

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 13, 2019

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 18MD-027

Maui

Set Aside of Public Lands for Production Well and Storage Tank, Issuance of Perpetual Non-Exclusive Easement for Access and Utility Purposes, and Request for Immediate Right-of-Entry to the County of Maui, Department of Water Supply, Honokowai, Lahaina, Maui, TMKs: (2) 4-4-002: portion of 014, and (2) 4-4-004: portions of 009, 011, and 019.

APPLICANT:

County of Maui, Department of Water Supply, a political subdivision of the State of Hawaii.

LEGAL REFERENCE:

Sections 171-11 and -95, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Honokowai, Lahaina, Maui, identified by Tax Map Keys: (2) 4-4-004: portions of 009, 011 and 019, and (2) 4-4-002: portion of 014, as shown on the attached map labeled Exhibit A.

AREA:

(2) 4-4-002: por. 014	0.10 acre more or less for access and utility easement
(2) 4-4-004: por. 009	3.50 acres more or less for access and utility easements, and for well and tank site set-aside
(2) 4-4-004: por. 011	1.20 acres more or less for access and utility easement
(2) 4-4-004: por. 019	<u>0.40 acre more or less for access and utility easement</u>
Total:	5.20 acres more or less

ZONING:

State Land Use District: Agriculture
County of Maui CZO: Agriculture

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

PURPOSE OF SET-ASIDE:

Potable water development, storage, transmission, and access and utility purposes.

CHARACTER OF USE OF EASEMENT:

Right, privilege and authority to construct, use, maintain and repair a right-of-way over, under and across State-owned land for access and utility purposes.

TERM OF EASEMENT:

Perpetual.

COMMENCEMENT DATE OF EASEMENT:

To be determined by the Chairperson.

TERM OF RIGHT-OF-ENTRY:

December 16, 2019 through December 15, 2020 or until execution of Executive Order and easement documents, whichever is sooner.

CONSIDERATION:

Gratis for all dispositions.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The Final Environmental Assessment for the subject set-aside and easements was

published in OEQC's Environmental Notice on July 23, 2019 with a finding of no significant impact (FONSI). See Exhibit B.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.
- 2) Provide copy of agreement with Department of Hawaiian Home Lands for use of TMK (2) 4-4-002:018 por., for access and utility purposes.

REMARKS:

The County of Maui, Department of Water Supply (DWS) seeks to develop two separate production wells in West Maui to increase potable water source for anticipated growth in the region. By letter dated April 24, 2018, the DWS, via its consultant, provided an overview of the major components proposed in its West Maui Water Source Development Project. A copy of the letter is attached as Exhibit C.

Pursuant to its efforts to plan, permit and begin implementation of the West Maui Water Source Development Project, DWS is requesting a set-aside of State land for the West Maui Well No. 1 that includes a production well, storage tank, control building and related appurtenances covering approximately 1.25 acres located on portions of TMKs: (2) 4-4-004:009 and (2) 4-4-004:011.

Furthermore, DWS is requesting non-exclusive perpetual easements for access and utility purposes to connect Wells No. 1 and 2 to the Mahinahina Water Treatment Facility located west of the subject parcels. Appurtenances to be placed upon the easement areas include water transmission lines, utility lines and road surface improvements.

According to DWS, the following permits or approvals are required for this project:

- CWRM pump installation permit;
- County grading permit;
- Electrical permits;
- Building permits; and
- NHPA section 106 consultation.

Comments regarding the subject project were solicited from relevant government agencies during the Environmental Assessment process noted above.

RECOMMENDATION:

That the Board, subject to Applicant fulfilling the Applicant Requirements above:

1. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the County of Maui under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
2. Authorize the issuance of a perpetual non-exclusive easement to the County of Maui, Department of Water Supply, covering the subject area for access and utility purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current perpetual easement document form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the issuance of a right-of-entry permit to the County of Maui, Department of Water Supply, covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



+ Seiko Machida
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson





ADVANCE SHEET
SUBJECT TO CHANGE

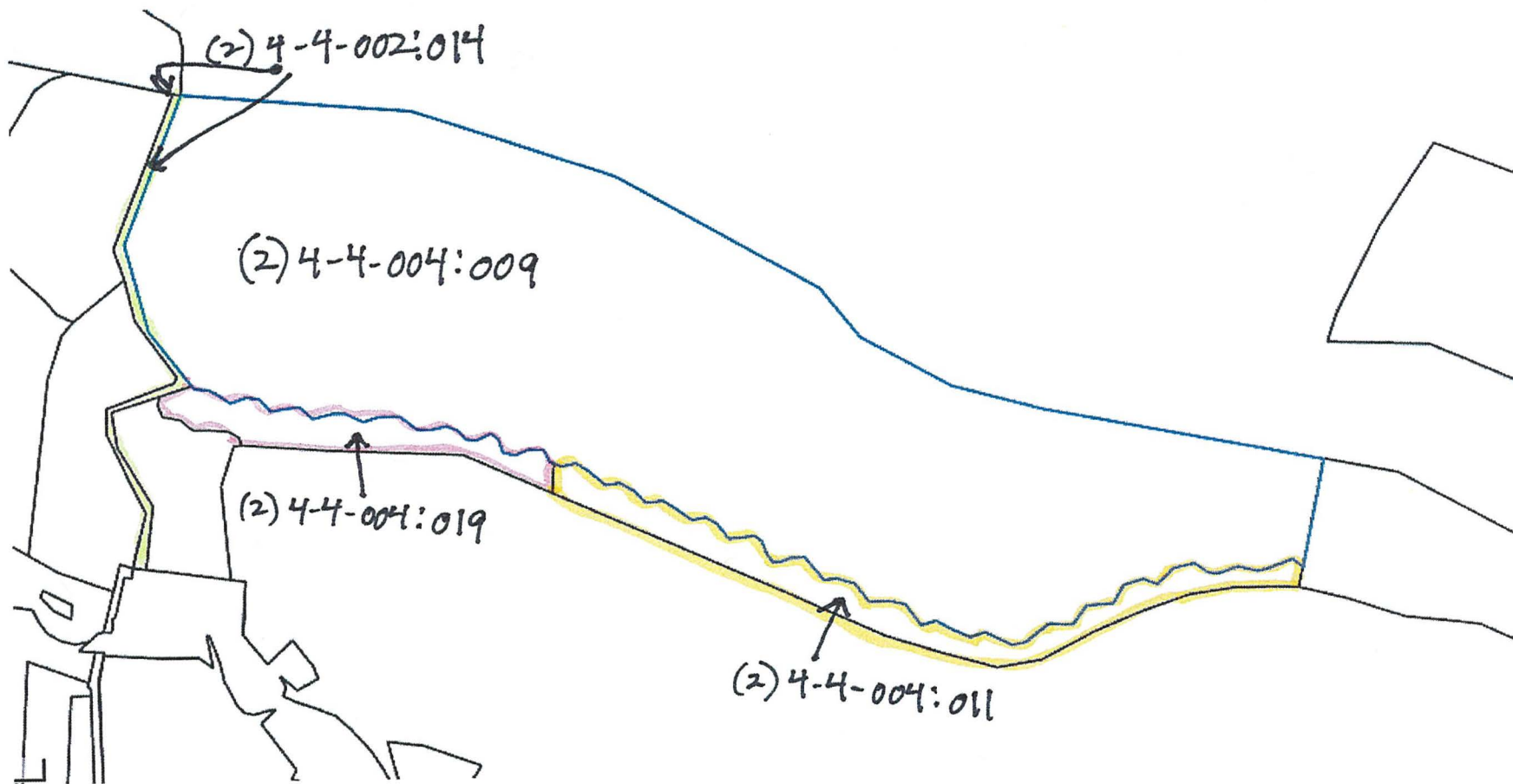
SECOND DIVISION		
ZONE	SEC.	PLAT
4	4	04
CONTAINING PARCELS		
SCALE: 1" = 500' 0"		

PRINTED

HANAKA'OO & HONOKOWAI, LAHAINA


Any No. 20000 Revised to: _____
By: D.C. d. H.N., May 1934 _____
Source: Dr. Max Friesen _____

EXHIBIT A




MAUI

Kahana Bay Erosion Mitigation (2nd EIS Preparation Notice)

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds (2) Propose any use within any land classified as a conservation district (3) Propose any use within a shoreline area	
District(s)	Lahaina	
TMK(s)	Fronting or inclusive of numerous (see document)	
Permit(s)	Various (see document)	
Approving Agency/ Accepting Authority	Department of Land and Natural Resources, State of Hawai'i Samuel Lemmo, Administrator, Office of Conservation and Coastal Lands (OCCL) (808) 587-0377, Sam.i.lemmo@hawaii.gov P.O. Box 621, Honolulu, HI 96809-0621	
Applicant	The Kahana Bay Steering Committee (KBSC); 10 Ho'ohui Rd., Suite 201, Lahaina, HI 96761	
Consultant	Oceanit; 828 Fort Street Mall, Suite 600, Honolulu, HI, 96813 (808) 531-3017, kahana@oceanit.com	
Status	The applicant is publishing a modified version of the EISPN originally published on March 8, 2019. Another 30-day public review and comment period starts. Comments are due by August 22, 2019. The EIS will include comments and responses from all comment periods. Please send comments to the approving agency and copy the applicant and the consultant.	

Kahana Beach, on west Maui, has been subject to severe coastal erosion due to sea level rise, frequent storm events, and past construction of individual seawalls and shoreline armoring. The purpose of the project is to devise a regional approach to provide erosion mitigation at Kahana Bay. The Kahana Bay Steering Committee (KBSC) represents nine oceanfront condominiums and one Kuleana parcel along the Kahana Bay coastline threatened by shoreline erosion. In consultation with the Maui County Planning Department, the KBSC plans to restore, rehabilitate and preserve the sandy beach along Kahana Bay by nourishing it with 50,000-100,000 cubic yards (cy) of sand transported from previously identified offshore borrow areas. The plan also envisages constructing structures that extend from the shoreline seaward to retain the nourished sand and stabilize the beach. The beach nourishment project would widen the existing beach by 35–150 feet (approximately 50 feet average width). The additional sand would provide an erosion buffer by absorbing and dissipating wave energy while enlarging the amount of dry beach area available for use by the public, residents and visitors.

West Maui Source Development Project--Final EA (FONSI) and Appendices

HRS §343-5(a) Trigger	(1) Propose the use of state or county lands or the use of state or county funds	
District(s)	Lahaina	
TMK(s)	(2) 4-3-001:017(por.), 084(por.); 4-4-002:014(por.), 015(por.), 018(por.); 4-4-004:009(por.), 011 (por.), and 019(por.)	
Permit(s)	Various (see document)	
Proposing/ Determining Agency	Department of Water Supply, County of Maui Curtis Eaton, P.E., (808) 270-7835, DWS.Engineering@mauicounty.gov 200 South High St., 5th Floor, Wailuku, HI 96793	
Consultant	Munekiyo Hiraga; 305 High St., Suite 104, Wailuku, HI 96793 Yukino Uchiyama, Associate, (808) 983-1233, planning@munekiyohiraga.com	
Status	Finding of No Significant Impact (FONSI) determination.	

The County of Maui, Department of Water Supply (DWS) is proposing the West Maui Source Development Project, which involves the development of existing exploratory wells, the Mahinahina Well (Well No. 6-5638-004) and the Kahana Well (Well No. 6-5738-002), into production wells and related improvements to integrate the wells into the DWS West Maui Water System. Related improvements include the construction of a 500,000-gallon control tank, transmission waterlines, electrical lines, and access roads improvements. The project is located in the Lahaina District approximately three (3) miles eastward of Honokowai Beach Park. The proposed West Maui Source Development Project will provide additional water source and system reliability to the DWS West Maui Water System. DWS has drilled and tested both exploratory wells at these locations and results indicated that these wells have reliable capacity.



RECEIVED
MUNEKIYO HIRAGA
Planning, Project Management, Sustainable Solutions.

2018 APR 26 AM 10:47

2018 APR 25 AM 10:18

REPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Michael T. Munekiyo
PRESIDENT
Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

April 24, 2018

Suzanne Case, Chairperson
State of Hawai'i
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawai'i 96809

SUBJECT: Chapter 343, Hawai'i Revised Statutes, Early Consultation Request
for Proposed West Maui Water Source Development Project (State
Well No. 6-5638-004 and State Well No. 6-5738-002), Lāhainā,
Maui, Hawai'i

Dear Ms. Case:

The County of Maui, Department of Water Supply (DWS) is proposing the West Maui Water Source Development Project, which involves development (installation of permanent well pumps) of two (2) groundwater wells: State Well No. 6-5638-004 (Mahinahina Well), which is hereinafter referred to as West Maui Well No. 1, and State Well No. 6-5738-002 (Kahana Well), which is hereinafter referred to as West Maui Well No. 2, and construction of related improvements necessary to connect the wells to DWS's West Maui Water System. The project is located in Lāhainā approximately three (3) miles to the northeast of Honokōwai Beach Park. See **Figure 1**.

Project Need and Background

The proposed project is needed to provide additional potable water source to DWS's West Maui Water System for the anticipated future growth in the region. The development of additional groundwater sources will also provide increased system reliability during periods of drought when existing surface water sources have reduced volumes.

It is noted that two (2) separate Final Environmental Assessments (EAs) were prepared for the exploratory drilling of the wells and negative Declarations (Findings of No Significant Impact) were published on July 23, 2011 for the Mahinahina Exploratory Well and on May 23, 2014 for the Kahana Exploratory Well, respectively, in the Office of Environmental Quality Control (OEQC) Environmental Notice.

Proposed Action

The proposed project involves several components discussed below and illustrated in **Figure 2** and **Figure 3**.

1. West Maui Well No. 1
 - a. An estimated 750 gallons per minute (gpm) well pump
 - b. An approximate 300,000-gallon control tank, chlorination system, supervisory control and data acquisition (SCADA) system, electrical equipment, control building, and related appurtenances
 - c. Site development of approximately two (2) acres (grading, drainage, fencing, and landscaping)
 - d. Electric line extension from the existing Maui Electric Company (MECO) electric line to the well site
2. West Maui Well No. 2
 - a. An estimated 1,000 gpm well pump
 - b. An approximate 30,000-gallon control tank, chlorination system, SCADA system, electrical equipment, control building, and related appurtenances
 - c. Site development of approximately one (1) acre (grading, drainage, fencing, and landscaping)
 - d. Electrical site improvements, including offsite electric line extension from the existing MECO electric line to the well site, transformer, and emergency generator
3. 500,000-Gallon Control Tank
 - a. An estimated 500,000-gallon control tank, which will be located next to the Mahinahina Surface Water Treatment Plant (SWTP) on an approximately 1.8-acre site
 - b. Site development of approximately 1.8 acres (grading, drainage, fencing, and landscaping)
4. Transmission Waterlines and Access Roads
 - a. West Maui Well No. 1 Transmission Waterline and Access Road: Approximately 6,500 feet of 12-inch waterline and an access road connecting the West Maui Well No. 1 to the proposed estimated 500,000-gallon control tank near the Mahinahina SWTP
 - b. West Maui Well No. 2 Transmission Waterline and Access Road: Approximately 7,500 feet of 8-inch or 12-inch waterline and an access road

The proposed project will involve work on the following parcels:

<i>Project Component</i>	<i>TMK</i>	<i>Landowner</i>
West Maui Well No. 1	(2)4-4-004:011 (2)4-4-004:009	State of Hawai'i State of Hawai'i
West Maui Well No. 2	(2)4-3-001:017	Maui Land and Pineapple Company, Inc. (MLP)
500,000-Gallon Control Tank	(2)4-4-002:018	Department of Hawaiian Home Lands (DHHL)
West Maui Well No. 1 Transmission Waterline, Access Road, and Maui Electric Line Extension	(2)4-3-001:017 (2)4-3-001:084 (2)4-4-002:014 (2)4-4-002:015 (2)4-4-002:018 (2)4-4-004:009 (2)4-4-004:011 (2)4-4-004:019	MLP MLP State of Hawai'i DHHL DHHL State of Hawai'i State of Hawai'i State of Hawai'i
West Maui Well No. 2 Transmission Waterline, Access Road, and Maui Electric Line Extension	(2)4-3-001:017 (2)4-4-004:009 (2)4-4-004:019	MLP State of Hawai'i State of Hawai'i

The lands underlying the project site are classified as "Agricultural" by the State Land Use District, designated "Agricultural" and "Open Space" by the West Maui Community Plan, and zoned "Agricultural" by the County of Maui.

The proposed project will utilize State lands and County funds. The use of State lands and County funds are triggers for the preparation of an Environmental Assessment (EA), pursuant to Chapter 343, HRS. Accordingly, an EA is currently being prepared in order to document and review the project's technical characteristics, environmental impacts, and alternatives. DWS will be the approving agency for the EA.

Furthermore, funds from the State of Hawai'i's Drinking Water State Revolving Fund will also be utilized for the project. As such, compliance with applicable federal cross-cutter requirements, including Section 106 consultation requirements pursuant to the National Historic Preservation Act, will also be addressed during the Chapter 343 environmental review process.

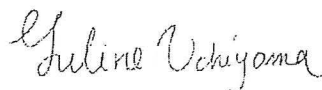
On behalf of DWS, we kindly request early review and comment on the proposed project in accordance with the requirements of Chapter 11-200, Hawai'i Administrative Rules. We appreciate receiving any comments you may have at the address listed below by May 15, 2018.

Suzanne Case, Chairperson
April 24, 2018
Page 4

Munekiyo Hiraga
Attention: Yukino Uchiyama, Associate
305 High Street, Suite 104
Wailuku, Hawaii 96793

Should you have any questions or require further information regarding the proposed project, please do not hesitate to contact me at (808) 983-1233.

Very truly yours,



Yukino Uchiyama, Associate

YU:lh

Enclosures

.cc: Curtis Eaton, Department of Water Supply (w/enclosures)
Ronald M. Fukumoto, PE, LS, Fukumoto Engineering, Inc. w/enclosures)
Alan L. Unemori, Warren S. Unemori Engineering, Inc. (w/enclosures)

K:\DATA\FE\Kahana Production Well\Applications\ECL\EC.ltr.docx

EXHIBIT C

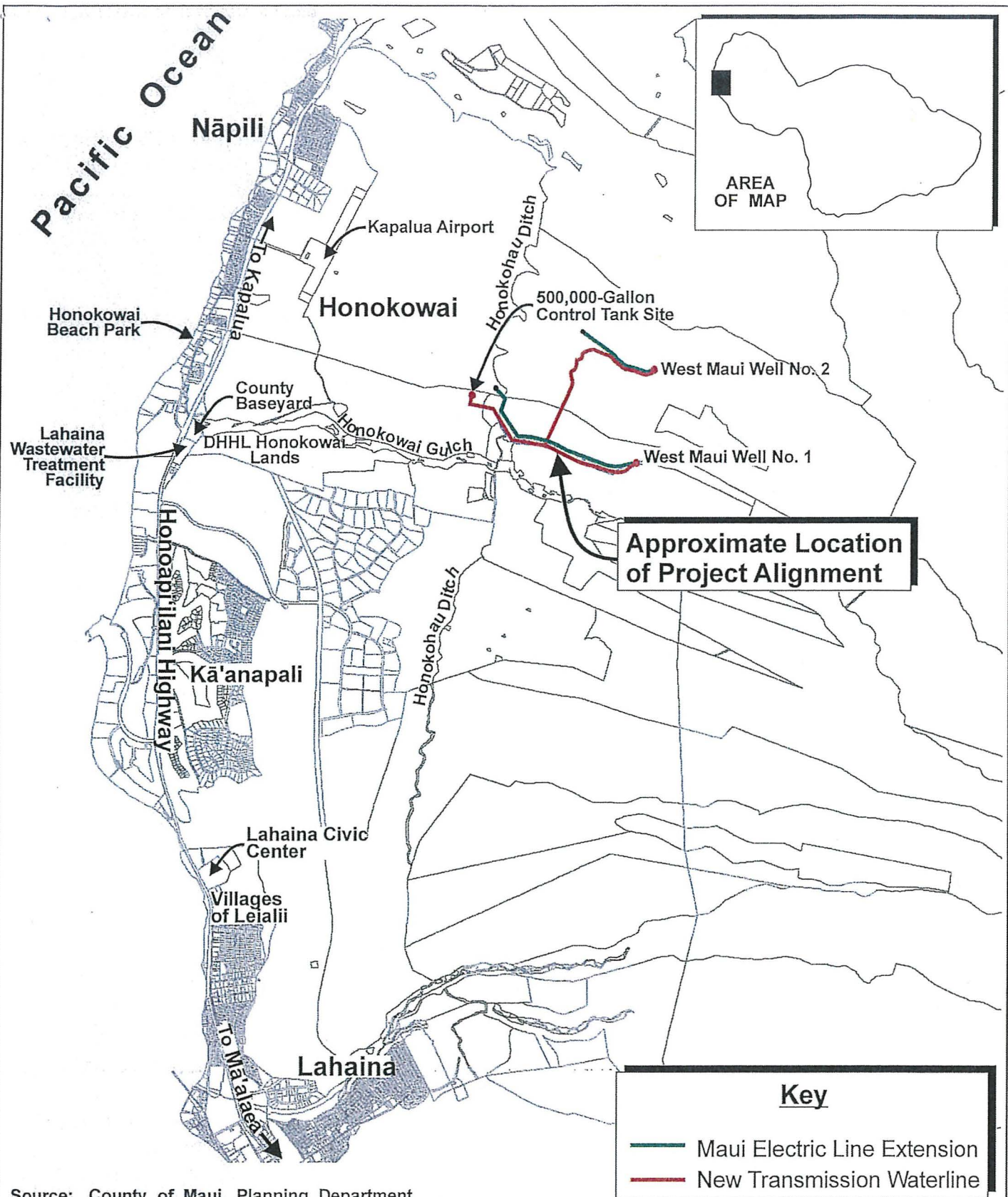


Figure 1 Proposed West Maui Water Source Development Project NOT TO SCALE
Regional Location Map



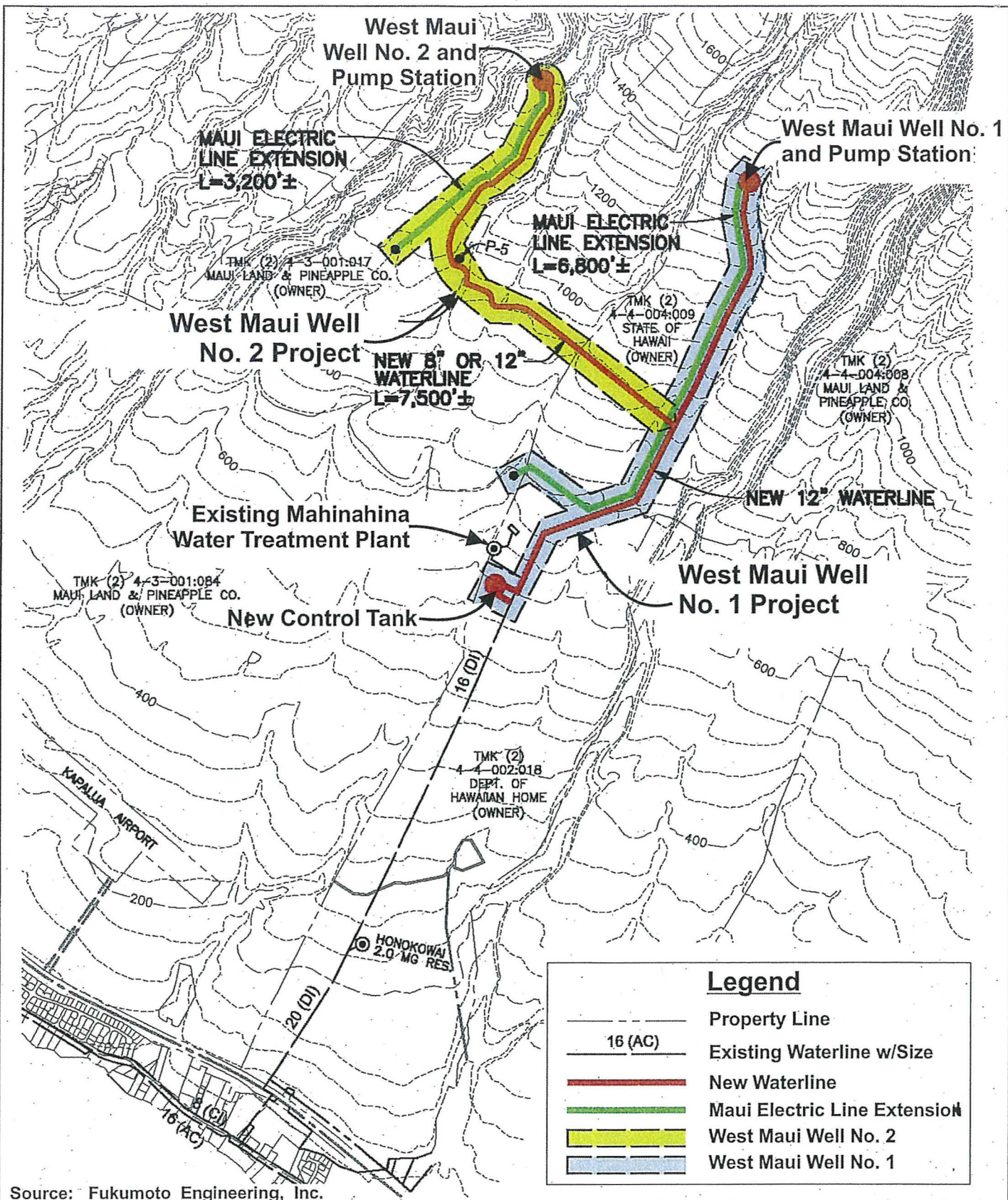


Figure 2 Proposed West Maui Water Source Development Project NOT TO SCALE
Overall Conceptual Plan



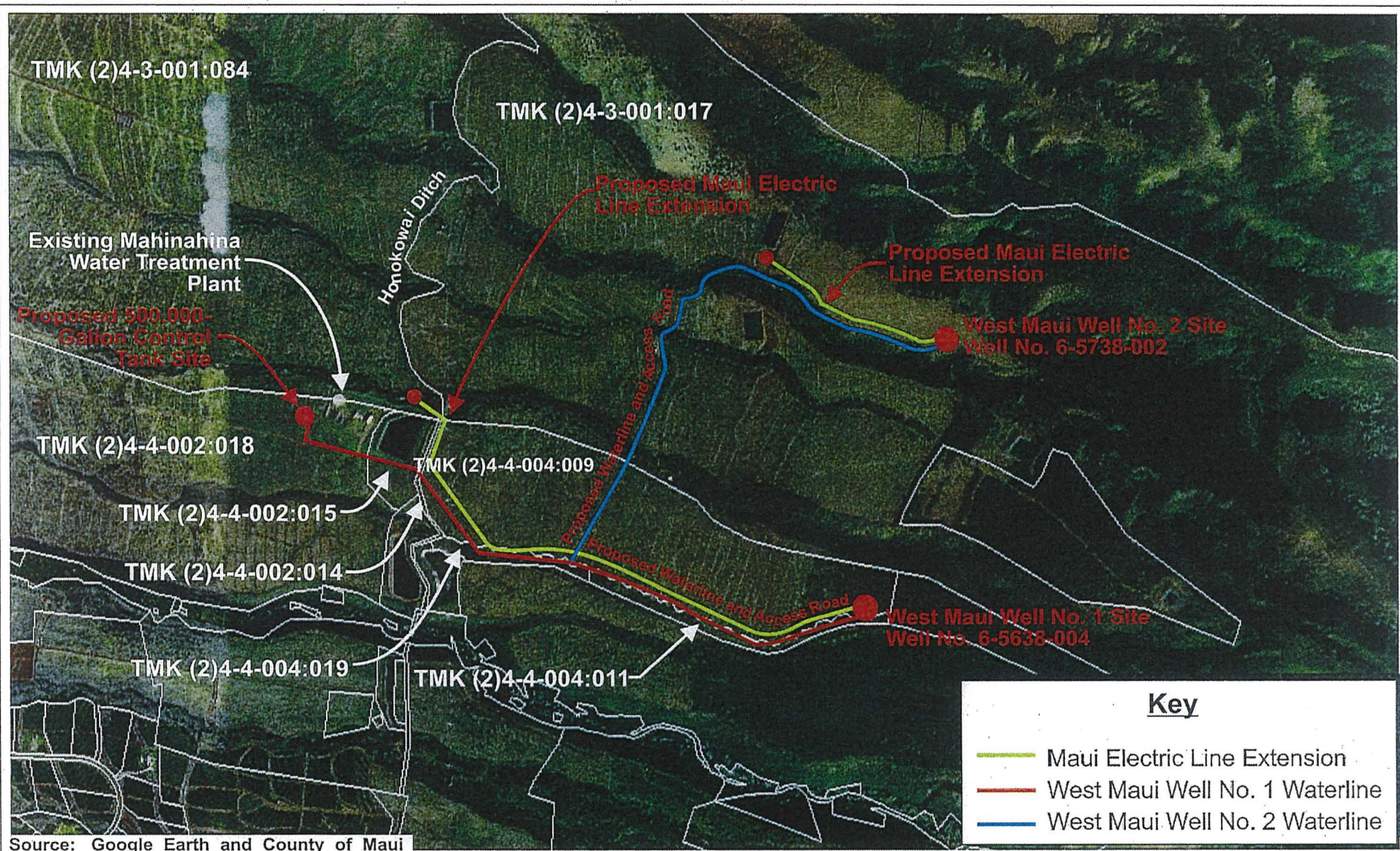


Figure 3



Proposed West Maui Water Source Development Project Project Alignment Location Map

NOT TO SCALE

 MUNEKIYO HIRAGA

Prepared for: County of Maui, Department of Water Supply