

**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**OFFICE OF CONSERVATION AND COASTAL LANDS**  
**Honolulu, Hawaii**

180-Day Exp. Date: April 20, 2008

January 11, 2008

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

**REGARDING:** After the Fact Conservation District Use Application (CDUA) MA-3439 for the Wailuku Country Estates Water Storage Tank w/Associated Improvements and Subdivision of Land

**APPLICANT:** CGM, LLC.

**AGENT:** Tim Lui-Kwan of Carlsmith Ball, LLP

**LANDOWNERSHIP:** Wahi Ho'omalu Limited Partnership

**AREA OF USE:** ≈ 1.173 acres

**TMK:** (2) 3-3-002:001

**AREA OF PARCEL:** ≈ 834.016 acres

**LOCATION:** Wailuku, Maui

**SUBZONE:** Resource

**BACKGROUND:**

On November 17, 2006, the Board of Land and Natural Resources (Board) found CGM, LLC in violation of Chapter 183C, Hawaii Revised Statutes (HRS) and Chapter 13-5, Hawaii Administrative Rules (HAR) (**Exhibit 1**). CGM, LLC. paid all designated fines and administrative costs. An After The Fact (ATF) CDUA was accepted by the Department on February 14, 2007 for the improvements and the proposed subdivision but was later withdrawn on July 26, 2007 because the environmental review process was not completed.

**DESCRIPTION OF AREA:**

The subject site is approximately (≈) 1.173 acre area of TMK (2) 3-3-002:001 located in the Wailuku District, Central Maui on the northeast windward slopes of the West Maui mountains just north of Iao Valley within the Resource subzone. The elevation of the project site area ranges from ≈ 720' to 820' above mean sea level. Iao Stream is approximately .255 miles to the

south and the Maniania irrigation ditch runs from south to north just east of the project site area. In this particular area, the Maniania Ditch defines the State Land Use Boundary between the Conservation District and the Agricultural District (**Exhibit 2 & 3**).

According to information provided by the Applicant, the land type of the subject area is classified by the NRCS as primarily rRR or Rough Broken Land utilized for watershed and wildlife habitat. In places it is also used for pasture and woodland. The Soil Survey Report places these soils in capability subclass VII that have very severe limitations that make them generally unsuited to cultivation and limit their use largely to pasture or range, woodland, or wildlife.

The subject area is noted as the proposed Lot A-1-A that is a portion of Lot A-1 of the Iao Valley Large Lot Subdivision. The project area is adjacent to the Wailuku Country Estates, an agricultural subdivision developed on lands formerly cultivated by C. Brewer, Ltd. As part of the former C. Brewer plantation holdings, this area underwent reforestation in the 1930's with plantings of introduced tree species such as Formosan Koa, Albizzia, and Ironwood. Other flora in the subject area include exotic plant species such as lantana, hilo grass, tarweed, haole koa, and guava.

According to the Applicant, terrestrial mammals common to the area include wild pig, mongoose, feral cats, dogs and rats. Avifauna includes introduced species such as the spotted dove, the barred dove, sparrows, white-eye, cardinal and the mynah. Introduced game birds are also anticipated in the subject area. There were no observed rare, endangered or threatened species or are there any known critical habitats within or around the site.

No archaeological or cultural features were located or found within the project site area. The State Historic Preservation Division concurs with this finding.

#### **PROPOSED USE:**

The applicant proposes to legalize the current improvements within the Conservation District that consists of:

- A 100,000-gallon high-level potable water storage tank to serve agricultural lots within the adjacent Wailuku Country Estate (formerly the Puuohala Mauka Ag Subdivision). The stainless steel tank sits at a finished grade at the 801' elevation and the dimensions are 31' in diameter and 20' high (**Exhibit 4**);
- An  $\approx 19,612$  ft<sup>2</sup> easement (Easement 1) for access and utility purposes in favor of Lot A-1-A, the County of Maui and Maui Electric Company, Ltd. The 12' wide concrete access road runs west from Kamaile Street Between Lots 138 & 139 of the Wailuku Country Estates entering the Conservation District after passing over the Maniania Irrigation Ditch that runs along the western edge of the subdivision and is approximately 633 feet to Lot A-1-A. Roadway improvements included shoulders of grassed drainage swales to reduce the possibility of soil erosion. Access to the project site is controlled by

Maui County Department of Water Supply through a locked gate at Kamaile Street  
(Exhibit 5);

- A 1,178 ft<sup>2</sup> easement for drainage over-flow (Easement 3) in favor of the County of Maui;
- Placement of utility poles for electrical services. Electricity is a required utility for the operation of the water system;
- The removal of several large trees; and
- A 6' high chain link fence that entirely encloses the tank site (Exhibit 6).

These improvements were constructed utilizing private funds. The water system was built to County standards and the County of Maui issued a building permit for the project on February 26, 2003. According to the Applicant, all work was done in compliance with County of Maui regulations.

The subject tank site and easement has been under the control and operation of the Maui County Department of Water Supply since the completion of the adjacent subdivision in 2002/2003. In addition, CGM, LLC, also proposes to subdivide a portion ( $\approx 0.551$ -acre) of parcel 1 for the reservoir site together with the two easements consisting of  $\approx .592$ -acres for roadway/utility and  $\approx .027$ -acre for drainage overflow.

#### SUMMARY OF COMMENTS:

The application was referred to the following agencies for their review and comment: the **State**: Department of Health; Office of Hawaiian Affairs; Office of Environmental Quality Control; Department of Land and Natural Resources Divisions of: Conservation and Resource Enforcement, Forestry and Wildlife, Maui District Land Office, Historic Preservation and the Commission on Water Resource Management; and the **County of Maui**: Department of Planning and Department of Water Supply. In addition, the CDUA and Draft Environmental Assessment were also sent to the nearest public library, the Wailuku Public Library, to make this information readily available to those who may wish to review it.

Comments were received and summarized from the following:

#### STATE OF HAWAII

##### DEPARTMENT OF HEALTH

We have no comments at this time. We strongly recommend that standard comments on our website be reviewed.

#### *Applicant's Response*

Comments noted.

OFFICE OF HAWAIIAN AFFAIRS

In accordance with section 6E-46.6, HRS and Chapter 13-300, HAR, if the project moves forward, and if any significant cultural deposits or human skeletal remains are encountered, work shall stop in the immediate vicinity and the State Historic Preservation Division shall be contacted.

*Applicant's Response*

During the construction of the improvements no iwi or significant cultural deposits were encountered. If any additional work is required, and any iwi or significant cultural deposits are encountered, work shall stop in the immediate area and the State Historic Preservation Division shall be contacted as required by the regulations of HRS, Chapter 6E.

DEPARTMENT OF LAND AND NATURAL RESOURCES

*Division of Conservation and Resource Enforcement*

No comments

*Division of Forestry and Wildlife*

No comments

*Commission of Water Resource Management (CWRM)*

We recommend coordination with the County to incorporate this project into the County's Water Use and Development Plan. Contact the County's Department of Water Supply.

The proposed water supply source for the project is located in a designated ground-water management area, and a Water Use Permit is required prior to use of ground water.

The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

There have been no applications for ground water use beyond that existing as of July 21, 2003. There is a petition to restore stream flows for surface water sources in this area, meaning that all uses of diverted stream flow are subject to reduced availability of water.

*Applicant's Response*

The project was coordinated with the County of Maui's Department of Water Supply and Public Works. The Directors of those respective Departments approved the construction plans.

The FEA shall include information of the source of water for the project: a County of Maui supply well constructed at the 490' elevation in the 1970's and located approximately 6,000 feet north of the subject tank. Although this well draws water from the Iao aquifer that has been under CWRM jurisdiction since its designation as a State groundwater management area in July, 2003, the plans for this project were approved prior by the County of Maui in 2002.

*Maui District Land Office*

No comments

COUNTY OF MAUI

DEPARTMENT OF PLANNING

The Department has no objections to the granting of the CDUP. The Department previously reviewed a DEA for this project and offered the following comments on October 12, 2006:

- The various land use designations are Conservation for the State Land Use District and the Wailuku-Kahului Community Plan. Regarding County zoning, the area is not zoned;
- The proposed project is not located within the Special Management Area as designated by the Maui Planning Commission and is not located within the Shoreline Setback Area as designated by Maui County;
- The improvements are located within the Coastal Zone Management Area as designated by the State of Hawaii. The Final Environmental Assessment (FEA) should include a thorough discussion of how the project is consistent with the objectives and policies of Chapter 205A;
- The FEA should cite the specific objectives, goals, and policies of the Maui General Plan that are applicable to the proposed project;
- The FEA should also cite specific objectives, goals, and policies of the Wailuku-Kahului Community Pan that are applicable to the proposed project; and
- In 2004, the Commission on Water Resources management designated the Iao aquifer as a groundwater management area. The FEA should include a discussion of this designation in relation to the water source or sources for this storage tank.

*Applicant's Response*

Confirmations noted. The consistency of the project with the objectives, policies and goals of HRS Chapter 205A, the Maui General Plan, and the Wailuku Kahului Community Plan that are applicable to the action shall be discussed in the final EA.

The FEA includes a discussion of the designation of the Iao Aquifer as a ground water management area. The FEA further identifies the source of the water for the subject storage tank as a County of Maui supply well constructed at the 490' elevation in the 1970's and located approximately 6,000 feet north of the storage tank. Although this well draws water from the Iao Aquifer that has been under the jurisdiction of the State Commission on Water Resource Management (CWRM) since July 2003, the plans for this project were approved by the County of Maui in December 2002. At the time that the construction permits were issued by the County

of Maui for the subject improvements, it was believed that the parcel was in the State Land Use Agricultural District.

DEPARTMENT OF WATER SUPPLY

The water storage tank is operated by the Department of Water Supply. The Department is awaiting subdivision completion of the 1.173-acre site in order for the subject parcel to be conveyed to the Department.

*Applicant's Response*

Thank you for your confirmation that the subject water storage tank is operated by the DWS and that your Department is awaiting subdivision completion to convey the site to the DWS.

**ANALYSIS:**

After reviewing the application, by correspondence dated October 24, 2007, the Department has found that:

1. The After the Fact use is an identified land use within the Resource subzone of the Conservation District, pursuant to Chapter 13-5, Hawaii Administrative Rules (HAR) §13-5-22, P-6, PUBLIC PURPOSE USES, D-2, Transportation systems, transmission facilities for public utilities, water systems, etc., which are undertaken by non-governmental entities which benefit the public and are consistent with the purpose of the conservation district. Please be advised however, that this finding does not constitute approval of the After the Fact Use;
2. The proposed use is an identified land use within the Resource subzone of the Conservation District, pursuant to Chapter 13-5, HAR, §13-5-22, P-11, SUBDIVISION OR CONSOLIDATION OF PROPERTY, D-1, Subdivision of property into two or more legal lots of record which serves a public purpose and is consistent with the objectives of the subzone. Please be advised however, that this finding does not constitute approval of the proposal;
3. Pursuant to §13-5-40(4), HAR, HEARINGS, a public hearing will not be required;
4. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200, HAR, a finding of no significant impact to the environment (FONSI) is anticipated for the proposed project; and
5. The subject area is not within the Special Management Area (SMA).

The Draft Environmental Assessment notice was published in the March 8, 2007 Environmental Notice. A Finding of No Significant Impact (FONSI) was published in the November 8, 2007 Environmental Notice.

CONSERVATION CRITERIA

The following discussion evaluates the merits of the proposed land use by applying the criteria established in Section 13-5-30, HAR.

1. *The proposed land use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

Staff notes that the proposed use is for the public benefit and is an identified land use in the subject area of the Conservation District; as such, it is subject to the regulatory process established in Chapter 183C, HRS and detailed further in Chapter 13-5, HAR. This process provides for the application of appropriate management tools to protect the relevant resources. The water resource for the storage tank has been identified as a well constructed in the 1970's at the 470' level that draws water from the Iao aquifer. The project was coordinated and approved by the County of Maui's Department of Water Supply and Public Works.

2. *The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur.*

The objective of the Resource subzone is to develop with proper management, areas to ensure sustained use of the natural resources of those areas. HAR, §13-5-22, P-6 defines Public Purpose Uses as "Land uses undertaken by the State of Hawaii or the counties to fulfill a mandated governmental function, activity or service for public benefit and in accordance with public policy and the purpose of the conservation district. Such uses may include water systems." As such, a water system is a land use that could be applied for within the Conservation District. In addition, HAR, §13-5-22, P-11 Subdivision or Consolidation of Property defines subdivision of property into two or more legal lots of record which serves a public purpose and is consistent with the Conservation District is also an identifiable land use that could be applied for.

As the After the Fact land use was coordinated and approved by the County of Maui's Department of Water Supply and Public Works, Staff believes that proper management of the area and sustained use of the water resource shall be upheld by the County's Department of Water Supply.

3. *The proposed land use complies with provisions and guidelines contained in Chapter 205A, HRS, entitled "Coastal Zone Management," where applicable.*

The project site is not located within the County's Special Management Area (SMA). Staff believes the proposed land use shall not affect recreational, historical or cultural sites, water quality, important view plains, natural hazards or any other protected CZM resources.

4. *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

As this is an After the Fact application, adverse impacts due to construction, if any, have already occurred. The flora and fauna of the subject area are introduced species and the subject area does not appear to be an important habitat area for endemic or indigenous species. As such, Staff believes the existing land use will not cause substantial adverse impacts to the natural resources within the surrounding area, community or region with proper maintenance of the facility.

5. *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

As this is an After the Fact CDUA, Staff believes the water storage tank and it's associated improvements are an intrusion into the Conservation District. Relevant alternative sites were not considered or evaluated. However, Staff notes this application is for public purpose.

6. *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

According to the Applicant, neither the tank nor the roadway within the Conservation District is visible from Iao Valley or from Wailuku Town. Most of the vegetation over the past two years has grown back around the site and along the access road.

7. *Subdivision of land will not be utilized to increase the intensity of land uses in the conservation district.*

Subdivision and conveyance of the site to the County is proposed within this application as the County of Maui Department of Water Supply operates the water storage tank.

8. *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

Improvement of a public water system is expected to be beneficial to the public. Accordingly, Staff believes the existing use will not be detrimental to the public health, safety and welfare.

#### DISCUSSION:

The Applicant has paid significant fines and was required to file an After the Fact CDUA to resolve the unauthorized land uses within the Conservation District for the subject water tank and associated improvements. In addition, subdivision of land is also proposed to convey the water system to the County of Maui. The proposed subdivision and AFT use are for public purposes. These improvements were constructed utilizing private funds. The water system was built to County standards and the County of Maui issued a building permit for the project on February

26, 2003. According to the Applicant, all work was done in compliance with County of Maui regulations.

The subject tank site and easement has been under the control and operation of the Maui County Department of Water Supply since the completion of the adjacent subdivision in 2002/2003. Staff believes with the conveyance of the water system to the County of Maui, water, an important natural resource of the State, shall be appropriately managed and used to promote long-term sustainability and the public health, safety, and welfare. Staff believes the County of Maui shall take appropriate measures to insure that this site that lies within the Conservation District shall be up kept and maintained.

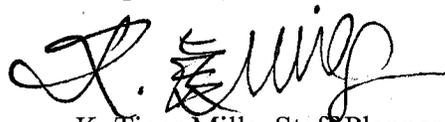
**RECOMMENDATION:**

Based on the preceding analysis, Staff recommends that the Board of Land and Natural Resources APPROVE this After the Fact Conservation District Use Application MA-3439 for the Wailuku County Estates Water Storage Tank w/Associated Improvements and Subdivision of land located at Wailuku, island of Maui, TMK: (2) 3-3-002:001 subject to the following conditions:

1. The Landowner shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State, and County governments, and applicable parts of the Hawaii Administrative Rules, Chapter 13-5;
2. The Landowner, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury or death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
3. The Landowner shall comply with all applicable Department of Health administrative rules;
4. All representations relative to mitigation set forth in the accepted environmental assessment for the proposed use are incorporated as conditions of the permit;
5. The Applicant/Landowner understands and agrees that this permit does not convey any vested rights or exclusive privilege;
6. In issuing this permit, the Department and Board have relied on the information and data that the Applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
7. Where any interference, nuisance, or harm may be caused, or hazard established by the use, the Landowner shall be required to take the measures to minimize or eliminate the interference, nuisance, harm, or hazard;

8. All activities connected with the project shall be contained within the project area as identified in the application;
9. The Applicant/Landowner shall provide documentation (i.e. book/page document number) that this approval has been placed in recordable form as a part of the deed instrument, within one year of this approval;
10. The Landowner shall provide written documentation notifying the Office of Conservation and Coastal Lands of the new Tax Map Key identifying the Zone, Section, Plat, and Parcel number of the subdivided portion out of parcel 001;
11. The Landowner shall clearly post signage on prohibitive activities and the associated penalties and fines for such activities;
12. Should the Water Tank Site and the Associated Improvements not be conveyed to the County of Maui, this permit shall be null and void;
13. Other terms and conditions as may be prescribed by the Chairperson; and
14. Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

Respectfully submitted,



K. Tiger Mills, Staff Planner  
Office of Conservation and Coastal Lands

Approved for submittal:



Laura H. Thielen, Chairperson  
Board of Land and Natural Resources



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
**OFFICE OF CONSERVATION AND COASTAL LANDS**  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF:OCCL:TM

ENF: MA 07-15

**CERTIFIED MAIL/RETURN RECEIPT**

NOV 20 2006

Tim Lui-Kwan  
Carlsmith Ball, LLP  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawaii 96813

Dear Mr. Lui-Kwan,

**SUBJECT:** Conservation District Enforcement File MA 07-15 Regarding Unauthorized Construction Within the Conservation District Located at Wailuku, Maui, TMK: (2) 3-3-002:001

This is to inform you that on November 17, 2006, the Board of Land and Natural Resources (Board) has found your client in violation of Chapter 13-5, Hawaii Administrative Rules, and Chapter 183C, Hawaii Revised Statutes, of the Conservation District rules in regards to the unauthorized construction of a 100,000 Gallon Potable Water Tank; unauthorized construction of a road/utility easement; an unauthorized drainage easement; unauthorized placement of utility poles; multiple unauthorized tree removal; unauthorized grubbing, grading and land clearing; and an unauthorized accessory fence structure located within the Conservation District at Wailuku, Maui, TMK: (2) 3-3-002: 001 subject to the following:

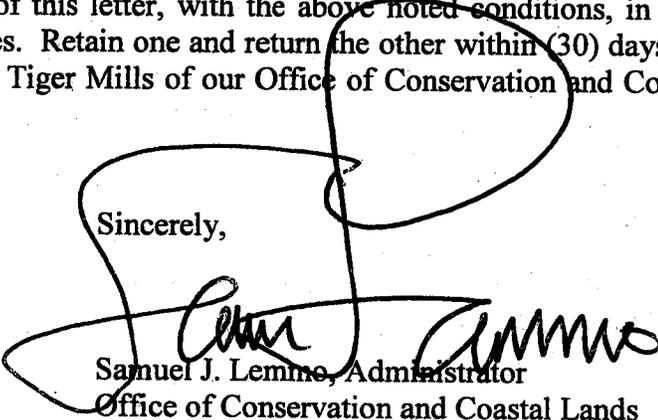
1. CGM, LLC is fined in seven instances for violating the provisions of Chapter 183C, Hawaii Revised Statutes (HRS), and Chapter 13-5, Hawaii Administrative Rules (HAR), for the unauthorized construction of a 100,000 Gallon potable water tank; unauthorized construction of a road/utility easement; unauthorized construction of a drainage easement; unauthorized placement of utility poles; multiple unauthorized tree removal; unauthorized grubbing, grading and land clearing; and the unauthorized construction of an accessory fence by failing to obtain the appropriate approvals within the Conservation District for \$14,000.00;
2. CGM, LLC is fined an additional \$1000.00 for administrative costs associated with the subject violations;
3. CGM, LLC shall pay all designated fines and administrative costs (total \$15,000.00) within (60) days of the date of the Board's action;

**EXHIBIT 1**

4. CGM, LLC shall either remove the improvements or apply for an After the Fact (ATF) Conservation District Use Application (CDUA) within 60 days of the date of the Board's action for the subject unauthorized land uses to determine its final disposition;
5. That in the event of failure of CGM, LLC to comply with any order herein, CGM, LLC shall be fined an additional \$2000.00 per day until the order is complied with;
6. That in the event of failure of CGM, LLC to comply with any order herein, the matter shall be turned over to the Attorney General for disposition, including all administrative costs.

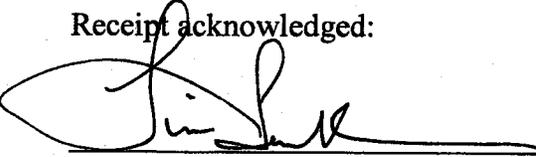
Please acknowledge receipt of this letter, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other within (30) days. Should you have any questions, please contact Tiger Mills of our Office of Conservation and Coastal Lands at 587-0382.

Sincerely,



Samuel J. Lemmo, Administrator  
Office of Conservation and Coastal Lands

Receipt acknowledged:

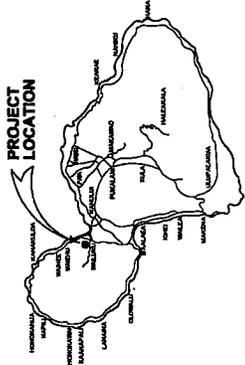


Signature

November 23, 2006  
Date

c: Chairperson  
MDLO  
County of Maui, Department of Planning  
Wahi Ho'omalulu LP

PROJECT LOCATION



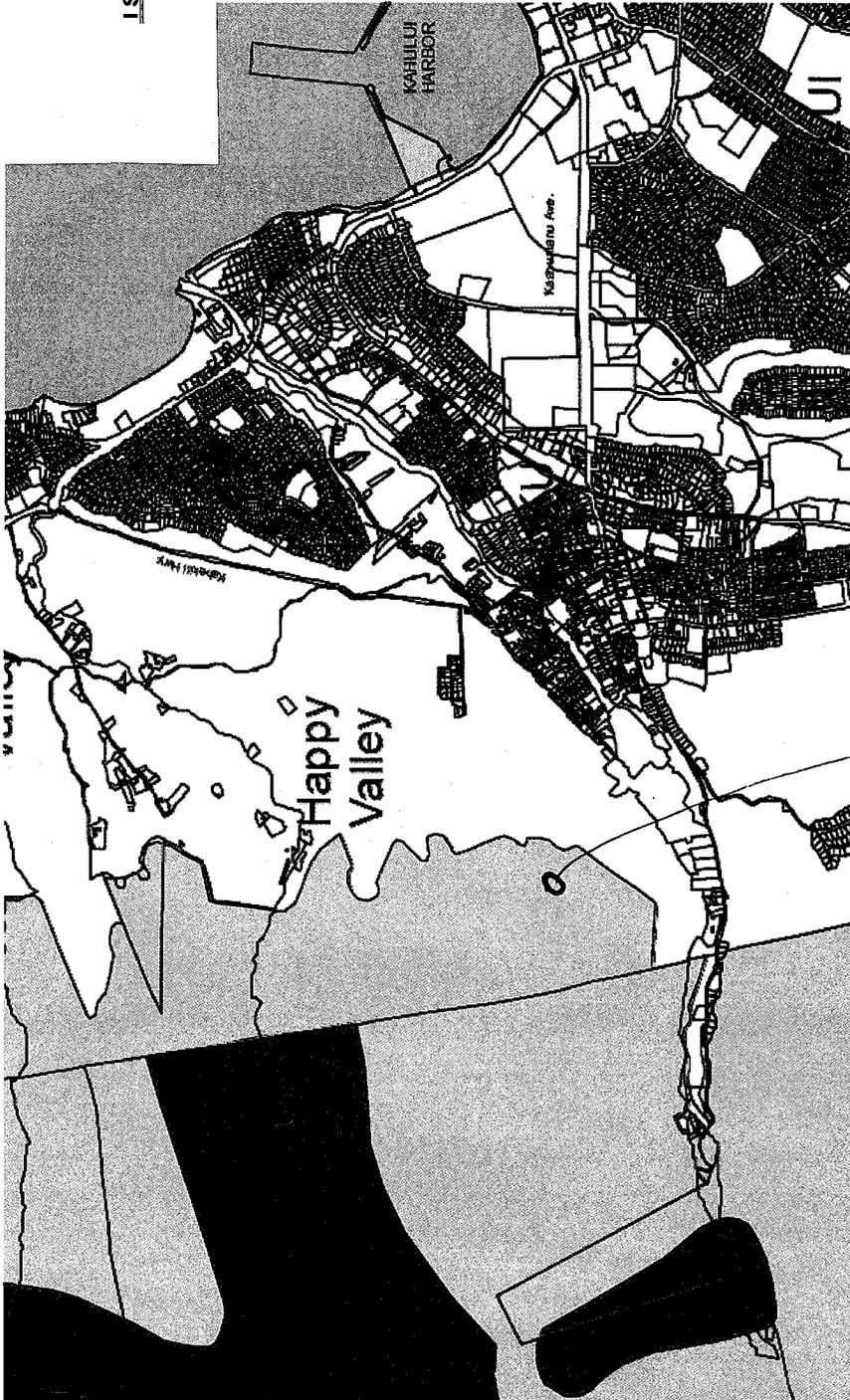
ISLAND OF MAUI

NOT TO SCALE

Subzone

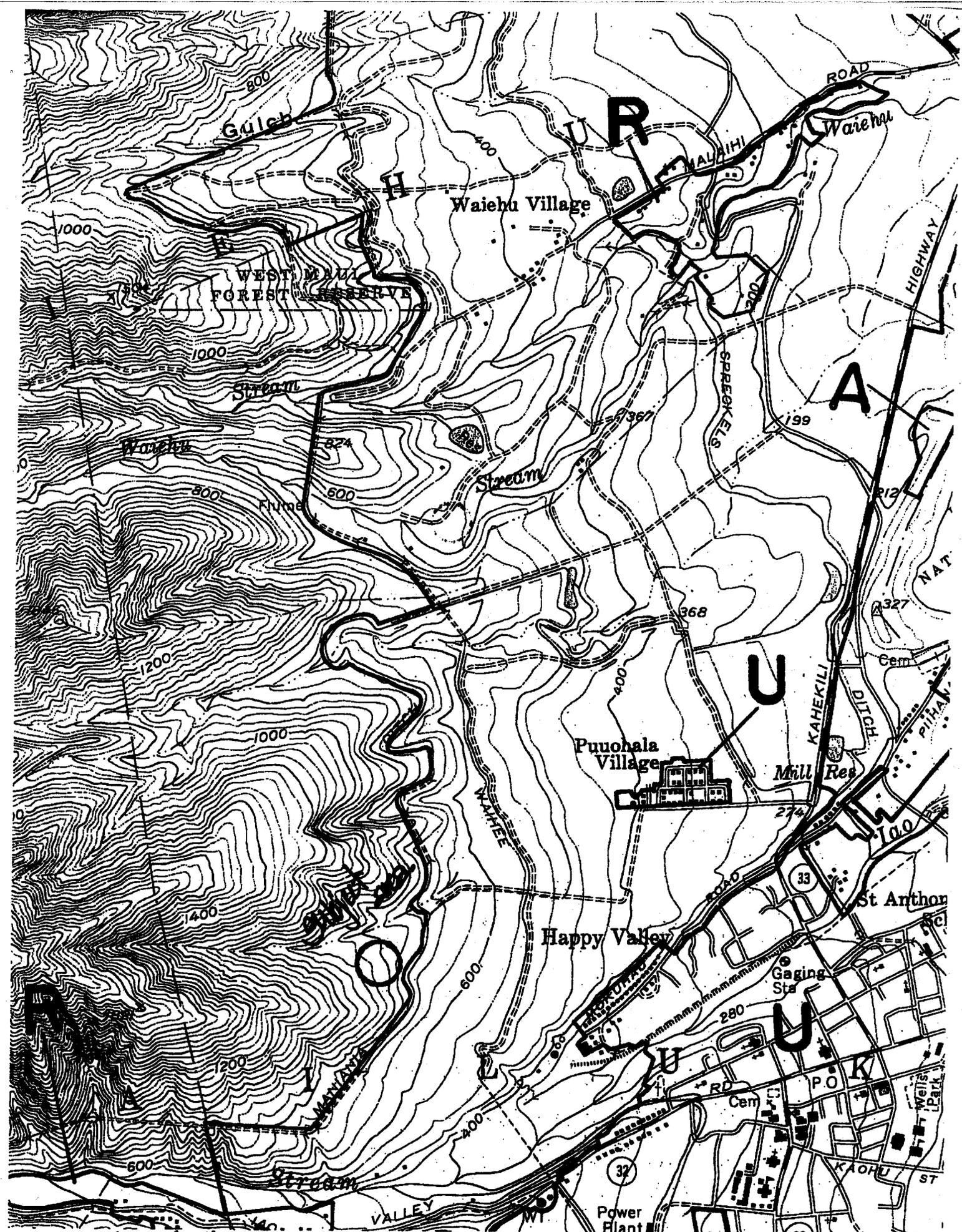
General	[White Box]
Limited	[Dark Grey Box]
Protective	[Black Box]
Resource	[Light Grey Box]
Proposed General	[Diagonal Lines Box]
Proposed limitedL	[Diagonal Lines Box]
Proposed Protective	[Diagonal Lines Box]
Proposed Resource	[Diagonal Lines Box]
Special	[Black Box]
Maui Tax Map Key - 2005	[Light Grey Box]

CONSERVATION DISTRICT SUBZONE MAP



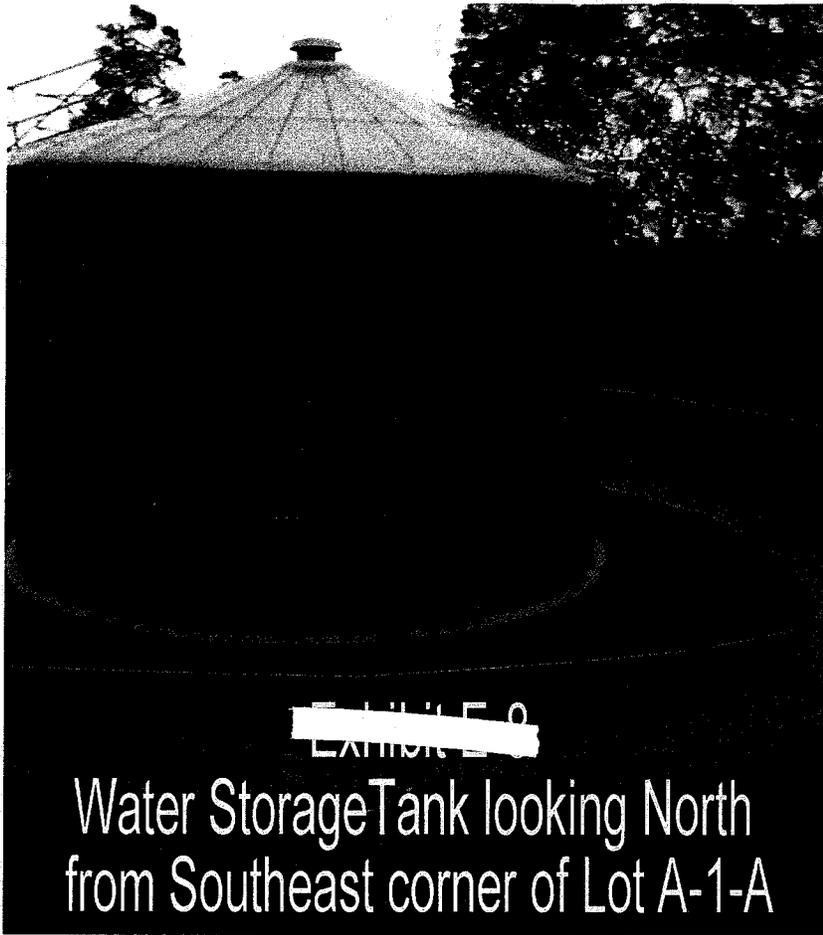
subject area

This map is intended for visual representation of proposed subzone designations. It should not be used for boundary interpretations or any other use beyond the limits of this data. (Prepared on the State of Hawaii's GIS, NOVEMBER 2005)

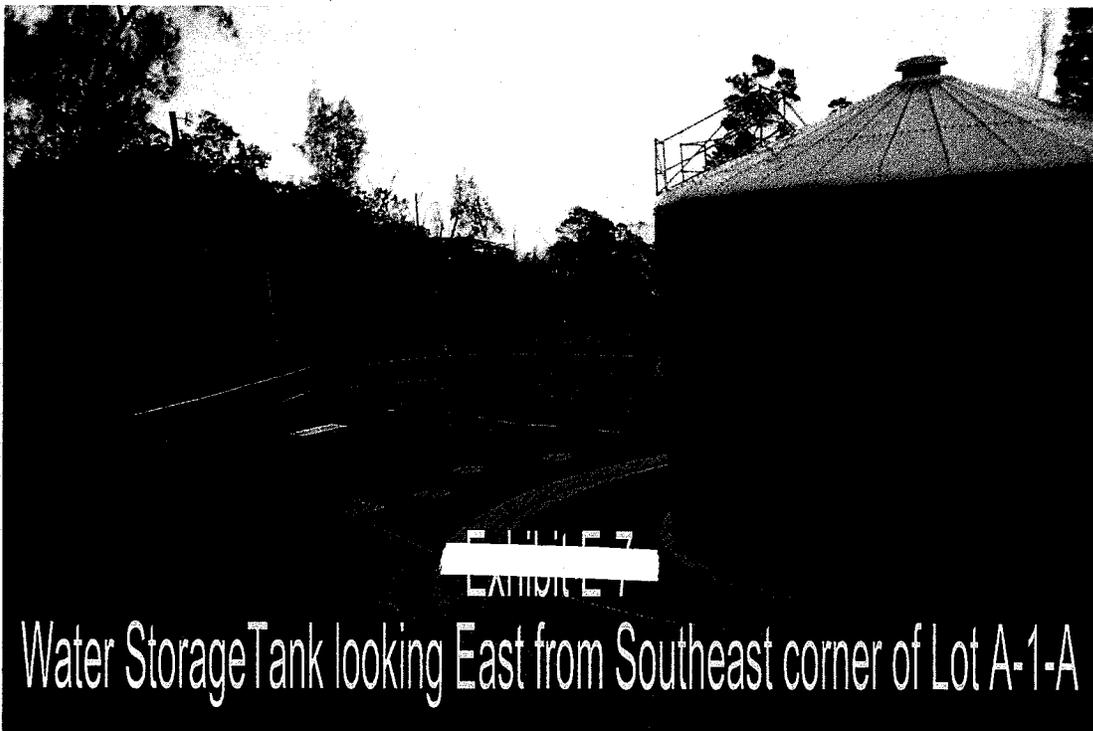


State Land Use District

EXHIBIT 3



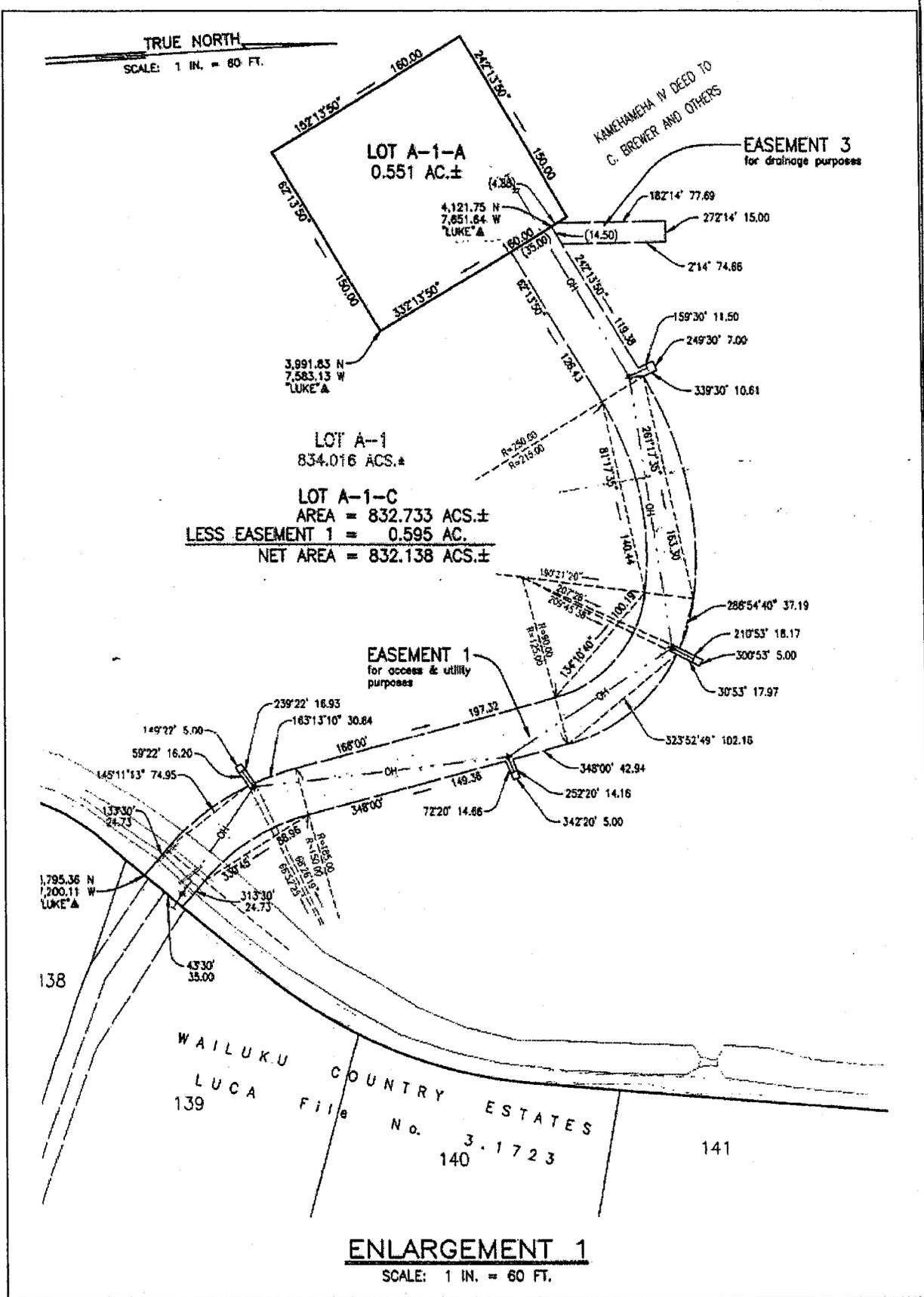
Water Storage Tank looking North  
from Southeast corner of Lot A-1-A



Water Storage Tank looking East from Southeast corner of Lot A-1-A

EXHIBIT 4

Summary



TRUE NORTH

EXHIBIT 5



Aerial Photo of Construction of Wailuku Country Estate Roadways and Project Area on December 19, 2003



Aerial Photo of Completed Water Storage Tank and Access Road on January 20, 2004





**Iao Valley Large-Lot Subdivision  
Description of Easement 1**

An Access and Utility Easement in favor of County of Maui, Maui Electric Company, Ltd. and Verizon Hawaii, Inc. over and across a portion of Kamehameha IV Deed to C. Brewer and Others, being also over and across a portion of Lot A-1 of Iao Valley Large-Lot Subdivision and being more particularly described as follows:

Beginning at a point at the southeasterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being: 3,795.36 feet North and 7,200.11 feet West and running by azimuths measured clockwise from True South:

1. 133° 30' 24.73 feet over and across a portion of Kamehameha IV Deed to C. Brewer and Others, being also over and across a portion of Lot A-1 of Iao Valley Large-Lot Subdivision;
2. Thence over and across same on a curve to the right, having a radius of 185.00 feet, the chord azimuth and distance being:  
145° 11' 13" 74.95 feet;
3. 59° 22' 16.20 feet over and across same;
4. 149° 22' 5.00 feet over and across same;
5. 239° 22' 16.93 feet over and across same;
6. Thence over and across same on a curve to the right, having a radius of 185.00 feet, the chord azimuth and distance being:  
163° 13' 10" 30.84 feet;
7. 168° 00' 197.32 feet over and across same;
8. Thence over and across same on a curve to the left, having a radius of 90.00 feet, the chord azimuth and distance being:  
134° 10' 40" 100.19 feet;

9. Thence over and across same on a curve to the left, having a radius of 215.00 feet, the chord azimuth and distance being:  
81° 17' 35" 140.44 feet;
10. 62° 13' 50" 126.43 feet over and across same;
11. 152° 13' 50" 35.00 feet along the remainder of Kamehameha IV Deed to C. Brewer and Others, being also along the remainder of Lot A-1 of Iao Valley Large-Lot Subdivision;
12. 242° 13' 50" 119.38 feet over and across a portion of Kamehameha IV Deed to C. Brewer and Others, being also along the remainder of Lot A-1 of Iao Valley Large-Lot Subdivision;
13. 159° 30' 11.50 feet over and across same;
14. 249° 30' 7.00 feet over and across same;
15. 339° 30' 10.61 feet over and across same;
16. Thence over and across same on a curve to the right, having a radius of 250.00 feet, the chord azimuth and distance being:  
261° 17' 35" 163.30 feet;
17. Thence over and across same on a curve to the right, having a radius of 125.00 feet, the chord azimuth and distance being:  
288° 54' 40" 37.19 feet;
18. 210° 53' 18.17 feet over and across same;
19. 300° 53' 5.00 feet over and across same;
20. 30° 53' 17.97 feet over and across same;

21. Thence over and across same on a curve to the right, having a radius of 125.00 feet, the chord azimuth and distance being:  
323° 52' 49" 102.16 feet;
22. 348° 00' 42.94 feet over and across same;
23. 252° 20' 14.16 feet over and across same;
24. 342° 20' 5.00 feet over and across same;
25. 72° 20' 14.66 feet over and across same;
26. 348° 00' 149.36 feet over and across same;
27. Thence over and across same on a curve to the left, having a radius of 150.00 feet, the chord azimuth and distance being:  
330° 45' 00" 88.96 feet;
28. 313° 30' 24.73 feet over and across same;
29. 43° 30' 35.00 feet along the remainder of Kamehameha IV Deed to C. Brewer and Others, being also along Lot A-2 of Iao Valley Large-Lot Subdivision to the point of beginning and containing an Area of 0.595 Acre, more or less.

**Iao Valley Large-Lot Subdivision  
Description of Easement 3**

A Drainage Easement in favor of the County of Maui over and across a portion of Kamehameha IV Deed to C. Brewer and Others, being also over and across a portion of Lot A-1 of Iao Valley Large-Lot Subdivision and being more particularly described as follows:

Beginning at a point at the most southerly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 4,121.75 feet North and 7,651.64 feet West and running by azimuths measured clockwise from True South:

- |    |              |            |   |
|----|--------------|------------|---|
| 1. | 152° 13' 50" | 4.88 feet  | over and across a portion of Kamehameha IV Deed to C. Brewer and Others, being also over and across a portion of Lot A-1 of Iao Valley Large-Lot Subdivision; |
| 2. | 182° 14'     | 77.69 feet | over and across same;   |
| 3. | 272° 14'     | 15.00 feet | over and across same;   |
| 4. | 2° 14'       | 74.66 feet | over and across same;   |
| 5. | 63° 21'      | 14.50 feet | over and across same to the point of beginning and containing an Area of 1,178 Square Feet, more or less.   |