, E-1122
A/Sgt., Lahaina Specialized Units
12/15/2004 at 0923 hours

cc: Michael W. FOLEY, Director
County of Maui, Department of Planning

COPY

TO : THOMAS PHILLIPS, CHIEF OF POLICE, COUNTY OF MAUI
 VIA : CHANNELS *→ 11/01/04*
 FROM : SCOTT Y. MIGITA, P.O. III, LAHAINA BIKE PATROL
 SUBJECT : PROPOSED LAHAINA SMALL BOAT HARBOR COMFORT STATION IMPROVEMENTS

Sir, this transmittal is being submitted regarding a proposal for improvements to the Lahaina Small Boat Harbor comfort station. This proposal is to increase the number of stalls to meet the increased public demand and the size of the stalls to become ADA (Americans with Disabilities Act) compliant. The existing property and comfort station are owned by the State of Hawaii as this project is being initiated by the Department of Land and Natural Resources (DLNR). Currently, the existing comfort station contains approximately 375 square feet of floor space with seven (7) restroom stalls. The new facility is planned to contain approximately 1,200 square feet of floor area with twelve (12) female restroom stalls and four (4) male restroom stalls and two (2) urinals as well as a paved parking area with handicap accessibility. The restroom will also include two (2) female handicap accessible stalls and one (1) male handicap accessible stall.

At this time, the only concern which I have from a traffic and safety perspective would be to provide security for this facility to ensure the safety of the general public. This comfort station should also be closed and secured overnight as there are transient individuals in the area which may use this facility for narcotics or other illicit activity which may result in property damage to this facility and/or injuries to individuals. Such illicit activities have taken place and were addressed by police at the unsecured restrooms at Mala Wharf.

Submitted for your information and perusal.

*RECOMMEND THAT THIS PROJECT
 MOVE FORWARD. CONCUR WITH
 OFFICER MIGITA'S ASSESSMENT.*

*SAJ [Signature], 1512
 10/26/04 1315*

[Signature]
 Scott Y. MIGITA, E-1122
 P.O. III, Lahaina Bike Patrol
 10/26/2004 at 1253 hours

*A WELL ILLUMINATED AREA
 MIGHT HELP DETER CRIMINAL
 ACTIVITY. LAHAINA PATROL WILL
 BE PROACTIVE TO DO OUR PART.
 THE PROPOSED BATHROOM FACILITY
 IS LONG OVER DUE FOR A
 WORLD DESTINATION.*

*A/CPT V. [Signature]
 10/28/04 @ 1335 hrs.*

LINDA LINGLE
GOVERNOR OF HAWAII



KC
✓
CHIYOME L. FUKINO, M. D.
DIRECTOR OF HEALTH

LORRIN W. PANG, M. D., M. P. H.
DISTRICT HEALTH OFFICER

05/120
STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2102

'05 JAN 11 A8:39

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

January 10, 2005

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 South High Street, Suite 104
Wailuku, Hawai'i 96793

Dear Mr. Hiraga:

Subject: **Draft Environmental Assessment in Support of Proposed
Lahaina Small Boat Harbor Comfort Station Improvements
TMK: (2) 4-6-1:1
SM1 2004/0038, HDC 2004/0012**

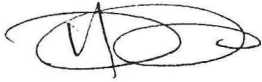
The following comments are offered for the proposed Lahaina Small Boat Harbor Comfort Station Improvements:

1. National Pollutant Discharge Elimination System (NPDES) permit coverage is required for this project. The Clean Water Branch should be contacted at 808 586-4309.
2. The noise created during the construction phase of the project may exceed the maximum allowable levels as set forth in Hawaii Administrative Rules (HAR), Chapter 11-46, "Community Noise Control". A noise permit may be required and should be obtained before the commencement of work.
3. Chapter 501, "Asbestos Requirements" requires owners or operators of a demolition or renovation activity to thoroughly inspect the affected facility or part of the facility where the demolition or renovation will occur for the presence of asbestos using a certified inspector pursuant to HAR, Chapter 504. The Applicant is required to file with the Noise, Radiation and Indoor Air Quality Branch, Asbestos Demolition/Renovation Notification at least ten (10) working days prior to the demolition of each building (regardless of the presence of asbestos) or the disturbance of regulated asbestos containing materials during renovation activities. All regulated quantities and types of asbestos containing materials would be subject to emission control, proper collection, containerizing, and disposal at a permitted landfill by a licensed asbestos contractor using certified persons. Questions concerning asbestos requirements should be directed to Mr. Thomas Lileikis of the Noise, Radiation and Indoor Air Quality Branch at (808) 586-5800.

Mr. Mich Hirano
January 10, 2005
Page 2

Should you have any questions, please call me at 984-8230.

Sincerely,

A handwritten signature in black ink, appearing to be 'H. Matsubayashi', enclosed within a large, loopy oval scribble.

Herbert S. Matsubayashi
District Environmental Health Program Chief

c: Michael Foley

LINDA LINGLE
GOVERNOR OF HAWAII



COPY

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

YVONNE Y. IZU
DEPUTY DIRECTOR - WATER

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

05/107

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL
RESOURCES
DIVISION OF AQUATIC RESOURCES
130 MAHALANI STREET
WAILUKU, HAWAII 96793
Phone (808) 243-5294

January 4, 2005

To: Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
From: *Sh* Skippy Hau, Aquatic Biologist
Subject: Draft Environmental Assessment for Lahaina Small boat
Harbor Comfort Station Improvements
(SM1 2004/0038) (HDC 2004/0012)

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05 JAN 10 PM 12:06

Most of our concerns have been addressed by other agencies through early consultation comments.

Best management practices should be followed during demolition and construction to minimize runoff from this site.

During 2004, there were six honu nests located at Kamehameha Iki Park, south of the comfort station. Green turtle or honu are Federally protected as a threatened species. Turtle nesting occurs between May and August. Loud noises, and excessive lighting should be avoided or minimized at night during the nesting season.

If the project is completed before May 2006, there should be no conflict with turtle nesting.

Thank you for letting us comment. We look forward to a new and improved comfort station.

c: Michael W Foley, County Planning Dept.
DAR - Oahu

07/1730

LINDA LINGLE
GOVERNOR
STATE OF HAWAII



MICAH A. KANE
CHAIRMAN
HAWAIIAN HOMES COMMISSION

BEN HENDERSON
DEPUTY TO THE CHAIRMAN

KAULANA H. PARK
EXECUTIVE ASSISTANT

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

December 23, 2004

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED
04 DEC 28 PM 2:27

Mr. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Dear Mr. Hirano:

Thank you for the opportunity to review the Draft Environmental Assessment report for the "Proposed Lahaina Small Boat Harbor Comfort Station Improvements" project on Maui. The Department of Hawaiian Home Lands has no comments to offer.

Should you have any questions, please call the Planning Office at (808) 586-3836.

Aloha and mahalo,

Micah Kane
Micah A. Kane, Chairman
Hawaiian Homes Commission

c: ✓ Mr. Michael Foley, Director
Department of Planning

LINDA LINGLE
GOVERNOR OF HAWAII



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

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
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



05/65
'05 JAN -5 P12:38

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 3, 2005

Mr. Michael T. Munekiyo
Munekiyo & Hiraga, Inc.
305 High Street
Wailuku, Hawaii 96793

Log No: 2004.3710
Doc No: 0412SC29

Dear Mr. Munekiyo:

**SUBJECT: National Historic Preservation Act, Section 106 Compliance – Draft Environmental Assessment (DEA) for the Proposed Lahaina Small Boat Harbor Comfort Station Improvements Paunau, Lahaina, Maui
TMK: (2) 4-6-001:001**

Thank you for the opportunity to comment on a DEA for the proposed improvements to the comfort station at Lahaina Small Boat Harbor. We received the subject DEA on December 29, 2004, and provide the following comments. Our review is based on historic maps, aerial photographs, records, and reports maintained at the State Historic Preservation Division (SHPD). In addition, Nathan Napoka (History and Culture Branch), Thomas Lim and Susan Tasaki (Architecture Branch), and Melissa Kirkendall (Archaeology Branch) have all conducted field inspections in connection with the proposed undertaking.

The proposed undertaking includes the demolition and reconstruction of the existing comfort station located at Lahaina Small Boat Harbor. The reconstruction will expand the facility from 375 square feet (s.f.) to about 1,200 s.f. in size to accommodate both compliance with the Americans with Disabilities Act (ADA) and increased public use. There will be concomitant changes in storage and public parking as well.

An archaeological inventory survey has been conducted within the proposed Area of Potential Effect (APE), identifying two historic sites: a subsurface cultural fill deposit dating primarily to the 19th century A.D, and a sea wall (Ah Sam et al. 2004. *Archaeological Inventory Survey and*

JAN 3 2005

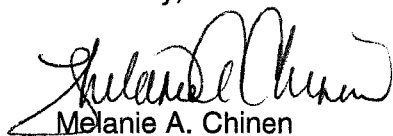
Mr. Michael Munekiyo
Page 2

Cultural Impact Assessment for the Comfort Station Replacement During the Lahaina Pier Improvement Project, Lahaina Maui). The cultural fill deposit has been deemed significant under Criterion D and the sea wall may be significant under multiple criteria. While we have requested a few minor revisions to this report, we anticipate accepting it as adequate and final once the revised report is submitted. The archaeological consultant has recommended on-site archaeological monitoring during any ground disturbance connected with the proposed improvements, and we concur with this recommendation.

Staff of our Architecture and History and Culture Branches have reviewed the subject undertaking, and believe that "no historic properties will be affected" by the proposed improvements to the existing comfort station. Staff of our Archaeology Branch believe that the proposed undertaking may have an "adverse effect" on archaeological properties but that a finding of "no adverse effect" may be made provided on-site archaeological monitoring occurs during any ground disturbance associated with the action.

Should you have any questions about archaeological matters, please contact Melissa Kirkendall on Maui at 243-5169. Should you have any questions about architectural matters, please contact Thomas Lim on O`ahu at 692-8030. Should you have any questions about burial or cultural matters, please contact Nathan Napoka, Branch Chief, History and Culture Branch, at 587-0192 on O`ahu.

Sincerely,



Melanie A. Chinen
Deputy State Historic Preservation Officer

SC: slc

- C: Carol Braegelmann, Environmental Protection Specialist, Office of Human & Natural Environment, Federal Transit Administration, 400 Seventh Street, SW, Washington, DC 20590
Gilbert Coloma-Agaran, Director, Dept of Public Works & Environmental Management, 250 S. High Street, Wailuku, HI 96793
Michael Foley, Director, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
Eric Hirano, Administrator, Engineering Division, DLNR
Lee Keatinge, The President's Advisory Council on Historic Preservation
Thomas Lim, Branch Chief, Architecture Branch
Maui Section, Archaeology Branch
Maui Cultural Resources Commission, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
Nathan Napoka, Branch Chief, History and Culture Branch
Richard Rice, Administrator, DOBOR, DLNR

LINDA LINGLE
GOVERNOR OF HAWAII



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

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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BUREAU OF CONVEYANCES
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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



'05 JAN -5 P12:38

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COUNTY OF MAUI
RECEIVED

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 29, 2004

Paul Cleghorn, Ph.D.
Pacific Legacy, Inc.
332 Uluniu Street
Kailua, Hawai'i 96734

Log No: 2004.3706
Doc No: 0412MK26

Dear Dr. Cleghorn:

**SUBJECT: National Historic Preservation Act, Section 106 Compliance - Review of an Archaeological Inventory Survey Report Prepared in Support of the Proposed Comfort Station at Lahaina Small Boat Harbor [Federal/FTA] Paunau Ahupua'a, Lahaina District, Maui
TMK (2) 4-6-001: 001**

Thank you for the opportunity to review this report which our staff received on November 18, 2004 (Ah Sam *et al.* 2004, *Archaeological Inventory Survey and Cultural Impact Assessment for the Comfort Station Replacement During the Lahaina Pier Improvement Project, Lahaina, Maui, [TMK 4-6-01;01]. Pacific Legacy, Inc. ms.*). The following comments pertain to the archaeological portion of the subject report. Our office does not normally review cultural impact assessments (CIA). If, however, comments on the subject CIA are warranted, they will be provided by staff of our History and Culture Branch.

The background section acceptably establishes the ahupua'a settlement pattern and predicts the likely site pattern in the project area. The historical information provided summarizes the history of the post-contact period land uses. The summary of previous archaeological work in the area provides a baseline for the current work.

The survey has adequately covered the 0.578-acre project area documenting one historic property. Subsurface testing (two hand excavated test units) produced the evidence of this site. The site consists of a mix of cultural material from the late 1800s through the early 1900s. Based on the description, the deposit appears to have resulted from historic fill behind the sea wall, possibly during construction of the sea wall itself. In general, the report provides acceptable documentation of the findings. We have several recommended revisions, all of them minor, as follows.

JAN 3 2005

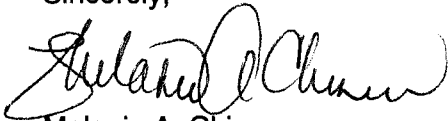
Dr. Paul Cleghorn
Page 2

- We note that no Statewide Inventory of Historic Places (SIHP) number has been assigned to the deposit. Please revise the report to include the site number for the deposit.
- In addition, the report does not mention the SIHP number for the sea wall. If it has not been assigned a number to date, please obtain one from the State Historic Preservation Division (SHPD) and include information on the sea wall (the portion fronting the comfort station location) for the revised report.
- Please include the ahupua'a in the title and on the title page.

We concur that the historic fill deposit is significant under Criterion "D". We believe that the sea wall is significant under multiple criteria and will evaluate this in review of the revised report. We also agree with the recommended mitigation of on-site archaeological monitoring during construction. We concur with your suggestion that if the historic fill deposit is encountered during the monitoring program, work will cease and the deposit will be evaluated for integrity. Additional controlled excavation may be appropriate at this time.

Once we receive the revisions requested above, we anticipate deeming the report adequate and accepting it as final. As always, if you disagree with our comments or have questions, please contact Dr. Melissa Kirkendall (Maui/Lana'i SHPD 243-5169) as soon as possible to resolve these concerns.

Sincerely,



Melanie A. Chinen
Deputy State Historic Preservation Officer

MK:slc

C: Bert Ratte, DPWEM, County of Maui
Michael Foley, Director, Dept of Planning, 250 S. High Street, Wailuku, HI 96793
Maui Cultural Resources Commission, Dept. of Plng, 250 S. High Street, Wailuku, HI 96793
Eric Hirano, Administrator, Engineering Division, DLNR [ATTN: Eric Yuasa]

'04 DEC -7 A9:06

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

TO: Michael W. Foley, Director
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

DATE: December 7, 2004

SUBJECT: Proposed Lahaina Small
Boat Harbor Comfort Station
Improvements


Enclosed is/are:

Copies	Date	Description
Orig. + 1	12/04	Draft Environmental Assessment and Applications for Special Management Area Use Permit and Historic District Approval
Orig.	12/6/04	Check No. 09776 in the Amount of \$550.00 for Filing Fee

- | | |
|---------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> For approval | <input checked="" type="checkbox"/> For necessary action |
| <input type="checkbox"/> For your use | <input type="checkbox"/> For review and comment |
| <input type="checkbox"/> As requested | <input type="checkbox"/> For your signature |
| <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Returning |
| <input type="checkbox"/> For your files | |

REMARKS: The enclosed are provided for necessary processing. Please note that the original signed forms will be transmitted to you under separate cover.

Please call me should you have any questions.

Signed: 
Mich Hirano, AICP

Copy to: Eric Yuasa, Department of Land and Natural Resources (w/one copy of document)

'04 DEC -7 A8:03

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

TO: Thorne Abbott, Staff Planner
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

DATE: December 6, 2004

SUBJECT: Proposed Lahaina Small Boat
Harbor Comfort Station
Improvements Draft
Environmental Assessment in
Support of Applications for
Special Management Area Use
and Historic District Approvals

Enclosed is/are:

Copies	Date	Description
1	12/6/04	(Draft) Transmittal Letter to Agencies

- | | |
|---------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> For approval | <input type="checkbox"/> For necessary action |
| <input type="checkbox"/> For your use | <input checked="" type="checkbox"/> For review and comment |
| <input type="checkbox"/> As requested | <input type="checkbox"/> For your signature |
| <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Returning |
| <input type="checkbox"/> For your files | |

REMARKS: The enclosed draft transmittal letter requesting agencies to concurrently provide comments to the Draft Environmental Assessment and applications for Special Management Area Use Permit and Historic District approvals is enclosed for your review and comment.

Your early comments would be appreciated. Please call me if you have any questions.

Signed: Mich Hirano
Mich Hirano, AICP

Copy to: Kivette Caigoy, Staff Planner, Department of Planning
Dawn Duensing, Cultural Planner, Department of Planning



'04 DEC -7 P2:52

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

December 7, 2004

Michael W. Foley, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

SUBJECT: Draft Environmental Assessment in Support of Proposed Lahaina
Small Boat Harbor Comfort Station Improvements
(SM1 2004/0038) (HDC 2004/0012)

Dear Mr. Foley:

This letter is transmitted to coordinate concurrent agency review requirements of the Draft Environmental Assessment (EA) and review of the County Special Management Area (SMA) Use Permit and Historic District (HDC) applications for the subject project. The Draft EA is incorporated in the enclosed application document.

Pursuant to Chapter 343, HRS and Chapter 200, Title 11, Administrative Rules, Environmental Impact Statement Rules, the notice of availability of the Draft EA will be published in the Environmental Notice on December 8, 2004. The applicant and accepting authority for the Draft EA is the State of Hawaii, Department of Land and Natural Resources (DLNR). The 30-day comment deadline is January 7, 2005. Comments received relevant to the Draft EA will be processed for evaluation and response by the applicant, DLNR. Comments received relevant to the County entitlement applications will be processed for evaluation by the Department of Planning.

To facilitate processing of the review requirements of the Draft EA and County land use applications, it would be appreciated if you would provide your written comments to me and a copy to the County of Maui, Department of Planning. Contacts and addresses are as follows:

1. Mich Hirano, AICP
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793

Michael W. Foley, Director
December 7, 2004
Page 2

2. Michael W. Foley, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

If you have any questions, please call me at (808) 244-2015.

Thank you for your cooperation in facilitating this concurrent review process.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mich Hirano", with a long horizontal flourish extending to the right.

Mich Hirano, AICP

MH:tn

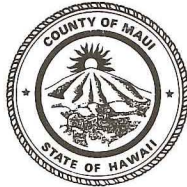
Attachment

cc: Michael W. Foley, Director, Department of Planning
mai/lbhcomf/smaagency.ltr

ALAN M. ARAKAWA
Mayor

GILBERT S. COLOMA-AGARAN
Director

MILTON M. ARAKAWA, A.I.C.P.
Deputy Director



RALPH M. NAGAMINE, L.S., P.E.
Development Services Administration

TRACY TAKAMINE, P.E.
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

JOHN D. HARDER
Solid Waste Division

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

December 10, 2004

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED
04 DEC 13 P 1:43

MEMO TO: MICHAEL W. FOLEY, DIRECTOR OF PLANNING

FROM: *for* GILBERT S. COLOMA-AGARAN, DIRECTOR OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT *Milton Arakawa*

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT AND APPLICATIONS FOR
SPECIAL MANAGEMENT AREA USE PERMIT AND HISTORIC
DISTRICT APPROVAL
PROPOSED LAHAINA SMALL BOAT HARBOR COMFORT STATION
IMPROVEMENTS
TMK (2) 4-6-001:001
SM1 20040038

We have reviewed the above application and found that the information required for processing the application has been submitted.

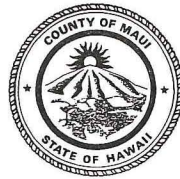
This transmittal does not constitute a representation that the information submitted by the applicant is adequate or complete. The applicant is responsible for ensuring adequacy and completeness.

If you have any questions regarding this memorandum, please contact Darlyn Atay at 270-7250.

DA

S:\LUCA\CZM\Complete\46001001_Lah_Sm_Boat_Comfort_Station_sm1_da.wpd

ALAN M. ARAKAWA
Mayor
MICHAEL W. FOLEY
Director
WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

March 24, 2005

Mr. Michael Munekiyo, AICP
Munekiyo & Hiraga, Inc.
305 South High Street
Wailuku, Hawaii 96793

Dear Mr. Munekiyo:

RE: Notice of Application Publication - Special Management Area Use
Permit
Project Name: Lahaina Small Boat Harbor Comfort Station
TMK: (2) 4-6-001:001
I. D. No.: SM1 2004/0038

Please be advised that the Maui Planning Department has reviewed the Notice Application, Special Management Area Use Permit, and hereby transmit said notice to the applicant for publication.

The subject notice, and a location map, is to be published by April 8, 2005, in a newspaper printed and issued at least twice weekly in Maui County, and which is generally circulated throughout Maui County. Please provide this office with an affidavit of publication from the newspaper that notice, as required, has been completed within ten (10) days of said publication.

Thank you for your cooperation. If additional clarification is required, please contact me at 270-7520.

Sincerely,

THORNE ABBOTT
Cultural Resources Planner

TA:lar

Enclosures

c: Clayton Yoshida, AICP, Planning Program Administrator
Thorne Abbott, Staff Planner

Project File

General File

K:\WP_DOCS\PLANNING\SM1\2004\38_LahainaSBH_ComfortStation\PubNotAP.wpd

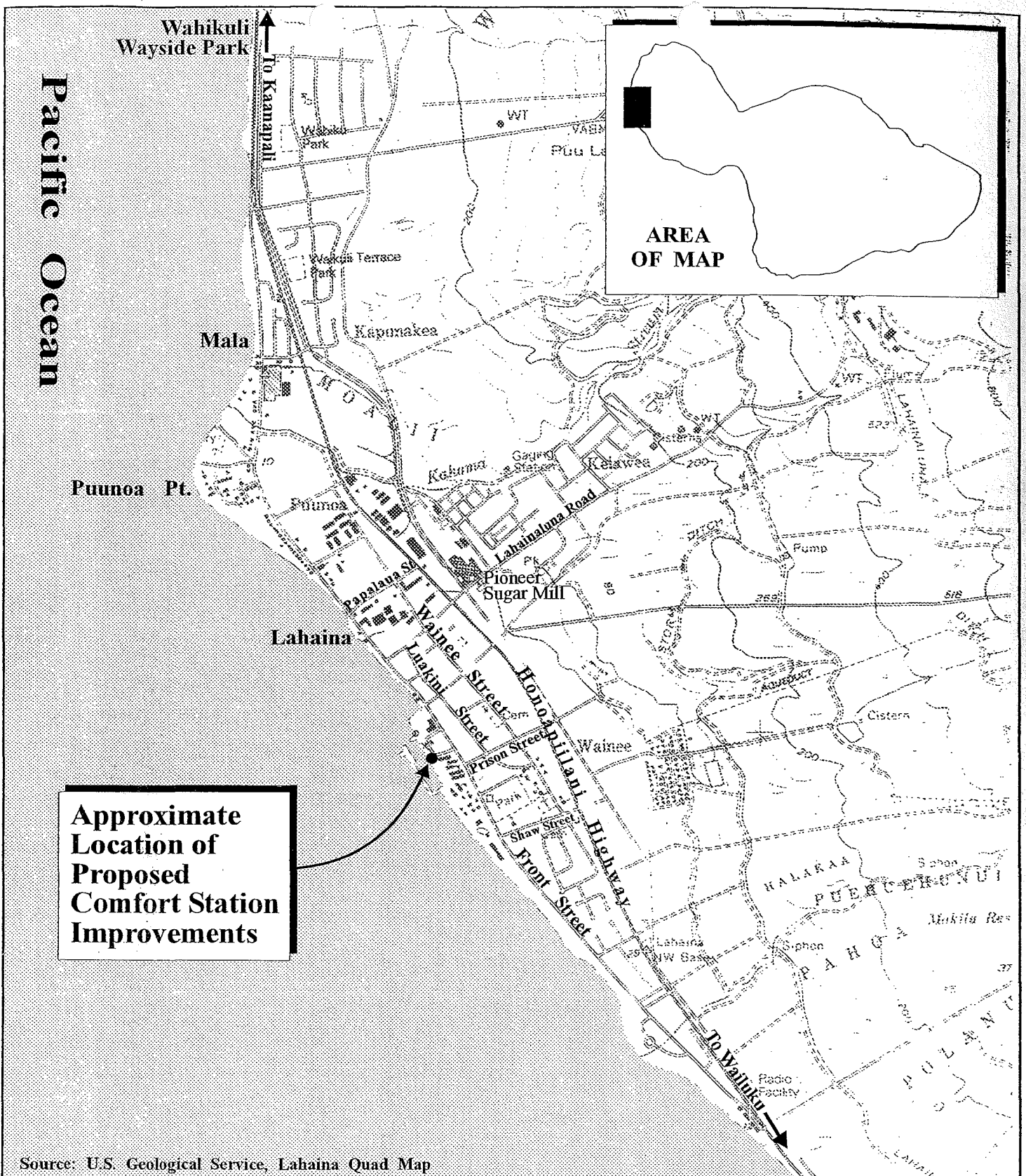
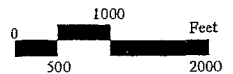


Figure 1 Proposed Lahaina Small Boat Harbor Comfort Station Improvements Regional Location Map



NOTICE OF APPLICATION
SPECIAL MANAGEMENT AREA USE PERMIT

Please be advised that the undersigned has filed an application for a Special Management Area Use Permit with the County of Maui Planning Department for the following parcel(s):

1. Tax Map Key: 4-6-01:01
(See attached location map)
2. Location (street address): Wharf Street, Lahaina
3. Existing Land Use Designations:
 - a. State Land Use District: Urban
 - b. Community Plan Designation: Park
 - c. County Zoning: Historic District No. 1
4. Description of the Existing Uses on Property:
Public comfort station with six (6) stalls.

5. Description of the Proposed Development on Property:

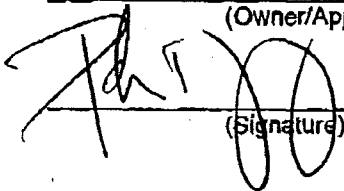
Demolition of the existing 6-stall comfort station to make way for the construction of a new 18-stall comfort station and related site accessibility improvements and landscaping.

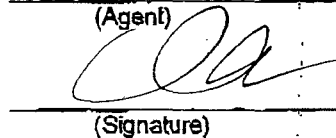
State of Hawaii,
BY: Department of Land and
Natural Resources

Munekiyo & Hiraga, Inc.

(Owner/Applicant)

(Agent)


(Signature)


(Signature)

P.O. Box 373

305 High Street, Suite 104

Honolulu, Hawaii 96809
(Address)

Wailuku, Hawaii 96793
(Address)

(808) 587-0230

(808) 244-2015

(Telephone)

(Telephone)

(Maui Planning Department Certification of Completion:
The Applicant is responsible for ensuring accuracy of the information.)

Published by APRIL 8, 2005 (In Newspaper printed and issued at least twice weekly in the County and which is generally circulated through the County with legible location map)

'05 APR 11 P3:57

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

TO: Thorne Abbott
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

DATE: April 11, 2005

SUBJECT: Lahaina Small Boat Harbor
Comfort Station

Enclosed is/are:


Copies	Date	Description
Orig.	---	Affidavit of Publication

- For approval
- For your use
- As requested
- Returned for corrections
- For your files

- For necessary action
- For review and comment
- For your signature
- Returning

REMARKS: The enclosed affidavit of publication is provided for your information and files.

Please call me should you have any questions.

Signed: 
Mich Hirano, AICP

Copy to: Eric Yuasa, Department of Land and Natural Resources (w/out enclosure)

AFFIDAVIT OF PUBLICATION

STATE OF HAWAII, }
County of Maui. } ss.

Aaron T. Viela being duly sworn
deposes and says, that he is Advertising Sales of
the Maui Publishing Co., Ltd., publishers of the MAUI NEWS, a
newspaper published in Wailuku, County of Maui, State of Hawaii;
that the ordered publication as to _____

NOTICE OF APPLICATION

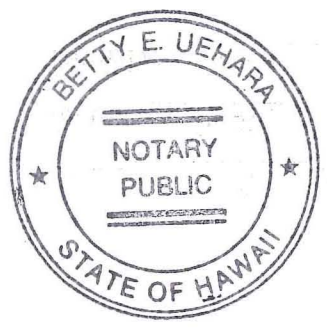
SPECIAL MANAGEMENT AREA USE PERMIT

of which the annexed is a true and corrected printed notice, was
published 1 times in the MAUI NEWS, aforesaid, commencing
on the 31st day of March, 2005, and ending
on the 31st day of March, 2005, (both days
inclusive), to-wit: _____
March 31, 2005

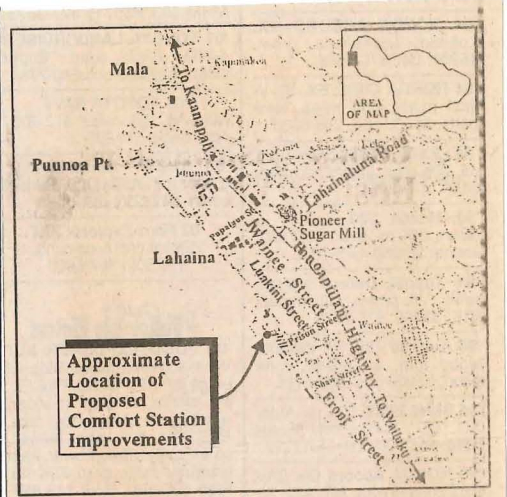
and that affiant is not a party to or in any way interested in the above
entitled matter.

[Signature]

Subscribed and sworn to before me this
31st day of March A.D. 2005.



[Signature]
Notary Public, Second Judicial
Circuit, State of Hawaii.
BETTY E. UEHARA
My commission expires 9-26-07



**NOTICE OF APPLICATION
SPECIAL MANAGEMENT
AREA USE PERMIT**

Please be advised that the undersigned has
filed an application for a Special Management
Area Use Permit with the County of Maui Plan-
ning Department for the following parcel(s):

1. Tax Map Key: 4-6-01: 01
(See attached location map)
2. Location (street address): Wharf Street,
Lahaina
3. Existing Land Use Designations:
a. State Land Use District: Urban
b. Community Plan Designation: Park
c. County Zoning: Historic District No. 1
4. Description of the Existing Uses on Property:
Public comfort station with six (6) stalls.
5. Description of the Proposed Development on
Property: Demolition of the existing 6-stall
comfort station to make way for the
construction of a new 18-stall comfort station
and related site accessibility improvements and
landscaping.

BY:

State of Hawaii, Department of Land and Natural Resources	Munekiyo & Hiraga, Inc.
(Owner/Applicant)	(Agent)
<u>Peter Young</u>	<u>Michael T. Munekiyo</u>
(Signature)	(Signature)
P.O. Box 373 Honolulu, Hawaii 96809	305 High St., Ste. 104 Wailuku, Hawaii 96793
(Address)	(Address)
(808) 587-0230	(808) 244-2015
(Telephone)	(Telephone)
(MN: Mar. 31, 2005)	



MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO

March 29, 2005

Michael W. Foley, Director
Department of Planning
Attention: Thorne Abbott
250 South High Street
Wailuku, Hawaii 96793

SUBJECT: Lahaina Small Boat Harbor Comfort Station (SM1 2004/0038)

Dear Mr. Foley:

Pursuant to the Special Management Area Rules for the Maui Planning Commission, the notification of the public hearing date for the subject hearing will be transmitted by certified or registered mail to owners/lessees within 500-feet of the proposed project.

In connection with the notification process, we would appreciate your assistance in providing us with a list of individuals who have requested in writing to be informed of the subject hearing. In the event there are no individuals that have submitted written requests to the Maui Planning Commission to be notified of the subject proceeding, please acknowledge this by signing in the space provided below.

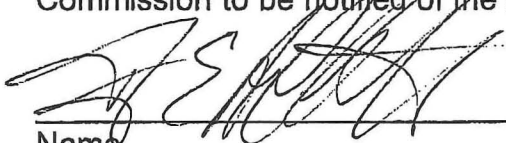
Thank you very much. Your assistance in this matter is greatly appreciated.

Mich Hirano, AICP
Project Manager

MH:tn
mail/bhcomf/nohrequest.ltr

Acknowledgement:

There are no individuals that have submitted written requests to the Maui Planning Commission to be notified of the above-referenced public hearings.

 4/6/05
Name Date



05/938



MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO

05 MAR 29 P2:53

March 29, 2005

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Michael W. Foley, Director
Department of Planning
Attention: Thorne Abbott
250 South High Street
Wailuku, Hawaii 96793

SUBJECT: Lahaina Small Boat Harbor Comfort Station (SM1 2004/0038)

Dear Mr. Foley:

Pursuant to the Special Management Area Rules for the Maui Planning Commission, the notification of the public hearing date for the subject hearing will be transmitted by certified or registered mail to owners/lessees within 500-feet of the proposed project.

In connection with the notification process, we would appreciate your assistance in providing us with a list of individuals who have requested in writing to be informed of the subject hearing. In the event there are no individuals that have submitted written requests to the Maui Planning Commission to be notified of the subject proceeding, please acknowledge this by signing in the space provided below.

Thank you very much. Your assistance in this matter is greatly appreciated.

Mich Hirono, AICP
Project Manager

MH:tn
mai/lbhcomf/nehrequest.ltr

Acknowledgement:

There are no individuals that have submitted written requests to the Maui Planning Commission to be notified of the above-referenced public hearings.

Name Date



05/11/07
05 APR 11 P3:20

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

TO: Michael W. Foley, Director
Department of Planning
Attention: Thorne Abbott
250 South High Street
Wailuku, Hawaii 96793

DATE: April 11, 2005

SUBJECT: Lahaina Small Boat Harbor
Comfort Station (SM1
2004/0038)

Enclosed is/are:

Copies	Date	Description
Orig.	---	Notarized Affidavit of Mailing

- For approval
- For your use
- As requested
- Returned for corrections
- For your files

- For necessary action
- For review and comment
- For your signature
- Returning

REMARKS: The enclosed notarized affidavit of mailing is provided for your information and files.

Please call me should you have any questions.

Signed: 

Mich Hirano, AICP
Project Manager

Copy to: Eric Yuasa, Department of Land and Natural Resources (w/out enclosure)

NOTARIZED AFFIDAVIT OF MAILING

I, Michael T. Munekiyo, being first duly sworn on oath, deposes and says that:

1. Affiant is the applicant for a Special Management Area Use Permit for land situated at Wharf Street, Lahaina, TMK: 4-6-01:01
1. Affiant did on March 31, 2005, deposit in the United States mail, post paid, by certified or registered mail and delivery to addressee, a copy of a Notice of Hearing, a copy of which is attached hereto as "Exhibit A" and made a part here of, addressed to each of the persons identified on "Exhibit B," attached hereto and made a part hereof.
2. Thereafter there was returned to the Office of Affiant the United States Post Office Certified or Registered Mail Receipts, which are attached hereto as "Exhibit C" and made a part hereof.

Further Affiant sayeth naught:



Michael T. Munekiyo

Subscribed and sworn to before me
this 11th day of April, 2005.



Tracy Nakamoto

Notary Public, State of Hawaii

My commission expires: 10/15/2008

L.S.



MAUI PLANNING COMMISSION

TO: OWNERS/LESSEES

DATE: April 1, 2005

Please be informed that the undersigned has applied to the Maui Planning Commission of the County of Maui for a Special Management Area Permit Application pursuant to the Special Management Area Rules of the commission for the following parcel:

- 1. Tax Map Key: 4-6-01:01
- 2. Street Address: Wharf Street, Lahaina
(Location Map Attached)
- 3. Community Plan: PK Zoning: Historic District No. 1
- 4. Proposed Development: Demolition of the existing 6-stall comfort station to make way for the construction of a new 18-stall comfort station and related site accessibility improvements and landscaping.

THIS SECTION TO BE COMPLETED BY THE PLANNING DEPARTMENT:

Public Hearing Date: May 10, 2005

Time: 9:00 AM

Place: Planning Conference Room,

1st, 250 S.High Str Wailuku, HI

The hearing is held under the authority of Chapters 205A and 91, Hawaii Revised Statutes (HRS), and the Maui Planning Commission Rules. The particular sections of the Statute and Rules involved are Sections 205A-26, 205A-27, 205A-28, and 205A-29, HRS and Chapter 201 and 202, Maui Planning Commission Rules.

Petitions to intervene shall be in conformity with Section 12-201-20 of the Rules of Practice and Procedure for the Maui Planning Commission and shall be filed with the commission and served upon the applicant no less than ten days before the first public hearing date. Filing of all documents to the commission is c/o the Maui Planning Department, 250 South High Street, Wailuku, Maui, Hawaii 96793.

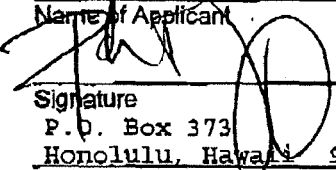
The computation of time begins with the day following the act, event, or default, and includes the last day of the period unless it is a Saturday, Sunday or legal state holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday, or state holiday. When the prescribed period of time is 10 days or less, Saturdays, Sundays, or state holidays within the designated period will be excluded in the computation. Any party may be represented by Counsel or other representative.

Testimony relative to this request may be submitted in writing to the Maui Planning Commission, 250 South High Street, Wailuku, Maui, Hawaii 96793, or presented in person at the time of the public hearing.

Information relative to the application is available for review at the Planning Department, 250 South High Street, Wailuku, Maui, Hawaii, Telephone (808) 270-7735; toll-free from Molokai 1-800-272-0117, Extension 7735; and toll-free from Lanai 1-800-272-0126, Extension 7735.

State of Hawaii, Department of
Land and Natural Resources

Name of Applicant



 Signature
 P. O. Box 373
 Honolulu, Hawaii 96809
 Address

(808) 587-0230

Telephone

Munekiyo & Hiraga, Inc.

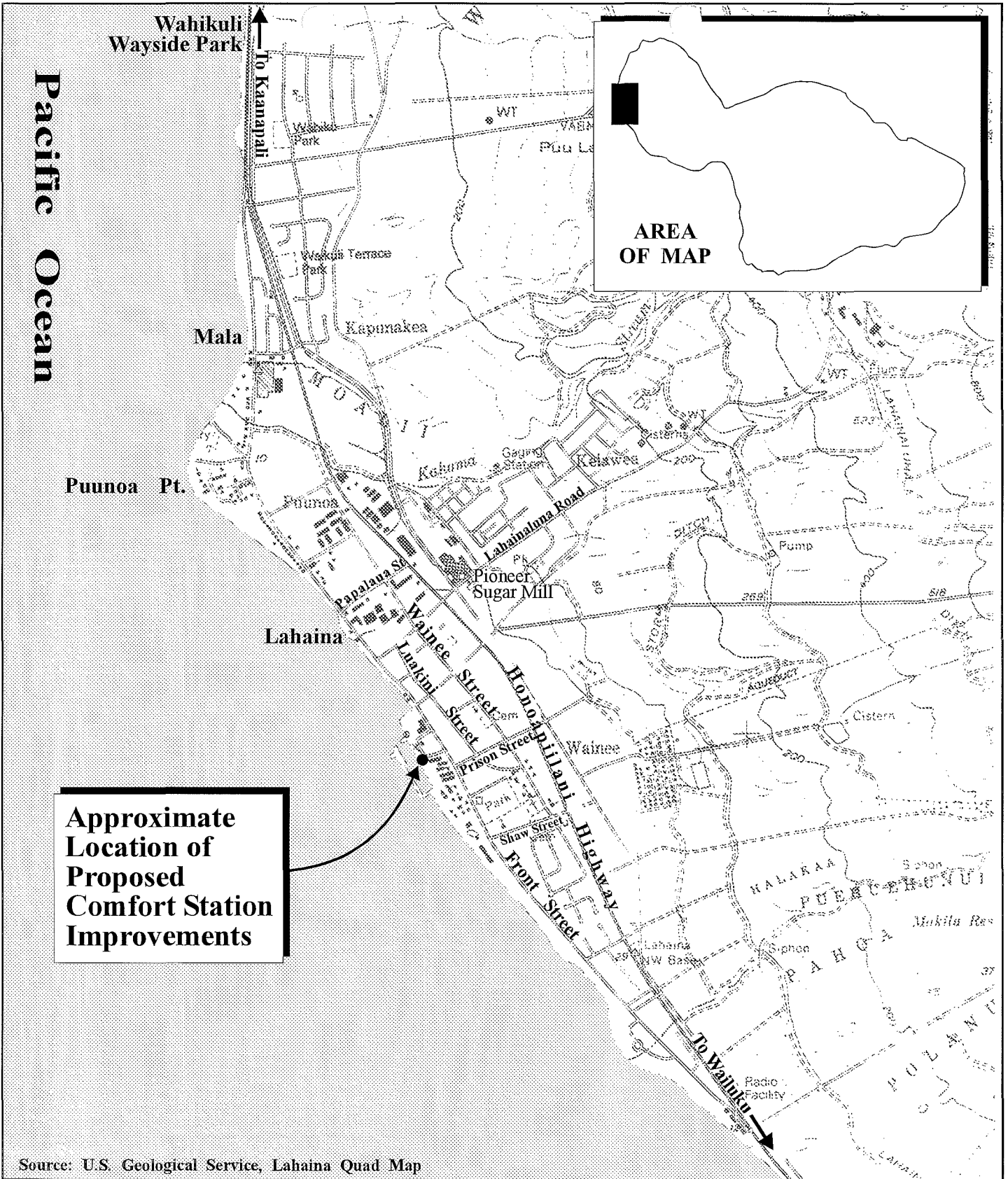
Name of Applicant's Agent, if applicable


 Signature
 305 High Street, Suite 104
 Wailuku, Hawaii 96793
 Address

(808) 244-2015

Telephone

filename



Proposed Lahaina Small Boat Harbor Comfort Station Improvements

Regional Location Map



**LIST OF OWNERS/LESSEES WITHIN 500 FEET OF SUBJECT PROPERTY
FOR
LAHAINA SMALL BOAT HARBOR COMFORT STATION IMPROVEMENTS**

1	2-4-6-001-002-0000	STATE OF HAWAII			
2	2-4-6-001-003-0000	UNITED STATES OF AMERICA			
3	2-4-6-001-004-0000	COUNTY OF MAUI			
4	2-4-6-001-005-0000	ROBERTSON, RONALD C ETAL		99-061 KOAHA WAY	AIEA HI 96701
5	2-4-6-001-006-0000	ROBERTSON, RONALD C ETAL		99-061 KOAHA WAY	AIEA HI 96701
6	2-4-6-001-007-0000	STATE OF HAWAII			
7	2-4-6-001-008-0000	FRONT ST PROPERTIES ASSOC ETAL		100 CRESCENT CT STE 1750	DALLAS TX 75201
8	2-4-6-001-008-0000	FREELAND FAMILY LTD PTSP		49 LEALEA PL	MAKAWAO HI 96768
9	2-4-6-001-009-0000	COUNTY OF MAUI			
10	2-4-6-001-010-0000	COUNTY OF MAUI			
11	2-4-6-001-012-0000	STATE OF HAWAII			
12	2-4-6-001-014-0000	LAHAINA RESTORATION FDN ETAL		P. O. BOX 338	LAHAINA HI 96761
13	2-4-6-001-015-0000	STATE OF HAWAII			
14	2-4-6-001-016-0000	BATES SUMNER H INC ETAL	C/O WINDJAMMER CRUISES MAUI	658 FRONT ST #126, PMB 7283	LAHAINA HI 96761
15	2-4-6-001-017-0000	STATE OF HAWAII			
16	2-4-6-001-018-0000	ROSE MARINE, INC ETAL		P O BOX 831	LAHAINA HI 96761
17	2-4-6-001-019-0000	LIN WA CRUISES INC ETAL		658 FRONT ST STE 101	LAHAINA HI 96761
18	2-4-6-001-020-0000	SEABIRD CHARTERS INC ETAL		1540 S KING ST	HONOLULU HI 96826

EXHIBIT 9

**LIST OF OWNERS/LESSEES WITHIN 500 FEET OF SUBJECT PROPERTY
FOR
LAHAINA SMALL BOAT HARBOR COMFORT STATION IMPROVEMENTS**

19	2-4-6-001-021-0000	STATE OF HAWAII			
20	2-4-6-001-022-0000	SCRITCHFIELD GARY ETAL		PO BOX 12	LAHAINA HI 96767
21	2-4-6-001-023-0000	ROSE MARINE INC ETAL	CHRISTOPHER R ROSE	PO BOX 831	LAHAINA HI 96767
22	2-4-6-001-024-0000	SCOTCH MIST SAILING CHARTER ETAL	SLIP 10 INC	1600 KAPIOLANI BLVD STE 1630	HONOLULU HI 96814
23	2-4-6-001-025-0000	ROSE, C R CONSULTANTS LTD ETAL		P O BOX 831	LAHAINA HI 96761
24	2-4-6-001-026-0000	WILLIAMS DAVID L ETAL		PO BOX 1151	LAHAINA HI 96767
25	2-4-6-001-027-0000	ISLANDER INDUSTRIES INC ETAL	ATLANTIS ADVENTURES, LLC	658 FRONT ST #175	LAHAINA HI 96761
26	2-4-6-001-028-0000	PIER I ACTIVITY BOOTH INC ETAL		P O BOX 12488	LAHAINA HI 96761
27	2-4-6-001-029-0000	FURTADO, A D PROPERTIES TR ETAL	ROBERTSON, RONALD CARL	99-061 KOAHA WAY	AIEA HI 96701
28	2-4-6-001-030-0000	STATE OF HAWAII			
29	2-4-6-001-031-0000	LUAKINI MARINE INC ETAL		P O BOX 1326	LAHAINA HI 96761
30	2-4-6-001-032-0000	LINK, GEORGE G ETAL	MICHELLE MARINE, LTD	1600 KAPIOLANI BLVD STE 1630	HONOLULU HI 96814
31	2-4-6-001-033-0000	STATE OF HAWAII			
32	2-4-6-002-013-0000	COUNTY OF MAUI			
33	2-4-6-002-014-0000	STATE OF HAWAII			
34	2-4-6-007-004-0000	COUNTY OF MAUI			
35	2-4-6-008-001-0000	TAKEUCHI, GEORGE R TRUST	GEORGE R TAKEUCHI TRS	P. O. BOX 725	LAHAINA HI 96767
36	2-4-6-008-002-0000	MAUI VENTURE CAPITAL CO ETAL		PO BOX 1236	KULA HI 96790

**LIST OF OWNERS/LESSEES WITHIN 500 FEET OF SUBJECT PROPERTY
FOR
LAHAINA SMALL BOAT HARBOR COMFORT STATION IMPROVEMENTS**

37	2-4-6-008-003-0000	PENTAGRAM LAHAINA ETAL	HI CIMM'S INC DBA BURGER KING #2887	620 N BRAND BLVD #6TH FLR	GLENDAL CA 91203
38	2-4-6-008-004-0000	TANAKA LLC ETAL	MARIE ROBSON	640 FRONT ST #2	LAHAINA HI 96761
39	2-4-6-008-005-0000	WHALER'S WHARF LTD ETAL		PO BOX 817	LAHAINA HI 96767
40	2-4-6-008-006-0000	HAWAII CONFERENCE FOUNDATION ETAL		15 CRAIGSIDE PL	HONOLULU HI 96817
41	2-4-6-008-007-0000	LAHAINA RESTORATION FND ETAL		120 DICKENSON ST	LAHAINA HI 96761
42	2-4-6-008-008-0000	YAMAFUJI, TODD TRUSTEE ETAL		647 LUAKINI ST	LAHAINA HI 96761
43	2-4-6-008-012-0000	PENTAGRAM CORPORATION ETAL	HI CIMM'S INC, DBA BURGER KING #2887	620 N BRAND BLVD #6TH FLR	GLENDAL CA 91203
44	2-4-6-008-047-0000	MATSUMOTO, SUKEICHI TRUST ETAL	MATSUMOTO, PAUL	3765 L HONOAPIILANI RD #206	LAHAINA HI 96761
45	2-4-6-008-047-0000	MATSUMOTO, SUEKICHI TRUST		263 LAHAINALUNA RD	LAHAINA HI 96761
46	2-4-6-008-047-0000	LEE, JAMES		P O BOX 4006	LOS ANGELES CA 90028
47	2-4-6-008-047-0000	LEE, CHRISTY	LEONARD, CHRISTY I	9730 NE 141ST CT	BOTHELL WA 98011
48	2-4-6-008-047-0000	LEE, AARON	WOODLAKE APARTMENTS	11400 N E 132ND ST APT E-204	ASHFORD WA 98304
49	2-4-6-008-048-0000	AJI LLC		317 N MISSION ST	WENATCHEE WA 98807
50	2-4-6-008-049-0000	KUWADA, SUSAN Y C TRUST		870 PAKELE PLACE	WAILUKU HI 96793
51	2-4-6-008-053-0000	AJI LLC		317 N MISSION ST	WENATCHEE WA 98807
52	2-4-6-008-054-0000	ITO ERNEST T		5631 HALEPA PL	HONOLULU HI 96821
53	2-4-6-008-064-0000	BRANTLEY, HOWARD W TRUSTEE ETAL		1115 SALVADOR ST	COSTA MESA CA 92626
54	2-4-6-008-067-0000	WHALERS WHARF LTD ETAL		PO BOX 817	LAHAINA HI 96767

**LIST OF OWNERS/LESSEES WITHIN 500 FEET OF SUBJECT PROPERTY
FOR
LAHAINA SMALL BOAT HARBOR COMFORT STATION IMPROVEMENTS**

55	2-4-6-008-068-0000	WHALERS WHARF LTD ETAL		PO BOX 817	LAHAINA HI 96767
56	2-4-6-008-069-0000	WHALERS WHARF LTD ETAL		P O BOX 817	LAHAINA HI 96767
57	2-4-6-008-070-0000	WHALERS WHARF LTD ETAL		P O BOX 817	LAHAINA HI 96767
58	2-4-6-008-071-0000	WHALERS WHARF LTD ETAL		P O BOX 817	LAHAINA HI 96767
59	2-4-6-008-071-0000	TERAGUCHI, FUMIKO TRUST		3368 ALOHEA AVE	HONOLULU HI 96816
60	2-4-6-008-071-0000	TERAGUCHI, KENNETH T		1786 BRENTWOOD DR	IDAHO FALLS ID 83402
61	2-4-6-008-072-0000	WHALERS WHARF LTD ETAL		P O BOX 817	LAHAINA HI 96767
62	2-4-6-008-086-0000	HP BALDWIN LTD ETAL	ROADWAY		
63	2-4-6-008-088-0000	LAHAINA RESTORATION FDN ETAL		120 DICKENSON STREET	LAHAINA HI 96761



MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO

March 29, 2005

Michael W. Foley, Director
Department of Planning
Attention: Thorne Abbott
250 South High Street
Wailuku, Hawaii 96793

SUBJECT: Lahaina Small Boat Harbor Comfort Station (SM1 2004/0038)

Dear Mr. Foley:

Pursuant to the Special Management Area Rules for the Maui Planning Commission, the notification of the public hearing date for the subject hearing will be transmitted by certified or registered mail to owners/lessees within 500-feet of the proposed project.

In connection with the notification process, we would appreciate your assistance in providing us with a list of individuals who have requested in writing to be informed of the subject hearing. In the event there are no individuals that have submitted written requests to the Maui Planning Commission to be notified of the subject proceeding, please acknowledge this by signing in the space provided below.

Thank you very much. Your assistance in this matter is greatly appreciated.

Mich Hirano, AICP
Project Manager

MH:tn
mal/bhcomf/nowrequest.ltr

Acknowledgement:

There are no individuals that have submitted written requests to the Maui Planning Commission to be notified of the above-referenced public hearings.

4/6/05

Name

Date

Form 3877
Domestic USPS Firm Mailing Book

Name and Address of Sender: Permit Number Sequence Number
 MUNEKIYO & HIRAGA INC 36A
 STE 104
 305 S HIGH ST Ascent - MAC v5.20.5.91.D
 WAILUKU, HI 96793

Piece ID	Article #	Delivery Address Addressee Name	SS Type of	Fee	Postage	Value Ins./Reg.	Sender Due	Charges Total
2680	71607247293000026776	STATE OF HAWAII 650 PALAPALA DRIVE KAHULUI, HI 96732	C RR	2.30 1.75	0.37			4.42
2681	71607247293000026783	COUNTY OF MAUI 200 SOUTH HIGH STREET WAILUKU, HI 96793	C RR	2.30 1.75	0.37			4.42
2682	71607247293000026790	ROBERTSON, RONALD C ETAL 99-061 KOAHA WAY AIEA, HI 96701	C RR	2.30 1.75	0.37			4.42
2683	71607247293000026806	ROBERTSON, RONALD C ETAL 99-061 KOAHA WAY AIEA, HI 96701	C RR	2.30 1.75	0.37			4.42
2684	71607247293000026813	STATE OF HAWAII 680 WHARF STREET LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42
2685	71607247293000026820	FRONT ST PROPERTIES ASSOC ETAL 100 CRESCENT CT STE 1750 DALLAS, TX 75201	C RR	2.30 1.75	0.37			4.42
2686	71607247293000026837	FREELAND FAMILY LTD PTSP 49 LEALEA PL MAKAWAO, HI 96768	C RR	2.30 1.75	0.37			4.42
2687	71607247293000026844	COUNTY OF MAUI 200 SOUTH HIGH STREET WAILUKU, HI 96793	C RR	2.30 1.75	0.37			4.42
Page Totals:		8		32.40	2.96			35.36
Cumulative Totals:		8		32.40	2.96			35.36

Form 3877
Domestic USPS Firm Mailing Book

Name and Address of Sender:
MUNEKIYO & HIRAGA INC
STE 104
305 S HIGH ST
WAILUKU, HI 96793

Permit Number

Sequence Number
36A

Ascent - MAC v5.20.5.91.D

Piece ID	Article #	Delivery Address Addressee Name	SS Type of	Fee	Postage	Value Ins./Reg.	Sender Due	Charges Total
2688	71607247293000026851	STATE OF HAWAII 54 SOUTH HIGH STREET WAILUKU, HI 96793	C RR	2.30 1.75	0.37			4.42
2689	71607247293000026868	LAHAINA RESTORATION FDN ETAL P. O. BOX 338 LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42
2690	71607247293000026875	STATE OF HAWAII 103 ALA LUINA KAHULUI, HI 96761	C RR	2.30 1.75	0.37			4.42
2691	71607247293000026882	BATES SUMNER H INC ETAL 658 FRONT ST #126, PMB 7283 LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42
2692	71607247293000026899	ROSE MARINE, INC ETAL P O BOX 831 LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42
2693	71607247293000026905	LIN WA CRUISES INC ETAL 658 FRONT ST STE 101 LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42
2694	71607247293000026912	SEABIRD CHARTERS INC ETAL 1540 S KING ST HONOLULU, HI 96826	C RR	2.30 1.75	0.37			4.42
2695	71607247293000026929	SCRITCHFIELD GARY ETAL PO BOX 12 LAHAINA, HI 96767	C RR	2.30 1.75	0.37			4.42

Page Totals:	8		32.40	2.96		35.36
Cumulative Totals:	16		64.80	5.92		70.72

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Domestic USPS Firm Mailing Book

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MUNEKIYO & HIRAGA INC
STE 104
305 S HIGH ST
WAILUKU, HI 96793

Permit Number

Sequence Number
36A

Ascent - MAC v5.20.5.91.D

Piece ID	Article #	Delivery Address Addressee Name	SS Type of	Fee	Postage	Value Ins./Reg.	Sender Due	Charges Total
2696	71607247293000026936	ROSE MARINE INC ETAL PO BOX 831 LAHAINA, HI 96767	C RR	2.30 1.75	0.37			4.42
2697	71607247293000026943	SCOTCH MIST SAILING CHARTER ETAL 1600 KAPIOLANI BLVD STE 1630 HONOLULU, HI 96814	C RR	2.30 1.75	0.37			4.42
2698	71607247293000026950	ROSE, C R CONSULTANTS LTD ETAL P O BOX 831 LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42
2699	71607247293000026967	WILLIAMS DAVID L ETAL PO BOX 1151 LAHAINA, HI 96767	C RR	2.30 1.75	0.37			4.42
2700	71607247293000026974	ISLANDER INDUSTRIES INC ETAL 658 FRONT ST #175 LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42
2701	71607247293000026981	PIER I ACTIVITY BOOTH INC ETAL P O BOX 12488 LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42
2702	71607247293000026998	FURTADO, A D PROPERTIES TR ETAL 99-061 KOAHA WAY AIEA, HI 96701	C RR	2.30 1.75	0.37			4.42
2703	71607247293000027001	LUAKINI MARINE INC ETAL P O BOX 1326 LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42

Page Totals:	8		32.40	2.96		35.36
Cumulative Totals:	24		97.20	8.88		106.08

Form 3877
Domestic USPS Firm Mailing Book

Name and Address of Sender:
MUNEKIYO & HIRAGA INC
STE 104
305 S HIGH ST
WAILUKU, HI 96793

Permit Number

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Ascent - MAC v5.20.5.91.D

Piece ID	Article #	Delivery Address Addressee Name	SS Type of	Fee	Postage	Value Ins./Reg.	Sender Due	Charges Total
2704	71607247293000027018	LINK, GEORGE G ETAL 1600 KAPIOLANI BLVD STE 1630 HONOLULU, HI 96814	C RR	2.30 1.75	0.37			4.42
2705	71607247293000027025	STATE OF HAWAII 54 SOUTH HIGH STREET WAILUKU, HI 96793	C RR	2.30 1.75	0.37			4.42
2706	71607247293000027032	TAKEUCHI, GEORGE R TRUST P. O. BOX 725 LAHAINA, HI 96767	C RR	2.30 1.75	0.37			4.42
2707	71607247293000027049	MAUI VENTURE CAPITAL CO ETAL PO BOX 1236 KULA, HI 96790	C RR	2.30 1.75	0.37			4.42
2708	71607247293000027056	PENTAGRAM LAHAINA ETAL 620 N BRAND BLVD #6TH FLR GLENDALE, CA 91203	C RR	2.30 1.75	0.37			4.42
2709	71607247293000027063	TANAKA LLC ETAL 640 FRONT ST #2 LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42
2710	71607247293000027070	WHALERS WHARF LTD ETAL PO BOX 817 LAHAINA, HI 96767	C RR	2.30 1.75	0.37			4.42
2711	71607247293000027087	HAWAII CONFERENCE FOUNDATION ETA 15 CRAIGSIDE PL HONOLULU, HI 96817	C RR	2.30 1.75	0.37			4.42

Page Totals:	8		32.40	2.96			35.36
Cumulative Totals:	32		129.60	11.84			141.44

Form 3877
Domestic USPS Firm Mailing Book

Name and Address of Sender:

MUNEKIYO & HIRAGA INC
STE 104
305 S HIGH ST
WAILUKU, HI 96793

Permit Number

Sequence Number
36A

Ascent - MAC v5.20.5.91.D

Piece ID	Article #	Delivery Address Addressee Name	SS Type of	Fee	Postage	Value Ins./Reg.	Sender Due	Charges Total
2712	71607247293000027094	LAHAINA RESTORATION FND ETAL 120 DICKENSON ST LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42
2713	71607247293000027100	YAMAFUJI, TODD TRUSTEE ETAL 647 LUAKINI ST LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42
2714	71607247293000027117	PENTAGRAM CORPORATION ETAL 620 N BRAND BLVD #6TH FLR GLENDALE, CA 91203	C RR	2.30 1.75	0.37			4.42
2715	71607247293000027124	MATSUMOTO, SUKEICHI TRUST ETAL 3765 L HONOAPIILANI RD #206 LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42
2716	71607247293000027131	MATSUMOTO, SUBKICHI TRUST 263 LAHAINALUNA RD LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42
2717	71607247293000027148	LEE, JAMES P O BOX 4006 LOS ANGELES, CA 90028	C RR	2.30 1.75	0.37			4.42
2718	71607247293000027155	LEE, CHRISTY 9730 NE 141ST CT BOTHHELL, WA 98011	C RR	2.30 1.75	0.37			4.42
2719	71607247293000027162	LEE, AARON 11400 N E 132ND ST APT E-204 ASHFORD, WA 98304	C RR	2.30 1.75	0.37			4.42

Page Totals:	8		32.40	2.96		35.36
Cumulative Totals:	40		162.00	14.80		176.80

Form 3877
Domestic USPS Firm Mailing Book

Name and Address of Sender:
MUNEKIYO & HIRAGA INC
STE 104
305 S HIGH ST
WAILUKU, HI 96793

Permit Number

Sequence Number
36A

Ascent - MAC v5.20.5.91.D

Piece ID	Article #	Delivery Address Addressee Name	SS Type of	Fee	Postage	Value Ins./Reg.	Sender Due	Charges Total
2720	71607247293000027179	AJI LLC 317 N MISSION ST WENATCHEE, WA 98807	C RR	2.30 1.75	0.37			4.42
2721	71607247293000027186	KUWADA, SUSAN Y C TRUST 870 PAKELE PLACE WAILUKU, HI 96793	C RR	2.30 1.75	0.37			4.42
2722	71607247293000027193	AJI LLC 317 N MISSION ST WENATCHEE, WA 98807	C RR	2.30 1.75	0.37			4.42
2723	71607247293000027209	ITO ERNEST T 5631 HALEPA PL HONOLULU, HI 96821	C RR	2.30 1.75	0.37			4.42
2724	71607247293000027216	BRANTLEY, HOWARD W TRUSTEE ETAL 1115 SALVADOR ST COSTA MESA, CA 92626	C RR	2.30 1.75	0.37			4.42
2725	71607247293000027223	WHALERS WHARF LTD ETAL PO BOX 817 LAHAINA, HI 96767	C RR	2.30 1.75	0.37			4.42
2726	71607247293000027230	TERAGUCHI, FUMIKO TRUST 3368 ALOHEA AVE HONOLULU, HI 96816	C RR	2.30 1.75	0.37			4.42
2727	71607247293000027247	TERAGUCHI, KENNETH T 1786 BRENTWOOD DR IDAHO FALLS, ID 83402	C RR	2.30 1.75	0.37			4.42

Page Totals:	8			32.40	2.96			35.36
Cumulative Totals:	48			194.40	17.76			212.16

Form 3877
Domestic USPS Firm Mailing Book

Name and Address of Sender:
MUNEKIYO & HIRAGA INC
STE 104
305 S HIGH ST
WAILUKU, HI 96793

Permit Number

Sequence Number
36A

Ascent - MAC v5.20.5.91.D

Piece ID	Article #	Delivery Address Addressee Name	SS Type of	Fee	Postage	Value Ins./Reg.	Sender Due	Charges Total
2728	71607247293000027254	LAHAINA RESTORATION FDN ETAL 120 DICKENSON STREET LAHAINA, HI 96761	C RR	2.30 1.75	0.37			4.42
Page Totals:		1		4.05	0.37			4.42
Cumulative Totals:		49		198.45	18.13			216.58

USPS CERTIFICATION

Total Number of Pieces Received: 49

Round Stamp: _____

Signature of Receiving Employee

Form 3877 (Facsimile) Date of Manifest: 03/30/2005

Page 7



Pickup Record # : 36

POS USPS ORIGIN 96793
Mail List with TMK & Certified#

Piece#	TMK	Company	Name
SEQ#	Certified#		
2680	2-4-6-001-002-0000	STATE OF HAWAII	DEPT OF TRANSPORTATION
1	71607247293000026776	650 PALAPALA DRIVE KAHULUI HI 96732	
2681	2-4-6-001-004,010;2-4-6-001-013	COUNTY OF MAUI	DEPT OF FINANCE
2	71607247293000026783	200 SOUTH HIGH STREET WAILUKU HI 96793	
2682	2-4-6-001-005-0000	ROBERTSON, RONALD C ETAL	
3	71607247293000026790	99-061 KOAHA WAY AIEA HI 96701	
2683	2-4-6-001-006-0000	ROBERTSON, RONALD C ETAL	
4	71607247293000026806	99-061 KOAHA WAY AIEA HI 96701	
2684	2-4-6-001-007-0000	STATE OF HAWAII	LAHAINA PUBLIC LIBRARY
5	71607247293000026813	680 WHARF STREET LAHAINA HI 96761	
2685	2-4-6-001-008-0000	FRONT ST PROPERTIES ASSOC ETAL	
6	71607247293000026820	100 CRESCENT CT STE 1750 DALLAS TX 75201	
2686	2-4-6-001-008-0000	FREELAND FAMILY LTD PTSP	
7	71607247293000026837	49 LEALEA PL MAKAWAO HI 96768	
2687	2-4-6-001-009; 2-4-6-001-004	COUNTY OF MAUI	DEPT OF FINANCE
8	71607247293000026844	200 SOUTH HIGH STREET WAILUKU HI 96793	
2688	2-4-6-001-012,017,021,030,033	STATE OF HAWAII	DEPT OF LAND AND NATURAL RES
9	71607247293000026851	54 SOUTH HIGH STREET WAILUKU HI 96793	
2689	2-4-6-001-014-0000	LAHAINA RESTORATION FDN ETAL	
10	71607247293000026868	P. O. BOX 338 LAHAINA HI 96761	
2690	2-4-6-001-015-0000	STATE OF HAWAII	DEPT OF TRANSPORTATION-HARBO
11	71607247293000026875	103 ALA LUINA KAHULUI HI 96761	
2691	2-4-6-001-016-0000	BATES SUMNER H INC ETAL	C/O WINDJAMMER CRUISES MAUI
12	71607247293000026882	658 FRONT ST #126, PMB 7283 LAHAINA HI 96761	
2692	2-4-6-001-018-0000	ROSE MARINE, INC ETAL	
13	71607247293000026899	P O BOX 831 LAHAINA HI 96761	
2693	2-4-6-001-019-0000	LIN WA CRUISES INC ETAL	
14	71607247293000026905	658 FRONT ST STE 101 LAHAINA HI 96761	
2694	2-4-6-001-020-0000	SEABIRD CHARTERS INC ETAL	
15	71607247293000026912	1540 S KING ST HONOLULU HI 96826	
2695	2-4-6-001-022-0000	SCRITCHFIELD GARY ETAL	
16	71607247293000026929	PO BOX 12 LAHAINA HI 96767	

Pickup Record # : 36

POS USPS ORIGIN 96793
Mail List with TMK & Certified#

Piece#	TMK	Company	Name
SEQ#	Certified#		
2696	2-4-6-001-023-0000	ROSE MARINE INC ETAL	CHRISTOPHER R ROSE
17	71607247293000026936	PO BOX 831 LAHAINA HI 96767	
2697	2-4-6-001-024-0000	SCOTCH MIST SAILING CHARTER ETAL	SLIP 10 INC
18	71607247293000026943	1600 KAPIOLANI BLVD STE 1630 HONOLULU HI 96814	
2698	2-4-6-001-025-0000	ROSE, C R CONSULTANTS LTD ETAL	
19	71607247293000026950	P O BOX 831 LAHAINA HI 96761	
2699	2-4-6-001-026-0000	WILLIAMS DAVID L ETAL	
20	71607247293000026967	PO BOX 1151 LAHAINA HI 96767	
2700	2-4-6-001-027-0000	ISLANDER INDUSTRIES INC ETAL	ATLANTIS ADVENTURES, LLC
21	71607247293000026974	658 FRONT ST #175 LAHAINA HI 96761	
2701	2-4-6-001-028-0000	PIER I ACTIVITY BOOTH INC ETAL	
22	71607247293000026981	P O BOX 12488 LAHAINA HI 96761	
2702	2-4-6-001-029-0000	FURTADO, A D PROPERTIES TR ETAL	ROBERTSON, RONALD CARL
23	71607247293000026998	99-061 KOAHA WAY AIEA HI 96701	
2703	2-4-6-001-031-0000	LUAKINI MARINE INC ETAL	
24	71607247293000027001	P O BOX 1326 LAHAINA HI 96761	
2704	2-4-6-001-032-0000	LINK, GEORGE G ETAL	MICHELLE MARINE, LTD
25	71607247293000027018	1600 KAPIOLANI BLVD STE 1630 HONOLULU HI 96814	
2705	2-4-6-002-014-0000	STATE OF HAWAII	DEPT OF LAND AND NATURAL RES
26	71607247293000027025	54 SOUTH HIGH STREET WAILUKU HI 96793	
2706	2-4-6-008-001-0000	TAKEUCHI, GEORGE R TRUST	GEORGE R TAKEUCHI TRS
27	71607247293000027032	P. O. BOX 725 LAHAINA HI 96767	
2707	2-4-6-008-002-0000	MAUI VENTURE CAPITAL CO ETAL	
28	71607247293000027049	PO BOX 1236 KULA HI 96790	
2708	2-4-6-008-003-0000	PENTAGRAM LAHAINA ETAL	HI CIMMS INC DBA BURGER KIN
29	71607247293000027056	620 N BRAND BLVD #6TH FLR GLENDALE CA 91203	
2709	2-4-6-008-004-0000	TANAKA LLC ETAL	MARIE ROBSON
30	71607247293000027063	640 FRONT ST #2 LAHAINA HI 96761	
2710	2-4-6-008-005-0000	WHALERS WHARF LTD ETAL	
31	71607247293000027070	PO BOX 817 LAHAINA HI 96767	
2711	2-4-6-008-006-0000	HAWAII CONFERENCE FOUNDATION ETAL	
32	71607247293000027087	15 CRAIGSIDE PL HONOLULU HI 96817	

Pickup Record # : 36

POS USPS ORIGIN 96793
Mail List with TMK & Certified#

Piece#	TMK	Company	Name
SEQ#	Certified#		
2712	2-4-6-008-007-0000	LAHAINA RESTORATION FND ETAL	
33	71607247293000027094	120 DICKENSON ST LAHAINA HI 96761	
2713	2-4-6-008-008-0000	YAMAFUJI, TODD TRUSTEE ETAL	
34	71607247293000027100	647 LUAKINI ST LAHAINA HI 96761	
2714	2-4-6-008-012-0000	PENTAGRAM CORPORATION ETAL	HI CIMMS INC, DBA BURGER KI
35	71607247293000027117	620 N BRAND BLVD #6TH FLR GLENDALE CA 91203	
2715	2-4-6-008-047-0000	MATSUMOTO, SUKEICHI TRUST ETAL	MATSUMOTO, PAUL
36	71607247293000027124	3765 L HONOAPIILANI RD #206 LAHAINA HI 96761	
2716	2-4-6-008-047-0000	MATSUMOTO, SUEKICHI TRUST	
37	71607247293000027131	263 LAHAINALUNA RD LAHAINA HI 96761	
2717	2-4-6-008-047-0000	LEE, JAMES	
38	71607247293000027148	P O BOX 4006 LOS ANGELES CA 90028	
2718	2-4-6-008-047-0000	LEE, CHRISTY	LEONARD, CHRISTY I
39	71607247293000027155	9730 NE 141ST CT BOTHHELL WA 98011	
2719	2-4-6-008-047-0000	LEE, AARON	WOODLAKE APARTMENTS
40	71607247293000027162	11400 N E 132ND ST APT E-204 ASHFORD WA 98304	
2720	2-4-6-008-048-0000	AJI LLC	
41	71607247293000027179	317 N MISSION ST WENATCHEE WA 98807	
2721	2-4-6-008-049-0000	KUWADA, SUSAN Y C TRUST	
42	71607247293000027186	870 PAKELE PLACE WAILUKU HI 96793	
2722	2-4-6-008-053-0000	AJI LLC	
43	71607247293000027193	317 N MISSION ST WENATCHEE WA 98807	
2723	2-4-6-008-054-0000	ITO ERNEST T	
44	71607247293000027209	5631 HALEPA PL HONOLULU HI 96821	
2724	2-4-6-008-064-0000	BRANTLEY, HOWARD W TRUSTEE ETAL	
45	71607247293000027216	1115 SALVADOR ST COSTA MESA CA 92626	
2725	2-4-6-008-067 to 072	WHALERS WHARF LTD ETAL	
46	71607247293000027223	PO BOX 817 LAHAINA HI 96767	
2726	2-4-6-008-071-0000	TERAGUCHI, FUMIKO TRUST	
47	71607247293000027230	3368 ALOHEA AVE HONOLULU HI 96816	
2727	2-4-6-008-071-0000	TERAGUCHI, KENNETH T	
48	71607247293000027247	1786 BRENTWOOD DR IDAHO FALLS ID 83402	

Pickup Record # : 36

POS USPS ORIGIN 96793
Mail List with TMK & Certified#

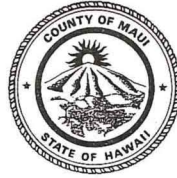
Piece#	TMK	Company	Name
2728	2-4-6-008-088-0000	LAHAINA RESTORATION FDN ETAL	
49	71607247293000027254	120 DICKENSON STREET	
		LAHAINA	HI 96761

=====
49
=====

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

March 24, 2005

Mr. Michael Munekiyo, AICP
Munekiyo & Hiraga, Inc.
305 South High Street
Wailuku, Hawaii 96793

Dear Mr. Munekiyo:

RE: Notice of Application Completeness and Acceptance; Meeting Date with the Maui Planning Commission; and Applicable Notice Requirements

Project Name: Lahaina Small Boat Harbor Comfort Station
TMK: (2) 2-4-6-001:001
I. D. No.: SM1 2004/0038

Please be advised that the above-referenced application is complete, and has been scheduled for review with the following:

Maui Planning Commission

Date: May 10, 2005
Time: 9:00 A.M.
Place: Planning Conference Room, First Floor,
Kalana Pakui Building, 250 South High Street,
Wailuku, Maui, Hawaii 96793

You or your authorized representative(s) are hereby requested to attend the scheduled meeting.

Further, please be advised that you are responsible for the notification of all owners and recorded lessees located within 500 feet of the subject property boundaries of the scheduled Planning Commission hearing.

The enclosed letter of notice, along with a site location map (preferably 8½ inches by 11 inches) provided by the applicant, shall be mailed by certified or registered mail, at least thirty (30) days prior to the scheduled hearing date. Upon completion, please transmit the following to this office at least ten (10) business days prior to the scheduled meeting:

MAUI PLANNING COMMISSION

TO: OWNERS/LESSEES

DATE: March 24, 2005

Please be informed that the undersigned has applied to the Maui Planning Commission of the County of Maui for a Special Management Area Permit Application pursuant to the Special Management Area Rules of the commission for the following parcel:

- 1. Tax Map Key: 4-6-01:01
- 2. Street Address: Wharf Street, Lahaina
(Location Map Attached)
- 3. Community Plan: PK Zoning: Historic District No. 1
- 4. Proposed Development: Demolition of the existing 6-stall comfort station to make way for the construction of a new 18-stall comfort station and related site accessibility improvements and landscaping.

THIS SECTION TO BE COMPLETED BY THE PLANNING DEPARTMENT:

Public Hearing Date: May 10, 2005

Time: 9:00 AM

Place: Planning Conference Room,

1st, 250 S. High Str Wailuku, HI

The hearing is held under the authority of Chapters 205A and 91, Hawaii Revised Statutes (HRS), and the Maui Planning Commission Rules. The particular sections of the Statute and Rules involved are Sections 205A-26, 205A-27, 205A-28, and 205A-29, HRS and Chapter 201 and 202, Maui Planning Commission Rules.

Petitions to intervene shall be in conformity with Section 12-201-20 of the Rules of Practice and Procedure for the Maui Planning Commission and shall be filed with the commission and served upon the applicant no less than ten days before the first public hearing date. Filing of all documents to the commission is c/o the Maui Planning Department, 250 South High Street, Wailuku, Maui, Hawaii 96793.


The computation of time begins with the day following the act, event, or default, and includes the last day of the period unless it is a Saturday, Sunday or legal state holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday, or state holiday. When the prescribed period of time is 10 days or less, Saturdays, Sundays, or state holidays within the designated period will be excluded in the computation. Any party may be represented by Counsel or other representative.

Testimony relative to this request may be submitted in writing to the Maui Planning Commission, 250 South High Street, Wailuku, Maui, Hawaii 96793, or presented in person at the time of the public hearing.

Information relative to the application is available for review at the Planning Department, 250 South High Street, Wailuku, Maui, Hawaii, Telephone (808) 270-7735; toll-free from Molokai 1-800-272-0117, Extension 7735; and toll-free from Lanai 1-800-272-0126, Extension 7735.

State of Hawaii, Department of Land and Natural Resources

Name of Applicant



Signature

P.O. Box 373
Honolulu, Hawaii 96809


Address

(808) 587-0230

Telephone

Munekiyo & Hiraga, Inc.

Name of Applicant's Agent, if applicable



Signature

305 High Street, Suite 104
Wailuku, Hawaii 96793

Address

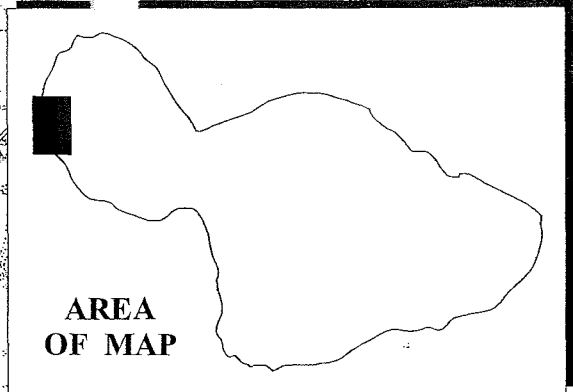
(808) 244-2015

Telephone

Pacific Ocean

Wahikuli Wayside Park

To Kanapali



AREA OF MAP

Mala

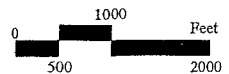
Puunoa Pt.

Lahaina

Approximate Location of Proposed Comfort Station Improvements

Source: U.S. Geological Service, Lahaina Quad Map

Proposed Lahaina Small Boat Harbor Comfort Station Improvements Regional Location Map



Prepared for: State of Hawaii, Dept. Of Land and Natural Resources

MUNEKIYO & HIRAGA, INC.



AFFIDAVIT OF PUBLICATION

State of Hawaii)
) SS:
County of Hawaii)

Lorelei Logan, being first duly sworn, deposes and says:

1. That she is the Advertising Administrative Assistant of WEST HAWAII TODAY, a newspaper published in the City of Kailua Kona, State of Hawaii.

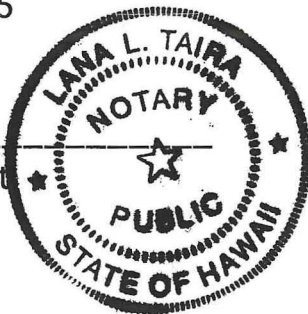
2. That "NOTICE OF PUBLIC HEARING MAUI PLANNING COMMISSION The Maui Planning Commission for the County of Maui hereby gives" of which a clipping from the newspaper is attached hereto, was published in said newspaper on the following date(s) April 8, 2005 (etc.)

Lorelei Logan

Subscribed and sworn to before me
this 8th day of April, 2005

Lana L. Taira

Notary Public, Third Circuit
State of Hawaii
Is
Lana L. Taira



My Commission expires: August 4, 2005

**NOTICE OF PUBLIC HEARING
MAUI PLANNING COMMISSION**

The Maui Planning Commission for the County of Maui hereby gives notice that it will conduct a hearing on May 10, 2005 commencing at 9:00 a.m., or as soon thereafter as is practicable in the Planning Department Conference Room, 1st Floor, Kalana Pakui Building, 250 S. High Street, Wailuku, Maui, Hawaii 96793 on the following:

SPECIAL MANAGEMENT AREA USE PERMIT

1. MR. PETER YOUNG, Director of the STATE DEPARTMENT OF LAND AND NATURAL RESOURCES requesting a Special Management Area Use Permit for the proposed Lahaina Comfort Station Improvements project consisting of the demolition of the proposed 6-stall comfort station to make way for an 18-stall comfort station and related site accessibility improvements and landscaping on Wharf Street in Lahaina Historic District No. 1 at TMK: 4-6-001: 001, Lahaina, Island of Maui. (SM1 2004/0038)
2. MR. MILTON ARAKAWA, Director of the DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT requesting a Special Management Area Use Permit for the Paia Mini Bypass project consisting of the construction of a Hana Highway right shoulder lane and one (1) way, one (1) lane roadway extending mauka from the County parking lot to Baldwin Avenue near the Patsy Mink Paia Post Office at TMK: 2-5-005: por. of 018, Hana Highway, Baldwin Avenue, Paia, Island of Maui. (SM1 2004/0004)
3. BAY WEST INVESTMENT COMPANY, LLC requesting a Special Management Area Use Permit for the Maui Islander Renovations II project in order to allow demolition of the existing tennis courts and construction of an existing swimming pool and garden area on the property, renovation of the front lobby, and construction of a lava stone wall and a cmu /plaster wall at TMK: 4-6-011: 008, Lahaina, Island of Maui, (SM1 2004/0031)

The subject public hearings will be conducted in accordance with the Hawaii Revised Statutes, the Maui County Code and the Rules of the Maui Planning Commission. Information pertaining to the subject applications may be obtained from the Maui County Planning Department, 250 S. High Street, Wailuku, Maui.

All testimony regarding the subject applications may be filed prior to the date of the hearing by providing 15 copies of said written testimony to the Department of Planning or may be presented at the time of the hearing.

Those interested persons requesting accommodation due to disabilities, please call the Department of Planning at (808)270-7735 or notify the Department of Planning in writing at 250 S. High Street, Wailuku, Maui, Hawaii 96793 or fax number (808)270-7634; at least six (6) days before the scheduled meeting.

MAUI PLANNING COMMISSION
by MICHAEL W. FOLEY
Planning Director

(No. 6445--West Hawaii Today: April 8, 2005)

07/19/09

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

DEC 15 2004

RUSH

MAUI
PLANNING
DEPARTMENT

DIRECTOR
DEPUTY DIRECTOR
CURRENT
ZAED
LONG RANGE
DEPT. SECRETARY

	FYI	COMMENTS	SEE ME	ASSIGN	FILE	DRAFT RESPONSE
DIRECTOR						
DEPUTY DIRECTOR						
CURRENT						
ZAED						
LONG RANGE						
DEPT. SECRETARY						
<i>Dawn (copy)</i>						
<i>Morley, KAE</i>						

Due Date: _____ Date: *refused*
By: *any*

PT OF PLANNING
COUNTY OF MAUI
RECEIVED

DEC 16 11:12

Michael W. Foley, Director
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Dear Mr. Foley:

**Proposed Lahaina Small Boat Harbor
Ferry Pier and Comfort Station Improvements
at TMK: (2) 4-6-01:01, 02, 14 and 17**

The State of Hawaii, Department of Land and Natural Resources requests that the subject projects be included on the January 6, 2005 Agenda for the Cultural Resources Commission. We would like to solicit comments from the Cultural Resources Commission for the Draft Environmental Assessment for the comfort station improvements and Environmental Impact Statement Preparation Notice for the new ferry pier improvements. Both environmental documents were published in the December 8, 2004 Office of Environmental Quality Control Environmental Notice, and comments for both documents are due on January 7, 2005.

A copy and electronic file of both documents were sent to Ms. Dawn Duensing from your staff.

Should you have any questions, please contact Mr. Eric Hirano, Chief Engineer at (808) 587-0254.

Sincerely,

Peter T. Young



'04 DEC 17 P3:44

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

TO: Michael W. Foley, Director
Department of Planning
**Attention: Dawn Duensing,
Cultural Resource Planner**
250 South High Street
Wailuku, Hawaii 96793

DATE: December 17, 2004

SUBJECT: Lahaina Small Boat Harbor
Comfort Station Improvements

Enclosed is/are:

Copies	Date	Description
10	November 2004	Draft Environmental Assessment

- For distribution
- For your use
- As requested
- Returned for corrections
- For your files

- For necessary action
- For review and comment
- For your signature
- Returning

REMARKS: The enclosed copies of the subject Draft EA are provided for distribution to the Cultural Resources Commission in preparation for the January 6, 2005 meeting.

Signed: 
Mich Hirano, AICP

MH:yp
Copy to: Kivette Caigoy, Staff Planner, Department of Planning (w/out enclosure)
Thorne Abbott, Staff Planner, Department of Planning (w/out enclosure)
Eric Yuasa, P.E., Department of Land and Natural Resources (w/out enclosure)

mail\bhcomf10copiesdea.trans



TO: Michael W. Foley, Director
Department of Planning
**Attention: Dawn Duensing,
Cultural Resource Planner**
250 South High Street
Wailuku, Hawaii 96793

DATE: December 17, 2004

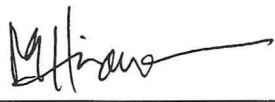
SUBJECT: Proposed Lahaina Small Boat
Harbor Ferry Pier Improvements

Enclosed is/are:

Copies	Date	Description
10	November 2004	Environmental Impact Statement Preparation Notice

- | | |
|------------------------------------------------------|-------------------------------------------------|
| <input checked="" type="checkbox"/> For distribution | <input type="checkbox"/> For necessary action |
| <input type="checkbox"/> For your use | <input type="checkbox"/> For review and comment |
| <input type="checkbox"/> As requested | <input type="checkbox"/> For your signature |
| <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Returning |
| <input type="checkbox"/> For your files | |

REMARKS: The enclosed copies of the subject Environmental Impact Statement Preparation Notice are provided for distribution to the Cultural Resources Commission in preparation for the January 6, 2005 meeting.

Signed: 
Mich Hirano, AICP

MH:yp
Copy to: Kivette Caigoy, Staff Planner, Department of Planning (w/out enclosure)
Thorne Abbott, Staff Planner, Department of Planning (w/out enclosure)
Eric Yuasa, P.E., Department of Land and Natural Resources (w/out enclosure)

mai\hnpier\10copieseis.trans



05/95

'05 JAN -7 P3:01

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

TO: Michael W. Foley, Director
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

DATE: January 7, 2005

SUBJECT: Lahaina Small Boat Harbor
Comfort Station
Improvements Draft
Environmental Assessment

Enclosed is/are:


Copies	Date	Description
1	9/21/04	Maui County Harbor Improvements Meeting Minutes

- For approval
- For your information
- As requested
- Returned for corrections
- For your files
- For necessary action
- For review and comment
- For your signature
- Returning

REMARKS: A summary of a meeting held on September 21, 2004, to update the Mayor on the proposed harbor improvements in the County of Maui is provided for your information. The Directors of Planning and Transportation and representatives of the Department of Land and Natural Resources were in attendance at the meeting with the Mayor. Of note is the Planning Director's consent to the Department of Land and Natural Resources as the designated approving agency for all harbor improvement environmental assessments.

The summary of the meeting was provided by Kyle Ginoza, Director of Transportation.

Please call me if you have any questions.

Signed: 
Mich Hirano, AICP

Copy to: Eric Yuasa, Department of Land and Natural Resources (w/out enclosure)
Kyle Ginoza, Department of Transportation (w/out enclosure)

environment
planning

Maui County Harbor Improvements
Mayor's Lounge 9/21/2004

Attendees: Mayor Alan Arakawa, Eric Hirano, Mike Munekiyo, Kyle Ginoza, Don Medeiros, Mike Foley, Mich Hirano, Steve Wong, Aaron Fujii

Eric presented the Lahaina Harbor comfort station plans including a matrix of various alternatives (attached). Mike F. is in agreement with the look of the restrooms and confirmed that DLNR has the Lahaina design guidelines. Mike F. questioned the skylights. The Mayor stated that he wants 18 stalls for the bathroom with twice as many women's facilities to men's. The Mayor concluded that he prefers the proposed Scheme 1. Steve mentioned that, in the Scheme 1 configuration, five trees would have to be removed/relocated, four trees due to the enlarged building footprint and one tree due to the proposed accessible parking stalls. The existing accessible stall by the courthouse will remain.

The Mayor asked if plants could be located by the comfort station so that people don't have to just look at a stark wall. In addition, the Mayor asked if one walkway could be eliminated so that the two parallel parking stalls located adjacent to the existing comfort station could be converted to accessible stalls. Eric said that they would look into that configuration. Steve mentioned that the existing rock wall would have to be razed, and Mitch said that that wall was built around 20 years ago when the existing comfort station was renovated so it does not have historical significance. The Mayor was okay with demolishing the wall. Steve said that there is no requirement on the amount of accessible parking stalls for the improvement.

On the topic of the removed trees, Steve said that the landscape plan will look at the potential relocation of the trees. All trees removed/relocated are of coconut variety.

Kyle stated that the primary purpose of the meeting was to ensure that the Planning Department staff was on the same page as the Administration. The Mayor and Mike F. said that they would discuss these plans with Dawn Duensing and address her concerns prior to the next Cultural Resources Committee (CRC) meeting.

The Mayor said that the building material must be addressed to be consistent with the Lahaina design guidelines. He also said that the comfort station size must be consistent with the entire use as it pertains also to the rest of the activities in that area of Lahaina. That is why the size needs to be kept at 18 stalls.

A discussion ensued about comfort station access from the lower road. The Mayor said that there is a wheelchair ramp adjacent to the existing comfort station, but Mike F. said that it may not be ADA compliant. Don mentioned that the architectural access committee should be consulted.

Mike M. shifted the discussion to talk about process for the Lahaina projects. He said that the comfort station and pier projects were separated since only the comfort station planning was doable by April 2005. The comfort station EA and SMA are estimated to be completed by April 2005. They are seeking to be reviewed by the historic district authority and the CRC in 11/2004.

The early consultation for the EA will begin in a couple of weeks. Mike M. further explained that, since Federal funds are being used, the Section 106 National Preservation Act will be triggered. They will be completing an archaeological and cultural assessment to satisfy the Section 106 requirements. He said that the CRC will have at least two opportunities to review the project – first during the early consultation process for the EA and Section 106 and then during the review of the draft EA.

Kyle asked if the Planning Department could provide to DLNR the staff recommendations and comments for the project that will be sent to the CRC. Mike F. said that he will make sure that the documentation will be transmitted to DLNR prior to the November CRC meeting.

Eric explained to the group that since the harbor pier project is more involved and requires a full EIS, that planning project will not be completed by April 2005 to tap the \$7.5 million in lapsing Federal funds. Instead, DLNR will concentrate on the Lahaina comfort station project and the Ma'alaea harbor improvement project.

The discussion then moved to the Ma'alaea project. Eric explained that DLNR is still in the preliminary stages of the planning for this harbor, but he envisions that they will repair or replace the existing terminal located on the south mole, add more toilets, improve the access road, build a new loading dock, add new sewer facilities, and add new water and electrical facilities. Eric mentioned the Williams parcel that DLNR currently leases, which DLNR intends to convert into overflow parking and to add a comfort station. DLNR may utilize the condemnation process to secure the Williams property.

Mike F. said that a new sewer pump out station with a small sewer treatment plant is the primary concern of the Ma'alaea boaters. Eric mentioned that they intend to have a new sewer pump out station by the terminal at the end of the south mole so that it could be tied into ferry use. Currently, the plans call for the new sewer treatment plant to be located by Buzz's Wharf restaurant. The Mayor asked that the plant be moved to the DLNR property just across the access road (on the pali side) to minimize complaints from the restaurant patrons about foul smells. Eric took note of that and said that the area behind Buzz's could remain as the gravel parking lot that it currently is.

Mayor stated that he wants all piers repaired. It was mentioned that it would be a stretch to use the Federal ferry money. Eric said that state money would be used for those types of improvements.

Mike F. requested several pump out stations based on the number of boats all leaving at the same time. He said that a lot of those go to Molokini. Don added that these boats leave twice a day. The Mayor estimated that if 30 boats are going in and out of the harbor at a time, at least 8-10 pump out stations are needed. Eric said that boats take about 20-30 minutes at a time to use the pump out station. Eric said that they could construct a dry line with valves on the Ma'alaea Harbor Village side of the harbor if a comfort station were erected on the Williams property.

The Mayor asked Eric to consider multiple south mole hookups, at least. Eric said that his consultant will definitely investigate that option. Eric stated that, for this year, DLNR will be concentrating all efforts on improving the south mole side of the harbor only.

Kyle asked about the existing bathroom by Buzz's Wharf. The Mayor said that DLNR should just get rid of that since two new bathroom facilities (at the Williams property and at the south mole terminal) would be enough to maintain. Mike F. reasoned that considering its convenience, the existing bathroom should remain. The final decision was that Eric would try to tie the existing bathroom to the ferry improvements in the hopes of renovating and keeping it.

Eric mentioned that he is going to meet with Steve Knight of Expeditions on Thursday about the Ma'alaea ferry schedule.

The discussion then moved to the Manele and Kaunakakai harbor improvements. Eric mentioned that the FTA executed the grant for these harbors on August 12, 2004. For Manele, DLNR has selected a consultant, Bow Engineering, to perform the design work. DLNR will meet with Castle and Cooke this week about a two acre donation of land for boat parking since the part of the existing land is zoned commercial, which C&C wants to keep. Eric said that the EA and SMA will be going to the planning commission. For Kaunakakai, Eric said that the administrative building and bathrooms would be changing location since DOT needs to keep the access lane open. DLNR will process an EA and SMA for this project.

Mike F. informed Eric that each island has its own planning commission and that the Lana'i Planning Commission is much easier through than Moloka'i's one.

Kyle asked Eric about the local matches for the harbor projects. Eric said that the state match is only for the design portion and that the Governor is expected to release the funds any day now. The state match for the construction portion is being requested in this legislative session.

Mitch asked if the Planning Department would have any problems with DLNR being the accepting authority for all the EA's. Mike replied that, considering his department's workload, he is in agreement that DLNR will be the accepting authority for the EA.

Eric next brought up the Kahului Boat Ramp project. He said that, after 21 years, the Corps of Engineers finally opened up bids for Kahului. DLNR is responsible for the three lane boat launch ramp. The Mayor told Eric that to be cognizant of the potential pocket, or dead spot, that this configuration would create. The dead spot would promote seaweed growth and subsequent odor.

The last harbor topic that was discussed was the Lahaina pier improvements. Eric advised that the new pier has been downsized in width and access to the pier will be from the existing pier, not affecting the rock wall. He said that they estimate minimal dredging of the harbor. Surfer access will be from a floating dock off the shore-side of the pier. The Mayor asked that the other side of the pier be considered instead. Both the Mayor and Mike F. expressed that they anticipate strong opposition from the community to the construction of a building on the new pier. Eric replied that only a shade structure, not a building, is being considered for the new pier.

as a result of the public meetings in which folks requested a shade structure only. Kyle asked about shower facilities for the ocean users and Eric replied that showers will be addressed in the detailed design portion of the project.

The Mayor expressed the need to show that government must be more responsive to the needs of the public and that he hopes that these harbor projects will begin construction in the near future.

